

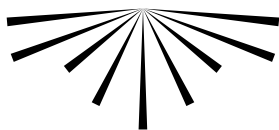
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Ohr HaTzafon

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הצפון



**Ohr HaTzafon**

*Beis Haknesses of North Woodmere*

*Volume 1:1 Tishrei 5775*

**Beis Haknesses of North Woodmere**

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## Editors' Preface

This past year, 5774, will likely be remembered as a challenging yet inspirational year for *Klal Yisrael*. We were stunned and deeply hurt by the tragic events of the kidnapping and murder of Naftali Frankel, Gilad Shaer and Ayal Yifrach, (*HY"D*) and then further anguished by the loss of scores of our *Chayalim* and brethren in the ensuing battle for the safety of *Eretz Yisrael*. Many of us downloaded an app which sounded a siren every time a rocket was launched into *Eretz Yisrael*, triggering immediate *Tehillim* recitation and a deep sense of concern. Like never before, we in America felt an extreme sense of *Achdus* with our Brothers and Sisters in *Eretz Yisrael*. However, as Rabbi Lebowitz pointed out at the time, *Tehillim* and a deep sense of connection alone were simply not enough of a response. We felt we needed to do more as a *Z'chus* for the safety of our fellow Jews and a successful outcome in what will hopefully prove to be the *Aschalta DeGeulah*, the beginning of our ultimate redemption.

The *Yeshivos* in *Eretz Yisrael* cancelled *Bein Hazmanim* vacation so that they could provide the *Z'chus Limud Torah* to the *Chayalim* who defend the land. They stood behind what we all know to be true – *Hakadosh Baruch Hu* alone provides for the safety of His people, and our *Avodah* is to learn Torah and follow His *Mitzvos* in order to earn this defense – *Hashem Yilachem Lachem V'Atem Tacharishun*. During this period of distress, we witnessed political boundaries of colors and categories melt away and a sprouting of *Achdus* that perhaps had not previously been achieved in our lifetimes. We in North Woodmere heard the message and were inspired to join in the cause. We responded by developing a serious *Talmud Torah* initiative of our own, the publication of *Ohr HaTzafon*. May the *Divrei Torah* of our community provide a *Z'chus* for the safety of all of *Klal Yisrael* around the world and the *Toshvei Eretz Yisrael* in particular.

Since its inception in 2004, the *Baalei Batim* of the Beis Haknesses of North Woodmere have symbolized the highest level of devotion to the three pillars of *Yahadus*: *Torah*, *Avodah* and *Gemilas Chassadim*. Packed *Shiurim*, a deep commitment to *Tefilah Bitzibur*, and an ongoing stream of *Chessed* initiatives define our community. However, with this publication, we believe that the *Baalei Batim* of our Shul have once again elevated their own lofty bar by channeling the skills and insights that they have developed in a lifetime of *Limud Torah* to the higher cause of *Harbatzas Torah* – teaching *Torah*. As you will see, each *D'var Torah* in *Ohr HaTzafon* is a gem. They span all walks of *Derech HaLimud*, from *Halacha* to *Machshava* and *Lamdus*. Some are peppered with *Mussar* and *Divrei Hisorerus* while others inspire with tales from our *Gedolim*. At times you may shlug your thumb at the depth of analysis and at others you may choke back tears. What is common to all of them

is a high degree of thoughtfulness, a quest for *Emes*, and clarity of writing that demonstrates a huge effort by each of the authors. We are humbled to live among a community of such learned and devoted *Talmidei Chachamim* and cannot overstate how uplifted we are to know that this is where we are raising our children.

To all of the authors who devoted substantial time and energy to contribute *Divrei Torah* to *Ohr HaTzafon*, thank you. This will forever be your publication and we wish you continued success in *Harbatzas Torah*, especially in future editions of *Ohr HaTzafon*. And to all of the wives and children that made this community project into a family priority by encouraging your husbands and fathers to be *Marbitz Torah* on such a grand scale, we applaud and thank you as well.

Thank you to all of the sponsors of *Ohr HaTzafon*. Through your generous donations, the Shul was able to print several hundred copies of our inaugural publication and distribute them across our extended community. When one thinks about the future of each volume, and how many times each *Sefer* may potentially change hands and be learned, the thousands of hours of *Harbatzas Torah* that have been generated by your generosity are staggering. Thank you.

*Hinei KaChomer BiYad HaYotzer*. Thank you to our layout editor, Rob Shur, who worked tirelessly to take the amazing *Divrei Torah* and prepare them for a beautiful publication. The *Kavod HaTorah* and aesthetic beauty of the publication are a testament to your expertise and efforts. Thank you to our friend and publisher Tani Sussman, who managed the publication and distribution of the *Sefer*. (If you think Tani is fun to have over for Shabbos lunch, you should try working with him.) Thank you to our friend Rabbi Yaakov Siegel, editor of *Nitzachon*, for his valuable guidance in helping us develop *Ohr HaTzafon*.

*Acharon Acharon Chaviv*. To our *Mara D'Asrah*, Rabbi Lebowitz: Last year, we celebrated with you as you marked 3,000 *Shiurim* delivered on YU Torah. We beamed with pride as the Rosh Yeshiva, Rav Herschel Schachter *Shlit"u*, showered his praise upon you for all of your truly unique skills and tremendous accomplishments in *Harbatzas Torah*. However, we never gave you something that expresses how the community feels. Belatedly, here it is. The publication of *Ohr HaTzafon* demonstrates that we are learning from your example and internalizing your message of *Mesiras Nefesh* for *Torah* and *Avodas Hashem*.

Now, as we celebrate the 10 year anniversary of our *Shul* together, we are proud to reflect on this milestone which is just one of many symbols that you are achieving your goal of inspiring your community to the point where *Torah* is truly *Chakuk Al Luach Libeinu*. May the words of *Torah* written herein by your community, your *Talmidim*, serve as a *Z'chus* for you and your continued success in elevating our *Kehilla* and all of *Klal Yisrael*. Thank you for everything.

**The Ohr HaTzafon Team**





יזכר אלהים  
את נשמות בניו-גבוריו  
חילי צבא הגנה לישראל

May Hashem remember the souls of His heroic children:  
The fighters of the Israel Defense Forces



מנשרים קלו ומאריות גברו, בהחלצם לעזרת העם  
והרוו בדמם הטהור את רגבי אדמת קדשנו.

זכר עקדתם ומעשה גבורתם לא יסופו מאתנו לעולמים

They were quicker than eagles and stronger than lions as they  
volunteered to assist the nation,  
and they saturated our holy land with their pure blood.

The memory of their self-sacrifice  
and heroic deeds will never disappear from us.



תהי נשמתם צרורה בצרור החיים

In memory of the three boys who united  
our nation, and all the *chayalim* who  
ultimately gave their lives for it and for  
*Eretz Yisrael*,

“קול דמי אחיך צועקים עלי מן האדמה”

May their families be comforted among  
the mourners of *Zion* and *Yerushalayim*

And in honor of everyone who  
contributed to this outstanding effort



*Avi and Yael Eisenberg*  
*and Family*

In honor of  
Rabbi Lebowitz,  
the editors and authors  
of Ohr HaTzafon

whose passion for *harbatzas Torah*  
evident in their excitement for this  
wonderful project

May they continue to be inspirations to  
the entire community



*Elli and Brina Ganchrow*

We extend a hearty *yasher koach*  
to all those who contributed to  
Ohr HaTzafon

And a special *yasher koach* to the  
editors for spearheading this impressive  
undertaking

We are proud to be a part of a *kehillah*  
that places such an emphasis on *limud*  
and *harbatzas Torah*



*Daniella & Elisha*  
*Graff & Family*

In loving memory of our grandparents,  
may their *neshamos* have an *aliya* from  
the *divrei Torah* published in this journal:

Marvin & Renee Herskowitz  
Izzy & Helen Popowitz  
Ceil Rosenzweig

And, *yibadel l'chaim*, in honor of our  
grandparents who are such a special part  
of our lives:

Sidney & Gloria Gettenberg  
Chazan David Rosenzweig

And in the *zechus* that there should be a  
*yeshua* in *Eretz Yisrael* and *geula* for *Am*  
*Yisrael*



*Adina, Jeremy, Ayala, Yaira,*  
*Azriel and Noam Herskowitz*

*L'ilui nishmat the kedoshim*

In memory of all of our brothers who have given their lives to protect their fellow citizens, *Eretz Yisrael*, and the greater *Am Yisrael*. The learning of this *sefer* should be an *aliyah* for their *neshamot* and a source of *nechama* to all of their families who will have to endure life without their fathers, brothers, sons, and friends. May the *zechut* of the *kedoshim* who were killed while being *mekadesh shem shamayim* help hasten the coming of Mashiach  
*bimheyra beyamenu bekarov!*



*Avishai and Elisheva  
Neuman and Family*

In Honor of  
**Rabbi Aryeh Lebowitz**

And the entire  
**Beis Haknesses of North Woodmere**

May you continue to be role models  
of Torah-dedicated life engaged in  
contemporary society



*Michael & Aviva Oppenheim*

תלמוד תורה כנגד כולם

In recognition of the first publication of  
the BKNW Ohr HaTzafon Torah Journal

In memory of our dear grandparents whose  
commitment to the study and support of Torah  
continues to inspire us

לע"נ

יצחק בן אברהם נפתלי הלוי ע"ה      רבקה בת יעקב אפרים הכהן ע"ה  
מאיר יהודה בן אליהו ע"ה      פעסל בת אלתר אליקים געצל ע"ה  
ר' משה שמואל בן שלמה הלוי ע"ה      לע"נ פרידה ראשא בת זלמן ע"ה  
לע"נ נפתלי צבי בן אברהם יצחק ע"ה



*Alana and Ephraim Friedman and Family*

In honor of  
the editors and authors  
for their hard work, dedication,  
and expertise in producing this  
magnificent journal



*Elana and Aryeh Lebowitz*



In honor of  
The "Box Chaburah"  
and their spouses

For delivering delicious  
*kemach* and delightful *Torah*



*Eitan and Rina Zerykier*

לעילוי נשמת

בתייה חיה חוה בת  
שמואל מרדכי

נחום נפתלי בן ישראל

יצחק



*Mr. and Mrs. Alter  
Glass and Family*

Mazal Tov to all the  
contributors and the  
entire community on this  
great accomplishment

*L'zecher Nishmat*  
our beloved grandfathers:

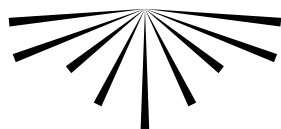
ברוך בן אברהם דוד  
אריה אליקום בן יהושע מנחם  
אברהם בן חיים  
אריה לייב בן שרגא פייוול



*Rachel and Shragi Portal  
and Family*

דברי

הרב



# How to Remember on the Day of Zichronos

Rabbi Aryeh Lebowitz



**A**s an introduction to this remarkable journal I would like to share and paraphrase an approach that Rav Aharon Lichtenstein שליט"א takes (*By His Light* pgs. 182-201) toward the goals of the ימים נוראים. In his caption to הלכות תשובה, the רמב"ם writes:

מצות עשה אחת והיא שישוב החוטא מחטאו לפני ה' ויתודה.

*There is one mitzvah contained in Hilchos Teshuva, and that is for a sinner to repent his sins in front of Hashem and confess.*

The רמב"ם clearly formulates תשובה as a method of addressing sin. When a person sins against God, he must do תשובה. This is what we call "repentance" in English. Rav Lichtenstein however, examines תשובה not as repentance, but as return. This dual meaning of תשובה reflects itself in the different ways we observe ראש השנה and יום הכיפורים, both of which are ostensibly days of תשובה. While יום הכיפורים is all about תשובה from a sin (repentance), ראש השנה is all about returning to an awareness and ongoing relationship with Hashem.

If we have to identify what we are trying to overcome with this second form of תשובה, returning to an awareness of Hashem, it is the sin of שכחה (forgetting) – a general apathy and indifference, a willingness to just look away and divert our focus from Hashem.

When viewed on a more detailed level, the sin of "forgetting" our relationship with Hashem can occur on three distinct levels:

## Level 1: Totally Unaware

First, a person is sometimes totally oblivious to God's existence. Such a person doesn't recognize Hashem's presence in this world and is therefore an אפיקורס of the highest order. He would obviously completely disregard מצוות, and in all likelihood would not be sitting in Shul on ראש השנה or any other day and we will therefore not focus on this type of person.

---

Rabbi Lebowitz has been the Rabbi of BKNW since its inception in 2004.

The Rabbi and Elana have five children: Yonah, Yisrael, Zecharia, Daniel and Chani.

## Level 2: Diversion of Focus

Second, there are those who don't totally forget, but have what we would refer to in הלכה as a היסח הדעת. These are people that know about Hashem's existence and believe in God. They may know many details of the עיקרי האמונה (fundamental principles of belief) and תורה ומצוות. If we were to test them they would score very well for their knowledge. But their minds and focus are somewhere else. Their attention is not directed toward Hashem. The גמרא in דף יח considers somebody who remembers עמלק but doesn't actively bring them to mind by reading about them, to be in violation of לא תשכח. The clear message is that היסח הדעת is also considered to be שכחה. We have examples of היסח הדעת in several areas of הלכה. The רמב"ם writes: "One is obligated to touch his תפילין constantly so that he not divert his attention from them for even a single moment". There is also a הלכה that one cannot be מסיח דעת from תרומה and קדשים. We have to remain focused on the תרומה food and קרבן meat.

There is a major difference, though, between the two examples of היסח הדעת. When it comes to תפילין, even if a person doesn't focus on them, they retain their full קדושה, a sanctity greater than that of the ציץ that the כהן גדול wears. The person who is מסיח דעת has treated his תפילין inappropriately, but the תפילין themselves remain unaffected. When it comes to תרומה and קדשים, on the other hand, if one diverts his attention from them ר' ריש לקיש holds that the תרומה and קדשים lose their קדושה. The היסח הדעת results in their becoming פסול. In the view of ריש לקיש the תרומה and קדשים become פסול simply because they weren't treated with proper respect. The היסח הדעת itself causes the פסול.

When considering the two possible outcomes of היסח הדעת in הלכה, we must ask which of these types of היסח הדעת can be applied when one is guilty of diverting his attention from Hashem? What is the effect of היסח הדעת of Hashem? Is it like היסח הדעת of תפילין, where Hashem remains unaffected, or is it more like היסח הדעת of תרומה and קדשים where somehow the קדושה is removed? At first glance it would seem obvious diverting focus from Hashem would yield a similar result to the result achieved when one is מסיח דעת from תפילין. To say otherwise, that Hashem loses קדושה as a result of our היסח הדעת, would seem to be blasphemous! However, Rav Lichtenstein points out, that the מדרש תנחומא in תצא כי תצא relates that as long as עמלק exists the throne and name of Hashem are incomplete. We don't know exactly what that means, but on some level, the existence of חילול ה' is just that – taking away from the קדושה of Hashem in this world. When we fail to recognize Hashem, we have desecrated Hashem. When we desecrate Hashem we rob the world of an increased level of השראת השכינה. So while Hashem may remain

unaffected, our ability to perceive Him and His very presence in this world is deeply affected.

### Level 3: Failure to Appreciate

There is a third type of forgetfulness. Even when we know that God exists, and we focus on Him, we sometimes fail to appreciate what Hashem's presence actually means. We take it lightly. When relating to the רבונו של עולם, even when relating directly, we sometimes don't appreciate what it means to relate to Hashem – to speak to Him three times a day every single day. As an example, we may all recite ברכת המזון after a meal, but to what level does our recitation resemble a reverential encounter with the Almighty? I recall watching מורי ורבי הרב צבי שכטר "א מורי ורבי הרב צבי שכטר" recite ברכת המזון when we were privileged to host him for a meal. The way he recited the words, slowly, with complete focus and concentration reflected a higher awareness of הקב"ה than the rest of us who were also directly engaging in conversation with Hashem at the time, but on an entirely different level.

The סמ"ג writes in the introduction to his ספר that he had a dream before publishing the book that he had forgotten to include the most important מצוה – the negative commandment not to forget Hashem! He wasn't going to include this מצוה in his count of מצוות because the רמב"ם didn't include it, but after the dream he had a change of heart and decided to include the איסור of forgetting Hashem. In the actual ספר he describes the איסור:

ומכאן אזהרה שלא יתגאה האדם במה שחננו הבורא הן בממון הן ביופי הן בחכמה אלא יש לו להיות ענין[ן] מאד ושפל ברך לפני ה' אלהים ואנשים ולהודות לבוראו שחננו זה המעלה. (סמ"ג מצות לא תעשה סד)

*The Torah warns not to become arrogant with about God's gifts to him, whether those gifts be monetary gifts, beauty or wisdom. Instead, one must be exceedingly humble and grateful to God and to other people, and acknowledge God for providing him with these wonderful things.*

The סמ"ג does not speak about totally forgetting God, nor even being דעת – diverting one's attention. It is about appreciating the impact of God in his life. This type of שכחה relates to how a person divides credit for his accomplishments between himself and God, and whether the lion's share of the credit goes to Hashem as it rightfully should.

The response to שכחה is obvious: זכירה. When discussing the מצוה of זכירת מצוה (remembering Shabbos) the רמב"ן writes:

ועל דרך הפשט אמרו (במכילתא כאן) שהיא מצוה שנזכור תמיד בכל יום את השבת שלא נשכחוהו ולא יתחלף לנו בשאר הימים, כי בזכרנו אותו תמיד יזכור

מעשה בראשית בכל עת, ונודה בכל עת שיש לעולם בורא, והוא צוה אותנו  
באות הוזה כמו שאמר (להלן לא יג) כי אות היא ביני וביניכם. וזה עיקר גדול  
באמונת האל (רמב"ן על התורה שמות כ:ח)

*This simple explanation is that this is a mitzvah to constantly recall תבש each day of the week so that we not treat it like other days. Through remembering Shabbos constantly we will always recall the creation of the world and constantly acknowledge that the world has a Creator who has commanded us to observe Shabbos as a celebration of creation. This is a fundamental tenet of belief in God."*

To remember means to constantly focus on – remembering שבת is accomplished all week long. Remembering Hashem is accomplished in every moment of our lives. We have a tendency to get distracted. We aren't involved in heresy, but we are involved in many things on a daily basis, some of which can take us away from our primary focus of 'עבודת ה'.

As we say in זכרונות during the מוסף of השנה אתה: ראש השנה אתה: כי זוכר כל הנשכחות אתה: ראש השנה אתה: מוסף – "Because you remember all that has been forgotten and there is nothing that you forget." We know that Hashem does not forget us, and our very survival depends on it. Simple reciprocity demands that we focus on Hashem the way He focuses on us.

It is my sincere hope that this journal deepens your יום טוב experience, and thereby enhances your connection to Hashem. The דברי תורה in this journal were produced and edited primarily by the members of the Beis Haknesses of North Woodmere – people who through their love of Hashem and dedication to His תורה, have maintained the sense of focus on Hashem despite the many professional and other responsibilities that can so easily distract from our basic life's mission. Through their busy work days they continue to keep Hashem and His תורה at the forefront of all that they do. They are paradigms of what we all hope to accomplish during the ימים נוראים season, raising families and living lives of total dedication to Hashem. May the רבנו של עולם allow each of us to be educated, inspired and uplifted by the words of תורה in this journal, and to return to Hashem with enhanced appreciation for His unending kindness.

I would like to express special gratitude to Moshe Buchbinder and Moshe Grushko who each invested countless hours to making this journal a reality. Their leadership and stewardship took this תורה journal from an idea to a vibrant reality. Their professionalism and dedication to this project despite their busy professional lives, is a testament to the type of בני תורה and families our Shul is so fortunate to have.

# Sukkos - The “Yom Rishon”: Restoring Ourselves to the True Beginning

Rabbi Shay Schachter



**W**e daven each and every day for so many different things. We ask that the sick should be healed, that we should have a steady income, that we should once again return to ארץ ישראל, and have the chance to re-experience the עבודה. We are thankful in מודים for everything we are so fortunate to have, we ask for peace and harmony in our communities, and so much more.

But the objective of some ברכות in עשרה may not be as obvious, as they seem almost distant from the routine of our daily life. One such example is the ברכה of השיבה שופטנו כבראשונה – “Return our judges as they were in the beginning...” Has anyone ever wondered what exactly it is that we are asking for, and what “beginning” are we referring to in this bracha? If we simply mean the judges in the times of the בית המקדש, isn’t that included in our request for a בית המקדש itself? What is this “ראשונה” that we look forward to, and how will we know when it has come?

Think for a moment about a group of newly elected government officials, who spend the first few months of their term researching how to best serve and contribute to their respective communities. Promises and agreements are made, and the constituents are made to feel very optimistic. But as time moves on, the attitudes of the once supposedly caring and compassionate officials,

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begin to shift. Decisions are no longer governed by the interests and needs of the community per se, but by the selfish concerns of the officials themselves. Resolutions that will further their personal and political interests are their main priority, and as a result, an entire constituency can be left out to dry.

This is precisely what we ask for each and every day in our תפילות השיבה. תפילות השיבה – שופטינו כבראשונה – grant us judges who have no personal interests; a legal system in its formative stages, one which caters solely to the needs of the people; one which has not yet been tainted, besmirched, and consumed with notions of self-absorption and narcissism.

As we all know, the יום טוב of סוכות is observed on the 15th day of the month of תשרי. In light of this, it is very difficult to understand the introductory words in פרשת אמר כגמ:

ולקחתם לכם ביום הראשון פרי עץ הדר כפות תמרים וענף עץ אבות וערבי נחל...  
*You shall take for yourselves on the first day the fruit of a  
citron tree, the branches of date-palms, twigs of a plaited tree,  
and brook willows...*

What could it possibly mean when we are told to take the מינים ד-ד' "ביום הראשון" – on the first day of the month – don't we find ourselves already mid-month by the time we encounter the יום טוב of סוכות?! רש"י famously cites the words of the מדרש תנחומא, that this mysterious "יום הראשון" is the ראשון לחשבון – יום כפור – the first opportunity for sin after being granted forgiveness on עונות.<sup>1</sup>

Perhaps we can suggest an additional level of meaning to יום הראשון. After experiencing the ימים נוראים, encountering the שכינה and being elevated by the sense of closeness to the עולם של רבונו, we find ourselves in a state of ראשית. We now have the unique opportunity to perform the מצוות of סוכות in a pristine and flawless fashion – in their state of ראשית, with no ulterior motives, with no other objectives other than because the עולם של רבונו has asked us to do them. We have the chance to perform מצוות with simplicity and innocence, for the sole purpose of why we were asked to do them.

How often do we see people getting upset and offended that they were not asked to daven for the עמוד as much as they would have liked, or given an עליה as often as they would expect? How often does this lead into heated arguments and unfitting behavior? Do we want the עמוד solely to flaunt our melodious voices, or do we want to perform the מצוות in a way that will be best for the צבור and the עולם של רבונו? How many people, deep down, feel jealous when their neighbor has a more elaborate and more expensive מנורה than they have? Are we only worried about our self-image, how our neighbors will look at us, or is our objective exclusively to perform the מצוות as best as

1 מדרש תנחומא פרשת אמור ס' כב



we can, because that is what the עולם של רבונו has asked of us? Where are our minds when it comes to performing מצוות?

Just think back for a minute, to the first time we put on תפילין, or the first time we had the זכות to light שבת candles, the first time we wore ציצית, or the first time we performed the מצוה of חלה! הפרשת חלה! Where were our thoughts then, and where are our thoughts now, so many years later?!

The story is told of the conversation between two Yerushalmi Yidden on ערב יום כיפור. Reb Yisroel was overheard crying to his friend Reb Baruch, “וואס וועט זיין מיט אונזערע עבירות” – what will be with our sins?! To which Reb Baruch responds, your concern Reb Yisroel, does not trouble me at all, after all יום כיפור is coming, and we have the great opportunity to do תשובה and be forgiven from all of our עבירות. What scares me so much more said Reb Baruch, is “וואס וועט זיין מיט אונזערע מצוות” – what will be with our מצוות?! How have we performed them? To what extent have we done them for their intended purpose, as opposed to doing them for our personal vanity and arrogance?

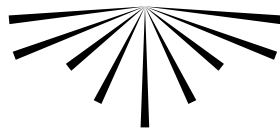
יום הראשון is our סוכות. It is our opportunity to perform the מצוות for their own sake, and not for ourselves. This is our chance to serve הקדוש ברוך הוא with no personal bias, with complete impartiality, and with only one objective in mind.

The דר גמרא סוכה לה ע”א tells us that the אתרוג is a strain of fruit that is distinct feature, in which the אתרוג can develop throughout the various seasons of the year. Most other fruits can only grow in very particular climates, very specific conditions, and only at specific times of year. But the אתרוג has enduring and resilient qualities, it can weather all storms, it can flourish in all environs, and it is able to persist throughout the various seasons of the year.

They commit themselves to perform the מצוות, regardless of their surroundings and in spite of their personal impediments and obstacles. And there is no greater time to demonstrate this than at our collective time of ראשית, when our thoughts are committed, devoted and incredibly loyal to the עולם, בורא עולם, a time when we can focus only on what is essential and imperative, and leave all our personal anxieties, apprehensions, and motives aside.

May this יום טוב grant us a most enriching and inspiring outlook on that which we do throughout the year, and in the merit of our הראשון mindset, may we be זוכה to that which we daven for each and every day: השיבה שופטינו: ביאת גואל צדק במהרה בימינו אמן ואמן with the כבראשונה.

# ראש השנה



# The Connection Between Chodesh Elul and the Yomim Tovim in Chodesh Tishrei: Insights From the S'fas Emes

Elisha Graff



The juxtaposition of the month of תשרי (the first month of the year, according to ר' אליעזר<sup>1</sup>) with the month of אלול (the last month of the year, according to this view) can teach us one of the keys to preparing for the ימים נוראים and חג הסוכות, and help us carry forward throughout the year the spiritual high that we hope to achieve during these ימים טובים. While the days of ראש השנה and יום כיפור have an obvious significance, the ability to achieve the most out of those days in large part depends on the level of preparation that we undertake in אלול. On the flip side, a main goal of the תשובה process that reaches a fever pitch in אלול as the ימים נוראים draw near, and of the ימים נוראים and סוכות experience, should be to enable us to infuse the entire year with a heightened sense of spirituality. As we will see, one of the primary objectives during this period is to dedicate ourselves fully to הקדוש ברוך הוא, culminating with the coronation of הקדוש ברוך הוא on ימים נוראים, and concluding with a שמחה and שמיני עצרת on כלל ישראל and הקדוש ברוך הוא תורה when we rejoice with the תורה, our most precious and spiritual gift from ה'. The roadmap for attaining and maintaining this sense of spirituality discussed below is culled from the מאמרים of the שפת אמת<sup>2</sup>, as woven together by several original thoughts of the author.

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<sup>1</sup> ראש השנה י ע"ב

<sup>2</sup> The שפת אמת was written by Rabbi Yehuda Aryeh Leib Alter (1847-1905), who served as the Gerrer Rebbe from 1870 until his death in 1905.

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## It's All in the Preparation – The Goal of the Month of Elul

No serious student would enter a final exam without having studied, and no trial lawyer would go into an important court hearing without hours of preparation. And so it should be with us, as we approach the ימים נוראים. לול חודש grants us a month to prepare for our big day(s). It is well known that the א-ל-ל-ו-ל, אלול of the word ראשי תיבות – “אני לדודי ודודי לי” – *I am my beloved's and my beloved is mine*.<sup>3</sup> During the month of אלול, we affirm our devotion to השם – our Beloved – in the hopes and with the faith that He will affirm His devotion to the Jewish people. The שפת אמת observes that the letters in the word אלול also allude to a קרי/כתיב in the passage of מזמור “הוא” that we recite on weekdays in פסוקי דזמרה. In that passage, we recite “עשנו ולו אנחנו” – *He made us and we belong to Him*. The word “ולו” is written (כתיב) ל-א, and is pronounced (קרי) as if it were written ל-ו. When written with an “א”, the phrase “ולא אנחנו” means that we are nothing. When written with a “ו”, the phrase “ולו אנחנו” means that we are His. The שפת אמת explains that the path to affirming our unwavering dedication to הקדוש ברוך הוא – “ולו” – is to first recognize our frailties and embody the humility necessary to declare that “ולא אנחנו” with an “א”. Only after we internalize our own unimportance and place the emphasis on doing the הבורא can we declare our subservience to and our connection with הקדוש ברוך הוא.<sup>4</sup> With this sense of humility and of our ultimate purpose of performing the will of השם, we will be able to declare “אני לדודי,” and we hope and believe that He will reciprocate in fulfillment of “ודודי לי.”

## The Segue to the *Yomim Noraim*

Having focused on dedicating ourselves fully to השם in the month of אלול, we then proceed to ראש השנה. One of the focal points of ראש השנה is the שמונה עשרה of מוסף which includes the זכרונות, מלכיות, and ברכות. The גמרא ראש השנה tells us that the structure of the שמונה עשרה of מוסף follows the following progression: (i) זכרונות – שיעלה זכרוניכם לפני לטובה, (ii) מלכיות – כדי שתמליכוני עליכם, (iii) בשופר. We start with מלכיות, to coronate הקדוש ברוך הוא as our King; we follow with זכרונות, praying that הקדוש ברוך הוא remembers our good deeds; and the vehicle for delivering our תפילות to הקדוש ברוך הוא is the שופר. The theme of the coronation of הקדוש ברוך הוא is manifest throughout the התפילה on ראש השנה, from the ברכה of מלכיות to the passage of כולו בכבודך, מלוך על כל העולם כולו בכבודך, to the phrase המלך הקדוש that we insert from ראש הנה through יום כיפור. And on יום כיפור, we reaffirm הקדוש ברוך הוא's coronation and dominion over us and recognize Him as our benevolent King who wills us to do תשובה in order to provide us

<sup>3</sup> citing the פירוש רוקח on שיר השירים (Ohr Etzion printing). אלול תרמ"ד ד"ה לחודש, שפת אמת 3

<sup>4</sup> *ibid.*

with a complete סליחה ומחילה. Clearly, we cannot get ourselves into a mindset where we stand prepared to coronate הוא הקדוש ברוך ה' unless ימים נוראים we've spent significant time preparing for this awesome period and really focusing on what it means to be "ולו אנחנו" – fully devoted to הוא הקדוש ברוך ה'.

### The Theme Continues on Sukkos

That the ימים נוראים are centered on our connection, devotion and subservience to השם may be intuitive. But שפת אמת sees a connection between this theme and the טוב of יום סוכות as well. שפת אמת (סוכות תרס"ג ד"ה רמז) observes that the three ימים טובים in תשרי are alluded to in the פסוק that we recite every day, three times a day, in קריאת שמע: "קריאת שמע: 'ואהבת את ה' אלהיך בכל לבבך ובכל נפשך ובכל מאדך' – *and you should love Hashem your G-d with all of your heart, all of your soul and all of your might.* The שפת אמת suggests that בכל לבבך alludes to ראש השנה and the ימי תשובה, on and during which we repent and desire to subjugate our entire beings to השם, both our יצר טוב and our יצר הרע (בשני יצרך). יום כיפור, when we are commanded to afflict ourselves – "ועיניתם את נפשותיכם." And ובכל מאדך is a reference to סוכות, when we leave all our material possessions behind in our homes and show our subservience to השם by relocating to our סוכה and basking in the צל השכינה – the Divine presence – that envelops us in the סוכה.<sup>5</sup>

To underscore this aspect of סוכות as the completion of the process of fully devoting ourselves to הוא הקדוש ברוך ה', שפת אמת quotes his grandfather ולקחתם לכם ביום הראשון פרי עץ הדור – פסוק, who interpreted the "מ"חל" as follows. Our task on סוכות is "ולקחתם לכם" – to take ourselves and devote our entire being to הוא הקדוש ברוך ה'.<sup>6</sup> The מדרש ויקרא famously says that the אתרוג is like a person's heart, the לולב like his spine, the הדס like his eyes and the ערבה like his lips. The point of the מצוה of the מצוה is to take them, and our body parts to which they correspond, and to give them – and ourselves – over to הוא הקדוש ברוך ה'.

Thus, the טוב of יום סוכות may be best viewed as a continuation of the process that begins in חודש אלול, when we declare "אני לדודי"; "ולו אנחנו", and continues through the ימים נוראים, when we coronate הוא הקדוש ברוך ה'. This process is completed on סוכות, when we dwell in סוכה with the Divine presence and take ourselves – "ולקחתם לכם" – and consecrate our entire being to הוא הקדוש ברוך ה'.

### Carrying it Forward Throughout the Year

At the end of this process, we merit a private celebration with הוא הקדוש ברוך ה'.

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5 עיין זהר פר' אמר קג  
6 שפת אמת סוכות תרל"ט ד"ה בשם

on שמיני עצרת<sup>7</sup> and שמחת תורה, when we rejoice with the most precious and spiritual gift that our Father and our King bestowed upon us – the תורה. The שפת אמת notes that the reason we celebrate שמחת תורה at the beginning of the year is to reinforce the gift of the תורה, which is דברי אלהים חיים. The joy and enthusiasm that we show toward the תורה at the beginning of the year helps ensure that we maintain our connection to the תורה, the living word of הקדוש ברוך הוא, throughout the entire year.<sup>8</sup>

By continuing to learn תורה throughout the year, we can maintain our connection to הקדוש ברוך הוא and continue to demonstrate that we are “לו” and “אני לדודי.” We pray that הקדוש ברוך הוא will reciprocate with “ודודי לי,” and grant us a lifetime of ברכה and the ability to remain connected to Him and to serve Him with all of our heart and soul.

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<sup>7</sup> See סוכה נה ע”ב, noting that over the course of the first seven days of סוכות, a total of 70 bull offerings are brought, corresponding to the 70 nations. On the eighth day, שמיני עצרת, there is one bull offering, corresponding to כלל ישראל, the singular nation. The גמרא analogizes this to a king who asked his servants to prepare a great feast, and feasted for days. On the final day of the celebration, the king asked his closest loved ones to make a small, private party so that the king could enjoy their company alone.

<sup>8</sup> שפת אמת, סוכות תרל”ד ד”ה שמחת. See also שבת קל ע”א, noting that any מצוה that is initially performed with sincere feelings of joy and enthusiasm, continues to be performed with that very same joy and enthusiasm on subsequent occasions.

# Shitas Rashi on the Two Days of Rosh Hashana

Eli Schiffmiller



A unique quality of ראש השנה is that it is observed for two days even in ארץ ישראל, despite the fact that like the other חגים, the תורה only mentions one day of יום טוב. The historical impetus for this practice, described by the משנה in ראש השנה ל ע"ב and expanded upon in the גמרא, was primarily driven by the timing of ראש השנה, which by definition always occurs on ראש חודש. In the times when we would establish the beginning of the month through קידוש החדש בית דין would have to wait for the עדים to appear and provide testimony about the new moon before they could declare the day as the first of תשרי and hence, ראש השנה. Today, even though our calendar is fixed, there are many Halachic implications specific to the two days of ראש השנה that are a legacy of the original issues that arose when we were מקדש the חודש through ראיה (i.e., by testimony). By focusing on the view of רש"י, I hope to highlight a number of interesting issues related to the historical development of the two days of ראש השנה.

There are at least four distinct historical eras of how the days of ראש השנה were determined.<sup>1</sup> Like other months, before the calendar was established on a set schedule, the month of אלול could be either 29 days ("חסר") or 30 days ("מעובר") with the next day considered the first of תשרי. This was determined based on when acceptable testimony as to the appearance of the new moon was provided in ירושלים.

## The First *Tekufah*

During the first era, בית דין would accept עדות the entire day. Since no one could be sure when the עדים would arrive, the 30th day (relative to ראש חודש אלול) was treated with קדושת יום טוב מספק – due to uncertainty as to the status of

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<sup>1</sup> As summarized in ראש השנה ל ע"ב and based on המועדים בהלכה, חלק א, פרק א

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the day it was treated as טוב. If the עדים actually did come on the 30th day, בית דין would declare it the first of תשרי and there would only be one day of ראש השנה. If עדים did not show up, however, the month of אלול would be מעובר, and there would effectively be two days of ראש השנה: the 30th day which was kept מספק and the 31st day which is the first of תשרי.<sup>2</sup> Outside of ירושלים, after the initial signal system was interrupted, בית דין would not be able to send שלוחים out to inform everyone when ראש השנה was established until after the יום טוב. Therefore, בית דין would send out שלוחים in אלול so that those further away from ירושלים would know which days the 30th and 31st fell out on.<sup>3</sup> תוספות explains that both days were kept מספק as they could not know for certain which day was actually ראש השנה, however, רש"י indicates that only the 30th was observed as ראש השנה while the 31st was חול, חול אין אלול – since in most years אלול was only 29 days, they would only keep the 30th day. The result is surprising: Although the Jews in ירושלים may have kept two days of ראש השנה if עדים did not arrive on time on the 30th day, those in חוץ לארץ would only keep one day during this time period. This is the exact opposite of what we do today by the שלש רגלים.

### The Second Tekufah

The second תקופה began after an incident in which the עדים arrived late in the day one year on the 30th. The presence of עדים meant that the 30th was the real day of ראש השנה but the לויים had already sung the wrong שיר של יום, that of a weekday, as part of the תמיד של בין הערבים, instead of the special שיר for ראש השנה. חז"ל therefore instituted a cutoff for the עדים' arrival. If they came before מנחה time on the 30th day, there was only one day of ראש השנה as was the case in the first תקופה. However, if the עדים arrived after מנחה or didn't come at all, the second day is considered the real day of ראש השנה (i.e., it is the first of תשרי). Since we know with certainty at מנחה of the 30th day that there will be two days, it is possible to consider the קדושה of ראש השנה as a longer קדושה מספק as in the first era – an extended 48-hour period of a singular holiness, which is no longer קדושה מספק as in the first era.

The general implications of how we treat two consecutive days of טוב are discussed in the גמרא in עירובין לח ע"א, among other places. Do we consider the two consecutive non-חול days as two separate קדושות ("שתי קדושות") or as a single contiguous קדושה ("קדושה אחת")? This question has bearing on a number of הלכות. For example, if we hold שתי קדושות, then one may establish two different

<sup>2</sup> It's possible that only the 31st day was ראש השנה if בית דין knew אלול must be 30 days. In this case, even if עדים would show up on the 30th בית דין would not accept their עדות. Ibid. page 32  
<sup>3</sup> ראש השנה יח ע"א 3



עירובי תחומים in opposite directions, one for the first day and one for the second day. If the קדושה is considered a single entity, however, then the second עירוב will not accomplish anything. How does this translate to ראש השנה?

The משנה in ע"א לט ע"א quotes a מחלוקת between ר' יהודה and ר' יוסי as to whether the two days of ראש השנה are considered קדושה אחת or שתי קדושות in the time period after the תקנה to not accept עדים after מנחה was issued. In the first תקופה, as described above, the קדושה יום טוב would most likely be that of שתי קדושות, as even when two days were kept, only one of the days was actually considered the real day of ראש השנה (similar to יום טוב שני של גלויות). However, in the second תקופה, if the עדים did not arrive by מנחה, the תקנה established two definite days of ראש השנה: the remainder of the 30th and the entire day of the 31st. Thus ר' יוסי asserts that we should consider ראש השנה in this time period as a single אריכתא. However, ר' יהודה responds that the reason we have two days of ראש השנה is only כי היכי דלא לזלולי ביה – in order to not disgrace it. רש"י explains that if the עדים arrived after מנחה, the 30th day should really have been חול as the תקנה established the 31st day as ראש השנה. The only reason work is forbidden on the 30th day is to prevent a situation in a subsequent year in which people will remember that they were able to do מלאכה in the afternoon last year and will start doing work even before מנחה time. Then if it turns out that עדים do show up in time, they will have done מלאכה on the actual day of יום טוב. Thus according to ר' יהודה, the fact that we have two definite days of ראש השנה is not indicative of a קדושה אחת but rather was instituted to avoid treating the day as a חול יום.

Although the גמרא in ע"ב ד ע"ב concludes that we hold of קדושה אחת on עירובין in גמרא that the reason the first day is also sanctified is "אין מזלזלין ביה"<sup>4</sup>, ר' יהודה. In order to resolve this apparent contradiction, Rabbi Michael Rosensweig points out<sup>5</sup> that רש"י's view may be that ר' יוסי agreed that the reason the 30th is kept as קדושה after the תקנה is indeed so that people should not denigrate the sanctity of the first day. Nonetheless, the very fact that the קדושה of the two days was determined through a definitive תקנה, regardless of the reasoning, means that the קדושה ראש השנה is considered אחת קדושה אחת.

חז"ל ר' יוסי explains that according to ר' יוסי, the reason the first day was kept sanctified after the תקנה if עדים arrive after מנחה is that it really should have been the תורה day of ראש השנה (since it is the actual day of the מולד). Even though בית דין has the power to determine that the 31st is

<sup>4</sup> See also שו"ת רש"י קט"ז

<sup>5</sup> In a Shiur entitled 'יומא אריכתא' accessible on YUTorah.org

<sup>6</sup> See also the ערוך הרב and לבוש, both in ת"ר

the actual day of ראש השנה from a דאורייתא perspective, חז"ל maintained the importance of the first day by keeping it holy as well. Since the reason it is a יומא אריכתא according to the ריטב"א is due to the fundamental reason for the תקנה that both days have legitimate reasons to be considered קדוש, presumably ר' יהודה's explanation of דלא לזלולי ביה would not be compatible with the view of רש"י (as opposed to what we explained in רש"י).

Both רש"י and עירובין and ביצה in רש"י would ostensibly agree that if there are two days of ראש השנה during this time period, the second day would be the primary day of יום טוב and יום כיפור and סוכות would be calculated relative to it. However, רש"י in ע"ב ק"ע"ב seems to say that the first day is considered the main day of ראש השנה, not the second. The מנחות in משנה states that if the two days of ראש השנה occur on Thursday and Friday, the לחם הפנים is eaten on the following שבת רש"י. שבת רש"י asks if ראש השנה started on Thursday, then יום כיפור would fall out on שבת which means the לחם הפנים could not be eaten until שבת מוצאי שבת. מוצאי שבת already points out that רש"י's question is difficult to understand. If during the period of the המקדש בית there were two days ראש השנה, it must mean that the עדים did not show up until after מנחה, in which case the primary day of ראש השנה, is the second day on Friday. Therefore, יום כיפור will actually fall out on the following Sunday and not שבת. Indeed, the Rogatchover Gaon<sup>7</sup> maintains that according to רש"י and the מנחות in רמב"ם, the primary day of ראש השנה is the first day even if עדים arrive after מנחה and similarly, the שופר was only blown on the first day. The תקנה did not take away the primacy of the first day, but rather added on a second day so the קרבן מוסף could be brought properly.<sup>8</sup> Further, the עירובין in גמרא's statement of כי היכי דלא לזלולי ביה is not a reference to the first day but a reference to the second day – the only reason the second day was קדוש was because it was the day in which they brought the קרבן מוסף, and therefore would not be considered a יומא אריכתא according to ר' יהודה.

In summary, there is a three-way מחלוקת (to the extent the Rogatchover is staking his view within that of ראשוניים) as to what was changed during the second תקופה when עדים arrive after מנחה. According to רש"י and ביצה in רש"י and the ריטב"א, the primary day was now the 31st, while according to the Rogatchover in explaining רש"י, מנחות in רש"י, the primary day is still the 30th since עדים arrived on that day. Although both the ריטב"א and the Rogatchover agree that there is a Halachic significance to the יום המולד (i.e., the 30th) they argue as to whether

צפנת פענח, הלכות יום טוב א:כב 7

8 This is per the רמב"ם's view (3:5) (קידוש החודש) that the תקנה was made in order to avoid issues with bringing the קרבן מוסף after the הערבים של בין הערבים, and not necessarily due to the לייים שיר של יום singing the wrong

it has importance on a דאורייתא level or only מדרבנן according to the ריטב"א. The תקנה also made the 30th קדוש but it is not the real day of ראש השנה, while the Rogatchover contends that it is still the real day of ראש השנה. רש"י, on the other hand, by quoting ביצה in כי היכי דלא לזולתי ביה implies that there is no real significance to the 30th other than the fact we want to avoid having people view the first day as חול in case the עדים do show up in time.

In the עירובין and ביצה, גמרא clearly mentions that two days of ראש השנה were kept in גלות. Yet as mentioned earlier, during the first era, רש"י held that only the 30th day was kept by those outside of the reach of the שלוחים, as in most years אלול was only 29 days long. According to רש"י, what changed after the first תקופה? In המועדים בהלכה,<sup>9</sup> Rav Shlomo Yosef Zevin explains that at first, the only ספק was if the עדים would reach ירושלים on the 30th day or not. Therefore, since most years were חסר anyway, those further away from ירושלים only kept the 30th day. However, after the תקנה that the עדים had to arrive before מנחה in order for there to be only one day of ראש השנה, there arose an additional ספק. Even if the witnesses did arrive on the 30th (as could be expected in most years), those far away from ירושלים could not be certain if they made it before the מנחה cutoff. Thus in this period and on, there was no longer a majority that could help determine which day to celebrate as ראש השנה, and instead both days were observed.

### The Third Tekufah

The third תקופה began after the destruction of the בית המקדש but during the period in which בית דין would still sanctify the new month through witnesses. ר' יוחנן בן זכאי ruled that once again בית דין would accept the entire 30th day since there is no longer a concern of the לויים singing the wrong יום של יום. At first blush, one would assume that the same procedure observed during the first period would be followed: if the עדים show up at any point on the 30th day there is only one day of ראש השנה even if they arrive after מנחה time. Indeed, the גמרא initially states that even if you hold of קדושה אחת during the second תקופה, after ר' יוחנן בן זכאי's declaration, we should have two separate periods of קדושה as there is only one definite day of יום טוב. If ever there are two days of יום טוב (i.e., עדים do not show up or are not accepted on the 30th) the first day is only observed מספק, and not through a תקנה. However, the גמרא in ע"ב concludes that ר' יוחנן בן זכאי only changed which day is the real day of ראש השנה, but left the two days intact:

מי לא מודה רבן יוחנן בן זכאי שאם באו עדים מן המנחה ולמעלה שנוהגין אותו  
היום קדש ולמחר קדש

<sup>9</sup> המועדים בהלכה, חלק א דף 36

*Doesn't R' Yochanan Ben Zakai agree that if the witnesses arrive after mincha that we still maintain that day and the next day as holy?*

ר' יוחנן בן מנחה explains that by accepting עדים after מנחה on the first day, ר' יוחנן בן זכאי transformed the first day into the primary day of ראש השנה. However, he did not remove the תקנה of maintaining the second day בקדושה if the עדים arrive after מנחה.

The א explains in רש"י that the words of the גמרא can be understood as a reference to the original תקנה as follows: Doesn't ר' יוחנן בן זכאי agree that during the second תקופה, if עדים came after מנחה we would have two days? Therefore, since all he changed was accepting the עדים after מנחה and did not alter the original תקנה, there are still two days that are considered קדושה אחת. This ruling seems to strengthen the institution of two days of ראש השנה. During the second תקופה, according to רש"י, the first day was maintained in sanctity ביה לזולתי דלא לזולתי (As we mentioned, this is even used by the גמרא in עירובין as a reason that the two days are really קדושות.) This reasoning no longer applies in the third תקופה as if the עדים come at any point during the entire day, the 30th day is the real day of ראש השנה. If they don't come by the end of the first day, then the 31st is ראש השנה. As there is no longer a situation in which a day will be partially חול we do not have to worry about זלוול. Yet the תקנה of two days is still maintained according to ר' יוחנן בן זכאי even though the overall reasoning no longer applies. The fact that חז"ל instituted two days of ראש השנה even in this period perhaps supports the notion that the first and second day of ראש השנה are not just due to a calendric peculiarity but indeed each fulfill unique aspects of the הדין.

#### **The Fourth and Final Tekufah**

The final תקופה began after the present calendar was established and עדים were no longer required to determine which day is ראש חודש – this is the period we are in now. Today, both in ארץ ישראל and in חוץ לארץ, we observe two days of ראש השנה. Although the גמרא in ביצה concludes that ראש השנה is קדושה אחת, there is still a question, however, as to how far we apply this concept. The ס' seems to hold that ראש השנה by קדושה אחת is a real רמב"ם – i.e., the קדושה is a contiguous 48-hour period. Thus the רמב"ם rules that one cannot make two עירובי תחומים, one for ראשון and one for שני as he can by other טובים טובים, as ראש השנה is one long קדושה. Further, if the עירוב is no longer extant after the first day one can still rely on it on the second day, as the single 48-hour period has only one השמשות בין at the beginning. The רמב"ם, on the other hand, argues and maintains that we only

use עירוב to be stringent, but not to be lenient. Therefore, if the עירוב is destroyed after the first day, one may no longer rely on it for the second day, as it requires an עירוב by its השמשות as well. The רמב"ם agrees with the רמב"ד in the first case, though, since prohibiting the usage of two עירובים in different directions results in a חומרא.

This question of how far to extend קדושה אחת also pertains to the ברכה שהחיינו on the second day of ראש השנה. In שו"ת רש"י קט"ז, רש"י states that in his times, they made a ברכה on the second day of ראש השנה. His reasoning is that the second day of ראש השנה is the main day, since in the times of בית דין they only had the first day of ראש השנה – so that people should not err in how they treat the first day. Therefore, as our two days of ראש השנה in גלות was modeled after the initial two days of ראש השנה established in ירושלים, we make the ברכה on the second day. This responsum from רש"י is very perplexing: the second day was the more important day only during the second תקופה, but רש"י explicitly states in ביצה that after ר' יוחנן בן זכאי's ruling, the first day became the primary day (and indeed, our first of תשרי is day one of ראש השנה).

To resolve this question, Rabbi Rosensweig<sup>10</sup> suggests that unlike the יומא אריכתא – one contiguous period of קדושה אחת by ראש השנה held רש"י, רמב"ם is more akin to when יום טוב and שבת follow each other. In this case although we may consider them קדושה אחת from a Halachic perspective, we do not look at these two days as a יומא אריכתא as the קדושות are clearly different. Since as discussed above ר' יוחנן בן זכאי maintained the תקנה of the second period in-force (despite switching the importance of the days) רש"י references the initial תקנה as it serves as the original model for קדושה אחת on ראש השנה. In this time period, however, the second day was primary with the first day only in place to avoid זלזול. Thus the original model of קדושה אחת was one in which the קדושות had distinctly separate sources. So today, although the primary day of ראש השנה is the first day, the קדושה is not one of a real יומא אריכתא, and שהחיינו must be recited on the second day.

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10 In a שיעור entitled 'יומא אריכתא' accessible on YUTorah.org



# A Hole in “Holy”?

## The History and Meaning Behind an Enigmatic Prayer<sup>1</sup>

Gavri Butler



**A**s someone with regrettably deficient davening, I continue to guiltily strive, especially during this season of prayer, to identify methods for increasing my concentration. The challenge, of course, is that once I actually achieve proper כוונה, I realize that I have no idea what I’m saying! Therefore, I would like to study a particular passage in the מחזור and hopefully come to a better understanding of at least one of the overarching themes of this High Holiday season.

### The Questions

Last year I was struck by a passage in the seasonal additions to the third ברכה of the עמידה, colloquially known as “ובכן תן”. These paragraphs are added to both put special emphasis on God’s kingship and articulate our hope that the entire world (not just those of us sitting in Shul on the High Holidays) will recognize such kingship. Like other sections of our liturgy, these paragraphs are interspersed with scriptural prooftexts.

For example, the fourth paragraph states:

ותמלוך אתה ה' לבדך על כל מעשיך. בהר ציון משכן כבודך ובירושלים עיר קדשך. ככתוב בדברי קדשך. ימלך ה' לעולם אלהיך ציון לדור ודור הללוי-ה.  
*And you, Lord, will rule alone over those You have made, in Mount Zion, the dwelling of your glory, and in Jerusalem, Your holy city, as it is written in your holy writings: “The Lord*

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*shall reign forever, He is your God, Zion, from generation to generation, Halleluya.*<sup>2</sup>

Like most prooftexts in our davening, the פסוק quoted both summarizes and compliments the preceding statements. In this case, both the prayer and the פסוק reference (1) God's kingship, (2) Zion and (3) distinct statements of God's place as ruler over the world in general ("ותמלוך אתה ה' לבדך על כל מעשיר" and "ימלוך ה' לעולם") and the inhabitants of Zion/Jerusalem in particular ("בהר" and "אלהיך ציון" and "ציון משכן כבודך ובירושלים עיר קדשך"). The author of the prayer makes a statement, and reinforces it with a scriptural proof easily compared to such statement.

Not so the immediately succeeding paragraph:

קדוש אתה ונורא שמך ואין אלוה מבלעדיך. ככתוב ויגבה ה' צבקות במשפט,  
והא-ל הקדוש נקדש בצדקה. ברוך אתה ה' המלך הקדוש.

*You are holy, Your name is awesome, and there is no god but You, as it is written, "The Lord of hosts shall be raised up through His judgment, the Holy God made holy in righteousness." Blessed are You, Lord, the holy King.*

There are three seemingly unrelated clauses in this paragraph: (a) a statement that God is both holy and unique, (b) a scriptural reference, in this case to 5:16 ישעיה, stating that God is raised up by and through justice and (c) a seasonally modified blessing, proclaiming unequivocally that God is the Holy King.<sup>3</sup> But most strikingly, the referenced verse from ישעיה seems completely out of place. The פסוק assumes God's deity, and talks about judgment and justice, neither of which are mentioned in the earlier clauses. So what is this פסוק doing here?

This question is heightened by two additional sources. First, the primary source for changing the text of the third ברכה of the עמידה is the following גמרא:

ואמר רבה בר חיננא סבא משמיה דרב: כל השנה כולה אדם מתפלל הא-ל הקדוש, מלך אוהב צדקה ומשפט, חוץ מעשרה ימים שבין ראש השנה ויום הכפורים שמתפלל המלך הקדוש והמלך המשפט. ורבי אלעזר אמר: אפילו אמר הא-ל הקדוש - יצא, שנאמר: ויגבה ה' צבקות במשפט והא-ל הקדוש נקדש בצדקה. אימתי ויגבה ה' צבקות במשפט - אלו עשרה ימים שמראש השנה ועד

<sup>2</sup> Translation from Sacks, Chief Rabbi Lord Jonathan, *The Koren Rosh Hashana Mahzor*, Koren Publishers Jerusalem, 2013

<sup>3</sup> We could potentially make a connection between clauses (a) and (c), as both address God's primacy, though upon further review we note that (a) actually references God as deity while (c) references God as king.



יום הכפורים, וקאמר הא-ל הקדוש. מאי הוה עלה? אמר רב יוסף: הא-ל הקדוש  
ומלך אוהב צדקה ומשפט; רבה אמר: המלך הקדוש והמלך המשפט. והלכתא  
כרבה. (ברכות יב ע"ב)

*Raba bar Hinena the elder also said in the name of Rav:  
Throughout the year one says in the Tefillah, 'The holy God',  
and 'King who loves righteousness and judgment', except  
during the ten days between New Year and the Day of  
Atonement, when he says, 'The holy King' and 'The King of  
judgment'. R. Elazar says: Even during these days, if he said,  
'The holy God', he has fulfilled his obligation, since it says, "But  
the Lord of Hosts is exalted through justice, and the holy God  
is sanctified through righteousness": When is the Lord of Hosts  
exalted through justice? In these ten days from New Year to the  
Day of Atonement; and none-the-less it says, 'the holy God'.  
What do we decide? — R. Joseph said: 'The holy God' and 'The  
King who loves righteousness and judgment'; Rabbah said: 'The  
holy King' and 'The King of judgment'. The law is like Rabbah.  
(Brachos 12b)*

Note that the פסוק used to prove the view of ר' אלעזר and ר' יוסף, the one not accepted as הלכה, that we do not switch from the standard ending of "הא-ל הקדוש" to "המלך הקדוש", is our verse in ישעיה, which includes the phrase "הא-ל הקדוש". Why then would this same verse be chosen to precede the non-standard ברכה of "המלך הקדוש"?

Second, the larger context of our פסוק in Chapter 5 of ישעיה discussed God punishing the licentious hedonists who spend their time at drunken banquets rather than recognizing God. Is it really in our best interest to remind God of his vow to punish those with misplaced priorities? Why specifically invoke this verse at this point on these days?

So we have three questions:

1. What is the connection between each of (a), (b) and (c)?
2. Why choose a פסוק that is not at all related to the ברכה, and in fact undermines the changed ברכה?<sup>4</sup>
3. Why raise punishing the wicked through divine justice at a time when we are in fact trying to associate ourselves with the righteous?

I have attempted to research these questions to the best of my (admittedly limited) abilities and have found few if any published answers

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4 A few possible alternative פסוקים include ישעיה מזג and ישעיה מדו.

in classical sources.<sup>5</sup> I did however find this question discussed among historians of Jewish prayer, which will require a bit of background on the history of the עמידה text. I would also like to propose an alternative thematic approach based on the thought of Rabbi Joseph B. Soloveitchik. As in most cases, the truth almost certainly lays somewhere between, or in the combination of, the two approaches.

### The Historical Approaches

When I daven at the Kotel I am always struck by the variety of texts in use, with usually at least five<sup>6</sup> different versions of the עמידה being recited at any given moment, often times in the same מנין. While we are all familiar with the Talmudic statement “אנשי כנסת הגדולה תקנו להם לישראל ברכות ותפלות קדושות”<sup>7</sup>, “the Men of the Great Assembly instituted for the Jews blessings, prayer, Kiddush and Havdala”, how often do we ask what exactly they “instituted”? Our view of a unified text handed down over the last 2,000 years is starkly at odds with the facts, but questioning the veracity of the text of the siddur is far less theologically challenging than source criticism of תנ”ך or תלמוד. The traditional rabbinic research library includes numerous ancient versions of the סידור, including those of R’ Saadia Gaon, R’ Amram Gaon, סמ”ט, מחזור ויטרי and רמב”ם. And the discovery of the Cairo Geniza has presented an even more diverse and divergent spectrum of תפילה texts, many of which seem to have actually been in use within the last 1,000 years.<sup>7</sup> Many of these alternative texts are substantially similar to the versions of the עמידה discussed by the תלמוד ירושלמי and commonly known as נוסח ארץ ישראל.<sup>8</sup>

Focusing specifically on the text of the third ברכה, the Geniza contained at least six starkly different versions of the blessing of “קדושת השם” that had seemingly been in regular daily use.<sup>9</sup> Most notably for our purposes is the version recorded by ספרי חז”ל, and found numerous times in the Geniza:

קדוש אתה ונורא שמך ואין אלוה מבלעדיך (ספרי, וזאת הברכה שמג)

<sup>5</sup> With the exception of R’ Shlomo Kluger’s notes on the Siddur of R’ Yaakov Emden. I strongly recommend review of this source, as space constraints do not permit me to fully address it.

<sup>6</sup> אשכנז, ספר, אר”י; עדות המזרח, ארם צובא

<sup>7</sup> For a recent analysis of the variety of versions of the עמידה, see Zelcer, Heshey, “*Shemoneh Esreh in Eretz Yisrael ca. 220-250 CE*”, *Hakirah* 14:79-121

<sup>8</sup> For further reading on the development of prayer in general and ארץ ישראל in particular, see Heinemann, Joseph, *Prayer in the Period of the Tanna'im and Amora'im: its Nature and Patterns*, Magnes Press, Jerusalem 1984 (Hebrew)

<sup>9</sup> See Jacobs, Irving, “*Kingship and Holiness in the Third Benediction of the עמידה and in the Yozer*”, *Journal of Jewish Studies* 41 (1990) 62-74

Look familiar? Although scholars debate whether or not the פסוק in ישעיה is included in the daily text,<sup>10</sup> this phrase is generally considered by historians<sup>11</sup> and rabbis<sup>12</sup> alike to be the standard text of this blessing in נוסח ארץ ישראל. Thus, the final paragraph of what we view as the seasonal additions to the third blessing of the עמידה is actually one of the original versions of that blessing! This knowledge begs the question: if this text was rejected, why reinsert it for the High Holidays?

One approach<sup>13</sup> is that we are trying to accommodate both Halachic positions as to the actual blessing recited on the High Holidays. As mentioned above, the תלמוד בבלי records a debate as to whether to end the blessing with “המלך הקדוש” or “הא-ל הקדוש” and ends by summarily ruling that only “המלך הקדוש” is correct. However, the תלמוד ירושלמי is not as emphatic, and raises the possibility that reciting “הא-ל הקדוש” is also acceptable. In fact, numerous texts of the עמידה - ארץ ישראל - נוסח were found in the Geniza that follow this view of the ירושלמי<sup>14</sup> and use the ending of “הא-ל הקדוש” during the High Holidays. Thus, our modern text simply combines two historically standard versions of the ברכה. And to answer our original question, the verse in ישעיה is cited here precisely because it is the proof for the acceptability of “הא-ל הקדוש” to a גמרא cited above!

While this view presents an admirable concept of unity and camaraderie among disparate Jewish practice during the High Holidays, it actually makes our text even more disjointed than we had previously thought. According to this approach we interrupt our soliloquy on God’s majesty and kingship to cite a text that would have been jarring to its original readers – like someone shouting “כתהר” during מוסף on שבת at a contemporary אשכנזי synagogue. The implicit objection is then followed by a rebuttal, a proof-text demonstrating a preference for this alternate version over the standard. Finally, the proof-text is rejected and we conclude with “המלך הקדוש”. Not exactly a seamless progression.<sup>15</sup>

An alternative explanation is presented by historians based on a

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10 See Mirsky, Aaron, “The Origin of ‘The Eighteen Benedictions’ of the Daily Prayer”, *Tarbiz*, 33:28-39, Wieder, Naphtali “The Form of the Third Benediction of the עמידה on Rosh Hashshana and Yom Kippur”, *Tarbiz* 34:43 (Hebrew), and subsequent correspondence between the authors.

11 See Wieder Id.

12 See Gigi, HaRav Baruch, “Holiness and Kingship” in Medan, HaRav Yaakov (ed.), *Be’er Miriam: Rosh Hashana*, Yeshivat Har Etzion/ Yedidot 2011 (Hebrew)

13 Wieder Id.

14 ראש השנה ד:ג. עיין תלמודי רבינו יונה - ברכות ז ע”א

15 Adherents to this approach would perhaps respond that the content and meaning of the פסוק is secondary to its Halachic purpose.



does not explain the ברכה. What about the kingship of God (as opposed to the standard formulation of God as deity) that is both complimented and logically stems from this verse?

### The Thematic Approach

I would like to present an alternative explanation based on the thought of Rabbi Joseph B. Soloveitchik.<sup>18</sup> According to the Rav,<sup>19</sup> there are two distinct connotations of the word “מֶלֶךְ”. One approach is to view God as a cosmic king, in which the “whole relationship between God and His creation expresses royal dominion.”<sup>20</sup> God’s kingship is an objective status, a statement of fact regardless of how we relate to Him. Alternatively, “מַלְכוּת” could be a political concept, in which God’s kingship stems from the proclamation of His subjects.<sup>21</sup> In the words of the Rav (in thematically interpreting certain verses cited in the “מַלְכוּת” section of the מוֹסַף הַשְּׁנֵה מוֹסַף), “God is a king *in* Israel, not *over* Israel.”<sup>22</sup>

Using this dichotomy, we can attempt to explain not just our text, but the entire High Holiday version of the third ברכה. The ברכה begins with the standard text: “אתה קדוש ושמך קדוש וקדושים בכל יום יהללוך סלה”. The Rav’s interpretation of this clause<sup>23</sup> is that God is holy, objectively, and we cannot even begin to quantify his holiness with our finite human intellect and being. Despite this, we as “holy ones” attempt on a daily basis to approach God and praise him. God’s kingship and holiness is an objective status, unrelated to the acknowledgement of humanity.

We then move on to the additions for the High Holidays, beginning with “ובכן תן פחדך”, “and so place the fear of You...” We could interpret this statement as a hope and desire that the rest of the world can grow to recognize what we Jews already know, that God is holy. As the Rav explains, “we appeal to God Himself to awaken man. The only way man can be aroused from his

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18 While the Rav spoke and wrote extensively about the High Holiday prayers, I have not actually found this explanation in any of his published writings or recorded talks. The Rav was also considered one of the finest תורה minds of the 20th century, as well as a formally trained philosopher. I am neither. Feel free to draw your own conclusions as to where to lay the blame for any errors, oversimplifications or logical inconsistencies.

19 See, for example, Soloveitchik, Rabbi Joseph B. *The Emergence of Ethical Man*, Toras Horav Foundation, 2005 (“*Ethical Man*”), 194-198

20 *Ethical Man* 195

21 The Rav draws a distinction between divine kingship and autocracy: “The divine kingdom is constitutionally regulated and freely accepted. The term covenant itself excludes any tyranny. The tyrant does not reach any contract with his subjects.” *Ethical Man* 195

22 *Ethical Man*, 196. Emphasis in the original.

23 See *Rosh Hashana Machzor with Commentary from the Teachings of Rabbi Joseph B. Soloveitchik*, K’hal Publishing, New York 2007 (“מחזור”), p. 64 fn.

complacency is if God shocks him, forcing him to realize he is on the brink of an abyss. 'פחד' is unmitigated terror, an emotion that initially paralyzes the individual... However, this powerful and ultimately destructive emotion must then be transformed into a mobilizing, constructive force... [this paragraph] suggests a progression from terror to reverence – a process of spiritual maturation in the penitent... [suggesting] a cognitive understanding of God's power, and this in turn prompts introspection." (מחזור 64-65) According to the Rav, our hope is that, through the recognition of God's kingship as an objective cosmic ruler, the world can begin to recognize and acknowledge God as a political ruler.

Such recognition of the second aspect of God's kingship will hopefully lead to the rest of the world acknowledging what the Jews have always known, that God is king, thereby bringing, as we begin the next paragraph, "כבוד לעמך", "honor to Your people". As the Rav explains, "[a]s soon as the world recognizes God's sovereignty, the world will recognize His selection of Israel." (מחזור 65) Such recognition will, as in the following paragraph, bring joy to the righteous. But the Rav also highlights the end of that paragraph, that צדיקים are happy not simply because the wicked are punished, but because the initial terror was the impetus for the rest of the wicked returning to God. This progression, from divine justice, to terror, to repentance, to joy and recognition, is also a metamorphosis from awe at God's majesty (cosmic God) to acceptance of His will (political God). And this development culminates in God reigning not in an objective statement of holiness relative to our inadequacy, but "ותמלוך אתה ה' לבדך על כל מעשך", presiding not just over the Jews but all of creation, the epitome of the political monarchy.

Finally, we conclude with our primary text. Based on the Rav's approach to this ברכה, we could propose that his final paragraph brings the enhanced third blessing full-circle by returning to a simple statement of God's objective holiness, one that parallels our standard non-High Holiday version of the ברכה: "ושמך קדוש" parallel to "אתה קדוש", "ונורא שמך" paralleling "קדוש אתה": ברכה "קדושים בכל יום יהללוך סלה" because "אין אלוה מבלעדיך". We then cite the פסוק from ישעיה, not just because, as the מדרש explained, justice leads to the recognition of God's greatness, but perhaps because by punishing the wicked God will call attention to the source of justice and inspire the rest of the world, so that not just Jews but all of creation recognizes God's holy kingdom. And we therefore end with a simple but loaded blessing, that God encompasses both aspects of divine kingship, and we hope the rest of the world will soon recognize such kingship.

## Closing

By focusing on one seemingly misplaced פסוק we have hopefully come to a more fulsome understanding of an entire ברכה. And perhaps this will also provide a deeper understanding of one of the primary themes of the High Holidays, God's kingship. As food for thought (because I have far exceeded my space constraints) it may be worthwhile to explore how our discussion above relates to the Talmudic debate<sup>24</sup> as to whether the מלכיות of פסוקים should be included in the third or fourth ברכה. And may we all spend a little less time spacing out in Shul this year.





# Davening for Our Family

Binyomin Pam



**A**s the ימים נוראים get closer, it is a time for reflection, introspection and assessment of where one was a year ago and where one wants to be this time next year. We channel our energies into davening for forgiveness from our עבירות and to be written and sealed into the book of life לטובה. As we consider the power of our prayers to influence the decision of the רבונו של עולם, perhaps it is worthwhile to reflect on the following questions on the topic of תפילה:

- **Question #1:** The גמרא ברכות לד ע"א states that one is not permitted to make personal requests during the first and last three ברכות of שמונה עשרה because they are there strictly to praise and express gratitude to Hashem. This begs the question, why during the ימי תשובה do we insert the request for life of זכרינו לחיים and other requests along the same lines?
- **Question #2:** The הלכה is when one davens שמונה עשרה that if one did not have כוונה by the first ברכה that he is not יצא and must go back and repeat it again. Although we no longer follow this practice because we are afraid that we may not have כוונה the second time either, the position still remains that it is of higher importance to have כוונה during the first ברכה than the others. What is special about the first ברכה that earns this element of superiority?
- **Question #3:** תפילה is a time when we have the opportunity to have a private one-on-one meeting with the רבונו של עולם. We can ask for help or simply express gratitude. If any of us would want to have a meeting with any politically powerful or otherwise influential figure, להבדיל, it would be impossible to even obtain a meeting unless we were very close with him or closely connected to someone close to him. If we were lucky enough, we would then have to go to their inner office such as the oval office to have this conversation as it states in מגילת אסתר ד:א בית המלך "מגילת אסתר ד:א

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Binyomin Pam and family joined BKNW in 2007.  
He is the grandson of R' Avrohom Pam זצ"ל.

הפנימית.” When we daven, we are basically having this conversation with Hashem in His private meeting room. The question then is: What gives us the right and the chutzpah to “barge” into the private office of the רבונו של עולם three times a day, day after day, and expect each time to have a private audience with Him?

### Who is at the Door?

All of these questions can be answered by understanding our special connection that we have to the רבונו של עולם. Our forefathers, אברהם, יצחק, and יעקב were all extremely close to Hashem as is evident in the תורה, and this closeness is fundamentally different from any other relationship that Hashem had or has with anyone else, including משה רבינו.

If someone we never met before would knock on our door and ask for help, we might be reluctant to invite them in. However if they state that they are the child or grandchild of our dearest and closest friend, we would immediately welcome them in and offer to help them in any way possible. Why? Not because of who they are but because of who they're related to and helping them is helping your friend. So too, says Rabbi Moshe Meir Weiss, we come to the house of the רבונו של עולם three times a day. We knock on His door and the first thing we say is who we are related to. We name drop. “You Hashem are אלהי אברהם אלהי יצחק ואלהי יעקב. These people that You hold so dear to you, we are their children - זכור חסדי אבות ומביא גואל לבני בניהם...” Once the רבונו של עולם hears that, He invites us right in. That is why the first ברכה is crucial. For without that זכות אבות, we would not even have access to ask for the other things in שמונה עשרה.

### Behaving Like a Family

So if we are coming to the רבונו של עולם and using familial connections to get in, then it is incumbent upon us to make sure that we behave like we are family, because the רבונו של עולם will look at how we regularly act toward our other brothers and sisters who are also descendants of אברהם, יצחק, and יעקב. Hashem will be concerned with how we relate to them, our extended family.

If you are busy and someone asks you for צדקה, do you give kindly or do you get annoyed because you were interrupted? If a man learning in Kollel approaches you for help marrying off a child, do you question why you should help him because he made the decision to sit and learn all day, and these are “the consequences”? Do you treat other types of Jews that are different from you the same way that you treat Jews who you identify more closely to? Do you really worry about other Jews or do you merely go about your day only taking care of yourself? If you are that type of person that does

not exhibit warmth, caring and compassion for the welfare of your Jewish brethren, then when you daven to Hashem and use this “password” to get in, Hashem may respond: “You claim to be related to אברהם, יצחק, and יעקב but you don’t behave like you are related. You don’t treat my other children as if they are your own brothers and sisters.” In that instance, name dropping will not work and one cannot even get in.

The טור אורח חיים קיב:א says that only personal requests are not allowed in the first and last three ברכות of עשרה. If one looks at the texts of זכרינו לחיים and the other insertions, they are all said in the plural form. We are not asking for ourselves but rather for all of ישראל: ... וכתבינו... כלל ישראל: זכרנו לחיים טובים כל בני בריתך... וכתב ונכתב לפניך אנחנו וכל עמך בית ישראל. Therefore, this is the most appropriate place to insert these extra “requests.” They show Hashem that we are thinking and praying for all of His children, not just ourselves.

### Rav Pam’s Concern for his Family

I once came to the house of my grandfather, R’ Avrohom Pam זצ”ל and witnessed something quite unusual. My grandfather was sitting in his room sobbing with tears streaming down his face. Anyone who knew my grandfather knew that he never wasted time and he spent every available minute of the day learning. Yet, this time he was just sitting and sobbing. After he had collected himself, I inquired as to what was upsetting him. He responded: “What happened this morning, the signing of the Oslo Accords at the White House, was a tragedy to the Jewish people. If one learns ג”ך, one knows that this path will never lead to peace. This will only lead to more loss of life of our brothers and sisters. I don’t know if I’ll be around to see it but you certainly will. How can I not cry?” This is what it means to truly feel that all of ישראל, whether religious or not, whether they live near or far, or whether they are not even born yet, is our family and any harm that may come to them even in the future, hurts us in the present.

The גמרא בבא בתרא קטז ע”א states that if one has a sick person in their house, they should go to a חכם (i.e., תלמיד חכם) and ask him to daven for the חולה. Why? One of the reasons provided is that although the חולה might be deserving of this suffering, the תלמיד חכם isn’t and if the תלמיד חכם davens and the suffering is not alleviated, the תלמיד חכם will suffer as well since he is thinking and worrying about the one who is suffering. Therefore, Hashem will not allow this sick person’s suffering to continue so as not to hurt the תלמיד חכם.

## The Message of אחדות – The Message of Family

When there is אחדות in כלל ישראל, there is a special protection afforded us personally for the simple reason that we are connected and everyone will be affected if something bad were to happen to any one of us. Recently, עם ישראל suffered a terrible blow when three of our brothers were kidnapped and murdered in cold blood. What happened subsequently though was amazing and truly a tremendous זכות for the boys. All of כלל ישראל came together like never before. Whether religious or not, to the right, left or anywhere in between, from Israel or abroad, כלל ישראל came together because we are one family.

Many have tried before to engender a sense of אחדות broadly throughout כלל ישראל. However, it appears that none have ever managed to achieve in such a short period of time what was tragically accomplished by the “קרבתנו” - our three boys, Naftali Frankel, Eyal Yifrach and Gilad Shaar, ה' יקם דמם.

It is also no coincidence that immediately thereafter when thousands of rockets were targeting all of ארץ ישראל, Hashem, in an undeniably miraculous way, protected “our family.” Hashem showed us this special protection only after we demonstrated that we are all brothers and sisters and that we all care about one other.

In the merit of our three boys that enabled us all to connect deeply and globally to each other in a way not seen for a very long time, may we merit the ultimate salvation in the coming of משיח.

# Eating of Simanim on Rosh Hashana

Joseph Etra



Every school child can tell you that we eat special foods on ראש השנה night,<sup>1</sup> whether apple-dipped-in-honey, specific vegetables, or other family traditions. This article explores the reasons why we do so, primarily on a global level – that is, the underpinnings of the more general מנהג rather than of those specific סימנים or behaviors. In doing so, the history, rationales, and potential pitfalls of the customs will be explored.

## Origins

Very similar Gemaras appear in כריתות ו"ע"א and הוריות יב"ע"א. In both instances, following a discussion of why משיחה (anointment during the coronation ceremony) of kings takes place along a נחל (river), there is a discussion of other behaviors done לסימנא, as a sign. In הוריות אביי comments: השתא דאמרת: סימנא מילתא היא, [לעולם] יהא רגיל למיחזי בריש שתא קרא ורוביא, כרתי וסילקא ותמרי. Similarly, in כריתות אביי comments: השתא דאמרת סימנא מילתא היא, יהא רגיל איניש: למיכל ריש שתא קרא ורוביא, כרתי, סילקא ותמרי. That is to say, some value is attributed to seeing (למחזי), eating (למיכל) certain species of produce at the beginning of the year.

Though the גירסא in הוריות to "למיכל" to match changes the מסורת הש"ס (while also noting that the Aruch had the גירסא of (למחזי) גירסא), many ראשונים and אחרונים do not appear to believe that אביי required eating the סימנים.<sup>2</sup> The Aruch חיים סימן תקפג, however, cites both Gemaras as saying למיכל. So too,

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1 For discussions of whether the appropriate time to eat these סימנים is the first night of ראש השנה, both nights, or the entire ימי תשובה, see א"ע"א, עשרת ימי תשובה. אורח חיים סימן תקפג.

עין ר"ן ראש השנה יב"ע"ב בדפי הרי"ף (למיתי), המאירי הוריות יב"ע"א (ליתן על שלחנו), מהרש"א הוריות שם (יהא רגיל (למיתי) [למחזי]), אבודרהם סדר תפילת ראש השנה (ובתשובת הגאונים כתוב וכן מנהג כל החכמים שמקריבין לפניהן ... ומניחין ידיהן על כל אחד מהן), אורחות חיים חלק א' דין סדר תפילת ראש השנה (לחזי איניש), מחזור וטרי (ספר המנהיג הל' ראש השנה עמוד שד (לנקוט איניש and, סימן שכג (למחזי

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Joseph Etra lives in North Woodmere with his wife Rachelle, daughter Kayla, and numerous pets, real and imagined.

ליכול גירסא as being רוקח הל' ראש השנה סימן רא

The developed to eat the סימנים. Nonetheless, the ח"ה התקפג notes that, if for some reason you have the correct species but cannot eat it, you should still "see" it and perform the rest of your ראש השנה ritual.<sup>3</sup> Rav Moshe Shternbach (תשובות והנהגות ברסו) argues that those with the גירסא of "למחזי" require specifically taking in one's hand and looking with כוונה (is not merely the literal "seeing") since eating does not appear to be unusual and, thus, does not seem to be a סימן. As a result, he advocates changing the מנהג to allow one to be both the seeing and eating שיטות. To do so, he suggests, one should pick up each סימן before המוציא and make the corresponding יהי רצון with שם ומלכות, קידוש and המוציא, and then say each יהי רצון with שם ומלכות and eat the corresponding סימן.

Returning to the Gemara, אבי merely advocates eating (and/or seeing) these specific species. He provides neither elaboration as to the rationale for doing so, nor how the enumerated foods were selected and, thus, what else could be used for the same purpose. Unlike our later sources (and, seemingly, our מנהג), he does not mention saying any תפילות or explanatory text.

### *Nichush* (Omens)

Before discussing the evolution from אבי's statement to our current מנהגים, it is necessary to address the major objection that has been raised to the inclusion of the "סימנא מילתא" in our ראש השנה traditions – ניחוש (relying on omens).<sup>4</sup> Why then may we eat these סימנים on ראש השנה – if we believe that eating them has no effect, then there is no purpose in doing so (and seemingly such conduct will run afoul of the רמב"ם's dictate that one should avoid putting stock in silliness). But if we believe that eating these סימנים will have predictive or actual effects, how is it permissible to do so?

מרדכי and ראב"ה ראש השנה סימן תקמו, אור זרוע הלכות ראש השנה סימן רנו note that this question dates back to Geonic times. However, in the words of the אור זרוע, the others saying similarly:<sup>5</sup> כי הניחוש כזה טוב הוא. Literally, ניחוש like this is good and primarily based on אגדות and מקרא. But what does this mean? Are these ראשונים arguing that our ראש השנה סימנים are actually ניחוש but are still permissible? Perhaps. Arguably, what we eat (and say) does not have a downside – if we eat it, we gain a

<sup>3</sup> The ח"ה also notes there that one is allowed to say יהי רצון even if he does not have the סימן available to him as it is a בקשת רחמים not a ברכה.

<sup>4</sup> A detailed discussion of the ניחוש of איסור is beyond the scope of this article. See, סנהדרין סה; דברים יח:ד on ספורנו and רמב"ן, רמב"ם הלכות עבודת כוכבים יא:ז, יא:טז; חולין צה: See also, חולין צה:.

<sup>5</sup> The first half of this also appears to also be the answer of the (סדר ר"ה סימן רפג) הלקט שיבולי הלקט: וכל זה נחש לטובה היא

benefit; if we don't, there are no actual direct consequences (and 'ה may still increase our merits, smite our enemies, etc.).<sup>6</sup> While this is a reliance on signs, according to this interpretation, it is not the אסור form of נִיחוש. Looking at the latter half of the answer, however, leads to a slightly different approach. Stress is placed on the fact that this מנהג is based in large part on פסוקים and אגדות and, subsequently, a פסוק from נחמיה<sup>7</sup> is quoted to explain eating sweet and fatty things on ראש השנה. It thus appears that any conduct established as acceptable in תורה שבכתב or תורה שבעל פה cannot be impermissible based on נִיחוש. In light of עזרא and נחמיה's exhortation and the inclusion of אביי's seemingly unopposed statement, this מנהג cannot be אסור.

The (באר הגולה באר השני פרק ז) מהר"ל<sup>8</sup> provides a different explanation. The דע, כל גזירת עליונים, כאשר תצא הגזירה אל פעל הדמיון תהיה (בראשית יב:ו) רמב"ן writes: הגזירה מקיימת על כל פנים. ולכך יעשו הנביאים מעשה בנבואתם. In the view of the מהר"ל<sup>8</sup> (and the אדם [חיי קלט] חיי אדם), this teaches that once there is a סימן in the physical world that a particular divine גזירה will occur, it will come to fruition. We eat these species which are טובים, therefore, to make sure that a positive גזירה will come to pass. For the טובים to have an effect, then, ה' must already intend to do what we are requesting (but might, in the absence of our actions and prior to דיין, change His mind). This caveat would seemingly explain why eating the designated species does not guarantee the desired result.

The (הוריות יב.) מאירי explains that eating the טובים could be אסור based on נִיחוש if one misapprehends their purpose. In his view, the intention of the מנהג is to utilize these items for התעוררות – דברי תשובה and proper conduct (דרך סימן לעורר בו לבבו להנהיגה טובה...תקנו לומר עליהם דברים המעוררים לתשובה). When performed properly, no attempt is made to predict the future or change a גזירה, merely change ourselves and, thus, it is not נִיחוש at all.

### Abaye's List

Though אביי's list is quite short, many additional טובים have been added by different communities. As the Gemara neither explained why these foods are eaten nor how אביי selected them, different approaches have been utilized over the generations.

Some focus on the properties of the טובים. (הוריות יב. ד"ה קרא) רש"י. טובים stresses

6 This appears to be the שיטה of the מהרש"א (אבל ... אבל). לרעה אין בהם שום הוראה דלרעה הוא אסור משום נִיחוש.

7 נחמיה ח:י - ויאמר להם לכו אכלו משמנים ושתו ממתקים ושלחו מנות לאין נכון לו כי קדוש היום לאדנינו ואל תעצבו כי חדות ה' היא מעוזכם

8 In the words of the מהר"ל<sup>8</sup> כדי: מהר"ל הוא חכמה נפלאה, לעשות לגזירה עליונה דמיון וסימן למטה, כדי: מהר"ל<sup>8</sup> כי שצא לפעל הטוב, ותהי מקיימת הגזירה לטוב, לכך ראוי לעשות סימן ודמיון, כמו שתמצא שעשו הנביאים

the roundness<sup>9</sup> of the enumerated vegetables, דהני גדלי לעגל ספי משאר ירקות, <sup>10</sup> In והני איכא דגדלי, however, כריתות, provides a different explanation, “ד”ה רוביא) רש”י, מהר ואיכא דמתקי, that some of the species grow quickly and others taste sweet. Similarly, the (הוריות יב) מאירי stresses the growth habits of the plants, that they grow quickly and/or produce a lot (מהם שגדלים מהר ומהם שגדלתם עולה הרבה).

Others focus on the names of the סימנים. The מרדכי (יומא רמז תרכג) assigns symbolism to the names mentioned by אביי – רוביא is similar to “רוב” כרתי, etc. Similarly, the תשובת הגאונים in אבודרהם cites a תפילת ראש השנה that it was customary to take a basket of produce and derive a סימן טוב from the name of each species. The (ראש השנה סימן כב) אגודה strongly opposes the מרדכי’s explanation noting, וקשה א”כ יאכל כל דבר, אם טוב הוא יהי’ כנגד ישראל, ואם רעה הוא, יהפך כנגד שונאי ישראל. Seemingly, the אגודה thinks that the מרדכי’s סברא does not explain the inclusion of these specific species. Further, the application of the names with positive linguistic significance (like רוביא) to the Jewish people and those with negative implications from the same list (like כרתי) to our enemies seems to be a stretch. The אגודה, himself, thus focuses on the growth habits of these plants.

(פרי צדיק דברים לראש השנה השנה) רב צדוק הכהן מלובלין also claims to stress names: הענין הוא שהאכילות מורים לסימן טוב כפי שמותם. At first glance, however, his explanation seems to be focused elsewhere. After noting “דבראשית הבריאה” רב צדוק, “היה עיקר החיים דברי תורה וכן אפילו האכילה שהוא קיום החיים היה גם כן דברי תורה ואחר הקלקול שהיה על ידי אכילה שנעשה הערבוב טוב ורע מכל מקום כשמגיע היום” continues: “טוב של ראש השנה שהוא יום הרת עולם יכולים גם כן לזכות לטעום רק מהטוב.” In other words, on ראש השנה, we are able to return to a state of being able to derive only the good – the תורה דברי – from eating. Perhaps, this is why he advocates eating the סימנים whose names imply benefit to us.<sup>12</sup>

Another סברא is that of the שפת אמת לראש השנה תרל”ב. He argues that the

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<sup>9</sup> רש”י provides no explanation as to why the shape matters. Perhaps, this represents the life cycle, as at a סעודת הבראה eaten by אבלים upon their return from the cemetery. Another possibility is that the roundness represents the continuity of time.

<sup>10</sup> The Kloisenberger, דברי יציב (אורח חיים סימן רנב), notes that this fits well with our גירסא “למה” “זי”, as then appearance rather than taste would be important.

<sup>11</sup> See also אריז”ל<sup>5</sup> of the תלמיד רב בנימין הלוי חמדת הימים (חלק ג, פרק ו) דאף דרר: סימנים that can be drawn from the names of the סימנים which raises similar concerns as to the conclusions that can be drawn from the names of the סימנים. See, similarly, דף נד, ראש השנה, עמוד הדיון, דף נד, דילמא חס ושלום בהפך. Unlike the אגודה, however, the חמדת הימים explains that the purpose of the סימנים is התעוררות (like the מאירי) and the names of these species remind us of things for which to Daven.

<sup>12</sup> See also חמדת הימים citing the opinion of מהר”ח הכהן that we are contrasting ourselves to אדם הראשון who was created on ראש השנה and warned not to eat from the הדעת and we are saying: ראה כי אנתו לא נאכל זולת דברים המועילים שיש בהם זכרון טוב לתקן מעשינו ולהחיות את נפשתינו לעבדך באמת



reason to eat the species enumerated by אב״י is that we are only allowed to hint to our worldly needs in such a way that it is a יתברך ה' רמיזא דחכמתא לעבודתה ה' יתברך. אב״י selected foods that allow to us mention appropriate things. Similarly, R' Dovid Dov Meisels wrote in his 1993 sefer, ומשום שאין מבקשים ביום הדין, ויקהל דוד, אלא שגם כל עניני העולם הזה רמזים הם למלכות על עניני עולם הזה אלא על מלכות שמים בלבד...אלא שגם כל עניני העולם הזה רמזים הם למלכות שמים ועשויים לסייע לעבודת השייט ולקבלת עול מלכותו, לכך גם מבקשים על הענינים של העולם הזה בדרך רמז בלבד, ע"י סימנים אלה.

### The Evolution of the Minhag

Neither אב״י's statement nor the ensuing מנהג was codified by the רמב"ם, ר"ף, or רא"ש. Nonetheless, the custom evolved and survived, making its way into the טור, ערוך, שלחן הרב, שלחן ערוך הרב, etc.

Many different versions of the custom exist. Most commentators cite אב״י's list, though there is some question as to the identity of some of the included species. There are numerous additions, both genres and species.

### Sweetness

As discussed, supra, the אור זרוע, מרדכי, and אב"ה stress eating and drinking sweet and fatty things based on עזרא's exhortation to the people.<sup>13</sup> The מהרי"ל<sup>14</sup> and רוקח each cite various additional פסוקים as proof of longstanding traditions of eating sweet things ראש השנה סימן ז (ראש השנה סימן ז) and (מנהגים) הלכות ראש השנה סימן ז. Similarly, per the אגודה (ראש השנה סימן כב), the גאונים ate both honey and sweet apples,<sup>14</sup> albeit seemingly not together as we do (כתבו הגאונים). (הילכך רגילין לאכול דבש ותפוחים מתוקים סימן לשנה מתוקה).

### Newness

Both אב"ה and (הלכות ראש השנה שד) ספר המנהיג (סימן שכג) מחזור ויטרי cite a מנהג attributed to the Jews of Provence to place new produce on the table as a טוב סימן. It is noteworthy that neither mentions eating it. ויטרי's version, כל דבר חדש וקל, seems to require (and logic dictates) that the selected items also be of a quality representative of טוב סימן.

13 Rav Klonymus Kalman Epstein, the 18th century Chasidic master better known as the והטעם, כי המשכת: ראש השנה gave a different explanation for eating sweet things on the table as a טוב סימן. It is noteworthy that neither mentions eating it. ויטרי's version, כל דבר חדש וקל, seems to require (and logic dictates) that the selected items also be of a quality representative of טוב סימן.

14 It is true that early sources are generally believed to utilize תפוח to mean something other than apple – it is usually described as a citrus fruit. Such an interpretation would fit well with the טור's mention of אתרוג as a טוב סימן. However, a citrus fruit would not generally be used as a sign of sweetness so perhaps the אגודה is using the word תפוח as we do.

## Names/Descriptions

The many additional סימנים that have been added based on their names can be divided into two categories – those based on the name itself (ראשׁ's list in the מרדכי's view) and those based on the description (ראשׁ/כבש/איל/דג).

There are too many to list them all, however, some of the older מנהגים are as follows: The מרדכי and ראב"ה cite a custom to eat ראשׁ כבש so that ה' will decree us to be ראשׁ ולא לזנב. The אבודרהם, among others, noted that the מהר"ם used to use ראשׁ איל as a זכר to יצחק של יצחק. Some say that he used to dip it in honey. Similarly, the אורחות חיים brings down a מנהג to eat the head and lung ("ריאה") of an איל as a זכר to the עקידה – the head since it is ראשׁ אברים and the lung, שמאירה את העינים.

## Properties of the Food Source

Surprisingly in light of the סברות ascribed to אב"י by רש"י and the מאירי, few additional סימנים developed taking into account the growth and productivity of the food source. Most notably, the אבודרהם mentions eating fish לפרות ולרבות and נרבה זכיות כרמון (presumably referring to the large number of seeds in a pomegranate).

## Tur, Shulchan Aruch, et al

Having discussed the evolution of מנהג, it is interesting to see how it is codified by the later ראשונים. The (אר"ח סימן תקפג) טור cites a slightly different version of ראב"י's list but continues לפי מנהגו and from that list, various customs developed, and every place should follow its own version – before concluding by listing many of the individual מנהגים referenced above. Unlike the טור, the מחבר and רמ"א both specify customs without recognition that there is a broader spectrum extant and acceptable.<sup>15</sup> The מחבר brings down ראב"י's list and ראשׁ כבש רמ"א adds apple in honey, רימון, sweet things, and בשר שמן. It is also interesting to note that the טור's list differs significantly from those of the מחבר and רמ"א, likely based on exposure to different communities and, perhaps, מנהגים that continued to evolve.

וה"ה מה שנקרא בלשונות אחרים לשון רביה יאכל כל מדינה suggests: משנה ברורה Foods whose names imply increase in number in the vernacular of a locale should also be eaten on ראשׁ השנה.<sup>16</sup> This is based on a אברהם citing to a Gemara on ב"ע"ב which shows that the local language and pronunciation matter in interpreting dreams.<sup>17</sup> As explicated by the מחצית הרי דתלוי לפי ענין" – סימנים מן אברהם, the השקל is expanding this concept to the

15 The וכל מקום לפי מנהגו and concluding מנהגים echoes the טור's approach listing ערוך השלחן

16 The ריבוי אדם (הלכות שבת ומועדים כלל קלט) also mentions use of Yiddish names implying

17 . הרואה חתול בחלום, באתרא דקרו ליה שונרא - נעשית לו שירה נאה, שנירא - נעשה לו שינוי רע

לשון המקום והמדינה.” It would make sense then – as the language used by the סימנים “linguistic significance” also suggests – to use “linguistic significance” only in languages which are spoken in the place where you are (or at least in which you personally are fluent).

Unlike the מגן אברהם and משנה ברורה, ערוך השלחן expands the use of סימנים in one’s own language beyond “ריבוי” to any other appropriate message. He also mentions that the custom where he lived was also to take foods whose names in the vernacular were similar to those on אבבי’s list – קרוי“ט (cabbage) sounds like קרא, a fish called כרה which sounds like כרתי, etc. This “sound-alike” approach appears to be a חידוש, albeit arguably a logical extension of the rather loose “rules” used to add סימנים.

Some English language סימנים exist. One, attributed to Rav Heinemann, requires eating lettuce, half a raisin, and celery (“let us have a raise in salary”).<sup>18</sup> Others, cited by Rabbi Avrohom Blumenkratz in his pamphlet *The Laws of The Y’Mei Hanoraim* (p. 17), include sardines<sup>19</sup> (סר דין), lettuce (“let us have a good year”), and ice cream (“I scream for a good year.”).

### What to Say

As mentioned earlier, אבבי does not provide any guidance as to what, if anything, to say upon eating the סימנים. Many of the ראשונים also do not mention saying anything (see for example אבבי’s ראו, אור זרוע, מחזור ויטרי, שיבולי (הלקט). While the מרדכי explains the linguistic significance of אבבי’s chosen species, he does not appear to require vocalizing it (see, similarly, ספר המנהיג). The סור also does not mention saying anything as part of the ritual. The מחבר, ארמ”א, and most נושאי כלים, however, include saying יהי רצון explaining why we are eating each סימן.<sup>20</sup> Such seems to be the accepted מנהג at this time.

According to the ר”ן, רב האי גאון, used to have a basket of the various species enumerated by אבבי brought to him and would pick each one up say a brief explanation of the significance (קרא יקרע גזר דיננו רוביא). The מנהג, אבודרהם, also citing this מנהג, notes that there are those who utilize יהי רצון form in doing so (אלהינו ואלהי). (אבותינו...). The אורחות חיים also includes saying יהי רצון as part of the custom.

As mentioned, supra, the מאירי worries that the מנהג of eating סימנים on ראש השנה, if performed without correct intentions, might be ניהוש rather than the intended התעוררות. Accordingly, he stresses the importance of stating

18 See <http://www.star-k.com/kashrus/kk-Starting-the-New-Year.htm>

19 Seemingly, this uses the ערוך השלחן’s “sound-alike” doctrine.

20 The (אורח חיים סימן תקפג) ערוך השלחן: 1 suggests that whatever סימנים we eat – even lesser known local מנהגים and those in our own languages – should be accompanied by a יהי רצון: כול. דבר טוב אנו אומרים יהי רצון על עצמינו ואם להיפך אומרים על שונאינו.

the lesson of each סימן when you eat it, albeit seemingly not in form: וכדי שלא ליכשל בהם לעשות דרך נחש תקנו לומר עליהם דברים המעוררים לתשובה והוא שאומרים quotes from גבריאל הלכות ראש השנה פרק כט, הערה א... בקרא יקראו זכיותינו for good through סימן a מחזיק פה דיבור פה סימן for good through סימן a מחזיק פה דיבור פה. The Kloisenberger (דברי יציב אורח חיים סימן רנב) notes that nowadays it is possible that the סימן יהי רצון that we say is that much more important as the names and taste of produce might have changed.

R' Shlomo Kluger (חכמת שלמה אורח חיים תקפג) argues to the contrary: אין הכונה דרך תפילה דאין מקום לתפילה בשעת אכילה רק זה הוי לבטחון ואמונה כי מראה שהוא זה, יהי רצון, rather than the סימן, that is of primary importance. Likewise, R' Menashe Klein (סימן יא) argues that eating the סימנים is not "לתפילה." Rather, סימנא מילתא – the סימן itself has significance and effect: דע כי אכילת הסימנים אינם לתפלה אלא אדרבה עשיית: בקשות הוא מילתא: He concludes, however, that we should still say "אלא שהוסיפו אח"כ לומר תפילה על דרך בקשה שע"י."

## Conclusion

From a single general, tangential statement of אביי, the מנהג to eat סימנים on ראש השנה has evolved, proliferated, and endured. Despite the divergent rationales and practices, versions of this custom are almost universally practiced on ראש השנה. Whether eating (and/or "seeing") long established סימנים or those newly created, hopefully this year we will all successfully fulfill the goals attributed to אביי.

# Ahavas Yisroel

Avi Davies



Every year as we approach the ימים נוראים we inevitably begin to reflect and ponder all of the events that have occurred to each of us personally and collectively during the past year. We ask such questions as, have we always done the right thing? What could we have done differently? How can we improve ourselves? In his דרשה on the שבת before סליחות last year, Rabbi Lebowitz said that most people have confided that the feeling they have when אלול comes is one of fear – the fear of the unknown, the fear of what lies ahead, the fear that our lives may ultimately change in some bad way, and a fear that we are all alone. The tragic events in ארץ ישראל that have occurred over the past three months are enough to rattle any nation and yet they have only proven to strengthen our collective resolve, our אחדות, and our אהבת ישראל.

When כלל ישראל unites at any time it's a great thing. הלל tells us in פרקי אבות not to be "פורש מן הצבור" – *"Do not dissociate yourself from the community,"* telling us that every Jew must include himself whenever possible within the community. In addition, the תורה commands – "ואהבת לרעך כמוך" – *"You shall love your fellow like yourself."* (פרשת קדושים יט:יח) The הלכות דעות (ויג:) brings in "רמב"ם" – *"It is incumbent upon every person to love every single Jew like himself, as it says And love thy friend as yourself."* The בעל שם טוב tells us that אהבת ישראל extends even to a person that you do not know. The most apparent fulfillment of this מצוה is seen immediately after מעריב on the first night of ראש השנה – How excited we are to wish our good friends and complete strangers alike לשנה טובה תכתב. ותחתם לאלתר לחיים טובים ולשלום. We all give this ברכה to people we may have had differences with, or with whom we may not have spoken to all year.

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1 ספר היום יום מנחם אב כד: 1 (Compiled and arranged by the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, זצ"ל, in 5703 (1943) from the talks and letters of the sixth Chabad Rebbe, Rabbi Yosef Yitzchak Schneersohn, זצ"ל.)

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אהבת ישראל is a מצוה that must be felt internally. By nature a person only worries about himself. The Lubavitcher Rebbe<sup>2</sup> explains that the path to fulfillment of the מצוה of “ואהבת לרעך כמוך” is through realizing that Jews “all are of one kind having one Father.” The נשמה of every Jew is a “חלק ה” “ממעל”, containing a sliver of the עולם של רבונו and therefore all Jewish נשמות are united. When a Jew makes his נשמה primary and his גוף secondary, he can truly feel and fulfill כמוך לרעך. This of course is manifested by a person’s actions in this world (for which the הקב”ה rewards us in the world to come).

The מגן אברהם<sup>3</sup> cites the אריז”ל who stated that before beginning עשרה שמונה one should “יקבל עליו מצות עשה של ואהבת לרעך כמוך” - “accept upon himself the Torah commandment of Love thy friend as thyself.”<sup>4</sup> In addition the קיצור שו”ע writes: “גם יקבל עליו קודם כל תפילה מצות ואהבת לרעך כמוך ויכון לאהוב את כל אחד מישראל..” “..accept upon himself prior to each prayer the commandment of ‘Love thy friend as thyself’ and have intention to love every single person in Israel.” A possible explanation for these peculiar suggestions is that our requests of the רבונו של עולם will be more readily answered when we acknowledge that we love His children, our brothers, and will do anything for them. In turn, as our Father, He will naturally bestow His kindness upon us. אהבת ישראל is at the root of not only בין אדם לחבירו but also our relationship למקום בין אדם למקום.<sup>5</sup>

Although each and every one of us should strive throughout the year for Jewish unity and אהבת ישראל, it is even more important for us to focus on improving, correcting, and establishing our relationship לחבירו during אלול and the ימים נוראים. Besides for the ability to improve, correct, and establish our relationship לחבירו, it can help us the same in our relationship למקום. If we can accomplish this, we will surely be on our way to ensure that the coming year will be special.

While I was recently looking over the תפילות יום טוב, someone pointed out that at the end of ש”ץ we say:

אבינו מלכנו זכר רחמיך וכבוש כעסך וכלה דבר וחרב ורעב ושבי ומשחית ועון  
ומגפה.....וגזירה רעה ושנאת חנם מעלינו ומעל כל בני ברייתך

*Our Father Our King, remember your compassion and  
suppress your anger, bring an end to pestilence, bloodshed,  
famine, captivity, destruction, iniquity, plague...and evil  
decree, and baseless hatred from upon us and from all  
members of Your covenant.*

<sup>2</sup> בעל שם טוב in the name of the ליקוטי דיבורים ח”ג דף תסד 2

<sup>3</sup> מגן אברהם בשו”ע אורח חיים ס’ מו 3

<sup>4</sup> The Alter Rebbe in סודו תהלת ה’ says “before prayer it is proper to say” I take upon myself the positive commandment of Love thy neighbor as thyself”

<sup>5</sup> הבעש”ט - אהבת ישראל איז אהבת המקום, בניס אתם לה’ אלהיכם, אז מען האט האלט דעם פאסער האט מען האלט די קינדער.

We implore ה"קב to remember his compassion and bring an end to all calamities that have befallen or may befall us such as plague, famine, destruction. But then right at the end of this list, it lists שנאת חנם! This appears to be grossly misplaced. After listing these horrible curses, how odd is it to mention שנאת חנם?! שנאת חנם is something that is propagated by כלל ישראל in this world?! It's not like the rest of the list which are under the rubric of "גזירה רעה." I believe that the answer is simple. It is a powerful reminder that שנאת חנם among us is the root cause of all these curses. If we are able to put aside our differences and remain strong to our אהבת ישראל, to the "חלק אלהים ממעל" in each Jew which unites us all, then ה"קב will remember us and protect us.

Last year during אלול, some of us may have felt the fear of being alone and lost, the fear that Rabbi Lebowitz alluded to in his דרשה. However, after witnessing the tremendous אהבת ישראל during the past few weeks, we should no longer be fearful. Rather, we should draw tremendous חיזוק that as a member of כלל ישראל you are never alone in this world. In the זכות of properly fulfilling the מצוה of ממוך כמורך מצוה, ואהבת לרעך כמוך, we should all look forward to חודש אלול and embrace השנה ראש for what it is, the greatest period of אהבת ישראל throughout the year.





# Eating Prior to Tekiyas Shofar

Elli Ganchrow



For many Jews, the ראש השנה davening is a highlight of the Jewish calendar. It also tends to be the longest davening of the year (other than יום כיפור). The length of the davening on ראש השנה presents a unique paradox. On one hand, ראש השנה is a festival in which all Jews are required to rejoice<sup>1</sup> and eat a festive meal (and in which case it may be forbidden to fast beyond חצות),<sup>2</sup> while on the other hand, the length of the ראש השנה davening means that the festival meals will not begin until early-to-mid afternoon and therefore people go without food for a large portion of the day. Beside the fact that it seems contrary to the festival spirit to fast until mid-afternoon, it is difficult for many people (including the elderly and the very young) to not eat anything until so late into the day. It has therefore become customary for many ישיבות (and some shuls) to take a break for קידוש prior to the blowing of the shofar. Yet in most shuls (including the Beis Haknesses of North Woodmere) no קידוש break is made and eating is not allowed until the completion of davening. What is the basis for the custom to make a קידוש break? Why do so many shuls reject this custom? Even if this custom is rejected, are there certain classes of individuals who are allowed to eat prior to תקיעת שופר? This article will take a brief look at some of the issues surrounding this controversy.

## Reasons to Permit Eating

A cursory review of the תלמוד and the שלחן ערוך reveals a number of examples where the רבנן forbade the eating of a meal prior to the performance of a מצוה. Such examples include the recitation of מנחה (שבת ט ע"ב), the reading of the מגילה on פורים night (רמ"א תרצב:ד), reciting קריאת שמע and עשרה שמונה עשרה (סוכה לח ע"א) and performing נטילת לולב (ברכות ד ע"ב). The reason

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1 שלחן ערוך תקצז:א – One should eat, drink, and rejoice and should not fast on ראש השנה or on שבת טובה

2 שלחן ערוך רפח:א ומשנה ברורה תקכט:א

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cited by רש"י for this prohibition on eating prior to the performance of these מצוות is that a person may get too involved in his meal, which may lead to his forgetting to perform the applicable מצוה. However, neither the תלמוד nor the שלחן ערוך bring down this prohibition in connection with eating prior to תקיעת שופר. This has led some אחרונים to defend the practice of eating prior to תקיעת שופר.

One such defense is presented by Rav Shimon Sofer (a grandson of the סופר<sup>3</sup> שו"ת התעוררות תשובה סימן רכ"ה in חתם סופר). Rav Sofer explains that the concern that one may forget to blow the שופר is not relevant because the fear that is felt by Jews on the Day of Judgment would not allow us to overlook the main מצוה of the day. Rav Sofer also explains that, during the time of the בית המקדש when the סנהדרין would establish the new moon based on eyewitness testimony, the שופר was not blown on ראש השנה until the witnesses arrived and were accepted by the סנהדרין. As it was possible that the acceptance of the testimony would not occur until much later in the day, חז"ל did not prohibit eating on ראש השנה prior to תקיעת שופר as this would have presented too great of a burden on the nation to not eat for so many hours.

Another such defense of the מנהג to allow a קידוש break is brought down by the ציץ אליעזר (Rav Eliezer Waldenberg).<sup>4</sup> The ציץ אליעזר explains that, as noted above, the reason for the prohibition on eating is that we are afraid that people will overlook the מצוה due to the eating activity. On ראש השנה, the entire congregation would eat together during the קידוש break and the entire קידוש break is over in a short period of time. It is therefore unlikely that anyone would forget about the מצוה of שופר due to such a short קידוש break.

One final defense is presented by Rav Moshe Shternbuch (מועדים וזמנים) who points that there is a מצוה to rejoice on ראש השנה and a Jew cannot rejoice on this holiday if he is not eating until mid-afternoon. He also quotes the prohibition to fast beyond הצות on שבת and festivals as a basis to allowing eating prior to תקיעת שופר.

### Reasons to Prohibit Eating

Although there a number of אחרונים who are lenient with respect to eating prior to תקיעת שופר, there are many who opposed the practice. Among the

<sup>3</sup> Contrast this position with the position of his grandfather, as cited below in footnote 6.

<sup>4</sup> As quoted in "Eating and Drinking before Hearing the Shofar" by Rabbi Moishe Dovid Lebovits in Halachically Speaking, Volume 8, Issue 6

most outspoken on the issue was Rav Yosef Eliyahu Henkin<sup>5</sup> (whose position on the issue has been continued to be advanced by his grandson, Rav Yehuda Henkin). Rabbi Howard Jachter, in his Kol Torah article “Eating Before Shofar Blowing”, provides some of the reasoning behind Rav Henkin’s strong opposition to the custom. Firstly, the משנה ברורה תקצוב rules that there is no prohibition to fast until ראש השנה on חצות (as opposed to all other festivals and שבת). Rabbi Jachter also quotes Rav Henkin’s argument that eating is permitted before תיקעת שופר only for those with a special need, not for an entire Yeshiva.<sup>6</sup>

Another reason to prohibit a קידוש break can be expressed through the following story which is quoted by Rav Moshe Aberman, in his article “Eating Prior to Tki’at Shofar” (Issue 53 of Torah Mitzion, September 11, 2004). Rav Aberman relates that he heard a שיעור from Rav Aharon Lichtenstein on this issue. “At the conclusion of the שיעור, Rav Lichtenstein stated that either position could be argued effectively. Upon hearing this conclusion, Mrs. Lichtenstein commented “That may be true but how can a Jew eat before hearing the שופר?” Rabbi Jachter relates in his article that, in fact, Rav Lichtenstein does not partake in any eating prior to תיקעת שופר at Yeshivat Har Etzion.

Many other leading גדולים were known to not partake in any eating prior to תיקעת שופר including Rav Moshe Feinstein, the Steipler, Rav Elyashiv and Rav Yisroel Belsky.<sup>7</sup>

### Leniency for Weak People

Rabbi Eli Ozarowski, in his article “Eating before Tekias Shofar”<sup>8</sup> quotes Rav Shlomo Zalman Auerbach (הליכות שלמה 2:1) as permitting a healthy person who is suffering from tremendous hunger to the point that his strength has weakened and he is unable to concentrate properly, to eat so that his strength will return. Rabbi Ozarowski argues that, based on this ruling, that even if

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5 Rav Henkin was known to communicate his strong disapproval of the custom to other גדולים. Rabbi Avraham Reit, in his sefer תקע בשופר, relates the following story in the name of Hagoan Rav Elimelech Bluth: When Rav Moshe Feinstein זצ”ל came to visit on ראש השנה ערב 5731, Rav Henkin implored him, ‘You are out in the world, and people respect you. Please do something to stem this breach of הלכה.’ At the time Rav Moshe listened in silent respect. Upon leaving, Rav Moshe commented to those accompanying him, ‘How can I abolish something instituted by Rav Yisrael Salanter?’

6 Rav Henkin bases this on the ש”ת חתם סופר יורה דעה סימן ז who permitted an epileptic to eat because doctors warned that his failure to eat for a prolonged period could cause the individual to have a seizure. It therefore seems that the חתם סופר (and Rav Yehuda Henkin by extension) would allow eating only in cases of extraordinary need.

7 As quoted by Rav Lebovitz

8 This article can be found in the Yeshiva University Rosh Hashana To-Go, Tishrei 5771

a person is not yet feeling weak, if he believes that he will feel weak later during davening, that such a person can eat even when he is feeling fine. However, according to Rav Shlomo Zalman, if such a person will feel better by eating less than a כזית of food, then such a person should limit his eating to this small amount.

### Tasting (*Te'ima B'Alma*)

Our מרא דאתרא, Rabbi Aryeh Lebowitz, in his article “Eating before Tekias Shofar” raises the issue of whether eating a small amount of food would be permitted prior to תקיעת שופר. Rabbi Lebowitz quotes the משנה ברורה תרנב:ז, who rules in the context of נטילת לולב בעלמא (a small amount of food) would be permitted prior to performing a מצוה whose time has already arrived. Rabbi Lebowitz points out that eating a small amount of food could be problematic for the following reason: שו”ת להורות נתן א:כט requires the eating of a כזית in order to fulfill במקום סעודה קידוש. The leniency בעלמא would only allow a person to eat up to a כביצה. Thus, Rabbi Lebowitz points out that the person making קידוש would have the very difficult task of needing to eat more than a כזית to fulfill the קידוש requirement but less than a כביצה in order to eat more than a בעלמא.

### *Ba'al Tokei'a*

As difficult as the challenge of blowing 100 תקיעות are on ראש השנה, it is even more difficult when the בעל תוקע hasn't eaten or had anything to drink all day. Blowing שופר with a dry mouth or an empty stomach can be a difficult proposition for even the most experienced בעל תוקע. It would seem that the reasons to be concerned about eating prior to תקיעת שופר (i.e., forgetting to perform the מצוה) would certainly not apply in the case of the בעל תוקע. It would also seem to fit into the category of a special need that even Rav Henkin would permit. In fact, Rabbi Lebowitz permits בעלי תקיעה to say קידוש and to eat prior to the commencement of the תקיעת שופר.<sup>9</sup>

### Women

There is a Halachic dispute as to whether women are obligated to hear תקיעת שופר. On the one hand תקיעת שופר is a time bound positive מצוה for which women are generally exempt (שלחן ערוך תקפט:ג), while on the other hand it's a מצוה for which women have accepted upon themselves as an obligation.<sup>10</sup> Although most women seem to hold by the opinion that they are obligated

<sup>9</sup> Personal conversation with Rabbi Lebowitz

<sup>10</sup> Rav Ozarowski, in his article, quotes Rav Akiva Eiger (סימן 1) that women have accepted the מצוה of שופר upon themselves

to hear תקיעת שופר, the קיצור שלחן ערוך קכט:יט holds that if a woman is weak and she needs to eat before תקיעת שופר then she may eat.

### Children

Leaving aside the disagreement as to whether adults can eat before תקיעת שופר, Rabbi Simcha Bunim Cohen in his Sefer "*Children in Halacha*" states in the name of the מועדי קודש that children, even those of חינוך age, may eat before the שופר is blown.

In conclusion, we have outlined the Halachic basis that ישיבות rely on in allowing a קידוש break prior to תקיעת שופר. We have pointed out that certain classes of individuals (women, children, the בעל תוקע) may be allowed to eat. We have also pointed out that there are many אחרונים that objected to the practice of having a קידוש break, and did not partake in any eating prior to תקיעת שופר.



# The Sounding of the Shofar: Psychoacoustics and the Soul

Richard Sidlow MD



The sounding of the שופר on ראש השנה is not unlike נטילת ארבע מינים and פסח on אכילת מצה or סוכות חס ישיבה בסוכה, is in many ways the defining מצוה for this יום טוב. Additionally, the שופר has historically-culturally been used for many purposes. As elucidated in the first פרק of Rav Amram Bouskila's comprehensive treatment of all things relating to the שופר in his book קול שופר, the שופר has been used as: an instrument of war, an instrument of announcement (for יובל, the coronation of a king, rebellion, שבת, the new month, excommunication, opening the doors of the בית המקדש), of demonstration, for warning of an impending enemy or natural disaster, for expression of happiness, during ספר תורה, for גרוש שדים, for allaying a drought, during המת/תקון המת, and at the time of childbirth, especially a primiparous one that is proving difficult. Within these שופר blowing occurrences, it seems there are very varied indications- holy versus profane times, auspicious events (both positive and negative), or life/death situations. But ultimately, and most basically, why do we use the שופר on ראש השנה? The purpose of this essay is to explore שמיעת שופר on תקיעת/שמיעת שופר from a most fundamental, phenomenological perspective, via exploration of two particular episodes in תנ"ך, and to use contemporary neuroscience as an aid in this task.

Beginning with the epiphany at הר סיני as recorded in ואתחנן and יתרו, an interesting difference exists in the language used in each פרשה to describe the same event. In ואתחנן ד:יא-יב it reads:

ותקרבון ותעמדון תחת ההר, וההר בער באש עד לב השמים חשך ענן וערפל. וידבר ה' אליכם מתוך האש, קול דברים אתם שומעים ותמונה אינכם ראים זולתי קול

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*So you approached and stood at the foot of the mountain, and the mountain was burning with fire up to the heart of heaven, darkness, cloud, and thick cloud. Hashem spoke to you from the midst of the fire; you were hearing the sound of words, but you were not seeing likeness, only a sound.*

In יתרו יט:טז-יט it reads:

ויהי ביום השלישי בהית הבקר ויהי קלת וברקים וענן כבד על ההר וקול שופר חזק מאד, ויחרד כל העם אשר במחנה. ויוצא משה את העם לקראת האלהים מן המחנה, ויתיצבו בתחתית ההר והר סיני עשן כלו מפני אשר ירד עליו ה' באש, ויעל עשנו כעשן הכבשן ויחרד כל ההר מאד. ויהי קול השופר הולך וחזק מאד, משה ידבר והאלהים יעננו בקול.

*On the third day when it was morning, there was thunder and lightning and a heavy cloud on the mountain, and the sound of the shofar was very powerful, and the entire people that was in the camp shuddered. Moses brought the people forth from the camp toward Ha-Elokim, and they stood at the bottom of the mountain. All of Mount Sinai was smoking because Hashem had descended upon it in the fire; its smoke ascended like the smoke of the furnace, and the entire mountain shuddered exceedingly. The sound of the shofar grew continually much stronger; Moses would speak and Elokim would respond to him with a voice.*

Then after (or during) the giving of the ten commandments, the פסוקים in יתרו כ:טז-יט read:

וכל העם ראים את הקולת ואת הלפידים ואת קול השפר ואת ההר עשן וירא העם וינעו ויעמדו מרחק. ויאמרו אל משה דבר אתה עמנו ונשמעה, ואל ידבר עמנו אלהים פן נמות.

*The entire people saw the thunder and the flames, the sound of the shofar and the smoking mountain; the people saw and trembled and stood from afar. They said to Moses, “you speak to us and we shall hear; let Elokim not speak to us lest we die”.*

The version in ואתחנן describes Hashem “speaking from the fire”, i.e. a superimposition, but not a melding, of visual and aural phenomena that the text emphasizes are not the same - “and your eyes did not see a form/likeness, only sound (קול)”. Additionally, the redundancy in this passage of “the sound of words (קול דברים)” and “only sound (קול)” is noteworthy, again emphasizing the distinction between what was occurring visually and sonically. In painting the visual aspects of the event the passage dramatically



describes in detail the variegated visual phenomena occurring at this time- “and the mountain was burning with fire up to the heart of heaven, darkness, cloud, and thick cloud.”

Contrast the above with the version in יתרו- “there was thunder and lightning and a heavy cloud on the mountain, and the sound of the shofar ...”; “... Mount Sinai was smoking because Hashem descended upon it in the fire and its smoke ascended like the smoke of the furnace ...”; “And the sound of the shofar grew continually stronger...”; and most importantly - “And all the nation saw the thunder and the flames and the sound of the shofar and the smoking mountain...” Again, visual and aural phenomena are described in this passage, the visual in various forms (lightning, heavy cloud, fire/flames, smoke of the furnace), and the aural as either thunder or the sound of a shofar, separate from each other.

However, the description here in יתרו ends with a crucial difference. פסוק י"ט melds the visual with the aural, i.e. “And all the nation saw the thunder and the flames and the sound of the shofar and the smoking mountain.” Professor Nahum Sarna in his commentary to שמות<sup>1</sup> explains this passage in the following way: “The root “ר-א-ה” “to see”, is extended to encompass sound, thus creating a “sense paradox.” The figurative language indicates the profound awareness among the assembled throng of the overpowering majesty and mystery of G-d’s self-manifestation. It is an experience that cannot be adequately described by the ordinary language of the senses. The encounter with the Holy universally inspires fascination; inevitably and characteristically it also arouses feelings of awe, even terror. Fear of death is a frequent reaction.” According to Sarna, the experience of the epiphany may not only have been one of a multivariate and overlapping sensory experience, hence the depiction of multiple, individualized “views” of the same event, but one that was even more dramatic, that is, one of sensory melding as depicted most starkly in יתרו כ:טו.

The experience of sensory modalities being cross-processed by the brain is one attested to in the medical literature, likened by some as a seizure-like phenomena called “synesthesia”. Visual input being experienced as sound, olfactory input being experienced as sight, numbers being processed as colors- all of these and many more pairs have been described and studied. The explanation given for this by one of the preeminent neuroscientists of our time, Rodolfo Llinas MD, PhD, involves crossed circuitry at the level of the sensory switching station of the brain, the thalamus. If a crossed thalamic pathway is

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1 JTS Torah Commentary פרשת שמות כ:טו-טז

static, one experiences synesthesia all the time, which is rare. But, theoretically, in an extreme situation, when the nature of the sensory input experienced is both qualitatively and quantitatively at the limit of what a particular human can process with fidelity, a person without a fixed “wiring problem” could have sensory signals jump across neurons devoted to a particular sense and be sensed synesthetically. The epiphany at הר סיני fits this description seamlessly.

While many פשטנים and others explain יתרו כ:טו as a well attested example of linguistic flourish (e.g. my heart saw, in my mind’s eye), אבן עזרא takes this approach in his “קצר” commentary and then seems to give a nod to the possibility of a more synesthetic approach in his “ארוך” commentary to שמות שמות אבן עזרא, “because all feelings/sensations join in one place”. (see his ארוך commentary on הכא for another example). The תורה תמימה (שם) mirrors אבן עזרא in this when commenting on one of the many מדרשים in the מכילתא on this passage. The quoted מדרש states on the words “וכל העם ראים...” – “מגיד שלא היה בהן סומין, ומנין שלא היה בהן אלמים שנאמר... (יתרו יט:ח) ויענו כל העם, ומנין שלא היו בהן חרשין, שנאמר (משפטים כד:ז) ויאמרו...נעשה “...And the entire nation saw... this is to say that there were no blind people, and from where do we know that there were no mutes? As it says “..and the entire nation answered”, and from where do we know there were no deaf people?, as it says “..we will do and we will listen.” As an explanation for this homily he states the well demonstrated occurrences in תנ”ך of sensory modalities linguistically being switched, but ends with the tantalizing clause – “וּסְעָם הַדָּבָר הוּא עַל פִּי מָה שֶׁכָּתַב הַטַּבְעִיִּים שֵׁשׁ חוּשׁ מְשׁוּחָף לְכָל הַחוּשִׁים” – “..and the reason is according to what the scientists wrote that there is [such a thing as] perception that is connected to all other perceptions”. Additionally, Rav Epstein cites the midrashic dispute as to whether these transformations experienced at מתן תורה were permanent, or whether they reversed during the העגל, a euphemism for השכינה. Rav Epstein is at least obliquely implying in his commentary the possibility of, at least on a temporary basis, a synesthetic experience having occurred in the context of the epiphany.

Rav Menachem Kasher compiles in תלפ”ח פרשת יתרו ס’ תלפ”ח no less than twelve מדרשים on כ:טו. The authors of many of these מדרשים use the juxtaposition of the word “קול” and “הקב”ה’s manipulation of the natural world and/or the giving of the Torah throughout תהלים as the connection to our passage in שמות. A selection of these read as follows:

[תלפ”ח]..רבי עקיבא אומר רואין ושומעין הנראה, רואין דבר של אש יוצא מפי הגבורה ונכתב על הלוחות שנאמר קול אדני’ להבות אש (מכילתא)

*Rabbi Akiva said- they saw and heard the visible, they saw*

*words of fire go out from the mouth of Hashem and write on the Tablets, as it says "the voice of Hashem is burning fire.*

[תלב] רבי יהודה אומר מדבר אדם עם חברו, הוא נראה וקולו לא נראה, וישראל שמעו קולו של הקב"ה ורואה את הקול יוצא מפי הגבורה וברקים ורעמים שנאמר וכל העם רואים את הקולות ואת הלפידים. (פרקי דרבי אליעזר מא)  
*Rabbi Yehuda says-when one speaks with his friend, he is visible but his voice is not visible, but Yisroel heard the voice of Hashem and saw the voice go out from The Gevurah, and thunder and Re'emim, as it says "and the entire nation saw the thunder and the flames*

[תלט] קול קולי קולות ולפיד לפידי לפידיים. וכמה קולות היו וכמה לפידיים היו, אלא שהיו משמיעים את האדם לפי כחו שנאמר קול ה' בכח. (מכילתא)  
*...how many noises/voices were there, and how many flames/torches were there? Rather it would be heard by a person according to his strength, as it says "the voice of Hashem with power*

[תמ]. את הקול לא נאמר אלא את הקולות, א"ר יוחנן כשהיה יוצא הקול לא היה יוצא אצל ישראל אלא לפי כחו של כל אחד ואחד, לפי מה שהיה יכול לסבול, מכאן הוא אומר קול ה' בכח, בכח של כל אחד ואחד... (פסיקתא חדתא)<sup>2</sup>  
*...The sound it does not say, rather the sounds. R' Yochanan says when the voice/sound [of Hashem] went forth, it went forth toward Israel according to the strength of each and every individual, according to what they could tolerate, from here it says 'the voice of Hashem with power', [according to] the power/strength of every individual...*

Rav Kasher adds to this latter מדרש in his notes from another version

וכל העם רואים את הקולות-מלמד שהקול היה מתחלף לכמה מיני מדות- כקול להבות אש שנאמר קול ה' חוצב להבות אש, כקול מים רבים שנאמר כקול מים רבים כקול שד' (יחזקאלא) כקול שאגת אריה שאג מי לא ירא, ה' אלהים דבר מי לא ינבא  
*...to teach that the thunder/sound changed into many types – like the sound of shafts of fire, as it says 'the voice of Hashem cleaves like shafts of fire', like the sound of mighty waters, as it says 'the voice of Hashem is like the sound of mighty waters like the sound of the Almighty', like the sound of a lion's roar, as it says 'A lion has roared, who will not fear? The Lord*

2 ועיין פסיקתא דרב כהנא סוף פרק יב על שמות כ:ד

### *Elokim has spoken, who will not prophesy?*

שמות רבה, chapters 5 through 9, has many examples of the above, with one in particular of note:

וכל העם ראים את הקולות- הקול אין כתיב כאן אלא הקולות. אמר רבי יוחנן  
היה הקול יוצא ונחלק לשבעים קולות...

*And the entire nation saw the sounds', the sound is not written  
rather the sounds. Says Rabbi Yochanan- the sound emerged  
and divided into seventy sounds...*

Several points derive from the midrashic treatment of our passage of focus: First, the voice of Hashem is understood and sensed in many ways, likened to many sounds. Second, the sounds heard at the epiphany at סיני were “personalized” based on individual ability to understand/withstand the experience. Third, that the sounds of the epiphany, the thunder and the שופר among others, were intermingled and perceived as such.<sup>3</sup>

Psychoacoustically speaking, the ability to hear different things within a particular sound is quite normal. All sounds, other than those emanating from a sine wave generator which are “pure” tones, are a combination of numerous sine waves vibrating at various amplitudes, wavelengths, frequencies, phase relationships, and envelopes. In addition, each of these tones naturally have other tones (overtones) which derive from it and add to any sound’s complexity, in addition to other characteristics that ensue depending on the medium through which it is propagating. Fourier transformation is the mathematical technique of taking wave functions and expressing them as the combination of many simple sine waves-our brain naturally does this to some extent, parsing out a portion of a complex sound to focus on based on its presentation, interest, or the acoustic characteristics of the location in which we may be perceiving the sound (think of orchestra versus balcony seats in a theater).

Switching focus to another epiphanic episode in תנ”ך, after אליהו הנביא hid from איזבל, the נביא reads as follows:

ויאמר צא ועמדת בהר לפני ה' והנה ה' עבר ורוח גדולה וחזק מפרק הרים ומשבר  
סלעים לפני ה' לא ברוח ה', ואחר הרוח רעש לא ברעש ה'. ואחר הרעש אש לא  
באש ה', ואחר האש קול דממה דקה. ויהי כשמע אליהו וילט פניו באדרתו ויצא  
ויעמד פתח המערה, והנה אליו קול ויאמר מה לך פה אליהו. (מלכים א':יט:יא-יג)  
*And He then said, “go out (of the cave) and stand on the  
mountain before Hashem’. And behold, Hashem was passing,*

3 בחומש מוסד הרב קוק, עמוס חכם בדעת מקרא-שמות יט:יט, כ:ט

*and a great, powerful wind, smashing mountains and breaking rocks, went before Hashem. "Hashem is not in the wind". After the wind came an earthquake, "Hashem is not in the earthquake". After the earthquake came a fire, "Hashem is not in the fire". After the fire came a still thin sound. It happened that when Elijah heard, he wrapped his face in a mantle, and he went out and stood by the cave's entrance; and behold, a voice spoke unto him and said "why are you here Elijah?" (Melachim I 19:11-13)*

This personal epiphany of אליהו that occurred at הר סיני, born out of disappointment in the state of ישראל and his own performance as its prophet, is depicted again as a multi-sensate experience involving touch, sound, and sight, each sense being separated explicitly. What is most interesting is the fact that within the "קול דממה דקה", Hashem chose to reveal Himself this time, explicitly excluding the other senses (אש and רוח) and rejecting רעש as the other aural experience listed in this scene. Could this be because the epiphany here is individual as opposed to national, hence less need for such dramatic pyrotechnics?

What is clear is that מפרשים on this clause felt strongly that unlike the epiphany in ואתחנן and יתרו, where the ten commandments (or at least the first two according to some, and the creation of the לוחות) uttered by Hashem were heard amongst many sounds, including thunder and the שופר, אליהו's sonic experience of the singular, thin, "silent" sound was the sound of הקב"ה Himself.<sup>4</sup>

The duality of sounds accompanying these two epiphanies was no doubt the inspiration of the composer of the prayer ותנה תוקף preceding the קדושה of ראש השנה on מוסף. Arguably the pinnacle of the ראש השנה liturgy, the text of this prayer unflinchingly reveals bare our tenuous existential state, and what accompanies this process? "ובשופר גדול יתקע, וקול דממה דקה ישמע", unqualified, unadulterated. It is to be understood by this usage that our poise on the יום הדין at this moment in the liturgy should be one of encountering Hashem as if we were both at הר סיני receiving the תורה, with the sound of the shofar as the only accompaniment that can be replicated today, and as אליהו הנביא, with the thin silent sound that accompanies utter despondency with our individual and collective existential state- both at the same time, heard as many sounds in one, perceived as individuals within a collective.

The blowing and listening to the שופר on ראש השנה, in light of the above,

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4 מצודת דוד, רלבג שם

can now be understood more precisely. The sound of the שופר, being the only remnant we have of the actual sensory experience of the epiphany at הר סיני, perforce cannot be adulterated in any way, hence the emphasis halachically on the nature of the שופר and the context in which it is blown on ראש השנה.<sup>5</sup> And given the complex nature of the sound of the שופר itself, it is easy to understand how within its various tones, overtones, and timbres, many things can be heard, and how the greater historico- cultural utility of the שופר could be manifold indeed.

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5 עיין משניות ר"ה ג:ג-ג, ו-ז' והרמב"ם הלכות שופר א:ה-ח

# Rosh Hashana: A day of fear or a day of joy?

Ethan Baraff



Rosh Hashana begins the ימים נראים, the holiest days of the year. On this day, which we also refer to as יום הדין, we focus apprehensively on the seriousness of the day as ה"קב sits in judgment. However, it is still a יום טוב with a lingering sense of happiness as we begin the year anew. These two attitudes can be confusing and are discussed amongst חז"ל, as they wonder: What is the proper attitude on ראש השנה? Is it a time of fear and trepidation or a time of celebration and happiness? The רבי אבהו quotes גמרא describing the discussion between the heavenly angels and ה"קב:

אמרו מלאכי השרת לפני ה"קב - רבש"ע מפני מה אין ישראל אומרים שירה לפניך בר"ה וביום הכיפורים? אמר להם אפשר מלך יושב על כסא הדין וספרי חיים וספרי מתים פתוחין לפניו וישראל אומרים שירה? (ראש השנה לב ע"ב)

*The heavenly angels said before ה"קב: Master of the universe, why doesn't Israel sing before You [Your praises – Hallel] on Rosh Hashanah and Yom Kippur? He responded: Is it possible for the King to be sitting in judgment with the books of life and death open before Him and they sing chants of praise?! (Rosh Hashana 32b)*

This is understood to mean that it is seemingly incongruous to portray happiness and sing songs of praise due to the seriousness of the day of ראש השנה as we sit in fear pondering what will be with our personal judgment. However, there is an opposing view, as mentioned by the טור:

מנהגו של עולם אדם שיש לו דין לובש שחור ומתעטף שחורים ומגדל זקנו ואין חותך צפרניו לפי שאינו יודע איך יצא דינו... אבל ישראל אינם כן לובשים לבנים ומתעטפים לבנים ומגלחין זקנם ומחתכין צפרניהם ואוכלים ושותים ושמחים בראש השנה לפי שיודעין שהקב"ה יעשה להם נס (טור אורח חיים תקפא:ד)

*The practice of the world is that any person who is subject to*

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*judgment dresses in black, grows his beard, and does not cut his nails as he does not know how the judgment will be rendered. But the Jewish people do not do this [on Rosh Hashanah]. They dress in white, cut their hair, cut their nails... On Rosh Hashanah we eat, drink and are happy because we are certain that He will perform for us a miracle (and forgive us).” (Tur O”C 581:4)*

There have been a number of attempts made to understand this inconsistency within our feelings over ראש השנה. Rav Shimshon Pincus<sup>1</sup> quotes R’ Yitzchak Zev Soloveitchik who explains this conflict based on a poem written by Solomon Ibn Gabirol. The poem, stated as if talking to ה”קב, reads in part:

אם אתה, הקב”ה, תפתח את ספר הזכרונות ותגלה שם את עוונותי להיכן אוכל להימלט? אליך!

*If You, Hashem, open the book of remembrance and my sins are revealed, where can I run? I will run to You!*

R’ Yitzchak Zev Soloveitchik explains that on יום הדין we have an awesome sense of fear and we have nowhere to turn, save our only practical and sound option which is directly to ה”, as we know ה” will forgive and save us. Consequently, this confidence in knowing that ה”קב will save us creates a certain level of joy and comfort. Therefore, the two feelings are not conflicting and incongruent; rather they are in tandem and as a result of each other. However, because of this special relationship, someone who does not have fear of sin and judgment will never gain that absolute feeling of security and comfort. If there is no fear there is no joy.

Rav Pincus further elaborates with a משל. A father and son are walking in a crowded area. Suddenly, the boy is missing. The father panics and frantically searches for his son. The longer they are away from each other the more painful the fear. Until, finally he sees his son again and they run into each other’s arms. The first embrace after the fear is extremely powerful and remarkably emotional. The fear turned into complete joy and delight. This feeling of utter pleasure only came about through the initial intense fear and it made the experience all the more powerful. Likewise, on ראש השנה we are standing before the עולם של רבנו with sheer terror of what may befall us this upcoming year. However, our realization that we actually have the ability to turn to ה”קב to comfort and help us transforms the trepidation into a passionate joy and love for ה”.

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1 תפארת שמשון, וזאת הברכה, דף שעב



This apparent emotional conflict on ראש השנה is discussed in שיחות בעבודה <sup>2</sup> which focuses the attention on the תפילות of ראש השנה. During our שמונה עשרה we say:

וידע כל פעול שאתה פעלתו ... ויאמר כל אשר נשמה באפו ה' אלהי ישראל מלך  
ומלכותו בכל משלה

*Let everything that has been made, know that You are its Maker...  
and let everything with a life's breath in its nostrils proclaim: "Hashem  
the God of Israel, is King, and His kingship rules over everything.*

We have two notions of ה'קב's leadership in this one sentence. We mention the term מלך in reference to being the King of Israel (מלך ישראל אלהי ה'); while the term מושל, ruler, is used for all other nations (ומלכותו בכל משלה). A similar comparison is made in כב:כט: תהילים: *For the Kingship (over Israel) is Hashem's, and He rules over the other nations.* The terms of מושל and מלך are defined differently.<sup>3</sup> The term מלך is understood to be the title given to a leader appointed by the will of his people. In contrast, מושל is described as a dictator, a leader not established via the will of the people. Therefore, when referring to ה' as the leader of the Jewish people, we describe Him as our מלך, as we have certainly appointed Him and desire His Kingship. However, the other nations refer to Hashem as מושל, as they have rejected His leadership, His Kingship.

This connection with our מלך is a true relationship between ה' and the Jewish nation. For a king without a nation is not considered a king. Likewise, a nation without a king is as if it is missing its head, the most fundamental part of the body. A nation missing this entity can in no way be considered a nation. This comparison to the human body can be explained further: The body parts all know that the brain/head is the leader of the pack, the king of the bodily parts. The head gives orders to the other parts throughout one's life. The head orders the hands to lift an item, the legs to walk a distance. The head instructs the mouth to speak, the eyes to stare, and so on and so forth. However, if one day the other organs and extremities become fed up with the head and decide to revolt against it, we would find a devastating outcome. An attempt by the hand to lead the attack by saying to the others "Who made the head the king over us? If I cut it off, we will all be happy and live our own lives," will obviously be a fruitless act. Once the head is disconnected, the rest of the body will no longer have the opportunity to exist. Similarly, in regards to a מלך and His nation, the nation needs the מלך to function nationally. As ר' מייזלש quotes the בעל שם טוב saying,

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<sup>2</sup> ר' יעקב יצחק אלעזר מייזלש מירושלים שיחה כד אות ד  
<sup>3</sup> סוד ישרים אות נ"ו

we need our מלך as He unifies us, protects us and provides for us. Therefore, the connection with our מלך, in essence gives us the ability to live, the opportunity to be free, and we therefore rejoice with that knowledge as we say every שבת: שמחו במלכותך – we rejoice in your kingship.

However, this is not the case by a מושל as the relationship between the מושל and the people is not one of love or dedication like that of a מלך. He is solely concerned that they follow his demands and he is not necessarily occupied in benefitting the people. They are therefore being ruled against their will. A similar language was used after Yosef described his dreams to his brothers and they responded: “המלך תמלך עלינו אם משול תמשל בנו”, *Shall you be the King over us? Or shall you reign over us?* (בראשית לז:ח). In essence they were saying you may have intentions to be the מלך over us; however, this is not with our approval and is considered משלה.

Therefore, a King-Nation relationship of true devotion and deep love is exclusive to the Jewish people as we are unique in “הקב”ה eyes and have chosen Him as our King. On the other hand, the foreign nations lack that loving relationship and are left to fall under His משלה.

Furthermore, this deep connection between the Jewish people and “הקב”ה is described by מיחלל ר’ quoting the ליקוטי תורה in explanation of פאד-ה: תהילים פאד-ה – תקעו בחדש שופר...כי חק לישראל הוא משפט לאלהי ישראל *Sound the shofar on the new moon...for it is a statute for Israel, the judgment of the G-d of Jacob*. The judgement that “ה” makes on each of the נשמות ישראל in some way relates to “ה” Himself, as every נשמה is a חלק ה’. This is understood as a true unity with Hashem. Therefore, the day of judgment for בני ישראל is in essence also a משפט לאלהי יעקב due to our deep connection with Him.

This clarifies the confusing status of fear and celebration on this holy day. There certainly should be some level of fear throughout ראש השנה as the book of life and the book of death are open before Him. However, the depth of our two-way loving relationship with “הקב”ה brings about a true sense of joy and happiness. It reminds us that He is always with us and constantly provides for us.

This can be further illuminated with a משל. There was once a town which had the tradition of appointing a new king every year. On the day the new king would be appointed there was a sense of fear and trepidation throughout the town as they wondered who the new king would be. The people speculated the changes the king would bring. What new rules will he implement? Will he be cruel to the people? Will he persecute us and make us suffer? Similarly, the son of the new king wondered what the change would bring to his new life. He has a certain level of fear of acting out of line with his father and subsequently

receive punishment for disrespecting the new king. Nonetheless, the level of excitement and happiness due to his proximity to the throne is unrivaled and outshines his fear. His father is the ruler over the entire town and he feels proud and confident in that connection.

This is comparable to our mentality over ראש השנה. There is certainly fear; however, the fact that our Father is the King, our אבינו מלכנו, simultaneously gives us an incredible level of joy. As we approach this powerful time of the year may we take the fear of יום הדין and use it to further enhance our loving connection to the מלך מלכי המלכים. May we all be זוכה to see much joy and happiness in the coming year in the comfort of ה'.



# Malchios - Yearning to be in the Presence of The King

Moshe Grushko



We know the main עבודה of ראש השנה is מלכות - to coronate our King, The King. In light of the recent tragic events that have befallen כלל ישראל, starting with the kidnapping and murder of the three boys, the subsequent Gaza mission with the loss of four civilians and sixty-four soldiers to date (there should not be a single more), and with the ימים נוראים quickly approaching, I contemplated what exactly our thoughts, our attitude, and our relationship with הקדוש ברוך הוא should be at this time. Anger, fear, frustration may have been my initial feelings, but I don't believe they would be ideal when pleading with ראש השנה on הקב"ה.

## *Azai Melech Shemo Nikra*

The ראש השנה כז"ע ב"ג in גמרא states:

אמר ר' שמואל בר יצחק כמאן מצלינן האידינא זה היום תחילת מעשיך זכרון ליום ראשון, כמאן כר"א דאמר בתשרי נברא העולם.

*In accordance with whose view do we recite nowadays "This is the anniversary day of the start of Your handiwork, a remembrance of the first day? According to R' Eliezer, who says the world was created in Tishrei.*

According to this opinion, creation began on the 25th of אלול, and culminated in the creation of אדם הראשון on the 1st of תשרי. "זה היום" referring to ראש השנה, the day of the creation of Man, is considered the "תחילת מעשיך". However, we know that there were many things, many beings, created prior to Man being created on the 6th day. Then why is it referred to as "תחילת מעשיך"? Because אדם הראשון was established with the creation of מלכות שמים. In fact, a little further in the גמרא לא ע"א it says "בששי מה היו אומרים-ה' מלך גאות לבש" "On

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*the sixth day what did they (the Levites) say? Hashem reigns. He is robed in majesty.*" The אור גדליהו explains that despite the fact that there were objects and creatures created before אדם, the "מלך" שם was only relevant with the creation of man, because man is unique in that he has בחירה, the ability להמליך על עצמו, and to negate his own will and desires to coronate and bring himself into the kingdom of ה'. The עיקר תכלית הבריאה is the revelation of God's kingship in this world.

state that 'ה wants that on ראש השנה we should "say before me Malchios in order that I shall be king/ruler over you."<sup>2</sup> In fact, the סדר מלכיות of היום is said in ברכה itself highlighting its central role in the יום טוב. However, despite hearing this idea, seeing it in the גמרא, reading it (מלכיות) with some understanding for close to the last 20 years, ultimately they are still just words of תפילה that all too often are not really felt or said בהרגשה. And I think that a possible reason is because I was not fully understanding the phrase of חז"ל - the key to אמרו לפני מלכיות is not only do we need to do the "אמרו", but a key factor is the "לפני". Speaking to myself but assuming there are others who feel this way, we all too often find ourselves "speaking" to the רבש"ע but not really "being" with or "before" Him.<sup>3</sup> Yes, it still sounds like we are ממליך ה' with our words, but do we feel that we are there speaking right before Him, right to Him, the מלך מלכי המלכים? Do we feel that He feels that we really want Him to be our King, that we want to have a life relationship with Him, in which we dedicate ourselves to His service? Do we think He feels we are bringing ourselves to the coronation?

I believe that the ultimate reason behind us not feeling "לפני" is because we don't feel we can be לפני. In this world of הסתר פנים, where His מלכות may not seem evident, we may not feel like He is listening, or that He would want to hear from us. This could not be farther from the truth.

## If They Had Only Known

It says in the שמעוני רות ס' תרד brought down in the מדרש רות:

1 אור גדליהו מועדים, "אמרו לפני מלכיות" 1

2 Perhaps the need for a verbal declaration of הקב"ה's Kingship on ראש השנה relates to the explanation of אונקלוס on the verse (בראשית ב:): "והוה באדם לרוח ממללא" - that הקב"ה made Man a living being by giving him the ability to speak. That this is what defines the creation of Man, and that הקב"ה was given the שם מלך only after Man's creation, it makes sense that Man should use his defining feature in verbalizing a תכלית of his creation.

3 One could apply this idea to תטהרו לפני ה', and לפני ה' אתכם ומי מטהרים ומי מטהר אתכם. Perhaps this could also be a deeper meaning or amongst the ideas as to why the עבודה on כפור is יום כפור לפני ולפנים.

אמר רב יצחק בא הכתוב ללמדך כשאדם עושה מצוה יעשנה בלב שלם, שאילו היה ראובן יודע שהקב"ה מכתוב עליו, וישמע ראובן ויצילו מידם, בכתפיו היה מטעינו ומוליכו אצל אביו. אלו היה יודע אהרן שהכתוב מכתבו וראך ושמוח בלבו בתופים ובמחולות היה יוצא. אלו היה יודע בעז שהכתוב מכתבו ויצבט לה קלן, עגלות פטומות היה מאכילה. רבי כהן ורבי יהושע דסיכנין בשם רבי יהושע בן לוי, לשעבר אדם עושה מצוה נביא כותבה ועכשיו עושה מצוה מי כותבה? אליהו ומלך המשיח והקב"ה חותם על ידיהם שנאמר או נדברו יראי ה' איש אל רעהו וקשב ה' וישמע וכתב.

*Rav Yitzchak said the verse is coming to teach you that when a person does a mitzvah he should do it with a whole heart, because if only Reuven would've known that Hashem was writing about him, as it says 'And Reuven heard (the brothers' plan) and he saved him (Yosef) from their hands', he would've carried him (Yosef) on his shoulders and taken him all the way back to his father... If Aaron would've known that a verse was written on him as it says 'And he will see you and he will be happy in his heart', he would've come (to greet Moshe) with instruments and music... if Boaz only knew that a verse was being written 'And he handed her parched grain..', he would have fed her the choicest meat. Rabbi Cohen and Rabbi Yehoshua D'siknin said in the name of R' Yehoshua Ben Levi, in the past when someone performed a Mitzvah the Navi would write it down, but now (that we no longer have a Navi) who will write down a mitzvah? Eliyahu and Mashiach (will write) and Hashem will sign as it says 'Then those who fear Hashem spoke to one another, and Hashem listened and heard, and a book of remembrance was written before Him, for those who fear Hashem and those who given thought to His name'.*

The מדרש seems a little hard to understand. Is this to say that these three צדיקים would have acted differently "in front of the cameras" so to speak? That if they knew Hashem was going to write their actions and emotions in the תורה they would have acted differently?

Rav Moshe Weinberger, in his דרשה for שבת שובה תשס"ח explains based on the second part of the מדרש. It used to be when a Jew would do a מצוה with a full heart, the נביא would write it down, and now that we don't have any more נביאים who takes note? אליהו and the מלך המשיח take note and הקב"ה signs. The verse the מדרש quotes as a source for this was from מלאכי. The פסוקים are written from the last נביא giving his last נבואה. He describes that there is coming a time of great פנים הסתר as there will be no more נבואה. But lest we think that we are alone and no one is listening, or watching anymore, he says

“... אז נדברו יראי ה'” “Then those who fear Hashem spoke to one another, and Hashem listened and heard, and a book of remembrance was written before Him –” מלאכי is exhorting us- Hashem is listening, remembering, signing.

So how do we explain “אילו היה יודע” ל? brought these examples to teach us to do שלם בלב - מצוות בלב - who knows what's in a persons heart, its פנימיות - can't be dealing with an exterior reaction. It can't mean that if they knew it would be headlines they would have done it bigger- would have brought more to the table for the cameras. Rather, the deeper explanation is that (using בועז as the example as the מדרש was brought in רות) - if only בועז would have known that from this simple relatively fleeting encounter with this woman from another nation, would come דוד מלכו משיחו and eventually צדקנו he would have brought himself differently.<sup>4</sup> It doesn't mean he would've brought her better meat. What he brought her was fine. It means he would have brought himself in a different way, as if he was bringing a massive feast, with more energy, more happiness, more feeling. If he would have realized what this moment represented, that הקב"ה was and is listening and may have big plans from that moment, every moment, then he would have done it בלבב the מדרש is telling us. It was a small lack of אמונה, a lack of feeling that what one does really matters, that הקב"ה is watching every moment of our lives. So the מדרש is teaching: When you do a mitzvah put your entire being into the מצוה - a person must feel that at any moment, any situation, any מצוה that presents itself to us has the potential to be pivotal, perhaps not in our life but in the life of the person/people benefitting, and be of the appropriate magnitude and quality to inscribed in His book. The נביא was telling us that we have to know that הקב"ה is listening, ויקשב ה' וישמע ויכתב. If we only realized this, we would bring ourselves differently to each of our life situations.

### This is the Time for Our Purpose

אלהי עד שלא נוצרתי איני כדאי, ועכשו שנוצרתי כאילו לא נוצרתי.

*My God, before I was formed I was unworthy, and now that I have been formed, it is as if I had not been formed.*

Rabbi Baruch Chaim Simon quotes an explanation from R' Avrohom Yitzchak HaCohen Kook. What does it mean “before I was formed I was unworthy”? During the time before I was created, by the fact that הקב"ה chose not to create me shows that there was nothing in this world that needed me, השפעה, and vice versa. הקב"ה didn't need my תפילות, my עבודה. Otherwise,

<sup>4</sup> One can easily apply this idea to the examples of ראובן and אהרן הכהן as well- they both would have brought themselves to those key moments (in hindsight) differently if they would have known.



I would have been created. Now that I was created, a time has come that the world, something or someone in it needs me in particular or as part of the world, כלל. As R' Kook writes- "הגיעה השעה שאני צריך למלא איזה דבר להשלמת המציאות". Now that I am here, I was created to fulfill my תכלית, it is the proper time for me to have השפעה and to receive השפעה from the world and the people in it today. The עבודה ותפילה של עולם is now ready for my/our. But "now that I have been formed, it is as if I had not been formed." I have not lived up to my תכלית בהבריאה. We as individuals, we as a community, and we as כלל ישראל are living together in this time period for a reason. Relating this to our discussion, הקב"ה made this our time to serve Him, our time to crown Him and come under His מלכות. But we have to come, with ourselves, with the person He wants and created us to be, so we won't have to say "now that I have been formed, it is as if I had not been formed."

### *Lefanav Ve'lo K'pesel U'temuna*

The Kotzker Rebbe in אהל תורה (פרשת ואתחנן ד:כג) brings the following idea based on the פסוק:

השמרו לכם פן תשכחו את ברית ה' אלוסיכם אשר כרת עמכם ועשיתם לכם  
פסל תמונת כל אשר צוך ה' אלוקיך

*Beware lest you forget the covenant of Hashem, your God, that  
He has sealed with you, and you make yourselves a carved  
image, a likeness of anything, as Hashem, your God has  
commanded you.*

"רש" seems to reply to an obvious question- Don't make a פסל of that which He commanded you!? He commanded us to make images of things!? We know he told us NOT to make images. So "רש" writes that it means "אשר צוך ה' לא לעשות" - *"that He commanded you not to make..."* But the Kotzker thinks this is דוחק to say the עיקר פשט is not written in the תורה (rather the opposite is written). So he explains: the entire idea of פסל ותמונה is making an image, or exterior form, but that הדבר ממש - it's not thing itself, just a portrait or exterior of it. Therefore, the תורה is warning us that in those things which הקב"ה commanded us- the מצוות - *"כל אשר צוך ה'"* - do not make of them just forms or images. We need to bring ourselves into them, to do them with the appropriate כוונה, not just do them in form, externally.

### **With a whole heart to be with the King**

In אש קודש, written by R' Kalonymus Kalman Shapira (the אש קודש), the holy author exhorts כלל ישראל to understand who we (as כלל ישראל) are and how הקב"ה desires a relationship with each and every one of us. And because

of this special relationship- “להשכין את אדון עולם בעולמו אשר ברא” – “to establish the Master of the World in His world that he created”. A major theme in his ספר is that if we do not appreciate the fact that we can be heard and that we are heard by the מלך, that what we do matters, and by doing the מצוות and the רצון ה' with this הרגשה, we thus establish God's מלכות, this is what causes a lonely feeling; a feeling that we are here and He, the מלך, is far away and what we do doesn't really matter. It creates a sense of an almost lazy עבודה, a superficial offering. ה' sees us daven daily, learn תורה, perform acts of kindness, give charity...the list is almost endless of how much תורה “good” our community and other communities perform. However, how do we “bring ourselves” into these acts? Do we really do them thinking that we want to be closer to the מלך, further establish His מלכות, by doing His precepts, and that He is keenly aware and wants “us” within our מצוות?

The חידוש relates a story as a משל: At the onset of WWII, there was a poor תורה-Jew, a real ירא ה' whose small פרנסה dwindled to nothing as the war broke out. Soon he and his family were going hungry. As they were dying of hunger, the Jew went out into the forest to pray with his remaining energy. At that moment of complete and utter despair, he raised his eyes למרום and said: (pieces excerpted from the תפילה with personal commentary)

אנא ה' עוד קודם שבראת עולמך בחרת בנו להיות בניך, עבדים הקרובים אליך...  
*Hashem, even before You created the world You had chosen us  
 to be your children, Your servants that are closest to You...*

The entire purpose of creation with creation of Man was (as stated above) for the establishment and glorification of ה' מלכות in this world, but with a special relationship of servants אליו. Initially, when the שכונה was evident, how great it was for us, that:

...לא מן השמים בלבד השמעת את הוד קולך רק גם בנו דברת...  
*we didn't just hear you from the heavens, rather You spoke  
 directly to us*

You spoke directly to us at סיני ה' and thereafter through our נביאים who were able to rebuke and direct us in our relationship with You. We could see שמים מלכות around us. But:

...מאוד מר לנו עתה שהסתרת את פניך ממנו...  
*You have hidden your face from us,*

How terrible is it now that we are in a state of “הסתר פנים”. We no longer are able to clearly see the מלך, בעולמו. Because of this we feel lost, like there is no one listening. Add to this:

..צרות רבות, הן בעיני פרנסה והן בשאר ענינים...

*the many afflictions we have, whether they be in livelihood or other things,*

(Note: he was writing immediately pre-Holocaust in Piacenzo near Warsaw, at a time of extreme פנים הסתר) We are so burdened by our plight to the point that many Jews become unaffiliated with, or worse – apathetic to תורה and מצוות, like a גוף בלי נשמה.

This holy Jew finishes his plea:

רבש"ע לא עלי בלבד אני מתפלל רק על כל בניך בני ישראל. אב הרחמן איך עזבת את בניך בעולם כל כך עצוב ואיום לבדם, ואיך תביט כשהם מתבוססים בדם מכותיהם ותחריש, אבל לא את פרנסתינו בלבד אני מבקש, רק אותך אבי אהובי ואת קדושת מלכי... קרב אותנו והתגלה לנו...

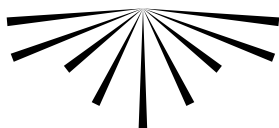
*Master of the World, I do not come to pray only for myself but on the entire Bnei Yisrael your children. Merciful Father, How can you leave Your children in this world so full of sadness, fearful, alone, and how can You look on when they are downtrodden in the blood of their wounds and stay silent. But not only our livelihood am I requesting, rather (I am asking for) my beloved Father, and the sanctity of my King...bring us close to You and reveal Yourself to us...*

This ראש השנה we again will come before the מלך to ask for a multitude of important things: life, health, family, livelihood, safety, the safety of ישראל ארץ, and so on, almost an endless list.... And we will ask for these things after re-declaring Him מלך via the סדר התפילות - אמרי מלכיות כדי שתמליכוני". All this like we've done many times before. However, there comes a time where we just go to the King and say enough is enough - Enough of the צרות, enough of גליות, enough of losing חיילים fighting for the safety of all of ישראל. Enough. Despite continued פנים הסתר we know that You are here and that we have Your ear at this time. We know we can affect change because of this. And we know that it is our time in the timeline of the האדם to come to you. We want to live up to the תכלית of our creation. And so we may request many things, but our main desire, our ultimate desire, is You, our King, the מלך מלכי המלכים, to be our King, with our community amongst the entire בני ישראל not just paying lip service but actually bringing "ourselves" - "לפני" - literally before/in front of You. In the זכות of us having this הרגשה and crowning the King on ראש השנה, we should all be זוכה for the שלימה גאולה, with the rebuilding of our המקדש בית, where we can continue our עבודה in a society with evident מלכות ה'.





# יום כיפור



# With Their Last Breath: Messages of Repentance, Prayer, and Charity from Selected Zava'ahs

Scott J. Farrell, Esq.



**T**hroughout my life, I have always associated ראש השנה and יום כיפור with the prayer of ותנה תקף. Indeed, the ArtScroll ליום כיפור calls it “one of the most stirring compositions in the entire liturgy of the Days of Awe.” Growing up in Belle Harbor, of all of the prayers of the year, this solitary prayer was said by the Congregation, followed by Rabbi Jacob Reiner,<sup>1</sup> in a deep, booming voice, repeated the decretal paragraph on English:

בראש השנה יכתבון וביום צאם כיפור יחתמוון. כמה יעברון וכמה יבראון. מי יחיה ומי ימות. מי בקצו ומי לא בקצו. מי במים ומי באש. מי בחרב ומי בחיה. מי ברעב ומי בצמא. מי ברעש ומי במגפה. מי בחניקה ומי בסקילה. מי ינוח ומי ינוע. מי ישקט ומי יטרף. מי ישלו ומי יתיסה. מי יעני ומי יעשר. מי ישפל ומי ירום. ותשובה ותפילה וצדקה מעבירין את רע הגזרה!

*On Rosh Hashanah will be inscribed and on Yom Kippur will be sealed - how many will pass from the earth and how*

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<sup>1</sup> מרא דאתרא of Congregation Ohab Zedek, 1968-2002; Assistant Professor of Jewish History, Yeshiva University

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This article is dedicated in honor of אהל מרים בת, רפואה שלמה for Scott's sister, שפרה יענטא, who is a lung transplant candidate at University of Pittsburgh Medical Center. May she be inscribed this year, and every year, in the Book of Life.

*many will be created; who will live and who will die; who will die at his predestined time and who before his time; who by water and who by fire, who by sword, who by beast, who by famine, who by thirst, who by upheaval, who by plague, who by strangling, and who by stoning. Who will rest and who will wander, who will live in harmony and who will be harried, who will enjoy tranquility and who will suffer, who will be impoverished and who will be enriched, who will be degraded and who will be exalted. But Repentance, Prayer, and Charity avert the severe Decree!*

These central themes of the ימים נוראים - repentance, prayer, and charity - are replete in the final thoughts of our predecessors, Rabbinic greats, who, with their last breath (so to speak,) exhorted their children and disciples as to the manner in which they should live their lives. Such documents are called “צוואות” or Hebrew Ethical Wills.<sup>2</sup> While many such צוואות could each rightfully be the subject of their own articles, the below selected excerpts bearing on repentance, prayer, and charity are particularly appropriate to ponder as we approach the ימים נוראים, not necessarily because of the profoundness of their messages, but sometimes to the contrary, that these are basic truisms that can sometimes get overlooked. Indeed, in the צוואה of R’ Yaakov Hurwitz (a צוואה from one of three generations of the Hurwitz family), the צוואה admonishes that before the coming of ראש השנה, and during the days of ימי תשובה, their descendants should read through the צוואה to inspire תשובה and אהבת ה’.

## Teshuva

With respect to repentance, the צוואות contain messages not only of the authors’ striving for repentance before death, a hope that their deaths will atone for their sins, but lessons for others concerning the importance of תשובה. These include, among others:

- ר’ אליעזר הגדול: Put your sins on one side of the scale, and תשובה will balance it out. Then add ודדי and prayer, and the scales will weigh in your favor.
- ראשׁ: Do not retain anger against your fellow man for a single day, but rather humble yourself and ask for his מחילה.
- ר’ אליעזר בן שמואל הלוי (R’ Eliezer of Mayence): Thirty אמות from my grave, put my coffin on the ground, and drag me to my grave with a rope; pausing every four אמות, so that I may find atonement for my sins.

<sup>2</sup> See Hebrew Ethical Wills, selected and edited by Israel Abrahams, a wonderful resource and the book from which excerpts of various צוואות discussed herein have been taken from.



- תשובה קינה: The opening and closing of this קינה concerns ר' משה רימוס. He exclaims his hope that his death will atone for his sins, and closes confessing of his sins, and begging Hashem for forgiveness and atonement.
- ר' אליהו בן רפאל שלמה (R' Eliyahu De Veali): Every morning, commit to saying that you will forgive all who trouble you, and pray for a half hour in synagogue that Hashem should bring to you תשובה.

## Tefilla

צוואות. The theme of prayer is another common thread running through many צוואות. Such observations include:

- ר' אליעזר הגדול: One should be fleet like a deer to read שמע in the proper hour; in doing so, one glorifies the name of Hashem. Be among the first ten in Synagogue, so that your reward is multiplied a hundred-fold. Moreover, approach Hashem with the deepest reverence, and when davening, make sure to keep in mind before whom you stand. When one davens, hold yourself out as destitute before Hashem, as יעקב and דוד המלך did, in describing themselves in poor, needy and lowly terms.
- רמב"ן: When you daven, remove all worldly concerns from your heart. Place your heart before Hashem, still your innermost thoughts, and meditate before beginning your prayers. By doing this in all days, with all things, you will not sin, and your תפילות will be pure and clear.
- רמב"ם: Do not daven as if by rote; תפילה is a service of the heart. If your child would speak to you, but not speak from the heart, would you not be angry? Thus how much more so with respect to our approach to Hashem?
- ר' יהודה בן רבינו אשר (הרא"ש): To merit righteous children, daven at the graves of the התמימים. If you had to speak to a flesh and blood king, how carefully would clear your hearts and mind, and concentrate on proper speech? How much more so one should be when davening to Hashem! Daven in the same congregation, in the same place, and make sure you are among the first. Do not leave immediately after learning or fail to daven where the ציבור is collected.
- רבינו יעקב בן רבינו אשר (הרא"ש) – טור: He who labors in the soil, his efforts are directed toward producing fruits. So too, all of the efforts of the body, are to support one's נשמה. The fruit of one's activity during the day is the time of תפילה, and the fruit of one's work during the week is שבת!
- ר' אליעזר בן שמואל הלוי (R' Eliezer of Mayence): My sons and daughters, please go to shul morning and evening, paying close attention to davening and שמע. Be among the first 10 people in shul; daven steadily with the ציבור, paying appropriate regard to each letter and word. Do not talk during davening,

and say אמן at the appropriate juncture.

- ר' שלמה בן יצחק: My children should daven three times daily in shul, and say all their תפילות with devotion. Place your burden upon Hashem, because that which you think is far from you, is often close at hand.
- Avraham, Yaakov, and Shabtai Hurwitz (צואה from three generations of the family): Go straight from davening to learning תורה.
- ר' יונה בן אליהו לאנדסופר: Davening is a service of the heart; of complete concentration upon which no preoccupation should interrupt. One should pray for a repentant and understanding heart, free of jealousy and ill-will. Use different words in your prayers every day, so they do not become familiar and lose spontaneity. Davening with true emotion is a recognition of Hashem's rulership over us, and the hope for a pure heart, inspiring a desire to serve God with love and awe.

### Tzedaka

Finally, with respect to charity, our sages of blessed memory have recounted in their צואות, inter alia, that:

- ר' אליעזר הגדול: Show honor to the poor, and draw your soul onto him. Offer צדקה in secret, not in the public's sight. Give him food and drink in your house, but do not watch him eat. Do not close one's ears to the poor, so that Hashem may listen to our appeal when we cry to him.
- ראי"ש: Distribute your money wherever Hashem wills, and he will make good any deficit you may have. Look not at he who is above you in riches, but at he who is below. Be responsive to the call of צדקה. Give every week and month, the full amount you can afford, and every day give at least some small amount before תפילה.
- ר' אליעזר בן שמואל הלוי (R' Eliezer of Mayence): Never turn a poor man away empty handed; give what you can, whether it is a lot or a little. Satisfy the needs of the poor in every way you can.
- ר' שלמה בן יצחק: This צואה recounts the various obligations concerning תורה and מצוות that the author set upon himself, and should he transgress any of these rules (e.g., eating three meals on שבת), each rule had a set amount of money he promised to pay to צדקה. Be as charitable as possible, because this is the essence of man's labor.

These thoughts on תשובה, תפילה, and צדקה are likely not foreign to the reader, but rather constitute what should be the pillars of our faith and practice. Yet, they bear remembering this year, and every year, as we approach the High Holy Days. May these thoughts of repentance, prayer and charity facilitate the message of תקן ונתנה, and act as a vehicle for helping one avoid Hashem's stern decree.

# Teshuva, Geula and R' Elazar ben Dordaya (and a little bit of Zechus Avos)

Jeremy Herskowitz



The eighth פרק of יומא מסכת deals with a number of topics relating to the individual's observance of יום כיפור, as opposed to much of the first seven פרקים which focus on the communal עבודה in the המקדש בית. Among the various topics discussed is, not surprisingly, the מצוה of תשובה. The גמרא יומא פו enumerates how different רבנן praised the greatness of תשובה. One of the more famous praises (noted on 86b) reads as follows:<sup>1</sup>

אמר רבי יוסי הגלילי גדולה תשובה שמביאה גאולה שנאמר ובה לציון גואל  
ולשבי פשע ביעקב, מה טעם ובה לציון גואל? משום דשבי פשע ביעקב

*Rabbi Yosi Haglili says: Great is repentance for it brings the redemption, as it says "A redeemer will come to Zion, and to those of Jacob who repent from willful sin"; for what reason will a redeemer come to Zion? Because of those who repent from willful sin".*

What is the basis for this connection between תשובה and גאולה? On a seemingly basic level, the מהר"ל ב פרק ב in מהר"ל explains that when a person does תשובה, he separates from his יצר הרע and, therefore, is redeemed from its dominion.<sup>2</sup> And, according to the מהר"ל, this is why the

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<sup>1</sup> This is the version of the text cited by the עין יעקב. The version commonly found in our edition of the אמרא attributes a similar praise ("גדולה תשובה שמקרבת את הגאולה") רבי יונתן to.

<sup>2</sup> The מהר"ל expands on this theme in אור חדש and גבורות ה' where he applies it to the redemptions from מצרים and בימי פורים (including the concept that יום הכיפורים represents a spiritual redemption, while פורים represents a physical redemption = פורים and יום הכיפורים).

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redemptions of the יובל year<sup>3</sup> – when all Jewish slaves are freed (including those that previously chose to remain with their masters for longer than their original fixed terms), and when ancestral fields and certain ancestral homes are returned to their original owners – specifically occur on יום כיפור of the יובל year, as the תורה ובכל ארץ אחוזתכם גאולה” and “ביום הכיפורים תעבירו שופר בכל ארצכם...”. says ויקרא כה:ט,כד “תתנו לארץ קשר between תשובה and תשובה, particularly in light of the מהר”ל’s understanding.

### Teshuva and Geula – A Deeper Connection?

Rabbi Yitzchak Hutner, in פחד יצחק יום הכיפורים מאמר יא, focuses on the מהר”ל’s reference to the יובל of יום כיפור. He explains that on the יום כיפור of יובל, everything returns to its original state of being – and, as we will see, this is what תשובה is really all about. Furthermore, Rav Hutner notes that while it is only on the יום כיפור of יובל (i.e. once every 50 years) that this powerful כח of renewal is present in the world, there is still some residual כח of renewal from the previous יובל year that is available to us each and every year on יום כיפור, which we can tap into through proper תשובה.<sup>4</sup> The following is a summary of Rav Hutner’s approach.

The ספר שמואל ב כג:א in פסוק גמרא עבודה זרה ה ע”א understands the “דוד בן ישי ונאם הגבר הקם על” as a reference to Dovid Hamelech’s role as the person that established the benefit of תשובה – “שהקים עולה של תשובה” (with the word “על” apparently being used in a similar sense as תועלה, a purpose or benefit). The ווילנא גאון explains that the word “על” as used in this פסוק should actually be interpreted in the sense of עליה, elevating, which would mean that דוד was the person who elevated תשובה תנ”ך. relates various instances of people doing תשובה well before דוד, with some notable examples being אדם הראשון after he was thrown out of עדן; חטא העגל after בני ישראל; and עבירות שאל after his various עבירות. But none of these instances of תשובה were complete. אדם spent 130 years doing תשובה for eating from the הדעת, but even though הקב”ה ultimately forgave him, he was not still allowed back into עדן. בני ישראל did תשובה after the עגל and were also forgiven, but they only merited receiving the לוחות שניות that were written by משה; they were unable to return to the higher level of קדושה associated with the לוחות ראשונות that were given directly from ה’ to בני ישראל. Similarly, שאל did תשובה for his

<sup>3</sup> i.e. the Jubilee Year, which occurs every 50th year following, and is the culmination of, the previous 7 שמיטה cycles (which consist of 7 years each).

<sup>4</sup> In the words of Rav Hutner, on the יובל of יום כיפור there is a “קיבוץ אורות” of the תשובה אורות from all the previous 49 Yom Kippurs, so that all the other Yom Kippurs are “מוסר את אורו” to the יובל of יום כיפור (note the possible implicit reference to the תורה of Rav Kook, who was an early רבי of Rav Hutner).

as well, but even though this תשובה was sufficient to gain him both the title “בחר ה” and entry into עולם הבא,<sup>5</sup> he still lost the kingship. דוד, however, was the first person who, through his תשובה, was able to emerge complete and undiminished by his עבירות (including the incident with שבע and his ill-fated census and accompanying plague); he retained the מלוכה and became the progenitor of משיח.<sup>6</sup> In other words, says the גר”א, through his תשובה, דוד was able to elevate himself back to the same level of קדושה he possessed before committing the עבירות, and in so doing he established the power of תשובה to raise בני ישראל from the depths of their sins without diminishing their קדושה.

Additionally, the פסוק in תהילים לב:ל says “אשרי נשוי פשע”, which חז”ל interpret as ‘אשרי אדם שגבוה מעוונותיו’, *praised is the man who is able to become elevated above his sins*. This refers to someone who does עבירות, but the עבירות are only חיצוני, they are sins that relate to his physical being and remain external to his inner self; this person’s עבירות have no impact on his נשמה, which remains completely pure and intact. Such a person may be judged by ה’ and found guilty and suffer punishment on account of his עבירות, but they do not affect his פנימיות, the inner essence of who he is will never change no matter how many עבירות he does. This person, much like דוד, is someone who is able to become elevated above, or despite, his sins, and חז”ל say about him “אשרי”, he is praiseworthy.

The תשובה in which we engage throughout the month of אלול, on ראש השנה and during the תשובה, עשרת ימי תשובה, in conjunction with our fasting and davening on itself, all serve to cause ה’ to forgive us and wipe away our עבירות so that we’re not punished for them. But if we have internalized our עבירות, allowing them to affect our נשמות and to actually become a part of who we are, then merely having our sins forgiven is not sufficient; once the קדושה of our נשמה is breached, then even doing 130 years of תשובה like אדם will not fully repair the damage. What, then, is our remedy?

The answer lies in the connection between תשובה and גאולה. The גאולה of the יום כיפור, as described in the תורה, is a physical redemption that causes slaves and property to return to their original state of being. But at the same time, on the יום כיפור there is the potential for a spiritual גאולה, one

5 When the בעל תשובה raises שמואל’s spirit from the dead, שמואל tells שאול that tomorrow he will be עולם שמואל, i.e. עמי במחיצתי שאול, i.e. עמי will die but he’ll join שמואל in עולם. See שמואל א’ כח:יט. הבא.

6 In fact, through his תשובה, דוד may have elevated himself to a higher level than even the צדיקים in the time of משה and, after each of the אבות, משה and יהושע turns down the כיבוד of leading the מומן for bentshing due to various shortcomings in their lives, only דוד is able to accept it. 7 בראשית רבה 22:11 (there appear to be varying גירסאות, but their meanings are the same).

that will allow our נשמות to return to their original state of קדושה, despite the damage caused by our sins. This spiritual גאולה is achieved through our תשובה. And just like the יום כיפור of יובל collects the תשובה אורות from the previous 49 Yom Kippurs, it also shares some of its potential for גאולה with each and every annually-occurring יום כיפור. The message of the מהר"ל now becomes clear - if we properly do תשובה on יום כיפור, then we too can experience a גאולה, one which will allow us to repair our broken נשמות. Indeed, "גדולה תשובה שמביאה גאולה".<sup>8</sup>

### The Story of R' Elazar ben Dordaya

One of the more well-known Talmudic stories relating to תשובה is that of רבי אלעזר בן דורדיא. There was a man by the name of אלעזר בן דורדיא who accomplished the difficult task of visiting and sinning with every זונה that he could find. He then heard of one remaining זונה who lived on a far off island and charged an exorbitant fee for her services. אלעזר traveled a great distance to reach the זונה and was prepared to pay the fee in exchange for her services. As he was about to sin with her, the גמרא tells us that she was "הפיחה", she blew air out of her mouth at אלעזר and commented that just as the expelled air will never return to her, so too אלעזר will never be able to do תשובה. Upon hearing this, Elazar was moved to repent and proceeded to sit between two mountains and valleys, where he requested, in succession, that the mountains and valleys, the heavens and earth, the sun and the moon, and the stars and constellations, should daven for him, but they all refused. Finally, he said "אין הדבר תלוי אלא בי", whereupon he put his head between his knees and cried out in תשובה until he died. A קול then proclaimed that רבי אלעזר בן דורדיא is prepared to enter עולם הבא. רבי יהודה הנשיא, upon hearing about this incident, famously wept and noted that (1) there are people who can attain עולם הבא in one hour, while for others it takes many years, and (2) not only does ה' accept such תשובה, but they are even called רבי'.

The מפרשים explain this story in many different ways, both literally and allegorically. I would like to focus on two particular approaches that, when viewed from the proper perspective, highlight the גאולה-תשובה connection. The מהר"ל provides a detailed explanation of each aspect of the story, including the significance of the protagonist's strange name, אלעזר בן דורדיא. The מהר"ל explains that the word דורדיא refers to the sediment, or dregs, of wine, which settles at the bottom of a wine

<sup>8</sup> While Rav Hutner does mention it explicitly, this approach may also help explain the distinction between תשובה מאהבה versus תשובה מיראה, and how תשובה מאהבה is able to convert עבירות into זכויות while תשובה מיראה can only change זדונות to שגגות (see פוע"ב ע"ב and the various מפרשים there).

<sup>9</sup> See ע"א א"ע for the complete story.

container and is typically discarded (i.e. the פסולת, or waste product, of the wine-making procedure).<sup>10</sup> Through his עבירות אלעזר had lowered himself to a state where his entire existence was nothing more than פסולת. Furthermore, his name was 'בן דורדיא', the son of, or beneath, דורדיא, implying that he was even lower than פסולת. However, through the application of Rav Hutner's formulation of true תשובה, perhaps we can suggest that all of his sins were really external (זנות is the most physical of sins), and through his crying out in תשובה he was able to connect to his inner נשמה and achieve his own personal גאולה. And at that point his first name took over – אלעזר is a contraction of 'אל-עזר', 'אל-עזר' was ready to help him and be מקבל his תשובה as soon as אלעזר made the effort.

The אריז"ל<sup>11</sup> deals with the question of how someone who spent his entire life committing the worst עבירות can just turn it all around in literally his last hour and then go straight to עולם הבא. In a more esoteric approach, the אריז"ל explains that אלעזר בן דורדיא was actually a גלגול (i.e. a reincarnation of the soul) of יוחנן כהן גדול, about whom the גמרא relates that he served as the כהן גדול for 80 years but at the end of his life he became a צדוקי. According to the אריז"ל, when אלעזר בן דורדיא did תשובה at the end of his life, he was actually reclaiming his previous life – a life that was filled with service of ה' in the בית המקדש every day for 80 years, a life that was certainly worthy of עולם הבא – and corrected his earlier sin of becoming a צדוקי. In other words, using Rav Hutner's formulation, אלעזר, in the most literal sense possible, actually returned to his original state of being; through his תשובה, he achieved גאולה for himself and יוחנן כהן גדול.

Tangentially, Rabbi Yisrael of Rizhin<sup>12</sup> asks why רבי's reaction was to cry upon hearing the story. Why wasn't רבי happy that a fellow Jew was going to עולם הבא? The Rizhiner answers that it was because רבי knew there are no free rides to עולם הבא; if רבי suddenly gained enough זכויות at the very end of his life to enter עולם הבא, then he must have taken them from someone else who had earned the זכויות over a long period of time but lost them at the end – in other words, a person such as יוחנן כהן גדול. So רבי cried because he thought that another Jew was losing his עולם הבא. But based on the אריז"ל's explanation that these two men were one and the same, in reality this was not the case.

It is also interesting to compare and contrast the persona of יוחנן כהן גדול with that of אבוייה בן אבוייה, more commonly known as אחר. Both were צדיקים

<sup>10</sup> See the גמרא in ע"ב and מגילה יב ע"א, where עבודה זרה לב ע"א translates 'דורדיא' as 'שמרים'.

<sup>11</sup> As quoted by רבי חיים ויסאל in ליקוטי תהילים 32 in רבי חיים ויסאל.

<sup>12</sup> עירן קדישין, מסכת עבודה זרה ד"ה בכה רבי.

for most of their lives – one was the כהן גדול, while the other was a great תנא and the רבי of Mishnaic fame. Similarly, both went off the דרך – one became a צדוקי, while the other became an אפיקורס. But we find that יוחנן כהן גדול – in the form of Rabbi Elazar ben Durdia – successfully did תשובה at the end of his life and was forgiven, while אלישע בן אבויה (despite Rabbi Meir’s best efforts) did not do a full תשובה and was not forgiven (at least during his lifetime). What was the difference between these two men who otherwise seemed to have so much in common? Perhaps we can understand with the help of גמטריא. The גמטריא of אלישע בן אבויה is 487. The גמטריא of Elazar ben Durdia is 585. The difference between the גמטריא values of their names is equal to 98. Interestingly, and I’d like to think not coincidentally, 98 is the גמטריא of ‘יפה’, which means to blow air. אלעזר בן דורדיא was able to internalize the message of the זונה who blew air at him, and that prompted him to do תשובה and gain the title of רבי. But אלישע בן אבויה failed to internalize the various messages and calls to do תשובה that ה’ provided him, so he lost his former title of רבי and instead remained אחר.

### The Role of Zechus Avos

רבי אלעזר בן דורדיא was able to effectuate his תשובה and personal גאולה through the medium of the tears he cried. And this is fitting, since tears come from within us and are a physical manifestation of our פנימיות. When we really, truly cry out from the depths of our hearts, that is our נשמה’s way of expressing itself in the physical world in which we live. So through his דמעות, his tears, רבי אלעזר בן דורדיא engaged in the ultimate תשובה and connected to his inner קדושה.<sup>13</sup> This amazing power of דמעות to effect תשובה can be better understood through a story about the דברי חיים (Rabbi Chaim Halberstam, the Sanzer Rav).<sup>14</sup> One year in Sanz, a very wealthy supporter of the קהילה decided that he wanted to be the שליח ציבור on יום כיפור, even though he was not much of a בעל תפילה. For political reasons, the גבאים asked the Sanzer Rav to convince this גביר to re-consider. The Sanzer Rav suggested to the גביר that they look in ספר תהילים, the book from which so many of our תפילות are taken, for the qualifications that are needed in order to serve as a שליח ציבור. In ספר תהילים, (פרק 72) תפילה לדוד, (פרק 90) תפילה למשה, and

13 The אף על... describes the great spiritual power of tears in general “... ואף על...”; even though בזמן הזה there are times when the gates of תפילה are sealed to us, the gates of tears always remain open. See also the vort of the Kotzker Rebbe (quoted by Rabbi Yissocher Frand in his shiur on Parshas Nitzavim, Tape #252) on this sugya, where he explains that only the purest tears emanating from our neshamos are able to pass through the gates of tears.

14 As told over by Rabbi Eytan Feiner.



ניי תפילה לעני (פרק 102). So in order to lead the Shul in תפילה, you must either be like משה who is amazing and תלמיד חכם, ענו, נביא (1) or (2) an excellent singer like דוד; or (3) an עני, a poor person. Clearly, the גביר did not fit into any of these categories. However, the Sanzer Rav consoled the גביר by explaining that the ראשי תיבות of the words דוד, משה and עני (i.e. ד, מ, ד and ע) spell the word דמע, a tear; ה' is hinting to us that the תפילות of anyone who sheds a tear (i.e. one who is able to connect to their inner קדושה and return to their pristine, pre-sin state) will be answered, even if you don't have the other special qualities.

That said, it always struck me as somewhat puzzling that רבי אלעזר בן דורדיא, after asking the heavens and earth and the other inanimate objects to daven for him and getting resoundingly rejected, did not invoke זכות אבות on his behalf. After all, so many of our תפילות involve invoking the merit of אברהם, יצחק and יעקב, both on an everyday basis and even more so during the ימים נוראים. Yet instead, he reaches the conclusion that "אין הדבר תלוי אלא בי", it's all up to me, and proceeds to cry. But perhaps the language he uses indicates that invoking זכות אבות would in fact have worked as well. Citing a מדרש, Rabbi Levi Yitzchak of Berditchev (קדושת לוי על מגילת איכה ד"ה אלי ציון ועריה) explains that oftentimes when the word "אין" is used in תנ"ך, it implies that something does not exist now but will in the future. For example, שרה says of תורה פר' נח יאל: "יצחק ויהיה שרי עקרה אין לה ולד", she is currently barren but eventually she will have יצחק. Similarly, the second פסוק in מגילת איכה says about ירושלים "אין לה מנחם מכל אהביה", hinting that the city has no one to comfort her now at the time of חורבן but in the future she will be comforted and rebuilt. And the Berditchever (in what is likely not the פשוט פשוט) also explains the well-known Talmudic saying<sup>15</sup> "אין מזל לישראל" in this manner – the word "אין" is in fact the Jewish people's מזל, since when we see the word "אין" we can be certain that the applicable matter which is then lacking will eventually come to fruition. So if we apply this to the words of רבי אלעזר בן דורדיא - "אין הדבר תלוי אלא בי" - רבי אלעזר בן דורדיא, his only avenue to the תשובה of גאולה was through his own crying; but for the rest of בני ישראל, we have another option, namely though our זכות אבות.

In conclusion, I would like to suggest that this year on יום כיפור, we have an opportunity to do תשובה using both of the weapons in our arsenal, tears and זכות אבות, and through that תשובה to achieve גאולה – both on an individual level and communal level. The בני יששכר מאמר חדש תשרי ו:יז explains that we can fulfill the statement of אלמלי משמרין ישראל שתי שבתות כהלכתן "חז"ל שבת קיה ע"ב - if בני ישראל would observe two שבתות properly they would be

15 שבת קנו ע"א

immediately redeemed, through a יום כיפור that falls on שבת (יום כיפור is called שבת, implying that there are two שבתות occurring simultaneously). If we keep all the מצוות of יום כיפור on the one hand, and at the same time we are able to have an ענג שבת – which, since we can't eat or bring the applicable קרבנות of שבת, is instead fulfilled through our sincere and tear-filled תפילות (“פריים שפתינו”) – then we can bring גאולה immediately. Similarly, we also have the opportunity for an enhanced זכות אבות on this יום כיפור, since this year in addition to having the זכות of אברהם, יצחק and יעקב, the three אבות of all of כלל ישראל, we also have the זכות of our three boys, Naftali, Gilad and Eyal, the זכות of the three בנים of all of כלל ישראל (together with the זכות of all the other קדושים in ארץ ישראל). This year on יום כיפור, may we all be זוכה, through our תפילות, tears, זכות אבות and זכות בנים, to achieve the תשובה of רבי אלעזר בן דורדיא - the ultimate תשובה of גאולה.

# Avaryanim and Knesses Yisrael

Eitan Zerykier



**O**n ערב יום כיפור, as we enter the first minutes of the final 25 hours to attain תשובה, the intense mood is set by all the clean white kittels, the multiple ספרי תורה taken to the בימה, and the silence held even in a large room filled to the brim with people. Then כל נדרי begins immediately with the haunting tune used only once a year, and moves every Jewish soul that hears it. Alongside the פסח Seder, כל נדרי may be the most heavily attended event of the year for Jews around the world..

Then we read the text, “אנו מתירין להתפלל עם העברנים” and a question immediately arises: after spending אלול working our hearts away from the distractions of the year and closer to תשובה, and after many nights of סליחות, and while following closely behind the coronation of Hashem as King on ראש השנה, are we ready to willingly daven together with עברנים?<sup>1</sup>

If תפילה is our version of קרבנות, and it is all we have to offer Hashem, then why would בני ישראל particularly declare that we are davening together with the “עברנים” in the very first line of our day dedicated to תשובה? Could connecting our תפילה to עברנים diminish its strength or viability? Could our תשובה be rejected or unacceptable to Hashem due to the presence of the עברנים alongside us in the הכנסת? בית הכנסת? Moreover, should we announce aloud from the בימה that we are davening together with them?

It may seem at first blanch that we are all עברנים, as the גמרא בבא בתרא says there is no one who is able to refrain from הרע for even one day. But there are certain עבירות which are particularly noted by חז”ל as

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<sup>1</sup> The עיר לעזאזל מורה נבוכים גמור in רמב”ם cannot be brought on the מזבח because it is not appropriate to bring before Hashem, due to its being too full of עבירות.

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Eitan and Rina and their children Moshe and Binyamin joined BKNW in 2009, and were joined by Coby and Yoseph in 2013.

being especially strong in their ability to disconnect a person from Hashem. The ם רמב"ם mentions מורה נבוכים ג:מו in רמב"ם as one of these examples. Furthermore, the הלכות שבת based on multiple sources, but quoting the ם הל' שבת ל:טו specifically, states that one who does not keep the שבת is considered to be disregarding the entire תורה and disavowing his belief in Hashem having created the world. Nonetheless no distinction is made between the one who speaks הרע לשון or the מחלל שבת when the בית דין announces we are מתירין to daven with the עברניים. It seems no one is prevented from joining with the קהילה in the הכנסת on בית כיפור. Why?

Rav Moshe Feinstein<sup>3</sup> reminds us that, ironically, the entire requirement of having ten men for דברים שבקדושה is learned via a היקש, a scriptural parallel, of the word "תוך" between a פסוק relating to קרה and from the number of spies which infiltrated ארץ ישראל and returned with a negative report.<sup>4</sup> These are not the upstanding heroes of the תורה, but rather major players in the downfall of בני ישראל. And since these men spoke heresy in public and were still considered part of a quorum, Rav Moshe rules להלכה that מחללי שבת can be included in מנין.

The רמב"ם can help to explain how this is so. In his elaboration of Yosef's ברכה from יעקב, the רמב"ם tells us that "אבן ישראל", which is another term for כלל ישראל, is equated to "כנסת ישראל".<sup>5</sup> Based<sup>6</sup> on שיר השירים is a concept the רמב"ם considers the mystical בן זוג of the של עולם, as the counterpart to a timeless God, comprises of all Jews on all spiritual levels from all time throughout history and the future. As Hashem's כלה, this is an all-encompassing and complete personality with an everlasting loving relationship with Hashem. Rav Soloveitchik explains that this means that all תפילה ever offered to Hashem throughout time are really one תפילה.<sup>8</sup> Once a person chooses to enter themselves into a בית הכנסת to pray, the קדושה found within כנסת ישראל, to which he or she is a part, cannot be disregarded or ignored. No עבירות can stop a Jew's תפילה when they decide to join a מנין or rejoin his fellow in prayer. The שערי שמים are always open to a תפילה connected to a קהילה in a בית הכנסת because that תפילה is ipso facto connected

2 See also Maasei L'Melech Chapter 3

3 אגרות משה אורח חיים א:כג

4 מגילה כג ע"ב

5 עיין רמב"ם בראשית מט:כד ד"ה על דרך האמת - ותשב באיתן קשתו, ויפוז זרעו ידיו; מידי אביר יעקב, משם רעה אבן ישראל

6 שיר השירים ג:כא; עיין בראשית רבה יא:ח

7 רמב"ם בראשית ב:ג ד"ה והאמת

8 "The Synagogue as an Institution and as an Idea," in *The Rabbi Joseph Lookstein Memorial Volume*, ed. L. Landman, Hoboken, NJ: Ktav, 1980

to all of ישראל, an indivisible and invisible unified force, spanning all time. When we daven with עבריני הדור, we are also davening with צדיקי הדור; when we daven with our children, we are also davening with grandchildren and their grandparents; when we daven with the living, we are also davening with the קדושים who gave their lives השם על קידוש השם. When we daven with a מנין of ten, we are davening with the seven אושפיזין as well.

There is a macro-community throughout history, and a micro-community found when ten men walk in the pouring rain to say “אשרי יושבי” together on a gloomy Tuesday afternoon. Both are connected, both are eternal, and both have a powerful and unbreakable bond with Hashem.

This may also explain how we say “עם כל ישראל אחיהם” in our משברך on שבת. Indeed, all our brothers and sisters are enjoin with us in one singular unit when we daven. As well, in קדיש there is a strange imbalance between the last three lines. We refer to כל ישראל when requesting peace two times from Hashem (יהא שלמא רבא מן שמיא וחיים עלינו ועל כל ישראל... הוא יעשה שלו' עלינו ועל כל ישראל), but use the term כל בית ישראל when requesting that Hashem accept our prayers (בחייכון וביומיכון ובחיי דכל בית ישראל). Indeed, peace is requested for all of בית הכנסת to Hashem, we connect to every הכנסת in the world, because we are davening together as one. We become greater than just our בית הכנסת, and instead become part of בית ישראל. גדולי הדור, עברינים, and even us regular run-of-the-mill בינונים are all part of כנסת ישראל and בית ישראל when we raise our voices in prayer to Hashem.

When we welcome the עברינים, and announce their presence in our Shul, may it be that we reconnect our hearts in תפילה with all of ישראל. In turn, we hope Hashem will remember our זכות אבות, זכות קדושים, and reply to our prayers as He has to the זכות אבות and prior generations throughout the centuries, by not only accepting our תפילות, but also granting us peace in ארץ ישראל, and across the world now and for eternity.



# The Sa'ir LaAzazel: A Process of Inspiration

Moshe Buchbinder



**H**aving experienced the month of אלול and ראש השנה, we arrive at יום כיפור with a sense of awe and fear. Our focus is singular: Achieving atonement for all of the sins we have committed during the past year. During the times of the בית המקדש, the experience of יום כיפור was vastly different than it is today. Nowadays, we attempt to reach our spiritual goals through doing תשובה, by davening our hearts out, and observing the five עינוים. However, during the days of the בית המקדש, the יום כיפור experience was centered around the עבודה of the כהן גדול, much of which was witnessed by כלל ישראל. The פרשת אהרי מות at the beginning of פסוקים describe a major part of this עבודה, which was that of the שני שעירים. Two goats that were practically identical were subject to a lottery by the כהן גדול. One goat would be designated as the שעיר לה, which became a קרבן חטאת and underwent the sacrificial process in the בית המקדש. Its blood was sprinkled on the מזבח and its organs were offered on the מזבח like other קרבן חטאת.

The second goat was designated as the שעיר לעזאזל. On this goat, the כהן גדול performed סמיכה and וידוי, leaning on the animal's head and reciting a confession on the sins of all ישראל. He then sent the goat, with a messenger referred to as the איש עתי, literally, the "designated man," out of the בית המקדש and through the desert to a cliff called עזאזל where it was pushed off to its demise. The שעיר לעזאזל was an integral part of the process in that it facilitated כפרה for vast quantities of the sins of בני ישראל including those that warranted כרת or בית דין to the extent that תשובה was performed (see (רמב"ם הלכות תשובה א:ב).

## The Approach of the Rambam to the Sa'ir LaAzazel

- **Question #1:** Why is this service necessary for the יום הכיפורים? Why couldn't a regular חטאת offering on the מזבח achieve כפרה for the בני ישראל?

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in the way that it typically could for sins during the rest of the year?

- **Question #2:** Why did this process need to be so graphic? The expulsion from the המקדש, בית המקדש, journey through the desert, harshness of the cliff, and unsightly imagery of the goat dismembering as it fell down the mountainside are represented quite vividly in the פסוקים and מסכת יומא. Why were all of the theatrics necessary?

The רמב"ם explains that a regular קרבן חטאת would not suffice to facilitate a כפרה for the massive quantity of sins committed by כלל ישראל during the course of the year. The כהן גדול, through the process of סמיכה and שיעיר לעזאזל "transferred" all of these sins onto the שיעיר לעזאזל and was so loaded with עבירות and was so spiritually filthy, that its presence would not be tolerated in the בית המקדש, let alone be brought onto the holy מזבח. It was therefore summarily dismissed from the בית המקדש and banished to a desolate area where it was unceremoniously terminated. A fitting end for the uniquely dense concentration of טומאה.<sup>1</sup>

The רמב"ם further explains the need for the graphic process: Looking at the יום כיפור experience of the Jews during the times of the בית המקדש, one might think that the abundance of rituals served as a "silver bullet" and mechanical process for achieving כפרה. All that seemingly needed to be performed by the כהן גדול was a day of elaborate services, and presto, instant כפרה for all of ישראל. In fact, this was not true. Rather, the purpose of all of the עבודות המקדש and קרבנות was to evoke an emotional reaction from כלל ישראל which would inspire us to do תשובה. The expulsion of the שיעיר לעזאזל was meant to do just that. It was meant to physically exhibit how far we must go in distancing ourselves from all of our עבירות. They must be banished from our environment into a desolate area devoid of humanity and killed decisively in a way that eliminates any risk that they creep back into our daily lives. The שיעיר לעזאזל therefore served as a visual aid to catalyze our personal and communal תשובה.

### Why Two Goats?

The תורה in וּמֵאַתַּת בְּנֵי יִשְׂרָאֵל יִקַּח שְׁנֵי שְׁעִירֵי עִזִּים לַחֲטָאתָּהּ says: *"and from the Bnei Yisroel he should take two kid goats for a Chatas"*. Reb Zalman Sorotzkin in his Sefer אֲזִינִים לַתּוֹרָה asks, why does the פסוק say he should take two for a חטאת if in fact only one is ultimately offered as a חטאת while the other is sent לעזאזל?

He answers with the following explanation. Normally, a קרבן חטאת

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<sup>1</sup> The רמב"ם develops this ideas as well as part of a discussion of the Kabbalistic approach to the שיעיר לעזאזל. ה"י – אלשיך הקדוש



contains four essential elements: סמיכה (leaning), וידוי (confession), מתן דמים (sprinkling the blood on the מזבח) and הקרבת אימורים (offering the organs on the מזבח). Interestingly, if one looks at these two goats, each one actually only received two of the four essential elements: The סמיכה and וידוי were done on the שעיר לעזאזל while the sprinkling of the blood and offering of the organs on the מזבח were done on the שעיר לה. From this he concludes that the two goats were actually part of one holistic ritual.

He further explains, that the need for two goats is logical based upon the approach above. No one goat carrying the mass quantity of עבירות could be offered on the מזבח. It needed to be terminated outside of the המקדש. However, this alone would lack some of the elements that are essential to the definition of a true קרבן חטאת. It therefore needed a counterpart to share the elements of the procedure and provide for the parts of the עבודה that could only be performed inside the המקדש. בית המקדש. Hence שני שעירי עזים לחטאת.

### *Sa'ir LaAzazel* – A Positive Opportunity or Not?

If one is asked which שעיר had the “better job” so to speak, the one לה or the one לעזאזל, it would be fairly straightforward to conclude that it was the שעיר לה. After all, it was offered in the בית המקדש in a dignified manner, unlike its counterpart that was burdened with mass quantities of עבירות and shoved off a cliff. A more interesting question is whether the animal selected as the שעיר לעזאזל was lucky or unlucky in that it was chosen for the role (versus being back in the barn and not selected for any role at all).

To help answer this question, the אלשיך הקדוש provides a fascinating insight. The פסוק טז:ו says that after the שעיר לה was processed as a חטאת: *“and the goat upon which the lot fell for Azazel stood alive before Hashem to atone on it”*. What is the purpose of this פסוק? After all, at this point the תורה had not yet even instructed what to do with the שעיר לעזאזל, so it seems obvious that it was still standing there waiting to be dealt with? The אלשיך הקדוש explains that the role of the שעיר לעזאזל was of incredible importance. It was destined to actually provide nearly all of כלל ישראל with כפרה for nearly all of their עבירות.<sup>2</sup> Imagine the זכות of this animal! So while it is true that it did get the worse job relative to the שעיר לה, in that it became burdened with massive quantities of עבירות, the תורה salutes the role of the שעיר לעזאזל as one which is לפני ה' – doing the bidding of the Almighty by providing a כפרה for the עבירות of כלל ישראל. The אלשיך notes that these words serve as an appeasement for the שעיר לעזאזל which was undoubtedly saddened by its unfortunate lot. Perhaps this

<sup>2</sup> Certain עבירות were atoned for by the שעיר לה and the עבירות of the כהנים by other קרבנות.

provides an indication that the goat which ultimately earns the title of לפני ה' was still better off than any other animal which was given no opportunity at all.

Furthermore, perhaps it is also possible to conclude that the שעיר לעזאזל was more fortunate than any goats that were not selected at all based upon two specific הלכות pertaining to the remains of the שעיר לעזאזל after it had been pushed down the mountain. First, the גמרא יומא סד ע"א explains that the pushing of the goat off the cliff has the same effect as שחיטה. Second, the מוה"ר יומא סד ע"ב concludes that the limbs of the dismembered goat are מותר so that people will not inadvertently benefit from it באיסור. The release from a spiritual quarantine suggested by both of these elements support the conclusion that in death, the שעיר לעזאזל is cleansed from its repulsive status as טומאה carrier and appreciated for the positive contribution which it made for כלל ישראל in facilitating the כפרה.

### Halachik Insights Based Upon the Approach of the Rambam

The Rambam's elucidation of the שעיר לעזאזל as (i) too טמא for the מקדש and (ii) a vehicle for inspiring תשובה via its graphic expulsion from the מקדש may provide numerous fascinating insights into some of the more surprising דינים that surround the שעיר לעזאזל process, especially those relating to the איש עתי.

#### Query #1: Why an *Ish Iti*?

The תורה states that after the כהן גדול performed סמיכה and יהדו on the שעיר לעזאזל, he sent a messenger referred to as the איש עתי to transport the שעיר לעזאזל. This requirement is different from the protocol of the rest of the day because the גמרא יומא לב ע"ב states: כל עבודות יום הכיפורים אינן כשרות אלא: קרבנות, קטרת, and הטבת הנרות – all of the formal עבודה components of the day (such as the כהן גדול with no exceptions). Yet, the תורה commands that the שעיר לעזאזל was required to be done by someone else as the שליח of the כהן גדול. That means that categorically the only individual<sup>3</sup> who could not process the transport of the שעיר לעזאזל was the כהן גדול. Why do we need the role of the איש עתי in the first place and why is the כהן גדול precluded from doing this very important task himself?

Perhaps the insight of the רמב"ם explains this requirement. Once the שעיר was loaded with the עבירות of ישראל, it needed to be distanced as far as possible from קדושה. Just like it could not stay in the מקדש which is the highest concentration of קדושה, it is logical to conclude that it could not be handled by the כהן גדול who was the holiest person performing the holiest

<sup>3</sup> כהן, לוי, or ישראל were all כשר to be the איש עתי, though only כהנים were designated as such. See 66a.

tasks of the day. However, because all of the roles of the day needed to be performed by the כהן גדול this conundrum required the כהן גדול to designate his שליח to transport the לעזאזל away from the קדושה of the מקדש as well as away from himself.

### Query #2: Why the *Ish Iti* Even if *Tamei*?

One highly unusual הלכה of the איש עתי is found in the גמרא יומא סו ע"ב which tells us that if he becomes טמא after being designated by the כהן גדול but before he performs his role on יום כיפור, he is permitted to enter the מקדש in a state of טומאה to perform his task, as the גמרא explains the word עתי as "אפילו" – "בטומאה". Permission to bring טומאה into the מקדש is normally prohibited based upon the פסוק "ולא יטמאו את מחניהם פסוק",<sup>4</sup> and exceptions are extremely rare.<sup>5</sup> Why does the Torah allow it for the איש עתי? Why not just find a replacement who is טהור?

Perhaps here too the רמב"ם's explanation may elucidate the דין. If the entire purpose of the לעזאזל is to inspire תשובה and distance ourselves from עבירות and other forms of negative spiritual energy, then the notion of permitting a טמא person to enter the מקדש in order to accomplish this goal is rather rational. It enhances the vivid imagery of the process as a טמא man leads a goat filled with עבירות away from the קדושה and out to the wilderness. Therefore, unlike in the usual situation where the מקדש is the inviolable epicenter of קדושה and has no room for the presence of טומאה, here, the מקדש is not "defiled" by the טומאה but rather uses the טומאה in a constructive way to further its central purpose of bringing about תשובה. Because the טומאה therefore is not a flaw in the process, the designated man should continue to perform his שליחות, rather than be replaced with a טהור non-designated alternative individual.

### Query #3: Why the Wait?

The רמב"ם codifies that the הלכות עבודת יוה"כ ג:ח states and the משנה יומא סח ע"ב that the כהן גדול could not leave the עזרה (where the lottery took place) and go on to continue the next procedure of the סדר היום of reading the התורה in the קריאת התורה until the שעיר reached the desert, i.e., not when it got pushed off the cliff, but well before - when it first reached the desert. This timing seems odd because one would think that since the איש עתי was the שליח of the כהן גדול, the כהן גדול should either (a) be allowed to continue the סדר היום once the איש עתי took the goat and left, or alternatively (b) he should have to wait all the way

עיו רמב"ם מנין המצוות ל"ת עז 4

5 Although it does exist, for instance when most of ישראל is טמא and needs to bring קרבן פסח.

until the goat was pushed off the cliff. Why is the line in the sand (literally) at the desert and why does the role of the כהן גדול seem to end prematurely?<sup>6</sup>

Here too, the rationale of the רמב"ם is insightful. The Kohen Gadol's job on יום כיפור is not to handle each and every minute aspect of the עבודה. In fact, there were certain points in the עבודה where a second כהן was called to assist the כהן גדול in non-core procedural elements, including finishing שחיטה on the קרבן תמיד after the basic requirement was met by the כהן גדול (i.e., cutting most of both pipes).<sup>7</sup> Rather, the real job of the כהן גדול was to perform the technical aspects of עבודה that affect atonement. One of the major components thereof was inspiring בני ישראל to do תשובה via the שער לעזאזל processing.

The רמב"ם states that the reason the שער was sent to the ארץ גזירה was that "שאין בה יישוב". No one lives there. It is beyond the end of the city limit and represents isolation. That is where people are not found and therefore that is the symbolism of where עבירות belong. To the extent that the goal of the שער לעזאזל is to inspire תשובה and thereby facilitate atonement as the רמב"ם states, the central goal of the שער לעזאזל is actually completed once no one is around to internalize the message of the expulsion, and that occurs at the edge of the desert, not the cliff. Therefore, the edge of the desert is where the role of the כהן גדול should end. To be clear, the goat still must be pushed off the cliff and terminated in accordance with the הלכה, that is definitely part of the מצוה of the שער לעזאזל, but that is not part of the תשובה facilitation goal and therefore is outside the scope of the Kohen Gadol's personal responsibilities. He may then therefore carry on with the activities once the goat reaches the מדבר even before it is pushed off the cliff.

## Conclusion

As mentioned above, the רמב"ם begins הלכות תשובה by highlighting that the שער לעזאזל was integral to our כפרה during the times of the בית המקדש. He then adds in the following הלכה that today, when we do not have a בית המקדש or מזבח, our only means for achieving כפרה is through תשובה. Heading into יום כיפור, may we all reflect on the real purpose of the שער לעזאזל: Inspiring our davening, advancing our תשובה, and bringing us one step closer to achieving our spiritual goals and the rebuilding of the בימינו במהרה.

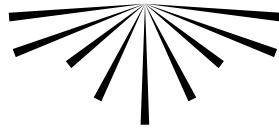
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6 See Rav Yosef Dov Halevi Soloveitchik – קובץ חידושי תורה – page 120-122. The Rav raises this question and provides an answer based upon the definition of the עבודה of the כהן גדול regarding his designating the איש עתי.

7 יומא לב ע"ב 7



# סוכות



# Teishvu K'en Taduru: Treating the Sukkah as One's Home

Rabbi Yehuda Balsam



The תורה commands us “בסוכות תשבו שבעת ימים” - “*You should dwell in Sukkos for seven days.*” (ויקרא כג:מג) The משנה in ב”ב מסכת סוכה כח ע”ב explains this to mean that for these seven days one must make his סוכה into his permanent dwelling area. רש”י, on the ד”ה לא יצא, explains that the three main activities that are to be performed in the סוכה are eating, drinking and sleeping. ש”ת, ושינה, understood that these are the primary activities for which one requires shelter in order to perform. Since one would normally perform these activities in his own home, he must now do them in the סוכה. This כולל of תדורו also leads to a number of instances in which one would not be obligated to dwell in a סוכה. Any time that one would feel so uncomfortable in the סוכה, where had he been in his own house he would have left in search of better accommodations, he need not remain in the סוכה. This rule is known as מן הסוכה - one who is in discomfort (because of the סוכה environment) is released from the obligation of סוכה.<sup>1</sup> The גמרא offers numerous applications of this rule which are beyond the scope of this discussion (see תרלס-תרמ). What follows is a short list of situations in which the application of this rule is disputed among the פוסקים.

## The Nature of the Obligation

Considering the fact that one can technically avoid performing those activities which obligate him to live in the סוכה, the פוסקים contemplate the following issue. Is the מצוה of סוכה an obligation, which if avoided is considered a lost and nullified opportunity (ביטול מצוה עשה), or is it an optional מצוה that if avoided is not considered lost in any way? (This discussion does not include

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גמרא סוכה כה ע”ב - כ”ו ע”א 1

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the first night of סוכה which everyone acknowledges to be obligatory.) The ק"א סימן ק writes clearly that the מצוה of סוכה is a "רשות גמור" - completely optional. This means that although if one wishes to eat or sleep he must do so in a סוכה, he is by no means obligated to engage in these activities. Similarly, the י' likens our מצוה to the מצוה of ציצית. Just as one who is not wearing a four-cornered garment has no obligation to wear ציצית, so too one who does not wish to eat is in no way חייב to be in a סוכה. However, the מהרש"ם א:רט cites a number of sources, including the גמרא in ע"א which state that one who chooses not to actively obligate himself to perform a מצוה is punished for this. Thus, even if one agrees that there is no obligation at all, it is still wise to ensure that one is able to fulfill this מצוה.

On the other hand, some פוסקים write that the מצוה of ישיבה בסוכה is as obligatory as any other מצוה עשה, and one has no right to avoid it. The יסד attempts to prove this from the אבודרהם. He goes so far as to say that one who is sitting in his סוכה, and enters his house to get a drink should make sure not to spend any extra time in his house in order not to be מבטל his מצוה of ישיבה בסוכה. Regardless of which opinion one accepts, everyone agrees that spending time in the סוכה constitutes a fulfillment of a מצוה עשה מדאורייתא.

### Taking a Trip

was asked a שאלה concerning whether it is מותר to take a trip on סוכה during which one will be eating and/or sleeping outside of a סוכה (such as a camping trip). Since the דין of ענין תדורו tells us that one should live in the סוכה in the same way he lives in his home, perhaps someone who would have spent the time outside of his house is permitted to do the same regarding his סוכה. Furthermore, the גמרא סוכה כו ע"ב writes that those who are going on a trip - are פטור from living in a סוכה. However, רב משה prohibits such an activity for two reasons. First of all, the דין of ענין תדורו does not include an individual who simply chooses to leave the סוכה, even if he would have chosen to leave his house in order to embark on a similar trip. His proof to this is that the גמרא uses the phrase "מצטער פטור", which only includes an individual who is pained or bothered by the environment in the סוכה. Had the גמרא wished to permit leaving the סוכה for leisure, it would have stated that one who enjoys sleeping outside rather than in his house is פטור from the סוכה. This statement would have included any and all reasons for wanting to leave the סוכה, and חומר one who is מצטער.

As for the גמרא which absolves הולכי דרכים, רב משה explains that this is only speaking of one who goes on a business trip, not a vacation. רש"י



himself writes (שם ד"ה הולכי), "Just as one would not refrain from leaving his house for business, he need not refrain from such a trip as long as it is not יום טוב." However, the הולכי דרכים explains the phrase משנה ברורה תר"מ ס"ק לט almost identically to רש"י, but instead of writing for business he writes מלנסע - he travels for whatever reason. This implies that the משנה ברורה understands the גמרא differently than רב משה.

His second reason is based on the aforementioned גמרא in מנחות. Even if one was to assume that the דין of כעין תדורו does permit leaving the סוכה in order to go camping, it is certainly אסור to purposely circumvent this special מצוה, which can only be fulfilled for one week of the entire year. Such an individual is the same as one who chooses to remain פטור from wearing ציצית by not purchasing a כנפות של ד', and, as the גמרא explains, is punished for this in a time that ה' is angry.

Rav Moshe's opinion is shared by רב שלמה זלמן אוירבאך, quoted in הליכות, though for a different reason. He explains that since one can plan his trip to fall out any other time he wants, he has no right to do it סוכות on דוק. He offers proof to this from the רמ"א תרמ"ג who writes that one who wishes to be מקיז דם - to let blood - on סוכות is still חייב to live in a סוכה. The מגן אברהם סק"ד explains that he is חייב because he should have done this procedure before יום טוב. So too, one has no right to schedule a trip which will impair his ability to live in the סוכה.

Another possible reason to prohibit this trip is offered by רב בנימין זילבר in או נדברו יא:לד. He quotes the משנה ברורה תרמ"מ in the name of the לבוש who writes that one who is on a trip need not even refrain from eating in hopes of finding a סוכה along the way, but at night he must certainly seek out a סוכה. However, if he can obtain access to a סוכה with little effort, he must do so. רב זילבר adds that nowadays it is so easy to gain access to a סוכה, one has no excuse not to, at the very least, bring a סוכה on his trip.

רב יוסף שלום אלישיב in his דף כו is quoted as arguing against Rav Moshe's decision. He argues that since today I have a desire to go on a trip, the כעין תדורו דין permits me to do so. The whole logic behind being פטור from living in a סוכה is simply that they want to travel in order to make money, which is certainly an optional task. Similarly, one has the right to engage in an optional trip if that's what he wants to do, and would have left his house in order to do so. Furthermore, the גמרא in מנחות which dooms such a person to punishment for circumventing the obligation to do a מצוה does not apply to our case. In מנחות, the גמרא was dealing with someone who bought a בגד that did not have כנפות ד' and would therefore never have a מצוה to wear ציצית. Here, we are speaking about someone who is

engaged in the מצוה of ישיבה בסוכה the rest of יום טוב, and wishes to take a break for a day or two. Thus he would not be worthy of punishment.

### Types of Decorations

The א"ע, in describing how one fulfills תשובו בעין תדורו, explains that one should bring his nice כלים into the סוכה. This implies that whatever fancy dishes or cutlery one normally uses on יום טוב should be used in the סוכה. רב משה has a תשובה (או"ח ה:לו) concerning a certain רב who was telling people that they must decorate their סוכות with the same types of decorations that they use in their own homes, not the temporary ones that have become popular among the masses. However, רב משה rejects this completely. He explains that the דין of תשובו בעין תדורו is only relevant to the manner in which one dwells in the סוכה, not to the סוכה itself. The סוכה is by definition a temporary dwelling place and is not necessarily able to stand all year round, and the decorations may certainly reflect this. One must live in the סוכה as if it was his primary residence, thus necessitating the use of the nicer סעודה, but need not decorate it as such.

As we have seen, we should do all that we can during the יום טוב of סוכות to make the סוכה our primary residence. Hopefully we will be able to fulfill this מצוה properly, and all live to see the rebuilding of the הנופלת דוד.

# Borrowed Sukkah vs. Borrowed Lulav

Rabbi Yechiel Kalmenson



Regarding the 2 principal מצוות of סוכה, סוכה and לולב, we find an interesting difference between them. In connection to both מצוות the תורה uses the word “לך־לכם”<sup>1</sup> to imply that the סוכה or לולב need to belong to you in order to fulfill the מצוה. However, there is a difference in regard to borrowing to fulfill both of these מצוות.

תניא: רבי אליעזר אומר: כשם שאין אדם יוצא ידי חובתו ביום טוב הראשון של חג בלולבו של חבירו, דכתיב ולקחתם לכם ביום הראשון פרי עץ הדר כפת תמרים – משלכם, כך אין אדם יוצא ידי חובתו בסוכתו של חבירו, דכתיב חג הסכת תעשה לך שבעת ימים – משלך וחכמים אומרים: אף על פי שאמרו אין אדם יוצא ידי חובתו ביום טוב הראשון בלולבו של חבירו, אבל יוצא ידי חובתו בסוכתו של חבירו, דכתיב כל האזרח בישראל ישבו בסכת – מלמד שכל ישראל ראויים לישב בסוכה אחת. ורבנן, האי לך מאי דרשי ביה? מיבעי ליה למעוטי גזולה, אבל שאולה – כתיב כל האזרח. (סוכה כז ע"ב)

*We have learned: Rabbi Eliezer Says: “Just as a person cannot fulfill his obligation on the first day of Sukkos with a lulav that [he borrowed from] his friend, for it is written: ‘And you shall take for yourselves on the first day, the fruit of a beautiful tree...’ i.e., [these species must be] your own. So too, a person does not fulfill his obligation [using] a sukkah that [he borrowed from] his friend, for it is written: ‘You shall celebrate the festival of Sukkos for seven days for yourselves,’ i.e., [the sukkah] must be from your own.... (Sukkah 27b)*

In short, while רבי אליעזר holds that both a borrowed סוכה and a borrowed

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<sup>1</sup> ויקרא כג:מ see לולב. And regarding סוכה see דברים טז:יג חג הסכת תעשה לך שבעת ימים. And regarding סוכה see דברים טז:יג חג הסכת תעשה לך שבעת ימים. And regarding לולב see ויקרא כג:מ. And regarding סוכה see דברים טז:יג חג הסכת תעשה לך שבעת ימים. And regarding לולב see ויקרא כג:מ. ולקחתם לכם ביום הראשון פרי עץ הדר כפת תמרים.

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כל” פסוק hold that the term “לך” are not acceptable because of the term “לך” implies that “כל ישראל ראויים לישב בסוכה אחת” (All Jews are worthy to sit in one סוכה) and the only way for this to be accomplished is if we allow for one to borrow a סוכה. What then does the word “לך” in reference to סוכה teach us? It teaches us that a stolen סוכה is invalid.

The הלכה follows the opinion of חכמים, that while a borrowed לולב cannot be used on the first day of סוכות, a borrowed סוכה can be used. (או”ח תרלז:ב)

At first glance it would seem that the reason why “לך” in reference to סוכה doesn’t exclude a borrowed סוכה is because the לימוד from כל האזרח shows us that the סוכה doesn’t have to actually belong to you, and that the “לך” is only coming to exclude a stolen סוכה.

However the clearly implies that a borrowed סוכה is included in the requirement of “לך”:

אע”פ שאמרה תורה חג הסוכות תעשה לך, לך משלך, כלומר שתהא הסוכה שלך ולא של חברך. אעפ”כ יוצא אדם ידי חובתו בסוכה שאולה, דכיון שנכנס לה ברשות הרי היא כשלו.

*Although the Torah says Chag HaSukkot Taaseh Lecha, “Lecha” meaning that it has to be yours and not your friend’s. Nevertheless, a person fulfills his obligation with a borrowed sukkah; since he went in with [his friend’s] permission it is as if it is his. (Emphasis added)*

The Rav explains it even further in י”א סעיף:

אין לישב בסוכה העומדת בקרקע של חבירו מפני שאינה נקראת שלו ממש והתורה אמרה תעשה לך משלך ואינה דומה לשאלה ממש שהשאלה לו מדעתו והרי היא כשלו ממש

*A person should not dwell in a sukkah standing on land belonging to his friend, for it is not actually called “his own,” and the Torah says: “Ta’aseh Lecha” i.e., from your own. [Such a stolen sukkah] does not resemble a sukkah that is borrowed... Since [a sukkah] is borrowed with [the owner’s] permission, it is as if it is actually his [the borrower’s]. (Emphasis added)*

So the Rav makes it quite clear that a borrowed סוכה is כשר because using a סוכה with permission makes it “שלי” (the borrower’s).<sup>2</sup> Why does the same reasoning not apply to a borrowed לולב, where we say that on the first day the לולב has to actually belong to you and cannot be borrowed?

<sup>2</sup> The source of the Rav’s שיטה seems to be from the לבוש סעיף ב who understands it this way in רש”י סוכה כ”ז ע”ב ד”ה כל האזרח.

## Difference in the Definition of the Mitzvos of Sukka and Lulav

The difference may be clarified by looking at a fundamental difference between these 2 מצוות.<sup>3</sup>

When a person lends something, he lends it with the intention that the borrower should use it for its intended purpose. Therefore when a person lends a סוכה to his friend he is lending it so his friend will use it as a סוכה.

The מצוה of סוכה is חייב to dwell in the סוכה as you would in your permanent home. (סוכה כ"ח ע"ב). On the other hand the מצוה of לולב is just to hold the ארבע מינים (ולקחתם). The הלכה that the ארבע מינים have to belong to you is just one of the conditions of the מצוה.

That is why when a person lends a סוכה, he gives it to the borrower as his (the borrowers) קבע דירת קבע (permanent dwelling). Part of a קבע דירת קבע is the feeling that "this is my home" and for this reason even a borrowed סוכה is considered משלו ממש.

By contrast when a person lends a לולב, he gives it to the borrower for him to do the גענועים, and unless he specifies that he is giving it as a מתנה על, מנת להחזיר, this detail is not included in his default intention.<sup>4</sup> For this reason when a person borrows a לולב on the first day of סוכות, it does not automatically become שלו (unless it is specified that it is a מתנה) and he cannot fulfill his obligation with it.

### Sukkos – a Chag of Unity

It is a common theme in Chassidische teachings that there are פנים לתורה,<sup>5</sup> and oftentimes we find that a question or הלכה in פשט can be illuminated through insight from רמז or דרוש, סוד. Here too a deeper look at the meaning of these two מצוות can shed more light on the issue.

It is well known that the central theme of the מצוה of סוכות is אחדות (unity). סוכה is a מצוה that surrounds and encompasses everything and everyone that is inside of it. This is expressed in the כל ישראל ראויים brought earlier מאמר חז"ל – לישב בסוכה אחת – *All Jews are worthy of sitting together in the same Sukkah.*

Then we have לולב. Besides for the unity expressed just by the fact that we are binding 4 different species together (או"ח תרנא:א), we find unity expressed in the מצוה of the ארבע מינים in many other ways as well. First of all there is unity in each of the 4 species chosen for the מצוה.<sup>6</sup> The leaves of the לולב have

3 The answer, as well as the following explanation, is based on the Lubavitcher Rebbe's ליקוטי שיחות vol. 19 page 348.

4 For a similar example see regarding a borrowed סלית ידו,גיא and שלחן ערוך הרב אורח חיים ידו,גיא.

5 במדבר רבה 13:15

6 סידור עם דא"ח רס"ד ע"ד

to be bound together (סוכה ל"ב ע"א), the הדס has to have every three leaves growing together, (סוכה ל"ב ע"ב) the ערבה grows in bunches and is therefore called אחוונא, brotherhood (שבת כ ע"א) and the אתרוג lives on its tree from year to year (סוכה ל"ה ע"א) unifying within it all four seasons. (הדר באילנו משנה לשנה)

Then of course we have the unity expressed by bringing all four species together as expressed in the well-known מדרש ויקרא רבה ל"ב:

מה אתרוג זה יש בו טעם ויש בו ריח כך ישראל יש בהם בני אדם שיש בהם תורה ויש בהם מעשים טובים... מה התמרה הזו יש בו טעם ואין בו ריח כך הם ישראל יש בהם שיש בהם תורה ואין בהם מעשים טובים... מה הדס יש בו ריח ואין בו טעם כך ישראל יש בהם שיש בהם מעשים טובים ואין בהם תורה... מה ערבה זו אין בה טעם ואין בה ריח כך הם ישראל יש בהם בני אדם שאין בהם לא תורה ולא מעשים... אמר הקדוש ברוך הוא יוקשרו כולם אגודה אחת והן מכפרין אלו על אלו.  
*Just as the esrog has taste and smell so too there are Jews with Torah and good deeds... Just as the date palm has taste but no smell so too there are Jews with Torah and no good deeds... Just as the hadas has smell but no taste so too there are Jews with good deeds and no Torah... Just as the arava has no taste and no smell so too there are Jews without Torah and without good deeds... said Hakadosh Baruch Hu - let them all be bound in one bundle and they will complete each other.*

Even though at first glance it seems both מצוות express the same מדה of אחדות, a deeper look will show that they are actually quite different.

### Two approaches to Unity

When trying to unify many people, where each is different from the other, their opinions are not equal, (סנהדרין לה ע"א), there are two approaches to overcoming these differences.

The first approach is for each individual to negate his own individuality for the sake of a greater goal,<sup>7</sup> much like the uniformity found in an army where all of the soldiers put aside their individual wants and needs for the common goal of serving their country.

The second approach is for the different individuals to get together, acknowledge their differences and evaluate each other's strengths and weaknesses so they can work out how each individual can complement the whole so that the whole becomes much bigger than the sum of its parts. This unity is like the harmony displayed by an orchestra where each musician has a different instrument with different qualities which, when combined,

7 See במדבר רבה 12:8 עושה שלום במרומיו, מיכאל שר של מים וגבריאל שר של אש, אין מכבין זה את זה 7 As explained in תניא אגרת הקודש 12.

produce something much greater than what each could do on its own.<sup>8</sup>

These two approaches to unity are symbolized by the two מצוות of סוכה and לולב. The סוכה envelops everyone inside. Inside the סוכה there are no differences between one Jew and another. We are all celebrating together with הקדוש ברוך הוא. That is like the first form of unity where the individuals are seen as part of one whole.

The מצוה of לולב, on the other hand, shows us how each Jew is important for who he is. The אתרוג, the לולב, the הדס and even the ערבה each have something to contribute, and each one is needed (you cannot fulfill the מצוה with 4 אתרוגים or with an אתרוג, לולב and הדס but without the ערבה). This is more like the second form of unity where each individual maintains his individuality and uses his strengths to contribute to the whole.

So now we can explain the issue of “לכם” in connection to the מצוות of סוכה and לולב. In order for both of these מצוות to be fulfilled, the סוכה / לולב have to belong to the person doing the מצוה (“משלכם”). The difference between them is that regarding the סוכה, being that we view all Jews as one unit (the first approach to אחדות), the סוכה that belongs to my friend in essence belongs to all Jews because we are all essentially one. So if I use my friend’s סוכה I am essentially using my own סוכה.<sup>9</sup>

Regarding the לולב, however, we view each Jew as an individual. An individual who contributes to the whole, but an individual nonetheless. For that reason if the לולב belongs to my friend it does NOT belong to me and it does not satisfy the criteria of “לכם – משלכם”. I can therefore not use it unless I receive it as a מתנה.<sup>10</sup>

Our hopes and prayers are that through strengthening אחדות amongst כלל ישראל we will be זוכה to fulfill the rest of the מצוות of סוכות including the ultimate expression of שמחת החג in the בית השואבה<sup>11</sup> where all the Jews joined together<sup>12</sup> in the ultimate אחדות that comes through the ultimate שמחה בית המקדש השלישי in של מצוה.

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8 In these 2 levels of unity there is no ‘higher level’ and ‘lower level’ rather each level has its advantages and disadvantages. For a more in-depth look see ליקוטי שיחות Vol. 19 page 359.

9 The exception would be regarding a stolen סוכה, where the thief, by the act of stealing, is excluding the original owner from using the סוכה, thereby contradicting the whole theme of אחדות and rendering the סוכה - פסול.

10 This also explains why regarding סוכה the תורה uses the word לך which is לשון יחיד while for לולב it uses the word לכם which is לשון רבים.

11 סוכה נא ע”א, מי שלא ראה שמחת בית השואבה לא ראה שמחה מימיו

12 עיין רמב”ם הלכות לולב 8:14 - כל העם האנשים והנשים כולן באין לראות ולשמע





# Brachos on a Minhag

Rabbi Shmuel Witkin



The Gemara in *Sotah* explains that the reason for not reciting a *bracha* each year on the taking of the *terumah* is due to the fact that it is only a *minhag*. A *minhag* does not require a *bracha*. However, we do find many *brachos* on *mitzvos* which are only *minhagim*. Let us take the *mitzva* of *Yom Tov* for example. We are well aware of the reason why those of us living outside of *Yisroel* must keep two days for all of the *Yמים טובים*. This practice is based on the *minhag* of our ancestors who kept two days during the times when it was not clear to them when the actual first day of these holidays fell out. Now that we follow a calendar, we are only observing the second day based on *minhag*. However, if *minhagim* do not warrant *brachos*, how can we make any *brachos* on the second day of these *Yמים טובים*?

We must first understand the reasoning for not making a *bracha* on a *minhag*. This in truth is a dispute among the *Rishonim*. *Rambam* explains that the word “*וצונו*” of the blessing cannot be recited, since there is no *halacha* attached to these *minhagim* (such as *Terumah*). This means that there is no commandment *to not deviate* from adhering to these *minhagim* set up by *Chazal*. The *Rambam*, however, in his opening to the *Sefer Yehoshua* disagrees and explains that the *halacha* of *לא תסור* does apply to all *minhagim*. Yet, when the *Rambam* in *Shulchan Aruch* comments on why there is no *bracha* on the recitation of *Hallel* on *Chodesh*, he too bases it on the fact that it is also only a *minhag*. He explains that since the recitation of *Hallel* on *Chodesh* is not a *mitzva*, but merely a *minhag*, as seen by the fact that certain parts of *Hallel* are omitted, it does not warrant a *bracha*. *Brachos* were not established for an act on a “*minhag*” level. Hence we see three actions which are all *minhagim*, but yet only *Yom Tov* seems to require a *bracha*. Why don't *Rambam* and the *Rambam*'s reasons for not making a *bracha* on a *minhag* apply to *Yom Tov*?

Let us focus on the *Rambam* as we try to gain a better understanding. The *Brisker Rav* on the *Yam Sefora* offers a very insightful

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understanding based on a תוספות סוכה דף מד: ד"ה כאן במקדש which explains that the מצוה of ערבה is very different than the מצוה of הלל in that ערבה is only a "טלטול"-a taking. Why should this make any difference whatsoever regarding reciting a ברכה on its taking? He explains that there is a fundamental difference between יום טוב שני and ערבה. All of the actions which we perform on the second day of these holidays are מצוות being that have a foundation. They are the same acts that are performed on the first day of their respective holidays which allows them the status of being considered מצוות. Yes, the reason for doing these acts on the second day is due to a מנהג, yet that does not negate their fundamental status of being acts of מצוה. It all depends on the actions we are doing, and not solely on why we are doing these actions. A ברכה is warranted only if the act has a "תורת מצוה בהו בעצם ההפצא." It is for this reason that the רמב"ם can still consider them acts of מצוה which will warrant a ברכה. Yet, when focusing on the act of ערבה, we have no grounds for considering it an act of מצוה other than the מנהג which was enacted by חז"ל. It is for this reason that תוספות has the right to coin it as an act of mere "taking". He is only trying to contrast it to the acts of יום טוב שני and הלל which do have a basis as acts of מצוה in the תורה. The litmus test for warranting a ברכה according to the רמב"ם is dependent on whether this action has a basis to be considered an act of מצוה (such as the actions of מצוה we perform on יום טוב שני). However, if these acts these are merely מנהגים implemented by חז"ל without any prior basis as acts of מצוה, they will not require a ברכה. As always in understanding תורה, we must not ask why we perform these acts, but what are the nature of the acts being performed. Even though these acts are all being done based on a מנהג, they are integrally different based on their background and nature. The "why" is the same, yet the "what" is so different that one may require a ברכה while the other does not.

There is still one unanswered dispute between the רמב"ם and תוספות. The הלכות חנוכה גז: in רמב"ם was quoted as being of the opinion that הלל on ראש חודש does not require a ברכה, which is accepted as the הלכה by Sephardic Jews. סוכה in תוספות quoted earlier presents the view of Ashkenazi Jewry who do recite a ברכה on the recitation of הלל on ראש חודש. If the understanding of the Brisker Rav is correct in that the רמב"ם agrees with the understanding of that same סוכה in תוספות which makes the recitation of a ברכה dependent on the nature of the act, why would they not be in agreement regarding the recitation of a ברכה on הלל of Rosh Chodesh? Does it have a basis, a foundation to be considered a מצוה or not? In truth, the Brisker Rav himself deals with this issue and explains the dispute is dependent on the next few words of that ראש הלל of ברכה on סוכה in תוספות which explains that the reason we recite a ברכה on הלל

חודש is because-“..לא גרע מקורא בתורה..” - *it is no worse than reading the Torah*. What does תוספות mean by that? We are not making the ברכה on reading the תורה, but rather the ברכה on reading הלל? The Brisker Rav explains that it is precisely here where the רמב"ם does not agree with the view of תוספות. תוספות understands that even if the basis of these words as being a מצוה are only in regards to the מצוה of תלמוד תורה, this can warrant a ברכה even when being recited as הלל. It has a basis, and that basis is enough to require a ברכת המצוה. Even if the רמב"ם agrees regarding יום טוב שני, that is based on the fact that it is the same act of מצוה which has that ברכה which is now being repeated. However, having a basis as words of תורה is not considered a valid basis according to the רמב"ם for warranting a ברכה as a מצוה of הלל.

In conclusion, according to the רמב"ם every מנהג does in fact fall under the איסור of תסור. לא תסור. However, requiring a ברכה is dependent on whether it is to be categorized as an act of מצוה or merely as a מנהג. We need to ask what is the nature of the act and not merely why are we performing it. If this act is found to have a basis as an act of מצוה, such as the מצוות performed on יום טוב שני, it will be categorized as a ברכה warranting a מצוה. הלל and ראש חודש on הלל, which do not have a basis as an act of מצוה, in turn will be categorized solely as מנהגים and not מצוות, which will therefore not warrant a ברכה. May we continue to perform all of our מצוות and מנהגים in their proper fashion, and in this ובא לציון גואל ונאמר אמן of ברכה to the ultimate זכות be זכות.



# From Huts to Heichal: Insights into Sukkot and Shemini Atzeres

Michael Oppenheim



**T**he הפטרה for the second day of סוכות is from the 8th פרק of 'מלכים א', and describes the dedication and celebration that שלמה המלך led after completing the construction of the בית המקדש. The הפטרה begins with the transfer of the ארון and the rest of the כלי קודש from the משכן into the newly built בית המקדש accompanied by the sacrifice of innumerable sheep and cattle. This is followed by שלמה המלך's address to בני ישראל retelling דוד המלך's desire to build the בית המקדש and the "הקב"ה's response that it will be built by דוד's son rather than דוד himself. The most obvious connection between this narrative and סוכות is the fact that these events occurred over סוכות; the opening פסוק of the הפטרה is

ויקהלו אל המלך שלמה כל איש ישראל בירח האיתנים בחג הוא החדש השביעי  
(מל'אכ"א ח:ב)

*And the entire nation of Israel gathered to King Shlomo in the month of the strong ones which is the seventh month on the holiday [of סוכות].*

While this certainly provides a connection to סוכות, if one examines the text of the narrative closely, there seems to be an even stronger thematic connection that may inform our understanding of סוכות and עצרת שמיני.

It is important to understand this event in its historic context as recorded in 'מלכים א'. The ספר opens with the aging of דוד המלך and his death and transfer

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of the monarchy to שלמה דוד המלך. שלמה has completed the work of conquering/securing ארץ ישראל and establishing מלכות בית דוד. Prior to his death, דוד המלך provides שלמה with a list of those who were disloyal to him and to שלמה (and therefore pose a risk to the monarchy), and instructs שלמה to address these threats. The נביא recounts שלמה's execution of his father's instructions and, once complete, states שלמה ביד והממלכה נכונה – *and the kingdom was solidified in the hands of Shlomo* (מלאכים א' ג:ב). Two verses later, the text makes a point of noting רק העם מזבחים בבמות כי לא נבנה בית לשם ה' עד הימים ההם – *but the people were still sacrificing on personal altars because a house had not been built for the name of God up to that point* (מלאכים א' ג:ב). This juxtaposition and the use of the word “רק” (“*but*”) suggests that this statement is something of a rebuke to שלמה or at least is identifying something that is incomplete in his monarchy. The נביא then records how שלמה appears to הקב"ה and asks what he (שלמה) would like to receive from הקב"ה. שלמה המלך (after noting the large size of בני ישראל) asks for wisdom, which he is granted. This is immediately followed by the narrative describing שלמה's adjudication of the case of two women each claiming to be mother of the same baby, which causes the nation to recognize and respect שלמה's brilliance, and, as a consequence of this, the נביא states – *and Shlomo HaMelech was the ruler over all of Israel* (מלאכים א' ד:א). After a quick enumeration of שלמה's key officers and leaders, the נביא then begins the description of the building of the בית המקדש which culminates with the 14 day dedication of the בית המקדש, the beginning of which is described in the הפטרה read on the second day of סוכות.

The linkage between the establishment of the monarchy and the building of the בית המקדש is articulated in ע"ב כ ע"ב:

שלש מצות נצטוו ישראל בכניסתן לארץ להעמיד להם מלך ולהכרית זרעו של עמלק ולבנות בית הבחירה  
*Israel was commanded to perform three Mitzvos upon entering Eretz Yisroel: to establish a monarch, to eliminate the progeny of Amalek, and to build a Bais Hamikdash.*

If one carefully examines the text of the הפטרה, there is a striking set of 3 textual references / parallels that seem to link the dedication of the בית המקדש to the אבות:

1. The opening of the הפטרה refers to the month in which the dedication occurred as “ירח האיתנים”. The גמרא in ראש השנה יא ע"א states that תשרי is referred to by this name because it is the birth-month of the אבות, who are the “*strong ones of the world*” – “איתני עולם” – This name is not used any other time in תנ"ך to describe תשרי.

2. When describing the sacrifices brought during the dedication of the בית המקדש, the נביא states that they were so numerous – *that they could not be counted or measured because of their large numbers* (מלאכים א' ח:ה). Interestingly, this same textual construct also appears when בני ישראל is describing the large populace of בני ישראל (just before requesting wisdom from משה: (הקב"ה) – *a large nation that cannot be measured or counted because of their large numbers* (מלאכים א'). This sentence almost exactly parallels the statement made by יעקב about the promise he received regarding his children: *that they will not be counted because of their large numbers* (בראשית לבי:ב). Interestingly, the נביא uses not only the verb ספר but also adds the verb מנה, a synonym for counting. This same verb is found in the promise to אברהם about the multitudes that would ultimately descend from him: *only a person who could count the dust of the earth will be able to count your children* (בראשית יג:טז). Our text – which borrows and fuses these phrases – seems to be connecting our narrative to the promises made to both אברהם and יעקב.
3. בית המקדש, דוד המלך, wished to build the בית המקדש, but דוד המלך informed him that his son, rather than he, would be the one to build it. The words used by שלמה המלך in this הפטרה to describe what his father was told are *rather your son who shall emanate from you* (מלאכים א' ח:יט). This particular phrase is very conspicuous since those are NOT the words used in the record of the original conversation with דוד המלך. When נתן הנביא is speaking to דוד המלך, he states *I will establish your child after you who emanates from your loins ... [and] he will build a house for my name* (שמואל ב' ז:יב-יג). Note that there are a series of differences between the original statement to דוד המלך and how שלמה המלך recounts it in our הפטרה. First, instead of “*והקימתי את זרעך אשר יצא ממעיך* ... הוא יבנה בית לשמי” the paraphrase chosen by שלמה המלך textually parallels the promise to אברהם: *rather, the one who emanates from your loins will inherit from you* (בראשית טו:ד). The second change made when שלמה המלך paraphrases the story is to change “*ממעיק*” (used by נתן הנביא) to “*מחלציק*”. The word “*מחלציק*” appears in only one other place in the Bible. The other text in which it is used describes the nation and kings that will eventually emanate from אבינו: *a nation and collection of nations will come from you, and kings will emanate from you* (לה:יא). Once again, the text in our הפטרה borrows phrases from the narratives of the אבות (specifically אברהם and

יעקב); it seems that the text is connecting the event of the inauguration of the בית המקדש to the promises made to the אבות.

What is particularly salient is that the textual parallels seem to be to the promises made to אברהם and יעקב, and especially to יעקב. יעקב is, of course, the first person to receive promises from the “הקב” to have a large nation emanate from him. However, both אברהם אבינו and יצחק אבינו had more than one son, creating ambiguity - through which son would these promises manifest.<sup>1</sup> יעקב, though, is ultimately revealed to be recipient of those original ברכות. R’ S.R. Hirsch (בראשית כח:י) notes that יצחק אבינו blesses יעקב by saying “ויתן לך את” (בראשית כח:ד) – *and may he grant you the blessings of Avraham* – identifying יעקב אבינו as the true heir to the blessings and the founder of the nation. Similarly, the Brisker Rav notes that the statement to יעקב אבינו in יצחק אבינו “גוי וקהל גוים יהיה ממך” – בראשית לה:יא is meant to assert:

נאמרה לו הבטחה שמזרעו יצא עם ישראל ועוד הובטח לו “וקהל עמים” דהיינו שיהיו שבטים מזרעו (חידושי הגרי”ז סימן עח ע”פ בראשית מח:טז)

*A promise was given to him that the nation of Israel will emanate from his children and his children will be the tribes.*

Additionally, R’ S. R. Hirsch (בראשית כח:י) notes that יעקב is the first of the אבות to identify the concept of a place on earth for the שכונה to rest: “ויקרא את” – *and he called the name of the place the House of God* (בראשית כח:יט). It is not surprising, therefore, that שלמה המלך invokes specific parallels to יעקב אבינו.

These prominent textual connections to the promises made to אברהם and יעקב suggest that שלמה המלך is not simply celebrating the construction and dedication of the בית המקדש as an isolated event in its own right. Rather, שלמה seems to be underscoring this important moment as the **culmination and realization of the ברכות given to the אבות**: בני ישראל as nation living in ארץ אשר לא (as promised to the אבות), with an immeasurable population (אשר לא = יספר מרב), and with a בית המקדש built by a monarch from דוד (ומלכים מחלצין יצאו = בנך היוצא מחלצין) מלכות בית דוד. שלמה is celebrating the completion of the third commandment to בני ישראל required after their arrival and settling of ישראל (“ולבנות בית הבחירה”), ארץ ישראל as the final phase in the realization of the promises made to אברהם and יעקב.<sup>2</sup>

The completion of the building of the בית המקדש actually occurred 11

1 עיין רמב”ן בראשית יז:ו

2 A similar idea is found in the פסיקתא רבתי on פיסקא ו' 7:51, מלכים א'. The מדרש suggests that the name שלמה is derived from the word “שלם” (complete) since, though building the בית המקדש, שלמה completed the work of creation through the “הקב”.



months prior to the dedication ceremony described in our הפטרה.<sup>3</sup> Why did שלמה המלך wait until the following סוכות to inaugurate the בית המקדש? Perhaps this is specifically because of שלמה's desire to celebrate the event as the culmination and fulfillment of the promises to the אבות. Consider what the מצוה of ישיבה בסוכה is meant to evoke: "למען ידעו דרתיכם כי בסוכות הושבתי את – בני ישראל בהוציא אותם מארץ מצרים *so that future generations will recall that I provided huts for Bnei Yisrael when I took them out of Egypt*" (ויקרא כג:מג). The cycle of the מועדים reflects a historic continuum: פסח (the first in the cycle) recalls the exodus from Egypt, followed by שבועות reflecting the giving of the תורה, and culminating with סוכות representing the years spent in the desert prior to entering ישראל.<sup>4</sup> In Midrashic literature, the סוכה itself represents the concept of גלות. The ילקוט שמעוני ויקרא כג:מא states:

אמר רבי אליעזר בר מרוס למה עושין סוכה אחר יום הכפורים לומר לך שכן אתה מוצא בראש השנה יושב הקב"ה בדין על באי העולם וביום הכפורים הוא חותם את הדין שמא יצא דינן של ישראל לגלות ועל ידי כן עושין סוכה וגולין מבתיהן לסוכה והקב"ה מעלה עליהן כאלו גלו לבבל

*Why does one build the sukkah immediately after Yom Kippur? Since on Rosh Hashanah, God sits in judgment and on Yom Kippurim the judgment is finalized, perhaps the judgment was for Israel to be exiled, so they immediately build the Sukkah and leave their homes into the Sukkah which God credits as though they were exiled to Babylonia.*

Similarly, the משכן itself is recognized as a symbol of transiency. A number of commentators note that the name משכן is derived from the root שכן because it denotes the intrinsic nature of the משכן as designed for travel with בני ישראל and use during temporary encampments.<sup>5</sup> In his speech to the people during the dedication of the בית המקדש, שלמה המלך specifically highlights that the בית המקדש that was built is עולמים – a permanent dwelling for the שכניה (מלאכים א' ח:יב). This moment – the dedication of the בית המקדש – reflects the transition from the transitory, migratory nature of the משכן to the permanence of a בית המקדש. Perhaps שלמה chose to have this celebration specifically on סוכות – the holiday that represents the nomadic nation in the desert – to celebrate the transition of בני ישראל into an established people with an established monarch in their own land. What started as promises to the אבות – מתן תורה, גלות מצרים, and the travels through the desert symbolized by

3 מלאכים א' ה:לח

4 עיין רשב"ם ויקרא כג:מג

5 עיין אלשיך, דניאל ד:ז-יח; מלבים, אחרי מות צד

the סוכה – culminates now in this moment with the establishment of the בית המקדש – the final of the three מצות required after taking possession of ארץ ישראל.

This might also explain the custom of אושפיזין, inviting our forefathers (דוד and אברהם, יצחק, יעקב, יוסף, משה, אהרן) into the סוכה. Like שלמה המלך's timing of the inauguration, the אושפיזין reflect the idea that "כי בסוכות הושבתי את בני" (ויקרא כג:מג) "ישראל בהוציאי אותם מארץ מצרים" is not viewed and celebrated only as an isolated historic event but as the last step in the progression that begins with אברהם's receiving the first promise (לך) קום התהלך בארץ לארכה ולרחבה כי לך) – אתננה – *rise up and travel the length and breadth of the land for it will be given to you* (בראשית יג:זי) and continues through בני ישראל's travels in the desert to ultimately taking possession of ארץ ישראל (symbolized by דוד המלך).

Perhaps this idea can be extended to suggest a dimension of the somewhat enigmatic שמני עצרת. שמני עצרת is considered an independent holiday ("רגל") but it has no specific associated historical remembrances or events described in the תורה. It is noteworthy that the הפטרה for שמני עצרת is also taken from the narrative describing שלמה's celebration of the dedication of the בית המקדש in the same פרק in מלכים א. While the הפטרה for the second day of סוכות is from the פסוקים describing the beginning of the ceremony, the הפטרה of שמני עצרת is taken from the last פסוקים, describing the completion of the ceremony and return of the people to their homes. Perhaps שמני עצרת is meant to reflect yet another step in the historic progression symbolized by travels in the desert – שבועות – מתן תורה; פסח – יציאת מצרים; מועדים – שמני עצרת celebrates the final stage: the actual establishment of עם ישראל in ארץ ישראל. It has no special מצוות because it is not celebrating a specific time-limited historic event, but rather celebrates the new "life as usual" for עם ישראל in ארץ ישראל.

This idea may also elucidate a puzzling פסוק in the הפטרה of שמני עצרת. The פסוק states ביום השמיני שלח את העם – *on the eighth day he [Shlomo HaMelech] sent the people home* (מלכים א' ח:סו). The מצודת דוד comments that the people did not actually leave on the 8th day since it was שמני עצרת and they could not leave on that day. Rather, they received permission to return home on שמני עצרת but did not actually leave until the next day after again obtaining permission.<sup>6</sup> Why does the נביא record this mention of granting permission to leave on שמני עצרת if the people could not leave then? Perhaps this "sending of the people home" on שמני עצרת at the end of the celebration is meant to symbolize this idea of שמני עצרת as the celebration of עם ישראל in ארץ ישראל for who the wandering in the desert and the use of a משכן is a thing of the past.

דברי הימים. The second request for permission is recorded in מצודת דוד מלכים א ח:סו 6

שמיני “sends the people home” not only in the literal sense but – on שלמה המלך - symbolically identifying that the nation has just entered a new phase of existence in a permanent national “home” to which שלמה sends them.

Perhaps this can also shed light on the קריאת התורה for שמיני עצרת. On the last day of פסח and שבועות (outside of ארץ ישראל) the section related to the פרשת ראה from the end of מועדים (“כל הבכור”) is read. When the day falls on שבת, we begin the reading earlier in the פרשה (beginning with “עשר תעשר”) in order to have sufficient number of פסוקים for the 2 עליות. On שמיני עצרת though, we begin reading from עשר תעשר regardless of the day of the week. The classic explanation is that there are many מצוות relevant to agriculture and produce in those extra sections that are read, and since סוכות is also חג האסיף, the time of gathering in the crops, those הלכות are relevant.<sup>7</sup> Reformulating this idea slightly differently, the extra sections which are read include numerous מצוות (ארץ ישראל tied to the land of מצוות תלויות בארץ), including שמיטה, מעשר, and others. If שמיני עצרת is a reflection of עם ישראל in ארץ ישראל, it is certainly understandable why those sections would be added on שמיני עצרת.

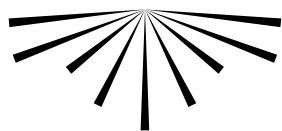
It is interesting that these two הפטרות are read only in חוץ לארץ.<sup>8</sup> Perhaps these are chosen for reading in חוץ לארץ specifically because those in גלות need to memorialize or express the idea of עם ישראל in ארץ ישראל more than the בני ארץ ישראל. May we all be זוכה to see the re-instatement of בית דוד and the experience of all of עם ישראל in ארץ ישראל, במהרה בימינו, ארץ ישראל.

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עין ר"ן על הר"ף, מגילה יא ע"א 7

8 In ארץ ישראל, the second day of סוכות is חול המועד and no הפטרה is read; שמחת שמיני עצרת and שמחת תורה are celebrated on the same day and the הפטרה for תורה is read.

# שמני עצרת



# Shemini Atzeres: One Nation, One Land

Ephraim Friedman



ביום השמיני עצרת תהיה לכם כל מלאכת עבודה לא תעשו: והקרבתם עלה אשה ריח ניחח לה' פר אחד איל אחד כבשים בני שנה שבעה תמימים. (במדבר כט: לה-לו)  
*The eighth day shall be a time of restriction for you; you shall not perform any mundane work. You shall offer up a burnt offering, a fire offering for a spirit of satisfaction to the Lord: one bull, one ram, and seven lambs in the first year, [all] unblemished. (Bamidbar 29:35-36)*

There is a tendency to regard שמיני עצרת, as nothing more than an extension and continuation of the טוב יום of סוכות. Among other reasons, this is perhaps because the תורה itself refers to שמיני עצרת as “the eighth day,” juxtaposed to the seven day observance of סוכות which immediately precedes it. However, upon closer examination, it is clear that שמיני עצרת is a holiday in its own right, separate and apart from סוכות. As we know, on שמיני עצרת we do not take the ארבע מינים, nor do we recite הושענות, and for those who have the custom to sit in a סוכה, they do so without a ברכה. Most tellingly, in our תפילות we refer to the day not as “חג הסוכות,” but rather as “שמיני,” and the גמרא סוכה מז ע”ב, concludes that a new ברכה of שהחיינו is to be recited when making קידוש.<sup>1</sup> While all of the other טובים are rooted in the commemoration or celebration of a specific historical event or miracle, שמיני עצרת seems to be unique, in that it appears to be nothing more than an additional day on which we are required to abstain from מלאכה, with no apparent historical correlation and lacking any discernible היום מצות (other

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<sup>1</sup> The גמרא סוכה מז ע”ב identifies six major differences between שמיני עצרת and סוכות, which are represented by the mnemonic “פור קשב”. The specific details of these differences are beyond the scope of this article.

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than, perhaps, גשם, תפילת).

Noting the stark contrast between the sacrifices brought throughout the holiday of סוכות and those offered on עשרת ימי, שמיני עזרת, רש"י begins to give us some insight regarding the significance of the day :

פר אחד איל אחד: אלו כנגד ישראל, התעכבו לי מעט עוד. ולשון חבה הוא זה,  
כבנים הנפטרים מאביהם והוא אומר להם קשה עלי פרידתכם עכבו עוד יום אחד.  
(רש"י במדבר כט:לו)

*One bull, one ram: These correspond to Israel. [G-d said,]  
"Remain with Me a little longer." It expresses [His] affection  
[for Israel]. It is like children taking leave of their father, who  
says to them, 'It is difficult for me to part with you; stay one  
more day.' (Rashi Bamidbar 29:36)*

רש"י continues by referring to the following parable:

אמר רבי אלעזר הני שבעים פרים כנגד מי - כנגד שבעים אומות. פר יחידי למה -  
כנגד אומה יחידה. משל למלך בשר ודם שאמר לעבדיו: עשו לי סעודה גדולה. ליום  
אחרון אמר לאוהבו: עשה לי סעודה קטנה, כדי שאהנה ממך. (סוכה נה ע"ב)  
*R' Elazar said: to what do these seventy bulls correspond? They  
correspond to the seventy nations of the world. And the single  
bull of Shemini Atzeres, why is it brought? It corresponds to  
the single nation of Israel. This can be compared to a king who  
said to his servants: "Prepare for me a great banquet." When  
it came to the final day of the banquet, he said to his beloved  
companion, "Prepare for me a small meal so I may enjoy your  
company." (Sukka 55b)*

The שמעוני expands on the above theme of a private celebration between השם and כלל ישראל and records the following similar teaching :

אמר רבי אלכסנדר ממשל למלך שבאת לו שמחה כל שבעת ימי המשתה היה  
בנו של מלך טורח עם האורחים, וכיון שיצאו שבעת ימי המשתה אמר המלך  
לבנו יודע אני שכל שבעת ימי המשתה היית טורח עם האורחים עכשיו אני  
ואתה נשמח יום אחד ואיני מטריח עליך הרבה... אמר הקב"ה לישראל עכשיו  
אני ואתם נשמח יחד ואיני מטריח עליכם הרבה אלא פר אחד ואיל אחד, וכיון  
ששמעו ישראל כך התחילו מקלסין להקב"ה ואומרים זה היום עשה ה' נגילה  
ונשמחה בו. (ילקוט שמעוני פר' פנחס תשעב)

*R' Alecsandri said: This can be compared to a king who  
celebrated seven days of feasting and throughout these seven  
days, his son was busy tending to the guests. After the conclusion  
of the seven days of feasting, the King said to his son, I recognize*

*that for the past seven days you have been busy making arrangements for our guests, now you and I will celebrate together (alone) for one day and I will not ask much of you... Similarly, Hashem says to Klal Yisrael, "Now you and I, let us celebrate together, and I will not ask much of you. Therefore, bring just one bull and one ram." When Klal Yisrael heard this, they began to sing praise to Hashem, and said "This is the day which Hashem has made; we will rejoice and be glad in it." (Yalkut Shimoni Pinchas 782)*

Because the Hebrew calendar begins with the month of תשרי, we often think of ראש השנה as the first of our annual טובים ימים, סוכות, therefore, which follows on the heels of ראש השנה and יום כיפור, is consequently viewed as the end of this first "phase" of Jewish holidays, following which, we endure a long break until פסח (notwithstanding the holidays of חנוכה and פורים in between), and then finally conclude the year with שבועות seven weeks later. Of course, however, we know that in reality this is not so. We begin the שלש רגלים with פסח, continue with שבועות and culminate the yearly progression with the יום טוב of סוכות.<sup>2</sup> Accordingly, שמיני עצרת, does not represent the middle, but instead marks the very end of the holiday cycle and is, therefore, the very last of the days on which we have a special opportunity to spend celebrating with ה'.

### *Chag Yerushas Ha'aretz*

The ווילנא גאון, in his commentary to שיר השירים, offers a beautiful insight into the first four פסוקים, which provides new meaning and depth to the essence of the day of שמיני עצרת.<sup>3</sup>

שיר השירים אשר לשלמה: ישקני מנשיקות פיהו כי טובים דדיך מיין: לריח שמניך טובים שמן תורק שמך על כן עלמות אהבוך: משכני אחריך נרוצה הביאני המלך חדריו נגילה ונשמחה בך נזכירה דדיך מיין מישרים אהבוך.

The ווילנא גאון explains these verses in the following manner:

וארבעה פסוקים אלו הם נגד ארבעה זמנים שהיו לישראל. הראשון נגד יציאת מצרים שבאותו לילה שרו שירה כמו שנאמר (ישעיה ל כט) השיר יהיה לכם כליל התקדש חג. ופסוק שני נגד מתן תורה כנ"ל. ופסוק השלישי הוא נגד בנין המשכן שהקריבו שבעים פרים נגד העובדי כוכבים ומזלות כנ"ל. ופסוק רביעי הוא נגד ביאת הארץ שאז נשלם הכל. וגם הם נגד ארבעה רגלים האחד נגד פסח שאמרו שירה. והשני נגד שבועות

<sup>2</sup> עיין שמות כג:יד-טז ודברים טז:טז

<sup>3</sup> See דברת במם Volume 4 page 47, by Rav Yaakov Yehudah Zilberlicht and Rav Aviad Tropp for this source and the preceding sources referenced in this Article.

שהוא מתן תורה. והשלישי הוא נגד סוכות שהוא זכר להיקף ענני כבוד שהיה תלוי בבנין המשכן כידוע... והרביעי משכני אחריו הוא נגד שמיני עצרת שהוא לישראל לבדו. (ביאור הגר"א לשיר השירים א:ד)

*These four pesukim correspond to four events experienced by Klal Yisrael: The first refers to the exodus from Egypt, for on that night they sang songs of praise; The second passuk relates to the giving of the Torah, as explained above [the two "kisses" refer to the first two commandments that were expressed directly from Hashem]; The third passuk relates to the building of the Mishkan, where the seventy bulls were offered on behalf of the nations of the world;<sup>4</sup> and the fourth passuk corresponds to the Bnei Yisrael's entry to the land of Israel, for then everything was complete. These four Pesukim also correspond to the four holidays: the first, to Pesach, the day on which they sang shira; the second, to Shavuot, the day on which we received the Torah; the third, to Sukkot, which reminds us of the clouds of glory that surrounded Bnei Yisrael and returned [following the Chet Haegel] when the Mishkan was built; and the fourth, to Shemini Atzeret, which was the day set aside specifically for Klal Yisrael. (Biur HaGra Shir HaShirim 1:4)*

The גר"א sees in the words of the fourth פסוק of שיר השירים a unique and intrinsic connection between the יום טוב of שמיני עצרת and the Jewish people's inheritance and possession of the land of Israel.<sup>5</sup>

Similarly, Rav Ben-Tzion Ferrer, in his essay חג ירושת הארץ,<sup>6</sup> writes that ארץ ישראל is זכר לכיבוש הארץ, the time to recall the conquest of ארץ ישראל. Rav Ferrer wonders why the תרגום יונתן בן עוזיאל translates the פסוק we began with: "ביום מא תמינאה כנישין תהוון בחדוא מן מטילכון:" as follows: "ביום השמיני עצרת תהיה לכם," "On the eighth day you shall gather in joy and leave your sukkah and return to your home." We are well aware of the Torah's directive to feel a great sense of joy while sitting in the סוכה and experiencing the יום טוב of סוכות. What, however, is the joy we are supposed to feel when leaving the סוכה and returning to our homes? Rav Ferrer explains that, whereas on the יום טוב of סוכות we thank ה' for His protection as we wandered for forty years through

4 ibid. (1:3). The גר"א explains that the reference in the פסוק to "שמניך" ("your oils") relates to the three types of oil that were used in the משכן – the שמן המאור (the oil for the מנורה), the שמן המשכה (the oil of anointing) and the שמן המנחות (the oil used in the meal offerings).

5 Interestingly, perhaps there is a connection here to the ילקוט, which references a similar phrase "נגילה ושמחה בר" from 118:24 תהילים, when referring to the יום טוב of שמיני עצרת.

6 (page 78), Essay 1 (page 78), ליום חגיגו, שמיני עצרת.



the desert, on שמיני עצרת we celebrate the point at which we were finally able to stop traveling and build permanent homes in ארץ ישראל. ארץ ישראל is the time when we no longer need to dwell in temporary huts, and can instead rejoice in the knowledge and comfort that we have reached our destination, with השם, in the land that He has promised to us.

### *Toras Eretz Yisrael*

The ווילנא גאון provides an additional insight relating to the words of the fourth פסוק in שיר השירים quoted above, “הביאני המלך חדריו”, *“The king brought me to His chambers.”* He explains:

הוא מועד ביאתן לארץ ישראל. וענין חדריו הם חדרי התורה כי עיקר התורה הוא בארץ ישראל. (ביאור הגר"א שם)

*This refers to the time when Bnei Yisrael enters the land of Israel, and the words “His Chambers” refer to the chambers of Torah study, for the essence of Torah is in the land of Israel. (Biur HaGra ibid.)*

The ווילנא גאון clarifies that our ultimate goal is not simply to settle and live in the land of Israel, but rather to establish the land as a place of תורה study. Rav Ferrer suggests a similar idea in the later portions of his essay, חג ירושת הארץ. He notes that the Rabbis saw it appropriate to integrate the celebration of שמחת תורה into the holiday of שמיני עצרת because of the inherent connection between the last of the יומים טובים and the study of תורה. He argues that בני ישראל did not endure generations of hardship - beginning with their suffering in Egypt, then wandering for forty years in the desert, and finally entering ארץ ישראל only to spend the first many years fighting wars to conquer the territory and drive out the inhabitants - simply to establish a free society in a new land. Rather, he explains, the objective of the entire journey to ארץ ישראל (and the justification for all of the trials and tribulations experienced by בני ישראל along the way) was the creation of a permanent place of תורה in this world.<sup>7 8</sup>

Interestingly, there is a dispute between the תלמוד בבלי and the תלמוד ירושלמי as to when the מצוה of הקהל, the gathering of the entire nation every seven years to hear the reading of the תורה by the king of Israel (דברים לא:יב),

<sup>7</sup> Rav Ferrer further notes the connection between the seven הקפות that we dance around the תורה and the seven times that יהושע circled around יריחו, which was the first of many battles fought to seize ארץ ישראל from our enemies.

<sup>8</sup> This idea is expressed throughout תנ"ך, particularly in the beginning of ספר דברים, as well as by יהוה להם ארצות גוים ועמל לאמים יירשו מה בעבור ישמרו חקיו ותורתיו: (105: 44-45) ספר תהילים in דוד המלך יה - יצרו הללו יה *“And He gave them lands of nations, and they inherited the toil of kingdoms; In order that they keep His statutes and observe His laws.”*

was to be performed. The משנה סוטה זח explains that this ceremony would take place “at the conclusion of the first day of the festival [of Sukkos], in the eighth [year of the Shemitah cycle], i.e., the end of the seventh [year]”. The תלמוד ירושלמי, however, records the same משנה, but states that the ceremony of הקהל should be performed on the night following עצרת שמיני.<sup>9</sup> This position is further supported by the commentary of רש”י in משנה ע”א to מגילה ה.<sup>10</sup> Although in practice הקהל was performed following the first days of סוכות, and not as recorded in the ירושלמי, the connection between the טוב of שמיני יום טוב and the study of תורה (in ארץ ישראל in particular) cannot be overlooked.

### *Kudsha Brich Hu, Orayta V’Yisrael Kulah Chad*

The הקדש זהר states that “God, the Torah and Israel are One.” Our literature is filled with countless sources that highlight and emphasize the eternal and unbreakable bond between Torah, ארץ ישראל and עם ישראל.

Regarding Hashem’s love for עם ישראל and ארץ ישראל, the מדרש תנחומא writes:

”חביבה ארץ ישראל שבחר בה הקב”ה, אתה מוצא כשברא העולם חלק הארצות לשרי האומות ובחר בארץ ישראל, מניין? שכן משה אמר בהנחל עליון גוים וגו’ (דברים כב), ובחר לחלקו ישראל שנאמר כי חלק ה’ עמו יעקב חבל נחלתו (שם דברים לב), אמר הקב”ה יבואו ישראל שבאו לחלקי וינחלו את הארץ שבאה לחלקי” (פר’ ראה סימן ח)

*The Land of Israel is beloved since He chose it. You find that when Hashem created the world He distributed the various lands to the heavenly ministers and chose the Land of Israel for Himself. How do we know this? Moshe said, When the Supreme One apportioned to the nations their inheritance, when He separated the children of man, He set the boundaries of the people according to the number of the Children of Israel (Devarim 32:8). He also chose the people of Israel as His portion, as it is written, For the Lord’s portion is His people; Yaakov is the lot of His inheritance (ibid. 32:9). Said the Holy One Blessed be He: “Let Israel, who became My portion, inherit the Land which became My portion.” (Parshat Re’eh, Siman 8)*

Similarly, the מדרש relates:

אמר הקב”ה חביבה עלי ארץ ישראל יותר מן הכל. למה? שאני תרתי אותה ...

<sup>9</sup> The תלמוד ירושלמי (סוטה 7:8) quotes the משנה found in the תלמוד בבלי verbatim, with the exception of one word - changing “מוצאי יום טוב האחרון של חג” to “מוצאי יום טוב הראשון של חג”.

<sup>10</sup> עין פירוש רש”י ל”חגיגה” - וכן הקהל את העם שהיה בשנה ראשונה של שמטה שהיה במוצאי יום טוב האחרון של חג.

להודיעך שאין חביבה כא: "א"ל הקב"ה למשה הן הארץ חביבה עלי שנאמר (דברים יא) ארץ אשר ה' אלהיך דורש אותה תמיד וישראל חביבין עלי שנאמר (שם דברים ז) כי מאהבת ה' אתכם. אמר הקב"ה אני אכניס את ישראל שהן חביבין עלי לארץ שחביבה עלי שנאמר כי אתם באים אל ארץ כנען. (במדבר רבה כג:ז)

*The Holy One Blessed be He said: "Eretz Yisrael is more beloved to Me than anything. Why? Because I spied it out..." This teaches that there is no love like the love for Eretz Yisrael. The Holy One Blessed be He said to Moshe: "The Land is beloved to Me, as it says, A Land that the Lord your G-d constantly seeks out (Devarim 11:12); and the people of Israel are beloved to Me, as it says, Rather, because of the Lord's love for you (ibid. 7:8). The Holy One Blessed be He said: "I will bring the people of Israel, who are beloved to Me, into Eretz Israel, which is beloved to Me," as it says, When you come into the Land of Canaan (Bamidbar 34:2)." (Bamidbar Rabba 23:7)*

The אור החיים, in his commentary on the words "וכי תבואו אל הארץ", *"When you come to the Land [and you plant any food tree],"* (פרשת קדושים יט:כג), stresses the importance of establishing a foundation of תורה in ישראל:

ויצו ה' שתהיה עיקר הכנסת הארץ לנטוע בה עץ מאכל שהם בני תורה כי אוירה של ארץ ישראל מחכים ומטהר הנפש (ב"ב קנח ב), ונקרא בן תורה עץ מאכל כי ממנו מזון לנפש.

*Hashem ordered that the main aspect of entering Eretz Israel would be to plant there fruit producing trees who are the students of the Torah, for the land of Eretz Israel gives wisdom to and purifies the soul (Baba Basra 158). And a Torah student is called a fruit producing tree, for from him comes the food for the soul.*

Similarly, the אור החיים, commenting on the פסוק "ארץ זבת חלב ודבש" – *"A land of milk and honey"* (פר' בא יג:טו), offers a profound perspective on the relationship between תורה and ישראל:

*The תורה and ישראל are two things that השם acquired in His world. Their connection to each other is like the connection between the soul (the soul is the תורה) and the body (the body is ארץ ישראל). The soul cannot exist on its own; it needs a body. The body itself is just dust of the earth, and needs the soul... The soul of the Jewish people is the תורה, and its body is the land of Israel. Certainly the soul cannot survive without a*

*body, and the commandments that are dependent on the land cannot be fulfilled without ארץ ישראל...ארץ ישראל without תורה is nothing but a piece of land, a body without a soul, and they are only worthwhile when they are together.*

With this understanding, the simple translation of the words in שיר הימים, highlighted earlier by the ווילנא גאון “*The king brought me to His chambers*”, may provide yet another reference to the special character of the יום טוב of שמייני עצרת. As explained above, it is on this day that ה' summons us to remain with Him for one additional day. This might then be the explanation for one of the peculiar characteristics of שמייני עצרת noted above. Perhaps the reason that there are no מצוות to be performed on this day is precisely because on שמייני עצרת we are not to be concerned with, or even distracted by, rituals or other external stimuli, such as sitting in a סוכה or shaking the לולב (or offering numerous קרבנות). Instead, ה' simply asks that we spend one more day with Him (“in His chambers”), focusing solely and exclusively on the study and celebration of the תורה.

It is no wonder then that the teaching of the ילקוט שמעוני referenced earlier, concludes with the following statement, which immediately follows the above-quoted passage:

אמר ר' אבין אין אנו יודעין במה לשמוח אם ביום אם בהקב"ה, בא שלמה ופירש נגילה ונשמחה בך, בך בתורתך, בך בישועתך.

*Rabbi Avin said: We would not know how to rejoice [on שמייני עצרת] - whether “bo” means “in it, referring to the day” or “in Him, referring to G-d.” Shlomo HaMelech came later and clarified (from Shir HaShirim 1:4), “We will delight and rejoice in You” – in Your Torah, in Your salvation.*

### *Lolam Lo Eshkach Pikudecha*

ונתתי אתה לך מורשה אני” comments on the words “*and I will give it to you as a heritage; I am Hashem*”, that the word “מורשה” appears only twice in the תורה - once above, with respect to ארץ ישראל, and again in תורה צוה: “לנו משה מורשה קהלת יעקב” *“The Torah that Moshe commanded us is a legacy for the congregation of Jacob”*. He comments: “*in the merit of the Torah will the land be inherited,*” and further notes the unusual use of the term “מורשה” (‘heritage’), as opposed to the more common term “ירושה”

(‘inheritance’). Some explain<sup>11</sup> that while a “ירושה” is effortless and permits the inheritor to simply acquire that which is being passed down without any work or struggle, a “מורשה,” on the other hand, once given over, requires significant effort to preserve and maintain.

We know this to be true of Klal Yisrael’s relationship with both the תורה and ארץ ישראל. For example, the גמרא in ע”ב teaches, “לא יגעתי ומצאתי,” ארץ ישראל מגילה ו ע”ב in גמרא. For example, the תורה study] without exerting any effort. Similarly, concerning ארץ ישראל, we find examples throughout תנ”ך of warnings conveyed to the Jewish people of the dire consequences that Israel will face should it forsake the תורה and the will of ה’. We need look no further than the terrible curses of the תוכחה contained in משה רבינו or the words of caution continuously repeated by משה רבינו throughout the first few פרשיות of ספר דברים (including the words of the second paragraph of the שמע,<sup>12</sup> which we recite each morning and evening), to remind ourselves that living peacefully and securely in the land of Israel is conditioned upon, and subject to, our fulfillment of Hashem’s מצוות.

Throughout all of ספר תהילים, there are only three times that דוד המלך uses the language of “אשכח” in his prayers, demonstrating his personal desire not to forget something.<sup>13</sup> Two of these references are mentioned in respect to תורה (and מצוות) and the third, relates to ארץ ישראל:

בחקתיך אשתעשע לא אשכח דברך (תהילים קיט:טז)

*With Your statutes I shall occupy myself; I shall not forget Your speech.*

לעולם לא אשכח פקודיך כי בם חייתני (תהילים קיט:צג)

*I shall never forget Your precepts for through them You have sustained me.*

אם אשכחך ירושלם תשכח ימיני (תהילים קלז:ה)

*If I forget you, O Jerusalem, may my right hand forget [its skill].*

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11 See, for example, the א”ר הושעיה כל מקום שנאמר מורשה לשון דיהא - תלמוד ירושלמי בבא בתרא ח:ב: *R. Hoshia said: “Everywhere that it says morasha it has the connotation of uncertainty. They asked: But doesn’t it say, “the heritage of the Congregation of Yaakov?” He answered: There is nothing weaker (more tenuous) than that [when a person first begins to learn], but after he toils in it, he understands it.”*

12 פרשת עקב יא:יג-כא - ...השמרו לכם פן יפתה לבבכם וסרתם.

13 Words consisting of the root “שכח” are found in many places throughout תהילים but it is disproportionately used in relation to תורה. See, for example, תהילים (119: 61, 83, 109, 141, 153 and 176).

As we write these articles and prepare this ספר Naftali, Eyal and Gilad and the many soldiers of the Israeli Defense Forces who selflessly and heroically gave their lives fighting to protect the State of Israel, rockets continue to rain down on כלל ישראל, indiscriminately targeting the people of Israel, and our brothers and sisters in the IDF continue to risk their lives to defend the Jewish nation. Although the identity of our enemies may change from time to time, their purpose always remains the same - in addition to trying to physically harm as many Jews as possible, their primary objective is to force us out of our land and sever the ties between עם ישראל and ארץ ישראל.

We must always remember that the two things in this world that separate us from the other nations and eternally unite us in our relationship with the רבונו של עולם are the תורה and the Land of Israel.

We pray for the speedy fulfillment of the prophesy of הנביא, describing the final redemption, when כלל ישראל will return to ארץ ישראל and live there safely and permanently:<sup>14</sup>

ואת רוחי אתן בקרבכם ועשיתי את אשר בחקי תלכו ומשפטיו תשמרו ועשיתם.  
וישבתם בארץ אשר נתתי לאבותיכם והייתם לי לעם ואנכי אהיה לכם לאלהים  
*And I will put My spirit within you and bring it about that you will walk in My statutes and you will keep My ordinances and do [them]. Then will you dwell in the land that I gave your fathers, and you will be a people to Me, and I will be to you as a God.*

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14 יחזקאל לה:כו-כח. Chapter 36:16-38 is read as the הפרשה for פרשת פרה and describes how Hashem will purify the Jewish people (“...הרקתי עליכם מים טהורים וטהרתם...”) (36:25), and bring them back to ארץ ישראל with the coming of משיח.

# Is this Article Permitted in Ohr HaTzafon? Shemini Atzeres as a Separate Holiday or the Eighth Day of Sukkos

Michael Gewirtz



**T**he *ירושלמי* records a dispute between ר' יוחנן and ר' יאשיה whether the semantics of a vow follows the vernacular of the תורה or the colloquial speech of man.

אמר ר' יוחנן הלכו בגדרים אחר לשון בני אדם. אמר רבי יאשיה הלכו בגדרים אחר לשון תורה. מה נפיק מן ביניהון? קונם יין שאיני טועם בחג. על דעתיה דר' יוחנן אסור ביום טוב האחרון. על דעתיה דר' יאשיה מותר. (ירושלמי נדרים ו:א)  
*R' Yochanan said concerning vows we follow the language of man. R' Yoshia said concerning vows we follow the language of the תורה. What is the difference between them? One who takes a vow not to taste wine on the Chag. According to the logic of R' Yochanan it is prohibited on the last day of the holiday, [while] according to the logic of R' Yoshia it is permitted. (Yerushalmi Nedarim 6:1)*

The נדר given by the גמרא concerns an individual who takes a נדר that he will not taste wine “בחג.” According to ר' יאשיה, who says a נדר follows “לשון התורה,” he would be permitted to drink wine on עצרת<sup>1</sup>. ר' יוחנן, who says we follow “לשון בני אדם,” would not allow one to drink wine, as people commonly include עצרת שמיני into the term חג.

The editors of this journal when seeking contributors to the inaugural

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<sup>1</sup> Implying that biblically speaking, עצרת שמיני is not considered as part of סוכות.

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volume of Ohr HaTzafon cast a wide net and sought to attract contributors to “a compilation of סוכות אלול on the טוב season of דברי תורה”<sup>2</sup> While over the course of this article we will explore how connected סוכות and שמיני are, we will assume for now that we follow ר' יוחנן and that although the editors chose the words “through סוכות” they meant to include עצרת שמיני.

### Shemini Atzeres in the Torah

The תורה<sup>3</sup> sets out the different aspects of the חגים in three primary places. First, in פרשת אמר we find the following description of עצרת.

(לד) דבר אל בני ישראל לאמר בחמשה עשר יום לחדש השביעי הזה חג הסוכות שבעת ימים לה': (לה) ביום הראשון מקרא קדש כל מלאכת עבדה לא תעשו: (לו) שבעת ימים תקריבו אשה לה' ביום השמיני מקרא קדש יהיה לכם והקרבנתם אשה לה' עצרת הוא כל מלאכת עבדה לא תעשו: (לז) אלה מועדי ה' אשר תקראו אתם מקראי קדש להקריב אשה לה' עלה ומנחה זבח ונסכים דבר יום ביומו: (לח) מלבד שבת ה' ומלבד מתנותיכם ומלבד כל נדריכם ומלבד כל נדבתיכם אשר תתנו לה': (לט) אך בחמשה עשר יום לחדש השביעי באספכם את תבואת הארץ תחגו את חג ה' שבעת ימים ביום הראשון שבתון וביום השמיני שבתון: (ויקרא פרק כג)

*(34) Speak unto the children of Israel, saying: On the fifteenth day of this seventh month is the feast of tabernacles for seven days unto the Lord. (35) On the first day shall be a holy convocation; you shall do no manner of servile work. (36) Seven days you shall bring an offering made by fire unto the Lord; on the eighth day shall be a holy convocation unto you; and you shall bring an offering made by fire unto the Lord; it is a day of solemn assembly; you shall do no manner of servile work. (37) These are the appointed seasons of the Lord, which you shall proclaim to be holy convocations, to bring an offering made by fire unto the Lord, a burnt-offering, and a meal-offering, a sacrifice, and drink-offerings, each on its own day; (38) beside the Sabbaths of the Lord, and beside your gifts, and beside all your vows, and beside all your freewill-offerings, which you give unto the Lord. (39) Howbeit on the fifteenth day of the seventh month, when you have gathered in the fruits of the land, you shall keep the feast of the Lord seven days; on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest. (Vayikra 23)*

<sup>2</sup> Ohr HaTzafon Welcome Letter – 7/17/14

<sup>3</sup> See also the description of עצרת שמיני in חייח and נחמיה ח:יח



While on the one hand verse 34 refers to “חג הסוכות” as a seven day feast we also find that there is a *יום השמיני*, an eighth day, which implies that it is part of the seven preceding days. Nowhere is this ambivalence more pronounced than in verse 39. We find at the beginning of the פסוק that there is a “חג להשם” for seven days; however, we also find symmetry between the first and eighth day as both are referred to as “שבתון” at the conclusion of the פסוק.

Similarly, we find in פרשת פנחה the details of the offerings for סוכות and שמיני עצרת. Once again while calling it the eighth day,<sup>4</sup> the descending pattern of קרבנות that occur for the seven preceding days are no longer followed. In fact, the number of bulls, rams, lambs and goats sacrificed on שמיני עצרת match the offerings for ראש השנה and יום כיפור.

(לה) ביום השמיני עצרת תהיה לכם כל מלאכת עבודה לא תעשו: (לו) והקרבתם  
עלה אשה ריח ניחוח לה<sup>4</sup> פר אחד איל אחד כבשים בני שנה שבעה תמימים:  
(במדבר פרק כט)

*35 On the eighth day you shall have a solemn assembly: you shall do no manner of servile work; 36 but you shall present a burnt-offering, an offering made by fire, of a sweet savor unto the Lord: one bullock, one ram, seven he-lambs of the first year without blemish; (Bamidbar 29)*

Finally, in פרשת ראה, the תורה list different aspects of the three festivals for which we are required to be עולה לרגל, and שמיני עצרת is missing completely from the chapter:

(יג) חג הסוכת תעשה לך שבעת ימים באספך מגרנך ומיקבך: (יד) ושמתח בחגך אתה ובנך ובתך ועבדך ואמתך והלוי והגר והיתום והאלמנה אשר בשעריך:  
(טו) שבעת ימים תחג לה<sup>4</sup> אלהיך במקום אשר יבחר ה' כי יברכך ה' אלהיך בכל תבואתך ובכל מעשה ידיך והיית אך שמח: (טז) שלוש פעמים בשנה יראה כל זכורך את פני ה' אלהיך במקום אשר יבחר בחג המצות ובחג השבועות ובחג הסוכות ולא יראה את פני ה' ריקם: (דברים פרק טז)

*(13) You shall keep the feast of tabernacles seven days, after you have gathered in from your threshing-floor and from your winepress. (14) And you shall rejoice in your feast, you, and your son, and your daughter, and your man-servant, and your maid-servant, and the Levite, and the stranger, and the fatherless, and the widow, that are within your gates. (15) Seven days you shall keep a feast unto the Lord your God in the place which the Lord shall choose; because the Lord your God shall bless you in*

<sup>4</sup> Additionally, unlike the preceding days that use the phrase “וביום”, for שמיני עצרת it leaves out the “ו” and merely writes “ביום” חז”ל. “ביום” picked up on this distinction as we will see shortly.

*all thine increase, and in all the work of your hands, and you shall be altogether joyful. (16) Three times in a year shall all your males appear before the Lord your God in the place which He shall choose; on the feast of unleavened bread, and on the feast of weeks, and on the feast of tabernacles; and they shall not appear before the Lord empty. (Devarim 16)*

### Shemini Atzeres in the Gemara

However, it is not only in the תורה that we find that the nature of שמני עצרת is not clearly defined. The תורה פרשת פנחס notes that in ירושלמי סוכה ה:ז the תורה uses “ביום” for all the preceding days of סוכות, but for שמני עצרת it only says “ביום” to teach us that it is a רגל בפני עצמו – a holiday unto itself.

Similarly in the בבלי סוכה מז ע”ב we find that שמני רגל בפני עצמו לענין פז”ר. The גמרא explains that the mnemonic stands for the six things that make שמני עצרת its own holiday: (i) פייס, (ii) זמן, (iii) רגל, (iv) קרבן, (v) שירה and (vi) ברכה.<sup>5</sup> While this גמרא states that it is a holiday unto itself, it does limit that to six categories.

Conversely, the גמרא in תענית כח ע”ב lists the eighteen days during the year that an individual is “גומר בהן את ההלל,” recites a full הלל, and includes in that list “שמונת ימי החג” – the eight days of the חג, which includes שמני עצרת with the rest of סוכות. Similarly, the משנה in סוטה מא ע”א provides the details of the הקהל ceremony. The גמרא asks why the תורה in דברים לא:י after already mentioning that it was to happen on חג הסוכות needed in the next verse to mention that it was at the time when בני ישראל “come to appear before Hashem.” The גמרא answers that you might have thought that the הקהל could have been on the “יום טוב אחרון,” i.e. שמני עצרת, and therefore the תורה needed to add a second description of the timing of the event. While the גמרא concludes that the הקהל is not on שמני עצרת, the assumption that שמני עצרת is part of the חג of סוכות is never dismissed.

The גמרא in סוכה מח ע”א also builds a stronger connection between the first seven days of סוכות and the eighth day as it deduces that the פסוק of “והיית אך שמח” (דברים טז:טו) “and you shall be altogether joyful” comes to include the “ליל” in שמחה מצוה. In other words, the same מצוה of שמחה that we find on the first seven days of סוכות flows over to שמני עצרת.

Not only are the ירושלמי and בבלי unclear as to how to understand

<sup>5</sup> פייס – the ballot to determine which of the 24 משמרות of the כהנים would be מקריב the קרבנות, (ii) זמן – the time recited, (iii) רגל – a major debate amongst the ראשונים what this means, (iv) קרבן – a different קרבן than the previous seven days, as previously discussed, (v) שירה – sung by the לויים and (vi) ברכה – a debate amongst the ראשונים.

the nature of עצרת שמיני, but even ראשונים provide comments that could be interpreted as contradictory. For instance, רש"י סוכה מח ע"א ד"ה רגל, when discussing what the "רגל" mentioned by the גמרא as one of the six distinct qualities of עצרת שמיני refers to explains that "שאין יושבין בסוכה," "we don't sit in the סוכה," which would imply that while עצרת שמיני is connected to סוכות it is simply different in that we no longer sit in the סוכה. However, ראש השנה in רש"י writes that רגל means that "אין שם חג הסוכות עליו" "it does not have the title of חג הסוכות on it," from which one would infer that עצרת שמיני is separate from סוכות.<sup>6</sup>

### Practical Differences on how Shemini Atzeres is Classified

What has been established up to this point is that it is unclear where on the spectrum of an independent holiday or continuation of עצרת שמיני סוכות, should be classified. It is therefore not surprising that when looking at practical הלכה it would seem that many of the debates can be explained as centering around the exact issue of either viewing עצרת שמיני as a standalone holiday that comes immediately after סוכות or the eighth day of סוכות that just does not share many of the special הלכות of the first seven days.

Two practical differences commonly discussed relate to the נוסח of the שמונה עשרה. שמיני עצרת תפילות מחבר and רמ"א argue whether the correct formula for שמונה עשרה is "יום שמיני חג העצרת הזה" or "יום שמיני העצרת הזה". It is possible to relate this debate to the issue surrounding the nature of עצרת שמיני and perhaps the מחבר who uses the language "יום שמיני חג העצרת הזה" would view עצרת שמיני as an independent "חג," while Rama who strips the word "חג" from the תפילות because "לא מצינו בשום מקום שנקרא חג," "*we do not find in any place that it is called חג*," wants to stress it is a יום שמיני as he sees עצרת שמיני as a continuation of סוכות and not a חג on its own. Interestingly, the ס"ז moves the word "חג" in the מחבר's formulation so that the "חג" refers to סוכות and not עצרת שמיני and writes to use the following text "יום שמיני עצרת החג הזה."

Similarly, the שערי תשובה discusses a case where one has accidentally used the phrase "יום חג הסוכות הזה" שמיני עצרת. The שערי תשובה quotes sources that say תפילה you have fulfilled your requirement of, while other אחרונים would require you to repeat your עשרה. This debate too may focus on whether עצרת שמיני is an independent חג. Those that would require you to repeat your עשרה would view עצרת שמיני as an independent holiday and therefore when you mentions סוכות in your prayers you have not accomplished anything

<sup>6</sup> See רש"י – אורח חיים עא ע"ב – משנת יב"ץ. Rabbi Betzalel Zolty suggests that perhaps רש"י could be understood in a case where an individual started עצרת שמיני early while it was still the seventh day of סוכות. רש"י would rule that the onset of עצרת שמיני, קדושת עצרת שמיני, that is a חג עצמו, רגל בפני עצמו, would dismiss the מצוה to sit in the סוכה which is a defining feature of the חג.

as סוכות has no bearing on עצרת שמיני; it simply proceeds the new holiday. However, if you were to view עצרת שמיני as a postscript of סוכות, granted it is a special day at the end of סוכות lacking many of the same unique characteristics, but none the less at its core it is still the eighth day of סוכות, so בדיעבד one could be יצא when mistakenly using “יום חג הסוכות הזה”.

Another set of topics and potential practical differences are raised by רמב"ן in his discussion about what the גמרא was alluding to when it listed “רגל בפני עצמו” as one of the six characteristics that make שמיני distinct from סוכות. רמב"ן explains that “רגל” refers to לרגל. When one is required to bring an עולה ראיה and שלמי חגיגה. If one misses the opportunity to bring the קרבן on the first day, of a יום טוב they would have the remaining days of that יום טוב to make up the obligation. However, if you were exempt on the first day of יום טוב from bringing the עולה ראיה then there would be no תשלומין over the remaining days, as תשלומין can only make up for a קרבן where there was an initial obligation. רמב"ן posits that if one is exempt<sup>7</sup> on the first day of סוכות from bringing the קרבן, but became a בר חיובא during חול המועד, then you would be obligated again to bring the עולה ראיה when שמיני begins because “אי לא חזי בראשון חזי בשני”.

רמב"ן continues and says that it could also be considered its own חג for the issue of תאחר, which sets a time limit for an individual who volunteers to bring a קרבן. While the גמרא ראש השנה ה"ב ע"ב debates how many festivals need to pass before you are liable for תאחר, רמב"ן suggests if סוכות was the last chance for you to fulfill your voluntary obligation then once עצרת שמיני begins you have transgressed the איסור of תאחר.

רמב"ן appears to rule differently on both the issue a renewed obligation for עצרת שמיני and תאחר as they relate to עצרת. He writes:

מי שלא חג ביום טוב ראשון לחג הסוכות חוגג כל הרגל, וביום טוב האחרון שהוא שמיני, ואף השמיני תשלומי ראשון הוא (הלכות חגיגה א:ז)

*One who does not bring his sacrifice on the first day of Sukkos can bring it the during remainder of the holiday and even on the last day of the holiday that is the eighth day as even the eighth day can be a make up for the first day. (Hilchos Chagiga 1:7)*

רמב"ן in the following פרק<sup>8</sup> discusses a case of someone that was lame or blind on the first day of the holiday and then is cured of his ailment. רמב"ן ruled that he is exempt from bringing the קרבן because “ביום חובתו היה פטור” “on the day of his obligation he was exempt” as “כל ימות החג תשלומי ראשון הן”

<sup>7</sup> For instance one who only becomes בר מצוה or מגייר during חול המועד.

all the days of the holiday are a make up for the first day. Despite specifically mentioning עצרת שמיני as a potential תשלומין for the first day of the חג, when discussing those exempt on the first day, רמב"ם makes no mention of שמיני reestablishing the requirement to bring the עולה like רמב"ן suggests.

Similarly, רמב"ם seems to describe the בל תאחר איסור in a curious manner:

עברו עליו שלש רגלים ולא הקריב קרבנותיו... הרי זה עבר בלא תעשה שנאמר  
לא תאחר לשלמו. אינו עובר בלא תעשה עד שיעברו עליו רגלי השנה כולה.  
(הלכות מעשה הקרבנות יד:יג)

*If three holidays pass and he does not bring his sacrifice ...  
then he has violated a negative commandment as it says do not  
delay to fulfill. He has not violated the negative commandment  
until all the holidays of the year have passed. (Hilchos Maaseh  
haKorbanos 14:13)*

Why does רמב"ם repeat that "אינו עובר בלא תעשה עד שיעברו עליו רגלי השנה כולה" when he already clearly described that "three holidays pass" at the beginning of the הלכה and why add the extra word "כולה" at the end? The אור שמח שם explains that רמב"ם means to include עצרת שמיני. In other words, unlike רמב"ן who believed you would have violated בל תאחר after the first seven days of סוכות, רמב"ם believed that you needed to complete עצרת שמיני as well before violating the איסור.

Once again the debate between רמב"ם and רמב"ן might revolve around the nature of עצרת שמיני. Perhaps רמב"ן believed that the גמרא was telling us that עצרת שמיני is such an independent holiday that it can reestablish the obligations of עליה לרגל and reintroduce the requirements to bring the appropriate sacrifices.<sup>9</sup> Similarly, עצרת שמיני will bring the cycle of רגלים to a close with the completion of the first seven days of סוכות and you will have transgressed<sup>10</sup> the בל תאחר איסור. רמב"ם however may view עצרת שמיני as a continuation of סוכות and therefore would not imagine a new obligation of sacrifices for those that are exempt on the first day and would not believe that you violate בל תאחר until all eight days of סוכות are completed.

### The Rav's Approach

Rav Yosef Dov Soloveitchik (הררי קדם Volume 1, 150 and 151) suggested a more nuanced understanding of the seemingly contradictory descriptions of עצרת שמיני. As previously detailed, the תורה describes the different aspects

<sup>9</sup> Although not so much of an independent holiday that had you properly brought your קרבנות on the first day of סוכות that you would have to bring a new set on עצרת שמיני.

<sup>10</sup> The רמב"ם, *ibid*, points out that as there is no action you would not receive lashes for the transgression.

of each of the holidays in three primary chapters. The Rav proposed that in פרשת פנחס and פרשת אמר שמיני עצרת is primarily described as a separate holiday,<sup>11</sup> then the laws found there like איסור מלאכה, שביתה and קרבן מוסף would reflect the independent status of the day. However, in פרשת ראה where שמחה extended the idea of שמחה from סוכות to עצרת then the eight days are considered one long holiday and all of the דינים of לרגל עליה and שמחה that apply to סוכות continue to apply to עצרת שמיני.

This distinction could lead to some interesting practical differences as well as explain some atypical הלכות. For instance, in the previously discussed case where one has accidentally used the phrase “יום חג הסוכות הזה” on שמיני עצרת we could distinguish between making a mistake in עשרה שמונה and one who errs while reciting קידוש. The main objective of קידוש is to highlight the קדושה of the day manifested through the איסור מלאכה. The איסור מלאכה is a feature found in פרשת אמר and accordingly it is an attribute connected to the תורה description of עצרת שמיני as an independent day. Therefore, if one makes a mistake and mentions סוכות instead of עצרת שמיני in קידוש you would not fulfill your obligation as סוכות has no bearing on עצרת שמיני in the realm of איסור מלאכה. However, referencing עצרת שמיני in תפילה stems from the desire to draw attention to the קדושה of the רגל, which is derived from סוכות פרשת ראה, and as a result you could be יצא בדיעבד.

Another potential application of this fine distinction can be made in the גמרא מועד קטן כד ע”ב in גמרא which discusses a case of Shiva where a family member passes away the day before סוכות. As long as the mourner observed a moment of Shiva before סוכות began, יום טוב cancels the remainder of Shiva. As such, the day before סוכות counts as seven days and the seven days of סוכות count as an additional seven days towards שלשים. The גמרא quotes an opinion that עצרת שמיני itself also counts as seven days and therefore the mourner exits יום טוב with twenty one of the thirty days of the שלשים period complete. Now if עצרת שמיני is an independent holiday it would make sense that the additional יום טוב would impact the period of mourning. However, according to this view that עצרת שמיני cancels out a seven day period of שלשים, why does it not cancel out the entire remaining period of שלשים in the same way סוכות cancels out the remainder of Shiva? If a mourner was already observing שלשים before any יום טוב, the holiday terminates the remaining days of שלשים. Some ראשונים<sup>12</sup> explain that as the mourner has not yet demonstrated any of the שלשים restrictions,<sup>13</sup> עצרת שמיני is unable to additionally cancel out שלשים. The

11 Particularly in light of the way סוכות is described as a seven day holiday.

12 רא”ש כח ע”ב

13 Like refraining from haircutting.

Rav provides another possible reason for this uncommon הלכה by explaining that the reason יום טוב is able to cancel of אבילות, is because mourning is incongruous with יום טוב as there is a requirement of שמחה.<sup>14</sup> As such, שמיני, which derived its חיוב of שמחה on the first seven days of סוכות, is not a completely independent holiday when it comes to this הלכה and therefore cannot cancel out the remaining days of שלשים.

Lastly, the גמרא in ע"א records a dispute between ר' יהודה and the רבנן whether or not the size of the water libations on שמיני עצרת are the same as the preceding seven days. The Rav wonders, how is it possible that ר' יהודה, who says that it is the same ניסוך המים on שמיני עצרת, can simultaneously list other characteristics that are different on שמיני עצרת than the rest of סוכות. If it is a רגל בפני עצמו for other issues, why does he disagree when it comes to water libations and rule that they are the same on שמיני עצרת as they are on the seven preceding days? Perhaps, the Rav explains, ר' יהודה and the רבנן are arguing about what factor obligates the ניסוך המים. The Rav posits that the רבנן viewed the water libations as being derived from קדושת היום of the קרבן found in פרשת פנחת and therefore שמיני עצרת would have its own distinct quantity for ניסוך המים. ר' יהודה however, viewed ניסוך המים as an outgrowth of the topics discussed in פרשת ראה and therefore linked the water libations of שמיני עצרת to the rest of סוכות.

### Message of Shemini Atzeres

A number of final questions remain.

- Why did Hashem create a יום טוב with either so many ambivalences as to whether it is part of the preceding holiday or a day of its own, or design a day with such a nuanced attitude?
- Why devise a day that has no special מצוות and is bereft of any historical significance or any agricultural celebration?
- Why did ראה select חז"ל as the תורה reading when שמיני עצרת is not even mentioned?

The גמרא in ע"ב quotes an interesting story about רבא. רבא had a man punished and he died. The matter reached the ears of King Shapur and he sought to punish רבא. Whereupon Ifra Hormuz, the mother of King Shapur, said to her son, "Do not interfere with the Jews because whatever they ask of their God grants them." The king asked her, "For example?" "They pray and rain falls," [she replied]. He retorted: "This must have been because it is the season for rain; let them pray now, in the Tammuz cycle for rain." She sent a message to רבא: "Concentrate now your mind and pray

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<sup>14</sup> See מאן דאמר ד"ה ב"ב ע"ב ד"ה מאן דאמר who explains that as שבת lacks the requirement of שמחה it is unable to cancel out mourning.

for rain.” He prayed but no rain fell. He then exclaimed: “Master of the Universe, ‘O God, we have heard with our ears, our fathers have told us; a work Thou didst in their days, in the days of old, but as for us we have not seen with our eyes.” Whereupon there followed such a heavy fall of rain that the gutters of Machuza emptied their waters into the Tigris. רבא’s father then appeared unto him in a dream and said to him: “Is there anyone who troubles Heaven so much? Change thy sleeping place.” He changed his place and next morning he discovered that his bed had been cut with knives.” רש”י explains that שדים שם ד”ה בסכיני, evil spirits, wanted to kill him.

Perhaps this גמרא can explain the purpose of the סוכה.<sup>15</sup> Beginning in אלול, בני ישראל appeal to Hashem for forgiveness. However it is not just a one-time prayer or request. It accelerates at the start of סליחות, builds through the עשרת ימי תשובה, intensifies on יום כיפור and then peaks at נעילה. How many times over this period do we ask Hashem for forgiveness? How many times do we repeat the special formula of the מדות הרחמים? “י”ג Hashem is our father in the heavens, loves us and wants nothing more than for us to succeed, but at some point you could imagine that He says “enough.” We are like a child in the backseat of car constantly asking “when are we going to be there?” At some point the parent is going to lose their cool and snap at the child. That is why Hashem sends us to the סוכה. Just like רבא, who “troubles Heaven so much” that he is forced to flee from his bed to ensure his own safety, so to בני ישראל after weeks of unending requests to Hashem must leave their shelter and head to the סוכה for protection. Hashem answered רבא’s request as we hope He will answer our prayers, but there are repercussions.

Then the seven days pass and we are permitted once again to return home. עשרת ימי תשובה marks our return to Hashem with a clean slate at the end of a long holiday cycle. Hashem gifts us an extra day to spend with him back in our homes.<sup>16</sup> On that day it is important to appreciate the process we have just endured. First, we have finished our seven day timeout and now can celebrate on a day that both reminds of the previous holiday, but simultaneously has a feel of its own. It is also a day that makes you not only appreciate the completed סוכות but the ראש השנה and יום כיפור whose constant pleas necessitated the move out of our house. That is why the number of bulls, rams, lambs and goats offered on עשרת ימי תשובה match the offerings for יום כיפור and ראש השנה. Now that time has passed we can better appreciate and rejoice with Hashem in our achieved atonement.

<sup>15</sup> Heard from R. Ralph Pelcovitz

<sup>16</sup> At least in ארץ ישראל.

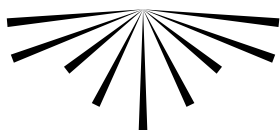


שמיני עצרת has no other obligations<sup>17</sup> and no celebrations of past history or agrarian success because we have come to the end of a full year's worth of holidays and Hashem now gives us the opportunity to just celebrate our connection to Him. We get to reflect on our relationship without a special need to thank Him for redeeming us from Egypt or express gratitude for the grain harvest, but just a general sense of appreciation that He is always there for בני ישראל. It is therefore not surprising that חז"ל chose a תורה reading that doesn't actually mention the יום טוב we are celebrating. חז"ל as well saw the opportunity in שמיני עצרת to simply appreciate our relationship with Hashem, looking back on a completed cycle of חגים. So too חז"ל's choice to make the day into שמחת תורה seems wholeheartedly appropriate as there is no better way to exhibit our relationship with Hashem than through the תורה that He gave בני ישראל. As such, while describing the nature of שמיני עצרת can be complex and nuanced, the purpose of the day is clear.

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17 Except according to the רמב"ן for a young boy in the times of the המקדש who became שלימי and עולת ראייה and now has a renewed obligation to bring an עולה during בר מצוה סוכות. תניגה.

דברי תורה  
בעברית  
בעניני סוכות





איסור לאכול חוץ לסוכה כיון דאיכא רק מצות אכילה בסוכה, וכן איכא רק מצות לבישת ציצית ואין איסור ללבוש בגד ד' כנפות בלי ציצית.<sup>7</sup> והביא ראייה לדבריו מדברי המשנה ברורה (ביאור הלכה סימן ס' סעיף ד' ד"ה וי"א) וז"ל: ועיין בב"ח ובפמ"ג בסימן ח' ובסימן תרכ"ה דמשמע מדבריהם דמצות ציצית וסוכה הכונה בהם לעיכובא כמו בשאר המצות ולפ"ז אם קראוהו לתורה ולוקח טליתו או טלית הקהל לעלות לבימה שאז זמנו בהול ומסתמא אינו מכוין אז בלבישתו לקיים המ"ע של ציצית ממילא עובר בזה על המ"ע אם לא כשמכוין לשם מצוה ואז יוכל לברך ג"כ והעולם אינם נוהרין בזה, עכ"ל. וע"ש בהמשך דברי המנחת שלמה שדן עוד בענין, וכ' דאפשר לחלק בין סוכה לציצית. אכן יש להביא סמך לדברי המנח"ח מתוס' (ד"ה דאו' תני פסולה) דכ' דלמא יבא לידי "איסורא דאו". משמע דאיכא כעין איסור לאכול חוץ לסוכה ואי"ז רק חסרון בקיום המצוה. מ"מ אי"ז ראייה נגד הגרשז"א די"ל דמיירי רק דביטל העשה.

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7 אכן הפני יהושע בדף כה. משמע קצת כמוש"כ המנחת חינוך, אבל הגרע"א (שו"ת החדשות סימן ב' וחידושו לדרך כה.) חולק עליו וס"ל כדעת הגרשז"א.

ולפי"ז יש לעיין אם כוונה זו היא עיקר הקיום של ישיבה בסוכה, והיא מעכבת קיום המצוה או דאינו מעכב רק מי שמכוין לכך מקיים המצוה בשלימותה. מלשון הב"ח שכ': ויראה לי לומר בזה שסובר דכיון דכתיב למען ידעו וגו' לא קיים המצוה כתיקונה אם לא ידע כוונת מצות הסוכה כפי פשטה, עכ"ל, משמע דכוונה זו היא רק לכתחילה לקיים מצוה בשלמותה. אבל המחצית השקל (או"ח סימן ח') כ' דמשמעות הב"ח היא דעיקר הקיום תלוי בדיעה זכר ליציאת מצרים וזכר לעניי הכבוה. ובודאי אין כוונה זו לעיכובא, דכל זמן שהוא מכוין לשם מצוה י"ל דהוא מקיים מצות סוכה.<sup>4</sup> אלא דאיכא נ"מ בליל ראש' דאם אכל כזית (או כביצה) בלי כוונה לשם יצ"מ ועניי הכבוד אפשר דטוב לחזור ולאכול בכונה לכך. אף יש לדחות כיון דודאי יצא יד"ח אין הידור לחזור ולעשות המצוה באופן מהודר.

אכן הביכורי יעקב (תרכה, ס"ק ג') חולק על המחצית השקל והפמ"ג וס"ל דכוונה זו היא לעיכובא, כיון דהקפידה תורה בפירוש בטעם המצוה. ודימה זה למי שלא סיפר טעמי המצות בליל הסדר.<sup>5</sup>

יש לעיין במי שלא נתכוין כלל לשם מצוה אם הוא יצא יד"ח או לא. ואי אמרי' דלא יצא ידי חובתו י"ל דלא הוי כאילו אכל חוץ לסוכה, או הוי כאילו אכל חוץ לסוכה. ובטעמא די"ל דאפי' לא נתכוין לשם מצוה עדיין יצא ידי חובתו, איכא ב' אפשריות: אי אמרי' מצות אי"צ כוונה. אפי' אם מצות צריכות כוונה, י"ל כדעת הר"ן במס' ר"ה (הו"ד בכסף משנה להל' שופר ב:ד) דלא בעי' כונה כיון שנהנה מגוף המעשה מצוה.

וכיון דקיי"ל בשו"ע (ס:ד) דמצוות צריכות כוונה, יש לדחות הצד הא'. ובאפשרות הב' יש לחלק בין מש"כ הר"ן לגבי אכילת מצה דהמעשה אכילה היא כל המצוה ובין הכא דאין המעשה אכילה גופה של מצוה, אלא המצוה היא הישיבה בסוכה רק דהישיבה נקבעה ע"י אכילה שתייה ושינה בתוך הסוכה. לכן אין לומר דהנאתו מן האכילה עומדת במקום כונתו כיון דאי"ז כל מעשה המצוה. וכן ראיתי בשם הגר"ח סולובייצ'יק (שיעורים לזכר אבא מרי ז"ל). אכן, אפשר לומר דבליל ראש' יש לחלק דילפי' מגזירה שוה ט"ו ט"ו דאיכא חיוב אכילה דומה לאכילת מצה, וכ"כ המ"ב (סימן ס' ב"ה ד"ה וי"א). אך מ"מ יש לחלק דעיקר החיוב עדיין הישיבה בסוכה, וצ"ע. ובצד דלא יצא י"ח אם אכל בלא כוונה לשם מצוה נחלקו האחרונים אם עבר אאיסור או לא. המנחת חינוך (מצוה שכה, אות י') כ' דאם לא קיים המצוה לא הוה כאילו הוא אכל חוץ לסוכה, אלא כמי שלא קיים המצוה כלל, כגון מי שאין לו בגד ד' כנפות ולכן לא לבש ציצית. ולא הוי ביטול עשה בידים.<sup>6</sup> ודבריו מיוסין על ההנחה דאיכא ג' דרגות בקיום מצות סוכה.

1. מי שיושב בסוכה כדת וכדין מקיים מצוה בשלימותה.
  2. מי שיושב בסוכה שלא כדת וכדין אינו מקיים המצוה אבל אינו כמי שאכל חוץ לסוכה.
  3. מי שאוכל חוץ לסוכה מבטל המצוה בידים והוה כאילו עובר אאיסור לאכול חוץ לסוכה.
- אכן הגרש"ז אויערבאך (שו"ת מנחת סימן א') חולק עליו וס"ל דלא יצא י"ח כלל, ואף הוי כאילו עבר אאיסור אכילה חוץ לסוכה אם לא קיים המצוה. וחולק אעיקר הנחת המנחת"ח דאיכא

4 וכ"כ הפמ"ג (מ"ז ד"ה כ' הטור) וכן פסק המ"ב ס"ק א'.

5 ואף דלדעת הר"ן עדיין יצא יד"ח בדיעבד, טעמו משום דלא תקנו הרבנן דלא יצא (או דאין להם כח לבטל מצותו). אבל הכא כונה זו מדא"ו ושפיר מעכבת.

6 כ' כן כדי לת' קושית התוס' בדף ט. (ד"ה הוה מיבעיא) שהק' אמאי בעי' קרא למעוטי סוכה גזולה, הא איכא דין מצוה הבאה בעבירה. ותל' בתוס' דמצוה ה"ב אינו אלא דין דרבנן, אבל סוכה גזולה פסולה מדא"ו. אבל המנחת"ח לא ניחא ליה בת"ז הו"ב דסוכה גזולה הויא כמי שאכל חוץ לסוכה, משא"כ מצוה הבאה בעבירה אינו אלא פגם בקיום מצותו.

# בענין כוונה במצות ישיבה בסוכה

הרב יהודה בלסים



**ת**נן בריש מסכת סוכה: סוכה שהיא גבוהה למעלה מעשרים אמה - פסולה, ורבי יהודה מכשיר.

נחלקו האמוראים בטעמא דפסול למעלה מכ', ו"ל הגמ': אמר רבה: דאמר קרא (ויקרא כג) למען ידעו דרתיכם כי בסכות הושבתי את בני ישראל, עד עשרים אמה - אדם יודע שהוא דר בסוכה, למעלה מעשרים אמה - אין אדם יודע שדר בסוכה, משום דלא שלטא בה עינא. רבי זירא אמר: מהכא (ישעיהו ד) וסכה תהיה לצל יומם מחרב, עד עשרים אמה - אדם יושב בצל סוכה, למעלה מעשרים אמה - אין אדם יושב בצל סוכה, אלא בצל דפנות... ורבא אמר: מהכא (ויקרא כג) בסכת תשבו שבעת ימים. אמרה תורה: כל שבעת הימים צא מדירת קבע ושב בדירת עראי. עד עשרים אמה - אדם עושה דירתו דירת עראי, למעלה מעשרים אמה - אין אדם עושה דירתו דירת עראי, אלא דירת קבע. וקיי"ל להלכה כשיטת רבא דבעי' דירת עראי, אף דמותר לבנות הסוכה ביתידות של ברזל. רש"י פי', דאיכא שיעור עראי ולא בעי' בנין עראי דוקא. אבל תוס' (ד"ה כי עביד) פי' דאף דמותר לבנות הדפנות כך, אין לבנות הסכך באופן קבע אלא בעי' דוקא ארעי. וכן י"ל בדעת (ד"ה ושחמתה) שכ' ועל שם הסכך קרוי סוכה. פי', דמה דבעי' דירת עראי וכן שאר דיני סוכה שייך אך ורק לסכך ולא לדפנות.

ואף דלא קיי"ל כשיטות רבה ורבי זירא בענין זה, לומדים מהם הלכות אחרות בענין סוכה. רבה כ' דילפי' מ' למען ידעו דורותיכם" דצריך לראות הסכך, והגמ' דחה דבריו דהיא ידיעה לדורות, דהיינו, לאו בידיעה דישבת סוכה קאמר, אלא בידיעות דורות הבאין היקף סוכות ענני כבוד הנעשה לאבות (רש"י).

ונראה דדין זה שייך להמח' לקמן (יא:): בין ר"ע ור"א אי סוכות דידן הוו זכר לסוכות ממש או לענני הכבוד! וקשה, דבעלמא אמרי' מאי דהוה הוה אי ליכא נ"מ במחלקת. לכן צ"ל דהנ"מ הוא בכונת היושב בסוכה אי צריך לכוין זכר לעניני הכבוד או לסוכות ממש. וכ"כ הב"ח (סימן תרכה ד"ה בסוכות תשבו) בביאור הטור<sup>2</sup> (שם) והמחבר (סעיף א') שפסקו דסוכה זכר לענני הכבוד.<sup>3</sup>

1 וע"ש במסורת הש"ס שם דאיכא גירסא אחרת בתורת כהנים, דר"א ס"ל סוכות ממש ור"ש ס"ל ענני הכבוד. ואולי זוהי גירסא העיקרית כיון דפסק הטור והמחבר דבעי' זכר לענני הכבוד. ובעלמא (עיין שבת דף קל: ונדה דף ז:): אמר' דלא קיי"ל כשיטת רבי אליעזר דשמותיו הוו.

2 ועפ"י: יש לבאר המשך דברי הטור שכ' דאי הוה זכר ליציאת מצרים אמאי לא יושבין בסוכה בניסן ותל' וז"ל: לפי שהוא ימות הקיץ ודרך כל אדם לעשות סוכה לצל ולא היתה ניכרת עשייתנו בהם שהם במצות הבורא יתברך ולכן צוה אותנו שנעשה בחדש השביעי שהוא זמן הגשמים ודרך כל אדם לצאת מסוכתו ולישב בביתו ואנחנו יוצאין מן הבית לישב בסוכה בזה יראה לכל שמצות המלך היא עלינו לעשותה, עכ"ל.

ויש לפ' דאין כונתו להראות לאוה"ע או לשאר בני"א דאנן עושים לשם מצוה, אלא להראות לעצמנו כדי שתהא לנו כוונה לשם מצוה ובפרט לשם זכר לענני הכבוד כדי לקיים עיקר מצות סוכה.

3 וכ"כ בסעיף ח' לגבי מצות ציצית, ובסימן כה לגבי תפילין. בשני המקומות פסק המחבר דבעי' כוונה מיוחדת, ופי' הב"ח משום דכתיב... וכ"כ המשנה ברורה.



אין כאן זלוול ליום טוב השני כלל כיון שאין המצות תלויות בעיקר קדושת היום כלל שהרי מצות נטילת לולב לא תלה הכתוב חיובו מחמת שהוא יום טוב אלא מחמת שהוא יום הראשון שנאמר ולקחתם לכם ביום הראשון.

הנה היש אומרים הוא סברת הרב סולובייצ'יק, ולכאורה הרא"ש דלא תירץ כזה אפשר לומר דס"ל דתקנת יו"ט שני כולל כל המצוות של יו"ט ראשון. וזהו כמו הדעה הראשונה שהביא השו"ע הרב. וא"כ הרא"ש הוא לשיטתו כשהוא פוסק (סוכה פרק ג סימן ג) דיו"ט שני דינו כיו"ט ראשון לענין פסולי הד' מינים, וז"ל: "נמצא שאין חילוק בין יו"ט ראשון לכל שאר הימים אלא בחסר כדאמר לקמן רבי חנינא מטבל ונפק ביה וכן שאול אבל כל שאר הפסולים נוהגים בכל הימים ויו"ט שני דידן הוא כיום הראשון דספיקא הוא וראיתי דעות אחרות לפוסקים ונלאיתי לכותבם כי לא ישרו בעיני וכאשר כתבתי כן עיקה" משא"כ לפי סברת הרב סולובייצ'יק דתקנת יו"ט שני אינו חל על מצות סוכה ולולב. וכזה פוסק הרמב"ם (הל' סוכה ח"ט) וז"ל: "כל אלו שאמרנו שהם פסולין מפני מומין שבארנו או מפני גזל וגניבה ביום טוב ראשון בלבד אבל ביום טוב שני עם שאר הימים הכל כשר".

והנה עיין בט"ז (או"ח - תרל"ט:ז) שמביא ב' דיעות אם יש להקפיד לאכול כזית בסוכה בליל שני כשהגשמים יורדים. ולכאורה הב' דיעות האלו ג"כ חולקים באותה שאלה, האם חז"ל תיקנו יו"ט שני רק לענין קדושת היום או גם לגבי מצוות היום.

ולענין הלכה למעשה, הטור (או"ח - תס"א) מביא את ב' הדיעות, דעת הראב"ה (אבי עזרי) ודעת אביו הרא"ש שפסק כרבינו יעקב ברבינו שמשון. השו"ע (שם) פוסק כהרא"ש להחליף הסדר בליל שני. והרמ"א (שם) מסכים שכן ראוי לנהוג. המשנה ברורה (שם) וגם בהשער הציון (שם) מביא כמה אחרונים שפוסקים כדעת הראב"ה שאין לשנות הסדר. ולכן המשנה ברורה מכריע שאע"פ שדעתו שאין לזוז מפסק השו"ע והרמ"א, מ"מ מי שרצה לנהוג כדעת הראב"ה א"א למחות בידו כיון שהרבה אחרונים סוברים כמותו. אבל הוא מוסיף שבסוכה אחת שכמה בעה"ב אומרים קידוש צריכים כולם להסכים לדעה א' ולא לנהוג אחד כזה ואחד כזה.



הנה הרא"ש (סוכה פרק ד אות ד) כותב ו"ל: "גרסי' בפרק החליל (דף נו א) איתמר רב יהודה אמר סוכה ואח"כ זמן רבה בר בר חנה אמר זמן ואח"כ סוכה והלכתא סוכה ואח"כ זמן יש מן הגדולים אומרים דבליל שני אומר זמן תחלה דזמן לא קאי אסוכה דאפילו אם היה ליל יו"ט ראשון חול יצא בזמן דסוכה ולפי סברת בני אייבר"א שחלקו בין בשעת עשייה בין לאחר עשייה קאי זמן נמי אסוכה".

כוונת הרא"ש היא להגמ' (מו:)- "תנו רבנן: העושה סוכה לעצמו אומר ברוך שהחיינו בו, נכנס לישב בה אומר ברוך אשר קדשנו בו. היתה עשויה ועומדת, אם יכול לחדש בה דבר - מברך, אם לאו - לכשיכנס לישב בה מברך שמים. אמר רב אשי: חזינא ליה לרב כהנא דקאמר להו לכולהו אנסא דקדושא". משמעות הגמ' היא שבאמת הברכה של שהחיינו על הסוכה היתה ראויה לאומרה בגמר הבנין, אלא דכדי לקבוע אותה על הכוס תיקנו להמתין עד ליל ראשון כדי לכלול אותה עם קידוש היום. ולכן לא גרע ברכת שהחיינו בליל ראשון שהוא ספק חול מברכה שהוא אומר בשעת בנין הסוכה. ולפי זה בליל ראשון יוצא החיוב של ברכת שהחיינו על הסוכה ממה נפשך, ואם היינו אומרים בליל שני ברכת לישב קודם להשהחיינו יהיה הפסק בין הקידוש, שהוא צריך שהחיינו מטעם ספקא דיומא, להשהחיינו. ולכן ראוי לומר בליל שני קידוש ואח"כ שהחיינו ורק אח"כ הלישב בסוכה.

הקשה רבינו יוסף בער הלוי סולובייצ'יק (הררי קדם עמ' רד) על ביאורו של הרא"ש, ע"פ שיטת הרא"ש עצמו במק"א. דהנה הרא"ש סובר כמו שכתבו התוס' (סוכה דף מז. ד"ה נכנס לישב בה מברך לישב בסוכה) ד"כיון דסוכה מחמת חג קאתיא סברא הוא דזמן דידה אע"פ שבירך בחול פטור הוא אף בחג דזמן כי קא אתי מחמת מועד קאתיא אפילו בלא יום טוב". ולפי סברא זו כמו שיכול לברך שהחיינו על הסוכה לפני החג גם כן יכול לברך על היום לפני החג. ואם כן אמאי בעינן ברכת שהחיינו בליל שני בשום אופן? ולכן הרב סולובייצ'יק מסביר את שיטת הרבינו יעקב ברבינו שמשון בדרך אחרת, ו"ל: "ונראה בזה דשיטות אלו סוברים דאין תקנה כלל של יו"ט שני וספיקא דיומא לגבי מצות סוכה, אלא לענין קדושת יו"ט ואסור מלאכה. ונמצא שלענין מצות סוכה יו"ט ראשון הוא עיקר, וישיבת סוכה ביו"ט שני היא ככל חוה"מ וע"כ אין מברך עליה זמן".

והביא ראייה לסברא זו מסדר הפסוקים בפרשת אמור, כי הפסוקים של קדושת היום נכללים בקבוצה א' (ויקרא כג:לג-לז), והפסוקים של מצוות היום, כמו סוכה ולולב, נכללים בקבוצה ב' (ויקרא כג:לט-מג), ויש הפסק דפסוק "אלה מועדי" ביניהם. וע"פ הוא כותב ו"ל: "ונראה מכ"ז דמצות סוכה ולולב אינם תלויים בקדושת היום אלא הם מצוות בפ"ע הנוהגים בזמן של החג. ולפ"ז נראה לומר דתקנת ספיקא דיומא אינה חלה אלא על גוף קדושת היום והמצוות התלויות בו, אבל סוכה ולולב לפי שאינם חיובים הנובעים מכח קדושת היום, אינם בכלל התקנה דיו"ט שני וספיקא דיומא, והרי הם כספירת העומר לגבי המועד דחג המצות, שעל מצות הספירה לא חלה תקנת יו"ט שני של גליות, וע"כ גם הכא אין מברכים זמן על סוכה ביו"ט שני".

וכיסוד דבריו מבואר בשו"ע הרב (או"ח- תרמט:כא) ו"ל: "כל הפסולין ביום ראשון וכשרים מיום שני ואילך היינו בארץ ישראל שיום שני הוא חול המועד ובחוג לארץ שעושין יום טוב שני ימים יש אומרים שכל הפסולין הנוהגין בראשון מן התורה נוהגין ביום טוב שני מדברי סופרים דכיון שתקנו יום טוב שני מפני הספק שמא הוא יום טוב ראשון א"כ צריך לנהוג בו מחמת הספק כל החומרות של יום טוב הראשון. ויש אומרים כיון שאנו בקיאים בקביעות החודש ויודעין אנו שהשני הוא חול ואין אנו נוהגין בו קודש אלא שלא לזלזל במנהג אבותינו שהיו בזמן שמקדשין על פי הראיה שאז לא היה הדבר תלוי בידיעת חשבון קביעות החודשים ואין אנו מצויים אלא שלא לזלזל בעיקר קדושת היום ולפיכך אנו מקדשין על הכוס ומברכין זמן ביום טוב שני כמו ביום טוב הראשון אבל דברים שאינן מעיקר קדושת היום אלא שהן מצות הנהגות באותו היום בלבד כגון כל הפסולין ביום טוב הראשון בלבד ואף אם לא תהיינה מצות הללו נוהגות ביום טוב שני

# בענין סדר הברכות דקידוש בליל שני של סוכות

יונתן זאב קירשנער



**ב**כל שנה אנו פוגעים בהשאלה איך לנהוג לגבי סדר הברכות דקידוש בב' לילי סוכות הראשונים. יש אומרים שבכל לילה (בין בליל ראשון בין בליל שני שהוא ספק ראשון) הסדר הוא קידוש ואח"כ לישב בסוכה ואח"כ שהחיינו. ויש אומרים שבליל שני מהפכים הלישב בסוכה והשהחיינו.

הסוגיא מתחלת בסוכה (נא): - "איתמר רב אמר סוכה ואח"כ זמן רבה בר בר חנה אמר זמן ואחר כך סוכה רב אמר סוכה ואחר כך זמן חיובא דיומא עדיף רבה בר בר חנה אמר זמן ואחר כך סוכה תדיר ושאינו תדיר תדיר קודם". ושם (נו): הגמ' מביאה הכרעה בשאלה זו: "דרש רב נחמן בר רב חסדא: לא כדברי רב דאמר סוכה ואחר כך זמן, אלא: זמן ואחר כך סוכה. ורב ששת בריה דרב אידי אמר: סוכה ואחר כך זמן. והלכתא: סוכה ואחר כך זמן".

הרמב"ם (הל' סוכה ו:ב) מביא את פסק הגמ': "כל זמן שייכנס לישב בסוכה כל שבעה, מברך קודם שיישב אשר קידשנו במצוותיו וציוונו לישב בסוכה. ובלילי יום טוב הראשון, מברך על הסוכה, ואחר כך מברך על הזמן, ומסדר כל הברכות על הכוס". וכן פוסק המחבר (שו"ע - או"ח תרמג:א).

אולם ההגהות מיימוניות (הל' סוכה: פרק ו, אות ר) מביא דעה לחלק בין ליל א' לליל ב' ו"ל: "הנה רבינו יעקב ברבינו שמשון היה נוהג כן בלילה הראשון אבל בליל שני היה אומר זמן ואחר כך סוכה וטעמא דלילה הראשון בא זמן בעבור סוכה ובעבור קדוש הילכך אומר על שניהם אבל בליל שני אינו בא זמן רק בעבור קדוש כי זמן דסוכה כבר נפטר בליל ראשון לפיכך אומר זמן מיד אחר קדוש קודם ברכת סוכה. וראבי"ה כתב שגם בליל שני יברך זמן לבסוף דיקנה"ז יוכיח דזמן אינו בא בעבור הבדלה ואעפ"כ אומר זמן אחריה וכן דעת המחבר וכן נראה עיקר שלא מצינו חלוק בין שני ימים הראשונים".

לכאורה שיטת הראבי"ה היא פשוט שלא מצינו חלוק בין שני ימים הראשונים. ועוד יש להעיר דכמו דאמרין שהחיינו בליל ב' מפני ספיקא דיומא, יש גם ספק דשמא עדיין לא יצאנו מצות סוכה, ושמיר יש להמתין לברך שהחיינו לאחר ברכת לישב בסוכה.

אבל שיטת הרבינו יעקב ברבינו שמשון לכאורה צריך ביאור. מדוע בליל ראשון השהחיינו עולה על הסוכה ועל הקדוש, אבל בליל שני "אינו בא זמן רק בעבור קדוש כי זמן דסוכה כבר נפטר בליל ראשון"? ממה נפשך, אם אנו יוצאים באמירת שהחיינו בליל ראשון על הסוכה מדוע לא יוצאים על היום, ואם לא יוצאים על היום מדוע יוצאים על הסוכה?

והנה ראיתי שתי מהלכים בביאור סברת הרבינו יעקב ברבינו שמשון:

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Yoni Kirschner is a controller at The Melohn Group. Yoni and Michele, and their children Rayla, Dovid and Netanel joined BKNW in 2012.

אין להחמיר בקטן דהא אין דרשה של בני ישראל ולא בנות ישראל שייך בקטנים. ולכאורה אם המשנ"ב רוצה להחמיר אף לשיטת רבינו תם הו"ל להחמיר גם שנשים וקטנים פסולים בטויה. ולא שמענו חומרא כזו!

מסקנא דמילתא דלפי שיטת המחבר פשוט וברור שנשים כשרות לכתחילה בעשיית הסוכה. ואף הרמ"א שהחמיר לכתחילה בעשיית ציצית אפשר דרק החמיר כן לענין ציצית ולא לענין סוכה. אי סבר הרמ"א כשיטת ר"ת (כמו שביארו הרבה אחרונים בדבריו) מובן שיש להחמיר לכתחילה אף בעשיית סוכה וכשיטת המג"א (סימן יד ס"ק ג'). אבל הוכחנו דמפשטות דברי הרמ"א משמע שכונתו רק להחמיר לשיטת מהר"ם והגהות מיימוניות ולהחמיר לכתחילה רק בציצית ולא בסוכה, וא"כ אין מקום לחומרא זו לפסול נשים בעשיית סוכה אפילו לכתחילה.

סוכה לכתחילה. לפי שיטת המהר"ם, בהבנת הבית יוסף בדבריו, יש לחוש לכתחילה שלא תבנה האשה את הסוכה כמו שמחמירים לכתחילה שלא תעשה ציצית. אבל להבנת הגהות מיימוניות בדבריו דמיוסד על הדרשה של "בני ישראל" אין מקום להחמיר על נשים שלא לבנות סוכה דאין שום דרשה כזו למעט נשים מסוכה.

2. **בדיעבד.** אף אם כבר עשו ציצית האם פסולים בדיעבד? לשיטת תוס' כשרים לכתחילה, לפי שיטת ר"ת פסולים, ולפי שיטת מהר"ם אין לעשותם לכתחילה אבל כשרים בדיעבד.
3. **קטנים.** לפי שיטת התוס' קטנים כשרים בעשיית ציצית כמו נשים, לפי שיטת רבינו תם פסולים כמו נשים, ולפי שיטת מהר"ם תלוי בב' הבנות. אם עיקר שיטתו מיוסד על כל מי שאינו מחויב בדבר, גם קטנים אינם מחויבים בדבר ולכן אין להניחם לכתחילה לעשות ציצית, ואם עיקר שיטתו מיוסד על "בני ישראל" ולא בנות ישראל, גם קטנים נכללו בתוך בני ישראל וכשרים לעשות ציצית לכתחילה.
4. **טויית ציצית.** העיר הקרבן נתנאל בגיטין שם בענין טויה. לכאורה אי סברי דנשים כשרות בטויית חוטי הציצית אין כל ראייה נגד ר"ת מאשת ר' חנינא בן דוסא דהא אפשר שאשת ר' חנינא בן דוסא רק עשתה טויית הציצית ולא קשירת החוטין. ומדהביא הרא"ש קושיא על שיטת ר"ת מאשת ר' חנינא בן דוסא מבואר דהרא"ש הבין בשיטת ר"ת דנשים פסולות גם בטויה. אז לשיטת התוס' פשוט דנשים כשרות בטויית החוטין, לשיטת ר"ת (כמו שהוכיח הקרבן נתנאל מהבנת הרא"ש בדבריו) יוצא שנשים פסולות בטויית ציצית, ולשיטת מהר"ם לכאורה כשרות בטויית הציצית דאינו נקרא עשיית החפצה של מצוה כלל.

#### ה. פסק הלכה.

איתא בטור (סימן יד) דנשים כשרות בעשיית ציצית וכן הובא להלכה בשלחן ערוך "והאשה כשרה לעשותן" דהיינו כשיטת בעלי התוס'. והוסיף הרמ"א שם ד"יש מחמירים להצריך אנשים שיעשו אותן, וטוב לעשות כן לכתחילה". והרבה מהאחרונים הבינו שיטת הרמ"א שמחמיר כשיטת ר"ת.<sup>11</sup> אמנם יש לעיין בזה טובא לפי דיוק לשונו הזהב של הרמ"א. לכאורה אי סבר הרמ"א כשיטת רבינו תם הו"ל להביא "יש אומרים דאשה פסולה בעשיית ציצית ויש לחוש לדבריו", דאז משמע שיש שיטה הפוסלת אף בדיעבד וראוי לחוש לכתחילה לשיטה זו. מדכתב הרמ"א ד"יש מחמירים להצריך אנשים שיעשו אותן" משמע דאף השיטה הפוסלת רק פוסלת לכתחילה ולא בדיעבד וכשיטת מהר"ם שהוא רק דין לכתחילה שנשים לא יעשו, אבל באמת כשר הוא כשנשים עושין אותן, ומזה הטעם מסיק "טוב לעשות כן לכתחילה". ובאמת המשנה ברורה (ס"ק ב') הבין דהרמ"א חשש לשיטת מהר"ם וכמו שהבינו הגהות מיימוניות ד"בני ישראל ולא בנות ישראל" ולא לשיטת ר"ת כלל.

כתב המג"א שם דלפי דברי הרמ"א שחושש לשיטת המהר"ם יש לזוהר דאנשים יבנו סוכה ולא נשים. ודבריו מובנים רק אם חוששים לשיטת המהר"ם כמו שהבינו הבית יוסף דמיוסד על מי שמחויב בדבר אינו מוציא אחרים ידי חובתן או להבנת הבאה"ל בשיטת ר"ת, אבל לשאר כל השיטות פשוט דמותרות לבנות סוכה אף לכתחילה.

המשנ"ב (ס"ק ד') כתב שראוי ונכון שאין לקטן להטיל ציצית בבגד של גדול. ולכאורה הוא מחמיר לכתחילה לשיטת רבינו תם דלא כמחבר ודלא כרמ"א דהא כבר הוכחנו שהרמ"א רק מחמיר לשיטת המהר"ם או הגהות מיימוניות ולא לשיטת ר"ת! ואפילו אם רוצה להחמיר באשה

11 עיין לדוגמא בפרי מגדים מחצית השקל וביאור הגר"א שם

היא הלבישה, ולא שייך כלל אינו מחוייב בדבר אינו מוציא אחרים?<sup>8</sup> והוא קושיא חזקה על שיטת המהר"ם. ועוד הקשה הבית יוסף על שיטת מהר"ם דאם כן שכל שאינו מחוייב בדבר אינו יכול להוציא אחרים ידי חובתו, למה סוכת גנב"ך כשר ולמה היה מותר לאשת ר' חנינא בן דוסא להטיל ציצית לצדיקים לעתיד לבא?<sup>9</sup> ותירץ הבית יוסף דדין זה הוא רק לכתחילה שאינן יכולות להוציא אחרים ידי חובתן, אבל בדיעבד שפיר דמי, ולכן יוצא לשיטת המהר"ם דסוכת גנב"ך כשר רק בדיעבד ולא לכתחילה.<sup>10</sup>

בהגהות מיימוניות ביאר שיטת המהר"ם בדרך אחרת קצת. וכתב דנשים פסולות בעשיית ציצית משום דהא דכתיב "בני ישראל ועשו" בענין ציצית, משמע למעט בנות ישראל (ולא רק למעט עובדי כוכבים כמו שבאמת דרשו חז"ל), הרי ההגה"מ דורש דרשה חדשה שלא הזכירו חז"ל בענין ציצית כלל. ועיין מג"א ס"ק ב' שבאמת הקשה דלכאורה דרשת ההגה"מ נכונה ולמה לא דרשינן כן בש"ס? ועיין ברכי יוסף סימן יד שם דיש טעם למה לא לדרוש כן דהא אין דרשה זו נכונה דהא יש ריבוי "להם" בפסוק שבא לרבות נשים. ועוד דוחה החיד"א שכיון שנשים בכלל הרבה מצוות אינו מסתבר כלל להוציא נשים מציצית שהוא כנגד כל המצוות, ואינו דומה לפסול נשים משאר דברים שאינן שייכות כלל לנשים. והערוך השלחן (סימן יד סעיף ו') גם כן דוחה דרשה זו וכתב דרק בקרבנות דרשינן בני ישראל ולא בנות ישראל דמצות כהונה הוא רק בבני אהרן בקרבנות, ושאר עבודת המקדש הוא רק בזכרי כהונה, אבל בשאר דברים לא ממעטינן בני ישראל ולא בנות ישראל. ודוגמא לדבר "על כן לא יאכלו בני ישראל את גיד הנשה" ופשוט דנשים גם אסורות בגיד הנשה, מאחר שאינו ענין לקרבן ועבודת בית המקדש. יהיה איך שיהיה יוצא לפי הבנת הגה"מ בדברי המהר"ם דנשים פסולות בעשיית תפילין מדינא דגמרא, ופסולות לכתחילה מציצית מדרשת בני ישראל ולא בנות ישראל, אבל כשרות לכתחילה בעשיית שאר מצוות כמו סוכה שלא נכתב שום דרשה לפסול, ולכן שפיר דמי להכשיר סוכת גנב"ך. ורק לפי הבנה הראשונה שהבאנו בשיטת מהר"ם שנשים אינם מוציאות אנשים, יוצא שנשים אינן יכולות לבנות סוכה לכתחילה.

## ג. נפקא מינה בין השיטות

לכאורה יוצא לנו ד' נפק"מ לדינא בין הני ג' שיטות:

1. אם נשים כשרות לכתחילה בבנין סוכה. לפי שיטת התוס' פשוט דכשרות לבנות סוכה כמו שכשרות בעשיית כל חפצא של מצוה חוץ מתפילין. לפי שיטת רבינו תם הו"ל לפסול וכמו שהבין הבאה"ל בדבריו, אבל לפי ביאורי החת"ס והאגרו"מ בדברי ר"ת נשים כשרות בבנין

8 גם הים של שלמה גישן סימן סז תמה על דברי המהר"ם בזה, וכתב ו"ל דעיקר הדבר קאי על ברכות שאם הוא פטור שאינו יכול להוציא את חברו ותדע סוכת גנב"ך כשרה אע"פ שהיא פטורה מן הסוכה, ויראה שאף הוא לא הקפיד אלא לכתחילה ולעצמו, ולא שהיה מוחה בדבר עכ"ל.

9 ועיין שו"ת חת"ס יו"ד סוף סימן רעא שכתב ו"ל דס"ל למהר"ם כדעת הרי"ם שבמרדכי דמית' בית יוסף דמצות עשה של ציצית אינו אלא להטיל בו ציצית כשילבשנו ולכן לא כתיב לא תלבש בגד בלא ציצית וכו' וא"כ המצוה כל אחד שיעשה הוא או שלוחו ואשה דפטורה אינה נעשית שליח להוציא המחוייב בדבר והשתא תו לא תקשי מסוכה דכתיב בסוכות תשבו ואין העשייה מהמצוה והא דכתיב חג הסוכות תעשה העשייה קאי אהחג ולא אהסוכה ולא נעלמו דברי הש"ס תעשה לך לשם חובך מ"מ לא משמע פשטיה דקרא דקאי אסוכה כמו בציצית ע"כ נשים פסולות אלא לפי זה קשיא למה לי בני ישראל למעוטי נכרים, תיפוק ליה דאינו נעשה שליח להוציא? ו"ל דנהי דאשה לא תעשה מ"מ אם עשאה כשרים הציצית ולא עלה להבעלים לשם חובת מצות ציצית אבל מ"מ בהגד נפטר משא"כ גוים עכ"ל. הרי לפי דברי החת"ס כל שיטת המהר"ם נוגע רק לענין ציצית ואינו ענין לעשיית סוכה כלל ודלא כהבנת המרדכי בדבריו.

10 ולכאורה אי אפשר לפרש גם כן שיטת רבינו תם שרק פוסל לכתחילה דהא כתב בהגהות מיימוניות פ"א מהלכות ציצית אות ט' ו"ל וכן היה מעשה בטריר"ש באשה שהיתה רגילה לתקן ציציות להגדלים בטליתות ופסלם ר"ת מהיהא דפרק השולח כל שישנו בקשיה ישנו בכתיבה עכ"ל הרי להדיא שר"ת פסל גם בדיעבד.

פסולות בעשיית סוכה זו<sup>6</sup> ל"עין במ"ב הוא הטעם של מהר"ם שהובא בהגה"מ ולא העתקתי הטעם משום דהא דר"ת וכדאיתא במ"א משום דכל שאינו בלבישה אינו בעשייה ונ"מ גם ליתר המצות לולב וסוכה משום דמשמע בד"מ שלא חשש רק להמהר"ם וכן בע"ת מצאתי כן א"כ אין להחמיר גם בקטן וכן מצאתי בארה"ח ומ"מ כיון שהפמ"ג ודה"ח העתיקו להלכה לזיהור לכתחלה ע"י קטן ראוי ונכון לעשות כן.

2. בבית יוסף (סימן יד) הקשה דהא דאמרין בפרק אין מעמידין (ע"ז לט.) מעשה באשה אחת שנשאת לחבר והיתה קומעת לו תפילין על ידו, הרי להדיא שאשה כשרה בקשירת תפילין על בעלה? ותירץ בב' אופנים. ראשון דאין כוונת הגמרא בע"ז שם שהיתה קושרת התפילין, אלא שהיתה מסייעה לו לקושרן. שנית, אפשר דלא אסר לאשה אלא תיקון הדבר כגון כתיבה ותיקון הציצית ואגודת הלולב אבל קשירה לאו תיקון המצוה היא ומציא עבדא.<sup>6</sup>

3. ומה שהביאו בעלי התוס' ראייה מאשת ר' חנינא בן דוסא לכאורה הוא קושיא חזקה על שיטת רבינו תם דפוסל נשים בעשיית ציצית, וכתב הים של שלמה (גיטין שם פ"ד סימן סז) דשאני אשת ר' חנינא בן דוסא שנוהרת כל ימיה בציצית, ועוד אולי כוונת הגמרא הוא שהיא תעשה רק טוית הציצית ולא קשירת הציצית ונשים כשרות בטוית הציצית.

4. בברכי יוסף (סימן יד אות ב') הקשה לשיטת ר"ת דנשים פסולות בעשיית ציצית משום דרשת וקשרתם וכתבתם, והוא הדין בציצית, לכאורה הו"ל לפסול גוי מאותו טעם שאינו מחוייב במצוה וממילא אי אפשר לו ליצור חפצא של מצוה, אבל בגמרא (מנחות דף מב) איתא שגוי פסול בעשיית ציצית מדרשה ד"בני ישראל" ולא עובדי כוכבים. ולמה צריך דרשה כזו לפסול גוי מקשירת ציצית מאחר שהוא דבר פשוט על פי דרשת הגמרא שכל שאינו בקשירה אינו בכתיבה? ולכאורה הוא קושיא חזקה על שיטת רבינו תם אם לא תאמר שדרשת "בני ישראל" הוא אסמכתא.<sup>7</sup>

• הבית יוסף הביא דעה שלישיית בזה, והוא שיטת מהר"ם דכל שאינו מחוייב בדבר אינו מוציא אחרים ידי חובתן ולכן אשה שאינה מחוייבת במצות ציצית אינו מוציא אנשים במצות ציצית. ועיין בערוך השולחן (סימן יד סעיף ז') שהקשה על זה דלא שייך לומר כל הפטור מן הדבר אינו פוטר אחרים דזהו במצוה שמוציאו בעשייתו כמו קידוש והבדלה וכיו"ב, אבל בציצית המצוה

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מצוות ישיבתו באכילה ושינה בסוכה בחג. אבל החיוב והמצווה ממש שעליו, אינו כלל על הבניין והסיכון. שלכן אם איכא סוכה שעשאוה גנב"ך, שנודמן שסיכוה בסכך כשר כדין, ובדפנות כדין, ושנתנו לו רשות לאכול ולשן שם, ליכא שום חיסרון. וכן ליכא שום חיסרון בקציצת הלולב מן הדקל לעצם המצווה, שלכן ליכא שום חיסרון בקציצת נכרים ונשים. אבל על האגד והלולב, ועל עשיית ציצית, שהם רק מעשה מצווה, שבלא מעשה המצווה לא היה שייך שיעשה זה כלל. שאין שום משמעות ומעלה לחוטי הציצית הקשורים כגדיל וללולב הנאגד מצד עצם מציאותם, אם לא לצורך מצוותם, ועשיית הגדיל בציצית, ואגידת הלולב נותנת לציצית ולולב חשיבות רק מצד עשיית המצווה. משא"כ סוכה ושופר ומצה וכדומה, שהם חפצים בפני עצמם גם ללא המצווה, ורק מקיימים בהם את המצווה, ולכן אין לעשייתם חשיבות מצווה. שא"כ בהכרח שאם לולב צריך אגד כרבי יהודה (סוכה ל"ג ע"א), דרק על ידי איגודו נעשה ראוי ללקיחה, הוא ציווי להישאל שיאגוד. ולרבנן דהוא מצוה לנוי, מקרא דואגודו הוא נמי ודאי ציווי השייך רק לישראל, שייך למילף שלא שייך כל ענין זה אלא לישראל החייבין בהמצווה עכ"ל.

6 עיין בשערי תשובה סימן יד ס"א' דאין לגוי לסייע ישראל בהנחת תפילין, משמע דלהלכה נקטינן דפסולות אף אם היא רק מסייעת במעשה מצוה עכ"ל. ולדבריו אין כל מקום כלל בדברי הראשונים להחמיר לנשים שלא לבנות סוכה.

7 יש להעיר שהברכי יוסף שם כתב דספר החינוך מצוה שפ"ו כתב דנשים פסולות בעשיית ציצית, אבל הריטב"א הביא בשם רבו נר"ו נשים כשרות בעשיית ציצית, וידוע לכל דרבו של הריטב"א הוא הרא"ה, הרי ראייה מפורשת דלא כתב הרא"ה את ספר החינוך!

מקור בש"ס שמדבר על עשיית ציצית על ידי נשים. ורק מצינו בראשונים שמדברים על זה].<sup>1</sup>

- תוס' (במס' מנחות דף מב. ד"ה מנין ובגיטין מה: ד"ה כל) וגם הרא"ש (בגיטין פ"ד שם) סברי דנשים כשרות בעשיית ציצית. ומה שדרשינן שפסולות מתפילין דכל שישנו בקשירה ישנו בכתיבה הוא גז"כ מיוחדת לענין תפילין.<sup>2</sup> ראיה לדבר הביא הרא"ש בגיטין שם פרק ד' אות מו ממעשה המובא בגמרא בבא בתרא (דף עד:): שלעתיד לבא אשת ר' חנינא בן דוסא עתידה למשדי בה תכילתא לצדיקי (ר"ל להטיל תכלת בבגדי צדיקים), הרי מבואר בהדיא שכשרה בקשירת ציצית.<sup>3</sup> ולכאורה אם כשרות לקשור ציצית כשרות גם בעשיית כל שאר חפצה של מ"ע שהז"ג חוץ מתפילין.<sup>4</sup> ופשוט לפי דברי התוס' דנשים כשרות לכתחילה לבנות סוכה.
- בניגוד לשיטת התוס', הביאו (התוס' והרא"ש שם) דמכאן (שאינן בכתיבת תפילין) אומר ר"ת דאין אשה אוגדת לולב ועושה ציצית כיון דלא מיפקדה. הרי לשיטת ר"ת הגמרא בגיטין לענין כתיבת תפילין הוא הכלל ששייך בכל מצוות והווי גילוי מילתא לשאר מצוות התורה. ולכאורה לפי שיטת רבינו תם אין לנשים לבנות סוכה.

והרבו המפרשים להקשות על שיטת רבינו תם:

1. התוס' הקשו על שיטת ר"ת מסוכת גנב"ך דכשרה, ולפי שיטת ר"ת אמאי לא פסלינן מטעם דכל שישנו בשיבה ישנו בעשייה וכל שאינו בשיבה אינו בעשייה? והחז"ס (יו"ד סוף סימן רעא) כתב ליישב דרבינו תם פוסל רק בדבר שצריך עשייה לשמה, משא"כ סוכה דרק בעי לשם צל ולא לשם מצות סוכה.<sup>5</sup> אמנם מדברי הבאה"ל סימן יד מבואר דהבין בשיטת ר"ת דנשים

1 ומענין מאד שלא מצינו אפילו בראשונים שמדברים על ענין קטנים בעשיית ציצית, ורק האחרונים העירו על זה. ובאמת הוא פליאה עצומה למה לא דיברו בה הראשונים!?

2 ועיין בתוס' מנחות שם שכתב טעם אחר לחלק בין ציצית לתפילין, דהיינו שכיון שלא נאמרה מצות לבישה בציצית אין מקום לדרשה דכל שישנו בלבישה ישנו בקשירה

3 לכאורה יש לדון טובא בזה דהא כלל נקט בידינו שאין למדין מדברי אגדה, ולכאורה הגמרא בבא בתרא שם הוא רק דברי אגדה ואינו נאמרין להלכה כלל. וכבר נחלקו האחרונים אם הם כלא דאין למדין מדברי אגדה שייכת רק כשאגדה חולקת על ההלכה או אפילו כשאינו חולק על ההלכה כלל

4 ועיין עוד בחתם סופר לגיטין שם שהקשה למה לא דרשינן מהפסוק "אשר תכסה בה" שנכתב מיד אחר "גדילים תעשה" שרק מי שחיבב בכיסוי ציצית יכול לעשות הציצית? ותירץ דלא דרשינן הכי מאחר דלשון "אשר תכסה בה" הוא רק לשון סיפור דברים בעלמא ולא לשון ציווי.

5 ועיין עוד במור וקציעה סימן יד שמישיב שכתב וז"ל ואיכא למידחי דסוכת גנב"ך בסוכה העשויה לשם נשים מיירי ולא שעשאוה נשים גופיהו ואע"ג דקאמר תלמודא דאיצטרך אע"ג דלאו בני חיובא נינהו ע"כ פירושו הוא דלא נפסלינהו משום דלא נעשו לשם בני חיובא ולעולם לא מכשרינו אלא דוקא בעשאוה בני חיובא לשם נשים או בשבילן תדע דהא דומיא דבהמה משמע. ועיין שם מה שתמה על זה על פי גמרא מנחות מב.

ועוד עיין שו"ת אגרו"מ או"ח ח"ה סימן מ' אות ג' שביאר דאף ר"ת ס"ל דנשים כשרות לכתחילה בבנין הסוכה וכתב וז"ל ולע"ד משמע דאף ר"ת שהוא הפוסל נשים לציצית מטעם דלא מיפקדא בציצית דיליף כל המצוות מתפילין, דפסולות נשים לכתוב, מקרא דוקשרתם וכתבתם כל שישנו בקשירה ישנו בכתיבה, וכתב בתוס' גיטין דף מ"ה ע"ב ד"ה כל, מודה דלסכך סוכה מותר אף לכתחילה ע"כ אשה. ולכן לא הזכיר רק הא דאין אשה אוגדת לולב ועושה ציצית, ולא גם דאינה מסככת סוכה, ולכן לא קשה עליו מסוכת גנב"ך שכשרה שהקשו עליו שם התוס'. והוא מטעם שאין במעשה הסיכוך ענין עשיית מצווה, אלא יצירת סוכה שיוכל לקיים בה המצווה. אלא שמצד המציאות כדי שיהיה אפשר לו לקיים - יש עליו מצווה, וגם חיוב דלא יהיה עבריו, לא רק מעשה הסיכוך אלא גם בהליכתו לקצור או לקנות סכך כשר, ולא רק הסכך אלא גם קרשים לעשות הדפנות. והוא גם מעשה מצווה לענין החיוב שעליו מוטל קודם החג - אף שעדיין ליכא מעשה המצווה ממש דהוא הישיבה בה, מ"מ מוטל עליו חיוב - לראות שיהיה לו סוכה. ואם א"א לו להשיג ביום אחד, איכא עליו החיוב אפילו בימים הרבה קודם. והוא כמו כל מצוות התורה שמחוייבין גם לעשות ולקנות שופר אפילו בזמן גדול קודם ר"ה, אם כשלא ישתדל אז להשיג שופר לא יהיה לו שופר בר"ה. וכן לאפות מצה אם לא יהיה אפשר להשיג סמוך לפסח, מחוייב להשתדל לאפות מצה אפילו בזמן גדול קודם הפסח. וכן בכל מצוות התורה, שאיכא חיוב על האדם להשתדל ולהשיג שיהיה לו חפץ המצווה כדי שיוכל לקיים המצווה. ולא גרע סוכה בזה, שמחוייב לראות שיהיה לו סוכה שיוכל לקיים המצווה בחג. וממילא כשלא יהיה לו סוכה אם לא יסכך בעצמו, יהיה מחוייב לסכך בעצמו כדי שיהיה לו המציאות לקיים

# בענין נשים בבנין הסוכה

הרב אריה ליבוויץ



נה הלכה מפורשת היא (קידושין דף כט) דנשים פטורות ממצות עשה שהזמן גרמא, כגון תפילין, ציצית, סוכה, שופר וכדומה. אולם לכאורה עדיין יש לעיין אם, למרות שהם פטורות, נשים יכולות לעשות ולייצר החפצאות הדרושות למצוות אלו כדי שאחרים יקיימו המצוה שהז"ג או כדי שהן יקיימו בתורת אינו מצווה ועושה. לדוגמא, האם אשה כשרה לכתוב תפילין, או לקשור ציצית או לבנות סוכה? האם מה שאינן מחויבות בדבר, מעכבת היכולת לעשות וליצור חפצה של מצוה? ובפרט רציית לברר ענין נשים בבנין הסוכה ואם יש כל מקום להחמיר שלא להניח נשים לבנות סוכה. כדי לברר ענין זה צריכים לעיין בדברי חז"ל וראשונים במצוות מסוימות ולנסות אם שייכים הדברים גם לשאר מצוות עשה שהזמן גרמא.

לפום ריהטא, נראה דאין כל סיבה למנוע לנשים מלעסוק בבנין הסוכה, דהא איתא בגמרא סוכה דף ח: "סוכת גנב"ך (דהיינו סוכה שעשאוה גוים, נשים, בהמה או כותי) כשר". הרי מבואר להדיא, ובלי שום חולקים, דנשים כשרות בבנין הסוכה, ומסתמא דכשרות אפילו לכתחילה. אמנם כד נעיין במגן אברהם הלכות ציצית (סימן יד ס"ק ג') נראה דיש מקום לחולים לחלוק וז"ל (בתוך ביאור דעה אחת המובא ברמ"א שם): "ולדידהו כל מצות שאין האשה מחויבת בהן כגון לולב וסוכה אינה רשאי לעשות". הרי דס"ל שלכתחלה אין להניח לנשים לבנות סוכה. וצ"ע מהיכי תיתי לחלוק על סתמא דגמרא שמכשיר סוכת נשים?

א. סוגיות הש"ס.

מצינו ענין עשיית חפצה של מצוה על ידי נשים בב' מקומות בש"ס:

1. הגמרא במס' סוכה דף ח: אומרת דסוכת נשים כשרה ובלבד שתהא מסוככת כהלכתה, דהיינו שעשאה לצל סוכה ולא לצניעותא בעלמא (ולא בעי סוכה הנעשה לשם חג דוקא).
2. מאידך גיסא מצינו בגמרא גיטין דף מה: לענין כתיבת תפילין ד"כל שישנו בקשירה ישנו בכתיבה" - שרק מי שמחוייב במצות קשירת תפילין יכול לכתוב תפילין, ומי שאינו חייב בקשירה כגון נשים דפטורות מתפילין, פסולות גם בכתיבת תפילין. ויש לעיין בזה, דלכאורה אם נשים כשרות בעשיית סוכה הו"ל להכשירן גם לעשות ציצית ותפילין וכל שאר חפצי מצוות עשה שהזמן גרמא. ואם דברי הגמרא גיטין נכונים שפסולות מכתבת תפילין הו"ל לפוסלן גם בעשיית סוכה, קשירת ציצית ושאר עשיית חפצה של מצוה שהז"ג. ויש לעיין איך ליישב ב' סוגיות הללו.

ב. שיטות הראשונים בעשיית ציצית.

כדי ליישב הסוגיות ולהבין איך יהיה מקום לחלק בין מצוות שונות ראוי לציין ג' שיטות בראשונים בענין נשים בעשיית ציצית. [חשוב להדגיש שאף שמצינו סוגיות בש"ס בענין עשיית סוכה ותפילין על ידי נשים, וגם מצינו שהגמרא מנחות דף מב פוסל עכו"ם מעשיית ציצית (מדרשת "בני ישראל" ולא עכו"ם) אין שום