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In memory of **Chaim Yissachar z"l** ben Yecheil Zaydel Dov

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Rav Soloveitchik on Kaddish, Kedushah, and Davar Shebikedushah – Part 1

Based on Rav Yosef Dov Soloveitchik's *Yiddish jahrzeit drasha on Kedushah*, 3 Shevat 5725 / January 6, 1965, summarized by Chaim Shulman. There is also a Hebrew summary in *Reshimos Shiurim Brachos*. The original audio of the shiur is available at www.bcbm.org/rav along with several hundred other shiurim of Rav Soloveitchik zt"l that we digitized 20 years ago for bcbm.org in a joint project with Rabbi Milton Nordlicht z"l and Henry Orlinsky yb"l. (Avi Mori, Rabbi Nissim Shulman yb"l, had recorded a number of these shiurim and was helpful in this project.) YUtorah has most of these and some additional shiurim, and some of the recordings are available on youtube with subtitles; there are likely other recorded shiurim that will IYH become available to the public.

This summary of Rav Soloveitchik's *yahrzeit shiur on davar shebikedushah* is especially appropriate for Shavuot, the day on which Klal Yisrael stood together at Har Sinai and received the Torah as a nation. The topic also connects to the haftarah of the first day of Shavuot, the *Maaseh Merkavah* in Yechezkel, which includes *ברוך כבוד ה' ממקומו*, one of the central pesukim of Kedushah.

1. How Long Should Tefillin Remain On?

The starting point of the shiur is a familiar halachah about when one removes tefillin. The Shulchan Aruch, Orach Chaim 25:13, writes: *נהגו העולם שלא להלחין תפילין עד אחר קדושת ובה לציון*, the common practice is not to remove tefillin until after the Kedushah of *Uva Letziyon*. The Rema quotes a further practice: *ויש מי שכתב על צד הקבלה שלא להלחין תפילין עד שיאמר בהם שלוש קדושות*: *וארבע קדישים היינו לאהרן קדיש יתום שלאחר עלינו*, some say, based on Kabbalah,

that one should not remove his tefillin until he has worn them for three Kedushos and four Kaddeishim, meaning until after Kaddish Yasom following Aleinu.

The three Kedushos referred to here are (i) *Kedushas Yotzer*, in the berachos of Krias Shema, (ii) *Kedushas HaAmidah*, in Chazaras HaShatz, and (iii) *Kedushah d'Sidra*, in *Uva Letziyon*. The four Kaddeishim are (i) the half Kaddish after Yishtabach, (ii) the half Kaddish after Shemoneh Esrei, (iii) Kaddish Tiskabel (also referred to as Kaddish Shalem), after *Uva Letziyon*, and (iv) Kaddish Yasom, *Yehei Shelama*, after Aleinu. Already at the outset, the halachah points to a larger structure within Shacharis: the morning tefillah is marked not only by Krias Shema and Shemoneh Esrei, but by a sequence of Kedushos and Kaddeishim.

2. Does Barchu Count as a Kedushah?

The Rema's formulation raises an immediate difficulty: if Barchu is also a *davar shebikedushah*, why is it not included among the Kedushos? The Magen Avraham challenges the Rema's text. Citing the Shelah, he writes that the phrase three Kedushos appears to be a scribal error, and that the correct version should be the reverse: three Kaddeishim and four Kedushos. The reason is that Barchu should also be counted as a Kedushah, because *ברכו את ה' המבורך* is itself a *davar shebikedushah*, a sacred recitation requiring a minyan of ten men.

The Gra makes the same point and quotes Sefer HaMussar, which explains the matter symbolically through the two shins of the tefillin. One should keep the tefillin on until after Kaddish Tiskabel following *Seder Kedushah*, so that while wearing tefillin he answers three Kaddeishim, corresponding to the shin with three heads on the tefillin, and four Kedushos, corresponding to the shin with four heads. Those four Kedushos are (i) *ברכו את ה' המבורך*, which is a *davar shebikedushah*, (ii) the Kedushah of *ברוך ה' המבורך* in the berachah of Yotzer Ohr, (iii) the Kedushah of the Amidah, and (iv) the Kedushah of *דין מן דין ומקבלין דין מן דין* in *Kedushah d'Sidra*, which is in *Uva Letziyon*. The dispute therefore turns on whether Barchu is counted among the Kedushos. According to the Rema's text, although Barchu is certainly a *davar shebikedushah*, it is not included in the count of Kedushos. The three Kedushos are only *Kedushas Yotzer*, *Kedushas HaAmidah*, and *Kedushah d'Sidra*, while the fourth item in the Rema's count is Kaddish Yasom after Aleinu. This also reflects the Rema's view that Kaddish Yasom after Aleinu remains connected to the seder hatefillah and should be recited even if there is no mourner present, according to the Rema in Orach Chaim 132:2. The Shelah, Magen Avraham, and Gra, however, count Barchu as a fourth Kedushah and end the three Kaddeishim with Kaddish Tiskabel after *Uva Letziyon*. The basic issue is therefore not only textual, but conceptual: does every *davar shebikedushah* count as a Kedushah, or is Kedushah a narrower category within *davar shebikedushah*?

The difficulty with the Rema becomes sharper because there is strong proof that Barchu is indeed a *davar shebikedushah*. The Mishnah in Megillah 23b teaches: *אין פורסין על שמע ואין עוברין לפני התיבה וכו' בפחות מעשרה*, one may not perform *perisas Shema* and one may not lead the tzibbur in the Amidah with fewer than ten men. Rashi explains *על שמע* as referring to a group that came to shul after the tzibbur had already recited Shema; one person stands and says Kaddish, Barchu, and the first berachah of Krias Shema for them.

The Gemara there asks for the source of this rule and answers in the name of R Yochanan: *דאמר קרא ונקדשתי בתוך בני ישראל כל דבר שבקדושה לא יהא פחות מעשרה*, the pasuk says *ונקדשתי בתוך בני ישראל*, and from here we learn that every *davar shebikedushah* may not be recited with fewer than ten. It is therefore clear that the recitation of Barchu in the context of *perisas Shema* is a *davar shebikedushah*, and can only be said with a minyan.

This proof sharpens the question. Barchu is not merely an ordinary invitation to prayer, but a genuine *davar shebikedushah*. In our sugya as well, the same pasuk, *ונקדשתי בתוך בני ישראל*, teaches that an individual may not recite Kedushah alone, because *כל דבר שבקדושה לא יהא פחות מעשרה*. If both Barchu and Kedushah require a tzibbur of ten, why does the Rema count only Kedushah and not Barchu among the three Kedushos? We will return to this

question.

3. Aniyah or Chazarah in Kaddish, Kedushah (and Barchu)

The next question concerns the relationship between the sheliach tzipbur and the tzipbur in Kaddish and Kedushah. When the sheliach tzipbur recites Kaddish or Kedushah and the congregation responds, what is the halachic nature of that participation? Is the tzipbur's role a din of ענייה, responsive answering, or a din of חזרה, repetition, in which the tzipbur repeats the words said by the sheliach tzipbur?

This issue appears first in the Rishonim's discussion of Kaddish. According to one view, the sheliach tzipbur says the text of Kaddish, and the tzipbur's role is to answer. The sheliach tzipbur begins ויתקדש שמה רבה and then says אמן ענייה by ענייה רבה מבורך לעולם ולעלמי עלמיה, and the sheliach tzipbur then continues with יתברך וישתבח. On this view, Kaddish works through ענייה: the sheliach tzipbur recites the Kaddish, and the tzipbur answers. Other Rishonim understand the tzipbur's role differently. As discussed in the Beis Yosef, Orach Chaim 55:3, there are views that the congregation recites more than אמן ענייה, and continues with ויתפאר, and the sheliach tzipbur then continues until דאמירן בעלמא. According to this view, Kaddish includes a din of חזרה: the tzipbur repeats part of the Kaddish text rather than only answering a short response.

A similar issue appears in Barchu. Our practice is that the sheliach tzipbur says ברוך את ה' המבורך, the tzipbur answers ועד המבורך לעולם ועד, and then the sheliach tzipbur repeats that phrase. This shows that Barchu too contains a din of חזרה between the sheliach tzipbur and the tzipbur.

The distinction can also be seen from the Rambam's description of Kedushah in his Seder HaTefillos. He writes that during the Kedushah of the Amidah, when the sheliach tzipbur says וקרא זה אל זה, the congregation answers קדוש קדוש, and when the sheliach tzipbur says איה מקום כבודו, the congregation answers משבחים ואומרים ברוך. This implies that in *Kedushas HaAmidah* there is a din of חזרה, because the tzipbur does not only answer the pesukim, but also repeats the introductory words משבחים ואומרים after the sheliach tzipbur. It also seems from the Rambam that the sheliach tzipbur and the congregation say קדוש קדוש together, or at least that their recitation is closely joined.

By contrast, the Rambam describes *Kedushah d'Sidra* differently. In Hilchos Tefillah 9:5, he writes that after Shemoneh Esrei the sheliach tzipbur says ובא וקרא זה אל זה ואמר קדוש, and then the sheliach tzipbur returns and reads the Kedushah in Targum. He then says ותשאני רוח, reads that in Targum, says כדי להבין, and reads that in Targum as well, והעם, so that the people should understand.

This formulation shows that although both *Kedushas HaAmidah* and *Kedushah d'Sidra* involve a relationship between the sheliach tzipbur and the tzipbur, they are not structured in exactly the same way. In the Amidah, the Kedushah is embedded in tefillah itself. In *Kedushah d'Sidra*, the Kedushah appears as pesukim recited and then translated for the people. In *Kedushas HaAmidah*, the sheliach tzipbur and the tzipbur appear to say the Kedushah together, or at least as one joined act of tefillah. In *Kedushah d'Sidra*, however, the sheliach tzipbur first completes the Kedushah, and only afterward the congregation answers. The Rambam's language also suggests that the Targum is recited specifically by the sheliach tzipbur. This requires explanation. Why should *Kedushah d'Sidra* differ from *Kedushas HaAmidah*? And why is the Targum, recited כדי להבין העם, built into this Kedushah in a way that does not appear in the Kedushah of the Amidah?

4. Kaddish Tiskabel and the Completion of Tefillah

We can now return to the original halachah about removing tefillin. It appears that the Mechaber and the Rema agree on the basic law: one should not remove tefillin until after *Kedushah d'Sidra*, meaning the Kedushah of *Uva Letziyon*. The Rema's language is important. When he introduces the practice of keeping tefillin on until after three Kedushos and four Kaddeishim, he writes ויש מי שכתב על צד הקבלה, some write this on the basis of

Kabbalah. That implies that the additional practice, keeping the tefillin on until after Kaddish Yasom following Aleinu, is only a Kabbalah-based stringency. But the basic practice recorded by the Mechaber, to keep tefillin on until after *Uva Letziyon*, is accepted by the Rema as well.

The question is not only why some are careful, based on Kabbalah, to remain in tefillin until after Aleinu. The more basic question is why, as a matter of the ordinary seder hatefillah, tefillin remain on until after *Kedushah d'Sidra*. Why is *Uva Letziyon* significant enough that the tefillin are not removed before it? Since *Kedushah d'Sidra* comes after Shemoneh Esrei, and appears at first glance to be outside the main body of tefillah, its connection to tefillin requires explanation.

This question is difficult because the role of tefillin in Krias Shema and Shemoneh Esrei is understandable. There is a special fulfillment in wearing tefillin while accepting *ol Malchus Shamayim* in Krias Shema and while standing in tefillah. The Gemara in Berachos 14b says: כל הקורא קריאת שמע בלא תפילין כאילו מעיד עדות שקר בעצמו, anyone who recites Krias Shema without tefillin is as if he testifies falsely about himself. Since Krias Shema itself contains the commandment of tefillin, reciting it without wearing tefillin creates a contradiction between what one says and what one does.

The Gemara continues with another formulation: הרוצה שיקבל עליו עול מלכות שמים שלימה יפנה וישול ידיו ויניח תפילין ויקרא קריאת שמע ויתפלל וזו היא מלכות שמים שלימה, one who wishes to accept upon himself the complete yoke of Malchus Shamayim should prepare himself, wash his hands, put on tefillin, recite Krias Shema, and daven, and this is complete acceptance of Malchus Shamayim. Based on this, it is clear why one should not remove tefillin before Krias Shema or before Shemoneh Esrei. Without tefillin, the acceptance of Malchus Shamayim is incomplete.

This explains why the tefillin remain on until after Shemoneh Esrei. But it does not yet explain why the Mechaber and Rema require keeping them on until after the Kedushah of *Uva Letziyon*. Once Krias Shema and Shemoneh Esrei have been completed, the obvious reason for keeping tefillin on seems to have passed. We must therefore understand why the completion of *ol Malchus Shamayim sheleimah* extends beyond Shemoneh Esrei to the Kedushah of *Uva Letziyon*.

The difficulty appears from another angle in the placement of Kaddish Tiskabel. The practice of the Geonim is not to say Kaddish Tiskabel immediately after Shemoneh Esrei, but to delay it until after *Kedushah d'Sidra*. This is surprising, because Kaddish Tiskabel seems to belong directly after Shemoneh Esrei. Its central phrase, תתקבל צלותהון, may the prayers be accepted, parallels the individual's פ' יהיו לרצון אמרי פי. Indeed, the Rema rules in Orach Chaim 123:6 that the sheliach tzipbur does not say יהיו לרצון after Chazaras HaShatz, because he relies on Kaddish Tiskabel, as the Magen Avraham explains.

From this delay, Rav Soloveitchik develops the central point: *Kedushah d'Sidra* is not merely an independent passage added after davening. It belongs to the completion of the seder hatefillah. Chazal established *Kedushah d'Sidra* within the essential order of tefillah, so that the completion of Shemoneh Esrei is not reached until *Kedushah d'Sidra* has been recited afterward. That is why Kaddish Tiskabel waits until after *Uva Letziyon*.

This can also be proven from the Rema in Orach Chaim 55:3. The Mechaber rules there that if the sheliach tzipbur began the berachah of Avos with ten men and some of them then left, he may complete even Kedushah. The Rema adds that if some left after the tzipbur had begun Yotzer, the sheliach tzipbur may not begin Chazaras HaShatz, because the Yotzer section has already been completed. But if they left after the sheliach tzipbur had already begun Chazaras HaShatz and Kedushah, they may complete the entire *Seder Kedushah* and say the full Kaddish afterward, because it belongs to the tefillah, as shown by the fact that the sheliach tzipbur says תתקבל צלותהון. The Rema's ruling shows that everything recited after Shemoneh Esrei until Kaddish Tiskabel is still included in the seder hatefillah. It is not a new and unrelated unit. It is part of the completion of the tefillah that began with Shemoneh Esrei. Once Chazaras HaShatz began with a minyan, the tzipbur

may continue the entire unit until Kaddish Tiskabel, because that whole sequence is attached to the tefillah that began with the Amidah. The source for the Rema's approach appears to be the Terumas HaDeshen, siman 13. The Terumas HaDeshen rules that the sheliach tzibbur should not take his steps backward at the end of Chazaras HaShatz until he has completed the full Kaddish. He explains: *וכן הדעת נוטה דחד ענינא אינון*, logic indicates that it is all one matter. The sheliach tzibbur does not step back immediately after the tefillah that he recites aloud. Rather, he waits until the end of the full Kaddish that Chazal established for the sheliach tzibbur after every tefillah.

Even though other sections may interrupt between Chazaras HaShatz and Kaddish Tiskabel, such as Krias HaTorah, Seder Kedushah, Hallel, Avinu Malkeinu, and similar additions, the Terumas HaDeshen writes that these all belong to the seder hatefillah. The Kaddish that follows them returns to the main tefillah of Shemoneh Esrei. It is the formal close of the tefillah that began with Shemoneh Esrei and continued through the post-Amidah additions.

It emerges that Kaddish Tiskabel is the true completion of the tefillah. Accordingly, *Kedushah d'Sidra* is part of the completion of the tefillah that began with Shemoneh Esrei, because the seder hatefillah does not reach its conclusion until after *Uva Letziyon*. This is why one does not remove tefillin until after *Uva Letziyon*.

Still, this answer raises a further question. Even if Kaddish Tiskabel shows that *Kedushah d'Sidra* belongs to the completion of the seder hatefillah, why should this particular passage of pesukim and Targum have that role? What does *Kedushah d'Sidra* add to tefillah that Kaddish Tiskabel waits until after it?

5. Can One Join a Different Kedushah?

The next issue is whether an individual who is in the middle of the Kedushah of his own Shemoneh Esrei may join the tzibbur if they are saying a different Kedushah. The Mechaber rules in Orach Chaim 109:3: *יחיד העומד בתפלה וכשיגיע למקום קדושה היו הצבור אומרים קדושה דסידרא אינו קדוש עמהם שאין קדושה שוות*, if an individual is standing in Shemoneh Esrei and reaches Kedushah while the tzibbur is saying *Kedushah d'Sidra*, he does not say *Kadosh* together with them, because the Kedushos are not the same. The Mechaber adds that the same appears to be true if the tzibbur is saying the Mussaf Kedushah, referred to there as Kesser, or in Nusach Ashkenaz Naartzcha. The individual should not say *Kadosh* with them, but should remain silent and listen, based on *shomea k'oneh*, listening is like answering. The Rema disagrees in part. He writes that if the tzibbur is saying Naartzcha (or Kesser), meaning the Kedushah of Mussaf, and the individual is davening Shacharis, he may say it together with them, because both are Kedushos of Shemoneh Esrei, and therefore קדושתן שווה, their Kedushah is the same. The Rema concludes that this is the primary view.

At first glance, we can understand why someone standing at Kedushah in Shemoneh Esrei may not join the tzibbur for *Kedushah d'Sidra*. There is a machlokes whether *Kedushas Yotzer* and *Kedushah d'Sidra* have the status of a true *davar shebikedushah* requiring ten men, or whether they are merely *sipur devarim b'alma*, a narration of the angelic praise. The Mechaber in Orach Chaim 59:3 brings two views regarding whether an individual may recite *Kedushas Yotzer* alone: *י"א שהקדושה שביוצר יחיד אומרה לפי שאינה אלא הג"ה וכבר*. The Rema adds *סיפור דברים וי"א שיהי מדלגה ואינה נאמרת אלא בצבור*, that the custom is to say these prayers even without a tzibbur. Rabbeinu Yonah explains the lenient view as based on the idea that it is only *sipur devarim b'alma*. According to that approach, *Kedushah d'Sidra* is not the same kind of Kedushah as the Kedushah of Shemoneh Esrei at all. The Kedushah of Shemoneh Esrei is a full *davar shebikedushah*, governed by the rule מעשרה פחות מקדושה שוות, while *Kedushah d'Sidra* may be only a recitation of pesukim describing the malachim's praise. But this does not solve the question according to the other view, that *Kedushas Yotzer* and *Kedushah d'Sidra* do have the status of *davar shebikedushah* and therefore require ten men. According to that view, why can the individual not join the tzibbur when they are saying *Kedushah*

d'Sidra? And similarly, why can an individual davening Shacharis not join the tzibbur's Kedushah of Mussaf, which is certainly a *davar shebikedushah*? The Mechaber's answer seems to be that the different Kedushos do not combine because *אין הקדושות שוות*, their text and structure are not the same. The Rema disagrees only with respect to the Kedushah of Mussaf, because Shacharis and Mussaf are both Kedushos of Shemoneh Esrei. But even according to the Rema, *Kedushah d'Sidra* remains different and does not combine with the Kedushah of Shemoneh Esrei.

6. The Rashba, the Beis Yosef, and the Structure of Kedushah

The source of the Mechaber's ruling is a responsum of the Rashba, cited by the Beis Yosef. The Rashba writes: *יחיד העומד בתפלה וכשהגיע לקדושה היו הציבור אומרים קדושה דסידרא דבר ברור הוא שאין אומר קדושה עמהם הלא שאין סדר הקדושות אחד*, if an individual is standing in Shemoneh Esrei and reaches Kedushah while the tzibbur is saying *Kedushah d'Sidra*, it is clear that he does not say Kedushah with them, because the order of the Kedushos is not the same. The Beis Yosef then extends this ruling to the case of an individual davening Shacharis while the sheliach tzibbur is davening Mussaf and reaches Naartzcha (or Kesser). According to the Beis Yosef, the individual should not say the Kedushah of Mussaf together with the tzibbur while reciting the Shacharis Shemoneh Esrei, but should remain silent and listen, based on *shomea k'oneh*.

This extension requires explanation. If the Rashba's ruling about *Kedushah d'Sidra* is based on the view that *Kedushah d'Sidra* is only *sipur devarim* and not a true *davar shebikedushah*, it would not prove anything about the Kedushah of Mussaf, which is certainly a Kedushah of Shemoneh Esrei and certainly a *davar shebikedushah*. The Beis Yosef therefore seems to understand that the issue is not only whether the Kedushah requires ten, but whether the different Kedushos have the same nusach and structure.

There is another difficulty in the Beis Yosef's reasoning. Seemingly, the actual *cheftza* of Kedushah is the recitation of the pesukim themselves: *קדוש ברוך כבוד ה' ממקומו* and *קדוש קדוש*. The introductory words, whether *נעריצך* in Shacharis, *in וקרא זה אל זה ואמר* and *ואתה קדוש* in Mussaf, or *כתר יתנו לך* in *Kedushah d'Sidra*, would appear to be only introductions, not part of the essential Kedushah itself. If so, why should a difference in introduction prevent the Kedushos from combining? This becomes the next major question. If the essence of Kedushah is only the pesukim, then different introductory formulas should not matter. The fact that they do matter suggests that the introduction is not merely introductory, but may be part of the very *cheftza* and structure of Kedushah itself.

7. Kedushah as Shirah on Days of Kedushas Hayom

Rav Soloveitchik distinguishes between different kinds of Kedushah. Tosafos in Sanhedrin 37b cites a responsum of the Geonim that in Eretz Yisrael they would say Kedushah only on Shabbos. Tosafos explains this through the pasuk in Yeshayahu describing the Chayos, *שש כנפים לאחד*, each one had six wings. Each wing, the Geonim explain, corresponds to one song sung during the six weekdays. When Shabbos arrives, the Chayos say before Hashem: Master of the world, we have no wing left with which to sing. Hashem answers them: I have one more wing that sings before Me, as the pasuk says *מכנף הארץ זמירות שמענו*, from the wing of the earth we have heard songs.

According to this view, Kedushah is not said every day. It belongs especially to Shabbos, because Kedushah is a form of *shirah*, song. The same general idea appears in Maseches Sofrim, which says that the chazzan says Kedushah on Chanukah, Rosh Chodesh, and Chol HaMoed because those days are connected to the Korban Mussaf, and then cites the rule: *כל יום שאין בו קדוש*, any day that has no Mussaf does not have Kedushah. Chanukah is an exception because it has Hallel, and one view adds Purim because it has Megillah. The point is that Kedushah is associated with a day that has an added dimension of praise, either through Mussaf, Hallel, or possibly Megillah.

The discussion of Purim depends on the Gemara in Megillah 14a, which asks why Hallel is not recited on Purim. One answer is that we do not say shirah for a miracle that occurred outside Eretz Yisrael. Another answer, given by

Rav Nachman, is קרייתתה זו היא הליילת, the reading of the Megillah is itself the Hallel. The Rambam rules this way and writes: ולא תקנו הלל בפורים שקריאת ולא תקנו הלל בפורים שקריאת, Hallel was not instituted on Purim because reading the Megillah is the Hallel. According to this, the view in Maseches Sofrim that Kedushah is said on Purim because of Megillah would follow the opinion that Megillah itself functions as Hallel and shirah.

Rav Soloveitchik explains that Hallel is a fulfillment of *shirah*, and Kedushah is also a fulfillment of *shirah*, because Kedushah is the song of the malachim. It therefore makes sense that on days that require Hallel, and therefore require shirah, there is also a basis to say Kedushah.

The harder question is why Kedushah should depend on Mussaf. What does the Korban Mussaf have to do with Kedushah?

The answer is that the Korban Mussaf is a sign that the day has *Kedushas Hayom*, a special sanctity of the day. On a day with *Kedushas Hayom*, the tefillah itself changes. The Gemara in Berachos 40a derives from ברוך ה' יום כל יום יום תן לו מעין that each day receives the berachos appropriate to it: ברכותיו. Rashi explains that on Shabbos one mentions the theme of Shabbos, and on Yom Tov one mentions the theme of Yom Tov. This is not merely a technical insertion into the text of the Amidah. It means that on a day with *Kedushas Hayom*, the tefillah contains added praise appropriate to that day. That added praise is itself a form of *shirah*.

This also explains the connection to Mussaf. The Gemara in Shabbos 24a teaches that on days that have Mussaf, one mentions the day in Avodah and in Birkas HaMazon. The point is not that Mussaf itself creates the need to mention the day. Rather, Mussaf shows that the day has *Kedushas Hayom*, and a day with *Kedushas Hayom* requires added praise in tefillah. Kedushah, according to this view, is part of that added praise. Therefore, Maseches Sofrim links Kedushah to days with Mussaf, and extends the idea to Chanukah because Chanukah has Hallel, and according to one view to Purim because Megillah itself is Hallel.

Tosafos, however, speaks specifically about Shabbos, and not about Chanukah and Purim. Rav Soloveitchik explains that Tosafos may understand Kedushah on Shabbos and Yom Tov as part of the tefillah itself, based on ברוך ה' יום יום, because the day's *Kedushas Hayom* changes the very character of the Amidah. By contrast, Hallel on Chanukah and Purim may be an independent fulfillment of *shirah*, not part of the Amidah itself.

Therefore, according to Tosafos, Hallel may not be enough to create an obligation of Kedushah. Maseches Sofrim, however, may hold that any day that requires added praise and *shirah* can also generate a requirement of Kedushah.

8. Weekday Kedushah as Keriah v'Aniyah

Our practice is to say Kedushah every day, unlike the view of the Geonim and the beraisa in Maseches Sofrim. Rav Soloveitchik explains that this does not mean we reject the basic idea that Kedushah is connected to *Kedushas Hayom*. Rather, there are two different foundations for Kedushah. On a day that has *Kedushas Hayom*, such as Shabbos or Yom Tov, Kedushah is rooted in ברוך ה' יום יום, the idea that each day receives the praise appropriate to it. On those days, Kedushah is a form of *shirah*. Weekday Kedushah, however, has a different foundation. It is not rooted in *shirah*, but in a separate obligation to say Kedushah. The question is: what is the nature of that weekday obligation?

Rav Soloveitchik explains this through the Sifrei on the pasuk in Haazinu 32:3 כי שם ה' אקרא הבו גדול לאלקינו. The Sifrei teaches that when people stand in shul and one says המבורך אתה ה' המבורך, ברכו אתה ה' המבורך, those who hear him answer ה' ברוך ה' אקרא הבו גדול לאלקינו, based on the pasuk כי שם ה' אקרא הבו גדול לאלקינו ועד, the same pasuk also teaches that when one says מברך יהא שמייה רבא מברך, the listeners answer לעלמי ועלמי עלמי. The Sifrei then uses this same pasuk to teach that the descent to Mitzrayim, Daniel's descent into the lions' den, and Chananiah, Mishael, and Azariah's descent into the fiery furnace all occurred so that Hashem would perform miracles and thereby sanctify His Name in the world.

The Sifrei therefore teaches two related ideas from כי שם ה' אקרא הבו גדול לאלקינו. First, when Hashem's Name is called, the listeners must answer and

give greatness to Hashem. This is the source for *aniyah* in a *davar shebikedushah*, including answering המבורך לעולם ועד Barchu and Kaddish. Second, the same pasuk is connected to Kiddush Hashem in the world, through the miracles performed for Daniel, Chananiah, Mishael, and Azariah.

Accordingly, the obligation to say Kedushah on weekdays is a separate halachah based on כי שם ה' אקרא הבו גדול לאלקינו. Weekday Kedushah is not primarily a fulfillment of *shirah*. Rather, it is a fulfillment of *keriah v'aniyah*, call and response. This is reflected in the language of Kedushah itself: ומקבלין, ונותנים רשות זה לזה, they receive permission from one another, and they give permission to one another. One calls another to praise the Creator, and the other answers. Even apart from the rule that a *davar shebikedushah* requires ten, Kedushah could not be fulfilled by one person alone, because the very form of Kedushah is that one calls and another responds. Kedushah is created through *keriah v'aniyah*.

A similar idea appears from the pasuk ונקדשתי בתוך בני ישראל. The Gemara in Brachos 21b states: אמר רב אדא בר אבהו מנין שאין היחיד אומר קדושה שנאמר From where do we know that an individual may not recite Kedushah alone? As the pasuk says, ונקדשתי בתוך בני ישראל, and from here Chazal derive that any *davar shebikedushah* may not be recited with fewer than ten. Likewise, in Megillah 23b, R Yochanan derives from this pasuk that a *davar shebikedushah* requires ten, and therefore *perisas Shema* may not be done with fewer than ten. In Sanhedrin 74b, R Yochanan derives from the same pasuk the obligation of Kiddush Hashem in public, that in public one must give up his life even for a minor mitzvah in certain circumstances. Rav Soloveitchik explains that these are not two unrelated laws. Both express the same underlying obligation: Hashem's Name must be sanctified בתוך בני ישראל, in the presence of Klal Yisrael.

That sanctification of Hashem's Name in public can take the form of actual mesirus nefesh, and it can also take the form of *keriah v'aniyah* in a *davar shebikedushah*. Of course, the two are very different in level and circumstance. But both are acts through which a Jew accepts *ol Malchus Shamayim* in public and thereby sanctifies Hashem's Name. This is the deeper connection between the two pesukim. ונקדשתי בתוך בני ישראל teaches that Hashem's Name is sanctified among the Jewish people, and כי שם ה' אקרא teaches the structure of that sanctification: when Hashem's Name is called, the tzibbur answers and gives greatness to Hashem.

9. Why the Introduction Defines the Kedushah

This now answers the earlier question about the Mechaber in Orach Chaim 109:3. The Mechaber ruled that an individual standing at Kedushah in Shacharis cannot join the tzibbur when they are saying *Kedushah d'Sidra* or *Kesser* of Mussaf, because אין הקדושות שוות, the Kedushos are not the same. We asked why the difference in introduction should matter. Seemingly, the main *cheftza* of Kedushah is the recitation of the pesukim קדוש קדוש קדוש and ברוך כבוד ה' ממקומו. If so, why should it matter whether the introduction is ואתה קדוש וקרא זה אל זה ואמר, or כתר יתנו לך, נעריצך?

Based on the Sifrei, the answer is that the introduction and the call to sanctify Hashem's Name are not merely introductions. They are part of the essential *cheftza* of Kedushah. Kedushah is not only the recitation of holy pesukim. It is a structure of *keriah v'aniyah*, one voice calling others to praise Hashem, and the tzibbur responding. Therefore, the words that call the tzibbur to Kedushah define the Kedushah itself. ואתה, כתר יתנו לך, נעריצך, and ואתה קדוש וקרא זה אל זה ואמר are not decorative openings. They are part of the act of Kedushah. For that reason, the Mechaber can rule that the Kedushos are not interchangeable. Different forms of Kedushah have different forms of *keriah*, and therefore different halachic identities.

10. Summary of Part 1

The question of when to remove tefillin opens into a broader discussion about the structure of Shacharis and the nature of *davar shebikedushah*. The Shulchan Aruch requires tefillin through *Kedushah d'Sidra* in *Uva Letziyon*. The Rema adds a Kabbalah-based practice of keeping them on until after three Kedushos and four Kaddeishim, while the Magen Avraham and Gra

count four Kedushos and three Kaddeishim, including *Barchu* as one of the Kedushos. This raises the larger question of whether every *davar shebikedushah* is counted as a Kedushah, or whether Kedushah is its own narrower halachic category.

The different Kedushos also have distinct halachic identities. *Kedushah d'Sidra* appears to be part of the completion of the seder hatefillah, because Kaddish Tiskabel is delayed until after *Uva Letziyon*. A similar issue appears when someone standing at Kedushah in Shemoneh Esrei hears the tzibbur saying a different Kedushah. The Mechaber rules that he may not join *Kedushah d'Sidra* or *Kesser* of Mussaf, because *איך הקדושות שוות*, while the Rema permits joining Mussaf because both are Kedushos of Shemoneh Esrei.

The key point is that Kedushah is not only the recital of the pesukim קדוש קדוש and ממוקמו. On Shabbos and Yom Tov, Kedushah is connected to *Kedushas Hayom* and functions as a form of *shirah*. On weekdays, Kedushah has a different foundation: *keriah v'aniyah*, the structure in which one calls upon the tzibbur to praise Hashem and the tzibbur responds. That is why phrases such as *נעריצך לך*, *כתר יתנו לך*, and *ואתה* ואתה are not merely introductions. They help define the particular halachic form of Kedushah being recited.

11. Preview of Part 2

Part 2 of Rav Soloveitchik's *yahrzeit* shiur will continue in a future edition. Part 2 broadens the discussion from Kedushah itself to the deeper nature of *davar shebikedushah*. Rav Soloveitchik turns to *שם כבוד מלכותו לעולם ועד*, the Shem HaMeforash, Krias Shema, Kaddish, *Barchu*, and the Thirteen Middos, to ask what unites these different halachos. The central question becomes: what makes a text a *davar shebikedushah*? Is it merely that it is recited by ten, or is there a deeper connection to the sanctification of Hashem's Name, *kabbalas ol Malchus Shamayim*, and the way Hashem's Name is praised by the tzibbur?

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Shavuot: The Sleepless Night and the Essence of Birchat HaTorah **Rabbi Daniel Z. Feldman**

The gift that is commemorated on Shavuot, the Torah, is honored every day with a dedicated blessing. Ironically, perhaps, a widespread practice and observance of that festival poses a practical challenge to the recitation of this blessing, and addressing that challenge is an opportunity to explore the issues at the heart of our engagement with the Torah.

The Talmud (Berakhot 21a) records the position of Rav Yehuda in the name of Rav, who locates a biblical source for birchat ha-Torah in the verse "When I proclaim the name of the Lord, ascribe greatness to our God" (Deut. 32:3). While birkat ha-mazon, the blessing after eating, is anchored in a verse that requires a blessing after eating ("And you shall eat and be satisfied and bless," Deut. 8:10), birchat ha-Torah is anchored in a verse that requires a blessing before engaging with Torah. The impression created by this passage is that the blessing is a Torah obligation.

Nachmanides, in his glosses to Sefer ha-Mitzvot (mitzvah 15 of those added to Maimonides' enumeration), asserts this position, explaining that the Jew is commanded by the Torah itself to thank God each time he engages with Torah, in recognition of the great kindness of receiving it. This parallels the duty of gratitude that is triggered after eating.

Maimonides, however, omits birchat ha-Torah from his enumeration of biblical commandments altogether. The Megillat Esther (on Sefer ha-Mitzvot) questions this, and the Pri Chadash (Orach Chaim 47) and the Shaagat Aryeh (24) raise the difficulty pointedly, the latter noting that the Talmud (Nedarim 81a), in its discussion of the destruction of Jerusalem, points to the failure to recite birchat ha-Torah, indicating a very significant transgression, itself a surprise, but even more so if the obligation is not a biblical one. Some defend Maimonides on textual grounds (see *Torat Refael*, #1, citing Beit Natan and Dikdukei Soferim, who record an alternate text of the relevant mishnah), while others suggest Maimonides saw the verse cited

by the Talmud as functioning as an *asmakhta* (see Megillat Esther).

Beyond the textual question lies a deeper conceptual one, and it is here that the philosophical heart of the topic begins to emerge.

Two Faces of the Berakhah

The berakhot recited over mitzvot are, as a rule, rabbinic in origin. If, indeed, Birchat HaTorah stem from the Torah itself, this is an indication they may differ in character from other berakhot recited before performing commandments.

Rabbi Chaim Soloveitchik of Brisk (quoted in the chiddushim of his son, the Griz) identifies birchat ha-Torah as a *sui generis* berakhah: not a birkat hamitzvah, recited in conjunction with the act of fulfilling the mitzvah of talmud Torah, but rather a berakhah on the "cheftzah" of Torah itself; the encounter with Torah requires a berakhah separate from its identity as a commandment. This is what is conveyed by the verse: the calling out to God, the engagement with divine wisdom, must be preceded by an acknowledgement of God's greatness. (See Resp. Minchat Aviv, I, p. 40, who raises several questions regarding this.)

In this manner, R. Chaim explains the fact that the Shulchan Aruch rules that women recite birchat ha-Torah (Orach Chaim 47:14), notwithstanding their exemption from the mitzvah of talmud Torah; even without an obligation the encounter with Torah demands a berakhah. In contrast, the Magen Avraham sees this in a birchat ha-mitzvah framework, and connects it to women's obligation to learn about the mitzvot they are required to practice, a position challenged by the Vilna Gaon, who asserts that women recite them as they would any other berakhah on a non-obligatory mitzvah (in the view of some rishonim).

R. Chaim's understanding sets birchat ha-Torah apart from the standard category of birchat ha-mitzvot. Similarly, it is possible that the proper category is a birkat ha-shevach vеха-hoda'ah, in the fashion of birkat hamazon, consistent with the Talmud's association. The Sefer ha-Chinukh (mitzvah 430) draws this parallel while explaining the difference; physical sustenance, which is recognized only after consumption, generates a duty of thanksgiving afterward, while intellectual sustenance, which is anticipated and appreciated in advance, generates a duty of thanksgiving beforehand.

The two frameworks, birkat ha-mitzvah and birkat ha-shevach, generate different halachic consequences. The Resp. Beit Shearim (Orach Chaim siman 32), seeking to harmonize the various authorities, suggests that both frameworks are in fact operative at once: birchat ha-Torah carry within them both a mitzvah component and a hoda'ah component, the second of which is the engine of daily recitation. Indeed, this possible dual identity impacts how a widely discussed practical question affecting Shavuot, the question of staying up all night, plays out.

Sleep, Day, Night

The Shulchan Aruch codifies that the morning recitation of birchat ha-Torah covers all subsequent learning for the day and following night. The rishonim disagree sharply on the mechanism by which a new recitation becomes required the next morning. The Rosh (Responsa, kelal 4 siman 1; Pesakim, Berakhot 1:13) asserts that the trigger is a hefsek, an interruption, and the paradigmatic hefsek is a significant session of sleep, a *shenat keva*. One who sleeps in his bed, in the manner of regular nightly sleep, has interrupted his engagement with Torah and is obligated to recite birchat ha-Torah anew when he resumes. The focus on hefsek as a factor is consistent with the rules of Birchat HaMitzvot, which require recitation immediately before performance.

Rabbeinu Tam (cited in Tosafot, Berakhot 11b s.v. she-kevar) takes a different position, one that reflects an understanding of this blessing as one of praise. (See Chelkat Yosef, I, and Ginzei Chaim, 47:8.) The trigger, in his view, is not the act of sleep but the arrival of a new day. The Resp. Keren L'David (OC, 11), sees this as flowing from the understanding that this is a Biblical obligation, which, when unspecified, applies once a day. (For other explanations, see *Yeshuot Yaakov*, and Resp. Sifte Ani, I,13.) The previous day's birchat ha-Torah cover the bearer until the next morning, regardless of whether sleep has intervened. Conversely, a person who rises in the middle

of the night to learn, before dawn, is still within the halakhic coverage of yesterday's berakhot, even though he has slept.

The Tur (OC 47) records the view of his father the Rosh, and the Beit Yosef adds the perspective of Rabbeinu Tam, noting that the Agur wrote that his position is the minority view and not accepted. Consistent with that perspective, in the Shulchan Arukh (Orach Chaim 47:12) he rules that even one who learns into the night need not recite birchot ha-Torah anew, "as long as he has not slept." The implication is that someone who stayed awake all night has no obligation the next morning, since the interruption of sleep never occurred.

The Magen Avraham (47:12) flags this implication and finds it difficult. He observes that the common custom is not to recite birchot ha-Torah after a daytime sleep, seemingly following Rabbeinu Tam's framework that the new day is the trigger for a new blessing. (The Shulchan Arukh, 47:11, records two views, and says the custom is not to bless, specifically that the sleep "is not a hefsek.) If the practice tracks Rabbeinu Tam's logic in one direction, it should track it in the other as well: a person who has stayed awake through the night should recite a fresh berachah in the morning, because a new day has begun.

In the Magen Avraham's understanding, the daily recitation is a fixed enactment of the Sages, paralleling birchot ha-shachar. Just as birchot ha-shachar are recited each morning regardless of whether one slept, birchot ha-Torah are recited each morning regardless of whether the sleep has occurred. He indicates as well that this is a matter of intent, noting that the person who recites birchot ha-Torah on a given day has in mind to cover only that day and following night (see Resp. Heishiv Moshe, 2, and Resp. Shma Yisrael, II, 6). In practice he assumes that the morning should bring a new obligation even without sleep; one who wants to avoid all uncertainty should listen to the berachah recited by someone else who is more definitively obligated (introduction to OC 494).

The Vilna Gaon, in his glosses (47:12), sees the apparent inconsistency as simply a reflection of a policy of uncertainty. In essence, the view of the Rosh is accepted and thus no new berachah should be recited in the morning following a sleepless night. However, in recognition of the opposing view of Rabbeinu Tam, no berachah is recited following a daytime nap either.

The "Mimah Nafshakh" of Rabbi Akiva Eiger

Into this dispute, Rabbi Akiva Eiger introduces a structural argument. He observes that one who sleeps for a significant period during the day on Erev Shavuot, then stays awake through the night, has a case for reciting birchot ha-Torah in the morning due to a "mimah nafshakh" (a conclusion reached by both sides of a given question). If sleep is the determinant, that took place during the day. If the new day is the trigger, a new day has by now arrived. At that point, it would seem, an obligation would be incurred according to all views.

Some, however, raised objections to this assessment. Reportedly, the Brisker Rav (Rav Yitzchak Zev Soloveitchik) was uncertain whether to follow the mimah nafshakh, but when he learned that Rabbi Akiva Eiger had ruled to recite, he deferred ("kevar hora zaken"). R. Moshe Shternbuch, in his Teshuvot ve-Hanhagot, asserts that the mimah nafshakh works only if "shenat keva" and "a new day" are the only two candidates for the determinant; it might be that the trigger is a shenat kevaat night, specifically; a daytime sleep, however prolonged, does not function as the relevant hefsek at all.

The question is sharpened by considering the Peri Megadim (E.A. 47:12), who offers two possible explanations for the privileged role of nighttime sleep over daytime sleep. The first is that nighttime sleep is, structurally, a greater hefsek. The second is that nighttime sleep transforms the sleeper into a "beriya chadasha", a new creature, just as the morning prayers presuppose. (See Chelkat Yosef I, 1, who posits other distinctions between the two possibilities.)

One of R. Akiva Eiger's descendants, the author of the Responsa Hitorerut Teshuvah (I-II, 296), questions his ancestor's premise due to the fact that Ma'ariv will be recited after the erev Shavuot nap. The blessings of Kriyat

shma include Ahavat Olam, which should discharge one's obligation of Birchot HaTorah (the Talmud says as much regarding the parallel paragraph of Ahavah Rabbah in the morning).

Implications of the Relationship of Sleep to Torah Study

Some offered alternative reasons why one might be required to bless even if they had not slept during the night. The Maharam Shik (Orach Chaim siman 1) invokes the Talmudic opinion (Eruvin 65a): "lo nivra layla ela li-shenata," the night was created only for sleep. There is a stretch of the night during which a person is not, in any meaningful sense, obligated to engage in talmud Torah, even if he happens to remain awake. That stretch is non-obligatory time, which thus functions as a hefsek. Accordingly, even one who has never slept must recite birchot ha-Torah in the morning, because the relevant stretch of non-obligation has intervened. The Maharam Shik's reading transforms the question from a debate about sleep, narrowly, into a debate about the structure of the obligation of talmud Torah itself.

The Chatan Sofer (II, 7) pushes in the opposite direction. He explains Rabbeinu Tam's view that sleep is not a hefsek by suggesting that sleep is actually a precondition of learning. Talmud Torah requires clarity of mind; "shema'ata ba'i tseluta," the sugya demands clear-headedness. Sleep deprivation muddies thought. A person who lies down to sleep is, in this view, preparing to learn, not departing from learning. He has not turned his attention away from his studies; the sleep itself is in the service of the studies that will follow. The Chatan Sofer extends the principle to commercial activity: a person who steps away from his learning to attend to his livelihood, fully intending to return, has not interrupted (see similarly Tosafot, Berachot 11a).

An especially striking formulation appears in Marpeh LaNefesh (Orach Chaim III:64:3). Later authorities had struggled with the earlier position that sleep does not necessarily create a full hesekh hada'at, a diversion of attention, since sleep would seemingly represent the quintessential break from study. He suggests, however, that the ideal state of Torah attachment is one in which Torah continues to occupy even a person's dreams, based on the principle that dreams reflect a person's daytime thoughts. Indeed, many rabbinic works record Torah insights experienced in dreams. True, not every person reaches such a level, but the Rabbis did not formulate the blessing around the inability of individuals to maintain that ideal continuity. Even during ordinary business activity many people entirely divert their minds from Torah, yet Chazal nevertheless did not require a new blessing each time.

Practical Considerations

The Tehillot David (vol. 1, no. 11) surveys the later authorities on this question and concludes that all the decisors validate the position of the Magen Avraham, that one who remained awake all night should ideally hear Birkat HaTorah from someone who slept, but if no such person is available, he recites the blessing himself without any hesitation, since the blessing was enacted to apply throughout the day, and when one recites it his intention is to cover learning through the following day.

The Maharsag (Responsa, Orach Chaim, no. 62) rules that one who remains awake all night and plans to sleep afterward should not hear Birkat HaTorah from someone else before reciting Shema; it is better to wait and recite the blessing after sleeping, when it will be valid according to all opinions. He adds that since sunrise has not yet occurred, and the day has not fully begun, there is additional reason to delay: the Shulchan Aruch (235:4) allows evening Shema to be fulfilled before dawn in pressing circumstances, and the Mishnah in Megillah establishes that daytime obligations ideally begin only at sunrise. This distinguishes the case from one who slept and woke before sunrise, who must recite Birkat HaTorah immediately upon waking. One who never slept was already permitted to learn without the blessing before dawn, and that dispensation extends until sunrise. He further rules that according to Rabbeinu Tam, who holds Birkat HaTorah is a blessing of praise rather than a blessing over a commandment, there is no requirement to recite it before learning at all.

The Emek HaTeshuvah (III, 6) disputes the Maharsag's reading of Rabbeinu

Tam, holding that all opinions require the blessing before learning. He nonetheless offers several leniencies: one who merely continues learning already underway may not need a new blessing, and a community that customarily stays awake, then sleeps, and davens after waking may treat the moment of rising as the start of their day, with everything before sleep belonging to the previous day. His practical conclusion aligns with the Maharsag: those learning Tikkun Leil Shavuot should complete the learning until the time of Shema, recite Shema, go to sleep, and recite Birkat HaTorah only upon waking. This is preferable to reciting the blessing before sleeping and then failing to repeat it after waking, which raises concerns of interruption according to many authorities, especially since this morning sleep functions for such a person as the equivalent of nighttime sleep.

The Resp. Shevet HaKehati (I, 58) addresses the case of one who went to bed at night, lay down for a sustained sleep, and found himself unable to sleep, wishing to rise and study. The question is whether he must recite Birkat HaTorah, on the grounds that he has already diverted his attention from study, or whether, having not actually slept, no genuine diversion of attention occurred. He concludes that until one has actually slept, he has not diverted his attention, and no new blessing is required.

In his Resp. Orach Mishpat (11), Rav Kook suggests that Birchot HaTorah was never fundamentally instituted over the individual act of study one is about to perform. Rather, it is a blessing over the overarching divine gift of Torah itself, the illumination through which God enlightened the Jewish people. Even according to the opinion that the obligation is biblical, the Torah requirement may simply be that once each day a person offer gratitude for this gift, similar to other recurring daily obligations.

Accordingly, one who studies before reciting Birchot HaTorah may not necessarily violate a biblical obligation at all, since from the Torah the requirement is simply that the blessing be recited at some point during the day. The rabbinic enactment merely attached that same blessing to Torah study before learning begins. Rav Kook argues that this understanding explains why the laws of interruption and diversion differ so dramatically here from other blessings over mitzvot. Since the biblical obligation is not tied to any specific act of study, concepts like *hesech hada'at* are far less relevant.

The Philosophical Implications

It is deeply appropriate that the observance of Shavuot, when the Torah was given, forces the question of the proper application of Birchot HaTorah. This in turn reveals fundamental principles of how we relate to the Torah itself.

R. Avraham Bornstein, in his widely quoted introduction to his *Eglei Tal*, insists that the joy and pleasure experienced in Torah study are not incidental to the mitzvah but part of its very fulfillment. This idea became the subject of significant discussion among later authorities.

The Taz (YD 221) wrote that the emotional joy generated by Torah study is considered genuine human benefit, to the extent that it carries implications in the laws of prohibited benefit. The Pnei Aryeh (#47) challenged this, drawing support from the Talmudic passage about Birchot HaTorah, which suggests a differentiation from Birkhat HaMazon, in that the latter is recited in recognition of benefit, which is apparently not the case regarding Torah study. The Imrei Binah (Dinei Shabbat, #12) rejected that proof, explaining that the Talmud merely distinguishes between the internal physical satisfaction of food and other forms of enjoyment. Torah study, he argues, is certainly a profound pleasure, even if it does not generate the same type of after-blessing as eating.

In his Resp. Avnei Nezer (OC 60), R. Bornstein expands on his point based on this Talmudic line. He distinguishes between the type of enjoyment associated with Torah study and the physical satisfaction associated with eating.

The pleasure of food continues even after eating, which is why Birkat HaMazon is recited afterward, once one is physically satisfied. The enjoyment of Torah, by contrast, exists primarily during the actual act of learning itself, what remains afterwards is the eternal life that it bestows (*chayei olam*), and that in fact is the dominant impact, with the enjoyment

being an ancillary benefit. Accordingly, Torah study warrants a blessing beforehand, at the moment one is entering into that experience of learning and enjoyment, but not afterward, once the immediate experience has passed. On this basis, the Avnei Nezer explains the Talmud's distinction between Torah and food: Torah combines two qualities; it is both deeply enjoyable and also "*chayei olam*," eternal spiritual life — and therefore deserves a blessing before study. Food, however, possesses the unique advantage of ongoing physical satisfaction afterward, which is why it requires a blessing after eating instead.

The enjoyable character of Torah study is central to the observance of Shavuot, the occasion when we celebrate not only the content of the Torah, but its presentation at Mount Sinai, among great fanfare, that impresses itself upon the soul. We seek to ensure that all of our contemporary learning is "*joyous as it was given at Sinai*". How appropriate, then, that the practical considerations of when to recite the Birchot HaTorah uncover the core of what that recitation is about, and highlight the nature of the study of Torah, and of the true appreciation of the infinite gift that it is.

הגות בפרשיות התורה by Rabbi Yehudah Nachshoni The Reason for the Counting of the Omer

According to many commentators, the reason for the counting of the omer is related to a basic fact established by Chazal and disputed by the apostates known as Tzeddukim (Sadducees). As we shall see below, the Tzeddukim interpreted the Torah as commanding that the count should always start from the day after Shabbos. But Chazal interpreted that the count always begins the day after the first day of Pesach. Thus, according to Chazal, the omer is the time from the Exodus until the giving of the Torah. The counting comes to link these two events, or, to be more precise, to supply a reason for the freedom that the Jews were granted through signs and miracles.

The giving of the Torah was the purpose for which the Jews were redeemed from Egypt, and therefore, says Chinuch,

We were commanded to count from the day after the day of the Yom Tov of Pesach until the day of the giving of the Torah, to show by our actions how beloved the great and longed-for day is to our hearts. Just as a slave who seeks refuge and always counts the time until the longed-for day that he will go free, for by counting, the person shows that his total desire is to attain that day.

This reason is also brought in Eileh HaMitzvos by R' Moshe Hagiz, who notes that this purpose was already told to Moshe when he was chosen to lead Israel, as we see in the verse (Shemos 3:12), "and this will be the sign for you . . . when you take the nation out of Egypt you will serve God on this mountain."

Chinuch explains why we do not begin counting the omer on the first day of Pesach, as that was the day the Jews left Egypt and that day was set aside to remember that extraordinary miracle, one which showed how Hashem created and leads the world. Thus we do not allow any other signs on that day nor mix any other joy with that joy.

The other commentators also see the counting along *hashkafah* lines, stressing the freedom we were granted when we left Egypt as a means, and the giving of the Torah as the final purpose. R' Samson Raphael Hirsch comments that just as the days of the week are counted in relation to and culminate with Shabbos, the counting of the days of the omer, a count that begins at the time of our liberation, is meant to culminate in our ultimate purpose, the receiving of the Torah at Sinai.

The Lubavitcher Rebbe states that it is due to the links between the counting of the omer and the giving of the Torah that each individual is required to count for himself. This is unlike the *shemittah*- and *yovel*-year countings, which were only done by the *beis din*. As the counting of the omer is meant to symbolize our link to the Torah, the duty to count applies to each person individually, just as we find that the beginning of the *Aseres HaDibros* is addressed to the individual: אֲנִי ה' אֱלֹהֶיךָ, "I am Hashem, your God," where the word "your" is in the singular.

Some of the commentators, though, and not only the kabbalists among them,

see this as a type of counting off of days of taharah, of purity, as a niddah does before she goes to the mikveh. This taharah is meant to purify us of the impurity of Egypt, in anticipation of receiving the Torah, and is a mitzvah in itself just as in the case of niddah. A niddah, though, counts seven days of taharah, while here the count is seven times seven days. This reason is given in the Zohar and other kabbalistic works, and both rishonim and acharonim discuss it. Or HaChaim uses this reason to explain why we start counting only after the first day of Pesach. The Jews were still in Egypt for part of the first day, so that the days of taharah could only begin on the following day.

It is interesting that R' Baruch Epstein in his Tosefes Brachah uses this reason to explain why marriages are forbidden during this time period. These days are days of taharah from the impurity of niddah, and thus sexual relations are forbidden, just as, according to Or HaChaim, the counting is meant to prepare for the union between Hashem and the Assembly of Israel. (Author's note: If that is the case, then all men should have to keep apart from their wives during the entire period!)

Meshech Chochmah uses this reason to explain why the counting of the omer must be said aloud. The counting here is one of taharah, just as that of a zav or zavah, but there is a difference here. For the zav and zavah, the count indicates the number of days that no discharge was seen; it is related to a clear physical phenomenon. With the omer, though, there is no such physical phenomenon, so in order to differentiate between what came before and the condition now, it is necessary to count aloud.

Ridvaz gives a beautiful explanation of the reason the counting must be aloud. If a niddah begins to menstruate while counting her "seven clean days," it is evident retroactively that there had been no need to count. Moreover, if a niddah does not wish to have relations with her husband, she is not required to make a count. Thus we see that the count of the niddah is not always mandatory. The omer, though, is not optional, and therefore the count must be made aloud.

Linking Nature to God

Maharal holds that the reason for counting the omer is to link it to the Torah, and to implant in us the realization that אין קמה אין תורה, "without flour (the omer was a meal-offering of barley) there is no Torah."

A similar idea is expressed in Abarbanel. The omer relates to the labor of reaping the harvest. At that time, most Jews are engaged in working in their fields, and they are liable to forget that they are obliged to go up to Jerusalem for Shavuot. The counting thus reminds every Jew that the festival is drawing near.

Ramban has a similar explanation. The counting commences at the beginning of the harvest season of barley, and then the Jews bring an omer of barley. The counting of the omer ends at the beginning of the wheat harvest, and at that time they bring an offering of fine wheat flour. That is why, says Ramban, our present parashah mentions only these two offerings, and not the musaf sacrifices.

This is brought out more clearly by Sforno. These actions are meant as a prayer and as a way of expressing our thanks to Hashem. In the spring festival, Pesach, we have the prayer of spring, and our thanksgiving for our redemption. The success of the harvest depends on the weather between springtime and the harvest. The omer is a thanksgiving for the springtime, just as one brings his first fruits, and the sacrifice that is brought with it is a prayer for the future. The counting is a daily remembrance of that prayer. The festival of the harvest (Shavuot) is thanksgiving for the quality of the harvest, while the festival of ingathering (Sukkos) is thanksgiving for the quality of the produce which was gathered in. A similar idea is found in Mateh Moshe in the name of R' Yehudah the Chassid.

This link between the counting and the seasons of nature is in essence the source for the argument between the Perushim (Pharisees) and the Tzeddukim (Sadducees). While we, the spiritual descendants of the Perushim, count the omer from the second day of Pesach, the Tzeddukim counted it from the Sunday after the first day of Pesach (as do the Samaritans today). The Tzeddukim evidently based themselves on the fact that the Torah says מחרת השבת, "from the day after Shabbos" (Vayikra 23:15), which they

take to mean the first Sunday, but the verse is used only to lend support to their hashkafah that seeks to sever the links between nature and man's spiritual life. Such a link exists only if the counting of the omer is linked to the Exodus and the harvest is linked to the giving of the Torah, namely, that the counting of the omer begins with Pesach and ends with Shavuot.

Peninei Halakhah – Rav Eliezer Melamed <https://ph.yhb.org.il/>

The Laws of Chag Shavuot [Summary, for space constraints - cs]

Shavu'ot has four names: **Shavu'ot**, the Festival of Weeks; **Chag Ha-katzir**, the Harvest Festival; **Yom Ha-bikurim**, the Day of First Fruits; and **Atzeret**, the rabbinic name for the festival. Its primary name, Shavu'ot, reflects its unique timing. Unlike the other festivals, which have fixed dates in the Torah, Shavu'ot is determined by counting seven complete weeks from the omer offering brought on the second day of Pesach. The fiftieth day is Shavu'ot. Today it always falls on the sixth of Sivan because of the fixed calendar, but when the new month was sanctified by testimony before the beit din, Shavu'ot could fall on the fifth, sixth, or seventh of Sivan.

This dependence on Pesach teaches that Shavu'ot grows out of Pesach. Pesach revealed the uniqueness of Israel and simple emunah, faith in Hashem as Creator and Redeemer. Shavu'ot completes that faith through Torah, which gives the commandments, values, and guidance needed to perfect the world. Thus, in the berachah on Torah, "Who chose us from among all the nations" corresponds to Pesach, while "and gave us His Torah" corresponds to Shavu'ot. Pesach without Shavu'ot would leave faith undeveloped; Shavu'ot without Pesach would lack the natural foundation of Jewish faith.

The weeks of Sefirat Ha-omer are therefore a period of preparation and purification. The relationship between Hashem and Israel is compared to bride and groom. The Exodus was like betrothal, when Hashem separated Israel from the nations, while Matan Torah was the wedding, when Israel's life became bound to Hashem through Torah. Chazal teach that after leaving Egypt, Israel still needed purification from the impurity of Egypt. Just as purification sometimes requires seven days, Israel required seven weeks, because receiving the divine Torah required a deeper and fuller preparation. Each week and each day refined another aspect of character and desire, until Israel became fit to receive the Torah.

This also explains why the festival is called Shavu'ot, Weeks. The preparation itself is central to the holiday. Israel counted the days with longing, asking when they would receive the Torah. Because fear of sin and preparation preceded wisdom, their Torah endured. For this reason, one should not begin Ma'ariv of Shavu'ot before tzeit ha-kohavim, so that the seven complete weeks of preparation are fully completed.

Shavu'ot is also called **Zeman Matan Torateinu**, the season of the giving of our Torah. Chazal teach that creation itself depended on Israel accepting the Torah, and that the phrase "the sixth day" in Bereishit hints to the sixth of Sivan, when the world's purpose would be fulfilled. Yet the Gemara states that the Torah was actually given on the fifty-first day of the omer, because Moshe added an extra day of preparation and Hashem agreed. This highlights the role of Torah she-be'al peh, the Oral Torah, because even Matan Torah was shaped by Moshe's interpretation. Still, Shavu'ot is called the time of Matan Torah because, from the heavenly perspective, the Torah was given in potential immediately after the forty-nine days were completed; only from the human perspective was one more day needed to receive it in actuality.

The name **Chag Ha-katzir** connects Shavu'ot to the agricultural season. Pesach occurs in spring, at the beginning of growth; Shavu'ot occurs at the completion of the grain harvest and beginning of fruit-picking; and Sukkot occurs at the ingathering of the year's produce. These natural stages reflect spiritual processes: Pesach is national birth and renewal, Shavu'ot is the completion of growth through Torah, and Sukkot is the experience of living under Hashem's providence. Shavu'ot is also a judgment day for fruit trees, and in that sense resembles a Rosh Hashanah for plant life. Agriculturally and spiritually, Shavu'ot represents harvest: the Jewish people harvested the

spiritual labor of the Avot, the generations in Egypt, and the preparation of Sefirat Ha-omer.

Shavu'ot is called **Yom Ha-bikurim** for two reasons. First, the **shte ha-lechem**, the two loaves, were brought on Shavu'ot as the first minchah offering from the new wheat. Afterward, offerings could be brought from the new grain. Second, Shavu'ot began the season for bringing **bikurim**, the first fruits of the seven species, to the Beit Hamikdash. Farmers would mark the first ripening fruits, later bring them in decorated processions to Yerushalayim, and recite the declaration of gratitude from Devarim, recounting Jewish history from suffering to redemption and thanking Hashem for the land and its produce.

In rabbinic literature, Shavu'ot is called **Atzeret**, meaning a stopping, gathering, and internalizing. Just as the last days of Pesach and Sukkot allow one to absorb the festival's message, Shavu'ot gathers and completes the spiritual process that began on Pesach. It is also the greatest Atzeret in history, because all of Israel gathered at Sinai "as one person with one heart." Torah and unity are interdependent: through Torah, Jewish unity is revealed, and through unity, Torah can be received. The Torah calls Matan Torah **Yom Ha-kahal**, the day of assembly, because the entire people gathered to hear Hashem's word.

The joy of Shavu'ot is especially intense. Even R. Eliezer, who generally allowed one to devote Yom Tov primarily to Torah study, agrees that Shavu'ot requires physical rejoicing with food and drink, because it is the day the Torah was given. Torah is not meant to elevate only the soul but also the body and the physical world. The **shte ha-lechem** were chametz, which usually symbolizes arrogance and the yetzer hara. On Shavu'ot, however, chametz is elevated, showing that Torah does not destroy physical drives but refines and redirects them. The custom of eating dairy and honey similarly reflects Torah's power to transform and sweeten life.

Many have the custom to stay awake learning Torah on Shavu'ot night. The Zohar describes the night as a time of adorning the bride, meaning preparing Knesset Yisrael for renewed union with Hashem on the day of Matan Torah. The Arizal strongly praised the custom, and over the past several centuries it became widespread. Another explanation is that Israel overslept before Matan Torah, and we stay awake to repair that failure and show longing for Torah. Still, the custom is not obligatory. If staying up will ruin one's davening, learning, simchat Yom Tov, or ability to serve Hashem properly, one may sleep. Each person should choose the practice that best enables sincere avodat Hashem.

There are two main customs regarding what to learn on Shavu'ot night. Some follow **Tikun Leil Shavu'ot**, the kabbalistic order including selections from Torah, Nevi'im, Ketuvim, Mishnah, the 613 mitzvot, midrashim, and Zohar. Others study whatever area of Torah they desire, following the principle that a person learns best where his heart is drawn. Some study Gemara, others the meaning of Torah, the laws of Talmud Torah, Sefer Hamitzvot, or topics connected to the sanctity of the day.

Those who remain awake all night still recite Birkhot Ha-shachar, because these berakhot express thanks for the daily renewal of the world, even if one did not personally experience every benefit mentioned. There are disputes regarding netilat yadayim, Birkhot Ha-Torah, Elokai Neshama, and Hama'avir Sheina. Many communities recite them as usual, while the meticulous try to hear certain berakhot from someone who slept. Ashkenazim often wash with a berachah after using the bathroom and touching a covered part of the body before Shacharit, while Sephardim generally do not recite a berachah in that case. After alot ha-shachar one may not eat or drink, except water, though before dawn one may snack. Those who stay awake often try to daven ke-vatikin, reaching the Amidah at sunrise.

The Torah reading on Shavu'ot describes Matan Torah and the Ten Commandments, and the haftarah is from the opening of Yechezkel, describing the heavenly chariot. The reading of Matan Torah is considered especially precious, as if Israel stands again at Sinai. The Ten Commandments are read with **ta'am elyon**, the festive cantillation, which

divides the verses according to the commandments rather than the ordinary verse divisions. Many stand for the reading, recalling the awe of Sinai and greeting the Shechinah. Some object because Chazal avoided giving the Ten Commandments special daily prominence lest heretics claim only they are binding. Nevertheless, most poskim permit standing, especially since it commemorates Sinai and is not a daily recitation.

It is customary to read **Megillat Rut** on Shavu'ot. One reason is that Torah is acquired through humility, poverty, and suffering, themes reflected in Rut. Another is that Israel's acceptance of the Torah was like conversion, and Rut's conversion continues that theme. A third reason is that David HaMelech died on Shavu'ot, and Rut concludes with his lineage. A fourth reason is that the book teaches the greatness of chesed, which is central to Torah. Some Ashkenazim read Rut from parchment with berakhot, but most Ashkenazim and all Sephardim read it without a berachah.

Many decorate the synagogue with fragrant branches, plants, or flowers in honor of the Torah. Plants symbolize life, and Torah adds life to the world. The custom also recalls the midrashic idea that Har Sinai was covered with greenery, and that the world was filled with fragrance when Hashem spoke. Some use tree branches because Shavu'ot is judgment day for fruit trees, though fruit-tree branches should not be cut unnecessarily. The custom began in Germany and spread widely. The Vilna Gaon objected because of similarity to non-Jewish practices, but most poskim permit it, since the custom has meaningful Jewish reasons and is not imitation for its own sake. If Shavu'ot begins after Shabbat, the decorations should not be put up on Shabbat, because that would be preparing from Shabbat to Yom Tov.

The custom to eat **dairy and honey** on Shavu'ot dates back over 600 years, though not all communities observe it. One explanation is that Torah is compared to milk and honey, as in "honey and milk are under your tongue," expressing the sweetness of Torah. Rav Kook explained that both milk and honey come from sources that seem impure, yet become pure and sweet, symbolizing Torah's power to transform the world and elevate even the yetzer hara. Another explanation is that eating dairy requires separate bread for the dairy meal and the meat meal, hinting to the **shte ha-lechem**. Some say that after Matan Torah, Israel could not immediately prepare kosher meat according to the new laws, so they ate dairy. Nevertheless, because there is a mitzvah of simchat Yom Tov, one should also eat meat, with proper separation between dairy and meat. Many eat dairy after Shacharit and later have a meat meal. The main point is to increase joy and honor the Torah.

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Why Is Shavuot Different?

By Rabbi Moshe Meir Weiss - May 14, 2026

As we draw nearer to the conclusion of our Sefira countdown, our thoughts are turning increasingly often to the culmination of these seven weeks of waiting, namely waiting for Shavuot. And, as we make our preparations for the holiday, we come to realize how different Shavuot is from any other chag.

In the Torah, we are commanded to celebrate Pesach on the 15th of Nissan. Similarly, we are commanded to celebrate Sukkot on a specific day in Tishrei. The Torah spells out for us exactly when we must celebrate these two regalim. But the third regel is not given a specific date in the calendar, for absolutely no mention is made of the fact that Shavuot falls on the sixth day of Sivan. All we are told is that we must celebrate Shavuot fifty days after Pesach. What an unusual way to pinpoint a festival!

Likewise, the Torah tells us the primary reasons we celebrate the other regalim. We celebrate Pesach to commemorate the night when Hashem was, "posach al batei Yisrael — Hashem passed over the houses of the Jews," during the plague of Makas Bechoros (killing of the firstborn), the night of Yitzias Mitzrayim (going out from Egypt). We celebrate Sukkot to commemorate the "sukkot" that Hashem set up for us in the midbar (desert) to protect us, namely the Ananei HaKavod (Clouds of Glory).

But the reason given in the Torah for celebrating Shavuot is not the ikar, the most important reason. The Torah tells us that it is a Chag Bikurim, a time

when the first fruits were brought to the Beis HaMikdash. Nowhere is it stated that Shavuos is “Z’man Matan Toraseinu — The Time of Giving of the Torah.”

Another difference we see is that other Yomim Tovim have at least one specific mitzvah pertaining to that, and only that, Yom Tov. Pesach has the mitzvah of matzah as well as “Sipur Yetzias Mitzrayim — discussing at length the departure from Egypt.” Sukkos has the chiyuv (obligation) to eat in the sukkah as well as the Arba Minim, the lulav and esrog. Rosh Hashanah has the mitzvah of shofar. Shavuos does not have any specific mitzvah. Especially in our times, as opposed to the times of our Temple, when even the korban (ritual sacrifice) of the shteih halechem cannot be brought, Shavuos has no special mitzvah pertaining to it alone.

Furthermore, regarding the korban of shteih halechem, the two loaves, this was the only time that chometz was burned on the mizbe’ach (altar). No other korban is actual chometz. Additionally, Bnei Yisrael were not commanded to bring a korban chatas on Shavuos, yet on all the other holidays it is clearly stated.

Reb Eliezer also tells us that on Pesach and Sukkos it is perfectly all right for one to devote the whole of the Yom Tov to learning Torah. One is excused from the celebration of the chag if he immerses himself in Torah study. Ironically, on Shavuos a person is obligated to enjoy himself, to have simchas Yom Tov. So, we can see that there are many differences between Shavuos and the other chagim.

It is our responsibility to understand why Shavuos is set apart and to take these limudim (lessons) and to impress them upon our children and to everyone we know.

Shavuos celebrates the day Hashem gave Bnei Yisrael the Torah, the lekach tov, the most precious possession. It is different than the other two regalim in that during Pesach and Sukkos we celebrate ancient events. Even though these events affect our daily lives even now, they happened long ago.

As such, we use “external stimulants” to be able to feel and relive those times. We need the mitzvos of matzah and marror, Sipur Yetzias Mitzrayim, and the sukkah to be able to experience the reasons for these Yomim Tovim, so that we can really feel that we ourselves were slaves in Egypt and Hashem took us out and surrounded us with Ananei HaKavod. “Adam nifal k’fi pe’ulosav — A person reacts and feels what he experiences and does.”

Matan Torah is not something that happened in ancient times. The Torah is viable and with us every day. Kabbalas HaTorah happens every day, as it says in Shema, “Asher Anochi Metzavecha hayom — as I, Hashem, command you today.” Rashi explains this to mean that we should feel deeply that the Torah is given to us each and every day. “Al tehi b’einecha k’diyutagma yeshana — Don’t let it be in your eyes like an old decree.” It is a new decree, fresh every day. “B’chol yom v’yom yihyu b’einecha k’chadashos — Every day, it should be like new in your eyes.”

Since we experience Kabbalas HaTorah every day, we do not need a special mitzvah. We don’t need any “external stimulants” to help us relive the moment we received the Torah; we experience it every day. This is similar to what the Rishonim tell us about Shemini Atzeres. It does not have any special mitzvah either. What are we celebrating on that day? Simchas HaTorah! And we have no true simcha except for the simcha of the Torah. “Ein lonu shiur rak HaTorah hazos — We have nothing remaining but the Torah.” When we are m’sameach with the Torah, we do not need any other stimuli.

Rav Moshe Feinstein, zt”l, zy”a, used this reasoning to explain that the Torah did not give any specific day for celebrating Shavuos, since every day of the year is Kabbalas HaTorah. The Torah has no set date. This is similar, in a way, to the celebrations of Mother’s Day and Father’s Day, for we don’t have such days designated in our calendar since we are obligated in the mitzvah of Kibud Av v’Eim all year round and not just once yearly. Likewise, Kabbalas HaTorah is experienced 365 days a year and not once annually.

Reb Yisroel Salanter, zt”l, zy”a, takes this point a step further. He explains that the Torah was given to us in the midbar so that it would have no specific

place. As a result, no one can claim an exemption from learning and following the Torah because they were not in the actual place of its giving. So, the Torah has no set time and no set place.

Reb Moshe continues along this vein and tells us that, in the Kodesh HaKadoshim (the holiest place in the Sanctuary of the Temple), there was no room allocated for the Aron. We realize this when we look carefully at the dimensions given to us in the Torah. There was not enough square footage for the Aron to have an actual place. The Aron stood in the Holy of Holies only because of a neis (miracle). Why was that? We know that Hashem prefers not to go out of His way to make a neis. Thus, when Hashem was giving the measurements to Moshe, He could have enlarged the Kodesh HaKadoshim and made room for the Aron.

The fact that the Aron had no designated area within the Mishkan teaches us a valuable lesson. Torah does not have a set place. It can be found anywhere. It should be found everywhere. And this is why the Torah does not call Shavuos “Z’man Matan Toraseinu,” because, once again, every day is the day we are given the Torah.

In Masechtas Rosh Hashanah, the meforshim tell us that this is why Rosh Hashanah is not called Yom Hadin, the Day of Judgment, as well, because a person should feel that every day he is being judged. As it says, “Adam nidon b’chol yom — A person is judged every day.”

Shavuos differs from Sukkos and Pesach in one other way as well. Both Sukkos and Pesach are long holidays, each lasting seven days. Shavuos lasts only one day, not including the extra day added to Yom Tov because we are in galus. The reason for this is because both Sukkos and Pesach commemorate an act which took seven days to complete. We went out of Mitzrayim in one day. Still, it was not until seven days later that the Bnei Yisrael crossed the Yam Suf and saw all the Egyptians drowned and washed ashore on the other side. It was only then that the Yetziah (departure) was complete. Likewise, it was not until a week after we left Mitzrayim, a week of running through the desert being shielded from the Egyptians’ arrows by the Ananei HaKavod, that we were actually free of the Mitzrim for good.

However, Kabbalas HaTorah started and was completed in a single day. We are therefore only commanded to commemorate that day with a single day of Yom Tov. The Sefer HaTodaah teaches us a Sifri on Parshas Re’eh. There, the Torah says, “Bo u’re’eh — Come and see...” how much Hashem worries about the money of Klal Yisrael. See how much Hashem cares about our parnassah (livelihoods). Consider that Shavuos takes place at harvest time. Had Hashem obligated us to celebrate a weeklong holiday, the crops would not have been harvested on time and thus would have been ruined. So, financially Bnei Yisrael would have been ruined.

Since it would be too difficult for us to have a long chag at this time, Hashem designated only one day so that we would not suffer as a result. “Chas HaKadosh Baruch Hu al mamonam shel Yisrael — Hashem is always looking out for our benefit,” financial or otherwise. After all, we are Hashem’s chosen nation, and He cares about us and loves us. “Habocheir b’amo Yisrael b’ahava — Hashem chooses Yisrael, His people, with love.” Shavuos is only one day so that it does not adversely affect us economically and agriculturally.

Many foolish people feel that the Torah is outdated, that it doesn’t keep up with the times. However, Hashem gives us the Torah every day, hayom. Hashem knows the future; He foresaw and foresees all. In the Torah we can find all the answers to all our questions, even our modern-day questions. Hashem provided for everything, including a man on the moon, laser surgery, genetic coding, voice activation technology, artificial intelligence and all other innovative achievements and advancements.

In the blessing of the Torah we say, “Asher bachar banu... v’nasan lanu... — Who chose us and... Who gave to us...” Past tense! However, we end off the berachah with “Nosein HaTorah — Who gives the Torah.” Present tense! This is, again, to strengthen the point that Hashem is giving the Torah to us daily.

On the other Yomim Tovim, Bnei Yisrael were commanded to bring a communal korban chatas. Not so on Shavuos, for the meforshim tell us, “Kol

hamekabel alav ol Torah, mavirin mimenu kol chatav — Whoever accepts upon himself the yoke of Torah is forgiven for all of his sins.” So, if we truly accept the Torah on Shavuos, we have no need for a korban chatas as we are free of sin!

Shavuos is an especially significant time for Bnei Torah, those who learn in kollelim and yeshivos, those who endeavor to work and learn when they can, and those who send their children to yeshivos. For these people, Shavuos has a special meaning. On this day, the Gemara in Masechtas Pesachim (68b) tells us that Rav Yosef asked his household to prepare him the most sumptuous meal possible, an igla tilsa, which in our days might conceivably equal filet mignon or a fabulous cowboy steak. Rav Yosef would say, “Ee lav hai yoma d’ka garim, kama Yosef ika b’shuka — If it weren’t for this day which caused me to be different, I would be like many other Yosefs in the marketplace.” Likewise, a doctor celebrates the anniversary of the day he or she was given a degree, and a lawyer celebrates the day he or she passed the bar; so too, Bnei Torah should celebrate the day we were given the Torah, the “special something” which caused us to be set apart.

Torah should hold such a strong place in our hearts that we could not survive without it. Reb Yochanan, who lost ten children, remained full of emunah and bitachon (faith and trust), so much so that he used to go out and provide comfort to other unfortunate parents who lost children. However, when his chavrusa Reish Lakish died, Reb Yochanan could not stand the loss of Torah and his distress was deep. Even after the great Reb Elazar ben Pedas became his new chavrusa and would reinforce to Reb Yochanan that all his views were correct, even bringing him proof to that effect, Reb Yochanan could not be comforted. Proof from his chavrusa that he was right was just not what Reb Yochanan wanted to hear. Previously, every time he made a statement to Reish Lakish, Reish Lakish would ask him 24 questions on that statement. In turn, Reb Yochanan would reply with 24 new answers. In this way, Torah was beautified and grew greatly. Ultimately, Reb Yochanan was so grief-stricken that he too was soon niftar.

Let us look at the Torah as that one most important thing. “Achas sha’alti... shivti b’veis Hashem — One thing I ask of Hashem, that I should be able to dwell in the house of Hashem.” We pray that we should dwell whenever possible in the batei midrashim, in the yeshivos or by the dining room table in the home, and learn Torah all the days of our lives, and that limud, harbatzas, and hachzakas HaTorah, learning, spreading, and strengthening Torah, be the goal we strive for all the days of our lives.

In that merit, may Hashem bless us with long life, good health, and everything wonderful!

<https://www.koltorah.org/halachah/boaz-and-the-goeil-make-a-kinyan-by-rabbi-chaim-jachter>

Boaz and the Go’eil Make a Kinyan

By Rabbi Chaim Jachter

Unparalleled Pesukim

Rut Perek 4 Pesukim 7 and 8 are crying for an explanation. Pasuk 8 records the Kinyan conducted between Boaz and the Go’eil formalizing their agreement transferring the Ge’ulah obligations/rights/expectations to Boaz. Pasuk 7 is a highly unusual Pasuk. It is an almost unparalleled in Tanach interruption of the narrator to explain the background to help us understand the nature of the Kinyan conducted between Boaz and the Go’eil. Pasuk 7 clearly demands an explanation as to the necessity of this narrator’s note.

A Very Ancient Practice that Continues Until Today

The practice of our handing a Kli to one another to seal a deal is a very ancient practice as Pasuk 7 states. It is very much practiced until this very day. It is done when appointing the rabbi to sell the Chametz and it is done at weddings when the Chatan accepts his obligations to the Kallah as set forth in the Ketuba. We refer to this as Kinyan Sudar, since during the time of the Gemara until today it is common to perform this Kinyan with a Sudar/handkerchief.

The Question

Why is it important for us to know how Boaz and the Go’eil formalized their agreement? The flow of the story would seemingly be complete without the introduction of these Pesukim. These Pesukim seem more appropriate for a

discussion in Masechet Bava Metzia than Pesukim in Megillat Rut.

Resolving an Ambiguity

An explanation begins with an examination of a most important Machloket regarding Pasuk 8. Look carefully at Pasuk 8. Who handed the shoe to whom? It is conspicuously unclear. Rashi to our Pasuk quotes the Gemara (Bava Metzia 47a) which presents a Machloket about who handed the shoe to whom. The same Machloket applies today about whether you hand the pen to the rabbi or the rabbi hands it to you (and whether the rabbi hands the Chatan a handkerchief at a wedding or the Chatan hands it to the rabbi). The Halacha follows the opinion that the rabbi hands it to you and the rabbi hands it to the Chatan at a wedding (and that Boaz handed the shoe to the Go’eil).

The Ibn Ezra to Pasuk 8 cites this Machloket and beautifully explains the reasoning of both opinions. The opinion that argues that the Go’eil hands the shoe to Boaz believes that the giving of the shoe mirrors the commitment to transfer the right to redeem to Boaz. The other opinion views Boaz giving the shoe as symbolic consideration to the Go’eil for transferring the right to redeem the relatives.

However, we must ask why does the Pasuk present the Kinyan in an ambiguous manner?

As background for an answer we must note two other similar ambiguous situations in Nach. The Midrash (Rut 7:12) notes two other ambiguities - when Shmuel tore clothes in connection with replacing Sha’aul (it is not clear if Shmuel tore his clothes or that of Sha’ul) and when Achiyah HaShiloni appoints Yerovam ben Nevat to take over ten of the Shevatim from the rule of Beit David (it is not clear if he tore his own clothes or that of Yerovam) וְדָכוּתָהּ (מלכים א יא, ל): וַיִּתְפֹּשׂ אֶחָזִיָּהּ בְּשֵׁלֶמָה הַחֲדָשָׁה וְגוֹי, שְׁמָלְתוֹ שֶׁל מִי, רַב וְלֹא הִד אֶמֶר שְׁמָלְתוֹ שֶׁל רַב־בָּעַם, וְהָרִינָא אֶמֶר שְׁמָלְתוֹ שֶׁל אֶחָזִיָּהּ. וְדָכוּתָהּ (שמואל א טו, כז): וַיִּסֹּב שְׂמוּאֵל לְלֶקֶת וַיִּחְזַק בְּכַנְף מַעֲיָלוֹ וַיִּקְרַעַהּ, מַעֲיָלוֹ שֶׁל מִי, רַב וְלֹא הִד אֶמֶר מַעֲיָלוֹ שֶׁל שְׂמוּאֵל, וְהָרִינָא אֶמֶר מַעֲיָלוֹ שֶׁל שְׂמוּאֵל, וּמִסְתַּבְּרָא כְּמֵאן דְּאֶמֶר כְּנָף מַעֲיָלוֹ שֶׁל שְׂמוּאֵל, שְׁדָרְךָ הַצְּדִיקִים לְהִיּוֹת קוֹרְעִים בְּשָׂעָה שְׂאִין נְטִיעָתָן מִשְׁבַּחַת.

The common denominator between these three ambiguities that the Midrash connects is that all three involve fateful decisions that determine the long term direction of the royal line.

We suggest that Pasuk 8 is deliberately presented in an ambiguous manner to convey the connection between these three Pesukim. Ee further suggest that the two possible directions of interpretation express the two possible directions the royal line could have taken – it could have stemmed from the Go’eil had he had the fortitude to commit to Rut and the restitution of both the Elimelech and Machlon family line.

Accordingly, Shemuel HaNavi (the author of Megillat Rut, according to Chazal) records the Kinyan to convey that a critical decision was made at this point that determines the course of the Davidic royal line for generations.

The Narrator’s Note

Now let us try to do our best to explain Pasuk 7 – the narrator’s note. We believe that Pasuk 7 clarifies why a shoe is used to make the Kinyan, when any Kli/vessel will do. On a simple level it seems that Pasuk 7 clarifies that performing the Kinyan with the shoe has nothing to do with Chalitza, even though it smacks of Chalitza and it is certainly a Chalitza like situation.

The Ibn Ezra to Pasuk 8 explains that a shoe was used because it is a Kli that is readily available to perform the Kinyan. Today we do it with a watch or a pen or a smartphone but, of course, these were not available לקנין בְּיָדְךָ אֵל.

However, we believe that there is a deeper explanation that does connect Kinyan Sudar with Chalitza. But first some background about Kinyan Sudar.

The Rambam writes about Kinyan Suddar in Hilchot Mechira Perek 5. יד דברים הרבה שאין צריכין קניין, ואין לקניין בהם טעם--כגון המשחרר עבדו, או המגרש את אשתו, או העושה שליח, או המוסר מודעה, או המבטל מודעה, או המוחל לחברו חוב או פיקדון שיש לו בידו, וכל כיוצא בדברים אלו.

טו נהגו רוב המקומות להקנות למקצת אלו הדברים וכיוצא בהן, ואומרים מקנינו מפלוני שעשה פלוני שליח, או שמחל לפלוני חוב שיש לו אצלו, או שביטל המודעה שמסר על גט זה, וכיוצא באלו, ואף על פי שאינו צריך.

טז קניין זה שנהגו להקנות באלו הדברים--אינו מועיל כלום, אלא להודיע שאינו אומר דברים אלו כמשחק ומהתל אלא שגמר בליבו ואחר כך אמר; לפיכך אם אמר בלב שלם אני אומר, וגמרת לעשות דבר זה--אינו צריך דבר אחר כלל.

In short, Kinyan Sudar is an expression of commitment; of resolve and seriousness of intent.

We now present a bold suggestion to explain Pasuk 7. Pasuk 7 conveys that conducting Kinyan Sudar with a shoe is a very old practice amongst our people (see Ibn Ezra to Pasuk 7 d'h V'Zot L'Fanim). We suggest that it even predates Matan Torah. Perhaps it originated in Mitzrayim when we were Avadim when there was nothing other than our shoes with which to make a Kinyan. Alternatively, right after Matan Torah we began to use a shoe for a Kinyan, in contrast to Chalitzta.

The Yevama removing the shoe, we boldly suggest, is Hashem's designing a Mitzva to mirror the practice of Kinyan with a shoe. The handing of the shoe in the context of Kinyan Sudar expresses commitment. The removal of the shoe in the context of Chalitzta represents lack of commitment. The Yevama (Almana/widow) removing the Yavam's (brother of the deceased husband) shoe is an expression of disdain (like the spitting of Chalitzta) – you are the opposite of the Kinyan commonly done with a shoe – you failed to make a commitment!

It is possible that the use of a shoe fell out of use by Boaz's era. Boaz resurrected the ancient practice to use a shoe (if we assume, as we do in practice, that Boaz was the one to hand the shoe to the Go'eil) to express the idea that he is acting in the opposite manner of Chalitzta – he is willing to commit to restoring the families of Elimelech and Machlon, unlike the Go'eil who, like the brother-in-law from whom the shoe is removed, is unable to make the commitment.

Thus, the information supplied by the narrator in Pasuk 7 helps understand the rich symbolism employed by Boaz as recorded in Pasuk 8. In light of this idea, we present another reason for the ambiguous nature of Pasuk 8. Perhaps it is because both options express the point of the Kinyan: 1) Boaz giving the shoe to the Go'eil demonstrates his commitment. 2) The Go'eil removing his shoe in handing to Boaz smacks of Chalitzta, since he is acting in a "Chalitzta like" manner.

Conclusion

Megillat Rut records Pesukim 7 and 8 to communicate the following crucial points: The ambiguity of Pasuk 8 denotes that a major decision is made regarding the royal line. Pasuk 7 helps us understand that the reason for the royal line emerging from Boaz and not the Go'eil is Boaz's willingness to make a commitment. It is reminiscent of Yehuda whom Yaakov pronounces as the royal tribe since Yehuda commits to taking responsibility for Binyamin אָנָּכִי, אֶעֱרָבְנֹו--מִדָּי, תִּבְקָשׁוּנִי (BeReishit 43:9) during the Binyamin crisis, unlike the first born, Reuven, who failed to make such a commitment.

At a crossroads of the direction of the royal line, it is the one who makes the commitment who triumphs.

The iconic handing of the shoe of Boaz and the Go'eil broadcasts a poignant lesson: Those who commit finish first. Those who fail to make or honor their commitments finish last.