

THE BENJAMIN AND ROSE BERGER TORAH TO-GO®

SEPTEMBER 2025 • TISHREI 5786

ESTABLISHED BY RABBI HYMAN Z"l & ANN ARBESFELD

THE ANNUAL **ROSH HASHANAH AUDIT**

Finances, Virtues, and
the Heavenly Ledger

Dedicated in loving memory
of Dr. Harlan Daman by
Carole, Gila and Avi Daman

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



ישיבת רבנו יצחק אלהנן

Rabbi Isaac Elchanan Theological Seminary
An Affiliate of Yeshiva University

Special Feature
from Rabbi Dr.
Ari Berman:
The Value of
Money and the
Cost of Success

We thank the following 5786 supporters of the Torah To-Go® project

Pillars

Ahavas Yisroel <i>Flushing, NY</i>	Cong. Beth Aaron <i>Teaneck, NJ</i>	Kemp Mill Synagogue <i>Silver Spring, MD</i>	Young Israel of Hollywood-Ft Lauderdale <i>Hollywood, FL</i>
Beth Jacob Congregation <i>Beverly Hills, CA</i>	Cong. Beth El Atereth Israel <i>Newton Centre, MA</i>	Ohr Saadya <i>Teaneck, NJ</i>	Young Israel of Lawrence-Cedarhurst <i>Cedarhurst, NY</i>
Beit Tzion/Mizrachi Bayit <i>Toronto, ON</i>	Cong. B'nai Israel – Ohev Zedek <i>Philadelphia, PA</i>	Rabbi Shlomo & Mimi Appel <i>Woodmere, NY</i>	Young Israel of Scarsdale <i>Scarsdale, NY</i>
Bnei Akiva Schools <i>Toronto, ON</i>	Cong. Kehilath Jeshurun <i>New York, NY</i>	The Jewish Center <i>New York, NY</i>	Young Israel of Woodmere <i>Woodmere, NY</i>
Boca Raton Synagogue <i>Boca Raton, FL</i>	East Denver Orthodox Synagogue <i>Denver, CO</i>	Young Israel of Century City <i>Los Angeles, CA</i>	
Cong. Ahavas Achim <i>Highland Park, NJ</i>			

Partners

Cong. Adat Yeshurun <i>La Jolla, CA</i>	Cong. Keter Torah <i>Teaneck, NJ</i>	Riverdale Jewish Center <i>Riverdale, NY</i>	Young Israel of Teaneck <i>Teaneck, NJ</i>
Cong. Anshei Chesed <i>Linden, NJ</i>	Cong. Ohr HaTorah of Toco Hills <i>Atlanta, GA</i>	Young Israel of Great Neck <i>Great Neck, NY</i>	Young Israel of West Hempstead <i>West Hempstead, NY</i>
Cong. Beth Israel <i>Berkeley, CA</i>	Cong. Shaarei Tefillah <i>Newton Centre, MA</i>	Young Israel of Merrick <i>Merrick, NY</i>	Young Israel Talmud Torah of Flatbush <i>Brooklyn, NY</i>
Cong. Beth Sholom <i>Lawrence, NY</i>	Darchei Noam Glenbrook <i>Northbrook, IL</i>	Young Israel of New Hyde Park <i>New Hyde Park, NY</i>	Young Israel of West Hartford <i>West Hartford, CT</i>
Cong. Beth Sholom <i>Providence, RI</i>	Jewish Center of Atlantic Beach <i>Atlantic Beach, NY</i>	Young Israel of New Rochelle <i>New Rochelle, NY</i>	Young Israel Shomrai Emunah of Greater Washington <i>Silver Spring, MD</i>
Cong. Bnai Yeshurun <i>Teaneck, NJ</i>	New Toco Shul <i>Atlanta, GA</i>	Young Israel of Potomac <i>Potomac, MD</i>	

Supporters

Adas Yeshurun Herzlia <i>Winnipeg, MB</i>	Beth David Synagogue <i>West Hartford, CT</i>	Cong. Agudath Shalom <i>Stamford, CT</i>	Hebrew Institute of Riverdale <i>Riverdale, NY</i>	Queens Jewish Center <i>Queens, NY</i>
Aish Thornhill Community Shul <i>Toronto, ON</i>	Beth Jacob Congregation <i>Oakland, CA</i>	Congregation B'nai Israel <i>Manalapan, NJ</i>	Kehilas Bais Yehudah <i>Monsey, NY</i>	Shaarei Shomayim <i>Toronto, ON</i>
Anshei Chesed Congregation <i>Boyton Beach, FL</i>	Beit David Highland Lakes Synagogue <i>Aventura, FL</i>	Cong. Kadimah Toras Moshe <i>Brighton, MA</i>	Mount Kisco Hebrew Congregation <i>Mount Kisco, NY</i>	Yavneh Academy <i>Paramus, NJ</i>
Baron Hirsch Synagogue <i>Memphis, TN</i>	Beit Tzion - Mizrachi Bayit <i>Toronto, ON</i>	Cong. Ohab Zedek <i>New York, NY</i>	Ohev Sholom Congregation <i>Washington DC</i>	Yonatees Custom Printing <i>Miami, FL</i>
		Freehold Jewish Center <i>Freehold, NJ</i>		Young Israel of Staten Island <i>Staten Island, NY</i>

Dear Friends,

As we enter the 20th year of the Benjamin and Rose Berger *Torah-to-Go*, I extend heartfelt gratitude to our dedicated editorial team — Rabbis Robert Shur, Josh Flug, and Jordan Auerbach — for their unwavering efforts to bring the Torah of YU and RIETS to our community. What began as a pioneering project has grown into a world-class publication with over 1,000 articles in print and on YUTorah.org, reaching hundreds of communities worldwide.

We are indebted to our benefactors, Rabbi Hy z”l & Ann Arbesfeld, along with our edition sponsors and community partners, whose steadfast support makes this all possible.

We are also excited to share that *Likutei Moed: Sukkot*, a collection of articles from previous issues of Torah To-Go, has just been released by RIETS Press and is available for purchase at www.rietspress.org. We encourage you to explore this volume and browse our growing collection of RIETS publications, including many new *sefarim* and works of Torah scholarship recently published by our Yeshiva.

This edition explores a theme at the intersection of judgment, Torah values, and economics: the financial judgment of Rosh Hashanah, the meaning of the *simanim*, whether *mitzvot* have monetary value, and whether wealth is a blessing or a test.

Rosh Hashanah is the Day of Judgment — not only for life and health, but also for our livelihood and material needs in the coming year. In the *Ribbono Shel Olam tefillah*, recited before *keriat HaTorah* on Rosh Hashanah and other *yamim tovim*, we ask Hashem for *parnasah tovah v'chalkalah* — good livelihood and sustenance. And then, immediately afterward: *v'lechem le'echol* — and bread to eat.”

Rav Moshe Feinstein in his *Darash Moshe* raises a striking question: if we have already asked for livelihood and sustenance, surely that includes bread! Why, then, single out “bread to eat”? Why repeat something so basic, almost redundant, and certainly less than what we already requested?

Rav Moshe explains that this is precisely the point. Nothing should be taken for granted — not even the simplest blessing. Even the ability to eat bread depends on countless factors beyond our control. We may feel secure, with income and resources in place, but life can change in an instant. The recent years — through the COVID pandemic and most recently the October 7th attacks — have shown us just how quickly the world can shift.

This reminder frames the deeper questions explored in these pages: How should we value our *mitzvot*? Can spiritual merit be “quantified”? How do we balance *bitachon* with financial responsibility? Are our resources meant only for personal comfort, or also as a sacred trust to serve Hashem and help other people?

The *simanim* of Rosh Hashanah — apples in honey, pomegranates, and more — reflect our hopes for blessing and abundance, but also humility. They teach us to *daven* not only for plenty, but also for the wisdom to use what we are given for good.

As we enter the New Year, may we merit both the material means and the spiritual clarity to live with gratitude — for every slice of bread — and to remember that each day’s sustenance is a Divine gift, not a given.

Wishing you and your family a שנה טובה ומתוקה וקלה.



Rabbi Ari Rockoff

David Mitzner Community Dean for
Values and Leadership
RIETS-Yeshiva University

Rabbi Dr. Ari Berman,
President and Rosh Yeshiva,
Yeshiva University and RIETS

Rabbi Aryeh Lebowitz
Abraham Arbesfeld Torah Dean, RIETS

Rabbi Dr. Yosef Kalinsky
Max and Marion Grill Administrative Dean, RIETS

Rabbi Ari Rockoff
The David Mitzner Community Dean for Values
and Leadership, RIETS-YU

Rabbi Joshua Flug
General Editor

Rabbi Robert Shur
Series Editor

Rabbi Jordan Auerbach
Associate Editor

Rabbi Michael Dubitsky
Content Editor

Andrea Kahn
Copy Editor

Copyright © 2025

All rights reserved by Yeshiva University

Yeshiva University,
500 West 185 St. New York, NY 10033
office@yutorah.org

This publication contains words of Torah. Please treat it with appropriate respect. For sponsorship opportunities, please contact Rabbi Kerbel at judah.kerbel@yu.edu

TABLE OF CONTENTS

Rosh Hashana 5786

The Value of Money & the Cost of Success

Page 6 // Rabbi Dr. Ari Berman

The Judgment on Earnings and the Judgment on Yearnings

Page 10 // Signs of the Times: Simanim and Segulos on Rosh Hashanah
Rabbi Aryeh Lebowitz

Page 16 // The Financial Judgment of Rosh Hashanah
Rabbi Josh Flug

Page 22 // Two Sides of the Coin
Shira Jackson

Page 26 // Pursuing vs. Achieving Happiness
Mrs. Emma Katz

Virtues in the Marketplace and the Marketplace of Virtues

Page 30 // Commandment Competition: Market Limits in the Economy of Mitzvot
Rabbi Daniel Z. Feldman

Page 38 // Law's Limits: Penumbra, Emanations, & Supererogation
Rabbi Itamar Rosensweig

Page 38 // Can One Buy Olam ha-Ba? Paying for Mitzvot and Yissachar-Zevulun Contracts
Rabbi Netanel Wiederblank

Yom Tov Insights from The Rav

Page 50 // Excerpts from Batei Yosef

Tefilla Insights from our Beis Medrash

Page 56 // From the Rebbeim of RIETS

LeDovid Hashem Ori
Rabbi Yaakov Neuburger

V'Chish Lanu Yesha
Rabbi Elchanan Adler

Si'u She'arim Rosheichem
Rav Yosef Dov Soloveitchik z"l

"Chaim" in the Insertions for
Aseres Yemei Teshuva
Rabbi Moshe Tzvi Weinberg

Yom HaZikaron Hazeh
Rabbi Michael Taubes

Unesaneh Tokef
Rabbi Zvi Sobolofsky

Yeshua VeRachamim
Rabbi Elchanan Adler

Kol Nidrei
Rabbi Meir Goldwicht

לעילוי נשמות בן ציון בן אפרים וברכה סימא בת שלמה הלוי

Ben & Betty Jakobovits

Ben Jakobovits, born in Sighet, Romania, emigrated to Israel after the Holocaust where he proudly served as a *chayal* in the War of Independence. He later moved to Los Angeles where he married his *ishet chayil* Betty Wiesel.

Betty Jakobovits was born in Czechoslovakia and survived the horrors of Auschwitz. Despite numerous challenges throughout her life, she excelled as a devoted wife, loving mother, and a true *ba'alat emunah*.

Ben and Betty's collective faith in Hashem and strength in the face of adversity established them as pillars of the Los Angeles Jewish community, where they built a beautiful life together. They are remembered with deep love and admiration by all who knew them.

Sheila and Ronny Apfel and Family

A portrait of Dr. Nechama Price, a woman with shoulder-length brown hair and bangs, smiling warmly. She is wearing a black top and a necklace with a circular pendant. The background is a blurred library or study area.

I am privileged
to empower women
through advanced
Torah learning as
both a proud YU
alumnus and educator.

**I AM YESHIVA
UNIVERSITY.**



Dr. Nechama Price
Director, Graduate Program in
Advanced Talmud Studies

The Graduate Program in Advanced Talmud/Tanach Studies (GPATS) empowers a select group of accomplished Orthodox women to deepen their mastery of Torah through rigorous, immersive study of Talmud and Tanach. Accredited to grant a Master's in Biblical and Talmudic Interpretation, the program equips students with the skills, scholarship, and credentials to become dynamic educators and leaders in the Jewish community.

APPLY TODAY AT: YU.EDU/GPATS



RISE UP
The Campaign for 613





**Rabbi Dr. Ari
Berman**

*President and Rosh Yeshiva,
Yeshiva University and RIETS*

The Value of

MONEY

and the Cost of

SUCCESS

In recent years, surveys have revealed a striking shift in the values of American society. Values that used to be core to America like patriotism, religious commitment, community involvement, and the desire to raise children have all declined in importance, while the pursuit of wealth has gained in strength. A generation ago, fewer than one third of Americans said that money was “very important” in their lives. Today, nearly half do. This is not merely a change in preference. It is a window into the soul of a nation.

As contemporary thinker Michael Sandel has put it, America has shifted from a market economy to a market society. When the pursuit of wealth becomes the central aspiration, it does not simply change how people spend their days. It changes the way they measure

their lives. The marketplace begins to shape the language of meaning. What has a price is seen as having value. What does not have a price is often overlooked. While being a consumer is a natural part of life, when it becomes paramount it's disorienting.

From a Torah perspective, the question is not whether material success is inherently good or bad. The Torah is not opposed to prosperity. In the Shema itself, Hashem promises that if we walk in His ways, He will give rain in its season, fields rich with produce, and herds that multiply. Material blessing is part of the covenant between Hashem and His people. It is a gift to be cherished. Yet it is always given within the framework of that covenant. When the blessing is divorced from the covenant, it loses its true meaning.

Two Models of Life

The consumer and the covenant represent different kinds of society with three fundamental differences.

First, the consumer society is transactional while the covenantal is transformational. In the consumer mindset, everything can be bought and sold. The logic of the marketplace does not ask whether something should be bought, only whether it can be. In such a world, even the most sacred things can be treated as commodities. Identity becomes tied to brands. Relationships are measured by what they give in return. Honor is replaced by recognition, and recognition is often for sale.

The covenant insists that there are things whose value is beyond price. Trust cannot be bought. Love cannot be bought. The dignity of a human being cannot be bought. In the covenant, the material serves the spiritual. A home is more than property; it is a place of Shabbat peace and family memory. A meal is more than nutrition; it is the table where blessings are made and gratitude is expressed. In covenant, wealth is measured not only by what fills the storehouse but by what fills the heart.

Second, the consumer focuses on material success alone as the goal. Inheriting wealth or working for it is equally valued as long as the monetary result is the same. In the covenant, however, work itself is viewed as positive. On

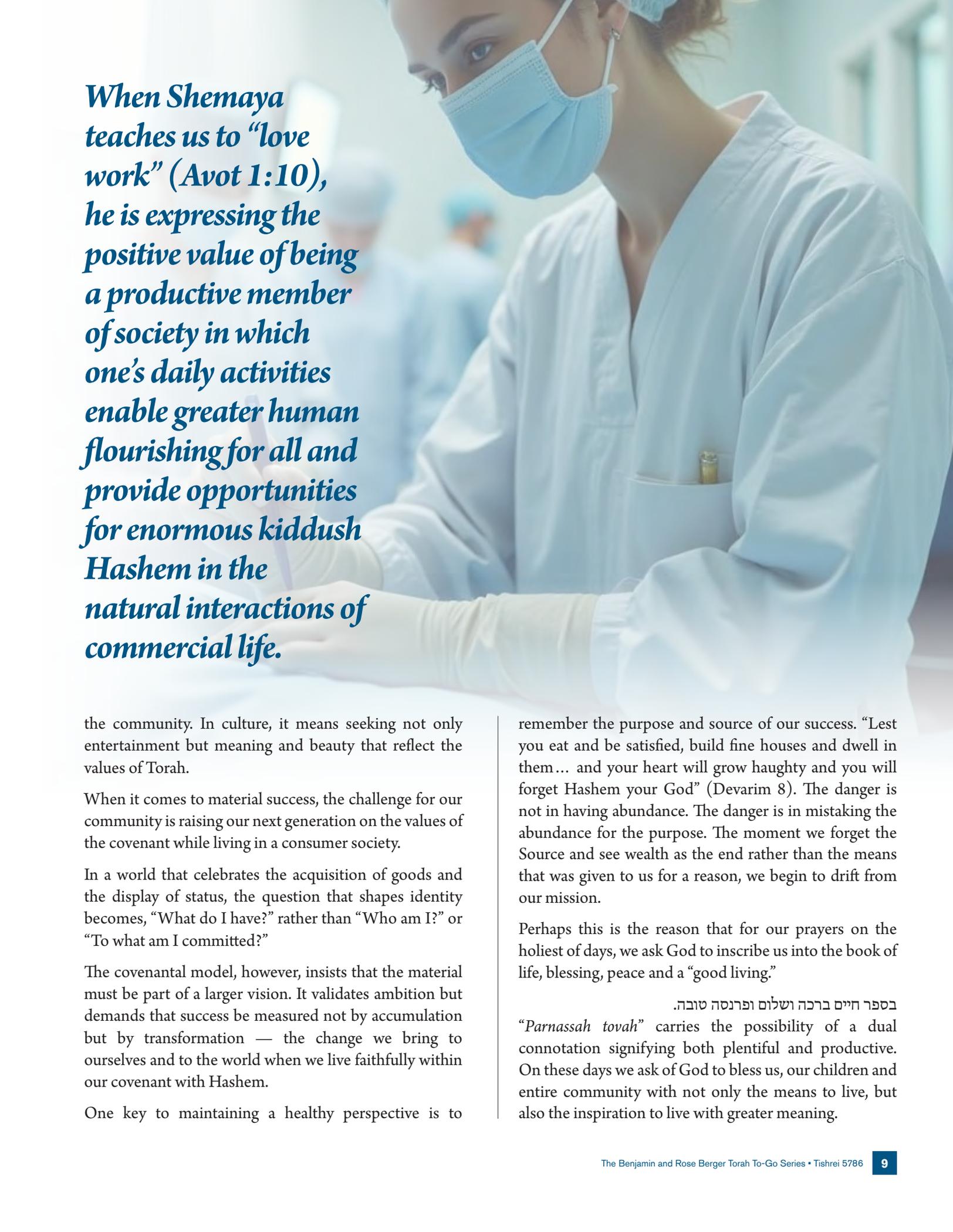
"The covenant insists that there are things whose value is beyond price. Trust cannot be bought. Love cannot be bought. The dignity of a human being cannot be bought."

one level, an active work life diminishes the profound challenges of idleness and boredom which has perennially been a fundamental religious problem but has risen to new levels of concern at a time that algorithms give us ready access to the greatest of distractions and feed the worst of impulses. But when Shemaya teaches us to "love work" (*Avot* 1:10), he is expressing the positive value of being a productive member of society in which one's daily activities enable greater human flourishing for all and provide opportunities for enormous kiddush Hashem in the natural interactions of commercial life.

Third, the consumer model focuses on the individual in the present, while the covenantal model embraces the collective across time. The consumer measures success by personal gain in the here and now. The covenant asks us to think about what we have inherited from the past and what we are building for the future.

The consumer model rarely looks beyond the next purchase or the next achievement. The covenantal model is willing to invest in a project that will not be complete for generations. It asks us to plant trees whose fruit will be eaten by our grandchildren and to lay foundations for buildings we may never enter. It is prepared to live not only for today's return but for the three-thousand-year vision of our people's destiny.

This covenantal perspective shapes every aspect of life. In education, it means seeing learning not merely as a path to a job but as a sacred trust. In politics, it means seeing citizenship not only as a right but as a responsibility to



When Shemaya teaches us to “love work” (Avot 1:10), he is expressing the positive value of being a productive member of society in which one’s daily activities enable greater human flourishing for all and provide opportunities for enormous kiddush Hashem in the natural interactions of commercial life.

the community. In culture, it means seeking not only entertainment but meaning and beauty that reflect the values of Torah.

When it comes to material success, the challenge for our community is raising our next generation on the values of the covenant while living in a consumer society.

In a world that celebrates the acquisition of goods and the display of status, the question that shapes identity becomes, “What do I have?” rather than “Who am I?” or “To what am I committed?”

The covenantal model, however, insists that the material must be part of a larger vision. It validates ambition but demands that success be measured not by accumulation but by transformation — the change we bring to ourselves and to the world when we live faithfully within our covenant with Hashem.

One key to maintaining a healthy perspective is to

remember the purpose and source of our success. “Lest you eat and be satisfied, build fine houses and dwell in them... and your heart will grow haughty and you will forget Hashem your God” (Devarim 8). The danger is not in having abundance. The danger is in mistaking the abundance for the purpose. The moment we forget the Source and see wealth as the end rather than the means that was given to us for a reason, we begin to drift from our mission.

Perhaps this is the reason that for our prayers on the holiest of days, we ask God to inscribe us into the book of life, blessing, peace and a “good living.”

בספר חיים ברכה ושלום ופרנסה טובה.
“*Parnassah tovah*” carries the possibility of a dual connotation signifying both plentiful and productive. On these days we ask of God to bless us, our children and entire community with not only the means to live, but also the inspiration to live with greater meaning.

The Judgment
on Earnings and
the Judgment on
Yearnings

Signs of the Times

SIMANIM & SEGULOS ON ROSH HASHANA

As we enter the Yamim Noraim, our tefillos are filled with requests not only for life and health, but also for *parnassah*—the ability to sustain ourselves and our families with dignity. In the Jewish worldview, economics is never a purely material matter. The Torah frames sustenance as a partnership between human effort and Divine blessing: “It is Hashem your God Who gives you strength to make wealth” (Devarim 8:18). Livelihood is not measured solely by the coins in our pocket or the numbers in our account, but by the *beracha* that rests on our efforts—allowing less to stretch further, or more to be used with wisdom.

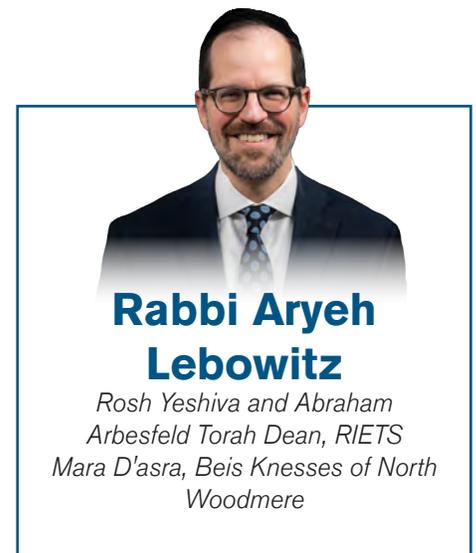
It is in this context that the custom of eating *simanim* on Rosh Hashanah takes on special meaning. On the very night we stand at the threshold of the new year, before we resume the work of the marketplace, the kitchen and

the field, we symbolically “seed” the year with visible signs of our deepest hopes—sweetness, growth, abundance and peace. How does this work? Are these foods charms to manipulate the outcome of our judgment or do they have a different role?

We are taught from a young age that on Rosh Hashanah we dip an apple into honey to have a sweet new year. What is the basis for this practice and is it actually important in determining the outcome of *din* on Rosh Hashanah? If we assume that it is the proper thing to do, are there specific items that should be used for *simanim*, or can we use anything that evokes the themes of the day?

The Source

The Gemara in *Horiyos* (12a) and in *Kerisus* (6a) both teach that “*simana*



milsa”—a sign is meaningful. The Gemara then builds on this idea and declares that we should eat gourds, black eyed peas, leeks, beets and dates. The Maharil (*Hil. Rosh Hashanah* 7) cites various *pesukim* as sources (*asmachtos*) for eating sweet foods on Rosh Hashanah. This concept is codified in the *Shulchan Aruch* (683:1), who lists the same foods as the Gemara, and outlines that we should recite the

appropriate “*yehi ratzon*” prayer for each of the foods. The Rema adds that we should eat an apple dipped in honey and a pomegranate.

The Problem with Simanim

The Maharsha (*Chiddushei Agados, Horiyos* 12a s.v. *Y’hei*) wonders why utilizing these *simanim* is not a violation of the Torah’s prohibition against *nichush*—responding to omens (*Vayikra* 19:26). He suggests that the prohibition of *nichush* is only when we attribute meaning to negative signs, but it is permissible to rely on positive ones. However, the standard understanding of these *simanim* is that we eat them in order to recite the *yehi ratzon* over them, as a way of awakening our hearts and minds to daven that these blessings come to fruition in the year ahead.

This is made clear by the minor distinction between the two gemaras that mention these *simanim*. The Gemara in *Horiyos* says that we should see these items on Rosh Hashanah, while the Gemara in *Kerisus* teaches



How does this work? Are these foods charms to manipulate the outcome of our judgment or do they have a different role?

that we should eat them. Based on this, many poskim point out that if a person enjoys these foods he should eat them, but if he does not, simply having them on the table should help him muster the *kavanah* to daven for the positive outcomes that their names symbolize.

Why Apples?

As mentioned above, the Rema introduced the practice of using apples in honey as one of the *simanim*. The *Taz* (2) explains that this is based on kabbalah, and is a *remez* to an apple orchard. The Maharil suggests that it recalls Yitzchak Avinu’s statement to Yaakov (*Bereishis* 27:27), that his smell was like “a field that Hashem has blessed,” and the Gemara in *Ta’anis* (29b) teaches that it referred to an apple orchard. This exchange (of Yaakov taking the berachos from Eisav) was said to have occurred on Rosh Hashanah. The *Ben Ish Chai* (*Parshas Nitzavim* 4) explains that an apple possesses three positive qualities: *rei’ach*—a good smell, *mareh*—a pleasant appearance, and *ta’am*—a pleasant taste. These three qualities correspond to the three main requests that we all daven for on Rosh Hashanah: *banei*—children, *chayei*—life, and *mezonei*—sustenance.

What Beracha to Recite

The *Magen Avraham* (583:1) writes that when an apple is dipped into honey, the apple is considered the *ikar* and the honey the *tafel*, and we therefore recite a *borei p’ri ha’eitz*. However, the *Yad Efraim* suggests that perhaps the honey should be the *ikar*, since the main purpose of dipping the apple is to taste the sweetness of the honey. Some explain that this is why we also dip the challah in honey, so that the

honey has already been eaten as *tafel*, thereby alleviating any concern about which beracha to make. The *Hagahos Ashri* (*Rosh Hashanah* 1:4) writes that the minhag was to eat plain honey, implying that it was always considered the primary *siman*. Certainly, if we do this prior to eating the apple, we should recite a *shehakol* on the honey.

A Ram’s Head

The *Tur* (583) writes that the Maharam miRutenburg would place a sheep’s or ram’s head on the table as a *zeicher* to *akeidas Yitzchak*. If one cannot procure a sheep or a ram, the *Ben Ish Chai* strongly discourages using a goat’s head, since it represents a harsh din. Instead, one should use the head of a fish or a bird.

Esrog

The *Tur* (583) also lists an *esrog* as one of the *simanim*, though he does not explain its significance. The *Knesses haGedolah* and *Ma’amar Mordechai* (1) suggest that this was a printing error, as there seems to be no reason to include it. Others, however, connect it to the Gemara in *Ta’anis* (29b), which speaks of a “*sadeh shel tapuchim*.” Tosafos (s.v. *Shel*) cites an opinion that interprets *tapuchim* there to mean *esrogim*, which may serve as the basis for its mention.

Others suggest it is based on the Midrash (*Emor* 23:40), which describes an *esrog* as representing those who have both Torah and *ma’asim tovim*. Some relate it to the Gemara in *Berachos* (57a), which says that if one sees an *esrog* in a dream it is a sign that he is beautiful before Hashem. Rav Chaim Palagi suggests that it relates to the opinion in the Gemara (*Berachos* 40a) that the *Eitz haDa’as* was an *esrog* tree, and we are trying to fix the sin of Adam haRishon.

Lung

The *Tur* also writes that there was a minhag to eat a lung of a sheep on Rosh Hashanah, explaining that since it is the lightest part of the animal, it serves as a *siman* that we should merit a light judgement. Rav Yaakov Emden (*Mor u'Ketzi'ah* 583) suggests that lungs were said to brighten our eyes, and should therefore be eaten with a tefilah that our eyes should be enlightened by the Torah, or that Hashem should see our suffering. This particular *siman* is cited by the *Darkei Moshe*, though it is not in the *Shulchan Aruch* or the Rema. The *Sefer haEshel* explains that perhaps this is because lungs often have issues of worm infestation, while the *Mo'adim b'Simchah* (p. 114-115) cites the *Yalkut Avraham* who writes that the word “*re'ah*” (lung) has the same gematria as the word *gevurah*, which is a *middah* we do not want to evoke on Rosh Hashanah.

Fish

The *Magen Avraham* (intro to 583) writes that we should eat fish on Rosh Hashanah, since it is a *siman* that we should multiply like fish. The *Elef l'Magen* adds that fish's eyes are always open, and we also hope to remain alert; for this reason, some specifically eat the fish's eyes. The *Aruch haShulchan* (1) writes that some were particular to obtain a fish called *kareis*, and would recite the *yehi ratzon* that our enemies

should be cut off. On the other hand, the *Bach* (594) and the *Magen Avraham* (597) both record that the Maharshal would not eat fish on Rosh Hashanah, since he enjoyed it so much that he felt it was inappropriate to eat it on such a serious day.

Foods to Avoid

The Rema writes that we should not eat nuts on Rosh Hashanah, since their gematria is (almost) the same as *cheit*. Some acharonim question this, pointing out that the word nuts also has the same *gemaria* as *tov*. The sefer *Noheg k'Tzon Yosef* (*Rosh Hashanah* 18) suggests that we should not concern ourselves with gematrios of this nature, but agrees that we should not eat nuts based on the Rema's second reason, which is that it leaves a mucus residue in the mouth and throat, making it difficult to daven. He adds that any food that presents a similar concern should be avoided. The *Chasam Sofer* (583:2) suggests that nuts should be avoided since they are symbolic of *galus*. This is based on the Midrash (*Shir haShirim Rabbah* 6:17), which compares the Jewish people in *galus* to a nut: though it rolls about in the dirt, its inner contents are never affected. Rav Hai Gaon is quoted by the *Kaf haChaim* (18) as saying that we shouldn't eat anything sour. The Vilna Gaon (*Ma'aseh Rav* 210) is said to have refrained from eating grapes on Rosh Hashanah for kabbalistic reasons.

Why We Eat Specific Simanim

There is some discussion as to why we utilize the *simanim* mentioned in the Gemara and the poskim. Rashi (*Horiyos* 12a s.v. *Kara*) explains that the vegetables listed in the Gemara tend to grow quickly, and thus serve as a *siman* of positive growth for the coming year. However, the *Shulchan Aruch* seems to focus on the symbolic meaning of their names, which carry positive connotations for the coming year. This indicates that we may use any food whose name inspires a tefilah for something good. The *Magen Avraham* (intro to 583) writes that we may use any food associated with the idea of “a lot,” even in the local language. The *Aruch haShulchan* (583:1) adds that we can also use any food with a negative name and apply it to our enemies.

When to Recite the Yehi Ratson

The *Magen Avraham* (583:2) writes that we should recite the beracha on the food, eat some of it, and then say the *yehi ratzon* so that there will not be a *hefsek* between the beracha and the consumption of the food. He then quotes the *Ma'aglei Tzedek* (224) who suggests saying the *yehi ratzon* after the beracha before eating the food. He assumes that the tefilah is considered part of the eating process in this particular case, and is therefore not a *hefsek*. Although the *Shulchan Aruch haRav* rules in favor of the *Magen Avraham*, the Lubavitcher Rebbe claims that he later changed his mind and agreed with the *Ma'aglei Tzedek*. It would seem that the simplest solution would be to first recite the *yehi ratzon* and then to say the beracha. However, Rav Ovadiah Yosef (*Yechaveh Da'as*



See more shiurim and articles from
Rabbi Lebowitz at www.yutorah.org/teachers/Rabbi-Aryeh-Lebowitz



I am dedicated to preparing Jewish educators to engage and inspire the next generation.

I AM YESHIVA UNIVERSITY.



Rabbi Michael S. Berger, Ph.D.
Dean of the Azrieli Graduate School of Jewish Education and Administration

As the preeminent global institution for the training of Jewish educators and administrators, Azrieli's educational approach seamlessly integrates the time-honored wisdom of Jewish tradition with contemporary educational theories and research. This dual framework informs our deep understanding of child development, learning processes, and the principles of effective educational leadership.

APPLY TODAY: AT YU.EDU/AZRIELI



RISE UP
The Campaign for 613



1:51) writes that we should follow the format of prayer established by Chazal, in which we first praise Hashem before making a request of Him, and therefore, we should not say the *yehi ratzon* prior to the beracha. Obviously, for the remaining fruits that don't require a separate beracha, we should recite the *yehi ratzon* immediately prior to eating them.

When to Eat the Simanim

When should these *simanim* be eaten? The *Leket Yosher* cites his rebbi, the *Terumas haDeshen* who holds that we should eat the *simanim* throughout the Aseres Y'mei Teshuvah. On the other end of the spectrum, the *B'nei Yissaschar* (Tishrei 4) writes that we should only

eat them on the first night. He explains that the Gemara uses the words "*b'reish shatah*" and not "*b'rosh hashanah*" to stress that they should not be done throughout the yom tov. Nevertheless, the *Sha'arei Teshuvah* (583:1) writes that many do it on both nights of Rosh Hashanah, while the *Mateh Efraim* (597:4) holds that they should be done at every meal on Rosh Hashanah, even during the day.

Conclusion

As we conclude our reflections on the *simanim*, we should consider their role in the determinations that are made on Rosh Hashanah. While some of the *simanim* focus on the downfall of our enemies, others focus on our

accruing merits and having a sweet and successful year, and for many, that includes economic prosperity. Our engagement with these symbolic foods reminds us that success is not secured in the boardroom or the marketplace, but here, in these days of prayer, repentance, and renewed commitment to living with integrity. The sweetness of the apple and honey, the growth implied by the gourd, the movement to the top implied by the fish or ram's head—all are calls to align our material pursuits with the values of Torah, generosity and trust in Hashem's providence. In doing so, we seek not just wealth, but the blessing that our wealth be a force for good, sustaining our families, our communities, and the sanctification of Hashem's Name throughout the year.

We want to hear from you!

To share your thoughts on something you've read in this issue, or request that your community get printed copies of this publication, or to find out about advertising in a future issue of the Torah To-Go series, please contact office@yutorah.org.

I am an award-winning clinical psychologist and Ferkauf professor pioneering innovative migraine treatments.

I AM YESHIVA UNIVERSITY.



Dr. Elizabeth K. Seng
Professor of Psychology,
Ferkauf Graduate School
of Psychology

For over 60 years, Ferkauf Graduate School of Psychology has been a trailblazer in psychology and counseling education, consistently ranked among the nation's top institutions. We proudly attract a diverse, global student body, all drawn to our commitment to excellence. With a distinguished faculty and a supportive administration, we provide an exceptional private education designed to empower students and ensure their success in the field.

APPLY TODAY AT: [YU.EDU/FERKAUF](https://www.yu.edu/ferkauf)



RISE UP
The Campaign for 613

THE FINANCIAL JUDGMENT OF ROSH HASHANAH



The concept of a fiscal new year exists both for individuals and institutions. In the United States, individuals file taxes based on a calendar that starts on Jan. 1 and ends Dec. 31. Corporations, however, may follow a different 12-month fiscal year, chosen to align with factors such as the beginning of the academic year, an annual company event, or the holiday shopping season. Anyone who works with budgets, taxes or reporting knows when the financial new year starts for a given individual or corporation.

When we hear the term “fiscal new year,” we may also think of Rosh HaShanah, our day of judgment. On Rosh HaShanah, we look back at the events of the past year and how they were shaped by the judgment of the previous Rosh HaShanah. Many of those events likely affected our financial

situation, either directly or indirectly. Is a strict determination made on Rosh HaShanah about what our financial situation will be for the year? And if so, how should that impact our approach to Rosh HaShanah—and how does it affect us practically throughout the year?

What exactly is Determined on Rosh HaShanah?

The premise that Rosh HaShanah is the day on which our annual finances are determined is by no means an absolute truth. The Mishna states:

בארבעה פרקים העולם נידון בפסח על
התבואה בעצרת על פירות האילן בראש
השנה כל באי עולם עוברין לפניו כבני מרון
שנאמר היצר יחד לבם המבין אל כל מעשיהם
ובחג נידונין על המים.

At four times the world is judged: On



Rabbi Josh Flug

Director of Torah Publications, RIETS
General Editor, Benjamin and Rose
Berger Torah To-Go® Series

Pesach, concerning the grain; On Shavuot, concerning the fruits of the tree; On Rosh Hahanah, all human beings pass before Him like sheep, as it is said: “He who forms their hearts alike, who understands all their deeds” (Psalms 33:15); And on Sukkos, they are judged concerning water.

Rosh HaShanah 16a

If judgment of man is on Rosh HaShanah, of what significance is the judgment on the grains, the fruit or

the water? Aren't those factors already included in the judgment of man on Rosh HaShanah? Furthermore, if everything is determined on Rosh HaShanah, why do we *daven* every day for our needs? The Gemara presents a more nuanced approach to the judgment of Rosh HaShanah:

מני מתני' לא ר"מ ולא ר' יהודה ולא ר' יוסי ולא ר' נתן דתניא הכל נידונים בר"ה וגזר דין שלהם נחתם ביוה"כ דברי ר"מ ר' יהודה אומר הכל נידונים בר"ה וגזר דין שלהם נחתם כל אחד ואחד בזמנו בפסח על התבואה בעצרת על פירות האילן בחג נידונים על המים ואדם נידון בר"ה וגזר דין שלו נחתם ביוה"כ ר' יוסי אומר אדם נידון בכל יום שנאמר ותפקדנו לבקרים רבי נתן אומר אדם נידון בכל שעה שנא' לרגעים תבחננו ... א"ר יוסף כמאן מצלין האידינא אקצירי ואמריעי כמאן כר' יוסי ואיבעית אימא לעולם כרבנן וכדר' יצחק דא"ר יצחק יפה צעקה לאדם בין קודם גזר דין בין לאחר גזר דין.

Who does the Mishna follow? Not R. Meir, not R. Yehuda, not R. Yosi and not R. Nasan, as it was taught: Everyone is judged on Rosh HaShanah, and their verdict is sealed on Yom Kippur—these are the words of R. Meir. R. Yehuda says: Everyone is judged on Rosh HaShanah, and their verdict is sealed at its appropriate time—on Pesach for grain, on Shavuot for fruits of the tree, on Sukkot for water, and a person is judged on Rosh HaShanah and his verdict is sealed on Yom Kippur. R. Yosi says: A person is judged every day, as it says, “You examine him every morning.” R. Nasan says: A person is judged every hour, as it says, “You test him moment by moment.” ... Rav Yosef says: According to which opinion do we pray every day for the sickle-wielders and the weak animals (i.e. for material success)? According to R. Yosi (who says that the judgment is each day). You could also say that we do this according to all the other rabbis based on Rabbi Yitzchak—for Rabbi Yitzchak says: “Prayer is

effective for a person whether before the verdict or after the verdict.”

Rosh HaShanah 16a

There are several opinions among the Tannaim (rabbis of the Mishnaic period) as to what the judgment of Rosh HaShanah encompasses. R. Meir, R. Yosi and R. Nasan don't distinguish between the judgment of man and the judgment on grain, fruit and water. R. Yehuda and the author of our Mishna (whom the Gemara identifies as R. Yishmael) do make this distinction.

How does this shape our perspective? Some Rishonim (medieval scholars) note that our liturgy seems to follow R. Meir's opinion. This can be seen from a passage in the introduction to *Zichronos*, which dates back to the time of the Amoraim (rabbis of the Gemara):

זה היום תחלת מעשיך זכרון ליום ראשון כי חק לישראל הוא משפט לאלקי יעקב. ועל המדינות בו יאמר איזו לחרב ואיזו לשלום איזו לרעב ואיזו לשובע.

This is the day commemorating the beginning of your work, a remembrance of the first day, “For it is a statute for Israel, an ordinance of the God of Jacob.” And on the countries it is stated (on Rosh HaShanah), which are destined for war, and which are destined for peace, which are destined for hunger, and which are destined for satiety.

The prayer's reference to Rosh HaShanah as the day of judgment on hunger and satiety indicates that all matters relating to a person's livelihood are determined on Rosh HaShanah. Nevertheless, some Rishonim follow the Mishna and suggest that there is no conflict between stating that man is judged completely on Rosh HaShanah while also recognizing that the judgment on grain, fruit and water takes places at other periods throughout the year. We will present three approaches among the

Rishonim.

First, Rabbeinu Nissim, *Rosh HaShanah* 3a, s.v. *Masnisan*, writes that the judgments on Pesach, Shavuot and Sukkot are a global determinant of how much grain, fruit and water will be produced over the course of the year. The specific allocation of who those resources go to is determined on Rosh HaShanah. There may be a global shortage on wheat, but certain individuals and certain countries have a surplus. In a certain year, weather patterns may cause an abundance of rain, but rain doesn't fall in certain areas.

Second, Ritva, *Rosh HaShanah* 16a, s.v. *Masnisan*, quotes the opinion of Rabbeinu Tam that the judgment on grains, fruit and water happen throughout the year. However, a wheat farmer's ultimate judgment does not come from how much wheat he is able to harvest. Farmer A may have had a very successful year with grains. However, because farmer A's expenses both on the farm and in his home are greater, his income after expenses is less than that of farmer B, who had a mediocre year. The judgment of Rosh HaShanah is on a person's net income. This judgment will factor in the revenue from his judgment on Pesach, Shavuot and Sukkot, and increase or diminish other revenues and expenses accordingly.

Third, Ramban in his *Derasha L'Rosh HaShanah* (and Ritva op. cit), notes that our liturgy indicates that our only judgment is on Rosh HaShanah, following R. Meir's opinion. What happens on Pesach, Shavuot and Sukkot? The Almighty created opportunities to receive merits toward next Rosh HaShanah's judgment on grain, fruit and water. Those opportunities exist on Pesach, Shavuot and Sukkot.

The Judgment on Income and Expenses

The Rishonim don't explicitly discuss how this Mishna applies to a non-agricultural society. It is possible that the Mishna's reference to grains, fruit and water is indicative of three general categories in which we can categorize all goods and services. Alternatively, it is possible that all sectors that don't relate to grains, fruit or water are judged on Rosh HaShanah. Grain, fruit and water serve as exceptions to the rule.

While both Rabbeinu Nissim and Rabbeinu Tam accept the fact that there is a judgment on grain, fruit and water at other times in the year, they differ on how it impacts the judgment on personal finances. Rabbeinu Nissim is of the opinion that the judgments on grain, fruit and water don't necessarily affect personal finances directly. Rabbeinu Tam is of the opinion that there is a direct correlation between these judgments. The difference between these two approaches plays out most significantly in how to understand the following two passages in the Gemara:

תני רב תחליפא אחוה דרבנאי חוזא כל מזונותיו של אדם קצובים לו מראש השנה ועד יום הכפורים חוץ מהוצאת שבתות והוצאת יום טוב והוצאת בניו לתלמוד תורה שאם פחת פוחתין לו ואם הוסיף מוסיפין לו.

Rabbi Tachlifa, the brother of Ravina of Hozai, taught: All of a person's sustenance is determined for him from Rosh HaShanah until Yom Kippur, except for the expenses of Shabbos, the expenses of Festivals, and the expenses for his children's Torah education. If he reduces [his spending on these], they reduce [his sustenance], and if he increases [his spending], they increase [it] for him.

Beitzah 16a

דרש ר"י ברבי שלום כשם שמזונותיו של אדם

קצובין לו מראש השנה כך חסרונותיו של אדם קצובין לו מראש השנה.

Rabbi Yehuda the son of Rabbi Shalom taught: Just as a person's sustenance is determined for him on Rosh HaShanah, so too are his losses determined for him on Rosh HaShanah.

Bava Basra 10a

According to these two passages, both income (*mezonosav*) and expenses (*chesronosav*) are determined on Rosh HaShanah (with the exception of certain expenses). Ramban cites the second passage as proof to his position that *all* judgments take place on Rosh HaShanah. These passages do not present any difficulty for the approach of Rabbeinu Nissim. In fact, they seem to reinforce the idea that personal judgments take place on Rosh HaShanah on all matters relating to income and expenses. Only global resources are judged at other periods of the year. However, we must question how Rabbeinu Tam understands these passages. According to Rabbeinu Tam, expenses seem to be the key component of the judgment of Rosh HaShanah. The judgment on how much we will earn is determined through the judgments throughout the year on grain, fruit and water. If so, why do these two passages place a specific stress on the determination of income on Rosh HaShanah?

It's possible that Rabbeinu Tam is of the opinion that the judgment on income that does not relate to agriculture takes place on Rosh HaShanah, and these two passages refer to non-agricultural income. Alternatively, *mezonosav* does not necessarily mean income. Rather it can be interpreted as income minus basic day-to-day expenses (food, clothing, shelter, car insurance, gas, etc.). As such, *chesronosav* does not mean expenses, but rather

unexpected losses. According to this interpretation, regular expenses are included in *mezonosav* and losses such as stolen property, property damage and unexpected medical expenses are included in *chesronosav*. Both *mezonosav* and *chesronosav* play an important role in the judgment that takes place on Rosh HaShanah. This would also explain why the first passage includes expenses for Shabbos and Yom Tov in the broader category of *mezonosav* and not *chesronosav*—they are regular expenses, not losses or unexpected expenses.

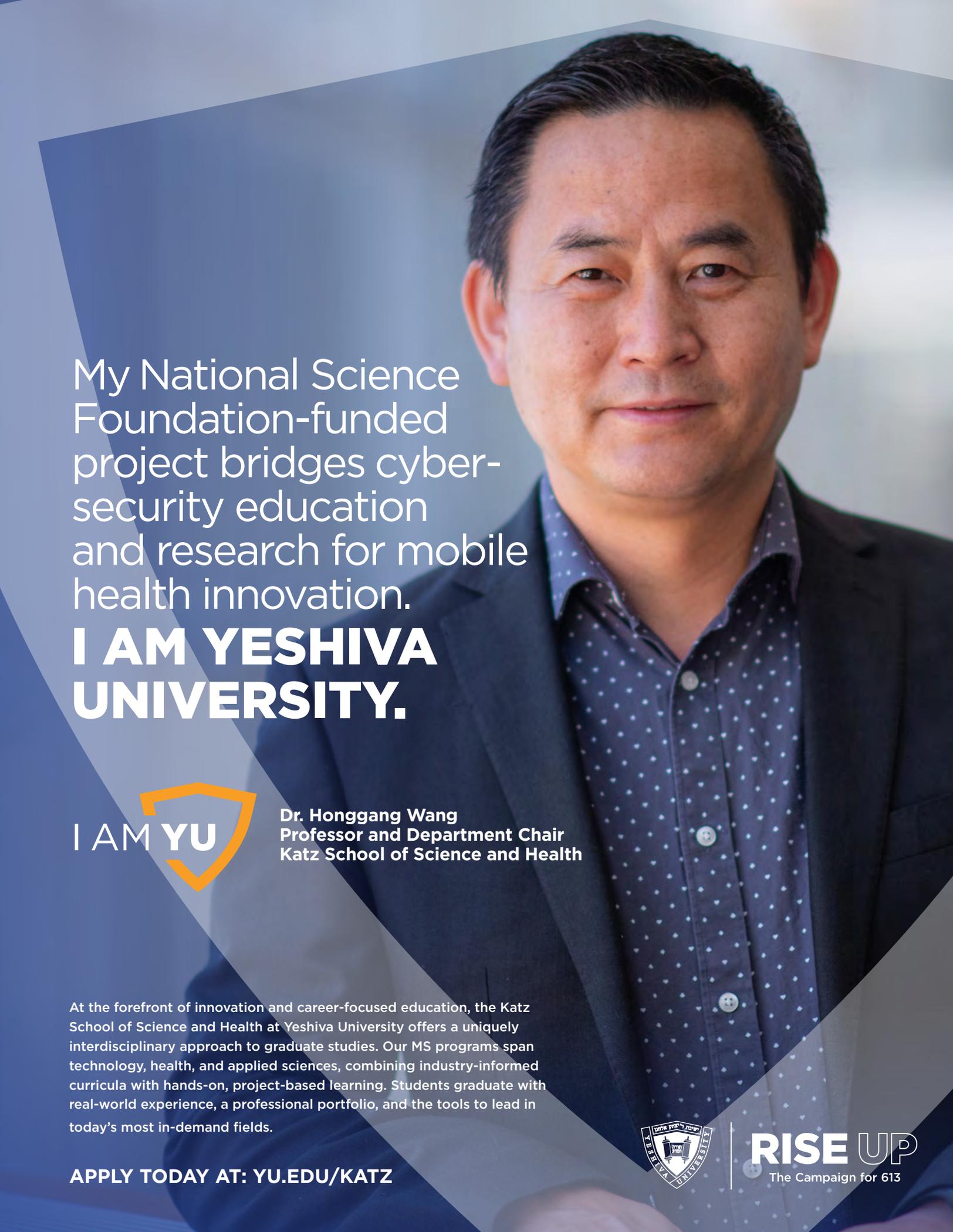
Applying Rosh HaShanah's Judgment to Daily Life

We aren't privy to the "budget" that the Heavenly Court has determined for us. If that's the case, what practical difference does Rosh HaShanah's judgment on our personal finances make? Furthermore, what does it mean that the expenses for Shabbos, Yom Tov and Jewish education are not included? Is there an unlimited fund that covers these expenses no matter what assets are in a person's possession?

Rashi provides us with an explanation:

כל מזונותיו של אדם - כל מה שעתיד להשתכר בשנה שיהא נזון משם קצוב לו וכך ישתכר בשנה זו ויש לו לזוהר מלעשות יציאה מרובה שלא יוסיפו לו שכר למזונות אלא מה שפסקו לו. חוץ מהוצאת שבתות - אותה לא פסקו לו מה ישתכר לצרכה ומהיכן תבואהו אלא לפי מה שרגיל ממציאם לו לשעה או לאחר שעה. פוחתין לו - כלומר ממציאין לו שכר מועט.

All of a person's sustenance: *All profits that he will earn this year in order to sustain himself are fixed. This is how much he will earn this year. And he must be cautious not to spend excessively because he will only be given what was fixed for him. Except for the Expenses of*

A portrait of Dr. Honggang Wang, a middle-aged man with dark hair, wearing a dark blue blazer over a blue patterned button-down shirt. He is looking directly at the camera with a slight smile. The background is a soft, out-of-focus light blue.

My National Science Foundation-funded project bridges cybersecurity education and research for mobile health innovation.

I AM YESHIVA UNIVERSITY.



Dr. Honggang Wang
Professor and Department Chair
Katz School of Science and Health

At the forefront of innovation and career-focused education, the Katz School of Science and Health at Yeshiva University offers a uniquely interdisciplinary approach to graduate studies. Our MS programs span technology, health, and applied sciences, combining industry-informed curricula with hands-on, project-based learning. Students graduate with real-world experience, a professional portfolio, and the tools to lead in today's most in-demand fields.

APPLY TODAY AT: YU.EDU/KATZ



RISE UP
The Campaign for 613

Shabbos: It was not determined what one will earn for those expenditures and where it will come from. Rather, one will be provided with whatever he is accustomed to over time. **They reduce his sustenance:** Meaning, he will make less profit.

Some people are spenders and some people are savers. Spenders worry less about how they will pay for their expenses or if the money they are spending may be needed for an unexpected expense. Savers worry more about these issues and avoid spending in favor of saving for unexpected or future expenses. Rashi is telling us that because we have no idea what the judgment of Rosh HaShanah is, we should be savers rather than spenders. Even if we have a stable job and a steady income, we don't exactly know what was determined for us, and as such we should be conservative with our spending. However, when it comes to expenditures for mitzvos such as Shabbos, Yom Tov and Jewish education, we should not take this approach. We should be spenders.

Does that mean that someone should spend beyond his means on mitzvah expenses? Tosafos, *Beitzah* 15b, s.v. *L'vu*, point out that we shouldn't spend in a way that will cause us to have to receive charity as a result. Furthermore, Tosafos implies that we shouldn't borrow money to pay for mitzvah expenditures if we don't have the means to repay the loan. [The Vilna Gaon's version of Tosafos does allow taking a loan in such a situation. *Mishna Berura*, *Sha'ar HaTziyun* 242:12, writes that this issue should be dealt with on a case-by-case basis. It's also important to note that this discussion is really about mitzvah expenses that involve enhancing the mitzvah. If someone cannot afford to fulfill the basic mitzvah of tefillin or lulav, that is a separate discussion.]

Summary and Closing Thoughts

We began our discussion with the Gemara's fundamental question: if a judgment is already rendered on Rosh HaShanah or during other specific periods, why, then, do we continue to pray throughout the rest of the year? The Gemara's resolution is that despite any prior judgment, we possess the ability to influence the outcome of that judgment. We recite on Rosh HaShanah and Yom Kippur, "repentance, prayer and charity can remove the evil decree." In reality, this formula can be employed even after our judgment is sealed.

If we don't know the outcome of the judgment in advance—and it can still be changed—why does the Talmud, followed by the Rishonim, devote such lengthy discussion as to what is being judged and when? Aren't these answers practically irrelevant? Perhaps the answer is that the goal is to recognize HaShem's divine providence. The discussions surrounding the judgment of Rosh HaShanah are there to give us a slight glimpse into the complexity of divine providence. We may never know our specific verdict, but we understand that divine planning operates on multiple layers simultaneously. Even when a recession strikes the broader economy, some will find unexpected prosperity while others face hardship regardless of general abundance. One family may have difficulty managing on X dollars per month, while their neighbors, who are a comparable size family of similar ages, manage to spend much less.

Chazon Ish, *Emunah U'Vitachon* ch. 2 writes that people mistakenly think that *bitachon* means that we believe that HaShem will make everything work out. In reality, *bitachon* means that we believe that everything that

happens comes from HaShem, whether it is the outcome that we want or not. Based on this, *Chazon Ish* suggests that a person's *bitachon* can be gauged by how he conducts his business. We can't rely on miracles, and therefore, we must put in human effort (*hishtadlus*) in order for HaShem to provide our needs and goals. Someone who understands *bitachon* understands that *hishtadlus* that involves immoral or unethical behavior will not yield a better outcome. A person will not make more money by mistreating employees or harming a competitor. Those are not valid forms of *hishtadlus*.

A similar point can be made regarding the idea that a person's income and expenses are determined on Rosh HaShanah. The rabbis told us this so that our spending habits, which are also a form of *hishtadlus*, reflect Torah values. When we prioritize spending for mitzvos over other non-essentials, it is a form of recognition that HaShem ultimately decides our income and expenses.

Over the Yamim Noraim, we will say many times, "*Avinu Malkeinu kosveinu b'sefer parnasash v'chalkalah*," our Father our King, inscribe us in the book of livelihood and sustenance. We will never find out what is written in this book, but this prayer and all our prayers should reflect our trust in HaShem, recognizing that He provides complex individualized plans for each person. This should guide us to align our efforts with Torah values and to recognize that all outcomes are ultimately in His hands.

If ten's a minyan, what's eleven—chopped liver? Honigman welcomes our 11th attorney in Israel.

**Aaron R. Katz, our most recent
addition to Honigman Law Israel.**



Aaron R. Katz

Capital Markets and Venture Capital

RELEVANT U.S. EXPERIENCE
Greenberg Traurig, LLP

Join our growing community in Israel of U.S. licensed and practicing attorneys who have joined us from Wall Street's most prominent law firms. If you have as least five years of experience at a preeminent U.S. business law firm and are interested in continuing your legal practice from Israel, contact RecruitingHLI@honigman.com.

Amit Roitman

Insurance and Reinsurance Recovery

RELEVANT U.S. EXPERIENCE

Pillsbury Winthrop Shaw Pittman LLP
Blank Rome LLP



Aviv Avnon

Finance

RELEVANT U.S. EXPERIENCE

Davis Polk & Wardwell LLP



Inbar Rauchwerger

Private Equity

RELEVANT U.S. EXPERIENCE

Goodwin Procter LLP



Isaac Pasha

Corporate and Capital Markets

RELEVANT U.S. EXPERIENCE

Kirkland & Ellis LLP



Joshua Gottesman

Investment Funds

RELEVANT U.S. EXPERIENCE

Simpson Thacher & Bartlett LLP
Paul, Weiss, Rifkind, Wharton & Garrison LLP



Mayer Stein

Investment Funds

RELEVANT U.S. EXPERIENCE

Simpson Thacher & Bartlett LLP



Michael Rosenberg

Capital Markets and Venture Capital

RELEVANT U.S. EXPERIENCE

Latham & Watkins LLP
Goodwin Procter LLP



Oron Eli

Private Equity

RELEVANT U.S. EXPERIENCE

Paul, Weiss, Rifkind, Wharton & Garrison LLP



Rachel Rhodes

Capital Markets and Venture Capital

RELEVANT U.S. EXPERIENCE

Pillsbury Winthrop Shaw Pittman LLP
Fried, Frank, Harris, Shriver & Jacobson LLP



Sam Katz

Investment Funds and Capital Markets

RELEVANT U.S. EXPERIENCE

Dechert LLP



HONIGMAN LAW

ISRAEL

A SUBSIDIARY OF HONIGMAN LLP

honigman.com/HonigmanLawIsrael

The Judgment on Earnings and the Judgment on Yearnings



Two Sides of the Coin

They say that money can't buy happiness. Unfortunately, poverty can't buy happiness either. So, what is Judaism's attitude to wealth?

We're often taught Ben Zoma's iconic maxim:

אִיזוֹהוּ עָשִׂיר, הַשְּׂמֵחַ בְּחַלְקוֹ.

Who is rich? One who is happy with what he has.

Avos 4:1

He links his insight to a line in Tehillim 128, "You shall enjoy the fruit of your labours; you shall be happy and you shall prosper." Ben Zoma explains this as happiness in this world, and prosperity in the World to Come. It seems like he's urging us to rise above material wealth—even if our situation is modest, we should strive for contentment and higher aspirations.

Rabbi Meir offers an alternative viewpoint:

אִיזוֹהוּ עָשִׂיר כֹּל שֵׂישׁ לוֹ נַחַת רוּחַ בְּעַשְׂרוֹ.

Who is wealthy? One who has peace of mind from his wealth.

Shabbos 25b

He acknowledges Ben Zoma's message, yet also highlights that financial success may, too, come with burdens. Ironically, often the highest earner feels the same strains as those earning far less. Both can feel the weight of constant pressure: unstable work-life balance, stress-induced health issues, fear of financial collapse. When stress hits a breaking point, how do our prayers differ?

Someone struggling financially might simply pray:

"Ribono shel Olam, please don't let my boss fire me, and don't let the landlord raise my rent. Thank You."



Shira Jackson

United Synagogue Educator, UK

The high-net-wealth individual's prayer may take on a more complicated form: *"Ribono shel Olam, give me insight to navigate these merger talks. Help me hold our share price steady—ideally above \$45 after the announcement. Grant me strategic clarity ahead of our Q4 earnings call. Give me wisdom in boardroom politics—two directors are clashing. Shower me with courage to restructure without damaging team morale. Amein, kein yehi ratzon."*

Different wording, but the same root concern: Please give me security. Please let me breathe. Both genuinely realise that Hakadosh Baruch Hu is running the show, and that they are reliant on Him. But are we meant to daven for money? It feels so crass. Would Ben Zoma have davened Bareich Aleinu three times a day in the Amidah, asking Hashem to bless his produce, or would he have had ambivalent feelings about such a prayer?

If you want ambivalence, look at this story about Ben Zoma (*Berachos* 58a). Ben Zoma had a special bracha, that he composed himself, for when he saw many Jews together. He blessed Hashem, *Shebara kol eilu l'shamsheini*, “Who created all these people to serve me.” To serve him, Ben Zoma!

He explains that Adam had to work so hard just to eat some bread; he ploughed, sowed, reaped, sheaved, threshed, winnowed, ground the grain into flour, sifted, kneaded, and baked and only thereafter he ate. Whereas he, Ben Zoma, just wakes up and finds it prepared for him.

Similarly, when Adam needed clothes, he sheared, laundered, combed, spun and wove, in order to have something to wear. Whereas he, on the other hand, wakes up and finds these ready in his home, thanks to merchants and craftsmen who come directly to his door.

Why do all these people come to the door of Ben Zoma? Rashi says simply: “*ashir haya*”—He was wealthy!

The same Ben Zoma who taught us *eizehu ashir hasameach b'chelko*—that real wealth comes from appreciating what you have ... lived in abundance. It's the kind of revelation that makes you want to rewrite your whole childhood.

We've quoted that teaching to our

children and etched it into our moral compasses—all under the assumption that it came from someone living a humble, meagre existence. But here he is, in an “ivory tower,” telling us not to be greedy while watching a steady stream of traders deliver goods—making us feel guilty for being too entrenched in our *gashmius*, when we fervently pray for *parnasah*. Doesn't that sound like a bit of a chutzpa?! Rest assured, Ben Zoma was indeed a holy and wise man, as we all initially assumed, so let's now explore what he really meant by his statement regarding wealth.

There's a page in both the Rosh Hashana and Yom Kippur Machzor that always feels like a trick. During *Kedusha* in *Chazaras Ha'Shatz* of Mussaf, Kabbalistic teachings give the congregation three options of what to pray for. In grey box number 1 there's a prayer for righteous children, box number 2 will grant Divine inspiration, whilst box number 3 is for *parnasah*. Decisions, decisions.

I always think of Shlomo HaMelech in this moment, when Hashem offered to grant him any wish. Shlomo asked for a *lev shomea*—an understanding heart to lead His people.

Hashem was so pleased:

וַיֹּאמֶר אֱלֹקִים אֵלָיו יְעֹן אֲשֶׁר שָׁאַלְתָּ אֶת הַדָּבָר
הַזֶּה וְלֹא שָׁאַלְתָּ לְךָ יָמִים רַבִּים וְלֹא שָׁאַלְתָּ לְךָ
עֹשֶׁר וְלֹא שָׁאַלְתָּ נָפֶשׁ אִבְיָדָה וְשָׁאַלְתָּ לְךָ הַבֵּינָה
לְשִׁמּוֹעַ מִשְׁפָּט. הִנֵּה עָשִׂיתִי כַדְבָרֶיךָ הַנֵּה נִתְּתִי
לְךָ לֵב חָכָם וְנִבּוֹן אֲשֶׁר כְּמוֹךָ לֹא הָיָה לְפָנֶיךָ
וְאֶחָדֶיךָ לֹא יִקּוּם כְּמוֹךָ. וְגַם אֲשֶׁר לֹא שָׁאַלְתָּ
נִתְּתִי לְךָ גַּם עֹשֶׁר גַּם כְּבוֹד אֲשֶׁר לֹא הָיָה כְּמוֹךָ
אִישׁ בְּמַלְכִים כָּל יְמֵיךָ. וְאִם תִּלְךָ בַדְרָכִי לְשִׁמּוֹר
חֻקֵי וּמִצְוֹתַי כַּאֲשֶׁר הִלַּךְ דָּוִד אָבִיךָ וְהִאֲרַכְתִּי
אֶת יְמֵיךָ.

And God said to him, “Because you asked for this—you did not ask for long life, you did not ask for riches, you did not ask for

the life of your enemies, but you asked for discernment in dispensing justice—I now do as you have spoken. I grant you a wise and discerning mind; there has never been anyone like you before, nor will anyone like you arise again. And I also grant you what you did not ask for—both riches and glory all your life—the like of which no king has ever had. And I will further grant you long life, if you will walk in My ways and observe My laws and commandments, as did your father David.”

Kings I 3:11-14

So obviously Hashem doesn't want me to ask for *parnasah* directly and I should choose Box 1. If Hashem gives me righteous children, maybe He'll throw in the *parnasah* I need to feed them, and Divine inspiration to raise them well.

I feel sure I'm meant to hack the Divine system, so to speak, as it would be so inappropriate to ask for *parnasah* on a holy day like this. Surely, I should be having loftier thoughts—choose the higher value options, and trust Hashem to deliver the rest.

Which begs the question, why are so many of our *tefillos* for *parnasah*?

אָבִינוּ מִלְכֵנוּ כְּתִבְנוּ בְּסֵפֶר פְּרִנְסָה וְכִלְכָּלָהּ.
Our father, our King, write us in the book of sustenance and support.

In *Avinu Malkeinu*, we ask to be written in the book of sustenance and support. There's even an additional *Yehi Ratzon* there for *parnasah* too. In *Ma'ariv* we recite *Tehillim* 24, *l'Dovid Mizmor*, which promises prosperity, followed by yet another *Yehi Ratzon* for *parnasah*. Why this focus on *parnasah*, when we all know deep down that this should not be our main priority?

Maybe the answer is exactly the point Ben Zoma was trying to make. Living in an “ivory tower” gives him a unique vantage point. He is saying, from his perspective as a wealthy person, that it's

important to be happy with what you have. It seems that the great equaliser, wherever you are on the economic scale, is that you will always want more. A poor person tells himself that when he has simply paid off all his debts, he will be happy, and a rich man tells himself that when he makes his next million, he will be happy. Money is also our greatest source of worry; a poor person worries where his next meal is coming from, and a rich person worries that he might be about to lose everything. Ben Zoma has clearly worked hard on himself, to develop his attitude to the point where he will simply be happy with what he has, whatever life brings, whether wealthy or poor. He sees that he is currently blessed, that he's able to focus on "being Ben Zoma," spending his time on his *ruchnius*, because at this point in his life, his *gashmius* is taken care of.

In the Mussaf *Amida* on Rosh Hashanah, we say:

כִּי זָכַר כָּל הַיְצוּר לְפָנֶיךָ בָּא. מַעֲשֵׂה אִישׁ וּפְקֻדָּתוֹ.

For the remembrance of all that is formed comes before You: the actions of man and his purpose.

Do our actions match our purpose? Does your calendar reflect your mission—or does it rather reflect the tasks that help you survive? And who even has time to think about their *tafkid*—their soul's calling—when you're buried beneath obligations?

You were created with a purpose no one else in history can fulfill. On Rosh Hashanah—the birthday of humanity—we recall *Sanhedrin* 4:5:

"*Bishvili nivra ha'olam*"—"The world was created for me."

You are unique. There are things only you can do. Things your soul was

designed to achieve.

Ask yourself honestly:

If you had no financial worries, what would you do differently?

Maybe our prayers for *parnasah* aren't about money at all. They're requests for calm—for space. Not to be rich, but to stop worrying. Not about greed, but freedom. To live with clarity. To think beyond survival. The ability to act on what truly matters. To parent more calmly, serve your community more fully, be physically and emotionally present.

Our tefillos are an attempt to make a deal:

Hashem, if You settle my finances, I'll show up—spiritually, emotionally, and actively—to do the work I'm uniquely created to do.

We're not here to fill out spreadsheets or chase corporate targets. We're here to fulfil a Divine purpose. We just need the time and headspace to do the meaningful things we really want to focus our energies on.

So, is wealth a *bracha* or a *nisayon*? There are of course two sides to every coin.

It depends how we relate to wealth. Does it afford you the luxury of doing what needs to be done, like in the case of Ben Zoma—or does it distract you from achieving your higher purpose?

Maybe all our prayers for *parnasah* aren't about *having* money—they're about allowing us to stop *thinking* about money. We don't want money to be our focus; we don't want it to be our mental background noise.

We're not asking for extravagance. We're asking Hashem to take over the financial burdens so we can focus on

our *tafkid*, our mission, our reason for being.

Hashem—You be our bank manager. You already know what we need. We're not naming a number. We want to relinquish control.

This *Yamim Noraim*, let's genuinely recalibrate our *ratzon*—our inner will—to reflect that of our Creator. If we show Hashem that our deepest desires are for growth, connection and purpose, surely He will grant us the means to walk that path.

As *Makkos* 10b reminds us:

בְּדֶרֶךְ שְׂאֵדָם רוּצָה לֵילֵךְ בָּהּ מוֹלִיכִין אוֹתָהּ.

In the way a person chooses to go, they are led.

Hashem will lead us there.

Let us respond to Hashem's challenge to us in *Nitzavim*, just read this past Shabbos:

הַחַיִּים וְהַמָּוֶת נִתְּתִי לְפָנֶיךָ, הַבְּרָכָה וְהַקְלָלָה; וּבַחֲרָתָּ בְּחַיִּים...

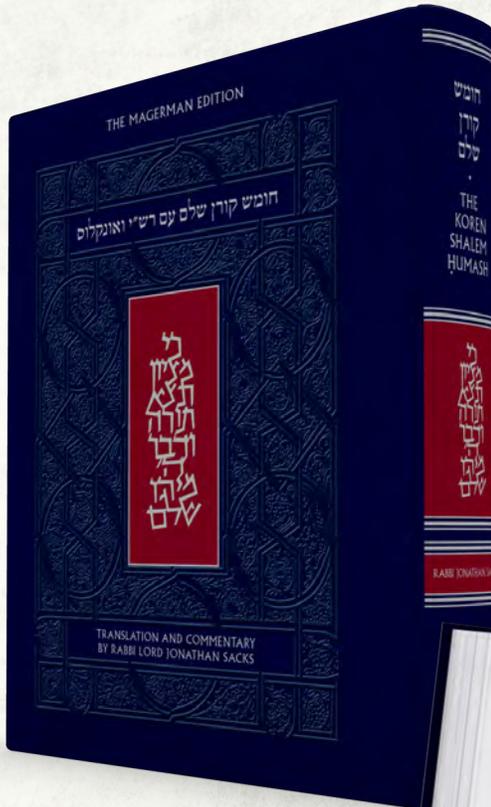
I have set before you, life and death, blessing and curse. Choose life—so that you and your offspring shall live.

Let's tell Him, that once again, we as a community, choose life! Let's pray that we are able to experience wealth as a *bracha* not a *nisayon*, that we view it as a means not an end. Wealth for the sake of meaning. Comfort for the sake of clarity.

May Hashem bless us this year with the freedom to fulfil our unique missions, both as individuals and each as an integral part of Klal Yisrael. We share a miraculous legacy and a purposeful destiny, and we are deeply blessed as we look around us, to know that we always have each other to rely on.

ROOTED IN TRADITION. RELEVANT TODAY.

INTRODUCING THE MAGERMAN EDITION
KOREN SHALEM HUMASH
WITH TRANSLATION AND COMMENTARY
BY RABBI LORD JONATHAN SACKS

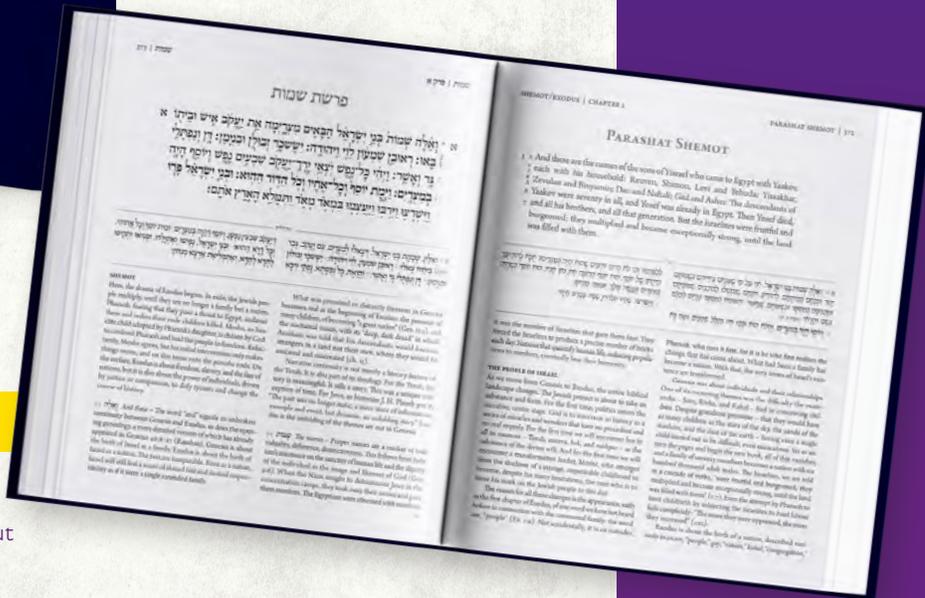


Rabbi Lord Jonathan Sacks illuminated the Jewish world with wisdom that bridged ancient tradition and contemporary thought. The *Koren Shalem Humash* brings his commentary to the center of Torah study and synagogue life, making his teachings more accessible than ever.

The *Koren Shalem Humash* embodies Rabbi Sacks' vision: rooted in tradition, relevant today.

“Torah is a commentary on life, and life is a commentary on Torah.”

RABBI LORD JONATHAN SACKS



FEATURES INCLUDE:

- Clear, readable text in Koren's renowned font and elegant layout
- Complete Targum Onkelos, with a clear distinction between translation and commentary
- Rabbi Sacks' Torah commentary, offering deep insights and contemporary relevance
- Haftarat for all Shabbatot and Haggim, according to major customs
- Rabbi Sacks' modern English translation of the Torah, balancing accuracy and readability
- Fully vocalized and punctuated Rashi text, refined through extensive research of medieval manuscripts for accuracy

Available from korenpub.com or from your local Jewish bookstore

KOREN JERUSALEM

Jonathan Sacks
THE RABBI SACKS LEGACY

**The Judgment
on Earnings and
the Judgment on
Yearnings**



PURSUING vs. ACHIEVING *Happiness*

In 2025, The United States ranked as the wealthiest country in the world, as measured by percentage of total private wealth. This seems to match what we see around us: people living more extravagantly than ever before, surrounded by luxuries that just decades ago would have been unimaginable. We would assume, then, that in the ranking of happiest countries in the world, the U.S. would rank number 1 or 2, or at least within the top 10. However, in the 2025 World Happiness Report, the United States ranked 25th, behind many countries in both North America and Europe. The ranking is based on surveys in which people rate their overall happiness. This feels shocking! We live with more material abundance than ever before, with nearly everything we need and much of what we want. So why aren't we happy?

Rabbi Norman Lamm zt"l began his drasha on Shabbat Chol Hamoed Sukkot 5725 with the following statement: "Ever since the modern era began and the Founding Fathers of this nation proclaimed man's natural

right to the 'pursuit of happiness,' we have been doing just that—pursuing happiness breathlessly, relentlessly, almost fanatically. But happiness has proved to be quite an elusive prize. We have discovered an amazing paradox: the more pursuit, the less happiness!"¹ In the world around us in 2025, we see just that. People constantly entrapped in the pursuit, and never quite seeming to reach the "happiness" that they desire. This phenomenon, though, is not new to 2025, and was not even new in 1964 when Rabbi Lamm spoke of it from the pulpit.

The Book of Kohelet, which we read on Shabbat of Sukkot, begins perek bet with exactly this pursuit, the pursuit of happiness. Kohelet describes how he decided to try accumulating wealth to "taste happiness," but that, too, he found to be futile, as he does with all else:

הַבֵּל הַבְּלִים אָמַר קִהְלֵת הַבֵּל הַבְּלִים הַכֹּל הַבֵּל.

"Vanity of vanities," says Kohelet, "Vanity of vanities, all is vanity."

Kohelet 1:2

Kohelet describes attempting to acquire



Mrs. Emma Katz
Community Programs Coordinator
for the OU Women's Initiative

wine and wealth, build houses, and plant vineyards.

He acquired and amassed everything from slaves to singers. And yet, Kohelet states:

וְכֹל אֲשֶׁר שָׁאַלוּ עֵינַי לֹא אֶצְלֵתִי מֵהֶם לֹא מְנַעְתִּי אֶת לְבַי מִכָּל שְׂמֵחָה כִּי לְבַי שָׂמַח מִכָּל עֲמָלִי וְזֶה הָיָה חֻלְקִי מִכָּל עֲמָלִי וּפְגִימַתִּי אֲנִי בָּקָל מֵעֵשִׂי שֶׁעָשׂוּ יָדַי וּבְעֵמָל שֶׁעָמַלְתִּי לַעֲשׂוֹת וְהִנֵּה הַכֹּל הֵבֵל וְרֵעוּת רֹחַ וְאִין יִתְרוֹן תַּחַת הַשָּׁמַשׁ.

I withheld from my eyes nothing they asked for, and denied myself no enjoyment; rather, I got enjoyment out of all my wealth. And that was all I got out of my

wealth. Then my thoughts turned to all the fortune my hands had built up, to the wealth I had acquired and won—and oh, it was all futile and pursuit of wind; there was no real value under the sun!

Kohelet 2:10-11

The poignant line “rather, I got enjoyment out of all of my wealth. And that was all I got out of my wealth” underscores Rabbi Lamm’s point: accumulating wealth and material possessions does not bring happiness. We can achieve momentary enjoyment and pleasure from wealth, but not lasting happiness.

And with that in mind, Rabbi Lamm directs us to two lessons from the holiday of Sukkot, offering a response to the predicament posed by both Kohelet and the Founding Fathers. He references the Gemara:

דַּתְנִינָא: “כִּי בְּסוּכּוֹת הוֹשַׁבְתִּי אֶת בְּנֵי יִשְׂרָאֵל”,
עֲנִי כְבוֹד הָיָה, דְּבָרֵי רַבִּי אֶלְיָעִזֵּר. רַבִּי עֲקִיבָא
אוֹמֵר: סוּכּוֹת מִמָּשׁ עָשׂוּ לָהֶם.

As it was taught: “For I caused the Children of Israel to dwell in sukkot”—these were Clouds of Glory, these are the words of Rabbi Eliezer. Rabbi Akiva says: They made actual sukkot for themselves.

Sukkah 11b

There is a debate between Rabbi Eliezer and Rabbi Akiva: What was the nature of the “sukkot” that Hashem protected the Jewish people within the desert? Rabbi Eliezer states that the sukkot were really the *ananei hakavod* that Hashem protected the Jewish people with, while Rabbi Akiva states

that Hashem created physical sukkot structures for the Jewish people in the desert. Rabbi Lamm suggests that while they disagree on the physical nature or appearance of the sukkot, they ultimately convey the same central message of the holiday of Sukkot. Rabbi Akiva is stating that Hashem created small huts—literal sukkot—for the Dor Hamidbar, showing the Jewish people that to live, we actually need very little: just a small hut and basic sustenance. And not only can we survive in that situation, we celebrate it yearly with our holiday of happiness, *zman simchateinu!*

Happiness is not born from the material surroundings in which we live, but from the realization that we truly need so little. When we are not constantly yearning for more, we can appreciate and enjoy what we have right now. How, then, does Rabbi Lamm understand Rabbi Eliezer’s approach—that the sukkot refer to the *ananei hakavod*—as conveying this very same idea? Rabbi Lamm suggests that Rabbi Eliezer is extending the message: while we can live with very little physically, spirituality, we cannot subsist on the bare minimum. On Sukkot we are removing the physical, stripping our dwelling places down to the bare bones to remember the way we lived in the desert, surrounded by spirituality rather than physical structures. When we set that simple, physical stage through building our sukkot, and allow it to immerse us in the spiritual experience it inspires, we can experience the true



Scan the QR code above for more shiurim & articles on Kohelet on YUTorah

happiness of *zman simchateinu*.

Rabbi Lamm extends this idea by connecting Sukkot to Yom Kippur, seeing the former as a continuation of the latter. On Yom Kippur we realize that we can exist without food and drink; on Sukkot we extend that lesson to shelter. On both holidays, we remove the comforts of the physical world to push us to a place of immersion in spirituality, to a place in which we celebrate our spiritual connection with Hashem outside of our typical limitations, in a way that shows us how true happiness is achieved.²

Are we really meant to live ascetic lives, separated from physicality, food, shelter and all wealth? That does not seem to be what Judaism indicates for our lives! To gain insight, we can refer back to Sefer Kohelet.

הַבֵּל הַבָּלִים אָמַר קִהְלֵת הַבֵּל הַבָּלִים הַכֹּל הַבֵּל. מִה יִתְרוֹן לְאָדָם בְּכֹל עֲמָלוֹ שִׁיעֵמַל תַּחַת הַשָּׁמַשׁ.

“Vanity of vanities,” says Kohelet, “Vanity of vanities, all is vanity.” What does man gain from all his labor in which he labors under the sun?

If we look to the pasuk we quoted initially, we see Kohelet’s declaration that all is futile. However, there is a detail that is added if one looks at the following pasuk—*tachat hashemesh*. The Torah Temimah (Kohelet 1:3) expands

Happiness is not born from the material surroundings in which we live, but from the realization that we truly need so little.

a statement made in the Gemara:

שיעמל תחת השמש. בעמל שתחת השמש
הוא דאין לו יתרון, אבל בעמל שקודם
השמש יש לו, ואיזו היא – זו העמל בתורה.

Who toils under the sun. It is in the toil that is under the sun that there is no advantage, but in the toil that precedes the sun, there is an advantage. And what is that? This is the toil in Torah.

Shabbat 30b

When we toil in the world, there is no real gain. But when we toil outside the realm of “*tachat hashemesh*,” that is, within the realm of Torah, then there is gain. This speaks to a shift in mindset that can help us weave together the different elements in our exploration of happiness. If we are steeped in the physical nature of this world to the extent that we view the economics of our lives as the final parameters and limitations of what we can acquire and accomplish, then “all is vanity,” because within this mindset we will never find true happiness. Rather, when we recognize that material wealth and physicality are simply one limited area — an ingredient but not the totality of our world—then we can

achieve happiness. If we are able to expand our thinking beyond a “*tachat hashemesh*” mindset—one limited to what is concrete and physically accessible within our lives—then we will be able to actually acquire what is meaningful.

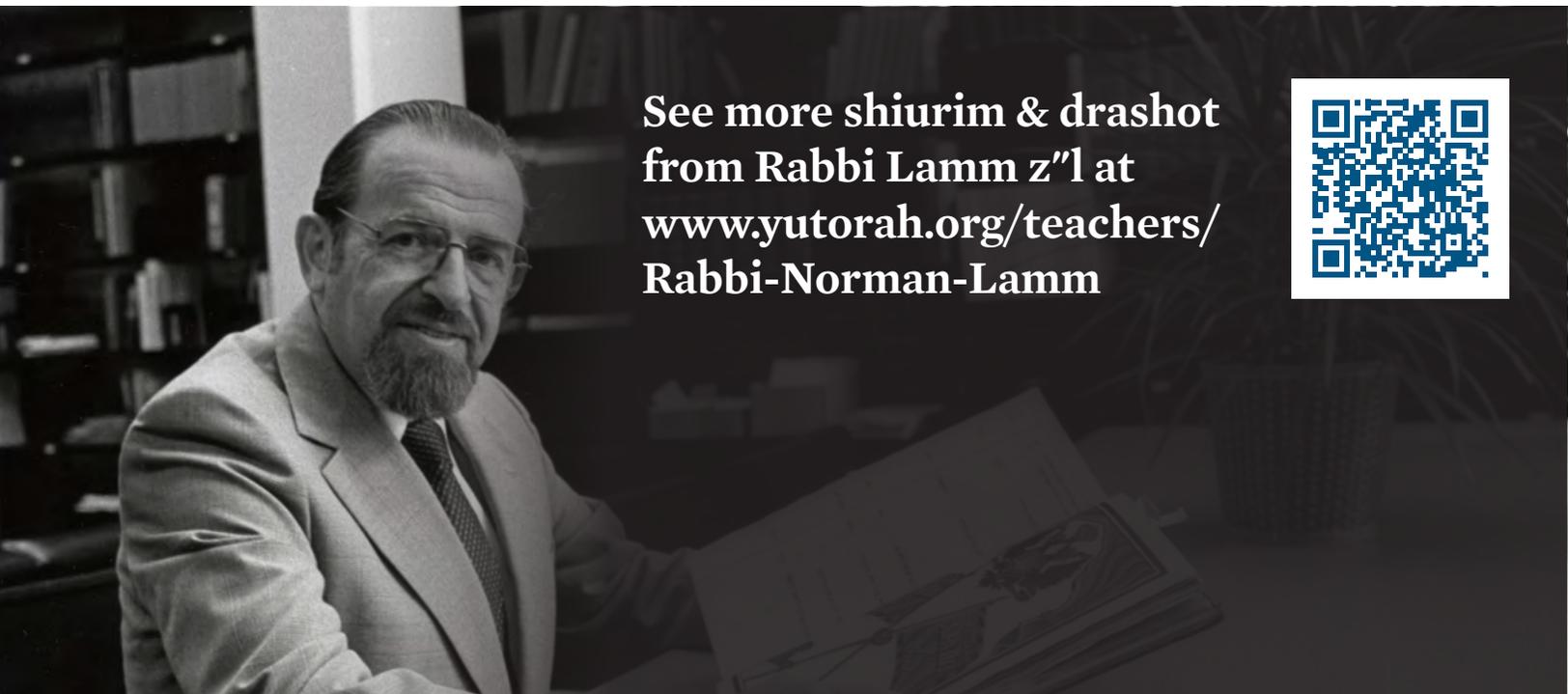
Kohelet—and the message of Sukkot as a whole—teaches us that happiness cannot be tied to what we can accumulate in this world. To remind us of this, and manifest this lesson of Kohelet in our lives, we eliminate food and drink on Yom Kippur, and continue on to eliminate our shelter on Sukkot, and focus on what is left—our spiritual lives and connection to Hashem. We are not meant to learn to live as ascetics, rather to broaden our thinking to what can bring meaning to our lives beyond what we can touch, feel and acquire in a physical sense. This may explain the discrepancy between the happiest and the wealthiest countries—happiness is not determined by wealth and acquisition. As reported by Fox News,³ the Nordic countries that ranked highest in happiness also rank among the top places for expected and

actual return of lost wallets. Happiness is determined by values that speak to more than the national GDP.

May we merit to expand our outlook beyond the limitations of “*tachat hashemesh*,” to the expansive world of Torah. May we feel not only the message of Rabbi Akiva, that we need very little, but the message of Rabbi Eliezer as well, that what we do not need in the world of material wealth, we need, and receive, in the realm of spirituality. And may this feeling of connection to spirituality bring us not to the pursuit, but to the celebration, of happiness.

Endnotes

1. Rabbi Norman Lamm, “What Happiness is Not,” Shabbat Chol Hamoed Drasha, The Jewish Center, September 26, 1964.
2. Rabbi Norman Lamm, “On Doing Without,” 1960.
3. Fox News, “U.S. happiness is at an all-time low, study finds: See which countries rank higher,” March 23, 2025.



See more shiurim & drashot
from Rabbi Lamm z”l at
[www.yutorah.org/teachers/
Rabbi-Norman-Lamm](http://www.yutorah.org/teachers/Rabbi-Norman-Lamm)





Wishing you a
שנה טובה!



COMMANDMENT COMPETITION

MARKET LIMITS IN THE ECONOMY OF MITZVOT

The question of whether *mitzvot* can be understood through the lens of economic principles—as goods to be acquired, traded, or allocated according to market-like mechanisms—strikes at the heart of how we conceptualize religious obligation and spiritual opportunity. In secular contexts, scarcity creates competition, and competition is resolved through various allocation mechanisms: price, negotiation, first-come-first-served, or simple assertion of superior claim. When two individuals desire the same limited resource, whether a piece of property or a business opportunity, the legal and economic systems provide clear frameworks for resolution. The stronger legal claim prevails, the higher bidder succeeds, or the more aggressive party secures the advantage. Yet when the contested resource is not material but spiritual—the opportunity to fulfill a *mitzvah*—these familiar paradigms suddenly appear inadequate, even inappropriate.

The tension becomes particularly acute when we consider that *mitzvot* simultaneously embody both individual obligation and communal value. On one hand, each person bears personal responsibility for his own spiritual development and religious fulfillment, suggesting a legitimate self-interest in securing opportunities for *mitzvah* performance. The accumulated merit, the spiritual elevation, the divine reward—these benefits accrue to the individual who actually performs the commandment, creating what might be termed a "spiritual economy" with clear incentives for personal acquisition. On the other hand, the very nature of religious life demands sensitivity to others, communal harmony, and the awareness that the aggressive pursuit of personal spiritual gain may itself contradict the values that *mitzvot* are meant to cultivate. This fundamental paradox—that the pursuit of spiritual goods through worldly means may undermine the very spirituality being sought—forms the backdrop against which the halakhic authorities have



**Rabbi Daniel Z.
Feldman**

*Sgan Rosh Kollel, Bella & Harry
Wexner Kollel Elyon
Rosh Yeshiva, RIETS
Rabbi, Ohr Saadya, Teaneck, NJ*

grappled with questions of *mitzvah* allocation, prioritization, and the appropriate balance between personal religious ambition and consideration for others.

The balance between the pursuit of *mitzvot*—which often reflects one's religious passion, commitment, and initiative—and sensitivity to the personal and spiritual needs of others requires careful consideration of how core religious values interact with each other.

WHAT DO YOU THINK?

Should we try to teach Torah to others if it will take away from our own learning?

Is it appropriate to fight against letting someone unworthy lead the services on the High Holidays?

If there's only one portion of matzah for two people on Seder night, who gets it?

Can you organize a Torah lecture on a public bus that imposes on other people?

The *Magen Avraham's* principle¹ that “one should not quarrel over any *mitzvah*” has been widely accepted, with the *Arukh HaShulchan*² going so far as to say that a *mitzvah* performed under such circumstances is “not a *mitzvah*.”³ He applies to this the Talmudic statement⁴ that whoever is careful to evaluate his behavior in order to act in the most appropriate way possible “merits seeing the salvation of God.”

R. Bentzion Lichtman,⁵ while questioning the *Magen Avraham's* proof-text, nonetheless upholds the principle in an even more sweeping fashion: such a *mitzvah* would be disqualified as a *mitzvah ha-ba'ah ba'averah*,⁶ as performed through the violation of the transgression of causing *machloket*.⁷ If, as has been noted, this prohibition can override other halakhic obligations, it would certainly have the power to invalidate a *mitzvah* that is pursued through its defiance. As the *Pri Megadim*⁸ notes, this extends even to a mourner wishing to lead the

congregation in prayer, despite the fact that this touches upon the obligation to honor one's parents.⁹

The parameters of the principle were considered further by R. Chaim Sofer (1823-1886) in his *Responsa Machaneh Chaim*. In one responsum,¹⁰ he weighs whether it should matter if an individual has a “*chazakah*” of performing a specific public *mitzvah*, meaning that he has become established as the “owner” of that particular spiritual opportunity. Presumably, to casually allow another to step into that role would betray a deficient appreciation for the religious value involved.

R. Sofer discusses this issue in the context of a sincere questioner who, despite many years as the regular Torah reader on the High Holy Days, was prepared to yield this role to a distinguished and dislocated scholar whose presence (contingent on his being allowed to assume the reading) would be an honor for his town. However, he was gripped by anxiety; perhaps his ceding this role would be considered against him in Heaven, as a dereliction of his duty?

The question reflects the fact that the notion of *chazakah* is expressed in this context as both a right—an entitlement to the spiritual benefits associated with the performance of the *mitzvah*¹¹—and also an obligation, to maintain the standard one has established for himself.

As R. Sofer notes, the idea that one may be held accountable for abandoning a *mitzvah* role that has become associated with him is found in the *Sefer Chasidim*,¹² apparently based on the Talmudic statement that one who is accustomed to attend the synagogue, and yet is absent one day, is sought after by God, with the implication that there will be negative consequences for him if there is no appropriate justification.¹³

The accountability component is recorded by the *Taz*,¹⁴ although he is quick to add that one should not maintain this role through aggressiveness. Curiously, R. Sofer's instinct is to presume that this only refers to the atmosphere at the end of the decision; one is, he assumes, obligated to defend his privilege assertively to get to that stage, lest he be deemed a shirker.

It is difficult to see the basis for this position. He attributes it to the *Taz's* citation, and takes it therefore as an affirmative exception to the *Magen Avraham's* principle, a responsibility to quarrel due to the personal accountability that has developed. However, the *Taz* himself gives no such indication, only the contrary one from his exhortation that aggressiveness must not be involved.¹⁵

R. Sofer's position on this detail is difficult to discern with precision from his responsa on the subject. Nonetheless, his son, R. Yaakov Chaim Sofer, in his commentary *Torat Chaim to Shulchan Arukh*, asserts that it is clear from his father's other writings on the subject that the *Magen Avraham's* principle is followed in all cases. The fundamental ideal of *derakheha darkhei noam*, that the Torah's ways are ways of pleasantness, dominates and reflects the Divine will, and will exceed the value of even a *mitzvah* in which one has a personal obligation.

The Talmudic debate between R. Akiva and Ben Petura—in which R. Akiva asserts the notion of *chayekha kodmim*, (“your life comes first”)—has been extensively analyzed in relation to these questions. R. Yaakov Chaim Sofer, however, alludes to it in the aforementioned comment, and asserts that this principle is inapplicable: while a person might be compelled to prioritize his own survival in matters

of life and death, this is not the way God wishes his commandments to be performed.

The *Chatam Sofer*, in a responsum,¹⁶ rules that if one is involved in personal Torah study, and is approached by another who needs help in teaching a Torah topic or receiving a halakhic ruling, the first individual must interrupt his learning and attend to the needs of the other. In his biblical commentary, the *Chatam Sofer* elaborates: there is, he feels, a tension between R. Akiva's advocacy of self-primacy and the Torah's mandate to love others "as yourself," which the same R. Akiva highlights as a "major principle of the Torah." The *Chatam Sofer* draws a distinction between physical survival, in which one must indeed place his own needs first, and spiritual matters, in which the "loving others" rule dominates. He therefore interprets R. Akiva's statement—that this is a "major principle of the Torah"—as applying specifically in contrast with physical matters. At the same time, he emphasizes the word *kamokha* ("as yourself"): when one extends Torah study to another, it is also considered an act of study for oneself, since both are ultimately sharing in the same spiritual benefit.

A position similar to the *Chatam Sofer's* is expressed by his contemporary R. Eliezer Papo in his *Pele Yoetz*.¹⁷ He warns against the mindset of Torah scholars who refrain from teaching their children or younger students, reasoning that such efforts waste their time, since when they learn on their own they can accomplish so much more in a shorter period of time. R. Papo asserts that one whose intentions are for the sake of Heaven and to please his Creator will not think this way. Rather, he will recognize that helping these individuals grow is preferable to his own involvement in more obscure areas of

Torah—(such as, he notes "the learning of *Negaim* and *Ohalot*").

R. Papo invokes a number of Talmudic values to buttress his point, including a citation from the Jerusalem Talmud (*Sanhedrin* 10:2): "If there are no kid goats, there are no he-goats," i.e., adults exist because the young are encouraged; the notion that reward is granted in proportion to the effort, and the ideal of "love your neighbor as yourself: this is a great principle of the Torah."

Should a *rebbe* or his students have priority in deciding what material to learn? If the rule is "your life comes first" in physical matters, all the more so it should be the case regarding the eternal life of the Torah.

His invocation of this principle seems slightly different than how it is used by the *Chatam Sofer*. Here, it is used to derive a moral principle; just as if he were in need, he would wish that others would pause their own progress in order to help him or his children, thus he must extend the same concern for others (he then proceeds to in detail how this takes on even greater importance if those who would benefit from his assistance are orphans or needy).

R. Moshe Feinstein,¹⁸ addressing the *Chatam Sofer's* responsum (but not the biblical commentary), sharply disagrees, bringing proof from Talmudic texts that one prioritizes his own learning

even over that of his own child, and all the more so over that of a stranger. The primacy principle, he asserts, must apply to *mitzvot* as well, and one who would sacrifice an obligation to allow another to perform it in his stead would be held accountable for its neglect.

The Kozaglover Rav, independently, makes a similar assumption in a responsum¹⁹ addressing the question of whether a *rebbe* or his students should have priority in deciding what material to learn; if the rule is "your life comes first" in physical matters, all the more so it should be the case regarding the eternal life of the Torah, he assumes.

The Maharsham²⁰ invokes the debate as well in discussing a passage in *Massekhet Semakhot* (8:8), which seems to place a heavy burden of responsibility on rabbinic leaders to respond immediately to those who come to them in need. He suggests that this must not reflect the accepted *halakhah*, as it would contradict R. Akiva's principle that "your life comes first"; that is to say, the rabbi's personal needs may prevent him from being immediately available, and that is legitimate.

R. Feinstein does, however, note that this would lead to the conclusion that one should spend no time teaching others, and accordingly recommends that a person should treat his time as he does his money, that is, dedicating a percentage to the service of others, whether that be a tenth, a fifth, or some comparable percentage.

R. Yehudah Cohen²¹ questions R. Feinstein's blanket application of the primacy principle, noting, perhaps along the lines of the *Chatam Sofer's* argument in his biblical commentary, that the original individual is not simply sacrificing himself; he is engaging in the *mitzvah* of *chesed*, of

NO ONE SAVES MORE LIVES IN ISRAEL IN TIMES OF CRISIS.



We can't ensure this Rosh HaShanah will usher in a peaceful year. But with your support, Magen David Adom can continue to be a source of light, hope, and lifesaving care to all Israelis — no matter what 5786 brings.

Support Israel's lifesavers at afmda.org/give or 866.632.2763.



Israel's Emergency Services System

helping others, and thus is indeed enhancing his own spiritual growth. He suggests, tentatively, that perhaps R. Feinstein is assuming his own learning will qualitatively suffer beyond the possibility of recovery, but ultimately leaves the question unresolved.

Returning to the discussion of the *Machaneh Chaim*, in another responsum²² R. Cohen draws a different distinction in R. Akiva's position: while R. Akiva permits preserving one's own survival at the expense of another's, he does not allow one to enjoy a life of luxury while the other dies. Accordingly, he asserts, if one can fulfil a *mitzvah* in a basic sense, and his friend cannot at all, the first one should pass on an opportunity for *hiddur mitzvah* (to enhance the fulfillment with additional details) so that his friend can "survive," i.e. fulfill the basic *mitzvah*. A comparable application, with a slightly different nuance, was made by R. Hillel Posek²³ (1881-1953) of Tel Aviv in response to a similar question. He suggests that in the case of one jug of water in the desert, we follow R. Akiva's view, since there is no middle ground between that and the outcome of both of them dying. However, in this situation it is possible to compromise, with the first individual fulfilling the basic *mitzvah* and also being responsive to the needs of his fellow and sharing with him so he can also fulfill the basic *mitzvah*. In that case, he writes, the view of Ben Petura, which is "filled with humanism and love of people," should prevail.²⁴ However, *Machaneh Chaim* then proceeds to challenge his own initial assumption equating the spiritual with the physical in this context. Concerning physical danger, one is certainly obligated by Torah law to save another from dying. If, by contrast, the other is not facing physical death, but only the "death" of a *mitzvah* opportunity, is this

comparable? Regarding *mitzvot*, the rule is *ones rachmana patrei*— the Torah exempts a person from responsibility when circumstances are beyond his control. He will pay no price for missing this opportunity. This stands in contrast to the desert traveler, who, without the life-saving water, will inevitably perish.

Still, *Machaneh Chaim* notes, the comparison may be restored, because the rule of *ones rachmana patrei* only waives liability; it does not actually grant the individual the spiritual benefit of the *mitzvah* that he is unable to perform. This can only be accomplished through actual execution of the *mitzvah*. Thus, the comparison to the desert traveler is indeed apt; just as he truly needs the water to live, so too this individual truly needs to fulfill the *mitzvah*, and should be assisted in the same way.

In fact, *Machaneh Chaim* goes further than this in a fascinating fashion. His friend, lacking the resources to fulfill the *mitzvah*, would not have received the benefit of the *mitzvah*, but also would not have been held responsible for its neglect. He, however, who does have the resources to help him, does not have that excuse, and therefore he would find himself liable for his friend's inability to perform the *mitzvah* that he indeed could have enabled, and for depriving him of that spiritual benefit.

The above premise leaves the *Machaneh Chaim* with a difficulty. Why should the *Magen Avraham's* principle be accepted? Apparently, to forfeit a *mitzvah*, even with solid basis, leaves a person significantly bereft. Doesn't this indicate that one should, indeed, fight for his chance to actually fulfill a *mitzvah*?

In addressing this important question, *Machaneh Chaim* initially draws a distinction between two types of

mitzvot. If the subject is a communal *mitzvah*, and the fight would be over who receives the privilege, it is understandable why that quarrel should be abandoned. In fact, he notes, the assumption that to assert oneself as preferable to another in the performance of that *mitzvah* would presumably be an act of arrogance, and therefore actually a net negative. However, if the subject is a personal obligation, it would seem that there would be a loss to the individual who cannot fulfill that directive, and arguably the passage in the Talmud was not addressing such cases. And yet, the language of the *Magen Avraham* is absolute: "One should not quarrel over any *mitzvah*"²⁵ It must be, concludes *Machaneh Chaim*, that the principle of *derakheha darkhei noam* ("its ways are ways of pleasantness, and all of its paths are peace," Prov. 3:18) is decisive. Any *mitzvah* attained through strife will be inherently tainted, and no cost-benefit calculation can render such spiritual gain worthwhile. He supports this conclusion through an analysis of the original Talmudic passage. One might have thought, perhaps, that even if a full *mitzvah* was unobtainable, or unlikely, there may still be value in fighting for it; consistent with the logic of *ones rachmana patrei*, even an unsuccessful effort could earn merit. Instead, the message of the passage, with its language praising the refined who "draw back their hands," and labelling those who push forward as *gargarim*, is that the quarrelling is unsavory and a discredit to those who choose that path.

In this way, *Machaneh Chaim* is also addressing those who questioned the relevance of the original Talmudic source, where *kohanim* were offered portions of the *lechem hapanim* too small to share, thus leading to the possibility of fighting. In that case, as

each would only get a small amount, less than the quantity that qualifies for a *mitzvah*, it may be understood that they restrained themselves; perhaps if a complete *mitzvah* was a possibility, they indeed would have asserted themselves.²⁶ His response is that the logic of the position makes it clear that it applies even when a complete *mitzvah* is a possibility.²⁷

After further considering objections and counter objections, he concludes that, prooftexts aside, the *Magen Avraham's* principle is simply consistent with the value of “*derakheha darkhei noam.*” The Rabbis instituted enactments to prevent disputes over communal *mitzvot*—for example, designating the first *aliyah* of the Torah reading for a *kohen*, who is not permitted to relinquish that honor to another, based on a standard that may be perceived as subjective and thus contentious. Do not object, cautions *Machaneh Chaim*, that such concern should be irrelevant since fighting over *mitzvot* is already prohibited; the reality is that not everyone is knowledgeable about the *halakhah*. One might add that even those who are aware of the prohibition remain susceptible to rationalization and to falling short. Further, as the *Torat Chaim* notes, the very existence of the enactment is itself proof that quarrelling is not welcome in the context of *mitzvot*.

Similarly, this is the conclusion found in the *Mishnah Berurah*, that one should not fight over any *mitzvah*. He also writes elsewhere²⁸ that one should not enter into a quarrel even if the result is that the service on Rosh HaShanah or Yom Kippur will be led by an unworthy person. However, it should be clarified, that the subject here is fighting over one's personal opportunity in a *mitzvah* that will take place anyway. If the issue is resistance against a *mitzvah* itself,

and especially on a public level, then fighting that the *mitzvah* should prevail is indeed called for and becomes a matter of *kiddush Hashem*.²⁹

When the question is indeed how to address a personal obligation when resources are limited, for example, if only one portion of *matzah* is available for two people on the first night of Passover, various Talmudic precedents are invoked.

In a responsum, R. Yehudah Ayyash³⁰ turned to the concept of *kol d'alim gvar*—a rule sometimes employed to resolve irresolvable property disputes, which in its literal sense means “the strongest prevails.” In practice, however, the term generally means that the party who can make the strongest legal argument can lay claim to a disputed item. How exactly this concept applies in the present case, though, remains uncertain.

The responsum itself does not provide much clarity. Initially, it refers to the process of the *terumat hadeshen* (removing the ashes from the altar in the Temple), where the rule was that anyone who took the initiative to perform this function earned the role, and if there were many who were interested, it was essentially “first come, first served.” In the case of a tie, the official in charge would conduct a lottery between them.³¹

The *Tiferet Yisrael, Berachot* ch. 4, #2, understands the implications of the *mishnah* considering *terumat hadeshen*

as reinforcing what he regarded as already self-evident: in spiritual matters a person is both entitled and expected to prioritize his own needs, including prayers for spiritual success.

The language implies that this would be the definition of “*kol d'alim gvar*” in this situation. Yet he then distances himself from the comparison, noting that the case at hand concerns not a personal obligation but a communal function. Nonetheless, he returns to the language of *kol d'alim gvar* in his conclusion, leaving its precise meaning here uncertain.

The *Sha'arei Teshuvah* commentary to the *Shulchan Arukh*,³² citing this responsum, notes that it is implausible to assume the scenario involves a jointly owned *matzah* over which the two parties would then quarrel—since the victor would effectively become a thief, thereby invalidating his *mitzvah*. Rather, the subject must be that the *matzah* is currently ownerless and open to the possibility of either one acquiring it first. He assumes here that the rule of self-prioritization extends to spiritual matters as well.³³

As R. Avraham Avidan notes,³⁴ it is unlikely that the parties are advised to fight over the *matzah*, and accordingly it would mean that whichever party legally acquires it first in a peaceful manner also obtains the right to the *mitzvah*.

R. Avidan observes that there is a theory among the early authorities³⁵ regarding *kol d'alim gvar*, which sees it as a path to



See more shiurim and articles from Rabbi Feldman at www.yutorah.org/teachers/Rabbi-Daniel-Z.-Feldman

finding the truth of a disputed matter (in contrast to other interpretations that see it as judicial removal from an intractable situation). This theory posits that the person who is in the right will be motivated to push harder for his position, while that dishonest party will only put forward a half-hearted effort. As such, there is basis to believe that the winner is actually the honest party. He wonders, accordingly, if there may be a parallel theory in allocating spiritual resources. Perhaps *kol d'alim gvar* is an appropriate protocol to determine who receives a *mitzvah* opportunity, and that it reveals which party is more passionate about its potential.

Nonetheless, this approach still appears prone to contention, and thus others recommended that the two parties resolve the matter through some form of lottery system. In particular, R. Raphael Yosef Chazan³⁶ challenged R. Ayyash's responsum on several grounds, chief among them a lack of parallelism with the original textual source. The *mishnah* regarding *terumat hadeshen*, as he notes, actually proceeds to relate that the system was eventually changed to a lottery. The original protocol that allowed individuals to take the initiative was premised, as the Talmud explains, on the fact that there was initially only limited interest in performing this duty. Once there was increased interest, and the possibility of conflict, the lottery system was adopted.

Accordingly, any time there is the possibility of significant quarreling, argues R. Chazan, a lottery system is more appropriate. *Kol d'alim gvar*, he maintains, has no place in the pursuit of spirituality. This is also stated by R. Yaakov Shalom Sofer³⁷ in articulating his father's position. *Kol d'alim gvar* may be the necessary approach for survival in the desert; in matters of spirituality, however,

God rewards the attitude of *derakheha darkhei noam*. This may be combined with the position that *kol d'alim gvar* is in general a poor fit for contemporary temperaments and is no longer a viable strategy, an argument that can be presumed to be at least as applicable to spiritual areas if not more so.³⁸

To expand on this last point, R. Yaakov Reischer proposed a moratorium on the use of *kol d'alim gvar*. He argued that even if, in theory, this method might lead to the truth, such an assumption could only hold where one could be confident that the passion brought to the contest was driven by rectitude. In later generations, he argued, morals have slipped so significantly that it can no longer be assumed that dishonest people will not find equal passion in their efforts. As such, he suggests that a lottery, despite its comparatively lower standing as a probative tool, is preferable for the sake of peace. This rationale, then, would be even more applicable to *mitzvot*, where such considerations are inherent to their fulfillment.

R. Daniel Tirni, in his work *Ikarei HaDat*,³⁹ also takes issue with the ruling of R. Ayyash. His position is premised on the view that while the obligation of eating *matzah* has a minimum threshold to fulfill one's requirement, there is still a *mitzvah* accomplished in eating any amount. Accordingly, this situation poses two choices: one individual asserts himself over the other, performs a complete *mitzvah* with a full measurement of *matzah*, and denies his fellow any spiritual accomplishment whatsoever; or, each takes half of the *matzah*, thus achieving only a partial fulfillment, and facilitates the other having a comparable accomplishment. His instinct here is that the latter is preferable, and will be considered a greater spiritual act.⁴⁰

This position may also impact an unresolved hypothetical posed by R. Pinchas Yustman (in the name of his grandfather) in his work *Sifte Tzadik*.⁴¹ Assuming that the Rabbi Akiva-Ben Petura debate applies to spiritual matters as well, he wonders what would be if the one confronted with the question is not himself in need. Thus, the two people vying for one portion are on equal footing, with the allotment in the hand of a third party. Should he give the entire portion to one of them, so that that one may have a complete *mitzvah*, or split it between the two of them, so each attains some degree of fulfillment. By framing the question this way, he eliminates the advantage ordinarily granted to the item's to the possessor and shifts the focus to whether a *mitzvah* is better fulfilled in its entirety by one person or partially shared among several. R. Aharon Fox⁴² considers the question of one who organizes a Torah lecture on a public bus in a manner that inevitably imposes itself on passengers who may not wish to participate. Acknowledging that the *Shulchan Arukh*⁴³ gives the upper hand to a teacher who wishes to establish a *cheder* in his residence over the objections of his neighbors, due to the importance of Torah teaching and of *mitzvah* performance in general, he nonetheless demurs in this case.

In the cited situation, he argues, the residents merely share a larger living area, and the effect is less direct. If they were actually confined to the same quarters and be directly forced to participate in the lessons, no presumption of consent can be made; this logic should likewise govern the case of the bus.

Adapted from the upcoming expanded version of "The Right and the Good: Jewish Law and Human Relations"

Endnotes

1. *Magen Avraham* 53:26. This principle is attributed earlier to the *Agudah* and the *Resp. Binyamin Ze'ev* (#163); see *Darkhei Moshe, OC* 53:11.
2. *OC* 53:22
3. However, he does add the qualifier that it is a *mitzvah* that "is not incumbent upon him," a point that will be discussed below.
4. *Moed Katan* 5a, per Ps. 50:23
5. *Responsa Bnei Tziyon*, II, pp. 23-24
6. The *Resp. Binyamin Ze'ev*, # 163, one of the sources for the Rama's ruling that is the springboard for the *Magen Avraham's* comment, cites a verse (Ps. 10:3) that in some interpretations has been associated with this concept.
7. Interestingly, *Kli Chemdah*, Deuteronomy, *Ki Tetze*, 11, #5, cites the *Torat Chesed* who maintains that one of the distinctions between interpersonal commandments and ritual commandments is that the former do not create invalidations of *mitzvah ha-ba'ah b'aveirah*; the *Kli Chemdah* himself challenges this.
8. *Mishbetzot Zahav, OC* 53:12
9. See also the *Iggeret HaKodesh* of the *Noam Elimelech*, who applies the principle in reference to not arguing over preferred texts of prayers.
10. Vol. II, 35
11. See *OC* 153:22. R. Sofer deals with this element more explicitly in a different responsum (II, YD, 48) in which he invalidates a *sefer Torah* that was written in contravention of this right.
12. #755
13. *Berachot* 6b; see *Mekor Chesed* to *Sefer Chasidim*.
14. *OC* 581:3
15. Similarly, the paragraph from the *Sefer Chasidim* referenced by the *Taz* (#758) only mentions the exhortation not to be involved in fighting, a subject also mentioned in the following and preceding paragraphs, the latter of which specifically discusses *chazakah* in *mitzvot*.
16. *Choshen Mishpat* 164
17. *Erekh Torah*, #8
18. *Responsa Iggerot Moshe, EH, IV*, 26:4
19. *Responsa Eretz Tzvi*, I, 92
20. *Resp.*, II, 210
21. *Shiurei Leil Shishi*, I, p. 385
22. Vol. III, *OC*, 19
23. *Responsa Hillel Omer, Orach Chaim*, 232
24. The position that one should enable his friend's basic *mitzvah* at the expense of his own *hiddur mitzvah* is stated by the *Magen Avraham* (*OC* 671:1) in the context of the *Mehadrin min ha-mehadrin* application of Chanukah candles. *Resp. Torah L'Shmah*, 182, is unsure about this tradeoff when another individual is involved, but does maintain that one is obligated to sacrifice a *hiddur mitzvah* in order to allow the public an opportunity to fulfill a *mitzvah* they will otherwise miss. R. Shraga Feivel Schnellbag, *Resp. Shraga HaMeir*, III, 11, assumes the *Magen Avraham's* position to be the dominant view, as it is brought in several authoritative codes (*Da'at Torah* 771:2 and *Mishnah Berurah* 6; *Ellyah Rabbah* 658:12). (R. Pinchas Horowitz, *Resp. Pitcha Zuta*, I, 39, raises a technical question.) It is possible, however, to distinguish between Chanukah and other obligations, in that regarding Chanukah, the mandate to publicize the miracle may uniquely indicate that others should be drawn into the fulfillment as a fundamental part of its purpose, which may not necessarily apply to other commitments (see *Minchat Asher, Chanukah*, 7).
25. R. Avraham Avidan, *BeKhol Meodekha*, p. 551, notes that one may object to this conclusion, as the original source for the *Magen Avraham*, the *Responsa Binyamin Ze'ev* (#163), cited in the *Darkhei Moshe*, does qualify the statement, saying one should not fight over "any *mitzvah* such as *gelilah* of the Torah scroll," perhaps suggesting that a personal obligation may not be included. However, one might respond that the *Magen Avraham* is entitled to express his own position through the truncated citation, and is not limited by the original language.
26. This was the question of the *Machatzit HaShekel*, which led to him drawing distinctions in the matter; see also *Meromei Sadeh* to *Yoma*. See also R. Moshe Ginz, in the journal *Tal Talpiyot*, 1901, pp. 232-233.
27. Nonetheless, he does require asserting oneself when one has a personal connection to the *mitzvah*, either because of a *chazakah* or because he has begun its performance, thus obligating himself in its completion.
28. *OC* 581:11
29. See the extensive analysis of his position in *B'khol Meodekha*, pp. 574-577 the discussion about this in R. Elyahu Shlesinger, *Responsa Shoalin U'Dorshin*, X, 76, and see also his collection of instances in which the importance of avoiding quarrelling is emphasized.
30. *Responsa Beit Yehudah*, 58.
31. *Mishnah, Yoma* 22a. Later, a lottery system was instituted to prevent injury.
32. *OC* 482:1
33. He also explains in this vein why Jacob acted to acquire his father's blessings instead of Esau. See also *Otzar Pila'ot HaTorah: Haggadah Shel Pesach*, pp. 502-505, and *B'Khol Me'odekha*, p. 562, n. 60.
34. *B'Khol Meodekha*, pp. 560-561.
35. See, for example, *Rosh, Bava Metzvia* 1:1.
36. *Responsa Chikrei Lev*, I, 90.
37. *Torat Chaim, OC* 53:21
38. See *B'Khol Meodekha* p. 563 n. 61
39. *Orach Chaim* I, 19:13. The title is partially an acronym representing "Ikarei Halakhot – Daniel Tirni."
40. It should be noted that he terms eating the full measurement a *mitzvah min ha-muvchar*, in contrast with the "mitzvah" of a smaller amount. Apart from the general controversy over the spiritual value of amounts below the threshold of obligation fulfillment, it is imaginable that one may take issue with his formulation of *mitzvah min ha-muvchar*, which generally connotes an ideal, supererogatory fulfillment to describe the basic obligation.
41. *Behar*, #34
42. *Responsa Minchat Aharon*, 172
43. *CM* 156:3, based on *Bava Batra* 21a and *Responsa Ritva*, 27

LAW'S LIMITS

PENUMBRAS, EMANATIONS, & SUPEREROGATION

Penumbras and Emanations

When the Supreme Court recognized the constitutional right to privacy in *Griswold v. Connecticut*, it acknowledged that the constitution did not explicitly state such a right. The court argued, however, that the right to privacy can be inferred from other protections enumerated in the constitution.

Writing for the majority, Justice Douglas reasoned that the “specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance.” A general right to privacy can be derived from the specific protections the constitution does provide.

From the enumerated rights of the constitution protecting the privacy of individuals from the state—the First Amendment’s right of association, the Third Amendment’s prohibition against quartering soldiers “in any house”

in peacetime without the consent of the owner, the Fourth Amendment’s affirmation of the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and the Fifth Amendment’s right against self-incrimination—it can be inferred that the constitution protects a general right to privacy, the majority argued. In other words, a general right to privacy is created by the emanations and penumbras formed by the specific guarantees of the constitution.

Justice Black, in his dissent, criticized the court’s inference as jurisprudentially invalid. “I like my privacy as well as the next one,” he wrote, “but I am nevertheless compelled to admit that government has a right to invade it unless prohibited by some specific constitutional provision.” The constitution must explicitly legislate the right, otherwise it is not constitutionally protected.

Some legal theorists have ridiculed the idea of penumbras and emanations,



dismissing it as a tool for judicial activism, smokescreens behind which judges smuggle in their personal views and ideologies.¹

The jurisprudential debate at the heart of *Griswold* turns on the nature of law. Does the law command only that which it explicitly states, that which falls within its narrow semantic meaning? Or does it include those prescriptions conceptually and morally intertwined with the immediate command it legislates?

Take an example. If I command my son not to hit his sister, is he permitted to flick her or kick her? Are these activities proscribed as emanations from my command forbidding hitting? Do they fall within its legal penumbra?

Ramban's Theory of Legal Content

If we are to take our cue from the jurisprudence of Jewish law, it should be noted that Ramban consistently holds that the commands of Jewish law issue forth with emanations and penumbras, legislating broadly, pressing beyond the contours of the command's narrow meaning. Ramban understands the verse in Devarim (6:18), "you shall do the right and good," to be conveying exactly this point:

"You shall do the right and good... previously the verse stated that you shall keep the law that he explicitly commanded you, and now the verse states that you shall do the right and good even regarding that which he has not explicitly commanded you... And this is a major principle. For it is impossible for the Torah to address every facet of man's interactions with his fellow and neighbor and every type of business dealing or social ordinance. Instead, it addresses a few specific paradigm cases such as "you shall not go about slandering," "you shall not

*take vengeance," "you shall not harbor a grudge," "do not stand by while your neighbor's life is in danger," "do not curse the deaf," "stand up for the elderly," and the like. After which the Torah states more generally that you should do the right and the good in all things, until you should submit yourself to obey beyond what the law has [explicitly] decreed."*²

Here Ramban articulates two key points. The first is the limits of law. It is not possible for a legal code to enumerate every detail of human interaction and legislate for every possible eventuality.

The second is a hermeneutic for legal interpretation. Law commands specific cases, but the particular cases do not exhaust the law's content. The cases are designed to serve as exemplars of paradigm rules, from which we are to infer general principles of proper conduct. We are then tasked with applying the general principles to cases beyond those explicitly legislated in the Torah.

Ramban advances a similar thesis in his commentary to Vayikra (19:2), on the verse "you shall be holy." The Torah prohibits certain sexual relationships and forbids consumption of certain foodstuffs. Yet there is plenty of room to indulge in sexual pleasures and gluttonous consumption without violating the letter of these commands.

Ramban argues that we are to infer from the legislated, prohibited instances a general principle to limit gratification of the flesh. The commands of *arayot* and *ma'akhalot asurot* cast shadows beyond the boundary of their immediate objects.³

Ramban discerns the same principle at work in the verse (Vayikra 23:24) commanding that Shabbat and the holidays should be days of "cessation" (*"shabbaton"*). It is of course true that the Torah prohibits thirty-nine categories of labor (*melakhot*). But Ramban observes that it is quite possible to engage in business as usual without violating the letter of any one of these prohibited categories. Therefore, we are instructed to infer from the particular categories of prohibited labor the general principle that Shabbat should be a day of cessation from business and labor—even those forms not proscribed explicitly by the thirty-nine categories of *melakha*.

Ramban's theory of legal content concurs with the court's reasoning in *Griswold*. The content of the law is not exhausted by the semantic meaning of its proclamations. Nor is it limited to the specific cases explicitly legislated. Ramban himself emphasizes that all three of these cases—"you shall be holy," "you shall do the right and good," and *"shabbaton"*—reflect the same underlying jurisprudential principle.⁴



**See more shiurim
from the Beth Din of
America on YUTorah**



Two Dimensions of Law

The idea that law creates obligations beyond the letter of its stated norms is no quirk of Ramban's jurisprudence. It is a bedrock principle of *halakha*. The Talmud teaches that legal norms command behavior beyond their proclaimed perimeter. In *Bava Metziah* (30b), the gemara recognizes two dimensions of law: *din* and *lifnim mi-shurat ha-din*.

Din denotes the well-defined rights and entitlements fixed by a basic conception of justice. *Din* defines the most basic elements of rights and wrongs, property entitlements, tort liabilities, responsibility and accountability, and juridical obligations. It distributes the most fundamental entitlements and protections of basic justice, defining what's mine and thine. It creates the sphere of legal freedoms that each person can rely on to navigate their way through civil society. And it carves the common expectations that each member can depend upon for consistent judicial enforcement.

Lifnim mi-shurat ha-din, as the metaphor suggests, refers to the legal norms that derive from *din* but which extend, expand, and modify the legal parameters and contours carved by it. The category is best illustrated by unpacking the metaphor contained in the meaning of the phrase itself: *lifnim mi-shurat ha-din*. Law attempts to legislate with bright lines and clear boundaries. Consider a law that commands, "it is prohibited to operate a motor vehicle with a blood alcohol concentration (BAC) of 0.08% or higher." The law sets a clear line (*shurat ha-din*) for the prohibition. *Lifnim mi-shurat ha-din* would refer to a derivative legal norm modifying the line drawn by *din*, say a norm not to

drive buzzed (with a BAC even below the legal standard). Even where the law defines drunk driving at 0.08% and prohibits it, we find substantial campaigns by law enforcement to deter any form of driving under the influence. "Buzzed driving is drunk driving", the U.S. Department of Transportation's campaign declares, and it makes a point of documenting the fatalities caused by drivers with a BAC below 0.08%.⁵

Legal Obligation, not Supererogation

It is sometimes said that *din* refers to legally enforceable obligations while *lifnim mi-shurat ha-din* refers to unenforceable moral piety; that *din* denotes obligation but *lifnim mi-shurat ha-din* supererogation; that *din* picks out duty while *lifnim mi-shurat ha-din* picks out what is above and beyond duty. This distinction is problematic for several reasons, not least of which is the fact that a prominent group of *rishonim* and *poskim* all hold that *lifnim mi-shurat ha-din* obligations are legally enforceable and coercible in court.⁶ If courts can enforce *lifnim mi-shurat ha-din*, what distinguishes *din* from *lifnim mi-shurat ha-din*? As R. Aharon Lichtenstein puts it, "if *lifnim mi-shurat ha-din* is indeed obligatory as an internal aspect of Halakhah, in what sense is it suprallegal?"⁷

The best way to make sense of the distinction, I believe, is to acknowledge that both *din* and *lifnim mi-shurat ha-din* are law; both refer to legal obligations, and both are crucial parts of our legal system.⁸ That's why both are enforceable in courts of law.⁹ The difference between the categories lies, primarily, in how the legal norms are legislated and how they interact with and govern the facts at issue.

Din legislates through fixed, rigid, decisive, sweeping, and universal rules. *Din* decides cases through direct and uncompromising application of the legal rule to the facts of the case:

*"Din consists of a body of statutes ... that at the moment of decision, confront the individual as a set of rules... The basic mode is that of formulating and defining directives to be followed in a class of cases; it is precisely the quality of generality that constitutes a rule and applies them to situations marked by the proper cluster of features. Judgments are essentially grounded in deductive, primarily syllogistic reasoning. Metaphors that speak of laws as controlling or governing a case are therefore perfectly accurate."*¹⁰

By contrast, *lifnim mi-shurat ha-din* is characterized by "being more flexible, its duty more readily definable in light of the exigencies of particular circumstances."¹¹ Deciding a case *lifnim mi-shurat ha-din* is more "contextual" because the prescribed law is less defined. A decision guided by *lifnim mi-shurat ha-din* may appeal to general principles, on the one hand, and the unique contours of the situation at hand, on the other. In the realm of *lifnim mi-shurat ha-din*, R. Aharon Lichtenstein writes, "the halakhic norm is itself situational."¹²

Thus although both *din* and *lifnim mi-shurat ha-din* constitute law, and can be enforced as legal obligation, the two categories pick out different planes of law. One imposes fixed objective standards. While "the demands of the other evolve from a specific situation; and, depending on the circumstances, may vary with the agent."¹³ But both are components of law, and both describe legal obligations.

Law's Limits

One of the striking facts about *lifnim mi-shurat ha-din* is the force with which halakha believes it to be a necessary feature of law, a critical component of social governance. The Gemara in *Bava Metzia* (30b) goes so far as to proclaim, “Jerusalem was destroyed because it adjudicated according to *din* and not according to *lifnim mi-shurat ha-din*.” Few statements capture the inadequacy and limit of promulgated law as this one. Even scrupulous compliance with one’s duties as defined by *din* is palpably insufficient and fails to create a proper society. Equally forceful is the school of thought in the *rishonim* that one is commanded to adhere to *lifnim mi-shurat ha-din*¹⁴ and that courts should always seek to resolve disputes through principles of *lifnim mi-shurat ha-din* rather than through the strictures of *din*.¹⁵

The philosophical point that emerges from this analysis is that promulgated law with its precise parameters and definitions can only achieve so much. This is exactly what Ramban observed in his commentary on “you shall do the right and the good” and “you shall be holy” that we discussed above. Moshe Halbertal puts it well:

“[Ramban] posits that any rule-based system, however successful, cannot possibly account for the entire gamut of potential human interactions... in which people must make decisions: “it is impossible for the Torah to mention all of man’s conduct with his neighbors and fellows, all of his business dealings, and all of the conventions of civilized society.” Piling on additional details and distinctions to the existing set of rules would not solve this problem... The limitation of the written law can be overcome only by way of a general

*directive that appeals to humans’ judgment and establishes the need to do what is good and right... The commandment of doing what is good and right therefore carries normative content...”*¹⁶

The same point was made by *Maggid Mishneh* (*Shekhenim* 14:5), a disciple of Ramban’s *beit midrash*:

“Our perfect Torah has laid down general principles concerning man’s conduct... as it states, “you shall be holy,”... and “you shall do the right and good.” With regard to all this, it would not have been proper to give detailed instructions. For the Torah’s commands apply at all times, in every period, and under all circumstances, whereas man’s characteristics and behavior vary, depending upon the time and the individual.”

Law’s Empire

The foregoing analysis of law’s limits may leave us with the impression that the formal rules laid down by *din* and the lines set by it are somehow less significant than we initially might have believed. And we may ask why we devote so much time and energy to studying the rules of Jewish civil law if it is preferable to implement a more contextual standard of *lifnim mi-shurat ha-din*.

The answer is that *din* plays an indispensable role in defining the fundamental rights and wrongs of civil society. It sets necessary standards of good and bad conduct, of who owns what, and allocates responsibility for all sorts of actions and events. *Lifnim mi-shurat ha-din* may depart at the margins from the standards set by *din*, but the fundamental equities, definitions of right and wrong, good and bad, are derived from the standards set by *din*.

An example will illustrate the point. A

rule might require that safe driving not exceed 65 mph on the highway. The law draws a bright line at 65 mph, and it may say nothing else on the matter. But we might infer that in bad weather conditions, say in the rain or in the fog, we should slow down below the limit, using 65 mph as the benchmark for what safe driving would look like under normal weather conditions, and make the appropriate downward adjustment from there. Likewise, the subway may post signs requiring passengers waiting at the platform to stand behind the yellow line. From here we can infer that if the universal rule requires waiting behind a yellow line, then perhaps a child in need of greater supervision or an elderly person less stable on their feet should wait a pace or two back from the line set by law.

The point is that *lifnim mi-shurat ha-din* doesn’t undercut the significance of the standards set by *din*. To the contrary, it underscores their importance. For any attempt to reason and act *lifnim mi-shurat ha-din*—literally beyond the line set by law—depends on their being an antecedent line, a legal standard—drawn by *din*.

Rules vs. Principles

There is a distinction in contemporary legal philosophy that may help us appreciate the different planes on which law operates. Ronald Dworkin has distinguished between legal *rules* and legal *principles*. Legal rules apply in an “all or nothing fashion.” If a rule applies to a given circumstance, it determines the particular legal outcome. If it does not apply, it is simply irrelevant to the outcome. “If the facts a rule stipulates are given, then either the rule is valid, in which case the answer it supplies must be accepted, or it is not, in which case it contributes nothing to the decision.”¹⁷

This characterization approximates the rigidity with which *din* decisively applies—or fails to apply—to decide a case.

Legal principles, by contrast, do not determine an outcome even if they clearly apply to the pertinent circumstances. Principles provide judges with a *legal reason* to decide the case one way or the other, and hence they only have a dimension of *weight*. The reasons provided by principles can have different weights: some may be relatively strong or weak, but they are never “absolute”. Such reasons by themselves cannot determine an outcome, as rules do. “A principle... does not purport to set out conditions that make its application necessary. Rather, it states a reason that argues in one direction, but does not necessitate a particular decision.”¹⁸ This characterization approximates the way *lifnim mi-shurat ha-din* applies to cases.

Much of the Torah has been handed to us in the form of decisive *rules*. One of the central tasks of *talmud Torah* is to probe these rules to discover their underlying *principles*, to excavate those principles and polish them, and to articulate and reconstruct them in their best, most precise and compelling formulation.¹⁹ We are then to apply those principles to the new cases and circumstances before us, to guide our path and to chart our course forward.

Predictability, Universality, Special Cases, and Judicial Discretion

One of the important features of law is that it should be predictable and sufficiently general.²⁰ Otherwise it becomes impossible for us to organize our lives and affairs around it. *Din* performs remarkably well on this metric. Its statutes are typically public,

well defined, predictable, and apply with sufficient generality. On the other hand, these virtues come at the expense of the unique features and facts exhibited by individual cases. No two cases are alike, the saying goes. *Din* paints with a broad brush, and it must do so to achieve the virtues of predictability and generality. Yet this comes at the expense of offering tailor-made case-specific solutions to the actual cases and facts it must resolve. *Lifnim mi-shurat ha-din* is the opposite. It does remarkably well at offering case-specific and contextual solutions, but by definition it is less predictable, less universal, and less objective.

Two cases recorded in the Talmud illustrate the character of *lifnim mi-shurat ha-din*. One (*Bava Metzia* 24b) involves the laws of lost property. Under *din*, an owner forfeits title to his lost property when he despairs of being able to retrieve it. If you lose your watch in Times Square, Jewish law considers you to have despaired, given the long odds of recovering it, and *din* reassigns ownership to the finder.²¹ The rule defines social expectations for the use of resources and property. It allows the finder to put the captured object to good use, and it limits property rights to those objects that are reasonably within one’s control. So, *din* sets the standards for what each person can reasonably rely upon, and puts them on notice to plan accordingly. (Don’t play with your watch in Times Square, and don’t expect the law to get it back for you.)²²

Nevertheless, special circumstances may require the finder to return the watch under *lifnim mi-shurat ha-din*. For example, Shmuel rules that if the watch-loser were to locate the finder and provide evidence that it had belonged to him, the finder would be obligated *lifnim mi-shurat ha-din* to return it (“*chayav le-hachzir*”).²³ But

even this obligation *lifnim mi-shurat ha-din* may depend on further case-specific considerations, such as whether the finder would benefit from the watch more than the loser, like when the finder is poor and the loser is affluent.²⁴

The other case (*Bava Metzia* 83a) involves porters who accidentally broke a barrel of Rabba bar bar Chanan’s wine during transport. Under *din*, Rabba would have been entitled to sue the porters for the value of the barrel and receive a discount off the contract price of the transport service. Yet, given case-specific considerations, including the porters’ poverty and how hard they had worked transporting Rabba’s belongings, Rav ruled, *lifnim mi-shurat ha-din*, that Rabba was required to compensate them in full for their labor and was not entitled to sue them for losses.

In both of these cases, *din* delineates the universal expectations and core rights. If you lose your watch in Times Square, you cannot expect the law to return it to you. It is no longer yours. The finder can generally rely on his legal right to keep it and enjoy it. However, if the past owner is successful in locating the finder and is able to provide evidence of his past title, and his need of the object is as great as the finder’s, the law may require the finder to return it.²⁵

Same for the porters. They can generally expect the law to hold them accountable for damage they cause, having to pay compensatory damages and forfeiting a portion of their salary. They are on notice to be vigilant and warned that they are liable for damage they inflict upon their client’s property. And clients can generally rely on being able to vindicate their rights to be made whole by suing the porters for damages. Still, special circumstances such as the financial distress of the porters, the moral or social

stature of the claimant, the overall quality of the porters' work and effort can be a basis for the law to depart from its letter.

Objectivity and Subjectivity in the Law

Americans are suspicious of legal subjectivity and judicial discretion. We generally wish for the law to be objective, for it to speak for itself and to leave no room, or at least as little room as possible, for judicial discretion or subjective judgements. There is a great deal of distrust and wariness directed toward a judiciary that is undemocratic in character where a few non-elected judges decide the law for hundreds of millions. This is what fuels much of the opposition towards the jurisprudence of penumbras and emanations that the *Griswold* court appealed to.

But we should not let these political emotions disqualify the underlying theory of jurisprudence at the heart of the court's decision in *Griswold*, a theory of law that resonates broadly and deeply within Judaism. It is the keystone principle at the heart of Ramban's analysis of "you shall be holy," "you shall do the right and good," and "shabbaton." The idea animating *lifnim mi-shurat ha-din* is that law is not limited to the bright lines it draws, but that its significance extends beyond that line, within it, and around it. The commands of Jewish law issue forth with emanations and penumbras, pressing beyond the contours of the command's fixed lines.

Does this mean that there is not always a clearcut, obvious answer to the law? Yes. Is that a bad thing? Not necessarily. For one thing, Jewish law is quite comfortable with a robust notion of judicial discretion, and it recognizes that impartial judges and arbitrators play

important roles in guiding society even where there may exist only minimal clear-cut substantive law to guide them.²⁶ Elsewhere I have called this the priority of *shoftim* over *mishpatim*.²⁷ Second, the amount of subjectivity and discretion that exists is not *carte blanche*. It is reined in and generally circumscribed to some radial distance, anchored to the standards set by *din*—within the sphere of its emanations and shadows.

The Landscape of Law

Modern physics postulates that objects of mass warp space around them, forming gravitational fields in their sphere of influence. The physical effect of an object is not limited to the geometry of its particle mass. Rather, it molds and shapes the landscape around it.

Law is much the same way. The significance of a rule under *din* is not just the immediate meaning of its command or the particular proposition it contains. Each *din* exerts a certain force on the space around it, sculpting the normative landscape like the gravitational field of a massive object.

The rich texture of our legal landscape—its complexity, its depth, its lushness, its suppleness—owes its character to these derivative effects and their interacting forces. So much of the enterprise of Torah study is devoted to investigating not just the immediate domain of proclaimed law but to understanding its implications, presuppositions, and consequences. For it is here that much of law lies—not in the proclaimed object itself, but in its penumbra, in the shadow cast around it.

Endnotes

1. See Robert Bork, *The Tempting of America: The Political Seduction of the Law* (1990).

See also Glenn H. Reynolds, "Penumbra Reasoning on the Right", *University of Pennsylvania Law Review*, Vol. 140, p. 1333, April 1992.

2. Ramban, Commentary on the Torah, Devarim 6:18.

3. Ramban, Commentary on the Torah, Vayikra 19:2.

4. See Ramban, Commentary on the Torah, Vayikra 19:2.

5. See, "Buzzed Driving is Drunk Driving," at <https://www.nhtsa.gov/campaign/buzzed-driving>.

6. See Mordechai, *Bava Metzia* no. 257; *Hagahot Maimoniyot*, *Gezelah* 11:3; *Bach*, *Choshen Mishpat* 12.

7. R. Aharon Lichtenstein, "Does Judaism Recognize an Ethic Independent of Halakhah?", *Leaves of Faith* 2, p. 46.

8. I believe I'm in agreement with R. Aharon Lichtenstein regarding this point when he writes, the "equation of duty and *din* and the designation of [*lifnim mi-shurat ha-din*] as purely optional or pietistic is a disservice to *halakhah* and ethics alike." See Lichtenstein, p. 52.

9. Some *rishonim* hold that *lifnim mishurat ha-din* should not be coerced by courts. See, e.g., Rosh, *Bava Metzia* 2:7. But this doesn't imply that it is not *law*. Some areas of Jewish law are not meant to be enforced by courts, but they remain law nonetheless. For example, there is uncontroversially a legal obligation to honor one's parents and to provide for them, though this law is generally understood to be unenforceable in court under the halakhic doctrine of *kol mitzvat aseh she-matan sekharan be-tzedah ein beit din shel matah muzharin alav*. See *Hullin* 110b. *Tzedakah* is another example, according to some commentators. See *Tosafot*, *Chullin* 110b, s.v. *kol*.

It should also be noted that the Talmud recognizes certain obligations as arising under *lifnim mi-shurat ha-din* that it deems to be uncontroversially enforceable, such as *dina de-bar metzra*. See *Bava Metzia* 108a and *Maggid Mishneh*, *Shekhenim* 14:5. So the issue is not whether *lifnim mi-shurat ha-din* is the type of thing that can qualify as law, but whether it is the type of law that should generally be

coerced through violence and force.

10. Lichtenstein, p. 47.

11. Ibid.

12. Lichtenstein, p. 48. Notably, some *rishonim* and *poskim* believe that the wealth, piety, or stature of the parties involved should bear on a decision reached *lifnim mi-shurat ha-din* but not on one decided via *din*. See *Bach*, *Choshen Mishpat* 12 for an overview. See also R. Ovadia Yosef, *Responsa Yabi'a Omer* Volume 11, *Choshen Mishpat* no. 20, and R. Moshe Sternbuch, *Teshuvot ve-Hanhagot* 3:473.

13. Lichtenstein, p. 49. Several commentators remark that *lifnim mi-shurat ha-din* is better at delivering justice than *din* precisely because it is sensitive to the unique facts and features of every case. See *Derisha*, *Choshen Mishpat* 1:2, and *Ri"az*, *Kuntrus Ha-Rayot*, *Sanhedrin* 5b.

14. *Sefer Mitzvot Katan* no. 49.

15. For the mitzvah to pursue *pesharah*, see *Sanhedrin* 6b, *Shulchan Arukh*, *Choshen Mishpat* 12:2, *Tur*, *Choshen Mishpat* 12:2 and 12:4 and *Derisha* there. For the identification of *lifnim mi-shurat ha-din* with *pesharah*, see *Rashi*, *Devarim* 6:18, *Ramban*, *Devarim* 6:18 and *Ri"az*, *Kuntrus Ha-Rayot*, *Sanhedrin* 5b, and *Derisha Choshen Mishpat* 1:2. For an overview of when a court requires authorization from the parties to do so, see *Itamar Rosensweig*, "Pesharah v. Din", *Jewishprudence* (April 2020).

16. *Moshe Halbertal*, *Nahmanides* (Yale, 2020), pp. 276-277

17. *Ronald Dworkin*, *Taking Rights Seriously*, (London 1977), p. 24.

18. *Ibid*, p. 26.

19. See my "Reconceiving Conceptualism", forthcoming in *Tradition*.

20. *Lon Fuller*, *The Morality of Law* (1965).

21. *Shulchan Arukh Choshen Mishpat* 259:3.

22. And same for the finder. He can generally rely on the fact that the law will allow him to retain title to the watch, so he can use it without worry of violating someone else's right.

23. *Bava Metzia* 24b, *Shulchan Arukh Choshen Mishpat* 259:5.

24. See *Mordechai Bava Metzia* no. 257.

25. And according to some, the law may even compel him to return it. See *Bach Choshen Mishpat* 12.

26. See my "The Beit Din as a Basic Institution of Jewish Life," *Journal of the Beth Din of America* 3 (2003), pp. 9-10. See also *Rambam*, *Sanhedrin* 24:1.

27. *Ibid*.

Plan Your Dream Kosher Escape to Panama.

Planning a kosher trip to Panama is now easier and quicker than ever before.

From hotels and tours to kosher food and shuls, Go Kasher Panama has every detail covered. Get insider deals and custom itineraries all in one place.



Customized itineraries for small & large groups

Great discounts & upgrades at top hotels throughout the Country



Most up-to-date list of all restaurants & kosher establishments

Warm & inviting Jewish Community with shuls, mikvahs & eruv



Start planning your dream kosher Panama vacation today.
Go to GoKasherPanama.com
Panama's #1 resource for kosher travel.
Go Kasher Panama is based in the USA.





Navigate Aging and End-of-Life with Jewish Wisdom & Halacha



ADVANCE HEALTHCARE DIRECTIVE & CONVERSATION GUIDE

Endorsed by the Rabbinical Council of America



ROBERT M. BEREN

MEDICAL HALACHA HELPLINE

Available 24/7 • Confidential • Trusted Rabbinic Guidance



TEFILAH PROJECT

Prayers & Inspiration for Times of Illness and Recovery



RMB Medical Halacha Helpline is headed by Rabbi Dr. Shlomo Brody, Ematai's executive director, and Rabbi Dr. Jason Weiner, Ematai's senior consultant

ematai.org
+1-646-599-3895

Can One Buy *Olam ha-Ba*?

Paying for Mitzvot and Yissachar-Zevulun Contracts



Intuitively, it seems obvious that we cannot buy *olam ha-ba*.¹ However, the question might depend on the approach we take to the nature of the afterlife. Conceivably, we can adopt one of two approaches: Reward in this world can be natural or artificial. For example, if a father promises his daughters a lollipop for cleaning their room, the reward is artificial—there is no inherent connection between the task and the treat. But if, while cleaning, they find a missing toy and also take pleasure in a clean space, they are experiencing the natural consequences of their effort. What kind of reward is *olam ha-ba*?

In *Illuminating Jewish Thought* (Vol. 2, Ch. 18) we discuss this question extensively. We predominantly argue in favor of the naturalistic approach. Reflective of this is the following verse:

כִּי הִלְךָ הָאָדָם אֶל בַּיִת עוֹלָמוֹ וְסָבְבוּ בְּשׂוּק הַסּוּפְדִים.

Because man goes to his eternal home, and the mourners go about the streets.

Kohelet 12:5

The Midrash (*Shemot Rabba* 52:3) derives from this verse that a person **builds** his own eternal home (עולמים). (אין כתיב אלא עולמו). In other words, a person's eternal home is uniquely his, created naturally by his choices in this world. Perhaps this is behind Chazal's statement (*Berachot* 64a) that those who do *mitzvot* are compared to builders (אל תקרי בניך אלא בוניך).

Accordingly, Rambam (in אגרת תחיית המתים) notes that *olam ha-ba* is the natural result of virtuous conduct—“ענין—because *mitzvot* are transformative. When we do what is right, we make ourselves more spiritual. The spiritual existence of the soul after death is the natural consequence of our spiritual accomplishments while alive. Indeed, as Ramban points out, the Torah refers to



Rabbi Netanel Wiederblank

Maggid Shiur, RIETS

olam ha-ba as “life,” suggesting that it is simply the natural outcome of a person's spiritual achievements in this world.²

Rambam's naturalistic understanding of *olam ha-ba* is shared by Kabbalistic sources as well (though they express the notion differently). Consider the following understanding of *Iyov* 34:11 from *Nefesh ha-Chayim*:

כִּי פִעַל אָדָם יְשַׁלֵּם לוֹ.

According to the work of man he is compensated.

זהו ענין שכר העה"ב שהוא מעשי ידי האדם עצמו שאחר פרידת נפשו מהגוף הוא העולה להתעדן ולהשביע נפשו בצחצחות האורות והכחות והעולמות הקדושים שנתוספו ונתרבו ממעש' הטובים.

ושרז"ל כל ישראל יש להם חלק לעוה"ב. ולא אמרו בעה"ב שמשמעו הי' שהעה"ב הוא מוכן מעת הבריאה ענין ודבר לעצמו ואם יצדק האדם יתנו לו בשכרו חלק ממנו. אבל האמת שהעה"ב הוא הוא מעשה ידי האדם עצמו שהרחיב והוסיף והתקין חלק לעצמו במעשיו לכ"א שכל ישראל יש להם לכל א' חלק הקדושה והאורות והצחצחות שהתקין והוסיף לעה"ב ממעשיו הטובים.

And this is the matter of reward in the World to Come, it being [the result of] man's own actions. After the soul separates from the body, it ascends to delight and satiates itself in the glow of the holy lights, powers, and worlds that were increased and multiplied as a result of his good works.

And that is why the sages said, "All Jews have a portion for the World to Come," and did not say "in the World to Come," whose meaning would be that the World to Come is prepared from the time of creation, a subject and a thing by itself, and if a person is pious, he will be given a portion from it as his reward. Rather, the truth is that the World to Come is a result of a person's own actions, that a portion is expanded and added to and refined for himself via his actions. And therefore, they



Scan the QR code above for more shiurim & articles on the *Nefesh haChayim* on YUTorah

said that every Jew—every single one—has a portion of the holiness, the lights, and the brightness that he refined and to which he added to the World to Come via his good actions.

Nefesh ha-Chayim 1:12

Nefesh ha-Chayim describes how the deeds and thoughts of man build spiritual worlds of good and evil. These are not physical worlds floating around the heavens, and there is not much point in trying to imagine their nature, though it is said that extraordinarily spiritual individuals can perceive them. What is relevant for our current discussion is the notion that a natural (or supernatural) consequence of *mitzvot* is the basis of the reward they generate. If that is the case, it would seem that *olam ha-ba* cannot be sold. The reward for a *mitzva* is not a commodity subject to a transaction, it is the natural consequence of the transformation elicited by the good deed. Trying to buy the reward of a *mitzva* would be equivalent to paying someone to exercise on their behalf.

But the matter is not as simple as it seems. The Talmud (*Sota 21a*) notes that a particular individual's Torah learning was attributed to his brother who supported him financially. Lest one think that this is merely a homily, Rashi (*Zevachim 2a*) interprets that the patron actually stipulated with his brother that he would receive a share of the heavenly reward. In fact, some sources indicate that the patron of Torah learning actually purchases a share of the spiritual reward in a bona fide transaction.³

These sources are extremely difficult to reconcile with the naturalistic approach to *olam ha-ba*. How can one who supports the study of Torah be rewarded for Torah that he himself never learned?⁴ This understanding makes no sense if the reward of *olam ha-*

ba is a natural consequence of one's own good deeds. Of course, one would still be rewarded for supporting a *mitzva*. That, in and of itself, is a good deed and worthy of reward. But the reward is not a result of the agreement made between the two parties. Regardless of the agreement one would be rewarded for the *mitzva*. Accordingly, there would seem to be no purpose for such agreements and contracts.

Maharam Alshakar⁵ asks this very question, wondering how the possibility of such a transaction can be reconciled with R. Hai Gaon's ruling that a person who enables someone else to learn Torah is rewarded for the *mitzva* of supporting Torah but does not achieve the spiritual perfection that naturally accompanies the study of Torah (or any other *mitzva*). Moreover, one cannot sell the reward of his *mitzva* because reward is the natural perfection caused by the *mitzva*; someone who tries to sell his reward is a fool and is likely to be punished for his small-mindedness (הוא שוטה וקרוב לקבל פורענות מלקבל שכר).⁶

*Imrei Bina*⁷ offers a fascinating resolution to this problem by distinguishing between two types of reward.⁸ The first, what the author terms *sechar seguli*, is what we have referred to as naturalistic reward. This type of reward cannot be transferred. The second type, *sechar gemuli*, is compensatory reward and is transferable. Thus, in a Yissachar-Zevulun partnership, the person who learns perfects his own soul (*sechar seguli*) through his learning, while his patron obtains the compensatory *sechar gemuli*. When sources state that a patron of Torah is credited with the Torah learning of those he supports, they are referring to *sechar gemuli*.⁹

Remarkably, there are numerous responsa dealing with the halachic consequences of these transactions.

In one fascinating *teshuva*, Netziv (*Meishiv Davar* 3:14) responds to a simple-minded person from Teverya who bought the merits of a (seemingly) righteous person for the astronomical sum of 22,000 rubles. After paying half of the money, he discovered that the seller was not as righteous as he thought. He wished to retract and get his money back, while the seller refused and demanded the remaining payment. Netziv first notes that the buyer should have realized that the seller was far from righteous if he was willing—like Eisav—to sell his eternity for [an expensive] bowl of lentils.

Netziv then wonders how various sages could sell half of their reward in exchange for support (see *Sota* 21a). Netziv answers that their love for Torah was so great that no price was too high. After all, “Greater is one moment of Torah and good deeds in this world than all of *olam ha-ba*.”

After a lengthy analysis, Netziv rules that the sale was invalid and the money should be returned. Parenthetically, while this story may highlight the wickedness of the seller, it also demonstrates the intense longing Jews have for *olam ha-ba* and the extent to which they see it as real. R. Yaakov Kaminetsky would relate how in Europe, he once saw a young child desperately trying to sell his *olam ha-ba* to his friend in exchange for a ball. A teacher who witnessed the exchange castigated the child who was willing to exchange his *olam ha-ba* for a measly ball, but R. Yaakov was amazed that even young children perceived *olam ha-ba* as a reality. He noted that our generation lacks this awareness.

Let us conclude this brief discussion with a well-known story about the Gaon of Vilna. It is said that one year he was unable to procure an etrog until

someone offered to sell him one in exchange for the reward for the *mitzva*. The Gra was thrilled: “Finally I will be able to do a *mitzva* without any ulterior motive, even that of gaining a spiritual reward in the World to Come.”

This story reflects what our attitude towards *olam ha-ba* should be like. Whether *olam ha-ba* is naturalistic or artificial, it should not be our motivation for doing what is right.

אל יאמר אדם הריני עושה מצות התורה ועוסק בחכמתה כדי שאקבל כל הברכות הכתובות בה או כדי שאזכה לחיי העולם הבא, ואפרוש מן העבירות שהזהירה תורה מהן כדי שאנצל מן הקללות הכתובות בתורה או כדי שלא אכרת מחיי העולם הבא, אין ראוי לעבוד את ה' על הדרך הזה, שהעובד על דרך זה הוא עובד מיראה ואינה מעלת הנביאים ולא מעלת החכמים.

World to Come, for it is not fitting to serve God in this manner. Anyone who does serve in this manner is doing so out of fear. This was not the [spiritual] level of the prophets and sages.

Rambam, *Hilchot Teshuva* 10:1

While we fully believe in the eternal reward that is guaranteed to anyone who does what is right, we strive to serve God out of love. The service of God should not be mere self-service. Thus, Rambam writes, ideally our motivation should not be remuneration, not even spiritual payment. We must do what is true because it is true.

Of course, this reflects a very high level. Rambam writes that not all wise people reach this vaunted state, and in the meantime, it is often helpful to allow the promise of eternal bliss to motivate us to choose what seems like the harder

Whether *olam ha-ba* is naturalistic or artificial, it should not be our motivation for doing what is right.

One should not think to himself that he will fulfill the commandments of the Torah and occupy himself in its wisdom in order to receive the blessings mentioned therein or to merit life in the World to Come; nor should he avoid the transgressions against which the Torah warns in order to be saved from the curses mentioned therein or in order not to be cut off from life in the

path. But, ultimately, we must do what is right because it is right, and we can be confident that the reward will come.

Endnotes

1. Besides the intuitive objection, there are technical problems. For example, what *kinyan* would affect the transfer. Indeed, Rivash wonders why Yaakov's purchase of the *bechora*



See more shiurim and articles from Rabbi Wiederblank at www.yutorah.org/teachers/Rabbi-Netanel-Wiederblank

was not a *davar she-lo ba le-olam*. Though, somehow it worked. Another interesting example of a proposed transfer of merits can be found in Sforno's understanding of *Shemot* 32:32:

אם תשא חטאתם ואם אין מחני נא מספרך. הן תרצה לשאת חטאתם והן שלא תרצה לשאת, מחה את הזכיות שלי מספרך ושים לחשבונם, כדי שיזכו לסליחה.

2. רמב"ן ויקרא יח:ד

ולכך יאמרו הכתובים בשכר המצות למען יאריכון ימיך (שמות כ:יב), למען תחיה (דברים טז:כ), והארכת ימים (שם כב:א).

3. Some sources understand this to mean that the two partners are rewarded equally. *Poskim* discuss whether an official contract is necessary to create such a partnership.

4. The Midrash (*Vayikra Rabba* 25:2) states: זבולון ויששכר היו שניהם מתפרנסים ביחד, ושניהם נוטלים שכר תורה ביחד.

Likewise, *Shulchan Aruch* (YD 246:1) rules that someone who is unable to learn should support others who do learn, and Rama adds that if one does so, it is as though he learned

himself, ותחשב לו כאילו לומד בעצמו.

5. Responsum 101, cited by R. Akiva Eiger YD 246:1.

6. We should note that even if such a transaction is possible it may not be advisable. R. Yosef Karo (*Avkat Rocheil* 2) deduces from Rashi (*Sota* 21a s.v. *Hillel*) that one may consider such an exchange only if the alternative is begging for charity. See *Iggerot Moshe* YD 4:37 and *Tzitz Eliezer* 15:35.

7. Cited by *Tzitz Eliezer* 15:35.

8. Perhaps these two categories relate to Ramban's understanding of *nisayon*:

והאלוקים נסה: עניין הניסיון הוא, לדעת, בעבור היות מעשה האדם רשות מוחלטת בידו, אם ירצה יעשה, ואם לא ירצה לא יעשה, ויקרא ניסיון מצד המנוסה, אבל המנסה יתברך יצוה בו להוציא הדבר מן הכוח אל הפרע, לזהיות לו שכר מעשה טוב לא שכר לב טוב בלבד. (רמב"ן בראשית כב:א)

9. *Netziv* (*Meishiv Davar* 3:14) offers a similar distinction between the naturalistic

consequence of Torah study, which by definition cannot be transferred, and the compensation for other *mitzvot*, which theoretically is transferable:

כך מעין זה הבדל שכר מצות משכר תורה. דשכר מצות הוא כעין זכות איש מדיני. וכל ישראל יכולין לקבלו. משא"כ שכר תורה הוא יושב בישיבה של מעלה ומי שאינו ראוי לכך אינו אפשר לקבל זה העונג הרוחני... ומזה למדנו במכש"כ שכר מסייע לעושי מצוה שיהא שכרו שווה לעושה מצוה. משא"כ מסייע לת"ח שילמדו אע"ג שזוכה ויושב בישיבה של מעלה מכ"מ אינו שווה לת"ח עצמו.

He offers the following analogy:

דאפילו נעלה עה"ד שאפשר למכור שכר מצוה. א"א למכור שכר תורה. שהרי אם יבא על שכרו ישבע קלון מכבוד בישיבה ש"מ ותו וכו' אפשר לעלות עה"ד שאם יכבד המלך לעשות אותו איש שהראה גבורה ועצה במלחמה לשר הצבא. והוא ימכור אותו זכות לאהר. הלא המלך אינו חפץ ביקרו של הקונה כלל. ואינו חפץ שיהא יושב באסיפת השרים וכמו כן אי אפשר בשום אופן להעלות עה"ד למכור שכר מלחמתה של תורה. וממילא בנ"ד שמכר מחצה של כל שכרו ואותו שכר תורתו לא נמכר ממילא בטל כל המקח.

THE MARCOS AND ADINA KATZ
YUTorah®
Society

Join now for \$36 a month
 Special student rate of \$18

- One dedication of a day of learning per year
- Your choice of YUTorah SWAG
- 10% discount at rietspress.org
- A copy of Rabbi Aryeh Lebowitz's new sefer "Kinyan Halacha: From Pesukim to Poskim"
- YUTorah stickers for your car and laptop
- Your name listed on our dedicated YUTorah Society page on YUTorah
- Access to exclusive shiurim and updates

Join now at yutorah.org/society

Yom Tov Insights from The Rav: Excerpts from Batei Yosef

Tekias Shofar as Prayer

The *Maggid Mishneh* notes that according to the Rambam in *Hilchos Shofar* (1:1), the requirement for a curved shofar on Rosh Hashanah is an essential component of the mitzvah, such that one does not fulfill the obligation even *b'dieved* with a straight shofar. The Gemara in *Rosh Hashanah* (26a) presents a disagreement between Tannaim about whether a curved or a straight shofar is required. Rav Soloveitchik noted that the underlying principle for both opinions is that the shofar is connected to prayer. They differ on whether it is more appropriate for a person to pray with a bent body looking down at the ground, or with a straight body looking up. The Gemara in *Yevamos* (105b) also discusses this dispute. It is clear from these sources that Chazal intended for the shofar to have an aspect of prayer, and the blowing of the shofar itself is a form of prayer. According to the Rambam, who holds that a curved shofar is essential,

this is not merely a matter of *hidur* but an integral part of the mitzvah.

Based on this, Rav Soloveitchik explained several aspects of Rosh Hashanah. First, the Mishnah in *Rosh Hashanah* (33b) states the order of the shofar blasts as "three sets of three." Rashi explains this to mean one set for *Malchuyos*, one for *Zichronos*, and one for *Shofros*. What is the connection between the mitzvah of shofar blowing and the three blessings of the Mussaf Amidah prayer? They seem to be two separate ideas. According to the explanation that the shofar is primarily a form of prayer, the connection is clear. Rashi is explaining that just as the core prayer of Rosh Hashanah is the recitation of *Malchuyos*, *Zichronos* and *Shofros*, the shofar blasts are also specifically related to these blessings.

Second, the Gemara in *Rosh Hashanah* (16a) says that through the shofar, we enthrone God and our memory rises before Him, meaning the shofar is part of the Rosh Hashanah prayer.



Batei Yosef (Hebrew) is a collection of insights into the laws and customs of the holidays through the rulings of The Rav as well as those of current Roshei Yeshiva at RIETS.

Batei Yosef is available at RIETSPress.org.

Third, this also helps us understand the conclusion of the *Shofros* blessing, “*shomei’a kol teruas amo Yisrael b’rachamim*”—“He who hears the sound of the *teruah* of His people Israel with mercy.” This phrase seems unusual. Why do we assume that Hashem listens to the sounds of our shofar blasts? The answer is that the shofar blowing is also a prayer. Therefore, a formula similar to the blessing “*shomei’a tefillah*”—“He who hears prayer” (based on Psalms 65:3) is appropriate.

Fourth, the Gemara in *Rosh Hashanah* (34b) states that if the *toke’a* (shofar blower) pauses long enough to complete all the blasts within a single *siman* (set), he must start over from the beginning of that set, but a pause between sets is permissible. The proof for this is that a pause in the middle of the blessings of the Amidah constitutes a significant interruption. Why should we compare the laws of the shofar to the laws of reciting the Amidah? According to this idea that the shofar is also prayer, it is well understood why the two issues are related.

Reciting *Shehecheyanu* on the Second Day of Rosh Hashanah

It would seem that according to the Rambam, one should not recite *Shehecheyanu* on the second night of Rosh Hashanah. This is because according to his view, the two days of Rosh Hashanah are considered one long day (*yoma arichta*), as he wrote explicitly in *Hilchos Yom Tov* (1:24), and if so, there is no place to recite *Shehecheyanu* on the second night. However, in *Hilchos Shabbos* (29:23), the Rambam wrote that on all nights of Yom Tov (except the seventh night of Pesach), one recites *Shehecheyanu*. It appears that this includes the second

night of Rosh Hashanah as well. [This inference was made by *Hagahos Maimoniyos* there (note 7).]

Rav Soloveitchik explained the Rambam’s opinion by pointing out that in *Hilchos Kiddush Hachodesh* (5:7-8), the Rambam wrote that the doubt regarding the sanctification of the day for Rosh Hashanah existed even in Jerusalem. This was because they didn’t know exactly when the month was established outside the location of the court, and sometimes even in Jerusalem they observed two days if the witnesses arrived late in the day (see the Mishnah in *Rosh Hashanah* 30b). Rav Soloveitchik further explained that there are actually two different legal statuses for the second day of Rosh Hashanah. The first is *sfeka d’yoma*—a second day observed because of calendrical uncertainty, as with other festivals established outside of Israel when communities were unsure which day had been sanctified as the holiday in Jerusalem (a doubt that, in the early generations, could sometimes apply even within the land of Israel). According to this aspect, the two days of Rosh Hashanah have two separate sanctities. The second legal status is *yoma arichta* (a long day), based on the established custom to treat the first and second days as holy with a single sanctity. There are some halachos for which we consider only the *bein hashmashos* (twilight) of the first day to imbue sanctity onto both days, and other halachos for which we consider the *bein hashmashos* before the second day to imbue its sanctity onto the second day. This is why *Shehecheyanu* is recited on the second night.

This distinction is also noted in the *Hagahos Maimoniyos* (chapter 3 of *Hilchos Shofar*, note 7) regarding the Rambam’s statement (in halacha 10 there) that we recite *Shehecheyanu* on

the mitzvah of shofar blowing, without distinguishing between the first and second days. He adds that even those who believe *Shehecheyanu* should not be recited during Kiddush on the second night agree that it should be recited for the shofar blasts on the second day, and they do not consider this a continuation of the *yoma arichta*. Rav Soloveitchik explained that the concept of considering the two days of Rosh Hashanah as one long day (*yoma arichta*) might only apply to matters related to the prohibition of *melacha* (work). Rav Soloveitchik inferred this from Rashi’s commentary on *Beitza* 25a, where Rashi specifically emphasized *melacha*. Therefore, the stringency of defining the two days as a single day does not apply to the mitzvah of shofar blowing. For shofar blowing, the second day of Rosh Hashanah is considered like any other second day of a holiday where the mitzvos are performed just as on the first day. Thus, one should recite *Shehecheyanu* on the shofar blowing even on the second day. It is only with regard to Kiddush that some Rishonim might say that because the mitzvah of Kiddush is connected to the prohibition of work, there is a basis not to recite *Shehecheyanu* on the second night.

Rav Soloveitchik added that those who disagree and hold that *Shehecheyanu* should not be recited for the shofar on the second day, even though they blow the shofar on both days, believe that the mitzvah of shofar blowing is not dependent on the sanctity of the day of Rosh Hashanah. Rather, it depends on the day being designated as a “*Yom Teruah*,” which is defined by the parameters of day and night. Therefore, on every day called “*Yom Teruah*,” there is a new obligation to blow the shofar. The blessing of *Shehecheyanu*, however, is dependent on the sanctity of the day.

Since there is only one sanctity of the day, the *Shehecheyanu* for the shofar on the first day also covers the second day, even though there is a new obligation to blow the shofar due to the new day being a "Yom Teruah."

Repentance for Sins Between a Person and Their Fellow

The Mishna in *Yoma* (85b) teaches that Yom Kippur does not atone for sins between a person and his friend unless the person has appeased and reconciled with his friend. This is the ruling of the Rambam (*Hilchos Teshuva* 2:9) and the *Shulchan Aruch* (*Orach Chaim* 606:1). The Mishna shows that Rabbi Elazar ben Azariah learned this rule from the verse, "From all your sins before the Lord you shall be purified" (Leviticus 16:30), which implies that Yom Kippur atones only for sins "before the Lord"—that is, between a person and God—but not for sins between a person and his friend, for which one must also appease the other person. Why is this scriptural interpretation needed? The obligation to ask for forgiveness from someone he has harmed exists all year long, and if he does not do so, he is not forgiven. This is explicit in the Mishna in *Bava Kamma* (92a), and is the ruling of the Rambam in *Hilchos Chovel U'mazik* (5:9) and

the *Shulchan Aruch* in *Choshen Mishpat* (422:1). So, what is the special nature of the obligation to appease a person on the eve of Yom Kippur, as opposed to the rest of the year?

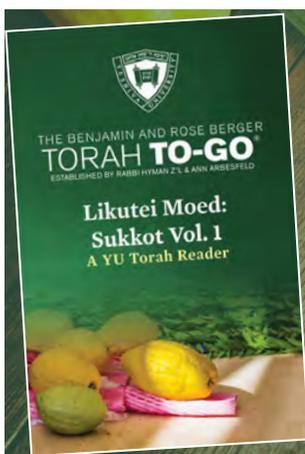
Rav Soloveitchik explained that the year-round obligation is only to ask for forgiveness, as the Mishna in *Bava Kamma* states that someone who harms or damages another must ask for forgiveness. However, on the eve of Yom Kippur, in addition to the obligation to ask for forgiveness, there is an additional obligation to "appease one's friend." This means to placate him and restore the relationship, love, and friendship to what it was before the sin. This requires more than just asking for forgiveness and is a specific obligation for the eve of Yom Kippur. As for the reason for this unique obligation, Rav Soloveitchik suggested that the atonement of Yom Kippur is generally a communal atonement, as we see from the *se'ir hamishtale'ach* that was brought for the atonement of the day. It is considered a communal offering, and the status of "community" only applies if the members of the community are together in love, brotherhood, peace and friendship. Based on this, we understand the prayer at the end of the *Seder Avodah* that states that Yom Kippur is a "*yom simas ahavah v'rei'us*"—

"a day of placing love and friendship."

The Nature of the Five Afflictions

The Rambam in *Hilchos Shvisas Asor* (1:4-5) uses the term *shvisah* (cessation) even with regard to the afflictions of Yom Kippur, not just *melacha*, which is usually associated with *shvisah*. Rav Soloveitchik explained that the Rambam interprets the verse concerning Yom Kippur, which states "*Shabbos Shabbason*" (Leviticus 16:31; 23:32), as meaning a cessation of *melacha* and a cessation through afflictions. The meaning is that the mitzvah of "*shabbason*" is to properly observe the sanctity of the day, and on Yom Kippur, the same sanctity that prohibits *melacha* also requires the observance of the five afflictions.

This principle regarding the sanctity of the day of Yom Kippur can be proven from the Gemara in *Yoma* (67b), which says that the *Ish Iti* (the designated person) who leads the *se'ir hamishtaleach* to the wilderness may eat on the way if necessary. The Rambam also ruled in *Hilchos Avodas Yom Hakippurim* (3:7) that if the *Ish Iti's* strength fails and he needs to eat, he is permitted to do so. The simple understanding of these rulings is that



Likutei Moed: Sukkot
Volume 1 is now
available for purchase at
www.RIETSPress.org

this permission exists not only in a life-threatening situation, but even if he feels he does not have enough strength to complete the journey. This is also the opinion of the *Tosafos Yeshanim* (68a).

Rav Soloveitchik explained that this proves that the leading of the *se'ir hamishtaleach*, which is part of the *avodas hayom* (the day's service in the Beis HaMikdash), overrides not only the prohibitions of *melacha* (which is the only reason he is permitted to go beyond the *techum* and perform other *melacha*), but also the prohibitions of eating and drinking. The prohibitions of *melacha* and eating/drinking are connected. Although the Gemara in *Yoma* (66a) says that the *Ish Iti* is permitted to go out on Shabbos and even in a state of *tumah*, and does not mention a specific derivation to permit eating, based on the above, one can understand that the cessation from *melacha* and the cessation from eating and drinking are one and the same.

Rav Soloveitchik added in the name of his father, Rav Moshe, that for this same reason one can say: just as someone who performs *melacha* on Yom Kippur is considered a *mumar* (apostate) with the status of a non-Jew, so too, one who eats on Yom Kippur. The Rambam in *Hilchos Gerushin* (3:19) writes that a *get* (divorce document) written on Yom Kippur is invalid. The *Kesef Mishneh* (there) explains that this is because one who desecrates Yom Kippur is considered like a non-Jew, just as one who desecrates the Shabbos. The Rema in *Even Ha'ezer* (123:25) likewise ruled accordingly. The same applies to one who eats and drinks on Yom Kippur, for he is also considered a *mumar*, since all prohibitions of Yom Kippur share the same source and are therefore equivalent.

The Beracha on the Sukkah

The Gemara in *Sukkah* (45b) presents a dispute between the Amoraim as to whether the beracha on the sukkah is recited only once during the holiday or every single day. Tosafos there write that whenever one enters to eat, drink or sleep, he makes a beracha, even ten times a day, just as one makes a beracha every time he puts on tefillin. However, the Rosh (*Sukkah* 4:3) quotes Rabbeinu Tam that since the main way a person establishes a presence in the sukkah is through eating, the beracha should only be recited before eating. This beracha then exempts all other activities done in the sukkah, even sleeping, which is more serious than eating (as one may eat casually outside the sukkah but may not sleep casually outside of it). This is the ruling of the *Shulchan Aruch* (*Orach Chaim* 639:8), that the custom is to only recite the beracha on the sukkah at the time of eating, in accordance with Rabbeinu Tam, since eating is the main activity and thus exempts all others.

Rav Soloveitchik explained that the reason eating is considered the main way to establish living in the sukkah is that if one eats outside the sukkah, he is actively and explicitly nullifying the mitzvah of sukkah. However, if one sleeps or does other things outside the sukkah, these actions are not considered an active nullification of the mitzvah.

The Rambam (*Hilchos Sukkah* 6:12) writes that one recites the beracha every time he enters to sit in the sukkah. The Vilna Gaon also followed this practice, as explained in *Ma'aseh Rav* (note 218). Rav Soloveitchik said that his grandfather Rav Chaim also made a beracha each time he entered, in accordance with the Rambam and the Vilna Gaon. Rav Soloveitchik added that from the Rambam's words, it seems proper to make the beracha *before* entering the sukkah, which is different from the common custom today.

The Nature of Shemini Atzeres

The Gemara in *Sukkah* (47a) states that we recite *Shehecheyanu* on the night of Shemini Atzeres because it is a holiday unto itself. The *Shulchan Aruch* (*Orach Chaim* 668:1) writes that in the Amidah of Shemini Atzeres, one should say "*yom Shemini Chag Ha'atzeres*." The Rema's text, however, is "*yom Shemini Atzeret*," omitting the word *chag*, since nowhere is Shemini Atzeres explicitly referred to as a festival (*chag*). Additionally, there is a difference of opinion among the *poskim* as to whether one who mistakenly said "*yom chag HaSukkos hazeh*" fulfills his obligation or must repeat the tefillah (see *Sha'arei Teshuvah*, note 1). How could one fulfill his obligation by mentioning Sukkos if Shemini Atzeres



is indeed a holiday unto itself?

Rav Soloveitchik suggested a distinction between Kiddush, on the one hand, and the Amidah prayer and Birkas Hamazon on the other. The mitzvah of Kiddush depends on the sanctity of the day and the prohibition of *melacha*. Regarding the prohibition of *melacha*, Shemini Atzeres is certainly a holiday unto itself with its own independent prohibition of *melacha*, which is not at all dependent on the prohibition of work *melacha* on Sukkos. Therefore, one does not fulfill his obligation if he mentions Sukkos in Kiddush instead of Shemini Atzeres. However, the requirement to mention the holiday in the Amidah and Birkas Hamazon is based on the obligation to say something specific about the nature of the blessings of the day (*me'ein birchosav*). For some halachos, the status of Sukkos still applies to Shemini Atzeres, such as the obligation of *olas re'iyah* (the appearance offering), *korban chagigah* (the festival offering), and *shalmei simcha* (peace offerings of joy). Shemini Atzeres is mentioned in the Torah in the section on the holidays in *Parashas Emor* in the context of the prohibition of *melacha*, and in *Parashas Pinchas* in the context of the *musaf* offerings. However, it is not mentioned at all in *Parashas Re'eh* when discussing the obligations of *olas re'iyah*, *korban chagigah*, and *shalmei simcha*.

Furthermore, the Rambam in *Sefer Hamitzvos* counts the prohibition of *melacha* on Shemini Atzeres as a separate mitzvah (positive commandment 167 and negative commandment 328). However, there is no mitzvah of *olas re'iyah*, *korban chagigah*, and *shalmei simcha* on Shemini Atzeres. These offerings are related only to the holiday of Sukkos (see Rambam in *Sefer Hamitzvos*, positive commandments 52-54, and the beginning of *Hilchos Chagigah*). However, on Shemini Atzeres, there are makeup opportunities for these obligations from Sukkos.

Therefore, a distinction can be made. If one said "*yom chag HaSukkos hazeh*" in Kiddush on Shemini Atzeres, he has not fulfilled his obligation and must repeat it, because Kiddush is solely dependent on the prohibition of *melacha*. However, in the Amidah and Birkas Hamazon, one could say he has fulfilled his obligation and does not need to repeat it, since the phrase "holiday of Sukkos" still applies to Shemini Atzeres regarding some aspects.

Rav Soloveitchik added that based on this, we can understand the Rema's text, which does not mention "*chag*" on Shemini Atzeres. Since there is no obligation to bring *olas re'iyah*, *korban chagigah*, or *shalmei simcha* on Shemini Atzeres, the term "*chag*" does not apply to it. According to the Vilna Gaon, who disputes the Rema on this point (in *Be'ur HaGra* there), one could say that because Shemini Atzeres serves as a makeup for these Sukkos offerings, the name "*chag*" still applies to it, at least in some respects.

The Next Step in Your Torah Learning is Here!

Join the RIETS Semichas Chachamim Program in the Five Towns

Two-hour life-changing program for men,
three mornings a week
Multi-Year, in-depth program of Halacha
and Gemara

Renowned Maggid Shiur,
Rabbi Akiva Willig
at the Young Israel of
Lawrence-Cedarhurst



Culminating in a Semichas Chachamim
from RIETS

For more information contact Rabbi Menachem
Penner at penner@yu.edu or Alan Weichselbaum at
aweichselbaum@gmail.com



ישיבת רבנו יצחק אלחנן
Rabbi Isaac Elchanan Theological Seminary
An Affiliate of Yeshiva University

This year's
limmud towards
semicha will include:
Pas Akum
Bishul Akum
Tevilas Keilim
Hechsher Keilim
And more!



RIETS PRESS

Bring the Beis Medrash to your Yamim Noraim

Enhance your
Tishrei with insights
in machshava and
halacha from
RIETS Press.

www.RIETSPress.org

Delivery available to
Israel!



Tefilla Insights from our Beis Medrash

Ideas from our rebbeim to help us connect to the davening of the Yamim Noraim.

LeDovid Hashem Ori Rabbi Yaakov Neuburger

The first six *pesukim* of *LeDovid Hashem Ori* (the *perek* of *Tehillim* repeated daily throughout this season) describe a level of confidence and trust that we recite rather longingly. During this season we say:

לְדָוִד ה' אֹרִי וְיִשְׁעֵי מַמִּי אֵינֶנּוּ ה' מְעוֹז חַיֵּי מַמִּי אֶפְתָּח. בְּקִרְבִּי עָלַי מְרַעִים לֶאֱכֹל אֶת בְּשָׂרִי צָרִי וְאֵיבִי לִי הִמָּה כְּשָׁלוֹ וְנִפְלָא. אִם תַּחֲנֶנּוּ עָלַי מִחֲנָה לֹא יִירָא לְבִי אִם תִּקּוּם עָלַי מִלְחָמָה בְּזֹאת אֲנִי בּוֹטֵחַ ... וְעַתָּה יְרוּם רֹאשִׁי עַל אֵיבִי סְבִיבוֹתַי וְאַזְבָּחָה בְּאַהֲלוֹ זִבְחֵי תְרוּעָה אֲשִׁירָה וְאַזְמִירָה לֵה'.

Hashem is my light and my salvation, whom shall I fear? Hashem is the stronghold of my life, from whom shall I be frightened? ...my enemies...stumbled and fell ... if a war should rise ... in this I trust ... and now, my head will be raised over my enemies ... I will sacrifice ... sacrifices with joyous song, I will sing to and praise Hashem ...

In the seventh *pasuk*, that uplifting faith suddenly gives way to an impassioned expression of helplessness and despair. Without a textual clue to allude to any calamitous event, we continue:

שְׁמַע ה' קוֹלִי אֶקְרָא וְחַנּוּנִי וְעֲנֵנִי ... אֵל תִּסְתַּר פְּנֵיךָ מִמֶּנִּי אֵל תֵּט בְּאַף עֲבָדֶךָ עֲזַרְתִּי הִיִּיתָ אֵל תִּשְׁשָׁנִי וְאַל תַּעֲזֹבֵנִי אֶלְקֵי יִשְׁרָאֵל.

Listen Hashem to my voice when I call out, and favor me and answer me ... do not hide your presence from me, do not turn me away with anger ... do not forsake me and do not abandon me.

What happened? What impending calamity confronted Dovid Hamelech?

Imagine yourself feeling that all is wonderful and that all your physical

Dovid's heart shouts out to Hashem upon realizing that only his physical safety and comfort have been amply realized, but the sacred quests of his life have yet to be achieved.

needs are amply addressed, but one aspiration in life is disappointing: you are unable to spend countless hours in the *bais hamedrash* from morning to night, and you do not understand Hashem and His ways. Of course, in such a situation we would pray with genuineness and sincerity to Hashem that He should complete our lives with *bais hamedrash* time. But would this disappointment motivate us to scream out as one facing the ravages of a disease, begging Hashem not to abandon us? Would we plead as one who has been deserted by one's parents and has no one to whom to turn? Perhaps that is exactly the intent of the centuries old custom to have this *perek* carry us through each day of this introspective, yom tov season.

Indeed, Rav Samson Raphael Hirsch understands that the intensity of Dovid Hamelech's focus is borne out of the supreme importance he places on

his spiritual quests. In the very center of this *perek*, Dovid's heart shouts out to Hashem upon realizing that only his physical safety and comfort have been amply realized, but the sacred quests of his life have yet to be achieved. To Dovid Hamelech, disappointing his spiritual ambitions is far more devastating than any other shortcoming.

Interestingly, in the *perek* that we say before *Pisukei Dezimra*, *Mizmor Shir Chanukas Habayis*, Dovid also shrieks out like someone in dreadful pain or frightened of an irreversible illness:

מה בצע בְּדַמִּי בְּרִדְתִּי אֶל שְׁחַת הַיּוֹדֵף עֲפָר
הַיְגִיד אֲמַתָּךְ. שְׁמַע ה' וְחַנּוּנֵי ה' הָיָה עֶזְר לִי.
*Of what value will I be if I were to die ...
please listen to my voice*

This is after saying that Hashem has given him every reason to feel secure in His protection! Here, Rav Elyashiv zt"l points out that according to Chazal, Dovid Hamelech was praying to be allowed to build the *Bais*

Hamikdash. Once again Dovid felt that should his service of Hashem not live up to his expectations, his military and administrative achievements would not be meaningful at all.

Perhaps this is why Klal Yisrael adopted *LeDovid Hashem* to be the "*shir shel yom*" of Elul and Tishrei. It is during these days that we are appropriately focused on the blessings that we will hopefully earn through our teshuva and prayer. The health, prosperity, and companionship that we ask for are all well-articulated pursuits and prayers. Have we taken time, however, to articulate our aspirations as a friend, as a family member, and as one who has a place in the sacred mission of Bnei Yisrael? Have we given time to consider a plan of how we will grow these parts of our lives as we focus on plans to grow so many other parts of life?

*Reprinted with permission from TorahWeb.org,
(https://www.torahweb.org/torah/2012/moadim/rneu_elul.html)*

V'Chish Lanu Yesha Rabbi Elchanan Adler

הַרשַׁעְנוּ וּפְשַׁעְנוּ לְכֹן לֹא נוֹשַׁעְנוּ, וְתֵן לְבַבְנוּ
לְעֶזְבֵּן דֶּרֶךְ רָשָׁע וְחִישׁ לָנוּ יֵשַׁע כְּכַתּוּב וְכו'
יַעֲזֹב רָשָׁע דַּרְכוֹ וְאִישׁ אֶחָד מֵחַשְׁבוֹתָיו וְיֵשֵׁב אֶל
ה' וְיִרְחַמֵּהוּ וְאֵל אֱלֹקֵינוּ כִּי יִרְבֶּה לְסִלּוּחַ (קִטְע
מִתּוֹךְ הַסְּלִיחוֹת).

We have sinned and transgressed; therefore we have not been saved. Place in our hearts the ability to abandon the path of wickedness and hasten our salvation as it is written, "Let the wicked forsake his way, and the man of iniquity his thoughts. And let him return to Hashem, and He will have compassion upon him, and to our God, for He will abundantly pardon."
(From the Selichos)

This tefillah consists of a rhyme scheme which is common to piyyutim:

Hirshanu, pashanu, noshanu, resha, yesha.

Its main idea is that our sins are hindering salvation; therefore, we beseech the Ribbono shel Olam that He place in our hearts the ability to abandon the path of wickedness, and through this He will hasten our salvation.

There are several points that require elucidation.

1. First, how do we beseech the Almighty that He place in our hearts the ability to abandon the path of wickedness, when Chazal have declared (*Berachos* 33b) "everything is in the hands of Heaven except for *yiras Shamayim*"? In truth, the

same question can be posed regarding many such prayers found in our liturgy – e.g. *hashiveinu Avinu l'Sorasecha*, return us Our Father to Your Torah. The commentators have suggested various approaches. [See, for example, Maharsha to *Berachos* (10a) who suggests that we can pray for our own *yiras Shamayim* and ask for divine assistance in following the path of *yiras Shamayim* that we chose to follow; and *Emes L'Yaakov* (Ba'al HaNesivos) to *Berachos* (10a) who suggests that we can pray for divine assistance to provide us with proclivities and surroundings that are conducive to growth.]

2. With regard to the specific phrase "*ten*



HaShem doesn't need our permission or approval to enter the pischei olam, the entrances into the world, but we have the opportunity to open the gates for Him.

belibeinu” – “place in our hearts”, it would seem to be based on a passage in the Gemara, *Avodah Zarah* 5a, commenting on the *pasuk* (Devarim 5:26) “*mi yiten v’ahaya levavam zeh lyirah osi*,” Who can assure that their heart will come to fear Me etc. The Gemara explains that at Har Sinai, Hashem offered to place *yiras Shamayim* in the hearts of Bnei Yisrael if only they would say “*ten Ata*” – “give us [a G-d fearing heart].” Hence, we employ the words “*ten b’libenu*”, as an explicit expression of this request.

3. Turning to the proof-text that we cite to support our request, it is clear that “*ya’azov rasha darko*” corresponds to the first part of our prayer – namely, “[*ten belibeinu*] *la’azov derech resha*”; But what about

the second part of the request, “*v’chish lanu yesha*” – “hasten our salvation” - where is this hastening alluded to in the *pasuk* that we cite in support of our request?

The answer would seem to lie in the unique syntax of the *pasuk* itself, in which each mention of Hashem as the focus of our teshuva – “*veyashov el Hashem*” and “*ve’ol Elokeinu*” - flows seamlessly into His favorable response - “*v’yirachameihu*” and “*ki yarbeh lisloach*”. This linguistic juxtaposition implies a sense of immediacy, illustrating that Hashem’s mercy and forgiveness are automatically and instantly engendered. This is how the paytan derived the concept of “*chish lanu yesha*.”

Si'u She'arim Rosheichem Rabbi Yosef Dov Soloveitchik z"l

On the nights of Rosh HaShanah and Yom Kippur, we recite Tehillim ch. 24. This chapter contains verses that also appear in the beracha of *Malchiyos* on Rosh HaShanah:

שָׂאוּ שְׁעָרִים רְאִשֵׁיכֶם וְהִנְשָׂאוּ פִתְחֵי עוֹלָם
וַיָּבֹאוּ מֶלֶךְ הַכְּבוֹד. מִי זֶה מֶלֶךְ הַכְּבוֹד ה'
עֲזִיז וְגִבּוֹר ה' גִּבּוֹר מִלְחָמָה. שָׂאוּ שְׁעָרִים
רְאִשֵׁיכֶם וְשָׂאוּ פִתְחֵי עוֹלָם וַיָּבֹאוּ מֶלֶךְ הַכְּבוֹד.
מִי הוּא זֶה מֶלֶךְ הַכְּבוֹד ה' צָב־אוֹת הוּא מֶלֶךְ
הַכְּבוֹד קָלָה.

There are two *pesukim* that are almost exactly the same followed by a question *mi (hu) zeh Melech HaKavod*, who is the Glorious King? The verses provide two very different answers.

Rav Soloveitchik explained that this chapter is discussing HaShem entering the *pischei olam*, the entrances into the world. He doesn't need our permission or approval to

enter, but we have the opportunity to open the gates for Him. The difference between the first two *pesukim* and the last two *pesukim* becomes clear when we realize the difference between *v'hinasu* and *se'u*. In the first two *pesukim*, we do not actively invite HaShem in or welcome Him by opening the gates; rather, He enters by making sure that the gates themselves do not pose an obstacle (*hinasu* is passive).

In that scenario, how does the Glorious King reveal Himself? HaShem reveals Himself as a mighty warrior, and the world comes to recognize His authority after seeing the destruction that He is capable of unleashing on the world. In the second set of *pesukim*, the key word is *se'u*. We actively open the gates of the *pischei olam* and welcome Him in.

THEY SACRIFICED IT ALL - LET'S HONOR THEIR LEGACY



Through the Mantzichim Torah Restoration Project, we're breathing new life into disqualified Sifrei Torah, restoring and dedicating them to the sacred memory of IDF soldiers who fell defending the Jewish people.

THE CHUMASH OF HEROES

In addition, their stories are now inscribed in a breathtaking new Chumash of Heroes volume, a set of Chumashim to be used at home.

A TORAH.

A TRIBUTE.

A LEGACY YOU CAN HOLD.



DONATE \$360+ TO THE MANTZICHIM TORAH RESTORATION PROJECT AND RECEIVE THE CHUMASH OF HEROES AS A GIFT—PLUS, WE'LL SEND A SET TO A BEREAVED SOLDIER'S FAMILY IN YOUR HONOR!



LEARN THEIR TORAH.
LIVE THEIR LEGACY.

PARTNER WITH US >
THECHESEDFUND.COM/MANTZICHIM



In this scenario, the Glorious King is seen as *HaShem Tzeva-os*, the Lord of Hosts. We see and recognize His glory and splendor.

Rav Soloveitchik notes that these two approaches are reflected in the introduction to the berachos of *Kedushas HaShem (HaMelech HaKadosh)* and *Malchiyos* on Rosh HaShanah. The introduction to the beracha of *Kedushas HaShem*—which, according to Rav Soloveitchik, is based on the opinion of Rabbi Yochanan Ben Nuri that *Malchiyos* is recited within it—centers on the theme of HaShem revealing Himself through

the destruction of evil. It begins with *UV'chen ten pachdecha*, You shall place your fear upon [the nations], and its ultimate goal is *ki sa'avir memsheles zaton min ha'aretz*, You will remove evil dominions from the earth. By contrast, following the view of Rabbi Akiva, the verses of *Malchiyos* are placed in the beracha of *Kedushas HaYom (Mekadesh Yisrael v'Yom HaZikaron)*. In our version, the theme of *Malchiyos* is aspirational. We hope that the world will recognize HaShem's sovereignty, that it will open the gates. In *Malchiyos* we say *Al ken nekaveh ... v'chol bnei basar yichre'u lishmecha*, we hope that the world will abandon idolatry and bow to You.

“Chaim” in the Insertions for Aseres Yemei Teshuva

Rabbi Moshe Tzvi Weinberg

During Aseres Yemei Teshuva, there are four insertions into the Shemoneh Esrei, all of which mention *chaim*, life. The Rishonim raise a fascinating question. If you look closely, the first two times we mention only *chaim*—plain life, without any adjectives attached. The last two invocations shift to *chaim tovim*—a good life. Why this change?

The *Tur* (582) cites the *Maharam of Rothenburg* that when a person makes a request, he should begin with something small, and only afterwards add on. So at first we simply ask for *stam chaim*—basic life itself. And then, as the prayer progresses and our confidence deepens, we begin to ask for more: *chaim tovim*, not merely life, but a good life.

What's the meaning of this progression? The *Maharam* seems to be teaching us that prayer is not just about making demands of HaKadosh Baruch Hu. If the goal is to cultivate a relationship with the Borei Olam, then there is a certain etiquette, a rhythm, to that conversation. One doesn't barge in and immediately request the greatest gifts. Rather,

we begin humbly, and only later allow ourselves to articulate the fuller aspirations of our heart.

Yom HaZikaron Hazeh

Rabbi Michael Taubes

In the Shemoneh Esrei, we describe Rosh Hashanah as *Yom HaZikaron hazeh, Yom Teruah*, this Day of Remembrance, the Day of Teruah. Why do we identify Rosh Hashanah by mentioning the *teruah*, or more broadly, the mitzvah of shofar? We

ELAL



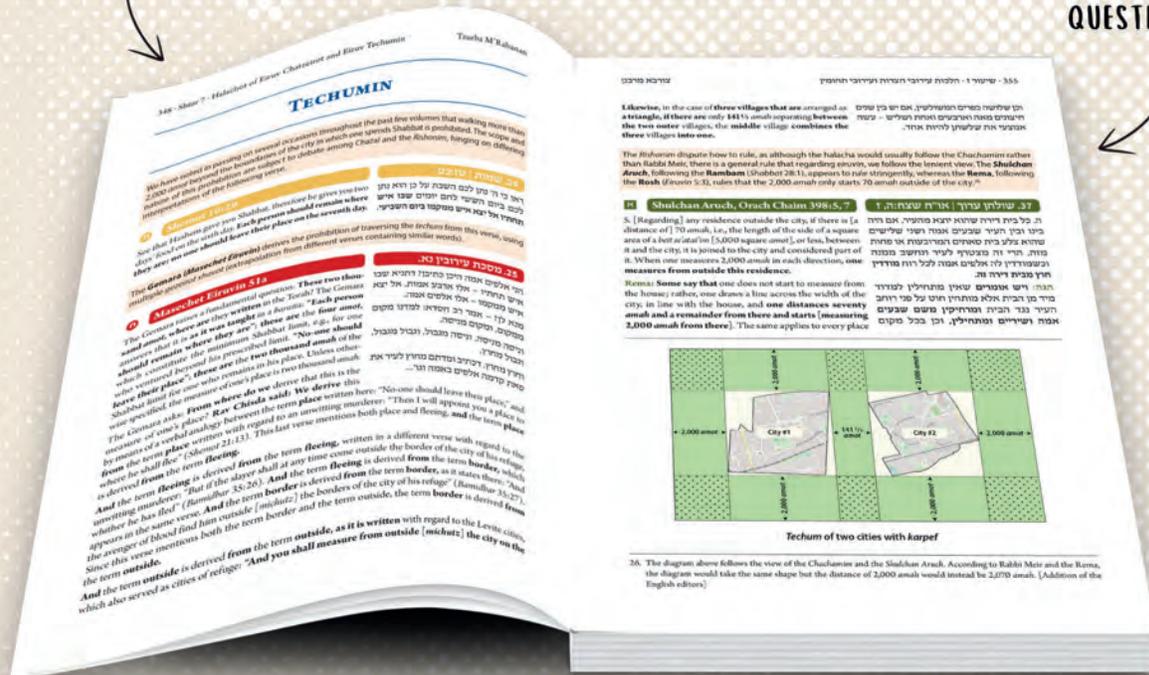
elal.com

DIVE DEEP INTO HILCHOT SHABBAT

Volume 22: The Dr. Harold and Magda Katz Edition now available

PROGRESS FROM SOURCE TO PSAK
IN EVERY SUGYA

STEP BY STEP ANALYSIS OF
PRACTICAL SHABBAT
QUESTIONS



HEBREW SOURCES WITH PRECISE
ENGLISH TRANSLATIONS

VISUAL GUIDES TO
EXPLAIN COMPLEX
SCENARIOS

Topics include: Giving Birth on Shabbat, Emergencies on Shabbat, Electricity on Shabbat, Asking a Gentile to Violate Shabbat, Benefiting from the Violation of Shabbat, Carrying on Shabbat, Eiruv Chatzeirot, Eiruv Techumin

All 7 Volumes of Hilchot Shabbat Now Complete!



FOR MORE INFO
To learn more about Tzurba
or to join our community, visit
tzurba.circle.com

IN ISRAEL
To purchase volumes in
Israel, visit tzurbaolami.com



generally do not refer to any Yom Tov in the Shemoneh Esrei by highlighting the mitzvah associated with it. Rav Soloveitchik suggested that the phrase *Yom Teruah* here is not a reference to the mitzvah of shofar at all, but rather to the fact that Rosh Hashanah is a day of *reius*, a day of friendship. We strive to develop a close relationship with Hashem on this

day and by doing so, we can consider the relationship one of *reius*.

A similar idea appears in the *Bnei Yissaschar* (Tishrei no. 2). He suggests that the *simanim* eaten on Rosh Hashanah night are rooted in the idea that when you are truly close with someone, you can communicate

without words—through signs and signals alone. While an outsider might not understand their meaning, those bound by a close relationship do. Likewise, then, the *simanim* express our closeness with Hashem, reflecting that we can communicate with Him using signs and not just words.

Unesaneh Tokef

Rabbi Zvi Sobolofsky

Unesaneh Tokef is recited as an introduction to Kedusha. It seems that there is a very strong contrast. In one moment, we reflect on who will live and who will die, and the next we are singing almost triumphantly as we lead into Kedusha. How can we sing and recite Kedusha right after such an awe-

provoking tefillah?

We enjoy a closeness with Hashem that breeds in us a sense of purpose. When we realize, as we hopefully do on the Yamim Noraim, that we are called on to live lives of *kedusha* filled with meaning and connection to our Creator

it makes sense to sing joyfully even after the chilling tefillah of *Unesaneh Tokef*. Whatever fears are evoked through the recitation of *Unesaneh Tokef* are counteracted by that realization, that we live for something greater. And, once we understand that we live for a higher purpose we can proceed to Kedusha.

Yeshua VeRachamim

Rabbi Elchanan Adler

וגם את נח באהבה זכרת ותפקדהו בדבר
ישועה ורחמים.
*You also remembered Noah with love and
You were mindful of him with salvation
and mercy.*

What is the significance of the juxtaposition of its two words — *yeshua* and *rachamim*? Why is this particular word combination used to describe the remembrance of Noah?

This unique word combination appears again at the conclusion of the bracha of Zichronos where we beseech Hashem *ufakdeinu b'fekudas yeshuva verachamim* — to remember us with a remembrance of salvation and mercy — *mishmei shmei kedem* — from the ancient heavens.

The use of these two words in association with the ancient heavens

is significant, as it appears to describe a transcendental, or "last resort," type of mercy that comes from the "most ancient of Heavens" (*mishmei shmei kedem*).

This phrase is also found in the Yaa'le VeYavo prayer, which, after many pleas for remembrance, ends with a request for this specific form of grace.

The question is, what makes this mercy so transcendent?

The answer may be found in the Ramban's commentary on the verse, "*Vayizkor Elokim es Noach*" (Genesis 8:1). The Ramban is puzzled by why God would "remember" animals, which, unlike humans, lack free will and therefore do not accrue merit. He explains that this remembrance was a manifestation of the primordial Will

that originally brought the world and all its species into being. During the mabul, this aspect of Divine Will was dormant, but it reemerged at this pivotal moment to ensure the continuity of creation.

We can extrapolate from this that the manifestation of this primordial process extended not just to the animals but to Noah and humanity as a whole. This understanding provides a framework



Scan here to see a fuller presentation on this idea.

for the mercy epitomized by the phrase *yeshua verachamim*. This grace is not based on the recipient's worthiness or merit but is a unilateral and self-justifying act of Divine grace. It is the same boundless mercy that willed the world into existence in the first place.

Within Torah theology, the Jewish people are seen as indispensable to the world's existence. Their fidelity to God's commandments helps guide the world toward its purpose (*tikkun*), and their continued survival is therefore tied to the very act of Creation itself. The Ramban (Devarim 32:26) explains this concept in his commentary on *Shiras Ha'azinu*, where he equates the force that ensures Israel's continuity with the Divine Will integral to Creation.

Pieced together with the Ramban's own comments on the verse "*vayizkor Elokim es Noach*," it becomes abundantly clear

that the latter verse embodies the extraordinary secret of Jewish survival; hence, the prominent place that it holds among the verses of *Zichronos* is most appropriate. Therefore, the following points emerge:

1. God's eternal concern for Am Yisrael is linked to his promise to never again destroy the world.
2. This promise was foreshadowed by his remembrance of Noach and the calming of the waters.
3. This remembrance is a manifestation of *yeshua verachamim*, a primordial mercy that stems from the "Ancient Heavens" and is synonymous with the Divine Will of Creation.
4. The survival of the Jewish people is essential to the world's continued existence.

5. Consequently, the same attribute of mercy that sustains the world is what sustains Klal Yisrael, and when all else fails, this can serve as the "mercy of last resort."
6. "*Vayizkor Elokim es Noach*" identifies Noach and the animals, despite their vast dissimilarities, as joint beneficiaries of the Divine grace. The secret to becoming the beneficiary of special Divine grace may be the ability of a human being to suspend his sophisticated, rational faculty in favor of simple faith.
7. Accessing this mercy is not a function of merit, nor of erudition or cognition; it lies deep in the recesses of one's inner being — in the instinctual awareness of being a "creature of G-d" and in a feeling of utter dependence upon Him.

Kol Nidrei

Rabbi Meir Goldwicht

The Geonim disputed whether Kol Nidrei is even effective in annulling our vows. If this is true, why is Kol Nidrei so central to the Yom Kippur liturgy? Furthermore, why do we introduce Kol Nidrei with permission to pray with the sinner (*l'hitapalel im ha'avraynim*)?

There are two midrashim that discuss Moshe Rabbeinu annulling a vow of Hashem. The *Midrash Rabbah* in *Ki Tisa* states that *vayechal Moshe* (lit. Moshe prayed) can be interpreted to mean that although Hashem vowed to destroy the Jewish people after the *cheit ha'egel*, Moshe Rabbeinu annulled that vow. In contrast, we find (*Da'at Zekeinim*, Devarim 3:26) that when Moshe

Rabbeinu sought to enter Eretz Yisrael, Hashem refused, explaining that he had already vowed that He wouldn't allow it. Moshe Rabbeinu asked to annul the vow, to which Hashem responded, "a student cannot annul the vow of his Rav." Why was Moshe Rabbeinu able to annul the vow that Hashem took at the *cheit ha'egel* and not the vow prohibiting him from entering Eretz Yisrael?

At the *cheit ha'egel*, Moshe Rabbeinu was representing *klal Yisrael*. He wasn't a student, but a partner in promoting the vision of Hashem. When he wanted to enter Eretz Yisrael, he was only representing himself. Kol Nidrei is about showing Hashem that we can

bring together people from all walks of life who serve as a representation of all of klal Yisrael. We even include the sinners in our prayers and invite them to join us. In doing so, we are saying to Hashem that if You, Hashem, took any vows to punish us, we are here to annul them.



Scan here to see a fuller presentation on this idea.

UNDER THE AUSPICES OF HARAV AVIGDOR NEBENZAHL SHLIT" A



VIRTUAL HALACHA PROGRAM

For Busy Professionals Integrate meaningful Halacha learning into your life



Dr. Ezra Weinblatt
PCCM, HADASSAH MEDICAL CENTER



Rabbi Arieh Friedner
COO, DAILY GIVING



Stevie Stein
ATTORNEY

Yehuda Hammer
REAL ESTATE DEBT SPECIALIST

STRUCTURED

Live learning schedule
All resources prepared
Option for semicha



IN-DEPTH

Work from the sugyas
Get clarity on
halacha l'maaseh



DESIGNED FOR YOU

Everything on your
dashboard and app
Halacha discussion
with fellow lomdim
via WhatsApp



**New tracks opening
after Sukkos**

Orach Chaim
Starting Hilchos Shabbos

Yoreh Deah
Starting Hilchos Niddah



SCAN ME

JOIN TODAY AT VHALACHA.COM

