

Kol

קול

Mevaseret

מבשרת

A Compilation of
Insights and Analyses
of Torah Topics

by the students of
MICHLELET MEVASERET YERUSHALAYIM

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CONTENTS

Letter from the Editors	7
--------------------------------------	----------

Introduction

<i>Rabbi David Katz</i>	9
-------------------------------	----------

תנ"ך

Korach and Shaul:

What Does it Mean to Lead Bnei Yisrael?

<i>Abby Ackerman</i>	15
----------------------------	-----------

Anger and Makat Tzefardea

<i>Leah Frankel.....</i>	19
--------------------------	-----------

Aseret Hadibrot:

Downloading from the Cloud

<i>Veeta Gewirtz</i>	23
----------------------------	-----------

Haftarat Kedoshim: Kedusha, Exodus, and Exile

<i>Odelia Isti.....</i>	31
-------------------------	-----------

Slavery in Mitzrayim

<i>Ayelet Landsman</i>	37
------------------------------	-----------

Ezer K'negdo: Gender Equality in Parshat Bereshit

<i>Jenny Lifshitz</i>	43
-----------------------------	-----------

Sefer Iyov:

When Did it Happen and What Can We Learn?

<i>Devorah Moise</i>	47
----------------------------	-----------

Torah Personalities and their Challenges

<i>Gabriella Rosman and Daniella Samuels</i>	51
--	-----------

Parshat Bamidbar and the Hoshea Haftarah	
<i>Dina Schiowitz</i>	55

Parallels with the Story of Shimshon	
<i>Adira Sheffey</i>	59

The Staff of Moshe	
<i>Dina Zemble</i>	65

הלכה

קורע בשבת	
<i>Breindy Berger and Vered Gottlieb</i>	73

Hamantaschen: Origins and Explanations	
<i>Chana Bialik</i>	81

Melacha She'eina Tzricha L'Gufa: Rashi's Opinion	
<i>Ariella Borah and Ayala Feder</i>	85

Climate Change and Halacha	
<i>Shira David</i>	93

Safek Psik Reisha	
<i>Julia Kholodenko and Eliana Wachstock</i>	101

פסיק רישא דלא ניהא ליה: לשיטת הרמב"ם לדעת הגר"ח מבריסק והחזו"א	
<i>Anni Laufer and Rivka Yellin</i>	109

Avot and Toladot	
<i>Daphna Lent and Elisheva Raskas</i>	121

Women and Kiddush	
<i>Adira Sklar and Meira Strauss</i>	127

מחשבה

Shabbetai Tzvi: Mental Health in Jewish Thought <i>Vered Gottlieb</i>	135
Rav Kook, Rav Soloveitchik and the Lubavitcher Rebbe on Prayer <i>Sasha Isler</i>	139
Sleep: A Jewish Perspective <i>Rebecca Kalmar</i>	143
Prophecy and Prayer: The Evolution of the Covenantal Community Explored through the Prism of Rav Soloveitchik's <i>The Lonely Man of Faith</i> <i>Tzivia Lutch</i>	147
Thoughts on Judaism's Perspective of Women <i>Atarah Mandel</i>	151
Chanukah and Purim: Why these Holidays? <i>Saphira Samuels</i>	155
Jealousy <i>Eliana Strong</i>	159
Tolerance <i>Aliza Walzman</i>	163

Faculty

From Battle to Balance: An Alternative View of the Nature of Humanity <i>Rabbi Adam Friedman</i>	171
The First Rashi <i>Rabbi Jesse Horn</i>	179



לזכר נשמת

בריינא ברכה בת אריה יעקב

Bryna Bracha Greenberg

ע"ה

MMY 5778-5779

May her love of Torah, dedication to
others, and overflowing positivity be an
inspiration to us all.

LETTER FROM THE EDITORS

יצאה בת קול ואמרה אלו ואלו דברי אלקים חיים (עירובין יג:)

Two thousand years ago a heavenly voice emerged in the beit medrash of Beit Shamai and Beit Hillel to tell us that His Torah holds infinite nuances. Many minds learn a passage and many more opinions, ideas and chidushim are gleaned from it. The Torah itself, however, remains unchanged. Centuries later, the learning we do in our own beautiful beit medrash in the heart of Yerushalayim, continues this mesorah with our own words of Torah. As the largest MMY year, it is no surprise that our *kol shel torah* fills not one, but two buildings, with *torat chaim*. All of MMY 5782's learning, some of which is represented in these pages of Kol Mevaseret, are manifestations of Hashem's message, proving that His words are eternal.

We would like to express immense gratitude to all our rabbanim and mechanchot for dedicating their lives to inculcating the messages passed down through many generations to us, at MMY. They are the ones who have built our communities and allowed our people to thrive by teaching Torah in all its facets. Their diversity of thought and their strength of principles have impacted, and will continue to impact, not only our year but the many students who have come before us and will come after us.

Specifically, we would like to give thanks to Rabbi Lerner, without whom this publication could not have been possible. It is his dedication to the editors and the authors that brought this project to fruition. Thank you to the Kol Mevaseret editorial team for your tireless efforts in sourcing, revising, and amending the articles to enhance the true beauty that shines through each article. Thank you to the authors for giving us the opportunity to publish your *kol shel torah*.

Thank you, MMY 5782, for the wonderful memories, the positive, growth-oriented atmosphere, and the inspiration we give each other that b'ezerat Hashem will never cease. It is through each one of you that MMY becomes home.

Ultimately, we give thanks to the Ribono Shel Olam. He is our compass, guiding our paths toward lives of meaning and purpose. Every morning, He gives us a new day to become an *eved Hashem*. This year was the ultimate embodiment of this, and we confidently take the values that we have developed to continually strive toward '*divrei Elokim chaim*'.

Sincerely,

The Kol Mevaseret Editors 5782

Odelia, Mia, and Dalia

INTRODUCTION

Imagine a random person stopping you during your senior year in high school and asking you what you will be doing during your gap year in Israel. How would you have answered that question? I assume that you would not have given a lengthy answer about learning, thinking, growing and connecting. My educated guess is that you also wouldn't have given them a whole speech about the Israel experience, unless you happen to know their background and know that's what they want to hear. My hunch says you would have simply replied: "During my gap year I will be studying Torah". Despite all of the other critical facets of a year, or years, in seminary, when you shrink it down to its core, that is what the year is about; Torah learning.

I would like to hope that after said gap year(s), the soundbite would be altered. In *Birchat HaTorah*, we say "*la'asok b'divrei Torah*" (minhag Ashkenazim) instead of the expected "*lilmod Torah*". Clearly there are levels of learning; *la'asok*, to be engrossed in Torah, reflects a much deeper involvement than "mere" learning. Perhaps the more accurate soundbite once one has experienced this *la'asok*, should be "during my gap year I was engrossed in Torah".

But even this, I fear, is not fully accurate. After having the honor to have been involved with MMY 5782, I would suggest an even stronger option.

In the beginning of *Parshat Bechukotai* we read, **אם בחוקתי תלכו** ואת מצוותי תשמרו ועשיתם אותם. The obvious question is what are these "*chukim*" that we should go in their ways if not the very *mitzvot* that the very next phrase in the *pasuk* tells us to keep? Are they not one and the same? Rashi suggests that this refers to *ameilut baTorah*. *Ameilut* means toil, effort, hard work. Sweat and tears (hopefully no blood). It would seem that *ameilut* is an even deeper involvement than *la'asok*. Is this just a third (and highest) level? Or is there a more nuanced significance to *ameilut* that is a *chok*, and not a "mere" *mitzva* to do?

In *Parshat Acharei Mot* we also have the textual issue that Rashi raises in *Parshat Bechukotai*. The Torah tells us, ... כמעשה ארץ מצרים... לא תעשו... ובחוקותיהם לא תלכו. Once again, the obvious question is what are these “*chukim*” of Egypt that we are forbidden to follow, if not the very “*maasim*” that were just mentioned in the phrase before? Rashi suggests that this refers to טרטיאות ואצטדיאות. The *mefarshei Rashi* struggle to translate these words, but it would seem that a simple translation is “theaters and stadiums”. As an avid Yankees fan, I am not suggesting that our theaters and stadiums come along with the same issues as Egyptian or Roman theaters and colosseums did, but we need to understand what exactly the Torah is telling us.

In a *shiur* I recently heard from the *nasi* of Yeshivat Kerem B'Yavneh, Rav Mordechai Greenberg suggested that Rashi is referring to what we call in modern Hebrew, *tarbut hapnai*, the cultural reality of how one spends free time. Almost everyone needs some down time, but that is very different than a culture, “*tarbut*”. The Egyptian culture of free time was “theaters and stadiums”. Even if this or that “theater – *chok*” may not be technically prohibited by the Torah, that is not our culture. The culture of a Jew is ... *ameilut baTorah*. *Ameilut* means toil, effort, and hard work. It is deeper than *la'asok*, which perhaps refers to depth and involvement at the times we are actually learning. *Ameilut* is a culture, not just an action. It defines our very essence. It is possible to judge the culture, education, and mental development of a person by the way he or she spends his or her leisure time.

The *Talmidot* of MMY 5782 were most certainly *ameilot*. From a quick peek into the *beit medrash* – during a lunch break, early in the morning before class, late at night long after night seder was over, you name it – one could see a tremendous *kol Torah*. In classic MMY fashion, there were students attending *chaburot* given by teachers, learning in *chavrutot* with mentors, learning in *chavrutot* with peers, learning on their own, listening to online *shiurim*, having a *chavruta* with a parent or grandparent, giving *chaburot* to others without a faculty member's help, preparing *Mishmar*, etc.

Topics? Classic MMY. *Talmidot* working on *cheshbon hanefesh*, keeping up with their *daf yomi* and *Nach yomi*, learning *mussar* and *hashkafa*, more *Tanach*, preparing the articles in this volume of *Kol Mevaseret* – full *ameilut*. They were inspired and inspiring. How often did a student try to schedule a time to talk with me but was unable to sort out time in her schedule because she was so busy with her ongoing, break-time learning? I know that for me, just walking into the *beit medrash* to see the sight was uplifting in and of itself.

I cannot think of a more defining quality of MMY 5782 than *ameilut*. This edition of *Kol Mevaseret* reflects those efforts and hours of toil, and we are honored to share them with the MMY family and the wider Torah community.

Rabbi David Katz

תנ"ך

Korach and Shaul:

What Does it Mean to Lead Bnei Yisrael?

Shmuel I (11:14-12:22) is the Haftarah for Parshat Korach. Shmuel HaNavi has been the leader of Bnei Yisrael for many years, but is getting older and nearing the end of his life. Bnei Yisrael realize this and ask that a king be appointed. They see that other nations have this form of leadership and thought that it would also be appropriate for them. Although Hashem is not happy with this request, He instructs Shmuel to anoint Shaul as the first king of Bnei Yisrael.

The Haftarah begins with the entirety of Bnei Yisrael going to Shmuel in Gilgal and publicly anointing Shaul as their first king. Shmuel makes it clear to the nation that this is only happening because they specifically asked for a king, so Hashem granted their request. Since Shmuel knows he is getting old, he asks Bnei Yisrael to evaluate his own role as a leader. He inquires of them:

את שור מי לקחתי וחמור מי לקחתי ואת מי עשקתי ואת מי רצותי
ומיד מי לקחתי כפר ואעלים עיני בו ואשיב לכם.

He asks: Whose ox or donkey he took, whom he robbed, or oppressed, or took a payment from, and he promises that he would repay it. Shmuel wants to make it clear to both Bnei Yisrael and Hashem that he has been a loyal and honest leader to Bnei Yisrael.

They answer that they attest to the fact that he did not rob them, oppress them, or take anything from their hands. Rashi (12:5) comments that it was not just the people of the nation testifying to his truthfulness; a bat kol actually descended from the Heavens and said “I am a witness”, proving how honorable Shmuel was. Not only did he not do any of the aforementioned actions publicly, but the bat kol is proof that he didn’t even do it secretly and get away with it. He was a completely honest leader, both publicly and privately.

After this testimony, Shmuel gives an overview of how Bnei Yisrael came to ask for a king. He recounts their prayers to Hashem in the past to save them from their enemies (12:10):

ועתה הצילנו מיד עבדינו ונעבדך.

Metzudat David notes that at the time of this proclamation, they did not yet ask for a king; they were still relying on Hashem to save them during times of war, and they were seeking someone to help with spiritual guidance.

In the following pasuk, it says that Hashem answered these prayers and sent them Yerubaal, Badan and Yiftach. The Gemara (Rosh Hashana 25a) explains that Yerubaal refers to Gidon, and Badan to Shimshon who is called Badan because he was from the tribe of Dan. These were three of the judges that were appointed to guide Bnei Yisrael both physically and spiritually through times of need before they had official leadership within the nation. Whenever Bnei Yisrael asked for guidance and leaders, Hashem provided for them.

However, when they saw other nations and their kings, Bnei Yisrael asked if they could also have a king to rule over them, even though Hashem was supposed to be the One who functioned as their king. Nevertheless, He answered their prayers and told Shmuel to appoint Shaul as king.

However, Shmuel makes it very clear that Hashem gave them a king on condition that they fear Him and worship Him. Only then will they be successful. But if they rebel, He will punish them and their leaders. Even when they have a human king ruling over them, they must never forget that Hashem is their ultimate king and savior.

Even though it was not a natural time in the year for rain to fall, Shmuel calls out for Hashem to bring a rainstorm. He is proving his credibility and the fact that he has a direct line of communication with Hashem. Rashi (12:16) says that Shmuel was trying to demonstrate to the people that just like he could use his tefilla to prompt Hashem to perform this supernatural miracle of

providing rain during the dry season, if there were to be a war, his prayers would still have the power to protect them. In reality, they had no reason to be asking for a king during Shmuel's lifetime. Even though he was old, he was just as good and strong a leader as he had ever been.

At the end of the Haftarah (12:19-22), Bnei Yisrael ask Shmuel to daven on their behalf for forgiveness from Hashem for the evil they had done by requesting a king. However, Shmuel tells them not to turn away from Him even though it is true that they have done this evil. The Radak (12:20) comments that Shmuel is reiterating that as long as Bnei Yisrael do not turn their back on Hashem, He will not turn His back on them. He wants to reassure them that as long as they are faithful to Hashem and do not try to rebel and place this new king on a higher level than Hashem or start going after vain things, then they will be okay.

The main theme of Parshat Korach, to which this section of Sefer Shmuel is the Haftarah, is Jewish leadership – the balance and trust that is necessary within the system. The primary sin of Korach was that he attempted to take away Moshe's power, especially the appointment of Aharon as the Kohen Gadol which Korach thought he himself deserved, even though it was granted directly from Hashem.

Korach, along with the followers, came to Moshe and Aharon and told them "*rav lachem*" (Bamidbar 16:3); you take too much upon yourself! According to Rashi, Korach was telling them that he believed that they took too much power and greatness for themselves and he wanted to take some of that power for himself, and therefore he gathered a group of people and tried to do just that. However, this was a failed attempt – eventually leading to his downfall – when Hashem opened the earth to swallow him and his followers.

The Haftarah was chosen for this Parsha because in it, Bnei Yisrael made an inappropriate request for a Jewish king. In other societies during those days, kings were commonly viewed as replacements for gods with unrestricted and unlimited power. If this

new king of Bnei Yisrael behaved in this way, or if the nation viewed him in this way, Shaul would ultimately have been on the same level as Korach and in turn would deserve the same type of punishment.

An important message can be learned from this. Although honor is something that many people search for in their lives, it can only be true honor if it was given by HaKadosh Baruch Hu Himself. One cannot simply decide he wants another man's honor and take it. If he does this, he will surely not receive it. Even though Shaul 'took' Shmuel's responsibilities as a ruler in a similar way that Korach strove to take Moshe's, the essential difference is that Shaul had the blessing of Hashem to step up and claim the power, while Korach did not.

Korach just did whatever he wanted, thinking he could outrun the consequences. When Shaul is anointed as king, he officially becomes a trailblazer, setting a precedent for all future kings in Jewish history. He had the choice to set the expectations for how a Jewish king should act. Either he could act in a similar way to Korach and try to take power that was not rightfully given by Hashem, or he could act appropriately, giving correct guidance to Bnei Yisrael and help them become a nation of Avdei Hashem.

The stark contrast between the Parsha of Korach and Haftarah about Shaul draws our attention to a pertinent message; we should be able to tell the difference between inferior and superior leadership, and we have the power to choose whom we stand behind in leadership on any scale – communal and political.

Anger and Makat Tzefardea

In Parshat Vaera (Shemot 8:1-2), Hashem tells Aharon to stretch his arm with his staff over the rivers of Mitzrayim, causing the frogs to emerge all over Mitzrayim. When Aharon does as instructed, the result was **וַתֵּעַל הַצְפַּרְדֵּי**, literally – the frog rose (from the rivers).

Rashi explains here that the word “*tzafardea*” is singular because only one frog came out initially. The Egyptians were angry and kept hitting the frog. The more they hit the frog, the more they multiplied until frogs covered the entire land of Mitzrayim.

Rav Yeshai Koeingsberg explains that when people are overcome with anger, it takes over their *da’at* and they don’t think rationally. This is why the Egyptians acted the way they did when the plague began. When one gets angry, it is important to stop and think for a minute as to whether this anger is justified or irrational.

When one is reading these pesukim, one might wonder why Hashem chose to plague the Egyptians with frogs as opposed to any other animal?

After the plague began, Paro calls for Moshe and Aharon and begs them to beseech Hashem: “**וַיִּסֶר הַצְפַּרְדֵּיִם מִמֶּנִּי**,” to remove the frogs from *within me*. (Shemot 8:4). Understood literally, the frogs were literally inside of him! The Or HaChaim explains that there were frogs everywhere, even in the intestines of the Egyptians. According to Harvard Health Publishing, anger is felt in the gut. The anger that the Egyptians felt that caused the frogs to spread in the first place ended up impacting them at the source of the *middah* itself.

Makat Tzefardea also had a *middah k'neged middah* aspect. The Egyptians used to send Bnei Yisrael out to bring them a variety of disgusting insects and reptiles in order to torture them. According to the Yalkut Shimoni, Hashem punished them *middah kineged middah* by sending frogs to them until the sounds of the frogs could

be heard in their stomachs! In Tanna D'vei Eliyahu Rabbah, Ch. 7, it is explained that the frogs were sent to torture the Egyptians *middah kineged middah* because of the torture they caused.

Another explanation for the possible *middah kineged middah* of the Makkah is found in Haggadat Zevach Pesach (p. 112), When Jewish babies were born, the women had to stop the babies from crying or making any noise so that the babies wouldn't get discovered and put to death. Therefore, the Egyptians were tortured by the croaking and noise of the frogs. The noises caused insanity and sleep loss. As the frogs' noises made the Egyptians angrier and angrier, they hit the frogs more and more, causing them to multiply more and the cycle was repeated many times.

In ancient Egypt, frogs represented a symbol of life, renewal, and transformation (London Global University). The Egyptians need to cleanse their sinful behavior, which is the exact opposite of what they did when acting out of anger. The frogs, which were sent as a sign that there was a need to reform and improve, ended up causing the Egyptians to continue their bad middot. Their anger caused the plague to spread to the root of their anger. The Egyptians didn't "cleanse of their evil," despite the constant messages being sent for them to do so.

By beating the frog, which was the source of life, the Egyptians ended up making their lives even worse. The first plague of Blood had the same message as Makat Tzefardea. The blood had contaminated the water, a message to the Egyptians that they needed to cleanse their actions and middot. They did not learn the message from either of these makkot and the plagues continued.

Just as Hashem provided the Egyptians with signs that they needed to cleanse themselves and fix their actions, so too with Bnei Yisrael. Hashem gives us signs when we need to change our behavior. Tzaraat starts on the walls of the home (Vayikra 14:34). If someone recognizes that and looks inwards to change himself, the tzaraat doesn't progress anymore. If he refuses to realize the need to change, the tzaraat goes into the clothing. If he still doesn't recognize the need to cleanse and purify himself, then the tzaraat moves

to the skin. Every time this happens, the tzaraat gets closer to the person's essence, until it becomes a part of him. Instead of realizing that the tzaraat is a sign from Hashem that change is needed, one often repeats their patterns of acting in the wrong ways.

The Alter Rebbe, R' Shneur Zalman of Liadi, explains in *Iggeret Hakodesh*, that being angry means that you don't have faith that what is happening to you is really from G-d. In reality, the thing or person you're angry with is just the messenger. Rav Pliskin explains that the cure to anger is understanding that "everything Hashem does is for our benefit (Brachot 60b)." He explains that the first chapter of *Mesilat Yesharim* teaches us that challenges and tests (*nisyono*) in *olam hazeh* are to purify us for *olam habah*.

The Egyptians did not pay attention to what Hashem was telling them. Instead, they let their sinful middah of anger overcome their da'at. This caused the maka to become what it did; to the extent that it reached the source of their anger, the gut.

In Pirkei Avot (5:11), the mishna refers to someone whose temperament is that he is easily angered and difficult to appease, as a wicked person. The Rambam (De'ot 2:3) writes that anger is like worshipping idols (Hilchot Deot 2:3). Hashem runs the world and everything that happens is *min hashamayim*. Anger is like *avoda zara*: both are denying Hashem's control over life.

In Kohelet 7:9 it says: "Do not be hasty to get angry because anger lies in the bosom of fools." Hitting the frog showed that the Egyptians fueled their anger to cause even more anger, which got them nowhere. They ended up putting themselves in a worse situation than they were initially in.

Anger can be destructive, as seen by the Egyptians causing the maka to escalate to such an extreme. Nevertheless, a lesson that can be taken from anger is to use it to promote self-improvement. One should redirect the feelings of anger and use it as a driving force to grow and learn from them. Though anger can't disappear entirely, it can be used for a benefit. Just as the frogs were sent as a sign to the Egyptians to work on themselves, so too Hashem would send *tzaraat* to Bnei Yisrael as a sign when there was a need for

someone to work on himself. One who received *tzaraat* had the opportunity for introspection and work on the *middah* that caused their affliction. Though *tzaraat* is not a modern phenomenon, Hashem still sends constant signals to Bnei Yisrael to reflect on. Instead of being angry when circumstances don't go as planned, one should try to realize that Hashem is sending a message; we must contemplate what we really value and what He wants from us.

Aseret Hadibrot:

Downloading from the Cloud

The Aseret Hadibrot are so much more than just ten basic commandments; they are the blueprint to life. Just like any other part of the Torah, they have many layers. By delving into deeper meanings, one can learn so much from these ten mitzvot.

The first commandment is: I am Hashem your G-d, who took you out of slavery from Egypt. Rav Hirsch explains that during the time of Egyptian enslavement, Mitzrayim was the embodiment of human power – they were the strongest nation in the world. From that very place Hashem freed the Jews. Hashem used His might to redeem His nation and prove Himself to the world. Rashi (Shemot 20:2) says that taking Bnei Yisrael out of Mitzrayim is reason enough for the nation to serve Him. This intense paradigm shift, when Hashem publicized who His chosen nation was, changed the course of history and made the Jews indebted to Him for all future generations.

Why does Hashem say, “I am Hashem,” and not outright command Bnei Yisrael to believe in Him? It is known that Hashem created the world, but there is so much more to emunah than the simple belief in His existence. Jews have to recognize His involvement in their lives. Therefore, the pasuk continues: “Who took you out of Egypt,” and not, “Who created the world”, highlighting the unique relationship between Hashem and His chosen people. Hashem created the world for everyone, but He used His might to specifically redeem Bnei Yisrael. If the Jews continue to serve Hashem, He will continue to protect them.

The second dibra is “*Lo yihyeh lecha elohim acheirim*” (20:3) – “You should not have other gods.” This commandment prohibits serving avodah zarah. In this day and age, it is very hard to actualize this mitzvah when one does not necessarily have the urge

to bow down to an iron statue in their backyard. However, avodah zarah is not just about other gods, but also about investing time and energy into things that detract from one's connection to Hashem.

Hashem created a world for people to enjoy, but balance is crucial. Enjoying sports games is a popular pastime, but why should a person get angry and upset because his favorite team lost? It is normal for a person to occasionally want to relax his mind, but at a certain point endless scrolling on social media or binge-watching television becomes too much and the important things in life get lost in the fray.

The underlying message of the prohibition of avodah zarah is not just what one is involved in, but also in what someone trusts. A rich person is only wealthy because Hashem willed it. Does he rely on his money as a given, or does he also constantly ask Hashem for continued assistance? If a person is dealing with a medical issue, does he just look for the best doctors and treatments and rely on medicine to save him, or does he also say Tehillim knowing that everything is in His hands?

The third dibra is, "*Lo tisa et shem Hashem elokecha lashav.*" which prohibits using Hashem's name in vain. The name of Hashem is so holy and special that a person cannot throw out a piece of paper with the name of Hashem written on it. Yirat Hashem means to have a sense of fear and awe of the Borei Olam, which can be worked on when one is careful with Hashem's name.

In Bereshit 39:3, the pasuk says that Potifar saw that Hashem was with Yosef. Rashi explains that it means that the name of Hashem was frequently in his mouth. If individuals put effort into including phrases such as '*Im Yirtzeh Hashem*' or '*B'ezrat Hashem*' in their daily speech, they can have Hashem with them all the time. When they verbally recognize Hashem during daily life, He becomes a more solidified presence and the individual has an easier time seeing His involvement in his life.

The basic reason for Shabbat is well known. Hashem created the world in six days and rested on the seventh and therefore were

commanded: “*Zachor/Shamor et yom haShabbat l’kadsho*,” (Shemot 20:8). Bnei Yisrael are told to rest on the seventh day as a way to emulate Hashem. It is the perfect chance to reflect on the previous days and to prepare for the week ahead. In the secular world there are movements to take “tech breaks” and to spend a couple hours without technology. Jews do it weekly for 25 hours at a time.

Shabbat is not just something that has to be kept; rather, it is a gift that Bnei Yisrael have the privilege to keep. In fact, when a person is in the middle of converting to Judaism, they are not allowed to keep a full Shabbat according to halacha because this day is special just for Bnei Yisrael (Sanhedrin 58b). This shift in mindset changes one’s entire outlook on life. Shabbat is a special time for connection with Hashem, family, and friends. Davening is different; a slower pace, more communal singing, special tefillot, more Torah. We dress differently and feel more special. Family meal time is special. All the different aspects of Shabbat are a reminder of why the day is so holy and allow us to appreciate being the *am hanivchar*.

The fifth dibra: “*Kabed et avicha v’et imecha*” instructs us to honor our parents but also serves as a reminder how grateful we should be to everyone who has helped us on the journey of life.

Each morning after waking up, Modeh Ani is said because getting another day is not a guarantee. Hashem has to be thanked for each opportunity He gives, and that appreciation should also be expressed with loved ones. Sometimes, the hardest people to be appreciative of are parents, because many things that they give can be seen as guarantees. If one is able to acknowledge them, it will be easier to recognize others.

The sixth dibra is, “*Lo Tirtzach*,” – Do not murder. The majority of people do not necessarily have the urge to injure or kill others. The Gemara (Bava Metzia 58b-59a) says that when a person shames someone in public, he is compared to a murderer. Emotional damage is equivalent to physical harm that would constitute the end of a life. It is better for a person to allow himself to be tossed into a furnace than to willingly embarrass another person.

The Gemara (ibid.) records a conversation between David Hamelech and Hashem. David tells Hashem, "If my tormentors would cut me, there would not be any blood." When a person gets embarrassed all the blood drains from his face, leaving him white. People would taunt David Hamelech about his sin with Batsheva and ask him how the Torah punishes for *gilui arayot*. The king responded intelligently, stating, "The punishment for one who commits adultery is *chenek* (strangulation), but the person still keeps his portion in *Olam Haba*, whereas one who shames a Jew in public forfeits his portion in *Olam Haba*."

One of the most famous stories of the terrible repercussions that can come about when somebody gets publicly embarrassed is the story of *Kamtza* and *Bar Kamtza* (Gittin 55b). A rich man decided to host a party. He told his servant, "Go and invite my friend, *Kamtza*." The servant made a mistake and brought the man's enemy, *Bar Kamtza*. The host's anger flared and he demanded that *Bar Kamtza* leave. *Bar Kamtza* begged the host to let him stay. He thought the host had invited him as a peace offering and was so humiliated at the thought of having to leave, he offered to pay first for whatever he ate and drank, then for half the party, then even for the entire party! But it was no help, and the man had him thrown out of the party. *Bar Kamtza* was fuming! He was removed in front of many rabbanim, but not a single one spoke up for him. To get revenge, he went to the Roman emperor and told him that the Jews were rebelling against him, inciting his wrath. This led to the destruction of the *Beit Hamikdash*, and it was all because of a public embarrassment.

The seventh *dibra* is "*Lo Tin'af*", Adultery is one of the worst *issurim* individuals can do, and the halacha is *yaihareg v'al yaavor*. Yet, the exact same action, done properly, can be used for the mitzvah of *peru urevu*, which is one of the most important obligations that a man has. A Jew's job in this world is to elevate the physical. Intimate relations may be the best example of this. When done not within the parameters of a halachic marriage, it can lead to *karet*.

But it can also be used to create closeness between a husband and wife and bring children into the world.

Food is one of the most enjoyable things in life. Humans could have been created with some sort of ability for photosynthesis, or just had little brown pellets to eat, but instead, there is a myriad of flavors to enjoy. At any moment a Jew has the obligation to make a bracha before eating and drinking. Brachot are not just about giving gratitude to Hashem; it is a symbol to Jews that they have the capacity to inject kedusha into any part of their lives. There are so many mundane things in this world that can be elevated. People just have to make the effort to do so.

The eighth dibra is, "*Lo tignov.*" Not stealing (or according to Chazal, specifically prohibiting kidnapping). The most precious gift that a person can use is time, but it is also the easiest to waste or take from another. When one spends too much time engrossed in purely physical things, they are stealing time from Hashem. He gives each person a certain amount over the course of their lifetimes, and it is crucial to use it as much as possible to connect with Him.

Stealing is often associated with items of high value. But it is the things that are immeasurable that have the highest value: time, love, joy. All of these invisible things are crucial for one's mental wellbeing. Those are also the easiest things to take away from someone else. Joy is something that can be given with a few kind words, but it can also be stolen just as easily. Love can also easily be stolen when one uses a relationship solely because they feel good in it. A person can use a friend to vent, but not be there when the friend is going through a rough time. Physical things that are stolen are usually replaceable. It's the irreplaceable things that matter most.

The ninth dibra is, "*lo ta'aneh bereiacha eid sheker* – You should not bear false witness against your neighbor." This does not just refer to being in a courtroom but also hints at a warning against spreading a false representation of Torah. Bnei Yisrael have the obligation to exemplify the Torah through their actions. Every

Jew was present at Matan Torah, whether in flesh and blood or just a neshama. Every Jew felt the world shake. Every Jew heard kol Hashem speak from above the mountain. So why are so many Jews giving up valuable halachot because they claim they are outdated, or they just do not believe in them?

There is a vast difference between saying, "I am not ready to take on this halacha," and, "I do not believe in this halacha." One might not be ready to dress completely tzanua all the time, but she should not try to claim that the halacha of tzniut only counts in action and not in clothing. After six years, an eved ivri would be set free. If he wanted to stay with his master, he would get a hole pierced in his ear. Why specifically the ear? Rashi explains that this is the same ear that heard the prohibition against having a master other than Hashem (Shemot 21:6). We cannot be selective about the mitzvot that we all heard at Har Sinai.

The final dibra is, "*Lo Tachmod*, don't be jealous." The pasuk specifically details not to be jealous about another's house, wife, servants, animals, and anything else a person might have. All of the items listed symbolize wealth or status. For many, the goal in life is to make money and enjoy any and all creature comforts. But that does not always fit into the plan that Hashem has for someone.

This dibra teaches the importance of bitachon. A person can have goals and try to achieve them, but should not get depressed if they can't be accomplished. When a person has bitachon, he is able to understand that everything is exactly what he needs. If a person has everything he needs, why would he have any reason to be jealous? It is like a surgeon being jealous of an artist's paint and brushes. Each profession has their own purpose and their own necessary tools. Nobody wants a surgeon who performs an operation with a paintbrush instead of a scalpel. Life is the exact same way. Each person has their own skills, weaknesses, family dynamic, and financial position. Hashem handcrafted all of these details to fit each individual's life. Hashgacha is the material that the universe is woven from. Hashem can be blatantly visible in this world as long as He is given the chance and one is willing to look for Him.

“Na’aseh V’nishma.” This phrase was said as a promise over 3,000 years ago. Every day that these commandments are kept is a restatement of that promise to Hashem. The mitzvot that Hashem gave are a gift. They hold Bnei Yisrael to a higher standard, setting them apart from the nations of the world. Matan Torah was the wedding between Hashem and Bnei Yisrael, and every day is a day to celebrate the anniversary by being faithful and true to the Ribono Shel Olam.

Haftarat Kedoshim:

Kedusha, Exodus, and Exile

One of the primary reasons for Bnei Yisrael's exile from the Land of Israel is because of their sin of *avoda zarah*. Why was this specific sin the one that tipped the scales and sent Bnei Yisrael into *galut*? Is *avoda zarah* the only reason why Hashem sent Bnei Yisrael into *galut*? Sefer Yechezkel (perek 20) sheds light on how *Galut Bavel* was the result of a series of betrayals regarding the covenant between Bnei Yisrael and Hashem. Additionally, Sephardim read part of this perek as the Haftarah for Parshat Kedoshim for reasons that will be expounded upon below.

The perek begins with the Elders of Yisrael coming to Yechezkel in the seventh year of *Galut Yechanya* looking for guidance from Hashem. The ten tribes had already been dispersed, and Bavel was slowly exiling portions of the Kingdom of Yehuda, starting with its leaders.

As the navi of *galut*, Yechezkel is the only link that the Jews in *galut* have to prophecy. Even the Elders feel lost and look to Yechezkel for a closer connection to Hashem. When they come to him, however, Yechezkel doesn't transmit *nevuah* or *nechama* as Yeshayahu might have, nor does he initially rebuke them harshly, reminiscent of Yirmiyahu. Hashem's response, expressed by Yechezkel, is more in line with the rebuke of a disappointed parent as opposed to the retribution of an omnipotent G-d.

Hashem reminds Bnei Yisrael of His promise to them while they were still in *Mitzrayim* that He would take them out of Egypt and bring them to *Eretz Yisrael*. This was contingent, however, on Bnei Yisrael's abandonment of the Egyptian-influenced idol worship. They failed to do so, and Hashem declared that they didn't merit *Yetziat Mitzrayim*. Nevertheless, Hashem saved them for the sake of "His name".

While in the desert, prior to entering Eretz Yisrael, Hashem gave them laws and statutes to follow, including Shabbat. But once again, Bnei Yisrael failed to heed His word and deserved to be annihilated. Nevertheless, even though they weren't deserving, Hashem was not willing to desecrate His name, and brought them in to Eretz Yisrael. However, their inheritance of the Land is dependent on their adhering to Hashem's laws and commandments, especially the observance of Shabbat.

How does this narrative connect to Parshat Kedoshim? The opening line of Parshat Kedoshim – "*kedoshim tihyu*" – is central to its structure. The mitzvot mentioned in the parsha are those closely associated with kedusha. An obvious connection between the parsha and the Haftara is that Shabbat and idol worship, two of the mitzvot highlighted by Yechezkel, are mentioned at the beginning of the parsha (Vayikra 19:3-4).

However, the connection goes much deeper and gives an understanding of the nature of galut. The Malbim (Yechezkel 20:7) highlights an essential point. In choosing Bnei Yisrael to be His nation, Hashem demanded of them to transform to an Am Kadosh. He warned them not to defile themselves with the idol worship of Egypt. On the contrary, writes the Malbim paraphrasing the opening of Parshat Kedoshim: **והייתם קדושים כי קדוש אני**. If they had remained associated with Hashem, they themselves would have become kedoshim. This is why the next pasuk is so heartbreaking.

וימרו בי ולא אבו לשמע אלי איש את שקוצי עיניהם לא השליכו ואת
גלולי מצרים לא עזבו.

Hashem had a deep desire for Bnei Yisrael to choose kedusha, and in the end, not only did they fail to choose it, they ran toward the defilement of avoda zarah. In the Parsha, Hashem instructs Bnei Yisrael: *kedoshim tihiyu!* The Haftarah depicts how far Bnei Yisrael fell from Hashem's expectations.

Why did Hashem expect more from Bnei Yisrael after Yetziat Mitzrayim? What about the nature of leaving Egypt connected Bnei Yisrael to kedusha? The Maharal of Prague (Gevurot Hashem 40)

explains the idea of Bnei Yisrael's rise in kedusha through Yetziat Mitzrayim and *Kriyat Yam Suf*. He quotes the Mechilta that Hashem told Moshe that He would definitely split the sea (Shemot 14:16) because if he had separated land from water for the creation of Adam, He would definitely push aside the water for the sake of turning Bnei Yisrael into a nation.

The Maharal explains that water is the essence of physicality, whereas Adam's essence is spiritual. The former must give way to the latter. How much more so with Bnei Yisrael who acquired a spark of spiritual G-dliness when they left Mitzrayim.

This is why avoda zarah is such a terrible betrayal. Hashem chose Bnei Yisrael and lifted them up from physicality to spirituality. By choosing to embrace the physical desire for idolatry and the ways of the other nations, Bnei Yisrael tried to remove themselves from the spirituality that Hashem granted them at Yetziat Mitzrayim and *Kriyat Yam Suf*.

While avoda zarah plays a key part in understanding this idea, the Haftarah dedicates a great deal of time discussing the gravity of Bnei Yisrael actively choosing to turn away from Shabbat. Hashem says (20:12):

וּגַם אֶת שַׁבְּתוֹתַי נָתַתִּי לָהֶם לִהְיוֹת לְאוֹת בֵּינִי וּבֵינֵיהֶם לִדְעַת כִּי אֲנִי ה' מִקְדָּשָׁם.

Hashem is saying that He gave us Shabbat as a time to embrace kedusha. Radak explains that Shabbat represents the idea of the separation of Am Yisrael from the other nations and serves as a reminder of Yetziat Mitzrayim. In the Friday night kiddush we make reference to Shabbat being '*zecher l'Yetziat Mitzrayim*'.

What is the connection between *kedoshim tihyu* and Shabbat? By observing Shabbat, Bnei Yisrael are given the ability to sanctify not only the day, but themselves as well. This is why Shabbat is considered *shkula k'negged kol hamitzvot* (Yerushalmi Brachot 1:5) This is also why Hashem focuses on this point in giving *tochacha*. As the Malbim (Yechezkel 20:13) writes, because Bnei Yisrael chose to be mechalel Shabbat, Hashem wanted to destroy them in the

desert, since Shabbat is the mitzvah most inherently connected to emunah. By keeping Shabbat, a Jew is making the statement, “I am keeping Shabbat because I believe that Hashem created the world and took my forefathers out of Egypt”. By turning away from Shabbat, Bnei Yisrael turned away from Hashem and kedusha. Bnei Yisrael failed to keep the very first two Shabbatot that they were given¹ and angered Hashem.

Finally, why does Hashem feel the need to tell Bnei Yisrael that it is because of “*kavod shemo*” that they were taken out of Mitzrayim and brought into Eretz Yisrael? He mentions it in both pesukim 10 and 14 when discussing Bnei Yisrael’s iniquities. However, towards the end of the Haftarah (pasuk 17), Hashem’s tone shifts. He doesn’t say למען שמי. Instead He says:

ותחס עיני עליהם משחתם ולא עשיתי אותם כלה במדבר.

But My eye pitied them, rather than destroying them, so I didn’t put an end to them in the wilderness.

Why the sudden shift from such a harsh tone to a significantly softer one? The Malbim here has a fascinating answer. He says that in the beginning, Hashem spared Bnei Yisrael for the sole reason of *kavod shemo*. Hashem had sworn to Avraham that we would be taken out of slavery, so He was bound to take us out of Mitzrayim. Honoring His promise was part of *kavod shem*.

When *chet hameraglim* happened, Hashem knew that Bnei Yisrael were not ready or deserving to enter Eretz Yisrael because they were lacking in emunah. He realized that He needed to leave Bnei Yisrael in the desert for forty years. In that time, they would be constantly surrounded by miracles, and this would instill a sense of emunah in Bnei Yisrael. This is why Hashem is frustrated with them when they strayed from His mitzvot and kedusha. Hashem had given them such a strong foundation of kedusha and emunah in their time in the desert.

¹ See Metzudat David (Yechezkel 20:13).

However, Hashem transmits a message of hope that is concealed in the *tochacha*. The Haftarah ends (19-20) with Hashem reiterating the need to follow His mitzvot and keep His statutes and sanctify His Shabbat. He tells Bnei Yisrael that they have another chance to return to kedusha.

As long as Bnei Yisrael unite in following Hashem's ways and accept upon themselves the yoke of heaven, they will always have the opportunity to return to kedusha. If we choose '*kedoshim tihiyu*', Hashem will always be with us and we will always have the opportunity to return to our true nature and ultimately, to Hashem.

Slavery in Mitzrayim

Parshat Shemot describes the stages of Bnei Yisrael's enslavement in Mitzrayim. In Shemot 2:23, Bnei Yisrael screamed out from their oppression and their cries rose up to Hashem. The Sforno comments that this was not due to their repenting and prayers, but rather because of the great suffering they endured.

Shortly after (2:25), the Torah says: "*vayar Elokim et Bnei Yisrael*." The Ramban explains that Hashem was originally hiding His face from them, but now He is no longer hiding His face. Yet, despite the fact that the time decreed upon them as slaves was completed, they were not yet worthy of redemption.

Why did all of this happen? The Radak explains that Yechezkel (20:8) received a nevuah that the slavery was a punishment: 'They rebelled against Me and none of them discarded the abominations: the idols and gods of the Mitzrayim. Therefore, I decided to pour My anger onto them'. Their oppression was not coincidental. Rather, it is a punishment for their wrongdoings.

There are several other suggestions of which sins may have incurred the harsh slavery and oppression, ranging from assimilation, to the sin of the Bnei Yaakov's treatment of Yosef, to Avraham's lack of emunah.

The Abarbanel (Bereishit 15) suggests a different approach, in the name of Rav Hasdai Crescas. The enslavement in Mitzrayim wasn't a punishment, but an essential step toward the divine development of Bnei Yisrael as a nation. Slavery in Mitzrayim would subjugate their hearts and prepare them to receive the Torah. Hashem desired to save Bnei Yisrael in a supernatural manner, thereby revealing Himself and His *gevurah*. They would see and believe in Hashem's Oneness with no doubt of His existence.

It says in Shemot 10:2 that Hashem did all of this so that "you will know I am your G-d". The slavery set the stage for Hashem's

direct intervention, displayed with numerous miracles. Only after witnessing these miracles, are Bnei Yisrael ready to become *ovdei Hashem* and submit themselves to the *Tzivui Eloki*. The first of the Aseret Hadibrot is "I am Hashem, your G-d, who brought you out of Mitzrayim from a house of slavery" (Shemot 20:2). The commandment to believe in Hashem is based on Hashem taking Bnei Yisrael out from Mitzrayim. And the only way that could have happened is if they were once enslaved. The slavery in Mitzrayim is a preparation for receiving the Torah and becoming a nation.

Rav Zvi Shimon (*The Exile of Egypt: Punishment or Process*) adds that their enslavement was just as important as their salvation. It strengthened the relationship between Hashem and Bnei Yisrael. They felt a sense of connection with Hashem, and they were willing to commit themselves to Him as *ovdei Hashem*. This is emphasized in Vayikra 25:55 when Hashem says "they are My servants, who I freed from Mitzrayim. I am Hashem your G-d". A slave's existence is completely directed towards fulfilling the tasks of their master. So too, Bnei Yisrael now understand that this is the real purpose of their existence and relationship with Hashem. Ironically, once you commit yourself to a life as an *eved Hashem*, you gain freedom from man.

The slavery in Mitzrayim wasn't only for the purpose of teaching Bnei Yisrael that Hashem is the one and only G-d, but to the Egyptians as well. Egypt was the center of idolatry and witchcraft at the time. Hashem wished to prove to Paroh and the Mitzrim that He is the only G-d, destroying their false pagan beliefs. It says in Shemot 7:5; "And the Mitzrim will know that I am Hashem when I stretch My hand out over Mitzrayim". Hashem wanted to express His existence, greatness and supremacy to both the Mitzrim and Bnei Yisrael.

The Shoah

Once again, the primary question at hand is why. Why did this mass enslavement and genocide happen? This is an impossible

concept to fathom or answer. In *Kol Dodi Dofek: Missing the Appointed Hour*, Rav Soloveitchik reaffirms the idea that Hashem remains hidden and doesn't hand us any answers. When all seems illogical and beyond our conceptualization, there is nothing to do but strengthen our emunah in Hashem, His judgment, and His perfection. It's our job to accept the fact that we cannot comprehend why Hashem allowed the Holocaust to transpire. It would be inappropriate to try and speculate.

Despite all this, it is possible for us, as a nation, to emerge from the dark hollows of the Holocaust with greater spiritual discipline. We learn this from Iyov when "Hashem gave Iyov twice as much as he had before" (Iyov 42:10) both in quantity and quality. This kind of suffering demands from us to steel ourselves with extraordinary strength. We are required to adopt the attitude that Iyov managed to adopt and extract a lesson from his suffering. We should strive to rise to a level where our suffering brings us to a place of spiritual reflection and view suffering as a wake up call to improve ourselves and our nation as a whole.

For example, Rav Jachter (*Iyov's Sufferings, the Holocaust and Medinat Yisrael*) points out that after the horrors of the Shoah, many Jews channeled their efforts into creating the State of Israel, married and raised large families, or rebuilt flourishing Yeshivot. The suffering did not end, but they remained committed to grow as individuals, families, communities, and most importantly as a nation, all the while using the tragedy as a motivator for growth.

Rav Yehuda Amital was a Holocaust survivor who shared many of his powerful perspectives on the Shoah. He understood that Hashem had not abandoned the Jewish nation during the Shoah. "I clearly experienced the hand of G-d during the Holocaust – only I did not understand its meaning. It was so abnormal, so unnatural, so illogical. Can one possibly begin to understand such madness? It was not natural; it was not humane. I saw the hand of G-d in everything, but I did not understand its significance" (*Forty Years Later*, pp. 138-139). Even when we recognize Hashem's hand

in history, this does not mean that we can attempt to understand His plan.

Rav Amital's Zionism was not a response to anti-semitism. He believed that our neshama's default state is to long for geulah, not for terrible suffering. He refused to interpret the Holocaust as any part of a divine plan for the Modern State of Israel.

There are those, on the other hand, who saw the Holocaust as part of Hashem's plan toward bringing us out of exile and beginning the process of geulah. This gave the Jewish people and survivors hope that they had not been abandoned by Hashem. The miraculous victory and attainment of the Jewish land after nearly two thousand years was an enormous display of *yad Hashem*. However Rav Amital refused to entertain these claims that attempted to explain or understand the Shoah.

So where does this leave us? After the Beit Hamikdash was destroyed, Daniel and the people could no longer address Hashem as awesome or mighty. The Anshei Knesset HaGedolah, however, reinstituted the language of גבור ונורא. We need our faith in Hashem in order to survive the tests and challenges of time.

However, we must understand the mindset of Jews who are not in line with this outlook. If we want our nation to survive, we must all treat and love one another as brothers, regardless of our differing beliefs or practices. If not, we will live with the threat of destruction. Anti-semitism is directed at us for the sake of our identity, not our beliefs. As Rav Amital said, *"In Auschwitz, they did not check people's tzitzit before sending them to the gas chambers; should we check tzitzit before regarding someone as a brother?"* (*Jewish Values*, p. 188).

When posing the question "why were we slaves", it is unfair to try and draw a parallel between the slavery in Egypt and Europe. Mitzrayim was a time where miracles were clear and prophecy reigned. Today, we are at a point where Hashem no longer reveals Himself – why He does what He does. When attempting to discuss the sensitive topic of the Shoah, one quickly realizes that it is beyond our emotional or intellectual capacity. The answers are

hidden. Any light that is shed is just for various forms of coping mechanisms to get us through this horrible tragedy.

In sum, it is best said in Gemara Chagiga 15a, that when R' Akiva reached the limit of human comprehension, he did not attempt to break through the barrier to Hashem. Rather, he stopped where he was. He allowed himself to go only as far as Hashem drew him.

Ezer K'negdo:

Gender Equality in Parshat Bereshit

Every practicing Jew knows that there are Halachic differences between men and women. Among these are Tefillin, Tzitzit and Sukkah, just to name a few. These halachot can cause one to wonder if there are any innate *spiritual* differences between men and women. Did Hashem create the two equal?

When in search of an answer, the best place to start is the beginning. In this case, the answer can be found at the beginning of time itself in Parshat Bereishit. In Bereshit 1:26-27, Hashem declares His intention of creating man, who will rule the whole Earth and all the animals. He then proceeds to create the man in His image: “in His image He created him, male and female He created them” (Bereshit 1:27).

Rav Sampson Raphael Hirsch notes that this sudden shift from singular to plural “already indicates the full equality of status, nay, the inner unity between man and woman... Only man and woman together make up the idea of ‘man,’ and G-d created both of them alike without intermediary, and with the same conscious effort of will power” (*Judaism Eternal* vol. 2, p. 51). Rav Soloveitchik adds that “In a word, at creation, man and woman together, and only together, achieved human dignity, *imago Dei*” (*Abraham’s Journey*, p. 116).

From this account of creation, it is clear that man and woman have an equal status. They were created at the same time, both in the image of G-d, and are on the same level, so much so that Hashem refers to them in the singular. However, this certainty starts to falter when one reads the second account of creation.

The second chapter of Sefer Bereshit details a different narrative. Hashem puts Adam to sleep, takes *achat m’tzalotav*, and

creates woman from his *tzelah* (Bereishit 2:22). Adam names her Isha, because she was taken from Ish (Bereishit 2:23).

Regarding this second account, there is an unresolved disagreement between Rav and Shmuel, whether the appendage that woman was created from was a **פרצוף** or a **זנב** (Gemara Brachot 61a). Even if we don't accept a literal interpretation, there appears to be a fundamental difference between these two opinions. If Chava was created from the **פרצוף**, that would imply that she is essentially equal to man. The second option, where woman is created from the **זנב**, a smaller, lesser organ of man, may imply that woman is a lesser being.

What is the reasoning behind this discrepancy? And why does the Torah depict a second account of creation?

When Hashem originally created them, man and woman were too similar. They had identical strengths and personalities and wanted to assume the same roles. Too many similarities makes for incompatibility, which is why the Torah describes a second "re-designed" creation where man and woman are different. Rav Soloveitchik (*The Lonely Man of Faith* p.23) writes that in the first account of creation, "each is provided with an 'I' awareness and knows nothing of a 'We' awareness...each is not speaking in unique *logo*."

What was the solution to this problem? Did Hashem really need to remodel women as inferior the second time around for the couple's relationship to work?

In Bereshit 2:18, we read, **לֹא טוֹב הָיִיתָ הָאָדָם לְבַדּוֹ אֶעֱשֶׂה לוֹ עֵזֶר כְּנֶגְדּוֹ**. It is not good for man to be alone, I will make for him an *Ezer K'negdo*, a helper corresponding to him. What is the nature of this partner? The following three interpretations attempt to answer this question.

The Ralbag suggests that a woman's role as **עֵזֶר כְּנֶגְדּוֹ** is somewhat similar to the role of the animal kingdom, in that her purpose is to serve man. The difference, though, is that she possesses a higher intellect than the animals and can serve man in a more specialized fashion (Ralbag 2:4). The problem with this interpreta-

tion is that it seems to ignore the idea of כנגדו. In order for Adam not to develop a sense of haughtiness who expect all to serve him, it's important that his עזר is to be viewed as an equal.

The Seforno (2:18) proposes that an *ezer k'negdo* is someone who is "like" equal to man. On the one hand they are equal in צלם and דמות. But the Torah doesn't say עזר נגדו, rather כנגדו. When the Torah uses the word *neged*, it means that the two are on a straight line on different sides of a scale. However, the 'כ' in כנגדו may suggest that woman is not entirely equal.

The Gur Aryeh (2:18) explains that woman is important and equal like man. They are two sides, one male and one female, opposites that unite in one power when they merit to do so. The Gur Aryeh seems to translate *ezer k'negdo* as a helper in the human mission who is equal to man but has differences that complement his.

Rav Hirsch eloquently explains this concept (*Judaism Eternal*, vol.2, p. 55) "It places the woman forthwith on a footing of equality with the man, while giving to each a different sphere of activity, so that the man cannot fill the position of the woman nor the woman that of the man. Both stand and work on the same line, they play into one another's hands and by their co-operation consummate the human task."

Rav Hirsch's words cause one to wonder: what does he mean by different spheres of activity? Can men and women's tasks overlap, or is it better for them to remain separate?

The answer to this question can be found in Kohelet 4:9-10. The pesukim teach that two are better than one, because if one were to fall, the other is there to pick him up. Rashi adds that this is why it is important for one to find a friend and a wife. Based on these sources, it is clear that a husband and wife should be able to pick the other up when one falls, and for that they need overlap in their interests and abilities. Otherwise, when one falls, the other will be too far away to reach.

A final note of interest is the relationship between man and woman after they sin. When Adam blames his wife for his eating from the eitz hada'at, he is self-infused with haughtiness and the belief that he can hold her accountable for his mistake. Rav Sacks explains that Adam maintains a superiority complex, believing the essence of his wife is that she's Isha, made from man (*The Great Partnership*, 183). However, Hashem punishes Adam for his personal mistake. Adam then realizes that his wife is just as equal and important as him. Only after this revelation does he give her a name, Chava.

Rav Sacks further explains, "That is when Adam gives his wife the name Chava, Eve, meaning 'mother of all life'. The point is not which name, but the fact that there is a name, not a noun. Species have nouns, individuals have names." Adam only recognized that Chava was his equal once he realized he could not place the blame for his sin on her.

In summation, based on the above research and understanding of the story of creation, male and female were indeed created equal. At first, they possessed the same abilities and cognition, being virtually the same. However, this level of similarity did not provide for a functional relationship, and so, in perek bet, Hashem creates them with differences. They are not separate and equal, but different and equal. Adam does not always understand this. However, Hashem, perfect and unbiased, knows their equal worth. The Yalkut Shimoni (Torah 773:11) says that "Hashem's mercy is not like that of people, who have mercy on the males more than the females. His mercy is on everyone, males and females alike". Both genders, imbued with *tzelem Elokim*, are equal in the eyes of Hashem.

Sefer Iyov:

When Did it Happen and What Can We Learn?

Sefer Iyov is one of the most painful and difficult stories to read in all of Tanach. Iyov is a Tzadik – תם וישר וירא אלקים וסר מרע – who suffers through the most horrendous tragedies. The entire sefer deals with one of the most difficult religious questions: צדיק ורע לו. Why do seemingly bad things happen to good people? It is a question that is never really satisfactorily answered.

There is much discussion when the story of Iyov happened, including one opinion that suggests it never happened at all. R' Shmuel bar Nachmani states (Bava Batra 15a) that Iyov never existed and was never created. Instead his story is a *marshal*. Rambam (*Moreh Nevuchim* 3:22) strongly holds this view. Others disagree with this approach because surely if Iyov was not a real person his name and the city he lived in would not have been specifically mentioned.

R' Yehoshua ben Korcha says (Bava Batra 15b) that Iyov lived in the time of Achashverosh as it is stated ולא נמצא נשים יפות כבנות (Iyov 42:15). The pasuk implies that during Iyov's time there was a search for the most beautiful women in the land. This is a reference to the story of Megillat Esther (2:1-4).

R' Yochanan and R' Eliezer both say that Iyov was among those who ascended to Eretz Yisrael at the start of Bayit Sheini and he studied torah in Tiveria (Bava Batra 15a). In Kol Dodi Dofek (page 16), Rav Soloveitchik alludes to this suggestion implying that one of the reasons Iyov was subjected to such suffering was because his wealth and influence could have hastened the resettlement of Eretz Yisrael and the building of Beit Hamikdash, but instead he chose not to be active like Ezra and Nechemia.

R' Elazar suggests that Iyov lived in the time of the Shoftim. There is an additional opinion (Bava Batra 15b) that Iyov was alive

during the time of Yaakov and that he was married to Dina. This is supported by the Targum (2:9) which refers to Dina, Iyov's wife. Indeed, the Midrash (Yalkut Shimoni Iyov) identifies Eliphaz HaTeimani, one of Iyov's friends, as Eliphaz, son of Esav. Another friend, Bildad Hashuchi, is identified by Ibn Ezra (Iyov 2:11) as a member of the family of Shuach, a son born to Avraham and Keturah (Bereishit 25:2).

It is taught in a Braita (Bava Batra 15a-b) that Iyov lived from when Bnei Yisrael entered Egypt until they left. This could reconcile the opinions that state Iyov lived in the time of Yaakov with those that state he lived in the time of Moshe Rabbeinu. Alternatively, this could mean that the number of years, 210, corresponded to the length of his lifetime, not that he necessarily lived in that specific timeframe.

The mainstream opinion appears to suggest that Iyov lived during the time of Moshe Rabbeinu (Bava Batra 15a). R' Levi bar Lachma concluded that they must have lived in the same generation because of the unusual usage of the word 'אפוא' in both instances. Iyov says (19:23): מִי יֵתֵן אִפּוֹ וִיכְתּוּבֹן מְלִי – that my words should be written now. Moshe says (Shemot 33:16): וְבַמָּה יֻדָּע אִפּוֹא – for how will it then be known.

Rava explains that Iyov must have lived during the spies' expedition to Eretz Yisrael in because Moshe's instructions to the meraglim: הִישׁ בָּהֶם עֵץ (Bamidbar 13:20) has a similarity to the land of 'Utz' where Iyov lived. In addition to this similarity, there is also an allusion to the righteousness of Iyov that served as a protection to his generation, just as a tree provides protection and shade from the heat of the sun.

Finally, there is a famous Gemara (Sota 11a) that reiterates the idea that Iyov lived in the time of Moshe Rabbeinu and suggests why he was forced to endure such hardships. Three noteworthy people were consulted by Paroh regarding his question of how to deal with the Jewish people. These were Bilaam, Iyov and Yitro.

Bilaam advised Paroh to enslave the Jewish people. He was punished by being killed in the war with Midyan. Yitro ran away in

protest and in the merit of this, his descendants were members of the Sanhedrin. Finally, Iyov remained silent and because of this was punished with all the terrible things he underwent. This idea carries an extremely relevant message for us that until today, silence in the face of danger and destruction is a negative thing and not an acceptable response.

We are told in a Braita (Bava Batra 15a) that Moshe Rabbeinu wrote Sefer Iyov. According to this, the story must have happened either during Moshe's lifetime or before. It is of great significance and comfort that Moshe wrote this sefer because it shows that even in all his greatness, he still struggled greatly with the same question many of us have – why the righteous suffer. Moshe pleaded with Hashem to understand this, pleading: *הוֹדִיעֵנִי נָא אֶת דְּרֹכְךָ וְאֵדְעֶךָ* – “Show me Your ways that I shall comprehend You.” (Shemot 33:13)¹

Sefer Iyov has many essential messages in terms of our relationship with ourselves, Hashem and others. The key is that because of our limited human perception, we cannot expect to comprehend the mystery of suffering. We are taken on Iyov's long and arduous journey from living a life of divine blessings to utter devastation. Ultimately, despite numerous proposed solutions, our question of *צִדִּיק וְרָע לֹ* is left unanswered.

Elihu, the last of Iyov's friends, tells Iyov that his mistake is thinking he understands how Hashem works and admonishes the other friends for speaking inappropriately to Iyov by claiming that he must deserve all the terrible things happening to him. Even Eliphaz, who encouraged Iyov to move forward and do something constructive, is criticized.

This sheds light on how to deal with friends who are in pain; sometimes it is more correct to validate their feelings and comfort them instead of offering solutions and explanations. There is no one particular way that is suitable for everyone at every time; we need to use our emotional intelligence to discern what our friends need at times of difficulty.

¹ See Gemara Brachot 7a.

The debate surrounding when the story of Iyov took place, if indeed it did, is fascinating; but ultimately the message it teaches is pertinent whether it happened during the time of Esther, Shoftim, Yetziat Mitzrayim, Yaakov Avinu or it was simply a *mashal*. Iyov teaches that one can never understand the ways of Hashem but within limits, we are still encouraged to question. After all, even Moshe Rabbeinu did. And in the words of Rabbi Sacks, “in the end it is not Iyov’s comforters, who blamed his misfortunes on his sins, who were vindicated by heaven, but Iyov himself who consistently challenged G-d.”²

² rabbisacks.org/archive/why-does-god-allow-terrible-things-to-happen-to-his-people/

Torah Personalities and their Challenges

Tanach is filled with a variety of characters and a plethora of personalities. There are times when Hashem puts these characters in challenging situations and they often respond in questionable ways. The commentators often disagree when evaluating the character's actions.

In the span of six days, Hashem created a world filled with a variety of plants, animals, and resources for the enjoyment of humanity. Hashem gave the two humans a single instruction – refrain from eating the fruit of the **עץ הדעת** (Bereshit 2:17). A few pesukim later we find both Adam and Chava eating from the tree despite Hashem's explicit instructions (3:6). The mefarshim argue whether or not Adam deliberately sinned when he ate from the **עץ הדעת**. Ibn Ezra explains that Adam ate "**עמה**", with her, in reference to his wife, Chava. According to this explanation, both Adam and Chava knew that they were committing a sin by eating the fruit.

The Ohr Hachayim argues that Chava fed Adam fruit from the **עץ הדעת** without him knowing, and therefore, Adam didn't deliberately sin. According to this opinion, Adam was not deserving of a strict punishment, so the land was cursed instead (3:17).

In the next parsha we read about the story of Noach and the **דור המבול**. Hashem appears to Noach and tells him of His plan to destroy the entire world besides Noach and his family. As Hashem instructed, Noach proceeds to build the Ark and warn the people of the impending doom. The Torah (Bereshit 6:9) describes Noach as an *Ish Tzadik*. Rashi explains that Noach was only considered a tzadik of his generation; had he lived in Avraham's generation, Noach would not have achieved that status. Despite this, the Torah praises Noach and refers to him as a tzadik to demonstrate that he

was the only one in his generation who followed Hashem's commandments.

There are other commentators who agree with Rashi and further explain why Noach's character does not compare to Avraham's. Rabbeinu Bachaye writes that Noach didn't daven to Hashem to save the people of his generation, but rather accepted that Hashem would destroy the world. In contrast, Avraham begged Hashem to save Sedom and continued to daven for its salvation (ibid. 18:23-33).

Other mefarshim disagree with Rashi and believe that Noach was a great tzadik.¹ Seforno explains that Noach went out of his way to help and support others. Rav Hirsch explains that Noach was an *Ish Tzadik* despite the fact that everyone around him was evil. This makes Noach even greater; he was able to remain strong while those around him were terrible people worthy of being destroyed.

After the world is destroyed and then rebuilt, Avraham is told by Hashem to leave his home in Charan, and he ultimately arrives in Canaan. Soon after, a deadly famine ravages the land of Canaan, and Avraham decides to leave (Bereshit 12:1-10). The mefarshim argue whether his decision to leave Canaan was what Hashem wanted. The Ramban (12:10) believes that Avraham should have stayed in Canaan and trusted that Hashem would take care of him despite the famine. Rav Hirsch agrees with the Ramban and believes that Avraham didn't have enough faith in Hashem. Avraham should have believed that Hashem would provide food for him had he stayed in Canaan.

However, the Mishna (Avot 5:3) argues that Avraham was tested ten times and passed every test, implying that Avraham dealt with the famine correctly. The Abarbanel on the same passuk disagrees with Ramban's opinion and quotes the Mishnah. He says Avraham was right to leave and did not sin in this situation.

The Ha'amek Davar supports this opinion by explaining that Avraham tried to remain in Canaan as long as possible. Avraham

¹ See Sanhedrin 108a

had complete faith in Hashem following Hashem's instruction of settling in the land, and left only when he could no longer remain, although he still had every intention of returning.

Yishmael is another personality in Bereshit whose character is hard to evaluate. Avraham sends him out of his home after Sarah sees him מצחק. (Rashi 21:9 suggests that Yishmael was violating the three cardinal sins.) Yet, when he is dying of thirst in the desert, Hashem saves his life, despite the protests of the Angels. They are forced to admit that presently Yishmael is a tzaddik (Rashi 21:17). Later on (25:9), Rashi comments that Yishmael did teshuva many years later.²

Some suggest that Yishmael's original sin was not so terrible. His מצחק involved an argument over Avraham's inheritance, not an act of murder, idolatry or adultery. Others suggest that Yishmael was too young at the time to be punished harshly by the heavenly court. (See Sifte Chachamim 21:17)

Aharon, the Kohen Gadol, held a stellar reputation of being one of our greatest role models in Jewish history. Yet, there is one incident where we question whether he acted correctly. When Moshe went up to receive the Torah from Hashem, Bnei Yisrael counted the days and waited for Moshe to return. Unfortunately, Bnei Yisrael miscalculated and expected Moshe to come down the mountain a day before it was intended. Since Moshe did not return when they expected, Bnei Yisrael believed Moshe died, leaving them leaderless. The nation decided they needed a new conduit to G-d and approached Aharon with the idea to make an image for them to worship. Aharon apparently agreed and assisted in creating a golden calf (Shemot 32:1-6).

Throughout the story, Rashi explains that Aharon tried to stall or delay the calf's creation and its worship through a series of tactics, but failed to do so. According to the Chizkuni (Shemot 32:2)

² See Rambam (Hilchot Teshuva 7:6-7) regarding an individual's ability to change overnight from one who is despised and hated by Hashem to one who is beloved and dear.

however, Aharon decided to help with the production of the calf because he knew it was a meaningless leader that would readily be abandoned by Bnei Yisrael as soon as Moshe returned. Rav Hirsch (Shemot 32:1) has a different opinion, explaining that if Aharon had chosen not to partake in the creation of the golden calf, Bnei Yisrael would kill him. (See Rashi 32:5) Therefore, even though creating the golden calf was a tremendous sin, it didn't compare to the murder of a man who was both the Kohen Gadol and a Navi. Although the surface reading of the story makes it seem as if Aharon sinned greatly, the mefarshim all agree that his intentions were pure.

Many personalities in Tanach have faced challenges in their lifetime. Mefarshim often argue whether they deserve praise or rebuke for the way they responded. Adam, Noach, Avraham, Yishmael, and Aharon are a few of these characters who were put in challenging situations and faced difficult decisions. Much wisdom can be gleaned from the different approaches of the commentators.

Parshat Bamidbar and the Hoshea Haftarah

Hoshea is the first Navi in Trei Asar. He is the son of Beiri and prophesied during the time of the kings Uziyah, Yotam, Achaz and Yechizkiyah from Malchut Yehuda and Yiravam ben Yoash from Malchut Yisrael (Hoshea 1:1). And although three other prominent Neviim were active at the same time (Yeshaya, Amos and Micha), Hoshea was considered the greatest of them all (Pesachim 87a).

The nevuot of Hoshea are a collection of prophecies warning Bnei Yisrael that if they keep acting the way they are, they will be destroyed by Ashur. The time that Hoshea is prophesying in is an extremely dark time period for Bnei Yisrael: they are serving avodah zarah and betraying Hashem, along with countless other sins. Hoshea uses a *mashal* of an unfaithful wife to parallel our betrayal of Hashem and His Torah.

Rav Yaakovson in Chazon Hamikra divides the Haftarah (Hoshea chapter 2) into five sections. The first section (pesukim 1-3) comforts Bnei Yisrael that we will be as numerous as the grains of sand by the sea and unite as one. We will be called בני קל חי, because we will return to being the children of Hashem. Targum Yonatan (pasuk 3) explains that if we return to Hashem's Torah, then Hashem will have mercy on us.

Pesukim 4-7 compare Bnei Yisrael to a wife who is disloyal to her husband. In Hoshea's mashal, the disloyal wife has committed adultery and acts shamelessly, symbolizing Bnei Yisrael's desire to follow in the ways of other nations. She believes that her lover is the one who physically sustains her, and she has children with him. Hashem will strip her of everything that she has, including her children until she is completely bare as the desert (representative of galut).

In pesukim 8-9, there is a spark of regret when she begins to suffer from the dreadful punishment, but her path will be filled with

thorns and she won't be able to find her way. Although she will search for her lover, her efforts will fail. She will decide to return to her first and rightful husband, but it will be too late and will not save her from further punishment. Even though her attitude has somewhat shifted, Hashem will still give her the punishment because she needs to be cleansed from her sins.

Pesukim 10-15 describe the intense and painful punishments she will endure. The grains, wine, and wool that she worked so hard to acquire will be stripped away from her. The wool and linen that covered her nakedness will be taken as well. In order for her to realize that she was chasing the wrong source, she needs to lose everything through the hand of Hashem. She will be disgraced and nobody will save her, and she won't be able to celebrate Shabbatot or holidays. Everything that she had previously used to chase her lovers, representing her desire for *avodah zarah*, like her jewelry, will become a part of her destruction.

Beginning with pesukim 16-19, there is a dramatic change in the relationship between Hashem and Kneset Yisrael. Although she is wandering in the desert with absolutely nothing, Hashem will tell her that there is hope for her to come back and return to the Land which once more will become productive.

As part of her cleansing process, Hashem will remove the names of the idols from her mouth. Although the initial step of *teshuva* needs to come from Bnei Yisrael, Chazal (Yoma 38b) tell us that one who comes to purify himself will merit Divine assistance in the process.

We will once again refer to Hashem as **י"א**, and our relationship will be built on a pure youthful love. Hashem in his infinite kindness comforts us with words of consolation. He returns the vineyards that were previously stripped away from her, presenting us with great hope for a beautiful future. Similarly, we too often suffer greatly in *galut*, but we know that everything comes from Hashem even when He appears to be hidden. *Im yirtzeh Hashem*, we will soon return to Eretz Yisrael and Hashem will bring the *Geula*.

The last set of pesukim 20-22 describe the renewed engagement between Hashem and Bnei Yisrael. We will now live in peace

and we will have a covenant with Hashem, without any concern for harm whether through human hands or the animal kingdom.

This new relationship with Hashem will be forever: **וְאֶרְשְׁתִּיךָ לִי לְעוֹלָם**. Just as it is customary to give a gift when a couple gets engaged, Hashem grants us His love and trust, which is the greatest possible gift we could receive.

Parshat Bamidbar begins with Bnei Yisrael preparing to travel in the desert. Hashem lovingly counts each of the tribes, and delegates responsibility for the Mishkan. In the beginning of Hoshea, we are informed that we will grow into a large nation, too many to count. In Hoshea perek bet, the unfaithful wife representing Bnei Yisrael, is sent out to the desert. But she too is embraced by Hashem and has a renewed marriage with Hashem. The renewed marriage is parallel to the jobs in the Mishkan, which signifies our covenant with Hashem.

There is a clear significance in sending us into the desert. In Hoshea (2:5) Rashi comments on the words: **וְשִׁמְתִּיהָ כַּמִּדְבָּר**: The desert alludes to Bamidbar 14:35 when Bnei Yisrael 'were in the desert complaining and saying that they wanted to return to Mitzrayim. Hashem responded: **יָמוּ וּשְׁמָם יָמוּ** – in this desert they will die. The desert is a cleansing process for the nation to come back to Hashem, but if they do not do teshuva then they will die there.

In order for us to come clean to Hashem we must be placed in the circumstance of a desert with nowhere to turn besides for Hashem. "G-d did not exile Israel from the land and punish her in the desert out of eternal rejection, but rather, in order to reach a state in which the gift of the land could be appreciated."¹

There are multiple places throughout these texts that show Hashem's kindness throughout his rebuke. Whenever Hashem has to put us through a difficult experience there is always love behind it, because ultimately Hashem only wants us to come closer to Him.

¹ Rabbi Astor, מתוך האהל, p. 316

Parallels with the Story of Shimshon

Sefer Shoftim takes us on a journey of the period of the Judges. It is a 355 year cycle – people turn away from serving G-d, He sends an enemy to attack them, they become desperate and cry out to Him. Hashem sends a judge to be a military and spiritual leader who brings the whole nation back to the right path.

The story of Shimshon stands out as one of the most well-known stories in Sefer Shoftim. Before Shimshon is born, there is an entire introductory perek talking about his parents Manoach and his wife. Unlike most other figures in Tanach, Shimshon's mother discovers from the mouth of an angel that she will become pregnant. By looking at the events preceding the angel's interaction with Shimshon's parents, we can glean some insight into this unusual introduction to their son who is yet to be conceived.

Perek 13 begins by telling us that Bnei Yisrael were in the hands of the Plishtim for forty years because they turned against Hashem. This follows the story of Yiftach fighting the Ammonites, fulfilling his *neder* to sacrifice his daughter and subsequently fighting the Ephraimites. We then enter into the world of Manoach.

What is the significance of Shimshon, who will soon be conceived, being spoken of at this turbulent time? Why is it necessary for there to be such detail of the story of his conception?

Interestingly, the opening pesukim relating to Manoach closely parallel those relating to Elkanah, the father of Shmuel, found at the beginning of sefer Shmuel:

ויהי איש אחד מצרעה ממשפחת הדני ושמו מנוח ואשתו עקרה ולא ילדה. וירא מלאך ה' אל האשה ויאמר אליה הנה נא את עקרה ולא ילדת והרית וילדת בן.

ויהי איש אחד מן הרמתים צופים מחר אפרים ושמו אלקנה בן ירחם בן אליהוא בן תחו בן צוף אפרתי. ולו שתי נשים שם אחת חנה ושם השנית פנינה ויהי לפנינה ילדים ולחנה אין ילדים.

Both include a brief description of the men and depict wives who are barren. Each of the women is informed that she will have a child. Eishet Manoach is told not to cut the hair of her future son because he is going to be a nazir (Shoftim 13:5) while Chana davens that her child should become a nazir (Shmuel I 1:11). The Gemara (Brachot 61a) mentions another parallel: Concerning both men it is written that they walked after their respective wives.¹

The similarities between the two narratives lead us to question why Shmuel, who wrote Sefer Shoftim and this part of Sefer Shmuel, would choose to portray the story of Shimshon's birth almost identically to that of his own? It is possible that Shmuel wished to show that despite a sense of duality in Shimshon's nature, he would potentially be able to be a savior of Bnei Yisrael, similar to Shmuel himself.

The parallel also draws upon a deeper point. Perhaps it exists to show that each person has infinite potential for greatness. No one person is born better than the next, but Shimshon and Shmuel began life in almost the exact same way. This is an empowering message for us that we too have immense potential and can determine the extent to which it is achieved.

Following the angel greeting Eishet Manoach, she proceeds to tell her husband that a messenger of Hashem informed her they were going to have a son (Shoftim 13:6-7). Manoach's initial reaction was to call out to Hashem and ask Him to resend the angel to give direction on how to raise their soon to be son (13:8).

The pasuk uses a somewhat unusual word to describe Manoach's davening. The word 'vaye'etar', according to Metzudat Tzion, means to have an immense amount of tefillah. This word is also used to describe Yitzchak when he pleaded to Hashem that his wife Rivka should conceive (Bereishit 25:21). Hashem then listens to the call of Manoach and the angel greets Eishet Manoach in the field

¹ Tosafot write that no such pasuk exists and therefore this line in the Gemara is a mistaken later addition. However, the Maharsha finds justification for the Gemara's observation.

but Manoach is not there (Shoftim 13:9). Eishet Manoach runs over to her husband to tell him that the messenger has reappeared. Manoach queries him whether he is really the man who told them the news. The man replies affirmatively and Manoach asks what to expect of his future son. Metzudat David (13:12) explains that Manoach needed a sense of reassurance to validate the message. The angel then tells Manoach everything he told his wife regarding his son being a nazir (13:9-14).

The next part of the perek seems very similar to another instance in Tanach. Manoach wants to offer food to this man but the man instructs him to offer it as korban to Hashem (13:15-16). In the following pasuk Manoach asks the angel his name. According to the Malbim, Manoach assumed the man was a prophet and wanted to reward him by offering food. Alternatively, Manoach wanted to know his name in order to publicize his greatness when the blessing would come true. However, when the angel declined, he then saw that the ultimate kavod would be to turn to Hashem.

The fact that Manoach didn't initially think the angel was a heavenly being, seems very similar to the reaction Yaakov had when he faced an angel. When Yaakov was fighting with this man, he demands to know his name: הַגִּידָה נָא שְׁמֶךָ (Bereshit 32:30); Manoach did the same, asking מִי שְׁמֶךָ (Shoftim 13:17). The events that happen afterward however, are slightly different. Both Yaakov and Manoach receive responses from their messengers – why did you ask me this? In Yaakov's case, his name is changed from Yaakov to Yisrael and the name of the place is called פְּנִיאל because he saw the face of an angel of Hashem.

Manoach, however, prepares his korban and offers it up as a fire descends from the sky consuming the angel and the korban. The Ramban (Shoftim 13:20), draws our attention to the similarity of this instance with the story of Gidon when the fire consumed the meat and then vanished along with the angel (Shoftim 6:21). After this account, Manoach and his wife both fall on their faces and fear their death because they now understand that they were looking at an angel of Hashem (13:20-21). Eishet Manoach, however, reas-

sures her husband that Hashem would have never told them any of this or accepted their korban if they were doing something wrong (13:23).

The last part of the perek talks about the birth of their son, Shimshon. Shimshon is a very complex character; some aspects are praiseworthy, while others appear to be unworthy of a great *shofet*. (For example: He kills multitudes of Plishtim who had oppressed Bnei Yisrael, but nevertheless marries women of Plishti descent.)

Shimshon himself was a nazir. This explains why this story was chosen as the Haftarah for Parshat Nasso. The pesukim in Parshat Nasso discuss the laws of nezirut (Bamidbar 6:1-27). A nazir is not allowed to drink any sort of wine, cut his hair, or come in contact with a dead person. At the conclusion of his nezirut, the nazir brings an olah and sin offering. The nazir then shaves his head and his hair is brought with the offering.

In an article by Rav Meir Goldvicht on Parshat Nasso², he brings forth deeper insights into the connection regarding nezirut. After the parsha discusses the concept of a nazir, it continues on to describe Birkat Kohanim. Like the majority of Parshat Nasso, the ideas do not seem to have any apparent connection. The only obvious connection is that a nazir is forbidden to drink wine and a kohen can't drink wine while doing his avodah. This connection is halachic but not thematic.

At the end of one's nezirut, he brings a korban chatat. Why? The Ramban (Bamidbar 6:11) explains that a nazir brings a korban chatat because he is bringing himself back into the regular world which is full of tumah. Rav Goldvicht questions why a korban chatat would be brought before a person engages in any wrongdoing. He therefore offers a different suggestion.

A nazir has an immense amount of kedusha, but to a certain extent isolates himself from the tzibur. It is this isolation that he needs to atone for. In Birkat Kohanim, however, the kohen, despite

² yutorah.org/sidebar/lecture.cfm/711179/rabbi-meir-goldvicht/nazir-and-birkat-kohanim/

his special level of kedusha or maybe because of it, joins together with the tzibur to be part of a larger klal. The concept of nazir serves as a reminder that each of us today has a unique way of serving Hashem and it is that which we should focus on, but we should see ourselves as part of the tzibur.

Shimshon was destined to be a nazir from before he was conceived. This immense undertaking arguably could have been part of what morphed him into such a complex character – difficult to label one way or another as good or bad. To be born with an elevated expectation, bearing an immense burden of the yoke of Hashem offers immense potential and challenges. There are many positive connections made to Shimshon; his parents are compared to those of Shmuel; his father's davening is compared to Yitzchak's, and Manoach's interaction with the angel has similarities to those of Yaakov and Gidon. Shimshon, however, associated with three Plishti women which ultimately, through Delilah, led to his downfall. In addition, Manoach is referred to as an *am haaretz* by Rav Nachman (Brachot 61a).

As a nazir, Shimshon represented kedusha and possessed the unique attribute of gevurah. The synthesis of Parshat Nasso and its Haftarah Shoftim 13:2-25, teaches us the beautiful idea of our boundless potential simply due to being born as avdei Hashem and the heights of kedusha that we can strive for when our gevurah is based on kedushah and an attachment to Am Yisrael.

The Staff of Moshe

Moshe's staff is a well known object in the Torah. With it, incredible signs and wonders are performed. But what is this mysterious object? Where did it come from? What is its importance to the story of Bnei Yisrael's redemption from Egypt?

The first time Moshe's staff is mentioned in the Torah is in Parshat Shemot (4:2) when Hashem appears to Moshe in the burning bush. G-d asks Moshe "*mah zeh b'yadecha*" and Moshe replies "*mateh*". This simple introduction is the first piece of the puzzle in the story of Moshe's staff.

In the following pasuk, we see a great indication that this is no ordinary stick. It is transformed into a snake, and then back into a staff. This is the first of many supernatural occurrences that happen with this staff. Subsequently, Hashem commands Moshe to take this staff and use it to perform signs and bring about plagues when he returns to Mitzrayim.

But something unusual occurs in the Torah's description of the staff. When Moshe gathers his family to go back to Egypt he takes along his stick, but it is no longer referred to as his *mateh*. Instead, it is now *mateh HaElokim* (Shemot 4:20). What made it into a divine staff? Was it the miracles that transformed it, or is this status independent of what it would do in the future?

The Midrash Tanchuma (Va'era 8) writes: No one may use the scepter of a human king, but the Holy One, blessed be He, handed His scepter to Moshe, as it is said: *And Moshe took the scepter of the Lord in his hand*. This seems to indicate that the staff of Moshe did indeed have G-dly origins. This was not an ordinary stick that Moshe picked up from the ground. But where did Moshe acquire this staff?

The midrash, Pirkei D'Rabi Eliezer (40), relates that this staff was given to Adam by Hashem in Gan Eden. There is an idea found

in kabbalistic writings that this stick that Hashem gave to Adam was taken from a branch of the *etz hadaat tov v'ra*. This imbued the staff with tremendous potential for both good and bad, *tov* and *ra*. This is evident in the incredible miracles performed with it, but also in the sin that Moshe committed with it.

There are opinions that describe the staff as being inscribed with specific words or letters. Some say that the name of Hashem was written on it (Pisiktah D'Rav Kahana 19:6), while others say it had the acronym of the ten plagues on it (Midrash Tanchuma Tazria 8).

The Midrash continues, explaining that Adam passed it to Chanoch, who gave it to Shem, who gave it to Avraham, and it stayed in the family when Yaakov went down to Mitzrayim. After Yosef died, Paroh confiscated it and took it to his palace. At the time, Yitro was one of Paroh's advisors. When he saw the staff, he desired it for himself and took it with him to Midian. There, he planted it in the ground of his garden and no one was able to remove it. That is, until Moshe came. Moshe read the writing that was on the staff and pulled it out of the ground, leading Yitro to believe that he was to be the redeemer of the Jewish people. [There are opinions that the staff was inscribed with specific words or letters. Some say that the name of Hashem was written on it (Pisiktah D'Rav Kahana 19:6), while others say it had the acronym of the ten plagues on it (Midrash Tanchuma Tazria 8).] From there, Moshe used this stick to shepherd Yitro's sheep, and this is the stick in his hands when he stumbled upon the burning bush.

As mentioned, the first indication in the Torah that this is no normal staff is when Hashem commands Moshe to throw it on the ground and it turns into a snake. After that, Aharon uses the staff to start the *makot*. He hits the water with it (7:20), and the water turns to blood. Subsequently, the plagues of *tzefardeah* (8:2), *kinim* (8:13), *barad* (9:23), and *arbeh* (10:13) are all performed with either Moshe or Aharon using the stick.

But those aren't the only wonders performed with the holy staff. Moshe is also commanded to use his staff at *Kriyat Yam Suf*

(14:16), and according to the Mechilta D'Rabi Shimon Bar Yochai he also used it to bring down the mahn and slav (Bamidbar 11), and conquer the lands of Sichon and Og (Bamidbar 21).

However, after all these amazing miracles performed with the staff, another facet is presented. With this staff, we see the downfall of Moshe Rabeinu, the great leader. Moshe is commanded to take up the staff after leading the Jews through the desert when Miriam's well dried up as a result of her death. Bnei Yisrael have no more water, so Hashem tells Moshe to take his staff and command the rock to bring forth water (Bamidbar 20: 8-11).

The key to understanding the message of the staff of Moshe lies in the contrast of two episodes in its history – the hitting of the rock at *mei meriva* and the splitting of the sea. In each case there is a commandment and a response.

ואתה הרים את מטך ונטה את ירך על הים ובקעו ויבאו בני ישראל בתוך
הים ביבשה ... ויט משה את ידו על הים ויולך ה' את הים ברוח קדים
עזה כל הלילה וישם את הים לחרבה ויבקעו המים. (שמות יד:טז,כא)
וידבר ה' אל משה לאמר: קח את המטה והקהל את העדה אתה ואהרן
אחייך ודברתם אל הסלע לעיניהם ונתן מימיו והוצאת להם מים מן הסלע
והשקית את העדה ואת בעירם ... וירם משה את ידו ויך את הסלע
במטחו פעמים ויצאו מים רבים ותשת העדה ובעירם. (במדבר כ:ח,יא)

In both cases, Moshe is commanded to do one action but then does something different. Regarding Yam Suf, instead of raising his staff, he raises his hand to split the sea. Regarding bringing water forth from the rock, instead of speaking to the rock, he uses his staff to hit the rock.

The Kli Yakar (Shemot 14:16) explains the parallel as follows. When Hashem said "*hareim et matecha*," in reference to *kriyat yam suf*, He did not mean "raise", rather "remove". Moshe was meant to discard the stick, and not use it to split the sea. The pasuk corroborates this explanation in the response of Moshe to this commandment when it says "*vayet Moshe et yado*" (Shemot 14:21). There is no mention of the staff because there was no commandment to use it.

In the incident of *mei meriva* Hashem tells Moshe to bring the stick, but talk to the rock. The Kli Yakar continues that by

mei meriva, we see the same lashon of “*hareim*”, but this time, it is in reference to what he did with his hands. Moshe, so to speak, removed his hands, and did the miracle completely with the stick: something that Hashem did not tell him to do.

Rabbeinu Bechaye (Shemot 14:16) further expounds on this idea. He mentions that in the Midrash it says the Egyptians believed the strength of Moshe lay in his staff, and even some of the Jews believed this. When Moshe did not use his staff by the splitting of the sea, it was evident that the miracle was from Hashem – that is why it says “*vayaminu B’Hasehm u’v’Moshe avdo*” in *Shirat HaYam*.

Going back to the Kli Yakar, when Moshe chose to hit the rock with his staff, Bnei Yisrael once again began to believe that Moshe was only able to perform miracles with the staff. The support he brings from the pasuk is the fact that afterwards it says “*ya’an lo he’emantem bi*” (Bamidbar 20:12) when Hashem rebuked Moshe for hitting the rock. They no longer completely believed in the power of Hashem and His miracles. They believed in the staff.

Moshe’s staff was an incredible object that performed all kinds of miracles. But this object was just that: an object. The truth behind the matter is that it was not the staff that did these miracles and brought forth blessings. It was Hashem, and this was merely the messenger through which He chose to use. That is why Moshe’s sin of hitting the rock was so significant even though it seems so small.

All of the wonders performed through the stick were meant to instill emunah within Bnei Yisrael. Yetziat Mitzrayim is the foundation of Am Yisrael’s emunah. That is why it is such a central, prevalent theme in Judaism. Rashi (Bamidbar 20:12) explains that had Moshe spoken to the rock instead of hitting it, he would have performed an incredible *kiddush Hashem*, strengthening the Jewish People’s faith in Hashem, and encouraging them to serve their Creator. Instead, by using the staff and inviting the idea that the miracles come from a physical source instead of Hashem, Moshe did the opposite. He hindered Bnei Yisrael’s belief in Hashem’s might.

This lesson in emunah was so vital that this sin is what prevented Moshe from entering Israel. It was so important that this

staff had to be carried with them for forty years in the desert, as a reminder of who really holds the power in the world. Not a piece of carved wood, but Hashem. This staff, this living lesson, was passed from king of Israel to king of Israel, and according to the Yalkut Shimoni (Nach 869:3) one day, this very same staff will be given to Melech Hamashiach to rule over the nations of the world. On that day, we will be reminded of that vital lesson that the staff taught us: that Hashem is One, He is the ruler of the universe, and we depend on Him for everything.

הלכה

קורע בשבת

The Shulchan Aruch (O.C. 340:14) writes:

המדבק ניירות או עורות בקולן של סופרים וכיוצא בו הרי זה תולדת
תופר וחייב וכן המפרק ניירות דבוקים או עורות דבוקים ולא נתכוין
לקלקל בלבד הרי זה תולדת קורע וחייב.

Attaching papers or skins using the glue that scribes use or something similar is a subset of sewing, and one who does this is liable. Similarly, separating papers or skins that are attached, and his intentions are not just to destroy, is a subset of tearing, and he is liable.

This Halacha takes a position on three concepts in Hilchot Shabbat:

1. Definitionally, the melacha of *kore'a* does not require intent to sew the torn item afterwards.
2. Where there is constructive intent that does not extend to sewing the item, the action is not considered a *melacha she'eina tzricha legufa*.
3. *Kore'a* without the purpose of sewing in mind is not considered *mekalkel*.

This paper delves into each of these topics to gain a fuller understanding of the Shulchan Aruch's psak, and it attempts to explain why he maintains that a person is liable in spite of all three possible reasons to be lenient.

I. Three Concepts in Hilchot Shabbat

1. *Al Menat Litfor*

The Mishna (Shabbat 73a) lists "*kore'a al menat litfor [shtei tefirot]*" as one of the thirty nine melachot. The Rishonim argue about what *al menat litfor* means. Is the objective of sewing merely an example of a constructive purpose of tearing, or is it an essential component of *kore'a's tzurat melacha*?

The Rambam in Hilchot Shabbat 10:10 assumes that *al menat litfor* is not a part of the definition of kore'a. Instead, tearing with any intention of *tikkun* is included in the melacha. For example, tearing one's clothing in anger or in mourning is considered kore'a d'oraita. Likewise, one would be liable for separating papers that are stuck together.

In contrast, Tosafot (Shabbat 73b) assumes that if the action of tearing is not *al menat litfor*, it is not categorized as kore'a. R' Akiva Eiger in Gilyon HaShas explains that even inherently constructive tearings do not yield liability unless the constructive act is *al menat litfor*. All other forms of *tikkun* are not considered "*melacha chashuva*." Ritva emphasizes this even more clearly. In Makkot 3b, he explains why Rashi believes ripping open a neckhole on Shabbat is merely *makeh bepatish*. The action is lacking in *al menat litfor*, and liability for kore'a necessitates the purpose of resewing.

This latter opinion appears difficult in light of Shabbat 105b. The gemara discusses ripping one's clothing in anger or in mourning. While the Mishna's opinion is that such ripping is a rabbinic prohibition, a contradictory baraita states that a violator would be *chayav chatat*. The gemara proposes a distinction between two kinds of tearing in mourning, but is unable to resolve the contradiction because of the Mishna's assertion regarding tearing in anger. Instead, it affirms that the Mishna, which is more lenient, follows the opinion of R' Shimon and that the stricter beraita follows R' Yehuda.

According to the opinion that *al menat litfor* is part of *tzurat melechet kore'a*, this gemara presents a challenge. The gemara states explicitly that there are cases where one would be *chayav* for tearing without the purpose of sewing in mind. However, Rashi (based on Tosafot's understanding) believes that the proposed distinction regarding tearing in mourning is rejected in favor of acknowledging a *machloket* between two *tannaim*. Therefore, according to R' Shimon, a person would be *patur* for tearing whether in anger or in mourning. Both the Rif (Shabbat 37b) and the Rosh (Shabbat 13:1) codify this halachic conclusion.

Nevertheless, the word “*patur*” in the mishnah remains problematic according to Tosafot and the Ritva. If Rabbi Shimon opines that without the intention to resew there is no kore’a, tearing in anger and in mourning should be mutar, not assur miderrabbanan. In response, one might argue that in this instance, the word *patur* merely addresses the question of liability without implying that the act is rabbinically prohibited. Alternatively, one might suggest that a special edict was instituted lest one come to tear *al menat litfor*.

The Shulchan Aruch follows the opinion of the Rambam that a person is accountable for kore’a *al menat letaken*, not exclusively *al menat litfor*. Presumably, this would apply to any tearing that includes some element of tikkun. In turn, some halachot that do not seem consistent with this principle require explanation. First, Shulchan Aruch (317:3) states that *poteach bet hatzavar*, opening a shirt’s neckhole for the first time, constitutes *makeh bepatish* and not kore’a. Surprisingly, the Magen Avraham explains that the chiyuv kore’a necessitates *al menat litfor*. By contrast, the Beur Halacha (340:14) maintains that tearing a neckhole does not constitute kore’a because, by definition, kore’a implies an essentially destructive act. Therefore, rendering a shirt wearable would cause liability for *makeh bepatish* and not kore’a.

Further, the Shulchan Aruch (314:8) does not mention kore’a in the context of tearing open *chotalot shel temarim*: small basket-like containers used to hold unripe fruits. The Chazon Ish (Shabbat 51) suggests that because the person has no intention for kore’a and is only interested in what is inside the *chotalot shel temarim*, *melechet kore’a* is inapplicable. Based on this, the Shulchan Aruch’s position that *kri’ah* need not involve the objective of sewing is consistent.

2. Melacha She’eina Tzricha Legufa

Even if the absence of *al menat litfor* does not cause an action to lose its *shem kri’ah*, it may still cause it to enter the realm of

melacha she'eina tzricha legufa. Because the Shulchan Aruch clearly holds that a *melacha she'eina tzricha legufa* does not yield liability (see 316:8, 335:27), in line with the opinion of Rabbi Shimon (Shabbat 93b), he must acknowledge that separating glued papers is not a *melacha she'eina tzricha legufa*. More broadly, anyone who holds that a *kore'a shelo al menat litfor* is chayav and that one who does a *melacha she'eina tzricha legufa* is patur also must hold that *kore'a al menat letaken* is not a *melacha she'eina tzricha legufa*.

There are several major opinions in the Rishonim regarding what constitutes a *melacha she'eina tzricha legufa*. The Beur Halacha (340:14), who is convinced that *kore'a* pertains to actions with any constructive purpose, delineates a course by which several Rishonim would consider *kore'a al menat letaken* to be *tzricha legufa*.

Rashi holds that a *melacha she'eina tzricha legufa* is an action that is done in response to an unwanted circumstance (Shabbat 93b). In line with that reasoning, on Shabbat 105b, he explains that according to Rabbi Shimon, a person is patur for tearing his shirt in mourning. If one were to assume this was a *melacha she'eina tzricha legufa*, it would be reasonable to conclude that Rashi believes every instance of *kore'a shelo al menat litfor* is a *melacha she'eina tzricha legufa*. However, the Beur Halacha explains that the reason this person is not liable is not because it is a *melacha she'eina tzricha legufa*, but rather because it is considered mekalkel: Rashi doesn't consider the mourner's mitzvah of kri'ah to constitute a tikkun. Nevertheless, when the *melacha* itself is necessary, Rashi would be *mechayev* one who is *kore'a al menat letaken*.

It is evident that Tosafot considers other forms of tikkun to be *tzricha legufa*, since one who is *קורע על מנו חייב* (Shabbat 105b). This is true despite another consideration that Tosafot introduces. Like any *melacha*, *kore'a* must resemble the way it was done in the Mishkan in order to be considered *tzricha legufa*. However, Tosafot

also requires the essentially destructive melachot, such as tearing, to affect the object to which the melacha pertains (Shabbat 94a). Beur Halacha (340:14) explains that מפרק ניירות can be considered *tzricha legufa* even according to Tosafot because the tikkun is apparent in the object itself: the unglued papers. Therefore, the Shulchan Aruch holds a person liable for such a tearing.

3. Mekalkel

Kore'a is part of a class of melachot known as the mekalkelim. While these melachot are inherently destructive, to be Torah prohibited they must be done constructively. Therefore, the Shulchan Aruch must consider separating glued papers to be a constructive act.

The primary source for the concept of mekalkel is Shabbat 105b-106a. All agree that כל המקללים פטורין, but a machloket arises in defining what is a great enough tikkun to generate a chiyuv.

According to Rashi (Shabbat 106b), R' Yehuda and R' Shimon disagree about *tikkun etzel acherim*: constructiveness within an outside object. This machloket is dependent on their machloket in *melacha she'eina tzricha legufa*. One would only be chayav for *tikkun etzel acherim* if a *melacha she'eina tzricha legufa* incurs liability. If it does not, one would be exempt. However, according to Ritva's understanding, Rashi holds that *al menat litfor* is part of *tzurat melechet kore'a*. In that case, no amount of *tikkun etzel acherim* would generate a chiyuv. Regardless, the Shulchan Aruch rejects this view.

According to Tosafot (Shabbat 105a) mekalkel does not depend on *melacha she'eina tzricha legufa*. Instead, it is a completely separate klal. Tosafot considers tearing in mourning to be metaken, and while it being a mitzvah may not be a great enough tikkun to be chayav, one would be chayav for creating a shirt that a mourner is allowed to wear. Chiyuv kore'a therefore requires a minimum threshold of tikkun. To Tosafot, one is patur for doing an action that is not significantly constructive in any way.

Tosafot (Shabbat 106a) also cites the opinion of Rabbeinu Tam, who holds that actions done *al menat litfor*, *likshor*, *lichtov*, or *livnot*, wherein the kilkul is necessary for a *tikkun gamur* that improves the object, incur liability. Rabbeinu Tam is also the first to suggest that one would be chayav for other actions that are constructive immediately. In other words, for a melacha to be considered constructive, there must be a direct connection between constructive and destructive acts.

Based on this, the Nishmat Adam (Shabbat 29) questions the Shulchan Aruch's position in 340:14. He maintains that if one holds that a *melacha she'eina tzricha legufa* is patur, like the Shulchan Aruch does, a person would only be chayav for *kore'a al menat litfor*. This is not, like the Beur Halacha assumes, because otherwise it would be a *melacha she'eina tzricha legufa*, but instead is because *tikkun etzel acherim* is mekalkel. Thus the Rambam remains consistent, but the Shulchan Aruch contradicts itself.

The Beur Halacha (340:14) attempts to resolve the contradiction by proving, as was stated above, that *kore'a shelo al menat litfor* is *tzricha legufa*. However, there may be a different approach. The Nishmat Adam follows the opinion of Rabbenu Tam. If *kri'ah* is *al menat litfor*, or if the *tikkun* comes at the exact same time as the *tikkun*, one would be chayav. However, the Shulchan Aruch does not follow this reasoning and assumes that any significant *tikkun* is enough to generate a *chiyuv*. This would include **מפרק ניירות**.

The Beur Halacha himself follows what he calls Rashi's opinion (based on Rashi in Shabbat 48a) and explains why opening a neckhole on Shabbat is a problem of *makeh bepatish* and not *kore'a*. Tearing open a neckhole in an otherwise unwearable shirt is an inherently constructive act. Because the *mekalkelin* must be destructive, such an action cannot be defined as *kore'a*. One can conclude that the Beur Halacha, too, assumes that any significant *tikkun* generates a *chiyuv*, so long as the action is essentially destructive.

II. Contradiction Between Bet Yosef and Shulchan Aruch

Thus far, the ruling of the Shulchan Aruch has remained viable. There is precedent to hold that kore'a does not need to be *al menat letaken* and reason to believe that מפרק ניירות is both a *melacha shetzricha legufa* and *metaken*. However, a serious issue is left outstanding.

In his commentary on the Tur (Orach Chaim 317:3) the Bet Yosef writes as follows:

וא"ת ותיפוק ליה דמיחייב משום קורע ונ"ל דלא מיחייב משום קורע
אלא בקורע ע"מ לתפור והכא כיון שאינו ע"מ לתפור ליכא לחיובי
משום קורע.

As expressed in the Shulchan Aruch, opening a neckhole on Shabbat yields liability for makeh bepatish. In the Bet Yosef, he explains that the reason kore'a does not apply is that, definitionally, kore'a must be *al menat litfor*. This is inconsistent with his ruling in the Shulchan Aruch and necessitates explanation.

The Beur Halacha assumes the ruling in the Shulchan Aruch to be correct. In Siman 340, he writes extensively about tzurat melechet kore'a and concludes emphatically that kore'a does not presuppose *al menat litfor*. While he is puzzled by the language of the Bet Yosef, he assumes that Rav Yosef Karo changed his mind when he wrote the Shulchan Aruch. This solution, however, is rejected by Rav Moshe Feinstein (Igrot Moshe O.C.1:122:7).

Rav Ovadiah Yosef takes an entirely different approach to resolving this contradiction. It is true that the Shulchan Aruch often uses the language of the Rambam. As the Rambam is mechayev a person for doing a *melacha she'eina tzricha legufa*, he holds that מפרק ניירות is chayav for kore'a. The inconsistency exists because the Mechaber deviates from the Rambam in *melacha she'eina tzricha legufa*, and holds that one who does it, is patur. Rav Ovadiah Yosef (Leviat Chen 340) assumes that the Shulchan Aruch was borrowing the language of the Rambam, but he himself would not have written the halacha this way. While this explanation may hold merit, it is

not entirely unproblematic to say the language of the Shulchan Aruch is not precise.

One might suggest another approach based on Rabbeinu Tam (Shabbat 106a). Concerning all of the mekalkelin, he assumes that the tikkun must manifest itself simultaneously with the kilkul in order to generate a chiyuv, with one exception: tikkun gamur. Kore'a *al menat litfor*, *mochek al menat lichtov*, etc. would yield liability even without immediate tikkun, because the constructiveness that they allow for is greater than would have been possible without the kilkul. Thus there are two instances in which one would be chayav for kore'a: *kore'a al menat litfor*, and kore'a that yields immediate tikkun.

One might understand Rabbenu Tam to be defining a tolada, as opposed to explaining a klal in the mekalkelin. While the paradigmatic av melechet kore'a is kore'a *al menat litfor*, there also exists a tolada of simultaneous constructiveness. Shulchan Aruch 340:14 states explicitly that it is describing a tolada of kore'a. The Bet Yosef, however, is describing the av, and explains that one is only chayav for kore'a *al menat litfor*. One would still be chayav for separating papers because of the tolada of immediate tikkun.

To sum up the position of the Mechaber, av melechet kore'a is defined as kore'a *al menat litfor*. There also exists a tolada of kore'a wherein tikkun and kilkul manifest simultaneously.

The potential rebuttals of *chotalot shel tamarim* and *poteach bet hatzavar* can be explained fairly easily. Kore'a d'oraita does not apply in either case. In the case of *chotalot shel tamarim*, kore'a never became relevant because the chotalot were never relevant. *Bet hatzavar*, however, is classified as *makeh bepatish*. One would not incur a chiyuv for kore'a also, because tearing open a neckhole in such a way would be a *melacha she'eina tzricha legufa*. In this way, the contradiction between the Bet Yosef and the Shulchan Aruch can be resolved.

Hamantaschen: Origins and Explanations¹

Soft or crumbly, filled with jelly, chocolate, seeds, or other ingredients, and always triangular, Hamantaschen have become a central component of Purim celebrations. They are undoubtedly delicious, but where did the custom of eating these cookies, known as Oznei Haman in Hebrew, come from, and why are they eaten on Purim?

Possibly the earliest reference to an ear-shaped food comes from the Abarbanel (Shmot 16:16), who describes the מן that fell for Bnei Yisrael when they were in the desert: כמו הרקיקים העושים מן הבצק – “wafers made from dough in the shape of ears, fried and dipped in honey, and they are called ears.” While this commentary does not mention eating ear-shaped cookies on Purim, it may be the earliest reference to a Hamantaschen-like food. Because this piece was copied word for word from R. Yosef ibn Kaspi (1298-1340), it could be that Oznei Haman were eaten as early as the 1300s.

The earliest reference to ear-shaped cookies being eaten on Purim may come from a Purim comedy skit by Yehuda Sommo of Italy (1527-1592) where he mentions Oznei Haman. He jokingly writes

¹ Much of the research for this essay is based on the following three articles:

R. Eliezer Brodt,
academia.edu/9202392/The_Origins_of_Hamantaschen_in_Jewish_Literature_A_Historical_Culinary_Survey_Revisited

Philologos (aka Hillel Halkin),
forward.com/articles/10216/that-purim-pastry/

R. Yehuda Shurpin,
chabad.org/holidays/purim/article_cdo/aid/2872815/jewish/The-History-and-Meaning-of-Hamantaschen.htm

מה שאמרה התורה "ויאכלו את המן" היא אזהרה וציווי לנו שנאכל בימי that when – הפורים האלה מאוזני המן – הן המה הרקיקים הנעשים בסולת בלולה בשמן the Torah said ויאכלו את המן it was referring to eating Oznei Haman, which is described as wafers made from flour mixed with oil.²

While the above are possible references to *Oznei Haman*, which is the modern Hebrew term for Hamantaschen, the term *Oznei Haman* also refers to a Sfardi Purim pastry known as "Orejas de Haman" or "Orecchi di Haman" – "Ears of Haman" – thought to originate in Spain and Italy, respectively. It is made by frying twisted or rolled strips of dough. This is likely what Sommo was referring to in his Purim comedy. Hamantaschen, the now Oznei Haman in Hebrew, are a later Ashkenazi invention.

Modern Hamantaschen developed from a German triangular pastry known as "Mohn-taschen". Mohn means poppyseed, and taschen means pockets. This food was made from dough that had yeast in it.

The Beit Yosef (O.C. 695) quotes the Orchot Chaim (Hilchot Purim 35) that there is a custom on the night of Purim after the fast to eat food made out of seeds in remembrance of the seeds that were eaten by Daniel and his friends in the house of the Babylonian king. (See Daniel 1:8-16. Daniel requested that they be allowed to eat this food instead of eating the non-kosher food normally served in the palace.) R' Yochanan (Megilla 13a) is of the opinion that Esther did the same when she was taken to Achashveirosh's palace. The Rama (695:2) mentions this custom, prefacing it with "Some say". Although the Rama speaks about eating this on Purim, the Magen Avraham and Mishna Brurah write that the custom is to eat it on the night of Purim.

These ideas are likely where the custom to eat mohn-taschen on Purim came from. Later, as mohn-taschen became associated with Purim, the name was changed to "Hamantaschen" because of

² This play was printed for the first time from a manuscript by C. Shirman in a critical edition in 1946 and then reissued by him with additions in 1965. This piece with the quote of *oznei-Haman* can be found in the second edition on page 67.

its wordplay of “Haman’s Pockets.” With the invention of yeast in the 1840s and its rise in popularity, Hamantaschen turned from pastries into cookies. Eventually, people started filling Hamantaschen with ingredients other than poppy seeds.

Is there an element of *Chukat Akum* or *Darchei ha’Emori* in the tradition to eat Hamantaschen? After all, they originated from a secular food?! In terms of *chukat akum*, because the non-Jews ate mohn-taschen for a practical reason (they taste good), and there is no immodesty involved, there is nothing wrong with Jews eating them as well. As for *Darchei Ha’amori*, the non-Jews didn’t eat Hamantaschen for any magical or other illogical reason, so this is not an issue, as well.

Many other explanations for eating Hamantaschen on Purim have developed over the years. Some of the most popular explanations for eating Hamantaschen are the ideas that Haman wore a hat with three corners, or that Hamantaschen were shaped like Haman’s ears, and when he was killed they were cut off. The latter explanation is likely a myth that developed as a result of Yehuda Sommo’s comedy play.

Yehuda Shurpin points out that there is a deeper significance to the triangular shape of Hamantaschen. Rabbeinu Bechaya (introduction to Parshat Toldot) writes that in the merit of the Avot, Haman’s evil designs were thwarted. Alternatively, one could say that the merit of the three Avot weakened Haman. The Hebrew word for weak is **שח**. The three cornered pastries are therefore symbolic of “Haman weakeners” or Hamantaschen.

Other reasons for eating Hamantaschen on Purim include the idea that eating is a form of destruction, so when we eat ‘Haman’s ears’ it is like we are eating Haman, and therefore are figuratively fulfilling the commandment to destroy Amalek. Another explanation is that Mordechai hid his letters in pastries, warning the Jews of their impending doom.

Yet another idea is that the poppyseed filling represents the coins in Haman’s pocket that he used to pay Achashverosh to let

him destroy the Jews. One more theory is that a Hamantaschen, with its hidden sweetness, symbolizes the hidden miracles of Purim.

Although the ideas that were mentioned above are not the reason that Jews started eating Hamantaschen on Purim, they help bring the story alive and add meaning to the holiday. Nonetheless, it is important to recognize that the tradition to eat Hamantaschen is quoted by the Beit Yosef and the Rama who mention the custom of eating seeds on Purim. If one wishes to follow this custom as it is recorded in halachic sefarim, it would be appropriate to eat poppy seed Hamantaschen.

Melacha She'eina Tzricha L'Gufa: **Rashi's Opinion**

Hilchot Shabbat can be broken down into two major categories. The first are the 39 Melachot and their *tzurat melachot*, the rules and definitions specific to the melacha. The second is *klalei hilchot Shabbat*, fundamental recurring concepts which have applications throughout all of the melachot. One essential category in klalei hilchot Shabbat is *melacha she'eina tzricha l'gufa*. However, exactly what that title includes becomes difficult to define from the cases brought down in the gemara, prompting much discussion amongst the Rishonim. Rashi's outlook on the topic, although initially confusing, upon further analysis bridges the gap between the two aforementioned categories of hilchot Shabbat. Rashi opens our eyes to the world of melechet machshevet and what it truly means to do a melacha.

The discussion begins in the gemara on Shabbat 93b with a machloket between R' Shimon and Tanna Kama regarding whether or not one can carry out a dead body from a house on Shabbat. Tanna Kama deals that one who does so is *chayav*, that he be liable to either capital punishment or a sin offering, while R' Shimon says *patur*, meaning the action is forbidden only on a rabbinic level. Rashi explains R' Shimon's opinion that the removal of the corpse is a *melacha she'eina tzricha l'gufa*. Rashi then qualifies this statement by giving a three pronged definition:

- 1) *l'salka me'eilav* – he wants to remove it from himself
- 2) *b'ritzono lo ba'ah lo* – he did not want it to happen in the first place
- 3) *lo haya tzarich lah* – he has no need for it.

Rashi concludes by saying that the action is therefore lacking in melechet machshevet. Rashi's language is ambiguous and is therefore left open for further interpretation.

Tosfot in his commentary on the following daf (94a), asks a difficult question on Rashi. Tosfot understands *b'ritzono lo ba'ah lo* to mean that he did not want the situation which he is currently in, in this case meaning that he did not want the person to die. Tosfot is bothered by this concept, claiming that if this were true, almost nothing would be chayav. When one plows a field would one not rather that the field not require to be plowed in the first place? Tosfot's question is difficult to resolve because of his explanation of *b'ritzono lo ba'ah lo*. Therefore, the sefer *Binat Shabbat* attempts to defend Rashi by using an alternative definition.

An essential concept in Rashi's explanation of *melacha she'eina tzricha l'gufa* is *melechet machshevet*. One can define *melechet machshevet* as being a productive *melacha*/action, fulfilling two requirements: (a) intention for the action and (b) intention for the outcome – the essence of the *melacha* – which needs to be defined on a case by case basis.

The first example is in Shabbat 73b which discusses the case of a person digging a pit with intention for the dirt and not for the hole itself. This is a well known example of a *melacha she'eina tzricha l'gufa*. Rashi compares this to the previous case of removing the dead body. He first explains that this is a *melacha she'eina tzricha l'gufa* because he does not need to remove the body for the essence of *hotza'ah*, nor for the dead body itself. Rather, he is acting in order to remove the *tumah* from his house.¹ Rashi then goes on to define the essence of *melechet hotza'ah* as taking an object from one place to another. Here, Rashi elegantly lays out the essence of *melechet hotza'ah* so that he can demonstrate why removing the dead body would not be the classical intention and is therefore a *melacha she'eina tzricha l'gufa*.

Shabbat 94b seemingly contradicts this brief description of the essence of *hotza'ah*. The case discussed refers to someone who

¹ A dead body is *avi avot hatumah* and therefore has the ability to render an entire room impure so long as it is within it.

takes a dead body out of his house to bury it, and describes it as a *melacha she'eina tzricha l'gufa* and therefore patur. At face value this would seem to be what Rashi just defined as having intention for the essence of the melacha – wanting the object in a different place – and therefore it should be chayav.

This prompts a deeper examination into the parameters of productive hotza'ah. Perhaps one can say that productive carrying is when there is a constructive change in the object being carried and not only a change in the location (the same object moving from one location to another). Now this fits in seamlessly with Rashi's previous explanation that the body is being removed from the house "*lifanot beito*." The dead body is being removed with the intention to change the status of the house from impure to pure, rendering it a *melacha she'eina tzricha l'gufa*. The intentions of removing the body are for a change in the house but not a change in the body itself. Therefore, it is the melacha of carrying but not for the productive action of the essence of the melacha.²

An example of something that would be an intended productive carrying is demonstrated later on the same daf: bringing out a shovel to dig with it, for which one is chayav. At first glance it would seem that the shovel undergoes no productive change and therefore should not be considered hotza'ah. However, taking the shovel outside may not change the physical shovel but it does impact the shovel's identity. The shovel goes from being unusable for its conventional purpose to having the status of a digging shovel, and can thus be classified as intentional productive carrying.

In Shabbat 107b there is a case of someone who opens a wart on Shabbat. If he does it to remove the pus it is patur and if he does

² This poses a different problem, because in the case of 94b the final conclusion is that it is patur and not mutar. Therefore the case must be considered the melacha, because otherwise there would be no issue. This means that the body itself must have gone through some unintentional productive change when it went from point a to point b. This may be the change from a vehicle of tumah of the entire house to a lesser transmitter of tumah when it is outside. However this requires further explanation.

it with an intention to make an opening, he is chayav because of *makeh b'patish*. Once again, Rashi sets this up with a clear structure, beginning with the parameters followed by the tzorech: "Because the opening is the melacha, and he does not need the opening beyond now, it is a *melacha she'eina tzricha l'gufa*." First, Rashi defines the productive action of *makeh b'patish* as creating a usable hole. Since here he is doing the action with intention of different outcome, and clearly he does not need the continued use of the hole, it is a *melacha she'eina tzricha l'gufa*. *B'ritzono lo ba'ah lo* is not that he does not want the situation, as Tosfot thought, but it is that he does not have a vested interest in the productive action.

The next example on the daf is trapping a snake on Shabbat to remove a situation of danger, which is patur, whereas if it is to take the snake itself, it is chayav. Here, Rashi uses a similar structure. He says that the hunting is the melacha, but in this case he is only trapping to remove the snake so that it does not bite him. If he knew with certainty that the snake would not have bitten him he would not have trapped it at all. This shows us that his intention was not the domination of the snake i.e. the essence of productive tzad.

In Sanhedrin 84b, there is a case of someone using a needle to remove a thorn from under his skin. The question of the gemara is whether or not there is a concern about making a wound. After a discussion on the significance of *mekalkel* in the sugya, the gemara quotes R' Shimon that he is patur because it is a *melacha she'eina tzricha l'gufa*. Rashi here first defines the parameters of *shochet tzricha l'gufa* (the master category under which *chabalah* falls); one has a need for the wound itself. Here he is doing the action with a different intention. Something unique to this piece in Rashi is that he clearly elucidates the meaning of *b'ritzono lo ba'ah lo* as referring to the melacha and not the situation. Rashi says "אין צריך לחבלה" "וּבְרִצּוֹנוֹ לֹא יִחַבֵּל". This is similar to the language of Rashi all along. However, in this case Rashi removes the pronouns of *b'ritzono lo ba'ah lo* and instead uses language specific to this melacha.

The next relevant sugya can be found in Shabbat 11b-12a which discusses a *zav* going outside with a *kis* on Shabbat.³ R' Shimon holds that he is patur. Rashi explains that this is a *melacha she'eina tzricha l'gufa*, bringing us back to the aforementioned definition of productive carrying. In Rashi's words: "The *zav* does not need the essential part of melechet hotza'ah because he does not need the emission, through which the *kis* came to be." Productive carrying would have to be a productive change in the object of the *kis* that comes about through the *ziva* itself, turning it from a *kis* into a *kis ziva*.⁴ If he does not want the *ziva* it makes the productive change in the *kis* not his intention. It's not that he does not want to be a *zav*, like Tosfot would claim, rather it is that he does not want the tikun of the *kis* becoming a *kis ziva* because he does not need or want the emission itself.

The gemara Shabbat (31b) discusses a case of a person who extinguishes a fire for the sake of the candle, wick, or oil. R' Yehuda says that in all of the cases he would be chayav. Rashi explains that each case is a *melacha she'eina tzricha l'gufa* which according to R' Yehuda is chayav. The productive action of extinguishing cannot merely be extinguishing a flame. You need to be gaining something from that extinguishing that you want in the future. It cannot be a *din* in the fire because putting out the fire wouldn't be constructive, therefore it must be a *din* in the object. When you blow out a candle because you want to save the candle, your intention is not produc-

³ A *zav* is a man who has a continual emission and as part of his process of ritual cleanliness needs to monitor the consecutive days on which he had no emission. Therefore the *kis*, or pocket, of the *zav* has a dual purpose. During his days of emission it is used to maintain the cleanliness of his garments, and during his days of purification it is used to check whether or not his emission has truly stopped.

⁴ This requires further insight into what the productive difference is between a *kis* and a *kis ziva*. However, for the purposes of understanding Rashi in *melacha she'eina tzricha l'gufa* the most essential step is recognizing that Rashi must understand that there is some productive change that comes about through the emission itself.

tive, because you're not focused on any change in the candle itself. An example of productive extinguishing would be blowing out a candle so that it will light better next time. When someone extinguishes fire for the oil or candle wax, there is a productive action⁵. However, this is not the intention. It is not that next time it will be more useful for you, but that this time, when you extinguish it, you stop using whatever is getting used up.

We see the same process repeated in Shabbat 31b. The gemara goes back to the previously mentioned mishnah and asks a question on R' Yosi. R' Yosi holds that all of the examples are patur except for the *petila* (wick). The gemara asks why R' Yosi does not hold that the wick is also patur. Rashi says that "the melacha was *kibui* (extinguishing) and he didn't want the *kibui* itself, because it would have been better for him if it was never lit in the first place." Rashi is explaining that he wants the candle, not the productive extinguishing, and it is therefore the melacha but because he is not intending for the productive results. Therefore, this extinguishing is a *melacha she'eina tzricha l'gufa*.

Now, let's return to the first Rashi and see if we can resolve the issues there. If you recall, Rashi's language in describing *melacha she'eina tzricha l'gufa* had three parts. The first was *l'salka me'eilav*: he wants to remove it from himself. We can now explain that the definition is not that you don't want the situation, as Tosfot postulated; instead, it means that you do not want the productive *yetzirah* of the melacha/essence of the melacha. The second and third clauses were *b'ritzono lo ba'ah lo* and *lo haya tzarich lah*. The definition is not necessarily like Tosfot said (i.e. that he does not want the situation). Rather, you can say that he does not want or need the productive outcome of his actions. Therefore, it is lacking in *melechets machshevet*, only having intention for half (the action),

⁵ In order for it to enter into *tzurat ha'melacha* it would need to be productive in some way, otherwise it would not be a *melacha she'eina tzricha l'gufa* because it would not be a melacha at all. There must be some objective benefit in the used candle so that it will be easier to relight.

but lacking intention for the productive outcome. By explaining Rashi this way, he can be understood cohesively throughout the sugyot with an elegant approach to *melacha she'eina tzricha l'gufa*.

Climate Change and Halacha

When man is created, one of the first commands that G-d gives him is to maintain the Garden of Eden, “*L’ovdah ul’shomrah*”, to work and preserve (Bereshit 2:15). In *By His Light*, Rav Lichtenstein explains: “This is what Adam was expected to do, and part of our task in the world is indeed to guard that which we have been given: our natural environment, our social setting, or religious heritage.” Certainly, part of man's obligation from the time of inception is to maintain his natural environment.

However, this is not the only command given to Adam. He is also told: פרו ורבו ומלאו את הארץ וכבשה (Bereshit 1:28). G-d commands Adam to reproduce, to fill the world and conquer it. This implies that the purpose of the world is for mankind's sake. Humanity is entitled to use the world for its benefit and even to overpower it. Reading these two pesukim together establishes a dichotomy between our obligation to maintain the land and our right to utilize it. Built into the narrative of creation, the theme of balancing the needs of the earth with human needs emerges.

This concept is illustrated by the Midrash Kohelet Rabbah (7:13) that when Adam was first created, Hashem showed him every tree in Gan Eden and told him that everything was created for his sake. Nonetheless, he must be careful not to destroy anything because if he does, no one will repair it after him. This Midrash shows that while the entire world was created to satisfy man's various needs, mankind still has a responsibility to maintain it and cannot rely on G-dly intervention or future generations to come and fix the damage that it inflicts upon the environment.

This idea is reinforced by two pesukim in Tehillim (24:1, 115:16): השמים שמים לה' והארץ נתן לבני אדם and לה' הארץ ומלאה. Earth and everything in it belong to G-d, but simultaneously, G-d granted

humanity domain over Earth. Rav Rimon (*Shemita* p.25) discusses the significance of ownership:

A person who borrows or rents an article is permitted to use it, but only the owner is permitted to destroy it. Any property damage, other than that caused by the owner himself, incurs liability. Thus, it follows that nothing gives a person a greater sense of ownership than the right to destroy. During the Shemita year, it is forbidden to destroy produce, because we are not the owners of the produce.

Just like humanity is not the owners of the produce, it is also not the owners of the land itself. Hashem merely gave man the rights of a borrower over it. Therefore, one is forbidden to destroy it and is responsible for any damages that his actions have on Earth.

In Pirkei Avot (5:1), man is given further warning against doing any damage to the land:

בעשרה מאמרות נברא העולם. ומה תלמוד לומר, והלא במאמר אחד יכול להבראות? אלא להפרע מן הרשעים שמאבדין את העולם שנברא בעשרה מאמרות וליתן שכר לצדיקים שמקימין את העולם שנברא בעשרה מאמרות.

G-d created the world by using ten different utterances instead of just one to give a greater punishment to anyone who harms the land and give a greater reward to anyone who helps sustain it. While this statement is metaphorical, as G-d does not exert effort, nor is it possible to calculate the amount of reward or punishment that a person will receive for his or her actions, this mishna serves as a reminder that the world was given to humanity to be used, not abused.

Additionally, in Bereshit Rabba (13:3) Rav Shimon bar Yochai tells us:

שלשה דברים שקולין זה כזה, ואלו הן: ארץ ואדם ומטר. אמר רבי לוי בר חייא: ושלשתן משלש אותיות, ללמדך שאם אין ארץ אין מטר, ואם אין מטר אין ארץ, ואם אין שניהם אין אדם.

Three things in this world are equal to each other: rain, land, and man. Additionally, each is spelled in Hebrew with three letters

to teach that none could exist without the others. Without land, there would be no need for rain and without rain, the land could not survive. Without rain or land, man could not exist. Without man, the land would not be maintained. This too, is putting a check on the command in Bereshit to conquer the land. One should not be haughty and think that his needs are more important than the need to sustain the planet. Without a healthy planet, no one would be able to live. Humanity is reliant on the land to produce food to survive. Simultaneously, the land needs man to work it and to pray for rain on its behalf. Therefore, man has a symbiotic relationship with the earth, and to hurt it is only to hurt humankind in the long run.

In addition to the recommendations of the midrashim, the Halacha itself is concerned about taking care of the environment. In Devarim 20:19, the Torah states that one may not destroy trees during times of war:

כי תצור אל עיר ימים רבים להלחם עליה לתפשה לא תשחית את עצה
לנדה עליו גרן כי ממנו תאכל ואתו לא תכרת כי האדם עץ השדה
לבא מפניך במצור.

The Sifrei expounds that it is forbidden to destroy a tree in any way, even indirectly by diverting its water supply. Rambam (Hilchot Melachim 6:8) adds that this rule applies in times of peace as well as in times of war, but says that it is only forbidden to cut down a tree in a destructive manner. Cutting down trees for the sake of human needs would be allowed.

However, the gemara (Bava Kamma 91b) adds an additional warning about cutting down trees: א"ר חנינא לא שכיב שיבחת ברי אלא דקץ תאינתא בלא זמנה אמר רבינא ואם היה מעולה בדמים מותר. Rav Chanina says that his son, Shivchat, died only because he cut down a palm tree before its time. Ravina responds that if the tree is worth more monetarily when it's cut down, it is permitted to cut it down. This exchange perplexes the Sheilat Yavetz (1:76) who is bothered by Ravina's response, implying that Ravina thought Shivchat did not violate any issur by cutting down the tree. Additionally, had it been

forbidden, Rav Chanina's language of "my son died only because" would not make sense, because the word *only* weakens the phrase.

The Sheilat Yaivitz concludes that even though what Shivchat did was halachically permissible, he still died young for doing it because someone of his level of righteousness should not have cut down a young tree. He concludes that anyone who cares to protect his life should be extra cautious about cutting down trees. Even if it may be halachically permissible, there is good reason to be careful about damaging trees, let alone complete forests.

Derived from the same pasuk that forbids one from cutting down trees is the concept of bal tashchit, not to be wasteful. Rambam (Sefer Hamitzvot, lo ta'aseh 57) lists the issur to cut down trees together with bal tashchit, implying that bal tashchit is an issur d'oraita. However, in Hilchot Melachim (6:10), Rambam writes that one may not break anything in a destructive manner, and anyone who does receives *מכת מרדות*, implying that it is only a rabbinic prohibition.

The Sefer Hachinuch (529) resolves this apparent contradiction by saying that the destruction of all things is issur d'oraita. However, the act incurs only *מכת מרדות* because it is derived from the pasuk about trees The Nodeh B'Yehudah (II YD 10), on the other hand, interprets the Rambam that breaking object is, in fact, a rabbinic prohibition, and is only a derivative of the pasuk about not cutting down trees.

The gemara (Shabbat 67b) teaches that anyone who covers an oil lamp or uncovers a kerosene lamp violates the issur of bal tashchit because it causes the fuel to burn less efficiently. This concept can easily be translated into choosing efficient energy and fuel sources for cars and homes.

Additionally, Rav Hirsch (Horeb 397-398) speaks very harshly about being wasteful: "In truth, there is no one nearer to idolatry than one who can disregard the fact that all things are the creatures and property of G-d, and who then presumes to have the

right, because he has the might, to destroy them according to a presumptuous act of will. Yes, that one is already serving the most powerful idols – anger, pride, and above all ego, which in its passion regards itself as the master of things". Regardless of whether the command is of biblical or rabbinic origin, it's viewed as negatively as idolatry, and one should strive to avoid it entirely.

This command not to waste is especially relevant now when the entire world has become deeply immersed in a waste culture. The damage our wastefulness causes to the environment is both profound and avoidable. According to Plastic Oceans, roughly 380 million tons of plastic are produced per year, 50% of which are for single-use purposes. This throw-away culture may technically be permitted by the Halacha, but it clearly violates the spirit of the principle. Additionally, the Sifrei expands on Devarim 20:19, that if it is forbidden to chop down a fruit-bearing tree, all the more so to destroy the fruit itself.

A different paradigm that can be used to analyze the importance of the environment in Halacha is the case of *shiluach haken*. In Devarim 22:6-7, Hashem commands that if one finds a nest and wants the eggs he must first send away the mother bird. The Torah then promises that anyone who keeps this commandment will be granted a long life. The Ramban connects this mitzvah with Vayikra 22:28, which forbids a person from slaughtering both a mother and her child on the same day. He claims that both mitzvot stem from the issur to make an entire species go extinct and states that killing an animal and its young on the same day is comparable to making a species extinct.

Earth is currently experiencing a biodiversity crisis that, according to National Geographic, threatens a million species of plants and animals. This crisis is a direct result of human activity such as deforestation, hunting, overfishing, and pollution. If the Ramban warned that one must be cautious not to kill even a mother and its child on the same day as that is considered causing a species to go extinct, how can we not be concerned about the mass extinction

that we are directly creating? Certainly, one should be concerned from a Halachic standpoint, if not also from an ethical one and strive to minimize behaviors that are damaging to the environment.

Additionally, the issue of environmental sustainability can be viewed as one of *ben adam l'chaveiro*. The mishna in Bava Metzia (10:5) writes that one may not soak clay in a public domain, nor may they mold bricks there. This is because it is a time-consuming act that will block off a public area for an extended period and be a major nuisance. One may, however, knead clay in public because this is a shorter process. This shows that the Halacha is concerned that an individual's actions should not have a negative impact on the general public.

This idea is expanded on by a story in the gemara on Bava Batra (22b-23a). Rav Yosef had a small palm tree where bloodletters would work underneath. Crows would come, eat the blood, and then fly up to the palm tree, damaging the fruit. Rav Yosef demanded that the bloodletters move their business to prevent any further damage. Even causing damage in an indirect manner is forbidden.

In Hilchot Shechanim (11:4), the Rambam mentions four different types of damages that a person negatively impacted by never loses his right to protest against, even if he has been silent regarding their damage to his property for many years. Those damages are as follows: smoke, the odor from an outhouse, dust and anything similar, and anything that shakes the ground. The damage of these four things are determined to be so severe that even if an owner initially consented, if he realizes later that the damage is unbearable he is allowed to force his neighbor to stop any actions that may be causing it. This concept may be expanded to the realm of environmental damages which are extremely severe and have monumental impacts on every living creature's ability to survive and their quality of life.

Recently, a letter was signed by a group of 20 notable Israeli rabbis, such as Rav Yoel Ben-Nun and Rav Yosef Tzvi Rimon which emphasized a Torah perspective:

The topic of sustainability is no longer solely a matter of [the d'oraita prohibition of] Bal Tashchit [forbidden to destroy things wastefully] or taking proper care of Hakadosh Baruch Hu's world in accordance with *תן דעתך לא לקלקל* ["pay attention not to damage it"], or the many sources brought in [rabbinic] discussions of the connection between Torah, Emunah, and taking care of the world.

Today this matter touches upon pikuach nefesh on a global scale, with the full implications of those words. We are talking about a dramatic influence on people's lives in the widest sense: starvation and drought, and the human and security considerations created by refugees, as well as the massive impact on quality of life, and the existential threat. This is no longer some impending issue, it is already present right now. Its symptoms are visible to everyone, in all the various parameters by which it can be measured. We are already seeing this with the extinction of many species, which provide us a window to peek through at the world we may be heading towards.

Rav Rimon is quoted as saying:

Torah and Halacha place great importance in preserving nature. Many times, however, people make the preservation of nature a supreme value. Judaism knows how to balance different values, and prioritize humans, but, at the same time, preserve nature, animals, and more. It is of great importance that the religious world becomes a partner in the preservation of nature, and therefore helps in the preservation of the world, however, it also directs the preservation of nature to the right and precise place, so that it merges with the needs of human beings.

While it is critical, and possibly even a halachic requirement, to live in a way that does the least damage possible to the environment, there is still a balance of human needs. Maintaining the planet is crucial, but there are other competing values to take into account. While this allows individuals to live normally, nevertheless the warning in Kohelet Rabbah cannot be forgotten: if you damage the world, then no one will come after you to repair it. Every individual needs to realize that they have a personal responsibility and an obligation not to do more damage to the planet than necessary and realize that when they do damage, they are destroying

Hashem's property and not their own. As Rabbi Sacks puts it in *The Great Partnership* (p.229), "We are responsible for the preservation of nature and the animal kingdom, for we and they are part of the same continuum of life".

Safek Psik Reisha

The mishnah (Shabbat 41a) states that one may not pour cold water into an urn that was emptied of its hot water (*meicham shepinahu*) on Shabbat in order to heat the water. However, one may place cold water into that urn in order to warm the water.

In the elucidating gemara (41a-41b), Rav Ada bar Matna and Abaye each have different interpretations of the mishna's statement, as it seems contradictory. First, pouring cold water into a hot urn to heat the water is forbidden and then, pouring cold water into a hot urn to warm the water is permitted.

Rav Ada explains that the prohibited ruling is regarding pouring a small quantity of cold water into the emptied urn since the water will become very hot. However, one is permitted to pour a large quantity of cold water in the urn in order to warm the water, as large amounts will not be heated to a prohibited temperature.

The gemara raises the issue of the walls of the urn being *mitzaref* (tempered) by a lot of cold water since the metal surface will be hardened. The gemara explains that according to R' Shimon 'davar she'eino mitkaven mutar, and in this case the intention is not to temper the urn.

Abaye strongly objects to Rava Ada's explanation. *Meicham shepinahu* implies that the urn was removed from the fire, and not that the contents of the urn were emptied. The mishnah is referring to an urn that has been removed from the fire but still contains hot water. One may not pour a small quantity of water in to heat it up but one may pour a large quantity of water in to warm it up. Regarding an urn that was emptied, one may not place any water into it as the walls will become *tzaruf*.

What is the issue with cooling down the walls of the urn? *Tzaruf* occurs when the walls of the kli become hardened and more structured – the metal is tempered. Rashi explains that when you

have a hot metal kli and pour cold water into it, the walls of the kli harden. When the kli is heated on the fire, the walls become weak. Filling the kli with cold water hardens the wall and is classified as *makeh b'patish* (completing a kli).

R' Shimon responded to the issue of *tziruf* saying that the action is a *davar she'eino mitkaven* (the unintended consequence of an action) and is therefore mutar. The Rishonim ask how this could be a *davar she'ino mitkaven* – it is clearly a *psik reisha*! *Psik reisha* is a scenario in which doing one action will always cause a given result; the person knows precisely that the outcome of action A will be result B. It is clear that in this case, action A – pouring in a lot of water – will cause result B – *tziruf*.

Tosfot (Shabbat 41b) states that we cannot classify this case of *meicham shepinahu* as a *psik reisha* because it is possible that *tziruf* may not occur. Although Tosfot does not explain the reason for the uncertainty of the walls being *mitzaref*, we see that there is a *safek* whether *tziruf* happens in every instance.

The Biur Halacha 316:3 quotes the Ramban, explaining that *tziruf* would not always apply because of two *sfeikot*. The first is that perhaps *tziruf* would not occur because there is already a hot urn and the cold water may not be cold enough to cause the chemical reaction necessary for *tziruf* to occur. Secondly, *tziruf* may be a one time occurrence that has already happened in the past; once the walls of the urn are hardened, it doesn't happen again. Due to these two reasons we have a *safek* if *tziruf* applies every time. Since we have a *safek* we can no longer classify this case as a *psik reisha*.

Another case where we seem to have a *safek* whether or not something is a *psik reisha* is found in the Shulchan Aruch (O.C. 316:3). Trapping animals that are *b'mino nitzod* (usually trapped) is an *issur d'oraita*. Trapping animals that are *ein b'mino nitzod* (aren't usually trapped) is an *issur d'rabbanan*, and therefore it is still *assur* to trap flies even though they are not usually trapped.

The Tur quotes the Ba'al HaTrumah who suggests a way to avoid the *issur* of trapping flies when closing a container. If one inserts a knife into the place where one would be trapping the flies,

such as a drawer or a box, one is creating room for them to escape – therefore we are lenient and not worried about transgressing the melacha of *tzad* (trapping). The Tur, however, writes that we don't need to be stringent in this regard. The question is, why? Shouldn't it be a *psik reisha* since when you close the drawer flies will certainly be trapped and therefore assur?

Elsewhere, the gemara (Shabbat 43b) discusses the size of a hole that qualifies for relieving bees in a beehive from their trapped status. R' Shimon says one needs only a small hole and R' Yehuda says one needs a large hole. This furthers the question on the Tur – if R' Shimon says that trapping the flies is a *psik reisha* and assur, how can the Tur be more lenient? R' Shimon says that it is only not *tzad* (for bees) when there is a small hole, so how can no hole at all not be considered *tzad*?

The cases, however, are not identical. Bees are bigger than flies and beehives may be smaller than drawers. When a big bee is coming out of a small beehive it is easier to spot and trap, as opposed to a small fly coming out of a larger space. When the drawer with the flies is opened, it is less likely that a fly will be caught.

The Taz explains the Tur. The Taz agrees with the Tur and says one must pay attention to the Tur's language. The Tur does not say that it is mutar to not have a hole, he just says one doesn't have to be *midakdek*. If there are flies in the drawer that are visible to a person then it is clear that closing it would be an issue of *tzad*. Once one shoos away the visible flies, the drawer can then be closed and one need not perform a careful inspection. When the drawer is closed we have a *safek* whether or not there are flies in the drawer. This is not a *psik reisha*; rather it is a *safek psik reisha*. It is categorized this way because it is uncertain whether there are flies in the drawer or not. The Taz says that a *safek psik reisha* is equivalent to a *davar she'eino mitkaven* that is not a *psik reisha*, because action A (closing the drawer) doesn't necessarily cause result B (trapping the flies).

We are dealing in this case with a *safek d'l'she'avar*; although the situation was already determined in the past, we are unsure of the circumstances. In this case it was already pre-determined whether there are flies in the drawer when it is closed or whether there are no flies present. The person closing the drawer is just unaware of the reality but the reality already exists. *Safek d'l'she'avar* does not have the status of *psik reisha*.

The Biur Halacha 316:3 explains. Since there is a *safek* if it is a *psik reisha*, we would have thought we need to be *machmir* and not be able to close the drawer. However, in actual fact, this case is not treated as *psik reisha*, and is therefore *mutar*. Even though not everyone agrees with the Taz, if we are dealing with something that is maximum an *issur d'rabbanan* (trapping flies), we can be lenient in a case of *safek*.

A *safek l'she'atid* is also permissible since action A doesn't necessarily cause result B. The gemara (Sukkah 33b) discusses the case of *hoshana achrita*. Someone has an extra *hadas*, whose "fruit" are more numerous than its leaves, rendering it unsuitable for use. If however, the excess "fruit" were removed, the *hadas* would be usable. Normally, one is prohibited from removing the excess "fruit" since it would appear to be *metakan manna* – making a kosher *hadas*. Even if this wasn't his intention when he removed the "fruit" it is still a case of *psik reisha*. However, if this is an extra *hadas* which he may or may not be using, it is permissible.

As we discussed earlier, R' Shimon responded that the *mei-cham shepinahu* case leading to *tziruf* was a *davar she'eino mitkaven* and therefore permissible, but the Rishonim question this, suggesting it should be a *psik reisha*. Tosfot and the Biur Halacha (quoting the Ramban) are of the opinion that it is not considered a *psik reisha*; there are reasons why *tziruf* was not a certain outcome of pouring cold water into the hot urn – it is chemically unlikely or it already occurred.

The Meiri comments on the Ramban suggesting that in this case we have a *sfek sfeika*; when we have two *sfeikot* and a *sfek sfeika d'oraita* is *mutar*.

We can say that the case of *meicham shepinahu* is a *safek d'l'she'avar* because it is already predetermined before one pours the cold water into the kli whether it will undergo *tziruf*. If *tziruf* is an issur d'rabbanan, we can explain the Taz, because *safek psik reisha d'l'she'avar d'rabbanan* is equal to a *davar she'eino mitkaven* and therefore this whole case of *meicham shepinahu* would be mutar. The beginning of the Biur Halacha clarified that the Taz believes that a *safek d'l'she'avar* and a *safek l'she'atid* have the same status because they are both equivalent to a *davar she'eino mitkaven*.

Everything seems to work perfectly in the sugyot until the Rama (Y.D. 87:6) brings up a new case. A Jew and a non-Jew are cooking over a fire pit; the Jew wants to stoke the coals but by doing so he is cooking the food in the non-Jew's pot and he might transgress the issur of basar b'chalav, if that mixture is in the pot.

R' Akiva Eiger (Yoreh Deah 87:6) makes a very clear distinction between *safek d'l'she'avar* and *safek l'she'atid*. He says the case of stoking the coals under the pot of a non-Jew is a very clear case of *safek d'l'she'avar*. With a *safek d'l'she'avar*, it was already predetermined what was in the pot. There is either basar b'chalav or not, one just doesn't know what is inside. He agrees with the Taz that a *safek l'she'atid* is a *davar she'eino mitkaven*. Yet he disagrees about a *safek d'l'she'avar* because this case is a *safek d'oraita*, and therefore one must be machmir and it is forbidden to stoke the coals. R' Akiva Eiger applies *safek d'oraita l'hachmir* because one has the possibility of violating an issur d'oraita by stoking the coals.

We see here a clear machloket between the Taz and R' Akiva Eiger. The Taz says you can be meikel for a *safek psik reisha d'l'she'avar* because it is like a *davar she'eino mitkaven*. R' Akiva Eiger says one must be machmir for a *safek psik reisha d'l'she'avar* because one may really be causing a forbidden action.

There are ways to resolve the apparent contradictory rulings. Firstly, trapping flies is an issur d'rabbanan and therefore there is room to be lenient. The same principle applies to *tziruf* (issur

d'rabbanan). Bishul basar b'chalav is an issur d'oraita and one must be *machmir*.

Secondly, it is possible that we are more meikel with *safek psik reisha* on Shabbat as is seen from the *tziruf* case. On Shabbat there is the concept of *melechet machshevet* which means there must be full intention for the action being done. For example, *melechet machshevet* is not applicable in the *tziruf* case because one does not have the full intention for *tziruf* to occur. Therefore the *tziruf* case may be mutar, while stoking the coals may not be, because this case is not a case occurring on Shabbat and *melechet machshevet* only applies on Shabbat! Therefore one must be *machmir* in the bishul basar b'chalav case because there is no lack of the principle of *melechet machshevet* to rely on.

Rav Elchanan Wasserman (Kovetz Shearim 18) explains another *psik reisha* example. He says there are times that when doing one action, another action done in conjunction with it is considered to be part of the first action. For example, when one combs his hair (action A) there is a *psik reisha* aspect involved because when combing, hairs are actually plucked out (result B). Technically because this is a *psik reisha*, which combines the actions, the combing and plucking are one unified action. Not only are the actions connected but their kavanot are too. Even if one doesn't have the kavanah for action b (plucking), it does not matter because the actions and kavanot are inherently connected.

This relates to *safek psik reisha* because in a *safek psik reisha*, it's the opposite – one cannot combine the actions because the outcome does not definitely occur all of the time. Only strictly in *psik reisha* cases the actions are connected. This is the reason we can lower a *safek psik reisha* to a *davar she'eino mitkaven* because action A does not cause result B all of the time, so it is mutar.

This additionally explains why closing the drawers with the flies is mutar. The same way *tzad* might not happen is the same reason why pouring cold water into a hot urn is allowed – because it isn't always *metzaref*, the same way there isn't always *tzad*. This *svara* does not work well with R' Akiva Eiger because he keeps the

actions of stoking the coals and cooking basar v'chalav connected even in a *safek psik reisha*.

The Minchat Asher (Sheilot V'Teshuvot 1:54) discusses *schita* (squeezing) with regards to baby wipes. He concludes that one might have thought that using baby wipes on Shabbat would be *schita* and assur because of the liquid that comes out when one squeezes the wipe – a *psik reisha*. Everytime a wipe is used, liquid is squeezed; scientists validated this fact with experiments. However, in reality it is not considered a *psik reisha* because there is so little liquid in the wipe, which can't even be seen and the Minchat Asher invoked the geder that halachic reality is based on what one sees, their perception; and in this case there is so little liquid in the wipe that one cannot see any when using the wipes hence it is mutar to do so.

We can use this geder to explain why *safek psik reisha l'she'atid* is a *davar she'eino mitkaven* and not a *psik reisha*. Even though one can technically determine an outcome in a lab or on a computer, there is an opportunity to redefine that action. For example, when dragging a bench one can calculate the weight of the object, the density of the ground, and the angle and distance one is dragging it at, etc. We would think this negates the whole concept of *safek psik reisha l'she'atid* because one can technically make all these calculations and determine the outcome in advance. Yet it is not true. The chidush is that halachic reality, which we follow, is not determined by scientific reality. We cannot determine an outcome before it happens because one can only redefine their actions in the present moment.

Therefore, halachic reality teaches us that we can not make conclusions about the future. Finally, this culminates in the conclusion that *safek psik reisha l'she'atid* is a *davar she'eino mitkaven* and mutar!

פסיק רישא דלא ניהא ליה

לשיטת הרמב"ם לדעת הגר"ח מבריסק והחזו"א

This article will outline the major sugya of ליה ניהא דלא רישא פסיק and will attempt to resolve the apparent contradictions found in the Rambam. The initial portion of the article will explain the relevant cases that are key to understanding the sugya. The second portion will detail Rav Chaim Soloveitchik's explanation¹ to resolve contradictions found in the sugya. The third portion will interpret the sugya according to the Chazon Ish in contrast to Rav Chaim's explanation.

Relevant Cases Relating to the Sugya

The Mishna (Shabbat 93b) is the source that R' Shimon's opinion is that פטור אבל אסור is מלאכה שאינה צריכה לגופה, in contrast to that of R' Yehuda that חייב is מלאכה שאינה צריכה לגופה. Rashi defines מלאכה as דברצונו לא באה לו and לו לסלקה מעליו. (For further explanation see the article written by Ariella Borah and Ayala Feder). Tosfot disagrees with Rashi. They describe מלאכה שאינה צריכה לגופה in reference to the Mishkan. Certain actions done in the Mishkan with a specific need in mind would be a מלאכה שצריכה לגופה. According to Tosfot, if one did the same action that was done in the Mishkan but had a different כוונה (intention) for doing the melacha, it would be defined as a מלאכה שאינה צריכה לגופה.

Tosfot mentions the case of מפיס מורסה (opening an infected sore to release the pus) in which case one's intention is to take out the pus, not to make an opening. Tosfot also refers to the case of צד נחש

¹Chiddushei Rabbeinu Chaim HaLaivi al HaRambam, Shabbat 10:17.

(trapping a snake), in which the intention is to save oneself from being bitten as opposed to trapping it for the skin. Both of these cases are defined by Tosfot as examples of a **מלאכה שאינה צריכה לגופה**.

Before continuing, it is important to understand the Rambam's basic definitions of certain terms. In Hilchot Shabbat 1:5-7, Rambam classifies the category of a **דבר שאינו מתכוין** which is permissible on Shabbat. For example: One drags a bench across a field on Shabbat and may or may not create a ditch. If the result of dragging a bench is digging a ditch, as long as the intention is not to dig a ditch, the action is **מותר**.

The Rambam also writes that **פסיק רישא** would be **חייב**. This is an action in which one is aware that by doing a specific action, a melacha will definitely occur, even though that isn't his intention. For example, if one cuts off the head of a chicken, it will surely die.

Finally the Rambam holds that a melacha done, even if not for the specific purpose of the melacha, is **חייב**. Therefore a **מלאכה שאינה צריכה לגופה** is **חייב**. For example if someone extinguishes a fire on Shabbat because he wants the oil or wick, and not because he wants to put out the flame, he would still be **חייב**. The Kesef Mishna distinguishes between **פסיק רישא** and **מלאכה שאינה צריכה לגופה**. A **פסיק רישא** is when one has no intention for a melacha at all and completes a permissible action that results in a melacha. In contrast, a **מלאכה שאינה צריכה לגופה**, is when one intends for the essence of the melacha (a prohibited action) but does not intend for the same defined purpose of the melacha.

In gemara Shabbat 107b, Rav discusses the case of **מפיס מורסה** with the intention to take out pus and not to make an opening. He also details the case of **צד נחש** in order to save oneself from a snake and not to trap it for healing purposes. Both of these cases are classified under the category of a **מלאכה שאינה צריכה לגופה**. According to R' Shimon he is **פטור**.

The gemara on 3a quotes Shmuel saying all things **פטור** on Shabbat are **פטור אבל אסור** except for three cases which are **פטור** and

צידת צבי and צידת נחש, מפּיס מורסה. מותר. These three cases include מפיס מורסה. This statement seemingly implies that Shmuel is adjudicating like R' Shimon (i.e. that מלאכה שאינה צריכה לגופה is פטור). On 42a, however, the gemara enumerates how Shmuel paskens in כללי הלכות שבת. In matters of דבר שאינו מתכוין, Shmuel paskens like R' Shimon (פטור), while in cases of מלאכה שאינה צריכה לגופה, Shmuel follows the opinion of R' Yehuda (חייב). This gemara seemingly contradicts the aforementioned gemara 3a. This difficulty is resolved by both Rav Chaim Soloveichik and the Chazon Ish.

The Rambam in (Hilchot Shabbat 10:17 and 25) rules that מפיס מורסה – כדרך שהרופאין עושין, in the way that the doctors would do – would be חייב. However, if it is done to take out the pus, מפיס מורסה would be מותר. He states a similar idea in the case of צידת נחש. If the snake is being trapped in order to save oneself from being bitten, this action is מותר. Here, it is evident that the Rambam rules exactly like Shmuel.

However, in Hilchot Shabbat 10:21, the Rambam states that מלאכה שאינה צריכה לגופה is חייב as it is a מלאכה שאינה צריכה לגופה. The question then arises: how could the Rambam (10:25) hold that it is מותר to trap the snake when saving oneself? This too will be resolved by Rav Chaim and the Chazon Ish.

Brief Overview

The gemara in Shabbat 41a-42a details the sugya of מים שפינוהו. A hot kettle is filled with cold water. This results in tempering (i.e. a heated utensil is strengthened or hardened by the cold water). Under normal Shabbat law, tempering is אסור. Shmuel comments that even if the amount of water poured into the kettle is the amount required to temper metal, it would be מותר to pour the water into the kettle. The reason, the gemara explains, is because Shmuel holds like R' Shimon with regards to דבר שאינו מתכוין. This gemara poses some difficulties at first glance. It seems strange that this

case of *שפינהו מיחם* is called a *דבר שאינו מתכוין*, which in its classical sense describes an action where the result is not definite. It seems that this kettle will certainly harden. The kettle being tempered is a sure result of pouring cold water into it!

The gemara Keritot 20a-20b details the case of a person who is *גחלים חותה* or stoking coals on Shabbat to put out a fire, the *melacha* of *מכבה*. Unintendedly (and undesirably), some coals light on fire, which violates the *melacha* of *מבעיר*. The gemara classifies the lighting up as a *דבר שאינו מתכוין* and would be *פטור*. Seemingly, the classification of this case as a *דבר שאינו מתכוין* is troubling. The individual stoking the coals knows the lighting up will definitely occur, which does not fit with Rambam's definition of a *דבר שאינו מתכוין*.

Furthermore, here the gemara classifies a *דבר שאינו מתכוין* as *פטור* whereas the gemara in Shabbat 41b-42a states that *דבר שאינו מתכוין* is *מותר*. The gemara continues with another situation of an individual stoking coals in order to create warmth. This would be classified as a *מלאכה שאינה צריכה לגופה* and would therefore be *חייב* according to R' Yehuda and *פטור* according to R' Shimon. Note that the action of stoking the coals is the same in both cases; however, the classification of what type of *melacha* it is depends on what the goal of the person stoking the coals is.

The Rambam in Hilchot Shegagot 7:12 rules that if someone has the *כוונה* to light up and to extinguish the coals, that person would be liable for two *korbanot*. The language used by the Rambam of *אם נתכוין* (if someone had intention) is very strange. He seems to be saying that if one did not have intention for the lighting up of the coals, he would not be held liable. This seems like a classical case of a *מלאכה שאינה צריכה לגופה*, in which case the Rambam should rule according to R' Yehuda and the individual would be *חייב שתיים* regardless of *כוונה*.

In Yoma 34b, the gemara discusses a case in which pieces of heated metal (*עששיות של ברזל*) are placed into a mikvah on erev

Yom Kippur in order to warm it for the Kohen Gadol. The gemara questions the permissibility of this case as it seems that it would lead to צרף or tempering of the metal pieces. The gemara states that this would be a דבר שאינו מתכוין and therefore מותר. Again the same issue arises: If one is aware that the pieces of metal will surely become tempered, why would this be classified as a דבר שאינו מתכוין which usually means an action where the result is unknown. The gemara also explains that according to R' Yehuda, דבר שאינו מתכוין is אסור in כולל התורה, but here it is צירוף דרבנן. This will require an in-depth analysis to understand exactly what the gemara is talking about.

The Rambam in Hilchot Avodat Yom Hakippurim (2:4) states that ברזל עששיות של ברזל may be placed in a mikvah erev Yom Kippur in order to warm it for an old or sick Kohen Gadol. This would be מותר because of the principle אין שבות במקדש. This means that as a general rule, there are no rabbinical prohibitions in the Beit Hamikdash. The Rambam's opinion here is troubling. He seems to imply that without the principle of אין שבות במקדש, this action of putting hot metal strips in the water would be אסור אבל פטור. However, did the Rambam not clearly outline that דבר שאינו מתכוין is מותר?

פסיק רישא דלא ניהא ליה

Through this brief overview of some seemingly contradictory and difficult sugyot, it becomes evident that when the gemara uses the phrase דבר שאינו מתכוין, it sometimes does not mean it in its classical sense. Rather, the gemara uses דבר שאינו מתכוין as an indicator of what kind of פסיק רישא is occurring. This phrase explains that the definite action (the פסיק רישא) is also unwanted (or not particularly desirable) by the person doing it. It is an action שאין כוונה or rather שכלי כוונה – with no intention – for the resulting melacha. This thrusts these sugyot into the realm of פסיק רישא דלא ניהא ליה.

Rav Chaim's Analysis

These apparent contradictions are resolved in one approach of Rav Chaim Soloveitchik. He divides the world of forbidden actions into two categories: those that violate Shabbat and those that violate other prohibitions. Normally, melacha done on Shabbat is either **מותר** or **חייב**. If a person does an action on a weekday and knows with certainty (i.e. has **דעת**) that the action will cause a prohibited activity to occur, he would be held liable for that action. If, however, there is no **דעת** that a prohibited activity will occur, then this action would be **מותר**. The difference comes in on Shabbat when there is an added element of **רצון**, introducing the concept of **מלאכת מחשבת**.

The first category can be outlined as follows: if someone did an action on Shabbat, with full certainty (**דעת**) that a forbidden melacha would ensue, and they had the **רצון** (intent/desire) for this melacha to occur, they would be held **חייב**. The second category would be if someone had no **דעת** and no **רצון** when completing a melacha. In this case the action would be **מותר**. The third category would be a situation in which there is **דעת** that a melacha will certainly occur but no **רצון** for this melacha. This introduces the category of **פסיק** **רישא דלא ניהא ליה**. In this third category of **פסיק** **רישא דלא ניהא ליה**, an individual would have full knowledge that a melacha will happen but have no intention or desire for the melacha to take place. According to the Rambam it would be permissible according to R' Shimon. R' Yehuda, on the other hand, does not subscribe to the concept of **רצון**. Regardless if something is **ניהא ליה** (good for the person) or **לא ניהא ליה** (not desirable), R' Yehuda would hold **חייב**.

According to this interpretation, how does one understand the gemara's use of the language of **מתכוין** **דבר שאינו**. According to Rav Chaim, it must be referring to **פסיק** **רישא דלא ניהא ליה**. Thus in the case of **מיחם שפינהו**, it is apparent that if the kettle is put into cold water it will surely be **מצרף**. In this case, the **צרף** of the kettle is not 'good' per se for the individual nor does the individual necessarily

want their kettle to be מצרף. This changes the nature of the action from a plain פסיק רישא דלא ניהא ליה to פסיק רישא דלא ניהא ליה.

The second case Keritot 20a-20b is resolved with this distinction as well. When the individual is חותה גחלים (stoking coals) it is evident that as a result of the כבוי (extinguishing the coals) הבערה (lighting up the coals) will happen. This is a פסיק רישא, as the outcome is known; however, the כבוי is not desirable. The gemara here, too, classifies this case as a דבר שאינו מתכוין in order to indicate what kind of פסיק רישא ליה it is.

Why does the gemara here say that he is פטור (and doesn't say מותר)? The gemara in כריתות is discussing how many korbanot one would be חייב in. It is not a discussion about the action itself. Therefore, the use of פטור here is not a reflection of a general psak about פסיק רישא דלא ניהא ליה but rather a discussion of korbanot.

Additionally, looking at the Rambam here (הלכות שגגות), the contradiction is easily resolvable. The reason why the Rambam implies that כוונה is a determining factor in what seems like a מלאכה (in which case כוונה would be irrelevant as Rambam always holds חייב) is because this is a פסיק רישא דלא ניהא ליה, not a מלאכה שאינה צריכה לגופה. Here, כוונה plays an essential role in determining if this פסיק רישא ליה is or not and therefore if it is allowed or not.

The biggest question on Rav Chaim's understanding arises with the Rambam Avodat Yom Hakippurim 2:4, discussing the case of עששיות של ברזל in which burning rods of metal are used to warm up the cold water for the Kohen. This is surely a פסיק רישא דלא ניהא ליה as the metal pieces will be tempered, even though that is not the intention nor the desirable result. The Rambam should then pasken מותר or at least use the language of כוונה and its relevance. However, instead he mentions the concept of אין שבות במקדש - there are no rabbinic prohibitions in the Beit Hamikdash. If פסיק רישא דלא ניהא ליה is מותר why does the Rambam need to qualify this action with שבות במקדש? He clearly must hold that there is some rabbinic

A potential resolution would be that the Rambam does not hold this case is a מלאכה שאינה צריכה but a פסיק רישא דלא נחא ליה. Perhaps you could argue that the individual throwing the pieces of metal into the water is intending to do צירוף but with a different כוונה (i.e. a כוונה for warming). In general the Rambam paskens like R' Yehudah that a מלאכה שאינה צריכה לגופה is חייב but here it would be bumped down to פטור אבל אסור because the צירוף happening is not in a real utensil rather just strips of metal. This would make the action of צירוף only liable under rabbinic law and would therefore require אין שבות במקדש. This is a difficult resolution because it requires a redefinition of what is classified as a מלאכה שאינה צריכה לגופה in the Rambam and an explanation for why the gemara classifies this case as a דבר שאינו מתכוין and not a מלאכה שאינה צריכה לגופה.

Through an examination of shitat Rav Chaim, it is clear that according to the Rambam, a פסיק רישא דלא ניהא ליה is מותר and that

sometimes **דבר שאינו מתכוין** is used in the gemara not in its classical Halachic definition but as a description of what kind of **פסיק רישא** the gemara is referencing.

The Chazon Ish's Analysis

The Chazon Ish presents a different approach to understanding the psak of the Rambam. He agrees that the Rambam paskens like Shmuel who rules according to R' Shimon in cases of **דבר שאינו מתכוין** while in cases of **לגופה צריכה** he paskens like R' Yehuda. According to the Chazon Ish, in matters of **פסיק רישא דלא ליה**, the Rambam paskens like Shmuel that it is **פטור אבל אסור**. This is in contrast to Rav Chaim's approach to the sugya that these cases would be **מותר** according to Shmuel and the Rambam.

According to the Chazon Ish, Shmuel's opinion is that all regular cases of **פסיק רישא דלא ניהא ליה** on Shabbat are **פטור אבל אסור**. The cases of **מפס מורסא**, **נחש**, **צידת נחש**, and **צידת צבי** are exceptions to this general principle and are therefore **מותר**. The Chazon Ish would hold that Shmuel is disagreeing with the idea that these cases are **מלאכה** **פסיק רישא דלא ניהא ליה** and instead rules that they are **פסיק רישא דלא ניהא ליה**.

These cases may be an exception for one of two suggested reasons. According to the Maggid Mishna (10:17), one reason may be that a specific **כוונה** is attached to certain melachot and is therefore intrinsic to the **מלאכה**. In these cases, when the action is performed without that specific **כוונה**, it would be as if the action was not performed at all. Tosfot suggests another possible explanation that there are no **גזירות דרבנן** for actions that are "**במקום צער**"— that cause pain to people. The enumerated cases are all actions that would lead to pain if not performed and therefore these cases of **פסיק רישא דלא ניהא ליה** would be **מותר**.

Referencing the case of **שפינהו מיהם** in Shabbat 41a, the gemara discusses the permissibility of pouring water out of a kettle if the

kettle will then be tempered. In this gemara, Shmuel states that whether or not this kettle is tempered, it would be permissible. This case is classified as a *דבר שאינו מתכוין* in the text of the gemara. According to Rav Chaim, this would be read as a case of *פסיק רישא* *ליה*, not a true *דבר שאינו מתכוין* when the result of the action is unknown, and therefore it is *מותר*. This approach contradicts the idea of the Chazon Ish that cases of *פסיק רישא* *דלא ניהא ליה* would be *פטור אבל אסור*. In order to resolve this contradiction, this case can be interpreted as a true *דבר שאינו מתכוין* and not a definite *פסיק רישא*.

Furthermore, the Chazon Ish suggests a creative reading of the gemara in Keritut 20a-20b. He states that although this gemara is frequently divided into two cases, there is truly only one case being discussed. The gemara is working through the logic on how to classify this case of *חזתה גחלים*, stoking coals in which both *כבוי* and *הבערה* are being performed. Initially this case might have been classified as a *פסיק רישא* *דלא ניהא ליה* in which actions are being performed with an unintended resulting melacha, which would then be *פטור*. However, this is truly a case of *מלאכה שאינה צריכה לגופה*, and the gemara ultimately concludes that the coals are being stoked in order to create heat and warmth. As this is a *מלאכה שאינה צריכה לגופה*, it would be *חייב* according to Shmuel.

The Chazon Ish explains that this is the way the Rambam reads the gemara as well. In *הלכות שגגות*, he mimics the structure of the gemara itself. The Rambam first states if one has *כוונה* for both the *כבוי* and *הבערה*, that individual would be *חייב* for both melachot. Initially, it can be assumed the Rambam is implying that if an individual is not *מתכוין* for both, then that individual is not *חייב* for both. The Rambam should not be understood like this. He is starting irrespective of one's *כוונה*, an individual is always *חייב* as this case is being done *בהם להתחמם*, a clear case of a *מלאכה שאינה צריכה לגופה*. In *מלאכה שאינה צריכה לגופה* the Rambam rules like Shmuel and R' Yehuda who would hold that this case is *חייב*.

The gemara in Yoma 34b discusses the case of עששיות של ברזל, putting pieces of hot metal in the mikvah to warm up the water even though the pieces will be tempered. According to the Chazon Ish, this is a case of פסיק רישא דלא ניהא ליה. The reason this case is מותר and not פטור according to the Rambam is because the אין שבות במקדש.

There are strengths and weaknesses in both analyses of Rav Chaim and the Chazon Ish. Each shita brings a beautiful approach to the Torah of פסיק רישא. While each approach involves giving and taking, learning through both *shitot* is valuable in its own right and serves as an illumination into the gadlut of both authors.

Avot and Toladot

Within the realm of *klalei hilchot shabbat*, the most fundamental to our basic comprehension of the *issurim* is arguably the *avot* and *toladot* of the melachot. Though there are 39 melachot listed in the Mishna (Shabbat 7:2), it is known that there are more *avot melachot* than specified. Through learning about the process of their classification, we can further understand the extent of each prohibited action and the concept of *melacha she'eina tzricha l'gufa*.

The gemara (Bava Kama 2a) discusses *avot* and *toladot* of melachot, questioning why we must differentiate between the categories if one is *chayav* for doing the act regardless. The proposed answer of the gemara is that if someone does two *avot* together or two *toladot* together, they are *chayav shtayim*; they have to bring a *korban chatat* for each one. However, if one transgressed an *av* and its *tolada*, he's only *chayav* one *korban chatat*.

R' Eliezer disagrees with this statement and says one would be *chayav shtayim* regardless. If so, what is the practical ramification of distinguishing between *avot* and *toladot*? The gemara answers that something that was considered important in the mishkan is an *av*, and something that was not considered important is a *tolada*.

Tosfot asks why doesn't the gemara suggest (based on the gemara Shabbat 138a) that the difference lies in the need to properly warn (*hatraah*) a Sabbath desecrator that the action he is about to do falls under the prohibition of melacha (classified by the *av melacha*).

Tosfot suggests three answers. Perhaps the gemara (138a) is just informing us that when choosing to give a warning classified by the *av melacha* instead of its *tolada*, you must use the correct *av*. However, one can also warn for a *tolada* under its own classification, without mentioning the *av*. The second answer is that the gemara's response is meant to be understood as the basis for giving

proper *hatraah*. The third answer, which is the most relevant here, highlights that there are some *toladot* with a higher status that actually can be subject to *hatraah*. Examining the third answer of Tosfot, one can query how and why *toladot* are on different levels and exactly what it is that sets them apart.

To understand this, there are three key terms. Firstly, the *tachlit hapeula* of an act is referring to the result the subject is interested in. The *eichut hapeula* signifies the action itself, while the *eichut hanifaal* is the object the action is being done to. Returning to the question of 'higher level' *toladot*, how is this relevant? We can understand this through two *toladot* mentioned by Tosfot: *notea* and *mevashel*. Tosfot classifies *notea* and *mevashel* as *toladot* of their respective *avot*, *zorea* (planting a seed) and *afiya* (baking), even though they have identical *tachlit hapeulot* and *eichut hapeulot* as their *avot*. Since these *toladot* still have these two significant similarities with their *avot*, they are 'higher level *toladot*,' but do not reach the status of an *av*. This proves that in Tosfot's opinion, there must be an additional commonality required between these acts in order for them to reach the classification of an *av*.

Many other Rishonim also express their opinions on these categories and how they play into the classification of *avot* and *toladot*. Rashi (Shabbat 73b) comments that *zorea* and *notea* are both *avot* of *melechet zorea* because they have the same *tachlit hapeula* (growing the plant) and *eichut hapeula* (action of planting). We see from here that Rashi thinks that if a *melacha* has the same *tachlit hapeula* and *eichut hapeula* as an *av* listed in the Mishnah, then it is also the *av* of that *melacha*. It is also apparent that Rashi differs from Tosfot because Rashi classifies *notea* as an *av*.

Rabbeinu Channanel comments on gemara Shabbat 73b that in order for something to be considered an *av*, it needs to have all three of the same characteristics (*tachlit hapeula*, *eichut hapeula*, and *eichut hanifaal*) as an *av* listed in the Mishnah. This limits the definition of an *av* and causes the list of 39 in the Mishnah to be almost exclusive.

The Rambam has his own unique opinion on *avot* and *toladot* classification. In Hilchot Shabbat 7:2-4, he provides multiple examples of *avot melachot* and implies that their similarities in *tachlit hapeula* are what allow them to all have the classification of an *av*. For example, he explains that *choresh*, *chofer*, and *ha'oseh charitz* are all considered an *av melacha*, because they involve digging in the ground to prepare for growth and therefore all have the same *tachlit hapeula*. Additionally, he mentions that *zorea*, *notea*, *mavrich*, *markiv*, and *zomer* are all the same *av* because they all have the same *tachlit hapeula*, making something grow. It seems that according to Rambam, if *melachot* have the same *tachlit hapeula* as one of the *avot* listed in the *mishnah*, then they are considered the same *av*.

In Halacha 5, another two cases are brought by the Rambam that are quite challenging to understand based on our conclusion of the Rambam's classification of *avot*. The Rambam says that *המחתך* (cutting a vegetable into small pieces to cook) and *את הירק מועט לבשלו* (taking a strip of metal and rubbing to get its powder in the manner of goldsmiths) are both *toladot* of *tochen* (grinding). Both these cases seemingly have the same *tachlit hapeula* (of taking one entity and making it into smaller pieces) as *tochen* (grinding), but they are classified as *toladot* and not *avot*. Why is this so, if the Rambam's opinion is that *tachlit hapeula* is the only similarity requirement in classifying an *av*?

The Maggid Mishneh in Hilchot Shabbat 7:4 attempts to explain the Rambam. Having the same *tachlit hapeula* is in fact the requirement for an action to be considered an *av*, but there are different levels of this. If the *tachlit hapeula* similarity does not reach a required level, then the action is a *tolada*. The levels he discusses are explained in the *Kalkelet HaShabbat*. He tries to find a difference between *zomer* (pruning) and *mashkeh mayim lezraim* (watering plants). Rambam classifies *zomer* as an *av melacha* of *zorea*, but he says that *mashkeh mayim lezraim* is a *tolada*. This is puzzling because *mashkeh mayim lezraim* seems to also have the same *tachlit hapeula* (making the plant grow) as *zorea*.

The *Kalkelet HaShabbat* (Klalei Lamed Tet Melachot 1:1) resolves this by defining an additional requirement for an *av* within *tachlit hapeula* that is seemingly similar to *eichut hanifaal*. *Eichut hanifaal* is the object related to the *tachlit*; it's a new category pertaining to the object impacted by the direct action. Since the *melachot* are supposed to emulate the *mishkan*, and in the *mishkan* actions were done directly to the object, this too is a requirement of an *av*. When watering plants, the action is being done to the water as it is being poured, and it is therefore a *tolada*. This refines the requirements the Rambam refers to that create an *av*, because he says the action must be done directly on the object of the *tachlit hapeula*, forming a stronger level of *tachlit hapeula* that makes an *av*.

However, this logic does not help us with the problematic cases of cutting a vegetable very small to cook and rubbing a strip of metal for the powder. The action is done directly on the object of the *tachlit hapeula*, so there must be an alternative distinction in their *tachlit hapeula*. The *Kalkelet HaShabbat* answers that rubbing a strip of metal for the powder does not actually have the same *tachlit hapeula* as *tochen* as was originally assumed, because this action is not for the purpose of eating, that is the true *tachlit hapeula* of *tochen*. Cutting a vegetable very small to cook also does not have the same *tachlit hapeula* as *tochen* because the Rambam specifies that it is to cook and not to eat.

The Birkat Avraham (18) asks on the Rambam. The Rambam says that in order for something to be considered *dash* (threshing/extraction), it has to be *gedulei karka*, grown from the ground. However, elsewhere the Rambam says that punching your friend and creating a bruise on Shabbat makes you *chayav* for *mefarek*, which is a *tolada* of *dash*. This appears to be a contradiction: if *dash* applies only with *gedulei karka*, how is creating a bruise a *tolada* of *dash*, if a person does not grow from the ground?

The Birkat Avraham explains that we specifically classify *avot* and *toladot* to show that there are differences in the parameters between an *av* and its *tolada*. They may be similar, and a person

may be *chayav* for a *tolada* because of its *av*, but they are not the identical and different rules apply to them. Therefore, the Rambam is not contradicting himself because *mefarek* need not have the same definition as *dash* despite *mefarek* being a *tolada* of *dash*. Hence *mefarek* does not take on the regulation of אין דישה אלא בגידולי קרקע.

After uncovering the complexity of the similarities that create an *av melacha* and the different levels of *tachlit hapeula*, there are overarching questions that must be addressed about *klalei hilchot shabbat*, specifically regarding *melacha she'eina tzricha l'gufa*. There is a case of digging a pit in order to obtain the dirt instead of the need for the use of the pit itself. If we think about our criteria for *avot* and *toladot*, digging a pit for the dirt has the same *eichut hapeula* and *eichut hanifaal* as digging the pit for the use of the pit itself. This act may not be an *av* according to the sources we discussed, but why is digging a pit for the sake of the dirt not just a *tolada*? It is deemed as a *melacha she'eina tzricha l'gufa* and therefore qualifies as *patur* according to R' Shimon instead of *chayav* like a *tolada* would be! What is inherently different about *toladot* and *melacha she'eina tzricha l'gufa* that they have different liabilities and fit into their own separate categories?

In order to understand the answer, we must differentiate between *tachlit hapeula* and *tzorech*. The sources so far stipulate that lacking *tachlit hapeula* can potentially turn something into a *tolada*, but no one discusses the act turning into a *melacha she'eina tzricha l'gufa*. There must be some difference between *tachlit hapeulah* and *tzorech* that a lack of *tzorech* causes this new status and a d'rabbanan level prohibition while a lack of *tachlit hapeula* does not have this effect. To illustrate the difference between *tzorech* and *tachlit hapeula*, we refer back to the case of the hole. Even if one digs a hole for the use of the hole itself, they still may not have the same *tachlit hapeula* as the classic *melacha* of digging.

For example, one can dig a hole to play inside of it, rather than the classic purpose of it which is for planting. They still have the same *tzorech*, because they need the hole itself. However, the *tachlit*

hapeula is different. The digger is doing the action for different overall goals. *Tzorech* is when one needs the outcome of an action and according to Tosfot (Shabbat 94), when the outcome needed is the same as the outcome was in the mishkan. However, the *tachlit hapeula* refers to what the outcome is needed for in the particular scenario. Therefore, when an action lacks the same *tzorech* as an *av*, it is further removed from the *melacha* itself than if it just lacked *tachlit hapeula*, and it takes on a new label of *melacha she'eina tzricha l'gufa*. This idea can be proven with an example we've already seen: *shaf et habarzel*. This act is a *tolada* because it does not have the same *tachlit hapeula* as *tochen* (it is not for eating), but it still has the same *tzorech* (needs the small pieces created by the act). This case proves that *tzorech* and *tachlit* differ from one another.

Through analyzing the sugyot of *avot* and *toladot*, it is evident that an act must have the same *tachlit hapeula* as an *av* mentioned in the mishnah in order to be considered an *av melacha*. However, the sources above differ on the additional similarities required for an action to be classified as an *av* as opposed to a *tolada*. Finally, the difference between *tachlit hapeula* and *tzorech* is fundamental to understanding the *klalei hilchot shabbat* of *avot*, *toladot* and *melacha she'eina tzricha l'gufa* and the differences in their *dinim*.

Women and Kiddush

The commandments regarding the sanctification of Shabbat are referenced in Sefer Shemot and then again in Sefer Devarim. In Devarim (5:12), Bnei Yisrael are told: שְׁמֹר אֶת יוֹם הַשַּׁבָּת לְקַדְּשׁוֹ, referring to the negative commandment of refraining from performing melacha on Shabbat. In Shemot (20:8) they are told זָכוֹר לְקַדְּשׁוֹ אֶת יוֹם הַשַּׁבָּת, relating to the positive commandment of reciting kiddush. The gemara (Brachot 20b) draws a connection between these texts and explains: *Kol she'yeshno b'shemira yeshno b'zechira. V'hanei nishei ho'il v'itanhu b'shemira itanhu b'zechira.*

As a result of this *hekesheh*, a connection drawn from parallel wording, the implications of one text can be extended to the other.¹ Therefore, because women are biblically obligated in *shemira*, the negative commandment of Shabbat, they are biblically obligated in *zechira*, the positive commandment as well. For this reason, the Shulchan Aruch (271:2) states that women, like men, have a d'oraita obligation in kiddush (This d'oraita kiddush refers to Friday night kiddush because it is the initial verbal welcoming of Shabbat).

If this is so, why is it uncommon to find a woman making kiddush at the Shabbat table? Is it permissible for them to recite kiddush on behalf of others?

The Mishna (Rosh Hashana 3:8), as well as the Rambam (Brachot 1:11), explain that in order to for someone else to fulfill a mitzvah by listening to someone else, the latter needs to be obligated in the mitzvah as well (and have at least the same "level"

¹ The gemara (Shevuot 20b) adds that the words *shamor* and *zachor* were even said in the same utterance.

of obligation). Accordingly, the Shulchan Aruch states that women can exempt men in kiddush because women, like men, have a *chiyuv d'oraita*. The Mishna Berura (271:4), however, specifies that women should make kiddush only for those men who are members of her immediate family out of concern for *zila milta* – inappropriateness. *Halichot Beita* (15:10) adds that although it is permissible for women to exempt men in kiddush, ideally, women should only do so in extenuating circumstances when no man is able to recite it.

The Bach (271) quotes the Shulchan Aruch regarding women and kariat megillah, where an alternate opinion is brought down suggesting that women are not allowed to exempt men in the mitzvah. The Bach argues that since kariat megillah and kiddush are both time bound mitzvot in which women have a specific obligation, the halachic parameters of both mitzvot should align. He therefore concludes that a woman's kiddush will not exempt a man. The Mishna Berura disagrees with the Bach, leaving room for women to make kiddush for men of her household.

In order to contextualize the Mishna Brurah's logic, it is necessary to analyze how he explains the opposite ruling in the Shulchan Aruch regarding megillah. There (689:7), the Mishna Berura explains that women are prohibited from exempting others in kariat megillah because of *kavod hatzibur* and because they are merely obligated in hearing the megillah and not in kariat megillah.

Regarding *kavod hatzibur*, one could distinguish between megillah, which is by nature a public mitzvah and kiddush, which he specifically permits within the privacy of a women's home. In addition, the Mishna Berura explains that women only have an obligation of hearing megillah which is a lesser obligation than that of men. Therefore, in kiddush, when women and men are both obligated in the verbal recitation, the Mishna Berura allows women to discharge the mitzvah for men.

Thirdly, both kiddush and megillah are time bound mitzvot (a criteria which traditionally exempts women), but the reason that they are specifically obligated in these mitzvot differ. Women are obligated in megilla because *הם היו באותו הנס*, they too were present at the event of the miracle. In contrast, women are obligated in kiddush because of a *hekesh* in the torah. Maybe the Mishna Berura views the latter as a more encompassing derivative. On a surface level, this line of thinking appears inconsistent because women can exempt others in the mitzvah of Chanukah candles which they are also only obligated in because of *אף הן היו הנס*. However, in reality, the mitzvah of Chanukah candles is different than megilla reading, for the basic obligation lies on the household and not on every specific individual.

We established that according to the Shulchan Aruch and the Mishna Berura, a woman can be motzi a man in kiddush because the two have the same level of obligation. However, once she has already said kiddush, reducing her chiyuv to a d'rabbanan, can she be motzi a man who has not said kiddush yet and still has a chiyuv d'oraita?

On Har Gerizim, the Jewish people entered into a covenant of *לזה לזה*, *כל ישראל ערבים זה לזה*, commanding everyone present to be responsible for one another. This gives people the ability to discharge mitzvot for others even once they themselves have already fulfilled their obligation. The question is: are women included in the halachic concept of *areivut*?

The Rosh (Brachot 3:13) says that a woman can not recite birkat hamazon on behalf of someone who still has a chiyuv d'oraita, because women are not included in the klal of *areivut* and since there is a safek as to whether women have a chiyuv d'oraita or d'rabbanan in birkat hamazon, they can only be motzi those who have a chiyuv d'rabbanan. The Dagul Mervava (on Shulchan Aruch 271:1) agrees with the Rosh that women are excluded from the klal of *areivut* and he even suggests that, maybe even men do not have *areivut* to be motzi women.

R' Akiva Eiger, however, interprets the Rosh differently. He believes that when the Rosh excluded women from *areivut* he was speaking only in reference to birkat hamazon because there is safek that women are only chayav d'rabbanan. Nonetheless, for mitzvot that women have a chiyuv d'oraita, like kiddush, they are included in *areivut*. The Mishna Berura (271:5) accepts the opinion of R' Akiva Eiger² and concludes that even a woman who has already recited kiddush, can say it again for a man.

A woman is biblically obligated in kiddush, she can exempt others in the mitzvah, and according to some, she can even exempt others after fulfilling her own obligation. But is there such a case where it is preferable for a woman to make Kiddush? The Mishna Berura (271:3) writes that if the husband/father is not home, the mother should not rely on a kiddush recited by her son who is still a minor. In this case, she should be the one reciting kiddush. If the husband is home, but already recited kiddush, according to the Dagul Mervava, it might be preferable for the wife to recite her own kiddush.

After analyzing where women fall in the realm of kiddush from a halachic standpoint, why does it seem so out of the box for a woman to make kiddush? What are possible reasons as to why this is not viewed as typical practice? One issue discussed repeatedly in the Halichot Beita, is the concept of bekiut, being an expert. Although it may be less relevant today, women were not comfortable reciting kiddush. In addition, there is the idea of *zila milta* mentioned by the Mishna Berura. Finally, if one holds like one possibility raised by the Dagul Mervava, that women do not have *areivut* towards others (but men have *areivut* even towards women) a woman's ability to make kiddush for men is dependent on many factors and could easily lead to confusion. (For instance, if she davened maariv and might now be obligated in kiddush only

² See Shaar Hatziyun #9.

on a rabbinic level, she couldn't make it for someone who is still Biblically obligated). All in all, it is important to know and understand this halachic process in order that one can make informed halachic decisions.

מחשבה

Shabbetai Tzvi:

Mental Health in Jewish Thought

Shabbetai Tzvi is one of the more infamous false messiahs of Jewish history, primarily because of the impact he had on world Jewry. Many Jews in the 17th century viewed him as Mashiach and sold all their property, thinking that the redemption was imminent. However, Shabbetai Tzvi was an enigmatic personality who engaged in strange behavior. Is it possible that Shabbetai Tzvi qualified as mentally ill from a halachic perspective? In the realm of halacha, what defines someone as being mentally ill and what are its consequences? Rav J. David Bleich (*Contemporary Halakhic Problems*, volume 2, chapter 14) has a major essay on *Mental Incompetence and its Implications in Jewish Law*.

What classifies someone as a *shoteh*, the halachic term for a mentally ill person? The Gemara (Chagiga 3b) quotes a Tosefta (Terumot 1:3): “Who is a *shoteh*? One who goes out alone at night, and sleeps in a cemetery and tears his clothes.” The gemara then cites a dispute between two Amoraim. According to Rav Huna, a person would need to exhibit all three behaviors to be classified as a *shoteh*. R’ Yochanan disagrees. Even one manifestation of erratic conduct would classify someone as a *shoteh*.

Rav Bleich explains: According to Rav Huna, manifestation of apparent irrational behavior in one or two areas may be dismissed. On the other hand, according to Rav Yochanan even a single form of behavior which is *prima facie* irrational in nature is sufficient to establish mental incompetence.

Are the behaviors mentioned in the Gemara definitional or examples? The Rambam (Edut 9:9) understands that the list of irrational behaviors in the Gemara are just examples¹. He therefore

¹ See Bet Yosef, Even HaEzer 121

presents different criteria than the ones mentioned in the Gemara. “A shoteh isn’t just one who walks around naked, breaks vessels, or throws rocks. Rather, whoever loses his mind, and his mind isn’t always there, even if he talks and asks normally in other areas, he’s disqualified (as a witness) and is considered a shoteh.” Although some Rishonim disagree with Rambam’s position on this matter, the Shulchan Aruch (Choshen Mishpat 35:8), and the Darkei Moshe (Even HaEzer 119:5), accept the Rambam’s opinion.

If someone is classified as a shoteh, what is his level of obligation in areas where he appears to act normally? According to Rav Moshe Feinstein’s analysis of the Rambam’s view (Igrot Moshe E.H. 1:120), a person cannot be obligated in certain mitzvot and exempt from others based on his mental competence. Either he is “subject to commandments” or not. However, in other areas of Jewish Law, specifically regarding the ability to execute a bill of divorce, a person is considered a shoteh only regarding those situations where he exhibits irrational behavior. The Nodah B’Yehudah (*Or Hayashar* 27) and the Chatam Sofer (E.H. 2:4) disagree. A person suffering from a limited form of mental incompetence is fully bound by those mitzvot whose fulfillment is not affected by his mental condition.

Does Shabbetai Tzvi fall under the category of a shoteh? While neurological disorders were practically unknown in the 17th century, some biographers suspect that Shabbetai Tzvi had what would today be considered a bipolar disorder, but what Gershon Scholem classified in the mid-20th century, as a manic-depressive kind of psychosis. In *Mavericks, Mystics and False Messiahs*, Pini Dunner describes the many seemingly irrational behaviors that Shabbetai Tzvi exhibited. Throughout his 20’s he would disappear for weeks at a time, would spend days awake and not eat during those times, and he would violate commandments, even though he usually followed mitzvot. Additionally, he performed all sorts of strange rituals such as setting up a wedding between him and the Torah, dressing up a fish as a baby, setting up a week in which he observed all of the chagim, and inventing a bracha to say on doing

sins. Throughout this time, he was expelled from many communities for his strange behaviors.

In the 1660s, Shabbetai Tzvi met Natan of Aza. Natan was known as a healer and student of kabbalah. Upon meeting Shabbetai Tzvi, Natan fell into a trance and upon awakening he proclaimed Shabbetai Tzvi to be Mashiach. After Shabbetai Tzvi was convinced of this, he turned the 17th of Tammuz into a day of celebration, and was accepted by the community in Aza. However, other communities in Eretz Yisrael were less enthralled, and the two were eventually expelled from Yerushalayim after Shabbetai Tzvi used his invented bracha on doing sins. Additionally, that community attempted to warn the rest of the world about them.

This, however, did not stop many in the Jewish world from being swept into the belief that Shabbetai Tzvi was Mashiach, erratic behaviors and all, creating a great deal of tension between his supporters and those who didn't believe he was Mashiach. As the news spread around the Jewish world, many prepared for the geulah and to return to Eretz Yisrael. This euphoric belief came to an abrupt and painful end when Shabbetai Tzvi converted to Islam.

After going through Shabbetai Tzvi's life, and his behaviors, it would seem that he displayed many irrational behaviors that aren't really explainable. This irrational behavior would now likely be considered symptoms of bipolar disorder. Given that what he had probably affected him all of the time, Shabbetai Tzvi would probably not be obligated in mitzvot but would be obligated in other legal matters that he was capable of.

Should Shabbetai Tzvi be held responsible for the disaster he brought upon world Jewry? There are several factors in favor of not considering him fully responsible. First, he wasn't the one who came up with the idea that he was Mashiach. Rather, it was Natan of Aza. Second, he was mentally unwell. Third, his blatant disregard for many mitzvot should have been a clear indication to all that he wasn't Mashiach.

On the other hand, he is certainly not blameless. Although he didn't initiate the claim of being Mashiach, he embraced the role

and perpetuated the myth. Communication between the world's Jewish communities in the 17th century was not so sophisticated. Many people were unaware of his erratic behavior. Even those who heard some details, had little if any concept of mental health issues and neurological disorders. Would things have been different if people had been more aware of his irrational behavior, and had been able to recognize this as a neurological disorder? This whole situation was a tragedy all around for everyone involved.

Rav Kook, Rav Soloveitchik and the Lubavitcher Rebbe on Prayer

Davening is an integral part of our religious daily life, but how often is there actual meaning behind our tefillah? Consider the following: What is the goal of tefillah? How should one prepare for tefillah? What mindset should one be in while davening? Rav Kook, Rav Soloveitchik, and the Lubavitcher Rebbe all have different approaches to answering these questions.

Rav Kook in *Olat Re'iyah (Essays on Prayer: The Constant Prayer of the Soul)* writes about the purpose of tefillah and what it can achieve. According to Rav Kook, prayer “actualizes and brings to light, to complete life, that which is hidden in the depths of the neshama.” The neshama is naturally striving to “bring all the Torah, all service, all wisdom and the entirety of manifest life into a natural quality and well-founded state.” However, daily life places burdens on the soul that prevent it from remaining in its natural state. The goal of prayer is to “set nature right” and allow one’s soul to be “aligned with the life of the moment which appears continually within us.” Prayer achieves the goal of removing burdens from one’s soul and realigning it with its natural state of wisdom and Torah.

On the other hand, Rav Soloveitchik emphasizes the importance of tefillah in our effort towards geulah. He explains (*Redemption, Prayer, Talmud Torah*): “Like redemption, prayer too is a basic experiential category in Judaism. We have appeared, within the historical arena, as a prayerful nation. Abraham, Isaac, Jacob, Moses, David and Solomon all prayed. Through prayer they achieved the covenant with G-d, and through prayer, we expect eventually to realize that covenant.” This connection between prayer and redemption can be seen right before shemoneh esrei. “The Halacha requires that the Silent Prayer (*amidah*) be preceded, without a break, by the

benediction of *Ga'al Yisrael*, which proclaims G-d as the Redeemer of Israel" (*Redemption, Prayer, Talmud Torah*).

Rav Kook and Rav Soloveitchik outline two of many possible goals of tefillah, but with what mindset should one enter into tefillah? In a letter responding to a question regarding maintaining focus during davening, the Lubavitcher Rebbe writes that it is beneficial to "contemplate before the prayer on matters which relate to the greatness and kindness of the Al-mighty, and His benevolent Divine Providence" (Lubavitcher Rebbe, 13 Nissan, 5720). When one focuses on the attributes of Hashem, it will "bring about a general inspiration which will be conducive to a better understanding and appreciation of the meaning of the prayers." Prior to davening, attaining a serious mental state that allows one to be in awe of Hashem will help one resonate with the words one is saying and will lead to stronger kavanah.

Rav Kook, Rav Soloveitchik, and the Lubavitcher Rebbe all discuss the different emotions that bring one to prayer and how prayer should make one feel. Rav Kook believes that only through prayer will "the load which lies heavy on her heart be rolled back- through pouring out her plaint before her Maker and her Father in Heaven" (*Olat Reiyah, Essays on Prayer, A Guide to Prayer and its Elements*). Through prayer, we rid ourselves of our worries and work towards "absolute and complete wholeness". We approach tefillah feeling burdened, and this burden is lifted through communication with Hashem.

Rav Soloveitchik writes in *Redemption, Prayer, Talmud Torah*: "Judaism, in contradistinction to mystical quietism, which recommended toleration of pain, wants man to cry out aloud against any kind of pain, to react indignantly to all kinds of injustice or unfairness. For Judaism held that the individual who displays indifference to pain and suffering, who meekly reconciles himself to the ugly, disproportionate and unjust in life, is not capable of appreciating beauty and goodness." When one is suffering and is in need, he turns to the Hashem. "Prayer is the doctrine of human needs. Prayer tells the individual, as well as the community, what his, or

its, genuine needs are, what he should, or should not, petition G-d about. Of the nineteen benedictions in our *amidah*, thirteen are concerned with basic human needs, individual as well as social-national”.

Tefillah is intentionally need focused because Hashem wants us to call out to Him. However, “G-d needs neither thanks nor hymns.” He wants us to pray for our own benefit. “Prayer enlightens man about his needs. It tells man the story of his hidden hopes and expectations. It teaches him how to behold the vision and how to strive in order to realize this vision, when to be satisfied with what one possesses, when to reach out for more. In a word, man finds his need-awareness, himself, in prayer.” Prayer helps a person understand himself better, and “the very instant he finds himself, he becomes a redeemed being.”

Both Rav Kook and Rav Soloveitchik express that tefillah should come from a place of lowliness as well as self-awareness. Rav Soloveitchik explains that it should come from awareness of suffering while Rav Kook explains it should come from knowledge of your burdens. On the other hand, the Lubavitcher Rebbe takes a different approach and doesn't mention pain or suffering. He believes that prayer reminds us that Hashem is “present and here, and His benevolent Providence extends to each and every one individually” (Lubavitcher Rebbe, Letter written on 10th of Iyar 5725). Prayer makes one more conscious of Hashem's presence in the world, and this presence should bring one reassurance and peace of mind.

The Lubavitcher Rebbe writes, “This point has also been greatly emphasized by the Alter Rebbe in his book of Tanya, where he urges everyone to remember that ‘Behold, G-d is standing near him.’ With this in mind, there is no room left for any anxiety or worry.” Unlike Rav Kook and Rav Soloveitchik who focus on darker emotions, the Lubavitcher Rebbe mainly associates tefillah with feelings of peace and tranquility.

We have the opportunity every day to communicate with Hashem, and it is possible to go about this communication in a

mechanical and routine fashion. However, the views of Rav Kook, Rav Soloveitchik, and the Lubavitcher Rebbe all show that there is more to tefillah than just fulfilling one's chiyuv. It is an opportunity to cry out to Hashem in pain, to remove the burdens of daily life, to gain a better understanding of G-d, to work towards redemption, and to be reminded of Hashem's presence in our daily lives.

Sleep: A Jewish Perspective

Beloved by many, sleep is a crucial aspect of human existence. Without it, people struggle to function in their day-to-day lives. But as a person closes his eyes at night, does he ever stop to think that there might be more to sleep than relieving exhaustion? Could it be that naps take on religious significance? What is the Jewish perspective on sleep?

The first description in the Torah of a sleeping human, is portrayed in a positive light. In Bereshit (2:21), Hashem placed Adam in a deep sleep in order to form Chava from his side. This sleep could be viewed positively because it allowed for Chava to be created. In addition, the Abarbanel states that Hashem brought about this sleep so that Adam did not feel the removal of his body part, and would not be disgusted seeing how Chava was created. This was a beneficial sleep.

There are also instances where sleep is portrayed in a negative context. Shir Hashirim Rabbah (1:12) discusses how on the night before receiving the Torah at Har Sinai, the Jewish people went to sleep. When Hashem came to greet them in the morning, the Jews were still not awake. The Jewish people were rebuked for oversleeping on one of the most important days in the existence of the Jewish nation. Every Shavuot, Jews attempt to rectify this mistake by staying up all night learning Torah. Here, sleep was a negative force that created a divide between Hashem and His people.

Multiple sources from the Mishnah discuss the negative nature of sleep. Pirkei Avot (6:6), lists forty-eight ways to acquire Torah, one of which is minimizing sleep. Overdoing sleep is a hindrance to spiritual growth. In Pirkei Avot (3:10), R' Dosa ben Horkinas lists morning sleep as one of four things that takes a person out of this world. This strong language is continued in Sanhedrin (8:5) which describes why the sleep of the wicked benefits the world while the

sleep of the righteous is detrimental to the world. The Mishnah explains that when the wicked sleep they are unable to hurt anyone, but when the righteous sleep they are unable to perform good deeds. These Mishnayot are unequivocal in their presentation of the nature of sleep.

The Rambam's view of sleep is interesting. In Hilchot Yesodei HaTorah (7:2), he describes how the prophets could only receive prophecy through sleep, indicating that sleep is a way to channel holiness. However, in Hilchot Talmud Torah (3:13), the Rambam states that the opportune time to acquire the wisdom of the Torah is at night, and individuals should not waste their nights sleeping. From here, it is clear that sleep can hold a person back from Torah. In Hilchot Deot (3:3), the Rambam writes that if a person sleeps in order to maintain his health so that he can continue to serve Hashem, even his sleep is considered part of his service to G-d. In this case, sleep is a tool that can help connect to Hashem if used properly.

In the Gemara (Eruvin 65a) there is a difference of opinion whether night is meant primarily for sleep or for studying Torah. Rav Yehuda said that night was created for sleep (and that one's primary learning should take place during the day). Reish Lakish said that the moon was created for people to use its light for Torah study. When R' Zeira was complimented on his Torah teachings, he responded that they were from daytime study.

The Gemara then relates a story about Rav Chisda and his daughter. Rav Chisda's daughter asked him if he wanted to sleep for a little while. He responded that days which are long and short, will come soon and then he would sleep a lot. Rashi explains that Rav Chisda was referring to death, when the days will be "long" for the purpose of sleeping and too "short" for the purpose of studying and then he will sleep for a long time. In the meantime, he needs to take advantage of the time to study.

The Gemara quotes Rav Nachman bar Yitzchak that we (Torah scholars) are day workers (since the primary time for study is daytime), and that Rav Acha bar Yaakov would borrow and repay.

Rashi explains that Rav Acha would plan to learn a set amount of Torah during the day. If for some reason he became occupied with other matters, he would make up the time at night.

We see that Rav Yehuda, R' Zeira, and Rav Nachman bar Yitzchak relegated their learning primarily to the daytime, allowing for more sleep at night, while Reish Lakish and Rav Chisda emphasized Torah study during the evenings at the expense of sleeping. Rav Acha bar Yaakov struck a balance and learned more Torah at night to compensate for what he missed during the day.

Rashi (Shmot 20:11) explains that “Hashem wrote in the Torah that He rested on the seventh day of creation” so that mankind should learn from this to rest on Shabbat. Many view Shabbat as a time to recuperate from the exhaustion of the week and spend the day napping.

However, the Meiri's comments on Shabbat 118b explain that sleeping on Shabbat is a more exclusive practice than one might think, in that not everyone should be napping on Shabbat. When discussing what constitutes “oneg Shabbat” the Meiri explains the connection between two differing opinions quoted from the Talmud Yerushalmi. One stance is that oneg is achieved through Talmud Torah, and the other is that oneg refers to sleeping. The Meiri resolves this contradiction by stating that the Torah scholar who has been learning all week fulfills oneg Shabbat by sleeping, but one who has been working during the week should fulfill oneg Shabbat by learning Torah.

So how should we view sleep? A possible solution can be found in the Shulchan Aruch (O.C. 231:1). A person should sleep in the afternoon if they will not be able to learn Torah without a nap. However, there are limits given to the length permitted to nap during the day. The Shulchan Aruch continues that one should not sleep for one's own enjoyment, but to strengthen oneself to better serve Hashem. Whether with sleep or any other action a person performs, the focus should always be on serving Hashem. The Shulchan Aruch quotes Mishlei 3:6, “בכל דרכיך דעהו” – in all your

ways know Him.” This means that everything that a person does should be for the sake of Hashem.

People should sleep in order to maintain their health so that their Torah study is unaffected. This principle can be applied to sleep in a broader sense. Sleeping which helps in creating mankind, receiving prophecy, generating oneg Shabbat, or learning Torah are all excellent examples of sleep which is for the sake of heaven. Sleep can be a positive concept within Judaism if it is utilized properly.

May Hashem help every individual elevate his sleep to the level of “בכל דרכיך דעהו” so that he can merit the time described in Sanhedrin (97a) as “יום שכלו שבת” - a day that is all Shabbat”, the era of Mashiach. Da'at Tevunot (chapter 92) explains that the body will then rest from physical work and be subservient to the soul. With Hashem’s aid, one should harness the positive aspects of sleep, in order to reach the ultimate rest of *Yemot haMashiach*.

Prophecy and Prayer

The Evolution of the Covenantal Community Explored through the Prism of Rav Soloveitchik's *The Lonely Man of Faith*

For thousands of years, after Avraham's discovery of G-d and the promulgation of monotheism, G-d chose to communicate with man via prophecy. This direct line of communication would be crucial in enabling the Jewish people to learn and understand Hashem's mandates as they became a new nation and traveled through the desert into the land of Israel. Prophecy was the way in which G-d would direct the people once they had established their kingdom in Israel. It was also the way in which He rebuked them when they sinned.

However, in the beginning of the era of the Second Beit Ha-Mikdash, prophecy began to wane, until it was lost from the world completely. Unwilling to completely give up the direct line of communication between the Jewish people and G-d, the Anshei Knesset HaGedola (Men of the Great Assembly) instituted a structured tefillah to try to mimic one aspect of the relationship generated through prophecy.

Historically, the power of prophecy united the Jewish People in the presence of G-d. Rav Soloveitchik in *The Lonely Man of Faith* dubs the dynamic generated by this communication as the Covenantal Community.

In the Covenantal Community the I, He, and Thou personae are joined together, equal in communication between G-d and man. In this way, the I and Thou personae, which represent the individuals of the Jewish nation, are joined with each other through their joining to G-d. This occurs when Hashem speaks to the prophet and the prophet shares G-d's word with the people uniting every individual together and with Almighty (Lonely Man of Faith, chapter 5).

During the time of the Second Beit HaMikdash, the Anshei Knesset HaGedola legislated many new laws to help the Jewish nation at all times, both in their return to the Land of Israel, and in any future exile.¹ Realizing that prophecy was ending, the Anshei Knesset HaGedola wanted to preserve the Covenantal Community even in the absence of the unifying force of nevuah.

The Covenantal Community allowed the Jews to connect to each other and to G-d in a unique and vital way. Therefore, the Anshei Knesset HaGedola instituted organized prayer as an attempt to compensate for the triangular relationship created by prophecy.

The Anshei Knesset HaGedola theorized that prayer would create the same relationships generated by prophecy, but in the reverse. Instead of G-d's word connecting each man to the Almighty, it would be each man's word that connected him to G-d. However, the challenge became how to connect the 'I' and 'Thou' of the Covenantal Community – how to connect the individual members of the Jewish People to each other. This became the impetus for a structured and uniform tefillah. Through organized prayer, each man is connected to his fellow man when they say the same words at the same time every day.

However, not only were the Anshei Knesset HaGedola trying to preserve the Covenantal Community and maintain the Jewish People's unique connection with G-d and each other, they were also anticipating a future with a completely new and unprecedented reality: a nation with no land, dispersed among the other nations. In this new milieu the Anshei Knesset HaGedola were tasked with finding a way to keep the Jewish people united and connected through any future galut.

The Rabbis discuss many reasons for the destruction of the Second Beit HaMikdash, but the one failing that is very prominent is *sinat chinam* (baseless hatred). The Jewish People, instead of looking out for their fellow co-religionists, began to despise each

¹ See Megillah 13b: אין הקב"ה מכה את ישראל אא"כ בורא להם רפואה תחילה

other. They were no longer willing to engage with each other in the Covenantal Community. Because of this, the Beit HaMikdash was destroyed and the people were exiled from Israel and dispersed all across the world (Yoma 9b).

To combat both the physical distance that would separate the Jewish People and the disinterest of the people to participate with each other in the Covenantal Community, the Anshei Knesset HaGedola composed a set prayer service. This gave the Jewish People a set text and timetable for prayer, universalizing this most intimate of interactions with G-d. Thereby, the Sages were able to preserve the connection of the I and Thou even when the individuals were physically separated.

Another phenomenon within tefillah is that the prayers are almost exclusively in the plural form. Even the personal prayers on Yom Kippur begging G-d for individual forgiveness for our sins are written in the plural form. It is through this intentional plurality that the Anshei Knesset HaGedola were able to begin to heal the second fundamental relationship created in the Covenantal Community: that of the I and Thou, man with his fellow man.

When people gather to pray three times a day they may be thinking about their personal and familial needs, but the plurality inherent in the words they are saying force them to recognize and pray for other Jews. In this way, the rift created by *sinat chinam* can begin to heal as each Jew is forced to think about and care for his fellow.

Through the institution of organized prayer, the Anshei Knesset HaGedola were able to preserve all of the different aspects of the three-way relationship created in the Covenantal Community. Each man is connected to G-d through his own personal prayer, and each man is connected to his fellow Jew because they are all saying the same words in the plural form causing them *de facto* to be praying for each other. In this way, the Covenantal Community is preserved throughout galut, and the Jewish nation can begin to heal their communal sins one prayer at a time.

Thoughts on Judaism's Perspective of Women

In Bereishit (1:27) we are told that Hashem created man and woman b'tzalmo, in His image. The Vilna Gaon in Aderet Eliyahu explains that the pasuk here is referring to the neshama, a Divine spark. Originally, the masculine and feminine aspects were part of a single nefesh, but during Creation it was divided in two, with both parts together forming one wholeness.

The goal of this essay is to clarify how Judaism views women through briefly exploring concepts such as polygamy, pilagshim, child bearers, home builders, Torah study and marriage in an attempt to turn them from stigmatized to understood. Judaism, after all, is a way of life, and a Jewish woman should love her way of life, not feel limited by it.

Biblically, there is no significant consequence for a married man who is intimate with a woman who isn't his wife. (Even so, the two wives of a single man are referred to as "*tzarot*" – those who cause distress to each other. It may have been permissible, but was certainly not promoted as an ideal.)

However, if a married woman is intimate with a man who isn't her husband, she is guilty of adultery. One possible explanation for the disparity is that if a woman is intimate with more than one man and has a child, there would be no way of knowing who the child's father is. However, if a man is intimate with more than one woman and has a child, it would be quite clear who the child's parents are.¹

¹ It is interesting to note that the Rambam writes (Hilchot Sota 3:17) that the Sota waters were not effective with a suspected adulteress if the husband had once engaged in any kind of illicit sexual relationship.

Another area worth examining is the idea of a pilegesh, a concubine. In Bereshit (16:2), Sarah gave Hagar to Avraham as a pilegesh because she could not have children. Similarly, Rachel gave Bilhah to Yaakov because she could not have children (Bereishit 30:3) and Leah gave Zilpah to Yaakov when she stopped having children (Bereishit 30:9).

Concubines are clearly not the ideal relationship between man and woman. The Torah prefers marriage, but at the same time, pilagshim are not merely extra wives. They are there to continue the family line of a person by having children.²

What about the claim that the Torah's perspective is that a woman's role is relegated to child bearing? For example, the Ibn Ezra comments (Devarim 22:5): **כִּי הָאִשָּׁה לֹא נִבְרָאת אֱלֹא לְהָקִים זֶרַע**.

The comment appears in the context of why women should not be the ones to wage battle in wars. Ibn Ezra writes that the primary role of a woman is to raise the children. If she would go to war together with the men, it would lead to sexual immorality.

Historically, women were the ones responsible for raising the children of their family. By virtue of the fact that they are often there for the children, they end up having an important role. Rebbetzen Tzipora Heller Gottlieb (Feminism – aish.com) comments, “Ultimately, the people who have had the most significant effect on who you are today are not the President of the United States and the Chief Executive Officer of Bank of America, but your parents, teachers, and childhood role models – the people who influenced your internal development.”

According to this understanding, being a mother that is deeply invested in a child's upbringing is a great position with tremendous effect. We see this trait exemplified by Sarah Imeinu as she was the

² According to the Rambam (Hilchot Melachim 4:4), the whole idea of a pilegesh is very limited. A commoner is not allowed to have a pilegesh. It is permissible only for a king. Although the Ramban (Teshuvot HaRashba hamiyuchasot l'Ramban #284) strongly disagrees, the Radvaz (Teshuvot vol. 4, #1296) defends the Rambam's position.

one that was able to see that Yishamel was not a good influence on her son Yitzchak (Bereishit 21:9). The first man was named Adam, meaning “man”, but the first woman was named Chava, meaning “mother of all life” (Bereishit 3:30). This role of being the child rearers that Chazal accredited to women is by no means derogatory or insulting. Motherhood connects us to the tremendous effect on generations that women have had for ages.

The Lubavitcher Rebbe comments on the commandment of every Jew to “make for Me (Hashem) a Sanctuary” (Shemot 25:8). He explains that the holiness that stems from these private sanctuaries, the homes of Jews, spreads to the rest of the world, until the whole world will be a sanctuary for Hashem, a *dira ba’tachtonim*. This correlates to the phrase “I will not enter Yerushalayim above until I can enter Yerushalayim below” (Ta’anit 5a). We see that in this way, the mission of building the third Beit Hamikdash actually rests on the builder of the Jewish home. This helps us understand the more traditional role of the woman being the *Akeret Habayit*, the core or the builder of the house and something extremely powerful.

Rav Yitzchak Arama (עקידת יצחק, בראשית שער התשיעי) has a different approach and emphasis. The first woman was given two names: Isha and Chava. The first name, derived from Ish, implies: *שכל והסידות* similar to an Ish. The second name: *חיה* – *כי היא היתה אם כל חי*, refers to her role in child bearing and rearing. The first is the primary legacy *כי עיקר תולדותיהם של* *צדיקים מעשים טובים*, and therefore Yaakov was angry with Rachel when she said: *הבה לי בנים ואם אין מתה אנכי*.

What about the Torah’s perception of a woman’s intellectual ability? There is an often quoted statement of the Rambam (Hilchot Talmud Torah 1:13): *רוב נשים אין דעתן מכוונת להתלמד*. Read carefully, the Rambam is not belittling a woman’s inherent cognitive ability. Rather he says that most women are not sufficiently focused to properly learn the complexity of the Oral Law. Most, but not all. And as it is well known, the importance that has been given to the formal education of young women has increased dramatically throughout the entire Torah world in the last century.

In Shemot 19:3 it says, “So shall you say to the house of Yaakov and tell the sons of Israel.” The midrash (Shemot Rabbah 28:2) famously comments here that “the house of Yaakov” refers to women and “the sons of Israel” refers to men. Women come first because they have the primary role in passing on Torah to the next generation.

Bnei Yisrael are frequently described as a bride to Hashem. For example, “On the day of the setting up of the Mishkan, Yisrael was like a bride entering the bridal canopy” (Bamidbar Rabba 12:8) and “Thus said Hashem: I accounted to your favor, the devotion of your youth, your love as a bride – how you followed Me in the wilderness, in a land not sown” (Yirmiyahu 2:2). There is nothing disrespectful about this relationship dynamic, and therefore, says Rabbi Menachem Mendel Shneerson, there should not be anything disrespectful or derogatory in the relationship between man and wife. Rather, rabbinic law instructs that a husband needs to “honor his wife more than himself” (Rambam, Hilchot Ishut 15:19).

There is nothing wrong with asking questions, as long as one truly seeks answers. Leaving them unanswered and believing misconceptions without trying to understand the true meaning is harmful, as it is false and turns a person away from Judaism. There are many issues that upon first glance, some deem problematic regarding Judaism’s perspective on women, but with patience and perseverance, intellectual honesty and respect, one can learn to appreciate the roles filled by both halves of the Jewish neshama that create a oneness of the Divine spark bequeathed to mankind.

Chanukah and Purim: Why these Holidays?

Bnei Yisrael are a resilient people, who have faced innumerable hardships and tribulations since the inception of their nationhood. There is a darkly humorous idiom, that if there was a day of commemoration for every instance of persecution the Jewish people have overcome, there would be a holiday every single day. While this is a sobering idea, there is truth to it.

However, only two holidays have been added to the Jewish calendar by the Sages: Purim and Chanukah. What is it about these events that compelled them to declare holidays out of these specific miraculous occasions?

Rav Moshe Chaim Luzzatto writes in *Derech Hashem* that chagim are not merely days of commemoration. They also have a lasting power on their specific dates. Chagim mark dates of restitution of Jewish ideals, and on the anniversary of these dates the same ideals are the focus of the day.

In the times of both Purim and Chanukah, Bnei Yisrael were experiencing a disconnect in their faith. In the time of Esther, they were lacking in *bein adam l'chaveiro*. In the time of the Chashmonaim, Bnei Yisrael were lacking in *bein adam lamakom*. The Jewish leadership of their respective times recognized after each miracle that a remedy for all future generations needed to be enacted – a timeless, yearly booster holiday that would reinvigorate the Jewish people with the very middot that almost led to their downfall. The holidays of Purim and Chanukah serve as respective cures for the connections that were lacking in Bnei Yisrael in each generation – first between themselves, and later between them and Hashem.

The Gemara (Shabbat 21b) asks: **מַאי חֲנוּכָה**, “What is Chanukah?” The Gemara responds by giving an abbreviated version of the story of Chanukah: the Greeks entered and desecrated the Beit

Hamikdash, they were defeated by the Chashmonaim, a small, pure flask of oil was found, and miraculously this oil that was only meant to last for one day, lasted for eight. The Gemara concludes by stating that לשנה אחרת קבעום ועשאום ימים טובים בהלל והודאה, “the following year they [the Rabbis] established and made these days a holiday, with the recital of Hallel and thanksgiving.”

The question and placement of מאי חנוכה is seemingly strange. Regarding no other holiday is such a question asked. Additionally, it appears in the Gemara after the Gemara has already discussed at length many of the aspects of Chanukah. Why would the Gemara ask what is Chanukah after already explaining many parts of Chanukah? This question and answer of מאי חנוכה puzzled many commentators.

Rashi explains the meaning of מאי חנוכה as על איזה נס קבעוה, “on account of which miracle was Chanukah established?” The Gemara responded that it was the miracle of the oil, נעשה בו נס והדליקו ממנו. Now, מאי חנוכה becomes “why” Chanukah, instead of what is Chanukah.

With this new understanding of the question, the answer of the Gemara is cast in a different light. What is the reason for Chanukah? The miracle of the oil. This is interesting, as there is a whole other component of the story of Chanukah: the miraculous military victory of the Maccabees against the mighty Greeks. Yet, the Gemara neglects this as a reason in its answer.

The sin of the generation of the Maccabees was that they were immersed in Hellenistic culture. They had forsaken Hashem and strayed to other gods and Greek culture. This is why the Gemara states that Chanukah was established because of the miracle of the oil; the candles burning for eight days symbolize the Jews’ renewed devotion to Hashem. There was a divine division that needed to be fixed, and the candles symbolized this reconnection.

The Jews of that time were suffering on a ben adam lamakom level; they had turned away from Hashem. This is the malady that the Sages needed to cure, and they did so through Chanukah.

הודאה – קבעום ועשאום ימים טובים בהלל והודאה they “established and made these days a holiday, with the recital of Hallel and thanksgiving.”

Why does one recite Hallel on Chanukah? Not only because Hashem saved the physical lives of the Jewish people, but because He saved their spiritual lives as well. Praising and devoting ourselves to Hashem is the essence of the holiday. Chanukah is about Bnei Yisrael’s re-established connection with Hashem.

Purim, conversely, was established because Bnei Yisrael required a connection to one another. The Gemara (Megillah 14a) notes that throughout the entire Prophetic era, the only new halacha that was enacted was the reading of Megillat Esther. What was this based on?

R’ Chiya bar Avin said in the name of R’ Yehoshua ben Korcha: שכן “if for being freed from slavery we sang a song to Hashem, so much more so when we are delivered from death to life.” Haman attempted to murder all of Bnei Yisrael and we were miraculously saved.

In Megillat Esther (3:8), Haman proposes his plan to Achashveirosh: ויאמר המן למלך אחשורוש ישנו עם אחד מפוזר ומפורד בין העמים בכל מדינות מלכותך. “There is a certain people scattered and separate among the peoples throughout all the provinces of your kingdom.” Haman describes the vastness of the Jewish people to emphasize to Achashveirosh how Jews infested every corner of his kingdom.

But Haman also unintentionally reveals a negative aspect of Bnei Yisrael at this time: the Jews were not united. Jews were living all over the entire 127-country empire. The Jewish people were not cohesively practicing their avodat Hashem, and this led them to stray from one of the fundamental aspects of yiddishkeit: *achdut*, togetherness. This was the sin of their generation – not assimilation, but disunification.

Only once Esther gets Am Yisrael to join together in a day of fasting does the tide change. Hashem required this unity from the Jews in order to be saved. The prophets instituted Purim as a cure to this sin of separation, a holiday filled with mitzvot that are ben adam l’chaveiro. The mitzvot of mishloach manot and matanot

l'evyonim are described in perek 9 of megillat Esther as being איש לרעהו, intrinsically mandating Jews to positively interact.

Rav Shlomo Alkabetz writes in *Manot Halevi* that the purpose of mishloach manot is to strengthen friendships and encourage unity. The Rambam says in Hilchot Megillah (2:15) that וכל המרבה לשלוח לרעים משובח, whoever gives more than the mandatory two mishloach manot, is to be praised. Additionally, the mitzvah of seudah brings Jews together. An emphasis on *achdut* in Purim is a constant theme, because Jews are meant to help fellow Jews and look past themselves, as a *tikun* to the mistake of the Jews in *galut Bavel*.

Today, Bnei Yisrael are still in galut, and the struggles that they faced during the times of both Purim and Chanukah are still prevalent. Assimilation and disunity are still plaguing Am Yisrael, possibly now more than ever. This must be reflected on, and people must continue to learn from the past by infusing Jewish lives with *achdut* and *ahava*, not only during Purim and Chanukah but in every aspect of a person's *avodat Hashem*.

Jealousy

In Pirkei Avot 4:21 the mishnah states: רבי אלעזר הקפר אומר, הקנאה, הקנאה, והתאוה והכבוד מוציאים את האדם מן העולם – the character traits jealousy, lust, and [the desire for] honor remove a man from the “world.” This refers both to *olam hazeh* and *olam haba*¹, showing the severity of jealousy. This mishnah discusses jealousy on an individual level.

Another degree of jealousy is on a national level. Avot D'Rabbi Natan 28:3 states: וכל המטיל קנאה ותחרות בתוך ביתו מעלה עליו הכתוב – כאילו מטיל קנאה ותחרות בישראל – anyone who brings jealousy and competition into his own house, it is as if he did so with Bnei Yisrael. Jealousy exists not only on an individual level, but also on a collective level. People need to avoid this trait within themselves or those surrounding them. If a person is around negative people, the negativity spreads around and explodes. This is also true when it comes to jealousy.

Most people assume the first time that jealousy appears in the Torah is regarding the story of Kayin and Hevel and their korbanot. Hashem accepted Hevel's korban, but not Kayin's. The pasuk (Bereshit 4:8) says: ויאמר קין אל הבל אחיו ויהי בהיותם בשדה ויקם קין אל – Kayin murdered his own brother after seeing Hashem accept Hevel's korban over his. Kayin's true colors come out. He was so jealous, that he followed through with this unspeakable action.

Before Kayin and Hevel, however, the concept of jealousy is alluded to on a drash level. In Bereshit 1:26, the pasuk says: ויאמר אלקים, נעשה אדם בצלמנו כדמותנו; וירדו בדגת הים ובעוף השמים, ובבהמה ובכל הארץ, ובכל הרמש, הרמש על הארץ. Commenting on the words נעשה אדם, Rashi explains that Hashem “consulted” with the

¹ See Tiferet Yisrael on the mishna

angels because He was sensitive to the fact that they might become jealous of Adam.

We see that there are two sides to jealousy. One is to not be jealous of others and the other is to not make others jealous, something even Hashem is careful about. A person should model himself after Hashem in an effort not to make others jealous.

Another place jealousy appears in the Torah is in Bereshit 37:3. The pasuk says, *וישראל אהב את יוסף מכל בניו כי בן זקנים הוא לו* ויעשה לו כתונת פסים. Yaakov loved Yosef more than all his sons and made for him a very special garment. The following pasuk states, *ויראו אחיו כי אתו אהב אביהם מכל אחיו וישנאו אתו ולא יכלו דברו לשלם*. When the brothers saw that Yaakov loved Yosef more than any of his brothers, they hated Yosef and could not speak with him peacefully. The Gemara (Shabbat 10b) states: *לעולם אל ישנה אדם בנו* בין הבנים, שבשביל משקל שני סלעים מילת שנתן יעקב ליוסף יותר משאר בניו, נתקנאו בו אחיו ונתגלגל הדבר וירדו אבותינו למצרים.

The Sages warn that a person should never distinguish one of his sons from among the other sons by giving him preferential treatment. Yaakov clearly showed favoritism to Yosef over his other children. This caused his brothers to become jealous of him, eventually leading to the Egyptian slavery. It is clear that jealousy can have a long lasting and life changing effect.

This topic of jealousy leading to hatred is clearly not just applicable to the times of Yosef and his brothers. Even now, a simple action, even with good intention, can lead to major damage. It is important to be aware to treat each person equally, whether that person is a child, parent, or friend.

In Shemot 20:14 the pasuk says: *לא תחמד בית רעך לא תחמד אשת רעך, ועבדו ואמתו ושורו וחמרו, וכל אשר לרעך* – a person should not desire or covet anything that belongs to his or her neighbor. This pasuk is the source of the commandment against jealousy, and because it is one of the aseret hadibrot, highlights its importance.

In Bava Batra 21a, it is written *קנאת סופרים תרבה חכמה*. The only kind of jealousy that is good is the spiritual jealousy that makes an

individual try to grow closer to Hashem. Correct *kinat sofrim* is seeing a friend's accomplishments and trying to improve oneself and emulate the good that is in others. However, this type of jealousy can be dangerous if, by looking at others, it leads the person to consider himself unworthy and worthless.

The sefer *Olam Hamiddos* (chapter on jealousy) explains that any time a person experiences jealousy over what appears to be a spiritual matter, he needs to take an honest look and see whether it is only the honor and prestige that he envies, or if he is doing an action out of a purely spiritual motivation. If it is the former, then the individual is not engaged in *kinat sofrim*, but rather dangerous jealousy.

The key to overcoming this is to not compare oneself to others. Recognizing that life is not a competition can enhance spirituality and help people grow and improve their middot.

Shlomo Hamelech writes in Mishlei 23:17, אל יקנא לבך בחסאים – do not be jealous of sinners; have yirai Hashem and be jealous of yirei shamayim. This will lead to a positive *kinat sofrim*. Jealousy should not be about possessions and physicality; it should be about spirituality. Similarly, in Kohelet 4:4, Shlomo Hamelech writes וראיתי אני את כל עמל ואת כל כשרון המעשה כי היא קנאת איש מרעהו גם זה הבל ורעות רוח – he saw all the toil and all the excellence of work, which is a man's envy of his friend; this too is vanity and frustration. This is an example of jealousy of materialism. Shlomo Hamelech says that this is *hevel* – nothingness.

In Mishlei, Shlomo was referring to spiritual *kinat sofrim* and the benefit of jealousy in spirituality. However, in Kohelet, Shlomo mentioned physicality and talked about the futility of jealousy in materialism.

Jealousy is just like every other middah. It can be used for both good and bad. The focus should be on a positive *kinat sofrim*. Pirkei Avot 4:1 sums up this entire message, stating בן זומא אומר ... איזהו עשיר, השמח בחלקו – who is rich? One who is satisfied with his lot. If Hashem did not put something in someone's life, it is clearly

for a reason and there is no need to be jealous. The world does not need two of the same people; the world needs individuals. If a person is satisfied with what he has, then he will overcome jealousy and not be jealous of what others have.

Tolerance

In Parshat Vayechi (Bereshit 49:1-28), Yaakov gathers his sons to bless them. Why did Yaakov gather them all together? When discussing something private, it's not the norm to gather a whole group of people to come watch. Each person is called separately and conversed with individually. Yaakov must have had a deliberate reason to call them all together to hear the blessing and rebuke of their brothers.

Yaakov gathers all the shevatim together not only to hear each other's brachot. Bereshit Rabba (99:4) comments that when Yaakov was finished giving each shevet his bracha, sometimes accompanied by animal symbolism, he then went back and assigned the attributes of each of the symbols to all the shevatim. What message was Yaakov trying to give over to his children?

Yaakov Avinu was teaching his children the timeless lesson of tolerance. By giving each shevet their individual *tafkid* in front of all the other brothers, he was teaching them that Klal Yisrael is a community. As individuals, we are pieces of the larger puzzle of Am Yisrael. Like a puzzle, Am Yisrael requires both community and individuality to exist. Yaakov wanted them to know that even though the other parts of the nation were doing things differently than they were, they were all essential for the continuation of Klal Yisrael.

The Jewish people today are widely diverse. The different sects of Torah Judaism live in their own communities with their own schools, shuls and Rabbonim. They dress and act differently. But while we are so different from one another we have one essential common factor: Torah. The different communities are all points on a circle surrounding Torah. We all have our own

perspectives and different minhagim. However, we need to realize that just because someone is looking from a different viewpoint, we are still all equidistant from the Torah, which is at the center.

The Gemara (Ta'anit 31a, Yerushalmi Mo'ed Kattan 3:7, Yerushalmi Megillah 2:4) teaches that in the times of Moshiach, the Tzaddikim will dance around in a circle, with Hashem (כביכול) in the center. Why does the Gemara specify that they are dancing in a circle as opposed to in a line or some other shape?

A circle is unique in that every outer point on the circle is equidistant to the center point. The Gemara teaches us that wherever a Jew stands in the circle, he is no closer to, nor further from, Hashem than any other Jew in the circle. Whichever way you choose to serve Hashem is just as valuable as every other way of serving Hashem. When we see others who practice Judaism differently than us, if we remember that we are all different points on the circle, then we will be slower to judge and faster to accept them for whom they are and be more tolerant of other modes of Avodat Hashem.

The Sefer Hachinuch (95:3, 347:3, 374:3, 77:2, 357:3, 485:4) reminds us that there are *Shivim Panim L'Torah*, seventy different ways to view the Torah, and no one person can know or understand them all. If all Jews practiced and viewed Torah the same way, all the other beautiful *Panim* of the Torah would be lost.

The Gemara says (Eruvin 13b, Gittin 6b, Yerushalmi Brachot 1:4, Yerushalmi Yevamot 1:6, Yerushalmi Sotah 3:4,) "*Eilu V'eilu divrei Elokim Chaim*", there is allowed to be diversity in the way Torah is interpreted and practiced, as long as it's within the framework of halacha. We need to learn to tolerate those who are different from us. We can't say that everyone to the right of us is too frum and those to the left are not frum enough. We need to recognize the beauty in the diversity of our nation and appreciate

that each community contributes something extremely important to the larger nation of Am Yisrael.

Pirkei Avot (5:17) tells us that every dispute that is for the sake of Heaven will in the end endure. What this mishna teaches us is that part of Torah learning itself is the concept of disagreement for the sake of Torah. Difference of opinion does not mean that one side is right and the other side is wrong. Beit Hillel and Beit Shamai differ on many halachic topics, but even though we practice according to the ruling of Beit Hillel, we still learn what Beit Shamai teaches us because we believe that the *machloket* was *l'shem shamayim* and has inherent value.

In practice, seeing other people's side of the argument is difficult for a multitude of reasons. One predisposed reality for all humans is cognitive dissonance, when there is a disconnect between a person's thoughts and actions. For example, most smokers know that smoking is a lethal activity, yet they do it anyway because they enjoy it. A person is more likely to change their thoughts than they are to change their actions. Therefore, a smoker will convince himself that what he is doing is fine.

When we see someone doing something differently than us, it is much easier to convince ourselves that our way of acting is the right way to do it. While in some cases we may be right, if we would take a moment to think about the reasons behind the actions we do, and the reason others do it differently, we may find that it is our faulty perspective that is preventing us from seeing the real or alternative truth.

Another reason we may fail to be tolerant of others is the psychological concept of Fundamental Attribution Error. Fundamental Attribution is when we judge ourselves based on the external situation but judge others based on the internal situation. For example, I was late to class because my alarm failed to go off, but my roommate was late to class because she is a lazy person.

In Bamidbar 16, we see a glaring example of someone with a Fundamental Attribution Error. Korach stages a rebellion and claims that Moshe and his family hold all the high positions because they are haughty people who want honor and recognition. Korach believes that he should get a high position because he is in the family as well. Korach fails to recognize that the positions are Divinely ordained and that if he was supposed to get a high position he would, just like Moshe and his family. Because he fails to see the flaws in his own character traits, he is punished. We need to view others the same way we view ourselves and not raise ourselves above everyone else.

There is another reason that we tend to accept our way of practice as the sole truth, and that is rationalization, a defense mechanism involving taking the blame off of ourselves and contorting the facts to validate our actions and options. The first human to ever live used this defense mechanism. After Adam sinned and Hashem came to find Him, Adam said (Bereshit 3:12) that the woman that You [G-d] gave to me caused me to sin. Adam completely takes himself out of the picture and not only blames Chava, but blames Hashem Himself. Adam is rationalizing his actions by saying that if Hashem had never given Chava to him, he would have never sinned. Chava was a present given to Adam by Hashem and Adam turns this upside down to remove the blame from himself. We do this all the time when comparing our practices to others. Instead of accepting that there are multiple ways to view situations, we immediately start rationalizing and twisting the story to fit our own agendas.

There is yet another tactic used to validate ourselves called Confirmation Bias, the tendency to look for the information that confirms and supports your own existing beliefs and to ignore and reject any conflicting data. In the times of Yirmiyahu, Bnei Yisrael did this constantly. By listening to the *Nevi'ei Sheker* as opposed to Yirmiyahu, they were confirming their belief that

their actions were good and proper. If they had opened their ears and listened to the words of Yirmiyahu, they would have been able to save themselves from the horrors of the destruction of the Beit Hamikdash. Let us not repeat the errors.

FACULTY

From Battle to Balance:

An Alternative View of the Nature of Humanity

What is the nature of a human being? Are we fundamentally spiritual? Intellectual? Physical? This question is important because it affects how we think about ourselves, and, therefore, how we choose to behave. A person who believes he is spiritual in nature will probably make different behavioral choices than someone who believes he is fundamentally part of the natural world.

The more popular position in the Torah world today is to argue that people are a combination of two very different components. One part of us is physical (or *gashmi*). This part consists of a person's body. The other part is spiritual (or *ruchani*), consisting of a person's soul and other non-physical faculties. The physical side is the source of our base desires and urges, and the spiritual side is the source of our more refined spiritual and intellectual desires. These desires are at odds with one another, and create a conflict within a human being, who contains them both.

Taking this theory about the nature of a human being as a starting point leads directly to a certain kind of ethical system. If we are fundamentally a battleground for the fight between *gashmiut* and *ruchaniyut*, then our imperative is to enable the success of our spiritual drives. The *ruchani* part of ourselves represents the higher, "truer", or better version of ourselves. We therefore need to act in a way that allows it to dominate. This is true even if it means consciously and radically repressing our physical selves.

The Rambam takes up the position outlined, and expresses it in extreme terms. In his formulation, he uses the Aristotelian terms "form" and "substance" for what we have respectively called the spiritual and the physical:

Man's shortcomings and sins are all due to the substance of the body and not to its form; while all his merits are exclusively due to his form. Thus the knowledge of G-d, the formation of ideas, the mastery of desire and passion, the distinction between that which is to be chosen and that which is to be rejected, all these man owes to his form; but eating, drinking, relations, excessive lust, passion, and all vices, have their origin in the substance of his body....

For these reasons the Creator gave to the form of man, power, rule, and dominion over the substance – the form can subdue the substance, refuse the fulfillment of its desires, and reduce them, as far as possible, to a just and proper measure. The station of man varies according to the exercise of this power. Some persons constantly strive to choose that which is noble, and to seek perpetuation in accordance with the direction of their nobler part – their form: their thoughts are engaged in the formation of ideas, the acquisition of true knowledge about everything, and the union with the divine intellect which flows down upon them, and which is the source of man's form. Whenever they are led by the wants of the body to that which is low and avowedly disgraceful, they are grieved at their position, they feel ashamed and confounded at their situation. They try with all their might to diminish this disgrace, and to guard against it in every possible way. They feel like a person whom the king in his anger ordered to remove refuse from one place to another in order to put him to shame; that person tries as much as possible to hide himself during the time of his disgrace; he perhaps removes a small quantity a short distance in such a manner that his hands and garments remain clean, and he himself be unnoticed by his fellow men.

Such would be the conduct of a free man, whilst a slave would find pleasure in such work; he would not consider it a great burden, but throw himself into the refuse, smear his face and his hands, carry the refuse openly, laughing and singing. This is exactly the difference in the conduct of different men. Some consider, as we just said, all wants of the body as shame, disgrace, and defect to which they are compelled to attend: this is chiefly the case with the sense of touch, which is a disgrace to us according to Aristotle, and which is the cause of our desire for eating, drinking, and sensuality. Intelligent persons

must, as much as possible, reduce these wants, guard against them, feel grieved when satisfying them, abstain from speaking of them, discussing them, and attending to them in company with others. Man must have control over all these desires, reduce them as much as possible, and only retain of them as much as is indispensable. His aim must be the aim of man as man, viz., the formation of ideas, and nothing else... also all the commandments and exhortations in the Pentateuch aim at conquering the desires of the body.¹

For the Rambam, humans are fundamentally intellectual/spiritual beings designed to apprehend sublime truths about G-d. The ultimate good for human beings is therefore to actualize this as much as possible. Every ethical decision should be made in this light. This view of humanity, or something like it, has dominated the Torah world since at least the Middle Ages. It is prominent among many *Rishonim* and in the kabbalistic and *mussar* literatures.

Are there any alternatives in our tradition? Rav Soloveitchik takes up this question in *The Emergence of Ethical Man*. He notes that this question is especially pressing in the modern world. The scientific view of humanity rejects the binary we described above. According to biology, human beings exist fundamentally on the same plane as the rest of nature (and, in fact, evolved out of the natural world). By this view, human beings aren't a battleground between "good" and "bad" parts. All the parts have the same metaphysical valence. The question is how to put them to the proper use. Rav Soloveitchik asks: Is the Jewish tradition really at odds with the scientific view of humanity? In a fascinating turn, the Rav argues that despite the broad acceptance of the "classic" position, a holistic reading of Tanach fits better with the scientific view:

It is certain that the fathers of the Church and also the Jewish medieval scholars believed that the Bible preached this doctrine.² Medieval and even modern Jewish moral-

¹ Moreh Nevuchim 3:8

² That "man is in his essence a spiritual personality, a bearer of a transcendental charisma".

ists have almost canonized this viewpoint and attributed to it apodictic validity. Yet the consensus of many, however great and distinguished, does not prove the truth or falseness of a particular belief. I have always felt that due to some erroneous conception, we have actually misunderstood the Judaic anthropology and read into the Biblical texts ideas which stem from an alien source.³ This feeling becomes more pronounced when we try to read the Bible not as an isolated literary text, but as a manifestation of a grand tradition rooted in the very essence of our G-d-consciousness that transcends the bounds of the standardized and fixed text and fans out into every aspect of our existential experience. The sooner the Biblical texts are placed in their proper settings – namely, the Oral Tradition with its almost endless religious awareness – the clearer and more certain I am that Judaism does not accent unreservedly the theory of man's isolationism and separatism within the natural order of things.⁴

In the first section of *Emergence*, Rav Soloveitchik sketches what he views as the proper reading of the creation story in *Bereshit*. He shows how the text depicts human beings as coextensive with the natural world. We share characteristics with both plant and animal life. Of course, human beings have extra parts that both allow and require them to act ethically and achieve spiritual greatness or “self-transcendence”. However, in the Tanach's view, “transcendence was always seen against the background of naturalness. The canvas was man's immanence; transcendence was just projected on it as a display of colors. It was more a modifying than a basic attribute of man.”⁵

What emerges from the Rav's analysis is that, fundamentally, there are no “good” and “bad” parts of a person. We have a set of characteristics that we can put to use for good or bad ends. This position rejects the Rambam's radical suppression of the physical

³ For example, in the passage quoted above, the Rambam cites Aristotle as a source of this view.

⁴ The *Emergence of Ethical Man*, p. 6.

⁵ *Ibid.*, p. 9.

aspects of humanity described above. At the same time, however, the Rav argues that G-d demands that we behave ethically. This demand raises an interesting question. In the Rambam-style view, figuring out how a person should conduct themselves is relatively easy. Everything is aimed toward actualizing our “good” parts. How does this work if we don’t have “good” and “bad” parts? To guide us in working out this problem, we turn to another important Jewish thinker, Rav Sa’adia Gaon.

In his *Emunot VeDeot*⁶, Rav Sa’adia Gaon rejects the view that we should aim all of our actions at a single character trait. In his view, the fact that G-d created us with many different characteristics and drives is evidence that we are meant to use all of these parts of ourselves somehow. His position is therefore parallel with that of modern science and the one put forth by Rav Soloveitchik. Rav Sa’adia suggests that instead of allowing one or some traits to dominate and others to be totally suppressed, we need to learn to bring all of our traits into balance. He sets out⁷ a human psychology that includes three major drives:

- Appetitive: The desire for food, comforts, and other physical gratification.
- Impulsive: The drive to lead, do, create, conquer, etc.
- Cognitive: The intellectual drive that wants to understand things and acts in the world through reason.

The first two drives have a tendency to run wild. Balance is therefore achieved by using the cognitive drive to decide when, where, and how to employ the other two.⁸

What does this intellectual balancing act look like? Rav Sa’adia presents a number of examples, comprising most of the tenth section of *Emunot VeDeot*. He discusses 13 different pursuits that some people turn into the focal points of their lives (e.g., abstinence,

⁶ 10:1.

⁷ *Emunot VeDeot* 10:2.

⁸ *Ibid.* 10:3

eating and drinking, accumulating money, acquiring wisdom). He shows how focusing solely on any one of these things is a mistake that throws a person off balance, and explains what the proper measure of each should be.

However, these 13 items are not an exhaustive list, and the types of choices that a person has to make can change in different times and places. How do we learn to do Rav Sa'adia's analysis ourselves? He doesn't provide us with a precise method, though he does mention using a combination of "science", read logic or wisdom and "religious law" (i.e., the *mitzvot*)⁹. In his book *An Introduction to Medieval Jewish Philosophy*, Prof. Daniel Rynhold suggests that Rav Sa'adia is alluding to something like Aristotle's "practical syllogism". Aristotle argues that many of our ethical decisions follow the pattern in this example:

- In a situation of type S one must act courageously.
- This is a situation of type S.
- Therefore, I must act courageously.

This kind of logical argument may align with what Rav Sa'adia calls "science". The problem is that conditions of these premises aren't clear cut. Sometimes we're in a situation and know that it demands some kind of moral action, but we don't know what to do. Sometimes we know that we need to act in a certain way in general (e.g., kindly) but we don't know what situations it applies to. Aristotle argues that the clarity for understanding when this syllogism applies comes from gaining proper ethical sensitivities by living an ethical life. If I practice being ethical, I am better able to identify other situations that require ethical action, and what to do in those situations. Perhaps this is what Rav Sa'adia is alluding to by pointing to the *mitzvot* as the second ingredient for figuring out how to live ethically. The *mitzvot* are a system of ethical training. If we follow them and study them we can imbibe the ethical sensitivities needed to allow our cognitive faculties to properly limit

⁹ Ibid., 10:17

our other drives and achieve the proper balance of our character traits.

The modern scientific perspective has become part of the worldview of many contemporary Jews.¹⁰ This can make it difficult for some people to identify with the classical views of humanity such as the Rambam's. We've tried to demonstrate that there is a viable alternative in our tradition. This is true both at the philosophical level, as argued by Rav Solovetichik, and at the practical level, as seen in Rav Sa'adia Gaon's discussion of character trait balancing. What we've presented here is only a basic sketch. Much more work needs to be done to turn this line of thinking into a system that viably enables the contemporary Jew to succeed in *Avodat Hashem*.

¹⁰ This is eloquently argued by Rav Dr. Chaim Solovetichik in his essay *Rupture and Reconstruction*.

The First Rashi

The first Rashi in Chumash, although greatly important, is equally puzzling, at least at first glance.

R' Yitzhak said 'It was not necessary to start the Torah before "HaChodesh HaZeh Lachem" (Shemot 12:2) which is the first commandment that Bnei Yisrael were commanded. And for what reason did He begin with "Bere-shit"?¹ Because of The strength of His works, He told to His people, to give them the inheritance of the nations' (Tehillim 111:6). For if the nations of the world challenge Bnei Yisrael saying, 'You are thieves who conquered the lands of the seven nations (of Canaan),' they will reply, 'The entire world belongs to HaKodesh Baruch Hu; He created it and gave it to whomever He deemed appropriate. When He wanted, He gave it to them, and when He wanted, He took it away from them and gave it to us.'

There are three powerful questions begging to be asked on this Rashi. Firstly, Rashi's question is strange for it assumes that the Torah should have begun with the first mitzvah, Rosh Chodesh. Why would that have been a better place to start than creation? Rashi's question does not seem to suggest removing all Biblical narrative in order to leave Chumash as a book strictly of laws.²

¹ The Ramban (Bereshit 1:1) explains that the Torah did not start with Bereshit in order to reveal deep philosophy about Hashem's creation because the Chumash does not reveal such information. Those secrets are found in Kabbalah. Accordingly, Chumash is not a philosophy book. After all, very little of the Chumash deals with philosophical issues, and the small sections that do are often philosophically misleading (See Raavad Hilchot Teshuva 3:7) including anthropomorphism of Hashem, for example, which we assume is categorically rejected (Rambam Hilchot Teshuva 3:7).

² Although the Gur Aryeh (Bereshit 1:1) seems to interpret the question as such.

Interestingly, some assume that the first sixty-one perakim would not have been left out, but would have made up a separate sefer (Mizrachi and Siftai

Many stories appear after the mitzvah of Rosh Chodesh; for example, the golden calf, the spies and Korach, and all of them were assumed to remain in Chumash. What then was the idea behind Rashi's question?

Secondly, Rashi's answer does not seem to substantially address the question. Rashi wonders why the first sixty-one perakim (fifty in Bereshit and eleven in Shemot) are found in the Chumash, yet only answers why the first pasuk (or first few pesukim) is necessary. Understandably, the Torah wanted to inform us that Hashem created the world and can therefore justifiably give different lands to different nations, but on this account, there seems to be a significant amount of unnecessary information included in the first sixty-one perakim of Chumash.

The Ramban (Bereshit 1:1) explains that the first eleven perakim – everything until Avraham – establish the concept of sin and exile. After each sin there was exile. Adam and Chava were expelled from Gan Eden, Kayin was sent to “be a wanderer” (Bereshit 4:14), all of Noach's generation were removed from the world and the Dor HaPlaga were scattered, also a form of relocating them. Still, what about the other fifty perakim?

Thirdly, did the Chumash accomplish its goal? Does the world recognize that Israel belongs to the Jews because of the Chumash's testimony? Can we expect them to accept the Torah's claim?³

An insight into the selection process of what stories and laws, in general, were included in Chumash is of paramount importance. Presumably it depends on the answer to a fundamental question. What is the goal of Chumash? Only after answering that can one begin to hypothesize as to why certain stories were selected.

Chachamim both on Bereshit 1:1) or would have been relocated elsewhere in Chumash (Ba'ar HaTorah, Bereshit 1:1).

³ One may suggest that the Chumash's message is designed for Bnei Yisrael and it is irrelevant whether the world accepts it. This is further implied by the pasuk that Rashi quotes, focusing on 'He told to His people.' Still, we will suggest an additional answer.

Perhaps Chumash is a book for the Chosen People designed to instruct and educate them in how to act as a chosen nation. Based on this hypothesis, Rashi's opening question can now be redressed. If the Torah is designed to teach the chosen nation how to act chosen, then perhaps it should begin with the first mitzvah given to the chosen nation as a complete nation.

In attempting to deal with Rashi's question, it pays to first ask, what would have been missing from Chumash if it had begun with the mitzvah of Rosh Chodesh? Seemingly, the answer to two significant questions would be missing. Firstly, why would Hashem choose one nation as a Chosen Nation? Does that not seem unfair? Secondly, why choose this particular nation? Even if one can develop reasons for choosing a nation, why did Hashem select Bnei Yisrael? What did they do to deserve it?

Perhaps these questions are exactly what the first sixty-one perakim of Chumash come to answer. The first eleven perakim of Bereshit include four stories of failure, sin and exile, and the subsequent storyline, the rest of Bereshit, is a response. After the world repeatedly fails, Avraham emerges⁴ as a teacher and preacher who successfully begins to enlighten the world with the values of Hashem.

Chumash illustrates Avraham's immense affection for people and his passion to help, by welcoming guests on a hot day⁵ soon

⁴ We are assuming that Avraham was not born destined to lead, but rather developed himself into someone capable of doing so. This is implied by the Midrash (Bereshit Rabbah 39:1), which describes Avraham as the only one to stop and notice the *bira* (fortress) *doleket* (burning), and by the Rambam (Avodat Kochavim 1:3) and Rav Hirsch (Nineteen Letters, letter 8) where they describes how Avraham, alone, searched and discovered monotheism in a polytheistic world.

Alternatively, one may suggest (See Kuzari 1:95) that Avraham was born with an inherent advantage and was therefore selected.

⁵ It is uncommon for the Chumash to record the weather as it does here (Bereshit 18:1). Perhaps including the extreme heat highlights Avraham's commitment to his work even when he had good reason to rest.

after his Brit Milah (Bereshit 18). Chumash also depicts Avraham's unwavering dedication to Hashem's word with the story of the Akeida. This synthesis of love and commitment are the proper building blocks of our religion and the character traits Avraham had, which made him the right man to start and represent Bnei Yisrael.

Yitzhak, Yaakov, and the twelve brothers follow along these lines as the Chumash records their transformation from individuals into a family and, ultimately, a nation dedicated to this important mission.

These sixty-one perakim capture both why a specific nation was needed to lead, as well as why Bnei Yisrael were selected as that nation. Without a role-model nation, the world was doomed for failure as seen in the first eleven perakim of the Chumash. Bnei Yisrael, led by the Avot, embody the ideals and values of Hashem needed to accomplish His purpose for this world.

Even if this hypothesis is correct, one can ask, is this what Rashi meant? Perhaps. Perhaps by saying that Hashem can give the land of Israel to anyone He chooses, captures more than a justification of giving the land to any random nation He decided. Perhaps Hashem gave Bnei Yisrael the Holy Land because they are the Chosen Nation. The first sixty-one perakim explain why Hashem chose them and removed the nations, making room for them.⁶

Lastly, perhaps, at least on some level, the world did and does recognize that Israel is the homeland for the Jewish People. In 1948, the UN voted to recognize Israel, not Uganda, as the home of the Jewish People. Perhaps that decision reflects the recognition, dating back to Chumash that the Jews do belong in Israel because Hashem desired it so.

⁶ Hashem waited to bring back Bnei Yisrael to Eretz Yisrael until Emori sinned to the point where they deserved to be exiled (Bereshit 15:16).