

Kol

קול

Mevaseret

מבשרת

A Compilation of
Insights and Analyses
of Torah Topics

by the students of
MICHLELET MEVASERET YERUSHALAYIM

Jerusalem, 5778

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LETTER FROM THE EDITORS

The Gemara (Megillah 6b) writes, ואמר רבי יצחק אם יאמר לך אדם ... לא יגעתי, ומצאתי אל תאמן יגעתי ומצאתי תאמן. “R’ Yitzchak said, If someone says ... ‘I have not worked hard and I have found success,’ do not believe him. If someone says: ‘I have worked hard and I have found success,’ believe him.” The Gemara illustrates a vital concept in Talmud Torah – progress does not come easily or quickly and one cannot expect to exert little effort and find success. Rather, success can only be reached through commitment and perseverance, and if one devotes his efforts to Torah study, he will most definitely find success.

Guided by the encouragement of the MMY faculty, students have devoted themselves to Talmud Torah for the past ten months. With the study of Tanach, Halacha, and Hashkafa, the students explored diverse sources and the complexities that accompany them. They not only succeeded in their efforts of Talmud Torah, but have chosen to share their achievements and allow others to gain as well. This compilation of articles is a reflection of the hard work and dedication of the MMY students, each one conveying the interests and passions unique to its author.

The success of this journal was a lengthy process, involving countless people. The devoted Rabbeim and teachers at MMY have helped each student and encouraged her to thrive and grow in her Torah learning. In particular, we would like to thank Rabbi Lerner; without his constant guidance and efforts, this publication would not have come to fruition.

Additionally, we would like to thank all the editors who spent many hours perfecting and reviewing the content; they have been an indispensable part of Kol Mevaseret. Moreover, we are also immensely grateful to all the writers, whose enthusiasm and hard work contributed to the production of Kol Mevaseret 5778.

Sincerely,

The Kol Mevaseret Editors 5778

INTRODUCTION

As this new edition of Kol Mevaseret is going to print, we are reading Sefer Bamidbar, discussing the desert experience. Our students, are completing their own ‘desert experience,’ similar to the **אוכלי מן**. For a full academic year, Torah learning has been handed to them on a silver platter. Now they are preparing to enter back into a world where they have to “plow for themselves”. It is our prayer that our students, upon their return, become the Torah leaders in their communities, campuses and families, and utilize their ‘desert experience’ to build themselves up internally before going out to the wider Jewish world.

In the desert, Bnei Yisrael encamp around the Mishkan with a set of three tribes on each of the four sides. In each set, one of the tribes is selected as the flag-bearer and the other two tribes encamp along with them. The language of the Torah in Parshat Bamidbar is quite explicit.

The first encampment is “degel machane Yehuda” in the east, and then “v’hachonim alav” are Yissachar and Zevulun. This pattern repeats itself in the south where the encampment is called “degel machane Reuven” and “v’hachonim alav” are Shimon and Gad as well as in the north with “degel machane Dan” and “v’hachonim alav” are Asher and Naftali.

However, in the west, where we have “degel machane Ephraim,” the Torah describes the tribe of Menashe as merely “v’alav” and not the usual “v’hachonim alav”. This may be what is bothering Rashi when he comments that “alav” is understood by the Targum in the same manner that he translated “alav” in the other three places.

The Meshech Chochma notes that the reason for the change is to hint what will happen during the next forty years. Right now, in the count of Parshat Bamidbar, Ephraim is greater in number than Menashe. (Ephraim’s count is 40,500 and Menashe’s is 32,200.) However, later, in Parshat Pinchas, Ephraim’s count is only 32,500 whereas Menashe’s is 52,700! The pasuk’s change to “alav” hints at Menashe’s ultimate numerical supremacy.

The Netziv picks up on the same textual anomaly. He comments that there are two types of leadership – “ruach” (a more spiritual one), and “halichot olam” (a more practical and worldly one). Ephraim was the greater leader in terms of spirituality, whereas Menashe was the greater leader in terms of the practical world. During their miraculous desert experience, Ephraim’s leadership is paramount and he is the flag-bearer. However in Parshat Pinchas, as Bnei Yisrael prepare to enter Eretz Yisrael where they would have to “plow for themselves”, Menashe’s pragmatic leadership will become the more needed trait. Menashe’s role will then become the primary one. He will be “alav”.

The Netziv adds that this was already alluded to in the brachot in Parshat Vayechi when Yaakov Avinu “sikel et yadav”. Why didn’t Yaakov simply ask Ephraim and Menashe to switch sides? Why did Yaakov have to go through the trouble of repositioning his hands? The Netziv explains that he wanted Menashe to stay by his right leg, representing the one who would be most “grounded” in terms of halichot olam, while his right hand, representing the ruach, needed to be switched to the head of Ephraim.

Our students have spent a year in the “Ephraim Bubble”, the world of ruach, of the Beit Midrash. They have been given their Torah similar to the way Bnei Yisrael received the mahn. What a wonderful experience to have!

הבן יקיר לי אפרים אם ילד שעשועים כי מדי דברי בו זכור אזכרנו עוד:
(ירמיהו לא:יט)

The Ephraim experience will be cherished and remembered fondly. However, as our students leave the world of the Beit Midrash and become the leaders we pray they become, they also need the tools to be grounded in their Torah learning and the ability to teach and spread Torah on their own.

Kol Mevaseret represents the best of Ephraim and of Menashe. The students received guidance and direction from the faculty; at the same time, they learned and developed the tools and skills necessary to become self-sufficient (in Torah learning) needed in the “practical world”. The articles also represent a developed Torah Hashkafa that combines the best of the “Ephraim bubble”, a world

saturated with ruach, and the real life perspectives of Menashe, which is ultimately the world in which we live. *Haben yakir li Ephraim* – we will always look fondly at our Ephraim experience and draw inspiration from it, but ultimately Menashe winds up being “alav”.

We know our students are up to the difficult task ahead of them, and we are honored to share a glimpse of the dialectic contained in the articles of Kol Mevaseret with the public at large.

With Torah blessings for both ruach and halichot olam,

Rabbi David Katz

תנ"ך

A Tale of Two Sets of Spies

There are two events of spies in Tanach that seem unrelated, but upon closer examination, similarities become apparent – the story of the twelve spies in Parshat Shelach (repeated in Parshat Devarim) and the story of the five spies of Dan in Shoftim 18.

The story in Bamidbar occurs as Bnei Yisrael are about to enter Eretz Yisrael. G-d tells Moshe to send scouts ahead; according to Rashi (Bamidbar 13:2), G-d did not give him a specific command, rather an option to send scouts in order to satisfy the people's request. Seemingly, Hashem was concerned that they would not appreciate the Land; they had already complained multiple times and requested to go back to Egypt.

Ultimately, scouts were sent, returning with fruits. Although they began with a positive report about the Land, they speculated that the indigenous nations were too big and strong for them to defeat (Bamidbar 13:28). They lacked belief, trust, and confidence in G-d and in themselves.

Shoftim 18 centers around Sheivet Dan, who were looking for more land to conquer. They set their sights on La'yish, sent five spies to check it out, and decided it was good.

While spying, they met the Levite priest of Micha's mishkan. While the men fought for La'yish, the five spies went back to Micha's mishkan, ransacked it, and offered the Levite a position as a Kohen over their sheivet. After he accepted it, they continued on to conquer La'yish. The perek then ends with Sheivet Dan worshipping the idol.

The similarities between the two events are not limited to their tragic ends. Rather there are two critical similarities that tie these two events together: the spies and their Levite leader.

The Journey and the Sin

Five Dannite Spies (Shoftim 18)	Twelve Spies (Bamidbar 13; Devarim 1)
וישלחו בני דן ממשפחתם חמשה אנשים מקצותם אנשים בני חיל מצרעה ומאשתאל לרגל את הארץ ולחקרה ויאמרו אלהם לכו חקרו את הארץ ויבאו הר אפרים עד בית מיכה וילינו שם: (18:2)	שלח לך אנשים ויתרו ... איש אחד איש אחד למטה אבתיו תשלחו כל נשיא בהם: (13:2) ויפנו ויעלו ההרה ויבאו עד נחל אשכל וירגלו אותה: (1:24)
לכו לשלום נכח ה' דרככם אשר תלכו בה: (18:6)	על פי ה' (13:3)
ויעלו (18:12)	ויעלו (13:21)
ואלה באו בית מיכה ויקחו: (18:18)	ויבאו עד נחל אשכל ויכרתו משם (13:23) ויבאו ... ויקחו (1:24–25)
ואתם מחשים אל תעצלו ללכת לבא לרשת את הארץ: (18:9)	והם כלב את העם אל משה ויאמר עלה נעלה וירשנו אתה כי יכול נוכל לה: (13:30) ואמר אלכם לא תערצון ולא תיראון מהם: ה' אלקיכם החליך לפניכם הוא ילחם לכם ככל אשר עשה אתכם במצרים לעיניכם: (13:29–30)

Both sets of spies were composed of important men; one from each sheivet, for the twelve spies, and one from each family of Dan, in Shoftim. Metzudat David comments that the Dannites chose important people because Moshe did so. Both groups were sent to mountainous areas. The pesukim use the same words to describe the spies' journeys: **שלח**, **עלה**, **בא** – they are sent, they go up, and they come. Both sets of spies took something from the place that they visited: the twelve took fruit from Eretz Yisrael and the five took the vessels from Micha's shrine. They are both given words of G-d to guide them on the way and *someone* from each group expresses their confidence in their ability to conquer the land.

These stories follow the same plot and have the same mission, but the twelve spies¹ weakness was the strength of the five. The five had faith in G-d, but the twelve had misplaced faith; they were depending on themselves and their own strength. The twelve spies did not have confidence in themselves to go and fight since the cities

¹ Except for Kalev and Yehoshua.

were too fortified and the enemies were too strong. They viewed themselves as too weak and easily defeatable. None of those things should have mattered because they had G-d on their side and He would have performed miracles for them. But during their missions, the spies forgot Who truly will determine the outcome, and they faltered.

The Dannite spies did not have this problem; they were confident in their mission. When they met the Levite, they used the time to talk to G-d and see if they would be successful in their mission. After that, they went back to their sheivet and shared their confidence in their ability to conquer the land (Shoftim 18:9). They trusted in G-d, but they served Him in a distorted manner. They captured a mishkan that was filled with vessels which mimicked the real Mishkan (Shoftim 18:18). They took a priest back with them so they could always have a direct connection to G-d. They began by serving G-d, continued to serve Him in a distorted manner, and eventually turned to idolatry. They started off well and faithful, but their story also ends tragically.

The Spies' Reports

The Malbim (Shoftim 18:2) cites his introduction for Parshat Shelach to discuss the purpose of the Dannite spies. There are two types of spies: 'tarim' and 'meraglim'. Tarim decide if the land is good and judge if it is worth inheriting. Meraglim, however, are sent to find a strategy for conquering. In Bamidbar, the term "latur" is used, and in Devarim "l'ragel" is used. Dan sent spies for two purposes: "l'ragel" and "lachkor". The usage of the word L'ragel implies purpose – to find a strategy and, therefore, strong men and fighters were sent. The usage of the word Lachkor indicates a mission – to see if the land was good. Malbim points out that the primary motivation for the Dannite spies was to determine a military strategy.²

² In Shoftim (18:2) the directions given are *ולחקרה ולרגל את הארץ* – find a military strategy, and see if the Land is good.

The twelve spies were told to look for six things, divided into two categories: the land itself and what the people and cities were like.

וראיתם את הארץ מזה הוא ואת העם הישב עליה החזק הוא הרפה המעט הוא אם רב: ומה הארץ אשר הוא יושב בה הטובה הוא אם רעה ומה הערים אשר הוא יושב בהנה הבמחנים אם במבצרים: ומה הארץ השמנה הוא אם רזה היש בה עץ אם אין והתחזקותם ולקחתם מפרי הארץ והימים ימי בכורי ענבים: (במדבר יג: יח-כ)

Concerning the land:	Concerning those who live there:
הארץ אשר הוא יושב בה הטובה הוא אם רעה	ואת העם הישב עליה החזק הוא הרפה
הארץ השמנה הוא אם רזה	המעט הוא אם רב
היש בה עץ אם אין	הערים אשר הוא יושב בהנה הבמחנים אם במבצרים

One would assume that the twelve spies would come back and say “The land is great, the people are unsuspecting, and we should not worry because we have G-d! Let’s go!” Instead, they said that the land looks good, but it kills its inhabitants, and that the people are too strong for us. Everyone becomes hysterical. Seeing what has happened, Yehoshua and Kalev rip their clothes and Moshe and Aharon fall on their faces, in prayer to G-d. They try to calm the people, telling them to have no fear:

הארץ אשר עברנו בה לתור אתה טובה הארץ מאד מאד: אם חפץ בנו ה' והביא אתנו אל הארץ הזאת ונתנה לנו ארץ אשר הוא זבת חלב ודבש: אך בה' אל תמרדו ואתם אל תיראו את עם הארץ כי לחמנו הם סר צלם מעליהם וה' אתנו אל תיראם: (במדבר יד: ז-ט)

But the five spies did not respond like that. They encouraged the people, assuring them of Hashem’s unwavering support:

ויאמרו קומה ונעלה עליהם כי ראינו את הארץ והנה טובה מאד ואתם מחשים אל תעצלו ללכת לבא לרשת את הארץ: כבאכם תבאו אל עם בטח והארץ רחבת ידיים כי נתנה אלקים בידכם מקום אשר אין שם מחסור כל דבר אשר בארץ: (שופטים יח: ט-י)

Although they gave the correct response, like Yehoshua and Kalev, and focused on the good land and how G-d will help them, their actions were wrong. They believed in G-d who made them successful, but responded by worshipping an idol.

The meraglim, on the other hand, had the opposite challenge. G-d took them out from slavery where they saw huge miracles. They had water, food, and shelter in the desert; they knew that once they were to enter Eretz Yisrael, they would no longer have that safety. They would have to conquer land, work for food, and pray for water and that was something they were not ready for. The Rambam (Moreh Nevuchim 3:32) explains that they had a slave mentality. Telling them to pick up swords and start fighting was incomprehensible to them. These people could not imagine fighting for themselves; their generation was fully dependent on G-d. This explains why they did not have confidence in themselves. They knew G-d gave them everything and therefore could not fathom doing anything for themselves. They did not know what a hidden miracle was because to them everything was an open miracle.

The generation of the five spies were not dependent on G-d in a miraculous way like their ancestors. They did everything themselves, fused with a belief in G-d. But they did not know that believing in Him requires being faithful to Him. They said the right things, but ultimately they forgot about Him.

The story about the spies from Dan ends with bitter irony. They conquered La'yish and burned it to the ground in order to fulfill the mitzvah of conquering the Land, while they sat with carriages full of the avodah zara, stolen from Micha.³

The Levite

In both events, Levi'im were involved: Moshe and the Levite. The Levite who managed Pesel Micha is revealed to be Yonatan ben Gershom ben Menashe. Menashe, in Hebrew, is spelled with a

³ Ironically, Rashi (Bamidbar 10:25, quoting the Yerushalmi Eruvin 5:1) says that the Tribe of Dan was so large that they traveled in the back, where they gathered everything that everyone lost in order to return it. This story emphasizes Bnei Dan, not the tribe, because they are few and they were stealing.

raised *nun*. Rashi (Shoftim 18:30) comments that he is really Yonatan ben Gershom ben Moshe, with a raised *nun* inserted so as to not embarrass Moshe Rabbeinu. When he is first introduced in Shoftim 17:7, he is described as “a young man from Bethlehem of Judah, from the clan seat of Judah; he was a Levite and had resided there as a sojourner.” There is an emphasis on him being from Yehudah. The Gemara (Bava Batra 109b) explains that he acted wickedly like Menashe king of Yehudah, and therefore he is described as a descendant of Menashe and Sheivet Yehudah. This contrasts to Moshe Rabbeinu, who is described as a faithful servant of Hashem (Bamidbar 12:7).

But why did Yonatan accept the position and become a Kohen for Micha?

The Gemara (Bava Batra 110a) explains that Moshe told his descendants to get a job even if it is “*avodah zara*”. Moshe meant that phrase to mean that they should take on any form of employment, even if it may be strange work that is degrading. Yonatan misunderstood the statement and thought it to mean actual *avodah zara*.

Shoftim 18:3 says that the five spies recognized the voice of the Levite. Malbim explains that the Levi'im who were descendants of Kehat were granted cities in the territories of Ephraim, Dan, and half of Menashe. This is how they recognized his voice. They asked him:

מי הביאך הלא ומה אתה עשה בזה ומה לך פה

The Gemara (Bava Batra 110a) explains these questions:
הלא ומה הביאך – You are a descendant of Moshe, why are you being a priest for idol worship and not for G-d?

מה זה בידך ומה אתה עשה בזה – This is echoing G-d's question to Moshe בידך, What is this in your hand (Shemot 4:2)? A fake *ephod* and *keilim*?

מה לך פה – Why are you standing here, when Moshe your grandfather stood by G-d?

Moshe Rabbeinu	Levi – Yonatan ben Gershom
(Shemot 2:6) וְהָנָה נָעַר	(Shoftim 17:7) וַיְהִי נָעַר
(Shemot 2:21) וַיֹּאמֶר מֹשֶׁה	(Shoftim 17:11) וַיֹּאמֶר הַלֹּוִי
(Devarim 1:23) וַיִּשָּׁב בְּעֵינֵי הָרֹבֵר	(Shoftim 18:21) וַיִּשָּׁב לֵב הַכֹּהֵן

There are thematic similarities in addition to these textual ones. Neither of them had a set home: Moshe was sent out of his birth home after three months (Shemot 2:2) then adopted by Bat Pharaoh (2:5), and eventually fled from Pharaoh's palace (2:15). He temporarily finds a home at Yitro's house (2:21), but eventually leaves and ends up wandering in the desert for forty years. Like Moshe, the Levite is wandering looking for a place to live. But after finally settling with Micha he is taken by the Dannites. Both of them became adopted sons: Moshe to Yitro and the Levite to Micha.

That, however, is where the similarities end. Moshe is the ideal Levite, helping the nation and being their spiritual advisor. This Levite is the opposite; he does not care where G-d is, just where the money is. He did not rebuke those who were paying him because he was too scared to lose his job⁴. Moshe, on the other hand, always fought for Bnei Yisrael, but he gave *mussar* when it was called for. (An example of this is the aftermath of Cheit HaEigel.)⁵

Moshe was supposed to be the Kohen and not a Levite attendant (Rashi Shemot 4:14), but Hashem gave that position to Aharon instead, when Moshe delayed accepting the role of leading Bnei Yisrael out of Egypt.

The Levite in Shoftim, in contrast, agreed to serve as a Kohen. He not only wore the garb, but also gave advice as though it was

⁴ When Micha recruits him to be a Levite, he does not object to the *pesel* itself or to the *avodah zara*. (Shoftim 17:10). Later on, when the Dannites take over he is delighted about getting a better position of being a Kohen over a tribe (18:19-20).

⁵ G-d wanted to destroy all of Klal Yisrael, but Moshe pleaded on their behalf. After Moshe comes down from Har Sinai, he rebukes and punishes them.

coming directly from G-d (Shoftim 18:6). Metzudat Tzion comments that נכה really means “against.” He reported it as if G-d agreed with what they were doing when He really didn’t. The Yalkut Shimoni (Shemot 169) says that Yitro made Moshe promise that his first son (Gershom) will not get a *brit* so he can choose his own religion. He was the one who was later given a *brit mila* on the way to Egypt.⁶

The Pattern of Action in Sefer Shoftim

The following pasuk appears numerous times in Sefer Shoftim, and also appears as the concluding pasuk:

בִּימֵי הָהֵם אֵין מֶלֶךְ בְּיִשְׂרָאֵל אִישׁ הִשָּׁר בְּעֵינָיו יַעֲשֶׂה:

This clues us into the thought process of that time period. There was no king and no leader so everyone did what they wanted; essentially there was anarchy. But in truth that was not the case. There was a King in Israel, but they chose to ignore Him. G-d is the true King, but in their eyes He was not. Everyone did what they wanted with G-d in mind, but when G-d is “just in mind” and not the central focus, one begins to justify and do what is desirable in his own eyes.

The problem in Shoftim is that there was a huge disconnect between thought and action. Everyone wanted to serve G-d, but they did it in a distorted way. Had they remembered that there was a King of Israel and sought to do what was ישר in His eyes, they may not have committed the actions as they did. They remembered the sin of the twelve spies but they did not understand the sin. They knew about being holy but they allowed everything to mix with kedusha⁷. Da’at Zekeinim in Parshat Kedoshim (19:2) comments

⁶ See Targum Yonatan, Shemot 4:24

⁷ Kadosh here is referring to things that are separate. The Ramban (Vayikra 19:2) explains that “kadosh” means a separation even from that which is technically permitted but improper. Rashi adds that it means staying separate from immoral relationships. Rabbeinu Bachaye explains that in order to be kadosh one must isolate himself from foreign mores.

that part of kedusha is to refrain from examining idolatry, even if it is *l'shem Shamayim*. Micha and his priest failed in this respect. They made molten images of G-d in order to serve G-d in clear violation of the Aseret Hadibrot.

Every action that was done, even though it was against G-d's instruction, was all done in order to serve Him. The message that can be learned from Sefer Shoftim is that there is always a G-d over Israel and that we must act in a way that is **ישר** in His eyes. We have to put aside our human rationale when serving G-d and follow the guidelines given to us. He told us how we should serve Him and how to live proper lives. True avodat Hashem is subjecting ourselves to Him while living in a world that does not have open miracles. The root of the problem was not the lack of a king, rather that Bnei Yisrael forgot about the preexisting, Almighty, and forever reigning King.

A Calf and a Covenant ... or Two

In the pesukim preceding the climactic Divine revelation at Har Sinai, Hashem gives Moshe the following message for Bnei Yisrael:

ועתה אם שמוע תשמעו בקלי ושמרתם את בריתי והייתם לי סגלה מכל
העמים כי לי כל הארץ: (שמות יט:טו)

This is the first of two covenants Hashem makes with the Jewish people. The second is four parshiyot later, after the sin of the Golden Calf. Hashem has forgiven Bnei Yisrael, but, as a consequence, relinquished His place in the camp. However, after Moshe's entreaty on behalf of the people, G-d offers a new *brit*:

ויאמר הנה אנכי כרת ברית נגד כל עמך אעשה נפלאות אשר לא נבראו
בכל הארץ ובכל הגוים וראה כל העם אשר אתה בקרבך את מעשה ה'
כי נורא הוא אשר אני עשה עמך: (שמות לד:י)

Both covenants are structured in a parallel fashion: a *brit* followed by a set of commandments, followed by the giving of the *Luchot*. The first covenant is succeeded by the Ten Commandments and the second by a set of seemingly random mitzvot. As the two covenants are so similar, in terms of structure and relation to receiving a set of *Luchot*, it follows that there should be a parallel too between the commandments given with the first *brit* and the commandments given with the second.

Below, following each of the Ten Commandments and its parallel reference in the second covenant is a brief explanation of the connection between the two.

- 1 -

אנכי ה' אלקיך, אשר הוצאתיך מארץ מצרים מבית עבדים: (כ:ב)
אעשה נפלאות, אשר לא נבראו בכל הארץ ובכל הגוים; וראה כל העם
אשר אתה בקרבך את מעשה ה', כי נורא הוא אשר אני עשה עמך: (לד:י)

Both covenants begin with reference to Hashem's power and greatness; the first of the Ten Commandments in Yitro references the past miracles of Mitzrayim, while in Ki Tisa, which is in future tense, alludes to the awesome miracles Hashem has yet to perform.

- 2 -

לא יהיה לך אלהים אחרים ... קל קנא: (כ:ג-ה)

כי לא תשתחוה, לאל אחר: כי ה' קנא שמו, קל קנא הוא: (לד:יד)

Hashem is referred to as קל קנא in each, and both explicitly include commands not to worship other gods.

- 3 -

לא תשא את שם ה' אלקיך לשוא: (כ:ז)

שלוש פעמים, בשנה יראה, כל זכורך, את פני האדן ה', אלקי ישראל:
(לד:כג)

The Sefer HaChinuch (Mitzvah 30), when codifying the prohibition against using G-d's name in vain, points out that the root of this mitzvah is *לדעת בני אדם ולקבע בנפשותם ולחזק האמונה בלבבותם* – “For people to know and fix in their souls and strengthen the faith in their hearts about G-d.”

Similarly, the mitzvah of going to the Beit Hamikdash three times a year on the *shalosh regalim* gives importance to the resting place of the Shechinah. It fixes it in the heart of man and gives it centrality in Jewish life. Therefore, both of these mitzvot serve to highlight the prioritization of the holiness of Hashem's name and His resting place.

- 4 -

ששת ימים תעבד, ועשית כל מלאכתך: ויום השביעי שבת, לה' אלקיך:
לא תעשה כל מלאכה אתה ובנך ובתך, עבדך ואמתך ובהמתך, וגרך,
אשר בשעריך: כי ששת ימים עשה ה' את השמים ואת הארץ, את הים

ואת כל אשר בם, ויגה, ביום השביעי; על כן, ברך ה' את יום השבת
ויקדשהו: (כ:ח-י)

את חג המצות, תשמר שבעת ימים תאכל מצות אשר צויתך, למועד חדש
האביב: כי בחדש האביב, יצאת ממצרים: כל פטר רחם, לי; וכל מקנך
תזכר, פטר שור ושה: ופטר חמור תפדה בשה, ואם לא תפדה וערפתו; כל
בכור בניך תפדה, ולא יראו פני ריקים: ששת ימים תעבד, וביום השביעי
תשבת; בחריש ובקציר, תשבת: (לד:יח-כא)

The Ramban (Shemot 34:21) writes: והזכיר השבת באמצע הרגלים, כי סמך אותו לחג המצות ולקדוש הבכורות, בעבור שכולם זכר למעשה בראשית. The Ramban equates Shabbat, Pesach, and the commandment of sanctifying the firstborn, as they are all in honor of remembering Creation.

- 5 -

כבד את אביך, ואת אמך: (כ:יב)

ותג שבעת תעשה לך: (לד:כב)

The commandment of honoring one's parents is on the tablet with the rest of the commandments that are *bein adam la'makom*. This is because the commandment of honoring parents is rooted in the concept of tracing things back to their source; honoring parents shows recognition that they are the source of one's life and therefore deserve honor. This concept is equally applicable to all the mitzvot between man and G-d; it is only when man is able to trace back all that he has to its ultimate source, Hashem, that he can serve, fear, and honor Hashem as he should.

The commandment of honoring parents bridges the gap between mitzvot that are *bein adam la'makom* and *bein adam la'chaveiro*. On Shavuot, we commemorate Matan Torah, the bridging of the gap between man and G-d through man's acceptance of the G-dly gift of Torah.

- 6 -

לא תרצח: (כ:יג)

לא תשחט על חמץ דם זבחי; ולא ילין לבקר, זבח חג הפסח: (לד:כה)

The prohibition of murder is paralleled to a commandment detailing the times and ways in which slaughtering the korban Pesach can be done in a proper fashion, thereby enabling one to achieve spiritual elevation and closeness to Hashem.

- 7 -

לא תנאף: (כ:ג-יג)

לא תבשל גדי, בחלב אמו: (לד:כו)

At first glance, these two mitzvot seemingly have no connection. Yet, the only categories in Rambam's Sefer Kedusha of Mishnah Torah are *issueri biah* (forbidden sexual relations) and *ma'achalot assurot* (forbidden foods), in conjunction with additional laws of *shechita*. This indicates a connection: both of these commands are rooted in the idea of using the physical in a holy and permitted fashion. Therefore the Rambam writes them in conjunction and names this section of Mishnah Torah, "Sefer Kedusha."

- 8 -

לא תגנב: (כ:ג-יג)

פן תכרת ברית, ליושב הארץ; וזנו אחרי אלהיהם, וזבחו לאלהיהם, וקרא לך, ואכלת מזבח: (לד:טו)

The audacity required to steal stems from a lack of awareness that one is constantly in G-d's presence, similarly to the presumptuousness necessary in the serving of other gods.

- 9 -

לא תענה ברעך עד שקר: (כ:יג)

ראשית, בכורי אדמתך, תביא, בית ה' אלקיך: (לד:כו)

In Yitro, the commandment is a prohibition against false testimony. The commandment to bring *bikurim* is closely related to a

testimony because a farmer bringing his fruits was obligated to testify אֲרָמִי אֲבִר אֲבִי, that our forefathers went down to Egypt, were redeemed, and brought to the land of Israel (Devarim 26:5). These two commandments stand in contrast; one warning against lying while testifying, the other emphasizing the important role of true testimony.

- 10 -

לֹא תַחְמֹד: (כ:ג-יד)

וְלֹא יַחְמֹד אִישׁ אֶת אֲרֻצּוֹ: (לד:כד)

Thou shalt not covet.



The parallels between these two covenants are an expression of the relationship between Hashem and His people. However, as one covenant preceded the sin of the Golden Calf and the other covenant succeeded the sin, the nature of the relationship consequently changed. Naturally, the nature of the laws changed too.

A cursory glance at the above chart shows a consistent theme within the changed laws that are a part of the second covenant. The laws of the second *brit*, as well as providing reminders to Bnei Yisrael to not repeat their sin (קִנְיָא is repeated in the second commandment; the focus shifts from stealing, or misappropriating objects, to stealing importance, or misappropriating power and giving it to idols, rather than Hashem), also provide opportunities for the people to re-focus, to re-think, and to re-commit themselves to Hashem.

The fifth commandment, for example, changes from the mundane, ordinary commandment of honoring parents, to the extraordinary, climactic remembrance of Ma'amad Har Sinai during the festival of Shavuot. Commandment six is altered from being a law regarding murder, to becoming a law about bringing a korban; the function of a korban is to bring a person closer to Hashem, to allow

a person to build on, and recommit to his relationship with the Creator.

Commandment number nine switches from being a law about not giving false testimony to the law of *bikurim*, a ritual designed to remind the farmers of their dependence on Hashem for their produce. Bringing *bikurim*, an offering in its own right, to the Beit Hamikdash would be accompanied by testimony of how Hashem has helped our ancestors throughout history, allowing for reflection on behalf of the present, and a chance to reflect and think about his relationship with G-d in this context.

The change from a command relating to Hashem's abstract name to a command relating to Hashem's tangible resting place perhaps reflects the changed nature of the people's relationship with Hashem before and after the sin. Perhaps before the sin they were able to have a more spiritual, direct connection to Hashem, whilst after the sin their relationship had to be directed through the physical structure of a Mishkan or Beit Hamikdash. This supports the idea that the Mishkan was a result of and atonement for the sin of the Golden Calf (Tanchuma, Terumah 8).

The second *brit* is concluded when Moshe comes down from Har Sinai with a shining face (Shemot 34:30). Immediately following this event is the beginning of Parshat Vayakhel: a short repetition of the concept of Shabbat, followed by the beginning of the building of the Mishkan (Shemot 35:5). The juxtaposition of the second *brit*, along with its inherent nature, perhaps suggests a fundamental message about the nature of the human relationship with G-d.

The first *brit*, the Divine revelation, hearing Hashem directly communicate the commandments to them as they stood at Har Sinai, was an extreme spiritual experience for Bnei Yisrael. It was a moment of incredible closeness to Hashem. In stark contrast, the sin of the Golden Calf was perhaps the biggest sin in the history of the nation; it marked a moment of intense distance from Hashem and what He wanted from His nation.

Yet, their sin is forgiven and Hashem restores His presence to the midst of the camp and the people are instructed to build a Mishkan. The Mishkan, an atonement for the sin, represents a middle ground. Divine revelation is inspiration, but that cannot be maintained constantly. However positive it may be, it is an extreme. On the other hand, even though we may sometimes slip up, a deviation from G-d's will such as the sin of the Golden Calf, is the opposite extreme. The Mishkan is the middle ground.

The Mishkan, according to the Ramban (Shemot 25:1), represents the solidifying of inspiration and the concretization of the experience at Har Sinai. At the same time, it is an atonement for the Golden Calf. The interweaving of these two elements, these seemingly polar opposite experiences in Bnei Yisrael's history, teaches us the message that even when we err, even when we make mistakes, even when we sin, there is a second *brit*. The laws might be different, our relationship with Hashem might change. Yet, Hashem still wants us to build a Mishkan; Hashem still wants to dwell amongst us.

Migdal Bavel and the Advancement of Society

Following the story of the Mabul, the Torah relates a fascinating event. The nine pesukim at the beginning of Bereishit 11 relate the building of the tower of Bavel.

People, who seem to share a common language, move together to the valley of Shinar. Upon arriving there, the people design bricks and decide to build a huge tower, reaching to the Heavens. When Hashem sees what they have done, He destroys the tower, mixes their languages, and scatters the people across the world. The story ends by explaining that, as a result of this event, the city was called Bavel.

At first glance, this event is very odd. Who were these people who decided to build a tower? What was the purpose of building this tower? What did they do wrong that Hashem felt He should punish them and how was the punishment a just reaction?

The Seforno clarifies the plot. Just like all the shepherds of the time, the people traveled from place to place and eventually found themselves in the valley of Shinar (11:2). Several prominent people decided to crown Nimrod as a king over everyone and to build a tower under his rule, where they could all worship *avodah zara* (11:4). According to the Seforno, what began as an innocent act of shepherding, led to Nimrod's ascent to kingship; their downfall and Hashem's anger was caused by their desire to worship idolatry.

Rashi (11:1) takes a different approach and explains that these people all spoke *Lashon Hakodesh* and by speaking one language, they were able to develop a unified plan. They chose to build a huge tower, one that would reach the Heavens, and wage war against G-d and all the heavenly bodies.

The Abarbanel (11:1) takes issue with Rashi's explanation. What generation would ever actually attempt to wage war against

G-d? Moreover, even if they were to invent such an idea, why would Hashem react? It is more rational to assume that He would have ignored them, and allowed them to, obviously, fail. Additionally, if Hashem wanted to punish them, they were being *kofer b'ikar* and deserved a much harsher death sentence. It is illogical that Hashem merely dispersed them.

The Abarbanel quotes another explanation. The people of Bavel feared another flood. To protect themselves, they united to build a tower. Abarbanel points out several flaws in this viewpoint as well. *Dor Haflaga* was only several generations after the flood and the people would have known that Hashem promised to never again flood the world on a mass scale. Additionally, the people migrated to build the tower in a valley, the first place where water would gather. If they had wanted to build a tower to protect themselves from a flood, they would have done so on a mountain top. Since the Abarbanel dismisses this option, he does not even entertain what the sin may have been in that scenario and why Hashem punished them.

The Ibn Ezra and Ralbag, also cited by the Abarbanel, offer a novel view and suggest that, in fact, the building of the tower was symbolic of an attempt to stay together. The people of Bavel decided to settle all together and avoid spreading out and settling the Earth. They built the tower out of fear, *פֶּן נִפְרֹץ*, “lest we become scattered” (11:3). Hashem then scattered them so they would populate the world. This view is problematic as well. For a number of generations after the Mabul, people had stayed together. Yet, it was not until the building of the tower that Hashem punished them. One can infer from this that their sin could not have been their intention to stay together and there must have been a different wrongdoing.

The Ran points out that their sin was their desire to appoint one king to rule over everyone and their technique was to build a huge tower. Though inherently this involves no sin, when the king (Nimrod) is an idol worshipper, the act is sinful. It allows no room for a G-d fearing person to disagree and serve G-d properly. This explanation is also unsatisfactory to the Abarbanel, since the *pasuk*

never mentions the existence and appointment of a king. Moreover, the punishment of confusing languages would not properly dismantle such a kingdom, as a king can rule over many nations with different languages¹.

The Abarbanel offers his own opinion. The purpose of building the tower and the sin were one and the same. The sin that they committed was not a new one; it was one which Adam committed, as well as *Dor Hamabul*. Adam was granted a whole world of physical things and only one thing, the *Eitz Hadaat*, was forbidden to him. Despite this, he chased after the one thing prohibited to him and ate the fruit from the tree. As a punishment, Hashem exiled him. He was thrown out of the comfort he enjoyed and was cursed that he would have to work hard to survive. Noach's generation had a world of abundance as well, but they also stumbled. They too became obsessed with physicality and turned to stealing and immorality (Rashi, Bereishit 6:11). As a result, Hashem punished them and destroyed their society.

The people of Bavel acted similarly. They were granted all the physical things necessary to survive. They had food, water, and natural resources; they should have devoted their efforts to developing their *shleimut* and relationship with G-d. However, they were not satisfied and they spent their time creating a city and a tower to unify the people around them, to develop a "modern community". The abandonment of a natural rustic lifestyle and pursuit of technological advancement, points out the Abarbanel, led to a focus on obtaining physical things, and eventually would have lead to stealing and murdering.²

¹ One such example is Achashverosh who ruled over 127 provinces that spoke different languages.

² The Abarbanel points out that despite the seeming sinfulness of using skills and technology to overcome nature, this type of work is never prohibited in the Torah. Hashem does not prohibit the development of new technologies and artificiality. The Abarbanel explains that once Hashem saw that people had given into the desire to overcome the natural way of life, He did not prohibit it to Bnei Yisrael. Rather, He commanded that, just like in every other situation, the physical should be elevated.

When they began to chase the physical, just like Adam, they were exiled. Hashem confused their languages and dispersed them. Their punishment was not as harsh as that of the Mabul since they had not yet reached the level of stealing. Hashem foresaw what the tower would lead to and punished them accordingly. They all spoke one language and sought to gather all the people in a city. Therefore, Hashem stripped them of their unified language.

The Abarbanel also clarifies the nature of the confusing of languages. Until this point in time, people had been utilizing natural resources. Those natural resources had their own names, ones which everyone used and agreed upon. When the people of Bavel began to create man-made materials and developed the activities that related to them, all these things needed new names. Hashem arranged that the people could not agree what to call these new objects and actions. Each person used his own title and these words entered his vocabulary, changing each one's dialect and speech.

Rav Hirsch, in his commentary on the Chumash (11:1-9), takes a very different approach to the event of Migdal Bavel. The people moved from the east, leaving behind the older generations and found a valley that was void of any natural resources. They produced all their building materials artificially and burnt anything they could find, in order to supply themselves with fuel. As nothing seems to be wrong with the people's actions, Rav Hirsch concludes that their sin must not have been their action but rather their motivation.

The people of Bavel recognized the power of a community. The group that moved to the valley understood, that once unified, they could overcome nature. However, the strength of a community should be to further help one serve Hashem. A righteous community is comprised of people who are different from one another, each with his own strengths and weaknesses, to allow all of mankind to complement one another and work together. A strong community can become problematic when individuals have no value outside the

The Abarbanel compares it to the Torah's command to appoint a king. Despite it not being the ideal, once Bnei Yisrael asked for it, one was instated and the ruler was there to encourage them to follow the laws of the Torah.

community, when individuals exist only to serve the community, not G-d. This occurs when the community ceases to be a means toward the higher goal of worshipping G-d and it becomes a goal within itself.

Rav Hirsch explains: והחמר היה להם לחמר, “the mortar became for them clay” (11:2) as a hint to their sin: the mortar, which should have been a tool, became clay, the end goal. Rather than creating a community for the higher purpose of *Shem Shamayim*, they created one to become stronger and make a name for themselves³. He adds that the words ונשרפה לשרפה (11:2) illustrate that the people were willing to burn anything in sight to strengthen their community. Anyone could suffer, lose, or die, as long as the community emerged stronger. This did not refer only to physical materials. The Netziv (11:2) explains that they built a huge furnace in which they would not only use to produce materials but to burn anyone who disagreed with their philosophy⁴.

The people of Bavel feared פן נפויץ – that some people might want to leave their society, which they were all trying to build. It seems illogical that a community would so strongly fear its members leaving, that they would develop such a major project to keep people committed. If however, like *Dor Haflaga*, the community is driven for purely selfish reasons, such as נעשה לנו שם, to gain honor (11:3), then its members needed something that would ensure their commitment.

The Netziv (11:3) explains that they built their tower to subjugate the cities surrounding them, not as a project to unify the people, as Rav Hirsch suggests. From the top of the tower they would be able to see all other cities and no one would be able to separate themselves and leave to settle elsewhere. They installed

³ Nechama Leibowitz (*Studies in Bereishit* 96) quotes Akeidat Yitzchak who agrees with Rav Hirsch's view. “That generation, being united by one common language and sharing the same ideas became unanimously convinced that the aim of their existence was political society. Their sin was not in trying to achieve this but in regarding it as an end in itself rather than as a means to a still greater end – spiritual well being.”

⁴ Avraham Avinu was thrown into and saved from this furnace.

guards and soldiers to keep watch and punish anyone who would try to cross their border and leave. They were paranoid and suspicious. Since it is not completely natural to have a single universal opinion, the people of Bavel feared that others may disagree and adopt a different philosophy. They sought to ensure that no one would leave their society and the tower was supposed to provide that security.

Pirkei D'Rabi Eliezer (Bereishit 24) states: "If a man fell at the construction site and died, they paid no heed to him, but if a brick fell, they sat down and wept, and said, 'when will we get another to replace it?'" The message here becomes quite clear. The people became so consumed with their mission that the individual no longer mattered. The only goal was the advancement of their society.

Rav Hirsch explains that Hashem "came down" to interfere when He saw that the worth of the individuals was at risk. The community sought to control each individual and considered them as practically worthless. This was a denial of *shem* Hashem; each individual has to serve Hashem directly. Until this point in history, man had a uniformity that led to one language and one attitude. Language reflects attitude and opinions; to have a single language in existence portrays the single mindset that all the people submitted to. This is the aspect that unified the people of Bavel, specifically Nimrod, who spearheaded the building of the tower.

When Hashem confused their languages, he awoke the consciousness of each person, countering the community's attempt to nullify the value of the individual (as they valued him only inasmuch as he is a part of the community). As a result, the people did not allow any view to be imposed upon them. Although the people rejected even the good (G-d's presence), along with the bad (the subjugation of an individual), this was necessary in order to redeem the individual.

With the rising awareness of the importance of the individual, the language changed. Opinions, personalities, and attitudes influenced the word choices of the people of Bavel. The uniform language no longer existed and people were no longer able to understand

one another. The divergence of language drove the people to move far apart from each other and over time, the differences in language strengthened even more.

Both the Abarbanel and Rav Hirsch agree that the root of the sin of *Dor Haflaga* was their devotion to the physicality. The Abarbanel believes that their chase of technological achievement was the sin itself, while Rav Hirsch further believes that it was the negation of the individual during the process that was sinful. Despite their differences, it is clear that when technical advancements and the development of society became the prime goal of their generation, they were considered worthy of punishment. Nechama Leibowitz (*Studies in Bereishit* 102-106) clarifies that along with these achievements comes the belief of power: being above G-d and morality.

This sin is one repeated throughout the ages, not just once in Parshat Noach. Everytime a civilization rises to power, it begins to worship itself and its own work; it develops into an *avodah zara* of *kavod*. Only with the coming of Mashiach will humanity finally realize that behind every action and success is a G-d that demands our morality, and with that, man's worship of himself will cease as well.

The Nachash:

The Crux of all Slander

Rav Tzadok teaches that in order to understand an object's true essence, one must look at the first time it is mentioned in the Torah. The *nachash* in Bereishit, the first snake of creation, is defined by his use of speech through which he brings evil into the world. Thus, in studying the three main places where *nachashim* appear in Chumash, perhaps an intrinsic connection between snakes and improper speech can be traced, illuminating the nature of the *nachash* and shedding light on the Torah's concept of *lashon hara*.

The *Nachash* is first mentioned in Bereishit (3:1):

והנחש היה ערום מכל חית השדה אשר עשה ה' אלקים ויאמר אל האשה
אף כי אמר אלקים לא תאכלו מכל עץ הגן.

The *Nachash* is ערום: sly and cunning. The Bechor Shor explains that the snake was clever and deceitful in the way he spoke to Chava. He saw her and immediately inquired about Hashem's commandments. He engaged in conversation with her, telling her that she will not die if she eats from the *Eitz Hadaat*; rather, Hashem only forbade it since one who eats from it will become G-d-like in his understanding, as it states (Bereishit 3:5):

כי ידע אלקים כי ביום אכלכם ממנו ונפקחו עיניכם והייתם כאלקים ידעי
טוב ורע.

The snake speaks *lashon hara* about Hashem, making Him seem selfish and dishonest. Because of the snake's misuse of speech, the first sin was committed, bringing sin and death into the world. The *Nachash* was cursed to slither on his stomach and to eat the dust of the earth. His characteristics are a result of *lashon hara* and his essence is captured by his cunning and slanderous nature.

Rashi (Bereishit 3:6) explains the words ותרא האשה: "And the woman **saw** that the tree was good to eat" that Chava saw the words

of the *Nachash*, and they benefitted her, so she believed him. The Gur Aryeh teaches that Chava did not simply hear the words of the *Nachash*. She *saw* the benefit of the *lashon hara*; therefore, she believed it. Perhaps a component of *lashon hara* can be learned from here. Sometimes a piece of gossip may be far-fetched and unlikely, not backed up by evidence, but because it is so tempting and even beneficial, people believe it. Similar to selective hearing, people have selective believing; they rely on the information which they want to rely on.

The second place that the word “*nachash*” is mentioned in the Torah is in Shemot, when Moshe speaks with G-d at the burning bush. Hashem commanded Moshe to go to Egypt and liberate Bnei Yisrael. Moshe was instructed to tell the nation that Hashem, the G-d of their forefathers, sent him. Moshe responds, והן לא יאמינו לי – “They will not believe me!” (Shemot 4:1). In response, Hashem gives Moshe two signs. Hashem instructs Moshe to throw his staff on the ground, and it transformed into a snake. When this happened, Moshe ran away from it. What was the symbolism of this sign?

The Midrash (Shemot Rabba 3:12) explains that the sign was not just for Bnei Yisrael; it was mainly for Moshe. When Moshe expressed concern that they would not believe him, Moshe was slandering Bnei Yisrael. In the Midrash, Hashem responds that Moshe was *motzei shem ra*, telling him, “They are believers, sons of believers!” The message to Moshe was that his response followed in the footsteps of the snake who said *lashon hara* about his Creator:

תפש משה מעשה הנחש שהוציא לשון הרע על בוראו, שנאמר כי
ידע אלקים, כשם שלקה הנחש כך זה עתיד ללקות.

Additionally, the second sign that Hashem gave to Moshe at this encounter was the appearance of *tzaraat* on his hand. Rashi (Shemot 4:6) points out that this is clearly a response to Moshe’s *lashon hara*.

The Midrash goes on to explain that Moshe did not run away from the *nachash* out of fear from the creature. Rather, he was afraid because he had sinned. A snake cannot kill, only a sin can.

One could claim that this incident has a deeper, underlying connection to the sin of Gan Eden. The *Nachash* sinned with his speech, subsequently bringing death into the world. Clearly, there is a connection between ill speech and death.

The next episode of *nachashim* is in the context of the desert. Bnei Yisrael had been traveling for some time, and began to complain to Moshe about the lack of bread and water. Just as they had complained immediately after leaving Egypt, they asked Moshe why they had been redeemed just to die in the Midbar. Hashem reacts by sending *nachashim serafim*, burning snakes, that bit Bnei Yisrael (Bamidbar 20:5,6).

The Midrash (Bamidbar Rabba 19:22) teaches that Bnei Yisrael, in their complaints, had slandered Hashem and Moshe. They were punished by snakes, for the same reason that Moshe was: they spoke *lashon hara*. The Targum Yonatan says that this punishment was precisely measure for measure. Bnei Yisrael were given food from Heaven and complained. The *Nachash*, on the contrary, was cursed in Bereishit to eat dust, yet he did not complain. Therefore, Bnei Yisrael were punished by snakes. The Midrash further explains that the *nachash* can eat many substances, but they will all have the same taste of dust. Conversely, Bnei Yisrael would only eat the *mahn*, but it could change to a large variety of flavors.

The Kli Yakar (Bamidbar 21:5) points out the significance of Bnei Yisrael's wording. They did not explicitly complain about the *mahn*, rather they spoke about a lack of bread and water. Hashem punished Bnei Yisrael regarding the bread complaint through the *nachashim*, whose bread is dust. He punished them regarding the water complaint through burning because they had no water to extinguish it. These explanations of the punishment shed light on the way Hashem punishes speakers of *lashon hara*. Hashem is very meticulous in punishing *lashon hara*. Each detail of what a person says is fully scrutinized and weighed.

The pasuk **עַם רַב מִיִּשְׂרָאֵל וַיָּמָת עִם** (Bamidbar 21:6) seems to say that the *nachashim serafim* caused many from Bnei Yisrael to die.

However, the Siftei Kohen (Bamidbar 21:6; 27:3), based on the Zohar, explains that only Tzelafchad was killed by the *nachashim seraifim*. Later, the daughters of Tzelafchad said that their father died in the Midbar. The Siftei Kohen writes: מות במדבר – מות בדבור. He died from *dibur*, speech. Tzelafchad was killed by snake bites, as a result of negative speech.

The Siftei Kohen further asks why the snakes here are called הַנָּחָשִׁים, “**the** snakes.” From where are these snakes previously known? He answers that these snakes were with Bnei Yisrael throughout their entire journey in the Midbar, but had not hurt anyone. Once Bnei Yisrael used negative speech, the snakes were given authorization to bite the nation. Once again, it is clear that the snakes are merely messengers for the inevitable damage that *lashon hara* brings about. This theme keeps reappearing; speech itself can be lethal.

Following the snake bites, Bnei Yisrael came straight back to Moshe, exclaiming, “We sinned, we spoke about G-d and about you! Pray to Hashem to remove the snake!” The Chafetz Chaim (Bamidbar 21:6) asks: Why do Bnei Yisrael ask for **the** snake to be removed? They were attacked by multiple snakes! The Chafetz Chaim teaches that when a person sins, an angel is created to prosecute him in the Heavenly court. Hashem will often remove the prosecutor in His abundant mercy. However, *lashon hara* creates a prosecutor who prosecutes with speech, as speech is what created him, making him very persuasive and unable to be silenced. Therefore, while Hashem removes many of the accusers, He will not remove this prosecutor. Bnei Yisrael were asking Moshe to remove **the** *Nachash*, the *lashon hara* prosecutor, from the Heavenly courtroom.¹

Moshe, however, was informed by Hashem that the request cannot be granted. The Chafetz Chaim offers a parable of a king who wants to favor a guilty person in court, but the prosecutor screams: “The sinner must be punished!” The king is left with no choice but to

¹ See Rabbeinu Bechaye (Bereishit 3:1) that the *nachash* acts as the Satan.

punish the criminal. The *Nachash* is the one prosecutor that cannot be removed. Rather when Moshe davened, Hashem gave Moshe advice on how to heal Bnei Yisrael from the dire results of their *lashon hara*. Hashem told Moshe to make a *Saraf*, a sculpture of a snake. Bnei Yisrael needed to look up at this snake, made by Moshe, in order to be healed.

The Chafetz Chaim quotes the Mishnah (Rosh Hashanah 29a):

וכי נחש ממית או נחש מחיה אלא בזמן שישראל מסתכלין כלפי מעלה
ומשעבדין את לבם לאביהם שבשמים היו מתרפאין ואם לא היו נימוקים.

Can a snake kill or bring life? No. Really, the purpose of the ritual was for each individual to look up to the Heavens and work on himself, and perform the service of the heart. The only way to heal from *lashon hara* is through proper, sincere *teshuvah*.

Rashi (Bamidbar 21:8) emphasizes that if they had the proper *kavanah* when looking up at the *Saraf*, they would be healed. If not, they would be destroyed. Similarly, *Saraf*, fire, has the ability to purify or destroy.

The *Nachash* is the prime example of abusing speech. The first *Nachash* was ערום and brought *lashon hara* into this world and, along with it, death. Speech can have deadly consequences and can dangerously taunt a person in its attractiveness. G-d punishes measure for measure, and the only way to atone for *lashon hara* is through real, heartfelt *teshuvah*. As it says in Mishlei (18:21): מות וחיים ביד לשון – “death and life are in the hands of speech.” Besides the aforementioned tragedies that were caused by speech, there is another role that speech plays: healing. Words can be used to create bonds and mend relationships. Words can be used to serve Hashem and publicize His glory. It is extremely important to internalize the power of speech in both its negative and positive healing properties.

חכמת שלמה: ואזן וחקר תקן משלים הרבה

Wisdom is not held
in a baby's tiny fists
Nor is knowledge wrapped
Around his shoulders in a twist
Questions and doubts get bigger
as he grows
Man should take great caution
before claiming what he knows
Therefore our beloved king
Made rough drafts before a statement
And left us to interpret what we can
As ignorant laymen.

Kohelet listens
He listens to the clock ticking by,
marking the fleeting seconds we waste
He listens to coins dropping from our hands
as we greedily grab money with haste
He listens as the fool speaks without thought
and says nothing wise
He listens as wise men cry in despair
and wish they believed the lies.

Kohelet seeks
He seeks the meaning of time
if we last for moments and G-d is eternal
He seeks consequences in this world,
proof that villains' futures are infernal
He seeks balance between bare minimum
and living like a king
He seeks control of his own actions
if we are all puppets on a string.

Kohelet fixes
He fixes his belief
he fixes contradictions
though it all seems dishevelled
He thought that everything is **הבל**
Fixes his aversion to genius,
now knowing not all wisdom is flawed
He fixes his understanding of lifelong purpose,
redefining the meaning of "Fear G-d."

Savior or Enslaver

The situation is tense. Pharaoh, king of Egypt, had terrible dreams and feels it could spell doom for his country. He hurriedly consults his interpreters, but they can not explain the dreams to Pharaoh's satisfaction. In a desperate attempt, Pharaoh relates his dreams to a prisoner that his butler said could interpret dreams.

However, this prisoner is different from the other interpreters. He correctly interprets the dreams as seven years of plenty followed by seven years of famine and offers a solution to the problem. He suggests that the grain produced during the years of plenty be gathered and kept for the years of famine. Pharaoh is impressed with his wisdom and makes this prisoner second in command, allowing him to carry out this plan.

All is looking good for Yosef, until the reader gets to the end of Parshat Mikeitz (Bereishit 47:19,23,25):

למה נמות לעיניך גם אנחנו גם אדמתנו קנה אתנו ואת אדמתנו
בלחם ונהיה אנחנו ואדמתנו עבדים לפרעה ותן זרע ונחיה ולא
נמות והאדמה לא תשם.

ויאמר יוסף אל העם הן קניתי אתכם היום ואת אדמתכם לפרעה הא
לכם זרע וזרעתם את האדמה.

ויאמרו החיתנו נמצא חן בעיני אדני והיינו עבדים לפרעה.

These pesukim are troubling; they seem to hint to the fact that Yosef enslaved the people of Egypt.

The Chizkuni and Seforno (Bereishit 47:19) say that the people actually became slaves to Pharaoh, as the Torah declares: **הן קניתי אתכם היום ואת אדמתכם**. The Ohr Hachaim adds that they were slaves specifically to Pharaoh, not to Yosef, as the Torah mentions: **והיינו עבדים לפרעה**. The Tur Ha'aroch concurs. Based

on these sources, it seems Yosef actually enslaved the people on behalf of Pharaoh.

However, it is still not understood why Yosef had to enslave the people. Possibly, the person pulling the strings may have been Pharaoh. He had a country on the brink of starvation.

Rabbi Alex Israel¹ points out that as the leader, he needed to preserve order and control, so he could continue to rule. Crises, like famines, often cause unrest in the masses and lead to revolution. Pharaoh was desperate to avoid this. By enslaving the nation, he could keep control of them without looking like a harsh tyrant, whom the people would want to overthrow. He knew that Yosef was the new man at court and needed to keep himself in Pharaoh's favor to maintain his status.

In Pharaoh's eyes, Yosef was the perfect man to be placed in charge of implementing the plan. This way, if the plan was successful, great. If not, and was met by disregard from the people, they would blame Yosef. Either way, Pharaoh would achieve what he wanted; control of all Egypt and its people.

There are many commentators, however, who think that Yosef, with his great demeanor and background, would never enslave the people. The Ohr Hachaim says that when Yosef took the Egyptians up on their offer to make themselves slaves, he was not actually subjugating them. The term "slave" was used just to show that they were bound and had to work the land.

The Ramban says that the Egyptians approached Yosef with the offer of slavery (Bereishit 47:18-19):

ויבאו אליו בשנה השנית ויאמרו לו ... למה נמות לעיניך גם
אנחנו גם אדמתנו קנה אתנו ואת אדמתנו בלחם ונהיה אנחנו
ואדמתנו עבדים לפרעה ותן זרע ונחיה ולא נמות והאדמה לא
תשם.

¹ Rabbi Alex Israel's "Joseph's Economic Strategy":

etzion.org.il/en/josephs-economic-strategy

But he never took them up on it. Yosef ended up only buying the land from them and disregarding the people's request. When Yosef responds (Bereishit 47:23), he never refers to the Egyptians as slaves. He just wanted to buy the land and have the Egyptians continue to work the land as employed farmers, not as slaves.

The Mizrachi agrees and says that Yosef only wanted the actual land for Pharaoh and was not looking for actual slave bondage.

The Netziv comments that Yosef was only temporarily acquiring them in order to give them food and seed to plant; once the need for that was over, they were free people. He goes on to say that Yosef did not listen to the Egyptian entreaties to be slaves. Rashi (Bereishit 47:25) explains that when the Egyptians said עבדים, they meant that they would pay an annual tax to Pharaoh.

The Mizrachi agrees and says that they were not robbed of freedom.

Rabbi Alex Israel points out that Yosef meticulously prepared for the famine throughout the seven years of plenty, by storing grain in multiple storehouses, and took great pains to calm the nation.

The Ohr Hachaim comments on the pasuk ויפתח יוסף את כל (Bereishit 41:56) and explains that Yosef showed the contents of the storehouses to the people. When they saw they had enough food to get out of the crisis, they relaxed. Yosef, after putting all of this effort in for the people, would not turn around and cruelly enslave them.

Rabbi Israel goes on to say that it is the Egyptians who asked to be enslaved; they did not want to deal with the problems of the time and as slaves, they would not need to worry about their futures. Yosef turns them down; he only buys the

land and gives the people a condition: They would work the land for Pharaoh and would receive a percentage of the crops. Yosef even designates this percentage in their favor. Instead of getting twenty percent and giving eighty percent to the king, he switches the numbers so that the Egyptians receive the eighty percent and get the most out of their work.

The Meshech Chochma adds that Yosef was against slavery. He considered it immoral to take away a person's intrinsic freedom.

After his own hardships as a slave for an Egyptian, he knew, more than anyone, the importance of a person's freedom. Yosef made sure that in a time of famine, when everyone would be unemployed, all the Egyptian people had secure jobs, working the land for the state. This ensured that there was control at a time when there could have been civil unrest, which could have worsened the famine if the people decided to rebel and raid the food storages.

Yosef guaranteed that the people knew they were being taken care of and allowed them to keep their independence as well as their rights in a time of famine. His tactics ensured a secure country that would not fracture or turn to chaos because of the famine.

The way Yosef handled the Egyptian people is a matter of debate. While some sources indicate that Yosef enslaved the people due to circumstances and with good intention, others say it was not slavery.

In every scenario given, Yosef's intentions were to ensure that the country remained secure and under control in a very uncertain and dangerous time that would normally push a country into chaos. For Egypt to survive, Yosef knew a system would have to be put in place to calm the people and control the resources the country had, so that society would not collapse.

Whether it was slavery or not, the principle behind the decision was to guarantee Egypt success during the seven years of famine, making Yosef the savior of Egypt.

Chessed U'Mishpat Ashira

For something so key and dominant in our religion, Tehillim's true essence and what it represents is not well known. As one of the twenty four books of Tanach, its pesukim and perakim are found throughout our davening and are said during times of trouble and desperation, triumph and elation. Despite Tehillim's significance, many are completely uneducated about it.

In English, Tehillim is called "Psalms," meaning "harps" or "pluckings" in Greek, hinting to the musical nature of Tehillim. It is made up of 1527 pesukim, which constitute 150 distinct perakim. The 150 perakim are further organized into five sefarim. David Hamelech is the attributed author of Tehillim, even though, as the Gemara (Bava Batra 14b-15a) points out, ten additional people contributed perakim to Tehillim, including Adam haRishon, Avraham, Moshe, and Bnei Korach. Yet, David is credited with the overall authorship of the sefer.

The Gemara (Sanhedrin 98b) says that there is a *machloket* for whom or what the world was created. Rav says the world was created for the sake of David, and Shmuel says it was created for the sake of Moshe.

The Midrash (Shocher Tov 1) explains that Moshe contributed the five books of Torah to the world while David contributed the five books of Tehillim to the world; both Moshe and David bestowed the world with their writings. If, as Rav says, David was the reason the world was created and that his greatest gift to the world was Tehillim, then one can deduce that the world was created for the sake of David to write and compile Tehillim.

David did not have an easy life. The Midrash (Shocher Tov 90) teaches that David's entire life was full of suffering, including: the incident with Batsheva and the death of their newborn son; the rape of his daughter, Tamar, by his son Amnon; Avshalom's rebellion

and subsequent death; David's aging and illness and Adoniyahu's rebellion.

David lived an objectively hard life. He had every right to be bitter and give up, yet he persisted. As the Gemara (Brachot 60b) explains, through every moment, whether it was a moment of judgment and hardship, *mishpat*, or a moment of joy and kindness, *chessed*, David sang *shira* to Hashem. David was able to recognize that the source of everything was Hashem and His eternal goodness; he understood that everything, even in dark times, must be for the greater good. This trust and inspiring belief which David displayed, allowed him to persevere through his troubled life and made him worthy of writing Tehillim. Rav Samson Raphael Hirsch in his introduction to Tehillim notes that David knew how use each moment of affliction as a means of striving upward. He took advantage of every second and used it to try and become spiritually greater and grow closer to Hashem. Whether it be through *mishpat* or *chessed*, both lead to the same response by David: "I will sing."

In Tehillim (89:21) it states: מִצֵּאתִי דוֹד עֲבָדִי בְשֶׁמֶן קֹדֶשׁ מִשְׁחָתִיו: "I have found David My servant; with My holy oil have I anointed him." The Malbim comments that Hashem found David because of his *emunah*. His *emunah* enabled Hashem to see him and give him the strength he needed to defeat all of his challengers. The *emunah* which caused Hashem to anoint him became the key to David's success. He was able to perceive Hashem's presence in anything and respond with *emunah* through his songs.

One of the pesukim describing David's life describes him as the one who wrote "the favorite of songs of Israel" (Shmuel II 23:1). David's songs, as the Zohar (1:179) explains, contain the secrets and deepest matters of the world. Tehillim allows its readers to come close to Hashem in an attainable and simple way. Composed with Ruach Hakodesh, it is a gift from *Shamayim*. In *gematria*, תהלים is equal to 485 and so is מִן הַשָּׁמַיִם. Tehillim is literally from the Heavens, allowing people to connect to Hashem and feel His presence.

Rav Hirsch in his introduction to Tehillim, explains that David, because of his Tehillim and the connection it provides, viewed himself as a conduit for the people to connect to Hashem. The perakim bring

out the fundamentals of Judaism, giving clarity and comfort to all of its readers. Rabbi Avraham Chaim Feuer writes in his introduction to *Tehillim Treasury*, “Tehillim is a faithful companion, an unerring guide, giving voice to prayer, comfort in misfortune, faith in adversity, and light in darkness... Everything is in Tehillim, Tehillim speaks to everyone, everywhere and in every situation.” It cannot be clearer; Tehillim pertains to anyone at any given time. It is a gift and we should take advantage of its availability to us and all the messages it is trying to convey.

The Malbim on the same pasuk (89:21) explains the word עֶבֶד to mean that Hashem chose David because of his עֶבֶד stature. David was the epitome of what an eved Hashem should be and that is why he was worthy of the Divine anointing, chosen by Hashem.

What is an eved Hashem? The Midrash (Shocher Tov 61:3) states that David asked Hashem that his Tehillim should be read in the Batei Midrashot and in the Batei Keneisiot, the houses of learning and shuls. The two foundations of avodat Hashem are Torah and Tefillah, as the Maharal (Bereishit 1) states: “our avodat Hashem through Torah and Tefillah is how we bring forth kavod Hashem.” David wanted his Tehillim to encompass both of these aspects and it does just that.

Tehillim is one of the books of Tanach, the canon of Jewish literacy. But its pesukim are also found in many prayers in davening, making up a large percentage of what is recited every day. Tehillim represents the perfect balance of the two parts of avodat Hashem: Torah and Tefillah. This *yichud*, combination, as Rav Moshe Weinberger explains, is the recognition of the oneness of Hashem and additionally the oneness of the ways to serve Hashem. The most important thing in a person’s life is his avodat Hashem and the pathways that he takes to become the best eved Hashem possible. So much so that the only epitaph that was inscribed on Rav Aharon Lichtenstein’s *matzeivah* was “Eved Hashem”.

The Midrash (Shocher Tov) says that Hashem was never in a better mood than when David completed Tehillim. Hashem’s happiness was the result of the *yichud* David created between Torah and Tefillah, providing Jews with the paragon path to avodat Hashem.

Words that Shaped a Nation:

The Brachot of Yaakov Avinu and of Moshe Rabbeinu

At the end of the book of Bereishit, Yaakov Avinu blesses all of his sons. Similarly, at the end of Sefer Devarim, Moshe Rabbeinu blesses the nation, addressing each tribe individually. Bereishit Rabba (100:13) comments that Yaakov's blessings conclude with **וְזֶאת אֲשֶׁר דִּבֶּר לָהֶם אֲבִיהֶם** (Bereishit 49:28), linking it to the blessing of another Jewish leader, Moshe, whose blessings begin with the words **וְזֶאת הַבְּרָכָה** (Devarim 33:1). Comparing the two sets of blessings gives us an insight into the structural development of Jewish society and each tribe's role in the nation.

Yaakov Avinu begins his brachot by asking his children to gather and listen to him: **הַאֲסֹפוּ וְאִגִּידָה ... הַקְבִּצוּ וְשִׁמְעוּ** (Bereishit 49:1-2). According to Rav Hirsch, he is telling his sons that he wants them all to stay together as one nation, and is therefore setting up their leadership roles. Yaakov describes each tribe's characteristics and abilities, to differentiate their roles in the nation.

Moshe Rabbeinu's goal in blessing the nation is to give his final instructions to the nation before his leadership is handed over to Yehoshua. He focuses on the role of the tribes, not just as part of a nation, but as part of a country. He discusses each tribe's national responsibilities and their individual importance. According to Abarbanel, Moshe instructs Bnei Yisrael on the details of conquering the land and how and where to settle.

These reasons are integral to the order in which each leader blesses the tribes. Yaakov, as a father trying to unify his sons, lists them by mother and mostly in age order. Moshe, though, is instructing them on matters regarding the land, and lists them by their roles in the upcoming battles and by their geographic positions in the land.¹

¹ See Rabbi Menachem Leibtag's article: tanach.org/dvarim/vzot.txt

Reuven

Both Yaakov and Moshe begin by blessing Reuven. Yaakov's overall goal is to single out a leader, something Reuven is not. His words to Reuven are meant to admonish him and inform him about his loss of leadership; his lost potential (Rav Hirsch). Reuven was בכרי, Yaakov's first child and therefore the assumed leader. As the *bechor*, he was deserving of יתר שאת ויתר עז. Rav Hirsch says this phrase refers to the great power and responsibility that comes with being the leader, while Rashi says this refers to the priesthood and kingship that Reuven should have received. However, Reuven does not merit the leadership because of his many mistakes, both with his actions with Bilhah after the death of Rachel² and in the story of the selling of Yosef.

Moshe expresses his hope that Reuven will not disappear or be wiped out. The Chizkuni says this blessing is an attempt to counteract the punishment decreed on Reuven. Generally, honoring one's parents is rewarded with long life, so Reuven's sin is punished by having his life shortened. Moshe blesses the sheivet because he does not want the tribe to bear the burden of their ancestor's punishment.

According to Rav Hirsch, the earlier pasuk, תורה צוה לנו משה, קהלת יעקב (Devarim 33:4) is connected to Reuven's blessing. Reuven is being reminded that the Torah was given to all of the tribes, including him. If Reuven wants to remain a tribe and not disappear, then they must dedicate themselves to Torah study.

Shimon and Levi

Shimon and Levi are blessed by Yaakov as one unit. He refers to them as אחים (Bereishit 49:5), brothers. Rashi says this is a reminder

² His actions with Bilhah, according to Yaakov, is what sealed his fate and made him lose his rights as the oldest. It seems that if the incident with Bilhah had not happened, he would still have been worthy of the leadership. Additionally, the situation with Bilhah does not seem to have been, as the pasuk implies, that Reuven was intimate with her. If this had been the case, there is no way Yaakov would have called his sin just פחז כמים, and he would not have still considered him כחי וראשית אוני. Rather, he would have spoken with him more harshly (Rav Hirsch).

of the selling of Yosef, where the brothers³ said to one another: הנה בעל החלמות הלזה בא: ועתה לכו ונהרגוהו (Bereishit 37:19-20). Rav Hirsch sees this as a message to Shimon and Levi: their trait of brotherhood, caring for and protecting their family, would have been a valuable leadership trait if they had not warped it in such a way by the massacre of Shechem.

Yaakov curses their anger and their rage. Rashi points out that even though they sinned, Yaakov did not curse Shimon and Levi themselves, rather he cursed their anger. No matter what they had done, they were still his sons. To Yaakov, it is important that this curse on violence is proclaimed here, in the foundations of Yisrael as a nation. He wants to be clear that violence, even for the sake of the common good, is abhorrent when it runs counter to justice, morality, and Hashem's commandments.

Radak explains that the next part of the pasuk is telling Shimon and Levi that their portions will be separate from each other, so that they will be unable to band together. Rav Hirsch expands on this: Not only will they be separate from each other, but the members of Sheivet Levi will be scattered among the other tribes. Shimon will be surrounded by Yehudah, and completely dependent on them.

Rav Hirsch notes the pasuk's use of both names, Yaakov and Yisrael. In times of Yisrael, which represent times of Jewish triumph and power, they are scattered to protect the nation and to avoid their overeagerness, which could negatively affect the nation and lead them astray. However, in times of Yaakov, when the nation is in galut, this scattering is an even greater kindness. When the nation is destroyed and exiled in all directions, the descendants of Levi will always be present to provide strength, courage, and noble Jewish pride.

Nechama Leibowitz notes that throughout Yaakov's admonishments, he focuses on their actions and potential for chillul Hashem⁴,

³ When the pasuk says brother, it could only be referring to Shimon and Levi. Reuven and Yehudah tried to save Yosef, while Yissachar and Zevulun would not have acted like that in front of their older brothers. The sons of the *shifchot* were known to be friendly with Yosef and would never have acted in such a manner.

⁴ See the commentary of the Ramban.

but ignores their motive, protecting their sister's honor. She quotes the Netziv's comparison between the actions of Shimon and Levi and those of Pinchas. Pinchas is praised for his zealous action, while the brothers are not. This teaches us that at times zealousness can be good, but not without exactness and unbiased judgement, like the halachot which Pinchas followed in his actions.

Moshe's blessings teach another lesson, that of teshuvah. Shimon is not mentioned in the blessings of Moshe because he is still considered cursed, אָפֵם אֲרוּר (Bereishit 49:7), and therefore is not worthy of a bracha. The question the mefarshim then ask is: How could Moshe refuse to give them a blessing because of their ancestor's actions?

Rashi (33:7) and the Ibn Ezra (33:6) write that they are cursed because of the sin of *Baal Peor*, the majority of whom were from Sheivet Shimon⁵. The Ramban disagrees claiming that the sinners of *Baal Peor* were split among the nation and not mostly Shimon. In addition, if everyone who partook in that sin was killed, why would the rest of the tribe be held accountable? The Ramban proposes a third option: Both Yaakov and Moshe planned to bless twelve tribes. Yaakov counted Yosef as one tribe, but Moshe counted Yosef as two, Menashe and Ephraim. Since Moshe chose to include Levi in the blessings, that left Shimon, a small tribe who had not received a great blessing from Yaakov, to be excluded. Yaakov had said Shimon was to be scattered amongst the nation, so therefore they received their blessing through the other tribes' blessings⁶.

Unlike Shimon, who was excluded from the blessings of Moshe, Levi is not only included in the brachot, but also gets one of the longest blessings. Rav Amnon Bazak⁷ discusses the ways in which

⁵ The Ibn Ezra supports this idea based on the loss in population of Sheivet Shimon between the beginning of Sefer Bamidbar and the census at the end of Parshat Pinchas.

⁶ Rashi (33:7) writes that Shimon is hinted to in Yehudah's blessing when Moshe says שְׁמֵעַ ה' קוֹל יְהוּדָה, because Shimon's land was an enclave within Yehudah's portion.

⁷ etzion.org.il/en/blessing-which-moshe-blessed#_ftn4

Levi repents, is forgiven, and is granted leadership again. The sin of Shimon and Levi in Shechem was considered terrible because of their biased, unjustified, and personal motives, a situation where only a pure moral argument could support their actions.

When faced with the sin of the Golden Calf, however, Levi's reaction was quite different. They acted only once they were given a command by Hashem, and they did exactly as they were commanded. Rav Bazak draws a parallel between the usage of the phrase *איש חרבו* in both the story of Shechem (Bereishit 34:25) and of the Golden Calf (Shemot 32:27), the only times in Torah where this phrase is used. Sheivet Levi may still have many of the same traits that originally caused their sin in Shechem, but they have learned how to use them properly. The best *tikkun hamiddot* is to transform one's liabilities into assets.

Moshe then switches from the remembrance of their deeds to their national role. Just as they did by the calf, *ובריתך ינצרו* (Devarim 33:9), they will continue to rise up for Hashem's sake, and put the Torah ahead of their personal aspirations. They are to be the teachers of Bnei Yisrael, *לעקב ותורתך לישראל* (Devarim 33:10). According to Rav Hirsch, Moshe places the laws before the Torah to emphasize the necessity of first building the nation on law, *משפטיך*, and only then does he add in the moral understanding⁸. Thus the *משפטים* are given to Yaakov, the name for the nation pre-commandments, and the Torah is given to Yisrael, the nation post-commandments. In contrast, the moral ideal for the nation, symbolized by the Mishkan, involves offering the *קטורה*, incense, before the *כליל*, the whole *korbanot* (ibid.), symbolizing that only after the heart truly understands Hashem and morality, can one invoke a devotion to Hashem's commandments.

It is interesting to note the parallel between the use of "Yaakov" versus "Yisrael" in Yaakov's blessings for Shimon and Levi, and its use again by Moshe. Rav Hirsch's interpretations of Yaakov

⁸ This is similar to how Bnei Yisrael first said *נעשה* – that they would keep the laws, and then they said *נשמע* – that they would understand.

versus Yisrael vary between the two blessings, and his interpretation from Yaakov's blessings might add another perspective on this pasuk. "Yaakov," symbolizes exile (as explained above), which is connected more to *משפטיך*; in times of galut, Yaakov needs the leaders to be teaching them the laws and the structure, because without it, they will fall apart. With "Yisrael" in Geulah, Bnei Yisrael can take more of their time to focus on their understanding of Hashem and the moral underpinnings, and thus the word *תורתך* is connected to "Yisrael".

The Siftei Chachamim says that the first two pesukim about Levi are justifications for the later two. If Moshe had not given these proofs, Bnei Yisrael would have disapproved of the honor being bestowed upon Levi, and would have seen it as Moshe honoring his own tribe.

Moshe's blessing of Levi clearly shows the power of teshuvah; one can go from being cursed to being blessed, from admonishment to spiritual leadership.

Assuming that Moshe's blessings were about the *nachalah*, Rabbi Menachem Leibtag, in his article above, questions why Levi's blessing from Moshe came after Yehudah's and before Binyamin's. Additionally, why was Levi blessed here at all if Levi did not have a set *nachalah*? He suggests that Levi's role and "*nachalah*" was to serve Hashem and teach His Torah. Therefore, Levi, although spread out, was centrally focused on the location of the Beit Hamikdash, the center of avodat Hashem. The Beit Hamikdash was located in Yerushalayim, on the border between Yehudah and Binyamin, which is why his blessing came between them as well.

Yehudah

After Yaakov rejected Reuven, Shimon, and Levi as leaders, Yehudah is the one he chooses to bless with leadership. His first word to Yehudah is *אתה* (Bereishit 49:8), "you." Rav Hirsch interprets this as, "You, Yehudah, unlike your brothers, are the one who is meant to assume the leadership." Yehudah in contrast to his older brothers, knows how to carry things through and when to act with justice,

instead of with zeal. Yaakov hints to this when he says יָדְךָ בְּעֶרְףְּ אֹיְבֶיךָ “your hand will be at your enemies’ necks.” Not only will Yehudah fight his enemies without missteps like Reuven’s, but he will also use his hand instead of a sword like Shimon and Levi and will not commit murder. Instead, he will become powerful, so powerful that no enemies will bother him. Yaakov refers to Yehudah as a גִּיּוֹר אֲרִיָּה, a name referencing two different stages in a lion’s life – its youth and its adulthood. This is Yehudah’s power; he has youthful courage and experienced maturity.

Yaakov refers to the Mashiach (Bereishit 49:11) who will tether a donkey, the symbol of Jewish national might, to a vine. While horses are representative of military power, Jews care more about power for peace, symbolized by a donkey. Mashiach will be an emissary of peace. There will be an abundance of agriculture and animals will be tied to vines in the farms, instead of being used for war. His clothes will be stained with wine instead of blood. His eyes, too, will be colored from wine, and his teeth whitened from milk. Yehudah will see prosperity, peace, abundance, and good health. These blessings are promised to Yehudah, the leader, when he keeps Bnei Yisrael secure and safe.

Yehudah is the second tribe blessed by Moshe. According to the Abarbanel, after Reuven begins conquering the land by leading the nation across the Yarden, Yehudah will be the one to continue the conquest. Unlike the five pesukim dedicated to Yehudah in Yaakov’s blessing, here Yehudah is blessed in just one pasuk.

The blessing starts: וְזֶאת לִיהוּדָה (Devarim 33:7), which is commonly understood as Moshe extending Reuven’s bracha (that of not disappearing), to the young men of Yehudah as well. This could simply be, as the Ibn Ezra points out, because they were the leaders in battle and were at greater risk. Chazal (Sotah 7b) understand that Moshe is crediting Yehudah for setting an example of teshuvah and public confession for Reuven. After Yehudah confessed in the incident with Tamar, Reuven confessed about the incident with Bilha.

Moshe then requests that Hashem listen to Yehudah. Moshe asks that Yehudah be restored to his people. This is another war

reference that Yehudah's soldiers should return safe from battle. Rav Hirsch explains Moshe's message to Yehudah as a reminder that, although he has the leadership, he still must make sure that, like Reuven, he follows the Torah and commandments. He must make sure not to overstep his bounds, in action and thought, and to always consult Hashem.

Yissachar and Zevulun

After Yaakov has chosen a leader from his sons, the rest of his blessings outline his other sons' contributions to the nation. Although Moshe gives Yissachar and Zevulun a joint blessing, Yaakov blesses them separately, starting with Zevulun⁹.

Zevulun will be a trader and he will dwell by the sea, in port cities. Since his ports will attract ships and thus merchants will come and do business with him, he will not need to travel to trade. He will remain in the port of Tzidon and will not go out to trade because he will not allow his desire for wealth to override his desire to serve Hashem. He will do what he can to provide for the nation, but will not let ambition control him. (Rav Hirsch)

Yaakov compares Yissachar to a donkey. He will be a hard worker, strong and flexible, and will carry his heavy burdens well. Yissachar sees that *מנוחה*, rest, is good and that the land is pleasant, and so he will become a *מס עבד*, an indentured laborer. In other words, Yehudah is the warrior, Zevulun is the merchant and Yissachar is the farmer.

Rav Hirsch explains that Yissachar's greatest desire is to study and grow in Torah knowledge, and best way to do this, is through working the land. Yissachar farmed and had time for leisure, dedicating it to Torah learning.

When Moshe blesses Yissachar and Zevulun, he addresses each one individually and then combines their blessing. Zevulun,

⁹ This is the only time Yaakov goes out of age order of Leah's sons. The Chizkuni offers two explanations. Either he switches the order because of the positioning of their portions in the land or because Yissachar can only spend time on Torah study because of Zevulun's financial support.

the younger of the two, is once again blessed first. Zevulun is blessed **שמה זבולן בצאתך** (Devarim 33:18), to be happy in his going-out. According to the Chizkuni, this refers to the setting out of Zevulun's ships to sea. Moshe specifically blesses them with safety, that their wares will not be lost at sea, and that they should rejoice and be confident in their journeys, trusting in Hashem's protection. Rabbeinu Bechaya points out that **בצאתך** could also be referring to leaving this world. They will rejoice in the great reward they are given because of all the Torah learned by Yissachar enabled by their financial support.

Yissachar is blessed **באהליך** (ibid), in his tents. Rabbeinu Bechaya queries, why does Yissachar, the tribe devoted to the study of Torah, receive the shortest blessing of just two words: **יששכר באהליך**? He explains that Moshe's blessing to Yissachar actually contains all of the blessings he wished to transmit. **באהליך** is plural, meaning two tents: the celestial and the terrestrial, the spiritual and the physical. Due to Torah study, the **שמוחה** that Yissachar will experience will be plentiful not only in this world, but will also be perfect and complete in the next world.

Both Yaakov and Moshe present Yissachar and Zevulun as the example of ideal partnership: produce and trade, Torah and support.

Dan

After finishing with the sons of Leah, Yaakov moves on to the sons of the maidservants. Yaakov starts with Dan, Bilhah's firstborn, saying: **דן ידין עמו** (Bereishit 49:16), "Dan will judge his nation." Rashi comments that this refers to Shimshon, who was from the tribe of Dan. Rabbeinu Bechaya understands the second half of the pasuk: **כאחד שבטי ישראל** "like the unique one amongst the tribes," referring to Yehudah's extreme military prowess which Shimshon also possessed. Bereishit Rabba (99:12) understands **כאחד** as referring to Shimshon being like "The Unique One," Hashem. Just as Hashem does not need any outside assistance or weapons of warfare, Shimshon worked alone, sufficing with the jawbone of an animal.

Radak sees **כֹּאֲחֵד שְׁבִטֵי יִשְׂרָאֵל** as a comment Yaakov was making: any judge from Dan would be equal to a judge from any other sheivet. Yaakov is telling the sons of Leah and Rachel that the sons of the *shifchot* are not inferior. They are all equal and their status as part of the tribes should not be questioned.

Yaakov then discusses the attribute of Dan: **יְהִי דָן נָחֵשׁ**. He will be snake-like. Rav Hirsch sees this pasuk as referring to Dan's military tactics. Dan is not a lion like Yehudah, who fights bravely and inspires fear, rather he is a snake who uses cunning and stealth to take down its enemies. Dan's attacks on his enemies were ambushes and guerrilla warfare: **הַנֶּשֶׁךְ עֵקֶבִי סוֹס וַיְפֹל רֹכְבּוֹ אַחֲרָיו**, not fighting face to face on a battlefield. Rav Hirsch points out the importance of Yaakov saying **יְהִי דָן נָחֵשׁ** and not just **דָּן נָחֵשׁ**. This cunningness is not always a good trait and it should not be a permanent part of the tribe. Rather, it should only be employed when necessary as a last resort. Yaakov is concerned that Dan might become affected by this deceitfulness.

Yaakov adds in a prayer: **לִישׁוּעָתָךְ קִיֵּיתִי ה'**. Rav Hirsch explains that when Dan is forced to resort to using this trait, Yaakov asks Hashem to help Dan not fall permanently into those ways. Possibly remembering his time with Lavan, where he was surrounded by trickery and deceit, Yaakov asks that Dan's trait not be passed down to his descendants as a basic character trait, even if they are forced to use it in war.

There is, however, another interpretation that adds a more complex layer to all of Yaakov's blessings. Rav Tamir Granot¹⁰ of Yeshivat Har Etzion points out the symmetrical chiasmic structure of the blessings. Excluding Reuven, Shimon, and Levi who were rejected and Binyamin at the end, the types of blessings follow an ABCDCBA structure, with D being the pinnacle of the blessings. The framework, or outer layer, consists of Yehudah and Yosef, the chosen sons. B contains the tribes who receive promises of great material inheritance; Yissachar and Zevulun on one side, Asher and

¹⁰ etzion.org.il/en/yaakovs-blessing

Naftali on the other. Layer C holds the blessings of military prowess, Dan and Gad. The climax (D), 'לִישׁוּעַתָּךְ קוֹיָתִי ה', is Yaakov's prayer for Bnei Yisrael.

Moshe's blessing to Dan is short and concise. Although Yaakov compares Dan to a snake, Moshe compares Dan to a lion (Devarim 33:22). Seforno explains that Dan dwells safely and securely in *בִּשְׁעוֹ*, his border territory, and then leaps out to attack the unsuspecting foes of Bnei Yisrael.

Gad

According to the Chizkuni, Gad's blessing, *גַּד גִּדּוּד יְגוּדָנוּ וְהוּא יֶגֶד עֵקֶב* (Bereishit 49:19) references Gad's role as the battalion leading Bnei Yisrael and the "clean up crew" at the end of every battle.

Moshe gives his blessing to Gad before he gives one to Dan. This is understandable with the presumption that Moshe's order is based on the distribution of the land. Rabbi Leibtag points out that if one would look at a map of the *nachalot* of the tribes, the first assumption would be that Gad should have been listed directly after Reuven since they share a border. However, because priority is assigned to the children of Leah and Rachel, Moshe lists all of their children first and then lists the children of the maidservants, starting with Gad.

Moshe expresses thanks for the enlargement of Gad's territory across the Yarden (Devarim 33:20). Rav Hirsch explains that Moshe gave thanks for that land because he will be buried there and it is now considered within the borders of the Jewish people.

Asher

Yaakov's blessing for Asher is short and describes another agricultural tribe. His wealth is described as bread that is rich and as a yield of royal delicacies (Bereishit 49:20).

Comparatively, Moshe's blessing for Asher is very long. Rashi explains that Asher will be accepted amongst his brothers, either because of their appreciation for Asher's oil that he provides or

because the sheivet was known for having beautiful daughters who would marry into the Kohanim and royal families. The Seforno explains יְהִי רְצוֹי אֲחִיו: Generally, someone who has wealth and blessings attracts jealousy, but Asher will be well loved among the people.

Naftali

When Yaakov gets to Naftali's role, he is again brief in his blessing: נַפְתָּלִי אֵילָה שְׁלַחָה הַנָּתַן אֲמַרִי שֹׁפֵר (Bereishit 49:21). Rav Hirsch explains that Naftali is gazelle-like in his swiftness to carry out his missions, but he is also a messenger. The missions are not his own initiative or creativity, but come from others. הַנָּתַן אֲמַרִי שֹׁפֵר means that Naftali will also give eloquent speeches. Naftali is not original, but absorbs the ideas of others and brings them to fruition.

Unlike Yaakov's, Moshe's blessing to Naftali appears to be in the correct order, after Dan. Rav Hirsch contrasts Dan with Naftali; Dan desires and conquers more land, while Naftali is שֹׁפֵר רְצוֹן (Devarim 33:23), satisfied with Hashem's will, as well as מְלֵא בְרַכַּת ה', full of Hashem's blessing.

Yosef (Menashe and Ephraim)

After Naftali's blessing, Yaakov returns to his blessings on leadership. Yosef, the oldest son of Rachel, receives the role of the *bechor*. Reuven had lost his rights as the first born, and Yaakov splits it in two: Yehudah receives the kingship and Yosef receives the birthright.

Yosef is called בֶּן פֶּרֶת (Bereishit 49:22). The Seforno explains that Yosef is compared to a grape vine, an image of majesty striving to grow. Yosef grew as a grapevine on one side of the wall, and it was not until בָּנוּת צִעְדָה עָלֵי שׁוֹר, that he reached the top of the wall, that anyone on the other side knew he existed. This is an analogy to Yaakov and the brothers, who had no idea Yosef was in Egypt until he had completely developed and reached a position of power.

Rav Hirsch explains that Yosef received his nobility from his mother, Rachel, thus בנות. Yosef, like בנות and most women, stands behind a wall, hidden, not in the spotlight. Rav Hirsch understands שור עלי as a goal which Yosef achieved: to stand behind the wall, but let one's spiritual aspirations reach up and extend over it, letting the world see.

The Chizkuni explains ותשב באיתן קשתו (Bereishit 49:24), Yosef's bow remained taut, as praise for Yosef not taking revenge on his brothers for turning against him.

Yosef has been defined as noble, resilient, G-d fearing, and peace loving. Although he is not a warrior like Yehudah, Yosef's traits encompass many of the other aspects a leader needs: dignity, justice, and morality. This is why he deserves the double portion of the firstborn and is given the leadership position.

Yosef's blessing is riddled with doubles, emphasizing his firstborn status (Bereishit 49:25). Firstly, he is blessed with two attributes of Hashem to assist him – מא-ל אביך ויעזורך ואת ש-די ויברכך – Rabbeinu Bechaya explains that the first mention of Hashem's name, א-ל, will help Yosef in times of trouble. The second instance, ש-די, will bring Yosef blessing and success. Furthermore, he will have support from two sources, both ברכת שמים מעל, the Heavens above, as well as ברכת תהום רובצת תחת, “the depths below,” the Earth. Finally, Yosef is blessed with ברכת שדים ורחם, a blessing of both breasts and womb, indicating that his descendants will be healthy and numerous.

Yosef is told that his blessings surpass the blessings of his ancestors, Avraham and Yitzchak (Bereishit 49:26). Rabbeinu Bechaya points out that he is receiving both their blessings and his own.

Yosef and Yehudah (and in the future – Mashiach ben Yosef and Mashiach ben David) are partners in the nation's leadership. Both of their roles, with their distinct traits and strengths, are necessary for Bnei Yisrael's development and growth.

Moshe continues with the double *lashon* of Yaakov, and starts with nearly identical phrasing: מברכת ה' ארצו ממגד שמים מטל ומתהום (Devarim 33:13). The Chizkuni remarks that he received

land that is מְבֹרָכָה, more blessed than the other brothers, in contrast to how the land has been since the sin of Adam, cursed. Yosef deserves this blessed land and agricultural success because he atoned for Adam's sin with Chava when he withstood the temptation of sinning with the wife of Potiphar.

Rav Hirsch notes that keeping this abundance is dependent on the behavior of Yosef's descendants. Only if they follow in his ways and are "princes amongst their brothers", will they receive these blessings. Rav Hirsch sees this preservation as a hope of Moshe's which went unfulfilled, due to the destruction and division that Ephraim later causes.

The Seforno addresses בָּהֶם עַמִּים יִגָּה יַחְדָּו, "with them he will gore the nations together," explaining that "together" here refers to Yehudah. They will not see each other as challengers or enemies, but will work together to vanquish the enemies of the nation.

Binyamin

Binyamin, the youngest of the family, is the innocent child. He does not partake in the selling of Yosef and misleading Yaakov. According to the Gemara (Shabbat 55b), Binyamin is one of four people in the world who never sinned. However, Binyamin's blessing does not, as Rav Granot points out, fit into the chiasmic structure of Yaakov's blessings and is left out, like the first three tribes that Yaakov admonishes. Rav Granot offers the following suggestion as to why Binyamin, the most virtuous of the tribes, is excluded.

During the times of the Shoftim, the tribe of Binyamin sins in the story of Pilegish B'Givah. This story truly shows how far the nation had fallen if the tribe of Binyamin, whose ancestor was known for avoiding sin, committed such an atrocity. Because of this incident, the other tribes banded together and nearly wiped out Binyamin in a civil war, ostracizing the tribe for a period of time. His removal from the chiasmic structure may be a hint to this removal from the nation.

Binyamin is blessed that בִּבְקֹר יֹאכַל עַד וּלְעֶרֶב יִחַלֵּק שָׁלָל, in the morning they would eat their enemy and in the evening they would

split the spoils. Many commentaries interpret this as a reference to Binyamin's success in war; the "morning" is the good times, when Shaul conquered many of Yisrael's enemies, and the "evening" is the difficult times, when Mordechai and Esther, from Sheivet Binyamin, were exiled, but still saved the Jews from Haman.

While Yaakov's blessing outlines Binyamin's military success, Moshe's blessing to Binyamin describes them as Hashem's beloved and protected tribe (Devarim 33:12). Moshe chooses to address Binyamin more individually here to draw attention to why the tribe deserves **ובין כתפיו שכן**, "Hashem rests between his shoulders," referring to the Beit Hamikdash which is placed in Binyamin's territory. Binyamin is **ידיד ה'**, Hashem's beloved, which means he must have been completely righteous and good. **ידיד ה'** is a reference to Binyamin's complete lack of sin and that his death was caused solely by the original sin of Adam (Seforno).

Conclusion

These are the blessings of Yaakov and Moshe to the Shevatim. From the structural and literary similarities, it is clear that the two sets of blessings are meant to be compared. When we compare these blessings, we can learn about the brothers, the tribes, and the world.

From the brothers, we learn about family. We see the tension amongst them and how the story of Yosef played out. Yaakov uses his blessings to try to correct this, to set up a family structure and a hierarchy amongst them. Yaakov's attention to each brother and to his faults, insecurities, and strengths, shows the role a parent must take to unify his family.

Yaakov takes care to rebuke Reuven, Shimon, and Levi without driving them away. He curses their inaction and anger, but not the brothers themselves. When he addresses the children of the maid-servants, he prevents them from feeling ignored, giving them individual attention and emphasizing their equality amongst the brothers. A father cannot let his sons feel ignored or they will drift away and rebel. He also cannot let them feel too much pressure, jealousy, or pride. Yaakov teaches parents how to handle interpersonal

relationships with their children and how to bring straying children back into the fold.

As individuals, the brothers, the founders of our nation, are not described as perfect, nor faultless. The Torah is not a history book, but a study of lessons and law. Our ancestors' flaws are put on display so that we may learn from them. We must learn from Levi's progression, which allows him to regain a position in the nation's leadership. We must see the teshuvah of Yehudah and how he rises up from sin to kingship. We must see the consistency of Yosef and how he fights temptation. We need to see that even the perfection of Sheivet Binyamin can falter.

The impact of each individual brother's character traits and actions on his descendants also teaches us an incredibly important message. While generally, sons are not punished for the sins of their father (see Devarim 24:16 and Yechezkel 18:20), the parents' attributes and the ramifications of their actions are still passed on to their children.

Sheivet Reuven's is cautioned not to follow the failed path of their ancestor and die out. Dan is warned by Yaakov about his manipulative, crafty tactics, but his descendants are later praised for ambushing their enemies. It is important to see that both the tribes of Levi and Shimon inherited the same rash traits, yet it is only Shimon that continues to use them for bad things, while Levi uses them to serve Hashem. However, aspects of their original punishment, to be spread amongst the nation, still remain.

Throughout the continued stories of the nation, these flaws, even the flaws that are changed to be used for good, reappear again and again as challenges for the tribes. Sometimes, they overcome them and sometimes they suffer because of them. This teaches us to be careful of the flaws we inherit from our ancestors and to use them only for Hashem's service.

From Yaakov's and Moshe's blessings, we see that the nation is purposely diverse. Reuven is not like Yissachar, and Yissachar is not like Gad, and Gad is not like Binyamin. Each tribe brings its own approach and methods to the table. Each one is necessary and they all contribute something integral to the nation. In order for a nation

to function, they cannot all be soldiers, or all be farmers, or all be rulers. We need the Naftali messengers, and the Zevulun traders, and the Levi teachers. Each tribe has its own role, and not only is it an acceptable role, but it is the preferred role for them.

This is the quintessential lesson learned out from the descriptions of the Shevatim.

Classically, this is a message of both individuality and *achdut* to Bnei Yisrael. Individuality is the diversity vital to our nation. We need those who are outspoken and we need the silent. We need the political advocates and we need the private people. We need *kollel* members and we need a workforce. We need the *chassidim* and we need the *mitnagdim*. We are not all meant to be scholars like Levi, nor warriors like Gad. We are meant to find our own place in *avodat Hashem*, our own niche within the nation. We are gifted with individual strengths, and are meant to fulfill different roles in His service accordingly. *Achdut* is that each person's role must be appreciated for its contribution and no role should be looked down upon. We are not meant to agree on everything, but we must recognize that we are all together on the path of *avodat Hashem*.

These lessons are only the beginning. There is endless more to learn from these blessings and that is why every detail matters; every element of the blessings, the brothers, and the land has something to teach us. We will conclude, however, with an understanding of why these blessings are given where they are. Yaakov blesses his sons just before he passes away, changing them from brothers into a nation. Moshe also blesses Bnei Yisrael just before he dies, transitioning them from wandering tribes into a people with their own land. They both leave their nation at an open door, leading to a future of growth and success as Hashem's chosen ones. They prepared Bnei Yisrael for the great changes to come, and taught us that we need to be a growing, changing, learning, diverse, intuitive, and unified *Am Yisrael*.

שמע בני מוסר אביך ועל תטש תורת אמך

The Importance of Parental Advice*

Sefer Mishlei, written by Shlomo HaMelech, is a compilation of advice on how to live a life dedicated to Torah and G-d. The Midrash Mishlei begins by recounting the story in Sefer Melachim (I 3:5), where Hashem appears to Shlomo and asks, *שאל מה אתן לך* – “Request what I shall give you”. Shlomo requests the ability to discern between good and evil to help him judge the nation, and G-d grants his request, giving him immense wisdom that no one ever had or ever will have. The Midrash relates that Shlomo took his G-d given gift and wrote Mishlei in order to share his wisdom with others.

An overall theme of this sefer is accepting the advice and rebuke given by elders, so that one can live a life of wisdom and fear of G-d: *יראת ה' ראשית דעת* – “Fear of G-d is the beginning of knowledge” (Mishlei 1:7). Out of the fifty times the word mussar, rebuke or discipline, is used in Tanach, thirty-one of them are found in Sefer Mishlei. Within this general theme of accepting mussar, Mishlei focuses on one's acceptance of advice he receives from his parents.

The first pasuk after Shlomo's introduction is: *שמע בני מוסר אביך* – *ואל תטש תורת אמך* – “Listen, my son, to the rebuke of your father, and do not forsake the instruction of your mother” (Mishlei 1:8). Judaism focuses on the conversation between generations. The first step to living a life of *Yir'at Shamayim* is to enter the timeless religious community by accepting the traditions and teachings passed down from parent to child. The gateway into this community is through one's parents, as Shlomo emphasizes multiple times throughout Mishlei.

* Dedicated to my parents, who always have my best interests at heart and raised me to be a member of the mesorah community.

As mentioned above, the first piece of advice Shlomo HaMelech gives is to listen to one's father and mother: שְׁמַע בְּנִי מוֹסֵר אָבִיךָ וְאִם תִּשְׁמָע תִּשְׁמַח וְאִם תִּשְׁמָע תִּשְׂמַח. Rashi explains that מוֹסֵר אָב refers to what G-d gave Moshe at Har Sinai (i.e. the Written and Oral Torah), while תּוֹרַת אָמֶךְ refers to the Divrei Sofrim, the rabbinic decrees designed to help us keep the Torah. Metzudat David, however, interprets the pasuk in a more literal sense and explains that one should listen to both his father's and mother's advice, for their sole desire is to improve their child's ways.

The Ralbag extends this idea and adds that the reason that Mishlei's first piece of mussar is to accept מוֹסֵר אָב וְאִם is because a parent's desire is to instruct his child in the correct ways of the Torah. Parents are only interested in raising their children to be G-d-fearing, moral, and religiously observant Jews. Once one respects and listens to his parents, he will naturally come to accept the advice written in the Torah.

The next appearance of the words מוֹסֵר אָב is in the pasuk שְׁמַעוּ בָנִים מוֹסֵר אָב וְהָקִישׁוּ לְדַעַת בִּינָה – “Sons, listen to the rebuke of a father to learn discernment” (4:1). Many mefarshim, including Rashi, Metzudat David, and the Ralbag, are bothered by the singular tense of the word ‘father’ and the plural tense of ‘sons.’ They explain that the אָב here refers to G-d, our Father in Heaven. The mussar is symbolic of the Torah He gave us to direct our lives in the right direction.

The Malbim, however, interprets this pasuk as a father passing down advice he received from his father and relaying it to his son: “I am going to give to you the advice my father gave to me. You should listen to both his and my own advice, and through that, you’ll come to have binah.” This reading emphasizes the importance of instructing children in the ways of their ancestors, passing down traditions from generation to generation.

Later, Shlomo writes, בֶּן חָכָם מוֹסֵר אָב וְלִץ לֹא שֹׁמֵעַ גְּעֵרָה – “A wise son accepts his father's rebuke, but a scoffer never hears reproof” (Mishlei 13:1). There are two basic understandings of this pasuk:

a wise son recognizes the value in his father's advice, and therefore accepts it (Rashi, Ibn Ezra) or a son becomes wise through accepting his father's rebuke (Rashi, Metzudat David, Ralbag).

The Malbim presents a slightly varied approach to this pasuk, and explains that a **בן חכם** is one who accepts the rules of wisdom, even if they contradict human nature and are hard to live by. Through his father's mussar, the son can purify himself. He learns to fear his father's rebuke and accepts the laws of wisdom, which leads him to fear G-d's punishments.

The last reference to **מוסר אב** is **יערים** – “A fool will scorn his father's rebuke and one who guards rebuke will become clever” (15:5). Metzudat David comments here that the **אוייל**, or fool, despises the mussar and will not listen to it. However, someone who keeps the wisdom in his heart, will ultimately become wise. The Ralbag explains that **לקיחת תוכחה** is acquiring wisdom; therefore, someone who retains the rebuke will become clever.

The Malbim, building on his commentary from chapter thirteen, writes here that wisdom comes from fear of G-d's punishments; someone with Yir'at Hashem will accept mussar. An **אוייל**, however, does not believe in G-d's punishment and will not accept any rebuke. Both this pasuk and the one in chapter thirteen directly contrast a person who accepts his father's advice with a fool. This teaches us that wisdom can be achieved through listening to one's parents. It should be noted that although most of these pesukim, only mention the father and not the mother, the term **מוסר אב** can be understood as referring to the rebuke of either parent.

Another aspect of accepting parental guidance is the pride that parents receive from their children's accomplishments. Shlomo HaMelech writes, **שמח אביך ואמך ויתגל יולדתך** – “Your father and mother rejoice, the ones who birthed you celebrate” (23:25). The Malbim explains that this celebration comes after one has accepted the laws of wisdom and his parents' advice. They rejoice that their child has accepted their ways and have succeeded in raising him to serve G-d.

The converse is true as well. When a child rejects his parents' rebuke, he embarrasses them. Shlomo tells us, **בן חכם ישמח אב** – **וכסיל אדם בוזה אמו** – “A wise son brings joy to his father, and a fool disgraces his mother” (15:20). Many mefarshim comment on this pasuk that not only are the parents disappointed when their child does not accept their advice, but that they are disgraced, for their child's actions reflect on them. People may judge the parents for the way in which they raised their child, blaming them for the way the child turned out.

Similarly, we are told, **משלי שלמה בן חכם ישמח אב ובן כסיל תוגת אמו** – “A wise son brings joy to his father and a foolish son is his mother's sorrow” (10:1). While the Malbim places the blame on the mother, since she is too gentle with her child, the Ibn Ezra explains that the pasuk is coming to include both parents, not specifically attributing a son's success to his father and failure to his mother.

In his articles “A Tribute to the Rebbetzin of Talne” and “The Community” (Tradition 17:2) Rav Joseph B. Soloveitchik distinguishes between the two *mesorot* found in Judaism: the mesorah community of the fathers and that of the mothers. **מוסר אביך** is the “intellectual-moral” tradition of learning to read, analyze, and conceptualize texts. **תורת אמן**, on the other hand, is the “living experience” of religion, expressing the warmth and love of Torah. The mother teaches an appreciation of mitzvot and spiritual values, while the father primarily teaches the technical aspects of religion.

Judaism, according to Rav Soloveitchik, is a religion of mesorah, where we must have “an unqualified dedication [to] learning and teaching...[to] teach and let yourself be taught”. The central figure in Judaism has always been “the very old teacher surrounded by very young children”. The teacher is surrounded by students, who will take his teachings and pass them on to their future students.

Judaism places a great emphasis on the importance of mesorah, the passing down of traditions and history from generation to generation. The Torah commands us three times to tell the story

of Yetziat Mitzrayim to our children, to “tell them the story of laws which form the foundation of Jewish morality”. A parent’s duty is to pass on the legacy of the Jewish people to his child. Through telling the foundational stories of our nation, we unite “countless generations; present, past, and future merge into one great experience”.

Our society exists beyond time, and later generations have the ability to engage earlier ones in a dialogue. The text of the Gemara, where sages from all generations converse, presents a unified conversation between Tana'im and Amora'im. These conversations did not happen in reality, but were compiled by the later Amoraim, who saw the relation between the various statements and explanations. Our mesorah allows us to be a part of more than just the current times and to join the covenantal community the Jewish nation has formed with G-d.

Shlomo’s message to us in Mishlei is that along with a parent’s responsibility to guide his child along the path of Torah, a child has a responsibility to listen to this advice. As children, we too have a role in the perpetuation of the mesorah community – we must accept what is handed down to us and allow our parents and the Torah to influence our development. Our parents want to see us succeed, and give us the guidance they believe we need to actualize our own potential. שמע בני מוסר אביר ואל תטש תורת אבך. Every parent sees the unique talents of his child, and attempts to help the child find his path in life.

Being a part of the mesorah community means bringing our individuality with us, and recognizing that every one of us makes a difference in Jewish history. We must look to our elders, our teachers, and our parents, who have tremendous wisdom to share with us about how to best fulfill our dreams and impact the larger community. To truly be a servant of G-d, every individual must accept the power he wields in shaping the destiny of the Jewish people, the power he received from his parents, who received it from their parents, all the way back to the beginning of the covenantal community at Har Sinai.

הלכה

מצות ישוב הארץ

The Mitzvah of Settling the Land

When one thinks of aliyah, he pictures packing up all his belongings, leaving family and friends, and moving to a new country. He imagines giving up family time, the comfort of speaking his mother tongue, and all that is familiar to him. These challenges occupy a person's mind, convincing him that, practically, he should just stay in chutz la'aretz.

Through all the challenges and sacrifices of aliyah, one tends to forget the importance of the mitzvah he is fulfilling. Yishuv Eretz Yisrael is a great zechut that one is able to fulfill. With the understanding of how fundamental the mitzvah is, one can overcome the challenges and hardships of aliyah and experience Israel in its fullest.

The Ramban and Rambam argue as to whether the mitzvah of settling in Eretz Yisrael is counted as one of the two hundred forty eight mitzvot aseh. The Ramban believes that the pasuk והורשתם בה (Bamidbar 33:53) commands everyone in Am Yisrael to live in Eretz Yisrael and not leave it empty or forfeit it to gentile hands. The Ramban goes as far as to criticize the Rambam for not including it as an individual mitzvah in his Sefer Hamitzvot.

Chazal state: ישיבת ארץ ישראל שקולה כנגד כל המצוות שבתורה (Yalkut Shimoni Devarim 12:885). This idea introduces practical ramifications that can impact one's life. If the mitzvah of settling the land is comparable to all the other mitzvot in the Torah, then is one able to violate Shabbat in order to fulfill it?

The mitzvah of settling the land is a rare mitzvah that overrides the *issur derabanan* of *amira la'nochri* on Shabbat. A Jew is almost never allowed to ask a gentile to violate a Torah prohibition on Shabbat. However, if the Torah prohibition allows the Jew to fulfill the mitzvah of settling Eretz Yisrael, the Rabbanim allow him to ask the gentile to do so (Shulchan Aruch O.C. 306:11, Mishnah Berurah 47). Therefore, if a gentile's house in Eretz Yisrael goes up for sale on Shabbat and a Jew is in a position to buy it, the Jew should tell the

gentile to sign the document validating the purchase of the land. It is obvious that this Jew is not saving the whole land of Israel by purchasing one portion of the land. However, the Rabbanim allow him to violate their prohibition, which they would not have allowed under other circumstances, since the importance of this mitzvah is so great and it will contribute to the acquirement of the land.

If a Jew is allowed to desecrate a mitzvah *derabanan* in order to buy a piece of land in Eretz Yisrael on Shabbat, may a Jewish child fulfill the mitzvah of settling the land even at the expense of the mitzvah *deoraita* of respecting his parents?

Often, people run into the issue of upsetting their parents when expressing their desire to make aliyah. The mitzvah of settling the land is extremely important; however, the mitzvah of respecting one's parents is extremely significant as well. In Sefer Vayikra, the mitzvah of keeping Shabbat is juxtaposed to the mitzvah of fearing one's parents. The pasuk (19:3) writes: **אִישׁ אָמוּ וְאָבִיו תִּירָאוּ וְאֵת שְׁבֹתַי תִּשְׁמְרוּ**. Rashi explains that the significance of this juxtaposition is that one may not violate Shabbat in order to respect or fear his parents. From here it is learned that if one's parents tell him to violate any mitzvah from the Torah, he is not permitted to listen to them. Therefore, if a child decides he wants to make aliyah, he can move to Israel whether his parents are in favor of it or not, since he should not listen to his parents if they tell him not fulfill the mitzvah of settling Eretz Yisrael.

Many poskim follow this line of reasoning and say that one is not required to listen to his parents in this case.¹ In any case, it is proper for the child to try to reconcile with his parents and respectfully help them understand why this mitzvah is so important.

The Gemara (Ketubot 110b) teaches that if a man wants to move to Eretz Yisrael, but his wife does not want to and it leads to divorce, the blame of the divorce falls on the woman and she loses the ketubah and dowry. In the opposite scenario, the man would be blamed for the divorce and would pay the value of the ketubah.

By seeing these cases, one can better understand the importance of settling in Eretz Yisrael. It may seem that this mitzvah has

¹ See Yechaveh Da'at 4:49.

no limits, as it can even complicate relationships between children and parents and between husband and wife. However, this mitzvah has clear boundaries that can help rectify its harshness in certain situations. According to the Rambam (Hilchot Melachim 5:9) there are three circumstances in which a Jew is allowed to leave Eretz Yisrael: for Torah learning, business, and to find a spouse. This is only on the condition that once he finishes what he needs to take care of, he must return to Eretz Yisrael.

One is also allowed to leave for health reasons and for a short period of time to visit his parents. According to some poskim, one may not leave Eretz Yisrael to travel and tour the world. However, other poskim disagree and believe that if one leaves for a short period of time with a purchased return ticket, it would be permissible. It is highly suggested by the poskim to spend as much time as one can in Israel by limiting his trips to chutz la'aretz, so that he does not miss out on the greatness of the mitzvah and its reward.²

Settling in Eretz Yisrael gives a person continuous merit. Every action that one does while living in Israel, whether it is giving tzedakah, planting a tree, or just the fact that he is living there, gives him tremendous merit; it turns each part of his daily routine into a mitzvah. Jews that do not live in Eretz Yisrael can receive some of that *schar* by providing those living there with financial support. However, living one's life in Eretz Yisrael and fulfilling the mitzvah with his own body awards a person even more *schar*.

Once one understands how important the mitzvah of settling the land is, he can focus on the mitzvah itself and on overcoming the challenges. The mitzvah of settling in Eretz Yisrael is not an easy mitzvah to fulfill; it can require tremendous sacrifice and endurance. Depending on one's personal situation, he may need to give up certain things in order to be able to fulfill the mitzvah. Although there are often struggles involved in moving to Eretz Yisrael, one will be able to persevere knowing that he is fulfilling an extremely significant mitzvah.

² dinonline.org/2015/07/17/here-to-stay-the-halachah-of-leaving-the-land-of-israel/
yeshiva.co/midrash/shiur.asp?id=30100

Kitniyot:

Do the Ends Justify the Beans?

For eight days of Pesach (or seven in Eretz Yisrael), Jews of all backgrounds, from Ukraine to Ethiopia, are forbidden from eating chametz: any sort of leavened food containing wheat, rye, oats, spelt, or barley. In addition to refraining from eating cakes and cookies, Ashkenazi Jews also maintain a strict ban of food items that fall under the category of kitniyot: rice, beans, corn, and other legumes. This ban does not apply to many of their Sephardi brethren, who are free to consume rice with impunity all of *chag*.

Why does this prohibition depend on location or ancestry? The kitniyot ban is not found in either the Written or Oral Torah. Rather, it is a custom that was added to the halachic canon during the past millennium.

It is important to distinguish between various types of minhagim. There are certain minhagim that were established by the Great Sanhedrin and are binding on all of Bnei Yisrael. Other minhagim were established by the leading Bet Din of a community or region and are binding on the populations of other areas only if they accepted the decrees. There are also customs that developed among the people and depend on their acceptance for themselves and their descendants.¹

The idea that minhagim can vary based on location is best illustrated by the traditional differences between Ashkenazi and Sephardi customs. Sephardim and Ashkenazim use different pronunciations of Hebrew, developed different orders of davening, and a host of contrasting minhagim, including the kitniyot prohibition mentioned above.

Unsurprisingly, there is no concrete source in Chazal for the minhag to prohibit kitniyot on Pesach. The Gemara (Pesachim 35a)

¹ See Rambam, introduction to his Commentary on the Mishna; Rambam, introduction to Mishna Torah; Yechaveh Da'at 1:12.

records R' Yochanan ben Nuri's claim that rice products are chametz, and are forbidden on Pesach. However, in a later Gemara (Pesachim 114b), Rav Huna suggests that rice should be present on the seder plate as one of the two symbolic cooked foods. Rav Ashi uses this position to prove that nobody agrees with the opinion of R' Yochanan Ben Nuri.

The earliest recorded source for the prohibition of kitniyot is found in Rav Yitzchak of Corbeil's (13th century) *Sefer Mitzvot Katan* (#222). It is described as a pre-existing, widespread, but not universal, custom among Ashkenazi Jews. There is no evidence of kitniyot stemming from an official rabbinic decree, and one can easily theorize that the minhag owes its existence to both the masses and individual local halachic authorities. The prohibition of kitniyot may very well be the ultimate example of a grassroots minhag.

Despite the lack of a clear source, the *Sefer Mitzvot Katan* holds that one cannot go against the prohibition of kitniyot because the minhag has been upheld for so long. He also suggests a possible reason for the prohibition. Kitniyot are used and cooked in ways similar to the five grains. Their use could lead to confusion and the consumption of chametz.

Less than three hundred years later, Rav Yosef Karo (*Beit Yosef* O.C. 453) mentions an alternate reason for the minhag. Kitniyot were often stored with the five grains and could accidentally be mixed together. However, he limits the minhag to Ashkenazi practice. In his later work, the *Shulchan Aruch* (O.C. 453:1), Rav Yosef Karo writes that one may eat and cook with kitniyot on Pesach.

What qualifies as kitniyot? The world underwent massive transformations after the initial documentation of the minhag of kitniyot. Among these changes, the Columbian Exchange in particular, challenged all preconceived ideas regarding the categorization of kitniyot.² The discovery and subsequent colonization of the Americas introduced Europeans to a variety of new foods including, but not limited

² The Columbian Exchange was the widespread transfer of plants, animals, culture, human populations, technology, and ideas between the Americas and the Old World in the 15th and 16th centuries, related to European colonization and trade following Christopher Columbus's 1492 voyage. (Wikipedia)

to, cacao beans, tomatoes, peanuts, sweet potatoes, and sunflower seeds. However, the products of the Columbian exchange that had the greatest impact on European agriculture and diet, and by extension the minhag of kitniyot, were potatoes and corn.

One of the few crops to merit the status of both grain and vegetable depending on the time of harvest, and full of sugar, fat and carbohydrates, corn quickly became a staple of the European diet. Despite not having been introduced to Europe at the time the minhag was first recorded, the Mishnah Berurah (453:4) lists corn among the foods included in the kitniyot prohibition.

There are several possible explanations for the inclusion of corn in the kitniyot canon. Corn was produced and used as a grain, and it was somewhat similar in appearance to legumes such as beans and peas. However, the most likely option is that corn could be rotated with wheat.³ Thus, farmers were able to grow two crops in one year, and may have kept those crops in the same storehouses. The storage of both grains alongside each other worried halachic authorities who feared the grains could accidentally be mixed together.

Potatoes also had an immeasurable impact upon the agricultural and culinary landscapes of Europe. Although originally regarded with suspicion, by the end of the eighteenth century it was estimated that ten to thirty percent of people in the Netherlands, Belgium, Prussia, and Poland ate no solid food other than potatoes⁴. These areas hosted sizeable Ashkenazi Jewish communities, and it seems impossible that a crop often viewed as a replacement for wheat was not considered to be kitniyot. In fact, Rav Avraham Danzig wrote in his magnum opus, Chayei Adam (Nishmat Adam – Hilchot Pesach, question 20), that potatoes are considered kitniyot (in some locations), since potato starch can be confused for chametz flour.

However, the prohibition of potatoes during Pesach is virtually unheard of, and most Ashkenazi homes seem to purchase and

³ "Maize." *The Columbian Exchange*, thecolumbianexchange.weebly.com/maize.html

⁴ Charles C. Mann. "How The Potato Changed The World." *Smithsonian Magazine*, Nov. 2011.

consume at least a metric ton of the vegetable in question during the eight days of *chag*. Rav Moshe Feinstein explains this phenomenon in his *Igrot Moshe* (O.C. 3:63). The kitniyot prohibition applies only to foods that were originally specified in the ban or that the masses later accepted as part of the custom. Potatoes and peanuts were not considered kitniyot, although some people are stringent and refrain from using peanuts and peanut products during Pesach.

A more modern controversy concerns quinoa, a recently popularized grain originally grown in South America. According to Rav Moshe's ruling, quinoa should not be prohibited on Pesach. Yet, it was only after years of argumentation that the Orthodox Union publicly declared that quinoa was not kitniyot⁵ while other organizations, such as the B'datz of the Eidah Charaidit and the official Israeli Rabbanut, still hold that quinoa is indeed kitniyot and Ashkenazim cannot eat it on Pesach⁶.

However, the classification of quinoa is far from the only kitniyot conundrum of the modern era. The prohibition of canola oil is a fascinating example of such a problem. The Rama (453:1) based on other earlier halachic authorities (see *Terumat Hadeshen* 113), holds that one cannot consume oil derived from kitniyot. Soy oil, corn oil, and corn syrup are all included in this ban.

Canola oil, introduced to Americans in 1985, is considered by many to be a product of a new world food, and therefore should not be included in the prohibition. However, canola is actually a variation of the rapeseed plant, bred to have less erucic acid. Rapeseed, and its oil, features in the halachic kitniyot discussions of the *Avnei Nezer* (O.C. 373 and 533) and the *Maharsham* (I:183). Thus, according to many poskim, canola oil joins the list of substances included in the ban on kitniyot⁷.

Maple syrup barely escapes the same fate. The product is often flavored with fenugreek. There is a major discussion whether fenugreek is considered kitniyot. If it is, consumers of matzah brie would

⁵ oukosh.org/passover/guidelines/food-items/quinoa/

⁶ ohr.edu/holidays/pesach/laws_and_customs/5390

⁷ kashrut.com/Passover/Kitniyot/

suffer. However, luckily for Ashkenazi Jewry and for matzah brie, kitniyot is *batel b'rov*. This means that the small amount of fenugreek present in the bottle of maple syrup is considered nullified, and maple syrup is fit for Pesach consumption⁸.

Another modern issue regarding kitniyot is the question of whether or not Ashkenazim can eat in the homes of Sephardi families over Pesach. This is especially relevant in Israel, where at least fifty percent of the population is Sephardi. According to Rav Ovadia Yosef (Yechave Daat 5:32), Ashkenazim can eat non-kitniyot food in Sephardi homes over Pesach even if the food was cooked in kitniyot pots (although some poskim suggest that the pots should not have been used for kitniyot cooking in the previous 24 hours).

Recently, there are people who wish to claim that the reasons for the kitniyot prohibition are no longer applicable. There is little chance for mistaking white rice for whole wheat flour. I disagree. I think that the prohibition of kitniyot has never been more relevant than it is today. Thanks to the gluten free movement, one can buy baked goods made from rice flour, corn tortillas, and even bean pasta at one's local grocery store. Over the past two years, I have been served cookies made from chickpeas at Shabbat lunch, and watched my stepfather prepare a pot of bean pasta – to my younger brother's disgust. Fifty years ago, the idea that beans and white flour were similar in the slightest was laughable. Today, that once clear line between wheat and other forms of starch is becoming increasingly blurred, and the minhag to prohibit the eating of kitniyot during Pesach is becoming strangely and increasingly applicable.

⁸ oukosher.org/passover/articles/what-is-kitniyot

Is My Chulent Meat From a Lab?

Cultured Meat and Halacha

In 2013, the first beef burger grown in cell culture was eaten. Created by Dr. Mark Post at Maastricht University in the Netherlands, its production involved extracting cells, such as myoblast cells, from a living cow. They were treated with a growth-promoting protein, allowing them to divide by mitosis on a scaffold in order to create a three-dimensional, fully edible meat product.

The development of this “Frankenmeat” introduces some interesting halachic questions regarding its kashrut that could have very relevant ramifications if cultured meat were to become a mainstream part of the average human diet.

A useful way to begin this discussion (based on two intriguing incidents mentioned in the Gemara Sanhedrin) is by questioning whether *shechita* is a completely necessary step in the production of kosher meat products.

The first describes the following incident: while Rabbi Shimon ben Halafta was walking and came across some lions, two thighs of an animal descended mysteriously from heaven. After feeding one to the lions, he took the other one and pondered over its halachic status. After he made an inquiry, the reply he received from the Rabbanim was:

אין דבר טמא יורד מן השמים.

Non-kosher food does not descend from Heaven.

(Sanhedrin 59b)

This introduces the concept of kosher meat that has not undergone *shechita*. However, perhaps nothing can be extrapolated from

this regarding cultured meat, as it is possible that this heavenly meat was the only exception to the rule.

The second Gemara describes how Rav Chanina and Rav Ushiya would sit together on Erev Shabbat and engage in the study of Sefer Yetzira when

מיברו להו עיגלא תילתא ואכלי ליה.

A third-born calf would be created for them and they would eat it.

(Sanhedrin 65b)

Rav Yeshaya Halevi Horowitz, the Shelah (Parshat Vayeishev), states that this mysteriously created animal would not require *shechita* as it is not considered a proper animal.¹ It therefore seems plausible that meat which does not come from a “real animal” may be considered kosher without *shechita*.

Even if this was the case, there could still be the issue of *marat ayin*, as people would see meat being consumed where *shechita* was not included in its production. While initially this may be a problem, over time, this may not be the case because people would become more accustomed to the idea of cultured meat.

However, these two aggadot, while being intriguing and introducing an interesting discussion topic, do not actually address the main halachic issue involved with the production and consumption of cultured meat; *ever min hachai*.

The Sefer HaChinuch defines this prohibition as:

שנמנענו שלא לאכל אבר מן החי, כלומר אבר שנחתך מבעל חיים בעודנו חיי.

We are prohibited from eating a limb from the living, meaning to say, a limb that we cut from an animal when it is still alive. (Mitzvah 452)

¹ chabad.org/library/article_cdo/aid/2293219/jewish/Is-the-Lab-Created-Burger-Kosher.htm

This is an *issur deoraita* that appears throughout the Torah². In addition, there is a prohibition to eat meat that was removed from a living animal. In each case, the punishment for intentional violation of the precept is lashes. (See Chullin 102b)

Contrary to popular belief, the prohibition of eating a limb removed from a live animal applies even when the removal does not involve *tza'ar baalei chaim* (despite the fact that the Sefer HaChinuch (452) identifies cruelty as the root of the prohibition).

For example: If one anesthetized a cow and removed a single kidney, that kidney would still be prohibited for consumption, even though the animal had not suffered any pain and would still be able to lead a normal, healthy life.

What exactly constitutes a 'limb'? Does the prohibition include a single cell? This question essentially generates four different logical conclusions regarding the status of cultured meat.

The first two possible conclusions are made with the assumption that the extracted cell is considered to be "meat" and therefore, *ever min hachai*. The most obvious conclusion from this assumption would be that the rest of the cloned cells are also considered to be *ever min hachai*, rendering the whole burger to be classed as non-kosher.

However, perhaps a valid conclusion could also be that whilst the original cell is classified as *ever min hachai*, the cells produced by the semi-conservative replication of this original cell are not considered as such, as those cells were not extracted from a living animal.

This, however, is flawed logic, since the whole point of semi-conservative cell replication is that both the original cell and the new cell contain two strands of DNA, one from the original cell and one newly created strand; together, it makes up the double helix of the genetic material of each of the cells.

² Bereishit 9:4, Shemot 22:30, and Devarim 12:23.

Seeing as this new cell contains physical material from the original cell, it seems that it would also be *ever min hachai*, and therefore prohibited to eat. It can therefore be assumed, that if the original cell is in fact considered to be *ever min hachai*, any meat produced from the replication of this cell is not kosher.

Perhaps the extracted cell, being only one cell that is not visible to the naked eye, is not considered to be a “limb” at all. If this is the case, it may very well be that the cells generated as copies of the original cell are not classed as “meat”. It seems that the resultant burger would then be permissible to eat as neither the original cell nor the generated cells are *ever min hachai*.

This path of logic is indeed the one that was adopted by Rabbi Yuval Cherlow, Rosh Yeshiva of Yeshivat Amit Orot Shaul and one of the founders of the organization called Tzohar. He goes so far as to say that, cultured meat produced from the cell of a pig is in fact kosher, explaining that when the

cell of a pig is used and its genetic material is utilized in the production of food, the cell in fact loses its original identity and therefore cannot be defined as forbidden for consumption ... it wouldn't even be meat, so you can consume it with dairy.

Rabbi Menachem Genack of the Orthodox Union and Rabbi Shlomo Aviner follow a similar line of thinking, both saying that lab-grown meat may not be considered a meat product halachically under certain stipulations.³

While being an interesting halachic topic to debate, the conclusions made by various poskim could have serious implications. We live in a world where tens of thousands of people die of hunger or malnutrition every day. As the population continues to increase exponentially, the traditional method of farming animals decreases in sustainability. Cultured meat could be the way to contribute to

³ timesofisrael.com/rabbi-meat-from-cloned-pig-could-be-eaten-by-jews-with-milk/

jpost.com/jewish-world/jewish-news/orthodox-groups-debate-kashrut-of-lab-grown-meat-322642

the saving of millions of lives, and this must be a factor in any future halachic discussions that take place.

As Rabbi Cherlow said, “while ‘there is merit’ in prohibiting cultured meat, ‘halachic thought should examine the needs of humanity, not only one’s own case.’”⁴

⁴ For further clarification on this issue, see Rabbi Yehuda Spitz, *The Journal of Halacha and Contemporary Society*, volume 72 pp. 56-80.

Minhag:

Lay Authority in Halacha

The halachic system is regarded primarily as a top-down system of law. The Mishna (Avot 1:1) teaches that G-d gave the Torah to Moshe, who passed it down to Yehoshua, who taught it to the Elders, who in turn transmitted it to the Prophets continuing the hierarchy of leadership. Jewish practices and beliefs were commanded by G-d and, by extension, the Sages, who work to expand the system based on His will: ושמרת לעשות ככל אשר יורוך (Devarim 17:10).

To onlookers, Jewish laymen may seem like a passive group, bound to the laws of their G-d and the sages without much say in the halachic process. This was a conflict that bothered the rebellious Korach, who, when challenging Moshe and Aharon, proclaims, “For all of the community are holy, and Hashem is in their midst. Why then do you raise yourselves above Hashem’s congregation?” (Bamidbar 16:3). His question is, in essence, “If we are a nation entirely comprised of holy people, why are there self appointed leaders over the laymen?”

Though the Rabbis act as the leaders of the Jewish community, they derive their power from two separate places: from G-d, who, with the pasuk לא תסור (Devarim 17:11) has vested in them the ability to create new laws, and from the Jewish people, without whom there would be no congregants, no nation to follow these laws. As the saying goes: אין מלך בלא עם. A king, and leadership in general, can only exist if there is an עם, a constituency behind them. As a result, the power of a leader is directly dependent on the people’s acceptance.

At some point in history, the Sanhedrin was controlled by the Tzidukim. Rav Shlomo Fischer (Beit Yishai – Derashot #15) explains that Bnei Yisrael did not accept this Sanhedrin, and so the Sanhedrin was unable to advance its Tziduki agenda. If the people reject the Sanhedrin leadership, it no longer wields any halachic power.

Rabbinic decrees are contingent on the approval of the congregation. New *takanot* are only considered part of the canon of Jewish law once they become widely accepted by the people. The Gemara (Bava Kamma 79b) states, “We do not make legislation which cannot be followed by the majority of the Jewish people”. According to the Rambam (Hilchot Mamrim 2:5-7), if a Beit Din created a *takanah* that Bnei Yisrael decline to follow, the *takanah* is nullified and the Beit Din cannot force Bnei Yisrael to keep it. If it was first accepted, and a later Beit Din notices that the people are no longer keeping the *takanah* of the earlier Beit Din, the later Beit Din may nullify the *takanah* even if it is lesser in number and wisdom.

For example: The Gemara (Avodah Zara 36a) teaches that the students of Hillel and Shammai passed a decree prohibiting the use of olive oil made by a non-Jew. However, when the Beit Din of R' Yehudah Hanasi noticed that most Jews were cooking with this prohibited olive oil, they ruled to nullify the enactment. [Another example would be certain leniencies within the prohibition of *pat akum*, which never became widely accepted (See Ritva Avodah Zara 35b)].

While these aspects of the people's authority are significant, they are somewhat passive and indirect. Although the laypeople must accept the authority of the Sages, they do not appoint or elect the Rabbis to the Sanhedrin. Similarly, the decision of the people to “reject” a *takanah* is not an active decision. The enactment just never catches on.

However, there is one realm in which the Jewish people have a more direct and active influence over halacha: the realm of *minhag*.

Rabbis attribute great significance to *minhag*. The Torah Temimah (Devarim 19:14) quotes Rav Sherira Gaon, who says in regards to the law about not moving a neighbor's borders because they were set up by previous generations, “From here we learn that *minhag* is a matter of consequence.” Many *minhagim* are not elective; they must be followed. This requires an understanding of the nature of *minhagim* and why they have weight in halacha.

Although colloquially, the term *minhag* is often used as a synonym for ‘custom’, a habitual action not explicitly commanded in

halacha, the exact meaning of the term is somewhat ambiguous. In the Talmud and halachic literature, the definition of 'minhag' ranges from a loosely-held custom to a practice with extra-halachic status.

For example, the tradition of the *chatan* to break a glass at the end of the wedding ceremony is just that – a tradition. We find its origin in a story in the Gemara, but nowhere in the Gemara is it commanded or even recommended that we follow this tradition. The Gemara (Brachot 30b - 31a) says, “Mar bar Ravina made a marriage feast for his son. He saw that the rabbis present were excessively cheerful. So he grabbed an expensive goblet worth four hundred *zuzim* and broke it in front of them. Thus he made them sad”. Although the Tosafot write that this is the source for breaking a glass at the wedding ceremony, the Rama (OC 560:2; EH 65:3) writes that it is done as a sign of mourning over the destruction of the Temple. Today, every Jewish wedding incorporates this traditional glass-breaking ceremony, even though it is not binding.

Alternatively, minhagim are sometimes binding, making them seem equal in status to halacha. For example: The prohibition of Ashkenazi Jews to eat kitniyot on Pesach may have stemmed from a custom, but it was later rabbinically instituted. The Sefer Mitzvot Katan (Mitzvah 222) states, “Legumes such as beans, rice, and lentils and the like, our teachers have the custom of a prohibition not to eat them during Pesach at all ... a prohibition that was a custom of the world from the days of the ancient sages.” Though it was once a custom, it is now a prohibition. Still, however, it is referred to as ‘custom’ and not as ‘law’.

The Gemara (Taanit 26b) outlines the differences between the terms: halacha, minhag, and nohagu. The Gemara states, “Rav Yehudah said in the name of Rav: The halacha is in accordance with the opinion of R’ Meir. And R’ Yochanan said: The people act (nohagu) in accordance with the opinion of R’ Meir. And Rava said: The custom (minhag) is in accordance with the opinion of R’ Meir. The one who said that the halacha is in accordance with the opinion of R’ Meir means that this ruling is taught in the public lectures. The one who said that the custom is in accordance with the opinion of R’ Meir means that one does not teach this publicly, but if someone comes to

ask for a practical ruling, one instructs them in private that this is the halacha. And the one who said that the people act in accordance with the opinion of R' Meir means that one does not even instruct someone that this is the halacha, but if he acts in accordance with R' Meir, he has acted in a valid manner [and we do not require him to return and recite the prayer again.]” The broad range of understandings of the concept of minhag raises questions about whether minhagim are binding and about the status of minhagim in relation to halacha.

Regardless of the exact meaning of the word minhag, it is crucial to distinguish between true halacha and minhag. If people believe that their minhag is halacha, they may either come to violate the true halacha in favor of the minhag or to violate the command of *לֹא תִסֵּף עָלָיו* (Devarim 13:1).

The Rambam (introduction to his commentary on the Mishna), who famously divides halacha into five categories, includes minhagim within his fifth category, together with Rabbinic decrees. This would seem to imply that minhagim only have halachic weight because they have been sanctioned and instituted by Rabbinic authority, and that they are therefore included under the prohibition of *לֹא תִסֵּף* which forbids the Jewish people from straying from the commandments of the Sages. But were this true, there would be no difference between a minhag and a takanah, and the Rambam would not have mentioned the superfluous category of minhag in his categorization of halacha.

Furthermore, there are some minhagim that are not sanctioned by the whole of the rabbinic community, and are in fact discouraged. For example, Rav Yosef Karo (Beit Yosef; Shulchan Aruch O.C. 605) cites the opinions of the Rashba (Teshuvot 1:395) and the Ramban in their opposition to the minhag of using chickens for kapparot.

Therefore, in order to understand the nature of minhagim, it is necessary to address the different types of minhagim, the source for minhagim, the reason for their preservation, and the rules regarding the acceptance of new minhagim and the annulment of old ones. Subsequently, the paper will explore the hand of the Jewish laymen in the development and practice of minhagim.

The Gemara (Nedarim 15a) states that when a person disregards a minhag, he violates a neder on a Rabbinic level. To make a vow on a *deoraita* level, a person would have to verbalize his intention to take the practice upon himself (Rambam Hilchot Nedarim 2:2 and Hilchot Shevuot 2:10). In this way, the individual retains the power to adopt personal customs to enhance his religious observance.

The second type of minhag is a minhag avot. The Gemara (Pesachim 50b) tells the story of the people of Beishan, who took it upon themselves not to travel long distances on Friday so that they did not come to violate Shabbat. The next generation desired to abrogate this minhag, telling R' Yochanan that they found it too difficult not to travel on Friday, because the abstention caused financial hardship. R' Yochanan responded that they should not abandon the practices of their ancestors, because the pasuk states (Mishlei 1:8): שְׁמַע בְּנִי מוֹסֵר אֲבִיךָ וְאֵל תֵּשֶׁת תּוֹרַת אִמְךָ.¹

Some interpret the word “Beishan” in the Gemara to refer to a person (not a community) supposing that “Bnei Beishan,” as the Gemara calls them, are the literal children of Beishan. This Gemara would therefore imply that minhagei avot are binding. (See Pri To'ar, Yoreh Deah 39)

Rav Maimon, the father of the Rambam, writes his thoughts as to why it's important to follow traditional customs: “Those customs, we should not deride them. Those who developed the custom [showed] alacrity and effort, and [they] are made from essential values, and you should not deride the custom of the nation. The Prophet said “do not abandon the teachings of your mother” – do not leave the religion of your nation.”²

¹ On a related note, Rav Soloveichik once expressed the following: “What is torat imekha? ... I used to watch [my mother] arranging the house in honor of a holiday. I used to see her recite prayers; I used to watch her recite the sidra every Friday night and I still remember the nostalgic tune.... I learned that Judaism expresses itself not only in formal compliance with the law but also in a living experience...The laws of Shabbat, for instance, were passed on to me by my father; they are a part of mussar avikha. The Shabbat as a living entity, as a queen, was revealed to me by my mother; it is a part of torat imekha.” (Tradition 17:2 pp. 76-77)

² Rav Maimon, father of the Rambam, in his “Chibur Hatefillot.”

However, there is a contradictory Gemara which many use to prove that minhagei avot are not actually binding on children, and that the pasuk in Mishlei about adherence to parental practices teaches a value, rather than a command. The Gemara (Chullin 105a) states, “Mar Ukva says, in comparison to my father, regarding this matter, I am vinegar, the son of wine. My father, when he ate meat, would not eat cheese until the same time the next day. But I, even if I won't eat it at this meal, I'll eat it at the next meal.” Mar Ukva here seems to be saying that he does not, and will not, follow the custom of his father.

The Pischei Teshuva (Yoreh Deah 214:5) paskens that “A son is not obligated to follow the customs of his father, besides for those that the son was accustomed to after he became an adult...” The Pri Chadash (Siman 496) agrees that minhagei avot are not binding, and he reinterprets the first Gemara about the people of Beishan as proof. He writes, “At any rate, the law is clear that a son is not obligated to follow the fences and protective customs of his father. The case of Bnei Beishan... is different because Beishan is not the name of a person, but the name of a place – i.e. Beit Shaan.”

This interpretation, that Beishan is a place rather than a person, changes the entire meaning of the Gemara and provides the perfect segue to the third category of minhag – minhag hamakom. Acharonim debate whether minhag hamakom refers to the minhag of a physical place, or rather to the minhag of the community that resides in said place. The practical difference is apparent in a case in which an entire community moves locations. If minhag hamakom refers to the actual land, the community would be free to adopt new minhagim now that it has left that place. If, however, minhag hamakom refers to the practices of the community itself, the community carries its practices with it no matter where it goes.

Rav Hershel Schachter explains that the concept of minhag hamakom stems from the idea of a communal vow.³ The Gemara (Ketubot 111a) discusses three vows that the Jews took upon themselves and states that these vows are still binding today. This Gemara,

³ yutorah.org/lectures/lecture.cfm/735162/Rabbi_Hershel_Schachter/

in conjunction with the Gemara about the town of Beishan, suggests that communal vows are incumbent upon future generations, not only on the generation that makes the vow. How does this work? Perhaps the situation is analogous to the status of the Jewish community in matters of korbanot. There, the community assumes the status of a single body that is continuously replenished by subsequent generations. For this reason, the Gemara (Temurah 15b) states that unlike an individual, a community can have a korban *chatat* brought on its behalf, even after the generation that sinned has passed away.

The Rambam (Hilchot Avodah Zara 12:14) suggests that the reason a person cannot break from a communal minhag is due to the prohibition of **לֹא תִתְגַּדְדּוּ** (See Yevamot 13b). If individuals within a community each have different customs, there might be controversy within the community. The Mishnah (Pesachim 50a) seems to support this idea:

In a place where it is the custom to do work on the eve of Pesach until midday, one may work. In a place where it is the custom not to do work, one may not. One who travels from a place where it is the custom to do (work) to a place where they do not, or from a place where they do not work to a place where they do, we lay on him the stringencies of the place he left and the stringencies of the place he has gone to. One should not act differently (from local custom) because of divisiveness (which could ensue).⁴

From here it is apparent that minhagim are binding, not because of the prohibition of **לֹא תִסּוּר**, but because of communal nedarim and the prohibition of **לֹא תִתְגַּדְדּוּ**.

Communal minhagim are by definition grassroots minhagim; they become so widely practiced among Bnei Yisrael that they are either officially instituted by the Rabbis or considered obligatory because they are kept by everyone. One such example of a grassroots

⁴ It is interesting to note that there have been some modern day attempts to unify the minhag of Klal Yisrael, doing away with distinct Sephardi and Ashkenazi customs in an effort to minimize divisiveness. (See Akdamot 8, Kislev 5760, R. Dr. Binyamin Lau)

communal minhag is that of wearing a kippah. The practice is described in the Talmud (Kiddushin 31a; Shabbat 118b) as the habit of particularly pious Sages and was codified by later Rabbinic authorities as a requirement.⁵ In forming customs, the people have the opportunity to partake in the advancement of halacha and to shape their realities.

Of course, these minhagim must fit with halachic teachings. Minhagim are not binding when made in error or with incorrect understanding of halacha.

If this is so, and minhag and halacha may not conflict, what is the meaning of the phrase “minhag mevatel halacha”, mentioned twice in the Gemara?

In fact, in context, this phrase is not meant to be taken literally, but to demonstrate the halachic significance of minhag. The first of these two citations in Talmud Yerushalmi (Bava Metzia 7:1) instructs employers to follow the minhagim of their communities in dealing with employees. Since the Torah does not issue any specific commands regarding employees, there are no halachot for these communal minhagim to be “mevattel.” However, the phrase “minhag mevatel halacha,” in this context, suggests that the Torah relies on minhag in place of halacha in certain matters.

The second Gemara (Yerushalmi Yevamot 12:1) teaches that were Eliyahu to come down and tell Bnei Yisrael that one cannot use a sandal for *chalitzah*, we would not listen to him, because sandals are often used in the *chalitzah* procedure and “minhag mevatel halacha.” In this case, Eliyahu’s ruling only comes after Bnei Yisrael have established a minhag, so it is as if it cannot even be considered a halacha in the first place.

There are a few places where poskim side with minhag over a seeming halacha. For example, although the Gemara (Brachot 45b) explicitly states that women are obligated in zimmun, Tosafot refuses to accept this statement literally, simply because it is not the practice of the women of their time. They assume that the women are correct, and the Gemara must mean something different. Regardless of the

⁵ See Igrot Moshe O.C. 1:1; Yechaveh Da’at 4:1

technicalities, the phrase indicates the trust of the rabbis in the accepted and aggregated practices of Jewish communities.

The proof of Bnei Yisrael's involvement in the halachic system is evident in the way the rabbis rely on them. The Gemara (Pesachim 66a) tells the following story: "They said to Hillel: Our teacher, if one forgot and did not bring a knife on the eve of Shabbat and cannot slaughter his Paschal lamb, what is the law? Since he could have brought the knife before Shabbat, he cannot bring it on Shabbat; but what should he do in this situation? He said to them: I once heard this halacha from my teachers but I have forgotten it. But leave it to the Jewish people; if they are not prophets to whom G-d has revealed His secrets, they are the sons of prophets, and will certainly do the right thing on their own." When Hillel forgot the halacha, he had confidence that the practice of the Jewish people would be correct.

Similarly, "R. Avin in the name of R. Yehoshua ben Levi states, 'for any law that is unclear in the court (Beit Din) and one does not know which way is preferable, go and see what the community does, and follow them.'" (Yerushalmi Peah 7:5). The Sages trust Bnei Yisrael to know and follow the right way, and to keep both law and custom. The strength of Bnei Yisrael is our tradition, our mesorah.

Rav Moshe Feinstein writes in Igrot Moshe (O.C. 4:17) that if Bnei Yisrael are keeping a certain practice, it must be a valid custom, even if it appears to be a mistake. Several poskim take this idea to an extreme, using the phrase *מנהג ישראל תורה היא*.⁶

Ultimately, these statements imply the same idea. Hashem trusts Bnei Yisrael to both keep His law and "create" it. While it may seem strange that G-d would task a nation of human beings with the advancement of His Divine system, Rav Kook explains that, in fact, we cannot be so lowly; we are a direct manifestation of Hashem (Orot HaTorah 1a). As such, we imitate Him in forming new laws, and we grow closer to Him through the body of law that we build together.

⁶ Chok Yaakov on Shulchan Aruch (O.C. 429:3); Mateh Ephraim 610:11; Kitzur Shulchan Aruch Yalkut Yosef (1:166:18).

Reading Above and Below the Lines:

The Significance of Trop in Torah Reading

A Sefer Torah only contains letters. There are no vowel markings like one finds in printed Chumashim. The Torah also doesn't include cantillation markings, although it is read from in shul with cantillation. Cantillation, known as "*ta'amei hamikrah*" or "*te'amim*" in Hebrew and "trop" in Yiddish, are used to navigate the correct melody for chanting the pesukim. The trop is an integral part of reading the Torah and has historical, mystical, as well as practical significance.

The Gemara (Bava Kamma 82a) explains that the halacha of reading from the Torah three days a week originates with Moshe. The reason for this practice is alluded to in the Torah when Bnei Yisrael traveled in the desert for three days and became thirsty for water (Shemot 15:22-27). Metaphorically, water refers to Torah. The pesukim can be understood that Bnei Yisrael became spiritually thirsty after not being involved in Torah study. In response, so that a situation like this would not arise again, Moshe and the prophets of his generation decided that three days should never pass without a public Torah reading. As a result, the Torah is read on Mondays, Thursdays, and Shabbat.

The Gemara further explains that Ezra Hasofer instituted an additional facet to the law of Torah reading: In Moshe's time only three pesukim were read. Ezra at the time of *Shivat Tzion*, lengthened the amount to a minimum of ten pesukim.

The practice of reading the Torah with a trop, a melody, also began with Moshe. The Gemara (Nedarim 37a-37b) indicates that it is considered *Halacha L'Moshe MiSinai*; it was given to Moshe at Har Sinai along with the Written and Oral Torah. G-d taught Moshe the

tradition of the *te'amim* together with the Torah's vowels at Sinai because they are integral to the correct understanding of the Torah. However, this might refer only to the meanings behind the trop, which are common to all traditions, not the specific musical markings and melodies.

The specific trop markings and symbols possibly date back to the ninth and tenth century. This was the era of the Baalei Mesorah, who were meticulous scribes in Eretz Yisrael and Bavel. They were the ones who worked to establish a precise vowelization, and cantillation for all Jewish texts. They created this system to standardize what had already existed for a long time.

The melodies assigned to trop symbols are harder to track down. This is because they have developed and changed over time and differ from community to community. Ashkenazi, Sephardi, and Yemenite Jews all have different sets of melodies and use them in different ways based on their respective traditions.

Regardless of the specifics, the mesorah explains that when teaching Torah, the Jewish leaders would also teach Bnei Yisrael the correct cantillation. For example, the Gemara (Eruvin 21b) discusses Shlomo HaMelech:

דרש רבא מאי דכתיב (קהלת יב, ט) ויותר שהיה קהלת חכם עוד לימד
דעת את העם איך וחקר תיקן משלים הרבה לימד דעת את העם דאגמריה
בסימני טעמים ואסברה במאי דדמי ליה.

Rava interprets this pasuk from Kohelet to mean that Shlomo taught the people the knowledge of Torah, meaning he taught it with the proper cantillation.

Based on a pasuk in Nechemiah, the Gemara (Nedarim 37b) teaches that Ezra did the same thing when teaching Torah to the nation:

דאמר רב איקא בר אבין אמר רב חננאל אמר רב מאי דכתיב (נחמיה
ח, יח) ויקראו בספר תורת האלקים מפורש ושום שכל ויבינו במקרא
ויקראו בספר תורת האלקים זה מקרא מפורש זה תרגום ושום שכל אלו
הפסוקים ויבינו במקרא זה פיסוק טעמים ואמרי לה אלו המסורות.

Ezra taught the division of pesukim, punctuation, and cantillation notes which all facilitate the understanding of the Torah.

By definition, since trop is a *Halacha L'Moshe MiSinai* that facilitates understanding the Torah Shebichtav, the *te'amim* are considered Torah SheBaal Peh. Halachically, this is why a Sefer Torah does not contain trop symbols; anything considered Torah Shebaal Peh is not allowed to be written down. Instead, a mesorah of the shapes and sounds of the symbols was passed down throughout the generations.

At some point in time, it became permitted to write down the trop in Chumashim because of הפרו תורתך לה' לעשות (Tehillim 119:126). There was a concern that without trop written down somewhere, the people would forget how to read Torah correctly.

There is great significance given to trop. The practice of reading Torah with a melody is discussed in the Gemara (Megillah 32a):

ואמר ר' שפטיה אמר ר' יוחנן כל הקורא בלא נעימה ושונה בלא זמרה
עליו הכתוב אומר (יחזקאל כ, כה) וגם אני נתתי להם חוקים לא טובים
וגו'.

It suggests that it is wrong to read from the Torah without a pleasant melody.

Elsewhere, the Gemara (Brachot 62a) teaches:

מפני מה אין מקנחין בימין ... רב נחמן בר יצחק אמר מפני שמראה בה
טעמי תורה.

After relieving oneself, a person should clean himself with his left hand. One of the reasons given is because one points to (or indicates) the *ta'amei hamikrah* with the right hand. That is the extent of the reverence that the *te'amim* are given.

Additionally, the very word *ta'am*, used in Hebrew to refer to the cantillation marks, literally means “taste,” meaning that the trop brings out the true sense of the pesukim. But, why? What is the purpose of trop and why is it so important?

Reading the Torah with trop actually has an array of purposes. An obvious function of trop is that it musically conveys the meaning

and emotion of the text. The Chatam Sofer (Responsa 86) explains that different musical systems are used for different sections of Tanach:

ואני לא ידעתי שום שינוי כי לעולם מנגנים זרקא כמשפטה וסגול
כמשפטו רק בט"ב מנמיך קולו כאבל המדבר ובר"ה וי"כ כעומד
נידון לפני המלך ובמגילת אסתר בניגון של לב שמח ובס' יוסיף
אומץ אי' שהיה מקובל על כל מגילה מה' מגילות ניגון אחר אבל
לעולם הנגינה נשארת במשפטה בלי שום שינוי רק השינוי בהרמת
קול כמקובל לנו מאבות אבותינו.

The reading of the trop symbols always stays the same; however, depending on the nature or occasion of the reading, the key and tempo changes. Megillat Esther, read on the joyous holiday of Purim, is mostly a light and joyous melody,¹ while Megillat Eicha, read on the mournful day of Tisha B'av, is read in a sorrowful and mournful tune.

The *te'amei hamikrah* also affect the syntax of the pesukim in Torah. The *ta'amim* are split up into two categories: *mafsikim* and *mechabrim*. Words with cantillation signs of *mafsikim*, or disjunctives, show a division between that word and the following word. Words with signs of *mechabrim*, or conjunctives, join the two words together. Syntactically, disjunctives divide a pasuk into phrases, similar to modern punctuation signs like periods or commas, while conjunctives combine the words in the phrase together, like a slur of music. This way, the trop indicates the most subtle nuances of a pasuk, such as the end or continuation of a thought or a phrase, with just a few markings.

Another purpose is that in some cases, trop provides commentary and insight on the text itself, highlighting important ideas musically. The most famous example of this phenomenon is with the rarely used trop, the *shalshelet*. Literally translating as "chain," the

¹ Except in the places in the story that indicate a sense of predicted anxiety or warning.

tune of the roller coaster *shalsholet* is a long and elaborate string of fifteen up and down notes. It appears only four times in Torah, always above the first word of the pasuk, and its exegesis focuses on the subject of the story expressing extreme hesitation, thoughtfulness, or mixed emotions:

ויתמהמה ויחזקו האנשים בידו וביד־אשתו וביד שתי בנותיו בחמלת ה' עליו
ויצאחו וינחחו מחזק לעיר.

"And he delayed" refers to Lot hesitating whether to leave his home and wealth in Sodom that is about to be destroyed (Bereishit 19:16 and Rashi).

ויאמר ה' אליק אדני אברהם הקרה־נא לפני היום ועשה־חסד עם אדני
אברהם.

"And he said" refers to Eliezer, Avraham's servant, when he is sent to find a wife for Yitzchak. He is about to tell G-d how he will identify the right woman but he is struggling to figure out the right criteria that she should fit. Alternatively, Eliezer was hesitating because he had a daughter of his own whom he wanted Yitzchak to marry (Bereishit 24:12 and Rashi).

וימאן ויאמר אל־אשת אדניו הן אדני לא־ידע אתי מה־בבית וכל
אשר־שילו נתן ביד.

"And he refused" refers to Yosef ultimately refusing to be seduced by the wife of his master Potiphar after, perhaps initially, being somewhat tempted (Bereishit 39:8 and Rashi).

וישחט ויקח משה מדמו ויתן על־תנוך און־אהרן הימנית ועל־בחן ידו
הימנית ועל־בחן רגלו הימנית.

"And he slaughtered" refers to Moshe bringing korbanot to initiate his brother Aharon as the Kohen Gadol. His hesitation is, perhaps, over the thought that he will never again be able to function as a Kohen (Vayikrah 8:23).

Another example of exegesis of the pesukim found in the trop itself is the famous *diyuk* made by the Vilna Gaon on the first pasuk of Parshat Vayigash (Kol Eliyahu 42):

בפסוק ויגש אליו יהודה ויאמר בי אדוני וגו'. הנה הנגינות על המלות הללו הם קדמא ואזלא רביעי זרקא מונח סגול. ויש לפרש משום דלמעלה בפרשת מקץ כתיב שאמר יהודה ליעקב אביו אם לא הביאותיו אליך והצגתיו לפניך וחטאתי לך כל הימים. ואיתא במדרש וחטאתי לך כל הימים היינו לעולם הבא. וזאת היא מרומז בהנגינות האלה. קדמא ואזלא רביעי. ר"ל למה קדם ואזל ליוסף הרביעי לבנים שהוא יהודה ולכאורה הו"ל לראובן ליכנס בעובי הקורה עבור בנימין. דהוא ה' הבכור. ולא יהודה שהוא רביעי לבנים. ומפרש משום דזרקא מונח סגול. ר"ל דזרק את עצמו מלחונה בתוך עם סגולה. שפסק את עצמו מעוה"ב אם לא יביאחו אל אביו כנו"ל. לכן נכנס הוא בעובי הקורה ולא אחר.

Vayigash begins with Yehuda coming close to argue with Yosef on Binyamin's behalf. He tells Yosef that he is more involved than the rest of his brothers because he took personal responsibility for Binyamin. Yehuda had told his father, Yaakov, that if Binyamin does not return alive, he will lose his portion of Olam Haba. The Gra suggests that this idea is hinted to in the meaning of the names of the trop of this first pasuk.

In order, the names of the trop on this phrase are: *kadmah*, *v'azlah*, *revii*, *zarkah*, *munach*, and *segol*. *Kadmah v'azlah revii*: the fourth son (Yehuda) went forward (in confrontation with Yosef). *Zarkah*: because he threw away, *Munach segol*: the resting place among the *Am Segulah* (Olam Haba). The trop teaches that Yehuda was more involved in the confrontation over Binyamin's freedom because he did not want to lose his portion in Olam Haba.

Arguably, the most important role of *te'amei hamikrah* is their necessity in properly reading pesukim, whether out loud by the Ba'al Koreh or to one's self. Each word of text has a trop symbol at its primary accent point;² associated with that symbol is a musical phrase (a few notes combined) that guides how to sing that word. A Sefer Torah does not include any pronunciation symbols, so the trop helps the Ba'al Koreh learn the text he will be reading. The trop does not only provide the melody; it aides in reading words in the Torah

² In reality, this is more complex since some words have two marks and some do not have any marks.

with correct pronunciation and emphasis, more than just vowels alone, since they indicate the specific syllable where the accent falls on the word.

It might seem obvious, but Chazal discuss the importance of correct pronunciation and the ramifications of errors in pronunciation. For example, the Gemara (Megillah 24b) that speaks about who may or may not act as Shaliach Tzibbur, recite Birchat Kohanim, or read from the Torah, says:

אמר רב אסי ח'פני (ובש'ני) לא ישא את כפיו תניא נמי הכי אין מורדין
לפני התיבה לא אנשי בית שאן ולא אנשי בית חיפה ולא אנשי טבעונין
מפני שקורין לאלפין עיינין ולעיינין אלפין.

Residents of Beit She'an and Haifa are not allowed to lead any services since they do not know how to properly pronounce the letters of *alef* and *ayin*; they interchange the two, using incorrect pronunciation. While this might not be the practice today, the Gemara's words are still significant in regard to pronunciation.

For starters, mispronouncing or putting emphasis on the wrong letter of the word can change the meaning of the word. For example, Rashi comments on the Gemara above:

מפני שקורין לאלפין עיינין ולעיינין אלפין – ואם היו עושין ברכת כהנים
היו אומרים יאר יער ה' פניו ולשון קללה הוא כי יש פנים שיתפרשו לשון
כעס כמו פני ילכו. (שמות לג)

Rashi explains that the Beit She'an and Haifa residents were not allowed to recite Birchat Kohanim because their mispronunciation of the *alef* and *ayin* turned the meaning of the words from a bracha into a curse. That is a pretty significant change in meaning!

Moreover, correct pronunciation with the help of trop is important because *Lashon Hakodesh* is from G-d Himself; it is the language of the cosmos. The Torah (Devarim 28:9) commands, *והלכת בדרכיו*, to emulate the ways of G-d. This is an important aspect of one's relationship with Him. If that is how G-d pronounces a word,

so to speak, then one should attempt to pronounce it in the same correct manner.

To take it a step further, Pirkei Avot (5:1) teaches that **בְּעֶשְׂרֵה מֵאָמְרוֹת נִבְרָא הָעוֹלָם**. Hashem created the universe with speech. This is also acknowledged in the tefillah of **בְּרוּךְ שֶׁאָמַר**. On some Kabbalistic level, Hashem creates through the tool of the spoken word. His utterance of a word brings an object from nothingness into reality. If G-d “speaks” with a certain pronunciation or sound, like a trop, it is important for people to use the same pronunciation. An “object” created from a word using one sound will be different than one which is created from another sound.

This esoteric concept can be understood through the prism of computer programming. If a programmer wants to display the text, “Hello World!” he or she must type the following command: print “Hello World!”. If even one character is misspelled or missing, the computer will not create the output that the programmer intended. Frighteningly enough, the same goes for our speech, even the wrong emphasis on a letter will not “create” in the way we intended it to.

Continuing on a more mystical note, while the cantillation symbols seem basic and clear to learn and understand, there are actually many layers that are above comprehension. Rav Moshe Cordovero (Shi’ur Komah 8) explains that many kabbalistic layers and secrets of the meaning of Torah can only be understood through the *te’amim*. The Lubavitcher Rebbe (Igrot Kodesh volume 4, 386-387) also explains that similar to *niggunim*, the melodies from trop affect aspects of our souls, beyond our capabilities of understanding.

During the time of the Batei Mikdash, the Jewish people would offer korbanot to Hashem. Those korbanot are described throughout Sefer Vayikra as **רִיחַ נִיחֹחַ לַיהוָה**, a pleasing scent which would ascend to G-d. In galut, Hoshea (14:3) teaches **וְנִשְׁלַמָּה פְרִים שְׁפִתֵינוּ**, in lieu of

korbanot, we connect to Hashem with our words. How appropriate that when reading from His holy books, we read in as pleasing a melody as possible.

מחשבה

The Lonely Men of Faith:

Mitnagdim and Hasidim

This essay focuses attention on Rav Soloveitchik's archetypes of Adam I and Adam II, described in *The Lonely Man of Faith (TLMF)*, and attempts to find some basic parallels in the worlds of Mitnagdim and Hasidim. In order to develop these ideas, we must first define our terms: Mitnagdim & Hasidim, Adam I & Adam II?

Defining Hasidim and Mitnagdim

Hasidim are often described as a sect within Orthodox Judaism, characterized by religious zeal and a spirit of prayer and joy. Mitnagdim (literally “opponents”), also referred to as “Lithuanian” Jews, are known for the strong emphasis placed on highly intellectual Talmud study. Lithuania was the heartland of the opposition to Hasidut, to the extent that in popular perception ‘Lithuanian’ and ‘Mitnaged’ became virtually interchangeable terms.

In many areas, Hasidim and Mitnagdim appear to be polar opposites of each other. The talks delivered by the Tzaddik to his Hasidim differed dramatically from lectures offered by the Rosh Yeshiva to his talmidim. The former focused far more on an individual's personal relationship with G-d and with his fellow man, than on the intricacies of Jewish law.

There were also differences in the focus of learning. The central study of Mitnagdim is the Talmud, while Hasidim emphasized their *avodah shebalev*, working on oneself internally and performing mitzvot out of pure love for G-d.

There were theological differences as well. Hasidim stressed that G-d is everywhere, even within the physical pleasures of the

world. Properly approached, even physical pleasures could bring about spiritual growth. Mitnagdim, on the other hand, maintained the traditional view that all sensual, material pleasures are a distraction from divine worship.

There were additional reasons that the leadership of Lithuanian Jewry opposed Hasidut. As previously mentioned, they were unhappy with Hasidut's lack of focus on Torah study. Hasidim, in general, seemed to ignore the proper halachic times for prayer. The glorification of the Tzaddik as the all knowing mystical leader was also of great concern, since it was somewhat reminiscent of Shabbtai Tzvi, an infamous false messiah.

Even the popularization of Kabbalah by the Hasidim upset the Mitnagdim greatly, since such a mystical topic can be dangerous to teach to the masses. The celebratory nature of Hasidic worship, which included singing and dancing often fueled by drinking, was perceived by some Mitnagdim as dangerously reminiscent of Sabbatian excesses.¹

Despite their differences, the Hasidim and Mitnagdim united in the 19th century to fight against the Haskalah. Tradition is what mattered most to both sides and secularism was a danger to both of their values.

Defining Adam I and Adam II

Adam I and Adam II are the two portrayals of man in Rav Soloveitchik's famous work *The Lonely Man of Faith*. Rabbi Reuven Ziegler, in his introduction to the philosophy of Rav Soloveitchik (Lecture #15: *The Lonely Man of Faith*),² explains the two Adams:

Rav Soloveitchik proposes that the two accounts of the creation of man (in chapters 1 and 2 of Bereishit) portray

¹ jewishvirtuallibrary.org/hasidim-and-mitnagdim;
yivoencyclopedia.org/article.aspx/Mitnagdim

² etzion.org.il/en/17-lonely-man-faith-part-1-presenting-problem

two types of man, two human ideals...The first, whom we will term Adam I, is guided by the quest for dignity, which is a surface social quality attained by control over one's environment. He is a creative and majestic personality who espouses a practical-utilitarian approach to the world. Adam II, on the other hand, is guided by the quest for redemption, which is a quality of the depth personality attained by control over oneself. He is humble and submissive, and yearns for an intimate relationship with G-d and with his fellow man in order to overcome his sense of incompleteness and inadequacy. These differences carry over to the type of community each one creates: the 'natural work community' (Adam I) and the 'covenantal faith community' (Adam II).

Adam I = Mitnagid

In describing Adam I as an intellectual, Rav Soloveitchik (*TLMF* p. 8) quotes the Rambam (Yesodei Hatorah (4:8):

נאמר בתורה נעשה אדם בצלמנו כדמותנו כלומר שתהיה לו צורה היודעת ומשגת הדעות.

'Let us make man in our image and in our likeness' means granting man a form which knows and comprehends ideas.

This is teaching that the *Tzelem Elokim*, which was given to Adam I, is the intellect. The emphasis on the importance of the intellect, is shared by Mitnagdim.

What is Adam I's relationship with G-d?

Since majestic man is incapable of breaking out of the cosmic cycle, he cannot interpret his transcendental adventure in anything but cosmic categories" (*TLMF* p. 38).

Adam I feels somewhat distant from G-d. This relationship is not very personal, and it is hard for him to imagine becoming so close to The Infinite Being.

How does Adam I function?

This world, woven out of human thought processes, functions with amazing precision and runs parallel to the workings of the real multifarious world of our senses" (*TLMF* p. 12).

In other words, Adam I takes the incomprehensible and makes it comprehensible. He heeds G-d's will by making it understandable and precise for all, taking the world and translating it into a language we can understand. This "language" is similar to halacha. Like Adam I, Mitnagdim focus on halacha and its implementation.

Later, Rav Soloveitchik describes the inability of Adam I to accept Adam II:

Contemporary Adam the first, extremely successful in his cosmic-majestic enterprise, refuses to pay earnest heed to the duality in man and tries to deny the undeniable, that another Adam exists beside or, rather, in him (TLMF p. 63).

The fear of Adam I is two-fold: he does not want to admit that there is another approach to life and is unwilling to accept that Adam II's approach goes hand in hand with his own. This is reminiscent of the vehement opposition to Hasidut expressed by the Mitnagdim.

The Lonely Man of Faith is advocating for a healthy partnership between emotion and the intellect in order to truly connect to G-d. But in order to truly appreciate that relationship, we must first acquaint ourselves with Adam II.

Adam 2 = Hasid

How does Adam II represent a Hasid? Adam II is intrigued by the metaphysical and is constantly asking many philosophical questions.

He looks for the image of G-d not in the mathematical formula or the natural relational law but in every beam of light, in every bud and blossom, in the morning breeze and the stillness of a starlit evening (TLMF p. 16).

This concept of experiencing G-d in every single object and aspect of one's life is a central idea to Hasidic philosophy. This idea is taught in the Tikunei Hazohar (122:2):

לית אתר פנוי מיניה

There is no site devoid of G-d's presence.

Another central idea of Hasidut is the concept of “*deveikut*”, literally gluing oneself to G-d:

As G-d was everywhere, connection with Him had to be pursued ceaselessly as well, in all times, places and occasions. Such an experience was in the reach of every person, who only had to negate his inferior impulses and grasp the truth of divine immanence, enabling him to unite with it and attain the state of perfect, selfless bliss.³

This is what Adam II is out to achieve (*TLMF* p. 17):

Adam the second lives in close unison with G-d. His existential ‘I’ experience is interwoven in the awareness of communing with the Great Self whose footprints he discovers along the many tortuous paths of creation.

In contradistinction to Adam I’s relationship with G-d, Adam II is craving for a personal and intimate relation with G-d.

In the covenantal faith community, G-d is described as a fellow member, with the acknowledgment of G-d being the leader and teacher.

Yet the leader is an integral part of the community, the teacher is inseparable from his pupils, and the shepherd never leaves his flock (*TLMF* p. 33).

In this sense, G-d is equally accessible to everyone.

Synthesis of Adam I and II

Adams I and II are worlds apart, as are the Mitnagdim and Hasidim. How could one ever expect to combine the two? Is it even worth the effort? The argument of *The Lonely Man of Faith* is to synthesize these opposing aspects of the human personality, namely, the emotion and the intellect.

The grand quest to unite the two Adams in ultimate redemption is explicitly outlined in Chapter 8. Rav Soloveitchik describes the hopelessness of man, oscillating between his two worlds of majesty and humility. He wonders, “which to choose?” One must

³ en.wikipedia.org/wiki/Hasidic_philosophy#God's_immanence

not forget that both universes are equally sanctioned by G-d Himself. Therefore, the point of convergence between these two realms is halacha, which

sees in the ethico-moral norm a uniting force (*TLMF* p. 58).

Halacha reminds us that one must be involved in both worlds, whether one is meditating in the forest or sowing the fields. So what is the task of The Man of Faith?

... in uniting the two communities into one community where man is both the creative, free agent, and the obedient servant of G-d (*ibid.*).

The pinnacle point of *The Lonely Man of Faith* can be found on page 60:

In every one of us abide two personae – the creative, majestic Adam the first, and the submissive, humble Adam the second.

There is indeed a necessity to accept both Adams as a part of you. To deny one is to deny creation and the will of G-d. For Mitnagdim to reject Hasidim, or vice versa, is antithetical to G-d's plan for us as human beings. We need to channel our emotion and our intellect towards our environments in order to live a redemptive life.

Halacha is not fashioned to fit multiple audiences. Rather, we are all individuals sitting in the same audience, with different lifestyles, hopes, and dreams, which naturally leads to different modes of connecting to G-d. However, halacha reminds us that we must tap into both our intellect and our emotion, no matter how uncomfortable one method may be over the other. To use both is to be human.

Both Adams want to be human. Both strive to be themselves, to be what G-d commanded them to be, namely, man (*TLMF* p. 17).

After an extensive description of the differences between Adam I and Adam II, Rav Soloveitchik concludes by insisting that their glaring similarity, their desire to be Human and Servants of G-d, is what we must come to terms with in order to synthesize the two.

That is what both Adams were put on this earth to be. That is what both Hasidim and Mitnagdim were put on this earth to do.

The synthesis of Adam I and Adam II, of Mitnagdim and Hasidim, of the intellect and the emotion, is a tough process which at times can feel unachievable. Although this goal takes much time and effort, the main point is to never lose respect of the other. This mutual respect is key to inner peace, the key to our existential loneliness. It is also the key to resolving issues between Mitnagdim and Hasidim. We must never lose sight of the fact that we are each trying to heed G-d's will.

Imprisonment According to Torah

The concept of punishment predates the modern times and has been used for millennia. In ancient times, people were granted harsh punishments for apparently mild sins. Galileo was sentenced to life imprisonment for simply teaching heliocentrism, a model which places the sun as the center of the solar system.

The idea of negative actions having consequences certainly exists in the Torah. Moshe was not allowed to enter Eretz Yisrael because he did not listen to Hashem and hit the rock to provide water for Bnei Yisrael (Bamidbar 20:10-12). Nadav and Avihu were killed for rendering halachic decisions before Moshe (Rashi Vayikra 10:2). The first Beit Hamikdash was destroyed because the Jewish people committed murder, adultery, and worshipped idols (Yoma 9b). This concept of punishment is even explicitly stated in the Shema prayer, which Jews are required to say daily. It says that if one listens to Hashem's mitzvot, He will grant rain and satiation; yet, if one turns his heart away from Hashem and worships idols, he will quickly perish from His land (Devarim 11:13-17).

Although it is clear that the Torah values the concept of punishment, it is necessary to discover what type of punishments the Torah deems valuable. The idea of imprisonment, putting one in jail for committing a certain crime, has existed for a long time. The first time it appears in the Torah is at the end of Parshat Vayeishev when Yosef is sent to prison after being defamed by Potiphar's wife (Bereishit 39:20). This is, however, an Egyptian jail and does not reflect the Jewish view of confinement.

There are other times when prisons are used in the Torah by Bnei Yisrael. The Shabbat desecrator who gathered wood on Shabbat (Bamidbar 15:34) and the blasphemer who cursed Hashem (Vayikra 24:12) were both put under guard, but only because Moshe was not sure yet how to adjudicate those cases (Rashi Bamidbar 15:34; Rashi Vayikra 24:12). The jailing itself was not the punishment,

but rather a way to keep them in custody until the sentences were decided.

The Torah does not mention jailing as a form of punishment. What does the Torah view as the proper method of punishment? In Shemot, the Torah begins to discuss the idea of the Hebrew slave. When a Jew steals from someone and cannot pay him back, the court sells him as a slave (Shemot 22:2). The thief then serves his master for six years and goes free in the seventh (Shemot 21:2). During his servitude, the slave is treated very well. The Gemara (Kiddushin 20a) says that whoever buys himself a servant, it is as if he bought himself a master, since he must be dedicated to supplying him with his needs.

For example: the slave cannot be fed moldy bread while his master eats fresh bread as it is the master's responsibility to provide for him. When the master releases his slave, he cannot send him empty-handed; he must send his servant with some of the wealth that Hashem has provided him with (Devarim 15:13-14).

This concept of the Hebrew slave seems quite bizarre. One who steals and cannot repay obtains a home to live in with comfortable accommodations. The Torah law seems to completely go against that of the rest of the world. In other nations, those who sin or commit a crime are usually sent to jail where they are stripped of their freedom and individuality.

In Judaism, the Jewish sinners are technically considered slaves, but not necessarily treated as such. Instead of being locked in lonely cells, as is done in other cultures, Jewish slaves are given comfortable rooms and delicious food. The lives of slaves seem so appealing that the Torah recognizes that some people would not even wish to be set free, and therefore, it creates parameters for those who wish to remain slaves (Devarim 15:16).

To fully understand why the Torah views this punishment as legitimate, one must also understand what the Torah views as the reason for punishment. Are punishments supposed to encourage the criminal to change his ways, or to protect the rest of society from being harmed?

If the purpose of punishment is to protect the people, the imprisonment of the criminal makes sense. Being confined and closed off

from the rest of society is certainly an adequate way of preventing the individual from harming his fellow citizens. Yet, the Torah does not view jailing as the proper form of punishment; thus, the Torah must view the reason for punishment as a means of helping the individual.

If someone is sent to jail for committing a minor sin, like stealing a purse, and is now surrounded by other criminals who have committed actions far worse than his, he quickly learns how to commit those said crimes. Being sent to jail often fails to rehabilitate people, and at times, does in fact turn one into a criminal. One study showed that within five years of release from US prisons in 2005, about 76.6 percent of the former prisoners were rearrested (nij.gov/). After being imprisoned, it is often difficult for one to be re-acclimate into society, leading many to pursue illegal actions once more.

The Torah protects the individual by instituting the law of the Hebrew slave. When a Jew steals and is unable to pay back that which he stole, he is forced to become a slave. He is treated respectfully, being given a pillow over his own master, albeit still being considered a slave. When the slave sees how well the family treats him in accordance with Torah law, these people become his role models. He strives to also create a family that values Hashem and His mitzvot, and he begins to change his outlook on life. The Torah deeply cares about this certain individual, and while he is serving for his crimes, he is in someone else's home, allowing him to ease back into the correct way of living and raising a family. He learns that whether he is a slave to someone or not, he is always a servant of the Ribbono Shel Olam.

The Torah understands the human psyche, and therefore displays the model of the Hebrew slave as the correct form of punishment. After the servant is set free, he has a fresh slate; the community accepts him again, and he is guaranteed a spot in Olam Haba. Repentance is legitimate according to Torah law, and just because one stole and does not have the money to repay at one point in his life, it does not dictate how the rest of his life will play out. He comes out of slavery with the capability to become a totally new Jew who is able to keep Torah law and become close to Hashem. May all Jews begin to see the beauty of every Torah law, desire to keep it, and hopefully aid in bringing Mashiach speedily.

Hishtadlut vs. Bitachon

In Shemoneh Esrei it says, **ותן שכר טוב לכל הבוטחים בשמך באמת**, give reward to those who truly put trust in Your Name, emphasizing that trust breeds reward. However, in Devarim (15:18) it says, **וברכך ה'**, "And Hashem your G-d shall bless you in all that you *do*", emphasizing the need for human activity and effort. This illustrates one of the biggest challenges in Judaism: balancing bitachon and hishtadlut, in both *ruchani* and *gashmi* matters. Should a person seek out the most esteemed and experienced doctor if he has bitachon that Hashem will heal him? Should a person learn all day and rely on G-d to provide financial support?

There are many approaches to this question. This article will explore those of the Beit Halevi and the Chazon Ish. Yosef Hatzaddik will be used as the paradigm in analyzing these two differing approaches on hishtadlut and bitachon.

Seemingly, the episode of Yosef in jail contains an apparent contradiction. After interpreting the dream of the *Sar Hamashkim* correctly, Yosef tells him:

כי אם זכרתני אתך כאשר ייטב לך ועשית נא עמדי חסד והזכרתני אל פרעה והוצאתני מן הבית הזה.

But *remember* me when things go well with you, and please do me a favor and *mention* me to Pharaoh, and you will get me out of this house (Bereishit 40:14).

Yosef was punished with two additional years in jail because he said **זכרתני** twice. He placed a significant amount of trust in the *Sar Hamashkim* and relied upon his help to gain freedom. He did not enough bitachon that Hashem would set him free.

However, the Midrash (Bereishit Raba 89) writes:

אשרי הגבר אשר-שם ה' מבטחו ולא-פנה אל-הרהבים ושטי כזב: זה יוסף. ולא פנה אל הרהבים, על ידי שאמר לשר המשקים: זכרתני והזכרתני, נתוסף לו שתי שנים.

The Midrash quotes the pasuk from Tehillim (40:5):

Happy is the man who makes G-d his trust, who turns not to the arrogant or to followers of falsehood.

It explains that this pasuk is referring to Yosef. Why then, did Yosef get punished if he is considered the paradigm and role model for bitachon?

An interesting explanation of the relationship between hishtadlut and bitachon is provided by the Beit Halevi in his comments on Parshat Mikeitz. Most people cannot function with total bitachon because they are not on a high enough level. Therefore, G-d allows hishtadlut for the people with less bitachon. Without it, they would not be able to function due to their overwhelming concerns.

Accordingly, every person has a different need for hishtadlut depending on his level of bitachon. Those with more faith will do less hishtadlut than those with less faith. With the peace of mind from doing hishtadlut, the hope is that one will be able to grow in his bitachon and ultimately become less dependent on it. He compares it to the concept of *מתוך שלא לשמה בא לשמה*; one will eventually be able to grow to a higher level of bitachon only if he has the contentment and ease of mind that hishtadlut provides. Essentially, bitachon is a way of life that governs how much hishtadlut one needs to do.

According to the Beit Halevi, Yosef was punished for simply requesting to be mentioned to Pharaoh. That small amount of hishtadlut was too significant, based upon his personal level of bitachon. Because of Yosef's great level of bitachon, he should not have relied on the *Sar Hamashkim* the way that he did. Accordingly, the pasuk from Tehillim, *אשרי הגבר אשר-שם ה' מבטחו ולא-פנה אל-רהבים ושטי כזב*, describes Yosef perfectly because he was punished for the minute hishtadlut which was unnecessary. For a regular person, this small act of hishtadlut would not be deserving of punishment, but, because of the high level of Yosef Hatzaddik, he was punished.

The concept that Divine judgment is based upon each person's unique level has its basis in the following Gemara (Bava Kama 50a):

אמר רבי אחא ... וסביביו נשערה מאד מלמד שהקדוש ברוך הוא מדקדק
עם סביביו אפילו כחוט השערה ר' נחוניא אמר מהבא ק-ל נערץ בסוד
קדושים רבה ונורא על כל סביביו.

Rashi comments that *עם סביביו* means *צדיקים הדבקים בו*, teaching that G-d is most careful and exacting with the righteous. Because of the high level Yosef was on, Hashem judged him even more harshly than He would have judged a regular person.

The Chazon Ish (Emunah U'Bitachon Chapter 2) takes a different approach in explaining the balance between hishtadlut and bitachon. He teaches that one's bitachon is not related to his actions or efforts of hishtadlut, rather it is an attitude and a mindset. Bitachon is knowing that all of life's events, big or small, are guided by Hashem for a purpose, even if the reason is not apparent to us.

He writes that Yosef felt that he was required to engage in hishtadlut. However, one's hishtadlut has to be reasonable and not appear as act of desperation. It was not the *Sar Hamashkim's* nature to remember Yosef. Yosef relied on someone who was never going to help him. Yosef was only asking him out of *יאוש*, sheer desperation and was therefore punished. When Yosef relied on the *Sar Hamashkim*, he was demonstrating a lack of bitachon in Hashem.

Yosef demonstrates that hishtadlut is necessary in all areas of life. However, in the process of hishtadlut, G-d cannot be forgotten. As much as one may be tempted to believe that his success is due to his own actions, it is ultimately up to G-d.

What role do hishtadlut and bitachon play when it comes to medical treatment?

The Ramban (Vayikra 26:11) quotes the Gemara (Brachot 60a):

שאין דרכם של בני אדם ברפואות אלא שנהגו.

It is not the proper way of people to seek medical treatment, but they have become accustomed to doing so.

The Ramban explains that if the people had not made it their way to seek medical treatments, a person would become ill in accordance with whatever punishment he deserved for his sins, and he would recover in accordance to G-d's will. However, they then became accustomed to seeking medical treatment and G-d therefore leaves us to the random effects of natural forces.

Originally, when a Jew sinned, he would get sick according to whatever punishment he deserved for his sin and would be healed when he repented. There would be no need for doctors. However, since Bnei Yisrael began to rely on medical treatment, G-d changed the natural order so that being sick or healed was no longer an indication of punishment or reward.

The Ramban explains that the Torah is giving doctors permission to heal when it says ורפא ירפא (Shemot 21:19). The Torah is not giving permission to the sick person to seek medical treatment; rather, the Torah says that once a person becomes ill and comes for medical treatment, the doctor must treat him because the Jews have become accustomed to seeking medical treatment.

The ideal is a world where Jews rely on G-d for everything; everything would come directly from G-d, according to one's deeds. However, when Jews left this high spiritual level, they began living in accordance with the laws of nature. They became accustomed to seeking medical treatment and were allowed to do so.

Perhaps the disagreement of the Beit Halevi and the Chazon Ish can be resolved regarding *refuah*. One may argue that the Beit Halevi's position is that hishtadlut is frowned upon and is seen as a lack of bitachon, referring to the ideal time period before Jews began seeing doctors for medical care.

The Chazon Ish, who states hishtadlut is important when the hishtadlut is rational, is referring to the new situation described by the Ramban. Since times have changed, seeking medical care is vital and it is no longer seen as a secondary option. Therefore, people

must do their hishtadlut and go to doctors. In fact, it would be foolish and irresponsible to not go to a doctor; today, even gedolim go to doctors. Now one must exert rational hishtadlut in all areas of life, like the Chazon Ish suggests, remembering that although the approach of the Beit Halevi is not to be taken literally today, it was the ideal approach in the past.

Mishnaic Music

The seventh chapter of Brachot opens with the following Mishna:

שלשה שאכלו כאחת חייבין לזמן. אכל דמאי, ומעשר ראשון שנטלה
תרומתו, ומעשר שני והקדש שנפדו, והשמש שאכל כזית, והכותי – מזמנין
עליו. אבל: טבל, ומעשר ראשון שלא נטלה תרומתו, ומעשר שני והקדש
שלא נפדו, והשמש שאכל פחות מכזית, והנכרי – אין מזמנין עליו.

Three who eat together are obligated to make a zimmun.
One who eats demai or maaser rishon that terumah has
been separated from or maaser sheni or hekdesch that
has been redeemed, or with a waiter who eats a kezayit,
or with a Kuti – one makes a zimmun on them. One who
eats tevel or maaser rishon that terumah has not been
separated from or maaser sheni or hekdesch that has not
been redeemed, or with a waiter who eats less than a ke-
zayit, or with a non-Jew – one does not make a zimmun
on them.

The wording of this Mishna is the source of the machloket be-
tween the Rambam and the Raavad whether one makes a bracha on
non-kosher food (Hilchot Brachot, 1:19).

The Mishna lists five types of food or people one can make a
zimmun over, and five types of food or people one cannot make a
zimmun over. The foods one cannot make a zimmun on are not
kosher. The Raavad argues that the halacha not to make a zimmun
implies that one can recite bircat hamazon. The Rambam disagrees,
arguing that the Mishna does not mean just **מזמנין**, but rather
אין מזמנין. Why then does the Mishna not state **מברכים** **אין** **מברכים**?

Defending the Rambam's position, the Kesef Mishneh explains
that since the term **מזמנין** is used in the first half of the Mishna,
אין **מזמנין** is used in the second half of the Mishna.

The fact that the ambiguous wording of this Mishna allows
room for machloket, seems to imply that its authors were willing to
compromise halachic clarity for the sake of symmetry or poetry.

This is not the only example. The Mishna (Bava Batra 173a-173b) states:

המלוה את חברו על ידי ערב לא יפרע מן הערב. ואם תאמר לו על מנת
שאפרע ממני שארצה יפרע מן הערב. רשב"ג אומר: אם יש נכסים ללוה בין
כך ובין כך לא יפרע מן הערב.

One who lends money to his friend with a guarantor cannot collect [the debt] from the guarantor. But if the lender stipulates [that he's lending] on the condition that he can collect from whomever he wishes [to collect from], he can collect [the debt] from the guarantor. Rabban Shimon ben Gamliel says if the debtor has property, whether stipulated or not, [the lender] cannot collect from the guarantor....

Rabban Shimon ben Gamliel's statement (that if the debtor has property, the debt cannot be collected from a guarantor) implies that the first opinion in the Mishna asserts there is no difference; whether or not the debtor has property, if stipulated, the loan can be collected from a guarantor.

The Gemara then records a statement of Rabba Bar Bar Chana, quoting R' Yochanan, who says that even when stipulated, *only* when the debtor does not own property can the lender collect from the guarantor. R' Yochanan's opinion seemingly contradicts the first opinion in the Mishna.

The Gemara's response to the contradiction is the following statement:

חסורי מחסרה והכי קתני....

The Mishna is lacking and thus it is teaching....

This statement means that one who lends money cannot ask the guarantor to repay the debt without asking the debtor first. However, if the lender stipulates he is lending on the condition he can collect the loan from whomever he chooses, he can collect from the guarantor. This applies when the debtor has no property. However, all these rules only apply to a standard guarantor. What the Mishna does not mention is that if the guarantor is

an unconditional guarantor, the lender can collect the loan from him even if the debtor has property. It is on this last point that Rabban Shimon ben Gamliel disagrees.

The principle of *חסורי מחסרה* is used in a number of places throughout the Gemara.¹ There are many theories as to the reason why the Gemara can seemingly rewrite Mishnayot. But the question remains: Why did the Mishna leave it out?

The structure of this quoted section of the Mishna might hold an answer. It is carefully composed, comprised of three clauses. The first clause brings a general rule, the second and third clauses modify the rule, and all three clauses end with the same three words.

Perhaps its author left out a detail in order to maintain the structure and tune, the rhythm and meter of this particular Mishna.

Poetry does not just have an impact on the way the Mishnayot were structured; it has an impact on the way they were learnt as well. They would be taught and repeated over to a sing-song tune, as the Gemara (Megillah 32a) teaches:

ואמר רבי שפטיה אמר רבי יוחנן: כל הקורא בלא נעימה ושונה בלא זמרה
עליו הכתוב אומר (יחזקאל כ:כה) וגם אני נתתי להם חוקים לא טובים
וגו'....

Rav Reuven Margalios² asks: What does it mean to say that Hashem gave Bnei Yisrael decrees that “were not good”?

The answer, he writes, proves the point of the Gemara. This pasuk is, in fact, not a statement, but a rhetorical question: “Have I given Bnei Yisrael decrees that are not good?” – and, as such, should be read with the appropriate intonation, with the proper tune. Mishnayot were written with a specific rhythm and a meter – just like poems.

¹ See for example: Berachot 13b, Shabbat 37a, Sukkah 28b.

² Mechkarim BeDarchei HaTalmud VeChidotot, 86.

The first Mishna in the fourth chapter of Arachin reads:

השג יד - בנודר, והשנים - בנדר, והערכים - בנערך, והערך - בזמן
הערך. השג יד בנודר כיצד? עני שהעריך את העשיר, נותן ערך עני. ועשיר
שהעריך את העני, נותן ערך עשיר.

The amount to pay is according to the one making the vow; the determination of age is according to the subject of the vow; the gender is according to the subject of the vow; the age is determined at the time of the evaluation. The amount to pay is according to the one making the vow – how so? If a poor man evaluated a rich man, he gives according to the means of a poor man; if a rich man evaluated a poor man, he gives according to the means of a rich man.

Tosafot (17a) asks why this Mishna is worded as such. **בנידר** and **בנערך** refer to the same person, the subject of the vow, and the laws for **והשנים** and **והערכים** are the same. Why then are they separated into two separate clauses in the Mishna?

Echoing another comment made by Tosafot in Megillah (32a), the answer given is that the structure serves to aid memory. The Tiferet Yisrael in his commentary on this Mishna proposes an additional explanation. The Mishna is worded as such in order to maintain the rhythm and meter, so that it would fit into the tune. Rabbi Yehudah HaNasi, who was so insistent on preserving the orality of the Torah SheBe'al Peh even as he was writing it down, included extra words in a Mishna... so it could fit to the tune.

Fittingly, the overall composition of this particular Mishna is beautifully poetic: chiasitic structure of two sections divided by a question; the first section composed of two pairs of parallel rhyming couplets, the last section composed of two perfectly antithetical parallel clauses.

This structure might be expected in Tehillim; parallelism is a “convention” of Biblical Hebrew poetry.³ Dovid HaMelech ends Tehillim, for example, with a psalm composed of five pairs of parallel

³ Robert Alter, “The Art of Biblical Poetry”

rhyming couplets, followed by a final concluding exclamation. But for such poetry to be present in Mishnayot – supposedly purely halachic texts, the starting point of the Talmud and its logical rational learning style – is unexpected.

Perhaps Tosafot's understanding of poetic structure and tune simply as memory aids is correct. It was imperative for the Mishnayot to be remembered. That is why they were written down. Yet coupled with the other examples of the prioritization of structure and meter by the authors of the Mishna, it perhaps is suggestive of something more significant.

Such as Chazal's appreciation of poetry.

An appreciation necessary for being able to learn Torah SheBichtav, which provides the framework in which Torah SheBe'al Peh – and so the Talmud – exists.

At the end of Devarim (31:19), Moshe is commanded:

ועתה כתבו לכם את השירה הזאת ולמדה את בני ישראל ... למען תהיה
לי השירה הזאת....

Rashi writes that this “song” refers to the song in Haazinu, the parsha which follows this commandment. The Netziv in the introduction to his commentary on Chumash (אות ג), however, argues that this “song” is a reference to the entire Torah, and that the Torah itself is a song, or a poem. Unlike prose, where the meaning is evident on the surface of the words, the Torah is written with brevity and ambiguity, metaphor and allusion. There are hundreds of hidden meanings to every word, as proven by the myriads of commentaries on the Chumash.

Similar to a poem, the Torah is difficult to understand since the words hold layers of complexities and possibilities and can easily be read in many different ways. This, therefore, makes the words of the Tana'im and Amora'im who interpret the Torah, who explain it and expound upon it, explications of poetry. In order to elucidate and expound on the words of the Torah, Chazal needed to study it well, listen to its tone, feel its rhythm ... and come to appreciate its poetry.

The Rambam (Sefer HaMitzvot, Mitzvot Aseh 18) , based on the Gemara (Sanhedrin 21b), uses this pasuk as the source for the obligation of every single person to write their own Sefer Torah, even if one's parents left them one.

The Sefer HaChinuch likewise codifies this as the six hundred and thirteenth commandment. He writes that the root of the mitzvah is that human nature is to rely on what is prepared for us in advance, on what our parents leave for us. This mitzvah, therefore, is incumbent on every individual, so that a person does not simply rely on others but actively invests in, and takes ownership of his relationship to Torah. This indicates that the obligation is closely linked to the importance of the Torah being passed down from generation to generation.

Rabbi Sacks focuses on this aspect of the Torah's necessary continuity when he addresses the question of why the Torah is referred to as a "song" in this pasuk.⁴ He writes that, as human beings are creatures of emotion, we will only be able to pass on a Torah that we are passionately and emotionally connected to, a Torah that is not simply an ancient text or a history book or a story, but a Torah that is our individual poem or song.

Perhaps this is what the authors of the Mishna had in mind as they began to transcribe the counterpart to the Torah SheBichtav and write down the Torah SheBe'al Peh. Just as the written Torah is referred to as a "song" and has to be a song in order to ensure it is never forgotten, so too the Mishnayot had to be a song.

And that is exactly what Rabbi Yehudah HaNasi made them.

And that is how they have been learnt for centuries, not by being read but by being chanted.

Song and its poetic form, concludes Rabbi Sacks, is an expression of spirituality, when the words seem to escape the anchors of their finite meaning and soar high above their limitations. It is an expression of a reality beyond our grasp. We do not pray, we daven

⁴ Rabbi Jonathan Sacks, 2016, "Essays on Ethics", OU Press.

to a tune; we do not recite the Torah but chant it; we do not learn, we sing, as we try to understand this reality beyond our grasp, as we encounter the mind and word of G-d Himself.

Therefore, the Mishna is intrinsically connected to the concept of poetry and song, to this longing for a meeting with the Divine, because that is what learning is: it is an audience with G-d.

Rav Soloveitchik⁵ makes this point when writing about the second of the six remembrances, namely, the revelation at Har Sinai – *יום אשר עמדת לפני ה' אלקיך בהרב* – What is one supposed to make known to his children and grandchildren, according to the pasuk in Devarim (4:10)?

The Torah does not require us (in these pesukim) to make known to our children and grandchildren the ten commandments, the mitzvot, the halachot. Rather, make known to your children and grandchildren that you stood before Hashem your G-d. The pesukim that follow describe the experience of receiving the Torah: the fire, the cloud, the darkness, hearing the voice of G-d. This experience, this rendezvous with G-d, is what you should teach your children and grandchildren.

And that rendezvous is “re-enacted, restaged and re-lived every single time a Jew opens the Talmud, as the Mishna in Avot (3:6) makes explicit:

רבי חלפתא בן דוסא איש כפר חנניה אומר: עשרה שיושבין ועוסקין בתורה
שכינה שרויה ביניהם... ומניין אפילו אחד שנאמר (שמות כ:כ) בכל המקום
אשר אזכיר את שמי אבא אליך...

It is as if,” explains Rav Soloveitchik, “when I open a Gemara... I hear, so to say, the soft footsteps of somebody invisible. He comes in and sits down with me, sometimes looking over my shoulders.”

So, how can it be expressed in anything other than poetry? How can it be learnt in anything other than song?

⁵ Aaron Rakeffet-Rothkoff, 1999, “The Rav: The World of Rabbi Joseph B. Soloveitchik”, Volume II, KTAV Publishing House.

The very last Mishna in all Mishnayot (Uktzin 3:12), which happens to have a perfectly parallel structure, ends with the following:

ה' עז לעמי יתן ה' יברך את עמו בשלום

It is very telling that Rabbi Yehudah HaNasi ended the Mishna, his compilation of all of the written Oral Torah until that point, with a quote from Tehillim (29:11); the poetry of David HaMelech. Just as the Torah ends with the commandment of writing down the Torah, this *shirah*, Mishnayot end with a statement of poetry.

Perhaps the final message, one embedded throughout but highlighted a little more clearly in this last Mishna, is the message of poetry and song; that ultimately this text, although composed and written by man without prophecy, is still a meeting with G-d, is still an expression of His word.

Following this theme, the very last Gemara (Niddah 73a) consists of a drasha on a pasuk from the last perek of Chavakuk (3:6), a perek that is incredibly poetic, that “abounds in simile, metaphor and hyperbole,”⁶ a perek that seems to be as much of a poem in itself as any perek of Tehillim. Further, Chavakuk is the only place in Tanach the poetic conclusion “selah” – a “term associated with musical rendering”⁷ – is used, except for multiple times in Tehillim.

The tefillah of the Yamim Nora'im includes the paragraph:

אוחילה לא-ל ... אשאלה ממנו מענה לשון ... לאדם מערכי לב ומה'
מענה לשון.

The composer of this tefillah,⁸ like Shlomo HaMelech, who he is quoting (Mishlei 16:1), saw eloquence, song, poetry, as a G-dly gift. In their prescribing of the Mishna, its authors utilized this eloquence so that this aspect of poetry so inherent in Torah SheBichtav would be present in the written Torah SheBe'al Peh as well.

⁶ dabhand.org/Essays/BI521%20habakkuk_3_poetry_in_motion.htm

⁷ F. Brown, S. Driver, C. Briggs, 1996 “The Brown-Driver-Briggs Hebrew and English Lexicon”, Hendrickson Publishers.

⁸ See Ritva, Rosh Hashana 34b.

Their eloquence, the song of the Mishnayot, reflects the importance of poetry – as a medium that expresses connection, continuity, and commitment in a way that individual details of halacha may not necessarily convey.

Sorry is Not Enough

The Torah refers to two different types of sins: *b'shogeg*, an unintentional sin and *b'meizid*, a sin committed intentionally. A sin committed unintentionally is often atoned for through the offering of a sacrifice. However, in the case of one who unintentionally murders another person, the sinner must flee to an *ir miklat*, a city of refuge. There is an obvious question: If someone had no intention whatsoever to hurt his fellow Jew, why must he be punished for what he did? He should not have to go to galut. It was only accidental.

Rabbi Jonathan Sacks¹ addresses this issue and quotes answers from several different sources. Rav Shimshon Raphael Hirsch (Vayikra 4:2) comments that at the time when one sinned unintentionally, there was still accountability for what he did due to his lacking fear of the word of G-d. There must have been some subtle lax of awareness, or weakness in knowledge, for this sin to have occurred in the first place. If during every moment of a person's consciousness, he was fearful of doing something wrong, he surely would sin less frequently. One's thoughts and actions should constantly be following the letter of the law; it is part of our responsibility as G-d fearing Jews. As the Ramchal (Mesilat Yesharim chapter 24) explains, the pinnacle of this level called 'fear of sin', is when a man is constantly afraid and worried that there may still be some trace of sin which obstructs him from the perfection that he is obligated to strive for.

Rav Hirsch extends this idea further and says that one's lack of focus and worry about the justification of his or her actions is a sin within itself. This negligence is found in every sin that is done *b'shogeg*: וּמִפְּשָׁעֵיהֶם לְכָל חַטָּאתָם. Though the unintentional killer deserves some consequence, he will not get the full brunt of the punishment. Nevertheless, he still must go to galut.

¹ Covenant & Conversation – Rabbi Jonathan Sacks Vayikra (5769) – The Sin Offering.

The Abarbanel (Vayikra 4:2) suggests that atoning for a sin committed unintentionally is not an outright penalty for what was done. Rather, it is a reminder to prevent the sinner from sinning again in the same manner. The whole undertaking of bringing a sacrifice, or in the case of the killer – his exile, will be on the sinner's mind and will serve as a deterrent before acting carelessly in the future.

The Ramban (Vayikra 4:2) focuses on the effect of the sin and not the cause. Every layer of sin placed on a person's soul lessens his connection with G-d. The sinner's obligation is to then repair the aftermath of his action. He does not merit having a connection with G-d until he purifies himself. Therefore, he must reestablish the former relationship. By bringing a sacrifice or exiling to the *ir miklat*, the sinner's soul will be reconnected to G-d.

The last opinion Rabbi Sacks quotes is that of the late Lubavitcher Rebbe. Even inadvertent sins testify to something wrong on the part of the person concerned. Bad things do not come about through good people. The sinner clearly had some flaw of his own, perhaps hidden to the naked eye, for him to have done this wrong deed, even unintentionally. He receives a punishment because of that inner flaw.

The Gemara (Makkot 9b) regarding the *arei miklat* says that while the area east of the Yarden housed only two-and-a-half Shevatim, *arei miklat* were located there, whereas in Eretz Yisrael proper, there were nine-and-a-half Shevatim with again three *arei miklat*. How can this be reconciled? Why would a small group of people have the same number of cities of refuge as a much larger population?

The Gemara resolves this issue by stating that it was more common to find murderers in Gilad (east of the Yarden). The Rishonim point out that if there are indeed a lot of intentional murderers, more *arei miklat* are not beneficial because the sinner is deserving of death from Beit Din. An *ir miklat* is only for a sin done unintentionally, so what is the Gemara referring to? How could it project the amount of accidental homicides east of the Yarden?

Tosafot quotes the Gemara (Makkot 10b): If someone murders an innocent man deliberately and someone else kills someone unintentionally and in neither case were there any witnesses, G-d will orchestrate it that the two will come together to the same inn. In full

view of witnesses, the one who had killed *b'shogeg* will fall off a ladder, killing the murderer *b'maizid* who was sitting underneath, ensuring that justice prevails. Therefore if there are many intentional murderers, there will also be many who killed accidentally to balance it out, accounting for the large number of cities necessary.

Alternatively, the Ramban suggests that there were people who would kill purposely and act as though it was accidental. Hence, it was difficult to discern between the two and, for this reason, many *arei miklat* were necessary.

The Maharsha suggests a slightly different approach based on the Mishna (9b). Initially once someone was killed, whether intentionally or unintentionally, the killer's first reaction was to run to the *ir miklat*. Ultimately if the killing was classified as intentional, the sinner would be deserving of death from Beit Din. Because of the initial requirement to run to the city of refuge, more *arei miklat* were required to provide for the higher rate of killers.

Rabbeinu Yonatan of Lunel says that since east of the Yarden was a place with many forests, people would come regularly to chop down trees for wood. This caused Gilad to be known as a dangerous place with a lot of people being killed accidentally.

Alternatively, Rav Moshe Feinstein suggests (Igrot Moshe C.M. 1:107) that in a place where there are a lot of premeditated murders, there are also more accidental murders. The atmosphere of Gilad itself, which expressed a lack of concern for human life, caused the people who lived there to naturally be more lax when it came to the importance of human life. The city residents were influenced greatly by the culture of their civilization which resulted in a higher mortality rate.

There is an important lesson that can be learned. Even one who sinned *b'shogeg* must still atone for what he did. It is not enough for one to say that he did not intend to do something. Once the sin has been done, he must now recognize that he acted wrongly and must deal with the consequences. By understanding that one's actions have significance and repercussions and that it is not only about one's intention, he will subconsciously become more careful before acting in the future.

Mashiach:

From the Dead or the Living

When one thinks of Mashiach, what comes to mind? There are many classic opinions that vastly contradict each other; from clear changes in human nature that will usher in a new era unlike one ever experienced before, as the Ramban (Devarim 30:6) states, to subtle differences that may be hard to discern, like Rambam (Melachim 12:1) argues. Surprisingly, the sources in the Torah portion of Tanach regarding Mashiach are scarce and vague, despite this topic being an essential part of our belief system, as Rambam states in his 12th of “The 13 Principles of Faith”:

אני מאמין באמונה שלימה בביאת המשיח ואף על פי שיתמהמה עם כל זה
אחכה לו בכל יום שיבוא.

One of the first hints to the ultimate Geulah is in Moshe’s departing speech before he passes away and the Jews continue on to Eretz Yisrael (Devarim 30). He tells them what will happen when the Jews are scattered to the many corners of the world. Hashem will gather back the Jews after they do teshuva and they will follow the Torah and the mitzvot. There is no mention here of a single man who will lead this regathering. Rather, it is Bila’am, the non-Jew, who sought to curse the Jews, who prophesies that it will be led by a “ruler of Ya’akov” (Bamidbar 24:19). In Bereishit 49:10, Ya’akov states that the kingship of Yehuda will remain until Shiloh comes and gathers the nation.

In Nevi’im, there is a plethora of sources about Mashiach and the Geulah ushering in a time of unmatched Torah observance. In Yeshayahu (2:2-4,) it describes the role of Mashiach as teaching the Jews all of Hashem’s ways and judging the nations. Yechezkel (36:26) speaks of the Jews getting a new heart and spirit, from one of stone to one of flesh. Zechariah (13:2) says that Hashem will remove all evil from the world.

These pesukim lead to the expansive arguments fleshed out in the Gemara (Sanhedrin 98a). Some opinions are well known, such as Ullah (quoting Yeshayahu 1:27), who says that Yerushalayim (or Yisrael) will only be redeemed through righteousness (or charity), or R' Yochanan, who says that one should await Moshaich in a generation that is diminishing in wealth (or spirit). The Gemara also grapples with seemingly contradictory statements; for example: in Daniel (7:13), it states that Mashiach will come with the “clouds of heaven” (i.e. swiftly), while in Zechariah (9:9) it states that he will come “lowly, riding on a donkey” (i.e. sluggishly).

One of the major points of contention is found in Sanhedrin 98b where Rav says that if Mashiach is among the living, he will be like Rabbi Yehuda HaNasi and if he is among the dead, he is a person such as Daniel. This statement provides the possibility of Mashiach being someone who has already passed away. Here, Rashi suggests two ways of reading this Gemara – either if Mashiach is from those who died he will be Daniel or, when looking for a paragon for Mashiach among the dead, he will be **like** Daniel. Both of these interpretations support the idea that Mashiach may be someone who has passed away. The question is whether he is Daniel or is like Daniel. The Ben Ish Chai, in his commentary on this Gemara (Ben Yehoyada) also gives the option of Mashiach being someone who has died (like David) as legitimate.

In addition to the Talmud Bavli, the Yerushalmi (Brachot 2:4) also presents the possibility that Mashiach can be from the deceased, saying “if he is from the dead, his name is David,” and the Pnei Moshe comments that if he is from the dead, he is David himself.”

The view of Mashiach being able to be someone who has died is widely opposed. The Rambam recounts (Melachim 11:3) the story of R' Akiva believing that Bar Kochva was Mashiach until he was killed proving that he was not Mashiach. The Rambam reiterates this point in the next halacha where he writes that if a righteous king does not fully succeed (before he dies) in gathering the dispersed Jews and

rebuilding the Beit Hamikdash, it is clear that he is not the Mashiach.

The Rambam is one of many who reject the idea that Mashiach will come from those who died.¹ However, the view that Mashiach can come from someone who has died, although not widely accepted, has some basis in the Gemara and other sources. The topic of Mashiach is never-ending, with a wide spectrum of opinions. These varied opinions, when based on legitimate sources, should not be summarily dismissed.

¹ See David Berger, *The Rebbe, The Messiah and the Scandal of Orthodox Indifference*, Appendix I.

Orphans, Widows, and Strangers:

Our Obligation to Defend the Defenseless

לא תטה משפט גר יתום ולא תחבל בגד אלמנה: וזכרת כי עבד היית
במצרים ויפדך ה' אלקיך משם עליכן אנכי מצוך לעשות את־הדבר הזה: כי
תקצר קצריך בשדך ושכחת עמר בשדה לא תשוב לקחתו לגר ליתום
ולאלמנה יהיה למען יברכך ה' אלקיך בכל מעשה ידיך: (דברים כד יז–ט)

This concern for the weaker members of society – the orphan, widow and especially the stranger – is repeated thirty-six times in Chumash alone and countless more in *Nevi'im* and *Ketuvim*. This commandment is stressed by the Torah more than any other mitzvah, including those that command the belief in G-d, the remembrance of *Yetziat Mitzrayim*, the observance of *Shabbat*, and many other mitzvot that are classically viewed as central tenets of Judaism. The numbers beg the question: Why is it that this mitzvah is prescribed to us in so many places, in so many ways? What essential principle does it encapsulate that makes it worthy of such prominence?

A closer look at the details of the mitzvah may help clarify its purpose and thus reveal its essence. Why does the Torah single out these people – the stranger, the orphan, and the widow – time and time again? The Commentators suggest that these examples represent a larger class of people: those in difficult situations who cannot advocate for themselves and have no one in their lives on whom they can rely. The convert and the stranger have no standing and no relatives within the Jewish community to support them. The orphan has no one to care for him and guide him (*Ibn Ezra Yeshayahu* 1:17). The widow is often financially and socially disadvantaged (*Malbim*). The Torah's emphasis on protecting the downtrodden brings forth a certain ideal, one that seeks to unite *Klal Yisrael* by engendering communal responsibility.

Not only are we instructed not to take advantage of those who are underprivileged, but we are commanded to actively advocate on their behalf. Several mitzvot ensure that they are cared for, such as: *maaser ani*, *pe'ah*, *leket*, and *tzedakah*. The Rambam (Hilchot De'ot 6:10) provides detailed guidelines for day-to-day interactions with the widow and the orphan. His exegesis goes deeper than the surface, and he states that we must take extra care with them not merely because they are presumed financially helpless, but because of the simple fact that they have lost loved ones and are downhearted and lonely. He explains that we are charged to protect their emotional well-being and human dignity just as much as their finances, and we must do so until the point when they can be fully self-sufficient.

In addition to concretizing the concept of *כל ישראל ערבים זה לזה* on a practical level, these mitzvot serve to teach us *derech eretz*, emotional intelligence, sensitivity, and empathy. They are tightly woven into the fabric of Jewish society, and they guide us in how to respond to the plight of the needy on a personal level.

The commandment can be taken yet another step further. If done properly and with the right mindset, it can be used as a tool for introspection and personal improvement. Rambam (Hilchot Megillah 2:17) notes that we benefit from providing for those who are suffering because there is immense satisfaction and joy in spreading happiness. In doing so, we are fulfilling the role of *imitatio Dei*, actualizing our purpose by being *domeh l'Shechina*.

Rabbi Sacks explains that the commandment is rooted in who we are as a people, that 'Jew' is synonymous with 'stranger', and that the mitzvah is derived from the Jewish experience.¹ We remember on a daily basis that we were slaves, strangers, in Egypt, suffering until Hashem saved us. How can we attend to the strangers in our society with anything less than how G-d treated us? Not only are we handed an example of how to act, we are *made into* that example so that its memory never leaves us.

¹ Rabbi Jonathan Sacks, *Loving the Stranger* (2008).

Rav Hirsch (Chorev 3:51) weaves together both of these points, explaining that the Jew, both as the proverbial stranger and as G-d's emissary on this earth, as both an individual *eved Hashem* and a member of a society that serves as a light to the nations, must protect the weak as G-d does. If, however, he chooses to attempt to take advantage of them, he may find that they are not as helpless as they seem; Hashem has taken them under His wing and defends their rights from those who seek to subvert them.

These mitzvot encompass the three spheres of interaction: between man and G-d, between man and man, and between man and himself. They enable us to appreciate Hashem's creations by providing instructions for how to treat them with respect and dignity. They improve our relationships with our fellow human beings by guiding our interactions with them. They instill moral principles that refine our character. And perhaps, in demanding collective responsibility and societal cooperation, they foster the creation of an entirely new sphere: the duties of an individual to the community as a whole.

The Eternal Struggle Between Amalek and Emunah

In Judaism there are two significant mitzvot regarding the nation known as Amalek. Cited by the Sefer HaChinuch (mitzvah 603), the first mitzvah is remembering what Amalek did to Bnei Yisrael when they left Egypt. While all the other great nations were trembling with fear and awe from hearing about the extraordinary miracles that G-d performed in Egypt, Amalek rose and was the first to attack Bnei Yisrael.

It is not so unusual for an enemy of Bnei Yisrael to attack them, so why is it crucial to remember what Amalek did? The answer is given in the Sefer HaChinuch. The Amalekites were an evil group of people and with their evil hearts, they were not affected by the miracles that were going on. Instead, they turned to harass Bnei Yisrael by waging war with them. Through their actions, Amalek removed the fear of Hashem from the hearts of the other nations.

The Gemara (Megillah 18a) discusses the mitzvah of remembering Amalek and explains that one might think reading Parshat Zachor silently to himself will fulfill the mitzvah of remembering. The pesukim, however, mention a command to “remember” in addition to “you shall not forget,” indicating that the remembrance cannot just be felt in one’s heart. Therefore, for one to do this mitzvah properly, he must express it by verbalizing the words of Parshat Zachor. Obviously, there must be something extremely vital about this mitzvah of remembering Amalek’s actions.

The second mitzvah¹ is an extension of the first. It is a mitzvah to destroy the descendants and blot out the memory of the Amalekite nation from the world. We are obligated to kill out all Amalekite men

¹ Sefer HaChinuch, mitzvah 604.

and women, young and old.² This commandment appears quite odd as it seems to contradict another fundamental commandment given at Har Sinai: "You shall not murder" (Shemot 20:13). How could it be that we are explicitly commanded to kill people? In order to answer this, it is important to learn about the nation of Amalek and its essence.

Oftentimes, the origin of a person or nation provides great insight into who they are and why they act a certain way. The origin of Amalek can be found in Parshat Vayishlach: "And Timna was a concubine to Eliphaz, son of Eisav, and she bore to Eliphaz, Amalek. These are the sons of Adah, the wife of Eisav" (Bereishit 36:12). Firstly, it can be extrapolated that Amalek is coming from a place of hereditary wickedness. Unfortunately, any child that descends from an ancestor like Eisav is bound to have traces of hatred for Yaakov's children. Therefore, it is not so hard to understand where the Amalekites are coming from and why they specifically attack Bnei Yisrael.

Rabbi Jonathan Sacks discusses this idea in his article "Two Types of Hate" (Ki Teitzei 5777). He explains that there are two kinds of hate: rational hate and irrational hate. Rational hate is hate based on some fear or disapproval and irrational hate is unconditional hate that is illogical and cannot be reasoned with. The Egyptians wanted to drown every male in Bnei Yisrael so that the nation could no longer thrive; essentially, they attempted genocide. Yet, Moshe commands Bnei Yisrael not to despise the Egyptians. In contrast, the Amalekites initiated a single attack on Bnei Yisrael and were even defeated. Ironically, Moshe comes full force and commands them to never forget what Amalek did and to blot out their name.

With such a stark difference in the reaction to each enemy, there is an important lesson that can be learned. There is a difference between the Egyptians and Amalekites. The Egyptians looked

² Yoav ben Tzeruyah did not pay careful attention when learning the verse "blot out the memory (*zecher*) of Amalek." Instead he read it as "blot out the males (*zachar*) of Amalek", excluding the women. (Bava Batra 21b).

at Bnei Yisrael as a threat to their land because Bnei Yisrael were a strong and numerous people; they feared a revolution.

In contrast, the nation of Amalek attacked the weak and those lagging behind; individuals who posed no danger. Clearly, Amalek was not there to fight a strategic battle; they had another agenda. Amalek attacked Bnei Yisrael solely because of irrational and groundless hate. This hate will never disappear and that is why the hate of Amalek lasts “for all generations.” As Rabbi Sacks puts it, “all one can do is to remember and not forget, to be constantly vigilant, and to fight it whenever and wherever it appears.” Bnei Yisrael are dealing with a specific kind of enemy: an enemy that will attack only because of hate and nothing else. It is very hard to combat irrationality, as they have no reason for their actions, but it exists and is very powerful.

Perhaps the irrational hatred of Amalek does have a purpose. Since the time of Yaakov and Eisav, there has been a great clash between two major forces: belief in the ultimate G-d and belief in *avodah zara*, other gods. As children, the two brothers were indistinguishable from one another, but when they turned thirteen, they became completely different. Each brother began following his own beliefs, leading to the formation of two great opposing nations (Rashi Bereishit 25:27). As a *rasha*, Eisav developed an intolerance for Yaakov's life and beliefs, causing him to have a strong hatred for Yaakov and his children. Right after the unforgettable event of Yaakov receiving the bracha from Yitzchak, Eisav became incensed and he began to plot his brother's murder (Bereishit 27:41).

This clash ultimately trickled down and became the eternal struggle between Amalek and Yisrael, a test of Bnei Yisrael's emunah that will occur in every generation until the days of Mashiach (See Ba'al Haturim Shemot 17:16).

Amalek does not show up randomly. Rather, they appear when Bnei Yisrael are in a state of weakness. The first time Bnei Yisrael encounter Amalek is right after the incident of *Masa U'Meriva*, where they complained and questioned G-d because of their thirst (Shemot 17:1-7). It is not a coincidence that when Bnei Yisrael were going

through a period of doubt in Hashem, Amalek came into their midst. Rashi points out the connection between Amalek's arrival and the incident that directly preceded it. He explains that the lesson of this parsha is that Hashem is always there to provide for all our needs. However, when we question Hashem's presence, Hashem swears that he will allow the "dog", Amalek, to come and bite us (Rashi Shemot 17:8).

When Bnei Yisrael are weak in their emunah, it leaves an open space for the deniers of the ultimate Creator. Amalek is the antithesis of emunah. The Torah describes Amalek's coming as "**how he happened** upon you on the way" (Devarim 25:18). Indeed, this is the essence of Amalek. Rashi explains that the language in this pasuk is *lashon mikreh*, coincidence. Amalek functions through the laws of chance, which views the occurrences of natural events as random and void of Divine intervention. Thus, coincidence is the epitome of disbelief. Amalek is not only present to kill Bnei Yisrael; rather they pose an even greater threat. They seek to wipe out the concept of Divine existence in the world, hence demolishing Am Yisrael's emunah.

This fundamental test for the Jewish nation is emphasized in another section of the Torah. In Parshat Ki Teitzei, Moshe recounts the battle of Amalek and commands Bnei Yisrael, "you shall remember what Amalek did to you on the way..." (Devarim 25:17) and "you shall obliterate the remembrance of Amalek from beneath the heavens" (Devarim 25:19). Interestingly, like in Shemot, this parsha is also connected with the events that directly precede it: the concept of being honest with weights and measures (Devarim 25:13-16). Rashi points out the connection: If one cheats in measurements and weights, then he should be worried about incitement from the enemy. Rashi supports this by quoting a pasuk from Mishlei (11:1): "deceitful scales are an abomination to G-d".

This idea is further explained by the Netziv (Haemek Davar Devarim 25:17). He wonders about the strange correlation between sinning in measurements and Amalek's attack. It does not seem to make any sense. Bnei Yisrael did not trade or use measurements

when they were in the desert. How could it be that this is the reason Amalek attacked them? In answering this question, the Netziv quotes a Gemara (Bava Batra 88b) which concludes that sinning in weights and measurements is harsher than the sin of *gilui arayot*. Should it not be considered harsher than the other types of stealing instead of *gilui arayot*?

The three sins that are considered to be the most harsh³ of all sins are *avodah zara*, *gilui arayot*, and *shefichat damim*. When a person sins, his sin comes from one of three categories. In other words, he either sins because of lack of emunah in Hashem and Torah, lack of overcoming his desires, or because of bad attributes, such as overcoming anger. Each of these categories is headed by and represented by one of the three harshest sins; *avodah zara* is the epitome of the lack of emunah, *gilui arayot* is the epitome of indulging in desires, and *shefichat damim* is the epitome of the bad attributes category. Each sin that one commits falls under one of these categories. For example, violating Shabbat results from a lack of emunah and shares a commonality with the sin of *avodah zara*.

Out of all the three sins, *avodah zara* is the worst because it comes from one's lack of emunah, making it harder for him to return and do teshuvah. When someone steals a precious vessel from his friend, he does so out of his desire for that object, making it fall under the category of *arayot*. However, when someone sins in measurements, he is doing it because of a lack in emunah in Hashem, placing it under the category of *avodah zara*. Even though the sin in weights and measurements is only an appendage of *avodah zara*, nevertheless, it is harsher than the sin of *gilui arayot*. When one lacks emunah, it is harder to do teshuvah.

Bnei Yisrael questioned Hashem's existence right before Amalek came and attacked. After Bnei Yisrael witnessed great miracles from Hashem, how could they could have doubts about His involvement?

³ A harsher sin does not necessarily mean that the punishment is worse than the punishment for a lesser sin. For example, one who violates Shabbat gets a harsher punishment than one who commits *arayot*.

Bnei Yisrael were worried that after Moshe died they would have to live in a natural way, without miracles. What they really doubted was Hashem's involvement in the natural world. Because they were sinning in an area of emunah, it was as if Bnei Yisrael were sinning in weights and measurements. It was this lack of trust that, ultimately, welcomed Amalek into their midst.

Since lack of emunah attracts Amalek, the only way to combat Amalek is to keep having emunah in Hashem. The first of the Thirteen Principles of Faith that the Rambam compiled (introduction to Perek Chelek) is: "Belief in the existence of the Creator, who is perfect in every manner of existence and is the primary cause of all that exists." This is part of the emunah that Amalek strongly denies.

Ironically, the pasuk says: תמחה את־זכר עמלק מתחת השמים לא תשכח, "you shall blot out the memory of Amalek from beneath the Heavens, do not forget" (Devarim 25:19). There seems to be a contradiction within this statement. How can it be that we are commanded to erase the memory of Amalek but also never forget? The Netziv explains that when this mitzvah cannot be actively performed, we still cannot forget about Amalek and this mitzvah. It is supposed to remind us and strengthen our emunah in Hashem's supervision, especially when we are living in the world of nature and it is hard to recognize Hashem's presence.

Maintaining emunah in Hashem is the only way to prevent the Amalekite nation from attacking Am Yisrael. However, the opposite is true as well. Throughout history, Bnei Yisrael have gone through periods of strength, as well as periods of weakness. Unfortunately during those many weak periods, Am Yisrael went through a lot of trial and tribulation because of a lack of emunah.

During the time of the Purim story, it was clear that there was an absence of emunah in Hashem, since the sole enemy of the Jewish people in Persia was none other than Amalek. אחר הדברים האלה. גדל המלך אחשוורוש את־המן בן־המדתא האגגי (Esther 3:1). Haman, the villain of this story, was a direct descendant of Amalek. The ancestor of Haman, King Agag, appears earlier in Tanach when Shaul was

commanded to kill out the entire nation of Amalek, but failed to fulfill this command (Shmuel I 15:8-9):

וַיִּתְּפֹשׂ אֶת־אַגַּג מֶלֶךְ־עַמְלֵק חַי וְאֶת־כָּל־הָעָם הַחֲרִים לַפִּי־חֶרֶב. וַיַּחְמַל שָׁאֹל
הָעָם עַל־אַגַּג וְעַל־מִיטֵב הַצֹּאן וְהַבֶּקֶר וְהַמִּשְׁנִים וְעַל־הַכֹּרִים וְעַל־כָּל־הַטּוֹב
וְלֹא אָבוּ הַחֲרִים וְכָל־הַמְּלָאכָה נִמְבֹּזָה וְנִמָּס אֶתָּה הַחֲרִימוּ

Instead of killing out all of Amalek, Shaul captured King Agag and spared his life and, in addition, left some of the animals alive. Because he did not fully follow the command, Hashem became very angry with Shaul and rejected his kingship. Shmuel was sent to criticize Shaul and to tell him that his kingship will end and someone worthier will receive it.

The consequence of Shaul's actions formulated into a greater struggle for the Jews in Persia, several generations later. The Jews of Shushan were living in a very materialistic and hedonistic society. They were governed by a king who only valued himself, money, women, and drinking. Meanwhile, the real King appeared to be sitting out of the picture, reflected by the fact that there is no explicit mention of G-d's name in the Megillah. The absence of the recognition of Hashem inevitably lead to the abyss of the Purim story; Achashverosh's dreadful decree to kill all the Jews on the thirteenth day of Adar (Esther 3:13). This decree ultimately woke up the Jewish nation and they realized that something was missing from their lives in galut: G-d's presence. They realized there was only one way to be spared from this horror; they must have complete emunah in Hashem.

Esther and Mordechai were the great leaders because they recognized the necessity of increasing the belief in Hashem and took action to instill that. When Esther heard from Mordechai about the terrible decree, she chose to act. She instructed Mordechai: "Go, assemble all the Jews who are present in Shushan and fast on my behalf, and neither eat nor drink for three days, day and night; also I and my maidens will fast in a like manner; then I will go to the king contrary to the law, and if I perish, I perish" (Esther 4:16). As the first step towards salvation, Esther chose tefillah and fasting to repair Bnei Yisrael's broken emunah and re-establish their intimate

connection with Hashem. Indeed, from that point on, the Jews were able to recognize Hashem and have emunah that He will save them from Amalek.

The Kli Yakar (Shemot 17:12) adds that Bnei Yisrael had the *zechut* of being saved, from the days of Moshe Rabbeinu. Just like Amalek came in the days of Moshe, Amalek also came in the days of Mordechai. When it says “his [Moshe’s] hands remained steady [with emunah] until the sun set” (Shemot 17:12), it symbolizes that the *zechut* of Moshe lingered until the days of Mordechai. When the lottery fell in the month of Adar, Haman was joyous because he knew that Moshe had died in that month and assumed it must be a bad time for the Jews. However, he did not realize that Moshe was also born in that month and was a *zechut* for Bnei Yisrael.

A crucial lesson can be derived from the words: “his (Moshe’s) hands remained steady [with emunah].” It indicates that the way to overcome Amalek is through having emunah, through the act of faithful and true tefillah (Rashi Shemot 17:12). This approach is exactly what Esther instilled in the Jewish people, allowing them to be saved in the Purim story and in future generations as well.

The antagonistic relationship between Am Yisrael and the Amalekite nation is ancient, leading back to the birth of each nation. This struggle has manifested itself in Biblical times and in more recent times as well. It has often occurred when we least expect it. Since Amalek goes by the laws of irrationality and coincidence, it makes this struggle even more of a challenge. As Rabbi Jonathan Sacks mentions in the article discussed earlier:

Anti-Semitism is different from xenophobia. It is the paradigm case of irrational hatred... In the nineteenth century, Jews were hated because they were rich and because they were poor; because they were capitalists and because they were communists; because they were exclusive and kept to themselves and because they infiltrated everywhere... Not all hostility to Jews, or to Israel as a Jewish state, is irrational... But some of it is irrational. Some of it, even today, is a repeat of the myths of the past, from the Blood Libel to the Protocols.

The anti-Semitism that has occurred throughout Jewish History into our times is Amalek. Amalek's essence is irrational hatred; haunting the Jewish people wherever they are found. Yet, there is one way to repel Amalek, by having strong and continued belief in G-d. Rabbi Sacks concludes, "Amalek does not die. But neither does the Jewish people. Attacked so many times over the centuries, it still lives, giving testimony to the victory of the G-d of love over the myths and madness of hate." Ultimately, no matter the situation of the Jewish nation, G-d is always with us, to help us and to test us. The uniqueness of G-d's chosen nation is what allows us to survive and triumph even from the hardest of tests, a test of our belief in the ultimate Creator, Hashem.

Finding Your Identity

When a baby is born, kabbalistic teachings explain that the parents receive some type of prophecy or divine inspiration about what to name the child. What is so important about names that G-d provides special guidance in order for the correct one to be chosen for each person? To truly understand names, we need to look at the significance they have in the Torah and how they are used in aspects of Jewish life, and the greater world.

Each parsha and sefer of the Torah is named by one of the first few words it opens with. While it seems to merely be a convenient way to title it, the name represents a significant message from the sefer. Sefer Shemot, meaning names, tells the story of the Exodus from Egypt and the development of a nation in the desert. While the english title, Exodus, seems like the most obvious and logical title for this book, what does the Hebrew name have to do with the sefer?

Rav Binyamin Tzvi Yeager explores this idea in his sefer, *Netivim on the Parsha*, on Parshat Shemot. He explains that a name is indicative to one's life. It is not merely a way to refer to someone in an organized fashion; otherwise, a person could simply be assigned a number. A name refers to a person and his essence.

A prime example of this are angels. The Radak (Bereishit 32:30) explains that angels are assigned a mission from G-d and they are named after their specific purpose. If they were given a new purpose, they would be given a new name. For example, the angel Refael, meaning "G-d is my healer," is responsible for bringing health, a mission he fulfills by visiting Avraham after his *brit mila*. Angels do not have free will and therefore can only do exactly what they were created to do. People, on the other hand, have choices; it is not always clear what a person's name means and how it defines his purpose, but it is still one's responsibility to try to reach a level of knowledge so he can live out his name and purpose.

Rav Yeager points out that the beginning of Sefer Shemot is a list of names of the members of Yaakov's family on their way to Egypt. They went down as a family, with individual and national purposes and responsibilities, planning to continue their lives in Egypt. In the next part of the parsha however, there is an obvious lack of names. There is a passive narrative where Bnei Yisrael are afflicted with more and more work. There is a vague story of a nameless Levite who marries a nameless woman and the birth of their child, who, again, has no name.

With slavery, the tactic of taking away names is often adopted, making the people feel as if they have no independent identity and giving them a new one under the ruler's terms. This is exactly what is seen in the beginning of the sefer. Bnei Yisrael came in with names and identities, but the narrative quickly arrives at the depths of slavery. The progression to a lack of names shows who they have become and how Pharaoh had enslaved them, to the point that he had taken away their core identity. Chazal (Sotah 11b) explain that he made men do women's jobs and women do men's jobs. He further broke them down by stripping them of their proper gender identity. They had no control over what they did, where they went, or who they were. They no longer had their own names or personalities; they had no identity.

A similar sequence occurred with the Nazi regime during the Holocaust. They began by taking away Jewish homes, jobs, and belongings, eventually even taking their clothing and hair. When the Jews had only their identities left, the Nazis took away their names and tattooed numbers on their arms. They treated them as sub-human. By removing their names, Hitler intended to strip them of personal identities, making them his slaves.

Every Jew has his own identity and purpose. No matter what is tattooed on their arm or what they are called, one's faith can never be taken away. There are countless stories of Jews in concentration camps, deprived of everything, who still held onto to their Jewish identities as tightly as they could. Similarly, the Midrash (Vayikra Rabbah 32) explains that one of the reasons the Israelites merited

to be saved from Egypt was because they did not change their Jewish names. Even in the darkest times of slavery, holding onto their identity was the key to life.

Rav Yeager further explains how names symbolize the bringing of Geulah, through Moshe. After listing Yaakov's children, the next people named in Shemot are Shifra and Pu'ah, the first in the group of righteous women responsible for bringing the redemption from Egypt. They began the Geulah process by saving the Israelite babies and building the Israelite nation. The next person named is Moshe. Moshe grew up in the Egyptian palace and was therefore a free man; meaning, he had a name. According to Rav Yeager, having a name was a representation of his leadership and the path to Geulah. Moshe had a name, and therefore, had a purpose, to redeem the Israelites.

The second perek continues with more stories of nameless Israelites and Egyptians. The next names mentioned are all in reference to Moshe. He meets Reuel¹ who gives him his daughter, Tzipporah, to marry. Together, they have a child whom they name Gershom. When G-d appeared to Moshe at the burning bush, Moshe questioned G-d: "When I tell Bnei Yisrael you appeared to me, they will say to me, 'What is his name?' what will I answer them?" G-d responds, *אֲנִי-אֶהְיֶה אֲשֶׁר אֶהְיֶה* (Shemot 3:13-14). G-d's name is also an important part of Geulah demonstrated by Bnei Yisrael's lack of trust in G-d without a name. The next person mentioned by name is Aharon, another essential leader in the Geulah. He was a vital component in helping Moshe with his mission by speaking with Pharaoh and helping perform some of the makkot.

Hashem gives Moshe and Aharon a mission to free Bnei Yisrael from Egypt so that He can make them into a nation and be their G-d. In Parshat Vaeira, although the Israelites are still in Egypt, each tribe, including each respective head is mentioned by name, symbolizing the true beginning of the Geulah. In just a few perakim,

¹One of Yitro's names.

they transitioned from nameless and purposeless slaves, to a nation with hope and value. Their names are mentioned as a symbol of their freedom and a renewed desire to serve G-d. Pharaoh enslaved them by taking away their names; as a symbol of freedom, they got them back. The entire Sefer Shemot, "Names," chronicles Bnei Yisrael's development into a nation. It outlines how they were able to accomplish their mission of serving G-d and how they lived out their names. This is the meaning of Geulah.

While this seems to be an extreme case, the same is true for each of us. We are each given a name. It is not a meaningless word; it is something with power. A person's name represents his essence.² When R' Zakai was asked how he merited living such a long life, one of the reasons that he replied with was that he would never call his friends by nicknames because he thought it was disrespectful (Megillah 27b). He always used people's real names since their names are their true identities.

However, you also define your name by the way you live, what you become known for. Rashi (Shemot 1:15) teaches that the midwives Shifra and Puah, were actually Yocheved and Miriam. Why were they called Shifra and Puah? Yocheved was called Shifra because she would *משפּרת*, beautify, the babies, and Miriam was called Puah because she would *פּוּעָה*, talk and coo, to the babies in order to calm them. The beautiful acts of chessed that Yocheved and Miriam did for the mothers and their newborn babies were so great that they were named and praised after their actions.

Another type of naming is adding *shem* Hashem. Yehoshua has the letter *yud* added to his name Hoshea, hinting to the presence of Hashem in his life. It was not temporary or a gesture; it became a part of his name, and thereby, a part of him. Yaakov is renamed Yisrael after fighting with the angel, an experience that forever changed his life and was deserving of a new name.

² It is customary among many Jews to name a child after a deceased relative or great person, so that they merit having some aspect or trait of that person, allowing their memory to live on.

Each of us is brought into this world by Hashem and his parents and is given a name that goes hand in hand with a unique mission only he can accomplish. Our job in this world is to figure out what our missions are and to live up to our name. In doing so, we also can define our names by doing acts of chessed and following in the way of G-d, making sure our names represent who we truly aspire to be.

Shalom Aleichem

The Song that Brings the Shabbat Table Together

“Shalom Aleichem” was written by kabbalists of the seventeenth century. Just a short time after its inception, it became the introduction to the Friday night meal in almost every religious home. While everyone sings this song on Friday nights, not every family sings it the same way: some customarily omit classic verses, and some change verses. In order to understand these variations, one must first explore the concept and role of angels, a recurring concept in the song, and what makes them different from human beings.

Angels are often visualized as human beings with wings. In reality, they are completely spiritual entities without any physical attributes; they are only described as human to help us comprehend them. Additionally, their roles are completely different from those of humans. The root of the word “*malach*” has two meanings: work or messenger. These definitions correspond to the two roles that *malachim* have. There are *malachim* who were specifically created to carry out Hashem’s missions, to work for Him. The Mishna (Avot 4:11) also teaches us that Jews create *malachim* to act as messengers for themselves. Every time a Jew does a mitzvah, a *malach* is created as his advocate. Conversely, when a Jew sins, a *malach* is created to oppose him.

Unlike humans, angels have no *bechira chofshit*, free will. They cannot choose between good and bad. They are seemingly preprogrammed and maintain a constant level of spiritual consciousness.

The spiritual level of each angel is different. The Sefat Emmet (Parshat Vayetzei) writes that when the angels of Shabbat are coming down from above, the angels of the weekday return to the Heavens, because Shabbat is a holy day and therefore requires holier angels.

“Shalom Aleichem” is based on the Gemara Shabbat (119b): A good angel and an evil angel come to every Jewish house on Friday night. The two look at and assess each home. If the home is ready

for Shabbat and the table is set, the good angel proclaims: “May it be like this next week,” and the evil angel is forced to respond “amen.” However, if the home is not ready for Shabbat and the table is not set, the evil angel says, “May it be the same next week,” and the good angel is forced to respond “amen.”

The Shem MiShmuel¹ (Parshat Vayeitzei) has a different approach regarding the *malachim* mentioned in Shalom Aleichem. *Malachim* arrive simply in order to show us that they are servants of Hashem. He contrasts these Shabbat *malachim*, who come purely as representatives of Hashem, and the *malachim* of Eretz Yisrael who appear in Yaakov’s dream, who are tasked with protecting Yaakov.

The *malachim* are a big part of our Shabbat meal, and so we welcome them in with beautiful song. However, they arrive before we start singing. On the way home from shul, we should be mindful of the angels that are escorting us and should watch what we say. Upon arriving home, the common minhag is to stand by the candles in nice clothing and sing Shalom Aleichem. We sing each verse three times in accordance with the teachings of the Arizal, who taught that the repetition strengthens the power of the song.

We start Shalom Aleichem by welcoming the מלאכי השרת. Therefore, one would think this specific description of the angels would appear in the succeeding verses, yet, they are missing. Rav Shlomo Zalman Auerbach (Shalmei Shabbat 169) explains that this first verse welcomes the angels and we refer to them by their exalted title, ministering angels. In the succeeding verses, we ask for blessings of peace. Therefore, we call the angels “angels of peace” as that relates to their function. The Heichal Habracha interprets this differently. He believes that the first verse is a greeting intended for all *malachim* in *Shamayim*. He continues to say that בואכם לשלום is the greeting for those specific *malachim* who bring down the *neschama yeteira*.

The next verse, ברכוני לשלום, sparks debate. Rav Chaim of Volozhin points out that one cannot ask for a blessing of peace from *malachim* because they have no power. Rav Auerbach suggests that it is permissible to request that the angels perform their Divinely

¹ See yutorah.org, Rabbi Yoni Levin

assigned mission and bring us Hashem's blessings. (Shalmei Shabbat 170)

The last verse, **לְשׁוֹמְרֵי צִוְּתְכֶם**, is also somewhat controversial. This phrase is commonly used to say goodbye to people, and it appears as if we are ushering the angels out of our homes. To avoid this, some people change the verse to **בְּצִאתְכֶם**, when you leave, may it be in peace. We do not want to sound as if we are telling the angels to leave. Still, others sing **לְשׁוֹמְרֵי צִוְּתְכֶם וּבֹאֲכֶם** – when you leave and come – which does not imply that the angels have to leave. Others explain that we are not ushering out the *malachim* who just came but are saying goodbye to the weekday *malachim* or that we wish peace on the angels when they eventually depart. Finally, some leave out the last verse altogether (see Piskei Teshuvot 271:2; Shalmei Shabbat 170-171).

While most agree that we should sing Shalom Aleichem on Friday nights, there are dissenting opinions. Some claim that the Chatam Sofer did not sing it because we are not at the level to be escorted by *malachim*. Others counter that he sang it quietly to himself. (Piskei Teshuvot)

Whatever one's custom is regarding Shalom Aleichem on Shabbat, when it comes to Yom Tov, the minhag often changes. The Mateh Ephraim (583:1) writes that when Rosh Hashanah falls out on Shabbat we say Shalom Aleichem without the outward expressions of *shira* and *zimra*. Since Rosh Hashanah is the day of judgement, we should curb our joyous singing. Many, however, do not recite it at all when Yom Tov occurs on Shabbat. (Elef Hamagen #1).

Despite the different customs regarding the text and tunes, this song brings all Jews together. Around the world, people gather on Friday night to welcome in Hashem's messengers. Together, they join in song to usher in the peace and blessings of Shabbat. It is an opportunity to develop a stronger relationship with Hashem. When a person creates that relationship on Shabbat, he or she has attained the same spiritual level of *malachim*. However, *malachim* have one job and cannot do anything else. On Shabbat we can take everything we do and elevate it. Therefore, throughout Shabbat, we are capable of rising to a higher level than the *malachim* (Ohel Yitzchak).

FACULTY

“The Life of Souls; the Air of Your Land”*

A Rav Kook-Influenced Perspective on the Relationship Between the Land of Israel and Olam Haba

Introduction:

Rav Kook’s Integrative Learning Methodology

Torah is often divided into distinct disciplines regarding both its theoretical structure and its practical study. Rabbinic literature is replete with references to mikrah, mishnah, talmud, halacha and aggadah as discrete areas, and to Torah scholars who were known for their expertise in one of these sectors to the exclusion of others (Bava Metzia 33b). While the Torah reflects the unity of Hashem and it therefore contains an underlying notion of “the entirety of the Torah is a single matter” (Tosefta Sanhedrin 7:7), human study is confined by the illusion of multiplicity, with each subject being studied independently with its own methodology and framework.

While many see this reality as ideal, Rav Kook viewed it as a tragic consequence of a low spiritual state. For him, the eschatological vision of a world that is sufficiently spiritually advanced to grasp the Divine unity in all of creation was not a mere captivating and ephemeral dream that was bereft of practical consequences. On the contrary, Rav Kook felt that his generation needed to be slowly but

* From the piyut, *Tzion Halo Tishali* of R’ Yehuda Halevi. See also, Rav Kook, *Shemonah Kevatzim* 3:367

steadily educated to practically recognize this Divine unity in all areas of life.¹

One area that Rav Kook analyzed under this light was the nature of Torah study. In his view, while there is practical use for the division of Torah into separate disciplines, the time had come to begin emphasizing and revealing the ultimate unity of the Torah. In a series of passages that were organized by Rav Dovid Cohen, the Nazir, into the second chapter of Orot HaKodesh, Rav Kook called for the reunification of the different areas of Torah as a means of bringing the world to its ultimate state of harmony. To quote one representative passage:²

The *halakha* and the *aggadah* must be united. The necessity that moves us to concern ourselves with both must also lead to their spiritual unification. The fact that one who concerns himself with *halakha* feels that he has entered a different world when he enters the realm of *aggadah* and vice versa destroys much of the spiritual stimulation that is inspired by the peace of mind that comes from inner unity... **The concept of bringing together distant realms – this is the basis of building and perfecting the spiritual world...** As we commence the process of unifying *halakha* and *aggadah*, many other unifications and harmonies will be stimulated in its wake... This unification is only the disclosure of the unity that has always existed beneath the surface.

However, as is unfortunately the case regarding many of Rav Kook's grand visions, he left relatively little practical guidance regarding the implementation of this new methodology.³ To fill this

¹ This is the theme of the first, second and fifth essay in the Zeironim section of Orot. For a plethora of parallel passages, see Zvi Yaron, *Mishnato Shel haRav Kook* (Jerusalem, Jewish Agency Torah Department, 1974), chapter 3.

² Orot HaKodesh Volume 1, 25-6; Shemonah Kevatzim 5:1. Translation from B. Bokser, *Abraham Isaac Kook – The Lights of Penitence, The Moral Principles, Lights of Holiness, Essays, Letters and Poems*, (Paulist Press 1978), 196-197.

³ It is important to note that Rav Zvi Yehudah Kook had a narrow definition of his father's methodological innovations. See Sihot haRav Zvi Yehudah Shemot, ed. Rav Shlomo Aviner (Yerushalayim 1998), 236-240 where Rav Zvi Yehudah approvingly cites the statement of the Chatam Sofer that one who mixes

lacuna, much has been written to describe both the general guidelines of the approach as a whole, and to analyze specific issues from this multidisciplinary, but unified, Rav Kook-inspired framework.⁴

This essay is an attempt to do the latter. By drawing from the Tanach and the Oral Torah, halacha and aggadah, traditional and academic sources, *nigleh* and a little of *nistar*, it is this author's hope that the disparate fields will shed light on each other, ultimately uncovering a small level of the infinite depth and unity of Hashem's Torah.

Our discussion will begin with developing the connection between the Land of Israel as presented in the Chumash, and Olam HaBa as described by Chazal. In order to understand the nature and significance of this connection, halachic, midrashic and kabbalistic sources will be marshaled to demonstrate the deep level of association that the Jewish soul has with both its portion in the Land of Israel and its portion in Olam HaBa. Finally, Rav Kook's spiritual historiography will be employed to explain why despite this

aggadah and halacha violates the prohibition of *kilayim* (Shu"t Chatam Sofer 1:51). However, even Rav Zvi Yehudah allows for a general cross-pollination between them (Or LeNetivati, 47). There is also much debate regarding the extent that Rav Avraham Kook implemented his own methodological innovation. See, for example, Rav Shlomo Yosef Zevin, *Ishim VeShitot*, (Kol Mevaser, 2007), 213-220; Neryah Gutel, *Hadashim Gam Yeshanim be-Netivei Mishnato ha-Hilkhatit-Hagutit shel haRav Kook* (Magnes Press, 2004) and Avinoam Rozenak, *ha-Halakah ha-Nevu'it – ha-Philosophiya shel ha-Halakha be-Mishnat ha-Reiyah Kook* (Magnes Press, 2007).

⁴ Rav Yuval Cherlow, *Torat Erez Yisrael le-Or Mishnat ha-Reiyah* (Sifrei ha-Golan 1997); Rav Yehoshua Vizman, *Zahav ha-Arez: Perakim le-Havanat Darkhei ha-Limud shel Torat Erez Yisrael* (Yeshivat Ma'alot 2005); Rav Moshe HersHKovitz, *Torat Erez Yisrael – Hora'at ha-Talmud be-Mishnat Ha-Reiyah: Hagot, Hazon, u-Ma'aseh*, (Nehorai 2007) ; Rav Shagar, *be-Torato Yehegeh: Limud Gemara ki-Bakashat Elokim* (Makhon Kitvei ha-Rav Shagar, 2008) (for an English summary of Rav Shagar's basic thesis see Rav Yair Dreyfus, "Torah Study for Contemporary Times: Conservatism of Revolution" *Tradition* 45:2 (2012), 31-47); Rav Yakov Nagen, "Scholarship Needs Spirituality, Spirituality Needs Scholarship: Challenges for Emerging Talmudic Methodologies" in *The Orthodox Forum: The Next Generation of Modern Orthodoxy* (Yeshiva University Press, 2012), 101-133.

connection between the Land of Israel and Olam HaBa, Tanach emphasizes the former, while Chazal focus on the latter.

Olam HaBa in Tanach

A vexing issue for traditional Biblical commentary is the glaring omission of one of Judaism's basic principles from Tanach – the notion of the posthumous bestowment of reward and punishment to an eternal soul. As described in Chumash, the ultimate reward for dutiful religious observance is completely terrestrial – entering the Land of Israel, living a long life, bounty and peace.⁵ The Oral Torah, however, emphasizes the justice meted out in the Afterlife as an integral part of the Jewish worldview. Chazal find hints to the Afterlife in Tanach,⁶ but in a sense this just sharpens the question. If the true reward awaiting the righteous is eternal spiritual bliss, why would Hashem neglect to explicate such a crucial concept in Chumash?

In his commentary to Sefer Vayikra, Abarbanel (Vayikra 26:3) lists no less than seven answers to this problem. All of the resolutions retain the very sensible assumption of the question – that the ultimate reward is what is in store for the soul posthumously – and endeavor to explain why, despite its supremacy, this posthumous reward is omitted from the Chumash. Most of the explanations assume that the terrestrial reward promised by the Chumash is of little ultimate value but still needs to be emphasized due to technical considerations. Ibn Ezra (Devarim 32:29), for example, argues that physical rewards are readily understandable by the masses and are therefore highlighted in the Chumash.

The only theory that places the earthly reward on a continuum with the posthumous delights of the soul is that of R' Yehudah

⁵ See for example, Vayikra 26:3-13 and Devarim 6:16-19.

⁶ See, for example, the series of verses cited in Sifrei Devarim (piska 10) that are interpreted as referring to Gan Eden.

Halevi. When asked by the King of the Khazars why one who believes in the Afterlife does not desire death, the Rabbi explains:⁷

Now all that our promises imply is that we shall become connected with the Divine influence by means of prophecy, or something nearly approaching it, and also through our relation to the Divine influence, as displayed to us in grand and awe-inspiring miracles. **Therefore we do not find in the Bible: 'If you keep this law, I will bring you after death into beautiful gardens and great pleasures.' On the contrary it is said: 'You shall be my chosen people, and I will be a G-d unto you, Who will guide you. Whoever of you comes to Me, and ascends to heaven, is as those who, themselves, dwell among the angels, and My angels shall dwell among them on earth. You shall see them singly or in hosts, watching you and fighting for you without your joining in the fight. You shall remain in the country which forms a stepping-stone to this degree, viz. the Holy Land.** Its fertility or barrenness, its happiness or misfortune, depend upon the Divine influence which your conduct will merit, whilst the rest of the world would continue its natural course. **For if the Divine presence is among you, you will perceive by the fertility of your country, by the regularity with which your rainfalls appear in their due seasons, by your victories over your enemies in spite of your inferior numbers, that your affairs are not managed by simple laws of nature, but by the Divine Will...**

According to R' Yehudah Halevi, the ultimate reward is a connection to G-d which can be best achieved by the soul when it is no longer constrained by the body. However, the earthly rewards serve both as a manifestation of G-d's intimate presence and as a sign for a future intensification of this connection. In this sense, the terrestrial rewards of the Chumash are parallel in nature to the spiritual rewards of the Afterlife.⁸

⁷ Sefer Hakuzari 1:109, translation by Hartwig Hirschfel (London: M.L. Cailingold, 1931).

⁸ This uniqueness of R' Yehudah Halevi's approach was noted by the Nazir in his shiurim on the Kuzari. See ha-Khuzari ha-Mevu'ar – Sefer ha-Khuzari le-Rabbeinu Yehudah ha-Levi im Tamzit Shi'urim she-Hirzeh Maran Nezir Elokim Rabbeinu Dovid Cohen, edited by Dov Schwartz, (Nezer Dovid, 1997), 135-144.

Eretz Yisrael and Olam HaBa

Working within the framework of the Kuzari, I will focus specifically on one of the temporal rewards that is repeated several times in the Torah – inheriting the Land of Israel. In no less than eight places, the Chumash promises entering and living in the Land of Israel as a reward for fulfilling the commandments.⁹ In addition to being featured on the lists of temporal blessings, the Kuzari claims that living in the Land of Israel also sets the stage for the other forms of terrestrial reward. The Land of Israel is the sole location in which the spiritual/physical delights can be actualized in their fullest. It is only in the land flowing with the material bounty of milk and honey and glowing with a spiritual hue that humans can achieve the reward of cleaving to G-d in the ecstatic prophetic state and have their material affairs being directly guided by this connection. In terms of setting, the Land of Israel is the Biblical parallel to the Oral Torah's Olam HaBa, which is the “place” where the soul receives its spiritual reward.

It is fascinating to note that this parallelism is not only conceptually accurate, but emerges from the very statements in Chazal that discuss Olam HaBa. In a pattern noted by the Torah Temimah (Devarim 5:16, note 8), it is evident that Chazal systematically took verses that discuss the Land of Israel and interpreted them as referring to Olam HaBa.

We will suffice with two of the better-known examples. The Mishnah in Sanhedrin (10:1) records:

All Israel have a portion in the World to Come, for it is written “And your people, all of them righteous, shall inherit the land for all time; they are the shoot that I planted, My handiwork in which I glory.”

The proof-text that all Jews have a portion in Olam HaBa is Yeshayahu 60:22. The passage as a whole unambiguously refers to the ultimate return of the Jewish nation to the Land of Israel:

⁹ Devarim 4:1; 5:15, 29; 6:3; 8:1; 11:8, 21; 16:20.

Arise, shine, for your light has dawned; The Presence of the Lord has shone upon you! ... Raise your eyes and look about: They have all gathered and come to you. Your sons shall be brought from afar, your daughters like babes on shoulders...And your people, all of them righteous, shall inherit the land for all time; they are the shoot that I planted, my handiwork in which I glory. (Yeshayahu 60:1,4-5,15,21).

The Mishnah, however, interprets the verse as referring to Olam HaBa.

A similar phenomenon occurs regarding the very verses that promise a good life in the Land of Israel as a reward for fulfilling the commandments. In the Aseret Hadibrot, Hashem promises the following as a reward for honoring one's parents (Devarim 5:15):

Honor your father and your mother, as the Lord your G-d has commanded you, that you may long endure, and that you may fare well, in the land that the Lord your G-d is assigning to you.

The Chumash could not have explicated the reward of a good and long life in the Land of Israel in a clearer fashion. And yet, the Gemara (Kiddushin 39b) teaches that the verse refers not to the Land of Israel, but rather to the "day that is wholly long."¹⁰

Once established, the connection between the Biblical Land of Israel and the Rabbinic Olam HaBa begets its own set of questions. First, what is the significance of this phenomenon? Is there an underlying common denominator that links the Land of Israel to Olam HaBa that would give rise to this parallelism? Second, if the Land of Israel and Olam HaBa are indeed inextricably linked, why would the Bible focus solely on the Land of Israel and the Oral Torah on Olam HaBa?

¹⁰ Ibn Ezra (Bereishit 33:21), also adduces this connection between the Land of Israel and Olam HaBa. He comments: "And Scriptures mentioned this to teach that there is a great advantage of the Land of Israel, and that one who has a portion in it, is considered as a portion of Olam HaBa."

Man and Land

One explanation to the Land of Israel-Olam HaBa parallelism is predicated on the deep connection between a Jewish person and his portion in the Land of Israel. A variety of sources indicate that the bond between person and land transcends the usual legal connection between an owner and his assets. Rather, the Torah considers a person's portion in the Land of Israel as part of one's core identity and as the "place" from which one's soul is hewn. With this background we can understand that one's portion in the Land of Israel is parallel to one's portion in Olam HaBa which is also identified as the "home" of the soul.

The existence of a deep connection between a person and their portion in the Land of Israel can be adduced from several sources:

1) The original process of dividing the land to tribes and families required direct Divine guidance. The Gemara (Bava Batra 122a) emphasizes the role that the *Urim Vetumim* played in the lottery for the land, accentuating the notion that each tribe and person receive their Divinely ordained "correct" portion.¹¹

2) Selling one's ancestral land is discouraged in the Chumash (Vayikra 25:25) and formalized as a prohibition in Chazal (Tosefta Arachin 5:6). While this can be cast in terms of sound economic advice for an agrarian society, later prophetic passages indicate that this prohibition is based on a Divinely ordained connection between

¹¹ See *Mori VeRabbi* Rav Michael Rosensweig's article in *Kol Zvi* 12 (2011): 61-63, where he develops the notion that the original dividing of the Land was not merely a "practical, monetary matter." One halachic expression of this idea is the assumption of the Geonim quoted in Rambam (Ishut 6:14) that in the context of the laws of making a *tenai*, the dividing of the Land has the status of *issur* and not *mammon*. In this vein, see Kovez Shiurim (2:14) and Kehilat Yaakov (Gittin siman 34) who discuss a *kinyan issur* in addition to *kinyan mammon* that exists for ownership over the Land of Israel. However, it is important to note that Ra'avad (Shita Mekubetzet Bava Batra 121) assumes that the *Urim Vetumim* were only employed for the tribal division while a lottery sufficed for the subdivision of the tribal sections into family plots. Rav Hershel Schachter (Eretz Hatzvi 30:1) explains the Ra'avad as assuming that only the initial tribal division included non-monetary aspects while each family's acquisition of their own plot was a mere financial matter.

family and land. When Achav requests from Navot that he sell him his vineyard, Navot's response is sharp and extremely telling of people's perspectives regarding their connection to their land (Melachim I 21:3): "The Lord forbid (חלילה לי מה) that I should give up to you what I have inherited from my fathers!" Navot's religious and moral sensibilities made parting with his ancestral lands completely unfathomable. This sentiment finds its halachic expression in a discussion of Tosafot (Sanhedrin 20b) regarding the nature of Achav's wrongdoing. Halacha allows the king to appropriate property when he deems it necessary, so why does the Navi condemn Achav's actions? One approach developed by Tosafot is to differentiate between land that one buys to which the king has rights of eminent domain, and one's ancestral plot, which is non severable. In the words of Tosafot:

And another answer: that specifically regarding an acquired field [does the king have rights], but not regarding an ancestral field that he inherited from his fathers, just as Navot responded "The Lord forbid that I should give up to you what I have inherited from my fathers."

This resolution expresses the notion of the deep connection that exists between a person and his portion in the Land of Israel.¹²

3) In addition to a connection between a living person and his portion in the Land, there are indications that this bond continues even to the grave. Sifrei Devarim (piska 188) establishes a prohibition against selling a family gravesite:

How do we know that one who sells a grave of his fathers violates a negative commandment? The verse states: "You shall not move your friend's landmarks."

A simple read of this midrash indicates that selling a father's grave is a Biblical prohibition. However, the same issue of "selling the grave of one's father's" in Talmud Bavli (Bava Batra 100b) is

¹² Rav Elchanan Samet argues that the nature of one's connection to his ancestral portion was precisely the subtext of the debate between Achav and Navot. The shiur is available at:

treated as Rabbinic. Therefore, the Netziv (Emek Hasifrei) concludes that this prohibition is Rabbinic in nature and the Biblical basis cited in Sifrei Devarim is a mere *asmachta*. Rav Gershom Chanoch Leiner of Radzin (Sidrei Taharot Ohalot 219b) offers a compelling distinction between the scenario discussed in the midrash and that of the Gemara. The Biblical prohibition to sell an ancestral cemetery is limited by the next phrase of the verse (Devarim 19:14) “in the property that will be allotted to you (בנחלתך אשר תנחל) in the land that the Lord your G-d is giving you to possess,” and therefore only applies to the family’s Divinely allotted portion. A family cemetery that is located anywhere else only entails a Rabbinic prohibition. The notion of a Biblical prohibition against selling or exhuming the grave in one’s ancestral plot would indicate a connection between person and land that transcends even death.

In consonance with its general focus on the Land of Israel, this person-land connection has particular resonance in Tanach. First, the Torah only records the laws of inheritance in the context of one’s portion in the land of Israel, a factor that might indicate a specific connection to one’s plot.¹³ Also, the Torah records a prohibition against intertribal marriage “in order that every Israelite may keep his ancestral share” (Bamidbar 36:7-8). While a simple read of the verse indicates a blanket prohibition, the Oral Torah limits its applicability to the first generation that entered the Land of Israel (Bava Batra 120a). Once again, we see that Tanach assigns much

¹³ See Shu”t Chatam Sofer (Even Ha’ezer 1:147) who notes this, but instead of distinguishing between inheritance of one’s portion in the Land of Israel and other items, he distinguishes between the nature of the inheritance of land in general versus movable items. However, Rav Shaul Yisraeli (Eretz Hemdah, Nsafot le-Sha’ar 1, siman 2) argues that the Torah’s focus on one’s portion in the Land of Israel in the context of the laws of inheritance changes the entire nature of inheritance in halacha. See also Rashba (Gittin 48a s.v. *Ee Lav*) and Ra’avan (Bava Batra 133a-b) who use the initial inheritance of the Land of Israel as a halakhic paradigm for inheritance in general. In this vein, see also the Nazir’s essay entitled *Mahut ha-Yerusha* in *Nezir Ehav*, Volume 2 (Nezer Dovid, 1977), 197-203.

greater value to each Jew keeping his ancestral plot than does the Oral Torah.¹⁴

What's in a Name

Though the above sources simply establish a connection between person and land, there are passages that transition from connection to identification. Twice in the Chumash we are faced with the impending tragedy of a person dying without a child inheritor. In both instances, there is a fear of losing the person's "*shem*" and a process is undertaken to salvage the *shem*.

One case involves the daughters of Tzelafchad. After learning that the Land of Israel was to be allotted to men, the daughters of Tzelafchad argued the following (Bamidbar 27:4):

Let not our father's name (*shem*) be lost to his clan just because he has no son! Give us a holding among our father's kinsmen!

Elsewhere, the Chumash discusses a person who dies childless and the process of *yibbum* that is supposed to ensue. The ultimate purpose of *yibbum* is identified as *hakamat shem* (Devarim 25:7-8):

The first son that she bears shall be accounted to the dead brother (יקום על שם אחיו המת), that this name (*shem*) may not be blotted out in Israel. But if the man does not want to marry his brother's widow, his brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name (להקים לאחיו שם) in Israel for his brother; he will not perform the duty of a levir.

¹⁴ Other differences as well can be marshaled to paint a picture of the utmost significance that the Bible gives to the connection between person and land. See E. Urbach *Hilkhot Yerusha ve-Hayei Olam* in Mei-Olamam Shel Hochamim (Magnes Press, 2002), 229-257, who has a list of examples of this phenomenon in the context of inheritance law. Rav Dr. Samuel Belkin, "Levirate and Agnate Marriage in Rabbinic and Cognate Literature" *The Jewish Quarterly Review* 60:4 (1970): 285-305, notes and analyzes these discrepancies in the context of levirate and agnate marriages.

Both Tzelafchad and one who dies childless are in danger of losing their *shem*, which is considered sufficiently cataclysmic to require immediate intervention.

What is the *shem* of a deceased person that is so essential to save? A simple read of Tzelafchad's daughters' request indicates that his *shem* is his portion in the Land of Israel that he is in danger of losing due to the lack of male inheritors. In the passage of *yibbum*, the missing *shem* of the person who dies childless seems to be a child. Juxtaposing the two passages would glean a composite definition of the Biblical *shem* – to have one's child inherit and live upon one's portion in the Land of Israel.

In fact, R' Yehudah in Sifrei, reaches this exact conclusion:

R' Yehudah says. "Here 'a name' occurs, and elsewhere the same. Just as the sense of 'name' used elsewhere speaks in fact of an inheritance, so the sense of 'name' here refers to an inheritance. And just as 'name' used here refers to offspring, so too 'name' used elsewhere refers to offspring."¹⁵

R' Yehudah defined the word *shem* in the Tzelafchad story as his inheritance (portion of the land), while the *shem* of the person who dies childless is a child. After combining the two definitions of *shem*, R' Yehudah concludes that children and land inheritance are the *shem* in both passages.

This understanding of the Biblical "*shem*" is buttressed by the story of Rut where the objective of the quasi-levirate marriage is

¹⁵ This is in accordance with the text and interpretation of the Netziv (Emek Haneziv vol. 2, 216). However, see David Henshke, "*le-Ofyo shel ha-Midrash ha-Halacha ha-Tana'i*," Tarbiz 65:3 (1996): 420-422, that the majority of manuscripts have both "*nachalah*" and "*zera*" as being transferred from "elsewhere" to "here." There are different ways to interpret the meaning of the passage according to such a text. Rabbeinu Hillel posits that we are transferring both definitions of "*shem*" from *yibbum* to the claim of Tzelafchad. Hakham Kadmon (published together with Rabbeinu Hillel) understands that the meaning of "*zera*" is being transferred from *yibbum*, while "*nachalah*" is being gleaned from בְּנַחֲלָתָם יִקְרָא אַחֲדֵיהֶם עַל שֵׁם אֲחִיהֶם (Bereshit 48:6). According to these interpretations as well, the main thrust of my argument remains; namely that R' Yehudah defines *shem* as *zera* and *nachalah*. However, see Sifrei Devei Rav (Bamidbar, piska 133) who interprets the midrash differently.

not just *להקים שם המת* but rather *נחלתו על המת* (Rut 4:5). The concern is not only that the *shem* of the deceased be upheld, but that it still be connected to his plot of land.

Assuming that the word "*shem*" is meant to express the basic identity and legacy of a person, the inclusion of a person's portion in the Land of Israel in such a loaded term is extremely significant. The notion that a person continues to exist posthumously through his children is certainly intuitive, but it is surprising for one's *nachalah* to play such an essential role.

It seems that these sources serve as background for later commentators to speak of one's portion in the Land of Israel as being bound with the "roots of one soul." For example, the Gemara (Bava Batra 118b) teaches that Yehoshua and Kalev, the two loyal spies who were not killed in a plague, inherited the portions of the Land of Israel that were intended for the other ten spies. The proof-text is the following verse:

And Yehoshua bin Nun and Kalev son of Yefuneh lived from among those men (*חיו מן האנשים*) who had gone to scout the land.

The Gemara interprets "lived from among those men," as "they lived in their portion," meaning that Yehoshua and Kalev received the portions of land that were intended for the other ten spies. The latent assumption of the proof is a connection between "living" and inheriting a portion in the Land of Israel. Rav Yosef Engel (Gilyonei Hashas, Bava Batra 116a) notes this, and explains "the portion of land that one has in the Land of Israel is referred to as a life source."

This concept also emerges from the Ramban's kabbalistic/*pshat* rationale for the commandment of *yibbum*. He contends that in reality, *yibbum* allows the *shem* of the deceased to remain in this world through the process of reincarnation, as the soul of the deceased will be placed into the body of the child born to his widow and brother. Throughout his writings, the Ramban identifies various verses that are kabbalistically interpreted as referring to the notion of reincarnation. One such verse is Kohelet 1:4, "One generation

goes, another comes, but the earth remains the same forever.”

The Ramban comments:

Our Rabbis raised a question on this verse. They stated that it should have said, “a generation comes and a generation goes,” [for birth precedes death]. They answered that contained in this Scriptural expression is one of the great secrets [of the Torah], which is embraced within the term, “the secret of migration [of souls]” (סוד העיבור) – this is the midrash of Rabbi Nechunya ben Hakanah – as I have mentioned that the words of Solomon are expressed in manifold aspects of wisdom.¹⁶

It is fascinating that in addition to this verse being a kabbalistic reference to סוד העיבור, elsewhere Ramban identifies it as the “true” meaning of *yovel*. Commenting on Vayikra (25:10) which called for the “proclamation of liberty throughout the land,” Ramban writes:

And by way of the Truth, [the mystic teachings of the Kabbalah], the term liberty (*deror*) is related to the expression, “One generation (*dor*) goes, another comes.” Similarly, *yovel* means that everyone will return to the *yovel* (source) whence his roots are, and this shall be unto you.¹⁷

The same verse that describes the return of a soul to this world also relates to the year in which the portions of the Land of Israel are returned to their ancestral owner. The soul and its portion in the Land are inextricably linked.

As is often the case with the kabbalistic components of the Ramban’s writings, the ideas that he painstakingly concealed were revealed by his intellectual heirs. In this instance, Rabbeinu Bechaye, his student’s student, is the culprit. Rabbeinu Bechaye (Vayikra 18:29) identifies the punishment of *karet*, which is described in the Bible as the excision of one’s soul from the nation,

¹⁶ Ramban – *Writings and Discourses*, Volume 1, translated and edited by Rabbi Dr. Charles Chavel, (Shilo Publishing House, 1978), 164-165.

¹⁷ Ramban – *Commentary on the Torah*, Volume 3, translated and annotated by Rabbi Dr. Charles Chavel (Shilo Publishing House, 1974), 438.

with the banishment from the Land of Israel which is the "gateway to heaven" and the natural habitat of a Jewish soul.¹⁸

If indeed the previously established connection between a person and his portion in the land has its roots in this perspective of the Biblical *shem*, then the various parallels between the Land of Israel and Olam HaBa fall into place. The Land of Israel is the terrestrial parallel to the spiritual world as they are both identified as the source and the ultimate destination of the soul. In differing ways, they both bestow a measure of eternity on a person who is bound with them. This would justify Chazal's consistent usage of the Land of Israel as a basis for the Olam HaBa.

Individual and Nation

The remaining issue is the dichotomy – if the Land of Israel and Olam HaBa are two sides of the same coin then why would Tanach focus solely on the Land and leave Olam HaBa for the Oral Torah to expose? In his essay "The Process of Ideas in Israel" (Orot 102-118), Rav Kook related to this omission in the context of a broad thesis regarding the general emphases of the two parts of Torah.

According to Rav Kook, a basic shift occurred in the focus of Judaism with the transition from the Biblical to post-Biblical era.¹⁹ In the prophetic era the central focus was on the spiritual relationship between G-d and the Jewish nation, which is best expressed in

¹⁸ Rav Yaakov Medan, *Tikvah mi-Ma'akim – Iyun be-Megilat Rut* (Tevunot, 2007), 10-32, develops the parallel opposite approach to the relationship between *karet* and the Land of Israel, in which, based on *pshuto shel mikrah*, one incurs *karet* as a punishment for abandoning the Jewish people by leaving the Land of Israel. Even more overt expressions of the connections between Jewish souls and the Land of Israel are in the writings of later figures such as the Vilna Gaon (Shir Hashirim 1:4) and Sefat Emmet (Pinchas 5645). See also, Rav Moshe Wolfson, *Zion vi-Areha*, 33-34.

¹⁹ Rav Kook returns to his spiritual historiography in various essays, each emphasizing a different aspect of this basic shift. See, Hakham Adif mi-Navi (Orot, 120-121), the introduction to Ein Ayah and Derekh ha-Tehiyah (Ma'amarei ha-Reiyah, 1-9), for the three other major presentations of this historical theory.

the general core values of Judaism. Due to the high level of overt Divine presence, the content of Judaism was expressed through passionate, spiritually charged, prophetic poetry that beautifully described the foundational aspects of Judaism such as love and fear of G-d, morality, and the prohibition of idolatry. In consonance with the general nature of the content of Judaism was the subject of this relationship – the Jewish nation as a whole and less the individual Jew.

However, when this overt Divine presence dissipated and the powers of prophecy waned, the focus shifted from the spiritual connection between G-d and the Jewish people through the core values of Judaism, to the detailed and rigorous halachic system through which the individual Jew could maintain his religion. It was in this era initiated by the Anshei Knesset HaGedolah that the Oral Torah, with its myriads of legal details, flourished.²⁰ Ultimately, we are to aspire to the building of the Third Temple which represents a synthesis of these two poles.

Rav Kook used this shift to explain several of the seeming contradictions between the Bible and the Oral Torah, including the issue at hand. In a spiritual epoch that accentuated the relationship

²⁰ Aspects of this thesis predate Rav Kook. The basic notion of the fulcrum of Jewish history being the end of the prophetic age and the rise of the Anshei Knesset Hagedolah with many far reaching ramifications can be found in both the writings of Rav Tzadok (see Yaakov Elman, “R. Zadok Hakohen on the History of Halakah” *Tradition* 21:4 [1985]: 1-26) and the Netziv in his introduction to the She’iltot (see Yaakov Blidstein, *Iyunim be-Mahshevet ha-Halakha ve-haAggadah*, [Ben Gurion University, 2004], 399-412). The shift from a focus on the nation to a focus on the individual can also be found in earlier sources. Rashi to Zecharya (5:3) interprets the prophecy there as indicating a shift from collective retribution for sin to individual punishments. A similar theme can be found in Makkot (24b) where R. Yosi b. Hanina asserts that Moshe “decreed” that a person will be punished for the sins of his parents, while Yechezkel came and “bitlum” by stating that “the soul that sins; it should die” (Yechezkel 18:4). This general shift from collective to individual reward and punishment occurring from the Chumash to the later books of Bible has been observed by Israel Knohl, *The Divine Symphony: The Bible’s Many Voices* (JPS, 2003), 101-102. It is also enlightening to compare Rav Kook’s approach to that of Rav Hutner as described by Yaakov Elman, *ibid* in the appendix to his article.

between Hashem and the entire Jewish nation, the importance of the eternal life of the individual soul was less crucial. Therefore, the Bible, describing the age of the collective, focuses on the reward of the Land of Israel, the home of entirety of the Jewish nation. However, once the general lights were dimmed and the individual Jew gained new significance, the soul's individual "palace" in the Afterlife shifted into focus and is therefore emphasized in the writings of Chazal.

Birkat HaTorah

One of the many examples of mitzvot that the Rambam seemingly left out of his six hundred and thirteen count is the mitzvah of birkat haTorah. The Gemara (Brachot 21a) quotes the pasuk כִּי שָׁם ה' אָקְרָא לְאֱלֹהֵינוּ to serve as a source for birkat haTorah being a mitzvah. The Ramban (addendum to Sefer Hamitzvot, mitzvot aseil 15) based on this Gemara attacks the Rambam arguing that birkat haTorah is indeed a mitzvah *deoraita* and should be counted as one of the six hundred and thirteen mitzvot. How did the Rambam understand this Gemara? Why did he not count birkat haTorah as one of the six hundred and thirteen mitzvot?

A group of Acharonim, headed by the Megilat Esther¹ (mitzvah 15), defend the Rambam explaining the Gemara's derasha from the pasuk to be an *asmachta b'alma*. Needless to say the Rambam was aware of this Gemara. However, he believed it was nothing more than an *asmachta* and therefore cannot serve as a true Torah source for birkat haTorah. The Megilat Esther² concludes that according to the Rambam, birkat haTorah is a mitzvah *derabbanan*, and doesn't meet the criteria to list as one of the six hundred and thirteen mitzvot.³

It is worthwhile to note a strong proof for the position of the Megilat Esther. The Rambam in Hilchot Tefillah, lists brachot that the Sages created. On the list (7:10) appear all three birkot haTorah,

¹ The Nishmat Adam and Miromei Sadeh also assumed this in the Rambam.

² The Megilat Esther himself doesn't know what caused the Rambam to learn this pasuk as an *asmachta b'alma*.

³ The Rambam (Shoresh 1) mandates mitzvot to be *deoraita* in order to be considered one of the six hundred and thirteen mitzvot. Others, including the BH"G in his list of six hundred and thirteen and the Ramban defending it, do allow for mitzvot *derabbanan*, such as megillah, neirot Chanukah, and hallel, to be included in the six hundred and thirteen mitzvot.

indicating that the Rambam himself believes birkat haTorah is *derabbanan*.⁴

An example of a practical difference between the approaches of the Rambam and the Ramban would arise in a case of *safeik*. What is the halacha if one is unsure whether he recited birkat haTorah that morning? According to the Ramban, it would be considered a mitzvah *deoraita* and, consequently, would trigger the principle *safeik deoraita l'chumrah*. The Rambam would disagree employing *safeik derabbanan l'kulah*.

There is, however, a different approach to defending the Rambam's position. One may argue that the Rambam himself agrees to the simple understanding of the Gemara Brachot. Birkat haTorah is *deoraita*. Although birkat haTorah is a mitzvah *deoraita*, this doesn't mean that it is counted as an independent mitzvah. Perhaps birkat haTorah does not have its own independence, rather it falls under the rubric of the mitzvah of talmud Torah at large.⁵ [This approach is suggested by many, including the Aruch HaShulchan (47:2) and the Kiryat Sefer (Tefillah 12).]

The question now becomes why. Why, according to the Ramban, would birkat haTorah have its own independence while according to the Rambam it would be shadowed by talmud Torah? This issue should seemingly depend on the nature of birkat haTorah, and the extent to which it is linked it to the mitzvah of talmud Torah.

⁴ The Gemara (Nedarim 81a) notes that Am Yisrael was exiled because they neglected to recite birkat haTorah before learning. Many think this supports the notion that birkat haTorah is *deoraita*, because the punishment is too harsh for a mitzvah *derabbanan*. Others defend the Rambam based on the Ran's interpretation of this Gemara. He argues that the severity of the punishment is due to what the people did wrong, the intrinsic nature of the *issur*, and not it's *deoraita*, more severe status. He argues people treated Torah as other knowledges which undermined its uniqueness. They were punished harshly for their attitude and character flaw and not for having violated a mitzvah *deoraita*.

⁵ The Ramban's position assumes two factors. One that birkat haTorah is indeed *deoraita*. Two, it therefore should be counted separately. Methodologically, the Rambam can reject either point. He can argue that birkat haTorah is only *derabbanan*, as the Megilat Esther explains. Alternatively, he could argue that being *deoraita* is not enough to be counted as one of the six hundred and thirteen mitzvot.

To better delve into birkat haTorah, it pays to look at several halachot in order to uncover what it's really about. The Mechaber in Shulchan Aruch (47:4) argues that thinking Torah does not require a birkat haTorah. Even though writing, speaking and listening to Torah do, somehow thinking is different. The Gr"a disagrees, arguing that thinking Torah is no different from any other form of Torah. The Gr"a's position, at first glance, is more easily understood. If thinking Torah is a fulfillment of the mitzvah, why not recite a bracha on it? What is the basis for Shulchan Aruch's position?

Before explaining the Shulchan Aruch's view, it would be helpful to diverge for a moment and analyze a disagreement between the Beit Yosef and the Gr"a. The Shulchan Aruch (47:14) says women recite the bracha of birkat haTorah, despite the fact that women are exempt from the formal mitzvah of talmud Torah. The Beit Yosef (47) explains that women are required to say korbanot and other pesukim in the context of tefillah. Additionally, they are obligated to learn dinim that are applicable to them. These create an obligation to say birkat haTorah.⁶ The Gr"a disagrees with this reasoning. He states that women can recite birkat haTorah just like they can recite a bracha on mitzvot from which they are exempt.⁷

The implication from the Gr"a seems to be that women don't really need to recite a birkat haTorah. It's a bonus. The Shulchan Aruch posits that women recite birkot haTorah because they are obligated. Seemingly this machloket would depend on what type of bracha birkat haTorah is. Assuming it is a birkat hamitzvah, the Gr"a's reasoning seems sound. Women are exempt from the mitzvah

⁶ The Bei'ur Halacha quotes the Pri Megadim who believes a woman can be *motzei* a man in birkat haTorah. The Gr"a argues that a woman cannot recite a birkat haTorah for men.

⁷ This follows Rabbeinu Tam's view that women can recite a bracha on *mitzvot aseï shehazman grama* even though they are exempt. This is accepted as halacha by the Rama and the Ashkenazic world. The Rambam (Tzitzit 3:9) disagrees. He thinks women cannot recite a bracha on *mitzvot aseï shehazman grama*. This is accepted by the Mechaber and Sefardic world as halacha.

but can recite a birkat hamitzvah as is the case with any mitzvah from which they are exempt. However if one classifies birkat haTorah as a shevach v'hoda'ah, one would only require a small link to the mitzvah⁸ which women have because of their requirement to say korbanot and learn what is applicable to them, and therefore recite birkot haTorah.⁹

This *chakirah* can be used to explain the previous machloket between the Mechaber and the Gr"a as well. The Gr"a's opinion is that birkat haTorah is a birkat hamitzvah. One who performs a mitzvah is obligated to recite a bracha. It follows that as long as one is performing the mitzvah, one should recite a bracha. Whether one speaks Torah or thinks it, one is performing mitzvah talmud Torah and should have to recite a bracha. The Shulchan Aruch, believing birkat haTorah to be a birkat shevach v'hoda'ah,¹⁰ may limit the bracha to certain scenarios. It isn't uncommon that Chazal limit

⁸ The Kehilat Yaakov (Brachot 24) argues that birkat haTorah is a birkat hanehenin. The Brisker Rav in his chidushim on the Rambam (Brachot 11:15) quotes Rav Chaim Soloveitchik who argues that birkat haTorah is a new type of bracha on the "*cheftza*" of Torah. For the purposes of this article, we'll stick to the two classic understandings.

⁹ The Mechaber follows the Rambam against Rabbeinu Tam (see above, note 7) and cannot agree with the Gr"a's reasoning as to why women recite a birkat haTorah, mainly they can always recite brachot when they are exempt. These two points, that women recite a birkat haTorah and the fact they are exempt, cause Rav Chaim Soloveitchik to believe the bracha is on the "*cheftza*" of Torah (see above, note 8).

¹⁰ Alternatively, one could have argued that thinking Torah is not a mitzvah or a downgraded form of the mitzvah not mandating the bracha. To argue that thinking Torah is not a mitzvah is a very difficult argument to make. It is more plausible to argue that this downgraded type of Torah doesn't mandate a bracha. Although this might be considered unprecedented, which usually is problematic, in this context it is not. Since there are no other brachot *deoraita*, there can be no precedent. It's one of a kind and cannot be compared to other brachot, which are all clearly *derabbanan*. This is illustrated by a possibility Rav Elchanon Wasserman raises according to the Rosh. He posits that one might not fulfill any mitzvah of talmud Torah if no bracha was recited beforehand. Leaving aside any insight this may offer to the nature of Torah, it would be unprecedented as well. Again, regarding brachot *deoraita* there is no precedence.

a birkat shevach v'hoda'ah to an extreme articulate form¹¹ of the phenomenon for which the bracha is being recited.¹²

[For example the Gemara (Brachot 11b) quotes four opinions regarding on which sections of Torah one recites birkat haTorah: only mikrah, also midrash, also mishnah, or also talmud. The first three opinions probably argue that the birkat haTorah is a birkat shevach v'hoda'ah and one only recites a bracha on a strong articulation of Torah. So too, thinking Torah might not be a strong enough articulation and therefore not require a bracha.¹³]

There are several more issues that are dependent on this discussion. The Rosh (Teshuva 4:1 and quoted by the Tur Siman 47) and Igur (Tur 47) argue as to whether one recites a birkat haTorah after taking a long nap during the day. The Igur says no (birkat haTorah is recited only once a day), while the Rosh on the other hand argues that birkat haTorah is recited after a daytime nap.

Many explain this to depend on the issue at hand. Assuming birkat haTorah is a birkat hamitzvah, a new bracha would be needed. There was a hefseik and that should require a new bracha. This is what's underlying the Rosh's opinion. The Igur, however, argues that birkat haTorah is a birkat shevach v'hoda'ah. It was instituted once a day, in the morning. After a nap there is no reason to recite a new bracha. It is not surprising that the Shulchan Aruch, according to his understanding (47:11) accepts the Igur¹⁴ as halacha while the Gr"a, according to his understanding, accepts the Rosh.¹⁵

¹¹ For example, there are poskim who argue that one only recites a bracha on lightning when the actual bolt was seen. Here too the bracha is recited only on an extreme phenomenon.

¹² There are several more approaches to explaining this machloket. The Nishmat Adam explains that the Mechaber didn't require a bracha for anything non-communicative. The pasuk states **כִּי שָׁם ה' אֱקִרָא**, indicating that a real קריאה is needed to mandate a bracha.

¹³ The Torah Temimah (Devarim 32:3:29) takes a more difficult position. He believes these opinions argue about the definition of talmud Torah.

¹⁴ The Igur serves as a source for the Mechaber requiring no new bracha during the day after a nap. This is because he argues that birkat haTorah is a birkat

The reverse scenario may be dependent on this as well. When a person stays awake all night without sleep, does that person need to recite a new birkat haTorah in the morning? The Mishnah Berurah (47:28) quotes a machloket regarding this issue. The Chayei Adam and Gr"a argue that a new bracha is not necessary. The Magen Avraham and Eliyahu Rabah disagree and mandate a new bracha. This too may depend on our *chakira*. The Gr"a (consistent with his approach) and the Chayei Adam, who believe birkat haTorah to be a birkat hamitzvah, do not require a new bracha, for there was no hefseik. The Magen Avraham and Elya Rabbah may disagree because they define birkat haTorah as a birkat shevach v'hoda'ah and think it was instituted to be said once a day in the morning.¹⁶

Another possible dependent issue may be whether one needs to learn immediately after reciting the bracha. If birkat haTorah is a birkat hamitzvah, there is reason to demand immediate learning. If, however, birkat haTorah is a birkat shevach v'hoda'ah, there would be no urgency to learn immediately.¹⁷

It is very possible that these two approaches reflect two ways of interpreting the Gemara (Brachot 21a) which offers כִּי שָׁם ה' אֵקָרָא as the source. The Gemara attempts to deduce the mitzvah of birkat haTorah from birkat hamazon. Although the idea is rejected, in order

shevach v'hoda'ah. There are two more positions of his indicating this is true. The Igur is also the source for the Beit Yosef (47) as to why women recite a birkat haTorah, because they recite korbanot and have to learn their dinim. He also serves as the source for the Mechaber that thinking Torah doesn't require a bracha.

¹⁵ Practically speaking, the Mishnah Berurah says that reciting a birkat haTorah in this situation doesn't hurt. Rav Chaim Kanievsky points out people aren't accustomed to do this.

¹⁶ R' Akiva Eiger (47:12) accepts this logic and argues that if one slept in the afternoon and then stayed up all night, for one reason or another, one would have to recite a new birkat haTorah in the morning. The bracha will either be recited because the morning itself triggers a new *chiyuv* bracha on it, or after the nap that person took the day before, because the nap, i.e. hefseik, mandates it.

¹⁷ This might not necessarily be a *nafka minah*. Both the Gr"a and Mechaber prefer one to learn straight away without a hefseik.

to even attempt such a deduction, one would assume the two brachot are similar in nature. Being that birkat hamazon is a birkat shevach v'hoda'ah, it stands to reason that the Gemara's assumption is that birkat haTorah is a birkat shevach v'hoda'ah as well. The question now becomes, how much of the original assumption does the Gemara's conclusion reject? Does the conclusion merely reject the application and conclude that birkat haTorah needs its own source, or does the conclusion change the classification of birkat haTorah and therefore, birkat haTorah not being parallel to birkat hamazon cannot be learned from it. The upshot of the second approach would alter the categorization of birkat haTorah from a birkat shevach v'hoda'ah to something new, probably, a birkat hamitzvah.

Having developed two major possibilities as to birkat haTorah's classification, the Aruch HaShulchan (47:2) explains the disagreement between the Rambam and Ramban. He argues that the Rambam defines birkat haTorah as a birkat hamitzvah. This in turn, links it to the mitzvah of talmud Torah and causes for a loss of independent identity. It cannot be listed as an independent mitzvah.¹⁸ The Ramban, on the other hand, thinks birkat haTorah is a birkat shevach v'hoda'ah. Reciting a bracha on the beauty of Torah is a value independent from learning it. It now has its own independence and can be counted as an autonomous mitzvah.

Textually, it seems pretty clear that this interpretation is at least correct for the Ramban. When describing the mitzvah he claims:

שנצטוינו להודות לשמו בכל עת שנקרא בתורה על הטובה הגדולה שעשה
לנו בתתו תורתו אלינו והודיענו.... וכאשר נצטוינו בברכה אחר כל
האכילה כן נצטוינו בזו.

This seems to indicate that the bracha is one of shevach v'hoda'ah. He not only uses language of praising and thanking Hashem, but he compares it to a bracha recited on food, which is clearly a birkat shevach v'hoda'ah.

¹⁸ This approach may explain the Sefer HaChinuch as well. In mitzvah 430 he writes that birkat haTorah is *deoraita*, yet it is not counted as an independent mitzvah. Presumably, the logic offered by the Aruch HaShulchan can be used for the Sefer HaChinuch as well.

The Ramban himself alludes to this defense of the Rambam before attacking it. He offers precedent of similar situations containing two mitzvot that all agree are enumerated independently. Both korban Pesach and Sipur Yetziat Mitzrayim are freestanding mitzvot and therefore counted separately. Bringing the Bikurim and the required accompanying proclamation are separate mitzvot and are counted individually. Seemingly the Ramban does this because he foresaw someone defending the Rambam as the Aruch HaShulchan did.

How would the Rambam respond to the Ramban's argument. Why does he count birkat haTorah and talmud Torah as one mitzvah while both Sipur Yetziat Mitzrayim and Korban Pesach as well as bringing the Bikurim and its proclamation are counted as two? The Aruch HaShulchan offers an answer. Since Sipur Yetziat Mitzrayim and Korban Pesach as well as bringing the Bikurim and the accompanying proclamation can be done at different times, they are separate mitzvot. Because birkat haTorah mandates an immediate limud Torah, they unite and become one mitzvah.

One might suggest further distinguishing birkat haTorah and talmud Torah, on the one hand, from Sipur Yetziat Mitzrayim and Korban Pesach – and similarly, Bikurim and its declaration – on the other. Conceptually, birkat haTorah and talmud Torah are linked; the bracha is a preparation for the mitzvah, and they can therefore be counted as one mitzvah. Bringing the Bikurim and its declaration have two separate goals and therefore are two separate mitzvot. The same is true for the Korban Pesach and Sipur Yetziat Mitzrayim;¹⁹

¹⁹ One can question how it is possible for the Ramban to prove his point through the example of Korban Pesach and Sipur Yetziat Mitzrayim. Isn't it clear that these are two completely different mitzvot and not comparable to talmud Torah and birkat haTorah?

The Brisker Rav answers this question based on a Mishnah (Pesachim 116a-b). Rabban Gamliel said "Anyone who does not mention pesach, matzah, and marror has not fulfilled his obligation." The Rambam writes the obligation referred to is that of Sipur Yetziat Mitzrayim. The Ramban, however, maintains that the intention here is the obligation to eat pesach, matzah, and marror. The Brisker Rav notes that this the Ramban is consistent with his approach. One

they differ in nature and accomplish different things. They too are counted separately.

In summary, there are two approaches that can be used to explain why the Rambam did not count birkat haTorah as part of his six hundred and thirteen mitzvot count. The Megilat Esther claims the mitzvah is *derabbanan*. This alone would disqualify it from being listed as one of the six hundred and thirteen mitzvot. Alternatively, birkat haTorah, because it's a birkat hamitzvah, may align itself with talmud Torah so much so that it loses its independence.

can only imagine counting Sipur Yetziat Mitzrayim and Korban Pesach as one mitzvah if one believes that Sipur Yetziat Mitzrayim is an integral part of the fulfillment of the mitzvah of Korban Pesach.

