

Yeshiva University Center for the Jewish Future
Rabbi Isaac Elchanan Theological Seminary

Shavuot To-Go

5769



Featuring Divrei Torah from

Cantor Bernard Beer
Rabbi Reuven Brand
Rabbi Josh Flug
Rabbi Avrohom Gordimer
Rabbi David Horwitz
Mrs. Rivkah Kahan
Rabbi Menachem Leibtag
Rabbi Baruch Simon
Dr. Shira Weiss



YESHIVA UNIVERSITY

Rabbi Kenneth Brander, Dean, Center for the Jewish Future

Dear Friends,

It is my sincere hope that the Torah found in this virtual ספר will enhance your שבועות (Shavuot) and your Yom Tov experience.

We have designed this project not only for the individual, studying alone, but also for a חברותא (a pair of students) that wishes to work through the study matter together, or a group engaged in facilitated study.

With this material, we invite you, wherever you may be, to join our Beit Midrash להגדיל תורה (to enjoy the splendor of Torah) and to discuss Torah issues that touch on contemporary matters, as well as issues rooted in the ideals of this time of year. We hope, through this To-Go series, to participate in the timeless conversations of our great sages.

בברכת חג שמח

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Liturgical and Musical Aspects of Shavuot

Cantor Bernard Beer

Director, Belz School of Jewish Music

When God gave the Torah at Sinai, Moshe was taught the melodious tune (*neimah*) that accompanies scriptural reading. It is on the festival of Shavuot that we mark the anniversary of the revelation at Mount Sinai - *zeman matan torahteinu*--the season of the giving of our Torah.

The Origin of Biblical Cantillation

Moses spoke and God answered him with a loud voice
Exodus 19:19

This teaches that God instilled in Moshe power and assisted him with His voice and the tunefulness that Moshe heard, he transmitted to the Israelites
Mekhilta D'Rebbi Yishmael, Yitro, 4

משה ידבר והאלהים יענו בקול:
שמות יט:יט

מלמד שנתן הב"ה כח וגבורה במשה, והיה הקב"ה מסייעו בקולו, ובנעימה שהיה משה שומע בו, היה משמיע את ישראל מכילתא דרבי ישמעאל יתרו - פרשה ד

The saintly Judah HaHassid, in his *Sefer Hahassidim*, remarks based on this same verse that God taught Moshe the Biblical modes. Simhah ben Shmuel, a pupil of Rashi, notes further, "The method of chanting the accents was revealed to Moshe; when one should draw out the tune, raise one's voice, dwell on a syllable, stand, raise, lower, and when to rest." This method of chant with its various modes has been preserved and transmitted orally from generation to generation, from century to century, and has remained authentic to this day. A striking fact about Biblical cantillation is that despite centuries of isolation from each other, Ashkenazic and Sephardic Jews use motives which are surprisingly similar and have a common ancient ancestry. Biblical cantillation has surprised many a musicologist and is considered to be the most ancient source of Jewish music.

The Aseret Hadibrot and its Festive Melody

The reading of the Torah on Shavuot is highlighted with the cantillation of the *aseret hadibrot* (the Ten Commandments). When standing in awe and listening to the 120 words it contains, the worshipper feels the trembling experienced by those at Mt. Sinai. This spectacular event manifests itself in the synagogue when the reader chants the *aseret hadibrot* in accord with the *ta'am ha'elyon*; that is, according to the superlinear position of the *te'amim* (accents) in much

the same way that it was likely read and given at Mt. Sinai, stressing that the commandments are ten in number. In contrast to the ta'am ha'elyon is the ta'am ha'tachton, the sublinear position of the te'amim used when one reads the aseret ha'dibrot for oneself. The objective of the ta'am ha'tachton is to break up longer verses and bring together the shorter ones with the view of easing and equalizing the reading. Ya'akov Emden and other rabbinical scholars have commented that the accent marks in the ta'am ha'elyon are more pronounced in character than those in the ta'am ha'tachton. The accent marks of the ta'am ha'elyon are of higher pitch and require strong dynamic levels; those of the ta'am ha'tachton are of lower pitch and call for less dynamic levels. Therefore, when the aseret hadibrot is cantillated in public and especially on Shavuot, which commemorates the giving of the Torah and is identified with the anniversary of giving the aseret hadibrot, these verses must be chanted with the festive melody (ta'am ha'elyon) and not with the low chant (ta'am ha'tachton) meant for individual reading.

The Akdamut Melody

A piyut (poem) highlighting the festival of Shavuot, introduced into the synagogue service prior to the reading of the Torah, is the ninety line Aramaic poem called Akdamut (Introduction), composed by the eleventh century hazzan and paytan (poet), Meir ben Isaac Nehorai. During his lifetime, he was forced to debate the priests who attempted to persuade him to forsake his faith and accept theirs. He answered them appropriately and scorned them. As a legacy, he left his famous Akdamut poem that is in praise of Hashem, the Creator of the Torah and Israel.

Since there was no old melody that was fitting to this new text, the author no doubt had to borrow the melody from other sources. Several musical settings have been notated by Abraham Baer in his nusach anthology entitled Ba'al Tefillah. Two settings, still used today, originate from the Eastern and Western European branches of Ashkenazic rite. The more popularly known melody of Eastern European origin claims great antiquity by its psalmodic style of recitation and has been applied to Kiddush of the "Three Festivals." In some communities it was also adapted to a recital called Reshut Le-hatan Torah, an introduction to the person who is honored with the aliyah for the reading of the concluding section of the Torah on Simhat Torah morning. Another melody serves as a motto theme in numerous German synagogues that follow the Western European tradition and is applied on Shavuot to parts of Ma'ariv, Hallel and Duchenen. It has been suggested that this tune with its variants has its origin in secular German folk song transmitted in the specifically Germanized tradition of chanting Psalms.

The Akdamut melody has become universally known in both branches of Ashkenazic rite and is immediately recognizable. In generations when Jews faced persecution and forced conversion, they found strength and encouragement in this tune which became associated with the Jewish faith. Perhaps it is for this reason that the melody is used as a seasonal theme at the outset of each of the Shalosh Regalim when reciting Kiddush.

King David as Musical Innovator

A significant practice observed on Shavuot that contributed greatly to the development of Jewish chant and melody is the custom of reading the book of Ruth, and the book of Psalms. Among the various reasons given is that King David was born and died on Shavuot and since David descended from Ruth, the reading of this book where the birth of David Hamelekh is recorded is appropriate to the occasion.

King David's songs became part of one of Israel's most precious legacies- The Book of Psalms, Sefer Tehilim. David, the "*N'im Zemiroth Yisrael*," the 'sweet singer of Israel," and King David himself is known for playing the kinnor, and is identified as musical innovator, founder and legislator of Temple Psalmody.

The book of Psalms and Temple psalm singing greatly influenced our daily Shabbat and holiday prayers and its music. On Shavuot afternoon or on the second evening, the Book of Psalms is recited in its entirety in some congregations. Our sages note that the five books of psalms correspond to the Chamisha Chumshei Torah and King David's Book of Psalms is a revelation of the aspect of song which is contained in the Torah. For this reason, King David said "*Z'miroth Hoyu Li Chukecho*," (your statutes were music to me) ps. 119:54

The musical mode for reading Ruth is different from Torah cantillation. Although employing the same te'amim (tropes) it is read in a more lyrical style and in the Ashkenazic tradition, it is the same melody used for Shir Hashirim on Pesah and Kohelet on Sukkot. The common melody for all three scrolls is to indicate that all three festivals have the same historical significance.

May the music associated with the holiday of Shavuot serve as a means for better understanding its liturgy while celebrating our *z'man matan toratenu*.

Well-Bread

Rabbi Reuven Brand

Rosh Kollel, Yeshiva University Torah Mitzion Kollel of Chicago

Counting toward Bread

The Torah's description of the holiday of Shavuot highlights a surprising theme. After describing the Chag Hamatzot, it frames the next holiday in light of the *Korban Shtei Halechem*, the two breads:

And you shall count from the next day after the Sabbath, from the day that you brought the sheaf of the wave offering; seven Sabbaths shall be complete; To the next day after the seventh Sabbath shall you count fifty days; and you shall offer a new meal offering to the Lord. You shall bring out of your habitations two wave loaves of two tenth deals; they shall be of fine flour; they shall be baked with leaven; they are the first fruits to the Lord. And you shall offer with the bread seven lambs without blemish of the first year, and one young bull, and two rams; they shall be for a burnt offering to the Lord, with their meal offering, and their drink offerings, an offering made by fire, of sweet savor to the Lord. Then you shall sacrifice one kid of the goats for a sin offering, and two lambs of the first year for a sacrifice of peace offerings. And the priest shall wave them with the bread of the first fruits for a wave offering before the Lord with the two lambs; they shall be holy to the Lord for the priest. And you shall proclaim on the same day, that it may be a holy gathering to you; you shall do no labor in it; it shall be a statute forever in all your dwellings throughout your generations.

Vayikra 23:15-21

(טו) וספרתם לכם ממחרת השבת
מיום הביאכם את עמר התנופה שבע
שבתות תמימת תהיינה: (טז) עד
ממחרת השבת השביעת תספרו
חמשים יום והקרבתם מנחה חדשה
לה': (יז) ממושבתכם תביאו לחם
תנופה שתים שני עשרנים סלת
תהיינה חמץ תאפינה בכורים לה':
(יח) והקרבתם על הלחם שבעת
כבשים תמימים בני שנה ופר בן בקר
אחד ואילם שנים יהיו עלה לה'
ומנחתם ונסכיהם אשה ריח ניחח לה':
(יט) ועשיתם שעיר עזים אחד לחטאת
ושני כבשים בני שנה לזבח שלמים:
(כ) והניף הכהן אתם על לחם
הבכורים תנופה לפני ה' על שני
כבשים קדש יהיו לה' לכהן: (כא)
וקראתם בעצם היום הזה מקרא קדש
יהיה לכם כל מלאכת עבודה לא תעשו
חקת עולם בכל מושבתכם לדרתיכם:
ויקרא כג: טו-כא

The Torah states that after counting seven weeks, forty nine days, from Pesach, the fiftieth day is a Chag on which we offer two loaves of bread. This holiday, which we call Shavuot, is the culmination of Sefirat Haomer, and it is celebrated by two loaves of bread, the central feature of the chag. It is noteworthy that the Torah does not make mention of *Matan Torah*, which the Talmud teaches occurred on Shavuot.

This description is puzzling. Why is this Chag characterized by one activity- one *maaseh mitzvah*- the offering of the *Korban Shtei Halechem*, the two breads? Why is it the culmination of the counting from Pesach? In addition, how does this relate to the description found in the

nusach hatefillah of “zman matan torateinu” and to the reading of *Megillat Rut* on Shavuot? In short, what is the meaning and message of the bread of Shavuot?¹

A Foundation of Matzah

No one disputes the importance of matzah. Matzah, the unleavened bread we are commanded to eat on Pesach is of paramount importance both from a halachic and hashkafic perspective. Eating matzah on Pesach is a biblical responsibility, and conversely, eating leavened bread on Pesach is punishable by *karet*. We know that Jews go to great lengths to ensure the *kashrut* of matzah, and we distance ourselves from chametz with great stringency over Pesach. Rav David Ben Zimra (1479-1573) explains the rationale for this phenomenon:

And therefore I rely [in my explanation] on what the Rabbis taught in their teachings that chametz on Pesach is an allusion to the Yetzer Hara and that is the leavening in the dough, and therefore a person must be completely rid themselves of it and search it out from all the recesses of his mind and even a minute amount is not insignificant.

Shu”t Radbaz 3:546

ועל כן אני סומך על מה שאמרו רז"ל
במדרשות כי חמץ בפסח רמז ל"צה"ר
והוא שאור שבעיסה ולכן כלה גרש
יגרש אותו האדם מעליו ויחפש עליו
בכל מחבואות מחשבותיו ואפילו כל
שהוא לא בטיל
שו"ת רדב"ז חלק ג סימן תקמו

Chametz represents the evil inclination, with its fermentation- induced inflation, the symbol of arrogance and hubris. In contrast, matzah, with its basic ingredients and unpretentious appearance, represents the ideal Jewish perspective, one of humility and simplicity. Hence, we begin our year of Jewish festivals fashioning our personalities in the model of matzah, the basic symbol of Pesach. Similarly, the *Korban Omer*, the meal offering brought on the second day of Pesach, which marks the beginning of the counting until Shavuot, is comprised of matzah. However, the Torah’s description of Shavuot mentioned above may indicate another perspective.

Wellness of Chametz

The concept of counting from Pesach until Shavuot described by the Torah suggests a period of growth and anticipation. This notion is amplified by many commentaries who characterize this time as one of personal refinement and improvement in preparation for *kabalat hatorah* on Shavuot. Many recite a daily prayer after counting the Omer asking Hashem for inspiration during this time, which is focused on purity and heightened *kedusha*. If, in fact, we are climbing the ladder of spirituality to the climax of *kabalat hatorah*, why at the apex do we offer a *korban* of leavened bread- the *Shtei Halechem*? I would have expected the *korban* of Shavuot be one of spiritual perfection, symbolized by matzah? Perhaps we can suggest that from a different perspective, *lechem*, leavened bread, is nobler and more refined than matzah.

Matzah is *lechem oni*, the bread of affliction of Egypt and the bread of our exodus from slavery, which represents basic survival. The Jewish people ate matzah at their lowest spiritual plane, as they were rescued from the depraved Egyptian society. Matzah, according to the Zohar (cited

¹ Special thanks to Mrs. Ora Lee Kanner, my dear mother- in- law, for her insight and helpful suggestions on this topic.

by Rav Zadok Hakohen of Lublin in *Pri Tzaddik, Vayikra, LChag Hapesach*) is *meichlah datvata*-medicinal food. It is spiritual medicine designed to help nurture a desperately assimilated nation of slaves to spiritual health and wellness. Hence, just as a critically ill patient begins his regimented diet with only the most elemental foods, so too the Jews ate matzah, the most basic of foodstuffs, to survive and begin a path to health. In contrast to this strict, rigid diet, bread represents the expansion of health and fullness of life. Whereas the critically ill person is limited not only in his diet, but in his ability to be involved in the world, the healthy person may eat and partake in the goodness of the world around him. Bread represents this wellness.

The Holiday of Bread: Of Torah and Chessed

Shavuot, the culmination of the period of Sefirat Haomer, exemplifies the spiritual wellness of the Jewish people. During our march to Sinai, we matured from a band of slaves to an *am segulah*, a treasured nation, prepared to receive Hashem's exalted gift, the Torah itself. This achievement is expressed through a *korban* of chametz, the *Shte Halechem*. Our diet on Pesach is limited and restricted both physically, with the mitzvah of eating matzah and a *Korban Omer* of matzah, and spiritually, as we had only a handful of mitzvot. In contrast, on Shavuot, we are prepared for a regimen that is open and expansive, one of leavened bread. We are prepared to face the multifaceted opportunities and challenges of life, having refined ourselves during the period of the Omer and equipped with a Torah that guides us through every aspect of life. Perhaps this is why Shavuot does not have a specific date and name in the Torah; it is not an independent holiday. Shavuot is the culmination of Pesach, the fulfillment of the process of our national birth after we reached a state of spiritual health.

We can now appreciate why Matan Torah occurred on Shavuot. This is the time when we were spiritually mature and ready to embrace the world, and we were given the Torah to engage, and inspire it. Although we must be grounded and rooted in a world of matzah with humility and rigid discipline, we should not be confined. We should use this foundation of spiritual medicine as a beginning to expand into the world, a world of chametz, to elevate it as an offering to Hashem.

Perhaps this can shed light on the story of Rut and its relevance to Shavuot. The theme of *geirut*, conversion to Judasim, which is prominent in Megillat Rut, also manifests the role of bread. A potential convert approaches the Jewish community and begins with an experience of matzah. The Talmud requires that we teach a potential convert *miktzat mitzvot kalot* and *miktzat mitzvot chamurot*, a narrow sampling of commandments. However, the destiny of the conversion and acceptance of Mitzvot is not limited to these few. *Kabalat Hatorah* of the individual, much like the communal *geirut* at Sinai, means is to embrace the Torah in its entirety as way of life. This acceptance of the entire Torah, the convert's personal *Naaseh Venishmah*, is the commitment to follow the path of Torah throughout all of life, the vast experience of Matzah. Rut tells Naomi that wherever Naomi will go, Rut will go. She wants to live a life inspired by Torah at each and every turn, a life that engages chametz and sanctifies it as a *Korban*.

Finally, the expansiveness that is reflected in a life of chametz is the expansiveness of heart and spirit that is manifest in a life of generosity. That generosity, chessed, can exist only with *harvacha* and *harchava*, a life lived to its fullest. Ultimately, Chazal see the most important

message of Rut as one of chessed. This element of chessed is part and parcel of the life of *Beit Lechem*, literally the “house of bread.” It is this generosity, personified by Boaz, who opens his fields and eventually his heart and marries Rut, that is celebrated on this Yom Tov of *Matan Torah*. Our *Kabalat Hatorah* is our commitment to the ideal of chessed, the value with which the Torah begins and concludes according to our tradition. A life of Torah is a life of chessed, a life lived to its fullest, a life represented by chametz, “well-bread.”

A Walking Sefer Torah

Rabbi Joshua Flug

Community Fellow, South Florida Center for Jewish Leadership and Learning

This article was adapted from an article written for the B'Lev Echad program in memory of the eight students of Yeshivat Merkaz HaRav and Yashlitzat who were murdered by a terrorist on Rosh Chodesh Adar II 5768. The author thanks I.Z. Spier for his initial research and coordination of the program

A Sefer Torah (Torah scroll) embodies holiness and we relate to it as a holy object. We stand up in its presence, we kiss it when it passes us and we provide a proper way to escort the Sefer Torah as it moves from place to place. Additionally, we protect it from acts that are not befitting of a holy object: we store it in an upright position, we make sure that it is never placed on the floor and when the Torah is no longer usable, and we provide it with a proper burial.

In this study guide, we will explore the notion that each and every Jew represents a walking Sefer Torah. This idea, which is alluded to in a number of Talmudic statements, was developed by a number of commentators.

The Talmudic Sources

The most explicit source comparing a Jew to a Sefer Torah is found in two places in the Talmud in a statement by R. Shimon ben Elazar. In the midst of a discussion about when one tears one's garments over death or other tragic events, the Talmud states:

R. Shimon ben Elazar states: If someone is present when a person dies, he is obligated to tear (his garments). What is this similar to? It is similar to a Sefer Torah that tore, where there is (also) an obligation to tear (one's garments).

Mo'ed Katan 25a

רבי שמעון בן אלעזר אומר העומד על המת בשעת יציאת נשמה חייב לקרוע למה זה דומה לספר תורה שנשרף שחייב לקרוע.
מועד קטן כה.

The Talmud clearly compares the loss of an individual to the tearing of a Sefer Torah.² The commentators offer a number of explanations as to why a person is comparable to a Sefer Torah. The most poignant explanation is offered by Ramban (Nachmanides 1194-1270) who states:

It seems to me that the soul in the body is like the names of God (written) on the parchment. It is merely a parable to convey the message that it is a great loss and cause for alarm and a person must tear his garments as if a Sefer Torah was burned before him.

Ramban, Mo'ed Katan 25a

ולי נראה שהנפש בגוף כאזכרות בגוילין, ומשל בעלמא הוא לומר שהוא הפסד גדול וחרדה רבה וחייב אדם לקרוע עליה כאילו נשרף ס"ת לפניו.
רמב"ן מועד קטן כה.

² Regarding the practice of tearing one's garments upon witnessing a death, see *Gesher HaChaim* 4:9.

All parts of a Sefer Torah are holy. Yet, it is the names of God that are written in the Sefer Torah that infuse the entire Sefer Torah with its holiness.³ If we follow the analogy, the entire body is holy and should be treated with holiness. The body is infused with holiness when the soul enters the body.

R. Yosef Shaul Nathanson, *Divrei Sha'ul* 340:5, notes that there is a story recorded in the Talmud about how the Romans killed R. Chanina ben Tradyon that supports Ramban's analogy:

They found R. Chanina ben Tradyon who was sitting and learning Torah and gathering crowds publicly, and there was a Sefer Torah in his arms. They took him and wrapped him in the Sefer Torah, surrounded him with branches and lit the branches. They brought sponges of cotton, soaked them in water and placed them on his heart so that he would not die quickly. His daughter said "Father, this is how I should see you?" He said to her "If they only burned me, it would be difficult for me. Now that I am being burned with a Sefer Torah, He Who will seek retribution for the desecration of the Sefer Torah will also seek retribution for my desecration." His students asked him "Rebbi, what do you see?" He said to them "The parchments are being burned, but the letters are flying away." [They said to him] "You too should open your mouth and allow the fire to enter you." He responded "It is better that the one who placed it remove it, but one may not destroy himself."

Avoda Zara 18a

מצאוהו לרבי חנינא בן תרדיון שהיה יושב ועוסק בתורה ומקהיל קהלות ברבים וס"ת מונח לו בחיקו הביאוהו וכרכוהו בס"ת והקיפוהו בחבילי זמורות והציתו בהן את האור והביאו ספוגין של צמר ושראום במים והניחום על לבו כדי שלא תצא נשמתו מהרה אמרה לו בתו אבא אראך בכך אמר לה אילמלי אני נשרפתי לבדי היה הדבר קשה לי עכשיו שאני נשרף וס"ת עמי מי שמבקש עלבונה של ס"ת הוא יבקש עלבוני אמרו לו תלמידיו רבי מה אתה רואה אמר להן גליון נשרפין ואותיות פורחות אף אתה פתח פיך ותכנס [בך] האש אמר להן מוטב שיטלנה מי שנתנה ואל יחבל הוא בעצמו.
עבודה זרה יח.

R. Shmuel Eidels (1555-1631) *Maharsha ad loc.*, explains further:

The students asked him "what do you see" etc., they also saw the same thing, but they inquired about it to give him perspective so that he wouldn't cause himself more suffering, but rather allow himself to die quicker. Their message was that just as you see the parchment burning which is the physical embodiment of the Torah, but the spiritual (essence) which are the letters, are flying up, so too, you should open your mouth and allow the fire to enter so that your body will be burned internally and your soul will ascend and fly upward.

Avoda Zara 18a

וא"ל תלמידיו מה אתה רואה כו' שהם ודאי ג"כ ראו כן אבל שאלו על כך כדי לתת לו דמיון שלא יצטער כל כך וימות מהר וזה שאמר [ו] לו כי כמו שראית גליון נשרף שהן גוף הס"ת והרוחני שהם האותיות פורחות למעלה אף אתה עשה כן פתח פיך ויכנס האש ויהיה גופך נשרף אף בפנים ונשמתך והרוח שבך יהיה עולה ופורח למעלה
מהרש"א עבודה זרה יח.

³ Ramban seems to be consistent with his own opinion in *Milchamot HaShem, Sukkah* 4b, that the parchment of the Sefer Torah only receives its holiness from the letters that are written on it. His comments in *Milchamot HaShem* imply that even if the name of God is not written on the parchment, but there are eighty-five letters of the Torah text on the parchment, the parchment is infused with holiness.

R. Nathanson notes that the dialogue between R. Chanina ben Tradyon and his students (according to Maharsha's interpretation) is based on the assumption developed by Ramban that a person is comparable to the parchment of a Sefer Torah and the soul is comparable to the letters.

R. Moshe Sofer notes a halachic ramification of the comparison of a person to a Sefer Torah. The Gemara states:

Mar Zutra stated: The worn out covers of the Sifrei Torah are converted to burial shrouds for a neglected corpse⁴ and that is their proper disposal.

Megillah 26b

אמר מר זוטרא מטפחות ספרים
שבלו עושין אותן תכריכין למת
מצוה וזו היא גניזתן
מגילה כו:

R. Sofer wonders why it is permissible to use the cover, which is imbued with holiness, for a seemingly mundane act: He writes:

One must understand why they allowed using covers for burial shrouds for a neglected corpse. Granted that this is the method of disposal, nevertheless, they are still accessories of holiness and how can one use them for the mundane? One must conclude that the corpse is also considered an accessory of holiness because a Jewish person is compared to a Sefer Torah.

Chatam Sofer, Megillah 26b

דהרי צריך להבין מאי טעמא התירו
לעשות מטפחות תכריכין למת מצוה,
נהי שזו היא גניזתן, מ"מ תשמיש
קדושה, איך ישתמשו בו חול. וצ"ל
דהאי נמי תשמישי קדושה, דאדם
ישראל הוי כס"ת.
חתם סופר מגילה כו:

According to R. Sofer, a person can be treated as an accessory of holiness (*tashmish kedusha*) for certain purposes. R. Yosef D. Soloveitchik of Brisk (1820-1892) adds that when a person reaches a certain level, he is not simply treated as an accessory of holiness, but rather as an actual object of holiness:

A Torah scholar is not categorized as an accessory of holiness but rather as actual kedusha.

Introduction to Teshuvot Beit HaLevi

דהת"ח לא הוי בבחינת תשמיש קדושה רק
בבחינת עצם הקדושה.
הקדמה לשו"ת בית הלוי

R. Soloveitchik's comments give a deeper insight into a statement of the Gemara:

Rava stated: How foolish are people who stand up for a Sefer Torah but don't stand up for a great person.

Makkot 22b

אמר רבא כמה טפשאי שאר אינשי דקיימי
מקמי ספר תורה ולא קיימי מקמי גברא רבה
מכות כב:

There is a verse in the Torah (Vayikra 19:32) stating that one must show honor to a Torah scholar by standing up for him. Rava doesn't understand why people would choose to stand for a Sefer Torah, but not for a Torah scholar. One can question Rava's statement: If we are all compared to a Sefer Torah, why should these people be motivated to specifically honor a Torah scholar on the basis that he is compared to a Sefer Torah? What special honor is due to him?

⁴ A *meit mitzvah* is a corpse that is discovered and there are no relatives to take responsibility for the burial.

Based on the comments of R. Soloveitchik, one can answer that there are two levels where one can be compared to a Sefer Torah. On a basic level, every Jew is compared to a Sefer Torah, but the holiness is only on the level of an accessory of holiness. Just as we don't stand up when the cover for a Sefer Torah is brought into the room, there is no obligation to stand for every individual. However, a Torah scholar is compared to a Sefer Torah on a level where he is considered an actual object of holiness. For this reason, Rava questioned the logic of those who stand for a Sefer Torah because of its status as an object of holiness and not for a Torah scholar who attains the same level of holiness.

There are many other allusions in the rabbinic sources comparing a Jew to a Sefer Torah. In the next few sections, we will explore some of those comparisons and what we can learn from them.

Relating to Ourselves as Sifrei Torah

Viewing ourselves as representations of Sifrei Torah bears a certain responsibility. R. Yechezkel Levenstein (1895-1974) notes that we must treat our minds as if they are Sifrei Torah:

As much as we must guard our mind, we must sanctify it with the holiness of a Sefer Torah since the mind is truly like an actual Sefer Torah ... If a person uses his mind for nonsense it is similar to throwing a Sefer Torah into the street. The mind is holy and it must be dedicated to the purpose for which it was created- to understand and internalize the Torah and the mitzvot and to lead a person to a purposeful life and to everlasting and eternal happiness.

Collection of Talks of R. Yechezkel Levenstein
(as recorded in Chochmat HaMatzpun, Vol. 16, p 303)

ועד כמה שצריך לשמור על השכל,
חייבים לקדש אותו כקדושת ספר
תורה, כיון שהשכל באמת כספר תורה
ממש ... ואם האדם משתמש בשכלו
לדבר הבאי דומה הוא לזורק ספר תורה
לרחוב, השכל קדוש הוא וחייב להיות
מקודש למטרה שלשמו נברא, להבין
ולהשכיל בתורה ומצוות ולהוביל את
האדם למטרת חייו ואושרו הקיים
והנצחי. (קובץ שיחות)
חכמת המצפון חלק טז דף שג

There are a number of components included in using our *seichel* (mind) properly. First, there is the intellectual component. God gave humans the intellectual capacity to understand, analyze, reason, imagine, and solve problems. We are expected to do our part and use our intellect in a way that we represent a Sefer Torah. Second, there is a behavioral component. God gave us the ability to choose between right and wrong, between good and evil. We are expected to make choices that reflect our status as walking Sifrei Torah. This is not limited to choosing to perform *mitzvot*. It also includes choices to improve our character traits.

The Preparation Process of a Sefer Torah

Rabbi Yosef D. Soloveitchik (1903-1993)⁵ comments that just as producing a Sefer Torah requires a certain process, developing oneself as a Jew requires a certain process. He notes that there is an interesting comparison between the preparation process of a Sefer Torah and the development of

⁵ R. Soloveitchik developed this idea in a lecture that was originally given on the Shevat 3, 5719 in Yiddish. The Yiddish notes were compiled by Dr. Hillel Zeidman and was translated to Hebrew by R. Shalom Carmi. The article appears in *Beit Yosef Sha'ul* Vol. IV (1994).

a person during childhood and adolescence. There are two stages to the process of producing a Sefer Torah. The first stage is called *ibud*, processing, where the skin of the animal is softened in order to prepare it for writing. The next stage is the actual writing of the Sefer Torah.

Rabbi Soloveitchik remarks that there are two *mitzvot* that relate to the development of a child. First, there is the mitzvah of *chinuch*, training. This mitzvah only applies before the child's bar/bat mitzvah. The second mitzvah is the mitzvah of Talmud Torah. This mitzvah does not only include the intellectual pursuit of learning Torah, but it also includes the study of how to perform *mitzvot*, the study of the fundamentals of faith and participation in an educational program that leads one to become a God fearing Jew. Regarding this mitzvah, the father's obligation does not stop at bar/bat mitzvah. Rather it continues until the young-adult can take responsibility for his/her own education.

The *chinuch* stage is a preparation for the Talmud Torah stage. Just as one cannot write on a Sefer Torah if the skin is not softened and purified, a child cannot become fully engaged in the Talmud Torah process until he is softened and purified. His character traits must be refined, he must learn certain skills and he must be acquainted with the basic concepts of Judaism.

R. Soloveitchik also notes that a Sefer Torah does not acquire its holiness automatically. The *sofer* (scribe) who prepares the Sefer Torah must imbue the Torah with holiness. In applying our analogy to a person, we are left with the following paradox: If a person is compared to a Sefer Torah, he must imbue himself with holiness. However, if he is not already imbued with holiness, how can he impart holiness onto himself? Where does the holiness come from?

Rabbi Soloveitchik suggests that each person is born with a certain internal holiness. Each person has a responsibility to transfer that holiness so that it is apparent externally. Rabbi Soloveitchik comments that this idea appears in the laws of writing a Sefer Torah:

The sofer must have another Sefer Torah (or its text) in front of him to copy from for it is forbidden to write a single letter by heart and he must recite each word orally before writing.

Shulchan Aruch, Yoreh De'ah 274:2

צריך שיהיה לפניו ספר אחר שיעתיק ממנו
שאסור לכתוב אות אחת שלא מן הכתב וצריך
שיקרא כל תיבה בפיו קודם שיכתבנה.
שלחן ערוך יורה דעה רע"ד:ב

When the *sofer* recites the words that he is writing, it symbolizes the transference of holiness from the internal to the external.

The Letters of the Torah

A number of Kabbalistic and Chasidic sources present a variation to the idea that a person is a walking Sefer Torah. According to this variation, the Jewish people as a whole are representative of a Sefer Torah with each person comprising one letter. The acronym used to express this is **יש ששים ריבוא אותיות לתורה** (Israel= There are 600,000 letters in the Torah). The

number 600,000 represents the entire Jewish people. The Jewish people as a whole is compared to a Torah which also has 600,000 letters.⁶

The Radomsker Rebbe (R. Shlomo Chanoch HaKohen Rabinowitz, 1801-1866) suggests that one of the messages that we can derive from this idea is how we treat our fellow Jew. His suggestion is based on the concept of *mukaf g'vil*, the concept that dictates that every letter of the Sefer Torah must be surrounded by parchment on all sides. Therefore, if two letters touch each other, the entire Sefer Torah is invalid.⁷

Every Sefer Torah has 600,000 letters which corresponds to the 600,000 souls of the Jewish people that stood on Har Sinai ... In each generation, the root of the souls that accepted the Torah at Har Sinai are still apparent. From this we learn an important lesson that each person must guard himself from inappropriately encroaching on one's friend regarding his business and he should not be jealous if he sees his friend with something he doesn't have. (The reason for this is) that just as regarding a Sefer Torah, the Torah is invalid if two letters touch each other because of the mukaf g'vil concept, so too every Jew must guard himself from encroaching on anyone else, for if not, his portion in the Torah is invalid.

Tiferet Shlomo, Shavuot, pg. 141a

כי כל הס"ת שיש בה ששים רבוא אותיות לתורה הם משורש ששים רבוא נשמות בנ"י שעמדו על הר סיני ומהם נעשה התורה כמש"כ הקדמוני' ישראל ר"ת "יש ששים רבוא אותיות לתורה" ... וכן כל הדורות יש בהם שורש הנשמות שקבלו אז התורה במעמד הר סיני. ומזה יוצא מוסר השכל שצריך כל אדם לשמור א"ע לבל יהיה בו שום צד נגיעה והשגת גבול בחבירו בעסק פרנסתו ולא יתקנא בו אם יראה אצלו מעלה יתירה ממנו. כי כמו בס"ת אם יש בה נגיעה היא פסולה כי צריך להיות מוקף גויל כן כאו"א מבנ"י צריך לשמור מכל צד נגיעה כי אם לא כן נפסל חלק שורש נשמתו באותיות התורה.

תפארת שלמה שבועות דף קמא

R. Tzadok HaKohen (1823-1900) also addresses this idea and explains how this idea is significant both on an individual level and for the Jewish people as a whole:

But the merit of Torah (study) does not come to (fruition the same way as) prayer does with an increase of influence. Rather, its merit increases automatically through Torah study for it is the root of potential abundance for all Jewish souls, for it is known that their root is in Torah because there are 600,000 letters representing the 600,000 souls. While each letter is different from the rest, and each person has his own portion in Torah, nevertheless, his portion does not limit him (to other areas of Torah) ... and learning Torah serves to unite all portions of Torah.

Resisei Leilah no. 43

אבל זכות התורה אינו בא בתפלה על רבוי ההשפעה רק שהיא ממילא מתרבת ע"י התורה ששם הוא שורש קבלת השפע של כל הנפשות מישראל. דידוע דשרשם בתורה דס' רבוא אותיות נגד ס' רבוא נפשות כנודע. והגם דמ"מ אין כל אות דומה לחבירו וכל א' יש לו חלק ידוע בתורה מ"מ מצד חלקו אין לו גבול לומר שדבר זה נמנע כלל. כי כל חלק עצמו כשמגיע לעיקר שרשו ודביקותו בכל הרי מתדמה לכל שאין לו גבול כלל וע"י התורה הוא התאחדות החלק בכל.

רסיסי לילה אות מג

⁶ In reality, there are only 304,805 letters in the Torah. There are also many more than 600,000 Jews. See R. Moshe Sofer, *Chatam Sofer*, page 72b of his *Commentary to Masechet Chullin*, who deals with this question.

⁷ Menachot 34a.

R. Tzadok expresses two aspects of this idea. First, each person has his own portion in Torah. Each person has his own insights in Torah that nobody else will discover. Whether it is a question that has not yet been asked, a new way of understanding an idea, or a different way of organizing information, each person has the ability to discover his own personal portion of Torah. Second, the Torah serves to unify the Jewish people. Each person represents one part of a whole. Each person's share in Torah is available to everyone else.

As we celebrate Shavuot, we should keep in mind the lessons we learn from the Sefer Torah. We should constantly remember that we represent a walking Sefer Torah, both as individuals and as members of the Jewish people.

Eating Dairy on Shavuos

Rabbi Avrohom Gordimer

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The Remo on Orach Chaim 494:3 quotes a widespread minhag to eat dairy foods on Shavuos. The Mishnah Berurah (ibid. #12) proffers the famous explanation for this custom: Bnei Yisroel, upon receiving the Torah on Shavuos, were unable to eat meat right after the Torah was given. There was no time to prepare and check shechitah knives, remove blood and cheilev (non-kosher fats) from meat, and kosher utensils needed to cook and prepare hot meat. Thus, it was necessary on that first Shavuos to consume cold dairy foods. We therefore commemorate this event by also partaking of dairy dishes on Shavuos.

The Remo himself offers another rationale for eating dairy food on Shavuos: The korban (sacrifice of) Sh'tei Ha-Lechem, the "Two Breads", is commanded to be brought on Shavuos; we therefore eat both dairy and meat foods on Shavuos, as this will require us to have two different breads (because we cannot eat the same bread with dairy and meat foods); the two breads necessitated by serving dairy and meat dishes, served on the table, which symbolizes the mizbayach (altar), commemorate the korban Sh'tei Ha-Lechem. (MB ibid #14)

There are some other, less-known explanations as to why we eat dairy foods on Shavuos:

- Moshe Rabbeinu was taken out of the Nile on Shavuos and was thereafter brought to be nursed, and he refused to drink milk from non-Jewish women.
- The gematria of "chalav" (milk) is 40, corresponding to the forty days that Moshe was on Har Sinai.
- One of the names of Har Sinai is "Gavnunim", similar to the word "gevinah" - cheese.
- The Chok Yaakov (OC 494:9) quotes the Kol Bo (s. 52) that the minhag is to eat both honey and milk on Shavuos, as the Torah is compared to honey and milk (Shir Ha-Shirim 4:11).

The custom of eating dairy foods on Shavuos, however, remains cryptic and is not mentioned by many halachic sources, and that is why there are so many possible explanations. (Note that the Remo explains the basis for the custom with a partial conjecture, "and it seems to me that the reason is...", rather than stating a definitive rationale, as this minhag is of unclear background.)

The most common methods whereby people fulfill the custom to eat dairy foods on Shavuos are by having dairy Yom Tov meals or by serving dairy "mezonos" foods after making kiddush on Shavuos morning (and consuming a regular Yom Tov seudah later). Each of these approaches requires a bit of halachic analysis.

Dairy Meals on Yom Tov

When the Beis Ha-Mikdash stood, the mitzvah of simchas Yom Tov (rejoicing on Yom Tov) was fulfilled by partaking of the korban Sh'lamim. However, when there is no Beis Ha-Mikdash, the mitzvah of simchas Yom Tov is expressed in alternative forms. (See Pesachim 109a.)

The Rambam (Hil. Yom Tov 6:18) states that - in addition to eating the Korban Sh'lamim - the mitzvah of simchas Yom Tov is fulfilled by men partaking of meat and wine, women wearing fine clothing and jewelry, and children partaking of treats. Some poskim interpret the Rambam as mandating two levels of simchas Yom Tov: an objective one, consisting of eating Sh'lamim, as well as a subjective level, such that all people should experience the simchah of the festival as they personally prefer. Accordingly, eating meat is merely an illustration of what generally causes simcha, but there is no mitzvah to partake of meat per se. Therefore, the mitzvah of simchas Yom Tov can be fulfilled by engaging in any act that brings one to simcha. The Tur (OC 529) quotes the Rambam, and one can assume that he agrees with this interpretation of the Rambam's position. The Beis Yosef and Shulchan Aruch (OC 529:2) opine that there is no mitzvah to eat meat on Yom Tov in the absence of the Beis Ha-Mikdash, whereas the Bach and others hold that one should eat meat, even though it is not from a korban Sh'lamim. The Mishnah Berurah concurs with the Bach. (See Bi'ur Halacha ibid.) The Bach and Mishnah Berurah seem to hold that one fulfills the mitzvah of Simchas Yom Tov even without eating meat, but that there is an enhancement of the mitzvah when meat is consumed.

When applied to Shavuot, one who follows the Bach and Mishnah Berurah should ideally eat a meat meal rather than a dairy one on Yom Tov day, although he nonetheless technically fulfills the mitzvah of Simchas Yom Tov with a dairy se'udah so long as he enjoys it. One who goes according to the Rambam and Tur would be advised to eat whatever type of meal he most prefers. (According to the Rambam and Tur, if one enjoys poultry as much as beef, he can eat chicken as his main course, whereas the Bach and Mishnah Berurah seem to hold that beef is preferred, as they note the idea of simchah being identified with basar, meaning "meat" proper.)

Partaking of "Mezonos" Foods After Kiddush

There is a fundamental principle of "ain kiddush 'ela bim'kom se'udah" - kiddush may only be made at (the site of) the meal⁸. Regardless of the rationale for the axiom of ain kiddush 'ela bim'kom se'udah, one who makes kiddush without a meal (i.e. he does not eat a se'udah after kiddush or he recites kiddush in a location other than where he eats the meal) does not fulfill the mitzvah of kiddush and must make kiddush again when and where he eats.

The Tur and Shulchan Aruch (ibid. s. 5) quote the Ge'onim that one can fulfill the mitzvah of kiddush without actually eating a full meal at the time and place that he makes kiddush. Rather, posit the Ge'onim, a person can consume a mere k'zayis of bread or even drink a revi'is of wine as his kiddush-time "meal", so that he fulfills the requirement of kiddush bim'kom se'udah - kiddush at time (and site of) the meal. The Magen Avraham (ibid. s.k. 11) and Aruch

⁸ Pesachim 101a, Rambam Hil. Shabbos 29:8, Shulchan Aruch OC 273:1

Ha-Shulchan (ibid. s. 8) explain that, according to the Ge'onim, one can eat what we refer to as "mezonos" (grain-based) foods after kiddush and satisfy the rule of "ain kiddush 'ela bim'kom se'udah". This interpretation of the Ge'onim's opinion has become widely accepted, and many poskim permit partaking of "mezonos" foods after kiddush but advise against satisfying the mitzvah by merely drinking a revi'is of wine. (See MB ibid. s.k. 25.)

The overall position of the Ge'onim is one of dispute, as the simple interpretation of "ain kiddush 'ela bim'kom se'udah" is that one must actually have his se'udah - a full meal with bread - upon making kiddush, and some therefore advise that one is best not relying on the Ge'onim's approach⁹.

However, the more prevalent practice is to rely on the Ge'onim's view and make kiddush followed by cake or other "mezonos" foods.¹⁰ If one follows common custom (the opinion of the Ge'onim), it would seem that he can satisfy the minhag of consuming dairy food on Shavuot by eating cheesecake after Kiddush on Shavuot morning. However, it is not so simple.

The approach of the Ge'onim only postulates that mezonos food eaten after kiddush satisfies the requirement of kiddush bim'kom se'udah when the amount of mezonos food is at least a k'zayis. (See MB 273: 21) The problem is that many types of cheesecake have very little flour, and one does not typically consume a k'zayis of the dough or flour part of a slice of such cheesecake in the requisite period of k'dei achilas p'ras - "the time it takes to eat a piece of bread". Thus, cheesecake with minimal dough/flour content would not seem to qualify as the mezonos food to eat after kiddush.

Additionally, even though the b'racha rishona for cake and pie is "mezonos", even when the majority of the cake or pie consists of filling or fruit rather than flour, there is an exception when the flour or dough part of these desserts serves merely to hold the filling or fruit in place and is not intended to provide flavor (OC 208:2). Some cheesecakes are virtually all cheese, and they have a paper-thin layer of tasteless dough which merely keeps the cheese in place. This situation would warrant reciting a "shehakol" and would likely not enable one to consume the cheesecake directly after kiddush. (See OC 208:9 and MB ibid. #45.)

Should one wish to have cheesecake after morning kiddush, the solution would be to either purchase a cheesecake that has sufficient dough/flour (a k'zayis worth that will be consumed within the shiur of k'dei achilas p'ras), or to also eat a k'zayis of another type of mezonos food (e.g. cookies, pastry or cake), making sure to have a k'zayis of the mezonos food in a period of k'dei achilas p'ras, as above. In case one wishes to consume a "shehakol" cheesecake, he should first eat a mezonos item right after kiddush prior to eating the shehakol cheesecake.

Eating Meat After Milk

What is the halacha if one makes Kiddush and eats dairy foods, planning to later eat a meat seudas Yom Tov? What if one partakes of a dairy Yom Tov seudah at midday and plans to eat a meat Se'udah Sh'lishis later? How does one transition from milk to meat?

⁹ See Aruch Ha-Shulchan and Bi'ur Halacha ibid.; Hag. Rabbi Akiva Eiger on Magen Avraham ibid. s.k. 10.

¹⁰ Some halachic authorities, including Rav Yosef Dov Soloveitchik, have ruled that if one makes Kiddush and then eats Mezonos foods, he must make Kiddush again later at his actual se'udah.

The Gemara in Chullin (105a) quotes Rav Chisda, who states that one need not wait at all after eating cheese before consuming meat. However, if one consumes cheese and then plans to eat meat (as opposed to fowl), one must ascertain that his hands are clean, and he must cleanse and rinse his mouth. The Gemara's discussion there elaborates on what constitutes proper *kinuach* (cleaning of the mouth) and *hadachah* (rinsing of the mouth). The Shulchan Aruch invokes the Gemara's discourse on this topic.

"One must cleanse his mouth (kinuach) and rinse it (hadachah); kinuach¹¹ involves chewing bread, thereby cleansing the mouth very well. One may perform kinuach with anything that he desires, except for flour, dates and vegetables, since they adhere to the gums and do not cleanse well. And then one must rinse his mouth with water or wine. This is only for basar behemah or chayah, but for fowl, there is no need for any cleaning or washing of hands."

Shulchan Aruch Yoreh Deah 89:2

וצריך לקנח פיו ולהדיחו. והקינחו הוא שילעוס פת ויקנח בו פיו יפה, וכן בכל דבר שירצה, חוץ מקימחא ותמרי וירקא, לפי שהם נדבקים בחניכים (פי' מקום למעלה מבית הבליעה קרוב לשיניים) ואין מקנחים יפה. ואחר כך ידיה פיו במים או ביין. במה דברים אמורים, בבשר בהמה וחיה. אבל אם בא לאכול בשר עוף, אחר גבינה, אינו צריך לא קינוח ולא נטילה.
שולחן ערוך יורה דעה פט:ב

The above procedures appear pretty simple. However, the commentaries of the Shulchan Aruch add a few noteworthy caveats.

- The Shach (#9) quotes the Rif's position that one should always wash his hands after eating cheese before partaking of before meat and not rely on visual inspection of the hands, as one cannot really tell if his hands are truly free of residue by merely looking at them; the Shach further quotes the Itturei Zahav, who states that this is the common custom. In practice, one should conduct himself according to this position and always be sure to wash his hands after eating dairy foods before then consuming meat.
- The Be'er Hetev (#5) notes that the Pri Chadash maintains that one need not wash his hands before meat if he ate cheese with a fork; it appears that the Be'er Hetev rules this way as a matter of practical halachah. The Aruch Ha-Shulchan (89:8) concurs with the Pri Chodosh in this matter, and this is the accepted halachah.¹²

Although the Shulchan Aruch rules that one must first perform kinuach and then do hadachah, the Shach (#13) and Be'er Hetev (#7) contend that the order does not matter. The Shach invokes the position of the Beis Yosef (Tur 89:11) that one may perform kinuach and hadachah in whichever order he prefers. The halachah is according to the Shach on this point, and one may perform kinuach and hadachah in the order of preference or convenience.

Once one has finished eating dairy food and has performed kinuach and hadachah and has cleansed his hands, may he eat meat right away? The Gemara does not stipulate any waiting

¹¹ Although the Gemara and Shulchan Aruch stipulate that kinuach is done with food, may a person fulfill the requirement of kinuach by brushing his teeth instead? This issue is not widely discussed by poskim, although the issue is debatable and should be referred to one's individual rabbi. There is a view that brushing teeth does not constitute kinuach, as a toothbrush does not rub against the insides of the mouth to cleanse it as does food; others argue that tooth brushing is fully effective.

¹² Nevertheless, one must be very careful with this exception, as all too often food eaten with utensils somehow ends up on one's hands. This almost inevitably happens in the course of eating, serving or cleaning up after a meal.

period. In fact, the Shulchan Aruch (YD 89:2) notes that one may eat meat “miyad” – “immediately” – and the Rif, Rambam and Tur also do not record any requirement for a waiting period. However, the Zohar in Parshas Mishpatim (155a) indicates that one must recite the beracha acharonah after a dairy meal and then wait an hour before being permitted to consume meat. Many conduct themselves as such and wait half an hour or an hour in light of the Zohar’s position, although the bottom-line halachah is not to require any such waiting period.

The above pertains only to one who ate a dairy meal and then wishes to eat “meat” in the true sense of the word, such as beef, veal or venison. Poultry requires no washing of hands nor cleansing and rinsing of the mouth when eaten after dairy foods.

Waiting After Eating Hard, Aged Cheese

The Remo (YD 89:2) notes that the custom is to wait after eating hard cheese before partaking of meat, just as one waits after meat before dairy; this minhag has become accepted practice for Ashkenazim. (See Chochmas Adam 40:13.)

What is the reason for this chumra (stringency)? Poskim point to the reasons for waiting after eating meat before consuming dairy foods and apply these reasons to the case of hard cheese (before meat) as well. According to Rashi (Chullin 105a d.h. “Assur”), one must wait after eating meat before partaking of milk due to the residual aftertaste of meat left in one’s mouth as a result the meat’s fattiness. According to the Rambam (Hilchos Ma’achalos Asuros 9:28), the rationale for waiting after meat before dairy is due to the likelihood of meat stuck in one’s teeth (“basar bein ha-shinayim”); any such meat requires time to dislodge or disintegrate before one subsequently consumes dairy food¹³.

Not all authorities concur to the custom of waiting after eating hard cheese before eating meat. The Tur and Shulchan Aruch omit this restriction entirely, and the Maharshal (quoted by the Shach, YD ibid. #17) dismisses it as “minus” (heresy), arguing against it and noting that the Gemara (Chullin 105a) specifically states that there is no need to wait at all after consuming cheese before then partaking of meat. However, the Gra (ibid. #11) writes that the Zohar in Parshas Mishpatim endorses the position of the Remo, and the Gra takes issue with the Maharshal’s contention that the Remo contradicts the Gemara’s statement that one may eat meat after cheese, explaining that the practice to refrain from hard cheese before meat is a chumra akin to other personal chumros practiced by the Amoraim and recorded in the sugya in Chullin. In fact, the Beis Yosef himself (OC 173) invokes the Zohar and endorses the practice of waiting after (hard) cheese, and he also quotes the Mordechai (Chullin #687), who noted that the Maharam would wait before partaking of meat after he ate (hard) cheese due to the likelihood of cheese residue stuck in the teeth, similar to the rationale of the Rambam noted above.

What Is The Waiting Period After Hard Cheese?

After eating meat, there is a dispute as to how long one must wait before consuming dairy products. The Shulchan Aruch (YD 89:1) is of the opinion that the waiting period is six hours,

¹³ See Beis Yosef Orach Chaim 173, Aruch Ha-Shulchan Yoreh Deah 89:11, Taz Yoreh Deah 89 #4.

and the Remo (ibid.) also advises that one wait this period, although he references various other prevalent opinions and customs, such as waiting one hour. (German Jews traditionally wait three hours, while Dutch Jews wait only one hour.)

The various opinions and resultant minhagim as to how long one must wait after eating meat before consuming dairy revolve around Mar Ukva's statement in the Gemara (Chullin 105a), that upon eating meat he would wait "until the next meal" to partake of cheese. The question is how one should understand the break period of "until the next meal". It may be short or long, depending upon how one defines the day's meals and the relationship between them; Mar Ukva's practice may also not have mandated any waiting period, as any real break between meals may suffice. These are the issues upon which the various customs are based.

The poskim are clear that the waiting period after consuming hard cheese before then eating meat is identical to the waiting period after eating meat before one wishes to partake of dairy foods.¹⁴ Thus, one should follow his personal custom regarding waiting after meat for the purpose of waiting after hard cheese. A most critical question, however, is what constitutes hard cheese (for the purpose of waiting) according to the Remo. Is all cheese which we refer to as "hard" included in this category? The answer is a clear "no".

The Shach (YD 89:15) and Taz (89:4), among other major early poskim, explain that with regard to waiting before eating meat, cheese is considered to be hard if it is six months old (or if it has developed holes, done via worms in those days - see Aruch Ha-Shulchan ibid.). It should be noted that the six-month period is apparently not absolute. This is emphasized by some contemporary poskim, for the Shach (ibid.) writes that, "In general, six month-old cheese is classified as hard". The Shach seemingly posits that six months is an approximate estimation of when cheese is categorized as hard for the purpose of waiting.¹⁵

There are three basic positions among American poskim (and the kashrus agencies which they guide) regarding how to determine which types of cheese require one to wait after consuming them before then partaking of meat:

- 1) Some poskim advance a quite conservative position in categorizing hard cheese. These poskim look exclusively to the cheese's texture and only require a waiting period for cheese which is so brittle such it shreds or grates when cut, unable to be sliced. The vast majority of cheeses do not fit into this category; parmesan is the only common cheese which meets this extremely-limited definition of hard cheese.
- 2) Other poskim and kashrus agencies take a totally different approach. They hold that if cheese is six months old, it requires a waiting period, regardless of the cheese's texture (or taste). In fact, these poskim and agencies assure (by use of production-date codes) that the consumer is knowledgeable of the date of manufacture of any cheese they certify so that the consumer can easily determine when the product has become six months old. These poskim and agencies are aware that the date of manufacture is especially relevant for cheese with a long shelf-life. Many

¹⁴ See Taz 89:4, Aruch Ha-Shulchan 89:11, Chochmas Odom 40:13. However, see Shach 89:16.

¹⁵ It must also be kept in mind that the Beis Yosef referenced above refers to waiting after "cheese" – period. He does not stipulate that it must be aged or the like. Apparently, any firm cheese which can stick to the teeth is included in the chumra, according to the Beis Yosef.

varieties of cheese (e.g. muenster, provolone, some types of cheddar) are not always aged by their manufacturers for significant periods of time. However, these cheeses may become six months old or more by the time they arrive on the consumer's table, as they are well-preserved and are able to remain fresh for extended durations.

Consultations with dairy and cheese experts have revealed that cheese indeed continues to "ripen" (develop) even after it is packaged, but the extent and quality of such ripening depend on a variety of conditions, including the type of cheese, storage temperature and moisture level, as well as method of packaging.

Those who are machmir to wait after all cheese which is six months old, even if the cheese reaches the six-month period incidentally while sitting on a supermarket shelf, point to the ongoing ripening process even after packaging. Those who do not require waiting after such cheese hold that the rate of ripening after packaging is insignificant, as – if ripening after packaging would affect the cheese in any serious way, noticeably transforming the texture or taste – the manufacturer would not be able to sell stable and predictable product, for the ability of the cheese to ripen so as to materially change it would be present once the cheese leaves the factory. Although it is true that one can retain many non-aged cheeses well past their expiration dates and thereby cultivate a truly ripened, highly-enhanced product, this latter position points to the fact that cheese eaten within its expiration date is expected by the manufacturer to retain its qualities and characteristics as at the time of sale, when the cheese was surely not aged (for six months).

3) A third, arguably more complex but quite textually-grounded approach, is that (a) cheese which must be aged for approximately six months in order to attain proper very firm texture, and (b) cheese of any age which has a potent aftertaste, are categorized as hard cheeses for the purpose of waiting after their consumption. Thus, a three-month aged cheese may subject one to a waiting period if its aging endows the cheese with a very pungent flavor (resulting in a strong aftertaste) which it would not possess were it aged for a lesser duration, and cheese which must be aged at the cheese factory for around six months in order to be considered to be that specific variety of cheese, both necessitate waiting after their consumption before eating meat. (Since the "six-month" aging period is likely really an estimate reflective of significant hardening, and earlier poskim have posited that a cheese's lingering aftertaste due to its fattiness is a factor in having to wait after eating it, this position does not adopt an exact number of months for which a cheese must be aged in order to require a waiting period, as each cheese must be evaluated by the two factors above.) On a practical level, this approach mandates waiting after romano cheese (among others), as it cannot be made unless it ages for five to seven months (which meets the six-months approximation), while a cheese which does not need such aging but has nonetheless aged on a supermarket shelf for six months or longer would not necessitate waiting.

The truth is that many cheeses undergo several phases of aging. These cheeses are initially left to sit for one day to several weeks in order for whey (excess liquid) to drain and for the curd (cheese mass) to dehydrate and stiffen, as a metamorphosis from a loose, moist curd to a dry, firm one occurs. The second phase of aging is when these cheeses develop their unique taste profiles and harden to much stiffer textures. Cheeses which must age and ripen during this second phase for approximately six months to a degree which significantly hardens them as

necessary, and cheeses which are aged for even shorter durations during this phase in order to bring out an extremely powerful taste, are those which this approach addresses.

It should be kept in mind that cheese which is intended for conversion to cheese powder often does not require prolonged aging periods, as firm texture is not necessary and taste can be artificially developed in shorter periods by use of lipase and other enzymes and flavor agents. Furthermore, different sub-varieties of cheese of the same cheese type can be aged for vastly different amounts of time. These differences reflect divergent grades of the same variety of a specific cheese, as determined by its aging.

An exception to the practice of waiting after aged hard cheese should likely be made for feta, a Greek rennet-set cheese which is cured in brine (salt-water solution) for a period that ranges from a two months to six months. Unlike other types of aged cheese, feta is not exposed to air during its curing, and its texture is not excessively hard. It is therefore possible that feta would not be considered a hard cheese for purposes of waiting six hours, even if it is cured for six months. As there is no halachic literature on the subject, one should ask his personal moreh hora'ah if any waiting period is advised.

What is the rule if hard cheese is melted? There is a well-known approach of the Yad Yehuda (YYK 89:30), who asserts that melted cheese is not subject to the Remo's chumra. Some apply this ruling to all melted cheese (e.g. parmesan cheese melted onto pizza), while others contend that the Yad Yehuda's position only pertains to cheese melted into food (e.g. lasagna), whereas hard cheese melted onto food and melted cheese which is not integrated to become part of another food remains subject to the Remo's waiting period. Others apply the Yad Yehuda's position to all cheese which has been melted, even if it has become re-hardened by the point of consumption (as is the case with American cheese, which is basically cheddar that is melted and mixed with additives, and is then re-hardened).

Furthermore, not all poskim concur with the Yad Yehuda's leniency. This author has been told by students of Rav Dovid Feinstein shlita that Rav Feinstein does not accept the Yad Yehuda's position at all. (The great exception for melted cheese as advanced by the Yad Yehuda is absent in the classical poskim and halachic codes.) It is thus clearly necessary to consult one's posek as to how to deal with the matter.

The OU's poskim have adopted the opinion of the Yad Yehuda that aged cheese which has been melted is not subject to the special waiting period. The OU's poskim also do not require one to wait after eating unintentionally-aged cheese, meaning that the cheese was not aged at the factory for very long, but the cheese incidentally "aged" on a store or refrigerator shelf for six months. Only cheese which must be aged for six months by its manufacturer (or is very pungent) subjects one to the waiting period. Among the most common cheeses which are aged approximately six months are sharp (or "aged") cheddar, emmental (Swiss cheese made in Switzerland – not US-made Swiss cheese), parmesan, romano and sharp or aged (not regular) provolone.

Aged cheese list - www.oukosher.org/index.php/common/article/aged_cheese_list/

The Fundamental Principle of the Torah

Rabbi David Horwitz

Rosh Yeshiva, RIETS

The Sifra, that is, Torat Kohanim, Midrash Halakhah on Sefer Va-Yiqra quotes a celebrated dispute between the Tannaitic authorities R. Akiba and Ben Azzai.

You shall not take vengeance or bear a grudge against your kinfolk. Love your neighbor as yourself: I am the L-RD

Leviticus 19:18

לא תקם ולא תטר את בני עמך ואהבת לרעך
כמוך אני ה'
ויקרא יט:יח

Love your neighbor as yourself: R. Akiba states, this is a great principle of the Torah. Ben Azzai states: This is the book of the descendants of Adam (Genesis 5:1): This is even a greater principle.

Sifra, on Sefer Va-Yiqra (ad loc.)

ואהבת לרעך כמוך, רבי עקיבא אומר
זה כלל גדול בתורה, בן עזאי אומר זה
ספר תולדות אדם, זה כלל גדול מזה.
ספרא קדושים פרשה ב ד"ה פרק ד

This dispute is cited, among other places, in the Talmud Yerushalmi to the tractate Nedarim as well. The Mishnah discusses methods of retroactively nullifying vows by exposing the fact that there are changed circumstances that make nullification admissible. Some of these changed circumstances can consist of realization of the full import of the Torah's interpersonal commandments. Regarding one who had vowed that another could not have any benefit from him, the Mishnah states:

In addition, R. Meir said, one "opens" (the way to retroactively nullify a vow) for him with what is written in the Torah. One says to him, "If you had realized that you sin against You shall not take revenge, You shall not nurse hatred, You shall not hate your brother in your heart, you shall love your neighbor as yourself, Let your brother live with you, maybe he would become poor and you cannot provide for him! If he said, "If I had realized this, I would not have vowed," he is permitted.

Nedarim 65b

ועוד אמר ר"מ: פותחין לו מן הכתוב
שבתורה, ואומרין לו: אילו היית
יודע שאתה עובר על לא תקום ועל
לא תטור, ועל לא תשנא את אחיך
בלבבך, ואהבת לרעך כמוך, וחי
אחיך עמך, שהוא עני ואין אתה יכול
לפרנסו, אמר: אילו הייתי יודע
שהוא כן לא הייתי נודר - הרי זה
מותר.

נדריים סה:

The Yerushalmi to Nedarim (Nedarim 9:4; p. 41c in the Venice edition), takes the citation of “Love your neighbor as yourself” in the mishnah as the point of departure for a citation of the dispute between R. Akiba and Ben Azzai and records the dispute in the same manner that the Sifra does.

Before proceeding to an analysis of the dispute itself, it must be noted that our texts of Bereshit Rabbah also present this dispute, but in that source, R. Akiba gets the last word and “wins” the debate. Moreover, the Midrash quotes R. Tanhuma, apparently fortifying R. Akiba’s view, who uses the end of Genesis 5:1 (In the likeness of God made he him) to prove the argument. In the Soncino Press’s English translation of J. Theodor’s critical edition of Bereshit Rabbah we read as follows:

Ben Azzai said: This is the book of the descendants of Adam (Genesis 5:1): is a great principle of the Torah. R. Akiba said: Love your neighbor as yourself (Leviticus 19:18) is even a greater principle. Hence, you must not say, “Since I have been put to shame, let my neighbor be put to shame.” R. Tanhuma said: If you do so, know whom you put to shame, [for] In the likeness of God made He him. (Genesis 5:1).¹⁶

בן עזאי אומר זה ספר תולדות אדם זה כלל גדול בתורה, ר"ע אומר (ויקרא יט) ואהבת לרעך כמוך, זה כלל גדול ממנו, שלא תאמר הואיל ונתבזיתי יתבזה חבירי עמי הואיל ונתקללתי יתקלל חבירי עמי, א"ר תנחומא אם עשית כן דע למי אתה מבזה, בדמות אלהים עשה אותו.
בראשית רבה פרשה כד ד"ה ז' ר' תנחומא

I do not believe that the question whether R. Akiba (or another figure arguing on his behalf) utilized the verse “This is the book of the descendants of Adam ... in the likeness of God made He him,” or for that matter, whether R. Akiba or ben Azzai had the last word and “won” the debate is only of pedantic interest. I assert this because of the following reason. The Talmud (Hagigah 14b) famously records the results of the efforts of four Tannaim who attempted to attain mystical knowledge of God. They are Aher (Elisha ben Abuyah), Ben Azzai, Ben Zoma, and R. Akiba. Ben Azzai, according to both the standard (Vilna) text of the Gemara and other extant manuscripts of that passage, died as a result of his efforts. Only R. Akiba returned in peace. What emerges from that Gemara is that only R. Akiba possessed the full intellectual/spiritual/religious ability to reconcile knowledge of God with life in this world.

Now, to the extent that according to the Sifra and the Yerushalmi, the citation of “This is the book of the descendants of Adam”, and the conclusion that this verse represents an even greater principle than “Love your neighbor as yourself” is correct, one might have assumed that *davka* R. Akiba, and not Ben Azzai would have been the author of the ultimately correct view regarding the particular verse that expresses the biblical foundation of Jewish interpersonal ethics. *He* should presumably have been the author of the last word on the subject. Nonetheless, one will find a discussion of this subject in the Theodor-Albeck Hebrew critical edition of Bereshit Rabbah (Jerusalem, 1965, Vol. 1, pp. 236-37), and the conclusion presented there is that the *nusah* of the Sifra and the Yerushalmi in Nedarim, namely, the text that records R. Akiba as quoting “Love your neighbor as yourself” and ben Azzai as responding with “This is the book of the descendants of Adam”, and having the last word on the subject, is apparently the correct

¹⁶ See The Midrash Rabbah: Genesis [London, Jerusalem and New York, 1977], Chapter XXIV, 6-7, p. 204

version. Moreover, the scholars also conclude that the statement ‘Hence you must not say, “Since I have been put to shame, let my neighbor be put to shame... :: If you do so, know whom you put to shame, for [Genesis 5:1 reads] In the likeness of God made He him’ is also part of the argument supporting ben Azzai. R. Akiba does not use this verse at all in this context. Furthermore, the *Bereshit Rabbah* version is also apparently the source of the comments of Rabad, in his analysis of the dispute between the protagonists, and it to this source that we will now turn.

The Dispute between ben Azzai and R. Akiba

Why does ben Azzai reject R. Akiba’s verse? Rabad, in his commentary to Sifra (ad loc.), makes several points. First, expounding R. Akiba’s viewpoint, he cites the dictum “that which is hateful to you, do not do to your fellow man,” as the conceptual substructure of R. Akiba’s citation of “Love your neighbor as yourself”. This citation, of course, is of a famous Gemara (Shabbat 31a) in which a potential convert asked Hillel to tell him the entire Torah while standing on one foot. Hillel responded with his celebrated aphorism.¹⁷ Apparently, Rabad understood that this aphorism expresses the meaning of “Love your neighbor as yourself” and teaches the practical application of the verse. R. Akiba’s view is that this Scriptural basis of interpersonal relationships expresses the “great principle of the Torah.” So what could be wrong with it? Why is it incomplete? Why does ben Azzai have to replace this verse with another?

In explaining ben Azzai’s view, Rabad continues by citing the *Bereshit Rabbah* passage quoted above. If the only ground of acting kindly (or not acting unkindly) toward one’s neighbor is one’s natural desire not to suffer at the hands of someone else, what if one is put to shame? Granted that one must love one’s neighbor in an equivalent manner to one’s love of oneself, but what if his neighbor has already broken the social contract with him first and shamed him? One could rationalize and say, “I am indeed treating my friend exactly as he has treated me!” One might feel an urge to say, “With regards to most people in the world, I indeed act appropriately, but with regard to the person who shamed me, why may I not retaliate?”¹⁸

Ben Azzai comes to teach that the ground of Jewish interpersonal ethics is not merely a social contract between disparate individuals but is rooted in the fact that every human being was created in the image of God. Hence, the end of Genesis 5:1 is the crucial key. That is the point of the Torah stating “This is the book of the descendants of Adam”. It is precisely the fatherhood of God that is the ground of our duty to embrace the brotherhood of man. Hence, even if one has broken the social contract and harmed someone else, one dare not retaliate. Every human being is created in the image of God, and no one may ever forget it!¹⁹

¹⁷ Indeed, in *Aboth de-Rabbi Nathan* [ed. S. Schechter, repr. Jerusalem, 1967], *Nusah bet*, Chapter 26, p. 27a, this aphorism is stated not in the name of Hillel, but in the name of R. Akiba himself!

¹⁸ Rabad gives examples of shaming, cursing, stealing and striking. To be sure, he is not negating the principle that one may seek redress for grievances under the law, but is addressing the basic mental attitude towards other human beings that one must possess.

¹⁹ Mention must be made of an alternate tradition in which R. Akiba himself supplements his citation of Love your neighbor as yourself as the basis of the rule of interpersonal relations with the citation of conclusion of the verse: I am the L-RD. In *Aboth de- Rabbi Nathan*, *Nusah Aleph*, Chapter 16 [ed. Schechter, p. 64], one finds the following: “But does it not say Love your neighbor as yourself: I am the L-RD: and why is that? Because I [the L-RD] have

An Alternate Understanding of the Bereshit Rabbah

In my opinion, one can also interpret the Bereshit Rabbah passage that is the source of Rabad's remarks in an alternate manner. The Midrash itself does not explicitly use any word that can be translated as retaliation (although, to be sure, Leviticus 19:18 does begin with You shall not take vengeance or bear a grudge against your kinfolk before concluding with Love your neighbor as yourself: I am the L-RD). There is no evidence that the Midrash assumes that the person who was harmed by another will in turn harm the selfsame person who harmed him. Perhaps one can interpret ben Azzai's critique of R. Akiba as follows: Granted Hillel's dictum "that which is hateful to you, do to do to your fellow man," in light of the following question: what if someone lacks elementary self-respect? What if he does not care if he is cursed and reviled, etc.? Such a person could conceivably claim, "I indeed fulfill the requirements of Love your neighbor as yourself. But my conception of loving myself entails not minding if I am cursed, reviled, etc. Hence, I am morally consistent if I act this way towards others." According to this view, such a person might be shamed by one person, and might then proceed to shame yet another, not out of any sense of retaliation, but simply because his sense of human dignity does not include caring about such matters. One can take whatever subjective view that one wants, as long as one is consistent about it.

But ben Azzai teaches that the Torah teaches that such a morality is false, and the source of that falsehood is the fact that it contradicts the Torah's teaching, expressed in the verse "This is the book of the descendants of Adam ... In the likeness of God He made him". Because man was created in the image of God, there are objective standards of human dignity that no man may transgress or trespass. These rules are not subjective. And if one suffers the indignity of having those rules violated against him, he may not say, "I don't care. You can curse me, I can curse someone else. It's all immaterial." It is not immaterial. The image of God is not something to be trifled with.

The Categorical Imperative

The great German philosopher Immanuel Kant (1724-1804) formulated the sublime principle of moral law known as the categorical imperative. According to this law, we are not permitted to make exceptions for ourselves, or to do what we would not rationally permit others to do. In his work *The Groundwork of the Metaphysics of Morals*, published in 1785, he formulated the law in three ways. The first states: Act only according to that maxim through which you can at the same time will that it should become a universal law.

created him." [I have cited the translation found in Judah Goldin (trans.), *The Fathers According to Rabbi Nathan* {New Haven, 1955}, p. 86.] If one takes the position that both R. Akiba and ben Azzai stress God in their respective derashot, a distinction based upon the fact that R. Akiba does not and ben Azzai does of course falls apart. However, as the Sifra, Yerushalmi, and Bereshit Rabbah do not mention the I am the L-RD conclusion of the Leviticus verse, and only cite Love your neighbor as yourself, while, on the other hand, the Bereshit Rabbah does mention the end of the verse in Genesis, In the likeness of God made He him. (Genesis 5:1), it does seem legitimate to make this distinction the basis of the difference between R. Akiba and ben Azzai.

Whereas this first formulation expressed his notion from the point of view of the agent, the person acting, the second formulation expressed the matter by drawing attention to the person affected by one's act: Act in such a way that you always treat humanity, whether in your own person or in the person of another, never simply as a means, but always at the same time as an end.

The third formulation looks both at the agent and the recipient of the action together: All maxims as proceeding from our own law-making ought to harmonize with a possible kingdom of ends as a kingdom of nature. That is, we are members of a society of beings whose permissible ends are to be respected, and our maxims must reflect that.²⁰

It is certainly appealing to claim that Kant's formulations are somehow adumbrated in the debate between R. Akiba and Ben Azzai regarding the great principle of the Torah. But how exactly would the form of a serious correspondence of ideas take?

Ernst Cassirer (1874-1945), in his classic 1918 book on Kant²¹, makes the point that based upon Kant's other ideas, it would be untenable for Kant to maintain that pleasure or pain are the ground of ethical principles. For pleasure or pain are similar to sensory perceptions. They are passive, and change according to the particular state of the individual receiving them. People choose to strive not so much for pleasure, as for one's own pleasure. Even though it is indeed innate in all beings to strive for this pleasure, this biological fact is, according to Kant, worthless in setting up an ideal standard of unity or harmony. On the other hand, the categorical imperative, grounded in the concept of duty, is indeed a tenable standard to use as the grounds for a system of universal ethics (Cassirer, pp. 240 ff.). Cassirer also distinguishes between the categorical imperative and the hypothetical imperative in Kant's thought. An imperative is called hypothetical when it indicates which means must be supplied in order that the something further, the end, is realized. Thus, if one acts nicely towards someone else because one wants some reciprocity, e.g., some favors from that person, one is only acting in terms of a hypothetical imperative. The categorical imperative, on the other hand, is a category based upon the concept of duty, and is not based upon what end or result one might receive from a particular action. Any act of goodness based upon the hypothetical imperative is only conditional and cannot form the basis for a system of ethics. Only the categorical imperative can be the ground of unconditional goodness (Cassirer, pp. 244-45). Only the categorical imperative is worthy to be the foundation of morality.

Armed with these categories, we can now return to the debate between R. Akiba and ben Azzai. Ben Azzai disputes R. Akiba's citation because in his view, "Love your neighbor as yourself" and Hillel's notion of "what is hateful to you do not do to your fellow man," expresses only the hypothetical imperative, and not the categorical imperative. And the hypothetical imperative will not take care of the case in which one is harmed by others, and feels that it is indeed a legitimate source of pleasure to retaliate. Alternately, the hypothetical imperative will not take

²⁰ (For the three formulations, see J. B. Schneewind, "Autonomy, Obligation and Virtue: An Overview of Kant's Moral Philosophy," in Paul Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge, 1992), pp. 309-41, on p. 322.)

²¹ *Kants Leben und Lehre*, translated by James Haden into English as *Kant's Life and Thought* [New Haven and London, 1981]

care of the case in which one personally does not consider an act that others consider harmful to be, in fact, harmful. Ben Azzai, when responding with “This is the book of the descendants of Adam” responds by asserting that Jewish ethics is grounded upon a categorical imperative. And that itself is based upon the verse that concludes “In the likeness of God made He him”. As man was created in the image of God, a verse that declares the universality of man’s dignity, a perspective that takes as its point of departure one’s particular goals and desires cannot be the foundation of Jewish ethics.

Of course, Jewish heteronomy, that is, our system of laws as a system of mitzvot commanded by God, Who has the absolute right to demand that we obey Him, by definition, differs from Kantian autonomy, in which one’s reason is the ground of ethics. That point, however, is not germane to the discussion here. The point here is that both the Kantian system and the Torah’s system reject a notion of society in which reciprocity of pleasure is the ground of ethics. Moreover, our system of mitzvot *bein adam la-havero*, expressive of the brotherhood of man, is intimately connected with the fact of the fatherhood of God.

The Self-Confident Bully

I believe that there is yet another way in which we can interpret the debate between R. Akiba and Ben Azzai in light of the categorical imperative of Kant. This entails understanding a critique of Kant’s law formulated by the nineteenth century German “philosopher of pessimism,” Arthur Schopenhauer (1788-1860).²²

Schopenhauer rejects internalism, claiming that the recognition of a moral law does not motivate a person for acting according to that law. For example, let us take the rule “one must not lie.” But why not? The only reason why one would be motivated not to lie would be a desire to escape punishment, whether from God, or from some other authority figure. Using Kant’s own terminology, Schopenhauer insisted that Kant’s moral laws, to the extent that they can motivate someone to act ethically, always turn out to be hypothetical imperatives (of prudence), and not, as he had claimed, categorical imperatives. Schopenhauer takes aim at the Kantian formulation “Act only in accordance with that maxim which you can at the same time will to become a universal law for all rational beings.” What can Kant say about someone who is flourishing, and simply does not need any one else’s assistance? Why should such a person be nice to someone else who is not as successful as he? Why should he not simply be indifferent? This person is not represented by the Midrash’s case of someone who is cursed by others and therefore will either feel it is in his best interest either to retaliate against the one who has harmed him or one who, in general, chooses to adopt an ethic in which anyone can harm anyone. Schopenhauer takes the example of a strong, cruel person. He is not harmed by anyone. At the same time, he does not need the love and sympathy of others and has no motivation to be nice to anyone. Indeed, one can go further and ask: What can stop him from harming others, from acting cruelly towards others, out of a notion of superiority? (Elsewhere, Schopenhauer

²² Much of what follows is indebted to David E. Cartwright, “Schopenhauer’s Narrower Sense of Morality,” in Christopher Janaway (ed.), *The Cambridge Companion to Schopenhauer* [Cambridge, 1999], pp. 252-92, esp. pp. 257ff.

characterizes the behavior of extreme egoists, whose motto is *Neminem juva, imo omnes, si forte conducit, laede* [Help no one; on the contrary, injure all people if it brings you any advantage].) Schopenhauer feels that Kant must revert to some sort of formulation of the hypothetical imperative to motivate ethical behavior in this situation, such as “If one would desire that hypothetically, if one would need, it, one would receive the help of others, one should (even now) bestow help upon others even though currently he doesn’t need it.” In sum, Schopenhauer points out that Kant’s rule does not take care of the case of the self-confident bully.

To be sure, it has been pointed out that Schopenhauer simply does not accept the Kantian notion of duty and that is the source of their dispute. Kant believed that consciousness of the dutifulness of an action serves as a sufficient motive for human action. According to Kant, rational agents could not will indifference as a universal law because of the notion of duty (although Schopenhauer simply denies this). Duty, according to Kant, “is the necessity to act out of respect (*Achtung*) for the law.” So Kant and Schopenhauer, in the final analysis, were talking past each other, each one not accepting the basic premises of the other.

In my opinion, ben Azzai’s formulation can serve as a response to Schopenhauer’s critique of Kant even assuming Schopenhauer’s premises. According to ben Azzai, it is true that “Love your neighbor as yourself: this is a great principle of the Torah”, based as it is in the final analysis on the hypothetical imperative and not on the categorical imperative, cannot take care of the case of the self-confident bully. What is to stop him? Who is to stop him? Therefore, ben Azzai states: “This is the book of the descendants of Adam ... In the likeness of God made He him: This is even a greater principle.” Schopenhauer’s bully is refuted by the fact of the existence of God the Creator. God is He that created human beings; it is He that created all of them in His image that He implanted in all of them. An infinite chasm exists between God and the strongest human being. “What is man, that You have been mindful of him, mortal man that you have taken note of him? (Psalms 8:5) And as Creator, God decreed that all creatures- even the stronger vis a vis the weaker- act appropriately towards each other. The Deity’s existence, in the final analysis, is the ground of laws of ethical behavior *bein adam la-havero*. Even the strongest creature is only a creature of God. And even the weakest creature is also created *be-tzelem Elo-him*, in the image of God.

The Transmission of *Torah MiSinai*

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Shavuot commemorates the initial revelation at Sinai and the transmission of the *Aseret Hadibrot*. Understanding the nature of the revelation at Sinai, as well as the process by which the Torah was given and recorded beyond the date of the sixth of Sivan, leads to a deeper appreciation of *Hag Hashavuot* and of the principle of *Torah miSinai* in general²³. The giving of the *Aseret Hadibrot* is a transformative historical moment, both because of the content of the *Aseret Hadibrot* themselves and because of the experience of mass revelation that *Matan Torah* represents²⁴. Rashi writes:

*All six hundred and thirteen mitzvot are included within the Aseret Hadibrot, and Rabbeinu Saadya explained in the Azharot that he established for every one of the dibrot the mitzvot that are dependent on it*²⁵.
Rashi Shemot 24:12

את לחת האבן והתורה והמצוה אשר כתבתי
להורתם - כל שש מאות ושלוש עשרה מצות בכלל
עשרת הדברות הן, ורבינו סעדיה פירש באזהרות
שיסד לכל דבור ודבור מצות התלויות בו:
רש"י שמות כד:יב

In other words, Rashi writes that the *Aseret Hadibrot* form a microcosm of the entire corpus of *halakha*. Not only do the *Aseret Hadibrot* set forth fundamentals of Jewish ethics, but they also conceptually encompass all *mitzvot*. In addition to the broad-reaching halakhic significance of the *Aseret Hadibrot*, moreover, the experience of mass revelation that occurred on the sixth of

²³ Important background to this topic is found in *Gittin* 60a. The Gemara explains that there is a *mahloket* as to whether the Torah was recorded by Moshe gradually over the course of the forty years in the desert (“*megillah megillah*”) or all at once, at the end of the fortieth year (“*hatumah*”). According to either approach, the Torah in its totality was written down in the fortieth year; the point of controversy is whether Moshe wrote the *parshiot* of the Torah as he learned them, or whether he learned them by heart and wrote them down all at once at the end of the fortieth year. Ramban, in his *Hakdamah Lesefer Bereishit*, writes that the entire corpus of *halakha* was given to Moshe at Sinai, in addition to the narrative sections of the Torah that occurred from the time of Creation until the building of the *mishkan*, and that the *mahloket* of *megillah megillah* versus *hatumah* does not concern the nature of the revelation at Sinai, but only whether Moshe wrote down the contents of the revelation immediately or during the fortieth year.

²⁴ *Rishonim* disagree as to the mechanism by which the *Aseret Hadibrot* were transmitted. According to Rashi, the first two *dibrot* were heard directly by *Bnei Yisrael*, while the last eight were given to Moshe (Rashi Shemot 19:19). By contrast, Ramban writes that all of the *dibrot* were given to Moshe and relayed by him to *Bnei Yisrael* (Ramban Shemot 19:19) and Ibn Ezra writes that all ten were given directly to *Bnei Yisrael* (Ibn Ezra Shemot 20:15).

²⁵ R. Eliyahu Mizrahi, in his supercommentary on Rashi, explains that the words “*asher katavti*” lead Rashi to interpret “*luchot ha’even v’haTorah v’hamitzvah*” as referring to the *Aseret Hadibrot*, because Hashem is the subject of “*asher katavti*” and Hashem wrote down the *Aseret Hadibrot*, but not the rest of the Torah. This reading of the *pasuk* leads Rashi to assert that “*haTorah v’hamitzvah*”—in other words, all *mitzvot*--can be traced to a source in the *Aseret Hadibrot*.

Sivan has significant philosophical ramifications. For example, R. Yehuda Halevi, in *Sefer Hakuzari*, famously asserts that the revelation at Sinai is a proof for the Torah's authenticity; the fact that *Matan Torah* was experienced by an entire nation rather than by an individual prophet is a testimony to the historical accuracy of the story. Thus, the revelation of the *Aseret Hadibrot* set the stage for and substantiated the more comprehensive revelation that Moshe experienced in the forty days that he spent on *Har Sinai* immediately after the giving of the *Aseret Hadibrot*. Since all of *Bnei Yisrael* experienced the initial stage of revelation and believed in its truth, they also accepted the truth of the subsequent revelation that Moshe received.

There is broad consensus among *Rishonim* that Moshe received the entire corpus of *halakha* on Sinai. Rashi famously states that all of *halakha*, including details as well as principles, were revealed to Moshe *Rabbeinu* at *Har Sinai*:

What is the relevance of shemittah to Har Sinai? And weren't all of the mitzvot said at Sinai?! Rather, just as shemittah was said with its principles and details at Sinai, so too were all mitzvot said with their details at Sinai. This is how it is taught in Torat Kohanim.

Rashi Vayikra 25:1 s.v. behar

בהר סיני - מה ענין שמיטה אצל הר סיני, והלא כל המצות נאמרו מסיני, אלא מה שמיטה נאמרו כללותיה ופרטותיה ודקדוקיה מסיני, אף כולן נאמרו כללותיהן ודקדוקיהן מסיני, כך שנויה בתורת כהנים רש"י ויקרא כה:א ד"ה בהר

Similarly, Rambam states in his Introduction to the *Mishneh Torah*:

All of the mitzvot which were given to Moshe at Sinai were given together with their interpretations, as it says: 'And I will give you the tablets and the Torah and the mitzvah' (Shemot 24:12). 'The Torah' refers to Torah shebikhtav, 'and the mitzvah' refers to its interpretation. And He commanded us to fulfill the Torah in accordance with 'the mitzvah.' This mitzvah is what is called Torah she-be-al peh.

כל המצות שניתנו לו למשה בסיני בפירושן ניתנו. שנאמר ואתנה לך את לוחות האבן והתורה והמצוה. תורה זו תורה שבכתב. והמצוה זו פירושה. וצונו לעשות התורה על פי המצוה. ומצוה זו היא הנקראת תורה שבעל פה.

In other words, Rambam agrees that all of the details of *halakha* that are found in *Torah she-be-al peh* were revealed at Sinai. However, the belief that all of *halakha* was revealed to Moshe at *Har Sinai* gives rise to a conceptual difficulty. If all of *halakha* was taught to Moshe *Rabbeinu* at *Har Sinai*, how do we make sense of the *mahlokot* that abound throughout *halakha*? Given that we identify the revelation at Sinai as the moment at which the totality of Jewish law was taught to Moshe directly by Hashem, why is *Torah she-be-al peh* replete with controversy and differing views on halakhic issues which must have been included within the revelation²⁶?

Three primary approaches to this question can be found in *divrei Hazal*.

Said R. Jose: Initially there was no controversy in Israel; but there was the court of seventy in the Hall of Hewn

אמ' ר' יוסי כתחלה לא היתה מחלוקת בישראל אלא בית דין של שבעים ואחד היה בלשכת הגזית

²⁶ I wish to thank Rabbi Nir Knoll, whose paper "The Process of Transmission and the Emergence of Controversy in Jewish Law" addresses this issue from the perspective of both Rabbinic and medieval literature, and provided many of the following sources.

Stone, and the other courts of twenty-three were in the towns of the land of Israel . . . If one needs a court, he turns to the court in his town; if there is no court in his town, he goes to a court near his town. If they [the court] heard [a tradition], they told it to them [i.e., the litigants]; if not, [the initiator of the action] and the most eminent member of the court go to the court on the Temple Mount. If they heard, they told it to them; and if not, he and the most eminent of them go to the court on the Rampart. If they heard, they told it to them; and if not, these and others go to the court in the Hall of the Hewn Stone. . . If they heard, they told it to them; and if not, they stand up for a vote. If the majority is for impurity, they declare it impure; if the majority is for purity, they declare it pure. From there the law originates and is disseminated in Israel. When there multiplied the students of Shammai and Hillel who did not serve their teachers sufficiently, controversies multiplied in Israel and the law because like two sets of law.

Tosefta (Hagiga 2:9)

ושאר בתי דינין של עשרים ושלושה היו בעיירות שבארץ ישראל שני בתי דינין של שלושה שלושה היו בירושלם אחד בהר הבית ואחד בחיל נצרך אחד מהן הולך אצל בית דין שבעירו אין בית דין בעירו הולך אצל בית דין הסמוך לעירו אם שמעו אמרו להן ואם לאו הוא ומופלא שבהן באין לבית דין שבהר הבית אם שמעו אמרו להן ואם לאו הוא ומופלא שבהן באין לבית דין שבחיל אם שמעו אמרו להן ואם לאו ואלו באין לבית דין שבלשכת הגזית אע"פ שהו של שבעים ואחד אין פחות מעשרים ושלושה נצרך אחד מהן לצאת רואה אם יש שם עשרים ושלושה יוצא ואם לאו אין יוצא עד שיהו שם עשרים ושלושה היו יושבין מתמיד של שחר עד תמיד של בין הערבים ובשבתות ובימים טובים באין לבית המדרש שבהר הבית נשאלה הלכה אם שמעו אמרו להם ואם לאו עומדין במנין אם רבו המטמאין (א) [טימאן] רבו המטהרין טיהרו משם הלכה יוצא ורווחת בישראל משרבו תלמידי שמאי והלל שלא שימשו כל צרכן הרבו מחלוקות בישראל ונעשו שתי תורות

תוספתא חגיגה ב:ט

The position of this Tosefta is that there was originally no *mahloket* in matters of *halakha*, because halakhic knowledge was based on the revelation that Moshe Rabbeinu experienced at Har Sinai and that was passed down through the generations. In other words, there was originally a monolithic *halakha*, based on Hashem's comprehensive revelation of *halakha* to Moshe, and the existence of *mahloket* in *Torah she-be-al peh* is due to the breakdown of the chain of transmission, either because of the disbanding of the Sanhedrin or because the students of Hillel and Shammai did not sufficiently serve their teachers.

This approach to the origin of halakhic *mahloket* finds later expression in the works of several Geonim. For example, Rav Saadya Gaon cites the Tosefta in his *Hakdamah to Sefer Haemunot Vehadeot*, writing:

The sages of Israel said about one who is not complete in wisdom that from the time that the students of Hillel and Shammai increased, and did not sufficiently serve their masters, disagreements multiplied. We learn from this that if the students had fully mastered their studies, there would have been no controversies or arguments among them.

ואמרו חכמי ישראל במי שלא השלים ענייני החכמה, משרבו תלמידי שמאי והלל שלא שמשו כל צורכן רבו המחלוקות. (סנה' פ"ח) ולמדנו מזה כי התלמידי' כשהם משלימים הלמוד, לא תהיה בניהם מחלוקות ולא ערבוב

Rav Saadya Gaon accepts the view that controversy within *halakha* is the result of a breakdown in the chain of transmission, that *mahloket* results from the unfortunate fact of human forgetfulness. This position is found in other Geonic works as well, including the *Iggeret* of Rav Sherira Gaon. The logical corollary of this position is that, when Hazal quote *pesukim* in making

limudim, they are not attempting to actually derive halakha from the pesukim, but are merely finding hints in the Torah to halakhic traditions that were received at Sinai.

A second understanding of the origin of *mahloket* can be found in other Rabbinic sources.

R. Abba stated in the name of Shmuel: For three years there was a dispute between Beit Shammai and Beit Hillel, the former asserting that 'the law is in agreement with our views,' and the latter contending that 'the law is in agreement with our views.' A bat kol came forth, announcing, 'Both are the words of the living God, but the law is in agreement with the rulings of Beit Hillel'.

Eruvin 13b

אמר רבי אבא אמר שמואל: שלש שנים נחלקו בית שמאי ובית הלל, הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו. יצאה בת קול ואמרה: אלו ואלו דברי אלהים חיים הן, והלכה כבית הלל.
ערובין יג.

The implication of the famous phrase “*elu v’elu divrei Elokim hayim*” is that *mahloket* is not the unfortunate result of a breakdown in the chain of transmission, but that differing views all constitute revelations of Hashem’s word. A similar approach is taken by the Yerushalmi.

Even that which a seasoned student will declare before his teacher was already said to Moshe at Sinai.

Yerushalmi Hagiga 1:8

אפילו מה שתלמיד ותיק עתיד להורות לפני רבו כבר נאמר למשה בסיני
ירושלמי חגיגה א:ח

According to these and other rabbinic sources, the variety of approaches within *Torah she-be-al peh* were all contained within the revelation at Sinai; the nature of the revelation was such that the range of opinions found within *Torah she-be-al peh* were all spoken by Hashem. This approach is echoed by the Ritva, quoting the *Baalei Hatosafot*:

The French Rabbis asked: How is it possible that these and those should be as living words of God, when one permits and the other prohibits? They answered that when Moshe ascended to heaven in order to receive the Torah, he was shown, with respect to each and every matter, forty-nine facets for prohibition and forty-nine facets for license. He asked Hakadosh Barukh Hu about this and he was told that the matter would be handed over to the sages of Israel in each and every generation, and it would be resolved as they would determine. This is correct according to the derash speculation, but at the mystical plane, there is an arcane explanation.

Ritva Eruvin 13b

שאלו רבני צרפת ז"ל היאך אפשר שיהיו שניהם דברי אלהים חיים וזה אוסר וזה מתיר, ותירצו כי כשעלה משה למרום לקבל תורה הראו לו על כל דבר ודבר מ"ט פנים לאיסור ומ"ט פנים להיתר, ושאל להקב"ה על זה, ואמר שיהא זה מסור לחכמי ישראל שבכל דור ודור ויהיה הכרעה כמותם, ונכון הוא לפי הדרש ובדרך האמת יש טעם וסוד בדבר.
ריטב"א ערובין יג:

Thus, the Ritva adopts the approach that the original revelation of *halakha* at Sinai encompassed a multiplicity of approaches to points of *halakha* rather than a uniform halakhic truth.

A third approach to the origin of *mahloket* in *halakha* can be found in *Shemot Rabbah* 41:6:

Did Moshe learn the whole Torah? It is written "It is longer than the land and wider than the sea" (Iyov 11) and Moshe learned it in forty days?! Rather, Hakadosh Baruch taught Moshe general principles.

וכי כל התורה למד משה כתיב בתורה (איוב יא) ארוכה מארץ מדה ורחבה מני ים ולארבעים יום למדה משה אלא כללים למדהו הקב"ה למשה

According to this approach, what was transmitted to Moshe *Rabbeinu* at *Har Sinai* was not the detailed points of *halakha*, but the principles and methodology by which *halakha* is derived.

Rambam combines the first and third approaches in his understanding of the origin of mahloket. In the *Hakdamah* to his *Perush Hamishnah*, he identifies five types of halakhot: halakhic interpretations of the Biblical text that were transmitted by Moshe, halakhot transmitted by Moshe which cannot be derived from the Biblical text, halakhot derived from application of logic and exegetical principles, *gezerot*, and *takkanot*. According to Rambam, no mahloket exists with regard to any halakha that falls within the first two categories. For example, it has always been universally accepted that the term “*peri etz hadar*” refers to an *etrog*; this, according to Rambam, is an example of a halakha that falls within the first category. Mahlokot exist only with regard to halakhot in the third category. Thus, Rambam includes within his understanding of halakhic transmission categories of halakha that are based on a universally accepted tradition (in line with the first view we saw of mahloket in halakha) as well as a category of halakha that is based on application of principles. He dismisses the Geonic view that human forgetfulness resulted in mahlokot about halakhot that were transmitted by Moshe, since he thinks this view impugns the *hakhamim* in each generation who were charged with transmitting the *mesorah*.

We have seen that, while there is unanimity that the halakha contained within *Torah she-be-al peh* was given to Moshe at Sinai, there are divergent views as to what exactly that means. These views run the gamut in their approaches to this question: perhaps *pesak halakha* was transmitted to Moshe, perhaps Moshe learned a multiplicity of *piskei halakha*, or perhaps he was given a methodology of learning and deriving halakha that he taught to the succeeding generations. Rav Aharon Lichtenstein, in his article *Torat Hesed and Torat Emet*, writes:

There is a Torah, firm and sharp, its outlines single-mindedly defined, hewn from the rock of truth and limned in granite, its message emblazoned as meridian sun and lucid as polar night. And there is a Torah, flexible and subtle, its frontiers boundless and shifting, supple as an infant's flesh and luxuriant as an equatorial forest. *Torat emet* bespeaks unitary truth. It denotes a definitive and static entity, an impenetrable and impregnable fortress, impervious to the vicissitudes of time and culture, ante-historical and meta-historical. It is, in the words of the midrash, identified with that which a person has received from his masters . . . *Hesed*, on the other hand, suggests dynamic centrifugal thrust. The term is associated with expansive *hitpashtut*, even excess . . . *Torat hesed* is therefore marked by vitality and growth, by the opening of new chapters and the breaking of fresh ground.

Perhaps we can apply the images of *Torat hesed* and *Torat emet* to the views of revelation that we have seen. Revelation can be understood as the transmission of a monolithic, fully formulated truth, and it can also be understood as enabling and inviting human creativity in the halakhic process. Through the process of *Talmud Torah*, we receive the *mesorah* of previous generations at the same time that we forge new links in the chain of *mesorah*. In internalizing the eternal, unchanging truth of the Torah, we also recognize its vibrancy and the contributions of individual creativity in each generation. In commemorating the giving of the *Aseret Hadibrot* on *Shavuot*, we reenact the moment of the original revelation, while simultaneously delving into *Talmud Torah* and seeking revelation in our own days.

A Revolution at Revelation: The Connection between Shavuot and Shabbat in Sefer Devarim

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The holiday of Shavuot and the mitzvah to keep Shabbat share a common peculiarity in Sefer Devarim. In a rather strange manner the Torah connects both of these commandments to our slavery in Egypt. To demonstrate this, let's begin our study with the Torah's presentation of Shavuot in Parshat Re'ay. As you read this section, pay careful attention to its final pasuk (16:12):

Count seven weeks; from the time the sickle is first put to the standing corn, you shall begin to count seven weeks. And you shall keep the 'feast of weeks' unto Hashem... And you shall **rejoice** before Hashem... you, your son and daughter, your man & maid servants, the Levite, the stranger, the orphan & widow that are in your midst - in the place which Hashem shall choose to cause His name to dwell there. **And you shall remember that you were once a slave in Egypt...**
Devarim 16:9-12

(ט) שבעה שבעת תספר לך מהחל חרמש בקמה תחל לספר שבעה שבעות: (י) ועשית חג שבעות לה' אלהיך מסת נדבת ידך אשר תתן כאשר יברכך ה' אלהיך: (יא) ושמחת לפני ה' אלהיך אתה ובנך ובתך ועבדך ואמתך והלוי אשר בשעריך והגר והיתום והאלמנה אשר בקרבך במקום אשר יבחר ה' אלהיך לשכן שמו שם: (יב) וזכרת כי עבד היית במצרים ושמרת ועשית את החקים האלה:
דברים טז:ט-יב

The purpose of this final pasuk (16:12) is unclear. Should this injunction to "remember that you were once a slave in Egypt" be interpreted as an additional commandment? Probably not, for not a single commentator counts this pasuk as one of the 613 mitzvot. If so, what is the connection between this harvest holiday and slavery?

Surely, the need to remember that we were slaves cannot be the reason for our celebration of Shavuot, for even if we had not endured slavery, there would still be a need to thank God for our grain harvest. So what role does the memory of slavery play in the celebration of Shavuot?

The description of Shabbat in Parshat Ve'etchanan follows a very similar format, as its concluding verse also demands that we remember our slavery in Egypt.

Keep the Sabbath Day to make it holy... Work for six days – the seventh day shall be a day of rest... Do no work, you,

(יא) שמור את יום השבת לקדשו... (יב) ששת ימים תעבד ועשית כל מלאכתך: (יג) ויום השביעי שבת לה'

*your son and daughter, your servant and maidservant, for ox and donkey and all your animals, and the stranger in your midst, in order that your servant and maidservant shall rest like you. And **remember that you were once a slave in Egypt, but God took you out with an outstretched arm...***
Devarim 5:11-14

אלהיך לא תעשה כל מלאכה אתה ובנך
 ובתך ועבדך ואמתך ושורך וחמרך וכל
 בהמתך וגרך אשר בשעריך למען ינוח
 עבדך ואמתך כמוך: (יד) **וזכרת כי עבד
 היית בארץ מצרים ויצאך ה' אלהיך
 משם ביד חזקה ובזרע נטויה ...**
דברים ה: יא - יד

This commandment could have concluded with 5:13, for allowing our servants a day of rest provides ample reason to keep the Sabbath day (as well the reason to remember Creation, as explained in Parshat Yitro). So why does the Torah 'tack on' an additional reason (or commandment) – to remember our slavery in Egypt on this day as well?

If this was the only instance in Sefer Devarim where the experience of slavery was connected to a seemingly unrelated commandment, one could suggest that by giving our workers a day of rest, we would remember how no one gave us a day of rest when we were slaves in Egypt; and hence Shabbat also becomes a day where we thank God for taking us out of Egypt.

However, this very same phrase: "remember you were once a slave in Egypt" appears numerous times in Sefer Devarim, and each time in this same format, i.e. as a 'tack on' to another commandment. Therefore, we must first consider the meaning of this phrase in the context of those commandments to appreciate its meaning in relation to Shabbat. Let's take a look at these other examples.

Eved Ivri

The first example is found earlier in Parshat Re'ay, in relation to the law of freeing a Hebrew servant. As you study these psukim note how their format is very similar to the format we found in the laws of Shavuot and Shabbat:

If your brother, a Hebrew man, or a Hebrew woman, be sold to you, he shall serve you six years; and in the seventh year thou shall let him go free. And when you let him go free – don't let him go empty; You shall furnish him liberally out of thy flock, and out of thy threshing-floor, and out of thy winepress...
Remember that you were once a bondman in the land of Egypt, and Hashem redeemed you...
Devarim 15:12-15

(יב) כי ימכר לך אחיך העברי או העבריה ועבדך
 שש שנים ובשנה השביעית תשלחנו חפשי מעמך:
 (יג) וכי תשלחנו חפשי מעמך לא תשלחנו ריקם:
 (יד) העניק תעניק לו מצאנך ומגרנך ומיקבך
 אשר ברכך ה' אלהיך תתן לו: (טו) **וזכרת כי
 עבד היית בארץ מצרים ויפדך ה' אלהיך על כן
 אנכי מצוך את הדבר הזה היום:**
דברים טו: יב-טו

In this example, it's rather clear that the final instruction – to remember you were a slave in Egypt - serves as a 'motivator' (and not as an independent commandment), encouraging the slave owner to be extra kind when freeing his slave. The owner will be motivated to keep this

commandment by remembering how God saved Am Yisrael from slavery; by causing the Egyptians to shower them with silver and gold.²⁷

How God Cares For The Stranger

Earlier in Sefer Devarim we find a very similar concept in regard to how we must emulate God in our own treatment of the 'stranger in our midst'.

For your God is God & Lord supreme, the great, the mighty, and awesome God, who shows no favor and takes no bribe; [rather] He upholds the cause of the orphan and widow, and loves the stranger, providing him food and clothing. [Therefore] you too must love the stranger, for you were once strangers in Egypt.

Devarim 10:17-19

(יז) כי ה' אלהיכם הוא אלהי האלהים
ואדני האדנים האל הגדל הגבר והנורא
אשר לא ישא פנים ולא יקח שחד: (יח)
עשה משפט יתום ואלמנה ואהב גר לתת לו
לחם ושמלה: (יט) ואהבתם את הגר כי
גרים הייתם בארץ מצרים:
דברים יז-יט

In Parshat Ekev, when Moshe Rabeinu explains to the nation how they must serve and cling to God (see 10:12 -20), he describes how God shows kindness to strangers, and hence we must act in a similar manner – i.e. emulating God by showing kindness to the strangers and to the downtrodden people in our society. This commandment is followed by a very similar 'motivator' phrase, reminding us that we too were once strangers in someone else's land.

To verify that this is the Torah's intention when tacking on this style of a 'motivator' pasuk – we need only quote from this identical phrase in Parshat Mishpatim:

You shall not oppress a stranger, for you know the feelings of the stranger – having yourselves been strangers in the Land of Egypt

Shmot 23:9

וגר לא תלחץ ואתם ידעתם את נפש
הגר כי גרים הייתם בארץ מצרים:
שמות כג:ט

Here, the Torah defines the underlying logic of this style of a 'motivator' pasuk. Remembering our experience in Egypt should sensitize our own feelings to make sure that we don't do to others what the Egyptians did to us.

Two More Examples In Parshat Ki-Teze

In Parshat Ki-teze we find two more examples where the phrase "remember you were a slave in Egypt" is used in this same format.

Do not pervert the justice due to the stranger or to the orphan; nor take the widow's raiment to pledge. Remember that you were once a bondman in Egypt...

Devarim 24:17-18

(יז) לא תטה משפט גר יתום ולא תחבל בגד
אלמנה: (יח) וזכרת כי עבד היית במצרים
ויפדך ה' אלהיך משם על כן אנכי מצוך
לעשות את הדבר הזה:
דברים כד:יז-יח

²⁷ See Shmot 3:20-21, 11:2-3 & 12:35-36

Clearly, 24:18 is not an independent commandment; rather it serves as a motivator, to ensure that we keep the commandment of 24:17. Only a few psukim later, when the Torah discusses the laws of "leket" & "shikcha", we find this same phrase (and format) once again:

*When you reap thy harvest in your field, and forgotten a sheaf, thou shall not go back to fetch it; it shall be for the stranger, for the orphan, and for the widow... When you gather the grapes of your vineyard, do not glean it, it shall be for the stranger, for the orphan and widow. **Remember that you were once a bondman in Egypt...***

24:19-22

(יט) כי תקצר קצירך בשדך ושכחת עמר
בשדה לא תשוב לקחתו לגר ליתום ולא למנה
יהיה ... (כא) כי תבצר כרמך לא תעולל
אחרין לגר ליתום ולא למנה יהיה: (כב)
וזכרת כי עבד היית בארץ מצרים על כן
אנכי מצוך לעשות את הדבר הזה:
דברים כד:יט-כב

These psukim provide us with conclusive proof that this concluding phrase 'to remember we were slaves in Egypt' - serves as a 'motivator' to ensure that we keep these laws that relate to social justice.

Simchat Yom Tov

If Sefer Devarim is consistent when employing this 'motivator' phrase, we must assume that the Torah's commandment 'to rejoice' on Shavuot must also be connected in some manner to social justice, for it too follows this same format; and concludes with the commandment '**to remember that we were slaves in Egypt**'.

To understand why, we simply need to take another look at those psukim (in Parshat Re'ay), paying careful attention to the lengthy list of people who are commanded to 'be happy':

*And you shall **rejoice** before **Hashem**... you and your son and your daughter and your man-servant, and your maid-servant, and **the Levite that is within your gates, and the stranger, and the orphan and the widow**, that are in your midst - in the place which Hashem shall choose to cause His name to dwell there. **And you shall remember that you were once a slave in Egypt...***

Devarim 16:11-12

(יא) ושמחת לפני ה' אלהיך אתה
ובנך ובתך ועבדך ואמתך והלוי
אשר בשעריך והגר והיתום
והאלמנה אשר בקרבך במקום אשר
יבחר ה' אלהיך לשכן שמו שם:
(יב) **וזכרת כי עבד היית במצרים**
ושמרת ועשית את החקים האלה:
דברים טז:יא-יב

What's the purpose of this lengthy list? Couldn't the Torah simply command that everyone must be happy?

Take a look once again at the list of the people who the Torah commands to rejoice, noting how just about all of them **do not own land**. The **Levite** by the Torah's decree (see 18:1), the **stranger** due to his social predicament, and the **orphan** and **widow** due to a family tragedy. In fact, this list looks more like a roster of those who are not happy at this time of the year – as everyone around them are gathering their wealth, while they have nothing. In contrast to these unfortunate people, the land owner will be very happy during this time of year - even if the

Torah did not command him to be happy! Instead, the Torah makes a very different demand upon the land owner.

Unlike our original assumption, the Torah does not command everyone in this list to **be** happy; rather it encourages the land owner to make others happy- i.e. to **share** his natural happiness with these 'have-nots'. Surely he must rejoice by thanking God for his harvest, but he accomplishes this by sharing his produce with the downtrodden, helping them rejoice at this special time of the year.

This interpretation neatly explains why the Torah reminds us to "remember that we were once slaves in Egypt", specifically after this commandment to rejoice with the downtrodden on Shavuot; as once again, it serves as a 'motivator'.

The Rambam, in his discussion of the laws of "simchat Yom Tov, reaches a very daring conclusion which supports this interpretation:

*When one eats and drinks [on Yom Tov], he must also feed the strangers, orphans and widows; as well as others who are distraught and poor. However, he who closes the doors of his courtyard; and rejoices alone with his wife and children – and doesn't feed and give drink to the poor and to those with bitter souls ['social misfits'] – this is not the rejoicing of a mitzvah – rather it is making his 'tummy' happy... And in this regard the Navi [Hoshea 9:4] said: Their offerings shall be for them like the food of mourners, all that participate in that meal become defiled..."; and this 'rejoicing' is their **embarrassment** – as it is written: "I will strew 'dung' upon your faces, the dung of your festival sacrifices..." (Malachi 2:3)*

Rambam Hilchot Yom Tov 6:18

וכשהוא אוכל ושותה, חייב להאכיל לגר ליתום ולאלמנה עם שאר העניים האמיללים. אבל מי שנועל דלתות חצרו ואוכל ושותה הוא ובניו ואשתו, ואינו מאכיל ומשקה לעניים ולמרי נפש - אין זו שמחת מצוה, אלא שמחת כרסו. ועל אלו נאמר "זבחיהם כלחם אונים להם, כל אוכליו ייטמאו: כי לחמם לנפשם" (הושע ט, ד); ושמחה כזו קלון היא להם, שנאמר "וזיריתי פרש על פניכם, פרש חגיכם" (מלאכי ב, ג). רמב"ם הלכות יום טוב ו, י"ח

These harsh words of the Rambam are clearly based on these psukim in Parshat Re'ay. They also reflect the underlying message behind the Torah's consistent repetition of this 'motivator' phrase: "remember you were a slave in Egypt" - which surfaces over and over again in Sefer Devarim.²⁸

In a similar manner, Rashi's commentary in Parshat Re'ay also reflects this same understanding, that the owner is commanded to make others happy:

The Levite, stranger, orphan, and widow: - My four; corresponding to your four: your son, daughter, servant, and maidservant. If you make My four happy, I [God] will make your four happy.

Rashi on Devarim 16:11

והלוי והגר והיתום והאלמנה - ארבעה שלי כנגד ארבעה שלך, בנך ובתך ועבדך ואמתך, אם אתה משמח את שלי, אני משמח את שלך: רש"י דברים טז:יא

²⁸ See also Rambam Hilchot Hagiga 2:14.

Back To Har Sinai

Based on these examples, we can now return to the special manner by which Sefer Devarim explains the reason for keeping Shabbat in Parshat Ve'etchanan.

Recall how the commandment to keep Shabbat is worded differently in Sefer Devarim than in Sefer Shmot. Not only is the opening word "shamor" instead of "zachor", but the very reason for keeping Shabbat is different. According to the commandment in Shmot, the reason for resting on Shabbat is to remember that God created the Heavens & Earth in seven days; while the reason for Shabbat in Sefer Devarim is to allow your workers a day of rest! As you study those psukim in Parshat Ve'etchanan, take a careful look at this commandment, noting how they follow this same format:

*Observe the Sabbath day, to keep it holy... You shall not do any work, you, nor thy son, nor thy daughter, nor thy **man-servant**, nor thy **maid-servant**...nor the **stranger** that is within thy gates; **in order that** your man-servant and thy maid-servant may rest as well as you! **Remember that you were once a bondman in Egypt** and the LORD thy God brought you out...*
Devarim 5:11-14

(יא) שמור את יום השבת לקדשו ...
(יג) ...לא תעשה כל מלאכה אתה
ובנך ובתך ועבדך ואמתך ושורך
וחמרך וכל בהמתך וגרך אשר
בשעריך למען ינוח עבדך ואמתך
כמוך: (יד) וזכרת כי עבד היית
בארץ מצרים ויצאך ה' אלהיך משם
דברים ה:יא-יד

God commands that we rest on Shabbat, **in order** that our workers can rest – followed by the 'motivator' phrase: "remember you were once a slave in Egypt" – and there, your bosses never gave **you** a day of rest! Therefore – be sure to give your workers the rest they deserve (and not – be sure to remember that God took you out of Egypt). But if this theme is so important, why is it not mentioned in the Ten Commandments in Parshat Yitro?

One could suggest that this contradiction in regard to the reason for Shabbat between Yitro (to remember Creation) and Ve'etchanan (to be kind to your workers) is intentional. By recording the Commandment to keep Shabbat in two different formats, the Torah expects the reader to notice this contradiction and contemplate its reason.

In other words, why would the Torah first provide a reason for Shabbat in the realm of one's personal relationship with God ("bein adam la'makom"), and then in a different version - provide a totally different reason in the realm of man's relationship with his fellow man ("bein adam le'chaveiro").

This duality is precisely the point, for it carries a revolutionary message in regard to the very concept of religion.

Man's intellectual recognition of God as the Creator of the heavens and earth is important, but remains meaningless if he cannot translate his intellectual understanding into the realm of his

daily behavior. His belief in God must manifest itself in the manner by which he treats his fellow man. To be a 'servant of God', man must understand how to emulate God.²⁹

In regard to religion, this very concept - that man serves God in the manner by which he treats his fellow man - is revolutionary. In ancient times, religion was all about 'man and god(s)'. To serve a god that you believed in, and to seek his favor, one would offer sacrifices, perform ritual, and possibly even offer a prayer. But there was no connection between the service of a god and one's ethical behavior.

At Har Sinai, Am Yisrael enters a covenant to become a nation representing God (Shmot 19:5-8). Upon accepting that covenant, God announces His famous Ten Commandments that define the basic principals of our eternal relationship with Him. Surely, this covenant must be anchored by belief and commitment to follow ritual. However, it is also anchored in the understanding that man's service of God must manifest itself in his care for his fellow man, for in that manner, man emulates God Himself. [Note the centrality of that theme in the last five commandments as well.]

Shabbat becomes a prime example of this very concept, where we stop all creativity; first and foremost to remember the existence of the one God who gave us our creative ability [our "tzelem Elokim"]. But it also becomes a time to reflect on how we must channel our creativity in the service of God, by re-sensitizing our feelings and showing our care for the less fortunate in our society.

It is not by chance that the laws of Shavuot in Parshat Re'ay reflect this very same theme that we find in regard to Shabbat. The land-owner must not only thank God for his harvest; he must formalize that intellectual understanding when rejoicing by sharing his harvest with those who would otherwise be depressed during this critical time of the agricultural year.³⁰

In this manner, both Shavuot and Shabbat serve as times of the year (and of the week) where our belief in God must manifest itself in our actions, especially in regard to how we relate to our fellow man.

From this perspective, it makes perfect sense that Shabbat becomes an "ot" – our eternal reminder - of our covenant with God at Sinai (see Shmot 31:12-17); and why the special laws of "simchat yom-tov" in Parshat Re'ey become a most appropriate way to celebrate Shavuot – "zman matan Torateinu".

²⁹ See again Devarim 10:17-19!

³⁰ Note as well how this very same theme emerges in the laws of Shavuot in Vayikra 23:15-21, as they conclude with the commandment to care for poor in 23:22. Note this same theme in Vayikra 19:33-36; 20:26 and 25:55!

Seven Weeks of Seven Days - Making Our Time Meaningful

Rabbi Baruch Simon

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Shavuot is the only holiday in the Jewish calendar which is not given a date. It always falls out on the 6th of Sivan, but is described as being the day after counting seven weeks of seven days from Pesach. A very similar phraseology can be found in the laws concerning the mitzvah of yovel.

And you will count seven Sabbaths of years to you seven times seven years, and the space of the seven Sabbaths of years will be to you forty-nine years: Then you will sound the shofar on the tenth day of the seventh month on the Day of Atonement will you sound the shofar throughout all your land: And you will hallow the fiftieth year and proclaim liberty throughout the land to all its inhabitants; it will be a jubilee to you; and you will return every man to his possession and you will return every man to his family

Vayikra 25:8-10

וספרת לך שבע שבתות שנים שבע
שנים שבע פעמים והיו לך ימי שבע
שבתות השנים תשע וארבעים שנה:
והעברת שופר תרועה בחדש השבעי
בעשור לחדש ביום הכפרים תעבירו
שופר בכל ארצכם: וקדשתם את שנת
החמישים שנה וקראתם דרור בארץ
לכל ישיביה יובל הוא תהיה לכם
ושבתם איש אל אחוזתו ואיש אל
משפחתו תשובו:
ויקרא כה:ח-י

The commentaries ask if there is a mitzvah for us to count 49 years like we count for sefiras ha'omer leading up to Shavuot. Tosfos in Menachos 64b explains that there is an obligation upon beis din (Jewish court) to count each year with a bracha (blessing), "ברוך אתה ה'... על ספירת שני היובל, Blessed are you Hashem/ Master of the Universe/ on counting the years to the jubilee." The Ramban in parashas Emor questions whether beis din has to verbally count the years or just keep them in mind. The Chizkuni writes that since the obligation is on beis din and not the individual, no bracha is recited.

By contrast, we learn about the obligation to count the days and weeks of the omer in two different places. The repetition of the mitzvah implies that there are two parts to sefiras ha'omer. There is the obligation of beis din to count without a bracha, and the obligation of the individual

to count with a bracha. The Sifrei on parashas Re'eh supports this idea based on the two sources of sefiras ha'omer.

Seven weeks you shall count for yourself (singular) from the time the sickle is first put to the standing corn you shall begin to count seven weeks

Devarim 16:9

שבעה שבועות תספר לך מהחל חרמש
בקמה תחל לספר שבעה שבועות:
דברים טז:ט

And you shall count for yourselves (plural) ...

VaYikra 23:15

וספרתם לכם ממחרת השבת מיום הביאכם את עמר
התנופה שבע שבתות תמימת תהיינה:
ויקרא כג:טו

The singular form in the passuk in Devarim refers to the general counting of the beis din, and the plural form used in VaYikra refers to the obligation on each individual.

The Abarbanel points out that everything in Judaism is seven. Pesach and Sukkos are seven days, bris milah (circumcision) is after seven days, and sefiras ha'omer consists of seven weeks of seven days. The idea behind this is that time in this world is precious and must be used properly. When we find in Tehillim 90:10, "The days of our years are seventy," we realize that this became the paradigm of a lifetime in Tanach. Thank God, people live longer nowadays, but Judaism constantly gives us categories and classifications of sevens to remind us that these are microcosms of life; the week and the holiday. That is why we always find sevens in the Torah; they are all constant reminders of the ticking clock. As such, the Abarbanel explains that people should be more conscientious of losing time than losing money.

Yovel also represents the progression of life. The 49 years represent the productive years of youth, while 50 represents the slowing down of aging. Men return to their fields, to the dust from which they came. The Abarbanel explains that these mitzvos are constant reminders of the finite nature of life and that we must constantly strive to be productive in our lives. This fits with the dual obligations of sefiras ha'omer, the responsibility of the individual and beis din. In every one of us there exists this dichotomy of personal versus communal life. We must always be involved in both spheres, because as life progresses we must take into account what we have done for ourselves and for others. This is the sefiras hayachid (individual counting) and sefiras bet din (communal counting). Sometimes we forget one or the other. While some people give so much of themselves to the community that they neglect their own family, others are so wrapped up in themselves, obsessed with the sefiras hayachid that they never give anything to the community. In the microcosm of our lives in the 49 days or years, we need to fulfill the communal accounting and the personal accounting. One must always make sure that he is active in both of these areas.

This duality of individual and communal responsibility can be seen elsewhere in the Torah. The Yaaros Devash examines the difference between the curses in Bechukosai and in Ki Savo. The gemara (Megillah 31b) says that the curses in Bechukosai were spoken by Hashem, while the curses in Ki Savo appear to be spoken from Moshe's vantage point. The curses in Bechukosai are because the Jewish people will have disgust for the Torah and commandments, "And if My laws

havel disgusted you” (VaYikra 26:15). In Ki Savo it shows an emphasis on doing the mitzvos, “to guard, to keep all My mitzvot” (Devarim 28:1). The curses in Bechukosai have to do with our personal attitude toward Torah and mitzvos, which is why it is spoken from Hashem's vantage point, as only He can know our innermost thoughts and feelings. The curses in Ki Savo are spoken from Moshe's vantage point, because a human being is able to see whether someone is doing mitzvos. Hashem is the One who can tell whether you are disgusted by the mitzvah or take pleasure in it. The Abarbanel writes that you have to fill up those "fifty years" of life. You are only going to be able to fill them up if you take pleasure in what you do. You have to make sure that you are enjoying the activities you are involved in for your personal and communal obligations.

Sometimes people do things they don't enjoy, but as long as the general feeling is one of enjoyment and fulfillment the years will be filled with individual and communal involvement. Everyone has to see in their life what they can contribute in a meaningful and enjoyable way. People serve Hashem as doctors, rabbis, and many other professions. There is room for everything, and everyone can contribute to the community with little expense to his personal life. If you don't find your niche in life, the "sevens" of the Torah serve as a constant reminder that the clock is ticking, as the Abarbanel points out.

The sefiras ha'omer's seven weeks of seven represents life. Just as the weeks fly by, life vanishes in the blink of an eye. B'ezer Hashem, everyone should merit to find in his life where he belongs. Rav Herschel Schachter explains, (based on the gemara in Chagigah 5b) that Hashem sheds tears every day for misplaced people. He cries over people that are learning Torah and shouldn't be learning Torah, and people who aren't learning Torah but should be. The mitzvah of yovel, which represents the minimal 50 years of productivity, tells us that we have to fill our lives with meaning. The Chizkuni explains that filling our lives with meaning only comes from doing things both for our own personal lives and for the good of the community. The key is to find the proper balance between the two, filling all the years of our life with productivity.

We stand now shortly before the time of receiving the Torah on Shavuot. All seven weeks preceding Shavuot are considered preparation for accepting the Torah. They are a time of teshuvah (repentance) and aveilus (mourning), irrespective of the deaths of Rabbi Akiva's students. These seven cycles remind and warn us of the passing of time. Shavuot is a time of introspection. It is an opportunity to look around us at where we are and where we are going. May we enjoy and gain from the full meaning of the yom tov of Shavuot.

How Do We Know Judaism is the True Religion?

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On Shavuot we celebrate *Zman Matan Torateinu*, God's giving of the Torah to Israel, which has served throughout the ages as the most cogent basis for belief. Throughout history, philosophers have attempted to uncover various theological proofs, based on deductive reasoning or philosophical speculation. One of the most well-known arguments, the Argument by Design, claims that the sophistication and intricacies of the universe could not have happened by chance and, therefore, *implies* the existence of a Divine designer. Each of these proofs speculates that, because of our experience in this world, there must be a God, but none conclusively demonstrate the existence of the Deity. God's mass revelation on Sinai, however, was witnessed by all of Israel and, therefore, demands no speculation.

Yehuda HaLevi (also referred to by his acronym, Rihal, 1075-1141) argues that one cannot achieve religious truth solely through philosophical speculation, but rather arrives at belief as a result of historical experience. For HaLevi, ideal faith is that which is clear without philosophical speculation, exemplified by the faith of the Jewish People which is based on eye-witness testimony and, therefore, requires neither proof nor [philosophical] demonstration. In his book, *Sefer HaKuzari*, HaLevi juxtaposes Judaism to the other prevalent religions of the medieval period through the story of a foreign king's search for the true religion. In this tale, the king reports to having persistent dreams in which an angel of God reveals to him: "Your (intention) is indeed pleasing to the Creator, but your way of acting is not pleasing. (Kuzari 1:1)"

Due to the lowly status afforded to the Jewish people at the time, the king investigates Aristotelian philosophy, Christianity, Islam and only then Judaism, in pursuit of a religion to call his own. The king initially approaches the Philosopher who discounts the angel's message on three grounds: God cannot disfavor human actions, God is not concerned with the individual, and human contemplation (intentions) is superior to physical actions.

*There is no favor or dislike in God, because He is above
desire and intention. For an intention intimates a desire in*

אין אצל הבורא לא רצון ולא שנאה כי הוא
נעלה מכל החפצים ומכל הכונות, כי הכונה

the intending person: by the fulfillment of this desire he becomes complete; as long as it remains unfulfilled, he is incomplete. In a similar way God is, in the opinion of the philosophers, above the knowledge of individuals, because they change with the times and there is no change in God's knowledge. He does not know you, much less your intentions and actions, nor does He listen to your prayers or see your movements... Endeavor to reach true knowledge of things, in order that your intellect may become active.

Kuzari 1:1

מורה על חסרון המכוין וכי השלמת כונתו שלמות לו ובעוד שלא תשלם הוא חסר, וכן הוא נעלה אצל הפילוסופים מידיעת חלקי הדברים מפני שהם משתנים עם העתים ואין בידיעת הבורא שנוי. והוא אינו יודע אותך כל שכן שידע כונתך ומעשיך וכל שכן שישמע תפלתך ויראה תנועותיך ... וכללו של דבר בקש זך הלב באיזה אופן שיתכן לך אחרי אשר תבין כללי החכמות על אמתתם. ואז תגיע אל בקשתך, ר"ל הדבק ברוחני ר"ל השכל הפועל.

ספר הכוזרי א:א

The Philosopher explains that the king should not heed the angel's message and concern himself with finding a religion of deeds since the contemplative life will enable him to achieve perfection. Unsatisfied with that response, the king approaches the Christian who attests to the divine origin of the Torah, but not its continued validity. He claims that while Israel had been the chosen nation, due to their sins, they have been rejected by God and replaced by the Christians, led by their prophet, Jesus.

In short: I believe in all that is written in the Torah and the other books of the Israelites, which are undisputed, because they are generally accepted as everlasting and have been revealed before a vast multitude. Subsequently, the Divinity became embodied in the womb of a noble Israelite virgin; she bore Him having the semblance of a human being, which concealed nevertheless a divinity, seemingly a prophet, but in reality a God sent forth. He is the Messiah, whom we call the Son of God, and He is the Father and the Son and the Holy Ghost.

Kuzari 1:4

וכללו של דבר בכל מה שבא בתורה ובספרי בני ישראל אשר אין ספק באמתתם, בעבור פרסומם והתמדתם והגלותם בהמונים גדולים. ובאחריתם ובעקבותם נגשמה האלהות, והיה עובר ברחם בתולה מנשיאות בני ישראל וילדה אותו אנושי הנראה אלהי הנסתר, נביא שלוח בנראה, אלוה שלוח בנסתר, והוא המשיח הנקרא בן אלהים והוא האב והבן והוא רוח הקדש

ספר הכוזרי א:ד

The Christian's argument failed to convince the king since Christianity originated in Judaism and Christian beliefs were based on the hearsay of revelations presented to one individual. The king then approaches the Muslim, who, like the Christian, attests to the Divine origin of the Torah. He, too, claims that while Israel had been the chosen nation, Muhammed became the 'seal' of the prophets. Additionally, he argues that the beauty and sophistication of the language of the Koran reflects Divine authorship.

We acknowledge the Unity and Eternity of God and that all men are derived from Adam and Noah. We absolutely reject embodiment (of God), and if any element of this appears in the Writ, explain it as metaphoric, serving to make the doctrine acceptable to our comprehension. At the same time we maintain that our Book (Koran) is the Speech of God,

אנחנו מקיימים האחדות והקדמות לאלהים ית', והחדוש לעולם, והיחס אל אדם ונח, ונרחיק הגשמות בכלל, ואם יראה ממנו שום דבר בדברינו, נפרשהו ונאמר כי הוא דרך העברה וקירוב, עם הודאתנו, כי ספר תורתנו דברי אלהים, והוא בעצמו מופת, התחייבנו בקבולו

being itself a miracle which we are bound to accept for its own sake, since no one is able to produce anything comparable to it, or to one of its verses. Our prophet is the Seal of the prophets, who abrogated every previous law, and invited all nations to embrace Islam.

Kuzari 1:5

בעבור עצמו, מפני שאין אדם יכול לחבר ספר אחר כמוהו, ולא כפרשה אחת מפרשיותיו, ושנביאנו הוא חותם הנביאים ומבטל כל תורה שקדמה, וקורא כל האומות אל תורת ישמעאל
ספר הכוזרי א:ה

The king is not persuaded by the Muslim since Islam, like Christianity, has Jewish origins and the Divine nature of the language of the Koran is not perceptible to he who is illiterate in Arabic. Unsatisfied with the responses of each of the respective religions' adherents, he feels compelled to inquire about Judaism and the Old Testament, despite its despised status, since it had been acknowledged by the Christian and Muslim respondents as the origin of their respective faiths. The Jew's convincing argument of the legitimacy of his religion to the king is not based on philosophical proofs, but rather based on the collective national experience of God's intervention throughout Jewish history.

I believe in the God of Abraham, Isaac and Israel, who led the Israelites out of Egypt with signs and miracles; who fed them in the desert and gave them the [Holy] Land, after having made them traverse the sea and the Jordan in a miraculous way; who sent Moses with His Law, and subsequently thousands of prophets, who confirmed His law by promises to those who observed, and threats to the disobedient. We believe in what is contained in the Torah- a very large domain.

Kuzari I: 11

אני מאמין באלהי אברהם יצחק ויעקב אשר הוציא את בני ישראל באותות ובמופתים ממצרים וכלכלם במדבר והנחילם את ארץ כנען אחרי אשר העבירם את הים ואת הירדן במופתים רבים ואשר שלח אליהם את משה בתורתו ואחריו אלפי נביאים שכלם קראו אל תורתו ביעדם שכר טוב לכל שומרה וענש לכל עובר עליה אנחנו מאמינים בכל הכתוב בתורה הזאת והדברים ארכים:

כוזרי א:יא

HaLevi argues that the superiority of Judaism over other religions is demonstrated by the fact that the Jews were the only nation to experience a mass Divine revelation which has been recounted throughout the generations by an unbroken chain of tradition, (which HaLevi equates with experience). Therefore, the chosenness of the Jews cannot be disputed because it was publicly seen and transmitted without dissent by thousands of people, as opposed to the more private revelatory experiences of the other major contending faiths, in which there were few (if any) witnesses. Everyone, including Christians and Muslims, concede that God had participated in the history and redemption of the Jewish people. This authentic and undisputed historical tradition of the Jewish faith provides the most certain foundation for truth.

HaLevi chose to describe the God of Judaism as He who redeemed the Jews from Egypt and revealed His Torah to them on Sinai, instead of the Creator of Heavens and Earth, since the Divine creation is speculative and, unlike the former, has not been experienced or proven. HaLevi elaborates how experience and tradition, the preservation of that experience, reflects the truth through an analogy. He explains to the king that one would only be convinced of the existence, beneficence and justice of another king if one had personally experienced demonstrations of such

attributes. For instance, if a messenger brought him presents which were only procurable in that king's particular country, including drugs to cure diseases and preserve health, accompanied by a letter in which it was explicitly stated from whom it comes, he could be persuaded about the concern and generosity of such a monarch. HaLevi reveals that the king of another country represents God, his country reflects God's dominion, the messenger who brings the goods is Moses, the letter testifying to its authenticity is the Torah and the medicine to cure disease is the commandments prescribed in the Torah. Just as it would be incumbent upon the recipient king to acknowledge his indebtedness, appreciation and intentions to use such goods for their intended purpose, so too, HaLevi argues, we must recognize our indebtedness and appreciation to God and our commitment to act in the world according to His commandments. Convinced that Judaism must be the way of life with deeds that would be pleasing to God, the king embraces Judaism and wins over many members of his nation.

HaLevi wrote his work, which he subtitled, *The Kuzari: The Book of Argument and Proof In Defense of a Despised Religion*, for the Jews in his generation (late 11th century) who were the object of political oppression and religious disrespect in the wake of the bloody conflicts generated by the Reconquista and First Crusade. Through his book, he sought to restore to the Jewish people the exalted status that they had achieved on Mt Sinai. HaLevi's reaffirmation of the authenticity and superiority of Judaism was intended to strengthen the commitment of the Jews of his time and give them the fortitude to defend their beliefs against the rival truth claims and coercive proselytizing by the other religions. His book is not a defense of the despised religion, but rather in defense of the chosen religion.

While critics have characterized HaLevi's description of the exclusivity of the chosenness of the Jewish people to be racist, the Divine selection of the Jews need not be viewed in such a manner. HaLevi's understanding of Israel's eternal status as God's '*am segula*' [chosen nation] was to serve as a constant reminder of their historic experience as the only people of the ancient world worthy of God's public communication of His will to mankind. As such, HaLevi elaborates that the Jews' chosenness, as a result of their acceptance of the covenant on Sinai, does not make the Jewish people racially superior to other nations, but rather serves as a challenge for the Jews to be morally exemplary in order to fulfill their side of the mutual partnership with God. The covenant does not afford privileges to the Jews, but rather demands special responsibilities of them. To fulfill their commitment to God, Israel must worship God alone and obey His laws. In return, God assures Israel protection, national survival and prosperity in their homeland. It is this covenant that we commemorate on Shavuot. Not only do we celebrate God's selection of the Jewish people and bestowal of His Torah upon them, but we remind ourselves of our commitment to the *brit* with God that we sealed by our ancestors' response of '*naaseh v'nishmah*'. We can only maintain our exalted status as God's '*am segula*' if we live up to our promise of obedience to the Torah which has been continuously reaffirmed throughout the generations through an unbroken chain of tradition.

While HaLevi argues that religious experience is far superior to deductive reasoning in forming the basis for religious commitment, he does not discount philosophy altogether. Rather, he is warning the reader not to ground his faith solely in philosophical speculation which can be

inconclusive or unstable since philosophy cannot solve every theological problem. He explains that it is preferable to base one's faith on experience, or on the tradition of historical experience, and then seek philosophical or rational understanding to enhance or further substantiate one's commitment.

In contemporary Jewish philosophy, a distinction has been made between 'Belief That' and 'Belief In' theology. 'Belief That' is the intellectual acceptance that certain propositions about God are true, while 'Belief In' describes a feeling or a commitment to God based on experience. In the Medieval times in which HaLevi lived, the 'Belief That' theology became popular as philosophical speculation became more prevalent in the enlightened culture. HaLevi, feared that Jews would base their faith on such philosophical speculation which could be fragile and potentially harmful since it could lead to doubt. He, therefore, attempted to restore the 'Belief In' theology of Biblical and Rabbinic times, in which one believed because one had been experientially convinced of the truth. As Rabbi Norman Lamm explains in 'Faith and Doubt':

Hence, while it is a religious virtue (*mitzvah*) to adumbrate the rational foundations of Judaism, the way to regain a faith beset by doubts, where cognitive efforts have failed, is to reverse the situation of the believer-doubter from a belief-that frame to a belief-in situation, to go from the periphery to the core, to relocate himself from the outer world where the object of faith is an It to the inner sanctum of relation where the object of faith is not an object at all but the holy Thou.

After achieving the 'Belief In' commitment, one can then seek intellectual, philosophical understanding to further enhance religious meaning.

HaLevi wrote *The Kuzari* in order to reaffirm the imperative of the 'Belief In' theology based on experience and expressed through the perpetuation of that tradition. By contrasting Judaism to the other religions, HaLevi demonstrates that religious experience, the source of our faith, is precisely what makes Judaism the chosen and authentic religion. It is this 'Belief In' theology that we celebrate on Shavuot, as we reflect upon the mass Divine Revelation of *Matan Torah*. By reliving our historical experience every year, we act as a link in the unbroken chain of tradition and allow the legacy of our ancestors to live on.

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