

תש"ס

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שם בן נח — The “Fourth אב?”

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ALTHOUGH THE LINEAGE of the Jewish people is generally traced back to אברהם אבינו, there is one individual in תנ"ך who preceded him in the role of ancestor. שם בן נח, although not counted as one of our three אבות, is the original forebear of עם ישראל, who even today are frequently referred to amongst other nations as “Semites”.

Who was שם, that he merited this fathering of a nation? The Torah itself tells us certain things about שם and his life. חז"ל, however, refer to שם in other contexts as well, such as the idea of “ישיבת שם ועבר” and the identification of שם with מלך שלם. A close study of the פסוקים that discuss שם will give us insight into his character and shed light on his role as viewed by חז"ל.

The first time that שם is mentioned is הלכב, בראשית, when the Torah records the names of the children of נח. This is the opening פסוק of a new פרשה in the Torah, which indicates the beginning of a new topic. Instead of telling about the lives of בני נח, however, the following פסוקים describe the sins of the “בני האלהים” and the “נפילים”:

ויראו בני האלהים את בנות האדם כי טובות הנה ויקחו להם נשים מכל אשר בחרו

(ו:ב)

רמב"ן explains that the sin of the בני האלהים went beyond their physical attraction to beautiful women. He says they went as far as forcing these women into marriage, and even chose “wives” for themselves who were already married. The sin of the נפילים was also related to גילוי ערויות, according to “נפילים — שהפילו את העולם ושנפלו מן העולם ושמלאו את העולם נפילום: בראשית רבה כו . בנות שלהם”. Although it is unclear whether or not שם and his brothers actually took part in these sins, the juxtaposition of their birth with these פסוקים seems to indicate that they were at least influenced by their surroundings.

As a result of the mass corruption in the land, God decided to destroy all of his creations. Only נח is described as (ו:ח) “מציא חן בעיני ה'”, implying that

the children of נח did **not** find favor in the eyes of God. Similarly, the beginning of פרשת נח states: “אלה תולדות נח, נח איש צדיק”. To explain why נח’s children are not mentioned immediately following the words “אלה תולדות נח”, the תורה שלמה (פרשת נח קי”ב) answers that while נח himself was a צדיק, he was unable to transmit this trait to his children. The מדרש תנחומא (ישן, נח ה’), however, gives an opposite explanation for the repetition of the word נח: “למה שתי פעמים נח: נח, שהיו בניו צדיקים כמותו”.

The ambiguity of the nature of שם and his brothers is also reflected in the comment of רמב”ן (ד”ה איש צדיק), who gives two possibilities as to why the בני נח were saved from the מבול. They were either spared, he says, only in the merit of their righteous father נח, or they too were also צדיקים and merited salvation on their own accord. The dual and contrasting nature that חז”ל attribute to שם and his brothers hints to the possibility that they were in fact both צדיקים and רשעים. As the story of the מבול unfolds, however, it becomes clear that the בני נח were not people who vacillated between righteousness and corruption. The difference between their contradictory characteristics is rather the difference between two different eras of their lives.

Before God commanded נח to build a תיבה in preparation for the flood, the Torah describes the horrific state of the world. These פסוקים are once again preceded by the names of בני נח, a repetition that can be understood as suggesting that they were involved in the same activities. פסוקים ו: יא-יב describe the land in its pre-מבול era and God’s disapproval of the people:

ותשחת הארץ לפני הא-להים ותמלא הארץ חמס. וירא א-להים את הארץ והנה נשחתה כי השחית כל בשר את דרכו על הארץ.

While the sin of the מבול דור is clearly stated as being חמס, a type of robbery, there is also a large emphasis on their sin of “שחת”. The literal translation of this sin is perversion or corruption, and it is frequently used in the context of sexual misconduct. For example, און, the son of יהודה who was forced to marry תמר in order to bear children for his deceased brother, was killed because of his sin described as (בראשית לח:ט) ושחת ארצה. רש”י explains that און behaved in this specific manner during his intimacy with תמר in order to prevent her from becoming pregnant. The word שחת is also used to describe the various sins of בני ישראל during the העגל: “לך רד כי שחת עמך” חטא העגל בני ישראל during the העגל (שמות לב:ו). In addition to their primary crime of זרה, the nation was also guilty there of גילוי ערויות (see לעחק ד”ה גילוי ערויות).

Here too, the sins of the מבול דור — which בני נח may have participated in — included גילוי ערויות, a sin that was already made widespread by בני האלהים. The commandment for נח to build a תיבה further supports the view

of לוח that שם and his brothers were counted amongst the רשעים before the מבול. Although his children were saved along with him, only נח received the ציון to save himself. פסוק ו:ד states, “עשה לך תיבת עצי גופר” emphasizing the word “לך” for you. פסוק י"ח similarly promises only נח that God will establish a ברית with him, “והקימותי את בריתי אתך”, despite the fact that all of his children were entering the תיבה.

ויאמר ה' לנח בא אתה וכל הני עם איתך explains an interesting nuance in the fact that נח was a צדיק, he says, may be intended to exclude his children from the category of גדיקים. Perhaps this is what compels רש"י to comment on ו:ח,

”ובאת אל התיבה אתה ובניך ואשתך ונשי בניך אתך” — האנשים לבד והנשים לבד, מכאן שנאסרו בתשמיש המטה.

The listing of the men and women separately, says רש"י, indicates an obligatory prohibition for נח's family while in the תיבה. Because of the widespread גילוי עריות that existed before the מבול, and the possibility that שם and his brothers partook in this sin, their time spent in the תיבה needed to become a חטא for this תיקון. In order to do complete תשובה for their sins, the בני נח had to first abstain from any acts of intimacy.

Although there is no clear account about what went on in the תיבה during the forty days of the flood, לוח look at the פסוקים that describe the end of the מבול to attempt to discern whether or not נח and his sons kept true to their obligations while in the תיבה. After God wiped out the המבול, the Torah states: “ויזכר א-להים את נח ואת כל החיה ואת הבהמה אשר אתו בתבה” (ח:א). Based upon the omission of שם, חם, and יפת from the list of people and animals that God remembered, it is possible to conjecture that they indeed were unable to abstain as required from physical activity in the תיבה, and therefore did not merit being remembered by God on their own account. The שפתי confirms this assumption in relation to חם, based on later פסוקים which give a negative portrayal of him: “ונראה לפי שחטאו ושמשו בתבה...”. שם and יפת, by way of contrast, were in fact able to refrain from intimacy, thereby doing גילוי עריות for any previous sins or influences related to תשובה.

In spite of חם's possible laxity regarding this prohibition, they seem to all be treated equally upon their return from the תיבה. While the men and women were mentioned separately when they were commanded to enter the תיבה (ויח: תיבה), upon being told to leave they are listed together: “וצא מן התבה אתה ואשתך ובניך ונשי בניך אתך” (ח:טז). רש"י explains that at this point they were once again permitted to partake in תשמיש המטה, after the תיקון for their חטא had already successfully taken place.

A careful understanding of this episode will reveal the personality of שם and his mission for the future. ויחַק שם ויפת את השמלה וישימו: פסוק ט:כג states: “על שכם שניהם וילכו אחרנית וערות אביהם לא ראו” Although both שם and נח played a part in covering נח, the word “ויחַק” is written in singular form. Because שם is mentioned first, רש”י explains that שם was the one who took the initiative in this מצוה, and he therefore merited a greater reward: “לימד על שם” שנתאמץ במצוה יותר מיפת לכך זכו בניו לטלית של ציניית”

The “טלית של ציניית” which שם’s descendants were to receive is a reference to the “שמלה”, prefaced with the הידיעה, which שם placed on his father. Although this provides the technical basis for why the טלית של ציניית was chosen as the reward, the remainder of the פסוק gives it further meaning. The repetition of the fact that שם walked backwards, “אחרנית”, and the seemingly unnecessary mentioning of the fact that he didn’t see his father’s nakedness, hints to the very essence of שם’s character. After having been so influenced by the עריות גלוי before the מבול, and then undergoing a תשובה process while in the תיבה, שם’s whole being became focused on the trait of modesty. The כלי יקר explains that the טלית של ציניית was given to שם in relation to this trait. The Torah states about ציניית אותו: “והיה לכם לציניית וראיתם אותו: ציניית אתם ולא תתורו אחרי לבבכם ואחרי עיניכם אשר אתם ונים וזכרתם את כל מצות ד’ ועשיתם אתם ולא תתורו אחרי לבבכם ואחרי עיניכם אשר אתם ונים (במדבר טו:לט) אחריהם” The purpose of ציניית is to guard the wearer from practicing גלוי עריות and זנות.

The תורה שלימה (פרשת נח קל”ז) further comments that when נדב and אחיו, the sons of אהרון, were punished for the אש זרה which they brought, only their bodies were burnt, yet their clothes remained fully intact. This was in the merit of their ancestor שם, who passed on the צניעות מידה to his descendants. The modesty of שם בן נח is a character trait that lay at the core of his being and which played an essential part in his future role.

Besides the personality of שם, the reaction of נח to his sons’ behavior also hints to שם’s mission in subsequent time periods. When נח realized what his children had done, he said:

ברוך ה’ א-להי שם ויהי כנען עבד למו. יפת א-להים ליפת וישכן באהלי שם ויהי כנען עבד למו. (ט:כו-כז)

God is referred to in these פסוקים as specifically the God of שם, indicating that שם was the representative of God. רש”י says that the ברכה given here to שם actually refers to עם ישראל, his descendants. שפתי חכמים explains that this interpretation is compelled by the repetition of the phrase “ויהי כנען עבד למו”. The word “למו” is written in the plural form, conveying the idea that כנען will serve “them”, the שם זרע.

The focus on שם’s descendants reflects his previous mission of “פרו ורבו”,

as does the emphasis on שם’s children in subsequent פסוקים. Although the descendants of חם and יפת are also listed, the children of שם are mentioned two different times. After each child is named, the phrase “ויולד בנים ובנות” is repeated, a sign of the fact that שם fulfilled his obligation to repopulate the land. In addition to the promise that שם בני would be served by nations descended from חם, נח also blessed שם with the dwelling of the שכנה in his tents — שם, of בתי מדרשות ומורה “וישכון באהלי שם” שפירו explains that this refers to the מדרשות שם, where he would be able to teach his descendants. שפירו makes a similar comment on יצא where שם is referred to as “אב כל בני עבר” . כל בני עבר כי אמנם המלמד ומורה יקרא אב” “ישיבת מדרשים about שם. The well-known “אב כל בני עבר” שפירו now begin to make sense. One of the focal points of שם’s role was his obligation to teach his descendents and be a representative of God.

Although there is an apparent explanation as to where the idea of שם בני comes from, we must still clarify the reason it remains hidden in the מדרש, as opposed to being mentioned explicitly in the text. As was previously mentioned, one of שם’s basic personality traits was his modesty. This can perhaps explain why he never appears explicitly in the text of later narratives, despite the fact that (according to the מדרש) he played a vital role in some of them. Even when שם had an encounter with אברהם אבינו which is recorded in the Torah, it is only through חז”ל’s explanation (that מלכי זדק is really שם) that this is understood. שם’s תשובה for his connections to ערייות remained complete — he maintained his modesty throughout his life.

This aspect of שם also sheds light on the specific places where חז”ל mention שם in connection with later narratives. שם is the epitome of a בעל תשובה, a person who was successfully able to make a smooth and stable transition from one part of his life to another. Each time that חז”ל refer to שם in the מדרש, his role is to teach his descendents, at key transition points in their lives, the lessons of a בעל תשובה and the meaning of real change.

The first time שם is mentioned in connection with אברהם is through the appearance of מלכי זדק in the middle of אברהם’s war against the four kings. אברהם had just defeated the world power at the time, and שם was there to help him realize that his success was from God. He told אברהם: “אברהם: יברוך: אברהם subsequently refused to accept any payment from מלך זדק, lest anyone think that his wealth or strength come from anything other than God.

Besides the story of the war, שם also prepared אברהם for his transition into the immediately following התרתם. ברית בין התרתם. There may also be another factor that compels חז”ל to say that מלכי זדק is really שם בני נח. One of שם’s apparent מדות is the כבוד he gave his father and the extra precaution he took not to look at נח while covering him. Here, too, מלכי זדק gave a great amount

of אברהם, through serving him wine and bread. שם מלכי צדק is also described in יד:יח as “כהן לא-ל עליון”, a representative of God. This reflects שם’s representation of God and explains why the possessive form is used by the phrase “א-להי שם”.

Although שם appears most clearly in his encounter with אברהם, he plays an equally significant role through his teachings in שם ועבר. The three most well known places where שם ועבר is mentioned are in relation to יצחק, רבקה, and יעקב. Following עקידת יצחק, פסוק כב:ט states “וישב אברהם פסוק כב:ט, עקידת יצחק יצחק, רבקה, and יעקב. Following יצחק פסוק leads חז”ל to question the whereabouts of יצחק. יצחק explains that יצחק went to learn Torah from שם. שם’s entire life was changed through the עקידה, when he became, in the words of חז”ל, an “עולה תמימה”. His whole being now needed to exist to serve God. At this focal transition point in his life, יצחק needed to learn from his ancestor שם, who had much experience in this area.

After רבקה experienced trouble with her pregnancy, the Torah (בראשית כה:כב) describes her attempts to “seek God”: “ותלך לדרוש את ה'”. The ד”ר סימן טז comments that רבקה went to the בית מדרש of שם. It was the role of שם to represent God and help רבקה deal with the change in her life, as well as to prepare her for the transition into being an אב in ישראל.

The third and most well known place where שם ועבר is mentioned is when יעקב was running away from עשו to the house of לבן. This is perhaps the biggest transition of all, since it involved leaving ישראל, as well as going to a place where no Torah was to be found. Perhaps this explains why חז”ל in the מגדול הגדול on the words (כה:י) “ויצא יעקב” explain that יעקב studied with שם for fourteen complete years. שם was not only a representative of God, he was also the master of making successful changes and instilling these lessons into his descendants.

Although שם בן נח is not included among the three אבות, his role and influence on עם ישראל can be viewed as equally important. His early involvement with, or at least connections to, גלוי עריות allowed him to undergo a thorough cleansing process of תשובה in the תיבה. It also resulted in his high levels of modesty and his כבוד for others. שם not only succeeded in repopulating the land after the מבול, he was also able to pass on his teachings to his descendants through his ישיבה. The אבות looked to שם as a teacher and role model. We too must take to heart the lessons and examples set forth to us by our ancestor, שם בן נח.

disordered his father's bed, and at the same time, the שכנה that habitually rested there (ספורנו). This action reflected an unthinking hastiness and light-headedness that יעקב deemed unsuitable for בכור. He therefore compared ראובן to "פחו כמים", which רמב"ן defines as "יחי ופוחים נמהרים קלי דעת". The תורה, therefore, established ראובן as a person capable of greatness and every advantage, but liable to lose these privileges on account of his unthinking and impulsive behavior.

משה, however, differs significantly from the portrait יעקב portrayed. משה declared: "דב' לגו: "יחי ראובן ואל ימת ויהי ימיו מספר". רש"י explains this statement to mean "יחי ראובן בעולם הזה אל ימת לעולם הבא" because ראובן's peccadillo with בלהה was forgiven and forgotten. רמב"ן similarly writes that משה prayed for the inclusion of ראובן's name and שבט, despite his previous sin, and therefore his name appears first in the litany of ברכות חוקני. Understands this verse as unrelated to יעקב's ברכה, he believes that it refers to the battles ראובן fought "כשיעבר את הירדן", in the hopes that the שבט would return home with the same amount of men as when they left. Thus, although ראובן received a rebuke in בראשית משה, blessed him and spoke of כפרה, as well as success in battle. This contrast reveals another aspect of ראובן's personality: he repented willingly and genuinely, and he fought battles as a warrior.

ראובן's character traits as presented in these ברכות become apparent in a number of incidents we read about ראובן and his descendents as well. In a number of incidents we read about ראובן and his descendents as well. In ראובן attempted to save יוסף from his brothers' murderous intent, and cast him in a pit instead, "למען הציל אותו מידם להשיבו אל אביו". This brave and praiseworthy deed was congruous with ראובן's superior nature, and exemplified יעקב's statement of "יתר שאת ויתר עוז". Yet in בראשית מב:לו, ראובן recklessly offered his two sons' lives as a guarantee for שבט בנימין's safe return from Egypt. This well-intentioned promise reflects the "פחו כמים" aspect of ראובן — for what grandfather desires the death of his grandsons as a collateral for a son? Despite this rashness and impetuosity, ראובן often displayed the more positive traits of ראובן. In במדבר לב:יח-יט, ראובן chose to dwell in בני ישראל, but swore not to dwell there until they assisted בני ישראל in conquering ישראל. In ספר יהושע, the tribe participated in building an altar as testimony to the common worship of ה'. And fittingly, דבורה praised the שבט in her song as "חקקי לב" (שופטים ה:טו), meaning "those who are resolved at heart," or "heart-searchers," for such a description conveys the unique character of ראובן, both the individual and the tribe.

שמעון also received a ברכה from יעקב particular to his actions and character. יעקב addressed him and לוי simultaneously, and declared: "שמעון ולי" (בר' מט:ה). The label "אחים" becomes especially apropos, as the siblings were often "brothers" in council. For example, together

they killed שכם and his entire city in an act of rage, and they then attempted to kill יוסף, as it says: "וַיֹּאמְרוּ אִישׁ אֶל אָחִיו הֲנֵה בְעַל הַחַלְמוֹת הַלֹּזֶה בָּא וְעַתָּה לָכוּ וְיֹסֵף כָּמוֹ" (בר' לז:ט-כ) "כי באפם הרגו איש וברצנם עקרו שור" (בר' מט:ז) "כלי חמס" as more than their tools, but their very essence. As a result, יעקב cursed their anger, and punished them with dispersion among בני ישראל. The character portrayal of ולוי seems entirely negative; the אחים seem treacherous and murderous.¹

Significantly, רש"י writes that יעקב prayed "בסדם אל תבא נפשי" to request that his name remain separate from his descendants' future sins — namely, from those of זמרי (שבט שמעון) and קרח (שבט לוי), for such רשעים were natural offshoots of ולוי.

שבט שמעון seem to follow this line of thought in regard to משה, for his name does not appear in the litany of blessings. Most מפרשים offer innocuous explanations for שמעון's absence; for example, רש"י claims that יהודה's blessing contains a reference to שבט שמעון, who dwelled among them. רמב"ן believes that משה intentionally omitted שמעון, in order to maintain the number 12 when מנשה ואפרים substituted for יוסף. However, אבן עזרא suggests that the omission of שבט שמעון resulted from their sin at פעור, where they were the primary sinners. Indeed, the only explicit story of שבט שמעון in תנ"ך speaks of their iniquity, when the leader of the tribe, זמרי בן סלוא, sinned publicly with a Midianite woman. This immoral action from the role model of the שבט implies an indecency and wickedness of the tribe as a whole. Significantly, though, ספר יהושע records the immense amount of land שמעון (and יהודה) conquered, for his military might sprang from his violent nature. Once again, we see that characteristics that are often negative can be used for positive purposes. Indeed, דה"א יב:כב describes שבט שמעון as "גיבורי חיל כלם והיו שרים בעבא" as befitted their stormy and virulent personality. The תנ"ך therefore gives an accurate portrayal of שמעון's violent character traits, which mirror the ברכות of יעקב and משה.

On the other extreme, משה's ברכה לוי contrasted greatly from יעקב's. משה declared: "תמיד ואורך לאיש חסידך אשר נסיתו במסה" (דב' לג:ח), for as a result of their חסידות when tested by ה', לוי received the gift of שכנית ה' and the כהונה (רמב"ן).²

רש"י explains that since שבט לוי did not "recognize" their family at העגל, but killed the sinners regardless, they deserved to become בני ישראל's teachers (who did not recognize favorites). חזקוני applies the פסוק to the laws regarding כהנים

and טמאת מת which still must follow today; even the death of a relative can often not cause the כהן to become impure. The לויים therefore acted as בני ישראל's guides and teachers, as they followed ה'ה' commandments, and they maintained the correct perspective of "מי לה' אלי" (as אבן עזרא explains). Additionally, they had no נחלה to distract them from the focus of תורה. The tremendous praise and blessings which משה applied to לוי reflects the immense transformation לוי underwent since ברכת יעקב; not only was לוי a חסיד, teacher, and עבד ה', but he also possessed the ability to do heartfelt תשובה.

A descendent of לוי, פנחס best reflected the duality of לוי's nature. In במדבר כה, פנחס could not tolerate זמרי's public desecration of ה'ה' name, and he immediately killed him. Inherent in this action was the rash violence of לוי, as seen in ברכת יעקב, as well as the zealousness and devotion to G-d apparent in משה's praises. Throughout the תני"ך, the second trait of לוי became more developed; in יחזקאל, the לויים continued to follow Hashem while the rest of בני ישראל sinned (מד:טו), and in נחמיה ג, mostly לויים returned to rebuild בית המקדש whereas the remainder of ישראל remained comfortably in גלות. Thus, the personality of לוי underwent a major change since ברכה ש'יעקב, but remained true to form throughout תני"ך.

In his blessing to יהודה, יעקב unequivocally declared the personality traits which comprised יהודה's character, and caused him to be "יודך אחיך" (בר' מט:ח). This leadership ability intrinsic to יהודה becomes evident in יעקב's description of "גור אריה יהודה". Although ספורנו translates this verse to mean that יהודה's kingship would be small (גור meaning "cub"), רד"ק and רש"י understand the verse to mean that יהודה will start as a small leader, like a cub, but will become strong and powerful like a lion. The depiction also symbolized his character, for יהודה inspired fear and command like a lion. All of his brothers recognized him as a leader and warrior, as חזקוני declares: "כאשר יראו שידך בעורף אויבך או ישתחו לך כמו למלך". As a result, kingship will never depart from יהודה.³

יעקב's blessing to יהודה focused on his leadership qualities and mightiness. משה's benediction likewise emphasized יהודה's bravery, as he said:

וזאת ליהודה ויאמר שמע ה' קול יהודה ואל עמו תביאנו ידו רב לו ועזר מצריו
תהיה. (דב' לג:ז)

רמב"ן explains the expression of "וזאת ליהודה" to mean that this is the special quality of יהודה; he willingly went to war, and successfully conquered his enemy. אבן עזרא further explains "וזאת ליהודה" to mean that the ברכה parallels that of יעקב. In addition to his warrior qualities, יהודה strongly believed

in Hashem; when he entered the front of the battlefield, Hashem listened for his prayers. For יהודה capably handled his mission, and in distress, relied only on ה' to help him. The ברכות also reveal another element in יהודה's character: his willingness to do genuine and life-transforming תשובה. Many commentators, such as רש"י and חזקוני, juxtapose the blessings of ראובן and יהודה to show that both confessed their wrongdoings (or perhaps, that יהודה forced ראובן to confess as well). This פסוק highlights a principle part in יהודה's character — his ability to do תשובה and help others do so as well, as befits a leader.

These two personality traits specific to יהודה manifest themselves throughout תנ"ך. For example, in בראשית ל:יז, יהודה demonstrated the influence he held over his brothers, as he convinced them to sell יוסף instead of killing him, saying: "מה בצע כי נהרג את אחינו וכסנו את דמו?". It takes a natural leader to convince people not to follow their passion, and give a persuasive argument without necessarily revealing the true motive of objection. יהודה was such a leader, confident and convincing. Yet he also could humbly declare himself at fault, as he publicly did in בראשית לה:כ. When תמר intimated that יהודה fathered her children, he declared immediately, "צדקה ממני", thereby acknowledging himself in the wrong. יהודה's descendents similarly exemplified these two inclinations. For example, Chazal teach that נחשון בן נחשון initiated סוף ים קריעת by fearlessly jumping into the sea until it reached his neck — at which point ה' split the sea. Similarly, in שופטים א:ב, יהודה took the prerogative and succeeded in conquering extra land (with שמעון). On the other hand, דוד, a king who descended from יהודה, became the paradigm of תשובה when he said "חטאתי לה" as soon as נתן הנביא rebuked him. Another descendent from יהודה, עכן, also repented publicly after others discovered his sin; he said: "אמנה אנכי חטאתי לה' אלקי ישראל וכזאת וכזאת עשיתי" (יה' ז:כ). Both דוד and עכן professed their repentance from their hearts before ה', just like יהודה, their ancestor and leader.

The personality of יששכר becomes clear from the ברכות of יעקב and משה. יעקב describes him as "חמר גרם רבץ בין המשפתים" (ברי מט:יד), and רש"י and רד"ק explain this as meaning he is "a strong-boned donkey", in the sense that he is capable of "carrying the burden" of Torah. Like a donkey that rests briefly "בין המשפתים" יששכר toiled day and night at Torah, and rested quickly before arising, refreshed with his load. רשב"ם explains the phrase "וירא מנוחה כי טוב" in accordance with יששכר's steady, capable character; he realized that it is better to dwell in the tranquility of study, rather than travel all over the world like זבולון does. As a result, שבט יששכר paid taxes from their pleasant land rather than leave it to participate in wars (אבן עזרא).

יעקב concluded the blessing saying: "ויט שכמו לסבל ויהי למס עבד" (מט:טו), for יששכר bore his load so sturdily and firmly, that he evolved into a teacher of the שבטים. יששכר's personality as depicted by יעקב calls to mind a capable, firmly-rooted man, steady in his learning and constant in his toil.

משה projects the same image, as he declared: "שמח יששכר באהליך" (דב' לג:יח). Indeed, יששכר successfully learned Torah, as רש"י points out; over the years, שבט יששכר became בנה יודעי and ראשי סנהדרין. אבן עזרא explains that the imagery of an אהל represents comfort and security in the land, and חוקני adds that שבט יששכר would sit in their tents, observing the excellence of their נחלה. The peaceful, quiet and purposeful life of יששכר which משה evoked mirrors the portrait יעקב drew of his learned son.

This perception of יששכר becomes further visible from texts in תנ"ך. In "ישורי ביששכר עם דברה ויששכר כן ברק" sang: דבורה, שופטים ה:טו, thus depicting יששכר as a competent follower and listener. Similarly, in דהיא יב:ג, תנ"ך describes the tribe as יודעי בנה לעתים לדעת מה יעשה ישראל ראשיהם מאתים וכל — they were the wise, hard-working יששכר as depicted in יעקב's and משה's blessings.

יעקב and משה depicted זבולון as an individual with unique personality traits as well. In זבולון לחוף ימים ישכן והוא לחוף אניה יעקב declared: בראשית מט:יג, "זבולון לחוף ימים ישכן והוא לחוף אניה", and this description comprised the essence of זבולון's character. זבולון would earn their living as traveling merchants, and they therefore lived by the seashore until צידון, a port city famous for exchanging wares. Significantly, ברכה זבולון preceded that of יששכר, even though יששכר was older. ספורנו explains, based on חז"ל, that זבולון ensured that יששכר could always learn Torah by providing him with sustenance. זבולון's business therefore became his personal form of עבודת ה', and he also received the merit of יששכר's learning.

משה also focused on this quality which זבולון possessed as he declared: "...שמח זבולון בצאתך" (דב' לג:יח). The commentators point out that this ברכה mirrors that of יעקב; משה understood that זבולון would live as a merchant by the seashore, so he blessed זבולון to rejoice in his missions and journeys. In a different, less popular approach, אבן עזרא writes that "בצאתך" refers to happiness in going to battle. Perhaps this aggressive element in זבולון's character may be supported from instances in תנ"ך. For example, in ברק, שופטים ד:ו, incited the שבט to join him in battle against סיסרא. Likewise, דבורה described them in her song as "זבולון עם חרף נפשו למות" (שו' ה:יח), thereby depicting זבולון as a brave and mighty nation, willing to risk death in a battle for ה'. Significantly therefore, "ויוצא עבא ערכי מלחמה" as זבולון דה"א יב:לד, — intrinsic warriors. This view may qualify the previous view of זבולון from יעקב; ברכות זבולון; both as a soldier and a merchant, זבולון lived adventurously and eagerly dedicated his life for the sake of G-d.

דן depicted as a גבור of a different ilk in his ברכה. He proclaimed: "יהי דן נחש עלי דרך שפיפון עלי ארח הנשך עקבי סוס ויפל רכבו אחור" (ברי מט:יז). The commentators understand this פסוק to mean that דן (and in particular, his descendent שמשון) exacted vengeance on בני ישראל's enemies. Like a snake, which hides in its surroundings before striking out alone, שמשון killed many פלישתים suddenly, without warning, by himself. The fighting tactics of שמשון's ancestor דן were similar; רשב"ם holds that the פסוק refers to the strategy of שבט דן, who defended בני ישראל against the nations who pursued them in the מדרב (דן brought up the rear of the שבטים). This image seems to manifest a warrior-like quality in דן, as well as a certain aloofness and craftiness.

גור אריה" gave quite a different description of דן, as he called him "דבי לג:כב). The traits particular to a serpent differ considerably from those of a lion; דן, יעקב, to may have been a crafty and dangerous loner; but משה viewed דן as a strong and kingly tribe. One could suggest that this contrast represents a transformation in the character of דן, similar to לוי; however, the commentators strive to resolve the two extremes, thus making this possibility less likely. חזקוני, for example, explains the lion imagery to mean that דן preyed on his victims, much like a snake does. ספורנו similarly avoids majestic imagery, and claims that just as lions only attack when they are certain of their prey, דן similarly ensured his triumph over his enemy. דן evidenced a strong personality; he competently and confidently followed his own path, like a גבור.

The descendents of דן, as seen throughout תנ"ך, possessed corresponding qualities. "איש צדי יודע לעשות בזהב דן" praises an individual from דן as ביהב. "ובכסף בנחשת בברזל ולפתח כל פתוח ולחשב כל מחשבת" This description recalls another man from דן, שבט דן בן אחיסמך, אהליאב, who became the sole assistant to בעלאל in constructing the משכן. In battle דן fought competently and alone, striking an unsuspecting victim suddenly, as seen in ספר יהושע (יט:מו) when the שבט conquered and overtook לשם. In whatever capacity he chose, as artisan or warrior, דן acted alone and well; he fulfilled the projection of יעקב and משה.

נפתלי also seemed to live up to the cast which יעקב and משה molded for him. נפתלי blessed דן as "אילה שלחה הנתן אמרי שפר" (ברי מט:כא), which רמב"ן parallels to the character of נפתלי: like a swift gazelle, נפתלי was טוב and שבע רצון. Happy tidings followed him, just like an אילה which carries the message of good news. רשב"ם explains that נפתלי became soldiers as swift as gazelles, and brought home news of בני ישראל's victory in wars. נפתלי's content, eager personality thereby came to fruition in יעקב's blessing.

נפתלי paralleled יעקב's in this respect. He proclaimed that "שבע רצון ומלא ברכת ה'" (דבי לג:כג). The commentators explain that נפתלי's land

fulfilled all of its inhabitants' desires, because they happily and swiftly fulfilled רצון ה'. This eagerness to serve ה' may also be seen in נפתלי's descendents. In נפתלי, who risked his life on the battlefield in מלחמת סיפרא, שופטים הי"ח, praised דבורה, who quickly and gladly followed גדיען in his pursuit against מדין and for all that they stood; the תנ"ך records: "וַיִּזְעַק אִישׁ יִשְׂרָאֵל מִנִּפְתָּלִי וַיִּרְדְּפוּ אַחֲרָיו מִדִּין", for he sincerely and freely acted for the sake of ה', both in the times of יעקב and משה, and later on.

גד's personality as depicted in יעקב's and משה's ברכות also remained the same throughout the generations. יעקב stated: "גֵּד גָּדוֹד יְגוּדוֹ וְהוּא יְגֵד עִקְבֵּךְ" (ברי' מט:יט), and thereby establishes his son's character. גד represents a שבט שבו; they will wage many battles and vanquish and pursue their enemies. ספורנו writes that גד immediately follows דן in order to juxtapose their opposing character traits. Whereas דן struck his enemy alone and surreptitiously, גד fought his battles in the open, with an army. He courageously progressed without consideration for numbers or intimidation (רמב"ן).

This fearless quality of גד additionally manifested itself in משה's benediction. משה compared גד to "לְבַיָּא שְׁכֵן וְטָרַף זְרוּעַ אַף קִדְקֵד" — גד fought whole-heartedly and successfully, and as a result, he controlled extensive land. In fact, רמב"ן points out that גד fought for his נחלה, as opposed to the other שבטים. שו"ת adds that גד also possessed the traits belonging to a leader — he rose to a שר שופט.

This warrior-like quality of גד demonstrated itself in יהושע יח:י, when גד chose to live in הירדן; in numerous instances, he fought for his own land and that of ישראל as well. יפתח הגלעדי also displayed this personality trait, as the תנ"ך describes him as "יִפְתָּח הַגַּלְעָדִי הָיָה גִבּוֹר חַיִּל" (שופטים יא:א), and he led the nation in many battles. Thus, both גד the individual and his tribal descendents evidenced the qualities noted by יעקב and משה.

יעקב's personality as noted in ברכת יעקב needs clarification. יעקב's blessing to him stated: "מֵאֲשֶׁר שָׁמְנָה לְחֶמּוֹ וְהוּא יִתֵּן מַעְדְּנֵי מֶלֶךְ" (ברי' מט:כ), writes that the extra letter of "מ" in "מֵאֲשֶׁר" refers to the land of אשר, whose olives gave forth oil like a fountain. רש"י adds that their land was so richly blessed, that אשר provided the king's delicacies, as well as the oil used to anoint him. These explanations, however, do little to reveal his true nature.

ברכה משה, on the other hand, provides insight into אשר's personality. משה declared: "בְּרוּךְ מְבִנִּים אֲשֶׁר יִהְיֶה רְצוֹן אַחֲיוֹ וְטָבַל בְּשֶׁמֶן רִגְלוֹ" (דב' לג:כד). Although רש"י believes this פסוק can refer to אשר's land, רמב"ן explains that שבט אשר was more blessed than the other שבטים. רמב"ן draws examples for this extra benediction from אשר's future advantages. ז"מ ascertains that "their

children became "ראשי בית אבות ברורים גיבורי חילים ראשי הנשיאים" adds that although family relations usually envy one another's success, זה "היפך זה קרה לשבטו של אשר כי אמנם יהי רצוי אחיו וזה שהוא נותן זול בשמן בין אחיו לרוב השמן" For although אשר triumphed financially and personally (as רש"י holds that "ברוך מבנים אשר" means that his daughters would marry גדולים and kings), he happily gave of his wealth to those around him. The portrait משה illustrated depicted אשר as a successful, content businessman, eager and willing to spread his wealth to those less fortunate.

The accuracy of this portrayal may be seen through אשר's actions throughout תנ"ך. In שופטים א:לא, אשר did not expel the gentiles from his land. Here as well, we see how the same trait can have negative and positive applications. Although אשר should have exiled the כנענים as ה' commanded, his inaction reflects an inability to perform a violent or cruel action. (After all, יעקב noted that אשר inclined toward farming, not war). דבורה supported this perception in her song, as she declared: "אשר ישב לחוף ימים ועל מפרציו ישכון" (שופטים ה:ז); אשר remained peaceful in his land, rather than join in battles. Thus, a combination of יעקב's and משה's blessings reveals the essence of אשר's personality: he was a sanguine, prosperous person heartfelt in sharing his joy and fortune with others.

The imagery יעקב used to accurately portray יוסף evokes a clear representation of his character. יוסף בן פרת עלי עין בנות: "בן פרת יוסף בן פרת עלי עין בנות" opened and said: "בן פרת" translates רש"י. "זעדה עלי שור" (ברי מט:כב) who impressed and attracted everyone he met. רמב"ן offers a different explanation: יוסף symbolized the extremities of a tree, which never lose their life force. He was a fruitful son, as beautiful and youthful as a budding tree by a spring. Although those surrounding him dealt with trickery and animosity, (מט:כד) — "ויפיו זרעי ידיו" (מט:כד) — he refuses to take revenge. Instead, יוסף stood firm and determined in his mission, until he became second to the king (חזקוני). He overcame his difficulties and triumphs, and he emerged (מט:כד) "באיתן קשת" — strong and powerful. In fact, יעקב granted יוסף the title (מט:כט) "נייר באחיו" (מט:כט); he remained separate from his brothers (רש"י), and rules over them (רש"י). The qualities that יוסף manifested intimated his strong and magnetic character, as he stood determined in his goals and uninfluenced by those around him.

These character traits, which additionally separated יוסף from his brothers, appear in משה ברכות משה. Like יעקב, משה labeled יוסף as "נזיר אחיו" (לג:טז) which translate as "an officer over his brethren" — a role played not only by him, but by his descendent יהושע. In fact, many commentators explain the ברכה of (דבי לג:ז) "בכור שורו הדר לו קרני ראם קרניו" in reference to יהושע, who possessed the strength and beauty of an ox. ספורנו, however,

member of שבט בנימין, he refused the public office and king. Indeed, during his public coronation ceremony, שאול hid among the barrels! For aside from his character as a man of valor, שאול also possessed a modest and reserved personality.

Another leader of בני ישראל, one of the first שופטים, אהוד בן גירא, also came from שבט בנימין. In שופטים ג, אהוד successfully outwitted and murdered מואב and מלך עגלון. Significantly, the entire episode occurred in private; אהוד killed מלך עגלון and fled his chambers, so that even the kings' servants remained unaware of his death. Indeed, throughout שבט בנימין, תנ"ך possessed the label of "גבור חיל" (as it says in דה"א ח:מ...: "ויהיו בני אול אנשים גבורי חיל..."). Yet in every instance that a member of שבט בנימין rose to leadership, his time of glory paled in comparison to other leaders, for בנימין only thrived in a private setting. Thus, איתמר, איש ימיני, and his niece אסתר effected the primary נס פורים only at a time of הסתר פנים.

המשה, however, ignored this aspect of בנימין's character. Rather, simply stated "לבנימין אמר ידיד ה' ישכון לבטח עליו... ובין כתפיו ישכון" (דב"י לג:ב). As a cherished "friend" of Hashem, בנימין dwells securely, with Hashem's presence in his land always. In fact, the בית המקדש existed in בנימין's portion of land. Thus, another aspect of בנימין's personality becomes apparent; the man and his tribe basked in Hashem's love and glory, for they themselves eschewed glory. They fought valiantly and courageously, but without pride or public veneration. And throughout שבט בנימין, תנ"ך reveals this quiet and modest bravery which יעקב and משה praise.

At the conclusion of ברכות יעקב, the Torah testifies:

כל אלה שבטי ישראל שנים עשר וזאת אשר דבר להם אביהם ויברך אותם איש אשר כברכתו בידך אותם. (בר' מט:כח)

יעקב understood that each of his children possessed a unique personality with character traits specific to each one's soul. As a result, (and משה, following in his footsteps) blessed the שבטים with ברכות befitting each individual. Perhaps with this realization, we can gain an understanding of the nature of ברכות. Often, a blessing is given ubiquitously and accepted blindly. Yet, if we truly understood the deep impact and personal relevance of a ברכה, we could reform our lives. לוי received a ברכה which transformed his nature; other שבטים gained a realization of their character and only improved on it. We therefore see that the blessing and encouragement that each tribe received strengthened and influenced their character to the point that their qualities passed down through the generations. It remains our mission and

challenge to follow in our ancestor's footsteps, to utilize and improve the qualities inherent in us and employ them solely לשם שמים.

¹ רמב"ן, however, explains "אחים" as בעלי אחוה, identifying their actions as positive.

² חוקוני, however, writes that לוי receives the אורים ותומים despite, not because of, testing ה'.

³ The commentators understand this statement in various ways since kings from other שבטים ruled various times in Jewish history. רשב"ם, for example, believes that the scepter will never depart from יהודה until the splitting of the kingdom in the time of רחבעם. רמב"ן explains that although individuals from other שבטים may become king, the rulership will never devolve from the tribe of יהודה.

Who Was חוה?

Tamar Melmed

1. Roles

AGAINST THE SECONDARY roles of חוה, the נחש, and even God, one lonely figure stands out against the surreal backdrop of עֵדן. אדם played the tragic lead; he fell due to the conniving and sly characters of the other players, as well as his own personal struggles in seemingly unfair situations. But in order to understand אדם's downfall, we must first examine the catalyst: his beloved חוה. Who was she? What was her purpose in being created? What was the nature of her relationship with אדם? What were her motivations for her חטא, and how do her punishments directly affect the nature of her sin? One must analyze the פשט as well as the פרשנים in order to shed some understanding onto this complex and fascinating saga.

As mentioned above, the story of עֵדן revolves around אדם. He was God's lone human creation, the singular master over the rest of God's creations. But God said: "...לא טוב היות האדם לבדו אעשה לו עזר כנגדו" (בי"ח). אדם could not live a solitary existence, and God gave him an "עזר כנגדו". This term describes the purpose behind חוה's reation.

Most מפרשים agree that חוה was created in subservience to אדם. The ספורנו explains that חוה was an "עזר שיהיה כמו שוה לו...". R' Chavel's footnote here explains:

"נגדו" הוא מי שישקול נגדו ממש. והוספת הכ"ף (כנגדו) מורה שיהא העזר דומה אבל לא שוה לו לגמרי.

"או לא היה ראוי אדם and חוה could not be equal, ספורנו explains, because שיעבד וישרת אחד מהם לחברו". In a partnership of two equal individuals, one cannot serve the other, and this equal partnership would not befit the role חוה was created for.

ספורנו explains "כנגד" similarly to רד"ק. חוה was created כנגדו in order "שיהיה לפניו ולעורתו תמיד לשרותו...". He says that man is greater than animal because where male animals have no control over their female counterparts, אדם *does* have control.

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אדם יש לו יתרון על נקבתו למשל עליה ולצוות אותה כאשר ירצה, כי היא אחד מאבריו, וכמו שהאבר שבאדם הוא לרצון האדם להנהיגו כאשר ירצה כך האשה לאדם. ובעברו שהאדם **עקר יצירה** שנברא תחילה והאשה **טפלה** לו...

Whereas the אברבנאל and רד"ק describe חוה's subservience, describes חוה's evil nature: "שטבע האשה היא שתהיה נגד האדם ומזקת לו".

In her natural state, woman is damaging to her husband. But for those men who are worthy, God will nullify woman's "כנגד" nature, and will make her into an עזר.

John Milton in his famous "Paradise Lost" describes חוה's subservient position.

*From this Assyrian garden, where the fiend
Saw undelighted all delight, all kind
Of living creatures new to sight and strange:
Two of far nobler shape erect and tall,
Godlike erect, with native honor clad
In naked majesty seemed lords of all,
And worthy seemed, for in their looks divine
The image of their glorious maker shone
Truth, wisdom, sanctitude severe and pure,
Severe but in true filial freedom placed;
**Whence true authority in men; though both
Not equal, as their sex not equal seemed;
For contemplation he and valour forced,
For softness she and sweet attractive grace,
He for God only, she for God in him:***

2. Sin

From the explanations of the above פרשנים, one can conclude that חוה's subservient role in being created was "לטובת אדם" and to serve him. This understanding of the nature of חוה, "The Created", clarifies the motivations for חוה, "The Sinner".

When tempting חוה to eat, the נחש said:

כי יודע אלקים כי ביום אכלכם ממנו ונפקחו עיניכם והייתם כאלקים יודעי טוב ורע. (ג:ה)

The נחש's petition tempts חוה to disobey her husband and sin: אבן רד"ק explains "כאלהים" means "כמלכים" and חוקוני and עזרא

as “שלמים במדע” — a fulfillment of knowledge and creativity. רש”י, however, offers the most interesting explanation: “יוצרי עולמות”, Creators. From חוה’s perspective, the possibility of rising to the level of Creator from the seemingly trivial level of Server was worth the sacrifice of all else. According to all explanations, it is clear that she wanted more. She wanted to raise herself out of her natural role of subservience into a position of control, power, and creativity. And so, due to the seductions of the נחש, she sinned.

ותרא האשה כי טוב העץ למאכל וכי תאווה היא לעינים ונחמד העץ להשכיל ותקח
מפריו ותאכל ותתן גם לאשה עמה ויאכל. (ג:ו)

3. Punishment

This disturbing perspective of the sin can be somewhat justified through an analysis of חוה’s punishment.

אל האשה אמר הרבה הרבה עזבונך והריונך בעצב תלדי בנים ואל אישך תשוקתך
והוא ימשל בך. (ג:טז)

*by thy conception; children thou shalt bring
In sorrow forth, and to thy husband’s will
Thine shall submit, he over thee shall rule.*

There is a dual aspect to חוה’s punishment. Not only will she have pain in childbirth, but הוא ימשל בך. Suddenly, God’s punishment reverted חוה back to her original role of subservience. God placed אדם, once again, in control. She was placed in a natural role of subservience, was thus motivated to sin in order to achieve power, control, and creativity, and then, through God’s עונש, she was reverted back to subordination.

God sent her “back to her place” in a sense, but not before she had made an attempt at “redeeming” herself.

And alas, חוה’s efforts were not in vain. Her punishment regarding the pain in the bearing and raising of children directly correlates to her motivation in sinning. The נחש tempted her with כאלקים. As described above, רש”י defines this term as יוצר עולמות. חוה was tempted with the ability to create, as this capability would liberate her from her subjection to control. God granted חוה exactly that which she asked for. Through the gift of childbirth God gave חוה the ability to *create*. But she must accede to the suffering. The pain serves as a תיקון for חוה: חטא חוה’s future female offspring must remember and pay for the חטא of their first אם.

There are also some מפרשים who do not hold the aforementioned views

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regarding חוה's subservience. The נבייב addresses the phrase "עור כנגדו" differently. He describes that there are many different types of men with different natures and characters. The woman is the עור through her "opposite" nature. As he elucidates in דבר הרחב, man's and woman's differences create the "כנגד" aspects of marriage, but it is the "כנגד" character traits that form an "עור" relationship. The complementary aspects of the partnership create a positive healthy relationship. Later, in ה:ב, God blessed אדם and חוה: אדם and חוה: "זכר ונקבה בראם: אדם וחוה".

Where was אדם during this critical moment of Mankind's history? The פשט says "עמה". Was he really with her? If so, why didn't he stop her? What exactly transpired that afternoon in עדן? רד"ק explains:

ותקח מפריו ותאכל ואחר כן נתנה לאשה שהיה באחד מקומות הגן והוליכה לו מן הפרי והודיעה לו דברי הנחש ואכלו ממנו יחד. זהו שאמר: "עמה", הנה האשה אכלה פעמיים והאדם פעם אחת... (ג:ו)

After she ate, she brought the fruit to אדם and then ate again, together with him.

רש"י explains "עמה" existentially. She knew she had committed a grave sin, and wanted to bring אדם down with her. She wanted him to be "עמה" in life and in death. She succeeded in causing him to betray the value system he was committed to and violate a commandment directed specifically to him by God, his Creator.

It is also interesting to note the ease with which חוה seemed to be able to convince him. There is no record of a conversation or argument between them when she informed him of her חטא and entreated him to eat with her. Suddenly, the roles had switched, חוה's dominance emerged, and אדם was powerless against her control. כי שמת: ג:ו in חוקוני indicates this role switch: "כי שמת: ג:ו" לקול אשתך ולא לקולי... לא היית שוגג ועל כן נענשתי".

God blamed אדם for the switch in his obedience from God to mortal חוה. One might even suggest that אדם loved חוה more than God, and that this was his חטא.

Milton describes חוה's possible psychological reasoning after her sin, and her conviction to bring אדם down with her:

...But to Adam in what sort
Shall I appear? Shall to him make known
As yet my change, and give him to partake
Full happiness with me, or rathernot,
But keep the odds of knowledge in my power

Without my copartner? So to add what wants
 in female sex, the more to draw his love,
**And render me more equal, and perhaps,
 A thing not undesirable, sometime
 Superior; for inferior who is free?**
 This may be well: but what if God have seen,
 And death ensue? Then I shall be no more,
 And Adam wedded to another Eve,
 Shall live with her enjoying, I extinct;
 A death to think. **Confirmed then I resolve,
 Adam shall share with me in bliss or woe:**

Though many מפרשים suggest that חוה was created, in some ways, subservient to her husband, this disquieting analysis of her role is countered by the "אינו נראה שנברא האדם להיות יחיד בעולם ולא יוליד, שכל בראשית ב:יח to רמב"ן זרע" ה. הנבראים זכר ונקבה מכל בשר נבראו להקים זרע" He explains that, from the beginning, חוה was given childbirth capabilities, and thus had a distinct power that אדם did not. However, instead of seeing this as a creative capability, an individualized faculty that not only gave her a sense of supremacy over her husband, but — more importantly — made her in a sense "כאלקים" (which, as explained, was the very root of her sin), חוה chose to focus on the "negative" dynamic in her relationship with אדם. She rejected the power she held in the face of an otherwise dominant husband.

In this light, one might say that her punishment wasn't that she was granted *with pain* the capability of childbirth, the Godlike nature that she wanted so badly. If this had been the case, why would God grant her request through punishment? Rather, we can now suggest that her punishment was that the very capability that she *already had*, but had neglected to recognize, now must come with "הרבה ארבה ענבונך". Her sin can now be seen in the tragic light of one who is driven to desperate measure to attain something that he already has, but doesn't see.

חוה, as "אם כל חיי", is our universal mother. Her punishment can thus teach us a clear universal message of opening our eyes to the gifts and capabilities attributed to us by God, as well as focusing on the positive aspects of relationships and situations surrounding us.

The Unactualized Halachah: בן סורר ומורה

Atara Sendor

כי יהיה לאיש בן סורר ומורה איננו שומע בקול אביו ובקול אמו ויסרו אתו ולא ישמע עליהם. ותפשו בו אביו ואמו והוציאו אתו אל זקני עירו ואל שער מקמו. ואמרו אל זקני עירו בננו זה סורר ומרה איננו שמע בקלנו זולל וסבא. ודגמהו כל אנשי עירו באבנים ומת ובערת הרע מקרבך וכל ישראל ישמעו וידאו.
(דברים כא:יח-כא)

THIS UNUSUAL מצוה raises several important moral dilemmas: how could parents ever be told to kill their child, no matter what the circumstances? What did this particular son do that was so bad? Is this law moral?

In addition to these difficulties, however, there is an even greater enigma. The תלמוד presents a well-known מחלוקת regarding the law of בן סורר ומורה: ומורה:

כמאן אזלא הא דתניא 'בן סורר ומורה לא היה ולא עתיד להיות, ולמה נכתב, דרוש וקבל שכר? כמאן? כרבי יהודה. איבעית אימא ר' שמעון היא. . . אמר ר' יונתן אני ראיתיו וישבתי על קברו. (סנהדרין עא.)

The position of רבי שמעון or רבי יהודה leads to an additional perplexity: if the case of בן סורר ומורה could never actually occur, then why does the law exist? Why would the תורה give us a law that can never be actualized? What purpose does it serve?

In the coming essay, we shall examine both aspects of this mystery. We will first examine several פרשנים classical, to get a better understanding of the nuances of the text of the פרשה. רש"י, אבן עזרא, and רמב"ן seem to address the moral question in their פרשנות, but they do not seem to say anything about whether it ever happened or ever could happen. Perhaps, however, it may be possible to infer their opinion from their statements. In order to understand why they do **not** address it, it will be important to examine what they

do address and how their comments are consistent with their respective exegetical styles.

In terms of the broader meaning of בן סורר ומורה, we will see that רבינו בחיי describes how the law of בן סורר ומורה serves as a reminder of the proper perspective of man's place in the world. Beyond that, Rav Hirsch shows that this law, which seems to promote the antithesis of morality, really reinforces the functioning of a moral society. Finally, in relation to the opinion that the law is purely theoretical, Rav Soloveitchik gives a stimulating view of man's purpose in following הלכה, which practically necessitates the existence of a law that could never be fulfilled in this world.

I. פרשנות

רש"י

In order to understand רש"י's approach to our פרשה, it is crucial to remember his general approach towards Biblical exegesis:

ואני לא באתי אלא לפשוטו של מקרא, ולאגדה המיישבת דברי המקרא
(פירוש רש"י לבראשית ג:ט)

רש"י often uses a מדרש to bring out what he feels are the underlying themes of the text. In this case, רש"י extracts the theme of the first three laws of פרשת כי-תצא from two מדרשים, and suggests why these sections of the תורה may be juxtaposed.

He adopts רח"ל's view of the סמיכות פרשיות of these sections: אשת יפת תאר, בן סורר ומורה, and then אשה שנואה. The first case discusses a soldier who desires a beautiful woman, and the second describes the inviolable rights of a first born, even if his father hates the mother. רש"י says:

לא דברה תורה אלא כנגד יצר הרע, שאם אין הקדוש ברוך הוא מתירה, ישאנה באסור, אבל אם נשאה, סופו להיות שנואה, שנאמר אחריו כי תהיין לאיש וגו', וסופו להוליד ממנה בן סורר ומורה, לכך נסמכו פרשיות הללו. (פסוק יא)

He claims that the תורה presents these three laws in this fashion to teach us the principle of עבירה גוררת עבירה: one sin leads to another. רש"י clearly integrates this theme that he derives from the מדרשים into his explanation of בן סורר ומורה.

רש"י's explanation of the words "סורר ומורה" is a classic example of a situation in which he chooses to explain the text without the aid of מדרש. For example, he could have chosen to bring down the view of ריח that ספרי (ריח) that "סורר" means he rebels against תורה דברי, and "מורה" means against נביאים דברי. On its simplest level, this explanation works because it explains why there are two different words to describe the son's behavior.

(Furthermore, the נצי"ב in דבר העמק shows how this explanation could fit the actual words of the פסוק. Commenting on the verse, שמע בני מוסר. "משלי א:ח) (אביך ואל תטש תורת אמן" (משלי א:ח) the נצי"ב says that "מוסר" refers to the study of תורה (for a man teaches his son תורה) whereas "תורה" refers to how to be a proper human being — for that is what the mother imbues within the child. "סורר" and "מוסר" have the same root: סר, therefore the מדרש says that "סורר" means he turned away from תורה. "מורה" and "תורה" have the same root as well — להורות. The מדרש connects this with נביאים because they, like a mother, teach מנהגים ומדות ישרות. Therefore we can connect "מורה" to אם and to דברי הנביאים. This also fits well with an opinion found in the ילקוט שמעוני that "סורר" is מדברי האב and "מורה" is מדברי האם.)

But is this פשט? Apparently רש"י does not think so, presumably because there are too many steps in the process. Instead, he explains the words "סורר ומורה" in a more literal way: "סורר" means "סר מן הדרך" and "מורה" means "סרב במרד" לשון מורים.

How did he come up with these definitions? Interestingly, they correspond to the definitions in the *קונקורדנציה חדשה* (sv. סורר) and *The Brown-Driver-Briggs Hebrew and English Lexicon* ("BDB" — sv. "סורר", according to the *קונקורדנציה חדשה*, means מורד. The נביא ישעיהו says: "עם סורר, ההולכים בדרך לא טוב, אחר מחשבותיהם" (ישעיהו סה:ב). The definition of "עם סורר" is those who "הולכים בדרך לא טוב". The book *לפשטו של רש"י* compares this to a פסוק in ירמיהו: "ירמיהו: ה:כ"ג) in פסוק. This makes sense because it could be the direct source of "סורר" meaning straying from a path. However, "סר וילכו" in this פסוק could also be defining the full phrase סורר ומורה, not just the word סורר. Maybe it actually modifies only מורה, although the roots סר and סר are related.

"מורה", according to the *קונקורדנציה חדשה* (sv. מרה) means סרב, (rebel). BDB defines it slightly differently than it defines סורר (sv. מרה) — not just stubborn rebellion, but being contentious and obstinate. This corresponds to רש"י's differentiation — it is not just going off the path but it is actively disobeying his parents.

In other words, רש"י feels that "איננו שומע בקול אביו ובקול אמו" is the definition of מורה. רש"י says that "לפשטו של רש"י" borrows his definition from אונקלוס, who translates the word "ממרים" in דברים טז: as "מסרבין". However, it is inter-

esting to note that אונקלוס translates "מורה" here as "מרוד", not as "מסרב"! They both mean more or less the same thing, but רש"י uses the word from elsewhere versus the word אונקלוס uses here. Perhaps רש"י is not specifically reacting to אונקלוס's translations and is not even receiving his terminology from him. רש"י has successfully defined בן סורר ומורה in a way that fits into the words and explains the difference between the two verbs.

On the words "ויסרו אותו", רש"י chooses to quote the גמרא:

ויסרו אותו, מתרין בו בפני שלושה ומלקין אותו. (סנהדרין עא:)

רש"י's motivation to quote from the גמרא is to identify the subject of ויסרו — who does the action. According to **לפשוטו של רש"י**, it could not be the parents chastising him as אונקלוס thinks, because it would specify so, as it does in the next פסוק, with the act of "ותפשו בו אביו ואמו": "ותפשו". Therefore, based on this, רש"י goes beyond the literal translation of the text and uses the interpretation of חז"ל. **לפשוטו של רש"י** also says the source is ספרי, but רש"י uses the exact language of the משנה there in סנהדרין, so it seems more logical to suggest that he is actually quoting the משנה.

After establishing why רש"י chooses to quote חז"ל here, one must still uncover what motivated רש"י to accept a specific Talmudic explanation; it is not his style to choose a random opinion. Here, the שפתי חכמים points out that as רבי אבהו shows on סנהדרין עא: there is a גזירה שוה, a "tradition that similar words in different contexts are meant to clarify one another."³³ רש"י accepts the "יג מדות שהתורה נדרשת בהן" — the 13 Principles used to elucidate the text — and in a case like this he often chooses to cite how חז"ל uses the concept. The גזירה שוה is that here there is the word בן, and when the תורה states the laws of lashes (25:2) the word בן also appears. Just as there the punishment discussed is lashes, so too here the punishment is lashes. רבי אבהו takes this one step further with another גזירה שוה with the word ויסרו. In דברים ובכ"ח, in the case a man who defames a married woman it also says "ויסרו אותו", and he determines that also there the בית דין gives lashes to the man. And in fact, through using a גזירה שוה, רש"י answers whom the subject of ויסרו is: בית דין.

רש"י has opened up a new issue now, though, and he will have to clarify several more points. First of all, there is no concrete sin described here. What exactly is his sin in going off the path and disobeying his parents that would make him worthy of lashes? These difficulties motivate us to bring additional מאמרי חז"ל. The following paraphrase from סנהדרין ע. explains the stringency of his sin: he is a thief.

בן סורר ומורה אינו חייב עד שיגנוב ויאכל תרטימר בשך וישתה חצי לוג יין, שנאמר: וזלל וסובא (פסוק כ) ונאמר: אל תהי בסובאי יין בזוללי בשך למו (משלי כג:כ)

Why do we hear about the reason for his punishment here, not in פסוק כא, which states his final punishment? Because we can now ask a serious question – he gets lashes for being a thief? Since when does a thief receive lashes? Normally a thief must only pay double the amount he stole! In other words, how is this legal? To answer this, רש"י invokes the general theme he has defined for the entire section: the תורה here addresses the יצר הרע's ploy of עבירה גוררת עבירה. He paraphrases: סנהדרין עב: — this is not the end of his sins, only a foreshadowing of the decrepit life such a boy would lead. He would eventually מלסטם את הבריות, which שפתי חכמים translates as murder. Presumably, this is why he first gets the lashes, to try to deter him from continuing this behavior. If he continues to disobey after his court warning, ותפשו אותו — his parents should take him to court and he will be stoned. He gets stoned and not just killed with a sword as he would normally be if he actually committed murder, because the most extreme punishment he could be liable for would be if he killed on שבת, in which case he would be חייב גטילת נשמה for סקילה.

This גמרא also answers an additional question that might arise from the original statement. Why is he warned before three people, not the normal two? Because בן סורר ומורה is different — he is not punished for his current sin but על שם סופו. More proof is needed against him to take such a drastic action in בית דין של מטה.⁴

Still, even if the case is made harder to prove, it is quite difficult to explain the morality of judging someone on his possible future actions. Perhaps it is not just possible but inevitable that if a person conforms to these extremely specific requirements, tightly constricted by חז"ל, this will happen. The חוקני יח (פסוק יח) warns not to try to disprove this idea from the case of ישמעאל, who was judged only on the basis of his current actions, not on his presumed future.⁵ ישמעאל really was innocent at the time he was judged, even if he was destined to immorality.

It is now clear that רש"י faithfully follows his mission statement in this section: he brings אגדה only when he has no way of explaining the text in a literal way, or in order to express an underlying theme. Still, any מדרש he brings does not contradict the פשט, even if it does add ideas not found explicitly in the text. No matter what, there is always concrete technical basis for the מדרש. It seems from this case that רש"י only addresses issues that relate directly to the פשט, and he follows through in explaining the details of his idea, even if it seems like he has entered an unrelated tangent.

What about addressing whether בן סורר ומורה happened or not? Based on what was stated above, there is no room for such a discussion in רש"י's commentary. He is interested solely in explaining the text before him through

פשט and through המקרא דברי המיישבת, and perhaps he did not see anything in the text that would lead to that question, as fascinating as it may be. Similarly, in relation to one of the other cases the גמרא says never did and would never occur, that of עיר הנדחת (דברים פרק י"ג), he does not address the issue. There, too, he quotes from סנהדרין and ספרי that solve the various technical problems in the פסוקים.

אבן עזרא

אבן עזרא's explanation of these פסוקים is also consistent with the rules he established in the introduction to his פירוש על התורה. First, he says wishes to be concise and avoid tangents. Second, he admonishes those who try to create their own הלכות based on the פשט and thereby reject דברי חז"ל. He says that the תורה did not give the intricate details of every מצוה and הלכה because "למה נהפך הנראים לנסתרים?" There is no difference between the written and oral law; they are both from סיני. He also condemns those who delve into סוד too much. Only when something is beyond one's logic can he search for the metaphysical underpinnings: "למה נהפך הנראים לנסתרים?" Finally, he says that there is no point in wasting time quoting מדרשים and not addressing the grammar of the section. He says that his exegetical goal is to "search well the grammar of every word with all his capability." מדרש is not usually the most literal way to explain פשט, rather it comes to teaches deeper ideas behind the מצוה or concept. In the case of בן סורר ומורה, אבן עזרא challenges the boundaries of these guidelines, although, as we shall see, he ultimately upholds them:

"סורר ומורה: כנגד השם וכנגד האבות, אם היו יראי השם."

This explanation, coming from אבן עזרא, seems quite strange. Presumably, he is addressing the use of double terminology. What does "מורה" teach that "סורר" does not, and vice versa? One would expect from אבן עזרא a technical differentiation between these two terms, but instead he gives this "midrashic" type of explanation!

It is important to note, however, that BDB does say that "סורר" means being "stubborn, rebellious" (usually against ה'). Therefore, one could say that technically, "סורר" means rebelling against ה', and "מורה" against his parents. His parents must be יראי ה', because if they are acting inappropriately, then he is not rebelling against them, only against God, in which case he is not a בן סורר ומורה.

On the word "סורר", אבן עזרא once again seems to deviate from his rules:

"סורר, כמו כפרה סוררה (הושע ד:טז) שלא ישמור מצות עשה"

If אבן עזרא is such a grammatical פשטן, what leads him to this definition? It does not appear to be פשט! How does the פסוק from הושע reinforce his definition?

On the פסוק in הושע, אבן עזרא comments:

סורר הוא שיסור מן הדרך שצוה שלא ילך בה, והנה דמה ישראל כפרה סוררה, שלא יוכל אדם לחרוש בה.

חומש תורת חיים אבן עזרא for אבן עזרא, who compiled the footnotes on אבן עזרא, says that similarly here, אבן עזרא translates it as not following מצות עשה. If "סורר" means rebelling against עשה מצוות עשה, it follows that "מורה" refers to לא מצוות לא תעשה. אבן עזרא proves his definitions from the פסוק in הושע: בני ישראל: הושע is like a bull not going on the path it should be, a nation not doing עשה מצוות עשה.

Saying "סורר" means מצוות עשה and "מורה" means לא תעשה accords with BDB's and קונקורדנניה חדשה's definitions of סורר ומורה. As noted above, BDB defines סורר as "be stubborn, rebellious (usually towards Hashem)," and מרה is "be contentious, refractory, rebellious." This slightly different formulation reflects the difference between not doing עשה מצוות versus doing a מצוות עשה. Not doing a מצוות עשה is a passive act vis-à-vis actively violating a מצוות עשה. Contentious rebellion is through actively breaking a מצוות עשה. לא תעשה. In the same vein, קונקורדנניה חדשה translates "סורר" as מורד, עקש — general rebellion — and "מורה" as סרב, לא שמע בקול "מורה" — refusing, not listening.

According to his introduction to his התורה על פירוש על התורה, פשט contradicts אבן עזרא, although he clarifies that he accepts פסקי חז"ל unquestionably. On the words "ויוסרו אותו", however, אבן עזרא does not need to record the הלכה למעשה, instead of his usual grammatical analysis:

בפני עדים. מצוה שהם יתפסוהו ויוציאוהו, ודברי הקבלה אמת.

אבן עזרא, who compiled the footnotes on אבן עזרא, is an actual מצוה for the parents to fulfill, not merely an option. What does אבן עזרא mean by ודברי הקבלה אמת? In אבן עזרא makes a similar statement regarding the concept of "עין" ויקרא כד:ט: תחת עין". In this case, it is often impossible to carry out the letter of the written law. For example, if someone damaged someone else's eyes, such that he was not blinded but lost one third of his vision, it would be impossible to cause the identical damage to him. Therefore, "על כן דברי הקבלה אמת" — to damage him corresponding to the damage he caused would be appropriate, but it is impossible, so the הלכה's interpretation (requiring monetary com-

pensation) must be correct. Similarly here — *אבן עזרא* accepts *דברי חז"ל* on the subject of *בן סורר ומורה*. *וייזר* posits that the "קבלה" to which *אבן עזרא* refers is *ספרי ריט*. That *פסקא* lists the conditions the parents must meet to be able to bring their son to such a trial, similar to those in *סנהדרין עא*. For some reason, *אבן עזרא* does not elaborate on this. Perhaps he thinks the reader already knows this *חז"ל*, or could easily look it up. He did say in his introduction that he sees no benefit to quoting long passages of *מדרש*. Maybe *וייזר* meant that he looks at this in a completely different way. It is fascinating that the *מדרש* that *וייזר* says he quotes is one of many that lists specific requirements the parents must meet in order for it to be a *מצוה* for them to do this. Is *אבן עזרא* subtly expressing that he finds these requirements necessary in order to understand *פשט*? If so, why? Perhaps he thinks that because of technicalities the case could never occur, but as he says regarding *עין תחת עין*, it is theoretically the appropriate punishment. Still, he does not explicitly bring up the issue of whether it ever did or could happen.

אבן עזרא also says:

זולל, מפורש והוא זולל בשר, רק הוא שם כלל לנותן בכל מה שיתאוה כל מה שיבוקש ממנו. וסובא, מרבה לשתות והוא משתכר. והנה זה כמו אפיקורוס, כי לא יבקש חיי עולם הזה, כי אם להתענג בכל מיני מאכל ומשתה.

אבן עזרא differentiates between the details of the הלכה and the general message the תורה conveys. Here, he reacts to a minor technical detail in the text. *סובא* and *זולל* says he reacts to the lack of words modifying *בשר*; it does **not** say *בשר יין* specifically, because the *פסוק* (on its *פשט* level) is reproaching any gluttonous or heretical behavior. The *פסוק* is less interested in **how** the person is gluttonous than in the basic fact that he is a glutton — someone who indulges in his desires — and therefore a heretic, because someone who is constantly drunk obviously does not care about the consequences of his actions. Belief in God necessitates caring about consequences; when one cares about consequences one is compelled to follow God's commandments because one understands the results of disobedience. Indirectly, *אבן עזרא* addresses how it could be moral for such a person to be punished so harshly — his actions represent a much broader problem of attitude. It is also possible that when he says the rebellious son breaks *מצוות עשה* and *מצוות לא תעשה* that this is a metaphor for *אפיקורסות*. He does not literally break all of the תורה in order to be considered a *מורה*, but he has a false sense of God, which is as if he broke all the laws.

אבן עזרא alludes to the halachic details of the court process and for what he would be convicted, yet elaboration on the הלכות is not his main

concern. Why he alludes to the הלכה at all here remains unclear and requires further analysis.

אבן עזרא explains the סמיכות פרשיות in a similar way as the מדרש that רש"י cites, yet his idea is slightly different. One can always question what motivates רש"י to accept or reject a certain מדרש because he was concerned with figuring out which מדרשים aid the understanding of the text and which do not. This is not אבן עזרא's concern.⁶ Further, he does say in his introduction to the תורה that he does not like quoting מדרשים. אבן עזרא says,

ונסמכה זו הפרשה בעבור אשת יפת תאר. והעד, ושם אמו, והרמו שרמזתי בבני אהרן

אבן עזרא explains that אבן עזרא means that this section is connected to אשת יפת תאר, but not necessarily through אשה שנואה. His point is that this shows that the root of the son's problem is his mother's unconnected past. He proves this concept from the תורה's introduction of בני אהרן and the story of the מקלל, the anonymous man who cursed with God's name. In both cases, the תורה records the name of the mother to show how the position or actions of the sons stem from the mother. Regarding בני אהרן, the פסוק says:

ויקח אהרן את אלישבע בת עמינדב אחות נחשון לו לאשה (שמות ו:כג)

אבן עזרא says in this פסוק lies the סוד הכהונה's status, which reveals to us: שבט יהודה of נשיא was the נחשון בן עמינדב, the tribe of kingship. Therefore, בני אהרן had heritage from both sides, heritage that affected them greatly. Otherwise, why would the פסוק need to mention that אלישבע was נחשון's sister? The מקלל, however, had bad heritage: his mother was דברי בת דברי, who apparently was not a respectable woman. A מקלל could only come from such corrupt ancestors. Similarly here, a בן סורר ומורה could come from bad heritage such as having an אשת יפת תאר for a mother.

It is possible that אבן עזרא views the סמיכות פרשיות as merely thematic, with no effect on the actual case or the determination of the הלכה whatsoever.⁷ Through its theme, it uncovers yet another moral message in this passage. A person's roots impact him significantly.

We can now understand why he does not address the question of whether or not the case actually did or could happen. It is clear from his comments that the point of his פירוש here is to uncover the themes that emerge from the technicalities. If it did happen, אבן עזרא knows that חז"ל competently formulated the הלכות. If it did not happen, it does not matter — the concept itself is מוסר for בני ישראל not to disobey their parents, and to lead

a moral life of belief in God and self-control. Therefore, from אבן עזרא's perspective, the question is irrelevant.

רמב"ן

רמב"ן has three main questions on the section. His first issue is, who exactly is this person (the בן סורר ומורה) and what exactly is his sin? He must answer this question before he can address his main concern: why the son is punished so severely. Finally, רמב"ן discusses an issue that disturbs him throughout ספר דברים: whether this is a new מצוה or simply a מצוה מבוארת — a further explanation of a מצוה already commanded earlier in the תורה.

In order to understand why the בן סורר ומורה is punished so harshly, it is important to know at what point in life this boy is. Therefore, רמב"ן paraphrases חז"ל in סנהדרין סח based on the word בן — "אינו קטן, מכל שהקטן פטור — עונשין שבתורה ומכל המצוו, אבל הוא המביא שתי שערות" The offender is not quite a man, but certainly above thirteen, which makes him obligated to obey the מצוות and punishable if he sins. He is punished on account of two sins- the first that he is בן סורר ומורה, and the second that he is זולל וסובא. רמב"ן does not differentiate between the terms "סורר" and "מורה" as רש"י and אבן עזרא do; to him these words describe one general sin of "מקלה אביו ואמו וממרים בהם". In other words, "סורר ומורה" means "אינו שומע בקול אביו ובקול אמו" which fits well into the text.

The boy's second sin, זולל וסובא, רמב"ן, means violating the commandment "קדושים תהיו" and "זאתו תעבדו":

שנצטוונו לדעת ה' בכל דרכינו, וזולל וסובא לא ידע דרך ה'.

Now that רמב"ן has identified who this son is and what he has done, the question still remains: why is he punished so severely? רמב"ן answers that his current sins are not enough to justify such a penalty. First, he agrees with רש"י that he is killed for what he is destined to do in the future, but there is a two-step reason for why he is stoned. Someone who is barely a man but already responsible for his sins, who is acting in such a disgraceful manner, על שם סופו נדון — he is not heading towards a fruitful life. He has not committed an atrocious sin yet, but he is killed "ליסר בו את הרבים". The main reason he can be judged based on his future actions is because the purpose here is showing others how not to act, so that he will not mislead others. That is why "וכל ישראל ישמעו ויראו" — an integral part of the process of punishment is for the entire community to be fully cognizant of what happened.

This is an interesting point, because in recent years, American society

has debated a very similar question: does capital punishment really work as a deterrent? Many Americans argue that it does not, and that even if it did, that would not be enough of a reason to take another person's life. But תורה morality is objective morality, and cannot be subjected to the historical whims of mankind. Perhaps the idea of capital punishment could not work in a democratic society like America because it contradicts the general attitude of "every man for himself, with his own set of moral laws". But the תורה is based on other principles. Within a תורה society, capital punishment would ideally work.

בן סורר ומורה is not the only case where the תורה judges extra harshly to teach a lesson; זקן ממרא and עדים זוממין, and מסית have the same purpose. In each of these cases, one could ask why capital punishment is appropriate. The תורה clearly says that the need for a deterrent in specific cases justifies capital punishment.

Rav Hirsch also discusses the function of public execution and points out like the connection between the cases, as well. They are all public executions. Therefore, as רש"י cites, these are the four cases which need a public declaration by the court. Rav Hirsch paraphrases the ר"ן on this concept:

So the motive for giving the greatest publicity is not the prevention of the same crimes in these two cases [specifically זקן ממרא and בן סורר ומורה, which have such limited possibility of occurrence], but by these frightening intimidating examples, to drive home in general the seriousness of educating our children, and children's obedience to parents, and obedience to the traditional verbally handed-down תורה and its teachers and exponents.⁸

Some suggest that these four cases reflect four crucial parts of society: one who entices others to go astray corrupts the religious aspect, false witnesses corrupt the judicial, the rebellious son corrupts the familial, and the rebellious elder corrupts the legislative. These cases act as deterrents to preserve the stability of society. In this day and age, such ideas that comprise objective morality are not in vogue. But a halachic Jew must take a stand and accept the rich tradition of his ancestors.

רמב"ן discusses one more topic here, a topic he discusses often throughout ספר דברים: is this a new מצוה, or one that has already been commanded? In his introduction to ספר דברים, רמב"ן posits that in ספר דברים, משה רבינו expounds upon those מצוות necessary for the generation entering ארץ ישראל to hear. There are a few new מצוות, and they would come only here either

because they are only applicable in ארץ ישראל, or because they are not frequent, so משה only teaches them to those who are inheriting the land. For example, in פרק כ משה discusses the laws of war. These הלכות were not necessary for them to know until now, as they prepared to fight for their land. (רמב"ן, דברים כ:א)

In this case, רמב"ן is not even sure whether the מצוה is new or expounding upon the מצוה of ואם יראת אב ואם. If it is new, although רמב"ן does not say this, perhaps it fits into his category of infrequent מצוות.

Rav Hirsch cites: ע: סנהדרין

On the declaration of the parents: שומע... the Gemora says that sentence may not be pronounced on the basis of the excessive gorging at occasions where eating is a מצוה, but also not if the food consumed consisted of prohibited foods, as pork or shrimps of treifa meat, etc., for the accusation is "he would not listen to OUR voice," and THIS is not listening to GOD'S voice.⁹

In other words, he is a זולל וסובא; he is a ברשות התורה; נבל ברשות התורה. The root of his sin, his concrete sin, is that he disobeyed his parents. The פסוק does not say, "בן סורר ומורה" but rather "וכי יהיה לאיש בן זולל וסובא". His parents accuse him first of סורר ומורה, and only then do they add on that he is זולל וסובא.

The fact that he is זולל וסובא is not a light, simple matter; he is violating a מצוה דאורייתא of קדושים תהיו. However, רמב"ן himself implies in ויקרא יט:ב that ויקרא יט:ב is a מצוה כללית, which encompasses every מצוה in the תורה and beyond. קדושים תהיו are included within כבוד ויראת אב ואם, and they are the specific מצוה which he transgresses.

The מצוה of ואם כבוד plays a crucial role in the maintenance of קדושה. קדושה כבוד and ויראת אב ואם, followed by שמירת שבת, are the first laws in ויקרא פרק י"ט after the command קדושים תהיו. From this Rav Hirsch claims that שמירת שבת and כבוד are the foremost educators in worshipping God, and "יראת אב ואם is the first step towards קדושה ואם."¹⁰ It trains the child to be obedient, and the child can then apply this obedience to all areas of life and lead a life of self-control. But fear of God precedes fear of parents, which is why שמירת שבת comes next, for the purpose of checks and balances. "This gives the one limitation which exists to the obedience which a child must accord his parents."¹¹ שמירת שבת serves as an example of all the laws in the תורה, since it is the greatest testimony of our subservience to God. One can learn from here that if someone's parents tell him to transgress any law of the תורה, he cannot obey them because nothing comes before fear of God, not even fear of the physical beings that brought him into existence. Rav Hirsch emphasizes the use of the plural form in this פסוק: תשמרו, תראו. He learns from this that "it is not only by the

single individuals themselves that these two fundamental institutions of Jewish breeding are to receive homage, by כבוד אב ואם and שבת the whole Jewish national character receives its stamp.” They are the “pillars of the holiness of Jewish life...”¹²

It is interesting to look at the מנוה of אשת יפת תאר within רמבין’s definition of קדושים תהיו. One might look at the concept of אשת יפת תאר — that if a man is at war and desires a woman, if he has her perform a certain ritual she is permissible to him — and seriously question the morality of this procedure. The first step, though, to understanding this baffling law is to put it into the societal context. One must understand that this was actually an improvement from how men would normally treat such a woman. By the תורה’s law, he is forced to let her mourn and actually have feelings!¹³ But in the context of רמבין’s definition of קדושים תהיו and the אסור of being a נבל התורה applies. There are certain cases where the תורה will allow certain reprehensible actions within a tightly controlled context. It tells us how to direct our desires. But one may not think that he has the right to decide what is moral on his own; that is solely תורה’s domain.

רמבין also does not address whether בן סורר ומורה ever did or could happen. However, he discussed the details of the law (as did רש"י and עורא), and it becomes clear that the case has extreme importance in defining the moral structure of the nation.

II. The Moral Message

What if ר' שמעון or ר' יהודה is correct — בן סורר ומורה never occurred and never could occur? Why would it be in the תורה? Why would the תלמוד dedicate several pages of מסכת to it? Why would רמב"ם have a whole chapter in הלכות ממרים about the qualifications and judiciary process? The ראשונים certainly derived moral standards from it, but is that enough to explain the existence of a law that can never be enforced?

בני בחיי and Rav Hirsch directly address the issue of whether בן סורר ומורה did or could happen. בני בחיי suggests that רבי יונתן (who not only disagrees with the assertion that בן סורר ומורה could never occur, but claims to actually have “sat upon the grave” of one who had been executed) may disagree with the first opinion, or perhaps he also accepts it, and when he says “אני ראיתיו”, he does not mean he actually saw a בן סורר ומורה. Rather, he meant that he had seen someone like אבשלום, who rebelled against his father דוד but did not fit into the specific halachic category of a בן סורר ומורה. Therefore

asks, רבינו בחיי

מפני מה הוצרכה תורה להודיע ולכתוב מה שלא היה ומה שאין ענינו נוהג בדרך העולם?

Characteristically, רבינו בחיי derives a strong ethical message from בן סורר ומורה's appearance in the תורה. He describes explicitly a point that was implicit in the comments of רש"י עזרא, and רמב"ן — the notion of objective morality:

אבל זה היה מחכמת תורה ללמד דעת את העם בגודל חיוב אהבת הש"י, שהרי אין לך אהבה חזקה בעולם כאהבת האב והאם לבן, וכיון שהבן עובר על מצות השם יתעלה, וזה דרכו כסל לו, חייבין הם שתגבר עליהם אהבת הש"י על אהבת הבן עד שיצטרפו להביא אותו הם בעצמן לבית דין לסקילה.

Man's job in this world is to do ה' רצון, to the point that any feelings towards humans are insignificant by comparison. Thus a stand must be taken: a person who rebels against God, however one looks at what his exact sin was, and whatever semantics one uses, does not deserve to exist in this world.

This concept may be difficult for the modern mind to accept. Contemporary standards of morality seem to put the individual above all other concerns. The תורה, however, apparently feels differently. אבן עזרא, for example, would say it is pure heresy to care more about one's self than about God. In (2:4) "עשה רצונך כרצוני", רבן גמליאל בנו של רבי יהודה, פרקי אבות says. According to Jewish belief, the world is theocentric, not anthropocentric. History proves this as well — the definition of morality in the secular world has changed throughout history. But תורה morality is objective morality. One of its rules is that the action must lead to a close connection with God. Disobedience, gluttony, and heresy do not.

Rav Hirsch also does not think that בן סורר ומורה happened or could happen. Similar to רבינו בחיי, and as seen above, he thematically and characteristically brings a pedagogical, moral message out of the text. His style is basically מוסר המיישב דברי המקרא:

. . . it could never come to a concrete case considering all the factors which would be necessary to establish it. But nevertheless, or rather just on that account, it forms a rich source of pedagogic truths and teachings, studying which, דרוש וקבל ש"ך, will richly repay parents for their business of bringing up children.¹⁴

The case is limited in this fashion to show that he can only be stoned if there are no outside factors that made him the way he is; he must be inherently bad. The conditions necessary in order to accuse a son of being a בן סורר ומורה are not only to make the case impossible to occur in reality, but also to teach the ideal relationship between the mother and the father, and the mother and father with the son. He fits many of the comments of the גמרא into the פסוקים in light of this view of the purpose of the case. For example, from the word בן, the גמרא (69a) learns that the son is within his first three months after his מעוה בר. Says Rav Hirsch, “it is in the first three months after attaining בר מצוה that תורה sees the critical time for the decision over the moral future of a boy.”¹⁵

Rav Hirsch says further on the words זולל וסובא, “at the time a Jewish boy matures to youth and should turn with enthusiasm to the ideals of spirituality and morality, he shows himself surrendered to ‘gorging and guzzling.’¹⁶ His moral and spiritual welfare is dependent on the way his parents educate him. Rav Hirsch shows this through the פסוקים in light of the גמרא as well. From the description of the parents, the הלכה derives that if the parents are crippled, the case cannot occur. The physical health of a child’s parents has severe influence over his own psychological being.¹⁷ More importantly, though, the main influence over a child is the way his parents relate to each other. Rav Hirsch writes:

. . .only if, as it says in v. 20 “אינו שומע בקולו”, the father and mother have one voice, both treat him with the same seriousness, both stand over him in equal authority, in equal dignity, and above all, in the same agreed ideas and wishes, only then can they say to themselves that it is not their fault if their son is a failure. If any of these factors is missing, where, above all, there is not complete agreement between the parents in bringing up their children, then the failure of the child is no proof of the moral badness of his nature. Under a truly better system of education on the part of father and mother, the child might perhaps have been different, and where the parents failed, life and experience might succeed in bettering.¹⁸

That is the message of the תלמוד’s stipulation that the parents must both want to prosecute their son, and more emphatically why “the pronouncement of the sentence [is] dependent even on the equality of the parents in the impression which their appearance makes.”¹⁹ (See סנהדרין עא, quoted above.)

III. The Ultimate Brisker Adventure

Whereas רבנו בחיי and Rav Hirsch extricate moral and pedagogical messages from this text as a way of understanding "דרוש וקבל שכר", Rav Soloveitchik elaborates on the whole concept of the existence of a purely theoretical law. He thus sheds light on the very nature of תורה and man's purpose in the world. He says that a gap exists between הלכה as recorded in the תורה and carried down through חז"ל, and הלכה the way it is practiced in the world. This ontological gap is a result of the ontic gap that exists between the physical world and the abstract world it reflects.²⁰ The point of הלכה is to transcend the barriers by bringing as much of the ideal Halakha down into this world as possible.²¹ The Rav writes:

The essence of the Halakha, which was received from God, consists in creating an ideal world and cognizing the relationship between that ideal world and our concrete environment in all its visible manifestations and underlying structures. There is no phenomenon, entity, or object in this concrete world which the a priori Halakha does not approach with its ideal standard.²²

בן סורר ומורה relates profoundly to this theory; perhaps it is the paramount proof of its validity:

Halakhic man is not at all grieved by the fact that many ideal constructions have never been and will never be actualized. What difference does it make whether...the rebellious son existed or didn't exist in the past, will exist or won't exist in the future? The foundation of foundations and the pillar of halakhic thought is not the practical ruling but the determination of the theoretical Halakhah.²³

It is important to remember that Halakhic Man's ideal is to actualize Halakha in this world, yet by the same token he would certainly not want a case like בן סורר ומורה to have to occur in this world! Connection to God occurs when man succeeds in "...bringing down that eternal world into the midst of our world."²⁴ The significance of a case like בן סורר ומורה is not only for its moral message but for its representation of Halakhic Man's approach toward תורה תלמוד שכר: דרוש וקבל שכר. The more he understands the ideal world, the closer he is to God because the more he can actualize the ideal in the real world.

The Rav's theory can further explain the moral deficiency of a בן סורר ומורה. If man's goal is to become close to God, he must imitate Him. Just as God created, so too must man be a creator. "Creation means the realization of the ideal of holiness.... If a man never creates, never brings into being anything new, anything original, then he cannot be holy unto his God."²⁵ A בן סורר ומורה achieves nothing, the antithesis of holiness, according to רמב"ן's definition of קדושה. A נבל ברשות התורה is not being creative; he is not going beyond the letter of the law.

The concept of the Halakhic Man also sheds light on what the גמרא, רש"י, and רמב"ן meant by "על שם סופו נדון". The Rav discusses the role sincere repentance can have in changing a person. In the realm of repentance, the usual law of causality does not apply. Normally, cause leads to effect, but with repentance, the effect can retroactively change the cause:

The cause is interpreted by the effect, moment **a** by moment **b**. The past by itself is indeterminate, a closed book. It is only the present and the future that can pry it open and read its meaning There can be a certain sequence of events that starts out with sin and iniquity but ends up with mitzvot and good deeds, and vice versa This is the nature of that causality operating in the realm of the spirit if man, as a spiritual being, opts for this outlook on time, time as grounded in the realm of eternity. However, the person who prefers the simple experience of unidimensional time — time, to use the image of Kant, as a straight line — becomes subject to the law of causality operating in the physical realm.²⁶

Here as well, the Rav's philosophical framework can help us to understand the ethical explanations given by the earlier פרשנים. In this exceedingly specified case, the Rabbis tell us that one sin will lead to another in a downward spiral that will not be reversed because this boy chooses a unidimensional perspective of time. He will not allow his future actions to "undo" his previous actions, so sins will not lead to anything positive. He no longer has any self-control physically or spiritually: "event **a** tyrannizes over event **b**, the past is all powerful and the future must perforce follow in its wake."²⁷ Rav Soloveitchik's philosophy also fits beautifully into this section vis-à-vis Rav Hirsch's understanding of the roots of the commandment of **אב ואם**. Parents are responsible for the continuation of the **מסורה**, and they are honored for doing this colossal task. The Rav talks about how a Jew must be time-conscious in relation to the history of his entire nation, not only within himself:

The *masorah*, the process of transmission, symbolizes the Jewish people's outlook regarding the beautiful and resplendent phenomenon of time. The chain of tradition, begun millennia ago, will continue until the end of all time . . . The consciousness of halakhic man, that master of the received tradition, embraces the entire company of the sages of the *masorah*.²⁸

Not so with a בן סורר ומורה, who denies tradition. Otherwise he would take responsibility to use his creativity. Moreover, he is a threat to society's healthy continuity. Therefore, וישראל ישמעו ויראו: such a person does not understand time and does not understand the cosmic ramifications of his actions, or lack thereof. He cannot be emulated.

The פירושים of רש"י, רמב"ן, אבן עזרא, רש"י, רמב"ן, רבינו בחיי, רמב"ן, אבן עזרא, רש"י, רמב"ן, רבינו בחיי, and Rav Hirsch are paramount examples of the clear fulfillment of דרוש וקבל שכר. Every פרשן, in his own way, approaches the תורה with this same thirst for the most honest explanation. Each one unravels the layers of the text to connect to God through his own mind. There is not much significant מחלוקת between רש"י, רמב"ן, and רמב"ן here. They each use different methodologies and focus but ultimately the message is the same. That is דרוש וקבל שכר — the creativity of תורה. The fact that the case could possibly never occur did not deter them from theorizing. Technically, one could say that אבן עזרא would say that only because of technicalities must the actual remain in potential, but the messages can and must be actualized in this world. Certainly רמב"ם must have seen the case as a halakhic possibility — if not in this world, then certainly in the ideal world. His משנה תורה includes הלכה in its entirety: "And with the same precision and the same rigorous standards that he used in determining the law in the case of a man who lent money to his fellow... he also treated the order of the service of the high priest on the Day of Atonement, the laws of the Passover sacrifice . . . etc., etc."²⁹

We will now leave the world Brisk for a moment, and swing over to the "other side of the camp", to the magical world of Breslav. But the travel in this case is not too far, because רבי נתן records almost the exact same idea he heard from his Rebbe, רב נחמן, in לקוטי מוהר"ן, I:15. The difference, of course, is in semantics.³⁰ רבי נחמן shows how duality came into being through a mystical twist. He says that before creation, before God turned the potential world into actual, all was One with God — וכלו טוב וכלו אחד — "היה כלו אחד וכלו אמת וכלו טוב וכלו אחד" — When He turned the potential into actual, a duality emerged: now there is the אחד, God, and הבריאה, creation. With the creation of duality emerged the possibility of רע, טומאה, חול, וחול. Man, in order to bring the world back to perfection, should cleave to אמת, טוב, טהרה, טוב, וקדושה, טהרה, טוב, וקדושה.

To combine Breslav and Brisker terms, halakhic man attempts to bridge the gap between the ideal world, i.e. the אחד, and the actual world, i.e. the בריאה. How? Through Halakha, which is based on the ideas of אמת, טוב, טהרה, and וקדושה.

There is a real danger to the duality, though, because as man should strive towards achieving the ideal, the שקר can drag a person down fast. The Rav says that this is the result of spiritual confusion in the rapture of longing towards the ideal: "A soul overwhelmed by religious longings may, at certain times, stray amid the paths of secular knowledge." Many secular philosophers have picked up on the duality in the world and created systems around it. The primary examples are Plato with his world of ideas and shadows of being, and Kant with his numena and phenomena.

There is truth to ideas such as these, but ultimately, what בן בג בג says remains true: "הפך בה והפך בה דכלה בה" (פרקי אבות, ה:כו). The danger is that often the ideas that develop from secular systems can be heretical, and dangerously morally corrupt. The Rav actually first released the book *Halakhic Man* during the end of a catastrophic result of such a philosophy, in 1944. Freidrich Nietzsche had developed a theory of an ideal "superman" for man to create. Unfortunately, Hitler perverted this idea and created a Holocaust. Rav Soloveitchik juxtaposes the "Man of God" with "superman."³¹ Man can choose in which direction he wants to curb his duality. Judaism could never develop a "superman" because as close as one hovers around God, one never completely reaches Him. The Rav writes, "when a person reaches the ultimate peak — prophecy — he has fulfilled his task as a creator."³²

If a rift exists between the concrete world and the ideal world, then those ידאי שמיים who have a greater understanding of the ideal should be the soul trustees of the halakha; they, through דרוש וקבל שכר are closer to the ideal. תורה did not stop at סיני, as עורא אבן stresses in his introduction. Especially when a modern moral dilemma arises, we must not discard tradition, but rather turn to the Rabbis. One might not see a precedent to follow, but they will. It is crucial to maintain a proper objective perspective, the תורה perspective.

¹ אברהם אבן-שושן, *קונקורדנציה חדשה*. ירושלים: קרית ספר, 1996.

² שמואל פ. גלברד, *לפשוטו של רש"י*, דברים. תל אביב: ראם, 1990.

³ Artscroll Siddur, p. 50.

⁴ *לפשוטו של רש"י*

⁵ אין דנין את האדם אלא לפי מעשיו של אותה שעה. שנאמר, "כי שמע אלקים אל קול הנער באשר הוא שם" (בראשית כא:יז) (ראש השנה טז:)

⁶ Mrs. Sharon Isaacson, private conversation

⁷ This same principle could be applied to רש"י's thesis on these פסוקים, as well (see above).

⁸ Hirsch, Samson Raphael. *The Pentateuch: Deuteronomy — Translated and Explained by Samson Raphael Hirsch*. Gateshead: Judaica Press, Ltd., 1989. p. 331.

⁹ See above, where אבן עזרא disagrees — part of the בן סוֹרֵר וּמוֹרֵה sin is that he disobeys God and does not keep the מצוות. The disagreement is even strengthened if one stretches and says that according to אבן עזרא the disobedience of God's מצוות is figurative, symbolizing אפיקורסות. אפיקורסות is the epitome of contradicting God's word. A התורה does not officially break any laws, but an אפיקורוס breaks every law in the book!

¹⁰ Hirsch, S.R. Commentary on Leviticus Part II, p. 500.

¹¹ *Ibid.*, p. 501.

¹² *Ibid.*

¹³ Mrs. Mali Brofsky, private conversation.

¹⁴ Hirsch, Commentary on Deuteronomy, p. 416.

¹⁵ *Ibid.*, p. 417.

¹⁶ *Ibid.*, p. 419.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, p. 418.

¹⁹ *Ibid.*

²⁰ Soloveitchik, Joseph B., *Halakhic Man*. Philadelphia: The Jewish Publication Society of America, 1983. p. 13.

²¹ *Ibid.*, p. 30.

²² *Ibid.*, p. 19-20.

²³ *Ibid.*, p. 23-24.

²⁴ *Ibid.*, p. 41.

²⁵ *Ibid.*, p. 108.

²⁶ *Ibid.*, p. 115.

²⁷ *Ibid.*, p. 116.

²⁸ *Ibid.*, p. 120.

²⁹ *Ibid.*, p. 25.

³⁰ The Rav throughout his book recognizes the similarities between the mystical approach and this approach, but he differentiates between the two. Mysticism explores "... a metaphysical system that penetrates into the hidden recesses of creation, that contemplates the foundation stones of the cosmos, being and nothingness, the beginning and the end; here (in the Halakha) [ideas do] not pertain to the secrets of creation and the chariot but rather to law and judgment." (p. 49) Further, "And once again we see revealed before us the divergent approaches of the Halakhah and mysticism. While mysticism repairs the flaws of creation by 'raising it on high,' by returning it back to the source of pure, clear existence, the Halakha fills the 'deficiency' by drawing the *Shekhinah*, the Divine Presence, downward into the lowly world, by "contracting" transcendence within our flawed world." (p. 108)

³¹ p. 109.

³² p. 130.

The Halachic Ramifications of **יום העצמאות** on **ה'לל** and **יום ירושלים**

Leora Stopek

ON **ה' אייר** (May 15, 1948), David Ben Gurion declared before the National Council that after close to 2,000 years, the Jewish people once again had control and sovereignty over their homeland. Permission for this had been granted to them through a majority vote in the United Nations, which had declared some six months earlier that after undergoing the destruction of the Holocaust and World War II, the Jews deserved a homeland. This day, **ה' אייר**, is known today in Israel as **יום העצמאות**.

In **אייר תשכ"ז** (June, 1967), Israel was attacked on all fronts by its Arab neighbors. During a six-day period, the Israeli army miraculously captured much land including the Golan Heights, the Sinai Peninsula, the Gaza Strip, Judea and Samaria, and the Old City of Yerushalayim. June 7, **כ"ח אייר**, was the day when Yerushalayim was recaptured. This date is now celebrated as **יום ירושלים**.

Torah-observant Jews must relate to days such as these from a halachic perspective. A major debate has arisen among the **פוסקים** regarding how one must mark these days. Some are of the opinion that nothing out of the ordinary should be done, while others feel that **נסים** occurred on these days, and thus we must, in some way, express our thanks to **ה'.**

Why are some **פוסקים** opposed to recognizing **יום העצמאות** and **יום ירושלים** as holidays? There are several reasons. First of all, we must consider what is the halachic significance of our presence today in the land of Israel. **רמב"ן**, in his addendum to **ספר המצוות ל'רמב"ם**, suggests that **רמב"ם** neglected to include the **מצוה** of **ישׁוב ארץ ישראל** as one of the **מצוות**. In other words, **רמב"ן** considers living in **ארץ ישראל** to be a **מצוה** applicable even today, whereas **רמב"ם** apparently does not. The **פירוש** on the **מצוות** אסתר, **מגילת אסתר**, refutes this position, claiming that **רמב"ם** purposely omitted this **מצוה** because he held that it was only considered to be a **מצוה** during the days of **משה** and **יהושע**, and will be again in the days of **משיח**. However, since it is impossible for

one to keep all of the מצוות התלויות בארץ nowadays, living there is not required. He says that all of the praise given by חז"ל to those living in ארץ ישראל only applies during the days of the בית המקדש.

discusses a situation in which one spouse desires to make עליה and the other does not. This can be grounds for a divorce and, if it is the wife who refuses, she foregoes her כתובה. Here, תוספות comments on the words "הוא אומר לעלות" that, בזמנינו, since making עליה involves סכנה, this הלכה no longer applies.

The above הלכה is then expounded upon through a story in which רב יהודה states "כל העולה מבבל לארץ ישראל עובר בעשה". Here בבל may be interpreted to mean any place outside of ארץ ישראל. It appears quite remarkable that one can be accused of violating מצוות עשה by going to live in ארץ ישראל! However, רב יהודה explains that ה' has brought us into גלות and only He has the ability to redeem us. Trying to "preempt" the Redemption is prohibited. This interpretation is consistent with one of the three oaths that חז"ל tell us בני ישראל accepted when entering גלות: "שלא יעלו בחומה", that they would not return en masse to ארץ ישראל without ה' permission.¹ אהבת יונתן adds that even with permission from the nations of the world, we were not to return, for the קץ is concealed.

There is a similar idea found in the ירושלמי. רב כהנא had made עליה, but was not being successful. He came to רב יוחנן for advice, which he asked for in the form of a riddle: "He whose mother degrades him, but whose father's wife (i.e. his stepmother) honors him, where should he go?" The mother referred to here is ארץ ישראל and the stepmother is חוץ לארץ. רב יוחנן took the משל literally and answered, "He should go to the one who honors him." When רב יוחנן was informed of רב כהנא's subsequent ירידה, he said, "How could he have gone back to ארץ ישראל without asking my permission?" רב יוחנן was told that this משל had been רב כהנא's way of asking his permission. There is no new response given to רב כהנא's question by רב יוחנן. Therefore, one can assume that even after רב יוחנן realized what he had been asked, his not refuting it meant that he was in agreement with רב כהנא's actions.

All of the above sources may indicate that there is no obligation בזמן הזה to live in ארץ ישראל. Furthermore, they might even suggest that Jews should not — in this time period — attempt to resettle there. If this is true, then there is perhaps reason to question the significance of the modern State of Israel, and in turn of celebrating the days associated with its founding and expansion.

In addition to opposing our return to ארץ ישראל and acknowledging the State of Israel as a positive development, many have raised halachic objections to the idea of creating new holidays. In מסכת ראש השנה י"ח it says that

the holidays mentioned in תענית מגילת have all been nullified, except for חנוכה and פורים. If those who came before us have declared these days (which commemorated various events) null and void, can those who come after add to them? Do we really have the right to create a יום טוב in our days to commemorate a miracle?

Furthermore, many people are also disturbed by the mere fact that the modern return to the Land of Israel is occurring through the agency of non-religious Jews. The חת"ם סופר says that this must be considered an incomplete redemption, since it is lacking the religious aspect. He says that it is possible for this to occur; yet it is undesirable. It would be preferable for בני ישראל to suffer through the lengthy exile in order to eventually enjoy the complete גאולה.

Rabbi Ahron Soloveitchik, in his book *Logic of the Heart, Logic of the Mind*, also acknowledges that many people point out that the end of this גלות can only be achieved through תשובה. The Zionist movements, though, appear to contain no semblance of repentance. He adds that there are also those who argue that since the State of Israel came into being through natural processes, and not through a נגלה, it cannot have anything to do with גאולה. According to them, any part of the גאולה must happen supernaturally.

Rav Soloveitchik refutes the contention that the accomplishments of non-observant Jews are of little, if any, note. First, he points out that there is an incident in מלכים ב' ז'ג-י"ז, where lepers, sinners, saved the people of Israel from starvation. Additionally, he recalls another account in מלכים ב' י"ד:כ"ג-כ"ז (מלכים ב' י"ד:כ"ג-כ"ז) ירבעם בן יואש. In this account ירבעם is called a sinner, but he was responsible for enlarging the borders of ישראל.

How could an idolater such as ירבעם — certainly no more worthy a man than Ben Gurion — merit to conquer a great expanse of territory? One can ask why, during the reigns of דוד and שלמה, when all of בני ישראל worshipped ה, were the borders not as extensive as they were in the times of ירבעם, when most of the Jews living in ישראל worshipped idols?

The answer to this question lies in פסוק כ"ז. During the reign of ירבעם, had בני ישראל not been delivered, they could have been destroyed. However, in the times of דוד and שלמה, בני ישראל were not in any such danger. In the past, no matter how bleak their situation, בני ישראל have been able to survive, without the need for a Jewish state. However, Rav Ahron says, after the Holocaust, it became apparent that בני ישראל could survive no longer without a land of their own. ה, therefore, worked through the historical process to insure that בני ישראל would survive, and a Jewish Homeland was created.

In order to refute the idea that the גאולה cannot happen through natural means, Rabbi Soloveitchik explains that the קץ can come in two forms:

נסתר, hidden, or נגלה, apparent. The קץ will be hastened and apparent if בני ישראל merit it. However, if they do not, then it will come in its time and will be hidden. The final קץ will transcend nature, but the events leading up to it do not have to. We see this from the juxtaposition of two פסוקים: one from זכריה ט"ז, and the other from דניאל ז'י"ג. The פסוק in זכריה, referring to the משיח, states that the משיח will come quietly, "דרכב על חמור", riding on a donkey. In contrast, the פסוק in דניאל, also referring to the משיח, states that he will "יוארו עם ענני שמיא כבר אנש אתה הוא", "come with the clouds of heaven, looking like a son of man". This פסוק,² in its description of a supernatural קץ, seems to contradict the description in זכריה of a natural קץ. In order to answer this apparent contradiction, Rabbi Soloveitchik brings down the explanation of Rabbi Alexandri, recorded in מסכת סנהדרין. If the Jews deserve it, he says, משיח will "come from the clouds", meaning in a supernatural way. If they do not, he will come anyway, but "riding on a donkey" – gradually, and through natural processes.

The settling of ארץ ישראל by the חלוצים could certainly be seen as leading gradually toward the קץ. The חלוצים came to a land that fulfilled the prophecy in ויהשמתני אני את הארץ ושממו עליה איביכם" (ויקרא כ"ל"ב): פרשת בחקתי "ואתם הרי: יחזקאל ל"ח: in פסוק "ישראל ענפכם תתנו ופריכם תשאו לעמי ישראל כי קרבו לבוא" ארץ ישראל, it had been desolate since the time of the Roman occupation. However, in just a short period of time, they were able to make the land green once again.

These sources seem to indicate that, indeed, there is something greatly significant about the modern return to Zion. However, we must now discuss the "three oaths" that were mentioned above. These, as mentioned, have often been cited as proof of the impermissibility of our settlement of the land in this תקופה. Upon closer examination, though, it becomes clear that this is not necessarily the case.

The גמרא (כתובות ק"י-ק"יא.) says that בני ישראל were required to accept two oaths at the time of the גלות. The first oath was that we promised not to come to ארץ ישראל by way of force — "שלא יעלו בחומה". We never violated this oath. As mentioned above, the nations of the world (represented in the UN) agreed to allow the Jewish people to return to ארץ ישראל.

The second oath was "שלא ימרדו באומות העולם" — בני ישראל swore not to rebel against the nations of the world. We have kept this oath as well. Jews have always been loyal citizens in all the different lands of the Diaspora. Sometimes, unfortunately, to the detriment of our people, we have even assimilated.

But the third oath mentioned in מסכת כתובות is one that the other nations were required to accept. It states, "שלא ישתעבדו בהן בישראל יותר מדאי",

— the nations of the world are not to oppress בני ישראל too much while they are in גלות. Certainly the Holocaust was a blatant violation of this third oath, and therefore the oaths as a whole are now nullified.³ It would thus be permissible for בני ישראל to fulfill the commandment to defend themselves, and permission would even be granted for mass עליה.⁴

Since we have now established that the establishment of מדינת ישראל is not against הלכה, and that it may also be one of the signs of the approaching יקץ,⁵ and that it was truly miraculous, one must address how to relate to its being a נס. An appropriate response to a נס is to recite הלל. In order to evaluate whether that would be fitting here, we must first know when הלל is said, when it is not, and what the reasons behind its recitation are.

The תלמוד (תענית כ"ח:) states: "On 18 days in the year, the individual worshipper completes the הלל; these are the eight days of סוכות, the eight days of חנוכה, the first day of פסח and on שבועות; and in the Diaspora, הלל is recited on 21 days."⁶

This גמרא is repeated in י" מסכת ערכין where it elaborates on the conditions that require הלל. It states that הלל must be recited on sacred days and on any day set aside for the commemoration of a נס. (There are however, certain exceptions to these conditions. These are שבת, פורים, and ימים נוראים, on which הלל is said whatsoever. There are also ראש חודש and the final days of פסח, on which an abridged version of הלל is recited. The reasons the practices for these חגים are different will be explained later.)

The תלמוד in פסחים קי"ז asks: "Who originally recited הלל?" The final answer is that בני ישראל ordained that בני ישראל should recite הלל at every important event, and upon being redeemed from misfortune. In such an instance of miraculous redemption from troubles, we are not merely permitted to recite הלל, rather, we have an obligation to do so. It can be argued that יום העצמאות and יום ירושלים mark two such occasions when Jewish communities have been delivered through נסים.

Why is הלל שלם not recited on the last six days of פסח? Why, instead, do we recite merely an abridged version of הלל? How is פסח different from סוכות?

The תלמוד in ערכין י" addresses this issue. The גמרא explains what the key differences are between פסח and סוכות. The major difference, it says, is that on פסח, the same קרבנות are brought every day, whereas on סוכות, different קרבנות are brought each day. Since new קרבנות are brought each day, a new הלל is required each day to sanctify them. However, since פסח is a מועד, we do recite הלל every day, if only an abridged version.

If these days mentioned for the recitation of הלל are fixed, then how could we possibly add any new dates? Would one not, by doing so, violate the prohibition against adding to the מצוות of התורה, known as בל תוסיף?

(דברים ד:ב)? On this Rav Moshe Tzvi Neriah says that when reading through the dates mentioned in מגילת תענית, the majority have nothing to do with any type of miracle. The חת"ם סופר explains that the nullification of מגילת תענית mentioned by the גמרא refers only to those חגים which had a connection to the המקדש, בית המקדש, but not to those which do not. Therefore, he says, if a certain community would experience a miraculous deliverance, they would not only be entitled, but even obligated to establish a חג, and to sing a song of הלל for the purpose of commemorating it. This would not violate the prohibition of adding a holiday as specified in מגילת תענית, nor would it violate the prohibition of adding מצוות to the תורה, since the נביאים told us that we should recite הלל on every occasion on which we have been saved from imminent danger.

How often, though, can one recite הלל before it becomes blasphemous? It says in רש"י: "האומר הלל בכל יום הרי זה מחרף ומגדף": מסכת שבת קי"ח: since the נביאים told us to recite הלל periodically to praise ה' for certain historic events, then if one were to say the הלל constantly, beyond the number of days that were deemed appropriate by the נביאים, he would be transforming this sacred song into a simple song, which, if it became too common, would be considered blasphemous. Thus, one could object that by adding the days of יום העצמאות and יום ירושלים as new days for saying הלל, we may be violating this principle.

The מהרש"א explains that הלל was instituted in order to recognize certain miracles for which we praise ה' for His omnipotence and for His ability to change the course of nature. If one says הלל constantly, then it appears as if he is scoffing, for he makes no differentiation between the natural and the supernatural, and by doing so, he is questioning ה' ability to change the laws of nature. One is also taking the risk of becoming confused with when is the appropriate time to recite הלל.

However, reciting הלל on two additional days in the entire year can hardly be considered the same as someone who would say הלל every day. Rather, this is an example of saying הלל to commemorate the occasions upon which ה', in His might, saw fit to intervene in the natural flow of historical events, in order to bring a weaker and smaller army to victory over a much stronger and larger one.

In order to fully understand the conditions behind saying הלל, we must also understand exactly why we do not say הלל on such days as ראש, שבת, חודש,⁷ and the ימים נוראים.

Why do we not recite the הלל on שבת? As שבועות, סוכות, and the first days of פסח are distinguished by their קרבנות, so too שבת is distinguished by its קרבנות! The גמרא explains: unlike those days, שבת is not con-

sidered a מועד, therefore its status is not the same as theirs is, and we do not say הלל.

Why then, is ראש חודש, which is called a מועד, and which is distinguished by its קרבנות, not specified as a time for the recitation of הלל? The גמרא answers: on פסח, שבועות, and סוכות, there are prohibitions against labor. However, on ראש חודש, there are no such prohibitions.

But why then, is הלל not recited on the ימים נוראים, which are distinguished by their קרבנות, which are called מועד, and which do have prohibitions against labor? The answer is, "Is it appropriate that when the King of Judgment sits on His throne with the books of those destined to live and those destined to die open in front of Him, that בני ישראל should sing songs?"⁸ This is the reason we do not recite the הלל on ראש השנה or on הכפורים יום.

If, to be able to say הלל, a חג has to be 1) called a מועד; 2) distinguished by its קרבנות and 3) have a prohibition against labor, then why should we say הלל on חנוכה, which fulfills none of these conditions? The answer is that the הלל of חנוכה is recited solely to mark the miracle.⁹

What is the difference between חנוכה and פורים, in that we do not say הלל on פורים? The holiday of פורים was established for the same reason as חנוכה, to mark a נס. Why then do we not celebrate it in the same manner?

There are three answers given to this question in מסכת מגילה י"ד. answers, "Because no הלל is recited for a miracle that occurred outside of ארץ ישראל." רבה says, "הלל can only be said when בני ישראל are ruled by ה'. But when they are still ruled by גויים, it cannot be said. In the case of בני פורים, בני ישראל were still ruled by אחשוורוש." רב נחמן answers, "The reading of the מגילה takes the place of הלל."

How did the נביא ישראל determine that it should be a מצוה to read the מגילה? רב חייה answers in the name of יהושע: "If for being delivered from slavery to freedom¹⁰ we chant a hymn of praise, should we not do so all the more for being delivered from death to life?"¹¹ We therefore commemorate this tremendous נס through the reading of the מגילה. "But," the גמרא then asks, "if that is the reason, then since we say הלל on פסח, surely we should say הלל on פורים!?" It then proceeds to answer this question with the three answers mentioned in מסכת מגילה.

How can the גמרא possibly compare פורים to פסח? Were not the נסים involved in each event totally different? The נסים performed at the יום סוף were plainly the hand of God at work, since they transcended the normal laws of nature. But the נסים that caused בני ישראל to be saved from המן were not גלויים נסים. Indeed, they were accomplished through the efforts of מרדכי and אסתר!

There is a very simple answer to this question. There are two types of

miracles. There is a נס נגלה, an apparent נס, such as that of יציאת מצרים, which transcends the laws of nature. There is also a נס נסתר, a hidden נס, one that is accomplished by ה' hand working through human agents to accomplish unusual feats.¹² The story of פורים is a prime example of a נס נסתר, where the laws of nature remained constant, and yet we were able to overcome tremendous odds and emerge from this incident unscathed.

Obviously, according to the גמרא, as far as הלל is concerned, there is no difference whether the נס being commemorated is a נס נגלה or a נס נסתר. If there was, the גמרא could never have made a connection between פסח and פורים. We see that there is no difference between a supernatural, miraculous event, and one that occurs through apparently natural means. Besides this, we see from this גמרא that were it not for the answers given, הלל would indeed be recited on פורים, based on the קל וחומר argument explained above.

Earlier, we said that according to the גביאי ישראל הלל should be recited whenever Jewish communities are delivered from imminent danger. According to the elaboration of the principle, הלל should be recited not only at the time of the deliverance, but in the future, in commemoration of it. There are two types of danger. There is spiritual danger, such as בני ישראל experienced in מצרים, and there is physical danger such as we experienced in Egypt as well as at the times of חנוכה and פורים.

In the הגדה we recite,

עבדים היינו לפרעה במצרים... ואלו לא הוציא הקדוש ברוך הוא את אבותינו
ממצרים, הרי אנו ובנינו ובני בנינו משעבדים לפרעה במצרים.

Our sages explain that the slavery of which the הגדה is speaking was not merely a physical enslavement, but a spiritual one as well. They teach us that the deeper meaning of this passage is that had ה' not redeemed us from slavery in Egypt when He had, we would never again have been able to be redeemed. When בני ישראל lived in Egypt, they slowly sank into the depths of impurity. This happened because after a while they had started worshipping the Egyptian gods, and behaving as the Egyptians did. The only thing that was left of their original faith was that they still gave their children Jewish names. However, we learn, that had they stayed in Egypt any longer, not even this would have been enough to redeem them.

As we have shown, there was a very real spiritual danger which בני ישראל were subject to in מצרים. Upon their redemption, they were saved from this imminent danger and therefore recited הלל.¹³ We therefore say הלל every פסח in commemoration of this event. Furthermore, as we see in the קידוש שלוש רגלים, all festivals are memorials of the Exodus from Egypt. There-

fore, the הלל recited on פסח, as well as הלל recited on סוכות and שבועות, is in commemoration of an event when we were delivered from imminent danger.

There is also the other type of deliverance from danger, which was experienced on פורים and חנוכה, as well as on פסח.

On בני ישראל, בני ישראל were delivered from physical danger; when פרעה's men were chasing בני ישראל, and פרעה delivered them by drowning בני ישראל and his men in the ים סוף. However, the טורי אבן points out that the הלל על הים was not established as a permanent obligation. Although it was a deliverance from spiritual danger, it was also a case of deliverance "from death to life". He realized that this point could create several inconsistencies which would make it difficult for the גמרא to use its reasoning of קל וחומר to explain the מצוה of reading the מגילה on פורים. He therefore confirmed that שירה here meant הלל, which was afterwards established by the prophets as a permanent obligation. The גמרא, according to his understanding, then drew קל וחומר from this and asked why we do not recite הלל as well as read the מגילה, since the מצוה of מגילה comes from the הלל that is recited on the first day of פסח. However, he answers that פורים does not qualify for the recital of הלל, based on the three answers brought down in מסכת מגילה.

קל וחומר based on this חידוש tells us שערי תשובה (אורך חיים תרצ"ג) that if one does not have a מגילה to read from on פורים, he may recite the הלל in its place, but without a ברכה.¹⁴ However, if there is an entire עיבור that did not have a מגילה to read from, they may say הלל with a ברכה. Therefore, we see that חנוכה is exactly like פורים, except for the fact that we always say הלל on חנוכה with a ברכה, since it fulfills the three conditions from מסכת מגילה.

It would then appear that יום העצמאות and יום ירושלים are similar to חנוכה, as they fulfill all three conditions: 1) they took place in ארץ ישראל, 2) we are independent from the rule of others, and 3) we have no מגילה to replace הלל — therefore it makes sense that we should say הלל itself.

An additional proof may be found in שו"ע אורח חיים רי"ח:ט"ו, where it says that one must recite a ברכה when coming to a place where a personal נס has occurred to him, even if it was not a נגלה. If so, the same should apply to saying הלל on יום העצמאות and יום ירושלים, even with a ברכה.

There is, however, some dispute over whether or not we should say the ברכה. Rabbi Ovadiah Yosef rules that הלל should be recited without a ברכה, because since there were many people who died to secure these victories, it is not proper that we have complete joy, and therefore we should recite הלל without a ברכה. However, this can be challenged by an examination of the הלל of חנוכה. On חנוכה, we recite הלל with a ברכה, even though many people died to secure the victory.

There are many modern-day פוסקים who have addressed the question

of reciting הלל on יום העצמאות and יום ירושלים. Among them are Rabbi Meshulem Roth, former Chief Rabbi of Israel Rabbi I. Y. Unterman, and Rabbi Shaul Yisraeli. Rabbi Roth feels that the legitimacy of saying הלל on יום העצמאות can be easily and conclusively proven through the use of the קל וחומר mentioned above, that if, for an instance of “from slavery to freedom” one recites הלל, how much more so, should one recite הלל for an instance of “from death to life”. He also refutes those who refuse to say הלל based on the contention that those who do transgress the prohibition of תוסף. He does this by quoting the מנחת חינוך (מצוה תניד) who clearly states that the מצוה of lighting candles on חנוכה is not a problem with תוסף, since it was instituted in order to commemorate a miracle, which, as he says, even an individual is allowed to do, and certainly an entire community.

The ספר uses the קל וחומר from the גמרא to prove conclusively that it is permissible for both an individual and for an entire community to establish a יום טוב in commemoration of a deliverance from danger. Rabbi Roth uses this as further proof that הלל should be said on יום העצמאות, since יום העצמאות is a perfect example of a case where a community established a יום טוב in order to commemorate their deliverance from danger.

Rabbi Roth then brings down a question from the הלוי, בית הלוי, who asks: “Why do we light eight candles on חנוכה, if the נס only lasted for seven days?”¹⁵ The פרי חדש answers that the lighting of the first night commemorates the other נס that occurred on חנוכה, the המלחמה. From this Rabbi Roth proves that the קל וחומר is used to justify both the lighting of the first candle, and the recitation of הלל on חנוכה.

Therefore, since the military victory of חנוכה is reason enough to light one candle and to say הלל on the first day, so too, the military victory¹⁶ should be adequate to justify saying הלל on יום העצמאות.

Rabbi Unterman quotes a גמרא in מסכת ברכות where the חכמים refer to הלל as being a פרסום הנס. Rabbi Unterman therefore holds that since we have no מגילה to read from on יום העצמאות, it is important for us to publicize the miracle by reciting הלל. He then proceeds to quote from רבי by מעשי נסים that רבי דניאל הכבלי, who writes, “It is the will of the Almighty that we should publicize every miracle and praise the name of heaven in public.”¹⁷

Rabbi Yisraeli holds that the קל וחומר cannot be used as a justification for the lighting of the חנוכה since this requires, in his opinion, a stronger sense of authority than a קל וחומר. He therefore cites the מהרש”א who finds a מדרש in פרשת בהעלתך that is the source of the מצוה of lighting חנוכה candles: “יודבר ה' אל משה לאמר, דבר אל אהרן ואמרת אליו בהעלתך את הנרת אל מול פני המנורה יאירו שבעת הנרות” According to one interpretation, משה said to ה', “Go tell

חנוכה המזכה to cease grieving at not having brought an offering for the future. In the future I shall bring about through his descendants another inauguration — one that will be entirely in their hands. Through the חשמונאים I will affect wondrous things for the Jewish people, leading to an inauguration that will come to be known as the חשמונאים בית חנוכה. On that occasion, they will kindle the lights, which is a greater מצוה than offering sacrifices. For, while sacrificial offerings are brought only when the Temple is standing, the חנוכה lights will be lit throughout all generations — even when there is no בית חנוכה. Rabbi Yisraeli also points out that in the גמרא in י"ד where it says "ולא הויתירו" — "and they did not add", it is talking about the מצוה alone. It does not refer to הלל, since הלל would not be an addition, rather, it would be a part of the original תקנת הנביאים that taught us to say הלל for every occasion on which we were saved from disaster. He therefore proves that there does not need to be any other source for the recitation of הלל other than this.

Since we have argued that the establishment of the State of Israel is not against הלכה, and is also one of the signs of the קץ, we must give thanks to ה' by reciting הלל on the days which commemorate these events, namely יום ירושלים and יום העצמאות. This is especially true if the community is brought "from death to live." In 1948³⁷ and 1967, the Jewish communities in Israel were in mortal danger, and our enemies wanted to drive us into the sea. A further demonstration of the necessity to say הלל is the remarkable fact that ישראל has survived so long as a state with so many forces constantly trying to destroy it. It is therefore proper for us to thank ה' for saving us and to recognize His hand's presence by saying הלל.

¹ See below for a more detailed discussion of these oaths and their ramifications regarding the modern State of Israel.

² It is significant to note that the נבואה in זכריה, who prophesied during the reign of דריש, was the first one given, whereas this נבואה in דניאל, which was prophesied soon afterwards, during the reign of the next king of בבל, בלשאצר, came later. The reason that the נבואה משיח riding on a donkey was given first, may be because it is the one which is more likely to happen; that is to say, בני ישראל will probably not reach a level of purity high enough to deserve the honor of a supernatural deliverance.

³ Since they were meant to be kept as a single unit, a violation of any one effectively nullifies the entire unit.

⁴ These three oaths are derived from the redundancy found in, ג'ה', שיר השירים ב'ז', ח'ד' "השבעתי אתכם בנות ירושלים".

⁵ The events commemorated on יום ירושלים can especially be considered part of

קץ. After all, without ירושלים, the מקום המקדש, there can be no final קץ.

⁶ The additional three days are the second days of טוב observed outside of Israel, i.e. the second day of עזרת שמיני, the second day of פסח, and the second day of שבועות. The הלכות for the second days of טוב יום are always the same as the הלכות for the first days. Since the תלמוד was transcribed outside of Israel, its discussion of the laws of הלל also deal with the laws as they pertain to those living outside of Israel.

⁷ Even though we do say הלל on ראש חודש, it is an abridged version, as we have said earlier, and the גמרא in תענית does not consider this הלל. In fact, it is a custom, which over time has become known as הלל חזני. But this essay does not deal with that מנהג. We are only speaking about הלל שלם, the full הלל.

⁸ As we have seen before, הלל is often referred to as a song. This is because of the wording in the פסוק ישעיהו from which we learn that we have an obligation to say "השיר יהיה לכם כליל התקדש חג, ושמחת לבב, כהולך בחליל לבוא בהר ה'": הלל (ישעיהו ל"ב) — "You shall have a song, as in the night when feast is hallowed; and gladness of heart, as when one goes with a flute to come into the mountain of the Lord."

⁹ There is a large volume of discussion on the subject of exactly which of the two נסים — the נס of the oil and the נס of the military victory — we are commemorating with הלל. Some of these discussions will be mentioned further on in this essay.

¹⁰ This is referring to the miracle of פסח.

¹¹ This is a prime example of a קל וחומר. Logic dictates that if a lenient case has a stringency, the same stringency applies to a stricter case. Another way of putting it, is that the laws can be derived from less obvious situations and applied to more obvious ones (ספרא פתיחה).

¹² Indeed, throughout the מגילה, not once is ה'ה name mentioned. And yet, the sages teach us that whenever it says the word "המלך" in the מגילה, it refers to the hand of God directing the course of events.

¹³ According to רש"י, they recited the הלל על הים. As we see in שמות ט"ו: "אז ישיר, שמות ט"ו: ויאר משה ובני ישראל את השירה הזאת לה' ויאמרו לאמר אשירה לה' כי גאה גאה סוס ורכבו רמה בים". As we stated earlier, the word שיר refers to הלל.

¹⁴ Some say, however, that only the שליח ציבור may recite the ברכה for הלל, and the rest of the קהל should be יוצא with his ברכה.

¹⁵ He holds that since there was sufficient oil for one day, there was only a נס for the seven extra days on which it continued to burn.

¹⁶ There is a definite problem here. יום העצמאות was the day on which Israel declared its independence. The military victories all came later. Rabbi Ahron Soloveitchik gives a very simple answer to this question. "The attainment of a great military victory is without significance if people do not use it as a starting point for building. If Israel had attained all its victories but had refrained from declaring its independence — as the U.S. State Department urged at the time — then I am afraid that all of the victories would have been futile."

¹⁷ "ולא תחללו את השם", פרשת אמר כ"ב: "ב"ל"ב on תורת כוהנים רבי דניאל הבבלי's source is in שם קדש"י. The תורת כוהנים explains that the way not to profane ה'ה name is to make a קידוש השם, and the way to make a קידוש השם is through פרסום השם.