



BS"D

To: parsha@parsha.net
From: cshulman@gmail.com

INTERNET PARSHA SHEET ON NITZAVIM VAYELECH - 5770

In our 15th year! To receive this parsha sheet, go to <http://www.parsha.net> and click Subscribe or send a blank e-mail to subscribe@parsha.net Please also copy me at cshulman@gmail.com A complete archive of previous issues is now available at <http://www.parsha.net> It is also fully searchable.

To sponsor an issue (proceeds to Tzedaka) email cshulman@gmail.com

A K'siva v'Chasima Tova

TORAH ON THE INTERNET. Please send donations to any or all of the following institutions. Thanks. Chaim

- Torah.org (Project Genesis), 122 Slade Avenue, Suite 250, Baltimore, MD 21208, <http://www.torah.org/support>
- Ohr Somayach International, Attn. Internet Department, 1399 Coney Island Ave., Brooklyn, NY 11230, <http://ohr.edu/yhiy.php/donate>
- Torah Web Foundation, c/o Judah Diament, 94 Baker Ave, Bergenfield, NJ 07621, <http://www.torahweb.org/contact.html>
- Rabbi Riskin, Ohr Torah Stone, Executive Director North America, 49 West 45th Street, Suite 701, New York, NY 10036, http://www.ohrtorahstone.org.il/ots_contact.htm
- Aish HaTorah, American Friends of Aish HaTorah, 400 South Lake Drive, Lakewood NJ 08701-3167, <http://www.aish.com/aishint/>
- Yeshivat Har Etzion Virtual Beit Midrash, American Friends of Yeshivat Har Etzion, 160 Broadway, Suite #1000, New York, NY 10038, <http://www.haretzion.org/contactus.htm>
- Shema Yisrael Torah Network, POB 708, Lakewood, N.J. 08701, <http://www.shemayisrael.com/donation/>
- Dafyomi Advancement Forum, (Rabbi Mordechai Kornfeld), D.A.F., 140-32 69 Ave., Flushing NY 11367, <http://www.dafyomi.co.il/sponsors.htm>
- Many thanks to Michael Fiskus for helping distribute Internet Parsha Sheets in Jamaica Estates., Send donation to, Belz Institutions in Israel, c/o Michael Fiskus, 85-22 Wicklow Place, Jamaica Estates, NY 11432

This is not an all-inclusive list. See individual divrei torah for other contact information.

<http://www.chief Rabbi.org/>
Covenant & Conversation

**Thoughts on the Weekly Parsha from
Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 5764]

<http://www.chief Rabbi.org/tt-index.html>
Nitzavim-Vayelech - Heaven and Earth

IN NITZAVIM MOSES' ELOQUENCE REACHES ITS MOST SUBLIME HEIGHTS. Even before the Israelites have entered their land he already foresees that the day will come when once again they will suffer exile. There they will reflect on the strange vicissitudes of history and will realise that their national purpose is not land or power, sovereignty or independence, but faithfulness to their covenant with G-d. Returning to Him, He will return to them and bring them back to their land.

Moses brings his peroration to an end with four magnificent verses: Now what I am commanding you today is not too difficult for you or beyond your reach. It is not up in heaven, so that you have to ask, "Who will ascend into heaven to get it and proclaim it to us so we may obey it?" Nor is it beyond the sea, so that you have to ask, "Who will cross the sea to get it and proclaim it to us so we may obey it?" No, the word is very near you; it is in your mouth and in your heart so you may obey it. At the simplest level Moses is telling the Israelites: your religion is unlike the religion of others. It is not esoteric, difficult, beyond the comprehension of ordinary minds. It is not a religion of mysteries which need oracles, adepts or religious virtuosi to decode. "The Torah speaks in the language of human beings," said the sages. This is fundamental.

Almost every culture has placed at a premium forms of knowledge available only to an elite. Egypt had its "decipherers of hieroglyphics." Ancient Greece had the Delphic oracle. Until the Reformation, literacy tended to be confined to priests. Latin was the language of scholars, beyond the reach of the masses. Modern French and German philosophy was mostly written in such a way as to be virtually unintelligible to non-specialists. Post-modernists use an even more opaque way of speaking. This is not the Jewish way (which is why neither Jewish philosophy nor Jewish mysticism - both of which sometimes use difficult, opaque language - ever became mainstream, although they are certainly part of our tradition).

In Judaism, if something can be said, it can be said simply. G-d says about Moses: "With him I speak face to face, clearly and not in riddles." The prophets spoke the language of the people. When Ezra read the Torah to the exiles who had returned from Babylon, he made sure that there were instructors available to clarify anything the people did not understand:

The Levites . . . instructed the people in the Law while the people were standing there. They read from the Book of the Law of G-d, making it clear and giving the meaning so that the people could understand what was being read.

Knowledge must be accessible if it is to be the common property of the people - if it is to become the basis of a society in which everyone has equal dignity as a citizen of the community of faith under the sovereignty of G-d.

This can never be taken for granted. Knowledge is power; power confers privilege; therefore those who have knowledge will try to hide it from the masses. They will speak in such a way that they can only be understood by fellow initiates, professional colleagues or other members of the elite. That instinct is still alive: "You are not a scientist/doctor/lawyer/philosopher. How can you possibly understand? Leave the decisions to us. We, unlike you, know what we are talking about." Such a view, according to Judaism, must always be challenged. Knowledge - even Divine knowledge - is "not in heaven" nor is it "across the sea." In these wonderful words we hear the democratic sensibility in its true depth. Democracy in Judaism is less a matter of one man (or one woman), one vote, more a matter of education and culture. Everyone must be articulate in the literature of citizenship (i.e. the Torah). Everyone must understand the way of life they are called on to lead.

But the phrase "not in heaven" took on an extraordinary life of its own in the rabbinic era. It gave rise to a justly famous passage in the Talmud, one of the most radical and paradoxical in religious literature:

We learned: If a stove is taken apart and sand strewed between the sections, Rabbi Eliezer declares it is clean, the sages that it is unclean. It has been taught: On that day Rabbi Eliezer brought all the proof in the world, but they did not accept it from him. Then he said to them: "If the law agrees with me, this locust tree shall prove it." The locust tree was flung a hundred ells out of the soil where it was rooted; others say four hundred ells. They said to him: "One cannot bring a proof from a locust tree." Then he spoke to them again: "If the law agrees with me, this stream of water shall prove it." The stream began to flow uphill. They said to him: "One cannot bring a proof from a stream." Then he spoke to them again: "If the law agrees with me, the walls of the house of study shall prove it." The walls of the house of study leaned over, as though they were about to fall. Then Rabbi Joshua cried out to them, saying: "Is it any concern of yours if scholars argue with one another about the law?" So they did not fall, out of respect for Rabbi Joshua's honour, and they did not straighten up out of respect for Rabbi Eliezer's honour. To this day they remain leaning. Then he spoke to them again: "If the law agrees with me, heaven itself shall prove it." A voice came down from heaven, saying: "Why do you dispute with Rabbi Eliezer, seeing that the law agrees with him in every case?" Then Rabbi Joshua arose and said: "It is not in heaven." What did he mean by "not in heaven"? Rabbi Jeremiah says: the Torah was given on Mount Sinai. Thereafter, the voice from heaven does not concern us. For it was written in the Torah on Mount Sinai: "After the majority one must incline." The subject under dispute is ritual purity. An earthenware vessel that becomes unclean can only be purified by being broken. What then is the law in the case of a vessel - in this case an earthenware stove - that is composed of several parts? Does dismantling it constitute "breaking"? Rabbi Eliezer says No. The sages say Yes. Thus far this is a standard disagreement of a type recorded in thousands of places in the Mishnah.

The passage suddenly shifts, however, into a metaphysical drama about the nature of halakhic disagreement and determination. Rabbi Eliezer (ben Hyrcanus) proceeds to perform a number of miracles. He acts, in other words, like a prophet who produces signs and wonders to establish his credentials. Irrelevant, say the sages. What matters is whether you are right or wrong. Stick to the argument. Stop producing signs.

Rabbi Eliezer then invokes heaven itself. A bat kol (literally, "the daughter of a voice," a heavenly echo) declares that the law is usually in accord with the view of Rabbi Eliezer. This too, says Rabbi Joshua, is irrelevant, and he cites as proof the phrase from this week's sedra: "It is not in heaven." At this point the Talmud interpolates an explanation given by Rabbi Jeremiah. "The Torah has already been given. We therefore must use the rule: 'After the majority one must incline'" - meaning: the majority of sages disagree with Rabbi Eliezer. The law is therefore not in accord with his view, even though he seems to be supported by heaven itself.

What is going on here? Several things. The first is a rejection of supernatural authority when it comes to determining the law.

We cannot be sure of the historical context in which this passage is set. It may be an early anti-Christian polemic. It may be more generally directed against the visionaries and apocalyptics of whom there were many in the years surrounding the destruction of the Second Temple. From time to time within Jewry charismatic leaders arose who claimed to have the authority (sometimes authenticated by performing miracles, as Rabbi Eliezer did) to overturn the law. That is not, said the sages, how Judaism works.

Even the classic prophets did not claim the authority to make changes in Judaism. They recalled the people to their mission. They reminded them of their duties. They spoke out against corruption and injustice within society. They were social critics, not innovators.

The Torah itself contains a warning against prophetic innovation:

If a prophet, or one who foretells by dreams, appears among you and announces to you a miraculous sign or wonder, and if the sign or wonder of which he has spoken takes place, and he says, "Let us follow other gods" (gods you have not known) "and let us worship them," you must not listen to the words of that prophet or dreamer. The LORD your G-d is testing you to find out whether you love him with all your heart and with all your soul.

The Torah here does not dispute the miracles wrought by visionaries. The case it speaks of is one where "the sign or wonder of which he has spoken takes place." The prophet does work wonders, but that fact is irrelevant. In Judaism what is primary is the covenant between Israel and G-d. A prophet who seeks to change the covenant or lead the people in a different direction must not be heeded.

In this sense, Rabbi Eliezer's contemporaries are following biblical precedent. The Torah is "not in heaven," which is to say, its meaning must be determined rationally, in accordance with exegetical principles. Once the Torah has been given, no further supernatural revelation can change it. The prophets spoke the word of G-d for their time, but the Torah is the word of G-d for all time. The prophets summoned the people to return to the Torah, not to turn to a new Torah.

The second issue at stake, however, has to do with the self-understanding of the sages at a time of crisis.

The dialogue between Rabbi Eliezer and the sages is set in one of the most traumatic moments in Jewish history. The Temple had been destroyed. There was no king, no high priest, no sacrificial order. Jews had lost every base of national existence except one - the Torah. "From the day the Temple was destroyed," they said in one of their most poignant yet defiant remarks, "the Holy One blessed be He has only one thing left in the world - the four cubits of halakhah." Jews had lost all the physical preconditions of nationhood. All they had left was their spiritual bond with G-d - and it was enough. Astonishingly, it sustained Jews through the longest exile ever suffered by a people. If biblical history was full of wonders, post-biblical history is itself an extended wonder, that a people so afflicted and dispersed could survive, their identity intact.

One thing made the destruction of the second Temple even more painful than the first. This time there were no prophets - or rather, there were too many of them. The Dead Sea Scrolls tell us of a sect that imminently expected a messianic figure they called "the teacher of righteousness." We know from Josephus that there were many quasi-messianic figures in the years leading up to the destruction. (Nor was this true only then. Moses Maimonides, in his Epistle to Yemen [1172], mentions four messianic figures close to his time, as well as a fifth who had appeared in Yemen in his day).

What we glimpse in the dialogue between Rabbi Eliezer and the sages is the extraordinary transition that took place in Judaism after the destruction. It is summed up in a single sentence from that era: "A sage is greater than a prophet."

The prophets spoke the word of G-d. The sages interpreted the word of G-d. We might think that the former was greater. But the sages saw things differently. The very process of interpretation meant, in effect, that G-d had vested authority in the sages. He trusted them. He empowered them. In so doing, He granted them the highest religious dignity. They had dignity because they were human; because they used the human mind and human intelligence to interpret and apply the word of G-d. The Torah is from heaven but not in heaven. It was given by G-d and handed over to the care of Israel, the community of those who study, debate and decipher His word.

This idea is a constant feature of the rabbinic literature. Thus for example:

Rav Judah said in the name of Shmuel: Three thousand traditional laws were forgotten during the period of mourning for Moses. They [the Israelites] said to Joshua: "Ask." He replied: "It is not in heaven."

The people told Joshua to ask G-d what the law was. He refused to do so. Once G-d has given us the Torah, he implied, it is our duty to interpret it without recourse to further revelation. Maimonides makes a similar point in the Introduction to his Commentary to the Mishnah:

Know that prophecy does not help in depth-study of the meanings of the Torah or the derivation of laws by the "thirteen principles" of interpretation. What Joshua and Pinchas did [after the death of Moses] by way of study and determining the law is what Ravina and Rav Ashi [the compilers of the Babylonian Talmud] also did . . .

When it comes to the study, determination and investigation of the Torah, a prophet is no different from the sages who were not prophets. If a prophet gives one interpretation and a sage who is not a prophet gives a different interpretation, and if the prophet says, "G-d has told me that my interpretation is correct," we do not listen to him. Indeed if a thousand prophets - each the stature of Elijah and Elisha - were to give one interpretation, and a thousand-and-one sages gave another interpretation, we follow the majority and rule in accordance with the thousand-and-one sages, and not like the thousand distinguished prophets.

Here Divine respect for human intelligence reaches heights never surpassed. G-d empowers His children. He gives them His greatest gift: His will as encoded in His word. That is enough. The dialectic between revelation and interpretation, between "Torah from heaven" and "not in heaven" is the endless conversation between Israel and G-d.

The most beautiful modern reading of this idea comes from Emmanuel Levinas. Quoting the Psalm, "Once G-d has spoken, twice have I heard this" - understood by the sages to mean, "One biblical verse conveys many meanings" 10 - he continues:

[T]his invitation to seek, to decipher, to the Midrash, already marks the reader's participation in the Revelation . . . Its word comes from elsewhere, from outside, and at the same time lives within the person receiving it . . . The Revelation has a particular way of producing meaning, which lies in its calling upon the unique within me. It is as if a multiplicity of persons - and it is this multiplicity, surely, that gives the notion of 'person' its sense - were the condition for the plenitude of 'absolute truth', as if each person, by virtue of his own uniqueness, were able to guarantee the revelation of one unique aspect of the truth, so that some of its facets would never have been revealed if certain people had been absent from mankind.

With this we return to the plain sense of the passage with which we began. The Torah is "not in heaven," meaning that it is intelligible to all, because each member of the covenantal community has something to contribute to the totality of its meaning. As Maharsha (Rabbi Samuel Eliezer Edels, 1555-1631) put it: There are 600,000 possible interpretations of the Torah, which is why the Torah was given to 600,000 Israelites, so that the revelation would include all possible interpretations. We all have a share in the Torah. We are all part of its meaning, voices in the endless conversation between heaven and earth. We are each - in the lovely phrase of the Baal Shem Tov - "letters in the scroll" written by G-d.

From: Shemakoleinu@yuhsb.org Volume 13, Issue 3 27 Elul 5768 - 2Tishrei 5769 * Sept. 27-30, 2008
http://www.yuhsb.org/currentyr/gen_info/pubs/skoleinu
SHEMA KOLEINU
The Weekly Torah Publication Of The Marsha Stern Talmudical Academy – Yeshiva University High school for Boys

shemakoleinu@yuhsb.org or
http://yuhsb.org/currentyr/gen%20info/pubs/shema_koleinu.htm
Nitzavim - A Double Mitzvah
By Rabbi Yoni Fox

There is a well known debate amongst the Mefarshim as to which mitzvah the Pasuk is referring when it states, "Ki Ha-Mitzva HaZos Asher Anochi Metzavecha Ha-Yom Lo Nifleis Hi Mimcha V'Lo Rechoka Hi – For this commandment that I command you today is not too hard nor is it too far." Rashi writes that the Pasuk refers to the mitzvah of studying Torah, while the Ramban understands it, based on its immediate context, as referring to the mitzvah of Teshuva. Their respective interpretations of this Pasuk cause them to differ in their understanding of a Pasuk that appears a few Pesukim later – "Ki Karov Eilecha Ha- Davar Me-od Bi-Ficha U-Vilvavicha La'asoso – But it is very close to you, in your mouth and your heart, so you can do it." Rashi, based on his understanding that the subject is the mitzvah to study Torah, understands that the Pasuk is referring to the fact that we were given both the Torah She-Bichsav, the written Torah, and the Torah She-Ba'al Peh, the oral tradition. The Ramban, on the other hand, in accordance with his understanding that the focus is the mitzvah of Teshuva, interprets the phrase to be referring to the necessity to repent both verbally and in one's heart.

While Rashi and the Ramban are consistent in their interpretations, the Meshech Chochma seems to be inconsistent. He interprets the first Pasuk following the explanation of the Ramban, that is, that "Ha-Mitzva Ha-Zos" refers to the mitzvah of Teshuva. However, when interpreting the later Pasuk, he quotes the interpretation of Rashi. How does the fact that we have both the written Torah and the Torah She-Ba'al Peh indicate that mitzvah of Teshuva is accessible to us?

Perhaps we explain this apparent contradiction in the Meshech Chochma based on a comment of Rabbenu Yona in Shaarei Teshuva. In shaar 4 Rabbeinu Yona explains that Teshuva alone is insufficient to atone for a sin as severe as Chilul Hashem. What then does one do if he has committed such a sin? He explains that by toiling in Torah study one can gain atonement even for such a severe sin. Through the process of studying Torah with diligence, one can purify himself and gain atonement even when Teshuva alone is insufficient.

Perhaps this is the intention of the Meshech Chochma. Though the subject of the Pasuk is the mitzvah of Teshuva, studying Torah is a vehicle through which one can achieve the same result as Teshuva. "Ki Karov Eilecha Ha-Davar Me-od Bi-Ficha U-Vilvavicha La'asoso." Teshuva is within our reach due to the fact that we have both the Torah She-Bichsav and Torah She-Ba'al Peh to inspire us and enable us to reach the high levels of purity that true Teshuva allows us to reach.

Hopefully through our studying Torah and engaging in true Teshuva, Hashem will inscribe us in the Sefer Chayim Tovim for this coming year.

The following items were collected by Hamelaket@gmail.com:

From Destiny Foundation/Rabbi Berel Wein
<info@jewishdestiny.com>
Subject Weekly Parsha from Rabbi Berel Wein
Jerusalem Post :: Friday, September 3, 2010
TWO SHOFROT :: Rabbi Berel Wein

One of the main aspects of Rosh Hashanah as you are all aware is the sounding of the shofar. This ceremony is the main commandment of the day and Rosh Hashanah in the liturgy and in the Torah is called a "day of teruah – of sounding the shofar."

In the prayer itself one of the three main components of the awe inspiring musaf service is that of shofrot – verses of the Bible that refer to the sounding of the shofar. The sounding of the shofar on Rosh Hashanah, as are all other Jewish rituals, is intended to touch our collective memory and to stir our souls to a closer relationship with eternity and our Creator.

The sound of the shofar that we hear in our synagogues on Rosh Hashanah is not meant to be an isolated sound and incident. Rather, its true and overriding purpose is to remind us of the two great shofrot that essentially can be considered the bookends of Jewish thought, belief and history.

These two shofrot are described in the Bible of Israel as being the great shofar that was sounded at Mount Sinai – the sound of that shofar became exceedingly stronger unlike a human shofar sound that eventually must waver and weaken – and the second shofar is the shofar of the final redemption of Israel – the shofar of the Messiah, if you will – that will signal the coming of the great era at the end of days.

Our shofar sound on Rosh Hashanah comes to complement these eternal sounds of the two shofrot of Jewish life – the shofar of Sinai and the shofar of redemption.

The shofar of Sinai is that of the granting of the Torah to Israel. This shofar's sound is ongoing. In fact it gains strength throughout Jewish history. Its sound gains volume as time passes. There is no record of any type of scholarship in human history or society that equals the scholarship devoted to Torah study and interpretation by the Jewish people over the ages.

One of the saddest aspects of the overriding Jewish experience in current Jewish society is its abysmal ignorance of Torah scholarship and its importance in the Jewish story of survival and accomplishment. The sound of the shofar of Sinai is muted except for a certain section of Jewish society that continues to insist that Torah is and should be the main component of Jewish education and life.

But without the shofar of Sinai being heard and its echo constantly reverberating within the Jewish world, we are doomed. Assimilation today is not so much born out of malice or ideology – the old time apikorsim are long since gone from the Jewish scene, victims of their desertion of Jewish tradition and practice. Assimilation is more a product of ignorance of everything Jewish. Non-Jewish values have been adapted to be the new Jewish religion, adorned with fancy slogans such as tikun olam.

But, if the shofar of Sinai is not heard, then all of these innovations, attractive as they may seem, are soon to be consigned to the dustbin of Jewish history as so many other “good progressive” ideas of times past have been. A concerted effort to hear the shofar of Sinai is certainly one that should be high on our list of intentions for the new year.

The shofar of redemption initially sounds very softly – one has to strain to hear it. But it eventually it becomes stronger and more vibrant. The land and State of Israel continues to grow and in many ways prosper no matter its military, political, diplomatic and economic obstacles. It contains within it the prospect of great accomplishment for the Jewish people and the world generally.

Just as there are Torah and Sinai deniers, there are Israel and redemption deniers. The sound of that shofar is also not heard in large sections of Jewish society. It is fashionable in many Jewish circles to support Israel's enemies with money and media attention. Somehow, certain groups of Jews hear the siren song of exile and belonging in non-Jewish societies and are deaf to the sound of the shofar of redemption.

In the height of hypocrisy they campaign against Israel and Jewish values while stating piously that everything they do is really for the benefit of the Jewish people and the State of Israel itself. One needs a clear mind and perceptive ears to hear the two shofrot of Jewish life. They can be heard on this Rosh Hashanah if we only listen carefully to the sound of the shofar of the day and internalize its meaning and message within our mind and hearts.

Shabat shalom.

Shana tova.

From Destiny Foundation/Rabbi Berel Wein

<info@jewishdestiny.com>

Subject Weekly Parsha from Rabbi Berel Wein

Weekly Parsha :: NITZAVIM – VAYELECH :: Rabbi Berel Wein

The final words of Moshe to Israel regarding its future course in history and destiny are recorded for us in these last parshiyot of the Torah. Mincing no words and offering no simple palliatives, Moshe tells Israel of its impending tragedies and difficulties. He offers hope and confidence that eventually all will come right and that there is no room for despair no matter the problems that the Jewish people will encounter in their long journey through history.

But, he points out that God's eternal covenant with Israel is not one-sided. And if Israel refuses to live up to its end of the agreement – the observance of Torah values and mitzvot – and apes the prevailing immoral societal behavior of the nations of the world, then dire consequences will result.

There will not be a free ride for the Jews in history. Payment will always be extracted for wrong decisions, abandonment of God's covenant with them, sinful behavior and false value systems. Terrible things will befall them – events that, even in retrospect, are hardly describable and certainly never could have been predicted in advance.

And yet, everything that Moshe foretold would happen to the Jewish people has in fact occurred. Ramban states that one of the great proofs of the veracity of Judaism is the fact that someone – Moshe - could stand millennia earlier and accurately describe what would happen in the far distant and then unimaginable future.

But it is not that fact alone that makes the Jewish story so exceptional in the annals of humankind. It is the continued effectiveness and eternal relevance of the covenant between God and Israel, a covenant that is clearly described in this week's parshiyot and which guides the story of the Jews over these millennia.

In the parsha we are told that when awesome and terrible troubles will befall Israel, the Jewish response will be that the reason for these cruelties is because “the Lord is not present within our midst.” The simple and universally accepted interpretation of this verse is that the Jewish people slid away from Godliness and holiness, were not observant of the Torah and did not place any strong spiritual priorities on their behavior and in their lives.

They pursued physical pleasures and assets for their own sake and ignored their true calling to be a holy nation and a kingdom of priests. The Lord was not present in their midst and was not the major determining factor in their lifestyle and existence. However, the Malbim in a letter written at the turn of the twentieth century mentioned a different view of the verse. He, in describing the turbulent disaffection of Jews from Torah that already characterized his time, stated that there would be sizable numbers of Jews who, because of the tragedies, would deny that God existed at all. They would refuse to believe in, much less honor, God's covenant with Israel. And this, in fact, is what happened to the Jewish people over the past century.

But God's covenant remains eternally in force with us and eventually the blessings of that covenant will be showered upon us in the great good new year that is arriving.

Shabat shalom.

Shana tova.

From Shema Yisrael Torah Network <shemalist@shemayisrael.com>

To Peninim <peninim@shemayisrael.com>

Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

**Peninim on the Torah by Rabbi A. Leib Scheinbaum
Parshas Nitzavim/Vayeilech**

Parashas Nitzavim

You are standing today, all of you. (29:9)

The Yalkut Shimoni cites a powerful commentary on this pasuk: "Why is it that the gentiles will not survive, and the Jewish nation will ultimately endure? It is because, when the gentiles are punished, they rebel and repudiate the Almighty. The Jews, on the other hand, grow stronger. They bow their heads in acceptance of Hashem's chastisement. David HaMelech says in Sefer Tehillim 116:3,4: 'Trouble and sorrow I would find, then I would invoke the Name of Hashem: Please Hashem, save my soul.' Hashem says, 'The curses raise them and give them the ability to stand.'" Klal Yisrael has been tempered by adversity. We have become stronger as a result of our troubles. While others use adversity as a reason to "break with the program," to remonstrate and sever their allegiance, we toughen up, become stronger and more committed.

I remind myself of a famous incident concerning a Marrano family that had escaped Spain prior to the expulsion. They wandered for weeks - starved, sick, empty handed - until they finally reached a refugee camp in Morocco. Conditions there were squalid, disease and death reigned throughout. Tragedy began to strike one after the other, as their young children succumbed to disease. Soon, all of their children had tragically died. The husband and wife were left bereft of their family, but, at least, they had each other. This, too, was not to last, as the wife took ill and, shortly thereafter, breathed her last breath.

At that moment, the husband - left alone in the world amid starvation, disease and death - lifted his eyes to Heaven and cried out, "Hashem, I know that everything has been a challenge: to see if I would stop believing in You; to see if I would break and renege my faith. What is left for You to break me with? When they forced us to convert to Christianity, we remained committed to You in private. We lived under constant fear of being caught. Yet, this did not deter us. When we were "given" the choice of death or escape with nothing, we fled. Then You took away one child. We did not complain. You took the next child. Still, we did not complain. Eventually, You took away all of our children. We were left alone, but we continued to believe. And now, You have taken my last gem, my soul-mate, my wife. Hashem, what else can You do to me?"

"As I see it," he declared, "I have two courses left. You can either take my life or take my belief in You. If You want my life - take it. It is not mine anyway. It belongs to You. However, if You want to take away my love and belief in You - that even You, Almighty Hashem, cannot take from me. They belong to me - to me alone, and I am not giving them up!"

At times Hashem appears to be fighting us. Everywhere we turn, He places an obstacle in our path. We want to be good Jews, to serve Him with love and devotion, but He makes it hard for us. It is almost as if He is working against us, preventing us from succeeding. We should not despair. Yes, He may be challenging us; He might be engaging us, but He does so in order to temper our belief. He does so in order to enable us to discover the truth: that no power can take away our ability to love Him.

Since this is the last Shabbos of the year, as we are preparing to entreat Hashem, pleading for another year of good health and welfare for ourselves and for our loved ones, we strive to take this idea to heart and to apply it in confronting our daily challenges. Life is not easy. We have challenges, but they all come from the One Who is rooting for us to succeed and overcome the obstacles that He places in our path. It is His way of making us stronger. It is our way of demonstrating our belief and love for Him. Atem nitzavim, "You are standing." We stand because of the challenges. We do not rebuff Hashem when life becomes difficult. We have survived the greatest pogroms and holocausts, and we have become stronger. Atem nitzavim.

Yud ches Menachem Av, 1939, was a day of horrifying tragedy in Chevron. Arab hordes, their fires of hate enflamed by their mullahs, broke loose from their pens and slaughtered many of the Jewish inhabitants of the city. It was Erev Shabbos, and the slaughter reached the doors of the yeshivah bais hamedrash. The yeshivah's celebrated masmid, most diligent student, a brilliant Torah scholar, Shmuel HaLevi Rosenholtz, was the first sacrifice offered by the yeshivah. When he saw the wild beasts, with their blood-curdling cries piercing the air, he ran to the only place of refuge that he knew: the bais hamedrash. Fearing an Arab pogrom, the building had been sealed. Everything had been locked down. Shmuel broke through the window and climbed inside. He was going to sit and learn by his shtender as always. Whatever was decreed from Above, he would be at his place. He died on his shtender, as he was viciously struck down with an ax.

After the pogrom was over and relative calm had returned to the community, Rav Avraham Yaakov Rosenholtz, the young scholar's father, arrived from Lithuania. He accepted Hashem's decree, but he asked one favor: He wanted to visit the bais hamedrash and stand at his precious son's shtender to recite Kaddish! He did not

ask for reparations. He had no complaints. He requested only one thing: Kaddish. The British authorities acquiesced and accompanied the distraught father. The situation was still volatile. Arab unrest continued, and security had to be maintained.

As Rav Avraham Yaakov was about to enter the study hall, he stopped, and, in a low-pitched voice, said, "Avraham Yaakov, take off your shoes, for the ground upon which you tread is holy ground. This is the place where your beloved son sanctified Hashem's Name."

The place looked as it did on the day of the slaughter. The blood on the shtender was still there. I do not think any of us can imagine what went through this father's mind as he stood by the place where his son was slaughtered, staring at his son's dried blood on the shtender! He began to say Kaddish. His cries shook the walls. The bitter tears that rolled down his cheeks mingled with the dried blood on the shtender. He carefully articulated every word, demonstrating his extreme love for Hashem, and then it was over. He had done his part. It was time to return home. He had grieved, and he was now consoled.

Atem nitzavim. "You are standing." We shall continue to stand until Moshiach Tzidkeinu heralds the end of our exile.

You are standing today, all of you... the heads of your tribes, your elders, and your officers - all men of Yisrael. (29:9)

Moshe Rabbeinu gathered together every member of the Jewish nation - from the elite to the commoner, all ages, men and women - to initiate them one last time in Hashem's covenant. This is not the first covenant. What makes this one unique? The Ohr HaChaim HaKadosh explains that the novelty of this covenant was the concept of areivus, responsibility, for one another. This is applicable to all Jews of all stripes - regardless of status or position. Every Jew is obligated to help his brother and sister observe the Torah, and is mandated to restrain them from committing a sin. This is why Moshe specifically mentioned Jews of all strata. Our mutual responsibility for every Jew is a powerful mandate. We cannot bury our collective heads in shame when one of our co-religionists does something foolish, inappropriate, or even scandalous, and say it does not affect me; he is not one of mine. If he is Jewish, he is one of ours. We are all in this together.

We wonder why this enormous responsibility is placed upon us. Is it not difficult enough to police oneself and his immediate family, without having to worry about everyone else? Horav Gershon Leibman, zl, explains that responsibility for others is an indicator of one's personal affiliation with something. When one cares about something, if he has an internal bond, an intrinsic sensitivity to something, then he goes out of his way to inspire and even impose his feelings upon anyone with whom he comes in contact. It means that much to him. If we see another Jew being lax in his respect, or exhibiting lack of knowledge, lack of sensitivity, lack of caring, and do not respond, then we really do not care very much about our own observance. There is a deficit in our frumkeit, if we are not concerned about other Jews.

What is more compelling is the fact that our responsibility extends beyond time: "But with whomever is here, standing with us today before Hashem...and with whoever is not here with us today" (ibid.29:14). We have a moral responsibility for the next generation - and beyond. The mistakes we make today live on. Our indifference today leads to assimilation tomorrow. If we care today, they will care tomorrow. If we do not care today, there will be no tomorrow. It is our responsibility.

For you know how we dwelled in the land of Egypt and how we passed through the midst of the nations...and saw their abominations and their detestable idols - of wood and stones of silver and gold that were with them. Perhaps there is among you a man or woman...whose heart turns away today from being with Hashem...Perhaps there is among you a root flourishing with gall and wormwood. (29:15,16,17)

The pasuk makes it sound as if, in the end, Egypt was quite bad for the Jews. That is not true. The last year preceding the Exodus was an entire year in which the Jews experienced miracles of an unparalleled nature, wonders they had previously never even heard about. True, they lived in Egypt, in a world center of decadence, evil and debauchery, but they were exposed to such Heavenly revelations that they clearly had not been influenced by their immediate environment. This was followed by the Exodus, the Splitting of the Red Sea with its accompanying miracles, protected by the Pillars of Cloud and Fire, led by the three quintessential leaders - Moshe Rabbeinu, Aharon HaKohen and Miriam HaNeviah. It, therefore, seems unreasonable that to such an august group who had experienced so much G-dliness, Moshe would declare, "Perhaps there is among you a root flourishing with gall and wormwood." This is not the Mafia he was talking to - it was Klal Yisrael, the Dor Deiah, generation of knowledge, the greatest of generations, the ones who received the Torah at Har Sinai! Are they to be suspected of harboring second thoughts, questionable musings, concerning their commitment to the Almighty?

Moshe Rabbeinu himself alludes to our question when he says, "For you know you dwelled in the land of Egypt, and you passed through the midst of the nations." It has not always been miracles and spirituality. What about "their abominations and detestable idols - of wood, stone, silver and gold"? You cannot simply ignore your exposure to such moral corruption. For all of the good which you experienced, there was also spiritual down time, periods of laxity, when the blandishments that surrounded you could have taken an effect. This, comments Horav Sholom Schwadron, zl, demonstrates the far-reaching effects of a corrupt environment. They saw miracles; they experienced revelations, but they were in Egypt. As long as Egypt plays a role in their lives, the fear always surfaced that "...perhaps there is among you a root flourishing with gall and wormwood."

Rav Sholom quotes an inspirational thought from the Brisker Rav, zl. The pasuk details what seems to be three different foci of idol worship: abominations and detestable idols; wood and stone; silver and gold. The Brisker Rav explains that, in reality, this refers to only one idol, but from three descending levels of perspective. The first time Klal Yisrael observed the idols, they appeared to them as detestable, reprehensible, abominations to which they could never relate. The second time they encountered these "abominations," they were no longer revolted by them. After all, what harm can a little wood or stone create? The abominations had now become a "statue." The third time they chanced upon Egypt's "finest," they saw silver and gold. No longer detestable, not even a statue: Now it was artistic, a silver museum piece, a gold artifact. Such beauty; such symmetry; the lines were exquisite. The abomination became an accepted way of life. This was the tragedy of Egypt. They saw so much, and so often, that it no longer disturbed them. When a Jew is not repulsed by what he sees around him in contemporary society, it does not bode well for his spiritual well-being. This is why Moshe could conjecture, "Perhaps there is something evil festering within."

Parashas Vayeilech

But I will surely have concealed My face on that day. So now, write this song for yourselves. (31:18,19)

The Midrash makes a frightening statement: "There was no moment so difficult as the one where it is written, 'But I will surely have concealed My face on that day.'" The Talmud Megillah 31b comments, "Ezra decreed that Jewish People everywhere should read the curses detailed in Sefer Devarim prior to Rosh Hashanah. This way, the year should end with its curses. Parashas Netzavim enumerates curses. Thus, we read it prior to Rosh Hashanah. Parashas Vayeilech is often read following Rosh Hashana. Yet, Chazal teach that the curse of hastoras Panim, Hashem's concealment from us, is graver than any of the preceding curses. How are we to reconcile this with the fact that it is usually read after Rosh Hashanah? Horav Shimshon Pincus, zl, explains that teshuvah makes the difference. In the previous parshios, the Torah details in which areas we were deficient and the ensuing consequences. In Parashas Vayeilech, the Torah follows the curse of hastoras Panim with: "...So, now, write this song for yourselves." We are immediately provided with a remedy: teshuvah. This is not just a random form of penance, but the most powerful form of teshuvah: Torah study. By toiling in Torah, we avail ourselves the opportunity to bring back Hashem's Presence within our midst, thereby reversing the curse of concealment. How does this work? What is unique about teshuvah through Torah study? What grants it greater efficacy? We live in an age of synthesis. Reality is something that only the trained, experienced eye can perceive. Modern scientific technicians have become so proficient in their individual areas of expertise that they are capable of duplicating many things, creating an excellent look-a-like replica of the original. Formica gives the appearance of wood; synthetic material is made to look and feel like marble. Who knows if one day we might be eating fruits that have been synthetically created? An apple that grows on a tree requires a brachah, blessing, of Borei pri ha'eitz, while a synthetically created apple will require a She'hakol niyehah bidevaro.

Thus, despite the synthetic apple's comparable appearance, taste and color, it differs from the original in a number of ways. First, the seeds of the original fruit have the ability to produce other apples; in contrast, even if the synthetic apple were to have seeds, it would be incapable of producing another apple. Second, the nourishment value of the original apple outweighs that of the synthetic apple, which only provides an apple that looks and tastes like an apple, but, in reality, is not an apple. A similar concept applies in the spiritual realm. Judaism maintains a "body" of 613 mitzvos. This corpus of commandments takes on the form of the guf, body, of Yiddishkeit. In order to render life to this body, it is necessary to inject it with a neshamah, soul. If the mitzvos do not come alive, one lives as nothing more than a synthetic Jew. One can perform all the mitzvos, even endow his actions with all of the hiddurim, added embellishments, but it still remains much like a "body without a soul" experience. If no Torah study accompanies his actions, they remain

synthetic, sterile, lifeless deeds which lack spiritual nourishment and cannot generate anything of value that will transcend generations.

Rav Pincus cites the Ramchal in his magnum opus, Mesillas Yesharim, who writes the following (Perek 5), "Torah leads to zehirus, watchfulness. This is in keeping with Chazal's statement in the Talmud Kiddushin 30b, 'I created the yetzer hora, evil inclination, and I created Torah as its antidote.' Since Torah is the specific antidote to counteract the blandishments of the yetzer hora, it is absurd to think that we can escape the yetzer hora without applying Torah. The yetzer hora is insidious, extremely powerful, and can overwhelm a person without his knowledge. Unless one takes the specific antidote, he may be unaware of the yetzer hora's dominance until it is too late."

No other stratagem for combating the yetzer hora will succeed other than the application of Torah. By studying Torah diligently and observing mitzvos meticulously, we have the power to triumph over the yetzer hora. In addition, Torah study for the purpose of acquiring knowledge, without having express intent to have this study lead to character refinement, will not quite accomplish the goal. Kavanah, intention, is required. The yetzer hora is tricky, and often distorts even Torah teachings for its malevolent purpose.

It is related that one of the great Rebbes was once seen running up and down the aisles of the bais ha'medrash, as if in pursuit of someone. Finally, after a short while of breathless running, the Rebbe fell against the bookshelves, exhausted and out of breath. His students who followed this "chase" asked what had occurred. "I saw the yetzer hora in the bais ha'medrash," replied the Rebbe. "He was quicker than I was. Just as I was about to grab hold of him, he hid himself among the volumes of Torah."

The yetzer hora gets involved even in the study hall, the shul, anywhere that we perform mitzvos. We are never free of him. When the study of Torah is used as an opportunity to gain esteem, it is the yetzer hora who is talking. There are those who feel that, because they are learning, they are better than others who are less fortunate and do not have the opportunity to learn Torah. Such thoughts are the work of the yetzer hora in prime form.

The only way to subdue the effects of the yetzer hora is through sincere Torah study. Sincere Torah study is to learn Torah as a means of fulfilling Divine will, not for any form of personal gratification. Under such conditions, he will have the antidote which will develop his moral values of good and evil, giving him a clear perspective of what is right and what is wrong.

What is the essence of teshuvah? We think that repentance is defined as regretting the past, remorse over our sins, and a commitment to banish such activity from our lives. While this is a significant aspect of teshuvah, it is neither the complete job nor does it achieve the primary goal of teshuvah. Teshuvah means return. We return to Hashem. The Navi Yirmiyahu (4:1) declares: "If Yisrael returns, says Hashem, to Me, you shall return." If it is as if Hashem were saying, "It is wonderful that you no longer speak lashon hora, slander, that you observe Shabbos properly, that you observe the dietary laws and make the proper blessings before eating. This is all very commendable, but do not forget what is most important - that you return to Me, that you reestablish your relationship with the Almighty." That is what teshuvah is all about. This is what the parsha is teaching us. There will come a time when Klal Yisrael will stray after strange gods. These gods will have an assortment of names and "isms" but will be strange gods, no less. This will cause a rift in their relationship with Hashem. When we turn away, we catalyze Hashem's concealment. After all, He is not going to go chasing after us. There is one way - and only one way - to repair this rift: by turning to the Torah, the antidote for dealing with the yetzer hora, who caused us to sin in the first place. Torah study will turn us into "real" Jews, thus allowing us to come "home" and return to Hashem. This is why we read Parashas Vayeilech after Rosh Hashanah. Yes, it contains the worst of curses, but it also holds the recipe for salvation and return.

So now, write this song for yourselves, and teach it to Bnei Yisrael. (31:19) For the first time, the Torah refers to itself by an uncommon term: shirah, song. While this new term defines the philosophical perception we have of the Torah, does it affect our relationship vis-?-vis the Torah? Is Torah as a song different from Torah as a mitzvah? The Talmud Megillah 3b discusses the significance of Torah study in contrast to other noble, spiritual endeavors. The Talmud relates a conversation that took place between Yehoshua and an angel who visited him at night during the siege of Yericho. The angel said, "This afternoon you neglected to offer the Korban Tamid, daily afternoon sacrifice, and now, after dark, you have neglected to study Torah." Yehoshua countered, "For which of these two misdeeds did you come?" The angel replied, Atah bassi, "I have come now!" which means, "I have come for the sin which is presently transgressed: neglecting to study Torah." Immediately, Yehoshua regretted his misdeed, and, the next time a similar situation arose, he rectified it.

Commenting on the Talmud, Tosfos elaborated on the dialogue that ensued between Yehoshua and the angel. Yehoshua asked, "Did you come because of the misdeed of neglecting to study Torah at night, when the men were not involved in battle? Torah tzivah lanu Moshe. Torah is a commandment which has been commanded to us by Moshe Rabbeinu.' Or did you come because we neglected to offer the sacrifice which protects us from our enemies?" The angel replied, "I came because of the Torah, about which it is written, 'So now, write this song for yourselves and teach it to Bnei Yisrael.'" The question is obvious: When Yehoshua asked his question, he referred to the study of Torah as a mitzvah. When the angel responded, however, he described the Torah as a shirah. Is there a difference with regard to the sin of bitul Torah, neglecting to study Torah, if Torah is a mitzvah, or a shirah?

The Ponovezer Rav, zl, explains that the angel changed the pesukim which describe the Torah by design. He sought a way of explaining to Yehoshua that Torah must be studied even in times of war, in the heat of battle. Torah is our life - twenty-four /seven. Had he applied the pasuk of Torah tzivah lanu Moshe, describing Torah as a mitzvah, it might be possible to reason that this "mitzvah" is suspended during times of war. The anxiety and constant travail connected with war are not consistent with Torah study. Now, however, that Torah is referred to as a shirah, a term that connects with the inner recesses of one's being, it transcends time, place and circumstances. Torah is the song of one's life, and, therefore, as long as one lives, he sings the song of Torah. Torah is part and parcel of his essence, something from which he cannot divest himself. This was the angel's message to Yehoshua. Given the nature of Torah, we have no acceptable excuse for neglecting to study it.

Va'ani Tefillah

V'charos imo ha'Bris lasseis es Eretz ha'Canaani...la'sseis l'zaro.

The word lasseis, to give, is redundant, as it is mentioned twice. The Sefas Emes derives from here that the gift of Eretz Yisrael to our nation is due to two merits: our ancestral relationship as Bnei Avraham, Yitzchak and Yaakov; because of our own merit as Am Yisrael. First, V'charos imo, Hashem made a covenant with him/ Avraham Avinu. We inherit from our Patriarch. It was given to him. Now, by right, it is ours. Second, lasseis l'zaro, Eretz Yisrael is given to his children as a direct gift in their own right.

These two nesinos, gifts, are different from one another. The gift to the Patriarchs applies to the Heavenly Source of Eretz Yisrael. The gift to the nation is a reference to the physical land itself. This is what is referred to in the Shirah, Song at the Red Sea, Te'veeimo v'sitaeimo, which alludes to the two individual "givings" of Eretz Yisrael. Machon l'shivtecha poalta Hashem mikdash Hashem konenu yadecha, "The Foundation of Your dwelling place, which You Hashem have made: the sanctuary, my Lord, that Your hands established."

Chazal teach us that this pasuk is a reference to the two Batei Mikdash/heaven and earth which coincide with one another. Likewise, Eretz Yisrael of this world corresponds to its Heavenly "other." The Avos, Patriarchs, merited Eretz Yisrael of Heaven Above. In their merit, their descendants received Eretz Yisrael of this world.

l'z'echar nishmas ovinu moreinu R' Avraham Aharon ben Yekusiel Yehuda z"l shehalach l'olamo b'erev Rosh Hashana 5753

Mishpachas Mayer - Rabbi & Mrs. Harry Mayer and Family Queens, New York

From TorahWeb <torahweb@torahweb.org>

To weeklydt@torahweb2.org

Group Coverage

Rabbi Benjamin Yudin (TorahWeb Foundation)

I The opening verse of parshas Nitzavim is understood on many levels. Rashi understands it as a source of consolation. The Torah in parshas Ki Tavo enumerated ninety-eight curses, and the very listening to them conveys fear of extinction and annihilation; therefore, the Torah says, despite the punishments and catastrophes "atem nitzavim hayom"- you are standing erect today. The Jewish nation endures and will endure forever.

The Zohar understands the word "hayom"- today, to refer to the day of Rosh Hashanah. The Talmud Megillah (31B) teaches that Ezra instituted that Parshas Nitzavim be read as a buffer between the curses of Ki Tavo and the holiday of Rosh Hashanah. The Alter of Kelm, citing the Tur at the beginning of the laws of Rosh Hashanah in the name of Rabi Chanina and Rabi Yehoshua, sees a great lesson in the word "kulchem"-

the entire nation, as a modifier of "nitzavim". Ordinarily an individual on trial for his life will not be concerned regarding his personal appearance before the court. He will not necessarily shave or get a haircut, nor dress in any other garments but black. In sharp contrast, Am Yisroel gets haircuts, dons white clothing, and eat and drink Yom Tov meals as they know Hashem will perform a miracle on their behalf.

Where does this state of optimism come from? The Alter of Kelm explains that each individual indeed should worry and enter Rosh Hashanah in a state of personal fear and trepidation. Regarding his personal fate this forthcoming year in the areas of health, family tranquility and prosperity, he has no assurance and guarantee that what was will necessarily continue to be. But one thing he can be absolutely assured of and guaranteed: the Jewish nation as a people will survive, and play a significant role in the unfolding of world history.

The way for the individual, therefore, to overcome or at least assuage their personal fears is to connect themselves to the Klal- to the community- to the Jewish nation. Kulchem is the answer! The more an individual is needed by the community - he does not only study Torah, but is part of a Torah study group; the more he encourages others to participate, the more essential he is to the group - the merits of the Klal will encompass and embrace him. This is true in regard to his gemilus chasadim- his involvement in various gemachs, societies that assist neighbors in all different ways, raises his stature from that of individual to member of Klal. Even one's tefillah, if they are an integral part of the minyan- contribute not only financially but experientially, by his kavanah- concentration and seriousness of purpose - his personal station and position becomes upgraded, and hence he is "nitzavim" on Rosh Hashanah thanks to the coat-tail effect of the guaranteed survival of the Jewish nation.

II We begin this Saturday night in the Ashkenazi community the recitation of Selichos. This too fits very comfortably with Parshas Nitzavim. Our parsha speaks of the phenomenon of Teshuva in perek 30, and Selichos is based on the foundation of Teshuva. To the Rambam, our Torah reading is a Divine prediction that the Jewish nation will repent. The essence of Selichos is not to plead before Hashem for mercy, by claiming that after all "I'm sorry, we are frail and mortal, let bygones be bygones". We believe that He only asks of us what we can definitely do and fulfill. The essence of Selichos is found in Rosh Hashanah (17B), where R' Yochanan taught that following the sin of the Golden Calf, Hashem Himself enveloped Himself in a tallis, as a shaliach tzibur (chazzan), and recited the 13 Middos - Attributes of Hashem. He taught that when the Jewish People will be in need of forgiveness, they should "ya'asu - perform" before Me this order of attributes. The commentaries highlight the fact that it does not say "recite" before Me these attributes, but "perform", implying a substantive act; man is to resolve to change. This is the essence of Selichos, articulating the resolve but also pledging oneself to perform the 611th mitzvah of "v'halachta b'drachav"- to emulate His attributes. As He is kind, compassionate and slow to anger, so will I endeavor to be.

The Medrash in Parshas Noach sheds illustrates Hashem's attribute of patience. On the verse that Hashem smelled the sweet aroma, "rai'ach ni'cho'ach", of Noah's offering, the medrash teaches He smelled Avraham being thrown into the furnace, and Chananel, Mishael and Azaryah being cast by Nebuchadnezzar into the great furnace. The commentary Maasei Hashem explains this challenging medrash. Given that Hashem is incorporeal, what does it mean that He "smelled" and savored the Korban? He explains that the sense of smell is different from the other senses. Without seeing or touching the object one can often identify the source of the fragrance from a distance. One can stand outside the home Erev Shabbos or Erev Yom Tov and smell and anticipate the delicacies. Similarly, Hashem saw in the future the sacrifice and Kiddush Hashem

of Avraham and the other tzaddikim and thereby decided not to destroy the world again.

Copyright © 2010 by The TorahWeb Foundation. All rights reserved.

From Rabbi Yissocher Frand ryfrand@torah.org & genesis@torah.org
To ravfrand@torah.org

Subject Rabbi Frand on Parsha

Rabbi Yissocher Frand on Parshas Nitzavim-Vayelech

Teshuva Must Take Into Account the Root Cause of Sin

In Parshas Vayelech, HaShem informs Moshe that after his death the nation would eventually come to worship idolatry: "...This people will rise up and go astray after the foreign gods of the land... They will abandon Me and nullify My Covenant that I have made with them..." [Devarim 31:16-17]. The Almighty further tells Moshe that at that point He will become angry with the Jewish people and abandon them such that terrible things will befall them. The Almighty adds "...so that they will say in that day: Are not these evils come upon us because our G-d is not among us?" His reaction to this "repentance" will be "And I will surely hide My Face (v'Anochi haster aster Pannai) from them on that day.

This narrative bothers the commentaries. The Ramba"n asks: It would seem that the statement that the source of their terrible troubles is the fact that the L-rd is not in their midst should qualify as "regret" [charata] on their part, which is the first step toward repentance (teshuva). Why then, is G-d's reaction one of "haster Panim" – hiding His Face from us? The Ramba"n answers that the "teshuva" of "...because our G-d is not among us" is merely "lip service" –insincere words.

However, the Yeshuos Yakov suggests another answer. The Yeshuos Yakov points out that there is something fundamentally wrong with such a teshuva. When Klal Yisrael worshipped Avodah Zarah [idols], merely regretting that major offense was insufficient repentance. When a person sinks to the level that he is worshipping Avodah Zarah, it is more than just an overnight. Idolatry was the culmination of a long path full of sin, extending over a long time. When a person does Teshuva, he needs to not only look at the final result of his sins. He must ask himself what got him there in the first place. People do not just wake up one morning and decide, "I am going to worship Avodah Zarah today." The only way to correct such an end result is to examine how and where it started. Only through such a process will the sinner be on guard to prevent such a thing from happening again in the future.

When, Heaven forbid, a husband is unfaithful to his wife and begins an affair with another woman, 99 percent of the time, it begins with something that is almost "innocent". It begins with prolonged conversations, with flirtations, with things that are hardly even sinful. This is how it always starts. If a person wants to repent for the ultimate sin of unfaithfulness, he cannot merely say "Al chet shechatanu lefanech b'gilui arayos" [For the sin I have committed before you regarding sexual immorality]. He must go back and look how it all started. He has to ask himself "How can I make sure that it will never happen again?" According to Yeshuos Yakov, that is the problem with the "repentance" of Klal Yisrael in this pasuk. They are repenting for having worshipped idols. However, that was only the end result of their backsliding. Where did it begin? Without coming to grips with that issue, the repentance of "Behold G-d is not in our midst" is woefully lacking.

With this idea, we can understand a very difficult Gemara [Chulin 139b]. The Talmud asks, "Where is Esther alluded to in the Torah?" The Gemara cites the previously quoted pasuk from our parsha: "I shall surely hide (haster aster) My Face from them on that day." [Devorim 31:18]. Phonetically, the words "haster aster" relate to the name Esther. What does this Gemara mean?

The Gemara is referring to the fact that Esther told Mordechai that she was going to approach Achashverosh, but "fast for me, do not eat or drink for three days." Our Rabbis tell us that the request to have the people fast was so that they may correct the fact that they ate inappropriately at the feast of Achashverosh. Technically, there was nothing wrong with the fact that they ate at that feast. Presumably, the food served was kosher. However, the Medrash says that their intermixing with the Persians during that meal caused them ultimately to become involved in sexual immorality with them. Chazal prohibited Bishul Akum [foot cooked by non-Jews] because when one socializes with people, he ends up marrying their daughters. That was exactly the situation that developed from participation in the royal feast. When Esther wanted to bring about teshuva for the terrible outcome of that meal, she knew that saying "no more sexual immorality" was insufficient. She had to attack the root of the problem – the eating at the meal. Therefore, to make "measure for measure" amends for that sin, she commanded, "do not eat or drink for three days".

Now we understand the Gemara in Chulin: Where is Esther alluded to in the Torah? In other words, where does the Torah allude to the idea demonstrated by Esther, that teshuva should not just focus on the result of the sin, but must focus on the cause of the sin? This is hinted at in the pasuk that says G-d will Hide his face (haster aster pannai) – because of the inadequate repentance which consisted merely of confession to the fact that "G-d is not in our midst," rather that a repentance that analyzed the root of their problem which led to idolatry in the first place.

Moshe Gives Forewarning – He Doesn't Want To Be Held Responsible

Rav Ruderman, zt"l, (founding Rosh Yeshiva of Ner Israel) used to cite an incident from Vilna that gives insight to a pasuk in this week's parsha. There was a beautiful place in Vilna where all the wealthy people made their weddings. It happened that a poor shoemaker suddenly obtained a large sum of money. He decided that he too wanted to make the wedding of his daughter in this fancy place. One of the old-time wealthy individuals took great umbrage at the fact that this newly rich individual was making a wedding in the place classically reserved for Vilna's financially elite Jews. ("This schnorer is going to make a wedding in the same place where I married off my daughter? The nerve of him!") At the wedding, as the shoemaker was walking his daughter down the aisle to the Chuppah, this wealthy person took off his shoe and showed the shoemaker the hole in the bottom of the sole of the shoe. He asked, "How much does it cost to patch this hole?" (He wanted to rub it into the shoemaker's face that he was still only a shoemaker and that he should not act like he was equal to the wealthy people in town.) When Rav Yisrael Salanter (founder of the Mussar movement) heard about this incident, he said that the teachers of this Jew who humiliated the shoemaker – even if they were in the Garden of Eden already – would now have to atone for the fact that they had such a despicable student and give full accounting in Heaven for the inferior Torah education they gave this uncouth Jew.

Rav Ruderman used to say that this comment of Rav Yisrael Salanter is alluded to in what Moshe Rabbeinu is saying in this week's parsha: "For I know that after my death you will deal corruptly and turn aside from the way which I have commanded you..." [Devorim 31:29] What is the point of Moshe making this comment?

Moshe is saying this to proclaim ahead of time: Although they will stray from the correct path, it is not my fault! I tried to teach them better than they are acting. I did everything I could do for forty years. I tried to chastise them and teach them not to behave like this. Master of the Universe, do not hold me accountable for their actions. What more could I have done?

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
RavFrاند, Copyright © 2007 by Rabbi Yissocher Frand and Torah.org.

**Bar-Ilan University's Parashat Hashavua Study Center
Rosh ha-Shanah 5771/ September 9-10, 2010**

**Halakhic strictures observed during the Ten Days of Repentance
Rabbi Oren Duvdevani
Department of Talmud**

The Shulhan Arukh contains a rule of Halakhah which demands our attention: "Even someone who does not take care about not eating the bread of Gentiles should take care not to eat it during the Ten Days of Repentance" (Orah Hayyim 603.1). Any intellectually alert person ought to feel discomfort on reading these words. Why precisely during the Ten Days of Repentance should one take care regarding something which is not of particular concern throughout the rest of the year? If a person tends to follow a certain leniency, why should these days be different? If a person believes in a strict approach, consistency would dictate that he be strict throughout the entire year.

In order to truly appreciate the significance of this rule one must understand the origins of this halakhah. It comes from the Jerusalem Talmud, Shabbat 1.3, where we find that Rabbi Hiyya instructed Rav that even if he does not usually eat unsanctified food (hullin) in a state of purity, he should do so during the Ten Days of Repentance. Tur comments on this (Orah Hayyim 603):

Rai Hiyya commanded Rav: "If you can see your way to eating unsanctified food in a state of holiness all year round, do so; if not, then do so at least seven days of the year." About this the Ravyah (R. Eliezer ben Yoel Halevy, born c. 1140 in Mainz, Germany, died in Cologne after 1220. Author of *Avi Ezri*, a book on Jewish customs, which served as the basis for Ashkenazi halakhic rulings) wrote: "I have a tradition that this refers to the seven days between Rosh Hashanah and Yom Kippur (i.e. the Ten Days of Repentance)." [Says the Tur:] R. Hiyya called them 'seven days' because on Rosh Hashanah people are in a state of purity anyway since the law is that a man must sanctify himself [by immersion in a mikveh] on the holidays and therefore only seven days are left [on Yom Kippur we fast]. Based on this, the Ashkenazi custom is not to eat bread of gentile bakeries during the Ten Days of Repentance even if one does not refrain from doing so all year round. Tur's remarks must be read closely. He ties the matter at hand to another rule, namely the obligation which applies to everyone to purify themselves for the Festivals.[1] The very act of applying this obligation and extending it to the days of the New Year is itself an innovation. If we do not accept this innovation, why were the two days of New Year was not included in Rabbi Hiyya's statement in the Jerusalem Talmud? Or Zarua (Part II, *Hilkhot Rosh ha-Shannah* 257) views 'seven days' as evidence of the ancient practice of fasting on the New Year, therefore the days of Rosh Hashanah and the Day of Atonement are not included in the computation.

Another point is the connection the Tur makes between R. Hiyya's command to Rav and the custom to abstain on the Ten Days of Repentance from eating the bread of gentiles, based on the words of Ravyah. This is how we understand the Tur: in our time we are all considered to be impure due to contact with the dead, hence eating non-sanctified food in a state of purity is no longer practiced.[2] How then could the words of the Jerusalem Talmud be given expression? The solution according to the Tur is to put the words of the gemara into practice by taking care to avoid another sort of impurity: not eating the bread of gentiles.

We can point to other rulings by later halakhic authorities that show a similar inclination. For example, the assertion by Kaf ha-Hayyim that during the Ten Days of Repentance one should not eat meat or fowl whose kashrut was questionable and had to be decided upon by rabbinical ruling (Orah Hayyim, par. 608.31),[3] or the assertion by Maharil, actually presented by Rema in Shulhan Arukh, that a person should not be ostracized, a ban put on him/her, or made to take an oath in court during these days (par. 602). Recommendations that greater piety and strictures be observed during the Ten Days of Repentance were greatly expanded by the later rabbinic authorities. Resp. Mahazeh Abraham rules that during the Ten Days of Repentance one should avoid luxuries (Part I, par. 36), and Baer Heitev says that one should abstain from sexual intercourse during the Ten Days of Repentance (Orah Hayyim, 240.4). These restrictions make our initial question all the more poignant.

One way of approaching this question would be to say that the change of behavior during the Ten Days of Repentance is supposed to lay the foundation for a change later on. The Ten Days of Repentance are not only days of judgment, but days of

renewal; this is the season of the New Year, and these days give us a chance to change our ways even if we have doubts about being able to persist in them. Underlying such an approach is the unique point of view of the Torah regarding the concept of time. Unlike other nations, and certainly unlike the peoples of the ancient world, the Torah and the Sages emphasize that time is not linear, rather circular and cyclical.[4] This is the point of the name *tekufat ha-shannah*, or "the turn of the year," with which the Torah dubs the period of the High Holy Days and Tabernacles. Rashi comments on this use of the expression "the turn of the year," saying that it is when the year comes back to a new beginning. The beginning of the new year is when the old year comes full circle. While there is rejuvenation and progress, these are none other than a repetition of what was already, closing and completing the circle. The cyclical view calls for viewing the natural and the spiritual alike from a circular point of view, including what might be called "spiritual declines." As Maimonides wrote in *Guide for the Perplexed* (Part III, ch. 36, Friedlander ed., pp. 478-479):

It is clear that repentance is likewise included in this class ... For it is impossible for man to be entirely free from error and sin... If we were convinced that we could never make our crooked ways straight, we should for ever continue in our errors, and perhaps add other sins to them since we did not see that any remedy was left to us. But the belief in the effect of repentance causes us to improve, to return to the best of the ways, and to become more perfect than we were before we sinned. For this reason many things are prescribed for the promotion of this very useful principle: e.g., confessions and sacrifices for sins committed unknowingly, and in some cases even for sins committed intentionally, and fasts, and that which is common to all cases of repentance from sin, the resolve to discontinue sinning. For that is the aim of this principle. Of all these precepts the use is obvious.

The essence of Creation itself, of human life, is a cyclical pattern of rising from having fallen into sin, a never-ending circle of repentance in which precisely this cyclic motion is what brings us closer to perfection, to the Holy One, blessed be He. This approach seems to underlie the bold remarks made by Rabbi Kook in *Orot ha-Teshuvah* (ch. 5.6):

Without repentance and the peace and security that it provides, a man would never find rest and the spiritual life could never develop. The ethical sense in a person demands justice, the good, and completeness—but how distant from Man is spiritual wholeness! How may a man strive for what is not in his capability at all? For this reason repentance is built into the nature of Man, and that is what makes him complete. Even if a man always stumbles, thereby impairing justice and ethics, it does not disturb his completeness, because deep within him is the constant yearning for wholeness. This desire for wholeness is the basis of *Teshuvah*, which always conducts a man's path in life and brings him to completeness.

A close reading of these words makes us aware how truly innovative an idea they convey. Here Rav Kook undermines the generally accepted notion of repentance as the correction of wrong. The normal state might seem to be the absence of sin, and consequently also the absence of repentance; but Rav Kook thinks otherwise. In his opinion, repentance is part of the nature of the world and the nature of man. All of existence, including man, was created in a pattern of ups and downs, and repentance is a process that takes place and is intended to take place at all times. These are words of cardinal importance. A person aspires towards perfection, knowing that there will be failings along the way. The New Year, the turn of the seasons, is a point in time in this process of renewal. This finds expression, in my view, in the striking difference in the language used in Parashat *Phinehas* to describe the additional offering of the New Year as opposed to the additional offerings of the other festivals. With respect to the other festivals the Torah uses the Hebrew root *k-r-v* in describing the offerings, but with respect to the offerings of the New Year it uses the exceptional root *ʿ-š-h* (Num. 29:2). The authors of the midrash could not ignore this exceptional use of language, and said (*Leviticus Rabbah*, ch. 29 [Freedman ed., p. 379]):

"R. Tahlifa the Caesarean said: In connection with all other additional offerings it is written, "And ye shall offer," while in connection with the present one the expression used is, "And ye shall make a burnt offering." How is this to be explained? The Holy One, blessed be He, in effect said to Israel: "My children! I will consider it as though you have this day been made before Me, as though this day I had created you as a new being." Hence it is written for as the new heavens and the new earth ... shall remain before Me, saith the Lord, so shall your seed and your name remain (*Isaiah* 66:22)."

Thus we can say that the strictures observed at the beginning of the year represent an attempt to turn over a new leaf. A person who had been in the practice of eating bread baked by gentiles, at the beginning of his/her creation anew should attempt to improve and not eat such bread; even if such attempts have thus far not proven

successful, a new attempt should be made on the chance that this time one might succeed in persisting in the better way. Despite our shortcomings, we nevertheless are obliged to aspire to perfection.[5]

Even with this proposed answer, a difficulty still remains. Pausing a moment to look at the subjects in regard of which we found customs of greater strictness during the Ten Days of Repentance, we observe that a temporary approach of greater strictness during the Ten Days of Repentance is actually likely to set up stumbling blocks further on throughout the year. The following is noted in Arukh ha-Shulhan (Orah Hayyim 705.2):

It seems to me that to accept more stringent behavior applies only to matters which are not prohibited by law, and the stringency is therefore but finer behavior (hiddur) and proper for these days. But if the issue is something which is prohibited by some authorities and people generally accept the more lenient view, such as using hadash (wheat made into grain before the date of the Omer) out of Israel and eating meat which had a lesion (sirkha) on the lung, one should not take the more stringent view during the Days of Repentance, because this shows acceptance of that view and how may one return afterwards to the lenient opinion?

The author of Arukh ha-Shulhan apparently contended with the difficulty which we pointed out above, since the very idea of a temporary strictness also appeared problematic to him.[6]

I believe we might answer these questions by developing the argument in a direction taken in one of the basic books on customs for the High Holy Days, *Elef ha-Magen* by R. Meshulam Finkelstein of Warsaw, commenting on the book, *Matteh Ephraim*:

“As Rabbi Moses Cordovero wrote in *Seder Avodat Yom ha-Kippurim*, if one takes special care only during these days, it is a proper thing to do, even though one might not carry on with such piety [Heb. *hassidut*] afterwards. He gives a reason for this, namely that the Holy One, blessed be He, sits on the Throne of Mercy and behaves benevolently [Heb. *hassidut*] during these days... Therefore it is right and proper for us to behave as piously as we can.” (603.2)

According to Rabbi Moses Cordovero (1522-1570), such behavior is not intended to influence our standing in judgment or to be part of a process of repentance. Rather, it is a sort of *imitatio Dei*; during this period we act better than required by the letter of the law, and hope that G-d will be benevolent in turn and not call us to task with the full force of the law, but temper justice with mercy.

Above we mentioned the cyclic notion of time, implying that a fleeting period of blossoming or improvement has its place and value in the world of worshipping G-d. For many of us these days are a high point which clearly we cannot maintain throughout the entire year. Yet unfortunate is the person who does not have such high points in his life. Spiritual highs are important in and of themselves, even though we know they may not be tenable for a long time.

All this has a practical impact on the nature of the days of repentance. During this time we should aspire to the maximum in all spheres of life, although we know we cannot sustain such maximal behavior. Thus we are faced with a double challenge.

On the one hand, we hope to persist throughout the year in the goals which we have set ourselves the previous year, full of hope and aspiration that in the coming year we will be able to achieve goals which previously were beyond us. On the other hand, we should not be put off from resolutions which we know in advance that we will not be able to live up to entirely. For it is the experience of the pursuit of a higher level itself which is important. We move on from the Ten Days of Repentance with sweet memories of a time in which we felt a closeness to G-d, remembering throughout the entire year how for just ten days we lived in a state of spiritual elation, all our longings focusing in a single direction, towards closeness with G-d. This experience can refine the soul through the long drab days of the year.

[1] Cf. Tractate Rosh ha-Shannah 16a. Halakhic authorities differ as to whether this law of the gemara is applicable in our time, there being no Temple and no longer any observance of the laws of purity and impurity. Cf. *Shibbolei ha-Leket*, under *Hilkhot Semahot*, 29; *Kesef Mishneh*, *Hilkhot Berakhot*, ch. 11, *halakhah* 11; *Birkhei Yosef*, *Orah Hayyim* 529.7; *Sha'arei Teshuvah*, loc. cit.; *Resp. Avnei Nezer*, *Orah Hayyim* 321 and *Yoreh De'ah* 249; *Resp. Siah Yitzhak* 243.

[2] Cf. *Magen Avraham*, *Orah Hayyim* 603, who espoused the view that one ought to be strict in this regard in our day as well. However many authorities disagree with him.

[3] Also cf. *Matteh Ephraim* 603, by Rabbi Ephraim Zalman Margaliyot of Brodt.

[4] This is undoubtedly the reason the Jewish calendar is lunar and not solar, and specifically explains the significance of the blessing of the moon; cf. *Takanat ha-Shavin* by Rabbi Zadok ha-Cohen of Lublin, who wrote on this extensively in sections 5-6.

[5] It seems one could suggest another explanation from a different angle. In one of his well-known sermons, Rabbi Shneur Zalman Borokhovitz of Lyady (the Alte Rebbe), author of *Tanya*, wrote: “It is well-known that Elul is the season revelation of the thirteen attributes of mercy... This can be understood through the parable of a king, who is met by the city folk who go out to greet him in the countryside before his arrival in the city. Then, whoever wishes may go out and greet him, and he receives everyone graciously, smiling on all. And when he comes into the city, they walk after him” (Alte Rebbe, *Likutei Torah*, *Parashat Reeh*, 32.1). In this season one can feel especially close to the Holy One, blessed be He, and in this season the chances of succeeding are greater since these are days when the world is graced with divine abundance by virtue of which we are capable of doing things which at other times of the year might be too difficult for us.

[6] As we said, Tur made a transition from the gemara's remarks about eating unsanctified food in a state of purity to the subject of eating bread baked by gentiles. *Tashbetz* (par. 117) challenged this, since there is no proscription against eating unsanctified food in a state of impurity, only a positive act in eating in a pure state, but this is not the case with bread baked by gentiles. *Beit Yosef* retorted by saying, “This is no argument, since it is not clearly forbidden, rather it is a matter of custom, since when he takes care not to eat it his intention is only to take care during those days alone, for it is patently clear that it is not forbidden throughout the rest of the year” (*Beit Yosef*, *Orah Hayyim* 603). It is clear from these remarks that he does not concur with Arukh ha-Shulhan.