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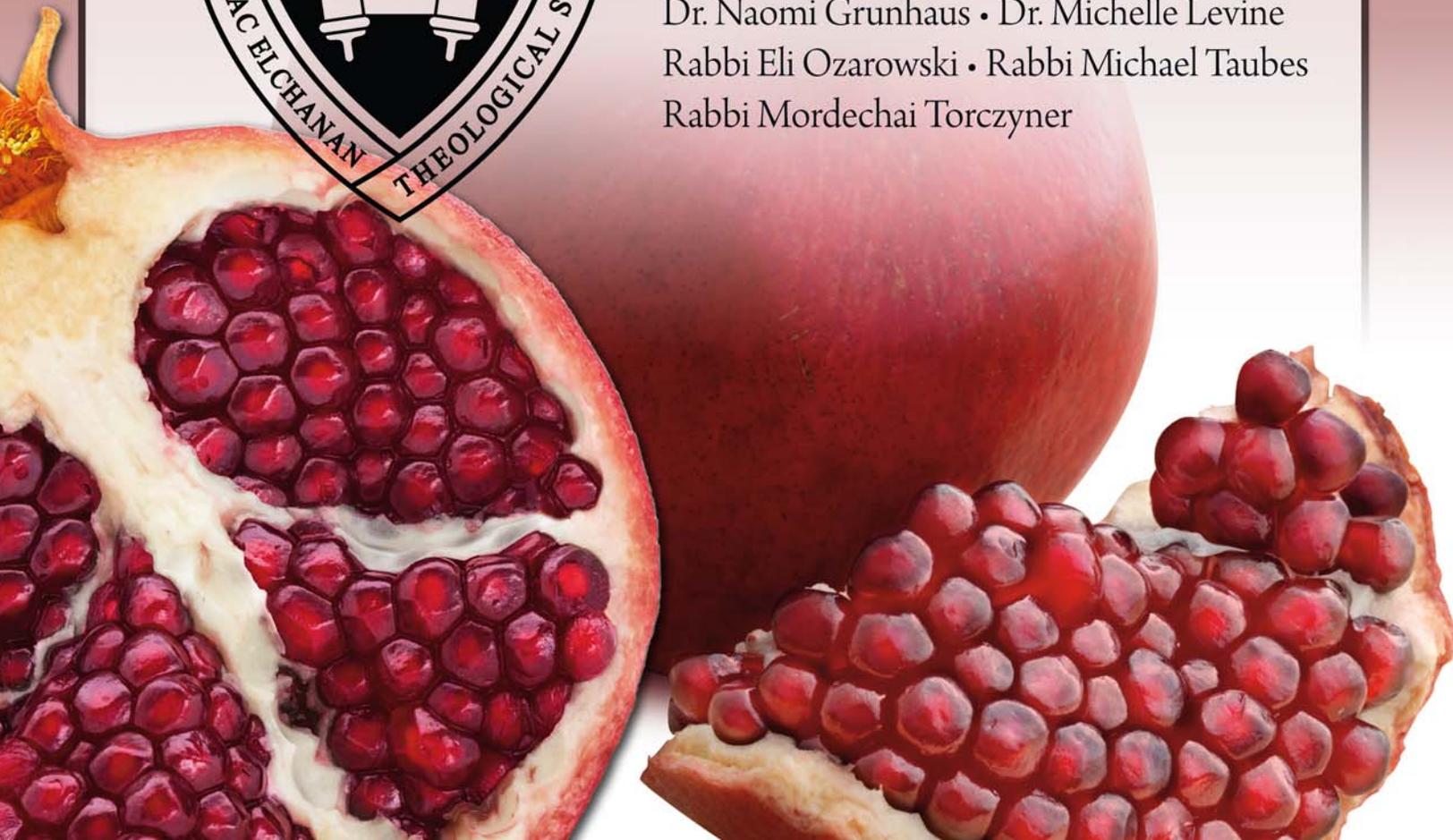
# Rosh Hashana To-Go

# 5771



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Yeshiva University Center for the Jewish Future  
 500 West 185<sup>th</sup> Street, Suite 413, New York, NY 10033  
 office@yutorah.org • 212.960.5400 x 5313

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Dear Friends,

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

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

It is our task to jointly integrate these two paradigms of teshuvah represented by the shofar blasts into our lives and actions. It is our hope that the Torah found in this pamphlet will help guide our personal and communal self reflection.

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

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

B'yedidut,

Rabbi Kenneth Brander

*The David Mitzner Dean*

*Yeshiva University Center for the Jewish Future*

# The Shofar: A Tool for Dialogue

Dr. Shawn Zelig Aster

Faculty, Yeshiva College

## Who listens to the shofar?

Two opposite answers to this question are given in the two berakhot we say before blowing the shofar on Rosh HaShana. Before the first set of shofar-blasts, we say a berakha, using the standard form that is used before performing many mitzvot: “Baruch atta ... asher kiddeshanu be-mitzvotav ve-tzivvanu lishmoa kol shofar” (Blessed are you ... who sanctified us with his commandments and commanded **us** to hear the voice of the shofar). But in Musaf, which contains the central tefillot of the day (Malkhuyot, Zikhronot, and Shofarot), we conclude shofarot with the berakha “for **you** listen to the voice of the shofar, and hear the cry, and there is none like you. Blessed are you, who hears the cry of His people Israel with mercy.” In the birkat ha-mitzva, we mention the obligation of **Jews** to hear the shofar, while in Shofarot, we evoke the expectation that **God** hears the shofar.

Recognizing these two opposite answers is a central part of understanding the mitzvah of shofar. The tefilla of Shofarot itself shows that the shofar is designed to evoke a sort of meta-moment in history in which the Jews hear God, and then God hears the Jews.

Like Malkhuyot and Zikhronot (the other central sections of the Musaf prayer on Rosh HaShana), Shofarot consists of an introductory section, followed by three pesukim from Torah, three pesukim from Ketuvim, three pesukim from Nevi'im, and a concluding verse from Torah.

## Initial Torah Verses

The pesukim chazal chose for Shofarot follow a very specific pattern. The initial three pesukim from Torah, chosen from Shemot chapters 19-20, describe the revelation at Sinai. Furthermore, each passuk describes not only the voice of the shofar which sounded at the revelation at Sinai, but a reaction of Moshe or of the Israelites.<sup>1</sup> The pesukim chosen are:

1. Shemot 19:16, which mentions the loud sound of the Shofar at Sinai as the cloud (representing God's Presence) descends, states “the whole people who were in the camp trembled;”

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<sup>1</sup> Shemot 19:13, which mentions God's command about the “blowing of the horn,” but which does not mention the Israelites' reaction, is absent.

2. Shemot 19:19 “The voice of the shofar became exceedingly strong; Moshe spoke and God would answer him loudly.”
3. Shemot 20:15 “The whole people saw the voices (thus) and the torches, and the sound of the shofar, and the mountain smoking, and the people saw and moved and stood from afar.”

The first and third verses describe the Israelites’ awe at the sound of the shofar, which heralded the Presence of God. The second verse describes Moshe’s actions, which are a basic part of the interactions between the Israelites and God: Rashbam understands that the sound of the shofar served as an auditory backdrop to a conversation between Moshe and God, while Ramban offers the opinion that after the shofar terrified the people, Moshe would introduce God’s voice to them.

## Ketuvim Verses

In contrast to the Torah verses, which describe the shofar as sounded by God, the verses from Ketuvim describe the Israelites sounding the shofar before God. God’s reaction is mentioned only in the first of these verses: “God has ascended in the cry, the Lord – in the voice of the shofar” (Ps. 47:6). The other verses describe the Israelites sounding the shofar: “In trumpets and the sound of the Shofar, cry out before the King, the Lord” (Ps. 98:7). All of the Ketuvim verses chosen describe an action of the Israelites, done before God, as part of worship.

## Nevi'im Verses

The verses chosen from the Nevi'im move away from the idea of the Israelites as the shofar-blowers. Like the verses from Torah, they describe God as the blower of the shofar. But the meta-historical moment they describe is not the revelation at Sinai, but the moment of final redemption, the ingathering of the Jews to Jerusalem. Each passage describes the Israelites’ reaction to God’s blowing of the shofar: the return to Jerusalem. The verses chosen are:

1. “All the dwellers of the world and inhabitants of the earth, you will see as the banner of the mountains is lifted, and will hear as the shofar is blown” (Isaiah 18:3). The passage speaks of God receiving the oppressed Israelites who are brought as tribute to Jerusalem.
2. “And it will be on that day, a great shofar will be blown, and the lost ones will come from the land of Assyria and the dispersed ones from Egypt, and they will bow to the Lord at the holy mountain of Jerusalem” (Isaiah 27:13).
3. “The Lord will appear upon them, and His arrow will go forth like lightning, and the Lord God will blow a shofar ... the Lord of Hosts will protect them” (Zechariah 9:14-15). The surrounding verses call on Zion to rejoice at the arrival of her king who will rule from “sea to sea,” and order the “prisoners of hope” to return because God is about to appear and save His people.

Just as in the verses chosen from the Torah, here it is God who blows the shofar, and it is the Jews who hearken to His call.

## The Final Torah Verse

A pattern emerges among the three sets of verses described above. First, we find the Torah verses, which describe God as sounding the shofar, and the Israelites listening and reacting.

Then, we find the Ketuvim verses, in which the Israelites sound the shofar, hoping for a Divine reaction. Finally, we find the Nevi'im verses, which describe the culminating moment of history, when God will again sound the shofar, and the Israelites will listen and react. One might expect that the pattern would conclude either with the final redemption, or with another Torah verse about the shofar at Sinai. But instead, the concluding verse chosen is Be-Midbar 10:10, which does not explicitly mention shofar. Be-Midbar 10:9-10 are:

*(9) And if a war should happen in your land, upon the enemy who shows enmity to you, you shall call out in trumpet blasts and you shall be remembered before the Lord your God and you shall be saved from your enemies. (10) And on the day of your happiness and on your festivals, and on the first of your months, you shall blow the trumpets upon your burnt offerings and upon your peace-offerings, and they (the trumpets) shall be for you a remembrance before your God, I am the Lord your God.*

**Be-Midbar 10:9-10**

(ט) וכי תבאו מלחמה בארצכם על הצר הצר אתכם והרעתם בחצצרות ונזכרתם לפני ה' אלהיכם ונושעתם מאיביכם: (י) וביום שמחתכם ובמועדיכם ובראשי חדשיכם ותקעתם בחצצרת על עלתיכם ועל זבחי שלמיכם והיו לכם לזכרון לפני אלהיכם אני ה' אלהיכם: במדבר י:ט-י

The choice of Be-Midbar 10:10 to conclude Shofarot is meant to fill a lack in the first three parts of the pattern. The first three sections describe the Israelites' reaction to God's blowing of the shofar (in the verses from Torah and Nevi'im), but not the Divine reaction to the Israelites' shofar-blasts (in the verses from Ketuvim).<sup>2</sup> The concluding verse from Torah describes God's reaction to the Israelites' blowing of the trumpets: the trumpets effect a "remembrance" before God, and the Israelites are saved from their enemies (in v. 9) and their sacrifices are accepted (in v. 10).

The verses of Shofarot therefore answer the question: Who listens to the shofar? Both God and Israel. The shofar is a tool for dialogue between God and Israel.

The berakha we say before beginning to blow shofar "asher kiddeshanu be mitzvotav ve-tzivvanu lishmoa kol shofar" (who sanctified us with his commandments and commanded us to hear the voice of the shofar) uses the phrase "kol shofar" found in the Torah verses, in Shemot 19-20, in which Israel listens to God's shofar. In contrast, the berakha that concludes Shofarot includes the phrase "ma'azin teru'a" - "You hear the cry." This echoes the language of Be-Midbar 10:9-10, which uses the verb "va-hare'otem" (you shall call out).<sup>3</sup>

The verses construct a sort of implicit argument: God, at Sinai, we listened to Your teki'ot and reacted appropriately. You have promised us that at the moment of the final redemption, we will again listen to your teki'ot and react. God, at this moment, please listen and react to our teki'ot: "for you listen to the voice of the shofar, and hear the cry, and there is none like you. Blessed are you, who hears the cry of His people Israel with mercy."

<sup>2</sup> The only Divine reaction in the verses from Ketuvim is found in Ps. 47:6: "God has ascended in the cry." But this reaction is not one that explicitly responds to the Jews' requests.

<sup>3</sup> For further links of these verses to Shofarot, see Rashi on Be-Midbar 10:10.

# Knesset Yisrael: Beyond the Zebra Effect

Rabbi Reuven Brand

Rosh Kollel, Yeshiva University Torah Mitzion Kollel of Chicago

## One Statement, Three Questions

*He has not seen iniquity in Jacob, nor has he seen impropriety in Israel; the Lord his God is with him, and the trumpet blast of a king is among them.*

**Bamidbar 23:21**

לא הביט און ביעקב ולא  
ראה עמל בישראל ה'  
אלהיו עמו ותרועת מלך בו:  
במדבר כג:כא

This statement is one of the phrases that Hashem placed in the mouth of Bilaam, the gentile prophet, as he attempted to curse the emerging Jewish nation in the desert. His proclamation became a divinely inspired blessing, as this highly laudatory comment implies. Rashbam (R. Shmuel ben Meir, c. 1080-1160, France) explains the intent of the verse to mean that although sometimes the Jews do commit iniquity or impropriety, Hashem does not want to punish them. Ibn Ezra (R. Abraham Ibn Ezra, 1089-1164, Spain) suggests that Bilaam observed the success of the Jewish people and attributed it to their spiritual prowess, but were they to sin then Hashem would punish them. Rashi (R. Shlomo ben Yitzchak, 1040-1105, France) cites a more radical interpretation. He explains that Hashem does not care to witness flaws or shortcomings among his people. This, however, is difficult to comprehend in light of a statement in the Talmud:

*R. Hanina said: If a man says that the Holy One, blessed be He, is forgoing, his life shall be outlawed, for it is stated, He is the Rock, His work is perfect; for all His ways are judgment.*

**Baba Kama 50a**

אמר ר' חנינא: כל האומר הקב"ה ותרן  
הוא - יותרו חייו, שנאמר: (דברים ל"ב)  
הצור תמים פעלו כי כל דרכיו משפט.  
בבא קמא נ.

Another question can be raised in this context. Bilaam's statement plays an important role in the Rosh Hashana Musaf, in which we integrate three new themes that relate to the essence of Rosh Hashana. We refer to them as Malchuyot (coronation), Zichronot (remembrance) and Shofarot (shofar sounding). Each of these sections concludes with its own Beracha and contains ten verses that articulate its theme from Torah, Neviim and Ketuvim. The Talmud (Rosh Hashana 32b) notes that our verse from Bilaam contains references to both Malchuyot and Shofarot and the Tur (Orach Chayim 591) rules that it can be read twice during the Musaf, once in each section respectively. Is it just coincidental that this verse correlates to the rhythm of Rosh Hashana, or is there, perhaps, a thematic connection as well?

Finally, the Targum Yonatan Ben Uziel adds a dramatic note to the conclusion of the verse. He interprets "the trumpet blast of the king" as "ויבבות מלכא משיחא מיבבא ביניהון" "and the sounding of the messianic king sounds among them." What is the meaning of this reference to the Melech Hamashiach?

# The Zebra Effect

Perhaps we can enlighten these issues with a story from Sefer Melachim:

*And it happened one day, that Elisha passed to Shunem, where there was a wealthy woman; and she urged him to eat bread. And so it was, that whenever he passed by, he turned in there to eat bread. And she said to her husband ... Let us make a little chamber, I beg you, on the wall; and let us set for him there a bed, and a table, and a stool, and a lampstand; and it shall be, when he comes to us, that he shall turn in there. And it happened one day he came there, and he turned into the chamber, and lay there. And he said to Gehazi his servant, Call this Shunemmite. And when he had called her, she stood before him. And he said to him, Say now to her, Behold, you have been careful to take all this trouble for us. What is to be done for you? Would you be spoken for to the king, or to the captain of the army? And she answered, I live among my own people.*

**Melachim 2 4:8-13**

ויהי היום ויעבר אלישע אל שונם ושם אשה גדולה ותחזק בו לאכל לחם ויהי מדי עברו יסר שמה לאכל לחם: ותאמר אל אישה ... נעשה נא עלית קיר קטנה ונשים לו שם מטה ושלחן וכסא ומנורה והיה בבאו אלינו יסור שמה: ויהי היום ויבא שמה ויסר אל העליה וישכב שמה: ויאמר אל גחזי נערו קרא לשונמית הזאת ויקרא לה ותעמד לפניו: ויאמר לו אמר נא אליה הנה חרדת אלינו את כל החרדה הזאת מה לעשות לך היש לדבר לך אל המלך או אל שר הצבא ותאמר בתוך עמי אנכי ישבת:  
**מלכים ב ד:ח-יג**

This tale has entirely different layer of meaning according to the Zohar:

*"One day he came there" – Which day was this? Well, as they have established: **this was the holiday of Rosh Hashana**, on which the barren of the world were remembered and on which inhabitants of the world are called to account. "He called to her, saying, You have gone to all this trouble for us" – for your sake, today I must inspect the judgments of the world, and since I secluded myself in this place, I must ponder the turmoil of the world. "What can be done for you? Can a word be spoken on your behalf to the king?" Now why is this statement relevant for a woman, who does not go out or enter the king's palace? However, the day was decisive, for all inhabitants of the world sit awaiting judgment, and during that time the blessed Holy One is called King of justice. He said to her, 'perhaps you are in need of the supernal King for deeds of yours?' **"She replied, Among my own people I dwell'** What was she saying? Well, when judgment impends upon the world, a person should not separate himself, thereby being designated above and noticed on his own. For at other times when judgment impends over the world, those who are noticed and designated - even if they are virtuous - are seized first of all.*

ויהי היום ויבוא שמה. ויהי היום מאן הוא יומא דא. אלא כמה דאוקמוה. ותא חזי ההוא יומא יומא טבא דראש השנה הוה דאתפקדו ביה עקרות דעלמא ואתפקדן ביה בני עלמא קרא לשונמית ואמר (שם ד) הנה חרדת אלינו את כל החרדה הזאת. בגיני כך אצטריכנא לעיינא יומא דא בדיני דעלמא דקודשא בריך הוא דאין ביומא דא לעלמא. ובגין דאתפרשנא בלחוד באתר דא אצטריכנא לאסתכלא ברגיזו דעלמא (מ"ב ד) ומה לעשות לך היש לדבר לך אל המלך או אל שר הצבא. וכי מלה דא למה אצטריכא לגבי אתתא דלא נפקת ולא אזלת ולא עאלת בהיכלא דמלכא. אלא יומא דא הוה גרים דכל בני עלמא יתבין (נ"א קיימין) בדינא. ובהווא יומא אקרי קודשא בריך הוא מלך המלך המשפט. אמר לה אי את אצטריך לך לגבי מלכא עלאה על עובדין די בידך. ותאמר בתוך עמי אנכי יושבת. מאי קאמרת. אלא בשעתא (נ"א בזמנא) דדינא תליא בעלמא לא יתפרש בר נש בלחודוי ולא יתרשים לעילא ולא ישתמודעון ביה בלודוי דהא בזמנא (אחרא) דדינא תליא בעלמא אינון דאשתמודעון ורשימין בלחודייהו אף על גב דזכאין אינון אינון אתפסן בקדמיתא. ועל דא

*Therefore, a person should not separate from the people; for the compassion of the blessed Holy one rests upon the entire people as one, so a person should never separate from the people. This is why she said Among my own people I dwell - and I do not want to separate from them, as I have acted until today.'*

**Zohar Shemot 2:44b (translation by D. Matt)**

לא לבעי ליה לאיניש לאתפרשא מבין עמא לעלם דבכל זמנא רחמי דקודשא בריך הוא על עמא כלהו כחד (ולא ליבעי ליה לאיניש לאתפרשא מן עמא לעלם). ובגיני כך אמרה בתוך עמי אנכי יושבת ולא בעינא לאתפרשא מנייהו כמה דעבדנא עד יומא דין.

**הזהר לספר שמות ח"ב דף מד ע"ב**

According to the Zohar, the Shunamite woman in this story teaches us an important religious concept that we may call “the zebra effect.” The zebras’ striped skin pattern provides protection from predators. Although the black and white pattern is vivid and stands out in the savannah, its effectiveness lies in the ability of multiple zebras to stand together as a herd and be indistinguishable as individuals. The lion, the zebra’s principal predator, has a difficult time focusing on a single animal to pursue and is most often unsuccessful in attacking and subduing one zebra. This is the spiritual secret of the Shunamite woman. She does not wish the prophet Elisha to pray and intercede on her behalf as it would identify her as an individual; she would stand out in the face of the looming, predatory middat hadin. She prefers to be among her people.

This fascinating notion, of anonymity during a time of Divine justice, is the import of the story according to the Zohar. Yet, this seems overly simplistic, perhaps even absurd. Is it possible to hide from Hashem, the Omniscient One? Can we imagine someone going unnoticed on this day of judgment, avoiding the scrutiny of the ultimate Judge, before whom we pass like sheep before the watchful eye of a shepherd? What is the meaning of this Zohar?

## Knesset Yisrael: A Transcendental Entity

The teaching of this Zohar relates to another level, the level of Knesset Yisrael. The Jewish nation is not merely a collection of individuals. It is a Tzibbur, a unique entity that comprises all Jews and transcends their specific individual qualities. Known as Knesset Yisrael, this transcendental body represents the Jewish people in its entirety and the collection of all of their Divine sparks, hence, it is qualitatively different than any group of individuals. The Maharal (R. Yehuda Loew, 1520-1609. Prague) in his commentary on Pirkei Avot (Derech Hachaim, 2:2, 4) explains that while the individual is a changing, transient being, the tzibbur is an eternal and unchanging entity. On the level of the community, the Klal, the flaws of individuals disappear.

This explains the approach of the Shunamite woman. She is not simply using the zebra effect to avoid being seen by the Divine judgment. That would be impossible. Instead she is blending in to the community to become a part of it. She identifies with the Tzibbur and casts her lot with its lot. On Rosh Hashana she endeavors that her individual identity becomes subsumed within the greater identity of Knesset Yisrael, which is sure to be successful in its bid for a favorable judgment as there is no prosecution against the whole.

Perhaps now we can understand the passage with which we began. The Netivot Shalom (R. Shalom Noach Berezovsky, 1911-2000, Israel) in Parshat Chukat suggests that the words Yaakov and Yisrael in our verse refer to the Jewish community as a whole. These two appellations respectively describe Knesset Yisrael in its full and glorious unity. Hence, it is completely accurate

to state that Hashem sees no errors or blemishes in the Jewish collective, be it as Yaakov, or its more exalted expression, Yisrael. Hashem's exacting judgment is only in the context of the individual; Knesset Yisrael has no iniquities. Now we can appreciate how meaningful this verse is on Rosh Hashana. This pasuk does not invoke any Zichronot, any specific memories of individuals, rather it is the collective sound of the coronation our national King through the Shofar, which are the themes of Malchuyot and Shofarot.

With this perspective we can appreciate the Targum Yonatan's allusion to the shofar of mashiach. We could wonder: how are we to anticipate the coming of the redemption every day? Do we see in ourselves significant change today that would merit the coming of the mashiach more than yesterday? Rabbi Yaakov Moshe Charlap (1882- 1951, Jerusalem) explains:

*This is also part of anticipating the redemption: to recognize and believe that the Jewish people are worthy of being redeemed at all times, and even if there are abundant flaws on the outside, they are pure and clean on the inside.... The holiness of the whole Jewish people was never blemished, and it is in pristine holiness forever. All its sins are from individuals and not from the whole. Even were there to be a whole group that transgressed this is not the whole but rather an aggregate of individuals acting together. The holy wholeness of the Jewish people, in the real sense of the term wholeness, which only the holiest of people can fully appreciate its exalted level, has never sinned and was never blemished at all.... Only when the bonds of unity with the whole weakened did they sin and stray from Hashem and His Torah. As such when the time arrives for the revelation of the first footsteps of the redemption, it is incumbent upon us to renew the concept of the hidden whole of the Jewish people and to slowly remove ourselves from diversity, for through this the sins and iniquities will totally wither and will cease to be.*

**Lechem Abirim vol. 1, 15:2**

לזאת גם זה בכלל הצפיה לישועה: להכיר ולהאמין כי ראויים המה ישראל להגאל בכל שעה ושעה ושואף אם רבים הם הלקויים בו מצד החוץ – טהור ונקי הוא מצד הפנים... קדושתן של ישראל מצד הכלל שלהם לא נפגמה מעולם והיא בזיקוק טהרתה כמאז ומעולם. כל החטאים והעיוותים הם אך מצד הפרט ולא מצד הכלל. ואפילו אם מוצאים כלל שלם שכולם נסוגו אחור – אין זה מצד הכלל אלא שבהזדמנות נתכוונו הרבה פרטים יחד. אבל כלל הקדש של כנסת ישראל בהמובן והאמיתי של מושג הכלל של ישראל – אשר רק הקדושים שבארץ היותר נשגבים יכולים לעמוד על גובה הקדוש העליון של המושג הזה – מעולם לא חטא ומעולם לא נפגם במאומה ועל זה נאמר "גמלתהו טוב ולא רע כל ימי חייה" רק כשנחלשה התקשורת בהכלל במובנו האמיתי אז נכשלו בחטאים ועוונות וסרו מאחרי ה' ותורתו. ואמנם כשמגיע תור התגלות צעדי הגאולה ראשית התשובה היא: לשוב ולהקיץ מחדש את מושגי הכלל הנעלם של ישראל ולהתנצל לאט לאט מהפרטיות שממילא עפ"י זה כל החטאים והעוותים הזדונות והשגגות יחדלו כליל ולא יהיה עוד.

**לחם אבירים, חלק א, טז:ב**

Rav Charlap zt"l explains that because Knesset Yisrael is above scrutiny, as we have articulated, it is perpetually prepared for redemption. The ongoing process of redemption, he suggests, mirrors our ability to identify and connect with this transcendental entity of wholeness.

We now appreciate the role that Knesset Yisrael plays in our spiritual destiny and its critical relevance to the days of judgement. Hence, Rosh Hashana can become a time to focus on our relationship with Knesset Yisrael, the community, in our prayers, thoughts and actions. Our ability to connect and identify with Knesset Yisrael enables us to transcend the shortcomings of our individual identities. It is a key to emerging meritorious from our annual day of judgment, and an avenue to move closer to the ultimate redemption when we will hear the shofar of the mashiach.

# To Forgive is Divine, and Human: The Bilateral Obligation of Forgiveness<sup>3</sup>

Rabbi Daniel Z. Feldman

Faculty, Stone Beit Midrash Program

## The Obligation to Ask Forgiveness

It is abundantly clear that the halakhic view places great import on influencing the individual's interaction with others in society. The relationship of man to his fellow stands as a formidable component of any Jew's spiritual record, an irreplaceable element of one's overall standing. It is thus not surprising that any reckoning of one's religious status is considered incomplete if lacking a thorough analysis of this interaction, along with whatever methods are necessary to rectify any aberrations or disturbances that may arise within this context. The Talmud introduces this concept clearly in the course of a discussion of the laws of Yom Kippur. The Day of Atonement effects forgiveness for all transgressions, under the appropriate circumstances and accompanying devices. Nonetheless, we are told: "Sins that are between man and God, Yom Kippur atones for them; Sins that are between man and his fellow, Yom Kippur will not atone until he appeases his fellow."<sup>4</sup>

This notion, the imperative to attain *mechilah*, forgiveness, from an aggrieved party, is more innovative than it may initially seem.<sup>5</sup> While impositions upon the rights of others constitute a significant portion of prohibited behaviors, the necessity to beg the pardon of the victim is by no means obvious. It might equally have been assumed that just as God issued commands as to the behavior of one individual toward another, He, too, serves as the aggrieved party Who must forgive when these commands are trod upon. The very fact that this role is placed in the hands of the human being reflects profoundly upon the halakhic recognition of the individual as an independent entity, presiding over the circumstances of his standing with others and of theirs with him.

Through this reality the oppressor becomes subject to the mercy of his victim, the expiation of his sins contingent upon the good graces of those who have suffered at his hands. The *Pri*

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<sup>3</sup> Excerpted from "The Right and the Good: Halakhah and Human Relations" (Yashar Books, 2009)

<sup>4</sup> *Yoma* 85b; see *Mishneh Torah* 2:9 and *Shulchan Arukh, Orach Chaim* 606:1.

<sup>5</sup> Although some did consider this idea self-evident; see *Shlom Yerushalayim*, cited in R. Nachum Kahana's *Orchot Chaim* 606:1.

*Megadim*<sup>6</sup> explains that the control of the offended party extends beyond the damage incurred to him personally. The Talmud's statement that interpersonal violations are not atoned for without *mechilah* is absolute; even to the extent that these same actions are to be considered for whatever reason an affront against God, He, too, will not grant His pardon prior to the attainment of that of the aggrieved person.<sup>7</sup> R. Shmuel Germaizin<sup>8</sup> puts forward a more extended version of this position; as suggested earlier, every transgression against man by definition contains an aspect of rebellion against God.<sup>9</sup> Attaining the forgiveness of man is a prerequisite to being excused for the offense against God present in every sin. This formulation goes further in dealing not only with multileveled transgressions, as does the *Pri Megadim*, but also by identifying two elements automatically in every interpersonal wrongdoing.<sup>10</sup> Moreover, the Vilna Gaon<sup>11</sup> and others claim that no transgressions at all are forgiven until forgiveness is asked of offended people.<sup>12</sup>

Thus, the acquisition of *mechilah* fulfills a vital goal, the securing of a pardon from the party empowered to grant it. However, it seems that the actual role of the request for forgiveness encompasses more than this. While the consent of the aggrieved individual is indispensable for spiritual housekeeping, indications exist that additional elements are present in the necessity of appeasing the offended.

## The Problem of Unrequested Forgiveness

Were a waiver of claims the only goal of the process, it would follow that if the victim would forgive of his own initiative, without waiting for his oppressor to seek his pardon, the latter gesture would become redundant. Nonetheless, many authorities who concern themselves with this issue indicate that a request for forgiveness is necessary even if the other party has already excused the offense. R. Binyamin Yehoshua Zilber, (*Responsa Az Nidbaru* 2:65) among others, maintains that the obligation to seek *mechilah* is operative regardless. However, R. Yehoshua Ehrenberg (*Responsa D'var Yehoshua* 5:20) is inclined to believe that unrequested forgiveness is enough.

A story related by the Talmud (Yoma 87a) is cited by those who agree with R. Zilber as support for their position. Rav had been offended by a certain butcher, and, following the passage of some time, they had still not reconciled. As Yom Kippur was approaching, Rav took pains to make himself available to the butcher so that the latter may apologize. R. Yitzchak Blazer<sup>13</sup>

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<sup>6</sup> *Mishbitzot Zahav, Orach Chaim* 606.

<sup>7</sup> See also *K'tzaih HaMateh to Mateh Ephraim* 606, citing *Birkei Yosef*.

<sup>8</sup> Quoted in *Pri Chadash*, *ibid.* Note Rashi, *Vayikra* 5:21; see also *Kerem Shlomo* in *Orchot Chaim*.

<sup>9</sup> See also *Pri Megadim* in *Eishel Avraham, Orach Chaim* 156; *Sefer Me'irat Einayim, Choshen Mishpat* 272:10; R. Moshe Schick, *Maharam Schick Al Sefer HaMitzvot* 272; *Torat Chaim, Bava Kama* 90a; R. Yosef Babad, *Minchat Chinnukh* 364; R. Elchanan Wasserman, *Kovetz Ha'arot, Biurei Aggadot* 7:7; R. Moshe Yechiel Epstein, *Be'er Moshe* to *Bereishit*, p. 39; R. David Cohen, *V'Im Tomar* 2:503; and R. Gedalya Felder, *Yesodei Yeshurun, Avot* 4:1.

<sup>10</sup> See R. Yeshed Shaul Nathanson's *Responsa Shoel U'Meishiv, Mahadurah Revia* 3:64, for support for this position. See also *Peirush HaRif to Ein Ya'akov, Binyan Ariel*, and R. Chaim Pilagi's *Birkat Moadekha L'Chaim, Teshuvah Drush 15*, all cited in R. Shlomo Wahrman's *Orot Yemei HaRachamim* 37.

<sup>11</sup> See *Siddur HaGra*; see also R. Chaim Yosef David Azulai, *Birkei Yosef*, and R. Ya'akov Chaim Sofer, *Kaf HaChaim, Orach Chaim* 606.

<sup>12</sup> See R. S. T. Shapira, *Meishiv Nefesh to Hilkhote Teshuvah* 2:31. Note, overall, his discussions in 30:43.

<sup>13</sup> *Kokhvei Ohr* 5.

observes that in doing so, Rav was engaging in a form of *imitatio Dei*, as God also brings Himself closer to facilitate repentance during the Ten Days of Penitence between Rosh Hashanah and Yom Kippur.<sup>14</sup> That aside, the very necessity of accessibility on the part of Rav is troubling; as he is clearly prepared to forgive and forget, there should be no need for the butcher to ask. It seems, then, that the act of apologizing is integral to the forgiveness granted on Yom Kippur.<sup>15</sup> Similarly, R. Eliezer Ginsberg (*V'Atah B'Rachamekha HaRabim, Hilkhos Teshuvah 2:9*) writes that the *mechilah* would be ineffectual, lacking genuine penitence on the part of the sinner.

This element is relevant to another issue of concern among authorities. Yom Kippur, mentioned as a motivation to seek *mechilah*, is seemingly superfluous; if an offense has been committed, forgiveness must be sought irrespective of the time of year. R. Ephraim Zalman Margolios, in his classic collection of the laws relevant to the High Holy Day period, *Matteh Ehpraim*, 606, writes that this is, of course, the case; however, Yom Kippur is noted as the final deadline for this obligation. R. Pinchas A. Z. Goldenberger (*Responsa Minchat Asher 3:32*) suggests an approach in line with this. If an interpersonal violation is committed, pardon must be sought immediately; nonetheless, if the victim bears no grudge, then this action is of less necessity. However, the impending arrival of Yom Kippur imposes an additional requirement of obtaining *mechilah* that is not suspended in the event of unsolicited forgiveness.<sup>16</sup>

This added element may explain the reluctance of many authorities to allow reliance on the prayer composed by R. Avraham Danzig, the *Chayyei Adam*, known as *tefillah zakkah*.<sup>17</sup> In this invocation, recited by many immediately before the onset of Yom Kippur, all nonmonetary grievances are forgiven. As such, the widespread adoption of this prayer should render the requests for *mechilah* obsolete. Nonetheless, this has not been the view of many decisors. As R. Meir Isaacson (*Responsa Mevasser Tov 2:55*) observes, while the prayer plays a valuable role in strengthening the resolve to genuinely forgive others, the latter's obligation to actually apologize is not at all diminished. Along similar lines, R. Zilber (*Responsa Az Nidbaru 7:65*) advises against depending on the nightly recitation found in the Talmud (*Megilah 28a*) in the name of Mar Zutra, "I forgive all who have anguished me" (noting further that it is usually pronounced without much thought). However, in another responsum (8:68) he does acknowledge the *tefillah zakkah* as a last resort, but only in an instance where the aggrieved party cannot be reached.

## The Focus on the Process

Thus, it seems that the appeal for forgiveness accomplishes a goal above and beyond the absolution of the victim. R. Zilber provides a technical spin in his formulation, writing that the obligation is the request itself, and the aim of attaining the pardon of the offended party is only a method of measuring what degree of apology is necessary. Many rabbinic scholars felt that the operative element is the embarrassment experienced by the aggressor who comes, hat in hand,

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<sup>14</sup> *Yeshayahu*, ch. 58, as per *Yevamot 49a*.

<sup>15</sup> See also R. Shlomo Zalman of Volozhin's *Toldot Adam*.

<sup>16</sup> See the similar interpretation in R. Moshe Shternbuch, *Responsa Teshuvot V'Hanhagot 2:285*.

<sup>17</sup> See *Chayyei Adam, Klal 144*.

to beg forgiveness; it is this act itself that effects atonement.<sup>18</sup> The Talmud (*Berakhot* 12b) states as much: “Whoever commits a sin, and is embarrassed of it, he is forgiven all of his transgressions.”<sup>19</sup> R. Shlomo Wahrman (*Orot Yemei HaRachamim* 37) suggests that it is contrary to the nature of the hardhearted sinner to admit wrongdoing to his victim; in conquering his nature, he earns his pardon.<sup>20</sup>

Interestingly, while forgiveness without the formality of the request is apparently insufficient, a case for the reverse circumstance is found in the writings of R. Shlomo Luria (*Yam Shel Shlomo, Bava Kama* 8:49). His discussion centers on a traditional procedure of appeasement, which involved the guilty individual standing before the congregation and declaring, “I have sinned against God and against this man.” The confession for the offenses against God, preceding that for the crime against man, seems premature; it has already been established that Heavenly forgiveness comes only after human forgiveness. R. Luria suggests that once the offender has shown his willingness to beg the absolution of his victim and commenced the process, even though he has not actually received the pardon of the wronged individual, God’s reprieve is forthcoming.

More so, even if the attempt at forgiveness is not successful, some authorities feel that the effort is sufficient.<sup>21</sup> The *Pri Chadash* explains in this manner the fact that the offender is not obligated to make his application more than three times.<sup>22</sup> The existence of an exemption after a certain point indicates that the process is more the concern than the result.

The element of subordination in the seeking of forgiveness comes into play as well in considering the issue of the effectiveness of a request for *mechilah* carried out by a third party. R. Baruch Rakovsky (*Birkat Avot*, 62) notes that the lack of confrontation results in a limited sense of submission, and to that effect cites the *Derekh HaMelekh* (*Hilkhos Teshuvah* 2:9) as discouraging such a practice; although the *Yefei Mareh* allows it, cited approvingly by the *Matteh Moshe* and skeptically by the *Pri Chadash*. The *Pele Yo’etz*, however, does warn against letting the stigma of embarrassment deter one from seeking *mechilah*.<sup>23</sup>

Another concept drawing relevance from this idea is that cited by the Gaon of Vilna (*Biur HaGra, Orach Chaim* 606) in the name of the *Midrash Tanchuma*: “If he has gone to appease him, and the latter has not accepted, what should he do? R. Shmuel says, Let him bring ten individuals, and form a line, and say to them, there was a quarrel between me and my friend, and I tried to appease him, and he did not accept... and God will see that he lowered himself, and he will have compassion.” Here, too, the embarrassment experienced by this public confession is

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<sup>18</sup> See R. Yosef Cohen, *Be’eri BaSadeh* to *Hilkhos Teshuvah*;; and R. Mordechai Carlebach, *Chavatzelet HaSharon al haTorah*, (*Bereishit* pp. 722-5).

<sup>19</sup> See also *Hasagot HaRa’avad*, *Hilkhos Teshuvah*.

<sup>20</sup> See also *Moadim U’Zmanim* 1:54, at length.

<sup>21</sup> See R. Yitzchak Sorotzkin, *Gevurat Yitzchak* to *Hilkhos Teshuvah*.

<sup>22</sup> As to whether this is an exemption or a prohibition, compare *Bayit Chadash* and *Pri Chadash*; see also *Sefat Emet, Yoma* 87. Many of the commentaries to *Shulchan Arukh* maintain there is no prohibition as long as no “disgrace to the Torah” is involved; see R. Dovid Ariav, *L’Reakha Kamokha* (vol. 3, sec. 3, ch. 4, *Nir L’David*, 575), and R. Mordechai Eliyahu, in his *Bein Adam L’Chaveiro* (p. 38).

<sup>23</sup> See also R. Mordechai Eliyahu in his *Bein Adam L’Chaveiro* (p. 39).

integral to the atonement.<sup>24</sup> To this end, R. Yosef Chaim ben Eliyahu (*Responsa Rav Pe'alim* 63) questions whether it is necessary that the ten be men, as is required for communal prayer, or perhaps women are equally effective. He analyzes whether the publicity will be diminished, and whether equal embarrassment is felt in front of different social groups, in deciding the issue. R. Yechiel Michel Epstein, (*Arukh HaShulchan, Orach Chaim* 606:4) however, understands the role of the *minyán* differently; the purpose is to evoke the Divine presence, and thus to encourage forgiveness.<sup>25</sup>

This notion of personal redemption through the process of apology may also explain a difficult phrase in the Rama. After recording the admonition to an offended individual not to cruelly refuse forgiveness, the Rama adds that *mechilah* “may be withheld if it is for the good of the sinner.”<sup>26</sup> The meaning behind this is suggested by R. Yisrael Meir Kagan (*Mishnah Berurah* 606:9): the more the oppressor finds it necessary to appeal for absolution, the greater his sense of submission and thus, his atonement. R. Epstein, however, notes that such an attitude is more theoretically noted than practically recommended.<sup>27</sup>

## The Ultimate Goal

In any case, it might be suggested that an additional function is contained within the imperative of seeking *mechilah*, beyond the sense of submission that accompanies the ordeal. Even after an individual who has suffered at the hands of another forgives his oppressor, the scars of the offense remain. It is comparable to one who has incurred physical injury and pardons his attacker; although the assailant receives his absolution, the painful effects of his violence are left in full force. The imperative of seeking *mechilah* is as much the appeasement as the forgiveness.<sup>28</sup> It is possible for the latter to exist without the former; the emphasis on process as well as result is to ensure that both are obtained.<sup>29</sup> Thus, the *Shulchan Arukh* rules that an unsuccessful attempt at reconciliation must be followed by a second, and then a third; and, as the commentators on the *Shulchan Arukh* observe, each time employing a different method of self-ingratiation, earnestly attempting to find the one that succeeds.

Apparently, this too is a prerequisite for achieving atonement on Yom Kippur, that harmonious relationships among men must resume, that strife and discord be eliminated. This idea is explicit

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<sup>24</sup> See also commentary of the Mordechai, *Yoma* 8:723. R. Mordechai Eliyahu, in his *Bein Adam L'Chaveiro* (p. 38), also mentions the submission as the operative factor in effecting the atonement, but implies the motivation for this particular ritual is to avoid “suspicion” among the public that the offender had not attempted to obtain forgiveness.

<sup>25</sup> See also the analysis of both possibilities in R. Shamaï Kehat Gross, *Responsa Shevet HaKehati* (5:104).

<sup>26</sup> OC 606:1; see *Nezirut Shimshon* in *Orchot Chaim*, and R. Ya'akov Yichizkiyah Fish, *Titten Emet L'Ya'akov*, p. 195. The source for the Rama's ruling is discussed in detail by R. Natan Note Kahana, *Responsa Divrei R'nanah*, 2.

<sup>27</sup> *Arukh Hashulchan, Orach Chaim* 606:2. See also the comments of his son, R. Baruch Epstein, *Torah Temimah, Bereishit* 20:17, and R. Yosef Cohen, *Ikvei HaSadeh to Hilkhot Teshuvah*. R. Mordechai Eliyahu in his *Bein Adam L'Chaveiro* (p. 40) recommends that even in such an instance, the offended party should forgive the offender in his heart, only maintaining an outward appearance of rigidity.

<sup>28</sup> For an interesting discussion of certain aspects of this concept, see R. Yedidiah Monsonigo, *Responsa D'var Emet* 18.

<sup>29</sup> Interestingly, R. Mordechai Carlebach (*Chavatzelet HaSharon al haTorah, Bereishit*, pp. 645-6) recognizes this distinction, but assumes that appeasement generally precedes a waiver of claims (and he then proceeds to analyze this waiver). See also R. David Cohen, *Birkat Ya'avetz* (Vol. 1, pp. 57-9).

in the *Pirkei D'Rav Eliezer* (ch. 15), where it is stated that at the time of Yom Kippur, Samael argues for the defense of Israel, noting their similarity to the ministering angels. Among the comparisons is “What is true of angels? There is peace between them, so too Israel.” This argument is so compelling that God forgives the Jewish people their sins. R. Yechiel Michel Epstein identifies this idea as being behind the practice of asking *mechilah*, the conduit to peace. The *Midrash* states similarly: “Great is peace, for at a time when the Jewish people are united, even if they have worshipped idols, God forgives them.”<sup>30</sup>

In this spirit, Rashi (*Responsa Rashi* 245) notes that a show of reconciliation is as valuable as expressing the forgiveness: “If he hugged him and kissed him, there is no *mechilah* greater than this.”<sup>31</sup> However, absent some such display, some verbal forgiveness must be expressed.<sup>32</sup>

This notion is similarly manifest in a homiletic observation of R. Moshe Sofer.<sup>33</sup> Addressing his followers between Rosh Hashanah and Yom Kippur, he commented, “In the time when the *Beit HaMikdash* stood, we do not find that there was an obligation for every Jew to seek *mechilah* from his friend on the eve of Yom Kippur. For the nature of the sacrifices is to bring closer the hearts of men, and to make peace among them on their own.”<sup>34</sup>

R. Baruch Leizerofsky (*Responsa Ta'am Baruch* 21) notes the difference of expression in various talmudic sources; in one, (*Bava Kama* 92a) the process of attaining *mechilah* is called a “request”; in another (*Yoma* 85b) it is “appeasement.” These two descriptions appear to address specifically the twin goals of the process: the seeking of absolution and the bringing about of reconciliation.

If the goal of asking *mechilah* is more reconciliation than a technical release of claims, it may follow that in determining the need for a request, the focus is more on the disturbance of interpersonal equilibrium than on the act of transgression itself. The Rambam, in discussing the imperative of *mechilah*, includes theft among the offenses necessitating such action.<sup>35</sup> However, elsewhere in his code (*Hilkhot Choveil U'Mazik* 5:9), he comments about such a person who has damaged the property of another: “Once he has paid the damages, he is forgiven.” The implication is that no request is necessary. R. Avraham De Botton, the *Lechem Mishneh*, suggests that the distinction is due to the fact that theft benefits the perpetrator, while damaging property does not; thus, the former offense is more of a deliberate affront; while the latter, technically a crime, is less likely an intentional impingement.<sup>36</sup> Thus, it is assumed that theft causes a greater

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<sup>30</sup> *Tanchuma*, *Parshat Tzav* 7, and *Bereishit Rabbah* 38:6; see *Bamidbar Rabbah* 11:7; *Derekh Eretz Zuta*, ch. 9; *Sefer Mitzvot Katan* 8; *Sefer Charedim*, ch. 7; *Peirush HaGra* to *Mishlei* 26:20 and 29:22; and *Torah Temimah* 19:6. See *Birkat Ya'avetz* (*ibid.*, pp. 59-60) for a different formulation of this idea.

<sup>31</sup> See also an analysis of this position in R. Carlebach's *Chavatzelet HaSharon al haTorah*, (*ibid.*, pp. 644-6 and p. 718).

<sup>32</sup> See *Responsa Mishpetei Shmuel*, # 119. and R. David Binyamin Brezacher, in the journal *Kol Torah*, vol. 20, pp. 68-69.

<sup>33</sup> *Derashot Chatam Sofer, Shabbat Shuvah*.

<sup>34</sup> See also R. Fishel Avraham Mael, *Shivtei Yisrael*, pp. 484-487.

<sup>35</sup> *Mishneh Torah, Hilkhot Teshuvah* 2:9. Compare *Sha'arei Teshuvah* 1:44 and 4:18.

<sup>36</sup> R. Brezacher, *Kol Torah, ibid.*, pp. 66-67, offers support for this suggestion; see, however, the *mafteach* of R. Shabtai Frankel to *Mishneh Torah*, citing *Ma'aseh Rokeach; Darkhei David, Bava Kama* 92a; *Tosafot Yom HaKippurim, Yoma* 85b, s.v. *aveirot*; and *Responsa Shtei HaLechem* 15, who disagree. See also R. Y. M. Charlap, *Beit Zvul, Bava Kama* 5; R. Zalman Uri, in the journal *HaPardes*, vol. 35, no. 5:21-22 (45); and R. Zevulun Zaks, in the journal *Moriah*, vol. 24, no. 3-4, p 114-8. On asking forgiveness for theft, see R. Alon Avigdor, *Responsa Adnei Paz* 28.

rift between men and is therefore more subject to requiring *mechilah*.

For this reason, the Butchacher Rav<sup>37</sup> wrote that although ordinarily forgiveness should be sought immediately at any time of the year, one valid reason does exist for intentionally delaying it until just before Yom Kippur. If the passage of time preceding the request will contribute to the healing, if the more deliberate scheduling will lend greater permanency to the reconciliation, then it justifies a postponed appeasement.<sup>38</sup> Along similar lines, R. Yechezkel Levenstein<sup>39</sup> cautioned against issuing perfunctory, less than sincere pardons.<sup>40</sup>

## Counterproductive Apologies

In this light, one must also take into consideration those circumstances in which a request for *mechilah* would do more harm than good. R. Yoel Sirkes, *Bayit Chadash*, writes that in apologizing, one is required to specify the offenses of which one is aware, rather than mouthing a general confession lacking any recognition of the particular manner in which harm has been done to the other. In this vein, R. Yisrael Meir Kagan, in his classic work on the laws of *lashon hara* (malicious gossip), (*Chafetz Chaim*, part 1, *Klal 4:12*) rules that one who has spread damaging information about another must seek his forgiveness, basing his comments on those of Rabbeinu Yonah (*Sha'arei Teshuvah*, *Sha'ar 3:207*). R. Yisrael Lipkin (Salanter), revered founder of the modern *Mussar* movement, disagreed, noting that this would require informing the victim, who was until now blissfully ignorant. In inflicting emotional pain, such a gesture would be manifestly counterproductive.<sup>41</sup> R. Binyamin Yehoshua Zilber (*Responsa Az Nidbaru 8:68*)<sup>42</sup> was of the opinion that R. Kagan would certainly agree that the victim should not be informed of negative talk against him that he is unaware of;<sup>43</sup> it is only when he knows of the gossip but not the source that he would advocate confession.<sup>44</sup> Similarly, R. Shlomo Aviner (*Am K'Lavi 1:181*) writes that *lashon hara* that has “succeeded” in having a negative effect must be owned up to, but that which has not is better left alone.<sup>45</sup> R. Yochanan Segal Vosner<sup>46</sup> proposes that R. Kagan was referring to a situation in which the offense would have eventually become known to the victim, and thus it is better heard from the antagonist than from anyone else. R. David Binyamin Brezacher (*Kol Torah*, *ibid.*, pp. 67-68) suggests that anguish to the victim is sufficient reason to dispense with asking *mechilah*, but that the embarrassment of the offender is not.

When seeking *mechilah* and specifying the offense is indeed contraindicated, options still exist. The first is to ask for a general forgiveness, without identifying a particular wrongdoing. This

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<sup>37</sup> *Eishel Avraham*; see *Orchot Chaim* 606:2.

<sup>38</sup> See R. Chaim David Weiss' *Responsa VaYa'an David* 1:26.

<sup>39</sup> Cited in R. Avraham Tobolsky's *Hizharu B'Khvod Chaveirkhem*, p. 99.

<sup>40</sup> See also R. Shammai Ginzberg, *Imrei Shammai*, pp. 90-91.

<sup>41</sup> It is said that R. Lipkin withheld his approbation of R. Kagan's work out of concern for this issue. See R. Eliyahu Lopian, *Lev Eliyahu*, vol. 1, p. 108, and *Meorot HaGedolim* 141.

<sup>42</sup> A similar suggestion is made by R. Yisrael Isser Hertzog in the journal *HaDarom* 52:62-67.

<sup>43</sup> See also *Sh'eilat Shmuel*, in *Orchot Chaim*.

<sup>44</sup> Earlier authorities did make exception for situations that would be embarrassing to the victim; see *Magen Avraham*, *Orach Chaim* 606:1, and *Machatzit HaShekel*; note also *Elyah Rabbah*.

<sup>45</sup> See also R. Yitzchak Ben Shoshan, *Responsa Toldot Yitzchak* 1:29.

<sup>46</sup> *Responsa Chayei HaLevi* 3:100. Note, in *Chafetz Chaim*, *Be'er Mayim Chaim* 48.

does tend to arouse suspicion, and in this vein R. Wahrman offers another approach to explain the relationship between requesting *mechilah* and Yom Kippur. Ordinarily, it is difficult to ask forgiveness without naming a crime; however, on the eve of Yom Kippur, when everyone is asking *mechilah* of everyone else, it is expected and raises no questions. This approach is found also in the writings of R. Moshe Shternbuch,<sup>47</sup> and to some extent in those of R. Avraham Erlanger,<sup>48</sup> who also suggests that this may be one situation in which it is preferable to rely on the *zakkah* prayer. R. Ahron Soloveichik (*Parach Mateh Aharon, mada*, pp. 186-189) suggests that in the instance of *lashon hara*, in place of begging absolution, it is appropriate to disperse information that will counteract the negative effects of the gossip; in this case, such action is more consistent with increasing harmony than seeking the victim's pardon.

## The Obligation of the Victim

Further, it is with this perspective that some motive can be offered for the victim to initiate the process that is the responsibility of the aggressor. R. Aviner (*Noam*, vol. 25, pp. 202-213) considers the case of a man whose acquaintance burst into his home and behaved in an offensive manner. After being removed from the premises, the intruder developed a grudge that remained powerful for months afterward, avoiding all interaction with this man, even as Yom Kippur loomed closer. R. Aviner advised the man that even though the blame lies with the aggressive individual, it is still recommended that he take the initiative in asking *mechilah*, as that is the only way reconciliation will be forthcoming. Thus, while forgiveness flows primarily from the victim to the oppressor, appeasement may go in either direction when indicated.<sup>49</sup>

Therefore, we find, not surprisingly, that *mechilah* is formulated as an obligation not only for the offender to seek but also for the aggrieved party to bestow. The *Mishnah* (*Bava Kama* 92a) warns that one who refuses to forgive is called *akhzari*, "cruel." The Meiri explains that he is apparently unconcerned about the punishment that will befall the now-penitent individual who wronged him. Such callousness is not befitting a descendant of Avraham, cited by the Talmud as the model of forgiveness. The text of the *Mishnah* as found in the Talmud Yerushalmi states the *halakhah* as a prohibition, noting the source for the *halakhah* that "one may not be cruel and refuse to forgive."<sup>50</sup> The necessity for harmonization demands that the imperative of *mechilah* be bilateral; granting forgiveness is as mandatory as requesting it.<sup>51</sup> In this light, some authorities discuss the status of those who swear in anger never to forgive. It is possible that this is considered an oath in violation of the Torah and is thus null and void.<sup>52</sup> Rabbeinu Asher, the *Rosh* (*Responsa HaRosh, Klal* 15:5), rules that a father who forbids his son to forgive a penitent adversary is commanding a violation of the Torah and thus forfeits his parental right to honor.

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<sup>47</sup> *Moadim U'Zmanim* 1:54. See also the discussion of this in R. Mordechai Babad, *Minchat Machvat* (2:132).

<sup>48</sup> *Ma'or HaSha'ar to Sha'arei Teshuvah*.

<sup>49</sup> See also *Sefat Emet, Yoma* 87b, s.v. *ikpid*; *Piskei Teshuvot, Orach Chaim* 606:1; R. Mordechai Eliyahu, *Bein Adam L'Chaveiro* (p. 38)

<sup>50</sup> See also *Mishneh Torah, Hilkhot Teshuvah* 2:9, and *V'Atah B'Rachamekha HaRabbim*.

<sup>51</sup> Although there are specialized instances in which it is permissible to maintain some type of grudge; an analysis of these cases can be found in the journal *Torat HaAdam L'Adam*, vol 4, (pp. 283-91).

<sup>52</sup> R. Yoel Sirkes, *Responsa HaBach HaChadashot* 46, considers this possibility and rejects it on technical grounds. See also *Responsa Rashi* 245, *Responsa Geonei Batrai* 40, and R. Yosef Engel, *Gilyonei HaShas, Pesachim* 4a, and *Yoma* 87a.

Concerning the perspective of the victim, R. David Ariav<sup>53</sup> (referencing the writings of R. Joseph Epstein) relates an analytical theory of the nature of forgiveness that parallels the above theories concerning asking for *mechilah*. This theory builds on a difference in wording between the commentaries of Rashi and the Meiri in interpreting a Talmudic passage discussing forgiveness (*Bava Kama* 92a). In Rashi's understanding, the forgiveness is needed because the victim "worries" (present tense) about his suffering; while in the Meiri's rendering, the issue is that the victim "worried" (past tense) over his suffering.

While apparently a narrow distinction, this theory builds upon the difference to create two models of forgiveness. One is an emotional reality, the dissipation of bad feeling; this goal is indicated by Rashi, who looks for forgiveness to undo a current state of "worrying". Such an interpretation is consistent with the aforementioned position of Rashi in his responsa that any show of reconciliation is sufficient. The second, that of the Meiri, refers to a past situation, which may not have any current presence; thus, it is best compared to a monetary claim, that forgiveness removes as a "waiver".

R. Ariav notes that examining whether *mechilah* is to be viewed as an emotional reconciliation or as a release of debt is helpful for considering a number of hypothetical queries. Among them: Does one need apologize for anguish that has been forgotten? Is forgiveness effective if the victim expresses absolution, but does not genuinely feel it? Is there a formal language for granting *mechilah*? What if a victim forgives quickly for a semi-forgotten offense, and then later regrets, after recalling the acute pain that was felt? What if forgiveness was granted under false pretenses, for example to one who claims an intentional slight was unintended? What if the victim grants a perfunctory, general *mechilah*, in response to an unspecific request (as is common on the eve of *Yom Kippur*), not realizing that the perpetrator actually committed a genuine offense, for which significant appeasement would be needed (as with the above discussion concerning *lashon hara*)?

Further, some of his hypotheticals build upon the notion of the rules of monetary law governing the *mechilah* process, if such an inference can be drawn from the Meiri. Can *mechilah* be revoked? If a victim forgives mentally, but does not express it, can he deny forgiveness later, when asked? Can a child (who is not empowered to release monetary debts) fully express *mechilah*, or must the offender wait until the victim attains maturity? R. Ariav's essay weighs all of these questions, and concludes<sup>54</sup> that it is evidently crucial for the victim to take into account the necessity of both approaches, and to clearly express forgiveness, while at the same time doing his utmost to create an inner reality that is consistent with that expression.

The relationship between men serves as a barometer of their standing before Heaven. As the *Mishnah* (*Avot* 2:1) states, "What is the right course that a man should choose for himself? One which is an honor to the one doing it, and honorable to him from men." Any time the social equilibrium is disrupted, repairing the rift becomes a spiritual necessity of utmost urgency.

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<sup>53</sup> *L'Reakha Kamokha*, vol. 3, *Kuntres haBiurim*, 7.

<sup>54</sup> In the following essay, #8.

# Repentance for Violation of Interpersonal Laws

Rabbi Joshua Flug

Director of Torah Research, Yeshiva University's Center for the Jewish Future

There are two basic categories of mitzvot. *Mitzvot bein adam laMakom* are mitzvot that are of a ritual nature and do not affect other people. *Mitzvot bein adam lachaveiro* are mitzvot that affect other people. One practical ramification of this categorization is with regards to the requirements for repentance. The Mishna notes that there is an additional requirement regarding repentance for interpersonal violations:

*Even if he provides him [restitution for damages] he is not forgiven until he requests [appeasement] from him.*

**Baba Kama 92a**

אע"פ שהוא נותן לו אין נמחל לו עד שיבקש ממנו.

**בבא קמא צב.**

Interpersonal violations not only require monetary restitution (where applicable), they also require that the violator appease the victim. In this article, we will explore the nature of this requirement and how it relates to our observance of interpersonal laws. We will begin by presenting a number of questions relating to Rambam's opinion as well as the dialogue between Yosef and his brothers after the death of Ya'akov Avinu.

## Questions Regarding Rambam's Opinion

Rambam discusses repentance and atonement for interpersonal laws three times:

*Likewise, one who wounds his friend or damages his property, even if [the violator] paid what he owed, does not receive atonement until he performs the confessional and repents [so that] he does not engage in these types of activities anymore as it states "from all of the transgressions of man."*

**Hilchot Teshuva 1:1**

*Repentance and Yom HaKippurim only provide atonement for transgressions between man and God such as one who ate a prohibited item or had forbidden relations, etc. However, regarding transgressions between man and his friend such as wounding, cursing or stealing from him and other similar transgressions, he is never forgiven until he provides his friend with what is owed and he appeases him. Even if he returned the*

וכן החובל בחבירו והמזיק ממנו אף על פי ששילם לו מה שהוא חייב לו אינו מתכפר עד שיתודה וישוב מלעשות כזה לעולם שנאמר מכל חטאות האדם. רמב"ם הל' תשובה א:א

אין התשובה ולא יום הכפורים מכפרין אלא על עבירות שבין אדם למקום כגון מי שאכל דבר אסור או בעל בעילה אסורה וכיוצא בהן. אבל עבירות שבין אדם לחבירו כגון החובל את חבירו או המקלל חבירו או גוזלו וכיוצא בהן אינו נמחל לו לעולם עד שיתן לחבירו מה שהוא

money that he owed, he must appease him and ask him for forgiveness. Even if he only angered him with words, he must appease him and embrace him until [the victim] forgives [the violator]. If the friend does not want to forgive, one should bring a row of three people who are his friends who will embrace him and request [forgiveness] from [the victim]. If he is still not appeased, he should repeat this a second and third time. If he is still not appeased, [the violator] may leave him and walk away and the one who does not want to forgive is the transgressor. If the [victim] is his teacher, he must try to appease him, even one thousand times until [the teacher] forgives him.

**Hilchot Teshuva 2:9**

Damage to a person's body cannot be compared to damage to a person's property. If one damages a person's property, once he paid for what he owes, he has received atonement. However, if one wounded another person, even if he paid him for the five forms of damage, he does not receive atonement. Even if he offered all of the rams of Neviot, he does not receive atonement and his transgression is not forgiven until he asks for appeasement from the victim and the victim forgives him.

**Ramban, Hilchot Chovel 5:9**

חייב לו וירצהו. אע"פ שהחזיר לו ממון שהוא חייב לו צריך לרצותו ולשאול ממנו שימחול לו. אפילו לא הקניט את חבירו אלא בדברים צריך לפייסו ולפגוע בו עד שימחול לו. לא רצה חבירו למחול לו מביא לו שורה של שלשה בני אדם מריעיו ופוגעין בו ומבקשין ממנו. לא נתרצה להן מביא לו שניה ושלישית לא רצה מניחו והולך לו וזה שלא מחל הוא החוטא. ואם היה רבו הולך ובא אפילו אלף פעמים עד שימחול לו.  
**רמב"ם הל' תשובה ב:ט**

אינו דומה מזיק חבירו בגופו למזיק ממונו. שהמזיק ממון חבירו כיון ששלם מה שהוא חייב לשלם נתכפר לו. אבל חבל בחבירו אע"פ שנתן לו חמשה דברים אין מתכפר לו. ואפילו הקריב כל אילי נביות אינו מתכפר לו ולא נמחל עונו עד שיבקש מן הנחבל וימחול לו.  
**רמב"ם הל' חובל ומזיק ה:ט**

There are two apparent discrepancies in Rambam's formulation of this concept:

- 1) Rambam is of the opinion that one must appease the victim in order to receive atonement. Yet, in Rambam's initial presentation (*Hilchot Teshuva 1:1*), he does not require appeasement. Why does Rambam omit appeasement in the initial presentation?
- 2) When Rambam provides examples of interpersonal transgressions that require appeasement (in *Hilchot Teshuva 2:9*), he includes theft as an example. Yet, Rambam (in *Hilchot Chovel 5:9*) states explicitly that only bodily harm requires appeasement and not damage to property. Why then, does Rambam include theft on the list of transgressions that require appeasement?

## Questions Regarding the Appeasement of Yosef

After the death of Ya'akov Avinu, the Torah records the following exchange:

And they sent a message unto Joseph, saying: 'Your father did command before he died, saying: So shall you say to Joseph: Forgive, I pray now, the transgression of your brethren, and their sin, for that they did evil to you. And now, we pray, forgive the transgression of the servants of the God of your father.' And Joseph wept when they spoke to him. And his brethren also went and fell down before his face; and they said: 'Behold, we are your bondmen.' And Joseph said

ויצו אל יוסף לאמר אביך צוה לפני מותו לאמר: כה תאמר לי יוסף אנא שא נא פשע אחיך וחסאתם כי רעה גמלוך ועתה שא נא לפשע עבדי אלהי אביך ויבך יוסף בדברים אליו: וילכו גם אחיו ויפלו לפניו ויאמרו הננו לך לעבדים: ויאמר אלהם יוסף אל תיראו כי התחת

to them: 'Fear not; for am I in the place of God? And as for you, you meant evil against me; but God meant it for good, to bring to pass, as it is this day, to save many people.

**Bereishit 50:16-20 (adapted from JPS translation)**

אלהים אני: ואתם חשבתם עלי  
רעה אלהים חשבה לטובה למען  
עשה כיום הזה להחיות עם רב:  
**בראשית נ:טז-כ**

According to the Gemara, the request of the brothers satisfied the requirement of appeasement. In fact, the Gemara derives one of the laws of appeasement from this exchange:

R. Jose b. Hanina said: One who asks pardon of his neighbour need do so no more than three times, as it is said: Forgive. I pray thee now . . . and now we pray thee.

**Yoma 87a (Soncino Translation)**

אמר ר' יוסי בר חנינא כל המבקש  
מטו מחבירו אל יבקש ממנו יותר  
משלש פעמים שנאמר אנא שא נא  
ועתה שא נא.  
**יומא פז.**

There are a number of questions that one might ask regarding the appeasement of Yosef:

- 1) There is a tradition (See Rabbeinu Bachya, Bereishit 44:17) that the ten martyrs murdered by the Romans (*asarah harugei malchut*) served to atone for the sale of Yosef. If the brothers satisfied the requirement to appease Yosef, why was there a need for atonement?
- 2) After the brothers requested appeasement three times, Yosef responded that there was no appeasement necessary. How then can this serve as the source that after three requests, there is no requirement to ask for appeasement? Perhaps the brothers would have asked for appeasement many more times had Yosef responded differently?
- 3) Yosef did not respond to the request with a direct sign of appeasement. Rather he stated that no appeasement was necessary. Why was no appeasement necessary? R. Chaim ben Atar (1696-1743), *Ohr HaChaim* 50:20, explains that it is comparable to someone who wanted to give a cup of poison to another individual, but ended up providing a cup of wine. *Ohr HaChaim's* explanation seems to raise more questions than it answers. How can one compare the sale of Yosef to a failed assassination attempt? Weren't Yosef's brothers successful in causing Yosef to suffer? Furthermore, the Gemara, *Nazir* 23a, states that atonement is required even for a failed attempt at a transgression. Even if one were to categorize the sale of Yosef as a failed attempt, wouldn't the brothers have still required atonement?

## The Role of Appeasement in the *Teshuva* Process

There are two principles regarding violation of interpersonal laws that if combined, provide an insight into the role of appeasement in the *teshuva* process. First, R. Shlomo Zalman of Vilna (1756-1788, cited in *Toldot Adam* ch. 5) and R. Shmuel Garmizan (17<sup>th</sup> century, cited in *P'ri Chadash, Orach Chaim* 606:1) state that when one violates an interpersonal transgression, one must not only appease the person who was wronged, one must also repent before God for the violation of the Torah's commandment. Based on this idea, R. Shlomo Zalman of Vilna explains the apparent discrepancy in the rulings of Rambam in *Hilchot Teshuva*. Rambam's initial presentation of repentance for violation of interpersonal transgressions does not include a requirement to appease the victim because Rambam is focused on the method of repentance

before God. The repentance process itself does not require any form of appeasement. Appeasement is a necessary component of the atonement process. If one does not appease the person who was wronged, one cannot receive atonement, even if the repentance process was completed.

Second, R. Yisrael Salanter (1810-1883) discusses the Talmudic concept (see *Baba Metzia* 75b) that certain wrongdoings in the marketplace have no legal recourse but allow one party to bear a grudge (*tar'omet*) against the other party:

*Nevertheless, the explanation of the concept is that a tar'omet is grudge that one bears in one's heart. Regarding interpersonal transgression, if one person sins against another person, even if he angered him with words, he must appease him ... and as long as he did not appease him, it is permissible [for the victim] to bear a grudge against [the violator] just that if the victim appeased him, he should not be unrelenting to forgive. The same applies if a person violates another person's property indirectly. Even though one is exempt from paying for indirect damages and there is no legal recourse, the victim may bear a grudge against the violator. However, bearing a grudge against another individual for no legitimate reason is a serious transgression.*

**Ohr Yisrael, Netivot Ohr 58a**

אולם ביאור הדבר הוא כי ענין תערומת הוא קפיידא וטינא בלב, והנה עבירות שבין אדם לחבירו, אם יחטא איש לאיש, אפילו לא הקניטו אלא בדברים, צריך לרצות אותו ולפייסו, וכמבואר גמ' יומא דף פ"ז, וכ"ז שלא פייסו הנה עפ"י דין רשאי להיות לו עליו תערומת וקפיידא, רק אם חבירו פייסו לא יהא המוחל אכזרי מלמחול, וכן אם יחטא איש לחבירו בדברים שבממון ע"י גרמא, אך כי גרמא בנוקין הוא פטור ואין לו עליו תביעת ממון, מ"מ רשאי להיות לו עליו תרעומת, אולם שיהיה לאדם על חבירו תרעומת וקפיידא על חנם הוא עון גדול מאוד.  
**אור ישראל, נתיבות אור נה.**

According to R. Yisrael Salanter, one is not permitted to bear a grudge against someone else unless one was the victim of a violation of an interpersonal law by that person. When that person appeases the victim and the victim accepts the appeasement, the victim can no longer bear a grudge.

If one combines the ideas of R. Shlomo Zalman of Vilna and R. Yisrael Salanter, one can posit that the only purpose of appeasement is to remove the grudge that the victim bears against the violator. When the victim bears a grudge against the violator, the violator cannot receive atonement, even if he repents. Once the grudge is removed, the atonement process is the same as a violation of a *bein adam laMakom* transgression.

There is another comment of R. Yisrael Salanter that is consistent with this idea. It is recorded<sup>55</sup> that R. Yisrael Salanter was of the opinion that if one violated an interpersonal law but the victim is not aware of the violation (e.g. the violator slandered the victim and the victim never found

<sup>55</sup> R. Binyanim Zilber, *Az Nidberu* 7:66, and R. Ahron Soloveichik, *Parach Mateh Aharon, Hilchot Dei'ot* 7:5, both record that when R. Yisrael Meir Kagan asked R. Yisrael Salanter for an approbation for his book *Chafetz Chaim*, R. Yisrael Salanter objected to the ruling in *Chafetz Chaim* (in section I, 4:12) that if one spoke *lashon harah* about another individual and the other individual is not aware of the transgression, one must reveal the transgression in order to receive atonement. R. Yisrael Salanter felt that it is better not to inform the victim of the transgression. R. Moshe Shternbuch, *Moadim U'Zemanim* 1:54, records R. Yisrael Salanter's ruling without mentioning the episode with R. Kagan.

out), one should not approach the victim for appeasement and make him aware of the violation because it will cause him anguish. How can one fully atone for the violation without appeasing the victim? One must conclude that appeasement is only necessary to eliminate a grudge that the victim bears against the violator. If the victim is not aware of the violation, there is no grudge and one can receive atonement.

Based on this idea, one can explain a comment of R. Menachem Meiri (1249-1306):

*The thought component is not a critical factor in interpersonal violations for if one thought to steal or wound another individual and then calmed down and didn't allow the thoughts to come to fruition, there is no requirement for appeasement. Nevertheless, one must still confess to God. It is also true according to some commentators [that require repentance for thoughts] that if someone hates another in his heart and violates "Do not hate your brother in your heart," after one abandons that thought and begins to love that individual, there is no requirement to appease that individual. However, one must confess to God for violating the prohibition against hatred.*

**Chibbur HaTeshuva 1:7**

אבל חלק המחשבה לא יחשב עון גמור בעבירות שבין אדם לחברו, שאם חשב לגזול או לחבלו ועצר כח ולא צרף מחשבתו למעשה אין לו על זה צרך פיוס לחברו, אלא שמכל מקום צריך להתודות לשם, וכן על דעת קצת מפרשים אם שנאו שנאת הלב שהוא עובר על מצות לא תשנא את אחיך בלבבך, אחר שעזב מחשבתו וכללו באהבתו אין צריך לפייסו אבל שיתודה לשם ממה שעבר בשנאתו אותו.  
**חיבור התשובה א:ז**

According to Meiri, any interpersonal violation that remained in one's thoughts and never translated to action does not require appeasement. Yet, one must still perform *teshuva*. If there is a requirement for *teshuva*, why is there no requirement for appeasement? Based on the idea presented above, one can explain that when the violation only took place in one's thoughts, the victim is not aware of the violation and therefore, does not bear a grudge. When there is no grudge, there is no requirement for appeasement and the *teshuva* process is similar to a violation of a *bein adam laMakom* transgression.

There is a prayer that appears in some *siddurim* before *Kol Nidre* that states that the one reciting the prayer forgives all of those who have committed wrongdoings against him. Some recite a shorter version of this prayer on a nightly basis. Can the violator receive atonement if the victim forgives without the request of the violator? According to the idea presented above, the purpose of this prayer is to remove any grudge one bears against others. This prayer is a declaration that one does not bear a grudge against anyone else. Once the grudge is removed, the violator must still repent for the violation, but he is not required to appease the victim.<sup>56</sup>

R. Avraham de Botton (c. 1560-1605), *Lechem Mishneh, Hilchot Chovel U'Mazik 5:9*, alludes to this approach in resolving the other apparent discrepancy in Rambam's writings. *Lechem Mishneh* suggests that although Rambam does not require appeasement if there was only damage to property, Rambam requires appeasement in the case of theft because the thief also causes emotional (or physical) suffering to the victim through his theft. If one accidentally damaged property and there was reimbursement for the damage, the damager did not cause any

<sup>56</sup> See *Az Nidberu* 2:65, and 7:65, and R. Yekutiel Halberstam, *Divrei Yatziv, O.C. 1:258*, who rule that if the violator knows that the victim has completely forgiven the violator for his transgression, there is no requirement to appease.

suffering and does not require appeasement. *Lechem Mishneh* also seems to subscribe to the idea that appeasement is only necessary in a case where the victim is entitled to bear a grudge against the violator.

Based on this idea, we can understand why one is only required to attempt appeasement three times. After three sincere attempts at appeasement, the victim loses his right to bear a grudge against the violator. Once there is no right to bear a grudge, the requirement for appeasement dissipates. This explains why Rambam states "If he is still not appeased, [the violator] may leave him and walk away and the one who does not want to forgive is the transgressor." Once the right to bear a grudge is lost, it is prohibited to bear a grudge. Therefore, if the victim refuses to forgive after three attempts at appeasement, he is considered a sinner.

## Understanding the Appeasement of Yosef

The approach we presented above is compatible with a number of comments relating to the appeasement of Yosef. The *Ba'alei HaTosafot* note the peculiar timing of the request of the brothers for appeasement:

*Why didn't they express this while their father was still alive? It is because they said "Why should we arouse the hatred that has since been forgotten?" Upon returning from burying their father, Yosef passed the pit that his brothers threw him into and said "Blessed [is He] who performed a miracle for me in this place." They said "There is still hatred buried in his heart." It was then that they expressed to Yosef [their father's wish.]*

**Da'at Zekeinim, Bereishit 50:16**

ובחיי אביהם למה לא צוו אלא אמרו  
מה לנו לעורר השנאה שהרי כבר  
שכחה והלכה לה כיון שחזרו מלקבור  
אביהם ועבר יוסף על הבור  
שהשליכוהו אחיו אמר ברוך שעשה לי  
נס במקום הזה אמרו עדיין יש שנאה  
טמונה בלבו מיד ויצוו אל יוסף.  
**דעת זקנים בראשית נ:טז**

According to the *Ba'alei HaTosafot*, the brother did not feel that they had any requirement to appease Yosef because they assumed that Yosef had "forgotten" about the event. It was only when they realized that Yosef still bore a grudge that they felt that there was a need to appease him. The comments of the *Ba'alei HaTosafot* highlight the idea that the requirement for appeasement is a function of a grudge that the victim bears against the violator<sup>57</sup>

R. Yehuda HaChasid (1140-1217) explains the cryptic statement of Yosef that the brothers were not required to appease him:

*This is what [Yosef] said: "If it did not turn out well you would have been required to appease. However, since God meant it for the good, for both you and me, you do not require any forgiveness from me. Nevertheless, you do require forgiveness from God as one who thought to do harm, even if it turned out good."*

**Sefer Chasidim no. 1825 (Berlin edition)**

אלא כך אמר אילו לא נעשה לטובה הייתם  
צריכים מחילה אבל כיון שהאלקים חשבה  
לטובה לכם ולי הרי ממני אינכם צריכים  
מחילה אבל מן הקב"ה אתם צריכים מחילה  
מי שיחשוב רעה אע"פ שלטובה נהפך.  
**ספר החסידים ס' תתתרכה (דפוס ברלין)**

<sup>57</sup> The comments of the *Ba'alei HaTosafot* seem to indicate that one may rely on implied appeasement. It is not clear whether implied appeasement is accepted by other authorities. Furthermore, it is possible that the *Ba'alei HaTosafot* do not concur that the brothers' reliance on implied appeasement was acceptable.

According to R. Yehuda HaChasid, when the victim sees the event as having an overall positive result rather than a negative result, there is no requirement for appeasement. Yet, once the violation occurs, even if the victim sees it as having an overall positive result, one cannot ignore the violation. There is no grudge to bear and therefore, no requirement for appeasement, but the violator must still repent.

R. Chaim Y.D. Azulai (Chida 1724-1807), in his commentary to *Sefer Chasidim* titled *B'rit Olam*, no. 11, writes that although Yosef bore no grudge against his brothers, they did not receive full atonement because they did not repent properly before God. This is why the ten martyrs were required to atone for the sale of Yosef.<sup>58</sup>

Based on the comments of R. Yehuda HaChasid, one can understand R. Chaim ben Atar's comparison of the sale of Yosef to someone who attempts to poison someone but instead provides a cup of wine. The attempt of the brothers to neutralize Yosef was certainly a violation and required atonement. From an overall perspective, it is not comparable to providing a cup of wine instead of a cup of poison because they were successful in causing Yosef a tremendous amount of suffering. However, from the perspective of the relationship between Yosef and his brothers, the only concern is whether Yosef was entitled to bear a grudge and whether he actually bore that grudge. Yosef was able to view the sale as an attempt to poison him that ended up with him receiving a cup of wine. This does not minimize the severity of the act itself. However, since Yosef bore no grudge, the matter was out of Yosef's domain and was now a matter between the brothers and God.

We must still explain how the Gemara proved from the conversation between Yosef and his brothers that one is only required to request appeasement three times. Perhaps one can suggest that while Yosef did provide an explanation why he *should not* bear a grudge, he didn't explicitly state that he *did not* bear a grudge. The Gemara seems to understand that if Yosef would have offered this response after the first request for appeasement, the brothers would have been required to continue to request appeasement. The fact that they ceased after three times indicates that after three requests, there is no obligation to ask for further appeasement.

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<sup>58</sup> Rabbeinu Bachya, *Bereishit* 50:17, writes that the punishment of the ten martyrs was due to the fact that Yosef did not explicitly forgive his brothers. R. Halberstam, op. cit., notes that this is a difficult conclusion from a halachic perspective because after three requests for appeasement, there is no requirement for further appeasement.

# Thoughts for Rosh Hashanah

Dr. Naomi Grunhaus

Faculty, Stern College for Women

The name “Rosh Hashanah” is never mentioned in the Torah. The holiday celebrated as the “Jewish New Year” is called “*Yom Teruah*” (a day of blowing the horn) or “*Zichron Teruah*” (a memorial proclaimed with the blast of the horn) in the Torah (Num. 29:1, Lev 23:24). How did this day become known as “Rosh Hashanah” (New Year) in rabbinic literature (see, e.g., Mishnah Rosh Hashanah 1:3) and “*Yom HaZikaron*” (the Day of Remembrance) or “*Yom HaDin*” (the Day of Judgment) in the prayers? Moreover, if this day’s major significance is as the beginning of the Jewish calendar year or the day of remembrance/judgment, why did the Torah describe it as the day of “*Teruah*”, emphasizing the call of the shofar?

A further puzzling aspect of this “Day of Judgment”, is that judgment generally comes at the end of an endeavor: when it is finished, we examine what was done to determine if it was successful or not. So how is it that the Day of Judgment is called Rosh Hashanah, the beginning of the year? And how is it that many of the prayers on Rosh Hashanah do not seem to be concerned with pleading our case before the Throne of Judgment (see, e.g., the *Mussaf Shemoneh Esrei*, the silent *Amidah*)?

Moreover, Rosh Hashanah is not the only day of judgment. The Mishnah states that: “At four seasons judgment is passed on the world: at Passover in respect of produce; at Pentecost in respect of fruit; at New Year all creatures pass before Him like children of *Maron* ...; and on Tabernacles judgment is passed in respect of rain” (Rosh Hashanah 1:3). The Talmud quotes opinions that man is judged every day and even every hour (Rosh Hashanah 16a). Why then the intense focus on Rosh Hashanah, as the day on which a person’s fate is inscribed in the Book for the entire year? If a person is judged throughout the year, what is the significance of this once-a-year judgment?

We need to take a closer look and get a better insight into the dynamics of the day. Rosh Hashanah is indeed a day when the world and all its inhabitants stand before the Judge, not only for judgment, but for Him to decide how each individual fits into the Divine scheme for *the coming year*. Each year is designated with a certain program which will bring the Creation that much closer to its ultimate goal and perfection, *tikkun olam*. On Rosh Hashanah, the Master of the Universe decides what role each person will be given in furthering the Divine scheme during the coming year.<sup>59</sup> Thus, our prayers on this most awesome day bespeak our acceptance of the Kingship of God, our recognition of His Majesty—and our supplication to be granted the privilege of life so that we may use that life for the glorification of the Divine Name. This type of “judgment” comes only once—at the *beginning* of each year.

Even though the Torah designates Rosh Hashanah as one day, since ancient times it has been observed as a two-day holiday, even in Jerusalem, corresponding to two different types of judgment, *din kasheh* and *din rafeh*, “harsh” judgment on the first day and a “softer” judgment on

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<sup>59</sup> Chaim Friedlander, *Sifte Haim – Moadim* (Bnei Brak: 1994), 1: 156-7.

the second day. The harsh judgment refers to judgment of the individual, while the less severe one focuses on the group.

This disparity is reflected in the talmudic explanation of humanity passing before the Throne of Judgment like “children of *Maron*” (Rosh Hashanah 18a). The three talmudic explanations of this phrase are: (a) like sheep in a flock, who pass before the shepherd’s crook one at a time; (b) like those who climb a certain cliff called *Beit Maron*, a precipitous crag that was so difficult to negotiate that each climber had to file over the narrow ledges by himself, and (c) like the soldiers of David’s army. The Talmud concludes this description, “but they are all viewed together in one glance.” All three talmudic explanations assume that each individual passes through the judgment alone: as part of a herd passing before their master to be counted, or as individuals traversing a treacherous path one at a time, or as part of a phalanx which marches forth in the service of the king. But also, paradoxically, all together.

Just as each sheep is inspected as he passes through the gate to the corral, the individual is inspected to see if he measures up to his responsibilities to the flock; each member of that flock needs to show his contribution to the group. On the first day of judgment, the hard judgment views each individual as he passes through the challenges of life, to see whether he is worthy to continue along the mountain path. God also judges us as soldiers who, preparing for war, march out one at a time. All three talmudic opinions describe different aspects of the same judgment: the individual, striving alone, is measured and evaluated as he passes before the bar of judgment. Yet, the Talmud concludes, “they are all viewed together in one glance”, which alludes to the “soft” judgment, when each person is judged as part of the group.

Our rabbis often point out the relative desirability of belonging to a group, sort of getting lost in the overall picture, rather than having the spotlight of judgment focus on one’s own person, highlighting all his flaws in sharp relief. This is the import of the Shunamite woman’s response to the Prophet Elisha, who wanted to express his thanks for her hospitality by speaking on her behalf to the king, if she needed a favor. She responds “I dwell among my own people” (2 Kgs 4:13), which we can explain to mean, “No thanks, I’m comfortable being part of the group, I don’t want any special attention directed towards me.”<sup>60</sup> When one is perceived as part of a group, his/her failings, failures, and flaws are not noticed. Rather, the positive achievements of the group as a whole override the flaws of the individual components. Thus, on the second day of Rosh Hashanah, there is a mitigation of harsh judgment, a *din rafeh*. To the extent that a person is involved in communal activities and seeks to further the needs of the group, of *Kelal Yisrael*, as well as the Divine goals for the year, he will be judged more favorably.

The biblical appellation *Yom Teruah*, the day for sounding the shofar, also requires us to seek a deeper understanding. The symbolism of the ram’s horn, the shofar, is well known: it serves as a “reminder”, a trophy of our ancestor Isaac’s binding on the altar in preparation for being sacrificed to God, which we hope will “remind” Him that we are the children of His beloved Isaac, worthy of His mercy. But Rosh Hashanah is not called the Day of the Shofar—it is the Day of the *Teruah*, the blast of the horn. This is like the flourish of trumpets which heralds the presence of a king or

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<sup>60</sup> See commentary of Malbim ad loc.

honored personage. The *Teruah* announces, so to speak, that the Divine Court is now in session, that the King of the Universe is making decisions, literally life and death decisions, about the fate of the world and each and every living soul. The blast of the shofar also serves as a reminder of an impending attack. As the Prophet Amos warns, “Shall the horn be blown in a city, and the people not tremble?” (*Amos* 3:6). Maimonides assumes a similar function of the call of the shofar, as an alarm, “It is as if [the shofar’s call] is saying: Wake up you sleepy ones from your sleep, and you who slumber, arise.” (*Mishneh Torah, Laws of Repentance* 3:4).

The shofar and its call are not issues separate from the judgment but an integral part of it. God Himself is looking at us, weighing whether we are worthy of participating in His grand plan. In the Rosh Hashanah prayers, we express the existential fears of puny human beings. What can a mere human possibly do to merit his continued existence? Only one thing – acknowledge and proclaim his realization that God is King and that he, the lowly individual, prays only for the opportunity to serve Him, to glorify Him, to be counted as one of His servants. Only that coronation of God over ourselves can serve as a possible entitlement to remain alive.

It is a remarkable feature of the Rosh Hashanah prayers that as we stand in awe and trembling before the High Court, there is virtually no supplication for food, for clothing, for financial success. We are praying only to be given the opportunity to serve in the army of God, proclaiming His rule over the universe; in so doing, we indirectly receive our needs as well, since the King will provide for his soldiers whatever they require in order to serve Him well.

There is a fundamental difference in the format of judgment between Rosh Hashanah and the rest of the year. On Rosh Hashanah it is decided in which category a person will be classified; during the year, based on his actions and achievements, the person can rise or fall—within that category. But on Rosh Hashanah, the choices are fundamental and life-altering. As an example, when a person graduates high school, he has to choose a life path: will he go to college and seek academic achievement? Will he perhaps join the military and become a professional soldier? Will he join his father’s construction firm and learn the trades? Whichever choice he makes, it will set him on a totally different path in life than any of the others. Opting to major in accounting rather than chemistry, or to join the navy rather than the marines, or become an electrician rather than a plumber—these are still choices to be made, but do not remove the person from the category he has chosen for himself. So, too, on Rosh Hashanah, through our prayers, our repentance, our acceptance of the Almighty as Sovereign, we can hope to be classified in a positive category. Subsequently, during the year, our freedom of choice is generally limited to minor emendations in our lifestyle rather than to major, life-altering decisions.

This awareness of the cosmic significance of our spiritual readiness to be part of the Divine plan for the universe does not come easily. It takes more than glib recitation of the formulaic prayers in the Machzor on Rosh Hashanah. Our rabbis, in their wisdom, instituted a heightened focus on our spiritual status throughout the preceding month of Elul, a time for introspection, for preparation, for soul searching. For an entire month, the shofar is sounded each morning, reminding us of the coming judgment, urging us, beckoning us, to wake up, before it is too late.

May we all merit inscription in the Book of Life.

# The Cognitive, Emotional, and Sensory Experience of the Yamim Nora'im: The Message of the Akedah

Dr. Michelle J. Levine

Faculty, Stern College for Women

In *Sefer Mishlei*, Shlomo ha-Melekh teaches that the acquisition of the “wisdom” of Torah requires a “total body experience,” in which all faculties of one’s being are completely immersed in this process. One must not only be receptive to the wise teachings of the Torah; one must absorb these teachings and make them an integral part of the daily fabric of your life. As Shlomo declares, “The beginning of wisdom is to acquire wisdom (ראשית חכמה קנה חכמה) [Prov. 4:7],” such that it becomes a *kinyan*, one’s everlasting possession. This accomplishment evolves through a steady, progressive course of action that involves not only cognitive perception but total absorption through the active participation of one’s physical capacities, senses, and emotions. As Shlomo elaborates,

*My son, listen to my words; incline your ear to my sayings. Let them not depart from your eyes. Guard them in your heart. For they are life to those who find them, and health to all their flesh . . . Remove the crookedness of the mouth from you, and keep away from yourself the perversity of lips. Your eyes should look forward, and your eyelids should gaze straight ahead. Measure carefully the path of your feet and let all your ways be firmly established. Do not swerve left or right; keep your feet from evil*

**Proverbs 4:20-27**

בני לדברי הקשיבה לאמרי הט  
אזנך: אל יליזו מעיניך שמרם  
בתוך לבבך: כי חיים הם  
למצאיהם ולכל בשרו מרפא: ...  
הסר ממך עקשות פה ולזות  
שפתים הרחק ממך: עיניך לנכח  
יביטו ועפעפיך יישרו נגדך: פלס  
מעגל רגלך וכל דרכיך יכנו: אל  
תט ימין ושמאול הסר רגלך מרע:  
משלי ד: כ-כז

The acquisition of the teachings of the Torah should be so complete that one develops an intimate, emotional attachment to them; as Shlomo explains, “Do not abandon it, and it will guard you. **Love** it and it will protect you ... caress it (סלסלה)<sup>61</sup> and it will uplift you; it will honor you

<sup>61</sup> On this rendition of the term, סלסלה, compare *Mezudat David* and *Mezudat Zion*, 4:8.

when you embrace it (תחבקנה)[*ibid.* 4:6, 8].”<sup>62</sup> To be a Torah Jew, declares Shlomo, one must allow the message and meaning of the Torah to permeate every aspect of your being, heart and mind. The essence of Judaism must fill your entire soul; it must pervade your entire reality.

The enlistment of all of one’s capacities in the endeavor to become a complete Torah Jew is also impressed upon *Bnei Yisrael* in Moshe Rabbenu’s final message to his nation before they embark on their momentous journey into *Eretz Yisrael*. In *Va’etchanan*, Moshe appeals to *Bnei Yisrael*’s senses, to their cognitive and emotional powers, and to their potential to put thought into action, enlisting the whole corpus of their beings to fulfill the Torah and its commandments. More than once, Moshe addresses his beloved nation with the introductory refrain, “Listen, Israel (שמע ישראל) ” [Deut. 4:1, 5:1 6:4], declaring that they must be receptive to the Torah’s teachings, of which he reminds them; complete attentiveness is the first step to the desired outcome, the active implementation of these instructions.

*Listen Israel to the laws and statutes that I speak into your ears today, and learn them and be diligent to perform them.*

**Deut. 5:1**

שמע ישראל את החקים ואת המשפטים אשר אנכי דבר באזניכם היום ולמדתם אתם ושמרתם לעשותם  
דברים ה:א

Furthermore, Moshe reminds them of their unique status as an 'עם ה', by recalling how they *heard* the voice of God speaking to them directly (”השמע עם קול אלקים מדבר מתוך האש כאשר [Deut. 4:33]). Invoking the sense of sight in numerous passages, Moshe emphasizes that *Bnei Yisrael* need to contemplate and assimilate what their eyes have seen and witnessed: the great wonders that God performed for them in Egypt and at Mt. Sinai, when they perceived His presence, intangible though He is.

*Has there ever been a time when a god miraculously came to take for himself a nation from the midst of another nation with great acts, and signs and wonders, by war and a mighty, outstretched hand, and awesome power like all that Hashem, your God, did for you in Egypt before your very eyes.”*

**Deut. 4:34**

הנסה אלקים לבוא לקחת לו גוי מקרב גוי במסת באתת ובמופתים ובמלהמה וביד הזקה ובזרוע נטויה ובמוראים גדלים ככל אשר עשה לכם ה' אלקיכם במצרים לעיניך  
דברים ד:לד

Moshe describes the Jew’s relationship to God as an intimate bond. “ואתם הדבקים בה' אלקיכם (But you who *cling* to Hashem, your God, you are all alive today)” [Deut. 4:4]. While Moshe is speaking to the generation which will enter the land of Israel, one may also interpret this verse to mean that by “clinging” to God, sensing that He is with you at all times, and desiring to fulfill His will, you feel completely “alive” in every fiber of your being. When an

<sup>62</sup> For an analysis of the course of action required for the complete acquisition of “wisdom” as described in the Book of Proverbs, see Michael V. Fox, “Ideas of Wisdom in Proverbs 1-9,” *Journal of Biblical Literature* 116/4 (1997): 613-633; note especially his observations, p. 620, “Wisdom has an attitudinal or emotional as well as an intellectual component. That is why the son is urged not only to learn wisdom but to love and desire it (4:6-8). Wisdom is a configuration of soul; it is *moral character*.” See as well idem, “Words for Wisdom: בינה and תבונה,” *Zeitschrift für Althebraistik* 6/2 (1993): 149-69, and idem, “The Pedagogy of Proverbs 2,” *Journal of Biblical Literature* 113/2 (1994): 233-43.

individual recognizes that his very essence is defined by his relationship with God and His Torah and Mitzvot, then he has found the secret and meaning of “life” itself.<sup>63</sup> This acknowledgment must not only be in your heart; it must become imprinted on your mind. As Moshe reiterates, “You have been shown in order to know (אתה הראת לדעת) that Hashem, He is your God. There is none beside Him” [Deut. 4:35].

Therefore, the command to “love God” is expressed as a full body experience:

*You shall love Hashem your God with all your heart,  
with all your being, and with all your substance”*

**Deut. 6:5**<sup>64</sup>

ואהבת את ה' אלקיך בכל לבבך ובכל נפשך  
ובכל מאדך  
דברים ו:ה

Observing the Torah and Mitzvot is the recipe for success in all aspects of life. As Rashi explains in his commentary on *Shema*, “והיו הדברים האלה אשר אנכי מצוך היום על לבבך” (Deut. 6:6), God expects that every Jew should wake up in the morning and look upon the Torah as something new and vibrant, a guiding light that directs you in your daily journey through life, not as an ancient writing that has become a relic of days gone by.<sup>65</sup>

Based on these teachings from Moshe and Shlomo, it is possible to explain why the narrative of the Akedah trial (*Bereishit* 22) is read on Rosh ha-Shanah. At the conclusion of this ordeal, Avraham names the place where he sacrificed the ram instead of Isaac, ה' יראה, literally, “God will see” (Gen. 22:14). Based on the midrash, Rashi explains that Avraham prayed God would always “see” and perceive the greatness of this patriarch’s actions at Mt. Moriah, and this recollection would prompt God to forgive future generations of Israel from its sins and save them from punishment.<sup>66</sup> However, the merit of the Akedah can only serve as a potent means for atonement if one grasps the message that this experience teaches about the extent to which God expects every Jew to demonstrate his commitment to Torah and Mitzvot.

In his opening remarks on the implications of this “test,” Ramban observes that this description of God’s initiative (והאלקים נסה את אברהם), applies only to the human being who has the capacity to choose whether he will prevail and embrace the challenge or walk away from the trial and ultimately fail in this endeavor. God, Who is All-Knowing, does not require such an experience in order to “learn” how the individual will act under these circumstances. Nevertheless, God insists that while He has foresight, the act itself is significant. As Ramban explains, “The *Tester*, Blessed be He, commands him [the one being tested] in order to bring forth the matter from *potential to*

<sup>63</sup> Compare the commentaries of *Ohr ha-Chayyim* and *Ha'amek Davar* on this verse. See as well Deut. 4:7, in which Moshe emphasizes the singular position of *Bnei Yisrael*, a nation that has a God Who is close to them and hears them whenever they call out to Him; compare Rashbam, Deut. 4:7.

<sup>64</sup> The translation of this verse derives from Everett Fox, *The Five Books of Moses: A New Translation with Introductions, Commentary, and Notes* (New York: Schocken Books, 1995), p. 881. In his notes on this verse, *ibid.*, Fox observes that “the couplet ‘heart and being,’ which occurs a number of times in Deuteronomy might also indicate ‘mind and emotions’.” Cf. Rashi, Deut. 6:5, whose commentary underscores the totality of one’s commitment to love of God; compare Maimonides, *Hilkhot Teshuvah*, 10:5, who analyzes this verse in relation to this all-encompassing devotion to God.

<sup>65</sup> Rashi, Deut. 6:6, based on *Sifrei*, *pisqa* 8.

<sup>66</sup> Rashi, Gen. 22:14, based on *Tanhuma*, *Va-Yera* 23.



being was created, a purpose which would eventually be realized through the creation of Israel and its fulfillment of God's commandments.

Sforno posits that when God stipulated His intent to create man "בצלם אלקים" (Gen. 1:27), He presented the individual with a divine-like capacity by bestowing upon him the power of the intellect.<sup>72</sup> However, this faculty is only an "image of God," a potential which must be realized through man perfecting himself. Every individual must actualize his potential through cognitive speculation about God's existence and His greatness which leads to fear and love of Him as well as through concrete action, by means of which man demonstrates this love and fear of God, particularly in choosing the proper Torah way of behavior through the fulfillment of God's commandments. In doing so, he becomes similar to his Creator, who actively implements His intent and brings forth everything into actuality.<sup>73</sup>

How would the Akedah trial serve to demonstrate that Avraham has elevated himself to become more similar to God, his Creator? God determined that this challenge would necessitate a "full body experience," a complete and total involvement of all of Avraham's faculties- cognitive, emotional, and physical- so that he would serve as the paradigmatic example of one who understands what God expects from *Bnei Yisrael* in their dedication to His will through the wisdom of the Torah and its Mitzvot.

Accordingly, the Akedah experience was a process, each step of the way aiming to engage a different bodily faculty until all of Avraham's being was involved in the completion of this trial. In order to activate Avraham's psychological and emotional faculties, God formulates His command in a way that intensifies Avraham's realization of the difficulty of this challenge. "Take now *your son, your only son*,<sup>74</sup> whom you love, Isaac (את בנך את יחידך אשר אהבת את יצחק) and go to the land of Moriah and offer him there as a burnt offering on one of the mountains that I will point out to you"

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<sup>72</sup> On the understanding of man being created in a "divine image" as indicative of man's intellectual capacity, Sforno was probably influenced by Maimonides, *Guide of the Perplexed*, 1:1, in his discussion of the definition of צלם and דמות. Compare Maimonides, *Hilkhot Yesodei Torah*, 4:8-9. On Maimonides' understanding of "צלם אלקים," see Sarah Klein-Braslavy, *פירוש הרמב"ם לסיפור בריאת העולם* (Jerusalem, 1978), pp. 203-16. However, as pointed out by Chaim Shine, *אדם חברה ומשפט בהגותו של רבי עובדיה ספורנו* (Tel Aviv, 2001), pp. 113-14, Maimonides maintains that *Adam ha-Rishon* was created with a fully actualized intellect, on par with the level which Moshe Rabbenu attained (cf. Caspi's interpretation of Maimonides, *Guide*, 1:1, cited in Klein-Braslavy, *ibid.*, pp. 211-12), while Sforno determines that even this first human was only created with a potential to acquire cognitive knowledge of God and to be able to learn to fear and love Him; this potential would have to be realized through active effort.

<sup>73</sup> See Sforno's analysis of Gen. 1:26, 27; compare Yehudah Cooperman's illuminating notes on Sforno's commentaries, *פרוש ספורנו על התורה השלם והמבאר* (Jerusalem, 1992), I:20-21, on Gen. 1:26-27. For a broad discussion of Sforno's analysis of the Akedah episode, see Michael Gross, "פירוש רבנו עובדיה ספורנו לעקדת יצחק," *10 מורשתנו* (1996): 103-115, especially pp. 108-10. Note that Sforno emphasizes a complete Jew is one who not only contemplates God cognitively but strives to emulate God through action and proper implementation of his free will and choice to fulfill God's commandments. Cf. Sforno on Exod. 25:37; Lev. 11:45; 13:47; 26:3; commentary on *Avot*, 3:19, as well as his treatise, *כונת התורה*, in Ze'ev Gottlieb, ed., *ביאור על התורה לרבי עובדיה ספורנו*, 5<sup>th</sup> edn. (Jerusalem: Mosad Harav Kook, 1992), pp. 371-372. In these latter references, Sforno emphasizes the melding of עיון and מעשה to be a complete Torah Jew. On this aspect of Sforno's philosophy, see Shine, *אדם חברה ומשפט*, pp. 152-167.

<sup>74</sup> However, the translation of the *Jewish Study Bible*, eds. Adele Berlin and Marc Zvi Brettler (Oxford/New York, 2004), p. 45, renders "יחידך" as "your favored one," and this nuance will become apparent as well in the ensuing discussion.

(Gen. 22:2). Having just expelled Ishmael, an act that which required him to quell his emotional bond to his firstborn and heed the command of God (and Sarah's demand), Avraham is now being asked to offer up his only remaining son who represented his hope for the perpetuation of his legacy, both physical and spiritual. Reminding Avraham of Isaac's status, God, as Ramban explains, adopts a style that is intended to "intensify the magnitude of the commandment."<sup>75</sup>

Rashi, however, based on midrashic expansion of this dialogue scene, maintains that each description was in response to Avraham's reaction to God's words.

*Your son: Avraham said to God: But, I have two sons. God answered him: your only son. Avraham responded: This one is the only son of his mother and the other is the only son of his mother. God then said: whom you love. Avraham replied: I love both of them. Then God said: Isaac.*

**Rashi, Gen. 22:2**

את בנך - אמר לו שני בנים יש לי, אמר לו את יחידך, אמר לו זה יחיד לאמו וזה יחיד לאמו, אמר לו אשר אהבת, אמר לו שניהם אני אוהב, אמר לו את יצחק. ולמה לא גילה לו מתחלה, שלא לערבבו פתאום, ותזוז דעתו עליו ותטרף, וכדי לחבב עליו את המצוה וליתן לו שכר על כל דבור ודבור:  
**רש"י בראשית כב:ב**

Rashi's analysis illuminates even more acutely that Avraham still regarded himself as a father to *two* children, whom he still *loved*, and this emotional attachment to both of his sons weighed heavily on his psyche. Although Ishmael has been cast out from his household, this midrash teaches that Avraham still carries his love for Ishmael in his heart, making it harder for him to initially comprehend what God is now asking of him in relation to Isaac. Nevertheless, Rashi explains that Avraham is not immediately told Isaac is the object of the command "so as not to confuse him suddenly lest his mind become distracted and bewildered."<sup>76</sup> By drawing out Avraham's feelings and compelling him to acknowledge them verbally with regard to his connection to his two sons, God wants Avraham to realize the full ramifications of his fulfillment of this command. Avraham's emotional and cognitive faculties must work in tandem to achieve the goals of this challenge.

This psychological and intellectual understanding follows on the heels of the motivator for this Akedah challenge, as expressed through another midrash cited by Rashi. The introductory phrase, "ויהי אחר הדברים האלה" (Gen. 22:1) which sets the stage for the "test" command, is rendered to refer to *the words* (דבר/דיבור) of the Satan, who challenges that the patriarch has become so preoccupied with the joy of his new son, Isaac, he has forsaken his devotion to God.<sup>77</sup> God therefore sets out to prove that Avraham can engage himself completely, heart and mind, in his fulfillment of God's commands, despite the challenges they demand.

Once Avraham understands intellectually and apprehends emotionally the task that lies ahead, he no longer speaks. Speech is now replaced by action, as related through a successive chain of verbal clauses: "Avraham **woke up early** in the morning and he **saddled** his donkey; he **took** his two lads with him and Isaac *his son*; he **split** the wood for the burnt offering; he **stood up** and **went** to the place of which God had told him" (Gen. 22:3). This seemingly detailed description of mundane activities has great literary significance. Avraham attends to the minutiae of the

<sup>75</sup> Ramban, Gen. 22:2.

<sup>76</sup> See Rashi, *ibid.*, based on the version of this midrashic analysis in *b. Sanhedrin* 89b.

<sup>77</sup> See Rashi, Gen. 22:1, based on *b. Sanhedrin* 89b.

fulfillment of the command. His physical faculties are completely attuned to carrying out the challenge properly; his whole being is mobilized into action.<sup>78</sup>

It is only on the third day that Avraham lifts up his eyes and perceives the designated place of sacrifice from a distance (Gen. 22:4). Rashi informs that this long journey was intended once again to delay the inevitable, in order to ensure that Avraham acts with full cognition and recognition of what he is about to do, completely engaged with all of his psyche in the fulfillment of this trial.<sup>79</sup> Nevertheless, Avraham's internal deliberations are not articulated within the biblical text. The reader of this narrative remains focused, as does Avraham, on the objective at hand. Avraham walks for three long days, each step demonstrating how action mirrors intent.<sup>80</sup> While there may have been doubts, hesitations, debates within, Avraham suppresses them all; he arrives, lifts up his eyes, and proceeds in the direction to which God guides him. His eyes do not cause him to stray, nor does his heart. He is fully absorbed in his intent to accomplish the goal.<sup>81</sup> Once again, detailed actions are related to maintain focus; there is no diversion: "Avraham took the wood for the offering and placed it on Isaac *his son*. He took in his hand the firestone and the knife and they both **walked** together (וילכו שניהם יחדו) [Gen. 22:6]."

When speech does impede on the flow of action as father and son walk step by step to the altar site, Avraham demonstrates that he has fully digested what is being asked of him, and, as Rashi points out, Isaac also gains understanding and willingly participates in the accomplishment of God's command.

*Isaac said to Avraham his father. He said: My father. He answered: Here I am, my son. He said: Here are the firestone and the wood, but where is the sheep for the burnt offering? Avraham said: God will see to the sheep for His burnt offering, my son. And the two of them walked together*

**Gen. 22:7-8**

ויאמר יצחק אל אברהם אביו ויאמר  
אבי ויאמר הנני בני ויאמר הנה  
האש והעצים ואיה השה לעלה:  
ויאמר אברהם אלהים יראה לו השה  
לעלה בני וילכו שניהם יחדו:  
**בראשית כב:ז-ח**

<sup>78</sup> Compare Rashi, Gen. 22:3, who notes that Scripture's reference to waking up in the morning signals his diligence in the performance of this commandment, as does his insistence on saddling his own donkey. Cf. Erich Auerbach, "Odysseus' Scar," in idem, *Mimesis: The Representation of Reality in Western Culture*, trans. Willard R. Trask (Princeton: Princeton Univ. Press, 1953), p. 10, who observes that "early in the morning" signifies "the resolution, the promptness, the punctual obedience of the sorely tried Abraham." Auerbach explains that this action and others in this episode demonstrate how this narrative is "fraught with background" (ibid., p. 12), as one cannot comprehend the depth of Abraham's commitment to fulfill God's will without taking into account that Abraham acts in full awareness of all that God has done for him and expects from him; as Auerbach notes, ibid., p. 12, "... his [Abraham's] silent obedience is multilayered, has background." Compare Nehama Leibowitz, *עיונים בספר בראשית* (Jerusalem: ha-Histadrut ha-Ziyyonit ha-Olamit, 1969), pp. 138-40, who applies Auerbach's analysis to her discussion of the midrashic interpretations of this episode.

<sup>79</sup> Rashi, Gen. 22:4. Compare Radak's parallel analysis in his commentary on Gen. 22:2.

<sup>80</sup> Cf. Rashi, Gen. 22:2, who indicates that God did not reveal the destination initially so that each step would increase Avraham's merit and his reward.

<sup>81</sup> Compare Auerbach's analysis of this scene, ibid., pp. 9-12. As he notes, pp. 9-10, "[I]t is as if, while he traveled on, Abraham had looked neither to the right nor to the left . . ."

**Rashi:** *And even though Isaac understood that he would be slaughtered, they both walked together, with the same ready heart.*<sup>82</sup>

רש"י: ואף על פי שהבין יצחק שהוא הולך לישחט, וילכו שניהם יחדו בלב שוה:

Scripture's insistent reiteration of the father/son relationship through redundant epithets accentuates how Avraham, and his beloved son, Isaac, immerse themselves wholeheartedly in their devotion to God and His will.

The physical activities of preparing and setting out to perform the sacrifice, as related in 22:9-10, aim to engage all of Avraham's physical and sensory capacities in bringing forth intent into action. This is especially apparent in the binding of Isaac on the altar - אתו ויעקד את יצחק בנו וישם - על המזבח ממעל לעצים. With each twist of the rope and the subsequent placing of the bound Isaac on top of the wood for burning, the tactile sensation gives way to a figurative binding between father and son for the cooperative purpose of doing what God wants of them. As Avraham lifts his hand, knife pointed to slaughter his son, his task is completed: He has engaged all of the physical, emotional, and cognitive facets of his being in his commitment to God's will. His internal and external faculties are unified in the accomplishment of this divine objective. Avraham has proven himself to be one "who fears God" (Gen. 22:12), both in intent and action, demonstrating his willingness to part with that which he cherishes most, his son, to confirm his unwavering commitment to God.

While Avraham sacrifices a ram in place of Isaac, he has already taught future generations what the meaning of "sacrifice" truly is. Concerning the command of sacrifices in *Sefer Va-Yikra*, Ramban observes that all of one's faculties- intellectual, emotional, and physical- must be attuned to the symbolism of the sacrifice in order for it to bring about atonement. As Ramban explains,

*Since the deeds of man are actualized through thought, speech, and action, God commanded that when a person sins, he shall bring a sacrifice. He shall lean his hands on it, corresponding to action; he shall confess with his mouth, corresponding to speech; he shall burn by fire the innards and the kidneys, which are organs of thought and desire; and the legs [shall be burned], correlating to the person's hands and feet which perform all of the work. He shall sprinkle the blood on the altar, paralleling the blood of his life. This is in order that the individual performing all of this should reflect that he sinned to his God with his body and his soul and it was appropriate that his blood should have been spilled and his body should have been burned, were it not for God's kindness who took from him a replacement and a ransom with this sacrifice, such that its blood is in place of his blood, a life for a life, the extremities of the limbs of the sacrifice parallel to the extremities of his own limbs.*

**Ramban, Lev. 1:9**<sup>83</sup>

כי בעבור שמעשי בני אדם נגמרים במחשבה ובדבור ובמעשה, צוה השם כי כאשר יחטא יביא קרבן, יסמוך ידיו עליו כנגד המעשה, ויתודה בפיו כנגד הדבור, וישרוף באש הקרב והכליות שהם כלי המחשבה והתאוה, והכרעים כנגד ידיו ורגליו של אדם העושים כל מלאכתו, ויזרוק הדם על המזבח כנגד דמו בנפשו, כדי שיחשוב אדם בעשותו כל אלה כי חטא לאלהיו בגופו ובנפשו, וראוי לו שישפך דמו וישרף גופו לולא חסד הבורא שלקח ממנו תמורה וכפר הקרבן הזה שיהא דמו תחת דמו, נפש תחת נפש, וראשי אברי הקרבן כנגד ראשי אבריו.

רמב"ן ויקרא א:ט

<sup>82</sup> Rashi, Gen. 22:8; compare his comments on 22:7, in which the same phrase, "They walked together," indicates that Avraham goes willingly to fulfill God's command. See as well Radak's parallel analysis on Gen. 22:8.

Rendering the meaning of the Hebrew term for atonement, "כפרה," from the term for ransom, "כופר," Ramban compels the reader of his commentary to visualize in a graphic manner the entire sacrificial ritual as a step by step process which aims to engage all of a person's being, in all of its facets, so that atonement can be achieved by a symbolic expression of absolute commitment to God. Those components of the human being which worked against God's will initially must now be purified and guided to serve God in the future.

This is the message that Isaiah sends to *Bnei Yisrael* in relation to the ritual of fasting. In the *Haftarah* for Yom Kippur, Isaiah describes the moral and spiritual hypocrisy that was sickening the nation. Befuddled by God's lack of attentiveness to his nation, God answers through Isaiah:

*Because on your fast day you see to your business and oppress your laborers. Because you fast in strife and contention, and you strike with a wicked fist. Your fasting today is not such as to make your voice heard on high ... This is the fast that I [God] desire: to unlock fetters of wickedness, and untie the cords of the yoke, to let the oppressed go free ... It is to share your bread with the hungry and to take the wretched poor into your home. When you see the naked, to clothe him, and not to ignore your own kin.*

**Isa. 58:3-7<sup>84</sup>**

ביום צמכם תמצאו הפץ וכל עצביכם  
תנגשו: הן לריב ומצה תצומו ולהכות  
באגרף רשע לא תצומו כיום  
להשמיע במרום קולכם: ... הלוא זה  
צום אבחרהו פתח חרצבות רשע  
התר אגדות מוטה ושלה רצוצים  
חפשים ... הלוא פרס לרעב לחמך  
ועניים מרודים תביא בית כי תראה  
ערם וכסיתו ומבשרך לא תתעלם:  
**ישעיהו נח:ג-ז**

Isaiah chastises Israel that they are not engaging all of their capacities for one positive purpose. They use some of their faculties to appear as if they are committed to God, through the ritual of fasting, but they act in a contrary manner to this professed spirituality. God demands that in order to achieve atonement, every action has to correspond to one collective goal. Morality between man and man, and ritual between man and God, must mirror one another and represent true righteousness.

As we embark on our *teshuvah* process during the Yamim Nor'aim, we need to reflect whether we are using all of our God-given faculties - cognitive, emotional and physical - to fulfill the purpose for which we are created: to become as divine-like as possible. In actuality, every day is a challenge for all of us. Every day is a trial and a test to determine whether we will use all of our capacities to become closer to God. When we read about the Akedah narrative on Rosh ha-Shanah, we need to imagine ourselves as Avraham and Isaac, rising to the challenge that each and every one of us, in our own way, faces each day- to realize our potential by applying the entirety of our beings to fulfill the Torah and mitzvot. The Yamim Nora'im provide us with the opportunity to take account of the past year's experiences and plan for the coming year. If we truly absorb the message of the Akedah and contemplate how to make our lives more fulfilling as Torah Jews, then God will, א"י, open the gates of heaven and allow our voices of prayer to reach up to His throne. May God grant everyone a *Shanah Tovah!*

<sup>83</sup> Compare Ramban's discussion in *תורת ה' תמימה*, in Chaim Chavel, ed., *כתבי רבינו משה בן נחמן* (Jerusalem: Mosad Harav Kook, 1963), I:164-65, citing Ibn Ezra's commentary as the source for his analysis; cf. Ibn Ezra, Lev. 1:1.

<sup>84</sup> Translation of these verses from Isaiah, 58:3-7 derives from Berlin and Brettler, *The Jewish Study Bible*, p. 900.

# Eating before Tekias Shofar

Rabbi Eli Ozarowski

Faculty, Michlelet Mevaseret Yerushalayim and Midreshet Yeud, Jerusalem

Rosh Hashanah is a day of prayer when we connect with Hashem and coronate Him as King of the world. Since the davening on these two days contain some of the most unique Tefillos on the Jewish calendar, it is readily understandable that in many Jewish communities around the world, the davening on Rosh Hashanah often concludes considerably later than on a regular Shabbos, sometimes finishing as late as 2 or 3pm. Although spending time in prayer on this Day of Judgment is certainly most worthwhile, it can be extremely difficult not to eat anything until that late in the day. True, the halachah generally dictates that one may not eat before davening in the morning, but might it be permissible in this situation to eat something before going to shul? Alternatively, could one eat something after reciting Shacharis but before blowing the Shofar? This essay will attempt to discuss and answer these questions.<sup>85</sup>

## Eating before performing a time bound mitzvah

Let us begin by discussing the second scenario presented above where one has already davened Shacharis. The issue is eating before performing a mitzvah. There are a number of examples where chazal forbade eating prior to fulfilling rabbinic mitzvos. First, the Mishnah (Shabbos 9b) forbids eating a meal, among other activities, prior to reciting Minchah in the afternoon. Although there is a debate among the rishonim and the poskim concerning the details *and* parameters of this prohibition<sup>86</sup>, the basic principle, as explained by Rashi, is that we are afraid the person will get carried away with what he is doing and forget to daven Minchah. A second example of such an issur is eating before the Megillah reading on Purim night, even after Taanis Esther is over, which seems to be prohibited by the Tosefta (Shabbos 1:4).<sup>87</sup>

We also find a number of examples of Torah mitzvos where Chazal prohibited eating beforehand. For instance, the Gemara (Berachos 4b) says that a person should not eat and drink prior to reciting kerias shma *and* shemoneh esreh at night because he may forget to do so and fall asleep beforehand. Another example is the Mishnah (Sukkah 38a) that rules that netilas lulav must precede eating your meal even if you are already at the table. While there is a debate

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<sup>85</sup> For complete summaries of sources and opinions concerning this topic, see Piskei Teshuvos (585:2), R. Moshe Harari, Mikraei Kodesh Hilchos Rosh Hashanah pp.289-292, R. Chaim Jachter, [www.koltorah.org](http://www.koltorah.org), and R. Doniel Neustadt, The Monthly Halachah Discussion, pp.312-316.

<sup>86</sup> See the rishonim such as Baal HaMaor and Rabeinu Yonah there, as well as the summary of the Beis Yosef (OC 232) quoting the various opinions concerning eating during minchah gedolah vs. minchah ketanah, a seudah gedolah vs. seudah ketanah, and other details.

<sup>87</sup> This is the version that appears in the Toseftas in the Vilna Shas. Rama (692:4) also rules that one should not eat before reciting Megillah, though he cites the Terumas HaDeshen (109) as opposed to the Tosefta. Perhaps this is because he adds that he should not eat even if the fast is difficult for him, which does not appear in the Tosefta. See below for more concerning this Tosefta.

regarding certain aspects of this halacha, such as one who already started eating, it seems clear that in principle there is indeed an *issur achilah* before taking the lulav.<sup>88</sup> Here, too, Rashi (Sukkah 38a) explains that we are afraid the person may get carried away with his meal and forget to take the lulav and esrog.

Should the same prohibition apply to eating before *tekias shofar*? On the one hand, the logic offered in all of these cases would seem to apply to *shofar*. Furthermore, the *Tosefta* (Shabbos 1:4) states explicitly that we stop eating in order to perform the mitzvos of *shofar*, *lulav*, and *megillah*. On the other hand, the *Mishnah*, *Gemara*, classic *rishonim*, and *Shulchan Aruch* never explicitly make reference to such a ban before *tekias shofar*.

The *Kaf HaChaim* (585:26) tentatively suggests (though he does not seem to *pasken* this way in the end) that perhaps the *issur* indeed does not apply since there are no earlier sources that mention it. R. Moshe Shternbuch (*Moadim Uzmanim* 1:4), in defending the lenient custom of some who do eat before the *shofar*, suggests a possible explanation for such an approach that perhaps *shofar* is different than *lulav*, since you can fulfill the mitzvah of *lulav* in one moment by simply picking up the four species. However, fulfilling *tekias shofar* requires an extended amount of time, and we do not complete the mitzvah until after *Musaf*, which could be hours after the mitzvah was begun. Therefore, suggests R. Shternbuch, perhaps *chazal* did not prohibit eating beforehand in this situation. *Teshuvos Hisorerus Teshuvah* (225) also claims that since this *issur* is not mentioned in the *Gemara* and *rishonim*, it does not exist, and suggests that this is because on the *Yom HaDin*, when we are fearful of Hashem's judgment, we are not concerned that anyone will forget to blow *shofar*, especially since this is one of our most powerful weapons against the *midas hadin*.

The majority of *acharonim*, however, beginning with the *Magen Avraham* (692:7)<sup>89</sup>, indicate that there is indeed an *issur achilah* before *tekias shofar*, out of the same concern that one might forget to perform the mitzvah. They might explain that *chazal* and *rishonim* don't quote this halachah in regards to *shofar* because they don't always bother to explicitly extend applications to all cases of their principles, and simply chose specific examples to illustrate the rules. This more stringent approach is shared by *Teshuvos R. Akiva Eger*, *Teshuvos Besamim Rosh* (74), *Teshuvos Har Tzvi*, R. Shlomo Zalman Auerbach, and many other *acharonim* and contemporary *poskim*.<sup>90</sup>

## Te'imah/tasting before doing a mitzvah

Even if we accept the approach that eating is forbidden prior to *Tekias Shofar*, we must still determine exactly what quantities of food and drink consumption are forbidden. May one eat cake or other foods in small amounts, and if so how much is allowed, or are all foods forbidden?

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<sup>88</sup> *Shulchan Aruch* (652:2). We should note that *Rif* and *Rambam* do not quote this *Gemara*, and many commentaries, such as *Rosh* (Sukkah 3:27), struggle to understand why. R. Moshe Shternbuch (*Moadim Uzmanim* 1:4) suggests that perhaps *Rambam* does not believe there is any real prohibition here, and it is simply what he terms a "mitzvah," a recommended practice to abstain from eating before performing the mitzvah.

<sup>89</sup> *Magen Avraham* mainly discusses *Megillah*, and cites the above *Tosefta* and extends its rule to *Megillah* as well.

<sup>90</sup> See also *Teshuvos Maharsham*, *Teshuvos Beis Yitzchok*, *Teshuvos Bnei Banim* (1:14), *Sefer Mikraei Kodesh Hilchos Rosh Hashanah* (by R. Harari) citing R. Shaul Yisraeli, R. Avraham Shapira, R. Mordechai Eliyahu, and others, and *Sefer Piskei Teshuvos* (585:2). *Kaf Hachaim* himself also is *machmir* on the basic issue.

In the context of eating before Minchah, the Gemara (Berachos 28b) claims that we do not *pasken* like R'Yehoshua ben Levi who says it is prohibited to “taste” anything before reciting Musaf or Minchah. Based on this passage, the Tur and Beis Yosef (OC 232:3) rule that *te'imah*, tasting, is permitted before Minchah.<sup>91</sup> The reason for this lenient approach would seem to be that we are not afraid that a person will forget to recite Minchah when he is not eating a complete meal. Although the Terumas HaDeshen (109) disagrees and claims that even *te'imah* is assur, the Shulchan Aruch (OC 232:3) rules that tasting is permitted. Mishnah Berurah (235:16) applies the same rule to permit *te'imah* before *maariv*.

What is the quantitative difference between tasting or snacking and a full meal? The Shulchan Aruch says that one may eat less than a *k'betzah*<sup>92</sup>, the volume of an egg, of bread, and an unlimited amount of fruits. So apparently the definition of a *seudah* in this context is someone who eats at least a *k'betzah* of bread. Other foods are also permitted even in large amounts. Regarding eating a *k'betzah* of foods whose *berachah* is *mezonos*, Pri Megadim (Ashel Avraham 431:4) says that the same rules and limitations apply as for bread. However, Mishnah Berurah (232:34) quotes the Divrei Chaim who claims that one can eat *Pas HaBa B'kisnim* until the amount of *kevias seudah*, a full meal, which would total 3 *k'betzim*. These two approaches would be relevant in a case of eating more than a *k'betzah* but less than 3 *k'betzim* of cake before *shofar* blowing.

This allowance for *te'imah* is applied by many *acharonim* to other *mitzvah* contexts as well, such as eating before *bedikas chametz*,<sup>93</sup> *netillas lulav*<sup>94</sup>, and *kerias megillah*.<sup>95</sup> However, the Magen Avraham (*ibid.*), followed by the Mishnah Berurah there, adds that *te'imah* is permitted only for “*tzorech gadol*,” a great need. He quotes the stringency of the Terumas HaDeshen (109), that even *te'imah* is prohibited before reading the Megillah, so it seems that Magen Avraham is saying that out of respect for his opinion, we should not be quick to rule leniently. Interestingly, the Mishnah Berurah (652:7) also applies this *chumra* of the Magen Avraham to eating before taking the *arba minim* (even though Magen Avraham himself didn't mention it there), based on the Bikurei Yaakov (652:5) who introduced the *chumra* here as well, based on the same ruling of Terumas HaDeshen.<sup>96</sup>

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<sup>91</sup> The Beis Yosef notes that although the Rashba (Berachos 28b) actually says *lechatchilah* this is assur, in one of his *teshuvos* the Rashba limits this statement to an actual *Seudah*, but not to all cases of tasting.

<sup>92</sup> According to R'Chaim Naeh, a *K'betzah* equals 57.6 grams, while according to Chazon Ish, it is equivalent to 100 grams.

<sup>93</sup> See Magen Avraham (431:4) and Mishnah Berurah (431:6) citing the Bach and Maharil who rule this way.

<sup>94</sup> See Magen Avraham (652:4) and Mishnah Berurah (652:7) who yet again cite this leniency (though Magen Avraham wonders whether *Tosafos* may indicate he believes otherwise).

<sup>95</sup> Magen Avraham (692:7), Mishnah Berurah (692:14), Aruch HaShulchan (692:8), and others.

<sup>96</sup> It is somewhat difficult to understand why the logic of Terumas HaDeshen should be extended to cases other than Megillah. In the actual *teshuvah*, he simply argues that there is a greater concern for falling asleep before Megillah than for Kerias Shma, and Megillah is so important that it overrides any other *mitzvah* (see Megillah 3a), so if one cannot taste anything before reciting Shma at night, certainly one should not taste anything before the Megillah. Both of these arguments appear to be relevant specifically to the *mitzvah* of megillah and wouldn't apply to lulav or shofar, and Terumas HaDeshen himself does not mention any other *mitzvos* in this context.

## Tei'mah before Tekias Shofar

Should we apply this stringency (allowing te'imah only when there is a tzorech) to Rosh Hashanah as well? Many places, especially yeshivos, do have a practice of breaking for everyone to eat before tekias shofar. Is this correct? The answers to these questions are not clear-cut, and are debated by the poskim, who fall into three general categories.<sup>97</sup>

**Assur:** From the fact that Mishnah Berurah (692:15) groups shofar together with lulav and megillah regarding this issur achilah, it would appear that he would agree that for shofar te'imah is permitted only for a real necessity, a tzorech gadol, such as an ill or elderly person whose health may be damaged by not eating. This approach is adopted by many acharonim and contemporary poskim in various degrees, including R. Shaul Yisraeli,<sup>98</sup> R. Mordechai Eliyahu,<sup>99</sup> R. Akiva Eger,<sup>100</sup> Teshuvos Maharsham (1:1), Teshuvos Bnei Banim (1:14-15),<sup>101</sup> Teshuvos Btzel Hachochmah (4:147)<sup>102</sup>, and others. Many of them argue that even if strictly speaking it is permitted to taste a little, this is absolutely not appropriate on Rosh Hashanah, the Yom HaDin when we stand in awe and fear in front of Hashem.

**Mutar lechatchilah, with limitations:** Other poskim claim that since the strict halachah does permit eating minimal amounts, we can permit this, especially in locations where this is the commonly accepted custom to do so. This approach is followed by R. Avraham Shapira,<sup>103</sup> R. Yosef Shalom Eliashiv<sup>104</sup>, R. Moshe Sternbuch (Moadim Uzmanim 1:4)<sup>105</sup>, Teshuvos Hisorerus *Teshuvah* (225), Teshuvos Tzitz Eliezer (6:7), Kaf HaChaim (585:26, 588:11)<sup>106</sup> and

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<sup>97</sup> See Piskei Teshuvos (585:2) for a more complete list of sources and opinions concerning this topic. See also R. Moshe Harari, Mikraei Kodesh p.289, as well as R. Chaim Jachter.

<sup>98</sup> Sefer Mikraei Kodesh p.289, where R. Shaul Yisraeli is reported as arguing that those who eat before shofar are practicing a mistaken minhag, and are not allowed to partake of food at that time, even in small quantities.

<sup>99</sup> *ibid.*

<sup>100</sup> Sefer Psakim V'takanos of the Gaon R. Akiva Eger. In this sefer, he reports the story that when the cholera epidemic attacked Europe, a time when many individuals were forced to eat on Yom Kippur, he still did not allow his congregants to eat before Shofar. He even recommended to them to eat in between the shofar blasts rather than eat before any of them. This last position seems a bit radical since Shulchan Aruch (592:1) rules that unnecessary interruptions are forbidden in between the first and last set of blasts. Nevertheless, R. Akiva Eger and the Ashel Avraham of Botchach both suggest that one should eat after the first set of Tekios rather than before, since the former is based on a prohibition of the Geonim, while not eating beforehand is based on a ruling of Tanaim in the Tosefta.

<sup>101</sup> R. Yehudah Herzl Henkin cites the opinion of his grandfather, R. Yosef Eliyahu Henkin, who was strongly opposed to the custom of eating before Tekias Shofar, and agreed with R. Akiva Eger that it was preferable to eat after the first set of Tekios rather than eat beforehand.

<sup>102</sup> R. Betzael Stern distinguishes between people that are truly ill or simply will be extremely hungry if they do not eat: in the former it is permitted, while in the latter it is not.

<sup>103</sup> As reported in Sefer Mikraei Kodesh (p.290) based on personal conversations with R. Shapira.

<sup>104</sup> *ibid.* R. Eliashiv stresses that this heter only applies to someone who will find it difficult to wait until the end of davening to eat, but not anyone else. We should note that despite his limitation, he is still more lenient than the poskim in category A who allow only if there is a true illness or chance his health will be damaged.

<sup>105</sup> He argues, among other points, that the heter is based on a "tzorech gadol," as the Mishnah Berurah prescribed it. See below for the nature of his "tzorech gadol" in this case related to the problem of fasting on Rosh Hashanah.

<sup>106</sup> Kaf HaChaim suggests that because there is no direct source in the Gemara and Shulchan Aruch for this halachah, and because many allow te'imah, therefore the custom of some is to be lenient for individuals who feels his strength has ebbed and is not able to wait (to eat) until after shul. Note here that as opposed to the first category where the poskim

others. However, many of them caution against eating any amount of bread (despite the fact that the strict halachah permits this), against eating too much Mezonos food,<sup>107</sup> and that the person's main intention in eating must be to increase his ability to concentrate on the Tefillah and Tekias Shofar during the duration of the davening.

**Better not to eat, but bedieved acceptance of the custom:** Some poskim take a middle approach that one should be machmir not to eat anything, but since the custom of eating before shofar has become prevalent, an individual who needs to may rely on this. This is the basic approach taken by the Match Efraim (588:2), Beis Meir, Sdei Chemed (Rosh Hashanah 2:31),<sup>108</sup> R.Ovadia Yosef (Teshuvos Yabia Omer 4:22), and others.

## Appointing a Shomer

The Rama (232:2) and Mishnah Berurah (235:18) rule that in places where someone reminds people to go to shul or daven minchah or maariv, it is permitted to eat a regular meal before davening, since we are not afraid he will forget to daven if someone reminds him. Would a person be allowed to appoint a shomer to remind him to blow shofar, thus allowing him to eat even more than a k'betzah before tekias shofar? Furthermore, many argue that if one is part of a group then we assume that they will all remind each other to daven and it is permitted to eat beforehand.<sup>109</sup> If so, why can't we simply argue that eating would be permitted before shofar since everyone is davening together, so an announcement will be made when the time comes to reconvene in the shul? The Piskei Teshuvos (585:2), after noting this question, also notes that none of the achronim discussing eating before any mitzvah ever suggested this option of appointing a shomer.<sup>110</sup> We must therefore conclude that the notion of shomer is not viable to permit eating before more infrequent mitzvos, such as shofar and lulav, and only works for more regular mitzvos, such as tefilla. The Piskei Teshuvos suggests that perhaps the reason for this is that an additional dimension of the issur achilah prior to time-bound mitzvos is demonstrating that the mitzvah is important and dear to us ("chaviv"), similar to the Kaf Hachaim's logic discussed above. If so, we want to avoid eating prior to these mitzvos regardless of whether we might forget to do them or not.

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only permitted eating for those who were truly sick or weak and would be harmed if they didn't eat, Kaf HaChaim apparently accepts the custom of those who eat even if they are simply hungry and find it difficult to wait.

<sup>107</sup> Some permit eating only up to a k'betzah, as per the halachah discussed above, and others, such as R.Shapira, are lenient even up to 3 k'betzim, which is the measurement of kevias seudah, an actual meal upon which one must wash netillas yadayim. Interestingly, R'Shlomo Zalman Auerbach is cited by R.Harari as reporting that in many yeshivos the custom was to eat more than a k'betzah, which R.Harari understood to mean that R'Shlomo Zalman Auerbach did not directly protest this practice.

<sup>108</sup> In truth, the Sdei Chemed does not really accept the leniency and believes it is incorrect, but he says that he did not protest when he saw people relying on it, thus it is possible to classify him in the third group of poskim.

<sup>109</sup> See Piskei Teshuvos (235:7-8) for discussion of this and other aspects of this halachah.

<sup>110</sup> Truthfully, Mishnah Berurah (692:16) does mention this suggestion of requesting someone to give a reminder, but he only mentions this in a case where the person is weak and not eating may harm his health. In that case, Mishnah Berurah is willing to allow the use of a Shomer, but the implication is that a shomer is normally not a solution. R.Moshe Shternbuch (ad loc.) also proposes the idea that if a person's purpose in going to shul is to daven the order of Tefillah with the group, we can assume he will not forget to continue davening after eating.

## Kiddush and Kiddush B'Makom Seudah

In addition to the issues discussed above, there are a number of other factors which are relevant to our discussion of eating before tekios, the first of which is making kiddush. According to those who do allow te'imah before a mitzvah (either only in a tzorech gadol or in other cases as well), one would need to make kiddush before eating. This is because the Shulchan Aruch (289:1) implies, and the Mishnah Berurah (286:7) states explicitly, that the obligation of kiddush on Shabbos or Yom Tov morning begins immediately after davening Shacharis.<sup>111</sup> Although the Shulchan Aruch (OC 286:1) does say that one is not allowed to eat before davening Musaf, he does allow te'imah even before Musaf,<sup>112</sup> so this does not pose any additional problems with the practice of making kiddush before the tekios.

Another issue relevant to making kiddush at this time is the requirement of kiddush b'makom seudah. We generally require one to eat a seudah together with the kiddush (Shulchan Aruch 273:1), and a k'zayis of bread or mezonos<sup>113</sup> is necessary to qualify (Shulchan Aruch 273:5).<sup>114</sup> If so, then if we do allow making kiddush before tekios, one would need to eat a k'zayis to be yotzei, or else it is as if he ate without making kiddush at all.<sup>115</sup> It therefore becomes important to carefully monitor exactly how much food one eats: he must eat more than a k'zayis (for kiddush b'makom seudah) but less than a k'betzah (to avoid the issur achilah before tekios). Alternatively, a person could also drink one or two revi'is's of wine/grape juice<sup>116</sup>, since this also qualifies as a Seudah in this context.

## Issur Taanis on Yom Tov and Shabbos

Another important factor to consider in this context is the prohibition of fasting on Shabbos and Yom Tov. According to the Shulchan Aruch (OC 288:1), one cannot fast on Shabbos or Yom Tov past chatzos, midday. Now, this may create a problem for anyone who does not eat anything before tekios, since many minyanim do not conclude davening until after Chatzos, which is often between 12 and 1pm on Rosh Hashanah, after chatzos. For this reason, R.Shternbuch (Moadim Uzmanim 1:4) and R.Tzvi Pesach Frank (Mikraei Kodesh Siman 29)

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<sup>111</sup> Although the Yad HaLevi (Siman 50, cited by Shemiras Shabbos K'hilchasa 52:11) holds that the obligation for Kiddush doesn't start until Musaf, that is not usually accepted. See also Teshuvos Yabia Omer (5:22) where R.Ovadia Yosef cites other rishonim and acharonim that agree that the obligation for kiddush begins only following Musaf. R.Ovadia is actually willing to combine this with other factors to allow eating before Musaf, both on Shabbos as well as Rosh Hashanah, without making kiddush when he is not able to do so.

<sup>112</sup> This is the approach of most acharonim, including the Taz and Mishnah Berurah against the Bach, who allows eating even a whole seudah.

<sup>113</sup> Kiddush using mezonos foods is not discussed explicitly by the Shulchan Aruch. However, the Mishnah Berurah (273:25 citing Magen Avraham) states that this is included as well, because Shulchan Aruch allowed drinking wine to qualify as a "seudah," so certainly real mezonos food would be included.

<sup>114</sup> According to R.Chaim Naeh, a shiur k'zayis is 28 grams, while according to Chazon Ish, the shiur is 50 grams.

<sup>115</sup> For more on this topic of eating before kiddush and a discussion of the rishonim who hold that one may indeed eat a bit before kiddush on Shabbos, see Teshuvos Yabia Omer (2:19:4-8) concerning people who only eat a bit of fruit following kiddush without any sort of seudah.

<sup>116</sup> Mishnah Berurah (273:27) cites a machlokes whether there is a requirement to drink two revi'is's to fulfill kiddush b'makom seudah or not. We should note in any case that Mishnah Berurah (273:25) discourages relying on this option of reciting kiddush over wine.

suggest that avoiding this issur is sufficient reason to allow te'imah before shofar blowing, and would therefore permit this practice.<sup>117</sup>

But now the tables have turned. How will those that are stringent not to eat anything beforehand respond to this? How can they not make kiddush before tekios if otherwise they will violate this issur? Perhaps they can respond in one of the following ways.

First, the Mishnah Berurah (OC 288:2) cites the Eliahu Rabbah and Bigdei Yesha who claim that this prohibition does not apply to people that are in the middle of davening or learning Torah. Although the Rama there holds that the issur does apply in these situations, the machmirim can claim to follow the Mishnah Berurah here against the opinion of the Rama.

Second, it is possible that Rosh Hashanah has different rules regarding fasting than other Yomim Tovim. Although we are not normally allowed to fast up until chatzos, the Rama (584:1) says that on Rosh Hashanah we lengthen the davening (through piyutim and extra tefilos) until chatzos, which the Mishnah Berurah (584:5) understands (based on the Magen Avraham and others) to mean at least until chatzos, but apparently longer than that is also permitted (except on Shabbos). The Mishnah Berurah (597:2) also confirms that although the Shulchan Aruch (597:1) says that we must eat and rejoice on Rosh Hashanah, it is still mutar to daven through chatzos (without eating). Thus, not eating before tekios is certainly permitted on Rosh Hashanah.

Third, even if we do not accept these defenses for not eating, one could have a drink of water before going to daven in the morning, a suggestion offered by R. Harari (p.377), which is certainly permitted before tefillah as well as before tekias shofar, but presumably would obviate the problem of fasting in the same way that one is not allowed to drink water on other fast days such as Tzom Gedalya or Asarah B'Teves.

## Eating before davening

If one davens in a place which does not have a kiddush before tekios and is concerned he or she will not be able to daven properly without eating, the only practical way one could eat would be to do so before davening.<sup>118</sup> Is this allowed?

The Shulchan Aruch (89:1) forbids eating before tefillah due to haughtiness, based on the Gemara (Berachos 10a). Here, te'imah is not a heter. The only allowance according to the Mishnah Berurah is for certain simple drinks, such as water, coffee<sup>119</sup>, and apple cider. Based on

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<sup>117</sup> R. Frank adds that just as the Shaarei *Teshuvah* (652:4, 584:3) states that one who is waiting for a shofar or lulav to arrive should not avoid eating past chatzos, so too in our case if davening extends past chatzos, one can eat something beforehand.

<sup>118</sup> Of course, if he is able to bring food with him and make kiddush at shul during the short break before the tekios, this may be preferable according to some. Furthermore, if it is difficult to make kiddush at this point, R. Ovadia Yosef (*Teshuvos Yabia Omer* 5:22), as mentioned above, does permit eating a small amount of food (te'imah) without making kiddush. However, it is not clear that the accepted opinion among contemporary poskim is in accordance with R. Ovadia on this point.

<sup>119</sup> See Piskei Teshuvos (89:17) who summarizes the contemporary discussion concerning putting milk and a bit of sugar into the coffee. Many of the poskim he quotes maintain that our generation finds it much more difficult to daven without this than previous generations, and therefore it is permitted. This could be an interesting precedent for the possibility raised that this "weakness of the generation" could allow eating before shofar.

this, eating a piece of cake, a bowl of cereal or even fruit in the morning on Rosh Hashanah would appear to be problematic. Of course, an ill or weak person would be allowed to eat before davening and is not included in the prohibition, as recorded by the Mishnah Berurah. But what about people that are generally healthy and feel perfectly fine in the morning but will become extremely hungry and weak or simply not be able to concentrate on davening if they do not eat until 2 pm in the afternoon? Is this included in the heter of a weak person?

Perhaps one can argue that someone who will not be able to function or daven well due to his hunger is also included in the category of “weak” and would therefore be allowed to eat. In fact, the Shulchan Aruch (89:4) categorizes those who are very thirsty and hungry as “cholim,” ill individuals, if they cannot concentrate on their davening as a result. R'Shlomo Zalman Auerbach is quoted (Sefer Halichos Shlomo 2:1) as permitting eating for a person who is healthy but is suffering from tremendous hunger to the point that his strength is weakened, and his mental capacity is not capable of davening with concentration as he usually does, and through eating his mind will be more calm and his strength will return.<sup>120</sup> Based on this ruling, one could argue as well that even if he is not currently feeling ravenous or weak, but will reach that point during his davening so that he will not be able to continue praying with kavanah, it would be permitted for him to eat something even now when he feels fine. However, R'Shlomo Zalman Auerbach stresses that if this individual feels that eating less than a k'zayis (or a k'zayis drawn out longer than kdei achilas pras, which he defines as four minutes) is sufficient to curb his hunger, then he should suffice with this. But if he does not feel that this small amount will suffice for him, then he can eat as much as he needs to retain his strength (but not more), as per the rules of weak individuals mentioned in the Shulchan Aruch (89:4). Based on the Beur Halachah (s.v. vlo leechol), this individual can and should recite shma before he eats.

## Women eating before Tekias Shofar

According to the Gemara and Shulchan Aruch, women are not obligated to perform the mitzvah of shofar, since it is a time-bound positive mitzvah from which women are exempt. Nevertheless, R. Akiva Eiger (Siman 1) reports that women today have unanimously accepted upon themselves to fulfill this mitzvah of shofar. Does this custom of acceptance place them in the same category as men regarding the issur achilah beforehand and would they be subject to all of the rules discussed in this essay, or do we say that since they are not actually obligated, they may eat whatever they want before shofar blowing?

The Chayei Adam (141:7), Ashel Avraham (589:3), and others (cited by the Piskei Teshuvos 589:4) essentially follow the second side and argue that because women are not chayav to blow the shofar, those who are weak, nursing, or expecting may be quite lenient and eat as much as they need before tekios. Using R'Shlomo Zalman Auerbach's logic, we can extend this to say that even women who are healthy but will lose their strength if they don't eat now would be allowed to do so.

This logic will only permit her to make kiddush before the tekios, but regarding eating in the morning before Shacharis, it would seem that women would also follow the same rules as men

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<sup>120</sup> It is possible that many of the poskim that rejected this as a legitimate heter in the context of eating on Rosh Hashanah would also reject this premise of R'Shlomo Zalman Auerbach in the context of eating before davening.

above, since the Gemara (Berachos 20b) and Shulchan Aruch (106:1) rule that they also have an obligation to daven.<sup>121</sup>

## Summary and conclusion

We have analyzed a number of factors and approaches in trying to understand whether eating is permitted before blowing the Shofar. To eat before davening is clearly assur normally but in our case it seems to depend on whether a person who may get very hungry later in the day is included in the category of the weak, which is not 100% clear. Furthermore, according to the majority of acharonim, it is indeed assur to eat before tekios even after davening Shacharis, unless one is sick or very weak. However, te'imah, tasting, is subject to a machlokes poskim whether this is permitted for anyone after making kiddush or only in more pressing situations. There is no clear decisive ruling on the part of contemporary poskim, and there are certainly different minhagim in different places, many who specifically do eat, and many who specifically do not. Our goal in whichever opinion we follow is to do so l'shem shamayim and to experience a most meaningful tekias Shofar and tefillah on Rosh Hashanah.

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<sup>121</sup> This is the ruling of R.Dovid Auerbach in Sefer Halichos Besah (Siman 6) and indeed seems to be quite logical that the issur achilah before Tefillah is linked with the chiyuv Tefillah. However, Teshuvos Igros Moshe (OC 4:101) tentatively defends the practice of some women to simply recite a short Tefillah, eat, and then daven the complete set of prayers, but remains uncertain whether this is correct. See Halichos Besah who discusses the merits and weaknesses of this position.

# On *Teshuvah* and Complete *Teshuvah*

Rabbi Michael Taubes

Faculty, Mechinah Program, Yeshiva University  
Faculty, Yeshiva University High School for Boys

## Two Types of *Teshuvah*

The very first *halachah* in the Rambam's famed presentation of *Hilchot Teshuvah* has generated much debate, analysis and discussion, via both the printed word and through *shiurim* and *derashot*.<sup>122</sup> The Rambam writes:

*If a person has transgressed any of the commandments of the Torah, whether positive or negative, whether intentionally or unintentionally, when he does teshuvah and repents from his sin, he is obligated to confess before God, blessed is He, as it is stated (Numbers 5:6-7): A man or a woman who commits [any sins] ... they shall confess the sin that they committed - this refers to a verbal confession. [The requirement to verbalize] this confession is a positive commandment. How does one confess? He says, "I beg of You, Hashem, I have sinned, been iniquitous and willfully rebelled before You, and I have done such and such; and I regret and am ashamed of my deeds, and I will never repeat such a thing again." This is the fundamental form of confession, and one who elaborates on his confession and lengthens [his presentation of] this matter is indeed praiseworthy.*

### **Hilchot Teshuvah 1:1**

כל מצות שבתורה בין עשה בין  
לא תעשה אם עבר אדם על אחת  
מהן בין בזדון בין בשגגה  
כשיעשה תשובה וישוב מחטאו  
חייב להתודות לפני האל ברוך  
הוא שנאמר איש או אשה כי יעשו  
וגו' והתודו את חטאתם אשר עשו  
זה וידוי דברים, וידוי זה מצות  
עשה, כיצד מתודין אומר אנא  
השם חטאתי עויתי פשעתי לפניך  
ועשיתי כך וכך והרי נחמתי  
ובושתי במעשי ולעולם איני חוזר  
לדבר זה, וזהו עיקרו של וידוי,  
וכל המרבה להתודות ומאריך  
בענין זה הרי זה משובח  
**הלכות תשובה א:א**

Rather than explaining what exactly is meant by "*teshuvah*," what its goals are and what Scriptural evidence there is that the notion even exists, which one might expect him to do in his opening comments,<sup>123</sup> the Rambam here begins instead by outlining some of the technical requirements of

<sup>122</sup> For a sampling of the former, see the sources collected in the ספר הליקוטים and ספר המפתח sections on *Hilchot Teshuvah* in the edition of the Rambam's *Mishneh Torah* published by R. Shabsi Frankel. Maran HaRav Yosef Dov Soloveitchik, zt'l, expounded on this passage in several *shiurim*; see, for example, the citations in *Al HaTeshuvah*, p. 37 ff. and p. 149 ff., and in *Harrerei Kedem* Volume 1 Chapters 36 and 58.

<sup>123</sup> See, by way of contrast, Rabbeinu Yonah's opening remarks in his *Shaarei Teshuvah* and the beginning of the Meiri's *Chibbur HaTeshuvah* (1:1).

the *teshuvah* process, stressing that a particular formula of *vidui*, generally understood as *confession*, is an absolute necessity from a procedural perspective.<sup>124</sup> According to his description, the individual reciting the *vidui* must express three primary feelings: recognition of the sin(s), remorse for past deeds, and a resolve to not repeat such acts in the future.<sup>125</sup> His reference to *teshuvah* in this passage, however, is limited to the words “כשיעשה תשובה,” “when he does teshuvah,” implying that *teshuvah*, the essence of which he does not define here, is in effect the backdrop, or perhaps the psychological and emotional underpinning, for the *mitzvah* of *vidui*, and it is to the specifics of that *mitzvah* that the Rambam devotes his attention in this section.

It is not until the second chapter of *Hilchot Teshuvah* that the Rambam gives us his precise definition of *teshuvah*. There he writes:

*What is complete teshuvah? That is [what is attained by a person] when the very circumstance in which he [previously] sinned presents itself to him and he has the ability to commit the sin [again] but instead turns away and does not commit it because of teshuvah, and not because of fear or weakened capability. If, for example, a man had illicit relations with a woman and after some time was alone with her [again], still in love with her, still physically capable, and in the same place where he sinned with her previously, and instead he turned away and did not transgress [again], such a person has attained complete teshuvah. This is in line with what [King] Solomon said (Ecclesiastes 12:1): So remember your Creator in the days of your youth. But if one did not repent until the days of his old age and until a time when it was not possible for him to do what he had done, even though this [kind of teshuvah] is not the preferred teshuvah, it still helps him and he has attained [a level of] teshuvah. [Indeed,] even if one transgressed for all his days but he did teshuvah on the day of his death and he dies having done teshuvah, all his iniquities are forgiven, as it is stated (ibid. v. 2): Until the sun, the light, the moon and the stars grow dark, and the clouds return after the rain. – which is [a reference to] the day of death.*

*And what is teshuvah? It is [what is attained] when a sinner abandons his sin, removes it from his thoughts and concludes in his mind that he will not do it again, as it is stated (Isaiah 55:7), let the wicked one abandon his way, etc. And [the sinner] likewise should regret the fact that he transgressed, as it is stated (Jeremiah*

**הלכה א:** אי זו היא תשובה גמורה, זה שבא לידו דבר שעבר בו ואפשר בידו לעשותו ופירש ולא עשה מפני התשובה, לא מיראה ולא מכשולון כח, כיצד הרי שבא על אשה בעבירה ולאחר זמן נתייחד עמה והוא עומד באהבתו בה ובכח גופו ובמדינה שעבר בה ופירש ולא עבר זהו בעל תשובה גמורה, הוא ששלמה אמר וזכור את בוראך בימי בחורותיך, ואם לא שב אלא בימי זקנותו ובעת שאי אפשר לו לעשות מה שהיה עושה אף על פי שאינה תשובה מעולה מועלת היא לו ובעל תשובה הוא, אפילו עבר כל ימיו ועשה תשובה ביום מיתתו ומת בתשובתו כל עונותיו נמחלין שנאמר עד אשר לא תחשך השמש והאור והירח והכוכבים ושבו העבים אחר הגשם שהוא יום המיתה, מכלל שאם זכר בוראו ושב קודם שימות נסלה לו.

**הלכה ב:** ומה היא התשובה הוא שיעזוב החוטא חטאו ויסירו ממחשבתו ויגמור בלבו שלא יעשהו עוד שנאמר יעזוב רשע דרכו וגו', וכן יתנחם על שעבר

<sup>124</sup> Indeed, it would appear that *vidui*, and not *teshuvah*, is the actual *mitzvah*; see, for example, *Minchat Chinuch* 364:1, *Netziv in Haamek Davar to Devarim* 30:11, and *Meshech Chochmah to Devarim* 31:17 (*Parashat VaYelech*).

<sup>125</sup> See R. Saadiah Gaon in his *Emunot Ve'Deot*, 5:5, for an earlier formulation of these three components (together with a fourth). But whereas R. Saadiah Gaon explicitly presents them as categories of *teshuvah*, the Rambam here associates them with *vidui*, as at least somewhat distinct from *teshuvah*.

31:18): For after my returning, I regretted. Moreover, [his resolve should be such that] he should be able to call He Who knows all that is hidden as a witness that he will never return to this sin ever again, as it is written (Hosea 14:4): nor will we ever again call our handiwork ‘our gods,’ etc. And he must verbally confess and declare these matters that he has concluded in his mind.

### Hilchot Teshuvah 2:1-2

שנאמר כי אחרי שובי נחמתי,  
ויעיד עליו יודע תעלומות שלא  
ישוב לזה החטא לעולם שנאמר  
ולא נאמר עוד אלהינו למעשה  
ידינו וגו', וצריך להתודות  
בשפתיו ולומר עניינות אלו  
שגמר בלבו.  
**הלכות תשובה ב:א-ב**

An examination of these two *halachot* reveals that the Rambam is actually providing two different definitions of *teshuvah*, speaking in 'א' הלכה of “complete” *teshuvah*, and in 'ב' הלכה of “plain” *teshuvah*. At least two questions may be raised here. First, what is the essential difference between the two? And second, assuming that “complete” *teshuvah* is somehow a higher or more perfect level of *teshuvah*, why does the Rambam discuss that first? Wouldn't it have made more sense to first present the more basic or simpler level before detailing the greater or more exalted level?<sup>126</sup>

## Understanding Complete *Teshuvah*

In discussing “plain” *teshuvah* here, the Rambam in effect restates the ideas mentioned at the beginning of 'א' פרק, writing that the individual must acknowledge and regret his sin and commit to change his behavior in the future. One who has done this, and indeed succeeds in avoiding the repetition of his sin, has apparently done *teshuvah* on this level. In describing the individual who has attained complete *teshuvah*, however, the Rambam stresses that he has to confront the same situation in which he previously had sinned, having both the opportunity and the ability to repeat the transgression, and this time show the necessary restraint to resist doing the forbidden act again. It clearly cannot be, however, that the distinction between this greater level of *teshuvah* and the basic level is only a matter of circumstance, a function solely of whether or not the individual happened to have been “tested” with the chance to repeat his misdeed. There must be a substantial qualitative difference between the two types of *teshuvah* as well.

It would appear that “complete” *teshuvah* entails more than just making sure not to repeat one's past mistakes, significant an accomplishment though that undoubtedly is. One who finds himself tempted by sin should surely make every effort to avoid that temptation, just as one who knows that certain things are dangerous for his physical health should avoid those things.<sup>127</sup> If that requires him to stay away from the conditions in which the particular temptation presents itself, then so be it. One who knows, for example, that when walking along a certain block he has been and still is strongly tempted to enter into a non-kosher food establishment there and partake of its delicacies would be well advised to seek out another suitable route where he will not be similarly tempted. And yet, while a person should certainly be admired for keeping himself away from that which tempts him to sin, and can be considered, if he has fulfilled other pre-requisites,

<sup>126</sup> Again, see, by way of contrast, Rabbeinu Yonah's discussion in *Shaarei Teshuvah* (I:49), where he describes what the Rambam identifies as “complete” *teshuvah* towards the very end of his presentation of the principles of *teshuvah*. See also the Meiri's *Chibbur HaTeshuvah* (I:12).

<sup>127</sup> See Rambam, *Hilchot De'ot* 4:1.

to have indeed done *teshuvah*, he has not, by merely having avoided the circumstances in which he sinned in the past, achieved “complete” *teshuvah* according to the Rambam.

Complete *teshuvah* requires something deeper. Complete *teshuvah* is attained only when a person has undergone a transformation of character to the point that he now no longer has to avoid a particular temptation because he has completely overcome his desire for that temptation. He has altered his way of thinking, reconsidered his motivations and goals, and shifted his path in life. He has developed the ability to control his behavior and is now in fact a totally different person. The fact that he has been confronted with the opportunity to repeat his sin and did not do so is proof of the fact that this major change, this transformation, has in fact taken place. Complete *teshuvah* is identified with newly mastered self-control, resulting in a change in one’s very nature and personality.

In describing the person who has achieved this level of *teshuvah*, the Rambam writes later:

*Teshuvah brings close those who are far away; yesterday (i.e., before doing teshuvah), he was hated before the Omnipresent – disgusting, distant and abominable. But today (i.e., after having done teshuvah), he is loved, desirable, close – a friend.*

**Rambam Hilchot Teshuvah 7:6**

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

*How exalted are the benefits of teshuvah! Yesterday, this person was alienated from Hashem, the God of Israel, as it is stated (Isaiah 59:2): your iniquities have separated between you and your God; he would cry out and not be responded to, as it is stated (ibid. 1:15): even if you were to intensify your prayer, I will not listen; he would fulfill commandments and they would be thrown back in his face, as it is stated (ibid. v. 12): who sought this from your hand, to trample My courtyards, and (Malachi 1:10): If only there were someone among you who would shut the [Temple] doors, so that you could not kindle upon My Altar in vain! I have no desire for you, said Hashem, Master of Hosts, and I will not accept an offering from your hand, and (Jeremiah 7:21): Add your burnt-offerings to your peace offerings and eat [their] meat [yourselves]. But today, he is attached to the Divine Presence, as it is stated (Deuteronomy 4:4): But you who cling to Hashem, your God; he cries out and is responded to immediately, as it is stated (Isaiah 65:24): It will be that before they call I will answer; and he fulfills commandments and they are accepted with pleasure and joy, as it is written (Ecclesiastes 9:7): for God has already approved your deeds, and not only that but there is a longing for them, as it is stated (Malachi 3:4): Then the offering of Judah and Jerusalem will be pleasing to Hashem as in the days of old and in previous years.*

**Hilchot Teshuvah 7:7**

כמה מעולה מעלת  
התשובה, אמש היה זה  
מובדל מה' אלהי ישראל  
שנאמר עוונותיכם היו  
מבדילים ביניכם לבין  
אלהיכם, צועק ואינו נענה  
שנאמר כי תרבו תפלה וגו'  
ועושה מצות וטורפין אותן  
בפניו שנאמר מי בקש זאת  
מידכם רמוס חצרי, מי גם  
בכם ויסגר דלתים וגו',  
והיום הוא מודבק בשכינה  
שנאמר ואתם הדבקים בה'  
אלהיכם, צועק ונענה מיד  
שנאמר והיה טרם יקראו  
ואני אענה, ועושה מצות  
ומקבלין אותן בנחת ושמחה  
שנאמר כי כבר רצה  
האלהים את מעשיך, ולא  
עוד אלא שמתאווים להם  
שנאמר וערבה לה' מנחת  
יהודה וירושלם כימי עולם  
וכשנים קדמוניות.  
רמב"ם הלכות תשובה ז:ז

How can such a sharp distinction, such a dramatic turnabout, be explained? The answer is that the person who has done complete *teshuvah* has undergone a dramatic change. He is now no longer the same person as he was before. And his relationship with Hashem is thus also markedly different. This is the nature of complete *teshuvah*, and it is indeed significantly different qualitatively than the basic kind of *teshuvah* where the essence is developing the ability to avoid sin through the discipline that comes as a result of the three stages of recognition, remorse and resolve. Complete *teshuvah* involves making changes in one's very character and becoming a different person.

## The Ultimate Goal and the Process of *Teshuvah*

The second question posed above as to why the Rambam began ב' פרק by describing complete *teshuvah* before defining the more basic elements of *teshuvah*, a seemingly out of order presentation, may perhaps be addressed by analyzing what *teshuvah* is really all about. It is possible to understand that what the Rambam defines as “complete” *teshuvah* is something beyond the fundamental requirement of *teshuvah* – a goal to be striven for, certainly, but essentially an “extra” – an option for one who wants to “go all out” and engage in doing “*teshuvah*-plus.” If that is the case, then it is true that the Rambam should perhaps have begun with a discussion of the general obligation before moving on to the optional “extra.”

It is possible, however, to suggest that complete *teshuvah* is in fact the ultimate goal; it is that level which in truth defines the very obligation of *teshuvah*. All “lesser” forms of *teshuvah*, while significant, indeed quite significant, can be considered as means toward the end of complete *teshuvah*. *Teshuvah*, according to this approach, is a process, consisting of several steps, each of which, though important in its own right, is a prelude to another step, with the final purpose being the change in personality. If this is true, the Rambam's formulation makes good sense. He begins in א' הלכה by stating the goal of *teshuvah*, namely, transformation of character. Then, in ב' הלכה, he discusses the key steps needed on the way to that goal. It is obvious that not everybody in every circumstance is able to redefine himself as part of the *teshuvah* process; in many cases, doing *teshuvah* by disciplining oneself to avoid the temptation of sin, accompanied by the requisite feelings of remorse, is the best one can hope to achieve. As even that accomplishment is often rather elusive, such *teshuvah* is nothing to be embarrassed about. But it still falls short of complete *teshuvah*. The person who attains this level of *teshuvah* has taken steps – big steps – but he has not reached the target. The Rambam thus chose to begin his definitions of *teshuvah* by setting the target.

With this approach, another answer may be offered to a famous question raised by the *Minchat Chinuch* (364:1) and others.<sup>128</sup> The Gemara in *Kiddushin* (49b) teaches that if a man says to a woman, “Become betrothed to me on the condition that I am a righteous person,” even if he (until now) was a completely wicked person, she is considered betrothed to him because it is possible that at that moment, he had made a mental commitment to do *teshuvah*. That thought in his mind suffices to categorize him as a righteous person because he has done *teshuvah*. The question is, if, as noted above, *vidui*, a verbal confession, is such an integral component of the *teshuvah* process, how

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<sup>128</sup> See *Kiryat Sefer* to *Hilchot Teshuvah* 1:16.

can this mental commitment be enough to characterize this person as a righteous man – he cannot be viewed as having properly done *teshuvah*, because he made no confession.

According to the aforementioned understanding of the Rambam, though, the answer is clear. *Teshuvah*, as explained, is a process, consisting of many steps. A mental commitment to mend one's evil ways is one of those steps – possibly the very first step. The *vidui*, consisting of the three components outlined above, is another, later step. But even that brings one to only one level of *teshuvah*; the ultimate *teshuvah*, “complete” *teshuvah*, is further yet down the road. The individual who mentally committed to change his behavior for the better has certainly not done complete *teshuvah*. He has not even done *teshuvah* on the basic level, as he did not recite *vidui*. But he has taken a step; he is on the road. And concerning at least this particular law of betrothal, his being on the road is sufficient to qualify the person as righteous.<sup>129</sup>

It should be pointed out that this idea that *teshuvah* is in fact a process with a number of steps, and that a mental decision to do *teshuvah* is an early one of those steps, can be shown to emerge from the words of the Rambam himself. As alluded to above, the Rambam in א:א, when introducing the formula for the text of *vidui*, prefaces his presentation of the *mitzvah* of *vidui* with the words “כשיעשה תשובה,” “when he does teshuvah.” This implies that the decision in the person's mind to do *teshuvah* has already happened; the first step has been taken. The notion is even more clearly evident in the words of the Rambam in describing the procedure followed when bringing certain sacrifices:

*How does one confess? He says, “I have sinned, been iniquitous and willfully rebelled, and I have done such and such; but I have returned through teshuvah before You, and this [sacrifice] is my atonement.”*

**Hilchot Maaseh HaKorbanot 3:15**

כיצד מתודה אומר הטאתי עויתי  
פשעתי ועשיתי כך וכך וחזרתי  
בתשובה לפניך וזו כפרתי  
הל' מעשה הקרבנות ג:טו

According to this, the individual, as an actual part of the text of his *vidui*, declares, “וחזרתי בתשובה,” “and I have returned through teshuvah.” Note that this phrase is in the past tense; the person is thus stating when he recites his *vidui* that he has **already** done *teshuvah*, at least in some sense. Some form of *teshuvah* comes first, the formal, technical *vidui* comes a little later, and, if all goes well, “complete” *teshuvah* is attained later still.

It seems clear from all of the above that at least according to the Rambam, there are many steps which must be taken as part of the overall *teshuvah* process, and each one is important in its own right. It is conceivable that one may never fully achieve the total personality change identified with complete *teshuvah*, and the attainment of these other levels of *teshuvah* is thus to be encouraged and is commendable as well, as each step brings the individual closer to Hashem. At the same time, however, the ultimate goal of *teshuvah* remains the transformation of one's character, the metamorphosis into a person no longer even tempted by the sins which were previously violated, difficult though reaching that goal may be.

<sup>129</sup> HaRav Soloveitchik is cited in *Harrerei Kedem* (Volume 1 Chapter 35) as having presented a similar understanding of this *sugya* in *Kiddushin*. It must be noted here that both the Rambam (*Hilchot Ishut* 8:5) and the *Shulchan Aruch* (*Even HaEzer* 38:31) rule that the betrothal in this case is not *definitely* valid, but rather that it *might* be valid (מקודשת מספק). See *Beit Shmuel* #55 and *Chelkat Mechokek* #44 there; see also *Ohr Zarua* I:112.

## The Sin and the Sinner

Put in different words, the *teshuvah* process may be said to address two entities: the sin and the sinner. When one has sinned, he has committed an act that is in violation of Hashem's Will. This act has consequences, and depending upon the specific nature of the transgression, the person is subject to certain punishments; we thus find throughout the Torah that different punishments are associated with different sins. In addressing "sin," the goal of *teshuvah* is to expiate that misdeed, to remove it, as it were, from the person's ledger. What is needed for that to happen depends again upon the nature of the transgression. The Mishnah in *Yoma* states:

*The chatas offering and the definite asham offering atone [for sin]. Death and Yom Kippur atone [along] with repentance. Repentance [alone] atones for lesser transgressions, whether [in violation of] either positive or negative commandments. And for severe [transgressions], it [i.e., repentance] suspends [punishment] until Yom Kippur comes and atones.*

### Mishnah Yoma 85b

A subsequent gemara at there elaborates:

*R' Masya ben Charash asked R' Elazar ben Azaryah: "Have you heard the four categories of atonement that R' Yishmael expounds?" He said [in response]: "There are three, and repentance [is needed] with each and every one. If one violated a positive commandment and repented, he does not [have to] move from there until he is forgiven [i.e., he is forgiven immediately], as it is stated (Jeremiah 3:22): Return O wayward children. If one violated a negative commandment and repented, repentance suspends [punishment] and Yom Kippur atones, as it is stated (Leviticus 16:30): For on this day He shall atone for you ... from all your sins. If one violated [sins punishable by] premature death or death at the hands of a Beit Din and repented, repentance and Yom Kippur suspend [punishment] and suffering purges [the sin], as it is stated (Psalms 89:33): Then I will punish their willful rebellion with a rod and their iniquity with plagues. But [for] one who has [the sin of] desecration of the Name [of Hashem] in his hand, repentance does not have the capability to suspend [punishment], nor Yom Kippur to atone, nor suffering to purge. Rather, all of them [together] suspend [punishment] and death purges, as it is stated (Isaiah 22:14): And it was revealed in my ears by Hashem, Master of Hosts, "This sin will not be atoned for you until you die."*

### Yoma 86a

חטאת ואשם ודאי - מכפרין.  
מיתה ויום הכפורים - מכפרין  
עם התשובה. תשובה מכפרת על  
עבירות קלות, על עשה ועל לא  
תעשה, ועל החמורות הוא תולה  
עד שיבא יום הכפורים ויכפר.  
**מסכת יומא פה:**

שאל רבי מתיא בן חרש את רבי אלעזר בן עזריה ברומי: שמעת ארבעה חלוקי כפרה שהיה רבי ישמעאל דורש? אמר: שלשה הן, ותשובה עם כל אחד ואחד. עבר על עשה ושם - אינו זז משם עד שמוחלין לו, שנאמר (ירמיהו ג) שובו בני ישראל שובבים. עבר על לא תעשה ועשה תשובה - תשובה תולה, ויום הכפורים מכפר שנאמר (ויקרא טז) כי ביום הזה יכפר עליכם מכל חטאתיכם. עבר על כריתות ומיתות בית דין ועשה תשובה - תשובה ויום הכפורים תולין, ויסורין ממרקין, שנאמר (תהלים פט) ופקדתי בשבט פשעם ובנגעים עונם, אבל מי שיש חילול השם בידו - אין לו כח בתשובה לתלות, ולא ביום הכפורים לכפר, ולא ביסורין למרק. אלא כולן תולין, ומיתה ממרקת, שנאמר (ישעיהו כב) ונגלה באזני ה' צבאות אם יכפר העון הזה לכם עד תמותון.  
**מסכת יומא פו.**

It is clear that repentance plays a significant role in purging or expunging sin, and that more may be needed if the sin is of a greater type.<sup>130</sup> For this reason, Rabbeinu Yonah writes in his *Shaarei Teshuvah* (III:1-2) that one must examine the severity of his sins as part of the *teshuvah* process.

But in addition to committing the technical act of a transgression, one who sins does something else as well. The person, the גברא, becomes a sinner. The sin becomes a stain on his personality, regardless of the punishment associated with it, and he suddenly has a different identity. The *teshuvah* process for this consequence is thus different. It is not enough to deal with the sin; the individual must do something to change his personal status as a sinner. It is to this consequence which complete *teshuvah* addresses itself. While *teshuvah* responds to the sin, “complete” *teshuvah* responds to the sinner. Perhaps for this reason, each line of the long *vidui* recited on Yom Kippur includes the words “על חטא,” “*For the sin,*” and “שחטאנו,” “*that we have sinned.*” We have sinned and we have become sinners.

It is noteworthy that the Rambam, when defining complete *teshuvah* in פרק ב', mentions nothing about the different gradations of atonement; he refers to them only in his discussion of general *teshuvah* (פרק א' הלכה ג'-ד'). This may be because when considering the sinner, as opposed to the sin, the severity of the transgression is less critical. The issue is the impact on the person's character and that can depend on numerous other factors. Regardless of the nature of one's misdeed, then, he has become a sinner, and he must do whatever he can to change that status; he must try to transform his personality. The Mishnah states:

*Be as careful with a “minor” mitzvah as with a “major” one, for you do not know the [true] reward given for the mitzvot.*

**Pirkei Avot 2:1**

הוי זהיר במצוה קלה כבחמורה שאין  
אתה יודע מתן שכרן של מצות  
אבות ב:א

The Rambam, both in his *Peirush HaMishnayot* to that Mishnah and in הל' תשובה ג:ב explains that we are incapable of evaluating the relative worth of mitzvot; only Hashem is capable of so doing. Despite the fact that we do know the severity of the punishment for many mitzvot, we are still incapable of properly assessing their true value and weight, as there are many other factors relating to mitzvot, including very subjective ones, which we are not able to take into account.<sup>131</sup> In light of our presentation here, it may perhaps be added that the Mishnah is teaching as well that nobody really knows the impact that an act can have on one's personality (whether positive or negative); the omission of even a seemingly minor mitzvah, or the commission of even a seemingly minor transgression can categorize someone as a sinner. “Complete” *teshuvah* is needed to address one's failure to have learned the lesson of this Mishnah, and to change the character of someone who is, in any other fashion, considered a sinner.

<sup>130</sup> It stands to reason that the frequency of the sin also plays a role in what is needed for its removal; see Ran to *Yoma*, 4b in Rif, סוף ד"ה וגרסי', in the name of the Raavad that repeated violations of a lesser prohibition can be worse than a single violation of a more severe prohibition.

<sup>131</sup> See the examples presented by R. Yitzchak Blazer (“R' Itzele Peterburger”) in his *Kochvei Ohr* Chapters 58 and 62 of some such factors; see also R. Eliyahu Lopian in *Lev Eliyahu*, Part III, *Maarhot HaTeshuvah* #11, and R. Moshe Feinstein in *Dibrot Moshe to Kiddushin* Part I #50, note 74.

## Redirecting One's Traits

Finally, it is worth pointing out that the “transformation of character” which defines complete *teshuvah* does not necessarily demand a total and sweeping alteration of all of one’s inner tendencies and natural proclivities. On the contrary, sometimes those very same characteristics, if channeled in the right direction, can lead a person to greatness. Complete *teshuvah* is, in one sense, attained when one has learned to use for positive things the very abilities that in the past led him to sin. Indeed, the *Yeitzer HaRa*, the so-called “evil inclination,” itself can be used and is actually needed for productive purposes, as demonstrated by the Gemara in *Sanhedrin* (64a). The Midrash in *Bereishit Rabbah* (9:7) cites an opinion that the words “very good” found in the Torah regarding the creation of the universe (*Genesis* 1:31) actually refer to the *Yeitzer HaRa*! How can this be understood? The answer is that a person can use even his *Yeitzer HaRa* for very good purposes; the Gemara in *Berachot* (5a) thus directs one to use his *Yeitzer Tov* to combat his *Yeitzer HaRa*, to control it, to sublimate it – but not to eliminate it. This may be the true meaning of the line in the Yom Kippur *vidui* which states, “על חטא שחטאנו לפניך ביצר הרע,” “For the sin that we have sinned before You with the *Yeitzer HaRa*.” The subject here is perhaps not the temptations of the *Yeitzer HaRa* in general, for many individual transgressions are expressly listed; such a general statement is not needed. Rather, the confession here is for failing to use the *Yeitzer HaRa* in a positive and constructive fashion, the way it should be used.

With this idea, we can perhaps better understand the following fascinating passage in the Gemara in *Yoma*:

*Reish Lakish said: Great is repentance, for [through repentance] intentional transgressions are considered as unintentional transgressions, as it is stated (Hosea 14:2): Return, O Israel, unto Hashem your God, for you have stumbled through your iniquity. Now an iniquity is an intentional transgression, yet [the verse] calls it “stumbling” [which implies something unintentional]. Is this so? But Reish Lakish [himself] said: Great is repentance for [through repentance] intentional transgressions are considered as merits [and not as unintentional transgressions], as it is stated (Ezekiel 33:19): And if the wicked man turns away from his wickedness and behaves with justice and righteousness, he shall live on account of them. This is not a question. Here [in the second statement, the reference is to teshuvah motivated] by love, there [in the first statement, the reference is to teshuvah motivated] by fear.*

### Yoma 86b

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

Even aside from the details relating to *teshuvah* motivated by fear and *teshuvah* motivated by love, this passage requires some analysis. It is understandable that the power of proper repentance is such that it can “downgrade” intentional sins and allow them to be viewed as though they were actually committed unintentionally; *teshuvah* can release a person from liability for his misdeeds. But how does it make sense, even when motivated by the very best of

motivations, for *teshuvah* to have the power to transform sins into merits? Can it really be said that all of this person's previous transgressions are now accounted for him as positive actions?<sup>132</sup> The answer is that when a person changes his character and reforms his personality, such that he is now a different person, all of those very traits and all of those very experiences which previously enabled him and led him to become a sinner can now be used in a proper manner. The same *Yeitzer HaRa* will now be used for good things, and this person's future good deeds will build on the foundation of his earlier misdeeds, leading to constructive results. The prior sins thus, in a way, now lead the person to great heights and are therefore viewed as merits.<sup>133</sup>

*Teshuvah* is a multi-faceted and multi-dimensional process. Change, as a rule, does not happen in a fleeting moment, but rather in stages. One who does *teshuvah* takes steps; steps to avoid sin, to improve his behavior and to become a new and better person. "Complete" *teshuvah* is achieved when one has reached the final destination: when he has redefined his character to the extent that even his prior misdeeds now help motivate him to do what is right, where all aspects of his personality contribute to his service of Hashem. That is the ultimate, if difficult to attain, goal of *teshuvah*.

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<sup>132</sup> The *Chafetz Chaim* explains that in considering things in this manner, Hashem, in His kindness and mercy, is going beyond the letter of the law. See R. Elchanan Wasserman in *Kovetz He'arot, Dugmaot LeBeurei Agadot Al Derech HaPeshat* #3, also in *Kovetz Maamarim*, p.23, *Maamar Al Teshuvah*.

<sup>133</sup> See HaRav Soloveitchik's development of this idea as cited in *Al HaTeshuvah*, p.169 ff.

# The *Teshuvah* of Yishmael

Rabbi Mordechai Torczyner

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

*And Avraham said to God: If only Yishmael would live before You!*

**Bereishit 17:18**

ויאמר אברהם אל האלקים לו  
ישמעאל יהיה לפניך  
בראשית יז:יח

Only on Rosh haShanah's second day do we read of Avraham and Yitzchak's superhuman sacrifice at the Akeidah. For the first twenty-four hours of the Day of Judgment, our biblical source for edification and inspiration is that story's prequel: HaShem's merciful response to Sarah, the birth of Yitzchak, and the epilogic eviction of her dissolute, violent stepson, Yishmael.

Certainly, we choose this latter Torah reading because an instance of the Creator of the Universe recalling human merit on Rosh haShanah<sup>134</sup> suits the day on which we seek to move HaShem from the throne of justice to the throne of mercy.<sup>135</sup> But why do we append Yishmael's story on a day when we identify HaShem as our Father? At best the account is irrelevant; at worst, it tells a tale which denies paternal love, as a sinner is heartlessly evicted from his father's home!

One could argue that this is precisely the Rosh haShanah point – Yishmael is denied the mercy of “father figures” HaShem and Avraham, but we are זרעו של אברהם, protected by a covenant.<sup>136</sup> However, the story of Yishmael's eviction might also provide a more positive message: This event is understood by some as the turning-point in a life previously characterized by unbridled sin.<sup>137</sup> Beginning immediately after Yishmael's eviction from the home of Avraham and Sarah, our sages see signs that the villain took his exile to heart and committed himself to a path of repentance.

## Yishmael's Path of *Teshuvah*

The Torah offers us the first sign of Yishmael's repentance as he lies beneath a bush, dehydrated and, apparently, near death:

*And God heard the voice of the youth, and a*

| וישמע אלקים את קול הנער ויקרא מלאך אלקים אל

<sup>134</sup> Rosh haShanah 10b-11a

<sup>135</sup> Vayyikra Rabbah 29:3

<sup>136</sup> Indeed, the same theme exists in Yom Kippur's rites. The שׁעִיר לַעֲזָאוֹל, which is interpreted in Bereishit Rabbah 65:15 to represent Esav, dies in the wilderness; we, on the other hand, receive forgiveness in the Beit haMikdash.

<sup>137</sup> Bereishit 16:12; Bereishit Rabbah 56:11

*messenger of God called to Hagar from the heavens and said, 'What troubles you, Hagar? Fear not; God has heard the voice of the youth, as he is there.'*

**Bereishit 21:17**

הגר מן השמים ויאמר לה מה לך הגר אל תיראי כי שמע אלקים אל קול הנער באשר הוא שם:  
**בראשית כא:יז**

The sages were troubled by the last few words of HaShem's emissary; what is the meaning of, "as he is there?" Rabbi Yitzchak explained:

*A person is judged only based on his deeds of that moment, as it is written, 'God has heard the voice of the youth, as he is there.'*

**Rosh Hashana 16b**

אין דנין את האדם אלא לפי מעשיו של אותה שעה שנאמר כי שמע אלקים אל קול הנער באשר הוא שם  
**ראש השנה טז:**

Another midrash amplified Rabbi Yitzchak's account:

*The angels leapt to argue against his survival, saying, 'Master of the Universe! You would provide a well for this man who is going to murder Your children with thirst?' God replied: What is he now – righteous or wicked? They said: Righteous. He told them: I only judge a man based upon his moment. Rise, and take the youth...*

**Bereishit Rabbah 53:14**

קפצו מלאכי השרת לקטרגו, אמרו לפניו רבון העולמים אדם שהוא עתיד להמית את בניך בצמא אתה מעלה לו באר? אמר להם: עכשיו מה הוא, צדיק או רשע? אמרו לו: צדיק. אמר להם: איני דן את האדם אלא בשעתו! קומי שאי את הנער.  
**בראשית רבה נג:יד**

This passage is remarkable not only as a lesson in Divine justice and omniscience, but also as a lesson regarding Yishmael himself. Just that morning, the teen had been evicted for idolatry, murder and sexual immorality<sup>138</sup> - and now he was righteous, deserving of Divine intervention? This is the first sign that the post-exile Yishmael executes an about-face, righting his wrongs.

Further evidence of repentance comes from the Torah's mention of two anonymous "youths" who accompanied Avraham and Yitzchak to the Akeidah.<sup>139</sup> A midrash unmasked these youths for us:<sup>140</sup>

*R' Eivo said: The Torah teaches you proper conduct, that one should not travel with fewer than two escorts, lest he ultimately become his servant's servant. Two people conducted themselves properly, Avraham and Shaul. Regarding Avraham it says, 'And he woke early in the morning and took his two youths with him' – Who were they? Yishmael and Eliezer. Regarding Shaul...*

**Vayikra Rabbah 26:7**

א"ר איבו, למדתך תורה דרך ארץ שלא יהא אדם יוצא לדרך בפחות משנים שאם יצא סופו נעשה עבד לעבדו, דא"ר איבו שני בני אדם נהגו בדרך ארץ, אברהם ושאול. באברהם מהו אומר? וישכם אברהם בבקר ויקח את שני נעריו עמו. ומי היו? ישמעאל ואליעזר. בשאול מהו אומר...  
**ויקרא רבה כו:ז**

How did Yishmael end up in this picture, accompanying his father and half-brother – and in the role of a servant no less - to the Akeidah? According to the traditional chronology, he had been

<sup>138</sup> Bereishit Rabbah 56:11

<sup>139</sup> Bereishit 22:3

<sup>140</sup> Rashi to Bereishit 22:3 cites this as well. See also Kohelet Rabbah 9. Ritva to Kiddushin 68b is unique in rejecting this midrashic explanation, on the grounds that Yishmael is normally identified as Avraham's בן, rather than his נער.

evicted some thirty-five years prior! Perhaps this may be taken as further evidence that Yishmael repented upon his eviction, and ultimately returned to his father's home.

Finally, the gemara saw evidence of Yishmael's *teshuvah* in the biblical account of Avraham's burial. After noting that the Torah uses specific language to describe the passing of the righteous, and that the Torah employs this language regarding Yishmael's death,<sup>141</sup> Rava explained:

*Yishmael repented during his father's lifetime, as it is written, 'And Yitzchak and Yishmael, his sons, buried him.' [Placing Yitzchak first indicates that Yishmael showed respect to his righteous younger brother.] But perhaps the Torah simply listed them based upon their wisdom [and, in fact, Yishmael showed no such respect to Yitzchak]? If that were true, then [at Yitzchak's burial] why did the Torah say, 'And Esav and Yaakov, his sons, buried him?' Why did it not list them based upon their wisdom? Rather, from the fact that the text put Yitzchak first, Yishmael must have placed him first. We learn from here that he repented during his father's lifetime.*

**Bava Batra 16b**

ישמעאל עשה תשובה בחיי אביו, שנאמר ויקברו אותו יצחק וישמעאל בניו. ודילמא דרך חכמתן קא חשיב להו? אלא מעתה, ויקברו אותו עשו ויעקב בניו מאי טעמא לא חשיב להו דרך חכמתן? אלא מדאקדמיה אדבורי אדבריה, ומדאדבריה שמע מינה תשובה עבד בימיו.  
**בבא בתרא טז:**

This combination of sources – HaShem's declaration that Yishmael was righteous, Yishmael's pre-Akeidah return and his display of respect for Yitzchak at Avraham's funeral – presents a tantalizing idea: That Yishmael learned from his eviction. Perhaps, what seemed like a hard-hearted case of justice was actually an example of successful tough love.<sup>142</sup>

## Or Perhaps Yishmael Did Not Repent?

Admittedly, some sources indicate that Yishmael did not repent. In the context of a discussion about a list of historical figures who were excluded from *olam haba*, the gemara stated:

*A father cannot assign merit to his son, for it is written, 'None can rescue from My hand.' Avraham cannot rescue Yishmael and Yitzchak cannot rescue Esav.*

**Sanhedrin 104a**

אבא לא מזכי ברא, דכתיב ואין מידי מציל, אין אברהם מציל את ישמעאל, אין יצחק מציל את עשו.  
**סנהדרין קד.**

In itself, this talmudic passage need not be taken as evidence that Yishmael lived out his life in wickedness. Nonetheless, a Tosafist, Rabbeinu Elchanan,<sup>143</sup> understood it in this way.

Rashi also saw evidence of Yishmael's lifelong delinquency in the following passage of gemara:

*Why were the years of Yishmael's life enumerated in the Torah? In order to calculate the years of Yaakov.*

**Megilah 17a**

למה נמנו שנותיו של ישמעאל? כדי ליחס בהן שנותיו של יעקב.  
**מגילה יז.**

<sup>141</sup> Bereishit 25:17

<sup>142</sup> I am indebted to Rabbi Meir Lipschitz for pointing out that Kli Yakar (Bereishit 25:1) identified the repentance of Hagar, and inter alia her son Yishmael, in her re-marriage to Avraham.

<sup>143</sup> Tosafot Yeshanim, Yoma 38b מ'עשה ב'רואג

Rashi there explained that the gemara was asking, “מה לנו למנות שנות הרשעים?”<sup>144</sup> Why would we count the years of the wicked?”

Chatam Sofer, too, took as given that Yishmael did not repent. As part of a legal discussion<sup>145</sup> regarding exempting a woman from performing *yibbum* if her husband was a *mumar*, Chatam Sofer identified Yishmael as a *mumar* and an exile from the family of Avraham.

## Does Yishmael’s *Teshuvah* Matter for Me?

Yishmael’s religious fate has implications for our own lives in two limited practical areas and in a third, more broad area of philosophy.

Yishmael’s possible repentance affects the question of excluding sinful heirs from one’s estate. The Sages weighed in against altering the biblical order of inheritance,<sup>146</sup> but then how did Avraham assign all of his property to Yitzchak?<sup>147</sup> Some suggest that Avraham’s action was justified by Yishmael’s wickedness,<sup>148</sup> indicating that a modern parent could do likewise. If Yishmael actually repented, though, then this rationale for re-distributing one’s estate disappears.<sup>149</sup>

Another application is in the matter of using a name which also belonged to a wicked biblical figure. Based upon Shlomo haMelech’s statement (Mishlei 10:7), “The name of the wicked should rot,” the Sages taught<sup>150</sup> that we are not to use the names of wicked people, and that people who bear such names may even meet dire ends. How, then, did a great *tanna* go by the name of Yishmael? Some suggest<sup>151</sup> that this supports the view that Yishmael repented, and that the names of other biblical sinners ought not be used. However, within the view that Yishmael did not repent, Rabbi Yishmael’s use of his name may imply that names which are commonplace,<sup>152</sup> or which preceded Shlomo haMelech,<sup>153</sup> may be used despite their wicked former bearers.

The broadest application of Yishmael’s *teshuvah*, though, is in the realm of our own growth and repentance. This adolescent was on a path of such corruption that the Creator who is identified by thirteen unique attributes of mercy ordered him evicted from his home and left to wander in the wilderness. The next stop in Yishmael’s life was Egypt, where he married an Egyptian

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<sup>144</sup> Indeed, the Turei Even expressed shock at Rashi’s comment, asking, “איך הרשיע רש"י את הצדיק שעשה תשובה?” – How could Rashi have vilified this righteous man who repented? Just the opposite – We say, in many sources, that fully righteous people cannot stand in the place reserved for those who practice repentance!” He provided an alternative explanation of the talmudic question in question.

<sup>145</sup> Chatam Sofer Even haEzer 4:88

<sup>146</sup> Ketuvot 53a; Bava Batra 133b

<sup>147</sup> Bereishit 25:5; Sanhedrin 91a

<sup>148</sup> Machane Yehuda to Choshen Mishpat 256:3

<sup>149</sup> See Yabia Omer 8:Choshen Mishpat 9 and Mishneh Halachot 6:294 for other justifications of Avraham’s actions.

<sup>150</sup> Yoma 38b, and see Tosafot Megilah 10b רבה, Mabit I 276 and Yosif Ometz 11

<sup>151</sup> Tosafot Yeshanim to Yoma 38b

<sup>152</sup> Yosif Ometz 11

<sup>153</sup> Yehudah Yaaleh 1:Orach Chaim 99

woman.<sup>154</sup> How, then, did Yishmael, cast out of his own Eden and rejected by his family, find the wherewithal to repent?

Yishmael's repentance may have been stimulated by his father, Avraham, who pleaded with HaShem on behalf of Yishmael's future righteousness,<sup>155</sup> and who is described in a midrash<sup>156</sup> as seeking Yishmael's repentance in later years. However, we may also suggest that Yishmael is a human being who learned from his punishment and managed to correct his path and find his way to God. In this sense, Yishmael is a potent model for Rosh haShanah.

Many of us have difficulty relating to Yitzchak, who went willingly to be bound and slaughtered,<sup>157</sup> who needs not the privilege of repentance for he is an עולה תמימה, a perfect offering.<sup>158</sup> Yitzchak's death sentence was handed down in response to no sin of his own, and so he is a distant role model. Yishmael, on the other hand, evicted from his father's home with Divine approval, may resonate with the child of Avraham who arrives at Rosh HaShanah on the heels of a monthlong personal audit that has turned up more red ink than black.

The heart of our Torah reading on the first day of Rosh haShanah is still the story of Sarah, but on the Day of Judgment let us be edified and inspired by its epilogue, the exile of a young man into a harsh world, and his ultimate return.

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<sup>154</sup> Bereishit 21:21

<sup>155</sup> Bereishit 17:18; Ramban to Bereishit 17:3

<sup>156</sup> Yalkut Shimoni Vayyera 95

<sup>157</sup> Midrash, Bereishit Rabbah 56:3

<sup>158</sup> Ramban, haEmunah v'haBitachon 15

# שני טעויות נפוצות בהבנת תקיעת השופר

ר' יצחק אברהם טברסקי

## רמב"ם מפורסם - שלא היה ולא נברא

אחד הרמבמ"ם המפורסמים בעולם - לא היה ולא נברא! כולם "יודעים" שהרמב"ם מפרש שהשופר הוא כמין שעון מעורר. הקול המזעזע של השופר מקיץ את האדם משינתו ומעורר אותו משינתו. כולם מכירים רמב"ם זה, כולם שמעו רעיון זה בדרשות ושיעורים אין מספר. אבל מה נעשה, ובאמת אין רמב"ם כזה כלל וכלל. נעיין ברמב"ם ונראה מה רבינו באמת כותב - ומה לא. בהל' תשובה (פ"ג ה"ד) הרמב"ם כותב:

אע"פ שתקיעת שופר בראש השנה גזירת הכתוב רמז יש בו כלומר עורו ישינים משנתכם ונרדמים הקיצו מתרדמתכם וחפשו במעשיכם וחזרו בתשובה וזכרו בוראכם, אלו השוכחים את האמת בהבלי הזמן ושוגים כל שנתם בהבל וריק אשר לא יועיל ולא יציל הביטו לנפשותיכם והטיבו דרכיכם ומעלליכם ויעזוב כל אחד מכם דרכו הרעה ומחשבתו אשר לא טובה, לפיכך צריך כל אדם שיראה עצמו כל השנה כולה כאילו חציו זכאי וחציו חייב, וכן כל העולם חציו זכאי וחציו חייב, חטא חטא אחד הרי הכריע את עצמו ואת כל העולם כולו לכף חובה וגרם לו השחתה, עשה מצוה אחת הרי הכריע את עצמו ואת כל העולם כולו לכף זכות וגרם לו ולהם תשועה והצלה שנאמר וצדיק יסוד עולם זה שצדק הכריע את כל העולם לזכות והצילו...

רגילים לפרש ש"רמז יש בו כלומר עורו ישינים משנתכם" היינו שהתקיעה מעורר את האדם. אבל לכאורה **אי אפשר לפרש דברי הרמב"ם כן**. הרי רמז יש בו<sup>159</sup> - ולא בה. וא"כ כוונת הרמב"ם לחפצא של השופר ולא לתקיעה בכלל.

גם יש להבין את הקשר בין שני החלקים המחוברים במלה "לפיכך". לכאורה אין החלק השני תוצאה מרמז השופר.

יש לדעת שהרמב"ם דייק היטב בחילוק שבין "בו" ו"בה", כמובן. בהל' שופר (פ"א ה"א) כתב *מצות עשה של תורה לשמוע תרועת השופר בראש השנה שנאמר יום תרועה יהיה לכם, ושופר שתוקעין בו בין בראש השנה בין ביובל הוא קרן הכבשים הכפוף וכו'.*

הרי כשמדבר על השופר כותב בו. מאידך, כשמדבר על התקיעה כותב בה. לדוגמא, בהל' שופר (פ"ג ה"ד) כתב:

*שיעור תרועה כשתי תקיעות, שיעור שלשה שברים כתרועה, הרי שתקע והריע ותקע תקיעה ארוכה ומשך בה כשנים בראשונה וכו'.*

הרמב"ם מדגיש שצריכים להבין שהבלי העולם אינם מועילים ואינם מצילים - ואילו ע"י מצוה אחת אפשר להציל עצמו וכל העולם כולה. על ידי התעוררת השופר צריכים להתבונן בהבנה זאת משך כל השנה.

דבר זה נרמז בחפצא של השופר ע"י מה שהוא רמז לעקידה. עיין מש"כ במורה נבוכים ח"ג (פכ"ד):  
*ואמנם ענין אברהם אבינו ע"ה בעקדה כלל שני ענינים גדולים, הם מפינות התורה, הענין האחד הוא - להודיע אותנו גבול אהבת האלוה ית' ליראתו, עד היכן היא מגעת. וצוה בזה הענין אשר לא ידמה לו לא*

<sup>159</sup> הנוסח של "בו" הוא נוסח המקובל שמופיע בדפוסים, וגם גיל חלק מהכ"י, וכן גורס הגה"ר קאפח זצ"ל אם כי במה' פרענקאל מביא ממייעוט כ"י הנוסח של "בה". ונראה שהגיל "בה" אינה מקורית, אלא "תיקון" של אלו שנתקשו להם דברי רבינו, ואכמ"ל.

נתינת ממון ולא נתינת נפש, אבל הוא מופלג מכל מה שאפשר שיבוא במציאות, ממה שלא ידומה שטבע בני אדם יטה עליו. והוא. שיהיה איש עקר, בתכלית הכוסף לילד ובעל עושר גדול, ואיש נכבד, ובוחר שתשאר מזרעו אומה; ונולד לו בן אחר היאוש, איך יהיה חשקו בו ואהבתו אותו, אבל ליראתו האלוק ית ולאהבתו לקים מצותו בז לולד האהוב ההוא, והניח כל מה שקוה בו והסכים לשחוט אותו אחר מהלך ימים. כי אילו היה רוצה לעשותו לשעתו בבוא המצוה אליו, היה פעולת בהלה בבלתי הסתכלות; ואמנם עשותו זה אחר ימים מעת בא המצוה אליו היה מעשה במחשבה ובהסתכלות אמיתי ובחינת חק מצותו ית ואהבתו ויראתו. ואין צריך להשגיח בענין אחר ולא לעורר הפעלות כלל: כי אברהם אבינו לא מיהר לשחוט יצחק לפחדו מהאלוה שיהרגהו או ירוששהו, אבל כדי שיתפרסם לבני אדם מה ראוי לעשותו בשביל אהבת האלוה ית ויראתו, לא לתקות גמול ולא לפחד עונש - כמו שבארנו במקומות רבים. ואמר המלאך לו: "כי עתה ידעתי כי ירא אלקים אתה" - רצונו לומר: שבזה המעשה אשר בו תקרא "ירא אלקים" גמור, ידעו כל בני אדם גבול יראת ה' מה הוא.

והענין השני - להודיע אותנו איך יאמינו הנביאים באמת מה שיבואם מאת האלוק בנבואה. שלא יחשוב החושב. בעבור שהוא בחלום ובמראה (כמו שבארנו) ובאמצעות הכח המדמה, שפעמים לא יהיה מה שישמעוהו או מה שיומשל להם אמת, או יתערב בו קצת ספק; ורצה להודיענו שכל מה שיראה הנביא ב מראה הנבואה הוא אמת יציב אצל הנביא, לא יסופק בדבר ממנו אצלו כלל, ודינו אצלו כדין העניינים הנמצאים כולם, המושגים בחושים או בשכל. והראיה על זה הסכם אברהם לשחוט "בנו יחידו אשר אהב" כמו שצוה - ואף על פי שהיתה המצוה היא בחלום או במראה; ולו היו הנביאים מסופקים בחלום של נבואה או היה אצלם ספק במה ששיגוהו במראה הנבואה לא היו מסכימים לעשות מה שימאנהו הטבע, ולא היה הוא מוצא בנפשו לעשות זה המעשה הגדול מספק.

זאת אמרת שהעקידה מורה על ב' עניינים. א' שאברהם הניח כל חפציו של העולם בשביל מצות ה'. וב' שהיה הדיבור הנבואי אמת ויציב אצל הנביאים. כלומר, שהיתה הצווי יותר ממשי מהמציאות הגשמי אצל אברהם.

וזה עניין עורר ישינים שכתב הרמב"ם. אנחנו שוגים כדרך הישינים לחשוב שהנדמה יש בה ממש, והמציאות האמיתית רק נדמה. השופר בא לרמז למסר העקידה: שמה שבאמת אמיתי היינו צווי ה' ע"י נביאיו. ומה שבאמת יציל היינו עשות רצונו יתברך. וכמו בעקידה, שאילו עשה אברהם רצון עצמו וברח להציל בנו יחידו היה מאבד הכל. ובעשותו רצון ה' הציל עצמו ובניו לדורי דורות.

והנה בר"ה (טז.) ביאר הגמ':

ואמרו לפני בראש השנה מלכיות זכרונות ושופרות מלכיות כדי שתמליכוני עליכם זכרונות כדי שיעלה זכרוניכם לפני לטובה ובמה בשופר אמר רבי אבהו למה תוקעין בשופר של איל אמר הקדוש ברוך הוא תקעו לפני בשופר של איל כדי שאזכור לכם עקידת יצחק בן אברהם ומעלה אני עליכם כאילו עקדתם עצמכם לפני.

ודו"ק שהרמב"ם בהל' שופר (פ"א ה"א) כתב שאין יוצאים אלא בשופר של איל. לדבריו, צריכים להבין דברי הגמ' "למה תוקעין בשופר של איל" לעניין עיקר מצות השופר; כלומר, למה תוקעים בכלל [ולא למה דוקא בשופר של איל (כפירושו של הרמב"ם ועוד ראשונים)]<sup>160</sup>. אם כן, לרמב"ם מבואר בגמ' שמסר השופר היא היא מסר העקידה, ממש כמו שביארנו בדבריו<sup>161</sup>.

## כלפנים דמי

יש הבנה נפוצה בעניין תקיעת שופר, שלכאור' לא יתכן. יסוד העניין בראש השנה (כו.):  
עולא אמר היינו טעמא דרבנן כדרב חסדא דאמר רב חסדא מפני מה אין כהן גדול נכנס בבגדי זהב לפני ולפנים לעבוד עבודה לפי שאין קטיגור נעשה סניגור ולא והא איכא דם פר הואיל ואשתני אשתני והא איכא ארון

<sup>160</sup> וע"ע בסמ"ג (מצות עשה מ"ב) בזה

<sup>161</sup> וע"ע בשו"ת מן השמים (סי' א') שג' זכרון אבותיכם וכן יתכן לפ' גם ג' דידן. ונראה שכזה ביאר הרמב"ם ודו"ק היטב. והיינו שע"י קבלת עול מלכות שמים של מלכיות (ע"י השופר) אנחנו נעשים דוגמאת אברהם ויצחק (שזו יסוד העקידה), ולכן נזכרים לטובה - וכעין דברי מדרש הבאור בעניין לוט ואברהם [ענין תו"ש לבראשית (יט:כט)] ודו"ק היטב. ולפי"ז הסוגיא מובן היטב אף לרמב"ם [ענין מש"כ מקודם בבית יצחק (תשנ"ג) עמ' 328, ודו"ק היטב במש"כ כאן בע"ה].

וכפורת וכרובר חוטא בל יקריב קאמרינן והא איכא כף ומחתה חוטא בל יתנאה קא אמרינן והא איכא בגדי זהב מבחוץ מבפנים קא אמרינן שופר נמי מבחוץ הוא. כיון דלזכרון הוא כפנים דמי.

רגילים לפרש הגמרא שאנחנו רואים את תקיעת השופר כאילו נעשתה בפנים, זאת אומרת בקדש הקדשים.

והנה יש לבאר למה תקיעה כפנים. ועוד צ"ב למה שייך דוקא עניין אין קטיגור נעשה סניגור בפנים.

ובעיקר צריכים להבין למה נחשב כלפנים דוקא לעניין ההלכה של אין קטיגור וכו', ולא לעניין שאר ההלכות של לפנים. אם באמת "כלפנים דמי", למה אין איסור זר וטמא וכו' וכו' בתקיעת שופר? לכן, לכאן אי אפשר לפרש הגמ' כן (שנחשב כאילו התקיעה בפנים).

בכדי לתת מסגרת להבנת הסוגיא שלנו, ניקח לדוגמא קטע מגמ' בפסחים (יג):

אלא. לעולם שנשחט עליהן הזבח, ונשפך הדם. וכמאן - כרבי, דאמר רבי. שני דברים המתירין מעלין זה בלא זה. דתניא: כבשי עצרת אין מקדשין את הלחם אלא בשחיטה. כיצד? שחטן לשמן, וזרק דמן לשמן - קידש הלחם. שחטן שלא לשמן וזרק דמן שלא לשמן - לא קידש הלחם. שחטן לשמן וזרק דמן שלא לשמן - לחם קדוש ואינו קדוש, דברי רבי. רבי אלעזר ברבי שמעון אומר: לעולם אינו קדוש הלחם עד שישחוט לשמן ויזרוק דמן לשמן. - אפילו תימא רבי אלעזר ברבי שמעון, הכא במאי עסקינן - כגון שנתקבל הדם בכוס ונשפך. ורבי אלעזר ברבי שמעון סבר ליה כאבדה, דאמר: כל העומד לזרוק - כזרוק דמי.

כידוע, יש ב' הבנות במוסג "כזרוק דמי"<sup>162</sup>. אפשר לפרש שיש הלכה מיוחדת שכאילו נעשה זריקת הדם - אף שלא נעשה, מאחר שעומד לזרוק. במילים אחרות, הזריקה בכח נחשב כזריקה בפועל.

אמנם, יש דרך אחרת להבין דברי הש"ס. יש לפרש שלעניין ההלכות שבהם אנו דנים, אין הבדל בין השלב שבו עומד לזרוק, ובין השלב שבו כבר זרקו הדם. כל שהגיע לשלב של עומד לזרוק הוא בכלל ההלכות האלו, ואין בין קרבן שעומד לזרוק דמה, ובין קרבן שנזרק דמה, ולא כלום - לעניינינו. לפי הבנה זו, אין אנו רואים את המצב כאילו נזרק, אין כאן דמיון; אלא שאין הבדל לעניינינו אם נזרק או לא.

כמו כן, דרך כלל מבינים עניין "כפנים דמי" בסוגיא שלנו על הדרך הראשונה - התקיעה נחשבת כאילו נעשתה בפנים. אבל, לא יתכן לפרש ככה, כמו שביארנו. באמת הפירוש של דברי הגמ' על הדרך השנייה - שאותה ההלכה, אותו היסוד, שיש בלבישת בגדי כהונה בפנים יש גם בתקיעת השופר.

בכדי להבין למה שווים ב' העניינים האלו, צריכים קודם להבין כל עניין כשלעצמו. העניין של אין קטיגור נעשה סניגור היינו שאין לחוטא להתגאה ולהתפאר אלא להיות נכנע ומתבייש מחטאו. כן מבואר בפירושו של רבינו חננאל:

פי' חוטא בל יתגאה. אדם שחטא לא יתגאה בכלי זהב ויכנס לפני ולפנים.

פירוש זו של הר"ח מבוסס על הירושלמי ביומא (פרק ז')<sup>163</sup>:

מפני מה אינו משמש בכגדי זהב מפני הגאווה. א"ר סימון על שם אל תתהדר לפני מלך. אמר רבי לוי שאין קטיגור נעשה סניגור - אתמול כתיב בהם ויעשו להם אלהי זהב, ועכשיו הוא עומד ומשמש בכגדי זהב.

ולכן, במה שבא כסימן של כפרה על חטא העגל אין להתנאות בזהב ששייך לחטא. ולכן בביאת הכהן גדול לפנים - שמעיד על מה שנסלח לנו חטא העגל - אין מן הראוי שיתנאה בזהב, שבה חטא. והוא הדין בשופר שקשור לרעיון זה; אין ראוי להשתמש בשופר של פר, כמו שנבאר.

<sup>162</sup> עיין בספר דבר שמואל לשם. [וע"ע בספר מלוא הרועים (ערך כל העומד וכו') ואכמ"ל בזה.].

<sup>163</sup> כמו שהעיר הגאון האמיתי הרב מנחם כשר זצ"ל בספרו דברי מנחם. [אמנם מש"כ שם בעניין דברי רש"י אין גלע"ד כן. דעייין ברש"י ד"ה כיון דלזכרון שלכאו' כתב שמה שהשופר לזכרון הוה במקום היותו עניין של מתנאה, נוסף על מה שאינו בפנים - ודלא כתוס' והריטב"א שכת' שזה רק במקום היותו בפנים.

אמנם באמת אינו כן אלא כוונתו שאין זה בפנים, ולכן לא איכפת לנו במה שמתנאה - אלא משום היותו לזכרון. זאת אומרת שמה שפי' שאין כאן חוטא בל יתנאה אין כוונתו שאין כאן נוי אלא שאין כאן הפגם של בל יתנאה - שאינו שייך בחוץ. והוה (לקושיית הגמ') דומיא דבגדי זהב בחוץ ממש - ודו"ק היטב.]. וע"ע מש"כ בפנים בהמשך לעניין שיטת רש"י.

חז"ל ביארו שהשופר משקיף את המבט שהדין של ראש השנה הוא לזכות את בני ישראל ולא לחייבם. לדוגמא, הם אומרים בפסיקתא רבתי [מה' איש שלום (פיסקא לט)]:

... ולמה ישראל תוקעים בשופר בראש השנה, כדי שידין אותם הקדוש ברוך הוא ברחמים ויזכה אותם שנאמר עלה אלהים בתרועה ה' בקול שופר (תהלים מ' ז ו), אמר אסף הואיל ובשופר הזה הקדוש ברוך הוא מרחם על ישראל ומזכה [אותם] בדין הו' זהירים להיות נוטלים שופרות בר"ה ומתריעים לפני הקדוש ברוך הוא והוא מרחם על ידם ומזכה (אותו) [אתכם] בדין, מנין, ממה שקרינן בענין מזמור הרנינו לאלהים עוינו הריעו לאלהי יעקב.

כמו כן, בפסיקתא רבתי [מה' איש שלום (פיסקא מ)]:

מהו אחר נאחו בסכך (בראשית שם/כ"ב/ב) אמר לו הקדוש ברוך הוא ראה מה לפניך, בניך העומדים אחרך כשיהיו מסובכים ונאחזים בעבירות מה הם עושים בקרינן, נוטלים את הקרנות האלו ותוקעים בהם ואני נזכר עקידתו של יצחק ומזכה אותם בדין, ומה עסקו של שופר כאדם שמכניס בוז ומוציא בוז, כך בניך אפי' יש להם כמה קטיגורים אני מכניס בוז ומוציא בוז, אמר להם משה כך השופר סניגורת (לסם) [לכם] היו נוטלים שופרות בראש השנה ותוקעים (בה) [בהן] בחודש השביעי באחד לחודש.

הטור [או"ח (סי' תקפא)] המסכם את המבט של חז"ל על הדין של ראש השנה כזאת:

ורוחצין ומסתפרין ע"פ המדרש א' ר סימון כתיב כי מי גוי גדול וגומר ל' חנינא ול' יהושע אומרינן איזו אומה כאומה זו שיודעת אופיה של אלהיה פ' מנהגיו ודיניו שמנהגו של עולם אדם שיש לו דין לובש שחורים ומתעטף שחורים ומגדל זקנו ואין חותך צפרניו לפי שאינו יודע איך יצא דינו אבל ישראל אינן כן לובשים לבנים ומתעטפים לבנים ומגלחין זקנם ומחתכין צפרניהם ואוכלין ושותין ושמתים בר"ה לפי שיודעין שהקב"ה יעשה להם נס לפיכך נוהגין לספר ולכבס בעל"ה ולהרכות מנות בר"ה ...

עניין זה שהדין של ראש השנה בא לזכות את ב"י (שהשופר מסמל), בנוי על המחילה של יום הכיפורים. הר"ן כותב [על הרי"ף ראש השנה (דף ג עמוד א)]:

ומיהו אכתי תמיהא לי דתינח לר"א אבל לר"י דאמר דבניסן נברא העולם אכתי הדרא קושיין לדוכתה למה נדון בר"ה יותר מבשאר ימים ונ"ל שרצה המקום לזכות את ישראל בדינם ורצה לדון את ישראל בזמן שהוקבע לכפרה ולסליחה שלפי שנתרצה הקב"ה ביוהכ"פ הוקבע יום סליחה לדורות...

זאת אומרת, שלר"ן אין יוהכ"פ המשך ותגובה לר"ה [כמו שרגילים להבין]. להיפך, ר"ה נובע מיוהכ"פ. הקב"ה דן אותנו דוקא בראש חודש של החודש של מחילה וסליחה.

לדבריו, מובן היטב שיש רעיון משוטף לתקיעה ר"ה ולעבודת יום הכיפורים. שניהם משתקפים מחילת הקב"ה לחטאי בני ישראל. בכלל, וחטא העגל בפרט

לפי זה, ביאור "כלפנים דמי" אינו שנחשב כאילו הוא בפנים, אלא שאותה העניין של "אין קטיגור וכו'" השייך בפנים שייך גם כאן, ודו"ק היטב.

כשנדייק, הפירוש שהצענו כאן הוא באמת הפירוש של רש"י לסוגין:

כיון דלזכרון קא אתי כלפנים דמי - שופר נמי, אף על גב דלית ביה משום חוטא בל יקריב, ולית ביה משום חוטא בל יתנאה, כיון דלזכרון קא אתי - **כבגדי כהן גדול שלפנים דמי**.

רש"י לא פירש שנחשב כאילו תקע בפנים, שהרי כתב "כבגדי כהן גדול שלפנים דמי". זאת אומרת, ששואה לבגדי כהן גדול שלובשם בפנים, לא שתקיעה עצמה נחשבת לבפנים ודו"ק. אם כן, דברינו ממש מבוארים בפרש"י!

## Broaden Your Horizon With CJF's Community Toolbox:

# HERE'S WHAT YU CAN DO FOR YOU!

### **TORAH PROJECTS & PUBLICATIONS**

#### **YUTorah.org**

Website providing access to thousands of shiurim delivered by faculty of Yeshiva University and Rabbi Isaac Elchanan Theological Seminary. Contact Rabbi Robert Shur at shur@yu.edu

#### **Holiday-To-Go**

Torah packets featuring contributors from within the YU community published for and relevant to each holiday. To ensure that your community is receiving these packets please contact us. Contact Rabbi Robert Shur at shur@yu.edu

#### **Orthodox Forum**

A conclave of Modern Orthodox intellectuals and communal leaders which meets annually to discuss pressing and current religious and social issues. A volume comprised of the individual papers presented at the conference is published. Contact Rabbi Robert Hirt at hirt@yu.edu

#### **Torah U-madda Journal**

An annual journal devoted to the interaction between Judaism and general culture. Contact Dr. David Shatz at shatz@yu.edu

#### **Beit Yitzchak**

A scholarly Torah journal in Hebrew featuring articles on legal Torah concepts by RIETS faculty and students. Contact cjf@yu.edu

#### **Tanakh/Jewish History Yom Iyun**

A day of Tanakh learning, featuring a wide array of YU faculty members speaking about Bible, Jewish History and Jewish philosophy. For more information about how to participate in this program online, contact us at YUYomIyun@yu.edu

#### **Student Medical Ethics Society Conference**

This year's conference, "The Human Blueprint: Jewish Perspectives on Modern Genetics" explored pressing issues in modern medicine. Guest lecturers include leading rabbis, physicians, researchers, and lawyers in the area of medical ethics. Visit us at www.yu.edu/medicaethics

### **LAY LEADER SERVICES**

#### **The National Leadership Conference at ChampionsGate**

In concert with community leaders from across North America, prioritize, present and discuss an agenda of the issues facing the modern orthodox community at a yearly conference that convenes

rabbinic, educational and lay leaders. The conference continues through regular phone conversations with President Joel and Rabbi Brander as well as task forces developed to implement change in issues affecting our community. Contact Rabbi Ari Rockoff at Championsgate@yu.edu

### **COMMUNITY SERVICES & PROGRAMS**

#### **Kollel/Midreshet Yom Rishon**

An opportunity to experience the energy of the Kollel/Midreshet Yom Rishon Program in your community. Create a lecture series on Sunday mornings delivered by dynamic male or female Torah scholars from Yeshiva University. Contact kollelyomrishon@yu.edu

#### **YU Speakers Bureau**

Tailor programs of speakers from within the YU community for the needs and desires of your community or institution. Contact speakersbureau@yu.edu

#### **Community Growth Initiative (CGI)**

Empower communities seeking to grow, based on empirical research models and cutting-edge marketing. Join our new website that allows thousands of potential members to view the treasures of your community. Contact communitygrowth@yu.edu

#### **Aaron and Blanche Schreiber Torah Tours**

Teams of young men and women dispatched to communities for Simchat Torah and Shavuot to teach classes, instill 'ruach', and create a fun and spirited Yom Tov experience. Contact Aliza Abrams at aabrams@yu.edu

#### **Summer/Winter Kollelim**

Establish adult and youth learning programs in various communities during winter and summer breaks with a contingency of Yeshiva University students. Contact YUKollel@yu.edu

#### **Community Kollel**

Establish a transformational Torah U'madda Religious Zionist initiative in your community that seeds young dynamic families and serves as an incubator for future klei and lay kodesh. Contact Rabbi Aaron Leibowitz at aaron.leibowitz@yu.edu

#### **YUConnects**

YUConnects offers social networking events and opportunities, a matchmaking website with volunteer connectors worldwide, and educational sessions relating to dating

and healthy relationship building. For more information contact yuconnects@yu.edu

### **RABBINIC & EDUCATIONAL SERVICES**

#### **Morris and Gertrude Bienenfeld**

#### **Department of Jewish Career Development and Placement**

Access to professionals who aid institutions with the search process, management and mentorship of Rabbis, educators and Jewish communal professionals throughout North America and beyond. Contact Rabbi Ronald Schwarzberg at rschwarz@yu.edu or Rabbi Elly Krinsky at ekrinsky@yu.edu

#### **Rabbis' Yarchei Kallah**

Conduct retreats for Rabbis designed to stimulate, strengthen and sharpen the participants' preaching, pastoral, programming, and teaching skills. Primary mentor in this program is Rabbi Jacob J. Schacter. Conversations on management skills and balance between the homework relationship is also part of the presentations. Contact Rabbi Dr. Jacob J. Schacter at jschacte@yu.edu or Rabbi Levi Mostofsky at mostofsk@yu.edu

#### **Rebbetzin's Yarchei Kallah & Chat Room**

Convene groups of rebbetzins to support and strengthen the skills they need to succeed in their unique role. The program includes in depth textual learning on topics on which the rebbetzins desire additional knowledge, mentoring between veteran and new rebbetzins, mental health conversations on a wide range of issues that the rebbetzins often deal with and guidance on how to help the rabbinic family develop while being raised in the "eye of the community." Contact Rebbetzin Meira Davis at meira.davis@yu.edu

#### **Executive Rabbinic Seminars**

Leadership management seminars bringing together synagogue rabbis, lay leaders, and management consultants from the Sy Syms School of Business. Seminars focus on synagogue leadership and management, strategic planning, volunteer board development, and leading transformational change. Contact Rabbi Levi Mostofsky at mostofsk@yu.edu

#### **Rabbinic Research & Resource Center**

Assistance for rabbis with questions, drasha ideas, shiurim, as well as providing access to Jewish scholarship and mental health insights on contemporary matters. Contact Rabbi Levi Mostofsky at mostofsk@yu.edu

#### **shaarhaavodah.org**

A vocational website designed to help Jewish organizations find professionals they seek and aid professionals in finding positions. Contact Ms. Keren Simon at ksimon@yu.edu