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INTERNET PARSHA SHEET ON KI SISA - 5775

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From: **Rabbi Yissocher Frand** <ryfrand@torah.org> to:
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Frاند on Parshas Ki Sisa

Parshas Ki Sisa These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #892Borer: Can You Separate White Meat from the Dark Meat? Good Shabbos!

Even If We Cannot Truly Emulate Hashem, Our Selflessness Invokes Hashem's Mercy

After Moshe Rabbeinu descended from Har Sinai [Mt. Sinai] and saw that the Jewish people made a Golden Calf, he broke the Luchos [Tablets of Stone] containing the Torah. Then the Almighty told Moshe to make a new set of Luchos.

The Torah then describes the following scene: "Hashem descended in a cloud and stood with him there, and He called out with the Name Hashem. Hashem passed before him and proclaimed: Hashem, Hashem, G-d, Compassionate and Gracious, Slow to Anger, and Abundant in Kindness and Truth; Preserver of Kindness for thousands of generations, Forgiver of Iniquity, Willful Sin, and Error, and Who Cleanses..." [Shmos 34:5-7]

Moshe was standing in the cleft of the rock, the Almighty came down in a cloud, and called out to Moshe the 13 Attributes of G-d's Mercy (Yud Gimmel Midos HaRachamim). The above quoted pasuk is very familiar to us. Recitation of the 13 Attributes of G-d's Mercy makes up a large part of our prayers on Yom Kippur. The Talmud [Rosh Hashannah 17b] attaches special significance to the contents of this pasuk. Rabbi Yochanan says that were the pasuk not specifically written in the Torah, it would be impossible (i.e. – blasphemous) to say it. The Torah is saying, as it were, that the Almighty wrapped Himself in a tallis as if He were a Shliach Tzibbur [representative of the community leading the congregation in prayer] and demonstrated to Moshe the proper order of prayers. He told Moshe: Any time Israel sins, let them recite this order of prayer and I will forgive them. This passage is our secret weapon. Therefore, at the time of Neilah, when Yom Kippur is slipping away from us, we invoke the recitation of these

pasukim over and repeatedly. This is our ace in the hole, so to speak. When all else fails, we invoke the 13 Attributes of Divine Mercy to insure our protection from Divine Wrath. After all, G-d promised "Let them recite this order of prayer before Me and I will forgive them."

The Tal mud then quotes the Tanna Rabbi Yehudah who says, "A covenant has been enacted with the 13 Attributes of Mercy that they are not returned empty-handed, as it is written 'Behold I am making a covenant'" [Shmos 34:10]. Apparently, we have a Divine promise that whenever these Attributes are invoked they have an effect.

The problem that already troubled the Rishonim [early commentaries] is that many times this does not seem to be the case. It would seem that many times, when we invoke the pasuk of the "Yud Gimmel Middos," they do not elicit the hoped for effect from the Master of the World.

The Reishis Chochmah cites in the name of the Gaonim (The Shalo"h haKadosh on Parshas Ki Sisa says this as well.) that it is not as easy as one might expect. An inference is drawn from the Talmudic statement "...whenever Israel sins ya-asu lefanai k'seder haZeh..." This does not really mean (as we translated earlier) "let them recite before me this order" but rather "ya-asu lefa ni" means let them DO this order of prayer. It is not sufficient to recite verbally the Yud Gimmel Middos HaRachamim. The person must act them out. We must emulate these attributes of mercy. Just as the Almighty is Merciful, so must we be merciful; just as the Almighty is Compassionate, so must we be compassionate; etc.

The Covenant that has been enacted regarding the 13 Attributes not being returned empty handed is not based on saying the words but rather on emulating in our interactions with others the deeds of Mercy and Compassion that the Almighty demonstrates is His interaction with us.

This is the opinion of the Shalo"h and of the Gaonim as quoted by the Reishis Chochmah. However, not everyone agrees. The Ya'aros Devash, written by the famous Rav Yonasan Eybeschutz, argues with this position. He claims that we cannot be expected to fully emulate all these Divine Attributes of Mercy. He points out that one of the 13 Attributes is "K-el". The Name "K-el" means the Ultimate Powerful One. Rav Yonasan Eybeschutz argues, "We cannot emulate 'K-el.'" Perhaps we can emulate Rachum [Merciful], Chanun [Compassionate], Erech Apayim [Long Suffering]. However, we certainly cannot emulate K-el [All Powerful One]. This is beyond our capability because we are not All Powerful.

The Ya'aros Devash buttresses his thesis by pointing out the introduction to the recitation of the 13 Attributes: "K-el her'eisa lanu LOMAR Shlosh Esrei." You – K-el, the All Powerful One showed us how to SAY the 13 Attributes. You are aware that the Attribute of K-el is impossible to emulate and that is why you taught us merely to SAY the attributes, not to fully emulate them, as the Gaonim want to claim.

However, this insight of the Ya'Aros Devash leads us back to our previous question: If saying them is sufficient, why does it not always work?

I saw quoted in the Sefer Imrei Binah that the reason it does not always work is that there is another condition to this "Covenant".

As mentioned earlier, according to Rabbi Yochanan in the Talmud, the pasukim in Ki Sisa say, "He wrapped himself in a Tallis like a Shliach Tzibbur and taught us the order of prayers..." Merely saying the words alone is not sufficient. A person must say them like a Shliach Tzibbur. A Shliach Tzibbur has the welfare of the entire community in mind. When we daven for this, we need to pray, not only for ourselves, but also for the benefit of the entire community. We stand there at Neilah on Yom Kippur and we know that time is slipping away. We know that we need "this, that, and the other thing", and we cry with all our might "Hashem, Hashem, K-el, Rachum, v'Chanun..." However, we are missing something. We are missing the fact that we have not "wrapped ourselves like a Shliach Tzibbur." We have our own needs in mind and not the needs of the entire community. For the 13 Attributes of Mercy to work (even if recital alone is going to be sufficient), it must be done with the spirit of "this teaches that the Almighty wrapped himself like a Shliach Tzibbur". This is sometimes very difficult

because when a person has his own needs and his own troubles, it is difficult to put one's own problems aside and say "I need to worry about the other fellow". This is why it is a very big challenge.

I saw a beautiful insight in the Sefer Mikdash Mordechai from Rav Mordechai Rogov. He comments on the pasuk, "And Hashem descended in a cloud and He stood there with him." [Shmos 34:5]. Why was it necessary for the Almighty to come down in a cloud? Rav Mordechai Rogov answers that the Ribono shel Olam was teaching us a lesson: When things are bright and shiny for all of us, it is easy to think about the other person. When, however, a person finds himself "in the middle of a cloud", when he has his own pack of personal problems to worry about, it becomes much more difficult to be compassionate and to empathize with somebody else's problems. Hashem came down in a cloud and told us to act like a Shliach Tzibbur – worrying about the needs of the entire congregation, not just our own needs.

Rav Mordechai Kamenetsky relates a moving story involving his father, Rav Binyomin Kamenetsky. This is an amazing example of being "in the midst of a cloud" and yet thinking about the other person.

A father unfortunately passed away when his son was still very young, prior to Bar Mitzvah age. To add hurt upon hurt, shortly before the boy's Bar Mitzvah, the mother became extremely ill. Rav Binyomin Kamenetsky went to visit her in the hospital a few weeks before the son was to become Bar Mitzvah.

She told the visiting Rabbi, "Please do me a favor. I don't want you to come to my son's Bar Mitzvah." He looked at her incredulously and asked her to explain herself. She explained that on the same night her family was planning the Bar Mitzvah, another boy in his class was also making a Bar Mitzvah. "I know that every Rav in town is going to come to my son's Bar Mitzvah, because he is an orphan who has no father and I don't even know if I am going to be there. All the Rabbonim are going to come to my son's Bar Mitzvah and no one will be going to the other boy's simcha. Please, Rabbi Kamenetsky, do me a favor and go to the other boy's Bar Mitzvah."

This is an example of "Hashem descended in a cloud". Here is a woman who was enveloped in a terrible cloud of personal tragedy and suffering and yet she was able to think, "What is going to be with that other child?" Such selflessness invokes the Attribute of Mercy in the way that Hashem desires. Just as the Shliach Tzibbur does not merely represent himself before G-d, but he represents the entire community, so too this is how we should act and think when we invoke the 13 Attributes of Mercy.

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD RavFrand, Copyright © 2007 by Rabbi Yissocher Frand and Torah.org. Torah.org: The Judaism Site Project Genesis, Inc. 122 Slade Avenue, Suite 250 Baltimore, MD 21208 <http://www.torah.org/> learn@torah.org (410) 602-1350

From: Aish.com <newsletterserver@aish.com> date: Wed, Mar 4, 2015 at 4:32 PM subject: Advanced Parsha - Ki Tisa

Can There be Compassion without Justice?

by Rabbi Lord Jonathan Sacks

Covenant & Conversation

Ki Tisa(Exodus 30:11-34:35)

At the height of the drama of the Golden Calf a vivid and enigmatic scene takes place. Moses has secured forgiveness for the people. But now, on Mount Sinai yet again, he does more. He asks God to be with the people. He asks him to "teach me Your ways," and "show me Your glory" (Ex. 33: 13, 18). God replies: "I will cause all my goodness to pass in front of you, and I will proclaim my name, the Lord, in your presence ... I will have mercy on whom I will have mercy, and I will have compassion on whom I will have compassion. But, He said, 'you cannot see My face, for no one may see Me and live'" (Ex. 33: 20).

God then places Moses in a cleft in the rock face, telling him he will be able to "see My back" but not His face, and Moses hears God say these words: "The Lord, the Lord, the compassionate and gracious God, slow to anger,

abounding in love and faithfulness, maintaining love to thousands, and forgiving wickedness, rebellion and sin. Yet he does not leave the guilty unpunished ... (Ex. 34: 6-7?)

This passage became known as the "thirteen attributes of God's compassion."

The sages understood this episode as the moment in which God taught Moses, and through him future generations, how to pray when atoning for sin.¹ Moses himself used these words with slight variations during the next crisis, that of the spies. Eventually they became the basis of the special prayers known as selichot, prayers of penitence. It was as if God were binding himself to forgive the penitent in each generation by this self-definition.² God is compassionate and lives in love and forgiveness. This is an essential element of Jewish faith.

But there is a caveat. God adds: "Yet he does not leave the guilty unpunished." There is a further clause about visiting the sins of the parents on the children which demands separate attention and is not our subject here. The caveat tells us that there is forgiveness but also punishment. There is compassion but also justice.

Why so? Why must there be justice as well as compassion, punishment as well as forgiveness? The sages said that "When God created the universe He did so under the attribute of justice, but then saw it could not survive. What did He do? He added compassion to justice and created the world."³ This statement prompts the same question. Why did God not abandon justice altogether? Why is forgiveness alone not enough?

Some fascinating recent research in diverse fields from moral philosophy to evolutionary psychology, and from games theory to environmental ethics, provides us with an extraordinary and unexpected answer.

The best point of entry is Garrett Harding's famous paper written in 1968 about "the tragedy of the commons."⁴ He asks us to imagine an asset with no specific owner: pasture land that belongs to everyone (the commons), for example, or the sea and the fish it contains. The asset provides a livelihood to many people, the local farmers or fishermen. But eventually it attracts too many people. There is over-pasturing or overfishing, and the resource is depleted. The pasture is at risk of becoming wasteland. The fish are in danger of extinction.⁵

What then happens? The common good demands that everyone from here on must practice restraint. They must limit the number of animals they graze or the amount of fish they catch. But some individuals are tempted not to do so. They continue to over-pasture or overfish. The gain to them is great and the loss to others is small, since it is divided by many. Self-interest takes precedence over the common good, and if enough people do so the result is disaster.

This is the tragedy of the commons, and it explains how environmental catastrophes and other disasters occur. The problem is the free rider, the person who pursues his or her self interest without bearing their share of the cost of the common good. Because of the importance of this type of situation to many contemporary problems, they have been intensively studied by mathematical biologists like Anatol Rapoport and Martin Nowak and behavioural economists like Daniel Kahneman and the late Amos Tversky.⁶

One of the things they have done is to create experimental situations that simulate this sort of problem. Here is one example. Four players are each given \$8. They are told they can choose to invest as much or as little as they want in a common fund. The experimenter collects the contributions, adds them up, adds 50% (the gain the farmer or fisherman would have made by using the commons), and distributes the sum equally to all four players. So if each contributes the full \$8 to the fund, they each receive \$12 at the end. But if one player contributes nothing, the fund will total \$24, which with 50% added becomes \$36. Distributed equally it means that each will receive \$9. Three will thus have gained \$1, while the fourth, the free rider, will have gained \$9.

This, though, is not a stable situation. As the game is played repeatedly, the participants begin to realise there is a free rider among them even if the

experiment is structured so that they don't know who it is. One of two things then tends to happen. Either everyone stops contributing to the fund (i.e. the common good) or they agree, if given the choice, to punish the free rider. Often people are keen to punish, even if it means that they will lose thereby, a phenomenon sometimes called "altruistic punishment."

Some have linked participants to MRI machines to see which parts of the brain are activated by such games. Interestingly, altruistic punishment is linked to pleasure centres in the brain. As Kahneman puts it, "It appears that maintaining the social order and the rules of fairness in this fashion is its own reward. Altruistic punishment could well be the glue that holds societies together."⁷ This, though, is hardly a happy situation. Punishment is bad news for everyone. The offender suffers, but so do the punishers, who have to spend time or money they might otherwise use in improving the collective outcome. And in cross-cultural studies, it turns out to be people from countries where there is widespread free-riding who punish most severely. People are most punitive in societies where there is the most corruption and the least public-spiritedness. Punishment, in other words, is the solution of last resort.

This brings us to religion. A whole series of experiments has shed light on the role of religious practice in such circumstances. Tests have been carried out in which participants have the opportunity to cheat and gain by so doing. If, without any connection being made to the experiment at hand, participants have been primed to think religious thoughts – by being shown words relating to God, for example, or being reminded of the Ten Commandments – they cheat significantly less.⁸ What is particularly fascinating about such tests is that outcomes show no relationship to the underlying beliefs of the participants. What makes the difference is not believing in God, but rather being reminded of God before the test. This may well be why daily prayer and other regular rituals are so important. What affects us at moments of temptation is not so much background belief but the act of bringing that belief into awareness.

Of much greater significance have been the experiments designed to test the impact of different ways of thinking about God. Do we think primarily in terms of Divine forgiveness, or of Divine justice and punishment? Some strands within the great faiths emphasize one, others the other. There are hellfire preachers and those who speak in the still, small voice of love, which is the more effective?

Needless to say, when the experimental subjects are atheists or agnostics, there is no difference. They are not affected either way. Among believers, though, the difference is significant. Those who believe in a punitive God cheat and steal less than those who believe in a forgiving God. Experiments were then performed to see how believers relate to free-riders in common-good situations like those described above. Were they willing to forgive, or did they punish the free-riders even at a cost to themselves. Here the results were revelatory. People who believe in a punitive God, punish people less than those who believe in a forgiving God.⁹ Those who believe that, as the Torah says, God "does not leave the guilty unpunished," are more willing to leave punishment to God. Those who focus on Divine forgiveness are more likely to practice human retribution or revenge.

The same applies to societies as a whole. Here the experimenters used terms not entirely germane to Judaism: they compared countries in terms of percentages of the population who believed in heaven and hell. "Nations with the highest levels of belief in hell and the lowest levels of belief in heaven had the lowest crime rates. In contrast, nations that privileged heaven over hell were champions of crime. These patterns persisted across nearly all major religious faiths, including various Christian, Hindu and syncretic religions that are a blend of several belief systems."¹⁰

This was so surprising a finding that people asked: in that case, why are there religions that de-emphasize Divine punishment? Azim Shariff offered the following explanation: "Because though Hell might be better at getting people to be good, Heaven is much better at making them feel good." So, if a religion is intent on making converts, "it's much easier to sell a religion that

promises a divine paradise than one that threatens believers with fire and brimstone."¹¹

It is now clear why, at the very moment He is declaring his compassion, grace and forgiveness, God insists that He does not leave the guilty unpunished. A world without Divine justice would be one where there is more resentment, punishment and crime, and less public-spiritedness and forgiveness, even among religious believers. The more we believe that God punishes the guilty, the more forgiving we become. The less we believe that God punishes the guilty, the more resentful and punitive we become. This is a totally counterintuitive truth, yet one that finally allows us to see the profound wisdom of the Torah in helping us create a humane and compassionate society.

NOTES 1. Rosh Hashanah 17b. 2. The Talmud in Rosh Hashanah 17b says that God made a covenant on the basis of these words, binding himself to forgive those who, in penitence, appealed to these attributes. Hence their centrality in the prayers leading up to Rosh Hashanah and Yom Kippur, and on Yom Kippur itself. 3. See Rashi to Genesis 1:1. 4. Garrett Harding, "The tragedy of the commons," *Science* 13 December 1968: Vol. 162 no. 3859 pp. 1243-1248. 5. Long before Garrett Harding there was an old Hassidic story about the village where the people decided each to donate an amount of wine to fill a vat to present to the King on his forthcoming visit to the village. Secretly at night over the next few weeks each of the villagers took some wine, arguing to themselves that such a small amount would not be noticed. Each added an equal amount of water to the vat so that it stayed full. The king arrived, the villagers presented him with the vat, he drank from it and said, "It's just plain water." I guess many folk traditions have similar stories. This is, in essence, the tragedy of the commons. 6. See Robert Axelrod, *The Evolution of Cooperation*. New York: Basic, 1984. Matt Ridley, *The Origins of Virtue*, Penguin, 1996. Daniel Kahneman, *Thinking, Fast and Slow*, Allen Lane, 2011. Martin Nowak and Roger Highfield, *Super Cooperators: Evolution, Altruism and Human Behaviour or Why We Need Each Other to Succeed*, Edinburgh: Canongate, 2011. 7. Kahneman, *Thinking, Fast and Slow*, 308. 8. Ara Norenzayan, *Big Gods: How Religion Transformed Cooperation and Conflict*, Princeton University Press, 2013, 34-35. 9. *Ibid.*, 44-47. 10. *Ibid.*, 46. 11. *Ibid.* Published: March 1, 2015

From: Rabbi Berel Wein <genesis@torah.org> reply-to: do-not-reply@torah.org to: rabbiwein@torah.org date: Wed, Mar 4, 2015

Rabbi Berel Wein

Parshas Ki Sisa

Building a Successful Nation Even after millennia of analysis, commentary and sagacious insights, the story of the Jewish people creating and worshipping the Golden Calf, as recorded for us in this week's Torah reading, remains an enigma and a mystery. After all of the miracles of Egypt and the splitting of Yam Suf, manna from heaven and the revelation at Sinai, how is such a thing possible?

The fact that our great sainted priest Aharon, the most beloved of all Jews and the symbol of Jewish brotherhood and service to God and man, is not only involved but is described as being the catalyst for the actual creation of the Golden Calf, simply boggles our minds. One is almost forced to say that there is no logical or even psychological explanation as to how and why this event occurred.

The Torah tells us the story in relatively dry narrative prose. Apparently it comes to teach us that there is no limit to the freedom of thought and behavior of human beings, to act righteously or in an evil fashion as they wish. No logic, no series of miracles, no Divine revelations can limit the freedom of choice that the Lord granted to humans.

The assumption of Western man and his civilization and society was and is that there is a logic and rationale for everything that occurs. This assumption is flawed and false. History is basically the story of the follies, mistakes and irrational behavior of individuals and nations. This week's Torah reading is merely a prime illustration of this human trait. Our freedom of choice is so absolute that we are able to destroy ourselves without compunction, thought or regret.

Nevertheless, I cannot resist making a point about what led up to Israel's tragic error in creating and worshipping the Golden Calf. The Torah

emphasizes that perhaps the prime cause for the building of the Golden Calf by Jewish society then was the absence of Moshe.

While Moshe is up in heaven, freed of all human and bodily needs and restraints, the Jewish people are in effect leaderless. It is true that Aharon and Chur and the seventy elders are there in the midst of the encampment but they do not have the gravitons of leadership that can guide and govern an otherwise unruly, stiff-necked people.

Successful nation building is always dependent upon wise, patient, strong and demanding leadership. The leader has to be able not only to blaze the trail ahead for his people but he also must be able to stand up to his people in a manner that may be temporarily unpopular. The failures of both Aharon, as recorded for us in this week's Torah reading, and of King Saul as described for us in the Book of Samuel, are attributed to their inability to withstand the popular pressure of the moment.

Moshe, the paragon for all Jewish leadership throughout the ages, is cognizant of the wishes and wants of the people but he does not succumb to that pressure. The Torah describes Moshe as one whose "eye never dimmed." He always sees past the present with a penetrating view and vision of the future. The absence of such a person and leader can easily lead to the creation and worshiping of a Golden Calf.

Shabbat shalom Rabbi Berel Wein

WHAT COULD HAVE BEEN

RABBI BEREL WEIN

One of the great dangers in life, both national and personal, is looking backwards and dwelling upon what could have been, had we but chosen to behave and choose otherwise. There is much to be said for knowing history and appreciating the past. Yet the past, glorious and correct as we may wish to make it in our memory, is simply no longer here and many times it is no longer relevant to the issues and challenges that we currently face. I have studied Jewish history, as well as world and American history for most of my life. The one lesson that I think that I have learned from all of these decades of study and reading is that there is much to be learned from the past but that the past is never the present. The Jewish people have hallowed the concept of tradition and past custom, and in many sectors of the Jewish world the past is more important than the present. The Talmud even goes so far as to say that in certain instances custom can override halacha. Perhaps, as with no other people, the Jewish past holds us in its grip and in many respects prevents us from dealing successfully with the current problems and challenges that face us. Not only do we treasure our past, but we willingly recreate it and falsify it to meet current political correctness and beliefs. Additionally we fantasize it in order to avoid dealing differently with the current troublesome present. The complete fictionalizing in much of the Jewish Orthodox world today, of nineteenth and twentieth century Eastern European Jewish life, has had dire consequences for us today. We deal in what could have been rather than in what actually was. Part of the problem lies in our inability to admit that mistakes might have been made in the past. In our devotion to Torah and its scholars and leaders, we have built a wall of infallibility and a false portrayal of unanimity of our leaders about the issues and events of the past two centuries. The traditional Jewish community that comprised most of eastern and central Europe began to dissolve and fracture in the 1800s. The false prophets of Marxism and of the Left seduced much of the Jewish youth of the time. Zionism arose as an antidote to Marxism and ironically as a movement that assimilated much of the ideas of the left into its nation building ideology. There were many great rabbinic leaders who endorsed and joined the Zionist idea or at least the idea of the return of the Jewish people to the Land of Israel. On the other hand, there were many rabbinic leaders who opposed Zionism in all of its forms and counseled strongly against leaving the "old home" of Eastern and Central Europe. The opposition to emigration was not only applied to moving to the Land of Israel but perhaps even more vehemently to leaving for America. No one saw the Holocaust on the horizon and the resulting annihilation of European Jewry at that time but there is no question that our Jewish world would have looked quite different today had mass emigration of Jews from Europe occurred, leaving either to the Land of Israel or to North America. I am of course writing from perfect hindsight. But I do so because of the fact that the past has been so falsified and deified, that it has become a detriment instead of an asset to us in our current struggles for survival and growth. One thing the past should have taught us is that politics and religious beliefs do not and perhaps should never mix or become identical. I cannot believe in my heart of hearts that voting for one political party over another is a fundamental matter of Jewish faith. The political battles of the religious and secular sections of the Jewish people, and perhaps even more

so the bitter political battles between various factions of the religious community itself that we witness today, are little more than the continuity of those struggles that took place over the past two centuries in Europe. And the irony is that none of the combatants in today's struggles seem to realize the déjà vu involved in their current political and ideological disputes. One would think that the Jewish left would have been cured of Marxism by the experience of the Soviet Union. One could also think that the events of the Holocaust and of the enormous success of the state of Israel would cause many in the religious world to rethink their view of the state and its place in Jewish life.

However, since many of us are always more concerned with what could have been than in what really was, this is pretty much a forlorn hope. Nevertheless, we should be wise and truthful about our past, practical about our present, and optimistic about our future. Shabbat shalom Berel Wein

<http://5tjt.com/shemittah-at-costco/>

Shemittah At Costco

Halachic Musings

By Rabbi Yair Hoffman

It is said that when the first wine products from Eretz Yisrael arrived in Europe, the Netziv cried tears of joy. Finally, there was produce available for Jews to consume that came from the land that Hashem had promised us. Nowadays, however, most of the rabbis tell us to stay away from fruit from Israel.

Costco now has clementines, tomatoes, cucumbers, peppers, and figs from Israel. Is there really no way to properly eat fruits from Eretz Yisrael?

Terumah And Ma'aser

It is a mitzvah to separate terumos and ma'asros from produce grown in Eretz Yisrael and give them to the kohanim, Levi'im, and poor people. There were many important purposes for these gifts. The Sefer HaChinuch explains that the gifts to the kohanim were so that they could learn Torah while others worked in order to further develop our spiritual and ethical nature as a people.

A basic definition of terms is in order:

Terumah. In the time of the Beis HaMikdash, terumah was a gift to the kohen. It had to be between one-fortieth and one-sixtieth of the fruit. So if the farmer had 120 oranges, the gift was either 2 or 3 oranges. Nowadays, terumah is kol shehu, any amount. It cannot be eaten by kohanim nowadays, because all of them are considered impure, tamei meis, now.

Ma'aser. Ma'aser during the time of the BeisHaMikdash was 10 percent of the fruit that must be given to a Levi. Thus a farmer with 120 oranges must give 12 to the Levi. Nowadays the ma'aser must still be separated from the fruit, but it can be eaten after the terumasma'aser is removed.

Terumas Ma'aser. Terumasma'aser is the one-tenth of the Levi's ma'aser that must be given to the kohen. It is 1% of the total fruit. Nowadays we remove this, wrap it, and dispose of it.

Ma'aser Sheini. Ma'asersheini is another 10 percent of what is left. This must be eaten in the "makom asher yivchar"—the place that Hashem chooses—Yerushalayim. In the time of the BeisHaMikdash, if one could not schlep the ma'asersheini to Yerushalayim, he could sell it and add 25% (also known as a chomesh, 20% after the fact) to it. This money must be spent on food and drink in Yerushalayim. The money cannot be spent on forks and knives, only food and drink. This is done in years 1, 2, 4, and 5 of the 7-year Shemittah cycle.

Nowadays, we redeem the ma'asersheini with a coin called a perutachamurah. We redeem it all on one perutah of a coin. A perutah is worth between a penny and a nickel. After the perutachamurah coin has been conferred with its full value of ma'aser, it is destroyed. In recent years there are clubs that hold on to the perutachamurah coin for you. The coin that must be used has to be of a currency that is usable in the country. Thus in the United States, one must use American coinage.

Ma'aser Ani. In years 3 and 6 of the 7-year cycle, ma'asersheini is replaced with ma'aserani. It is given to the poor. Nowadays, we can eat it ourselves, but it must be separated.

Products Of Israel: Three Categories

There are three categories into which products of Israel are classified:

1. Fruits from years 1–6 in the Shemittah cycle—when terumos and ma'asros must be properly removed before the fruits are consumed. Costco clementine fruit is still from year six until the end of the winter. Peppers and cucumbers are a different story.

2. Fruits that are from the Shemittah year—which may only be consumed by following the guidelines of treating fruit b'kedushasShevi'is properly.

3. Produce that is forbidden to us to benefit from.

Kedushas Shevi'is

If one accidentally purchased seventh-year fruit, it is forbidden to take it back to be exchanged. Rather, the fruit must be eaten with kedushasShevi'is, a protocol of special treatment. The fruits and vegetables must be used in the manner that they are normally used. For example, one cannot eat raw potatoes or make juice out of figs. These are not their normal manner of consumption.

One has to treat these fruits properly. They may not be maltreated (by throwing them in the garbage) or used for a different purpose than that for which they were intended. It is for this reason that people in EretzYisrael have something called a pachShemittah. Peels and edible scraps must be placed in this pachShemittah rather than in the garbage. A plastic liner is placed in it and every so often the liner is removed to allow the food to rot, and then it may be disposed of when it is no longer edible. Inedible peels and shells may be disposed of immediately. Orange peels are used to make candy at times, so many poskim rule that it is proper to be strict.

The buying and selling of Shevi'is fruit for a profit is forbidden.

Neither the fruit nor its products may not be taken out of EretzYisrael.

It may only be given to those who have been given the land of EretzYisrael as an inheritance. Thus, although first- through sixth-year produce of EretzYisrael may be given or sold to non-Jews, that which grew in the seventh year may not.

When Shevi'is fruits are actually sold, such as when the leftovers of that which was collected are sold, the moneys received are considered infused with kedushasShevi'is. These moneys may only be used to purchase foods. Those foods are likewise infused with kedushasShevi'is.

Thus, one should not buy Shevi'is fruit from an irreligious Jew or someone who is unknowledgeable or not careful about these halachos, because he will probably not be careful to treat the money or other foods with the care that is necessary.

Israeli Fruit Sold Here

The most common imports from EretzYisrael to the United States are oranges, clementines, tomatoes, and peppers. Stores such as Costco regularly sell these items.

If one accidentally bought fruits from Israel in the United States, it is forbidden to transport them from place to place. It is considered as if one is moving them to Chutzla'Aretz again. One must therefore leave them at home and treat them as if they were regular Shemittah fruit with the pachShemittah, etc. It is forbidden to return them to the store—they must be eaten b'kedushasShevi'is.

Fruits that are actually Shemittah fruits are exempt from terumos and ma'asros because they are hefker, ownerless (S.A. 331:19).

Learning The Rules

Although this may seem complicated, there is a simple way of doing it that involves little effort. There is an organization in Lakewood, called Keren HaMaasros, that gives you an easy instruction guide and holds on to the necessary perutah chamurah coins. The phone number is 732-901-9246. This should be encouraged, as the story cited above about the Netziv illustrates. It is hoped that the reader will expend effort to learn more about how one can actually eat and purchase fruits from EretzYisrael according to halachah.

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Halakhic Values and Halakhic Decisions: Rav Soloveitchik's Pesak Regarding Women's Prayer Groups

I The discussion regarding women's tefilla groups has regrettably focused excessively on technical issues and legalities. It has been framed by limited halakhic queries such as: may the participants forgo tefilla be-tisbbur to attend these groups? May menstruant women touch sifrei Torah? Undoubtedly such technical perspectives and narrow questions are necessary to ensure our compliance with all minutiae of halakha. Torah, however, consists not only of halakhic details, but also of halakhic values. Unfortunately the latter have been neglected in the discussion concerning women's tefilla groups. When halakha is fragmented and truncated in such a fashion, it can be neither interpreted nor implemented correctly.

The approach of Rav Soloveitchik zt"l differed. The Rav's consistent opposition to women's tefilla groups was dictated by halakhic values, not halakhic details. This article attempts to elucidate the Rav's axiological opposition to these groups. As a prolegomenon to such a discussion, we are obligated to review, at least partially, some major halakhic values and reiterate their centrality. In so doing our efforts are best characterized by the resonant introductory words of the Mesilat Yesharim:

I have written this work not to teach men what they do not know but to remind them what they already know and is very evident to them; for you will find in most of my words only things which most people know and concerning which they entertain no doubts. But to the extent that they are well known and their truths revealed to all, so is forgetfulness in relation to them extremely prevalent.[1]

II The dimension of Torah which we are reviewing is composed of concepts, values, attitudes, emotions and the like. In some instances these broad imperatives constitute separate mitsvot, while in others they are integrated with concrete particulars in the same mitsva. For instance, in addition to the issur melakha which bans specific forms of labor on Shabbat, the Torah ordains that the character of Shabbat must be safeguarded—i.e., it must be a day of rest and repose. This requirement of Shabbaton is not defined in terms of a particular action or actions; rather, it obligates us to maintain the spirit or elan of Shabbat.

Nahmanides elaborates upon the concept of Shabbaton:

It appears to me that the midrash [according to which "Shabbaton" bans non-melakha activities as well] teaches that we are commanded to desist on the holidays even from things which do not constitute melakha#8212;that one should not exert himself all day to measure grain and weigh fruits and fill barrels of wine, and move utensils and even stones from house to house and place to place . . . and the marketplace would be crowded for all transactions . . . since all this would have been permitted on the holidays and even on Shabbat itself because none of these activities involve melakha, therefore the Torah said "Shabbaton" that it should be a day of rest and repose, not exertion . . . [2]

In observing Shabbat our behavior must be technically correct—i.e., we must not perform melakha. But we are also obligated to maintain the elan of Shabbat. This requirement, as detailed by Nahmanides, precludes a wide range and array of non-melakha activities. A contemporary addition to Nahmanides' list of prohibited non-melakha activities would be taking advantage of an eruv to dress in shorts and t-shirts and engage in sports on Shabbat. Such anomalous behavior does not involve any technical violations of the particulars of Shabbat, but it certainly conflicts with the principle of Shabbaton, the elan of Shabbat; [3] such behavior is therefore unequivocally wrong.

Nahmanides' sensitivity to the principles of Torah, elan of mitsvot and values of halakha forms a spiritualizing leitmotif of his exegetical oeuvre. Perhaps the most famous instance of this sensitivity is his exposition of the mitsva of kedoshim te-hiyu ("be holy").[4] Nahmanides elaborates upon the terse comment of Hazal, who define holiness as abstinence. He graphically depicts how, lacking an imperative of kedusha, one could have technically conformed to all laws and by-laws of the Torah, and yet lead a brutish existence. In Nahmanides' coinage, one could have been a "scoundrel with license from the Torah". Gluttony, vulgarity, and excessive conjugality inter alia are all possible without violating any particulars of Torah. The principle of holiness closes this gaping breach in the wall of spirituality. It demands that our behavior be not only technically correct and legalistically acceptable but also spiritually consistent and religiously worthy. [5]

The particulars of Torah—prescriptions and prohibitions for well defined circumstances—dictate behavior and govern actions. As such, they must be studied diligently and implemented meticulously. Such study can make one proficient and even an expert in these areas of Torah. The elan of Torah—its religious principles, values, and attitudes—nurtures the personality and molds the matrix of actions. Consequently, study must be coupled with experience. One must initially observe and ultimately share

the experience of Torah with Torah personalities. Torah values are absorbed by osmosis. This is the essence of Hazal's teaching that

apprenticeship to [a] Torah [scholar] is greater than the study of Torah as is stated [regarding the prophet Elisha] "who poured water over the hands of Elijah" the verse does not say "who studied", rather "who poured".[6]

One who studies with a Torah sage can master the technical prescriptions, prohibitions and legal formulae of Torah; one who apprentices himself to a Torah sage can assimilate the existential rhythm, ontological emotions, and cardinal values of halakhic living.

A striking formulation of the need for an existential link with Torah sages is provided by the Sefer Hasidim, interpreting the rabbinic aphorism that "a person should always be cunning in his fear of God." [7] Sefer Hasidim explains that in situations not specifically addressed by the Torah one is obligated to intuit and subsequently, in accord with this intuition, comply with the divine will. Significantly, reflecting the previously quoted teaching of Hazal, Sefer Hasidim emphasizes that such powers of intuition cannot be gleaned from book knowledge; rather they must be fostered as part of the oral transmission from master to disciple.

There may be a devout person whose heart turns to do God's will and yet he does not perform as many good deeds as the wise devout person, because the latter received [the complete mesora] from his master, and his friend did not perform as many good deeds because he did not receive [the complete mesora] from his master. Had he known he would have fulfilled because [our sages] said, "one should always be cunning in his fear of God" . . . and we find in the Torah that one who can discern [God's will] even though he was not commanded to implement it, is punished for failure to do so. As it says, "Moshe became angry with the officers of the army . . . and he said to them, 'have you spared the womenfolk?'" And why did they not answer him "and why [should we have killed them]? You did not instruct us to kill the women?" But Moshe knew that they were wise and expert to reason . . . [8]

Rav Soloveitchik zt"l constantly highlighted the symbiotic coupling and indispensable complementarity of particulars and principles, law and spirit. Normative action must be anchored in a religious personality, technical conformity must be consistent with the elan of Torah.

There are two covenants: the first which God concluded with the patriarchs, and the second which God concluded with Moses on Mt. Sinai. The nature of the Sinaitic covenant was a commitment to the fulfillment of commandments. It is a bond of obligation. The patriarchal covenant on the other hand, has no commandments included in it with the exception of circumcision. Yet the two are connected . . . The Sinaitic covenant relates to the human deed. The patriarchal covenant relates to the fundamental essence of a person. It teaches man how to feel or to experience as a human being. [9]

Mesora encompasses not only analytic novella, abstract theories, halakhic formulae and logical concepts . . . but also ontological patterns, emotions and reactions, a certain existential rhythm and experiential continuity. Complete transmission of the mesora is only possible by means of intimate connection with the previous generation.[10]

In sum, halakha is a two-tiered system consisting of concrete, particularized commandments governing our actions as well as abstract, general imperatives governing the matrix of our actions. Some abstract imperatives focus exclusively on the elan of a specific mitsva; e.g., the commandment Shabbaton ensures the spiritual character of Shabbat. Others are all-encompassing, establishing universal values and standards of conduct; e.g. kedoshim te-hiyu. The Torah legislates not only actions, but also de'ot (ethical-moral-religious-intellectual dispositions). It prescribes ritual but also establishes boundaries for the concomitant religious experience.

III The reason for halakha's binary system is self-evident. The Torah is not content with ensuring technically correct behavior; it also seeks to mold the human personality. Accordingly, it is concerned not only with our actions but also the etiology and telos of those actions as well. The dual focus of Torah law has important repercussions for the methodology of pesak. Any contemplated action or course of action must be evaluated on two levels. We must investigate if it is technically correct and permissible—viz, are any particulars of Torah violated. In addition, we must determine if the proposal is consistent with Torah principles, attitudes, values and concepts. The permissibility or appropriateness of any particular action or initiative can only be determined after such a two-pronged analysis—practical and axiological.

This latter concern, which we have dubbed axiological, may alternatively be described as hashkafic or public policy. Phraseology and nomenclature per se are unimportant. It is, however, vitally important that we recognize that the axiological concern is not optional or supererogatory. It is not, in halakhic terminology, merely a middat hasidut or mitsva min ha-muvhar. Instead it is an integral part of our Torah and tradition, and compliance therewith is mandatory. Accordingly, hakhmei ha-mesora transmit and implement both tiers of our mesora - viz, the technical-practical as well as the emotional-axiological. Questions regarding the kashrut of food are submitted to Torah sages; so too are inquiries regarding aspects of kedoshim te-hiyu.

Moreover, the axiological questions are oftentimes more subtle and intricate. It can be exceedingly difficult to discern in which situations abstract or broadly formulated concepts are relevant. A profound understanding of Torah coupled with keen insight into reality is necessary to initially recognize and ultimately resolve axiological questions.

The responsa of R. David Tsevi Hoffman zt"l, the universally acclaimed Torah sage who headed the rabbinical seminary in Berlin during the first two decades of the twentieth century, illumine and illustrate the dual concern and expertise of hakhmei ha-mesora. Rav Hoffman, as did many contemporary gedolei Yisrael, responded to the proposal of French rabbis to institute conditional kidushin—i.e., the betrothal would be predicated upon the condition that the couple remained together. In the event that the marriage failed and resulted in civil divorce, then the pre-condition of the kidushin would not have been satisfied, thereby invalidating the kidushin and obviating the need for a religious divorce. The French rabbis advocated a similar approach to avoid halitsa as well. In his responsa, Rav Hoffman enumerated many insurmountable technical problems. Then, writing with great pathos, he added

I will say one more thing which to my mind is exceedingly important . . . if we who are zealous for the word of God will imitate the heretics to negate the institution of gittin and halitsa by means of conditional kidushin, even if we would say that it is being accomplished in a permissible fashion, nevertheless what will the reformist rabbis say: behold those Orthodox [rabbis] have conceded that their laws are no good and the temper of the times cannot tolerate them . . . and they have thereby conceded that the temper of the times is mightier than antiquated laws. And what can we possibly say in response? Is there, God forbid, a greater desecration of God's name? Consequently in my opinion conditional kidushin should not be instituted under any circumstances.[11]

Rav Hoffman clearly evaluated the proposal practically and axiologically. Accordingly, he concluded that even if one could practically design conditional kidushin and avoid violating the particulars of halakha, nevertheless it would be absolutely wrong to do so because etiologically it would signify ideational assimilation, thereby profaning God's name. Only a sage completely sensitized to the axiological framework of Torah would be in a position to make such a ruling.

Practical or active assimilation is overt and conspicuous. The assimilationist performs melakha on Shabbat or consumes non-kosher food, etc. Ideological or ideational assimilation by contrast, which almost always precedes and inexorably results in practical assimilation, is oftentimes subtle and beguiling. It can be clothed in technical halakhic compliance, thereby masking the ideological deviation. Rav Hoffman discerned this phenomenon in the French proposal, and issued his halakhic ruling accordingly.

IV Advocates of women's tefilla groups reason that these gatherings provide women with active, participatory roles in prayer, thereby enhancing the tefilla experience. No longer cloistered behind a mehitsa, women actively lead the tefilla, deepening their religious experience. The proponents hasten to add that if devarim she-bi-kdusha are omitted and keriat haTorah is not simulated then no technical violations occur. Ergo, opposition to such groups appears misogynist or reactionary.

The foregoing, unidimensional analysis is seriously flawed. It fails to axiologically evaluate women's tefilla groups. By contrast, the Rav's analysis of such groups extended beyond the technical prescriptions and prohibitions of tefilla, and focused upon its axiology. What is the Torah's concept of prayer, and does it allow for women's tefilla groups?

Rambam, reflecting the words of Hazal, conceptualizes and codifies the obligation and act of prayer as follows:

It is a positive commandment to pray daily as it is stated, "and you shall serve Hashem your God". Tradition teaches that this service is prayer, as is stated "and to serve Him with all your heart". The sages said, "what constitutes service of the heart? prayer." [12]

Halakha defines prayer as service of the heart. As formulated by the Rav in halakhic terminology, recitation of the text of tefilla merely constitutes the formal ma'ase ha-mitsva; the kiyum ha-mitsva, however, is a kiyum she-ba-lev.[13] Authentic prayer is an inner experience; a person calls out to God from the innermost depths of his being and attempts to articulate the fundamental religious emotions of love, fear, and absolute dependence.[14]

In a remarkably powerful article—in truth more a soliloquy—the Rav amplified the concept of avoda she-ba-lev, graphically depicting the spontaneous expression of inner religious life and emotions. Such an existential outpouring has no need for externalities; thus Judaism has traditionally excluded pomp and circumstance from the synagogue. With an almost palpable sense of anguish, the Rav decried the extroversion of prayer resulting from increased artificiality and ceremonialism.

An overflow of heartfulness and soulfulness, the sound of "out of distress I called", "from the depths I have called you, Hashem"; this is the melodiousness of service of the heart, in which form drowns in content, prose in emotion, and outwardness in inwardness. Here the heart and truth react. I imagine to myself the awe of Yom

Kippurim in the beit midrash of the Ba'al Shem Tov or the Ba'al haTanya, ob"m. There they certainly did not employ music, choirs and pomp. There were no platforms decorated with rugs, flowers and rabbis trained in linguistic expression and pleasant manners . . . Does a spring which gushes forth from the ground with mighty primordial power need any artificial form to grant it majesty and dignity? Does the lava which is spewn from a volcano need to flow according to the rules of hollow and empty decorum? Their beauty, the majesty of strength, is revealed precisely in their naturalness, originality and spontaneity. And is not man who supplicates his Creator a gushing spring or even a mountain spewing fire? It is clear that prayer is the antithesis of ceremony with regard to the relationship between content and form, heart and word. Thus all these aesthetic emendations in prayer, instead of deepening the experiences will rob it of its content and soul.

The other characteristics of ceremony are also exposed as [an inauthentic] hybrid with service of the heart. If genuine prayer is performed in the heart, there is no need for a master of ceremonies who will mediate between the congregation and the Creator . . . There is no need for the rabbi to stand on a platform, bedecked in "priestly vestments", and conduct services. He and the simple Jew are of equal lineage before the Omnipresent and it is incumbent upon [both of] them to pray on the lower level of the synagogue without any distinction . . . [15]

The Rav authored this soliloquy over thirty years ago, long before women's tefilla groups were conceived. Nevertheless, his impassioned words also articulate with remarkable prescience and precision his unwavering opposition to such groups. We need only to shift the critical lens from inauthentic ceremonialism to misplaced emphasis on active participation and leadership. The Torah defines tefilla as service of the heart; how can this inner religious experience be genuinely enhanced by extroverted, active participation? Genuine prayer abhors ostentatiousness and flees from the public eye. The prophetic account of Hanna, which is the source for many basic hilkhot tefilla, graphically portrays her as totally engrossed in prayer, oblivious to the negative impression forming in Eili's mind. [16] Hanna, the quintessential supplicant, seeks neither approbation nor active participation, nor leadership; instead she seeks and beseeches God to find solace for her troubled soul. The desire for and emphasis upon active participation and leadership are antithetical to genuine service of the heart and contribute to the extroversion of prayer. Technical compliance with the particulars of hilkhot tefilla notwithstanding, women's tefilla groups distort the fundamental concept and experience of tefilla

The section from the Rav's soliloquy quoted above concludes with the following axiological perspective:

It is not my intention to enter into the halakhic details with regard to the prohibition of standing on a platform for tefilla, but one thing I know, that standing in a place above that of the congregation is at odds with service of the heart, which expresses the sentiment of "from the depths."

In his unwavering fealty to and sensitive understanding of halakha, the Rav could not be content with technical halakhic conformity while extroverted ceremonialism distorted the concept of tefilla. Accordingly, the Rav forcefully registered his disapproval.

The Rav's consistent, unequivocal opposition to women's tefilla groups was of the same ilk. Once again a shift in focus (but not substance) directs the Rav's words to the contemporary issue and provides the compelling rationale for his steadfast opposition to such groups: It is not my intention to enter into the halakhic technicalities of women's tefilla groups, but one thing I know, that desiring and emphasizing active participation and leadership are antithetical to authentic service of the heart., which expresses the sentiment of "from the depths".

The foregoing analysis of the Rav's axiological opposition to women's tefilla groups illumines his careful choice of words in expressing his unequivocal opposition. The Rav consistently ruled that these groups were wrong, but did not invoke the term assur. The reason for the Rav's nuanced formulation is that Hazal in many instances highlighted the difference between technical and axiological infractions by delineating different categories of impermissible behavior. Whereas the former are always labeled assur, the latter, though categorically wrong and impermissible, are classified as ein ruah hakhamim nohe mi-menu, or alternately without classification unequivocally censured. For instance, the Talmud states explicitly that it is impermissible to renege on an oral commitment to finalize a business transaction and yet conspicuously avoids the term assur, opting instead for the phrase ein ruah hakhamim nohe mi-menu. [17] Similarly, although betrothing in the marketplace is not technically assur, nevertheless, according to halakha, this vulgar practice is clearly wrong and, as such, is punishable by lashes. The same strict punishment is imposed upon one who betroths without prior engagement, though this act too is not technically classified as assur. [18] In sum, although axiological principles are sacrosanct and any deviation therefrom is severely censured, nevertheless the term assur is often reserved for technical violations. And

thus, while the Rav consistently opposed women's tefilla groups on axiological grounds, he avoided the term assur.

Before concluding this section, the following must be briefly noted. While the Rav's opposition to women's tefilla groups in general was axiological, he opposed women's megilla readings (wherein a woman reads the megilla for other women) in particular for technical reasons as well, citing inter alia Magen Avraham's ruling disallowing this practice. [19]

V Women's tefilla groups distort not only tefilla but also the standing and status of women within Yahadut. Consistent with the axiomatic metaphysical equality which it bestows upon the genders, [20] the Torah manifests profound and equal concern for the spiritual welfare of women and men, and directs both genders along the path of religious fulfillment and perfection. By contrast, women's tefilla groups nolens volens lead to the inevitable conclusion that the Torah has, God forbid, shortchanged women.

This inexorable logical process unfolds as follows. Prayer, as the Rav explained, is a staple of our religious existence.

It is impossible to envision service of God without prayer. What is prayer? The expression via the oral medium of the soul which yearns for God . . . If the Torah had not charged [us] with prayer as the sole medium of expressing inner service- we would not have known what a person whose soul thirsts for the living God should do when he seeks God. Is it conceivable that Judaism wanted man to suppress his experience? On the contrary! The halakha has always been concerned with the expression of the inner life. [21]

Accordingly, if, God forbid, halakha were to discriminate against women in the realm of tefilla, it would eo ipso suppress their religious experience and stifle their spiritual aspirations. Such a religious handicap would relegate them to spiritual mediocrity.

This false, egregious conclusion replete with potentially tragic ramifications is dictated by women's tefilla groups. These groups are predicated upon the mistaken notion that the experience of tefilla is enhanced by assuming active roles and conversely is stunted when such roles are off-limits. And yet women's tefilla groups, conducted with even minimal technical allegiance to the particulars of halakha, cannot provide their participants with the same or even equivalent active roles to those that are available to men praying with a quorum. Within such groups it is impossible to recite devarim she-bi-kdusha as such, fulfill the mitsva of keriat haTorah, etc. And thus, according to the mistaken premise of the tefilla groups, women's religious life remains muted even within such groups.

The participants in women's tefilla groups will, within the present generation, become intellectually and existentially aware of the failure of such groups and the concomitant false yet inevitable conclusion regarding women's standing within Yahadut. We must recognize that the possible ramifications of this falsehood are especially frightening and particularly tragic. Propelled by negative momentum and misguided by erroneous teachings, some women, God forbid, could reject all remaining halakhic constraints in an unrestrained attempt to enhance their (inauthentic) tefilla experience in particular and religious experience in general. Needless to say, this development would be especially tragic.

Accordingly, we presently have a grave responsibility to act wisely, and not be drawn into a fool's paradise of religious accommodationism. We must understand and help others to understand that women's tefilla groups, sincere intentions notwithstanding, both reflect as well as generate distortions of Torah principles. Instead of forming such groups we must disseminate authentic Torah teachings regarding tefilla, thereby fostering genuine, profound religious expression and experience.

Some women articulate a different rationale for the tefilla groups. It is especially gratifying for them to see women filling roles such as shaliah tsibbur etc., traditionally exclusively reserved for men.

This very rationale, however, invalidates such groups. While the Torah does not discriminate against men or women, it certainly does discriminate between them. A major component of our service of God is gender specific, and thus any attempt—formation of women's groups or otherwise—to blur gender differences and create a unisex egalitarian orthodoxy clashes with Torah principle. [22]

The testimony, albeit sincere and accurate, offered by some women that the tefilla groups indeed enhance their prayer experience in no way justifies the practice. Subjective experience cannot establish objective truth because often it simply reflects and is pre-determined by one's a priori hopes and desires. Case in point: if one desires to assume an active, leading role within tefilla, upon achieving that goal one naturally feels fulfilled. This subjective, personal experience however only mirrors preliminary aspirations; it does not establish objective truth.

A modicum of introspection regarding women's tefilla groups exposes a pervasive malaise in our community affecting men and women equally. Our experience of tefilla is at best impoverished. On weekdays, we race the clock in an attempt to make tefilla conform to our hectic schedules. Instead of immersing ourselves in the heartfelt and

soulful experience of prayer, we squeeze it, heartless and soulless, into our routine. On Shabbat and Yom Tov, tefilla, punctuated and at times overwhelmed by congregational chatter, has deteriorated into recitation by rote and mechanical mouthing of words. In this experiential vacuum, where authentic religious experience is all too often lacking, active leading roles appear—to men and women—very significant. Frustrated by the shallowness of our tefilla experience, we (men and women alike) misguidedly try to gratify ourselves by seeking active participatory roles. In truth, however, such pursuits which further externalize prayer only exacerbate the real problem.

Thus, a vital task awaits us. We must educate and train ourselves to experience in the most profound fashion genuine service of the heart. Such an educational program cannot be fully set forth in the present forum, and thus the ensuing remarks are, at best, schematic and illustrative, but clearly inadequate and incomplete.[23]

The process must involve careful study of halakhot of the synagogue and biur ha-tefilla. Compliance with these halakhot would eliminate all idle talk at all times from the synagogue, and create an atmosphere conducive for kavana. By virtue of such habitual compliance, we could condition ourselves to banish from the sacred domain of the synagogue all thoughts of politics, the stock market, sports, and the like. Upon entering the bet keneset our mood would instinctively change and become reflective; our attention would be focused upon the impending encounter with the Ribbono Shel Olam. Devoting a few minutes in this rarified spiritual atmosphere to prepare for tefilla would further facilitate our experiencing genuine service of the heart. And finally, engaging in tefilla with the benefit of prior study of the various prayers—their basic themes, structure and vocabulary—would allow us to recite these tefillot thoughtfully, contemplatively focusing upon each word and its religious content rather than mindlessly flipping pages.

Similarly, we ought to respond educationally to the secular egalitarian impetus for the tefilla groups. We need to expound and internalize the Torah's axiom of dissimilar equality of the two genders. Moreover, we must elucidate the vitally important, heightened spiritual dimension of the feminine role, as delineated by the Torah and our sages.

Such educational initiatives will, God willing, foster genuine religious experience and satisfaction in general and enhance the tefilla experience in particular. The religious crisis which has spawned women's tefilla groups would thereby be authentically resolved.

Notes [1] Mesilat Yesharim, Introduction (Feldheim, second ed.), p. 3. [2] Commentary to Leviticus 23:24. See also Maimonides, Mishne Torah, Hilkhot Shabbat 24:12-13. [3] Vide Arukh haShulchan, Orah Hayyim 308:70. [4] Commentary to Leviticus 19:2. [5] My greatly beloved and lamented father and master, the Talner Rebbe hk"m, drew my attention to the following remarkable passage in Nahmanides' commentary to Deuteronomy 21:18, regarding the wayward son (ben sorer u-more) who is punished with death. He is punished for two offenses: the first, he disrespects his father and mother and rebels against them, and the second, he is a glutton and drunkard who transgresses the commandment "you shall be holy." Kedusha is the life-blood which sustains religious existence, and without which such existence is impossible. Nahmanides again underscores the centrality of Torah values in his commentary to the verse "and you shall do that which is just and right" (Deuteronomy 6:18). The interpretation of lifnim mi-shurat ha-din which emerges therefrom provides the key for understanding Hazal's comment in Bava Metsia 30b about the destruction of Jerusalem. [6] Berakhot 7b. Of course the need for apprenticeship exists in other areas of Torah study as well; nevertheless, the need is greatest in the area of halakhic values. [7] Ibid. 17a. [8] Section 153. Vide Rav Akiva Yosef Schlesinger, Lev halvri vol. II, p.161 (originally published in Hungary, 1869, re-issued in Jerusalem 1989), who cites this passage in connection with contemporary reformers. He compares their conduct to that of Zimri, who insolently questioned Moshe Rabbenu regarding the permissibility of consorting with a Midyanite woman. In fact, Zimri posed his question before the halakha prohibiting gentile women had been communicated to the Jewish people. Nonetheless, the relevant prohibition concerning such anathematic behavior could—and should—have been easily intuited. Accordingly, the very question bespeaks hubris, cynicism and abandonment of Torah. Contemporary reformers, concludes Rav Schlesinger, are equally culpable. [9] Rav Soloveitchik, Shiurei haRav, p. 51. [10] Idem., BeSod haYahid ve-haYahad, p. 270. [11] Melamed leHo'il III, 22, 51. [12] Mishne Torah, Hilkhot Tefilla 1:1. [13] Vide e.g. Al haTeshuva pp. 41-44. [14] Rav Soloveitchik, "Ra'ayanot al haTefilla," HaDaron XLVII. [15] "Tefillatam shel Yehudim," in Mayanot, vol. VIII, pp. 9-11. [16] Samuel I, I. B.T. ibid. 31a. [17] Bava Metsia 48a, 49a. [18] Kidushin 12b. See my article in Jewish Action vol. LVII, no. 4 for additional Talmudic references and examples of unequivocally wrong behavior which are not technically labeled assur. [19] Vide Magen Avraham 689:7, subsequently cited by Mishna Berura ad loc. and Hayyei Adam ch. 155. For another relevant source, vide Rama's gloss to 690:8. [20]. See my article in Jewish Action, ibid. n. 18. [21] Ibid. n. 14 pp. 85-6. Cf. Berakhot 20b. The Talmud explains that although tefilla is a mitvat ave she-ha-zeman gerama (a positive commandment caused by time) and women are ordinarily exempt from such mitvot, nevertheless they are obligated to pray because prayer is supplication for divine mercy. And thus it is inconceivable that women should be exempt. We might add by way of amplification that it is equally inconceivable that women not be allowed to fully experience prayer. [22] Cf. my article in Jewish Action, op. cit. n. 18.

[23]. I am indebted to Rabbi Aryeh Kaplan zt"l for his brief but exceedingly rich article entitled "Davening with Kavana" [The Jewish Observer, vol. XVI, No. 8] which provides many of the suggestions presented here.

Communications Women's Prayer Services

Rabbi Twersky responds:

I thank Ms. Rapoport, Rabbi Angel and Mr. Kaplan for taking the time to read my article and respond.

Ms. Rapoport queries if "men should be faulted for desiring active participation and leadership roles." Undoubtedly the answer is affirmative. Hazal's disapproval of seeking leadership roles is evidenced in the following example. The halakha stipulates that the role of shaliah tsibbur may only be assumed in response to an invitation and from a sense of obligation. For this reason Hazal ordained that one must initially demur when requested to serve in that role, thereby professing his inadequacy. Cf. Berakhot 34a and Rashi ad. loc., s.v. "ye-sarev." (Vide "Torah Perspective on Women's Issues," Jewish Action Vol. LVII, fn. 4.)

Nevertheless, Ms. Rapoport's implied equation between the behavior of men who wrongly seek leadership roles and women's tefilla groups is certainly mistaken. Personal foibles are wrong and must be rectified; however, the institutionalization of such foibles, as is done in forming women's tefilla groups, is egregiously wrong because it seeks to legitimize and perpetuate distortions. Moreover, as explained in my article, the misplaced emphasis on active participation and leadership roles which comprises the raison d'être of women's tefilla groups not only distorts the Torah's concept of tefilla, but also implies that, God forbid, the halakha discriminates against women and mutes their religious life in denying them leadership roles within tefilla which even the tefilla groups cannot provide. In addition, the egalitarian impulse for women's tefilla groups is also antithetical to Torah. And thus, while it is wrong for men to seek leadership roles, it is simply incorrect to equate their conduct with the formation of women's tefilla groups.

Ms. Rapoport advocates such groups by reasoning that "the experience and effects of active participation vary for different people." Nevertheless, halakha obviously does not sanction the distortion of avoda she-ba-lev and principles of Torah in a misguided attempt to enhance one's tefilla. Furthermore, as explained in my article, "subjective experience cannot establish objective truth because often it simply reflects and is pre-determined by one's a priori hopes and desires."

Ms. Rapoport is certainly correct in emphasizing quality rather than quantity. Vide Shulhan Arukh, Orah Hayyim 1:4. However, "the length of the standard prayer service" is not the problem and accordingly the curtailing of that service is not the solution. Rather, the insufficient time we stintingly devote to tefilla must be increased. In other contexts-academic, professional, etc.-we succeed in maintaining a high level of concentration as we strive to attain challenging, ennobling goals. Why should we be so quick to compromise in the realm of tefilla?

R. Angel rejects the Rav's "opinion" that contrived ceremonialism and artificiality in tefilla are antithetical to genuine service of the heart by invoking the avoda in the Bet haMikdash and the formal requirements of public prayer. I simply do not understand. How can one possibly equate authentic, divinely ordained modes of worship with inauthentic, humanly contrived modes of self-expression?

R. Angel and Mr. Kaplan misunderstood my reasons for quoting from the Rav's essay "Tefillatam shel Yehudim." Therein, the Rav critiqued tangential forms of ceremonialism which do not tamper with the tefilla service per se. Obviously, these forms of ceremonialism do not compare either in magnitude or number to the serious distortions of tefilla and Torah principles created by women's tefilla groups. My purpose in quoting the Rav's essay was twofold. Firstly, the Rav's comments graphically illustrate the role of axiological concerns within halakha. Secondly, in presenting or analyzing the Rav's halakhic or philosophical thought, whenever possible I always strive to quote the Rav. The Rav's own formulations are pristinely authentic, incomparably eloquent and preclude revisionism. Since the Rav never expressed his opposition to women's tefilla groups in writing, the most faithful method of beginning to explain that opposition was to transpose his comments from "Tefillatam shel Yehudim."

R. Angel advances the following argument in favor of women's tefilla groups: "The fact that we gather in synagogues for public worship implies value in public prayer." As a simple statement of fact, this is quite true. As an argument in favor of women's tefilla groups, it is completely irrelevant. Such groups clearly do not constitute public prayer; that appellation is reserved for the tefilla of a halakhically valid quorum. And accordingly it is self-evident that my presentation of the Rav's opposition to women's tefilla groups does not imply any lack of appreciation for the singular importance and unquestioned centrality of public prayer.

R. Angel asks, "Is the opinion of Rabbi Twersky the only legitimate statement of genuine Jewish expression?" He concludes his letter on the following note: "what is really needed is an authentic and sincere dialogue among Orthodox Jews—not one-sided condemnations and attempts to delegitimize." I am profoundly saddened by the angry accusatory tone adopted by R. Angel. My article simply presents and amplifies Rav Soloveitchik's position on women's groups. It is just unfathomable that Rabbi Angel should vituperatively and distortionally dismiss that position as a one-sided condemnation and gratuitously insinuate that I claim a monopoly on genuine Jewish expression.

Mr. Kaplan's initial criticism focuses on my citation of the Rav's essay "Tefillatam shel Yehudim" and has already been addressed in my reply to Rabbi Angel.

Mr. Kaplan also argues that "if the Rav had wanted to convey that his opposition was a manifestation of the halakhic concept of "ein ruah" he could have easily done so." Ergo, concludes Mr. Kaplan, "[the Rav's] silence speaks louder . . . than Rabbi Twersky's attempt to tell us what the Rav really meant." Mr. Kaplan's premise misrepresents my explanation of the Rav's nuanced response. I never suggested that the Rav intended to specifically classify women's tefilla groups as "ein ruah. . . ." I mentioned that category as but one example inter alia of unequivocally wrong, impermissible behavior which is nonetheless not labeled assur. [1] In fact, I explicitly wrote (p. 18): "The latter [axiological infractions], though categorically wrong and impermissible, are classified as ein ruah hakhamim nohe mi-menu, or alternatively without classification unequivocally censured." Moreover, most instances of impermissible behavior (the sources for which I cited in the text, ibid. and in fn. 18) are not subsumed under ein ruah hakhamim nohe mi-menu, but instead without classification unequivocally censured. So too the Rav adamantly opposed the wrong practice of women's tefilla groups without applying the term ein ruah etc. And thus Mr. Kaplan's conclusion is entirely erroneous, and inadvertently misrepresents the Rav's position.

It would be fruitful to inquire what criterion Hazal employed in categorizing axiological infractions. Which types of impermissible behavior are classified as ein ruah etc., and which are censured or condemned without such characterization? This question merits lengthy study and careful analysis that exceed the limitations of this response. Nevertheless, it seems reasonable that the term ein ruah etc. is not sufficiently forceful and thus was deemed too tepid for severe axiological infractions. Seen in this light the Rav's reticence in using the term ein ruah etc. while unequivocally opposing women's tefilla groups points to the severity of the axiological infraction.

Mr. Kaplan concludes with the observation that women who participate in the tefilla groups are serious and focused. Then he remarks, "While that may not be sufficient in itself to make these groups halakhically proper. . . ." Presumably, Mr. Kaplan's tentative tone was intended for rhetorical effect, albeit at the expense of halakhic precision. Surely it is abundantly clear that silence and seriousness cannot compensate for distortions of tefilla and Torah principles.

Notes
[1] Indeed, on one occasion (witnessed and recounted to me by R. Fabian Schonfeld shlita, a long-time disciple of the Rav) the Rav himself invoked ein ruah precisely in this fashion - i.e., not to specifically classify women's tefilla groups as such but rather to illustrate the genus of axiological infractions which subsumes such groups. The Rav's comment was offered in the following context. In response to an inquiry, the Rav expressed his unequivocal opposition to women's tefilla groups and noted that the Conservative movement began with such initiatives which are rooted in lack of understanding of halakha. The Rav further amplified his remarks by adding that, technical knowledge notwithstanding, one's understanding remains deficient until and unless he can intuit and comply with retson hakhamim. Inter alia, in addition to ein ruah the Rav cited Shabbat 54b. (Cf. Bet Yitshak 5757, pp. 214, 225).

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Leibtag Shiurim in Chumash & Navi by Menachem Leibtag
PARSHAT KI-TISA

No matter how one explains the story of 'chet ha-egel' [the sin of the Golden Calf], we encounter a problem.

If we understand (as the psukim seem to imply) that Bnei Yisrael truly believed that it was this 'golden calf' (and not God) who took them out of Egypt - then it is simply hard to fathom how an entire nation would reach such a senseless conclusion!

But if we claim (as many commentators do) that Aharon had good intentions, for he only intended for the 'egel' to be a physical representation of God (who took them out of Egypt) - then why is God so angered to the point that he wants to destroy the entire nation!

In this week's shiur, we look for the 'middle road' as we attempt to find a 'logical' explanation for the events as they unfold, based on our understanding of the overall theme of Sefer Shmot.

INTRODUCTION

According to the popular Midrash, quoted by Rashi (see 32:1 'ba-shesh'), Bnei Yisrael's miscalculation of Moshe's return by one day led to the entire calamity of 'chet ha'egel'. However, when one examines the details of this story (as other commentators do), a very different picture emerges that provides a more 'logical' explanation for the people's request.

In the following shiur, we follow that direction, as we examine the events as they unfold in Parshat Kitisa in light of (and as a continuation of) the events that transpired at the end of Parshat Mishpatim (see 24:12-18).

Therefore, we begin our shiur by quoting the Torah's description of Moshe's original ascent to Har Sinai for forty days, noting how Moshe never provided the people with an exact date of his expected return:

"And God told Moshe, come up to Me on the mountain... then Moshe ascended God's Mountain. To the elders he said: '**Wait here** for us, **until we return** to you. Behold, Aharon and Chur are with you, should there be any problems, go to them...' (see 24:12-14).

Carefully note how Moshe had informed the elders that he was leaving 'until he returns', without specifying a date! Even though several psukim later Chumash tells us (i.e. the reader) that Moshe remained on the mountain for forty days (see 24:18), according to 'pshat', the people have no idea how long Moshe would be gone for.

[And most likely, neither did Moshe or Aharon. It is important to note that Rashi's interpretation carries a very deep message re: the nature of patience and sin, but it is not necessarily the simple pshat of these psukim.]

A LOGICAL CONCLUSION

Considering this was *not* the first time that Moshe had ascended Har Sinai to speak to God (see 19:3,20; 24:1,2); and in each previous ascent Moshe had never been gone for more than a day or two - Bnei Yisrael have ample reason to assume that this time he would not be gone much longer. After all, how long could it possibly take to receive the 'luchot, Torah, & mitzva' (see 24:12): a few days, a few weeks?

Days pass; weeks pass; yet Moshe does not return! Add to this the fact that the last time that Bnei Yisrael saw Moshe, he had entered a cloud-covered mountain consumed

in fire (see 24:17-18), hence - the people's conclusion that Moshe was 'gone' was quite logical. After all, how much longer can they wait for?

Assuming that Moshe is not returning, Bnei Yisrael must do something - but what are their options?

* To remain stranded in the desert?

Of course not! They have waited for Moshe long enough.

* To return to Egypt?

"chas ve-shalom"/ (of course not!). That would certainly be against God's wishes; and why should they return to slavery!

* To continue their journey to Eretz Canaan?

Why not! After all, was this not the purpose of Yetziat Mitzraim - to inherit the Promised Land (see 3:8,17 6:8)?

Furthermore, that is precisely what God had promised them numerous times, and most recently in Shmot 23:20?

This background helps us understand why Bnei Yisrael approached Aharon, whom Moshe had left in charge (see 24:13-15) and why their opening complaint focused on their desire for new leadership - to replace Moshe. Let's take a careful look now at the Torah's description of this event:

"When the people saw that Moshe was **so delayed** in coming down from the mountain, the people gathered on **Aharon** and said to him: Come make us an **elohim** that will **lead us** [towards the Promised Land] **because** Moshe, who took us out of the land of Egypt [and promised to take us to Eretz Canaan], we do not know what has happened to him" (32:1).

As your review this pasuk, note the phrase "elohim asher **yelchu** lefaneinu". In other words, note how the people do not request a new god, but rather an **elohim** [some-one /or thing] that that will 'walk in front', i.e. that will **lead** them [to the Promised Land].

To understand how 'logical' this request was, we need only conduct a quick comparison between this pasuk and God's earlier promise (in Parshat Mishpatim) that He would send a "**mal'ach**" to lead them and help them conquer the Land:

"Behold, I am sending a **mal'ach** - **lefanecha** [before you] - to guard you and **bring you to the place** that I have made ready..."

(see 23:20 / Note the Hebrew word '**lefanecha**'!)

And two psukim later, God continues this promise:

"**ki yelech mal'achi lefanecha** - For My angel will **go before you**, and bring you to the Land..." (23:23)

[Note again - **lefanecha**, and the word **yelech**.]

Recall as well that this was the last promise that they had heard before Moshe ascended Har Sinai. When Bnei Yisrael first heard this promise, they most probably assumed that this **mal'ach** would be none other than Moshe himself. [Note how the **mal'ach** must be someone who commands them, leads them, while God's Name is in his midst (see 23:21-22, compare 19:9).]

Now that Moshe is presumed dead, the people simply demand that Aharon provide them with a replacement for (or possibly a **symbol** of) this **mal'ach**, in order that they can **continue** their journey to the Promised Land. Note once again:

"Come make us an **elokim** - asher **yelchu lefaneinu!**" (32:1) [Again, note **yelchu** & **lefaneinu**]

In fact, from a simple reading of the text, it appears as though Aharon actually agrees to this request:

"And Aharon said to them: Take off your gold... and bring them to me... He took it from them and cast in a mold and made it into a molten calf..." (32:2-4).

If our interpretation thus far is correct, then the people's statement (upon seeing this Golden Calf): "This is your god O' Israel - who brought you out of the land of Egypt" (32:4), does not need to imply that this Golden Calf actually took them out of Egypt. [After all, they had already stated in 32:1 that Moshe had taken them out of Egypt!] Rather, the people are simply stating their own perception - that this **egel** (which Aharon had just made) represents the God who had taken them out of Egypt and will hopefully now act as His **mal'ach** who will lead them on their journey to Eretz Canaan.

In other words, in Bnei Yisrael's eyes, the **egel** is not a **replacement** for God, rather a **representation** of His Presence!

[See a similar explanation by Rav Yehuda HaLevi in Sefer HaKuzari 1.77! See also Ibn Ezra & Ramban on Shmot 32:1]

This would also explain Aharon's ensuing actions: To assure that the **egel** is properly understood as a **representation** of God, Aharon calls for a celebration:

"And Aharon saw, and he built a **mizbeich** in front of it, and Aharon called out and said: A celebration **for God** [note: be-shem **havaya**] tomorrow" (32:5).

Furthermore, this 'celebration' parallels the almost identical ceremony that took place at Har Sinai forty days earlier - when Bnei Yisrael declared 'na'aseh ve-nishma'. To verify this, we'll compare the Torah's description of these two ceremonies:

* In Parshat Mishpatim - after Moshe sets up 12 monuments:

"...and they **woke up early** in the morning, and they **built a mizbeiach** at the foot of the mountain and twelve monuments for the twelve tribes of Israel... and they offered **olot** and sacrificed **shlamim**" (24:4-5).

* In Parshat Ki-tisa - after Aharon forges the **eggel**:

"...and they **woke up early** in the morning [after Aharon had **built a mizbeiach** in front of it /32:5], and they offered **olot** and sacrificed **shlamim**..." (32:6).

Note the obvious parallels: waking up in the morning, building a **mizbeiach** in front of a 'symbol' (representing their relationship with God), offering **olot** & **shlamim**, and 'eating and drinking' (compare 24:11 with 32:6).

Furthermore, recall how that ceremony included Moshe's reading of the 'divrei Hashem' - which most likely included the laws of Parshat Mishpatim - including God's promise to send a **mal'ach** to lead them (see 23:20-23. Hence, not only are these two events parallel, they both relate to Bnei Yisrael's acceptance of a **mal'ach** that will **lead** them to the land [asher **yelchu** lefaneinu]!

Finally, note how **both** ceremonies include a **mizbeiach** that is erected in **front** of a **symbol** representing God:

* In Parshat Mishpatim, the symbol is the twelve monuments, possibly representing God's fulfillment of brit avot.

* In Parshat Ki-tisa, the symbol is the **eggel**, representing the **mal'ach** (which God had promised) that will lead them.

[Note, that this parallel actually continues in the **mishkan** itself! In front of the **mizbeiach** upon which Bnei Yisrael offer **olot** & **shlamim**, we find the **aron** & **keruvim** - that serve as symbol of God's covenant with Bnei Yisrael at Har Sinai.

Later, this very **aron** leads Bnei Yisrael through the desert towards the land (see Bamidbar 10:33) as well as in battle (see Bamidbar 10:35 & Yehoshua 6:6-10). This can also explain why the Torah refers to this calf as an 'eggel **masecha**' (see 32:4) - implying a 'face covering', hiding the true face, but leaving a representation of what man can perceive.]

WHY 'DAVKA' AN EGEL?

Even though our interpretation thus far has shown how the **eggel** can be understood as a symbol of God's Presence, we have yet to explain why specifically an **eggel** is chosen as that representation. Chizkuni offers a ingenious explanation, based on yet another parallel to Ma'amad Har Sinai.

Recall that at the conclusion of the ceremony at Har Sinai (24:1-11), **Aharon**, Nadav, Avihu, and the seventy elders are permitted to 'see' God:

"And they saw **Elokei Yisrael** and - 'tachat **raglav**' - under His feet was like a shining sapphire..." (24:10)

Obviously, God does not have 'feet'! However, this description reflects a certain spiritual level. Moshe, for example, achieved the highest level - "panim be-panim" - face to face. In contrast, the seventy elders perceived 'tachat **raglav**' - (God's feet), reflecting a lower spiritual level.

[This may relate to the people's request for a more distanced relationship, where Moshe served as their intermediary (see 20:15-18 and Devarim 5:20-26).]

Although it is very difficult for us to comprehend the description of God in such physical terms, Chizkuni (on 32:4) notes that we find a very similar description of the **Shchina** in Sefer Yechezkel:

"And their feet were straight, and the bottom of their **feet** were similar to the feet of an **eggel**..." (Yechezkel 1:7).

[See also the textual parallel of 'even sapir' / compare Yechezkel 1:26 with Shmot 24:10.]

[Alternately, one could suggest that an **eggel** was chosen to represent the **parim** which were offered on Har Sinai during the ceremony when God informed them about the **mal'ach** (see 24:5/ note that an **eggel** is a baby 'par').]

So if the people's original request was indeed 'legitimate', and Aharon's 'solution' a sincere attempt to make a representation of God - why does God become so angered? Why does He threaten to destroy the entire nation?

To answer this question, we must once again return to our parallel with Parshat Mishpatim.

A CONTRASTING PARALLEL

Despite the many parallels noted above, we find **one** additional phrase that is unique to the story of chet ha-eggel, and creates (what we refer to as) a contrasting parallel. Note the final phrase of each narrative:

* At Har Sinai (in Parshat Mishpatim):

"... and they beheld God and they **ate** and **drank**" (24:11).

* At chet ha-eggel (in Parshat Ki-tisa):

"they sat to **eat** and **drink** and they rose **letzachek**" (32:6).

[We call this a 'contrasting parallel'.]

It is not by chance that many commentators find in this word the key to understanding Bnei Yisrael's sin.

Even though the simple translation of 'letzachek' is laughing or frivolous behavior, Rashi raises the possibility that it may refer to licentiousness (or even murder / see Rashi 32:7 and Breishit 39:17). Certainly, Chazal understand this phrase to imply more than just 'dancing'. To Aharon's dismay, what began as a quiet ceremony turned into a 'wild party'. The celebration simply seems to have gotten 'out of hand'. [Soon we will explain why.]

To support this understanding of letzachek, let's 'jump ahead' to the Torah's account of Moshe's descent from Har Sinai (when he breaks the luchot), noting what Moshe and Yehoshua hear from the mountain.

First of all, note Yehoshua's initial reaction to the 'loud noise' that he hears:

"And Yehoshua heard the sound of the people - **be-rei'o** - screaming loudly, and said to Moshe: there are sounds of **war** in the camp. But Moshe answered - these are not the sounds of triumphant, nor are they the groans of the defeated, they are simply sounds [of wildness/ frivolity] that I hear" (32:17-18).

[Note Targum Unkelus of 'kol anot' in 32:18 - kol de-mechaychin, compare with Targum of letzachek in 32:6 of le-**chaycha**; clearly connecting the loud noises to the loud laughing of "va-yakumu letzachek"!]

Note also the word **be-rei'o** - from shoshon 'lehariya' - to make a sound like a **tru'a**, but the spelling is **r.a.a.h.** reflecting its negative context like the word 'ra'a' = bad or evil! Compare also with 32:22!

The noise from this 'wild party' was so loud that it sounded to Yehoshua like a war was going on!

Note as well what provoked Moshe to actually break the tablets: "And he saw the **eggel** and the **dancing** circles and became enraged" [va-yar et ha-eggel u-mecholot...] (32:19). Moshe was upset no less by the 'wild dancing' than by the **eggel** itself! [See commentary of Seferno on this pasuk.]

With this in mind, let's return now to study the Torah's account of God's anger with chet ha-eggel, as recorded earlier in chapter 32.

First of all, as you review 32:5-7, note how God only becomes angry (and tells Moshe to go down) on the day **after** Aharon made the **eggel**! Now if Bnei Yisrael's primary sin was making the **eggel**, God should have told Moshe to go down on that very same day. The fact that God only tells him to go down on the **next** day, and only after we are told that - "va-yakumu letzachek" - supports our interpretation that this phrase describes the primary sin of chet ha-eggel.

BACK TO OLD HABITS

What led to this calamity? What was this noise and 'wild party' all about? Even though it is based on 'circumstantial evidence', one could suggest the following explanation:

Even though the celebration around the **eggel** initiated by Aharon began with good intentions (see 32:5 - 'chag I-Hashem'), for some reason, Bnei Yisrael's behavior at this party quickly became wild and out of control. Apparently, once the drinking, dancing, and music began, the nation impulsively reverted back to their old ways, regressing back to their Egyptian culture. [Even though this may not sound very logical, as most of us are aware, it is unfortunately human nature.]

To understand why, let's return to our discussion of Bnei Yisrael's spiritual level in Egypt, based on Yechezkel chapter 20, and as discussed in length in our shiurim on parshat Va'era and Beshalach:

Before the exodus, Bnei Yisrael were so immersed in Egyptian culture that God found it necessary to demand that they 'change their ways' in order to prepare for their redemption (see Yechezkel 20:5-9). Even though they did not heed this plea, God took them out of Egypt in the hope that the miracles of Yetziat Mitzraim, and their experiences on the way to Har Sinai would create a 'change of heart' (see TSC shiur on Parshat Beshalach). When they arrived at Har Sinai, Bnei Yisrael's proclamation of na'aseh ve-nishma (see 19:3-8 & 24:7) showed God that they were finally ready to become God's special nation.

THE LAST STRAW

Unfortunately, the events at chet ha-eggel forced God to change this perception. Bnei Yisrael's inexcusable behavior at this celebration reflected the sad fact that despite His numerous miracles, deep down, nothing had really changed. God became more than angered; He became utterly disappointed. All of God's efforts to 'train' His nation (since Yetziat Mitzrayim) seemed to have been in vain.

In summary, we have suggested that there were **two** stages in Bnei Yisrael's sin at **chet ha-eggel**.

* The first - making a physical representation of God - even though this was improper, it was understandable.

* The second - the frivolous behavior after the eating and drinking at the conclusion of the ceremony - was inexcusable.

We will now show how these two stages are reflected in God's 'double statement' to Moshe (32:7-10) in the aftermath of this sin:

(1) - 32:7-8 / God's first statement:

"And **God spoke to Moshe**: Hurry down, for your people have acted basely [ki shichet amcha]... they have turned astray from the way that I commanded them [see 20:20!] - they made an egel masecha [a representation of Me]...

(2) - 32:9-10 / God's second statement:

"And **God spoke to Moshe**: I see this nation, behold it is an 'am ksheh oref' [a **stiff necked people**]. Now, allow Me, and I will kindle My anger against them and I will destroy them and I will **make you** a great nation [instead]."

[Note, that "va-yomer Hashem el Moshe" is repeated **twice**, even though Moshe does not speak in between.]

God's first statement describes the act that began with good intentions but was nonetheless forbidden [see Shmot 20:20 - "lo ta'asun iti elohei kesef..."]. Although this sin requires rebuke and forgiveness (see 32:30), it was not severe enough to warrant the destruction of the entire Nation.

God's second statement is in reaction to 'va-yakumu letzachek', i.e. their frivolous behavior. Because of this regression to Egyptian culture, God concludes that they are indeed a 'stiff-necked people' - **unable to change their ways**. Therefore, God concludes that He must destroy Bnei Yisrael, choosing Moshe to become His special nation instead.

Similarly, these two stages are found in the conversation between Moshe and Aharon in the aftermath of this event:

"And Moshe said to Aharon: What did this people do to you that **caused** you to bring upon them such a terrible sin?

... Aharon answered: You know this people - 'ki ve-ra hu' - their ways are evil" (32:21-22).

One could suggest that Aharon's conclusion is based on his previous experiences with Bnei Yisrael. It is clear, however, that Moshe understands that Aharon had no intention that this situation would get out of hand. After all, Aharon himself is not punished. In fact, he later becomes the Kohen Gadol [High Priest].

Once Aharon had explained to Moshe what transpired (32:22-24) in the **first** stage, Moshe already understood what happened in the **second** stage:

"And Moshe 'saw' the people - 'ki paru'a hu' - that they became wild (out of control), for Aharon had caused them to become wild [to the point of] their demise, **be-kameihem** - when they **got up** [to dance/ possibly reflecting 'va-yakumu letzachek'!] [see 32:25].

Finally, the **two** levels that we later find in Bnei Yisrael's actual punishment may also reflect these two stages. First, the three thousand 'instigators' who incited this licentious behavior (stage 2) are killed. For that rebellious group, there is no room for forgiveness (32:26-29). However, on the second day, Moshe approaches God to beg forgiveness for the rest of the nation (see 32:30-32). Even though they had sinned, Moshe hopes to secure them a pardon - because their actions began with good intentions (stage 1).

Ultimately, Moshe will receive this pardon - but it won't be very simple.

DELAYED PUNISHMENT OR FORGIVENESS

Even though God had originally agreed to Moshe Rabeinu's first request not to totally destroy His nation (see "va-yechal Moshe... va-yinachem Hashem al ha-ra;a..." / 32:11-14), his next request for forgiveness in 32:31-32 clearly indicates that the execution of the 3000 'instigators' did not absolve the rest of the nation.

To our surprise, Moshe's second tefilla (in 32:30-32) does not achieve forgiveness! To prove this point, take a careful look at God's response to Moshe's second tefilla:

"And God told Moshe: He who has sinned to Me shall be punished. Now go **lead** the people to [the place] that I said [i.e. to Eretz Canaan], behold My angel will accompany you, and on the day that I will punish you, I will punish you" (32:34).

Note that God instructs Moshe to lead Bnei Yisrael to the Promised Land, thus fulfilling brit avot (as Moshe demanded in 32:13), but He still plans to later punish them for chet ha-egel, at the time that He finds fit. Note however, that even though brit avot will be fulfilled, brit Sinai remains 'broken!' To prove this, note how chapter 33 explains what God told Moshe in 32:34:

"And God said to Moshe - Set out from here, you and the people that you have brought out of Egypt to the Land that I swore to Avraham, Yitzchak, and Yaakov (brit avot)... but **I will not go in your midst** for you are a stiff-necked people, lest I destroy you on the journey" (see 33:1-3).

In contrast to God's original promise at Matan Torah that He will send a **mal'ach** with **His name** in their midst ['shmi be-kirbo' / see 23:20-23], now He emphatically states that He will no longer be with them - "ki lo a'aleh be-kirbecha" (33:3). Due to chet ha-egel, Bnei Yisrael are no longer worthy of the special relationship of **brit Sinai**.

This 'downgrade' is reflected in God's next commandment that Bnei Yisrael must remove their jewelry that they received on Har Sinai, undoubtedly the symbol of the high level they reached at **matan Torah** (see 33:5-6). Furthermore, Moshe must now move his own tent **away** from the camp, in order that God can remain in contact with Moshe (see 33:7).

WHERE DO WE GO FROM HERE?

A very strange predicament has arisen (that often goes unnoticed). Even though Bnei Yisrael will not be destroyed (thanks to brit avot), God instructs Moshe to continue on to Eretz Canaan **without** brit Sinai. [Imagine, a Jewish State without 'kedusha', several thousand years before Theodore Herzl!]

As unthinkable as this sounds, God's decision is very logical. Considering His conclusion that Bnei Yisrael are an 'am kshe oref' - a stiff-necked people (see 32:9, 33:5), and hence will not change their ways, there appears to be no other solution. After all, should He keep His **Shchina** in their midst, Bnei Yisrael would not be able to survive.

Fortunately for Am Yisrael, Moshe Rabeinu is not willing to accept God's decision. As we will see, his next argument will set the stage for the declaration of God's **midot ha-rachamim**:

"And Moshe beseeched God: 'Look, you have instructed me to lead this people... but recognize that this nation is **Your** people!'

God answered: I will lead [only] you. But Moshe insisted: "Im ein panecha holchim al ta'alenu mi-zeh" - Unless **Your presence will go with us**, do not make us leave this place. For how should it be known that Your people have gained Your favor unless **You go with us...**" (33:12-16)

[These psukim are quite difficult to translate, I recommend that you read the entire section inside.]

Note how Moshe demands that God keep His Presence [**Shchina**] with them, threatening a 'sit down strike' should God refuse. Most powerful is Moshe's demand that God recognize that they are His people - "u-re'eh ki amcha ha-goy ha-zeh" (see 33:13). God ['kivyachol'] now faces a most difficult predicament.

* On the one hand, He cannot allow His Shchina to return - for according to the terms of **brit Sinai** - this 'am ksheh oref' could not survive His anger, and would eventually be killed.

* On the other hand, He cannot leave them in the desert (as Moshe now threatens), for **brit avot** must be fulfilled!

* But, He cannot take them to the land, for Moshe is not willing to lead them **unless** He returns His **Shchina**.

Something has to budge! But what will it be?

It is precisely here, in the resolution of this dilemma, where God's 13 **midot ha-rachamim** enter into the picture.

A NEW COVENANT

Let's take a look now at God's response to Moshe's request. Note that here is first time in Chumash where God introduces the concept of divine mercy:

"And God said to Moshe, I will also do this thing that you request... [to return His **Shchina** / Moshe then asked that God show His Glory -] then God answered: 'I will pass all my goodness before you, and I will proclaim **My name** before you, and **I will pardon** he whom I will pardon and **I will have mercy** on he to whom I give mercy (ve-chanoti et asher achon, ve-richamti et asher arachem)..." (33:17-22).

In contrast to His original threat of immediate punishment should they sin (if God is in there midst), now God agrees to allow Bnei Yisrael a 'second chance' (should they sin). This divine promise sets the stage for the forging of a **new** covenant though which **brit Sinai** can be re-established, for it allows the Shchina to return without the necessity of immediate severe punishment.

Therefore, God instructs Moshe to ascend Har Sinai one more time, in a manner quite parallel to his first ascent to Har Sinai [but with significant minor differences], to receive the **second luchot** (see 34:1-5 and its parallel in 19:20-24).

As we should expect, the laws should and do remain the same. However, their **terms** must now be amended with God's attributes of mercy. Hence, when Moshe now ascends Har Sinai, it is not necessary for God to repeat the **debit** themselves, for they remain the same. Instead, God will descend to proclaim an amendment to how He will act in this relationship - i.e. His attributes of mercy.

As God had promised in 33:19 (review that pasuk before continuing), a new covenant, reflecting this enhanced relationship, is now forged:

"And God came down in a cloud...& passed before him and proclaimed: 'Hashem, Hashem Kel rachum ve-chanun, erech apayim ve-rav chesed ve-emet, notzer chesed la-alafim" (34:5-8).

THE CONTRAST BETWEEN THE ATTRIBUTES

With this background, we can now better appreciate the words that God chose to describe His new **midot**. To do so, we must first quickly review God's **midot** as described at Ma'amad Har Sinai in parshat Yitro.

Recall that the **debit** included not only laws, but also describe **how** God will reward (or punish) those who obey (or disobey) His commandments. Let's review these 'original' attributes by noting them (in **bold**) as we quote the Commandments:

"I am the Lord your God...

You shall have no other gods besides Me...

Do not bow down to them or worship them, for I the Lord am a **Kel kana** - a **zealous** God
poked avon avot al banim – remembering the sin of parents upon their children... for those who reject Me [**le-son'ai**], but
oseh chesed - showing kindness... for those who love me and follow my laws - [**le-ohavai** u-leshomrei mitzvotai]" (see 20:2-6).

Note how the second Commandment includes three divine attributes:

- 1) **Kel kana** - a zealous God
- 2) **poked avon avot al banim - le-son'ai**
harsh punishment for those who reject God
- 3) **oseh chesed la-alafim - le-ohavai**
Kindness & reward for those who follow God.

Similarly, in the third Commandment, we find yet another **mida** [divine attribute]:

"Do not say in vain the **name** of God - ki **lo yenakeh Hashem** - for God will **not forgive** he who says His Name in vain" (20:7).

Let's add this fourth attribute to the above list:

- 4) **lo yenakeh Hashem** - He will not forgive
How should we consider these four attributes? At first glance, most of them seem to be quite harsh!

Even the **mida** of **oseh chesed** - Divine kindness, does not necessarily imply **mercy**. Carefully note in 20:6 that God promises this kindness **only** for those who **follow** Him, and hence not for any others. Most definitely, all four of these attributes are quite the opposite of mercy, they are **midot ha-din** - attributes of exacting retribution.

Although these **midot** have their 'down side', for they threaten immediate punishment for those who transgress (le-son'ai), they also have their 'up side', for they assure immediate reward for those who obey (le-ohavai). In other words, these **midot** describe a very intense relationship, quite similar to [and not by chance] to God's relationship with man in Gan Eden (see Breishit 2:16-17).

MORE MIDOT HA-DIN

Yet another example of this intense relationship, and another attribute as well, is found at the conclusion of the unit of laws in Parshat Mishpatim. Recall that immediately after the Ten Commandments, Moshe was summoned to Har Sinai to receive a special set of commandment to relay to Bnei Yisrael (see Shmot 20:15-19). At the conclusion of those laws, God makes the following promise:

"Behold, I am sending an angel before you to guard you on the way and help bring you into the Promised Land. Be **careful** of him and **obey** him, Do not defy him - **for he shall not pardon your sins** - "**ki lo yisa le-fish'achem**", since My Name is with him...

[On the other hand...]

"...should you obey Him and do all that I say - **I will help you defeat your enemies**... (see Shmot 23:20-24).

Once again, we find that God will exact punishment should Bnei Yisrael not follow His mitzvot and reward (i.e. assistance in conquering the Land) should they obey Him. Finally, after chet ha-egel, we find that God intends to act precisely according to these attributes of **midat ha-din**:

"And God told Moshe, go down from the mountain for your people has sinned... they made a golden image... and now allow Me, and **I will kindle My anger** against them that I may destroy them -**ve-yichar api bahem**..." (see Shmot 32:7-10).

Here we find yet another divine attribute - **charon af Hashem** - God's instant anger.

Let's summarize these six attributes that we have found thus far. Later, this list will be very helpful when we compare these **midot** to God's **midot** in the second **luchot**.

- 1) **Kel kana** 2) **poked avon ... le-son'ai** 3) **oseh chesed... le-ohavai** 4) **lo yenakeh** 5) **lo yisa le-fish'achem**... 6) **charon af**

We will now show how these six examples of **midat ha-din** relate directly to the **new** attributes that God now declares. Note the obvious - and rather amazing - parallel that emerges:

FIRST LUCHOT SECOND LUCHOT

- 1) **Kel kana** **Kel rachum ve-chanun**
- 2) **poked avon...le-son'ai** **poked avon avot al banim**...
- 3) **oseh chesed la-alafim** **rav chesed ve-emet**
... **le-ohavai** **notzer chesed la-alafim**...
- 4) **lo yenakeh** **ve-nakeh, lo yenakeh**
- 5) **lo yisa lefishiechem** **nosei avon ve-fesha**...
- 6) **charon af** **erech apayim**

FROM DIN TO RACHAMIM

Each attribute from the original covenant switches from **midat ha-din** to **midat ha-rachamim**. [To appreciate this parallel, it is important to follow these psukim in the original Hebrew.]

Let's take now a closer look:

A. **Hashem Kel rachum ve-chanun** --> (1) **Hashem Kel kana**
rachum ve-chanun based on 33:19 (see above)
a **merciful** God in contrast to a **zealous** God

B. **Erech apayim** --> (6) **charon af**
slow to anger in contrast to **instant** anger

C. **Rav chesed ve-emet** --> (3) **oseh chesed... le-ohavai**
abounding kindness for all, potentially even for the wicked [This may allow the possibility of 'rasha ve-tov lo']
in contrast to **exacting** kindness, and hence, limited exclusively to those who obey Him.

[Note that the mida of emet is now required, for this abounding kindness for all must be complemented by the attribute of truth to assure ultimate justice.]

D. **Notzer chesed la-alafim** --> (3) **oseh chesed... le-ohavai**

He **stores** His kindness, so that even if it is not rewarded immediately, it is stored to be given at a later time.

[This may allow the possibility of 'tzadik ve-ra lo']
in contrast to **immediate** kindness and reward for those who follow Him.

E. **Nosei avon ve-fesha**... --> (5) **lo yisa le-fish'achem** ...
forgiving sin in contrast to **not forgiving** sin.

F. **Ve-nakeh, lo yenakeh** --> (4) **lo yenakeh**
sometimes He will forgive, sometimes He may not.

[See Rashi, forgives those who perform teshuva.]
in contrast to **never** forgiving.

G. **Poked avon avot al banim**...--> (2) **poked avon** le-son'ai

He **withholds** punishment for up to four generations
[in anticipation of teshuva / see Rashi]

in contrast to **extending** punishment for up to four generations.

[Even though these two phrases are almost identical, their context forces us to interpret each pasuk differently. In the first luchot, all four generations are punished, in the second luchot, God may **hold back** punishment for four generations, allowing a chance for teshuva. See Rashi.]

These striking parallels demonstrate that each of the '13 midot' lies in direct contrast to the midot of the original covenant at Har Sinai.

This background can help us appreciate Moshe's immediate reaction to God's proclamation of these **midot**:

"And Moshe hastened to bow down and said: 'If I have indeed gained favor in Your eyes - **let Hashem go in our midst** - 'ki' = **even though** they are an **am kshah oref** -a stiff necked people, and you shall pardon our sin..." (34:8-9)

God's proclamation that He will now act in a less strict manner enables Moshe to request that God now return His **Shchina** to the people **even though** they are an am kshah oref. Note how this request stands in direct contrast to God's original threat that "he will not go up with them for they are a stiff necked people, less He smite them on their journey..." (see 33:3/ compare with 34:9)!

These Divine attributes of mercy now allow the Shchina to dwell within Yisrael even though they may not be worthy.

From a certain perspective, this entire sequence is quite understandable. For, on the one hand, to be worthy of God's presence, man must behave perfectly. However, man is still human. Although he may strive to perfection, he may often error or at times even sin. How then can man ever come close to God? Hence, to allow mortal man the potential to continue a relationship with God, a new set of rules is necessary - one that includes **midot ha-rachamim**.

The original terms of **brit Sinai**, although ideal, are not practical. In this manner, **midot ha-rachamim** allow **brit Sinai** to become achievable. These midot ha-rachamim reflect God's kindness that allows man to approach Him and develop a closer relationship without the necessity of immediate punishment for any transgression.

SELICHOT

This explanation adds extra meaning to our comprehension and appreciation of our recitation of the Selichot. Reciting the 13 **midot** comprises more than just a mystical formula. It is a constant reminder of the **conditions** of the covenant of the **second luchot**. God's attributes of mercy, as we have shown, **do not guarantee** automatic forgiveness, rather, they **enable the possibility** of forgiveness. As the pasuk stated, God will forgive only he whom He chooses ("et asher achon... ve-et asher arachem" / 33:19). To be worthy of that mercy, the individual must prove his sincerity to God, while accepting upon himself not to repeat his bad ways.

shabbat shalom, Menachem