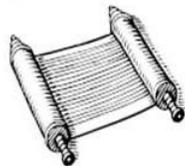


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“Good” Deeds Done in the Service of Evil?

October 1, 2014

Rambam asks us to imagine ourselves and our world at equipoise, virtues and vices cancelling out perfectly, so that our next action decides how G-d will judge. But is it true justice to weigh deeds against one another, rather than responding to each deed independently? This is a metaphysical question, but I want to approach it by putting two very concrete halakhic analyses in dialogue with each other: Professor Jeffrey Rosen’s take on *lashon hora*, and Rabbi Shaya Karlinsky’s approach to dealing with abuse allegations.

The obvious question regarding *lashon hora* is: Why should it be forbidden? Why shouldn’t we see maximum transparency as a good, and celebrate when a false image is shattered? Professor Rosen’s answer is that complete transparency is never achieved. We are continually making educated guesses and filling in the blanks of our knowledge about others in order to complete our view of them. In this process, human nature tends to assign negative information disproportionate weight, and therefore a word of *lashon hora* can generate untold numbers of unjustified negative guesses. *Lashon hora* is therefore deceptive in result—it makes us think of people as worse than they are—even when true.

Rabbi Karlinsky notes, however, that abuse allegations against popular rabbis and teachers often generate the opposite reaction. People rush to serve as character witnesses for the accused and argue that their many acts of kindness and compassion make the abuse allegations implausible. Rabbi Karlinsky’s response builds off a Kli Yakar. Kli Yakar understands Devarim 25:13-16 as condemning both the honest and dishonest weights of a shopkeeper who maintains two sets, on the ground that the honest weights—and all the transactions for which they are utilized—are essentially covers for the fraud. When accused by a victim, the shopkeeper will produce the honest weights and satisfied customers and use them to attack the credibility of the fraud accusation. So too, Rabbi Karlinsky argues, the abuser’s acts of kindness and compassion are a core part of their abuse.

On the surface, Rabbi Karlinsky and Professor Rosen are in serious tension. However, they dovetail in the following way: Our tendency to overplay the sins of others makes it hard for us to believe that someone who has sinned seriously is also capable of great good. Where the good is incontrovertible, we may choose to disbelieve the evil, since we cannot find a coherent narrative that explains it.

Rabbi Karlinsky’s solution to this problem is dramatic. He encourages us to disregard apparent good done by abusers, seeing it as instrumental to the evil, and so the evil becomes the only aspect of character left, and cannot be ignored.

I prefer a slightly different framing of the problem. It may not be that people disbelieve the accusations, but rather that they are hesitant to ruin a life for one misdeed when they know of much good the accused has done. Rabbi Karlinsky’s solution theoretically works for this version of the problem as well. But I’m not sure it works in practice. Here’s why:

If the fundamental issue is whether the allegations are accurate, it is directly useful to explain how the same person could have committed both great and foul deeds. But if the fundamental issue is justice, Rabbi Karlinsky’s theory has a more uphill climb. It requires us to believe both that the accused committed evil deeds, and that their good deeds are essentially meaningless.

Divrei Torah during this period of repentance should meet two criteria: cause self-reflection and be concrete. So let me put this question in a framework that functions as a soul-mirror for us, challenging us to make real decisions differently.

Are there people who do good primarily to enable them to do or get away with evil? Is this an underlying motivation for other people? I think the answer to both questions is yes, which is an introduction to more serious questions.

Base motivations can often be bent to positive aims, and one can imagine a person successfully doing good their whole lives by convincing their evil inclination that, on some undefined day, their reputation will be so unimpeachable that they can act as they please without fear of consequences. So the real questions are: How much good is done by being alert for such motivations? How much harm is done by suspicion?

Answering these questions properly likely requires developing a comprehensive taxonomy of people who do both significant good and significant evil. Here is a tentative and very incomplete attempt toward that end:

1. **Conflicted:** They have tasted the fruit of the Tree of Knowledge of Good and Evil and found it delectable either way. There is no ultimate way to know which will predominate their life. In the terms of *mussar*, we might say that they constantly revisit the same “*bechirah* (choice) points.”
2. **Consistent:** They are fundamentally driven by a single basic passion, regardless of whether it leads to good and evil. Examples of passion include power and eros.
3. **Goal-oriented:** They believe they have an end that justifies all means, and their actions ultimately aim at that end. In an extreme version, their end not only justifies any means, but fundamentally makes all other values irrelevant. They may believe their attainment of power to be an essential means, and can end up confusing that means with their ultimate end.
4. **Manipulative:** They have no values other than their own satisfaction, but are capable of making short-term sacrifices and long-term strategies. They will go to lengths to cement relationships that give them what they want. But they will badly use people after a relationship is established, using gratitude, insecurity, and hero worship to maintain control.

These are ideal types, and very few people, if any, fit any of these descriptions precisely. I suspect, though, that each of us can recognize a little of ourselves in at least one.

It is very important to socially reward the conflicted and the consistent for the good they do. But Rabbi Karlinsky argues that we as a community and as individuals must recognize the manipulators for who they are. Gratitude and admiration are natural and generally wonderfully positive human emotions, but they can be perverted. The question is how we can tell which kind of person we are dealing with.

Perhaps the scariest experience of my life was attending a speech by the late Rabbi Meir Kahane. What terrified me was the way he insulted his followers—he seemed depressed that his supporters were generally not intellectually gifted—and nonetheless kept perfect control over them. I submit that the surest sign of a manipulator is the presence of acolytes who cannot tear themselves away no matter how badly they are betrayed or humiliated. When apologists for the accused include people whose trust has been betrayed, look out.

Now it seems to me from a legal theory perspective that in general we rule that *מצות בין אדם לחבירו אין* = interpersonal *mitzvot* do not require intent to be legally significant. Money given to the poor is charity even if given for the sake of personal aggrandizement, even if it is not ideal charity. So from a theological perspective, it may be that G-d rewards manipulators for the interpersonal *mitzvot* they do.

From a human perspective, we cannot allow the good they do to weaken our resolve to stop their ongoing manipulation, and, as Rabbi Karlinsky argues, we cannot think in terms of balancing their good and evil. In particular, we must take a very jaundiced view of any apparent *teshuvah*, demanding it be sustained for many years, without relapse, before even thinking of considering them changed people.

It is also very important that we identify the goal-driven, not because their good deeds are done in service of evil, but because their good deeds are not predictive of how they will behave when faced by similar choices in the future. Most specifically, they are likely to behave differently when trusted with power than when they are powerless.

In the foremath of Yom Kippur, it is and should be emotionally difficult to set high standards for accepting the repentance of others even as we ask G-d to set abysmally low standards for our own. It is similarly hard to judge others by their worst aspects as we ask G-d to judge us by our best. We are mostly, I hope, conflicted or consistent sinners, striving to find ways to empower our best selves. We would rather believe that all others are doing the same, and we pray for G-d to take that as His premise. But that may be a Divine luxury in which we cannot always indulge.

Reciprocity as the Groundwork for Repentance

by Avinoam Stillman (SBM 2015)

September 2, 2015

Parshat Ki Tavo recounts two texts recited in the Temple when farmers brought *bikkurim*, first fruits, and when they brought *ma'aser ani*, the tithe given every third year to the poor. *Mishnah Bikkurim* 2:2 states:

...המעשר והבכורים טעונים הבאת מקום וטעונים ודוי...

“...the tithe and the first fruits require bringing to the place [the Temple] and require vidui...”

The term *vidui* is used in rabbinic literature for various liturgical recitations, including for offering *bikkurim*, for *ma'aser*, and for animal sacrifices. Reading *Parshat Ki Tavo* today, in Elul 5765, our first association with the term *vidui* is probably the “confession” of sins we recite repeatedly leading up to and on Yom Kippur. As Maimonides codifies in *Hilchot Teshuvah* 1:1, *vidui* is the obligatory verbal expression of *teshuvah*. What unifies these disparate meanings of the term *vidui*? Verbal declarations, whether of appreciation for G-d’s blessing or of the faithful fulfillment of G-d’s command in the cases of *bikkurim* and *ma'aser*, or, in the case of *teshuvah*, of recognition and regret of sin, create a reciprocal relationship between human beings and G-d. A relationship with G-d, like any other relationship, cannot, by definition, be one-sided. Without the belief that our actions matter to G-d, and the faith that our attempts to reach G-d produce Divine responses, *teshuvah* is meaningless. Thus, developing our understanding of the importance of reciprocity in both human and Divine relationships lays the groundwork for *teshuvah*.

The Palestinian Talmud, at the beginning of *Masekhet Bikkurim*, discusses whether a tree that is propagated using a process known as הברכה (“layering” in English), in which a branch of an “elder” tree is grown into the ground and cultivated as a “child” tree, can be a valid source of *bikkurim* if the tree passes through property not owned by the owner of the tree. The Talmud rules that neither the “elder” tree nor the “child” tree is valid if either passes out of their owner’s domain. This follows the principle that

כשם שילדה חיה מן הזקינה כך הזקינה חיה מן הילדה

“Just as the child lives from the elder, thus does the elder live from the child.”

Here is another model of reciprocity, one in which, as *mori ve-rebbi* Rav Re'em HaCohen of Yeshivat Otziel pointed out, generations are interdependent. What holds true for trees is true for humans as well, as per Deuteronomy 20:19; כי האדם עץ השדה, “for a person is a tree of the field.” Unless both elders and children remain in the same domain, maintain mutual respect and recognize their reciprocal dependence, no first fruits can be brought, none of their products are blessed.

Mishna Ma'aser Sheni 5:13, also found in *Sifrei Piska* 303 on Deuteronomy 26:15, uses a verse from the *vidui ma'aser* to elaborate G-d and Israel’s reciprocity:

... השקיפה ממעון קדשך מן השמים – עשינו מה שגזרת עלינו אף אתה עשה מה שהבטחתנו

“Gaze from Your holy abode, from the heavens” (Deut. 26:15) – We have done what You decreed upon us, so too You do what You promised us...

The fulfillment of G-d’s command to provide for the poor creates a reciprocal responsibility for G-d to fulfill the promise of prosperity. As the Alter Rebbe notes in *Likkutei Torah* on *Parshat Re'eh*, the month of Elul is an acronym for Song of Songs 6:3, אני לדודי ודודי לי, “I am my Beloved’s and my Beloved is mine.” In both our human and our Divine relationships, then, Elul is a time to foster the interdependence and responsiveness that allow us to do *teshuvah* in the coming year.

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Is Teshuvah a Mitzvah?

by Judah Kerbel (SBM 2015)

September 30, 2016

Presumably, Rambam wrote *Hilkhot teshuvah* to elaborate on a requirement to do *teshuvah*. But *Avodat HaMelekh* (R. Menachem Krakowski, d. 1930) notes something peculiar – Rambam’s language does not indicate that *teshuvah* itself is a *mitzvah*:

רמב"ם הלכות תשובה פרק א
כל מצות שבתורה בין עשה בין לא תעשה
אם עבר אדם על אחת מהן בין בזדון בין בשגגה
כשיעשה תשובה וישוב מחטאו חייב להתודות.

*All commandments in the Torah, whether positive or negative,
if a person transgressed one of them, whether intentionally or unintentionally, when the person does
teshuvah and repents from that sin, the person is obligated to confess.*

It seems here that the obligation associated with *teshuvah* is the confession! There is an assumption here that one will do *teshuvah*, but Rambam never says that there is an obligation to abandon sins and engage in a process called *teshuvah*.

The problem is sharpened when one looks at Devarim 30:1-2:

וְהָיָה כִּי יָבֹאוּ עֲלֶיךָ כָּל הַדְּבָרִים הָאֵלֶּה
הַבְּרָכָה וְהַקְּלָלָה אֲשֶׁר נָתַתִּי לְפָנֶיךָ
וְהִשְׁבַּת אֶל לְבָבְךָ
בְּכָל הַגּוֹיִם אֲשֶׁר הִדִּיחֶךָ יְקֹוֹק אֱ-לֹהֶיךָ שְׁמָה:
וְשָׁבַת עַד יְקֹוֹק אֱ-לֹהֶיךָ וְשָׁמַעַתְּ בְּקוֹלוֹ
כָּל אֲשֶׁר אֲנִי מְצַוְךָ הַיּוֹם
אֶתְּהָ וּבְנֶיךָ בְּכָל לְבָבְךָ וּבְכָל נַפְשְׁךָ:

*It will be that when all these things come upon you –
the blessing and the curse that I have presented before you –
then you will take it to your heart
among all the nations where Hashem, your God, has dispersed you;
and **you will return** to Hashem, your God, and listen to his voice, according to everything that I
command you today, you and your children, with your heart and all your soul*

Ramban understands the second verse as presenting a *mitzvah* of *teshuvah* (30:11), “you **must** return” rather than you **will** return. In *Hilkhot Teshuvah* 7:5, however, Rambam sees this verse purely as a promise that G-d will redeem us and that we **will** do *teshuvah*.

What is the nature of *teshuvah* if *viduy* is the commandment, not *teshuvah* itself?

Avodat HaMelekh suggests that *teshuvah* is assumed by definition if one is going to keep the Torah at all. If one has violated a *mitzvah*, obviously one has to abandon that path! We do not need a verse to teach us that – it is unfathomable to think otherwise, it is the foundation of the entire Torah. Rather, the Torah elsewhere (Bamidbar 5:6-7) teaches the *chiddush* that *teshuvah* requires verbal confession, and Rambam asserts that is the emphasis here as well.

A person wishing to make a proper change in behavior going forward cannot assume that wishing will make it so. One has to verbally commit to making that change happen, and to making a conscious effort to act cautiously to avoid making future mistakes. For Rambam, lack of confession undermines the entire *teshuvah* process.

Minchat Chinukh disagrees (Mitzvah 364). He holds agrees that there is a *mitzvah* to confess, and by not confessing one has not fulfilled that particular *mitzvah* – but if one genuinely repented in his heart

without verbally confessing, one has fulfilled the separate commandment of “you **must** return”, and one has still properly atoned for one’s sins.

Whether or not the verses in our *parasha* speak of an actual *mitzvah* of *teshuvah*, it is certainly tied to redemption. When we return to G-d, G-d will end the exile and bring us back to Eretz Yisrael. By working to strengthen our observance of *mitzvot*, and thereby reversing course when we have not met all of our obligations, we come closer to G-d (Rambam 7:6). As the Yamim Noraim approach, may we all merit to do our own *teshuvah* and to come together as a united people in doing *teshuvah*, to come closer to G-d, and to reap the benefits of the promises G-d made with our ancestors.

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Three Models of Repentance

September 11, 2012

As a Yeshiva University student, I was inevitably heavily influenced by the thought of R. Joseph B. Soloveitchik on almost all Jewish issues, with repentance certainly among them. In *Hakakhic Man*, R.S. presents repentance as the ultimate act of *imitatio dei*, arguing the following: G-d first appears in Torah as the Creator, and His ultimate creation is the human personality. Therefore, our *teshuvah*, by remaking our personality, is imitating G-d.

I have several objections to this powerful vision. (Note: I do not mean to suggest that R.S. was unaware of these issues, or that he did not have reasonable responses to them. This is not a full or fair treatment of his position, rather an introduction to an alternative.)

- 1) It seems to focus exclusively on the act, rather than on the content of repentance. Were someone to repent of their good deeds and resolve to become completely evil, it seems that R.S. would have to consider that as well an act of *imitatio dei*.
- 2) It makes the ultimate act of *imitatio dei* one that Hashem himself could never experience, as He is definitionally unchanging.
- 3) It seemingly should result in a complete lack of responsibility for past actions, as it views the repentant self as an *ex nihilo* creation.

What attracts me most about R.S.'s vision is its depiction of humanity as completely free, unbound not only by the objective past but even by the subjective past.

A radically different, in important ways diametrically opposed, account of repentance is offered by R. Zadok HaCohen of Lublin (N.B. I have read very little of his work myself – the following account is based almost entirely on secondary sources, and may well not accurately present his views.) R. Zadok argues that as history enacts a Divine Plan in every detail, it follows that human beings cannot have any substantive impact on history. In other words, he is a historical determinist. However, he is aware that determinism as a philosophy is gravely weakened by its need to deny the substantive reality of perhaps the strongest human experience, choice, and he is unwilling to argue that choice is only a psychological reality, as decisions are determined in advance by the nature of one's character. Accordingly, he concludes that true choice is not about whether to do something – what will or won't happen is predetermined by Hashem – but rather about the relationship of our will and Hashem's Will. At times we will something not in Hashem's plan, and it happens despite us – we could have chosen to have it happen in accordance with our will. More importantly for our topic, at times one chooses to believe that one is willfully acting against Hashem's plan, although in fact one can never do so; all sins are Planned.

Let me elaborate on that last sentence. R. Zadok believe that all sins are inevitable and determined. Our choice is whether to (arrogantly and falsely) view those sins as the products of our will and against Hashem's, or whether to view them – even when *contra-halakhic* – as expressions of Hashem's will enacted with our acquiescence. (Tangentially, this perspective drives R. Zadok to develop his highly influential notion of *aveirah lishmah*, of the spiritually positive sin.)

For R. Zadok, then, repentance involve a change of attitude toward the past, a recognition not of responsibility but of lack of responsibility. True repentance is the recognition of the practical futility of one's own will. This conception fits very well with the Talmudic claim that repentance transforms past deliberate sins either into accidental sins or into virtues, as it argues that what changes in repentance is one's responsibility – or at least one's perception of responsibility – for the past.

I am, however, dissatisfied with this account as well. Firstly, my own preference is almost always for accounts that expand the scope and impact of human freedom rather than diminishing it. Secondly, I'm

not comfortable with repentance that disclaims responsibility, especially with an account that removes all possible responsibility for the consequences of sin. After all, if you always do what Hashem wants, how can you be responsible if things turn out badly?

So let me offer a third account. Let us assume that personality is unavoidably continuous, in other words that the past has an indelible impact on our character. Let us further assume that this implies that we can never be divorced of responsibility for our past actions.

The Talmud famously speaks of sublimation as a preferred way of dealing with evil impulses, suggesting, for example, that someone who feels bloodlust should become a ritual slaughterer. I think that a perhaps even stronger case can be made within the tradition for denying the existence of intrinsically evil character traits, although certainly some traits are more easily used for evil than others.

An alternative model of repentance based on the above would involve sober self-assessment together with a commitment to turning every aspect of our current personality, and of the world as we are responsible for it, to the best possible future use. Every aspect of past experience can be useful in Avodat HaShem, even if only by enabling us to better understand those who still commit the sins we have given up (and generally in far more positive ways).

A second point about repentance – how does one decide to change? If one is still the same person, how will one make different and better decisions in the future? An interesting Tosafot opens up an avenue of approach, although it certainly does not provide a rationally compelling answer. The Talmud states that people sin against their own will and HaShem's for three reasons – poverty, depression, and idolaters (or idolatry, depending on one's reading). Tosafot ask why sexual desire is absent from the list, as in several places the Talmud implies that sins under the influence of extreme arousal can be considered coerced. They reply that while on occasion sexual desire cannot be resisted, those occasions can be avoided with sufficient foresight. The Talmud's classic example of a young man bathed, perfumed, bankrolled, and placed in front of a brothel need not come up in one's life.

Perhaps, then, the obligation to repent should be carried out not merely through introspection but by actively seeking out the external influences that one is aware encourage one's spiritual improvement. If one has inspirational friends or mentors, one should seek them out, or if one finds certain texts or book encourage reflection one should reread them.

Obviously many of us have been deeply affected by the mass murders of September 11. The sheer magnitude of the tragedy should have enabled repentance from specific deeds, and certainly enabled us to forgive others, out of a renewed sense of perspective. My sense, however, is that repentance out of shock is short-lived if not anchored in some other form of influence-to-change.

Gemar Chatimah Tovah. May we merit engaging together in the conversation of Torah for many years to come, and may those years be pleasant and peaceful for all Israel and all humanity as well.

RK

P.S. The original version of this d'var Torah included a presentation of two abstract philosophic issues I think highly relevant to this discussion. I was told, however, that the written presentation was too telegraphic to be intelligible to most, so I've included them here only as an appendix. In each case, I have a clear preference, but I think the exercise of figuring out why the alternative is wrong highly productive.

1) Descartes famously said "cogito ergo sum", "I think therefore I am". Less famously, Hume pointed out that Descartes unjustifiably assumes the continuity of the "thinking I" and the "thinking about thinking I". Hume argues that from a purely rational perspective there is no reason to assume that memory and all other accoutrements of psychic and spiritual continuity are not illusory. (Sartre adopted this perspective and used it to found an antiFreudian school of psychology, as Freud's theories of the subconscious and the

ongoing effects of past traumas clearly assume continuity as well as the existence of a personality deeper than consciousness.)

2) I have always found intuitively appealing the claim that responsibility depends on free will, that one cannot reasonably hold people responsible for choices when they had a real alternative. My friend Nachum Felman was fond of arguing, however, that the reverse is true, that only determinism is consistent with responsibility. His argument was that if the same person could have chosen differently in the same situation, and would choose differently a finite percentage of the time, then sin is a matter of bad luck. If, however, sin stems inevitably from character – if this person would make that wrong choice consistently – then we can hold that person responsible for that action. (Note that even he would agree that responsibility requires that choices be made by a coherent and continuous personality; however, he does not agree that those choices could have been made differently by the same person.)

Daat Zekeinim on Forgiveness

September 8, 2010

Daat Zekeinim cited in the name of RML a remarkable reading of Eliyahu's epiphany in 1 Kings 19. Eliyahu experiences, sequentially, a windstorm, an earthquake, and a fire, but G-d is in none of these¹. He then hears a "quiet delicate voice", which somehow does seem to be more Divine. RML identifies the first three experiences were of 'enclosures' thronged with angels which must be passed through before one reaches G-d. He then contends that sins, too, must pass through these enclosures to reach G-d, and that forgiveness of sins is only possible if they are intercepted before reaching G-d.

Daat Zekeinim cited RML as the rationale for the position of R. Yosay son of R. Yehudah on Yoma 86b that sins are forgiven the first three times, but not the fourth. In our printed Talmud that position is undisputed; however, we noted that in the RIF and many other sources R. Yosay son of R. Yehudah actually holds that only the first two times are forgiven, and the position that the first three times are forgiven is cited from an anonymous beraita.

RML's position seems to contradict the statement by R. Levi on Yoma 86a that "Repentance is great in that it reaches the Heavenly Throne". This contradiction is made even more explicit by Pesikta Rabbati 44, which has G-d assuring the Jews that He will forgive them even if they sin "once, twice, three, or even seven times, even up to the Heavenly Throne".

But this contradiction can be resolved as follows.

One of the first Talmudic passages I ever learned was on Berakhot 26b. The Mishnah there cites R. Yehudah as holding that the morning prayer can be said "עד=until the fourth hour", and the gemara wonders whether he meant "until the beginning of the fourth עד "hour", or rather "until the end of the fourth hour". This is memorably expressed as "meaning "up to and including, or up to and not including ,"? meaning "עד בכלל, או עד ולא בכלל". The Talmud in a number of other places identifies a similarly ambiguous "עד", rabbinic or Biblical, as the source of a rabbinic controversy.

Now we began by reminding you that Daat Zekeinim cites RML in his comment on Devarim 30:2, in which the key phrase is "Return, O Israel, עד Hashem your G-d". So we can reconcile RML with R. Levi by interpreting the latter as saying that repentance is great enough to reach עד the Throne of Glory, but עד לא בכלל=up to but not including – once the Throne is actually reached, forgiveness is impossible.

However, it seems that this resolution is incorrect, for a somewhat amusing reason. While the printed Talmud presents R. Levi's position as undisputed, Yalkut Shim'oni and many other sources show that the our text is once gain lacking, and actually Rav Yochanan disagrees with R. Levi on the explicit ground that עד ולא בכלל. So RML does contradict R. Levi, but that's not an issue, since he is following Rav Yochanan.

With this in mind, we can perhaps resolve some of the difficulties with the Daat Zekeinim as a whole. Daat Zekeinim begins by citing in the name of R. Yochanan (just about all texts have either R. Yonatan or R. Natan), the statement "Great is teshuvah, for it brings the Redemption nearer", and then most peculiarly says "and all the other things about the greatness of repentance mentioned there"², before awkwardly transitioning to R. Yosay son of R Yehudah. The parallel version in Hadar Zekeinim³ (which incidentally has R. Natan rather than R. Yochanan) completely reworks the passages so that there is no transition at all, but rather two separate comments, and RML is cited not to explain the beraita, but rather the verse

¹ Rabbi Jonathan Sacks has cogently noted that G-d does speak out of a windstorm to Iyov.

² He cannot simply intend to cite all such statements, as R. Levi's statement is the second in the series on Yoma 86 – what happened to the first?

³ I assume these are printed off diff. ms. of essentially the same work – corrections are welcome. I contend here that the version in Hadar Zekeinim is a conscious editing of Daat Zekeinim.

from Iyov “Indeed G-d acts thus three times with a man”. But in this version there is really no connection between the second comment and Devarim 30:2.

I suggest accordingly, if speculatively, that the author of Daat Zekeinim originally עך ולא עך intended to cite R. Yochanan’s comment disagreeing with R. Levi on the ground .in Devarim 30:2. He followed this up by citing R עך as an explanation of the word בכלל Yosay son of R. Yehudah⁴, who also limits forgiveness, and then used RML to explain their position. However, the original commentary originally just had “as per R. Yochanan in Yoma”). A later scribe, perhaps because he had a text of Yoma similar to our printed edition, in which R. Yochanan’s disagreement is skipped, copied in the next statement (but left the attribution to R. Yochanan). Yet later copyists could not understand the transitions, and so either tried to turn it into a general citation regarding the greatness of repentance (Daat Zekeinim) or else split the comment in two (Hadar Zekeinim).

Turning once again to Yoma 86, we see that the printed text seems to have lost the “stricter” side of each of two separate arguments – R. Yochanan disagreeing with R. Levi, and the position that sins are forgiven twice but not three times⁵. Looking at the more complete parallels, however, we notice that each of them is unwilling to include to leave the strict positions as is. Rather, each ends up concluding that the more lenient position applies to communities, and the stricter to individuals.

Interestingly enough, the printed text of Yoma does contain a reference to the individual/community axis, with regard to R. Yosay son of R. Yehudah. However, in this version the point is to exclude the idea that individuals and communities are treated differently, specifically that individuals are forgiven fewer than three times. I invite suggestions as to how/why this version appeared. It is worth noting that all the changes in the printed edition are in the direction of expanding the scope of repentance.

I will conclude by citing Rosh, who even with the full text of Yoma, was unwilling to accept the notion that any number of sins could put one past the reach of forgiveness, and by implication fundamentally rejects the understanding of heaven put forth by RML:

“It seems correct to me that the meaning of “the fourth time they do not forgive him” is that if the sin related to a positive commandment, they do not forgive him immediately when he repents, but rather repentance freezes the situation and Yom Kippur atones, as with regard to those who violate negative commandments, and similarly, if the sin related to a negative commandment, repentance and Yom Kippur freeze the situation, and suffering washes the sin out.”

Ultimately the weight of Jewish tradition is that no one is ever beyond hope of forgiveness, and there is never sufficient justification for spiritual despair.

⁴ Perhaps originally he cited the anonymous position, as RML’s explanation requires the number 4 to be significant

⁵ Although it attributes the “lenient” position of the beraita to R. Yosay son of R. Yehudah, who held the “stricter” position!

How Often is Teshuvah Sincere?

September 4, 2014

How often is teshuvah sincere? The very notion of an annually successful day of repentance encourages cynicism, certainly if one sees resolution for the future as a defining element of genuine teshuvah.

On the other hand, if only permanent teshuvah counts, Yom HaKippurim could not fulfill its purpose. Sefer HaChinnukh asserts that Yom Kippur is intended to give us the psychological capacity to genuinely begin again, unencumbered by responsibility for past misdeeds; otherwise the weight of the past would forever be poised to fall on our heads. It therefore seems necessary to give significance to teshuvah-of-the-moment, even if it proves to be an ephemeral psychological state.⁶

As with interpersonal apologies, one way of navigating between the Scylla of cynicism and the Charybdis of trivialization is to set a limit to the number of chances one gives a sinner. Thus Vilna Talmud Yoma 86 cites R. Yose son of Rabbi Yehudah as allowing the cycle of sin-repentance-sin-repentance-sin-repentance, but no farther – repentance is not possible a fourth time, either for individuals or for communities. The more likely correct version of the Talmud, however, has Tannaitic texts⁷ conflicting as to whether to allow only one relapse, rather than two. It concludes that individuals are only permitted one, but communities are permitted two.

However, some rabbinic texts refuse to allow the effectiveness of teshuvah to be limited in this way. On Yoma 86a, Rabbi Levi emphasizes that repentance reaches all the way – whether openly or via tunnel⁸ – to the Throne of Glory, although Rabbi Yochanan disagrees⁹; the Throne of Glory serves to preclude any numerical limit¹⁰. The Talmud then raises another Rav Yochanan statement that apparently contradicts this position of his. It concludes that even Rav Yochanan only allowed a limit with regard to individuals; with regard to the Jewish People as a whole, cynicism about the sincerity of repentance is a small price to pay for avoiding even the theoretical possibility of a permanent breach between Hashem and His people.

I want to focus this week on the statement of Rav Yochanan that, according to the Talmud, *commits him to allowing repentance to work through as many sin-cycles as necessary.*

*Said Rav Yochanan: Great is repentance in that it pushes aside a Torah 'Do Not',
as Scripture says:*

*"If a man sends away his wife, and she marries another man, can she return to him again?! Surely such
a land would become utterly demoralized!?"*

But you have fornicated with many fellows, yet return to Me', says Hashem."¹¹

I see two ways of constructing the Talmud's argument here:

1. Rav Yochanan asserts that repentance overrides a 'Do Not'. Who but G-d Himself could override His commandment? Repentance therefore must reach past the angels to the Throne of Glory.
2. The Law says that there are no second chances for a wife's infidelity, but repentance allows the Jewish people a second chance in their "marriage" to G-d. This demonstrates that the whole concept of limiting chances does not apply to repentance.

⁶ In this regard I think a useful analogy can be drawn between repentance and conversion, although we will draw the same moral in other ways shortly.

⁷ It is unclear whether both are in the name of Rabbi Yose son of Rabbi Yehudah, or only the first

⁸ See inter alia Yerushalmi Sanhedrin 10:2

⁹ His disagreement, and the subsequent discussion, are also simply missing in the Vilna edition, as Minchat Yitzchak recognizes.

¹⁰ See Pesikta Rabbati 44

¹¹ Yirmiyahu is referencing the Biblical prohibition in Deuteronomy against wife-swapping, which the Rabbis understand as forbidding the return of adulterous wives a fortiori.

The first of these is a theological argument that presumes the incommensurability of Halakhah and Machshavah; Repentance works only because it transcends Law. This may appear to be the clear meaning of the words “overrides a Do Not”. However, this reading is greatly weakened when we recall that a parallel Talmudic statement, “Great is human dignity because it pushes aside a Torah ‘Do Not’”, is regularly given legal application¹².

The second, however, can be understood entirely within the realm of Halakhah; Repentance works because it overrides the legal barrier to second chances. More strongly, the legal barrier is only to the return of unrepentant spouses.

Taken at face value, this understanding suggests that the analogy in the verse is real, and therefore that repentance should actually permit a Jewish adulteress to return to her human husband. This has, to my knowledge, never been formally suggested¹³, but it has been suggested that it should and would be true if only we trusted human courts to accurately judge sincerity. Perhaps human courts can accept repentance only once it has proven permanent, and that of course can be known only after death.

In this spirit, Rav Yochanan’s statement is cited as evidence in a host of other formal halakhic discussions with regard to the specific topic of adultery, with regard to the relationship between ‘Dos’ and ‘Do Nots’, and with regard to the question of punishment.

These discussions reflect an attitude that assimilates repentance generally to the halakhic framework. For example, many scholars ask: Since the general rule is that we do not flog for ‘Do Nots’ that can be repaired by ‘Dos’¹⁴, even if the sinner has not yet repaired *his* sin, why can we ever flog? Can’t all ‘Do Nots’ be repaired by repentance? Rav A. I. Kook¹⁵ responded that repentance is not actually a commandment, but rather a precondition for the ‘Do’ of verbal confession.

Now the Rav z”l famously distinguished between the “*maaseh*=action” and “*kiyum*=fulfillment” of mitzvot, and suggested that fulfillment often requires achieving a particular subjective psychological state; for example, the *maasim* of mourning include eulogizing and not bathing, but the fulfillment is feeling sadness for the loss. It seems reasonable that in Rav Kook’s scheme, repentance would be not only the precondition for but the fulfillment of the mitzvah of verbal confession. But if one accepts the consensus position over Rav Kuk, we can suggest that within teshuvah itself there is both a *maaseh* – which is the resolution not to sin again¹⁶ – and a *kiyyum* – which is the achievement of a self capable of maintaining that resolution.

This distinction has been criticized for undermining the Law, as why should one perform the *maasim* if they will not generate *kiyumim*? What if other *maasim* seem more likely to generate the desired *kiyumim*? The way to forestall these antinomian possibilities is to recognize that part of the purpose of Law is to give meaning to shallow ritual, to make actions significant because they are performed within the legal context, regardless of their internal effect or reflection.

With that understanding, it turns out that by accepting our *maaseh teshuvah*, albeit one too often lacking a *kiyyum* – in halakhic terms, we can punningly say that it is not a *teshuvah shel kayama* – G-d is actually working very much within, as opposed to Halakhah, and that one lesson of Yom Kippur is that we should resolve to submit ourselves to the formalities even when they are not providing us with immediate powerful subjective experiences. And then, of course, we should maintain that resolution.

¹² There is much to discuss about the nature of those legal implications, but time prevents me from doing so here.

¹³ Although repentance may encourage us to find technical ways of denying that the adultery happened

¹⁴ For example leaving sacrifices uneaten past their appointed time, which can be repaired by burning the leftovers

¹⁵ Mishpat Kohen 125

¹⁶ Perhaps confession is part of the *maaseh*

Should One Repent From, or Rather Toward?

September 20, 2012

One of my favorite halakhic questions of all time is one where someone begged to be allowed to sin once, so that they could obtain the incomparable merit of the mitzvah of repentance. The assumption of the question was that one can only repent from, that *teshuvah* is always about restoring a past better personality. This seems to fit well with the literal definition of “teshuvah” – return. And while the classical formulation involves both “regret for the past, and commitment for the future” – in other words, repentance both from and toward - one can argue that even the commitment for the future is about going “forward to the past”, about returning to who one was before one sinned.

However, the Talmud famously distinguishes between “repentance out of fear” and “repentance out of love”. Repentance out of fear erases past sins; repentance out of love converts them into virtues. In other words, repentance out of fear is past-focused, and seeks only to correct what has happened, whereas repentance out of love seeks to use even past sins as a vehicle for a better future. Repentance out of fear is repentance from; repentance out of love is repentance toward.

In our day, the term “baal teshuvah” refers primarily to someone who has become halakhically observant for the first time. We use the term *teshuvah* to describe going ‘back to the future’, returning to an ideal state that one has never actually experienced. Thus our primary model is repentance out of love, and we are in an excellent position to deeply internalize the model of “repentance toward”.

I think this gives us a window into several other aspects of repentance that are sometimes overlooked. One example: Rambam teaches that repentance relates to character traits as well as actions. One can only repent from actions, but one can repent toward better character. Repenting from an action is the attempt to get back to where one was before one sinned, but repenting from a character trait is often an attempt to create a new self, better than any self that one has previously inhabited or been.

Another example: Repenting of an evil deed is purely repentance from, but what is repentance from an imperfectly performed good deed? For example, how does one repent for having had incomplete *kavvanah* during davening, even if one nonetheless fulfilled one’s obligation? From having given *tzedakah* to a poor person without a smile and encouraging word? For not having called to say “Good Shabbes” to someone for whom it would have made a difference? When one is repenting for missed opportunities, it seems that the goal must rather be to repent toward, to become the kind of person who misses fewer such opportunities.

I suspect that this is also often true with regard to communal repentance, and specifically the aspect of individual repentance that relates to one’s responsibilities for creating a just, compassionate, and religiously vibrant community. It’s hard to measure what difference, if any, one’s failures in that regard made – perhaps somebody else stepped up to the plate when you stepped away, or perhaps the idea wouldn’t have worked anyway. The process of building community is rarely about actual restoration, as people come and go and a community is always being reshaped and recreated. Communal *teshuvah* generally is, and should be, about being better than the community has ever been.

In truth, our use of the term *teshuvah* has deep roots in the Talmud. When Rav Yochanan meets Resh Lakish for the first time, Resh Lakish is an armed bandit, and Rav Yochanan commands him “Return”! While Tosafot suggest (for other reasons) that Resh Lakish may have been a yeshiva student gone wrong, the straightforward reading is that Resh Lakish first became involved with Torah at that moment.

And on another level, from Tanakh to our day Jews have described their vision of *Geulah*, Redemption, as a return, even though it is a return to something they have never experienced, and in many ways to something that never existed in the past. May it be His Will that our generation’s special capacity to understand *teshuvah meiahavah*, repentance out of love, enables us to repent toward ultimate *Geulah*.

Is It Better to Have Sinned and Repented Than Never to Have Sinned at All?

September 12, 2013

Is it better to have sinned and repented than never to have sinned at all? Most literate Jews would instinctively answer yes – we have ingrained in memory

במקום שבעלי תשובה עומדים אין צדיקים גמורים יכולים לעמוד
In the place where penitents stand, the absolutely righteous cannot stand

Indeed, a prominent beit din in Vilna once received this question:

“Since penitents are greater than those who have never sinned, and I have never sinned, may I sin once in order to become a penitent?”

The astonishing answer came as follows:

Mishnah Yoma 8:9 reads:
האומר אחטא ואשוב, אחטא ואשוב – אין מספיקין בידו לעשות תשובה
One who says “I will sin and repent, sin and repent” – they do not give him the means to repent
The repetition of “sin and repent” indicates that it is indeed permitted to sin once in order to repent, so long as one would otherwise not have sinned.

It is less well known that the superiority of penitents is explicitly controversial in the Talmud. Rabbi Abahu advances it, but the Talmud introduces Rabbi Abahu by saying that his position disagrees with that of Rabbi Yochanan as cited by Rabbi Chiyya bar Abba:

כל הנביאים לא נתנבאו אלא לבעלי תשובה
אבל צדיקים גמורים –
"עין לא ראה א-להים זולתך מה יעשה למחכה לו (ישעיהו סד:ג)
All the prophets prophesied only about (the reward for) penitents
But the absolutely righteous –
“No eye has seen, G-d, other than You(rs), what You will do for those who wait for You

Rabbi Yochanan clearly held that it is better never to have sinned. But what is the issue underlying this machloket? More strongly: Once we become aware of Rabbi Yochanan’s opinion, we must wonder whether Rabbi Abahu’s position is at all coherent. The Rabbis often make decrees נשכר ונחטא אלא, שלא יהא חוטא נשכר, to avoid allowing circumstances in which a sinner would gain a legal advantage, precisely because of this issue.

Torat Chayyim offers two suggestions:

a) Penitents have a harder time avoiding sin, since from life-experience, they know the pleasures of sin. b) The observance of mitzvot by someone who has never been tempted is considered passive, whereas the observance of mitzvot by someone who overcomes temptation is considered active, and active deeds are greater than passive deeds.

Both these suggestions explain plausibly why the actions of penitents might be greater than the actions of never-sinners. But they do not address the deeper question of whether it is just of G-d to allow failure to sin to limit spiritual achievement.

Maharsha, by contrast, simply refuses to allow sinning to yield better results than not sinning.

His suggestion is that Rabbi Abahu referred to those who repent from having been tempted and almost sinned. He apparently believes that this lets him have his theological cake and eat it too – the thought of

sinning is not actually a sin, and there would be no injustice if one benefited from having thought of sinning, but yet it is wrong enough that one can repent of it. This position is clever, but to my mind not compelling.

Rav Eliyahu Dessler refused to believe in the disagreement, as part of his general refusal to believe that one can find genuine disagreements about values among Torah Sages. He therefore endorses the suggestion offered by his students that penitents more effectively demonstrate Hashem's grace, whereas – contra Torat Chaim and Maharsha – the quality of service of never-sinned is superior.

I find it challenging to deny disagreement when the Talmud explicitly declares it, and in any case, it is not clear to me how this distinction explains why penitents receive a greater reward and/or reach a higher spiritual level.

Instead, I suggest instead the following. The Talmud follows Rabbi Abahu by citing a disagreement, between R. Yehoshua ben Levi and R. Shmuel bar Nachmeni, as to what it is that “no eye has seen, G-d, other than You”. Both positions explicitly relate the conversation back to Creation and Eden. In other words, the dispute about whether penitents are superior or inferior to never-sinned is not at core about the psychology and sanctity of individuals. Rather it is an argument about how human beings should react to the sin of Adam and Eve.

It is perhaps necessary to mention here that for Rambam (and my eleventh grade rebbe), the whole Garden story is self-evidently metaphor. All human beings are born innocent, and experience no shame in nakedness. But at some point those who are sane naturally “eat the fruit”, that is to say they experience themselves as erotically and aesthetically charged beings in an erotically and aesthetically charged environment.

Rabbi Yochanan argues that the proper response is to try to undo sin. By this he means that the surface goal of repentance is to make yourself the person you would have been had you never sinned. But the deeper goal is really to undo the consequences of sin, namely the acquisition of an independent sense of right and wrong = to make yourself what Adam and Eve were until they ate the Fruit. This is why Noah deliberately set out on alighting from the ark to plant a vineyard – so that he could get drunk and remove all his clothes without experiencing shame.

Rabbi Abahu, by contrast, thinks that innocence cannot be regained, or perhaps should not be regained. There will always be a חן/Ham present, who will make a mockery of your protested innocence by making you their erotic or shameful visual object. The knowledge of good and evil cannot be effectively unlearned – it is part of being human.

For Rabbi Abahu, the goal is to acknowledge and own one's sins, to commit to never doing it again and yet to finding a way in which you are better or deeper as a result of having sinned.

There is a sense in which I might argue, in the manner of Rav Dessler, that really there is no dispute here. Rabbi Yochanan sees teshuvah as disassociation from sin, which we call teshuvah miyir'ah, repentance out of fear or awe; Rabbi Abahu sees teshuvah as the transmutation of sin into virtue, which we call teshuvah meiahavah, repentance out of love. The never-sinned are greater than disassociative penitents, but not as great as transmutative penitents.

But I prefer to argue differently. Rabbi Yochanan here essentially denies the possibility or legitimacy of teshuvah meiahavah – how can sins become virtues?! This is parallel to the question of whether G-d can justly permit a world in which the experience of sinning raises one's spiritual potential. I suggest that the issue of injustice never arises because the need to repent is an intrinsic aspect of the human condition – not in the sense that everyone necessarily violates a specific Divine command, but rather that we enter into adulthood imperfect, with unresolved issues about how to relate and manage ourselves as physical and erotic beings.

This is a close cousin of Rambam's notion that one can do teshuvah toward character perfection. Rabbi Abahu's position has I think become dominant because it better conforms to the general thrust of Jewish tradition, which impose responsibility on human beings as-they-are – שם הם באשר – rather than as -they-might-be-imagined. This is why, for example, we never set celibacy as an ideal.

We can apply Rabbi Abahu's attitude to other types of issues. Some visions of Orthodoxy see the Enlightenment and modernity as the Tree of Knowledge of Good and Evil, and seek to have us uneat the fruit. I believe this approach is not sustainable – there are too many Hams around to tell us that we are simply ignorant, or intellectually naked.

Others seek to deny that the Tree provided any true knowledge at all, so that our task is to resist integrating that knowledge into our beliefs and values.

The Center for Modern Torah Leadership believes that it is futile to pretend that we are not different – that our eyes have not been opened, that we do not see that

- a) identity can be fluid, that
- b) separate is often not equal, that
- c) Revelation cannot convey unmediated Truth; it requires human interpreters, and more.

We see this recognition as a source not of despair but rather of responsibility, as obligating our community to engage in *teshuvah meiahavah* toward its never-yet-achieved best self.

Teshuvah in the Age of Dataism

by Rabbi Avraham Bronstein (SBM 2002)

September 28, 2017

In the thought of Rabbi Joseph B. Soloveitchik, *teshuvah* is inextricably connected to humanity's overriding mandate to create. "God wills man to be a creator – his first job is to create himself as a complete being," he wrote. "Man, through repentance, creates himself, his own I."

Soloveitchik's emphasis on the human ability to create and shape both oneself and one's surrounding reality echoes his own context. As Yuval Noah Harari charts in his bestsellers *Sapiens* and *Homo Deus*, the modern era has been about humanism and has seen authority stripped from external forces, whether rulers, gods, or some combination, and refocused within individuals. We see the effects of this shift in terms of politics (democracy), economics (market capitalism), and a variety of other fields.

The underlying assumption of our era, Harari notes, is the belief in the inherent integrity and dignity of individuals who possess the free will to express themselves. Increasingly, and along the same lines as Soloveitchik, this is what many contemporary Jewish thinkers came to mean by *Tzelem Elokim* – of humanity created in the "image of God." Rather than seeing *teshuvah* simply as contrition for wrongdoings, Soloveitchik saw genuine *teshuvah*, the recreation of the self, as the most profound form of *imitatio dei*.

Harari's point, though, is that these humanist assumptions were the product of their times – and times are quickly changing. Humanism is becoming obsolete, and is being replaced by what he calls "Dataism," a worldview focused on the creation and free flow of ever-increasing amounts of information that is analyzed and shared by increasingly powerful computers. Human agency is quickly becoming outstripped by biotechnology and AI that know more about ourselves than we do – and we are increasingly comfortable outsourcing control of our lives to the Cloud.

In Soloveitchik's footsteps, Rabbi Jonathan Sacks recently wrote,

It was Judaism, through the concept of teshuvah, that brought into the world the idea that we can change. We are not predestined to continue to be what we are. Even today, this remains a radical idea. Many biologists and neuroscientists believe that our character and actions are wholly determined by our genes, our DNA. Choice, character change, and free will, are – they say – illusions.

Sacks' foil here is the determinism and predestination at the heart of the Greek tragedies. Today, however, we are less certain about how independent our choices actually are than we have been in centuries. In particular, we are increasingly aware of the external forces that push us seamlessly in specific directions. In a world where our belief in democracy is shaken by fake news driven by social media algorithms, and our belief in market capitalism is shaken by custom-tailored Amazon recommendations and Google search results, it should be myopic to have faith in our ability to perform self-creation through *teshuvah*.

Harari himself addresses this concern. He concludes:

If you don't like this, and you want to stay beyond the reach of the algorithms, there is probably just one piece of advice to give you, the oldest in the book: know thyself. In the end, it's a simple empirical question. As long as you have greater insight and self-knowledge than the algorithms, your choices will still be superior and you will keep at least some authority in your hands. If the algorithms nevertheless seem poised to take over, it is mainly because most human beings hardly know themselves at all.

Read this way, our introspection during this High Holy Days season takes on special urgency. As Harari notes, the technology is improving much more quickly than our ability to adapt to it. The question of questioning who we are – really – and to what extent we are simply responding to stimuli that are carefully calibrated by a computer somewhere to generate our response is critical, even existential. If we don't want to lose agency over our own lives, this is the time to reassert control. In his *Laws of Teshuvah*, Maimonides explains that the biblical Pharaoh, by the end, did not actually have control over his choices –

the consequence for the life he had lived to that point. Likewise, the self-creation of *teshuvah* is, increasingly, all that stands between us and a passive, AI-driven journey through life.

Another avenue forward is shifting our understanding of *Tzelem Elokim* to a meaning that may survive our Dataist future. Even if we admit that we simply don't have that complete control to shape ourselves and our lives – and perhaps that was always the reality behind the curtain – being created in God's image still challenges us in a fundamental way.

Harari admits that modern science, for all its success in comprehending human responses and thought patterns, has not yet come to a satisfactory understanding of consciousness itself. Though we know which neurons and chemicals are involved, the actual feeling of transcendent love is still mysterious and awe-inspiring. Perhaps in this spirit, Rabbi Eliyahu Dessler wrote that *Tzelem Elokim* is really about the human capacity to feel compassion and empathy, and responding to others with generosity and kindness. God is not to be emulated so much as a Creator, in this reading, but as a Giver.

Our liturgy may already know this. According to one popular reading of Unetaneh Tokef, we assert that repentance does not affect the circumstances of our lives, but the quality of our response. Our *teshuvah* – and *avodat Hashem* more broadly – might likewise focus less on our agency and choices, and more on the strength of our human connections and relationships, and the cultivation of empathy and love.

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Saying the Unsayable: Why G-d Wore a Tallit to Lead the First Selichot

September 30, 2016

On Rosh HaShannah 17b, Rabbi Yochanan explains the opening of Exodus 34:6 via an arresting image.

“... ויעבר ה' על פניו ויקרא” –
אלמלא מקרא כתוב, אי אפשר לאומר!
מלמד שנתעטף הקדוש ברוך הוא כשליח צבור,
והראה לו למשה סדר תפלה.
אמר לו:

כל זמן שישראל חוטאין –
יעשו לפני כסדר הזה, ואני מוחל להם.

“Hashem passed before h/His face, and h/He proclaimed”:

Were it not written in Scripture, it would be impossible to say this!

This teaches us that The Holy Blessed One wrapped Himself like a congregational prayer leader and showed Mosheh the order of prayer.

He said to him:

Whenever Israel sins,

they should do before me just like this order, and I will forgive them.

Rabbi Yochanan seems shocked by his own theological audacity. But what is it about this image that so shocks him? Is it the blatant anthropomorphism of G-d wearing a tallit?

This aspect of the image certainly bothered many later rabbis. Rabbi Yom Tov ibn Ashbili (RITVA) hastens to explain that the verse is written from Mosheh’s perspective – he saw this in a prophetic vision, but it was only a metaphor. Rabbeinu Chananel contends that G-d ordered an angel to appear as if he were wearing a tallit, or alternatively, that G-d created an angel with the appearance of a tallit-wearing human.

I am not convinced, however, that Rabbi Yochanan’s shock issue here was anthropomorphism (or that any of the later rabbis believed it was). Anthropomorphism is all over Tanakh, and RITVA and Rabbeinu Chananel are trotting out standard solutions for the issue. Something more must have triggered Rabbi Yochanan’s assertion that Scripture here writes the otherwise unsayable.

What might this have been?

The declaration “Were it not written in Scripture, it would be impossible to say this!” appears seven times in the Talmud. Several of these can be understood as referring to anthropomorphism, but several of them cannot. The clearest example is Bava Batra 10a, also said by Rabbi Yochanan.

א”ר יוחנן:
מאי דכתיב “מלוה ה' חונן דל”?
אלמלא מקרא כתוב, אי אפשר לאומר!
כביכול – עבד לזה לאיש מלוה

Said Rabbi Yochanan:

What is the meaning of “Those who are gracious to the poor are Hashem’s creditors” (Proverbs 19:17)?

Were it not written in Scripture, it would be impossible to say this!

As if it were possible – the borrower is slave to the [human] creditor.

There is no physical imagery at all here. What then is the issue?

Let’s look at one more example, from Berakhot 32a:

“ועתה הניחה לי ויחר אפי בהם ואכלם ואעשה אותך לגוי גדול וגו’”
אמר רבי אבהו:

אלמלא מקרא כתוב, אי אפשר לאומר!
 מלמד שתפסו משה להקדוש ברוך הוא כאדם שהוא תופס את חבריו בבגדו,
 ואמר לפניו:
 רבונו של עולם, אין אני מניחך עד שתמחול ותסלח להם!
 “Now you leave go of Me, and My anger will burn amidst them and consume them . . .”
 Said Rabbi Abbahu:
 Were it not written in Scripture, it would be impossible to say this!
 This teaches that Mosheh seized The Holy Blessed One like a person seizing his fellow by the garment,
 and said before Him:
 Master of the Universe, I will not leave go of you until you absolve and forgive them!

I suggest that common denominator, the issue in each case, is not anthropomorphism, but rather the depiction of G-d as subject or servile to human beings. Berkahot 32a depicts G-d as subject to detention by Mosheh; Bava Batra 10a as subject to the will of charitable people; and Rosh HaShannah 17a as manipulable by human beings via the recitation of a verbal formula, namely the “13 Attributes”. Call it magic or theurgy, the last is surely the most shocking.

Now Rabbi Yochanan states that he can say this only because Scripture says it – but what if Scripture could be understood differently? Would we be allowed to take one of several possible interpretations and claim that it permitted saying the otherwise unsayable?

Here again it is vital to understand exactly what Rabbi Yochanan thought was unsayable. If the issue were anthropomorphism, he could simply agree with Ramban that *על פניו ה' יעבור* means that G-d passed before **Mosheh's** face, and nothing would compel him to permit or accept the image of G-d's tallit. But he was bothered by magical theology, not by anthropomorphic metaphors.

Rabbi Yochanan could not evade the issue by having *Mosheh* be the subject of *ויקרא* (h/He proclaimed). He **knew** that G-d was the One who proclaimed the 13 Attributes, and that He intended them to be recited efficaciously by Mosheh, because in Bamidbar 14:17-18 Moshe recited them after declaring that this is “as G-d had previously spoken = *כאשר דברת לאמר*”, and G-d then forgives them “in accordance with Moshe's speech = *כדברך*”. Rabbi Yochanan's challenge was to make sense of this apparent theological absurdity in some way. His solution was the image of G-d as Shaliach Tzibbur.

Some background information is necessary here. Rabbinic literature depicts human beings as wrapped in tallitot for prayer even when they are praying alone, and both G-d and humans as wrapped in tallitot even when not praying. So Rabbi Yochanan has no *exegetical* need to introduce the notion of G-d as congregational prayer leader even if he translates “passed before His face” as a reference to wrapping a tallit.

Now only Mosheh was present atop Sinai – there was no “congregation” (although Mosheh was “equal to all of Israel”). Furthermore, Bamidbar 14:17–18 proves only that Mosheh could use the formula, not that it would be useful permanently for the Jews. Rabbi Yochanan presents G-d as a **congregational** prayer **leader** in order to move from the verse to a claim that the formula works for post-Mosheh congregations as well.

Based on Shemot 34 and Bamidbar 14, we can only know that reciting the 13 Attributes works to save *all* of Israel, so most likely Rabbi Yochanan treats a halakhic *tzibbur* as a formal representation of the entire Jewish people.

The question that remains is – (how) does presenting G-d in this way solve the underlying problem of G-d's apparent manipulability? Why does this image help make the verse's theology sayable, if only barely?

My very tentative answer is that Rabbi Yochanan's goal was to connect the verses to the practice of communal fasts. Why? Because if reciting the 13 Attributes were simply a matter of magic, with

forgiveness automatic, there would be no need to fast or repent. By limiting the efficacious recitation to the context of a communal effort at repentance, Rabbi Yochanan opens up the possibility that the 13 Attributes work only insofar as they help us change into the sort of people who can be at least plausibly worthy of Divine forgiveness.

At the same time, the depiction of G-d as shaliach tzibbur emphasizes that G-d very much wants us to make those changes, and that He Himself prays for His mercy to be revealed above His other attributes (see Berakhot 7a).

Apples and Honey, Repentance and Covenant

by Batsheva Leah Weinstein (MA 2015, 2016)

September 8, 2015

We all know of the *minhag* to eat apples dipped in honey on Rosh Hashanah. The reason most often given for this custom, and indeed we say this before we eat them, is that it symbolizes our desire for a sweet new year. However, as the Maharil points out, the language used to describe this *minhag* is "נוטלים התפוח" – "אוכלים דבש עם תפוח" – we eat honey with an apple. This implies that the apples themselves are important. This can also be derived by the fact that we make a bracha "בורא פרי העץ" as opposed to a "שהכל נהיה בדברו", which tells us that it is the תפוח that is the עיקר, the main thing, and not the honey. We can now ask our question: why do we dip apples in honey?

When Yaakov, pretending to be Esav, comes to Yitzchak to receive the bracha for the firstborn, Yitzchak says, "ראה ריח בני כריח השדה אשר ברכו ה'" – see the scent of my son like the scent of a field that was blessed by Hashem. רב יהודה בריה דרב שמואל בר שילת says in the name of Rav, "כריח שדה של תפוחים" – the scent of a field of apples. The *midrash Bereishit Rabbah* says that when Yaakov entered the room, the fragrance of גן עדן came in with him. Thus, the apples that we eat on Rosh Hashanah symbolize גן עדן, an appropriate reference for the Day of Judgement.

In the *midrash* בראשית רבתי, Rav explains this *passuk* in a different way. When Yitzchak saw that the children of Yaakov who rebelled against Hashem "יתנו ריח טוב שיעשו תשובה" – that they will give off a good scent, meaning that they will repent and return to God, the presence of the שכינה rested on him and he was able to give Yaakov the *bracha*. According to this interpretation, the field of apples refers to בני ישראל doing *teshuvah*. Consequently, when we eat apples, it is a reminder for us to do *teshuvah*.

Another reason for eating apples is from a *passuk* in *Shir Hashirim* which says "כתפוח בעצי היער" – like an apple tree amongst the trees of a forest, which refers to בני ישראל. R' Tzadok Hakohen explains that בני ישראל are compared to apples because, just like the fruits of an apple tree come before the leaves, so too בני ישראל said נעשה – we will do – before נשמע – we will hear. Overlooking the scientific accuracy of this statement, our point is, that just like the important thing of the tree – the fruits – come before the less important part of the tree – the leaves, so too בני ישראל put the important thing – doing what G-d commanded – before the less important thing – finding out what G-d wants us to do. Therefore, apples remind us of מתן תורה and our covenant with G-d in which we promised to obey His Torah.

Here we have a number of reasons of why we eat apples on Rosh Hashanah, all based on references to apples in the *p'sukim*. We dip them in honey for a sweet new year but the apples themselves are also symbolic and relevant to Rosh Hashanah.

Batsheva Leah Weinstein (Midreshet Avigayil 2015, 2016) is a senior at Ma'ayanot Yeshiva High School for Girls.

Shofar Metaphors

September 16, 2009

טעמי מצות שופר לרב סעדיא גאון (אוצר הגאונים, ראש השנה, חלק הפירושים, סימן קעג)

מה שצונו הבורא ית' לתקוע בשופר בראש השנה יש בזה עשרה ענינים:

א. מפני שהיום היתה תחלת הבריאה, שבו ברא הקב"ה את העולם ומלך עליו, וכן עושים המלכים בתחלת מלכותם, שתוקעין לפנין בחצוצרות ובקרנות להודיע ולהשמיע בכל מקום התחלת מלכותם, וכן אנו ממליכין עלינו את הבורא יתברך ביום הזה, וכך אמר דוד: "בחצוצרות וקול שופר הריעו לפני המלך ה'".

ב. כי יום ר"ה הוא ראשון לעשרת ימי תשובה, ותוקעים בו בשופר להכריז על ראשנו, כמי שמזהיר ואומר: 'כל הרוצה לשוב, ישוב; ואם לאו, אל יקרא תגר על עצמו!'

וכן עושים המלכים, מזהירין את העולם תחלה בגזרותם, וכל העובר אחר האזהרה אין שומעין לו טענה

ג. להזכירנו מעמד הר סיני, שנאמר "וקול שופר חזק מאד", ונקבל על עצמנו מה שקבלו אבותינו על עצמם נעשה ונשמע.

ד. להזכירנו דברי הנביאים, שנמשלו כתקיעת שופר,

שנאמר "ושמע השומע את קול השופר ולא נזהר ותבא חרב ותקחהו – דמו בראשו יהיה, והוא נזהר - את נפשו מלט"

ה. להזכירנו חרבן בית המקדש וקול תרועת מלחמות האויבים, כמו שנאמר "כי קול שופר שמעתי נפשי תרועת מלחמה", וכשאנו שומעים קול השופר נבקש מאת ה' על בנין בית המקדש.

ו. להזכירנו עקידת יצחק, שמסר נפשו לשמים, וכן אנחנו נמסור נפשנו על קדושת שמו, ויעלה זכרונו לפניו לטובה.

ז. שכשנשמע תקיעת שופר נירא ונחרד ונשבר עצמנו לפני הבורא, כי כך הוא טבע השופר, מרעיד ומחריד, כמו שנאמר "אם יתקע שופר בעיר ועם לא יחרדו".

ח. להזכיר את יום הדין הגדול ולירא ממנו, שנאמר "כי קרוב יום ה' הגדול, קרוב ומהר מאד, יום שופר ותרועה".

ט. להזכירנו קבוץ נדחי ישראל ולהתאוות אליו, שנאמר בו "והיה ביום ההוא יתקע בשופר גדול ובאו האובדים בארץ אשור וגו'".

י. להזכירנו תחית המתים ולהאמין בה, שנאמר "כל יושבי תבל ושוכני ארץ כנשוא נס הרים תראו וכשמעו שופר תשמעו".

Rav Saadia Gaon's Rationales for the Mitzvah of Shofar

That which the Creator may He be blessed commanded us to blow the shofar on Rosh HaShannah contains 10 topics:

1. Because that day was the beginning of the Creation, on which The Holy One Who is Blessed created the world and reigned over it, and thus behave human kings at the beginning of their reigns, they cause trumpets and horns to be blown before them, so as to inform and publicize everywhere the beginning of their reign, and thus we coronate the Creator may He be blessed over us on this day, and thus wrote David: "With trumpets and the sound of a shofar hariu before the king Hashem".

2. Because the day of Rosh HaShannah is the first of the Ten Days of Repentance, and we blow shofar on it in order to serve notice on ourselves, like someone who serves notice and says: 'All who wish to repent, repent; and if not, let them not declare themselves wronged!', and thus kings behave - they first caution the world about their decrees, and (therefore) anyone who violates after the caution, we pay no heed to his explanations.

3. To remind us of the Standing Up at Mount Sinai, as Scripture says "and the voice of a shofar, very powerful",

and (thereby) we will accept upon ourselves what our ancestors accepted upon themselves (in the form) “naaseh v'nishma”

4. To remind us of the words of the prophets, which are compared to the blast of a shofar, as Scripture says: “and the hearer heard the sound of the shofar but did not take caution, and the sword came and took him – his blood is on his own head, whereas he who did take caution – he rescued his life”

5. To remind us of the destruction of the Holy Temple, and the sound of the enemies' battle teruah, as Scripture says: “for the sound of a shofar my soul hears, the teruah of war”, and when we hear the sound of the shofar, we will plead to G-d about the Building of the Holy Temple,

6. To remind us of the Binding of Isaac, who gave his life over to Heaven, and so too we should give our lives over for the sake of the Holiness of His name, and (thereby) our remembrance will arise before him to good result

7. Because when we hear the blast of the shofar we will fear and tremble and shatter ourselves before the Creator, because such is the nature of the shofar, that it causes terror and trembling, as Scripture says: “Can it be that a shofar will blow in the city, and the populace not tremble!?”

8. To mention the great Day of Judgment and be in awe of it, as Scripture says: “Because the great day of Hashem is neat, near and hurrying, a day of shofar and teruah”

9. To remind us of the collection of the scattered of Israel and to yearn for it, about which Scripture says: “it will be on that day – He will blow a great Shofar, and those lost in the Land of Ashur will arrive etc.”

10. To remind us of the resurrection of the dead and to put faith in it, as Scripture says: “All dwellers on Earth and inhabitants of the land will see as the banner is raised on the mountain, and when the shofar is audible they will hear”.

Rambam writes that there are two ways of being unjust to religious metaphors:

- taking them literally and mocking them, and
- taking them literally and accepting them.

Thus, for example, it is wrong to use “His legs will be standing on that day on the Mount of Olives” as evidence that G-d has legs, and wrong to use it as evidence that Tanakh has a primitive corporeal notion of G-d.

The question this leaves open is what purpose metaphor serves, if one is required to understand that it is mere metaphor. One possibility is that it serves as a temporary bridge that enables us to arrive at truth – after we understand the *nimshal*, the symbolized, there is indeed no further use for the *mashal*, the symbol. The midrashic metaphor of King Solomon “chaining metaphor to metaphor until we could pull the waterjug up from the well” may support this idea.

But it would be truer to my experience to say that the best symbols have enduring worth. This may be simply a function of beauty – even after we have concluded, say, that “the fog comes in on little cat’s feet” means that it comes in silently and unhurriedly, the description can still bring a smile. Or it may be a function of residual meaning – surely “silent and unhurried” does not exhaust the qualities of a (little) cat’s tread. The metaphor of Divine legs, as well, endures, and Tanakh remains worthwhile for those who understand that G-d is incorporeal.

For vigorous anticorporealists such as Rambam, however, it seems critical that one never be lost in the metaphor, that there not be even a momentary suspension of disbelief in the literal meaning, at least after the initial understanding. This is not quite the same thing as the midrashic “*k'beyakhol*”, “as if it were

possible”, which seems to encourage a twilight state in which one believes the literal meaning while affirming its impossibility.

It seems to me that another example of this unwillingness to function on the k’beyakhol level is found in this week’s text. Rav Saadia Gaon goes out of his way to ensure that every reason for shofar makes clear that the shofar has no effect on Hashem, that Hashem does not listen for or hear the shofar, but rather that He pays attention only to us. Thus the shofar reminds us to act self-sacrificingly like Yitzchak, not to remind G-d of Yitzchak’s willingness to self-sacrifice.

RaSaG was certainly aware that the Torah describes G-d as “hearing”. What, then, made him unwilling to give rationales for the mitzvah of shofar that assumed that metaphor? Perhaps it was a reaction to a contemporary context in which many took that metaphor with absolute literalness. Perhaps the words of Tanakh are immutable, and therefore one must fight for their meaning, whereas rationales for mitzvot can be cast aside when their cost becomes too great.

It is perhaps worth thinking about the “makhnisei rakhmim” controversy in this light. (On that, see SBM alumnus Rabbi Shlomo Brody at <http://text.rcarabbis.org/?p=265>.) Perhaps communities that don’t see belief in personified angels as at all plausible can sing songs about intercessory angels with impunity.

Bivrahah leshanah tovah. May we all be inscribed in the Book of Life (and all parallel metaphors).

May A Chazan Lead High Holidays Services from a Wheelchair? Part 1

September 20, 2017

Dear Rabbi:

Mr. Toviah Goodman has davened 1st day Rosh Hashannah Shacharit and Yom Kippur Neilah for our shul since its founding in 1993. However, he suffered several health setbacks this year, and now is in a wheelchair full time. Should he continue to serve as shaliach tzibbur, or should we replace him with someone who is able to stand?

Sincerely,

The Members of the Ritual Committee, Congregation Mevakshei Psak

Dear Ritual Committee Members,

I am answering you in writing and at length because of the broad issues involved here. I encourage you to share my answer with your general membership.

PART 1

The question of whether physical disability might be a disqualification for the role of shaliach tzibbur (communal prayer leader) was probably first raised by an anonymous questioner to Maharam (R. Meir of Rothenburg) in the 13th century). Here is the question, with R. Meir's response, as quoted from manuscript by Maharshal (R. Shlomo Luria) in the 16th century.

וששאלת

אם אדם שפגעה בו מדת הדין

שנפלו לו זרועותיו

ראוי להיות ש"ץ?

פשיטא דראוי וראוי הוא,

ואדרבה מצוה מן המובחר,

דמלך מלכי המלכים חפץ להשתמש בכלים שבורים,

ולא כדרך שרים בשר ודם,

שנאמר (תהלים נ"א י"ט) לב נשבר וג',

דאין נפסל במומין אלא כהנים עכ"ל

That which you asked:

*Whether a person who has been injured by the Attribute of Justice
whose arms fell*

is fitting to be a shaliach tzibbur?

*It is obvious that he is more than fitting
and just the opposite – he is an ideal candidate
since the Ultimate King wants to use broken vessels,
unlike the practice of flesh-and-blood officials
as Psalms 51:19 says:*

*A heart that is shattered and crushed – G-d, You will not despise.
because no one but kohanim are invalidated by mumim (physical blemishes)*

Maharshal heartily endorses Maharam's response.

ואני אבוא אחריו למלא את דבריו,

דהא אפי' לויים שעבודתן בשיר בשילה ובית עולמים,

אפ"ה אין נפסלין אלא בקול, כמ"ש לעיל,

כ"ש ש"ץ שלנו.

I will follow in his wake to add the final touches to his words

that even Levites, whose Service was by singing (in the Tabernacle) at Shiloh and in the Temple nonetheless were only invalidated because of vocal issues, as I wrote above all the more so our shluchoi tzibbur.

Two highly clever elements of this brief comment deserve explication.

1) Maharam's Biblical proof-text was from Psalms 51, which is introduced as David's response to the Prophet Natan's criticism of him for first sleeping with Batsheva. The opening sentence of Maharshah's sequel is a reference to 1 Kings 1:14

וְאֲנִי אֲבֹא אַחֲרָיִךְ וּמְלֹאתִי אֶת־דְּבָרֶיךָ
I will follow in your wake to add the final touch to your words

These are the words of Natan to Batsheva, concluding his plan to have her son Shlomoh become King David's successor. All's well that ends well.

2) Maharam simply asserted that prayer leaders are not subject to the same disqualifications as priests; but why not? Isn't prayer in place of sacrifice, as "our lips compensate for bulls"? Maharshah argues that the shaliach tzibbur does not play the same role as the kohen. He does not actually bring the sacrifice; he merely provides the atmospheric music, as did the Levites.

There are two obvious weaknesses with Maharam's argument. The first is that David is clearly not speaking of a **physically** shattered heart; he is using a metaphor, and the midrash is also using a rhetorical sleight of hand in making the comparison to flesh-and-blood kings. The second is that G-d **does** require the kohanim who perform His physical Temple service to be *mumless*, rather than preferring them to be physically broken vessels. Maharshah's clever attempt to finesse the point is not very convincing, as the shaliach tzibbur is actually the one praying on everyone else's behalf, not a mere musical accompanist.

These difficulties might be brushed aside on the basis of Maharam's authority. But did Maharam actually say this? The footnotes in the printed Maharshah (Yam Shel Shlomoh Chullin 1:48) refer one to #249 of the edition of Maharam's responsum printed in Cremona. However, the question in that edition reads

ושאלת
אם אדם שפגעה בו מדת הדין
ראוי להיות שליח צבור?
That which you asked:
Whether a person who has been injured by the Attribute of Justice
is fitting to be a shaliach tzibbur?

This version makes no reference to physical disability at all. The question may be whether a person who clearly has suffered Divine Justice is a fitting representative for a community seeking Divine Mercy. To which Maharam answers: If the person has a broken heart, *in other words if he has repented*, G-d is pleased with his service.

Apparently unbeknownst to Maharshah, the question about physical blemishes was asked to Rabbi Yisrael of Brona in the 15th Century (Shu"t Mahari Brona #25). He gave a very different, and somewhat odd, answer:

נשאלתי בקהלת ברונא מארץ הגר
אם למנות ש"צ בעל מום . . .
והשבת שאין נכון בעיני,
רק ראיתי בא"ז שאין למנות ש"צ בעל מום
ושכחתי מקומו
אך נ"ל ראייה מס"פ האומר דקדושין (סז ב)
דמסיק בעל מום עבודתו פסולה בדיעבד . . .

וכיון דתפלתינו במקום קרבן,
 שנא' ונשלמה פרים שפתינו,
 א"כ אין נכון כלל למנותו לכתחלה לש"צ קבוע,
 אבל באקראי יכול
 דלא גרע מסומא דמתפלל לפעמים
 – אבל היכא דלא איפשר באחר –
 אין לבטל תפלתינו בשביל זה,
 כיון דכלנו מתפללים ביחידים והתפלה אינו אלא מדרבנן,
 ואף על גב דכתיב ועבדתם בכל לבבכם,
 ודרשי' (תענית ב א)
 איזוהי עבודה שהיא בלב? הוי אומר זו תפלה –
 אסמכתא היא

או בעת צרה היא דאורייתא . . .

*I was asked while in the community of Brona a question from Hungary
 whether to appoint a shaliach tzibbur who has a mum . . .*

I responded that it is not proper in my opinion

*I have even seen in Or Zarua that one should not appoint a shaliach tzibbur who has a mum
 but I have forgotten the location of that ruling*

*But it seems to me that proof can be brought from the end of Talmud Kiddushin Chapter 3
 where it concludes that the Service of someone with a mum is invalid even after the fact . . .*

***so since our prayers take the place of sacrifice,
 as Scripture says “and our lips will compensate for bulls”,
 therefore it is not proper at all to appoint him in the first place as a permanent shaliach tzibbur,
 but this can be done on an ad hoc basis***

*as he is not worse than a blind person, who may lead prayers on an ad hoc basis
 but where no one else can do it –*

*we should not idle ourselves from praying for this reason,
 since we all pray individually now
 and prayer is only a Rabbinic obligation.*

*Even though Scripture writes “you must serve Him with all your hearts”,
 and we derive (Taanit 2a)*

*What Service is in the heart? Say that this is prayer –
 this is a mnemonic*

or perhaps prayer in a time of crisis is a Biblical obligation . . .

Mahari Brona takes the comparison to priests and Service seriously – but how seriously? Priests with *mumim* cannot serve ad hoc in the Temple! So it seems at least possible that his prooftexts are marshalled in support of the missing citation from Or Zarua, rather than independently sufficient arguments.

But Mahari Brona's claim to have forgotten the location of the Or Zarua is odd; at least in our editions, the seemingly relevant line appears in a collection of halakhot relating to shluhei tzibbur.

וצריך להיות צדיק וישר ונקי בגופו
 ואם אינו כן עליו הכתוב אומר . . .
 הקריבהו נא לפחתך הירצך או הישא פניך.
 והורה רב יודאי גאון
 דשליח צבור סומא כשר הוא
 ואין מסלקין אותו כל זמן שמעשיו הגונים.

*He must be righteous and straight and naki begufo (literally: clean in his body)
 If he is not such, Scripture says about him . . . (Malakhi 1:8)*

Bring this (blemished sacrifice) to your baron – will he acknowledge you, or show you favor?
*and/but Rabbi Y(eh)udai Gaon ruled
 that a blind shaliach tzibbur is valid,*

and that he should not be removed so long as his deeds are proper.

What does *naki begufo* mean? If we read Rav Yehudai Gaon's ruling about blind people as a contrast – "**but** R. Yehudai Gaon ruled" – it might mean that one's body has to be clean of *mumim*. Perhaps that is how Mahari Brona read it in his youth.

However, it turns out that Or Zarua was actually citing a Geonic responsum, and the texts of that responsum make it almost certain that *naki begufo* refers to a character trait, not a physical condition. It may have meant simple cleanliness; or, as *guf naki* came to mean regarding *tefillin*, it may have referred to specific practices regarding bathroom issues.

So what we have so far is a Maharshah endorsing a Maharam that probably, but not certainly, preferred a disabled Shaliach Tzibbur to one who had not suffered any physical ravages; and a Mahari Brona that follows an Or Zarua that almost certainly says nothing relevant.

STAY TUNED FOR PART 2 NEXT WEEK! (Spoiler: Mr. Goodman probably keeps his slot.)

May a Chazan Lead High Holidays Services from a Wheelchair? Part 2

September 28, 2017

Last week we learned that:

Maharam probably prefers a disabled shaliach tzibbur to one who had not suffered any physical ravages. He states explicitly that *mumim* (any from a list of physical blemishes) invalidate kohanim and not shluchei tzibbur.

Maharshal strongly endorses the version of Maharshal's position that prefers a disabled shaliach tzibbur. Mahari Brona opposes appointing a person with a *mum* to a formal communal position as shaliach tzibbur, but he permits having such a person serve as an ad hoc prayer leader, or if there is no alternative. Mahari Brona states that he saw this position in Or Zarua, but cannot remember where. Our analysis of the most likely reference in Or Zarua concluded that it was probably irrelevant to the question of *mumim* or disability.

A few other points before we move on from Mahari Brona.

1) Maharam's case involved a physical disability that was also a formal legal *mum*. Mahari Brona only discusses formal *mumim*; disability per se is not mentioned, and it is possible that he considered it irrelevant.

2) Mahari Brona takes it as given that a blind man can serve as an ad hoc chazan. He does not cite a source. Blindness is a formal *mum*. That could have ended the discussion of *mumim*. However, Mahari Brona assumes that one can distinguish between "official" and ad hoc shluchei tzibbur, and that blind people can only serve ad hoc.

What is his basis for this distinction?

Or Zarua cites Rav Yehudai Gaon, from Sefer Miktzo'ot, as follows:

והורה רב יודאי גאון
דשליח צבור סומא כשר הוא
ואין מסלקין אותו כל זמן שמעשיו הגונים
Rav Yudai Gaon ruled
that a blind shaliach tzibbur is valid
and one must not remove him so long as his actions are proper.

The phrase "one must not remove him" can be read as only post facto, meaning that he cannot be appointed to such a position.

However, Or Zarua also quotes a geonic responsum, as follows:

ובתשובות כתב
ושליח צבור סומא או זקן שכהו עיניו מרוב זקנה
והם יודעים להתפלל כראוי
ושאלתם
מהו לירד לפני התיבה להוציא את הרבים ידי חובתן
כך ראינו
שיורדין לפני התיבה ומוציאין את הרבים ידי חובתן . . .
But in the response he writes
A shaliach tzibbur who is blind, or one so elderly that his eyes have dimmed from great age,
but they know how to daven as is fitting,
and you asked
whether they can go down before the ark in order to fulfill the masses' obligation for them –

*Here is how we saw it –
They may go down before the ark and fulfill the masses' obligation for them . . .*

This responsum seems to support blind shluchoi tzibbur without qualification, and suggests that we should not read the official/ad hoc distinction into Rav Yehudai either. Indeed, Rav Yehudai Gaon can be read as making the opposite point, that not only is a blind shaliach tzibbur valid, he is every bit as good as a seeing man, and therefore should not be replaced for any reason other than impropriety.

The next major halakhist to address our issue from first principles is Chavot Yair. His responsum is very tricky to read, and I have seen scholars completely reverse its meaning! So please check my translation-with-commentary as carefully as you can, and see whether you agree that I have it right.

שו"ת חוות יאיר סימן קעו
שאלה

תמהת על אשר שמעת שהרע בעיני שהעבירו שם ק"ק פלוני סומא בא' מעיניו בימים הנוראי'

Question:

You were astonished at hearing that I was displeased that Congregation X put forward a man blind in one eye as shaliach tzibbur on the High Holidays.

מימי לא אמרתי דבר וחזרתי לאחורי

(Answer)

*In all my days I have never said anything and then turned around and denied it
(so if I had been displeased, I would certainly admit it)*

– וידעתי בני ידעתי מ"ש רז"ל שהקב"ה משתמש בכלים שבורים

*I know full well that which Chazal say, that "The Holy Blessed One prefers to use broken vessels
(meaning men with broken hearts, and one might infer that He also prefers men with missing eyes)*

רק דמשם אין ראיה,

דהיא לא מקרי מום ע"פ האמת, וכל לב נשבר שפיר מקרי צדיק תמים,
מש"כ מום בגוף י"ל כל מום רע

But there is no proof from there

*Since (a broken heart) is not truly called a mum, and every brokenhearted man can properly be called
"unblemishedly righteous"
unlike physical blemishes, which are called "every bad mum".*

ומימי לא עלה על לבי דפסול משום דתפלה במקום קרבן וכהן העובד צריך שיהיה בלי מום
כמו שעלה על דעתך ואמרת

*(Nonetheless) in all my days, I never considered declaring (someone with a physical mum invalid as a
shaliach tzibbur) on the ground that prayer is in place of sacrifice, and a kohen who serves (at a
sacrifice) must be without any mum, (and the shaliach tzibbur is parallel to the kohen),
as you considered and said,*

דא"כ למה לא חשיב ליה במעלות ומידות דש"ץ פ"ב דתענית
אף דזה ודאי ל"ק

דשם מיירי בסתם אדם בלתי חסרון בגוף

*because if that were so, why is mumlessness not on the list of the elevated character and traits of the
proper shaliach tzibbur in the second chapter of Taanit (16a)?!*

Although this is certainly not a dispositive question,

since that list is dealing with a standard person, who has no physical lack (that would count as a mum).

מ"מ לא מחשבותיך מחשבתי דברור דאין לדמותו לכהן בכה"ג,

דא"כ כל אדם נמי,

כמ"ש הטור סי' צ"ח,

ועוד שהרי כתב הרא"ש הביאו הטור סי' נ"ג

שאינ להתרעם על חזן שהוא ממשפחה בזויה שטוב לקרב מזרע רחוקים ע"ש,
וכה"ג בכהן העובד לא, שהרי אמרו רז"ל אין בודקין ממזבח ולמעלה
ואפילו גר כשר להיות ש"ץ

*Nonetheless your thoughts are not my thoughts,
as it is clear that a shaliach tzibbur should not be compared to a kohen in that fashion,
since if that were so, every individual person also (would have to be mumless in order to pray)
as Tur OC 98 writes (a set of rules for individual prayer built off the analogy to sacrifices)!
Additionally, because Rosh wrote, and he was cited by Tur OC 53,
that there is no ground for objecting to a chazzan from a despised family, as it is good to bring near the
descendants of the distant – see there,
but this is not so regarding a kohen doing the Temple service, as Chazal said: “There is no need to check
lineage past someone who served at the Altar”
and even a convert (who has no family lineage) is valid to be a shaliach tzibbur (whereas obviously
converts can't be kohanim).*

ועם כל זה קראתי תגר כמו שכתבת

But despite all this I did object vociferously (to the one-eyed chazan), as you wrote,

כי נ"ל דבתרווייהו איכא למיחש מיהא איכא דאיכא אחר הגון וראוי כיוצא בזה
*because it seems to me that one should nonetheless be concerned regarding both (a chazan with a mum
and a chazan from a family with lineage issues) where there is another who is similarly proper and fit,*

כי ידוע שרמ"ח איברים הם כסא ודמות לרמ"ח אורות עליונים ורמ"ח איברים רוחניים שבנשמה
וא"כ כל כה"ג הרי הכסא פגום.

*because it is known that the 248 organs/limbs are the throne and image for 248 Upper Lights and 248
spiritual organs/limbs that are in the soul
and if so, in any case like (a one-eyed chazzan), the throne is damaged*

והפילוסופים כתבו בהפקד חוש מה יפקד מושכל מה, ועי' עקידה פ' שמות שער ל"ה דף צ"ז ע"ב
*and (also) the philosophers wrote that where a sense goes dormant, some element of understanding
goes dormant with it – see Akeidat Yitzchak Shemot Gate 35 p. 97b.*

וכיוצא בזה כתבתי במקום אחר שאין ליתן לכתחלה לברך ב"המ לקטוע אצבע ואפילו למוכה שחין
דלא עדיף זה מידיו מזוהמות דצריך להעביר הזוהמא כבסי' קכ"א
ה"נ אפשר באחר

*I wrote similarly elsewhere that one should preferably not honor someone missing a finger with leading
birkat hamazon, nor even someone with boils.
as the latter is not better than someone with filthy hands, who has to remove the filth, as in SA OC 181 –
so here too it is possible to have someone else do it*

מלבד מה שיש בזה העדר כבוד למצוה
ואפילו בנגלה הקריבהו נא לפחתך

*All this aside from there being in this a lack of honor for the mitzvah
and even in the exoteric framework, “Bring him then to your baron” (Malachi 1:8 criticizes the Jews for
bringing blind, lame, and sick animal sacrifices, when they would not give such to a human overlord)*

אף כי ע"פ הנסתר יש תילי תילי' סודות נסתרים באברי הגוף גם בפרקי הידים
אפס קצתם תמצא בהקדמה בן מאה שנה
ויש כאן חסרון שפע בכוס של ברכה העליון
יאיר חיים בכרך

*and certainly according to the esoteric there are heaps and heaps of secrets hidden in the limbs of the
body and even the joints of the hands
you will find but a few of them if you prepare for one hundred years
so there is a diminution in the overflow of the Cup of the Upper Blessing*

Yair Chaim Bachrach

Chavot Yair rejects the application of Maharam's argument to physical blemishes (perhaps without being aware of Maharam). His rejection is perhaps based on Zohar, which emphasizes that G-d's use of broken vessels in no way contradicts the need for kohanim to be without *mumim*.

Chavot Yair equally rejects giving Mahari Brona's concern about the analogy to kohanim any halakhic weight. He makes the compelling argument that in terms of the analogy to sacrifice, there is no difference between private prayer and that of the shaliach tzibbur.

Nonetheless, Chavot Yair rules that one should prefer physically whole chazanim, to the point of making a public fuss about the issue on Yom Kippur. He does this on the basis of a broad set of arguments.

The first is that kabbalah takes the body as a metaphor very seriously.

The second is that a rabbinic philosopher claimed that the loss of a sense must lead to a fundamental loss of understanding.

The third is that the analogy to a human baron holds, and it diminishes the honor of the mitzvah to have a person with a *mum* leading it.

The question for us is how much weight to give Chavot Yair.

- 1) We might say that he has less authority than Maharam, and Maharshal. Perhaps, as he does not cite them explicitly (although he may implicitly), we can contend that he was unaware of them, and would have conceded had he become aware.
- 2) We might say that he couches his position in nonhalakhic terms, even though he clearly tried to mandate it in practice.
- 3) We might give less (or more) weight to arguments based on kabbalah
- 4) We might say that we do not accept the truth of the position he cites from "the philosophers"
- 5) We might say that social norms have changed, and in our time there would be no hesitation about sending a physically blemished person to lead a delegation to the local baron. Or we might argue that the analogy is off – in all societies delegations are often headed by elders, even if they are bringing the choicest of animal specimens as gifts or sacrifices.

Stay tuned for Part 3 soon!

“Frum Week” and Aseret Yemei Teshuvah

September 28, 2011

A recent article in Reform Judaism described a Yale undergraduate’s “frum week”, in which she tried out kashrut, traditional tefillah betzibbur, distinctively Orthodox tzeniut, and the like so as to make sure that her choices not to observe were authentic and thoughtful. She was on the whole very appreciative of what she tried, and we the intransigent Orthodox have much to learn from her appreciation of birkot hanehenin, davening, and the need for kiddush Hashem when one is publicly identifiable as Jewish.

But I had two immediate concerns. First, wasn’t she trivializing halakhic experience by engaging in it with no permanent commitment, as a spiritual tourist (transient Orthodox)? Can one understand marriage by living together with someone for a week? Second, was her presentation and experience of Orthodoxy as an almost entirely ritual phenomenon reductive, or worse, accurate? Is ritual observance purposeful if it does not make one a significantly “better person”?

Then I realized that I could ask the same question in a traditional learning contest. Shulkhan Arukh YD 112 teaches that while pat nakhri (bread baked by Gentiles) is forbidden lekhatchilah, it is permitted to buy commercial bread when no other is available, and the RAMO cites an opinion that permits commercial bread under all circumstances. SHAKH declares that this is the standard practice. But SHAKH then endorses a custom of being particularly concerned about this during the 10 Days of Repentance.

SHAKH’s custom has a long history, but one antecedent that particularly interested me is the Minhagim of Rabbi Yitzchak Isaac Tirana, who lived in Austria from the late 14th to mid-15th centuries.

ספר המנהגים (טירנא) הגהות המנהגים עשרת ימי תשובה אות (קלו) אבל
בכל י' ימי תשובה אין אוכלין פת של גוים (קלו) אלא מכשירין תנורים בקיסם (קלו) אבל מצוה מן המובחר לאכול פת שאפו
. . . היהודים ולא שהוכשר ע"י קיסם

Throughout the 10 Days of Repentance we do not eat bread of Gentiles, rather we kasher ovens with a twig.

(Note 136) But it is a mitzvah min hamuvchar to eat bread that Jews baked, rather than bread kashered via a twig.

The Bar Ilan Responsa Project’s biography tool says that the notes are not by Rabbi Tirana. In other words, what we have here is

- a) An acknowledgement that halakhically it is permitted to eat any commercial bread
- b) A statement that for the 10 Days one should nonetheless only eat commercial bread which a Jew has played a minimal role in baking (adding a twig to the flame of the oven)
- c) A note acknowledging that adding the twig suffices to fulfill the custom, but claiming nonetheless that an even higher level requires bread that was fully baked by Jews.

Now the key point here is that unlike teshuvah, which requires regret for the past and commitment for the future, this practice consciously and explicitly justifies the past, and is not intended to continue past Yom Kippur. What is the point of temporarily adopting an extrahalakhic ritual stringency? Why does this practice not trivialize the year-round effort of fulfilling the details of Halakhah?

My suggestion is the following: One of the great barriers to positive change is the reasonable desire not to confound our friends’, colleagues’, even families’ expectations of us. We are justly leery of destabilizing critical and comfortable relationships. It is in a sense a violation of tzeniut to call attention to ourselves by suddenly changing our practices, even for the better, and sometimes a direct violation of meichazei keyuhara, appearing to be spiritually arrogant. ‘Who is s/he to walk away from a lashon hor a conversation – s/he was never better than us before, and I remember just last week that s/he . . .’

The 10 Days of Repentance offer us a space where positive change is the expectation, where improved action is not arrogance but conformity. To ensure this, we standardize certain minor changes, and

perhaps tolerate or even encourage a certain amount of competition and one upmanship. This provides a cover, or at least a halakhic fig leaf, for more substantive changes which might otherwise seem threatening to one's social and emotional circles.

I hope that "frum week" eventually generates a lifetime. But even if it doesn't, I hope it opened a space for positive change, a context enabling peers and family to see and support this young woman not only as she is but as she might be. Similarly, I hope that the coming 10 Days will provide us as individuals and as communities with the opportunity to live up to our best selves, and that we will seize those opportunities. Shanah Tovah - May we all be inscribed in the Books of Life, Joy, and Meaning.

Justice and Mercy

September 4, 2013

Parashat Vayelekh ends on a singularly depressing note. Hashem tells Mosheh, who agrees wholeheartedly, that whatever religious consistency the Jews are currently displaying (and the Torah certainly does not present a uniformly flattering picture in that regard) will collapse at some point in the future, which will of course lead inevitably to Divine punishment.

The problem is that Divine punishment might well exacerbate Jewish rebelliousness and estrangement rather than evoking repentance and rehabilitation. The Jews might well conclude either that G-d was not powerful enough to correct them, or that He did not really love them, or that He punished arbitrarily.

The solution offered is to establish in the Jewish consciousness a text that predicts their suffering and explains it theologically. There is some ambiguity as to whether the text is the entire Torah or rather the poem which comprises most of Parashat Haazinu. One possibility is that the poem is intended as a theological summary of the Torah as a whole.

It is interesting, therefore, to note that the poem has a dominant term for G-d, and furthermore that that metaphor appears nowhere else in Torah (it does show up often in Psalms and Isaiah). The metaphor is *tsur*, which appears in 32:4, 15, 18, 30, 31 (twice), and 37, with possible echoes in 10, 13, 27, 41 and 43. The commentators offer two definitions for *tsur*: rock and form (or the One who forms).

Our focus will be 32:4, which is the opening of the substance of the poem.

The tsur, perfect (tamim) is His work, for all his ways are mishpat; a consistent/faithful (emunah) G-d, and there is no crookedness/distortion (ein avel); He is tzaddik and straight (yashar).

I suggest that *tsur* should be taken as a term capable of encompassing all the adjectives in the verse: *tamim*, *mishpat*, *emunah*, *ein avel*, *tzaddik*, and *yashar*. However, each of those adjectives is itself difficult to translate, and some of them have traditional valences that make them seem to contradict one another. *Yashar*, for example, is often taken to mean going beyond the letter of the law, whereas *mishpat*, *emunah*, and *tzaddik* can all be taken as referring to strict justice. Furthermore, the Divine ways are generally interpreted elsewhere as referring to His mercifulness and kindness; how can it be said that all of them are *mishpat*?

Various commentaries, accordingly, use this verse as an occasion to develop theories of the proper relationship between justice and mercy. As it happens, my wife and I have long disputed whether mercy should be seen as an essentially arbitrary suspension of justice or rather as a consistently lax administration of justice. I have space here for only one attempt to clarify the issue, that of the B'er Yosef (thanks to Mike and Daniella Rader for donating this book to the Hillel library).

B'er Yosef suggests that people are judged in two stages - first for their character, and then for their deeds. (He notes Rambam's claim that one must repent for having poor character as well as for performing evil deeds.) People's deeds are judged in accordance with their character, in other words as they judge others' deeds; merciful people are judged mercifully, forgiving people are forgiven more easily, and obsessive tit-for-tat people are judged accordingly. In this system, the same deed, performed with the same intent, can yield different judgments when performed by different people, and nonetheless the system is consistent rather than arbitrary, and justice and mercy are compatible.

One might argue, against B'er Yosef, that for character to be judged first, and thus determine the standard by which deeds are judged, rather than for character and deeds to be judged holistically, is itself arbitrary. This reminds me of an old argument I had with my dear friend Nachum Felman as to whether a person

who claims to believe absolutely, but have doubts about the truth of his absolute belief (to lack metabelief), is contradicting himself.

Engagement with the Vague

by Joshua Blau (SBM 2017)

September 20, 2017

The standard “shira” in Tanakh can be boiled down to praise of God, usually in the context of miracles and some kind of salvation. The *shira* of Haazinu, however, does not match this rubric. While God is praised at various points in the song, there are no miracles or salvations to speak of. The Torah describes it as God’s “witness” that when in the future Bnei Yisrael inevitably fall from plenty to ruin, they will have brought this end on themselves as a result of turning away from Him. Why is this a “shira” at all?

The structure of Haazinu is also challenging. The song moves first through an introduction by Moshe, then praise of God, followed by criticism of Bnei Yisrael. It then transitions to a historical survey that starts with the specialness of God’s people, moves again to praise of God, and then a satiation of the people that quickly grows sour and becomes idolatry. Corruption is, of course, answered with abandonment and punishment, although in 32:27 we read a sense of reticence to punish the people as described because of external perception. The next 11 verses—all the way through 38— are about punishment, but it is unclear who is being punished: Bnei Yisrael, or their enemies, or both in alternating currents. Some verses seem to point one way, some the other, but really just about all of them could be interpreted in the opposite manner if one were pressed. Haazinu then returns to (self-)praise of God, and end off with vengeance exacted against our enemies for what they have done in punishing the Jews. Why the long ambiguous section? If the entire piece were removed, the song would apparently convey the same message.

Like a halakhic witness giving *hatra’ah*, the song gives warning and accuses, ideally to prevent the crime but with the lurking possibility, or in this case certainty, of punishment. A human, however, is not punished in a vacuum; the punishment is meant to in some way repair what was done. Sometimes this reparation takes the form of monetary recompense; other times it is a metaphysical construct we know as *kapparah* afforded the convicted. Whatever it may be, the punishment is not, or should not be, focused solely on the past, but also on the future. Punishment is aimed at restoration in order to effect a renewed status, to restore one to a position in which a choice may again be made. This is the tenet of *teshuvah*; that, confronted with the same circumstance, the right choice be made in the wrong’s stead, tying the final knot in the securing rope of personal redemption.

Ha’azinu thus should also function as a call to national *teshuvah*, as a reminder that not only is God always there—even if sometimes behind a screen—but so is our potential to return to Him. Much like the crying sounds of a shofar, the sound of the *shira* on our tongues should be an inspiration to climb from the inevitable abyss of abandonment of God and once again bask in His guardianship.

Yet, a witness who gives vague testimony would never make it through the routine checks of a Beit Din. A muffled shofar cannot achieve its function, halachically or otherwise. How can a *shira* with a central portion that is confusing accomplish its goal of not only conviction but inspiration towards *teshuvah*? A reader might perhaps experience some depth of punishment and believe it was meant for our enemies. At best, these eleven verses are distractions from a message that is fairly clear from the remainder of Ha’azinu.

Chazal do not resolve the problem. While various Rishonim take sides, a cursory read through Torah Temimah reveals naught but words and phrases taken completely out of context to teach *halakhot*, or else random *drashot*.

Perhaps Chazal’s lack of address actually hints at a resolution. It should be well known to the entire People of the Book that there is little to inspire investigation and discussion on par with lack of clarity. Almost the whole oral tradition is based on the tenet of vagueness. In some sense, “imperfections” such as these are the driving force behind the Jewish people’s continuation over the course of millennia of tribulations and exiles.

Ha'azinu, while outwardly a convicting witness, is also one that knows a way back to God. Encoded in these elusive verses is a calling to be curious and questioning, to engage with the text and the Torah that we were lovingly presented with. This is a crucial part of the song we are commanded to remember, what Rashi interprets to be the entire Torah, and in this sense is; the necessity of being an active participant in Torah. Random drashot and interpretive arguments are a perfect symbol of this crucial responsibility that Ha'azinu can only hint at. More than hints, and it would miss its own mark. It is our role to draw out meanings like this one. Passive memory is not enough when it comes to Ha'azinu; it must be on the tip of the tongue. This is what it takes to remain close to God, but more, what it takes to return.

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Facing the Past to Better Face the Future

September 22, 2014

Rabbi Eliezer says: Repent one day before your death (Avot 1:2). Why not earlier? Perhaps there is virtue in looking forward rather than backward, so long as there is a prospective view, and so long as in the end one accepts responsibility for the past. A beraita (Shabbat 153a) reads Rabbi Eliezer very differently, however:

*Rabbi Eliezer's students asked him: Does a person know on what day he will die?
He said to them: All the more so, let him repent today lest he die tomorrow, and it will end up that all his days he is penitent.*

Here the ideal is to look backward continually, and Rabbi Eliezer speaks of repenting only on the day before death as a concession, or perhaps merely as a rhetorical advice.

We might borrow from Rabbi Joseph B. Soloveitchik and say that Rabbi Eliezer's statement on its own generates a religiosity that seeks to achieve a destiny, while the dialogue with his students generates a religiosity that seeks to avoid fate. Or we might set out a chakirah distinguishing between repentance from and repentance toward (quoting Rav Kook extensively with regard to the latter). Or we might frame a practical question: Can one ever be done repenting? One purpose of atonement is closure. Is that ever the case with repentance?

The end of Sefer Devarim indicates that at least Mosheh Rabbeinu knew the day of his death in advance, and apparently provides us with an in-depth look at his last day alive. Moreover, Mosheh is told explicitly that his death will be caused by a past sin (32:50):

*And die on the har toward which you are climbing, and be gathered to your people
as Aharon your brother died at hor hahar, and was gathered to this people
as a consequence of your having badly used me amidst the Children of Israel
at the Waters of Merivat Kadesh, in the wilderness Tzin
as a consequence of not having sanctified me amidst the Children of Israel*

His last day should therefore have much to teach us about end-of-life repentance. But recreating Mosheh's calendar for that day turns out to be a surprisingly complicated enterprise, and perhaps poses a stark challenge to Rabbi Eliezer.

Let's start from the very end. The last twelve verses of the Torah describe Mosheh climbing Mount Nevo. Hashem shows him the Promised Land, but reminds him yet again that he will never reach it.

*Hashem said to him:
This is the land regarding which I swore to Avraham, to Yitzchak, and to Yaakov,
saying "to your seed I will give it";
I have shown it to your eyes, but thereward you must not cross."*

The last thing Hashem says to Mosheh is a statement—perhaps a command—that he will not reach Israel. This seems cruel, and utterly out of keeping with the immediately following descriptions of Mosheh as “the servant of G-d” and the apogee of prophecy. Perhaps it is a response to Mosheh's repentance—still not good enough, or irrelevant to the decree—but it shows us no direct evidence that any such repentance occurred.

The last words ascribed to Mosheh in the Torah comprise the “blessing” that takes up all of Chapter 33. I don't pretend to understand the chapter entirely, but it seems clearly to end on a triumphalist note, with Israel trampling the high places of her enemies. Here again there seems no reference to repentance.

I suggest, however, that these are not actually Moshe's last words. The end of Chapter 32 is Hashem's order to Mosheh to climb Mount Nevo and die, and the beginning of Chapter 34 is Mosheh perfectly fulfilling those instructions. There is no suggestion that anyone else is present during these dialogues. Furthermore, the blessing of *וזאת הברכה* is introduced grammatically as an insertion, rather than as part of a flowing narrative: "And this is the blessing that Mosheh (had) blessed the Children of Israel before his death," rather than 'Mosheh (subsequently) blessed the Children of Israel.'

The Torah's narrative is often not in chronological order, and most commentators agree that the Torah does not necessarily acknowledge flashbacks or foreshadowing explicitly. In other words, the Torah is often written so as to create the initial illusion of a chronological narrative that falls apart only after close analysis. My suggestion is that the blessing is inserted here to demonstrate that Mosheh's overall relationship to Bnei Yisroel was that of blesser, even though his actual final words to them were otherwise.

What then were Mosheh's actual last words to Bnai Yisroel? Devarim 32:45-7 tell us:

*Mosheh finished speaking all these words to all Israel.
He said:
Give your hearts to all the words which I am making a testimony for you today
which you will command them to guard and keep
all the words of this Torah.
Because it is not an empty thing from you, rather it is your life
and via this thing you will have extended days on the ground
which you are crossing the Jordan toward, to inherit it.*

These last words emphasize that Mosheh did not allow his disappointment at being excluded from the Land to diminish his concern for his people's long term survival there, or his enthusiasm for their success.

They do not make any explicit reference to repentance for the sin at Merivah. But these words are only the coda—they come when Mosheh "finished speaking all of these words to all Israel." What was the actual speech?

I suggest that 32:45 is the closure of an envelope structure beginning at 31:1:

Mosheh went. He spoke these words to all the Children of Israel.

The problem is that a great deal happens in that envelope, much of which is clearly not part of a Mosaic speech. Haazinu is recited, and it or another poem is taught, and written, by both Mosheh and Yehoshua. At least one full Torah scroll is written, perhaps more. Yehoshua is blessed and charged, repeatedly, and so are some or all members of the Tribe of Levi. G-d tell Mosheh his death is near, and both G-d and Mosheh declare that the Jews will sin badly in the future. The Torah actually seems to be doing its best to confuse the chronology. Why would that be?

Perhaps to avoid making it obvious that Mosheh Rabbeinu does not spend his last day repenting his sin. It might even be said that he spends the day repeating it. Here for example is 31:27:

*For I know your rebelliousness, and your stiff neck –
Indeed, so long as I have been living among you, you have been rebellious with Hashem –
so certainly after my death*

This seems to strongly echo "שמעו נא המורים" "Hear ye O rebels" from the waters of Merivah (Bamidbar 32:10).

And yet, if I am right, the Torah still makes it possible for us to realize that Mosheh is not repenting, and therefore we must be able to learn something positive from that as well. Here's my suggestion:

Ongoing, permanent repentance may be a fine way to live an individual life, but it is no recipe for leadership. Leaders who focus on making up for the past rather than preparing for the future end up fighting the last war, and they will constantly have more and more decisions to repent for.

And yet, leaders who fail to acknowledge their errors—who are incapable of genuine reflection and change—will inevitably repeat those errors, generally on a larger scale. The Torah properly protects the honor of the incomparable prophet and servant of Hashem, but leaves us the clue, in Hashem's last words to him, that the sin of Merivah was still fundamentally unrepented.

By setting aside the Ten Days of Repentance, we indicate that Rabbi Eliezer's students' question is better than his answer. There is a time to face the past, but unless we have no future, the purpose of facing the past is to enable us to better face the future. May we succeed, then, in facing our pasts so that we may be inscribed in the book of those with meaningful futures.

Haftarat Shuvah

September 21, 2012

“For the ways of Hashem are straight, and the righteous will walk in them, but the posh'im will blunder in them.”

Rabbinic literature regularly concedes that Torah study does not guarantee proper behavior or even good character: “If he merits, it becomes an elixir of life for him; if he does not merit, it becomes an elixir of death for him.” (See “Learning Torah is Like Taking Deadly Poison” audio and sourcesheet.) The texts of the tradition cannot reliably defend themselves against corrupt interpreters, nor can they redeem the interpreters' corruption.

The concluding verse of Haftarat Shuvah suggests that this is true not only of study, but of practice, that the intrinsically straight Divine paths will somehow mislead anyone crooked who enters them. This seems to be an antecedent for Ramban's famous notion of the “naval birshut haTorah”, the one who behaves disgustingly despite not violating any formal torah prohibitions.

But making that connection requires us to identify the “paths of Hashem” with the Law, so that one can walk in them without truly following His Will, which extends beyond the Law. Talmud Nazir 23a considers this possibility but seems to move beyond it, instead reading this verse as referring specifically to cases where the “path of Hashem” goes not only beyond the Law but even contradicts it. The conversation takes place via a series of dueling and sometime shocking parables, as follows:

Said Rabbah Bar Bar Channah said Rabbi Yochanan:

“What is the meaning of “For the ways of Hashem are straight, and the righteous will walk in them, but the posh'im will blunder in them”?”

A parable:

Two men who roasted their Paschal lambs.

*one ate it with intent to fulfill the mitzvah, but one ate it with intent to overeat;
the one who ate it for mitzvah-sake – “and the righteous will walk in them”,
but the one who ate it for gluttony-sake – “but the posh'im will blunder in them”.*

Resh Lakish said to him:

You call such a one a rasha?! Granted that he did not do a choice mitzvah, he nevertheless ate a Paschal lamb!? Rather,

A parable:

Two men, each having their wife and their sister with them;

this one found his wife (in his bed)

but this one found his sister (in his bed)

*the one who found his wife - “and the righteous will walk in them”,
while the one who found his sister - “but the posh'im will blunder in them”.*

How is that comparable?! We spoke of one path, but here there are two paths!? Rather

A parable:

Lot together with his two daughters.

They intended (their incest) for mitzvah-sake - “and the righteous will walk in them”,

He, who intended simply to sin - “but the posh'im will blunder in them”.

Perhaps he also intended for mitzvah-sake?!

Said Rabbi Yochanan . . .

The first parable assumes that the Divine Path is the law, here the obligation to eat a Paschal lamb. Resh Lakish, however, cannot understand how one can see fulfillment of the law as a blunder. (Tosafot note that actually gluttonous eating may not fulfill the law, and accordingly offer distinctions, but laaniyut daati Resh Lakish deals only with intent, not actuality.) The first alternative parable offered, however, seems bizarre and off-topic – the posheia is caused to commit a sin by doing something never intended – thus the person is not in any way following the Divine path. The second alternative moves to a case in

which the law is being deliberately violated, but for a worthwhile cause – here the conclusion is that the Divine path in fact sometimes contradicts the Law, but that the *posh'im* will blunder when they follow it against the Law since they will not have pure intentions, and thus will be justified neither by form nor by the intent of their action. (This seems to me likely the basis of Netziv's understanding of *aveirah lishmoh*). Meiri, relating back to the previous phrase in our verse, suggests that "*posh'im*" will always perform the law by rote rather than out of understanding, and accordingly their violations of the law cannot be attributed to a realization that the purposes of the law are here better accomplished in the breach.

Read this way in Biblical context, the last line of the haftarah – and of Sefer Hosheia – suggests that repentance can happen in two ways – either by accepting ourselves as so flawed that our only behavioral option is complete obedience to law, or else by improving ourselves to the point that we can violate the law when necessary in perfect submission to the true Divine Will. My sense, in our day, is that those who declare themselves capable of following Divine Will against Halakhah turn out to be radically deficient in self-awareness, with tragic consequences. But the recognition that the law is more binding than ever in our day, that we legitimately have less room than in the past for the ad hoc exception or civil disobedience, should drive us to redouble our efforts to minimize the gap between Will and Law. To the extent that the Orthodox community has instead sought to deny that Will has any meaning other than Law, i.e to deny that currently dominant halakhic interpretations are legitimately subject to practical and ethical critique, repentance is urgently necessary.

Should I Feel Guilty for Wearing Comfortable Shoes on Yom Kippur?

October 7, 2011

I mentioned to one of my classes yesterday that Tish'a B'av and Yom Kippur were, back in the days before I found comfortable shoes, my "happy feet days", when I could wear massage sandals in public. I still prefer Crocs to shoes in any case. Some of the students were very disturbed by this – doesn't it undercut the whole purpose of the leather-shoe prohibition? This question also been asked to and by prominent rabbis over the years, with varying results. Very likely an authoritative rabbinate would rewrite the prohibition, but until it does, I'm okay with it being largely symbolic.

But this begs the underlying question – should one seek to suffer on Yom Kippur? My sense is that this is not the Rabbinic spirit – we eat well the day before, not just enough to enable agonizing survival/ But today I want to take a somewhat lengthy excursus examining the origins of a the contrary position, which sees suffering on Yom Kippur as a crucial good.

¹⁷Responsa Siach Yitzchak # 300 records a fascinating Yom Kippur custom:

With regard to the custom of the Sefardim who set a table for Yom Kippur.

Now I have heard from truth-tellers whose speech is reliable, that the custom of our Sefardic Jewish brothers who live in Turkey, that on the sacred day of Yom Kippur they set up before the eve of that holy day a table full of delicacies and sweets and fine quality fruit and confections, and on that holy day, I imagine before Mussaf, but I have heard after Mussaf, they go from the shul to their houses for a few minutes, gaze at the table and stare at it intently, and say

*"This is the day on which Hashem has commanded human beings to afflict their nefesh, it is Yom HaKippurim, and we are restrained from chas vechalilah eating or drinking",
and then return to the synagogue to pray the liturgy of the day.*

Rabbi Weiss' initial reaction is amazement that this would not be forbidden; are they not tempting themselves to eat? However, he has great faith that Turkish customs were instituted by competent rabbis, and in addition has a report of (a presumably Ashkenazi) holy Rabbi Frishelman who had a similar custom when Yom Kippur fell on Shabbat, although that custom seems to have been intended to apologize for the absence of a Shabbat meal. As a result, he searches for and finds a variety of justifications.

The coolest of these is the ruling in Shulkhan Arukh OC 275:16 that one may recite the second chapter of Masekhet Shabbat, Bameh Madlikin, by candlelight on Friday night, *because* it mentions the prohibition of reading by candlelight on Shabbat lest one adjust the flame, and therefore will prevent you from adjusting the flame; similarly, Rabbi Weiss argues, one may stare at food on Yom Kippur if one simultaneously recalls the prohibition against eating. This seems questionable to me, as Bameh Madlikin inevitably and intrinsically mentions the prohibition, whereas one might accidentally see the table outside the context of this particular custom, and thus come to eat. On the other hand, perhaps no halakhic justification is needed at all, as there are no technical violations – no work is actually done on Yom Kippur, and there is no formal prohibition against seeing food on Yom Kippur.

The more interesting questions are psychological and theological – what does this custom seek to accomplish, and are we in sympathy with its aims? Here Rabbi Weiss comes up with a Talmudic source that seems directly on point, and the obvious source of this custom: as he presents it, Talmud Shabbat 115a records that Rav Yochanan permitted cracking nuts on Yom Kippur afternoon, and engaging in a parallel and otherwise operation on pomegranates, *mipnei agmat nefesh*, to heighten the agony of the day.

Rabbi Weiss does not mention any other interpretation of that text here. However, in responsum # 196, he refers to the position of Baal Hamaor that these actions are permitted *mipnei agmat nefesh*, so as to

¹⁷ R. Yitzchak Weiss, 1873-1942

prevent agmat nefesh following Yom Kippur, when one would be permitted to eat but otherwise still be delayed by these preparations. This interpretation seems to me clearly superior to the one in Responsum 300 – indeed, when I first saw R. Weiss' claim in # 300, I assumed that he created it in a desperate effort to justify the Turkish practice. Why would the rabbis permit preparing from Yom Kippur for a weekday, which is generally prohibited, for this purpose? Did they not have available more effective and less halakhically problematic ways of heightening the pain of fasting, such as this Turkish minhag? And since when is heightening the pain of fasting a religious desideratum?

A little research showed, however, that Rabbi Weiss had a long tradition behind him. Ramban, Rashba, Ritva, Meiri, and others record this as Rashi's position, although each of them promptly and strongly reject it in favor of the interpretation of Baal HaMaor. And closer to our day, Arukh HaShulchan OC 611:8 adopts this interpretation without comment. But none of these sources make any effort to address the religious and psychological issues.

They are addressed, however, in the 14th century work Kaftor VaFerach, in his discussion of the ongoing religious implications of the destruction of the Temple. Kaftor VaFerach records a widespread custom for Diasporans to come to Jerusalem on festivals *mipnei agmat nefesh*, meaning to increase the agony of the day. This custom, he says, is parallel to the permission of Shabbat 115a of smashing nuts. He then notes the position of Baal HaMaor and rejects it out of hand: why would the Sages permit preparing on Yom Kippur for afterward, which is forbidden on every holy day, especially when universal Jewish custom for ages has been to prepare before Yom Kippur for afterward?! “Rather, as Yom Kippur goes toward evening, the suffering increases, and thus afternoon is a time when the deed of fasting is greatest, and *lefum tzaara agra*, the reward is proportionate to the suffering.” Indeed, he concludes, the Sages did not merely permit engaging in this food preparation on Yom Kippur afternoon; they mandated it! Kaftor VaFerach properly cites Eruvin 61a as evidence that the phrase “they permitted” can mean “they mandated”.

Siach Yitzchak was therefore certainly correct that the Turkish minhag he reports is well grounded in the masoret. At the same time, I remained unconvinced. The Talmud in the last chapter of Yoma explicitly rejects the idea of actively causing suffering on Yom Kippur – that is why we don't wear leather shoes rather than flogging ourselves, or sitting outside in the cold. Furthermore, the Talmud records various Sages' attempts to mitigate the fast by constructing nonleather shoes, or cooling themselves with fruit, etc., and later minhagim include the use of snuff in place of food. So I hoped I could demonstrate that “*mipnei agmat nefesh*” in fact meant “to prevent *agmat nefesh*”, rather than “to heighten *agmat nefesh*”.

Alas, I was sadly disappointed in this hope. The three other uses of the phrase in Chazal - Megillah 28a, Yerushalmi Megillah 3:1, and Masekhet Semakhot 8:7 – all plainly mean “to heighten”. I began to wonder whether Baal HaMaor's reading was plausible. Happily, I then found a citation of Rashi himself (Shut Rashi 258) as banning the recitation of *tzidduk hadin*, the justification of Divine judgment in the face of a death, on Shabbat or Yom Tov, *mipnei agmat nefesh*. So ironically, it now seemed that the first use of it to mean “to diminish *agmat nefesh*”, is in Rashi, who is the source of the position that it means “to heighten *agmat nefesh*” in our context.

And on reflection, and even having read Kaftor VaFerach, I still found the idea that Chazal permitted food preparation on Yom Kippur so as to increase the pain of fasting both psychologically and halakhically implausible. So I decided to take a closer look at the Rashi. Here is what I see as the crucial section, as it is printed in the Vilna Shas Shabbat 114b-115a, with Rashi's comment inserted.

אמר רבי חייא בר אבא אמר רבי יוחנן יום הכפורים שחל להיות בשבת מותר בקניבת ירק דשבות לאו איסורא דאורייתא הוא, אלא דרבנן, והכא משום עגמת נפש, שמתקן ואינו אוכל, והרי קרוב לעינוי - שרי, ודווקא מן המנחה ולמעלה, שהוא שואף ומצפה לעת אכילה, ואיכא עגמת נפש טפי.

Said Rabbi Chiyya bar Abba said Rav Yochanan:

Yom Kippur that falls on Shabbat – one is permitted to be konev vegetables since a shevut is not a Biblical prohibition, but rather rabbinic, and here, because of agmat nefesh, in that he is preparing but

not eating, so it is near to inui – it is permitted, but only from the minchah and on, when he is yearningly anticipating the time of eating, so there is more agmat nefesh.

On first reading, this Rashi seems explicitly to say that is cited in his name, that we permit *kenivah* so as to heighten *agmat nefesh*. But a closer look reveals a peculiar use of language. Rashi says that “here, because of *agmat nefesh*, in that he is preparing but not eating, so it is near to *inui*” – what does the phrase “near to *inui*” add to “because of *agmat nefesh*”?

I tentatively suggest the following. Several lines above, Rashi distinguished the obligation generated by the word “shabbaton” with regard to Yom Kippur from that it generates with regard to Shabbat.

ואף על גב דכתיב ביה נמי שבתון שבות, לאו ממלאכה הוא אלא מכל דבר המעכב מלהתענות, מדסמכין לו עניתם.
as even though Scripture also writes shabbaton shevot regarding Yom Kippur, that does not refer to resting from melakhah but rather to resting from anything that interferes with being afflicted, since it is juxtaposed with “v’initem”.

With regard to Shabbat, the obligation is to abstain from *melakhah*-like actions; with regard to Yom Kippur, the obligation is to abstain from *inui*-preventing actions.

With that background, we can note that a problem with Baal HaMaor’s reading is that the *agmat nefesh* prevented by allowing vegetable preparation occurs *after* Yom Kippur, not during, which intensifies the issue of preparing from *kodesh* to *chol*. Kaftor VaFerach, however, refers to heightening the suffering on Yom Kippur.

But maybe Rashi says both. In other words – Rashi says that the *motive* for allowing this preparation is to prevent *agmat nefesh* after Yom Kippur, which has no religious purpose – people should be able to eat immediately. At the same time, food preparation is generally prohibited on Yom Kippur because it is an adjunct of eating, it is an act that contributes to *inui*-prevention, and so falls under *shabbaton*. But, Rashi says, in the afternoon, when hunger hits its peak, food preparation is actually “near to *inui*”, it makes the affliction sharper, and therefore it does not technically violate “shabbaton”. So we permit it technically because it causes immediate *agmat nefesh*, and is therefore *karov leinui*, so that we can prevent eventual *agmat nefesh*.

Now this still leaves open whether, according to Rashi, one should be able to put on comfortable nonleather shoes – wouldn’t that violate Shabbaton? But it does not put Rashi on record supporting the Kaftor VaFerach’s claim that the more suffering the better.

Moreover, we have other religious models in which mitigating Divinely ordained suffering is a good deed – medicine, for example, and charity. And no contemporary I’m aware of seriously suggests that women should forgo epidurals so as to better experience “with travail you will birth children”, or that farmers should forgo labor-saving equipment to better fulfill “by the sweat of your brow etc.” So perhaps the development of massage sandals and the like so as to make Yom Kippur easier is part of the work of Redemption.

Correct Belief and Moral Luck

May 6, 2016

Why aren't all true beliefs self-evident to everyone? Perhaps the answer is weakness of character or willful ignorance. We evade the truth about the world in order to avoid facing truths about ourselves, or to gain this-worldly pleasures and avoid this-worldly pains. I suspect that every religion/ideology has adherents who make these assertions.

Yet almost every believer – including baalei teshuvah and converts – wonders at some point whether true belief is just a matter of spiritual luck, of being born in the right place at the right time to the right people. But how can we be held responsible for bad luck, or rewarded for good luck? If belief matters at all, what room is there for Divine justice?

Parashat Acharei Mot opens by describing the rituals that a Kohen Gadol must perform before entering the Holy of Holies, if he wishes to survive the experience. (This was regardless permitted only on Yom Kippur, although Chokhmah Adam cites R. Elyahu of Vilna as arguing that Aharon, the first Kohen Gadol, was permitted to enter on any day.) Performing the ritual was no guarantee of survival; during the Second Temple, many High Priests died in their first year of service. (although likely without a rope tied around them to pull them out in case of death; see the ever-remarkable Dr. Ari Zivotofsky's article at <https://www.ou.org/torah/machshava/tzarich-iyun/tzarich-iyun-the-kohen-gadols-rope/>).

Finally, the people did not rely on G-d to eliminate the unworthy; according to Mishnah Sukkah 4:9, they stoned a Kohen Gadol with their etrogim one Sukkot when he seemed to be following Sadduceean halakhah.

The ritual involves an incense offering, which is mentioned twice. In 16:2 we read: כי בענן אראה על הכפרת which can be read as requiring the cloud of incense to be present from the moment of entrance, but in 16:13 we read:

ונתן את הקטרת על האש לפני יקוק וכסה ענן הקטרת את הכפרת אשר על העדות ולא ימות

which indicates that the incense was set on fire in the Holy of Holies itself.

Rabbinic law understands verse 13 as primary, and thus requires the incense to be brought into the Holy of Holies still unlit; Sadducee law took verse 2 as primary, and required it to be lit before entry.

All this is necessary background for a fascinating and surprising narrative found on Yoma 19b

This happened: A Sadducee (High Priest) prepared (the incense-offering) outside (the Holy of Holies) and then brought it in (already lit).

When he exited, he was greatly joyous.

His father met him and said: "My son, even though we are Sadducees, we are in fear of the Pharisees".¹⁸

*He said to him: **All my days I was pained by this verse: "For in a cloud I will be seen above the ark-cover" – when would it come to my hand that I might fulfill it? Now that it has come to my hand – should I not fulfill it?!***

They said: It was not many days until he died, and was thrown on a trashheap, and maggots came out of his nose.

Some say: He was struck down as he exited,

for R. Chiyya taught a beraita: Some sort of sound was heard in the Courtyard, for an angel came and smacked him on his face, and his brother kohanim entered and found a palm(print) like that of a calf's

¹⁸ In context, the father seems to be saying that the son should be cautious lest the Pharisees physically assault him. However, see Niddah ??, which opens the possibility that the father was suggesting that the Sadducees respected the Rabbis and would not necessarily follow their own positions when they conflicted with Rabbinic law.

foot between his shoulders, as Scripture says: “and their feet – a straight foot, and the palm of their feet like the palm of a calf’s foot”.

On its surface this narrative is just straightforward propaganda. The Sadducee’s devotion to his law is contrasted negatively with his father’s caution/respect, and leads to his horrible, possible supernatural death. There seems no basis for sympathy.

However, this story is a linguistic echo of a more famous story from Berakhot 61b.

When R. Akiva was taken out to be executed it was the time of Keri'at Shema. They were combing his flesh with metal combs while he accepted the Yoke of the Government of Heaven.

His students said to him: Rebbe, thus far?

*He said to them: **All my days I was pained by this verse: “with all your life-force” – even if He takes your spirit – when would it come to my hand that I might fulfill it? Now that it has come to my hand – should I not fulfill it?!***

He extended the word “echad” (one) until his life-force departed on that word.

A voice emerged from Heaven saying: Fortunate are you, R. Akiva, whose life-force departed with “echad”.

The ministering angels said before the Holy Blessed One: This is Torah, and this is its reward? “From the dead, O Hashem, from the dead . . .”?!

He replied: Their portion is in life.

A voice emerged from Heaven saying: Fortunate are you, R. Akiva, who is reserved for the life of the World to Come.

I suggest that the story about the Sadducee is deliberately framed as a response to the Rabbi Akiva story. Here are three possible implications of the parallel:

1. (PreModern) – Rabbi Akiva and the Sadducee both die horrible deaths for the sake of their understandings of Torah. Rabbi Akiva is praised by the ministering angels; the Sadducee is killed by an angel. Blessed are those who have the character and will to understand Torah properly.
2. (Modern) – Rabbi Akiva and the Sadducee have identical characters; they are equally virtuous. What a pity that and tragedy that the Sadducee was trapped by circumstances into believing in falsehood, so that a man with the potential to be Rabbi Akiva was instead tossed onto the trashpile of history.
3. (PostModern) – Who killed the Sadducee, and who reported hearing the Heavenly voices at Rabbi Akiva’s martyrdom? Since the Rabbi Akiva story proves that dying a horrible death is no evidence of Divine disfavor, why is it significant that the Sadducee was left unburied (and wasn’t that a human choice, just as the Roman chose to torture Rabbi Akiva?)

I suggest that a viable Modern Orthodoxy needs to be able to hold all three of these readings in mind. We need

1. firmness in our truth, with gratitude to G-d for having allowed us to see that truth;
2. the ability to appreciate that many of us deserve little or no credit for recognizing that truth, and that belief is not evidence of individual character, nor is lack of belief evidence of individual lack of character; and
3. the ability to avoid triumphalism and confirmation bias when evaluating interpretations of Torah.

We need to be grateful for our spiritual luck, to believe in Divine justice, and to leave it to G-d to resolve the tension between our gratitude and our belief. *Shabbat shalom!*

Two Sons, Two Sins, Two Goats

by Betsy Morgan (SBM 2013, 2014)

May 6, 2016

(Vayikra 16:1)

וַיְדַבֵּר ה' אֶל-מֹשֶׁה, אַחֲרֵי מוֹת, שְׁנֵי בְנֵי אַהֲרֹן—בְּקִרְבָּתָם לִפְנֵי-ה', וַיָּמָתוּ
*God spoke to Moshe after the death of Aharon's two sons,
as they sacrificed/came near to God, and died.*

After the death of Aharon's sons in Parashat Shemini, Parshiyot Tazria and Metzora dealt with other matters, and (in America) there have been two additional weeks of break from the regular Torah reading because of Pesach. How helpful of the Torah to reorient us to pertinent events so that the subsequent verses flow naturally!

(Vayikra 16:2-3)

וַיֹּאמֶר ה' אֶל-מֹשֶׁה, דַּבֵּר אֶל-אַהֲרֹן אַחִיר, וְאֶל-יָבֵא בְכָל-עֵת אֶל-הַקֹּדֶשׁ . . . וְלֹא יָמוּת
בְּזָאת יָבֵא אַהֲרֹן, אֶל-הַקֹּדֶשׁ: בְּפֶר בֶּן-בְּקָר לְחַטָּאת, וְאֵיל לְעֹלָה
*God said to Moshe, speak to your brother Aharon to not come at any time into the Holy . . .
and (thus) he will not die . . .*

Thus should Aharon come to the Holy: with a calf for a sin offering, and a ram as a burnt offering.

It seems the death of Nadav and Avihu was only mentioned as a transition. But what is the nature of this transition?

1. Literarily, these laws, which describe the Yom Kippur service in the Temple, occurred after the death of Nadav and Avihu, which has been distanced in the text by other laws. Thus, it makes sense that the Torah would orient the reader before starting the new topic.
2. The topic of priests' death is returned to, to point out that they died from inappropriate action regarding the Mishkan, and Aharon too will die if he enters the Holy of Holies, where God dwells. There is, however, one exception: on Yom Kippur, when performing the service, Aharon is allowed to enter the Holy of Holies. God then describes the Temple service to be performed on Yom Kippur. So the subject of the death is a stepping stone to arrive at last to the real topic of Yom Kippur with its laws and services.
3. There is a substantive relationship between the death of Nadav and Avihu and the service of Yom Kippur, and Aharon's development is the center of it.

I prefer to read this the third way.

The story starts in Shmot 29, when God spends 46 verses telling Moshe how the consecration of the Mishkan and Kohanim will be done – describing donning the correct garments, and the order and procedure for various sacrifices. Vayikra 8 is when these events begin, the sacrifices prepared and brought, the priest washed, dressed, anointed, and thus consecrated.

On the eighth day of this consecration there are a new set of sacrifices to be brought, with the people of Israel watching in order that they see the “glory of God” (Vayikkra 9:6). One of these sacrifices is a calf. Rashi (9:2) comments upon the verse telling Aharon to take the calf

להודיע שמכפר לו הקב"ה ע"י עגל זה על מעשה העגל שעשה

To inform that God would grant atonement through this calf for the sin of the (golden) calf that he made

Later verses corroborate this reading, categorizing this sacrifice as a sin offering “to atone for [Aharon] and for the nation” (Vayikra 9:7). How fitting, that a calf once a symbol of betrayal straying and waywardness, now the ultimate display of devotion to God. Aharon, once at the heart of a dire

disappointment, became enabled to publicly transform failure into worship, sealing his consecration with atonement. Aharon blesses the assembled nation and they do indeed see the glory of God. A fire descends upon the altar and consumes the burnt offering and the nation as witnesses sing and bow in awe (Vayikra 22-24).

At the climax of the consecration of the Mishkan and the priests who serve in it, Nadav and Avihu do what was not prescribed by God. They offer a strange fire, and are consumed by God in the eyes of all. The message in this case is immediately clear: one cannot assume to know the correct way to serve God in the Mishkan. Those who fail to comply are unfit for the service.

But there is an additional failure present in these actions. At the very moment that Aharon is atoning for his and the nation's sin of the golden calf, a gesture of misplaced faith, his sons act out in another desperate attempt to worship. Aharon once again fails to stop misplaced religious ecstasy. At Sinai, and then again during the consecration of God's dwelling on Earth, Aharon is present and closest to severe deviations from God's path.

Later that day, in Vayikra 10:12, Moshe finds that Aharon and his remaining sons did not eat the sin offering that was specifically meant to atone for the community; instead they burned with the other burnt sacrifices. Aharon replies by asking if really God would want him to eat the sin offering in the wake of the day's events. Aharon is really asking Moshe, through his acrid question, if the atonement still applies after his own demonstrated inability to improve. (There may be other underlying aspects of legalities of his status as an onen (a mourner who is technically exempt from performing mitzvot).)

Our parsha opens reminding of us of the death of Aharon's sons, another of his failures. But the tone turns. While the second verse of the parsha describes what Aharon must not do, lest he die, God tells him that he can enter this holy place, if done properly. Every year, Aharon is given another chance to atone.

I find it deeply meaningful that this character at the center of religious disasters is also the primary character carrying the atonement of the entire Jewish people. These two roles that Aharon plays are not accidental features, but inherent to the process of repenting. The inherent nature of combining sin and service is demonstrated with the two goats of the Yom Kippur service. Their fates are determined by lot: one is marked for God and one for "azazel". Mishnah Yoma 6:1 teaches that these two goats are to be as identical as possible in regards to general appearance, size, and worth. Moreover, they should be taken as a pair, meaning if two are taken together and one dies after the lot has been drawn, two new goats must be found to replace both. The goat for God is slaughtered as a sin offering, the goat for azazel is sent off to wander in the desert with Aharon's confession riding it.

Vayikra 16:21 describes the confession part of the process thusly:

וּסְמַךְ אֶהְרֹן אֶת-שְׁתֵּי יָדָיו, עַל-רֹאשׁ הַשְּׂעִיר הַחַי, וְהִתְוַדָּה עָלָיו אֶת-כָּל-עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל, וְאֶת-כָּל-פְּשָׁעֵיהֶם לְכָל-חַטָּאתָם; וְנָתַן אֹתָם
עַל-רֹאשׁ הַשְּׂעִיר, וְשָׁלַח בְּיַד-אִישׁ עֵתִי הַמְדַבֵּר

Aharon will place his two hands on the head of the living goat, and confess upon it the iniquities of the children of Israel. All their misdeeds and sins he will place on the goat's head and he will send by the Timely Man into the wilderness.

Mishnah Yoma 6:2 details the words of the confession

אָנָּה ה'—עוּ פְשָׁעוֹ וְחַטָּאוֹ לַפְּנֵי עַמְּךָ, בֵּית יִשְׂרָאֵל;
אָנָּה ה'—כִּפֹּר נָא לְעוֹנוֹת וּלְפְשָׁעֵי וּלְחַטָּאִים, שָׁעוּ וּשְׁפָעוּ וּשְׁחַטְאוּ לַפְּנֵי עַמְּךָ, בֵּית יִשְׂרָאֵל: כְּכַתּוּב בַּתּוֹרָה מִשֶּׁה עֵבֶדְךָ לְאֹמֹר
"כִּי בְיוֹם הַזֶּה יִכְפֹּר עֲלֵיכֶם, לְטַהֵר אֶתְכֶם: מִכּוֹל, חַטָּאוֹתֵיכֶם, לִפְנֵי ה', תִּטְהַרוּ" (ויקרא טז, ל).
Please God, Your nation the House of Israel have committed iniquities, misdeeds, and sins before you. Please God, please forgive them for their iniquities, misdeeds, and sins, that Your nation the House of Israel committed before you. As it is written in the Torah of Moshe Your servant "on this very day He will forgive them to purify them from all of their sin. Before God they will be purified" (Vayikra 16:30).

The two goats must be similar, as if they are one being, despite their disparate paths. They parallel Aharon, his two roles as being burdened with sin while also being the vehicle for repentance. The two are meant to be inexorably intertwined, sinning and repenting. Only he that knows the meaning of iniquity, misdeed, and sin can confess and pray on behalf of Israel to be able, even if momentarily, to attain purity.

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Can We Handle the Truth on Yom Kippur?

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“You can’t handle the truth!” Jack Nicholson’s famous line from the movie *A Few Good Men*, captures the point of Rabbinic stories which describe G-d hurling the angelic avatars of Truth out of Heaven so as to allow the creation of human beings. It seems that His democratic court was evenly divided, with Chesed and Tzedek supporting the creation of humanity, while Shalom and Emet opposed – so G-d expelled Emet, leaving a majority in favor.

At least, that is one way of reading the story. Another is as follows: Truth opposed the creation of humanity because “humanity is entirely lies”, in other words because humanity had no access to truth. G-d accepted the argument that human survival required access to truth, and so threw Truth to earth where humans could find it – in other words, he agreed to reveal the Torah.

In this version truth is essential for human existence – we can’t handle the absence of truth.

Talmudic thinkers will recognize immediately that these two readings are not mutually exclusive – perhaps some truth is essential for human existence, but too much is deadly. I want to explore the contours of that accommodation through readings of two traditional Jewish stories, the first the narrative of the Deposition of Rabban Gamliel (Talmud Berakhhot 27b-28a) and the second Sefer Yonah.

A.

After Rabban Gamliel is removed from his nesiut for repeatedly humiliating Rabbi Yehoshua in public so as to preserve his absolute halakhic authority, the new administration immediately overturns his restrictive admissions policy, and the result is an efflorescence of Torah study. This depresses Rabban Gamliel, who wonders whether he has been responsible for constraining the growth of Torah in Israel.

But he then has a dream, in which the new students are symbolically represented as whited sepulchers, as fancy barrels containing nothing but ashes. As the result of this dream he finds the strength to return to the Beit Midrash as simply a colleague, to accept defeat in halakhic conversations, and finally to apologize to Rabbi Yehoshua. In other words, he does teshuvah.

On the surface, this is a fairly conventional, though beautifully executed, story of an arrogant but essentially good-hearted aristocrat who is taught humility. But it contains an astounding interjection by the narrator – the dream was not true, but rather was sent by G-d so as to ease Rabban Gamliel’s depression! All the subsequent developments – specifically, Rabban Gamliel’s return to the rabbinic conversation, his willingness to accept defeat, and his apology – stem from Rabban Gamliel’s false belief in that dream.

Here G-d preserves Rabban Gamliel for His service by abandoning truth.

B.

Yonah is introduced as “the son of Amittai = my truth”. While it is of course possible that this was simply his father’s name, the Rabbis did not see it that way. Instead, they identified Yonah as the boy resurrected by the prophet Eliyahu, whom they saw as the human embodiment of the value of uncompromising Truth.

Emet is also conspicuous, albeit by its absence, when Yonah explains to G-d his objection to participating in the warning of Nineveh.

“For I knew that You are a Divinity Who is gracious and merciful, long-tempered and chesed-abundant, Who can be reconciled to evil (alt. “Who changes his mind regarding punishment”).

Yonah presumably has in mind Exodus 34:6, where Hashem describes Himself to Mosheh as

“a Divinity Who is gracious and merciful, long-tempered and chesed-abundant and emet”,

and he deliberately replaces emet with changeability. This is not intended as praise.

Yonah’s resurrection and his mission both center on whether the survival of human beings is compatible with Truth. Eliyahu was willing to let a deadly and devastating comprehensive drought continue until Israel acknowledged and acted on the truth that only the one G-d exists. G-d, however, is unwilling to risk the chance that Israel will refuse, and so be destroyed. Accordingly, he plays on Eliyahu’s one human connection – to Yonah’s mother – so as to compel Eliyahu to ask for mercy at the expense of Truth. Having requested and received mercy, Eliyahu cannot with consistency thwart the Divine desire to save Israel. Accordingly, the trial at Mount Carmel is convened – the people, caught up in Eliyahu’s moment of triumph, slaughter the prophets of Baal and declare Hashem to be the only true divinity – and so it rains. The next day, of course, the people are back as they were.

So Yonah grows up knowing that his very existence undermined Eliyahu’s commitments. Of course he does not wish to be part of yet another such charade. One wonders what he – and Eliyahu - thought each year on Yom Kippur, surrounded by crowds of deeply moved penitents who would be no different tomorrow than they had been yesterday. They saw the Divine willingness to accept teshuvah as a failure to uphold Truth.

Yet Hashem here is not changeable – in each case he seeks out and accepts even ephemeral repentance, even at that means the Eliyahus and Yonahs must leave His service. Perhaps what He keeps trying to teach them is that their job is to bring Truth to Earth rather than to discover where/if it can already be found.

A2.

Rabban Gamliel’s policy was to instruct the Beit Midrash guard that only students whose “insides matched their outsides” could enter. Some of my students imagined the guard as having a mirror to hold up that displayed each applicant’s soul, to see whether it matched their immaculate appearance. The Kotzker Rebbe’s coruscating vorts sometimes play that role in my life.

If we could not recognize that there is a standard of truth toward which we broadly aspire, not even the most ephemeral of repentances would be possible. Without the stories of Eliyahu and Yonah, the Talmudic narrator would not have dared say that the dream was false.

But Rabban Gamliel’s policy was mistaken – like the mirror of Erised, the mirror of Truth About Oneself should not be freely available, perhaps especially at a school.

We are entitled, even encouraged, to think of ourselves as somewhat better than we actually are. Repentance – or at least some kinds of repentance - requires a strong and confident sense of self. G-d k’b’yakhol perjures Himself to permit this, as He does to preserve marital harmony.

This is a lesson that those of us with a particularly critical bent should take to heart. If I looked in the mirror, I suspect I would know this includes me.

May this Yom Kippur, and this year, provide us all with the ideal combination of self-worth and self-knowledge, so that we may collectively achieve the state in which self-worth and self-knowledge are one and the same.

“So Long” vs “Thanks for All the Fish”: A New Reading of Sefer Yonah and Its Implications for Modern Orthodoxy¹⁹

September 26, 2009

Imagine a man coming into Times Square looking and smelling like he’s spent considerable time inside a fish. The man climbs onto a soapbox and declaims: “The end is nigh!” How many people would pay any attention to him, let alone people of prominence and power?

Sefer Yonah asks us to believe that the cosmopolitan city of Nineveh reacted to such a declaration by engaging in mass repentance to an almost farcical extent, with the king ordering a fast and citizens dressing even their animals in sackcloth as a sign of mourning. The contrast to the impact of prophets on the Children of Israel is stark. In Israel, prophets with extraordinary literary gifts recited immortal religious poetry in the name of a G-d whom the people believed in, and yet they generally had minimal social impact. The temptation is strong to follow my college Creative Writing instructor in reading Sefer Yonah as a satire on the whole notion of effective hortatory prophecy.

I do not propose, however, to surrender to this temptation. Leaving aside the religious implications of such a reading, it ignores a broad range of textual phenomena. On the same ground I will reject any claim that the narrator merely chose to present the content of Yonah’s speech while radically truncating its form. Rather, I will contend that the brevity of Yonah’s speech to Nineveh needs to be understood in the context of his full-length formal song while inside the fish, and of the high rhetoric he employs in conversation with people and G-d. In other words, we need to understand why Yonah refuses to employ his rhetorical gift when speaking to the people of Nineveh, and perhaps also why he nonetheless – or as a result – inspires their repentance.

Now, Yonah’s refusal to speak well to Nineveh seems likely to be a shadow of his initial refusal to speak to Nineveh at all. Let us therefore turn our attention to that refusal.

Yonah’s Refusal to Speak to Nineveh

Sefer Yonah opens with G-d commanding Yonah to *rise* and *cry* against the great city Nineveh “because its evil has come *up* before me”. Yonah instead *rises* to flee²⁰ from G-d’s presence. He goes *down* to Yafo, *down* into a ship, *down* to the bowels of the ship, and finally *descends* into trance. Yonah goes down instead of rising to G-d, and so far as we can tell communicates his resignation to G–d exclusively through action.

The beginning of Chapter 3, however, gives a very different picture. “Was this not *my* word while I was still on my land? That is why earlier I fled toward Tarshish, for I knew that You are a G-d gracious and merciful, long to anger and greatly kind, who regrets the bad.” Here Yonah’s flight is presented as following a notification of dissent, as his choice of “my word” over the word of G-d. Why is that notification absent in Chapter 1?

My reading of Chapter 1 is that Yonah’s rationale for flight is not merely left out, but rather deliberately censored (1:8-14)

¹⁹ The title is a play on So Long and Thanks for all the Fish, the fourth book of five in Douglas Adams of blessed memory’s “increasingly misnamed Hitchhiker’s Trilogy”. The reference in the original is to a message left by dolphins for humanity along with their present of a copy of Planet Earth, the original having been destroyed to make way for an interstellar bypass.

²⁰ What Yonah expects flight to accomplish is unclear, since his statement in 1:9 that Hashem is G-d of land and sea is presumably not a new discovery. The midrashic claim that he sought to escape prophecy by leaving the Land of Israel is attractive, but does not explain why he needed an ocean voyage, and also does not explain how Yonah and Hashem could converse just outside Nineveh at the close of the book.

They said to him: “Tell us, please, for what – to whom – this evil is for us; what is your work, and from where will you come? What is your land, and from which nation are you?”

He said to them: “I am a Hebrew, and it is Hashem God of the heavens that I fear, Who made the sea and the dry land.:

The men were frightened with a great fear; they said to him: “What is this that you have done?” For the men knew that he was fleeing from before Hashem, for he had told them.

They said to him: “What will we do to you, and the sea will quiet from upon us?”

For the sea was continuing to storm.

He said to them: “Pick me up and הטיילני to the sea, and the sea will quiet from upon you, for I know that it is because of me that this great storm is upon you.”

The men sought a passage to return to the dry land, but they were not able;

for the sea was continuing to storm upon them.

They cried to Hashem; they said: “Please, Hashem, let us please not be lost in trade for the soul of this man, and do not place upon us innocent blood,

for You, Hashem, as You have wished You have done.”

Each verse in this section ends with a prepositional phrase beginning “for”. Only the meaning of the first verse, however, is changed by the “for” clause. The “great fear” that initially seems like the sailors’ reaction to Yonah’s powerful religious witness becomes instead a reaction to his disobedience; “What is this that you have done” changes from an inquiry to an accusation. This awkwardness, followed by such a formally beautiful structure, makes us realize that the narrative deliberately interrupts Yonah’s speech to provide the sailors’ reaction to its climax, and then provides the content of that climax anticlimactically.

In other words, the author not only censored Yonah, he wanted readers to notice that Yonah was censored. The interchange with the sailors is thus of a piece with Yonah’s apparent silence at the book’s outset, which we learn in Chapter 3 was not real.

My contention is that both omissions serve to prevent us from focusing on the substance of Yonah’s objection. The central theme of Sefer Yonah is the relationship between G-d and His prophet, not the issue between them.

Theme of Sefer Yonah: The Relationship between G-d and His Prophet

Indeed, without this recognition the plot of the book is a theological travesty. Why does G-d need Yonah to cry against Nineveh? Do not “thousands at His bidding speed and post o’er land and ocean without rest”²¹? Yonah’s unwillingness to serve should have led simply to his dismissal, and the reassignment of Nineveh to a different prophetic portfolio. Instead the heart of Sefer Yonah is G-d’s pursuit of His prophet, which tells us that the book must be about their relationship.

G-d’s pursuit apparently succeeds. Yonah does obey His second call to cry against Nineveh. But here we must return to Chapter 3’s quotation of Yonah as saying, “Was this not my word while I was still on my land?”, which tells us that Yonah’s substantive position has not changed at all²². Why, then, does he obey the second call after disobeying the first?²³

Structural Analysis: Centrality of Yonah’s Poem

²¹ John Milton, “When I Consider How My Light is Spent”

²² My analysis here grows out of the brilliant analysis of “gap-filling” in Biblical narrative found in Meir Sternberg’s *The Poetics of Biblical Narrative*, and it is perhaps in order to acknowledge that almost every aspect of my analysis and appreciation of Tanakh is indebted to that work.

²³ It is possible to argue that Yonah has simply been intimidated by the fish, that he was prepared to endure death by drowning for the sake of principle, but not death by drowning or piscine life imprisonment. But this reading seems to me to trivialize both prophet and story, and to eliminate the relationship that makes sense of the narrative structure.

The answer to this question also emerges from a structural analysis. Sefer Yonah is divided into three sections – two units of narrative prose surrounding a unit of poetry. Both units of prose begin with a Divine call. This structure leads us to see the poem as the fulcrum around which the action turns, and suggests that the key to Yonah’s shift must be contained within the poem.

Here a brief excursus on the role of poetry within Biblical narrative will be helpful. Bracketing problems of definition and of history, we can make the general statement that poetic interjections in Biblical narrative never add objective information necessary for plot. What they do instead is give us subjective perspectives on events that have been narrated objectively in prose. For example, the purpose of the Shirat HaYam is to let us understand how Bnei Yisroel experienced the splitting of the sea. It follows, then, that the poem in Sefer Yonah is there to tell us something about Yonah’s perspective on his experiences. When we recall that the narrative earlier contorted itself to avoid giving us Yonah’s perspective, this becomes highly significant.

Let us turn then to the poem (2:1-10)

Hashem appointed a great fish toward Yonah; Yonah was in the entrails of the fish three days and three nights.

Yonah prayed to Hashem his God from the entrails of the fish.

*He said: I have **cried** from trouble to me toward Hashem; He responded; from the belly of Sheol I pleaded; You heard my voice.*

You threw me מְצוּלָה in the heart(s) of seas, and a river surrounded me; all Your breakers and waves upon me passed.

But I had said: I was chased away from opposite Your eyes; instead I will continue to gaze toward Your Holy sanctuary.

Water overlapped me until it endangered my soul, the deep surrounded me; reeds saddled my head. To the ends of hills I descended; the land barred my way for eternity; but You caused my life to ascend from shachat, Hashem my G-d.

When my soul went faint on me, It was Hashem that I remembered, and my prayer came to you, to your holy palace,

Those who stand watch for meaningless hot air; they will abandon the objects of their chesed.

But I, with a sound of gratitude I will sacrifice to you; that which I swore I will repay. Salvation belongs to G-d!”

A reasonable expectation for the poem in context would be for it to contain descriptions of the claustrophobic insides of the fish and pleas to be removed from it. But it actually contains none of that – rather, it expresses Yonah’s thanks to Hashem for saving him from drowning, and his joy that, contrary to previous fears, he will be able to continue in G-d’s presence. These are strange sentiments for someone who has fled G-d’s presence willingly and apparently chosen death over what would be necessary to return to it.

One more point. Since Yonah, so far as we are told, never prays to leave the fish, why does G-d have the fish vomit him out? Note well that the text nowhere claims that G-d instructed the fish to vomit him out in response to a request from Yonah, but that it is nonetheless clear that the instruction comes only after G-d hears the poem. I argue as follows: If G-d has the fish vomit Yonah out, it must be that Yonah is no longer defying G-d, that G-d knows that Yonah will obey the second Divine call.

If Yonah did not ask to be released – and note the somewhat contemptuous description of him as being regurgitated, in stark contrast to the poem’s lyric of salvation – it follows that just as Yonah previously preferred death to obedience, he still prefers being inside the fish to obedience. But he no longer sees himself justified in disobeying a Divine command. What changes between Chapter 1 and Chapter 3 is not Yonah’s disagreement with the command, but rather his understanding of it as binding.

Yonah’s Understanding of Prophecy

I suggest that Yonah initially conceives of prophecy as an entirely one-way communication, with the prophet's only role being to understand what G-d wants, then salute and obey. He does not see prophets as having any role in choosing or defining their tasks. But Yonah believes strongly that power is not a sufficient basis for obeying G-d, that even ultimate might does not make right. He does not see why fear should lead to worship or service, and he assumes that G-d had no interest in human beings other than to command them. Certainly G-d has no interest in human opinions.

So when Yonah is assigned a mission that he disagrees with, he sees no option other than resignation. He tries to run away from G-d's presence, to end the prophetic relationship, in the hope that G-d will simply let him go. When G-d sends the storm, he understands with equanimity that his resignation has not been accepted, and prepares to die.

But Yonah is a deeply religious man, for whom awe of G-d is a dominant emotion. It is not easy for him to walk away from the core of his identity. His disobedience is the rebellion of the religious zealot rather than of the skeptic or secularist. He disobeys G-d, but only for G-d's sake.

Chazal convey this insight in a brilliant exegetical move by identifying Yonah ben Amitai, son of Truth, as the boy resurrected by Eliyahu²⁴. Eliyahu's relationship with G-d is marked by his refusal to tell G-d what He wants to hear, and as the Talmud compellingly reads II Kings, by continual efforts to force His hand²⁵. Yonah believes – as does the midrash – that G-d is, *kibiyakhol*, capable of self-deception, that his love of human beings causes Him to overlook their true nature²⁶.

So when Yonah is commanded to go to Nineveh, he knows how his mission will likely end. He will give a stirring speech, the people of Nineveh will repent briefly, G-d will repent of punishing them and forgive their past sins, and the whole cycle will start over again. G-d will accept shallow service rooted entirely in fear, but Yonah wants no part of it. It may even be that Yonah has a deeply humanist motive for objecting. He may see G-d's acceptance of shallow repentance as a diminution of human dignity, as a statement that ultimately what we do matters little to Him.²⁷

Yonah resigns, not as a gesture of protest, but because he can do nothing else. When the storm comes, he may even welcome the opportunity to die, as the willing service of G-d that had previously justified his life²⁸ has been ripped away. But then G-d sends the fish.

The fish has two meanings. On the one hand, it tells Yonah that attempted escape is futile, that he cannot die and thereby avoid confronting the paradox of deriving all value from G-d but rejecting G-d's values; the cuneiform symbol for Nineveh was a fish. On the other hand, it tells Yonah that G-d values Yonah's speech. G-d says to him: I will maintain a relationship with you even when we disagree, and I will listen to and consider your opinion; why else would I bother to rescue you from drowning? Disagreement does not lead to execution or even excommunication, but rather to dialogue. So Yonah is given a real option – he can argue with G-d.

Yonah accepts, but he understands what acceptance implies. To engage in a decision process voluntarily initiated by a party that could act unilaterally, and wish that party bound by the outcome, means that one must genuinely accept the outcome of that process. G-d's only motive for listening to human beings, for

²⁴ See II Kings 17. Eliyahu had been sent to a widow's house to experience the suffering caused by a famine he had decreed. When he fails to learn the lesson, as the Talmud understands the story, G-d kills the widow's son to force him to trade in the key of rain for that of resurrection. Eliyahu then resurrects the child, and the drought ends.

²⁵ See my "The Temptation of Normalcy: A Spiritual Psychobiography of Eliyahu HaNavi" on the www.Torahleadership.org website.

²⁶ Note that Yonah's bitter list of Divine attributes in 4:2 pointedly leaves out "Truth."

²⁷ In this regard see Rav Dessler on Rabbi Akiva's agonizing martyrdom as evidence that he received the ultimate reward of being allowed to try to live in a world without Divine Mercy, in which all human actions have their just consequences.

²⁸ Remember that according to the midrash he was saved miraculously while all around him died of drought; Yonah's life requires far more justification than does the average person's.

giving human beings the chance to change His mind, is His desire for their willing obedience.²⁹ So Yonah recognizes that if he cannot convince G-d, he must obey Him.

So Yonah goes to Nineveh. He does so while still deeply opposed to his mission, and thus this eloquent poet walks into the Assyrian Times Square looking like he's been vomited out of a fish and says, essentially, "Repent for the end is nigh!" Never has a prophet tried harder to fail.

Yonah and the Relationship of Modern Orthodox Jews to Halakhah

I see Yonah as powerfully relevant to an aspect of the relationship many Modern Orthodox Jews have – to varying extents – with Halakhah. We too experience the power and beauty of Torah to the point that we cannot imagine ourselves without it, and yet many of us find particular halakhic rulings deeply troubling, not because they infringe on our own desires, but because they violate our image and experience of a just Divinity.

If Halakhah were a purely heteronomous phenomenon – if the Law were given to us cut and dried to the point where there was no room for human discretion and interpretation³⁰, then perhaps we would be justified in rebelling and accepting the consequences. But it was not – G-d gave us an open Torah precisely so we could be partners in its creation, remembering all the while that our task is to fathom and obey His true will. We are eligible for partnership only so long as we obey our best current understanding of His Will, even if we wish it different.

This procedural point is critical not only theologically but to the relationship of *klal Yisroel* to her *poskim*. If individuals sense that *poskim* have no interest in their opinions and values, or if sub-communities sense the same about the broad halakhic community³¹, they will – sometimes legitimately – not feel bound by their decisions. It is therefore a particular responsibility for *poskim* and the halakhic community to listen to the voices of those who feel most disenfranchised. But when our *poskim* and/or our halakhic community listen and yet disagree, it is our job to obey, even if we have to grit our teeth to do so.³²

The irony is that sometime *mitzvot* performed with gritted teeth are the most powerful³³. Had Yonah walked into Nineveh in full rhetorical flourish, there is no reason to assume that lyric poetry would have been any more effective in Assyria than it was in Israel. Perhaps what overawed and inspired Nineveh was the power of watching someone perform their duty to G-d, of seeing someone genuinely subordinate their will to His³⁴.

Nonetheless, this state of moral tension is not an ideal, and likely not long-term sustainable. When Nineveh indeed repents, and G-d as predicted forgives them, it turns out that for Yonah G-d's presence is not enough to overcome his sense of personal violation at having participated in a fraud.

²⁹ In other words, G-d chooses to compel participation in a decision process rather than direct obedience to His decisions. Obviously, the process works only if both sides are genuinely open to persuasion. In this article I am not dealing with the philosophic problem of how G-d can change his mind, but simply saying *kibiyakhol*; I hope to address it in another context, very likely in a discussion of *Yirmiyahu*.

³⁰ Cf. *Masekhet Soferim* 16:5

³¹ On this see my "The Halakhic Rights of Ideological Minorities" on the www.Torahleadership.org website

³² My wife notes that my contention that the relationship between Halakhah and community, or Halakhah and halakhically observant individual, is parallel to that between G-d and prophet, depends on the community or individual's acknowledgement that halakhic decisions with which they disagree are nonetheless the voice of G-d. I think this follows ineluctably from an acceptance that the Torah's command of *lo tasur* binds us to a decision process rather than to specific content.

³³ When I served as Rabbinic Adviser to the Orthodox Minyan at Harvard Hillel, some well-meaning zealots would sometimes challenge the sincerity of my community's observance on the grounds of their feminist or other ideological convictions. I generally replied that observance in accordance with one's own opinions and preferences says far less about one's *kabbalat ol mitzvot* than observance in conflict with them.

³⁴ My wife comments that she has never seen "Acceptance of the yoke of the kingdom of Heaven" more deeply expressed than at the circumcision of children whose parents' every autonomous fiber sees the practice as barbaric.

G-d tried repeatedly to make Yonah appreciate His word. He allowed Yonah to board the ship, and then sent the storm, so that Yonah could experience firsthand the foxhole repentance of the sailors, and see that it was not without its genuineness, and that idolaters can have the virtue of resisting murder – however briefly – even at the risk of their own lives. But Yonah’s a priori convictions as to how the world should be run could not be overcome³⁵

G-d’s final effort to convince Yonah is peculiar. He causes a vine to grow that shades Yonah from the hot sun outside Nineveh, then kills the vine the next day. When Yonah expresses anger about the death of the vine, G-d argues that His attachment to and investment in the Ninevites is much greater than Yonah’s to the vine, and thus he is compelled or at least entitled to save them. The analogy fails, of course, because the vine has done nothing to deserve destruction.

I mention the weakness of the analogy only to strengthen us against yet another interpretational temptation. Since G-d is given the last word, we might say, perhaps he convinces Yonah, and prophet and Divinity speak amicably ever after. But the last word of the book is not actually the last word of the dialogue.

The close of Chapter 3 tells us that, in the aftermath of Yonah’s declaration to the Ninevites that their end was nigh, a mass repentance on their part convinces G-d to cancel their punishment. At the start of Chapter 4, Yonah conveys to G-d his deep displeasure with this. G-d says in response only “Have you become angry for good reason?” Following this, Yonah leaves the city “until he would see what would be in the city”. But since G-d had already told him that nothing would happen, what was Yonah waiting for?

Possibly Yonah is waiting for to see whether the Ninevites’ emergency repentance will be sustained. Ibn Ezra however, suggests that the narrative is out of order, that the dialogue at the beginning of Chapter 4 takes place *after* Yonah has left the city. The chronological record of the conversation between G-d and Yonah accordingly is as follows.

Yonah left the city and settled to the east of the city. He made a booth there for himself, and he sat underneath it in the shade, until he would see what would be in the city. Hashem appointed a gourd-vine, and it ascended above Yonah to be a shade over his head to shade him from his ra. Yonah rejoiced over the gourd-vine a great rejoicing. Hashem appointed a worm at the rise of dawn the next day. It struck the gourd-vine and it dried out.

When the sun shone, G-d appointed a burning east wind. The sun struck on the head of Yonah and he fainted. He asked his soul to die, and said “My dying is better than my living.”

G-d said to Yonah: “Are you angry for good reason about the gourd-vine?”

He replied: “I am angry for good reason, to the point of death.”

Hashem said: You had pity for the gourd-vine, which you did not labor over or nurture, which came into being overnight and was lost overnight – should I not have pity for Nineveh the great city, which has in it more than 120,000 people who do not know their right from their left, and much cattle?

Yonah experienced a great ra (wrongness), and he was very angry.

He prayed to Hashem and said: “Please, Hashem – was this not my word while I was still on my earth. That was why I originally fled toward Tarshish, for I knew that You are a gracious and merciful divinity, long to anger and of great lovingkindness, Who changes his mind with regard to ra (causing

³⁵ Here again, the identification of Yonah as the boy resurrected by Eliyahu is powerful. Yonah is the child of mercy, the one chink in Eliyahu’s armor of total devotion to G-d. He might have reacted against Eliyahu and justified all human beings – perhaps that is what G-d is hoping he will become. But instead, this midrash may be arguing, he seeks to outdo Eliyahu’s devotion to strict justice.

bad things to happen). Now, Hashem, please take my soul from me, for my dying is better than my living.”

Hashem said to him: “Are you angry for good reason?”

This ordering makes clear, as the formal end of the book does not, that Yonah is *never* convinced by G-d. The joy of relating to the Divine is once more insufficient. And so Yonah asks again for death, this time directly at the hands of G-d. The elated “Thanks for all the fish” becomes a dejected request for a final “so long”.

Relationships that address ultimate issues are not panaceas, and profound religiosity can lead to profound depression and frustration. Indeed, suicidal ideation seems almost an occupational hazard of prophecy. As the Rav strikingly declared³⁶, the Lord as shepherd Who makes us lie down in green pastures is a fantasy rarely achieved by the deeply religious in this world.

But communities need joy to survive, and Modern Orthodoxy cannot be built on constant moral self-denial. It is true that as subjects of Halakhah, our foremost duty is to find ways to obey even when our opinions are not followed. But as creators of Halakhah, we must work to make sure that every halakhically committed voice is genuinely heard. As stewards of Torah who seek to make halakhah a live option for every Jew, we must understand and acknowledge that obedience can be difficult for reasons other than self-interest, and make every effort to let the voices of our religiously passionate rebels find authentic expression in the practice of our community.

In other words – like Yonah, we must go to Nineveh whether we like it or not. But in *imitatio dei*, we should not ignore those who refuse to come with us. Rather, we should send storms, and fish, and sheltering vines, and miraculous resurrections, and whatever else we have at our disposal to start a genuine conversation with them. If, having listened, we are not convinced, we can be confident that Yonah’s degree of certainty and single-issue identity are rare, and pray that the joy of human and Divine relationship combined will nonetheless inspire them to full participation, as subjects and creators, in the halakhic process.

³⁶ *Halakhic Man*, footnote #4.

The Universal and the Particular in the Book of Yona

by Rivital Singer (MA 2015)

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There's a *machloket* between Rabbi Eliezer and Rabbi Yehoshua in the *gemara* in *Rosh Hashana* about when the world was created and when redemption will come. Rabbi Eliezer says both dates are in *Tishrei*, but Rabbi Yehuda says they're in *Nissan*. This *machloket* reflects a greater question: Is the universal or the particular more important in Judaism? Which aspect led to Creation, and will ultimately be the source of Redemption?

Passover, which takes place in *Nissan*, represents the national aspect. On Passover we celebrate the start of our particular nation. Non-Jews are not allowed to take part in the Passover ceremonies (although converts may). *Tishrei* (specifically Rosh Hashana and Yom Kippur), however, is a universal time. G-d judges the whole world in *Tishrei*, and makes decisions as to how the year will turn out for everyone. When we pray on Rosh Hashana and Yom Kippur, we pray for the whole world, and anyone is welcome to take part in this time of forgiveness.

We also see the universal aspect of *tshuvah* in the story of Yona that we read on Yom Kippur. Yona is asked to help the people of Nineveh, who are not a part of the Jewish people, with the process of repentance/forgiveness. Yona refuses to accept that he has an obligation to non-Jews. He thinks that Jews need to stick together and be a good moral nation, and that we should keep apart from other nations as much as possible. Throughout the story, G-d tries to convince Yona that there is more to Judaism. Our job is not only to have our own society, based on justice and kindness, but that we spread our moral code to the rest of the world. Even though Yona doesn't want to, G-d makes him go through with helping Nineveh achieve repentance and forgiveness.

Amazingly, it doesn't seem that at any point in the story G-d succeeds in convincing Yona. When he's in the stomach of the big fish and he prays to G-d for three days, he never admits to changing his mind. He asks G-d to let him out, he praises G-d and he agrees to go through with G-d's request, but he still thinks that he shouldn't have to go to Nineveh. As he journeys, he continues to question G-d's judgment, and until the very end of the story, he is waiting for G-d to punish the people of Nineveh even though they repented.

Yona, who sees the Jews as a special "chosen people," feels very committed to his nation, and is unwilling to be a part of the universal world. He wants G-d to be the G-d of Pesach, who gives the Jews special treatment and saves us when we're oppressed. With Yom Kippur approaching, this is a good time for us to reflect on these two very important aspects of Judaism. How much should we be focused on making the Jewish community a better place, and keeping ourselves apart from the other nations, and how much should we be trying to be a part of the universal community and affect it, being "a light of the nations"? When asking for forgiveness, are we speaking for ourselves, for our people or for the whole world?

I hope that this Yom Kippur we can find the correct balance between caring about our nation the way Yona did, and caring about the world the way G-d wanted him to.

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