

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

THE BENJAMIN AND ROSE BERGER
TORAH TO-GO®

Established by Rabbi Hyman and Ann Arbesfeld

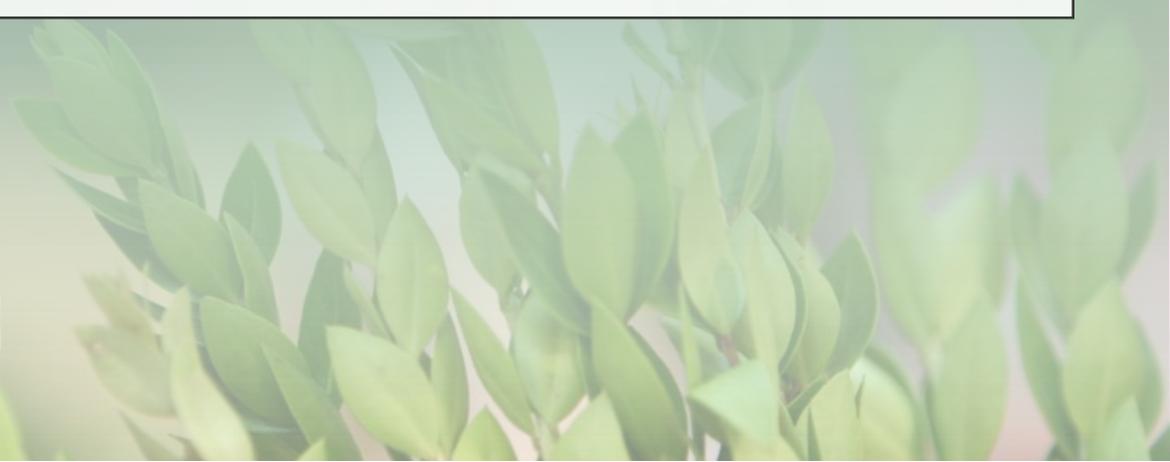
September 2015 • Sukkot 5776



A Project of Yeshiva University's
Center for the Jewish Future

*Dedicated in memory of
Bernice and Irby Cooper
by their Loving Family*

Featuring Divrei Torah from
Rabbi Reuven Brand
Rabbi Michael Dubitsky
Rabbi Akiva Koenigsberg
Rabbi Daniel Lerner, PsyD
Deena Rabinovich, PhD
Rabbi Ezra Schwartz
Rabbi Mordechai Torczyner



We thank the following synagogues who have pledged to be Pillars of the Torah To-Go® project

Congregation Ahavath Torah

Englewood, NJ

Congregation

Shaarei Tefillah

Newton Centre, MA

The Jewish Center

New York, NY

Young Israel of

New Hyde Park

New Hyde Park, NY

Richard M. Joel, President and Bravmann Family University Professor, Yeshiva University
Rabbi Kenneth Brander, Vice President for University and Community Life, Yeshiva University
Rabbi Yaakov Glasser, David Mitzner Dean, Center for the Jewish Future
Rabbi Menachem Penner, Max and Marion Grill Dean, Rabbi Isaac Elchanan Theological Seminary

Rabbi Robert Shur, Series Editor
Rabbi Joshua Flug, General Editor
Rabbi Michael Dubitsky, Content Editor
Andrea Kahn, Copy Editor

Copyright © 2015 All rights reserved by Yeshiva University
Yeshiva University Center for the Jewish Future
500 West 185th Street, Suite 419, New York, NY 10033 • office@yutorah.org • 212.960.0074

This publication contains words of Torah. Please treat it with appropriate respect.
For sponsorship opportunities, please contact Paul Glasser at 212.960.5852 or paul.glasser@yu.edu.

Table of Contents

Sukkot 2015/5776

Dedicated in memory of

Bernice and Irby Cooper

by their Loving Family

The Uniqueness of the Sukkah: The Presence of Hashem <i>Rabbi Reuven Brand</i>	Page 4
V'Samachta B'Chagecha: And You Will Be Happy On Your Holiday <i>Rabbi Michael Dubitsky</i>	Page 6
Sukkot and the Oral Tradition <i>Rabbi Akiva Koenigsberg</i>	Page 11
The Joy of Yizkor <i>Rabbi Daniel Lerner, PsyD</i>	Page 15
Hakhel: Reinforcement through Experiential Learning <i>Deena Rabinovich, PhD</i>	Page 19
Shemitta and the Four Minim <i>Rabbi Ezra Schwartz</i>	Page 27
A Succah for Two <i>Rabbi Mordechai Torczyner</i>	Page 31

The Uniqueness of the Sukkah: The Presence of Hashem

Each Jewish holiday is shaped largely by its distinct mitzvot. Sukkot is represented most notably by a pair of biblical mitzvot: sukkah and four species. These two observances are similar in many ways. For example, they entail the use of organic and natural materials, require a Shehechyanu blessing and invoke a sense of joy. However, upon closer examination of these mitzvot, we notice a subtle, yet significant distinction between them.

All the mitzvot we perform throughout our lives connect us with Hashem. Each of these actions, whether biblical or rabbinic, raises our soul and moves us one step further in our lifelong spiritual journey. It is well understood, therefore, that the practical elements of mitzvot — the matzah cracker, the tzitzit strings, the Shabbat candles — each has a special status and must be treated with respect. The Ritva (*Megillah* 25b) explains this notion based on a passage in *Masechet Shabbat*:

אסור להרצות מעות כנגד נר חנוכה ואקשו עלה וכי נר חנוכה קדושה יש בו ואסיקנא דאסור דאי משום ביזוי מצוה שאסור לנהוג בתשמישי מצוה מנהג בזיון בעוד שראוין ועומדין למצותן, ואמרינן נמי התם דנוי סוכה אסור להסתפק מהם כל שבעה משום ביזוי מצוה.

It is prohibited to count money opposite the Chanukah light. They asked: Does the Chanukah light have sanctity? The conclusion is that it is prohibited because it denigrates the mitzvah. It is prohibited to treat mitzvah items with disrespect



Rabbi Reuven Brand

Rosh Kollel, YU Torah Mitzion Kollel of Chicago

while they are still usable for the mitzvah they were intended for. It also states there that one may not benefit from sukkah decorations all seven days because it is a denigration of the mitzvah.

We learn that while they are actually serving in their mitzvah capacity, mitzvah items may not be used for any other purpose. In addition, once they are no longer a vehicle for a mitzvah, they should not be treated with disrespect even though they technically do not maintain any sanctity. The *Chayei Adam* (11: 37) writes regarding a worn garment with tzitzit:

טלית שבלה אסור לעשות בו תשמיש מגונה.
If a talit is worn out, one may not use it for an activity which degrades it.

This notion of respect for mitzvah articles is a rabbinic institution. Yet there is one notable exception to this halachic structure: sukkah. Conspicuously, the Talmud (*Beitzah* 30b) finds a biblical precedent to maintain the sanctity of a sukkah during its use:

האמר רב ששת משום רבי עקיבא: מנין לעצי סוכה שאסורין כל שבעה - שנאמר חג הסוכות שבעת ימים לה', ותניא, רבי יהודה בן בתירא אומר: מנין שכשם שחל שם שמים על החגיגה כך חל שם שמים על הסוכה - תלמוד לומר

חג הסוכות שבעת ימים לה', מה חג לה' - אף סוכה לה'.

Didn't Rav Sheshet say in the name of Rabbi Akiva: How do we know that the beams of the sukkah are prohibited all seven days? Because it states [in the verse] "The holiday of Sukkot is seven days for G-d," and it states in a beraita, Rabbi Yehuda ben Beteira says: How do we know that just as the name of G-d is applied to the chagigah offering (it is sanctified), so too, the name of G-d is applied to the sukkah? The verse states "The holiday of Sukkot is seven days for G-d," just as the holiday offering is for G-d, so too, the sukkah itself is for G-d.

Early authorities debate whether this ruling applies only to the roof of the sukkah or also to the walls.¹ Either way, we may wonder: Why do we require a special rule to teach us the sanctity of a sukkah? Why is the status with respect to the sanctity of the sukkah derived from a biblical source, while the sanctity of other items with which we perform mitzvot is based on rabbinic decree? Perhaps this halacha manifests a uniqueness of the mitzvah of sukkah. Even though it shares a similar sanctity to that of the four species and other mitzvot, there is something special about the mitzvah of sukkah that sets it

Thanks to Avi Mori, Mr. Etzion Brand, Mrs. Ora Lee Kanner and Rabbi Aaron Kraft for their help with this article.

apart. We can suggest an explanation based on a related discussion about the sanctity of holy objects once they are no longer in service.

There is a central distinction in halacha between the status of items used for a mitzvah as we described above and those that are used for *kedusha*, such as a sefer Torah or tefillin. The Gemara (*Megillah* 26b) rules:

תנו רבנן: תשמישי מצוה - נזרקין, תשמישי קדושה - נגנזין. ואלו הן תשמישי מצוה: סוכה, לולב, שופר, ציצית. ואלו הן תשמישי קדושה: דלוסקמי ספרים, תפילין ומזוזות, ותיק של ספר תורה, ונרתיק של תפילין ורצועותיהן.

Our rabbis taught: Mitzvah items may be discarded. Kedusha items must be buried. These are mitzvah items: a sukkah, a lulav, a shofar and tzitzit. These are kedusha items: cases for Torah scrolls, tefillin and mezuzahs, the cover for a Torah scroll and the pouch for tefillin and their straps.

The difference between the two lies in their essence, not just their function. Items used for mitzvot are themselves not holy articles but vehicles to fulfill mitzvot, which bring holiness into our lives. By contrast, items of *kedusha* contain or are associated with the written name of Hashem, which means that they themselves are holy — they contain a transcendent Divine spark in physical form. Their endowment of direct Godliness, in the form of the Divine name, means they are forever transformed to carry a spiritual sensitivity. While the act of eating matzah brings us closer to Hashem, the Torah scroll itself is suffused with the presence of Hashem.²

Perhaps the Talmud, in its ruling regarding the sanctity of the sukkah, is sharing an insight into the essence of the mitzvah and experience of sukkah. The *Zohar* (*Parshat Emor*) teaches that when we sit in the Sukkah we sit in the shade of the Divine presence:

כל האזרח בישראל ישבו בסכות כל מאן
דיהו משרשא וגועא קדישא דישראל ישבו
בסכות תחות צלא דמהימנותא.

[The verse states] “All citizens of Israel shall sit in sukkot,” anyone who is from the holy root of Israel will sit in the sukkot under the shade of faith.

We see that the sukkah is not just a vehicle to connect us to Hashem through an action; rather it is itself a resting place for the Shechinah. Although technically a sukkah is classified as *tashmishei mitzvah*, and after its use, it is no longer endowed with sanctity; nonetheless, while it is in service, it maintains a higher level of Divine presence similar to that of *tashmishei kedusha*. One expression of this heightened status concerns a case in which one expressly stipulates that they would like to retain the right to use the item for personal purposes. There is significant, nuanced halachic discussion as to when a stipulation may be acceptable in other mitzvah items; however, no such possibility exists for a sukkah. Therefore, the Talmud teaches that even if one stipulates to allow use of the sukkah when one is not sitting in it, this condition is not effective, and the sukkah may not be used for any other purpose aside from the mitzvah.³

While our four species are beautiful manifestations of this holiday, full of

deep meaning and significance, our mitzvah of sukkah has even greater significance. When we build our sukkah we are not just constructing a *tashmish mitzvah* but the equivalent of a *tashmish kedusha*. When we reside in the sukkah for this weeklong holiday, we are not just using this temporary dwelling as a vehicle to connect with Hashem. We are actually residing with Hashem in our sukkah. Perhaps now we can further appreciate why we live in the sukkah specifically during the holiday most associated with happiness. It is our personal and intimate connection with Hashem that generates the ultimate joy — the true *zman simchateinu* — that we celebrate as we feel the Divine presence with us in the sukkah.

Notes

1. For the full halachic discussion of the parameters and particulars of the restriction against using a sukkah for personal use, see *Orach Chaim* 638.
2. A similar distinction may be found in the Beit Hamikdash — the ultimate home of *kedusha*. There are two types of items that are consecrated in the Beit Hamikdash: *kedushat damim* (sanctity of value) and *kedushat haguf* (sanctity of an item). When one donates an item to the treasury of the Beit Hamikdash with *kedushat damim*, it is a vehicle to further the service of Hashem, as it will be sold by the custodians of the Mikdash and its funds will be used for service in the Mikdash. By contrast, an item endowed with *kedushat haguf* is one that will itself be offered as a sacrifice. It will become *ishe laHashem* — consumed directly by Hashem through the fire of the Mizbeach and, therefore, it has the sanctity of direct contact with the Almighty.
3. For a discussion regarding the use of a stipulation to benefit from the four species, see *Shulchan Aruch* O.C. 664:9 and *Beur Halacha* s.v. *Im*.



Find more shiurim and articles from Rabbi Reuven Brand at
http://www.yutorah.org/Rabbi_Reuven_Brand

V'Samachta B'Chagecha: And You Will Be Happy On Your Holiday...

The Torah tells us about the yomim tovim throughout the year in two distinct *parshiyos*. The first time the Torah discusses the yomim tovim is in *Parshas Emor* and the second time is in *Parshas Re'eh*. While much of these two descriptions are similar, there are a few notable differences, specifically relating to the Torah's mentioning of Shavuos. Whereas the first parsha mentions Shavuos without referencing simcha, the second parsha does mention it. In contrast, the Torah uses the word simcha numerous times in describing Sukkos.¹ However, while Sukkos is mentioned in the Yom Tov tefilla (in the Shemoneh Esrei) and in the Yom Tov kiddush as *z'man simchaseinu* — a time of our happiness, Shavuos is not referred to with this phrase. Why do we apply the term *z'man simchaseinu*, the time of our rejoicing, specifically to Sukkos rather than to the holiday that commemorates the receiving of the Torah on Har Sinai and about which the Torah teaches (Devarim 16:11) *v'samachta lifne Hashem Elokecha* — you will be happy before Hashem your G-d?²



Rabbi Michael Dubitsky

Content Editor, YU's Torah To-Go Series

Judaic Studies Faculty, Shearim Torah High School

For Girls, Phoenix, AZ

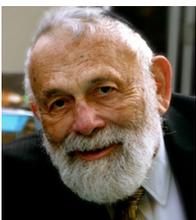
Hospital Chaplain, Jewish Family & Children's Service, Phoenix, AZ

The Nature of Simchas Sukkos

One answer to this question and an approach to the nature of simchas Sukkos in general was offered by the *Bnei Yissaschar*, authored by Rabbi Tzvi Elimelech Spira of Dinov, who lived toward the end of the 18th century. He provides a truly fascinating discussion of this question in his *ma'amarim* for the month of Tishrei (10:22). The *Bnei Yissaschar* develops the idea that Shavuos represents the time that Hashem gave us the Torah and He was happy. It is true that we accepted it but the overall giving was via G-d, and the language in the Torah specifies that one should be happy before G-d —

v'samachta lifne Hashem Elokecha. In other words, in a certain metaphysical sense, we are joining in and celebrating with Hashem's happiness during the Yom Tov of Shavuos. However, when the Torah (Devarim 16:14) refers to Sukkos, the terminology specifies that it is our happiness — *v'samachta b'chagecha* — and you will rejoice on **your** festival. The *Bnei Yissaschar* goes in depth into the various reasons for this but the essential idea is that it is our simcha to have the mitzvah of sukka. Therefore, the emphasis during Sukkos is on our happiness and we allude to this emphasis in the verbiage of the Shemoneh Esrei and Kiddush additions by always mentioning *z'man simchaseinu*.

The Center for the Jewish Future would like to thank Rabbi Dubitsky for his long standing contribution in editing the Torah To-Go publication.



This dvar Torah is dedicated *l'ilui nishmas* HaRav Yakov Moshe ben Yisrael Nossan, Rabbi Jacob Rabinowitz *zt"l*, who was niftar this past year on the 7th of Shevat. He served for many decades in numerous administrative and teaching positions in Yeshiva University including Dean of Students, Dean of Erna Michael College (EMC) and Gemara Rebbe in IBC. I had the zechus and the privilege to be in Rabbi Rabinowitz's shiur for two years in Yeshiva and to have had him as my mentor for the many years that followed until his passing. Rabbi Rabinowitz is the author of *Yemin Yakov*, one of the sources included in this article. *Yehi Zichro Baruch*.

Hashem's Relationship To Bnei Yisrael

Rabbi Yosef Dov HaLevi Soloveitchik, the Rav zt"l, also addressed this question and explained that Sukkos is different than the other holidays in another interesting way as well. He explains that the *arba'ah minim* represent the unity of the Jewish people, as is well known and as we teach our children from a young age. However, this unity is due to the fact that we are all in close proximity to Hashem ("*banim laMakom*" — children of G-d), because He is close to us as we refer to Hashem also as *Avinu Malkeinu* — our Father our King. That is one of the main themes of the Yomim Noraim time period. Although Hashem is King over the entire world, He chose to be our King specifically and forged a covenant with us with the *Torah she'ba'al peh*, the Oral Law. For this reason, the Rav explained, Sukkos is called *z'man simchaseinu* even though one has an obligation of simcha on the other yomim tovim as well. G-d's specific closeness to us during this time period and His dwelling amongst us at this time is the source of our simcha.³ This idea that Sukkos represents a distinct level of happiness is a unique quality of this Yom Tov.⁴

Although simcha is mentioned many times regarding Sukkos, it seems at odds with the Yomim Noraim that precede it. In fact, Rabbi Shlomo Aviner lists a few sources that show that simcha is in some ways required or needed after going through the High Holiday period.⁵ He elaborates on this theme from various writings of Rav Kook zt"l, which teach that the spiritual level one achieves on Yom Kippur removes a person, somewhat, from worldliness, since we are all focused on spiritual pursuits. Rav

Kook explained that both this world and the next are intertwined and therefore if we focus on spirituality during the High Holiday period we must then increase our focus on the worldly aspects of life when returning to the Yom Tov of Sukkos and the simcha that we experience.

On more of a *derush* (homiletic) level, there is a fascinating Gemara that alludes to this aspect and the duality of Sukkos. The Yerushalmi in *Maseches Sukkah* (5:1), in the midst of a discussion identifying which shevet Yonah HaNavi came from, teaches another insight. The Gemara tells us that Rabbi Yonah elaborated and taught that Yonah ben Amitai went up to the Beis HaMikdash during the *Shalosh Regalim*, attended a *simchas beis hasho'eiva*, and *ruach haKodesh* (Divine spirit) fell upon him. The Gemara understands from this story that in order to have the Divine spirit rest upon an individual, one must be happy. The *Korban HaEdah* (one of the major commentaries on the Yerushalmi) says that it was this Divine spirit that told Yonah to go to Nineveh and it was from that assignment from which he famously fled.⁶ One could ask why it was Yonah, specifically, that teaches us this principle.⁷ Perhaps on a level of *derush* one could say that it was for the exact reason that we mentioned earlier. The same sefer Yonah that is read on Yom Kippur (*Yom HaDin*) to teach about teshuva, and the same sefer that teaches us about turning the *midas hadin* (attribute of justice) into the *midas harachamim* (attribute of mercy), is perhaps the same sefer and navi to teach us about the coalescence of *yir'a* (fear) and simcha. Therefore, after reading about Yonah on Yom Kippur, we can happily enter the holiday of Sukkos and enjoy a greater state of simcha.

Spiritual Levels

This notion that simchas Sukkos is both unique and necessary does not explain nor describe the level of joy one must feel during the holiday. As mentioned, there are some meforshim that explain that the level of happiness is different during the Yom Tov of Sukkos than during the other yomim tovim.⁸ The *Mishkan B'Tzalel* offers a second approach to the nature of simchas Sukkos and explains that there are numerous halachos that were designated for Sukkos due to its level of simcha. He questions why the principle of *bachag nidonin al hamayim* (we are judged on the holiday regarding water supply for the year) and *simchas beis hasho'eiva*, which included the water libation on the Mizbeach, were designated for Sukkos. After all, isn't rain on Sukkos a sign of being cursed?⁹ He answers that Sukkos is not like all other yomim tovim that are *chatzi l'Hashem and chatzi lachem* (half designated for spiritual activities and half for physical enjoyment). Rather, Sukkos is all l'Hashem.¹⁰ Everything that we do on Sukkos is engulfed by the notion of the sukka and the majority of our activities take place within it. Therefore, all material aspects of Sukkos are engulfed by spirituality and even the *chatzi lachem* aspect of Yom Tov becomes part of l'Hashem. That is the reason that Hashem designated these mitzvos for Sukkos. It is a time that everything is in a heightened spiritual level. Moreover, while all the other yomim tovim have a level or fixed amount of simcha, on Sukkos the simcha itself is also for Hashem and therefore has no boundary.¹¹

Yom Tov of Inclusiveness

A third approach to the nature of simchas Sukkos was posited by Rav Nissan Alpert zt”l, regarding Sukkos’ relationship to the other yomim tovim that comprise the *Shalosh Regalim*.¹² He explains that, in some aspects, Sukkos embodies the essence of all the yomim tovim. He asks why the Torah (Vayikra 23:41) has to use the words “*shiv’as yomim bashana*” — seven days in the year — in describing Sukkos when “*shiv’as yomim*” without the word “*bashana*” would have sufficed. He answers that since Sukkos ends the *Shalosh Regalim* time period, Sukkos, so to speak, incorporates all the seven days of Yom Tov that occur during the year (two days of Pesach, one day of Shavuos, one day of Rosh HaShana, one day of Yom Kippur and two days of Sukkos). Therefore, he explains that when the Torah states *v’chagosem oso chag l’Hashem shiv’as yomim bashana* — and you shall celebrate it as a holiday seven days in the year — it means that you will celebrate Sukkos, which includes and incorporates the seven days of the other yomim tovim throughout the year. Furthermore, it states the word *simcha* three times regarding Sukkos in the Torah, since it incorporates all of the *Shalosh Regalim* and their happiness. It is in this vein, perhaps, that Sukkos is also different hashkafically than the other yomim tovim since it includes their happiness as well.

The Message of the Ushpizin

The *Yemin Yakov* authored by Rabbi Yakov Rabinowitz zt”l, has another approach as to what the nature of simchas Sukkos is based upon.¹³ He begins his explanation by quoting from a peirush on the *Zohar* that

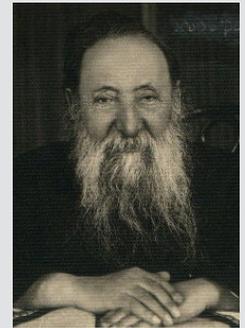
seems to tie the mitzvah of sitting in the sukkah with the custom of inviting the *ushpizin* into our sukkah throughout the holiday. In fact, support is drawn to this connection by analyzing the verse in *Emor* (23:42) which uses both second and third person verbiage when discussing the mitzvah of sitting in the sukkah. The explanation given for this seeming contradiction is that the first word of “*teishvu*” — “you shall dwell” — refers to the *ushpizin*, and the second term “*yeishvu*” — “they will dwell” — is referring to B’nei Yisrael sitting in the sukkah. To this day, we follow the example of Rav Hamnuna, who upon entering his sukkah would invite in guests and then invited the *ushpizin* to his sukkah as well.

Rabbi Rabinowitz raises the question as to why the custom of *ushpizin* is specifically tied to the mitzvah of inviting guests on Sukkos. After all, wouldn’t we have more readily connected these concepts at the time of Pesach? That is when the malachim visited Avraham and from where we learned that inviting guests and fulfilling the mitzvah of *hachnasat orchim* is “greater than greeting the Divine Presence.” Moreover, we announce on the seder night that all who are hungry should come and join us! In other words, what is it about the nature of the sukkah that connects the mitzvah of inviting physical guests and the idea of inviting spiritual guests — the leaders of the Jewish nation — the *ushpizin*?

The *Yemin Yakov*, in answering this question, quotes the famous dispute in the Gemara (*Sukkah* 11b) between Rabbi Eliezer and Rabbi Akiva. The Gemara quotes from *Parshas Emor* (23:43) that G-d caused the Jewish people to dwell in sukkos. Rabbi

The Guests in the Sukkah

Someone once came to visit R. Chaim Ozer Grodzenski on Sukkot. R. Chaim Ozer told his guest that he is welcome to eat in the sukkah



R. Chaim Ozer Grodzenski

1863-1940

but that he personally is not feeling well and the cold was bothering him, so he will be eating inside. Midway through his meal, R. Chaim Ozer came out to join the guest in the sukkah. R. Chaim Ozer explained that he originally exempted himself from the sukkah based on the fact that *mitzta’er* (discomfort) exempts one from sukkah. However, he realized that *mitzta’er* does not exempt one from the mitzvah of *hachnasat orchim* (inviting guests) and since his guest is eating in the sukkah, it is most appropriate for him to keep his guest company despite the discomfort.

Otzar Pitgamim V’Sichot pg. 22

Eliezer says that these “booths” were the clouds of glory while Rabbi Akiva explains that the sukkos were actual physical booths. It is interesting, notes the *Yemin Yakov*, that whenever Rabbi Akiva argues with Rabbi Eliezer, we follow Rabbi Akiva, but

in this instance most agree with the explanation of Rabbi Eliezer.

Rabbi Rabinowitz explains this anomaly based on the *Zohar* and its commentaries that one who performs the mitzvah of sukkah is rewarded both in this world and the next. Therefore, we can understand that Rabbi Eliezer is not disagreeing with Rabbi Akiva but rather he is expanding on his explanation. Rabbi Eliezer did not agree that the sukkah we use is representative singularly of the booths in the midbar. Since Sukkos is “zman simchaseinu” more so than other holidays, it is impossible that the mitzvah to celebrate this holiday could be fulfilled with the construction of temporary dwellings that are not beautified in the same way our homes are. Furthermore, Rabbi Eliezer’s reasoning would seem to indicate that our world is only temporary. As Sukkos is celebrated during a season of harvest and gathering, this emphasizes the distressing idea that man will one day be “gathered.” These ideas seem to lean toward a more mournful time. Therefore, Rabbi Eliezer explains that the sukkos are representative of much more than just physical dwelling places but also the clouds of glory — the dwelling place of G-d’s Divine

Presence. This emphasizes that after we build the temporary dwelling in this world, we will merit a life in the next world — and this promise is what infuses the Yom Tov of Sukkos with happiness and joyousness even while we dwell in a simple temporary sukkah.

We invite the founders and leaders of our nation into the sukkah, according to Rabbi Rabinowitz, in order to strengthen our connection between the past and the present. Inviting the *ushpizin* into our sukkos in this world reinforces our ability to identify with them and to follow in their paths. We hopefully will avail ourselves of the opportunities we have to do mitzvos that will reward us with a portion in Olam Habah, where we will once again greet our nation’s great leaders. In essence, our sukkos act as a bridge between two worlds, and that is the ultimate cause of our simcha.¹⁴

These different approaches to the understanding of happiness during Sukkos coalesce into one cohesive reason as to why there is a halacha that one who is *mitztaer* (pained) during the holiday is *patur* (exempt) from the mitzvah of sukka.¹⁵ The very essence of the happiness of Sukkos is incompatible with one who is upset or even bothered during the Yom Tov.

Although we have seen that there are varying aspects and opinions as to the degree of happiness on Sukkos, nevertheless they are all in accord with the understanding that it is intrinsic to the “functioning” and feeling of the Yom Tov itself. It should be our sincerest hope that we will all celebrate the Yom Tov of Sukkos with family and community, with the highest level of simcha that each of us can achieve, thereby bringing us all closer to Hashem.

Notes

1. The *Baal HaTurim* has an allusion to the number of times simcha is referenced for each of the holidays. He explains, at the end of *Parshas Re’eh*, that since during Pesach the wheat is still in the field, the Torah does not connect and reference it with simcha. On Shavuot, although the wheat is harvested, the grapes are still on the vines, so the Torah mentions simcha once. On Sukkos, since all of the produce is collected in the house, the Torah mentions simcha twice. In the *Ataros* edition of the *Baal HaTurim*, footnote 87, he presents a lengthier and variant explanation for the *Baal HaTurim*’s count and reasoning.
2. Although there are some specific halachic obligations of simcha, this article will discuss the nature of simcha during the Yom Tov rather than the requirements themselves. Although the usual halachic obligations of simcha include special korbons, eating meat and drinking wine, buying special clothes and jewelry for one’s wife, and apportioning to children special sweets, there is a more subjective halacha that one should do whatever one can and according to one’s ability to increase and create an atmosphere of simcha during the Yom Tov. The Rambam includes in the mitzvah of simcha that one must include at one’s meals the less fortunate. The object of eating is not to be gluttonous or to become inebriated on Yom Tov but rather to increase one’s ability to serve Hashem. See Rambam, *Mitzvos Aseh* 53-54, *Hilchos Yom Tov* 6:17-18, *Hilchos Chagigah* chapters 1-2. There is a fascinating explanation by Rabbi Yosef Dov HaLevi Soloveitchik, the Rav zt”l, regarding the Rambam’s explanation of including others in our simcha, that it is due to the fact that part of the mitzvah of simcha is to make others “b’simcha.” See *B’Ikvei*

We invite the founders and leaders of our nation into the sukkah in order to strengthen our connection between the past and the present. Inviting the *ushpizin* into our sukkos in this world reinforces our ability to identify with them and to follow in their paths.



Learn more about the *ushpizin* on the Marcos and Adina Katz YUTorah.org

HaTzone p.95, #12. See further, where Rav Hershel Schachter shlit" quotes a fascinating comment of the *Zohar* which teaches that when we state the halachic principle of the difference between Shabbos and Yom Tov as: *ein kein Yom Tov laShabbos ela ochel nefesh bilvad*, it means that since on Yom Tov one has an obligation of simcha, it would be forbidden for one to eat, so to speak, alone and by themselves — "*bilvad*" (whereas on Shabbos, seemingly, this would actually not apply).

3. *Divrei HaRav* pages 294-296. See also the *Nefesh HaRav* page 314-315, on *Parshas Re'eh* for another explanation for the basis of simcha — namely — *lifnei Hashem* — one's being before Hashem.

4. The *Limudei Nissan*, authored by Rav Nissan Alpert zt"l, at the end of his peirush on *Parshas Re'eh*, has a halachic allusion based on the pasuk in the Torah that discusses being happy on Sukkos — *v'samachta b'chagecha v'hayisa ach sameach*. He said that one who loses a relative before Sukkos and buries them at that time, Yom Tov nullifies the seven days of shiva. The seven days of Yom Tov nullify another seven days of the *sheloshim* and Shemini Atzeres nullifies another seven days since it is its own holiday (in many ways). It ends up totaling to twenty-one days which is exactly the gematria of *ach*. In other words, the days which incorporate simchas Sukkos nullify the total number of days of mourning equivalent to *ach*. The Seforno, Devarim 16:15 also succinctly addresses this major theme by saying that one will not incorporate sadness into one's happiness on Sukkos.

5. In *Am K'lavi*, Vol. II, Rabbi Aviner quotes from both the *Pele Yoetz* and the *Sefas Emes* that the happiness of Sukkos takes us out from the awesomeness of the Yomim Noraim period and, furthermore, that serving Hashem only out of fear is a deficiency in one's being complete "*ki rak al y'dai yir'a ein l'adam shleimus*."

6. Interestingly, the *Bnei Yissaschar* 10, 28 (and quoted on *Maseches Sukka* by the *Beurei HaChasidus LaShas*) in his *ma'amarim* of Tishrei questions the limud of the Gemara and asks why this is what must be learned. After all, could Yonah not have had nevuah before this story in the Gemara, as well? He answers by quoting a *Midrash Shocheh Tov* that shows through historical years that Yonah lived much earlier and yet there is no recollection of his giving nevuah until a later time period that coincides with the story in the Gemara.

7. In fact, the *Bnei Yissaschar* asks the question in terms of why do we learn anything from this specifically — maybe it just happened in this manner but there is no special idea to be learned from it.

8. See the *Mishkan Betzalel* toward the end of *Parshas Emor* — regarding Shemini Atzeres.

9. See the *Piskei Teshuvos* O"C- 639:18, where he lists numerous sources that specify and limit this concept to certain times of the Yom Tov, the location where one resides and whether it began raining before the chag itself.

10. See the *Emek Beracha*, Simchas Yom Tov, where he discusses different levels and aspects to simcha on Sukkos and some practical differences with regard to Simchas Torah. He also discusses whether there are differences to the first night of Yom Tov regarding an obligation of simcha at all or whether it applies to certain halachos only.

11. See also the very first page in *Chidushei HaGra"m V'Hagri"d* where other aspects of the uniqueness of simchas Sukkos are discussed.

12. *Limudei Nissan*, Vol. II, "*Shiv'as Yomim Bashana*."

13. *Yemin Yakov*, Vol. II, pgs. 131- 133. This entire section is based on Rabbi Rabinowitz's explanation of the pasuk in Emor 23:42,

which discusses our obligation to sit in the sukkah on this Yom Tov. He also bases much of his discussion upon commentaries on the *Zohar's* explanation of these pesukim, mitzvos and customs. This author, in translating the article, tried to stay as close to his terminology and wording as possible.

14. Although I have not seen it written in any source, this could be one reason as to why we have the custom of reciting Yizkor on Shemini Atzeres specifically — namely — drawing a connection to our relatives that have passed on with our reflection and commitment of how we want to lead our lives and to raise our families in the future.

15. Of course, the *Shulchan Aruch* O"C 640:4, lists for us some examples, such as it being too windy, or due to a foul odor in the sukka, and flies, as examples that make one *patur* from the sukka. See also *Be'ur Halachah* on this *se'if* for a discussion of it being too cold for oneself to stay in the sukka. The *Piskei Teshuvos*, O"C 640:4, lists other reasons for one to be exempt from the sukka: If there is either a lack of space for one to sit or if the space is too tight for one to sit, if one is embarrassed to enter the sukka due to a sickness which requires one to eat in a special manner and one does not want others to see him eating in such a way, or if there are people such as his creditors or enemies who are inside the sukka. See footnote #13 where he explains based on two different teshuvos the *Sha'arei Deah* and the *B'tzel HaChochma* that one's embarrassment is worse than physical pain.

16. The *Piskei Teshuvos* 640:13, lists another reason that one would be exempt from sitting in the sukka — namely that one is fearful of robbers entering his house while he is sleeping in the sukka due to the nature of the neighborhood wherein he resides. See footnote 39 where he quotes from the *Mishneh Halachos* as to whether one should put himself into such a position to begin with.



Sukkot and the Oral Tradition

Rambam, in the introduction to his *Commentary to the Mishnah* explains how the Mishnah is a collection of laws that comprise the Oral Tradition. These laws can be divided into five categories: explanations of Scripture received from Moshe, *halakhah l'Moshe miSinai*, laws derived from hermeneutical principles, *gezeirot*, and *takanot*. Before elaborating on the various categories of laws, he explains the difference between the first two categories that may be confused with one another.

What is the difference between the explanations of the Torah that we received from Moshe along with the Torah that was taught at Sinai and the laws which are called *halakhah l'Moshe miSinai* (an Oral Mosaic Tradition from Sinai)? Rambam explains that in the Talmud, there are no disputes regarding the explanations for Scripture that we received from Moshe. For example, there is no opinion that “an eye for an eye”¹ means to blind someone’s eye and no one disagrees that when the Torah states that one should take the fruit of a beautiful tree,² it means an etrog, or that the *avot* tree³ refers to a hadas.

Rambam preempts any question based on the Talmudic discussions and debates that we find regarding these received explanations. He explains that although these are received explanations that are not subject to dispute, they can be derived through hermeneutical principles.

וכשתראה בתלמוד נושאים ונותנים ונחלקים על דרך העיון, ומביאים ראייה על אחד מן הפירושים הללו ודומיהם ... אין זה מפני



Rabbi Akiva Koenigsberg

Faculty, IBC School of Jewish Studies, YU

שהדבר ספק אצלם עד שלמדו עליו בראיות אלו, אלא ראינו בלי ספק מיהושע עד עכשיו, שהאתרוג הוא הניטל עם הלולב בכל שנה, ואין מחלוקת בכך. ורק חקרו על ההוראה שיש במקרא לפירוש המקובל הזה.⁴

And when you see in the Talmud [the Sages] deliberating and debating with one another in the course of the discussion and they bring proofs for one of these explanations and the like... This [debate] is not because the matter was unclear to them until they deduced them from these proofs. Rather we have undoubtedly seen from the time of Joshua until the present that the etrog was taken with the lulav each year, and there is no dispute [about that]. However, [the Sages] searched for the Scriptural teaching for the accepted interpretation.

According to Rambam, when we find discussions and disputes in the Talmud regarding these accepted explanations, and the different disputants offer different proofs for the explanations (from logic or derivations from Scripture),⁵ these disputes do not reflect an actual dispute or doubt regarding what the law is, but rather a dispute regarding how the law can be derived or proven from the Written Torah.

However, Rambam differentiates, that while these explanations were received from Moshe, they are not considered *halakhah l'Moshe miSinai*:

אלא שאע"פ שהם קבלה ממושה, לא אמרו

בהם הלכה למשה מסיני, שאין אנו אומרים, פרי עץ הדר הוא אתרוג, הלכה למשה מסיני... לפי שכבר קדם שהכלל אצלנו שכל הפירושים כולם קבלה ממושה ויש להם כמו שאמרנו רמזים במקרא, או שנלמדים באחת המדות.

Although these [explanations] were received from Moshe, we do not say that they are halakhah l'Moshe miSinai. So we do not say that “the fruit of a beautiful tree” meaning etrog, is halakhah l'Moshe miSinai... Because, as we have already established, the rule that we follow is that all these explanations were received from Moshe. But as we have said they have allusions in Scripture or can be derived through some of the hermeneutical principles.

Since these explanations can be derived from Scripture they are not purely oral laws that are only known through the tradition from Moshe.

וכל ענין שאין לו רמז במקרא, ולא אסמכתא, ואי אפשר ללמוד באחת המדות, באלה בלבד אומרים הלכה למשה מסיני.

And any matter that has no allusion in Scripture or no real basis and cannot be derived though the hermeneutical principles, only these laws are labeled halakhah l'Moshe miSinai.

Only laws which have no true derivation from Scripture are called *halakhah l'Moshe miSinai*. These laws have no dispute (even with regard to a source). However, sometimes we find ways to remember these laws by

hanging them on the Written Torah (only after knowing them).

What is striking in Rambam's discussion regarding these first two categories of *Torah she'b'al peh* (the Oral Torah) is the prominence of laws related to the holiday of Sukkot. When choosing examples of his first category, he employs the etrog and hadas to illustrate his point and elaborates on the discussion in the Talmud. Furthermore, when discussing the second category of laws called *halakhah l'Moshe miSinai*, he lists many such laws and a significant number of examples are laws related to the holiday of Sukkot:

והנני מסדיר לך כאן רוב הדינים שאמרו בהם הלכה למשה מסיני, ואולי כולם. כדי שיתברר לך נכונות מה שאמרתי לך, שאין בהם אף אחת שנלמדה באחת המדות, ואי אפשר ללמדה מפסוק אלא על דרך האסמכתא, כמו שביארנו... ואלו הם... גוד ולבוד ודופן עקומה, הלכה למשה מסיני... ערבה, וניסוך המים, הלכה למשה מסיני.

And I will list for you here most of the laws that have been labeled halakhah l'Moshe miSinai and possibly all of them [are included in this list], in order that the accuracy of what I have said will be clarified to you that not even one of them has been derived through any reasoning

What is striking in Rambam's discussion regarding these categories of *Torah she'b'al peh* (the Oral Torah) is the prominence of laws related to the holiday of Sukkot.

nor can any of them be deduced from a Scriptural verse except as a suggestive support, as we have explained... And these are the examples... [Laws of] gud, lavud, and dofen akumah are halakhah l'Moshe miSinai. Aravah, nisukh hamayim are halakhah l'Moshe miSinai.

Included on Rambam's list are the following laws related to the holiday of Sukkot:

Gud is a principle of virtually extending a wall. As explained in *Sukkah* 4b, as long as we have a halakhic wall (minimally 10 *tefachim*), even if the wall starts from the ground, but does not go all the way up to the *skhakh*, we can imagine as if that wall extends all the way up (*gud asik*).⁶

The **lavud** rule considers any two parts that are within three *tefachim* of each other to have no gap. For example, if one wall of a sukkah is within three *tefachim* of the adjacent wall, the gap is considered closed and the walls are connected.⁷

Dofen akumah means crooked wall. The principle allows us to arrange the *skhakh* adjacent to a permanent overhang (with a width up to 4 *amot*) where the *skhakh* may be up to 4 *amot* away from the wall. However we can treat the overhang as a continuation of the wall so that the *skhakh* is considered to be adjacent to the wall and the sukkah is kosher.⁸

Aravah refers to the special ceremony performed with the aravah in the Beit Hamikdash during the week of Sukkot. As described in *Sukkah* 45a, they would take aravah branches and encircle the Mizbe'ach, then place the aravah branches on the side of the Mizbe'ach.

Nisukh hamayim was the special water libation brought in the Beit Hamikdash during the holiday

of Sukkot in addition to the wine libation that was brought every day of the year.⁹

In addition to the prevalence of laws related to the holiday of Sukkot that illustrate the first two categories of the Oral Torah, for each of the remaining three categories we can also find examples from laws related to Sukkot.

Rambam summarizes the five categories starting with the two previously mentioned:

החלק הראשון, הפירושים המקובלים ממה, שיש להם רמז בכתוב, או שאפשר ללמדם באחת המדות, וזה אין בו מחלוקת כלל... החלק השני, הם הדינים שבהם אמרו שהם הלכה למשה מסיני, ואין עליהם ראייה כמו שאמרנו, וגם זה ממה שאין בו מחלוקת:

Category 1: Explanations received from Moshe which have some indication or possible derivation from Scripture. There is no dispute in these laws.

Category 2: Laws that are labeled as halakhah l'Moshe miSinai. They have no real Scriptural basis. There is no dispute with these laws as well.

As we mentioned, Rambam himself refers to several laws related to the holiday of Sukkot when discussing these first two categories.

The third category that Rambam mentions is laws that are derived through hermeneutical principles. These laws are subject to dispute because they are not received traditions from Moshe.

החלק השלישי, הם הדינים שנלמדו באחת המדות, ובהם נופלת מחלוקת כמו שאמרנו... אבל סברת מי שחשב שגם הדינים שיש בהם מחלוקת קבלה ממה, ונפלה בהם מחלוקת מחמת טעות בקבלה או שכחה, ושהאחד צודק בקבלתו והשני טעה בקבלתו, או ששכח, או שלא שמע מרבו כל מה שצריך לשמוע... הנה זה חי' דבר מגונה ומוזר מאד.

Category 3: Laws derived through hermeneutical principles and may have

a dispute, as we mentioned... But the idea that one may think that even these laws which are subject to dispute were received from Moshe and the disputes arose due to an error in the transmission or forgetfulness, and that one opinion has the right tradition and the other erred in his tradition or forgot or did not fully listen to everything from his teacher, such an idea is extremely corrupted and bizarre.

Rambam is adamant that there are only disputes in laws that were not a received tradition.¹⁰ The disputes are often due to how each Tanna or Amora based his opinion on some logic or approach in applying hermeneutical principles. Rambam emphasizes that these laws that are subject to dispute are not received traditions from Moshe and we should not think that the disputes developed because some Sages made a mistake or forgot the tradition. When the Talmud states that “with the increase of disciples of Shammai and Hillel, who did not fully train themselves, dispute increased on Israel,”¹¹ it does not mean that the tradition became a matter of dispute. Rather they had different opinions in their logic or hermeneutical approach. Shammai and Hillel themselves had similar understanding, analysis and knowledge of principles so that their thinking was generally alike and they had very few disputes. However, their students, who did not have as thorough a grounding like Shammai and Hillel, had many more disputes since their thinking was not similar from one group to the other.

Rambam continues that we cannot fault them for not being as great as Shammai and Hillel. They just used their intellect as best as they could and they used different approaches and reached different conclusions. But they did not have disputes regarding laws that were explanations received from Moshe such that one side had the true tradition and the other a mistake.

Several laws of Sukkot are derived though hermeneutical principles. One example is the mandatory requirement to eat in the sukkah on the first night of Sukkot. This law is derived through the *gezeirah shavah* principle linking the usage of “fifteenth day” that the Torah states with regard to Pesach¹² and Sukkot.¹³ Just as eating matzah on the first night of Pesach is mandatory, so too eating in the sukkah on the first night is mandatory.¹⁴

The fourth category includes *gezeirot*:

והחלק הרביעי, הם הדינים שקבעום הנביאים והחכמים שבכל דור ודור, על דרך הגדר והסייג לתורה... והם קוראים אותם חז"ל גזרות... וגם בהם יש שתהיה מחלוקת כגון שייראה לאדם לאסור כך משום כך ואחר לא ייראה לו... וכל זמן שפשט איסורה בישראל, אין דרך לבטל אותה גזרה.

Category 4: Laws that the Prophets and the Sages of each generation issued as a protection for the Torah laws... The Sages called these laws gezeirot... There can be disputes in these laws as well if one person thinks it is appropriate to make something forbidden because of [the protection] of some [other law] and another does not... But anytime that

the prohibition is accepted by all, such a gezeirah cannot be revoked later.

Gezeirot are not limited to prohibiting optional actions. Sometimes even a mitzvah can become forbidden to perform. The accepted practice is that we do not take the lulav on Shabbat. This law is based on the *gezeirah* of Rabbah that we are concerned one may take the lulav to an expert to learn how to properly shake it.¹⁵

Finally, the fifth category of laws consists of the *takanot*:

והחלק החמישי, הם הדינים שנעשו בדרך העיון להסדרת הענינים שבין בני אדם... או בענינים שהם מפני תקון העולם בעניני הדת. והם שקוראים אותם חכמים תקנות ומנהגות. ואסור לעבור עליהם בשום פנים הואיל והסכימה עליהם כל האומה.

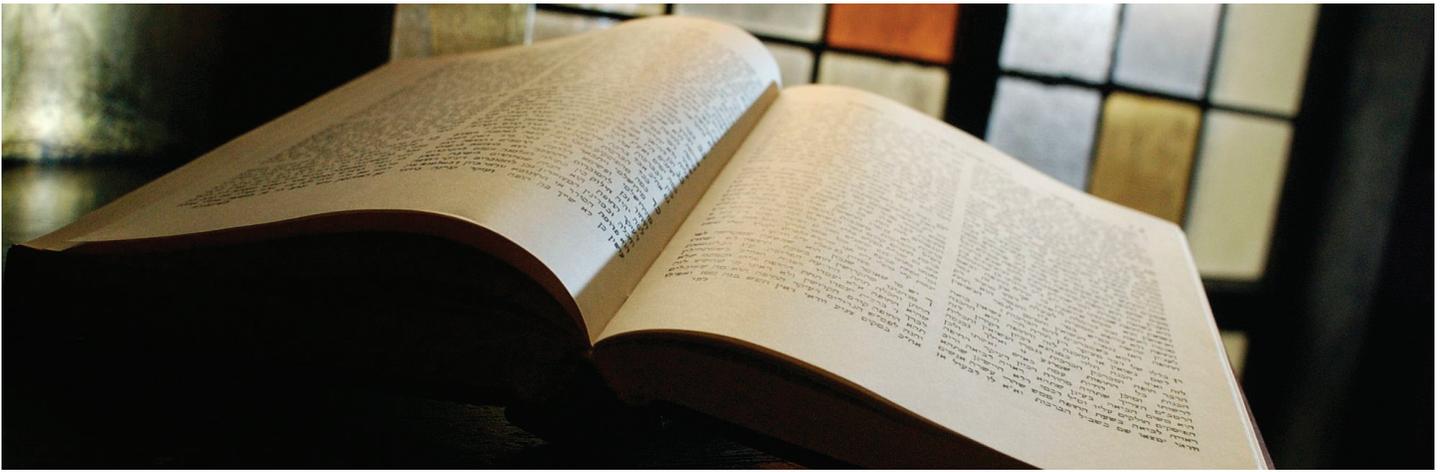
Category 5: Laws that were made through investigation for the sake of maintaining social order among people... or for matters that improve the religiosity in the world. The Sages called these laws takanot or customs. Since these takanot were universally agreed upon by the entire nation they cannot be violated under any circumstance.

Takanot were established to ensure proper civil conduct or religious observance. One example of a *takanah* that was established for religious observance relates to the mitzvah of taking the four species, including the lulav, on Sukkot.

According to Torah law, the lulav is taken in the Beit Hamikdash for all seven days of Sukkot. However outside of the Beit Hamikdash, the lulav would only be taken on the first



Find more shiurim and articles from Rabbi Akiva Koenigsberg at http://www.yutorah.org/Rabbi_Akiva_Koenigsberg



day of the holiday. Nevertheless, the Talmud teaches that R. Yochanan ben Zakkai established the law that we take the lulav throughout the week of Sukkot even outside of the Beit Hamikdash.¹⁶ This law is universally observed to this day.

Thus we find that the laws of Sukkot encompass all five categories of Torah that Rambam delineates. In particular, in the category of *halakhah l'Moshe miSinai*, which is the most pure oral category of the Oral Tradition, there is a preponderance of laws related to the holiday of Sukkot.

Is this a coincidence or is there some significance to this?

Yom Kippur is the date when the Jewish people received the second set of *luchot*. When Moshe started to feel

When we celebrate the holiday of Sukkot soon after Yom Kippur we are celebrating the receiving of the Torah in general and in particular the *Torah she'b'al peh*.

sorry that he broke the *luchot*, Hashem comforted him and said:

אל תצטער בלוחות הראשונות שלא היו אלא עשרת הדברות לבד ובלוחות השניים אני נותן לך שיהא בהם הלכות מדרש ואגדות. שמות רבה פרשה מו פסקה א

Do not feel sorry about the first set of luchot that only had the 10 commandments. The second set of luchot that I am giving you [also] contain the halakhot, midrash, and aggadot (the Torah she'b'al peh).

Shemot Rabbah 46:1

The Midrash indicates that with the second *luchot*, the Oral Law was more prominent than before.¹⁷

When we celebrate the holiday of Sukkot soon after Yom Kippur we are celebrating the receiving of the Torah in general and in particular the *Torah she'b'al peh*.¹⁸ Therefore it seems fitting that all categories of the Oral Torah are reflected in the mitzvot of Sukkot and that many laws from the category of *halakhah l'Moshe miSinai* are connected to the holiday of Sukkot.

Notes

1. Shemot 21:24 and Vayikra 24:20.
2. Vayikra 23:40.
3. Ibid.
4. The text of Rambam's introduction to the Mishnah is taken from R. Yosef Kapach's

edition (Yerushalayim : Mosad ha-Rav Kook, 1963). The translation is a free translation partially based on Fred Rosner's translation (Northvale, N.J. : Jason Aronson, 1995).

5. Such as the discussion in *Sukkah* 35a, regarding the possible interpretations for "*pri eitz hadar*" based on deductive reasoning, or the discussion in *Sukkah* 32a regarding the possible interpretations for "*anaf eitz avot*."

6. See also *Sukkah* 18b and 22a for applications of *gud achit*, to virtually extend downwards.

7. See *Sukkah* 7a.

8. See *Sukkah* 4a. Note that one should not sit under the overhang since he is considered to be sitting under the wall of the sukkah instead of under the roof of the sukkah.

9. See *Sukkah* 48a-b.

10. See however, Ritva to *Rosh Hashanah* 16b.

11. See *Sanhedrin* 88b.

12. See Vayikra 23:6.

13. See Vayikra 23:34.

14. See *Sukkah* 27a.

15. See *Sukkah* 42b.

16. See *Sukkah* 41a.

17. See R. Tzadok haKohen of Lublin in *Pri Tzaddik*, Parshat Devarim and *Machashavot Charutz* 18.

18. The Midrash in *Vayikra Rabbah* 30:3 connects Sukkot to Yom Kippur explaining the mitzvah of taking the four species as a sign of victory in the successful atonement that we received on Yom Kippur.

The Joy of Yizkor

On Shemini Atzeret morning, the rabbi noticed little Moishe standing in the shul lobby staring up at a large plaque. The plaque was filled with names next to small American flags. The seven-year-old had been staring at the plaque for some time, when he noticed the rabbi beside him. Still focused, Moishe asked, “Rabbi, what is this?” The rabbi replied, “Moishele, it’s to remember the people who died in the service.”

Moishe continued to stare, and in a voice, barely audible and trembling with fear, he asked, “Which service, the hashkama or the main shul?”

On the face of it, the somberness of Yizkor, or *Hazkarat Neshamot* as it is traditionally called, seems to contradict the celebratory nature of Shemini Atzeret. Indeed, the simcha of Yom Tov precludes any outward signs of mourning (See *Shulchan Aruch, Orach Chaim* no. 548). In fact, the joy associated with the month of Tishrei is such that, similar to Nisan, many do not recite the *Kail Maleh Rachamim* from Sukkot until the end of the month. While on Sukkot, the Torah adjures us: “*v’samachta b’chagecha*” — and you shall rejoice on your holiday,” the Talmud (*Sukkah* 48a) identifies Shemini Atzeret as a day of *ach sameiach* — of exclusive joy (*mikan l’rabot leilei yom tov ha’acharon l’simcha*).

The difficulty reconciling Yizkor on Yom Tov is exacerbated by the fact that there is no mention of Yizkor, per se, in the Talmud. The notion of remembering the names of the deceased in shul seems to originate as a communal response to the



Rabbi Daniel Lerner, PsyD

Faculty, IBC and JSS Schools of Jewish Studies, YU

Rabbi, Pikesville Jewish Congregation

Founder and Principal, Strategic Family Solution, LLC

thousands of Jews massacred during the Crusades in the 11th and 12th centuries in Germany and Northern France and in the 14th century in the wake of the Black Plague. Many communities recorded the names of Jewish martyrs in books known as *sifrei zikaron* — books of remembrance. The names of those Jews, murdered *al kiddush HaShem* — in the sanctification of G-d’s name — would be read on designated shabbatot that were in close calendric proximity to those tragic events.

Over the next few centuries, this practice expanded throughout Eastern Europe where prominent members of the Jewish community were also memorialized through *sifrei zikaron*. As the legacy of these individuals was not necessarily associated with a specific historical event or even tragedy, Yom Kippur became the focal point for Yizkor. Rav Yosef Karo in the *Shulchan Aruch (Orach Chaim* 621:6) relates the practice of pledging money to charity for the sake of the dead (*nahagu lidor tzedakot b’Yom HaKippurim ba’ad hameitim*). In his gloss on this halacha, Rabbi Moshe Isserles (ReMA) notes the practice of *Hazkarat Neshamot* on Yom Kippur was since “the deceased also receive atonement on Yom Kippur” (*d’hameitim gam ken yesh lahem*

kaparah b’Yom HaKippurim).

The integration of Yizkor on Yom Kippur makes intuitive sense. The Torah reading on Yom Kippur talks about the death of Nadav and Avihu, about which the Talmud (*Moed Katan* 28a) states, “The death of the righteous atones.” While the *Unetaneh Tokef* and *Asara Harugei Malchut* prayers during Musaf are not rabbinically mandated, they have come to represent emotionally evocative peaks of the liturgy. As such, Yizkor fits well within the other sobering and humbling thematic elements of martyrdom.

Tzedakah also fits within the teshuva motif. Rav Karo’s (*Beit Yosef* OC 621: “*Katav*”) source for pledging tzedakah on Yom Kippur is the Mordechai (*Yoma* no. 727) who cites a Midrash (*Tanchuma* on Devarim, 21:8) which expounds the verse: “Atone for Your nation Israel, whom You have redeemed.” “Atone for Your nation Yisrael” refers to the living. “That You redeemed” refers to the dead, and teaches that the dead also require an atonement.”¹ Explains the Midrash, “Therefore, our practice is to remember the deceased on Yom Kippur and pledge charity on their behalf.”² The Midrash goes on to assert that it is indeed the responsibility of the living to redeem the dead.

The Midrash puts forth the powerful theological premise that the acts of the living can elevate the souls of the deceased. Often, people do not fully actualize their spiritual potential during their lifetime. While a disembodied soul can no longer perform mitzvot, that soul can be elevated through prayer and mitzvos performed in its merit.

Logically, then, Yizkor should be limited to Yom Kippur. However, Rav Mordechai Yoffe, in his *Levush Ateret Zahav* (346:3), relates that “it is our custom to memorialize the dead even during festivals.”

On a day that is defined by exclusive joy, where we are otherwise forbidden from outward mourning or eulogizing, how is it permissible to recite Yizkor? How could the Jewish community accept a minhag that seemingly flies in the face of a biblical mandate?

I would like to humbly submit that there are three aspects of Yizkor that serve as impetus for simcha.

1. Tzedakah

The centerpiece of Yizkor is the commitment to give tzedakah. The notion of giving is central to the observance of the *Shalosh Regalim* — the three pilgrimage festivals.

The *Minhagei Yeshurun* no. 62, posits that the source for Yizkor on Yom Tov is found in the Torah portion we read on Sukkot and on the last day of Pesach and Shavuot in the Diaspora (Devarim 16:17), which states “*ish k’matnat yado*” — Each man (shall give) according to the gifts of his hand (to his financial ability).

Regarding the festivals, The Torah correlates one’s personal happiness with including those less advantaged

in one’s celebration:

וְשִׂמְחַת לְפָנֵי ה' אֱלֹהֶיךָ אַתָּה וּבְנֶךָ וּבִתְךָ וְעַבְדְּךָ
וְאִמְתְּךָ וְהַלְוִי אֲשֶׁר בְּשַׁעֲרֶיךָ וְהַגֵּר וְהַיְתוּם
וְהָאֵלְמָנָה אֲשֶׁר בְּקִרְבְּךָ בְּמָקוֹם אֲשֶׁר יִבְחַר ה'
אֱלֹהֶיךָ לְשָׂכְנוֹ שְׂמוֹ שָׁם.
דברים טז:יא

You shall rejoice before God your Lord on your festival together with your son and your daughter, your male and your female servants, the Levite, the convert, the orphan, and the widow that are in your midst in the place which God your Lord will choose to rest His name.

Devarim 16:11

Indeed, Rambam writes (*Hilchot Yom Tov* 6:18): that one who eats and drinks on yom tov and doesn’t share with the poor is merely engaging in “*simchat kreiso* — the rejoicing of his stomach.” The Rambam further develops this concept in *Hilchot Megillah* where he writes:

שׂאִין שֶׁם שְׂמֵחָה גְדוּלָה וּמְפֹאֶרָה אֲלֵא לְשִׂמְחָה
לִב עֲנִיִּים וִיתוּמִים וְאֵלְמָנוֹת וְגֵרִים, שֶׁהַשְּׂמֵחָה
לִב הָאֵמְלָלִים הָאֵלוֹ דוּמָה לְשִׂכִּינָה שְׁנֵאֵמַר
לְהַחֲיוֹת רוּחַ שְׂפִלִים וְלְהַחֲיוֹת לִב נֹדְכָאִים.
רמב"ם הל' מגילה ב:יז

For there is no greater and more glorified happiness than to gladden the hearts of the poor, the orphans, the widows, and the converts. One who brings happiness to the hearts of these unfortunate individuals resembles the Divine Presence, as it says (Isaiah 57:15) “to revive the spirit of the lowly and to revive those with broken hearts.”

Rambam Hilchot Megillah 2:17

It would seem that Rambam is not merely providing a directive of tzedakah in *Hilchot Yom Tov*, but rather a definition of simcha, which involves giving to others less fortunate.

A plethora of research indicates that giving to others is associated with

an increase in one’s own level of happiness. When those reciting Yizkor commit themselves to give tzedakah in the memory and merit of their loved ones, they have the ability to achieve a *simcha shel mitzvah* — a satisfaction that emerges from knowledge that they have done something positive for the benefit of others. This joy is increased by knowing that they have also contributed to sustaining the values and legacy of their departed loved ones.

2. Consolidating Memories and Masorah

On Shemini Atzeret we read about the death of Moshe Rabbeinu, yet the motif of the day is not one of mourning Moshe’s death but rather one of celebrating the centerpiece of his life — *Toras Moshe*. The custom of singing, dancing, and celebrating our love of Torah thereby honors the life and accomplishments of our beloved master teacher. As soon as the Torah is completed, we immediately begin the Torah again, acknowledging that we will continue the message and mission of *Toras Moshe*. Every verse that is read, every mitzvah performed, elevates Moshe Rabbeinu’s soul and honors his legacy.

Over the past fifteen years, a significant amount of psychological research points to experiences as yielding more happiness than material goods. I would submit that the memories evoked on the *Shalosh Regalim* tend to focus on life, not death. While, no doubt, the recent passing of a parent is more likely to trigger feelings of sorrow,³ in the long term, memories tend to focus on the positive experiences of family relationships.

When we think back to our childhood, who doesn't recall our father or zaydie leading the Pesach seder? We remember the drama of hiding the afikoman, the elaborate negotiations surrounding its release, and struggling to stay awake to see if Eliyahu HaNavi — the prophet Elijah — would actually drink from his specially designated goblet. We reminisce about staying up all night on Shavuot and returning to our mother or Bubbie's delicious cheesecake after davening at sunrise. I smile when I think about riding on my father's shoulders on Shemini Atzeres/Simchas Torah, waving a flag crowned with a candied apple, and mischievous attempts to tie together the taleism of unwitting men on the bima!⁴

The research shows that even certain negative experiences have been shown to have a retrospectively positive impact once people have the opportunity to revisit them, and sometimes, reframe them. For instance, recollecting the aversive childhood experience of being banished to the kitchen for the remainder of the Pesach seder after hiding the afikoman in the chometz-storage closet becomes a delightful story years later.

Therefore, the *Shalosh Regalim* are especially fitting for contemplating the lives of our dearly departed, since they represent a repository of endearing family experiences where Jewish tradition is conveyed.

3. Precariousness and Preciousness of Life

Yizkor serves as a subtle reminder of our own mortality.

The Talmud relates:

אמרו ליה רבנן לרב המנונא זוטי בהלולא דמר

בריה דרבנא לישרי לן מר אמר להו ווי לן דמיתנן ווי לן דמיתנן. ברכות לא.

The Rabbis said to R. Hamnuna Zuti at the wedding of Mar the son of Ravina: please sing us something. He said to them: Woe to us that we are to die!

Berachos 31a

Given the obligation to rejoice with the bride and groom at a wedding, why would Rav Hamnuna Zuti sing such a seemingly morbid dirge?

Arguably, our greatest existential fear is death. We often act as if death will not affect us. We seek distractions to avoid acknowledging the inevitable. Within this context, contemplating our own death causes us sadness and angst.

After surveying the newly created world, the Torah tells us:

וַיֵּרָא אֱ-לֹהִים אֶת-כָּל-אֲשֶׁר עָשָׂה, וְהִנֵּה טוֹב מְאֹד.
בראשית א:לא

God saw all that He created and behold, it was very good.

Genesis 1:31

The Midrash (*Bereishis Rabba* 9:5) comments on the word “*me’od* — very”: Rabbi Meir said: it was very good refers to death.

How is death very good? Because it is the reality of death that makes life valuable.

If the time in our lives were infinite, what motivation would we have to work towards anything substantial? We would always have more time. Awareness of our mortality reminds us of the preciousness of every moment.

At 53-years of age, Eugene O’Kelly was full of life. As the chairman and CEO of KPMG, one of the largest U.S. accounting firms, O’Kelly was

Why do those who do not recite Yizkor leave for its recitation?

R. Ephraim Zalman Maruglies, *Shaarei Ephraim, Pitchei Shearim* 10:35, provides two suggestions:

1) It is not appropriate to sit quietly while everyone else is praying (*Berachot* 20b). As such, those who are not reciting Yizkor leave.

2) The Gemara, *Yevamot* 106a, indicates that there is jealousy (*ayin hara*) when one boasts that one’s parents are alive. Therefore, those who are not reciting Yizkor leave so as not to evoke jealousy.

Some communities have the practice of first reciting the communal “*Keil Malei*” prayers such as the prayer to memorialize Holocaust victims and the prayer to memorialize fallen soldiers of IDF and only then do those who are not reciting Yizkor exit the sanctuary.

the consummate global jet-setter. His successful career brought him into the presence of Warren Buffet and other business giants. Gene spent days, nights, and weekends planning the firm’s continued success. He described himself as feeling, “vigorous, indefatigable, and ... near immortal.”

That same year, Gene was diagnosed with late-stage brain cancer and given three months to live. With this sudden and shocking diagnosis, Gene had to quickly determine how he would spend his remaining 100 days on earth.

In a sense, Gene O’Kelly became acutely aware of Rav Hamnuna Zuti’s song.

Gene made an immediate decision to make every minute of his life count. He wanted “every calculated step to be filled with truth of purpose.” Gene struggled to live in the moment as he began a process he called “unwinding.” Bidding farewell to friends and loved ones not only spurred Gene to recall happy memories, “but they kept my focus on life, not death. They guaranteed that I was almost always thinking about what mattered.”

Gene did one more thing in those last three months — he wrote a book. Gene’s book, *Chasing Daylight*, is a moving and humbling narrative of humanity and courage. It is, in a sense, a *zikaron* — an ethical will, describing Gene’s search for a better way to die. Gene spent many precious hours writing his book fully cognizant of his fundamental limitation — he would be unable to write the final chapter.

In finishing the book that her husband began, Corrine O’Kelly reflected on how Gene was so concerned about how to say goodbye to their 14-year-old daughter:

He worked so hard to find the perfect trip or gesture or gift for her to have the rest of her life... but how is that ever possible? How do you unwind a relationship with your child who is only 14 years old?

In those final days, Gene had one profound regret:

Had I known then what I knew now, almost certainly I would have been more creative in figuring out a way to live a more balanced life, to spend more time with my family.

I believe that Rav Hamnuna’s song was not a dirge, but rather an exhilarating challenge to the newlyweds to enhance their true simcha; for the path to genuine simcha is to not

take anything or anyone for granted. To realize that nothing — not even life itself — is an entitlement. This awareness of death generates an exhilarating incentive to appreciate the potential of every breathing moment.

The story of Rav Hamnuna Zuti’s song continues:

אמר לי ליה אגן מה נעני בתוך א"ל הי תורה
והי מצוה דמגנו עלן.

“They (the sages) said to him: ‘How shall we respond to you (in song)?’ He said to them: ‘The Torah and the commandments shall protect us!’”

Our task in this world is to receive, cultivate and transmit the most important set of standards the world has ever known — G-d’s Torah.

Rav Yosef Dov Soloveitchik zt”l explains that many mitzvot have both a fulfilling purpose (“*kiyyum*”) and a performing action (“*maaseh*”). Parents are obligated to pass the beauty and heritage of the Torah on to their children and grandchildren. When parents and grandparents see their children and especially their grandchildren observing the Yom Tov and its respective mitzvos, they can rest assured in the knowledge that they have succeeded in their primary life mission. Although the action of Yizkor may evoke mourning, its fulfilling purpose is one of inner joy. As such, says The Rav, it is appropriate to recite Yizkor on Yom Tov.⁵

We exist as Jews today because of parents and grandparents who ensured that Torah was both revered and celebrated. By remembering and adhering to “*mussar avicha*” and “*Torat imecha*”⁶ — the guidance and lessons of our progenitors, we elevate their spiritual state and legacy. Moreover, we serve as living proof that their

mission was accomplished.

Yizkor beckons us to become both protégés and mentors. To seek the wisdom and appreciate the values of those who preceded us. Those who developed the repository of knowledge, experience, and commitment that sustained us as Jews. We, in turn, must seek to sustain and grow the enterprise of Torah, to strengthen our affiliation and our commitment to the only corporate entity that is guaranteed to last forever.

To live such a life ensures that we will leave behind people who understand our beliefs and who will uphold our values.

May we merit to live a life worthy of remembrance and blessing.

Notes:

1. The *Ba’er Hayteiv* cites the MaHaRIV, who says the name Yom Kippurim is plural, thereby indicating that it is a day of atonement for both the living and the dead.
2. Perhaps another relationship is found in the Talmud in *Berachos* (6b) which teaches: “The merit of a fast day lies in the charity dispensed.”
3. *Kitzur Shulchan Aruch* maintains that Yizkor is not recited during the year of *aveilut* following the death of a parent. *Orchot Chayim* maintains that Yizkor is omitted during *aveilut* because of the likelihood it will bring tears and emotional pain.
4. This occurred prior to the author becoming aware of the melacha of *keshira*. Nevertheless, the knots were always fastened by way of “*al m’nat l’hatir*.”
5. R. Aharon Ziegler, *Halakhic Positions of Rabbi Joseph B. Soloveitchik*, Vol. II, chapter 13.
6. According to The Rav, “*mussar avicha* — the heritage of your father” encompasses the skill and discipline of Torah study and compliance while “*Torat Imecha* — the guidance of your mother” refers to the experience of Torah living.

Hakhel: Reinforcement through Experiential Learning

Our recollection of *yetziat Mitzrayim* is woven into the warp and woof of our identity as *am Hashem*. The term of slavery in Egypt followed by God's redemption of our forefathers is a basis for our observance of Shabbat. It is the reason for commemorating Pesach and Sukkot, it governs our intimate relations (to whom we may or may not get married) and provides us with a foundation for building an ethical and just society.¹ The Exodus is mentioned dozens of times in Tanakh. Contrast that with the number of times *ma'amad Har Sinai*, the revelation at Sinai, is described and recalled — Mount Sinai and Horev are mentioned only a handful of times. Even the date of the giving of the Torah is subject to disagreement.² Furthermore, the holiday of Shavuot as mentioned in the Torah emphasizes the agricultural component of the holiday — *chag habikkurim* or *chag hakatzir*, the holiday of harvest or the holiday of the first fruits. Shavuot is not described, in the Torah at least, as *zman matan Torateinu*, and unlike the Exodus, the story of revelation is barely referenced in Nakh, the Prophets or Writings. Perhaps the rationale can be found in the words of Rashi on Devarim 26:16:

היום הזה ה' אלקיך מצוך — בכל יום יהיו בעיניך חדשים כאילו בו ביום נצטוו עליהם. [The verse states] Today, God Your Lord commands you — Each day you should view the laws as new, as if today God has commanded you to obey them.



Deena Rabinovich, PhD

Director, Jewish Education Program, Stern College for Women

Nevertheless, every concept needs reinforcement. Where do we find the reinforcement for both the unique events that took place on Har Sinai and for the covenant between God and the Jewish people, that was executed on that day? Where are we reminded of the individual commitment to accept the Torah and for the collective proclamation of *na'aseh v'nishmah* — we will do and we will listen? We find it in the last two mitzvot of the Torah — number 612, to gather together every seven years for the ceremony of *hakhel*, and number 613, that each man should write for himself a *sefer Torah*.

There is a great deal of significance attached to the act of writing a *sefer Torah* for oneself.

א"ר יהושע בר אבא אמר ר' גידל אמר רב... כתבו, כלומר בידו, מעלה עליו הכתוב וקבלו כאילו מהר סיני מנחות ל.

R. Joshua b. Abba cited R. Giddal who said in the name of Rav... he who writes a *sefer Torah*, the Torah regards him as if he had received it on Har Sinai.

Gemara Menachot 30a

The *sefer Torah* is the repository of the teachings of God whereby we learn how we are to conduct ourselves

and live our lives as members of a “kingdom of priests and a holy nation.” The Torah is ink written on parchment. But beyond that, as Rabbi Lord Jonathan Sacks observes, it also,³

... symbolizes some of Judaism's deepest beliefs: that God is to be found in words, that these words are to be found in the Torah, and that they form the basis of the covenant — the bond of love — between God and the Jewish people.

The words of the Torah are formed out of individual letters, each one vital to the integrity of the scroll. If one letter is missing, the entire Torah is invalid and may not be used for public readings until it is repaired. The Baal Shem Tov, the founder of the Chassidic movement, described the Jewish people as a “living *sefer Torah*” with each Jew representing “one of its letters.”

A letter on its own has no meaning, yet when letters are joined to others they make a word, words combine with others to make a sentence, sentences combine to make a paragraph, and paragraphs join to make a story. This is how the Baal Shem Tov understood life. Every Jew is a letter. Each Jewish family is a word, every community is a

sentence, and the Jewish people at any one time are a paragraph. The Jewish people through time constitute a story, the strangest and most moving story in the annals of mankind.⁴

The writing of a sefer Torah, the act of etching out individual letters, which when joined together form words and sentences, represents the strengthening of one's individual commitment to a life of God and Torah observance, the renewal of one's personal covenant with God.⁵

In addition to entering into a personal commitment with God on Har Sinai, Bnai Yisrael collectively entered a communal covenant by saying *na'aseh v'nishmah*, by agreeing to become a "kingdom of priests and a holy nation." Just as writing a sefer Torah, mitzvah 613 reaffirms the commitment of the individual, participating in *hakhel*, mitzvah 612, reaffirms the commitment of the community. How is this mitzvah observed? The parameters of *hakhel* are outlined at the end of Sefer Devarim.⁶

דברים לא, ט ויכתב משה, את-התורה הזאת, ויתנהג אל-הכֹּהֲנִים בְּיַד לוי, הנשאים את-אֲרוֹן בְּרִית ה'; וְאֶל-כָּל-זְקֵנֵי יִשְׂרָאֵל. לא, י ויצו משה, אותם לאמר: מקץ שבע שנים, במעמד שְׁנֵי הַשְּׂמִטָּה--בחג הסוכות. לא, יא בבוא כָּל-יִשְׂרָאֵל, לְרֵאוֹת אֶת-פְּנֵי ה' אלקיך, במקום, אֲשֶׁר יִבְחַר: תִּקְרָא אֶת-הַתּוֹרָה הזאת, נגד כָּל-יִשְׂרָאֵל--בְּאָזְנֵיהֶם. לא, יב הקהל את-הָעָם, הָאֲנָשִׁים וְהַנְּשִׂים וְהַטַּיִם וְהַגֵּר, אֲשֶׁר בְּשַׁעֲרֵיךְ--לְמַעַן יִשְׁמְעוּ וְלְמַעַן יִלְמְדוּ, וְיָרְאוּ אֶת-ה' אלקיכם, וְשָׁמְרוּ לְעֻשׂוֹת, אֶת-כָּל-דְּבָרֵי הַתּוֹרָה הזאת. לא, יג ובניהם אשר לא-ידעו, וְשָׁמְעוּ וְלְמַדּוּ--לְרֵאוֹתָהּ, אֶת-ה' אלקיכם: כָּל-הַיָּמִים, אֲשֶׁר אַתֶּם חַיִּים עַל-הָאָדָמָה, אֲשֶׁר אַתֶּם עֹבְרִים אֶת-הַיַּרְדֵּן שָׁמָּה, לְרִשְׁתָּהּ.

9 And Moses wrote this law, and delivered it unto the priests the sons of Levi, that bore the ark of the covenant of the LORD, and unto all the elders of

Israel. 10 And Moses commanded them, saying: "At the end of every seven years, in the set time of the year of release, in the feast of tabernacles, 11 when all Israel is come to appear before the LORD thy God in the place which He shall choose, thou shalt read this law before all Israel in their hearing. 12 Assemble the people, the men and the women and the little ones, and thy stranger that is within thy gates, that they may hear, and that they may learn, and fear the LORD your God, and observe to do all the words of this law; 13 and that their children, who have not known, may hear, and learn to fear the LORD your God, as long as ye live in the land whither ye go over the Jordan to possess it."

When is the Mitzvah of *Hakhel* Observed?

In Devarim 31:12, when Moshe commands the cohanim and the zekeinim to observe the mitzvah of *hakhel*, he directs them to fulfill the mitzvah, at the "end" of seven years, during the time of Shemittah, during the holiday of Sukkot. While the word *miketz* can refer to either the beginning or the end of a spectrum,⁷ in this verse it is generally understood to mean the end of the seventh year, which is really the beginning of the eighth year; at the conclusion of the shemittah year rather than at the onset of the shemittah year.⁸ Why is the end of the shemittah year considered fortuitous for the mitzvah of *hakhel*? Some explanations emphasize the way that the shemittah year prepares us for the mitzvah of *hakhel* and view the mitzvah of *hakhel* as a unique educational opportunity for getting close to God and renewing our commitment to observing His Torah. Others look at *hakhel* as a reward for what transpired during the year of shemittah.

Rav David Tzvi Hoffman (Austria and Berlin, 1843-1921) sees the year of shemittah as preparation for the mitzvah of *hakhel*. He first looks at shemittah and the different type of harvest that is gathered at the end of the year:

בדרך כלל נחשב חג הסוכות ל,חג האסיף, אבל עם גמר שנת השמיטה, שאין בה אסיף, מצוה לחוג את חג הסוכות על ידי קריאת התורה, בתור אסיף רוחני של תבואת הדעת. רב דוד צבי הופמן, דברים טו, א-ג

Generally, Sukkot is referred to as the holiday of gathering. But with the end of the shemittah year, a year when [nothing was plowed and therefore nothing] harvested, it is a mitzvah to celebrate Sukkot through reading the Torah, in becomes a spiritual harvest of the grain of knowledge.

Rav David Tzvi Hoffman, *Devarim* 15:1-3

The year that by necessity was spent away from the fields was a year that was devoted to the learning of Torah which ultimately prepared them for the commemoration of *matan Torah*.

ועכשיו עם גמר שנת השמיטה, ששבתו שנה שלימה מעבודת קרקע לכבודו של ה', ולא זרעו ולא קצרו, נתחייבו כל ישראל אנשים נשים וטף לבוא לפני ה' יתברך, להודות לו שנתן להם פרנסתם אף בשנה זאת אשר אין בה חריש וקציר, לקבל עליהם שוב את התורה כמו שקבלו אז במדבר, ולהבטיח בזה, שהם מוכנים להקדיש את חייהם לעבודתו יתברך שמו בכל זמן ובכל מצב. רב דוד צבי הופמן דברים לא, יא

And now, with the conclusion of the shemittah year, a year in which one abstained from working the land in deference to the honor of God, a year in which one did not plow, nor did one harvest. At the end of this year, all of Bnai Yisrael, the men, the women and the children, were commanded to appear before God, to thank Him for providing

them with their sustenance during this year when there was no harvest. [At this time] they will accept upon themselves the Torah, similar to how they accepted the Torah in the desert. And through this acceptance, they affirm that they are ready to dedicate themselves to serving God at all times and under all conditions.

Rav David Tzvi Hoffman, Devarim 31:11

By recreating certain of the conditions under which we lived in the desert, a period of time when we relied on God to provide our basic needs, we can also recreate the experience of receiving the Torah. In this way, the ceremony of *hakhel* at the end of the seventh year, the *shemittah* year, mimics *matan Torah* after seven weeks in the desert. As Rav Eliyahu Bakshi Doron notes,⁹ it gives meaning to the well-known phrase cited by Rashi¹⁰ “*mah inyan shemittah etzel Har Sinai*” — why are the laws of *shemittah* mentioned in conjunction with Har Sinai?

The *Sefat Emet* (Rabbi Yehudah Aryeh Leib Alter of Poland, 1847-1905) sees the mitzvah of *hakhel* as a reward for observing the year of *shemittah*.

ונראה שזה היה שכר על שמירת שביעית... שזכו לשמוע דברי ה' אחר כך במצוות הקהל. שפת אמת פרשת וילך שנת תרמ"ב:

And it appears that this is the reward for observing the seventh year [of shemittah]... that they merited listening to the words of God at the time of hakhel.

Sefat Emet, Vayelech 5642

Our actions, our refraining from working the land for an entire year, proclaim to the world at large our acceptance of God's teachings. This exhibition of our commitment to observing the will of God entitles

one to participate in the grand public ceremony.

The *Chatam Sofer* (Rav Moshe Sofer of Hungary, 1762-1839) similarly sees the year of *shemittah* as preparation for *hakhel*, but views the mitzvah more in the light of a reward for the level of *kedusha* we have achieved over the course of the year:

לאחר שבתו כל השנה מחרישה וזריעה, ומסתמא עסקו בשנה היא בתורה ובעבודה ואחר כך היו ימים הקדושים ראש השנה ויום הכפורים, ואחר כך בא חג הסוכות שהוא קדוש מאד, שנכנס בצל הקדושה ואינו ראוי לקדושה זו אלא אחר יום הכפורים שנתכפר לו עוונותיו. ואחר כל הקדושות זכו לפרשת הקהל שהמלך קורא לנגד כל ישראל עניני תורה.

חתם סופר – תורת משה לפרשת וילך

After a year of refraining from plowing and harvesting, a year during which one ostensibly immersed himself in learning Torah and Avodat Hashem, we enter into the period of the holy days, Rosh HaShanna and Yom Kippur. And after these days comes the holiday of Sukkot which is very holy, during which we enter into the shade of holiness. We are only ready for this level of kedusha after we have received atonement for our sins on Yom Kippur. After all of these kedushot [with each one building on the one that proceeded], we merited having the king read from the Torah to all of the people of Israel.

Torat Moshe, Vayelech

For the *Chatam Sofer*, the year of *shemittah* is a means to an end. We refrain from working the land to free up our time for other pursuits, namely the study of Torah and performance of mitzvot. This immersion in Torah for an entire year enables us to enter the holidays of Tishrei with an elevated level of *kedusha*. The holidays of Rosh HaShannah, Yom Kippur and Sukkot build upon that *kedusha* and enable

us to be in a position where we merit joining the rest of the nation at a communal reading from the Torah by the king.

Where is the Mitzvah of Hakhel Observed?

The timing of *hakhel* helped to prepare the nation spiritually and emotionally for the event. Similarly, the choice of location was instrumental in generating a feeling of awe and fear. Typically, the *hakhel* ceremony was performed in the *Ezrat Nashim* of the *Beit HaMikdash*, a location that could accommodate the large number of people.¹¹

Who Comes?

There are four different groups who are specified in the pasuk that must be assembled: *ha'anashim*, the men; *hanashim*, the women; *hataf*, the children; and *gerkha asher b'shaarekha*, the converts in your gates.

Which men are obligated in this mitzvah? Are any exempt? In the words of the *Rambam*:

אפילו חכמים גדולים שיודעים כל התורה כולה - חייבין לשמוע בכוונה גדולה יתרה. הלכות חגיגה ג:ה

Even the wisest of men who know all of the Torah are obligated to listen with full concentration.

Hilkhos Chagiga 3:5

Even those who do not understand Hebrew, like the converts, even those who may not understand cognitively, like those who are too young — all are obligated to come and participate in the ceremony of *hakhel*. *Hakhel* is more than a cognitive learning event. There is something about experiencing the event that is

mandatory for our continuity as a Nation of God (and why so few people are exempt).

Who are the *taf* that are obligated in this mitzvah? And how are they different from “and that their children, who have not known, may hear, and learn” that are mentioned in 31:13? The presence of the two terms leads some to posit that two different age groups are being discussed. The *taf* refers to infants or toddlers and the “children who have not known” to those who have begun at least informal learning.

The extreme definition of the *taf* as a newborn is maintained by the *Minchat Chinukh* in his explanation of mitzvah 612. Rav Babad maintains that the obligation to bring one’s child to the *hakhel* ceremony starts from the time he or she is no longer considered a *nefel*, that is, from thirty days on.

ונראה שתכיף יצאו מכלל נפל או בנולד שכלו
לו חודשיו חייו במצוה זו.
מנחת חינוך תריב

It appears that once an infant is no longer considered a nefel, once he has finished his first month, he is obligated in this mitzvah.

Minchat Chinuch 612

What benefit is there to bringing such a young child? And surely the child has no obligation to come since he or she is not of an age to be obligated in mitzvot.¹² One reason suggested by the Gemara is to increase the effort in coming to *hakhel*, that increases the reward for the adults who bring the children. The Gemara elaborates:

ת”ר מעשה ברבי יוחנן בן ברוקה ורבי אלעזר
בן חסמא שהלכו להקביל פני ר’ יהושע
בפקיעין אמר להם: מה חידוש היה בבית
המדרש היום? אמרו לו: תלמידך אנו ומימך
אנו שותין. אמר להם: אף על פי כן, אי אפשר
לבית המדרש בלא חידוש. שבת של מי היתה?

שבת של ר’ אלעזר בן עזריה היתה. ובמה
היתה הגדה היום? אמרו לו: בפרשת הקהל.
ומה דרש בה? (דברים לא) הקהל את העם
האנשים והנשים והטף. אם אנשים באים
ללמוד, נשים באות לשמוע, טף למה באין?
כדי ליתן שכר למביאיהן. אמר להם: מרגלית
טובה היתה בידכם ובקשתם לאבדה ממני?
חגיגה ג.

The rabbis taught: It happened that Rabbi Yochanan ben Broka and Rabbi Elazar ben Hasma went to visit Rabbi Yehoshua in the city of Pekiin, and he asked them: What chidush [novel interpretation] was expounded today in the Bet Midrash? They replied: We are your students and we only drink your waters. He answered: Nevertheless, it is not possible that there was not a chidush in the Bet Midrash. Who was lecturing this Shabbat? They said: Rabbi Elazar ben Azaryah. On what verse was he teaching? On Devarim 31:12, on the phrase “Assemble the people together, the men, the women and the children.” If the men come to learn, and the women come to hear, for what purpose do the children come? So that those who brought them should be rewarded. And he [Rabbi Yehoshua] responded: You have a good pearl in your hand and you wanted to deprive me of it?

Chagiga 3a

Rabbi Elazar ben Azaryah taught, and Rabbi Yehoshua agreed wholeheartedly, that the ceremony of *hakhel* contained many goals. The men came to learn, the women came to experience and those who labored to bring their children received an additional reward.

Another possibility is that even at such a young age, without being conscious of what he is learning, the infant is still learning from his environment, gaining from his experience. This is the opinion of the *Or HaChayim HaKadosh* (Rav Chaim ben Attar,

Morocco, 1696-1743) who notes,

כי הקטנים מתחנכים מתחילתם ליראה ויתסד
בהם יראת שמים כל ימיהם.
אור החיים דברים לא, יב

That those who are young begin to learn from the start about the concept of yirah [fear of heaven], and this provides the foundation on which they fear God all of their lives.

Or HaChayim Devarim 31:12

No matter how young one is, there is an element of *yirah HaShem* that begins to permeate one’s consciousness and lays the foundation for future growth. Perhaps that is why Shammai the Elder constructed a sukkah for his newborn grandson so that the baby would sleep in a sukkah.¹³

Whatever the age of the child, whether a newborn or a toddler or one who has reached the age of *chinukh*, there is no doubt that parents will expend much effort in bringing him to the *hakhel* ceremony. Proportionate to their effort is the reward that the parents will earn. The hardship involved in the journey is an extension of the hardship the same parents faced during the year of *shemittah* during which the farmer put aside his plow and his scythe and relied unconditionally on God to provide for his family. The year of relying on God for sustenance, the year of setting aside time for Torah, combine to spiritually prepare the people for the *hakhel* ceremony. Rabbi Yisrael Meir Lau¹⁴ describes how Jews, during an entire year, offered up:

רכושו וכספו, את תשוקתו וגשמיותו על מזבח
הקרבה לה’ דווקא בעת זו ראויים אנו למצוות
הקהל בה אנחנו מכריזים כלפי שמיא: ה’
אלוקינו ה’ אחד וה’ משיב לעומתנו, ומי כעמך
ישראל גוי אחד בארץ’. ... אנחנו מביאים
את ילדנו הרכים למרות שקשה לנו, קשה

מאוד. למרות כל זאת, אנו מוכנים לעשות כל מאמץ, כדי לזכות ולהבין את התורה, לשמוע אותה ללמדה ולקיים מצוותיה... את היסוד הזה... אנו מבטאים באמצעות ילדינו שאינם מבינים עדיין, אך אנו מביאים אותם מחד- כדי להפגין שאין מאמץ ואין קושי אשר ירתיעונו מלשמוע ולעסוק בדברי תורתך, ומאידיך- לטעת בקרב העוללים... את ההכרה בהקרבה.

... all of their possessions and all of their money; all of their desires and all of their yearnings, all were offered on the altar for God. Specifically at this juncture we are now able to fulfill the mitzvah of hakhel where we proclaim in front of everyone: "God is One" and God replies "Who is like you, Israel, one nation in the land." We bring our young children, in spite of the difficulty it presents, and it is very difficult to bring them. In spite of the challenge, we demonstrate that we are willing to undertake every effort in order to merit and to understand the Torah, to hear the words of the Torah and to teach the words of the Torah and to keep the mitzvot of the Torah ... we proclaim this willingness through our children who are too young to fully understand what is going on. We bring them to demonstrate that there is no effort, no challenge that is too fearful for us to undertake to hear the words of the Torah and to occupy ourselves with God's Torah and to show our youngest children what we are sacrificing.

But we still must ask — even while considering the benefit for the spiritual development of the child — even while taking into account the value of expending effort by the parents in bringing their children to *hakhel* — is the ceremony of *hakhel* appropriate for such young children? Wouldn't so many crying babies create a distraction and negatively impact the solemnity of the day, which is, according to the Rambam (Rav Moshe ben Maimon, Spain,

Egypt 1135-1204), a day devoted to strengthening our belief in God, of strengthening our true religion and fear of God?¹⁵

The Aderet, Rav Eliyahu David Rabinovich Teomim (Lithuanian rabbi who emigrated from the Mir to Jerusalem, 1843-1905), in his treatise *Zekher Lehakel*, asks this question quite sharply:

איך יתכן להביא רבבות ילדים מכל ההמון ישראל ממקומות פזוריהם בעזרה והם זועקים ובוכים? ... איך אפשר להשקיש סערת אלפים ורבבות ויונקים בכל משך קריאת הפרשיות עם הברכות אם לא שהיה נס?

Is it appropriate to bring thousands of children from the multitudes of Israel, from far reaching areas, who are screaming and crying... How can we possibly quiet the storm of thousands and tens of thousands during the reading of the Torah if we are not to count on a miracle?

Perhaps this realization prompts the Ramban (Rav Moshe ben Nachman, Spain, 1194-1270) to insist that the *taf* are not the infants/toddlers, but those a little older who are ready to be educated.

כי אין הטף יונקי שדיים אבל הם קטני השנים הראויים להתחנך.
רמב"ן דברים לאיג

For the term taf does not refer to young who are nursing from their mothers but to those who are few in years but nonetheless able to be educated.

Ramban, Devarim 31:13

However we understand the definition of *taf*, the message that comes through is the same — the importance of educating the younger generation and of including them in formative occasions. As Dr. Meir Gruzman elaborates:¹⁶

ללא שותפו של הדור הצעיר לא יהיה המשך

לקיומו של העם... קבלת התורה היא ענין לכולם- לדור הצעיר, לא פחות ואולי אפילו יותר מאשר לדור המבוגר.

Without the participation in the younger generation there won't be a continuity for us as a nation. Accepting the Torah is an agenda for us all — for the younger generation no less and perhaps even more importantly than for the older generation.

If we do not take the time and the effort to educate our children, the tradition of our forefathers will not carry on to succeeding generations.

If *hakhel* is important enough for even infants to come, it should come as no surprise that women must participate as well. And in fact, the verse spells out quite clearly that women are obligated to participate in the mitzvah of *hakhel*. But the nature of the mitzvah, the fact that *hakhel* is a positive commandment that occurs once every seven years, raises some questions. The rabbis teach us that women are exempt from positive time-bound related commandments. How do we reconcile the principle with the inclusion of women in *hakhel*? The very locus of the rabbinic exemption, the Gemara *Kiddushin* 34b, indicates that *hakhel* (and likewise the mitzvah of eating matzah on Pesach) are exceptions to the rule [that women are exempt from positive time related mitzvot].

Are women commanded in their own right? Or are they commanded because they are part of the community? In other words, what is the status of the commandment — is *hakhel* a personal commandment, a *mitzvat hayachid*, or is it a communal obligation, a *mitzvat hatzibbur*? By equating the mitzvah of *hakhel* with the mitzvah of matzah, the Gemara in *Kiddushin* is implying that the

Why does the king have to read the Parashat HaMelekh?

The Admor of Sochochov [Rav Avraham Borenstein, 1838-1910], addresses the importance having the king read the Parashat HaMelekh and connects the influence of the king to the timing of the mitzvah:

מלך... שלבו לב כל קהל ישראל. יכניסו דבריו בלב כל העם בעומק לבם... ולפי זה יובן איחוד הקריאה לאחר שנת השמיטה שהיו פנויים מעבודת האדמה ויכלו להסתכל בתוך עצמם, זאת היתה להם הכנה שיכנסו ויפעילו הדברים בעומק ליבם.
אדמו"ר מסוכצ'וב דברים פרשת וילך ד"ה מקץ

A king... whose heart is the heart of all of the congregation. His words will enter into the depths of the heart of the nation... and according to this we can understand coming together to read after shemittah during which year they were free from working the land and able to reflect inwardly. The year of shemittah was a good preparation for the introspection associated with Hakhel.

Admor of Sochochov, Devarim, Vayelech s.v. Miketz

mitzvah of *hakhel* is a personal commandment, a *mitzvat hayachid*, and the fact that women are obligated is an exception to the norm and an indication of the importance of the event. The Gemara in *Chagiga*, on the other hand, by indicating that babies in their cradle must be brought to *hakhel*, implies that the obligation for *hakhel* is a communal one and women

must come since they are part of the community.¹⁷

Who are the *geirim* that must come? Are they *geirei tzedek*, converts to Judaism, and if so, why are they not already included as men or women? Are they *geirei toshav*, non-Jews who live among the Jews?

Ibn Ezra is of the opinion that the verse describes a *ger toshav*. Why, then, are they included in the ceremony of *hakhel*?

וגרך -אולי יתייחד. וכאשר ישמעו ישאלו וילמדו, מי שאינו חכם והבנים שהם קטנים. אבן עזרא דברים לא, יב

Maybe they [the non Jew] will convert. Ibn Ezra, Devarim 31:12

But can the Torah compel a non-Jew to come to such a ceremony? And is this the best venue to help non-Jews decide to convert? More likely the verse is referring to those who have already converted to Judaism, in which case, we must answer why they are not already included. Two popular responses are summarized in the *Encyclopedia Talmudit*. First, since the *ger* is among those who have no land in the Land of Israel, and all who possess no land are exempt from the obligation of *hakhel*, the Torah specifically lists him to include him in the obligation. Second,¹⁸ it was necessary to list the *ger* specifically since he may not understand the ceremony which was conducted in Hebrew. Nonetheless, he is obligated to come.

From the inclusion of all the above listed elements of society, we realize that the ceremony of *hakhel* was important cognitively, affectively and most important experientially. Jews had the opportunity to come together and relive a mini *matan Torah* experience and to renew their

commitment to God and deepen their fear of God. The participation of the king, discussed in the next section, further helps to achieve these goals.

What do We Read at Hakhel?

The king reads what is referred to as "*parashat hamelekh*" as described in the Mishna:

וקורא מתחילת "אלה הדברים" (דברים א,א) ועד "שמע" (דברים ו,ד), ו"שמע", "והיה", אם שמוע תשמעו" (דברים יא,יג), "עשר תעשר" (דברים יד,כב), ו"כי תכלה לעשר" (דברים כו,יב), ברכות וקללות עד שהוא גומר את כולם.
משנה סוטה ז:ח

The king reads from the beginning of Sefer Devarim until Shema, then reads VeHayah [the second paragraph of shema], then reads the portion describing ma'aser and then the brachot and klalot.

Mishna Sotah 7:8

Why are these sections specifically read?¹⁹ Rav Yaakov Epstein suggests that:

they describe the means in which the different levels of society connect — between the Cohanim and the Leviim who serve in the Mikdash and teach Torah; between the congregation and between the nation; between the lower economical segments of society. In this way, the mitzvah of hakhel serves to bring everyone together as one and to join all segments of the nation... The mitzvah of hakhel serves to return the congregation to each original connection between one another and between God.²⁰

Not only does *hakhel* serve a religious and spiritual purpose in connecting us with God, it serves a societal purpose in connecting different strata of society who come together for a common cause.

How do we achieve the fear of God, *yirat Hashem*, for ourselves? How do we instill this concept in our children? David Kolb depicts the learning process as one “whereby knowledge is created through the transformation of experience.”²¹ As Jews, we are well attuned to the power of experiential learning. Every year, at the Pesach seder, we reimagine our lives as slaves in Egypt and recall how God took us out of Egypt with a strong hand and signs and miracles. Every year, during Sukkot, as we move out of our permanent abodes into a temporary structure that by definition must let in all the elements, we recall that God provided sukkot for us to live in, and remember the *ananei hakavod*, the special clouds of protection that God sent to protect us as we traveled in the desert. And at *hakhel*, where diverse members of a society come together for a common goal, we embark on an educational experience that helps us relive the ultimate of Divine theophanies — the Revelation. We set the stage by recreating, through the observance of shemittah, the conditions under which we received

the Torah in the desert. We develop the theme by having all of Israel — the men, the women and the children — come to this event. We recreate the harmony of *matan Torah* by imposing, through the observance of shemittah, an economic equality. We remind the population, through the portions that are read, of our obligation to help one another.

It is not surprising that Rabbi Yehoshua ben Chananya was pleased to hear the “*chiddush*” of Rabbi Elazar ben Azaryah that children of all ages are to be included in the mitzvah of *hakhel*. This is, after all, how he himself was raised by his parents. The Gemara *Yevamot* records that:

שהיתה אמו מולכת עריסתו לבית הכנסת
בשביל שיתדבקו אזניו בדברי תורה.
ירושלמי יבמות פרק א הלכה ו

His mother would bring his cradle to the bet hakeneset so that the words of Torah would cling to his ears.

Yerushalmi Yevamot 1:6

Even before one can cognitively process an event, there is a spiritual awareness that seeps into the very

fiber of one’s essence as a Jew. As Rav Yisrael Ariel notes:²²

This creates a deep and lasting impression in one’s soul ... Even if the infant is not aware of his surroundings, his neshama absorbs and integrates all of the impressions deep inside.

Such was the *chiddush* of R’ Elazar ben Azaryah. He understood that learning occurs in different formats, and that the goal of *hakhel* was to target multiple domains. There was a cognitive element to *hakhel* — learning of the Torah. But equally important was the affective goal — where through listening, we once again receive, respond and value the words of the Torah. Long before the field of experiential learning was articulated, the Torah instilled within us the idea that “to learn is not the special province of a single specialized realm of human functioning such as cognition or perception. It involves the integrated functioning of the total organism — thinking, feeling, perceiving and behaving.”²³



At *hakhel* we embark on an educational experience that helps us relive the Revelation. We set the stage by recreating, through the observance of *shemittah*, the conditions under which we received the Torah in the desert. We recreate the harmony of *matan Torah* by imposing, through the observance of *shemittah*, an economic equality. We remind the population, through the portions that are read, of our obligation to help one another.

Notes

1. See Exodus 13:16; Leviticus 18:3; Deuteronomy 5:14; 16:3; 2:8; 24:22;
2. Cf., Rashi, Exodus 19:16 and Ramban, Exodus 24:1.
3. Rabbi Lord Jonathan Sacks, *The Letter in the Scroll*, p. 39
4. Rabbi Lord Jonathan Sacks, *The Letter in the Scroll*, p. 40. This idea may lie at the heart of the kabbalistic notion that there are 600,000 letters in the Torah, one for each of the 600,000 souls present at Sinai. Others have dealt with the obvious problems with this thesis, including the fact that there are only about 305,000 letters in the Torah.
5. רב יהודה שביב, למיקומה, עיתוייה ועניינה של מצוות הקהל בתוך זולדן, י. (עורך). ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 42-43. 2001. והארץ.
6. For an analysis of the relationship between *hakhel* and Sukkot, see my “Thematic Connections between Sukkot and Hakhel” in *Torah to Go*, Tishrei 2012.
7. *Sifre* Devarim 111 notes מקץ שבע שנים- יכול להתחיל או בסופה, מקץ כי הראש והסוף יקראו קצה, literally the edge, can be at the beginning or at the end. Ramban to Devarim 15:11 notes קצה, edge. that the beginning and the end are both called קצה, edge.
8. One notable exception is that of the Ibn Ezra who explains at Devarim 15:11 טעם מקץ שבע שנים תעשה שמיטה- בתחילת השנה, כאשר פרשתי, והעד הקהל את העם for *hakhel* as proof that *shemittat kesafim*, the extinguishing of loan obligations, occurs not at the end of the *shemittah* year, but at the beginning.
9. רב בקשי דורון, הבאים להקהל, למעמד ולקריאה: בתורה בתוך זולדן, י. (עורך). ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 377. 2001.
10. Rashi (Rav Shlomo Yitzchaki, France, 1040-1105), *Vaykira* 25:1.
11. The *Minchat Chinukh*, mitzvah 612, raises the possibility of performing *hakhel* in another location in Jerusalem, outside the area of the Beit HaMikdash. Since the Temple Mount is not easily accessible, several contemporary national religious rabbis in Israel have used this opinion to argue for resuming *hakhel* ceremony elsewhere in Jerusalem. See ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 2001.
12. And behold the *taf*, who are not commanded (to come to the *hakhel* ceremony) since they are not of the age to be commanded. But they (father or Bet Din) are commanded to bring them to bring reward... (*Minchat Chinukh*, mitzvah 612).
13. Mishna *Sukkah* 2:8. See also JT *Yevamot* 1:6, which describes how Rabbi Yehoshua's mother would bring his crib to the *bet hakeneset* so that the words of Torah would cling to his ears.
14. רב ישראל מאיר לאו. הקהל – הטף, השמיטה והעם. בתוך זולדן, י. (עורך). ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 386. 2001.
15. Rambam, *Hilkhot Chagiga* 3:6.
16. ד"ר מאיר גרוזצמן. הקהל ומעמד הר סיני בתוך זולדן, י. (עורך). ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 47. 2001.
17. The Abudraham suggests that women are generally released from positive time-bound mitzvot because performing such mitzvot would conflict with their responsibilities at home. Once the entire family is obligated to go to *hakhel*, though, there is no reason to exempt the women.
18. צל"ח סוכה כח ב ועיין בש"ת נודע ביהודה מ"ב. אר"ח ס' צד ועיין טורי אבן חגיגה שם שכ' שאין הגר חייב אלא אם יש לו קרקע כגון שירש מאשתו
19. The tannaim disagreed as to just which portions of Sefer Devarim are to be read at *hakhel*. M Sotah 7:8; *Tosefta Ki-Feshutah*, Sotah p. 684. For a full treatment of the issue see David Henshke, “*Parashat ha-Melekh Keitzad?*” *Sidra* Vol. 16 (2000) pp. 21-32.
20. רב יעקב אפשטיין. המונח “הקהל” ומשמעותיו. בתוך זולדן, י. (עורך). ספר הקהל: מצות הקהל: אסופת מאמרים. כפר דרום: מכון התורה והארץ. 57. 2001.
21. Kolb, D. A. (1984). *Experiential learning: experience as the source of learning and development*. Englewood Cliffs, New Jersey: Prentice Hall, Inc. Retrieved from URL: <http://www.learningfromexperience.com/images/uploads/process-of-experiential-learning.pdf>! (31.05.2006).
22. Rav Yisrael Ariel, *ibid*, p. 409.
23. Kolb, *ibid*.



Learn
more about
Hakhel on
the Marcos and Adina
Katz YUTorah.org

Shemitta and the Four Minim

For those of us not blessed to reside in the Land of Israel, shemitta is a halachic curiosity rather than a way of life. We may occasionally encounter shemitta produce while shopping in Costco and ask our rabbis for guidance in this eventuality, but for the most part, shemitta is observed in the sense of being noticed and registered as something significant; it is not observed in the sense of being fulfilled and complied with on a daily basis. There is however one exception, one time when shemitta produce floods the Diaspora market. Curiously however, this one time when shemitta fruit penetrate our daily lives takes place after the calendar year of shemitta has ended. I speak, of course, of the four species we shake on Sukkos which often originate from Israel and may be subject to the regulations of shemitta.

Since the four species that come to market for Sukkos 5776 are shemitta products, it is worthwhile investigating their halachic status. Of course our entire conversation presupposes that the four species in question originate in Jewish fields in the Land of Israel. Non-Israeli produce is not subject to the rules of shemitta, neither is Israeli produce from non-Jewish owned lands according to many opinions.

Kedushas Sheviis

The first question we must analyze is whether the four species possess the sanctity of shemitta (*kedushas sheviis*). This is relevant for many issues including the purchase of the



Rabbi Ezra Schwartz

Rosh Yeshiva and Assistant Director of Semikha Program, RIETS
Rabbi, Mount Sinai Jewish Center, NYC

four species. Halacha forbids one from doing *sechora*, business with shemitta produce. The money itself given in exchange for shemitta fruits becomes sanctified with *kedushas sheviis* and consequently, it is forbidden to deliver such money to one who will not treat it with the appropriate shemitta regulations. The Mishna already raised the issue of *kedushas sheviis* with the four minim.

הלוקח לולב מחבירו בשביעית - נותן לו אתרוג במתנה, לפי שאין רשאי ללוקחו בשביעית.
סוכה לט.

If one purchases a lulav [set] during the shemitta year, [the seller] should give the esrog as a gift because it may not be purchased during shemitta.

Sukka 39a

The Mishna teaches that one who purchases a set of four minim during shemitta should not pay for the esrog. Rather the price of the esrog should be given as a gift, or as the Gemara explains, *mavlia lei d'mei esrog b'lulav*, subsumed into the price of the lulav. Apparently for the Gemara, an esrog possesses the sanctity of shemitta but a lulav does not. At first glance we would assume that this is due to the fact that an esrog is a fruit and, as such, subject to shemitta sanctity; but a lulav, which is an ordinary branch, is not. However, the Gemara concludes

that the Mishna refers to a lulav that grew in year six of shemitta. As such, a shemitta year lulav is infused with *kedushas sheviis*. Rashi explains that the reason for this is the following:

אבל לולב עיקר הנאתו לכבד את הבית, והוא שעת ביעורו וקלקולו, ודמי להנאת אכילה.
רש"י סוכה מ.

The primary benefit of a lulav is its use to sweep the house and that is when it gets destroyed. Its benefit is similar to the benefit one derives from eating.

Rashi, Sukka 40a

Kedushas sheviis is modeled after food that is destroyed at the time of its consumption — *hana'aso ubiuro shaveh*. A lulav, like food, is also destroyed at the time when it is consumed; the branches of the lulav become ruined while sweeping the house. Consequently the *kedusha* of shemitta is affixed to a seventh year lulav, according to the Gemara.

It would seem that the conclusion of the Gemara is that both esrog and lulav from a shemitta year possess *kedushas sheviis*. As such, the advice given in the Gemara to subsume the cost of an esrog into the cost of a lulav, will not work if the lulav is also from shemitta. For this reason the late Rov of Yerushalayim and Brisk, Rav Yehoshua Leib Diskin instructed that the cost of the esrog should be included as part of the cost of the

hadassim, rather than the lulav. (See *Tzitz HaKodesh* of R. Yehoshua Zvi Mechel Shapiro, #15).

There is room to question both of R. Yehoshua Leib's premises in his modification of the Gemara: that a lulav has *kedushas sheviis* and hadassim do not.

It is not abundantly clear that a lulav possesses *kedushas sheviis* today. Rav Shlomo Zalman Auerbach (*Minchas Shlomo* 1:51:23) argues that lulavim today, which are not used to sweep the floor, do not possess *kedushas sheviis*. The Gemara was dealing with a reality where people used their lulav for home cleaning. Today this is not done. Moreover, the Rambam and Bartenura (*Sukka* 3:11) hold that a lulav never possesses *kedushas sheviis*.

The second assumption of Rav Yehoshua Leib Diskin, that haddassim do not possess *kedushas sheviis* is also subject to question. The Yerushalmi (*Sheviis* 7:1) raises this as a question: *besamim mahu sheyehei aleihen kedushas sheviis* — do spices attain shemitta sanctity? — and remains undecided. Many poskim feel that

one should be strict on this matter and grant *kedushas sheviis* to fragrant produce (See *Derech Emuna, Sheviis* 7:127 and *Mishpitei Eretz* 14 note 5). As such it would seem that one should treat haddassim with all the strictures of *kedushas shviis*. In fact, it is reported that the Chazon Ish treated hadassim with *kedushas sheviis* (See *Derech Emuna* chapter 7 *tziyunim* 222). R. Yechiel Mechel Tukachinsky however argues that even if fragrant plants possess *kedushas sheviis*, hadassim do not. Hadassim are planted specifically to be used for a mitzvah. If one decides to use the hadas afterwards for its sweet smell, that is his or her prerogative. Fundamentally, however, we follow the purpose for which the hadas was planted and therefore we don't ascribe *kedushas sheviis* to the hadas (See *Sefer haShemitta* chapter 7 note 11).

However, the line of reasoning that an item planted for a mitzvah by definition is not subject to *kedushas sheviis*, would call into question the very assumption that esrogim possess *kedushas sheviis*. There is a fair amount of literature attempting to explain

why a hadas that is intended for mitzvah use rather than serving as a fragrance loses its shemitta sanctity, but an esrog that is intended for mitzvah purposes does not lose its shemitta status (See *Minchas Asher, Shemitta* #14:3). It seems, however, that a careful reading of Rav Yechiel Mechel Tukachinsky's note alerts us to the answer. Rav Yechiel Mechel notes that the Torah's description of hadassim — *anaf eitz avos*, twigs with braided leaves — indicates that the hadas used for a mitzva is simply a branch. However, when one intends on using an esrog for a mitzvah, that person has in mind to use the esrog as a fruit — *pri etz hadar*, a beautiful fruit. As we know, fruits are subject to the laws of shemitta but branches are not. Moreover as a matter of halacha, an esrog needs to retain its status as a fruit and remain edible to be kosher for a mitzvah. (*Orach Chaim* 649:5)

It is abundantly clear that aravos, which are ordinary branches and do not even possess fragrance, are therefore not subject to the strictures of *kedushas sheviis*.

What to do with your Shemitta Esrog after Sukkos

Based on article by R. Michael Zylberman available at: <http://www.yutorah.org/lectures/lecture.cfm/728376>



Contemporary poskim present three different options:

- 1) **Eat it:** This position was espoused by the Steipler Gaon as cited in *Derech Emunah Shemitta V'yoveil* 5:96 and *Tziyun Halacha* *ibid.*:178. This could potentially avoid issues of *bi'ur* and may also help justify exporting the esrog to the Diaspora.
- 2) **Send them back to Eretz Yisrael:** This position was espoused by Rav Moshe Mordechai Epstein as cited in *Shemitta K'Hilchasa* 3:17. Sending the esrog back may also provide justification to export the esrog to the Diaspora.
- 3) **Do nothing:** Many poskim (see *Az Nidberu* 14:52) suggest that it is best to just let the esrog rot. Once it is rotten, it may be disposed of in a respectful manner. If one follows this approach, there remains a question as to whether *bi'ur* is required if the esrog is still edible at the time of *bi'ur* (which itself is a subject of dispute).

Hakafa

There is another way to avoid the prohibition of purchasing shemitta fruits from a non observant Jew — buying the esrog on credit (*hakafa*). However, it is not abundantly clear how this is accomplished and the matter remains a dispute among poskim.

A careful read of Tosafos (*Avoda Zara* 62b s.v. *Yaus*) will yield three opinions as to the proper way to avoid transference of *kedushas sheviis* to the money through *hakafa*. The first opinion of Tosafos only permits payment for the esrog after it has been consumed. This opinion is endorsed by the Ramban cited in the Ran (30b) and is the opinion that is followed l'halacha by Rav Kook (*Shabbos Haaretz* 8:20) and R. Yechiel Michel Tukachinsky (*Sefer Hashemitta* page 42). The second opinion in Tosafos allows payment *b'hakafa* once the esrog has been delivered to someone other than the original buyer. According to this opinion, which is endorsed l'halacha by Ridbaz (note in *Sefer Hashemitta* loc. cit), one who wants to purchase a shemitta esrog should go to the seller together with his or her friend. Once the esrog has been delivered to the third party, the original buyer pays for the esrog. Such an approach would be cumbersome. Chazon Ish however follows the third opinion in Tosafos. So long as payment for the esrog is rendered after the esrog has already entered the physical domain of the buyer, this is the form of *hakafa* that is permitted. Accordingly, Chazon Ish recommended purchasing the four minim with a check (or credit card). In this way, money is not drawn from the buyer's account until after the esrog has already entered the buyer's possession. [It is questionable

if checks and credit cards actually operate this way, see Rav Yosef Tzvi Rimon, *Shemitta* page 249.] The shortcoming of many of these approaches is that *Shulchan Aruch* OC 649:2, teaches that to fulfill the mitzvah the first day of Sukkos one needs to have complete possession of his esrog. If payment has not been given until after the esrog was consumed at the end of Sukkos, one would likely not fulfill the mitzvah of *daled minim* (see *Arba Minim Hashalem* page 131).

Some Relevant Halachos

The Mishna (*Sheviis* 6:5) teaches that it is forbidden to take shemitta fruits out of Israel. Consequently we have to question whether exporting shemitta esrogim is permitted. It seems that this question may depend on a dispute among the Rishonim. According to the Rash and Tosafos, the prohibition to remove fruits from Israel is a product of the obligation to eat shemitta fruit in Eretz Yisrael and the consequent halachos of *biur* that ensue. [Most Rishonim assume that *biur* means one is obligated to remove the fruit from his or her home and declare the fruit ownerless once that particular fruit is no longer available in the wild for the consumption of animals.] The Rambam, however, places the prohibition to export shemitta fruits in chapter five of *Hilchos Sheviis* that deals with the laws of *hefseid*, illicit destruction of shemitta fruit, rather than in chapter seven where the laws of *biur* are discussed. [See my article in *Kol Zvi* volume 3 for elaboration of this point.]

If exporting shemitta fruits is forbidden based on *biur*, items that are not subject to *biur* are not prohibited from export. This is the reasoning

employed by Rav Yosef Lieberman (*Mishnas Yosef* 4:7) to permit export of hadasim of shemitta even according to those who treat hadasim with the strictures of *kedushas sheviis*. Hadassim are always available in the wild and are therefore not subject to the strictures of *biur*. If what the Rishonim mean by *biur* is really the obligation to eat shemitta fruit in Eretz Yisrael, and so as to ensure performance of this mitzvah, Chazal prohibited the export of shemitta fruit, then lulavim (even though they possess *kedushas sheviis* according to the Gemara) may be exported since they are not eaten (See *Tzitz HaKodesh* 15:4). It would seem however that the concern for *hefseid* that Rambam alludes to would still apply. Lulavim and hadassim are likely to be damaged in transport and would therefore be forbidden to export.

Exporting esrogim however, (which is a lucrative business for many), would seem to be forbidden according to all the reasons given by Rishonim. Esrogim have *kedushas sheviis* and according to the consensus opinion are subject to the rules of *biur*.

It is worth noting that Ridbaz felt that esrogim are not subject to *biur*, since they would remain on the tree from year to year if left untouched. It just so happens that we decide to pick esrogim early to use for a mitzvah. Fundamentally, however, according to Ridbaz we should base *biur* on what would happen to an esrog in the wild. However, the position of Ridbaz was not accepted. Poskim assume that an esrog is subject to *biur*.

The time of *biur* is, according to Maharil Diskin, immediately after Sukkos when esrogim are no longer found on trees. According to Rav Shmuel of Salant, however, the time of *biur* for esrogim is Tu B'Shvat.

Some even go so far as to maintain that it is preferred to use a non-Israeli esrog to avoid the question of forbidden export of shemitta fruit. Nonetheless, the practice has been to export Israeli esrogim. Various reasons are given to permit the export of shemitta esrogim. [These sources are collected in Rabbi Michoel Zylberman's fine article on this topic at www.yutorah.org/lectures/lecture.cfm/728376.]

Some permit exporting esrogim based on the concern that if they are not exported, Jews in the Diaspora may be unable to properly perform the mitzvah. The rabbinic prohibition to export shemitta fruits is lifted in the face of the performance of the mitzvah by many thousands of Jews, who would otherwise be unable to obtain an esrog of superior hashgacha that is unquestionably not *murkav* (see *Derech Emuna, Sheviis* 5:96, in the name of Chazon Ish).

Others permit the exporting of shemitta fruits only if they will be consumed in the Diaspora. Consequently, R Chaim Kanievsky quotes that Chazon Ish insisted that one should eat one's esrog at the conclusion of Sukkos (*Derech Emuna* loc cit. *tziyunim* 179). However there is room to question this psak. It seems that the halacha is concerned with the primary purpose for which one exports shemitta fruits. That purpose is clearly business related. The fact that one decides to consume the fruits after Sukkos should do nothing to mitigate this issue (see *Minchas Asher* 14:4).

Still others suggest that the shemitta esrogim should be returned to Eretz Yisrael. This suggestion was rejected for two reasons. Since it is forbidden to transport shemitta fruits from place to place within *Chutz Laaretz* (Rambam, *Sheviis* 7:12), it should certainly be forbidden to return the fruits to Eretz Yisrael. Moreover, if the fruits cannot be eaten in *Chutz Laaretz*, there is strong room to argue that one may not fulfill the mitzvah with an Israeli esrog. Halacha demands that an esrog be *rauy laachila*, edible (see *Sukka* 35 and *Shulchan Aruch Orach Chaim* 649:5. See *Tzitz HaKodesh* 15:5 and my article in *Kol Zvi* 3 page 236 for analysis). *Tzitz HaKodesh* does not allow for the export of shemitta esrogim by Jews. He feels non-Jews must transport the fruits. Jews should only take possession of the esrogim once they reach a port outside of Eretz Yisrael.

Hefsed

Another potential problem with shemitta esrogim relates to the prohibition of *hefseid*, ruining the produce. According to one opinion in the Gemara (*Sukka* 35b), it is forbidden to take an esrog of teruma since in the process of taking the esrog its peel will become rubbed and some of the teruma will be destroyed. This calls into question the permissibility to fulfill the mitzvah with a shemitta esrog as there is concern that the esrog will be ruined and it is forbidden to damage shemitta fruit. Nonetheless poskim are

not worried about *hefseid*, in this case. The form of *hefseid* we are discussing would be classified as *gram hefseid*, indirect damage. Many maintain that indirect *hefseid* is only forbidden with teruma. Alternatively, during shemitta all esrogim in Eretz Yisrael will be forbidden if one is concerned with *hefseid*. However, with respect to teruma there is always an option of using a non-teruma esrog (see a summary of these positions in *Otzar Yesodei Sheviis* page 432-437). Finally, *hefseid* with respect to shemitta fruit may have a minimum shiur of a *kezayis*, while with teruma there is no minimum shiur (see *Minchas Asher* 10:9).

Another example of *hefseid* involves the common practice of storing the lulav, haddasim and aravos until erev Pesach and burning them together with the chametz. Although the aravos do not possess *kedushas sheviis*, we noted that there is a dispute among poskim regarding the lulav and haddasim. According to those who are strict and treat lulavim and hadassim with *kedushas sheviis*, there seems to be a problem of using these items for burning chametz as doing so would be tantamount to destroying items imbued with *kedushas sheviis*.

As a practical matter however, there is little to no room for concern. Once Pesach arrives, the lulav is no longer usable as a broom, and the haddasim no longer have any fragrance. Therefore, there is no prohibition against using these mitzvah items to assist in the mitzvah of burning the chametz (see *Derech Emuna*



Find more shiurim and articles from Rabbi Ezra Schwartz at http://www.yutorah.org/Rabbi_Ezra_Schwartz

Biur Halacha 8:11). Moreover, the consensus opinion among poskim is that both lulav and haddasim for the mitzvah do not possess *kedushas sheviis*.

Shamur

There are some who prefer the use of a non-Israeli esrog over the use of an Israeli shemitta esrog. This is due to the concern that the Israeli esrog tree may have been worked and guarded during shemitta in violation of the halacha. Tosafos (*Yevamos* 122) quote Rabbenu Tam that *shamur*, produce that was guarded during shemitta is forbidden. If so, the esrog would be forbidden to eat and consequently not usable for the mitzvah (see Rabbi Moshe Sternbuch, *Shemitta Kehilchasa* page 69, based on *Shulchan Aruch* 649:5, that one may not make a bracha on an esrog that is halachically forbidden to eat).

Even so, the majority of poskim permit one to use a shemitta esrog even if it was *shamur*. This is due to the vast majority of Rishonim who believe that *shamur* is not forbidden (see *Igros Moshe, Orach Chaim* 1:186). In fact there is contradictory evidence regarding the position of Chazon Ish regarding *shamur*

(Contrast *Chazon Ish* 10:6 s.v. *vesrogim* and *Chazon Ish* 9:17). Moreover there is room to argue that even according to Rabbenu Tam, who forbids eating a fruit that is *shamur*, the esrog will not be forbidden to use for a mitzvah. Rabbenu Tam forbids *shamur* based on a pasuk that deals with the prohibition of pruning a shemitta plant. Effectively, Rabbenu Tam believes that when one protects a shemitta fruit, the act of harvesting is now forbidden. However the fruit itself does not become a *cheftza of issur*. Therefore, there would be no prohibition to use an esrog that is *shamur*, even according to Rabbenu Tam (see *Otzar Yesodei Sheviis* page 111-113). A lulav that is *shamur* is certainly permitted to use for the mitzvah, since the majority of poskim feel that a lulav does not have the *kedushas sheviis*, the prohibition of *shamur* according to Rabbenu Tam can't set in (see *Minchas Asher* page 187-189).

Conclusion

The overwhelming majority of poskim feel that it is preferable to purchase an Israeli esrog with *kedushas sheviis*, rather than a non-Israeli fruit. This is especially true if the esrog comes from a field where all halachos of shemitta

were properly kept, such as an esrog from an appropriate *otzar beis din*. One who purchases an Israeli esrog during shemitta fulfills the dictum of the Gemara that an item that was used for one mitzvah should be used for additional mitzvos as well (see *Arba Minim Hashalem* page 308).

Regarding the question as to what one should do with his or her esrog after Sukkos, there are three basic opinions. Some say the esrog should be sent back to Israel. Others maintain that one should do nothing with the shemitta esrog and passively allow it to become inedible. This is predicated on the assumption that indirect damage to shemitta fruits is permitted. However, it seems that the best option would be to consume the esrog. According to Ramban (*Hashmotos Mitzvas Aseh* 3) one performs a mitzvah when consuming shemitta fruit. Eating the shemitta esrog before the time of *biur* is a rare opportunity for the Diaspora Jew to perform the mitzvah of *achilas peiros sheviis*. By purchasing an Israeli esrog and properly eating it after Sukkos, one supports Jewish farmers, fulfills his mitzvah of *daled minim* with an object that has already been used for a mitzvah and has the opportunity to fulfill the mitzvah of *achilas peiros sheviis*.



A Succah for Two

והצנע לכת עם אלקיך.

And walk privately with your G-d.

Michah 6:8

Publicizing Divine Miracles

History shows that we prefer to thank Hashem in front of an audience. Biblically, Avraham and Sarah marked Yitzchak's weaning with a lavish feast. We sang communally when we crossed through the Sea, and once we entered Israel, our farmers thanked Hashem in public for the first of their crops. As King David pledged to Hashem, "I will thank You in a great gathering; in a mighty nation I will praise You."¹

The act of public gratitude to G-d is enshrined in halachah. We bring a *korban todah* in the Beit haMikdash as a thanks-offering when Hashem rescues us from harm, and along with it we provide forty loaves of bread for a feast.² Lacking the *korban todah* in our own unfortunate day, we thank Hashem by reciting *birkat hagomeil*, declaring in front of a minyan our gratitude for Divine rescue. Many Jews create a public *seudat hodayah* (thanksgiving feast) to mark occasions when they are rescued from harm,³ as Rambam reportedly did when he survived a dangerous sea voyage to the Land of Israel.⁴

Our drive to thank Hashem in public is clearly expressed in the halachic imperative of *pirsumei nisa* [publicizing miracles], which motivates us to light a chanukiah where all can see it,⁵ and to read Megilat Esther⁶ and recite Hallel⁷ in public. As explained by Rabbi Avraham Bornstein,⁸ we are instructed to advertise Divine deeds



Rabbi Mordechai Torczyner

Rosh Beit Midrash, YU Torah Mitzion Zichron Dov

Beit Midrash of Toronto

socially, specifically. Rabbi Bornstein writes that failure to fulfill *pirsumei nisa* in public, even due to unavoidable circumstances, would equal failure to celebrate altogether. Public celebration is a requirement for our community.

This model of public celebration breaks down, though, when we arrive at Succot.

The Privacy of Succot

The Talmud⁹ rules that women are obligated in lighting the chanukiah on Chanukah, because "women, too, were involved in the miracle."¹⁰ The Talmud rules likewise for the mitzvot of reading Megilat Esther¹¹ and drinking four cups of wine at the Pesach seder.¹² According to Rabbi Moshe Soloveitchik,¹³ *pirsumei nisa* automatically includes women for these celebrations, because they were involved in the miracle.

On the other hand, women are not obligated to sit in the succah, even though they were also protected by Hashem in the wilderness. As explained by Rabbi Moshe Soloveitchik, this is not because *pirsumei nisa* applies exclusively to men for this miracle. Rather, it is because there is no *pirsumei nisa* imperative, for men or women, regarding Hashem's protection in the wilderness.¹⁴ The mitzvah is only for

us to know, personally, that Hashem sheltered us in the wilderness.¹⁵ In the absence of a *pirsumei nisa* obligation, women are exempt from the mitzvah of succah despite the fact that they, too, were involved in that miracle.¹⁶

The shelter Hashem provided for our ancestors is not the only unsung miracle of the wilderness. Rabbi Meir ben Baruch of Rothenberg¹⁷ ruled that the principle of "women, too, were involved in the miracle" does not apply to the miracle of the manna, and therefore women are not obligated to commemorate the manna by eating the third meal on Shabbat. Within the logic presented by Rabbi Moshe Soloveitchik, the absence of an obligation for women demonstrates that there is no *pirsumei nisa* imperative to publicize the miracle of the manna.¹⁸

We must then ask: Why are we instructed to publicize the Exodus, and the events of Chanukah and Purim, but not the miraculous shelter and food provided by Hashem during our travels in the wilderness?

Benevolence and Love

Rabbi Moshe Sofer¹⁹ suggested that the difference is danger. We were saved from danger in Egypt, and so men and women are commanded to mark the Exodus with matzah. Women are exempt from succah

because we faced no danger at that time. This idea is difficult, though; would we not have been in danger without the manna and the succah's Divine shelter?

Rabbi Ben-Zion Firer is quoted²⁰ as offering a second difference: Our role. We are obligated to publicize miracles in which we played an active part, like Chanukah and Purim. Succot memorializes Divine protection in which we did not take part, and so we do not have an imperative of *pirsumei nisa*. This approach is also difficult, for we did not play an active role in the miracles of Pesach, and yet we are instructed to publicize them.²¹

We might suggest a third distinction between Pesach, Chanukah and Purim on one hand, and Succot and the manna on the other: Relationship. The miracles of the former were acts of benevolence; the latter were acts of love.

Our ancestors were placed into slavery in Egypt due to national shortcomings; Tanach²² offers multiple suggestions for which of our flaws demanded that we experience such suffering. Regarding Chanukah, the Book of Maccabees²³ informs us that Jewish Hellenists embraced the decrees of Antiochus and enabled our persecution.²⁴ The Talmud blames Haman's initial success upon a variety of Jewish sins.²⁵ Seen in this context, the Divine miracles performed on these occasions rescued a nation that had endangered itself. Such an act of unearned Divine charity should be told and retold by the beneficiary to all who will listen, demonstrating that we recognize our guilt, that we wish to atone, and that we are grateful for Hashem's undeserved salvation.

Succot presents a remarkable contrast; the Jews marched into the wilderness not due to sin but due to our national

commitment to follow Hashem. This is the journey which Yirmiyahu²⁶ portrayed as "the kindness of your youth, the love of your wedding, following after Me in the wilderness, in an unsown land." The Jews who needed manna and the protective succah needed no penance; they experienced danger due to love for their Creator. On this occasion, Hashem performed a miracle as a reciprocal act of love; Hashem was the Lover, not the Savior. We treasure this love, and we pass along its history to our children, but we do not proclaim from the rooftops, "Our Beloved gave us a gift." As Michah²⁷ prescribed, this is a time for "walking privately with your G-d."²⁸

When we sit in our succot, may we recall the great love our ancestors displayed for Hashem in the wilderness, and the great love that Hashem displayed in return. May this inspire us to develop a similar bond of love with Hashem — resulting in the miraculous return of our entire nation to Zion.

Notes

1. Tehillim 35:18.

2. Netziv, *Haameik Davar* Vayyikra 7:13.

3. *Chayyei Adam* 155:41.

4. As cited in *Sefer Chareidim, Mitzvot haTeluyot b'Eretz Yisrael* 3.

5. *Shabbat* 23b.

6. *Megilah* 3b.

7. *Berachot* 14a, and see *Shibbolei haLeket* 174.

8. *Avnei Nezer, Orach Chaim* 501:1-3.

9. *Shabbat* 23a.

10. See Tosafot, *Pesachim* 108b, regarding whether this means that the women were in danger, or were agents of the miracle.

11. *Megilah* 4a.

12. *Pesachim* 108b, and *Avnei Nezer* ibid. Also, see Tosafot, *Succah* 38a Mi, regarding Hallel at the Pesach seder; I am not certain how to read this, in light of Tosafot *Megilah* 4a *She'af*.

13. As cited by Rabbi Ephraim Kanarfogel in *Or haMizrach* 32, pg. 125, and Rabbi Mayer Lichtenstein at <http://www.daat.ac.il/daat/kitveyet/shana/lichten-1.htm>.

14. Of course, we cannot characterize Succot as a fully private celebration. Like the other *regalim*, it involves a pilgrimage to Jerusalem, in which we offer korbanot in the Beit haMikdash. Further, the holiday includes a requirement to invite the Levite, stranger, widow and orphan into our celebration.

15. *Vayikra* 23:43.

16. For other explanations of why women are exempt from the mitzvah of succah, see Tosafot, *Pesachim* 108b *Hayu*.

17. *Shu"t Maharam meiRothenberg* 4:473, Prague edition, in response to *Sefer haYashar*.

18. Per Rabbi Bornstein in *Avnei Nezer* ibid., the Creation of the World also does not require publicity; we recite Kiddush on Shabbat, but it is a personal celebration.

19. *Chatam Sofer* 1:Orach Chaim 185.

20. <http://www.rabbidovidgoldwasser.com/Weekly%20Dvar%20Torah/november%2027%202013.pdf>. I am not sure how to square this citation with Rabbi Firer's essay in *Eileh Heim Moadai Succot* 4.

21. *Pesachim* 108b, Tosafot *Succah* 38a Mi, *Avnei Nezer* ibid.

22. Bereishit 15:8, as explained in *Nedarim* 32a; Yechezkel 20:8, as explained in *Mechilta d'Rabbi Shimon bar Yochai* 6; and see Ramban to Bereishit 12:10.

23. *Maccabees I* 1:17.

24. Indeed, some historians even argue that the Hellenists solicited the decrees from Antiochus; see Albert Baumgarten, "Elias Bickerman on the Hellenizing Reformers," *Jewish Quarterly Review* 97:2 (Spring 2007).

25. Talmud, *Megilah* 11a, 12a.

26. *Yirmiyahu* 2:2.

27. *Michah* 6:8.

28. Perhaps this is a reason why the Talmud (*Avodah Zarah* 3a-b, drawing on Zecharyah 14:16) uses succah as the future litmus test for the sincere commitment of the nations to Hashem and Torah. The succah demonstrates the loving bond of Hashem with the Jewish people, and one who is unworthy will not merit to fulfill it.