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Rabbi Zvi Sobolofsky **The TorahWeb Foundation** **Torah and Chessed - The Secrets of Kaparah**

As Yom Kippur approaches, the concept of kaparah - atonement - is foremost on our minds. There are many ways to achieve different degrees of kaparah. When the Beis Hamikdash stood, korbanos were brought to atone for various aveiros. The elaborate service of korbanos offered in the Beis Hamikdash on Yom Kippur included several mechaprim. Korbanos offered on behalf of the kohein gadol, the regular kohanim, and all the Jewish People culminated with the sa'ir hamishtaleach - the goat sent out for atonement - completing the kaparah process. After we reenact the avodas Yom Hakipurim through our tefilas Mussaf on Yom Kippur, we lament in great detail our inability to achieve the level of kaparah once available to us.

Chazal teach us that there is a method of kaparah even greater than korbanos. The study of Torah and the performance of acts of kindness can achieve kaparah even in a situation that korbanos are not effective. Chazal comment concerning the house of Eli Hakohein, that although their sins cannot be atoned for through the mechanism of korbanos, talmud Torah combined with gemilus chassadim can bring them atonement. We who do not have the opportunity to offer korbanos can still avail ourselves of talmud Torah and gemilus chassadim as our mechaprim. While talmud Torah and gemilus chassadim are two fundamental aspects of avodas Hashem, why should they have the ability to be mechaper for aveiros?

In the tefilah of Hineni recited by the shaliach tizbbur before Mussaf on Rosh Hashana and Yom Kippur we beseech Hashem, "u'pesha'einu techaseh b'ahava - cover all of our sins with love." This request expresses a basic concept concerning kaparah. Chazal observe that the ultimate mechaper, teshuva, elicits different levels of kaparah depending on the type of teshuva that is performed. Teshuva mei'ahava - a teshuva that results from an expression for one's love for Hashem and from a sincere desire to return to a close relationship based on that love - is the highest form of teshuva. Teshuva that merely emanates from yiras Hashem - fear of Hashem - is more limited in nature and cannot accomplish a complete

kaparah. As such, as we strive to obtain kaparah, it behooves us to perfect our ahavas Hashem which is the prerequisite for teshuva mei'ahava. As we reach higher heights in our ahavas Hashem, we can beseech Hashem to express His love for us by covering our sins with that love.

How do we practically demonstrate ahavas Hashem and thereby merit the highest level of kaparah? It is precisely talmud Torah and gemilus chassadim that express and strengthen this love, and as such are our ultimate mechaprims. Regarding the obligation of "v'ahavta es Hashem", the Sifrei comments "eich attah ohev - how do we attain this love?" The next passuk answers this dilemma: "vehayu hadevarim ha'eileh"; the mitzvah of Talmud Torah is the key to ahavas Hashem. As the Rambam in Hilchos Teshuva develops the principle, "lefi ha'de'ah tihiye ha'ahava - according to one's knowledge of Hashem will be one's love for Hashem." Knowledge of Torah is our way of attaining knowledge of Hashem, enabling us to experience ahavas Hashem.

There is another way we express our ahavas Hashem. Acts of gemilus chassadim are the way we imitate Hashem and fulfill the mitzvah of "v'halachta b'derachav - you should walk in His ways." Modeling our behavior after Hashem's is a testament to the love and admiration we have for Him, since we try to imitate that which we love.

These two manifestations of ahavas Hashem - talmud Torah and gemilus chassadim - are our most sincere expressions of teshuva mei'ahava, and as such are our most effective methods of teshuva. May Hashem grant us the privilege to be chozer b'teshuva shleima and fulfill for us, "u'pshaeinu techaseh b'ahava."

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From Jeffrey Gross <jgross@torah.org>
reply-To neustadt@torah.org, genesis@torah.org
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Subject Weekly Halacha
by Rabbi Doniel Neustadt (dneustadt@cordetroit.com)
Yoshev Rosh - Vaad HaRabanim of Detroit

Weekly Halacha by Rabbi Doniel Neustadt

Appeasement and Forgiveness: A Prerequisite for Atonement

A well-known principle in the Mishnah states that Yom Kippur does not atone for sins committed bein adam l'chaveiro, between man and his fellowman, unless one has first sought to appease whomever he has wronged and obtained his forgiveness. The Divinely ordained power of Yom Kippur to atone for sins cannot be activated, so to speak, unless one has assuaged any hurt feelings that he has caused.¹

Asking for forgiveness is usually an unpleasant task, where one must lower himself to admit his wrongdoing to his fellowman. Since people naturally wish to avoid such painful or embarrassing encounters, they delay asking for forgiveness for as long as possible. Recognizing this factor, the Rabbis established erev Yom Kippur as the final "deadline." Since everyone wants to maximize Yom Kippur's potential to cleanse and purify a Jew from sin, that desire becomes the impetus to ask for forgiveness.²

One must ask to be forgiven for any type of act that may have harmed another person, whether it is of a physical, verbal or financial³ nature, etc., and whether the act was committed directly to the person's face or behind his back.

Before the advent of Yom Kippur, one should review in his mind any comments he has made or acts he has done that would require him to approach the injured party and ask for their forgiveness. Many people ask forgiveness from their friends for routine, relatively inconsequential slights; forgiveness in such cases is easily asked for and

easily given. But one must also approach those whom one has seriously wronged, and obtain their forgiveness. This is much more difficult yet absolutely essential.

Question: Does Shimon need to appease or ask for forgiveness from Reuven if he knows that Reuven has already forgiven him in his heart?
Answer: There are two opinions. Some hold that as long as Reuven is appeased and no longer bears a grudge, then there is no reason for Shimon to ask forgiveness, since the goal has been achieved.⁴ Others, however, maintain that the process requires that Shimon humble himself before Reuven and make up for hurting him by asking forgiveness. The embarrassment involved is part of the purification process, a form of yisurim that the sinner must go through before Divine forgiveness may be granted. The fact that Reuven has already pardoned him does not remove that obligation.⁵

While the major poskim, including the Mishnah Berurah, do not explicitly discuss this issue, we may support this point by mentioning that the Chafetz Chayim urged that the Declaration of Forgiveness paragraph, whose original place in the lengthy Tefillah Zakah was towards the end, be moved up to the beginning of the prayer so that everyone would recite it.⁶ Apparently, it was his view that reciting this paragraph is crucial since it allows for forgiveness to be granted despite the fact that Shimon did not humble himself and expressly petition Reuven for forgiveness.

Question: Reuven, who in the past spoke lashon ha-ra about Shimon, now seeks his forgiveness. If Shimon is unaware of what exactly was said about him, is Reuven required to repeat to Shimon what he said about him in order for Shimon to forgive him completely?

Answer: If the lashon ha-ra that was spoken was not "accepted" by the listeners and no harm was done to Shimon, Reuven does not have to ask Shimon's forgiveness at all. He must, however, repent for his sin and ask forgiveness directly from Hashem.⁷

If the lashon ha-ra did cause harm to Shimon, and Shimon is aware of the lashon ha-ra that was said about him, Reuven must beseech Shimon directly. If Shimon is unaware of what was said about him, Reuven must tell him.⁸ If the information will cause Shimon embarrassment or pain, then Reuven need not elaborate upon the lashon ha-ra that was spoken.⁹ A general request for forgiveness will suffice.

Rav Yisrael Salanter¹⁰ explains that there is no need to hurt Shimon by letting him know the lashon ha-ra that was spoken about him. He adds that the custom of asking forgiveness of everyone on erev Yom Kippur avoids such unnecessary embarrassment.¹¹

Question: Reuven feels that Shimon is upset at him for no reason at all. Does Reuven have to appease him anyway?

Discussion: Yes, for two reasons. First, because Reuven must clarify whether or not Shimon has a legitimate claim of which Reuven is unaware. Secondly, Sefas Emes¹² proves from the Talmud that even when someone is unjustifiably upset, he must still be appeased.

It is reasonable to assume, however, that this is only required if Reuven actually did something that could cause Shimon to be upset. But if, in fact, Reuven did absolutely nothing wrong, and Shimon's grievances are irrational—possibly because he is jealous of Reuven or he is an insecure, neurotic individual—then Reuven would have no obligation to appease Shimon.

Question: Can the appeasement be made through a messenger or must it be done in person?

Discussion: L'chatchilah, it is preferable that it be done in person. If, however, this is difficult to do, or if there is a better chance of forgiveness being granted if a third party mediates, then it should be done through a third party [or by phone or mail].¹³

Question: How is Reuven supposed to react to Shimon's appeasement?

Discussion: Reuven is required to let his anger towards Shimon—even when justified—dissipate and abate. Reuven must do this not only for the sake of Shimon who otherwise will be denied atonement, but also for his own sake. The following four reasons are offered:

* As children of Avraham Avinu, we are expected to learn from him and follow his example when he graciously forgave Avimelech for abducting Sarah.¹⁴ Anyone who conducts himself differently is, in the words of the Rambam,¹⁵ cruel and akin to the hard-hearted Gentiles.

* Middah Kneged Middah—Hashem deals with us in the same manner that we deal with others. If Reuven pardons Shimon for anything Shimon may have done to him, including acts that Shimon did intentionally or spitefully, then Hashem will forgive Reuven for any sins committed against Him, including those sins done intentionally or spitefully.¹⁶

* One who allows hatred towards another person to remain in his heart blocks his prayers from reaching heaven.¹⁷

* According to some Rishonim,¹⁸ one who refuses to forgive transgresses the Biblical prohibition of *Lo sitor* (Do not bear a grudge).

Question: If Reuven refuses or rejects Shimon's appeasement, what should Shimon do?

Discussion: If Reuven rebuffs Shimon, Shimon must return twice more¹⁹ to ask for forgiveness. When he returns he should not go alone, but with three people who stand by while he appeases Reuven.²⁰ If that, too, fails, Shimon has done his duty and is no longer required²¹ to ask for forgiveness.²²

Question: Are there any situations where Reuven is not required to forgive and may continue to hold a grudge against Shimon?

Discussion: Yes. There are several such cases:

* If Shimon owes him money and refuses to pay or denies his debt.²³

* If Shimon slandered him falsely (*motzi shem ra*) and there is a possibility that some people who heard the slander will not hear its retraction.²⁴ If, however, such a possibility does not exist, then Reuven is obligated to forgive him.²⁵

* If Reuven fears that the episode will repeat itself; i.e., he will pardon Shimon and Shimon will hurt him again.²⁶

* If Reuven withholds forgiveness in order to reform Shimon's future conduct towards people.²⁷

Question: After Shimon petitioned Reuven for forgiveness, Reuven forgave him, but only outwardly. In his heart Reuven is still angry. Has Shimon fulfilled his obligation?

Discussion: In the opinion of Alter of Kelm,²⁸ Shimon has fulfilled his obligation once Reuven has verbally expressed forgiveness. The fact that in his heart he has not done so does not negate his spoken word in keeping with the rule of *devarim shebelev einam devarim*. But other poskim disagree and rule that Shimon has not fulfilled his obligation and must further pacify Reuven.²⁹

1 See Birkei Yosef 606:1; Hirhurei Teshuvah (Rav M. Gifter), pg. 121; Yechaveh Da'as 5:44.

2 Mishnah Berurah 606:1. See Tur for another reason why erev Yom Kippur was chosen as the appropriate time to take care of this need.

3 While erev Yom Kippur seems an unlikely time to settle monetary claims, actually, it is a very good time to do so, for there is no greater impediment to atonement than wrongful possession of someone else's money (Mishnah Berurah 606:1).

4 Teshuvos D'var Yehoshua 5:20; Az Nidberu 7:65. See also Meshech Chachmah, Ki Savo, last paragraph.

5 Pele Yoeitz (Teshuvah). See also Tanchuma, quoted in Beir ha-Gra 606:1. For a detailed explanation see Moadim u'Zemanim 1:54, quoting Rav Itzel of Peterburg. See also Hirhurei Teshuvah, pg. 123.

6 See the ArtScroll Machzor.

7 R. Yonah in Sha'arei Teshuvah 207, quoted by Chafetz Chayim, Hilchos Lashon ha-Ra 4:12

8 Chafetz Chayim, *ibid*.

9 Mishnah Berurah 606:3.

10 Quoted by Rav E.E. Dessler and published in Moadim u'Zemanim 1:54.

11 See Halichos Shelomo 2:3-6, Devar Halachah 6 and Az Nidberu 7:66, who rule in accordance with this view. According to this opinion, as long as Shimon is unaware that *lashon ha-ra* was spoken about him, there is absolutely no requirement to inform him of what was said.

12 Yuma 87b.

13 Mishnah Berurah 606:2. See Yechaveh Da'as 5:44.

14 Aruch ha-Shulchan 606:2.

15 Hilchos Teshuvah 2:10.

16 Sha'ar ha-Tziyun 606:8. See also Tiferes Yisrael, Yuma 8:54.

17 Mateh Efrayim 606:4, quoting Kabbalists.

18 See Rambam, Hilchos Teshuvah 2:10 and Sefer ha-Teshuvah, pg. 221; Terumas ha-Deshen 1:307 and 2:212. See also Chezkuni Vayikra 19:18. See, however, Ritva (Rosh Hashanah 17a), who disagrees.

19 If Reuven is Shimon's rebbe, however, then there is no limit to how many times Shimon must ask for forgiveness.

20 Rama 606:1.

21 According to some poskim, he has done his duty and his atonement on Yom Kippur will no longer be blocked (*Pri Chadash*). Most poskim, however, hold that while he is not required to ask more than three times, if he wishes to do so he may [since, after all, he was still not forgiven]; Mishnah Berurah 606:5 and Sha'ar ha-Tziyun 6.

22 Shimon, however, should announce [in the presence of ten people] that he did his very best to appease Reuven and it is not his fault that Reuven refuses to be appeased (Rama 606:1). See explanation in Beir ha-Gra.

23 Rambam, Hilchos Teshuvah 2:9.

24 It is *middas chasidus*, however, to forgive even in this situation; Mateh Efrayim 606:4.

25 Aruch ha-Shulchan 606:2.

26 Mishnah Berurah 606:10. This is similar to the case cited in Tefillah Zakah where the sinner says, "I will sin against him and he will forgive me."

27 Rama 606:1. Reuven must, however, remove the hatred from his heart and only show it outwardly; Mishnah Berurah 606:9.

28 Quoted by Rav R. Grozovsky (Sefer ha-Zikaron Even Tzion, pg. 542). See also Ohr Yisrael (Nesivos Ohr, pg. 116).

29 Rav Y.S. Elyashiv (oral ruling quoted in Toras ha-Adam le-Adam, vol. 3, pg. 36); Alei Shur, vol. 2, pg. 240. See also Teshuvos v'Hanhagos 1:739.

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Understanding Kol Nidrei

Author: Rabbi Josh Flug

Article Date: Monday October 10, 2005 Kol Nidrei marks the beginning of the Yom Kippur service. It is generally assumed to be a ritual that annuls the vows of all the congregants. This article will explore the efficacy of Kol Nidrei to annul a vow as well as an alternative understanding of Kol Nidrei.

The practice of reciting Kol Nidrei at the start of Yom Kippur is recorded in texts as early as the Siddur of Rav Amram Gaon (ninth century). The text of the Kol Nidrei that was used at that time clearly indicated that Kol Nidrei served as an annulment of vows that individuals had accepted upon themselves during the previous year. Rabbeinu Tam (cited in Tosafot, Nedarim 23b s.v. V'At) notes this practice, and questions the efficacy of Kol Nidrei to serve as an annulment of vows for three reasons. First, in order to annul a vow, the one who took the vow must regret taking the vow. [These laws are discussed extensively in the ninth chapter of Nedarim.] The Kol Nidrei service makes no mention of any regret for the vows taken previously (our current text does include regret, but earlier texts did not). Second, the Gemara, Bechorot 36b, states that vows can only be annulled by a

beit din consisting of three individuals or by a yachid mumcheh (an individual who is an expert in the laws of vows). The Kol Nidrei service does not represent a beit din proceeding. Third, the Gemara, Gittin 35a, quotes a dispute among the Amoraim as to whether one must specify the actual vows that were taken when annulling vows. The Halacha follows the opinion that one cannot annul a vow unless one specifies the vow in the annulment procedure. Kol Nidrei makes no reference to any specific vow. It is a generic annulment of all vows.

Rabbeinu Tam's Opinion

Based on these three objections, Rabbeinu Tam maintains that the Kol Nidrei service should be modified, and any reference to annulment of vows of the previous year should be eliminated. The purpose of the service should be to preempt future vows from taking place. The Mishna, Nedarim 23a (as per an emendation of the Gemara 23b), states that if one wishes to preempt his vows from taking effect that year, he should state on Rosh HaShanah "all vows that I take this year should be considered void." This is not considered an annulment of a vow, but rather a built-in stipulation to void in advance any vow that one takes in the future. Rabbeinu Tam suggests that this should be the role of Kol Nidrei.

Although, the Mishna does say that this stipulation should be made on Rosh HaShanah, Yom Kippur is close enough to Rosh HaShanah to fulfill this condition. Furthermore, it is preferable to recite Kol Nidrei on Yom Kippur because more people attend the Yom Kippur service than that of the Rosh HaShanah service.

In order to accommodate this new understanding of Kol Nidrei, Rabbeinu Tam is forced to change the text of Kol Nidrei. Whereas the ancient text refers to vows "from the previous Yom Kippur until this Yom Kippur," Rabbeinu Tam's version refers to vows "from this Yom Kippur until next Yom Kippur." Rabbeinu Tam also changes the pronunciation of the words in order that they refer to the future tense rather than to the past tense.

Rabbeinu Asher, Yoma 8:28, defends the ancient version of Kol Nidrei from the questions of Rabbeinu Tam. He notes that although regret is integral to the annulment of vows, if there is clear regret on the part of the one annulling the vow, the regret does not have to be stated explicitly. Since the goal of annulling vows at Kol Nidrei is to remove transgressions for violating vows of the previous year, the regret is clear, and does not need to be stated. Regarding Rabbeinu Tam's objection that annulment of vows requires a beit din, Rabbeinu Asher contends that the congregation constitutes a beit din. Furthermore, the Chazan can serve as the yachid mumcheh. Regarding the objection that annulment of vows requires specificity, Rabbeinu Asher suggests that the requirement of specificity only applies to the type of vow where the beit din might discourage the individual from annulling the vow. Kol Nidrei, which primarily serves to annul vows that have already been violated, does not include vows that one might be encouraged to maintain.

Mishna Berurah 619:2, writes that the text of Kol Nidrei should follow the opinion of Rabbeinu Tam and refer to vows "from this Yom Kippur until next Yom Kippur." However, some Siddurim try to satisfy both opinions by referring to vows "from the previous Yom Kippur until this Yom Kippur," and "from this Yom Kippur until next Yom Kippur." Additionally, the Hatarat Nedarim of Erev Rosh HaShanah specifically accomplishes the annulment of vows and a preemption of future vows.

The Limitation of Preempting Vows

There is one limitation in the ability to preempt one's vows by making a prior stipulation. The Gemara, Nedarim 23b, quotes a dispute between Abaye and Rava as to what that limitation is. Abaye is of the opinion that the stipulation is only valid if the stipulation was forgotten at the time of the vow. If the person is aware of the stipulation and vows anyway, it is assumed that his intent is to uproot the original stipulation. Rava understands the limitation in a different manner. Most Rishonim understand that Rava does not disagree fundamentally with Abaye, but rather interprets the Mishna differently. However, Ra'avad, Hilchot

Nedarim 2:4, explains that Rava is of the opposite opinion. Rava maintains that the stipulation is only valid if the person taking the vow is reminded of the stipulation at the time of the vow. If he does not remember the stipulation, the vow takes effect.

Shulchan Aruch, Yoreh Deah 211:2, rules in accordance with the opinion of most Rishonim that the stipulation is valid as long as one does not remember the stipulation at the time of the vow. However, he quotes the opinion of Ra'avad that the stipulation only works if one remembers the stipulation at the time of the vow. Shulchan Aruch writes that it is proper to accept the stringencies of both opinions.

If one assumes the stringencies of both opinions, the entire stipulation is practically ineffective. For this reason, Rama, Yoreh Deah 211:1, writes that one cannot rely on Kol Nidrei as a means of voiding one's vows without consulting a competent halachic authority.

Nevertheless, contemporary Poskim (R. Shlomo Z. Auerbach, Minchat Shlomo 1:91 and R. Ovadia Yosef, Yabia Omer, Orach Chaim 2:30) write that there is one area of vows where the stipulation has practical significance. The Gemara, Nedarim 8a, states that if one accepts upon himself to learn a specific chapter or tractate of Talmud, that acceptance has the status of a vow. Ran ad loc., s.v. Alav, explains that anytime one accepts upon himself to perform a mitzvah, that acceptance is considered a vow even if there was no intent to create a vow. These vows are called nidrei mitzvah. R. Auerbach and R. Yosef note that if one stipulated at the beginning of the year that all vows should be voided in advance, the stipulation will certainly be effective for nidrei mitzvah. Their rationale is that since this type of vow involves no explicit acceptance of a vow, the stipulation can exert greater power in blocking the vow from taking effect. [According to R. Auerbach, the stipulation of Erev Rosh HaShanah is more effective than that of Kol Nidrei because the Hatarat Nedarim of Erev Rosh HaShanah specifically mentions nidrei mitzvah, whereas Kol Nidrei does not.] R. Yosef adds that since nidrei mitzvah are only rabbinic in nature, one does not have to be concerned with the opinion of Ra'avad. Therefore, the stipulation will be effective to prevent nidrei mitzvah from taking effect.

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"You Shall Afflict Your Souls"

By Rav Chaim Navon Translated by David Strauss

The Torah commands us to "afflict" ourselves on Yom Kippur. And you shall have on the tenth day of this seventh month a holy gathering; and you shall afflict your souls: you shall not do any work. (Bamidbar 29:7)

Chazal teach us the meaning of this "affliction": There is another positive commandment relating to Yom Kippur, namely, to desist from eating and drinking, as the verse states: "You shall afflict your souls." [The Sages] learned by tradition: What affliction is there to the soul? This refers to fasting. ... They also learned by tradition that one is forbidden on this day to wash or anoint oneself, to wear shoes, or to engage in sexual relations. (Rambam, Hilchot Shevitat he-Asor 1:3-4)

But what is the idea behind this affliction? Is the objective to cause us grief and suffering on Yom Kippur? The laws relating to affliction on Yom Kippur seem to teach us otherwise. Eating on the Day before Yom Kippur The Gemara records a puzzling law: It is written: "And you shall afflict your souls on the ninth day of the month at evening" (Vayikra 23:32). But do we fast on the ninth? Surely we fast on

the tenth! Rather, this teaches you [that] whoever eats and drinks on the ninth, Scripture regards him as if he has fasted on the ninth and the tenth. (Berakhot 8b)

This is undoubtedly a peculiar law. What is the significance of eating on the day before Yom Kippur? Rabbenu Asher ben Yechiel (Rosh) proposes an interesting answer: This is the meaning of the verse: “And you shall afflict your souls” – that is, prepare yourselves on the ninth of the month by strengthening yourselves through eating and drinking so that you will be able to fast on the next day. This demonstrates how much the Omnipresent, may He be blessed, loves Israel. It is like a person with a darling child, who decrees that [the child] must fast for a day, and [then] commands that he be fed and given to drink on the day before the fast so that he will be able to bear it. (Rosh, Yoma 2:22)

The Rosh explains that the Torah commands us to eat on the day before Yom Kippur in order to make it easier for us to fast the next day. This explanation is puzzling in and of itself: If God commanded us to fast on Yom Kippur, it is reasonable to assume that He wanted us to suffer affliction on that day. Why, then, did He bother commanding us to lighten the affliction by eating on the day before Yom Kippur? The Rosh’s approach seems to lead us to a surprising conclusion: Fasting on Yom Kippur – unlike fasting on Tish’a be-Av and the other Rabbinic fasts – was never intended to increase our suffering, affliction, or anguish. Some Acharonim have relied on this conclusion in order to allow a person to take medications on the day before Yom Kippur that will make the fast easier for him. Nothing is gained if we increase our pain and suffering. It is enough that we refrain from eating on the day itself, and it makes no difference whether we find the fast easy or difficult (Rav Sternbuch, *Mo’adim u-Zemanim*, I, p. 108). “On Account of Anguish” The purpose of affliction on Yom Kippur may depend upon a controversy among the Rishonim. The Gemara states: [When Yom Kippur falls on a weekday], we crack nuts and open pomegranates from the time of Mincha on, on account of anguish. (Shabbat 115a)

That is to say, when Yom Kippur falls out on a weekday, one is permitted (toward the end of the fast) to make certain preparations for the meal with which he will break the fast, “on account of anguish.” Rashi (ad loc.) explains: Here it is permitted because of the anguish [caused him] when he prepares [food] but does not eat [it], this being close to affliction.

According to Rashi, the Rabbis set aside certain rabbinic prohibitions in order to increase a person’s mental anguish and thus allow him to better fulfill the mitzva of affliction on Yom Kippur. According to Rashi’s understanding, this talmudic passage contradicts our proposal, for it follows from what he says that the Yom Kippur prohibitions are intended to cause pain and anguish. Most Rishonim, however, understand the passage differently. Thus, for example, writes the Rashba (ad loc.): The meaning of “anguish” is that [the Rabbis] were concerned about anguish [i.e., they wished to minimize anguish], and so they permitted a person to clean [vegetables] now, so that he would not have to prepare all [the food] after nightfall when he will be hungry and thus suffer anguish. Rashi did not explain [the passage] in this manner, but this is correct.

According to the Rashba, the Rabbis permitted a rabbinic prohibition here, not in order to cause anguish, but on the contrary, in order to prevent the anguish that a person will feel at the end of the fast if he can only begin to prepare his meal at that time. Ramban, Ran (in his novellae), and Rabbi Zerachya ha-Levi understood the passage in the same way. It should be noted that there is no proof that all the Rishonim who disagree with Rashi would accept the above suggestion that Yom Kippur is not meant to cause suffering. They might maintain that the pain that a person must feel on Yom Kippur is embodied in the afflictions set down by Halakha, to which additional afflictions should

not be added. For the Gemara (Yoma 74b) states explicitly that a person is not required to sit in the sun or in the cold in order to cause himself suffering. But at the very least, according to these Rishonim, this talmudic passage does not contradict our position. [Rabbi Moshe Sternbuch, in his “*Mo’adim u-Zemanim*,” argues that even according to Rashi, the purpose of the Yom Kippur prohibitions is not to cause pain and suffering.] Yom Kippur as a Festival Chazal disagree about whether or not Yom Kippur should be regarded as a Festival: No mention is made on Yom Kippur of [its being] a Festival, for there is no Festival on a day of fasting. (Tractate Soferim 19:4)

... Rosh ha-Shana is a Festival like Yom Kippur. (Sifra, Acharei Mot, parasha 5, chap. 8)

Sifra – a much earlier source than tractate Soferim – maintains that Yom Kippur is indeed a Festival. This certainly inclines toward our position that Yom Kippur is not a day of suffering and mourning. Relating to Yom Kippur as a Festival has halakhic ramifications. On Shabbat and the Festivals there is obligation to honor the day and indulge in pleasure. The Vilna Gaon (*Orach Chayim*, 529) explains the difference between honor and pleasure: Honor involves the preparations made in expectation of the day (clean clothing, bathing, etc.), and pleasure consists of the bodily delights that are enjoyed on the day itself (eating and drinking). On Yom Kippur, when eating and drinking are forbidden, there is obviously no obligation to indulge in pleasure. The Gemara states, however, that the laws of honoring the day apply even to Yom Kippur: The Exilarch said to Rav Hamnuna: What is the meaning of “And call the holy day of the Lord honorable” (Yeshaya 58:13)? He said to him: This is Yom Kippur, on which there is no eating or drinking. The Torah said: Honor it with clean clothing. (Shabbat 119a)

Some authorities expanded the mitzva of honoring Yom Kippur, extending its application: You asked about the Rosh’s ruling that in places where it is customary to light candles on the night of Yom Kippur, one lights with a blessing: But surely we maintain that one does not recite a blessing over a [mere] custom! ...

It seems to me that the Rosh’s reasoning is that [the Sages] instituted an obligation [to light candles] on account of domestic peace. For [even] on Friday nights there is no explicit mitzva [to light candles]. Rather it falls into the category of honoring Shabbat, and we were commanded to honor Shabbat. Regarding Yom Kippur as well it says, “And call the holy day of the Lord honorable,” and the Gemara says: This is Yom Kippur. And since we are enjoined to honor [Yom Kippur], lighting candles is included in the mitzva of honoring [the day], and [so] we may recite a blessing. (Responsa Radbaz, VI, 2209)

We saw earlier that there is an obligation to eat on the day before Yom Kippur, and we explained the Rosh’s understanding of this obligation. Rabbi Yosef Karo, in his *Bet Yosef*, proposes an alternative explanation:

As for the mitzva of eating and drinking on this day, it is intended to demonstrate that a person is at ease with and ready to receive Yom Kippur, and that he happily anticipates the day because Israel is being given [the opportunity for] atonement. On Yom Kippur itself, it is impossible to honor the day with food and drink in the way that we honor the other Festivals; one must, therefore, honor it on the preceding day. (Bet Yosef, OC 604)

According to Bet Yosef, the festive meal eaten on the day before Yom Kippur is in fact a fulfillment of the mitzva to show honor to and indulge in pleasure on Yom Kippur – a mitzva which cannot be fulfilled on Yom Kippur itself. The meal partaken on the day before Yom Kippur is actually the meal of Yom Kippur, which for “technical” reasons must be eaten ahead of its time. Rabbenu Yona writes in a similar vein:

Owing to the fast that is observed on Yom Kippur [itself], we are obligated to partake of a festive meal on the day before Yom Kippur in celebration of the joy derived from the mitzva. (Sha’arei Teshuva 4, 9)

The mitzva of honoring the day clearly indicates that Yom Kippur is endowed with the sanctity of the Festivals, which would seem to negate the possibility of relating to Yom Kippur as a day of pain and suffering. There is, however, much stronger and more direct evidence proving this point. There are those who maintain that on Yom Kippur, in addition to the mitzva of honoring the day, there is also a mitzva of rejoicing, which certainly cannot coexist with grief and suffering. This is what follows from the words of Rav Achai Gaon, author of the She'iltot:

These days [Rosh ha-Shana and Yom Kippur], since rejoicing applies to them, they are considered like Festivals and [therefore] interrupt mourning. (She'iltot 15)

Rabbenu Yonatan, in his commentary on the Rif, writes about "the festive rejoicing of Rosh Hashana and Yom Kippur" (10b in Alfasi to Eruvin). A precise reading of Rambam also leads us to the same conclusion: On Rosh ha-Shana and Yom Kippur, however, there is no Hallel, because they are days of repentance, fear and dread, not days of excessive rejoicing. (Rambam, Hilkhos Chanuka 3:6)

Rambam explains that Hallel is not recited on Rosh ha-Shana and Yom Kippur because they are not days of "excessive rejoicing." The implication is that on Rosh ha-Shana and Yom Kippur there is a small amount of rejoicing, modest and restrained rejoicing that expresses itself in serious-mindedness and solemnity. Clearly, however, this too according to Rambam is regarded as rejoicing. On the other hand, Rabbi Eliezer of Metz, author of Sefer Yere'im, states explicitly that there is no mitzva of rejoicing on Yom Kippur: Yom Kippur, even though it is included among the Festivals, is not included among [the days of] rejoicing, for regarding Yom Kippur it is written: "And you shall afflict your souls." (Yere'im, 227)

The words of the Yere'im, however, do not necessarily contradict the idea that we have been developing here. Firstly, even if there is no rejoicing on Yom Kippur, it is not necessarily a day of sorrow and grief. Secondly, his formulation implies that Yom Kippur is excluded from rejoicing, not because it is not a Festival, or because the day demands suffering, but rather because, practically speaking, it is impossible to rejoice on Yom Kippur, because rejoicing requires meat and wine. This is stated explicitly in tractate Soferim: No mention is made [on Yom Kippur] of it being a Festival or of rejoicing, for there is no rejoicing without eating. (Tractate Soferim 19:2)[1]

In addition to the laws of honor and rejoicing, there are additional halakhic expressions to Yom Kippur's status as a Festival. This, for example, is how Maharam of Rothenburg explains his ruling that a person who is ill and therefore permitted to eat on Yom Kippur must recite the Ya'aleh Veyavo section in his Birkat ha-Mazon: A dangerously ill person who eats on Yom Kippur recites the section pertaining to the day [Ya'aleh Veyavo] in his Birkat ha-Mazon. This is obvious, for he is permitted to eat. On the contrary, he performs a mitzva, because Yom Kippur for him is like the rest of the Festivals for us. (Responso Maharam, ed. Prague, no. 71)

We have seen then that according to many of the most important halakhic authorities, Yom Kippur is a Festival. The rejoicing ordinarily associated with Festivals does not express itself on Yom Kippur only because technically it cannot be observed on a day of affliction. Let us return now to our original question: Why is affliction necessary, if its objective is not to increase distress and suffering? Affliction on Yom Kippur as an Expression of Resting The Avnei Nezer alludes to an answer to our question: The prohibition of Yom Kippur stems from holiness ... Because of a person's holiness, he sets himself apart from material things, and there is a removal of sin that results from material things ... On Yom Kippur, which is called "a holy day of God," material things are forbidden. (Avnei Nezer, CM, 161)

According to Avnei Nezer, the prohibitions of Yom Kippur are not intended to prevent rejoicing or to cause suffering, but simply to separate

a person from his daily material activities. On Yom Kippur we are all likened to angels, and so we abstain from our worldly occupations. For this reason it is customary to wear white clothing on Yom Kippur, so that we will be like the angels. The prohibition to eat on Yom Kippur is not intended to forbid enjoyment or cause suffering. Rather, it is essentially an obligation to abstain from corporeal occupations that are inappropriate on this holy and venerable day. Rabbi Moshe Soloveitchik, father of Rabbi Joseph Soloveitchik, formulated this idea in precise halakhic terms.[2] Rabbi Soloveitchik starts with an observation regarding Rambam's wording in his Mishneh Torah. As is well known, Rambam calls the Yom Kippur laws: "Hilkhos Shevitat he-Asor" – "Laws Concerning the Rest on the Tenth [of Tishrei]." Rambam opens the section as follows: There is a positive commandment to rest from work on the tenth day of the seventh month, as it says, "It shall be a sabbath of solemn rest to you." (Hilkhos Shevitat he-Asor 1:1)

Several halakhos later, Rambam discusses the prohibition to eat and drink: There is another positive commandment pertaining to Yom Kippur, namely, to rest from eating and drinking. (ibid., 1:4)

It should be noted that Rambam uses the very same expression, "shevita," "resting," with regard to the prohibition of eating on Yom Kippur! According to Rambam, this is not a mitzva of affliction, but rather a mitzva of resting, similar in essence to the mitzva of resting from forbidden labors. Resting on Yom Kippur includes resting from all human activity – from work, as well as from eating and drinking. This halakhic formulation fits well the conceptual idea regarding the nature of Yom Kippur. This point finds further expression in the continuation of the words of Rambam: And so we have learned by tradition that one is forbidden to wash himself, or anoint himself, or wear shoes, or engage in marital relations. There is a mitzva to rest from all these just as one rests from eating and drinking, as it says, "A sabbath of solemn rest" – a sabbath regarding eating, and a solemn rest from these things. [Alternative reading: a sabbath regarding work, a solemn rest from these things.] (ibid., 1:5)

According to both readings, the term "shabaton" is understood as referring to the laws relating to affliction on Yom Kippur. According to the second reading, there is an explicit analogy between refraining from eating and refraining from work, both being called a "rest." Rambam's decisive wording in his Sefer ha-Mitzvot supports the second reading cited above: "It shall be a sabbath of solemn rest to you, and you shall afflict your souls." It is as if it said that there is a separate obligation to rest from labor and activity, and a separate obligation to rest from food that maintains the body. Therefore, it says, "It shall be a sabbath of solemn rest." (Rambam, Sefer ha-Mitzvot, positive commandment 164)

Rabbi Moshe Soloveitchik cites additional proofs in support of this principle. We shall suffice with one more proof. Rambam rules that he who sends out the goat to Azazel is permitted to eat, if he feels weak, so that he may complete his sending of the goat. This is not merely an allowance based on piku'ach nefesh, the principle that all prohibitions are superseded by the obligation to save a life: And afterwards, he would send the live goat with a person who had been prepared to lead it to the wilderness. All are fit to lead it, but the High Priests established that a non-Priest would not be allowed to lead it. Ten booths were set up between Jerusalem and the beginning of the wilderness. One or more people would spend Yom Kippur at each booth, in order to escort him [the man leading the goat] from one booth to the next. At each booth they would say to him: "There is food here. There is water." If his strength fails and he needs to eat, he can eat, but no one ever actually needed to. (Rambam, Hilkhos Avodat Yom ha-Kippurim 3:7)

Rabbi Moshe Soloveitchik asks: How do we know that one is permitted to desecrate Yom Kippur in order to perform the special tasks required by the day? We find a source for the law that the Temple service supersedes the prohibition of labor on Shabbat: "In its appointed time" –

even on Shabbat” (Pesachim 77a). But how do we know that the prohibition of eating on Yom Kippur is also superseded? Rabbi Soloveitchik answers that Rambam understood, as we have shown, that the prohibition against work on Yom Kippur and the prohibition against eating on that day together constitute a single system of “resting” on Yom Kippur. Thus, it follows that if the prohibition against forbidden labors is superseded, so is the prohibition against eating. The mandated “solemn rest” of Yom Kippur – including both of its elements – is set aside by the Temple service. The prohibition against working on Yom Kippur is also connected to the principle that we have put forward. In contrast to the prohibition against working on Shabbat, the prohibition against working on Yom Kippur joins with the prohibition against eating, and together they express a total withdrawal from worldly matters. This serves as yet another proof of the principle mentioned above: affliction on Yom Kippur is not an expression of distress and suffering, but rather a law of resting, of temporary withdrawal from all worldly matters. This principle is similar to the idea that we saw regarding Shabbat: we are not dealing with dissociation from this world, but rather with a demand to withdraw temporarily from worldly matters for the sake of worshiping God. There are, however, two important differences: 1) The withdrawal on Yom Kippur is more decisive and comprehensive, extending to food, drink, and other pleasures. 2) Shabbat emphasizes man’s readiness to sacrifice and waive his normal activity; Yom Kippur focuses upon his seeking intimacy with God that requires a temporary waiving of worldly life. In any event, neither Shabbat nor Yom Kippur represents the normal situation of the Jew. Both represent unique and exceptional situations, the value of which stands out against the backdrop of our everyday life. The significance of the twofold resting on Yom Kippur seems to be twofold as well: 1) Man’s very standing before God obligates withdrawal from material things. 2) Yom Kippur’s essence as a day of reckoning and atonement requires that we concentrate solely on holy matters, and avoid all of our mundane affairs, even though in and of themselves they may be perfectly legitimate.

http://www.yutorah.org/lectures/lecture.cfm/737649/Rabbi_Dovid_Gottlieb/The_Kohen_Gadol%E2%80%99s_Prayer

The Kohen Gadol’s Prayer

Author: Rabbi Dovid Gottlieb

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The highlight of the ancient Yom Kippur service was the entrance of the Kohen Gadol into the Kodesh Ha-Kedoshim. This once-a-year event provided for the “triple crown” of holiness: the convergence of the holiest person in the holiest place on the holiest day. The combined kedushah was so intense that one slip of the Kohen Gadol’s concentration could result in the loss of his life. Upon safely completing this most important and daunting task there was understandable relief on the part of the Kohen Gadol and, as a result, he offered a heartfelt and beautiful prayer to God.

The Mishna (Yoma 5:1) and Talmud (Yoma 53b) both cite versions of this prayer and in our Machzorim (Artscroll p. 570) we include an alphabetically arranged, poetic embellishment of the text. What is so beautiful about this prayer is that it is so real and direct; touching on all of our aspirations – from prosaic to sublime – as all of our needs – both spiritual and physical – are addressed.

Interestingly, upon closer study it becomes clear that there is something surprising about the structure of this prayer. After 22 different requests– corresponding to the entirety of the Hebrew alphabet – there are a few additional requests. R. Bernard Weinberger (Shemen HaTov, Moadim pp. 97-99) observes that the inclusion of these additional prayers – after the tefillah should ostensibly have been completed – suggests a particular significance to these bakashos.

“Shanah she’lo tapil ishah peri bitnah” – the first of these requests is that in the coming year women should be spared the pain of miscarrying. The obvious question is what about this particular tragedy – out of all the possible difficulties that could befall someone – singles it out for special mention?

Pregnancy is full of all sorts of discomforts, ranging from physical to emotional. Yet all of this is courageously accepted in the great anticipation of the reward of a healthy and beautiful baby. When a miscarriage occurs, all of the previous sacrifice was for nothing, all of the hopes that pushed the expectant mother through the hardships are dashed and all of her dreams go unfulfilled. The searing pain from such a tragedy cannot be overstated.

Thus understood, there is a broader significance to this tefillah as well; one doesn’t have to be an expectant mother to experience the pain of unfulfilled dreams and unredeemed sacrifices. There are countless other examples of this type of tragedy and the Kohen Gadol prays for protection from all of them. We are willing to sacrifice. We just pray that our sacrifice not be for naught but, rather, in service of a higher purpose.

“Shanah she-ta’alenu semeichim l’artzenu” – next he prays that our aliyah to Israel be joyous. The focus here isn’t on the aliyah per se, but the circumstances that surround it.

One of the painful and consistent characteristics of our Diaspora experience has been the phenomenon of once hospitable host countries changing their attitudes and eventually persecuting us. A small consolation has been that – at least sometimes – Jews have been able to flee to the safe haven of Eretz Yisroel.

While we were obviously grateful to have somewhere to run, the Kohen Gadol prays for a different reality. He prays for a time when people aren’t forced to flee from somewhere else, but freely choose to run to Israel.

Rav Nachman Kahana beautifully explains that this duality is contained in the famous pesukim we read in the Haftarah on the second day of Rosh Hashana. “Ki yesh sa’char lif’ulaseich ne’um Hashem, v’shavu mei’eretz oyaiv” – your efforts will be rewarded as you return from the land of your enemies; “V’yeish tikvah l’achriseich ne’um Hashem, v’shavu vanim ligvulam” – there is hope for you ultimately, as your children will return to your border.

Interestingly, we are only referred to as God’s children in the second half of the verse. R. Kahana suggests that this is because the two parts of the pasuk refer to two different types of aliyah. The first refers to those who are fleeing an enemy pursuer. But the second refers to those who are not compelled to return by anything other than the desire of a child to be closer to his or her mother – “v’shavu vanim ligvulam”

This is what the Kohen Gadol is asking for: we should ascend “semeichim” to our homeland.

Additionally, I would add that there are many other forms of aliyah – in the broad sense of spiritual growth – that we aspire to, and with these, as well, their motivation can come from different sources. Moments of great crisis or calamity, just as experiences of great achievement and accomplishment, can lead to spiritual aliyah.

“She-ta’alenu semeichim l’artzenu” can also be understood to express the hope that the inspiration for our ascent come not from trial or tribulation but from God’s manifest blessing.

Finally, the Kohen Gadol requests “shanah she’lo yitz’tarchu amcha Beis Yisroel zeh la’zeh v’lo l’am acher” – a year in which we are each able to maintain our independence, not reliant on the help of others. In addition to the obvious benefit of preserving our dignity, there may be an additional meaning as well.

In bentsching we ask that we not be forced to depend on “matnas bassar va’dam ve’lo li’dai halva’asam,” the largesse and loans of other people. Here too the simple meaning of our request is aimed at avoiding the obvious embarrassment of needing the help of others.

But my rebbe, Rav Mayer Twersky, explained that the more profound fear is that if we become reliant on others we run the risk of forgetting who the ultimate source of all blessing and bounty is. The danger is that an appropriate appreciation of friends who have offered help could cloud out a sense of gratitude to the Ribbono Shel Olam who is, of course, the real supplier to all, including our generous friend.

This may be the deeper point of the bakashah by the Kohen Gadol as well. Financial independence will enable us to preserve a direct connection to Hashem as the source of blessing in our lives. Otherwise there is a risk of playing a game of "Spiritual Telephone" in which God must take His place in the back of the line – and may be forgotten altogether.

This Yom Kippur let us similarly daven for these vital blessings: that any difficulties we endure be redeemed as sacrifices on the altar of a larger good; that the aliya in our lives be inspired by love not fear; and that we remain independent enough to realize our direct dependence on Hashem.

With best wishes for a Gemar Chasima Tovah.

http://www.yutorah.org/lectures/lecture.cfm/782171/HaRav_Avigdor_Nebenzahl/Yom_Kippur_-_Chukat_Olam

Yom Kippur - "Chukat Olam"

Author: **HaRav Avigdor Nebenzahl** Article Date: Thursday September 20, 2012

The concluding pasuk of the Yom Kippur service, as described in Parshat Acharei Mot, is a sort of summary: "vehayta zot lachem lechukat olam lechaper al Bnei Yisrael mikol chatotam achat bashana" "This shall be to you an eternal decree to bring atonement upon the Children of Israel for all their sins once a year" (Vayikra 16:34). The entire Yom Kippur service, including the offerings of the bull, the two goats, and the Ketoret that is brought in the Kodosh HaKodoshim, as well as the sprinkling of the blood within the Heichal, are all described by the Torah as "chukat olam" an eternal decree or statute. The term "chukim" as opposed to "mishpatim" imply Mitzvot whose reasoning is beyond the grasp of limited human intellect. Let us attempt to clarify specifically what part of this service is indeed beyond our grasp.

As a result of the expression "chukat olam", Chazal learn that if a single detail is omitted, atonement is not achieved. The "chok" therefore is that every detail must be carried out. We know, for example, that there are supposed to be two goats, and a lottery determines which is chosen for Hashem and which goes for Azazel. Had it not been that every detail had to be followed, we would have thought that if only one goat were available, a lottery would be drawn to determine if the lone goat were to be for Hashem or for Azazel. The halacha is, however, that without that second goat, the entire service is invalidated - for the Torah stipulates that two goats are required. (There is a dispute in the Gemara regarding precisely which details if omitted invalidate the entire service).

This may explain what constitutes "chukat olam" regarding the Yom Kippur service. What is difficult, however, is why the Torah used this expression four times regarding Yom Kippur - not limited to issues relating to the Beit Hamikdash. In addition to the above quoted pasuk, we read "This shall remain for you a 'chukat olam': In the seventh month on the tenth of the month, you shall afflict yourselves" (Vayikra 16:29). Two psukim later the Torah tells us: "It is a Shabbat of complete rest for you, and you shall afflict yourselves; 'chukat olam'", followed by "You shall not do any work; it is a 'chukat olam' throughout your generations in all your dwelling places" (Vayikra 23:31).

At first glance we would have thought that the seir laAzazel is the "chok" aspect of Yom Kippur - for this differs most from any other sacrificial offerings. In the beginning of Parshat Chukat Rashi tells us that the seir laAzazel is one of the Mitzvot that the Satan and the other

nations mock the Jewish people for, calling them "illogical". How is it possible that this goat atones for and purifies the Jewish people, yet the person who accompanies it to the desert, who assists in this purification process, becomes impure? Just as the Parah Adumah is referred to as a "chukat haTorah" because those involved in the purification process become impure, so too the seir laAzazel is referred to as "chukat olam". There are many aspects of this ceremony that are beyond our comprehension. Why is it sent to the desert and thrown from the top of the cliff, how can it atone for all who repent - for transgressions both severe and not so severe, both those transgressed intentionally and not intentionally?

There is one answer to all these questions: This is the way Hashem determined things. Hashem in his infinite kindness has given us this opportunity for atonement, we follow His commandments and believe in their effect - even if we do not understand specifically how they work. We see in Chazal a reference to the idea that it is the seir laAzazel that is the "chok" of Yom Kippur: "now perhaps you will say that they are empty acts", on which Rashi explains "you may wonder what atonement can there be for sending it away and what does this cliff have that will help". The Gemara responds: "'I am Hashem' (Vayikra 18:4), I, Hashem have decreed it and you have no right to ponder them" (Yoma 67b).

It is not clear to me why Chazal find the seir and the Parah Aduma more difficult to understand than other sacrifices. Do we really understand how other Korbanot atone for transgressions? Did the Torah not decree: "for it is the blood that atones for the soul" (Vayikra 17:11) informing us that the moment the blood is sprinkled upon the altar, atonement is achieved? Is a "chatat or an "asham" therefore more logical to us? Just as the Creator decreed that sprinkling blood upon the Altar of the Mikdash atones, He decreed that the sprinkling of the ashes of the Parah Aduma purifies, and sending the seir laAzazel atones. Do any of us understand the "seir laHashem"? Why does the Kohen Gadol specifically sprinkle once on top and seven times underneath (as described in Yoma 85b), why not ten times?

The Kabbalists understood the way in which atonement is achieved. The Ibn Ezra wrote to one who inquired that he will reveal parts of the secret when he reaches the age of thirty-three. Most of you here have not yet reached that age and maybe have a chance but for those who did not merit understanding the hidden worlds, the reason is quite simple: we send the seir laAzazel because Hashem commanded us to.

Why is the seir laAzazel more difficult to comprehend than other Korbanot? The Ramban was bothered by this difficulty and explained that the unique way this offering was brought is what caused the other nations to mock us. The seir is sent from the top of a cliff in the desert, outside of the Beit Hamikdash. Similarly the Parah Aduma is slaughtered and burned outside the courtyard. From a non-Jewish perspective, this is not so unusual - for their sacrifices are offered: "on the high mountains and on the hills, and under every leafy tree" (Devarim 12:2). The Ramban explains that it appears to the other nations that although Jewish law strictly forbids any sacrifice outside the confines of the Beit Hamikdash, perhaps we are now following in the ways of the non-Jews and this is the cause for mockery.

This may explain why the other nations find this practice difficult, why do we have trouble understanding it? Do we not know that everything is a decree from the King? Are the seir laAzazel or the Parah Adumah any more of a "chok" than other offerings? It cannot therefore be, as we attempted to explain, that the "chukat olam" emphasized on this Day of Judgment is the "seir laAzazel". Our opening question remains: why does the Torah emphasize that Yom Kippur is a "chok", what part of it classifies it as a "chok"?

It is the whole concept of Yom Kippur itself that is beyond our understanding! There can be no greater "chok" than a day that atones, a day that contradicts anything we are accustomed to during the course of the rest of the year. We will try to explain this, with Hashem's help. We

must first and foremost keep in mind that this distinction between a "chok" and "mishpat" (that a "mishpat" is something we understand whereas a "chok" is something we do not), only exists in our limited intellectual capacities. For Avraham Avinu, for example, all the Mitzvot were clear and easily understood, yet we do not even have a sufficient understanding of "mishpatim". The Torah testifies here that Yom Kippur is deserving of the description "chuka", for the spiritual value of the day is something that is beyond human comprehension.

The concept of "tshuva" contradicts the regular order of the world. Anything a person does effects either the present or the future. For example, a criminal can be imprisoned from today onwards, money can be collected from someone now or later. Legally, a house can be sold and the sale will take effect some time in the future. In no way can our actions of today have any influence on the past. A marriage, for example, cannot take effect retroactively. Is there anything we can do now which will retroactively effect what has already taken place?

Tshuva is capable of doing just that! When we repent out of love ("tshuva me-ahava") we are moving backwards in time and transforming our past sin into a Mitzvah. Even one who repents out of fear ("tshuva meyira") has transformed his intentional sin, even that which is punishable by Karet, to being viewed in Heaven as having been done without intent (see Yoma 6b).

The day set aside for this amazing, incredible phenomenon is Yom Kippur. The Rambam tells us "Yom Kippur is the time for everyone to repent therefore all are obligated to repent and confess their sins on Yom Kippur" (Hilchot Tshuva 2:7). Two conditions are required in order to affect these changes to our past: 1) repentance, and 2) being alive during this special day that Hashem established for tshuva. Tshuva on its own (with the exception of one who is guilty of not performing positive commandments) cannot atone unless one experiences some moments of this great day. The moment Yom Kippur begins, the tshuva goes into effect. During that moment something happens that we cannot explain - the past is rewritten. It has been emphasized that the greater the sin that is being forgiven, the greater the charge against one who does not take advantage of this auspicious time of forgiveness. The Meiri (Rosh Hashana 16b) goes so far as to say that one who is negligent and does not repent during this day, has no share in Hashem the G-d of Israel.

While the entire world is run within a framework of time (the opening words of the Torah even begin with a point in time - "Bereishit"), "tshuva" hovers above time. While time moves forward, "tshuva" works against this forward tide. This is one reason Chazal tell us that "tshuva" was one of seven things that were created prior to the creation of the world (Pesachim 54a). "Tshuva" cannot have a place within this world, as we know it.

Yom Kippur is the source of the "wellspring" of Tshuva. Our ability to repent throughout the year stems from the great power of Yom Kippur. From this perspective Yom Kippur is the "chok" of all "chukim". Hashem took a period of time that is limited within the dimensions of time - the tenth day of Tishrei - and gave it the power to work against the framework of time of which it is a part. Can there be a greater "chok" than this? Is this not a "chukat olam", the ultimate "chok" in the world?

Similarly, Chazal explain the pasuk in Tehillim: "yamim yatzuru, velo echad bahem" "though they will be fashioned through many days, to Him they are one" [11] (Tehillim 139:16) as referring to the Yom Kippur of the Jewish people (Tanna D'vei Eliyahu Rabba). The One Who created everything, created many "yamim", days, in the year, yet He chose "velo echad" - and one for Him, from among them. That day is Yom Kippur for the Jewish people (for the other nations this is no different than any other day, for the sun sets and rises, the birds chirp as usual). This day, in which His children are close to Him, gives Him greater satisfaction than all the other days He created.

The word "velo" in this pasuk is read as if it were spelled vav lamed vav, meaning and for Him - referring to Hashem. It is written

however with an aleph as the last letter - "velo echad mehem" meaning and not one of them. The fact is, if a person really wishes to he may view Yom Kippur as any other day of the year. In all the days He created, He waits for man and "velo" - He does not lock the door of repentance to any one of them. On Yom Kippur He created a simplified way for His children to return.

The idea that Yom Kippur has capabilities that are above the laws of time explains why the Torah emphasizes and repeats the expression "chukat olam".

In order that what we have just said not be viewed as a "chuka" that we are incapable of understanding, we must try to explain how this incredible wonder takes effect. (In fact we must do our utmost to understand all the "chukim" of the Torah). When all is said and done, Yom Kippur was established within the framework of time - it is not a spiritual concept that hovers above the remainder of the year. Yom Kippur is a unit within the 365 established units of the year: "on the tenth day of this month it is the Day of Atonement" (Vayikra 23:27). It is a day within a clearly delineated block of time, it occurs after the ninth of Tishrei and before the eleventh. Given that "Hashem has nothing in His world but the four amot of halacha" (Brachot 8a), we have to understand to what area of halacha to ascribe the tenth of Tishrei! What is the source for the great power of this day?

The basis for all this is the concept of having regret for the past. This is not a new concept but one found in the laws pertaining to vows. Let us assume that a person took upon himself a particular vow only to discover that fulfillment of this vow causes pain and anguish to his wife. What he must do to annul this vow is to go to a "chacham" or create his own Beit Din of three people (see Shulchan Aruch 228:1). They will then search for an opening (a "petach) in which to nullify his vow. One of the questions he may be asked is: "had you known that this would cause anguish to your wife, would you have still taken this vow?" If he were to answer in the negative, the three would tell him "mutar lach" - it is permitted to you. In other words, it was discovered that the person who made the vow did not sufficiently perceive the reality of the situation from all its different perspectives. Now that he does, he regrets what he has done in the past. This regret has the halachic power to turn the clock back to the moment in which the vow was made and to uproot the basis upon which this vow stands.

This idea of regret, uprooting what was done in the past is the basis for tshuva. It is not sufficient to declare that I will not sin in the future, I must have total regret for what I have done in the past. I am announcing today that my sin was a total error. If it was committed unintentionally then it certainly was in error, but even for sins committed intentionally - it is now clear to me that I was totally mistaken in my behavior. I did not sufficiently perceive reality with all its many facets. I did not properly understand the holiness of the Torah, of Mitzvot, I did not sufficiently know Hashem, and my obligation to belittle myself before Him was not solidified. Although had they asked me then I would have said that this was not in error and that I truly had intent to commit this sin. But, in light of the knowledge that I have today, and based on my reflections and the feelings that have awakened within me, it is clear to me that had I been on the spiritual level I am on now, I would not have sinned.

The new knowledge I have just acquired, serves as an opening from which to uproot my sinful action, it shakes the ground from which the sin sprouts. Being that it is precisely due to this sin that I have come to realize the greatness of the Creator, the sin itself has now been transformed into something praiseworthy and meritorious.

Although we have attempted to make Yom Kippur more understandable to us, it still remains a "chok". It is still a very unique and incredible "chesed" that Hashem has done for us - to give us the ability to effect changes on what has occurred in the past. Our sin has

disappeared and in its place there now stands a beautiful Mitzvah! The more intentional our sin was, the more "hiddurim" this new Mitzvah has.

In earthly law, tshuva has no practical application. If one testified while a "gazlan" (whose testimony is invalid) and then repents, his testimony is not retroactively accepted. This is because in human terms, time is significant - one cannot affect changes on what has occurred in the past. In the heavenly laws, however, this man is viewed as if he has never stolen! People may whisper and speak behind the back of a person who was found guilty of embezzling public funds, yet "Hashem sees into the heart" (Shmuel I 16:7) and knows that he repented out of love ("tshuva me-ahava") and thus views him as is a totally righteous person - as one who is pure from all sin, who is very careful not to touch anything that does not belong to him.

To reach this level of tshuva requires a very deep and basic regret. This requires that we truly feel the regret, for the sin is what brought about the need for us to recite in our viduy: "we have turned away from Your commandments and from Your good laws but to no avail". To fully understand the implication of our "viduy", it is essential that we understand each and every word of this sentence. "To no avail" - nothing was gained by our sinning. There are times when man feels that what he did was not right, but at least from a certain perspective, he gained something. If this is how we recite our "viduy" we must come to a full stop and not proceed, until it is clear to us beyond any shadow of a doubt that any gains we had assumed were but a figment of our imagination.

In reality all that was "gained" was trouble.

As long as the person does not recognize this, as long as his regret does not shake the very ground on which the sin is standing, the past cannot be affected - the sin will continue to be there as it was yesterday and the day before. As long as the person feels that he stands to gain from his corrupt ways, yet he has no choice but to repent, he does not demonstrate sufficient regret and has not done tshuva. "To no avail" means that even if there appears to be a gain from the sin, we must realize that it will be canceled out by a loss that will occur in the future, or vice versa, if I lost out doing a Mitzvah, it will all balance out with the reward that is awaiting me (Avot 2:1). There will never be any gain from sin or from refraining from performing a Mitzvah that we are required to do. The future will prove this, either in this world or the next.

Without this basic understanding, all the viduy and selichot of the ten days of Tshuva and Yom Kippur are of no value. It would just be a waste of time. Rather than beating the heart, we must first "beat out" the misunderstandings and misconceptions in the head!

The following Midrash illustrates the meaning of the words that it was all "to no avail". When the enemies of the Jewish nation wished to enter the Beit Hamikdash, they had great fear of the tremendous sanctity of the place. They knew that even a Kohen was forbidden to enter if not for the express purpose of performing his duties. As a result of this fear yet burning with the desire to plunder the Beit Hamikdash, they announced that the person who had the necessary courage to be the first to enter and desecrate this holy site, would be allowed to keep a vessel of his choice for himself. A traitor named Yossi Meshita got wind of this declaration and decided that this was the realization of his life's dream! He proceeded to enter the Beit Hamikdash and remove the Golden Menorah from the Heichal, realizing that this solid block of gold would provide him with livelihood for many years to come. When the enemies saw what he had done, they stopped him saying they did not intend for such a precious vessel to fall into the hands of a Jew. However, since he has already "volunteered" to do so, he may enter again and this time whatever he removes will be his.

Try as they could to convince him, first by offering him rewards and then by inflicting pain and torture upon him, he could not be convinced to repeat the same sin. They asked him why he suddenly changed his mind to which he replied very simply that he realized that it

was all "to no avail". The moment they took the Menorah away from him, the moment the glittering gold that blinded him was removed from his hands, a complete metamorphosis took place in his life. Something "broke down" in his view of the world - in his hashkafa. It was not the holy books that convinced him, and not even inspiring talks of mussar, it was with his own eyes that he saw that nothing at all is to be gained from sin even in This World!

When the enemies inflicted pain upon him, he would shout: "Woe, I have angered my Creator". During those moments anything associated with this world, even pain and suffering did not effect him at all. He was totally absorbed in the absolute truth he had suddenly discovered. Sin does not pay! The realization that he erred his whole life by running after the futilities of this world caused more pain and suffering to him than anything his enemies could do. If nothing was gained from sin, for what did he anger his Creator! Based on this incident, Chazal explained the pasuk: "vayarach et re-ach begadav" "he smelled the fragrance of his garments" (Bereishit 27:27) "do not read it as 'begadav' his clothes, but rather as 'bogedav' his traitors" (Sanhedrin 37a) - even the traitors among the Jewish people emit a nice fragrance when they fully repent by opening their eyes and discovering the falsehoods of this world.

This is the level of regret that a person must reach. If he can come to the realization that there is nothing gained by sin, then perhaps the next time he is tempted by a sparkling piece of gold to defile the holiness of his soul - he will overcome his temptation. He has already "been there" and walked away empty handed. Even if someone should try to convince him that although he did not profit the last time, this time he surely will - he should remember Yossi Meshita, the man who knew how to derive a true lesson from his life's experience!

As we stand today before this Day of Judgment, we must realize that there are two paths before us: the one is the "chuka" aspect of Yom Kippur and repentance. This "chukka" is lofty, wondrous and beyond our understanding, yet it has a firm grip on reality in that it effects the past, present, and future. This "chukka" and all that adhere to it are eternal.

The other path, on the other hand, is clear, immediate, and concrete. It tries to entice us with a handful of gold, yet any potential gains are only short-lived. A good look at this path will reveal how limited the gain from sin really is. The sincere regret that will come from this realization will place us firmly on the path to eternity.