

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

To-Go™

Shavuot 5772



Featuring Divrei Torah from

Rabbi Elchanan Adler | Rabbi Joshua Flug
Dr. Michelle Levine | Rabbi Shmuel Maybruch
Rabbi Mordechai Torczyner | Rabbi Dr. Richard Weiss
Dr. Shira Weiss | Rabbi Mordechai Willig

*And a collection of Shavuot activities for families from
YU Teach, a project of Yeshiva University's Institute for
University-School Partnership*



YESHIVA UNIVERSITY

On the day of his wedding and on the day of his heart's joy (Shir Ha'shirim 3:11). The Talmud tells us that the phrase on the day of His wedding refers to the day that Hashem gave us the Torah; and on the day of his heart's joy to the building of the Beit ha'Mikdash. (Ta'anit 26b)

R. Akiva expounded that the Divine Presence dwells with a husband and wife when they merit and respect each other. He explains that the Hebrew words for man and woman (איש and אשה respectively) are rearranged to spell יה אש – the [holy] fire of God. If they do not respect each other, however, God is not a part of their relationship, and the Divine name יה is removed, leaving only the word אש – fire, symbolizing that a fire consumes them. (Sotah 17a)

The holiday of Shavuot is often compared to a marriage between God and the Jewish people. Matan Torah and the Mt. Sinai experience concretize the romantic relationship between *haKadosh Baruch Hu* and *Knesset Yisrael*. What better time than this to remind ourselves of Rabbi Akiva's comments cited above, to recall that respect is central to marriage and all of our relationships. Our respect for our marriages cast a penetrating light on how we celebrate our covenantal connection to God. The truest testimony of our sacred relationship with God is defined by how we engage in our personal marital lives.

It is therefore appropriate to begin this edition of the *Holiday To Go* with the request from our Roshei Yeshiva (p. 4) that all marriage ceremonies be performed only after a halakhic prenuptial agreement has been signed. Such a simple act ensures that religion will never be used as a tool against a spouse and allows us to make our marriages the finest recreations of Matan Torah, so that all of our lives are guided by the norms and mores of Jewish tradition.

For further information about the halakhic prenuptial agreement, please visit www.theprenup.org.

Chag Sameach,

Rabbi Kenneth Brander

The David Mitzner Dean, Yeshiva University Center for the Jewish Future

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Shavuot Activities for Families

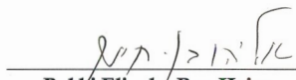
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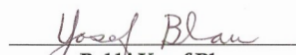
קול קורא לחבר הרבנים ולתלמידינו ולציבורנו

An Important Message to Our Rabbinic Colleagues, Students, and Community

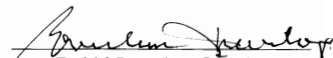
We are pained by the challenges facing individuals in our community who have been denied a *get* long after their marriages have been deemed irreconcilable. Many of these challenges could have been avoided had the couple signed a halakhically and legally valid prenuptial agreement at the time of their marriage. We therefore strongly urge all rabbis, educators, and community leaders to counsel and encourage engaged couples to sign such an agreement.

The widespread utilization of halakhic prenuptial agreements is a critical step in inoculating our community against the distressful problem of the modern-day *agunah*. Use of halakhic prenuptial agreements should become standard throughout the Jewish community for all engaged couples. Halakhic prenuptial agreements have been extremely effective in assuring the timely issuance of the *get*. Encouraging proper halakhic behavior in the sanctification and the dissolution of marriage will thereby demonstrate “*de’rakheha darkhei noam, ve’khol netivoteha shalom*” - the Torah’s ways are pleasant and all its paths are peaceful.


Rabbi Eliyahu Ben-Haim


Rabbi Yosef Blau

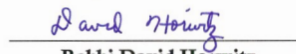

Rabbi Kenneth Brander

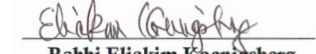

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Rabbi Daniel Feldman



Rabbi Ozer Glickman

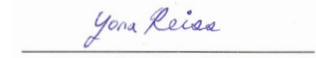

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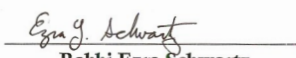

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Rabbi Yona Reiss


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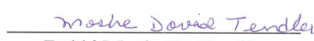

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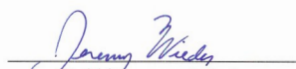

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Rabbi Mordechai Willig

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תשע"ב – 5772

Derech Eretz

Kadma LaTorah

A Multi-faceted Perspective

Rabbi Elchanan Adler

Rosh Yeshiva, RIETS

One of the most oft quoted rabbinic aphorisms is “*derech erez kadma laTorah – derech erez precedes Torah*”. As we prepare to celebrate our receiving the Torah on Shavuot, it is worth exploring the origin of this concept, as well as various layers of its interpretation.

Defining *Derech Eretz*

The term *derech erez*, in Chazal’s parlance, has multiple meanings. First, it refers to the notion of *menschlichkeit*, decency, common courtesy. Second, it relates in a broad sense to the notion of a livelihood, a *parnasa*. R. Samson Raphael Hirsch explains how both of these notions are reflected in the expression *derech erez*. *Derech erez* connotes: we are part of a social fabric, and within this context we find our fulfillment.

Derech erez includes everything that flows from the human being’s necessity to perfect his destiny and his life, together with his society, through the medium of the earth’s bounty. Hence, the term is used in reference to earning a livelihood and establishing civic order, and in reference to the paths of discipline with manners and refinement that social life require, and to everything that touches upon the development of humankind and civility.

Commentary of R. S.R. Hirsch to Pirkei Avos, 2:2

דרך ארץ כוללת כל דבר הנובע ומותנה
מכך שהאדם צריך להשלים את ייעודו ואת
חיי בצוותא עם זולתו על הארץ, ועל ידי
האמצעים והתנאים הניתנים לו מן הארץ.
לפיכך מציין ביטוי זה במיוחד את דרכי
הפרנסה והסדר האזרחי, וגם דרכי המוסר
בנימוס ובהגינות אשר חיי צוותא אלו
דורשים, וכן כל הנוגע בחינוך כלל-אנושי
ואזרחי.

פירוש של רש"ר הירש אבות ב:ב

Derech Eretz as a Basis for Torah

According to the Midrash, the expression “*derech erez kadma laTorah*” originates in the Torah’s description of the divine gatekeepers at the Garden of Eden whose purpose was לשמור את דרך – “to guard the way of the tree of life”. The Midrash notes, in homiletic fashion, that the word “*derech*”, an allusion to norms of *derech erez*, precedes the words “*eitz hachayim*”, a symbolic reference to Torah. The Midrash associates this with the historical phenomenon that

societal norms were enshrined in human consciousness from time immemorial while Torah was presented to the Jewish People via Moshe, who numbered the 26th generation to Adam.

R. Yishmael son of R. Nachman said: Derech erez preceded Torah by 26 generations. This is the meaning of what is written: "to guard the way of the tree of life" - "the way" refers to derech erez; afterwards, "the tree of life" which is Torah.

Vayikra Rabba Chapter 9

א"ר ישמעאל בר רב נחמן עשרים
וששה דורות קדמה דרך ארץ את
התורה הה"ד (בראשית ג, כד) לשמור
את דרך עץ החיים דרך זו דרך ארץ
ואח"כ עץ החיים זו תורה.
ויקרא רבה, פרשה ט

As understood by the *baalei musar*, the message of the Midrash is that *derech erez* norms are axiomatic to Torah. In other words, intuitive principles which inhere in the human condition are binding in their own right and serve as a foundation for the mitzvos of the Torah. As elucidated by the Alter of Slabodka:

However, upon reflection we will see that character traits and attributes are an introduction to the Torah and the primary foundation of the essence of a person, without which a person is not worthy at all of Torah ... This is the intent of the Rabbis: Derech erez preceded Torah by twenty six generations, for all of the good character traits and attributes are included in derech erez; they were ingrained in human nature and for them there is no need for the giving of the Torah. The giving of the Torah came to build on these [traits and attributes] and to command him to continue to rise heavenward to ever higher levels transcending those which are in the realm of derech erez.

Or HaTzafun Vol. 1 pg. 173, 175

אולם כשנתבונן נראה שהמדות
והתכונות הם הקדמה לתורה והוא
היסוד הראשון במהותו של האדם אשר
בלעדו איננו ראוי כלל לתורה... וזוהי
כוונת דברי חז"ל: כ"ו דורות קדמה דרך
ארץ לתורה, כי כל המדות והתכונות
הטובות כלולות בדרך ארץ והן הוטבעו
באדם מטבעו ואינו זקוק עליהן למתן
תורה, ואילו מתן התורה בא להוסיף
עליהן ולצוותו להמשיך לעלות לדרך
שמים למדרגות העולות על המעלות
שהן בבחינת דרך הארץ...
אור הצפון ח"א עמ' קעג, קעה

The Alter writes further:

Upon reflection we will see that this code, too, that which is referred to as "derech erez", which preceded Torah from Sinai, is a comprehensive system which encompasses the entire man.

Or HaTzafun Vol. 1, pg. 176

ולכשנתבונן נראה שגם תורה זו
הנקראת דרך ארץ, שקדמה לתורה
מסיני, תורה שלמה היא המקיפה את
כל האדם.
אור הצפון ח"א עמ' קעו

That humans possess an innate capacity to intuit certain norms of *derech erez* is implicit in the following Talmudic observation:

R. Yochanan Said: Had the Torah not been given, we would have learned to be modest from cats, to avoid theft from ants, to avoid promiscuity from doves, and derech erez from roosters.

Eruvin 100b

אמר רבי יוחנן: אילמלא לא
ניתנה תורה היינו למידין צניעות
מחתול, וגזל מנמלה, ועריות
מיונה, דרך ארץ מתרנגול.
עירובין ק:

In a sweeping statement, Rabbeinu Nissim Gaon posits the binding nature of *derech erez* norms:

For all precepts that are dependent on logic and intuition of

כי כל המצוות שהן תלויין בסברה

the heart are already binding upon all [humanity] from the day that G-d created man on the earth, upon man and his offspring for all future generations.

R. Nissim Gaon, Introduction to the Talmud

ובאובנתא דליבא כבר הכל מתחייבים בהן
מן היום אשר ברא אלקים אדם על הארץ
עליו ועל זרעו לדורי דורים.
הקדמת רבינו נסים גאון לש"ס

Additionally, Chizkuni (Bereishis 7:21) understands this to be the basis upon which the generation of the flood was punished, despite having never received specific divine commandments about how to behave:

If you will ask: Why was the generation of the flood punished if they were never commanded to fulfill mitzvos? The answer is that there are numerous mitzvos that people must keep based on logic even if they were not commanded to keep them. Therefore, they were punished.

ואם תאמר איך נענשו דור המבול מאחר
שלא נצטוו מצוות. אלא י"ל יש כמה מצוות
שחייבים בני אדם לשמורן מכח סברת
הדעת אף על פי שלא נצטוו עליהם ולפיכך
נענשו.

We see that the moral intuition that Hashem instilled in humankind, which in the world's first millennia was an integral component of universal human experience, imposes an obligation irrespective of formal commandments. Indeed, Rav Eliyahu Dessler suggests that the obligation to act with respect toward another person derives from that other's very humanity:

The root of this obligation lies in our obligation toward a human being by virtue of his being a human being.

Michtav Me'Eliyahu, Vol. 4, P. 246

שורש החיוב הזה טמון בחיובנו לאדם באשר
הוא אדם...

מכתב מאליהו חלק ד עמ' 246

Rav Dessler writes further:

One who does not appreciate the obligation to respect others lacks the attributes required for success in Torah [learning].

Ibid P. 248

כי מי שאינו מכיר את חיובי הכבוד כלפי הזולת
חסרות לו התכונות הנדרשות להצלחה בתורה.

שם, עמ' 248

Rav Dessler's contention that *derech ertz* is a prerequisite for Torah echoes the Mishna in *Pirkei Avos* which states: אין דרך ארץ אין תורה - Without *derech ertz* there cannot be Torah. As Rabbeinu Yona explains:

One must first improve one's own character traits and with that, the Torah can endure with him because it cannot endure with a person that doesn't have good character traits. One cannot learn Torah first and then acquire good character traits because this is impossible.

Rabbeinu Yona to Avos, Chapter 3

שצריך תחלה לתקן את עצמו במדות
ובזה תשכון התורה עליו, שאינה
שוכנת לעולם בגוף שאינו בעל מדות
טובות. לא שילמוד התורה ואחר יקח
לו המדות כי זה אי אפשר.

פירוש רבינו יונה לאבות פרק ג

In sum, the dictum "*derech ertz kadma laTorah*" is not only historical, but moral-ethical. Man must excel in *derech ertz* in order to fully absorb Torah.

The *Derech Eretz* "within" Torah

Viewing *derech ertz* as axiomatic to Torah may imply that one should not pursue serious Torah learning before becoming proficient in social etiquette. In fact, nothing could be further from the

truth. Such a notion is refuted by the Mishna's corollary statement: **אם אין תורה אין דרך ארץ** – Without Torah, there is no *derech erez*. As explained by Rabbeinu Yona, most of the principles of *derech erez* can be found in the Torah, more than anywhere else.

Without Torah there is no derech erez-Meaning that one who doesn't know Torah is incomplete in character traits of derech erez because a majority of the good character traits about the ways of the world are in the Torah. For example, extending loans, severance pay, honest weights and measures and many others like this. If so, without Torah, one's character traits cannot be complete with derech erez.

Rabbeinu Yona to Avos, Chapter 3

אם אין תורה אין דרך ארץ – כלומר, מי שאינו יודע תורה אינו שלם במדות של דרך ארץ, כי רוב המדות הטובות שבדרכי העולם בתורה הם. כמו: העבט תעביטנו, הענק תעניק לו, מאזני צדק אבני צדק, וכמה כיוצא בהם. אם כן בלא תורה לא יהיו דעותיו שלמות בדרך ארץ. פירוש רבינו יונה לאבות פרק ג

Apparently, then, the relationship between *derech erez* and Torah is reciprocal and mutually reinforcing. On the one hand, Torah presupposes a requisite, baseline level of *derech erez*. For an individual who lacks even such a minimal standard of *derech erez*, Torah loses its redeeming value, and may actually be dangerous, *chas ve'shalom*. Moreover, a deficiency in *menschlichkeit*, however slight, may serve as an impediment to the Torah's ability to ennoble one's personality.

On the other hand, Torah which is studied and observed properly is designed to reinforce standards of common decency. As noted by Rabbeinu Yona, the principles of *derech erez* underlie countless mitzvos. In addition, the Torah helps us aspire to loftier, more sublime standards of *derech erez*.

Hence, in a post *Matan Torah* world, the demarcation between Torah and *derech erez* need not be so sharply defined. Ultimately, our *derech erez* protocol ought to be informed and enhanced by the laws and values of Torah. Indeed, we may discern this in the Talmud's language that one could have learned *derech erez* from roosters "*ilmalei nitna Torah*" - had the Torah not been given; the clear implication being that once the Torah was given, however, human moral intuition must be reinforced and sharpened by Torah study.¹

Sefer Bereishis: Book of Derech Eretz

As noted, the Midrash patterns the dictum "*derech erez kadma laTorah*" on the wording of a *pasuk* in *Parshas Bereishis*. We have also seen that *derech erez* is an overarching concept that is interwoven into the fabric of Torah itself. *Derech erez* is, at once a prerequisite for Torah as well as an outgrowth of Torah. Let us sharpen our understanding of these ideas by exploring the relationship between *Sefer Bereishis* and *Sefer Shemos*, as well as between the *parshiyos* of *Beshalach* and *Yisro*.

The *Netziv* (in his introduction to *Sefer Bereishis*), notes that the first book of the Torah is also known as "*Sefer Hayashar* (the book of "the Just") because it describes the lives of the Patriarchs who are called *yesharim* (*ehrllich* or decent people). The *Netziv* explains that the hallmark of *yashrus* is a spirit of benevolence and tolerance which is displayed even toward those who may

¹ For a further development of this idea, see the comments of Rav Shimon Schwab (*Mayan Beis HaSho'eiva, Parshas Yisro*, p. 200-1) regarding the Torah's demands of *kibud av va'eim*, which transcend the normal standards of honoring one's parents as dictated by human intuition.

espouse a worldview that is antithetical and diametrically opposed to one's own. Such an attitude is apparent in the Torah's account of the lives of the Patriarchs and the dealings that they had with the various personalities with whom they interacted. The *Netziv* explains further that the rationale for such conduct is the premium attached to preserving the social order of the world to the greatest degree possible – the quintessential notion of *derech erez*.

Based on this analysis, it follows that *Sefer Bereishis* - the *Sefer Hayashar* - serves as a fitting prelude to *Sefer Shemos* - which contains the account of *Matan Torah* - in the spirit of *derech erez kadma laTorah*.

Interestingly, this same insight is advanced by R. Tzadok haKohen of Lublin (*Or Zaru'a La'Tzadik*, p. 7) who posits that *Sefer Bereishis* precedes *Sefer Shemos* since it contains the narratives of the Patriarchs, stories of their exceptional character traits, and accounts of their settling and civilizing the world – all of which are, by definition, narratives of *derech erez*. Moreover, the Patriarchs, as paragons of *derech erez*, stand in stark contrast to societies such as the *dor hamabul* (generation of the flood) and Sodom whose failings in *derech erez* norms caused them to be wiped off the face of the earth. Only after experiencing these narratives, writes R. Tzadok, are we prepared for *Sefer Shemos*, the book wherein Torah is given.

In a homiletic vein, R. Yosef Dov Soloveitchik develops a similar idea. Jewish chosenness is a function of two discrete historical events: Hashem's choice of the *Avos*, the Patriarchs, and His choice of the Jewish nation at Sinai. R. Soloveitchik compares the patriarchal covenant to the process of *ibud* (lit. work), wherein parchment is treated in order to render it suitable for writing a Torah scroll on it, and he compares the Sinai covenant to writing the letters of the scroll itself. Just as the letters of the scroll cannot be written without *ibud*, the Jew cannot observe Torah unless he performs *ibud* upon his personality, relates to the Patriarchs, and models his behavior after their *derech erez*.

Expanding this metaphor, R. Soloveitchik notes that there are two types of *ibud*. For *mezuzah*, *ibud* is performed on the inner, hairless side of the parchment (known as *duchsustus*), the side that touches the animal's flesh and muscle. This *ibud* corresponds to our efforts in controlling desire and passion, which results in protection of our inner selves, just as a *mezuzah* protects the interior of one's house. These efforts represent the antithesis of the sin of *dor hamabul*, whose society was characterized by unbridled hedonism and a complete breakdown of self-discipline. By contrast, the *ibud* for *tefillin* is performed on the outer, hairy side of the parchment (known as *klaf*), the side that interfaces with the world. This *ibud* parallels our efforts to develop empathy toward others, symbolized by *tefillin*, which highlights the link between Hashem's unity and the Jewish nation's unity; "who is like Your nation, Yisrael, a distinguished, unified nation in the world." These efforts are the antithesis of the sin of the *dor haplagah* (generation of the dispersion) whose communist-like society was characterized by a total disregard of the worth of the individual and an utter lack of empathy and compassion.²

² This insight was a part of the *aggada* portion of one of R. Soloveitchik's famed *yahrzeit* drashos delivered in the 1950's. A Yiddish transcript of the entire homily was prepared by the journalist Dr. Hillel Seidman and reprinted in *Beis Yosef Shaul*, Vol. 4 (R. Elchanan Adler, ed., 1994), under the title "*Ah yid iz ge'glichen tzu ah Sefer Torah*" (A Jew is Compared to A Torah Scroll), along with a Hebrew translation (by R. Sholom Carmy) entitled "*Ha'Yehudi mashul*

Parshas Beshalach: The Parsha of Derech Eretz

Let us turn to the relationship between *Parshas Yisro*, which contains the narrative of *Matan Torah*, and the Torah portion which precedes it, *Parshas Beshalach* – a *parsha* which, as we will see, epitomizes *derech eretz*. One need go no further than the very first verse of *Parshas Beshalach* to discern an allusion to *derech eretz*. Firstly, this is the sole place in the Torah where the words “*derech eretz*” appear in succession: “*Velo nacham Elokim **derech eretz** Pelishtim.*” For the literary purist, this equation is erroneous, since “*derech eretz*” here means “**through the path of the land** [of Pelishtim]”; if so, the phrase bears no relation to the “*derech eretz*” of Chazal’s parlance. Nonetheless, given the tradition that “*leika midi de’la remiza be’oraisa*” – there is nothing to which the Torah does not allude – the semantic parallel is unmistakable, and leaves room for drawing a subtle message.

We can also infer the notion of *derech eretz* in the parsha’s title, “*Beshalach*”. The Torah records: “*Vayehi beshalach Par’oh es ha’am*” – And it was when [Pharaoh] **sent out** [the nation]”. “*Beshalach*” (sent out) implies that the nation’s departure from Egypt was dependent on Pharaoh’s formal acquiescence and granting permission. Why would this be so? R. Chaim Shmuelevitz explains that despite its failings, Egypt served as the Jews’ host country, and *derech eretz* demanded that the Jews receive a formal discharge before departing. He illustrates this by citing the example of Chananya, Mishael, and Azarya, who were thrust by Nevuchadnetzar into a fiery furnace, and did not step out until receiving a formal discharge order from the King. The Midrash draws a parallel between their conduct and that of Noach who also waited for Hashem to formally discharge him before exiting the ark. This pattern of conduct in all of these cases, explains R. Shmuelevitz, is typical of *derech eretz*.³

The third verse of *Parshas Beshalach* recounts Moshe’s involvement with Yosef’s bones. This, too, represents an aspect of *derech eretz*: honoring another’s request, and extending a gesture of gratitude.

Later in *parshas Beshalach*, the Torah recounts the episode of the manna. As we know, the manna was the archetype of *parnasa*. In fact, the daily recitation of *parshas ha’man* is supposed to insure that one’s efforts toward providing for a livelihood will be met with success (see *Mishna Berura* 1:13). And earning *parnasa*, as we have seen, also falls within the larger purview of *derech eretz*.

le’sfer Torah”. For the portion referenced here, see pp. 46-55 (Yiddish version) and pp. 86-95 (Hebrew translation). An English translation was recently printed, in several installments, in Yeshiva University’s student publication *Kol HaMevaser*, but has yet to appear in any of the published posthumous books containing the Rav’s discourses.

³ See *Sichos Musar, maamar # 5*. (Regarding how adhering to norms of *derech eretz* would justify Chananya, Mishael, and Azarya’s remaining in the furnace at risk of their lives, R. Shmuelevitz cites a Midrash which states that they received at the outset a divine sign indicating that they would miraculously survive.) Interestingly, the *Chasam Sofer* explains a textual anomaly earlier in *Sefer Shemos* along similar lines. When Pharaoh suggests to Moshe that the Jews offer sacrifices to Hashem in Egypt, rather than in the desert, Moshe responds (*Shemos* 8:22): “*lo nachon...*” – it is not proper to do this, for Egyptians worship sheep; could we slaughter the Egyptian deity to their eyes without them stoning us?” Moshe’s response contains a redundancy. If he was worried about being stoned, why invoke the “*lo nachon*,” the concept of correctness; and if he was worried about correctness, why invoke the fear of stoning? The *Chasam Sofer* answers that Moshe’s first concern, that of “*lo nachon*,” was primary. Moshe felt that it was not proper, not consistent with norms of *derech eretz*, to act in a manner that would cause the Egyptians to stone the Jews, and thereby to be punished. Since the Egyptians hosted the Jews, *derech eretz* demanded that the Jews, unless extremely provoked, not act in a manner which would cause harm to the Egyptians.

Chok U'Mishpat of Mara

Perhaps the most compelling indication that *Parshas Beshalach* epitomizes *derech erez* is the Torah's account of Mara, the desert way station visited by the Jews shortly after experiencing *kerias yam suf*. The Torah describes how, after traveling for three days without water, the Jews arrived in Mara, where they could not partake of the waters, which were bitter. The Jews immediately complained to Moshe, who cried out to Hashem for assistance. Hashem, in turn, guided Moshe to miraculously sweeten the waters. The Torah concludes this verse with the words, "*sham sam lo chok uMishpat, veSham nisahu*" – "there he established for them a decree and a law, and there he tested them".

The reference to "decree and law" is fraught with ambiguity. What is its precise meaning? Does this refer to specific mitzvos? If so, which ones?

The Ramban, Shemos 15:25, suggests the following explanation:

When they began to enter the great and awesome desert, and thirst where there was no water, He established for them practices concerning their livelihood and their necessities, that they should follow until their arrival in an inhabited land ... Alternatively, He disciplined them with the rules of the desert, i.e. to endure hunger and thirst, and to call out regarding them to Hashem, but not in a manner of complaint. And laws, for life, to love each man his fellow, to act upon the elders' advice, to be modest in their tents regarding women and children, and to be peaceful with merchants who enter the camp to market their wares, and admonitions that they not act like the camps of marauders who commit all manner of abomination without remorse ... similarly, in Joshua (24,25) it is said "... and he established for him decree and ordinance in Shechem"; these are not Torah decrees and laws, but rather standard practices and bylaws for regulating a civilized society..

ועל דרך הפשט, כאשר החלו לבא במדבר הגדול והנורא וצמאון אשר אין מים שם להם במחיתם וצרכיהם מנהגים אשר ינהגו בהם עד בואם אל ארץ נושבת... או שייסרום בחקי המדבר, לסבול הרעב והצמא, לקרוא בהם אל ה', לא דרך תלונה. ומשפטים, שיחיו בהם, לאהוב איש את רעהו, ולהתנהג בעצת הזקנים, והצנע לכת באהליהם בענין הנשים והילדים, ושינהגו שלום עם הבאים במחנה למכור להם דבר, ותוכחות מוסר שלא יהיו כמחנות השוללים אשר יעשו כל תועבה ולא יתבוששו, וכענין שצוה בתורה (דברים כג י) כי תצא מחנה על אויבך ונשמרת מכל דבר רע, וכן ביהושע נאמר ויכרת יהושע ברית לעם ביום ההוא וישם לו חק ומשפט בשכם (יהושע כד, כה) אינם חקי התורה והמשפטים, אבל הנהגות ויישוב המדינות...

In other words, the laws of Mara were not Torah laws; they were norms of *derech erez*. They were a regimen for life, for getting along, a code for living. And, as noted by the Alter of Slabodka (cited earlier), *derech erez* norms are "a comprehensive system which encompasses the entire human being."

Rashi, on the other hand, cites a Midrashic explanation that "decree and ordinance" refers to a series of mitzvos that were presented to the Jewish people before their formal receiving the Torah at Sinai.⁴ These included the following: Shabbos, *kibud av va'eim*, *parah adumah*,⁵ and *dinim* (the legal code spelled out in *Parshas Mishpatim*).

⁴ According to the Ramban, these mitzvos were intended primarily for educational purposes and were not yet binding. I have dealt with the Ramban's position at length (and with the myriad views regarding the evolution of the mitzvah of Shabbos) in my *sefer "Mitzvas HaShabbos"* (2008).

If we consider the nature of these particular mitzvot, it is obvious that they all reflect, to some degree, the ideals of *derech erez*. This is most apparent in the mitzvah of *dinim* (laws), which form the basis for the fabric of society. So too, the mitzvah of *kibud av va'em* is based on *hakaras hatov*, recognizing and appreciating one's parents for their role in bringing one into the world and their efforts in nurturing one's development. The mitzvot of Shabbos and *parah adumah* can likewise be seen as rooted in *derech erez* norms in that both are characterized by the notions of surrender and self-discipline: Shabbos through withdrawal from daily activity and *parah adumah* through surrendering intellectually by acknowledging that there are matters that lie beyond the pale of human comprehension. Taken together, the mitzvot of Mara serve to create an integrated "*derech erez* personality" who would be naturally receptive to the rigors demanded by a Torah lifestyle. It can therefore be argued that the pre-Matan Torah mitzvot of Mara serve as a paradigm of "*derech erez kadma laTorah*."⁶

The "Test" of Mara

If we interpret the mitzvot of Mara as reflecting aspects of *derech erez*, we may better appreciate Rashi's explanation of the *pasuk's* concluding words: "*ve'sham nisahu*" – "and there He tested it (the nation)". The juxtaposition of "*ve'sham nisahu*" with "*sham sam lo chok u'mishpat*" suggests a link between the phrases. What is the connection between the *chok*, the *mishpat*, and the test?

Many commentaries (i.e. Ramban) explain that the "decree and ordinance" were meant as a test – namely, to gauge the people's response to these laws. According to this explanation, we may surmise that the Nation "passed" the test by embracing the rules and commandments presented to them. Rashi, however, interprets "*ve'sham nisahu*" as referring to the outset of the story when the nation was unable to drink the bitter waters:

And there He tested it – that is, He tested the people, and saw the stiffness of their neck, for they did not consult with Moshe using gracious language, saying "pray on our behalf that there should be water for us to drink." Rather, they complained.

Rashi, Shemos 15:25

ושם נסו - לעם, וראה קשי ערפן שלא נמלכו במשה בלשון יפה, בקש עלינו רחמים שיהיה לנו מים לשתות, אלא נתלוננו.
רש"י שמות טו:כה

If the test was meant to probe the manner in which the Jews would request water, then it appears that they failed the test miserably. Why, then, is this failure - captured by the words "*ve'sham nisahu*" - mentioned in connection with the nation's being presented a series of mitzvot - "*sham sam lo chok u'mishpat*"?

Once we link the mitzvot of Mara with the ideals of *derech erez*, the answer is clear. Precisely because the Jews exhibited a failing in *derech erez* by demanding water in an unrefined manner, it became necessary to present them with a series of mitzvot which encapsulate the spirit of "*derech erez kadma laTorah*". Accordingly, the closing phrase of the *pasuk* - "*ve'sham nisahu*" -

⁵ Rashi in *Beshalach* omits *kibud av va'em* and mentions *parah adumah*. *Torah Temima* suggests that Rashi's mention of *parah adumah* is based on a scribal error, and originally appeared as an acrostic of *kaf aleph* (for *kibud av*), which was mistaken for *pei aleph* (*parah adumah*). However, in *Parshas Mishpatim* (24:3) Rashi includes *kibud av va'em* as well as *parah adumah*. Rashi's comments here are based on *Seder Olam Zuta* (chapter 4) which mentions *parah adumah*.

⁶ For more on the implications of Mara's symbolizing *derech erez*, see *Mitzvas HaShabbos*, p. 52.

“And there he tested them - provides the context and rationale for “*sham sam lo chok u'mishpat*” – there he established for them decree and ordinance.

In fact, Rashi's language implies (as noted by the Ramban), that these mitzvos were given not in a binding capacity, but rather as cognitive/intellectual tools - “*parshiyos she'yisasku bahem*” – selected portions of Torah with which they would “occupy themselves with”. We may suggest, in line with Rashi's approach, that the prime purpose of this intellectual exercise was to sensitize the Jews to aspects of *derech eretz*, an area in which they needed dramatic improvement.⁷

A Novel Insight into the Blessing of *Ahava Rabba*

Our understanding of Mara's “decree and ordinance” as epitomizing the spirit of “*derech eretz kadma laTorah*,” sheds fresh light on a seeming redundancy in the prayer for success in Torah recited each day. First, we pray:

In the merit of our ancestors who trusted in you, And you taught them decrees of life, So, too, favor us and teach us.	בעבור אבותנו שבטחו בך ותלמדם חוקי חיים כן תחנונו ותלמדנו.
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As explained by the *Abudraham*, the word “*avoseinu*” – our forefathers – refers to our ancestors who left Egypt to enter into the desert without any provisions. If so, we may suggest that “*va'telamdeim chukei chayim*” – “And you taught them decrees of life” - refers to the Torah of *derech eretz*, in Mara. We ask similarly: “*kein techaneinu u'selamdeinu*” – so, too, favor us and teach us” - the norms of *derech eretz*, so that we can be prepared to absorb Torah. Having asked for instruction in “*derech eretz*” we proceed to pray for enlightenment in Torah itself:

Place in our hearts to understand... Enlighten our eyes with Your Torah ...	תן בלבנו להבין ולהשכיל... והאר עינינו בתורתך...
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R. Yanai and the Simpleton

We began with an excerpt from a Midrash which is the source of the rabbinic aphorism “*derech eretz kadma laTorah*”. The crux of the Midrash tells of an interaction between the great scholar R. Yanai and an anonymous wayfarer whom R. Yanai mistook as a scholar of equal rank and invited to his home to dine. The Midrash depicts the harsh reaction of R. Yanai upon his discovery that the man was ignorant of even the most rudimentary knowledge of Torah. But upon probing further into the background of this individual and becoming aware of his sterling character and lofty standards of *derech eretz*, R. Yanai experienced an epiphany:

There is a story that R. Yanai when once walking in the road, saw a man who looked very distinguished and (R. Yanai) said to him:	מעשה ברבי ינאי שהיה מהלך בדרך, וראה אדם אחד שהיה
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⁷ In a homiletic vein, the sweetening of the waters of Mara may symbolize the verse “*derache'ha darchei no'am*” – her ways are ways of pleasantness (Mishlei 3:17), a concept which the Talmud employs in the interpretation of halacha (see, for example *Sukkah* 32a, *Yevamos* 15a and 87b). Interestingly, the “therapeutic” dimension of mitzvos emerges in the subsequent *psukim* which emphasize how a devotion to the study and practice of Hashem's laws will shield one from the illnesses of Egypt – “*ki ani Hashem rofecha*” - “for I am Hashem your healer”. See also the Ramban's citation on the words “*ve'hayashar be'ainav ta'aseh*” – “and do what is just in His eyes” (15:26) as referring to one whose interpersonal dealings are characterized by integrity.

'Would you, Rabbi, care to accept my hospitality?' He answered: 'Yes,' whereupon he brought him to his house and entertained him with food and drink. He (R. Yanai) tested him (the guest) in [the knowledge of] Scripture, and found [that he possessed] none, in Mishna, and found none, in Aggada, and found none, in Talmud, and found none. Then he said to him: 'Take up [the wine cup of Birkas HaMazon] and recite Grace.' The man answered: 'Let Yanai recite Grace in his own house!' Said the Rabbi to him: 'Are you able to repeat what I say to you?' 'Yes,' answered the man. Said R. Yanai: 'Say: A dog has eaten of Yanai's bread.' The man rose and caught hold of him, saying: 'You have my inheritance, which you are withholding from me!' Said R. Yanai to him: 'And what is this inheritance of yours which I have?' The man answered: 'Once I passed a school, and I heard the voice of the youngsters saying: The Law which Moses commanded us is the inheritance of the congregation of Yaakov; it is written not 'The inheritance of the congregation of Yanai', but 'The inheritance of the congregation of Yaakov'. Said R. Yanai to the man: 'How have you merited to eat at my table?' The man answered: 'Never in my life have I, after hearing evil talk, repeated it to the person spoken of, nor have I ever seen two persons quarrelling without making peace between them.' Said R. Yanai: 'That I should have called you dog, when you possess such *derech eretz*!'

Vayikra Rabba Chapter 9 (adapted from Soncino Translation)

משופע ביותר. א"ל משגח רבי מתקבלא גבן? אמר לו, אין. הכניסו לביתו, האכילו והשקהו. בדקו במקרא ולא מצאו, במשנה ולא מצאו, באגדה ולא מצאו, בתלמוד ולא מצאו. א"ל, סב בריך. א"ל, יברך ינאי בביתיה. א"ל, אית בך אמר מה דאנא אמר לך? א"ל, אין. א"ל, אמור אכול כלבא פיסתא דינאי. קם תפסיה א"ל, ירותתי גבך דאת מונע לי. א"ל, ומה ירתותך גבי? א"ל, חד זמן הוינא עבר קמי בית ספרא ושמעית קלהון דמניקא אמרין תורה צוה לנו משה מורשה קהלת יעקב. מורשה קהלת ינאי אין כתיב כאן אלא קהלת יעקב. א"ל, למה זכיתא למיכלא על פתורי? אמר לו, מיומי לא שמעית מילא בישא וחזרתי למרה, ולא חמית תרין דמתכתשין דין עם דין ולא יהבית שלמא ביניהון. א"ל, כל הדא דרך ארץ גבך וקרייתך כלבא!?

ויקרא רבה, פרשה ט

Let us explore the message of this powerful anecdote by highlighting the contrast between its protagonists. On the one hand, R. Yanai, a man of enormous Torah knowledge, must certainly have felt betrayed and disappointed by the degree of his guest's ignorance. Additionally, R. Yanai's derisive description of his guest as a dog surely smacked of elitism, based as it was on the notion that one who is ignorant of Torah is unworthy of being sustained. The guest, for his part, exposed the host's condescending attitude by invoking a *pasuk* which he happened to overhear from school children (though he had never studied himself) - "*Torah tziva lanu Moshe morasha kehilas Yaakov*" - from which he was able to intuit a basic truth which challenged the elitist assumption of his host. When R. Yanai probed this individual's background, he was genuinely moved to discover the incredible degree to which the latter, despite being ignorant of Torah, had managed to distinguish himself in the realm of *derech eretz* – *menschlichkeit*. Clearly, this individual's heightened sensitivity for the feelings of others, and his incredible self-sacrifice in tirelessly promoting peace between people, were nothing short of legendary.⁸ How ironic it is

⁸ It was noted earlier that excellence in *derech eretz* presupposes some knowledge of Torah, as implied by the Mishna's statement: "*im ein Torah ein derech eretz*". Perhaps the Mishna's assertion should be interpreted as a general rule, while the case of this individual represents a notable exception. Alternatively, the intent of the Mishna is that the issues and practice of *derech eretz* will not be readily sustained on a global level unless moored in a binding set of principles incorporated in the Torah. Otherwise moral relativism can be marshaled (as in post-modernism) to

that while this individual was so solicitous of the feelings of others, the same can not be said about R. Yanai who had no compunctions about uttering a slur which the average listener would surely find offensive. To this individual's credit, and consistent with his sterling personality, he did not overreact. (In fact, the language of the Midrash in the first example that he reported about his conduct is "*la shema'is mila bisha ve'chazarti le'mara*." According to some commentators, this refers to the fact that he endured insults without responding negatively in kind.) Rather than becoming embittered or disillusioned, he turned the situation into an opportunity to firmly chide his host and lead him to reconsider his elitist mindset.

Self-Evaluation: Knowing Where to Place the Dot

There is an additional "twist" in the Midrash which is equally fascinating. It concerns the pronunciation of a word which appears in the following verse in Tehilim (50):

<i>He who offers confession honors me; and one who orders [his] way, I will show him the salvation of G-d.</i>	זבח תודה יכבדנני ושם דרך אראנו בישע אלקים.
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The Midrash opens with the words "*ve'sam derech*" from the above verse, and cites the interpretation of R. Yanai, who, by way of changing the letter "*sin*" to a "*shin*", rendering "*ve'sam*" – he who orders [his way] – into "*ve'sham*" – he who evaluates [his way], observed the following:

<i>One who evaluates his way, is worth a lot.</i>	ושם כתיב דשיים אורחיה סגי שוי.
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The Midrash uses this exegetical comment as a springboard for the anecdote of R. Yanai and the wayfarer and returns to it at the story's conclusion. When R. Yanai became aware of his guest's greatness, he saw in him a personification of the message of this homily:

<i>He declared regarding him: "One who evaluates his way, is worth a lot."</i>	קרא עליה שם דרך דשיים אורחיה סגי שוי.
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Apparently, R. Yanai was inspired to this novel interpretation of the verse in Tehilim as a result of his encounter with this individual who exhibited an extraordinary sense of *derech eretz*. Interestingly, the Talmud cites another story involving the same R. Yanai which indicates how much he took to heart this particular interpretation of the words "*ve'sam derech*":

<i>R. Yanai had a student who would ask him questions daily; on the Shabbos of the festival [when a large crowd assembled to hear the lecture] he did not ask. He [R. Yanai] attributed to him the verse "<i>ve'sam derech arenu beyesha Elokim</i>".</i>	רבי ינאי הוה ליה ההוא תלמידא דכל יומא הוה מקשי ליה, בשבתא דריגלא לא הוה מקשי ליה. קרי עליה: ושם דרך אראנו בישע אלקים. מועד קטן ה.-ה:
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Moed Katan 5a - 5b

There is an interesting story told about the *Meshech Chochma* (R. Meir Simcha of Dvinsk) in connection with this Gemara. One day R. Meir Simcha overheard an individual thoughtlessly shouting a question at a Rabbi who was in the midst of teaching *Mishnayos* to a group of people in shul. The teacher was stumped by the question and at a loss for words. Whereupon R. Meir

negate even the firmest of natural law postulates. This does not preclude the possibility of an individual's mastery of *derech eretz* principles, even while lacking a rudimentary knowledge of Torah.

Simcha rose up and declared loudly: “A man who does not differentiate between right and left will ask such a question!” All those present assumed that the question was flawed and the teacher resumed teaching. Later, the questioner, who could not detect any faulty logic in his argument, approached R. Meir Simcha and demanded an explanation for the latter’s uncharacteristic outburst. R. Meir Simcha responded by citing the story from Tractate *Moed Katan* regarding the student who showed discretion about when to ask questions and R. Yanai’s comments applying to that student the *pasuk* “*ve’sam derech*”, rendered as “*ve’sham derech*” – he who evaluates his way. As R. Yanai’s homiletical interpretation hinges on exchanging the *sin* (whose dot is on the left) with a *shin* (whose dot is on the right), it follows that this individual whose ill-timed questioning of the *magid shiur* revealed an utter lack of discretion could not possibly subscribe to R. Yanai’s interpretation; he did not differentiate “between right and left”.

Deciphering the Code in the Mara Episode

If we are correct in equating the lesson of “*derech erez kadma laTorah*” with the “*chok u’mishpat*” of Mara, then it would not be surprising to find an allusion there to R. Yanai’s interpretation of “*ve’sam derech*” and the exegetical word play of “*sam- sham*”. Sure enough, the narrative of Mara yields precisely such a link: שָׁם שָׁם לֹא חָק וּמִשְׁפָּט וְשָׁם נִסְתָּהוּ

This pithy phrase contains three combination of *shin/sin* followed by a *mem*. First, the word “*sham*” (*shin-mem*); next, “*sam*” (*sin-mem*). These two words appear in succession, and are identical in all respects except for the position of the dot. This linguistic peculiarity seemingly alludes to a “*sin-shin*” letter exchange. How remarkable that this “code” appears in connection with the “*chok u’mishpat*” - “decree and ordinance” - that symbolize notions of *derech erez*! The parallel to R. Yanai’s exposition of “*ve’sam derech*”/“*ve’sham derech*” is striking.⁹

Several words later this combination of letters recurs in the word “*ve’sham*” (*shin-mem*) of “*ve’sham nisahu*”. Perhaps this third allusion is necessary in order to unlock the *shin-sin* code alluded to previously in the words “*sham-sam*” (*sham sam lo chok u’mishpat*). Without this third combination (the “*kasuv ha’shelishi*”), it would be unclear which letter substitutes for which: whether the *shin* for a *sin* (as in R. Yanai’s exegesis) or the *sin* for a *shin*. By repeating the combination in a “*shin-mem*” format, we learn that the “*sin*” is to be exchanged with a “*shin*” rather than the reverse, in consonance with R. Yanai’s derivation.

May we be blessed with the wisdom to discriminate “right from left” and internalize a true sense of *derech erez*. May the Torah that we study reinforce these lessons and lead us to ever higher levels of *derech erez* and beyond. May we merit, on Shavuot and throughout the year, to take the story of R. Yanai and its lessons to heart, and may it serve as an inspiration to us in our individual lives and in our communities.

⁹ It should be noted that “*sham*” in its literal meaning means “there” while R. Yanai’s “*sham*” relies on Chazal’s definition which means “evaluate”. Nonetheless, in the spirit of “*leika mido de’la remiza be’oraisa*” (there is nothing to which the Torah does not allude to), the linguistic parallel certainly holds.

Matan Torah as a Form of Conversion

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One of the themes of Shavuot is *geirut*, conversion. This theme is apparent in the fact that the laws of conversion are derived from the *Matan Torah* (receiving of the Torah) experience. Additionally, R. David Avudraham, in *Tefillot HaPesach*, writes that one of the reasons we read *Megillat Rut* on Shavuot is that it serves as the source for the requirement to inform the prospective convert about some of the mitzvot (see *Yevamot* 47b), which relates to the mass conversion of the Jewish people at *Matan Torah*. In this article, we will explore the differences between the mass conversion of all of the Jewish people at *Matan Torah* and the conversion of an individual such as Rut.

Matan Torah and the Laws of Conversion

The Torah, Bamidbar 15:14-16, in presenting the idea that converts observe the laws in the exact same way as other Jews states "ככם כגר", like you (observe them) so too a convert." The Gemara, *Keritut* 9a, deduces from this phrase that the laws of conversion are derived from the process that the Jewish people underwent prior to receiving the Torah. Rambam (1138-1204) elaborates on this idea:

The Jewish people entered the covenant with three things: circumcision, immersion and a sacrificial offering. Circumcision was performed in Egypt as it states "Anyone who is uncircumcised may not eat [the paschal lamb.] Immersion was performed in the desert before the giving of the Torah as it states "and you shall purify yourselves today and tomorrow and wash your clothing." A sacrificial offering as it states "And he sent the youth of the people of Israel and they brought offerings," these offerings were brought on behalf of the entire Jewish people. The same applies in all generations, when a non-Jew wants to enter the covenant and to settle under the wings of the Shechinah and accept upon himself the yoke of the Torah, he requires circumcision, immersion and offering a sacrifice and if she is a female, immersion and sacrifice, as it states "like you, so too a convert." Just look like you [converted] with circumcision, immersion and offering a sacrifice,

בשלשה דברים נכנסו ישראל לברית במילה וטבילה וקרבן. מילה היתה במצרים שנאמר וכל ערל לא יאכל בו ... וטבילה היתה במדבר קודם מתן תורה שנאמר וקדשתם היום ומחר וכבסו שמלותם, וקרבן שנאמר וישלח את נערי בני ישראל ויעלו עולות ע"י כל ישראל הקריבום. וכן לדורות כשירצה העכו"ם להכנס לברית ולהסתופף תחת כנפי השכינה ויקבל עליו עול תורה צריך מילה וטבילה והרצאת קרבן, ואם נקבה היא טבילה וקרבן שנאמר ככם כגר, מה אתם במילה וטבילה והרצאת קרבן אף הגר לדורות במילה וטבילה והרצאת

so too, all generations of converts do so with circumcision, immersion and offering a sacrifice.

Rambam, Hilchot Isurei Biah 13:1-4

קרוב.
רמב"ם, הל' איסורי ביאה יג:א-ד

Was the conversion process of the entire Jewish people exactly the same as the conversion process for an individual? There is a passage in the Gemara that indicates at least one major difference:

The verse states "And they stood under the mountain," R. Avdimi b. Chama b. Chasa said: This teaches that God hung the mountain over them like a barrel and said to them "If you accept the Torah, good, but if not, this will be your burial ground."

Shabbos 88a

ויתיצבו בתחתית ההר אמר רב אבדימי בר חמא בר חסא מלמד שכפה הקדוש ברוך הוא עליהם את ההר כגיגית ואמר להם אם אתם מקבלים התורה מוטב ואם לאו שם תהא קבורתכם.
שבת פח.

While there are many interpretations of this passage, assuming that the Jewish people did not have a choice whether to accept the Torah, how can we derive from the *Matan Torah* experience the laws of conversion? Doesn't Judaism reject the concept of forced conversions? Furthermore, when Rambam writes that we don't force non-Jews to convert, he presents it together with the idea that conversion is derived from *Matan Torah*:

Moshe Rabbeinu only bestowed the Torah and its commandments to the Jewish people- as it states "A heritage for the congregation of Ya'akov"- and to anyone from the other nations who wants to convert- as it states "like you, so too a convert." However, if one doesn't want to [convert] we cannot force him to accept the Torah and its commandments.

Rambam, Hilchot Melachim 8:10

משה רבינו לא הנחיל התורה והמצוות אלא לישראל. שנאמר מורשה קהלת יעקב. ולכל הרוצה להתגייר משאר האומות. שנאמר ככם כגר. אבל מי שלא רצה אין כופין אותו לקבל תורה ומצוות.
רמב"ם הלכות מלכים ח:י

Why did Rambam associate "like you, so too a convert" with the idea that we don't force conversion?

Another discrepancy between the laws of conversion and the *Matan Torah* experience is with regards to the relationship between a convert and his biological relatives. The Gemara, *Yevamot* 97b, employs the term *ger shenitgayer k'katan shenolad*, a convert is like a newborn child, to explain why a convert is allowed to marry certain biological relatives. R. Meir Simcha of Dvinsk (1843-1926), *Meshech Chochmah*, Devarim 5:26, writes that after *Matan Torah*, the entire Jewish people were permitted to marry biological relatives and that *Matan Torah* actually serves as the source for the *ger shenitgayer* concept. However, a number of later commentators (see for example, *Chavetz LeTosafot*, Bamidbar 11:10) note that the Gemara, *Shabbat* 130a, indicates that the concept of *ger shenitgayer* did not apply to the conversion of *Matan Torah*. According to the Gemara (as per the interpretation of the *Ba'alei HaTosafot* in *Da'at Zekeinim*, Bamidbar 11:27) the Jewish people complained about the fact that after *Matan Torah*, certain marriages that took place before *Matan Torah* were

invalidated because they were considered a form of incest. Why didn't *ger shenitgayer* apply to the conversion of *Matan Torah* and why does it apply to an individual who converts?

The Insight of Maharal of Prague

Maharal of Prague (1520-1609) has a suggestion that sheds light on these questions:

One should not ask: being that the Jews who left Egypt accepted the Torah and were not born with an obligation to observe the Torah, they should have been permitted to marry their relatives. This is not a question because they were forced to accept [the Torah] because God hung the mountain over them like a barrel ... and therefore we don't assume that they are like newborn children. While someone who voluntarily converts, such as the ordinary case of a non-Jew who willingly converts is considered a new individual, the Jewish people that left Egypt- since they were obligated to accept the Torah and were forced to do so- were not considered like newborn children.

Gur Aryeh, Bereishit 46:10

ואין להקשות דאם כן יהיו יוצאי מצרים מותרים בקרוביהם דהא קבלו עליהם את התורה, לא נולדו בחיוב, ויהיו מותרים בקרוביהם. אין זה קשיא דהם הוכרחו לקבל דהא כפה עליהם הר כגיגית ... ולא אמרינן בזה דהוי כקטן שנולד דודאי מי שנתגייר מעצמו כגון גוי כיון דלא היה צריך לגייר והוא מגייר עצמו הוי בריה אחרת לגמרי אבל ישראל שיצאו ממצרים כיון שהיו מחויבים לקבל את התורה, והיו מוכרחים לזה אין זה כקטן שנולד.
גור אריה בראשית מו:

According to Maharal, *ger shenitgayer* is a function of voluntary acceptance of the Torah. Since that didn't happen at *Matan Torah*, *ger shenitgayer* didn't apply. Maharal's comments require further explanation. Why should the *ger shenitgayer* principle be strictly limited to voluntary acceptance of the Torah? What element of the forced conversion of *Matan Torah* prevented the *ger shenitgayer* principle from taking effect? If the conversion of *Matan Torah* was fundamentally different to the extent that there were different laws, how can *Matan Torah* serve as the model for conversion?

R. Meir D. Plotzki (1867-1928), *Kli Chemdah, Parashat Vayigash* explains Maharal's comments by stating that when an individual converts, he is separating himself from his previous attachment to another nation and therefore, *ger shenitgayer* applies. When the Jewish people accepted the Torah, they were building on their connection to Avraham, Yitzchak and Ya'akov, not trying to sever it. This is why *ger shenitgayer* did not apply.

R. Eliyahu Bakshi Doron, *Teshuvot* 1:22, develops this idea further. He notes Rambam's language (in *Hilchot Issurei Biah* 13:4) that there are two components to the conversion process. First, one must enter the covenant (*l'hikanes lab'rit*). R. Bakshi Doron explains that this refers to the covenant of Sinai which is as a covenant to observe the mitzvot as members of the Jewish community. While the Jewish people were observing some mitzvot prior to Sinai, they were observing them as individuals with no connection to others observing the same mitzvot. At Sinai, observance of mitzvot became a direct function of being a member of the Jewish nation, each person responsible for another. Second, "[one must] settle under the wings of the *Shechinah* and accept upon himself the yoke of the Torah." Before entering into the covenant, the convert must first choose to become a member of the Jewish people and accept the mitzvot.

Why does Rambam list entering the covenant first? Doesn't that take place after one decides to become a part of the Jewish people and accept the mitzvot? R. Bakshi Doron suggests that Rambam listed it first because the acceptance of mitzvot must be an acceptance that incorporates entry into the covenant of Sinai. After *Matan Torah*, one cannot become part of the Jewish people without also entering the covenant of Sinai. In practical terms, the potential convert chooses to become part of the Jewish people, accepts the mitzvot and then enters the covenant and becomes a member of the Jewish people.

Rambam describes that the Jewish people entered the covenant through circumcision, immersion and the offering of a sacrifice. R. Bakshi Doron notes that this is how entry into the covenant is performed for all future converts. However, there is a part of the conversion process that the Jewish people who left Egypt did not perform. As descendants of Avraham, Yitzchak and Ya'akov, they did not need to become part of the Jewish people nor did they have a choice in accepting the mitzvot. It is this part of the process that gives the convert a new identity and therefore, *ger shenitgayer* did not apply to the Jewish people. "Like you, so too a convert" teaches us the specific steps that are necessary to enter the covenant. Aspects related to the broader conversion process are not derived from the *Matan Torah* experience.

R. Bakshi Doron's comments can explain Rambam's discussion of forced conversion (*Hilchot Melachim* 8:10). Rambam writes that there are two ways to become Jewish. First, one is born Jewish and there is no choice whether to accept it or not. It is a heritage for the congregation of Ya'akov. Second, one chooses to convert. Rambam does not provide the details of the process because he already mentioned them in *Hilchot Issurei Biah*. However, he does introduce the idea that "like you, so too a convert" can only be applied to someone who willingly wants to convert. This is because "like you, so too a convert" only teaches how to enter the covenant and not the broader conversion process, which includes a voluntary acceptance of observance of the mitzvot.

The Benefits of the Voluntary Conversion

Another difference between the conversion of the Jewish people at *Matan Torah* and the conversion of an individual is highlighted by the Vilna Gaon (1720-1797). In *Megillat Rut*, when Rut first meets Boaz, he says:

May the Lord reward your deeds, and may your reward be full from the Lord God of Israel, under Whose wings you have come to take shelter.

Ruth 2:12 (Judaica Press Translation)

ישלם ה' פעלך ותהי מכשרתך שלמה
מעם ה' אלקי ישראל אשר באת
לחסות תחת כנפיו.
רות ב:יב

On a simple level, Boaz is praising Rut for taking the bold step of converting to Judaism and offering her a blessing that she should be rewarded for her actions. The Vilna Gaon felt that Boaz's comment seems to contradict the statement in Avot 1:3, that we should not fulfill mitzvot in order to receive reward, and therefore offers the following insight:

The idea is that our service of God must not be for reward because how can we be brazen to ask for reward for our service to Him? Does it make sense for a permanent slave to ask for

הענין כי עבודתינו אליו ית"ש שלא
על מנת לקבל פרס כי איך נעזי פנינו
לבקש שכר על עבודתנו לו היתכן
שבקש עבד עולם פרס מרבו הלא כל

reward from his master? So too, God took us out of Egypt to be His servants. However, someone who was not redeemed from Egypt can ask for reward for his service because he chose [service of] God on his own. This is what [Boaz] states "May the Lord reward your deeds, and may your reward be full etc," you can certainly ask for reward because you came to take shelter under His wings now and you weren't part of the redemption from Egypt.

Commentary of the Vilna Gaon to Ruth 2:12

גופו קנוי וכן הוא יתברך הוציאנו
ממצרים מבית עבדים ולקח אותנו
להיות לו לעבדים. אבל מי שלא
נגאל ממצרים זה יכול לבקש שכר על
עבודתו כי מעצמו בחר בה' וז"ש
ישלם ה' פעלך ומשכרתך שלמה כו'
ובודאי תוכל אתה לבקש שכר מפני
אשר באתה לחסות עתה בצל כנפיו
ולא היית בגאולת מצרים.
פירוש הגר"א לרות ב:יב

The Vilna Gaon's comments provide an important insight into the difference between the conversion at *Matan Torah* and the conversion of an individual. The conversion of *Matan Torah* was not optional because the Jewish people were considered servants of God from the moment He redeemed them from slavery. This idea is expressed by the Midrash:

R. Tuvia b. Yitzchak said: [the verse states] "I am the Lord your God," it is on this condition that I took you out of Egypt, so that you accept My Divine authority upon yourselves.

Shemot Rabbah 29:3

א"ר טוביה ב"ר יצחק אנכי ה' אלקיך
שעל מנת כן הוצאתיך מארץ מצרים
שתקבל אלקותי עליך.
שמות רבה כט:ג

The individual potential convert who wasn't freed from the slavery of Egypt has the option to choose to be part of the Jewish people. Although the convert cannot opt out once the conversion is complete, the convert retains certain benefits based on his voluntary acceptance of the Torah including the right to perform mitzvot for the purpose of receiving reward.

Your Nation is My Nation

The holiday of Shavuot celebrates our entry into the covenant of Sinai. This covenant requires all members of the Jewish people to take responsibility for each other. We do not see ourselves simply as a group of individuals who all observe the same laws. We are a nation bound together by the covenant of Sinai. The mitzvot we received at Sinai, even those that appear as mitzvot incumbent on the individual, all have a national element to them. The individual convert can't become part of the Jewish people without accepting this national element of mitzvot. R. Bakshi Doron notes that this is why Rut tells Na'ami (1:16) "your nation is my nation and your God is my God (עמך עמי ואלקיך אלקי)." Rut accepted the national element as part of her acceptance of Judaism. As we celebrate Shavuot and experience our own personal acceptance of the Torah, we should keep in mind our national mandate and responsibility towards others.

Moshe Rabbenu at Ma'amad Har Sinai: Ascending and Descending the Mountain

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Ascending and Descending the Mountain

One of the striking features of the account of *Ma'amad Har Sinai* in Shemot 19 is Moshe Rabbenu's recurrent movements up and down the mountain of Sinai, the geographical locus of the divine revelation.

After a long, eventful journey from Egypt, Bnei Yisrael arrive with great anticipation to this climactic destination. The atmosphere of expectation is evident in the united stance among the Israelites when they make their camp opposite the mountain. As Rashi famously declares on Shemot 19:2, “ויחזן שם ישראל – כאיש אחד בלב אחד.” Israel encamps there “as one man, with one mind,” putting aside their conflicts to join together to await the giving of the Torah. The hub of Moshe's activities in relation to the mountain also demonstrates this leader's great anticipation for the momentous occasion. While the people settle in and rest from their travels, Moshe begins his ascent up the mountain. Having been promised at the scene of the burning bush that he would return to that very site in order to worship Hashem with his redeemed nation (Shemot 3:12), Moshe “had gone up to God (ומשה עלה אל האלקים)” (Shemot 19:3), preparing to receive Hashem's instructions how to proceed to fulfill this divine mission.¹⁰ Responding to Moshe's initiative, Hashem calls to Moshe from the top of the mountain. He delineates the divine Covenant which Moshe is to convey to Bnei Yisrael, outlining the privileges and responsibilities of the “chosen nation,” a precious treasure (*am segulah*) among the nations of the world (Shemot 19:4-6).

This first communication between Hashem and Moshe begins a series of discourses, which involve Moshe repeatedly ascending and descending the mountain, the focal point of these exchanges. Instructed with the terms of the Covenant, Moshe descends the mountain to relay them to the people (Shemot 19:7). Upon unanimous acceptance of their commitment to its

¹⁰ See Ramban, Shemot 19:3, for the presumption that Moshe's ascent “to God” indicates that he had begun his ascent of the mountain in preparation for receiving prophecy. Compare Sforno, Shemot 19:3, who maintains that the “going up” does not refer to physical ascent up the mountain, but to spiritual preparation to receive prophecy. Maimonides, *The Guide of the Perplexed*, 1:10, applies both literal and figurative meanings to Moshe's ascent in this context.

conditions, Moshe ascends the mountain to report their answer to Hashem (vs. 8),¹¹ at which point he is presented with a subsequent divine directive that communicates Hashem's intent to appear to Moshe "in a thick cloud" (vs. 9). Moshe is also commanded to "go to the people" with the mandate to prepare them for *Matan Torah* (vs. 10), warning them in particular to establish clear boundaries that will distance the people from the mountain, the site of the divine revelation (vs. 11-13). Moshe descends the mountain (vs. 14), reporting his divine communication to the people, and the three day preparation commences (vs. 15).

At the end of this period, the scene at the mountain is transformed, signaling the onset of Hashem's manifestation before the people. While the people are impacted visually with the sights of lightning, a heavy cloud on the mountain, the Divine presence in fire, causing the mountain to shudder and fill with smoke, they are also overwhelmed by voices and sounds—heavenly thunders, the sound of the shofar, and audible exchanges between Hashem and Moshe in the midst of this tumultuous cacophony (vs. 15-19). Anticipating the divine revelation, Moshe had "brought out the people toward Hashem, from the camp," positioning them at the base of the mountain, within their permissible bounds (vs. 17).

The giving of the Torah, however, does not transpire until another occurrence of Moshe ascending and descending the mountain takes place. Hashem had "come down on Mount Sinai, to the top of the mountain," and He now instructs Moshe to ascend in this direction (vs. 20). Moshe receives yet another set of warnings, in which he is implored to "go down" and admonish the people once again about retaining the sacrosanct bounds that separate them from the mountain, where Hashem will openly reveal His presence (vs. 21-24). The episode concludes with the explicit statement that "Moshe descended to the people" (vs. 25), his words to them immediately succeeded by Hashem's communication of the *Asseret ha-Dibrot* (Shemot 19:25, 20:1). While the narrative delineating the preparations for *Ma'amad Har Sinai* had begun with Moshe going up to Hashem, ascending the mountain (Shemot 19:3), it concludes with his movement of descent down the mountain to the people.

Moshe Rabbenu's Relationship to Hashem & Bnei Yisrael

What is the intent of the dynamism of this narrative episode? Why does this account center on the motif of movement up and down the mountain?¹² It appears that the preparatory activities are orchestrated to convey a two-fold message regarding Moshe's privileged relationship to Hashem and to Bnei Yisrael, while demarcating the limitations of this relationship. The activity of ascending the mountain portrays Moshe as the leader above the people, attaining great spiritual heights, while descending the mountain represents Moshe as being a partner with his people, joining together with them. In this manner, the movement up the mountain, where Hashem manifests His presence, and down the mountain, where the people are situated, designates Moshe as the intermediary who joins heaven to earth, serving as the conduit between

¹¹ The assumption that he ascends the mountain to report back to Hashem is noted by Ibn Ezra, long commentary, and Ramban, Shemot 19:8.

¹² This motif of movement in this narrative account is also noted by Everett Fox, *The Five Books of Moses: A New Translation with Introductions, Commentary, and Notes* (New York: Schocken Books, 1995), p. 364.

the Divine and the human.¹³ The flurry of activity up and down the mountain sets the stage for Moshe Rabbenu's role as the "prophet-messenger (שליח-נביא),"¹⁴ who will ultimately communicate most of the Torah from Hashem to the people.¹⁵ Nevertheless, to underscore the exclusivist divine origin of the Torah, Moshe's final movement prior to the giving of the *Asseret ha-Dibbrot* must be that of descent. At this juncture, the Torah is received by Moshe together with the people, bounded by the restrictions and limits to which they must adhere. While Moshe's incomparable prophetic stature is confirmed through prerequisite events, Hashem also orchestrates the circumstances of *Ma'amad Har Sinai* to emphasize Moshe's humanity and affirm the singular, superhuman origin of the Torah.

Confirming Moshe's Prophetic Role

The message of Moshe ascending the mountain, affirming his role as the prophetic messenger and intermediary, is reinforced by a spiritual "ascent" experienced by Bnei Yisrael. In order to confirm Moshe's unsurpassed prophetic stature, Hashem determines that a one-time event must take place in which Bnei Yisrael collectively become a nation of prophets. As Hashem indicates to Moshe in his second ascent up the mountain, He will appear to Moshe in the thickness of a cloud "so that the people may hear when I speak with you and also trust in you forever (וגם כך) (יאמינו לעולם) [Shemot 19:9]. By elevating Bnei Yisrael's spiritual stature, Hashem provides a scenario that establishes both the authenticity of Hashem's words as well as eternally substantiates the belief in the superiority of Moshe's prophecy.

In his commentary on Shemot 19:9, Ramban explicates the importance of this event.

I, Hashem, come to you in the thickness of a cloud, that you will approach the thick cloud so that the nation will hear My words and they themselves will be prophets when I speak, not that they should believe from the mouths of others . . . and they will also believe in you eternally, for all generations. Therefore, if a prophet arises in their midst or a dreamer of a dream (Deut. 13:2) [who speaks] against your words, they will immediately deny him, for they have already seen with their eyes and heard with their ears that you have reached the highest heights of prophecy.

אני בא אליך בעב הענן שתגש
אתה אל הערפל בעבור ישמע העם
דברי ויהיו הם עצמם נביאים
בדברי לא שיאמינו מפי אחרים . . .
וגם כך יאמינו לנצח בכל הדורות .
ואם יקום בקרבם נביא או חולם
חלום כנגד דבריך יכחישוהו מיד
שכבר ראו בעיניהם ושמעו
באזניהם שהגעת למעלה העליונה
בנבואה.

All of Israel, by virtue of being raised to the status of prophets, would be witness to Moshe's prophetic experience, that Hashem speaks with him directly. This testimony would erase any doubts among those who might have believed in Moshe only because of his ability to perform

¹³ Cf. Fox, *ibid.*, p. 364, who observes that Moshe's movement "serves to bridge the gap, usually great, between heaven and earth." The role of Moshe Rabbenu as the conduit between Hashem and Bnei Yisrael is particularly evident in Moshe's ascent of the mountain to report the people's acceptance of the terms of the Covenant. As Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York/London: W.W. Norton and Co., 2004), p. 424, notes on Shemot 19:8, observes, while God does not need assistance to learn of the people's answer, this context "stresses Moses's crucial role as intermediary in this episode." See his comments on Shemot 19:21 as well.

¹⁴ See R. Yosef Albo, *Sefer ha-Ikarim*, 1:18, for this designation of Moshe Rabbenu.

¹⁵ Cf. Ramban, Shemot 20:16; Devarim 5:24, on Moshe's role as communicator of the mitzvot of the Torah.

signs and wonders, which could be attributed to magic and sorcery.¹⁶ It would further establish the inviolability of Moshe's prophetic communications from Hashem, such that any future prophet who aims to eradicate the Torah and its commandments would be deemed a false prophet.¹⁷

The question arises regarding the exact content of this dialogue between Hashem and Moshe. This issue also hinges on the relationship between Shemot 19:9 and the subsequent context of 19:19, which relates, "Moshe speaks and Hashem answers him with voice (מִשֶּׁה יְדַבֵּר וְהָאֱלֹקִים) (יַעֲנֵנוּ בְקוֹל)." Some commentators, such as Rav Saadia Gaon, read this account sequentially and presume that this dialogue takes place prior to *Matan Torah*. Amidst the reverberating noises of the dramatic atmosphere surrounding the mountain, Bnei Yisrael hear the voices of Hashem and Moshe in the communication of the final divine warning not to approach the mountain (Shemot 19:21-24), even though they do not necessarily discern the words themselves.¹⁸ The approach of the Midrash maintains that Shemot 19:19 refers to Moshe's communication of the remaining eight *dibbrot* to the people, assuming Bnei Yisrael only heard the first two declarations directly from Hashem.¹⁹ However, a third alternative, based on R. Yosef Albo's understanding of Maimonides' opinion in *Hilkhos Yesodei Torah* (8:1), claims that Shemot 19:9 refers to Bnei Yisrael hearing Hashem command Moshe in *Devarim* 5:27-28, that they should return to their tents, but Moshe "would remain with Me and I shall speak to you the entire commandment and the decrees and the judgments that you shall teach them . . ." (vs. 28).²⁰ Perhaps one may speculate that this conversation did not consist of specific warnings or directives to be communicated to the people. This verbal episode aims to authenticate the *nature* of the relationship between Moshe and Hashem, such that direct conversations are a norm between them. Such eyewitness testimony confirms the legitimacy of all future communications that Moshe presents to his nation in the name of Hashem.

¹⁶ On this point, compare Maimonides, *Hilkhos Yesodei Torah*, 8:1-3, whose approach influences Ramban's analysis in this context. For a discussion of these commentators' approaches to this context, see Yehudah Cooperman, "Ma'amad Har Sinai be-Sifrut ha-Parshanit: Matarat ha-Ma'amad," *Shema'atin*, Vol. 150 (2003): 43-50.

¹⁷ For these insights, see as well Ramban, *Devarim* 4:9, 12-14, 24. Compare Maimonides, *The Guide of the Perplexed*, 1:63, where he observes that while divine prophecies were communicated to the patriarchs, they primarily addressed "their private affairs . . . in regard to their perfection, their right guidance concerning their actions, and the good tidings for them concerning the position their descendants would attain." [Translation derives from Moses Maimonides, *The Guide of the Perplexed*, translated and with an Introduction and Notes by Shlomo Pines (Chicago/London: University of Chicago Press, 1963), Vol. I, p. 154.] However, Moshe serves as a divine messenger with a national mission, first to redeem his people from Egypt and now to deliver the contents of the divine covenant and present the Torah's commandments to the people. His prophetic status must be validated unequivocally because of the national ramifications of his role. In the context of *Guide* 1:63, Maimonides explains Shemot, 3:13-14, as Moshe's request to be provided with demonstrable proofs of God's existence in order to validate his divinely ordained mission.

¹⁸ Saadia Gaon's interpretation is cited in Ibn Ezra, Shemot 19:9, particularly in his short commentary. For this approach, compare Ramban, Shemot 19:19, as well as Shmuel David Luzzatto, *Peirush Shadal al Chamisha Chumshe Torah*, ed. P. Schlesinger (Tel Aviv: Dvir Pub., 1965), on Shemot 19:9, 19.

¹⁹ See *Midrash Mechilta, ba-Chodesh, parashah* 4. This approach is upheld by Rashi, Shemot 19:19, as well as Ibn Ezra, long commentary on Shemot 19:9, 19. Cf. Ramban, Shemot 20:7, on this midrashic approach. Compare as well Maimonides, *Guide of the Perplexed*, 2:33, who applies this approach.

²⁰ See Rav Cooperman, "Ma'amad Har Sinai," pp. 48-49, who notes R. Yosef Albo's reading of Maimonides, *Hilkhos Yesodei Torah*, 8:1, in his *Sefer ha-Ikarim*, 1:18.

“You shall fix boundaries for the people all around” (Shemot 19:12)

Because the divine revelation is an unprecedented event, physical boundaries around Mount Sinai are demarcated. U. Cassuto notes the unusual language of this divine restriction, “והגבלת את העם,” you shall bound the *people*, as opposed to a command delineating boundaries around *the mountain* (which is, in fact, how Moshe reiterates its intent in vs. 23). He infers that the boundaries around the physical focal point of the divine revelation send a clear message that limits are also being imposed on the people themselves. Particularly at this moment of direct communication between Hashem and His people, the boundaries between the human and the Divine must be clearly marked and upheld.²¹ As Rav Shimshon Raphael Hirsch explains,

The complete separation between the origin of the Law and the people is also to be apparent in actual space. The place from where the people get the Torah is completely, very specifically separated from them, and raised to the realm of the extraterritorial. No man, not even an animal may be on the Mount or even touch it. Should one do so, it must be killed. . . All this to impress the fact of the superhuman origin of the Torah.

Rav Shimshon Raphael Hirsch, Shemot, 19:10-13²²

Moshe's Position in Relation to the Mountain at Matan Torah

The limits placed upon the people regarding their relative position around the mountain during the divine revelation raises the question about Moshe's own situation at the moment that Hashem commands the *Asseret ha-Dibrot*. Should one presume that Moshe was given a privileged position because of his leadership role and lofty prophetic stature? Where is he standing in relation to Bnei Yisrael when Hashem declares, “אנכי ה' אלקיך”?

The answer to this question hinges on how one understands the dialogue between Hashem and Moshe that takes place at the end of Shemot 19.

Hashem descended on Mount Sinai to the top of the mountain and Hashem called Moshe to the top of the mountain, and Moshe went up. Hashem said to Moshe, “Go down, warn the people, lest they break through to Hashem to see, and many of them will perish. Even the Kohanim who approach Hashem must sanctify themselves, lest Hashem burst forth against them.” But Moshe said to Hashem, “The people will not be able to come up to Mount Sinai, for You Yourself warned us, saying, ‘Fix boundaries for the mountain and sanctify it.’” Hashem said to him, “Go down, and you shall come up, you and Aharon with you, but the Kohanim and the people must not break through to go up to Hashem, lest He burst out against them.”

וירד ה' על הר סיני אל ראש ההר ויקרא ה' למשה אל ראש ההר ויעל משה. ויאמר ה' אל משה רד העד בעם פן יהרסו אל ה' לראות ונפל ממנו רב וגם הכהנים הנגשים אל ה' יתקדשו פן יפרץ בהם ה' ויאמר משה אל ה' לא יוכל העם לעלות אל הר סיני כי אתה העדתה בנו לאמר הגבל את ההר וקדשתו. ויאמר אליו ה' לך רד ועלית אתה ואהרן עמך והכהנים והעם אל יהרסו לעלות אל ה' פן יפרץ במ.

²¹ See U. Cassuto, *A Commentary on the Book of Exodus*, 4th edn. (Hebrew) (Jerusalem: Magnes Press, Hebrew University, 1965), p. 158, who notes that this demarcation between the human and divine realms is distinguished from polytheistic beliefs in which the forces of nature are regarded as gods. The Torah teaches that God is above all natural entities, and it is not possible to erase the barrier between God and man.

²² Rav Hirsch also observes that this is the purpose for the preparations for *Matan Torah* and the three day waiting period. The Torah does not originate from the people; it comes to the people.

Moshe descended to the people and said to them.

Shemot 19:20-25

וירד משה אל העם ויאמר אליהם.

שמות יט:כ-כה

This dialogue is perplexing as it consists of a command to reiterate the warning to maintain a distance from the mountain during the revelation. Moshe seems to have been called up only to be told to go down the mountain once again. Nevertheless, he is also commanded that at some point he, together with Aharon, will “go up” the mountain. How does this ascent relate to the command from Hashem to descend the mountain? How should one reconstruct the sequence of events?

According to Yizhak Abarbanel (1437-1508) and Shmuel David Luzzatto (Shadal) (1800-1865), the subsequent ascent was intended to transpire *after* the giving of the Torah, in the context of the covenant ceremony in Shemot 24, when Moshe was to go up the mountain to receive the *Luchot* (Shemot 24:1-2, 12, 18). During the divine revelation, Hashem wanted Moshe to be together with the people, “all of them as one (כולם כאחד),” without difference.²³ Moshe needed to be *equal* to the people during *Matan Torah* in order to highlight the exclusive focus on the divine origin of the Torah.²⁴

Explaining the purpose of Hashem’s command to Moshe that he should descend (19:21, 24) and stand with the people when the *Asseret ha-Dibbrot* are given, Abarbanel declares:

Since Hashem wanted to merit Israel by giving them the Torah and mitzvot, He determined, based on His great providence, to give them His Torah in a way that would not leave any doubt in their minds that Moshe Rabbeinu from his own intellect and knowledge established it and searched it out and presented it before Bnei Yisrael, saying, that Hashem the king had commanded it to him. Therefore, Hashem did not give the Torah to Moshe through his lofty prophecy, so that he would relate it and present it to Israel, in order that they would not doubt if the Torah was divine or from the work of Moshe. Accordingly, in order to nullify any doubt or concern about this [matter], Hashem, by way of miracle, created a very strong voice, that could be perceived, at the divine revelation, through which all of Israel- men, women, and children- would hear the Asseret ha-Dibbrot, the young like the old . . . In order to ensure that Israel would not think that since Moshe is on the mountain at the time of the giving of the Dibbrot, the voice is

לפי שהב"ה כשרצה לזכות את ישראל לתת להם תורה ומצוות היה מעוצם השגחתו עליהם לתת תורתו באופן שלא ישאר אצלם ספק בהיות התורה אלקית ונתנה מן השמים ושלא יעלה על לב אדם שמשה רבינו משכלו ודעתו הכינה גם חקרה ושמה לפני בני ישראל לאמר כי כן צוה לו המלך ה' צבאות. ומפני זה לא נתן את התורה למשה בנבואתו העליונה ושהוא יגידה ויערכה לישראל כדי שלא יספקו בה אם היא האלהית או מפועל משה. ולבטל כל חשש וכל ספק מזה חדש יתברך על דרך הפלא באותו מעמד קול נברא מוחש ועצום מאד שבו ישמעו עשרת הדברות כל ישראל אנשים ונשים וטף כקטון כגדול . . . וכדי שישראל לא יחשבו בהיות משה בהר בשעת הדברות שהקול ההוא היה של משה והוא היה המדבר אתם בהשמעת קולו ולא היה קול

²³ Shadal, Shemot 19:24.

²⁴ Abarbanel, Shemot 19:23; Shadal, Shemot 19:24. For this approach, see as well the commentary of Sforino, Shemot 19:24, and Rav Hirsch, Shemot 19:20-24. Abarbanel indicates that the different relative positions of the various classes of Bnei Yisrael would only be instituted after *Matan Torah*, at the covenant ceremony in Shemot 24. Therefore, according to Shadal, Shemot 19:24, Moshe’s approach to the thick cloud where Hashem was, in Shemot 20:17, is only in response to the people’s reaction of 20:16. Moshe would not have ascended the mountain at this juncture had the people not begged him to be their intermediary. The ascent described at the end of the dialogue in 19:24 was intended to occur post-*Matan Torah*, with the formal acceptance of the covenant.

that of Moshe and he is the one speaking to them, and it is not Hashem's voice, Hashem wanted that even Moshe should go down to the people and be with them at the time of the hearing of the Dibbrot... "Go down" to stay with the people, as before them, and do not say in your heart, "How can I be equal as one of the people when the Torah is given?"

Abarbenel Shemot 19:23-24

אלקים מפני זה רצה הקב"ה שגם משה ירד אל העם ויהיה עמהם בעת שמיעת הדיברות... לך רד לשבת עם העם כלפניהם ואל תאמר בלבבך ואיך אהיה אני שוה לכל אחד מן העם בנתינת התורה.

אברבנאל, שמות יט:כג-כד

The Command to Descend the Mountain and Moshe's Resistance

From this perspective, Hashem's final instruction to Moshe to descend the mountain is a clear indication that there is no differentiation between the prophetic leader and his people at the moment of the giving of the *divine* Torah.²⁵ This intent may be juxtaposed with Hashem's insistence that the people be warned once again, right before the momentous revelation, to maintain the bounds around the mountain where Hashem will openly reveal His presence. Moshe descends the mountain and goes to the people in order to acknowledge and accept the fact that even *he* has boundaries by which he must abide in his relationship with Hashem.

Based on this reading, one may clarify why Moshe unusually resists the divine command to repeat this warning about boundaries, declaring that the people have already been informed of their limits and there is no necessity to address them again (19:23). Considering the tremendous consequence of this admonition in the context of the unprecedented event that is about to occur, it is baffling why Moshe would retort and question Hashem's judgment to repeat this warning.²⁶

However, as Shadal explains, "It appears to me that Moshe wanted to remain on the mountain and therefore he was avoiding descending [the mountain] to warn the nation."²⁷ Moshe wants to be as close to Hashem as possible when His presence is revealed in a way never before experienced.

²⁵ According to Ibn Ezra, however, after Moshe descends the mountain, he is commanded to "go up," that is, to approach closer to the mountain than the rest of Bnei Yisrael, *before* the giving of the *Asseret ha-Dibbrot*. This movement would establish a hierarchical arrangement around the mountain so that different classes of individuals, such as the first born, heads of the tribes, elders, and Aharon and Moshe, stand at the mountain "according to their status (כפי מעלתם)." While the text does not relate Moshe's subsequent ascent prior to *Matan Torah*, it is understood that the events are recorded in a concise form and the reader will infer the complete account. Cf. Ibn Ezra, long commentary, Shemot 19:2; long commentary, 19:17; short commentary, 19:22; and short and long commentary on 19:24. Ibn Ezra also cites Deut. 5:5 as proof that Moshe was closer to the area of the divine revelation than the rest of his nation. For this approach, compare Rashi, Shemot 19:24, based on *Mechilta, ba-Chodesh, parashah 4*, who indicates that there were *mechitzot*, or designated stations, at the mountain, such that Moshe approached closer than the rest of the nation. That Moshe is positioned near the people is highly significant, for this serves to underscore the *divine origin* of the Torah. However, just as all of Israel witnesses Moshe ascending the mountain for the final time prior to *Matan Torah* (Shemot 19:20) in order to emphasize "the greatness of Moshe's stature" (cf. Ibn Ezra, long commentary, Shemot 19:20), similarly, Moshe's privileged status among his people is noted during *Matan Torah*.

²⁶ Cf. Rashi, Shemot 19:24, who states that it is prudent to warn someone before an action is performed and again at the moment of the action.

²⁷ Shadal, Shemot 19:24.

Hashem, however, responds that Moshe will have the privilege to demonstrate his higher status before the people after *Matan Torah* (Shemot 24). But, the giving of the Torah must occur with Moshe only acting in the role of recipient of a divine Torah, equal to that of his nation.²⁸

As the Midrash elaborates with an analogy:

At that moment, Hashem wanted to give them [Bnei Yisrael] the Torah and speak with them, but Moshe was standing. Hashem said: "What shall I do with Moshe?" Said R. Levi: This is compared to a king who wanted to make a royal proclamation without the knowledge of his minister. He said to him, "Do this matter." He answered him, "It has already been done." He responded and said to him, "Go and call this advisor, and he shall come with you." While he was going [on this mission], the king did what he had set out to do.²⁹ Similarly, Hashem wanted to give the Assemet ha-Dibrot, and Moshe was standing by His side. Hashem said, "I am revealing to them the upper heavens and saying, 'I am Hashem your God,' and they will respond: 'Who said this? God or Moshe?'" Therefore, let Moshe go down and then I will say, "I am Hashem your God." Thus, Hashem said to Moshe ... "Go, descend, and you will go up, and Aharon with you." When Moshe went down, God revealed Himself, as it states, "Moshe went down to the people," and immediately, "Hashem spoke..."

Shemot Rabbah 28:3

אותה שעה ביקש הקב"ה ליתן להם את התורה ולדבר עמהם והיה משה עומד. אמר הקב"ה: מה אעשה מפני משה? אמר ר' לוי: משל למלך שביקש לעשות אופימשטאטא חוץ מדעתו של אפרכוס. אמר לו: עשה דבר פלוני. אמר לו: כבר נעשית. שוב אמר לו: לך קרא לפלוני סינקליטקוס ויבוא עמך. עד שהוא הולך עשה המלך מה שביקש. כך ביקש הקב"ה ליתן עשרת הדיברות, היה משה עומד מצדו. אמר הקב"ה: אני גולה להם את הרקיע ואומר, אנוכי ה' אלקיך, הם אומרים: מי אמר, הקב"ה או משה? אלא ירד משה ואחר כך אני אומר: אנוכי ה' אלקיך. כך אמר הקב"ה למשה ... לך רד ועלית אתה ואהרן עמך, עד שמשה יורד נגלה הקב"ה, שנאמר: וירד משה אל העם, מיד: וידבר אלקים.

שמות רבה כח:ג

Moshe Rabbenu at Ma'amad Har Sinai

The directed movements of Moshe Rabbenu up and down the mountain throughout the account of *Ma'amad Har Sinai* in Shemot 19 present us with a distinct understanding of his role during *Matan Torah* and in his subsequent leadership of his nation. The repeated ascents and descents of the mountain establish Moshe as the mediator between Hashem and Bnei Yisrael. His ascent up the mountain confirms his absolute prophetic authority as the chosen agent for transmitting the Torah to Bnei Yisrael. But, Moshe's final descent from the mountain at the conclusion of this account, when he rejoins the people, affirms the absolute divine origin of the Torah and Moshe's humanity.

²⁸ See Shadal's analysis, Shemot 19:24.

²⁹ Note that this Midrash suggests that the command to summon Aharon is a type of ruse to ensure that Moshe remains with the people at the giving of the Torah. Cf. the commentary of *Matnot Kehunah* on this Midrash, Shemot Rabbah 28:3, who explains, "עשה דבר פלוני-כדי להשיאו לדבר אחר אמר כן שילך לו משם" ("Do this matter": In order to divert his attention to another matter, He said this, so that he would go from there). For a parallel midrashic analysis, cf. *Pirkei de-Rabbi Eliezer*, ch. 41

The Best Part of Waking Up

Birchas HaTorah on Shavuos Morning

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The Importance of Birchas HaTorah

One of the most significant *berachos* we recite throughout the day is the *birchas haTorah*. This series of *berachos*³⁰ is not only a halachic requirement, but a powerful testament to the importance of Torah study. For example, the Talmud (*Nedarim* 81a) asks why Torah scholarship often does not pass from a father who is a Torah scholar to his children. Ravina explains that it is result of the scholar's omission of *birchas haTorah*:

Why is it uncommon for Torah scholars to produce Torah scholars as their children? Ravina said: Because they [the Torah scholars] do not recite the berachos [of birchas haTorah] prior [to studying Torah]

ומפני מה אין מצויין ת"ח לצאת
ת"ח מבניהן? רבינא אמר...
שאינ מברכין בתורה תחלה.

The *Beis Yosef* (O.C. 47) quotes his Rebbi, Rabbeinu Yitzhak Abohav, who explains Ravina's intent:

Our great Rebbi, Mahar"i Abohav zt"l, wrote that the [explanation of the] reason [given by the Talmud] that they are not privileged to have children that are Torah scholars "because they do not recite the beracha [of birchas haTorah]" is that since they do not recite berachos on the Torah, it demonstrates that they are not studying it for its own sake, rather merely like a common occupation. Therefore they are not privileged to the chain that continues from one who is involved in Torah for its own sake.

ורבינו הגדול מהר"י אבוהב ז"ל
כתב שהטעם שאינם זוכים
לבנים תלמידי חכמים מפני שאין
מברכין בתורה הוא לפי שמאחר
שאינ מברכין על התורה מורה
שאינ קורין אותה לשמה אלא
כאומנות בעלמא לפיכך אין זוכין
לשלישלת הנמשך לעוסק בתורה.

In the view of Mahar"i Abohav, *birchas haTorah* demonstrates the Divine and supreme nature of Torah study, in extreme contrast to other disciplines and occupations. The few seconds of daily blessing before studying Torah declare to oneself and one's family an appreciation of the precious gift that G-d gave His people on Shavuos. If a father is steeped in Torah study but does

³⁰ Although we recite two *berachos*, the *Shulchan Aruch* refers to this series as "*birchas haTorah*" in the singular, and that term is retained here.

not clearly convey to his children that he is involved in it because it is the Word of G-d, not merely a profession or enjoyable pastime, then they will not appreciate it enough to pursue it diligently themselves.

The *Perisha* (ibid., 1) further suggests that the text of *birchas haTorah* contains a unique prayer beseeching G-d that one's progeny follow on the path of sincere Torah study - וְנִהְיֶה אֲנַחְנוּ – וְצִאצְאֵינוּ... כֻּלָּנוּ יוֹדְעֵי שְׂמֵךְ וְלֹמְדֵי תוֹרָתְךָ לְשִׁמְהָ. “and may we and our descendants all know Your Name and study Your Torah for its own sake.” Unfortunately, great scholars sometimes take the wonderful gift for granted and don't sincerely pray to G-d that their posterity mirror their own involvement in Torah. In contrast, those that enjoy only brief periods to concentrate on Torah study are more cognizant of what a great privilege it is, and beg G-d wholeheartedly for the Torah to be transmitted to their children.

It is clear from the statement of Ravina, as well as the commentaries of both Mahar"i Abohav and the *Perisha*, that *birchas haTorah* plays an integral role as a preamble to daily Torah study. Ironically, one of the most common times of the year that significantly fewer people say *birchas haTorah* is the first day of Shavuot – the very day we received the Torah! Those that stay up the whole night to study Torah usually listen to someone else's *birchas haTorah* instead of reciting their own. This practice is the result of disputes among the Rishonim and the Acharonim.

One Who Arises Before Daybreak

Birchas haTorah is included in the series of *berachos* that we recite at the beginning of *Shacharis*. This practice is rooted in the Talmud (*Berachos* 11b), which declares that one who arises in the morning must recite *birchas haTorah*.

Even though one recited *birchas haTorah* a day ago, it is a requirement that he must fulfill with every new day. However, the Rishonim debate which specific aspect of the day's beginning causes the previous day's *birchas haTorah* to expire and create the need for a new *beracha*: a night's sleep or daybreak. It is possible that when one goes to sleep, he temporarily retires from intense Torah study, and must make a new *beracha* when he arises. Alternatively, it is conceivable that *birchas haTorah* only lasts one day. Therefore, as soon as a new day breaks, one must recite *birchas haTorah* for the new day before he studies Torah. Rabbeinu Tam maintains that the requirement to say *birchas haTorah* is a function of daybreak, yet other Tosafists opine that it is a result of sleeping.

A litmus test for the two opinions is where one arises from his night's sleep to study before daybreak. In such a case, one slept and then arose, but the day did not yet begin. In this situation, the Rishonim debate the correct practice. Tosafos, *Berachos* 11b, record:

Rabbeinu Tam used to say that when a person arises from his bed at night ([toward] morning) to study Torah, he need not recite birchas haTorah, as the birchas haTorah of yesterday in the morning exempts him until the next morning. Yet, it does not seem [that Rabbeinu Tam is] correct.

וְהָיָה אֹמֵר ר"ת כְּשֶׁאִדָּם עֹמֵד מִמִּטָּתוֹ
בְּלֵילָה (בְּשַׁחֲרִית) לְלַמּוֹד שֶׁא"צ לְבָרֵךְ
בְּרַכַּת הַתּוֹרָה מִפְּנֵי שֶׁבְּרַכַּת הַתּוֹרָה שֶׁל
אֶתְמוֹל שַׁחֲרִית פּוֹטֶרֶת עַד שַׁחֲרִית
אַחֶרֶת. וְלֹא נִהְיָא.

The *Tur* was unsure how to rule, so it appears that he wrote to his revered father, the Rosh, and asked him how he held in this argument.³¹ The Rosh responded (*Teshuvos HaRosh* 4, 1) and accepted the opinion of the other Tosafists, contrary to Rabbeinu Tam. Following the Rosh, the *Tur* (O.C. 47) codifies:

One who arises in the [very early] morning to study prior to going to synagogue should recite birchas haTorah.

והמשכים בבקר ללמוד קודם שילך
לב"ה יש לו לברך ברכת התורה.

The *Beis Yosef* (ibid.) quotes other Rishonim that also follow the opinions of the Tosafists, Rosh, and *Tur*:

In the writings of Rav Yisrael [Iserlein] (Terumat HaDeshen II, 123) he writes that he and his uncle zt"l were accustomed to blessing. Also the Sefer HaAgur wrote that Rabbeinu Tam is a unique opinion on this matter, and the authorities rule that he should make a beracha. And that is the commonly accepted custom.

ובכתבי מה"ר ישראל (תרומת
הדשן ח"ב) סי' קכ"ג כתב שהוא
ודודו ז"ל היו נוהגים לברך. וגם
האגור (שם) כתב שר"ת הוא יחיד
בדבר זה וכל הפוסקים אומרים
שיש לברך. וכן נוהגים העולם.

The *Beis Yosef* summarizes and codifies the majority opinion in his *Shulchan Aruch* (O.C. 47, 13):

One who arises early prior to daybreak to study Torah, makes the birchas haTorah and does not need to recite it again when he comes to synagogue.

המשכים קודם אור היום ללמוד,
מברך ברכת התורה ואינו צריך
לחזור ולברך כשילך לבית הכנסת.

Sleep During the Day

Clearly, the majority of Rishonim maintain that a night's sleep is enough to require a new *birchas haTorah* when one arises. The Rosh (ibid.) further held that if one takes a significant nap during the day then that would likewise create a new requirement of *birchas haTorah* before resuming Torah study. This is also quoted by the *Tur* (ibid.):

My father, my master wrote in response to a query that even if he slept formally in his bed during the day it constitutes a hiatus [in the status of the original birchas haTorah] and he must make the beracha again [when he arises from his rest]

וכתב א"א ז"ל בתשובת שאלה
שאף ביום אם ישן שינת קבע
על מטתו הוי הפסק וצריך
לחזור ולברך.

This opinion of the Rosh follows his previous ruling. If the requirement to say *birchas haTorah* is a result of sleep, one can understand that a long, formal sleep during the day would serve a similar purpose as a full night's sleep. Of course, if the Rosh would have held like Rabbeinu Tam, that only the new day causes one to say *birchas haTorah*, then one would obviously not make a *bercha* when he awoke from sleep during the same day.

³¹ In fact, the *Beis Yosef* notes that many of the rulings concerning *birchas haTorah* that that *Tur* quotes from a responsum of the Rosh are also found in the *Pesakim* of the Rosh on *Maseches Berachos*. The *Beis Yosef* questions why the *Tur* specifically quotes the responsum and suggests that the responsum adds some details that are not found in the *Pesakim*. One might additionally suggest that the *Tur* quoted the responsum because it was directed from his father to him, specifically in response to his own queries.

However, the *Beis Yosef* quotes the opinion of the *Sefer HaAgur* and his father, who strongly suggest that one not recite a blessing after daytime slumber. They maintain that since the Rishonim debate whether a night's sleep is enough to require *birchas haTorah*, one should apply the rule of *safek berachos l'hakel*- an uncertainty in matters of saying a *beracha* results in a lenient ruling:

And the Sefer HaAgur writes further that his father zt"l directed that the beracha not be recited during the day, even after a formal sleep, and it is correct to do, as one who is lenient in matters of berachos when there is a dispute does not lose, as [a lack of] berachos does not undermine [the mitzvos that were performed].

וכתב עוד האגור (שם) שאביו ז"ל הנהיג שלא לברך ביום אפילו אחר שינת קבע וכן ראוי לעשות כי המיקל בברכות במקום שיש מחלוקת הרי זה לא הפסיד כי הברכות אינן מעכבות

However, the *Beis Yosef* is perplexed by the ruling of the *Sefer HaAgur* and his father. He wonders why the *Sefer HaAgur* terms the dispute between Rabbeinu Tam and the other Rishonim as an uncertainty in matters of *berachos*. The *Beis Yosef* observes that no Rishon on record differentiates between a formal rest during the day and nocturnal slumber. The only opinion that would hold that sleep does not cause a *beracha* to be necessary is Rabbeinu Tam, who maintained such even after a full night's sleep. However, since the consensus is that Rabbeinu Tam is overruled and that sleep is enough to require a *beracha*, the same should apply after sleeping during the day:

It is perplexing... how did the father [of the Sefer HaAgur] direct [those to follow] like no one, and the son [the Sefer HaAgur] strengthened the directive of his father [and explained that it is] because there is a dispute in this matter. We have never found one who disagrees! It is possible that their reasoning is that according to Rabbeinu Tam even a full night's sleep is not a hiatus... and even though the halacha is not like him because all the authorities disagree with him, perhaps that is only in regard to sleep at night, but regarding sleep during the day, it is appropriate to be concerned with his words. And that is the established custom in the world, not to make a beracha during the day, even after a formal rest.

ויש לתמוה...היאך הנהיג האב דלא כמאן והבן ייפה כח האב משום דיש מחלוקת בדבר ואנן לא אשכחן מאן דפליג בהא ואפשר שטעמם משום דלר"ת אפילו שינת כל הלילה לא הוי הפסק...ואע"פ שאין הלכה כמותו מפני שכל הפוסקים חולקים עליו היינו בשינת לילה אבל בשינת יום מיהו יש לחוש לדבריו. וכן נוהגים העולם שלא לברך ביום אפילו אחר שינת קבע:

Nevertheless, the *Beis Yosef* records that the common custom is to be concerned about Rabbeinu Tam's minority opinion after sleep during the day, despite our disregarding it for sleeping during the night. The *Beis Yosef* mirrors his ruling in the *Shulchan Aruch* (ibid., 11):

A formal sleep during the day, on a bed, is considered a hiatus. And some rule that it is not a hiatus, and that is the commonly accepted custom.

ושינת קבע ביום, על מטתו, הוי הפסק. וי"א דלא הוי הפסק, וכן נהגו.

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The Opinion of the Magen Avraham

The *Magen Avraham* (ibid., 12) makes the same observation as the *Beis Yosef*. He notices that we completely disregard Rabbeinu Tam's opinion with regard to nocturnal sleep. That is, the *Shulchan Aruch* clearly records that a person who wakes up before the day begins still recites *birchas haTorah*, in accordance with the majority opinion of the Rishonim and against Rabbeinu Tam. However, the *Shulchan Aruch* also records the common custom not to make *birchas haTorah* when arising from a nap, which is evidence that we are concerned with fulfilling Rabbeinu Tam's opinion – that only a new day creates a new requirement – as well.

Therefore, the *Magen Avraham* concludes that the custom the *Shulchan Aruch* records must be based upon a new comprehension of the *sugya* (topic) which combines aspects of the opinions of all the Rishonim. *Birchas haTorah* only last for the amount of time a person wants it to. When one recites *birchas haTorah* in the morning, he intends to include the period of time from when his day starts until his day ends. Therefore, when he sleeps during the day, he is not required to say the *berachos* afterward. The *Magen Avraham* continues that according to this logic, if one is up the whole night, he still should recite *birchas haTorah* the next morning, as the statute of limitations he set in his own mind has passed. Even though he never slept, the previous day ended, and *birchas haTorah* must be said anew.

The Magen Avraham repeats his argument in *Hilchos Shavuos* (494, 1), but concludes that he is not completely certain that this is the halacha.

Therefore, he recommends that a person who is up the whole night on Shavuos listen to *birchas haTorah* from another in order to fulfill all opinions and not make a *beracha l'vatala* – a blessing for naught.

The Approach of Rabbi Akiva Eiger

However, Rabbi Akiva Eiger (*Hagahos Rabbi Akiva Eiger*, O.C. 47, 2) takes issue with the Magen Avraham's ruling. He argues that it is clear from the words of the *Beis Yosef* that *birchas haTorah* is a function of sleep. At the same time, out of slight concern for Rabbeinu Tam's opinion, it is also customary to refrain from saying *birchas haTorah* after a daytime rest. Therefore, Rabbi Akiva Eiger maintains that until one arises after a night's sleep, he should not say *birchas haTorah*.

Rabbi Akiva Eiger maintains that the widespread custom that the *Shulchan Aruch* quotes does not presume that Rabbeinu Tam is really correct at all, but still respects his opinion not to make a *beracha* if one sleeps during the day. However, there certainly is no source for the Magen Avraham's novel interpretation that *birchas haTorah* lasts for the amount of time a person wants it to. According to the approach of Rabbi Akiva Eiger, one does not even need to listen to another person make *birchas haTorah* after he stayed up the whole

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night on Shavuot, because there is simply no requirement to say the *bracha*.

The *Magen Avraham* and Rabbi Akiva Eiger dispute the requirement to say *birchas haTorah* after staying up all night. Therefore, it is even more understandable to practice the *Magen Avraham's* advice to listen to another individual's *beracha* on Shavuot morning, instead of saying one's own.

Rabbi Akiva Eiger's Unique Ruling

Rabbi Akiva Eiger continues with a unique *chiddush*. He suggests that if one were to sleep during the day prior to staying up the whole night, such as on Erev Shavuot, he would be able to say his own *birchas haTorah* according to all opinions. In the view of most of the Rishonim, *birchas haTorah* is a function of waking up from any long sleep, even during the day. That alone would necessitate *birchas haTorah*. Even though common practice is to be concerned with Rabbeinu Tam's opinion and not to say *birchas haTorah* after a daytime rest, even Rabbeinu Tam rules to say *birchas haTorah* again when the new day breaks. Therefore, once the new day breaks, one would be required to say *birchas haTorah* according to all opinions. This unique approach is codified by the *Mishna Berurah* (ibid., 28).

However, it is important to note that Rabbi Akiva Eiger's approach is also somewhat revolutionary. A close reading of the *Beis Yosef* and *Shulchan Aruch* seems to imply that the common custom is to be more stringent than the majority opinion among the Rishonim and to only consider nocturnal sleep as a significant hiatus. Therefore, even if one would sleep during the day, it would not suffice according to the common custom, which is to say *birchas haTorah* only after a night's sleep. As long as one did not sleep at night, one should not say *birchas haTorah* at all.

In fact, the *Chazon Ish* is quoted as having disagreed with the ruling of Rabbi Akiva Eiger and the *Mishna Berurah*. The *Sefer Ishei Yisrael* (p. 744) refers to that tradition and the author records that he asked the *Chazon Ish's* nephew, Rav Chaim Kanievsky, to verify and explain his uncle's ruling. In his characteristic, pithy response, Rav Chaim Kanievsky verifies it and replied "נכון, שכל שינת היום נחשב עראי." "Correct, because any sleep during the day is considered insignificant." Rav Chaim Kanievsky's terse explanation seems difficult to understand, since the majority of the Rishonim *did* consider sleep during the day to be a significant hiatus to require *birchas haTorah*.

However, it is possible that Rav Chaim Kanievsky is making the aforementioned point. Although the Rishonim consider sleep during the day to be a significant break, the custom of *Klal Yisrael*, as recorded in the *Shulchan Aruch*, is to only say *birchas haTorah* after a night's sleep. Therefore, even if one were to sleep during the day, it would be insufficient to require *birchas haTorah* the next day.

If You Aren't Waking Up ... Yet

There is a dispute among the Rishonim as to what requires a person to say *birchas haTorah* – each new day or awaking from sleep. Rabbeinu Tam sees the requirement as daily, but the *Shulchan Aruch* codifies the opinion of most other Rishonim, that it is purely based upon arising. Therefore, the *Shulchan Aruch* maintains that a person who wakes up before daybreak should

still recite *birchas haTorah*. However, the *Shulchan Aruch* still recommends that a person not make *birchas haTorah* if he naps during the day, out of slight concern for Rabbeinu Tam's opinion.

The *Magen Avraham* suggests that the halacha is that *birchas haTorah* is a function of one's own intent, and stops just short of suggesting that a person is required to make a *beracha* each morning, even if he didn't sleep. Rabbi Akiva Eiger maintains that there is no requirement until one sleeps at night. Since it is a matter of uncertainty and disagreement, the *Mishna Berurah* (ibid.) rules that it is best to hear *birchas haTorah* from a person who did sleep for part of the night of Shavuot. Rabbi Akiva Eiger also adds that one who sleeps during the day and then waits until the next morning can recite *birchas haTorah*. The *Mishna Berurah* does maintain like Rabbi Akiva Eiger's *chiddush* but the *Chazon Ish* and Rav Chaim Kanievsky disagree.

As we are privileged to revisit our acceptance of Torah and *mitzvos* on Shavuot, may we be merit to see the fulfillment of the beautiful aspiration we pray for in *birchas haTorah*, וְנִדְבֶה אֶתְּךָ, וְנִדְבֶה אֶתְּךָ, וְנִדְבֶה אֶתְּךָ, and may we, our descendants, and the descendants of Your people the House of Israel all know Your Name and study Your Torah for its own sake.

The Shabbat Influence

Rabbi Mordechai Torczyner

Rosh Beit Midrash, Yeshiva University Torah Mitzion Zichron Dov Beit Midrash of Toronto

In the blessing preceding Shema each morning, we request of HaShem, "Illuminate our eyes with Your Torah, and may our hearts cling to Your mitzvot." Similarly, we follow the Amidah with a personal plea, "Open my heart with Your Torah, and my spirit will pursue Your mitzvot."³² As noted by Rabbi Dovid Avudraham,³³ this structure follows the traditional approach to study: one learns Torah, and therefore one is able to practice mitzvot.

The Talmud itself endorses this sequence. Rabbi Akiva told the elders in Lod,³⁴ "Study is greater than actions," because study enables actions. Rabbi Yosi added that the Jews received the Torah in the wilderness so that they could study it before implementing its many agricultural commandments.

On Shabbat,³⁵ though, we reverse the classic order. In each Amidah we request of HaShem, "קדשנו במצוותיך ותן חלקנו בתורתך", Sanctify us with Your mitzvot and place our portion in Torah." Is this reversal intentional? If so, how do the mitzvot of Shabbat serve to allot us a portion in Torah?³⁶

The practical influence of Shabbat

On a simple level, fulfilling the mitzvot of Shabbat sets us aside from the rest of the world for the day, as noted by Rabbi Baruch haLevi Epstein in a comment regarding the class of mitzvot which are "between man and G-d":

The language of the blessing, "Who sanctified us with His mitzvot and commanded us," teaches that the mitzvah we are performing causes us to be sanctified and set apart from the other nations, which do not practice this.

Torah Temimah to Shemot 24:12

בכלל לשון הברכה אשר קדשנו במצותיו
וצונו מורה דבמצוה זו שאנו עושים אנו
מקודשים ומובדלים משארי האומות שאינן
נוהגות כן.
תורה תמימה על שמות כד:יב

Regardless of a Jew's weekday employment, community involvement and entertainment, for one day the Jew is a citizen only of the Jewish world, his conduct a language foreign to the rest of society. This aids us in investing ourselves in Torah, as we are sequestered from our neighbors.

³² Praying for aid in our studies is consistent with Rabbi Natan's comment on Tehillim 32:6, "Every pious person should pray for this, [at] the time when You are found"; Rabbi Natan explains that "this" refers to success in one's learning (*Berachot* 8b).

³³ Sefer Avudraham, Shemoneh Esreih.

³⁴ *Kiddushin* 40b.

³⁵ We reverse the order on Yom Tov, as well, and much of this article relates to Shabbat and Yom Tov equally.

³⁶ See *Zera Yaakov*, *Orach Chaim* 268 and *Tzitz Eliezer* 13:37:4 for approaches I will not explore here.

Rabbi Yitzchak Ginzburgh recognizes this in our Havdalah ceremony, writing, "Why do we mark the distinction between Israel and the nations at the conclusion of Shabbat, specifically, and not on Shabbat herself? Because on Shabbat this is unnecessary; there is an inherent distance, we are in a private domain. Only at the conclusion of Shabbat do we need to make an explicit distinction..."³⁷

On Shabbat, we are truly capable of claiming our portion in Torah, as the day's mitzvot free us of worldly obligations. On this day we pray, "Set us apart with the mitzvot of Shabbat, and thereby provide our portion in Torah."

The spiritual influence of Shabbat

On another level, Shabbat grants us a spiritual identity unique among the world's nations, and thereby encourages us to immerse ourselves in the Torah that is our unique heritage.

In truth, the mitzvot of Shabbat ought not to be the province of the Jew; Shabbat should be a global commemoration of Creation. That Shabbat is given to us exclusively³⁸ is a demonstration of Divine affection, as noted by Rabbi Yechiel Michel Epstein in his *Aruch haShulchan*:

This sacred Shabbat is the great sign shared by the blessed Holy One and His nation, Israel, as it is written [Exodus 31:13], "For she is a sign between Me and you, to know that I am your G-d, who sanctifies you."

Shabbat commemorates the deeds of Bereishit, "For HaShem created Heaven and Earth in six days, and halted and rested on the seventh [Exodus 31:17]," and therefore, "HaShem blessed the seventh day and sanctified it, for on that day He halted [Genesis 2:3]," and therefore Shabbat relates to all who were created. She is not like the holidays which commemorate the exodus from Egypt, to which the rest of the nations have no relationship, for they did not leave Egypt. Through the deeds of Bereishit, though, all of them were created!

Still, the blessed Holy One gave the sanctity of Shabbat only to Israel, "to know that I am G-d, who sanctifies you," meaning [for you to know] that you are sacred to Me...

Aruch haShulchan 242:1

שבת קדש הוא האות הגדול שבין
הקב"ה ובין עמו ישראל כמו שכתוב
[שמות לא, יג] כי אות היא ביני וביניכם
לדעת כי אני ד' מקדשכם כלומר אע"ג
דשבת הוא זכר למעשה בראשית כי
ששת ימים עשה ד' את השמים ואת
הארץ וביום השביעי שבת וינפש [שם
יז] ולכן ויברך אלקים את יום השביעי
ויקדש אותו כי בו שבת וגו' [בראשית ב,
ג] כדכתיב במעשה בראשית וא"כ היא
שייך לכל ברואי עולם ואינה דומה
למועדים שהם זכר ליציאת מצרים שאין
לשאר האומות שייכות בזה שהם לא
יצאו ממצרים אבל במעשה בראשית
כולם נבראו מ"מ לא נתן הקב"ה קדושת
השבת רק לישראל בלבד וזהו לדעת כי
אני ד' מקדשכם כלומר שאתם קדושים
אצלי...

ערוך השולחן, אורח חיים רמב"א

Thus, the mitzvot of Shabbat sanctify us, converting what ought to be a universal relationship with G-d into our private preserve. These mitzvot mark the Jew as spiritually special, and encourage him to devote himself to the Torah which documents his relationship with HaShem. Our new identity urges us to cast our lot with the Torah, and so we pray, "Sanctify us

³⁷ <http://www.malchuty.org/מלכות-ישראל/בין-ישראל-לעמים>.

³⁸ Talmud, *Shabbat* 58b offers a stark example of this exclusivity.

as Your people via the relationship represented by the mitzvot of Shabbat, and so provide our portion in Torah."

The intellectual influence of Shabbat

And beyond the practical and spiritual influences of Shabbat lies another level: Shabbat offers us an intellectual boost.

Rabbi Avraham ibn Ezra made this observation in his comments to Bereishit, on the passage³⁹ in which HaShem "blesses the seventh day":

"Blessing" means an increase in goodness. On this day, bodies are revitalized with a force of procreation, and souls are revitalized with a force of understanding and intellect.

Ibn Ezra, Bereishit 2:3

פירוש ברכה תוספות טובה, וביום הזה
תתחדש בגופות דמות כח בתולדות
ובנשמות כח ההכרה והשכל.
אבן עזרא, בראשית ב:ג

Further, in commenting on the fourth commandment at Sinai, Ibn Ezra declared that this opportunity to study is the very purpose of Shabbat:⁴⁰

Shabbat was given for us to comprehend the deeds of HaShem and speak of His Torah... All through the week one involves himself in his needs, and this day is suited for being apart and ceasing for the sake of the honor of HaShem. One should not involve himself [in weekday matters] for naught, even in his past needs or his plans for future actions... Jewish custom was to visit the prophets close to Shabbat...

Ibn Ezra, Extended Commentary, Shemot 20:7

השבת נתנה להבין מעשי השם ולהגות
בתורתו... כל ימי השבוע אדם מתעסק
בצרכיו, והנה זה היום ראוי להתבודד
ולשבות בעבור כבוד השם, ולא
יתעסק לשוא אפילו בצרכיו שעברו,
או מה יועץ לעשות... ומנהג ישראל
היה ללכת סמוך לשבת אצל
הנביאים...
אבן עזרא, פירוש הארוך, שמות כ:ז

Ibn Ezra used this concept to explain a prayer authored by Nechemiah, the leader who returned from the Babylonian exile to direct the reconstruction of the walls of Jerusalem. Following a national celebration of Succot, Nechemiah beseeched HaShem to aid the Jewish nation. As part of this prayer, he re-told Jewish history, including the presentation of the Torah at Sinai:

And You descended upon Mount Sinai and spoke to them from the Heavens, and You gave them just laws and true teachings, good statutes and commandments. You informed them of Your holy Shabbat, and You instructed them in commandments, statutes and Torah, via Your servant Moshe.

Nechemiah 9:13-14

ועל הר סיני ירדת ודבר עמהם משמים
ותתן להם משפטים ישרים ותורות
אמת חקים ומצות טובים: ואת שבת
קדשך הודעת להם ומצוות וחקים
ותורה צוית להם ביד משה עבדך:
נחמיה ט:יג-יד

The Sages were troubled by the way Nechemiah isolated Shabbat from among the Ten Commandments, and they offered various explanations, including:⁴¹

³⁹ Bereishit 2:3. See also Seforno to the same passage, who links this with the *neshamah yeteirah* added on Shabbat; I am indebted to Rabbi Yaakov Jaffe for pointing this out.

⁴⁰ See, too, the introductory poem to Ibn Ezra's *Igeret haShabbat*, "Every day, gates of comprehension are available, but on my day one hundred gates are opened."

- Nechemiah meant to equate Shabbat with the entire canon of mitzvot.⁴²
- Nechemiah gave Shabbat special mention because it is repeated in Shemot 23:12 after the Ten Commandments.⁴³
- Nechemiah emphasized Shabbat because many Jews of his day were lax in observing it. Nechemiah offered multiple rebukes for those who engaged in commerce on Shabbat, and he is credited with establishing the laws of muktzeh to protect Shabbat.⁴⁴

Echoing his comments from Bereishit and the Revelation at Sinai, Rabbi Avraham ibn Ezra contended that Nechemiah highlighted Shabbat in the presentation of the Torah because Shabbat enhances our Torah study:

He isolated Shabbat from the Ten Commandments because it is honored with rest and with added intellect.

Ibn Ezra, Nechemiah 9:14

הזכיר השבת לבד מעשרת הדברים כי היא נכבדת במנוחה ותוספת שכל.
אבן עזרא, נחמיה ט:יד

Of course, other mitzvot - such as prayer⁴⁵ and honoring one's parents⁴⁶ - are also credited with aiding Torah growth. However, in those cases our Torah success is a reward for our mitzvah; in this case, the presence of Shabbat directly empowers our Torah study. Recognizing this unique character of Shabbat, we request of HaShem, "Sanctify us with Your mitzvot of Shabbat, and thereby provide our portion in Torah."⁴⁷

We will do, and therefore we will hear

We see that Shabbat aids our learning on multiple levels. Shabbat places us in a world of our own, and so provides time for us to study our heritage. Shabbat identifies us as HaShem's special nation, inspiring us to study our heritage. And Shabbat blesses us with a gift of spiritual augmentation, empowering our study of our heritage.

These approaches may add a layer of meaning to the Jews' "We will do and we will hear" acceptance of the Torah.⁴⁸ On a simple level,⁴⁹ the Jews committed to action before knowing what would be demanded of them, and this willingness to serve was praiseworthy. On Shabbat, though, that historic commitment takes on new meaning; our doing **enables** our learning, and assists us as we reach for ever greater heights.

⁴¹ In addition to the explanations brought here, Dr. Mordechai Zer-Kavod suggests in the *Daat Mikra* edition of Nechemiah that the Shabbat reference might be to the teaching of Shabbat with the introduction of the manna. It is true that 9:15 describes the gift of the manna, but fitting this into 9:13-14 seems difficult.

⁴² Talmud Yerushalmi *Nedarim* 3:9.

⁴³ Malbim to Nechemiah 9:14.

⁴⁴ *Shabbat* 123b. The link between Nechemiah's general emphasis on Shabbat and his special mention of Shabbat here is my own.

⁴⁵ Yerushalmi *Berachot* 5:1; I am indebted to Rabbi Baruch Weintraub for pointing out this source.

⁴⁶ *Kiddushin* 31b.

⁴⁷ One might also contend that the requests included in this entire liturgical paragraph are designed to follow the progression of Nechemiah 9:14-20.

⁴⁸ Shemot 24:7.

⁴⁹ Talmud, *Shabbat* 88a.

Overcoming Medical Obstacles to Jewish Conversion⁵⁰

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One of the most celebrated converts to Judaism, Ruth H'Moaviah, is considered a paradigmatic model for the type of absolute commitment a conversion candidate should emulate. Ruth, as we read on the Holiday of Shavuot, according to Ashkenazic tradition, boldly overcame tremendous obstacles in persevering in becoming a Jew. Many contemporary Jews, who have engaged in a conversion process, face significant and varied challenges of their own in achieving their ultimate goal. Some experience rejection or criticism from their biologic family members. Others encounter frustration and feelings of disappointment during the rigorous periods of studying and becoming fluent in Jewish law and practice. As these individuals succeed, they serve as role models for all of us. Some obstacles, however, are more technical in nature. One specific potential impediment to conversion for men is the medical condition generically referred to as hemophilia.

Hemophilia actually is a category of different medical conditions all of which involve some degree of clotting abnormality rendering the individual more prone to abnormal or uncontrolled bleeding.⁵¹ The blood of individuals with hemophilia does clot, but the time necessary for clotting to occur is prolonged. The question halakhically is whether a man who has hemophilia can properly convert due to the medical contraindication to circumcision. The potential loss of blood until clotting can occur can be life threatening in severe cases. A wonderful review of the general topic of men converting to Judaism without circumcision, due to a medical condition, is presented by Rabbi Eliyahu Schlesinger, in *Eilah Hem Moadai*, volume 4, pp. 79-84. He discusses a case involving a man whose paternal lineage is Jewish. The father of this man, living

⁵⁰ The following article is not designed to serve as a comprehensive analysis or final halakhic opinion of a rather complex matter. It hopefully will provide a basis for further relevant discourse.

⁵¹ The information in this article about hemophilia is cited in: *Harrison's Principles of Internal Medicine*, 17th edition, Fauci et al, McGraw-Hill, 2008, pp. 726-727; *Principles of Pharmacology-The Pathophysiologic Basis of Drug Therapy*, 2nd Edition, Golan, Tashjian, Armstrong, Armstrong; Lippincott Williams and Wilkins, 2008, p. 398; as well as on the following websites: www.hemophilia.org, www.hemophiliafed.org.

at that time in the FSU, married a non-Jewish woman. This man was raised mostly by his paternal grandparents and grew up as an observant Jew who spoke Yiddish, and only realized his actual status after he immigrated to the State of Israel. He wholeheartedly wished to convert to Judaism which he had been practicing for many years as a presumed Jew. The problem which he faced was the fact that he suffered, not from hemophilia, but from poor health due to significant effects of diabetes in addition to a heart condition. The physicians strongly advised against a circumcision procedure. Is it possible halakhically to convert a man without circumcision, relying solely on the *tevillah*, immersion in the mikveh? Of course, the basic prerequisite of total acceptance of Torah and mitzvot would necessarily be in place.

As mentioned above, hemophilia is a group of diseases involving a deficiency of a specific clotting factor. Clotting factors are proteins produced primarily by the liver which contribute to the control of bleeding episodes all people experience in one form or another. From a simple bump or scrape to surgical procedures, our clotting system maintains what is described as hemostasis-controlled bleeding. The specific clotting factor deficiency in people with hemophilia increases the susceptibility to spontaneous bleeding, bleeding from minor trauma, and prolonged bleeding episodes. Bleeding into various joints is very common for individuals with hemophilia. Hemophilia is a genetic disorder, though it does not always run in families. In addition, the severity of any individual's condition depends on the degree of clotting factor deficiency. Thus hemophilia can be categorized as mild, moderate or severe. Some individuals experience only mild bleeding problems while others can experience life threatening bleeding episodes. The most common form of hemophilia is hemophilia A, which is due to a deficiency of clotting Factor VIII, and affects men much more frequently than women. While no cure presently exists, individuals can be treated with clotting factor replacement in the form of infusions or injections. The clotting factors are derived from either human plasma or through genetically engineered recombinant DNA. In addition, pharmacologic treatment with certain drugs is sometimes used.

The Talmud in *Yevamot* 46a-b, rules in accordance with the normative opinion of the Chakhamim that a male convert requires both circumcision and immersion in a mikveh to validly complete the conversion process:

Our Rabbis taught: A candidate for conversion that was circumcised but didn't immerse, R. Eliezer said, he is a convert for we find that our patriarchs were circumcised but didn't immerse. If he immersed but wasn't circumcised, R. Yehoshua said that he is a convert for we find that our matriarchs immersed but weren't circumcised. The Chakhamim state that if one immerses but is not circumcised or was circumcised but didn't immerse, he is not a convert until he is circumcised and immerses ... R. Chiya b. Abba said in the name of R. Yochanan: he is certainly not a convert until he is circumcised and immerses.

ת"ר גר שמל ולא טבל ר"א
אומר הרי זה גר שכן מצוינו
באבותינו שמלו ולא טבלו טבל
ולא מל ר' יהושע אומר הרי זה
גר שכן מצוינו באמהות שטבלו
ולא מלו וחכמים אומרים טבל
ולא מל מל ולא טבל אין גר עד
שימול ויטבול ... א"ר חייא בר
אבא א"ר יוחנן לעולם אינו גר
עד שימול ויטבול.

Rabbi Schlesinger first suggests that if the circumcision poses a potentially life threatening risk, then he would be exempt halakhically from circumcision, and therefore its omission would not

impede the conversion. He continues, however, by referring to excerpts of Rabbi Yechiel Yaakov Weinberg's discussion in *Responsa Sridei Aish*, volume 2, *Yoreh Deah* section 67, where he claims that if a person has a medical condition preventing him from circumcision, that person is considered halakhically uncircumcised, and, therefore, unable to successfully convert. Rabbi Weinberg's case involved an individual who, like the man from the FSU, had a significant history of heart disease and diabetes. Rabbi Weinberg refers to an earlier source by Rabbi Shimon Kunitz of Presburg, who discusses a situation in which three brothers were all undergoing conversion as adults. Unfortunately, the first two died as a result of from their respective circumcisions. The question raised was in regard to the third brother's possibility of converting without circumcision. The Talmud in *Yevamot* 64b, discusses a situation in which two successive baby brothers born from the same mother died as a result of circumcision, leading to the halakhic conclusion, advanced by Rebbe Yehudah Ha'Nasi, that any subsequent baby boys would be exempt from circumcision:

[If a mother had her] First child circumcised and died, the second [circumcised] and died, she should not circumcise the third. This is the opinion of Rebbe. R. Shimon b. Gamliel says: she should circumcise the third but not the fourth.

מלה הראשון ומת שני ומת שלישי לא תמול דברי רבי רבן שמעון בן גמליאל אומר שלישי תמול רביעי לא תמול.

Lord Rabbi Dr. Immanuel Jakobovits, *Jewish Medical Ethics*, 1975, pp. 198-199, suggests that the Talmud is describing the condition of hemophilia long before it was recognized in the medical community in approximately 1784. A dispute exists among the Rishonim as to whether such an individual who has not been circumcised is considered halakhically uncircumcised even though it is beyond his control. The Mishnah in *Yevamot* 70a, states that a Kohen who is an *arel*, one who is not circumcised, may not eat *terumah* (tithes). The same would apply to any male with respect to eating of the *korban* Pesach (Pascal lamb). Rashi, commenting on the Mishnah, illustrates an example of one who is uncircumcised by describing a man whose brothers died as a result of circumcision. Rabbeinu Tam, quoted there by Tosafot Yeshanim, and by Tosafot, *Chagigah* 4b, claims that in Rashi's case, the person is exempt from circumcision and would not be disqualified from eating *terumah*. The question, debated by Rashi and Rabbeinu Tam, is whether an exemption from the mitzvah of circumcision, due to circumstances beyond one's control, totally relieves the person from a status of being uncircumcised or not. The *Minchat Chinukh*, Mitzvah 17, argues quite cogently that even Rabbeinu Tam would concede that if the man developed an illness after originally having had the opportunity for circumcision earlier in life, then he is an *arel* since at the original point of obligation he was not medically exempt and was halakhically viewed as an *arel*. Once the classification of *arel* is imposed, it cannot be relinquished without an actual circumcision. Consequently, an individual who developed heart disease, for example, would definitely be viewed as an *arel*. Someone with hemophilia, on the other hand, whose condition began at birth would not be considered an *arel* according to Rabbeinu Tam.

Regardless of this disagreement, Rabbi Weinberg argues that for a man who is not yet Jewish, the concept of exemption from a mitzvah does not apply. His requirement of circumcision is not simply a fulfillment of a mitzvah obligation, but a necessary procedure and prerequisite in a

process leading to conversion. If for any reason - legitimate or not - the circumcision is not performed, the process is incomplete. Rabbi Weinberg, interestingly, does put forth a counter argument which analyzes the nature of circumcision for a convert. He entertains the possibility that the circumcision is not an integral part of the conversion procedure as the *tevillah* (immersion) is. Rather, it is a necessary mitzvah the convert must fulfill as part of his inauguration into *kabbalat ha'mitzvot*-full acceptance of Torah and mitzvot. If, however, he is exempt from the mitzvah of circumcision, then it would not prevent him from completing the basic process of conversion. In his conclusion, he rejects this approach, and maintains unequivocally that circumcision is an essential component of the conversion protocol.

Dr. Avraham Sofer Avraham in *Nishmat Avraham*, volume 2, *siman* 263:5, presents a thorough review of the medical background of hemophilia and the halakhic implications regarding circumcision of a child. He points out that, according to Rabbi Shlomo Zalman Auerbach, the availability of treating a child with hemophilia by infusing clotting factors before and after the procedure, dictates that the circumcision may and should be performed. Dr. Abraham also quotes a possible challenge to this view suggested by Rabbi Yehoshua Neuwirth, who claims that such a child is categorized as a child who is ill and not required presently to be circumcised. The fact that there is a treatment doesn't change the child's status. The treatments are methods to circumvent an ongoing illness. It seems that Rabbi Neuwirth's logic is that if the condition cannot be cured, then temporary treatments designed to offset complications of a disease are not required to be employed to facilitate the circumcision. Rabbi Auerbach, as quoted by Dr. Abraham, claims that the child is not viewed as being sick until such time that he experiences a bleeding episode. The presence of the condition is only a potential illness - not an actual one until it manifests.

According to Rabbi Auerbach's analysis, a person with diabetes type I, who is insulin dependent, could arguably not be categorized as ill for purposes of being exempt from fasting on Yom Kippur until he/she experiences a drop in blood glucose/sugar. Thus, if a person with diabetes can successfully manage the blood glucose levels with some insulin adjustments before and during Yom Kippur, he/she would be obliged to do so. According to Rabbi Neuwirth's logic, it is plausible to conclude that such adjustments are not necessary, as the diabetic condition may qualify for an exemption from fasting due to its status as a potentially life threatening illness. Treatments which do not cure but circumvent or prevent complications of an illness need not be utilized to ensure fasting.⁵² From a physiologic perspective, Rabbi Auerbach's opinion seems to be most accurate. While it is true that hemophilia cannot be cured, the treatment is designed to provide a person with precisely those proteins which are deficient. With clotting factor replacement, the person's clotting system can now function similar to that of a healthy person. The same is true of diabetes type I, which involves an absence/deficiency of naturally produced insulin in the body. The insulin injections provide precisely that which the person needs to allow

⁵² In the past few years, articles in the medical literature have presented viable ways for individuals with various forms of diabetes to successfully fast on Yom Kippur in consultation with rabbinic authorities. See Dr. Martin M. Grajower's article in *Endocrine Practice*, 14(3), pp. 305-311, 2008, and an article by the same, co-authored by Dr. David Zengen, in *Pediatric Diabetes*, 12(5), pp. 473-477, August 2011.

the glucose/sugar in the blood to be normally processed. These are not methods of circumventing an illness, but treating the direct and underlying abnormality.

Applying Rabbi Auerbach's logic to an adult with hemophilia wishing to convert, should lead to the conclusion that he may and must be treated with clotting factors to successfully be circumcised. Even Rabbi Neuwirth's objection regarding a child, would not allow for conversion without circumcision. Rabbi Weinberg's logic of circumcision being an absolute requirement to convert is a very strong one. Furthermore, it is more than reasonable to assume that an adult male would be given the right to voluntarily undergo circumcision with the proper clotting factor treatments. A child who is categorized as a *choleh* –one who is ill, is exempted from the mitzvah of circumcision, and cannot be compelled to be circumcised until the obligation for the mitzvah is in effect. If a child was circumcised while he was ill, the question is raised as to whether the circumcision was valid, and whether a procedure of *hatafat dam brit*-causing a drop of bleeding, is subsequently needed. Rabbi Shmuel H'Levi Vosner in *Mi'Beit Levi, Hilkhos Milah*, p. 240, paragraph 2, concludes that the circumcision, though inappropriately performed, is valid without any need for any further procedure. With respect to an adult convert in a similar situation, it would seem even more definitive that the circumcision performed would be valid, particularly given the fact that the adult is fully consenting. It is true that Rabbi Weinberg claims that an adult convert candidate who is not medically able to undergo circumcision, cannot halakhically accept the risk involved and willingly undergo circumcision. However, that case involves medical condition for which presumably effective treatment is not available. Effective treatment for hemophilia prior to a surgical procedure does exist, and that fact should permit the adult convert to go through with the circumcision.

Regarding the man from the FSU living in Israel as a fully observant Jew, but unable to be circumcised due to health considerations, it isn't clear as to why his health conditions of diabetes and heart disease would absolutely prevent circumcision. Adult male circumcision can be performed using either general, regional, such as epidural, or local anesthesia. While general anesthesia would certainly carry an increased risk of serious complications to such a person, local anesthesia should be safe enough to use.⁵³ Local anesthesia is the most common form of anesthesia used for adult circumcision. Although it too is not without potential complications, in part due to some percentage of the anesthetic medications gaining access to the general circulation, the risk is relatively low if not minimal, and perhaps should have been offered to this man wishing to complete his conversion. It should ostensibly be his final decision to accept a

⁵³ Personal Communication: Jack Jedwab, M.D. As an interesting related consequence of the medical experience in performing adult circumcisions in the FSU, Israeli medical professionals are voluntarily participating in a large project in Africa designed to circumcise millions of African men. The Jewish Daily Forward, December 26, 2011 (issued January 6, 2012) reports on a five year plan to circumcise about 20,000,000 African men. The Israeli project participation is called 'Operation Abraham'. The basis for this massive undertaking is the clinical research indicating that adult male circumcision can significantly reduce the risk of AIDS. For more information please refer to the website of the American Urological Association: www.auanet.org.

relatively small risk, just as he willingly accepts Judaism with all of its advantages and challenges.⁵⁴

Rabbi Joseph B. Soloveitchik beautifully describes the character of a convert, as recorded in *Abraham's Journey*, David Shatz, Joel B. Wolowelsky, Reuven Ziegler, Editors, pp. 180-181. Rabbi Soloveitchik, in utilizing Ruth as a model of conversion, states, "Ruth was a heroic woman, she joined a people alien to her, and committed herself to a way of life she did not understand... she joined a religion that demands discipline... To convert to Judaism and accept an all-inclusive Judaic commitment borders on the heroic." Indeed, whether the gentleman discussed above did complete the conversion process, he, like so many others who have joined and wish to join the Jewish people in absolute terms, are heroic and serve as inspirations for all of us.

⁵⁴ Regarding general anesthesia for an adult male, Rabbi Yechiel Yaakov Weinberg in the same volume of responsa cited in the text, section 62, discusses the use of various forms of anesthesia during circumcision for both children and adult converts. He categorically does not sanction general anesthesia for an adult due to the need for the converting male to display *daat*, consent and willing participation in the process. Rabbi Ovadia Yosef, in *Yabia Omer*, volume 5, *Yoreh Deah*, section 22, presents a number of sources who permit using general anesthesia for an adult male during conversion. Rabbi Dr. Avraham Steinberg, in *Encyclopedia Hilkhatait Refuit*, volume 4, pp. 591-595, in addition to referencing Rabbi Yosef, has a fuller discussion on this topic.

Were Obligatory Beliefs Revealed on Sinai?

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On Shavuot we commemorate the revelation of the Torah which clearly delineates practical obligations; however, neither the Torah nor the Talmud explicitly lists the obligatory beliefs that must be maintained in order to properly worship God.⁵⁵ Even the Ten Commandments, the Torah reading on Shavuot, do not comprehensively articulate the tenets in which a Jew must believe. This caused Jews throughout the ages to question whether one's relationship with God was exclusively emotional and experiential, or intellectual as well.

R. Norman Lamm, in *Faith and Doubt*, explicates a distinction made by Martin Buber⁵⁶ between two types of faith- intellectual and emotional/experiential:

The first, that of acknowledgment, is a cognitive type of faith, in which I intellectually accept certain propositions as true- such as the existence and unity of God- whether or not I can offer convincing logical proof for my conviction. This is a "belief that" type of faith. The second type, that of trust, is not "belief- that", but "belief in." Regardless of the thoughts I entertain about God, regardless of my theology and the dogmas I affirm, I believe in Him: I trust and esteem Him. This is the area not of propositions, but of relationship... Now this second category, that of trust and "belief- in," can be expressed as an emotional investment in another and in action, in the willingness to pursue a certain course of conduct at the behest of the one in whom I have faith-trust.⁵⁷

Since there is no explicit list of dogmas or intellectual beliefs commanded in the Torah, it has been understood that the biblical conception of 'faith' (*emunah*) refers to 'belief in', not to 'belief that'.

⁵⁵ For an extensive discussion on dogma, see M. Kellner, *Dogma in Medieval Jewish Thought*. (NY:Oxford University Press, 1986)

⁵⁶ Buber begins his work by distinguishing between the Old and New Testament:

There are two and, in the end only two, types of faith. To be sure there are many contents of faith, but we only know faith itself in two basic forms. Both can be understood from the simple data of our life: the one from the fact that I trust someone, without being able to offer sufficient reasons for my trust in him; the other from the fact that, likewise without being able to give a sufficient reason, I acknowledge a thing to be true. (M. Buber. Two Types of Faith. Trans. NP Goldhawk (London: Routledge & Kegan Paul, 1951) 7.

Buber associates the former with the early period of Judaism and the latter with the early period of Christianity. Seeskin, however, argues that Buber oversimplifies his distinction since there are New Testament references in which faith conveys trust and instances within the Old Testament when faith refers to the acceptance of a proposition. (K. Seeskin, 'Judaism and the Linguistic Interpretation of Jewish Faith,' in N. Samuelson (ed.) *Studies in Jewish Philosophy: Collected Essays of the Academy for Jewish Philosophy 1980-1985* (Md: Univ Press of America, 1987), 215-34.)

⁵⁷ N. Lamm, *Faith and Doubt*. Ktav, 2006.

When used to denote belief in God, the word connotes a confidence and trust in God, a belief in His salvation, or a reliance on His covenant, often expressed by physical obedience of His will.⁵⁸

Even if the Bible can be interpreted as containing implied dogmas, (such as from *Shema* (Dev. 6:4) the existence and unity of God can be derived, and several dogmas can be deduced from the Ten Commandments), the Bible does not convey an exhaustive enumeration of *all* of the fundamental Jewish beliefs. The focus of the Torah is a 'belief in' theology and, therefore, a systematic formulation of its tenets was unnecessary, but rather the acceptance of such intellectual propositions was considered a prerequisite to the obedience of Torah law. Since in Biblical times, the Jew had a steadfast belief that God exists, as He revealed Himself continuously through His miracles, what needed to be conveyed was belief *in* or trust in Him. This attitude influenced post-Biblical Jews in the Rabbinic period as well. Throughout Rabbinic literature, God's presence seems to be so vividly experienced, that the Rabbis of the Talmud had no need to try to prove God's existence, since such beliefs were taken for granted.

If 'belief in' is the focus of Jewish theology, why was there then an effort among medieval Jewish philosophers to delineate a systematic set of dogma? R. Lamm responds to this question:

*The medieval Jewish rationalists were men of profound faith who understood that true faith must mean complete faith, emunah sheleimah, a faith that will grasp and engage man in his totality and not only in selected aspects of his personality and his being. They knew full well that the central core of Jewish emunah is the relation of trust, belief-in. But they realized, probably in response to the new currents of the cultures in which they lived, that with the development of man's rational sophistication, this particular area of human personality had been neglected in Judaism. They therefore saw it as their religious duty to include within the faith-commitment the Jew's philosophical drives and cognitive yearnings as well as his sense of trust and unmediated emotional or affective relation, his belief-that as well as his belief-in... The medieval Jewish philosophers, then undertook to explicate the relational belief-in, in the idiom of propositional belief-that.*⁵⁹

Such medieval philosophers did not merely add this intellectual type of belief, but rather delineated dogma that they felt were implicitly obligatory from Biblical and Rabbinic texts. The Rabbis did consider the rejection of certain theological propositions as precluding an individual from *Olam Habah* and conceived of membership to the Jewish nation as requiring specific articles of faith. Hazal's categorization of *minim*, *mumarim*, *apikorsim*, and other types of heretics demonstrates that there was concern about one's beliefs even in Biblical and Rabbinic times. For instance, the *Mishneh* in *Masechet Sanhedrin* states:

All Jews have a share in the world to come, as it is said, "Your people also shall be all righteous, they shall inherit the land

כל ישראל יש להם חלק לעולם
הבא שנאמר (ישעיה ס') ועמך
כולם צדיקים לעולם יירשו ארץ

⁵⁸ For instance, Shemot 14:31

וַיֵּרָא יִשְׂרָאֵל אֶת-הַיָּד הַגְּדֹלָה, אֲשֶׁר עָשָׂה ה' בְּמִצְרַיִם, וַיִּירָאוּ הָעָם, אֶת-ה'; וַיֹּאמְרֵינוּ, בְּה', וּבְמֹשֶׁה, עֲבָדוּ. Belief here (*vayaaminu*) refers to 'belief in', and not 'belief that', since even prior to God's splitting of the sea, Israel did not doubt God's or Moshe's existence, but rather lacked faith in Moshe's leadership and God's salvation. Once Israel witnessed their deliverance and the demise of their pursuing enemies, they believed *in* Moshe and *in* God as their Redeemer.

⁵⁹ Lamm, N., *Faith and Doubt*

forever; the branch of my planting, the work of My hands wherein I glory" (Is. 60:21). But these have no share in the world to come: one who says that the resurrection of the dead is not taught in the Torah; one who says that the Torah is not from heaven; and the atheist. Rabbi Akiva adds: one who reads the apocryphal books or who utters charms over a wound saying, "I will put none of the diseases upon you which I have put upon the Egyptians, for I am the Lord that heals you" (Ex. 15:26). Abba Saul adds: the one who pronounces the letters of the Tetragrammaton.

Mishna Sanhedrin 10:1

נצר מטעי מעשי ידי להתפאר ואלו שאין להם חלק לעולם הבא האומר אין תחיית המתים מן התורה ואין תורה מן השמים ואפיקורס רבי עקיבא אומר אף הקורא בספרים החיצונים והלוחש על המכה ואומר (שמות ט"ו) כל המחלה אשר שמת במצרים לא אשים עליך כי אני ה' רפאך אבא שאול אומר אף ההוגה את השם באותיותיו:
משנה מסכת סנהדרין יא

It is clear from this *Mishneh*, that there was some focus on obligatory intellectual beliefs in Biblical and Rabbinic times, even if there was no formal list of tenets.

Saadia Gaon (882-942), in *Sefer Emunot v'Deot* [*The Book of Opinions and Beliefs*], an early work of medieval Jewish philosophy, began the medieval shift in focus from a 'belief in' to a 'belief that' theology. He sought to convert the *amanat* of Judaism, those doctrines accepted as an act of religious faith, into *i'tiqadat*, doctrines subject to rational speculation, in order for Jews to base their religious belief on arguments of reason and not solely on religious authority.⁶⁰ Saadia believed it was a religious obligation to provide a rational basis for Torah in order to dispel personal doubts and refute opposing views (which in his day were those of the Muslims and Karaites). Saadia explains this idea in his definition of 'belief':

It behooves us to explain what is meant by i'tiqad (belief). We say that it is a notion that arises in the soul in regard to the actual character of anything that is apprehended. When the cream of investigation emerges [and] is embraced and enfolded by the minds, and through them acquired and digested by the souls, then the person becomes convinced of the truth of the notions he has thus acquired.

Emunot v'Deot, Introduction

אנחנו צריכים לבאר מה היא האמונה? ונאמר כי היא ענין עולה בלב לכל דבר ידוע בתכונה אשר הוא עליה, וכאשר תצא חמאת העיון יקבלנה השכל ויקיפנה ויכניסנה בלבבות ותמזג בהם, ויהיה בהם האדם מאמין בענין אשר הגיע אליו.
אמונות ודעות, הקדמה

Saadia argues that belief starts out as a matter of emotional/experiential 'belief in' due to revelation, *it arises in the soul based on what is apprehended*. Through reason, one then comes to rationally substantiate what was initially apprehended by 'belief in' and, as a result, arrives at a stronger conviction based on the intellectual 'belief that', *When the cream of investigation emerges [and] is embraced and enfolded by the minds... then the person becomes convinced of the truth of the notions he has thus acquired*.

Saadia wanted to impress upon his generation the need for an intellectual understanding of Judaism and respond to critics who claim that rational speculation threatens one's religious

⁶⁰ Saadia's effort reflects the influence of the Mu'tazila, a sect of the Kalam, the Islamic philosophical school of thought which sought to demonstrate that Islam is accessible to rational thought and inquiry.

commitments and leads to heretical views. Saadia argues that the Sages did not prohibit philosophizing about truths of religion altogether, but rather forbade the suspension of religion until one is convinced of its truth based on reason. Saadia articulates the motivations to rationally understand Judaism:

We, the Children of Israel, inquire and speculate in matters of our religion for two reasons: (1) in order that we may find out for ourselves what we know in the way of imparted knowledge from the Prophet of God; (2) in order that we may be able to refute those who attack us on matters connected with our religion.

Emunot v'Deot, Introduction

כי אנחנו חוקרים ומעיינים בעניני תורתנו בשני ענינים. האחד מהם שיתברר אצלנו בפעל מה שידענו מנביאי האלהים במדע, והשני שנשיב על כל מי שטוען עלינו בדבר מדברי תורתנו.
אמונות ודעות, הקדמה

Since he believes that religious truth can be achieved through reason, Saadia goes on to explicate the need for revelation and practical observance based on 'belief in'. He argues that some people may be unable to arrive at religious truth based on their intellect due to their cognitive limitations or lack of patience, and even those who are intellectually inclined will be without religion for some time until they obtain the truth. Thus, God, through revelation, enabled man to experience His Presence and then commanded him to "inquire patiently until the truth of Tradition was brought out by speculation." Saadia explains that one needs to maintain his religious commitment ('belief in' - as a result of revelation) while intellectually pursuing religious truths, which will result in a stronger commitment based on reason. Perhaps this is what was meant by Israel's statement of *naaseh v'nishmah* after receiving the Torah- we will do the physical mitzvot as a result of our experience of Revelation and then we will rationally understand to further strengthen our personal commitment. Saadia illustrates his argument through an analogy:

To make the matter clearer, let us suppose that someone who possesses 1000 dinar distributes 500 of it to various recipients. He wishes to show his friends without delay how much of the money is left in his hands. He, therefore, tells them that the balance left amounts to 500 dinar and proves it by weighing the gold that is left in his hands. After he has weighed it in their presence, and the amount of 500 dinar has been established, his friends are obliged to believe what he told them. They are now at leisure to arrive at the same knowledge by a different method, namely, by working it out arithmetically, each according to his capacity and understanding. (ibid.)

The weighing of the dinar symbolizes 'belief in', counting the money reflects 'belief that', thereby further substantiating, by reason, the 'belief in' that has been experienced.

While Saadia believed that anyone with the capacity must seek to understand God rationally, Bahya Ibn Paquda (11th century) in his work, *Sefer Torat Hovot ha-Levavot* [Duties of the Heart], argues even more emphatically for the obligatory nature of beliefs. Bahya saw that most of the books that were published in his day focused exclusively on the *chovot haevarim* [duties of the limbs], the physical observance of *halakha*, which led him to wonder whether or not *chovot halevavot* [duties of the heart] were obligatory or merely meritorious or supererogatory and therefore, optional. Bahya concludes:

A careful examination, however, by the light of Reason, Scripture and Tradition, of the question whether the Duties of the Heart are obligatory or not, convinced me that they indeed form the foundation of all the Precepts, and that if there is any shortcoming in their observance, no external duties whatever can be properly fulfilled.

Duties of the Heart, Introduction

עד שחפשתי על חובות הלבבות מן השכל ומן הכתוב ומן הקבלה, אם אנחנו חייבים בהם אם לאו, ומצאתים, שהם יסודי כל המצות, ואם יארע בהם שום הפסד, לא תתכן לנו מצוה ממצוות האברים. תורת חובות הלבבות, הקדמה

Bahya felt compelled, due to the paucity of Jewish philosophical literature, to teach his generation that without the proper theological conceptions and intentions- *chovot halevavot* [duties of the heart], one cannot properly observe *halakha*. He went on to write a ten chapter guidebook on how to obtain the proper understanding and love for God. Bahya argues that God created man with both body and soul and therefore, man needs to worship God through both means.⁶¹ Additionally, the Torah commands mitzvot, such as in the *Shema- Vahavta et Hashem Elokecha b'chol l'avvcha* (Dev. 6:5)- implying that one must worship God emotionally, spiritually, and perhaps even intellectually, not only physically. Lastly, there are numerous statements by Hazal such as, "Whoever performs a religious duty, but not for the sake of God, receives no reward," which further supports Bahya's claim of the obligatory nature of theological conceptions and intentions.

It was not, however, until the time of Maimonides (1138-1204) that a formal list of Jewish dogma was composed by a philosopher.⁶² Maimonides argues that metaphysical truths about God were originally taught as part of the oral tradition; however, by medieval times, such transmission had been lost and God's presence was no longer as palpable as it had been in the miraculous era of the Bible and Talmud. As a result, Maimonides felt the need to delineate the obligatory dogma that was understood in the earlier ages. From his perspective, he was not innovating anything, but rather compensating for a long period of intellectual decline among Jews. He wanted to ensure that the people of his generation had the appropriate conceptions of God which had been lost through the years. Without the proper conception of God, one could not have the proper belief in Him. Maimonides, profoundly influenced by the scientifically established tenets of Aristotelian philosophy, sought to demonstrate a logos of the divine; to articulate the principles necessary to arrive at a metaphysical knowledge of God. Maimonides delineates his Thirteen *Ikkarim* [Principles of Faith]⁶³ in his commentary on the first *Mishneh* of

⁶¹ Bahya's work reflects the influence of Neoplatonists who subscribed to the duality of body and soul and argued that through the practice of moral virtues and philosophical speculation the soul can free itself from the body and rejoin the upper region of its origin.

⁶² Precedent for Maimonides' formulation of Articles of Faith include: Hananel b. Hushi'el's commentary on Exodus 14:31 and Judah Hadassi's Karaite work, *Eshkol haKofer*.

⁶³ Our religion is based on the following thirteen principles: (1) To believe that the Creator exists (2) To believe that God is one (3) To believe that God is incorporeal (4) To believe that God is absolutely eternal; no thing existed before Him (5) To believe that only God is rightfully worshipped (6) To believe that among men are found prophets (7) To believe that Moses was the chief of all other prophets (8) To believe that the Torah came from God (9) To believe that the Torah is authentic (10) To believe that God knows all that men do (11) To believe that God rewards the obedient and punishes sinners (12) To believe that the Messiah will come (13) To believe that the dead will be resurrected

the tenth chapter of Sanhedrin, implying that the *Mishneh* meant to teach these principles and that they are, therefore, included within *Torah She Baal Peh* (the Oral Tradition).⁶⁴

Maimonides concludes his commentary by asserting:

When a man believes in all these fundamental principles, and his faith is thus clarified, he is then part of that "Israel" whom we are to love, pity and treat, as God commanded, with love and fellowship. Even if a Jew should commit every possible sin, out of lust or mastery by his lower nature, he will be punished for his sins but will still have a share in the world to come. He is one of the "sinners in Israel." But if a man gives up any one of these fundamental principles, he has removed himself from the Jewish community. He is an atheist, a heretic, an unbeliever who "cuts among the plantings." We are commanded to hate him and to destroy him. Of him it is said: "Shall I not hate those who hate You, O Lord?" (Ps. 139:21)

Maimonides, *Commentary on the Mishneh, Sanhedrin* 10:1

וכאשר יהיו קיימים לאדם כל היסודות הללו ואמונתו בהם אמתית, הרי הוא נכנס בכלל ישראל, וחובה לאהבו ולחמול עליו וכל מה שצוה ה' אותנו זה על זה מן האהבה והאחווה, ואפילו עשה מה שיכול להיות מן העבירות מחמת תאוותו והתגברות יצרו הרע, הרי הוא נענש לפי גודל מריו ויש לו חלק, והוא מפושעי ישראל. וכאשר יפקפק אדם ביסוד מאלו היסודות הרי זה יצא מן הכלל וכפר בעיקר ונקרא מין ואפיקורוס וקוצץ בנטיעות, וחובה לשנותו ולהשמידו ועליו הוא אומר הלא משנאיך ה' אשנא וכו'.
רמב"ם, פיה"מ לסנהדרין י:א

Thus, Maimonides conceives of a Jew as an individual who believes specific dogma. For Maimonides, human perfection is reached when one knows as much as is humanly comprehensible about God.⁶⁵ His Thirteen Principles are not an exhaustive, but rather a necessary list from which other beliefs could be derived, that lead the individual to human perfection and immortality in the spiritual/intellectual realm of *Olam Habah*.⁶⁶

⁶⁴ For an explanation of how Maimonides derived his Thirteen Principles from the structure of the *Mishneh*, see: A. Hyman, 'Maimonides' Thirteen Principles' in A. Altmann, ed. *Jewish Medieval and Renaissance Studies*, Cambridge: Harvard Univ Press, 1967, p119-144.

⁶⁵ In the final chapter of the *Guide* (III:54), Maimonides describes the ultimate form of human perfection as intellectual. "The fourth species is the true human perfection; it consists of the acquisition of the rational virtues- I refer to the conception of intelligibles, which teach true opinions concerning the divine things... and it gives him permanent perdurance; through it man is man."

⁶⁶ Accordingly, Maimonides concludes that even if one mistakenly comes to a wrong belief (such as belief in a corporeal God based on a literal reading of Torah), he does not have the intellectual perfection necessary for the afterlife (because even if well-intended, believing in a physical God constitutes idolatry in Maimonides' eyes and would preclude one from *Olam Habah*). This was not a harsh punishment in Maimonides' mind, but rather a matter of cause and effect since he believed that one cannot enter the intellectual and spiritual realm of *Olam Habah* without having the prerequisite intellectual preparation of knowing the dogmas of Judaism which inform a proper conception of the divine. While Maimonides' focus on dogma had, and continues to have, a great influence on Jewish theology, it was not without some controversy, especially with regard to his views on accidental heretics. RABaD [Abraham b. David of Posquieres], one of Maimonides' most well-known critics argued that a person who mistakenly believed in the corporeality of God should not be considered a heretic. In his *Commentary on Maimonides' Mishneh Torah*, RABaD argues that "many people greater and superior to Maimonides" adhere to a belief in the corporeality of God based on a literal reading of Scripture and *aggadot*. Others, however, agreed with Maimonides' position. Abraham Bibago, in his work, *Derekh Emunah*, criticizes RABaD's statement since he argues that, according to RABaD's logic, all unintentional deniers would be excused, including Christians. Furthermore,

Maimonides illustrates the integral nature of theological beliefs in Judaism in the *Moreh Nevukhim* [*The Guide of the Perplexed*]. He composes a metaphor of a royal palace with numerous groups of people at different distances from the king. Maimonides interprets that the king represents God, while the people at varying distances reflect those of different beliefs and practices. Only individuals who have appropriate actions, as well as proper philosophical beliefs about God, are able to come close to the King. Maimonides differentiates between these various types of people:

As for someone who thinks and frequently mentions God, without knowledge, following a mere imagining or following a belief adopted because of his reliance on the authority of someone else, he is to my mind outside the habitation and far away from it and does not in true reality mention or think about God. If, however, you have apprehended God and His acts in accordance with what is required by the intellect, you should afterwards engage in totally devoting yourself to Him, endeavor to come closer to Him- that is, the intellect. In my opinion it consists of setting thought to work on the first intelligible and in devoting oneself exclusively to this as far as this is within one's capacity.

Guide of the Perplexed III:51

אבל מי שיחשוב בה' וירבה לזכרו מבלי חכמה, אבל הוא נמשך אחר קצת דמיון לבד, או נמשך אחר אמונה שמסרה לו זולתו, הוא אצלי עם היותו חוץ לבית ורחוק ממנו, בלתי זוכר השם באמת ולא חושב בו, כי הדבר ההוא אשר בדמיונו ואשר יזכר בפיו, אינו נאות לנמצא כלל, אבל הוא דבר בדוי שבדהו דמיונו כמו שבארנו בדברנו על התארים, ואמנם ראוי להתחיל בזה המין מן העבודה אחר הציור השכלי, והיה כאשר תשיג השם ומעשיו כפי מה שישכלהו השכל.

מורה נבוכים ג:נא

Like Bahya, Maimonides explains that the Torah guides man in two ways: in physical commandments and in intellectual beliefs. Maimonides makes clear, however, that such physical commandments (which are often social and moral in nature) are commanded to stabilize society in order to allow one to focus on achieving proper beliefs, which he considers of primary importance.

The Law as a whole aims at two things: the welfare of the soul and the welfare of the body. As for the welfare of the soul, it consists in the multitude's acquiring correct opinions corresponding to their respective capacity. As for the welfare of the body, it comes about by the

כונת כלל התורה שני דברים, והם תקון הנפש, ותקון הגוף, אמנם תקון הנפש הוא שינתנו להמון דעות אמתיות כפי יכולתם, ומפני זה יהיה קצתם בפירוש וקצתם במשל, שאין בטבע ההמון לסבול השגת

Isaac Abravanel, in *Rosh Amanah*, argues that unintentional erroneous beliefs are as spiritually harmful as deliberate ones. He analogizes that like poison which has destructive effects on the body regardless of whether or not one ingests it knowing of such consequences, heresy too, leads to spiritual corruption even if the individual had no intention to rebel. Some medieval Jewish philosophers, such as Simeon Duran (1361-1444) and Joseph Albo (1380-1444), opposed Maimonides' position on accidental heresy. Duran and Albo, unlike Maimonides, took one's intentions into consideration and ruled that just as in *halakha*, *shegaga* (unintentional sin) is judged more leniently, so too in theology. Duran in *Oheb Mishpat*, and Albo in *Sefer HaIkkarim*, both argue that one who accidentally holds mistaken beliefs is not a heretic since he is well-intended and if made aware of his error, would surely correct it. Furthermore, the authoritative nature of Maimonides' Principles of Faith was subject to debate. See M. Shapiro, *The Limits of Orthodox Theology: Maimonides' Thirteen Principles Reappraised*. (Littman Library of Jewish Civilization, 2004) Some subsequent Jewish philosophers (such as Duran, Hasdai Crescas and Albo) agreed with Maimonides that Judaism did have authoritative dogmas, but disputed their content and number, while others (such as Abravanel) objected to the systematization of dogma altogether, arguing that Judaism is concerned with the commandments of the Torah and one's attitude regarding their observance, not with intellectual propositions.

*improvement of their ways of living one with another.
Know that as between these two aims, one is indubitably
greater in nobility, namely, the welfare of the soul- I mean
the procuring of correct opinions- while the second aim- I
mean the welfare of the body- is prior in nature and time.*

Guide of the Perplexed III:27

הענין ההוא כפי מה שהוא, ואמנם תקון
הגוף יהיה כתקון עניני מחיתם קצתם עם
קצתם ... ודע ששתי הכוונות האלה,
האחת מהן בלא ספק קודמת במעלה והוא
תקון הנפש, ר"ל נתינת הדעות האמתיות,
והשנית קודמת בטבע ובזמן.

מורה נבוכים ג:כז

Maimonides conceives of proper belief in God, not merely as a prelude to Divine worship, but as the goal of the other commandments.

Though there is no formal delineation of obligatory beliefs in Biblical or Rabbinic texts, Jews are obligated not only in their actions, but in their conceptions and attitudes as well. As numerous medieval sources indicate, attention must be paid to developing appropriate beliefs and maintaining proper intentions. Bahya emphatically argues in *Chovot ha-Levavot* that without proper conceptions of God, one cannot appropriately obey His laws. Maimonides goes further to argue that knowledge of God is the ultimate objective of humanity and constitutes the individual's continuity in the World to Come. In modern times,⁶⁷ Shavuot provides us with an opportunity to reflect not only upon the practical obligations revealed at Sinai, but upon the implicit intellectual dogmas as well, which strengthen one's emotional and experiential commitment and contribute to a holistic worship of God.

⁶⁷ Louis Jacobs suggests that in modern times there has been a partial return to the 'belief in' from the Biblical era. "Belief-In and Belief-That are now seen as two sides of the same coin." (L. Jacobs. *Faith*. (NY:Basic Books, 1968), 17.

Voluntary and Involuntary Acceptance of the Torah

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Shavuot is described by Chazal as the time of the giving of our Torah, *z'man matan Toraseinu*.

Why isn't it called *z'man kabbolas Toraseinu*, the time of our acceptance of the Torah, paralleling *z'man cheiruseinu* and *z'man simchaseinu*, the time of our freedom and the time of our joy, of the other holidays?⁶⁸

Perhaps it is because our acceptance was incomplete:

The verse states "And they stood under the mountain," R. Avdimi b. Chama b. Chasa said: This teaches that Hashem hung the mountain over them like a barrel and said to them "If you accept the Torah, good, but if not, this will be your burial ground." R. Acha b. Ya'akov said: from here we have a strong protest against the Torah. Rava said: nevertheless, they accepted it again during the days of Achashverosh.

Shabbos 88a

ויתיצבו בתחתית ההר אמר רב אבדימי בר חמא בר חסא מלמד שכפה הקדוש ברוך הוא עליהם את ההר כגיגית ואמר להם אם אתם מקבלים התורה מוטב ואם לאו שם תהא קבורתכם אמר רב אחא בר יעקב מכאן מודעא רבה לאורייתא אמר רבא אף על פי כן הדור קבלוה בימי אחשוורוש.
שבת פח.

Therefore, we focus on that fact that Hashem gave us the Torah, rather than on our questionable acceptance.

Why were we punished for our sins during the period between Sinai and Purim? After all, we accepted the Torah under protest. The *Meshech Chochma*, Shemos 19:17, offers a remarkable answer. The Gemara states:

Why was the first Beis Hamikdash destroyed? Because of three things that existed: idol worship, incest and murder.

Yoma 9b

מקדש ראשון מפני מה חרב מפני שלשה דברים שהיו בו עבודה זרה וגלוי עריות ושפיכות דמים.
יומא ט:

⁶⁸ Numerous answers have been offered to this question. See *Beis HaLevi*, *Parashas Yisro*, s.v. *l'havin*.

These three sins are punishable even for non-Jews. The fact that our acceptance at Sinai was under protest in no way mitigates our culpability, since these sins preceded Sinai. They are among the seven Noachide laws for which all human beings are subject to punishment, even without any acceptance.

The *Meshech Chochma* supports his idea with a statement of the Rambam:

A Noachide who converted through circumcision and immersion and afterwards wants to turn away from Hashem and be a non-Jewish law abiding citizen as he was previously, we don't allow him. Rather, he must either be a full-fledged Jew or be put to death. If he was a minor when the rabbinic court converted him, he may protest when he becomes an adult and will be a non-Jewish law abiding resident. If he doesn't protest upon becoming an adult, he no longer has the right to protest and is considered a convert. Therefore, if a Jew has relations with a minor that was converted by the rabbinical court, the money of her kesubah, or the penalties for rape or seduction, will remain in the hands of the rabbinical court until she becomes an adult and does not protest her conversion out of concern that she will take the money and protest upon becoming an adult and it turns out that she is using funds that she is only entitled to according to Jewish law.

Rambam, Hilchos Melachim 10:3

בן נח שנתגייר ומל וטבל ואחר כך
רצה לחזור מאחרי ה' ולהיות גר
תושב בלבד כשהיה מקודם, אין
שומעין לו, אלא יהיה כישראל לכל
דבר או יהרג, ואם היה קטן
כשהטבילוהו בית דין, יכול למחות
בשעה שיגדיל ויהיה גר תושב בלבד,
וכיון שלא מיחה בשעתו שוב אינו
מוחה אלא הרי הוא גר צדק, לפיכך
אם בא ישראל על קטנה שהטבילוהו
בית דין, כסף כתובתה או קנס אונס
או מפתה יהיה הכל תחת יד בית דין
עד שתגדיל ולא תמחה בגירות, שמא
תטול ותגדיל ותמחה ונמצאת זו
אוכלת בגיותה מעות שאין לה זכות
בהן אלא בדיני ישראל.
רמב"ם הלכות מלכים י:ג

According to the Rambam, even after one who was converted as a minor protests, he remains a *ger toshav* (non-Jewish law abiding citizen). The same applies to *Am Yisrael* who accepted the Torah under protest. They were punished for the three cardinal sins, which are incumbent on a *ger toshav* as well.

The language of the Rambam raises five powerful questions:

- 1) Why, indeed, is a minor who protests his conversion considered a *ger toshav*? Shouldn't he be considered a non-Jew who has not accepted the seven Noachide mitzvos?
- 2) Elsewhere, in the laws of conversion (*Isurei Biah* 13:7), the Rambam records the law of a minor convert, but omits his ability to protest upon maturity, as does the Rif (*Yevamos* 47b). Why is the ability to protest omitted in the laws of conversion where it apparently belongs?
- 3) The Rambam opens this set of laws by stating that an adult *ger* who wishes to renege is killed. The Brisker Rav (at the very end of *Chidushei Maran Riz HaLevi* on the Rambam) asks: If he is guilty of death because he committed a capital offense, it is obvious that he is killed. Why must the Rambam state the obvious?
- 4) If a woman protests about her conversion as a minor, it emerges that she consumed as a non-Jew money to which she was entitled only by Jewish law. Why, after protesting, is she still entitled to the money according to Jewish law? Assuming that her protest renders the conversion invalid retroactively, as the *Hagahos Oshri* (*K'subos* 1:23) rules, she should **not** be entitled to the money by Jewish law. This led some to suggest that according to the

Rambam, the conversion of the minor is nullified only after he protests, but not retroactively.⁶⁹ This suggestion is unprecedented and counterintuitive.

5) The Rambam never states that a minor convert who later protests is not Jewish. Why?

To answer these questions, we return to the *Meshech Chochma*, who explained that *Am Yisrael* was not punished for violating the mitzvos that they accepted at Sinai under protest.

Nonetheless, it is unthinkable to consider all of *Am Yisrael* as gentiles in the period between Sinai and Purim. Their protest served only to relieve them of punishment for failure to observe the laws accepted at Sinai during that period.

Similarly, a minor convert who protests is relieved of punishment for his sins. We punish only those who accepted the mitzvos willingly, namely adult converts or born Jews who are bound by the national acceptance of the Jewish people.

Therefore, the Rambam cites the ability of the minor convert to protest only in *Hilchos Melachim* which deals with punishment. The death penalty for an adult convert for a capital offense, while obvious, is an appropriate introduction. Only he is killed, as opposed to a minor convert who protests.

Even after he protests, the minor convert remains Jewish, and the Rambam never stated otherwise. Moreover, in the laws of conversion he omits the ability to protest entirely, as does the Rif, indicating that the conversion of a minor is valid in all circumstances, even if he later protests.

Finally, the Rambam implies that the minor female convert who protests is entitled to the money in Jewish law, since she is in fact Jewish. However, since she might conduct herself as a non-Jew, it is not appropriate that she receive the money, and it is withheld until she matures and can no longer protest.

The male convert who protests is treated like a *ger toshav*. Since, in reality, he is Jewish, we must preserve his life and property and treat him with the same respect and kindness as we relate to a *ger toshav* (Rambam, *Hilchos Melachim* 10:12).

All of the five aforementioned questions are now resolved.⁷⁰

As we have seen, the *Meshech Chochma* compares the lack of punishment of *Bnai Yisrael* for sins beyond the seven Noachide laws and the lack of punishment of a minor convert who protests. Nevertheless, one can distinguish between punishment at the hands of man in *Beis Din* and punishment at the hands of heaven.⁷¹

Precedent for one who is halachically Jewish, but never accepted mitzvos, not being punished in *Beis Din* can be found elsewhere. The Ramban states regarding the *eishes yefas to'ar* (beautiful woman who is captured during war):

⁶⁹ See R. Nachum Pertzovit's essay in *Ohel Avraham, Kesubos* pg.543.

⁷⁰ The *Bach, Yoreh De'ah* 268, interprets "he may protest" that we do not punish him, but denies that he is Jewish. For an analysis of the underlying dispute between the Rambam and the other Rishonim, whether the minor's conversion can be nullified by his protest, see *Beis Yitzchak* 24 pp. 100-103.

⁷¹ R. Asher Arieli of Yeshivas Mir in a conversation on Chanukah 5764.

The operating principle is that the entire law is because of the coercion. However, if she wants to convert willingly in a rabbinical court according to Jewish law, she is permitted to marry him immediately and permitted to marry his father or brother. This is what the Rabbis stated in Yevamos: [the verse states] "And she should cry for her father and mother for a month," when does this apply? When she has not accepted [mitzvos] upon herself. However, if she accepted [mitzvos] upon herself, she can immerse and she is permissible immediately. It is possible that this applies to all captives of war because out of fear, they will want to convert. It says "And you shall send her on her way" that she can do what she wishes and we do not force her to observe the Torah. Because one who converts willingly we compel her to observe the Torah. If she violates Shabbos she is stoned, and if she eats pig she receives lashes like a non-observant Jew. This [captive woman] as well, if she states that she is interested in conversion without compulsion, we do not send her on her way, because even if we think that her conversion was out of fear, she is a full-fledged Jew, because we already mentioned that "the law is that they are all considered converts."

Ramban, Devarim 21:12

ועל הכלל כי זה כולו בעבור ההכרח, אבל אם רצתה להתגייר בחפץ נפשה בבית דין כמשפט הרי היא מותרת מיד גם לו גם לאביו ולאחיו. וכך אמרו בפרק החולץ ובכתה את אביה ואת אמה ירח ימים, במה דברים אמורים שלא קבלה עליה אבל קבלה עליה מטבילה ומותרת מיד. ואפשר כי בכל השבויות במלחמה נעשה כתורה הזאת, כי מפני היראה תאמרנה להתגייר. ואמר ושלחתה לנפשה - שתעשה כרצונה, ולא נכריחנה לשמור דת משה ויהודית. כי המתגיירת ברצון נכריח אותה לשמור התורה, ואם תחלל השבת תסקל, ואם תאכל החזיר תלקה כדין ישראל המשתמד. וגם זאת אם הודית בפיה הגירות בלא הכרח לא נשלח אותה לנפשה, שאפילו נחשב שהיתה גירותה מפני היראה דינה כישראלית גמורה, שכבר העלינו הלכה כולם גרים הם.

רמב"ן, דברים כא:יב

We do not compel the beautiful woman who did not accept the mitzvos willingly to observe Torah and mitzvos. Only if she converts willingly do we force her and punish her if she sins. Otherwise she is not punished by *Beis Din*, even though she is Jewish. This is a valid precedent for the minor convert who protests according to the Rambam.

At present, we are all bound by the totally voluntary acceptance of Torah by our Jewish ancestors.⁷² Nevertheless, in order to appreciate and celebrate Shavuot properly, we should accept it once again personally. For us, now, it is assuredly a time of acceptance of our holy Torah.

⁷² See *Meshech Chochma* Devarim 33:4.

Shavuot Activities for Families

From YUTEach, a project of Yeshiva University's
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Experiential Learning – The Original Source

Josh Grajower

Legacy Heritage Teacher Fellow at the Weinbaum Yeshiva High School, Boca Raton, FL

Introduction:

Adults and children alike, when asked to recall memories from school often remember the most interesting and obscure things. It is impossible to predict what will leave a lasting impression on a person. However, when anyone is asked to recall memories from school, one thing usually is consistent – people remember events more than information. The first thing to pop into a person's mind is rarely an interesting fact from school, rather an inspiring (or funny) story.

Experiences are often more transformative and impactful in a person's life than knowledge. Judaism, from its founding moments, was well aware of this reality. In fact, the Gemara in *Berachos* (7b) states that it is greater to physically assist one's rabbi than to learn from one's rabbi, because we will learn more from our teacher's actions than their words.

The giving of the Torah, which we are celebrating on the holiday of Shavuot, was far from a boring lecture. It was the most exciting and riveting experience one could ever imagine, with the most spectacular light show (of thunder and lightning) the world has ever seen. The giving of the Torah did not just have amazing content, it had an unbelievable context. The giving of the Torah was not merely the acceptance of a book, it was an unforgettable experience. In fact, when remembering the giving of the Torah it is incumbent upon every Jew to not simply recall the information given over on Har Sinai, but the experience itself.

Activity:

Discuss with your child your own memories from school. What do you remember? What has had a lasting impact on you?

Sources:

Right before the Torah repeats the Ten Commandments, the Torah says

Only beware for yourself and greatly beware for your soul, lest you forget the things that your eyes have beheld and lest they be removed from your heart all the days of your life, and make them be known to your children and your children's children.

Devarim 4:9 (Artscroll Translation)

רק השמר לך ושמר נפשך מאד,
פן-תשכח את-הדברים אשר-ראו
עיניך ופן-יסורו מלבבך, כל ימי
חייך; והודעתם לבניך, ולבני בניך.

דברים ד:ט

The Ramban (ibid) comments that this verse is a Torah commandment never to forget the experience of Har Sinai:

This verse, in my opinion, is a negative commandment, concerning which [Moses] exhorted [the people] greatly. For having said that we must be careful concerning all the commandments and that we should observe the decrees and the judgments, to do them in the land, [Moses] said further, "Only, I am exhorting you greatly to 'beware of yourselves' and to 'greatly beware for your soul very, very much' to remember from where these commandments came to you. That you should not forget the assembly at Mount Sinai, 'any of the things that your eye beheld there' – the thunder and the flames, 'His glory and His greatness' – and 'His words that you heard there from the midst of the fire', and 'you shall make known to your children and your children's children forever, all the things that your eyes saw at that august assembly.'" (Artscroll Translation)

הכתוב הזה לדעתי מצות לא
תעשה, הזהיר בה מאד. כי כאשר
אמר שנוזהר בכל המצות ונשמור
החקים והמשפטים לעשותם בארץ,
חזר ואמר רק אני מזהירך מאד
להשמר ולשמור נפשך מאד מאד
לזכור מאין באו אליך המצות, שלא
תשכח מעמד הר סיני מכל הדברים
אשר ראו שם עיניך, הקולות
והלפידים, את כבודו ואת גדלו,
ודבריו אשר שמעת שם מתוך
האש, ותודיע כל הדברים אשר ראו
עיניך במעמד הנכבד ההוא לבניך
ולבני בניך עד עולם.

Discussion Questions:

What do you think is the importance of not only remembering the commandments taught on Har Sinai but also the experience itself?

Do you think this idea is one that is relevant to our day-to-day life?

How can each of us do a better job of incorporating the experience, and not merely the details of the Torah, into our daily lives?

The Cheesecake Lesson Plan

Ouriel Hazan

YUTeach Fellow, Maimonides Academy, Los Angeles, CA

The Chagim are a time of bonding between family members. It is critical to take advantage of every "teachable moment" you have with your child. But who has the time to sit with your children at the table before Shavuot to discuss what they learnt in school? When do we ever get the chance to discuss the deep philosophical implications of a nation accepting a new religion? When do we have time to make the discussion about the meaning of Shavuot relevant to today's youth (how do we accept the Torah today?) With the myriad of things to cross off our to-do list, it is possible to miss out on a precious moment with your child. That's why it's great to find ways to take care of your to-do's while spending time with your child. One way to do this is to use the process of making a cheesecake as a springboard for discussion on the Chag.

Here's a simple recipe:

INGREDIENTS:

15 graham crackers, crushed	1 1/2 cups white sugar	1/4 cup all-purpose flour
2 tablespoons butter, melted	3/4 cup milk	The zest of one lemon or lime
4 (8 ounce) packages cream cheese	4 eggs	
	1 cup sour cream	
	1 tablespoon vanilla extract	

DIRECTIONS:

1. Preheat oven to 350 degrees F (175 degrees C). Grease a 9 inch springform pan.
2. In a medium bowl, mix graham cracker crumbs with melted butter. Press onto bottom of springform pan.
3. In a large bowl, mix cream cheese with sugar until smooth. Blend in milk, and then mix in the eggs one at a time, mixing just enough to incorporate. Mix in sour cream, vanilla and flour until smooth. Mix in the lemon (or lime) zest. Pour filling into prepared crust.
4. Bake in preheated oven for 1 hour. Turn the oven off, and let cake cool in oven with the door closed for 5 to 6 hours; this prevents cracking. Chill in refrigerator until serving.

The concept is simple: Each ingredient can launch a discussion on a different aspect of Shavuot. As you progress through each step you can also progress through the major themes of the Chag.

Step 1: As you open all your ingredients you can start by asking "Why do we eat cheesecake on Shavuot?" Make sure to discuss the mitzvot the Jews were keeping before Matan Torah (which did not include the mitzvah of Kashrut).

Step 2: As you prepare the graham cracker crust you can pose the question: "It seems like there are many details in the Torah. Why is it important to focus on the details in life? Does it ever seem like there are too many details?"

Step 3: As you mix in the sugar you can ask "What are the sweet parts of living a Jewish life?"

Step 4: As you mix in the lemon zest you can ask "Some parts of the Torah are not so easy to do and seem to have some harshness to them. Why do strong tasting ingredients belong in a cake and how can we relate this to the difficult parts of our Avodat Hashem (service of God)?"

Hopefully you and your family will find this activity fun and inspiring. Your children will feel a sense of pride both in their culinary and academic accomplishments. More importantly you will have succeeded in weaving a new memory into the fabric of their childhood that they will cherish and will inspire them to enjoy Shavuot in a whole new way! B'Teavon!

Lessons from Megilat Ruth

Rachel Lee

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Many of the books of Tanach are named after people. Please count how many are names of women:

תורה - בראשית, שמות, ויקרא, במדבר, דברים
 נביאים - יהושע, שופטים, שמואל, מלכים, ישעיהו, ירמיהו, יחזקאל, הושע, יואל, עמוס, עובדיה, יונה,
 מיכה, נחום, חבקוק, צפניה, חגי, זכריה, מלאכי
 כתובים - דברי הימים, תהילים, איוב, משלי, רות, שיר השירים, קהלת, איכה, אסתר, דניאל, עזרא, נחמיה

Only 2 books are named after women: Esther and Ruth. There must be a reason why these women are so special to have a book named after them. Let us look into Megilat Ruth to find out what makes her so special.

Below are two sources that show two of Ruth's many outstanding qualities that make her a Jewish female role model.

Source #1

Ask students if they know what being loyal means. Discuss different situations of loyalty. The dictionary writes that loyalty is being faithful to one's government, oath, commitments, or to any person.

Would these scenarios show people being loyal?

- 2 friends walking together to shul.
- 2 friends helping each other with homework.
- 2 friends fighting over a toy.

We will now see how Ruth showed loyalty inside the Megilah.

16 And Ruth said: 'Entreat me not to leave you, and to return from following after you; for where you go, I will go; and where you lodge, I will lodge; your people shall be my people, and your G-d my G-d; **17** Where thou die, will I die, and there will I be buried; Hashem should do so to me, and more also, and only death should part you and me.' **18** And when she (Naomi) saw that she was persistent to go with her, she stopped speaking to her.

Ruth 1:16-18

טז ותאמר רות אל-תפגעני-בי,
 לעזבך לשוב מאחריך: כי אל-אשר
 תלכי אלך, ובאשר תליני אליו עמך
 עמי, ואלקוני אלקני. יז באשר
 תמותי אמות, ושם אקבר; כה יעשה
 ה' לי, וכה יוסיף כי המנות, ופריד
 ביני ובינך. יח ותרא, כי-מתאמצת
 היא ללכת אתה; ותחדל, לדבר
 אליה.

רות א:טז-יח

Naomi had lost everything; her wealth, her husband and two sons passed away. Now she would be returning to her family in Israel and tells her daughter-in-laws to go back to the place where they came from. Ruth tells Naomi, "wherever you go I will go, your nation is my nation." Ruth makes it clear to Naomi that after she has lost everything she will not lose Ruth. These *pesukim* show Ruth's loyalty and devotion and appreciation/gratitude for all Naomi has done for Ruth.

Source #2

Ask students if they know what being modest means. Discuss different situations of modesty or *tzniut*. The dictionary writes that modesty is to have or show a moderate or humble estimate of one's merits, importance, and being free from vanity etc.

Would these scenarios show people being modest?

- A boy showing off how smart he is.

- A girl wearing a tight skirt.
- Thanking your parents for their help with your homework..

We will now see how Ruth was modest inside the Megilah.

5 Then said Boaz to his servant that was set over the reapers:
'Whose young lady is this?' 6 And the servant that was set
over the reapers answered and said: 'It is a young lady from
Moav that came back with Naomi out of the field of Moav;
Ruth 2:5-6

הַיָּאֵמֶר בְּעֵז לְנַעֲרוֹ, הַנָּצֵב עַל-
הַקּוֹצְרִים: לְמִי, הַנַּעֲרָה הַזֹּאת. ו
וַיַּעַן, הַנַּעֲרָה הַנָּצֵב עַל-הַקּוֹצְרִים
וַיֹּאמֶר: נַעֲרָה מוֹאֲבִיָּה הִיא, הַשֹּׁכֶה
עִם-נָעֲמִי מִשְׁדֵּי מוֹאֵב.
רוּת ב:ה-ו

The Rabbis (*Shabbat* 113b) explain that Boaz was a very righteous man and did not ask about random women. He was looking at Ruth because he noticed something extra special about her. When Ruth was collecting food in the field, she was sitting in a way that was especially modest. When the other girls would collect crops they would bend down in an immodest way to pick the crops closer to the ground. Ruth was in touch with her modesty and took the necessary precautions to make sure she was modest at all times.

It is also explained (*Shabbat* 113b and Maharsha) that Ruth's modesty went beyond her manner of dress and how she conducted herself. There is a Jewish law called *leket* that when a farmer drops two bundles of wheat, a poor person can take it, but three bundles dropped are only for those who are widows, poor *and* converts. Although Ruth was a widow, poor and a convert, she took the lesser amount to allow food for other poor people; she was modest in her behavior as well.

Conclusion

From these two sources, we learn a few special qualities from Ruth. Because of Ruth's loyalty to Naomi, the Jewish people and Hashem, Ruth merited to be a famous Jewish convert who was the ancestor of David Hamelech.

Ruth's life could have been "easier" without being loyal or modest. But because of her passions and dedication to Hashem, she was able to face her challenges head on which made her the strong woman she was.

Challenge

Using art supplies and household items, children can recreate a scene from Megilat Ruth. Children should caption their artwork with a lesson learned from Megilat Ruth.

Hide and Seek

Aryeh Wasserman

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Our relationship with Hashem, like our relationships with each other, is sometimes expressed with concrete objects, and is sometimes abstract or invisible. A parent shows love for a child

physically—by giving food and shelter (and hugs and kisses). A parent also shows love for a child in invisible ways—by listening, advising, and just being there.

Discussion Questions:

- What are some of the concrete ways parents show love for their children? Children for their parents? What are some of the more abstract ways?
- What are the concrete objects that help us connect to God? Try to think of some we may use every day and some we may only use once a year.
- Do you find it harder to connect to G-d with or without the help of a concrete object?
- Do you feel your relationship with others is stronger when you have something concrete to base it on?
- Are mitzvot that require use of an object easier to perform than mitzvot that don't have an object? (For example, is it easier to fulfill the mitzvah of shaking the lulav on Sukkot or the mitzvah of enjoying Shabbat?) Which do you think are greater mitzvot? Are they the same?

Activity:

Before or after Tom Tov buy your child a present. Then go up to your child (without the present) and inform them that you love them. After doing so, wait some time (a couple of hours or a day,) and give the present to your child and say "I love you." Note the reaction of the child in both scenarios. Were they different? If so, how? Also note your reaction to their reactions. How did you feel in both scenarios?

The text study below will help you explore some of the concrete and abstract components of the chagim. As you learn them, think about how Shavuot differs from the other chagim, and how that difference relates to the discussion questions above.

Challenge! Go to your closest *Shulchan Aruch* or your closest *Mishna Berura* and find *Hilchot Shavuot*, the laws of Shavuot. You have 30 seconds. Alright fine – let's save you a whole lot of time. If you found a *Hilchot Shavuot* then it's pertaining to the laws of making a *sh'vua* – an oath, but otherwise, you won't find it because it doesn't exist! The only mention of the holiday of Shavuot is in the last *siman* in the *halachot* that describe *Hilchot Pesach*!

Let's take a closer look:

On the fiftieth day of the counting of the Omer it is the holiday of Shavuot, and the order of the prayers (on this day) are just like on the holiday of Pesach – except that we say "The day of this holiday of Shavuot; the time of our acceptance of our Torah"
Shulchan Aruch, Orach Chaim 494:1

ביום חמישים לספירת העומר
הוא חג שבועות, וסדר התפלה כמו
ביום טוב של פסח, אלא
שאומרים: את יום חג השבועות
הזה זמן מתן תורתנו
שולחן ערוך אורח חיים תצד:א

Not only does this special day – the day we accepted the Torah, not have its own section in the annals of Jewish law, but even when it is described, it is within the context of a different holiday, namely Pesach, and even still, it is described as the fiftieth day of the counting of the Omer (which is counted starting the second day of Pesach). Additionally, the defining feature of this

special day is its special prayer which is introduced as being “just like on the holiday of Pesach”. It appears as though Shavuot is a continuation of the holiday of Pesach!

Further investigation shows that Shavuot, being a mere shadow of Pesach, permeates the “extensive” laws and guidelines for this holiday:

*It is customary in all places to eat dairy foods on the first day of Shavuot; and it appears to me the reason for this is that **it is similar** to the two dishes that we take **on the night of Pesach**, in remembrance of the Pesach (sacrifice) and the chagiga (sacrifice), so too here, we eat a dairy dish and then afterwards we eat a meat dish.*

Rama (R. Moshe Isserlis) Orach Chaim 694:3

ונוהגין בכל מקום לאכול מאכלי
חלב ביום ראשון של שבועות;
ונ"ל הטעם שהוא כמו השני
תבשילין שלוקחים בליל פסח, זכר
לפסח וזכר לחגיגה, כן אוכלים
מאכל חלב ואח"כ מאכל בשר.
רמ"א אורח חיים תצד:ג

Once again, the law has to take one of the only customs that we do have for the holiday of Shavuot and compare it to Pesach stating “what we do on Shavuot is exactly like what we do on Pesach”?! Why is this so?

This last point leads us to another strange and interesting phenomenon pertaining to this holiday. All Jewish holidays are known for their specific symbols: Pesach is known for the Seder, the matza, and the maror, Sukkot is known for the taking of the four species, Chanuka has the menorah and the drierel, Purim has the Megillah, but what does the holiday of Shavuot have? The answer is seemingly nothing but cheesecake! On the day that we received the Torah, seemingly a very special event, why is there a lack of special symbols and special mitzvot for us to perform on this day?

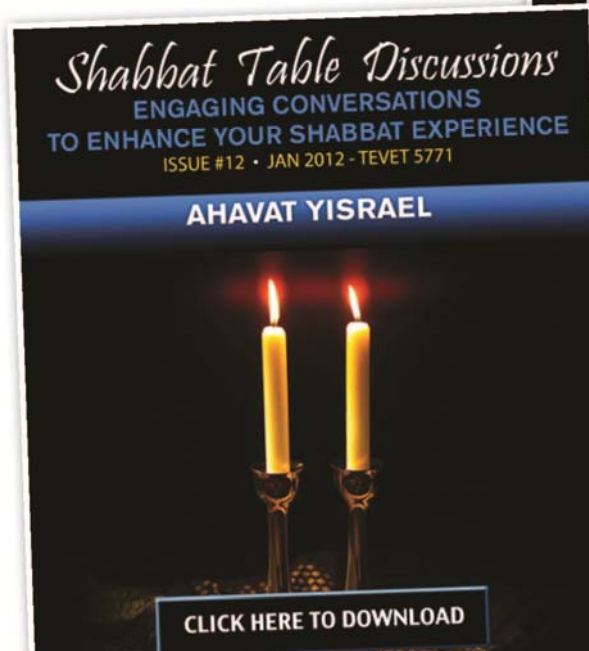
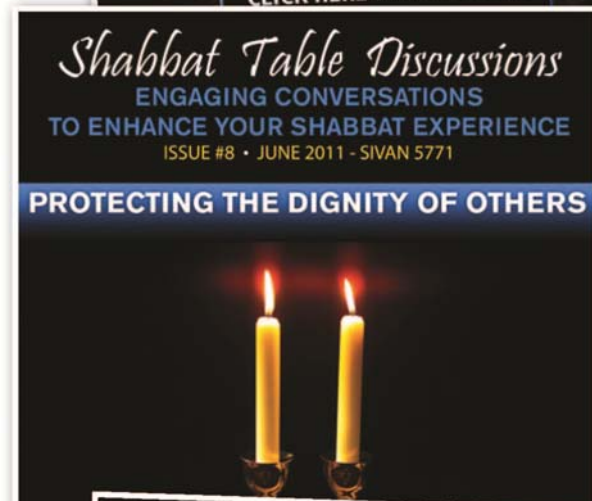
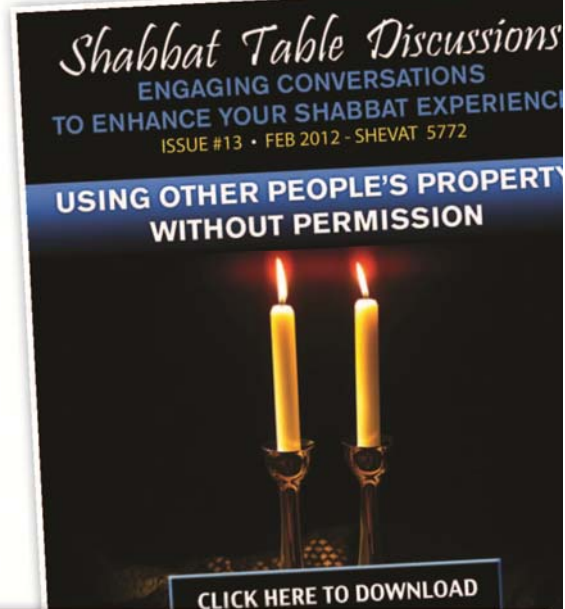
One idea that perhaps can emerge from these two questions is the following: Rabbi Moshe Wasserman once explained that one can easily appear pious by getting a really nice etrog, by ensuring that their matza is the best around, or by searching for the nicest Megillah possible. While these things are very nice, one can just focus on these external mitzvot and fulfill his obligation even though the essence of these mitzvot and why we do these mitzvot are lost upon such an individual. Torah learning can't be faked. There are no external symbols that one can focus on, rather it's just you, Hashem, and the text you are learning.

This could also explain why we don't take out the Torahs and dance with them as we do on Simchat Torah – if this is the day we accepted the Torah should we not celebrate it with song and dance? Rather, Shavuot is a time to sincerely learn – no flashiness, no external objects attached.

This could perhaps be the idea behind the hidden nature of the laws of Shavuot. Shavuot is only found by the one who searches for it. Shavuot does not have a big introduction to it nor its own section devoted to it. Pesach is the holiday with many objects and articles connected to it, but hidden at the end of the holiday with all of the external mitzvot is the holiday where only the sincere go; the holiday that one cannot fake. Let us continue to learn and grow, focus on the externals, but at the same time not lose sight of the true meaning behind them.

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