



ניצחון

NITZACHON

Adas Torah Journal of Torah Ideas

Dedicated in memory of Carl Millman
קפל בן אליעזר זצ"ל

VOLUME 2:2 • PURIM - PESACH - SHAVUOS 5775 • LOS ANGELES

Nitzachon

Adas Torah Journal of Torah Ideas

Volume 2:2 Purim-Pesach-Shavuos 5775

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Editors' Preface

Ma'alin bakodesh v'ein moridin, we are excited to present you with the newest issue of *Nitzachon*. Expanded by popular demand, this issue—our largest to date—includes numerous essays and *divrei Torah* on Purim, in addition to thoughts about Pesach and Shavuos. As *Nitzachon* becomes a twice-yearly celebration of the Torah accomplishments of Adas Torah, it is worthwhile to reflect on the origins and foundation of our *kehilla* and its successes. To be sure, Adas Torah is nourished and sustained by the tireless efforts of the Rav and Rebbetzin, *sheyichyu*, the idealism and vision of its founders, and the unending devotion of its many members who are the life of our vibrant *makom Torah u'tefilla*. Its formation, a mere eleven years ago, however, was not at all *yesh me'ayin*. The existence of our *kehilla* of *ba'alei batim*, who are growing and accomplishing in *talmud Torah* and *avodas Hashem*, is the culmination of decades of inspiring Torah growth throughout the entire Los Angeles community. Over the last hundred years, countless *Rabbanim chashuvim* have toiled endlessly to teach Torah and to build shuls, yeshivos, and *mosdos Torah v'chesed*. Some had large followings, others were mostly unknown. Some are household names today, others long forgotten. No matter if they learned and taught in Pico, Fairfax, Boyle Heights, or West Adams, we are all their *talmidim*.

In gratitude to these great Rabbanim, we are beginning a new section in *Nitzachon*, called *Sifsei Y'sheinim*. We will present the thoughts of Los Angeles Torah giants from years past, prefaced by short descriptions of their personalities and accomplishments. Chazal say (*Midrash Tanchuma Ki Sisa* 3) that if a great Torah scholar teaches many students who continue to repeat their teacher's Torah, the students never truly let their Rebbe die. This is the meaning of the *pasuk* in *Shir Hashirim* (7:10), "*doveiv sifsei y'sheinim*," the students make the lips of the slumberers speak. In this issue we present essays written by two of our city's greatest Torah scholars and teachers. First, we present thoughts on the secret of Jewish continuity by Rav Osher Zilberstein *zt"l*, the rabbi of the Breed Street Shul and the towering leader of the Boyle Heights community from the 1930s into the 1970s. Additionally, we present an influential essay by Rav Simcha Wasserman *zt"l*, a *rosh yeshiva*, pioneer of the kiruv movement, and a leader in the Los Angeles *kehilla* from the 1950s through the 1970s, calling attention to the importance of outreach to Jews of all backgrounds. While these essays were composed for, and presented in bygone eras, they are true examples of *doveiv sifsei y'sheinim* as their wisdom and messages are as timely as ever for us, their *talmidim*.

Michael Kleinman

Yaakov Siegel

Yaakov Rich



This journal is dedicated in memory of
 כד אלול תשע"ד who was *niftar* on קפל בן אליעזר זצ"ל
 He was beloved by all and is dearly missed.

My father, Carl Millman, was blessed to have lived for 93 years. He was married to my beloved mother Phyllis *ad me'ah v'esrim* for close to 71 years. His life was dedicated to everything Jewish. My father grew up in the tiny city of Wausau, Wisconsin. The small Orthodox community was comprised of but a few families. When Dad went to Madison, Wisconsin to attend university at age 18, for him it was like moving to New York City. The college community had thousands of Jewish young men and women. It was there that he met my mom and they became a couple. Ultimately, he became president of UW Hillel, as did my mother at a later date.

My father left to join the American army in 1941 and was a part of what Tom Brokaw has called "The Greatest Generation" - the men and women who fought the war against Nazism and Fascism. After the war they moved to Milwaukee, Wisconsin, my mother's hometown, and began to raise a family. During his adult years, my father was president of almost every Jewish organization in Milwaukee including his shul, Wisconsin Israel Bonds, The Milwaukee Jewish Home for the Aging, The Milwaukee Jewish Family Service, and others. Professionally he grew to become the president of his industry and served as the head of the National Automatic Merchandising Association for a two year term. During this time, he met President Lyndon Johnson and was present at the signing of the legislation that removed silver from our everyday metal currency.

Most notably, my father was an extraordinary orator and public speaker. As a high school senior he was the Wisconsin state oratory champion and he won the bronze medal at the national championships. His public speaking skills served him well throughout his entire public and private life. The speech he gave at Mendy's Bar Mitzva is still remembered by those who attended, and he was 85 at the time.

When my parents retired to South Florida my father continued to devote his time to Jewish life. He was a regular at his shul, and active at both the Jewish Federation and the Jewish Family service of Broward County. He also served as a lay chaplain in local nursing homes. He loved visiting the residents on Erev Shabbos and making kiddush for them.

My Dad had the *zechus* to be the patriarch of a family of *Bnei Torah*, and he enjoyed nothing more than spending time with his grandchildren and great grandchildren. They provided him with much *nachas* and are the eternal legacy of קפל בן אליעזר.

Hakadosh Baruch Hu took my father's *neshama* on the last erev Shabbos of this past year. The end of his life corresponded to the end of the Jewish year - a new beginning for *Am Yisrael* and a new beginning for my father's *neshama*.

May he be a blessing for all of *Klal Yisrael* and may we be blessed to the the coming of משיח צדיקינו
 במהרה בימינו

Robert and Judy Millman

In Memory of Our Dear Parents

Sydney Kleinman

שמואל בן יצחק ע"ה

Ilse Kleinman

חנה בת באנדאט ע"ה

Effie Gross

אפרים בן אליהו ליב ע"ה

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



Lestey and Brian Kleinman

In honor of our dear children
Zev, Layla and Ava Rose

May they continue to be a source of
nachas for their parents, grandparents
and great-grandparents, עמו"ש



Alyssa and Donny Wiesel

Dedicated in honor of the continued Torah
learning which Adas Torah brings to our family
and the entire Los Angeles community



Nina and Asher Adler

Dedicated in loving memory of Avner Tuvia ben
Ben Zion Menachem, who lived each day to the
fullest with his love of family, God, Torah, and
Eretz Yisrael, serving as a model for us all



*Loretta Engel, Adrian and Taly Engel,
Rami and Anna Glatt*

We would like to dedicate this issue to the
memory of our sister Debby Schwarcz-
Friedman *a"h* and Abba Tzvi Schlusel *a"h* for
their courage, great spirit and *Ahavat Torah*



David and Caroline Schwarcz

Dedicated in honor of our children,
Adina, Aryeh and Avi



Rivka and Sam Ross

ראש וראשון



Rabbi Dovid Revah

Rabbi Kalman Topp
Guest Contributor

The Sweet Taste of *Marror*

RABBI DOVID REVAH



The *mishna* in *Pesachim* 39a lists the different vegetables that can be used for the mitzva of eating *marror* at the *seder*. After identifying all the species, the *gemara* concludes

אמר רבי אושעיא מצוה בחזרת

Rav Oshaya said it is preferable to use chazeret.

Chazeret is clearly identified by the *Rishonim* as romaine lettuce¹ and today is widely used for *marror*. Although in Europe horseradish was commonly used, the *Chacham Tzvi* (119) explains that this was because romaine lettuce was unavailable. Today, with romaine lettuce readily available, most people have returned to using it.

Identifying *chazeret* with romaine lettuce has one obvious difficulty. *Marror* by definition is bitter, as its function is to remind us of how the Egyptians embittered our lives. However, the romaine lettuce we use is not bitter—frequently it even has a sweet taste. How can it possibly be used for *marror*?

This difficulty is already addressed by the *Yerushalmi Pesachim* (2:5):

התיבון הרי חזרת מתוק וכו' ר' חיל' בשם ר' הושעיא' כל עצמו אין הדבר תלוי אלא בחזרת מה חזרת תחילתה מתוק וסופה מר כך עשו המצריים לאבותינו במצרים בתחילה במיטב הארץ הושב את אביך ואת אחיך ואח"כ וימררו את חייהם בעבודה קשה בחומר ובלבנים

It was asked—Isn't chazeret sweet? Rav Hoshaya answers that for this reason it is preferable to use chazeret. The nature of chazeret is that in its initial stage of growth it is sweet, but as it grows further, it turns bitter. This best represents our stay in Egypt, which initially was pleasant and subsequently turned bitter.

Seemingly, the *Yerushalmi* says that *chazeret* can be used despite the fact that

¹ Many contemporary *poskim* say that iceberg lettuce is also acceptable.

Rabbi Dovid Revah has served as the *Rav* and *Mara D'Asra* of Adas Torah since 2005.

it is sweet, and if anything, it is preferable, since it more accurately represents our experience in Egypt.

However, the *Chazon Ish* (*siman* 124) says that it is clear that the *Bavli* holds that *marror* must be bitter. The *gemara* in *Pesachim* (115b) says:

בלע מצה יצא, בלע מרור לא יצא

If one swallows matzoh without chewing (as one would swallow a pill), one has fulfilled one's obligation. If marror is swallowed without chewing, the obligation has not been fulfilled.

The Rashbam explains that swallowing, even without chewing, is considered *derech achila*, eating in a normal manner. Therefore, if one swallows matza, one has fulfilled one's obligation, since all the Torah requires is that matza be eaten. In contrast, swallowing *marror* is insufficient. The objective of eating *marror* is to remind us of the bitter time we experienced in Egypt. Swallowing without chewing does not impart any taste. Only tasting the *marror* will invoke those bitter memories and therefore chewing is necessary.

The *Chazon Ish* asks that if the obligation cannot be fulfilled without chewing, because it is necessary to have the bitter taste, how can something that does not have a bitter taste at all be used? It seems absurd that swallowing lettuce without chewing would not be acceptable, since there was no taste to remind us of the bitter time in Egypt, but chewing it and tasting something sweet is better.

Because of this question, the *Chazon Ish* concludes that lettuce cannot be used for *marror* unless it is bitter. He explains that this is not contradicted by the *Yerushalmi* quoted above. As the *Yerushalmi* notes, lettuce is sweet while it is young, and as it grows, it turns bitter. The *Yerushalmi* was not discussing at what stage the lettuce can be used. Rather, the *Yerushalmi* was altogether questioning whether lettuce is one of the species acceptable for *marror* since its primary use is while sweet. Perhaps *marror* has to be a vegetable that is exclusively bitter. To this, the *Yerushalmi* explains that since our stay in Egypt began positively and only later became bitter, it is fitting that we use a species that is initially sweet and only later turns bitter. But, says the *Chazon Ish*, it is obvious that it can only be used in its later phase, while it is bitter.

The opinion of other *poskim*,² and certainly the accepted practice, is to use lettuce even if it is not bitter. Let us examine the *gemara* in *Pesachim* and see if we can answer the question of the *Chazon Ish*.

² The *Bais Yosef* comments that although romaine lettuce is sweet, it can still be used as *marror*. This blanket statement without any clarification indicates that it can be used even while it is sweet.

The *gemara* differentiates between the mitzva of eating matza and the mitzva of eating *marror*. For matza it is sufficient to eat, but for *marror* one must also taste it. As noted above, the Rashbam explains

דמשום הכי קפיד רחמנא למרר את פיו של אוכל זכר ליימררו את חייהם
The Torah insisted that when eating marror we taste the bitterness to remind us of how the Egyptians embittered our lives.

However, differentiating between matza and *marror* seems difficult. The objective of matza is also to remind us of our experiences leaving Egypt. If eating *marror* without tasting is insufficient to induce a memory, why should eating matza without tasting be any different?

Furthermore, there are many sources that attest that tasting matza is also necessary.

1. The Rashbam (119b) says that the reason we may not eat anything after the *afikoman* is that we want to retain the taste of the matza.

2. The *gemara* in *Pesachim* (115a) says that one may not eat matza and *marror* at the same time. The Rashbam explains that the stronger taste of the *marror* will obscure the taste of the matza.³

3. The *gemara* in *Brachos* (38b) says that one may not use cooked matza because cooking the matza causes it to lose its taste.⁴

It would seem that these three sources led the Rashbam to concede that it is preferable to chew the matza in order that one perceives the taste, and swallowing the matza is only acceptable *b'dieved*.⁵ However, this only compounds the difficulty. If both matza and *marror* are supposed to be reminders of events in Egypt, and we are therefore required to chew and taste both the matza and the *marror* to effect such a reminder, why is swallowing the *marror* without tasting it absolutely unacceptable, but eating the matza in a similar way acceptable *b'dieved*?

In order to explain the *gemara*, the *Levush* (575:2) suggests that there is a fundamental difference between the mitzva of eating matza and the mitzva of eating

3 Although the Brisker Rav (*al hashas Zevachim* 79b) understood the Rashbam differently, the Rashba in *Brachos* 38b clearly understood the Rashbam that there is a need to taste the matza.

4 This is the simple reading of the *gemara* and the explanation given by the Rashba. However, Rabbeinu Yonah states that there is no source that matza must have a taste, and explains the *gemara* differently.

5 Although cooked matza and matza mixed with *marror* is not acceptable even *b'dieved*, the *Pri Chadash* (461:4) explains that when the matza itself has lost its taste, it can't be used at all, but if the matza has a taste, but it was eaten in a manner that did not allow it to be tasted, as in the case of the *gemara* when the matza was swallowed without chewing, it would be acceptable *b'dieved*.

marror. The *pasuk* in *Beha'aloscha* (9:11), which is the source for the mitzva to eat matza and *marror*, says:

על מצות ומרורים יאכלוהו

The Korban Pesach should be eaten together with matza and marror.

The *Levush* notes that the *pasuk* does not say, eat the *pesach* and the matza and the *marror*. Rather, the *pasuk* says, eat the *Korban Pesach*, and that should be done together with some matza and *marror*. The *Levush* suggests that since the *pasuk* did not specifically say to eat the *marror*, there is no mitzva to eat *marror*, only to taste it. Although swallowing the *marror* is required, because to appreciate the full taste of something it is necessary to swallow it,⁶ the mitzva is not eating but tasting.

This is true only with regards to *marror*. With matza, although based on this *pasuk* we may have also assumed that the mitzva is tasting and not eating, there are many other *pesukim* that clearly say that matza must be eaten. Therefore, the *Levush* concludes that the mitzva is to eat the *Korban Pesach* and the matza, but only taste the *marror*.

We can now understand the *gemara* in *Pesachim*. With matza, the requirement is to eat it, and as the Rashbam explained, swallowing, even without chewing, is halachically considered eating. With *marror*, the mitzva is tasting the *marror* as opposed to eating it. Swallowing without chewing, which does not impart any taste, is not considered tasting, and would be missing the essential act of the mitzva.

This new understanding of the *Levush* can explain a difficult ruling of the Rosh. The Rosh (*Pesachim Perek 10: Siman 25*) says that to fulfill the mitzva of matza one must eat at least a *k'zayis*, but to fulfill the mitzva of *marror*, one does not need to eat a *k'zayis*. Although the *gemara* clearly states that *marror* requires a *k'zayis*, the Rosh explains that this is only because the *nusach* of the *bracha* we make is *al achilas marror* on the eating of *marror*, and less than a *k'zayis* is not considered eating. Since that is the wording of the *bracha*, it is proper to reflect that by eating a *k'zayis*, but the actual mitzva does not require a *k'zayis*.⁷

⁶ As noted in the *Taz* (YD 98:2).

⁷ Occasionally the text of a *bracha* reflects the common practice, rather than being technically correct. For example the *bracha* on a *talis* is *l'hisatef b'tzitzis*, to wrap yourself in *tzitzis*, even though the mitzva does not require the *talis* to be wrapped. However, since this was the common way of wearing it, the *bracha* was formulated with such language. Today, when wrapping is not common, we still wrap ourselves with the *talis* for a few moments after saying the *bracha*, in deference to the language used in the *bracha*. Similarly, the Rosh says that although *marror* requires only tasting, and you are not required to eat a *k'zayis*, since it is normal to eat at least a *k'zayis*, the word eating was used. Once the text of the *bracha* used eating, we should now make sure to eat a *k'zayis*.

The *Shaagas Aryeh* (*siman* 100) disagrees with the Rosh and says that *marror* requires a *k'zayis* to fulfill one's obligation. Every mitzva in the Torah which involves eating requires a *k'zayis*, so he queries why *marror* would be any different. With the insight of the *Levush*, we can understand why *marror* would not require a *k'zayis*. The mitzva is not to eat the *marror*, rather to taste it, and tasting does not require a *k'zayis*.⁸

Let us return to the question of the *Chazon Ish*—if one is required to taste the bitterness of the *marror*, how can we use *marror* that is not bitter? This question is correct if we understand that the mitzva of *marror* is similar to the mitzva of matza—that both have to be eaten. If so, the *gemara* is saying that *marror* has an additional requirement. In order to remind us of our bitter stay in Egypt, eating is not enough and one must also taste it. In that case, we would agree with the *Chazon Ish*. What distinction is to be made between not tasting the *marror* at all or tasting something sweet?

However, according to the *Levush*, when the *gemara* says that *marror* must be tasted, it is not saying that the mitzva of *marror* requires eating and it also must be tasted. It is describing the way the mitzva of matza and *marror* are performed. Matza is a mitzva to eat and *marror* is a mitzva to taste. According to this way of understanding the *gemara*, there is no insistence on tasting the *marror* in order to trigger a memory, rather the essence of the mitzva is simply to taste the *marror*. If so, it is possible that the mitzva can be fulfilled even if the *marror* is not bitter. Since lettuce is one of the species of *marror*, as long as one tastes the lettuce, bitter or sweet, the mitzva has been fulfilled, since the essential act of the mitzva has been done. Our memory will be triggered because we have tasted a *marror* plant, even though it happens not to taste bitter, just as with matza, that our memory is triggered because we have eaten matza, even if we ate it in a way that gives no taste. The *Chazon Ish* understood that the role of tasting was solely to activate our memory, and therefore understood that it must be bitter. According to the *Levush*, the memory is activated by eating a plant that has a bitter connotation, and there is no source that it is the bitter taste that causes us to remember.

⁸ This explanation is different than the explanation given by HaRav Chaim Soloveitchik (*Grach Al HaShas Siman* 42). Rav Chaim maintains the mitzva is to eat the *marror*, but since it is not a separate mitzva, just part of the mitzva of eating the *korbon pesach*, it does not require a *k'zayis*. The *Levush* is saying the mitzva is tasting and not eating.

Afikoman: The Mysterious Half

RABBI KALMAN TOPP



One of the most ambiguous elements of the Pesach seder is the *afikoman*. Early on in the seder, at *yachatz*, we break the middle matza and designate the bigger half to be what we call the *afikoman* (the smaller half is eaten at *motzi matza*). The popular practice is for one (or more) of the children to hide it until later, when we either find it or negotiate its return to us. It is then eaten as the final course of the meal and immediately followed by *birchas hamazon al hakos*.

It is a common misconception that the primary function of the *afikoman* is to keep the children interested in the seder. While it is true that the custom of stealing the matza objectifies this goal, the obligation of eating the *afikoman* is, in fact, a fundamental part of our seder.

What is the essential purpose of the *afikoman*? We will learn that there is a significant difference of opinion regarding its purpose, with several halachic ramifications. But before we delve into that, let us clarify the origin of the name.

To understand the name *afikoman*, it should be pointed out that we do not actually eat the *afikoman*! Let us explain:

The *mishna* (*Pesachim* 119b) states, and we teach this to the “wise child” at the seder:

אין מפטירין אחר הפסח אפיקומן

One should not excuse himself from the eating of the Pesach, with afikoman

Or, more loosely translated, one should not have (or do) *afikoman* after finishing the *Korban Pesach*. This forbidden activity after the *Pesach* is unclear, and indeed, there is a dispute among the *amoraim* as to how to interpret this cryptic law.

Rav explains that one should not, after finishing the *Pesach*, visit another person’s house and eat more food. This might lead to eating the *Pesach* sacrifice at the other’s house, which would be in violation of the Torah law (*Pesachim* 86) that one is not allowed to eat the *Pesach* in two different places (which apparently is demeaning to

Rabbi Kalman Topp is the Rav and Mara D’Asra of Beth Jacob Congregation.

the royal nature of the *korban*). According to Rav, the word *afikoman* is a contraction of the expression אפיקו מנייכו—let us put away (אפיקו) the utensils (מנייכו) and go eat in another place (Rashi s.v. *amar Rav*).

Shmuel argues that the *mishna* is teaching us not only that it is inappropriate to move to a second group and eat, it is even forbidden, after finishing the *Pesach* sacrifice, to eat more in the present place. The reason for this is that the *Pesach* must be eaten to satiate or when one is satiated—“*al hasova*” and eating afterwards compromises that requirement. According to Shmuel, the word *afikoman* is short for “אפיקו והביאו מיני מתיקה”—“take out and bring the desserts.”

The halacha concurs with the view of Shmuel that the *mishna* is telling us that it is forbidden to eat *afikoman*—desserts, after the *Pesach*. This law, which only applies during the time of the *Beis Hamikdash* (when there was a *Pesach* sacrifice), automatically includes the matza because it was eaten with the *Pesach*. What is the law, however, regarding matza in contemporary times, when we don't have the *Korban Pesach*?

The *gemara* quotes Shmuel himself saying that although we no longer have the *Pesach*, the law regarding matza remains the same—namely, that one is not allowed to eat *afikoman*—desserts after our final portion of matza.

Thus, it turns out, we do not eat *afikoman*! Over the years, though, because of the prohibition to have *afikoman* after it, the matza itself took on the name *afikoman*.¹

Having established what *afikoman* really means, we're ready to ask the next question. What is the purpose and nature of this half matza which we call the *afikoman*? This is a major debate among the *Rishonim*, with two distinct approaches:

- a. The Rosh (*Pesachim* 10:36) states that the purpose of the *afikoman* is purely as *zecher l'pesach*. Earlier in the seder, at *motzi matza*, we eat matza to fulfill the Torah obligation of “בערב תאכלו מצות”. Later at *tzafun*, we eat another portion of matza (the “*afikoman*”) to recall the *Pesach* sacrifice (which was eaten towards the end of the meal) and to pray for its restoration.
- b. Rashi (*Pesachim* 119b s.v. *ein maftirin*) and the Rashbam (ibid.) view the purpose of the *afikoman* very differently. Their approach, nothing short of revolutionary, is that we eat the matza/*afikoman* to fulfill our central obligation of matza! The reason why the mitzva of matza must be fulfilled, in their opinion, at the end of the meal is because in the time of the *Beis Hamikdash*, the matza was eaten at the conclusion of the meal with the *Pesach*.

¹ *Shiltei Giborim* 26b *bedapei haRif*

If this is true, why do we eat matza also at the beginning of the meal? The answer is that we always begin our Shabbos/*yom tov* meal with bread/matza to give a dignified status to the *seudah* and as an exemption for all other *brachos* of the meal. Once we're eating matza and make *hamotzi* to begin the meal, Rashi explains, we must also say the *birchas hamitzva* of “*al achilas matza*” at that time because it would be awkward to eat matza during the meal and only later say the *birchas hamitzva*.² One must remember, however, that the *birchas hamitzva* is for an action—eating, which will occur much later—after the meal, by the *afikoman*!

The debate between Rashi/Rashbam and the Rosh has many important and practical implications:

Proper Intent for the Mitzva

What should be our intention when eating the *afikoman*? According to the Rosh, this is a rabbinic obligation of remembering the *Pesach* sacrifice and the *Beis Hamikdash*, and this should be our intention. According to Rashi and the Rashbam, the *afikoman* is the Torah obligation of matza and our intention should be accordingly.

Eating after the Afikoman

We learned above that just as one may not eat desserts after the *Pesach*, so too after the matza. This extension to matza needs explanation. While Shmuel does say this, the *gemara* later brings the differing opinion of Mar Zutra that one is allowed to eat after the matza. (This discussion is only in our days when there is no *Pesach*. When we offered and ate the *Pesach*, however, the matza is subsumed in the *Pesach* and has all the same rules.)

What is the basis for this Amoraic dispute? To properly understand this argument regarding matza, we must first explain the reason for the explicit law of the *mishna*, that one may not eat *afikoman*-desserts after the *Pesach* (as understood by Shmuel, in his debate with Rav, see above). The *Rishonim* offer several interesting explanations:

- a. Ran (*Pesachim* 119b) explains the law of not eating after the *Pesach* as being based on the concern that one might come to mistakenly eat the *Pesach* in two different places. This concern exists even if one eats dessert in his own home, because perhaps he will forget that he ate the *Pesach* and will come to eat more *Pesach* in a different location.

² This is true for *marror* as well; when eating the same food for *karpas* and *marror* one makes the “*al achilas marror*” before the *karpas*. Also, see *Tosafos* (115a s.v. *maskif*) that the same is true for the *tekios* of Rosh Hashana where the mitzva is fulfilled with the blasts during *mussaf* yet the *bracha* is recited before the earlier blasts)

All of the other *Rishonim* explain the law based on the concept that the *Pesach* must be eaten *al hasova*—as the final course, to satiate (or when we are already satiated), with varying ideas:

- b. Rashbam (s.v. *kegan*) explains that based on the word “*l'mishcha*” (literally, “for distinction”) found in *Bamidbar* 18:8, we learn that all sacrifices must be eaten in a royal and elegant fashion (*b'gedula*). One aspect of this royal requirement is that it should be eaten *al hasova*, as the best foods are saved for last. Interestingly, this *halacha* concerning *Pesach* applies to other sacrifices as well. (Another law learned from “*l'mishcha*” is that the sacrifices should be eaten with proper relish, i.e. mustard etc.)
- c. *Tosafos* (120a s.v. *maftirin*) quoting the *Talmud Yerushalmi*, state that the *Pesach* offering must be eaten *al hasova* to avoid violating the Torah prohibition against breaking any bones of the *Pesach* while eating it (thus contravening the royal nature of the sacrifice). The hungrier a person is, the more aggressive he will be, possibly leading to breaking a bone. One may not eat after the *Pesach* to ensure that it is eaten close to satiation, thus minimizing the possibility that you'll break a bone. It should be noted that according to the *Yerushalmi*, this concept is unique to the *Pesach* sacrifice.
- d. Another explanation offered by *Tosafos* is “שלא יצא משלחן רבו רעב”—that the *Pesach* should be eaten as the final course so that we should not leave the “table of Hashem” hungry.
- e. *Ba'al Hamaor* (26b *b'dapei haRif*) explains that the ideal mode for praising and thanking Hashem is when one is happy and satiated. Therefore, we eat the *Pesach* at the end to ensure that we are satiated, thereby enabling us to say *Hallel* on a full stomach.
- f. *Orchos Chaim* (*Hilchos Pesach* 28) suggests that we have the *Pesach* at the end so that the taste of the *Pesach* will remain in our mouths. This will remind us of the constant obligation of the night, namely that of *sippur Yetzias Mitzrayim*.

With this background, what is the point of contention between Shmuel and Mar Zutra who argue whether this *halacha* of not eating after the *Korban Pesach* applies to matza in our days?

Ran (27a *b'dapei haRif*) explains that Shmuel and Mar Zutra agree that there is no inherent reason for matza to be eaten at the end. Shmuel argues, however, that the matza we eat at the end of the meal is a *zecher l'Pesach*, which was eaten at the end. Since we did not eat after finishing the *Pesach*, we do not eat after finishing the

matza/*afikoman*. Mar Zutra, on the other hand, does not view the matza as a *zecher l'Pesach*, and thus one is allowed to continue eating afterwards.

If this theory is correct, it should follow that Rashi and the Rosh disagree on this exact point. If one follows Rashi's opinion, that the *afikoman* is not a *zecher l'Pesach*, it is permissible to continue eating after the *afikoman*. If one accepts the Rosh's opinion that *afikoman* is a *zecher l'Pesach*, this would be forbidden.³

Tosafos (120a s.v. *maftirin*) explain the argument differently. They write that it all depends on the reason for not eating after the *Pesach*. Mar Zutra contends that the concern is that of breaking a bone or that one should not walk away from the table of Hashem hungry. These reasons do not apply to matza (where there is no bone breaking concern; it is also not a sacrifice by which it would be considered the table of Hashem).

Shmuel maintains one of the other explanations for not eating after the *Pesach*, either to enable the praising of Hashem on a full stomach or to remind one to be involved in *sippur Yetzias Mitzrayim*. These reasons are applicable by matza today just as they were for the *Pesach* 2,000 years ago. (Indeed, the *Orchos Chaim* explicitly mentions that his reason extends to matza.) Therefore, as with the *Pesach*, it is forbidden to eat after the matza.

In sum, if we assume like the Rosh, it naturally follows that one should not eat after the final piece of matza because it is symbolic of the *Pesach*. If one assumes like Rashi and the Rashbam that the *afikoman* is the independent mitzva of matza, then it would depend on whether the reason for the *Pesach* law logically extends to matza.

The Rambam (*Hilchos Chametz Umatza* 8:9) and the *Shulchan Aruch* (*Orach Chaim* 488) codify the *halacha* in accordance with Shmuel's view that one may not eat after the *afikoman*. The *Mishnah Brurah* (488:2) adds that one should also be stringent not to drink (except water and tea). We have shown that this ruling of the *Shulchan Aruch* flows well from the approach of the Rosh. Yet, it is possible to reach the same conclusion from the approach of Rashi.

Second Night

The *Shibbolei Haleket* (*Seder Pesach* end of *siman* 218) quotes a fascinating *Teshuvos Hageonim* which raises the possibility that only on the first night is it forbidden to eat after the *afikoman*. On the second night it would be permissible to have food afterwards. What is the issue?

³ While this is logically sound, Rashi himself clearly states that it is forbidden to continue eating after the *afikoman*. If so, Rashi must explain the argument between Shmuel and Mar Zutra differently than the Ran, probably along the lines of *Tosafos*, as we will now immediately explain.

The *Geonim* are not sure if remembering the *Pesach* should apply at all on the second night. On one hand, maybe it is only appropriate to have a *zecher l'Pesach* on the 15th of Nisan (the first night) because this was the day we offered the *Pesach*. On the other hand, we generally equate the two nights for all laws because of *sefeika d'yoma*.

The *Geonim* conclude that we have taken upon ourselves to fulfill the *mitzvos* of the seder, including remembering the *Pesach*, to its fullest (“*mehadrin min hamehadrin*”). Therefore on the second night we adhere to all the laws and customs done the night before. But we will not look down on the person who does not accept the full law of the *afikoman*, and eats afterwards (on the second night).

It is evident from the words of the *Geonim* that, according to the strict letter of the law (as opposed to the “*mehadrin*”), remembering the *Pesach* does not apply on the second night. If so, one would not have to eat the *afikoman* at all!

If one accepts this extreme view of the *Geonim*, there is a tremendous practical difference between Rashi and the Rosh. According to the Rosh, one might not have to abide by some or all of the laws of *afikoman* on the second night because *zecher l'Pesach* is not applicable then. According to Rashi, the purpose of the *afikoman* is to fulfill the *mitzva* of matza which applies equally on both nights.

Hefsek

Rav Hershel Schachter⁴ quotes from Rav Soloveitchik that Reb Chaim Soloveitchik (the Rav's grandfather) observed the custom of the *Shlah Hakadosh*, not to have unnecessary interruption between the *bracha* made over the matza until the *afikoman* (from the beginning of the meal till the end!)

At first glance, this seems like a strange and difficult position. Based on the above, however, it becomes clear. This opinion of the *Shlah* is clearly based on the approach of Rashi and the Rashbam. According to their opinion, one makes the *bracha* of “*al achilas matza*” at the beginning of the meal but it's only fulfilled at the very end. It is logical, then, not to interrupt between the *bracha* and its fulfillment. According to the Rosh, there would apparently be no reason to follow this stringency of the *Shlah*.

Marror, Charoses and Korech

Another issue affected by our debate is the placement of *marror*, *charoses* and *korech*. The Rosh proves that his position is correct from the fact that we do *marror*, *charoses* and *korech* during the first portion of matza. According to Rashi, the “real” matza is eaten at the end, and the *marror*, *charoses* and *korech* should have been done then as

⁴ *Nefesh HaRav* p. 187

well. While it is unclear how Rashi would address this point, perhaps Rashi would indeed save these elements to be eaten later with the *afikoman*.

The Amount to Eat

How much matza should one eat for the *afikoman*? Rashi would advise one to be very careful to have a full *k'zayis* since this is the main mitzva of *achilas matza*, and *halachic* eating requires a *k'zayis*. The Rosh may be more lenient in this regard, firstly since the obligation is only rabbinic but more significantly, since it is not a technical requirement of eating but rather a remembrance of the *Pesach*.

Heseiba

We view the act of reclining as an important demonstration of freedom and thus, a critical element of our Pesach seder. Is one obligated to recline during the eating of the *afikoman*? *Tosafos* (108a s.v. *mai*) say that reclining is required during the *bracha* of “*al achilas matza*” and during *afikoman*. *Tosafos* presumably are following the approach of Rashi by specifically mentioning the *bracha* and *afikoman*, while leaving out any mention of the eating of *motzi matza*.

If the *afikoman* is a fulfillment of matza, then certainly it requires reclining. If one maintains, however, that it is a *zecher l'Pesach*, would one be required to recline? The *Shulchan Aruch* (487:1) rules in accordance with the opinion of the Rosh that we eat the *afikoman* as a remembrance for the *pesach* and rules that one must recline while eating it. The Gr”a (ibid.) explains that even a remembrance of the *Pesach* warrants reclining because it once was the main event of the evening. What if one forgot to recline? The *Mishna Brurah* writes that one does not have to eat the matza again if this would be difficult for him. The *Sha'ar Hatziyun* points out that this ruling is only true according to the Rosh. According to Rashi and the Rashbam, however since the *afikoman* is the main fulfillment of the mitzva of matza, one would be obligated to eat the matza again while reclining.

Conclusion

The fundamental debate between Rashi and the Rosh profoundly affects our performance and fulfillment of *afikoman*, on both the intellectual and practical level. The *Shulchan Aruch* (ibid.), as mentioned, writes matter-of-factly, in consonance with the view of the Rosh:

אוכלין ממצה השמורה... זכר לפסח הנאכל על השובע.

We eat matza shmura... to remember the pesach that was eaten while satiated.

It's fair to say that the view of the Rosh has become more widely accepted. This explains why, during our seder, we have the *marror*, *charoses* and *korech* surrounding the earlier eating of the matza. We generally assume that the essential mitzva of matza is being fulfilled with the first matza. The laws of eating after midnight, reclining, and minimum size would all be understood with the perspective of the Rosh. Finally, the *Geonim* suggested that, in theory the *afikoman* is only fully binding on the first night. Needless to say, this theory has never been accepted and the first and second nights are equated (even the *Geonim* opposed the idea in practice).

Nevertheless, *poskim* have recommended to consider the view of Rashi, Rashbam (and apparently *Tosafos*) in our performance of the *afikoman*. Consequently when eating the *afikoman* we should be cognizant of the fact that this might be the main mitzva and make sure to have the full amount required for a *halachic* eating. The requirement of reclining should be taken seriously and extra effort should be made—even if it is difficult—to eat the matza again if one forgot to recline. Being stringent like the custom of *Shlah*, however, is probably reserved for those on par with Rav Soloveitchik and therefore, not a concern for most of us.

Hopefully, we'll be awake and sober to fully appreciate and properly fulfill this multi-faceted and meaningful part of the seder which we call *afikoman*!

Postscript: Dvar Machshava

The *Chasam Sofer* explains that we split the matza in two, at *yachatz*, to reflect the fact that the Pesach seder has two parts. The first part is our celebration of the past redemption from Egypt. The second part of the seder is our faith in the redemption that will come in the future. (The *Levush* explains similarly that this is why the *Hallel* is divided into two.) The first half of matza symbolizes the past redemption. The second half, the *afikoman*, symbolizes the future redemption, with the restoration of the *Korban Pesach*, and is therefore both hidden and bigger. It is hidden (*tzafun*) because we don't know when the future redemption will come but it is bigger because that will be the ultimate and greater *geulah*. *Kein yehi ratzon*.

שפתי ישנים



Rabbi Osher Zilberstein *zt"l*

Rabbi Simcha Wasserman *zt"l*

RABBI OSHER ZILBERSTEIN ZT"l

Rav Osher Zilberstein zt"l started his rabbinic odyssey succeeding his father as the tenth-generation rav of Mezeritch at the age of sixteen. After inexplicably being spared from a communist firing squad, he recognized the necessity to leave Russia and accepted a position as rabbi of Winnipeg in Canada. In 1935 he ascended the pulpit of The Breed Street Shul, Congregation Talmud Torah, in the Boyle Heights neighborhood in Los Angeles where he served until his death in 1973. He was generally considered the *Rosh HaRabbanim* of Los Angeles.

His attitude toward the possibility of Torah in Los Angeles can be summed up by his own words, "If oranges can grow here, so can Torah." In that spirit, in spite of ferocious opposition within and without the Orthodox community, he founded the first day school, Los Angeles Jewish Academy, and the first *yeshiva gedolah*, Yeshivas HaMaarav. Along with this historic breakthrough, he enriched the Los Angeles community with the great Torah scholar Rav Uri Meir Cirlin, a *talmid* of Rav Meir Simcha and the Rogatchover Gaon, whom he brought to Los Angeles as *rosh yeshiva* on the recommendation of Rav Eliezer Silver. Later, he brought the noted Torah scholar Rav Simcha Wasserman, son of Rav Elchanan Wasserman *hy"d*, on the recommendation of Rav Yaakov Kamenetsky. He fought mightily, with great dedication and sacrifice, to implement high *kashrus* standards in the city. He was instrumental in helping waves of immigrants establish themselves in their new home. Many Torah institutions and Jewish organizations in Los Angeles owe their existence in a large part to his efforts.

Rav Zilberstein was devoted to Mizrachi and he was a central speaker at the annual Mizrachi conventions. He saw Mizrachi as a method of uniting Jews together and attracting the younger generation to Jewish values but he was not one to be involved in divisive politics, and his greatness was universally recognized. At the Mizrachi conventions, when others would be involved in political arguments and enthusiastic debates, he would take no part in this; he was interested only in imparting his words of Torah and what he felt was important for people to focus on.

His aversion to creating *machlokes* can be seen in the following anecdote: Before the war, Rav Meir Berlin and Rav Zilberstein traversed the towns and villages of Poland to establish branches of Mizrachi. Nevertheless, when they came to a town that had an Agudath Israel branch, Rav Zilberstein would say, "Here we will not establish a branch of Mizrachi. Where there is an Agudah, we do not need to create Mizrachi."

At the end of his visit to Eretz Yisrael in 1954, there was an unprecedented gathering in his honor at the home of Rav Yitzchak Isaac Herzog, which included *Rabbonim* of all affiliations, including Rav Eliezer Yehuda Finkel, Rav Reuven Katz, Rav Yitzchak Meir Levin, and Rav Shlomo Yosef Zevin. Rav Herzog remarked that never had he had a guest in Yerushalayim for which all the leaders of the various religious parties have all come together in his honor like they have for Rav Zilberstein. "I can testify," he said, "that this is not for nothing."

*Am Yisrael*¹

RABBI OSHER ZILBERSTEIN



Once the Jewish people finally realize their greatest salvation—the Final Redemption—and the world’s population is no longer burdened with anti-Semitism, the world will have the time and the broad-mindedness to give their attention and focus to solving a perplexing riddle, a true enigma—that is, the mystery called “*Am Yisrael*.”

What are the hidden factors that have succeeded in strengthening and guiding this nation for over a hundred generations through the sunken meandering road of our various exiles? How did we survive and endure the obstacles placed before us? What protected us from all the shame and bitterness we were constantly subjected to? How were we able to nonetheless preserve our national identity? Other nations were also exiled by the very same cruel empires, but they disappeared after two or three generations, extinct, barely remembered by history.

Those that will examine this issue, this riddle, will arrive at a solution that has been long-known to the Jewish people. There are in fact two factors that contribute to our continuity: the Torah—the study of Torah and complete fulfillment of its *mitzvos*, and the Redemption, by which I mean the longing, the anticipation, and the complete faith that it will eventually arrive; however long we must wait, it will definitely come!

However, delving into the annals of history, one can encounter other nations who lived through the same periods as we have, who were also devoted to their religions and perhaps were also anticipating redemption and liberation. But after encountering difficult times, after their day-to-day lives ceased to exist because of their trials and tribulations—which were not even as harsh as our own—they lasted only a couple of generations before they gave up and shut the lid on all their hopes and dreams of future redemption.

In what quality, then, is the uniqueness of the Jews hidden?

The answer lies in a third factor which is prerequisite to the aforementioned two

¹ This article appeared in Hebrew in the monthly Rabbinical journal *HaPardes* (Volume 31, No. 6; March 1957), and is an excerpt from his address at the most recent Mizrahi convention prior to its publication. Translation has been provided by the editors of *Nitzachon*; however, we must note that the original Hebrew contains a quality of lyricism and a passionate eloquence that simply cannot be transferred into English.

factors. This third factor is what strengthened us and what forged in us the conviction never to abandon the other two factors, and because of it, we have been able to survive, to prosper, and to thrive.

In observing the history of Torah study, its explanation and clarification—a continuous experience throughout our history—we find a fascinating phenomenon: the splitting of our history into definitively demarcated periods. These separated eras are divided from one another by such high walls that none can possibly infringe on another, resulting in each era characterized by its own nature and disposition not shared by those that precede or succeed them.

The era of the prophets ended conclusively with the termination of divine prophecy. The era of the *Anshei K'nesses HaGedola*, the *Zugos*, and the *Tanna'im*, whose role was to elaborate on the details of the *Halacha*, was sealed with the compilation and the final word of the *mishna*. Similarly, the era of the *Amora'im*, who occupied themselves with delving into the infinite intricacies of the *halacha*, was completed with the assembly of the Talmud. The *Savora'im*, the *Ge'onim*, and the *Rishonim* who followed, up until the time of Rabbeinu Asher, the Rosh, were involved in clarifying the opinions of the *Amora'im* and deciding between them for practical *halacha*. Although there was no clear demarcation between that era and our own era of the *Acharonim*, the Torah giants of the following generation likely decided that they could not compare themselves to those of the previous one. Thus, we have distinct periods, each with their own distinct roles that do not transfer from one period to the next.²

This approach to the history of Torah study is not only phenomenal but also quite strange, and it warrants our attention, for seemingly it is the opposite of the accepted natural order of things.

It is known that the world as a whole also has an order of time periods in its development. But they have the opposite quality. Beginning with the Stone Age and the Bronze Age, etc., until the current era of the hydrogen atom, what is revolutionary to one time period is simplistic and child's play to the next. The laws of development apply to each period in its accomplishments and discoveries. Science continues to develop and advance. Each era overshadows and overtakes the one before it with its innovations and creativity.

Our development, however, is reversed. The best way to describe it is via the principle in the Talmud, "If the earlier ones are like angels, we are like men."

In truth, on one level the world may agree with our view of development. With

² The preceding paragraph is an abridgment of several paragraphs in the original in which Rabbi Zilberstein elaborates on the characteristics and the demarcations dividing each of these eras in the history of Torah study.

regards to the values of faith and matters of spirit and holiness, they would concur that the earlier generations had a much loftier understanding than the later generations and that much more was revealed to them about such matters than to us. However, with regards to intellect, to the scientific, the progress increases with each passing generation. Each generation improves on the scientific understanding of the previous one. Each grows more intellectually sophisticated than the last.

We, on the other hand, ascribe to the earlier generations not just a higher spiritual level, not just a more undiluted faith, but also a sharper intellect, a deeper logical understanding. Ask any Torah scholar, and they will readily concede that the subliminal knowledge and the exceptionally clear comprehension of a *Rishon* simply cannot be found with any *Acharon*, however great.

I do not intend to elaborate at length on this issue of the philosophy of history with regards to the distinct eras in the history of the Torah and the Talmud. What I am trying to point out and stress here is that this approach to the history of our tradition, this recognition—instilled into the heart and soul of every Jew—that the previous generations are superior and continue to grow in stature as they continue back until *Matan Torah*, this is precisely what has sustained us throughout our bitter exiles and has prevented us from breaking and disappearing—God forbid. Even the greatest darkness of our experience in exile cannot dim the light of our vision of the eventual redemption which will surely come. This promise is given to us by the giants of the earlier generations, the prophets, the *Tanna'im* and *midrashim*, and it is to those mountains that we constantly give our attention. In this lies the secret to our continuing and everlasting survival.

This essential perspective that we have has been possible in every generation because they not only looked up to the ancient generations of the *Avos* and *Matan Torah*, but also to the immediately previous generations. Each generation held the previous one in esteem for the simple reason that, in a proper generation, the father is greater than the son. However, when this relationship of father-to-son begins to erode, then even the respect that we show toward the ancient generations can wither away with disastrous repercussions. I wish to express what in my mind is clear: that a gap between the older and younger generations with respect to religion and faith will create deep cracks in the wall formed by our tradition and by our Jewish principles.

Therefore it is my great pleasure to participate in this conference organized by Mizrahi that unifies and bridges the generations. Let us hope that this sentiment will be felt in other religious organizations as well. We also hope and pray that these efforts will lead to the full expression of the religious vision of unity and endurance, which is vital and is so sorely needed to give strength to the whole Jewish world.

RABBI SIMCHA WASSERMAN ZT"l

Rav Elazar Simcha Wasserman zt"l was the oldest son of the great *gaon* Rav Elchonon Wasserman of Baranowicz, the successor chosen by the Chofetz Chaim to shepherd the *yeshivos* of Europe leading into the war years. He was a treasured student of the Alter of Novardok, and also learned with Rav Shimon Shkop and with Rav Issar Zalman Meltzer, who ordained him. The latter's famous son in law, Rav Aharon Kotler, was a *chavrusa* of Rav Wasserman, and the two of them worked tirelessly together in America during the war years to help save Jews through Vaad Hatzala.

Rav Wasserman married Rebbetzin Faiga Rochel Abowitz, the daughter of the Rav of Novardok, and the young couple went to Strassbourg, France to establish Yeshivas Chachmei Tzarfas, which became the basis for today's great *yeshivos* in that region. He traveled with his sainted father to America as the war was brewing, in order to raise funds for the straggling, besieged *yeshivos* of Europe. Rav Wasserman had been given a blessing by the Chofetz Chaim that he would bring Torah to the far reaches of the "New World". He established the Aish Daas Kollel in Spring Valley and was instrumental in training young men who went on to become luminary *roshei yeshiva* in this country. Hand-picked by Rav Shraga Feivel Mendlowitz, the celebrated "father of the yeshiva movement in America", he was sent westward to other communities which had an Orthodox presence yet lacked much in the way of higher learning. He helped establish *yeshivos* and day schools in Detroit, San Diego, Santa Barbara and Oakland, and of course, the most sparkling gem of his efforts in North America was the West Coast Talmudical Seminary, Yeshivas Ohr Elchonon in Los Angeles, which was named to commemorate his father and his father-in-law, both of whom perished in Europe.

When Rav Wasserman came to Los Angeles in the early 1950s, he was shunning fame and dismissing opportunities to head some of the East Coast's major Torah institutions. When he arrived, there was limited Torah education and he introduced the concept of having a Rosh Yeshiva of *gaonic* status, accompanied by warmth, compassion, and foresight. At its peak, the yeshiva here had some three hundred students from elementary through kollel ages. He had the gift of bringing Torah to the levels of his listeners, promoting outreach to adults as well as youth in a way that drew many, many people to a life of Torah and *kedusha*. His tombstone captures him perfectly, crediting him with having been the force propelling what became the "Teshuva Movement" of our times.

The Wassermans left for Israel in the late 1970s, and it began to dawn on people that he had been a largely under-utilized resource; his modesty was in part responsible for the relatively low profile he had kept. In Israel, he founded a network of great *yeshivos* under the banner of Ohr Elchonon, still thriving today under the direction of Rav Wasserman's hand-picked successor, Rav Moshe Chodosh. Many back out West only later came to the realization that we had truly had "Greatness in Our Midst", the title I used for his biography, published following his *petira*. I am his disciple and continue to feel love and awe for who he was, what he accomplished, and how profound his mind and heart were. He was an authentic *rosh yeshiva*. He was one of the *gedolei hador*.

- Rabbi Dr. Dovid Fox

Memorandum¹

TO: CONCERNED INDIVIDUALS
FROM: RABBI SIMCHA WASSERMAN
RE: REACHING OUT



The closing words of the Era of the Prophets were spoken by Malachi: “Behold! I shall send forth the Prophet Elijah. He will return the hearts of the fathers unto children, and the hearts of children unto fathers” (3:24). Rashi explains this to refer to the return of Elders to the Almighty “through the children. [Elijah] will address the children with kindness and with love: Go speak to your parents. Convince them to cling to the ways of the Creator. And so shall the hearts of the children [be returned to the Almighty] through their parents.”

Return of the Youth

In our time we are witnessing the realization of the first part of this prophecy. The words of Jeremiah, “Children will return to their boundaries” (31:16), are becoming fact in both the physical and spiritual realms. The joining of the people of Israel with the land of Israel is one of the great miracles of our time. At the same time, the surprising return of many a Jewish person to the direction of Torah is also a miracle occurring before our very eyes. Witnessing the miraculous growth of *yeshivos* and *bais yaakov* schools, one can echo the words of Isaiah, who likened the Jewish people to a mother, widowed and bereft of her family, who stumbles across her offspring and exclaims in disbelief: “Who bore for me all these?” (49:21)

The Older Generation

On the other hand, realization of the second half of the prophecy of Malachi—that children will be brought back to the fold through their parents—has not yet made

¹ This article originally appeared in *The Jewish Observer* (Volume 7, No. 1; November 1970) and is reprinted here with permission from Agudath Israel of America. The following note accompanied its original publication: Rabbi Simcha Wasserman, Rosh Yeshiva of West Coast Talmudical Seminary in Los Angeles, has blazed trails in Torah education all over America for the past three decades. He distributed this memorandum to a small group of “concerned individuals.” *The Jewish Observer* believes that this piece—which draws on Rabbi Wasserman’s vast experiences and insights in the American educational scene, deserves wider attention.

a noticeable appearance. It is certain to come, and fortunate will be the lot of those people who will engage in putting up the road signs for this movement.

The Only Source of Inspiration

There is only one kind of road sign suitable for guiding a Jewish person to return to his Creator and to his people—the study of Torah. Regarding the words of Jeremiah, “Me, they have neglected, My Torah they have not guarded” (16:11), our Sages remark, “The Almighty says, I with they would have guarded my Torah in study, even when they neglected me in their actions. The inner light of Torah would have directed them to a better existence.”

Our Sages also say, in quotation of the Almighty, “I created evil inclinations, and I created Torah study as an antidote.” This indicated that Torah study is the only feasible method for directing one to function as a Jew. One who attempts to bring Jews back to their fold by any other method can be likened to a man trying to manually lift a burden that could only be handled by a mechanical crane. One cannot possibly absorb sufficient strength to pursue a life of Torah from mere propaganda for Judaism. Stamina for an authentically Jewish existence can only stem from a fullness of Jewish study.

Torah Vitality

The Rambam in his “*Letter to Yemen*” makes it clear Torah is literally a “*Toras Chaim*,” a vital force with a life of its own for which there is no substitute. Each and every word of Torah, both the written and the oral—as long as it is pure Torah—exerts an inspiration of tremendous force upon every Jewish person who is exposed to it. Although this may defy a rational explanation, it has been experienced time and again.

The immeasurable force of a word of Torah can be illustrated by an incident related in the *gemara*. Three days after the Jewish people crossed the Red Sea, the prophets among them—Moses, Aaron, Miriam, and others—noticed a weakening in the composure of the people. As a remedy, they instituted the reading of the Torah on Shabbos, Mondays and Thursdays, thus making certain that the people would never experience three days without Torah. A minimum of three passages was established for the readings (*Babba Kamma* 82a). (Later, Ezra raised the minimum to ten.) Moshe Rabbeinu, together with his contemporary prophets, felt that a public Torah reading, providing an average of one passage per day, would be sufficient to preserve the unity of the Jewish nation. How powerful is one *pasuk* of Torah!

Hunger for Torah, its Promises and its Hazards

“Days will come, says the Almighty, when I shall inflict famine upon the land. Not a hunger for bread nor a thirst for water, but only [a desire] to hear my words, says the Lord” (*Amos 8:11*). Where a hunger exists, there is a lack of food; an increasing appetite; and a hazardous situation where people may consume unhealthy and even poisonous foods proffered by unscrupulous peddlers.

This is an apt description of the present day situation of American Jewry. There is a great scarcity of Torah learning and information. At the same time, the search for Torah and Jewish identification which exists today in all circles is awe-inspiring. Sometimes we are amazed at who knocks at the doors of *yeshivos* and begs for admittance. Genuine movements of coming back to Judaism and to Torah do appear here and there. Nevertheless, to our regret, peddlers of ersatz Torah are enjoying a hey-day. Synthetic Torah is presently being sold in the open market. Schools abound that appear to be teaching Torah, but in reality are teaching denial of Torah.

A similar situation exists with regard to literature on Jewish subjects. While there is a great demand for the genuine article, the market is being flooded with literature of doubtful value. Misrepresentations of Jewish standards, beliefs, philosophy, and life, are available in great abundance. Literature of anti-Torah, anti-Jewish, and anti-Semitic nature is filling up the racks of Jewish bookstores and many are becoming bestsellers. “My sheep have gone astray among the mountains, on every high hill, and over the land” (*Ezekiel 34:6*).

Methods of Approach

No supervision of products can be as effective as training knowledgeable consumers. Similarly, the only way to protect our people from misrepresentative literature and from misleading teachers is to provide them with genuine Torah knowledge and an authentic Torah outlook.

“Children raised by parents who had turned away from the Torah, as well as their descendants, are victims of circumstances beyond their control. Although they later may come among Jews and become aware of the Jewish way of life and still persist in their old erring ways, they are still considered victims of circumstances due to the fact that they were raised in this manner from childhood. We therefore should draw them back to Torah, attract them with *divrei shalom* (words of peace), until they come back to “Torah strength” (Rambam, *Yad Hachazaka, Mamrim 3:3*). The Rambam here indicates that for a Jew to become observant of *Mitzvos*, he needs the “strength” of Torah learning.

Torah is called *divei shalom v'emes* (words of peace and truth). The Rambam intentionally specifies *divrei shalom* only, while he omits *v'emes*. A reasonable explanation may be that Torah study is only identified as such when it possesses the *emes* factor—when it is utilized as a guide for life and action. Torah information absorbed as an intellectual pursuit, without any deference to it as a guide for conduct, may be called anything but the study of Torah. The Rabbis say: “Whoever says I have naught but Torah does not even have Torah.” In carrying out the Rambam’s recommendations for drawing people back to Torah and attracting them until they come back to Torah strength, we are faced with a serious dilemma. First, the Rambam tells us not to expect immediate practice from people who “are victims of circumstances, even if they persist in their erring ways.” Consequently, this kind of study without intention of putting theory into practice may be disqualified as Torah ... How then, should we begin?

A Starting Point

A possible solution would be to begin with those parts of Torah that are classified as *mussar* and *agadah*, where the basic emphasis relates to fundamental principles of faith and character formation. For example: *Sefer Bereishis* and the first part of *Sefer Devarim*, as well as similar texts in Chumash; *Pirkei Avos* in *mishna*; Rambam’s *Hilchos De’os*, his Introduction to the *mishna*; *Chovos Halvovos*, and similar texts of *Rishonim* and *Acharonim*—earlier and later authorities. It is possible that this is exactly what the Rambam indicates to us by referring to *divrei shalom*, while omitting *v'emes*.

Another factor in a fruitful approach could best be described by what our sages tell us regarding the saintly *Tanna*, Reb Tzodok. He fasted for 40 years, praying that that the *Beis Hamikdash* would not be destroyed. After the destruction of the *Beis Hamikdash*, he was treated by physicians to restore him to his health. The Talmud tells us that his cure consisted of his being fed a gruel of flour and water. This built up the strength of his shrunken intestines so they could later absorb solids.

The situation in America is a similar one. After a Torah starvation that has lasted several generations, the spiritual “intestines” of American Jews have suffered a miserable shrinkage. Special caution is important as to the form of the Torah being presented. Quantities may have to be small at the beginning. At the same time, the ingredients must be absolutely pure in genuine Torah quality. This should compensate for the small dosage.

Personal experience with this approach during the last 15 years has, *baruch Hashem*, returned a number of people to Torah and to genuine observance of

mitzvos. This same approach also resulted in the opening of a day school in a Jewish community. (At this point, I must make special mention of Irving Bunim's "*Ethics from Sinai*." This book employs a method similar to the one outlined above, and it had a tremendous impact on a number of people who were exposed to it.)

Urgent Practical Needs:

- **Torah Study Project:** The spreading of Torah study on a large scale through personal contact seems unlikely, due to the simple lack of personnel. Still, nothing should stand in the way of a concentrated appeal all over the country to propagate *k'vius itim l'Torah*—the setting aside of specific times for Torah study. Ways should be found to hammer into the consciousness of every Jewish person the sacred obligation "to set a time for himself for Torah study," five or ten minutes during the day, and five or ten minutes during the evening. This appeal would have to be supported by a plan which would make available genuine Torah texts in the English language to anyone who desires to use them. This may be done in more than one way. One suggestion—by Mr. Bunim—is a Torah book club. Another consideration would be to establish lending libraries for Torah *seforim* in central locations, to serve their respective regions. Still another possibility would be to have Torah *seforim* published in English in inexpensive paperbacks.
- **Torah Literature:** In addition to genuine Torah texts that are suitable for fulfilling the obligation of Torah study and this carry within them tremendous inspirational force of Torah (such texts as cannot be studied before reciting *Birchas haTorah*), there are also other reliable texts on Jewish subjects—such as philosophy and history which should be recommended reading material. And there is a need for proper planning of methods for reaching the public.
- **Translation Projects:** A number of original Torah texts have already been translated into English (most of them published by Feldheim), but there is still a great deal to be done in the field of translating. A few examples: Rambam's "*Introduction to Mishnayos*," Rambam's commentary on the tenth chapter of *Sanhedrin*, as well as his "*Letter to Yemen*," possibly "*Sefer Hachinuch*," and other *sefarim*. (I understand that Feldheim is now engaged in the translation of "*M'noras Hamaor*.")
- **University Campuses:** It is also urgent that we find ways to penetrate the university campuses with this campaign. Lubavitch is already involved in various campus projects, and could be of great help. Since students are often limited in funds, libraries or paperbacks would be more applicable to their studies than a Torah book club.

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- A By-Product: Support for *Yeshivos*: We should realize that the existence of all our *yeshivos*—both day schools and more advanced institutions—depends greatly upon communicating Torah inspiration and education to the entire Jewish community. Unless the public is Torah educated, the Yeshiva contributor will soon be supplanted by the philanthropist whose list of priorities does not even include *yeshivos*.

Conclusion

It is in place to mention the comment of the *Tanna D'vai Eliyahu* on the words of Isaiah, “Break your bread with the hungry... and when you see someone naked, give him covering” (58:7). The *Tanna D'vai Eliyahu* says, “Hunger refers to hunger for Torah and bread refers to Torah (as indicated in *Amos* 8:11). A man who understands words of Torah shall feed others from his knowledge. It will increase his own wisdom, for Heaven will add more to it. Whoever acts this way will not be separated from good...When you see a person who has no Torah, bring him into your home, teach him how to read the *Shema*, teach him to pray, teach him one verse a day, one *halacha* a day, and encourage him in the observance of *Mitzvos*. No one is more naked in Israel than the man who is without Torah and *mitzvos*” (Quoted in *Biyur Hagro* paragraph 5 to *Yore Deah*, chapter 245). Bread indicates sustenance. Nakedness symbolizes exposure to danger and hazards. While sustaining the Jewish person, Torah at the same time provides for his protection.

Purim



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The *Klippa* of a *Kippa*: Addressing our Dress through the Custom of Costumes

ELI SNYDER



Although wearing costumes on Purim is arguably the second-most exciting practice of the holiday for many people, it is interesting to note that its origins are relatively recent. There is no direct mention of the tradition within the Megilla or *gemara* and it is only in the later *Rishonim* that the *minhag* first appears. The Rama in *Hilchos Megilla* (696:8) quotes a *teshuva* from the Mahari Mintz regarding wearing women's clothing on Purim, which possibly dates the first mention of costumes on Purim to the mid-15th century. Explanations abound for the *minhag*; for example, that we hide our identities the same way Hashem was “hidden” behind the scenes during the happenings in Shushan, or that it works in tandem with the *chiyuv* of *matanos l'evyonim*, i.e. that masks provide an anonymity for the givers and recipients of *tzedaka*, thus reducing the degree of embarrassment the *evyonim* experience. However, a close examination of the true nature and implications of clothing (and inversely, costumes) can shed an interesting light on the *minhag* and how it fundamentally integrates into the themes of the holiday.¹

When Adam and Chava are introduced in *Parshas Bereshis*, it is without clothing.

ויהיו שניהם ערומים האדם ואשתו ולא יתבשו.

And they were both naked, the man and his wife, and they were not ashamed.

(*Bereshis* 2:25)

¹ Many of the ideas that follow have been gleaned from *shiurim* heard from Rav Akiva Tatz and Rav Tzvi Sobolovsky, especially a *shiur* from the latter entitled “The Meaning of Costumes—The Real You” (available on yutorah.org).

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The reason clothing was unnecessary was because Man's physical self was so plainly and unequivocally a means to house his spiritual essence; the body was a vessel that could simply be ignored since Man's true self shone so brightly. Of course, when Adam and Chava ate from the *Eitz HaDaas Tov V'Ra*, the Tree of Knowledge of Good and Evil, this state of spiritual being was forever changed. No longer could the physicality be ignored since the spiritual light had been dimmed and an element of uncertainty and doubt had clouded the world. Rabbi Akiva Tatz explains² that while good and bad had already existed before the *aveira*, they were not intertwined. There was no doubt over which was which. It was only after eating from the *Eitz HaDaas Tov V'Ra* that good and bad intermingled and grey areas emerged. So of course, upon this realization,

ותפקחנה עיני שניהם וידעו כי עירמם הם ויתפרו עלה תאנה ויעשו להם חגרת.
*And both their eyes were opened and they realized they were naked. And they
 sewed together fig leaves and made for themselves belts. (Bereshis 3:7)*

It was now unclear which was the primary, body or soul, and so to diminish the now distracting physicality that was presenting itself, Adam and Chava created clothing. What this account illustrates is that the very concept of clothing is *b'dieved*; in the ideal state it should not be necessary. This is evident in the Hebrew words themselves. "*Beget*," a garment, has the same root as "*bogeid*," deceitful. A coat, "*me'il*," hints at "*me'ila*," a betrayal. When Hashem makes clothing for Adam and Chava, they are made of "*or*," leather, which shares the same spelling with "*iver*," blindness. What is it about clothing that is so despicable?

The *gemara* in *Megilla* (7b) famously states, "*m'chayiv inish l'bisumei b'puria ad d'lo yada bein arur Haman l'baruch Mordechai*"—"one is required to imbibe (wine) on Purim until he no longer knows between 'cursed Haman' and 'blessed Mordechai.'" Leaving the latter part of this statement aside for the moment, why is there a specific obligation on Purim to drink wine? This leads our attention to another famous Amoraic morsel found in *Eruvin* (65a), "*nichnas yayin yetzei sod*"—"when wine enters, a secret emerges." Purim, and Adar in general, is the time to discover what is ordinarily concealed. By reading *Megillas Esther* we are *megaleh hester*, revealing the hidden. Hashem's name is not explicitly mentioned in the whole *Megilla* since we are training ourselves to find Hashem hidden behind the scenes. We drink wine to discover our true selves, hidden under exterior layers of superficiality

² In a shiur entitled "Mind and Will—Doubt & Certainty."

and deception. It becomes clear, then, why costumes are encouraged. Clothing has the ability, and even the tendency, to obscure the true nature of a person. Societal norms, fashionable trends, and even religiously tinted traditions can influence one's dress to the extent that he or she can lose grasp of his or her self. On Purim, when we drink wine and train ourselves to delve into our innermost essence, our clothing can come into conflict with that very pursuit. Obviously, removing all clothing is not an option, so instead we wear clothing that is preposterous in nature. We are *mevatel*, we nullify, the external layers by changing them so drastically that they cannot be perceived as a representation of our true selves. In that way we can discover who we truly are.

This concept is well illustrated by a story I recently heard from one of the editors of this journal. Mike Tress, the president of the Agudath Israel of America during the 1940's through most of the 1960's, had a very close relationship with the Satmar Rav, Rav Yoel Teitelbaum. His chasidim were quite surprised by the relationship and the high degree of respect the Rav accorded to such a "modern" Jew. Eventually, one of the more fervent chasidim spoke up, stating his surprise that the Rav could possibly be so close to a man who shaves his beard! The Satmar Rav responded (in Yiddish), "When Mike Tress arrives in the World to Come, they will ask him, 'Yid, Yid, where is your beard?' But when you arrive they will ask, 'Beard, Beard, where is your Yid?'"

The apparently puzzling extent to which the *gemara* in *Megilla* tells us to drink on Purim can also gain some clarity from this discussion. There is a famous Rambam relating to the *gemara* in *Bava Basra* (48a) which states that if one refuses to give his wife a *get*, a writ of divorce, then we should be "*kofin oso ad she-yomer 'rotzeh ani'*"—persuade him until he says, "I want to (give a *get*)."³ The *gemara* makes it clear in many places that a *get* given under duress is not valid. Why then should striking the husband until he says "I want to give a *get*" work? The Rambam explains in the *Mishneh Torah, Hilchos Gerushin* (3:20) that we only consider one under duress when we are forcing him into something that the Torah does not command, but giving a *get* is a mitzva, and since deep down every Jew wants to fulfill his halachic responsibilities, he is believed when he says, "I want to." Chasidic and other hashkafic literature is replete with this concept, commonly termed the "*Pintele Yid*," the "Little Jew," and it in fact has much foundation in Tanach.³ Perhaps the *gemara* in *Megilla*

3 For instance, in *Vayikra* 19:18, there is the famous tenet of "*v'ahavta l'reyacha kamocho*"—"Love your neighbor as you love yourself." Here the *Shem MiShmuel* notes in *Parshas Mishpatim* that, "all of Israel is like one person, intertwined on the deepest level." This is reminiscent of the concept of "*kol Yisrael arevin zeh ba-zeh*"—"All of Israel is a guarantor for one another," alluded to in *Vayikra*.

Rav Baruch of Mezhebezh draws out the concept from *Tehillim* 37:10 which states:

ועוד מעט ואין רשע והתבוננות על מקום ואיננו

(7b) is touching upon this point as well. However a Jew appears on the surface, be it a Mordechai or a Haman, deep down the difference is not perceivable. Deep down, there is a source of goodness that is perhaps hidden under many layers; but on Purim, we are *nichnas yayin yotzei sod*. It might take a lot of wine, but underneath it all we are all pure Mordechai (and Esther).

Not coincidentally, Purim usually falls out in the year very close to, if not during, the week that we read *Parshas Tetzaveh*, much of which focuses on the *bigdei kehuna*, the clothes of the priests in the Temple. Although clothing in general, from our discussion, can be cast in an overall negative light, it is worth arguing that the clothing that we mention during Torah reading around Purim time can be *hafuch*, perceived inversely. While normally our dress has a dangerous penchant for externally skewing our inner selves, ideally it should be an outward expression of who we are. This is beautifully demonstrated by the *bigdei kehuna*. Aharon HaKohen's *midah*, above all else, was his love for *Klal Yisrael*. Indeed, in *Birkas Kohanim*, the *bracha* the *kohanim* recite is not just to bless Hashem's nation, Israel, but to bless them *b'ahava*, with love. It is inherent in the mitzva that the *kohen* reciting the *bracha* loves every single person in that room. In *Tetzaveh*, regarding the *choshen mishpat*, the Kohen Gadol's breastplate, there is a repeated emphasis that it should be placed on the *kohen's* heart. The *choshen*, engraved with names of all the *shevatim*, is ideally suited to be placed on the heart, where the seat of the *kohen's* love for *Klal Yisrael* radiates. The garment is specifically the *choshen mishpat*—breastplate of judgement—since even in judgment, the internal essence of the *kohen*, that of *ahava*, has influence on the external world.

Purim, and Adar in general, affords us the opportunity to discover our hidden selves. Drinking wine to be “*yotzei sod*,” training our senses to perceive Hashem hidden in natural events through reading *Megillas Esther*, as well as simply wearing costumes, all come to aid this worthwhile pursuit. By performing these *mitvos* correctly, we can discover the *Pintele Yid* in all of us, whom we can harness not just on Purim, but throughout the year, to guide our actions in the most positive way.

And a little further, and there is no rasha, you will look at his place and he is not.

For the first half of the *pasuk*, Rav Baruch explains that even if a Jew strays from the proper path and performs a misdeed, he is not considered completely wicked until there is no good remaining. There will still be a little bit that is not wicked. Regarding the second half, he states that if you focus on that tiny point that is not wicked, then he will not appear to be wicked.

Leaders Acting Like Children: The Unusual Events that Led to *Klal Yisrael's* Salvation on Purim¹

AVRAHAM AZIZI



The help of Hashem is continuously seen throughout the story of Purim. In the beginning of the story, it looks as if bad will fall upon the Jews. However, as we delve deeper into the Megilla and the story unfolds, we quickly discover that each “chapter” of the story was for the good of our people and is for our benefit. However, none of this could have been possible without the aid of our Creator and power of *tefilla*. Hashem was the director of this story and below you will see how He ran the show for the sake of our people and to fulfill His *ratzon*. This is clearly depicted through the antagonists in the story of Purim who acted irrationally and out of their nature.

Throughout the Megilla, we see that Achashverosh made rash decisions. This is the opposite of the way royalty should act in decision-making. Achashverosh was not from royal lineage. In fact, he was a stable boy and we can see this through the first verse that states that Achashverosh was “kinging” himself. His wife, Vashti, was the granddaughter of Nevuchadnezzar and was his ticket to royalty. Since the key to monarchy was marrying Vashti, one would assume that Vashti would be a permanent “asset” in his life. However, as the story unfolds, it reveals that the opposite is true.

Since he was not from royal descent, he suffered from an inferiority complex and constantly had to raise his ego. He did this by collecting museum pieces (that took 186 days to view them all!) and throwing many parties to show off his power. After 186 days of partying, his ego was boosted and he forgot about

¹ This article is based on a shiur by Rav Shlomo Brevda.

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his lowly past. However, all of the partying and “false pride” of Achashverosh began to irritate Vashti, and she, too, decided to throw a party. She partied, however, in *Beis Hamelech*, which is the most prominent room in the castle reserved only for a true heir to the throne. In order for Hashem’s *ratzon* to be fulfilled, she did not comply with Achashverosh’s request that she appear to the king to show off her beauty, even though she normally would have been happy to agree. Instead, she was inspired to chastise her husband and state that her grandfather, a real monarch, could drink the whole night and still maintain control, unlike the stable boy Achashverosh.

To boost his ego even more, Achashverosh needed to have Shlomo’s throne that was conquered. However, it was too heavy to move and, as a result, Achashverosh transferred the capital from Babylon to Shushan so that he could sit in Shlomo’s throne and, as we all know, this enabled him to meet Esther.

One again we can see Hashem’s hand when he married Esther. Achashverosh was extremely depressed after he killed Vashti, and, as a result, his advisors did not advise him for fear of saying the wrong words. Hashem made sure that only “*na’arei hamelech*” (inexperienced people, such as bathers and servers) were advising Achashverosh and they told Achashverosh to hold a beauty contest to choose a wife. A king marrying an unknown woman of unknown origin is so unusual that it can only be the result of Hashem’s hand, so that His *ratzon* could be fulfilled.

Zeresh, the wife of Haman, was a very wise lady. Her plot to kill Mordechai was foolproof and she was even able to figure out how tall the gallows had to be in order for Haman to view the hanging from the palace. However, Hashem had other plans! Before Haman arrived to ask the King for permission to hang Mordechai, Achashverosh asked if Mordechai had been rewarded for saving the king’s life. Any good advisor would have made up an answer, such as, “an investigative committee will look into the matter.” But the *na’arei hamelech* said nothing. Hashem was prepared for Haman’s arrival and prevented him from succeeding. If Achashverosh’s regular advisors were with him, they would have warned Haman to leave, but the *na’arei hamelech* were thrilled and welcomed Haman into the castle.

Achashverosh and Haman were partners in crime. Together, they came up with the idea for the original party that caused the Jews to sin. Therefore, it was unlikely for Haman to be killed. However, Hashem had other plans so that Haman would be hanged. After Esther revealed her big secret and accused Haman, Achashverosh went outside to cool off, where *malachim* were present and informed him that Haman ordered the attack on Esther’s people. When Achashverosh returned with his anger at its peak, he found Haman lying on Esther’s couch! To further accomplish His plan,

Charvona makes Achashverosh realize that Mordechai was the only person who truly saved him and that Haman probably had plans to hang Achashverosh as well. As a result of all of these events, Achashverosh ordered the hanging of Haman. This was only possible because Haman had introduced a law against rebellion in order to get rid of Vashti. Now he had planted the seed to that ended up getting himself killed!

From the Purim story, we become familiar with the concept of *tzadikim* vs. *reshaim*. Mordechai, Esther, and the Jews turned to Hashem during the time of their dire needs. On the other hand, Achashverosh and Haman were either too angry or drunk and did not know what to do with themselves in their time of need. They had no one to turn to ask for help. In other words, only the physical mattered to them and they had no need or desire for spirituality. We see from all of the above that when *Klal Yisrael* is connected to Hashem and perform sincere *teshuva*, He will modify world events in even the most unusual ways to save His people.

Hashem destroyed the decree to kill the Jews, as a result of the Jews fasting, doing *teshuva* and reacceptance of the Torah. Eliyahu Hanavi told Moshe Rabbeinu about the decree of Haman to kill the Jews. Moshe asked if the signature was in blood or concrete. If it was in blood, then they were as good as dead. Fortunately, it was signed in concrete. Once Moshe knew that the decree was able to be turned, he asked Eliyahu who the *tzadik* of the generation was and Eliyahu replied that it was Mordechai. Moshe said that Mordechai should study Torah non-stop. During the night when Hashem kept Achashverosh from sleeping, the Jews caused the tide to turn by non-stop learning. This was imperative and if they stopped learning for even a second, they could have all been killed. On the third day of fasting, the Jews, with their last ounce of energy, cried out to Hashem. Hashem, at that point, asked Moshe if he could hear the sound of sheep crying. Moshe replied that the sounds were from Jewish children who were going to be slaughtered by Haman. Immediately, Hashem went to tear the decree and save the Jews. Through the story of Purim, one can clearly see the strength and power that *talmud Torah* and *teshuva* possess to change Hashem's *ratzon*.

May we take these words to heart and bring about the *geula shleima* through our *talmud Torah* and *teshuva*.

Parshas Zachor

BENHOOR HANAS



אשר קרך בדרך ויזנב בך כלהנחשלים אחרוך ואתה עיף ויגע ולא ירא אלהים:
*That he encountered you on the way and cut off those lagging to your rear,
when you were tired and exhausted; he did not fear God. (Devarim 25:18)*

As our sages have taught us, *Parshas Zachor* is a reminder of what Amalek has done to the Jewish nation and what he is capable of doing in every generation.

As we know, our Torah is a light and guide for every generation, and there must be guidance for us in our present time as we cope with our challenges of Amalek in his new form. I believe the verse applies to our generation more than any other generation, but we have to see how it is referring to our challenge of Amalek in our time.

On this note, let's understand how Amalek functions; *asher karcha baderech*, "that they encountered you on the way"; this could also be read as "they made you cold on the way." The goal of Amalek is to make us feel cold, to take away the warmth and excitement of our *avodas Hashem* which leads us to abandon our relationship with the Almighty. But how is Amalek doing this?

The next part of the verse is where we can find our answer.

Amalek's Step One: Vayezanev Becha Kol Hanecheshalim Acharecha

As we know the root and *shoresh* of the word *vayezanev* is the word *zanav*, which means "tail." Let's see what tail or *zanav* is; it is a part of an animal's body that is permanently attached and wherever the animal goes it follows. In the same way, the Amalek creates a tail from our *hanecheshalim*, which means our failures, our weaknesses and our struggles, and he attaches this emotional, mental, and invisible tail to us. Just like a tail follows the body that it is attached to, so too this spiritual tail follows a person and keeps reminding him about his failures, weaknesses, and

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challenges. Let's illustrate this concept: A simple God-fearing Jew opens his eyes and the first thought that enters his mind is all his mistakes from the day before, how low he has sunk and how much struggles he will have in his *davening*, learning, guarding his eyes, mouth, etc. He gets up and makes his way to shul, but as he *davens* he keeps remembering how he lacks concentration and how empty his *davening* is, and he thinks to himself, "how is it possible that the Almighty will accept the prayers of a person who is full of mistakes, sins, and struggles with his *avodas Hashem* like me?" We can notice in the emphasis of the word *kol*, **all**, that it will get to a point that all a person can see is his or her *hanecheshalim*; failure, failure and again failure!

Amalek's Step Two: V'ata Ayef Veyagea

This part of the verse is telling us that as a result of constant inner struggle, (the word *veyagea* is referring to constant repeating and trying), and negative self image, the individual becomes emotionally, mentally, and spiritually exhausted. He feels as if his *avodas Hashem* is worthless and has no value.

Amalek's Final Stage: Velo Yarei Elokim

As a result of Amalek's step two a person loses his happiness and joy of serving Hashem. This is a direct outcome of his not being able to see any value in his efforts to overcome his challenges and struggles. Instead of focusing on his own strengths and accomplishments he dwells on his failures and weaknesses. Gradually his fear of Hashem decreases and he sees no reason and value in trying any further.

The war with Amalek is an inner battle. It is the battle over understanding and appreciating each and every single mitzva and effort to overcome our challenges no matter if they're big or small. The following story demonstrates how our Torah giants realized and emphasized this struggle:

Once a young yeshiva student visited the Steipler zt"l. He poured his heart out about his difficulty in overcoming a certain challenge in his life and how, time after time, he fails to overcome this challenge.

The Steipler zt"l replied, "Are there times that you in fact succeed and win?"

The boy replied, "Yes, very seldom, but most of the time I fail!"

Again the Steipler zt"l asked, "But are there times that you succeed?"

He replied the same.

The Steipler zt"l repeated the question over and over, and at the end he advised the boy as follows:

"Go and focus on those occasions in which you succeed, and be as happy about those victories as you are sad about your failures; in this way you will succeed."

A Purim Message for the Ages

NINA ADLER



What comes to mind when thinking about Purim? Kids, costumes, fun, a world turned upside down, the downfall of our mortal enemy and the joyous celebration of our triumph over our enemies. Who is responsible for this miraculous change? Most people would probably say Mordechai and Esther and their unique bravery and righteousness. Purim is a holiday with a hero and heroine—the individuals from within a mass who stood out and changed the fate of the Jews. But what enabled them to overcome the fatal decree and what was the catalyst for the shift in the story of Purim? In particular, what did Esther understand about the key to defeating Haman? What can we learn from the story of Purim that will enable us to finish off what was started by Mordechai and Esther during *galus Bavel*, and how do we defeat our enemies and end the *galus Edom* that we are currently in?

In order to properly understand the *middos* that made Esther Hamalka unique, we will first examine her progenitors Rachel and Yosef to see what was in her spiritual DNA that enabled her to see what was lacking in the Jewish people.

Rachel Imenu

Mordechai and Esther are from the tribe of Benjamin. Mordechai is described as “איש ימיני” “a Benyaminite.” Benjamin, the youngest of the 12 tribes, was the son of Rachel, the second wife of Yaakov Avinu. Rachel, the mother of this line of *Bnei Yisrael*, left a definite spiritual mark on her descendants, a selfless and sincere *ahavas chinam*.

In *Sefer Bereshis* (*Parshas Vayeitzei*) we learn about Yaakov’s love for Rachel and his desire to take her for a wife. Rachel’s father, Lavan, required Yaakov to work for seven years for the right to marry his daughter, to which Yaakov agreed. When the time came to marry the woman for whom he had toiled, Lavan made a wedding feast but gave Leah as a wife to Yaakov instead of Rachel. How did this happen? Did Yaakov not realize that he married the wrong sister? Rashi explains:

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ויהי בקר והנה היא לאה.

It was morning, and behold it was Leah (Bereishis, 29:25).

The implication of this *pasuk* is that Yaakov only realized it was Leah the morning after the wedding. Rashi wonders why he did not recognize her as Leah on the night of their wedding. Rashi comments:

אבל בלילה לא היתה לאה, לפי שמסר יעקב לרחל סימנים, וכשראתה רחל שמכניסין לו לאה אמרה עכשיו תכלם אחותי, עמדה ומסרה לה אותן סימנים.
But during the night she was not Leah? For Yaakov had given Rachel certain signs and when Rachel saw that Leah was being brought to him she thought: 'my sister may now be humiliated' and then she readily transmitted the signs to her.

Rashi explains that Yaakov failed to recognize he had married the wrong woman because of the fact that Rachel protected Leah from humiliation by giving her signs that only she could have known.

Yaakov, being an astute judge of character, thought that his deceitful father-in-law might try to switch Rachel for her older sister Leah and gave Rachel secret signs to enable him to recognize who he was marrying. Rachel's love for her sister and reluctance to see her embarrassed prevented Rachel from keeping these signs to herself. Rather, Rachel revealed Yaakov's secret signs to her sister lest she become embarrassed on her wedding night.

Rachel gave up her right to be the first and legitimate wife of Yaakov by revealing those signs. Rachel is not buried with Yaakov in *Me'aras Hamachpela* and died as they entered *Eretz Yisrael*, which the Ramban explains is because Yaakov could not have been married to sisters, a Torah prohibition, in the land of Israel.¹ This act of selfless magnanimity is recalled in *Sefer Yirmiahu* 31: 14-15:

כה אמר ה' קול ברמה נשמע נהי בכי תמרורים רחל מבכה על־בניה מאנה להנחם על־בניה כי איננו: כה אמר ה' מנעי קולך מבכי ועיניך מדמעה כי יש שכר לפעלתך נאסיה' ושבו מארץ אויב:

Thus said Hashem: A voice is heard on high, wailing, bitter weeping, Rachel weeps for her children; she refuses to be consoled for her children for they

¹ Ramban *Bereishis* 26:5. The Ramban explains what it means that the *avos* kept the Torah and explains that the *avos* only kept the Torah inside of *Eretz Yisrael*. He cites Yaakov's marriage to two sisters as an example of when the *avos* transgressed the Torah outside of the land. Once Yaakov returned to *Eretz Yisrael* Rachel died and was buried outside of the *Me'aras Hamachpela*.

are gone. Thus said Hashem: Restrain your voice from weeping and your eyes from tears; for there is reward for your accomplishment—the word of Hashem—and they will return from the enemy's land.

Rashi,² citing the *midrash*, relates that all the patriarchs and matriarchs argued before Hashem to appease his wrath and persuade Hashem to forgive the Jewish people, but all pleas were rejected until Rachel pled and expressed that she did not let jealous rivalry stop her from preventing her sister Leah from becoming embarrassed. Only then does Hashem accept her plea and state that he will eventually redeem the Jewish people in her merit.

Yosef Hatzadik

If Rachel sowed the seed for the answer to the resolution of *galus*, Yosef, her son, picked up the Rachelite tradition where she left off. The story of Yosef is an emotional one. Yosef is hated by his brothers, sold into slavery, and separated from them for 22 years before unveiling his true identity as the viceroy to the Pharaoh in Egypt. All through his trials and tribulations, Yosef was certain that Hashem had a plan and that everything was happening for a reason.

When Yosef reveals himself to his brothers in *Bereishis* 45:1-5:

ולא־יכל יוסף להתאפק לכל הנצבים עליו ויקרא הוציאו כל־איש מעלי ולא־עמד איש אתו בהתודע יוסף אל־אחיו: ויתן את־קלו בבכי וישמעו מצרים וישמע בית פרעה: ויאמר יוסף אל־אחיו אני יוסף העוד אבי חי ולא־יכלו אחיו לענות אתו כי נבהלו מפניו: ויאמר יוסף אל־אחיו גשׁו־נא אלי ויגשו ויאמר אני יוסף אחיכם אשר־מכרתם אתי מצרימה: ועתה אל־תעצבו ואל־יחר בעיניכם כי־מכרתם אתי הנה כי למחיה שלחני אלהים לפניכם:

Yosef could not contain his emotions in the presence of all who stood before him, and he cried out “let everyone leave my presence.” No man remained with him when Yosef made himself known to his brothers. He wept aloud, and the Egyptians heard about it, and the house of Pharaoh heard. Yosef said to his brothers, “I am Yosef, is my father still alive?” His brothers could not answer him for they were shocked at his presence. Yosef said to his brothers, “please come close to me.” They came close to him and he said, “I am Yosef your brother, whom you sold into Egypt. Now do not worry, and do not be angry with yourselves that you sold me here; for it was to preserve life that Hashem sent me before you.

² *Yirmiah* 31:14, Rashi s.v. *Rachel mevaka al baneha*.

It is clear from Yosef's words that he was acutely aware of the Divine plan that led him to *Mitzrayim*. Yosef forgave his brothers and Rashi explains that he sent all the *Mitzrim* out in order to shield his brothers from humiliation. Sending out everyone from the room was a risky move on his part. He was alone with eleven grown men who could very well have attacked him. But once again, just as Rachel had done for her sister Leah, Yosef put himself in danger in order to prevent his brothers from being humiliated for what they had done to him!

The *Ohr HaChaim* explains why Yosef says "אני יוסף אחיכם." Yosef was declaring his forgiveness for the brothers. He says, "I am Yosef, your brother." The *Ohr HaChaim* explains that even during the time of the sale, Yosef did not begrudge his brothers and knew in his heart that there was a Divine reason for all that was happening. So great was his love of his brothers and *emuna* in Hashem that he was able to completely forgive their actions and love them as *achichem*, brothers.

Rashi (*Bereishis* 37:1) explains that the lineage of Eisav is juxtaposed with the story of Yosef because the destruction of Eisav will come through the hand of Yosef.

דכתיב (עובדיה א יח) והיה בית יעקב אש ובית יוסף להבה ובית עשו לקש, ניצוץ יוצא מיוסף שמכלה ושורף את כולם:

As it is described (Ovadya 1:18) "The house of Jacob will be fire, the house of Yosef a flame, and the house of Eisav for straw; and they will ignite and devour them." A spark will go out from Yosef and consume them all.

Ultimately, Yosef will be the antidote to Eisav to make way for our ultimate salvation. Despite every justified reason to harbor hatred towards his brothers, Yosef maintains complete love for them. Yosef learned the lesson of loving his siblings from his mother Rachel and this makes him a unique antidote to our enemies.

Esther

Esther, a descendant of Rachel, also understood the importance and power of *achdus* and *ahavas Yisrael* as transmitted by her ancestors. What was the turning point in the story of Esther? Is it when Esther bravely enters the court of Achashverosh without being summoned (5:1)? The story certainly rapidly unfolds from there.

I would maintain however that the turning point is a few *pesukim* earlier. Before entering the court of the king Esther prepares by fasting, but she does not do this alone. She states:

לך כנוס את כל היהודים.

Go and assemble all the Jews. (Esther 4:15)

Before putting herself in a position as savior of the Jewish people, she understood that the Jewish people needed to unite. Rav Shlomo Halevi Alkabetz³ explains Esther's request as an antidote to Haman's words (*Esther* 3:8) that the Jews are "עם אחד מפוזר" "we have one nation that is scattered and spread amongst the nations." Esther and Haman both understood a fundamental truth in our battle against Edom: so long as Jews are fragmented and fighting, Edom has the upper hand. When we are united we have the ability to overturn decrees and rise up against our enemies.

It is no coincidence that Rachel, Yosef, and Esther were all key people in protecting *Bnei Yisrael* from enemies. They all possessed an understanding of the power of *ahavas Yisrael*.

Today

This powerful but often overlooked message from the story of Purim is highly applicable today. We live in a world where we see enemies everywhere we look. We needn't be ardent followers of the media to notice an anti-Israel slant. As Alan Dershowitz stated in an article for the *Jerusalem Post*, "...far too many Western Europeans are as irrational in their hatred toward Israel as their ancestors were in their hatred toward their Jewish neighbors. Amos Oz once aptly observed that the walls of his grandparents' Europe were covered with graffiti saying, 'Jews, go to Palestine,' and now they say, 'Jews, get out of Palestine'—by which is meant Israel.⁴ Even in the comfort of America, it is undeniable that we are living in *galus*, and that no matter what we do as Jews our enemies find a way to point a finger at us and seek our destruction.

What will bring about an end to this senseless anti-Semitism? In order to understand this we need to understand why we are in *galus* in the first place. In the introduction to the *Chofetz Chaim*, he states:

אך בסוף בית שני גברה שינאת חינום ולשון הרע ביננו בעוונתנו הרבים ובעבור זה
נחרב הבית וגלינו מארצינו.

*In the end of the Second Temple era sinas chinam and lashon hara engulfed
the nation, and because of this the Bais Hamikdash was destroyed and we
were exiled from the land.*

3 Rav Shlomo Alkabetz (1505-1576) was a great Kabbalist of his time. He is known for writing "*L'cha Dodi*." His commentary on *Megilas Esther* is called *M'nos Halevi*

4 Dershowitz, Alan. "Some hard questions about the Western European double standard against Israel." *The Jerusalem Post* 12 Mar. 2014

He ends his introduction by stating that Hashem would end our exile now if not for the sins of *sinas chinam* and *lashon hara*, which continuously cause problems for *Am Yisrael*.

How can we ensure that the message of Esther and the traits of Rachel and Yosef triumph and enable us to rise up once again against our enemies once and for all? The answer, I believe, is to work on the *midda* of *ahavas chinam* and instill this in our children. Children are the most accurate and perhaps most frightening reflections of ourselves. Everything parents say or do is cataloged and mimicked by our little mirrors. Rav Shimson Rafael Hirsh writes that: “A child has very sharp eyes, even more sensitive ears, and an alert, honest, unclouded and inquiring mind that is ready to absorb every outside influence and impression. No words of Torah or *mussar* can create an imprint, positive or negative, stronger than the example provided by his parents” (*Hirsh*, 41).⁵ This places a tremendous responsibility on parents to mold the next generation of the Jewish people.

In honor of Purim, an especially joyous holiday for children, let us put forth our effort to refine the way we speak about our fellow man and work at loving our fellow Jews unconditionally. This is especially important when our children are watching and listening to everything that we say, for example around a Shabbos table. May this effort to love all Jews as brethren, emulating the ways of Rachel, Yosef and Esther, spill over to future generations and bring about the *geula shlema bi'meheira b'yamenu*.

⁵ Hirsh, Rabbi Samson R. *The Joy of Educating Children: A Practical Guide for Jewish Parents*. Tras. Rabbi A. Buchner. Israel; 2011.

Rabba on Trial: A Purim Assault and the Spectrum of Strict Liability

YONI TUCHMAN



Is there anything special about Purim day that absolves us of liability for misdeeds committed on this day? Let us explore this question through the prism of a fantastic story in *Maseches Megilla*.

The Assault

The Talmud (*Megilla* 7b) relates:

אמר רבא מיחייב איניש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי.
רבה ורבי זירא עבדו סעודת פורים בהדי הדדי איבסום קם רבה שחטיה לרבי זירא
למחר בעי רחמי ואחייה לשנה אמר ליה ניתי מר ונעביד סעודת פורים בהדי הדדי
אמר ליה לא בכל שעתא ושעתא מתרחיש ניסא.

Rava said: One is obligated to become intoxicated [with wine] on Purim until one does not know [the difference] between “cursed is Haman” and “blessed is Mordechai.” Rabba and R’ Zeira had the Purim feast together. They became intoxicated. Rabba arose and slew R’ Zeira. The next day, [Rabba] prayed for mercy [on R’ Zeira’s behalf] and revived him. The following year [Rabba] asked [R’ Zeira]: “Let master come and we will have the Purim feast together.” [R’ Zeira] answered him: “Not every time does a miracle occur.”

The *Rishonim* dispute whether this memorable tale is to be taken literally. The *Ben Ish Chai* (*Ben Yehoyadah*, *Megilla* 7b) cites an opinion that the story is literally true.¹ Most commentaries, however, interpret the story as hyperbole. Even those

¹ This leads him to entertain the discussion of whether R’ Zeira, upon being revived, was required to remarry his wife or whether their initial betrothal remained in place throughout R’ Zeira’s death and subsequent revival. On the other hand, *Ben Ish Chai* seems to prefer an alternative view, propounded by the “*mekubalim*,” that the story of Rabba and R’ Zeira is a metaphor for a metaphysical grappling between two sages in the higher spheres in which Rabba emerged victorious.

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Rishonim, however, tend to agree that Rabba did in fact injure R' Zeira (and possibly grievously): Rav Avraham ben HaRambam (introduction to *Ein Yaakov*) explains that Rabba dealt R' Zeira a serious blow, possibly to the neck; Maharsha (*Megilla* 7b) maintains that Rabba forced R' Zeira to drink an excessive amount of wine, causing him to become deathly ill, presumably from alcohol poisoning; and *Meiri* (*Megilla*, 7b) replaces the Hebrew letter “*shin*” in “*shachtai*” (he slew) with the letter “*sin*,” proposing that Rabba gave R' Zeira a good, hard squeeze.

The Charges

There are a number of charges that one could assert against Rabba for his actions on that fateful Purim day. According to the view cited by the *Ben Ish Chai*, holding that Rabba in fact killed R' Zeira (at least for a day), Rabba could be held accountable for murder. According to the other *Rishonim*, potential claims include *nizkei haguf* (injurious physical assault), and potentially *nizkei mammon* (tortious damage to personal property, including, for example, tearing or staining clothes), both of which are discussed at length in *Bava Kamma* and carry penalties of various degrees of monetary compensatory obligations.²

How might a *beis din* go about reaching a verdict on these charges?³

Laying a Defense Foundation: *Adam Muad L'Olam*. Or is he not?

We start with the well-accepted proposition, formulated in a *mishna* in *Bava Kamma* (26a):

אדם מועד לעולם בין שוגג בין מזיד בין ער בין ישן. סימא את עין חבריו ושיבר את הכלים משלם נזק שלם.

A person is liable for all of his damages (adam muad l'olam), whether they be accidental or purposeful, whether he is awake or asleep. If he blinds the eye of his friend, or if he breaks vessels, he pays full damages.

² For *nizkei mammon*, the guilty party would be required to pay either full compensation (*nezek shalem*) or half compensation (*chatzi nezek*), depending on the degree to which the damage was foreseeable (and therefore preventable). See e.g., *Bava Kamma* 2b.

For *nizkei haguf*, the perpetrator must compensate the victim for five potential categories of injury: (1) physical pain (*tzaar*); (2) medical bills (*ripui*); (3) loss of employment (*sheves*); (4) embarrassment (*boshes*); (5) and permanent bodily damage (*nezek*) (*Bava Kamma* 83b; *Shulchan Aruch*, *Choshen Mishpat* 420:3).

³ Note that the following discussion assumes Rabba directly assaulted R' Zeira, without addressing issues of indirect causation or other mitigating halachic principles that may apply according to the Maharsha's interpretation of the events of that Purim day. In addition, we will not address the halachic dictum that one cannot be held liable twice with respect to multiple damages caused by a single action (*kim lei bidirabah minei*). See e.g., *Kesubos* 30a-30b.

People, unlike their oxen, chickens, and other potentially rampaging animals, are always considered forewarned and are strictly liable for their actions. Unlike other *halachos* that distinguish between a person's actions depending on the level of intent involved—broadly described as *meizid* (intentional), *shogeg* (accidental), or *oneis* (unavoidable)—in the realm of civil damages, one is strictly liable for all damages resulting from his or her direct actions.

If we were to stop here, Rabba would be strictly liable for his actions and in quite a bit of trouble. But the *Rishonim* have already begun to chip away at the margins of the vaunted concept of *adam muad l'olam*, opening room for Rabba to mount two potential defenses, as we shall see.

Tosafos (*Bava Kamma* 27b; s.v. “*u'Shmu'el*”) began to limit the scope of *adam muad l'olam* by maintaining that one would not be liable for damages that result from *oneis*—one's unavoidable actions. *Tosafos* note a conflict between our *mishna* (which holds that one is liable for damages inflicted while asleep) and a statement in the *Yerushalmi* (*Bava Kamma* 2:8), which holds that a sleeping person, Reuven, is not liable for damages inflicted on Shimon if Shimon went to sleep beside an already-sleeping Reuven. *Tosafos* argue that the two rulings are not in conflict. Rather, together, they stand for the proposition that *adam muad l'olam* (strict liability) extends as far as *shogeg* (accidental) acts—for example, taken while asleep—but it does not extend past *shogeg* to (unavoidable) acts of *oneis*. If Shimon lays down (or places his crystal decanter, etc.) beside an already-sleeping Reuven, Reuven has no way of knowing and therefore is powerless to avoid any resulting damage. He is therefore not liable.⁴ We see then, that according to *Tosafos*, the ruling of *adam muad l'olam* is not as extensive as we initially believed (or as the words imply). It does not extend to damages that were unavoidable (*b'oneis*).

With this information, we have two paths through which to try and build a defense for Rabba. First, we can try to fit Rabba's actions into the category of *oneis*, which, according to *Tosafos*, resides outside of the rule of *adam muad l'olam* and therefore (like a sleeping person) bears no liability. Second, even if Rabba's actions

4 Ramban (*Bava Metz'ia* 82b) appears to disagree with *Tosafos*. Ramban argues in favor of our original expansive view of *adam muad l'olam*, which would apply strict liability even in the case of complete *oneis*. Why, then, would the *Yerushalmi* exempt a sleeping Reuven when Shimon lay down after? Not because Reuven's actions were *oneis*, as *Tosafos* supposed, but because Shimon's own negligent actions (in lying down next to an already sleeping Reuven) caused his own damage. According to the Ramban, no action is outside of the ruling of *adam muad l'olam*. Rather, where there is an intervening cause for the damage, the rule of *adam muad l'olam* may be redirected away from one party (Reuven) and toward another (Shimon).

The *Aruch HaShulchan* quotes other *Rishonim* who echo this dispute.

are not *oneis*, *Tosafos*, by mitigating the notion of *adam muad l'olam*, obligates us to explore whether there are any other categories of actions that may similarly reside outside of the strict liability imposed by this seemingly unforgiving rule, and if there are, whether they may offer Rabba a viable defense. Let's examine each of these two approaches in turn.

Defense Number One: The Inebriation Defense

The Talmud in *Eruvin* (65a) rules that one who is sufficiently under the influence of alcohol (i.e., as drunk as Lot in the story following destruction of Sodom) is legally akin to a halachic imbecile (*shoteh*) and is therefore not held accountable for his actions. This ruling is cited *l'halacha* in the *Shulchan Aruch* (*Choshen Mishpat* 235:22) in the context of voiding transactions that were entered into by one so drunk as to not know what he was doing. Similarly, writes the *Bach* (*Shu"t HaYeshanos* 62), a *beis din* would not impose capital or corporal punishment (*misa* or *malkos*) for crimes committed by one who is sufficiently inebriated. Just as an imbecile (*shoteh*) is not held responsible for his actions, since every action taken by an imbecile is akin to an action taken *b'oneis*, so too a drunkard.⁵

In fact, according to the *halacha*, Rabba would not be liable for capital or corporal punishment in a *beis din* for having assaulted R' Zeira, because the assault was perpetrated while Rabba was intoxicated (assuming he was intoxicated to the level of Lot after the destruction of Sodom, which is probably a reasonable assumption given the events).

However, this defense would only go so far; it would not absolve Rabba of civil liability for having injured R' Zeira or for having damaged his property. This is because the *poskim* make it clear that a drunkard is still liable for civil damages.⁶ After all, who coerced Rabba to get drunk in the first place? His decision to drink to the point of excess is an act of negligence (*p'shiah*) for which even *Tosafos* (who refuses to invoke strict liability in the case of *oneis*) would hold him liable.

Defense Number Two: The Happiness Defense

The *mishna* (*Sukka* 45a) relates that on the seventh day of Sukkos, after the *lulav* and *esrog* were used for their last time: "*miyad tinokos shomtim es lulavehem v'ochlim esrogehem.*"

Rashi and *Tosafos* explain what this means: that the adults would take the *lulavim* and *esrogim* from the hands (*miyad*) of children without permission and proceed to eat the *esrogim*. *Tosafos* continue that this was not considered stealing, "because that

⁵ See M. Halperin, *Refuah L'Halacha, Halacha L'Maaseh*, who connects acts of a *shoteh* to acts *b'oneis*.

⁶ See for example the *Bach* in *Shu"t HaYeshanos* (62) and the Maharshal (*Yam shel Shlomo, Bava Kamma*, 83).

was what they were accustomed to do in celebration.” Extrapolating from this view, *Tosafos* then advance the proposition that one is also not liable for damages caused in any other acceptable forms of mitzva-related celebration:

ויש ללמוד מכאן לאותן בחורים שרוכבים בסוסים לקראת חתן ונלחמים זה עם זה וקורעין בגדו של חבירו או מקלקל לו סוסו שהן פטורין שכך נהגו מחמת שמחת חתן.

*We can learn from here to exempt young men who joust with one another to create joy for a bride and groom, should one of them tear the clothing of the other or injure his horse, because jousting is what they are accustomed to do in order to create joy.*⁷

The Rama (*Choshen Mishpat* 378:9) cites this ruling of *Tosafos* and confirms that it is a principal that may be applied to mitzva-related merriment generally and is not a local *din* to Sukkos or *kidushin*, writing:⁸

בחורים הרוכבים לקראת חתן וכלה והזיקו זה את זה ממון חבירו דרך שמחה ושחוק וכן בשאר דבר שמחה הואיל ונהגו כן פטורין.

Young men who ride on horses to create joy for the bride and groom are exempt from damages should they harm each other's property amidst the playful happiness, since it is the custom to perform such activities; the same would be true of other forms of happiness.

And what better application of this “happiness-defense” than Purim! On what other day are Jews as permissive of frivolity and merriment as the holiday of “*mishteh v'simcha*”? Accordingly, the Rama rules in the context of *Hilchos Purim* (*Orach Chayim* 695:2) that one is not liable for damages caused amidst Purim revelry. Here we find a second potential grounds for a defense of Rabba, whose actions against R' Zeira were clearly taken in the midst of their Purim celebration. However, the ruling of the Rama is not without caveats; the commentaries on the *Shulchan Aruch* limit the extent of the Rama's “happiness defense” in a number of ways:

⁷ The view of *Tosafos* is not without detractors. Rosh (*Sukka* 4:4) argues with the interpretation of Rashi and *Tosafos* and explains instead that after the fulfillment of the mitzva of *lulav* and *esrog* on the seventh day of Sukkos, immediately (*miyad*), the children would take apart their own set of *daled minim*, play games with the *lulavim*, and eat the *esrogim*. Accordingly, Rosh holds (*Teshuvos HaRosh* 105:5), unlike *Tosafos*, that wedding jousts are liable for any damages they cause in their merrymaking. The *Tur* (*Choshen Mishpat* 378) rules consistently with his father, the Rosh.

⁸ *Aruch HaShulchan* (*Choshen Mishpat* 378:21) rules similarly, citing Purim and Simchas Torah as circumstances where the “happiness defense” may apply. But see next note.

First, the *Bach* writes that the Rama's ruling only applies to damages to objects, not to physical injury. And while we can assume that, depending on the nature of the injury to R' Zeira that Purim day, R' Zeira may have also suffered property damage, that is not the essential element of the action.

Second, the *Magen Avraham* and *Mishna Berura* make the point that the Rama's ruling would not extend to intentional or malicious acts perpetrated in the course of celebration. Whatever took place at that Purim *seuda*, the assault was certainly not part of the celebration (not R' Zeira's, anyway) even if it was precipitated by it. The Rama would not exempt a wedding jouster from damages incurred if the jouster got carried away and assaulted his opponent outside of the contours of the accepted jousting routine that was customary for wedding of the time.

Third, as underscored by the *Aruch HaShulchan*, the "happiness defense" must be applied reasonably and within the bounds of societal norms at any given time.⁹ Again, whatever Rabba did that day, it is hard to imagine that it conformed to the societal norms of acceptable joyous behavior of the time.

The Verdict

We've seen that the concept of strict liability for civil damages caused by one's direct actions (*adam muad l'olam*) may not be as strict as we had initially thought, that *Tosafos* (*Bava Kamma*) place *oneis* outside of that rule and that actions committed while excessively drunk may be considered *oneis*. But we've also seen that the act of getting drunk is an act of negligence, which causes any subsequent damages inflicted in a state of drunkenness to slide back into the realm of strict liability.

We've seen that according to *Tosafos*, acts performed in furtherance of *simcha shel mitzva*, be they *esrog*-grabbing hijinks, raucous wedding merriment or, indeed, Purim fun, are similarly outside of strict liability. But we've also seen that those acts are viewed narrowly; that they must not be tainted by malice or intent to harm, that they must conform to accepted societal norms, and that they, in any event, do not include physical injury.

What then are we to make of Rabba and his actions that Purim day? Perhaps Rabba is not to be defended after all. On the contrary, perhaps the story of Rabba is a cautionary tale, demonstrating in gory detail the dangers of excessive drinking, which managed to fell not one, but two, *amoraim* one Purim past. This is the verdict of the Rama (*Orach Chayim* 695:2), who rules that it is preferable to fulfill one's obligation

⁹ Accordingly, *Aruch HaShulchan* in *Hilchos Megilla* (695:10) rules that today we are not accustomed to such joy and therefore the "happiness defense" is unavailable even for damages to property.

to drink on Purim by drinking a little and dozing off. As explained by the *Taz* and the *Aruch HaShulchan*, the Rama (like both the Rambam and the Ran before him) understood that the reason the *gemara* chose to place the story of Rabba and R' Zeira immediately on the heels of the edict to drink on Purim is to instruct that drinking, even for a mitzva, even on Purim, is best done in moderation.

Shaul Hamelech, Amalek, and Purim: A Reevaluation

DANIEL WOHLGELERNTER



The celebration of Purim represents a victory over the evil of Amalek. *Chazal* selected the Shabbas before Purim to establish the annual public reading of “*Zachor*,” to fulfill the obligation to “remember...never forget” the enmity of Amalek; the *gemara* (*Megilla* 30a) determines that the reading of “*Zachor*” is the “commemoration” mentioned in *Megillas Esther* 9:28.

The *haftara* for *Shabbas Zachor* describes the tragic story of how Shaul failed to fulfill Hashem’s commandment to destroy Amalek.

Even though the details of Amalek’s first attack against *Am Yisrael* are recorded in *Sefer Shemos* (see *Shemos* 17:8-16), the official mitzva is defined more explicitly in *Sefer Devarim* 25:17-19, better known as *Parshas Zachor*. That commandment implies that it must be fulfilled once *Bnei Yisrael* are firmly established in their land, and have achieved rest from their enemies. (See 25:19 “*ve-haya be-haniach...*”)

Accordingly, the Rambam claims that it becomes the responsibility of the King of Israel to destroy Amalek.

שלש מצות נצטוו ישראל בשעת כניסתן לארץ, למנות להם מלך שנאמר שום תשים
עליך מלך, ולהכרית זרעו של עמלק שנאמר תמחה את זכר עמלק, ולבנות בית
הבחירה שנאמר לשכנו תדרשו ובאת שמה. (הל' מלכים א:א)

The conflict between Haman and Mordechai which led to the Purim miracle was rooted in events that had occurred many centuries earlier. Haman traced his descent to Agag, King of Amalek. Mordechai and Esther were descendants of the royal family of Shaul, the first King of Israel. After Shaul was crowned king, the prophet Shmuel ordered him to obey Hashem’s commandment: “Smite Amalek, and utterly destroy all that is his. And have no pity on him; slay both man and woman, infant and suckling, ox and sheep, camel and donkey.” (I Shmuel 15:3)

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Shaul gathered the Jewish people together and waged war against the Amalekites, slaying the entire nation and destroying their property. However, “he had pity on Agag, and the choicest of the sheep and cattle...,” (15:9) and brought them back with him. Shmuel severely reproached Shaul for this: “Because you have rejected the word of God, He has rejected you as king.” (15:26) Though Shmuel then killed Agag, Agag was able to father a child in the interval between his capture by Shaul and his death. That child was the ancestor of Haman.

The conventional interpretation of Shaul’s failure to fulfill the mandate to execute Agag rests on an assumption of Shaul succumbing to misplaced, misguided compassion. As the *midrash* states:

יחמול שאול והעם על אגג... אמר ר' יהושוע בן לוי, כל שהוא רחמן על אכזרים
סופו שהוא אכזר על רחמנים.

Shaul and the people had pity on Agag..” Rabbi Yehoshua ben Levi said, “Anyone who has mercy upon cruel people will end up imposing cruelty upon merciful people.

Rabbi Menachem Leibtag provides an insight that permits us to understand Shaul’s behavior in a much more positive light. Because of the special mitzva to destroy Amalek, Hashem commands Shaul to eradicate (“*l’hacharim*”) everything belonging to Amalek, including the spoils of war that usually belong to the victor (see 15:2-3). This mitzva—“*l’hacharim*”—is usually understood as “total destruction.” In fact, in regard to the law of “*ir ha’nidachat*” (an entire city that follows idol worship, see *Devarim* 13:16-18), the Torah details specifically that we are required “*l’hacharim*”—to gather all of its booty together and burn it!

However, in the battle of Yericho, we find a slightly different definition. There, when Yehoshua is commanded to make the city “*cherem*” (see *Yehoshua* 6:16-18), looting for personal use was forbidden; however dedicating the gold and silver for Hashem’s House was permitted (see *Yehoshua* 6:24)!

In the aftermath of their victory over Amalek, Shaul (and the people) decide to take some of the best sheep and cattle from the “*cherem*” in order to offer *korbanos* to Hashem (see 15:9 and 15:15).

If we compare this to the battle of Yericho, this decision to utilize the “*cherem*” for God is quite similar. In both cases, the “*cherem*” is taken for Hashem’s sake.

Later we find that Shaul had summoned the entire nation to the city of Gilgal for a public celebration of the conquest of Amalek. To verify this, read 15:12: “*hiney matziv lo yad*”—“behold he is making a memorial.” It appears that Shaul’s plan is to offer these *korbanos* (from the “*cherem*”) during this celebration at Gilgal, and, quite

possibly, to proceed to a public execution of Agag. (This site is presumably selected due to its historic connection to Yehoshua's original conquest of Yericho [near Gilgal], and the fact that the official coronation ceremony of Shaul took place at Gilgal.)

Therefore, when Shaul first encounters Shmuel at Gilgal he proudly announces: "I have fulfilled God's commandment" (15:13). Even after Shmuel inquires regarding the sheep and cattle (15:14), Shaul promptly responds:

מעמלקי הביאום אשר חמל העם על-מיטב הצאן והבקר למען זבח לה' אלהיך ואת-
היותר החרמנו.

*From the Amalekites they were taken ... in order to offer korbanos to Hashem,
your God, and the rest was totally destroyed ['he'cheramnu'] (15:15).*

In fact, Shaul most probably considered this the most proper form of celebration. Had not Moshe Rabbeinu himself built a *mizbe'ach* (to offer *korbanos*) and made a memorial in the aftermath of *Bnei Yisrael's* very first victory over Amalek? (See *Shemos* 17:15-16; note "*ki yad al kes Kah...!*")

Another approach to the Shaul-Amalek conundrum is presented by Rav Yissocher Frand, in the name of Rav Chaim Soloveitchik. This is a classic halachic response to the question. When Shmuel gave Shaul the orders regarding Amalek he said: "Destroy everything he has" (*v'hacharamtem es kol asher lo*). *V'hacharamtem* is a legal term meaning everything belonging to Amalek should be made into "*cherem*" [forbidden property].

Rav Chaim explains that the only way property can be made "*cherem*" is to first own it. One must first acquire the items before one can proclaim them "*cherem*." Shaul did not want to destroy all the property so he tried to circumvent Shmuel's order, by taking actions to be *makdish* (dedicate) the cattle to the Almighty. Once the cattle was *hekadesh* (sanctified to God), it no longer belonged to the people and therefore they could not make it "*cherem*."

This, Rav Chaim Soloveitchik explains, is the explanation of the dialogue between Shmuel and Shaul. Shmuel said everything should be made into "*cherem*." Shaul explained that they saw the animals and thought it was a good idea to offer them as sacrifices, so they immediately sanctified them. Once they were the property of Heaven, they could no longer be destroyed. This is the "Brisker approach" to this issue.

The *Baalei Mussar* take another approach. The *Navi* says about Shaul: "And he made war in the valley (*va'yarev banachal*)" (15:5). The Talmud says that Shaul argued based on the law of *Eglah Arufah* (the calf decapitated in a valley in the aftermath of

an unsolved murder)—that it was not in the spirit of Torah to wipe out man, woman, and child (*Yoma* 22b). If the Torah is so concerned about a single person who is killed (as we see from the ritual of *Eglah Arufah*)—that a penitential offering must be brought, certainly it would not be the will of God to annihilate Amalek including all their animals. It must be that the will of God was to use the animals of Amalek to bring sacrifices.

This is a classic example of how we distort the Word of Hashem into what most appeals to us. That is why we can find such a contentious conversation between Shmuel and Shaul. This is how Shaul can, in the face of open evidence to the contrary, brazenly claim: “I have fulfilled the Word of God.” According to the way he twisted things, this is precisely what he was doing.

Rav Moshe Shternbuch, in *Moadim U’Zmanim HaShalem*, emphasizes the extreme humility of Shaul, and how Shaul did not consider himself to be a genuine *Melech*/King, but rather just a “*nagid*,” who was commanded to fight Amalek, but did not have the obligation of a bona fide King of Israel to exterminate Amalek. When we are first introduced to Shaul, he is described as a “*nechba el hakelim*” (hidden among the baggage) (*Shmuel* I 10:22). His most prominent characteristic is his modesty (*anivus*).

Shmuel praised Shaul in front of the people: “Have you seen the one whom Hashem has chosen, that there is none like him among all people?” The people shouted: “May the King live!” But there were some naysayers who said “How can this person save us?” Scripture relates that they ridiculed him and did not bring him a tribute. But, nevertheless, Shaul remained mute (*va’yehi k’macharish*) (*Shmuel* I 10:24-27).

When Shaul finally admitted his sin, he explained that the reason he spared the Amalek animals is because that is what the people wanted. Shmuel responds harshly to Shaul, “Even if you are small in your own eyes, you are the leader of the Tribes of Israel.” This is not the time or place for modesty. True, that is your natural inclination and normally it is a virtuous character trait, but your particular mandate in life at this time is to rise above that. This mission was something Shaul failed to accomplish and as a result he was stripped of the monarchy.

Rav Shternbuch’s depiction of the misguided modesty/*anivus* of Shaul as the root cause of the failure to follow the *Navi* Shmuel’s dictate to kill Agag provides us with an understanding of the *tikun* provided by Mordechai and Esther, who were descendants of the royal family of Shaul. Esther rectified the error of Shaul which had made the Jewish people vulnerable to Haman’s decree in the first place. Mordechai

learned that Haman had tricked and/or bribed the king into passing a law that would have all of the Jews in the kingdom put to death. He sends word to Esther asking for help, requesting that she go to the king in order to save the Jews. Esther responds to Mordecai by explaining the risk involved: even as queen, she is not allowed to approach the king without being summoned. The heart of the *tikun* focuses on Mordechai's response back to Esther and Esther's courageous choice. Mordechai's response teaches us several important things about Hashem as well as what it means to follow Him.

First, he tells Esther that if she doesn't act courageously, "deliverance will arise elsewhere."¹ In other words, Hashem is still in control and His plan won't be thwarted even if Esther succumbs to her fears and sense of inadequacy. The message is an important one: our disobedience does not thwart Hashem's faithfulness and plan—Hashem is sovereign!

Second, Mordechai says, "and who knows but that you have come to royal position for such a time as this." Mordechai is trying to get Esther to recognize Hashem's providence in her becoming queen—to see her placement in the palace, not as happenstance, but as a result of *hashgacha pratis*. In doing this, Mordechai shows Esther that this is not just an obligation, but a Divine opportunity. Thus, the failure of Shaul is now rectified by the courageous choices of Esther and Mordechai.

¹ Esther 4:14

Wine: Made from the Best Stuff on Earth

DANIEL NAGEL



While wine is consumed on many Jewish holidays and at many *yom tov* meals throughout the year, it plays a unique and primary role on Purim and at the Purim *seuda*. What is the message of *yayin* and how does it reflect the story of Purim?

Halacha recognizes that wine is unique among food and drink. No other food or drink has the opportunity to have two *brachos* made on it in the same sitting. If you are drinking wine at a meal and a second bottle of wine is brought to the table, the second bottle of wine necessitates a new *bracha* of *hatov v'hameitiv*,¹ which translates as 'He [Hashem] is good, and He does good.' This *bracha* is not said on any other food. Why does wine merit the additional *bracha* of *hatov v'hameitiv*?

We will answer this question using the following *mashal*, parable. Imagine a person who is not familiar with wine travels to France to learn the wine-making process at the famous French vineyards. He views the winemaker cutting beautiful grapes off the vine. The grapes look delicious and are ripe to be eaten. Instead of serving the grapes on a plate and enjoying them, the winemaker places the bundles of grapes on the floor and commences to stomp on them. *Meshuga!* The observer is completely confused. "Why is he destroying these beautiful grapes? Perhaps the winemaker wants to use the juice from the grapes?" he thinks to himself.

The observer then sees the winemaker abandon the grapes on the floor and instead of salvaging the juice, he leaves the liquid to ferment in the grape skins. *Meshuga!* The observer can barely contain himself. First the winemaker destroys the beautiful grapes, and then he doesn't even collect the juice? The winemaker shakes his head and smiles. "You'll see," he says.

¹ So long as the second wine is of equal or better quality. See *Shulchan Aruch Orach Chaim* 175.

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The winemaker begins the next step of barreling the wine. Again, the observer can't understand why the liquid is being put in a barrel and stored for months at a time. The process continues and leaves the observer bewildered every step of the way. Finally, months later, the wine is ready for tasting and the winemaker allows the observer to taste the liquid from the barrel. The wine is delicious and the observer understands that every step of the process was needed in order to create the wine. Reflecting further, the observer notes that his lack of vision and understanding led him to believe that the winemaker was destroying the grapes instead of enhancing them. In fact, the very act of destruction (the stomping or the fermenting) creates the enhancement. It is only appreciated months, and sometimes even years, later.

The *nimshal's* message is clear. As humans, we cannot possibly understand the impact of any given event at the time it occurs. Sometimes it is only months later that we appreciate why that particular event, which at the time was painful or challenging, was actually for the best. Other times we never reach clarity until after we are no longer part of this world.

We recite a *hatov v'hameitiv* on wine because it reminds us that life is a process like winemaking. At times it feels like we are fermenting and other times it feels like we are being squeezed. And just like wine, which at the end of the process deserves a *bracha* of *hatov v'hameitiv*, in life too we should recognize that everything that happens to us will eventually warrant a *bracha* of *hatov v'hameitiv*, because Hashem is good and always does good.

The story of the Megilla follows this thread. Esther, a *bas Yisrael* and relative of the *gadol hador*, Mordechai, was taken to be the wife of a pagan king. Could there be anything worse? But that very event, which at the time felt tragic, resulted in the direct salvation of *Yisrael* from the hands of Haman.

And so, wine features a prominent role on Purim to remind us how life is like a fast-moving train. When viewed from the ground, the observer is only able to glimpse portions of the freight cars whizzing past, but never the entire train. When viewed from above (imagine looking down from a helicopter), an observer can see the entire train from engine to caboose. Our view is from the ground. We rarely get the chance to climb into a helicopter and observe from above. Recognizing our limitations and accepting that *kol d'avid rachmana l'tav avid*—anything that Hashem does is for the best—is a critical part of the *avoda*, our divine service, on Purim.

Lastly, I'd like to share a thought from the first Gerrer Rebbe, the *Chiddushei Ha'Rim*. The Gerrer Rebbe compared Purim to the following scenario: Imagine a king grants a faithful servant one hour in his treasury. The servant is elated and begins

to plan his new purchases with his soon-to-be-realized riches. After a few days, the king begins to reconsider his generous offer and realizes that one hour in his treasury could cause financial damage.

To remedy the problem, the king places an expensive bottle of wine at the entrance to the treasury. When the servant enters the treasury, he sees the expensive bottle of wine and decides to drink it. He calculates that he has a whole hour and it would not hurt to spend 10 minutes celebrating his good fortune by enjoying the wine. Ten minutes later the servant is completely inebriated and fails to collect any riches during his one hour in the treasury.

The Gerrer Rebbe explains that Hashem gave us the *chag* of Purim. It is a very powerful day about which *Chazal* say “*kol haposai’ach yado, nosnim lo*”—“whatever we ask from Hashem, he gives to us.”² In order to counteract this, Hashem gave a mitzva of “*ad d’lo yada*.” We must be careful to not misuse the mitzva and drink the day away, missing the opportunity for tremendous growth in *avodas* Hashem.

2 Literally: “Whoever outstretches their hand, we give.” This refers to the mitzva to give *tzedaka* to everyone that requests. (*Shulchan Aruch, Orach Chaim* 694:3) The *baalei machshava* (e.g. Rav Pincus and *Nesivos Shalom*) spin this to refer to Hashem answering all of our requests.

Did A Prophet Have the Authority to Institute the Mitzva of Reading *Megillas Esther*?

DAVID R. SCHWARCZ



Rabbinically instituted mitzvos have been the center of much debate and analysis.¹ What is often overlooked is a prophet's role and authority, if any, to institute a new mitzva. The following article explores the Rabbinic origins for the institution of reading *Megillas Esther* and the related implications of such a prophetic enactment.

The Talmud in *Maseches Megilla* (14a) provides the following:

ת"ר ארבעים ושמונה נביאים ושבע נביאות נתנבאו להם לישראל ולא פחתו ולא הותירו על מה שכתוב בתורה חוץ ממקרא מגילה מאי דרוש אמר רבי חייא בר אבין אמר רבי יהושע בן קרחה ומה מעבדות לחירות אמרי' שירה ממיתה לחיים לא כל שכן אי הכי הלל נמי נימא לפי שאין אומרים הלל על נס שבחוצה לארץ יציאת מצרים דנס שבחוצה לארץ היכי אמרינן שירה כדתניא עד שלא נכנסו ישראל לארץ הוכשרו כל ארצות לומר שירה

The Rabbis taught: 48 prophets and seven prophetesses² prophesied to

1 *Shabbos* 23a discusses the source for the Rabbinic enactment for the blessing of the Chanuka candle(s). The *gemara* provides two supporting biblical sources (viz. *Devarim* 17:11 and *Devarim* 32:7) for such an enactment. As to why the justification provided by these verses does not change the very nature of the mitzva into being Torah ordained see opinions of Rambam and Ramban in *Sefer HaMitzvos, Shoresh* 1, wherein the Rambam emphasizes that the mitzva of *Mikra Megilla* is Rabbinic but the authority for such an enactment is based on the verse in *Devarim* 17:11.

2 Rashi (*Megilla* 14a), citing the *Halachos Gedolos*, enumerates the 48 prophets as follows: 1. Avraham 2. Yitzchak 3. Yaakov 4. Moshe 5. Aharon 6. Yehoshua 7. Pinchas 8. Elkanah 9. Eli 10. Shmuel 11. Gad 12. Nassan 13. David 14. Shlomo 15. Ido 16. Michahu ben Chanani 17. Ovadiah 18. Achiyah the Shilonite 19. Yehu ben

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the Jewish people and they neither diminished nor added from what was written in the Torah save for the mitzva of reading of the Megilla. What was the basis for adding this mitzva? Rabbi Chiya ben Avin in the name of Rabbi Yehoshua Ben Karcha expounded the following kal vachomer: Just like when Bnei Yisrael were freed from [Egyptian] bondage, recitation of Hallel was instituted, then certainly when the Jewish people were saved from annihilation [during the Persian Exile] a blessing over the reading of the Megilla should be recited. But following this kal vachomer, Hallel too should be recited on Purim! Hallel is not recited for miracles that occurred outside of Israel. But the mitzva of Yetziyas Mitzraim occurred outside of Israel and Hallel is recited(?) As it is recorded in a braisa: Before the conquest of the land of Israel, all lands were appropriate to say Hallel over [miracles which happened there]. However, after the conquest, only the land of Israel is appropriate to recite Hallel over [for miracles that occurred there].

Following this, the *gemara* quotes Rav Nachman who resolves the issue as to why *Hallel* is not recited on Purim by stating that the reading of the Megilla is equivalent to reciting *Hallel*. Rava then provides an alternative response that although during the Purim miracle we survived a genocidal edict, the Jewish people still were subject to Achashverosh's dictatorial leadership and thus still not "Avdei Hashem," as opposed to Pesach, when after their redemption from Pharaoh, they were now directly servants of Hashem. Thus, Pesach deserves the recitation of *Hallel* more than Purim.

Rashi here queries as to why the *gemara* fails to mention *Ner Chanuka*, like *Megillas Esther*, as a mitzva that was instituted rabbinically. Rashi answers that the miracle of Chanuka occurred after the prophetic era while the miracle of Purim occurred during the time of the later prophets Chagai, Zecharia, and Malachi.

Maharsha³ challenges Rashi's response that the enactment of the mitzva of

Chanani 20. Azariah 21. Chaziel the Levite 22. Eliezer ben Dodavahu 23. Hoshea 24. Amos 25. Micha the Morashite 26. Amotz 27. Eliyahu 28. Elisha 29. Yonah ben Amitai 30. Isaiah 31. Yoel 32. Nachum 33. Chavakuk 34. Tzephanya 35. Uriah 36. Jeremiah 37. Ezekiel 38. Shemaya 39. Baruch 40. Neriah 41. Shiryah 42. Machseiyah 43. Chaggai 44. Zachariah 45. Malachi 46. Mordechai Bilshan. At this point, Rashi admits that he does not know the other two prophets. *Turei Even* offers Elazar ben Aharon haKohen and Berachel the Buzite. The Vilna Gaon differs with the *Turei Even* and maintains that the missing two are Oded the Prophet and Chanani the Seer.

3 Rabbi Samuel Eliezer Halevi Edeles was born in Posen about the middle of the 16th century. He lived at a time when there were very great Talmud scholars, and he took his place among the greatest. Even among such great lights of the exponents of the Talmud as Rabbi Yoel Sirkes (the *Bach*), Rabbi Meir (Maharam) of Lublin, Rabbi Mordecai Jaffe (the *Levush*), and others, the Maharsha shone with a light of his own, for his commentary on the Talmud was unique and brilliant.

Ner Chanuka was permitted—and didn’t need to be questioned by the *gemara*, like Purim—because it occurred after cessation of the prophets. It is illogical for *Chazal* to have more authority than a prophet to enact a mitzva. Rather, the Maharsha posits that the prophets and *Chazal* have equal authority to institute a new mitzva if such mitzva finds substantial support in the Torah. Rashi only meant to resolve why the *gemara* hadn’t mentioned Chanuka, but not to say that Chanuka was a more easily permitted enactment.

The Maharsha further emphasizes that the 48 prophets only added one mitzva—that of *Mikra Megilla*—even though it is known that King Solomon, a prophet, instituted the mitzvos of *netillas yadayim* and *eruv*. The Maharsha distinguishes the mitzvos of *netillas yadayim* and *eruv* from Megilla and *Ner Chanuka* by stating that *eruv* is was instituted as a protective measure to ensure that a person does not carry from a private to a public domain on Shabbos.⁴ Equally significant, *netillas yadayim* was also instituted as a protective measure to remove *s’rach tumah* before eating bread as opposed to *Ner Chanuka* and *Mikra Megilla* which are discrete and independent mitzvos.⁵

Maharsha infers from initial statement of the *gemara* above—48 prophets and seven prophetesses prophesied to the Jewish people and they neither diminished nor added from the what was written in the Torah save for the mitzva of reading of the Megilla—that Mordechai and Esther themselves instituted *Mikra Megilla*, rather than the other prophets of their time. “Prophets and prophetesses” highlights the fact that Mordechai and Esther—a prophet and a prophetess—instituted *Mikra Megilla*.

Based on the foregoing, Mordechai and Esther had the authority to establish the reading of the Megilla and the festival of Purim on their own. Why, then, did Esther issue the following three requests to the Sages:⁶ (1) to establish the Purim festival; (2) to commemorate Purim by reading the Megilla; and (3) to include *Megillas Esther* as part of the *Kesuvim* and thus incorporated into the *Tanach*?

The Maharsha explains that “a prophet is not permitted to introduce anything

⁴ *Shabbos* 14b and *Eruvin* 21b.

⁵ All the negative commandments enacted by *Chazal* do not fall into the category of “independent mitzvos.”

⁶ *Megilla* 7a. The Maharsha there notes that the two messages sent by Esther to the Sages were recorded in the following verse in the Megilla: “And Mordechai wrote... and sent letters to all the Jews... charging them that they should observe the 14th of Adar...” (*Esther* 9:20-21). Upon the Sages’ rejection of her first request, Esther sent a second message: “Then Queen Esther wrote... this second letter of Purim and letters were sent to all the Jews...” (i.e. we should not be concerned about the possibility of inciting the nations’ wrath for my words are the words of peace and truth) “...are they not recorded in the chronicles of the kings of Persia and Media?” (*Esther* 10:2)

new after the receiving of the Torah at Sinai.”⁷ The *gemara* earlier (7a) relates that when Esther requested these things from the Sages of her time, they initially rejected Esther’s request to include *Megillas Esther* as part of the Holy Scriptures based on the fact that there was nothing in the Torah to support such requests. Only once they discovered such support in the Torah did they agree to her requests. The *gemara* records a dispute between two *tanna'im* regarding the following verse: “Write this memory in the book and place it before Joshua for the purposes of eradicating the memory of Amalek from this earth” (*Shemos* 17:14). According to Rabbi Elazar Hamodai the word “book” refers to *Megillas Esther*. In accordance with Rabbi Elazar Hamodai’s opinion, the Sages found adequate support to incorporate the Book of Esther into the Holy Scriptures. By including *Megillas Esther* in the canon and acknowledging that *Megillas Esther* was Divinely inspired, the Sages approved and authorized the mitzva of *Mikra Megilla* and the entire festival of Purim.⁸

The Ritva⁹ presents a striking challenge to the underpinning of Rashi’s answer to the question raised at the beginning of this article. We have understood that the *gemara* omitted *Ner Chanuka* since it was instituted after the close of the era of the prophets, and the *gemara* only refers to that which was instituted by the prophets. But in fact, we have seen that Mordechai and Esther secured approval from the Sages and it was therefore not the prophets who instituted the mitzva of *Mikra Megilla*, but rather the Sages, just like with *Ner Chanuka*. Significantly, the Rambam¹⁰ states that the mitzva of *Mikra Megilla* in its appointed time is a “*Mitzvas aseh medivrei sofrim*.”¹¹ Accordingly, *Mikra Megilla* and *Ner Chanuka* were both instituted by *Chazal* and not by the *Nevi'im*.

The Ritva observes that *Chazal’s* approval (after their initial reluctance) to incorporate *Megillas Esther* into the Holy Scriptures sheds light on Rashi’s comment

7 *Megilla* 2b cites *Vayikra* 26:34, “*Eleh Hamitzvot...*” as providing the source for the prohibition that a prophet is not authorized to introduce anything new to the Torah.

8 *Megilla* 7a. As recorded in the *Braisa*, Rav Yehoshua disagrees and holds that the verse “*Kesov zos zikaron basefer*”—“Write this as memorial in a book” (*Shemos* 17:14) does not provide for the inclusion of Esther in the Holy Scriptures. Rather, Esther is to be recorded orally and recited on Purim from memory (Rashi’s interpretation of Rav Yehoshua). Also, Rav Elazar Hamodai says there that the Book of Esther is part of the Holy Scriptures and if touched the hands are rendered *tamei*. Shmuel argues that the Book of Esther is not part of the Canon and does not render one’s hands *tamei*.

9 *Megilla* 7a and 14a.

10 *Mishneh Torah Hilchos Megilla* 1:1.

11 The Maharal (*Tiferes Yisrael* 27) points out that we find in *Chazal* that *dinim* derived from *derashos* are categorized differently than *dinim* spelled out by a *pasuk*—the former are referred to as “*divrei sofrim*” in the *mishna* (*Sanhedrin* 87); the Rambam often utilizes these categories, a famous example being his categorization of *kiddushei kesef* as *divrei sofrim*.

that Purim was established during the era of prophets in contrast to Chanuka, which was established by *Chazal* during the post-prophetic era. Esther persuaded the Sages to incorporate *Megillas Esther* as the last book in the Holy Scriptures and they agreed based on the support given from *Tanach*.¹² The Sages also determined that *Megillas Esther* was written with *Ruach HaKodesh*—Divine inspiration.¹³ In marked contrast, *Megillas Chanuka*¹⁴ was not incorporated into the Holy Scriptures and thus *Chazal* did not institute a mitzva to read *Megillas Chanuka*.

So although both *Mikra Megilla* and *Ner Chanuka* were instituted by the Sages and not by prophets, it was because of being in the prophetic era and because of their recognition of Esther as a prophetess that allowed *Mikra Megilla* to be instituted. Indeed, Rashi alludes to the Sages' recognition that Esther as a prophetess wrote *Megillas Esther* with Divine inspiration by emphasizing that *Mikra Megilla* was established at the end of the prophetic era. Significantly, Esther's prophetic status formed the basis for the establishment of *Mikra Megilla*.

Epilogue

I would like to inform the readership that I previously wrote this *d'var Torah* for a bar mitzva boy that I taught in 1979-1980. We learned the entire tractate of *megilla* and the bar mitzva boy—Abba Tzvi Schlusel *A'H*—delivered this *d'var Torah* and made a *siyum* at the conclusion of his speech.

While writing this article I did not understand why I initially chose this specific *d'var Torah* for Abba Tzvi and why and I rewrote this *d'var Torah* for the journal.

After finishing this article it dawned upon me that Abba Tzvi's legacy and life prompted me to share his *d'var Torah*. Abba Tzvi was a tall, handsome, fair-skinned boy with angelic features who was adopted by a devout couple living in Far Rockaway who tried unsuccessfully for many years to conceive. He was an only child and the

12 The Scriptural support is from the verse in *Mishlei* (22:20) that the *gemara* (7a) understands to mean that the eradication of Amalek must not be mentioned more than three times in *Tanach*. The verse cited above from *Shemos* is expounded by R' Elazar HaModai to mean that the mention of Amalek's eradication in *Shemos* and in *Devarim* are considered as one, in which case the mention in *Sefer Shmuel* is the second and the story of *Megillas Esther* can be the third. See also *Megilla* 15b, *Yoma* 29a, and Mahara, *Ohr Chadash*—where it is stated that *Psalms* 22 directly references Esther as the dawn right at the peak of the darkness of nighttime (*Ayeles HaShachar*).

13 *Megilla* 7a. The significance of such a determination is that one who touches the *Megilla* becomes *tamei* and that the *Megilla* must be read from a scroll in accordance with the *halachic* guidelines for the preparation of such scrolls.

14 "*Megillas Chanuka*" or "*Megillas Antiochus*" was originally written in Aramaic. Recent scholarship dates it to somewhere between the second and fifth centuries, more probably the second century. Rav Saadya Gaon, who translated it into Arabic in the ninth century, ascribed it to the elders of Beis Hillel and Beis Shammai.

apple of his father Chaim Schlusel A'H's eyes. Abba Tzvi and his father were kindred spirits and inseparable. Chaim Schlusel was my teacher and mentor who taught me how to lain and daven. He was inspirational and the most devoted teacher I ever had.

Mr. Schlusel entrusted Abba Tzvi's bar mitzva's preparation to me because he recognized the unique chemistry that Abba Tzvi and I had. While studying *Megilla* 14a, we reviewed the aforementioned Rashi and realized that it may be the touchstone for illuminating the special significance of *Mikra Megilla*. The Maharsha's commentary created the analytic and historical framework for Esther's three requests to the Sages. Little did we know at the time that the three Rabbinic holidays—Purim, Tisha B'Av and Chanuka directly correspond to Shavuos, Pesach and Succos.¹⁵ Purim's corresponding biblical holiday is Shavuos. Whereas on Shavuos the Jews reluctantly accepted the Torah, on Purim they reaffirmed the acceptance of the Torah with a full heart.¹⁶

Thirty-five years later I began to understand in retrospect what compelled me to rewrite this *d'var Torah*. Before Abba Tzvi lost his valiant struggle with cancer, leaving a young wife, a new-born baby, and grief-stricken, childless elderly parents, I experienced a hopelessness and distance from God. Every *Megilla* reading I thought about Abba Tzvi and what was it like to leave this earth under such trying circumstances. *Megillas Esther's* depiction of the *Shechina's* hiddenness in the dark recesses of this world was frightening.

My fears were allayed when I realized the meaning of Abba Tzvi's parting message that *Chazal* granted Esther's three requests because, as aptly stated in the *Megilla*, "...and these days of Purim should never cease among the Jews, nor shall their remembrance perish from their descendants." (Esther 9:28)

I believe that Abba Tzvi just before his passing gained the insight that every Jew's travails, triumphs and deeds are remembered and never perish. Esther's gift to us is her unique providential vision illuminated through the words of the *Megilla*, which contain our collective memories and deeds for eternity. That is why Purim, along with Yom Kippur, will continue to be observed upon the arrival of Moshiach.¹⁷

All is remembered and nothing is forgotten as we shall bear witness at the dawn of the coming of Moshiach.

15 Maharal, *Ohr Chadash*.

16 *Megillas Esther* 9:27; see also *Shabbos* 86b.

17 *Midrash Mishlei* 9:2.

Understanding Esther's Actions¹

ISAAC KLEINMAN



The Megilla presents the famous story of how Esther miraculously became queen of Persia and how her placement in the palace eventually led to the overturning of Haman's evil decree dictating the annihilation of all the Jews. Esther is considered a remarkable heroine, and her exchange with Mordechai discussing whether she would go into Achashverosh's chamber is a chilling and weighty one:

כי אסיהחרש תחרישי בעת הזאת רוח והצלה יעמוד ליהודים ממוקום אחר ואת ובית-
אביך תאבדו ומי יודע אסילעת כזאת הגעת למלכות:

For if you remain silent the Jews will surely receive salvation from someone else, and you and your household will be lost and forgotten. Who knows! Maybe this is the reason you became queen in the first place! (Esther 4:14)

Despite all this fanfare, the *gemara* in *Sanhedrin* presents the Esther story in a different light. It questions, surprisingly, the *halachic* correctness of Esther allowing herself to become queen in the first place!

Yehareg Ve'al Yaavor

Many are familiar with the concept of *ya'avor ve'al yehareg* and *yehareg ve'al ya'avor*. These concepts state that halacha values human life more than 610 out of the 613 *mitzvos* of the Torah. If one is under threat of death to eat non-kosher or drive on Shabbos, for example, one is required to violate the commandment and not give up

¹ This essay presents the approach of Rav Hershel Schachter *shlit"א*.

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his life.² However, if one is coerced to commit one of the three cardinal sins³—*arayos* (forbidden relationships),⁴ murder, or idol worship⁵—one is required to give up one's life. (see footnote 2)

A fact that is less familiar to the general public is that the halacha (*Sanhedrin* 74; *Choshen Mishpat* 157:1) actually does require you to give up your life in certain circumstances even for commandments other than the cardinal sins. For instance, if you are forced to commit a sin in front of ten Jews, *b'farhesiya*, it becomes an issue of *chilul Hashem*, and you must give up your life for even the most minor halacha, like the *gemara's* example of *arkesa de'masana*, the way you tie your shoe laces.⁶

Additionally, if the Jews are in a *sha'as ha'shmad*, a period where enemies want to destroy the Jewish religion, you are also required to give up your life for any halacha no matter who is watching.

2 *Tosafos Kesuvos* 33b (and see *Tosafos Avoda Zara* 27b s.v. *Yachol*) quotes Rabbeinu Tam who says that you are actually permitted to give up your life voluntarily as a *middus chassidus*, an act that goes beyond requirement, in order to achieve a *kiddush Hashem* even for *mitzvos* other than the three cardinal sins. According to the Rambam (*Mishna Torah, Hilchos Yesodei Hatorah* 5:1), however, giving up your life when not required to is a terrible sin, and you incur the death penalty (albeit that you are already dead). "ואם מת ולא עבר הרי זה מתחייב בנפשו". The *Shulchan Aruch*, however, in YD 157, rules like *Tosafos*, and if one wishes to give up his life as a *kiddush Hashem* he may, only on condition that he is being forced explicitly to make him violate the Torah and not for another reason.

3 The *gemara* (*Sanhedrin* 74a) learns *avoda zara* to be an exception from explicit verses in the Torah. It understands murder to be an exception from a *svara*, logical deduction. It states:

"מי ימר דדמא דידך סומק טפי דילמא דמא דהוא גברא סומק טפי"

This means: "Who says that your blood is 'redder' than his blood, maybe his is 'redder' than yours." The *gemara* then proceeds to connect *arayos* to murder through verses, thus deriving that *arayos* is also an exception to the rule. Later in the essay, according to the view of *Tosafos* (and the *Shulchan Aruch*), we will present a major practical application based on the way we have derived *arayos* to be an exception.

4 *Shulchan Aruch* includes even minor infringements that are related to *arayos*, like hugging and kissing, for example. The *Shach* (10) clarifies that it would only apply to Torah-level *arayos* but would exclude Rabbinic ones, like a grandmother, for example. Rav Akiva Eiger adds even further that it only applies to *chiyuv kareis* (the death penalty or spiritual excision), like a married woman, *niddah*, or close incestual relationship, but that *arayos* that are *chayvey lavin*, like a *mamzer* or a *nessin*, are not included in the exception of *arayos* at all.

5 We *paskin* like Rava in *Sanhedrin* 61b that if you worship *avoda zara* just from fear of the idol worshippers (מיראה) or out of affection for someone (מאהבה) that you are not considered an idol worshipper. *Tosafos* there explain that since any situation of forced *avoda zara* would by default fall into the category of fear, it comes out that you are required to give up your life even though it just appears to be *avoda zara*.

6 *Shulchan Aruch* (157:1) qualifies that this is only if the non-Jew's intention in forcing you is to make you violate the Torah, but if he was doing it for a different purpose, like his own benefit, and it happened to be in front of ten Jews, you would be permitted to violate it.

Esther and *Yehareg Ve'al Ya'avor*

Now to return to our previous discussion. The *gemara* in *Sanhedrin* (74b) asks:

והא אסתר פרהסיא הוא!

Wasn't Esther's aveirah in public?!

How could Esther agree to be married to Achashverosh? She was required to fight to the death to avoid it! Her marriage to him would be a sin, and it happens to be the *gemara's* case of *b'farhesiya*, a public sin, as all the Jews surely knew about it, about which we have explained that one is required to die for!

The *gemara* presents two answers to this question: The *amora* Rava says that this was not the problem of *farhesiya*, because Achashverosh was not causing Esther to sin with the desire to make her violate her religion, he just caused Esther to sin for *hana'as atzmo*, his own personal benefit—he wanted to find a new queen! Abaye answers that Esther was considered *karka olam*: since she was the passive participant in the sin,⁷ (as the female participant physically is) and as she never goaded or coaxed Achashverosh to marry her or ever subsequently be with her, she was not required to give up her life for this passive sin.⁸

Karka Olam for Giluy Arayos

The *Rishonim* (medieval rabbis) discuss what “sin” the *gemara* in *Sanhedrin* viewed Esther’s marriage to Achashverosh as violating. One opinion says that having relations with a non-Jewish man was the sin. The Ramban⁹ disagrees¹⁰ and says that Esther’s sin was that she was already married to Mordechai, as we know from the *aggada* (*Megilla* 13a), so the sin the *gemara* was referring to was adultery!

7 There are other approaches to explaining the term *karka olam*, but this is the explanation of Rav Schachter.

8 It is somewhat of a question how a woman can ever be *chayevs malkos* (lashes) or a *korban chattas* (sin offering for an unintentional violation) for participating in *giluy arayos*—she is always passive, and the Torah only administers these punishments for actions done. The *gemara* in *Bava Kama* 32a states an exception to this rule. When two people are involved in a forbidden relationship, the woman is never an active participant in the sin, so how is a woman culpable for being involved in a relationship that receives lashes or brings a *korban chattas* when done unintentionally? The *gemara* explains that the Torah created an exception to the requirement to be active by using the words “*hanefashos ha'osos*,” (*Vayikra* 18:29) when discussing *giluy arayos*, which shows that even passive women are culpable when they participate in these forbidden relationships. This, however, is only when the woman initiated and wants to sin, but Esther, of course, did not want to marry Achashverosh at all, did not receive *hana'ah* from the relationship, and would therefore not be included in the rule of *hanefashos ha'osos*.

9 *Milchamos Hashem, Sanhedrin* 17b (*dapei HaRif*).

10 The Ramban rules that it is only *yehareg ve'al ya'avor* for a Jewish man to have relations with a non-Jewish woman but not for a Jewish woman to have relations with a non-Jewish man. He therefore has to explain that Esther’s sin was something else.

According to both these opinions, Esther's sin involved *giluy arayos*. Rivam (*Kesuvos* 3b *Tosafos* s.v. *Velidrosh Lehu*) asks: Why did the *gemara* only question that Esther didn't give up her life because it was a public sin? There was a much more obvious question: Esther was going to be in violation of one of the three cardinal sins: illicit relationships. That alone would require her to give up her life even if it would not have been a public sin! Yet the *gemara* only seems to be concerned because it was *b'farhesiya*!

Rivam explains that it was obvious to the *gemara* that the answer of *karka olam* would alleviate the requirement to give up her life for *giluy arayos*, but the *gemara* was unsure if *karka olam* could remove the public *chilul Hashem* that would occur, and thus maybe even with *karka olam* Esther would have been required to give up her life, to which the *gemara* then answers that *karka olam/hana'as atzmo* even removes the problem of *farhesiya* and makes Esther's action not considered a sin, and thus she was not required to give up her life.¹¹

The Rivam's statement still requires further explanation. Why was it obvious to the *gemara* that *karka olam*, being a passive participant in the sin, would take away the requirement from a woman to give up her life rather than violate the sin of adultery?

Tosafos explain (*Sanhedrin* 74b s.v. *Veha*) that *yehareg ve'al ya'avov* for *giluy arayos* is derived from a textual connection to murder, and *yehareg ve'al ya'avov* for murder is learned from the logical statement of "How could I murder him to save my life? How can I decide that my life is more important than his?" (see footnote 2 above). The logic of *yehareg ve'al ya'avov* for murder only makes sense if you would actively murder the person, because then you are explicitly deciding that your life is more important. However, *Tosafos* state, if someone threatened to kill you unless you allow them to throw you on a baby, which would surely kill the baby, you are not required to give up your life, as you are not deciding to murder the baby. Therefore, *Tosafos* conclude, since we only know the requirement of *yehareg ve'al ya'avov* in *arayos* from murder, we cannot require you to give up your life for more than you would be required to for murder, and therefore, if someone would make you violate *arayos* when you are completely passive, like a woman is, you would not be required to give up your life.¹²

11 Rabbeinu Tam, in the same *Tosafos Kesuvos* 3b, presents his own unique explanation to the *gemara's* failure to address Esther's violation of adultery. He rules that *bi'as nochri aino bi'ah*, a non-Jew's act of physical relations does not take on the status of relations, and therefore Esther did not violate adultery at all. The only problem the *gemara* could find was that her sin of being with a non-Jew was *b'farhesiya*.

12 It is important to note that the fact that Rabbeinu Tam finds a different explanation for the *gemara* ignoring Esther also violating *arayos* seems to imply that he rules that, if she would have been in violation of *giluy arayos*, *karka olam* would not have exempted her from having to give up her life. Rav Elchonon Wasserman (*Kobetz Ha'aros* 48:1-3) explains the apparent *machlokes* between Rabbeinu Tam and Rivam. He explains that when we

The *gemara* in *Sanhedrin* was unsure, however, what the law would be when the sin was *b'farhesiya*. Since the reason you have to give up your life for a sin *b'farhesiya* is because of the terrible *chilul Hashem* that it causes, maybe the same *chilul Hashem* exists independent of whether you violate the sin passively or actively! The *gemara* concludes, however, that being passive (*Abaye*) or when the one forcing you has personal motivations and is not forcing you just to make you sin (*Rava*) there is also less *chilul Hashem* involved and therefore even a sin *b'farhesiya* would not require you to give up your life.

Being Forbidden to Husband

There is another crucial halacha that applies to the violation of *giluy arayos*. The Torah in *Parshas Nasso* speaks about a *sotah*, a woman who is suspected by her husband to have been unfaithful. The Torah (and *gemara*) presents a whole series of warnings that must take place to make the woman into the status of a *sotah safek*, a possible *sotah*. Based on the extra “*vav*” in the *pasuk*, (*Bamidbar* 5:29), וַנִּטְמָאָה—*And she became impure*, the *gemara* teaches (*Sotah* 27b) that once a woman is considered a *sotah safek*, she is forbidden to live with her husband or with the man is suspected of cheating unless she drinks the *mayyim hame'orerim* and they determine her to have not committed adultery. This law, an *issur aseh*, prohibition stemming from a positive commandment, applies both to a woman who has been through the whole *Sotah* process, and to a woman who is known to have committed adultery. The *gemara* in *Yevamos* 12a then adds on a classic *issur*, prohibition from a negative commandment, forbidding a woman who is known to have committed adultery from living with her husband.

Now, to discuss Esther. After Mordechai convinces Esther to present herself to Achashverosh, Esther states (*Esther* 4:16):

וְכִאֲשֶׁר אֲבִדְתִּי אֲבִדְתִּי.

If I will be lost so be it

have two laws that are in direct conflict, the halacha always instructs you to do the lesser of the two evils, which will usually (but not always) be the one that is more passive. This concept appears in many places across the Talmud, one of which is *Eiruvin* 100a. Therefore, if one would have a conflict between *piku'ach nefesh*, preserving Jewish life, and *giluy arayos*, halacha would require one to do the least amount of action and preserve whichever law that would be satisfied by that inaction. That is why the *Rivam* says that you do not give up your life when faced with a passive *giluy arayos*: because *piku'ach nefesh* is still an important consideration that conflicts with the *giluy arayos*, so we would tell you to do nothing and let whatever happens happen as opposed to fighting the attacker and thus violating *piku'ach nefesh* with an action. *Rabbeinu Tam*, on the other hand, believes that when *piku'ach nefesh* comes into conflict with the three cardinal sins, the three sins push aside *piku'ach nefesh* completely and it becomes as if it is not a consideration whatsoever. He therefore rules that you must actively give up your life, because there is no longer a conflict of two *halachos* that would dictate that you remain inactive.

The *gemara* (*Megilla* 15a) understands from this *pasuk* that:

כשם שאבדתי מבית אבא כך אובד ממך

*Just as I am lost from my father's house, I will now be lost to you
(prohibited to you).*¹³

We see from this that until this point Esther was not forbidden to Mordechai—even though she had been living with Achashverosh during her marriage! What was different this time from the previous year or so?

The answer is that since she had been made queen, she had never come to Achashverosh and wooed him voluntarily. He had always called her in, and it was always against her will. Therefore, since Esther was not a voluntary participant, it was like she was not even violating the *aveira* of adultery to make her forbidden to her husband. The same reason that she didn't have to fight to the death to avoid being taken to the king explains why she was not forbidden to her husband. Had she been violating *giluy arayos* in a normal fashion she would have been required to give up her life, and so too, if she had been in violation of *giluy arayos* in a normal fashion she would have been forbidden to her husband.

This time, however, was unique, as Esther approached Achashverosh voluntarily. Now Esther states “*ka'asher avadeti avadeti*” and realizes that she will be forbidden to her husband, because being “*karka olam*” no longer exempts her from having violated *giluy arayos*, as she was the one will initiate and show a desire for the relationship.¹⁴

13 Rivam, mentioned above, in fact uses this as a disproof to Rabbeinu Tam, who had said that the physical relations of non-Jews is not considered *halachic* physical relations. Rivam asks: If Rabbeinu Tam were correct then Esther should not have been prohibited to Mordechai even after willingly having relations with Achashverosh! Rivam understands from here that non-Jews do perform *halachically* recognized physical relations. The *gemara* says that a man can make his wife into a *sotah* even if she is *misyachedes* with a “*shachuf*,” and the Rambam (*Sotah* 1:1) explains that a *shachuf* is someone who can never have *kishuy eiver*. How then can she become a *Sotah* for this? It is impossible that they had a *ma'aseh bi'ah*, an act of physical relations! *Ohr Sameyach* (*Issurei Bi'ah* 3:2) explains that for a woman to become *assura* to her husband she does not need a full *ma'aseh bi'ah*, act of physical relations, but just needs to have satisfied the *pasuk* “*u'ma'aleh ma'al b'ish'ah*”—she betrayed her husband. Rav Schachter *shlit"z* explains (see *Ginas Egoz Siman* 27) that perhaps this is the reason Rabbeinu Tam was not bothered by the Rivam's question. Rabbeinu Tam holds that one becomes prohibited to her husband even without performing halachically recognized “physical relations” (מעשה ביאה) but even with just performing “marital activities” (מעשה אישות). All that is needed, according to Rabbeinu Tam, to prohibit a woman to her husband is the requisite “betrayal” of the husband, and relations with a non-Jew, although not considered relations to obligate the woman as an adulterer or forbid the woman to the non-Jew (were he to convert), is enough of a “betrayal” to prohibit the woman to her husband.

14 See footnote 8. When the act is completely against the woman's will, the Torah's inclusion of her in the punishment from the *pasuk* “*hanefashos ha'osos*” does not apply. However, as Rav Schachter explains, since Esther did initiate the relationship in this case, the fact that she did not commit an action during the sin does not

Hatzalas Klal Yisrael and Aveirah Lishma

Once we fully digest that Esther was considered a bona fide adulteress once she approached Achashverosh willingly, the question begs itself: How was she permitted to do it? We have discussed for pages that one must give up one's life to avoid violating *giluy arayos*! Esther should have died and let the decree remain rather than violating *giluy arayos*, because it seems like the Torah views a life that has violated the three cardinal sins as a life that is not worth living!

It is clear, however, that Esther and Mordechai did not err when they decided that Esther should approach Achashverosh, and we must explain why.

There is a concept of *hatzalas Klal Yisrael*, saving the entire (or a majority of the) Jewish people. We learn from the story of Esther and from another story in *Tanach* (which we will explain shortly), that when one has the ability to save the Jewish people one is permitted to violate even the three cardinal sins. In the Megilla, Esther going in to Achashverosh was a necessary step in the salvation of the Jewish people, and she was therefore permitted to commit that sin of *giluy arayos* to facilitate that salvation. However, it must be duly noted that this concept is not the same as *karka olam*. While *karka olam* makes it that the woman is not required to give up her life due to the sin and that it is not considered a full *giluy arayos*, as we see from the fact that she is not prohibited to her husband, when applying the principle of *hatzalas Klal Yisrael*, the sin is violated completely, but one is merely permitted to carry out the sin. It is called an *aveira lishma*, and the *gemara* states (*Nazir* 23b):

גדולה עבירה לשמה ממצוה שלא לשמה

An aveira done for righteous purposes is greater than a mitzva done for other purposes.

The specifications of *hatzalas Klal Yisrael* are complicated and debated, but we will go through some of the details. However, before that discussion, we must discuss the other case of *giluy arayos lishma*: that of Yael in *Sefer Shoftim*.

The *gemara* tells us that Yael wooed the Canaanite general Sisra in order to assassinate him and save the Jews. *Tosafos* (*Kesuvos* 3b and elsewhere) explain that the *gemara* never thought to apply the *heter* of *karka olam* to Yael, as Sisra was not threatening her life and Yael was the one who initiated it! It is obvious that Yael was committing *giluy arayos*, however, the *gemara* understands (*Yevamos* 103a-b) that she was permitted to commit that *aveira* because she was doing it to save the Jewish people.

exempt her from being forbidden to her husband; she becomes like all women who commit adultery willingly.

Tosafos explain that when the *gemara* (*Yevamos* 103a-b) seemed to be questioning Yael's action, it was not questioning if she was permitted to do it, it was merely wondering why the prophetess Devorah praises Yael's actions in her Song. It seems like although Yael's action was for *hatzalas Klal Yisrael*, it could not be categorized as an *aveira lishma*, which would merit praise, as she derived pleasure from the action, and thus it was not completely *l'shem Shamayim*. To this, *Tosafos* explain, the *gemara* answers that *tzadikim* do not derive pleasure from the pleasure of evil people (כל טובתן של רשעים רעה היא אצל צדיקים). Therefore, Yael's action was completely *l'shem Shamayim* and she was therefore praised. However, according to our earlier analysis, Yael did become forbidden to her husband, Chever, as her action was still considered a bona fide *aveira*.

In conclusion, *hatzalas Klal Yisrael/aveira lishma* is a very rare case that hardly ever comes up. And even when it does come up, one must be sure to consult with the *gedolei hador* or perhaps receive a prophecy (like Tamar in *Parshas Vayeishev*) to determine if it is, in fact, a situation of *aveira lishma*.

There is a *Teshuvos Noda Biyhudah*¹⁵ (Rav Yechezkel Landau) where he discusses a case of a group of traveling Jews who were ambushed by bandits who were threatening to kill them, and the wife of one of the Jews decided to woo one of the bandits in order to save the lives of the whole group. Rav Landau ruled that her action was incorrect, because one can only violate the three cardinal sins willingly when it is a situation of *hatzalas K'lal Yisrael*, and this case merely involved a small group of Jews, which was definitely not even close to most of the Jewish nation.

Conclusion

Studying the detailed laws of *yehareg v'al ya'avur* and *karka olam* provides a much deeper understanding of Esther's greatness and the magnitude of her sacrifice. We rarely view Esther in terms that we can relate to, but it is extremely beneficial to describe her with attributes that speak to us. She was a young Jewish woman who was raised like any other pure, sheltered Jewish girl. And one day she was taken to become the queen of a non-Jewish king who lacked any Jewish values or sensitivities. The story is dreadful already, but at least Esther may still have had dim hopes of one day returning to her family and her community. However, Mordechai then informs Esther that to save the Jewish people she must give up everything; she must irreversibly adopt the life of a non-Jewish queen. She will never have the option of returning to her husband.

¹⁵ *Noda Biyhudah Mahadura Tinyana Yore De'ah* 161; quoted in *Pischei Tesuva Even Ha'ezer* 178:8.

When viewed in a vacuum, this is an undeniably tragic story; just imagine your own innocent, righteous daughter being trapped as the wife of a foreign monarch for the rest of her life. We learn from the Megilla, however, that this story cannot be viewed in a vacuum. We must realize that Esther made this immense sacrifice because she accepted upon herself the responsibility that Hashem had placed upon her; He placed her in her situation to save the Jewish people. Hashem commanded her, through *ru'ach hakodesh* or through the advice of the *gedolei hador*, to commit the *aveira lishma* of willingly approaching Achashverosh, and she had every right to deny that mission or to claim that “there must be some other way.” But Esther realized what her mission was, and she stood up to the challenge before her, despite its repulsiveness.

May Purim and the Megilla story be an inspiration for us to have clarity about our own personal *tafkid* (purpose) in life, and may we have the courage and Divine assistance to be able to confront our mission no matter how taxing and seemingly impossible it may be. May we have the requisite *bitachon* (security) to perceive life's tests as having been placed before us by Hashem who only presents us with tests that we can overcome.

PURIM

Jewish Unity: The Essence of Purim and Shushan Purim

DR. YAKOV AGATSTEIN



When one reflects upon the *Shalosh Regalim* and *Yamim Noraim*, one is reminded of the hallmarks of those holidays: the sanctity, the heights of spirituality reached through meaningful *tefillas*, and the refreshing separation from the outside world experienced through *issur melacha*. These Torah-given holidays stand as rendezvous points with *Hakadosh Baruch Hu*—time to introspect and improve ourselves for our *avodas Hashem*.

In contrast, Purim and Chanuka stand out as being vastly different from the other holidays. Indeed, both Purim and Chanuka are rabbinically derived, but nevertheless they remain quite different in the tone of their respective days. The *mitzvas ha'yom* of Chanuka is *hadlakas neiros* and although there is no *issur melacha*, we still say *Hallel* and there is a seriousness to the holiday as we are reminded of the spiritual wars waged in every generation to annihilate Torah Judaism.

Purim, on the other hand, has no *Hallel* and has practically nothing in common with any of the other Jewish holidays experienced throughout the year. If the *chagim* were a family, Purim would be its “black sheep.” First of all, Purim appears to lack the seriousness present for the other Jewish holidays. Second, as opposed to the *mitzvos ha'yom* which relate to the spiritual realm, such as the *mitzvos* of shofar, *Korban Pesach*, and *sukka*, the four *mitzvos* of Purim, *mikra Megilla*, *matanos l'evyonim*, *mishloach manos*, and the *Purim seuda*, are very physical in nature and mostly relate to our interpersonal, *bein adam l'chaveiro*, relationships. Furthermore, no other holiday has the criteria of Shushan Purim—a day celebrated only by those who dwell in cities that were walled at the time of Yeshoshua bin Nun. The question arises: why isn't there one day of Purim established for everyone like there is for every other holiday?

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Additionally, even when walled and non-walled cities celebrate Purim on their respective days, why are both days, Purim and Shushan Purim considered special and holy by all Jews, when fasting and eulogies are forbidden?

The Megilla gives us the historical reason for Shushan Purim: In all of the cities of Persia, the battle, which raged between the Jews and their enemies, took place on the 13th of Adar, the day designated by Haman for their annihilation. The Jews then rested and celebrated on the 14th of Adar. Purim was thus established to be celebrated on the 14th day of Adar. However in Shushan, a walled city, the battle took longer and the Jewish people were only able to rest and celebrate on the 15th, hence Shushan Purim is on the 15th of Adar. *Chazal* also established the rule that all cities that had walls surrounding them in the time of Yehoshua Bin Nun are given the status of Shushan and celebrate on the 15th. Today, however, Yerushalayim is the only city that observes Shushan Purim in its intended way, celebrating Purim exclusively on the 15th. Some other ancient cities in Israel, Iran and elsewhere, observe both the 14th and the 15th as there are doubts as to their history and their importance at the time of Purim.

Aside from the historical explanation of Shushan Purim, what possible message was *Chazal* conveying to the Jewish people by obligating them to observe Purim on two separate days depending on their geographical location?

Purim is the last holiday of the Jewish calendar, appearing in Adar, the last month of the Jewish year. In order to fully appreciate the message of Purim and Shushan Purim, one must evaluate the overall chronology of the Jewish calendar. There is a thematic progression of holidays in the Jewish year starting in the first month of Nisan, with Pesach. Each year, as Jews experience the various chagim, we embark on a spiritual journey, one that parallels many historical events.

Pesach, the first of the *Shalosh Regalim*, serves as a reminder of the origins of Jewish nationhood. When we celebrate Pesach, we are reminded that through the slavery of *galus Mitzrayim* and through *Yetzias Mitzrayim*, *Bnei Yisrael* were forged into a nation. After remembering this slavery and exodus from Egypt, the Jewish people begin counting *sfiras ha'omer*. During this time, it is a *minhag* for many to learn weekly chapters of *Pirkei Avos*, the tractate of *mishna* dedicated to character improvement. We begin on a path which is supposed to elevate our character, our *middos*, and our overall service of Hashem in order to ultimately be worthy of Shavuot, the holiday which commemorates the acceptance of the Torah on Har Sinai. Shavuot, in many ways, is the pinnacle of the entire year. As Jews celebrate Shavuot, we are supposed to again accept the Torah, and recommit ourselves to the service of *Hakadosh Baruch Hu*.

The months that follow Shavuot, on the other hand, exhibit the transition to

spiritual confusion and *galus*. Forty days after receiving the Torah, the Jewish people sinned with the *egel hazahav*, commemorated by the fast of Shiva Asar B'Tammuz. This is followed by Tisha B'Av, the day when the Jewish people lost both the first and second *Batei Mikdash*. As Jews experience the months of Tammuz and Av, we are reminded of the sense of spiritual loss which ensues from sin. Once again, it is a time of reflection and recommitment.

From the first day of Elul until the tenth of Tishrei, known to us as the *yimei ratzon*, Moshe Rabbeinu implored Hashem to forgive *Klal Yisrael*, and ultimately Hashem did so. This period became a time infused with forgiveness, a time dedicated to personal and national *teshuva*, which culminates with *selicha* and *mehila* on Yom Kippur. Just like the Jewish people accepted the second *luchos* after Hashem forgave them, so too, on Yom Kippur and afterwards, Jews around the world rededicate ourselves to *avodas Hashem*. We celebrate our newly established closeness with Hashem through ushering in Sukkos, also known as *zman simchaseinu*. This spiritual honeymoon concludes with Shmini Atzeres and Simchas Torah, when we begin the cycle of learning Torah once more.

The feelings of closeness felt during the Tishrei season gird the Jewish people with the stamina needed to survive the dark days of winter ahead, weeks with no holidays. In the middle of winter, however, *Hakadosh Baruch Hu* gave us Chanuka. This holiday once again inspires us to know that the light of the menorah, representing the light of Torah, can illuminate even the darkest of spiritual times, even the blackness of exile. The Jewish year concludes with Purim and Shushan Purim. Still, why did *Chazal* choose Purim and Shushan Purim to conclude our annual cycle of holidays?

The Sochaczever Rebbe, Rabbi Shmuel Bornstein, in his *sefer, Shem MiShmuel*, sheds light on this issue. The *gemara* in *Maseches Shabbos* (88a) explains a famous phrase located at the end of the Megilla which states that after winning against their enemies, the Jewish people “*kimu v'kiblu*.” The *gemara* explains that the Jewish people “*kimu mah shekiblu kvar*,” “fulfilled that which they already accepted.” *Bnei Yisrael* “fulfilled and accepted” the yoke of Hashem’s *mitzvos* during the time of Achashverosh on their own volition; they had previously been compelled to accept the *mitzvos* at *Har Sinai*. According to one *midrash* quoted by Rashi (*Shemos* 19:17), when the Jewish people stood at *Har Sinai*, Hashem “*kafa aleihem har kegigis*,” “overturned a mountain on them like a barrel.” According to this puzzling source, while *Bnei Yisrael* accepted *Torah She'bichsav*, the Written Torah, on their own volition, Hashem forced them to accept *Torah Shebe'al Peh*, the Oral Torah. It was only during the story of Purim that *Bnei Yisrael* accepted the *Torah Shebe'al Peh* on their own. The Sochaczever

Rebbe explains that just like Jewish people stood unified to accept the Written Torah “*ke'ish echad b'lev echad*,” “like one man with one heart,” when they were at *Har Sinai*, so too, they needed to be completely unified to officially accept the *Torah Shebe'al Peh*, the Oral Torah.

The *gemara* in *Maseches Megilla* (14a) states: “Greater was the removal of the signet ring of King Achashverosh than all of the 48 prophets and seven prophetesses who prophesized and chastised *Klal Yisrael*.” The *gemara* is referring to Achashverosh removing his signet ring and placing it in the hands of Haman. This *gemara* seems puzzling; how was Achashverosh’s removal of his ring greater than all of the prophets that rebuked the Jewish people? The Sochaczever Rebbe explains that it was only after Haman had threatened Jewish national existence that the Jewish people became unified and were worthy of defeating their enemies. That is why the *Megilla* states “*kol medinah umedinah uvchol ir va'ir*,” “every country and in every city,” the Jews united. Despite their physical separation, Jews everywhere set aside their differences and came together to accept the *Torah Shebe'al Peh* and defeat their enemies. It is for this reason that *Klal Yisrael* was worthy of being saved at that time.

The *Shem MiShmuel* continues by delving deeper into the role of Haman. Haman HaRasha, the great antagonist of the *Megilla*, was a descendant of Amalek and Eisav. The *Midrash Rabbah* (*Beraishis* 63:8) says of Eisav’s birth, “*yatza kulo mefuzar u'meforad*,” “he emerged scattered and separated.” The *midrash* explains that Eisav’s body resembled a hairy cloak and when he was born, his hair was scattered and messy. According to the Sochaczever Rebbe, this “scattering” was an encapsulation of his character. Eisav’s destructive *middos* pulled him in different directions, caused him to tear apart relationships, separate himself from the word of God, and reject Hashem’s ways. This character trait was passed down to Amalek and subsequently to Haman. Haman’s entire goal was to cause divisiveness between those around him. Haman described the Jews to Achashverosh as “*mefuzar u'meforad*,” “separate and scattered,” ironically the same words used to describe his own ancestors. Haman believed that because the Jewish people were “scattered,” dispersed and assimilated, that he could overcome them. Haman was proven wrong. He neglected to realize that the threat he posed to the Jewish people was the impetus needed for them to unite. With the proactive help of Mordechai and Esther, *Klal Yisrael* were inspired to gather and unify in fasting and *davening*, and ultimately to fight the victorious battle culminating on Purim and Shushan Purim.

To counter the wicked traits of Haman, *Am Yisrael* were so unified at the end of the *Megilla* story that there exists a *kri u'ksiv*, where the actual spelling is “*kimu v'kibel*” (*Esther* 9:27) written in the singular and yet read *v'kiblu* in the plural. The

same concept is used by the Torah at *Har Sinai* where it states, “*vayichan sham yisrael neged hahar*,” “and *Bnei Yisrael* encamped there opposite the mountain” (*Shemos* 19:2). Similar to the case in *Megillas Esther*, the plural of “*vayachanu*” should be used in referring to *Klal Yisrael* but because they were “*Am echad b’lev echad*—one nation with one heart,” the Torah uses the single form *vayichan*. *Megillas Esther* uses the singular form, “*v’kibel*” to emphasize the Jewish people’s unity: even though the Jews were physically scattered and living in different provinces and lands, they were in reality unified in their spirit. So too, although Purim and Shushan Purim are separate days with obligations for different people in different places, nevertheless, all Jews share in the *simchas hayom* for both Purim and Shushan Purim, refraining from making eulogies or fasts on either day. *Chazal* instituted two days of Purim to show how *Klal Yisrael* can reach new higher forms of communal unity in spite of being in *galus*. Even when Jews are dispersed geographically, they can still be united.

This aspect of communal unity as an underlying force in the Purim miracle is highlighted by all the *mitzvos* of the day. *Krias Hamegilla* is optimally done *b’tzibur*. Giving gifts to our neighbors promotes *achdus*. Giving *tzedaka* highlights *Kol Yisrael arevim zeh lazeh*. The Purim *seuda* with friends and family brings communal unity.

Given the theme of this *chag* and the overall context of the Jewish calendar, why then does Purim come at the end of the Jewish year? Rav Shimshon Pincus suggests that there are three days of celebration of *Matan Torah* during the year: The first one is on Shavuos when *Klal Yisrael* celebrate the giving of the first *luchos* at *Har Sinai*. The second day of celebration of *Matan Torah* is on Yom Kippur when the Jewish people received the second *luchos*. The final day of celebration of *Matan Torah* is on Purim when the Jewish nation finally accepted the Oral Torah on their own volition and expressed, once again, their unity in *avodas Hashem*.

Each year, then, as Jews celebrate Purim and Shushan Purim, we are supposed to be reminded of the importance of Jewish *achdus*. Interestingly, it is beautiful to note that Moshe Rabbeinu’s *yahrzeit* falls out specifically in the month of Adar. Moshe Rabbeinu’s primary role was to help weld together a group of Jewish slaves and unite them into a powerful nation. How appropriate that Moshe’s birth and death should occur in the month that reminds *Klal Yisrael* of the significance of their unification. It is also not by chance that the *mazal*, the astrological symbol of Adar is a fish, which in order to insure its survival, travels in schools and never alone. This too, serves as a reminder to *Am Yisrael* that in order to survive, we must band together, and learn to be interdependent on one another. This is why the calendar year ends with the message of unity. May our unity be the catalyst for the ultimate unification of all people with the coming of the Moshiach.

Pesach



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Asher Revah

The Precious Stones and Man's Partnership with Hashem

ADIV PACHTER



The *Tiferes Yosef*¹ provides an insight into the *bracha* that we say on *yom tov*: “*V’Hasienu Hashem Elokeinu es Birkas Moadecha.*” It is translated as “Bestow upon us, Hashem our God, the blessing of Your appointed festivals...” However the word *v’hasienu* comes from the word *masah*, meaning burden. He provides the following *mashal*; a father and son were walking and found several precious stones. Recognizing their value, the father instructs his son to gather the found treasures so that they can bring them home. The son sees no benefit to these stones and scoffs at the concept. He shrugs his shoulders and begrudgingly picks up the stones thinking of the annoyance it will be to carry them home. However, the father insists that they will be beneficial down the road even if he can not realize this now. This holds true, says the *Tiferes Yosef*, for the days of *yom tov*. He quotes the *gemara* in *Kidushin* (81a) which says: “The sore spot of the year is *yom tov*.” *Al pi drush*, the *Tiferes Yosef* explains that the holidays are like the precious stones in the *mashal*. These days are saturated with holiness that spiritually feed the rest of the days of the year. However in the moment, the *chag* can sometimes feel burdensome. But in truth, in the long run, it is these days that empower the rest of the year and are the source of all blessing.

The *HaLekach V’haLibuv*² quotes the *gemara* in *Berachos* (17a) which writes that when the Rabbis would take leave of each other from the study hall, they would say to one another “May your eyelids look straight before you...” He explains that the end of *yom tov* is the *bechina* of “taking leave.” On *motzei yom tov*, we are leaving the *kedusha* of the *chag* and we are returning to the mundane grind of the year. During

1 The Radziner Rebbe. Chapter on *acharon shel Pesach*, section “*v’hasienu Hashem Elokeinu.*” Page 111.

2 Rav Avrohom Schorr. Section on *acharon shel Pesach*, page 183.

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the year it is not always easy to see the *hashgacha* of Hashem. He quotes the *pasuk* in *Tehillim* (11:4): “Hashem is in the abode of His holiness, Hashem’s throne is in Heaven, His eyes behold, His eyelids scrutinize mankind.” He explains that the eyelids cover the eyes and it represents darkness; the times that man does not see the *hashgacha* of Hashem and does not see the eye of Hashem that never closes and is always watching over us. The reason for such times is to test mankind; it is very easy to have faith in Hashem when everything is going well in your eyes. The real test is when things seem not to go as well. Are we still believers in Hashem? We need to realize that Hashem is always by our side.

In truth, Shavuot teaches us that we have a unique relationship and partnership with Hashem. The *Shem Mishmuel* quotes the *midrash* in *Shemos Rabbah* (28:1): Rav Berachyah says, the *luchos* were six *tefachim* long. Hashem held on to two *tefachim*, Moshe held on to two *tefachim* and there were two *tefachim* between Hashem and Moshe.

He explains as follows: There are three types of *mitzvos*; 1) those that are dependent on *machshava*-thought; 2) those that are dependent on *dibbur*-speech and 3) those that are dependent on *maaseh*-action. The *mitzva* to believe in God depends on *machshava*. The *mitzva* not to speak badly of another person is dependent on *dibbur*. The *mitzva* to eat matza is dependent on action.

Thoughts are not entirely in man’s control; many times thoughts suddenly come to mind, popping up in our minds on their own. This corresponds to the two *tefachim* of the *luchos* that Hashem holds. Action, on the other hand, does not occur unless we make a concerted effort to take action. This corresponds to the two *tefachim* of the *luchos* that Moshe, representing mankind, holds. Speech is a blend of the two as it states in *Mishlei* (16:1): To man belongs the arrangements of his heart but from Hashem comes the tongue’s reply. Man may have idea but God gives speech which either causes man to stumble with his words or speak eloquently. Therefore, speech corresponds to the middle two *tefachim* of the *luchos* which represent the partnership between man and God.

In *Mishlei* (16:3), Shlomo HaMelech states: “Turn your deeds towards Hashem and your thoughts will be set aright.” We see from here that if we train ourselves to have mastery over our actions and act in the appropriate way, the *derech* of Hashem, then Hashem will hand over control of the two *tefachim* that He holds; He will empower us with the realm of *machshava*! We learn from here how powerful our actions can be.

We should all merit to appreciate the holiness of *yom tov* and carry the sparks of holiness into the worldly nature of the year and to maximize our time in this world

and our partnership with Hashem. In doing so, though, we must never forget even those less fortunate than us, who *Baruch Hashem*, recognize the greatness of the holidays and who have a connection with Hashem.

On the eve of Pesach, we relay the story of the four great Rebbeim who were learning about *Yitziyas Mitzrayim* the entire night until their *talmidim* came to them to tell them that the time for *Krias Shema* had arrived. The *HaLekach V'haLibuv* quotes Reb Tzadok HaKohen who points out that these *talmidim* were not with their Rabbis that night. He goes on to suggest that these *talmidim* perhaps represent *talmidim* or anyone who has distanced themselves from their *Rabbeim*, the *Derech HaTorah* and Hashem. If so, what is the significance of the fact that it was specifically these *talmidim* who came to their *Rabbeim* to inform them that the time for *Krias Shema* had arrived? The *gemara* in *Berachos* (9b) discusses the times that we may begin reciting *Shema* in the morning. One opinion quoted is that we can say *Shema* from when one can see his friend who is four *amos* away and recognize him at that distance. Four *amos* signifies the four *amos* of *halacha*. The friend who is four *amos* away represents the friend who has distanced himself from the four *amos* of *halacha* and has gone off the *derech*. *Krias Shema* represents The *Geula Asidah*, the Ultimate Redemption: the time when there will be *Kabalos Ol Malchus Shamayim*; when there is utter clarity. This *Geula* will only come when everyone will be united; the time when even those who have distanced themselves from the Torah and from their *Rabbeim* will return to the ways of Hashem.

May be we *zoche* to see the Ultimate Redemption speedily in our days.

Bringing a *Pesach Sheini* When In Doubt

GERSHON REVAH



The Rambam writes (*Hilchos Korban Pesach* 4:1):

כבר נתבאר בהלכות פסולי המוקדשין שהפסח אינו נשחט אלא לשם פסח ולשם בעליו ואם שחטו במחשבת שינוי השם פסול. השוחט את הפסח על בני חבורה ואמר להם לאחר זמן אותו הפסח ששחטתי עליכם שלא לשמו שחטתיו אם היה נאמן להן סומכין על דבריו ואם לאו שורת הדין שאינו נאמן ורוצה להחמיר על עצמו הרי זה משובח ויביא פסח שני.

It has already been explained in Hilchos Pesulei HaMukdashin that a Korban Pesach is slaughtered only for the sake of the Pesach sacrifice and for the sake of its owners. If it was slaughtered for the sake of another sacrifice, it is invalid. If one slaughters the Korban Pesach for the members of his group, and told them at a later time, "That Pesach that I slaughtered for you was not slaughtered for the sake of a Korban Pesach," if they consider him trustworthy, they should rely on his words, and if not, according to the letter of the law, he is not believed. However, if one desires to be strict on himself it is praiseworthy and he should bring a Pesach Sheini.

The Rambam rules that a *Korban Pesach* must be offered with proper intent. If the one who slaughters the *korban* claims that he did not have the proper intent, the members of his group are not required to bring a *Pesach Sheini*. However, it is virtuous to be stringent on oneself and go beyond the letter of the law and bring a *Pesach Sheini*.¹ The Raavad disagrees and says that, on the contrary, it is forbidden. If one is exempt from bringing a *korban*, he is not allowed to offer it, because of the *issur*, prohibition, of *chulin ba'azarah*, which forbids the slaughter of any non-*korban* in the

¹ See *Kesef Mishna* who writes that this is implied in the wording of the *Tosefta* (*Pesachim* 4:7): "shuras hadin aino ne'eman."

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Beis Hamikdash. It is also not permissible to bring the *Pesach Sheini* conditionally by saying, “If I was not *yotzei*, did not fulfill my obligation, with the first *korban* then this should be my *Korban Pesach*, and if I was *yotzei* then this should be a voluntary *korban shelamim*.” The reason for this is that the blood of a *Pesach* is applied to the *mizbeach*, the altar, through the process of *sheficha*, pouring, while the blood of a *shelamim* is applied through *zerika*, sprinkling, and blood that is supposed to be applied through *zerika* may not be applied by *sheficha*. Therefore, this conditional *Pesach Sheini* cannot serve as a *shelamim* because its blood will be offered as by a *Pesach*, by pouring, which is not proper if this *korban* would be a *shelamim*. Thus, says the Raavad, there is no way to permissibly offer a *Pesach Sheini* in this case.

The *Kesef Mishna* compounds the question by proving that the Rambam himself agrees with the Raavad that one may not bring a conditional *Pesach Sheini*. In the previous *halacha* (3:9) the Rambam discusses a case of five groups that offered the *Korban Pesach*, and afterwards, a wart, which makes the animal unfit for a *korban*, was discovered on one of the skins of the animals, but none of the groups know if the infected skin is theirs. Among other solutions, the Rambam proposes that all the groups bring a conditional *Pesach Sheini*. He rejects this based on the aforementioned rationale; since the blood of a *shelamim* is supposed to be applied to the *mizbeach* by sprinkling, one may not stipulate that this *korban*, which has its blood applied by pouring, be a *korban shelamim*. It is clear that the Rambam agrees with the Raavad that one may not bring a *Korban Pesach b'tnai shelamim*, on condition of it being a *shelamim*. If so, how can the Rambam rule that even when one is not obligated (such as the case in 4:1), it is praiseworthy to be stringent and bring a *Pesach Sheini*?

The *Kesef Mishna* suggests that what the Rambam meant when he said “and bring a *Pesach Sheini*” was to join with another group that was anyways obligated in *Pesach Sheini*. This would eliminate all of the problems, because this *korban* is anyways obligatory for the original group. The *Lechem Mishna* questions this suggestion based on the Rambam in the previous *halacha*, which discusses the case of the five groups that are unsure if the infected skin is theirs. The Rambam proposes the same solution there, i.e. that all five groups should join with another group that is anyways obligated in *Pesach Sheini*. He rejects this suggestion because one may only eat from a *Korban Pesach* (and *Pesach Sheini*) if he was counted as a member of the *chabura*, and if one is not obligated in the *korban*, he cannot be counted as a member of the group. Therefore, the five groups (and in our case the one group) may not join with another group for the *Pesach Sheini*.

The *Lechem Mishna* proposes his own solution based on *Tosafos* in *Pesachim* (89a; s.v. “hani”). The *gemara* says that in the case of the five groups (mentioned above), they cannot bring the *Pesach Sheini b’tnai shelamim* because the bloods of the two *korbanos* are applied differently, as explained above. *Tosafos* ask: Even though the blood of a *shelamim* is supposed to be applied by *zerika*, that is only *ab initio*, but once it was applied with *sheficha*, the *korban* is still valid. If that is the case, the five groups should be able to bring their *korban* conditionally. It would seem logical that it would be preferable to possibly violate an *issur* (by applying the blood with *sheficha*) than possibly not fulfill the commandment of *Korban Pesach*, which would incur a *kares* penalty. *Tosafos* answer that since four of the five groups already fulfilled the mitzva, it is better that they all remain passive and incur a possible *kares* penalty rather than having them all bring a conditional *korban* which would cause four of them to actively violate an *issur* of applying the blood improperly. If so, says the *Lechem Mishna*, in our case, where there is only one group which has the choice of a possible *kares* penalty by not bringing the *Korban Pesach* or a possible *issur* of applying the blood improperly, it would be better for them to possibly violate the *issur*—even actively—than possibly violating a commandment punishable with *kares*.²

The *Lechem Mishna* asks on his own proposed solution from another ruling of the Rambam (*Hilchos Korban Pesach* 6:10). The *halacha* is that one who is *tamei* cannot fulfill his obligation of *Korban Pesach*. The Rambam discusses a case where a person is digging and discovers a dead body which would render him impure. However, he is unsure if he became impure before or after his group offered the *Korban Pesach*. The Rambam rules that since he has a doubt, he cannot bring a *Pesach Sheini*. But according to what the *Lechem Mishna* said above, that when there is only one group they can bring a *Pesach b’tnai shelamim*, why in this case is he *patur* from *Pesach Sheini* and not obligated to bring a conditional *korban*? The *Lechem Mishna* leaves this question unresolved.

The *Ohr Sameach* (*Hilchos Korban Pesach* 4:1) proposes a distinction based on an idea from the *Sha’agas Aryeh* (*Siman* 31). The *Sha’agas Aryeh* explains that the reason that blood that was supposed to be applied by *zerika* but was applied by *sheficha* is *ex post facto* acceptable is based on the principle of *kol hara’ui l’bilah ain bilah me’akvaso*. The *halacha* is that although a *korban mincha* is supposed to be mixed before the *kemitza* (handful) is taken to be offered on the *mizbeach*, if it was not mixed the *korban* is still acceptable. However, that is only true if it is able to be mixed—*ra’ui*

2 This is a big *chidush* because this *Korban Pesach* is not a requirement, but a *chumra*, as the Rambam above wrote.

l'bilah. If there is too much flour in the bowl for the *mincha* to be mixed properly, the *korban* is not acceptable. This rule is applied to a variety of cases throughout *Shas*³—that many conditions of many mitzvos are not *me'akev* as long as it is possible for the condition to be fulfilled. For example, the *gemara* says (*Kiddushin* 25a) that when one is *tovel* in a *mikva*, the water does not need to actually go in the mouth, but it still needs to be possible for the water to go in the mouth and a *chatzitza*, which makes it impossible for the water to go there, would be *me'akev*. The same is true, says the *Sha'agas Aryeh*, regarding the blood of a *shelamim*; although there is a *halacha* that the blood is supposed to be applied by *zerika*, that *halacha* is not *me'akev* as long as it is possible for this blood to be applied by *zerika*.

Now, what if something is in doubt whether or not the condition was able to be fulfilled? For example, in the case of *tevila*, would the *tevila* be acceptable if there is a doubt if there was a *chatzitza* in the mouth of the one who is immersing? The *Sha'agas Aryeh* cites a *Tosafos* (*Zevachim* 75a; s.v. “*veha*”) that proves that even in such a case the condition would be *me'akev*. When one brings *bikkurim*, the first fruits, he must read the *parsha* of “*arami oved avi*,” provided that he owns the land from which he is bringing the *bikkurim*. The *gemara* (*Bava Basra* 81b) says that when one buys two trees in a field there is a *safek*, a doubt, whether he bought the land that the trees are on and therefore he must bring *bikkurim* but cannot read the *parsha*, since anyway the reading is not *me'akev*. The *gemara* asks that the reading is only not *me'akev* in a case where one was able to read but did not because it is *ra'ui l'bilah*—possible for the condition to be fulfilled, but in this case where he cannot read because the land may not be his, the reading should be *me'akev*. From the question of the *gemara* it is clear that even when there is a doubt whether the condition can be fulfilled, the condition would be *me'akev*.

Based on this, the *Sha'agas Aryeh* explains that a conditional *Korban Pesach* is an impossibility. Although it is true that blood that was supposed to be applied by *zerika* and was applied by *sheficha* is still acceptable, the reverse is not true. Blood that is supposed to be applied by *sheficha* and was applied by *zerika* is *pasul*. Therefore, this animal, which may very well be a *Korban Pesach*, is not *ra'ui* to have its blood be applied by *zerika* because it would render it *pasul*. Since there is a doubt whether this animal is able to be offered as a *korban shelamim*, because it may be a *Pesach* and require *sheficha*, it cannot be a *shelamim* because of the rule of *kol she'ain ra'ui l'bilah bilah meakvaso*—when the condition is not able to be fulfilled, it is *me'akev*. Even though it is only a possibility that the condition cannot be fulfilled (because the

3 See *Masores HaShas*, *Kiddushin* 25a.

animal still may be a *shelamim*), the *Sha'agas Aryeh* already proved that in such a case the condition is *me'akev*.⁴

The *Ohr Sameach* uses this idea to explain the Rambam. In a case where there is a real *safek* whether one is required to bring a *Pesach Sheini* (such as the case of the five groups in 3:9 or the case of the digger who uncovered a dead body in 6:10), he cannot bring a conditional *korban* because the blood is not able to be applied by *zerika* so it cannot be a *shelamim* as the *Sha'agas Aryeh* showed. However, in a case where the messenger of the group claims that he offered the *Pesach* with the wrong intent, it is only a stringency to bring a *Pesach Sheini*. Since this group is really *patur* from *Pesach Sheini*, the *korban* can really be a *shelamim* that is being offered as a conditional *Pesach Sheini* and its blood is *ra'ui* to be applied by *zerika* and is therefore acceptable even if the blood was applied by *sheficha* because of the *din* of *kol hara'ui l'bilah*.⁵

Rabbi Akiva Eiger (*Derush V'Chidush, Ma'aracha* 8) proposes another answer to the question of the *Lechem Mishna* based on the *Sha'ar HaMelech* (*Hilchos Korban Pesach* 3:9). The *gemara*, when discussing the case of the five groups whose skins got mixed up, suggests that the reason one cannot bring a conditional *Korban Pesach* is because of the *halacha* that the chest and thigh of a *korban shelamim* must be eaten by a *kohen*, and since this animal may be a *shelamim*, this *halacha* would apply here too.⁶ However, one cannot give the thigh and chest of this animal to a *kohen* because it may be a *Korban Pesach* and the *kohen* was not included in the group for which the *Korban Pesach* was offered. The *gemara* then suggests that each group should include a *kohen* with it who can eat the chest and thigh. The *gemara* rejects this suggestion because if the *kohen* already fulfilled his obligation of *Korban Pesach* then he cannot be included in the group, and if he did not yet fulfill his obligation he also may not be included in any of the groups because this *korban* may be a *korban shelamim*. The *gemara* resolves the problem by suggesting that all five groups add the same *kohen* to their group and he can eat all the chests and thighs of the animals regardless of whether they are *korbanos shelamim* or *Pesach*. The *Sha'ar HaMelech* writes that in the case of the person who was digging and discovered a dead body and is unsure if he became *tamei* before his *Korban Pesach* was offered, although he does not have a problem with the application of the blood (as the *Lechem Mishna* proved from *Tosafos*), he would now

4 This is unlike *Tosafos* who understood that it is possible to bring a *Korban Pesach b'tnai shelamim*.

5 See *Har Tzvi, Orach Chaim* 2:53 who questions the application of the principle of *kol hara'ui* to the case of *Korban Pesach b'tnai shelamim* based on a Rashbam in *Bava Basra*.

6 This is before the *gemara* concludes that the problem is because of the different ways the bloods are applied.

run into problems with the thigh and chest of the animal, because it cannot be eaten by a *kohen* and the solution of the *gemara* does not apply here because there is only one *korban* that is in a state of *safek*. If so, why does the Rambam rule that in the case of the group that was unsure if their *korban* was offered with the proper intent that they may bring their *korban b'tnai shelamim*? How will they override the problem of the *chazeh v'shok*?

Rabbi Akiva Eiger (*Hagahos al Sha'ar HaMelech*) asks on the *Sha'ar HaMelech* from a *Tosafos*. *Tosafos* (89a, s.v. "hai") write that in truth the *gemara* could have answered that each group could include a *kohen* who is a minor, who can eat the chest and the thigh without getting into problems of not being included in the group. If so, even if the answer of the *gemara* does not apply in this case, the solution of *Tosafos* still applies and the group should be able to include a *kohen katan* to eat the *chazeh v'shok*.

However, the solution of *Tosafos* is difficult to understand. Although the *halacha* is that if a minor is doing something prohibited one is not required to stop him, one still may not actively assist the minor in doing something prohibited.⁷ If so, how can *Tosafos* suggest that one include a minor in the group to eat the *chazeh v'shok*? If this *korban* is really a *Korban Pesach*, it would be *assur* for the child to eat since he is not included in the group.

Rabbi Yonasan Eibshitz (*Kreisi U'Pleisi* 101:1) suggests that since four of the five *korbanos* are really *korbanos shelamim*—and the *kohen* is allowed to eat from them—the one *Korban Pesach* is *batel b'rov*, nullified in the majority of *shelamim*. However, there is a *din d'rabbanan*, rabbinic rule, that a *chatichah hare'uya l'hischabed*, a respectable piece of meat, is not *batel berov*. Since the *issur* is only *mid'rabbanan*, it would be permitted, according to some *Rishonim*,⁸ to feed the *chazeh v'shok* to the *katan*. However, Rabbi Akiva Eiger asks, would this not be considered an *issur d'oraysa* rather than an *issur mid'rabbanan*? Since the *rabbanan* suspended the principle of *batel b'rov*, shouldn't it be as if the meat is not nullified and it remains in its original state of *issur mid'oraysa*?

The *Magen Avraham* (343:3) suggests another way to explain how it would be permitted to give the *chazeh v'shok* to a minor. Rabbeinu Yerucham writes that it is *mutar* to give a child a shofar to blow on Shabbos, even though it is *assur* for an adult to handle a shofar on Shabbos. The reason for this is that when it comes to a mitzva,

⁷ *Shulchan Aruch, Orach Chaim* 343:1.

⁸ This is the opinion of the Rashba in *Yevamos* 114.

it is *mutar* to give the child something that is *assur*. Here too, it would be *mutar* to give the child the *chazeh v'shok* since it involves a mitzva. However, this answer is also difficult to understand; blowing a shofar on Shabbos is only an *issur d'rabbanan*, and a shofar is therefore *mutar* to give to a *katan b'makom mitzva*, while eating from a *Korban Pesach* that was not offered with you in mind is an *issur d'oraysa*, and is *assur* even *b'makom mitzva*.

Rabbi Akiva Eiger suggests that with a combination of the two answers we can explain *Tosafos*. Since this involves a mitzva, the *rabbanan* did not apply the rule of *chaticha hare'uyah l'hischabed* in such a case, and the *chazeh v'shok* is *batel b'rov*. Therefore, as the *Sha'ar HaMelech* had said, the solution of *Tosafos* will only work in the case of the five groups where we can apply *batel b'rov*, but in the case of the person who was unsure if he was *tamei*, the solution of *Tosafos* would not apply and it would be impossible to bring the *Korban Pesach b'tnai shelamim* because of the *chazeh v'shok*.

With this we can answer the question of the *Lechem Mishna*. Only in the case of the person who is unsure if he was *tamei* will we have the problem of *chazeh v'shok*. However, in the case where the one who offered the *korban* claimed that he had improper intentions, there would be no problem in feeding the *chazeh v'shok* to a minor, because, as the Rambam himself said, the messenger is not really believed so he would not be able to prohibit the *chazeh v'shok* to the minor.⁹

⁹ Rabbi Akiva Eiger suggests that it would even be *mutar* for an adult *kohen* who does not believe the messenger to eat the *chazeh v'shok*.

Was Pharoah in Denial? An Analysis of the *Makkos* through a Psychological Lens

ANNA GLATT



Many people identify themselves as Torah-observant Jews, but it is much more rare to find someone who observes Torah in every facet of their life. My father, Avner Tuvia (Avi) ben Ben Zion Menachem Engel A”H, was such a person. Growing up in a traditional, non-Orthodox home, it wasn’t until middle-age that my father began learning more in depth, taking on more mitzvos, and really taking his Yiddishkeit to the next level. Like Rabbi Akiva, he didn’t truly begin learning *gemara* in-depth until he was 40, but once he began learning, my father’s thirst for Torah could not be quenched. He was constantly establishing new *chavrusos*, attending difficult *shiurim*, and doing *chazara* on that week’s material late into the night to be sure he understood every word. At the core of this dedication was a true love for Torah, Hashem, and *Eretz Yisrael*.

As a licensed family and child therapist for over three decades, my father helped countless families and individuals better themselves and their relationships, with a keen eye for subtle interpersonal dynamics that most people fail to notice. Reading through the *parsha* each week, my father would see *Tanach* through his lens as a psychologist, picking up on delicate nuances in the texts and humanistic undercurrents in biblical relationships. He began compiling his thoughts on the *parsha*, connecting some facet of the weekly portion with a client he was seeing or a trend in human nature that most of us overlook. Although he was not able to finish all of the *parshiyos* due to his debilitating illness, I am honored to share with you his thoughts on *Parshas Vaera* and *Parshas Bo*, both of which give keen insight into Pharoah’s character in particular and human nature as a whole.

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Parshas Vaera: “Give him an inch and...

... he'll take a mile.” We've all heard that idiom before. The saying refers to a person who, if given a chance, will get the most he can out of a situation. Just how a person knows when and what to take, how much, and for how long, certainly depends on the circumstances. Who's involved, whether or not they will notice or care, and what the stakes are—do the benefits outweigh the possible consequences—must be factored into the analysis the “taker” undergoes. Timing counts and so does the relationship history of the participants. Finally, avoiding a consequence counts as much as gaining a favor or a possession.

In *Parshas Vaera*, the first plague of *dam* came upon Pharaoh and Egypt without warning. God told Moshe to go to Pharaoh in the morning and, while holding his staff aloft, announce that since Pharaoh had not heeded Hashem's words, he (Moshe) would strike and turn the water to blood so that Pharaoh would know Hashem. Moshe did as directed. The waters turned to blood but “Pharaoh did not take this to heart either.” The Torah then reports that the Egyptians dug around the river for water and that the seven-day period was completed after Hashem struck the river.

That is all we know, but the text offers enough of a clue to understand why the second plague occurred in a completely different fashion. After all, Pharaoh does not take the events of the first plague “to heart.” He's not impressed by God's powers. His necromancers “did the same with their charms.” “Pharaoh turned away and went back to his house.” He's unmoved by a show of power, which only provokes God to raise the ante and demonstrate more mastery over nature and Pharaoh in bringing about the plague of the frogs.

“Hashem said to Moshe, “Come to Pharaoh and say to him, ‘So said Hashem: Send out My people that they may serve Me. For if you refuse to send out, behold, I shall smite your entire border with frogs.’” Forewarned, Pharaoh still doesn't respond so Hashem has Moshe again stretch out his staff bringing a plague of frogs unto Egypt. Pharaoh pleads with Moshe to “entreat Hashem” to remove the frogs. Moshe asks Pharaoh to pinpoint a time for the termination of the plague. Pharaoh does so and the next day “Hashem carried out the word of Moshe.” Then, the Torah tells us that “Pharaoh saw that there had been a relief, and kept hardening his heart.” This one *pasuk* is critical for our understanding of Pharaoh's nature. It is also vital in helping us understand the potential each one of us has.

Got kids? Children are masterful observers. They tend to have grownups figured out and know their parents' weaknesses and strengths. Children know whether to avoid their parents when the adults are upset or melancholy or whether, if they sense

an opening, to step up their response and seek gratification. They can play one parent off against the other or they can take a parent one-on-one. It's not always an easy task to take control of one's children, and parents are not always up to the demands, even when they aim to put their best, most authoritative foot forward.

I met Will while he was in middle school. He had always been somewhat of a challenging child and his parents and teachers were constantly trying to corral him. Education was a top priority for Will's parents. One was an academician, the other a researcher. Both had Ph.Ds. Consequently, his parents were especially concerned about his diminishing academic performance. They tried a number of motivators but usually resorted to coaxing, cajoling, and nagging. Finally, they laid down the law. Bring home anything below a C on your report card and lose your cell phone until the next grading period. You can have your phone back when the grades are all C or higher.

Will's cell phone wasn't just any cell phone. It was his most prized possession, his link to the world. Phone, text messaging, internet access, camera, sports reports and more. You name a feature; Will's phone had it, and he used it every moment he could. When the inevitable day arrived that the report card was delivered home, Will was actually in my office the moment his parents had the service turned off. He went ballistic. "How could they do that? It's not fair! I've been bringing up my grades. They can talk to my teachers. Oh man, I need the phone. And now they're going to keep it off for weeks!" Will, in tears, was stymied by his parents resolve but not broken.

A couple of weeks later he marched into my office with a big grin on his face, phone in hand. "I got it back. I've been doing my homework and showed them a couple of A's I got on tests. I'm giving them what they want. They're letting me have it during the day now so I can also call them after school or if there's an emergency. I bet I'll get it back completely before the next report card." Sure enough, he was right. He brought it in the following week and was using it again full time. As with Pharaoh, there had been a relief, and Will felt like he was back in the driver's seat. More than that, he realized that while his parents could have extracted a harsher penalty, they were willing to relent when they saw him making an effort. That realization was the key. He learned that if he said or did the right thing he could manipulate them sufficiently to ease the consequences.

The *pasuk* goes on to tell us that after Pharaoh saw the relief he "hardened his heart." The potential for each one of us is the same. Given a chance, we can take that which is not justifiably ours or avoid that which we deserve. The net result is that when we do so we harden our hearts a little bit more each time. We become colder, more calculating, and more willing to risk twisting reality just enough to gain the advantage. And, over time, the stakes get higher.

Parashas Bo: King of Denial

Seven down and three to go. Pharaoh has withstood Hashem through the first of the plagues, and, as we begin a new *parsha*, the stakes are growing and the consequences are becoming more severe. Nevertheless, Pharaoh continues to bargain, promise, not deliver, offer a little more, look for an opening and jockey for position. For a time he appears resigned and defeated, yet he manages to bounce back. After the eighth plague, locust, his servants tell Pharaoh to “send the men out that they may serve Hashem, their God.” Their warning could not be any clearer: “Do you not yet know that Egypt is lost?” You would think that those words might have a serious effect on someone and it appears that they may have gotten through to him. Pharaoh, after all, acknowledges that he sinned to Hashem. That’s a significant admission and usually an important component of and motivator for change. Yet, once the locust is removed, Pharaoh again refuses to send Bnei Yisrael out of Egypt. When all the people around you see what you refuse to see, when they hold a mirror up to you and you cannot see an accurate reflection, you are in serious trouble. Actually, you are in denial. And the King of the Nile was in denial in a big way.

So was Will. He’s the young man from the previous *parsha* (Give Him an Inch and He’ll Take a Mile). I finished working with him while he was in middle school, but circumstances lead his parents to bring him back when he was in high school. Not too much had changed in the sense that he was still looking out for his own interests and always challenging his parents and the school’s limits. What was different, however, is that his behaviors had become riskier. He had been involved in tagging for a while, had stolen from his peers’ backpacks a few times, and experimented with some drug use. Cleverly enough, he never went overboard with his behaviors. Most were done secretly and Will was very careful to cover his tracks. Once, though, when caught with marijuana by his parents, he presented a reasonable alibi: “I was just carrying it for a friend.” That’s the line most kids use, and most parents buy it because they don’t want to face reality either.

Will’s parents would and did do anything for him. They would use positive rewards when feasible and consequences when necessary but were always prepared to do or give more whenever he showed signs of effort, compliance and success. Nevertheless, as his behaviors worsened, their attempts to get him to toe the line increased. They provided me with periodic updates, and we discussed possible outcomes if things continued to go downhill. One was that he would have to be removed from the home environment. This consideration ran contrary to everything his parents hoped for, believed in, and, initially, were even willing to consider.

Spring semester of his sophomore year, Will fell in with a group of different kids at school that had family members associated with gangs, and Will started to spend time with these new friends on their home turf. He was basking in the glow of being accepted into their culture and lifestyle. For his parents, the prospect of throwing in the towel and admitting they couldn't control Will even with input from several professionals was extraordinarily difficult to accept. The notion of sending him out of state to a wilderness program and then to a therapeutic boarding school for at least a year burdened them with guilt, grief, anguish and anxiety.

In some cases Pharaoh was warned that a plague was going to occur; in other cases he wasn't. Will's parents could not tell him of their plans because the element of surprise was critical. I, however, could talk to Will about the possible ramifications of his choices. "What if they decided to send you to one of those places where you get snatched from bed by two burly dudes at 4 a.m.?" I would play it out for him. "Will, my name is Pete and this is Mike. We're here to take you to Utah. You can go willingly and we'll fly or you can put up a fight and we'll drive there. It's about 20 hours." Will would laugh when I described the scene for him. "My folks would never do that. They're both too chicken and never really follow through with their serious threats. I just do what I want to do. Anyway, I'm not doing anything that bad. My friends may be from the ghetto but they all have A and B averages and are planning to go to college. I've been doing my schoolwork and that's all they care about." Knowing that one really wrong move could get Will a one way ticket to Utah I continued to sound the alarm. One night, Will's parents waited past midnight, his curfew, for him to return. They got a call at 1 a.m, and Will announced he was staying out all night. They insisted he return; he refused, hung up on them and showed up at 10 a.m. That was the last straw and a few days later "Bill and Mike" showed up before dawn and escorted Will to Utah.

That the *makkos*, the plagues, begin in last week's *parsha*, *Vaera*, and continue in this week's, *Bo*, highlights connections between the two *sidras*. Given the possibilities that exist when a person's potential for achieving gain through manipulation is considered, it's not unimaginable to see how it can develop into the personality that Pharaoh and Will become. Give him an inch and he'll take a mile. We're not only familiar with the expression, we're familiar with the behavior. Each one of us has the capability to allow this part of ourselves to express its desires, sometimes quietly and sometimes brutally. One thing I've learned over many years of therapy practice is that when someone gives you a reality check it's best to pay attention. If that significant other tells you that you're too angry, distant, controlling, revengeful, or critical, or

even drinking, smoking or eating too much, there is usually a sound basis to their point of view. So let go of the denial, face the facts and do the work that you'll either have to do anyway or won't get a chance to because you've lost the opportunity.



Is Moshe a Hebrew Name?

YAAKOV RICH



The story of Moshe's life before his meeting with God at the burning bush is shrouded in mystery. The Torah divulges few biographical details of his early life. The story of his birth is described only vaguely and is wrought with unanswered questions. How was Moshe able to be hidden by his mother? Why did Pharaoh's daughter decide to save him from the river? To what extent was she involved in raising him? Did Pharaoh know about Moshe's existence, and if so, that he was Jewish? Answers to these questions are at best speculative, and many have been suggested. There is one particular *pasuk* that deserves our attention and will remain our focus in this essay; after Pharaoh's daughter gave Moshe to his mother, Yocheved, to wean, she does so and brings him back and presents him to Pharaoh's daughter as a son.

ויגדל הילד ותבאהו לבת פרעה ויהי לה לבן ותקרא שמו משה ותאמר כי מן המים
משיתהו.

And the child grew, and she brought him to Pharaoh's daughter, and he was to her as a son; she named him Moshe and she said, "For I drew him from the water." (Shemos 2:10)

It appears that Moshe's name was inspired by an event which preceded his naming, something which is quite common in the Torah, but in this case, seems out of place. The name "Moshe" relies on a derivation from the Hebrew word "*m'shisihu*"; but if it was Pharaoh's daughter who was naming him, wouldn't this mean that she had to have spoken Hebrew?

In this essay, we will explore and analyze the approaches that have been taken by those who have attempted to answer this question.

Appellation in Translation

Rav Avraham ibn Ezra's commentary has long been one of the most popular strictly *p'shat*

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commentaries studied with the *Chumash*. In his comments to the above *pasuk*,¹ he writes as follows:

שם משה מתורגם מלשון מצרים בלשון הקדש. ושמו בלשון מצרים היה מוניוס. וכך כתוב בספר עבודת האדמה הנעתק מלשון מצרים אל לשון קדרים. גם ככה בספרי חכמי יון. אולי למדה בת פרעה לשונינו או שאלה.

The name "Moshe" is a translation from Egyptian to Hebrew. His name in Egyptian was "Monius." So it is written in the book "Avodas Ha'adama,"² which is transcribed from Egyptian into Arabic as well as in the books of Greek wisdom. [Or] perhaps Pharaoh's daughter learned our language [Hebrew] or she inquired [about it].

Ibn Ezra's suggestion is that Pharaoh's daughter indeed did not speak Hebrew and thus named Moshe with an Egyptian name—which Ibn Ezra believes was "Monius"—which the Torah translated into the Hebrew "Moshe." In other words, Pharaoh's daughter said, "For I drew him from the water" in her own language using whatever the Egyptian word was for drawing something from water and named the child "Monius" based on this word. The Torah, which translated her words into Hebrew, correspondingly translated the derived name to match the translated word "m'shisihu." As an alternate explanation, Ibn Ezra suggests that perhaps Pharaoh's daughter saw it appropriate to give Moshe a Hebrew name and either she spoke Hebrew or inquired as to how to express the idea she had in mind in order to name the child in the language of his ethnicity.

This exegesis of Ibn Ezra is paralleled in the commentaries of the *Baalei Hatosafos*. For example, in one compilation of *Balei Hatosafos* on the Torah,³ we find:

ותקרא שמו משה. א"ת והלא מצריית היתה והיאך קראה בלשון עברי וי"ל שהיא קראה בלשון מצרי שם שמשמעותו משה והתורה קראו משה בלשון עברי. ד"א שלמדה לשון עברי משבאו העבריות למצרים.

"And she named him Moshe"—You will ask: Wasn't she Egyptian? How

1 The following is found in the extended commentary (*perush ha'aruch*) of Ibn Ezra. His shorter commentary also mentions that Moshe's name is "*meturgam mi-lashon Mitzrayim*" but without elaboration.

2 This book is referred to by Ibn Ezra elsewhere as well as the Rambam in *Moreh Nevuchim* and Rav Yehuda HaLevi in the *Kuzari*. It was published in Arabic around the turn of the tenth century by someone named Ibn Wahshia who claimed that it was a translation of an ancient Nabataean work which was written in an old Babylonian language. Scholars today are divided on the truthfulness of this claim. See D. Chwolsohn, *Maamar HaTamuz*, 1864, pp.4-5.

3 *Rabboseinu Baalei HaTosafos al HaTorah*, 1876. This publication includes the comments from Riva and Rav Ovadia Mi-Bartenura alongside the main compendium. The comments of Riva on this *pasuk* include similar remarks.

did she name him in Hebrew? You can answer: She named him in Egyptian a name that has the same meaning as “Moshe,” and the Torah calls him “Moshe” in Hebrew. Another explanation: She learned Hebrew when the Jews came to Egypt.

Seemingly, this was a popular approach to solving the linguistic problem presented by the *pasuk*.

Let us turn our attention first to the second answer given by Ibn Ezra and the *Baalei Hatosafos*, namely, that Pharaoh’s daughter spoke Hebrew. If we think about it, it is not unlikely that Pharaoh’s daughter knew how to speak Hebrew. Using Rashi’s chronology, the Jews would have been living in Egypt for over a hundred years at this point. A royal education, which we might assume was provided for Pharaoh’s daughter, could very well include the language of a long-standing, growing population within the country. We also know that she did communicate with Moshe’s sister and mother, which implies that either she spoke their language or they spoke hers, although we cannot rule out the possibility of a translator.

Even if she did not speak Hebrew, Ibn Ezra suggests that she may have inquired from a Hebrew-speaker in order to give a Hebrew name to her adopted child. This suggestion extends the favorable light which we cast upon Pharaoh’s daughter. The fact that she took Moshe as a son in a time of a decree against Jewish children paints her as a compassionate woman, and adding that she determined to provide a Hebrew name for him adds to this image.

It was the first solution of Ibn Ezra, though, that drew attention. That the Torah would have translated Moshe’s name from his given Egyptian name seems strange and unnatural, but if we don’t want to assume that Pharaoh’s daughter spoke Hebrew, what other option do we have?

Abarbanel the... Grammarian?

Rav Yitzchak Abarbanel was not satisfied with the first suggestion offered by Ibn Ezra, and when Abarbanel was not satisfied with an explanation it was not his style to merely offer an alternate suggestion; rather, he would provide an exhaustive account of what he felt were the explanation’s shortcomings. In this case, after explaining Ibn Ezra’s position, Abarbanel comments that if it is true that “Moshe” is a translation from Egyptian, we can then say that other names in the Chumash are translations from other languages as well. Maybe “Adam,” “Chava,” “Noach,” “Kayin,” and “Shes” are all translated from a language other than our holy tongue; the traditional observation that Hebrew was

the first spoken language based on the derivation of these names from Hebrew words would no longer stand.⁴ Abarbanel cannot accept this.

אבל זה אי אפשר לציירו בשום לשון רוצה לומר שיועתקו ויתורגמו שמות העצם הפרטים הנגזרים מהענינים מלשון ללשון עם היות שיועתקו הענינים אשר מהם יוגזרו לפי שהיה זה חסרון גדול וסכלות עצום לא יעשהו שום בעל שכל.

But this is an incomprehensible practice in any language. That is, for proper nouns to be translated, even if the phrases from which they are derived are themselves translated, for this is a huge flaw and very foolish. No intelligent being would do this.

Abarbanel continues at length describing how the proper practice for a translator is to translate everything besides for particular names of people, which should be transliterated into the target language, but never translated based on its etymology. And indeed, Onkelos, the primary translation of the Torah into Aramaic, does not translate the name “Moshe” even though he translated “*m’shisihu*” into the Aramaic “*sh’chilteih*.”

After dispensing with Ibn Ezra’s explanation, Abarbanel proceeds to present one of his most popular original *pshatim*.

ופירוש הכתוב כך הוא: שאמו של משה לקחה הילד ותניקהו ואחרי אשר גמלתו הביאתהו לבת פרעה שלקחה אותו לה לבן וכשהביאתהו לפניה קראה שמו משה רוצה לומר יוכבד הנזכרת קראתהו כן כי היא אמרה לבת פרעה שהיא ובני ביתה היהודים קראו שמו משה ותאמר רוצה לומר אמו של משה אמרה לבת פרעה כי מן המים משיתהו כלומר גברתי הלא קראתי אותו משה ע”ש המאורע שהיה לך עמו כי מן המים משית אותו. ותדע ותשכיל מזה שמלת משיתהו אינה פועל עבר למדבר בעדו עם כנוי הזכר אבל היא פעל עבר לנמצאת לנוכח עם כנוי הזכר.

*This is the explanation of the verse: Moshe’s mother took the child and nursed him, and after he was weaned she brought him to Pharaoh’s daughter who took him as a son. And when she brought him to her, she called him “Moshe”—that is, Yocheved called him Moshe. In other words, she said to Pharaoh’s daughter that she and her family had named him “Moshe,” and she said—Yocheved said to Pharaoh’s daughter—“*ki min hamayim m’shisihu*,” which means, “I called him Moshe because of what occurred with you and him, that you drew him from the water.” And you must know that this word “*m’shisihu*” is not a past tense verb for a first person subject*

⁴ This idea started in *Bereshit Rabba* (18:4) in regard to the relationship between “*ish*” and “*isha*,” and has been expressed by many *mefarshim*.

and a male object [i.e. I drew him], but rather a past tense verb for a **second person** subject and a male object [i.e. you (female) drew him].

Abarbanel argues that this is the most fitting explanation for the *pasuk* contextually, since all the female subject pronouns in the verse (“**she** brought him... **she** named him... **she** said...”) would all be referring to Yocheved instead of some referring to Yocheved and some to Pharaoh’s daughter.⁵ Additionally, he argues grammatically for reading “*m’shisihu*” as “you drew him” rather than “I drew him.” In general, a word of the form “פָּעַלְתִּיהוּ” is either a contraction of “פָּעַלְתִּי אֹתוֹ,” which means “I [past tense verb] him/it,” or is a contraction of “פָּעַלְתְּ אֹתוֹ,” meaning “you (female) [past tense verb] him/it.” Abarbanel insists that the deciding factor between the two is whether or not there is a *yud* after the *tav*. If it is “פָּעַלְתִּיהוּ,” then it means “פָּעַלְתִּי אֹתוֹ,” but if it is “פָּעַלְתְּהוּ,” then it means “פָּעַלְתְּ אֹתוֹ.”⁶ And he cites several examples from Tanach to support this.⁷

Abarbanel’s tone throughout his arguments is so confident and he is so assertive about the benefits of his own interpretation that it is hard at first not to be convinced by it.⁸ Leaving aside the grammatical arguments for a moment, it makes a certain

5 Another compilation from the *Baalei Hatosafos*, *Chizkuni*, partially solved this problem by positing that the phrase “and she called him Moshe” refers to Yocheved, but that the final phrase, “and she said, ‘For I drew him from the water’” is once again Pharaoh’s daughter. He understands that Yocheved brought Moshe to Pharaoh’s daughter and informed her that while she had weaned him, she had given him the name “Moshe,” to which she responded, “How appropriate a name, since I drew him (*m’shisihu*) from the water.” This interpretation, however novel, does not solve the question at hand, since it still requires Pharaoh’s daughter to understand Hebrew.

6 Some texts of *Shemos* 2:10 have “מִשְׁתִּיהוּ” with a *yud* after the *tav* instead of before it, but most have, as we do, without that *yud*. See *Minchas Shai* (ad loc).

7 For the second-person being without a *yud*, he points to “לִבְבַתִּי” (*Shir HaShirim* 4:9) and “יִלְדַתִּי” (*Yirmiyahu* 15:10), both of which have first-person objects and no *yud* after the *tav*. Examples abound of first-person verbs with a *yud* connected to various object pronouns. For some of the logic behind the vocalization of this form of verbs, see Adam HaKohen’s notes to Y. L. Ben-Zev’s *Talmud Lashon Ivri*, 1879, p. 263, n. 5.

8 So much is this the case that some have even attributed emotional motivations for Abarbanel’s adoption of this interpretation. S. Tuchman (*Moses’ Women*, 2008, p. 83) feels that Abarbanel empathized with Moshe’s mother in her “extraordinarily difficult task of ceding her son to the daughter of Pharaoh,” and finds solace in the fact that she was at the very least able to provide him with his name. J. K. Salkin (*Righteous Gentiles in the Hebrew Bible*, 2008, p. 52) even adds a personal element to the motivation. He thinks that Abarbanel “knew about the pain of losing children to foreign cultures” after his son, Judah, was abducted and forcibly converted to Christianity. Salkin here is confusing Abarbanel’s son with his grandson; it was in fact Judah Abarbanel’s son who was kidnapped and converted, although Yitzchak Abarbanel was still alive at the time. (See E. Lawee, *Isaac Abarbanel’s Stance Toward Tradition*, 2001, p. 18 and notes there.)

Emotional motivations are most probably not the driving ones here, though. J. Haas deserves much credit for bringing attention to Abarbanel’s primary motivation throughout his Torah commentaries, which is illustrating

amount of sense exegetically. First of all, it solves our original problem; Yocheved surely spoke Hebrew. But additionally, we would expect Moshe's family to have provided him with a name for the time that he was being weaned in their home, and it's not completely unreasonable to suppose that his mother informed Pharaoh's daughter of the name they had given him. In fact, would it have been presumptuous of Pharaoh's daughter to give him a new name when she adopted him as a son, assuming that he did not have one? There is also a certain idealistic attraction to the idea that Moshe was named by his own mother even if she was not able to raise him in her home. However, Abarbanel's contextual argument—that all the female subject pronouns should refer to Moshe's mother, and it would be incongruous to switch modification of the pronouns to Pharaoh's daughter—is not entirely convincing. Yes, the *pasuk* begins with, "She brought him to Pharaoh's daughter," in which the "she" refers to Yocheved, but then it continues, "and he was to **her** as a son," and the "her" is unarguably modifying Pharaoh's daughter, so it would not be difficult to understand the next phrase, "she named him 'Moshe,' and she said..." as continuing to refer to Pharaoh's daughter (even though the previous pronoun modifying Pharaoh's daughter was the object rather than the subject). Even so, Abarbanel's interpretation of this verse remains an attractive option.

When *pshat* commentaries became popular again with the rise of the *Haskala* in the eighteenth century, there was a renewed discussion about this topic and about Abarbanel's approach to this *pasuk*.

The *Biur* and the Hebraist

Although Moses Mendelssohn translated all the five *chumashim* in his famous *biur*, most of the commentary was written by his colleagues. The exception is the *biur* to *Shemos*, which Mendelssohn wrote himself. Being an expert translator, it would be natural for him to have been bothered by the explanation provided by Ibn Ezra to our verse, and to have been drawn in by the Abarbanel's fierce criticism of it. Indeed, Mendelssohn quotes Abarbanel enthusiastically, reproducing his entire argument within his *biur* and endorsing Abarbanel's approach. (Although he does not translate in the German according to Abarbanel's conclusion, he provides in the commentary what would be the appropriate German translation according to Abarbanel.) The *biur's* immense

that the Torah attains literary perfection to a Divine degree ("Divine Perfection and Methodological Inconsistency: Towards an Understanding of Isaac Abarbanel's Exegetical Frame of Mind," JSQ Vol. 17 (2010), 4, pp. 302-357). In this case, Abarbanel sees Ibn Ezra's suggestion of translated names as a flaw in the literary credentials of the Torah, which motivates his finding an alternative approach. Additionally, Abarbanel quite clearly felt a great pleasure in introducing original *pshat* approaches, of which this is an excellent example.

popularity was likely the cause of Abarbanel's approach being adopted by other prominent *maskilim* in their commentaries. Isaac Samuel Reggio (Yashar), in his own *biur*, called *Toras HaElokim*, explains the *pasuk* as did Abarbanel, and even translated accordingly in his Italian translation. Herz Homberg does the same in his *HaKorem*.⁹

It was Wolf Heidenheim who became the first prominent critic of Abarbanel's interpretation.¹⁰ As one of the foremost experts in the Hebrew language of his time, Heidenheim was likely offended by Abarbanel's definitive grammatical rule that "משיתהו" must mean "you drew him," and that only "משייתהו" with a *yud* after the *tav* can mean "I drew him"; Heidenheim knew that this was false, and he did not have a difficult time providing counterexamples showing that the *yud* between the *tav* and any objective suffix is inconsequential to the determination of the subject as being of the first or second persons.¹¹ The word "משיתהו", as it is without the *yud*, can mean either "I drew him" or "you drew him," and the only arguments for which one is correct must be from the context of the verse.¹² After proving this to satisfaction, Heidenheim claims that Abarbanel misunderstood Ibn Ezra's opinion to begin with. Ibn Ezra was not saying that Pharaoh's daughter named him "Monius" and the Torah translated the name into Hebrew. Rather, that Pharaoh's daughter translated her own

9 Homberg went even further than Abarbanel. He understands that **all** the female pronouns in the *pasuk*, even "and he was to **her** as a son," modify Moshe's mother. He explains that Moshe's mother, instead of getting paid for nursing Moshe, requested that she be able to keep him as her son, and that Pharaoh's daughter obliged. Such a reading, in my view, reads more into the *pasuk* than is there, and it has not been accepted by any other commentators as far as I know.

10 *Moda L'Vina* (ad loc). In reality, the first critic of Abarbanel's interpretation was Rav Eliezer Ashkenazi in his *Ma'asei Hashem* (1583; *Ma'asei Mitzrayim*, Ch. 5), who quotes Abarbanel as saying that Yocheved named Moshe rather than Pharaoh's daughter. But it seems that either he had seen Abarbanel's *pshat* second-hand or he was relying on memory, since he rejects it for the reason that it wouldn't have made sense for Yocheved to say, "For I drew him from the water," along with other reasons that Abarbanel explicitly addresses.

11 Heidenheim brings counterexamples for both sides. Any time we find the words "עשיתם" or "צויתם," meaning "I made them" or "I commanded them," they never have a *yud* after the *tav* while according to Abarbanel's "rule," they should. Also, we have "מצאתים" (*Yirmiyahu* 2:34) and "נתתיהו" (*Yechezkel* 16:19), meaning "you (female) found them" and "you (female) put it," with a *yud* even though they shouldn't according to Abarbanel. Although it is possible to do some intellectual gymnastics in defense of Abarbanel by differentiating between different types of object pronouns and attributing some cases to textual errors, nobody has ever attempted such a defense, and admittedly, Abarbanel was not a grammarian in any sense, but engaged in it when motivated by other considerations. (See the similar case illustrated by J. Haas (see n. 7) regarding the name of Chava, where Abarbanel gives a grammatical reasoning when he is in actuality motivated by chronological factors.)

12 Even Mendelssohn, who praised Abarbanel's interpretation of the *pasuk*, admitted that Abarbanel exaggerated the grammatical basis for it. Abarbanel misrepresented what was essentially grammatically plausible as something that was grammatically the only possibility, and although Mendelssohn could excuse the misrepresentation as excited exaggeration, the same was not true of Heidenheim.

idea of having drawn Moshe from the water from Egyptian into Hebrew and named Moshe with his Hebrew name based on the Hebrew translation of her thoughts. The final sentence of Ibn Ezra, where he writes, “perhaps Pharaoh’s daughter learned our language or she inquired” is not a new alternate interpretation, but a continuation of this first interpretation to explain how Pharaoh’s daughter would have known how to translate her idea into Hebrew. Thus, concludes Heidenheim, Abarbanel’s criticism of Ibn Ezra is unjustified and there is no need for his new interpretation.

Now, although Heidenheim was correct in his grammatical discrediting of Abarbanel, his reinterpretation of Ibn Ezra is unconvincing.¹³ Not only do Ibn Ezra’s words not read well according to Heidenheim’s understanding, but the evidence of the parallel interpretations in the *Baalei Hatosafos* (which clearly reflect Abarbanel’s understanding of Ibn Ezra’s position) seems to point to our original rendering of Ibn Ezra’s words as accurate.¹⁴

Despite Heidenheim’s criticism, Abarbanel’s interpretation of the *pasuk* continued to live on. Rav Yitzchak Eliyahu Landa (known as the “*Maggid* of Vilna”) in his three-fold commentary “*Pas-shegen HaDas*” accepts this approach, as does Rav Yitzchak Isaac Raller in his commentary “*Divrei Ya-er*” and Rav Baruch Epstein (author of the “*Torah Temima*”) in his “*Tosefes Bracha*.” In the popular *Daat Mikra* series, which was completed in 2003, Amos Hacham, who authored the volume on *Shemos*, presents Abarbanel’s explanation as a viable *pshat*.¹⁵

A Bilingual Coincidence?

Not everyone was willing to understand our *pasuk* as did Abarbanel, to attribute the naming of Moshe to his own mother. Some, like Rav Moshe Alshich, preferred the understanding of Ibn Ezra that Pharaoh’s daughter asked a Hebrew

13 See too Rav Shimon Eliezer Fridstein in *Imrei Shefer* (1923, p. 48) who writes that Heidenheim’s defense of Ibn Ezra is farfetched.

14 The Tosafists studied Ibn Ezra’s commentaries and thought very highly of them. See E. Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 2013, p. 32 and passim. Thus, it is likely that passages such as this one may be influenced by corresponding ones in Ibn Ezra’s commentary, leading us to lean toward their explanation as the correct interpretation of Ibn Ezra’s.

15 There also continued to be critics of Abarbanel’s position. Rav Baruch Klein, for example, refused to accept Abarbanel’s interpretation because of the *midrash* (*Shemos Rabbah* 1:26) that says that it was in appreciation to Pharaoh’s daughter that Moshe was always called by the name which she bestowed upon him rather than other names which he may have been given by his own family. The Netziv, whose interpretation we shall see below, also rejected Abarbanel’s *pshat* for this reason. Shadal, whose interpretation we shall also see below, felt it unlikely that Pharaoh’s daughter would have accepted a name from a woman who she did not know was his mother, or even that Moshe’s mother in such a circumstance would have attempted to provide him with one.

speaker how to address her idea in a Hebrew name. But some were still not comfortable with the idea that Pharaoh's daughter would have named him in Hebrew, a language that would have been foreign to her, especially if she intended for him to be raised among Egyptian peers. Luckily, another available interpretation of the *pasuk* and of Moshe's name would soon be introduced.

Beginning in the late 18th century, the field of Egyptology was just being formed, and scholars began to study the language and the practices of ancient Egypt. The discovery of the Rosetta Stone during the Napoleonic expedition in 1799 and its subsequent display in the British Museum increased both public and scholarly interest in this area. Paul Ernst Jablonski was an eighteenth-century German theologian, Orientalist, and philologist, and a particular expert in the then-dying language of Coptic, a late Egyptian language that scholars assumed was related to the ancient Egyptian languages. About 50 years after his death, his collected unreleased writings began to be published, and the first volume contained discussions of many of the names in the Bible. Jablonski proposed the theory that "Moshe" is derived from a compound of two Egyptian words, "mo" for water and "useē" for "saved from." Although these are Coptic words, they are arguably related to the ancient forms of these words and the similarity of these words to "Moshe" is too much of a coincidence to ignore. To further support this, Jablonski cites two ancient Jewish sources heretofore unknown to or ignored by the commentators¹⁶—Philo of Alexandria and Josephus.¹⁷ Both provide Egyptian etymologies for the name "Moshe", and it is possible that this was the standard understanding of the narrative of Moshe's birth in the Second Temple era.

According to Jablonski's theory, it would follow that "Moshe" is related to being drawn from water in both the Hebrew and Egyptian languages. Pharaoh's daughter, then, could have been speaking Egyptian when she named Moshe, but the etymology works equally well in Hebrew. After the publication of this theory in Jablonski's

16 Although Rav Azariah de Rossi in "Me'or Einayim" already quotes Philo regarding this issue (whom, he writes, "without a doubt knew the Egyptian language."), I have not seen anyone cite *Me'or Einayim* besides Rav Isaac Baer Levinsohn in his *Te'uda B'Yisrael* (1878, p. 39).

17 Philo, in *On the Life of Moses I*, writes:

Then she gave him a name, calling him Moses with great propriety, because she had received him out of the water, for the Egyptians call water "mos." (Yonge's translation)

Josephus, in *Antiquities of the Jews* (Book 2, Ch. 9):

Hereupon it was that Thermuthis [Pharaoh's daughter] imposed this name Mouses upon him, from what had happened when he was put into the river; for the Egyptians call water by the name of Mo, and such as are saved out of it, by the name of Uses: so by putting these two words together, they imposed this name upon him. (Whiston's translation)

writings, we find it adopted in two popular Torah *perushim* of that era.¹⁸ One is that of Rav Meir Leibush Weiser, known as the Malbim. He writes as follows:

שם משה מורכב מן "מו" שהוא מים בלשון מצרי כמו "מוי" בלשון ארמי ומן "שה" שהוא לשון הוצאה והמלטה בלשון מצרי. ושם זה מעיד על מקרה זה בין בלשון מצרי בין בלשון עברי.

The name "Moshe" is compounded of "mo", which means "water" in Egyptian—like "moi" in Aramaic—and of "se," which means "to exit" or "to escape" in Egyptian. Thus, this name is a reference to this event [being saved from the water] both in Egyptian and in Hebrew.¹⁹

Malbim quotes this directly from Philo and Josephus, as he generally refrained from citing modern sources, but there can be no doubt that it comes either directly or indirectly from Jablonski.²⁰ But is it a coincidence that "Moshe" is also related to the Hebrew word "*masha*"—"to draw from water"? Is the Torah's phrase "*ki min*

18 The first volume of Jablonski's writings was published a few years before Yashar (who, as noted above, followed Abarbanel) published his *Toras Ha-Elokim*. But it is safe to say that Jablonski's theory had not circulated enough before Yashar had written his commentary to *Shemos*, and that Yashar was unaware of it. Additionally, Yashar's unacceptance that "Moshe" was an Egyptian name may be related to his article in *Bikurei Ha'Itim* (vol. 10, pp. 16-19) proposing that Moshe is the mythological Typhon and that was how he was known to the Egyptians.

19 *HaTorah V'HaMitzva* (ad loc.)

20 It is possible that Malbim had read *Me'or Einayim* (see n. 14 above) and read Josephus independently (or read both Philo and Josephus independently). It's also possible that he was influenced by the commentary of Shadal, whom we will cite next. Malbim was certainly acquainted with the writings of Shadal, for even though Malbim refrains from citing almost any sources in his Torah commentaries (except for *Chazal* and occasionally some *Rishonim*), he does not refrain from doing so in his "*Ya'ir Or*," in which he quotes "רשד" ל" many times, since they shared a similar view with regard to the nature of synonyms in the Hebrew language—namely, that there do not exist synonyms in an identical sense since there will always be at least a slight difference in connotation between similar roots. (See H. Eshkoli, "*Ha-Sinonymia B'lashon Ha-mikra al pi Shitat Malbim*," 2009 (PhD dissertation), pp. 53-54.)

However, it is worth noting that their common practice of differentiating between the meanings of similar words comes nonetheless from divergent theoretical leanings, which is illustrated nicely in our particular case above. Malbim believes in the absence of complete synonyms for ideological reasons relating to the perfection of the holy language. Shadal, on the other hand, believes that complete synonyms do not exist in any language and it would be unreasonable to assert that Hebrew is any different. This leads to a huge difference in the application of this idea. Malbim seems to believe in the perfection and constancy of the biblical Hebrew; if a word is necessary in the Hebrew language, it will have always existed and will retain the same meaning forever. A word found in *Bereshis*, to Malbim, will mean precisely the same thing as the same word in *Esther*. Shadal, though, is perfectly comfortable discussing the development and evolution of the language just like any other. To him, it is possible that the word found in *Esther* might have changed in connotation since it was used in *Bereshis*. To him, it is reasonable that the root "*masha*" didn't exist until the Jews were in Egypt and that other languages had an influence on the biblical language.

hamayim m'shisihu" a bilingual play on words? Was Pharaoh's daughter herself making a bilingual play on words? According to Malbim, it seems so; however, to others, such a coincidence is too good to be true.

The second *perush* belongs to Rav Samuel David Luzzatto (Shadal); he too accepts that the etymology of "Moshe" would be related to being saved from water in both Egyptian and in Hebrew. But he proposes that it is not that both languages coincidentally would both justify "Moshe" as a name meaning "drawn from water," but rather that the Hebrew root "*masha*" itself is an influence from the Egyptian language. Shadal proposes that ancient Egyptians used to call people who survived almost drowning or were saved from water "Moyse" from the Egyptian words that Jablonski testified about.²¹ The Jews, who lived among their Egyptian neighbors for many years, perhaps incorporated this into their own language in which "*masha*" became the word to mean being saved from water. Pharaoh's daughter said what she said in Egyptian when she named Moshe. The Torah uses the word "*m'shisihu*" when translating her words, since it is related to "Moshe" and hence poetically enhances the prose of the verse (*lashon nofel al lashon*).

This solution advanced by Jablonski and followed by Malbim and Shadal solves the problem that Ibn Ezra was trying to solve some 800 years earlier without the awkwardness of saying that the Torah translated a name or that Moshe was named by his own mother even though he was found and raised by Pharaoh's daughter. Additionally, it is supported by ancient sources which connect Moshe's name with the Egyptian language. However, more advances in the field of Egyptology were beginning to be made, and soon enough another option for the etymology of "Moshe" that seemed more likely to be accurate was offered.

Prince of Egypt

Karl Richard Lepsius is widely considered to be the father of the modern field of Egyptology. Lepsius was a trained archeologist and linguist, and in 1842 was commissioned by the King of Prussia to lead an expedition to Egypt to study the ancient Egyptian civilization. This expedition led to his publishing of many volumes of scholarship on ancient Egypt along with detailed maps and records of artifacts, some of which are used to this day. In 1849, in a footnote to his book on Ancient Egyptian history, Lepsius advanced the etymology of the name "Moshe" that has

21 This is the implication given by Clement of Alexandria (Stromata, Book 1, Ch. 23) who uses the same etymology for Moshe's name as Philo. Shadal also notes that this is accepted by the top philologists of his time, Gesenius (in his Thesaurus) and Rosenmüller.

gained widespread scholarly consensus until today.²² Lepsius wrote that many of the royal names of Ancient Egypt ended in the suffix “mosse,” such as Ah-mosse, Ra-mosse (which became the Hebrew “רעמסס”), and Tuth-mosse; it is even found in Egyptian records of foreign royals. From the evidence of the hieroglyphic symbol for this suffix and the corresponding Coptic, Lepsius concluded that it means “the child” or “born to.” As a suffix, for example “Ra-mosse” would mean “child of (the god) Ra.” But on its own, it could mean just “the [royal/divine] child.” “Moshe” then, is just the Hebrew transliteration of this Egyptian word.

For the next hundred years, more and more scholars followed the path of Lepsius,²³ and once more the prevalent scholarship began to be adopted by Jewish *perushim* on the Torah. Rabbi Eliyahu Benamozegh was a 19th century *mekubal* and *parshan*. He was very interested in ancient civilization and how it related to the ancient Jews and the Torah, and his commentary is full of references to contemporary scholarship in this field.²⁴ At our *pasuk*, he writes:

משה – דעת החוקר Renan שעניינו בלשון מצרי “בן”. ואם כנים הדברים אין סתירה ממה שמצינו כי מן המים משיתיהו, שכן דרך כותבי הקדש להרכיב טעמים רבים על שם אחד, והארכת כזה בשמות בני יעקב ע“ש. ובאמת שהמקרא יסייענו כי סמך “ותהי לה לבן” ל“ותקרא שמו משה”.

Moshe—The opinion of the scholar Renan²⁵ is that this means “child” in the Egyptian language. If this is correct, it poses no contradiction to what we find here, “for I drew him from the water,” since the style of biblical authors is to combine multiple reasons for one name. See the names of Yaakov’s children, where I discuss this. And indeed, the verse here implies this, since it places “and he was to her a son” next to “she called him Moshe.”²⁶

22 *Die Chronologie der Ägypter*, pp. 325-326, n. 5.

23 For a good listing of the scholars who followed Lepsius, see J. G. Griffiths, “*The Egyptian Derivation of the Name Moses*,” *Journal of Near Eastern Studies*, Vol. 12 (1953), no. 4, pp. 225-231. See also his discussion of other Egyptian etymologies that have been advanced and rejected. Also worthwhile is his resolution of the various linguistic problems that have been raised with Lepsius’s theory.

24 This might explain why he caught onto this theory while Shadal had not yet heard of it, even though they were contemporaries, lived only miles from each other in Italy, and their commentaries to the *Chumash* were first published within a couple of years of each other. Malbim, whose commentary to *Shemos* was published about 15 years later, still seems to not have heard of it, but he is less likely to have been well-read in secular scholarship.

25 He is referring here to J. Ernest Renan in his *Histoire Générale et Système Comparé des Langues Sémitiques*.

26 *Eim LaMikra* (*ad. loc.*).

What Rav Benamozegh means is that Moshe being drawn from water may be a reason for his name, but it doesn't have to be the only reason.²⁷ Those who are aware of the meaning of the name in Egyptian will understand that she also named him that because he was a royal child and was to be her son, which he sees a reference to in the *pasuk*: "And he was to her as a son, and she called him Moshe..."

While Rav Benamozegh succeeds in harmonizing the scholarship with the *pasuk*, he does not solve Ibn Ezra's original question. According to his explanation, Pharaoh's daughter would have had to have understood Hebrew if one of the reasons for the name she gave her new son was derived from a Hebrew word, even if the name may have been primarily Egyptian.

It is Rav Naftali Tzvi Yehuda Berlin, the Netziv, who manages to use the scholarship and still solve Ibn Ezra's difficulty.

ראיתי בשם הרב ר' שמואל נ"י במדינת בעהיים דבלשון מצרי תיבה זו כצורתה משמעו ילד, וילד המלך נקרא במדינה "הילד", באשר הוא וילד למדינה, והוא ביאור נכון.

*I saw in the name of Rav Shmuel from Bohemia²⁸ that in the Egyptian language, this word [Moshe] means "child", and the child of the king is called in the country, "the child", in that he is **the** child born to the country; and this is a proper explanation.*

Like Rav Benamozegh, the Netziv explains the phrase, "and he was to her as a son," as the explanation for Moshe's name. But what about the last phrase, "for I drew him from the water"?

ופירשה הטעם שהוא ילד שלה - כי מן המים משיתו - הרי הוא כאלו נטבע במים, ואין לאביו ואמו חלק בו, ואני אם הילד... ולפי דבריני אין שם משה יחס

27 Rav Benamozegh discusses this in *Bereshis* regarding the naming of the *shevatim*. First of all, coincidentally, he brings up the issue of language there as well, since he assumes that Rachel and Leah spoke primarily Aramaic and is surprised that they would name their children in Hebrew. But additionally, he claims that there could be multiple reasons for the name of a child that may be obvious even though the Torah itself only directly indicates one as the reason. For example, when Yosef was born, we find the following:

ותהר ותלד בן ותאמר אסף אלהים את חרפתי. ותקרא את שמו יוסף לאמר יסף יהוה לי בן אחר.

Although the *pasuk* presents the reason for Yosef's name as being related to "adding" for her another son ("yosef... ben acher"), it should be obvious to the reader that her previous words regarding God having removed her disgrace ("asaf es cherpasi") are also related to "Yosef" and should be seen as an additional reason for the name.

28 I have not been able to determine who this "Rav Shmuel" is, but it is likely that the Netziv read an article of his in one of the many periodicals that he was known to have read.

לתיבת משיתיהו, אלא העניין הוא טעם על השם משה. ומ"מ כך דרך לשון הקודש,
לכתוב לשון נופל על לשון.

And she explained the reason that he was her child—"For I drew him from the water"—i.e., it was as if he drowned, so his parents have no ownership over him, and now I am the rightful mother... And according to our interpretation, the name "Moshe" is not related to the word "m'shisihu," rather the whole phrase is her reasoning for the name [i.e. that he was her child]. Nonetheless, the style of the Hebrew is to play on the words (lashon nofel al lashon).²⁹

The Netziv understands the entire *pasuk* as relating to Pharaoh's daughter taking Moshe as her own son, as follows: "And she [Yocheved] brought him to Pharaoh's daughter and he was to her as a son, [therefore] she named him 'Moshe' [=child], and she said [to justify her taking him as her son], 'since I drew him from the water [therefore he is my own].'" The fact that the Torah uses the word "*m'shisihu*" in translating Pharaoh's daughter's words is its attempt at a play on words, but not that it had any effect on Moshe's name.³⁰

No further advances have been made in Egyptology in the past 165 years that would provide another explanation for Moshe's name. Biblical scholars have accepted the explanation advanced by Lepsius, and any commentary wishing to be in line with current scholarship will bring this explanation as the one that is widely acknowledged.

The Savior of Israel

Moshe's name, whether it originated from Hebrew or from Egyptian, and whatever the reason may have been for him to be given such a name, has nonetheless retained a lot of significance for the Jews as a nation. The *Midrash HaGadol*, who followed the second approach of Ibn Ezra that Pharaoh's daughter named Moshe in Hebrew, wrote as follows:

ותקרא שמו משה. היה ראוי לקרות אותו "משוי" שנמשה מן המים אלא קראתו
משה... על שם ישראל שהוא מִשָּׁה אותם והוציאם ממצרים.

²⁹ *Ha'amek Davar* (ad loc).

³⁰ The Netziv's explanation also answers a question posed by the *Or HaChaim*, who notes that for all of the *Avos* and *shevatim*, the reason for the name precedes the naming itself; here, though, Pharaoh's daughter names him Moshe and then gives the reason "because I drew him ..." According to the Netziv, of course, that is in fact not the reason, but the reason is given when it says, "and he was to her as a son," which precedes the naming just like all the other cases.

She called him Moshe—It would have been fitting for him to be called “Mashui” (“drawn” in the passive), since he was the one drawn from the water; instead he is called “Moshe” (“one who draws forth” in the active).³¹ This is in relation to Israel, since he drew them forth and brought them out from Egypt.

Pharaoh’s daughter may have viewed him as the royal prince, or as the child whom she drew from the river as an infant, but to the Jewish people he was their leader and he was the one who saved them and formed them into what they were meant to be. No other name could be more appropriate.

31 The same question is recorded in several other works, including those of the *Baalei Hatosafos*, and other answers are given. Ironically, the *Tur Ha’Aruch* here quotes Rav Yosef Kimchi as answering that Pharaoh’s daughter named Moshe in Hebrew, which was to her a foreign language, and not knowing the grammar so well, she confused the different forms of the verb “*masha*,” naming Moshe with the active form rather than the passive.



Heseiba to the Left: A Little Tough to Swallow

DR. ABIE MENDELSON



Moishe raises his hand in class, “Yes I know why we lean, but why do we need to lean to the left?” The other children in the class snicker softly at such an obvious question but his *morah* answers kindly, “We lean to the left because your swallowing tube and breathing tube are side by side. If you lean to your right, the grape juice and matzah might go into your windpipe and can make you choke. So, let’s all be safe this Pesach and remember to lean to our left.” The class, nodding their heads in agreement, continues the discussion with *karpas*.

This common scene is one that many have heard and most repeat; the only issue is that anatomically, it is totally false. The swallowing apparatus of the human throat is a complex structure, so complex that many textbooks are dedicated solely to its study; but the throat is most assuredly symmetric. The opening to the esophagus, or swallowing tube, is directly behind the voice box. There are two small paths on each side of the voice box that drain food down the correct tube, and away from the voice box leading to the windpipe. The other serious problem with our well-known classroom scenario is that leaning in and of itself is the most dangerous position to swallow. If our body position during the *seder* were in fact motivated by safety, we should never lean during eating and drinking. We could instead lean during the last part of *Magid* and *Hallel* and sit up straight during the *arba kosos* and matza. Allegorically, saying that we lean to the left side in order to avoid choking is similar to saying we should be safe by making sure our shoelaces are tied before bungee jumping.

Before we totally do away with leftward leaning, perhaps we can review from where leaning is learned to see if we can better understand the basis for this left-leaning bias.

The first *mishna* in the tenth *perek* of *Maseches Pesachim* tells us that, “...even

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the poorest person in *Yisrael* may not eat unless he leans...” The *gemara Pesachim* continues this discussion on page 108a quoting *braisios* regarding the requirements of matza and *yayin* that must be done with *heseiba*. The *gemara* continues:

פרקדן לא שמיה הסיבה. הסבת ימין לא שמה הסיבה. ולא עוד אלא שמא יקדים קנה לוושט ויבא לידי סכנה.

... leaning by lying on their back is not called heseiba. Leaning towards the right is not called heseiba. Not only is it not a fulfillment of heseiba, but it might reach the windpipe before the esophagus and the one who leans to the right will present a danger for themselves...

The Rashbam explains this *gemara* that leaning to the right is “*lo shmei heseiba*” because of a dexterity issue. When leaning rightwards, the right hand will be trapped and not available for eating. Thus, trapping the dominant hand would not be a symbol of freedom, and he and thereby suggests the first basis for leftward leaning.

There is a *machlokes Rishonim* regarding to what the second portion of our *gemara* is referring. The Rashbam continues the explanation of our *gemara* of “*v’lo ode...*” to be a continuation of the thought immediately leading into these words, that the danger lies when leaning rightward. Yet Rashi comes to understand the line “*v’lo ode...*” is referring back to “*prakdan*” (lying backwards), that the danger of swallowing is only present when eating while lying on the back.

Discussing the correct method of *heseiba* the *Shulchan Aruch* (472:3) writes:

כשהוא מיסב לא יטה על גבו ולא על פניו ולא על ימינו, אלא על שמאלו. (ואין חילוק בין אטר לאחר)

When leaning, do not lean back, forwards or to the right, but rather to the left. (Ram”a: And there’s no difference between a lefty and a righty in this regard.)

The *Shulchan Aruch* here specifically excludes leaning backwards, forwards, or rightwards, stating clearly that one should lean leftwards. Interestingly, the Rama makes further distinction that leaning to the left is not dependent on whether one is right-handed or left-handed.

The *Mishna Berura* continues the explanation:

לא שמה הסיבה כיון שצריך לאכול בימינו ועוד טעם אחר יש דשמא יקדים קנה לוושט דוושט הוא בצד ימין וכשהוא מטה ראשו כלפי ימין נפתח הכובע שע”פ הקנה מאליו ויכנס שם המאכל ויבא לידי סכנה:

For it is not considered leaning since one eats with the right hand. Another

reason is perhaps [the food will] enter the windpipe instead of the esophagus, for the esophagus is on the right side and when one tilts one's head to the right, the cover of the windpipe will open and the food will enter, putting the person in danger.

The *Mishna Berura* first explains the basis for avoiding a rightward lean is along the reasoning of the Rashbam, that most people are right-handed and so leaning on the right arm would make eating uncomfortable and awkward and not called *heseiba* [and by extrapolation, not a demonstration of freedom]. The *Mishna Berura* then parallels the understanding of the Rashbam of the second basis of our *gemara* to restrict rightward leaning by explaining the danger of swallowing while leaning rightward. The *Mishna Berura* here gives a very specific anatomic and physiologic description of what would happen when attempting a swallow while leaning rightwards, saying that the esophagus is on the right side, and when tilting the head to the right, the valve of the opening of the windpipe (anatomically known as the epiglottis), will be in position to allow food entry into the windpipe and thus cause a health risk.

The *Mishna Berura* in the following *seif katan* does seem to use language suggesting his explanation might come from a forced position in order to justify the position of the Rama who does not see any difference between right-handed or left-handed individuals and requires everyone to lean leftwards. The Rama therefore must accept the basis of the leftward leaning as anatomic because both right-handed and left-handed people will have the same throat structure, whereas the Rama would not support the dexterity issue of allowing the dominant hand to be away from the side of leaning. However, if an anatomic basis were argued, then there would be no distinction between handedness, since the human internal makeup remains structurally consistent. The conclusion of this *seif katan* stresses the importance of health safety and that the avoidance of risk takes priority over other reasons for leaning to the left.

Any halachic discussion of *heseiba* cannot be complete without mention of the well-cited opinion of the Rav'yah, who is quoted by the Rosh explaining that the *halacha* of *heseiba* does not truly apply *b'zman hazeh*, nowadays, with the basis of *heseiba* as described in *gemara Pesachim*. The basis for *heseiba* is a demonstration of *cherus*, but in modern days seeing someone leaning while they eat elicits no such expression of freedom. The Rav'yah goes so far as to assert that *heseiba* is not even necessary for the *daled kosos* or even when eating matzah.

The accepted explanation for the Rav'yah as to why *heseiba* is still required *b'zman hazeh*, is that much of what is done at the *seder* is motivated by *pirsumei nisa*,

making sure all who can see can appreciate the miracle of *Yitzias Mizrayim*. However, there is also an important aspect of the *mitzvos* of *leil seder* of *zecher l'neis*. Many of the *mitzvos* of the night are geared toward reminding ourselves about *Yitzias Mizrayim*. And so, while the Rav'yah may hold that *heseiba* no longer fulfills a *pirsum haneis* because nowadays leaning does not represent our newly acquired freedom, leaning still fulfills a *zecher l'neis* that we all know that when we lean, we are showing our journey of *avdus l'cherus*, from slavery to freedom.

In all, there appears to be general agreement throughout the levels of halachic sources that rightward leaning leads to dangerous swallowing. However, we do know nowadays that the opening of the esophagus is directly in the middle of the throat. So how can we integrate what we know and what we do? Perhaps we might offer a few possibilities:

An answer from Rashi

Perhaps the explanation of Rashi on our first *gemara* was the correct understanding, namely that the danger of choking arises from leaning on one's back while eating. This view is very much supported by what we currently know and understand of the throat's anatomy and swallowing function. Although the *Acharonim* seem to follow the Rashbam's distinct understanding of the *gemara*, we may at least have a strong support for the practice of *heseiba* as a whole. Yet this explanation leaves the opinion of the Rama without much support, as well as our continuing practice of leaning to the left (particularly for left-handed folks).

An answer from Rav'yah

Without the halachic requirement of *heseiba*, we can also not be worried about the detail of which side to lean. Unfortunately, the Rav'yah is a *das yachid*, lone opinion, and we *pasken* with the majority of the other *Rishonim* who make note that while the reason for *heseiba* no longer applies, we still need to incorporate it as an important aspect of the *seder*. As we have seen how strenuously the *Mishna Berura* emphasizes the safety issue of *heseiba*, we may emphasize the direction of leaning as well as a *zecher l'neis*.

An answer from the medical literature

Most of us can remember at least 20 *sedarim*, and the rest of us can remember many more. It would be safe to say that it is a rare occurrence that anyone had to perform the Heimlich maneuver on someone who was choking from eating while leaning to the left. So perhaps we might make the possible theory that this whole swallowing

danger while leaning is just a little too cautious, and in fact, the medical literature would agree. Most of us who are otherwise healthy can swallow leaning right, left, back, front or any direction we please without so much as a hiccup.

Our throats have a number of layers of protection, and a small change in gravity to the right or left will not change our ability to protect our breathing pipe. Yet there are plenty of people for which this is not the case. There are many medical conditions that compromise the protective layers of the throat. When people suffer from these particular conditions, any small deviation in swallowing behavior could lead to disastrous outcomes. Of the most common of such conditions is a state where one of the vocal cords is paralyzed. A paralyzed vocal cord does not move and causes a hoarse voice. It also causes a very weak cough with a poor ability to protect the breathing pipe. One way to compensate for poor swallowing with a paralyzed vocal cord is to turn the head toward the side of the paralyzed vocal cord. This maneuver helps to close the space from the paralyzed cord and results in a safer swallowing experience.

In the human body there are very few areas that are not perfectly symmetric, and the nerves that supply the vocal cords is one of them. The nerve to the left vocal cord takes a much longer course as it travels to the voice box as compared with the nerve to the right vocal cord. As such, this asymmetric length leaves the left vocal cord at much higher risk of paralysis than the right. Based on this important fact, we may now explain the recommendation to lean to our left.

While in healthy individuals, leaning to the left serves as no greater protection for our swallowing than leaning to our right. But in affected individuals the most common asymmetric condition is a left paralyzed vocal cord. The medically recommended position for such a person is to swallow with the head turned to the left. As such, the *gemara*—all the way to the *Acharonim*—suggests that we all lean to the left to stay safe.

Chag kasher, briut, v'sameach.



Always Appreciate a Smile

ROBERT MILLMAN



As I put pen to paper, I am sitting in a warm apartment in *Eretz Yisrael*, reflecting upon a wonderful week of spiritual rejuvenation. My wife and I make an earnest effort to come to *Eretz Yisrael* at least once a year. We don't consider such a visit as a vacation. It is more akin to a transfusion of *kedushah* and *ruchnius*. The streets of Los Angeles or any large American city simply cannot compare to walking the ancient street of His holy land.

We just completed *Sefer Breishis* and heard the plea of Yaakov Avinu to be buried in *Eretz Yisrael* and not in *Mitzrayim*. In fact, Yaakov Avinu asks Yosef not once, but twice, to bury him among the *Avos*. Why did he make this request twice and why was the request made to Yosef and not his other children?

The later question is easier to address. We know that Yosef was the viceroy of Egypt. Accordingly, Yaakov Avinu knew that as such a powerful man, Yosef, would likely be able to fulfill his request. He also knew that Yosef Hatzadik was the one who had demonstrated the ability to confront and conquer the hostile and challenging life in Egypt.

Yosef was a symbol of purity and strength and he had been able to not succumb to the permissive culture of the Egyptians. For these reasons, Yaakov asked Yosef, and not Yosef's half-brothers to see to it that he was buried in *Eretz Yisrael*.

Yaakov was saying that he was dying in *Mitzrayim*, a *tamei* nation, with a wicked government and people. He did not want to be buried in a place of quintessential impurity. His message to his family was for the nation of Israel to remain separate from the nation of *Mitzrayim*. Yaakov did not want his children and future generations to be influenced by the Egyptians. Yaakov came from Avraham and Yitzchak and he wanted their progeny to continue the holy nation called *Am Yisrael*. How was this to be accomplished? Not just by being buried in *Eretz Yisrael* but also by emphasizing that he wanted to be buried alongside his father and grandfather—to be connected

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to them and the *mesora* of the Jewish people forever.

So we see that the double request had a double meaning. Do not bury me in a land of *tuma* and spiritual darkness. Also, by burying me with my father and grandfather, I will be—as well all my children—forever connected to the *Avos*. Jewish families are to be elevated and separate from the nations of the world. We as Jews must always strive to elevate ourselves from the *galus* that surround us whether in New York, Los Angeles, or wherever we find ourselves.

We know that the current *galus* has been long and difficult. We also know that as the Jewish nation, we must remain determined to not succumb to the ever present dangers of our current *galus*, challenges in each and every day. Not only do our computers need a kosher filter, so too, do our eyes, ears, mouth and our day-to-day dealing with our fellow man.

In the second edition of *Nitzachon*, I told a story of a Holocaust survivor who discovered his son and renews his life 50 years after the end of WWII. The story below (and various themes in this piece) comes from an article written by Rabbi Pinchus Lipschutz, the editor of *Yated Ne'eman*.¹ I hope it impacts each of you as much as it did me.

A young Israeli kollel fellow who was traveling on bus found himself sitting next to an elderly Russian man. The man seemed very simple. The fellow didn't think much of him and remained focused on his gemara as the Russian man looked out the window.

Finally, the yungerman felt it improper not to acknowledge the man's presence, even if it took him away from his learning for a moment. Since it was before Yom Kippur, he wished the man a good year. The old man nodded, shared a toothless smile, and returned the greeting.

The yungerman imagined that, unlearned as he was, the Russian probably fasted on Yom Kippur, so he ventured to wish him as easy fast as well.

His seatmate beamed. "Yes, it will be easy here. Of course it will."

With a faraway look, he shared his story.

"Ten li lehagid lecha et hasippur sheli," "let me tell you my story," he began, in heavily accented Hebrew.

¹ Lipschutz, Rabbi Pinchus. "Strong and Uplifted." *Yated Ne'eman*. December 31, 2014. www.yated.com/strong-and-uplifted.3-1389-3-.html. Accessed January 11, 2015. Reprinted with permission.

The man told the yungerman that way back, decades ago, he was incarcerated in the Russian gulag. While there, he was forced to work long, hard hours, without a day off. However, he was determined that he would fast on Yom Kippur, no matter the difficulty. He searched desperately for an excuse to refrain from working on that day in order to be able to endure the difficult fast.

Finally, his friend suggested that he should fake a toothache and go to the infirmary. The authorities didn't care much for the inmates, so they would immediately diagnose an infection and pull out a tooth, the friend suggested. The pain would be intense, as they would perform the procedure without anesthetic, but it would at least earn him a day's reprieve from work.

The Russian fellow completed his story: "I tried it and it worked. In fact, every year that I was in the work camp, I did the same thing. I would tell them that I had a toothache and they would pull out a tooth. I was there for six years, and six times I was able to fast on Yom Kippur. That's why I say that here it is easy to fast."

The man finished his story and smiled. Once again, the kollel fellow noticed his missing teeth, but this time, that toothless smile was more radiant and beautiful than any smile the yungerman had ever seen.

His was the smile of succeeding in galus.

When Moshiach comes, thousands of Jews like that Russian man will line up to greet him. Many will be bearing bruises, missing teeth, lost jobs, and the scars of daunting nisyonos and tragedies. Tears, scorn, obstacles. The lot of the Jews in galus. Yet eventually triumphant.

May all of us in the Adas Torah Community, the greater Los Angeles Community and Jews the world over be blessed with a *Chag Kasher V'Samaeach* and may the current *galus* end speedily with the coming of *Moshiach*. *Kein Yehi Ratzon*.



The Sweat of our Pesach Preparations and Our Marriage to Hashem

RABBI YAAKOV COHEN



There is a major misconception when it comes to Pesach and our other *chagim*. Many of us often find ourselves approaching Pesach thinking that we only celebrate this yom tov and eat matza because a long time ago we left Egypt and did not have enough time for the bread to rise, and so we are stuck eating matza for the week. Not so relevant to us today, but it is nice to take off from work and spend time with family. What happens is that some people go an entire *yom tov* thinking that the *halachos* and *minhagim* are not actually relevant to today but are only a commemoration of what happened long ago.

Nothing could be further from the truth. When Hashem created our physical world, He did so by energizing it through the spiritual world. The physical world that we see is just a manifestation of the spiritual. From the beginning of time, Hashem put different levels and different types of spiritual energy into our year. Every time we get to a *yom tov* there is a spiritual energy that exists in that period of time. The actual event of *Yetzias Mitzrayim* was only a manifestation of the energy that already existed within those days. The event of the Exodus was our window into the spiritual essence that exists during the time period of Pesach. As Rav Dessler writes in *Michtav Me'eliyahu*, Jewish holidays are not commemorative, they are dynamic. We are not commemorating the event of leaving Egypt; we relive the experience and tap into that same energy when we arrive at Pesach every single year.

So, what is this spiritual energy hidden within Pesach?

The sefer *Kav Hayashar* says the following regarding Pesach: “Anyone who works hard for Pesach, if they take any opportunity they can while they are working to have

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in mind that they are doing this for the mitzva of Pesach, they can be *metaken* their *tikun* (get closer to fixing the important areas in their lives that need improvement).”

The *Kav Hayashar* brings from the Arizal, “... every bead of sweat that a person sweats for Pesach is considered by Hashem like a tear that a person sheds on Yom Kippur. And those tears open up the *sha’arei shamayim* to help *Klal Yisrael* be forgiven for their sins.”

We must ask ourselves: Why do we need to clean so intensely? What is the true significance of *chametz*? The serious *issur* of *chametz* is difficult to understand. All year long we eat bread. We are obligated to eat bread at any *seudas mitzva*, wedding, *pidyon haben*, *bris mila*, Shabbos, and every *yom tov*. Suddenly Pesach arrives and we have the *issur* of “*bal yera’eh bal yimatzei*”—you cannot have any *chametz* in your house and you cannot own any *chametz*. All year long bread is a good thing and now we are literally not allowed to see or have any association with it. How do we understand this?

The answer is that *chametz* is a physical symbol of a spiritual *aveira*—*se’or she’b’issur*. We do not have this with anything else. There is nothing else in this world that is a physical representation of an *aveira*. When Pesach comes, it is a time for a person to go inside their house with their belongings, but most important, inside themselves; to be *meva’er*—to burn, clean, and get rid of—all of that *chametz* and all of those *aveiros* that are within the person.

Many *tzadikim* used to—and some still do—*bedikas chametz* all night. They would make sure to go to every corner in each room of the house with the *kavana* that they were searching every corner of their soul. The candle used for *bedikas chametz* represents “*ner Hashem nishmas adam*”—our soul. It is an opportunity to search for and clean out all of those sins that we forgot about and were therefore never able to do *teshuva* for.

To understand why *chametz* represents our sins, we must consider the rising process of bread. It starts off small and grows bigger and bigger. This is *se’or she’b’issur*. An *aveira* starts off small and seemingly insignificant. But the yeast symbolizes the core of the *aveira*. What often happens is that the sin does not just sit there as a small act; it grows and becomes something that has a major impact on our lives. If you look at the two words, “מצה” and “חמץ,” they both have a *mem*, and they both have a *tzadi*. The difference between them is that one has a *ches* and one has a *hei*. The *ches* in חמץ is just a tiny dot longer than the *hei* in “מצה.” In other words, the difference between *chametz* and *matza* is just a tiny dot and that dot is the danger. The biggest dangers in life are not those huge *aveiros*, because those stand out as wrong in almost everyone’s

eyes. The biggest danger is that small *aveira* that seems harmless but that will lead to other *aveiros* or that will make one feel spiritually low. That small dot, that drop of yeast, that is the true danger.

In addition, it is written in *sifrei kabbala* that the *gematria*—numerical value—of the words *se'or* and *chametz* together equal 639. The *gematria* of the two words “*eitz hada'as*” is also 639. The first sin ever committed was with the *eitz hada'as*. There is even an opinion in the *gemara* that the *eitz hada'as* was wheat. That first *se'or she'b'issur*, that first *aveira*, was done through wheat, and we are *metaken* that initial sin on Pesach. Therefore, *se'or* and *chametz* equal *eitz hada'as*.

Through these very deep and powerful ideas we begin to recognize that cleaning for Pesach is not just some form of spring-cleaning nor is it a task that we eagerly look forward to being done with. It is definitely not a commemorative ritual. It is a spiritual cleansing process in preparation for one of the holiest times of the year. It is a huge *yom tov* when we are being *metaken* the sin of the *eitz hada'as*. When we sweat those tears of Yom Kippur as we work to clean out our physical *chametz*, in reality, we are cleaning out the spiritual *chametz* within our souls. If we succeed with our preparations for Pesach, we will be *zoche* to come to the *seder* on an exalted level and experience true spiritual freedom.

In comparing our sweat on Pesach to our tears on Yom Kippur, we must appreciate the difference between our levels of holiness on these two *chagim*. On Yom Kippur, we cleanse ourselves through spiritual means alone, through *tefilla*, fasting, and refraining from any physicality. This is why we are considered like *malachim* on Yom Kippur. However on Pesach, our cleansing process represents who we truly are and what it means to be a Jew. On Pesach, we use the physical world to uplift ourselves spiritually. We clean out physical *chametz* to clean out our spiritual sins. Then, on Pesach itself, we eat matza, *marror*, wine, and *charoses* which all represent different spiritual traits and themes. We eat these physical foods to tap into the spiritual energy that they represent. We know that using physicality to connect to spirituality is even greater than using only spirituality to become more spiritual. To be only spiritual is akin to a *malach* while uplifting the physical is the level of the *tzadik* who rises above all.

The *Kav Hayashar* continues and says, “The objective of the *seder* is to be *mezaveg*, to connect as a *zivug*, to *Hakadosh Baruch Hu*.” To accomplish that, we must strive towards becoming *tzadikim* and *tzidkanios*. *Malachim* cannot accomplish that, only *tzadikim* and *tzidkanios* can. Since the *seder* night is the night that we become *zivugim* with Hashem, many people have the *minhag* to recite *Shir Hashirim* after

the *seder*. *Shir Hashirim* is known as the “*Kodesh Hakadashim*,” the Holy of Holies, where we talk to Hashem as if we were His wife. And to reach that level, we need to become holy, clean, and pure before the *yom tov* to merit reaching the level of *zivug* with Hashem on the *seder* night.

We prepare the *seder* to look as beautiful as possible because Hashem is coming to our *seder*. The *chosson* is coming to the *kalla's* home. Let us return to the words of the *Kav Hayashar* who explains, “On the *seder* night, Hashem tells his angels, ‘Go listen to how *Klal Yisrael* are talking about Me tonight.’ Soon, all of the *malachim* come back to Hashem and admit that ‘the Jewish People are talking about You and saying the most exalted praises and expressions of gratitude. This is truly an *Am Kadosh*.’” The *malachim* are telling Hashem how incredible His *kalla* is and about all of the incredible things she is saying about her *chosson*. The *Zohar* tells us that when we sit together at the *seder* and talk about the miracles and wonders that Hashem performed for us in *Yetzias Mitzrayim*, we give strength (*kivyachol*) to Hashem and all of the *olamos* become in awe of *Hakadosh Baruch Hu*. This is the potential power of our *sedarim*.

These concepts we have learned represent the spiritual energy that exists within the time period of Pesach. If we want to come out of Pesach as different people, we need to be able to truly understand and tap into these beautiful ideas. We must recognize that as we prepare for Pesach, we have the unbelievable opportunity to rid ourselves of our sins and become clean and pure to then be able to be *mezaveg* with the *Ribono Shel Olam* on the *seder* night, to become clean of any filth and then to get married to God. This is a purification process in which we can come into Pesach as simple religious Jews and come out having attained the highest connection to God possible. It is the journey from mediocrity to greatness. Through getting rid of our *chametz* and through the symbolic foods that we eat at our *seder*, we can reach the highest spiritual heights. This is what *cheirus*—freedom—means, and this is the privilege that each of us have every Pesach.

Singing at the Seder

DR. MICHAEL KLEINMAN



While the main role of the haggada is to tell the story of *Yetzias Mitzrayim*, many of its messages are advanced through song. The songs are so central to the seder night that a few notes of a melody can transport one straight back to the seder. It is possible, however, that the ubiquitous presence of songs at the seder is more than just superficial and fun, but rather impart apparently deeper messages. The first clue to this theory is the universal custom to even sing the order of the seder. Clearly songs form the fabric of the night.

Going one step further, several parts of the haggada are progressive pieces, where each step is built upon the last. *Dayeinu*, *Echad Mi Yodeia*, and *Chad Gadya* are three examples. When studying the commentators on these songs, it becomes clear that these are far from frivolous tunes included in the haggada simply to keep the children interested. Several explanations of these songs will be discussed and thereby provide the means for a deeper understanding of the messages of the haggada and *Yetzias Mitzrayim*.

Dayeinu

The song starts with the interesting phrase, “*Kamma maalos tovos lamakom aleinu*,” “The Omnipresent has bestowed so many levels of goodness upon us!” The song then proceeds to list fifteen of the *maalos*. The term *maalos*, “levels,” is a unique choice of words as the author could have used many other expressions, and, therefore, *mefarshim* learn many ideas from this terminology. The Maharal explains that each of the steps in the song describe progressively greater levels of kindness from Hashem to *Bnei Yisrael* culminating with the building of the *Beis Hamikdash*. The Vilna Gaon continues to explain that the fifteen levels correspond to the total achieved when one adds up the Earth, seven levels between Heaven and Earth, and the seven levels of Heaven itself. David Hamelech wrote the fifteen “*Shir Hamaalos*” in *Tehillim* corresponding to this,

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which in turn corresponds to the fifteen steps at the entrance to the *azara*. There are also fifteen generations from Avraham Avinu to Shlomo Hamelech, the builder of the *Beis Hamikdash*, symbolizing the progression from the start of our Nation to a pinnacle of *binyan Beis Hamikdash*.

Having established a development within the *piyut*, the specific items are problematic because some could not exist alone. For example, if Hashem had split the sea but not led us through on dry land, we would not have been able to survive, yet we sing “*dayeinu!*” Rabbi Boruch Gradon provides a beautiful answer to this question through a parable. A man enjoys a delicious dinner that his wife prepared for him and thanks her. What he may fail to reflect on is the many steps involved in actualizing that meal. She had to go to three different markets because none had all the necessary ingredients. Between parts of the preparation the baby woke up and she had to take care of him. After driving carpool she put on the finishing touches all while completing homework with the kids and setting the table. Each of these actions alone would not have resulted in a tasty dinner but they are altogether necessary to achieve the finished product. When we deconstruct the story, one can truly see the effort and kindness at play. So too with *Yetzias Mitzrayim*. These are not isolated events, but rather all pieces of the puzzle that at the end of the story illustrate the tremendous *chesed* of *Hakadosh Baruch Hu*.

***Echad Mi Yodeia*¹**

In his introduction to the *sefer Brachos B'Cheshbon*, Rav Shimshon Pincus *zt"l* explains that *Echad Mi Yodeia* contains discussion on matters of *yichud Hashem*, *emuna*, *hashgacha*, and contains all the *ikarim* of the Torah, *Avos*, *shevatim*, etc. The reason why *leil Pesach* was chosen for this *piyut* is because *Klal Yisrael* was “born” on this night and the *piyut* describes the birth and makeup of the world. He then proceeds to provide a detailed explanation of the *piyut* comprising esoteric discussions of many deep areas in *Yahadus*. Rav Pincus explains the format of the poem, not as listing various items represented by a number, but rather as describing the essence of what each number represents in the world and how each one builds on another. For example, “*echad mi yodeia*” is not asking “what is number one,” but rather “what is the one thing in the world with no comparison?” The answer is Hashem, who is described as “*ein od milvado*,” “there is nothing besides Him.” It is difficult to condense the sublime explanations that comprise the entire *sefer*, but this introduction provides some

¹ *Iyun Tefilla* states that this song is a simple riddle inserted to keep the children awake late into the night. In light of these explanations, however, it is difficult to accept his position.

insight into the lofty concepts contained in the seemingly simple song.

The *Maaseh Nissim*² is more succinct and explains that the song was instituted to proclaim Hashem's greatness as the one true God. All of the specifics in the song point back to the greatness of Hashem that was illustrated by His taking us out *Mitzrayim* to *Har Sinai*.

The poem begins with Hashem because his omnipotence is most exemplified to the nations of the world by *Yetzias Mitzrayim* where we were brought out with the *yad chazaka*. Next are the two *luchos* which represent the step after leaving *Mitzrayim*. The receiving of the Torah on *Har Sinai* was known to all of the nations who, in turn, said to Bilaam, "*Hashem oz l'amo yiten*," "*Hashem will give strength to His nation*." The *Avos* come next because even though the *Avos* had other children, only *Bnei Yisrael* are considered their true progeny. By accepting the Torah we gained the *zechus* of calling them our *Avos*. The same is true for the *Imahos* who follow in the poem. Even more than the *Avos*, the mothers took great pains to ensure that *Yishmael* and *Esav* were excluded from the lineage. The fifth and sixth spots are the *Chamishei Chumshei Torah* and *Shisha Sidrei Mishna*, representing *Torah Shebichsav* and *Torah Shebaal Peh*, respectively. Combined, these represent the two branches of the Torah, receiving which was the *tachlis* of *Yetzias Mitzrayim*. The seven days of the week are mentioned specifically to highlight the sanctity of *Shabbos*. *Shabbos* is a gift only for *Klal Yisrael* and the *zechus* of our eventual keeping of *Shabbos* helped lead us to receive the Torah and publicize Hashem. The mitzva of *bris mila* is invoked in the eighth stanza because *Avraham Avinu* became fit to receive the Torah through the *mila*. This, in turn, enabled *Klal Yisrael* to reach all of the aforementioned specifics in the poem. The nine months of gestation that follow serve to again remind us of our lineage from the *Avos* and *Imahos*. Even though the Torah has already been mentioned, the *Aseres Hadibros* are singled out because they were said directly from Hashem to *Bnei Yisrael*. This established the principles of *nevua* and strengthened the *emuna* in Hashem and His Torah, which is really the *tachlis* of *Yetzias Mitzrayim*. The eleven stars represent the forces of nature, which seem normal and insignificant. In reality, these are truly "miraculous" actions that are kept in effect by Hashem in the *zechus ha'Torah*. The twelve *shevatim* are mentioned to teach that all twelve were needed to create *Klal Yisrael* into a unit that was ready to receive the Torah. Finally, the thirteen *middos* of Hashem sum up the whole poem. The thirteen *middos rachamim* are the root source of all that Hashem provides to us and without them nothing would remain in existence.³

² Rav Yaakov Mi'lissa, the author of the *Nesivos Hamishpat*, among other *sefarim*.

³ See my article in *Nitzachon* 2:1 on the thirteen *middos* for further elaboration.

In summary, this *piyut* describes the progression of the building blocks of the world we live in. We will now see how *Chad Gadya* describes the progression in the makeup and history of *Klal Yisrael*.

Chad Gadya

Chad Gadya is the song with the most obvious progressive nature as each step is directly related to the prior one. Both the *Maaseh Nissim* and the Gr”a explain the song allegorically as depicting steps in the continuum of Jewish History, but with different angles.

The *Maaseh Nissim* sets the stage by explaining that the *gadya* refers to the *Beis Hamikdash*, *abba* refers to David Hamelech, and the two *zuzim* refer to the *shnei zehuvim* that he used to buy *Har Hamoria* from Aravna HaYevusi.⁴ The *shunra* (cat) is Nevuchadnezzar,⁵ who destroyed the first *Beis Hamikdash*. Next is the *calba* (dog) who bit the cat. This is Koresh, king of Persia who killed Belshazzar the king of Bavel. Then comes the *chutra* (stick) who hit the dog. This is the king of the Greeks, who deposed Persia. The *chashmonaim* are the *nura* (fire) who fought the Greeks.⁶ Next comes the *maya*, water, which extinguishes the fire. This is Rome, who took Israel from the Greeks. Next comes the *tora*, the ox, who is Yishmael who captured Israel from Rome. The *shochet* is *mashiach ben Yosef* who will lead a war to capture *Eretz Yisrael* from Yishmael, but the *malach ha'maves* then comes to take him. Finally, Hashem, Himself, comes *b'chvodo, u'veatzmo, v'yigaleinu!*

The Gr”a also depicts a march through history until *mashiach*, but starts with the *brachos* of Yitzchak to Yaakov. This is the *gadya*. He explains that all the goodness that *Klal Yisrael* has stems from these *brachos*. We start from this point in order to include the story of how we went down to *Mitzrayim*. The *abba* is therefore Yaakov and the two *zuzim* are the two goats he gave to Yitzchak.⁷ These *brachos* were destined to be passed on to Yosef, which was the source of the brothers' jealousy. They are the *shunra*, who *chazal* describe as a jealous animal. This led to *yeridas Mitzrayim*. The dog that bit it is Pharaoh when he then enslaved *Bnei Yisrael*. Moshe came with his staff (*chutra*), which “hit” *Mitzrayim* and brought *Klal Yisrael* out to eventually enter

4 He learns that the *gadya* is referring to the *Beis Hamikdash* based on the *pasuk* in Shir Hashirim 1:14, בכרמי עין גדי. The Yerushalmi states that David Hamelech bought a threshing floor from Aravna HaYevusi for *shnei zehuvim*, which was the future site of the *Beis Hamikdash*.

5 He quotes a *midrash* “מלך בבל שונא רע,” he hates everything and is bad for the world.

6 The fire also represents the fire of the Menorah, which symbolizes their victory over the Greeks.

7 One for the *Korban Pesach* and the other for *korban chagiga* according to the Gr”a.

Eretz Yisrael and build the *Beis Hamikdash*. The staff provided for the miracles of the *Beis Hamikdash* until the “fire” of the *yetzer hara* became so strong that it led to the destruction and *galus*. Eventually, the *Anshei Kneses HaGedola* extinguished the “fire” through their *tefillos* until the ox of Edom exiled us again. The *schochet* of *mashiach ben Yosef* will eventually come to slaughter Edom until the *malach ha’maves* comes to take him. Finally, Hashem Himself comes down to restore the *brachos shel Yitzchak* to us for eternity. Both explanations weave the tapestry of Jewish existence through various stages to the eventual final redemption.

Singing at the Seder

Despite the beautiful explanations of the songs, the question still remains: Why do we need to feature song and verse specifically at the Pesach seder? What about the medium of song and verse lends itself so well to messages and lessons of Pesach? In fact, songs are so prevalent at the seder that we even sing the order of the seder!

Poetry has the ability to take concepts and emotions that otherwise would be disjointed and make them all work together. Some ideas could never be understood in the form of spoken word but, when put into verse, all of sudden become clear to the listener in a way impossible before. This is what songs at the seder are all about. When *Klal Yisrael* crossed the *yam suf* and witnessed the final destruction of the Egyptians, Hashem’s plan for them instantly became clear. They now understood why they needed to be subjugated in *Mitzrayim* and spontaneously broke out into the *shiras hayam*. The *Bnei Yisrael* were able to express their feelings in a way that would be impossible through spoken word. In fact, the *Mechilta* tells us (*Shemos* 15:2) that the *shifcha* at *krias yam suf* saw greater *nevua* than Yechezkel ben Buzi; such was the level of clarity at that moment. Hashem’s plan was clear and they were able to eloquently express their ecstasy. This is always the case for *shiros* in Tanach. In a similar vein, when we sing at the seder, we are more able to feel the rhythm and order of the progress from *galus* to *geula* and see Hashem’s *hashgacha*.

The Maharal explains that the reason we have a seder on Pesach is to show that Hashem’s plan was completely set and organized from the beginning. This is why Hashem made such a point of making Moshe Rabbeinu gather up the Egyptians’ possessions during *yetzias Mitzrayim*. Hashem had promised Avraham Avinu that *Klal Yisrael* would leave with great riches and it was critical that they see that Hashem’s

plan was fulfilled to the minutest detail.⁸ The seder begins with the description of our idol-worshipping forefathers, transitions to *Yetzias Mitzrayim* and *Hallel*, on to *shfoch chamascha*, and finally ends with *l'shana haba b'Yerushalayim*. Just like the aforementioned songs are progressive, so too the seder itself and the journey of *Klal Yisrael*.

When we combine singing with concept of the seder, the message of Pesach becomes clear. We use the order of the seder to recognize Hashem's providence and then combine it with song in order to deeply internalize these feelings on a much higher level.

May the true recognition of *geulas Mitzrayim* help to bring us to the final *geula*, *b'mheira b'yameinu*.

⁸ The Ramban explains that Yosef put the brothers through all the tests because he felt it was very important to fulfill his dreams, which he considered a *nevua*. Therefore, he orchestrated the situation so that his father would come to Egypt and bow down to him. Yosef may have felt this way for the same reason as the Maharal describes, that it was very important for Hashem's plans to be fulfilled explicitly.

Or le-Arba'a Asar and the Ta'anis Bechorim

RABBI PINCHAS GELB



The 15th of Nisan starts Pesach and marks the redemption (*geula*) from *Mitzrayim*.¹ Generally, the time period prior to a day of *kedusha* is completely characterized by that day. For example, Friday is referenced as *erev Shabbos* and the 14th of Tishrei is *erev hachag*. The 14th of Nisan, however, is designated, not only as *erev Pesach*, but also as having a distinct identity characterized by the anticipation of *geula*. Indeed, we tend to think of redemption as binary: either it has occurred or it hasn't; but there is a third category—the anticipation of *geula*—which the 14th of Nisan punctuates. This helps to explain the custom for the fast of the firstborns (*ta'anis bechorim*) to be observed on the 14th of Nisan through a *siyum maseches* instead of by fasting, as described below.

The 14th of Nisan

The *Parashas haMo'adim* emphasizes the distinct nature of the 14th of Nisan. *Vayikra* 23:4-6 states:

אלה מועדי ה' מקראי קדש אשר תקראו אתם במועדם. בחדש הראשון בארבעה עשר לחדש בין הערבים פסח לה'. ובחמישה עשר יום לחדש הזה חג המצות לה' שבעת ימים מצות תאכלו...

These are the appointed festivals of Hashem, the holy convocations, which you shall designate in their appointed time. In the first month on the fourteenth of the month in the afternoon is the time of the Pesach-offering to Hashem. And on the fifteenth day of this month is the Festival of Matzos to Hashem; you shall eat matzos for a seven-day period...

¹ This article is dedicated to the memory of Rabbi Daniel Arnall *zt"l* whose life overflowed with *chesed*.

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These verses specify that the obligations and observances associated with the bringing of the *Korban Pesach* have to be performed on the 14th.

Chazal, accordingly, were sensitive to this individualized aspect of the 14th of Nisan. *Maseches Pesachim* begins with the phrase “*or le’arba’a asar*,” “on the evening of the 14th.” The last *perek* in *Pesachim* also references the 14th, but calls the day “*erev Pesach*” (or more precisely, “*arvei Pesachim*”). Rav Yosef Dov Soloveitchik says that the fact that the *maseches* refers to the 14th both as a prelude to Pesach (“*erev Pesach*”) and as a discrete unit (“*arba’a asar*”) highlights that it stands, not only as an adjunct to the 15th, but also with inner-meaningfulness in its own right. Indeed, the phrase “*arba’a asar*” is never used with regard to *erev Sukkos*. Nor are the *mitzvos* of Sukkos observed before the start of the *chag*. Yet the *mitzvos* of Pesach begin to be observed on the 14th of Nisan.

For instance, the *mitzva* of the *Korban Pesach* is performed in two stages—brought on the 14th and eaten on the 15th—and the prohibitions against eating or owning *chametz* are emblematic on Pesach but begin on the 14th well before Pesach. The whole community of Israel would bring the *Korban Pesach* on the 14th, and, even now, there is a resulting prohibition against going to work during that time, similar to the prohibition on *chol hamoed*. The overwhelming majority of *Maseches Pesachim* deals with the 14th of Nisan: the first through third *perakim* discuss the elimination of *chametz* and the preparation of *matzos* on the 14th, and the fourth through ninth *perakim* discuss the prohibition of work and the bringing of the *Korban Pesach* on the 14th.

As these examples reflect, the 14th of Nisan is a day with its own significance as a bridge to the 15th. While the 15th begins the holiday of *geula*, the 14th—associated primarily with the bringing of the *Korban Pesach*—characterizes the active anticipation of *geula* through the performance of certain *mitzvos*. Rabbi Soloveitchik has noted that *Chazal* were careful to use the word “*geula*” with regard to just two events: the Exodus from Egypt and the future redemption. The miraculous salvations of Chanuka and of Purim, for instance, are described as “*teshuos*” and by the Aramaic word for redemption, “*purkan*,” but *Chazal* reserved the Hebrew term “*geula*” to describe only the redemption from *Mitzrayim* and the complete redemption still to come. This quality of redemption in fruition is characterized by the 15th. The *mitzvos* of the 14th, additionally and separately, express the expectant anticipation of redemption even before the time for *geula* has arrived.

Questions Regarding the *Ta'anis Bechorim*

This significance of the 14th of Nisan, which results from the *mitzvos* that surround the bringing of the *Korban Pesach*, might provide insight into the *ta'anis bechorim*. Several difficulties arise in understanding the *ta'anis bechorim*.

The *Tur* (*Orach Chaim* 470) states that the reason for the *ta'anis bechorim* is to commemorate the miracle (*zecher la'nes*) that the Jewish households were spared during *makkas bechoros*. However, this rationale for the *ta'anis bechorim* raises at least three questions. First, the *Zichron Yehuda* (*Orach Chaim* 133) wonders why, if the *ta'anis bechorim* is intended to commemorate this miracle, the *halacha* does not require a celebratory meal rather than imposing a fast.² Second, the *Birkei Yosef* (*Orach Chaim* 470:7) remarks that the fast should have been set for the night of the 15th because that is when the deliverance from *makkas bechoros* occurred, but, since we cannot observe a fast on Pesach, it is observed on the 14th. Yet, the 14th likewise is a celebratory day with a prohibition (at least during the second half of the day) against working, so the fast really should have been advanced to the 13th.³ Third, the GRA questions why the Rama writes that only men fast and not women even though the *midrashim* indicate that the firstborn Egyptian women also died during *makkas bechoros* (see *Mishna Berura*, *Orach Chaim* 470:1(3), (4), citing the GRA). Indeed, in *Mitzrayim*, the heads of households were killed even when they were not firstborns, but this is not reflected in our observance of the *ta'anis bechorim*.

Moreover, the *ta'anis bechorim* is referenced neither in *Tanach* nor, except for a vague possible allusion in the *Yerushalmi*, anywhere in the *gemara*. The *Tur* (*Orach Chaim* 470) states that the source for the obligation of *ta'anis bechorim* is from *Maseches Sofrim*.⁴ The *Bach* (commenting on the *Tur*) says that the practice began

2 The *Zichron Yehuda* states that the fast is modeled after Taanis Esther which the *Tur* (*Orach Chaim* 686) explains originated from the fast that the Jewish people observed before the miracle of Purim, and that, here as well, the *bechorim* might have fasted on the 14th before the miracle occurred. But the *Birkei Yosef* (*Orach Chaim* 470:7) notes that the *Tur* is explicit here that the fast was instituted to publicize the miracle that the Jewish firstborns were saved, and not as a memorial of the fast that might have been kept by the Jewish firstborns before *makkas bechoros*.

3 The *Zichron Yehuda* and *Birkei Yosef* are quoted by Rav Tzvi Pesach Frank, *Mikra'ei Kodesh*, Pesach, vol. 2, 80-84 (Jerusalem 1990).

4 *Maseches Sofrim* (21:3) states: "ואין מתענין עד שיעבור ניסן אלא הבכרות שמתענין בערב הפסח והצנועין בשביל המצה ..." "We don't fast until after Nisan except for the firstborns who fast on the day before Pesach and those who are careful about [having an appetite for] the matza." The Rambam appears generally not to rely on *meseches Sofrim*. See Rav Menachem Kasher, *Torah Sheleima* vol. 29: The Script of the Torah and its Characters (Hebr.), 99 (Jerusalem 1978). Hence, the Rambam unsurprisingly does not include the *ta'anis bechorim* in his discussion of *erev Pesach*. See, e.g., *Hilchos Chametz uMatza* 6:12.

to spread after the days of Rebbe Yehuda haNasi, based on an interpretation of the reference in the *Yerushalmi* to his practice generally to refrain from eating on the 14th of Nisan (see *Yer. Pesachim* 10:1). Additionally, the Rosh (*Hilchos Sefer Torah* 13, found after *Maseches Menachos*) states that *Maseches Sofrim*, itself, is not quoted anywhere in the *gemara*, and that *Maseches Sofrim* appears to have been from a later time period after the *gemara*.⁵ Thus, the general obligation of *ta'anis bechorim* might have arisen after the time of the *mishna* and, indeed, derives from a source potentially from after the completion of the *gemara*, which is surprising.

Perhaps most unusual is that the *ta'anis bechorim* is commonly observed not by fasting at all, but instead, by the firstborns' attending a *siyum maseches* or another *seudas mitzva*. Although some have not relied on this leniency (see *Magen Avraham, Orach Chaim* 470; *Teshuva meAhava* vol. 2, *Orach Chaim* No. 261), the *Mishna Berura* (470:2(10)), quoting the *Chavos Ya'ir* in the name of the Maharshal, emphasizes that there are different prevailing practices regarding the *ta'anis bechorim*, and states that many in his region permitted eating after a *siyum maseches* even when the *bechorim*, themselves, had not completed the tractate. Rav Moshe Feinstein (*Igros Moshe Orach Chaim* 1:157, 4:69(4)) confirms that this has become the overwhelming practice. Accordingly, the *ta'anis bechorim* is not even usually kept as a fast day, but, instead, has come to be observed by the firstborns' celebration of achievement in *talmud Torah*.

Given the many anomalies of the *ta'anis bechorim*, Rav Shlomo Zalman Auerbach provides the following explanation (*Halichos Shlomo, Mo'adei haShana*, Nisan-Av 8:1). Rav Shlomo Zalman states that Hashem's saving the Jewish firstborns during *makkas bechoros* reflected His protection and direct concern for them, and marked their calling to perform the Divine service. But the *bechorim* lost this capacity during the incident of the golden calf when it was transferred to *Shevet Levi* (*Bamidbar Raba* 3:5). This would be restored to them upon the future redemption (see, e.g., *Ohr haChaim* Gen. 49:28), but until then, the *ma'aseh ha'egel* prevented them from performing the *avoda*. On the 14th of Nisan, multitudes of *Korbanei Pesach* were brought and the people all rejoiced, except for the *bechorim* who had lost their capacity to perform this *avoda*. Indeed, they had gained their initial capacity at the time of the *Korban Pesach*, and, when they had to witness it being brought without their involvement, they would become distraught at their fallen state and could not eat or drink during that time. But when we observe this fast day, it can be observed by making

⁵ The Rosh states that, therefore, when *Maseches Sofrim* contradicts a statement in the *Yerushalmi* regarding the *halachos* of writing a *sefer Torah*, we accept the position of the *Yerushalmi*.

a *siyum maseches* because the joy of Torah learning abates this anguish, as the *mishna* states in *Avos* (6:6): “*gedola Torah yoser min hakehuna*,” “Torah is even greater than the *kehuna*.”

Rav Shlomo Zalman’s approach answers many of the questions, but it does not address the *Tur*’s rationale that the fast is “*zecher la-nes*” of Hashem’s deliverance of the Jewish firstborns during *makkas bechoros*, and it does not account for the possibility that the general obligation of the *ta’anis bechorim* might have originated after the destruction of the *Beis Hamikdash*. Perhaps these aspects of the *ta’anis bechorim* can be explained and understood as follows.

An Approach to the *Ta’anis Bechorim* Addressing the *Tur*’s Rationale

Right at the beginning of Moshe’s travel to *Mitzrayim*, Hashem tells Moshe that *makkas bechoros* was going to reflect the birthright of the Jewish people as His “*bechor*” (Ex. 4:22-23):

ואמרת אל פרעה כה אמר ה' בני בכרי ישראל. ואמר אליך שלח את בני ויעבדני ותמאן לשלחו הגה אנכי הרג את בנך בכרך.

And you shall say to Pharaoh: “So said Hashem, My firstborn son is Israel. And I have said to you, send out My son that he may serve Me—and you have refused to send him out; behold, I shall kill your firstborn son.”

Accordingly, *makkas bechoros* was intended to make the promise of “*b’ni vechori Yisrael*” manifest within history.⁶ Hashem would respond to Pharaoh’s brutal oppression of the Jewish people, i.e., His firstborn, by striking the firstborns of *Mitzrayim* and saving the firstborns of the Jewish households who had placed the blood of the Pesach offering on their lintels and doorposts. Indeed, the *Korban Pesach* was to signify this deliverance of the Jewish firstborns from *makkas bechoros* for future generations, as the verses state (Ex. 12:21, 25-27):

ויקרא משה לכל זקני ישראל ויאמר אלהם משכו וקחו לכם צאן למשפחתיכם ושחטו הפסח... והיה כי תבאו אל הארץ אשר יתן ה' לכם כאשר דבר ושמרתם את העבדה הזאת. והיה כי יאמרו אליכם בניכם מה העבדה הזאת לכם. ואמרתם זבח פסח הוא לה' אשר פסח על בתי בני ישראל במצרים בנגפו את מצרים ואת בתינו הציל...

⁶ This connection between *makkas bechoros* and the promise of *b’ni vechori Yisrael* also appears as part of the blessing of “*ga’al Yisrael*” in *Shacharis*: “כל בכוריהם הרגת ובכורך גאלת,” “*all their firstborns You slew, but Your firstborn You redeemed*,” and in *Ma’ariv*: “המעביר בניו בין... גורי ים סוף... וראו בני גבורתו שבחו והודו לשמו *Who struck with His wrath all the firstborns of Egypt and removed His nation Israel from among them to enduring freedom. Who brought His children through the split parts of the Yam Suf... When His children saw His might they praised Him and gave thanks to His name.*”

And Moses called to all the elders of Israel and he said to them: "Draw forth and take for yourselves lambs for your families, and slaughter the Pesach offering... And it shall be when you come into the land that Hashem will give you as He has spoken and you shall observe this service. And it shall be that when your children say to you: 'What is this service to you?' You shall say: 'It is a Pesach feast offering to Hashem who [had compassion on, and] passed over the houses of the Children of Israel in Egypt when he smote the Egyptians, and He saved our households'" ...

Thus, the annual service of the *Korban Pesach* was supposed to remind each successive generation that Hashem had exhibited compassion on, and passed over the Jewish households during *makkas bechoros*, and this had actualized the promise of "*b'ni vechori Yisrael*." Considering the *Korban Pesach's* significance, however, its contemporary absence is poignant and jarring, even creating a sense of crisis at its loss. In general, the response to a communal crisis is to fast (Rambam *Hil. Ta'aniyos* 1:4), and the lack of the *Korban Pesach* on the 14th of Nisan, with all that it is intended to signify in each generation, perhaps is the initial impetus for the *ta'anis bechorim*.

Yet this fast is not imposed on everybody but only on the *bechorim*. While it expresses the crisis of this loss it also creates a group of Jewish firstborns. For instance, if at least ten *bechorim* who are fasting on the 14th of Nisan are *davening mincha* together and one of them is the *sheliach tzibbur* he must recite *aneinu* during the public repetition of the *Shemoneh Esrei* (*Mishna Berura, Orach Chaim* 470:1(2)).⁷ Hence, the *bechorim* are an identified group on the day designated by the verses to bring the *Korban Pesach*. This assembly of the *bechorim*, according to the *Tur*, commemorates Hashem's deliverance of His *bechor* from *makkas bechoros*, thereby conveying the *Korban Pesach's* message even in its absence.

This potentially explains the custom to observe the *ta'anis bechorim* by participating in a *siyum maseches* instead of by fasting. Indeed, although the initial impetus of the fast might have been the crisis caused by our inability to bring the *Korban Pesach* on the 14th of Nisan, it was implemented, according to the *Tur*, to commemorate Hashem's deliverance of the Jewish firstborns from *makkas bechoros* that had expressed the promise of "*b'ni vechori Yisrael*" (Ex. 4:22-23). Once the resonance of this promise is revitalized by the fast of the firstborns, whose purpose is to recall the *Korban Pesach's* message that had been intended for all generations,

⁷ The *Mishna Berura* states, however, that it is better for a *bechor* not to be *sheliach tzibbur* since some hold that it is preferable not to mention the fast as part of the public repetition of the *Shemoneh Esrei* because it is Nisan.

the *ta'anis bechorim* can be observed, and obviated, through a *seudas mitzva*, and, in particular, through a public celebration by the *bechorim* of the “*eidos, chukim u'mishpatim*,” “testimonies, decrees and laws” (Deut. 6:20).⁸

“*Bni Vechori Yisrael*” Then and Now

This also provides insight into the question in the haggada posed by the wicked son (the *rasha*) that is so corrosive. The question that the *rasha* asks: “*ma ha'avoda hazos lachem*,” “what is this service to you,” is prompted in the verses (Ex. 12:26) by the service of the *Korban Pesach*, but the haggada is composed for a time of diaspora. For example, at the end of *Hilchos Chametz uMatza*, the Rambam presents the complete text of the haggada that he titles: “The Customary Text of the Haggada During the Time of the Exile.” The *rasha's* question is sardonic and taunting, inasmuch as it is rhetorical, because the *Korban Pesach*—which is the catalyst for the question in the verses—is in fact absent when the *rasha* asks about it. The *rasha* accentuates its absence by calling it “this” *avoda*, and by asking the question that should be triggered by the service of the *Korban Pesach* but isn't. The *chacham* asks about the “*eidos, chukim u'mishpatim*,” “testimonies, decrees and laws” that he actually can identify within *Talmud Torah*. But the *rasha* asks about “this [absent] *avoda*,” as if to question what has become of the promise itself of the Jewish birthright expressed by *b'ni vechori Yisrael*. We don't countenance the *rasha's* question—we blunt his teeth, taking the bite out of his challenge—and respond, instead, that he would not have been saved had he been in *Mitzrayim*, possibly because the yet unfulfilled aspects of *geula* that he focuses on existed there, as well, and the resulting tension was already addressed by the *nissim venifla'os* during the Exodus.

For instance, the Bostoner Rebbe homiletically (*baderech derush*) says that the first two verses of Moshe Rabbenu's career reflect this tension (Ex. 2:11-12):

ויהי בימים ההם ויגדל משה ויצא אל אחיו וירא בסבלתם וירא איש מצרי מכה איש
עברי מאחיו. ויפן כה וכה וירא כי אין איש ויך את המצרי ויטמנהו בחול.
*And it was in those days that Moshe grew up and went out to his brethren and
he looked on their burden; and he saw an Egyptian man striking a Hebrew
man, one of his brethren. And he turned this way and that way and saw that
there was no man, and he struck down the Egyptian and hid him in the sand.*

⁸ See Rav Moshe Grunwald, *Shut Arugas Habosem* vol. 2, *Orach Chaim* No. 139, 106b-107a (New York 1985), that making a *siyum maseches* in place of the *ta'anis bechorim* is not a way to avoid the fast, but rather, to mark the fast because its point is to underscore that the *bechorim* were saved, and this can be accomplished through a specially designated *seudas mitzva*.

There is a statement of “כה” from Hashem to Pharaoh and a statement of “כה” in response. The first is (Ex. 4:22): “ואמרת אל פרעה כה אמר ה' בני בכרי ישראל,” “and you shall say to Pharaoh: ‘So said Hashem, My firstborn son is Israel.’” And the second is after Moshe and Aharon deliver this message to Pharaoh and he answers by additionally oppressing the people (Ex. 5:10): “ויאמרו אל העם לאמר כה אמר פרעה:” “and they said to the people, saying: ‘So said Pharaoh, I am not giving you [even] straw.’” Moshe looked, so to speak, at both of these assertions of “כה”—“ויפן כה וכה”—initially wondering whether the promise of “*b’ni vechori Yisrael*” would prevail over the oppression of the tyrant. He realized that it would and struck the *Mitzri*.

So too, the *ta’anis bechorim* results from the distress of our not being able to bring the *Korban Pesach*, with all that it is meant to symbolize, on the 14th of Nisan. Yet, it was implemented as a fast of the *bechorim* to commemorate the deliverance of Hashem’s *bechor*, conveying the continued resonance of Hashem’s promise of *b’ni vechori Yisrael* despite the poignant lack of the *Korban Pesach* on the 14th of Nisan. And the *siyum maseches*, by which this fast overwhelmingly has come to be observed, further underlines that the “*zecher la’nes*” of the *Tur*, the miracle to be commemorated, is not only that the Jewish firstborns were spared during *makkas bechoros* in Egypt, but also that the promise of *b’ni vechori Yisrael* which it had made manifest endures as a prelude to *geula*. Thus, the 14th of Nisan continues to emphasize the anticipation of *geula*, and in this sense, to frame our historical context prior to the future redemption.

May we merit to advance to the 15th, speedily and in our time.

Repossessing Lost Opportunities: The *Chag* of *Pesach Sheini*

RABBI DAVID MAHLER



P*esach Sheini* is celebrated on the 14th of the month of Iyar, exactly a month after *Erev Pesach*. The Torah relates that in the first year following the Exodus, when the Jewish people were preparing to bring the *Korban Pesach*, there were a group of people who were ineligible to bring the offering at its appointed time because they had come in contact with a human corpse. They appealed to Moshe and said to him that though they are presently unclean, why is it fair that they be held back from participating in the spiritual experience of *Korban Pesach*. Moshe responded immediately, not with the *p'sak*, but rather told them to stand and wait to hear the answer that Hashem will give. Hashem instructed that if any person is impure or is on a distant path (on the day of the bringing of the *Korban Pesach*) he too should sacrifice the Pesach in the second month on the 14th day at dusk (*Bamidbar* 9:5-14).

Though a strange complaint, it also is clearly an inspirational one. These complainers obviously recognized the inner meaning of a mitzva. They sensed that the performance of a mitzva created something infinite in the world and impacted oneself at the same time. They comprehended that one who fulfills the *D'var Hashem* is uplifted and that with each deed, the unfinished image of God in man takes another step towards its completion. These men are troubled, *lama nigara*, why is it fair that our potential be diminished?

There are many questions that can be asked about this *parsha*: A) Who were these men who came to Moshe and how did they become *tamei*? B) Why does Moshe ask Hashem the question? Why does he not simply tell them that the correct time for the *korban* has passed and nothing can be done? C) Surely there were those who, because of extenuating circumstances, were unable to hear the shofar, fast on Yom Kippur or shake the *lulav* at their appointed times. Why did those people not

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approach Moshe and Hashem with similar arguments? D) Had this occurred, would there be a *shofar sheini* or *lulav sheini*, or is there something unique with respect to the *Korban Pesach*? E) Had these men never approached Moshe, would *Pesach Sheini* have ever existed? F) Why was this *chag* not originally presented at Sinai? G) What is it about the *Korban Pesach* that it, alone amongst all the other commandments, is the one that when missed, affords the devotee a do-over?

The *gemara* (*Sukkah* 25a) is intrigued by the vagueness of the subjects of this episode. Who were these men and why had they become defiled? Two suggestions are presented but both are rejected. R' Yishmael opines that the people were those who carried the coffin of Yosef, who requested to be buried not in Egypt, the place of his death, but rather in *Eretz Yisrael*. R' Akiva offers that the *anashim* in our *pesukim* refer to Mishael and Eltzaphan who became *tamei* when touching Nadav and Avihu, whom they carried from the Mishkan after being struck by Hashem. However, R' Yitzchak contends that the previous suggestions must be incorrect, because both those carrying the bones of Yosef and the bones of Mishael and Eltzaphan would have had sufficient time to become purified. If they had chosen not to purify themselves prior to the 14th of Nisan, they would have understandably been denied participation in the *Korban Pesach*. Therefore, R' Yitzchak believes that the men referred to in this episode were those who had been involved in the burial of a *meis mitzva*, an unattended corpse found in the field.

Those involved in a *meis mitzva* have no choice but to become defiled. Even if one were on his way to bring the *Korban Pesach* and suddenly confronted a *meis mitzva*, he would be required to tend to the corpse in full knowledge that by doing so he would be disqualified from participating in the *Korban Pesach*. Even a *kohen*, whose attendance to the dead is carefully proscribed, is released from all prohibitions when he is confronted with a *meis mitzva*.

Perhaps Moshe is moved by their claim because he saw the argument's pristine logic. The person became defiled unintentionally. It was thrust upon him by Hashem Himself. It can be described as a holy *tuma*, contracted during the performance of a holy act. The mitzva of *meis mitzva*, like every mitzva, brings a person closer to Hashem—yet embedded in this one, was the opposite result as well—a distancing between the person and Hashem—as he became restricted from taking part in the *Korban Pesach*. *Lama nigara*? Why should we be diminished?

Scrutinizing Hashem's words in response to the men, one sees that the response is formulated in a broad fashion. God does not state that a person who was involved in a mitzva at the time of the *Korban Pesach* may be granted another opportunity,

as the *gemara* would seem to suggest, but rather anyone who was not deliberately absent, or anyone who desired to do so but was somehow prevented, is given a *Pesach Sheini*, a second chance.

The *Meshech Chochma* (*Bamidbar* 9:7) describes the command of *Korban Pesach* as one of the Torah's most important. He highlights four reasons as to the *Pesach*'s greatness and critical nature.

The slaughtering of the lamb was signal to all, as part of the purification of the Jewish people from idolatry. Egypt's deifying of the lamb was well known. The spilling of its blood was an important transformative act done in front of all of *Bnei Yisrael*. Every person was sitting in their homes, in full sight of the blood smeared on the inner doorposts of their Egyptian homes. There existed a purification through a courageous act of rebellion.

Second, as the Ramban (*Shemos* 13:16) stresses, Hashem passing over and coming to the rescue of *Bnei Yisrael* on the night of *Yetzias Mitzrayim* showed His concern and protection for His people. Publically, Hashem announced to the world, and more importantly to His people, that He exists and is very much involved in every aspect of His world. In this vein, the episode of the *Pesach* and its consumption instilled in the hearts of every Jew, that that they are equal, that they are holy to God, and each individual is worthy to receive His personal protection.

The *gemara* (*Kiddushin* 15b) eloquently and inspirationally states, "they are My servants, and not servants to servants." The sacrifice espouses the idea that no man should be subservient to another—because the "other" is fundamentally subservient to Hashem.

Finally, the *Pesach* teaches that Hashem is the Prime Cause and Mover, without any intermediaries, and does not act through the constellations that are the basis for all idolatry. Hashem is the one who tucks us in, and then gently wakes us in the morning.

There are other messages in the *Korban Pesach* but the four articulated above are paramount.

In short, the *Pesach* is the embodiment of all *mitzvos*, and as we see from Hashem's *p'sak* to the men who wondered *lama nigara*, no Jew should ever be forced to miss out. Therefore, if a Jew ever finds himself on a *derech rechoka* or if he becomes ritually unclean, he need not become diminished. One month later, on the same day and at the same time, he can again offer up the *Pesach*. He is given a second chance. There is no other *mitzva* which allows a second chance; however, the second chance offered is more than a second chance.

I recall a rabbi once quipping that although it is customary to discuss the concept of *teshuva* on Shabbos Shuva and intricate *halacha* on Shabbos HaGadol, it might be more important to do the opposite as people must understand that *halacha* is always essential and *teshuva* is not a seasonal mitzva.

Embedded into the *Pesach Sheini* is a gift from God to Man—for without this gift there can be no lasting relationship with Him. *Pesach Sheini* is more than an opportunity to compensate for a neglected *Korban Pesach*, it is in fact an independent holiday (*Pesachim* 92b). This is why, in Hashem's response to Moshe, He expands the question and includes in the opportunity to make up for the missed sacrifice, not only those who missed the *Pesach* due to a mitzva, but anyone who did not miss it deliberately.

The intimation of *teshuva* is the overarching foundation of *Pesach Sheini*. *Teshuva* is the assurance that despite people's frequent failure to abide by His word and discover his presence, one's yearning can still be fulfilled. If we stumble today, the possibility of correcting the course tomorrow still exists. With this understanding, *Pesach Sheini*, symbolized by the *korban* itself, is "everybody's mitzva." It is the key to our connection to Hashem. In that struggle to come close and kindle a connection to God, the possibility of *teshuva* is the primary element.

Well known is the concept that there are 613 biblical commandments (*Makkos* 23b). Depressingly, none of us will ever be able to perform each commandment as presently there is no *Beis HaMikdash*, as well as other factors. Additionally, in a certain sense, we are all at the mercy of our lot in life in terms of which *mitzvos* we can do. Some are only for *kohanim*, while others are for men. Perhaps I don't know any indigent people or cannot visit a sick person for some reason. If I don't have a flat roof, *ma'akeh* does not apply. As discussed above, the people's complaint was significant because it showed their understanding that every opportunity to come closer to Hashem is important, yet even more significant is the fact that they came to Moshe. Had they not come, there may have never been a *Pesach Sheini*. It was in Hashem's design to establish a *Pesach Sheini*, but someone needed to ask for it. The design required that man—not God—take the first step, make the first move. *Teshuva* is Hashem's gift to mankind, but it is man who must seek it. We must initiate the process. Without us yearning for improvement there can be no *Pesach Sheini*.

As is often true in life, the more one studies a particular topic, the more one feels connected to it. I've never felt more connected to the *Korban Pesach* as I do now. For more than 1,900 years, our Pesach celebrations have been incomplete. We eat matza, *marror*, drink the four cups and ask the four questions, but a central component of

the festival's observances, the *Korban Pesach*, is absent from our *seder* table. Hashem desires and expects of us that we refuse to resign ourselves to the decree of Hashem's reduction of His manifest involvement in our lives. He desires us to storm the gates of Heaven with the plea and demand: "*Lama nigara*—why should we be deprived?"

Perhaps the lesson of *Pesach Sheini* will one day bring about the authentic Passover experience—the reinstallation of the *Korban Pesach*.

The Mystery of *Chatzos*

JOSH ROTHENBERG



A number of explanations have been provided by *Chazal* for Moshe's declaration of the *makah bachoros* (plague of the first-born) to occur *kachatzos*, approximately at *chatzos* (midnight). Rashi provides one famous explanation that the Egyptians might miscalculate and thereby question Moshe's prophecy. One might wonder how hard this calculation could be, and whether clocks (hourglasses and sundials) of that era were sufficiently precise to accurately measure *chatzos*. However, Rashi's explanation might be supported by the observation that the precise time of *chatzos* does in fact vary in a complex and non-intuitive fashion. The duration of a day from one *chatzos* to the next is not a constant 24 hours throughout the year. Furthermore, one who observes sunset closely will notice a large asymmetry in sunset's rate of change from week to week between fall and spring. Yet another mystery of our *zmanim* is the fact that the summer and winter solstices, although the longest and shortest days of the year, respectively, do not coincide with the days of earliest or latest sunrise or sunset (which occur about two weeks before or after the solstices).

This article will explain in detail the variation of *chatzos*, which is also the root explanation of the asymmetrical variation of the other *zmanim* throughout the year. It should be noted that there is also a *machloches* as to the definition of *chatzos hayom* and *ha-layla*, but for the purposes of this discussion, we will assume the widely accepted view used in today's calendars (cited by *Shut Shev Yaakov*, *Yad Efraim*, the *Ya'aros Devash*, the *Siddur Ya'avetz*, and others) that *chatzos* is the midpoint between sunrise and sunset (day or night), which closely corresponds to high noon and midnight, when the sun is directly centered (over/under) head in the east-west direction. In particular, for *chatzos ha-layla* some other views (*Tashbatz*, the *Shulchan Aruch Ha-Rav*, and other *poskim*) hold it should be the middle of night, i.e. halfway

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between *tzais-hakochavim* (nightfall) and *alos-hashachar* (daybreak), which can differ by quite a bit from the midpoint between sunrise and sunset, depending on the definitions used for these times. These definitions may result in an earlier time for *chatzos ha-layla* and some are stringent Pesach night to eat the *afikoman* by this earlier *zman* (e.g. if one takes *tzais* as 40 minutes after sunset and *alos* as 72 minutes before sunrise, *chatzos ha-layla* would come out 16 minutes earlier than midway between sunset and sunrise, as assumed here); however, these are not accepted *l'halacha*.

Why should *chatzos* and the duration of our (solar) 24-hour days on Earth vary? One might think it is a result of the same planetary mechanics (a tilted spinning Earth orbiting the sun) that lead to the marked seasonal variation of sunset and sunrise as a function of an observer's latitude. However, consider the fact that on any given longitude, the time of *chatzos* is completely independent of latitude. This can be understood most simply if one considers an observer standing under the sun at high noon, and (while the sun stands still) walks due south along the longitudinal meridian (the line of constant longitude that connects the North and South Poles), even as far as the Southern Hemisphere. As one walks due south, the sun remains centered east-west overhead and the only change that occurs is the Sun's apparent movement northward along the observer's longitude.

Figure 1 shows *chatzos* in 5774 as reported for West Los Angeles (zip code 90035) by *myzmanim.com*. The granularity in the plot reflects that the times have been rounded to the nearest minute. Standard (winter) time is assumed throughout. Of note in this figure is the strange asymmetry of the variation of *chatzos* with respect to the annual equinoxes (~March 20 and September 22) and solstices (~December 21 and June 21). Overlaid on the data reported by *myzmanim.com* is a dashed curve showing the calculation described below, which quite accurately reproduces

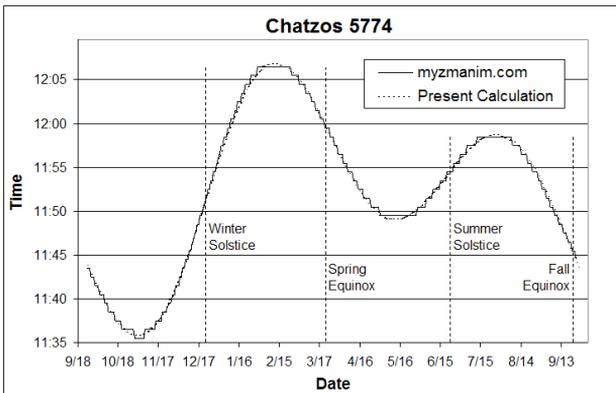


Figure 1. The time of *chatzos* in West Los Angeles – zip code 90035 (-118.34 W, 34.05 N).

the observed asymmetrical variation. The times of *chatzos* shown in Figure 1 will be essentially the same any year during our lifetimes, within the ~1 day variation over the 4-year cycle of the secular leap year, and neglecting very slow drifts over the future centuries. The annual variation of *chatzos* is the same all over the world; only the entire curve shifts earlier or later according to longitude and time zone. If you are driving, it is useful to know that all *zmanim* shift within a time zone according to the east-west position of the observer. At the latitude of Los Angeles this shift is ~1 minute for every 14 miles (in New York ~13, and Miami ~16 miles/minute).

Solar Day vs. “Star” Day

The Earth’s spin rate is extremely uniform—a day’s length has increased by only ~2 milliseconds over the last century. The duration of a day, however is not dependent on the Earth’s spin rate alone; the length of a day is not the time it takes the Earth to rotate 360°. We can measure a day’s length, for example, as the duration between consecutive *chatzoses*—i.e. appearances of the Sun directly overhead. The fundamental reason the length of a day varies is that the sun is not stationary like other stars, but apparently moves from one day to the next because of the Earth’s orbit. If instead of the sun, we used a distant stationary star as our reference for defining a day (i.e. the duration needed for a star to reappear directly overhead), then this is referred to as a sidereal day, and its duration would be just the time taken to rotate 360°. The sidereal day is shorter than a solar day by a few minutes, a difference that is easy to quantify. Over a full year’s time (~365¼ days) the sun appears to make a complete 360° revolution around the Earth. As a result, each day the Earth must turn 360° plus an extra $360^\circ/365\frac{1}{4} = 0.9856^\circ$ to catch up with the sun’s daily motion and reach the next *chatzos*. This time difference is therefore ~24 hrs /365¼ or an average of about 4 minutes each day. This fact, in and of itself, does not lead to a variation in the time of *chatzos*, since if this daily difference were constant over the year, then our 24-hour solar day, which is defined to include the effect of the sun’s apparent orbital motion on average, would be constant over the year as well. The fact is that the sun’s apparent orbital motion, and its effect on the length of the solar day, varies over the year for two primary, but unrelated reasons.

The Earth’s Elliptical Orbit Around the Sun

To understand the changing time of *chatzos*, the first effect that one must account for is the variation of the Sun’s apparent angular speed around the Earth, which results from Earth’s elliptical orbit. Over each year, the distance from the Earth to the Sun varies by about 3.4%, around an average of 93 million (M) miles. As sketched in

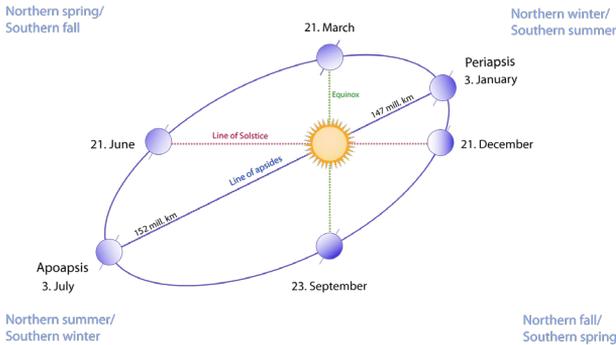


Figure 2. The seasonal variations of the Earth's orbital position around the sun, showing the equinoxes, solstices, and points of closest (periapsis or perihelion) and furthest (apoapsis or aphelion) approach (credit: <http://en.wikipedia.org/wiki/Season>)

Figure 2, the point of Earth's closest approach of 91.4 M miles to the sun (periapsis or perihelion) occurs about January 3 (the sun is the hottest in the Southern Hemisphere's summer, which makes its summer [and winter] a bit more extreme than the Northern Hemisphere's), and it is furthest away (94.5 M miles) about July 3 (apoapsis or aphelion). Note that the aphelion and perihelion are unrelated to the solstices and are in fact slowly shifting later—about 1 day every 60 years. As the Earth nears the perihelion each year, the sun's apparent angular speed increases proportional to the square of its distance, and thus varies by ~6.9%. On these two extreme days in the Earth's annual orbit, the day's length (and therefore the time of chatzos) changes most rapidly, owing only to the geometry of the elliptical orbit.

If the angular speed of the Sun was constant, the effect of the sun's apparent orbital motion would be to add ~4 minutes to the day's length, but because of the Earth's elliptical orbit this increment varies over the year from shortest to longest by ~6.9%, or about ± 8 seconds per day at the extremes, compared with the average day. This is a fairly small effect, but it does accumulate over the year, adding up to a variation in the time of *chatzos* from the average day of about ± 8 minutes over the

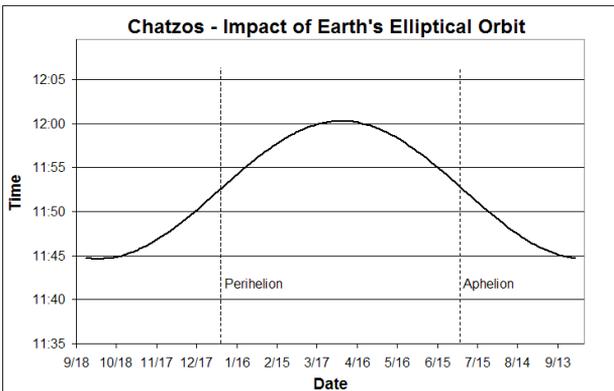


Figure 3. The variation in the time of chatzos owing to the Earth's elliptical orbit.

year. The contribution of Earth's elliptical orbit to the change in the time of *chatzos* is shown in Figure 3.

The Seasonal Effect

As described above, it's pretty easy to understand that as Earth's orbital speed changes, the length of the day changes by a small amount as well. Having argued above that the observer's latitude has no effect on the time of *chatzos*, one might think the tilt of Earth's axis relative to the plane of its orbit about the sun, which leads to our seasons, does not impact *chatzos* at all. However, although the effect of the Earth's tilt on *chatzos* is a bit more subtle, it is in fact larger than the contribution of its elliptical orbit. Even if the Earth's orbit was a perfect circle, there would be a seasonal variation of *chatzos*. To understand this effect, as explained above, one must first realize that the time of *chatzos* is dependent only on the longitude of the sun's apparent motion. Figure 4 depicts the "celestial sphere" of the heavenly bodies as viewed from the Earth's center, and highlights the sun's position at an equinox and solstice. The sun and other stars have apparent motion that is described by daily rotation of the sphere about its axis through the North and South Poles. In addition to this diurnal motion, one observes the sun to move along an apparent annual orbit in the plane of the "ecliptic," which is tilted at $\sim 23\frac{1}{2}^\circ$ to the equatorial plane. This is the angle the Earth's axis makes with respect to its actual orbital plane around the sun.

Assume the sun's motion is perfectly circular and uniform, then every day it moves the same distance along its trajectory in the ecliptic plane. As shown in Figure 4(a), if the sun starts at an equinox, when it is directly over the Earth's equator, after some time it has moved to a new longitude and latitude. One can see that only part of the sun's motion near the equinox contributes to a change in longitude. The fraction of the sun's motion near the equinox that changes its longitude can be calculated from trigonometry as $\cos(23\frac{1}{2}^\circ) = 91.7\%$, and thus the daily change in the Sun's longitude is $\sim 8.3\%$ less than the average over the year. As explained above, each day the sun

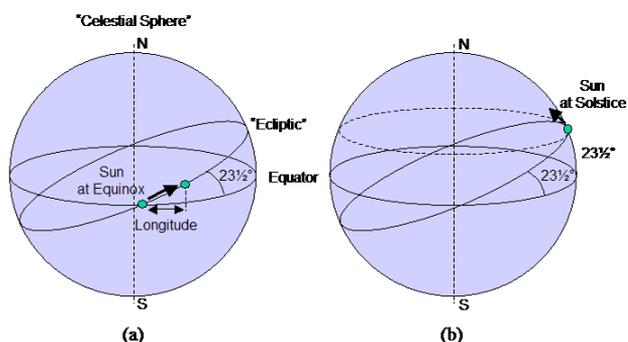


Figure 4. The variation of the Sun's apparent longitudinal motion around the Earth at (a) equinox and (b) solstice.

moves $\sim 360/365\frac{1}{4}$ degrees in its apparent orbit, which on average equates to about 4 minutes of the Earth's rotation. So at the equinox, the daily time lag owing to the sun's longitudinal motion is 8.3% less than this ~ 4 -minute average value, and the change in the time of *chatzos* would decrease about 20 seconds per day. In contrast, if the Earth's axis was not tilted, then all of the sun's motion would be directed along the equator all year long, and the Sun's motion would contribute a constant daily change to its longitude, and there would be no additional variation in the length of a day.

As time progresses through the year, the sun moves away from the equinox toward the solstice, and the amount of the Sun's daily latitude motion gradually decreases until at the solstice it has reached a maximum (or minimum) latitude of $\pm 23\frac{1}{2}^\circ$. At the solstice the sun's latitude pauses momentarily, and all of the Sun's orbital motion is directed to change its longitude [Figure 4 (b)]. In fact, a careful consideration of the spherical geometry of the Sun's orbital motion shows that its contribution to a day's length at solstice is actually larger than the annual average day by the inverse ratio $1/\cos(23\frac{1}{2}^\circ)$ or $\sim 9\%$. Because the sun's latitude at the solstice is $23\frac{1}{2}^\circ$, its daily motion appears to follow the circle at that latitude (dashed in Figure 4b). This circle has a diameter smaller than the equator by the factor $\cos(23\frac{1}{2}^\circ)$, and so compared with the motion over the equator, the Earth must rotate more by a factor of $1/\cos(23\frac{1}{2}^\circ)$ to keep up with the same orbital motion of the Sun at the solstice.

As a result of the Earth's axial tilt, the time of *chatzos* varies in an oscillatory pattern, decreasing most rapidly at the equinoxes and increasing most rapidly at the solstices. This oscillation has two cycles each year, in contrast to the single cycle effect of Earth's elliptical orbit. Although the time lag or advance per day is only $\sim \pm 20$ seconds at maximum, the accumulated change of *chatzos*, owing only to the axial tilt effect over the seasons, reaches a maximum of about ± 10 minutes, as shown in the dashed curve of Figure 5. We now simply add the Earth's tilt effect to the elliptical

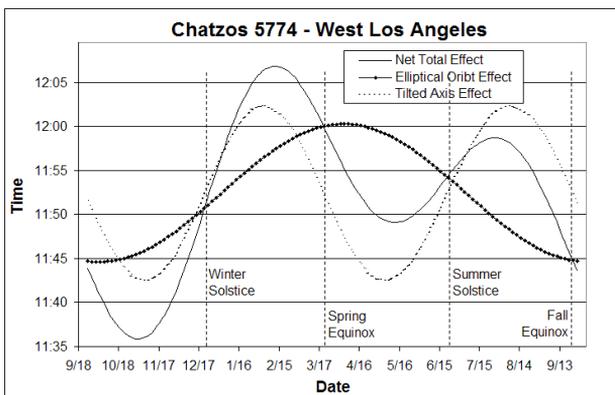


Figure 5. Contributions of Earth's elliptical orbit (diamonds) and tilted axis (dashed) to the total variation of chatzos (solid curve).

orbit effect (curve with diamonds in Fig. 5, which is taken from Figure 3), and we arrive at the total change in *chatzos* as shown in the solid curve of Figure 5, which is identical to the calculation shown in Figure 1. One now sees that this complex asymmetrical variation is a result of the addition of two completely unrelated effects with different timing and cycles with respect to the solar year.

Returning to our original question—could this complexity explain why the Egyptians might inaccurately estimate *chatzos*? Putting together these two effects, the change in the length of one day to the next is at most 30 seconds, which by itself seems fairly small, and therefore doesn't seem to support Rashi's explanation. Furthermore, since Pesach occurs close to the spring equinox, we now know the length of a day was decreasing day to day. If we assume the *Mitzrim* had accurate time keeping over 24 hours, and they measured *chatzos* from the previous day assuming the day's length was unchanged, they would have predicted a slightly later time for *chatzos* than occurred in reality. As a result, the first-born would be dying before their hourglasses ran out, and thus, with corpses everywhere, any claims of inaccuracy would appear less of a challenge to Moshe and Hashem.

Nonetheless, the accumulated change in *chatzos* is as much as 30 minutes over the year, which does have a significant impact on our *zmanim* today, and explains the asymmetries noted above.

Variation of Sunset and Sunrise

Now that we have calculated the complex variation of *chatzos*, determining sunrise and sunset is straightforward once we know the duration of daytime. The duration of daylight at a given latitude is determined by the length of the sun's arc in the sky, which is seasonally dependent and can be calculated from trigonometry. Sunset and sunrise are simply calculated by adding (or subtracting) half of the daylight hours to *chatzos*. In Los Angeles, the length of daylight gradually increases from about 10 hours at the winter solstice to $\sim 14\frac{1}{2}$ hours at the summer solstice, and then decreases in a symmetric fashion. Figure 6 shows the times of sunrise and sunset in Los Angeles. The dashed lines indicate the solstices, and one can see that the days of earliest and latest sunrise and sunset do not coincide with the solstices. This asymmetry is a result of the advancing time of *chatzos* at the solstices, which is noticeably more pronounced in winter. One sees that the earliest sunset occurs around December 4 and the latest sunrise around January 7, and in summer the earliest sunrise and latest sunset occur on \sim June 12 and July 1, respectively.

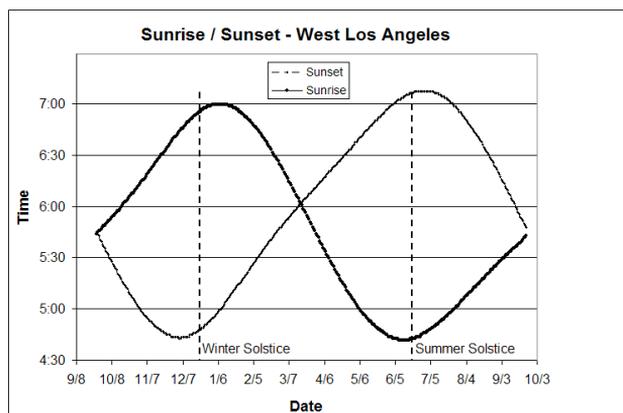


Figure 6. Sunrise and sunset at West Los Angeles (zip code 90035).

There are a number of important *zmanim* of *tefilla* related to *chatzos*, sunrise, and sunset, and it can be very useful to be aware of these times and how they change from week to week. Figure 7 shows the weekly change in the time of sunset and sunrise over the year. A few useful features are worth noting: From January to June the time of sunset increases roughly at a constant rate of about 6 minutes per week, whereas in summer, sunset decreases at a noticeably accelerating rate, reaching a peak of about 11 minutes per week in mid-September. The weekly change then decreases as the season approaches the earliest sunset in early December. This asymmetry can again be seen to be a result of the contribution of *chatzos*. The decrease of *chatzos* in the spring counteracts the increase in daylight hours, whereas in the fall the decrease in daylight duration is reinforced by the decrease in the time of *chatzos*, leading to an accelerated change in the receding time of sunset. A similar explanation applies to the weekly change in the time of sunrise as well.

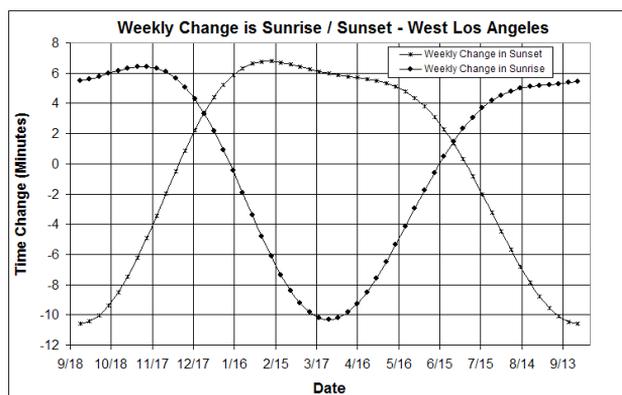


Figure 7. Weekly change in sunrise and sunset at West Los Angeles.

Having this annual pattern of the change of sunset roughly in mind enables one to anticipate the *zman* of *mincha* on *Erev Shabbos* from one week to the next, which can be helpful if one doesn't get a chance to view the current weekly schedule. Given the connection between the variation of *chatzos* and Pesach and thus *Yetzias Mitzraim*, perhaps our new understanding of the time of sunset, and the help that it provides us to accept Shabbos at the proper time each week, is yet another reason we mention *Zecher Yetzias Mitzraim* in *Kiddush*.



Korban Pesach for the Soul

LEIGH GREENBERG



Part I: Ideas Learned From The 14th Of Nisan

A Festival for Hashem

והיה היום הזה לכם לזכרון וחגגתם אתו חג ליקוק לדורתכם חקת עולם תחגגו.
And this day shall be a memorial for you, and you shall celebrate it as a festival for God; for your generation, as an eternal decree shall you celebrate it. (Shemos 12:14)

The *Meshech Chachma* points out that the celebration of the festival does not commemorate the liberation of the Jewish people from slavery, so much as their selection by God as His special people, it is a “festival for God.” Therefore, the celebration can take on the character of “an eternal decree.” Had the festival commemorated the freedom of the Jewish people, it would have been discontinued whenever they fell once again under foreign domination. However, since the festival commemorates the selection of the Jewish people by God, it can be celebrated forever with out interruption. (*Sefer Talelei Oros – The Parashah Anthology* page 111)

Pesach: The Power of Hashem

There are twelve signs or constellations in the zodiac, an imaginary belt circling the heavens, revolving around the sun. Each month another constellation begins the procession of the signs in their course around the heavens. The ram is the first sign of the zodiac in the month of Nisan. In the month of Nisan the constellation Aries (ram) is at the height of its power. Therefore, Hashem commanded us to slaughter the sheep/lamb and to eat it in order to inform us that it was not by the power of that constellation that we went out of Egypt, but by decree of the Supreme One.

According to the opinion of our Rabbis, “...the Egyptians worshipped [Aries] as a deity. [Hashem] has all the more informed us through this that He subdued their

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gods and their power at the height of their ascendancy” (Ramban *Commentary of the Torah Shemos* page 118). This the Rabbis have said in *Shemos Rabbah* (16:2), “take your lambs and slaughter the gods of Egypt.”

In translating the word of Moshe to Pharaoh (8:22) Onkelos translated, “We sacrifice that which the Egyptians worship.” In his *Moreh Nevuchim* (3:46) Rambam writes, “Scripture tells us, according to the version of Onkelos, ‘that the Egyptians worshipped Aries, etc.’”

A New Nation

What God had declared to be the positive object of the redemption from Egypt was not a “congregational church” in which to pray to Him. What He wished to create was an *am*, a people, a nation, a “social” community, a state that should rise from this redemption. The whole “social” existence was to have its root in God, be built up by Him, rest on Him, be arranged and constituted by Him, and be dedicated to Him. With the *Korban Pesach*, God laid the foundation stone of the edifice. (*Hirsch Commentary on the Torah* page 131)

Let us see how God built up a state. The people with whom he built were slaves; as such, they had no personality, no property, no family. God gave them in full sight of their masters (on the tenth of Nisan one day before the darkness commenced), personality and property. By the law that one was to “take for several, and then also to “slaughter” for several, He established immediately the “equality” of all in the eyes of God and the law, in as much as anyone can, including (taking) and religious law (slaughtering) legally represent and act on behalf of anybody else (*Hirsch Commentary on the Torah* page 131).

These individuals, now raised to independent beings with some rights, were gathered by the state. Building the word of God into families. This family bond was extended upward, the bond of children to parents that united even married children with their children, to grandfathers and great-grandfathers, and downward. The bond of parents to children, which allows children to again found independent homes in which to live with their own children as their parents had done with them. But in this state, even this home-building bond is to be entirely a matter of free will, and no obligatory attachment is to be recognized. Therefore the possibility is at once provided for homes forming their own group according to their own free will and pleasure. (*Hirsch Commentary on the Torah* page 131)

Eating is Essential

But giving up to God one’s former life or the life one has hitherto lived is never an act

of destruction or annihilation, it is always only the essential preliminary to achieving through God a higher state of existence. The blood that is shed is immediately taken up and received for this higher life. This is evident in the Pesach-offering, which is from beforehand only to be slaughtered for the use and enjoyment of the persons who have presented themselves and given themselves up to God. In no other offering is the eating so essential. (*Hirsch Commentary on the Torah* page 134)

“But it is in connection with the bringing of the Pesach ‘each person according to what he eats’ which teaches that the Pesach is offered for the purpose of eating.” (*Pesachim* 78b)

To Be Free

To be free and independent is the aught, is everything. To be able to expend all one’s personality with all the use of one’s organs and abilities on oneself is the very nature of independence. It establishes the ego in its full personal worth and makes the bodily and spiritual self a domain over which he has the sole disposition. That is the reason, we imagine, why the Pesach-offering being eaten by the same persons to whom it belongs, those who before it was sacrificed were fixed as being the personalities whom it was to represent was so essential at just “this” offering. The Pesach-offering is just the expression of obtaining independence by giving oneself up to God, the regaining of one’s own self, which up until then had been absorbed and lost in the personality of the master of the slave. (*Hirsch Commentary on the Torah* page 134)

The Korban Pesach

“Pesach was slaughtered in three groups. For it is stated “the whole assembly, congregation and Israel shall slaughter it.” Each term represents a different group of people. The first group entered and the Temple Courtyard was filled. They closed the gates of the Courtyard. They sounded a *tekiah*, a *teruah* and again a *tekiah*.” (*Pesachim* 64a)

The bowls did not have wide bases, but pointed bottoms, lest they set them down and the blood congeal. If the bowls could be put on the ground and remain there for any length of time, the blood would congeal and congealed blood is unfit for *zerika*—throwing, applying the blood and offering to the alter in the prescribed manner. A *Yisrael* would slaughter it and a *kohen* would receive its blood in the bowl directly from the incision in the neck of the sacrifice. Then the *kohen* would hand it to his fellow, and his fellow would hand to his fellow, and so on.

The *shechita* is the ritual slaughter and the method prescribed by the Torah. Slaughtering a kosher animal to make it fit for consumption consisted of cutting

through most of the esophagus and windpipe from the front of the neck with a sharpened knife that is free of nicks.

The Pesach Sacrifice

Rabbi Shlomo Yosef Zevin in “*The Festivals in Halachah*” wrote: Every sacrifice that was offered in the *Beis Hamikdash* had its specific purpose and its distinctive *halachos*. However Rambam enumerated no fewer than eleven scriptural commandments governing the *Korban Pesach*, the Passover sacrifice—a number not reached by any other *korban*.

The sound and sequence of blasts were parallel to those of the shofar on Rosh Hashanah. Part of the service involved in the offering of public sacrifices is the sounding of trumpets at prescribed parts of the service. (*Bamidbar* 10:10)

The four procedures performed with the blood of the animal offerings are: 1) slaughtering, 2) receiving or catching the blood of the slaughtered animal in a vessel immediately after its slaughter, 3) bringing the blood in the vessel to the altar, and 4) dashing or placing the blood on the altar.

The eleven *mitzvos* are: 1) to slaughter the Pesach sacrifice at the proper time; 2) not to slaughter it while any *chametz*, leavening, remains in one’s possession; 3) not to allow the night to pass without offering up those parts of the sacrificial animal which are to be consumed on the altar; 4) to eat the meat of the sacrifice with matza and *marror* on the eve of the fifteenth of Nisan; 5) not to eat the sacrifice partially roasted, nor cooked in a liquid, that is, it must be completely roasted over a fire; 6) not to remove the meat of the sacrifice from the *chabura* (the group of people who have joined together to eat that particular sacrifice); 7) that the sacrifice should not be eaten by a *mumar*, one who openly violates the Torah; 8) that it should not be eaten by a non-Jew; 9) that it should not be eaten by one who is uncircumcised; 10) not to break the bones of the sacrifice; and 11) not to leave over the remnants of the sacrifice until the morning.

The Pesach sacrifice has features that makes it almost unique among all the positive commandments of the Torah—it is one of the two positive *mitzvos* (the other being *mila*, circumcision) for which the punishment for failing to perform the mitzva is *kares*, Divine excision of the soul. Even in our time, though the mitzva can no longer be performed, its special importance has left its traces: for this is the only one of the sacrifices whose memory is kept alive not only by words—through prayers and Torah reading—but also by deeds: the eating of the *afikoman* at the end of the Pesach feast, and the setting out of the *z’roa*, the bone of roasted meat, on the symbolic Pesach plate.

The slaughtering is commanded for the fourteenth (and may not be performed on the fifteenth), and the eating commanded for the fifteenth (and may not be performed on the fourteenth). This is different from other sacrifices, which are eaten on the same day that they are slaughtered.

Pesach—The Dessert

The *Korban Pesach* should be eaten on a full stomach and should be the last course of the meal. As the *mishna* (*Pesachim* 119b) states, “No dessert (*afikoman*) should be brought after the *Korban Pesach*.” The reason given by Rashi is “so that they should enjoy the eating of the sacrifice and it should be precious to them.” Rashbam gives a different reason: “So that one should not lose the taste of the *Korban Pesach*.”

Shulchan Aruch (*Orach Chaim* 473:4) says that after the *Beis HaMikdash* was destroyed the Sages instituted that there should be upon the seder table two types of cooked food: one commemorating the Pesach-offering and one commemorating the *chagiga* offering (which was brought before the actual festival of Pesach). It is customary that one of the cooked foods that commemorate the Pesach offering be meat and it be from the section of the animal called the *z’roa*, which is the shank bone. This is to commemorate that Hashem redeemed the Jewish people with an “outstretched arm”; and it should be roasted over coals, to commemorate the Pesach offering, which was roasted over fire. The second cooked food should be an egg for in Aramaic an egg is called “*bei’a*,” a word that also means desire, as if to say: the Merciful One desired to redeem us with a raised arm. The *chagiga* offering did not have to be roasted. We may prepare the egg either roasted or cooked.

Passover of Posterity

How does the Egyptian Pesach offering differ from the Pesach offering of posterity? The Egyptian Pesach was taken on the tenth of Nisan, and it required a sprinkling of its blood with a bundle of hyssop upon the lintel and two doorposts; and it was eaten in haste during the night. But the Pesach of posterity is observed all seven days. (*Pesachim* 96a)

Part II:14th of Nisan Eyewitness Account

The celebration of Passover in the Temple of Jerusalem was a magnificent spectacle. In his *Siddur Bais Yaakov*, Rabbi Yaakov Emden quotes the following eyewitness account of a Roman official who recorded it for posterity:

“When the beginning of the month of Nisan arrives, the king and the judges send

runners and messengers to urge the cattle and sheep herdsman in the countryside around Jerusalem to hurry. They need to bring enough livestock to satisfy the sacrificial and personal consumption needs of the festival pilgrims, who would soon be arriving in vast numbers.

“The herdsman lead their animals through a river near Jerusalem to cleanse them of all muck. It is claimed that this is what Solomon meant when he wrote (*Shir Hashirim* 6:6), ‘Your teeth are like a flock of ewes that have come up from being washed.’ When they reach the hills around Jerusalem, the multitude of sheep is so great that the green of the grass is completely obscured by the white sea of sheep’s wool.

“When the tenth of the month arrives, they... all go out and buy the offering they call *Pesach*. The Jews have an established custom that when they go out for this purpose they do not say to one another, ‘Go ahead!’ or ‘Make way for me to pass!’—even if King Solomon or King David were at the end of the line.

“I pointed out to the priests that this is not in keeping with the rules of propriety, but they explained to me that it is to demonstrate that status has no place during the preparation for the Temple service, certainly not during the service itself. During these times, everyone is equally esteemed.

“When the fourteenth of the month arrives, they (the priests) go up a ramp onto a high Temple tower, which the Jews call ‘*lul*.’ They carry three silver trumpets with them and sound them. And after the trumpets are sounded, they announce, ‘People of God, listen! It is time to slaughter the Pesach for the sake of the One who rested His Name on the great and holy house.’

“When the people hear this call, they don their holiday garments, because the festival begins for the Jews at noon the time when the sacrifices begin to be brought. At the entrance of the Great Courtyard, twelve Levites stand on the outside holding silver bars, and twelve stand on the inside holding gold bars. Those on the outside keep order in the crowd, so that no one is injured in the rush and the crush, and to prevent tempers flaring up when everyone tries to enter the Courtyard at once. In fact, the pressure of the crowd was so great one Passover that an old man and his offering were trampled underfoot. The Levites on the inside control the exiting crowd. They also close the gates of the Courtyard when they consider it to be filled to capacity.

“When the people reach the slaughtering site, there are rows of priests holding ladles of silver and gold in their hands. All the priests in a row headed by a priest holding a silver ladle also hold silver ladles. All the priests in a row headed by a priest

holding a gold ladle also hold gold ladles. This creates an aura of magnificence and splendor. The priest at the head of each row takes a blood-filled ladle and passes it on to the priest behind him, and so on until it reaches the altar. The priest standing on the altar returns the empty ladle to the priest near him, and so on until it returns top the slaughtering site. In this way, every priest takes a full ladle and returns an empty ladle. The entire operation moves smoothly, because the priests are so industrious in the service that the ladles move back and forth like arrows shot by mighty warriors. They begin practice thirty days before in order to find any flaw in the process that might interfere with the smooth functioning of the service.

“There are two great, high pillars upon which two priests stand holding silver trumpets in their hands. They sound the trumpets at the beginning of the sacrificial service of each group that enters the Courtyard, to signal to the priests arrayed on the dais to say the *Hallel* with song and thanksgiving, playing every instrument in their possession. Indeed, all the instruments are brought out on that day. The owner of the sacrificial animal must also say the *Hallel*, and if the slaughter was not completed they must repeat the *Hallel*.

“After the animal is slaughtered, they go into the courtyards. There they find the walls covered with iron hooks and forks on which to hang the slaughtered animal and remove its hide. There are also piles of poles, which can be used for removing the hides if there are no forks to be found. The poles are placed on the shoulders of two people with the animal suspended from it, and the hide is removed. The appropriate parts are sent off to the altar, and the owners go home happy and content, like soldiers returning victorious from the battlefield. The Jews have always considered it a disgrace not to bring the Pesach in its appointed time.

“The ovens in which they roast the offerings are at the entrances, and I was told that this is done to publicize their faith in God and to enhance the celebration of the festival. After the meat is roasted, it is eaten with such loaded expressions of praise and song that they can be heard from afar. None of the city gates of Jerusalem is closed on the night of Passover, to accommodate the multitudes of people coming and going.”

Korban Pesach: An Analysis of the Mitzva to Eat When Satiated

ASHER REVAH



The Rambam in *Hilchos Korban Pesach* 8:3 states

מצוה מן המובחר לאכול בשר הפסח אכילת שובע, לפיכך אם הקריב שלמי חגיגה בארבעה עשר, אוכל מהן תחילה ואחר כך אוכל בשר הפסח כדי לשבוע ממנו.¹
*The optimal way to eat the Korban Pesach is to eat it while satisfied. Therefore, if one brought a korban chagiga on erev yom tov he should eat the Chagigah first, to satiate himself, and only then eat the Pesach, in order to be satisfied from it.*²

The Rambam says in *Hilchos Ma'aseh Hakorbanos* 10:11:

היתה להם אכילה מועטת אוכלין עמה חולין ותרומות כדי שתהיה נאכלת עם השבע.
*If one is eating only a small amount (of korbanos/kodshim) he should eat chullin or teruma with it so that the kodshim will be eaten when satisfied.*³

The Brisker Rav⁴ asks that if there is a *din* that all *kodshim* must be eaten while satisfied, why does the Rambam repeat this *din* by Pesach? Furthermore, Rav Chaim

1 The actual definition of eating while satiated is unclear. See *Mikraei Kodesh* who says that it means one must be satisfied after he eats the *Pesach*. He explains that with *kodshim* the mitzva is to eat it while satisfied and that is the difference between *kodshim* and *Pesach* and would answer our questions. See *Harerei Kodesh* (ibid) as well as *Har Tzvi Orach Chaim* 92. See *Avi Ezri Hilchos Chametz U'matzah* 8:7 who does not accept this.

2 The Rambam's source is a *gemara* in *Pesachim* 70a. The *gemara* says that a *chagiga* is eaten before the *Pesach* because of the fact a *Pesach* has to be eaten while satisfied. See *Kesef Mishna* on this Rambam who brings a *Mechilta Bo* section six.

3 The Rambam's source is *gemara* in *Temurah* 23a. See *Toras Kohanim Parshas Tzav* 82 and see *Kesef Mishna* and *Lechem Mishna* on this Rambam.

4 *Kisvei Hagriz Menachos* 21b, *Meorai Hamoadim MiBeis Brisk* 1:1 (part one). See *Rashbam* in *Pesachim* 117a.

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Soloveitchik⁵ asks that if there is a *din* that all *korbanos* must be eaten while satisfied, then how can one use the *chagiga* to satisfy himself? The Rambam said that if one brought a *korban chagiga* on *erev yom tov*, then he should eat it before the *Pesach* so when the time comes to eat the *Pesach* he will be satisfied. In order to do this one must eat the *chagiga* on an empty stomach. But the *chagiga* is a *korban* and a *korban* must not be eaten on an empty stomach. So how could the Rambam suggest to eat the *chagiga* first?

Rav Chaim answers that it could be that the *din* that *kodshim* have to be eaten while satisfied may only apply to *kohanim* eating *korbanos* but not to the owners eating the *korban*.⁶ Therefore, the *chagiga* is a *korban* that is eaten by the owner and therefore there is no *chiyuv* to eat it while satisfied. If so, one could use the *chagiga* to fill himself for the *Korban Pesach*. However, even though the *Pesach* is a *korban* which is eaten by the owners, there is a special *pasuk* which tells us that it must be eaten while satisfied and therefore it is different than other *kodshim* which are eaten by the owners.⁷

With this we can answer the Brisker Rav's question. If the mitzva to eat it while satiated was the same *chiyuv* as other *korbanos* then indeed we would have a question "Why did the Rambam mention the *chiyuv* to eat a *Pesach* on a full stomach separately?" However, now that we see it is coming from a separate *pasuk* and it is a separate *chiyuv*, it follows that the Rambam would mention it separately from the regular obligation to eat it *al hasova*.

Rav Dovid Soloveitchik⁸ offers a similar answer. However, in contrast to Rav Chaim's suggestion that the mitzva of eating *al hasova* only applies to the *kohanim*, he suggests that the mitzva only applies to *kodshei kodshim* and not *kodshei kalim*.

He bases this on a Rambam in *Sefer Hamitzvos*.⁹ The Rambam explains that although there is a mitzva to eat both *kodshei kodshim*, *korbanos* that are eaten by the *Kohanim* and in the courtyard of the *Beis Hamikdash*, and *kodshei kalim*, *korbanos* that are also eaten by the owners, there is a fundamental difference between the two *mitzvos*. Eating *kodshei kodshim* is part of the atonement of the one who offers the *korban*.

5 *Chidushei Rav Chaim Al Hashas Pesachim*. Also asked by the Brisker Rav.

6 See *Simchas Olam Ma'aseh Hakorbanos* 10:11 who is in doubt if it applies to both. *Tosafos Zevachim* 75b s.v. *Bechor* opines that only *korbanos* that parts of it are given to the *kohanim* have a mitzva to be eaten while satisfied. *Mishna L'Melech Ma'aseh Hakorbanos* 10:10 holds that this is the opinion of Rambam. However *Mishna L'Melech's* problem can be avoided with Rav Chaim's solution for the Rambam.

7 This does not seem to be the opinion of the *Mordechai Pesachim* 117a.

8 *Meorai Hamoadim MiBeis Brisk* 1:1 (part 1).

9 *Mitzva* 91.

Therefore the mitzva of eating *kodshei kodshim* is essentially to affect an atonement for the owner of the *korban*. However, the mitzva of eating *kodshei kalim* is not to atone, but rather is secondary to the bringing of the *korban*.

Rav Dovid explains that there is a difference regarding eating between *kodshei kodshim* and *kodshei kalim*. When the purpose is to affect atonement, like the case of *kodshei kodshim*, the mitzva for the *kohen* to eat the *korban* takes on the same status as the burning and the other *avodos*. However, by *kodshei kalim*, there is no direct mitzva on any *kohen* to eat the *korban*, rather there is a *din* on the *korban* that it must be eaten.¹⁰ That is what the Rambam means that the eating is secondary to the bringing of the *korban*.

According to this we can say that the mitzva of eating while satiated applies only to *kodshei kodshim*, where there is a direct mitzva to eat the *korban* and we can assume there are *halachos* on how it should be eaten, namely that it should be done with *chashivus* and not when hungry. However with *kodshei kalim*, where there is no direct command on an individual to eat it, there are no restrictions on how it should be eaten. As long as it is eaten the mitzva is done, and it would not require *al hasova*.

If so, the Rambam is teaching us that even though the *Korban Pesach* is *kodshei kalim*, it has a specific requirement of being eaten *al hasova*, since there is a mitzva for the owners to eat it.

There is another way we can answer these questions.¹¹ There are two *mitzvos* regarding the eating of the *Korban Pesach*: 1) The general mitzva to eat all *kodshim* and 2. a special mitzva to eat the *Pesach*. Both the *mitzvos* of eating the *Korban Pesach* require eating when satiated. Accordingly, when the Rambam said that if one brought a *chagiga* on *erev Pesach* he should eat it before the *Pesach*, the Rambam was talking about a case where one only can eat either the *Pesach* or the *chagiga* and he will use the other *korban* to satisfy himself. In this case one should eat the *chagiga* first while he is hungry and the *Pesach* second when he is full. By doing so he will fulfill two *mitzvos*, the mitzva to eat *kodshim* while he is full and the special mitzva to eat *Pesach* while full. But if he eats the *Pesach* first and the *chagiga* second, he will only fulfill one mitzva—the mitzva to eat *kodshim* while he is full. This understanding helps to explain a puzzling *Mechilta*. The *Mechilta*¹² comments on the *pasuk* that states that “on

10 See however *Teshuvos Beis Halevi* (the Brisker Rav’s grandfather of the Soloveitchik family) 1:2 who says that for all *kodshim* the mitzva is to be eaten and not to eat it.

11 *Meorai Hamoadim MiBeis Brisk* 1:1 (part 2).

12 *Bo* section 6.

matza and *marror* one should eat (the *Korban Pesach*)¹³ that only *Pesach* has a *din* of eating while satisfied but not matza and *marror*.

The *Mechilta* is puzzling. For what purpose does the *Mechilta* need to bring a *pasuk* to tell us that matza has no requirement to be eaten while satisfied? Why would I think that matza has to be eaten while satisfied? It is not *kodshim*.

However if we say that there is a separate mitzva to eat the *Pesach* while satisfied besides for the general mitzva of *kodshim* we can explain this *Mechilta*. One may have thought that the special mitzva of eating the *Pesach* while satisfied would include all *mitzvos* of *Pesach* (since they might be compared to *Korban Pesach*) and matza would need to be eaten satisfied also; therefore the *Mechilta* teaches that this is not the case.

Rav Shach¹⁴ answers the original question that there is a difference between the halacha of “*al hasova*” by *kodshim* and by *Korban Pesach*. By *kodshim* there is a general mitzva how we relate to eating *kodshim*—it should be done in a refined and important way and therefore should be eaten *al hasova*. However, by *Pesach*, the actual mitzva is that the *korban* should satisfy us. Although it would not invalidate *kodshim*, to fulfill the mitzva in the best way one should eat it while satisfied. Therefore, *Pesach* is eaten after *chagiga* since eating the *chagiga al hasova* is only recommended, while it is actually a mitzva to eat the *Pesach al hasova*.

In *Harerei Kedem*,¹⁵ Rav Yosef Dov Soloveitchik expresses a fourth answer. By *kodshim* one can become satisfied by eating any food. However by *Korban Pesach* there is a unique halacha that you must become satisfied specifically from eating *kodshim*. Accordingly, he suggests a new understanding of the Rambam in *Ma’aseh Hakorbanos*. The Rambam says in *Hilchos Chametz U’matzah* 8:6-7 that the order of the eating of the seder is to eat matza and *marror*, then to eat the *chagiga* and only then to eat the *Pesach*. What the Rambam meant in *Ma’aseh Hakorbanos* is that one should eat the *chagiga* first, but only once he was satisfied from the matza and *marror*. Then he should eat the *Korban Pesach* as now he is satisfied from *kodshim*.

The *Chessed L’Avraham*¹⁶ suggests yet another answer based on a *Yerushalmi*. The *Yerushalmi*¹⁷ says the reason that there is a special *din* by *Pesach* to eat it after *chagiga*

13 *Shemos* 12:8.

14 *Avi Ezri Hilchos Chametz U’matzah* 8:7. He brings this explanation from his son-in-law, Rav Meir Tzvi Bergman *shlit”a*. See further in that *Avi Ezri* for an explanation using this concept of the progression of *halachos* in the Rambam.

15 *Chelek Beis* 52

16 *Hilchos Korban Pesach* 8:3

17 *Pesachim* 6:4 (42b in the Vilna edition).

is because of the halacha of *sheviras etzem*,¹⁸ that you cannot break any bones of the *Pesach*. If a person is hungry, he might come to break the bones to get the marrow as he eats the meat. The *Pesach* and the *chagiga* both must be eaten while satisfied, but the *Pesach* has another reason: *sheviras etzem*. Therefore, the *Pesach* must be eaten after the *chagiga* so there will be less chance of being hungry enough to break a bone.¹⁹

Rav Tzvi Pesach Frank in *Mikraei Kodesh* brings those who explain that according to the *Yerushalmi* by *Korban Pesach* you must be satisfied from eating meat. Only eating other meat first will insure you don't break a bone. For if one is not satisfied from eating meat, even though he is satisfied, he may still want meat and may come to break bones in order to get the meat. In summary, the *chagiga* must be eaten after the matza in order to fulfill *al hasova* then followed by *Pesach*, which needs *al hasova* specifically from meat.

May we all be *zocheh* to bring the *chagiga* and *Pesach b'mehairah biyameinu* and eat it (or both) while satisfied.

18 There is actually quite a bit of discussion about that *Yerushalmi*. *Tosafos Pesachim* 70a followed by *Korban Ha'eida* and *Pnei Moshe* (*Yerushalmi* *ibid.*) as well as most commentators explain that the *Yerushalmi* is explaining that the reason *achilas Pesach* has to be satisfied is because of *sheviras etzem* and not that there are two separate reasons for the fact that *Pesach* must be eaten before *chagiga*. See however *Tosafos Pesachim* 120 s.v. *Ain Maftirin*. It appears that the explanation of *Chessed L'Avraham* is based on *Mordechai*, *Pesachim* 116-117 who explains the *Yerushalmi* as saying that there are two separate reasons like *Chessed L'Avraham*. See *Avi Ezri Chametz U'matzah* 8:7 who argues and says this can't be the opinion of the Rambam as the Rambam does not mention any other reason for eating it before *chagiga* other than eating it while satisfied, and does not mention anything about *sheviras etzem*. See *Mordechai Pesachim Hilchos Seder B'ktzarah* where he seems to agree with the opinion mentioned above and not like he says in *Pesachim* 117. See also *Mikraei Kodesh* 28 and *Mareh Hapanim* and *Tal Torah* to *Yerushalmi* (*ibid.*).

19 The *Chessed L'Avraham* explains with this why the Rambam didn't mention this *halacha* by *Pesach Sheini*. The Rambam says in the same *halacha* that if you only ate a *k'zayis* you are *yotzei* the mitzva of eating the *Pesach*. The Rambam says this also applies to *Pesach Sheini*. However, the Rambam does not say the rule of eating the *Pesach* while satisfied applies to *Pesach Sheini*. The *Chessed L'Avraham* explains that on *Pesach Sheini* there is no mitzva to bring a *chagiga* and therefore there is no difference between *Pesach* and other *korbanos* and therefore there is no point to bring that *halacha*. The only reason the Rambam would bring this *halacha* is to tell us that if one has a *chagiga* and a *Pesach* in front of him the *Pesach* must be eaten after the *chagiga* to satisfy himself and not break any bones. This would also be an answer according to the *Harerei Kedem* (there are no other *korbanos* so one cannot be *mekayem* the *din* of *achilas Pesach* while satisfied) as well as the *Avi Ezri* (since there is no *chagiga* as there is no difference if it is part of the mitzva or a separate mitzva on *Pesach Sheini*).

Shavuos



Rabbi Yisroel Gordon

Charlie Stein

Daniel Wiesel

Rabbi Yaakov Siegel

A Secret Book of Names: The Torah You Thought You Didn't Know

RABBI YISROEL GORDON



The story is well known.

When Moshe arrived atop Mt. Sinai, the angels were aghast. "What is a human being doing up here?" "He has come to receive the Torah," Hashem replied. "You want to give to flesh and blood the precious treasure that was hidden 974 generations before creation?! What is a human that You should think of him, or a son of Adam that You should consider him...?" Hashem instructed Moshe to respond. Moshe didn't want to argue with angels. "I am frightened lest they burn me with their breath." "Take hold of My throne," said God, "and answer them!" "Master of the World," declared Moshe, "the Torah that You are giving me, what does it say?" "I am Hashem your Lord Who took you out from the land of Egypt." Moshe turned to the angels. "Did you go down into Egypt? Were you enslaved to Pharaoh? Why should the Torah be yours?" "What else does it say?" asked Moshe. "You shall not have other gods," replied God. Moshe turned to the angels. "Do you live among nations who worship idols?" "What else does it say?" "Remember the Shabbos day to sanctify it." "Do you work that you are in need of rest?" "What else does it say?" "Do not take God's name in vain." "Are any of you in business [that would require the taking of oaths]?" "What else does it say?" "Honor your father and your mother." "Do you have a father and a mother?" "What else does it say?" "Do not commit murder; do not commit adultery; do not steal." "Do you suffer from jealousy? Do you have negative drives?" The angels admitted that Hashem was right, as the verse states, Ma adir shimcha b'chol ha'aretz, "Hashem our Master, how mighty is Your name upon all the earth..." (Tehillim 8). (Shabbos 88b-89a)

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The Radvaz (1479-1573) asks the obvious question. What were the angels thinking? Moshe's response is self-evident; the Torah was clearly written for human beings. Why are the angels surprised that Hashem is giving it to its intended audience?

The Radvaz bases his answer on a mystical *midrash*: "The Torah in its entirety consists of the names of the Holy One, blessed be He." The Ramban cites this *midrash* in the introduction to his Torah commentary and he explains that the primordial Torah had no spaces between words, allowing it to be read as an uninterrupted string of Divine names.¹ The angels were only familiar with this original, spiritual version of Torah. Far more adept than humans at understanding the mystical nature of God's names,² the angels naturally wondered why Hashem was giving the Torah to Moshe.³

The Radvaz's explanation allows us to understand why Hashem did not answer the angels Himself and instead instructed Moshe to respond. Hashem wanted the angels to hear firsthand what the Torah looks like from a human perspective. Moshe explained to the angels that people don't read the Torah the way they do; we see it differently. For us it is the Book of the Jewish People. To human eyes, the spiritual Torah of the angels—the list of Divine names—appears as a practical guide for the elevation of man and the forging of an intimate relationship with God.

For what, after all, is in a name? Names allow for personal identification and facilitate interaction with others, but Hebrew names run deeper than that. To call someone by their real name can be an intimate act⁴ because Hebrew names are not mere arbitrary labels; they define and describe the hidden inner reality. To give an early example, light is not just called *ohr*; light *is* *ohr*. Hashem said, "Let there be *ohr*" and there was light. The same is also true for people. A Jew is his name.⁵

If names describe reality, what then does it mean for God to have names? Although God is obviously different—we cannot know the infinite God and His names do not describe Him—nonetheless, a Divine name is a Divine revelation; an expression of the Creator's will to connect to His creation and sanctify our world.⁶ In other words,

1 This is why, writes the Ramban, even a seemingly inconsequential missing letter will render a Sefer Torah *pasul*.

2 *Nefesh HaChaim* 1:10

3 *Teshuvot Radvaz* 3:643. The Radvaz uses this idea to explain why there are no vowels (*nekudos*) or punctuation (*trup*) written in a Sefer Torah. Although we do have spaces between words, we preserve the "spiritual version" of Torah by allowing for an alternate reading.

4 Cf. Rashi to *Bereishis* 22:11, 46:2

5 This is clearly evident when it comes to biblical names. According to Rebbi Meir, it is true for everyone (cf. *Yoma* 83b).

6 *Nefesh HaChaim* 2:2-4

Hashem's names describe His relationship with us.

This, then, is Torah. Every verse is a revelation. Better said, every revelation is a verse. As the *Zohar* puts it, Hashem and the Torah are one.⁷

This gives us a new understanding of Moshe's rebuttal to the angels. To paraphrase his response: "As spiritual beings, you may have a deeper appreciation of the nature of God and His names than humans ever will, but ultimately, the Torah is not for you. Hashem's names are about Hashem's desire to connect with people, not angels. How else can you explain the extraordinary fact that the Divine names of Torah are not just names, they are *mitzvos*?"

The angels had no choice but to admit the truth: "Hashem our Master, how mighty is Your name upon all the earth!"

Revelation and Reverence

The essence of every mitzva is a Divine name, a revelation of Hashem.⁸ This is why the giving of the Torah came with the trauma of *Maamad Har Sinai*. To receive Torah is to encounter God, and to encounter God is terrifying.⁹

This is not just an interesting piece of biblical history. Torah always comes with a Sinai experience. Unsurprisingly, this reality is embedded into the very mitzva of Torah study.

The mitzva of teaching Torah and the mitzva of remembering Sinai are twins; they appear in the Torah side by side. The verse "You shall make [the Torah] known to your children and to your children's children" (*Devarim* 4:9)¹⁰ is immediately followed by the mitzva of remembering "the day that you stood before Hashem your Lord in Horeb" (*ibid* 4:10).¹¹ From this association the *gemara* infers a frightening lesson:

מה להלן באימה וביראה וברתת ובזיע אף כאן באימה וביראה וברתת ובזיע.
Just as there [at Sinai] it was with terror, fear, trembling and sweat, so too

⁷ *Nefesh HaChaim* 4:6,10

⁸ It is for this reason that the *Mishna* will refer to a mitzva as a "shem," a name, e.g. *Makkos* 1:3; *Meila* 4:4 (Rabbi Dovid Cohen, *Maaseh Avos Siman L'Bonim*, vol. I, pg. 20).

⁹ It was so terrifying, it was life-threatening. The Jews trembled, retreated to a distance and begged for it to stop (*Shemos* 20:15-16). "If we continue to hear the voice of Hashem our Lord any longer, we will die" (*Devarim* 5:22). According to the *gemara*, the Jews were actually killed by the revelation at Sinai and then resurrected (*Shabbos* 88b).

¹⁰ The Rambam (*Hilchos Talmud Torah* 1:2) cites this verse as the source for the mitzva to study Torah.

¹¹ According to the Ramban (*Shikchas HaLavin* 2) this phrase obligates us to teach our children about *Maamad Har Sinai*.

here [when you teach Torah] it should be with terror, fear, trembling and sweat. (Berachos 22a)

The *gemara* is saying that learning is a reenactment of Sinai and should always be done with the requisite terror. “יראת ה' היא אוצר” “Fear of Hashem is the storage facility [for Torah]” (Isaiah 33:6).¹² It should be obvious that without fear and reverence, our relationship with Hashem is skewed and we are unable to properly receive His teachings. But the development of a healthy fear is not just something that we do for Torah. The Torah has the power to do this to us.

After *Matan Torah*, Hashem had a single wish:

מִי־יִתֵּן וְהָיָה לְבַבְכֶם זֶה לְהֵם לִירְאָה אֶתִּי וּלְשׁוֹמֵר אֶת־כָּל־מִצְוֹתַי כָּל־הַיָּמִים לְמַעַן יִיטַב
לָהֶם וּלְבִנְיָהֶם לְעֹלָם.

“Who could assure that their hearts would remain this way, fearing Me and observing all of My commandments for all time, for their benefit, and for their for children’s [benefit], forever?” (Devarim 5:26)

It sounds like a fantasy, but Hashem actually has a solution to the problem. He gives the order to Moshe.

לֵךְ אָמַר לָהֶם שׁוּבוּ לְכֶם לְאֹהֲלֵיכֶם. וְאַתָּה פֹּה עֹמֵד עִמָּדִי וְאִדְבַּרְהָ אֵלֶיךָ אֶת כָּל־הַמִּצְוָה
וְהַחֲקִים וְהַמְשַׁפְּטִים אֲשֶׁר תִּלְמַדְם...

“Go and tell them to return to their tents. Then you will stand here with me and I will tell you about all the mitzvos, decrees and laws so that you can teach it to them...” (Ibid 5:27-28)

How does Hashem ensure that the fear of Sinai won’t fade? By teaching us Torah! For Torah is a Divine name and a Divine revelation, and our daily Torah study is thus nothing less than an awe-inducing encounter with God on par with the revelation of Sinai. As the *Mirrer Mashgiach*, Reb Yerucham Levovitz z”l, put it, “Torah is the thermos that keeps *Maamad Har Sinai* warm.”¹³

In sum, fear of Hashem is a prerequisite for receiving Torah and the Torah itself preserves and engenders this fear. It is exactly as the sages said, “אם אין חכמה אין יראה” “If there is no wisdom, there is no fear, and if there is no fear, then there is no wisdom” (*Avos* 3:17).

¹² *Shabbos* 31a; *Nefesh HaChaim* 4:5

¹³ Heard in a *shmuess* from Rav Sholmo Wolbe.

Birchas HaTorah and Torah Lishma

One of the few precious biblical *mitzvos* that we are privileged to perform every morning is *Birchas HaTorah*, the blessing on the Torah. The *gemara* (*Berachos* 21a) tells us that the origin of this mitzva is Moshe's command to the people in *Parshas Haazinu*:

כִּי שֵׁם ה' אִקְרָא הִבּו גֹדֵל לְאַלֹהֵינוּ

“When I call out the name of God, ascribe greatness to our Lord” (*Devarim* 32:3).

There is no mention of Torah here; only the “name of God.” How then does this verse teach us to recite a *beracha* before we study Torah? In light of all we have learned, the answer is obvious. “Name of God” is a code-name for “Torah.” Moshe was telling the people, “When I call out the name of God,” i.e., when I teach Torah, you should “ascribe greatness” to our Lord, i.e., recite a *beracha* (*Maharsha ad loc.*).

Knowing the source for *Birchas HaTorah* gives us a new appreciation for its text:

כּוֹלְנוּ יוֹדְעֵי שְׁמֶךָ וְלוֹמְדֵי תוֹרָתֶיךָ לְשִׁמָּה

May all of us know Your name and learn Your Torah for its own sake.

The wording could not be more explicit: knowing Hashem's name and knowing His Torah are synonymous. This extraordinary statement appears in both the source for and in the text of *Birchas HaTorah* for it is the spiritual nature of Torah that motivates us and obligates us to recite this blessing.

The next step is a small one for a writer, but a giant leap for the Jewish People. We have arrived at a new understanding of the lofty ideal of *Torah lishma*. Typically understood as Torah study “for its own sake,” it literally reads, “for its name”—and now we know that those two things are actually one and the same. For its own sake is for its name. Learn Torah *lishma*, for the sake of knowing the Name!

Birchas Kohanim and Hashem's Smile

After we recite the *bracha* on the Torah every morning, we must follow through with some Torah study. Of all the thousands of Torah verses, which were chosen for the fulfillment of this great daily mitzva?

יְבָרְכֶךָ ה' וְיִשְׁמְרֶךָ. יָאֵר ה' פְּנֵי אֱלֹהֶיךָ וַיַּחֲנֶךָ. יֵשֶׁא ה' פְּנֵי אֱלֹהֶיךָ וַיִּשֶׂם לְךָ שְׁלוֹם.

May Hashem bless you and safeguard you. May Hashem shine His face upon you and be gracious to you. May Hashem turn His face towards you and grant you peace.

As the words used by *kohanim* to bless the nation, these lines are among the most well-known in all of Scripture, but finding them here comes as a surprise. Although any and every verse certainly qualifies for Torah study, these verses are prayers, not teachings. If we were in the market for prototypical Torah, we would expect something more basic. The Torah's first verse or first mitzva would be a reasonable choice. Why *Birchas Kohanim*?

The key to the answer lies in the unusual reference to Hashem's *ha'aras panim*, "shining face." What does it mean for Hashem to shine His face towards us?

The same expression appears in the final *bracha* of *Shemone Esrei*:

כי באור פניך נתת לנו ה' אלהינו תורת חיים

Hashem our Lord, with Your shining face You granted us a living Torah...

Fascinating. Hashem's "face" was "shining" when He gave us the Torah. In his commentary on the *Siddur*,¹⁴ Rabbi Aryeh Leib Gordon¹⁵ explains:

The expression "a shining face" refers to showing a love or a desire for something. Signs [of these feelings] are evident on the face, for one directs a happy and shining face toward the object of their love...

In other words, Hashem gave us the Torah with a smile. We know this well.

אהבת עולם בית ישראל עמך אהבת. תורה ומצות חקים ומשפטים אותנו למדת.

"With an eternal love You have loved Your nation, the House of Israel. You taught us Torah and mitzvos..." (Siddur).

Achieving the Impossible

Before we return to *Birchas HaTorah*, we need to address a more fundamental question. If the giving of the Torah was an act of Divine love, if Hashem was smiling, why were we so terrified at Mt. Sinai?

The answer (or non-answer) is that there is a basic dichotomy at the heart of the God-man relationship. We address the paradox in our daily prayers: "*Yached levavenu l'ahava ul'yirah es shemecha*," "Unify our hearts to love and to fear Your name." Love and fear. Closeness and distance. Our Father, our King. The list goes on. Sometimes we speak to Hashem in second person and sometimes in third, and oftentimes we violate

14 *Otzer HaTefilos, Iyun Tefilla*, Vilna 1928.

15 No relation.

grammar and use both forms in the same sentence.¹⁶ The point is, when it comes to Hashem, the conflicting emotions of love and fear are experienced simultaneously. As we have seen, it was the revelation at Sinai that forged this unique relationship.

In its original form, the Torah was not a book of commandments. It was a book of God's names; an expression of His desire to dwell among us. Torah doesn't change; this is what Torah was and this is what Torah is today. How then, pray tell, does the Infinite Being achieve the impossible and relate to mortals? The answer is simple: by giving us the Torah. Through Torah we gain an awe and reverence for Him, and through Torah Hashem is enabled to bless us with His Presence, protect us, shine His face upon us, and gift us with peace. This is why the verses of *Birchas Kohanim* were chosen for the place of honor after *Birchas HaTorah*. For more succinctly and more explicitly than any others, these verses express precisely what we stand to gain from Torah study.

ויש לך מקח שמי שמכרו נמכר עמו אמר הקב"ה לישראל מכרתי לכם תורת כיכול
נמכרתי עמה

When a person buys an object, does he also acquire the seller? But the Holy One, blessed be He, gave the Torah to the Jews and He said to them, "It is as if you are getting Me." (Shemos Rabba 33)

We may not always recognize it as such, but Torah is Hashem's way of sharing Himself with us. It is not for naught that when we get an *aliyah* and are called up to the Torah, we are called up by name. It is a personal invitation to connect with Hashem, name to Name.

Shavuot is more than a commemoration of a historic event and the Torah is more than a how-to book of Jewish living. If we do it right, our learning will bring the reverence, the revelation, and the relationship of Sinai into our lives every single day of the year.

¹⁶ This violation exists in the standard formula for the blessing on *mitzvos*, ברוך אתה... אשר קדשנו במצותיך, *Blessed are You... who sanctified us with His mitzvos* (cf. *Teshuvos HaRashba* 5:52). It is fascinating that the dichotomy of closeness and distance we experienced at Sinai is manifest in the daily performance of *mitzvos*. This same dichotomy is also regularly experienced during Torah study. There are always aspects that we understand and are comfortable with, but there are also other aspects of the very same issues that humble us with their inscrutability.

Hashem's Greatest Creation: The Ability to Choose

CHARLIE STEIN



העדתי בכם היום את־השמים ואת־הארץ החיים והמות נתתי לפניך הברכה והקללה
ובחרת בחיים למען תחיה אתה וזרעך. לאהבה את־ה' אלהיך לשמע בקלו ולדבקה־בו
כי הוא חיך וארך ימיך לשבת על־האדמה אשר נשבע ה' לאבתיך לאברהם ליצחק
וליעקב לתת להם.

I have placed life and death before you, blessing and curse; and you shall choose life, so that you will live, you and your offspring—to love Hashem, your G-d, to listen to His voice and to cleave to him, for he is your life and the length of your days, to dwell upon the land that Hashem swore your forefathers, to Avraham, to Yitzchak, and to Yaakov, to give them.” (Devarim 30:19-20 (Parashas Re’eh)).

We look at most decisions in life as already having been made for us. Despite leading an observant life, most of us are guilty of saying some of these phrases: “I have to go to work,” “I have to go *daven*” and “I have to learn.” These are all phrases that we use in everyday life. But the question we must ask is “Do we really?” There is no requirement in life to work, no requirement to *daven*, and no requirement to learn. Hashem may suggest the latter two, but we wouldn’t die if we chose to skip them. So why do we take steps to make the time to do any or all of these?

When the *Yamim Noraim* are approaching, we are reminded that in life, we have the choice to make every decision for ourselves. The Torah lists for us a variety of things we will enjoy if we choose to follow Hashem’s commandments. Furthermore, it also lists many horrible punishments that we will suffer if we choose a different path. Given the two options, there isn’t much of a choice to be made, yet many people still choose the “wrong” path every day.

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No one has to go to work. People choose to work because the alternative is homelessness, starvation and suffering. When you look at your two “choices,” it appears that the choice has already been made for you. But if that were the case, why would Hashem give us a choice? Why would we have the ability to choose life? Why would we have the ability to choose blessing over curse?

Life is a game of choices, a tangled web we weave for ourselves to decide the direction we want to go. Every choice we make is decided based on the best possible outcome that can result from the options available to us. No one told you to *daven*, but you chose to do it because, in your own opinion, it had the best available outcome, whether that be in this world or the next.

The same lesson applies to learning. You have the ability to learn anything you want. Whatever you chose to learn—whether it is reading a Jewish book, learning gemara, reciting *Tehillim*, or delving into the intricacies of the Hebrew alphabet—we must recognize the reason we have made that decision. Whatever it may be, you chose to do it to enhance your life and make the life you are living today better than the one you lived yesterday, or the day before that. Each day must be an improvement, a step closer towards your ultimate goal. Of course, that goal is up to you to choose, but each day we have a choice to take a step toward that goal or away from it. These choices exist all around us, but we have to open our eyes in order to realize the options before us.

With all of the decisions we make, the one decision that is greater than the rest is to be happy. Unfortunately, many people choose to be sad, frustrated, upset, or to have some other negative viewpoint. As the *pasuk* in *Devarim* states, “Choose life.” Take the opportunity to realize where your life is headed, and make the conscious decision to choose a life that Hashem wants for you. If you recognize that the options you are ultimately responsible for shape your specific path in life, then you should also realize that you are supposed to be choosing your best path in life. That path may be one that results in good *mazel*, lots of money and a healthy family, and you must take that success, be thankful for it, and generate an internal happiness from it. Unfortunately, the best path may still lead to struggles and challenges in life, but you must realize that those challenges are ones that you can handle, and that a struggle today is worth the reward later.

Rabbi Elchonon Tauber of Congregation Bais Yehuda has spoken at length of the importance to be happy. He promotes that you should always smile, because those smiles, although they may be fake at first, will eventually make you happier. If you don’t believe it, try it for an hour, or a day, or a week. You will find that the conscious choice

to smile will make you think of the good things in life, which will then in turn make you genuinely smile more often. But perhaps the most direct path to happiness is to recognize that there is nothing that we do in our lives that is forced upon us. Anything that we do is a choice that we make, and no matter how important or unimportant our choice, we must realize that we have the constant ability to be moving closer to our goals. This can give meaning to anything we do, and can be a true source of happiness.

When *Bnei Yisrael* were in the desert, our ancestors were on the 49th level of impurity. Each Jew had to work on him or herself to become better and grow. Even today, as we make our way from Pesach to Shavuot, and we spend seven weeks counting the *omer*, we use this time to find our own flaws and work on ourselves to become better people. We recognize that the Torah is coming, and we are given the greatest gift we could ask for, far greater than most of us probably deserve. We are going to be given the ability to choose life, and ultimately, to choose happiness.

The story of Bilaam is an interesting one because he makes choices that he knows are against Hashem's will, and he ultimately has that choice taken away when the donkey stops moving. Although we learn many valuable lessons from that story, I believe that the most important one is that we don't always see the whole picture, and therefore following Hashem's will is the best choice for us to make.

While Bilaam's story includes the most famous donkey, there is another donkey story that also teaches a valuable lesson. A farmer is riding his donkey as he climbs up a huge mountain, and despite the mighty endeavor ahead, the donkey continues to slowly make the trek upwards. After proceeding up over half of the mountain, a massive gust of wind blows, temporarily stopping the pair from continuing. After the wind has passed, the farmer yanks on the donkey to continue, but the donkey won't move. The farmer continues to try to move the donkey, but despite multiple attempts, he has no luck. The rider makes a final attempt to strike the donkey, at which point, the donkey speaks and asks the farmer to stop. He asks the donkey why, after making such great progress, he has stopped his climb. The donkey responds that prior to the wind, there was a sheet covering his eyes that the rider did not see. All the donkey could see was one step in front of him, and he kept reminding himself that it's just one more step, and then one more, and then yet another. Ultimately, the donkey had no idea how many more of those "one steps" he would need to take, but he focused solely on the single step in front of him. Once the wind came, the sheet blew up and he saw the whole mountain before him, making him realize that he could never reach the top, so he gave up before he started.

Here, the farmer's donkey lost his satisfaction with his mission and

accomplishments because he was overwhelmed by the enormity and distance of his goal. True, his goal was distant, but his choices were not. Each choice was to take one more step, and then just one more. His ignorance of this idea—that all of our actions are simply the sum of our choices—made his goal seem unattainable, while in reality, he was steadily achieving his goal all along.

This story is one we can easily apply to our own lives. The world of Torah is vast and complex. No one could attempt to take on the whole Torah and succeed, but if we consider taking it one day—or even one step—at a time, we might reach the top of the mountain. For example, a *ba'al teshuva* could look at how much there is to learn to become observant, and give up. Or, he could build a foundation with the most basic concepts, and continue to build on that for the rest of his life. A person who grew up *frum* could rest on his or her laurels, and not bother to climb up any higher than the level on which he or she was raised, or he could strive to become more learned for the sake of his children.

As we have to continue this climb together to prepare for *Matan Torah*, we must focus on the single steps in front of us. If we can make that first step to learn a little more, or do a little more *chessed*, or *daven* with a little more *kavana*, we can start to focus on all of the choices we have the opportunity to make in life.

To conclude, there is a story about an older Russian gentleman who lived in Meah Shearim and attended the Rav's gemara shiur every morning. He showed up early to prepare the *gemaras*, and stayed after to clean up. Then one day, he stopped attending, and the Rav decided to visit him. When asked where he had gone, the man responded that he grew up in the Czar's Russia, and he didn't know any Torah. In fact, he didn't understand anything that was ever discussed during the shiur at all. When he was growing up, the only names he knew were the names of the Czar's children: Nicholas, Alexandra, Maria, etc. Now, when he passes away, he will at least be able to give Hashem names like Rava, Rav Ashi, Abaye, etc. This man may not have been able to climb to the top of the mountain, but he knew that if he just focused on taking his next step, he would end up farther ahead than where he had started.

If we take control of our lives, we will recognize that we have the ability to make decisions and choices for how we want to live. The choices we make are based on our options, and whatever we decide, it is because it is the best option we have been presented at that time. Given our choice, we must be happy with the outcome, because it is the best one available for us. You have one shot at life, and Hashem has given you a decision to make: life or death, blessing or curse. Choose life, so that you will live to love Hashem, for He is your life.

The Direct Relationship between *Hakadosh Baruch Hu* and *Bnei Yisrael*

DANIEL WIESEL



וכל־העם ראים את־הקולת ואת־הלפידם ואת קול השפר ואת־ההר עשן וירא העם וינעו ויעמדו מרחק. ויאמרו אל־משה דבר־אתה עמנו ונשמעה ואל־ידבר עמנו אלהים פן־נמות. ויאמר משה אל־העם אל־תיראו כי לבעבור נסות אתכם בא האלהים ובעבור תהיה יראתו על־פניכם לבלתי תחטאו. ויעמד העם מרחק ומשה נגש אל־הערפל אשר־שם האלהים. (פרשת יתרו, כ:טו-יח)

The people experienced the thunder, lightning, call of the horn and smoke upon the mountain; they saw it, were afraid and stood afar. They asked Moshe, "Speak to us so we may listen. God should not speak to us, lest we die." Moshe responded to the people, "Do not fear, because God has come to raise you up, and so that his Awe will be upon your faces—so that you do not sin." The people stood afar, and Moshe drew near to the darkness where God was.

The sequence of events surrounding *Matan Torah* as described in *Parshas Yisro* seem disjointed and out of order. After a long description of how the mountain was set up—order of the camp, boundary fences, who was allowed to stand where, etc.—the Torah describes the actual revelation. After the *Aseres Hadibros*, the Torah returns to the narrative. The Torah describes the nation's reaction to the revelation and their request for Moshe to serve as intermediary relaying the word of *Hakadosh Baruch Hu* instead of experiencing a direct revelation. The people were afraid that a direct revelation would kill them.

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Indeed, there are a number of *mefarshim*¹ who explain the phrase “*vaya’amdu meirachok*” to mean that the revelation itself caused the nation to be forced or pushed backwards, 12 *mil* away from where they originally stood. As proof, they look to *Parshas Va’eschanan* and Moshe’s repetition of the events at *Har Sinai*. There, the *Zekeinim* came to Moshe after they heard the word of *Hakadosh Baruch Hu* and requested that he serve as intermediary.

ויהי כשמעכם את־הקול מתוך החשך וההר בער באש ותקרבו אלי כל־ראשי שבטיכם וזקניכם. ותאמרו הן הראנו ה' אלהינו את־כבודו ואת־גדלו ואת־קולו שמענו מתוך האש היום הזה ראינו כִּי־ידבר אלהים את־האדם וחי. ועתה למה נמות כי תאכלנו האש הגדלה הזאת אִם־יספים אנחנו לשמע את־קול ה' אלהינו עוד ומתנו. כי מי כל־בשר אשר שמע קול אלהים חיים מדבר מתוך־האש כמנו ויחי. קרב אתה ושמע את כל־אשר יאמר ה' אלהינו ואת תדבר אלינו את כל־אשר ידבר ה' אלהינו אליך ושמענו ועשינו. (פרשת ואתחנן, ה:כ-כד)

When you heard the sound from within the darkness and the mountain was burning with fire, the heads of your tribes and elders approached me and said, “Behold, God has shown us His glory and greatness and we have heard His voice from within the fire. Today we saw that God speaks with man, and [man] survives. So now, why should we die? This great fire will consume us! If we continue to hear the voice of God we will die, for there are no others who have heard the voice of the living God from within the fire—as we have—and lived. You should approach, hear all that God will say. You will [then] speak to us all that God speaks to you, and we will hear and do.”

However, if *Bnei Yisrael* already experienced the revelation, what were they asking of Moshe? Further, how does Moshe’s response fit into the sequence? Moshe responds and tells them they have nothing to fear, but the next *pasuk* states that the nation remained afar and Moshe entered the “*arafel*.” It seems that Moshe acceded to their request to serve as intermediary. If so, what message (after the *Aseres Hadibros*) did Moshe relay? Finally, why is the phrase “the nation stood afar” repeated twice (“*vaya’amdu meirachok*” and “*vaya’amod ha’am meirachok*”)?

Ramban in *Parshas Yisro* disagrees with those who place the request for an intermediary after the revelation. He focuses on the description in *pasuk* 14 which only mentions the lightning, thunder and cloud cover, but there is no mention of

¹ Rashi, *Targum Yonasan ben Uziel, Kli Yakar, Yalkut Me’am Loez*

Hakadosh Baruch Hu speaking or the *Aseres Hadibros*. Ramban therefore explains that the request for an intermediary came before the actual revelation. *Bnei Yisrael* saw the mountain transform in preparation for the descent of the *Shechina* and were afraid of what would come next. They didn't think they could survive a direct encounter with *Hakadosh Baruch Hu* and asked Moshe to act as intermediary. Moshe tried to calm their fears, but ultimately he entered the *arafel* alone to serve as the conduit for *Hakadosh Baruch Hu's* words—the *Aseres Hadibros*.

This understanding recasts the conversation between Moshe and the nation from a tangential storyline to a central theme in the relationship between *Bnei Yisrael* and *Hakadosh Baruch Hu*. Moshe's attempt to convince them otherwise notwithstanding, *Bnei Yisrael* felt themselves unable to handle a direct interaction with *Hakadosh Baruch Hu*. Moshe agreed to serve as an intermediary and, according to Ramban, served as the conduit for the spoken words of *Hakadosh Baruch Hu* for the revelation of the *Aseres Hadibros* at *Har Sinai*. At no point did *Bnei Yisrael* have a direct interaction with *Hakadosh Baruch Hu*. The sin of the Golden Calf is no longer a sin of *avoda zara*, but rather a sin of choosing the wrong intermediary. *Hakadosh Baruch Hu* acceded to Moshe acting as intermediary, but the Golden Calf was not a proper intermediary. *Bnei Yisrael* did not rebel against *Hakadosh Baruch Hu* mere months after receiving the Torah at *Har Sinai*. They merely attempted to reestablish the only relationship with *Hakadosh Baruch Hu* they ever had.

Further, this can explain Moshe's response to *Hakadosh Baruch Hu* when he was initially informed of the Golden Calf. Moshe calls *Bnei Yisrael* an “*am k'shei oref*,” a stubborn nation. “Stubborn” does not seem to be an apt description of their actions if they abandoned *Hakadosh Baruch Hu* almost immediately after *Matan Torah*. However, looking back to *Bnei Yisrael's* initial request prior to *Matan Torah* and their insistence that Moshe act as intermediary even after his attempts to calm their fears, it becomes clear that it was *Bnei Yisrael's* stubborn nature that caused them to create the Golden Calf—not to replace *Hakadosh Baruch Hu*, but to replace the intermediary and reestablish the relationship they stubbornly refused to give up.

The phrase “*vaya'amdu meirachok*” is repeated twice is to highlight *Bnei Yisrael's* stubborn nature. Upon experiencing the buildup to *Matan Torah*, they became convinced that a direct revelation would be deadly and refused to come near the mountain. Moshe's attempt to calm them down fell on deaf ears, and “*vaya'amod ha'am meirachok*,” the nation remained afar. Realizing he was unsuccessful, Moshe then enters the *arafel* to serve as intermediary.

Shavuot is *zman Matan Toraseinu*, the holiday of *Matan Torah* and the

celebration of our unique relationship with *Hakadosh Baruch Hu*. The Torah was given to us by *Hakadosh Baruch Hu* descending from *shamayim* to *Har Sinai*, but it was only forty years later that *Bnei Yisrael* realized “*lo bashamayim hee.*” We need to recognize that *Hakadosh Baruch Hu* came to *Bnei Yisrael* to give us the Torah directly. This relationship never required an intermediary and our stubbornness in seeking such an intermediary was the root cause of so much of our sorrow.

Turning the Mountain on Its Head

RABBI YAAKOV SIEGEL



Matan Torah was not the only important event to take place at *Har Sinai*. Most *siddurim* include a section after *tefillas shacharis*, called *shesh zechiros*, six events or concepts for one to recall each day.¹ The second is called *ma'amad Har Sinai*, the gathering at Mount Sinai—not *Matan Torah*—meaning that each day we are to recall the entirety of the Sinai experience, not just the giving of the Torah. Looking at both the *pesukim* and the rich *midrashic* literature describing the gathering at *Har Sinai*, we find momentous and unprecedented events too numerous to count, among them: Hashem's miraculous healing of all the sick, the unrelenting thunder and lightning, the mountain sprouting vegetation, and the once-in-history achievement of true *achdus* and unity amongst all Jews. But perhaps the most dramatic story that took place at *Har Sinai* is found in the *gemara* (*Shabbos* 88a) and took place on the sixth of Sivan:

ויתיצבו בתחתית ההר אמר רב אבדימי בר חמא בר חסא: מלמד שכפה הקדוש
ברוך הוא עליהם את ההר כגיגית, ואמר להם: אם אתם מקבלים התורה - מוטב,
ואם לאו - שם תהא קבורתכם.

And they stood below the mountain (Shemos 19:17). Rav Avdimi the son of Chama the son of Chasa said, "This teaches that the Holy One, blessed is He, covered (or inverted) the mountain over them like a barrel and said to them, 'if you accept the Torah, good; but if not, there shall be your burial.'"

The message of the story is clear—Hashem coerced the Jews to accept the Torah—but the concepts, imagery, and the *gemara's* phrasing of this story are all quite confusing. I will present some of the questions often asked on this *gemara* and will propose a solution that will hopefully, *b'ezras Hashem*, help deepen our appreciation for being chosen as the recipients of the greatest gift in human history.

¹ These are included based on the *Magen Avraham* (*Orach Chaim* 60:2) who quotes kabbalistic sources that say that the recitation of these *zechiros* are *mitzvos aseh*, positive commandments.

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Clarifying the Story

The first and most often-asked question about our *gemara* relates to its implication that *Bnei Yisrael* were coerced to accept the Torah. On the second of Sivan² the Jews willingly accepted the Torah, saying “*na’aseh*,” and on the fifth of Sivan³ they did so again, saying “*na’aseh v’nishma*.” Why then is Hashem now, on the sixth, forcing the Jews to accept a Torah that they already voluntarily accepted twice?⁴

Next, the imagery of the mountain, barrel, and burial is confusing. Is the mountain solid, or is it hollowed out like a barrel? If solid and hanging above their heads, it would mean that if they were to reject the Torah, Hashem would let the mountain come crashing down, burying them. But if this is its meaning, why would the *gemara* specifically choose to use the imagery of a barrel as opposed to any other heavy object? Alternatively, the *gemara* could mean that the mountain is hollow and the Jewish people are trapped inside, but then why is *k’vura*, burial, used as the description of their death if they were to reject the Torah?⁵ It would be more fitting to say that they would be imprisoned and left to die.⁶

Furthermore, it is unclear what the word “*kaffa*” means in the context of the

2 See Rashi in *Shemos* 19:8, s.v. “*vayashev*.”

3 See Rashi in *Shemos* 24:4, s.v. “*vayashkem*.”

4 This question is asked by *Tosafos* on *Shabbos* 88a (s.v. “*kaffa*”). While I will present my own solution, the three most famous answers are as follows: (1) *Tosafos*: Hashem forced the Jews’ acceptance because he was concerned that some Jews would retract the commitment they had made once they saw Hashem’s “*aish hagedola*” and their *neshamos* left them. (2) *Midrash Tanchuma* (*Noach* 3): The Jews voluntarily accepted the written Torah but only accepted the Oral Torah under duress. (3) Maharal (*Tiferes Yisrael*, Ch. 32): Hashem need to force the Jews to accept the Torah because if the acceptance would have only been voluntary, it would have gone unnoticed that the Jewish people’s survival is conditional upon their acceptance of the Torah.

5 This question is asked by the Maharsha in *Chidushei Agados* (*Shabbos* 88a). See there for his answer.

6 Another way to present the difficulty of reconciling the imagery of the burial and the barrel is as follows. The *Midrash Rabba* on *Shir Hashirim* (8:5) relates an alternate version to our *gemara* in *Shabbos*:

תחת התפוח עוררתיו. דרש פלסיון איש רומי ואמר נתלש הר סיני ונצב בשמי מרום והיו ישראל נתונים תחתיו שנאמר (דברים ד') ותקרבון ותעמדון תחת ההה אמר הקב"ה אם אתם מקבלים עליכם תורתיו מוטב ואם לאו הריני כובש עליכם ההה הזה והורג אתכם. “Under the fruit tree (or mound of dirt), I aroused you.” *Paltiyon from Rome expounded: Mount Sinai was uprooted and was standing high in the sky, and the Jews were placed under it, as it says (Devarim 4:11) “you came close and stood below the mountain.” The Holy One Blessed be He said, “If you accept the Torah, good; and if not, I will smother you with the mountain and kill you.”*

According to this *midrash*, the mountain is solid and will crush the Jewish people to death if they don’t accept the Torah. But are the *gemara* and the *midrash* meant to be the same story or alternate versions? Rashi in *Parshas Yisro* (19:17, s.v. “*b’sachtis hahar*”) seems to learn that the versions in the *gemara* in *Shabbos* and the *midrash* on *Shir Hashirim* are one and the same, as he seemingly intertwines both texts: “שנתלש ההה ממקומו ונכפה עליהם.” “The mountain was uprooted from its place and covered (or inverted) over them like a barrel.” “*Nitlash hehar*” is a quote from the *midrash* and “*nichpeh aleihem k’gigis*” is a quote from the *gemara*.

gemara, as the word has multiple disparate meanings which could be relevant in this context. “*Kaffa*” could mean “overturned” like “*kifyas hamita*,” overturning the bed (*Moed Katan* 15a). It could mean “covered” like “*matan b’seser yichpeh af*”—“a gift given quietly will cover up anger” (*Mishlei* 21:14). “*Kaffa*” could also mean “forced” like “*kofin oso ad shayomar rotza ani*”—we force him until he says “I want to do it” (*Bava Basra* 48a). Similarly it is not clear whether it is the *gigis*, *har*, or the nation that is having “*k’fiah*” done to it. If “*kaffa*” means “overturned,” it’s hard to visualize how a cone-shaped mountain would be overturned.

Another question to ask is, why, as Hashem threatened the Jews with being buried by the mountain that was over them, did He say, “*sham t’hei k’vuraschem*”—“there shall be your burial,” and not “*po t’hei k’vuraschem*”—“here shall be your burial?” When He is talking to them, they are under the mountain—the place of their burial—so “here” would be the correct term, not “there.”

Finally, why does the *gemara* use the present tense “*m’kablim*” which would be translated most precisely as “if you are accepting of the Torah, good?” If Hashem is demanding that they should accept the Torah, wouldn’t He use the future tense, “*t’kablu*,” which would mean “if you are going to accept the Torah?”

Surrounded

The story of the Jews’ coercion at *Har Sinai* is repeated in a puzzling context in an oft-overlooked Rashi in *Parshas Ha’azinu*:

ימצאהו בארץ מדבר ובהו ילל ישמן יסבבנהו יבוננהו יצרנהו כאישון עינו.
He placed [His nation] in a desert land and in the emptiness of the howling wasteland; He surrounded it, He instructed it, He protected it like the pupil of His eye. (Devarim 32:10)

Rashi explains (s.v. “*yisovivenu*”):

שם סבבם והקיפם בעננים וסבבם בדגלים לארבע רוחות וסבבן בתחתית ההר,
 שכפהו עליהם כגיגית:
There He surrounded them and circled them with clouds [of glory], and He surrounded them with flags in the four directions, and he surrounded them with the bottom of the mountain that He put on top of them like a barrel.

Rashi clearly understands that the *pasuk* is describing ways in which Hashem protected the Jews in the wilderness, and that “*yisovivenu*” means that Hashem protected the Jews by surrounding them in various ways. First, the clouds of glory protected the Jews from the elements, difficult terrain, and from enemies and attackers.

Second is the flags of each tribe. This is likely a reference to the Jews' military, and how Hashem helped the Jews win their battles through miraculous means. Third, Rashi references our *gemara* in *Shabbos* and says that Hashem surrounded them with *Har Sinai* when he covered them or inverted it over them like a barrel.

The question is obvious: if Rashi is describing ways in which Hashem protected the Jews in the desert, why does he include His threatening them with annihilation? Being placed under the mountain and threatened with death can hardly be considered Hashem surrounding us to protect us in any way similar to the *ananei hakavod* or our military encampments.⁷

Turning the Mountain on Its Head

Perhaps we have completely misunderstood Hashem's use of *Har Sinai* to threaten, "*sham t'hei k'vuraschem*"—"there shall be your burial." Using Rashi's imagery in *Ha'azinu*, the mountain is surrounding the Jews who are standing in its hollowed-out underside. The traditional understanding is that if the Jews accept the Torah then Hashem will remove the mountain from on top of them and then "*mutav*," all is good. Conversely, if they choose not to accept the Torah, they will be killed and buried there under the mountain. I would like to suggest that Hashem was saying the exact opposite: "If you keep the Torah, good, and I will allow the mountain to continue to surround and protect you. But if not, I will remove the mountain, and as you carry out your lives empty of Torah, you will quickly find yourselves exposed, under attack, and ultimately buried." Perhaps, when Hashem offered the Jews the Torah, he surrounded them with *Har Sinai* to symbolically show that keeping the Torah will ultimately provide them impenetrable fortification, whereas if the Jews reject this gift, they will be left naked and exposed to all kinds of danger.

The idea of *Har Sinai* surrounding and protecting *Bnei Yisrael*, instead of threatening them, can be found in a *midrash*—*M'chilta D'Rabbi Yishmael* (*Yisro* 3):

בתחתית ההר מלמד שנתלש ההר ממקומו, וקרבו ועמדו תחת ההר, שנאמר (דברים ד:יא) ותקרבו ותעמדון תחת ההר. עליהם מפורש בקבלה (שיר השירים ב:יד) יונתי בחגי הסלע בסתר המדרגה.

⁷ This question is also asked by the *Chida* in *Nachal K'dumim* and the *Sifsei Chachamim* in both *Yisro* and *Ha'azinu*. They both answer that by forcing the Jews to accept the Torah, Hashem becomes like the *m'anes*, the attacker about whom the Torah says in *Devarim* (22:28) "*lo yuchal shalchah kol yamav*," that he will never be allowed to send his victim away. An effective and interesting answer to be sure, but the legal protection of the raped woman remains incongruous with the loving protection alluded to with the *ananei hakavod* and *degalim* of the Jews' encampment.

“Under the mountain”: This teaches that the mountain was uprooted from its place and [the Jews] came close and stood under the mountain, as it says (Devarim 4:11), “you came close and stood below the mountain.” About them it is explained in scripture (Shir Hashirim 2:14), “my dove is in the clefts of the rock, in the hidden places of the cliffs.”

Explaining that *pasuk* in *Shir Hashirim*, Rashi, Rav Saadya Gaon, and the *Targum Yonasan*, all understand “*yonasi b’chagvei hasela*,” “my dove is in the cleft of the rocks,” to be an expression of Hashem’s protecting *Bnei Yisrael* from any threats. According to these *mefarshim*, this *midrash* is in fact saying that the Jews’ standing underneath the mountain was an expression of Hashem’s protection of them.^{8,9}

We will soon explain how the Torah protects the Jews physically and spiritually, but this approach explains why Rashi in *Ha’azinu* used *k’fiyas har kigigis* as an example of Hashem’s protective surrounding of the Jews, and it answers all of the questions that we have asked on the *gemara*.

The Story Clarified

We now understand why Hashem would threaten the Jews if they already said “*na’aseh v’nishma*.” The Jews willfully accepted upon themselves the obligations of keeping the Torah when they said “*na’aseh v’nishma*.” Hashem, however, was threatening them to make sure they carried through on their promise. If the Jews were told that abandoning the protection that Torah provides will lead to their demise and burial, it would motivate them to follow through on their commitment and stay true to their promise.

This also clarifies the imagery of *kifiya*, *gigis*, and *k’vura*. The mountain is not hanging over the Jews’ heads, but rather they are hidden and protected in its hollowed

8 To be sure, there are alternative commentaries on that *pasuk* in *Shir Hashirim* which would result in different meanings of the *midrash*. For example, *Metzudas David* explains the metaphor of the dove in the clefts of the rock to be an expression of the private intimacy between Hashem and *Bnei Yisrael*. Following this approach, the *midrash* would mean that Hashem held the mountain over the Jews’ head as a way to bring them closer in a more private way.

9 The line immediately following the *gemara* in *Shabbos* (88a) that describes the mountain as a barrel reads:

א”ר אחא בר יעקב מכאן מודעא רבה לאורייתא.

Rav Acha bar Yaakov said: this furnishes a strong protest against the acceptance of the Torah.

According to my proposed understanding of the *gemara*, it is the intimidation stemming from the threat of the consequences if the Torah is declined that constitutes the *moda’ah*. When Hashem makes perfectly clear the devastating effects of not following the Torah, the decision to follow the Torah can hardly be considered voluntary. See *Shulchan Aruch*, *Choshen Mishpat* 205:7 and *Ba’er Heitiv* (ibid. 13) who say that intimidation about future events can constitute duress that could invalidate a transaction or a commitment.

underside, like an overturned barrel.¹⁰ Hashem then threatens that if they don't stay within the Torah's confines, "*sham tihei k'vuraschem.*" They will surely be buried there—wherever it is they have strayed—as they live out their lives empty of Torah.

Finally, this approach explains why Hashem said that it is good if "*m'kablim atem*"—if you are accepting of the Torah—instead of "*t'kablu*"—if you are going to accept the Torah. Hashem is not trying to convince the Jews to give a one-time "yes" response to agree to accept the gift of the Torah. Rather, he is persuading us to continuously accept and keep the Torah. If there is continuous acceptance, good. And, if not, God forbid, the Jews will surely and sadly see the consequences of this mistake.

The Torah is the Fortress

What are the ways in which the Torah protects the Jewish people?¹¹ Perhaps the simplest way is metaphysical. When one studies Torah, he applies his intellect and spirit—both unbound by the physical limitation of the body—to understand and know the limitless knowledge of Hashem. Because of the intense relationship and bond between the Jew and Hashem that this creates, Hashem promises the Jew special care and safeguard from pains and troubles, both spiritual and physical.¹²

This promise is well documented in *Chazal*. The *gemara* says in *Brachos* (5a) that Torah can prevent hardships:

כל העוסק בתורה יסורין בדילין הימנו.

Anyone who toils in Torah, hardships move away from him.

Similarly, the *gemara* says in *Eruvin* (54a) that Torah can heal a person:

10 It now makes a lot of sense why the *gemara* in *Shabbos* of *kafa aleihem har k'gigis*, is based on the *pasuk* of "ויתיצבו בתחתית ההר" which most literally could be translated as "they stood in the underside of the mountain." The *Midrash Rabbah* on *Shir Hashirim* quoted in footnote 5, however, that says "*nitlash Har Sinai v'hayu Yisrael n'sunim tachtav*" is based on the *pasuk* "ותעמדון תחת ההר" which literally means "they stood underneath the mountain."

11 *Sotah* 21a is devoted to describing the protection and benefits of studying and following the Torah. This paragraph focuses on three: (1) "*Magna*" which Rashi says means protection from *yisurim*—pain and troubles. (2) "*Matzla*," which Rashi says means that it saves one from the *yetzer hara* such that it shall not trip a person and cause him to sin. (3) "*B'hishalechicha tanche osach*"—"as you walk it should guide you," which the *gemara* says refers to *olam hazeh*, choosing a path in life.

12 This explanation of the connection between man and Hashem that can be accomplished through Torah study, is developed by the Maharaal in his introduction to *Derech Chaim*, as an explanation to the above-referenced *gemara* in *Sotah* 21a. The way in which Torah study protects man from *yisurim* is developed more fully in *Nefesh Hachaim* (4:15).

חש בראשו יעסוק בתורה... חש בגרונו יעסוק בתורה... חש בכל גופו יעסוק בתורה
שנאמר ולכל בשרו מרפא.

One who has a headache should study Torah. One whose throat hurts should study Torah... One whose whole body hurts should study Torah, as it says (Mishlei 4:22) "it is a cure for all of his flesh."

In *Tana Divei Eliyahu* (5:1), it says that Torah study can prevent any of Hashem's harshest decrees:

אדם שעבר עבירות הרבה נקנסה עליו מיתה... וחזר ועשה תשובה וקרא תורה
נביאים וכתובים ושנה משנה מדרש הלכות ואגדות ושימש חכמים אפילו נגזרו עליו
ק' גזירות הקב"ה מעבירן ממנו.

One who violated many aveiros, was sentenced to death... and he repented and read Torah, Nevi'im and Kesuvim, and studied mishna and midrash, and observed wise teachers, even if a hundred negative decrees were decreed upon him, Hakadosh Baruch Hu removes them from upon him.

To be sure, plenty of people who study Torah and keep *mitzvos* suffer terribly, and sadly in many cases, it might be difficult to discern any special metaphysical protection afforded by the Torah. Nonetheless, there are also practical ways in which the Torah protects us. For one, it provides our lives with structure, productivity, and direction. From a very young age, Jewish children are taught to follow the *mitzvos*, resulting in discipline, responsibility, self-control and delaying gratification to accomplish more important goals. That is how the Rambam (*Moreh Nivuchim* 3:26) understands the famous *midrash* (*Bereshis Rabba* 44:1), "*lo nitna hamitzvos ela litzrof bahem es habrios*"—"the *mitzvos* were only given to forge people's character." The Rambam understands that the primary purpose of *mitzvos* is to give structure to a person's life, and that following direction will purify his or her character.¹³ One need not look further than the celebrity courthouse, where too many who think they've reached the top of fame and fortune suddenly find their careers and reputations shattered. One need not look further than the Venice boardwalk after sundown, where the huddled and wretched refuse of the teeming shore display the tragedy of life abdicated of structured responsibility. It is the constraints of the *har k'gigis* that

13 The Rambam presents this idea in the context of developing the "middle road" approach to *ta'amei hamitzvos*. He argues that each *mitzva* has its own reason and lesson, but the details, often, do not. He states, for example, that there are clear reasons why Hashem commanded us to offer *korbanos*, but there are no reasons why one *korban* should be a sheep, and another a ram. Rather, there is great value in blindly following Hashem's direction regarding the details, because it is blind obedience that purifies and forges the character.

protects and saves us. This was the purpose of Hashem's threat at *Har Sinai*: follow through on your commitment to live a Torah life, or else "*sham*"—there you will find the shame of a life wasted.

Furthermore, the Torah provides us with the tools and moral compass to make important life decisions. Sadly, a defining characteristic of our generation in 21st-century Western society is the increasing abandonment of the morality advocated by Torah values that has long served as the backbone of the Judeo-Christian ethic, once (and hopefully, still) embraced by this society. More and more people are making choices that, to Torah Jews, seem shortsighted and counter-productive: choosing cohabitation over marriage, alternative households instead of families, pets in place of children, entitlement over hard work, selfishness instead of charity and community. All kinds of ideas abhorred by our parents' generation, whether political—like radical Islam—or moral—like drug use or public obscenity—find plenty of outspoken advocates in ours. Yet, any Torah Jew (and probably religious Christian as well) recognizes that these choices will probably result in a life with lesser fulfillment, productivity, and overall, less satisfaction and happiness.¹⁴ We must be sympathetic, however, in realizing that their choices rarely come from immorality, but rather from a cluelessness as to what's important in life. Without a true guide to setting proper life goals and objectives, how could one find a destination toward which to point his or her life's GPS? And without proper goals, how could one ever be expected to choose wisely while the voices on both sides are so loud and self-confident? "*Ashrecha Yisrael mi kamocha, am nosha baShem.*" How fortunate we are to be shielded and protected from today's moral confusion by a Torah that—*b'hishalechicha tanche osach*—can guide us to a life filled with morality, meaning, and more happiness.

Each Shavuot we must emphatically celebrate the extraordinary gift of affectionate protection that Hashem gave us, and continues to give us, when we stood—and continue to stand—securely beneath *Har Sinai*.

ברוך הוא אלקינו שבראנו לכבודו והבדלנו מן התועים ונתן לנו תורת אמת.
How thankful we are to Hashem for creating us to honor Him and for separating us from those who are lost, by giving us the true Torah.

14 The Ramban, on the *pasuk* in *Devarim* (6:24) "*vayitzaveinu Hashem la'asos es kol hachukim. . . litov lanu kol hayamim,*" says "*kulam gormin chayim tovim basof,*" that ultimately, observing the Torah and *mitzvos* causes a more enjoyable life. Similarly, on the *p'sukim* of "*mah Hashem shoel me'imach*" (*Devarim* 10:12-16), the Ramban explains that when Hashem "requests" that the Jews walk in His ways and keep His commandments, it is "*litov lach,*" it is for their benefit and enjoyment. And it is because of His love for Avraham, Yitzchok, and Yaakov, that he chose the Jews to be taught the path to achieving the benefits of the "*litov lach.*" It stands to reason that non-Jews who can discern and follow the moral values proscribed by the Torah may also gain many of those same benefits and enjoyments.