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INTERNET PARSHA SHEET ON BEREISHIS - 5771

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The Practical Torah A Collection Of Presentations
Of Halachah Based On The Parshas Hashavua

By Rabbi Michael Taubes

Parshas Bereishis: The Time Shabbos Ends

No definitive Halacha LeMa'aseh conclusions should be applied to practical situations based on any of these Shiurim.

After describing what Hashem created on the first day of Creation, the Torah indicates that the day came to an end, and uses the phrase "and there was evening and there was morning..." (Bereishis 1:5). This phrase is repeated following the description of the creation which took place on each of the other five days of Creation (Ibid. psukim 8, 13, 19, 23, 31). The Mishnah and Gemara in Chulin (83a) understand from his phrase, as explained by Rashi (Bereishis Ibid. s.v. Maaseh), that according to the Torah, the new day begins at night, meaning that in considering the 24 hour day, the night-time precedes the day time. When night begins, then, a new calendar day has begun as well.

The question is precisely how to define the beginning of night and, consequently, the end of the previous day according to Halacha. This is a question which obviously has ramifications for a great many Mitzvos and Halachos which depend upon the end of the old calendar day or the beginning of the new one, and is the subject of much discussion among Rishonim and Acharonim. For example, regarding the latest time one may daven Minchah in the afternoon, the Mishnah in Berachos (26a) quotes one view that it may be done until evening, that is, until the end of the day. Rashi (Ibid. s.v. Od HaErev) understands this to mean until nightfall, while Rabbeinu Yonah (Ibid. 18a. In the Rif s.v. Tefillas HaMinchah) learns that it means until sunset. The discussions relating to the first topic of Maseches Berachos, focusing on the time for Maariv and the evening Kerias Shema, also touch on this question.

HaRav Yosef Dov Soloveitchik discusses the precise definitions of day and night and their application to various Halachos in an article on this very subject in one of his Seforim (Shiurim L'Zeicher Abba Mari Z"L Vol. 1 from p. 91). He mentions the interesting point there (p. 102) that the Torah itself seems to leave us in doubt as to when the old day ends and the new day begins. In this Parsha, the first Posuk cited above (Ibid. pasuk 5) declares that Hashem called the light "Yom" day, and He called the darkness "Lailah", night. The implications of this Posuk is that the day is defined by the presence of light, and the night by the presence of

darkness. Thus, even after the sun has set, the night (and hence the new calendar day) has not yet begun because it's still light out; night begins only once it's dark. However, another Posuk in this Parsha (Ibid. pasuk 16) states that the sun is to be out during the day and the moon during the night. The implication of this Posuk is that the day is defined by the presence of the sun; once the sun has set, the day is over and the night begins, even though it is still light out. In short, the basic questions are what moment defines the end of the old day, whether when the sun sets or when the sky gets dark, and how we treat the time known as "Bein HaShemashos," or twilight, when the sun has already set, but the sky is not yet dark.

Another important question is how to precisely define nightfall. Even if we assume that the new day begins not at sunset but when it gets dark, how exactly can one figure out when that is? How long after sunset is this time? One of the many issues that depends upon this question is the issue of when Shabbos is over. Because of the aforementioned doubt about whether the new day begins at sunset or nightfall, we observe Shabbos (and Yom Tov) on both ends: Shabbos begins at sunset on Friday afternoon, but does not end until it gets dark on Saturday night; the Mishnah Berurah (Orach Chaim Siman 261 Sif Katan 23) and the Kaf HaChaim (Ibid. Ote 1) elaborate on some of the details about this. The question is how long after sunset one must wait.

The Gemara in Pesachim (94a) states that the time from sunset until it gets dark is equivalent to the time it takes to walk four "Mil." Exactly how long that takes is the subject of another dispute among the Poskim, as presented by the Mishnah Berurah (Orach Chaim Siman 459 Sif Katan 15), and elaborated on in the Biur Halacha (Ibid. s.v. Havei). The Vilna Gaon (Biur HaGra Ibid. s.v. V'Shiur) and the Chok Yaakov (Ibid. Sif Katan 10) discuss this matter at length. The most widely accepted view is that one "Mil" can be walked in 18 minutes; the time between sunset and darkness, which is four "Mil", would thus be 72 minutes. The Gemara in Shabbos (35a), however, implies that from sunset to nightfall is only 3/4 of a "Mil", which is only 13 1/2 minutes, as explained in Tosafos there (Ibid. s.v. Trei). To resolve this contradiction, Tosafos there (Ibid.) and in Pesachim (Ibid. s.v. R. Yehudah) quotes Rabbeinu Tam who explains that there are actually two stages to sunset. The first is what people commonly call sunset and what he calls "the beginning of sunset," and actual nightfall takes place four Mil (72 minutes) after this, as the Gemara in Pesachim (Ibid.) indicates. But then there is what he calls "the end of sunset," which takes place 3/4 of a Mil (13 1/2 minutes) before this actual nightfall, and this is the stage which the Gemara in Shabbos (Ibid.) refers to when stating that from sunset to nightfall is 3/4 of a Mil. It seems clear from Tosafos in Menachos (20b s.v. Nifsal), though, that Rabbeinu Tam considers the time until that last 3/4 of a Mil before this actual nightfall (that is, until 58 1/2 minutes after what people commonly call sunset) to be daytime for all Halachos. This is followed by 13 1/2 minutes called Bein HaShemashos, and finally, 72 minutes after what people commonly call sunset, comes nightfall. Consequently, only then, after those 72 minutes, would Shabbos be over.

Although many Poskim accept this view, including the Shulchan Aruch (Orach Chaim Siman 261 sif 2), the Vilna Gaon (Biur HaGra Ibid. s.v. She'Hu) questions it, saying that one can tell by looking outside that darkness falls long before 72 minutes after what people commonly call sunset, and it's difficult to consider the entire period of 58 1/2 minutes after that sunset to be daytime when it's obviously already dark out. He therefore concludes that sunset has only one stage, and when the sun sets, Bein HaShemashos begins immediately and lasts for 3/4 of a Mil, or 13 1/2 minutes, after which comes nightfall, as the Gemara in Shabbos (Ibid.) states. The 4 Mil period of the Gemara in Pesachim (Ibid.) is the time from sunset until a later time at night, when all the stars are visible, which is relevant for other purposes. The Gaon (Ibid.) adds, however, that this 3/4 of a Mil represents Bein HaShemashos only in Eretz Yisrael and Bavel, and only at certain times. In other locations, depending on

their latitude and longitude and depending on the time of year, the time between sunset and nightfall would be different, and nightfall can be determined by seeing three small stars in the sky (See Ibid. Biur Halacha s.v. M'Techilas). In the New York area, it is generally assumed that at least with respect to the end of Shabbos, nightfall is about 42 minutes after sunset according to this view, which is commonly followed.

Nonetheless, many people do wait longer to conclude Shabbos, following the view of Rabbeinu Tam. Again, there is much discussion as to what he meant by 72 minutes after sunset, and whether that time too varies with one's location and the time of year, and hence there are different customs. The Mishnah Berurah, while in general accepting the Vilna Gaon's definition of sunset (See Siman 233 Ibid. Sif Katan 14), recommends in the Biur Halacha (to Siman 261 Ibid. s.v. She'Hu) that one should wait 72 minutes after sunset before ending Shabbos, seemingly regardless of location or season, although he quotes other views. Rav Moshe Feinstein (Igros Moshe Orach Chaim Cheilek 1 Siman 24) suggests this as well. It should be noted that it is always proper to add a few minutes on to Shabbos both at the beginning and at the end, as indicated by the Gemara in Rosh HaShanah (9a) and implied by the Gemara in Shabbos (118b), and as codified in the Shulchan Aruch (Orach Chaim Siman 261 Ibid. and Siman 293 Ibid. Sif 1)

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Parashat Beraishit:

The Challenge of Free Will – From One Firstborn to Another by Yaakov Bieler

On September 28, 2010 @ 7:42 am In New Posts, Parasha

While the Parsha of Beraishit contains many well-known, seminal stories with respect to the universal human condition,[1] [1] the verse to which I find myself being drawn year after year, is Beraishit 4:7. After Kayin (Cain) is crestfallen as a result of his younger brother Hevel's (Abel) sacrifice being divinely accepted, while his own is rejected, God tells him, "Halo, Im Teitiv Se'eit. VeIm Lo Teitiv LePetach Chatat Roveitz VeEilecha Teshukato. VeAta Timshal Bo" ("If you do well, you will be uplifted. And if you do not do well, sin crouches at the door, and to you shall be its desire. Yet you can rule over it.") Unfortunately, Kayin does not heed the warning that he is given, and in the very next verse (4:8), he eliminates his competitor once and for all.

An advantage given to Kayin that his parents never were afforded Although Adam and Chava also sinned (3:1-7) and suffered dire consequences as a result (v. 16-24), there apparently never was a prior opportunity for them to learn what is implied by a God-given Commandment. Kayin's parents originally received a single warning concerning eating the fruit of the Tree of Knowledge of Good and Evil as well as a threat of mortal consequences in the event that the warning is not heeded (2:16-17). They were not told about human nature's susceptibility to temptation; neither were they instructed regarding the best means by which they could avoid error, nor the possibility of repentance following improper behavior. Perhaps God deemed it "sufficient"[2] [2] to threaten them with death (v. 17) as a necessary and effective deterrent against their ignoring the Divine Command. Subsequent events, however, offer ample evidence that informing man of such a punishment, as dire as it sounds to contemporary man, proved ineffective. Perhaps because Adam and Chava could not imagine the state of death, something that with which they had no experience, directly or indirectly, rendered the threat moot.

Comparing the Divine Warnings Issued first to Adam and Chava, and then to Kayin

It is consequently possible to view 4:7 – the words imparted to Kayin anticipating future desperate, drastic actions on his part – as a refinement and reworking of 2:17. This time, life and death are not made part of the calculus concerning sin and redemption with which the Divine

confronts Kayin. The lesson taught to him after the rejection of his sacrifice emphasizes the issue of free choice and the possible sequence of events, both good and bad, resulting from earlier actions. Whether or not Kayin gives in to his feelings of anger and frustration, or rises above them, is posed as a portent for an entire series of profound choices throughout his life, where the individual is constantly tempted and tested.

Challenges testing one's moral fiber can arise as the result of even virtuous behavior

It is notable that the action that initiated the unfortunate chain of events that leads directly to Kayin's slaying his brother Hevel, is an inherently positive one, reflecting admirable commitment and a proper religious sensibility. The Bible records no sacrifices offered prior to Kayin's bringing produce as an offering to God. And obviously, Kayin therefore was also never explicitly told or could emulate others with respect to bringing the "best" when presenting a sacrifice to God.[3] [3] Hevel, on the other hand, watched what his brother did, copied him, but also improved upon his brother's actions by going out of his way to offer sacrifices of superior quality. Perhaps God assumed that since Kayin had been the first to offer sacrifices, and his brother had emulated him with respect to the general process, then he in turn would readily emulate Hevel. On succeeding occasions, he would similarly not only sacrifice in general, but deliberately present his best possessions to God. It would appear that this was in essence what God attempted to communicate to Kayin in 4:7—one should always look to improve upon what one has done in the past, and in this manner become ever-uplifted. Something apparently in Kayin's nature unfortunately prevented him from learning either from his brother's example or from God's explicit instruction.

A possible barrier preventing Kayin in particular from being open to instruction and correction

R. Yehuda Kil, in Da'at Mikra,[4] [4] notes the literary parallels between God's words to Kayin—"Im Teitiv Se'eit", and what Yaakov tells Reuven in his final blessing to him (49:3)—"Yeter Se'eit VeYeter Az" (exceedingly uplifted and exceedingly powerful.) The commentator suggests that the term "Se'eit" reflects the special status of priesthood and being a first-born son.[5] [5] An additional literary reference to the status of the firstborn in God's message to Kayin is the usage of the word "Petach" (doorway, opening) in 4:7, which R. Kil understands as the opening of his mother's womb that the Bechor accomplishes when he is born. The reason that "sin (especially ?) crouches at the opening of the mother's womb" specifically with respect to the Bechor, assumes this particular child must be special. Consequently, from the moment that Kayin and Hevel, the first siblings on earth, interact with one another, the biblical story leads the reader to posit that the Bechor expects special treatment and status due to his having been first on the scene. While one way to read many of the stories of the Bible would be to understand them as a negation of primogeniture and inherited privilege – making the case that chosenness should be based upon merit rather than genealogy and birth order – it is equally significant and quite poignant to consider these stories from the point of view of the first-born children themselves, who are regularly stymied in their aspirations for leadership. One might even ultimately conclude that being born first, with the accompanying expectation of entitlement and sense of superiority, is actually a handicap rather than an advantage! While 4:7 is a message relevant to every human being, it might be of particular importance to those who, like the first-born, have some sense of superiority of expectation of privilege.

Kayin is the first of a long line of first-born who are stymied in their pursuit of privilege

Just as Kayin's assumption that he by definition is meant to excel beyond his brother gets thwarted by his brother's sacrifice being accepted and not his own, so too all of Leah's children in general, and Reuven in particular, experience a similar rejection when the latter is replaced by Yosef as Yaakov's firstborn. (48:5. By Yaakov's designating

Yosef's sons Efraim and Menashe into full fledged tribes, he in effect confers upon Yosef the double portion of the firstborn, which technically belonged to Reuven.) Yaakov's justification for Reuven's demotion, (v. 4) "Pachaz KaMayim Al Totar" (unstable as water, you shall not excel)—the verse then refers to Reuven's impetuous interference with Yaakov's conjugal life following Rachel's death (35:22)—could be just as easily applied to Kayin in the sense that he is unable to pay attention to the Divine Instruction being given to him, but rather continues to wallow in his emotions of jealousy and frustration leading to his violently ending his competitor's life.

Others may have been complicit in creating Kayin's mindset

The significance of the naming of Kayin further suggests that the attitude of specialness on the part of a firstborn is not something that exclusively resides in the child's mind, but rather that it is often aided and abetted by parents. In 4:1, Chava exults upon the birth of her first child, and proclaims, "Kaniti (I have acquired, brought into existence) a man together with God." As for his brother, we are left to use our own imaginations and associations in order to account for why the name "Hevel" was chosen, particularly in light of its meanings including vapor, steam, and nothingness. MaLBIM even suggests that Hevel was Kayin's twin, paralleling the births of Eisav and Yaakov, since the text implies not that she conceived a second time, but rather (4:2) "She continued giving birth..." Although the second child came forth momentarily after the first, he nevertheless paled in significance in the mind of the mother, for no other reason than he was second! This is also suggested by the description of the births of Peretz and Zarach, (38:28-30), where the child that extended his hand beyond the womb first, earns privileged status, even if his body enters the world after his brother's.

Yishmael's mocking disposition and possible teasing of Yitzchak (21:9) could be understood to stem from a similar feeling of the oldest being suddenly supplanted by a younger child upon whom the parents shower great displays of affection. The imagery of Yaakov's name being given to him as a result of his holding on to his twin's heel at birth (25:26) is not lost on Eisav when he cries out after Yaakov's trickery in obtaining Yitzchak's blessing, (27:36) "For this reason is his name Yaakov, for he has usurped me (held onto my heel and gotten unfair advantage) twice..."

The Jewish people as a whole as first-borns

In light of the experiences of Kayin, Yishmael, Eisav and Reuven, when God tells Moshe to express the Jewish people's specialness to Pharaoh in the following manner: (Shemot 4:22) "Beni Bechori Yisroel" (Israel is My Son, My Firstborn Son), should this not only be a source of pride for us, but also an implied warning? Should Jews assume that their status as chosen people is inviolate, and therefore they will live lives of unabated privilege and favoritism? At least certain periods of Jewish history have appeared to not bear out such an assumption. All first-borns, individuals as well as nations, must be careful not to sit back on their laurels and presume that they don't have to actually continually earn their special status. Such a cautionary tale could be understood to begin with the words directed at Kayin in Beraishit 4:7.

[1] [6] Ch. 1: The relationship of man to the rest of the Creation. 2:15 Man's responsibility to take care of the world, balanced by (1:28) man's mandate to benefit from and rule over the world. 2:16-17 Man responding to a Divine Commandment entailing the restriction of his desires. 2:18 Man's need for companionship/community. Ch. 3; 4:10-15 Sin and its consequences. 3:7, 21 Man's need to be clothed. 3:22 ff. Exile from a person's home. 4:3-5 The impetus to bring sacrifices to God. 4:8 Fratricide/murder in general. 4:20-22 Seminal developments in the history of human civilization. 4:26 Origins of idolatry, polytheism. 5:22-24 A human being who develops an intensely close relationship with God. 6:1-4 A description of an imbalance among social classes leading to the exploitation of the weaker by the more powerful. 6: 5 ff. God's

negative Evaluation of the entire Creation. [2] [7] The issue of the interaction between God's Omniscience and man's free choice arises as soon as the first Commandment is given. Meshech Chachma on Beraishit 2:26 interprets "BeTzalmeynu" as God's deliberate Intention to engage in "Tzimtzum" (a contraction of His Qualities) to the point where human free choice, "KiDemuteinu" becomes possible. [3] [8] The reason for Kayin's sacrifice being rejected in favor of Hevel's can only be inferred by the manner in which each of their respective sacrifices is described. Furthermore, only upon contrasting the two descriptions is anything negative implied about Kayin's offering. Beraishit 4:3 "...and Kayin brought from the fruits of the earth an offering to God" appears to be perfectly respectable and appropriate. It is only when this verse is compared to the one immediately following, (v. 4) "And Hevel also brought from the first born of his flock and from the fattest thereof..." that the absence of comparable superlatives describing Kayin's offering becomes noticeable. Consequently it could be concluded that this shortcoming was a subtle one, which one could easily correct, were s/he so disposed. [4] [9] Beraishit, Vol. 1, Mosad HaRav Kook, Jerusalem, 1997, p. 109. [5] [10] Originally, the Jewish priesthood was to have been comprised of the firstborn. Only as a result of the sin of the Golden Calf was Aharon and his descendants chosen to replace the firstborn in this role. See BaMidbar 3:12. Article printed from Text & Texture: <http://text.rcarabbis.org> URL to article: <http://text.rcarabbis.org/parashat-breishit-the-challenge-of-free-will-from-one-firstborn-to-another-by-yaakov-bieler/> Copyright © 2009 Text & Texture. All rights reserved.

**Parshas Bereishis -
Lights of Leil Shabbos and of Havdalah
By Chaim Ozer Shulman**

In is week's Bereishis – Parshas Bereshis, Chazal find a source for lighting candles - Hadlakas Neros Shabbos for the beginning of shabbos, as well as for lighting a Havdala candle (on which we say Boreh Meorei Haesh) at the conclusion of Shabbos. 1. What are the sources for these candle lightings? 2. How is the Neros Shabbos different than the Havada Candle? Chazal in the Midrash Raba (Ch. 11) and in the Gemara Chagiga (12a) state that the Or, the light that was created on the first day of creation was not the light of the sun but was a special light with which one can see from one end of the world to the other. But Hashem saw that the Dor Hambul and Dor Haflagah would be corrupt, Hashem hid the light - "Or Haganuz" - and designated it for the Tzadikim in the world to come. That's why it says in Pasuk Daled: "Viyar Elokim es HaOr Ki tov VaYavdel Elokim bein haOr uVein haChoshech" as Rashi on Chumash points out. Interestingly, however, the Midrash Raba states that the Or Haganuz, the special light was not hidden until Motzei Shabbos. As the Eitz Yosef on the Midrash Raba explains, if Adam had not sinned the Or HaGanuz would remain until the Dor Hamabul and Dor Haflaga. But once Adam and Chava sinned the light was hidden away right after the first Shabbos. So the special light existed for Adam Harishon all Friday day, all Friday night, and all Shabbos. Once Motzei Shabbos came around and the Or Haganuz (the special light) as well as the regular sun, Adam saw darkness for the first time and was terrified until Hashem found for Adam two flint stones which Adam rubbed together to make fire for the first time. The second Mitzva derived from the Midrash is a Mitzvah of Hadlakas Neros Shabbos, of lighting the candles Friday evening. The Medrash Tanchuma and Yalkut Shimoni in Bereshis brought down by the Tur (Orach Chaim 263) state that Hi Kavsa Neiro Shel Olam DiGarma Misa liOlam. Chava caused the light of the world to be extinguished, which we understand from the Pasuk: Ner Elokim Nishmas Adam (Mishlei 5), the light of Hashem is in the soul of man. Therefore women are given the primary responsibility for lighting the Shabbos candles. There may be

an added connection of Hadlakas Neiros Shabbos to Chava. The first Shabbos had the Or Haganuz - the special light - as we mentioned above.

The special light would have continued for Adam and perhaps also for descendants who were not part of Dor Hamabul/Dor Haflagah. The candle lighting on Shabbos is intended to create a little Olam Haboh into our Shabbos-like we say Meyein Olam Haba - Yom Shabbos Menucha. That Shabbos has an Olam Haboh character to it. Therefore women light candles because the special light left Adam as a result of Chava. The Shaloh Hakadosh on Chayei Sarah also states that that Shabbos Bereshis had the special light of Olam Haboh. He also states that Sarah's tent lit up from the Meyein Olam Haboh character of the Shabbos candles, and that returned with the arrival of Rivka. Some, including the late Lubavitcher Rebbe [and one opinion in the Aruch Hashulchan] hold that a girl from age three should light Shabbos candles, That may be learned from Rivka who was three according to some when she went with Eliezer. This is similar to the Neshama Yeseira (extra soul) on Shabbos. It also explains better why the Havdala candle is important because it is a consolation to the darkness that follows Shabbos which has a Meyein Olam Haboh.

<http://www.RavKookTorah.org/BREISH65.htm>

Bereishit: Be Fruitful and Multiply

Immediately after creating man and woman, God told them, "Be fruitful and multiply. Fill the land and conquer it" (Gen. 1:28).

One might think that the very first mitzvah in the Torah would be some central precept — not worshipping idols, for example, or the belief in one God. What is so important about procreation, that this was God's first command to humanity? And why is it necessary for God to command that which comes so naturally to humans?

Foundation for Morality

The fact that "pru u'revu" (procreation) is a mitzvah is crucial. This indicates that this activity is rooted in absolute holiness and goodness. Indeed, recognizing the holiness in procreation is the very basis for an ethical outlook.

If one is unable to perceive the absolute good that comes from the continued survival of the human race, then life itself is merely the lamentable victory of our natural drives over the desire for good. Such a pessimistic view is the root of all negative traits and immoral behavior. The ultimate conclusion of such an outlook is that 'Might makes right,' that the strong and the fit deserve to rule over the weak.

However, when procreation is revealed to us as a holy obligation, then we must acknowledge that the true inner drive for the formation of life is not some blind biological instinct, but rather an inner Divine goodness. This knowledge should impress upon us the innate goodness to be found in all aspects of life.

Bringing Children into a Flawed World

Nonetheless, we know that life is not easy. Life in this world is full of pain and suffering. Even the Sages concluded that it would better for the soul not to have been born (Eiruvin 13b). How can we bring children into such a world?

Just as this mitzvah reinforces our natural aspirations for goodness, so too it elevates our thoughts to recognize an underlying unity over time. The past, present, and future are all bound together. It is not for the faulty world of the present, nor for the cruel world of the past, that we bear and raise children. Rather, we bring new souls into the world in order to advance the universe towards the infinitely bountiful world of the future.

Through the mitzvah of "pru u'rvu," we actively participate in the world's gradual progression. We help advance the universe to attain the lofty state when life is revealed in its noblest form, when cognizant, sentient living beings will be brought to a state of incomparably refined

and fulfilled life. They will experience a world in which life is no longer an onerous burden, but a delightful benefit and blessing.

The Divine mandate of "Be fruitful and multiply, fill the world" demands that we perfect the world in all aspects. We need to advance the world, both physically and spiritually. We are commanded to "fill the world" both qualitatively and quantitatively. The harsh aspects of a raw and untamed world, which stem from its desolation and emptiness, are surmounted by our efforts throughout the generations to settle and refine it.

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<http://www.torah.org/advanced/mikra/5770/bereishis.html>

Parshas Bereishis

Two Versions of the Truth

By Rabbi Yitzchak Etshalom

BY WAY OF INTRODUCTION...

Since we are beginning a new cycle of learning, back to the "beginning", it seems appropriate to introduce this shiur with a short statement about the perspective of this series of shiurim and their place within the constellation of Torah study.

In the first story of Man's creation (see below), God declares: "Let us (?) make Man in our (?) Image" (B'resheet 1:26). Besides the theological problems raised by the use of the plural (for instance, the Septuagint, the Greek translation of the Tanakh generated in the Alexandrian community in the first century BCE, renders this in the singular due to the significant problems raised by "our Image"; see also Rashi ibid; note also the fascinating comment of Ramban here), there is a more "anthropological" issue here - what does it mean to be created in the Image of God? Indeed, not only in Chapter 1, but again at the beginning of the "begats" (Chapter 5), the Torah declares that God created Man in His Image. How do we understand this description?

Rashi explains that "image" here refers to the ability to reason. Rav Soloveitchik z"l expands on this theme, building on the context of creation, and defines Man's "Divine Image" as the creative spark; that uniquely human ability to enter an environment, whether intellectual or social, and to devise an innovative way to overcome obstacles which prevent that environment from flourishing. In the intellectual arena, this means the innovative mode of thought known, in circles of Torah study, as "Hiddush". A Hiddush is an explanation which resolves contradictions in the text, which clarifies the conceptual background of various sides of a dispute - in short, a Hiddush is "digging well below the surface" of study in order to unearth the principle which drives the idea of that particular text. The difficulty inherent in any Hiddush is that there is, ultimately, no way to be certain if the Hiddush is "valid"; the ring of truth may be a hollow one, resonating only in the ears of the innovator.

It is our hope that the Hiddushim shared in this shiur, week after week, will resonate with our readership and that they will clarify more than they confound.

I B'RESHEET - THE "GENESIS" OF A PROBLEM

Following the Torah's recounting - how long did Creation take? When (in that sequence) was Man created? When were the animals created? Where does the creation of Woman fit within this matrix?

Although most people would give singular answers to each of these questions (Creation took six or seven days, depending if you reckon Shabbat; Man was created on the sixth day; the animals were created just before that; Woman was created from Man's rib [sic]), the reality of the Torah's narrative is far more complex.

Not only are there two different stories of Creation (the first story continues from 1:1 until the middle of 2:4; the second continues from there); but, from a purely text-driven read of the information, the accounts are contradictory! In the first story, creation takes six or seven

days, Man is created as a complete (single male-female) being at the apex of Creation. In the second story, Creation takes one day, Man is created as a lonely being at the beginning of the process. Woman is formed from Man - and is his "completion" - at the end of this "Creation process". Among the most pronounced differences between the two stories is the Name for God; in the first story, God is exclusively referred to as the generic "Elohim"; whereas in the second story, He is consistently called "Hashem (Y-H-V-H) Elohim".

These differences are among the stronger "arguments" marshalled by the school of "Bible Criticism", which, for the past 300 years, has been at the forefront of secular (and non-Orthodox) study of Tanakh. This school of thought (which is really many different schools, each with its own variation) maintains that the Torah is not the unified Word of Hashem; rather they see it as a patchwork of narratives, legal texts and prophecy/poetry, each produced by a different community of priests and scholars during the 10th-6th centuries BCE, which were woven into the Torah as we know it - sometime around the era of Ezra's leadership (5th c. BCE).

The Bible critics maintain that each of these communities had a different "version" of Creation, a different Name for God etc. - thus explaining the many apparent discrepancies and stylistic variations within the text.

For a myriad of reasons both in the areas of creed and scholarship, we absolutely reject this "Documentary Hypothesis". Our belief is that the entire Torah was given by God to Mosheh (ignoring for a moment the problem of the last 8 verses) and that the authorship is not only singular, it is exclusively Divine. These two statements of belief - whether or not they can be reasonably demonstrated (and there is much literature, both medieval and contemporary, coming down on both sides of this question) - are two of the 13 principles enumerated by the Rambam.

Because both intellectual honesty and religious tenet prevent us from positing that the Divine Author presents inconsistent information, how can we explain the "multiple versions" - and apparent contradictions within the text?

II TWO BASIC APPROACHES

From the perspective of tradition there are several ways to resolve these apparent contradictions. Most of them can be categorized into one of two basic approaches.

APPROACH #1: EACH VERSION COMPLETES THE OTHER

Fundamentally (no pun intended), we could try to "meld" the stories together. Rashi adopts this approach; for instance, in his commentary on the first verse in the Torah, Rashi notes that the first version of Creation uses the name "Elohim" for God - denoting strict justice (a court of law is also called Elohim - see Sh'mot 21:6), whereas the second version includes both the name "Hashem" and "Elohim" - indicating that although God's original intention was to create a world that would operate according to strict justice, He saw that that world could not last, so He integrated compassion (indicated by "Hashem" - see Sh'mot 34:6) into the process.

[We will temporarily suspend discussion of the theological difficulties raised by claiming that God "changed His mind"].

The Gemara in Ketubot (8a) takes a similar approach to the two versions of the creation of Woman - "originally God intended to create them as one being, but in the end He created them as separate individuals".

There are many examples of this approach, which is a distinct thread of exegesis in Rabbinic and medieval commentary. The upshot of this approach is that each version tells "part of the story" - and the "alternate version" completes the picture.

This approach has been adopted by some contemporary authors who attempt to "reconcile" science and Torah (why this attempt may not be necessary and may, indeed, be misleading and harmful, will be addressed in next week's shiur). The thinking goes as follows: Since each version

provides only "part" of the information, it stands to reason that we may "synthesize" the versions together in various ways - including those which appear compatible with modern scientific theories about the origin of the universe, age of the earth and origin of the species.

In any case, this approach is both well-known and ubiquitously applied throughout Rabbinic exegesis regarding the Creation story (stories).

For purposes of our discussion, we will introduce another approach, which has its roots in Rabbinic literature and which was adopted by several Rishonim and more recent commentators, including Rabbi Yosef Dov haLevi Soloveitchik zt"l.

APPROACH #2: CHANGING THE FRAME OF REFERENCE

Both the problem - and the various solutions proposed by the proponents of the first approach - are predicated on an understanding of the role of the Torah which is not the only valid one.

III TWO TYPES OF TRUTH

A brief segue on the nature of "Truth" is in order here:

There are statements which fall under the category of "Mathematical Truth"; for instance, that 7 times 9 equals 63 is not only an uncontested statement; it is also the only acceptable one. In other words, 7 times 9 MUST equal 63; if it equals anything else, something is wrong with the computation. Mathematical Truth is not only consistent, it is also exclusive.

If we maintain that the Torah is speaking the language of "Mathematical Truth", we have no recourse but to satisfy the two sides of the contradiction and either demonstrate that there is no contradiction at all - or to "weave" the information together (as demonstrated above).

There is, however, another type of statement which does not admit to "Mathematical Truth"; we will refer to it as "Ontological Truth" - (the reality about living, growing and dynamic beings). For instance, whereas it would be accurate to say that a certain boy loves to play baseball - that does not tell the full story of the boy. He is also afraid of spiders, excited about his upcoming trip to Washington and has great aptitude in science. Whereas 7 times 9 cannot equal anything but 63, the boy can simultaneously be a baseball fan, a science whiz and arachnaphobic.

As many commentators have pointed out (e.g. see S'forno's introduction to B'resheet, Shadal's introduction to his commentary on the Torah; note also Rashi's second comment on B'resheet), the goal of the Torah is not to present "Mathematical Truths" in the realms of biology, mathematics or "the origin of Man"; rather the Torah is geared to teaching us basic principles of faith, shaping proper attitudes towards the world around us, towards God and fellow humans. In addition - and most critically, the Torah's aim is to build a holy nation that will ultimately teach the basic truths and ethics of the Torah (note D'varim 4:6) to the entire world.

That being the case, we may certainly understand the various versions of creation as relating to different aspects of the world and of Man - and, notably, of Man's relationship with both the world around him and with the Creator.

We can then look at each story not as a "mathematical statement" which is either true or false - and is vulnerable to contradiction from another, equally valid source (such as the next chapter!); rather, we look at each version as a series of "ontological statements", geared to teaching us significant and focal perspectives about who we are and how we should act.

IV TWO STORIES: HEAVEN AND EARTH; EARTH AND HEAVEN

We may find a clue into the "dual" nature of the Creation narrative via a careful look at the point where the two stories "meet" - immediately after the Shabbat narrative:

"These are the products of the heaven and earth when they were created, On the day when Hashem God made the earth and the heaven"

Note that the first half of this verse is a perfect conclusion to the "first version"; it utilizes the common "Eleh" (these...) concluding formula.

Note also that just as the first story began with the creation of "Shamayim va'Aretz" - (Heaven and earth); this half-verse seems to conclude that creation.

The second half begins a new "story" - or another perspective of the same story. "On the day when Hashem God made the EARTH and HEAVEN". Note that the order is reversed - this is a deliberate move on the part of the text to shift the emphasis and the perspective of the story.

Now let's see what the two stories are - which two perspectives of Creation are being presented here.

[Much of this material based on the "Adam I & Adam II" theory of Rav Soloveitchik zt"l - the interested reader is directed to his opus: The Lonely Man of Faith].

V VERSION #1: THE STORY OF THE WORLD

The first version is, indeed, the story of the creation of the heaven and the earth - in other words, it is the story of the creation of the world from a Divine perspective. It begins with the Heavens, presenting an orderly world structured in an hierarchical manner in which every manner of life has its place (note the refrain of "according to its species" in the third, fifth and sixth days). Man is created as the final, crowning touch of this glorious labor - and is formed "in God's image" in order to be His "agent", as it were, on earth: "...fill the earth and subdue it, having dominion over the fish of the sea..." (1:28). Man is complete, Man is a master over his world and Man needs for nothing. Man here is also not commanded - God blesses him with fertility, but there is no direct relationship between Man and God in this version.

This is truly the story of the world; an orderly world created by God in which Man can be His partner, His agent - but not His "servant". The Name for God which denotes compassion - Hashem - is totally missing from this account, since there is no need for Divine compassion where there is no Divine command and no Divine worship.

VI VERSION #2: THE STORY OF MAN

There is another side to the story - the story of "the earth and the heavens" - the story from the perspective of Man (God is still "telling" the story - but from Man's point of view).

From the human perspective, everything created serves a human purpose; even the animals can serve as Man's companions (and thus are "created" after him) - but Man is not nearly as complete as the "detached" view would have it. Man is lonely, Man seeks out God as he seeks out meaning in this world of alienation and discord. This is a world where nothing grows because "there is no man to work the land" (2:5). God forms Man and then, around him and for his sake, creates a beautiful world of orchards and rivers. Immediately, the most crucial point in their relationship is realized - God commands Man! Man is no longer lonely, on one level, because he is in relationship with God. From a different perspective, however, he is lonely - because there is no one with whom to share this new life. Unlike the first - "detached" - story, in which everything is assessed as "good" (and, ultimately, "very good"), the first "non-good" thing is introduced - loneliness (2:18). As we follow "Adam II" through his bouts with temptation, guilt, cowardice, etc., we learn more about who he is - and who we are.

The Torah is not telling us two conflicting versions about creation; rather, we are seeing two sides of the same coin. The world is, indeed, an orderly place of hierarchical systems, where Man is the ultimate creature; yet, the world is also a place where Man feels alien and distant, seeking out companionship and meaning in his relationships with fellow humans, with a mate, and with God.

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<http://text.rcarabbis.org/the-view-of-rav-joseph-b-soloveitchik-zt%E2%80%9D1-on-the-ordination-of-women-by-aryeh-a-frimer/>

The View of Rav Joseph B. Soloveitchik zt"l on the Ordination of Women by Aryeh A. Frimer June 26, 2010 by Aryeh and Dov Frimer
Filed under Halakha, New Posts 28 Comments

I have been avidly following the recent discussion at the RCA Convention and on the various blogs regarding granting women semikha. I was rather surprised, however, that in all the active give and take, there is one opinion that has not been placed center stage. I am referring to the view of Moreinu veRabbeinu haRav Yosef Dov haLevi Soloveitchik zt"l, known by his students as "the Rav". The reason for this may well be the fact that the Rav never discussed this issue head on. However, there are several solid pieces of evidence which indicate, to my mind, that the Rav would clearly have opposed having women serve as Shul Rabbis and their receiving semikha.

The first piece of evidence is found in the recently published shi'urim of the Rav on Yoreh De'ah.[1] In contradistinction to Rav Soloveitchik's Talmud shi'urim - which were very lomdish and had a large element of creativity and hiddush - the tone of the Yoreh De'ah shi'urim were halakha le-ma'aseh. The Rav's primary goal in the latter was to clarify the various views of the Mehaber, Rema and nesei kelim in preparation for semikha exams.[2] In one of the first shi'urim, the Rav dealt with the ruling of Rema to the effect that our custom is not to allow female ritual slaughterer (shohatot). The Rav suggests that the reason for this is that nowadays being a ritual slaughterer requires kabala - the authorization/certification of a recognized scholar testifying to the candidate's knowledge of both the theory and practice of shehita. It should be emphasized that receiving kabala has community wide repercussions since it generally allows the bearer the right to apply for a position of shohet anywhere.

As a result of this certification requirement, appointment as a shohet is to be viewed as a communal appointment (minui kahal), from which women are excluded according to Maimonides. In the Rav's words: "It seems that since our custom is to receive authorization from a scholar in order to slaughter, therefore slaughtering is no longer merely a simple matter of permitted or forbidden food - that anyone [knowledgeable] can deal with, but has become an appointed communal position. For this reason, we do not allow women to slaughter based on the Rambam (Mishne Torah, Hilkhos Melakhim 1:5), who wrote that we do not appoint a woman to a communal position. Since a woman may not be appointed to a communal position, and slaughtering has become a communal position, therefore, it seems that a woman may similarly not be appointed to be a town slaughterer." [3]

Rabbinic ordination, like kabala, is authorization and certification by a noted scholar or more often by a board of scholars, who verify that the candidate is knowledgeable in theoretical and practical areas of halakha required for rabbinic communal leadership. If, to the Rav's mind, women are excluded from being appointed a shohetet - because the required kabala certification converts the appointment into one of minui kahal, the same is true regarding her appointment to be a congregational Rabbi which for millennia has required semikha.[4]

Another piece of evidence comes from a ruling the Rav gave on the question of women as synagogue presidents. Between 1983-1984, R. Binyamin Walfish, in his capacity as Executive Director of the R.C.A., met with the Rav in order to receive guidance on a variety of issues relating to women and halakha. During these very important conversations, Rabbi Walfish asked the Rav whether women could serve on shul boards. The Rav responded that he saw no reason why women could not serve as a shul board member. The latter appointment was not serara (discretionary power, vide infra) over the community which Rambam (ibid.) forbids for women, since the final decision was made by the board as a whole - and not by the individual members, which merely had input. The Rav did pasken, however, that women could not be shul presidents. The latter had certain prerogatives that constituted serara. The Rav also felt it unwise - though there was no issur - to have women

serve as vice presidents. This is because such an appointment would imply that women could serve as presidents – which to his mind they could not.[5] [This pesak is confirmed by Rav Hershel Shachter who, quoting R. Zevulun Charlap, cites a similar ruling by the Rav.[6]] The Rav also suggested that women serve as mashgihot kashrut (kashrut supervisor) which the Rav said was perfectly mutar. On the contrary, the Rav felt that women, in those areas, may even be better than men.[7]

We note that the Rav did not rule out a woman from being kashrut supervisors, presumably because this does not require authorization like kabala or semikha, merely bona fide knowledge of the relevant halakhot. Nor did the Rav view being a synagogue board member as a minui kahal. This is because being on the synagogue board is a local position and decisions are made by committee. Regarding the synagogue president, however, the Rav cites another consideration, namely serara – the discretionary power to make decisions with which others need to abide. Each Board member has input into decisions made by the committee as a whole; often, however, the president, as the head of the organization, will make on the spot decisions alone. The same is, of course, true for the synagogue rabbi, who is presumably the final word on religious practice in a community. It is true that the rabbi's contract can be terminated; but until that time, it is his rulings that the community is bidden to follow. This is the kind of discretionary power which Maimonides maintained was forbidden to women.

According to the Rav, the discussion about whether women can serve as community Rabbis is not merely about titles but about the job description – no matter what you call it! Whether you have semikha or not, whether you are called Maharat, Reverend or Rosh Kahal – if you function as, or have the authority and discretionary power of, the community Rabbi, that is serara and such an appointment is assur for women. Some might argue[8] that a distinction should be drawn between receiving ordination (semikha) and serving as a community Rabbi; it is only the latter which the Rav would have forbidden, they argue. Furthermore, individuals with the title Rabbi serve in a variety of other capacities: in education, counseling and kiruv, and as hospital chaplains, community organizers, or mashgihim. Why should women be precluded from these positions?

Any answer must begin with a clarification of the purpose of semikha. As already noted above, rabbinic ordination is the authorization by a noted scholar, or more often by a board of scholars, who verify that the candidate is knowledgeable in those areas of halakha required for rabbinic communal leadership. Nearly every ketav semikha (ordination certificate) says just that! If the Rav was of the view that women were precluded from rabbinic communal leadership, would it not mihzei ke-shikra (have the appearance of a lie) to give them certification for just such a role? Would you give a driving license to one who is forbidden to drive?

Yet, as noted above, individuals with semikha serve in a variety of professional capacities, many of which do not require rabbinic ordination – though semikha certainly adds to their credibility and the honor of the role. Nevertheless, one could well argue that if a particular occupation requires the authorization and certification of semikha, then to the Rav's mind this might well be minui kahal and forbidden for women. We need to find the proper honorific title to fit the job description. Certainly, titles like Havera, Mora and Yo'etset Halakha are just such steps in the right direction. Perhaps the honorific title Hakhama should be adopted for women of outstanding Torah knowledge. But, in an attempt to answer a real need, we should not distort the true and simple meaning of semikha.

To this one may counter: How can you explain the fact that the Rav permitted gerim to learn for semikha at RIETS? After all, the Rambam (Yad, Hilkhot Melakhim, 1:4) based on the Sifrei forbids serara for a convert (ger), just as he does for women (Ibid. 1:5).

Regarding gerim, there are important distinctions that can be drawn between converts and women. The Rav, in the lecture on Yoreh De'ah

cited above, notes the following: “A convert may be appointed to a communal position, but not a position of communal authority over Jews – and it is for this reason that he may judge a fellow convert (Yevamot 102a). Therefore, since slaughtering is an appointment of importance but not a position of authority, a convert may be appointed to be a slaughterer. However, a woman is excluded from all communal appointments, even those with no discretionary authority, and therefore she may not be appointed a slaughterer.”

According to the Rav, converts are only forbidden from positions of serara - discretionary power and authority over Jews, but not from minui kahal – community-wide appointments per se'. Hence, gerim can be appointed shohatim, as charismatic Rashei Yeshiva, even as judges for the convert community,[9] but not as community Rabbis; women, however, are forbidden from all such roles. RIETS semikha was not intended to allow these ordained converts to serve as community Rabbis[10] – and the handful of rabbinic candidates who were converts could be guided to act in accord with these conditions.

There is yet another source for a fundamental distinction between converts and women to be found in the Ha'amek Davar.[11] R. Naphtali Zvi Judah Berlin (Netziv) cites the case of King Herod the Idumean convert,[12] who was accepted as the legitimate Jewish regent. Clearly, argues the Netziv, the exclusion of converts and those lacking “good Jewish lineage” from serara is only preferable, if possible, but not an absolute prerequisite (le-mitsva im efshar, akhen einu le-ikuva). The appointment of women was barred even le-ikuva. This is clearly grounds for leniency by converts which is not present by women. Thus we have shown that the Rav believed that women serving as communal rabbis was forbidden both because it is a minui kahal and because it is position of serara. Logic dictates that he would have also opposed rabbinic ordination, whose primary and declared purpose is to certify the suitability of candidates for such a position.

This in no way contravenes the fact that a large cadre of leading poskim have disagreed to varying extents with the Rav's sole reliance on the Rambam, his analysis of serara, and his distinction between serara and minui kahal. Furthermore, many poskim accept the efficacy of democratic elections (kiblu alayhu) as a means of circumventing serara considerations in other communal leadership positions (such as shul presidency and elected political positions), and they may well feel the same about Rabbinic positions.[13]. Others have invoked a variety of additional factors (inter alia custom, modesty and communal cohesiveness) in the latter case. As a result of all these considerations, it will not be a simple matter to come to a final ruling on the issue of women's ordination. But despite this controversy between gedolei ha-poskim, as talmidim of Moreinu veRabbeinu haRav Yosef Dov Soloveitchik zt"l, we owe this gadol ha-dor the honor and consideration of involving him in our deliberations. *Rabbi Dr. Aryeh A. Frimer is the Ethel and David Resnick Professor of Active Oxygen Chemistry at Bar Ilan University.