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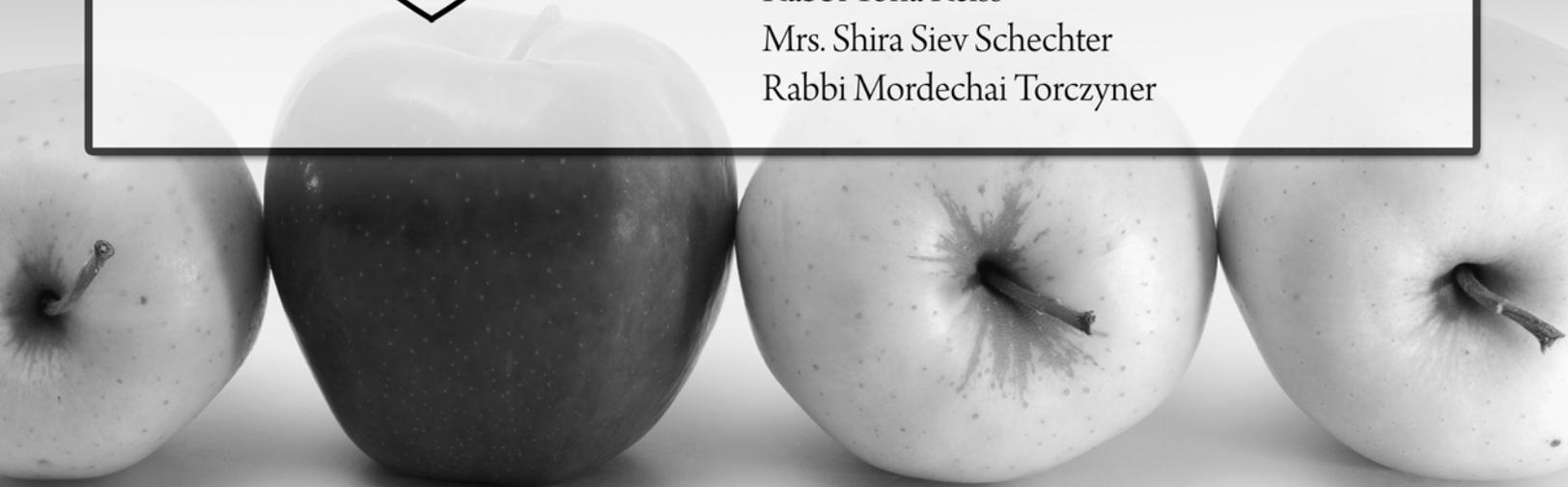
# Rosh Hashana To-Go

# 5770



## Featuring Divrei Torah from

Rabbi Norman Lamm  
Rabbi Azarya Berzon  
Dr. Rivkah Blau  
Rabbi Reuven Brand  
Mrs. Atara Eis  
Rabbi Josh Flug  
Cantor Sherwood Goffin  
Rabbi Shmuel Hain  
Rabbi Yona Reiss  
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Dear Friends,

As individuals and as a community we prepare to stand before *Hakadosh Baruch Hu* (God) on Rosh Hashanah. The Rabbis teach us that within the mitzvah of shofar there are two paradigmatic sets of blasts, *tekiot de'meyushav* and *tekiot de'meumad*. The first series of blasts, *tekiot de'miyushav*, or the 'sitting blasts', are blown either before or during the personal amidah (silent prayer service). These blasts ask us to reflect on our growth and development as individuals in our personal rendezvous with God. Have I spiritually grown as an individual? Have I grown in my relationship with God through more effective interpersonal relationships? Have I modeled a behavior of *yashrus* (integrity) in my personal and professional associations? What must I change as I stand apart from the community, as an individual searching for a personal meaningful relationship with God?

The second set of blasts of *tekiot de'meumad*, or 'standing blasts', are sounded during the communal amidah (prayer service). They are the blasts that serve to arouse community reflection. What have we done as a community to create more effective spiritual portals of entry for our members and guests? Have we as a community, raised awareness and provided support for issues concerning Israel and other important communal causes? What role must I play in helping to rid the economic promiscuity that seems to have a cancerous stranglehold our community's spiritual well being?

It is our task to jointly integrate these two paradigms of teshuvah represented by the shofar blasts into our lives and actions. This has been a difficult year for all of us, for our people, and the world community. It is our hope that the Torah found in this pamphlet will help guide our personal and communal self reflection.

May we all find the strength to incorporate the messages of the shofar blasts, enabling us to live more meaningful and productive lives.

Wishing you all a *Ketiva Va'chatima Tovah*.

B'yedidut,

Rabbi Kenneth Brander  
*The David Mitzner Dean, Center for the Jewish Future*

# The Law of Invalidating Shtarot

Rabbi Azarya Berzon

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One of the most moving prayers in the liturgy of Yomim Noraim presents a dramatic description of the Kedushah and awe of the Yemei HaDin. We are told how the deeds of every living being are scrutinized by the Heavenly Court.

*The book of records is opened. And it reads by itself. And the signature of every man is in it.*

**Liturgy for the Yamim Noraim**

ותפתח את ספר הזכרונות. ומאליו יקרא. והותם יד  
כל אדם בו.  
תפילת ימים נוראים

This is based on the statement of Rabbi Akiva in the Mishnah in Pirkei Avot.

*All is given against a pledge, and the net is cast over all living; the shop stands open and the shopkeeper gives credit and the ledger is open and the hand writes.*

**Avot 3:16**

הכל נתון בערבון ומצודה פרוסה על כל החיים  
החנות פתוחה והחנוני מקיף והפנקס פתוח והיד  
כותבת  
אבות ג:טז

The great sage stresses the point that the deeds of man do not pass unnoticed; that the Ribono Shel Olam takes careful cognizance of them. They are recorded in the ledger, and the recording is done by each living being himself. And on Yom-HaDin, that book is opened, and it recounts the things that one has done or failed to do. VeChotam Yad Kol Adam Bo. The signature of everyone's hand is attached to it.

Thus we see that Chazal looked upon the ledger as a legal document, undersigned by the individual. If one sinned or committed a crime, he cannot deny it, for his personal signature is there to attest to the truth of the statement.

Let me say a few words about the law of Kiyum Shtarot, of authenticating legal documents. The halacha requires that the signatures on a document be authenticated either by the witnesses themselves or by others. The witnesses appear before a Bet Din, and are asked to identify and confirm their signatures.

The same is done on Yom HaDin. The Bet Din Shel Ma'ala is bound by the same halachic rules as the Bet Din Shel Mata. It requires the authentication of the ledger which is the legal instrument that enumerates the deeds and misdeeds of each individual.

Consider for a moment the moving scene! A person is ushered before the Heavenly Tribunal and is shown paragraphs written in his own hand. He reads the record of his activities throughout the year - the sins he had committed and the failures in his life. What defense can he present on that day which is described by the paytan as Nora VeAyom, as fearful and awful? What words can he use at that moment when even the angels are hushed into silence and frightened to death? For we read וּמִלֵּאכִים יִחְפְּזוּן וְחִיל וְרַעְדָה יִאֲחֲזוּן וַיֹּאמְרוּ הִנֵּה יוֹם הַדִּין! He certainly cannot say that this is not his handwriting, that the writing is a fraud! He would simply be laughed out of court!

Perhaps one can find an answer to this dilemma in another Mishnah.

*If witnesses say "this is, indeed, our handwriting, but we signed it under duress, or we were minors, or we were legally disqualified to act as witnesses, they are believed. [The document is declared invalid.]*

#### **Ketubot 18b**

העדים שאמרו: כתב ידינו הוא זה,  
אבל אנוסים היינו, קטנים היינו,  
פסולי עדות היינו - הרי אלו נאמנים;  
כתובות דף יח:

The Mishnah rules that when the witnesses admit that this is, indeed our handwriting, there is no denying that it is written by us, but we did not sign the document of our own free will, but were forced to do it by coercion and threat; or at the time of the signing we were minors, and our signatures are therefore worthless; or at the time of the affixing of our signatures to the document we were legally unfit to be witnesses, these qualifying statements are admitted by the Bet Din and the document is ruled invalid, null and void.

The ruling of this Mishna can be applied to the dilemma of the grueling indictment that is presented to us on the Yom HaDin. Our first claim is Anusim Hayinu. "True," we admit, "this is our handwriting." We cannot deny that it correctly records our failings. But we did not violate the laws of the Torah willfully and deliberately. We did it because of external and internal forces that caused us to sin. The force of habit is one kind of internal force. It is difficult to break a habit. Then there is the force of environment. Life is a difficult climb. A Jew who climbs the financial and social ladder in his quest for success often slacks off in his dedication to Torah study and the meticulous observance of Halacha. There are also the internal forces such as desire and jealousy. At the very beginning of history it brought disastrous results to our ancestors. The argument was "for the Tree is good to eat, and desirous for the eyes". The hedonistic drive is sometimes too much for us to withstand.

Another claim is ketanim hayinu, we were minors. Man sins because of childishness and immaturity, He is petty and infantile, and fails to realize the seriousness of life. He does not understand the long-term effects of sin; that avara goreret avara, that every sin has a destructive effect on one's personality and a detrimental influence on the character and happiness of family

and friends. Old and young dread lest they be looked upon by their peers as different. In their desire to impress others, they conform to the low standards of their milieu.

The third claim is pesulim hayinu, and we're not qualified to be witnesses. Rashi says that by pesulim it is meant that they were mesachekim bekubia – professional gamblers. Man is by nature a gambler, and frequently takes chances he should not take. The temptation to take risks is overpowering. If one would only consider the possibilities coolly and objectively, if one would take into consideration the odds that are against it, the dangers that lurk in every corner and make one's gamble a long shot, he would not stake his sense of honesty, decency and reputation on such a wild chance.

These are only some of man's defenses on the yom din. Man pleads Ribono Shel Olam, You are the Yodea Machshavot, the One Who Knows thoughts, and a bochen klayot v'lev, a tester of man's true nature, and you know full well that my sins were not the result of a well organized plan to defy Your teachings and to violate Your commandments. I was forced against my will! Many times I acted like a child, and other times I took chances like a professional gambler. The document is correct, but it should not be validated because I acted irresponsibly and will not do it again. According to the mishnah in Ketubot, such explanations are acceptable before the Bet Din shel mata. Have the bet din shel ma'ala do the same for me today.

But the mishnah establishes a condition to this ruling.

*If the handwriting of the witnesses appears on other documents, then their pleas of Anusim, Ketanim and Pesulim are rejected, and the document is validated.*

**Ketubot 18b**

ואם ... היה כתב ידם יוצא  
ממקום אחר - אינן נאמנין.  
כתובות דף יח:

Similarly, if after the Yomim Noraiim we go back to the old ways, repeating the same sins, falling prey to the same urges, we cannot expect any leniency from the Heavenly Court. When we are habitual signers of legal documents that condemn us, our claims are not heeded and the bet din shel ma'ala will refuse to invalidate the document. The ledger will speak for itself, u-me'elav yikaray,

In the Avinu Malkeinu, the most fervent prayer during the Aseret Ymei Teshuva, one of the stanzas reads חובותינו כל שטרי חובותינו "Our Father, our King, erase in Thy Abundant Mercy all the records of our sins." The acceptance of this plea depends largely on our resolve to mend our ways - on our acceptance of future responsibility. This can be achieved by refraining from recording in our own handwriting dreadful documents that are indictments on sins of fraud, deceit and rebellion against the Ribbono Shel Olam and His Holy Torah.

# 2500 Years Ago Today

Dr. Rivkah Blau

*Noted Lecturer and Author*

Almost 2500 years ago Jews who came to Israel from the Babylonian exile observed the first *Rosh Hashanah* through bringing sacrifices. About fifty years later, when more Jews had come, the celebration of the *yom tov* centered on Ezra teaching Torah to a large assembly all morning, followed by everyone going home for a festive meal in the afternoon. The accounts of the two celebrations—the first in Ezra, Chapter 3, the second in Nehemiah, Chapter 8—and the contrast between them are relevant to *Rosh Hashanah* today.

Challenges to Jewish life now that we may label “unprecedented” are actually parallel to what Ezra and Nehemiah faced then: a low level of Torah knowledge and observance; a high rate of intermarriage, even among the elite of the *kohanim* and the princes; missing genealogical records so that people did not know their ancestry. The opportunity to live in Israel was open to all Jews, but only a minority went on *aliyah*; they encountered opposition to restoring Jewish life in Israel and appeals to government authority in another country to stop their construction of a protective wall. According to Nehemiah 4.11 those who labored on the wall surrounding Jerusalem “worked with one hand, and with the other hand held a weapon.” Our generation is not the first to deal with these problems.

Their generation faced an additional challenge: Haggai and Zekhariah are mentioned in Ezra-Nehemiah, but the end of the era of prophecy was approaching. Where would people turn when they could no longer go to a prophet to learn what God wants?

The first group who came back to Israel understood that they were seeing the fulfillment of Jeremiah’s prophecy. Koresh, the king of Paras, invited them to re-build the Temple and gave back the gold and silver vessels that Nevuchadnezzar had plundered. Although they settled in different areas, they gathered together in Jerusalem.

*When the seventh month came and the children of Israel were in the cities, the people gathered together as one man to Jerusalem. Then Yeshua the son of Yozadak and his brothers the kohanim, and Zerubavel the son of She’altiel and his brothers, rose up and they built the altar of the God of Israel to offer burnt-offerings on it, as it is written in the Torah of Moshe the man of God.*

**Ezra 3:1-2**

*From the first day of the seventh month they began to offer burnt-offerings to God, but the foundation of God’s Temple was not yet laid.*

**Ezra 3:6**

ויגע החדש השביעי ובני ישראל  
בערים ויאספו העם כאיש אחד אל  
ירושלם: ויקם ישוע בן יוצדק ואחיו  
הכהנים וזרבבל בן שאלתיאל ואחיו  
ויבנו את מזבח אלהי ישראל להעלות  
עליו עלות ככתוב בתורת משה איש  
האלהים:

**עזרא ג:א-ב**

מיום אחד לחדש השביעי החלו  
להעלות עלות לה' והיכל ה' לא יסד:

**עזרא ג:ו**

In their desire to obey the Written Torah as precisely as possible, the people shared in observing a mitzvah that the *kohanim* performed. Because they intended to recreate the Temple as it was, the critical activities were building the altar, bringing the appropriate sacrifices, and anticipating the next stage of laying the foundation. Food and drink are mentioned in the next verse, but not for the enjoyment of *yom tov* at home; instead it was intended for the nations who brought cedar trees for building the Temple, which was their primary concern. Nevertheless, in the following year when they completed the foundation, those who remembered the First Temple wept; the glory of the past could not be recaptured.

In the ensuing decades despite numerous difficulties the Second Temple was built and inaugurated. Ezra came with many dignitaries to Israel, where he tried to solve the problem of intermarriage through a meeting of everyone who had returned from exile; there they agreed to a public, systematic arrangement for dissociating from their foreign wives. Ezra was trusted both for his lineage, going back to Aharon, the first *kohen* (Ezra 7:1-5), and because he was a *sofer mohir b'Torat Moshe asher natan Hashem Elohai Yisrael*, “a ready scribe in the *Torah* of Moshe that Hashem the God of Israel had given” (6). He had the background, the trustworthiness and the ability “to explain God’s *Torah*, to do, and to teach statutes and judgments in Israel” (11). These qualities, the mark of a person who could explain the Written *Torah*, won the people over: if Ezra said to separate from other nations, the people responded, “Yes, as you have said, we must do.” But the affirmation did not last.

When Nehemiah came to Israel and joined Ezra for the next *Rosh Hashanah* celebration, the Jews realized they needed something more. Despite all that Nehemiah had accomplished in building a wall around Jerusalem, setting up a security system, and solving economic problems, the people had reverted to their old ways, marrying non-Jews and abandoning observance.

The opening verses of the second account are almost identical to those of the first: “When the seventh month came, and the children of Israel were in their cities. Then all the people gathered together as one man” (Nehemiah 7.72 and 8.1). The first of Tishrei is again a catalyst for coming together, but the place, the purpose and the actions are all different this time:

*And they gathered in the open place that was before the water gate, and they said to Ezra the sofer to bring the sefer Torat Moshe that Hashem had commanded Israel. And Ezra the kohen brought the Torah before the congregation from man to woman and all who could hear with understanding on the first day of the seventh month. And he read in it...from the light [of early morning] until mid-day before all the men and the women and the me'vinim, and the ears of all the people were toward the sefer haTorah. And Ezra the sofer stood on a wooden platform that they made for this purpose [with thirteen men beside him]. And Ezra opened the sefer in the sight of*

ויאספו כל העם כאיש אחד אל הרחוב אשר לפני שער המים ויאמרו לעזרא הספר להביא את ספר תורת משה אשר צוה ה' את ישראל: ויביא עזרא הכהן את התורה לפני הקהל מאיש ועד אשה וכל מבין לשמע ביום אחד לחדש השביעי: ויקרא בו לפני הרחוב אשר לפני שער המים מן האור עד מחצית היום נגד האנשים והנשים והמבינים ואזני כל העם אל ספר התורה: ויעמד עזרא הספר על מגדל עץ אשר עשו לדבר ויעמד אצלו מתתיה ושמע ועניה ואוריה וחלקיה ומעשיה על ימינו ומשמאלו פדיה ומישאל ומלכיה וחשם וחשבדנה זכריה משלם: ויפתח עזרא

all the people, for he was above all the people; and when he opened it, all the people stood.

**Nehemiah 8:1-5**

הספר לעיני כל העם כי מעל כל העם היה  
וכפתחו עמדו כל העם:  
נחמיה ח:א-ה

The people requested the reading of the *sefer Torah*. They realized that they had lost their connection to it and willingly stood for hours to learn. The emphasis is on the text and on the *me'vinim*, the scholars who can help the people understand it. Ezra led them in a *brakhah* to which the people answered *Amen, Amen* and bowed.

Also Jeshua, and Bani, and Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, even the Levites, caused the people to understand the Law; and the people stood in their place. They read in the book, in the Tora of G-d distinctly, and gave the sense, and caused them to understand the reading.

**Nehemiah 8:8 (Koren translation)**

וישוע ובני ושרביה ימין עקוב שבתי הודיה  
מעשיה קליטא עזריה יוזבד חנן פלאיה  
והלויים מבינים את העם לתורה והעם על  
עמדם: ויקראו בספר בתורת האלהים  
מפרש ושום שכל ויבינו במקרא:  
נחמיה ח:ז-ח

Rashi says *me'vinim* is *me'targemin*, “translating” or “interpreting.” This final verse can also be translated, “They read in the book, in Hashem’s *Torah* with explanation, and applying intellect, and they understood the reading.” In either way it is *Torah she’be’al peh*, Oral *Torah*.

Ezra and the Jewish people agreed: the *Torah* is the center of Jewish life; everyone must participate in studying it; everyone must understand it. They had to make an additional change; the *Torah* had to become part of their lives. “The people wept when they heard the words of the *Torah*” (9); they were taken aback by how much they did not know and how much they may have violated inadvertently. They had to learn what a *yom tov* is. Instead of watching the offering of sacrifices on the altar as the earlier assemblage had done, and thinking that was all, they had to take *Rosh Hashanah* into their homes. Their instructions were to “go, eat rich food, drink sweet drinks, and send portions to those for whom nothing is prepared” (10). They made a “great rejoicing because they understood the words that they taught them” (12).

Then the Jews came back on the second day. This was the critical test. They were looking to the future. The first *mitzvah* they encountered was *Sukkot* which had been in abeyance for so long that their leaders had to teach the nation how to observe it, just as they had to instruct the people the day before how to make a holiday meal. They studied *Torah* each day of *Sukkot*, which led to a national day of repentance and *Torah* study, a review of the relationship between God and His people, and a shared oath to keep the commandments, especially Shabbat and all the Beit HaMikdash offerings, and to stop intermarriage.

We don’t find the *takkanot*, the ordinances that Ezra decreed, listed here, although each was designed to enhance Jewish life then and in the future. We find them appropriately in the *Torah she’be’al peh*, in *Talmud Bavli, Bava Kama* 82b and *Talmud Yerushalmi, Megillah*, Chapter 4. Ezra established that the *Torah* should be read on Monday and Thursday, in addition to the Shabbat reading that Moshe had ordained. Together with his *takkanah* that the village courts should

meet on Monday and Thursday, he guaranteed that the nation would be attached to *Torah* study, and that *Torah* law would operate in daily life.

To prevent intermarriage he decreed that merchants should travel the length and breadth of the land to sell to young women whatever they needed to beautify themselves. Young men had complained that the Jewish girls did not take as much care of their appearance as the foreign women; through correcting that imbalance, Ezra wanted to promote Jewish men marrying Jewish women.

He built up the importance of Shabbat and family life by decreeing that laundry should be done on Thursday and garlic should be eaten on Friday, for health and because it makes one more loving. Bread should be baked early on Friday so that the homemaker has food to give to the poor. Rather than listing prohibitions, Ezra's decrees are positive and practical in bringing Jews closer to *Torah*.

The *Rosh Hashanah* of Ezra shifts focus from the sacrificial ritual to *Torah* knowledge and family observance. Instead of trying to recreate the past, this observance looks to the future; by increasing *Torah* knowledge, especially the Oral Law, and by strengthening the Jewish family, intermarriage can be fought and a full Jewish life can be enjoyed. He has fulfilled his mission "to explain the *Torah* of God, and to do it, and to teach in Israel statutes and judgments" (Ezra 7.10).

There would be backsliding. In the thirteenth and final chapter of Nehemiah he is still teaching people not to intermarry and still arranging for the gates of the city to be closed so that there won't be commerce on Shabbat, but a momentous change has happened: the people realize that to properly fulfill the Written *Torah*, as they had intended at the first *Rosh Hashanah* of their return to Israel, they must study and live according to the explanations of the Oral *Torah*.

This is the straightforward application of verses from Ezra-Nehemiah to our time. Rabbi Dr. Yaakov Elman, through a sophisticated analysis of Rav Zadok haKohen of Lublin's writings, traces the flowering of the Oral *Torah* to the gathering in Chapter 8 of Nehemiah.<sup>1</sup> In what Elman calls "the rule of inversion," failure must precede achievement, and do so "in direct proportion" (p.9). If prophecy had ceased, if the Jewish people had reached the lowest level of ignorance and abandonment of Jewish life, then a desire to learn and to foster intellectual leaders had to come next. Ezra taught so that all the people should be *me'vinim*.

We can take lessons from Ezra and Nehemiah. Ezra emphasized *Torah* study for everyone, family, and Shabbat, while Nehemiah created practical solutions. Their partnership exemplifies bringing different talents together to deal with the challenges. Ezra's focus on the Oral *Torah* gives us the tools to confront the problems of our time. Challenges will always be coming, will always be changing, and will always be demanding our ingenuity in applying the *Torah*.

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<sup>1</sup> See "R. Zadok Hakohen on the History of Halakha," *Tradition* (1985), 21.4, 1-26

# A Symbol of Freedom

Rabbi Reuven Brand

Rosh Kollel, Yeshiva University Torah Mitzion Kollel of Chicago

One of the great symbols of freedom in the United States of America is the Liberty Bell. Adopted as a symbol of emancipation by abolitionists in the 19<sup>th</sup> century, it became a quintessential American icon of liberty, with a verse from Sefer Vayikra etched on its side:

*Proclaim liberty throughout all the land unto all the inhabitants thereof*

**Vayikra 25:10**

וקראתם דרור בארץ לכל ישביה  
ויקרא כה:י

This passage, from the Torah's description of Yovel, announces the freedom of slaves and the return of land to their original owners during the jubilee year. This liberation is heralded by the blowing of the shofar on Yom Kippur of Yovel. We could suggest, then, that the shofar of Yovel is also a symbol of freedom, the original symbol of freedom of the slaves and the land. Is there any connection between this shofar of freedom and the shofar of Rosh Hashana? Seemingly, the two have very different purposes. The Rambam describes:

*Although the blowing of the shofar on Rosh Hashana is a mandate of the Torah, there is a hint in it. As if to say, "wake up sleepy ones from your slumber and the dozing ones arise from your sleep and examine your deeds and return with Teshuva and recall your Creator, those people who forget the truth with the silliness of the times and waste all their years on foolishness and emptiness that will not help and not save. Look to your souls and improve your ways and mistakes and abandon each one of you his mistaken path and his intention that is not good."*

**Rambam Hilchot Teshuva 3:4**

אע"פ שתקיעת שופר בראש השנה  
גזירת הכתוב רמז יש בו כלומר עורר  
ישינים משנתכם ונרדמים הקיצו  
מתרדמתכם וחפשו במעשיכם וחזרו  
בתשובה וזכרו בוראכם, אלו  
השוכחים את האמת בהבלי הזמן  
ושוגים כל שנתם בהבל וריק אשר לא  
יועיל ולא יציל הביטו לנפשותיכם  
והטיבו דרכיכם ומעלליכם ויעזוב כל  
אחד מכם דרכו הרעה ומחשבתו אשר  
לא טובה  
רמב"ם הלכות תשובה ג:ד

Clearly, the Rambam understands that the shofar of Rosh Hashana is a symbol of teshuva, repentance. The purpose of the shofar is to motivate us to change, a far cry from the sound of liberation. However, despite this fundamental difference, we find several connections and parallels between the shofar of Yovel and that of Rosh Hashana. The Gemara underscores this link in the following passage:

*Our Rabbis taught: Whence do we know [that the blowing on New Year must be] with a shofar? Because it says, Thou, shalt make proclamation, with a shofar of teru'ah. I know this so far only of the Jubilee; how do I know it of New Year? The text says significantly, In*

תנו רבנן: מנין שבשופר - תלמוד  
לומר (ויקרא כה) והעברת שופר  
תרועה, אין לי אלא ביובל, בראש  
השנה מנין? תלמוד לומר בחדש

*the seventh month, when there is no real occasion for the expression, in the seventh month. Why then does it say, in the seventh month? To show that all the teru'ahs of the seventh month should be of the same character. How do we know that there must be a plain blast before it? Because it says, Thou, shalt make proclamation with a shofar of teru'ah. How do we know that there must be a plain blast after it? Because it says, Ye shall make proclamation with the shofar. I know this only of the Jubilee; how do I learn it of New Year also? It says significantly, in the seventh month.*

**Rosh Hashana 33b**

השביעי, שאין תלמוד לומר  
 בחדש השביעי, ומה תלמוד לומר  
 בחדש השביעי - שיהיו כל  
 תרועות של חדש שביעי זה כזה.  
 ומנין שפשוטה לפנייה - תלמוד  
 לומר והעברת שופר תרועה. ומנין  
 שפשוטה לאחרייה - תלמוד לומר  
 תעבירו שופר. ואין לי אלא  
 ביובל, בראש השנה מנין - תלמוד  
 לומר בחדש השביעי,  
**ראש השנה לג:**

The only explicit Torah reference to a shofar is found in the context of Yovel. Hence, the Gemara derives that both the type of instrument as well as the structure of the sounds of the Rosh Hashana shofar are derived from the shofar of Yovel. In addition, the Mishna in Rosh Hashana (26b) records that according to the majority opinion, the shofar of Rosh Hashana and its Yovel counterpart are the same shape and require the same berachot. Rashi (26b s.v. Shaveh) notes that although the blowing on Yovel is “not for tefillah and not for zikaron but as a sign for the emancipation of the slaves and annulment of the sale of land, nonetheless they must be like practiced like Rosh Hashana because we learn a connection of a gzeirah shavah (a Talmudic means of comparison).”

What is the meaning of this gzeirah shavah, this correlation between these two shofarot?

Perhaps with an exploration of a key theme of Rosh Hashana we can appreciate this connection. In our Mussaf service on Rosh Hashana we proclaim, היום הרת עולם - Today is the conception (or birth) of the world. However, the Ran (Rabbeinu Nissim ben Reuven, 14<sup>th</sup> c.) in his commentary on the Rif in Massechet Rosh Hashana (3a s.v. Brosh) cites earlier sources that Rosh Hashana is not the anniversary of the beginning of the world. The beginning of the world was five days earlier. Rosh Hashana is the anniversary of the creation of man, the sixth day of creation. The roots of our experience of Rosh Hashana on the first of Tishrei this year stem from that original Rosh Hashana, with the creation of Adam, and the initial story of creation contains elements which define Rosh Hashana.

Commentaries have noted that the creation of man was a complex one, involving two stages.

*26. And God said, Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.  
 27. So God created man in His own image, in the image of God created He him; male and female He created them.*

**Breishit 1:26-27**

*4. These are the generations of the heavens and of the earth when they were created, in the day that the Lord God made the earth*

(כו) ויאמר אלהים נעשה אדם בצלמנו  
 כדמותנו וירדו בדגת הים ובעוף  
 השמים ובבהמה ובכל הארץ ובכל  
 הרמש הרמש על הארץ: (כז) ויברא  
 אלהים את האדם בצלמו בצלם אלהים  
 ברא אתו זכר ונקבה ברא אתם:  
**בראשית א:כו-כז**

(ד) אלה תולדות השמים והארץ  
 בהבראם ביום עשות ה' אלהים ארץ  
 ושמים: (ה) וכל שיח השדה טרם יהיה

and the heavens, 5. And every plant of the field before it was in the earth, and every herb of the field before it grew; for the Lord God had not caused it to rain upon the earth, and there was not a man to till the ground. 6. And a mist went up from the earth, and watered the whole face of the ground. 7. And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

**Breishit 2:4-7**

בארץ וכל עשב השדה טרם יצמח כי לא המטיר ה' אלהים על הארץ ואדם אין לעבד את האדמה: (ו) ואד יעלה מן הארץ והשקה את כל פני האדמה: (ז) וייצר יקוק אלהים את האדם עפר מן האדמה ויפח באפיו נשמת חיים ויהי האדם לנפש חיה:

**בראשית ב:ד-ז**

The first portrayal of the creation of Adam is natural, biological. The culmination of the creation is described as male and female, descriptions which also fit all members of the animal kingdom. In contrast, the second portrayal reflects the creation of a spiritual being, a living soul endowed with a spirit. This two-tiered creation reflects the dual nature of man; we are at once natural creatures and also spiritual beings.

These two aspects also reflect two different realms of experience: *din* (justice) and *rachamim* (compassion). The natural biological world is one of justice. Nature is unforgiving in its constant struggle of survival of the fittest. Imagine if a sickly wildebeest would plead for mercy from an advancing lion. Would the stalking predator consider mercy? This is the realm of nature. The English philosopher Thomas Hobbes once described life in the state of nature (the realm of *din*) as “solitary, poor, nasty, brutish and short.” In contrast, the realm of the spiritual, which transcends the natural order, is graced with the phenomena of *rachamim*. Human beings, endowed with a Divine spirit, *Nishmat Chayim* are capable of and the beneficiaries of compassion, a higher level of existence.

Rosh Hashana is the anniversary of the creation of Adam in general and these two tiers in particular. Man was first (either chronologically or conceptually) created as a biological organism, shackled by the limits of the natural world. Then, Hashem emancipated Adam from the natural world by endowing him with a living soul. Hence, Rosh Hashana is a day of freedom in the most profound sense. As Rabbi Samson Raphael Hirsch points out regarding death and *Tumah*, the natural world is one of confinement, and death is the ultimate submission to the natural order. The existence of nature is limited and chained. In contrast, the realm of the spirit is free. The soul of a person lives on eternally, not bound by the shackles of physicality or the limits of death. The ability to be proactive, creative, imaginative beings that transcend our surroundings is the product of our freedom, our spirituality, our realm of *rachamim*. Rosh Hashana is the anniversary of our freedom from the realm of nature, the world of *din* to the realm of the spirit, the world of *rachamim*.

Perhaps now we can appreciate how the shofar of Rosh Hashana is also a symbol of freedom in light of the following Midrash:

*Yehuda the son of Nachman began, “Elokim went up with a blast, Hashem, with the sound of the Shofar. At the time that the Holy One Blessed be He sits and goes up onto the throne of*

ג יהודה ברבי נחמן פתח (תהלים מז)  
עלה אלהים בתרועה ה' בקול  
שופר בשעה שהקב"ה יושב ועולה  
על כסא דין בדיון הוא עולה מאי

*judgment, he goes up in judgement. Why? "Elokim went up with a blast. And at the time when the Jewish people take their shofars and blast before the Holy One Blessed be He, He stands from the throne of judgment and sits on the throne of compassion, as it says: Hashem, with the sound of the shofar, and he is filled with mercy for them and has compassion on them and switches for them the element of justice to mercy. When? In the seventh month.*

### **Midrash Rabbah Vayikra 29:3**

טעם עלה אלהים בתרועה ובשעה  
שישראל נוטלין את שופריהן  
ותוקעין לפני הקב"ה עומד מכסא  
הדין ויושב בכסא רחמים דכתיב ה'  
בקול שופר ומתמלא עליהם רחמים  
ומרחם עליהם והופך עליהם מדת  
הדין לרחמים אימתי בחדש השביעי:  
מדרש רבה ויקרא פרשה כט סימן  
ג

In his classic chassidic work, Bnei Yissaschar, Rabbi Zvi Elimelech Shapiro of Dinov (19<sup>th</sup> c.) explains this Midrash. The origins of Rosh Hashana are in the realm of *din*. It is a time of justice before Hashem. However, through the sounding of the shofar, we shift from *din* to *rachamim*. This is derived from the shift in the verse from the name *Elokim* to *Hashem*. Initially, the verse speaks in the name *Elokim*, which signifies justice. However, through our blowing of the shofar, we are freed from the clutches of *din* and granted *rachamim*, signified by the concluding name *Hashem*. This development parallels the initial creation of Adam. Much like the process of the creation of Adam himself involved a transformation from the realm of justice to mercy, the sounding of the shofar engenders this same shift.<sup>2</sup> We learn that the shofar of Rosh Hashana reenacts the original creation of Adam and his emancipation from the limits of justice to the openness of mercy. The key difference between the first Rosh Hashana of Adam, and our Rosh Hashana today is that in the initial creation, Hashem evolved the process of change alone. Man was passive in his transition from the natural existence to the freed, spiritual one. On our Rosh Hashana, with the blowing of shofar, the capacity for transformation is in our hands. The Rambam's description of renewal and return to Hashem is a process of freedom. We are empowered to emancipate ourselves with the shofar. Hashem has given us the tools to free ourselves from the natural, limited existence we may have been living during the past year and tap into the spiritual freedom of Teshuva. By returning to Hashem we shift ourselves from lives of *din* to lives of *rachamim*. We now understand that while the Liberty bell and the shofar of Yovel symbolize freedom, the shofar of Rosh Hashana shares and surpasses this theme of emancipation. For while the shofar of Yovel proclaims freedom of our physical world, the shofar of Rosh Hashana provides a freedom of transcendence, a spiritual emancipation.

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<sup>2</sup> We now understand why in the first description of creation the name *Elokim* is employed, as it is the creation in the realm of justice, whereas in the second story it includes and begins with the name *Hashem*, the name of compassion.

# To the Infinite and Beyond: Attaining Taharah

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The goal of the avodah of Yom Kippur is usually understood as the attainment of kaparah, the attainment of forgiveness from Hashem and from each other. However, the Torah itself tells us that the climactic goal of Yom Kippur is “tit’haru – you shall be purified.”

*For on this day He shall effect atonement for you to purify you. Before the Lord, you shall be purified from all your sins.*  
**Vayikra 16:30**

כי ביום הזה יכפר עליכם לטהר אתכם  
מכל חטאתיכם לפני ה' תטהרו:  
ויקרא טז:ל

For now, we will translate taharah as purity. But what exactly *is* purity? What does the term “letaher” add that “yekhaper” (He will effect atonement) did not accomplish?

The first place we see a command to become tahor (pure) is with Yaakov, right before Hashem renames him Yisrael.

*Thereupon Jacob said to his household and to all those who were with him, "Remove the deities of the foreign nations, which are in your midst, purify yourselves and change your clothes."*  
**Bereishit 35:2**

ויאמר יעקב אל ביתו ואל כל אשר  
עמו הסרו את אלהי הנכר אשר  
בתכם והטהרו והחליפו שמלתיכם:  
בראשית לה:ב

Because they have foreign worship in their home, Yaakov informed his household that they require immersion. In fact, the Torah Temimah quotes the Sefer Mitzvot Gadol, who says that this is the source that one who has contact with idol worship requires ritual immersion. Why should someone who has worshipped idols require immersion?

This, in fact, gets to the root of the purpose of the laws of tumah and taharah. Perhaps, by now, our community has recovered from misunderstanding what Tumah means- it does *not* mean unclean. Rabbi Norman Lamm, in *A Hedge of Roses*, declares that misnomer a “semantic tragedy” which has discouraged many women from keeping hilkhot niddah, one of the only

remnants that we currently have of the entire tumah and taharah system.<sup>3</sup> Really, we learn from Yaakov Avinu's command that avodah zarah means giving credence to inanimate objects as having power over us. The process of tumah and taharah is designed to make us recognize our mortality, in strong contrast to Hashem's immortality. Because Yaakov's household had entertained the notion of a mortal G-d, they required purification.

This is why, the Torah Temimah explains, a convert requires immersion for any contact he or she may have had with idol worship. He offers this as an explanation for the Ramban's opinion<sup>4</sup> that an immersion for conversion that is performed before circumcision is considered valid for the conversion process.

*A convert who immersed even before his circumcision fulfilled his obligation, since one can say that immersion comes only because of the separation from idol worship, and not in order to enter Judaism. If so, there's no practical difference between immersing before or after the circumcision.*

**Torah Temimah Bereishit 35 note 1**

דגר אף שטבל קודם המילה יצא בדיעבד, משום די"ל דהטבילה באה רק על הפרישה מע"ז ולא על הכניסה ליהדות, וא"כ אין נ"מ אם טבל קודם או אחר המילה.  
**תורה תמימה בראשית פרק לה הערה א**

Rav Aaron Soloveichik sees this definition of tumah and taharah reflected in a verse in Tehilim.

*Fear of God is pure- it lasts forever; God's statutes are truth; they are all together righteous.*

**Tehilim 19:10**

יראת ה' טהורה עומדת לעד משפטי ה'  
 אמת צדקו יחדו:  
**תהלים יט:**

In this verse, the phrase "it lasts forever" comes to define "pure". Taharah therefore means that which is everlasting and never deteriorates. Tumah, the antithesis of taharah, stands for mortality or finitude, that which withers away.<sup>5</sup>

A glimpse at the context of this verse strengthens this definition. Psukim 2-7 come to describe the majesty and grandeur of the heavens, and then specifically the sun. In pasuk 8, however, the topic switches dramatically. It begins talking about the supreme value of Torah, and its healing properties. This prompts commentators throughout the ages to question how the second topic relates to the first. On pasuk 8, where David HaMelech switches to glorifying Torah, Metzudat David explains:

*A restoration of the soul: In other words, because the sun, with all of its benefits, sometimes damages with its immense heat, until the person falls ill, even deathly ill. But the Torah restores the soul of a man, for it protects and saves from death.*

**Metzudat David Tehilim 19:8**

**משיבת נפש:** רצה לומר כי השמש עם כל תועלתו לפעמים יזיק בחומו הרב עד כי יחלה האיש חולי המות אבל התורה משיבת עוד נפש האדם כי היא מגינה ומצלת מן המות:  
**מצודת דוד תהלים יט:**

<sup>3</sup> Rabbi Norman Lamm, *A Hedge of Roses*, Page 44

<sup>4</sup> Quoted in Beit Yosef Yoreh Deah 268

<sup>5</sup> Rabbi Aaron Soloveitchik, "Torah Tzniut versus New Morality and Drugs," *Tradition* 13:2, p 54

Rav Aaron Soloveitchik's definition of Tehorah becomes even more poignant: while nature, and the sun in particular, deserves praise, their source, Hashem, deserves more, for He is the ultimate Tahor. Fearing Him, through keeping the Torah, is the only path to endurance.

It follows from this definition that the primary source of tumah is a human corpse. A neveilah (carcass of a dead animal) possesses a lower level of tumah, but tumah nonetheless. The metzora (leper), whose body is slowly decomposing, has tumah as well. This is expressed in Aaron's plea to Moshe to intercede upon Miriam's behalf, when she was afflicted with tzaraat:

*Let her not be like the dead, which comes out of his mother's womb with half his flesh consumed!*  
**Bamidbar 12:12**

אל נא תהי כמת אשר בצאתו מרחם אמו ויאכל חצי  
בשרו:  
**במדבר יב:יב**

The Tumah of a yoledet, a woman who has given birth, also fits into this pattern. Tumah is not only about death, but birth, as well. Rav Yehuda Herzl Henkin explains:

*In the same way that HaKadosh Baruch Hu does not die, He is not born, either. Not only death stands in contradiction to the idea of an Eternal Creator, but the continuity of generations in its entirety, birth and death as one, stand contradicting His eternity, may He be blessed. This is why a post-partum woman is temeah.<sup>6</sup>*

Therefore, even as a woman brings forth life, she experiences tumah. She and her husband must recognize our finitude.

This definition of tumah fits into every mention of tumah in the entire Torah. Let us apply it to one more topic, which we read about at Mincha on Yom Kippur afternoon. Perhaps it can deepen our understanding of why we read about the forbidden relationships at that time.

Most people instinctively find the thought of many of the forbidden relations entirely abhorrent. The question is: why do we feel that way? The Torah presents the opposite picture of human nature:

*Do not become defiled with all these, for with all of these the nations which I am sending from before you became defiled.*  
**Vayikra 18:24**

אל תטמאו בכל אלה כי בכל אלה נטמאו  
הגוים אשר אני משלח מפניכם:  
**ויקרא יח:כד**

Such relationships were common practice amongst the nations. These relationships are forbidden in order to distance us from the idolatrous practices of those other nations, practices which contradict the concept of an Infinite G-d. But is there something fundamental that those idolatrous nations were missing, which allowed them to practice something that we find so innately vile?

In his explanation of Vayikra 18:6, Ramban expresses that the problem with the forbidden relations is not explicit in the Torah. He quotes the Rambam in Moreh Nevukhim who says that

<sup>6</sup> Essay 22, Shu"t Bnei Banim, Volume 4.

they are forbidden in order to minimize sexual relations and to train ourselves to suffice with less. Women who are around a man more are forbidden, such as relatives. Ramban quotes Ibn Ezra, who explains similarly. Ramban rejects this reason. Why should someone incur Karet (spiritual excision) when having relations with someone who is simply around more, when a man can still marry multiple women? Ramban mentions the Kabbalistic concept of Sod haIbur (the Mystery of Impregnation), but he does not go into detail; he just states that these relationships are somehow not healthy for the soul. Ultimately, he declares these laws to be a decree of the King, which do have a reason but one that can only be understood by the wisest of His royal staff.

Rabbi Yitzchak Twersky, in *Amitah Shel Torah*, revives Rambam and Ibn Ezra's idea, even without direct reference to them. He discusses the inherent privacy that every individual must maintain, which parallels Hashem's own privacy, as it were; the aspect that makes Hashem "unreachable". He is shrouded in privacy. The medieval mystics were fond of Yeshayahu's declaration of God as the Kel Mistater.<sup>7</sup> In the act of creation, He also hid Himself; He is not fully accessible. God is hidden and God is private. Intimate relations infiltrate our privacy, and such relations with relatives, or in the wrong context, would be over-entering an individual's private zone.<sup>8</sup> Those who practice avodah zarah confuse animate and inanimate objects; they feel they have no limits. Thus, the very reason that we find the arayot instantly repugnant- our understanding of the need for privacy- is the very reason that an idol worshiper does not.

Rabbi Twersky establishes that man's need for privacy stems from the story of Adam and Chava. Whereas Adam and Chava were already not immortal, since they had been born, they still had no death sentence before their sin. The snake convinced Chava that if she ate from the Eitz Hadaat (Tree of Knowledge), she would not die as Hashem had warned, but rather she would become divine, immortal. The very first consequence of Adam and Chava's gastronomic catastrophe was that they realized they were naked; they craved privacy. This is a punishment, but herein also hides the cure. Hashem said to them, "you want to be immortal? You want to be like God? Realize that there is a certain privacy that God maintains; to be a Creator, you need limits. There is a tree that you just cannot eat from." It is the very Tzelem Elokim, our image of G-d, which requires us to maintain a level of privacy, just like Hashem.

We must have limits, just like Hashem artificially created for Himself, as it were. Part of being tahor, enduring forever, means recognizing limits; there is part of each of us which must be, like Hashem, untouchable. Reading about the forbidden relations on Yom Kippur reminds us of the limits and the privacy that are necessary for us to imitate Hashem.

Even the minutest sin, the tiniest breach of limits that we think will set us free, brings us to a dead end. It brings us into status of tumah; it compromises our mortal state. Meditating upon this fact could be depressing and debilitating, sending us further into a state of tumah. However, our Tzelem Elokim, which allows us to connect to the Infinite to begin with, allows us to imitate

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<sup>7</sup> Yeshayahu 45:15

<sup>8</sup> Rabbi Yitzchak Twersky, *Amitah Shel Torah*, Volume II, p. 66-70.

Hashem in experiencing taharah- in recreating ourselves. This is, as we established above, the ultimate purpose of Yom Kippur.

*Reish Lakish said: Great is Teshuvah, for intentional sins turn into mistakes. As it says: "Return, oh Israel, until Hashem your God, for you stumbled in your sins." Behold, an "avon" is accidental, and it calls it a "stumbling block." Is that so? Didn't Reish Lakish say, "Great is Teshuvah, for intentional sins turn into merits? As it says: "And when a wicked man repents of his wickedness and performs justice and righteousness, he shall live because of them!" This is not difficult; [if it] is from love, [then it turns into a merit], and [if it] is from fear, [then it turns into a mistake].*

#### **Yoma 86b**

אמר ריש לקיש: גדולה תשובה, שזדונות נעשות לו כשגגות, שנאמר (הושע יד) שובה ישראל עד ה' אלהיך כי כשלת בעונך. הא עון מזיד הוא, וקא קרי ליה מכשול. איני? והאמר ריש לקיש: גדולה תשובה שזדונות נעשות לו כזכיות, שנאמר (יחזקאל לג) ובשוב רשע מרשעתו ועשה משפט וצדקה עליהם (חיה) [הוא] יחיה! - לא קשיא; כאן - מאהבה, כאן - מיראה.  
**יומא דף פו:**

In light of our ability to attain taharah, to connect to the everlasting element within us, Reish Lakish's suggestion makes perfect sense: Rather than seeing past actions as dead and unfixable, as soon as we recognize our mandate to live within limits, our past actions become malleable. With fear, we can erase them, and receive kaparah. With love, we can go even farther. We can renew them and turn them into merits- into that which lasts forever.<sup>9</sup>

Rav Soloveitchik says that in the generation after the destruction of the Beit Hamikdash, people needed tremendous encouragement that even without the sacrificial service, Teshuva is possible:

*Rabbi Akiva said, "Praiseworthy are you, Israel. Before whom do you purify yourselves, and who purifies you? Your father in Heaven. As it says, "And I will sprinkle upon you pure waters, and you will be purified." (Yehezkel 36) And it says, "Hashem is the 'mikveh' of Israel." Just as a mikveh purifies the impure, so too does Hakadosh Barukh Hu purify Israel.*

#### **Mishna Yoma 8:9**

אמר רבי עקיבא, אשריכם ישראל. לפני מי אתם מיטהרין, מי מטהר אתכם? אביכם שבשמים. שנאמר (יחזקאל ל"ו) "וזרקתי עליכם מים טהורים וטהרתם." ואומר, (ירמיה י"ד) "מקוה ישראל ה'. מה מקוה מטהר את הטמאים, אף הקדוש ברוך הוא מטהר את ישראל":  
**משנה יומא ח:ט**

If one comes before Hashem in the way one would be prepared to immerse in a mikveh (ritual bath), without any barriers, ready to submerge entirely all at once and undergo complete recreation, Hashem will allow his recreation to occur.<sup>10</sup> Be'ezrat Hashem, may we all experience a complete kosher immersion this year.

<sup>9</sup> See Pinchas H. Peli, *On Repentance*, pp. 49-52, 248-256.

<sup>10</sup> Pinchas H. Peli, *On Repentance*, p. 57

# A Sign of the Times: Symbolism during the High Holiday Period

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The High Holiday period is marked with numerous events that are performed for symbolic purposes. Whether it is dipping an apple in honey, eating the head of a sheep, or waving a chicken over one's head, symbolic traditions are commonplace during this period.

There are a number of questions that one might ask regarding these traditions:

- 1) What is the purpose of the symbolic acts? Can a symbolic act really affect future events?
- 2) The Torah (Vayikra 19:26) states "*Lo Tinachashu*," you shall not engage in divination. The Gemara, *Sanhedrin* 65b, defines this prohibition as interpreting certain events or signs as omens that one should or shouldn't engage in certain activities. How do our symbolic traditions differ from prohibited divinations?
- 3) Do these acts have inherent value or do they serve as catalysts for something else?

One of the most significant sources regarding symbolism is a passage in the Gemara:

*Our Rabbis taught: The kings are anointed only at a fountain, that their sovereignty may endure, as it is said, And the king said unto them: 'Take with you the servants of your lord . . . and bring him down to Gihon'. R. Ammi said: He who wishes to ascertain whether he will live through the year or not shall, during the ten days between the New Year and the Day of Atonement, kindle a lamp in a house wherein there is no draught. If the light continues to burn he may know that he will live through the year. He who desires to engage in business and wishes to ascertain whether he will succeed or not, let him rear up a cock; if it grows plump and fine he will succeed. He who desires to set out on a journey and wishes to ascertain whether he will return home again or not, let him station himself in a dark house; if he sees the reflection of his shadow he may know that he will return home again. This,*

ת"ר אין מושחים את המלכים אלא על המעיין כדי שתמשך מלכותם שנא' ויאמר המלך להם קחו עמכם את עבדי אדוניכם [וגו'] והורדתם אותו אל גיחון אמר רבי אמי האי מאן דבעי לידע אי מסיק שתיה אי לא ניתלי שרגא בעשרה יומי דבין ראש השנה ליום הכפורים בביתא דלא נשיב זיקא אי משיך נהוריה נידע דמסיק שתיה ומאן דבעי למיעבד בעיסקא ובעי למידע אי מצלח אי לא מצלח לירבי תרנגולא אי שמין ושפר מצלח האי מאן דבעי למיפק [לאורחא] ובעי למידע אי חזר ואתי לביתא אי לא ניקום בביתא דחברא אי חזי בבואה דבבואה לידע

however, is not a proper thing to do, lest his courage fail him and he meet with misfortune in consequence. Said Abaye: Now that it has been said that omens are of significance, a man should make a regular habit of **seeing** at the beginning of the year, pumpkin, fenugreek, leek, beet and dates.

#### Horayot 12a (Adapted from Soncino Translation)

Said Abaye: Since you hold that symbols are meaningful, every man should make it a habit to **eat** on New Year pumpkin, fenugreek, leek, beet and dates.

#### Keritut 6a (Soncino Translation)

דהדר ואתי לביתא ולא מלתא היא  
דלמא חלשא דעתיה ומיתרע מזליה  
אמר אביי השתא דאמרת סימנא  
מילתא היא [לעולם] יהא רגיל  
למיחזי בריש שתא קרא ורוביא  
כרתי וסילקא ותמרי.

הוריות יב.

אמר אביי השתא דאמרת סימנא מילתא  
היא יהא רגיל למיכל בריש שתא קרא  
ורוביא כרתי וסילקא ותמרי.

כריתות ו.

The source for using symbolic foods on Rosh Hashanah is the statement of Abaye, who deduces from the fact that *simana milta* (signs are significant) that these foods should be used at the beginning of the year.

**Question:** What portion of the passage of Gemara is Abaye's source for the concept of *simana milta*? The answer to this question seems to be the subject of a dispute among the Rishonim that lays the groundwork for two different approaches to understanding these symbols.

## The First Approach

The first approach is presented by R. Menachem Meiri (1249-1306):

When kings were anointed, they would do so near a spring as a good sign that his kingdom should flow (like a spring). This is not divination, rather [its purpose is] to inspire him to behave in the way of a spring whose waters don't dry up ... There are many things that are permissible that are similar to divination but are not actual divination, rather a sign to inspire one to perform good deeds. This is what they said to **place on one's table** on the night of Rosh Hashanah pumpkin, fenugreek, etc., for some of them grow quickly and some grow to large sizes. In order that one does not violate the prohibition against divination, they instituted a recitation that inspires one to repent ... It is known that this is only a point of reference because it is not contingent on the recitation alone, rather on repentance and good deeds. However, acts that are performed in the manner of divination are categorically prohibited such as that which it states that certain people when they begin a business venture raise a rooster in the name of the business and if it grows nicely, they are confident in their success. This is what they stated that this and acts like this should

כשמושחין את המלך היו מושחין אותו על המעין לסימן טוב שתמשך מלכותו ולא דרך נחש חלילה אלא לעוררו שיתנהג בדרך מעיין אשר לא יכזבו מימיו... הרבה דברים הותרו לפעמים שהם דומים לנחש ולא מדרך נחש חלילה אלא דרך סימן לעורר בו לבבו להנהגה טובה והוא שאמרו ליתן על שלחנו בליל ראש השנה קרכס"ת קרא רוביא כרתי סלקא תמרי שהם ענינם מהם שגדלים מהר ומהם שגדלתם עולה הרבה וכדי שלא ליכשל בהם לעשות דרך נחש תקנו לומר עליהם דברים המעוררים לתשובה... וידוע שכל זה אינו אלא הערה שאין הדבר תלוי באמירה לבד רק בתשובה ומעשים טובים אבל הדברים שנעשים בדרך נחש חלילה אין פקפוק באיסורם והוא שאמר הנה על קצת בני אדם שכשמתחילין בסחורה מגדלין תרנגול על שם אותה סחורה ואם הוא נעשה יפה בוטחים על הצלחתם ושאר דברים הדומים לאלו שהוזכרו הנה אמר על כולם ולא מילתא היא כלומר ואין ראוי לבטוח על אלו ההבלים

not be performed and it is not proper to rely on these omens ...

### Beit HaBechirah Horayot 12a

According to Meiri, all of R. Ami's litmus tests are rejected because they violate the prohibition against divination. The reason why it is permissible to serve symbolic foods on Rosh Hashanah is that they are not meant as a litmus test to check if one is going to experience a good year. Rather, their purpose is to focus on repentance and self-improvement. This is why there is a recitation accompanying all of these symbols. According to Meiri, one must conclude that Abaye's source for *simana milta* is the statement of the *Beraita* that one should anoint a king near a spring. This tradition is parallel to the symbolism of Rosh Hashanah in that the purpose is not to test the king, but rather to encourage him to rule with strength.

## The Second Approach

Mordechai (1250-1298) has a different understanding of the Gemara's passage.

*That which it states that this is not proper because his courage may fail him etc., only refers to one who is travelling and wants to test if he will return home.*

*[The reason why this is not proper is] that the satan prosecutes during times of danger, like in the case of someone who is travelling ... and he is therefore easily susceptible to bad luck.*

### Mordechai Yoma no. 723

והא דאמר' דלאו מילתא היא דלמא חלש דעתיה ואיתרע מזליה לא קאי אלא אמאי דקאמר האי מאן דבעי למיפק לאורחא ובעי למידע אי הדר לביתיה אי לא משום שהשטן מקטרג בשעת הסכנה כגון בדרך וגרסי' בירושלמי דפרק תפלת השחר כל דרך בחזקת סכנה וכל החולים בחזקת סכנה ובדבר קטן חלש דעתיה ומיתרע מזליה.  
מרדכי יומא ס' תשכג

According to Mordechai, R. Ami's litmus tests to determine the success of future events are valid. The one test that is invalid is only invalid for technical reasons. As such, Abaye's recommendation to serve certain foods at the beginning of the year is based on the fact that certain events can have an impact on the future.

One must then ask: Why aren't R. Ami's litmus tests a violation of the prohibition against divination? R. Shmuel Eidels (1555-1631) addresses this question:

*The good that comes from G-d comes with certainty as it states 'a good trait that comes from G-d is not retracted,' but bad does not come with certainty because it can always be changed. For this reason, if someone creates a sign for the positive it is not considered divination, rather a symbol that one will receive positive benefits from G-d. However, if one creates an omen for oneself for something negative, it is considered divination because one assumes that it comes with certainty, when in reality, there is always a*

ולזה הטוב הבא ממנו ית' ב"ה בהחלט כמ"ש לא יצאה מדה טובה מפי הקב"ה וחזרה וכו' אבל הרע אינו בא בהחלט כי אפשר שישתנה ... ולזה הנותן לעצמו סימן בדבר מה לטובה אין זה נחוש אלא סימן טוב שיבא לו ממנו ית' ב"ה אבל הנותן לעצמו סימן בדבר מה בהפך זה ולרע לו הרי זה נחוש שתולה שיבא הדבר בהחלט ואינו כן דברחמי שמיא אפשר שישתנה ... ולזה אמר האי מאן דבעי למידע אי מסיק שתא אי לא וכו' לא בעי למימר אי לא מסיק שתא אלא דה"ק אי לא דהיינו דא"נ לא משיך

*chance for change ... For this reason, the Gemara states "one who wants to know if he will have a positive year," implying that if the test is not successful he may still have a positive year ... If he states that if the light does not burn, he will [certainly] have a negative year, it is considered divination.*

**Maharsha, Horayot 12a**

נהוריה לא ידע אי מסיק שתא אי לא וכאילו לא עשה כלום דלא יסמוך בניחוש לרעה ולזה בעשייה לא קאמר אלא דאי משיך נהוריה מסיק שתא וזה שנותן סימן לטובה דשרי שהוא דבר הבא ממנו יתברך בהחלט אבל לא קאמר אי לא משיך נהוריה לא מסיק שתא דזה הוה ניחוש.  
**מהרש"א הוריות יב.**

According to R. Eidels, the prohibition against divination only applies if one sees a certain event as an omen that something bad will certainly happen. However, if the event is an omen that something good will happen there is no prohibition. Therefore, R. Ami's litmus tests are only for the purpose of testing if there is a good omen. If the results of these litmus tests are negative, one may still experience a positive result. As such, Abaye's comments are based on the fact that one can create positive omens for oneself and it is not a violation of divination.

According to R. Eidels' explanation, these symbols have inherent value. They are not merely for the purpose of inspiring one to repent and improve oneself. One must then ask: how do these symbols provide one with success?

R. Avraham Danzig (1748-1820), *Chayei Adam, Hilchot Rosh Hashanah* 139:6, and R. Shmuel Borenstein (1856-1926), *Shem MiShmuel, Mo'adim*, Rosh Hashanah 5677, suggest that one can explain the inherent significance of the symbols based on a comment of Ramban (1194-1270):

*One should know that all heavenly decrees have a permanent effect when they are converted from a statement to an action. Therefore, we find the prophets performing acts to accompany the prophecy.*

**Ramban, Bereishit 12:6**

ודע כי כל גזירת עירין כאשר תצא מכה גזירה אל פועל דמיון, תהיה הגזרה מתקיימת על כל פנים. ולכן יעשו הנביאים מעשה בנבואות.  
**רמב"ן בראשית יב:**

According to Ramban, performing an act can concretize a positive judgment that has not yet come to fruition. This is the explanation of the symbolic acts that were performed by the prophets. Based on Ramban's comments, R. Borenstein explains that the purpose of the symbols on the night of Rosh Hashanah is to concretize any positive decrees that one may have earned before Rosh Hashanah so that they are not overturned during the judgment of Rosh Hashanah.

## Practical Differences

There are practical differences between the two different approaches to understanding how *simana milta* works. First, according to Meiri's approach, the recitation of the prayer is an integral part of the service. The recitation is what allows one to focus on repentance and improving oneself. According to Mordechai's approach, the recitation is not an integral part of the service.

Second, there are two different versions of Abaye's statement. In *Horayot*, Abaye is recorded as saying that one should see the symbolic foods at the beginning of the year. In *Keritut*, Abaye is recorded as saying that one should eat the symbolic foods. It is possible that these two versions

represent the two different approaches to understanding *simana milta*. According to Meiri, the symbolic foods serve to focus on repentance and self-improvement. As such, it should be sufficient to see the symbolic foods and not necessarily to eat them. In fact, Meiri, in formulating this practice writes "this is what they said to place on one's table etc." According to R. Danzig's and R. Borenstein's explanation of *simana milta*, an act must be performed in order for the symbolism to be effective. As such, it is arguable that seeing or serving the symbolic foods is not a significant enough act. One must actually eat the foods in order for the symbolism to be effective.

## Kaparot

These two approaches are reflected in how one understands the practice of *kaparot*. *Kaparot* is the practice where one waves a chicken around one's head and proclaims that the chicken should serve as atonement for one's transgressions. How can waving a chicken over one's head provide atonement?

Meiri notes that *kaparot* has historically been a controversial practice:

*Many objected to this practice but [their objections] were not accepted because most scholars allowed the practice as long as it is similar to the signs of Rosh Hashanah ... In my opinion, they wanted to say that the purpose of this practice is to inspire the individual and to instill fear in him; to see himself and his entire family as culpable to G-d because of his transgressions and if he repents to G-d with all of his heart, G-d will change curses to blessings and remove his initial decree because of his repentance. Because this is the purpose of this practice, it is combined with giving charity and sending food items to the poor with the chickens.*

**Chibbur HaTeshuva 2:8**

והלקו הרבה במעשה ולא נענו מפני שסמכו רוב הגאונים להיות עולם כמנהגו נוהג בענין זה כענין מה שאמרו בענין קרכס"ת השתא דאמרת סימנא מילתא היא ליחזי איניש בריש שתא קרכס"ת וכמו שבארנו במקומו ולדעת רצו לומר בזה שאין הכונה במנהג רק להעיר לב האדם ולהרעידו להיות מראה את עצמו כאלו הוא ובני ביתו מחויבים לשם מצד עונותיו ושואם ישוב לשם בכל לבו יהפך השם אליו את הקללה לברכה ויקרע גזר דינו בתכלית תשובתו והוא שהיה מכלל המנהג היותם סמוך לזה מרבים בצדקה לשלוח מנות לאביונים עם התרנגולים ההם איש כמתנת ידו.  
חבור התשובה ב:ח

Meiri, in justifying the practice of *kaparot*, references his own comments regarding *simana milta*. The purpose of *kaparot* is to inspire one to repent. This is why this practice is accompanied with providing the slaughtered chickens to the poor.

R. Ya'akov Weil (15<sup>th</sup> century) seems to explain *kaparot* in a similar manner:

*On Erev Yom Kippur one should perform kaparot ... and one should think that he is culpable for death like this (bird). This is the reason for sacrifices. We throw the bird to the ground, similar to stoning, the slaughtering is like death by sword, grabbing it by the neck is like strangulation and burning it like death by fire.*

**Teshuvot Mahari Veil no. 191**

בעי"כ יעשה כפרות ויאמר חת"כ ר"ת חליפתי תמורת כפרתי זהו שם החותך חיים לכל חי ויחשוב בלבו שהוא חייב מיתה כמו זה והיינו טעם קרבנות זורקו לארץ כעין סקילה שוחטו הרג תופסו בידו בצואר הבהמה היינו חנק שורפו היינו שריפה.  
שו"ת מהר"י ווייל ס' קצא

According to R. Weil, the purpose of *kaparot* is to instill a sense of fear in the participant that he is held accountable for his transgressions. Therefore, he is supposed to imagine going through the various processes of capital punishment while performing *kaparot*.

R. Avraham Danzig seems to understand that R. Weil's comments are based on the second approach:

*One should not think that this is his atonement, rather one should think that everything that happens to this bird should have happened to him (similar to the intent of sacrifices) and G-d in his mercy, in his response to the repentance, will overturn the decree and will enact it on the bird (similar to the comments of Ramban at the beginning of Parshat Lech Lecha regarding Avraham's walk).*

**Chayei Adam, Hilchot Yom Kippur 144:4**

אבל לא יחשוב שזהו כפרתו אלא יחשוב שכל מה שעושים לעוף הזה הכל היה ראוי לבא עליו (כענין הכוונה בקרבנות) והקב"ה ברחמיו עבור התשובה שעשה היפך הגזרה ונתקיים דוגמתו בעוף הזה (כעין שכ' הרמב"ן ריש פ' לך לך בענין הליכת אברהם) **חיי אדם הל' יום כפור קמ"ד:**

R. Danzig seems to place a different focus on the need to imagine oneself experiencing capital punishment. By referencing the aforementioned comments of Ramban, R. Danzig implies that *kaparot* serve as a confirmation of the repentance process. When one performs *kaparot*, it is assumed that he has already repented and the *kaparot* symbolize the fact that G-d has accepted the repentance and reversed any bad decrees. The *kaparot* concretize the acceptance of his repentance.

R. Danzig, in explaining *kaparot*, is consistent with his general approach towards symbolic acts. He explains the symbols of Rosh Hashanah night based on the comments of Ramban and uses the same general approach to explain *kaparot*.

## Summary

We have seen two basic approaches to understanding the symbolic acts of the High Holidays. One approach is that the symbols serve to inspire one to repent and improve oneself. The other approach is that the symbols serve to confirm a positive heavenly decree. One can apply these two approaches to many traditions that are practiced throughout the year. May this year be a year of self-improvement, repentance and blessing!

# On the Proper Use of Niggunim for the Tefillot of the Yamim Noraim

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Song has been the paradigm of Jewish Prayer from time immemorial. The Talmud Brochos 26a, states that “Tefillot kneged tmidim tiknum”, that “prayer was established in place of the sacrifices”. The Mishnah Tamid 7:3 relates that most of the sacrifices, with few exceptions, were accompanied by the music and song of the Leviim.<sup>11</sup> It is therefore clear that our custom for the past two millennia was that just as the *korbanot* of Temple times were conducted with song, *tefillah* was also conducted with song. This is true in our own day as well. Today this song is expressed with the musical *nusach* only or, as is the prevalent custom, *nusach* interspersed with inspiring communally-sung *niggunim*.

It once was true that if you wanted to *daven* in a shul that sang together, you had to go to your local Young Israel, the movement that first instituted congregational melodies c. 1910-15. Most of the Orthodox congregations of those days – until the late 1960s and mid-70s - eschewed the concept of congregational melodies. In the contemporary synagogue of today, however, the experience of the entire congregation singing an inspiring melody together is standard and expected.

Are there guidelines for the proper choice and use of “known” niggunim at various places in the tefillot of the Yamim Noraim? Many are aware that there are specific tefillot that must be sung “...b'niggunim hanehugim.....b'niggun yodua um'sukon um'kubal b'chol t'futzos ho'oretz...mimei kedem.” – “...with the traditional melodies...the melody that is known, correct and accepted

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<sup>11</sup> In Arachin 11a there is a dispute as to whether song is m'akeiv a korban, and includes 10 biblical sources for song that is required to accompany the korbanos. The gemorrah states there that song is essential (“m'akeiv”) and mandated biblically, but says that the lack of it does not invalidate a korban. Aruch Hashulchan “L'Atid” on Kodashim 1:20 says that shira is not m'akeiv a korban. Rambam in Hilchos Klei Hamikdash seems to agree. The Yerushalmi Psachim 3:1 says that shira is m'akeiv a korban. The Bavli in Taanis 23 agrees, but mentions “kli shir”- the instruments of the Leviim only. The above source in Arachin implies that if instruments are required, then certainly vocal music is required.

throughout the (Jewish) world...from ancient days." (Mateh Ephraim), and that for these particular texts no "popular" niggunim can be substituted. The essence of the question is what tefillot fall under this category and what can be sung to any melody of the chazzan's choosing?

*When you pray, use those tunes that are pleasant and sweet in your eyes... which will draw your heart after what is spoken from your mouth. For supplication, use a tune that readies the heart. For praise, use a tune that gladdens the heart, so that your mouth be filled with a love and joy for the One Who Sees your heart.*

**Sefer Chasidim 158**

חקור לך אחר ניגונים וכשתתפלל אמור אותן באותו ניגון שנעים ומתוק בעיניך באותו ניגון אמור תפלתך ותתפלל תפלתך בכוונה וימשוך לבך אחר מוצא פיד. לדבר בקשה ושאלה ניגון שמכין את הלב. לדברי שבה ניגון המשמח את הלב למען ימלא פיך אהבה ושמחה למי שרואה לבבך ותברכהו בחיבה רחבה וגילה כל אלה הדברים המכינים את הלב.  
**ספר חסידים (מרגליות) סימן קנח**

There are some in our contemporary minyanim that have taken this statement as a *matir* that anything goes when it comes to utilizing niggunim for tefilla, even for the Yamim Noraim. However, there is one difference between the citation of the Sefer Chassidim when it was written in the 12<sup>th</sup> century and our minhag today, and that is the appearance of the halachic presence/authority of the Maharil almost 200 years later.

The Maharil, Rabbi Jacob Möllin (1365-1425 CE), decreed *l'halacha* that there are rules, parameters and musical guidelines that must be followed and that dictate the use of any and all niggunim/melodies in our tefillot. This was codified as part of our halachic tradition.

*One should not digress from the customs of the place, even with regard to tunes and piyutim that are used. (Maharil)*

**Rama 619:1**

ואל ישנה אדם ממנהג העיר, אפילו בניגונים או בפיוטים שאומרים שם (מהרי"ל).  
**רמ"א אורח חיים תרי"ט:א**

The Maharil "sanctified" more than 50 niggunim plus another 50 or more "corollary", related phrases, which he referred to as "Missinai", (a euphemism for "very old"). He gave these melodies, found in our tefillot throughout the year but primarily on the Yamim Noraim, the force of an ancient tradition/minhag that cannot be changed. His minhag also determined the musical form of most of the paragraphs of our tefillot. Therefore, no longer do the words of the Sefer Chassidim apply, but they are superseded by the ruling of the Maharil. No longer can a Baal Tefilla choose "any melody that gladdens his heart", but the melodies he sings must be chosen within the guidelines of the Ramah and his ruling based on the Maharil.

It is the task of this article to describe the parameters by which we can clearly determine where the sanctified musical nusach of the Yamim Noraim tefillot is unchangeable, sacrosanct, and must be sung in the manner that has been accepted and heard in every Ashkenazic synagogue of the East/West European tradition for almost seven centuries since the Maharil. We can then detail where a Baal Tefilla is allowed to utilize spiritually effective congregational melodies to inspire and uplift the congregation if it is the desire of the congregation that he do so.

It is a wonderful basket of choices that we have today at our disposal from which to choose beautiful niggunim to uplift the tefillot of our shuls: Modzitz, Carlebach, Chabad or Dveykus niggunim and

more! All are excellent; all are effective. The only remaining decision for us is whether or not they are appropriate according to the guidelines set before us by Chazal and by the time-honored tradition of centuries of beloved and discerning shlichei tsibbur who have preceded us.

## The Problem

Whenever we hear a beautiful melody being sung in shul, as the entire *tzibbur* erupts in song and harmony, it inspires us and gives us an incredible sense of unity. The question begs whether or not we can use any melody anywhere we wish.

I have developed a mnemonic that can serve as general guideline to the proper use of niggunim in tefilla all around the year. It is my “Three M” Guideline System of using Niggunim for Tefillah: Mode, Mood, and Min Hakodesh.

## Mode

It is very difficult for those who are not musically trained to understand or be able to distinguish the different musical modes upon which *Nusach Hatefillah* is built. Most of us viscerally know how a section of tefilla sounds from years of attending services in shul. It may not be necessary for a good Baal Tefilla to know that Tikanto Shabbat is in the mode of “Phreigish” (or its’ Hebrew name, “Ahava Rabba”), or that Shochein Ad is in the mode of “minor” (or “Mogein Avos”). However, when describing a nusach that is not well known or unknown to the individual, it becomes necessary to have a way to define and identify the musical format, or “mode”, with which this tefilla must be sung. This is also part and parcel of the takkanot of the Maharil, who not only was *mekadesh* specific melodies, but insisted that the general modes of all our tefillot be zealously protected and adhered to as well.

In America, we are generally the inheritors of the Eastern European branch of Ashkenazic minhag. It differs in only minimal ways to that of the original West European *minhag* known in the days of the Maharil. Over the centuries it became its own distinct custom while adhering to the Maharil’s guidelines in a majority of cases. This is *our* minhag, and according to the dictum of the Maharil, we must adhere fastidiously to it. The Maharil understood the importance of entering a shul any time of day or month and being able to identify which tefilla is being prayed simply by its sound - its melody. Whether Mincha Shabbat or Yom Tov Musaf, the recognizable strains of the *nusach*’s melody surrounds us and puts us into the atmospheric aura of the prayer experience. This becomes a crucial step in raising us to the proper heights of *kavannah*, as required by the Shulchan Aruch. The *nusach* “speaks to us” from within the framework of the musical mode.

The question remains: How do we convey the structure of the musical modes to the average, non- musically literate Jew with a good voice who wants to know how to daven properly? Solution #1 is to have him study at the Belz School of Jewish Music at YU, or #2, to privately study with a *mumcheh* who can record the proper nusach for him. Solution #3 is to get a CD of the nusach, and there are some very good CDs out there. However, there are also some “not very good” CDs out there that can mislead the buyer.

The purpose of this article is not to teach nusach, which is a very long and complicated course of study. It is my intention to give the individual who is interested in the subject or who is already davening as a Shliach Tsibbur the tools to discern where, when and what kind of *niggunim* are or are not appropriate for a particular tefilla on the Yamim Noraim.

## A Guide to the Hebrew Music Modes

Hebrew Mode	English Name	Style/Description (Sounds Like)
Magein Avot	Minor	<i>Fri. Eve. Magein Avot; Shochein Ad</i>
Hashem Moloch	Mixo-Lydian	<i>Kabbalat Shabbat (i.e. Arbaim Shana) Shabbat Chazarat Hashatz – Avot</i>
Ahava Rabba	Phreigish/Hejaz	<i>Tikanta Shabbat /Y.N. Avinu Malkeinu</i>
	Standard Major (Not a Traditional Jewish Mode)	<i>Pre-Musaf Ashrei; Ein Keilokeinu</i>

There are three additional modes, but the differences between these and the modes cited above are subtle and not sufficiently different than the ones I have written down to list and possibly cause confusion.

In the chart of all the tefillot of the Yamim Noraim in the appendix, whenever one of the above modes is mentioned, compare it with the guide above to approximately determine what the mode sounds like, and whether or not the niggun is appropriate for a particular tefilla. My hope is that this will make the examples of the “musical mode” clearer to the non-musician.

## Mood

Mood is understandably important when choosing a melody for tefillah. Too often, Baalei Tefilla are so enamored with a particular melody that they, perhaps unaware, use that melody inappropriately. An example would be for the tefilla of the Shabbat Av Horachamim, where the Chazzan recites the last lines: “Ki Doresh Domim ...” “For the Avenger of Blood has remembered them. He has not forgotten the cry of the humble”. To sing a joyous melody here would be very inappropriate, yet it is not uncommonly heard. Even in the Musaf Kedusha, where we recite: “Mimkomo hu yifen b’rachamim ...” “From His place may he turn with compassion...,” the tone of the words begs a melody that is slower or at least introspective in quality, rather than a “simcha” type melody which is often utilized and is inappropriate as well. Certainly, for a very emotionally charged text, such as: “Mi Yichye, Mi Yomus ...” in the “Unesaneh Tokef” prayer, it should almost be unnecessary to say that the use of a “popular” niggun here would be highly inappropriate. It is the rare niggun that can properly interpret intense words such as these. My humble but firm suggestion is to generally avoid niggunim for

such a tefillah, and to proceed with the musical nusach form - a format that baalei tefillah have utilized for centuries, that pleads and cries in amplification of the poignant words written by the heartbroken paytan, in this case, Rabbi Amnon. Here one does not have to be musically conversant. One only needs to use forethought and “seichel” when planning the use of a congregational melody. Discretion is the rule here.

## Min Hakodesh

This third guideline refers to the origin of the niggunim that we choose for congregational singing – not only on the Yamim Noraim but during the entire year as well. It is clear from the writings of many of our most authoritative commentaries that melodies taken from non-holy sources are to be frowned upon, and in some cases, forbidden.

*Acher (Elisha Ben Avuya) [was an apostate from] Greek tunes constantly in his mouth.*

**Chagiga 15b**

*A chazzan who ... sings with non-Jewish<sup>11</sup> tunes should be warned not to do so, and if he does not stop, he should be removed.*

**Rama OC 53:25**

אחר מאי - זמר יווני לא פסק מפומיה.  
חגיגה דף טו:

וש"צ ... שמרנן בשירי הנכרים<sup>12</sup> ממחין בידו  
שלא לעשות כן, ואם אינו שומע מעבירין אותו  
(כל בו דף קנ"ה ע"ד)  
רמ"א אורח חיים נג:כה

The Sefer Chassidim also strongly condemns those who sing or even *imitate* “foreign” or non-Jewish tunes in Tefilla. Such warnings occur again and again in the *halachic* literature of minhag Ashkenaz. It is clear, even from a simple visceral reaction to the concept, that one should only use melodies that come from a “kosher” source.

## The Use of Melodies in the Liturgy of the Yamim Noraim

*Where there is song there is prayer.*<sup>13</sup>

**Brachot 6a**

במקום רנה שם תהא תפלה  
ברכות דף ו.

The question is where should there be tefilla only, and where *can* there be rinah, or song, that can be joined in by the congregation?<sup>14</sup> The answer is, as long as it follows certain defined guidelines it will be acceptable. Let us examine what these are.

<sup>12</sup> The Aruch Hashulchan OC 53:26 substitutes the phrase “Shirei Agavim”, meaning secular love songs, and Rabbi Eliezer Waldenburg, Tzitz Eliezer 13:12 suggests this is the correct version of the text of the Rama as well.

<sup>13</sup> The numerical equivalent of shira (שירה) is that of tefilla (תפלה), a remez to the need for song in the conduct of our prayers.

<sup>14</sup> In truth, there *are* certain “Niggunei Maharil” that already seem to lend themselves to congregational participation. One well-known example is the sanctified Missinai Kaddish before Musaf of the Yamim Noraim (also used for the introduction to Slichot), wherein the entire synagogue sings along to the words starting at the second line - at “B’chayeichon”. However, this “sing-along” melody is actually a choral composition by Cantor Wolf “Velvele” Schestopol (1832-72) of Odessa! Before Schestopol added his embellishment, the second line of this Kaddish was *not* a sing-along in any manner or form. However, it became so popular and accepted by Am Yisrael that it has, in effect, practically become our *minhag yisrael*.

# The Three Kinds of Tefillah Melodies

There are three kinds of melodies that we utilize in our tefillot, and on the Yamim Noraim, in particular. 1) Missinai” niggunim, the special, time-honored melodies of the Maharil, such as V’hakohanim, Aleinu, etc. that must be sung note for note without change. 2) “Corollary Missinai/Traditional” chant, or *nusach*, in a given musical mode/style, which is utilized in the body of the chazzan’s tefilla for the bulk of the words of every paragraph. 3) Sing-a-long melodies that are inserted by the chazzan, that also must conform to certain rules and regulations, but are flexible to the degree that the chazzan has the freedom to make his choice within the rubric/structure of those rules and regulations. The chart that is being provided as an appendix below will attempt to clarify which tefillot of the Yamim Noraim conform to 1, 2, or 3.

It is the hope of the author that, by encouraging the preservation of the sanctified melodies and modes of the Yamim Noraim, all of us will find our tefilla experience meaningful and effective, and that we will be blessed with a year of health, success and fulfillment of all our hopes and prayers. *V’chayn Y’hi Ratson!*

## The Complete and Comprehensive Chart Of The Missinai, Traditional/Fixed, and “Free” Tefillot For The Yamim Noraim

Compiled by Chazzan Sherwood Goffin. Consultant: Chazzan Bernard Beer

### LEGEND

- **MISSINAI** in bold caps – untouchable. These are the sanctified “Niggunei Maharil.”
- **TRADITIONAL/”FIXED”** - in non-bold caps. May not be changed. (Rama, O.C. 619)
- Niggunim are allowed within the traditional nusach- in lower case letters.
- *Niggunim are allowed to be used without restriction* – italics.
- M = Major, mixo-lydian; mi = minor; P = Phreigish. Refer to the chart in the article.

### Maariv Rosh Hashana

- **BOR’CHU**
- ALL BROCHOS ENDINGS
- TIKKU BACHODESH
- **KADDISH**
- KIDDUSH – “Akdumus” phrases
- L’Dovid Mizmor (mi)

### Shacharis Rosh Hashana

- **HAMELECH**

- **BROCHO – YOTSER OR**
- OR OLOM, MELECH B’ASORO
- Hameir Lo’oretz (mi)
- *Keil Odon* (mi)
- BIRCHOS KRIAS SHMA ENDINGS
- **SHACHARIS OVOS**
- **MISOD**
- **YOREISI/OSSISI/SHULACHTI**
- *Zochreinu, Mi Chomocho*
- ATO GIBBOR
- Gevuros – see Musaf RH (mi, P)

- **SHOCHEIN AD to TISKADOSH**
- UV'MAKHALOS, YISHTABACH
- SHIR HAMAALOS
- **KADDISH**
- **BOR'CHU**

- AD YOM MOSO
- YIMLOCH/V'ATO KODOSH
- *Ato Hu Elokeinu*, ROM UMISNASEH (M)
- TOIR V'SORIA, TSETSOEHO, etc.
- SH'MO M'FOARIM, EDER VOHOD
- Hashem Melech (mi)
- Melech Elyon – alternate with nusach (M)
- SHOMEIA, SHOFEIT
- Hashem Melech- alternate with nusach
- L'keil Orech Din – stay in the minor key
- KEDUSHA – N'KADESH, OZ
- MIMKOMCHO – some allow nigunim
- L'dor Vador thru Vatiten Lanu (mi)
- ALL BROCHOS
- YAALEH V'YAVOH
- M'LOCH
- R'TZEI THRU SIM SHALOM
- OVINU MAKEINU
- Seder Hotso'oh
- SHMA YISROEL, ECHOD, GADLU
- ASHREI HO'OM of Seder Shofar
- ASHREI YOSHVEI, Y'HAL'LU
- L'Dovid Mizmor, *Uv'nucho* (M, mi)

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## Musaf Rosh Hashana

- HIN'NI
- **MUSAF KADDISH**
- **OVOS**
- **MISOD**
- **KEREN, TOSHUV, ASUMO**
- *Zochreinu, Mi Chomocho*
- ALL BROCHOS
- Gevuros, M'chalkeil, Mi Chomocho- Must fit the nusach style. (P, mi)
- L'HOSIR
- YIMLOCH, V'ATA KODOSH
- KEIL EMUNOH, IM LO
- Melech Elyon- alternate with nusach (M)
- K'DOSHOV, TOKPU
- Unesaneh Tokef and B'rosh Hashana –use nigunim with care.

## Yom Kippur Shacharis

- **HAMELECH THROUGH BOR'CHU**– as in Rosh Hashana.
- BROCHO – HAPOSEIACH
- SLACH L'GOY, CHOTONU
- Oz B'yom and Boruch Sheim Kvod (mi)
- Hameir Lo'oretz, Hakol Yoducho (mi)
- *Keil Odon* (mi)
- BIRCHOS KRIAS SHMA ENDINGS
- **SHACHARIS OVOS**
- **MISOD**
- **EIMECHO**
- Imatzto, Taavas, etc. (mi)
- *Zochreinu, Mi Chomocho*
- Gevuros – see Musaf RH (P, mi)
- AD YOM MOSO
- YIMLOCH/V'ATO KODOSH

- MI YONUACH
- Useshuvo –with sensitivity to nusach.(mi)
- Ki K’shimcha (mi)
- V’ATO HU MELECH
- *Ein Kitzvo*(M) , HAMAKDISHIM
- KEDUSHA – K’VODO, MIMKOMO
- SH’MA, HU- some allow nigunim
- Adir Adireinu through B’ein Meilitz (mi)
- V’chol Maaminim - *alternate with nusach* (mi)
- V’CHOL/SHEHU SHOFEIT TZEDEK
- Tugav through Uv’cheins (mi)
- *V’yeesoyu Chol - “Style of a March”*(M)
- V’SIMLOCH
- KODOSH ATO and BROCHO
- Ato V’chartonu to Aleinu (mi)
- **OLEINU**
- *Heyei Im P’fiyos* (mi)
- **OCHILO LOKEIL**
- AL KEIN N’KAVEH (Malchiyos, 1<sup>st</sup> paragraph)
- ALL ELOKEINU PARAGRAPHS
- *All Hayom, Areshes*(mi) paragraphs
- ATO ZOCHER (Zichronos – 1st Paragraph)
- ATO NIGLEISO (Shofros – 1st Paragraph)
- ALL BROCHOS ENDINGS
- R’TSEI TO BIRKAS KOHANIM
- BIRKAS KOHANIM (chanting of the words) and *duchenen niggun* (mi)
- SIM SHALOM,
- *B’Sefer Chaim* (mi)
- *Hayom T’amtseinu*
- K’HAYOM HAZEH, BROCHO
- *Final Kaddish Sholeim* (mi)
- ATO HU ELOKEINU
- ONO SLACH NO; ONO RACHUM
- MELECH SHOCHEIN TO HAYOM YIKOSEIV
- *Imru l’eilokim* (M) – PODEH, SHOMEIA
- Asher Ometz thru Rom’mu (mi)
- L’YOSHEIV TEHILLOS, ZEH EL ZEH
- *Al Yisroel, Hoaderes*
- L’keil Orech Din – stay in the minor key
- KEDUSHA - KVODO, MIMKOMO
- SH’MA, HU- some allow nigunim
- Adir Adireinu thru Vatiten Lonu (mi)
- YAALEH V’YAVOH
- Z’CHOR RACHAMECHO
- AL NO SOSHEIS
- ALL BROCHOS
- Z’CHOR LONU BRIS OVOS
- SHMA KOLEINU - FOUR P’SUKIM
- ELOKEINU VEILOKEI AVOSEINU
- *Ki Onu Amecho* (mi)
- ELOKEINU/TOVO
- OSHAMNU thru Al Cheit - as in Maariv
- Dovid Avdecho to Mimei Kedem (mi)
- ELOKEINU/M’CHAL
- R’TZEI THRU SIM SHALOM
- Ovinu Malkeinu (mi,P)
- Seder Hotso’oh (M, mi)
- SHMA YISROEL, ECHOD, GADLU of Hotso’oh
- YIZKOR
- ASHREI YOSHVEI, Y’HAL’LU
- L’Dovid Mizmor, *Uv’nucho* (M, mi)

## Kol Nidre/Yom Kippur

### Maariv

- B’YESHIVA SHEL MAALOH
- **KOL NIDRE**
- V’nislach – in the style of the nusach (mi)
- VAYOMER HASHEM

## Yom Kippur Musaf

- HIN’NI
- **KADDISH**
- **OVOS**
- **MISOD**
- NIV S’FOSEINU, MALEH etc.
- *Zochreinu, Mi Chomocho*
- ALL BROCHOS
- Gevuros – see Musaf RH (mi, P)
- OD BO NISHMOSO
- REGESH, YIMLOCH

- SHEHECHEYONU
- **BOR'CHU**
- ALL BROCHOS ENDINGS
- KI VAYOM HAZEH
- **KADDISH**
- *Yaaleh* (mi)
- SHOMEIA TEFILLOH
- OSONU AL SHIMCHO
- DARK'CHO; L'MAANCHO
- TAALEH ARUCHO
- Keil Melech Yosheiv (mi)
- VAYERED HASHEM B'ONON
- HASHEM, HASHEM KEIL RACHUM
- SLACH NO LAAVON HO'OM HAZEH
- *S'lach No, Omnom, Ki Hinei* – in the style of the nusach. (P, mi)
- Z'CHOR RACHAMECHO
- AL NO SOSHEIS, HEIN
- Zchor Lonu Bris –in the nusach style (mi)
- SHMA KOLEINU - FOUR P'SUKIM
- Elokeinu Veilokei Avoseinu (mi)
- *Ki Onu Amecho* (mi)
- ELOKEINU/TOVO
- OSHAMNU
- Elokeinu Slach (mi)
- SHIMCHO MEIOLOM
- ATO YODEIA ROZEI OLOM
- Al Cheit to Uvizman Koriv (mi)
- Avinu Malkeinu (mi,P)
- L'Dovid Mizmor (mi,P)
- *Kaddish Sholeim*
- NECHOSHEIV, ESO DEI
- ES LACHASHI, ODON
- *Imru l'eilokim* (M) – PODEH, SHOMEIA
- L'YOSHEIV TEHILLOS; EYLU L'EYLU
- Unesaneh Tokef and B'rosh Hashana –use nigunim with care.
- MI YONUACH
- Useshuvo Usefilo Utzedoko (mi)
- Ki K'shimcha
- V'ATO HU
- *Ein Kitzvo*(M), HAMAKDISHIM
- KEDUSHA – K'VODO, MIMKOMO
- SH'MA, HU- some allow nigunim
- Adir Adireinu through B'Ein Meilitz (mi)
- V'chol Maaminim–*alternate w/nusach*(mi)
- V'CHOL/SHEHU SHOFEIT TZEDEK
- Tugav through Uv'cheins (mi)
- *V'yeesoyu Chol - "Style of a March"*(M)
- V'SIMLOCH (mi)
- KODOSH ATO and BROCHO
- Ato V'chartonu to Oleinu (mi)
- **OLEINU**
- *Heyei Im P'fiyos* (mi)
- **OCHILO LOKEIL**
- AVODOH ENDINGS (Mazim Olov, etc.)
- V'CHACH HOYO OMER
- **V'HAKOHANIM**
- *Emes Ma Nehdor, Ashrei Ayin* (M, mi)
- Z'CHOR RACHAMECHO (mi)
- AL NO SOSHEIS
- EILEH EZKORO
- Z'CHOR LONU BRIS OVOS
- SHMA KOLEINU - FOUR P'SUKIM
- Elokeinu Veilokei Avoseinu Al Taaz.
- *Ki Onu Amecho* (mi)
- ELOKEINU/TOVO
- OSHAMNU
- ELOKEINU/S'LACH
- SHIMCHO MEIOLOM
- ATO YODEIA ROZEI OLOM
- Al Cheit to Mimei Kedem (mi)
- ELOKEINU / M'CHAL
- ALL BROCHOS ENDINGS
- R'TSEI thru V'CHOL HACHAYIM
- BIRKAS KOHANIM (chanting of the words)

- and *duchenen niggun* (mi)
- SIM SHALOM, *B'Sefer Chaim* (mi)
- *Hayom T'amtseinu* (M)
- K'HAYOM HAZEH, BROCHO
- *Final Kaddish Sholeim* (mi)

## Tefillas Neila

- **KADDISH**
- **OVOS**
- **MISOD**, GOSH, AVUR
- Gevuros (mi), ZOAK, GEULOSEINU
- YIMLOCH, SH'MA NO
- KEDUSHA – K'VODO, MIMKOMO
- SH'MA, HU- some allow nigunim
- L'DOR VADOR thru YAALE V'YAVO
- PSACH LONU, HAYOM, ONO
- Keil Melech Yosheiv (mi)
- VAYERED HASHEM B'ONON
- HASHEM, HASHEM KEIL RACHUM
- SLACH NO LAAVON HO'OM HAZEH
- HATEH
- Z'CHOR BRIS AVROHOM
- ENKAS MISALDECHO, etc.
- HASHEM HASHEM KEIL RACHUM
- RACHEIM NO, SHAAREI SHOMAYIM
- *Ki Onu Amecho* (mi)
- ELOKEINU/TOVO
- OSHAMNU
- ATO NOSAIN, ATO HIVDALTO
- ELOKEINU VEILOKEI/M'CHAL
- Conclude as in Yom Kippur Shacharis
- FINAL SH'MA, BORUCH SHEM,  
HASHEM HU HOELOKIM.

# Rosh Hashanah: The Call of the Shofar

Rabbi Shmuel Hain

Rosh Beit Midrash, GPATS

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The characterization of *Rosh Hashanah* as both the start of the Ten Days of Repentance and as a day of introspection and judgment in its own right is ubiquitous in rabbinic literature and ingrained in our collective consciousness. However, the precise nature and form of this *teshuva* remains a mystery. Remarkably, the *tefilot* of *Rosh Hashana*, in sharp contrast to *Yom Kippur*, do not contain *vidui* or *selichot*, or many of the other traditional prayers devoted to the themes of confession and supplication. How, then, does *teshuva* manifest itself on this day? The Rambam gives us a clue:

*Even though the sounding of the shofar on Rosh Hashanah is a Divine decree, there is an allusion contained in it, saying: Wake up you sleepy ones from your sleep and you who slumber, arise. Inspect your deeds, repent, remember your Creator.*

**Rambam (Hilchot Teshuva 3:4)**

אף על פי שתקיעת שופר בראש השנה גזירת הכתוב, רמז יש בו: כלומר עורו עורו ישנים משינתכם, והקיצו נרדמים מתרדמתכם; וחפשו במעשיכם וחזרו בתשובה, וזכרו בוראכם.  
רמב"ם הלכות תשובה ג:ד

According to the Rambam, the primary *mitzvah* and symbol of the day - the *shofar*- embodies the special quality of *teshuva* on *Rosh Hashanah*. A closer analysis of this *mitzvah*, then, should provide greater understanding of the unique nature of this *teshuva*.

The central halakhic question regarding *shofar* revolves around whether one fulfills the *mitzvah* through the act of **sounding** the *shofar* (**tekiah**) or via **hearing** the sounds emanating from the *shofar* (**shemiah**).<sup>15</sup> This, in turn, affects numerous issues, including: the formulation of the *bracha* for the *mitzvah*,<sup>16</sup> the requirement of *kavannah* (intent) for *shofar*,<sup>17</sup> *shome'ah ke'oneh* and

<sup>15</sup> See VaYikra 23:24, BaMidbar 29:1, Mishnah RH 3:7-8, Sefer Mitzvot of RaSaG Aseh 54, SeMaG Aseh 42, Rambam Sefer Mitzvot Aseh 170 and Laws of Shofar 1:1. See also Sha'agat Aryeh No. 6 and Harerei Kedem Vol. 1 No. 13 for a fuller discussion of the issue including the view that both elements are critical. Also see the commentary of R'i M'Lunel Rosh HaShana 34a who indicates that either sounding or hearing suffices due to the ambiguity of the biblical phrase "Yom Teruah".

<sup>16</sup> See SeMag, ad loc., Rambam Laws of Shofar 3:10, *Teshuvot HaRambam* 51 (*Pe'er HaDor*), *Rosh Rosh Hashana* 4:10. See also the siddur of Rashi Siman 183 for a possible hybrid blessing invoking both Tekiah and Shemiah.

<sup>17</sup> See Rambam ad loc. 2:4-5 and Harerei Kedem ad loc.

those eligible to sound the *shofar* for others,<sup>18</sup> multiple *Ba'alei Tekiah*/interruptions (*hefsek*) between blasts,<sup>19</sup> and the disqualification of a stolen *shofar*.

The issue of the stolen *shofar* in particular is subject to much debate and a careful examination of it yields much insight into the message of the *shofar*. According to a number of *Rishonim* the definitional question of *shemiah* or *tekiah* determines whether or not one may fulfill one's obligation with a stolen *shofar*. For instance, the Ran (*Rosh Hashanah* 28a) maintains that since the essence of the *mitzvah* consists of the act of sounding the *shofar*, a stolen *shofar* is disqualified. Because the *shofar* functions as the *mitzvah* object, the illegal means of acquisition adversely affects the fulfillment of the *mitzvah* (מצוה הבאה בעבירה). Conversely, the Rambam (Laws of *Shofar* 1:3) rules that one may fulfill their obligation with a stolen *shofar* because, "the *mitzvah* is hearing the sound of the *shofar*... and one cannot steal sound."

Despite the compelling logic to connect these two issues, some *Rishonim* deny the link in both directions. The Ritva (*Rosh Hashanah* 28a), while agreeing with the Rambam that hearing the sound of the *shofar* constitutes the essence of the *mitzvah*, nevertheless rules that a stolen *shofar* becomes disqualified because of מצוה הבאה בעבירה. Conversely, the Ra'avad (Laws of *Shofar* 1:3, based on the Yerushalmi *Sukkah* 3:1), claims that one may fulfill the *mitzvah* of *shofar* with a stolen *shofar*, even if sound were an object that could be stolen or if the essence of the *mitzvah* is the *tekiah*, based on the *drasha*: "יום תרועה יהיה לכם-מכל מקום". Why, according to the Ritva, can a stolen *shofar* not be used if it does not constitute the *mitzvah* object but just the generator of the sound, and why, according to the Ra'avad, can one use a stolen *shofar* even if sound could in fact be stolen?

The Ritva himself explains his exceptional position by exclaiming, "במה יתרצה זה אל אדוניו ביום הדין". Since the *shofar*, like a sacrifice, is an instrument of *ritzui* (appeasement) it is inconceivable that one would fulfill this *mitzvah* with a stolen *shofar*, even though it functions merely as a preparatory object in the performance of the *mitzvah*. Just like a *Korban* is susceptible to disqualification due to the existence of even a minor blemish, so, too, the *mitvah* of *shofar* on the Day of Judgment cannot be tainted in any way.

From this perspective, the standards for *shofar* and, in turn, for *teshuva* on *Rosh Hashanah*, are extremely ambitious and daunting. We must approach God with a comprehensive spiritual agenda that does not allow for any flaws or chinks in our religious armor, much like the symbol of the day, the *shofar*, cannot contain any imperfections.<sup>20</sup> Indeed, the numerous themes of *Rosh*

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<sup>18</sup> See Meiri *Rosh Hashana* 29a and R'I M'Lunel as well.

<sup>19</sup> See Rambam and Maggid *Mishneh Laws of Shofar* 3:11.

<sup>20</sup> In a lecture several years ago, *Mori VRabi* Rabbi Michael Rosensweig suggested that the element of *ritzui* may also explain the rationale behind the Rabbinic Decree of Rabbah prohibiting the sounding of the *shofar* outside of *Beit Din* when *Rosh HaShana* falls out on Shabbat (see *Rosh HaShana* 29b), as it does this year. Even a seemingly "far-fetched" concern of carrying the *shofar* is enough to threaten the pristine quality of the *shofar* and justifies the decree that strips the day of its primary *mitzvah* and symbol. By not sounding the *shofar* on Shabbat we testify to and underscore *shofar's* core essence that does not allow for any blemishes or transgressions. Moreover, according to the Yerushalmi (RH 4:1) there is a Biblical source for silencing the *shofar* on Shabbat ("*Zichron Teruah*" which is the phrase used to describe *Rosh HaShana* in the **primary** *Parshat HaMo'adim-Vayikra* 23:24). From the

*Hashana*- fear (*Yirat HaDin*) and joy (*Simchat Yom Tov*), universalistic and particularistic judgment, *Malchuyot*, *Zichronot* and *Shofarot*- as well as the different sounds and motifs of the *shofar* itself highlight the complexity and demanding nature of the day.

A seemingly opposite perspective emerges from the position of the Ra'avad. His view ignores the fact that the *shofar* was stolen even though it comprises the critical component of the mitzvah of sounding the *shofar*. Why is the *shofar*, as opposed to all other mitzvah objects, not vulnerable to the problem of מצוה הבאה בעבירה? What is the logic behind the *drasha* of "מכל מקום" that allows the *shofar* to be a rule-breaker among mitzvah objects?

As noted previously, the *shofar* serves as the wake-up call to repent: "Wake up you sleepy ones from your sleep and you who slumber, arise. Inspect your deeds, repent, remember your Creator." Psychologically, perhaps the most difficult obstacle to overcome when embarking on the path of spiritual growth is one's own past. During this initial stage, our minds are flooded with memories of past failings and iniquities casting self-doubt on our very capacity to change. Only by overlooking our flaws and previous sins during this precarious stage in the process of repentance can we succeed in improving our ways.

We can now understand the rationale for the Ra'avad's position. When we fulfill the commandment of *shofar* on *Rosh Hashanah*, signaling the start of the period of repentance, we must be excited by the prospects of a new year and not overwhelmed by our past transgressions. Perhaps that explains why the liturgy of *Rosh Hashanah* is bereft of *vidui*, *selichot*, etc. The *Machzor* discourages the confession and enumeration of sins, as well as the beseeching for forgiveness for those transgressions on *Rosh Hashanah*, because that would be self-defeating at this critical, initial stage of *teshuva*. Dwelling on past transgressions at the moment of inspiration to forge a new path can be demoralizing. The position of the Ra'avad that permits the use of a stolen *shofar* personifies this attitude. As the instrument for inspiring thoughts of *teshuva* on *Rosh Hashanah*, the *shofar* can not be disqualified based upon previous indiscretions. Unlike all other mitzvah objects, the *shofar* must be immune to the problem of מצוה הבאה בעבירה because disqualification based on a previous misdeed would undermine the forward-looking message of the *shofar* and the very essence of the day itself.

On the surface, the approach of the Ra'avad, promoting a form of *hirhur* (sparks or thoughts) *teshuva*, and that of the Ritva, advocating a flawless transformative type of *teshuva*, appear contradictory. Indeed, on a practical level, they rule in opposite directions regarding the stolen *shofar*. Yet, conceptually, the two views of *shofar* complement each other, as the Ritva himself indicates (see Ritva *Rosh Hashana* 34a where he invokes both the concept of *ritzui* and the notion of the wake-up call). In order to properly initiate the comprehensive spiritual agenda of *ritzui* projected by the Ritva, we must avoid dwelling on past mistakes and transgressions, as the

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Yerushalmi it would appear that by NOT sounding the *shofar* we are highlighting this element of *ritzui* and thereby fulfilling the Biblical mandate of *Zichron Teruah*. Indeed the phrase *Zichron Teruah* is also the source for the special requirements of intention vis-à-vis *shofar* (See *Rosh Hashana* 28a-b) suggesting that *shofar's* true fulfillment transcends the question of *Ma'aseh Mitzvah*-sounding or hearing- and entails appreciating the multi-faceted messages of the mitzvah. The entire subject of *shofar* on Shabbat requires further elaboration

position of the Ra'avad highlights. The dialectical call of the *shofar* challenges us to begin the process of creating a more perfect religious identity by deliberately ignoring, albeit temporarily, the imperfections of our previous self.

Thus, by eschewing the conventional confession-centered repentance that takes inventory of specific transgressions, the unique *teshuva* of *Rosh Hashanah* liberates us to focus on a much more ambitious program whose ultimate goal is the refashioning of our entire self-image and spiritual persona.<sup>21</sup> With this lofty goal in mind we can channel all of our emotions into integrating the various themes of the *shofar* and of this singular holiday; the day that sets the tone both for the concentrated ten-day period of introspection and for an entire year dedicated to spiritual striving.

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<sup>21</sup> This focus applies to inter-personal relationships as well. On Rosh HaShana we should perhaps strive to create healthy and close relationships with our loved ones without detailing all of the slights we have committed or been on the receiving end of during the year. Over the course of the Ten Days of Repentance and culminating in Yom Kippur, we should then proceed with the work of repairing the relationships.

# Three Who Cried

Rabbi Norman Lamm

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*This derasha was given by Rabbi Lamm at the Jewish Center (NYC) on the first day of Rosh Hashana, September 29, 1962.*

Ours is an age which has forgotten how to cry. Whether at Rosh Hashanah services or Tisha B'av Kinot, whether at a funeral or theater, tears are conspicuous by their absence. Once upon a time the machzor was stained with tears; today it is so white and clean - and cold. Not, unfortunately, that there is nothing to cry about. A generation which saw the finest of its sons and daughters destroyed in the most terrible massacre in recorded history; a generation which, the more it probes the heavens, the more it ignores the heart - a generation of this sort has much to cry about. How many people here today do not have their private woes, their secret sorrows?

It is rather that we have embarrassed ourselves into silence. It has become a style of the times to restrain our tears on the theory that maybe that way the pain will go away, that by refusing to display genuine emotions the agonizing facts of our lives will be altered. But we are, nevertheless, human beings. And so the unwept tears and unexpressed emotions and the unarticulated cries well up within us and seek release. What insight the Kotzker Rebbe had when he said that when a man needs to cry, and wants to cry, but cannot cry - that is the most heart-rending cry of all.

Granted that crying is an experience we ought not to deny ourselves. But is there not a difference in how and why people cry? Is there not a vast difference between the various types of weeping and what motivates them?

I believe there is. And Rosh Hashanah suggests three separate causes for tears, two that are vain and unfortunate, and a third that is heroic and constructive.

The three types are symbolized by three Biblical characters, all women, whose tears are recalled on this holiday. They are: the mother of Sisera, Hagar, and Rachel.

## The Mother of Sisera

Sisera was a Canaanite general, leader of an army which was, so to speak, highly mechanized compared to the peasant people of Israel which it attacked. This arrogant, pagan warlord was defeated by the Israelites who were led by Deborah. In Deborah's song of triumph, she paints the picture of Sisera's mother, usually over-confident, this time anxiously awaiting the return of her son.

*Through the window she looked forth, and peered, the mother of Sisera, through the lattice: 'Why is his chariot so long in coming? Why do the wheels of his chariots tarry? The wisest of her princesses answer her, 'Are they not finding, are they not dividing the spoil? A damsel, two damsels to every man; to Sisera a spoil of dyed garments, a spoil of dyed garments of embroidery, two dyed garments of broidery for the neck of every spoiler?'*

**Shoftim 5:28-30**

בעד החלון נשקפה ותיבב אם  
סיסרא בעד האשנב מדוע בשש  
רכבו לבוא מדוע אחרו פעמי  
מרכבותיו: חכמות שרותיה תענינה  
אף היא תשיב אמריה לה: הלא  
ימצאו יחלקו שלל רחם רחמתי  
לראש גבר שלל צבעים לסיסרא  
שלל צבעים רקמה צבע רקמתי  
לצוארי שלל:  
**שופטים ה:כה-ל**

She peers intently out of the window, a nagging question burning within her: why is his chariot so late in coming, why do the wheels of his chariot tarry? She answers, soothing herself: my son and his soldiers are busy dividing the spoils of their great victory; they are splitting up the dyed cloths, the embroidered garments, and the damsels of conquered Israel. But the delusion cannot last forever. The truth must emerge. Her son is dead. Va-teyabev, the mother of Sisera breaks out into uncontrolled sobbing. There were 100 sobs, the Talmud<sup>22</sup> declares, and for this reason we Jews, on Rosh Hashanah, sound a total of 100 notes on the Shofar.

A beautiful, compassionate story. A shining example of historical generosity and forgiveness - we relive the pain and anguish of the mother of our enemy. But were there no Jewish mothers who were bereaved of their sons in the same war? Was no Jewish blood spilt in our long history, no Jewish tears shed by grieving mothers?

What the Rabbis intended, I believe, was a moral of great significance: the mother of Sisera lived in a dream world. She refused to face reality and contemplate its bitter side. And when you live in a dream world you must expect nightmares. She had imagined that her exalted position as mother of a successful conqueror inured her to pain and tragedy - that was reserved only for the contemptible enemy, Israel. She was guilty of an immoral optimism, the kind of outlook that characterizes the unthinking and arrogant of all ages. Hers was a strutting and pompous dream which collapsed under the weight of its own illusions. And this indeed is what the shofar and Rosh Hashanah remind us of: there is a yom hadin, a Day of Judgment and accounting. Al tityaesh min ha-paraniot. Do not go through life blithely ignoring consequences which you dread. He who sits on top of the world has no assurance that his world will not collapse under him. Absolute security is a myth. Life is not as certain, as guaranteed as the haughty, unreflective mentality of a mother of Sisera lead her to believe. Beware of such vain and dangerous illusions.

Do we not know in our own lives the kind of mentality that discovers its smugness and self confidence punctured, only when it is too late? We see it in international affairs, as when our government naively assumed that Communism could never gain a foothold on this continent -

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<sup>22</sup> Rosh Hashana 33b

so we neglected the masses of Cuba, we supported tyranny, we ignored the oppressed population - and now we have Castro and his Russian allies 90 miles off our coast. Va-teyabev.

The couple who neglect to seek advice for their serious problems; the man who ignores medical symptoms he inwardly fears; the mother who notices her children going off in the wrong path, and says and does nothing - all of them lull themselves with false balm, assuring themselves that all is really well and nothing will be wrong. Va-teyabev - how pitiful the tears that are so futilely shed when, later, there is divorce, and incurable illness, and a child gone astray. Broken homes, broken bodies, broken hearts - all in the inglorious tradition of Sisera's mother. Rosh Hashanah reminds of this, tells us that nothing in life is guaranteed, that by ignoring danger you invite it, and that better face reality now than cry vainly later.

## Hagar

*And the water in the bottle was spent, and she cast the child under one of the shrubs. And she went, and sat her down over against him a good way off, as it were a bow-shot; for she said: 'Let me not look upon the death of the child.' And she sat over against him, and lifted up her voice, and wept.*

**Bereishit 21:15-16**

ויכלו המים מן החמת ותשלך את  
הילד תחת אחד השיחים: ותלך ותשב  
לה מנגד הרחק כמטחוי קשת כי  
אמרה אל אראה במות הילד ותשב  
מנגד ותשא את קלה ותבך:  
**בראשית כא:טו-טז**

Hagar was the second of the three who cried. We read about her in the Torah portion of the first day of Rosh Hashana. You recall that she was the servant of Sarah whom Abraham, at Sarah's behest, banished from his home. She took her child Ishmael into the desert, and when the water in her jug gave out, she cast the child away, pathetically saying she did not want to see him die. And she raised her voice and cried. No attempt to save the child, no looking for an oasis - which factually was there, before her eyes - no real effort at changing her dangerous situation. She merely raises her voice and cries - it is the cry of desperation, a morbid, fatalistic pessimism. Hers is a "realism" that leads to resignation. Unlike Sisera's mother, she sees the "facts" only too clearly. Hagar beholds the great desert of life - and submits to it.

Rosh Hashanah reminds us of this weeping too. Just as it discourages us from harboring the dangerous illusions of total security, so it warns us off from the equally dangerous fatalism of a Hagar, the hopelessness that paralyzes all will and initiative. By recalling these tears, we learn to avoid living so that we too will be forced to shed them.

And how important that advice is. Take the matter of the danger to the future of humanity from nuclear war. Most of us are under the impression that the majority of people are indifferent to its ghastly possibility; that they never consider such horrors as real.

I believe, however, that the reverse is true. Contemporary man's attitude to the A-Bomb is not that of Sisera's mother, but of Hagar. If they do not discuss it, it is because deep down, psychologically, they have already given up and accepted it. They have surrendered and have the feeling that they are living in the end of time.

The results, morally speaking, are disastrous. If there is no future, then the present loses all value. If there is nothing to build for, there is nothing to live for. If death is certain and universal, then, like Esav, let us sell our birthright to fill our stomachs. If, as the cynics quoted by Isaiah said, “machar namus”, tomorrow we die, then indeed “let us eat and drink and be merry” - and forgo any serious purpose in life.

This, then, is the result of the Hagar-mentality in its fatalism, its absolute hopelessness in the face of adversity. It is the type of mind which, seeing before it the desert is so overwhelmed by it that it stretches out and prepares to die with a whimper. And in that interval between despair and death - is it worth being temperate or sober or chaste or law-abiding or pure? The tears of Hagar and her whole frame of mind suggest a despair of which is born delinquency.

Both these approaches are dangerously wrong. A society, like an individual, which alternates between the moods of exhilaration and depression, em Sisera and Hagar, shows symptoms of moral mania and spiritual psychosis. Neither the one weeping nor the other is for us. Rather - it is the tears of a Jewish mother which inspire us this day.

## Rachel

The third woman who cried is Rachel. We read of her in the Haftorah of the second day of Rosh Hashana, in what is one of the most moving passages and most stirring images in all literature. Jeremiah describes Mother Rachel crying from her grave over her children who are banished from their homes into exile.

*Thus saith the Lord: a voice is heard in Ramah, lamentation and bitter weeping; it is Rachel weeping for her children; she refuses to be comforted for her children, because they are not.*

**Yirmiyahu 31:14**

כה אמר ה' קול ברמה נשמע נהי בכי  
תמרורים רחל מבכה על בניה מאנה  
להנחם על בניה כי איננו:  
ירמיהו לא:יד

Here is a woman whose tears have moved history. Unlike Sisera's mother, they do not come from living an easy life and deluding herself into imagining that a day of reckoning will never come. Rachel lived a hard life and a brief one; she knew trouble and anguish. She sees her children going into exile and recognizes the bitterness of reality.

But unlike Hagar, she refuses to bow to these realities. So Meianah le 'hinachem, she refuses to submit, she refuses to adjust, she refuses to accept exile and destruction as the last word. Her cry, her tears, her protest to God, are the characteristic of the Jew throughout all time. The Jewish soul beholds reality in all its ugliness, but sets out to transform it. The tears of Rachel are the tears of a gallant soul who will not yield to the world but rather will make the world yield to it, though it may take centuries. They are not the tears of vain sentiment and self-pity, but of powerful protest; they are a sign not of weakness but of strength; not of resignation or frustration, but of determination. The tears of an em Sissra or a Hagar are the end of their story; for Rachel it is a beginning. To Rachel's cry there comes an answer: Koh amar haShem, thus saith the Lord, min'i kolekh mi bekhi va feinyikh mi-dimah, refrain thy voice from

weeping, and thine eyes from tears, for thy work shall be rewarded, saith the Lord, and thy children shall come back from the land of the enemy; and there is hope for thy future, saith the Lord, and va shavu banim li-gevulam, thy children shall return home. The Jewish attitude, symbolized by Rachel's crying, is one which steers clear of the extreme of ignoring facts and that of surrendering to them. Judaism teaches, in the language of the Kabbalah, that the itrauta di-le leila, the impulse from above, or divine assistance, can only come in response to the itra'uta di-le'tat, human initiative. For G-d helps those who help themselves - and G-d help those who don't.

Has not this Rachel-mentality distinguished the authentic Jew throughout the ages? Are not her heroic tears our saving grace even today? We did not rely on Britain or the U.S.A. or the League of Nations or the U.N. to take care of us, assuming in naive and idolatrous optimism that all will be well with us. We knew the harsh realities of creating an old people anew on a renewed land – with ancient enemies waiting to devour us. But Jews fought. They went into battle inspired by the tears of a Rachel who is meianah le 'hinachem, refusing to accept defeat, refusing to acknowledge surrender, refusing to submit to overwhelming odds. That is why ve'shavu banim li-gevulam; that is why there is an Israel today.

Fourteen or fifteen years ago, the great question was Palestine or the State of Israel. Today two other central questions present themselves to us Jews, questions equally as significant as that of Israel.

The first is Russian Jewry. There is, at present, not too much we can do about it. We must recognize the brutal facts, the wily and cunning enemy we are dealing with, and the incalculably tragic results of a generation of Russian Jews denied any and all Jewish education. But we must vow never to give up hope. Maianah le'hinachem. We must apply pressure. We must talk of them and inquire about them. We must never despair, but rather prepare for their eventual release and return to the House of Israel.

But the second is one we can do much about- and that is the most momentous issue in the Jewish life of this generation - the future of American Jewry. Here the attitude we take can determine whether we shall survive and thrive or, Heaven forbid, eventually vanish without a trace.

If we adopt the genuinely Jewish approach of a Rachel, then there is hope for us. We dare not consider the complacent ideas of those who foolishly tell us that all is well and there is no cause for worry - those who, imbued with the same opiate that dulled the mind of Sisera's mother, are blind to the densely negative features of American-Jewish life: inter-marriage, vast ignorance of the most elementary aspects of Judaism, a desire to mimic the non-Jews, and a growing vacuum in the lives of our children.

Yet, at the same time, we dare not take a Hagar like attitude and assume that things are so far gone that nothing will avail. The pessimists are blind to the resurgence and growing independence of Orthodoxy; the spreading Jewish Day School movement; the growing and developing Yeshiva University; the flourishing Hebrew book industries. Either attitude,

ignoring the problems and ignoring the promises, thoughtless optimism and hopeless pessimism, paralyzes all initiative and must result in national mourning.

Ours must be the tears of Rachel. Knowing reality, let us proceed to transform it to a better reality. Let everyone here decide to come to Shul at least once a week instead of making a perfunctory 3-day-a-year visit. Let every parent send his or her children to a Yeshiva or Day School or at least Hebrew School. Let every thinking adult leave this synagogue today determined to learn more about Judaism, about the Jewish people - about yourselves. Tears of determination, of meianah le'hinachem - the tears of Rachel; these shall save us.

Ha-zor'im bedimah be'rinah yiktzoru - those to whom tears are not the distillation of vain illusions or morbid resignation, but the dew drops of creative moral heroism -- they shall sow the seeds of hope with these tears - and reap a harvest of joy, of happiness, of nachas and unending blessing.

# When Was the Universe Created?

Rabbi Yona Reiss

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The celebration of *Rosh Hashana* takes place every year on the first and second days of *Tishrei*. This is a time in which we send out greetings for a sweet new year and begin the count of a new year from the time of creation. This past year in all letters and Jewish legal documents we made reference to the year 5769 and in this coming year we will inaugurate the year of 5770 starting with the first day of *Tishrei*. Nonetheless, the notion that the creation of the world took place in *Tishrei* is not universally accepted.

The Talmud in Tractate *Rosh Hashana* (10b) records a disagreement between R' Eliezer and R' Yehoshua regarding when the world was created. According to R' Eliezer, the world was created in the month of *Tishrei*. According to R' Yehoshua, the world was created in the month of *Nissan*.

According to the *Midrash* (e.g., *Midrash Rabbah*, *Parshat Devorim*), even if one assumes the position of R' Eliezer, the world was actually created on the 25<sup>th</sup> day of *Elul*. However, since man, who represents the ultimate purpose of creation, was created on the sixth day which corresponds to the first of *Tishrei*, this day is considered to be the true beginning of creation (see *Maharsha to Rosh Hashana* 16a).

The Chassidic Master Harav Tzvi Elimelech, author of the work *B'nai Yissaschar*, explains based on this calculation (*Tamuz-Av*, *Ma'amar* 4, "Betula Be'Machoz") the significance of the 15<sup>th</sup> day of *Av* and the 15<sup>th</sup> day of *Sh'vat*. Each date precedes the first day of creation by 40 days, either according to the view of R' Eliezer (in which case the actual first day of creation was the 25<sup>th</sup> day of *Elul*) or the view of R' Yehoshua (in which case the actual first day of creation was the 25<sup>th</sup> day of *Adar*, see *Tosafot Rosh Hashanah* 8a s.v. "le'Tekufot"). The Talmud tells us (*Sota* 2a) that forty days before a child is created, a *Bat Kol* (heavenly voice) declares the future *zivug* (destined partner) for that child. The reason why these days are special days of celebration for the Jewish people is in part due to the fact that these were the days when it was determined that the Jewish nation would be "wed" to *Hashem* through the Torah.

However, it seems odd that both days would be viewed as days of creation. Presumably the correct view would be in accordance with either R' Yehoshua or R' Eliezer, but not both. Which is really the accepted view?

The Talmud (*Rosh Hashana* 27a) quotes R' Shmuel ben Yitzchak as noting that the prayer recited on *Rosh Hashana* containing the words “*zeh hayom techilat ma'asekha*” (this is the day which was the beginning of your creation) is clearly in accordance with the view of R' Eliezer that the world was created in *Tishrei*.

Additionally, the *Ibn Ezra* (*Vayikra* 25, 9) cites several proofs that the world was created in *Tishrei*, including the fact that the Torah states explicitly that the shofar is blown on Yom Kippur of the jubilee year. It stands to reason, argues the *Ibn Ezra*, that this act of blowing the *shofar*, which signifies the start of the jubilee year, would take place at the moment in time signifying the true beginning of the year.

Despite the foregoing, there are many sources that substantiate the position that the world was created in Nissan. This past year, we recited *birkhat hachama*, the blessing on the sun, during the month of Nissan. This blessing is recited when the sun returns to its original position in the heavens (*Tekufat Nissan*) on the same date and at the same moment as when the sun was created on the fourth day of creation. The calculation of the time for *birkhat hachama* as corresponding to *tekufat Nissan* is predicated upon the assumption that the creation of the world was in *Nissan*, in accordance with the view of R' Yehoshua. Furthermore, the Talmud in *Rosh Hashana* 12a clearly states that all *tekufot* (astronomical seasons) are calculated in accordance with R' Yehoshua's view.

Is there a way to reconcile the discrepancy between the liturgical description of *Rosh Hashana* in *Tishrei* as being the beginning of creation and the astronomical calculation of *birkhat hachama* and *tekufot* which assume that Nissan is the beginning of creation? In his book *Bircas Hachammah* (pages 76-77), Rabbi J. David Bleich quotes a novel explanation from the *Sefer Or haChammah*. A *midrash* in *Bereishit Rabbah* 10:4 states that the planets and spheres traveled at an extremely rapid speed prior to the time of Adam's sin (on the sixth day of creation). According to this explanation, the planets traveled so fast that they completed a six month journey in an actual time frame of two days between the placement of the heavenly bodies in the firmament on the fourth day of creation in *tekufat Nissan*, and the time of the creation of man on the sixth day of creation. Consequently, even though the world was created on the first day of Nissan, the sixth day of creation actually took place on the first day of *Tishrei*.

A different approach is apparently taken by the author of the *Maset Binyamin* in his responsa (*teshuva* 101). The *Maset Binyamin* addresses the question of how we can engage in the contradictory practice of calculating the time for *birkhat hachama* based on the astronomical calculations of Shmuel and at the same time calculate our 19 year calendar cycle, including leap years, based on the astronomical calculations of Rav Adda, according to whose calculations *birkhat hachama* should ostensibly never be recited because the sun has never returned at the same time to its precise location that it occupied upon the fourth day of creation. The *Maset Binyamin* responds that in these matters we need not be bothered by contradictions since, after all, we also calculate years based on the assumption that the world was created in *Tishrei* and yet calculate astronomical seasons based on the assumption that the world was created in *Nissan*.

This approach of the *Maset Binyamin* may be better understood in light of the comments of *Rabbeinu Tam* quoted by *Tosafot* (*Rosh Hashana* 27a). In a liturgical poem designed for the holiday of *Shmini Atzeret*, Rabbi Eliezer HaKalir describes the world as having been created in *Tishrei*, and yet in a prayer designed for the holiday of *Pesach*, he describes the world as having been created in *Nissan*. In response to this discrepancy, *Rabbeinu Tam* formulates a fascinating response. Both views (“*Elu V’Elu*”) are correct. The world was created both in *Tishrei* and in *Nissan*!

How could the world have been created both in *Tishrei* and in *Nissan*? *Rabbeinu Tam* explains that in *machshava* (thought) the creation of the world was conceived by Hashem in the month of *Tishrei*, but in actual *ma’aseh* (deed) the world was physically created in *Nissan*.

Based on this answer, we may interpret the *Maset Binyamin* in similar fashion. There can be multiple truths with respect to our perspectives towards understanding creation. Depending upon different perspectives, or different objectives in explaining and applying astronomical phenomena, even contradictory results can be reconciled. Thus, while creation took place at a specific moment, different aspects of the beginning of creation may well have occurred at different times. Similarly, while the calculations of Shmuel and Rav Adda regarding the length of the solar year may differ, they may differ based on different methodologies of how to quantify astronomical data, and each approach may have merit for purposes of different types of *halakhic* calculations.

The *Torah Temima* similarly writes (*Bereishit*, Chapter 1, notes 44 and 50) that for purposes of *birkhat hachama*, we follow the opinion of *Rabbeinu Tam* that the world was physically created in *Nissan*. However, we nonetheless describe the beginning of *Tishrei* as “*techilat ma’asekha*” – the “beginning of the works of Hashem,” because we follow the opinion of *Rabbeinu Tam* that the world was created in thought on *Tishrei*. Since from a divine perspective there is no differentiation between thought and deed (see *Bemidbar* 23:19), the world is considered created by Hashem from the moment that the idea of creation was conceived, in accordance with the opinion of R’ Eliezer.

The *Arukh Le’Ner* (*Rosh Hashana* 11a) utilizes the distinction of *Rabbeinu Tam* to answer a question posed by the *Ran* (*Rosh Hashana* 16a). The *Ran* (*Rosh Hashana* 16a) asks that according to the view of R’ Yehoshua that the world was created in *Nissan*, shouldn’t we count the years and celebrate *Rosh Hashana* in *Nissan* rather than *Tishrei*? He answers that since *Yom Kippur* is the time that Hashem declared that he was forgiving the Jewish people, it is appropriate to celebrate *Rosh Hashana* during a time of forgiveness. The *Maharsha* critiques this answer, indicating that *Rosh Hashana* should then be celebrated on the day of *Yom Kippur* which is the 10<sup>th</sup> day of *Tishrei*, rather than the first day of *Tishrei*. Rather, the *Maharsha* explains that *Tishrei* was chosen for *Rosh Hashana* because of the auspicious events that occurred during the first day of *Tishrei*, such as the pregnancies of Sarah and Rachel and the release of Yosef from his Egyptian jail cell. Therefore, the first day of *Tishrei* was deemed as a fitting time for the “day of judgment” since it is the time when the deeds of all men are recounted by Hashem.

The *Arukh Le'Ner* suggests a different answer consistent with the approach of the *Torah Temima*. Assuming *Rabbeinu Tam's* distinction between thought and deed, even R' Yehoshua is in agreement that the world was created in thought at the beginning of *Tishrei*. As *Rashi* notes on the first verse in the Torah, it was originally the intention of *Hashem* to create the world based solely on “*din*” – strict judgment. Upon observing that the world would not be able to survive based on strict judgment, *Hashem* added the attribute of “*rachamim*” – of mercy, to exist alongside the attribute of strict judgment. Thus, in establishing the day for *Rosh Hashana*, which is the “*yom din*” – the day of judgment, it was appropriate to choose the first day of *Tishrei* because that was the day of the original intention to create the world only based on “*din*”.

Based on this distinction, the *Arukh Le'Ner* explains why in the entire description of the story of creation the Torah (*Bereishit* 1:1-2:3) employs the term “*Elokim*,” which denotes the attribute of strict judgment, while afterwards (*Bereishit* 2:4) the Torah describes the first day of creation as “*be'yom asot Hashem Elokim Eretz Ve'Shamayim*” (“the day that *Hashem Elokim* made heaven and earth”), indicating that from the very first day the world was created with an commingling of the attribute of strict judgment (“*Elokim*”) together with the attribute of mercy denoted by the term “*Hashem*.” The answer, suggests the *Arukh Le'Ner*, is that the term “*Elokim*” in the story of creation describes the time of the thought process of creation in *Tishrei*, while the Torah's description of “*beyom a'sot*” is a reference to the later time in *Nissan* that the physical creation of the world took place, when indeed strict judgment was mixed together with mercy.

Along these lines, the *Tzitz Eliezer* (18:37) quotes the *Ari Hakodesh* as elucidating the famous passage recited on *Rosh Hashana* in the *Mussaf* service, “*hayom harat olam*” (“today is the day of the conception of the universe”). Birth consists of two components: conception and birth. The first day of *Tishrei* marks the day of the conception of the universe. The first day of *Nissan* marks the date of the birth of the universe. Accordingly, explains the *Tzitz Eliezer*, every single year on the first day of *Tishrei*, the same thought process that accompanied the first day of *Tishrei* at the time of creation, to judge based on “*din*” – strict judgment, becomes resuscitated, and it is our job each *Rosh Hashana* to convert the attribute of strict judgment into the attribute of mercy. This is the meaning of the verse (*Tehillim* 47) that we recite on *Rosh Hashana* immediately prior to the blowing of the *Shofar*: “*ala Elokim b'Truah, Hashem b'kol Shofar*” (“*Elokim* has ascended with a blast, *Hashem* with the sound of the *Shofar*”), namely that the attribute of “*Elokim*” (of strict judgment) present on the day of *Rosh Hashana* should turn into the attribute of “*Hashem*” (of mercy) as denoted by the latter part of the verse.

Interestingly, the *Mishna Berura* (592:5), in commenting upon the prayer “*hayom harat olam*,” actually notes (based on the *Magen Avrohom*) that this prayer is appropriate despite the fact that we essentially accept the opinion that the world was physically created in *Nissan*, because of the fact that it was *Tishrei* that the idea of creation was conceived even though the actual creation did not take place until *Nissan*. Thus, the *Mishna Berura* appears to codify *Rabbeinu Tam's* distinction as *halakha*.

This distinction also presents us with an understanding of the dual significance of the 15<sup>th</sup> day of *Av* and the 15<sup>th</sup> day of *Sh'vat* as representing the days signifying the destiny of *klal yisroel* to have

a special relationship with *HaKadosh Barukh Hu*. Both days, explains the *B'nei Yissaschar*, represent the advent of the dual aspects of creation.

On a final note, the *Vilna Gaon* (*Orach Chaim* 581:1, based on the *Ran*) explains that the differing practices with respect to when to begin reciting *slichot* is dependent on the dispute between R' Yehoshua and R' Eliezer. The practice to begin reciting *slichot* the week before *Rosh Hashana* is in accordance to the view of R' Eliezer that man was created on the first day of *Tishrei* and therefore the world was created on the 25<sup>th</sup> day of *Elul*. Since the world was effectively created on the 25<sup>th</sup> day of *Elul*, *slichot* are begun on a date that is roughly consistent with that date from year to year. By contrast, those who recite *slichot* from the beginning of *Elul* are following the view of R' Yehoshua that the world was created in *Nissan*, and therefore there is no special status attributable to the 25<sup>th</sup> day of *Elul*. Rather, it makes sense to begin the recitation of *slichot* on the first day of *Elul* because that is the day which began the final forgiveness period when *Moshe Rabbeinu* ascended the mountain of Sinai to receive the second set of tablets from Hashem. According to this approach, the dispute as to when the world was created is actually a dispute between the *Ashkenazim* (who begin reciting *slichot* the week before *Rosh Hashana*) and *Sefardim* (who begin reciting *slichot* at the beginning of *Elul*).

Even according to this explanation of the *Vilna Gaon*, we should bear in mind the everlasting truth of *Rabbeinu Tam*'s premise – “*Elu V'Elu Divrei Elokim Chayim*.” Each of these practices, representing both the *Ashkenazic* and *Sefardic* traditions, is predicated upon a legitimate Torah perspective.

Of course, this discussion also underscores how matters of creation are fundamentally beyond our comprehension, and we can at best gain a small glimpse of understanding from an analysis of these sources.

There is, nonetheless, at least one important insight for the season of repentance that we can draw from the dichotomy of thought and deed articulated by *Rabbeinu Tam*. During these days of repentance and introspection, when the world was originally created “in thought” for the purpose of being created at a later time “in deed,” we should strive to purify our minds and thoughts in order to ensure that the pure and good intentions that we express on *Rosh Hashana* translate into proper and righteous deeds during the rest of the year. *K'tiva V'chatima Tova*.

# The Promise of Teshuva

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In Devarim, the Torah gives an account of *Am Yisrael's* repentance and ultimate return to Hashem. This section, which is also known as *parshat hateshuva*, concludes an account of the blessings and curses that will befall the Jewish people if they should stray from Him.

1. And it will be, when all these things come upon you the blessing and the curse which I have set before you that you will consider in your heart, among all the nations where the Lord your God has banished you, 2. and you will return to the Lord, your God, with all your heart and with all your soul, and you will listen to His voice according to all that I am commanding you this day you and your children, 3. then, the Lord, your God, will bring back your exiles, and He will have mercy upon you. He will once again gather you from all the nations, where the Lord, your God, had dispersed you. 4. Even if your exiles are at the end of the heavens, the Lord, your God, will gather you from there, and He will take you from there. 5. And the Lord, your God, will bring you to the land which your forefathers possessed, and you [too] will take possession of it, and He will do good to you, and He will make you more numerous than your forefathers. 6. And the Lord, your God, will circumcise your heart and the heart of your offspring, [so that you may] love the Lord your God with all your heart and with all your soul, for the sake of your life. 7. And the Lord, your God, will place all these curses upon your enemies and upon your adversaries, who pursued you. 8. And you will return and listen to the voice of the Lord, and fulfill all His commandments, which I command you this day. 9. And the Lord, your God, will make you abundant for good in all the work of your hands, in the fruit of your womb, in the fruit of your livestock, and in the fruit of your soil. For the Lord will once again rejoice over you for good, as He rejoiced over your forefathers, 10. when you obey the Lord, your God, to observe His commandments and His statutes written in this Torah scroll, [and] when you return to the Lord, your God, with all your heart and with all your soul. 11. For this commandment which I command you this day, is not concealed from you, nor is it far away. 12. It is not in heaven, that you should say, "Who will go up to heaven for us and fetch it for us, to tell [it] to

א והיה כי יבאו עליך כל הדברים האלה הברכה והקללה אשר נתתי לפניך והשבת אל לבבך בכל הגוים אשר הדיחך ה' אלהיך שמה: ב ושבת עד ה' אלהיך ושמעת בקלו ככל אשר אנכי מצוך היום אתה ובניך בכל לבבך ובכל נפשך: ג ושב ה' אלהיך את שבותך ורחמך ושב וקבצך מכל העמים אשר הפיצך ה' אלהיך שמה: ד אם יהיה נדחך בקצה השמים משם יקבצך ה' אלהיך ומשם יקחך: ה והביאך ה' אלהיך אל הארץ אשר ירשו אבותיך וירשתה והיטבך והרביך מאבתך: ו ומל ה' אלהיך את לבבך ואת לבב זרעך לאהבה את ה' אלהיך בכל לבבך ובכל נפשך למען חייך: ז ונתן ה' אלהיך את כל האלות האלה על איביך ועל שנאיך אשר רדפוך: ח ואתה תשוב ושמעת בקול ה' ועשית את כל מצותיו אשר אנכי מצוך היום: ט והותירך ה' אלהיך בכל מעשה ידך בפרי בטנך ובפרי בהמתך ובפרי אדמתך לטבה כי ישוב ה' לשוב עליך לטוב כאשר שש על אבתך: י כי תשמע בקול ה' אלהיך לשמר מצותיו וחקתיו הכתובה בספר התורה הזה כי תשוב אל ה' אלהיך בכל לבבך ובכל נפשך: יא כי המצוה הזאת אשר אנכי מצוך היום לא נפלאה היא ולא רחוקה היא: יב לא בשמים היא לאמר מי יעלה לנו השמימה ויקחה לנו

us, so that we can fulfill it?" 13. Nor is it beyond the sea, that you should say, "Who will cross to the other side of the sea for us and fetch it for us, to tell [it] to us, so that we can fulfill it?" 14. Rather, [this] thing is very close to you; it is in your mouth and in your heart, so that you can fulfill it.

**Devarim 30:1-14**

וישמענו אתה ונעשנה: יג ולא מעבר לים הוא לאמר מי יעבר לנו אל עבר הים ויקחה לנו וישמענו אתה ונעשנה: יד כי קרוב אליך הדבר מאד בפיך ובלבבך לעשתו: דברים ל:א-יד

In saying, *v'shav Hashem Elokechah et shevutchah*, God will return your captives from wherever they have been scattered, and *umal Hashem et l'vavchah v'et l'vav zar'echah l'ahavah et Hashem Elokechah*, and God will circumcise your heart so that you may love Him, the Torah tells us that when the Jewish people do ultimately return to God, He in turn, will return the Jewish people and the ultimate redemption, both physical and spiritual, will occur.

Since the Torah presents the ultimate redemption as a consequence of teshuvah, it seems that teshuvah is therefore a prerequisite for redemption. Indeed, both Ibn Ezra and Ramban point out, based on this perek, that redemption is dependent on repentance.<sup>23</sup> Understanding the teshuvah described in this perek will guide us in performing the mitzvah of teshuvah, which is so prominent during the months of Elul and Tishrei.

Based on the pesukim in the parshah, particularly pesukim 2, 8 and 10, teshuvah sounds like a recommitment to following God's command, demonstrated by keeping Torah and mitzvot: *v'shavta ad Hashem Elokecha v'shamata b'kolo*, and you shall return to God and listen to his voice. The Rambam elaborates on the performance of teshuvah:

*What constitutes Teshuvah? That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart, never to commit them again... Similarly, he must regret the past... He must verbally confess and state these matters which he resolved in his heart.*

**Rambam Hilchot Teshuva 2:2**

ומה היא התשובה הוא שיעזוב החוטא חטאו ויסירו ממחשבתו ויגמור בלבו שלא יעשהו עוד... וכן יתנחם על שעבר... וצריך להתודות בשפתיו ולומר עניינות אלו שגמר בלבו. רמב"ם הלכות תשובה ב:ב

Rambam explains that real teshuvah must include not only abandoning one's sins and returning to follow the mitzvot of God, but also removing any thought of sinning from one's mind, committing oneself not to sin again and regretting the sins which one has already committed. Teshuvah, therefore, includes not only observable action but an emotional commitment to God as well, as it says in pesukim 2 and 10 that you shall "return to the Lord, your God, with all your heart and with all your soul". The Rambam also adds two additional components to teshuvah not found in our pesukim: viduy, verbal confession, and a declaration of this new commitment.

Later the Rambam tells us of God's perspective vis-à-vis one who sincerely returns to Him:

*Teshuvah is great for it draws a man close to the Shechinah... implied is that if you will return in teshuvah,*

גדולה תשובה שמקרבת את האדם לשכינה... כלומר אם תחזור בתשובה בי

<sup>23</sup> See Ibn Ezra Devarim 29:28 and Ramban Devarim 26:16 referring to chapter 30

*you will cling to Me. Teshuvah brings near those who were far removed. Previously, this person was hated by God, disgusting, far removed, and abominable. Now, he is beloved and desirable, close, and dear.*

**Rambam Hilchot Teshuvah 7:6**

תדבק, התשובה מקרבת את הרחוקים, אמש היה זה שנאוי לפני המקום משוקץ ומרוחק ותועבה, והיום הוא אהוב ונחמד קרוב וידיד.  
רמב"ם הלכות תשובה ז:ו

Doing teshuvah erases a person's sins to the point where God considers it as if they had never occurred in the first place. As a result of the process of teshuvah, he becomes even closer to Hashem than he had been before the sin. It brings the person *ad Hashem*, literally to God.

We have seen that teshuvah involves a wholehearted return to God in thought, emotion and action, and if done sincerely, it brings physical and spiritual redemption to the individual or community who has genuinely completed the process. Still, the mepharshim disagree as to how to understand the implications of this parshah. Some maintain that the Torah's declaration of *v'shavta ad Hashem Elokechah*, and you will return unto your God, and the description of redemption that follows, represents a prediction or promise of what will occur in the future. However, others maintain that this is a mitzvah, a command to return to God in order to bring about the ultimate redemption.

These differing approaches are reflected in the mepharshim's understanding of pesukim 11-14. Viewing these pesukim as either a continuation of the perek which describes teshuvah or as referring to what was mentioned only in the previous verse, the entire Torah, determines how teshuvah is understood in this context.

The Ramban is among those who are of the opinion that pesukim 11-14 are indeed a continuation of the perek. He maintains that the words *ki hamitzvah hazot*, for this **mitzvah**, are referring to teshuvah, implying that the beginning of the perek is talking about a command to return to God.

*"this mitzvah", is referring to teshuva, "you will consider in your heart" and "you will return to the Lord, your God" is a mitzvah that we are commanded to do. It is written as a statement (and not as an imperative) as a promise that in the future it will be so.*

**Ramban Devarim 30:11**

"המצוה הזאת" על התשובה הנזכרת, כי והשבות אל לבבך (בפסוק א) ושבת עד ה' אלהיך (בפסוק ב) מצוה שיצוה אותנו לעשות כן. ונאמרה בלשון הבינוני לרמוז בהבטחה כי עתיד הדבר להיות כן.  
רמב"ן דברים ל:יא

Ramban explains that the reason the mitzvah is expressed as a statement, even though it is an imperative, is that after providing a description of the terrible things that will befall the Jewish people, God wanted to assure *Am Yisrael* that they will do teshuvah and merit the ultimate redemption in the future. Thus, the teshuvah described here is both a mitzvah and a promise.

Other commentators, however, do not see pesukim 11-14 as a reference to teshuvah. For example, Rashi seems to maintain that the words *mitzvah hazot*, this commandment, are referring to the whole Torah.<sup>24</sup>

<sup>24</sup> This is clear from his explanation of the words *lo bashamayim hi*, it is not in the heavens, as referring to the Torah: (יב) לא בשמים היא: שאלו היתה בשמים היית צריך לעלות אחריה וללומדה. (יד) כי קרוב אליך: התורה נתנה לכם בכתב ובעל פה:

If the expression *mitzvah hazot* is not referring specifically to the mitzvah of teshuvah, we are not compelled to explain that the beginning of the perek is describing a mitzvah, but rather only a promise for future times. This is in fact the opinion of the Rambam:

*All the prophets commanded [the people] to repent. Israel will only be redeemed through teshuvah. The Torah has already promised that, ultimately, Israel will repent towards the end of her exile and, immediately, she will be redeemed as [Deuteronomy 30:1-3] states: "There shall come a time when [you will experience] all these things... and you will return to God, your Lord.... God, your Lord, will bring back your [captivity]."*  
**Rambam Hilchot Teshuvah 7:5**<sup>25</sup>

כל הנביאים כולן צוו על התשובה ואין ישראל נגאלין אלא בתשובה וכבר הבטיחה תורה שסוף ישראל לעשות תשובה בסוף גלותן ומיד הן נגאלין שנאמר והיה כי יבאו עליך כל הדברים וגו' ושבת עד ה' אלהיך ושב ה' אלהיך וגו'.  
**רמב"ם הלכות תשובה ז:ה**

The Rambam says that we have been commanded to do teshuvah, and that teshuvah is a prerequisite for redemption. However, he does not see our perek as an expression of that command. Rather, he sees it as an assurance that in the future *Am Yisrael* will return to God and that he will redeem us.

If perek 30 is not the source for the mitzvah of teshuvah according to the Rambam, what then is the source? The Rambam writes in

*If a person transgresses any of the mitzvot of the Torah, whether a positive command or a negative command - whether willingly or inadvertently - when he repents, and returns from his sin, he must confess before God, blessed be, He as [Numbers 5:6-7] states: "If a man or a woman commit any of the sins of man... they must confess the sin that they committed." This refers to a verbal confession. This confession is a positive command.*  
**Rambam Hilchot Teshuvah 1:1**

כל מצות שבתורה בין עשה בין לא תעשה אם עבר אדם על אחת מהן בין בזדון בין בשגגה כשיעשה תשובה וישוב מחטאו חייב להתודות לפני הא-ל ברוך הוא שנאמר איש או אשה כי יעשו וגו' והתודו את חטאתם אשר עשו זה וידוי דברים, וידוי זה מצות עשה...  
**רמב"ם הלכות תשובה א:א**

The Rambam draws from the the pesukim in Bamidbar perek 5 which discuss the process of bringing a *korban chatat*, a sin offering.

*Tell the children of Israel: When a man or woman commits any of the sins against man to act treacherously against God, and that person is [found] guilty: they shall confess the sin they committed...*  
**Bamidbar 5:6-7**

איש או אשה כי יעשו מכל חטאת האדם למעל מעל בה' ואשמה הנפש ההוא: והתודו את חטאתם אשר עשו  
**במדבר ה:ו-ז**

In addition to bringing an offering, one who has sinned must also make a verbal confession. The Rambam sees this requirement for verbal confession as the source of the mitzvah. Based on the wording of the Rambam, however, the nature of the mitzvah is somewhat unclear.

<sup>25</sup> See also *Hilchot Melachim* 11:1

We mentioned earlier that in *Hilchot Teshuvah* 7:5 the Rambam says that we have been commanded by the prophets to do teshuvah. Additionally, he writes:

*This text describes one mitzvah; that a sinner should repent from his sin before God and confess.*

**Rambam Header to Hilchot Teshuva**

מצות עשה אחת, והוא שישוב החוטא מחטאו לפני ה' ויתודה.

**רמב"ם כותרת להלכות תשובה**

The implication of these two sources is that there is a mitzvah for a person to do teshuvah and viduy. When describing the mitzvah in *Hilchot Teshuvah* 1:1, however, Rambam writes *k'sheya'aseh teshuvah... chayav l'hitvadot*, when one does teshuvah he must confess. This seems to imply that the Torah's commandment is to do viduy and that teshuvah itself is not an obligation. In fact, the Rambam concludes the statement by saying that *viduy zeh mitzvat asei*, this **viduy** is a positive precept. But what about teshuvah? Isn't that a *mitzvat asei* as well? Is it only an option? Are teshuvah and viduy one and the same? How can the Rambam be understood?

The Rambam's description of the mitzvah in his *Sefer Hamitzvot*, his list of mitzvot with a brief description of the nature of each, is equally ambiguous:

*The 73<sup>rd</sup> mitzvah is that which we have been commanded to confess the sins and transgressions that we have committed before God, and to say it along with teshuvah.*

*And this is viduy... It has been explained based on what we have said, that viduy is a mitzvah in and of itself and is an obligation upon every sinner for every sin he has committed*

**Rambam Sefer HaMitzvot Aseh #73**

והמצוה העג' היא שצונו להתודות על החטאים והעונות שחטאנו לפני הקל יתעלה ולאמר אותם עם התשובה. וזה הוא הודוי... הגה התבאר לך מכל מה שזכרנוהו שהודוי מצוה בפני עצמה וחובה לחוטא על אי זה חטא שחטא  
**ספר המצוות לרמב"ם מצות עשה עג**

He tells us that there is a mitzvah of viduy which must accompany the act of teshuvah. It again remains unclear if teshuvah itself is a mitzvah. In the *Moreh Nevuchim*, the Guide for the Perplexed, however, the Rambam once again refers to teshuvah as a mitzvah:

*The first class comprises those precepts which form fundamental principles, such as we have enumerated in Hilchot yesode ha-torah. Repentance and fasts belong also to this class, as will be shown.*

**Moreh Nevuchim 3:35**

הכלל הראשון כולל המצות אשר הם דעות שרשיות, והם אשר ספרנום בהלכות יסודי התורה, ומן הכלל הזה עוד התשובה והתעניות כמו שאבאר  
**מורה נבוכים ג:לה**

Many suggestions are given for understanding the opinion of the Rambam. The *Sefer Hachinuch* elaborates on the mitzvah as described by the Rambam in מצוה שסד, mitzvah 364. He calls the mitzvah *mitzvat viduy al hachet*, the commandment of confession over sins, and not the commandment of repentance over sins. In his comments on the *Sefer Hachinuch*, Rabbi Yosef Ben Moshe Babad explains that because the Rambam uses the expression *k'sheya'aseh teshuvah... chayav l'hitvadot*, the Rambam indeed maintains that teshuvah is not obligatory, and that the *mitzvat asei* is to do viduy if one chooses to do to teshuvah:

From the words of the Rambam it is clear that Teshuva is not a positive commandment, because he did not write "there is a commandment to do Teshuva." Rather, if one chooses to do teshuvah, he must confess verbally.

**Minchat Chinuch Mitzvah 364**

מדברי הרמב"ם... מבואר בדבריו דאין התשובה מצות עשה, דלא כתב מצות עשה שיעשה תשובה, רק אם בא לעשות, מצות עשה שיתודה בפיו...  
**מנחת חינוך מצוה שסד**

Understanding the Rambam in this way would mean that there is a fundamental *machloket*, disagreement, between the Rambam and the Ramban, who says that there is a mitzvah to do teshuvah based on Devarim perek 30. This understanding also explains why the source that the Rambam gives for the mitzvah is a pasuk about viduy and not about teshuvah.

The *Minchat Chinuch's* reading of the Rambam, however, is not universal. Rabbi Meir Simcha of Dvinsk, for example, provides a different explanation of the Rambam:

*How can we consider returning from one's foolishness and ceasing to sin, as implied by the name teshuvah [return], a mitzvah? The command that warns a person not to sin in the first place is the very same command which should prevent him from sinning even after he sins! This is also what the Rambam writes in Hilchot Teshuva (chapter 1): When a person does Teshuvah and returns from his sin [meaning he refrains from sinning because of the command which he has been commanded not to violate any, mitzvah positive or negative, which was in effect even before he sinned], he must confess before God, as it says "they shall confess," but regarding teshuvah itself it is not considered a new mitzvah...*

**Meshech Chochmah Devarim 31:17**

דשם תשובה כפי מה שמורה שמה איך נחשבת למצוה שישוב מכסלו ולא יחטא עוד... הנה האזהרה הראשונה המונעתו מחטוא טרם שחטא היא מונעתו מחטוא גם אחרי שחטא... וכן הוא לשון רבינו בהלכות תשובה (רפ"א) כשיעשה תשובה וישוב מחטאו [פירוש לבלי לחטוא מחמת הצווי שהוא מצווה שלא לעבור בפעם ראשון קודם שחטא בין מ"ע בן מל"ת] חייב להתודות לפני השי"ת שנאמר כו' והתודו כו'... אבל על התשובה בעצמה אין לחשבה למצוה חדשה...  
**משך חכמה דברים לא:יז**

The *Meshech Chochmah* asks how doing teshuvah, returning to God, could be considered a mitzvah, since not sinning is just doing what is expected of us. He concludes, therefore, that the mitzvah must involve something more than a return to God. The mitzvah itself is viduy, declaring that you did wrong, requesting *kapparah*, forgiveness, for your sins and saying wholeheartedly that you will not sin again. In other words, when the Rambam says *k'sheya'aseh teshuvah... chayav l'hitvadot*, he did not mean that there is an option to do teshuvah which, if chosen, necessitates a verbal confession. Rather, teshuvah is expected, even required, as part of the obligation to follow Torah and mitzvot and when one is ready to return to God there is a mitzvah, to do viduy.

Both the *Minchat Chinuch* and the *Meshech Chochmah* understand the Rambam as saying that there is no mitzvah per se to do teshuvah, rather the mitzvah is viduy. What they do not explain is why the Rambam seems to call teshuvah a mitzvah in a number of places as indicated above.

Rabbi Joseph B. Soloveitchik offers a third understanding of the Rambam in his teshuvah lectures recorded in *Al Hateshuvah*<sup>26</sup>. He believes emphatically that according to the Rambam there is a mitzvah to do teshuvah, as Rambam seems to indicate. This mitzvah falls under the category of mitzvot in which the actions of the mitzvah and the actual fulfillment of the mitzvah are distinct. Teshuvah, he explains, is an emotional state. Feeling sincere regret and a renewed commitment to God are difficult to command someone to do, since it is difficult to command someone to have certain emotions or feelings. When the Torah wants us to achieve a certain emotional state it provides us with a formula, a physical act, which will lead to the intended emotions. In the case of teshuvah, the action that leads to the emotional state, the real fulfillment of the mitzvah, is viduy. According to Rabbi Soloveitchik, this distinction explains the discrepancy in the heading of *Hilchot Teshuvah* in which he calls teshuvah a mitzvah, and 1:1 where he implies that the mitzvah is viduy. He proves from the mitzvah of *tefillah*, prayer, that with regard to this type of mitzvah the Rambam mentions the actual mitzvah in the heading, and then describes the details and actions in the halachot themselves.

Rabbi Soloveitchik further explains<sup>27</sup> why the Torah requires a person to say viduy even if he already has sincere feelings of regret and renewed commitment: as long as one has not concretized his feelings by expressing them out loud, they do not exist in a real way. If they are kept inside, one can change his mind or pretend it never happened. Even sincere feelings are not real until they are articulated and brought out into the open.<sup>28</sup> Therefore, the Torah requires each individual and community to make a verbal confession, thereby ingraining the thoughts into our hearts.

While the Rambam's opinion on teshuvah is open to interpretation, the significant role that viduy plays is not. Whether viduy itself is a mitzvah or whether it is the physical action which leads to the emotional fulfillment of the mitzvah, viduy and teshuvah are part of one package.

The Ramban, however, seems to take a different approach to these two ideas. He sees teshuvah and viduy as distinct and independent of each other,<sup>29</sup> as he implies in his commentary on Vayikra chapter 26, the first description of the *k'lalot*, the curses, in the Torah. As opposed to our pesukim in *parshat hateshuvah*, which say that after the curses are tragically realized the Jewish people will return to God, *v'shavta ad Hashem Elokechah*, in Vayikra the word teshuvah, return, is not mentioned. Rather, the expression used is: *v'hitvadu et avonam v'et avon avotam* (26:40), that *Am Yisrael* will confess their sins and the sins of their fathers.

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<sup>26</sup> See *Al Hateshuvah* pages 40-45

<sup>27</sup> *Al Hateshuvah* pages 61-62

<sup>28</sup> While the Rambam himself might not think that Devarim 30:11-14 are referring to teshuvah, this idea of Rabbi Soloveitchik, that speaking out loud causes firm feeling in one's heart, fits nicely with the words *b'fichah u'vilvavchah la'asoto*, it is in your mouth and your heart so that you can fulfill it, in pasuk 14. Teshuvah that is *b'fichah*, that you articulate, will become *bilvavcha*, ingrained in your heart. See Ramban and Seforno on 30:14 who both say that *b'fichah* is referring to viduy and *bilvavchah* to teshuvah.

<sup>29</sup> This is similar to the approach of Rabbeinu Yonah Hachasid in his book *Shaarie Teshuvah*, as understood by Rabbi Soloveitchik in *Al Hateshuvah* page 39

The Rambam might explain the difference in language by saying that they are two different expressions of the same thing, two sides of the same coin. Ramban, however, provides a different explanation.

*Know and understand that these curses are referring to the first exile... and it does not say that they will return with a complete teshuvah before Him, only that they will confess their sins and the sins of their fathers (verse 40)... But the covenant in mishneh Torah (Devarim) hints to our exile and the redemption in which we will be redeemed from it. For we see that no end has been hinted at nor a time for redemption promised, rather it has been made dependent on teshuvah...*

**Ramban Vayikra 26:16**

ודע והבן כי האלות האלה ירמזו לגלות ראשון... וגם לא אמר שישובו בתשובה שלימה לפניו, רק שיתודו עונם ועון אבותם (פסוק מ)... אבל הברית שבמשנה תורה ירמז לגלותנו זה ולגאולה שנגאל ממנו. כי הסתכלנו תחילה שלא נרמז שם קץ וקצב ולא הבטיח בגאולה, רק תלה אותה בתשובה... והגאולה בברית היא השנית, גאולה שלמה מעולה על כלם.  
**רמב"ן ויקרא כו:טז**

The Ramban explains that each time the curses are mentioned in the Torah, they are referring to a different exile. The first account in Vayikra refers to, *galut Bavel*, the 70 year Babylonian exile, while the account in Devarim refers to the exile in which we still find ourselves today. There are a number of differences that exist between the first and second rendition of the *k'lalot*, which reflect the differences in the time periods they are describing. The reason the idea of teshuvah is not mentioned in Vayikra, for example, is because it is describing the first exile which did not end with complete teshuvah, and therefore did not end in complete redemption. While the Jews at the time did viduy, which the Ramban proves from verses in Daniel and other places, they did not do teshuvah, the prerequisite for *geulah sheleimah*, complete redemption. Indeed, the redemption from *galut Bavel* was not complete and many Jews remained behind. In fact, that *geulah* ended in destruction and exile.

However, in Devarim God promises us that in the future *Am Yisrael* will do complete teshuvah, which will spark the complete and ultimate redemption from the second exile in which we are still living. This is why the language of teshuvah is used the second description. In this way, the Ramban makes a distinction between teshuvah and viduy. According to his understanding, viduy can exist even without complete teshuvah.

We have seen so far what it means to do teshuvah, and that God has granted us the opportunity to repair and even improve our relationship with Him. We have learned that according to the Ramban: there is a mitzvah to do teshuvah and return wholeheartedly to God in both thought and action; at least a certain level of viduy can be done without doing complete teshuvah; complete teshuvah is a prerequisite for redemption; God promised us that at some point in the future *Am Yisrael* will fulfill this mitzvah and thus merit the *geulah sheleimah*. Rambam agrees that teshuvah is a prerequisite for redemption, but it is unclear whether or not he sees teshuvah itself as a mitzvah. Either way, he certainly believes there is a mitzvah of viduy that goes hand in hand with teshuvah and that the source for this mitzvah is the verbal confession mandated when one brings a sin offering. He believes that *parshat hateshuvah*, however, is not referring to a mitzvah, rather it is a promise that in the future a complete return to God will take place and the final redemption will follow.

In his commentary on Devarim 30, the Seforno presents an approach that combines the approaches of the Rambam and Ramban. He maintains that the perek is describing a mitzvah, an imperative, to do teshuvah, and that pesukim 11-14, *ki hamitzvah hazot*, are referring to that mitzvah. However, he sees the pesukim about viduy which accompanies the *korban chatat* as the source for the mitzvah. On the words *lo niphleit hi mimchah* and *lo rechokah hi* in pasuk 11, Seforno understands that the Torah is teaching us an important idea about teshuvah. The Torah promises us that since teshuvah is a precondition for redemption, it will always be accessible to us, even in our darkest times. Prophets and Torah scholars are not required in order to explain to us what to do and what it involved, it is always within reach.

*It is not concealed from you – that you should require prophets, nor is it far away that you should require the wise men of the generation to explain it to you in a manner that you are able to do it while you are still in exile*

לא נפלאת היא ממך. שתצטרך לנביאים. לא רחוקה היא שתצטרך לחכמי הדור הרחוקים שיפרשו לך באופן שתוכל לעשותה אפי' בעודך בגלות...

This is significant and comforting, for it means that even in times of exile and destruction, when prophecy is long gone and Torah study might not be what it once was,<sup>30</sup> we have the ability to return to God. Even when we feel very distant, God waits to take us back with open arms, to forget the past, for we are His beloved.

*Even though repentance and calling out [to God] are desirable at all times, during the ten days between Rosh HaShanah and Yom Kippur, they are even more desirable and will be accepted immediately as [Isaiah 55:6] states: "Seek God when He is to be found."*

**Rambam Hilchot Teshuvah 2:6**

אע"פ שהתשובה והצעקה יפה לעולם, בעשרה הימים שבין ראש השנה ויום הכפורים היא יפה ביותר ומתקבלת היא מיד רמב"ם הלכות תשובה ב:ו

While teshuvah is always relevant, the time period of the *aseret yimei teshuvah*, the 10 days from Rosh Hashanah until Yom Kippur, are an especially appropriate time to do teshuvah. Let us try to use this opportunity to return wholeheartedly to Hashem, as described in *parshat hateshuvah*, and thereby merit the ultimate personal and communal redemption.

<sup>30</sup> Indeed, exile is referred to as a place devoid of prophecy and Torah, as described in Eicha 2:9

אין תורה גם נביאיה לא מצאו חזון מה':

# The Drama of Tashlich

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Many of our yamim tovim incorporate reenactment; witness the biblical Pesach seder and the rabbinic Chanukah menorah lighting, as well as the minhag of holding a simchat beit hashoevah celebration on Succot. Some of these rituals call forth feelings of gratitude for miracles past; the succah is an example of this genre. Other replications of the past, like the Pesach seder, are principally educational. And sometimes we collectively re-live seminal events from our national memory as a means of tefillah. This last idea may explain both the location and the script of Tashlich, and understanding it may deepen and enrich our Tashlich experience.

## The Components of the Tashlich Drama

The origins of Tashlich are unclear, possibly traceable to early medieval references to praying near water. By the end of the thirteenth century, though, Tashlich was an established practice in Ashkenazi lands. As the Maharil<sup>31</sup> explained, Jews would “walk to seas and rivers on Rosh Hashanah, after the meal, to cast all of our sins into the depths of the sea.”<sup>32</sup>

Other early sources included recitation of pesukim from the close of the book of Michah:

*Who is a G-d like You, Who pardons iniquity and overlooks transgression for the remnant of His heritage? He does not maintain His wrath forever, for He desires kindness. He will once again show us mercy, He will suppress our iniquities. You will cast all their sins into the depths of the sea. Grant truth to Jacob, kindness to Abraham, as You swore to our forefathers in days of old.*<sup>33</sup>

**Michah 7:18-20**

מי קל כמוך נושא עון ועובר על  
פשע לשארית נחלתו לא החזיק  
לעד אפו כי חפץ חסד הוא ישוב  
ינחמנו יכבוש עונותנו ותשליך  
במצלות ים כל חטאותם תתן אמת  
ליעקב חסד לאברהם אשר  
נשבעת לאבתנו מימי קדם.

**מיכה ז:יח-כ**

This combination of a riverside venue and Michah’s concluding message may be viewed as a unique tefillah for G-d’s mercy. We offer this tefillah not so much in formal prayer as in drama, a

<sup>31</sup> Minhagim Rosh haShanah 9

<sup>32</sup> The Maharil frowned upon the halachically controversial custom of bringing fish food; to him, the essential custom was simply to stand at a body of water, and throwing bread involved potential desecration of Yom Tov. His concern is likely rooted in Mishnah Beitzah 3:1, prohibiting feeding fish on Yom Tov. For varying explanations of the prohibition, see Rashi and Tosafot to Beitzah 23b, as well Rashi to Shabbat 106b ואין. For a lenient argument, see Maharam Lublin on Beitzah 23b.

<sup>33</sup> Radak and Rashi understand that Yitzchak is included in “to our forefathers,” but Ibn Ezra says Yitzchak is excluded because he was the father of Edom. Ibn Ezra says that Avraham would have been excluded because of Yishmael, but for the fact that the covenant began with him.

performance highlighting three major components of our national search for forgiveness: the merit of our ancestors, the thirteen attributes of Divine mercy, and the Divine promise of future redemption.

## The Merit of our Ancestors

The first component is *zechut avot*, the merit of our ancestors. Since the day G-d pledged the land of Canaan to Yitzchak because of “the oath that I swore to your father Avraham,<sup>34</sup>” Jews have known that the righteousness of our ancestors would pay dividends for their descendants. The sages assert<sup>35</sup> that even Moshe Rabbeinu’s post-Eigel prayers were not accepted until he invoked the merit of Avraham, Yitzchak and Yaakov. Today we cite our ancestors’ greatness in the thrice-daily *amidah*, and emphasize it in the *musaf amidah* of Rosh Hashanah.

Tashlich, too, emphasizes that ancestral merit, reenacting Avraham’s walk to the *akeidah*.

*This is a memorial for the akeidah in which Avraham Avinu passed through a river until his neck, and he said, ‘Save me, G-d, for the water has come to my life!’ This was the Satan, who became like a river in order to keep him from the akeidah.*

**Maharil Minhagim Rosh haShanah 9**

זכר לעקדה שעבר אברהם אבינו בנהר  
עד צוארו, ואמר הושיעה ה' כי באו  
מים עד נפש והוא השטן שנעשה כמו  
נהר לעכב אותו מן העקדה  
מהרי"ל מנהגים ראש השנה ט

We walk to the river on Rosh haShanah to remind G-d of that historic willingness of the Jew to sacrifice his life at Divine command. However, we do not simply **mention** the *akeidah* and its river; we **reenact** it, demonstrating our personal commitment to following in our ancestors’ footsteps. We claim their legacy of martyrdom as our own, and so enhance the appeal of our *tefillah*.

This enhancement is necessary because we cannot make infinite claims on the basis of our predecessors’ deeds; the sages asserted that the merit of our ancestors has ended.<sup>36</sup> Therefore, at Tashlich we do not seek aid in the merit of what our ancestors did. Rather, we seek aid in the merit of **our own readiness** to continue their legacy. We do not merely *mention* Avraham – we *are* Avraham.<sup>37</sup>

This is one part of the Tashlich *tefillah*: G-d, please forgive us in the merit of our readiness to give our lives for Your commands, as Avraham was ready to give his own life long ago.

## Thirteen Attributes of Divine Mercy

Having established our merit as a new generation of Avrahams, we then adopt the petitionary words of the prophet Michah as our own, to pray for forgiveness. Our choice of Michah’s words for Tashlich is unusual, and this selection offers a further example of reenactment.

<sup>34</sup> Bereishit 26:3

<sup>35</sup> Shabbat 30a

<sup>36</sup> Shabbat 55a

<sup>37</sup> Rav Yosef Dov Soloveitchik, in annual *shiurim* delivered on Tisha b’Av, offered another hope. Rav Soloveitchik contended that even though the merit of our ancestors has reached the limit of its influence, *brit avot*, the contract between G-d and our ancestors, endures eternally.

Our choice of Michah's prayer is surprising because G-d provided us with the definitive prayer for forgiveness, the list of thirteen attributes of Divine mercy, in a dialogue with Moshe after the Golden Calf:

*HaShem, HaShem, powerful G-d, merciful and gracious, slow to anger, great in kindness and truth, who guards kindness for thousands of generations, who forgives sin, rebellion and transgression, and who cleanses.*

**Shemot 34:6-7**

ה' קל רחום והנון ארך אפים  
ורב חסד ואמת נצר חסד  
לאלפים נושא עון ופשע וחטאה  
ונקה  
שמות לד:ו-ז

Per the sages, this was meant to be a timeless prayer:

*G-d cloaked Himself like a shliach tzibbur and demonstrated the order of prayer for Moshe. He said: Whenever Israel sins, let them practice thus before Me, and I will forgive them.*

**Rosh Hashana 17b**

מלמד שנתעטף הקדוש ברוך הוא  
כשליח צבור והראה לו למשה סדר  
תפלה אמר לו כל זמן שישראל חוטאין  
יעשו לפני כסדר הזה ואני מוחל להם  
ראש השנה יז:

Indeed, all through the selichot preparation for Rosh Hashanah we employ G-d's words to Moshe, and on Yom Kippur we repeat that original text many times over.

Why, then, do we employ Michah's words rather than G-d's text, at tashlich? The Zohar<sup>38</sup> does identify Michah's pesukim as another version of those thirteen attributes of Divine mercy,<sup>39</sup> but why quote a later prophet instead of the Divine original?

The answer may lie in our motif of reenactment, of re-living the actions of our ancestors in order to enhance our tefillah.

G-d, not the sinner, narrates the original list of attributes. Further, the petitioner addressed by G-d was Moshe, not a sinner but a spiritual broker seeking forgiveness on behalf of his client, the Jewish people. Moshe was not even present when the nation built the Calf. G-d even wished to save the innocent Moshe and destroy those who had sinned. We are not Moshe.

Michah, on the other hand, presented his version of the thirteen attributes of Divine mercy as a part of the sinful nation despite his personal innocence, speaking in the first person for much of the chapter in which those words appear:

"Woe is me, for I am like the last pickings of the summer fruit," Michah begins the chapter, declaring his personal pain. "As for me, I put my hope in G-d and await the G-d of my salvation; my G-d will hear me," he continues, expressing his trust in G-d. "Do not rejoice over me, my enemy, for though I fell, I will rise! Though I sit in the darkness, G-d is a light unto me," Michah cries, putting his faith in G-d despite his guilt. And, "I shall bear the fury of G-d for I have sinned

<sup>38</sup> Zohar to Parshat Naso

<sup>39</sup> And see Rav Moshe Cordovero's expansion upon the connection between these pesukim and the thirteen attributes of Divine Mercy, in Tomer Devorah

unto Him,” Michah acknowledges, performing tzidduk hadin: The sin is mine, I am guilty, I have trespassed.

Michah’s concluding declaration of the thirteen attributes of Divine mercy is that of a personal penitent, and so this is an ideal selection for our reenactment. We are Michah, and we reenact his petition to earn forgiveness.

## History of Divine Forgiveness

Finally, after playing the role of Avraham to demonstrate our merit, and after emulating Michah to plead for forgiveness, we take on a third role, that of Nechemiah, to daven for future redemption.

Rav Reuven Margoliyot pointed out that our waterside Tashlich evokes the image of Nechemiah addressing the Jews who returned for the second Beit haMikdash, by the shaar hamayim, the Water Gate on the Temple Mount. On Rosh haShanah, Ezra held a public reading of the Torah, and the nation, reminded of their flaws, acknowledged their shortcomings and wept. Nechemiah then told the nation not to weep, and he declared by the Water Gate:

*Go eat rich foods and drink sweet drinks, and send portions to those who have none prepared, for today is sacred to our Master. Do not be sad; the joy of G-d is your strength.*

**Nechemiah 8:10**

לכו אכלו משמנים ושתו ממתקים ושלחו  
מנות לאין נכון לא כי קדוש היום לאדנינו  
ואל תעצבו כי חדות ה' היא מעזכם.

נחמיה ח:י

This pasuk is generally cited to support our practice of feasting, rather than fasting, on Rosh haShanah. There is more to this image at Tashlich, though, for Nechemiah specifically chose to gather the nation at the Water Gate for this moment.

Rabbi Eliezer ben Yaakov<sup>40</sup> explained that this gate was known as the Water Gate because, “There the water trickles, and it will exit from beneath the threshold of the House.” Rabbi Eliezer ben Yaakov was referring to Zechariah’s prophecy<sup>41</sup> of a messianic day, in which a great flow of water would emerge from the beit hamikdash. This spot, then, is associated with more than forgiveness; it is associated with future redemption.

At Tashlich, we place ourselves in Nechemiah’s shoes, standing by a river just as that ancient leader stood by the Water Gate, site of future miracles. There, we declare our hope for the ultimate forgiveness and redemption.

## One More Reenactment: Yishmael

These then, are our three Tashlich models: Avraham’s willingness to serve, Michah’s appeal for Divine mercy, and Nechemiah’s prophecy of redemption. But there is a fourth model: Yishmael.

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<sup>40</sup> Shekalim 6:3

<sup>41</sup> Zechariah 14:8

Yishmael was an adolescent when he was cast out of his home for his behavior toward his half-brother, Yitzchak. Yishmael and his mother, Hagar, wandered in the desert, and eventually collapsed with thirst. Yishmael cried out to G-d, and G-d responded by saving his life.<sup>42</sup>

As Rabbi Yitzchak explained,<sup>43</sup> by this time Yishmael was already guilty of heinous sins against Yitzchak, and he – as well as his descendants – would yet incur guilt for far more. Nonetheless, G-d chose to view Yishmael “as he was,<sup>44</sup>” there and then. Yishmael was fully righteous at the moment of his prayer, and so G-d rescued him.

Even as we stand by a river at Tashlich and declare our hope that G-d will cast our sins into the sea, G-d is well aware of what we have done, and of what we are likely to do again. Nonetheless, like Yishmael, we create a space of righteousness in the moment, and daven that this will be enough.

May our evocation of Avraham, Michah and Nechemiah, in a moment seized, Yishmael-style, this Rosh Hashanah, earn us an inscription for a shana tova.

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<sup>42</sup> Bereishit 21

<sup>43</sup> Rosh haShanah 16b, amplified in Bereishit Rabbah 53

<sup>44</sup> Bereishit 21:17

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