



ניצחון

NITZACHON

Adas Torah Journal of Torah Ideas

לעילוי נשמת דניאלה שינה בת יהושע פאליק ע"ה

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Nitzachon

Adas Torah Journal of Torah Ideas
Volume 1:1 Pesach – Shavuos 5774

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Editor's Preface

As Adas Torah reaches its tenth anniversary, this Journal of Torah Ideas represents an important milestone in the development and growth of our *kehilla*. The variety of Torah interests you will find in the essays before you – *halacha*, *machshava*, *drush*, philosophy, psychology, and *chasidus* – parallels the diversity of their authors – dentists, lawyers, *mechanchim*, doctors, teachers, engineers, *Rabbanim*, real estate and investment professionals, accountants, and more dentists. The serious thought and hours upon hours of *ameilus batorah* that created this journal is not but a sampling from, or reflection of our *kehilla* – it is our *kehilla*. The accomplished Torah community that we have become is a glorious *Nitzachon* to be celebrated. This victory, *b'ezras Hashem*, will be just one of many as we continue to thrive under the guidance, friendship and leadership of our dear Rov and Rebbetzin, *sheyichyu*.

It says in *Tana Divei Eliyahu*:

אין ישראל נגאלין לא מתוך הצער ולא מתוך השעבוד ולא מתוך הטלטול ולא מתוך
הטירוף ולא מתוך הדוחק ולא מתוך שאין להם מזונות אלא מתוך עשרה בני אדם שהם
יושבים זה אצל זה ויהיה כ"א מהם קורא ושונה עם חבירו וקולם נשמע

The Jewish people will not be redeemed because of their pain, oppression, displacement, disruption, stress, or poverty. Rather they will be redeemed when ten people are sitting together and each one is learning and studying [Torah] with his or her friends, and their voice is heard.

Now that our voice is heard, we await the ultimate *Nitzachon*.

Michael Kleinman

Yaakov Siegel

This journal is dedicated *l'ilui nishmas*
Daniella Shaina bas Yehoshua Falik, a"h

Thank you for looking at this journal.

This journal was put together by people who needed to do more. Who needed more *yiddishkeit* in their own lives, and to spread their *yiddishkeit* to others. Making this journal was not innovative per se – others have made journals in the past.

However, this journal is visionary. The people who have compiled this want more and the shul that compiled this wants more.

More Torah! So what that we work crazy schedules! So what that most of the *divrei Torah* here are written by *balabatim* who work long, sometimes “crazy”, hours. Why should that stop us?! There are a million things that take our attention; maybe we can have Torah take our attention too.

This journal was compiled by people who took time and gave it to Hashem. They made Hashem more a part of their lives. We have a great *zechus* to be a part of this. It is not a small thing.

We are looking for more.

This journal was dedicated in memory of a holy woman who also wanted more, but was not given much time to do it. *Daniella Shaina Bas Yehoshua Falik, A"H*. She wanted more Torah. She was excited about Torah. She used to put on makeup before Shabbos while listening to shiurim. She would get excited about topics in the *parshios* as they came up throughout the year. She cared about it. She wanted it. Torah was life, not just a detail in life. She wanted more community. Community is not something that happens by itself. She wanted to make it happen. She worked to make it happen. She wanted a shul lunch so people could meet each other. And at that shul lunch, people were not just seated with their group of friends. The purpose was to meet and make connections. She wanted to bring people closer to each other, to make sure people knew the faces in their community. Not just to know the faces. Her goal was “*v'yadata hayom, v'hasheivosa el livavecha*”. That knowing the other person should bring to a relationship.

People who want more! A community that wants more! That needs more! A community that is not satisfied going through the motions. That is what this community is about. That is what this *sefer* is about. That is what Daniella Shaina was about. It is a tremendous *zechus* to be a part of this community and a tremendous *zechus* to have known this person who shaped our community.

We want more Hashem and we want more Torah.

Our community came together to write this *sefer*. To make Hashem more a part of our lives.

It is not just a journal.

It is kadosh.

Noam Casper

We are grateful for the opportunity to support the first publication of the Adas Torah Torah Journal. We dedicate this in memory of our dear daughter, Rena bas Yehuda Tzvi *a''h*. May this journal not only be a *zechus* for our daughter, but also an inspiration of Torah for the entire *kehilla* during the upcoming *yom tov*.

Chag kasher V'sameach.



Jason and Michali Moore

In memory of our grandparents

משה שמואל בן נתן נטע הלוי ע"ה

חנה בת פרץ ע"ה

משה יצחק בן יוסף ע"ה

Whose love of Torah continues
to inspire us every day



Daniel and Annie Nagel

In Memory of Our Dear Parents

Effie Gross, אפרים בן אליהו ליב ע"ה

Ilse Kleinman, חנה בת באנדאט ע"ה

Sydney Kleinman, שמואל בן יצחק ע"ה

May the inspiration from this journal be a
zechus for their neshamos



Brian and Lesley Kleinman

החוברת הזאת מוקדשת לזכר נשמת האם היקרה
קמו בניה ויאשרוה
חוה גולדשין בת יעקב ע"ה

This journal is dedicated
in loving memory of
Eva Rich



Marilyn & Alan Rich and Family

דברי חכמים



Rabbi Dovid Revah

- Guest Contributor -

Rabbi Asher Brander

Celebrating the Torah: Explaining the Special Nature of Seuda on Shavuos

RABBI DOVID REVAH



The Gemara in *Pesachim* 68b says

הכל מודים בעצרת דבעינן נמי לכם, מאי טעמא יום שנתנה בה תורה

Everyone agrees that on Atzeres (Shavuos) you also need 'lachem' (material pleasure). Why is this so? Because it is the day that the Torah was given.

There is a debate about how to fulfill the *mitzva* of *simcha* on the *yamim tovim* of Pesach and Succos. One opinion requires a festive meal, while the other opinion does not require a meal, but rather that the *mitzva* be fulfilled by spending the day immersed in Torah and *tefila*. The Gemara tell us that all opinions agree that on Shavuos we are required to celebrate with a *seuda*. The Gemara then explains why Shavuos has an emphasis on material festivity more than Pesach and Succos. Shavuos is the day that Hashem gave us the Torah, and commemorating that spiritually momentous event must be done through eating and drinking.

The rationale given by the Gemara seems very puzzling. *Matan Torah* gave us our spiritual life. Why must it be celebrated in a material way? Would it not be more fitting to spend the day immersed in Torah and *tefila*? For other *yamim tovim* there are opinions that hold that we do not have to have a festive meal, so it is all the more surprising that Shavuos requires eating and drinking.

I would like to suggest three answers.

Many have the attitude towards Torah and *mitzvos* that a Torah life restricts our enjoyment of this world, but is worthwhile in the long term, since by fulfilling *mitzvos*

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we earn *Olam Haba*. In their thinking, it is a fair trade off to sacrifice the pleasures of a temporal life in this world in order to gain eternal life in *Olam Haba*. This perspective is incorrect. A person whose only focus in life is pursuing a happy, enjoyable life will rarely attain what he seeks. One does not have to look very far to see the truth of this statement. There are many people who seem to have everything - talent, wealth and endless opportunities - but their pursuit of *Olam Hazeih* leads to disastrous lives. In contrast, a life lived within the parameters of the Torah not only reaps the ultimate reward of *Olam Haba*, but also allows enjoyment of *Olam Hazeih*. By following the guidelines and moderation which the Torah gives us, we gain the ability to enjoy this world as well. To acknowledge that the Torah enables us to truly enjoy this world, we must include the pleasures of *Olam Hazeih* in the celebration.

Another possible explanation is that even before we received the Torah, man had the ability to connect to Hashem and serve Him. Adam, Noach and the *avos* all brought *korbanos* to Hashem. However, the *Gemara* (*Zevachim* 115a) tells us that there was a difference in how people served Hashem before the giving of the Torah and after. The *Gemara* notes that the *korbanos* brought before the giving of the Torah were all *korbanos Olah*, and after the giving of the Torah, there were also *korbanos Shelamim*. The difference between an *Olah* and a *Shelamim* is that while an *Olah* is completely consumed by the fire of the *mizbe'ach*, a *Shelamim* is mostly eaten by the *Kohanim* and the one who brings the sacrifice. This demonstrates that prior to the giving of the Torah, the primary way to serve Hashem was by withdrawing from enjoying indulgences of this world and becoming ascetic, just as one “withdrew” from enjoying the *Olah* which was not meant for human consumption. It was only after the Torah was given that it was possible to serve Hashem by partaking of this world, using the material world for *mitzvos*. The concept of *בהנים אוכלים ובעלים מתכפרים*, that the **eating** of a *korban* could be a *mitzva* equal to the **bringing** of the *korban* on the *mizbe'ach*, is something that was only possible after the giving of the Torah. Thus, it is only through Torah that eating and drinking can be employed as a means of *avodas Hashem*. This is the second reason why Shavuot is celebrated by festive enjoyment.

Rashi in his commentary on *Pesachim* would seem to be suggesting a third approach. Rashi, in explaining the *Gemara*, says

להראות שנה ומקובל לנו יום זה שניתנה בו תורה

We celebrate with a joyous meal because it is incumbent on us to demonstrate that we are happy and appreciative of receiving the Torah.

Rashi is suggesting a fundamental understanding of our *avoda* on Shavuos. The *Medrash (Mechilta 5:1* quoted by Rashi *Shemos 12:6*) tells us that although Hashem was prepared to redeem *Bnei Yisrael* from Egypt, they needed to perform *mitzvos* in order to deserve the redemption. He therefore gave them the *mitzvos* of *korban Pesach* and *mila*. We commemorate the miracles by performing *mitzvos*- *korban Pesach*, *matza* and *maror*. In contrast to *Yetzias Mitzrayim*, before Hashem gave us the Torah he did not command any significant *mitzvos*. The only preliminary action was *Sefiras HaOmer*, counting from Pesach to Shavuos. The *Chinuch (Mitzva 306)* explains that when one is excited and anticipating something, one counts down towards its arrival. Counting from Pesach to Shavuos showed that we were excited to receive the Torah. We did not have to do any action to receive the Torah; we only had to want it. *Chazal* tell us (*Makkos 10b*) מוליכים אותו בדרך שאדם רוצה לילך מוליכים אותו -if we want to travel the path of Torah and *mitzvos*, Hashem will assist us, so long as we truly desire it. At *Har Sinai*, our *avoda* was to express a desire for the Torah. Every year on Shavuos we have to reaffirm our desire for Torah. This is a third reason why it's essential not to only *daven* and learn, but also to celebrate our ability to do so, by making a festive *seuda*.

When we eat the *seuda* on Shavuos, we should bear in mind that it is only through Torah that we are truly able to enjoy *Olam Hazeih*. It is only because of Torah that we can serve Hashem through *Olam Hazeih*, and our *seuda* is an expression of our desire to live a life of Torah.

Erev Pesach, Matza, & Marriage: The Curious Halacha of Matza Non-Consumption

RABBI ASHER BRANDER



Most of the intricate *halachos* associated with *matza* focus on *matzos mitzva*¹ in two directions, the object (*cheftza*) and the individual (*gavra*). Proper production of *mitzva matza* requires proper supervision and a directed intention (*lishma*). The *gavra* must eat the proper amount at the proper time with the proper intention in the proper form.

A lesser known, albeit significant, *halacha* focuses on *matza* in a restrictive sense – *i.e.* the time at which it becomes forbidden to eat *matza*. Whereas different customs abound² in this regard, the reader might be surprised to discover that in all of the Babylonian Talmud nary a mention appears that restricts one from eating *matza* prior to Pesach. It is the Jerusalem Talmud³ (*Yerushalmi*) that relates that one may not eat *matza* on *erev Pesach* and produces a wild metaphor to bolster its point.

אמר רבי לוי האוכל מצה בערב הפסח כבא על ארוסתו בבית חמיו והבא על ארוסתו
בבית חמיו לוקה

Rabbi Levi said: One who eats matza on erev Pesach is likened to one who has relations with his betrothed maiden in his father in law's house.

1 The *matza* used in the performance of the *mitzva* of eating *matza*.

2 Some have the custom not to eat *matza* from *Rosh Chodesh Nisan* (cf. *Mishna Berura* 471:12). Yet others have the custom to stop a full month before *Pesach*. See *Piskei Teshuvos* 6:217 for several fascinating sources and for those who objected to these *minhagim* on the basis of *yohara* (loosely translated as *halachic* boastfulness). See *Chok Yaakov* 471 in the name of *Sha'arei Knesses Hagedola*

3 *Yerushalmi, Pesachim* 10:1

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To clarify; in Judaism there are two stages of marriage. The first stage, that of *kiddushin/erusin*, traditionally occurs with *keseif*, whereby money or a valuable object is given by the groom to the bride to effect a *kinyan*, a formal marital status. At this point the bride is called an *arusa*, a betrothed woman. This is a Biblical status. Were the marriage to be terminated at this stage, the wife would require a *get* (divorce). Nevertheless, the couple do not have complete *halachic* obligations towards each other at this stage, nor are they permitted to be intimate. The marital bond is completed with the second stage, known as *nissuin*. The definition of *nissuin* is subject to debate. According to many, it is the *chupa*. While today both stages of marriage are completed within moments of each other, in *mishnaic* times there often was a gap of months, even a year, during which the *arusa* was preparing in her parents' home.

The *Yerushalmi* likens eating the *matza* prior to the Seder to a groom who is intimate with his *arusa* while she was still at home, prior to the stage of *nissuin* – an act that carries with it the penalty of Rabbinic lashes. On a basic level the notion is not to “jump the gun,” but we need to understand the depth of this metaphor. First we will trace the practical contours of this *halacha* as recorded in the *Shulchan Aruch* and beyond.

When Does the Prohibition Begin?

The position of Ba'al Hamaor⁴, Behag, Rosh⁵ and Tur⁶ is that the prohibition of eating *matza* on *erev Pesach* is directly linked to the prohibition of *chametz* during that time. When the prohibition against eating *chametz* begins, so does the prohibition of eating *matza*. Biblically, one may not eat *chametz* from *chatzos* (halachic midday), and Rabbinically one may not eat *chametz* following the fourth hour on *erev Pesach*. Most *rishonim* (medieval Rabbinic authorities) assume the prohibition of *matza* follows the timing of the Biblical prohibition, although some link it to the Rabbinic prohibition⁷. Using the metaphor of the *Yerushalmi*, one may formulate this link between the two *halachos* in the following general sense: When the prohibition of *chametz* kicks in, then only *matza* may be eaten. In that sense *matza* is like an *arusa*; it alone is designated to the Jew. However, the *matza* needs to “wait” until the Seder (*i.e.*, a *mitzva*) for it to become fully “married,” that is, for it to achieve the status of *nissuin*. Indeed, we must understand the transformative moment from *erusin* to *nissuin*, and we will soon encounter sources

4 16b s.v. *masnisin*

5 Rosh, 3:7

6 *Orach Chaim* 471

7 See the closing comment of the Ran and Ritva *Pesachim* 50a

that even seek and find the necessary *sheva brachos* of the Seder that accompany this transformation.

The Rif⁸, Ramban,⁹ Meiri,¹⁰ and (according to the simple understanding of) Rambam¹¹ prohibit eating *matza* the whole day of *erev Pesach*. The Meiri formulates the rationale for the prohibition as being a means of facilitating *tay'avon* (an appetite) for *matzos mitzva*. As such, it is an artificial distinction to state the prohibition applies at midday and it is more likely that it applies for the whole day¹². The language of the Rambam seems to dovetail with this position as well¹³:

אסרו חכמים לאכול מצה בערב פסח, כדי שיהיה היכר לאכילתה בערב, ומי שאכל מצה בערב הפסח, מכין אותו מכת מרדות...

The Sages forbade one from eating matza on erev Pesach in order that there should be a recognizable act of eating it at night. One who eats matza on erev Pesach receives rebellious lashes.

8 *Pesachim* 16a *dapei harif*

9 *Milchamos Hashem*, 15b *dapei harif* s.v. *amar hakoseiv*. The position of the Ramban is somewhat ambiguous. He first states that it is forbidden for the whole day then concludes by saying that since the obligation of *bi'ur chametz* is at night, the *matza* acquires the status of an *arusa* then, implying that status begins at night. If this is correct, then Ramban is in direct contradiction with his comments on *Pesachim* 50a. Rashbatz (3:260) also quotes the Ramban as prohibiting eating *matza* only during the day. It appears (to this writer) that the Ramban is saying that if one destroys all the *chametz* in one's home (at night) – then indeed the prohibition of eating *matza* begins. However, barring that circumstance the prohibition begins the next day.

10 *Pesachim*, 13a מ"מ לדעתנו אכילת מצה בכל היום מקוער הדבר שמשום תיאבון נאמרה וכל שמלא כרסו ממנה פרח תיאבון

11 *Mishneh Torah, Chametz U'matza*, 6:12

12 The *Yerushalmi* states that R. Yehuda Ben Beseira (RYBB) would not eat *matza* the whole day. The Ran's explanation is that RYBB is being consistent with his opinion that the *korban Pesach* may be brought the whole day – as such *chametz* is forbidden the whole day, ergo *matza* becomes an *arusa* from the time of the prohibition of *chametz*. However, Ran states since we do not follow RYBB's opinion, the prohibition of eating *matza* does not kick in until *chatzos*, which is the proper time to bring the *korban Pesach* and the time of the prohibition of eating *chametz*. Ramban learns from the end of the *Yerushalmi* that we reject the link since the key idea is the *tay'avon* concept.

13 Full admission. It is entirely possible that the dichotomy presented at the core of this article is not nuanced enough. Rav Menachem Kasher (*Torah Shleima, Bo*, pp. 241-246) finds 5 basic rationales for the prohibition of eating *matza* on *erev Pesach*! For example, Rambam's terminology of *heker achila* is evocative of not blowing the *shofar* on *erev Rosh Hashana* to distinguish between *shofar* of *minhag* and *shofar* of obligation. Thus, it is possible to explain that Rambam and Meiri are not twin positions; rather Rambam's focus is not on developing a personal appetite/desire for the *mitzva*, but rather on highlighting the *mitzva* of *matza*. According to this anything that still possesses a *sheim matza* might very well still be forbidden on *erev Pesach* even if it can not be used for the *mitzva* of *matza*. This appears to be the position of the Vilna Gaon.

Finally, a third more dramatic position that appears in *Orchos Chaim*¹⁴ is to prohibit eating *matza* from the previous night. Since that is the time of *bi'ur chametz*, the destruction of *chametz*, the *matza* becomes an “*arusa*” already from that time.¹⁵

Remarkably, Rav Yosef Karo does not explicitly record this prohibition at all in the *Shulchan Aruch*¹⁶. Ramo records the prohibition as applying the whole day¹⁷, following the apparent minority approach in *rishonim*. *Mishna Berura*, *Shulchan Aruch Harav* and *Chayei Adam* concur with Ramo¹⁸.

Understanding the Dispute

Rav Moshe Feinstein offers a fascinating halachic explanation of the aforementioned dispute¹⁹. He links it to the *Yerushalmi's arusa* metaphor. Why is the *arusa* forbidden to her husband? Ostensibly, one can posit two notions:

Until the *nissuin*, the *arusa* is not Rabbinically considered to be fully married. Thus intimacy with the *arusa* is akin to an act of premarital relations.

An *arusa* is considered to be fully married. Nevertheless, the Rabbis wanted the marriage to consummate with an act of intimacy that is prescribed, not merely permitted. As such, they prohibited the *arusa* to her husband until *nissuin*.

Similarly, we question when our “*arusa*,” *i.e.*, the *matza*, attains its status. If we choose the first formulation, a legalistic definition, then we only prohibit the *matza* when some legal status commences, because the focus is on the deficient **status** of the *arusa vis-a-vis* the *nesuah*. The earliest legal status of *matza* commences at the time of the prohibition of *chametz*, *i.e.*, from the time of *chatzos*.

However, the second rationale is not focused upon the formal status of *arusa* as

14 *Hilchos Chametz Umatza*, 114

15 See *Magen Avraham*, 671:6. It seems that he also adopts the position that one may not eat *matza* from the night before as well. See also *Ben Ish Chai*, *Tzav*, 26. R. Chaim Soloveichik was reputed to have brought a poof from the *Mah Nishtana* against this position for therein it states “on all other nights we eat chametz and matza and on this night we only eat *matza*”

16 Cf. *Shulchan Aruch* 471:1 & 2. It appears that a careful reading of the *Shulchan Aruch* implies agreement to the essential *halacha*. *Shulchan Aruch* records that one may eat *matza ashira* until the 10th hour of *erev Pesach* implying that *halachic matza* may not be eaten.

17 The *tziyunim* attribute Ramo's position to the Ran. While the Ran does cite this position, this is not his personal opinion.

18 *Mishna Brurah*, 471:12,

19 *Igros Moshe*, *Orach Chaim*, 1:155

much as the future status of *nesua*. We do not require the formal prohibition of *chametz* to kick in; rather from the moment that *Pesach* preparation is thrust upon us, we look towards the actual fulfillment of the *mitzva* of *matza*. At that point, we require that we not eat *matza*, until we commence with the *matzos mitzva*. As such, eating *matza* becomes forbidden for the whole of *erev Pesach*.

Now, we also may understand the custom of not eating *matza* for a full month before *Pesach*²⁰ (or from Nissan), as this is the traditional time that we begin to focus on the *halachos* and the real work of *Pesach*, which constitutes the earliest time of preparation.

Scope of the Prohibition

Earlier, we presented two basic explanations that underlie the prohibition of eating *matza* on *erev Pesach*. The rationale is critical to determining the extent of the prohibition. For example, if the essential prohibition of eating *matza* is to celebrate the special status of *matzos mitzva* at the Seder, it follows that any *matza* which may not be used at the seder would not be included in the prohibition. If, however, the essential rationale is to facilitate appetite, it is entirely possible that anything which carries the *sheim matza*, *i.e.*, is colloquially considered *matza*, even if it is not technically suitable for *matzos mitzva*, may be included in the prohibition. This question has several implications, as follows.

Matza Ashira (“Egg *Matza*”)

Matza made with eggs or fruit juice is known as *matza ashira* (lit. “wealthy man’s *matza*”) and is not effective as *mitzva matza* since it is not considered *lechem oni*²¹ (bread of affliction). Its taste is slightly altered and it has a somewhat softer texture. What is its status with regard to *erev Pesach* use? Does it fall within the prohibition? The universal opinion of the *rishonim* appears to be that it is permitted²². The formulations of Kol Bo and Rivash are striking²³:

20 Cf. note 2

21 Cf. *Pesachim* 36a, *Shulchan Aruch* 462:1

22 Cf. *Tosafos*, *Pesachim* 35b s.v. *u’mei*, 99b s.v. *lo*, *Rosh*, *Pesachim* 10:1, *Tur* and *Shulchan Aruch* 471:2. With regards to the definition of *matza ashira*, there is dispute whether dough which has water added with the fruit juices is considered *matza ashira* or real *matza*. Bach and Maharal are strict while *Magen Avraham* and other *acharonim* are lenient on the matter.

23 *Kol Bo Siman* 48

ומה שאומרים האוכל מצה בערב הפסח כבועל ארוסתו בבית חמיו הני מילי מצה
הראויה לצאת בה בפסח אך מצה עשירה יכול לאכול

That which we say one who eats matza on erev Pesach ... is only referring to matza that is fitting to fulfill one's Pesach (mitzva) obligation – however matza ashira may be eaten

אבל מצה עשירה, מותר שהרי אינה ראויה לצאת בה ידי חובתו בפסח, ואין בה משום:
אירוסין דמצה. שהרי אין מצה זו ארוסת

However, matza ashira is permitted for it is not fitting to fulfill one's obligation and there is no concept of 'the betrothal of matza' for this matza is not his arusa, for it is not fitting to be married to him that night.

Their sole consideration is whether one can fulfill the *mitzva* with this piece of *matza*! The question of appetite or spoiling one's taste does not seem to matter.

Shulchan Aruch records that one may eat *matza ashira* until the (beginning of the) tenth *halachic* hour of the day. At that point, the general *halacha* requiring one enter into any *Yom Tov* with a hearty appetite kicks in and proscribes one from eating any *halachic* bread. Due to technical considerations, the *Ramo* opines that we do not eat *matza ashira* past the fourth *halachic* hour of the day. We are wary of the opinion that *mei peiros machmitzin*, that fruit juices may hasten the leavening process.

The *matza ashira* issue becomes very relevant for those who want to fulfill the three meals of a *Shabbos-erev Pesach* without having to deal with bona fide *chametz*. Whereas the *Kol Bo* and *Rivash* (among others) permitted *matza ashira* because it is invalid for *mitzva matza*, it is possible to find a different basis for leniency. Since it has a slightly different flavor, it is possible that one's appetite for regular *matza* would not be profoundly affected²⁴. As such either of the two rationales we presented would permit *matza ashira* as an *erev Pesach* option. However, the distinction between the underlying rationales for the prohibition looms large in several other scenarios that we shall encounter.

In this vein, we must mention the lone significant dissenting opinion, that of the *Vilna Gaon*²⁵. His opinion is that any object that still retains its title of *matza* is forbidden on *erev Pesach*. Clearly, it is not appetite that concerns the *Vilna Gaon*, nor the formal ability to fulfill the *mitzva* of *matza*; rather it is a desire to maintain the special status of *mitzva matza* that drives the prohibition. It is interesting to note that according to the

24 This indeed is the formulation of the *Maharsha*, *Pesachim* 99b

25 *Biur HaGra* 444 s.v. *u'vamedinos*. See also *Sha'ar Hatziyun* 444:1

Vilna Gaon, it is impossible to fulfill the mitzva of *seuda shlishis* with any type of *matza*, and he cites the *Zohar* that on *Shabbos-erev Pesach* there is no obligation of *seuda shlishis*.

Chametz Matza

R. Tzvi Pesach Frank²⁶ raises the phenomenon of modern day *chametz matza*. Such *matza* might have been exposed to *chametz*, prepared in a *chametz* environment or might have taken too long to prepare. While technically considered *chametz*, such *matza* is almost indistinguishable in taste from *halachic matza*. Would such *matza* be permitted to eat on *erev Pesach* through the fourth hour of the day? Rav Frank feels that this depends upon the rationale for prohibiting *matza* on *erev Pesach*. If we are concerned about appetite then surely even *chametz matza* should be prohibited. If we are trying to celebrate the *matzos mitzva* then we should not be concerned, as *chametz matza* can not be used for the *mitzva*.

Rav Frank evinces a fascinating comment of the Maharsha²⁷: Tosafos²⁸, while commenting on the Gemara that prohibits one from eating substantial food a few hours prior to nightfall, questions the relevance of this *halacha* as one may not eat *chametz* or *matza* at that point. Tosafos answers that the Talmud is referring to *matza ashira*. The Maharsha wonders why Tosafos does not answer that we are referring to *betzeikos goyim*, *matza* produced by gentiles, which can not be used for the Seder. He answers that *matza ashira* does not have the taste of *matza*, as opposed to *betzeikos goyim* which has an identical taste. The Maharsha clearly holds that taste is a significant factor; a logical position if we are concerned with *tay'avon*.

While theoretically interesting, the issue of *chametz matza* is largely impractical as it possesses no *erev Pesach* advantages over *chametz*. A more striking application of our original question emerges when considering *matza* that is halachically *matza*, and identical in taste to *matza*, and yet, may not be used for the Seder. How can this be achieved?

Matza Baked Without Proper Intention (*shelo lishma*)

For one to fulfill the *mitzva* of eating *matza* on Seder night, one must eat *matza* that was baked *lishma* (for the sake of the *mitzva*). What is the status of *matza* that was not baked *lishma* with regard to the prohibition of eating *matza* on *erev Pesach*? This *matza* is

²⁶ Mikraei Kodesh, 2:25

²⁷ Pesachim 99b, commenting on Tosafos s.v. lo

²⁸ Pesachim 99b, s.v. v'lo

considered kosher and may be used throughout *Pesach*, except for Seder night. May such *matza* be eaten throughout *erev Pesach*? Most non-*shemura matza* on the market today would be included in our question.

This question falls squarely within our dichotomy. Surely, consuming such *matza* would affect our appetite for *mitzva matza*. Its taste is identical. Yet, in and of itself, it is not *mitzva matza* and thus does not constitute “a defilement of the *arusa*.”

This issue is an explicit *machlokes rishonim*. *Maharam Chalava*²⁹ believes that it is forbidden to eat any *matza* on *erev Pesach* while *Meiri*³⁰ and *Rabbeinu Manoach*³¹ posit that one is permitted to eat *matza* that was not produced for the *mitzva*³². The *Shulchan Aruch* does not comment on the matter. Practically speaking, the overwhelming custom is to not consume such *matza*.

Eating Less Than the Minimum

Determining the rationale for the prohibition may also impact whether there is a specific minimum *shiur* (amount) that violates the prohibition of eating *matza* on *erev Pesach*. If the primary concern is *matza* of *mitzva*, it is possible that a minimal taste of *matza* might be permitted on *erev Pesach*, since one must eat a *k'zayis* to fulfill the *mitzva*. As such, a piece of *matza* less than a *k'zayis* may not be called an *arusa*, as it never can be used for the *mitzva*³³. If we are worried about appetite, however, it is quite logical to say that any prior taste of *matza* might serve to “spoil” one’s appetite for the *matza* of *mitzva*³⁴.

29 *Pesachim* 49a.

30 *Beit Habechirah* 99b. It would appear that *Meiri* is contradicting himself.

31 Commentary on *Rambam, Chametz U'matza*, 6:12. The *Rivash*, cited earlier would apparently also permit this as does *R. Yeshaya MiTrani* on *Pesachim*.

32 See *Minchas Yitzchak* 8:37 who is strict. See *Yechave Da'as* 3:26 who is lenient in pressing situations. In the latter, *Rav Ovadia* points out that according to many, *shemura matza* does not require from the time of harvesting. As such much *matza* that is today deemed non-*shemura* might indeed fall within the rubric of *halachic shemura* – at least in a pressing situation – so long as it was produced *lishma*.

33 Alternatively, it is possible that *Chazal* formulated the prohibition in terms of the *gavra*, the individual without differentiating within the *cheftza*. According to this latter possibility, even less than a *k'zayis* would be forbidden. See *Pri Megadim*, 471:1 in *Mishbetzos Zahav* who assumes that the prohibition applies to even less than a *k'zayis* (in particular within the *Rambam's* opinion).

34 Although it is plausible to theorize that the *Rabbis* might have only prohibited a minimum significant amount of *matza*, i.e. a *k'zayis*.

One Who is Not Obligated to Eat Matza

May a *katan* (child under the age of bar/bat *mitzva*) eat *matza* on *erev Pesach*? If the whole notion of not eating *matza* is to facilitate appetite, it would seem that one who is not obligated in the *mitzva* of *matza* would not be prohibited from eating *matza* on *erev Pesach*, as there is no *matzos mitzva* to prepare for. If, however, the prohibition derives from the special status of *matza* as an *arusa*, it very well could be that the object of *matza* becomes an objective prohibition (*issur cheftza*), and a *katan* must abide by this as well. At minimum, a parent would not be allowed to feed his child that which is prohibited.

Other similar conceptual scenarios abound. For example, one who is a *choleh* (sick person) who knows in advance that he will be unable to eat *matza* of *mitzva* at the Seder; a soldier³⁵; a doctor or a nurse or any other individual who for genuine *halachic* reasons will not be able to participate in a Seder evoke the same question regarding the relevance of the prohibition of eating *matza* on *erev Pesach*.

Regarding a *katan*, the Ramo quotes the *Terumas HaDeshen*³⁶ who rules that a *katan* who is unable to appreciate the miracles of the Exodus is not bound to eat *matza*, and thus is not included in the prohibition on *erev Pesach*.

Cooked Matza

The *Shulchan Aruch* rules that cooked *matza* may not be used for *matzos mitzva*³⁷. The Gemara³⁸ records R. Yosi's opinion that cooked *matza* is ineffective and explains the rationale that it does not have the requisite *ta'am* (taste) *matza*. May such *matza* be eaten on *erev Pesach*?

Ostensibly, either rationale governing the *erev Pesach matza* prohibition should be irrelevant. Since cooked *matza* neither possesses the taste of *matza* nor may it be used for the *mitzva* of *matza*, we simply conclude that it may be consumed on *erev Pesach*. As such, its *erev Pesach* status is like *matza ashira*³⁹ which, according to the

35 See *Kishrei Milchama* by Rav Eyal Karim (www.daat.ac.il/daat/tsava/32-2.htm) who discusses whether soldiers can make a Seder from *plag hamincha* since otherwise they would be unable to make a Seder. Ostensibly, this should be prohibited since one can not eat *matza* before nightfall. Rav Karim permits it on the basis of the Rambam that since they are exempt from *matzos mitzva*, there is no logic that governs that one should need to make some type of *heker*.

36 Responsa 125

37 *Orach Chaim* 461:4

38 *Brachos* 38a

39 In a certain sense, it is even more lenient for the *gemara* never states explicitly that *matza ashira* does not have the taste of *matza*; rather it simply does not qualify as *lechem oni*.

near-universal lenient opinion is allowed. This point is made by the *Magen Avraham* in the name of the *Maharil*⁴⁰ and is indeed the overwhelming consensus opinion of *acharonim*.

Two noteworthy factors need be stated. A bit of the stir in the *halachic* pot was created by the fact that cooked *matza* starts out as *matza* which is then transformed. This is true with regard to any form of *matza*, be it *matza* meal or whole *matza*. It is cooking that transforms its status. As such, *Beis Dovid* distinguishes between *matza* that was cooked before *erev Pesach* (which is permitted) and *matza* that was cooked on *erev Pesach* (which is forbidden). In the former case, the *matza* lost its status prior to the prohibition while in the latter, the *matza* was transformed after the prohibition set in. *Beis Dovid* claims that once *matza* status is attained, it cannot be undone. While R. Shlomo Kluger and a few other *acharonim* concur, the majority⁴¹ permit *matza* cooked anytime, all the time. Hence *knaidlach* and the like would be permitted (for those who eat *gebrochts*).

Fried *matza*, as in *matza brei*, is somewhat more debatable, as the *Pri Megadim*⁴² is unsure whether one may fulfill his obligation on Seder night with fried *matza*. The *Shulchan Aruch Harav*⁴³, *Chayei Adam*⁴⁴ and many others consider it to be identical to cooked *matza*.

What if the *matza* is still identifiable? It still retains its *to'ar lechem*, (its appearance of *matza*); would we still permit its consumption on *erev Pesach*? Ostensibly, based on our analysis, the answer should be a resounding yes, and that is the opinion of R. Akiva Eiger and *Shulchan Aruch HaRav*. R. Shlomo Kluger posits that it is possible to fulfill the *mitzva* of *matza* in such a circumstance; thus, one may not consume such *matza* on *erev Pesach*.

As before, the Vilna Gaon stands alone and states that as cooked *matza* retains its *sheim matza*, it is forbidden on *erev Pesach*⁴⁵. It would appear that even the Vilna Gaon would agree that cooked *matza* which has lost its blessing of *Hamotzi* may be eaten on *erev Pesach* as it no longer carries its *matza* status (*sheim*).⁴⁶

40 471:8

41 *Shulchan Aruch Harav* 471:8, *Mishna Berura*, 471:20, *Chayei Adam*, *Chok Yaakov*, *Elya Raba*

42 *Eishel Avraham* 471:8

43 471:9

44 129:13

45 *Biur HaGra* 444 s.v. *u'vamedinos*

46 See *Sha'ar Hatziyun*, 443:1

Yom Tov Shen

Does the *erev Pesach* restriction of *matza* apply on the first day of *yom tov* for those (*bnei chutz l'aretz*) who keep two days of *yom tov* and thus make two *Sedarim*? Technically, the obligations of the first day of *yom tov* mandate *matza* at the *yom tov* day meal; beyond that obligation, are there any restrictions on one's *matza* consumption?

This may depend upon our dichotomy. If the rationale of the prohibition is to accord special status to the *matza* of *mitzva*, **that undoubtedly has already been accomplished**, and there would no longer be any reason to refrain from eating *matza*⁴⁷. If, however, the rationale is to facilitate an appetite for the *matzos mitzva*, then surely one who is obligated to observe a second Seder should refrain, as much as possible, from eating *matza* on the first day of *yom tov*.

Indeed, Ramo⁴⁸ records that the *Kol Bo* recommends that on the first day of *yom tov*, one should limit one's *matza* intake for this very reason. The same line of reasoning appears in many of the Ashkenazic *rishonim* and is recorded in *Beis Yosef* as well. Please note that this is distinct from the general *halacha* of not eating major foodstuffs from the beginning of the tenth hour.

Understanding the Metaphor

Sheva brachos:

The cryptic words of the *Yerushalmi* cry out for explication. Clearly, the *Yerushalmi* is emphatically stating we should not act impulsively; rather *davar b'ito ma tov*, everything in its proper time. This is a critical notion, but it is not unique to *Pesach*⁴⁹. Thus, we are left wondering what special *Pesach*-marriage connection propelled the *Yerushalmi* to employ this particular metaphor.

That a marital relationship exists between *Bnei Yisrael* and Hashem is firmly rooted

47 i.e., other than the general obligation of entering *yom tov* with an appetite which starts from the beginning of the tenth hour of the day.

48 471:2

49 This basic explanation is provided by Ramo in *Torat HaOlah* 3:51

הנה ידוע שהתורה נקראת כלה מאורסה, שנאמר (דברים ל"ג ד') מורשה קהלת יעקב אל תקרי מורשה אלא מאורשה (ברכות נ"ז ע"א), והנה כל זמן שלא הגיע העת להתבונן בדבר מה עדיין הכלה בבית אביה יתעלה, והוא הקדוש ברוך הוא שנתן לנו בתו היא התורה וכל זמן שלא נתנה להגלות עדיין הוא בביתו, כמו שנאמר במשה (במדבר י"ב ז') בכל ביתי נאמן הוא, והנה האוכל מצה בערב פסח ורוצה להתבונן בה קודם שהגיע זמנה, בודאי בא על ארוסתו בבית חמיו: והנה אמרו זה במצות מצה יותר מבשאר מצוות, אע"פ שיש עת וזמן לכל חפץ, להיות כי יום טוב של פסח מורה על בטול הטענה שהביאו הכופרים מצד העת שיפעל עת ולא עת אחרת, והנה האוכל מצה בערב פסח מודה כמעט לדבריהם במה שעשה כל העתות שוות, ובזה מגלה פנים בתורה שלא כהלכה, ובא על ארוסתו בבית חמיו והוא מבואר

in *Tanach*⁵⁰. It is indeed possible to conceive of the *matza* as a symbol of marriage. It is the timing that is surprising. Two *midrashic* formulations classically date the marriage of *Bnei Yisrael* to Hashem beyond *Pesach*:

We are betrothed to Hashem on Shavuot. The Torah, our *morasha* is about our betrothal (*me'orasa*)⁵¹. Our actual *nissuin* takes place with the building of the *Mishkan*⁵². Hashem, as it were, shares an abode with *Klal Yisrael*. This rich metaphor finds much prominence in the world of *Chazal*.

We are betrothed to Hashem through the *Pesach* story. Our *kabbalas haTorah* constitutes the *nissuin*. Picture the mountain over the heads of the Jewish people as a large canopy⁵³. This metaphor also has great resonance in classical sources.

The *Yerushalmi*, however, seems to present us with a different model. Somehow the *matza* is already betrothed. On Seder night, we move to the second stage of marriage, the *nissuin*. Remarkably, this notion is taken so seriously that it provokes the following comment by the *Ba'alei haTosafos*⁵⁴:

ואמאי דמיה לאותה העבירה טפי משאר עבירות. אלא כשם שהכלה צריכה ז' ברכות קודם שתהא מותרת לבעלה, כך המצה צריכה ז' ברכות קודם היתר אכילה
*Why did the Jerusalem Talmud liken it (not eating matza on erev Pesach) to this sin more than any other? Just like the betrothed bride needs seven blessings before she is permitted so **the matza needs seven blessings before it may be eaten.***

This in turn necessitated a search for the *sheva brachos*. Many versions abound; herein we present Mahari Weil's⁵⁵:

ונ"ל דז' ברכות הם בורא פרי הגפן א', קידוש ב'. שהחיינו לא קחשיב דאומר אפילו בשוק, וברכה דטיבול ראשון לא קחשיב דחיובא לדודקי. ואשר גאלנו ג', בורא פרי האדמה ד', על נטילת ידים ה', המוציא לחם ו', אכילת מצה ז'.
It seems to me that the seven blessings are borei pri hagefen, kiddush, (the blessing for the first dip and shehecheyanu are not counted), who has redeemed us, borei pri ha'adama, al netilas yadayim, hamotzi lechem, achilas matza.

50 See *Shir Hashirim* and *Hoshea* end of chapter 2 for example .

51 *Pesachim* 49b

52 *Ta'anis* 4:8

53 *Shabbos* 88a

54 *Shu"t Ba'alei HaTosafos*, Appendix 1:23

55 Mahari Weill 193 s.v. *Pesach*

Rabbeinu Manoach understands the punishment of Rabbinic lashes for those who eat *matza* on *erev Pesach* to be a natural consequence and an absolute parallel with the punishment of one who is intimate with his *arusa*. Indeed, this seems to be the simple meaning of the Rambam and the *Yerushalmi*.

On a very basic level, *matza* as a betrothed is manifest. As the prohibition of *chametz* commences, *matza* alone becomes the designated food, but it is not yet time for the *matza*. A process of *nissuin* is needed to usher the *matza* into a marriage. We have explained the technical accuracy of the *Yerushalmi's* metaphor. Its specific application to *matza* calls for explanation.

Betrothal:

According to many, the prohibition of eating *matza* commences at midday, coinciding with the commencement of the prohibition of eating *chametz*⁵⁶. The source that eating *chametz* is prohibited from midday on *erev Pesach* is linked with the first opportunity one has to bring the *korban Pesach*, (the Passover sacrifice)⁵⁷. Perhaps it is the *korban Pesach* that yields a key to understand the first stage of marriage. Let us turn our attention to a cryptic Rashi on the following *pasuk*⁵⁸.

וכי יגור אתך גר ועשה פסח לה' המול לו כל זכר ואז יקרב לעשותו והיה כאזרח הארץ
וכל ערל לא יאכל בו

When a proselyte dwells with you and wants to make the Pesach-offering to Hashem, every male must be circumcised. He may then come near [join] to make it, and be like the native born. But no uncircumcised male may eat of it.

Rashi is bothered by the obvious unstated question: Why does the Torah single out the convert as being obligated to bring a *korban Pesach*? Is he not like any other Jew with respect to all positive commandments?

יכול כל המתגייר יעשה פסח מיד, תלמוד לומר והיה כאזרח הארץ, מה אזרח בארבעה
עשר אף גר בארבעה עשר:

I might think that when one converts he must immediately do the korbon

56 Cf. positions of *Ba'al Hamaor*, Rosh and Ran presented in part 1 of this article

57 *Shemos*, 34:25 as explained by *Pesachim* 5a: לא תשחט על חמץ דם זבחי - לא תשחט הפסח: ועדיין חמץ קיים

58 *Shemos*, 12:48, cf. *Bamidbar*, 9:14. Rashi's source is the *mechilta*

Pesach service, the Torah therefore tells us: “and he shall be like the native born”, just as the native-born [brings the Pesach] on the 14th so, too, the convert [brings it] on the 14th.

According to Rashi, the Torah is coming to limit the convert's obligation. One might have thought that a convert upon conversion⁵⁹, should bring an additional *korban Pesach*. Hence the Torah clarifies, stating that the convert brings the *korban Pesach*, *b'moado* – only on *Pesach*. What a strange notion! Why single out the *korban Pesach* any more than say the *sukkah*, the *shofar* or *tefillin*?

The implicit connection between *korban Pesach* and conversion can be found elsewhere. In explaining the famous verse in *Yechezkel* “with your blood shall you live, with your blood shall you live”, the Gemara⁶⁰ links two bloods, that of *korban Pesach* and that of *bris mila* and teaches that on account of these two *mitzvos* the Jews merited redemption. *Bris mila* is the *mitzva* qua non of conversion and it is paired with *korban Pesach*. How do we explain this connection?

Courage was a prerequisite of the *korban Pesach*. Earlier, when Paroh and Moshe were negotiating, Paroh implored Moshe to bring sacrifices in Egypt. Moshe proclaims to Paroh that this is impossible, stating⁶¹:

ויאמר משה לא נכון לעשות כן כי תועבת מצרים נזבח לה' אלקינו הן נזבח את תועבת מצרים לעיניהם ולא יסקלנו

Moses said: It is not proper to do so; for we shall sacrifice to the L-rd our G-d what is an abomination for the Egyptians. Shall we sacrifice what is an abomination for the Egyptians before their eyes, and will they not stone us?

Finally, the Jew had to take a stand. As they prepared for departure, each Jew had to tie a lamb, the Egyptian deity, to his bedpost for four days. At the end of those days, the Jew slaughtered the lamb, effecting a complete severance of ties with their Egyptian culture⁶²,

59 i.e. as part of his conversion process

60 *Kerisus* 9b

61 *Shemos*, 8:22

62 See Rashi on 12:6 who explains the very notion of the four days as being part of this severance process. What follows are the key excerpts: היה כן בפסח דורות, היה מה שלא צוה כן בפסח דורות, היה ר' מתיא בן חרש אומר (יחזקאל טז ח) ואעבור עליך ואראך והנה עתך עת דודים, הגיעה שבועה שנשבעתי לאברהם שאגאל את בניו ולא היו בידם מצות להתעסק בהם כדי שיגאלו, ... ואת ערום ועריה, ונתן להם שתי מצות דם פסח ודם מילה, שמלו באותו הלילה, שנאמר (שם ו) מתבוססת בדמיו, בשני דמים, ואומר (זכרי' ט יא). ... ולפי שהיו שטופים בעבודה זרה אמר להם (פסוק כא) משכו וקחו לכם, משכו וקחו לכם, משכו וקחו לכם צאן של מצוה. See Rambam *Moreh Nevuchim*

and creating an absolute point of no return. In that sense the *korban Pesach* was the first step in the grand act of national conversion.

Communal life mirrors the personal realm. Rejection of one's past must also precede a convert's entrance into *Klal Yisrael*. *Geir shenisgayeir k'katan shenolad dami*⁶³; halachically, a convert is like a newborn babe, possessing neither *halachic* parents nor siblings, carrying an existential loneliness that is very much his unique fate. The courageous behavior of the convert is synonymous with the *korban Pesach* to the point that one might imagine that every convert must bring a *korban Pesach*⁶⁴.

Kiddushin commences with the classic formula of *harei at mekudeshes lee* (Behold, you are *mekudeshes* to me). Many instinctively relate this to the notion of *kedusha* (sanctity); the Talmud, however, explains the phrase in a fundamentally different manner. *Kiddushin* is related to the theme of *hekdesh*, items consecrated to the Temple, implying that the *kalla* is forbidden to other men just as anything consecrated is forbidden for profane use⁶⁵.

The *kalla* (bride) is not yet married enough to be with her husband but is married enough to be unrelated to all other men. It is a lonely status - a virtual *halachic* no (wo) man's land. What is the purpose of this step? Perhaps it is to convey the notion that a marital relationship requires absolute dedication. The first step towards that goal is an isolation which engenders contemplation. Only when that has concluded is one ready to take the next step towards complete involvement.

Slaughtering the *korban Pesach* was a defining moment, an act of communal betrothal. Through it, *Bnei Yisrael* laid claim to an incredible reservoir of inner strength that allowed them to break away from their host Egyptian culture, creating for themselves that place of dedication and loneliness. *Halachically*, from the moment the *korban Pesach* may be sacrificed, *chametz* is forbidden, yet it is not the right time to eat the *matza*. More precisely stated, the *korban Pesach* creates the prohibition of *chametz* and the future possibility of eating *matza*. *Matza* may be a by-product of that betrothal, but ultimately it is the symbol of *nissuin*.

Matza represents absolute faith, even in the face of uncertain future. Indeed the word *emuna* in the Torah actually means "unwavering" as used when describing the

3:46 for a different explanation of the four days.

63 *Yevamos* 48b. See Rashi *Sanhedrin* 58b, s.v. *shehorato* for a very clear formulation of this idea

64 Perhaps this is the reason that holiday is named for the *korban Pesach* and not for the other seminal events critical to the redemption (e.g. *makas bechoros* or *krias yam suf*)

65 דאסר לה אכ"ע כהקדש - קדושין ב: 65

hands of Moshe being held upright and unwavering in the battle against Amalek⁶⁶.

The process of *nissuin* also demands *emuna*. The vicissitudes and meanderings of life can not possibly be foreseen by our young naive, pristine married couple. As they stand under the *chupa*, it is only their absolute commitment towards each other that allows for this *emuna*. How penetrating are the words of the *Zohar*⁶⁷

מאי טעמא בגין יקרא דההוא נהמא דאתקרי מצה, השתא דזכו ישראל לנהמא עלאה יתיר לא יאות הוה לאתבטלא חמץ ולא אתחזיא כלל... אלא למלכא דהוה ליה בר יחידיא וחלש, יומא חד הוה תאיב למיכל, אמרו ייכול בריה דמלכא (ס"א מיכלא דאסוותא) אסוותא דא ועד דייכול ליה לא ישתכח מיכלא ומוזנא אחרא בביתא, עבדו הכי, כיון דאכל ההוא אסוותא אמר מכאן ולהלאה ייכול כל מה דאיהו תאיב ולא יכיל לנזקא ליה, כך כד נפקו ישראל ממצרים לא הוי ידעי עקרא ורזא דמהימנותא אמר קודשא בריך הוא יטעמון ישראל אסוותא ועד דייכלון אסוותא דא לא אתחזי להון מיכלא אחרא, כיון דאכלו מצה דאיהו אסוותא למיעל ולמנדע ברזא דמהימנותא, אמר קודשא בריך הוא מכאן ולהלאה אתחזי לון חמץ וייכלון ליה דהא לא יכיל לנזקא לון.

*Now one has to consider: On Passover the Israelites emerged from their subsistence on the [spiritual] bread called "leaven" to be nourished by the more honourable bread called matza. ... would it not have been more appropriate that the "leaven" should have been abolished altogether ... We may explain by the following parable. A king had an only son who fell seriously ill. After a time the prince expressed a desire to eat, but he was forbidden to eat any food other than that prescribed by the physicians, and orders were given that for the set term of that diet no other foods should be found in the palace. All was carried out accordingly. When the prince was come to the end of the period of his special diet the ban was lifted, and it was intimated that now he was free to eat whatsoever he fancied, since it would not harm him. Similarly, when the Israelites came out from Egypt they knew not the essence and mystery of the Faith. Said the Holy One: "Let them taste only the medicinal food, and before they have finished it, be shown no other food whatsoever." But when the matzos, **which were the medicine by means of which they were to enter and to comprehend the mystery of the Faith** were finished, then the Holy One proclaimed: "From now on they may see and eat leavened bread, because it cannot harm them."*

66 Shemos, 17:12

67 Zohar Tetzave, 183b

Incredibly, the *Zohar* calls *matza* the *michla d'mehemenusa* – the bread of faith. The ability to drop two hundred and ten years of life in eighteen minutes for a very uncertain future is a statement of unbelievable faith.

On Seder night, our eating the *matza*, that incredible statement of absolute faith, is the act of *nissuin*. Our marriage with Hashem propels us through situations of doubt. Even as we struggle to see Hashem's presence, our faith in Him allows us to advance. This is the marriage of Seder night. It is no wonder that many have the custom to recite *Shir HaShirim*, that paean to the marriage between Hashem and His people, on Seder night. With the *korban Pesach* and *matza*, the Jew is ready to face the fright of night – the *matza* and the *korban Pesach* allow one to experience any *maror* of life in a completely different vein, comforted by the knowledge that Hashem is dedicated completely to His beloved.

Pesach



Dr. David Peto
Eli Snyder
Rabbi Yaakov Siegel
Yossi Essas
Adiv Pachter
Dr. Michael Kleinman
Dr. Yakov Agatstein
Yoni Barzideh
Nina Adler
Dr. Hillel Well
Elazar Shemtov
Dr. Daniel Wohlgernter

Talmud Torah and Seder Night

DR. DAVID PETO



Rabban Gamliel provides one of the most famous statements in the *Haggada*:
רבן גמליאל אומר, כל שלא אמר שלושה דברים אלו בפסח, לא יצא ידי חובתו; ואלו
הן--פסח, מצה, ומרור.

Whoever has not said the following three things on Pesach has not fulfilled his obligation, and they are: pesach, matza, and maror.

This famous statement is actually part of a longer *mishna* in *Masechet Pesachim* 116 a-b. After this opening, the *mishna* proceeds to elaborate on the significance of each of these three topics by quoting *pesukim* related to the *korban pesach*, to *matza*, and to *maror*.

Rabban Gamliel's statement is cryptic. He does not mention which *mitzva* obligation a person fails to perform, and he does not elaborate on whether this *mitzva* is *mi'de'oraisa* or *mi'derabbanan*. Nevertheless, it seems clear that Rabban Gamliel is providing us with a formula for the absolute minimum that a person must say on the first night of Pesach in order to be *yotzei* this *chiyuv*. In fact, the Abarbanel in his commentary to the *Haggada*, explains Rabban Gamliel in this way:

המאמר הזה הוא משנה בפרק ערבי פסחים, ולא נזכרה עד כה לפי שהזכיר ראשונה בתחלת ההגדה שמצוה לספר ביצ"מ ואופן הסיפור לדעת שמואל ואח"כ לדעת רב, ונזכרו דרשות שלשת החכמים ר' יוסי הגלילי ור' אור"ע ולפי שלא ידענו מה הוא הסיפור שהוא חובה בלילה הזה שאין ראוי לפחות ממנו כל אשר בשם ישראל יכונה. אם הסיפור כולל כל המאמרים וההגדות אשר קדמו או כי די במקצתם, ובעבור זה תקנו מסדרי ההגדה לקרוא באחרונה המשנה הזאת שביאר בה רבן גמליאל הדברים שהם חובה גמורה להזכירם בזה הלילה, שאם לא אמרם או שחסר אחד מהם לא יצא ידי חובתו, ואע"פ שיאכל הפסח והמצה והמרור לא יצא יד חובתו אם לא סיפר עניינם בפה... וכל מי שאמר הדברים האלה כבר יצא ידי חובתו, והמוסיף בסיפור ההגדות שנזכרו מקודם חולתם הרי זה משובח.

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This statement (of Rabban Gamliel's) was not mentioned until now (ie: very late in the Haggada after many other statements regarding Yetzias Mitzrayim. And why is this the case?) At the beginning (of the Haggada), the obligation to tell the story of Yetzias Mitzrayim was discussed, and the manner in which this telling is accomplished according to the opinions of Shmuel and Rav. After that the drashos of three chachamim were brought, namely Rabbi Yossi ha'Glili, Rabbi Eliezer, and Rabbi Akiva (which elaborate on the story). Yet we still did not know what the actual obligation of this recounting was on this night—the minimum that a Jewish person must say on this night—whether the telling includes all the sayings and statements that preceded (Rabban Gamliel's statement in the Haggada), or just a few of them. For this reason the organizers of the Haggada arranged that we should read this mishna last: Since it is in this mishna that Rabban Gamliel explains that 'these three things are an absolute requirement to recount on this night, and if one did not say them or left one of them out, he has not fulfilled his obligation.' Even if someone ate the Korban Pesach, matza, and maror he did not fulfill his obligation if he did not recount these ideas verbally... Whoever has said these things has already fulfilled his obligation, and whoever adds on the previously-mentioned statements or similar ideas is praiseworthy.

According to the Abarbanel, there is a *kiyum mitzva de'oraisa* on *leil ha'Seder* by saying “Pesach, matza, maror” and their associated *pesukim*. More importantly, it is the minimum that a person must say if he is to be *yotzei* his *chiyuv* of the *mitzva*. Still, the particular *mitzva* has not been elucidated.

In *Hilchos Chametz u'Matza* (7:1), the Rambam states:

מצות עשה של תורה לספר בנסים ונפלאות שנעשו לאבותינו במצרים בליל חמשה עשר
בניסן

It is a mitzvas asei from the Torah to discuss the miracles and wonders that were done for our fathers in Mitzrayim on the night of the 15th of Nissan.

In 7:5, the Rambam brings the statement of Rabban Gamliel *le'halacha* without any elaboration:

כל מי שלא אמר שלשה דברים אלו בליל חמשה עשר לא יצא ידי חובתו ואלו הן. פסח
מצה ומרור. פסח על שום שפסח המקום על בתי אבותינו במצרים שנאמר ואמרתם זבח
פסח הוא לה' וגו'. מרור על שום שמררו המצריים את חיי אבותינו במצרים. מצה על שם
שנגאלו. ודברים האלו כולן נקראין הגדה:

Whoever does not say these three things on the night of the 15th has not fulfilled his obligation, and they are: pesach, matza, and maror. Pesach due to the fact that Hashem passed over the houses of our forefathers in Egypt, as it says 'And you shall say, "This is the Korban Pesach to Hashem..."' Maror due to the fact that the Egyptians embittered the lives of our forefathers in Egypt. Matza due to the fact that they were redeemed. And all these things are called 'haggada.'

In summary, it is clear from the Rambam that there is a *chiyuv de'oraisa* on Seder night to recount the miracles that Hashem performed. How is this accomplished? According to the simple reading of the *mishna* codified by the Rambam, at minimum one must mention "מרור, מצה, פסח" and their related *pesukim* to highlight the miracles and their relation to *Yetzias Mitzrayim*. This would seem to be the essence of the *Haggada* on the night of the 15th of Nissan.

Haggada: What is the actual mitzva?

The *Pri Megadim* in *Eshel Avraham* (siman 479) raises a fundamental question:

ומה הוא חיוב הגדה, אם לומר דוקא ג' דברים פסח מצה ומרור או הם דרבנן רק לספר בנסים שעשה ה' לנו במצרים צ"ע, ע' פסחים קי"ז ב', וי"ל הא חיוב לקרות ק"ש בכל לילה ונזכר בה י"מ וא"כ הגדה ד"ת בליל פסח איך יצויה אם לא שנאמר דק"ש קודם צ"ה נמי יצא

What is the chiyuv of "haggada"? Is it to say specifically the three things, namely pesach, matza, and maror? Or are those only a rabbinic requirement to discuss the miracles that Hashem performed for us in Mitzrayim? This requires further investigation; see Pesachim 116b. One can ask: There is a chiyuv to read Krias Shema every night, and one has already mentioned Yetzias Mitzrayim (at Ma'ariv on the first night of Pesach). In that case, how can one ever fulfill the de'oraisa commandment of haggada on Pesach night (since by mentioning Yetzias Mitzrayim in Shema one has already fulfilled his obligation of remembering the Exodus! What does he accomplish at the Seder by mentioning the miracles again)? Perhaps we can say that one can fulfill his obligation of Krias Shema before tzeis ha'kochavim (in which case one has not told the story of Yetzias Mitzrayim at night during Krias Shema, and can therefore fulfill his obligation at the Seder by mentioning Yetzias Mitzrayim).

Later, the *Pri Megadim* (*Eshel Avraham* siman 485) rejects this option, stating:

וער"מ פ"ז ה"א מצוה דהגדה מ"ע מ"ה ולכאורה אף שקרא ק"ש בלילה והזכיר י"מ מ"מ מ"ע הוי ולומר ג' דברים פסח מצה ומרור ולפרש טעמן ועיין פסחים קט"ו ב'

See the Rambam, Hilchos Chametz u'Matza 7:1 who states that haggada is a mitvas asei min ha'Torah, and apparently this is so even if one read Krias Shema at night and mentioned Yetzias Mitzrayim (unlike the Pri Megadim's previous suggestion). Nevertheless, there is still a mitzvas asei (on Pesach night) to say the three things, namely Pesach, matza, and maror, and to elucidate the reasons for them. See Pesachim 116b.

According to the *Pri Megadim*, the *mitzva* of *haggada* on Pesach cannot be equated with mentioning *Yetzias Mitzrayim* as one does in *Krias Shema*. If so, we would assume that one has already fulfilled his obligation to do so by saying the third *parsha* of *Krias Shema*. As a result, he concludes that the *mitzva* of *haggada* is accomplished by mentioning *pesach*, *matza*, and *maror* and the *pesukim* describing their meaning and relevance.

The *Pri Megadim's* viewpoint agrees with the Abarbanel's interpretation of the *mishna* above. The *chiyuv* is to discuss these three topics and to elaborate on the reasons behind them. While this discussion certainly elaborates on the story of *Yetzias Mitzrayim*, these three specific things are not mentioned in *Krias Shema*, therefore there is a special *chiyuv* on Pesach night to mention and discuss them.

“לא יצא ידי חובתו”: *Davka or Lav Davka?*

Based on the *Pri Megadim*, the simple understanding of Rabban Gamliel indicates that a person is not *yotzei* the *mitzva* of “*haggada*” if he hasn't followed the appropriate minimum formula. However, the case is not so clear cut. The Ran on the *mishna* in *Pesachim* (which the *Pri Megadim* himself cites as part of a longer discussion) explains as follows:

כל מי שלא אמר שלשה דברים אלו בפסח לא יצא ידי חובתו. כלומר לא יצא ידי חובתו כראוי אבל לא שלא יצא ידי חובתו כלל

Whoever has not said the following three things on Pesach has not fulfilled his obligation, and they are: pesach, matza, and maror.' This means that the person has not fulfilled his obligation in the most ideal way, but this does not mean that a person has not fulfilled his obligation at all.

According to the Ran, if a person has not said מצה ומרור—but has said something else—he has still fulfilled his obligation *min ha'Torah*. In which case the *Pri Megadim's* question resurfaces: If one does not need to say these three things to be *yotzei*

the *mitzva min ha'Torah*, and he has already fulfilled his obligation of mentioning *Yetzias Mitzrayim* in *Krias Shema*, then what *mitzva* is he fulfilling by saying these three things?

To summarize, there is a *machlokes rishonim* as to how to understand the statement of Rabban Gamliel. Both the Ran and the Abarbanel agree that saying “פסח מצה ומרור” and explaining the details behind these *mitzvos* is a fulfillment of a unique *mitzva* on Pesach. The Abarbanel contends that these statements are *le'ikuva*; if one did not say these three things, he has not fulfilled the *mitzva* at all. According to the Ran, if he replaces these three things by doing something else he has fulfilled the *mitzva*, albeit not ideally.

This begs the following questions: According to the Ran, what else qualifies as *haggada min ha'Torah* on *leil ha'Seder*? Why, according to the Abarbanel, is that insufficient? And most importantly, which specific *mitzva* are we even discussing?

Zechiras Yetzias Mitzrayim versus Sippur Yetzias Mitzrayim: A Crystallization of Terms

As noted above, the *Pri Megadim* is bothered by the fact that, according to Rabban Gamliel, there is a *mitzva* on Pesach night (which the *Pri Megadim* understands to be *mi'de'oraisa* based on the Rambam) even when one has already mentioned *Yetzias Mitzrayim* in *Krias Shema* at *Ma'ariv*. As a result, he is forced to say that the *halacha* brought in the *mishna* in *Pesachim* is referring to a unique *mitzva*, and one who has not said *pesach*, *matza*, and *maror* was not *yotzei* the *mitzva*.

A close reading of the Rambam sheds some light on the issue. In the *halacha* cited above, the Rambam states “מצות עשה של תורה לספר.” In contrast, in *Hilchos Krias Shema* 1:3, the Rambam writes that there is a “מצוה להזכיר יציאת מצרים” during the day and at night. Moreover, in his counting of the 613 *mitzvos*, the Rambam does not count remembering *Yetzias Mitzrayim* as a separate *mitzva*, whereas retelling *Yetzias Mitzrayim* on Pesach night is counted as a *mitzva* on its own.¹

From the language of the Rambam, there appear to be two separate *halachos* regarding *Yetzias Mitzrayim*. The first is *zechiras Yetzias Mitzrayim*, which one accomplishes every day by reading the third *parsha* of *Krias Shema*. The second—and the one that is operative on *Seder* night—is *sippur Yetzias Mitzrayim*. This *mitzva* has its own unique set of rules. Apparently, even if one has fulfilled his obligation of *zechira*, one has

¹ See *Shiurim Le'zacher Abba Mari* by Rav Yosef Dov ha'Levi Soloveitchik zt"l pp. 13-14 in the 2002 edition for an explanation as to why the Rambam did not count *Yetzias Mitzrayim* in *Krias Shema* as a *mitzva* unto itself. In short, the Rav explains that *zechiras Yetzias Mitzrayim* is a component of *kabbalas ol malchus shamayim* (accepting the yoke of Hashem) that one accomplishes when he recites *Krias Shema*, and is consequently included in that *mitzva*, rather than being a *mitzva* on its own. See further in the essay as well.

not necessarily fulfilled his obligation of *sippur*.

Based on this distinction, the opinions of the Abarbanel and *Pri Megadim* are clear. In order to be *yotzei* the *mitzva* of *sippur* that is incumbent upon every Jew on Pesach night, one must engage in a unique act. By discussing the three topics of *pesach*, *matza*, and *maror* and their relevant *pesukim*, one accomplishes this goal. These three topics are the core of *sippur Yetzias Mitzrayim*, without which the *mitzva* is totally lacking.

However, the opinion of the Ran is more difficult to understand. If Rabban Gamliel is not to be understood literally, what else can a person say or do to be *yotzei* the *mitzva* of *sippur Yetzias Mitzrayim*?

In his *Shiurim Le'Zecher Abba Mari*, Rav Soloveitchik *zt"l* lists four distinctions between *zechiras Yetzias Mitzrayim* and *sippur Yetzias Mitzrayim* related to him by his father, Rav Moshe Soloveitchik *zt"l* in the name of Rav Chaim Brisker *zt"l*. He also adds a fifth difference of his own:

והנה קבלתי מאבא מרי בשם רבינו הגדול זצ"ל, שארבע הלכות מבדילות ומפלות בין מצות זכירת יציאת מצרים למצות סיפור יציאת מצרים, ואלו הן: א' מצות זכירת יצי"מ נוגת בכל יום ובכל לילה, ומצות סיפור יצי"מ נוגת רק בליל ט"ו ניסן, ב' מצות זכירת יצי"מ - פירושה, הזכרה כל דהוא, ומצות סיפור כוללת פירוט הנסים והנפלאות שעשה לנו הקב"ה במצרים, ג' מצות זכירה אומרת, שיזכיר יצי"מ לעצמו, ומצות סיפור קובעת, שישפר לבנים ולאחרים ע"פ גזיה"כ, והגדת לבנך ביום ההוא וכו' ד' מצות זכירת יצי"מ אינה מהווה מצוה בפ"ע, אלא נובעת ממצות ק"ש וחלות קבלת עול מלכות שמים, ומצות סיפור קובעת מצוה לעצמה במנין תרי"ג, ולי נראה להוסיף עוד ה' חובת זכירה אינה מטילה על האדם חיוב אמירת שבח והודאה, ומצות סיפור מחייבתו לא רק לספר את הנפלאות והנסים שעשה לנו, אלא גם לשבח ולהודות - "לפיכך אנחנו חייבים להודות ולהלל וכו'", וזהו יסודה של חובת הלל בלילי פסחים.

The mitzva of zechira is operative every day and every night, whereas the mitzva of sippur is only operative on the night of the 15th of Nissan.

The explanation of the mitzva of zechira is a simple remembrance, whereas the mitzva of sippur includes the detailing of the miracles and wonders that Hashem performed for us in Mitzrayim.

The mitzva of zechira is accomplished by mentioning Yetzias Mitzrayim to oneself, whereas the mitzva of sippur is accomplished by telling one's children and others based on the pasuk "Ve'higadeta le'vincha" ("And you will tell your children...").

The mitzva of zechira is not a separate mitzva; rather it stems from the mitzva of Krias Shema and the fulfillment of kabbalas ol malchus shamayim.

Sippur is a mitzva unto itself.

Zechira does not obligate a person to praise Hashem, whereas the mitzva of sippur obligates a person to praise and give thanks. According to the Rav, this is the reason for the obligation to recite Hallel on Pesach night.²

Based on these distinctions— particularly numbers 2 and 3—the *shita* of the Ran may be understood. The *mitzva* of *sippur* requires a detailed retelling of the story of *Yetzias Mitzrayim*, and it is essential to pass this message on to one's children. If a person does so, he has fulfilled the *mitzva* of *sippur*. However, if he leaves out the three topics of *pesach*, *matza*, and *maror*, his *mitzva* is lacking and he has not fulfilled the *mitzva* in the ideal way.

According to the Abarbanel, the omission of these three points renders the person's *sippur* invalid. And how could it be otherwise? These three *mitzvos* are essential to the story of *Yetzias Mitzrayim*, as the Abarbanel states:

אם לא סיפר עניינם בפה, והם פסח מצה ומרור, לפי שספור היציאה ממצרים יכלול ענין הגלות שמורה עליו המרור, וענין הגאולה יורה עליו המצה, ומכת בכורות והצלת ישראל ממנה יורה עליו הפסח.

(The reason a person is not yotzei if he doesn't recite pesach, matza, and maror is because) retelling the Exodus from Mitzrayim includes the idea of galus, which is represented by maror, and the idea of ge'ulah is represented by the matza. Makkas bechoros and the salvation of the Jews is represented by the Korban Pesach.

The entire story that we tell on *Seder* night is dependent on the three categories that these items represent. Without any one of them, the Exodus would have been incomplete. Had the Egyptians not enslaved our forefathers, there would have been no need to redeem the Jewish people. *Makkas bechoros* was the final punishment that Hashem dealt the Egyptians in Egypt and it marked a clear distinction between the Egyptians and the Jews. All of this would have been meaningless had the Jews not actually left Egypt. For the Abarbanel, a profound discussion of the essential components of the meal represents the ultimate goal of *sippur Yetzias Mitzrayim*.

² The *Minchas Chinuch* in *Siman* 21 addresses some of the issues noted in this section, but does not develop the ideas as fully. As we saw, the *Pri Megadim* also alludes to a distinction between *Krias Shema* and *sippur Yetzias Mitzrayim*, but does not elucidate the terms or their conceptual framework. The *Pri Chadash* in *siman* 473 goes in the totally opposite direction and posits that one is *yotzei* the *mitzva* by mentioning *Yetzias Mitzrayim* at *kiddush* on *Seder* night.

In summary, according to the opinions of the Abarbanel, the *Pri Megadim*, and the Ran there is a *mitzva* at the *Seder* that is unique compared to the rest of the year: *Sippur Yetzias Mitzrayim*. Both the Abarbanel and the *Pri Megadim* understood that the absolute minimum that one must discuss to be *yotzei* the *mitzva* is *pesach*, *matza*, and *maror*. The Ran does not believe this to be the case. Evidently, the Ran holds that something else may be said and done to fulfill the obligation of *sippur*. But what?

***Sippur Yetzias Mitzrayim*—Practical Aspects**

In order to address this question, we must investigate the structure of the *Haggada* itself.

The primary text in the *Haggada* is the *parsha* of *Arami oved avi* which is found in *parshas Ki Savo* (*Devarim* 26:5-8). In fact, this *parsha* is known as “*mikra bikkurim*”, and reciting this text was incumbent on the Jew who was bringing his first fruit to the *Beis ha’Mikdash*. In a *drasha* given in 1977 on *Sippur Yetzias Mitzrayim*³, Rav Soloveitchik enumerates many differences between the simple recitation that a Jew performed when he brought his *bikkurim* to the *Beis ha’Mikdash* and the study of this *parsha* on Pesach night.

The only similarity that the Rav noted between *mikra bikkurim* and studying this *parsha* on *leil ha’Seder* is that one is required to recite a fixed text. Both the Jew bringing his *bikkurim* and the Jew on *Seder* night must recite these words. This represents *kria*, or reading, of a specific section of Torah *she’bichsav*. However, it is here that the similarities end. On Pesach night, it is insufficient to simply recite the *parsha* of *Arami oved avi*. What is required is a deep and profound analysis of the *parsha*. Each word is analyzed and the whole *parsha* is interpreted according to the 13 *middos* by which the Torah is elucidated. The *midrashim* quoted in the *Haggada* utilize comparative study of the *pesukim*, and it is all done within the framework of *Torah she’be’al peh*. *Sippur Yetzias Mitzrayim* requires intellectual activity. At its heart, *Haggada* is an act of *Talmud Torah*. In this context, “*Haggada*” means “to study, to learn, to understand.”

Another distinction that the Rav makes between *mikra bikkurim* and the *Haggada* is the obligation to teach the children of the next generation. *Haggada* is an act of *mesora*, of transmitting. The *Haggada* is phrased with questions and answers; there is a give and take. This is the very act of *Talmud Torah*. Consequently, the *Haggada* becomes a vehicle by which we teach not only ourselves, but our children as well. What is the proof for this idea? Before the section of the *Haggada* that describes the Four Sons, we say “ברוך המקום ברוך הוא הוא ברוך הוא.” This is an abbreviated version of *birchas ha’Torah* that we recite each day. In

³ The audio recording can be accessed at the Bergen County Beis Medrash website at bcm.org.

the *birchas ha'Torah* we say, “ונהיה אנחנו וצאצאינו וצאצאי עמך בית ישראל כלנו יודעי שמך ולומדי.” Woven into the very fabric of *Talmud Torah* is the obligation to pass Torah on to our children.

As we saw in the previous section, two essential distinctions between *zechira* and *sippur* are the notions of detailed recounting of the story of *Yetzias Mitzrayim* and of teaching one's children based on “*Ve'higadeta le'vincha*.” Now a very beautiful picture of the Ran's *shita* emerges. If a person sits and learns with his children, his family, or even by himself on Pesach night, and is involved in *Torah she'bichsav* and *Torah she'be'al peh*, he merges with the continuous *mesorah* of the Jewish people that gained its freedom on Pesach. As long as one has been involved in *Talmud Torah*, he was certainly *yotzei* the *mitzva* of *sippur Yetzias Mitzrayim*.

However, even the Ran must admit that *pesach*, *matza*, and *maror* are at the center of the story of *Yetzias Mitzrayim*. As we saw above, without the three ideas that they represent, the story would be incomplete. It is true that if a person discusses *Yetzias Mitzrayim* he is *yotzei* his *mitzva* of *sippur*. Nevertheless, if he also includes the three topics of *pesach*, *matza*, and *maror* in his discussion, then his *mitzva* is even more elevated.

Conclusion

The distinction between the Abarbanel and the *Pri Megadim* on one hand, and the Ran on the other, appears to be based on a degree of emphasis. Certainly if one delves into the story of *Yetzias Mitzrayim* and studies it through the lens of *Torah she'be'al peh*, both the Abarbanel and the *Pri Megadim* would find it praiseworthy. Indeed, the Abarbanel writes: הרי זה משובח. However, this does not change the fact that *pesach*, *matza*, and *maror* represent the essential elements of the Exodus and they need to be mentioned and detailed. According to the Ran, *sippur* does not necessarily focus on the what, but on the how. For the Ran, the specific text is of secondary importance. What is really important is the method with which the material is studied.

If this is the case, then perhaps an important distinction, or *nafka mina*, emerges: According to our understanding of the Ran, a purely *halachic* discussion of Pesach topics such as the laws of the *Korban Pesach* would qualify as *sippur* as long as it takes place in the context of *Torah she'be'al peh*. Indeed, there is a *Tosefta* (10:8) which states that a person is obligated to involve himself (*la'asok*) in the *halachos* of the Pesach offering the entire night. More than that, the *Haggada* itself alludes to this idea in the answer to the *ben chacham*, the clever child: “You tell him the laws of Pesach, that one

may not eat anything after the *korban pesach*.”⁴ According to the Abarbanel and the *Pri Megadim*, it is possible that such study would not be considered a *kiyum* of *sippur*, as it does not relate directly to the story of *Yetzias Mitzrayim* and its miracles. (Recall that the Abarbanel stated “whoever adds on to the previously-mentioned statements or similar ideas is praiseworthy.” These statements were almost entirely *aggadic* in nature, and not *halachic*.)⁵

There is an interesting discussion in the *Haggada* about Rebbi Eliezer, Rebbi Yehoshua, Rebbi Elazar ben Azaryah, Rebbi Akiva, and Rebbi Tarfon who had their *Seder* in Bnei Brak. The *Haggada* tells us that they were so involved in their discussion that their students had to tell them that it was time to say *Krias Shema* the next morning. Then suddenly the *haggada* makes an abrupt transition to a statement made by one of the members of that *chabura*: Rebbi Elazar ben Azaryah discusses the obligation of *zechiras Yetzias Mitzrayim* at night. This jump seems unintelligible. What, besides the author of the statement, is the connection between these two segments?⁶ I would like to suggest that this jump demonstrates *Torah she’be’al peh* in action. Torah is not static. There is no elementary text that you complete before moving up to the next level. Torah is dynamic. One topic will suddenly lead to the next, even though it appears only marginally related to the first. The give and take, the twists and turns, and the need for a *rebbe-talmid* relationship are at the heart of *Talmud Torah*. And what better and more beautiful forum for deepening our connection and our children’s connection to Torah than *Seder* night, when we celebrate the miracles that led to our salvation for the ultimate goal: *Matan Torah* at *Har Sinai*.

4 See *Harerei Kedem*, vol. 2 pp 209-210 for a discussion of studying *halachos* in the context of *sippur Yetzias Mitzrayim*.

5 In other words, according to the Ran, a *halachic* discussion of Pesach topics has a “*chalos shem sippur Yetzias Mitzrayim*”, while the Abarbanel and *Pri Megadim* would hold that there is no “*chalos shem sippur Yetzias Mitzrayim*”, but rather a “*ma’aseh mizvah*” of *Talmud Torah*.

6 There is, however, a *girsah* where Rebbi Elazar ben Azaryah’s statement starts with a connecting *vav*, indicating that the statement was made at the same *Seder*.

Questions upon Questions: The Thematic Implications of the *Ma Nishtana*

ELI SNYDER



As any seasoned Seder-goer knows, the number of questions surrounding the *Ma Nishtana* significantly outnumber those contained within. Why is the “child” only asking four questions when the number of differences between this night and all others is far greater? If he is only going to ask four questions, why choose these specific ones; especially as several of the events, such as the second dipping, have not yet occurred? How does the leader’s response of “עבדים היינו...” really answer all the questions? HaRav Avigdor Nebenzahl raises an interesting point. When we ask, “בכל הלילות אנו אוכלים חמץ ומצה” the implication is that throughout the year, there are meals with *matzos* and meals with bread. On a given night it can be either or both foods. What then has piqued this child’s interest about the presence of *matza* when this can just as easily be one of the ordinary “*matza* nights” that happens year round?¹

The implication of these questions regarding the *Ma Nishtana*, in addition to the dozens of others not presently enumerated, is that the literal understanding of a curious child asking, “Hey Pops, what’s the deal with the maror?” is insufficient. Whoever scripted this enigmatic scene in *Maggid* must have had other considerations in mind. To that end, the seasoned Seder-goer must wonder, what indeed were these considerations? Answering that question could very well answer many of the others.

¹ A tentative answer is that on a typical night there is *always chametz* and possibly *matza* as well, and so the child is not asking, “Why is there *matza*” as much as, “Why isn’t there *chametz*?” However, the same question can be raised regarding “בין יושבים ובין מסובים.” If reclining is a completely normal thing to do during the year, then why is the child bothered? A lack of sitting upright on Seder night would definitely not be as noticeable to the casual observer when, at least in the days of old, this was not an unusual practice.

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A possible approach that will solve our quandaries requires a brief background understanding of the Jewish concept of “time.” In contrast to the conventional point of view, time is not a linear function where events are simply marked off, stored in the past and perhaps commemorated on an annual, biannual, or sesquicentennial basis with no real implication to the current time. From the Jewish perspective, time has a dynamic personality of its own, imbuing energies that wax and wane depending on when in the year (or week, or *shemitta* cycle) the current moment is. This fact not only reveals itself in practice, as will soon be enumerated, but in the hebrew words describing time themselves. For instance, contrast the hebrew word for month, *chodesh*, and for year, *shana*. *Chodesh* comes from the root *chadash* - new. This is because relative to last month, each month has a new energy, a new theme and new implications. On the other hand, *shana* is reminiscent of *sheini*, or second, as well as *yashan* - old. Relative to last year, the “energy map” of this year is the same. While every person has evolved from the year prior, the moments of change occur with greater potency at specific times of the year.

A clear example of this interpretation of time is the period of the Three Weeks. It is of no coincidence that a disproportionate number of tragedies happened to the Jewish people between *Shiva Asar B'Tamuz* and *Tisha B'Av*. It is in this time of the year, every year, that the constant protection that *HaKadosh Baruch Hu* provides for us retreats the slightest bit and we are left susceptible to the destructive nations and elements of the world. This fact is clearly reflected in halacha: During the Three Weeks, and even more so during the Nine Days, it is not advisable to enter a risky business venture, go to court or embark on a perilous journey. The negative energy that cycles through this time every year is not to be trifled with.

Another period of the year that reflects the Jewish concept of time is Rosh Hashana. At the moment when Hashem created the universe it is no surprise that the creative energy of time was at its peak. Every year we try to harness these creative energies and recreate ourselves anew. There is no end to the list of these examples and with that understanding the questions regarding *Ma Nishtana* can begin to be answered.

The child is not asking, “Why are we eating *matza* tonight? Why are we reclining tonight?” Rather, “What is it about tonight, and Pesach in general, that calls for eating *matza*? For eating *maror*?” “What is the energy of the night that is reflected in these specific actions?” The choice of anomalies is indeed quite intentional. Assuming there is a particular energy of Pesach, what exactly is it? Is it positive, as indicated by the opulent method of reclining and the multiple dippings of food, or is it negative so we eat *maror* and *lechem oni*? Whereupon the reply is “עבדים היינו.” At one point we were slaves in *Mitzrayim*, and had we not been redeemed we would still be there. Had the energy of Pesach, the energy of *cheirus*, not been in play, we would not be free. Pesach is *z'man*

cheiruseinu, the time when there is a transition between slavery and freedom and the contradictory practices highlighted by the *Ma Nishtana* are in fact perfect reflections of this idea.

To explore a little deeper, it would be helpful to take a closer look at *matza*. It is likely that most people who are asked why we eat *matza* on Pesach will reply with the answer quoted in the *Haggada*, “Because there wasn’t enough time for the dough to rise as the Jews left *Mitzrayim*.” While this of course is true, it does not tell the whole story. First of all, we had the whole night before to prepare for the Exodus. It is not like we were suddenly awoken at two in the morning, put on our shoes, slung a bag of flour over our shoulders and started walking! But even more significantly, the *mitzva* to eat *matza* was already commanded to *Bnei Yisrael* at the time of the *korban pesach*, before this whole “dough not-rising” fiasco even occurred! What then is the significance of *matza* and how does it relate thematically to the Seder night?

Matza is quick bread. It’s baked with no delay and no hesitation. When the Torah describes how *Bnei Yisrael* left *Mizrayim*, it uses the term, “*chipazon*” – with haste. The connection between *matza* and Pesach, the reason oft cited that the dough did not have time to rise, is to demonstrate how the Exodus took place. No wavering, no delay and with complete trust in Hashem. The *Midrash* says that when the *malachim* went to visit Lot, Avraham Aveinu’s nephew, to take him and his family out of Sodom, Lot served them *matza*. It was “Pesach” even before *Yetzias Mizrayim* took place because it was a *zman of cheirus*. It was time for Lot to escape the moral corruption of Sodom. Lot’s wife apparently did not get the message of the *matza* because in that moment of leaving, she hesitated, and we all know from elementary school what happened to her...

The many questions regarding the *Ma Nishtana* clearly demonstrate that it is not a simple Q-and-A session. The “child” i.e. the authors of the *Haggada*, wanted to highlight the thematic elements of the Seder right at the beginning of *Maggid*. Since this is *zman cheiruseinu*, we perform contradictory actions representing slavery and freedom to highlight the moment of transition that the Exodus represents. *Matza* teaches not just what, but how, *cheirus* needs to take place - without hesitation or wavering. We should all be *zoche* to see the ultimate *cheirus* and, through analyzing the Pesach Seder, learn how to react at the moment of Redemption, may it come speedily in our days.

All of Nature is Miraculous or All Miracles are Natural: Opposing Views on *Yetzias Mitzrayim*

RABBI YAAKOV SIEGEL



I. Celebration of Miracles

Yetzias Mitzrayim and *Krias Yam Suf* were remarkable revelations of Hashem's glory and His care for the Jewish people. They were the most intense displays of miracles in human history, both in the sheer number of miracles and the dramatic degree to which they deviated from natural order. This is true both in the *peshat* of the *pesukim* and the various *midrashim* that vividly describe hundreds of miracles which cumulatively produced the Divine revelation of "ראתה שפחה על הים מה שלא ראה יחזקאל בן בוזי," *Even the maidservant saw by the sea, that which [the prophet] Yechezkel Ben Buzi could not.* For that reason, most discussions about the role of miracles, how they work, or why Hashem performs them, center on the miracles of *Yetzias Mitzrayim* and *Krias Yam Suf*. This is certainly true for a remarkable debate between the Rambam and the Ramban, in which they present entirely opposite views of the relationship between nature and miracles.

Ramban's emphatic declaration (made repeatedly in his commentary on Chumash and in his essay *Toras Hashem Temima*) that there is no nature – only miracles – is likely his most well-known position, and it has become so widely quoted, that the Rambam's less-famous position – all miracles are actually natural – almost sounds blasphemous. But with analysis we will see that both ideas offer different, yet equally profound, insight

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into Hashem's love of *Klal Yisrael*, and how he displayed that love with the miracles that we celebrate each Pesach.

II. Rambam: All Miracles are Actually Natural

A. The Rambam describes the *mitzva* of *sipur Yetzias Mitzrayim* (*Hil. Chametz U'Matza* 7:1) as “לספר בנסים ונפלאות שנעשו לאבותנו בליל חמישה עשר בניסן,” *to tell the story of the miracles and wonders that were done for our forefathers on the fifteenth of Nissan*. Yet to the Rambam, these and all “miracles” are quite different than the traditional concept of a “miracle”. Twice in his commentary on *Pirkei Avos*, the Rambam presents his thesis that all miracles that have occurred and will occur were in fact “pre-programmed” into the nature of the world during the six days of creation. The first is in *Shmona Prakim* (*Perek #8*):

הרצון היה בששת ימי בראשית, ושכל הדברים ינהגו לפי טבעיהם תמיד כמו שאמר מה שהיה הוא שיהיה ומה שנעשה הוא שיעשה ואין כל חדש תחת השמש. ולפיכך הוצרכו חכמים לומר בכל הנסים אשר הם מחוץ לטבע שהיו ושיהיו כפי שהבוטח בהם, כולם כבר קדם הרצון בהם בששת ימי בראשית, וניתן בטבע אותם הדברים אז שיתחדש בהם מה שנתחדש, וכאשר נתחדש בזמן הראוי חשבו בו שהוא דבר אירע עתה, ואין הדבר כן. *[We hold that] God already expressed His will in the course of the six days of creation, and that things act in accordance with their nature from then on. Like it is written (Koheles 1:9) “Whatever has been is what will be, and whatever has been done is what will be done. There is nothing new under the sun.” That explains why the Sages found it necessary to say that all the supernatural miracles that have occurred [in the past] and all those that we are promised will come about [in the future] were already designated to come about in the course of the six days of creation. And the miraculous creation or development was in fact implanted in the nature of the things involved in them. And when the miraculous creation or development takes place, those who see it think that the miraculous creation is being invented now – but this is not the case.*

When the Rambam says “ולפיכך הוצרכו חכמים לומר” he is referring to his understanding of the *Mishna* in *Avos* (5:6) which says there were ten things created at the very end of the sixth day of creation – including the “mouth” of Bilaam’s donkey and the “mouth” of the earth that swallowed Korach. The Rambam explains:

כבר הזכרתי לך בפרק השמיני שאינם סוברים שיש חדש רצון בכל עת ועת, אלא שבתחלה עשיית הדברים ניתן בטבעם שיעשה בהם כל מה שנעשה, בין שהיה אותו הדבר נעשה ברוב הזמנים והוא הדבר הטבעי או שהיה באקראי והוא המופת

I have already explained that [the Sages] do not believe that [G-d has] new desires from time to time. Rather when He began to create things He implanted in their nature that all that will occur with them, shall occur whether in the regular course of nature or in the course of an occasional miracle.

The Rambam continues to explain that the reason these ten miracles were singled out as created at the end of the sixth day, is because these ten were created only at the end of the sixth day, whereas the miraculous abilities of the waters of the *Yam Suf* or *Yarden* to split, for example, were implanted in those waters on the second day of creation – the day that those waters were created.¹

The Rambam's objection to Hashem's "חדוש רצון בכל עת ועת" - [*having*] *new desires from time to time*" appears to be a broad statement that presents limits to Hashem's intervention into the world's events.²

B. One immediately senses difficulties with this position. First, it seems to contradict his very first *halacha* in *Yad Hachazaka* (*Yesodei haTorah* 1:1):

יסוד היסודות ועמוד הכחמות לידע שיש מצוי ראשון והוא ממציא כל הנמצא
The foundation of foundations and the pillar of wisdoms is to know that there is a Primary Being which brings into being all existence.

The Rambam's use of the present tense of "ממציא" implies that Hashem did not simply pre-program nature, but rather that Hashem actively implements all that occurs in the world "in real time" whether "in the regular course of nature or in the course of an occasional miracle." And he is "ממציא כל הנמצא," *He actively implements everything.* These are both reflected in the language of the first *Ani Ma'amin* included in the siddur "והוא לבדו עשה ועושה ויעשה לכל המעשים." *He alone made, makes, and will make everything.* (The present tense of "ממציא" or "עושה", however, is not actually included in Rambam's *Yesod Harishon* in his introduction to *Perek Chelek* – the source of the *Ani Ma'amin* declarations.)

A second difficulty with the Rambam's approach is its apparent incompatibility with the concepts of *hashgacha* – Divine Providence, and Hashem's response to our

1 The Rambam also presents his thesis that all miracles are "pre-programmed" nature in *Moreh Hanevucim* 2:29.

2 After seeing the Rambam's approach to miracles, there is clearer understanding of his use of the passive voice when describing the mitzva of *Sipur Yitzias Mitzrayim* ("שנעשו לאבותינו בליל חמשה עשר" instead of "שעשה ה' לאבותינו בליל חמשה עשר"). The miracles happened to our forefathers on the fifteenth of Nissan, but Hashem made them more than two thousand years earlier.

tefillos, both concepts in which the Rambam believes³. If the miracle of *Krias Yam Suf*, for example, was “pre-programmed” to occur, then it could not have been a response to “ויעקו בני ישראל אל ה’” (Shemos 14:10) vividly described by Rashi as “תפשו אומנות.” Furthermore, if Hashem’s intervention into the world’s operations would be considered “חדוש רצון בכל עת ועת” which the Rambam denies, then Hashem could never respond to one’s *tefillos* during his lifetime. Ramban, in his commentary on Chumash (*Bereishis* 46:15) raises these questions (although it is not clear that he is challenging the Rambam directly⁴):

ולא יהיו השמים כברזל בטבעם מפני זרענו בשנה השביעית, וכן כל יעודי התורה בטובות
 ההן וכל הצלחת הצדיקים בצדקתם, וכל תפלות דוד מלכנו וכל תפלותינו נסים ונפלאות
*For it would not be that the heavens would turn [dry] like iron in response
 to our planting during Shemitta. And all of the directives of the Torah – the
 promises of bounty, and the success of the righteous in response to their good
 deeds, and [Hashem’s responses to] all of our King David’s prayers and all of
 our prayers – they are all miracles and wonders.*

C. Many answers have been suggested to these questions. One of the simpler answers⁵ is that the Rambam is merely referencing Hashem’s omniscient knowledge of past, present, and future. During the six days of creation Hashem knew all of the actions – good or bad – that people would do. He knew all of the *tefillos* people would say, and was able to “pre-program” a Providential response in advance. This would be consistent with the idea in *Pirkei Avos* (3:19) “הכל צפוי והרשות נתונה.” *All is foreseen [by Hashem] yet freedom of choice is given [to man].*

This approach, while simple, is difficult to accept, because, in effect, the Rambam would not be saying a “*chidush*” about miracles and nature, just about Hashem’s omniscience. When he says “וכאשר נתחדש בזמן הראוי חשבו בו שהוא דבר אירע עתה, ואין הדבר”

3 See *Moreh Hanevuchim* (3:18 and 3:51) and the Rambam’s *Letter on Astrology*.

4 In Ramban’s commentary on Chumash he never directly addresses the Rambam’s belief that all miracles are “pre-programmed” nature. In *Toras Hashem Temima*, however, Ramban does generally challenge the Rambam’s views on miracles, but not explicitly this point: “למה מן הרמב”ם ז”ל שהוא מגרע הניסים ומגביר:” *It is puzzling that the Rambam weakens [the concept of] miracles and strengthens [the concept of] nature* (Vienna 1873 ed. – pg. 14). It is possible that since in his commentary on Chumash, Ramban shows great deference and respect to the Rambam, he did not want to mention the Rambam by name when describing his position, because of the sharpness of the disagreement.

5 Rav Meyer Twersky, December 2012, <http://www.yutorah.org/lectures/lecture.cfm/785397>. Thank you to Rabbi Pinchas Gelb for directing me to Rav Twersky’s shiur and the *Beis Halevi* to follow.

כך -when the miraculous creation or development takes place, those who see it think that the miraculous creation is being invented now – but this is not the case,” this would be misdirected; the miraculous creation is, in effect, being invented now, only that Hashem knew about it from the time of creation.

Another possible solution is hinted to in passing by the *Beis Halevi* in his commentary on *Parshas Bereishis*. The *Beis Halevi* explains the Rambam’s description at the beginning of the *Yad Hachazaka* of Hashem as “ממציא כל הנמצא” to be referring to the expression *chazal* use in the morning *tefilla* of “המחדש בטובו בכל יום תמיד.” This line is classically understood to mean that the ongoing existence of the universe, and everything in it, is a result only of Hashem’s ongoing willing of its existence⁶. Thus the continuing existence of the world is a result of “ממציא כל הנמצא,” yet the plans for the all the world’s events and occurrences – both natural and miraculous – could have been set in place during the six days of creation. While this approach reconciles the Rambam’s thesis about miracles as nature with his description of Hashem’s sustaining the world at the beginning of *Yad Hachazaka*, it would not offer an explanation of how Hashem would exercise *hashgacha pratis* or would respond to our *tefillos*.

Perhaps a more satisfying solution may be that the Rambam only believes that Hashem’s supernatural intervention was pre-programmed into nature, but he would still accept Hashem’s providential response to people’s actions and *tefillos*, in a natural course of events. This would be consistent with the Rambam’s own description of *hashgacha pratis* in *Moreh Hanevuchim* (3:18 and 3:51) in which the Rambam states that *hashgacha* and intervention are granted (in increasingly greater amounts proportional to one’s increasing righteousness and knowledge of Hashem), yet he never mentions Hashem performing miracles to carry out his *hashgocha*. This approach – that the Rambam believes supernatural miracles were “pre-programmed”, yet natural intervention was not – fits well with his words in *Shmona Prakim* “בכל הנסים אשר הם מחוץ לטבע” *All the miracles that are outside of nature*. It is also neatly consistent with the Rambam’s scriptural origin for his thesis: the *pasuk* in *Koheles*: “There is nothing new under the sun.” This *pasuk* precludes supernatural creations invented after the six days of creation, but would not preclude Hashem’s intervention using natural means. This solution, though, must interpret the Rambam’s denial of “חדוש רצון בכל עת ועת” to refer to *chiddush* of creative *ratzon*. It would not, though, limit Hashem’s intervention through the *chiddush* of managerial *ratzon*.⁷

6 See *Nefesh Hachaim* 1:2.

7 See also Meiri’s *Beis Habechira* on *Avos* 5:8 for another solution.

III. Ramban: There is No Nature, Only Miracles

A. Ramban's approach is more straightforward, more well known, and is widely quoted as normative Jewish thought on the relationship of nature and miracles. While he presents this idea many times⁸, his most famous presentation is at the end of *Parshas Bo* (13:16):

ומן הנסים הגדולים המפורסמים אדם מודה בנסים הנסתרים שהם יסוד התורה כלה, שאין לאדם חלק בתורת משה רבינו עד שנאמין בכל דברינו ומקרינו שכלם נסים אין בהם טבע ומנהגו של עולם, בין ברבים בין ביחד, אלא אם יעשה המצות יצליחנו שכרו, ואם יעבור עליהם יכריתנו ענשו, הכל בגזרת עליון

And from the great open and publicized miracles man will ultimately acknowledge the hidden miracles, which are the foundation of the entire Torah. For a person has no share in the Torah of Moshe our Teacher unless he believes that all of our affairs and experiences are all miracles, and there is no element in them of nature or "ordinary course of the world" at all, whether regarding the community or the individual. Rather, if one observes the commandments, his reward will bring him success, and if he transgresses them, his punishment will destroy him – all by the decree of Hashem.

It is interesting to note that Ramban does not use the expression "שאיין לאדם חלק" anywhere else in his commentary on Chumash, yet he uses that exact expression in his essay *Toras Hashem Temima* to describe one who does not believe that everything that happens in this world is miraculous. Perhaps, this is Ramban's subtle and respectful, yet forceful, way of disputing the Rambam – the "other" Moshe.⁹

IV. The Miracles of Pesach: Two Different Messages

A. According to the Ramban, the message of the miracles that we commemorate each Pesach is clear. He describes in his commentary on the first of the Ten Commandments why Hashem chose to introduce himself on Mt. Sinai as the G-d that took the Jews out of Egypt instead of the G-d that created the world (*Shemos* 20:3):

⁸ Ramban's Commentary on Chumash – *Bereishis* 46:15, *Shemos* 6:2, 13:16, *Vayikra* 18:29, 26:11, and his essay *Toras Hashem Temima*, et. al.

⁹ It is further possible that the Ramban could be poetically challenging the Rambam's thesis that "all miracles are nature" by pointing to a contradictory passage in the Rambam's *Letter on Astrology* in which he writes: "The true religionists, and that is [the followers of] the *Torah of Moses our Teacher*, maintain that what happens to individuals is not due to chance, but rather to judgment—as the Torah says: 'For all His ways are judgment' (Deut. 32:4)." The Rambam's comments on *Pirkei Avos* could be understood to contradict what he calls *Toras Moshe Rabbeinu* in his *Letter on Astrology*.

כי הוצאתם משם תורה על המציאות ועל החפץ, כי בידיעה ובהשגחה ממנו יצאנו משם, וגם תורה על החדוש, כי עם קדמות העולם לא ישתנה דבר מטבעו, ותורה על היכולת, והיכולת תורה על הייחוד

“For His taking them out of [Egypt] demonstrates His Existence and [the world’s dependence on] His Will, since it was because of His knowledge and Providence that they left [Egypt]. It also demonstrated the creation of the world ex nihilo, for if the world had been eternal, nothing could change from its inherent nature. It also demonstrates His unbound power, and His unbound power demonstrates His oneness. (See also Shemos 13:16)

In other words, we celebrate the miracles of *Yetzias Mitzrayim* and *Krias Yam Suf* to remind us and all our future generations of the many aspects of Hashem’s greatness, and to rejoice in our fortune of being His chosen people. During the long years of our nightmarish slavery in *Mitzrayim*, our physical and emotional existence could not have been any more back-breaking or heart-breaking. Yet Hashem performed extravagant miracles, redeeming the Jewish people in the most glorious and glamorous ways imaginable, healing our bodies, spirits, and souls, while brutally punishing our inhuman masters in front our eyes. To Ramban, the message of the Pesach miracles to posterity is clear: Hashem is always watching over the Jews, both personally and nationally. As dark and hopeless as any situation may seem Hashem has the power, and at times the desire, to deliver salvation *k’heref ayin*.

B. According to the Rambam, however, the miracles of Pesach tell an entirely different story. They testify to the greatness of Hashem’s divine master plan for history. For the *Yam Suf* to split where it did and when it did, it required astonishingly sophisticated plans as its *kri’a* was “pre-programmed” at least 2448 years prior. To those Jews standing on the shores of the Red Sea, Hashem’s astounding miracles taught them that their years of back-breaking labor and horrifying abuse were in fact, not years of Hashem’s abandonment. Rather, they were part of His loving plan to forge the family of Yaakov into the Nation of Israel and fortify the nascent faith they would need to follow the Torah’s *mitzvos*, which ultimately sustains the world’s existence. Perhaps a good example of the Rambam’s type of miracle is the famous Beth Aharon Synagogue built in Shanghai in 1927 by an Iraqi businessman. It is said that the 400-seat shul sat nearly empty until the Mirrer Yeshiva arrived in 1941 with the exact number of students and faculty as seats in the shul. This archetypical Rambam-styled miracle was not a direct show of Hashem’s *hashgacha* or His power to intervene. Rather, it showed those Mirrer refugees that the

ongoing inferno in Europe and their hellish flight to East Asia was part of Hashem's intricately designed plan, a plan that has still not yet been fully revealed.

On Pesach we celebrate two different, yet equally consoling and uplifting stories: According to the Ramban it is how Hashem's care and power can deliver salvation no matter how distant and impossible it seems. According to the Rambam, it is to remind us that there will always come a day when we will clearly see the Divine plan, and realize that כל דעביד רחמנא לטבא עביד – *All that Hashem has done, was in fact for the good.*

Arami Oved Avi

YOSSI ESSAS



The Hagadda opens with an amazing statement. *Galus Mitzrayim* and all the suffering started with Lavan who intended to uproot everything. This does not seem to be the most intuitive statement. If one looks at *Sefer Bereishis*, Lavan would not be singled out as the one responsible for our galus or the most vicious of characters. We might have picked Eisav, who tried to kill Yaakov, or Yosef's brothers who sold him to Yishmaelim. We have events that could more naturally be linked to the beginning of *galus*, and would have expected that the *Hagadda* start with them. We will try to explore Lavan's role in *Sefer Bereishis*, and hopefully bring some clarity to your Pesach Seder.

Nesivos Shalom, the past Slonimer Rebbe, has a beautiful *ma'amar* discussing the role of *Sefer Bereishis* in the *Chumash*. We are familiar with Rashi's question on the first *pasuk* of *Bereishis*. Why does the Torah not start with "החודש הזה לכם?" Rashi answers that if the Torah had begun with that first *mitzva*, we would not have a good answer to the nations of the world who would challenge our right to *Eretz Yisrael*. The first *perek* in *Sefer Bereishis* gives us the background that Hashem created the world, and Hashem can decide to whom to give *Eretz Yisrael*. This is a very nice answer, says *Nesivos Shalom*, but it does not answer the whole question. What are the stories of the *Mabul*, Avraham, Yitzchak and Yaakov doing in *Bereishis*? What is Yosef's story doing there? After the story of creation, the Torah should have switched to הזה חודש לכם. Therefore, the *Nesivos Shalom* suggests a beautiful, alternate approach to understand *Sefer Bereishis*.

The *mishna* in *Pirkei Avos* (4:28) says that there are three moral faults that drive a person out of the world. They are: jealousy, desire, and honor. The Torah sets the stage with several stories which seem to have little to do with the Jewish nation. The first story in *Sefer Bereishis* that deals with interpersonal relationships is that of Kayin and Hevel. Kayin was jealous of Hevel - and as a result killed him. The next story is that of the *Dor Hamabul* - the people who lived on earth and became so promiscuous and driven by

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their desires, that Hashem had to destroy the world. After the *Dor Hamabul* came the *Dor Haflaga*, who wanted nothing but respect and the glorification of their own name. Hashem had to destroy the tower and spread them among the nations. The Torah sets the stage, with three negative character traits that were introduced into the world—jealousy, desire and honor—and their negative impact on the world. That’s the basis for the *mishna* that says that these characteristics remove a person from the world. These are the bad *middos* that are the root of all bad *middos*.

Hashem then introduced the remedy, which is the ability to cleanse ourselves of those traits and elevate ourselves above them. That is the purpose, the *avoda*, of man in this world. However, we need to know how to do it.

Avraham comes into the world and introduces *chesed* and love for every person. This is to counter the *midda* of jealousy since *chesed* is all about giving to others. Yitzchak introduced strength (*gevura*), and the ability to be strong and not give in to one’s desires. Finally, Yaakov introduced truth (*emes*) - as one who knows the truth will not care as much about *kavod*. Sefer Bereishis is essentially teaching us the positive *middos* to counter the three negative traits that drive a person out of the world. A person must work on his *middos* before he can be ready for *mitzvos*. Sefer Bereishis is full of lessons regarding the development of good *middos*, which prepare us for *Matan Torah* and *kiyum hamitzvos*.

But there is another thread that goes through *Sefer Bereshis*. Rav Asher Weiss explains the *pasuk* when Yehuda comes to ask Yaakov to send Binyomin to *Mitzrayim* whereby Yaakov says (*Bereishis* 42:36) : “עלי היו כלנה,” “**Upon me** has it all fallen.” Strange words. Rav Asher Weiss explains that we must take a look at what Rivka said to Yaakov when she sent him to get the *bracha* from Yitzchok. (*Bereishis* 27:13) - “עלי קללתך בני,” “*Your curse will be on me.*” The word עלי is not a coincidence. The word comes with three letters: “ע” for Eisav, “ל” for Lavan, and “י” for Yosef. Rivka was telling Yaakov the future of *Klal Yisrael*. Yaakov and his children will have to struggle with three types of curses (*klalos*): *Klalas Eisav*, *Klalas Lavan* and *Klalas Yosef*.

Klalas Eisav is the physical one, as Eisav tried to kill Yaakov. *Klalas Lavan* is the spiritual one, as Lavan tried to spiritually destroy Yaakov, but never tried to kill him. Lavan remarks (*Bereishis* 31:43) - “הבנות בנתי והבנים בני” - “*Your daughters are my daughters and your sons are my sons,*” meaning to say let’s assimilate with each other and be one nation.

Klalas Yosef is when the Jews fight with each other, like the brothers who sold Yosef to *Mitzrayim*.

This explains what Yaakov was saying to Yehuda when he didn’t allow him to take Binyomin to Egypt because “עלי היו כלנה,” “I already got all three curses; Eisav, Lavan

and Yosef. My mother told me that I'm done suffering, - why would you want to take Binyomin from me?"

These curses don't only apply to Yaakov and his time. They are also prototypes for all our future *galuyos*. We've endured *Galus Eisav*, when nations were trying to destroy us physically, like during the story of Purim, and *Galus Lavan*, when nations were trying to destroy us spiritually, like during the story of Chanuka. We've had similar experiences in our generation. During the Holocaust, Jews were destroyed physically, and the Soviet Union regime tried to destroy every ounce of spirituality in the Jewish nation. That is why the *mitzvos* of Purim are physical in nature (*matanos la'evyonim, seuda, mishloach manos*) and the *mitzvos* of Chanuka are spiritual in nature (Hallel, lighting candles). We are celebrating victories over different types of *galuyos*.

I would also like to suggest that those three types of curses are there to remind us of the three bad *middos* we discussed earlier:

- Jealousy/Eisav is a physical manifestation of what I want to have that you have
- Desire/Lavan is a spiritual manifestation of lack of fear of Almighty and lack of discipline.
- Honor is a reflection of the story of Yosef where all the fighting between brothers was over honor: "Why are you more important than us? Do you think we will be bowing down to you?"

Now we can see that *Sefer Bereishis* beautifully introduces the concept of bad behaviors, and carries it with us through our lives. But it also introduces the remedies to fix those bad *middos*. When we are able to overcome those bad *middos*, we are truly ready for *Matan Torah*.

That's why the *Hagadda* starts with לבן בקש לעקור את הכל. *Galus Mitzrayim* was a prototype of spiritual destruction and Lavan was the forefather of it. At the Pesach Seder we need to discuss the story of our spiritual growth and not giving in to the temptations of the world around us that try to encourage us to assimilate among the nations.

There is one final point I'd like to make. After I heard this *pshat* from R' Weiss, I asked him where *galus Yosef* may be found. He suggested that when we don't have Eisav or Lavan actively trying to destroy us, we start fighting among ourselves. We are united when the world is against us, but when they are not, we start fighting among ourselves. Chasidim and Litvish, Ashkenazim and Sefardim, Chareidim and Modern. That is our *Klalas Yosef* and that is what we need to work on.

We pray that our deeds will find favor in Hashem's eyes and that we may merit for Moshiach to come soon in our days.

Boxing at the Seder?

ADIV PACHTER



כנגד ארבעה בניס דברה תורה: אחד חכם, ואחד רשע, אחד תם, ואחד שאינו יודע לשאול ... רשע... ואף אתה הקהה את שניו

Rabbi Shlomo Carlebach quoted the following from one of the Belzer Rebbes: “After all the *rasha* came to the Seder table! Albeit his question may not have been completely appropriate, but is the correct response from us to knock out his teeth? That is surely not going to bring the *rasha* any closer to the *derech Hashem*! The *Rebbe* goes on to explain that each and every Jew has holy roots – we are all connected to the *Avos Hakedoshim*. Unfortunately, at times we all stray from the path – each one according to his level – no one is perfect.

The *v* of *rasha* represents the connection to the *avos* that we all have. There are three prongs representing Avraham, Yitzchak, and Yaakov respectively. At times the *kedusha* is covered up and surrounded by *רע*. The goal is to knock the *v*- knock the connection to the *Avos Hakedoshim* from the “*ra*” which is preventing us from fully flourishing and shining as each one of us should. This explains why we are *הקהה את שניו* not, *chas v’shalom* to punch the *rasha* in the face, but rather to knock his *kedusha* loose from that which is holding him back, and *b’ezeras Hashem*, this will allow him to grow in *kedusha*.”

In *sefer Devarim* (30:3) the Torah says *ושב ה' אלוקיך את שבותך ורחמך ושב וקבצך מכל* שגדול יום קיבוץ גלויות ובקושי כאילו הוא עצמו: Rashi explains: *העמים אשר הפיצך ה' אלוקיך שמה צריך להיות אוהז בידו ממש איש איש ממקומו כענין שנאמר ואתם תלוקטו לאחד אחד בני ישראל*

As the *pasuk* (*Yeshaya* 27:12) states: “You will be gathered up one by one.” The day of *kibbutz galyos* is so great that Hashem Himself, with His own hands, will seize each man from his place.

Rabbi Yisachar Shlomo Teichtal quotes the following in *Aim Habonim S'meicha*: The *pasuk* (*Tehillim* 107:3) says *ומארצות קבצם* “and whom he gathered from the lands.” The *Ohev Yisrael*, the *Rebbe* of Apt, quotes a *medrash* that expounds on this *pasuk*. *Klal*

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Yisrael was immersed in *Mitzrayim* like a bird in the hands of a hunter. R. Abahu ben R. Acha says that *Klal Yisrael* was situated in *Mitzrayim* like a fetus inside an animal. Just as the shepherd places his hands inside and removes it, so too did Hashem remove *Klal Yisrael* from *Mitzrayim*. R. Ayvo says in the name of R. Yochanan ben Zakkai that just as a goldsmith stretches out his hand and removes the gold from the furnace, so too did Hashem remove *Klal Yisrael* from *Mitzrayim*.

The *Ohev Yisrael* explains the *Medrash* as follows: *Chazal* are referring to three types of Jews; the *rasha*, the *beinoni*, and the *tzaddik*. The comparison of *Klal Yisrael* to a bird refers to the *tzaddik*. The bird has absolutely no *chibbur* (connection) to the hunter. It is an independent creature and will fly away as soon as the hunter opens his hands. So too the *tzaddikim* had no *chibbur* to the *rish'us* or *kelipos* of *Mitzrayim* and were able to fly away as soon as Hashem rescued them.

The comparison of *Klal Yisrael* to a fetus inside an animal refers to the *beinoni*. The fetus does have some level of connection to the animal carrying it. After all, the animal is its mother and the fetus is *nigrar achareha* (drawn after her). So too were the *beinonim* in *Mitzrayim*. They did have some connection to the *kelipos* but it was not to a great extent. Like the fetus which is a *beria bifnei atzmo* (independent entity), so too were the *beinonim* independent of the *kelipos*.

The comparison of *Klal Yisrael* to gold in the furnace refers to the *reshaim*. The gold is mixed with impurities and they are joined, neither being an independent entity on their own. The *reshaim* were completely intertwined with the *kelipos* in *Mitzrayim*. The *pasuk* in *Yeshaya* must be referring to Hashem seizing the *reshaim* from their place, as they are entangled and entrenched in *klipos Mitzrayim*.

From this we see how important every single Jew is to *Hakadosh Baruch Hu*. Even the *reshaim* who are on the lowest of levels ultimately have a spark of *kedusha* that Hashem doesn't forget about.

The following, which is brought down in *Peninei haMoadim* in the name of the *Ben Ish Chai*, can help us in our outlook on all Jews in *Klal Yisrael*. When *B'nei Yisrael* left *Mitzrayim* and were crossing the *Yam Suf*, there was a big claim against them. After all, זרה והללו עובדי עבודה זרה - How were *Klal Yisrael* different than the *Mitzrim*? They were also serving *avoda zara*!

The following story sheds light on the reason behind the worship of *avoda zara* done by the Jews of that generation.

One time, a king threw a large party in his castle. One of the young *n'arim*, servants to the king, was carrying a bowl of soup to the king and a small drop accidentally dropped on the king's robe. The *na'ar* quickly looked at the king to see how he would react and saw that the king was livid. He was extremely angered, to the point that he

could kill someone. Suddenly the *na'ar* took the bowl of soup and poured it over the king's head, and it dripped down all over the king's expensive clothes. The king yelled, "instead of asking for forgiveness, this is how you behave? Now I will surely put you to death in a cruel and inhumane manner!"

The *na'ar* pleaded with the king, and explained himself. "When I saw how angry you got as a result of a small drop accidentally spilling on your clothing, and that you wanted to kill me at that point, I said to myself, that it will soon become public knowledge that the king killed a young servant for accidentally spilling one drop of soup on the king. This would surely not be honorable for you, the king. People would say how cruel the king is for having acted so harshly for something so trivial. At that moment I decided to spill the entire bowl of soup on your head so that the entire kingdom would agree with your decree. They would say that your actions are true and just. So king, please note that all I have done was only for your honor."

When the king heard this perspective, he calmed down, turned to the *na'ar* and said "go in peace. I forgive you. Now I see that you only had my honor in mind."

This was the thought process of *B'nei Yisrael* in *Mitzrayim*. While under harsh servitude in *Mitzrayim* they were severely persecuted and tortured. *Klal Yisrael* thought to themselves that a major *chillul Hashem* could arise out of this situation. The nations of the world will question why the *Am Hashem* is suffering such a bitter slavery under the Egyptian nation, with no salvation. The Jews reasoned that they would be *oved avoda zara*, a sin which is blatant and public, so that the nations will say that they are deserving of *shibud Mitzrayim*, and a *chillul Hashem* will be prevented.

Sometimes we see people acting a certain way and we immediately label them *reshaim*. However, at times, it would go a long way to take a step back and attempt to be *dan kol adam lekaf zechus*. After all there may be a larger perspective behind what we are seeing that is not obvious at first glance.

In the Haggada we read:

הא לחמא עניא די אכלו אבתנא בארעא דמצרים כל דכפין ייתי וייכל כל דצריך ייתי
ויפסח, השתא הכא לשנה הבאה בארעא דישראל השתא עבדי לשבה הבאה בני חורין

R. Shmuel Eliyahu Taub explains (in his sefer *Imrei Aish*) that there are two *bechinos* in eating *matzos*.

1. *Gedolei hada'as v'anshei ma'ala*. These are people who are able to delve into the *sodos haTorah* and tap into the *ta'amim* underlying the *mitzva* to eat *matza*. They are able to be *mechaven* to the *shoresh* of the *mitzva*.

2. *Aniye hadas u'peshutei am*. These people are unable to understand *sodos haTorah* and are simpletons.

However, even the *aniye hada'as* are obligated to fulfill the *mitzva* of *achilas matza*. The *Imrei Aish* quotes something that the *Tzelach* writes in the *hakdama* to his *sefer*. With regards to *Aggados HaShas*, we are obligated to delve into and learn *aggada* just as we are obligated to learn *halachos* from *Shas*. Although there are concepts that seem esoteric and may not be readily comprehensible, we are still obligated to learn the *aggada*. The reason we are not always able to comprehend these *aggados* in full now is because הענן החומר השכל מכסה אור השכל. But, *le'asid lavo* the ענן will be lifted and all will be able to delve into the depths of the *aggados*.

This, says the *Imrei Aish*, explains the paragraph of *הא לחמא עניא*. The *aniye hada'as* eat the *matza* in the *bechina* of *lechem oni*. They have no idea about the secrets behind *achilas matza*. Yet they should eat the *matza* nonetheless just as our forefathers ate the *matza* in *Mitzrayim*. *השתא הכא* - granted, right now we are *b'galus hada'as*, we are like *aniye hada'as*. But, *leshana haba* we will be in *Eretz Yisrael* and as the *Gemara* says *אוריא דארץ ישראל מחכים*. At that time we will be *zoche* to understand *sodos haTorah*. Right now we are slaves who are enslaved to the *חומר* (physical world). But *leshana haba* we will all be בני חורין, without any constraints.

Bezras Hashem we should all be *zoche* to be בני חורין. We should strive to see the good in all Jews and understand that we are all connected to the *Avos Hakedoshim* and that at times we just need to knock the *ש* loose from the *רע* that surrounds our *kedusha* in order to enable us to be true בני חורין.

Pirsumei Nisa: *Special Halachos* *for a Special Mitzva*

DR. MICHAEL KLEINMAN



The *mitzva* to drink the four cups at the Pesach Seder is filled with symbolism and discussion. There have been many words written in the *halachic* realm about the type of wine to be used, proper measurements, the requirement to lean, blessings, and more. There is also much to talk about the philosophical significance of wine, leaning, and the number four. A subject less discussed, however, is the most basic of all: Why do we perform the *mitzva* in the first place?

פסחים קיב,א: ואפילו מן התמחוי וכו': פשיטא לא נצרכא אלא אפילו לר"ע דאמר עשה שבתך חול ואל תצטרך לבריות הכא משום פרסומי ניסא מודה

Pesachim 112a - [The Mishna states: "One may not have fewer than four cups of wine at the Seder] even if he must take from charity etc." Isn't this obvious? No. This Mishna is needed [to teach] that here even Rabbi Akiva, who says that it is preferable not to purchase anything special for the Sabbath than to take charity, would agree [that one must take charity, if needed, to purchase the four cups] since they are drunk to publicize the miracle (Pirsumei Nisa).

It is well known that the *mitzvos* of Chanuka lights¹ and reading Megillas Esther² on Purim are because of *pirsumei nisa*, publicizing a miracle. The *Gemara* in *Pesachim 112a* teaches us that the *mitzva* of the four cups is also based on *pirsumei nisa*, to publicize the miracle of *Yetzias Mitzrayim*.

1 *Shabbos* 23b

2 *Megilla* 3b

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There are two unique *halachos* pertaining to the four cups: the obligation on women to drink four cups of wine, and the obligation to use all of one's financial resources in order to procure wine for the *mitzva*. As will be explained later in this article, these *halachos* all stem from *pirsumei nisa*. Through the analysis of these unique *halachos* and the connection of *pirsumei nisa* among the holidays, I hope to explain the deep and fundamental reasons behind these *mitzvos*.

Obligation on Women

The *Gemara* in *Pesachim* 108a-b states: ואמר ר' יהושע בן לוי נשים חייבות בארבעה כוסות וזו היא באותו הנס *R' Yehoshua Ben Levi says: women are obligated in these four cups because they were also in that miracle.* Similar statements are taught in *Shabbos* 23a regarding the *mitzva* of Chanuka candles and in *Megilla* 4a regarding the *mitzva* to hear Megillas Esther. *Tosafos* in *Pesachim* explains that in truth, women should not have been obligated in the four cups since it is a *mitzvas asei she'hazman grama*, a time-bound positive commandment. Thus the novelty of the *Gemara's* teaching is that the fact that women were involved in the miracle, אף הן היו באותו הנס, overrides the general principle excluding women from time-bound *mitzvos*.

Rashi and Rashbam consistently explain throughout these sources that women were the driving force behind each of these miracles. In the story of *Yetzias Mitzrayim*, the Jews merited to leave because of the righteous women (*Sotah* 11b). In the Purim story, Esther was willing to sacrifice her life to save her people and inspired the nation to repent in the process. In the era of Chanuka, Rashi states similarly that a miracle was performed through a woman³ and also that women were subjugated by the Syrian officials.

Tosafos takes issue with Rashi's assertion that the miracles were performed as a direct result of the women's righteousness. That explanation does not fit with the text of the *Gemara* which states אף, "they were also in that miracle." He explains instead that women were simply part of the overall threat to the Jewish people and therefore must publicize the miracle too. Other *rishonim* are in agreement with this approach. The *Shulchan Aruch* O.C. 472:14 and 675:3 codifies this law for the four cups and Chanuka lights, respectively.

³ He does not elaborate, though *Tosafos* quotes Rashi as invoking the story of Yehudis. The exact story is unclear, but one version goes as follows: When Jewish leaders were willing to give up hope of victory against the Syrian Greeks, Yehudis urged them not to give up their faith in *Hashem*. She proceeded to assassinate a powerful general at great risk to herself and in the process reminded the nation never to forget *Hashem's* care for the Jewish people. See R' Yaakov Emden in *Mor U'Ketzia* for more information.

It is clear that there is something special about these *mitzvos*. Let us now examine the other, more unusual *halacha* of the four cups.

Obligation to Extend All of One's Financial Resources

The *Mishna* in *Pesachim* 99a states: “ולא יפחתו לו מארבע כוסות של יין ואפילו מן התמחויו” *they should not give him less than four cups of wine, even if gets supported by charity.*” Rashbam explains that the *Mishna* writes in terms of the *gabbai tzedaka*, but in truth also confers an obligation on the poor person himself to seek funds for the four cups if the *gabbai* does not provide for him. He further states that the poor person must even “sell his clothing, borrow, or rent himself out in order to purchase wine for the four cups.”

As noted above, the *Gemara* in *Pesachim* 112a explains that the reason for this *halacha* is because of *pirsumei nisa*. In a novel idea (without a direct Talmudic source), the Rambam makes a connection between the *pirsumei nisa* of the four cups and the Chanuka lights to create a similar obligation to “sell ones clothing etc.” in order to fulfill the *mitzva* of Chanuka. The *Shulchan Aruch* O.C. 472:13 and 671:1 codifies the above for Pesach and Chanuka, respectively. The *Mishna Berurah* in 671:1 gives the reason for the *halacha* as *pirsumei nisa*.

There is a well-established concept in *halacha* not to spend more than 20% of one's resources in order to fulfill a positive *mitzva*, מחומש, יותר. This is codified by the Rama in O.C. 656:1. It is curious that *halacha* subverts normative practice in these two specific cases⁴.

We have thus seen two examples where *halacha* veers from the normal path in regards to the *mitzvos* of the four cups and the lights of Chanuka. Two approaches will now be presented to explain the significance of these *mitzvos* and give a greater understanding of their observance.

Approach of Rav Yosef Dov Soloveitchik

Rav Soloveitchik teaches a beautiful approach to these *mitzvos*, as presented in *Harirei Kedem* vol. 1:160 & 173. He explains that when Hashem saves the Jewish people from suffering through miracles and wonders, we have an obligation of *pirsumei nisa* through the framework of *kiddush Hashem*. The *pasuk* in *Vayikra* 22:32 states: “ולא תחללו את שם ה' מקדשכם” *You shall not desecrate My holy Name, rather I*

⁴ The *Biur Halacha* has a lengthy *halachic* analysis of this concept (O.C. 656:1 עוברת) attempting to answer why the same should not apply to *mitzvos* such as *tefilin* or *tzitzis*. He spends much discussion analyzing how to define one's assets and in what cases one may need to go to greater lengths to lay *tefilin* etc. The bottom line, however, is that the Pesach and Chanuka still possess a special nature that is unique in *halacha*.

should be sanctified among the Children of Israel.” The *Sifra*⁵ teaches that this is the source for the obligation of *pirsumei nisa* and *Hallel*. We must avoid a *chillul Hashem*, so too we must perform a *kiddush Hashem*. Rav Soloveitchik extends the concept further based on the obligation to give up one’s life rather than perform a *chillul Hashem*. Logic follows, that if presented with a chance to perform a *kiddush Hashem*, one should be required to extend all of his financial resources to that end. Sacrificing all monetary possessions is equated with sacrificing one’s life.

This explains the obligation to override the normal 20% maximum in order to perform *pirsumei nisa* on Chanuka and Pesach. We have an opportunity to make a tremendous *kiddush Hashem* and therefore must go to any lengths in order to achieve it.

Rav Soloveitchik does not explicitly present this approach in regards to the obligation of women in these *mitzvos*, but in my mind the concept can easily be extended. In explaining why we only apply an obligation on women in certain *mitzvos*, he suggests that perhaps women should be obligated in *tefilin* since a reason for the *mitzva* is to publicize the miracle of *Yetzias Mitzrayim*. The *pasuk* in *Shemos* 13:9 teaches: והיה לך “*And it shall be for you a sign on your arm and a reminder between your eyes – so that Hashem’s Torah may be in your mouth – for with a strong hand Hashem removed you from Egypt.*” Based on this, why shouldn’t women be obligated in *tefilin*? He explains that the difference is that the essence of the actions in the *mitzvos* of Chanuka, Pesach, and Purim are *pirsumei nisa*. In contrast, *tefilin* and other *mitzvos* don’t have activities directly related to publicizing a miracle and therefore don’t fall into the category of *pirsumei nisa*, with its respective *halachos*. He gives two clues to determine the nature of a *mitzva*, and by extension whether women are obligated. The first is whether *Chazal* instituted the *bracha* of *she’asa nissim l’avoseinu*⁶, the second if *halacha* requires one to spend more than 20%. In truth, the two unique *halachos* of Pesach and Chanuka can really be interpreted as one *halacha*. The obligation to sell the shirt off of one’s back is the reason that אף הן היו באותו הנס is invoked to obligate women in these *mitzvos*!

The Essence of *Klal Yisrael*

The presentation by Rav Soloveitchik brings everything together nicely. There is one

⁵ Rav Soloveitchik teaches this *drasha* based on the understanding of R’ Perlow in his explanation of the *Sefer HaMitzvos* of R’ Hai Gaon, p.508

⁶ The *bracha* of *she’asa nissim l’avoseinu* is a component of the *bracha* on the second of the four cups. It is understood that this applies to all four of the cups.

nagging question, however. The entire idea is predicated on the fact that *kiddush Hashem* and *chillul Hashem* are equated. Just like one must give up their life to avoid *chillul Hashem*, so too must one sacrifice all of their possessions to make a *kiddush Hashem*. Are these two concepts really mutually exclusive? If someone God forbid makes a *chillul Hashem*, it can never be taken back. On the flipside, a missed *kiddush Hashem* is a lost opportunity, but may not reach the tragedy of a *chillul Hashem*. For this reason, I would like to offer a different understanding that explains the significance of *pirsumei nisa* for these *mitzvos*.

The miracles of Pesach, Purim, and Chanuka all created momentous transitions in *Klal Yisrael* that forever changed our nature.

Yetzias Mitzrayim was the spark that changed us from *Bnei Yisrael* to *Klal Yisrael*. The Exodus cemented our place in history as the *Am Hanivchar* for all eternity. Everything else that happens to *Klal Yisrael* could not take place without *Yetzias Mitzrayim*. *Kabalas Ha'Torah* took place soon after, and was the ultimate goal of *Yetzias Mitzrayim*, but the actual *yetzia* was the true watershed moment. This is the reason why we have a *mitzva* to remember *Yetzias Mitzrayim* at all times.

The miracle of Purim also marked a critical event in the development of *Klal Yisrael*. The *Gemara* in *Shabbos* 88a tells us that after the miracle, *Klal Yisrael* were “קיימו כבד שכיבולו כבד, *they renewed what they had previously accepted at Har Sinai.*” When they accepted the Torah at *Har Sinai*, it was with a mountain held over their heads, but after the Purim miracle they willingly reaffirmed their commitment to Hashem and Torah. At *ma'amad Har Sinai*, *Klal Yisrael* were on such a high spiritual level- with clarity of vision- that they had no choice but to accept the Torah. When they were about to enter a time of diminished spiritual connection to Hashem, this reaffirmation was a vital and pivotal moment for *Klal Yisrael*.

Finally, the story of Chanuka also marked a turning point in Jewish identity. Up until the time of Chanuka, the worldview of Judaism was completely different than that of the nations around them. The challenge of the Greeks was a paradigm shift for *Klal Yisrael*. No longer were Jewish values denied outright by the nations, rather they were embraced with “slight modifications.” This was a tremendous challenge for the Chanuka generation and still is the biggest challenge facing us today. The fact that *Klal Yisrael* fought for true Torah values and won was, and still is, a seminal event. Without that *mesiras nefesh* and miraculous victory, *Klal Yisrael* never would have been the same.

With the importance of each of these events in mind, we can see why we are required to go over and above normative *halachic* practice in order to publicize these

miracles. These miracles represent the essence of the Jewish people, and require remembering them publicly each year. Without this, we run the risk of losing the significance of the events that have propelled and sustained our people throughout the generations. For this reason, both men and women must participate in the *mitzva*, since together we make up all the parts of *Klal Yisrael*. This may also explain Rav Soloveitchik's connection between *chillul Hashem* and *pirsumei nisa*; missing the chance to publicize these events does put *Klal Yisrael's* spiritual life at risk!

The Women's Role

In light of this understanding, we can now explain the difficult opinion of Rashi/Rashbam in interpreting אף הן היו באותו הנס. To fulfill the destiny of *Klal Yisrael* takes a partnership between the roles of men and women. In each story, the roles of men are obvious, and Rashi is teaching us a valuable lesson. To truly succeed, and achieve the greatness needed in each of these watershed moments in our history, the actions of women in each story were paramount. Rashi understands the word אף not to place women into the *nes* as an afterthought, but rather, to teach us that they too had vital roles. Only through a partnership of both men and women can *Klal Yisrael* truly fulfill its mission in this world as the *Am Ha'nivchar*!

The Audience for Pirsumei Nisa

As a final note, it is interesting to examine where *pirsumei nisa* takes place for each of these *mitzvos*. The Pesach Seder is performed amongst family. This parallels the *nes* of Pesach where we became one family. Megillas Esther is read in shul before the entire *kehilla*. This parallels the *nes* of Purim after which we reaffirmed our acceptance of Torah throughout *Klal Yisrael*. Finally, the Chanuka candles are placed in front of the street for all the nations of the world to see. This parallels the *nes* of Chanuka in which the nations told us to accept their philosophies, but we stood firm and upheld the Torah. We publicize this miracle for all to see that we have stayed, and always will stay, true to our divine mission.

May our performance of *pirsumei nisa* provide us with inspiration to always do the *ratzon Hashem* and bring Mashiach *b'mherah b'yameinu*.

Celebrations of our Fathers: The Ushpizin as Ties that Bind the Moadim Together

DR. YAKOV AGATSTEIN



As we welcome each of the *chagim* into our homes, we are immersed in special *mitzvos* unique to that *chag*. Each *yom tov* has specific *mitzvos*, actions, symbols and foods that are associated with it. When reflecting on the warm memories we have created on such holidays, we recall such customs and traditions. Rarely, however, do we take a step back and ask how all the pieces are supposed to fit together. In other words, what messages did Hashem intend for us to glean from each facet of the *chagim*?

On *yom tov* we recite a very unique *bracha* that furthers this idea. We say “...והשיאנו” “את ברכת מועדיך” In this request, we ask Hashem to “bestow on us the *brachos*, the blessings, of that holiday.” The word “והשיאנו” comes from the word to “lift”. In essence, we are asking Hashem to lift us up to receive these special blessings. But what exactly are these blessings and how are we supposed to receive them?

The *Tur* in *Orach Chaim* (*Siman* 417) explains that each of the *shalosh regalim*, Pesach, Shavuot and Succot, correspond to one of the *avos*, our three forefathers. Pesach corresponds to Avraham. The *Tur* explains that when Avraham was visited by the three *malachim*, he asked Sara to “לושי ועשי עגות,” “*knead and make cakes*” for them (*Bereshis* 18:6). The commentaries explain that the angels came to visit Avraham on Pesach and that the “dough” that he told Sarah to bake was *matzos*. The *Tur* elaborates on this connection and explains that the *midda*, the character trait, which was unique to Avraham Avinu was *chessed*, kindness. Although he was recovering from his circumcision, Avraham Avinu turned his attention to welcoming his heavenly guests and focused

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on committing acts of kindness. This is the very *midda* which is highlighted during the holiday of Pesach. During the *seder* we too invite guests and say “כל דכפין ייתי ויכול” anyone who is hungry should come and eat the *korban Pesach/afikomen* with us. The *bracha* and the message of Pesach then is clear: it is the recognition of the importance of acts of *chesed* in our lives. It is a time, when even in the midst of remembering our slavery, we are thinking of others. That is not only the message but also the *bracha* of Pesach.

The *Tur* continues to explain the holiday of Shavuos in regard to the *avos*. He states that Shavuos corresponds to *Yitzchak Avinu*. This connection was made because the *shofar* blast at the time of *matan Torah*, the קול השופר הולך וחזק מאד (Shmos 19:19), was done with that very same *shofar* that came from *akeidas Yitzchak*. As we know, Hashem asked Avraham to sacrifice Yitzchak. According to the *meforshim*, once Yitzchak understood the purpose of the *akeidah*, he willingly allowed his father to tie him up because it was the will of Hashem. In the last minute, an angel from heaven cried out and told Avraham not to sacrifice Yitzchak, but instead to sacrifice a ram in his stead. The horn from that ram was the *shofar* at *matan Torah* and, *be'ezras Hashem*, the same horn which will be blown by Moshiach. That very *shofar* represented the *mesiras nefesh*, the self-sacrifice of *Yitzchak Avinu* and his willingness to subjugate his own will to that of Hashem's. In order to properly accept the Torah, *Bnei Yisrael* also needed to incorporate this same *midda* of *Yitzchak Avinu*, the ability to subdue our will for the will of Hashem. That, says the *Tur*, is the message of Shavuos. The message of the *chag* is that *mesiras nefesh* is needed in order to make Torah a part of every facet of our lives. On Shavous we must ask ourselves what sacrifices we must make for our own *kabbalas ol malchus Shamayim*.

Finally, writes the *Tur*, Succos corresponds to Yaakov Avinu. Just as *Yitzchak Avinu* built upon the legacy of Avraham, Yaakov built upon the legacy of Yitzchak. The Torah describes regarding Yaakov that שם המקום סכות על כן קרא שם המקום סכות - for his cattle he made little huts (*succos*), therefore they called the name of the place *Sukkos* (*Bereishis* 33:17). The *Or Hachaim HaKadosh* elucidates this idea and says that Yaakov did something revolutionary for his cattle. Using a *sukka*, a hut, he was the first person to build shelters for his animals. To commemorate this precedent-setting action, the location was forever given the name Succos. This attribute of *hakaras hatov*, appreciation, is what Yaakov showed his sheep since he was thankful that they were the source of his livelihood. As we build and then live in our *sukkos* over the course of this holiday, we connect ourselves with this legacy of *Yaakov Avinu*: his *midda* of *hakaras hatov*. Over Succos, we also show Hashem our appreciation for taking us out of *Mitzrayim*, protecting

us in the desert for forty years, safely bringing us into *Eretz Yisrael* and for all the *brachos* he has given us in our lives.

It seems then that the messages of the *shalosh regalim* are clear. They are times to connect ourselves to the great *middos* of our *avos* and to think about how we can infuse those specific *middos* into our lives. Beyond the *avos*, we can glean these *middos* from the remainder of the seven “רועים”, holy shepherds, who make up the אושפיזין, and apply them to the other *chaggim*.

Rav Gedalia Schorr in his magnum opus, *Ohr Gedalyahu*, quotes the *Sfas Emes* and extends this theme beyond the *shalosh regalim*. He relates that the holiday of Shemini Atzeres, which is the conclusion of Succos and a holiday unto itself (יום טוב בפני עצמו), was given to *Bnei Yisrael* in the *zechus* of *Moshe Rabbeinu*. In fact, on this holiday we read the *parsha* of *V'zos Habracha*, in which Moshe imparts his last words and blessings to the Jewish people. *Moshe Rabbeinu* indicates that he was the “torch bearer” of the legacy of the *avos*. He does this by beginning his last words with the word “זאת”. The midrash states that Avraham blessed Yitzchak, and Yitzchak blessed Yaakov, and Yaakov eventually blessed the *Shevatim* and concluded his *bracha* with the word “זאת.” Now as Moshe is about to bless *Klal Yisrael*, he begins with “זאת הברכה” connecting himself to their legacy. Just like the *Avos* built upon their predecessors, so too, *Moshe Rabbeinu* built upon the legacy and *mesorah* of the *avos* as the *pasuk* states “תורה צוה לנו משה מרשה” קהלה יעקב.” In his *zechus*, *Bnei Yisrael* were given the gift of this last holiday, the closing of the *yamim tovim* of the month of Tishrei. The *Chasam Sofer* explains the message that is conveyed through the connection between *Moshe Rabbeinu* and Shmini Atzeres. He points out that the *gematria* of the Hebrew word “Moshe” is the same as “א-ל-ש-די”. He quotes the *pasuk* “וארא אל אברהם אל יצחק ואל יעקב בא-ל-ש-די ושמי ה' לא נודעתי להם” “and I appeared to Avraham to Yitzchak and to Yaakov with (the name) *kel Shakkai*, but my name Hashem I didn't make known to them.” (*Shemos* 6:3) Just as Hashem appeared to the *avos* with this name, Moshe had the merit of Hashem appearing to him because of his vast knowledge of and adherence to Torah. That is the message of Shmini Atzeres, the holiday that is part and parcel of Simchas Torah. It is not enough to learn Torah, but one must cleave to its every teaching and apply it to his/her life. This attribute of דיעה / דעת תורה, is appropriately assigned to Shemini Atzeres/Simchas Torah where we celebrate the Torah of Moshe and its conclusion.

This concept of the Jewish holidays having a deep connection to and message from our forefathers continues to be mentioned in various places in Rabbinic literature. There is a Chassidic tradition that the *Yamim Noraim* really extend past Hoshana Rabba

and Shemini Atzeres to the 8th Day of Chanuka. According to this approach, Hashem's final judgment of us for the coming year is only fully sealed at the very end of Chanuka. This chag, the next holiday after Shmini Atzeret, is representative of *Aharon Hakohen*, *Moshe Rabbeinu's* brother. Just as Moshe was the disseminator of *Torah she'bichsav* so too Aharon was the illuminator of *Torah she'baal peh*. One of Aharon's most important jobs was the task of lighting the *menora*. Chazal teach "הררצה שיחכים ידרים", "he who wants to be wise in the ways of *Torah she'baal peh* should look south (where the *menora* was placed in the *Heichal*).” Chazal teach us from the *pasuk* "דרש דרש משה" in *Parshas Shmini*, that *Aharon Hakohen* was the first to give a *svara*, a *halachic* explanation, as to why he didn't eat of one of the *שעירים*, goats, offered on Rosh Chodesh Nissan, the day the *Mishkan* was erected. Thus, Aharon introduced the tools needed for *Torah she'baal peh*. This epitomizes Chanuka, a holiday which originates from *Torah she'baal peh* and for which the only source that we have is from the *Gemara* of "מאי חנוכה." Chanuka is therefore meant to remind us of our commitment to *Torah she'baal peh* and our dedication to continue to pass on the *mesora* to future generations.

Purim, too, is meant to connect us with another of our forefathers, *Yosef Hatzaddik*. *Yosef* represents the war against Amalek that we commemorate on Purim. Rashi explains on the *pasuk* "והיה בית יעקב אש ובית ויוסף להבה ובית עשו לקש" in the *haftarah* for *Parshas Vayishlach*, that *Yosef* symbolized the strength to overcome our enemies in this world. It was only when *Yosef* was born that *Yaakov Avinu* told his wives that he could go back and successfully confront his mortal enemy, *Eisav*. Rabbi Tzvika Ryzman, in his sefer *Ratz K'Tzvi*, relates *Yosef Hatzaddik* to the month of Adar in general. He explains that *Yaakov Avinu's* blessing of Ephraim and Menashe, the double portion of blessing given to *Yosef*, corresponds to the two Adars that take place during a Jewish leap year. Just like Adar is represented astrologically by fish, so too were *Yosef's* sons blessed by *Yaakov Avinu* with "וידגו לרב בקרב הארץ" "and may they multiply abundantly like fish (dag)". Just as the nation of Amalek or other enemies may set their eyes upon destroying the Jewish nation, *Yosef Hatzaddik* represents the message that a Jew should follow Hashem even through difficult challenges and adversity. Purim, therefore, symbolizes the charge to our nation to meet any future challenges to our people and to our Torah with courage, grit and determination.

Based upon all of the sources above, one might say that *David Hamelech*, the last of the seven "רועים" who comprise the *אושפיזין*, corresponds to the national *chagim* of *Eretz Yisrael*. *David Hamelech* portrays the *midda* of ultimate מלכות, kingship. Every day we beseech Hashem and ask "את צמח דוד עבדך מהרה תצמיח", that Hashem should plant the

seed of *Dovid Hamelech* and the *geulah*. With the return of Jewish sovereignty to *Eretz Yisrael* and *Yerushalayim* after two thousand years, and the celebration of *Yom Ha'atzmaut* and *Yom Yerushalayim*, we pray that these seeds of David be planted and reaped speedily in our days.

Although each of us may apply the beautiful messages of our *Avos* to our lives in different ways, let us all take the *middos* and *brachos* that our *Avos Hakedoshim* have infused within our *Yamim Tovim* and make our lives and the lives of all *Klal Yisrael* much richer and more connected to *HaKodosh Baruch Hu*.

Excuse Me Officer, Four Cups Or Five? What Is The Legal Limit?

YONI BARZIDEH



The *Mishna* in the beginning of ערבי פסחים (the Tenth *Perek* of *Maseches Pesachim*) discusses the obligation to drink cups of wine at the Pesach *Seder*. The *Mishna* states that even a poor person should not have less than four cups:

ערב פסחים סמוך למנחה לא יאכל אדם עד שתחשך אפילו עני שבישראל לא יאכל עד שיסב ולא יפחתו לו מארבע כוסות של יין ואפילו מן התמחוי
Erev Pesach, close to the time of Mincha, a person should not eat until it gets dark. Even a poor person from Israel should not eat until he reclines. And he should not have less than four cups of wine, even if he must rely on charity.

Later on, the *Gemara* (118a) discusses which portions of the *Hagadda* accompany the third and fourth cups of wine at our *Seder* Table. In the process of this discussion, the *Gemara* quotes a ברייתא in the name of R. Tarfon that seemingly instructs us to recite *Hallel HaGadol* on the fourth cup of wine:

ת"ר רביעי גומר עליו את ההלל ואומר הלל הגדול דברי ר"ט וי"א ה' רועי לא אחסר מהיכן הלל הגדול רבי יהודה אומר מהודו עד נהרות בבל ורבי יוחנן אומר משיר המעלות עד נהרות בבל רב אחא בר יעקב אמר מכי יעקב בחר לו י-ה עד נהרות בבל ולמה נקרא שמו הלל הגדול א"ר יוחנן מפני שהקב"ה יושב ברומו של עולם ומחלק מזונות לכל בריה

The Rabbis taught, Over the fourth cup he is to complete the Hallel, and he is to recite Hallel HaGadol, these are the words of R' Tarfon. And some say, "Hashem is my shepherd I shall not lack." Where does Hallel HaGadol begin? R' Yehuda says from Hodu until Naharos Bavel. R' Yochanan says from Shir HaMa'alos until Naharos Bavel. Rav Acha the son of Yaakov says

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*from Ki Yaakov... until Naharos Bavel. And why is it called Hallel HaGadol?
R' Yochanan says because Hashem sits in the highest heights and provides
sustenance to all living creatures.*

As you can see from the quote above, the *Gemara* takes R. Tarfon's instruction in stride, thus suggesting it is the accepted opinion. The *Gemara* goes on to expound on what exactly is this *Hallel HaGadol* that R. Tarfon speaks of (answer: the 136th *Perek* of *Tehillim* that contain the 26 lines of "כי לעולם חסדו"). *Tosafos* (117b), *Rashi*, and the *Rashbam* on this *Gemara* all explicitly affirm our version of this text:

ה"ג רביעי גומר עליו את ההלל ואומר עליו הלל הגדול
*This is the proper version [of the text], "Over the fourth cup he is to complete
the Hallel and he is to recite the Hallel HaGadol over it."*

So far, everything seems to be as it should be: We drink four cups of wine, and the expressions of *כי לעולם חסדו* are recited along with the fourth cup. Great, but what is the alternative version of the text that *Rashi* and his relatives are trying to correct us from reading into the *Gemara*?

Of course, to answer this we need not look far, and we soon realize that the alternative text is far from a minority version of the *girsas*. Quite the contrary, several *geonim* and *rishonim* seem to have had this alternative version of the text, as quoted here by *Rabbeinu Chananel*:

ת"ר חמישי אומר עליו הלל הגדול דברי ר' טרפון ויש אומרים ה' רועי לא אחסר
*The Rabbis taught, Over the fifth cup he recites Hallel HaGadol, these are the
words of R' Tarfon. Others suggest, "Hashem is my shepherd I shall not lack."*

The *Rif* (*ibid.*), *Rambam*, *Rosh* and several other *geonim* all had this different text, where one important word was changed. In this alternate version of the *beraisa*, R. Tarfon's statement is made to instruct us that we should drink a fifth cup of wine at the *Seder*, to accompany our recitation of *Hallel HaGadol*.

When the *Rif* includes this text *le'halacha*, the *Baal HaMaor* goes to lengths to explain why the *Rif* is wrong to adjudicate this way. The *Baal HaMaor* understands R. Tarfon to be requiring us to drink a fifth cup, and this is at odds with our *Mishna* and therefore cannot be the *halacha*, he writes. However, the *Ramban*, as he often does, stridently defends the *Rif*'s *psak*, and explains that R. Tarfon is not disagreeing with the *Mishna* and requiring five cups on the *Seder* night. Rather, R. Tarfon is saying that the fifth cup is optional, not at odds with the *Mishna*, and the *Rif* is therefore in the right to *paskin* this way:

אבל הצריכנו להעתיק דברי ראשונים שכולן פירשו דארבעה כוסות חובה כוס חמישי רשות אם רצה לשתות יקרא ואם לאו לא ישתה והדבר הפשוט מן הגמרא דאי ברייתא פליגא אמתניתין הוה לן למימר בגמרא מני מתניתין לא רבי טרפון ולא יש אומרים כדרך כל התלמוד ולא מישתמיט חד תנא וליתני לא יפחתו לו מד' כוסות של יין ר"ט אומר חמשה ועוד דשקלו וטרו אמוראי כר"ט אלמא הלכתא כוותיה וקיימא לן ד' כסי תקינו רבנן דרך חירות ולא חמשה.

We must follow the lead of all the rishonim who assumed that only four cups are obligatory and the fifth one is optional. This stance is clear from the Gemara for if the Beraisa was arguing on the Mishna, the Gemara should have inquired as to whom the author of the Mishna is as it usually does. There is no mention of an opinion actually requiring five cups of wine and attributing it to R' Tarfon... Therefore we must conclude that the Chachamim established an obligation to drink four cups of wine and not five.

As the Ramban writes, and as we've alluded to above, one must understand R. Tarfon this way because nothing about the subsequent discussion in the *gemara* suggests that R. Tarfon was in disagreement with the prevailing opinion. The *gemara* in fact asks further questions about *Hallel HaGadol*, as if we *paskin* this way. Furthermore, if R. Tarfon's *Beraisa* was brought to disagree with our *mishna*, the *gemara* would then normally have asked who was the author of our *mishna's* opinion (in the *Baal HaMaor's* understanding, it could not be R. Tarfon or the *יש אומרים* in his *beraisa*), which it does not.

Indeed, the Rambam (*Hilchos Chametz U'Matzah, 8:10*) and many others seem to conclude that there is in fact an ענין to drink a fifth cup of wine at the *Seder* table, to accompany the recitation of *Hallel HaGadol*.

ואחר כך נוטל ידיו ומברך ברכת המזון על כוס שלישי ושותהו. ואחר כך מוזג כוס רביעי ונומר עליו את ההלל. ואומר עליו ברכת השיר והיא יהללך ה' כל מעשיך וכו'. ומברך בורא פרי הגפן ואינו טועם אחר כך כלום כל הלילה חוץ מן המים. ויש לו למזוג כוס חמישי וגומר עליו הלל הגדול מהודו לה' כי טוב עד על נהרות בבל. וכוס זה אינו חובה כמו ארבעה כוסות.

And afterwards he washes his hands and recites Birkas HaMazon over the third cup and he drinks it. He then pours the fourth cup and recites the Hallel over it. And he says Birkas HaShir which is Yehalelucha... He then recites Borei Pri haGafen and has nothing else to drink for the duration of the night other than water. And he should then pour a fifth cup and recite Hallel HaGadol over it, from Hodu until Al Naharos Bavel. This cup is not

obligatory in contrast to the other four cups.

As you can see in the passage above, the Rambam has two important things to say about the fifth cup of wine: 1) He uses the terminology “ויש לו למוזג”, suggesting it is a commendable thing to do, and yet 2) the Rambam stresses that this כוס חמישי is not a חיוב like the other four cups.

Along these lines, Rav Amram Gaon states in his Seder:

מכאן למדנו שארבע כוסות חובה, חמישית רשות אם רוצה שותה ואומר עליו הלל
הגדול, ואם לאו פטור.

From here we learn that the four cups are obligatory; the fifth is optional. If he wishes to drink it he should recite Hallel HaGadol over it, and if not, he is exempt.

Rav Amram Gaon’s statement apparently underscores this notion that the fifth cup is something worth doing, but not a חיוב: if you don’t want to you are “פטור,” suggesting that there is some sort of non-binding obligation. Many other *rishonim* that have this alternative *girsah* seem to take a similar approach to the Rambam and Rav Amram Gaon.

However, the *Halachos Gedolos* and the Ramo on *Shulchan Aruch* (481:1), among others, have a slightly varied take on the relevance of the *kos chamishi*. They write that if someone is an איסטניס or has a great desire to drink more, that person can drink a fifth cup if he pairs it with the recitation of *Hallel HaGadol*. In this regard, the concept of the fifth cup seems to be used in the context of a *heter* of sorts, and not necessarily as something one should be doing as הידור or המובחר מן מצוה. The *siddur* of Rav Sa’adya Gaon also suggests this approach.

There is one additional approach to the fifth cup, written in the name of the Maharal, in his *Haggada* (printed by Rabbi Yudel Rosenberg in Warsaw in 1905). In this *Haggada*, the Maharal has a lengthy discussion on the importance of the fifth cup and explains that the reason it is called optional is that not everyone is expected to be holding on this *madreiga* (one step past redemption), but the *ba’al habayis* is encouraged to at least drink the fifth cup himself as it pertains to *parnassa* (hence the connection to Psalm 136, and “נותן לחם לכל בשר כי לעולם חסדו”). Unfortunately, it seems as though some of the comments made here by the Maharal on this topic are partly how this manuscript was ultimately proved to be a forgery¹.

So, to summarize, we are left with four opinions of R. Tarfon:

1. R. Tarfon said four cups (i.e., Rashbam, Rashi, Tosafos)

¹ *Moriah* 14 (1985) n. 3-4, pp. 102- 112; *Moriah* 16 (1989) n. 9-10, pp. 124- 130. See also Y. Yudolov, *Otzar Haggadas*, p. 171, #2299; Rabbi Shlomo Fischer, *Tzefunot* 3 (1989) p. 69.

1. R. Tarfon said five cups are a *chiyuv*, and we do not *paskin* like him (i.e., *Ba'al HaMaor*)
2. The fifth cup is a מצוה מן המובחר, but not an obligation (i.e., the Rambam)
3. The fifth cup is an option for those who want or need another drink, if paired with *Hallel HaGadol* (i.e., Ramban, Rema)

There's very little practical difference for us between #1 and #2, as they both leave us with four cups being the only valid opinion. However, if we hold like opinions #3 or #4, it seems like there would be room for a fifth cup, and it might even be preferable.

Of course, before one starts adding a fifth cup to his *Seder*, there are a few more issues to understand that we have not dealt with in this article. For example, how does one deal with the prohibition from drinking after the fourth cup of wine? This topic is discussed extensively in the *rishonim* with regards to the fifth cup. Another issue is, how does the fifth cup fit in the context of the reasons we have been given for having cups of wine at the *Seder*?

Regarding the latter question, the most obvious answer pertains to the understanding that the four cups are tied to the four גאולה של לשינון (as discussed in the *Talmud yerushalmi*); in this context, the fifth לשינון of והבאתי would pertain to the fifth cup. Along these lines, Rav Menachem Kasher brings a proof to the *Ba'al HaMaor's* opinion that R. Tarfon thought there was a real obligation to have a fifth cup, corresponding to the fifth לשינון of והבאתי.²

It is also worth mentioning that throughout many of the commentaries that discuss R. Tarfon's opinion of a כוס חמישי, very little connection is made to the כוס של אליהו, which by most accounts seems to be a separate *minhag* of a different origin. Below is one concluding thought (sometimes attributed to the Gra) to leave the reader with, which may connect the two cups. The question of whether to have four cups or five on the *Seder* night seems to have been an ongoing *machlokes* through history. Along these lines, R' Kasher quotes the *Otzer HaGeonim* (*Pesachim* 126b) that in Yeshivas Sura they drank five cups at the *Seder*, and only four at Yeshivas Pumpedisa. Without clarity on what R. Tarfon meant, it is hard for us to know what to do, and therefore we pour the כוס חמישי but do not drink it. Instead, we treat this as a "תיקן" and await the coming of Mashiach when Eliyahu Hanavi will arrive and resolve all of our open-ended questions, including whether to drink this fifth cup. May we all be *zoche* to see this day with the *geula sheleimah bimeheira beyameinu. Amen.*

² The interested reader is encouraged to learn the works of R' Kasher (e.g., *Haggadah Sheleimah*, *Torah Sheleima* on *Va'era*, p. 109-113) where he discusses the fifth cup and many of these issues in great detail.

The *Seder* as a Precursor to Modern Educational Thought

NINA ADLER



Many ideas found in secular Psychological and Educational thought can be traced back to values that Jewish educators have been using for centuries. The Jewish educational system was built on the idea of learning through example and experience. The most well known and widely practiced Jewish educational ritual is the experience of the Pesach *Seder*. This article will discuss some Modern Educational philosophy and tie that philosophy into the oldest Jewish educational “methods” textbook, the *Hagadda* of the Pesach *Seder*.

The Foundation of Modern Educational Thought

Lev Vygotsky (1896 – 1934), a Soviet Belarusian psychologist, was a pioneer in Socio-Cultural theory. His theory of learning focuses on what he calls the Zone of Proximal Development (ZPD) which is “the distance between the actual development level as determined by independent problem solving and the level of potential development as determined through problem solving under adult guidance or in collaboration with more capable peers” (Vygotsky, 1978,). Vygotsky’s claim is that there is a way to measure development and its range by exploring the potential of a student through assessing his abilities when given tasks to complete with the assistance of others. Hence the ZPD allows for a prediction of what children will be able to complete in the future.

In Vygotsky’s theory, learning has the power to affect development and awaken potential within a student. Therefore, the role of teachers and peers is of primal

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importance in a student's development. Esteban Diaz and Barbara Flores (2001) explain further that "social relationships are key to the mental and personal development of individuals" (Diaz and Flores, p. 30). Hence, an important job of a teacher is to ensure that students achieve their potential by creating an environment where students can learn through social interaction.

John Dewey, (1859 –1952), an American psychologist and educational reformer, stated that "education is the fundamental method of social progress and reform" (Dewey, 2009/1929). Dewey founded what is known as Social Reconstructive theory. Dewey believed that without a proper education a student can read and write but not learn to think or do anything to influence the world. Dewey was adamant that schools and the educational system need to serve as a training ground to create positive citizens of the world who care for their fellow humans.

School, in Dewey's view, is the place where students develop as individuals within a group or, "the reconciliation of the individualistic and the institutional ideals" (Dewey, 2009/1929), and therefore it is important that students are imbued with a sense of self as well as a sense of responsibility and care for others. The goals of the school and home environment should be somewhat similar and the parents and teachers should view themselves as part of a team working toward a common goal. It should be one of the goals of the school to connect to the students' home lives and involve the parents in the process. The school culture should be united as well and in doing so "the discipline of life shall come to the child" (Dewey, 2009/1929).

These theories have crept into the realm of Jewish education and "experiential education" has become a buzz word for Jewish educators. There are programs where students are earning certificates as experiential educators and the value of Jewish camping, *Shabbatonim*, and other non-formal experiences are being lauded as the foundation of many children's connection to Judaism. David Bryfman in his article "Reaching the Tipping Point", expresses his hope that the positive research and evidence of the power of this type of education will "elevate the field of experiential Jewish education as one of the most powerful and viable strategies to develop and maintain the positive individual and collective identity of Jewish youth and young adults" (Bryfman, 2011).

What do these famous educational theorists have to do with Judaism? Furthermore, what do these theories have to do with Pesach? When the Socio-Cultural theory and Social Reconstructive theory were devised they seemed revolutionary in the world of modern education and psychology. Furthermore, modern Jewish education is

basing strategies and programs on these theories. I believe that these ideas have already been rooted in our *chinuch* system for thousands of years and are clearly apparent in the structure and interpretation of the Pesach *Seder*.

The Educational Experience of Pesach and the Seder

Pesach is regarded as the holiday that is spiritually charging for the entire year. Long before we sit down to the Pesach *Seder* we meticulously clean our homes and remove the *chametz*, thereby removing the characteristics that *chametz* represents, generally viewed as arrogance, from within ourselves. On Pesach we reaffirm our belief in Hashem and acknowledge that our release from Egypt and the creation of the Jewish nation came directly from Heaven. These concepts are meant to infuse our everyday life with a deeper appreciation of our Creator and an understanding that everything in our lives, even our freedom, is the result of Hashem's mercy. Pesach represents the birth of our nation and therefore it is an opportune time not only to reaffirm our belief in Hashem, but also to ensure that our children will be the new links of the chain and ensure that the chain remain strong and unbroken. *Chazal* knew that merely recounting events is not faith affirming or memorable, but reliving and experiencing them will remain in our hearts and our minds forever.

The Pesach *Seder* is a perfect example of experiential education. We do not merely tell the story but rather, through rituals that are as specific as when to lean, what to eat, and how many times we dip our vegetables, we relive the exodus from Egypt throughout the night. In fact, even the format of the Pesach *Seder* as a family gathering is reliving the original format of the *Korban Pesach* as stated in *Shemos* 12:3 “שה לבית אבות שה לבית, a lamb for each family, a lamb for each house.”

The *mitzva* of recounting the story of the exodus from Egypt is enumerated in *Shemot* 13:8 in the famous words “להגדת לבנך ביום ההוא לאמר בעבור זה עשה ד' לי בצאתי” and you shall tell your son on that day saying, *Because of this Hashem did this for me when I came out of Egypt.*” The word “הגדתי” is used again in *Sefer Devarim* 26:3, and can also be translated as “showing” or “demonstration” according to Onkelus. This definition has widely been used as the ideal way of recounting the story of the Exodus to our children.

As Rabbi Gamliel points out at the end of *Maggid*: “כל שלא אמר שלשה דברים אלו” - *Whoever does not speak of the following three things on Pesach has not fulfilled his duty; they are: Pesach, Matza, and Maror.*” This teaching demonstrates that it is not enough just to tell the story but rather the story

must lead to and inspire concrete actions. This idea, that performing actions enable us to imbibe the principles and ideas that are spoken of, is an inherently Jewish view of education.

The *Sefer Hachinuch* is an anonymous 13th century work that systematically discusses the 613 Mitzvos (commandments) in the Torah. In this *Sefer*, whose purpose is to understand and explain how best to perform *mitzvos*, the *Sefer Hachinuch* states: “כי האדם נפעל כפי פעולותיו - *a person is molded by his actions*” (*Mitzva 16*). It is this idea that in Judaism, although thinking and studying is revered, it is action that has the capability to transform. This is exactly what John Dewey advocated and envisioned for the future of American education through creating a system where education is transformative rather than merely informative.

The ideal way to walk away from a *Pesach Seder* is to feel inspired and emboldened to perform more *mitzvos* and learn more of Hashem’s Torah. This is true for both the children and the adults. It is imperative that at the *Seder* the children are the priority and not an afterthought. After all, they are the future of the Jewish people. This is a perfect opportunity to see what children are capable of doing and learning in a supportive environment. According to Vygotsky, this type of social interaction and collaborative learning environment is a perfect setup for genuine learning and development to take place. The *Seder* is not a race to finish, but rather it is much more inspiring when sharing is encouraged and allowed.

I was fortunate to have wonderful *Pesach Seder* experiences throughout my childhood. At the *Seders* that I attended as a child, adolescent, and young adult, everyone’s voice was heard and celebrated. In fact, some of my most powerful Jewish memories boil down to *Pesach*. Planning for the *Seder* by ensuring that I had something to add was always an important part of the preparation (along with cleaning the house and of course the obligatory five trips to the *kelim mikva*). I also always walked away learning something; sometimes from an adult, sometimes from a sibling, and sometimes from a second grader who had a fantastic *mashal* (parable) from his *Rebbe*!

I implore you to set a goal to create a *Pesach Seder* that everyone can walk away from with an extra spiritual bounce in their step. These ideas may be presented in every Education Masters program as revolutionary, but we have been applying them for generations. Let’s make the chain stronger and continue the tradition. In the merit of reliving the original *geula* with more understanding, may we be *zoche* to see final, permanent *ge’ula bim’hera b’yameinu. L’shana haba b’Yerushalayim.*

Practical Suggestions

Some ideas for including children at the *Seder*:

- Prepare a trivia game before Yom Tov with questions about all the different sections of the *Seder*- the children can keep the questions that they answer correctly in an envelope and redeem them after Yom Tov for different prizes.
- Give out jobs such as calling out the sections, carrying the water for *Rachzta*, handing out towels, parsley passer, salt water mixer, pillow distributor etc.
- Make sure that the children have a chance to share the *divre Torah* that they learned in school- in fact their words of Torah should be the focus. The more involved they are the more importance they will place on the experience- you most likely will learn something new! (If the *Seder* is very large, the leader of the *Seder* might want to ask each child to pick their favorite pieces of Torah to present and prepare in advance where the stopping points are to keep the flow going.)
- Make a puppet show
- Sing a Pesach song that encourages the children to sing-along (This is especially appropriate for very young children who will most likely not make it through the entire *Seder*. This can be done at the beginning)
- Make hiding/stealing the *Afikoman* into a game (it's the best way to keep the adrenaline going until the end.)

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The Crime of Crying

DR. HILLEL WELL



In *parshas Shelach*, when the *meraglim* returned from their mission to spy out the land of *Canaan*, they reported that *Eretz Yisrael* is a land that, “consumes its inhabitants.” (*Bamidbar* 13:32) The *meraglim* did in fact witness an unusual number of funerals as they traversed the land. The true reason for this was that Hashem, in His kindness, was distracting the attention of the inhabitants away from the *meraglim*, thereby enabling them to carry out their mission unimpeded. The *meraglim* misinterpreted the events and took it as a sign that the land was faulty and somehow responsible for the torrent of death. (Rashi, *ibid.*) Hashem’s kindness went unrecognized, and was instead perceived as a critical flaw of the purported utopia that *Bnei Yisrael* were destined to inherit. The *pasuk* relates *Bnei Yisrael*’s response to the report of the *meraglim*. “...and the people cried on that night” (*Bamidbar* 14:1) The *Gemara Taanis* 29a tells us how Hashem reacted to these cries of *Bnei Yisrael*. “You cried for nothing, and I will set [this day] for you [as a day of] crying for generations.” Hashem promises that as a result of their crying then, they will cry for generations to come. On the surface, this seems very surprising. Why were we condemned to generations of agony and suffering as a result of our crying? How does this most severe and tragic punishment fit the crime? Surely this reaction is more sophisticated than the petty parental reaction of “I’ll give you something to cry about.”

In order to understand Hashem’s reaction we need to go back to the *bris bein habesarim*. There we find that Avraham Avinu asks Hashem: “With what will I know that I will inherit the land?” (*Bereishis* 15:8) Rashi (*ibid.* 6) interprets this as, “With what merit will my children endure in the land?” Hashem proceeds to discuss the Egyptian exile and enslavement. “You shall surely know that your children will be strangers in a foreign land, and they will enslave them and afflict them for four hundred years.” (*ibid.*13) The flow of the *pesukim* and the usage of the word “know” in both of these *pesukim* indicate that Hashem is indeed answering Avraham’s question when informing him about *galus Mitzrayim*. How are we to understand this? What is the connection

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between *Eretz Yisrael* and the Egyptian enslavement? In what way was our enslavement in Egypt a preparation for our inheritance of *Eretz Yisrael*?

The answer to this question is in the *gemara Brachos 5a*. There we learn that *Eretz Yisrael* is one of three presents given by Hashem to *Bnei Yisrael* which are only given through suffering. This can be understood to mean that suffering is a prerequisite to acquiring *Eretz Yisrael*. Thus, we can propose that Avraham was asking Hashem, “In what way will my children suffer in order to be given *Eretz Yisrael*?” Hashem answered that *Eretz Yisrael* will be inherited in the “merit” of the affliction that *Bnei Yisrael* will endure over the course of four hundred years in a land that is not theirs.

If we seek to understand this deeper we may find ourselves asking, “What is the function of this suffering, and why is it a prerequisite for *Bnei Yisrael* to inherit the land?” I would like to suggest that it is only through the suffering involved in living in a foreign land and being subjected to the cruelty of the host nation that *Eretz Yisrael* becomes so beloved to *Bnei Yisrael*. Without this emotional attachment, there is no prospect for them to transcend all the obstacles they will face there, and there can be no guarantee to their perpetuity in the land.

Let us now return to *Bnei Yisrael*'s sin of crying. What was the root of their sin? How can we summarize their sin? We find that Hashem says to *Bnei Yisrael*, “And your children that you said would be captured, I will bring them to the land, and they will know the land that you detested.” (*Bamidbar 14:31*) Here we see that *Bnei Yisrael* were not just afraid of being defeated and killed as they had expressed. They detested the very land that they suffered for. They allowed the lies of the *meraglim* to enter into their minds and to poison their relationship with *Eretz Yisrael*. By crying, they severed their bond with the land. They showed that they were not willing to transcend the obstacles necessary to live in the land of their dreams. Instead, they gave up on their homeland. They set their eyes back to the land of their suffering and exclaimed, “Let us appoint a leader and return to Egypt.” (*Bamidbar 14:4*)

Hashem's reaction to *Bnei Yisrael*'s crying can now be understood very well. Hashem begins, “you cried for nothing” – you gave up on *Eretz Yisrael* and lost it! Suddenly, Avraham's question at the *bris bein habesarim* resurfaces. With what merit will they endure in the land now that the colossal merit of *galus Mitzrayim* is gone? Hashem continues, “and I will set [this day] for you [as a day of] crying for generations”- you will, in fact, not remain in *Eretz Yisrael*. The *Beis Hamikdash* will be destroyed and you will have to go back into exile. However, in every new exile, you will again suffer in a land that is not yours; and through that suffering you will merit to return to the Land for a period of time.

So, when will it end? When will we return to *Eretz Yisrael* for good? Perhaps when we have the attitude of Calev, who said, "Let us surely go up and inherit the land because we can do whatever is necessary for it." (*Bamidbar* 13:30) Faith is a tenet of Judaism. We must not only have faith in Hashem; it is equally important to have faith in ourselves and believe that we can overcome the challenges that stand between us and our destiny. We must become attached to our destiny to the point that any and all obstacles do not deter us, but enable us to demonstrate our conviction to fulfill the Torah and inherit *Eretz Yisrael*. Then it will be ours forever.

Sometimes it is appropriate to cry. *Chazal* teach us that the gates of tears are never locked. There are times though, where crying is not the correct response. We must be strong and face our challenges. This is what Hashem told Moshe at the *Yam Suf*. "And Hashem said to Moshe, 'Why are you calling out to me? Speak to *Bnei Yisrael* and let them move forward.'" (*Shemos* 14:15) Our cries cannot be *shel chinom* – for nothing. Only tears that can move forward through the gates of tears and accomplish something, have value.

This Pesach we will fulfill the requirement to picture ourselves personally going out of *Mitzrayim*. Let us use the tools of the *Haggada* to create a vivid experience for ourselves and our families. If we can get even a little taste of the suffering that our people experienced in Egypt, then we will become that much more connected to *Eretz Yisrael* and that much closer to the destiny of the Jewish people. May we choose as individuals and as a nation to achieve complete redemption in our days.

Ashkenazim Eating at the Home of Sephardim Who Have the Custom to Eat Kitniyos During Pesach

ELAZAR SHEMTOV



The Mishna in *Pesachim* 35a lists five grains with which one can bake *matza* and fulfill his Torah obligation of eating *matza* on the first night of Pesach: wheat, barley, rye, spelt, and oats. The *gemara* notes that rice and millet are not included in the Mishna's list.

The *gemara* cites as its source the verse in *Devarim* (16:3): "Do not eat *chametz* on it; seven days you shall eat *matza* on it..." Expounding on the juxtaposition of the prohibition of eating *chametz* with the positive commandment of eating *matza*, the *gemara* explains that one can only fulfill his Torah obligation of eating *matza* only if the *matza* was baked with something that has the potential to become *chametz*. Thus, one cannot fulfill his obligation with *matza* baked from rice or millet (or anything other than the five grains listed in the Mishna) because instead of leavening or fermenting, these grains spoil.

While Rabbi Yochanan Ben Nuri disagrees and includes rice in the list of grains that can become *chametz*, most *rishonim pasken* like the majority opinion and rule that rice cannot become *chametz*.¹ The Rambam, for example, (*Hilchos Chametz U'matza* 5:1) writes that "There is no prohibition of *chametz* on *kitniyos* such as rice, millet, beans, and the like and even if one was to knead rice flour with hot water and cover it with a cloth until it rose like fermented dough, it may still be eaten on Pesach, for it is considered spoiling (*sirchon*) and not leavening."²

1 See also *Pesachim* 114b which states that the *amora* Rava would specifically eat rice at the Seder.

2 The Rif, Rosh (*Pesachim* 2:12), *Ba'al Hamaor* (*Pesachim* 26b), and Ritva (*Pesachim* 35a) write similarly.

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The Rivash (420) attests that the *minhag* during his time among the *Sephardim* was to eat rice³ and other *kitniyos* on Pesach and Rav Ovadia Yosef *zt"l*⁴ concludes that there is no disagreement *m'ikar hahalacha* that rice cannot become *chametz*. Indeed, both the *Tur* and *Shulchan Aruch* (453:1) *pasken* that rice and *kitniyos* are not *chametz* and it is permissible to cook with them on Pesach.

The *SMaK* (*Mitzva* 222) states that although many great rabbis are lenient regarding *kitniyos* on Pesach, it appears very difficult to permit it, as the common practice to be strict dates back to the early ages. He argues that the reason to be strict is a fence to prevent violation of Torah law, since *kitniyos* are cooked similarly to the five species of grain and in some places *kitniyos* are made into bread and some may thus become confused. The *Beis Yosef* (453) gives another reason, which is also cited in the *SMaK* – *kitniyos* are often mixed with grains that have the ability to become *chametz*.⁵ The *Ritva* writes that one must carefully check rice over and over again before Pesach because spelt is often mixed with it.⁶ The *Ben Ish Hai zt"l* attests that many people in Baghdad would refrain from eating rice on Pesach out of a concern that it may contain traces of *chametz* that are difficult to discern.⁷

Unlike the *Tur* and *Shulchan Aruch*, the *Rama* (453:1) writes that *Ashkenazim* have adopted the stringency of not eating *kitniyos* and one should not deviate from this custom.⁸ The *Aruch HaShulchan* (453:4-5) states strongly that those *Ashkenazim* who question this practice and are lenient concerning *kitniyos* “have neither fear of G-d nor

3 While the Rivash clearly states that rice and *kitniyos* are equal in permissibility, the *Pri Chadash* writes in *Siman* 453 that even those accustomed to eating *kitniyos* on Pesach nonetheless refrain from eating rice. It is said that the *Pri Chadash* once found a wheat kernel in his rice and thereafter adopted the practice to refrain from eating rice on Pesach.

4 See *Yechaveh Daas* 5:32.

5 While the *Beis Yosef* does cite this concern, he adds that only *Ashkenazim* abide by this stringency. Similarly, the *Tur* cites the *SMaK* but comments that his stringency is excessive. Nonetheless, everyone is in agreement that rice must be thoroughly checked before Pesach to ensure that no *chametz* is in fact mixed with it.

6 *Pesachim* 35a.

7 *Hilchot Ben Ish Hai, Shana Rishona, Parshat Tzav*. His opinion appears consistent with the *Pri Chadash* (see footnote 3). Rav Ovadia *zt"l* writes that a *Sephardi* who has the custom of being stringent can be *mevatel* this stringency without a *Beis Din*. The *Ben Ish Hai zt"l* states that his vow must be annulled in accordance with *halacha*.

8 See also the *Maharil (Hilchos Pesach)* and *Terumas HaDeshen (Siman 113)*.

fear of sin” since the prohibition has been accepted as a protection of Torah law.⁹

Despite the clear prohibition for *Ashkenazim*, the *Mishna Berurah* (453:7) cites that a seriously sick person may eat *kitniyos*, even if his life is not in danger. Moreover, the Rama himself cites a very important leniency (453:1): if *kitniyos* were to fall into a cooked item during Pesach, the food would be kosher *b'dieved*. The *Eliya Raba* (453:4) writes that this is when the non-*kitniyos* food is the majority and does not require the traditional requirement of sixty times the size of the prohibited food. The *Pri Chadash* concurs with the *Eliya Raba* in requiring only a simple majority. The *Mishna Berurah* (453:9) and several other prominent authorities also concur with this leniency.¹⁰

With this leniency in mind, Rav Ovadia *zt”l* notes that an *Ashkenazi* could certainly eat non-*kitniyos* food cooked in pots where rice and other *kitniyos* had been previously cooked, since the remaining “*pelaitas hakeilim*” of the *kitniyos* foods (the absorption of the *kitniyos* food in the pot or pan) would be nullified by the majority non-*kitniyos* food cooked subsequently.¹¹ Further, even according to the opinion that requires a traditional majority of sixty times the entire *kli* (not just the absorption), that is only so when there is a clear prohibition, unlike *kitniyos* which everyone agrees is based on a stringent custom and is a fence for another prohibition, but not a prohibition itself. Rav Ovadia thus writes¹² that it is clearly permissible for an *Ashkenazi* to eat from the pots of *Sephardim* during Pesach, even when one knows for sure that rice and other *kitniyos* have been cooked in those pots, even on the very same day, as the absorbed taste of the *kitniyos* would be nullified by the non-*kitniyos* food.

HaRav Moshe Mordechai Karp¹³ similarly writes that since a mixture including a minority of *kitniyos* would be kosher *b'dieved*, the only possible problem with purposely making such a mixture is that it would violate the principle of “*ein mivatlin issur*”

9 On the other hand, Rabeinu Yerucham (*Nesiv* 4:3) writes that “those who have the custom not to eat rice and *kitniyos* on Pesach are practicing a foolish custom, only for the sake of being strict upon themselves, and I don’t know why.” Similarly, both Rav Yaakov Emden and his father, the Chacham Tzvi, strongly disfavored this stringency and would have abolished it if they had the authority to do so. See *Mor U’ketizyah Siman* 453.

10 See the *Shulchan Aruch HaRav* (453:5), stating that since the custom is only a general stringency, a simple majority is sufficient. See also the *Chok Yaakov* (453:5) and *Chayei Adam* (127:1).

11 See *Yechaveh Daas* 5:32.

12 Rav Ovadia cites several other cases where there is no concern for the absorption of the *issur*, including from the Rama’s own leniency (*Yoreh Deah* 64:9) regarding *keilim* in which food was cooked that some members of a community are accustomed to treat as prohibited. See *Yechaveh Daas* 5:32.

13 Current Rav of *Kiryat Sefer* and a close disciple of Rav Elyashiv *zt”l*. “*Chag HaPesach*” (12:5)

lechatchila” – one may not purposely nullify prohibited food in a mixture. Accordingly, Rav Karp writes that *lechatchila* an *Ashkenazi* should wait twenty-four hours before cooking with pots in which *kitniyos* were cooked. It would appear, however, that for a *Sephardi*, there is no issue of cooking the dish (as for him the *kitniyos* are kosher), and thus the *Ashkenazi* would be allowed to go to the house of the *Sephardi* and eat what was cooked permissibly even within twenty-four hours. Of course, any actual pieces of *kitniyos* remaining in the *keilim* must first be removed.

Sephardim therefore need not hesitate to invite their *Ashkenazi* friends over on Pesach and *Ashkenazim* need not decline their invitations as long as they stay away from the actual *kitniyos*.¹⁴

14 HaRav Avraham Blumenkrantz zt”l also writes that an *Ashkenazi* can eat non-*kitniyos* food cooked by *Sephardim* in pots in which *kitniyos* were cooked. See his popular digest “*The Laws of Pesach*” 2006, pp.38-39. See also *Az Nidbiru* 8:20:4 (HaRav Binyamin Zilber zt”l) who writes similarly, and goes so far to say that *Ashkenazim* should not hesitate to lend their pots to *Sephardim* (who cook and eat *kitniyos*) on Pesach.

Will the *Mitzva* of Recalling the Exodus From Egypt be Continued in the Future Era?

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One of the major tenets of our belief is זכירת יציאת מצרים. Remembering both the event that fashioned us for the first time as a free nation, and the accompanying miracles G-d performed for us as he made us His people, is a daily requirement, (as recorded in the משנה in ע"ב ב ברכות יב ע"ב.) On Pesach, this *mitzva* takes on an even more central focus, as it is the running theme of the *seder* night, i.e. ספור יציאת מצרים.

Considering the centrality of this commandment to our faith, it is most bothersome that the מוני המצוות, the ראשונים that went to painstaking efforts to list the 613 commandments (Rambam, SM"aG, and others), almost unanimously omitted this commandment from their lists of the תרי"ג. (The notable exceptions are the סמ"ק in *siman* 100, and רשב"ץ בספר זוהר הרקיע אות כו who express bewilderment at the ראשונים who "overlooked" this *mitzva*.)

The ס"מ's opinion on the matter is particularly perplexing; In משנה תורה הלכות מושב"ק he clearly rules that זכירת יציאת מצרים is a daily requirement. "Even though there is no commandment to wear ציצית at night, we still read it [the third paragraph of שמע which deals with ציצית] at night because it contains the remembrance of the Exodus from Egypt, which is required to be mentioned [verbally] daily and nightly."

Yet, in his comprehensive list of the מצוות תרי"ג, ספר המצוות, the same author fails to count זכירת יציאת מצרים in his list. (He does, however, list ספור יציאת מצרים of Pesach night.)

Many earlier commentators have attempted to resolve this discrepancy in the

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Rambam.¹ However, I would like to focus on the approaches of two of the more recent ר' חיים בריסקר, Rav Yosef Dov Soloveitchik *zt"l* (in the name of his grandfather, גדולי עולם) and the Lubavitcher Rebbe, Rav Menachem Mendel Schneerson *zt"l*.

In the compendium of the Rav's famous *yahrtzeit drashos*, שיעורים לזכר אבא מרי, the Rav dedicates the first *siman* to our question. He quotes his father, Rav Moshe, who explained the following in the name of his father, Rav Chaim.² In the משנה and ensuing גמרא in ב"ב ע"ב, we learn of a dispute: The חכמים say that there is no commandment to be בלילות מצרים יציאת מצרים, whereas Ben Zoma opines that there is. The source of their dispute is as follows: בן זומא learns from the word "כל" in the phrase כל ימי חיך that there is a nighttime requirement to recite שמע, and the חכמים prefer to use the same source to extend the requirement to ימות המשיח. What follows, presumably, is that Ben Zoma won't have a source obligating מצרים יציאת מצרים for the period subsequent to Moshiach's arrival. (This dispute is familiar to us from the הגדה של פסח, which records it).

Based on this, Rav Chaim reasoned that the Rambam, who sides with Ben Zoma and requires מצרים יציאת מצרים at night (as quoted above) must likewise agree that there is no such obligation during ימות המשיח, for the two are mutually exclusive. Thus, it follows that in the opinion of the Rambam, though there is an obligation to mention יציאת מצרים twice daily (daytime and nighttime), this is only temporary, as it will be absolved with the coming of משיח. It follows, then, according to the principles that the Rambam himself lays out for us (explaining which מצוות qualify for his list of 613) in his שרשים that the מצות זכירה need not be counted, for it does not meet the requirement of מצוה לדורות, an eternal מצוה, as required by the שורש ג' רמב"ם.³

1 See the צ"ח at the end of first perek of ברכות, and פרי מגדים אר"ח in his introduction to the laws of קריאת שמע, as well as ב"ב ע"ב. See also מנחת חנוך מצוה כא, and אור שמח to the Rambam loc. cit.

2 I found this same approach in תוספתא חזון יחזקאל on *Brachos perek 1*, written by Rav Yechezkel Abramsky *zt"l*, who was himself a *talmid* of Rav Chaim Soloveitchik, although he does not attribute this explanation to his rebbe. See also האול אבן (Rav Isser Zalman Meltzer) to the Rambam loc. cit. who mentions this approach, and dismisses it.

3 The Rav quotes an additional explanation from his grandfather: זכירת יציאת מצרים is not a *mitzva* in its own right, but rather it is an aspect and sub-requirement of the obligation to accept the Heavenly yoke, i.e. קבלת עול מלכות שמים. Remembering that G-d redeemed us is just a prelude to the acceptance of our subservience to Him. Thus, it is not counted as its own *mitzva*, but rather included in the *mitzva* of קבלת עול מלכות שמים. (This answer was also offered previously by Rav Yitzhak Schmelkis בית יצחק אר"ח סימן יב.) A supporting proof to this argument is found in the משנה תורה where the Rambam does discuss the obligation of זכירה quoted above. It is in the domain of שמע קריאת שמע, not as a stand-alone obligation. This explanation seems to be the one that the Rav preferred, as it serves as the basis for the remainder of his *shiur*.

In a *sicha* dated 11 Nissan 5742, the Lubavitcher Rebbe *zt"l* set his focus on our issue as well. He quoted the first explanation above and attributed it to “the writings of the students of one of the *Gedolei Hador*.” The Rebbe asserts that the approach that claims that the Rambam maintained that the *mitzva* of *זכירת יציאת מצרים* will be annulled in the future is problematic for several reasons. Firstly, why would the Rambam rule in favor of Ben Zoma, whose interpretation is a minority opinion, rather than in favor of the *חכמים*? Secondly, in light of Rambam’s ninth principle in his 13 Principles of Faith,

אני מאמין באמונה שלימה שזאת התורה לא תהי מחלפת ולא תהי תורה אחרת מאת
הבורא יתברך שמו

*I believe with perfect faith that this Torah will not be changed, and that there
will never be any other Law from the Creator, blessed be His Name.*

Ben Zoma’s view is difficult to accept. How could this Mishnaic sage have maintained that a Biblical *mitzva*, that of remembering *מצרים יציאת* every day, will be annulled in the time of Moshiach? The Rambam’s ninth principle affirms that the Torah given to us through Moshe will never be annulled or replaced by another system. This principle extends to include that the individual *mitzvos* themselves will always remain in force, never to be expanded upon or diminished. Thirdly, the suggestion that the Rambam omitted the requirement of *מצרים יציאת זכירת* from his list of 613 *mitzvos* because it is only a temporary *mitzva* *לשעה* רק לשעה, is not consistent with the Rambam’s discussion of this *mitzva*, in which he gives no indication that this commandment differs from other *mitzvos* with reference to the issue of it being an eternally binding *mitzva* vs. a temporary precept. Finally, if the *mitzva* of *מצרים יציאת זכירת* were to be annulled in the future, it would result in part of another Torah *mitzva* being annulled, that of reciting the *שמע*. The only justification for reading the third paragraph of the *שמע* at *Maariv* is because in it there is mention of *מצרים יציאת*, a precept that is binding at night. The third paragraph is primarily about the *mitzva* of *ציצית*, which is not observed at night. If the *mitzva* of *מצרים יציאת זכירת* were to be annulled in the time of Moshiach, then the sanction to recite the 3rd paragraph of *שמע* would no longer be effective. This conclusion is not tenable, as nowhere do we find an indication that only two paragraphs of the *שמע* will be read in the future.

Accordingly, the Rebbe agrees with the approach that *מצרים יציאת זכירת* is part of the *mitzva* of *שמע קריאת*; therefore, the Rambam did not include it in his list of 613 *mitzvos*. Although it is a Biblical requirement, it is included within the *mitzva* of reciting

the שמע, which is, of course, enumerated in the list of 613. The Rebbe provides an additional illustration of one Biblical *mitzva* being included in another. The requirement to construct the vessels of the בית המקדש is included by the Rambam under one general *mitzva* to build the בית המקדש, rather than being listed as a separate *mitzva*. We can thus see a consistent approach by the Rambam regarding the inclusion of one *mitzva* in a more general, related *mitzva*.

From the discussion above it is clear that the Rambam considered זכירת יציאת מצרים a Biblical *mitzva* that will not be annulled in the future. There, nevertheless, remains the view of בן זומא who, at least according to the רשב"ץ, maintained that יציאת מצרים will not be mentioned in the era of Moshiach. While this may be a minority opinion and not the final *halachic* ruling, how can we reconcile this view with Rambam's ninth principle? The Lubavitcher Rebbe, in his *Sichas Yud Alef Nissan* and *Acharon Shel Pesach 5742*, and his *Sichas Shabbos Parshas Shemos 5752*, proposes that the notion that זכירת יציאת מצרים will be superseded by remembering the miracles of the future redemption, הגאולה העתידה as proposed by Ben Zoma, poses no contradiction to the Rambam's ninth principle, for בן זומא viewed the two redemptions as two phases within one single process. This approach enables us to appreciate our entire history as a process of "leaving Egypt" or "heading towards complete redemption" which are essentially one and the same thing. Ben Zoma did not intend for us to believe that the *mitzva* of זכירת יציאת מצרים will be annulled בימות המשיח. Rather, he viewed the Exodus from Egypt and the final redemption as two phases in the same process; therefore, the *mitzva* of זכירת יציאת מצרים could be fulfilled by mentioning the future redemption.

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May we soon merit the true and complete redemption.

Sefiras Ha'omer



Yitzi Kempe

Yaakov Rich

Noam Casper

David R. Schwarcz

What Do *Yitzias Mitzrayim* and *Sefira* Really Mean?

YITZI KEMPE



On the second day of Pesach, the Torah commands *Klal Yisrael* to perform the *mitzva* of *Sefiras Ha'omer* (Vayikra 23:15-16):

וספרתם לכם ממחרת השבת מיום הביאכם את עמר התנופה שבע שבתות תמימת תהיינה. עד ממחרת השבת השביעת תספרו חמשים יום והקרבתם מנחה חדשה לה'.
 “You shall count for yourselves- ממחרת השבת [literally meaning the day after Shabbos], from the day when you bring the omer of the waving- seven weeks, they shall be complete. Until ממחרת השבת of the seventh week you shall count, fifty days; and you shall offer a new meal- offering to Hashem.”

Rav Dovid Hofstadter in his *sefer Darash David*, asks two fascinating questions. First, why does the Torah specifically use the language of “ממחרת השבת” as opposed to “ממחרת הפסח” if, after all, we start to count on the second day of Pesach? Second, why does the Torah feel the need to repeat the word “counting” in both *pesukim*?

In order to fully understand the answer to these questions, Rav Hofstadter brings the well-known *Zohar* that explains why we count forty-nine days during the *omer*. The *Zohar* says that when *Bnei Yisrael* were in *Mitzrayim*, they reached the forty-ninth level of *tuma* and were on the verge of sinking into the last level. Hashem not only took *Bnei Yisrael* out immediately, He also caused *Bnei Yisrael* to reach the forty-ninth level of *tahara*. Every day of stripping away a level of *tuma* corresponded to a day of reaching

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a higher level of *tahara*. For *Bnei Yisrael* to properly prepare for the acceptance of the Torah, they needed to prepare themselves in two ways. Not only did they have to remove all the bad, but they had to acquire the levels of purity. As the *pasuk* in *Tehillim* (chapter 34) says, “סור מרע ועשה טוב,” turn from evil and do good. It’s not good enough to remove the evil that’s inside of you. You need to do beneficial acts as well, in order to really change and be a different person.

Sefiras Ha’omer, Rav Hofstader explains, represents the removal of bad and the acquisition of good. The two countings in the *pesukim* represent these two changes. The “ממחרת השבת” count was the time when *Bnei Yisrael* began to distance themselves from the impure *Mitzrim*, continuing for a period of seven weeks. The use of the word ‘Shabbos’ as opposed to ‘Pesach’ explains the period which *Bnei Yisrael* were going through, a time of Shabbos. As the Alshich explains, “ממחרת השבת” was the day on which they rested from the burden of the *tuma* in *Mitzrayim*. It is impossible for a person to acquire any levels of *kedusha* before removing the *tuma*. That is why the *pasuk* first says “סור מרע” and only then “ועשה טוב.” Only then will we be truly proper receptacles to receive the Torah.

Mitzrayim was called the “כור הברזל,” the furnace that burns out all the impurities from metal (*Devarim* 4:20). In order for *Klal Yisrael* to merit the acceptance of the Torah and to live in *Eretz Yisrael*, they first had to be cleansed. *Bnei Yisrael* were destined to enter *galus* in order to go through this purification process. One may ask, why did Hashem have to put us in this situation in the first place? Why couldn’t Hashem have made it that we would not have to go through *Mitzrayim*, steeped as it is in *tuma*, and thus not find ourselves drowning in *tuma*?

Rav Aharon Kahn, a *rosh yeshiva* at Yeshiva University, once gave a parable to explain *Bnei Yisrael’s* appreciation towards Hashem for sending them to *Mitzrayim*. Imagine there are two boys, who don’t know how to swim, standing next to a pool. One boy accidentally falls in, whereupon the lifeguard immediately jumps in and saves him. The boy is obviously extremely grateful to the lifeguard for saving his life. The other boy however, is pushed into the pool by the lifeguard, whereupon the lifeguard immediately jumps in and saves him too. Is the second boy as grateful to the lifeguard as the first boy? The second boy will most likely feel upset for having been put into such a situation in the first place. In Judaism, we are taught to have the first perspective. We acknowledge the fact that Hashem brought us down to Egypt and we do not complain that He has done so. We know that everything Hashem does is for a reason, and we show our appreciation through the way we praise Hashem at the *Seder*. We view ourselves as if we went through

the bitterness of *Mitzrayim* by eating the *maror*. We also drink the cups of wine and lean in our seats to feel part of the *Bnei Yisrael* that left *Mitzrayim* and is now free to accept the Torah. *Bnei Yisrael* needed to go through slavery in *Mitzrayim* in order to appreciate the end result and purify themselves along the way.

Why choose Pesach of all the times of the year to teach this fascinating lesson? One may suggest that Pesach, *Yitzias Mitzrayim*, and eventually the acceptance of the Torah made *Bnei Yisrael* into a true nation. As the *pasuk* in *Parshas Yisro* (19:2) says, “ויחן שם” “ישראל נגד ההר,” *Bnei Yisrael* stood - in a singular form- next to *Har Sinai*. Rashi on the *pasuk* famously comments, “כאיש אחד בלב אחד” *Bnei Yisrael* really felt as one. To truly become one, each and every person first had to work on himself, on his own specific weaknesses. Although they were as a whole steeped to the forty-ninth level of *tuma*, each had his own failings to work on. It is very easy to look at others’ flaws and tell them what they are doing wrong. It is much more difficult to look at oneself and see those exact flaws and decide to change. The removal of the bad, i.e repentance, is crucial and necessary for true growth, and to become a better person. *Bnei Yisrael* realized that they could not remain in such a deep level of *tuma* through their experience in *Mitzrayim*. They recognized the need to wipe away their past and acquire purity as a true nation.

Based on this profound idea, one can suggest that it is not coincidental that there are forty-eight ways to acquire Torah listed in the last chapter of *Pirkei Avos*. *Chazal* recommend focusing on one of these each day during the *Sefira* (with one day for review), and applying them to oneself to change and grow. It is very difficult to accept all forty-eight attributes at once. If one realizes that there is an eventual goal, namely the acceptance of the Torah and *mitzvos*, taking gradual steps towards that goal is much more attainable.

One attribute that is often addressed during *Sefira* is treating your fellow Jew with proper respect. Unfortunately, the *Gemara* in *Yevamos* 62b tells us that twenty-four thousand students of Rabbi Akiva passed away during the first thirty-three days of *Sefira* because they did not show deference for one another. Why did they die specifically during *Sefira* as opposed to any other time throughout the year?

One may suggest, as mentioned above, that the period of *Sefira* is a time of preparation for the acceptance of the Torah. *Klal Yisrael* at *Har Sinai* only became one after forty-nine preparatory days. In order for a nation to become one, each person must treat the other with proper respect. Although Rabbi Akiva stressed the importance of “ואהבת לרעך כמוך,” (*Vayikra* 19:18) loving your friend as you love yourself, his students seemed to lack the ability to internalize that important message. One can study Torah all

day, but if there are no acts of love towards his fellow man, he will never reach the level of receiving the Torah properly. One first has to make himself into an appropriate vessel to accept the Torah by removing as many bad *middos* as possible, ultimately allowing for tremendous growth in *avodas Hashem*.

A Brief History of the History of Rabbi Akiva's Students

YAAKOV RICH



We are all familiar with the story of Rabbi Akiva and his thousands of students, who died during the interval between *Pesach* and *Shavuos*, the interval during which we count *Sefiras HaOmer*. But just how familiar are we?

In this essay, we will explore the sources that discuss the historical episode of Rabbi Akiva's students. In particular, we will discuss a fascinating theory that, while it originated in sources that are shunned in traditional circles, has made its way into a wide variety of sources and that may provide food for thought regarding what our mourning period is all about.

The Early Sources

During the period between *Pesach* and *Shavuos*, we follow certain practices of mourning, such as refraining from making weddings and taking haircuts. The *Tur*, in enumerating these practices, gives the reason as follows:

והטעם שלא להרבות בשמחה שבאותו זמן מתו תלמידי רבי עקיבא.

The reason¹ is so as not to be exceedingly joyous, since in this time period the students of Rabbi Akiva died.²

1 Although this is the primary reason brought for the customs of mourning, there are other reasons suggested as well. See (תצג, ג) חק יעקב.

2 טור או"ח תצ"ג.

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The source for this historical statement can be found in *Talmud Bavli*:

אמרו שנים עשר אלף זוגים תלמידים היו לו לרבי עקיבא מגבת עד אנטיפרס וכולן מתו בפרק אחד מפני שלא נהגו כבוד זה לזה והיה העולם שמם עד שבא ר"ע אצל רבותינו שבדרום ושנאה להם ר"מ ור' יהודה ור' יוסי ורבי שמעון ורבי אלעזר בן שמוע והם הם העמידו תורה אותה שעה תנא כולם מתו מפסח ועד עצרת אמר רב חמא בר אבא ואיתימא ר' חייא בר אבין כולם מתו מיתה רעה³ מאי היא א"ר נחמן אסכרה.

It was said that Rabbi Akiva had 12,000 pairs of students⁴ from Gabbatha to Antipros, and all of them died within one short period because they did not treat each other with respect. The world was then desolate until Rabbi Akiva came to our teachers in the South and taught them: Rabbi Meir, Rabbi Yehuda, Rabbi Yosi, Rabbi Shimon and Rabbi Elazar ben Shammua. It was they who sustained the Torah at that time. It was taught: "All of them died between Pesach and Shavuot." Rabbi Chama bar Abba, or perhaps, Rabbi Chiya bar Abin said: "All of them died a terrible death." What was it? Rabbi Nachman said: "askara."^{5,6}

For centuries, the only references to this *gemara* were concerned mostly with *halachic* matters, such as when the students began and when they finished dying, so as to determine the proper period of mourning after *Pesach*⁷. There is one early source, though, that is primarily a historical work, and that is the letter of R. Sherira Gaon in which he makes a passing reference to the episode of Rabbi Akiva's students:

והעמיד ר' עקיבא תלמידים הרבה והוה שמדא על התלמידים של ר' עקיבא והות סמכא דישראל על התלמידים שניים של ר' עקיבא דאמור רבנן שנים עשר אלף תלמידים היו לו לר' עקיבא מגבת ועד אנטיפטרס וכלם מתו מפסח ועד עצרת והיה העולם שמם

3 Some texts have "מיתה משונה" or "מיתה גדולה".

4 In other words: 24,000 students. This number matches the account in כתובות טב-סג in which R. Akiva amassed 12,000 students twelve years after having left home to study, then 24,000 after studying for another twelve years. (Also see נ"א ע"א.) However, parallel accounts of this story in (יא, ו) קהלת רבה and (ג, סא) מדרש תנחומא (חיי שרה, ו) record 12,000 students (not pairs), and one account in (ו, ו) has 300 students. With regard to why they are counted as pairs, many suggest that students are naturally paired into study partners.

5 *Askara* is a disease mentioned relatively often in Talmudic literature. I will discuss what it is and how it is relevant below.

6 יבמות טב ע"ב

7 See for example תרפז ס' and שו"ת הרדב"ז ח"ב ס' תרפז.

והולך עד שבאו אצל רבותינו שבדרום ושנאה להם רבי מאיר ור' יוסי ר' יהודה ורבי שמעון ור' אלעזר בן שמעון והם העמידוה באותה שעה כדאיתא ביבמות.

*Rabbi Akiva acquired many students, **then there was a religious persecution** against the students of Rabbi Akiva, and the Jews relied on the second set of students of Rabbi Akiva. As the Sages have said: Rabbi Akiva had twelve thousand students from Gabbatha to Antipatros; they died from Pesach through Shavuos and the world remained desolate until they came to our Rabbis in the South and taught it to them. Rabbi Meir, Rabbi Yosi, Rabbi Yehuda, Rabbi Shimon, and Rabbi Elazar ben Shamua; they sustained it [the Torah] at that time, as we find in Yevamos.⁸*

What is interesting to note here is the slight differences between R. Sherira's rendition and that of his source in the Bavli. We find no mention by R. Sherira of the lack of respect being the cause of their deaths, nor does he mention the physical cause, "askara" – the mysterious disease, that R. Nachman mentioned in Yevamos. Most interesting, though, is the phrase in bold above, the phrase that R. Sherira *does* use to describe how the disciples died. The Aramaic word he uses is "שמדא" ("shmada"), which we find most often associated with a religious persecution. But why does R. Sherira deviate from the text of the Talmud, replacing "askara" with "shmada"? Nobody seems to address this issue until the nineteenth century.

A New Theory⁹

In 1851, a book was published called *Moreh Nevuchei HaZman*, authored by the scholar

⁸ Levin, "איגרת רב שרירא גאון" p. 13, Spanish version (1921); The French version of R. Sherira's letter is slightly different and does not include the phrase "והוה שמדא על התלמידים של ר' עקיבא", although it does include the slight differences from the *Bavli* that led Rabbi Shlomo Yehuda Rapoport to his conclusion. See footnote 15.

⁹ Part of the purpose of this essay is to show the development of a theory over the course of generations that involved changing ideologies and different attitudes toward issues like secularism, traditionalism, Jewish philosophy, and "scientific" Judaism. Several of the sources that follow in the essay and in the footnotes are from works that may not be considered acceptable reading by some Jewish authorities today and are by authors who may have acted in ways or took stances toward certain issues that have been detrimental to Judaism and Jewish observance. The situation in Europe in the eighteenth and nineteenth centuries was delicate and hindsight, being more illuminating, often puts certain figures in a bad light. However, the mere fact of an individual's harmful effect on Judaism does not affect the overall value of their scholarship. While we may not value such people as religious mentors or role models, we may value them as thinkers and scholars, and in this case, as historians, and I shall give their opinions credibility as such.

Rabbi Nachman Krochmal (Ranak). In it, Ranak discusses the two main groups in the population of Israel shortly after the destruction of the Second Temple who were divided by their reaction to the Roman decrees against religious practices. Some, he writes, reacted by defiantly practicing commandments and teaching Torah in public, while some outwardly hid their observance, and only practiced the laws in private. Both sides included great sages and ordinary laypeople alike.

אכן נראה כי גברה עתה המחשבה והעצה למרוד גם בין קצת החכמים וביחוד בין התלמידים והבחורים, ויש זכר לדבר גם בתלמוד ובמדרשות, ד"מ: שנים עשר אלף תלמידים היו לר' עקיבא מגבת ועד אטניפרוס (מפוזרים בכל א"י) וכולם מתו מפסח ועד עצרת כלומר שעזבוהו כולם בזמן קצר לעת המרידה ולבסוף ספו תמו במלחמה.

And so it seems that now the idea to rebel gained momentum even among the Sages, and particularly among the students and young men; there is even evidence of this in the Talmud and Midrash, for example: "Rabbi Akiva had 12,000 pairs of students from Gabbatha to Antipros (dispersed throughout Israel), and all of them died from Pesach until Shavuot." In other words, they were all lost in a short time to the era of rebellion, and eventually, they all expired in the war.¹⁰

In this rendition of the *gemara*, Ranak conspicuously leaves out the reference to “askara” and the disrespect between the students, the same exact parts that were skipped by R. Sherira Gaon in his letter. Ranak, however, spells out his intentions quite clearly: Rabbi Akiva’s students died in the war of rebellion against the Romans. He is referring here to the war led by the warrior Bar Kochba, whom the rebellious faction of the population gravitated to as their leader¹¹. I will point out, though, that Ranak attributes the involvement of the students to the fact that the young men were naturally more inclined to be rebellious; he makes no connection to the fact that they were disciples of R. Akiva, and in general seems to gloss over R. Akiva’s involvement with Bar Kochba at all.

However novel Ranak’s idea was when he first considered it, the publication of this idea in *Moreh Nevuchei HaZman* was not the first. Eight years earlier, in 1843, Rabbi Shlomo Yehuda Rapoport (Shir) published a lengthy article in the scholarly

10 N. Krochmal, “מורה נבוכי הזמן” (1863) p. 78.

11 The information we have about Bar Kochba as a person and the history of the revolt is limited. The only historical sources from the time period that remain are the *Talmud Yerushalmi* (which I will quote below) and Dio Cassius’ “*Roman History*”. A few letters signed by Bar Kochba have also been found in the past century (see footnote 22).

Hebrew journal *Kerem Chemed*¹² covering a variety of historical topics. Shir devotes a couple of pages to the consideration of the story of R. Akiva's students and where it fits in the overall timeline of events. His conclusion is that the students were all hunted by the Roman emperor Hadrian because of their Torah study, and particularly because their teacher, R. Akiva, was a known supporter and advocate of Bar Kochba¹³. Between those that were killed fighting alongside Bar Kochba and those that died in the unbearable conditions while in hiding, they were all gone in a short period of time¹⁴. Shir cites R. Sherira Gaon's letter and uses it to support his theory. "*Shmada*" is a term that has definitely been used to describe the Roman persecutions.¹⁵

12 Vol. 7, pp. 183-184. Actually, Shir was a student of Ranak, so it is quite possible that his formulation of the idea comes, in part, from Ranak himself, even though it was published earlier.

13 I will discuss the veracity of this statement in the next section below.

14 The fact that their demise coincides with the period between Pesach and Shavuot allows Shir to speculate that the heat of the desert at that time of year contributed to the conditions which led to the death of many.

15 In fact, Shir posits based on the version of the *braisa* quoted by R. Sherira Gaon that R. Sherira's version and the version in our text of the *Bavli* imply a different course of events. Notice the version in the *Bavli* "עד שבאו אצל רבותינו שבדרום" while R. Sherira has "עד שבאו אצל רבותינו שבדרום" in the plural. The former implies that after the death of the many students, R. Akiva came to the Rabbis of the South to teach them, whereas the latter implies that after the death of the thousands of students, they (i.e. the population of students in Israel) had to go to the Rabbis of the South to be taught (since they were the only *remaining* disciples of R. Akiva).

Shir makes a convincing case for the reliability of R. Sherira's text. After all, the statement that follows in both texts, "והם העמידו באותה שעה," makes much more sense if we follow R. Sherira's version, since the fact that the population came to them to study is exactly how they are sustaining Torah study. According to the *Bavli*'s version, these students of R. Akiva didn't sustain the Torah "באותה שעה," but rather not until later when it was their turn to be the teachers of others.

Additionally, we find "ושנאו להם ר' מור יהודה וכו'" in both texts, but following the implication of the *Bavli* that it was these Rabbis that were being taught and not the ones teaching, it would be more accurate to say "ושנאו להם לר' מור יהודה וכו'".

Accordingly, Shir suggests a slight emendation to the text – "ושנאו להם" instead of "ושנאו להם" – "they taught them" instead of "they taught *it* [the Torah] to them", since the Torah is not mentioned earlier to be modified by a pronoun here. Personally, though, I think the suggested emendation is unnecessary. It is not uncommon to find implied pronouns in Talmudic verbs (so long as the meaning is relatively obvious), especially since in this case we anyways have the same modification words later – "והם העמידו".

What results from Shir's interpretation of R. Sherira's text is the solution to a previously vexing problem. It is known that R. Akiva himself died in the Hadrianic persecutions, which allows for very little time, if any, remaining in R. Akiva's life following the Bar Kochba revolts. If we accept that R. Akiva's original students died in the Bar Kochba revolt or at that time, he would not have had enough time left before his own execution to train his second set of students. This is the problem that prevented Gedaliah Alon from accepting this theory completely (see Alon, "תולדות היהודים בתקופת המשנה והתלמוד", vol. 2, pp. 41-42 [1971]). According to Shir's interpretation, though, these five Rabbis were already disciples of R. Akiva

The next source that we shall consider is *Doros HaRishonim*¹⁶, written in the early twentieth century by Rabbi Yitzchak Isaac Halevy Rabinowitz. One of the purposes of *Doros HaRishonim* is to combat the influence of the *haskala* philosophy on Jewish history, and a lot of space is devoted by R. Rabinowitz to rebutting the theories of earlier and contemporary Jewish historians, including Shir. After much deliberation and a myriad of Talmudic sources¹⁷, R. Rabinowitz concludes that in fact, Rabbi Akiva's amassing of 24,000 students happened before the destruction of the Temple, in which case there is no possible connection to Bar Kochba and the Roman persecution. He insists, therefore, that the students died of a plague, as is implied by the *gemara* in *Yevamos*¹⁸.

While one gets the feeling that R. Rabinowitz tried his best to write the theory of Rabbi Akiva's students' connection to Bar Kochba out of any future rendering of Jewish history, it is clear that this effort was unsuccessful. As the decades passed after *Doros HaRishonim* was published, this theory grew in popularity to the extent that Rabbi Mordechai HaKohen,¹⁹ writing in mid-to-late twentieth century, writes that this theory is "considered and accepted today by everyone."²⁰

before the 24,000 students died; they sustained the Torah by being the "survivor" students of R. Akiva and by teaching the population following the death of the original students. This allows R. Akiva's death to be only shortly after - or even perhaps during the same period as - the deaths of his students.

16 Y. I. Rabinowitz, "דורות הראשונים - אחר החרבן עד חתימת המשנה כרך ב", pp.763-764 (1918).

17 His conclusion seems to hinge on the fact that Rabbi Akiva's father-in-law, Kalba Savua, lived primarily before the *churban*, and assuming these 24,000 students are the same students as in *Kesubos* (see footnote 4), they would had to have lived at that time period as well, in which case it would be strange if those 24,000 students were still around decades later at the time of the rebellion. See also pp. 455-467.

18 R. Rabinowitz does discuss the language in R. Sherira's letter, which doesn't bother him at all. Yes, the term "*shmada*" does usually refer to government persecution and not a plague or any other God-given punishment, but it is entirely plausible that R. Sherira here uses it in the biblical sense for which we see the root "שמד" referring to general destruction or eradication. What is *implausible*, writes R. Rabinowitz, is that R. Sherira would have written something separate from the *gemara* then proceed to cite the *Bavli* as his source. R. Rabinowitz does not seem to consider the possibility that R. Sherira actually had a different text of the Talmud itself, which is in fact what it seems Shir is assuming. Alon (see citation in footnote 15) suggests that R. Sherira was just missing the final statement in the *gemara* ("אמר ר' חמא וכו'") which left him to fill in the cause of death based on his own speculation. But merely the fact that R. Sherira cites *Yevamos* as his source is not to say that his entire description of events comes from the Talmud.

19 M. Hakohen, "ישראל והזמנים (כרך ב)", p. 155 (1981)

20 In the religious world, this idea seems to have been popularized by Rabbi Tzvi Yehuda Kook, who is quoted liberally by many of his students with regard to this issue. (Although I have not managed to gain access to the original source, I have seen it quoted from "שיחות הרב צבי יהודה" (ל"ג בעומר תשכ"ו) "שיחות הרב צבי יהודה". Apparently, R. Kook famously applied R. Akiva's connection to Bar Kochba to explain the episode in ברכות ע"ב in which R. Akiva visits a town and finds no one willing to grant him overnight lodging. Instead, he

Analysis

If we are to accept the theory posed by Ranak and Shir and perpetuated into mainstream historical thought, we must consider, at the very least, three issues. The first, and arguably the most important historically, is R. Akiva's involvement in the Bar Kochba rebellion. From the meager quantity of Talmudic and Midrashic sources that we have on the topic, it is impossible to decide with any certainty the level of R. Akiva's involvement; however, several notable speculations have been made regarding this issue. First, and probably most famous, is the Rambam in *Mishneh Torah*:

אל יעלה על דעתך שהמלך המשיח צריך לעשות אותות ומופתים ומחדש דברים בעולם או מחיה מתים וכיוצא בדברים אלו, אין הדבר כך, שהרי רבי עקיבא חכם גדול מחכמי משנה היה, והוא היה נושא כליו של בן כוזיבא המלך, והוא היה אומר עליו שהוא המלך המשיח, ודימה הוא וכל חכמי דורו שהוא המלך המשיח, עד שנהרג בעונות, כיון שנהרג נודע להם שאינו.

camps in the nearby woods, awaking to find that the Roman soldiers have ransacked the town and he was spared. (This episode is the famous anecdotal promotion of the idea that “כל דעביד רחמנא לטב עביד”). That R. Akiva – such a renowned personality- was denied lodging by the populace, and that Roman soldiers were on his heels begs to be interpreted in light of his connection to the anti-Roman revolution. R. Kook's interpretation is widely quoted.

So widely has this theory been circulated in recent decades that Rabbi Binyamin Lau assumes that the suggestion of this connection to Bar Kochba began with the Zionist reawakening. (See “*The Sages, Vol.II: From Yavne to the Bar Kokhba Revolt*”, 2012; p.411.) Although modern Zionism may account for the theory's boost in popularity, it certainly did not contribute to its origination as we have seen.

In the sphere of academic historical studies, that Rabbi Akiva's students' death is connected to Bar Kochba, is now virtually unarguable fact.

In modern publications, one can find this theory advocated (and occasionally newly proposed) by a wide spectrum of authors in the religious world. Besides for those already cited (and those to be cited below) see R. Eliezer Dunner in (תרצ"ג) חצון יוסף צבי סי' חצון (תרצ"ג) and R. Avraham Korman in (תשנ"א) pp. 190-210. [I am grateful to Eliezer Brodt of the Seforim Blog for these sources. <<http://seforim.blogspot.com/2011/05/printing-mistake-and-mysterious-origins.html>>] Also, R. Yitzchak Weiss in שו"ת מנחת שו"ת מנחת (סי' לח) makes what may be considered an implication to this theory. (Interestingly, he also makes the decision to number the students of R. Akiva at 300, in accordance with the תנחומא. See footnote 4.) An additional interesting source is the popular commentary “עץ יוסף” on מדרש רבה, who mentions, almost in passing, that R. Akiva's students died “in the battle at Beitar”. (See עץ יוסף to the parallel text in קהלת רבה.) The author of עץ יוסף, Chanoch Zundel ben Yosef, lived around the same time as Ranak and Shir, but I have not determined at what point his commentary on מדרש רבה was first published.)

Even Aish HaTorah published an article by Rabbi Ari Kahn on their website in 2006 exploring the connection between Rabbi Akiva's students and Bar Kochba. <<http://www.aish.com/h/o/33o/48970241.html>>

Do not allow yourself to think that it is necessary for the king Mashiach to perform miracles or introduce new creations or bring the dead to life or anything of the sort; it is not so. For Rabbi Akiva was a great scholar from the sages of the Mishna and he was a corroborator²¹ of Ben Koziba [i.e. Bar Kochba²²] the ruler, and he [R. Akiva] said of him that he was the king Mashiach; he [R. Akiva] and all the Sages of his generation imagined that he was the king Mashiach until he was killed on account of his sins. Once he was killed, it became clear to them that he was not.²³

It is not clear exactly where the Rambam gets this information from.²⁴ The most relevant source we have is the *Talmud Yerushalmi*:

תני רבי שמעון בן יוחאי רבי עקיבה היה דורש דרך כוכב מיעקב דרך כוזיבא מיעקב.
רבי עקיבה כד הוה חמי בר כוזיבא הוה אמר דין הוא מלכא משיחא א"ל ר' יוחנן בן
תורתא עקיבה יעלו עשבים בלחייך ועדיין בן דוד לא יבא.

Rabbi Shimon ben Yochai taught: My teacher Akiva would expound: "A star (kochav) has come forward from Yaakov" – Koziba²⁵ has come forth from Yaakov. When Rabbi Akiva would see Bar Koziba, he would say, "This is the king Mashiach." Rabbi Yochanan ben Torta said to him, "Akiva, grass will sprout from your cheeks²⁶ and the Son of David [Mashiach] still will not have come."

21 Although I translated "נושא כליו" as "corroborator", the literal translation is "carrier of vessels or tools". R. Yitzchak Abarbanel (פ"ד, עיון א, ב, עיון א, פ"ד) (ישועות משיח, ח"ב, עיון א, פ"ד) claims that R. Akiva was literally an assistant and weapons-carrier of Bar Kochba. Others – including R. Tzvi Hirsch Chayos (אמרי בינה, סימן ו) – take it to mean that R. Akiva was an extreme supporter.

22 While he was in power and had the favor of many of the Sages, he was called Bar Kochba because of his comparison with a "star (כוכב) that shoots forth from Jacob" (see below). After it became clear, though, that he was in fact not the *Mashiach* after all, he is widely referred to as "Ben/Bar Koziba", a play on his name emphasizing his role as a false messiah. ("כזב" means falsehood.) From the evidence of letters that were written by Bar Kochba, found in the mid twentieth century, it is likely that his original name was Bar Kosba ("בר כוסבא"), called so for the area from which he hailed. [See Yigael Yadin, *Bar Kokhba: The Rediscovery of the Legendary Hero of the Last Jewish Revolt Against Imperial Rome* (1971), p.124.]

23 משנה תורה הל' מלכים פי"א ה"ג 23

24 In fact, given that the Rambam is usually so meticulous in *Mishneh Torah* about only quoting verified sources and not including un-sourced or speculated material, R. Mordechai Hakohen insists that the Rambam must have had access to an unarguable source that we have lost. (See n. 19.)

25 Here, the Talmud uses "Koziba" as Bar Kochba's name. It is probably inserting his later epithet into R. Akiva's words.

26 i.e. many years will pass after your death.

Even though it seems clear from the *Yerushalmi* that R. Akiva did see Bar Kochba in a favorable light, it is not clear from this source how involved R. Akiva was in his revolution, nor do we have any context for when this exchange took place. Even if R. Akiva did endorse Bar Kochba at some point in time, when that was and how long it lasted is anybody's guess. And guess they did.

Later recorders of Jewish history emphasized R. Akiva's involvement even more than the Rambam did. Although there are many sources to consider, we will examine two. First is Rabbi Zecharia Frankel in *Darchei HaMishna*. In discussing R. Akiva's life, R. Frankel writes:

אבל ימיו של ר"ע לא היו ימי השקט ובטח, כי רוח ה' החלה לפעמו גם בעת זקנותו ועוררתהו להוביל רגליו למרחוק למדינות אשר שם בני ישראל יושבים: לכרכי הים לגנוק, לגליא, לאפריק, לערבא, להביא ידם בברית נגד הכובש הרומי ולהחזיק ידי בר כוכבא...
*But the life of R. Akiva was not safe and serene, for spiritual inspiration stirred him even in his elderly years and he was inspired to travel afar to countries in which Jews resided: to coastal towns, to Gazaca, Gaul, Africa, Arabia; to unite them against the Roman occupiers and in support of Bar Kochba...*²⁷

R. Frankel takes note here of scattered references R. Akiva makes to his various travels²⁸, and assumes that these travels were for the purpose of promoting the idea of Jewish autonomy and raising support for Bar Kochba among Jews abroad. By the time we get to our next source, R. Akiva becomes the leader of a movement comparable to the Zealots of the Second Temple era. In *Dor Dor V'Dorshav*, Rabbi Isaac Hirsch Weiss, a prominent historian, writes, like Ranak, about the different factions among the Israeli populace after the destruction. According to R. Weiss, many people gave up hope for any form of redemption and strove to maintain amicable relations with the Romans. Others, however, took an approach of fierce resistance to the Romans, yearning for independence and willing to fight for it.

בראשם עמד עקיבא בן יוסף. הוא עקיבא אשר אמרו עליו ששמו הולך מסוף העולם ועד סופו מפני חכמתו ותורתו, הוא עקיבא הנודע על ידי מסעותיו אשר נסע לכל מקומות מושבות היהודים הקרובים והרחוקים והלהיב את הרגשות הלאומיות בקרב בני עמו המפוזרים למען יהיו נכונים למרידה כללית נגד הרומיים.
At their head was Akiva ben Yosef, of whom was said that he was known from one

²⁷ Z. Frankel, "דרכי המשנה" p. 120. (1859)

²⁸ R. Frankel is not the only one to call attention to sources referencing R. Akiva's mysterious travels; other historians have provided lists of such sources. R. Rabinowitz (see citation below) scrutinizes these sources and, while he demurs several of them, he validates many.

*end of the Earth to the other on account of his wisdom and Torah knowledge. He is Akiva who was renowned for his travels to all the places where Jews lived, near and far, and ignited the nationalistic feelings of his scattered people, so that they would be prepared for an all-out rebellion against the Romans.*²⁹

R. Weiss is making it sound like R. Akiva was Bar Kochba's campaign manager, or some sort of leader of a nationalist movement that was sweeping the nation. Is R. Weiss going too far? We can guess who would think so. Once again, we need only look toward R. Rabinowitz's *Doros HaRishonim*³⁰ for dissent. R. Rabinowitz acknowledges that R. Akiva was originally in favor of Bar Kochba; one cannot deny that implication of the *Yerushalmi*. However, he claims that R. Akiva withdrew his support shortly thereafter, certainly long before the rebellion gained momentum. While I would agree that R. Weiss does push it a bit far with his description of R. Akiva's position in the rebellion, R. Rabinowitz also seems to be a bit extreme in his denial. A moderate approach would be to assume that R. Akiva *was* a supporter of Bar Kochba, even with the dissent of some of the other sages of his generation. This allows us to accept the possibility that R. Akiva may have influenced his students to join the ranks of Bar Kochba, which eventually led to their downfall.³¹

The second issue we will discuss is the reconciliation of the Bar Kochba theory with the statement of R. Nachman in *Yevamos* that R. Akiva's students died of *askara*. The consensus today is that *askara* in the *gemara* refers to diphtheria³², an infectious

29 I. H. Weiss, "דור דור ודורשי" Vol. 2 (1871), p. 3.

30 Y. I. Rabinowitz, "דורות הראשונים - אחר החרבן עד חתימת המשנה" Vol. 2 (1918), p. 591. R. Rabinowitz admits that while Bar Kochba was the active ruler in Jerusalem (of which there is indisputable archeological evidence), R. Akiva could have thought him to be Mashiach, but claims that he changed his mind at least a year before the battle in Beitar. At that point, R. Akiva could not possibly have thought that Bar Kochba fulfilled the prophets' predicted characteristics of the Mashiach. [Abarbanel (see citation in footnote 21) goes to great lengths to justify R. Akiva's thought process with regards to Bar Kochba, but it seems that R. Rabinowitz was not convinced.]

31 As I mentioned above, according to Ranak, there is no need to associate R. Akiva with Bar Kochba at all. The way Ranak puts it, the rebellion naturally attracted the younger generation, many of whom were students of R. Akiva.

32 This conclusion is most convincingly argued by J. Preuss in *Biblical and Talmudic Medicine* (2004; pp. 157-159). Until then (Preuss first published his work in 1911), the theories varied. Rashi's designation of the disease as "*bon malan*" is impossible to decipher; Hanoch Kahut, in his notes to on the Aruch (*Aruch HaShalem*, 1873), identifies the disease as scarlet fever, which he writes that he had confirmed with two doctors by presenting them with the symptoms described in the Talmud, but which Preuss insists is "under no circumstances correct." In my mind, it is less likely altogether that *askara* refers to a single identifiable disease throughout Talmudic literature. More plausible is that different diseases and maladies were referred to as *askara* in different cases over different time periods due to their apparent similarities and shared symptoms to diseases recorded as

disease that results in terrible pains and difficulty swallowing and breathing. (No cure to diphtheria existed until 1891.³³) If this was indeed their cause of death, how is it related to the rebellion? Shir suggests that the students died “because of their being driven into hiding into the surrounding deserts; they then were killed by the sword, or by hunger, or by various terrible diseases which – it is reasonable to say that – *askara* was among them.” However reasonable that might be to say, though, it seems unlikely that R. Nachman would identify the death of the students as *askara* just because some of them may have died of this disease. Others point out that “אסכרה” is strikingly similar to “אסכרי”, which in related Turkish-Arabic means soldiers or cavalry, suggesting that R. Nachman’s intention may not have been to identify a plague as the students’ cause of death at all,³⁴ but rather through the Roman soldiers who hunted them or who they fought with directly at war. Another explanation,³⁵ one that I find particularly appealing, is that R. Nachman’s intention is to imply the *reason* – rather than the cause – of their deaths, since

askrara in the past. [According to this idea, we can extend Shir’s reconciliation with the *gemara* (see above) and propose that “*askara*” may refer to a variety of diseases that infected the students of R. Akiva in the intense conditions of their hiding.]

Philologically, it is most likely that “אסכרה” is a Hebrew transliteration of the Greek “*eschara*”, even though it makes Preuss uncomfortable that the Greek word is only found in the writings of Aretäus, and that the word has found its way into a wide cross-section of Talmudic literature therefore seems unlikely. (In fact, Preuss would rather say that it was Aretäus who was transcribing the Hebrew/Aramaic word into his native Greek; he is only forced to conclude otherwise based on a letter he cites showing that “*askara*” is not a Semitic word.) The attempt in the Talmud (שבת לג ע”ב) to tie אסכרה to the verse in Psalms (63:12): “המלך ישמח באלהים יתהלל”: “אסמכתא בעלמא,” is merely wordplay, or as Kahut puts it,

33 J. M. Barry, *The Great Influenza; The Story of the Deadliest Pandemic in History* (2005) p. 70.

34 See Chaim Koltz, “ראש לחכמים” p. 177 n. 11 (1980); and Dov Zodikovitz, “כוכבא בגבולות” ביתר ומלחמת בר כוכבא בגבולות” p. 100 (1988). Interestingly, Rabbi Shmuel David in “צהר” (Issue 6; 2001; p. 150) questions the Talmud’s openness here regarding the Bar Kochba revolt. He suggests that the *gemara* may be intentionally using ambiguous language to cover the fact that the students did indeed die in the revolt.

35 This explanation is provided by Chaim Licht in “על מותם של תלמידי רבי עקיבא” (<http://lib.cet.ac.il/Pages/item.asp?item=16918>). Licht conducts a rigorous analysis of the parallel texts in *Yevamos*, *Koheles Rabba*, and *Bereshis Rabba* and concludes that the core of the text in the Talmud is of Israeli Tannaitic origin, being that it matches – for the most part – the *midrashic* texts. The final statements, though, (“תנא כולם מתו מפסח” וכו’) are later add-ons from the Babylonian *Amoraim* and are primarily meant to be literary and symbolic in nature. Notably, he also believes that the identification of the “time period” as that which is between *Pesach* and *Shavuot* is a symbolic reference to the fact that the students were being killed as a punishment for their actions; he bases this on בי, עדייות:

משפט רשעים בגיהנום שנים עשר חודש שנאמר (ישעיהו ט, כז) “והיה מדי חודש בחודשו”. רבי יוחנן בן גורי אומר: מן הפסח ועד העצרת שנאמר (שם שם) “ומדי שבת בשבתו”.

askara is elsewhere³⁶ identified as the punishment for excessive slander.³⁷

And this brings us to the third issue we must discuss, which is the relevance of the Bar Kochba connection to the fact that Rabbi Akiva's students did not treat each other respectfully³⁸. Although neither Ranak nor Shir mentioned any connection between the revolution and the enmity between the students, such a connection is begging to be made. Numerous suggestions have been made in more recent years, some more creative than others³⁹. Perhaps the most poignant was written by Rabbi Shmuel David in the journal *צהר*⁴⁰:

שבת לג ע"א 36

37 See also "טל אורות: ויקרא" (pp. 81-82) by R. Shlomo Aviner, who writes that "אסכרה" is merely the Talmud's way of saying "died a terrible death". However, one would think that stopping at R. Chama's statement ("כולם מתו מיתה רעה") without continuing would have been sufficient, the rest ("א"ר נחמן" "אסכרה") being completely superfluous according to R. Aviner. I would rather suggest that R. Nachman's saying is a later unrelated addition. In other words, R. Nachman identifies "מיתה רעה" as אסכרה *in general*, and the *gemara* here adds it in to try and identify a phrase in an old Tannaitic teaching. [It would be more fortuitous if the saying here were from R. Nachman bar Yitzchak (R. Nachman without specification is usually R. Nachman bar Yaakov) being that he makes suspicious appearances in other places where *askara* comes up. For example, in ע"א לה סוטה:

וימותו האנשים מוציאי דבת הארץ רעה במגפה אמר רבי שמעון בן לקיש שמתו מיתה משונה אמר רבי חנינא בר פפא דרש ר' שילא איש כפר תמרתא מלמד שנשתרבב לשונם ונפל על טיבורם והיו תולעים יוצאות מלשונם ונכנסות בטיבורם ומטיבורם ונכנסות בלשונם ורב נחמן בר יצחק אמר באסכרה מתו

Notice the uncanny resemblance to our *gemara*, with the reference to "מיתה משונה" (see footnote 3), and it's identification by R. Nachman (bar Yitzchak) as אסכרה. And another similar, yet less uncanny text in ברכות ח ע"א:

רב נחמן בר יצחק אמר לעת מצא זו מיתה שנא' למות תוצאות תניא נמי הכי תשע מאות ושלשה מיני מיתה נבראו בעולם שנאמר למות תוצאות תוצאות בגימטריא הכי הוה קשה שבכלן אסכרא נחא שבכלן נשיקה

Actually, looking at older manuscripts of the text in *Yevamos*, one will find that virtually all of them do indeed have R. Nachman bar Yitzchak as the source of the final statement. (I found one that has simply – R. Yitzchak.) This gives my suggestion a bit more credence. In fact, I would not be surprised if this appended saying was originally a note in the margin of a Talmudic manuscript referencing another statement of R. Nachman's, as it is common to find marginal notes interpolated into the main text of later manuscripts and printed editions.]

38 The versions of the story in *מדרש רבה* (see footnote 4) specifically say that the students were selfish when it came to Torah study. (It has R. Akiva telling the second set of students "לא מפתני הראשונים לא מתו אלא מפני" "שהיתה עניניהם צרה בתורה זה לזה".) Although the version in *בראשית רבה* does not have the word "בתורה".

39 I have in mind that which was said in a speech by Rabbi Moshe Zvi Neriah and transcribed in the journal "אמונת עתיד" (Issue 41; 2001). According to R. Neriah, the Talmud was trying to hint to the reader that the students of R. Akiva died in war. The laws of respect toward one's elders and superiors are waived in certain instances, particularly in times of battle when such etiquette is uncalled for and wastes precious time. That the students at the time of their deaths were exempt from showing the usual required politeness to their fellows is what the *gemara* means by "לא נהגו כבוד זה בזה".

40 Issue 6 (2001), p. 150.

ייתכן שהיו חילוקי דעות ביחס למרד, והם גררו עוינות בין הצדדים, כשם שהיה בימי החורבן בין המתונים והקיצוניים. משום שחילוקי דעות בענין כה גורלי לא תמיד נשמעים מתוך כבוד וסבלנות, לכן מפני שלא נהגו כבוד זה בזה, זה בדעתו של זה, חילוקי הדעות יצרו יריבויות שפגעו בלחימה, ובסופו של דבר המרד נכשל.

It is possible that there were differences of opinion with regard to the rebellion, and this caused enmity between the two sides, just the same as what happened at the time of the destruction of the [second] Temple between the moderates and the extremists. Because disagreements about such crucial matters are not always conducted with tolerance and patience, therefore since [the students] did not show respect to one another - that is, to the opinions of one another - this disagreement created rivalries which affected their fighting. Because of this, the rebellion failed.

It is natural to assume that there would be different reactions to the rebellion even among those who were busy fighting in it. The fact that the students⁴¹ failed to conduct their arguments with respect toward each other's opinions generated a level of antagonism among them that they could not even successfully fight in a unit. I would suggest along the same lines that the students of R. Akiva were divided regarding the rebellion altogether⁴². As we have seen, there was opposition toward Bar Kochba even among the Sages, and there is no reason to assume that the students of R. Akiva agreed with their teacher's political views. As is unfortunately clear to anyone who has witnessed

41 In reality, R. David denies that the term "תלמידים" here literally means "students". It seems unlikely that R. Akiva was able to amass such a large quantity of תלמידים, a term which is usually used in the Talmud to describe a more intimate master-disciple relationship. Instead, the "תלמידים" here are guerilla fighters recruited by R. Akiva to fight for the cause of Bar Kochba. (R. Hakohen also claims that the term is occasionally used to imply "followers" rather than "students".)

If R. David is correct, it is also necessary to reinterpret the stories in *Kesubos* cited in footnote 4, or to understand the numbers as exaggerations (in which case there's no reason not to do so here as well). While such a thing is possible, it strikes me as far-fetched, which is why I prefer to suppose that the "תלמידים" are indeed students of R. Akiva.

42 The consequence of this suggestion is that only some of the students actually fought in the Bar Kochba revolt. Those others that opposed it ideologically did not fight, and thus cannot have been killed in battle. Like Shir, I would hypothesize that because of R. Akiva's known support of Bar Kochba, his students were targeted by the Romans regardless of their political affiliations. Between those that died fighting with Bar Kochba and those that were hunted and killed or died in hiding, they all disappeared in that one time period. To clarify, while R. David postulates that their disrespect, which stemmed from their intolerance, was the *cause* of their death in that their fighting suffered because of it, I am suggesting that their disrespect was the *reason* for their death in that because of their intolerance, they were subjected by God to death through various means.

an ideological disagreement, tolerance does not often reign. Perhaps this is what the *gemara* intends when it says that the students of R. Akiva did not conduct themselves with respect toward each other.

Lessons Learned

Now that we have analyzed the connection between Bar Kochba and the disciples of R. Akiva, it remains to be considered what relevance this has to us and especially to the period of *Sefiras HaOmer*, during which we mourn the loss of these students. Of course, the loss of so many Jewish Torah scholars was a catastrophic event, but as we know, Jewish history has no shortage of tragedies, some more horrific and even larger-scale than this⁴³. Even if we were to suggest that we are mourning the loss of a generation of Torah scholarship, does not the *gemara* tell us that the remaining students of R. Akiva “sustained the Torah at that time” in their stead? Perhaps we are mourning the failure of Bar Kochba to culminate the exile. Just as the three weeks between 17 Tammuz and 9 Av are dedicated to mourning the loss of the *Beis HaMikdash* and our exile, the period between *Pesach* and *Shavuos* is dedicated to mourning the lack of a speedy redemption.⁴⁴ Or perhaps we are mourning the period of the Roman persecutions as a whole, including the anti-religious decrees and the executions of the ten martyrs.

Be what may, it is not for naught that the *gemara* describes the reason for their death. “For they did not show respect toward one another.” Now that we can understand the full implications of that statement, we can understand what we are expected to learn from the students of R. Akiva. The Bar Kochba rebellion caused such hostility and bitterness among the people at that time that even the *talmidei chachamim*, from whom we generally expect graciousness, could not manage to treat each other properly, or show respect to those with differing opinions. Out of all the growth that we can be expected to focus on during the period of *Sefiras HaOmer*, I think that a sense of unity that pervades

43 Notably, the *Aruch HaShulchan* (אורח חיים, תצג, א) adds (writing in the late 19th century) that “the main time of decrees in the past centuries in France and Germany were in this period, as is clear from the *piyutim* that our forebears made about these weeks between *Pesach* and *Shavuos*; they are full of laments...” He is likely referring to blood libels and pogroms that followed, being that they were often connected to *Pesach*-time.

44 This is R. David’s suggestion in his article (citation in footnote 41). He believes that the custom to follow practices of mourning during this period was started by the masses, rather than enacted by Rabbinic leadership; it was later accepted fully into mainstream *minhag*. It is an interesting suggestion, and certainly not far-fetched, being that false messiahs are among the greatest tragedies our nation bears. The effects of Shabtai Zvi are still being felt today, so it is no surprise that Bar Kochba’s failed attempt at redemption was a blow that the people felt deserved a mourning period of its own.

ideological or political controversy is a reasonable – if not essential – quality on which to focus. I am not the first, nor will I be the last, to bemoan the conduct between rival religious groups. But, if we can try to show decency and respect even to those across ideological borders, maybe we can expect a future more successful than Bar Kochba's.

Life's Best Kept Secret

NOAM CASPER



Based on a shiur given by Rav Moshe Weinberger at the hilula of Rashbi, 5769

At the end of the *Zohar Hakadosh*, in the *Idra Zuta*,¹ it records that when Rebbi Shimon's holy soul left our world, Rebbi Shimon was teaching a very deep idea in which he began a *pasuk* but didn't finish it. Ever since he left our world, we have been finishing that *pasuk*. He left the world with the words "כי שם צוה ה' את הברכה" "כי שם צוה ה' את הברכה",² "For there Hashem has commanded the blessing. May there be life forever." But he did not finish the *pasuk*. Before he was able to say the word "חיים", he was silenced.

בר יוחי אשרי יולדתך אשרי העם הם לומדך ואשרי העומדים על סודך לבושי חושן תמין
ואוריך

*Bar Yochai, Fortunate is the woman who gave birth to you,
And fortunate are the people who learn what you taught
And fortunate are those who truly understand your secrets
Who are enclosed in the urim v'tumim of your teachings*

Rebbi Shimon left the world without being able to say the words "חיים עד העולם". Two questions must be raised. Firstly, how do we finish that *pasuk*? Secondly, and more importantly, ואשרי העומדים על סודך, "fortunate are the ones who understand your secrets", what are those secrets of Rebbi Shimon?

In truth, there are two types of secrets. One kind is when a person has some exciting news. (We usually consider a secret something that is told to one person at a time.) There is some news that we want to tell the whole world, but it's not the right time or place. We know that when it is the right time and place to tell that secret, we'll have no

1 296b

2 *Tehillim* 133:3

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problem telling it. “Did you hear so-and-so is getting married?” “Did you hear so-and-so is expecting?” This is one kind of secret, but this is not a secret in its essence. A secret that you can tell, even if you don’t tell anybody, is not truly *sod*, a secret. It is something you haven’t told yet, but it can be told. What then is a real secret?

Perhaps we can understand secrets through the following *mashal*. When a person loves another person, that love is a true secret. As much as one person might tell the other person how much he loves him or her, it doesn’t make a difference, because even after he lets the secret out, the *sod* has not been violated. It is still a secret.

In other words, it is possible to have a person who is learning a *pasuk* in *Chumash*, with an English translation, (the revealed Torah), or reading a *mishna*; completely revealed Torah (neither *Zohar*, nor *Kisvei Ha’Ari*). If he’s completely invested and immersed in that *pasuk* or *mishna* and feels it in his *neschama*, he is connected to what is called *sod*, the secret of Torah.

It is equally possible to have a person who is learning and understanding the most complicated piece of the *Zohar* or the *Ari*, but he is learning it in a way of *muskalos* (intellectualism). He has not even touched *sod*, even though he’s learning *Zohar*, and his friend at the end of the table is learning *Chumash* with Rashi. A person reading a *pasuk* with his heart is connected to what he is learning. That person is in the world of *sod*. On the other hand, a person could be giving a *drasha* in the holy *Zohar*, and even though he’s talking about *sod*, his entire learning is *nigleh*, revealed.

Perhaps we can take this idea a little deeper. A single guy decides to write an encyclopedia on the subject of love and he works on it for many years. He explores the *halachos* of *ahava*, whatever those are, and the *hashkafos* of *ahava*; the *mussar* of *ahava*; *chasidus* of *ahava*; stories of *ahava*, and he has a multi volume encyclopedia all footnoted with thousands of sources that he has put together on the subject of *ahava*. On the day he intends to publish the encyclopedia he meets a young lady. For the first time in his life, he feels love. He feels love for somebody else, and he feels loved by somebody else. Until now he has written twenty volumes on the subject of *ahava* and it is only now for the first time in his life that he has been transformed into someone who loves. After going out a few times and being head over heels in love with this girl, he looks over at the encyclopedia on his table and his ears turn red. He feels humiliated and embarrassed because he understands for the first time in his life that the twenty volumes he just wrote are all *chitzoni* – artificial and shallow. All the years that he was working on the encyclopedia, he was writing about the idea and the concept of love, but he and love were two totally separate things. And then, for the first time in his life he experiences

dveikus (attachment, cleaving). He and this concept, he and *ahava*, are one. He is no longer a person writing about *ahava* – he himself is a *cheftza* (a part of the reality) of *ahava* that he never felt in his life.

The same applies with Hashem. A person can write many *seforim* about Hashem, but he and *Ha’Kadosh Baruch Hu* can be two separate realities. He never tasted God; he never felt *Ha’Kadosh Baruch Hu*. Even though he may have written a doctoral thesis on the secrets of Torah, he doesn’t have the slightest bit of connection to *sod*. Only through *dveikus* with Hashem can a person actually feel Hashem’s closeness.

Regarding *Pesach Sheini*, the Torah says³ that if someone is impure, or is *בדרך רחקה* (far away), instead of offering a *korban Pesach* on the 14th of Nissan, he should offer it on the 14th of Iyar. Rashi there says that *בדרך רחקה* means, “לא שרחוקה ודאי, אלא שהיה חוץ, לא לאסקופת העזרה.” Not that he is necessarily far from the *Beis Hamikdash*, rather he can even be right outside the *Azara* (the courtyard) of the *Beis Hamikdash*, yet he is still considered to be *בדרך רחקה*! The Kushnitzer Maggid asks what does “*בדרך רחקה*” mean? He explains that being inside the *Azara* means, that when you say the words “*ברוך אתה*” at the beginning of a *bracha*, you feel it with all the warmth, affection and certainty you would when saying it to a friend. *בדרך רחקה* means the opposite.

If a person doesn’t feel close to Hashem when he says the words, “*ברוך אתה*,” then, according to the Kushnitzer Maggid, he is *בדרך רחקה*. Although he may learn a great deal of *Zohar* and other *sifrei kabbala*, he is still *בדרך רחקה*. He is still outside. It is all still called *nigleh*, revealed, which is a *lashon* of *galus*, exile. This person is far away.

What emerges is a *ונהפוך הוא*. The fellow who was saying all sorts of fancy things from the *Zohar* is outside, as he does not feel God. When he *davens*, he is thinking of some *peshat* he saw on some *pasuk* somewhere. He can’t say “*ברוך אתה*”. He is *kulo nigleh* – completely revealed! The simple Jew who is in love with the *Ribbono Shel Olam* and just says “*You*,” is in the place of *אשרי העומדים על סודך*.

What did Rabbi Shimon teach us? A person can spend his whole life learning the *sugya* of *Ha’Kadosh Baruch Hu*, but all of a sudden, the most beautiful thing in life happens, and it becomes completely clear to him. He feels it in his *kishkas*, that *Ha’Kadosh Baruch Hu* is *Melech Chai V’kaiyam*! He’s a living God! There is no one else in the world he can tell that secret to. At that moment, *Ha’Kadosh Baruch Hu* has stopped being an entry in the encyclopedia, and He has become a real living reality!

In truth, this is all based upon a teaching of the *Yosher Divrei Emes*⁴, one of the early

3 *Bamidbar* 9:10

4 *Yosher Divrei Emes*, 18b

talmidim of the Baal Shem Tov:

ענין אהבת הבורה ויראתו ית"ש אי אפשר לפרש לחבירו איך היא האהבה בלב. וזה נקרא נסתה, אבל מה שהם קורים נסתה חכמות הקבלה האיך הוא נסתה הלא כל מי שרוצה ללמוד הספר לפניו ואם אינו מבין הוא ע"ה ולפני איש כזה גמרא ותוספות ג"כ נקרא נסתה אלא ענין הנסתרות שבכל הזהר וכתבי האריז"ל הכל בנוים ע"פ דביקות הבורה

What is the idea of loving Hashem and fearing Hashem? It is difficult to explain to someone what it means to feel deep love for Hashem in your heart. That is called a secret. What, then, are the secrets of Toras HaNistar? The nistar that is referred to in the Zohar and the Kisvei Ha'Ari, are matters which are all built on dveikus, attachment, to Hashem.

Rebbi Shimon taught the world to stop being רחקה בדרך, to stop talking about God. He taught the world to stop living a life when you can't honestly say "ברוך אתה". Rebbi Shimon encouraged people to stop speaking about *Ha'Kadosh Baruch Hu*, and instead to live life feeling His closeness and His presence. The whole purpose of learning, Rebbi Shimon revealed, is *dveikus ba'Hashem*. *Sod* doesn't mean that one needs to be a person who understands *kabbala*. *Sod* means that each and every Jew can feel every cell in his body come alive with God from just saying a *kapital Tehillim*, a *Mishnah*, a "ברוך אתה"!

Open a *Kedushas Levi*, a *Noam Elimelech*, a *Rav Tzadok*, a *Nefesh Ha'Chaim*, or a *Gra*. But don't open it up to understand it like an encyclopedia. Don't open it up to see what *chiddush* you can say over at your next speaking arrangement. Don't open it up, close your eyes and move your head, so everyone will say "woo woo, this guy's really deep."

Rebbi Shimon took simple Jews like us and he said "תא חזי." I want you to see the *Boreh Olam*, כי שם צוה ה' את הברכה חיים עד העולם, Rebbi Shimon was not able to finish the *pasuk* and it is incumbent upon us to finish העולם and to feel that the *Boreh Olam* is a *leibadika God!* He's not an idea. He's not a concept. He's חיים!

Ahava and *yirah* mean *dveikus*. They mean to be in love! Not to talk about love. To be in love. And that is *geula*. *Galus* comes from the root *gilui*, meaning revealed. It means shallow and empty. It means encyclopedias and books. It means not feeling and not being there. *Geula* means being there!

Let's conclude with a short story. In England at the end of the 19th century there was a poetry reciting competition with five finalists, and the final poem to be read was the 23rd Psalm – מזמור לדוד ה' רואי לא אחסר. This is of course, in the eyes of the world, a great masterpiece of poetry. The finalists were reciting this poem with their great diction,

and there was a young man who was really terrific. The entire audience was cheering and everyone stood up and gave him a standing ovation. It was clear that he was going to be the winner. Suddenly from the back of a room, an old Jew with a long white beard and *peyos* stood up and said with a heavy Eastern European accent: “Gentlemen, would you mind if I try that?” They agreed, and the old Jew got up and started to say in broken English “מזמור לדוד ה' רועי לא אחסר”. For the first five seconds people were smiling – it was entertaining. After thirty seconds people were dumbstruck, and by the time he finished everybody was crying. He sat down and of course they awarded the first prize to the young man. As they were leaving the auditorium the young man came running after the old Jew and said, “Rabbi rabbi, the truth is, the prize belongs to you.” The rabbi replied, “I’m not interested in awards.” The young man said, “Rabbi, I must ask you, why is it that when I recited the 23rd Psalm, that everybody was clapping and I received a standing ovation and this award, but when you recited the 23rd Psalm, everybody was crying?” The rabbi put his arm around the young man and said, “The difference between you and me is that I know the shepherd. I have a relationship with the shepherd.”

Hashem Yisbarach should help each and every one of us realize that we can be close to Him even in difficult times. May we all experience that closeness and merit to speak with Him *k'dabeir ish el re'eyhu*.

Epilogue

The Rav Weinberger portion of the *d'var Torah* is over. Now it is just a simple man's words about his personal *ahava* and *sod*, with his very special wife.

It was somewhere around the two and a half years of marriage point where it became very clear that I had become a *cheftza* of *ahava* with Daniella. That the relationship we had, had moved, at least for me (she was more advanced - I think she felt it earlier) to a new level. I can't tell you what it felt like. It is impossible. It is *sod*. I can say that it was the greatest, yet very subtle, feeling. It was not something that came easy - it is not something that comes easy. It is something that was worked on.

The *ahava* we feel is not dependent on the other person, it is dependent on ourselves. It requires that we personally take the time and energy to think about it. One should ask himself, “Am I thinking about a closer relationship with my wife? Am I building a *kesher nafshi*?” These feelings are no less true for our relationship with Hashem (and all other relationships). “How am I making more room for Hashem in my life? Do I even want a *kesher nafshi* with the Almighty?”

Daniella and I in many ways were *davuk* to each other. The huge chasm of longing

that became my heart is a testimony to that. What I have been feeling over the past few weeks is that I miss Daniella so much. Almost no other feeling or thought has been able to push this longing out. *Ki cholas ahava ani*. The feelings of *dveikus* now are significantly stronger than they were before her passing. It's a new level of *sod*, in a place where *sod* already existed. I wish we had the time to develop the *sod* more. To make her more a part of me, and me more a part of her. There is nothing in the world, nothing, that I want, more than to be with Daniella.

Maybe there are people reading this that have the opportunity to build this *dveikus*, this attachment, with their spouses - the *dveikus* that I am longing for. I recommend not taking this opportunity for granted. Build this relationship with them and build it with Hashem. *Yehi ratzon* that we will be able to see the *geula amitis bimheira b'yameinu, amen, v'amen*.

Can *Sefiras Ha'Omer* help maintain balance in our lives?

DAVID R. SCHWARCZ



Based on the *Nesivos Shalom* (R' Shalom Noach Berezofsky)
L'ilui Nishamas Devorah Leah Bas Shmuel Shlomo a"h

The *Nesivos Shalom* compiled nine comprehensive essays dealing extensively with *Sefiras Ha'Omer*.¹ In the sixth essay he deals with a confounding *midrash* in *Vayikra Rabba*² which presents as follows: “Rabbi Yochanan states that the *mitzva* of counting the *omer* should not appear trivial in one’s eyes due the fact that Avraham merited the land of Israel for his performance of such a *mitzva*.”

The *midrash* further states that “Avraham and his progeny inherited the land of Israel based on the observance of the *bris*. Indeed, the *bris* referenced herein is the *mitzva* of *Sefiras Ha'Omer*.”

The *Nesivos Shalom* queries that the obvious reference of *bris* in this *midrash* should be *bris mila* and not *omer*. What is the connection between inheriting the land of Israel and observance of the *mitzva* of counting the *omer*?

Furthermore, what compels the *midrash* to observe that “one should be ever vigilant in the observance of the *mitzva* of counting the *omer*” as opposed to any other *mitzva*?

In order to provide a cogent explanation for the *midrash*’s seemingly perplexing

1 *Nesivos Shalom*, Volume 2, pages 311-333. It is reputed that the *Nesivos Shalom* author actually penned these essays in contrast to the various essays on the each *Parasha*.

2 *Vayikra Rabba*, Ch. 28.

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observation of the opaque relationship between *Sefiras Ha'Omer* and inheriting the land of Israel, *Nesivos Shalom* introduces the esoteric concept of “streams of consciousness.” More specifically, he posits that a person experiences variable levels of consciousness wherein at times one is overcome by “constricted consciousness” and on the polar opposite extreme “streaming consciousness.”

The *Nesivos Shalom* applies these modes of consciousness in reference to performance of *mitzvos*. Significantly, the minimum requirement of כוונה is the basic intention to perform the physical act.³ Accordingly, a child fulfills his *mitzva* of *mila* just by the physical act of circumcision even though the child has no cognition of the act of circumcision. The act of circumcision is *ipso facto* fulfillment of the *mitzva*.⁴

Notwithstanding the lack of requirement of intentionality, in the merit of Avraham and his progeny's faithful observance of *mila*, *Bnei Yisrael* inherited the land of Israel. *Nesivos Shalom* posits that the performance of *mila* in a non-cognitive state evinces the person's pure commitment to enter into the *bris* with Hashem and freely join the covenantal community.⁵

The corollary to *mila* is the counting of the *omer* which is performed by the Nation of Israel. Whereas a child is circumcised without awareness of the act of *Mila* and consequently gains unqualified entry into *Klal Yisrael*, the Nation of Israel on the other hand performed the *mitzvah* of *Sefiras Ha'Omer* in its nascent stage after leaving Egypt as a prerequisite for receiving the Torah, thereby gaining entry into the land of Israel. Both *mitzvos* are performed in a non-cognitive state before experiencing the implication of its performance.

Based on the *midrash's* operative term “*L'olam* (forever) the *mitzva* of *omer* shall not be diminished in one's eyes,”⁶ *Nesivos Shalom* explores the underlying bases for performing *mila* and *omer* in a non-cognitive state. He introduces the Torah student to the novel concept of the “*Transcendental Mitzva*” which engenders neural pathways for accessing Divine inspiration. A person's perpetual state of mental, psychic, and emotion disconnectedness and distance from Hashem inexorably results in spiritual malaise.

3 See *Berakhot* 28b, 30a-b, 33a; *Sanhedrin* 22a; Maimonides, *Hilkhos Tefilla* IV, 16;V4 wherein which details the minimum *kavana* for performance of a *mitzvah* as the normative intention on the part of the *mitzvah*-doer to act in accordance with will of God.

4 Note, that the *mohel* must have in mind that he is performing this act for the purposes of *mila*.

5 The idea that certain aspects of faith are translatable into pragmatic terms is not new. The Torah emphasizes that the observance of the Divine Law and obedience to God lead man to worldly happiness, to a respectable, pleasant, and meaningful life.

6 *Vayikra Rabba*, Ch. 28

Indeed, this mental state is aptly coined “existential loneliness.”⁷

Fortunately for man, God has prescribed the transcendental pathway to overcome this ‘malaise.’ Indeed, *omer* provides man the unique opportunity to connect and be enchanted by Hashem’s supernal luminosity. After connecting to our loved ones at the *Seder* while engaged in the re-enactment process of redemption, we quickly fall back into our daily mundane existence. The *omer* magnifies the pathway for us to re-connect and savor the Passover experience by creating a “lead up” to Shavuot which is highlighted by the קבלת התורה and the offering of the “Two Breads.”⁸

Offering the קרבן עומר and counting the *omer* allows man to transcend his state of constricted consciousness and gradually re-connect to Hashem. The process of reconnection elevates man from the depths of deep dark depression to the lofty state of supernal grandeur and splendor. *Nesivos Shalom* coins this dialectic as the “ebb and flow effect” – the oscillation from spiritual illumination to the chasm of dark hopelessness.

The *Nesivos Shalom* passionately implores all of us to recognize this dialectic as opportunity to meaningfully engage in the redemptive process. Counting the *omer* personally connects us to *Am Yisrael’s* collective redemption - from spiritual bondage - leading up to קבלת התורה – where each one of us entered into covenant with Hashem.

But how does counting the *omer* achieve this desired effect? How do we experience Hashem’s boundless love for each one of us? How can we feel Hashem’s loving embrace?

Simply answered – just ask!

Indeed, *Sefiras Ha’omer* is just a plaintive request to free ourselves from this malaise and realign ourselves to Hashem. By just counting each day we remind ourselves of Hashem’s passionate desire to connect with us in a meaningful way. In other words, we are in a dynamic partnership with Hashem and the count is 49 different aspects of our humanity that demands to be re-connected with our Creator. This renewal process is a “spiritual tune-up and alignment” with the source of all creation. By way of illustration only, just like a new car’s tires fall out of alignment, so too, as humans grow their life

7 See “*The Lonely Man of Faith*”, Joseph B Soloveithchik, 1965 Doubleday Press, p.99-100 wherein the Rav astutely reflects that “Faith is born of the intrusion of eternity upon temporality. Its essence is characterized by fixity and enduring identity. Faith is experienced not as a product of some emergent evolutionary process, or as something which has been brought into existence by man’s creative cultural gesture, but as something which was given to man when the latter was overpowered by God. Its prime goal as redemption from the inadequacies of finitude and, mainly from the flux of temporality... if the faith gesture should be cut loose from its own absolute moorings and allowed to float upon the mighty waters of historical change, then it will forfeit its redemptive and therapeutic qualities.”

8 *Viz. Shtei HaLechem*

force, like wheels that enable them to progress towards their respective life mission, falls out of alignment.

The *Nesivos Shalom* finds support for his prescriptive advice in the preamble to *Sefira* which states that the purpose of counting the *Sefira* is to “purify us from our spiritual husks.”⁹ Recognition of our distance from God and desire to connect to our Creator is the restorative process that one must undergo to achieve spiritual attunement. Significantly, the recitation of *Sefira* commences on the second night of Pesach in order to infuse the 50-day period between Pesach and Shavuot with the spiritual illumination and connection experienced during the *Seder*. The *Nesivos Shalom* depicts this spiritual illumination as the state of “expansive consciousness” or divine inspiration. He instructs the devotee that in order to preserve our *Seder* experiences we must diligently attempt to infuse its energy into our daily lives while in a state of disconnectedness. He emphatically submits that the reversion after the *Seder* to a state of disconnectedness from Hashem is not the result of punishment but rather part and parcel of the developmental process which allows man to act as his personal redeemer. שלום נתיבות recognizes Hashem’s munificence in allowing man to freely engage in the redemptive process by just undertaking the rudimentary task of counting 49 days until he can once again re-connect with his Creator.¹⁰ The “waiting period” allows man to restore his life force and heighten his awareness of the Divine. Without such preparation man cannot partner with the Creator and meaningfully engage in the noble enterprise of perfecting the world under God’s dominion.

Based on the foregoing, the *Nesivos Shalom* queries – if *Sefira* is such a unique time bound *mitzva* like other time bound¹¹ *mitzvos*, then why do we not recite the *beracha* of “*shehechyanu*” before *Sefira*?¹²

Surprisingly, he points out that the answer to this question can be deduced from the response the Bible provides to the *chacham*’s question: “what are these testimonies, ordinances and laws that God has commanded us regarding Pesach?” We inform the wise son that “we do not eat or drink after eating the Pesach Offering”.

9 The term “spiritual husks” or “*keliposainu*” is a *kabbalistic* reference which may be understood as a barrier or impediment for understanding one’s life mission.

10 A corollary to *Sefira* according to *Nesivos Shalom* is the menstrual cycle where husband and wife wait seven days (12 days based on Rabbinic Law) before being reunited which equates to the “*sheva shabbatos temimos*” – the seven weeks from *Pesach* to *Shavuot* – where *Bnei Yisrael* purified themselves before *Kabbalas HaTorah*. See *Ohr HaChaim*, *Emor* 23:15.

11 i.e. *Sukka*, *Shofar*, *Lulav* and *Estrog* etc.,

12 This question is presented by various *poskim*.

The *Nesivos Shalom* suggests that the wise son's real question is that if by re-enacting the redemption from Egypt at the *Seder* one achieves a state of personal perfection and connection to Hashem, then why do subsequently count *Sefira* – which ostensibly is performed to achieve the same result. We already achieved this desired state of perfection at the *Seder*? Put in modern theological terms, why did God design the God-Man dialectic of oscillation from one polar extreme of expansive consciousness to the polar opposite extreme of constricted consciousness? Why can't man maintain an equilibrium of a sustained and balanced relationship with Hashem? This oscillation causes man to feel insecure and intimidated. It could lead to neurosis, dysfunction, self-doubt and low self-esteem. Man's apparent fall from God's grace after the first night of the *Seder* diminishes and dampens man's great spiritual attainment.

Based on the אר"ל's teachings, the *Nesivos Shalom* explains that man in his mortal state cannot fully appreciate and realize God's overflowing and infinite love, affection and grace. Indeed, man in his finite state cannot fully comprehend the אין סוף – the infinite. During the first night of the *Seder*, God envelopes man with the overflowing power, and light of redemption allowing man to connect to Hashem on his respective level. During this annual intersecting period between the finite and Infinite, God emits His power of redemption to the world. The *Seder* is the device for humans to receive and channel this infinite redemptive force. Although man achieves a modicum of perfection at the *Seder*, however fleeting, this achievement is incremental but yet accretive. The experience of the אין סוף's redemptive force via performance of the *mitzvos* at the *Seder* is at best fleeting due to the overwhelming nature of the supernatural life force. Consequently, God introduced the *mitzva* of *Sefira* to nurture, sustain and counterbalance this *Seder* experience throughout the 49-day period to allow man on his own to rediscover and marshal this supernal force in order to once receive a Divine re-charge of this supernal force on Shavuot. The second re-charge on Shavuot helps to exponentially expand one's developmental trajectory and character while maintaining appropriate balance and stasis.

The *Nesivos Shalom* emphatically exhorts us to be mindful of the following central underlying goal of *Sefira*: tap into the Divine inspiration that one received on the first night of the *Seder* to support and encourage him during the times of 'constricted consciousness.' If one is truly committed and trusts in the power of *tikkun* - working through the process of spiritual development – then Hashem will open pathways to achievement of a complete and balanced relationship. Accordingly, שהחיינו is not recited before counting *Sefira* as the primary goal of *Sefira* is to re-discover the departed divine

inspiration experienced at the *Seder*.¹³

The *Nesivos Shalom* concludes that the Divine inspiration one experiences on the first night of the *Seder* is by no means a panacea to restore one to full spiritual health as the wise son's question suggests. Rather the revelation at the *Seder* illuminates each individual's path for proper and appropriate developmental growth. *Sefira* is the tool, if used properly, to guide us in achieving our life goals and mission. The purpose of the *Seder* is to allow Hashem to open our hearts and minds so we can identify our respective goal(s) and mission. Although we may not achieve our goals and complete our mission(s), we are amply rewarded for just counting the days towards achieving such goals. Trusting in the process provides the confidence to count on Hashem to truly illuminate and guide our path.¹⁴

13 There are hosts of reasons presented by *halachic* authorities for the omission of this blessing, namely such a blessing is not recited when the fulfillment of the *mitzvah* is dependent on a separate act. See *Mishna Brurah Ohr Chaim Siman 486-489*. Also, the *Nesivos Shalom's* explanation is presented to explore the mystical underpinning for *Sefira*.

14 In a somewhat similar vein, Rav Soloveitchik, in a lecture delivered in 1945 (subsequently published as an article entitled, "Sacred and Profane"), understood *Sefiras Ha'Omer* as bringing *Benei Yisrael*, a nation of former slaves, to what he termed "qualitative time consciousness." The basic difference, he claimed, between slave and free man is "the kind of relationship each has with time and its experience." Rav Soloveitchik explained, "Freedom is identical with a rich, colorful, creative time consciousness. Bondage is identical with passive intuition and reception of an empty, formal time-stream." It was therefore necessary for *Benei Yisrael* to undergo the process of *sefira*, which emphasizes the importance of each day and the immense potential for achievement latent within even the smallest units of time. This awareness was indispensable for accepting the Torah. In Rav Soloveitchik's words:

"A slave who is capable of appreciating each day, of grasping its meaning and worth, of weaving every thread of time into a glorious fabric, quantitatively stretching over the period of seven weeks but qualitatively forming the warp and woof of centuries of change is eligible for the Torah. He has achieved freedom."

Shavuos



Rabbi Yisroel Gordon

Donny Feldman

Dr. Sam Goldberger

Rabbi Avner Shapiro

Meir Nemetsky

SHAVUOS

We Will Hear: Eavesdropping on Sinai

RABBI YISROEL GORDON



Ostensibly, we celebrate the giving of the Torah on Shavuos. In actuality, it was only the *Asres HaDibros* that we received on that day. Moshe did not begin teaching Torah until after Yom Kippur.¹ So why do we call Shavuos זמן מתן תורתנו? The answer can be found in a well-known *midrash*.

When the *Mishkan* was first erected, the princes of Israel inaugurated the new sanctuary with a unique set of offerings which included “one gold bowl weighing ten [*shekels*], filled with incense” (*Bamidbar* 7:14). The *midrash* explains the symbolism.

“One gold bowl weighing ten” – these [symbolize] the *Aseres HaDibros* that were inscribed on the Tablets.

“Filled with incense” – for the six hundred and thirteen *Mitzvos* are encompassed [by the *Aseres HaDibros*].² And so we find that from “אנכי ה'” [at the beginning of the *Aseres HaDibros*] until “אשר לרעך” [the last words] we have a total of six hundred and thirteen letters...

***Bamidbar Rabba* 13:16**

The sages couched their teaching in *midrashic* symbolism and numerology, but the message is clear: The *Aseres HaDibros* are a vessel which holds all of the Torah's *mitzvos*. This can be taken to mean that the *Aseres HaDibros* serve as chapter headings for the entire Torah, and indeed, when listings of the מצוות תרי"ג first appeared in the Middle

1 See *Rashi Shemos* 33:11.

2 The Hebrew word for incense is “קטרת.” Using the *At-Bash* system of letter substitution (where an א is substituted for a ת, and vice versa, a ב for a ש, a ג for a ר, etc.), the ק of קטרת can be exchanged for a ד, giving a total numeric value of 613. $613=4+9+200+400$. $400=ת$, $200=ר$, $9=ט$, $4=ד$ (*Midrash Rabba ad loc.*).

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Ages, the *rishonim* classified them under these ten “categories.”³ But surely there is more to it. Are we to believe that the *Aseres HaDibros* are merely a convenient classification system?



The *Aseres HaDibros* appear at the end of *parshas Yisro*, and the next *parsha*, *parshas Mishpatim*, begins with the laws of the עבד עברי, the Hebrew “slave.”⁴ When a Jewish thief is caught and is unable to repay his debt, the court raises the funds by putting him up on the block.

כי תקנה עבד עברי שש שנים יעבד ובשבעת יצא לחפשי חנם . . . ואם אמר יאמר
העבד אהבתי את אדני את אשתי ואת בני לא אצא חפשי. והגישו אדניו אל האלהים
והגישו אל הדלת או אל המזוזה ורצע אדניו את אזנו במרצע ועבדו לעלם.
*If you purchase a Hebrew slave, he shall serve for six years, and on the seventh
year, he is to be set free without liability... If the slave declares, “I am fond
of my master, my wife and my children; I do not want to go free,” his master
must bring him to the courts. Bringing [the slave] next to the door or the
doorpost, his master shall pierce his ear with an awl. [The slave] shall then
serve [his master] forever.*

Shemos 21:2, 5-6

Why do we put a hole in his ear?

*Rabbi Yochanan ben Zakkai said, “An ear which heard at Mount Sinai “Do
not steal” went and stole?! Pierce it!”*

Mechilta; Rashi ad loc.

Poetic justice indeed. However, this interpretation flies in the face of a different teaching. Due to its position in the same verse as the capital crimes of murder and adultery, the Talmud (*Sanhedrin* 86a) argues that “Do not steal” cannot refer to ordinary theft; it must refer to capital crime. Since there is a form of theft that does get the death penalty – the theft of a human being (cf. *Shemos* 21:16) – the Talmud concludes that the

³ Two prominent examples are Sa’adiah Gaon’s (Babylon, 892-942) “*Azharos*” on the *Aseres HaDibros* (cf. R. Y.Y. Perlow, “*Sefer HaMitzvos of the Rasag*,” intro., sec. 11, pg. 57) and Nachmonides’ (“Ramban,” Spain, 1194-1270) “*The Six Hundred and Thirteen Mitzvos*” (Chavel, *Kisvei HaRamban*, vol. II, pg. 521).

⁴ More an indentured servant than a slave, the Torah legislates special protections preventing the abuses endemic to ordinary slavery.

“Do not steal” of the *Aseres HaDibros* refers to kidnapping.

Now, our Hebrew slave may be a thief but he never kidnapped anyone. How can Rabbi Yochanan ben Zakkai claim that he has transgressed the “Do not steal” of the *Aseres HaDibros*?

In light of the above, the answer is clear. The “Do not steal” of the *Aseres HaDibros* indeed refers to the most egregious form of theft, the capital crime of kidnapping. However, when Hashem pronounced “לֹא תִגְנוֹב” at Sinai, it meant more than do not kidnap. It included theft in all of its forms. This is why Hashem’s “Do not kidnap” was heard by man as “Do not steal.” The good listeners at Sinai heard principles. Principles extend far beyond their most extreme expression.

The *Aseres HaDibros* are not mere chapter headings. The analogy of the *midrash* is to a vessel weighing ten *shekels* filled with incense. The *midrash* is saying that the *Aseres HaDibros* are imbued with the aroma of the תרי”ג. If we use our senses, we can perceive all of Torah within these ten *mitzvos*.

This, says Rabbi Reuven Leuchter of Jerusalem, allows us to understand why the ear of the Hebrew slave is pierced against a door. The image of an ear pressed against a door connotes eavesdropping and intense listening, and that is precisely what our thief failed to do. He can hear ordinary sound, but he is shallow and has difficulty picking up the whispering subtleties of Torah. At Sinai, this man only heard “Do not kidnap.” So we pierce his ear at the door to the courts.

Maybe this is why *parshas Yisro*, the *parsha* of Sinai, begins with two extraordinary acts of listening. First we have וישמע יתרו, “Yisro, the minister of Midyan, Moshe’s father-in-law, heard about everything Hashem had done for Moshe and for the Jewish People...” Yisro heard and Yisro acted on what he heard, changing his life and converting to Judaism. The *parsha* then tells us of a second listening, the humble listening of Moshe. וישמע משה, Moshe accepted his father-in-law’s advice and implemented his recommendations for a system of judges.

Apparently, before we can receive the Torah at Sinai we must first learn how to listen.



A good listener might perceive that the *Aseres HaDibros* include all six hundred and thirteen *mitzvos* of the Torah, but even that will not explain this strange passage from the Talmud.

They asked Rabbi Eliezer, "How far does the commandment of honoring parents go?"

"Go out and see what one gentile did for his father in Ashkelon," he replied.

"His name was Dama ben Nesina and the sages offered him 60,000 [coins] for [the precious] stones needed for the Eiphod (one of the priestly garments, cf. Exodus 28:6-12)...

"The key [to the safe] was under his [sleeping] father's head and he would not disturb him. Hashem rewarded him the following year and a red heifer was born in his herd..."

Talmud, Kiddushin 31a

The commandment goes even further.

Rabbi Tarfon had an [elderly] mother. Whenever she wanted to go to bed, he would bend over and she would climb [on him] into it, and whenever she got out [of bed], she stepped on him (i.e., she used him as a step stool).

[Rabbi Tarfon] came to the study hall and commended himself. They said to him, "You have yet to achieve even one-half of the mitzva of honoring [parents]! Did she ever, in your presence, throw your wallet into the sea and you did not shame her?"

Ibid, 31b

Now, this kind of pious behavior is all very nice and good, but is it really included in the commandment to honor parents? Certainly, no one claims that such subjugation is *halachically* required! What exactly did the Talmud mean when it asked, 'How far does this commandment go?'

Before we can answer this question, we must first raise another.

If the *Aseres HaDibros* are indeed ten principles with six hundred and thirteen applications, why, when it came to the revelation at Sinai, were all the principles presented in their most extreme forms? "Do not murder" and "Do not commit adultery" leave the opposite end of the spectrum entirely undefined. Instead of "Do not commit murder," Hashem could have said, "Do not humiliate people in public" which is compared to murder (cf. *Baba Metziah* 58b), and then the crime of murder would be *a fortiori*. Instead of "Do not commit adultery," Hashem could have expressed His sensitivity to promiscuity with, "Do not climb up to My altar with steps, so that your nakedness not be revealed on it" (*Shemos* 20:23) which is compared to sexual immorality (cf. *Rashi ad loc.*), and then the crime of adultery could go without saying.

Stating upfront the full extent of Hashem's commands has the advantage of averting potential misconceptions about the true meaning of the *Aseres HaDibros*. Isn't that preferable to leaving things undefined?

The answer to this question lies in a teaching of the great *Gaon* of Vilna, Rabbi Eliyahu ben Shlomo Zalman (1720-1797), as quoted by his brother, Rabbi Avraham.

The Talmud states that the Jews were commanded [to observe] six hundred and thirteen mitzvos (Makkos 23b)... This is mentioned by the Talmud and the Midrash in several places.⁵ Now, rishonim such as the Rambam, Ramban and the Sefer Mitzvos HaGadol (Rabbi Moshe of Coucy) investigated this count of mitzvos, and the later commentators worked up a storm – each deconstructs the listing of his colleague with contradictions and powerful questions. The truth is, every one of them has problems...

I heard the explanation of this matter from my brother, the genius, may his memory be a blessing. Certainly, it is impossible to say that the rubric of mitzvos is limited to six hundred and thirteen and no more. If this were true, then from Bereishis through parashas Bo we would have only three mitzvos, and many parshiyos of the Torah have no mitzvos at all – this is just untenable!

The truth is, every single statement of the Torah that was uttered by the mouth of the Almighty is an independent mitzva. Truth be told, the mitzvos multiply and swell beyond number, to the point that one who has a perceptive mind and an understanding heart can guide all the details of his affairs and behavior, large and small, according to the Torah and mitzvos. Then he will have a mitzva at all times, at every moment, until they are beyond number...

About this King David, may peace be upon him, said, "To every goal I have seen an end, but your mitzva is exceedingly broad" (Tehillim 119:96).

*The six hundred and thirteen mitzvos mentioned [by the sages] are only roots, which spread out to many branches... This is why the Torah is compared to a tree, as the verse states, *היא למחזיקים בה*, "It is a living tree for those who take hold of it" (Mishlei 3:18).*

Ma'alot HaTorah, intro.

The rabbis cannot agree on which *mitzvos* are included in the count because the six hundred and thirteen *mitzvos* are only the tip of the iceberg! The universe of Torah is an ever-expanding one, including within its borders every possible circumstance of the ever-

⁵ Cf. R. Y.Y. Perlow, "Sefer HaMitzvos of the Rasag," intro., sec. 1, pg. 5.

changing human condition. For those who can hear its message, the Torah never fails to provide guidance – and this guidance is “*mitzva*,” even if it does not appear in the text and is not a bona fide *halachic* obligation.⁶

The *Aseres HaDibros* now make perfect sense. They only define the most extreme expression of each principle and leave the other end of the spectrum open-ended because it is open-ended! The *Aseres HaDibros* are not limited to *Aseres HaDibros* and the *Aseres HaDibros* are not even limited to the six hundred and thirteen *mitzva* obligations. As we saw in the Talmud’s stories about honoring parents, the *Aseres HaDibros* – in fact, every single *mitzva* – extends far beyond the letter of the law. We just need to listen with “a perceptive mind and an understanding heart.”

It is a romantic idea, but practically, how is it done? How can we receive guidance if the Torah does not address the issue at hand? How can we possibly hear things that do not appear in the text? Where exactly do these invisible, branching *mitzvos* come from?

The answer to these questions can be found in the writings of the Vilna Gaon’s mentor, the preeminent kabbalist of modern times, Rabbi Moshe Chaim Luzzatto (Italy, 1707-1746).

The concept of חסידות (piety) is expressed in this teaching of the sages: אשרי מי שעמלו בתורה ועושה נחת רוח ליוצרו, “Praised is the man that labors in Torah and gives pleasure to his Creator” (Berachos 17a).

The mitzvos that are incumbent upon all Jews are known and the full extent of their obligations is also known. However, one who truly loves the Creator ‘ית’ won’t strive and aim to exempt himself with the well-known, general obligations that are incumbent upon every Jew. Rather, what will happen to him is what happens to a son who loves his father. If his father gives only a slight indication that he would like something, the son is already increasing that thing or providing that service as much as he can. Even though his father only said it once in half a sentence, that is sufficient for the son to understand his father’s preferences, and [start] doing for him even that which was not stated explicitly, since [the son] can figure out for himself that this thing brings [his father] pleasure. [The son] won’t wait for his father to instruct him more explicitly or a second time. We see with our own eyes this

⁶ See Ramban on והטוב הישר (Devarim 6:18), “It is impossible for the Torah to describe man’s every relationship with his neighbors and friends, his every business transaction and every civil and state law, but after it mentions many of them ... it then reiterates in a general way that one should do that which is ‘good’ and ‘straight’ in all things ...”

phenomenon occurring regularly between all lovers and friends, men and their wives, fathers and sons.

The idea is that wherever there is an authentic, intense love between [two partners], no one says, 'I have not been instructed to do more,' or, 'What I have been explicitly told to do is sufficient.' Rather, from the instructions [it becomes possible] to infer the instructor's way of thinking, and an attempt will be made to provide him with what can be assumed to give him pleasure. The same will also occur to anyone who really loves Hashem, for this too is a loving relationship. The mitzvos that are revealed and well known will thus serve as discloser of [Hashem's] mind, making known that Hashem's will and desire leans in a particular direction. [Hashem's lover] will then not say, 'What I have been explicitly told to do is sufficient,' or 'I will exempt myself with that which is required.' Quite the opposite! He will say, 'Since I have found and seen that Hashem's interest leans toward this, I will use it as a guide to increase and broaden that thing in all directions that I can assume Hashem would like.' Such a person is called רוח ליוצרו, "one who gives pleasure to his Creator."

Path of the Just, chap. 18

Now we understand how it is possible to hear more than just the words of the Torah text. The answer is obvious. The answer is love. If we listen to Hashem the way a son listens to his father, or the way a wife listens to her husband (in the weeks before his birthday, at least), we can figure out what Hashem really enjoys. And then we can bring Him נחת רוח.

The *Mishna* said it plainly: our very acquisition of Torah depends on שמיעת האזון, an attentive ear (*Avos* 6:6). How much we hear and how far we take the *mitzvos* is a personal choice, limited only by how intently we care to listen. And that depends the nature of our relationship with Hashem.



Rabbi Simlai taught, "Six hundred and thirteen mitzvos were told to Moshe..."

Rav Hamnuna said, "What is the biblical source [for this]? 'Moshe taught us Torah...' (Devorim 33:4). The numerical value of [the Hebrew

word] “Torah” is six hundred and eleven. [This is because the first two commandments,] “I [am Hashem]” and “You shall not have [any other gods,]” were heard directly from Hashem.”

Makkos 23b-24a

In typical Talmudic style, this passage is cryptic, so we will hold the reader’s hand. Rav Hamnuna is revealing a message encoded in an otherwise innocuous verse. The Hebrew letters that make up the word “Torah” – תורה – add up to six hundred and eleven.⁷ The words “Moshe taught us Torah” thus hint at the precise number of *mitzvos* taught by Moshe – six hundred and eleven. However, the grand total of biblical *mitzvos* is not six hundred and eleven; it is six hundred and thirteen. This means that there are two *mitzvos* that come to us not from Moshe, but from some other source. What are these two mysterious *mitzvos*? The answer, says Rav Hamnuna, is the first two *mitzvos* of the *Aseres HaDibros*: “I am Hashem” and “You shall not have any other gods.” These two *mitzvos* were heard not from Moshe, but from Hashem Himself.

It just begs the question. What is so special about these two *mitzvos*? Why are the Jews able to hear these two directly from Hashem, whereas all the other six hundred and eleven had to be delivered through an intermediary? The Rambam addresses our question and points out a unique common denominator shared by these two *mitzvos*.

[The sages taught,] “I [am Hashem]” and “You shall not have [any other gods,]” were heard directly from Hashem” (Makkos 24a). They mean that these words reached them just as they reached Moshe our Master and that it was not Moshe our master who communicated them to us. For these two principles, I mean the existence of the deity and His being one, are knowable by human speculation alone. Now with regard to everything that can be known by demonstration, the status of the prophet and that of everyone else who knows it are equal; there is no superiority of one over the other. Thus, these two principles are not known through prophecy alone... As for the other commandments, they belong to the class of generally accepted opinions and those adopted in virtue of tradition, not to the class of the intellecta.

Guide of the Perplexed 2:33 (S. Pines, Trans.)

The Rambam is saying that the Jews were able to hear these *mitzvos* directly from Hashem because they are the only *mitzvos* that “are knowable by human speculation alone.” The truth of monotheism comes to man so naturally, “the status of the prophet

⁷ ת=400, ו=6, ר=200, ה=5. 400+6+200+5=611

and that of everyone else who knows it are equal.” Thus, even though they were not prophets, the Jews could hear Hashem proclaim the principles of monotheism – because hearing it from Hashem had absolutely no effect on their appreciation of these principles! Unfortunately, the same cannot be said of the other *mitzvos*.

When it comes to all the other *mitzvos*, “they belong to the class of generally accepted opinions and those adopted in virtue of tradition.” That is, even perfectly logical commandments such as honoring parents or the prohibitions against murder and adultery are, in the end, matters of either opinion or tradition. People may believe strongly in the righteousness of these laws, and they would be right, but it cannot be said that knowledge of these principles comes to us naturally. Hearing them from Hashem thus deepens our appreciation of these truths, an impossibility for a non-prophet. They therefore had to be communicated through Moshe.⁸



At Sinai, the Jews were unable to hear all *Aseres HaDibros* directly from Hashem. However, Hashem did not give up.

Hashem spoke these words to your entire assembly from the mountain, out of the fire, the cloud and the mist, a great voice – ולא יסף.

Devarim 5:19

What does “ולא יסף” mean? It [means the voice of Sinai] never ceased.

Sanhedrin 17a; Onkelos ad loc.

Sinai never ends. Hashem continuously transmits the *Aseres HaDibros* and teaches Torah to His people – המלמד תורה לעמו ישראל – apparently in the hope that someone will hear Him. But why does He bother? If the Jews couldn’t hear Him at Sinai, what chance do we have to hear Him today?

The answer is that we actually have a great advantage over our ancestors. We don’t need prophecy. We can learn!

The Divine voice which continuously broadcasts the message of Sinai is not meant for prophets. The eternal voice of Sinai can be heard only by those who listen with love –

⁸ In his commentary to *Shemos*, the Ramban disagrees with the Rambam. The Ramban writes that the Jews did in fact hear all *Aseres HaDibros* from Hashem Himself, as evidenced by a straightforward reading of the text. However, the people were only able to understand the first two commandments. The other eight had to be explained to them by Moshe later. Cf. Ramban, *Shemos* 20:7.

with an ear to the door. It is שמיעת האוזן that enables us to hear the דבר ד'. Pondering the unexpected הלכה, grappling with a complex סוגיא, extracting relevance from the weekly פרשה, the מצוה of תורה תלמוד affords us the opportunity to wrap our feeble minds around the Infinite Mind. If we open our ears and listen with love and reverence, we may just pick up on Hashem's timeless voice and grow far wiser than we could ever achieve with our own limited intellect.

Learning is not merely about the knowledge of practical הלכה, although we do need to know our obligations. Nor is learning simply attending a *shiur* and being spoon-fed fascinating source material on contemporary topics, although we do need to enjoy Torah. True תלמוד תורה must involve a struggle.⁹ If it is easy, something is wrong. It is never easy for mortals to comprehend God's mind. אשרי מי שעמלו בתורה. Only when we labor in Torah and strive to hear its message does Hashem our Teacher grant us a glimpse of its infinite implications. Then our minds and lives are elevated and we are empowered with the knowledge to give נחת רוח to our Creator.

Maybe this is why we have a *minhag* to stay awake learning Torah on Shavuos night. If we wanted to remember what we learn, if we were trying to cover the maximum number of *blatt*, or even if we were just interested in learning with maximum clarity and depth, sleep deprivation would be ill-advised. But those goals, as admirable as they may be, are not what we are striving for on Shavuos.

On Shavuos, the anniversary of מתן תורה, we are determined to experience Torah as we experienced it on that great day over three millennia ago. We long to see the great Tree of Life. How high are its branches; how deep its roots? How far does it extend? What is the living Torah of Sinai saying to me, today? We spend the night immersed in learning, straining against our human limits. It is an artificially generated challenge and may indeed be unwise. But the Torah only reveals her secrets to those who labor in love.

Ask not how many *halachos* you have committed to memory nor how many *masechtos* you have completed with *Daf Yomi*. Ask rather, is my ear to the door? Am I עמל בתורה? This is the primary question we must ask ourselves on מתן תורתנו, and if the answer is yes, then this Shavuos will indeed be the time of the giving of our Torah.

⁹ Struggle is an understatement. See, for example, *Berachos* 22a, “You should make it known to your children and grandchildren’ (*Devarim* 4:9), and then it says, ‘the day that you stood before Hashem your God at *Horeb*’ (*ibid* 4:10). Just as there [at Sinai] it was [experienced] with dread, awe, trembling and sweat, so too here [when teaching or learning Torah] it should be done with dread, awe, trembling and sweat.”

Heyu Nechonim L'shloshes Yamim¹

DONNY FELDMAN



ויאמר ה' אל משה לך אל העם וקדשתם היום ומחר וכבסו שמלותם. והיו נכנים ליום השלשי כי ביום השלשי ירד ה' לעיני כל העם על הר סיני. (Shemos 19:10-11)
ויאמר אל העם היו נכנים לשלשת ימים אל תגשו אל אשה. (Shemos 19:15)
לסוף שלשת ימים הוא יום רביעי, שהוסיף משה יום אחד מדעתו כדברי רבי יוסי, ולדברי האומר בששה בחודש ניתנו עשרת הדברות, לא הוסיף משה כלום, ולשלשת ימים, כמו ליום השלישי. (Rashi, Shemos 19:15)

In his commentary, Rashi highlights a textual subtlety regarding the day Moshe is to tell *Bnei Yisrael* to be prepared to receive the Torah. Rashi explains that Hashem instructed *Bnei Yisrael* to be ready **on** the third day (6th of Sivan), yet Moshe added a day of his own volition- מדעתו יום אחד, so *Bnei Yisrael* did not receive the Torah until **after** the third day, i.e., on the fourth day (7th of Sivan). Rashi's view is consistent with the opinion of R' Yossi that the Torah was given to Moshe on the 7th of Sivan².

The *Magen Avraham*³ wonders how we can celebrate Shavuot on the 6th of Sivan and [accurately] refer to this day in our *tefilos* as “*zman matan Toraseinu*.” Isn't the *halacha* in accordance with R' Yosi's view that the Torah was given to Moshe on the 7th of Sivan,

¹ Translated and recast from the Hebrew original essay by R. Asher Zelig Weiss in *Minchas Asher Sichos al Hamoadim*, with some additional sources, explication, and perspective added.

² *Shabbos* 86a.

³ *Orach Chaim* 294.

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and not the 6th of Sivan?⁴

A related difficulty is noted by the Maharsha⁵, who takes issue with celebrating Shavuos on the 6th of Sivan, the 50th day of Sefiras Ha'Omer. Isn't it true, he asks, that according to all opinions *Bnei Yisrael* left Egypt on a Thursday and the Torah was given on a Shabbos⁶, meaning that *Matan Torah* occurred on the 51st day of Sefiras Ha'Omer, and not the 50th? And further, how is it possible for R' Yossi to advance the position that Moshe added a day of his own volition⁷, if the *pasuk* reads "on the third day Hashem shall descend in the sight of the entire people on Mount Sinai." Is it possible that the words of the Torah would be factually incorrect?

The Maharsha answers that in fact the Torah was given to Moshe on Har Sinai on the 51st day of Sefiras Ha'Omer, but *Chazal* instituted the *chag* of Shavuos for subsequent years ("לדורות") on the 50th day of *Sefira*. He explains that *Bnei Yisrael* at the time of *Har Sinai* were not worthy of the Torah until they purified themselves of the impurities of Egypt ("כי יראת חטא קודמת לחכמה במעלה ובזמן"). The requisite purification occurred over the course of seven weeks, and on the 50th day the purification was complete. The actual giving of the Torah occurred one day later, on the 51st day.

In the course of explaining why Shavuos was established on the 6th of Sivan, the Maharsha presents a notable *chiddush*—that Shavuos was established *l'doros* on the day *Bnei Yisrael* completed their preparation to receive the Torah (50th day), not the actual day they received the Torah (51st day). Yet the Maharsha does not address how it is that we can refer to the 50th day as "*zman mattan toraseinu*," when factually, the Torah had not yet been given.

A brief examination of *Hilchos Geirus* provides some clarity, for the foundations

4 See Maharal's *Tiferes Yisrael* (Chapter 32) for his treatment of the *Magen Avraham's* question. The *Magen Avraham* also writes that Moshe Rabbeinu added a day of his own volition to serve as a *remez* to *Yom Tov Sheini*. Also see R. Chaim Friedlander's *Sifsei Chaim (Moadim chelek 3)*, discussed below, for an extended treatment of this position.

5 *Avoda Zarah* 3b.

6 *Shabbos* 87b.

7 R. Avigdor Haleivi Nebenzahl (*Yerushalayim B'mo'adeiha*, pg. 103) writes that Moshe's additional day is hinted at in *Shemos* 19:11. At the beginning of the *posuk*, "והיו נכונים ליום השלישי," the word "שלישי" is written *maleh*; later in the same *posuk*, "כי ביום השלישי ירד ה'", the word "שלישי" is written *chaser*. This alludes to the fact that there are different "third days" being referenced—the third day from today (6th of Sivan) and the third day from tomorrow (7th of Sivan).

8 Based on *Mishna, Avos* 3:9.

of *Hilchos Geirus* are learned from *Ma'amad Har Sinai*⁹. The *ger* must first undergo *mila*, *tevila*, and bring a *korban*¹⁰, just as our forefathers first underwent *mila*, *tevila*, and *hartaas damim*¹¹.

A fourth necessary component of the *ger's* conversion, the acceptance of the “*ol mitzvos*,” remains¹². This component contains two subparts, acceptance (“קבלת”) of the *ol mitzvos*, and an understanding (“הודעת”) of *mitzvos kalos* and *chamuros*¹³. The *Achronim* note that *kabbolas ol mitzvos* is the foundation of *geirus* and its absence alone disqualifies the *gerius*. Yet aside from the acceptance of the *mitzvos*, the *ger* must be informed of some *mitzvos kallos* and *chamuros* while undergoing *tevila*, which he must review, understand fully, and then accept¹⁴.

Applying these ideas to *Ma'mad Har Sinai*, it seems that on the 6th of *Sivan Bnei Yisrael* accepted the *ol mitzvos* when they gathered under the mountain. Their *avoda* of the previous seven weeks, namely purifying themselves and developing *yiras Hashem*, was complete, and they now stood at *Har Sinai* ready to receive the Torah. At this point, the day could be considered like the day of *Mattan Torah*, though *Bnei Yisrael* had not yet been informed of the *mitzvos* or the contents of the Torah [i.e., the “*hodaas hatorah*” requirement was not yet fulfilled]. This is similar to a *ger* who has accepted the *ol mitzvos* upon himself before knowing what the underlying *mitzvos* are specifically.

On the next day, Moshe came down from *Har Sinai* with the *luchos habris* and informed *Bnei Yisrael* of the contents of the Torah, completing their *geirus*, so to speak.

R. Chaim Friedlander tackles a related and seemingly thorny issue: how is it that Moshe added a day of his own volition?¹⁵ What gave him the power to amend an explicit commandment from Hashem (“וקדשתם היום ומחר וכבסו שמלותם. והיו נכנים ליום השלישי”)?

R. Friedlander answers that Moshe, through his unparalleled wisdom, intuited that the

9 *Yevamos* 46a and *Krisus* 9a.

10 Rambam, *Mishneh Torah*, *Hilchos Issurei Bi'ah* 13: 1-5.

11 These three exercises were performed by *Bnei Yisrael* prior to or during the events at *Har Sinai* (there is some disagreement between Rashi and the Ramban regarding whether the *korban* was offered before *Maamad Har Sinai*, in *parshas Yisro*, or after, in *parshas Mishpatim*)

12 *Bechoros* 30b.

13 *Yevamos* 47b.

14 *SHU"t Chemdas Shlomo*, *Yoreh Deah*, *siman* 29-30.

15 See *Shabbos* 87a, including *Tosfos'* commentary, for fuller discussion of Moshe's independent actions. Also see R. Nebenzahl's *Yerushalayim B'Moade'ih*, pg. 104, for a discussion of his view that Moshe's action (“הוסיף יום אחד מדעתו”) served as a *tikun* for the sin of *Adam HaRishon* who wrongly ate from the *eitz hadaas*.

real *Ratzon Hashem* was to add a day for *Bnei Yisrael* to further prepare to receive the Torah, and once Moshe did so, Hashem agreed with his action.

If this is so, R. Friedlander writes, we see from this action the incredible power of rabbinic enactments--that they can capture a truer, or at least more explicit or clearly defined statement of *Ratzon Hashem*. The giving of the Torah on the 7th of Sivan illustrates the power Hashem gave to the *Chachamim*, made explicit by Moshe adding a day at *ma'amad Har Sinai* and the *Chachamim* adding a day for future generations in the form of *Yom Tov Sheini* (whereas the Torah only prescribes one day).¹⁶ The point illustrating the power of the *Chachamim* is made, of all possible days, on Shavuos, to highlight that Hashem not only gave *Bnei Yisrael* the *Torah shebichsav* on *Har Sinai*, but also the power of the *Chachamim* to use their insight “לתקן ולהוסיף על פי דרשות הרמזות בתורה.”

In a similar vein, R. Meir Dan Plotzky¹⁷ writes that the “עיקר שמחה” we celebrate on the 6th of Sivan relates to the power given to Moshe Rabbeinu and the *Chachmei HaTorah* to add to, modify, or even establish the day of a *chag*, a power given to the sages of each generation. Expanding on this theme, R. Shlomo HaKohen Rabinowitz, the *Tiferes Shlomo*, writes that Moshe wanted to teach us that there is no “קיום לתורה ללא חכמי ישראל,” so immediately when he received the Torah, he illustrated his (and other *Chachamim's*) considerable power by delaying *Matan Torah* one day.

The *Ba'al Haggada* famously writes “had You [Hashem] brought us before *Har Sinai* but not given us the Torah, *Dayeinu*.” On its face, this is an alarming statement--how is it possible that we would be satisfied arriving at *Har Sinai*, but not actually receiving the Torah? What emerges from the approaches above is that there were at least two distinct events that happened at *Har Sinai*, on the 6th and 7th of Sivan, and both are worthy of celebration. Perhaps the *Haggada* is referring to the fact that before Hashem gave *Bnei Yisrael* the Torah on the 7th of Sivan, he brought them to *Har Sinai* to purify themselves, and on the 6th of Sivan, *Bnei Yisrael* accepted the *ol Torah*. Perhaps, too, this is what allows us to call the 50th day “*zman matan toraseinu*”.

16 See *SHU" T Chasam Sofer (Orach Chaim, siman 145)*, where, in the context of discussing why we keep two days of *yom tov* for Shavuos even in the absence of the “*safek*” rationale that is usually invoked as a justification, he mentions that the second day of Shavuos is more strict (“חמיר טפי”) than a regular second day of *Yom Tov*. As a result, he rules, some of the *kulos* of *Yom Tov Sheini* do not apply to the second day of Shavuos. The Rambam (*Mishneh Torah, Hilchos Kiddush Hachodesh* 3:12) writes that we keep two days of Shavuos so that there should be no difference between it and other *yom tovim* (a form of “לא פלוג”).

17 Introduction to *Kli Chemdah*.

Two Days of Shavuos, Why?

DR. SAM GOLDBERGER



An interesting phenomenon occurs with regards to the second day of Shavuos celebrated outside *Eretz Yisrael*. All of the *shalosh regalim*—the first day of Pesach, the last day of Pesach, Shavuos, the first day of Succos, and Shemini Atzeres (also including Simchas Torah)—are one day holidays based on the *pesukim* in the Torah. Outside *Eretz Yisrael*, they are all celebrated for two days because of the concept of *sefeika deyoma*. Rosh Hashana is also one day from the Torah but is celebrated for two days everywhere, in *Eretz Yisrael* and outside *Eretz Yisrael*. To understand *sefeika deyoma* and the differences between Rosh Hashana and the rest of the *Shalosh Regalim*, we must first understand the process in which Rosh Chodesh was declared and how that information was transmitted to the nation.

The Jewish calendar is a lunar calendar and all the months are either 29 or 30 days. The *gemara* in *Rosh Hashana* explains that before the time we had a set calendar like we have today, each month would be sanctified by *Beis Din* when witnesses came to *Yerushalayim* and testified that they saw the new moon. *Beis Din* would examine their testimony and if they felt it was appropriate, they would declare a new month. If the witnesses came on the 30th of the month, the new month would be that day (and the old month was 29 days). If either the witnesses came on the 31st day of the month or didn't come at all, the new month would be on that day no matter what (making the old month a 30 day month). In either case, nobody knew ahead of time whether any particular month would be 29 or 30 days because it was dependent on witnesses showing up if they saw a new moon. After *Beis Din* declared a new month, they sent messengers out from *Yerushalayim* informing the people what day the first of the new month was. *Sefeika deyoma* for the *Shalosh Regalim* occurs because people that lived far from *Yerushalayim* didn't find out when the first of the month was by the time *Yom Tov* would have started so the *rabbanan* declared two days of *Yom Tov* out of doubt (*safek*). The Rambam explains in *Hilchos Kiddush Hachodesh* (3:11) that any place the agents of *Beis Din*

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could reach in time to notify about Rosh Chodesh would keep only one day of *yom tov*. Otherwise, they would make the *yamim tovim* two days because they didn't know when Rosh Chodesh was. There were places where they found out about Rosh Chodesh Nissan before Pesach while they didn't find out about Rosh Chodesh Tishrei before Succos (because Rosh Hashana and Yom Kippur interfered with the witnesses arriving abroad). Nevertheless, the *rabbanan* declared two days of *Yom Tov* everywhere for uniformity. This is referred to as a "*lo plug*". Certainly this "*lo plug*" applied to the last days of *yom tov* in places where they found out the day of Rosh Chodesh before the last days of *yom tov*. Even after the calendar was set and did not rely on *Beis Din* and messengers, two days of *yom tov* outside *Eretz Yisrael* were kept because of the concept of "*minhag avoseinu beyadeinu*," we keep the customs practiced by our ancestors.

The reason we celebrate two days of Rosh Hashana is different. Rosh Hashana is dependent on the first day of Tishrei, and the previous month of Elul could be either 29 or 30 days. However, *Beis Din*, and certainly the nation, wouldn't know about the testimony of the witnesses until at least the 30th day of Elul. If witnesses showed up on the 30th, then Rosh Hashana was retroactive from the previous evening. Therefore, everyone kept Rosh Hashana from the previous evening of the 30th, just in case Rosh Hashana was on that day. In any case, even if witnesses came on the 30th, even people in *Eretz Yisrael* wouldn't know whether Rosh Hashana occurred on that day because messengers might not reach them in time. If no witnesses came on the 30th of Elul, then Rosh Hashana was automatically the next day. The *rabbanan* decided to make Rosh Hashana two days inside and outside of *Eretz Yisrael* to avoid the confusion of which places people had to celebrate one or two days of Rosh Hashana in *Eretz Yisrael*. As opposed to *sefeika deyoma*, the second day of Rosh Hashana was not out of *safeik*, but rather by Rabbinic decree. This is exemplified by the fact that even in places (i.e., *Yerushalayim* itself) where people absolutely knew that Rosh Hashana was one day, the *rabbanan* nevertheless required everyone to keep two days.

Shavuot is different than the other two *shalosh regalim*. There is no specific day mentioned in the Torah for Shavuot. The Torah declares Pesach to be on the fifteenth of Nissan and it lasts seven days. Succos falls on the 15th of Tishrei and lasts for seven days and is followed by Shemini Atzeres. It is conceivable that when Jews lived far away from *Yerushalayim*, it would take messengers more than two weeks to inform the people living there when Rosh Chodesh had been, resulting in a *sefeika deyoma*. However, Shavuot occurs after 49 days of the Omer are counted. It is the 50th day. Since the Omer count starts on the second day of Pesach (the sixteenth of Nissan), Shavuot would be the "65th

day of Nissan” or, more accurately, 64 days after the first day of Nissan. No matter where Jews were living, they certainly would have heard when Rosh Chodesh Nissan was by the time Shavuos arrived 64 days later. So why do we celebrate two days of Shavuos? There is no *sefeika deyoma*! The answer is that the *rabbanan* decreed a second day of Shavuos as a *gezeira* because of Pesach and Succos. The *rabbanan* wanted to treat all the *yamim tovim* with the same rules so that people wouldn’t treat the second days of Pesach, Succos, and Shemini Atzeres lightly.

The *Chasam Sofer* (שו"ת חתם סופר חלק א (אורח חיים) סימן קמה) was asked a fascinating *shaila*. Could a childless, deathly ill man write a *get* on the second day of Shavuos for his poor wife who otherwise would have to travel a very long distance to perform *chalitza*, which would probably never happen? Rabbi Eliezer Landau, the grandson of the *Node Beyehuda* wanted to allow the writing of the *get*. Rabbi Shlomo Kluger objected. The *Chasam Sofer* was then presented the *shaila*. With regards to the second day of Shavuos, he wrote that because there was never a *sefeika deyoma* on the second day of Shavuos, its *halacha* is more like that of the extra day of Rosh Hashana, which is a rabbinic decree. The relevant part of the *Chasam Sofer's* teshuva is:

וממילא תבנא לדינא דיפה הורה פר"מ הגנ"י שלא לכתוב גט בי"ט ב' דשבועות וחלילה לזולל בי"ט ב'. הן אמת כתבתי במקום אחר די"ט ב' דשבועות הוא תמוה דמעולם לא עשאוהו מספק כמ"ש רמב"ם פ"ג מקה"ח הל' י"ב ע"ש, ובשלמא היכי דמגיעים שלוחי ניסן עושין ב' ימים גזירה משום שלוחי תשרי, אבל בשבועות שהוא לעולם נ' יום מי"ט ב' של פסח ועד אז כבר נתפרסם בכל העולם קביעות ניסן וא"כ גם אבותינו לא עשו מספק, וצ"ל משום גזירה אטו פסח וסכות, וא"כ ממילא חמור טפי, כיון דלא מחמת ספק נתקבל כמו בי"ט של ר"ה שאם באו עדים מחצות ואילך לא נתקבלו ומ"מ גמרו היום בקדושה ולא מחמת ספק ומשו"ה חמיר טפי, וה"נ דכוותיה.

The psak rendered was appropriate that it is forbidden to write a get on yom tov sheini of Shavuos. Although I wrote elsewhere that the entire institution of yom tov sheini of Shavuos is difficult to understand as it was never observed out of doubt, since they always knew that fifty days after the second day of Pesach was Shavuos, and by that time everyone knew the real day, we must contend that Chazal rendered a gezeira to preserve the integrity of Pesach and Succos. If so, yom tov sheini of Shavuos is more strict than the others as it was not instituted out of doubt and in this way is similar to the second day of Rosh Hashana.

Therefore, contrary to the understanding of most *poskim*, the *Chasam Sofer* holds

that the second day of Shavuos is stricter than the second days of Pesach, Succos, and Shemini Atzeres. While most poskim would hold that the second day of Shavuos is no different than any other second day of *yom tov* outside of *Eretz Yisrael* due to *sefeika deyoma* because of the concept of “*lo plug*,” the *Chasam Sofer* holds that it is actually stricter.

I had a thought that I have not seen anywhere, but may help explain why we keep the second day of Shavuos just like any other second day of *yom tov* outside of *Eretz Yisrael* due to *sefeika deyoma*. The Ramban (*Vayikra perek 23 pasuk 36*) holds that the days between Pesach and Shavuos are like *chol hamoed*, linking Pesach and Shavuos as one long *yom tov*. As I mentioned previously, there were places that found out about Rosh Chodesh before Pesach but not before Succos, or by the last days of a particular *yom tov* but not by the first days. Nevertheless, in all those cases, the *rabbanan* mandated two days of *yom tov* because of the concept of “*lo plug*.” Therefore, according to the Ramban, keeping two days of Shavuos would be no different than keeping two days of the last day of Pesach. Even if everyone knew when Rosh Chodesh Nissan was, the “*lo plug*” would apply to Shavuos just like it did to Pesach or Succos. Hopefully, Mashiach will come soon, and we will all live in *Eretz Yisrael* and this debate will be moot.

*“Our Eyes and Our Hearts
Should be there all the Days”*
Remembering Har Sinai and
Teaching the Generations, in the
Commentaries of the Ramban

RABBI AVNER SHAPIRO



How can we successfully be *mechanech* our future generations to embrace Torah and make *Limmud HaTorah* a primary value? This question touches not only on the theme of *Chag Hashavuos*, but is fundamental to how one sees his role as a parent to his children, and as a *mashpia* to those around him in the community, throughout the entire year. When studying the *peirush* of the Ramban on a *pasuk* in *Devarim* and on a *Gemara* in *Kiddushin*, one gains insight into understanding our *mesora* and our attitudes regarding our belief in *Torah Misinai*. This in turn, has an effect on the way we study and share the Torah with our children, grandchildren, and others in the community.

Ramban al HaTorah

In *Sefer Devarim, Parshas Va'Eschanan* (4:9), the Torah states

רק השמר לך ושמר נפשך מאד פן תשכח את הדברים אשר ראו עיניך ופן יסורו מלבבך
כל ימי חיך והודעתם לבניך ולבני בניך
Be careful and guard yourselves very much, lest you forget the matters which

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your eyes saw, and lest you remove them from your hearts all of your days, and you shall tell them to your children and your grandchildren.

What is this *pasuk* referring to when it says we should be careful to remember and tell our children and grandchildren? The Ramban quotes Rashi, who says it is referring to remembering the *mitzvos*, and teaching the *mitzvos* to the future generations. Rashi connects this *pasuk* to the *pesukim* beforehand. The previous *pesukim* (6-8) mention how our observance of the *mitzvos* will show the other nations the wisdom of *Klal Yisrael* and our Torah, “כי היא חכמתכם ובינתכם לעיני העמים.” The Ramban, however, disagrees with this reading of Rashi. He says that the *pasuk* is referring to what comes afterwards in the *pesukim*. These *pesukim* (10-13, ad loc.) discuss the giving of the Torah on *Har Sinai* “יום אשר עמדת לפני ה' אלקיך בחרב.”

The *pasuk* quoted contains a *mitzvas lo sa'asei* not to forget the historic experience of receiving the Torah at *Har Sinai*. The language of “השמר” and “פן”, connotes a negative *mitzva*, even without a phrase beginning with the word “לא.” Further, it is a *mitzvas asei* that one tell his children and grandchildren of this event. The Ramban sees this *pasuk* in a more specific way than Rashi. According to Rashi, the *pasuk* is a command to observe all *mitzvos* and teach them to our children. According to the Ramban, it is commanding the specific task of remembering the giving of the Torah, and passing it on to future generations. The Ramban explains the importance of this *mitzva*: our entire *emuna* in the Divine origin of the Torah is based on one generation transmitting it to the next.

Ramban in his comments on the Rambam's *Sefer Hamitzvos*

The Ramban has a commentary on the Rambam's *Sefer Hamitzvos*, the Rambam's accounting of all 613 *mitzvos*. At the end of the commentary, the Ramban has a list of *mitzvos* omitted by the Rambam, that he feels should have been included. In his list of *mitzvos lo sa'asei*, the Ramban mentions that the *lo sa'asei* of this *pasuk* should be included as one of the 613 *mitzvos*. In discussing the *lav* of not forgetting the events at *Har Sinai*, the Ramban describes what it means to be careful and not to forget. In describing what remembering is all about, the Ramban's language is striking, and provides us with an enlightening definition:

שלא נשכח מעמד הר סיני ולא נסיר אותו מדעתנו אבל יהיה עינינו ולבנו שם כל הימים
That we should not forget the gathering at Har Sinai, and we should not remove it from our awareness. Rather, our eyes and our hearts should be there all the days.

In this phrase, the Ramban is explaining that remembering *Har Sinai* is not just a historical remembrance. Besides our minds being knowledgeable of the event, the essence of the *mitzva* should affect our emotions on a constant basis. The *mitzva* is experiential, not just factual. Remembering is a historical exercise; having “our eyes and our hearts” at that moment “all the days” is much more. It is a challenge to constantly be aware of the *kedusha* and the magnitude of *Matan Torah*.

Question from the Gemara in Kiddushin

If the Ramban interprets the *pasuk* as referring to *Ma'amad Har Sinai*, he must contend with a *gemara* in *Kiddushin* which seems to understand the *pasuk* differently. The *gemara* (*Kiddushin* 30) is discussing the possible obligation to teach Torah to one's grandchildren. The *gemara* has one opinion brought down in the *poskim*, that the *mitzva* of teaching one's son Torah is not limited to a father and son, but also includes a grandfather teaching a grandson, “בן בנו”. The *gemara* learns this from the *pasuk* in *Va'eschanan*, בניך, והודעתם לבניך ולבני בניך. From the *gemara*, it appears that the *pasuk* is stating a *mitzva* about learning Torah generally, not a *mitzva* to remember the episode of the giving of the Torah. The *pasuk* is dealing with the general *mitzva* of *Talmud Torah*. This seems to agree with Rashi's explanation. As mentioned above, Rashi learns that this *pasuk* is a *mitzva* about remembering the entire Torah, so that the nations of the world can see the wisdom of the Torah and *Klal Yisrael*, which is discussed in the previous *pesukim*. Therefore, this *Gemara* seems to oppose the Ramban's view!

Ramban's Answer

The Ramban was well aware of this question. The Ramban understands this *pasuk* to be talking about remembering the event at *Har Sinai*. The *gemara* in *Kiddushin* is clarifying a *halacha* regarding *Talmud Torah* in general. The Ramban answers the question with the following striking statement:

כי לימוד אמונת התורה הוא הלימוד בתורה

[There is no question] because the learning of a belief in the Torah is learning of the Torah.

This important, yet cryptic statement begs an interpretation. What does the Ramban mean when he says that the *mitzva* of learning about the gathering at *Har Sinai* is the same as the *mitzva* of learning Torah?

The Ramban may be understood as follows. The Ramban described the *mitzva*

of remembering the events at *Har Sinai* as an emotional *mitzva*. Our hearts should be reliving the powerful experience of the Divine giving of the Torah as we constantly remember this event כל הימים, “all the days.” If one performs this *mitzva* not only by remembering facts, but in its fullest experiential fashion, he will then devote himself to learning Torah. Therefore, the *mitzva* of remembering the *Har Sinai* experience in the special way the Torah requires, and the overall *mitzva* of *Talmud Torah*, are in fact linked. By remembering *Har Sinai* with our hearts as well as with our minds, we are driven to learn Torah and to teach it to the next generation. It is a natural outcome of being aware of the special nature of that historic event. Therefore, there is no problem with the Ramban saying that *Devarim* 4:9 is the *mitzva* of remembering *Har Sinai*, even though the *gemara* in *Kiddushin* says that the *pasuk* contains the *mitzva* of *Talmud Torah*. There is a causal relationship which is what the Ramban refers to when he says “כי לימוד אמונת” התורה הוא הלימוד בתורה.”

Conclusion

In conclusion, a study of the Ramban provides insight into the initial question, “How can we successfully be *mechanech* our future generations to embrace Torah and make *Limmud HaTorah* a primary value?” We have a *mitzva* that is both an *asei* and a *lo sa’asei*, according to the Ramban, of remembering *Har Sinai*. This is celebrated on the holiday of Shavuos, but really applies throughout the year. The Ramban explains the *mitzva* is not just recounting the facts. The *mitzva* is to constantly renew, in an emotional sense, the experience of receiving the Torah. When one has this awareness, the outcome will be an invigorated commitment to learning Torah. If the divine giving of Torah is a reality we are always aware of, by definition we will become committed to the study of the Torah that was given to us by the *Ribbono Shel Olam*. Furthermore, the *pasuk* highlights that we will be drawn to teaching the Torah to others. We only want the best for our children, and for all the members of our community. Surely, anything that is valuable to us, we will share and transmit to others. By always remembering the special Divine origin of the Torah, we will desire to transmit it to our children.

Sfas Emes on Shavuos

MEIR NEMETSKY



The *Sfas Emes* begins his discussion of Shavuos with a quote from the *Zohar*: “A person should hold tight to the special *tahara* that descends on him this night (Shavuos) because Hashem purifies the nation so that we can be vessels to receive the Torah.” He then transitions to *Sefer Tehilim* where he cites the 12th psalm: “The words of Hashem are pure like unadulterated silver, which appears clear to the world, refined sevenfold. You, Hashem will guard them; you will preserve each one from this generation, forever.” The phraseology of this verse is somewhat open-ended. “*You, Hashem will guard them.*” Is this a reference to the words themselves? Will Hashem unceasingly protect the integrity of the text, or is it an expression of Hashem’s commitment to safeguard us as an enduring people?

The *Sfas Emes* is decisive in his interpretation. The word “*them*” in question is referring to the words of Torah. This promise, he explains, is made with the following stipulation: The words of Torah will remain pure so long as we ensure our own inner purity. In other words, the guarantee for protection made in *Sefer Tehilim* is for the transmission of Torah itself, but it only remains in effect as much as our own purity allows. To that end, the *Sfas Emes* has answered his first question, but has opened the door to another. What is it about Torah that requires purity of the heart for it to be absorbed properly? Of the vast array of arts, sciences and pursuits of knowledge available, one would assume that the only subject matter ever bequeathed by an omniscient source would be uniquely impervious to corruption by man.

During the reign of *Dovid Hamelech*, explains the *Sfas Emes*, there was a group of Jewish child prodigies, who were being groomed as the leading scholars of the next generation. It is said that this group was so prolific that they could produce forty-nine different logical mechanisms on a single subject in favor of a certain position and forty-nine to support the opposing point of view. The capacity to see all sides of an issue was

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a cerebral gift, but the practice of actually doing so was the symptom of a deeper flaw. Because they lacked the inner purity required to anchor and channel their intellect, they were left with ambiguity, which compromised their ability to discern right from wrong. This was the context in which *Dovid Hamelech* prayed for the Torah's preservation. It was the internal lack of direction and consequent *safek* (which is also a reference to the *Satan*) that is brought on by impurity of the heart from which Dovid sought protection for all generations. It would appear then, that this purity is a prerequisite, if Torah is to have its desired effect.

The specification of “*forty-nine*” logical mechanisms in the story of the young scholars is not coincidental. The same can be said of *Tehilim*'s reference to “*sevenfold*” purification. These are allusions to the forty-nine days of the Omer, which serve as an imperative to ascend the forty-nine levels of *tahara*. Only after we go through the painstaking process of removing the layers of impurity do we become vessels that can receive the Torah and its values as they were intended.

Dovid Hamelech was wise to request that this promise be kept for eternity. Historically, many great minds have failed to amount to their true potential due to imperfections in their basic outlook. The same can be observed today. Those who approach Torah with an agenda, a bias, or a flawed perspective will produce an entirely different body of work than those who approach with humility, and the prescribed wholesome purity. As it relates to our own learning and growth, it would seem that we must constantly monitor and re-calibrate our internal compasses, so as to ensure that our spiritual trajectory never veers.

In reflecting on personal progress throughout life, one might naturally compile memories of his greatest moments. This is because people tend to define themselves by what it is that they actively do. But the *Sfas Emes* clearly states that an individual's mountain of spiritual accomplishments rests on a foundation only as strong as his ability to eradicate the impurity beneath. The unheralded cornerstone of one's life-work are those actions which he has abstained from, as they are the way he ensures his own purity and thus makes himself a candidate for further growth. This being the case, a mental highlight reel of personal achievements is totally remiss toward an equally important set of feats—the passive non-participation in that which is impure. Lost in the fireworks of our memories of what we have done and who we have become, is the opportunity to take credit for what we refuse to engage in, and define ourselves by what we are not.

What is purification, if not the removal of imperfection? How else does one become pure, if not by the removal of the impure? We should emphasize and take

pride in the boundaries that define our character, not only during *Sefiras Haomer*, when preparing for *Matan Torah*, but during all phases of growth and throughout the entire year. In this way, we will maintain our standing as pure vessels within which Hashem can fulfill his promise to safeguard the purity of his words forever.

