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## INTERNET PARSHA SHEET ON YOM KIPPUR - 5767

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Arie Lustiger, has been transcribing and editing one of the Rav's Tshuva Drashot

### The Avoda Recitation and Yom Kippur Tefillah According to Rabbi Joseph B. Soloveitchik

The sacrificial Temple service on Yom Kippur (the avoda) has been an area of intense interest to the Rav. The intricate detail of the avoda was the topic of a Yarchei Kallah, a series of three all day lectures, taught by the Rav in the summer of 1971, as well as the primary topic in one of his last Kinus Teshuva lectures given to the Rabbinical Council in 1979.

In large part, the Rav's interest in the avoda simply stems from his sheer mastery of the subject matter: the Rav had a long tradition of staying awake every Yom Kippur night to study the avoda ritual detail with his father, Rabbi Moses Soloveitchik zt'l. On a philosophical level, the Rav's interest in this subject may be related to his abiding interest in the subject of holiness, an underlying theme in much of his writing. Holiness is defined

by the Rav in "Halakhic Man" as "the descent of divinity into the midst of our concrete world". The encounter between finitude and infinity was most closely realized at the pinnacle of the avoda ritual, the moment that the High Priest entered the Holy of Holies. Finally, on a simply personal level, the Rav relates:

"As a child, I keenly felt the "kedushas hayom" of Yom Kippur. The holiness of Yom Kippur was not merely a phrase, it was an experience I do not know how to adequately relate. The enthusiasm, the ecstasy, the recognition of this holiness reached its pinnacle at the avoda."

The Rav is, of course, here referring to the long interlude during the Musaf amida when the cantor and congregation recite the various piyutim which describe the Yom Kippur avoda ritual as it was practiced in the era of the Temple's existence. The Otzar Hagaonim states that in many congregations this avoda on Yom Kippur was recited not only during the amida repetition of musaf, but during shacharit and mincha as well. Although the gaonim later annulled the custom of these multiple recitations, when Rav Hai Gaon was dayan of Baghdad the avoda was recited during both the shacharit and musaf repetitions. This custom of multiple recitations suggests a special affection that early rabbinic luminaries had for this particular portion of the Yom Kippur service, an affection which, as illustrated above, was clearly shared by the Rav himself.

The only time that the avoda recitation itself is mentioned in the Gemara is a brief reference in Yoma 36B. Rashi there states one reason for this recitation: the avoda was recited in order to fulfill the verse: "uneshalma parim sefateinu": "and we will offer [instead of sacrifices] the calves of our lips", (Hosea 14:3).

To clarify this imperative, the Rav quotes a Gemara in Megilla 31b which recounts a conversation between Hashem and Abraham in the context of the "Brit Bein Habetarim". Abraham asks how he was to know that G-d will not forsake Israel if they sin. Hashem answered "in the merit of the [Temple] sacrifices". Avraham insisted that this merit is fine when these sacrifices are in existence: what was to happen after the destruction of the Temple? Hashem replied that if B'nei Yisrael learn the laws surrounding the sacrifices, he would consider their study as a virtual sacrificial offering. When we cannot offer sacrifices, we recite the halakhot pertaining to them as a substitute. Uneshalma parim sefateinu therefore refers to the present-day mitzvah of reciting the details of various sacrifices at precisely those times of year that they would normally be offered in the temple. The Rashi above therefore suggests that the avoda in musaf is a fulfillment of the same mitzvah.

However, although uneshalma parim sefateinu would initially seem to be a compelling rationale behind our present day avoda recitation, the Rav explains that this phrase alone is insufficient to explain many of the customs and laws surrounding the avoda recitation. For example, immediately before the avoda the cantor chants "ochila lakel", a special supplication that the cantor as representative of the community be given divine assistance in leading the service which is to follow. Why does the cantor need this introductory prayer specifically before leading the avoda service on Yom Kippur? Why is it not recited before the sacrifice detail in every other musaf prayer throughout the year?(1)

Moreover, a recitation of the avoda detail actually took place in the course of the avoda ritual itself as performed in the Temple. At the point at which the Kohen Gadol dispatched the sa'ir la'azazel, the Kohen Gadol publicly read (according to Rashi) those three sections in the Torah which discuss the Yom Kippur avoda ritual and those rules associated with Yom Kippur to all those assembled in the Temple courtyard. The function of this public reading was clearly unrelated to uneshalma parim sefateinu since the Bet Hamikdash was obviously still in existence. Yet this part of the service was so important that without it the whole avoda was rendered invalid.

Clearly then, there must be a significance to the avoda recitation beyond a simple fulfillment of uneshalma parim sefateinu.

An Affirmation of Torah Sheb'al Peh

In the time of Ezra, a translator (meturgaman) was employed during the public Torah readings throughout the year in order to explicate its content in harmony with Torah Sheb'al Peh, the oral law. However, according to the Rav a unique aspect of the Kohen Gadol's public reading was the absence of such a meturgaman; the Kohen Gadol himself expounded Torah Sheb'al Peh as he read from the Torah.

The critical importance of the the Torah Sheb'al Peh exposition of Torah Shebichtav (the written law) in this public reading on Yom Kippur, and the fact that the Kohen Gadol himself had to make these clarifications, can be understood in light of a dramatic inconsistency between the literal description of the avoda in Torah Shebichtav and its actual practice in the Bet Hamikdash.

First, the Rav explains that the avoda description in Leviticus 16 is complete in almost every way. One seldom finds any biblically mandated mitzvah formulated in this amount of detail. However, one anomaly is present in the biblical prescription. In the course of the avoda description, at the point in which the scapegoat is dispatched to the desert, the Torah states: "And Aaron came to the tent of meeting and removed the linen garments" (Leviticus 16:23). According to the Gemara in Yoma 71A, this portion of the ritual is out of sequence. The change of garments actually took place much later in the avoda: after the removal of the kaf u'machta, the incense ladle and shovel from the Holy of Holies. The basis for the avoda not being performed in the written sequence is because there is a Halacha L'Moshe Misinai, an oral tradition handed down from Moses at Sinai, that the Kohen Gadol must sanctify his hands and feet ten times and immerse himself five times during the ritual. If the biblical description of the avoda were to be followed in the written sequence, there would then be only six sanctifications and three immersions.

Therefore, if during his public Torah reading the Kohen Gadol were to publicly read only Torah Shebichtav without inserting the Torah Sheb'al Peh clarifications, there would be an inconsistency between his words and his actions. This divergence between the apparent Torah Shebichtav description and the Torah Sheb'al Peh explanation was in fact one of the differences of opinion between the Pharisees and Saducees (2).

During the seven day sequester of the Kohen Gadol prior to Yom Kippur, he was required to review the laws pertaining to the avoda. One rationale given in the Gemara (Yoma 2A) for this halakha is that this sequester mirrors the seven days during which Moses taught Aaron the detail of the mishkan service (3). The Gemara states: "And two scholars of the students of Moshe Rabbeinu were with him all seven days so as to teach him the avoda ritual" (Yoma 4A). Therefore, before the Kohen Gadol could perform the avoda, he must first enter the Bet Medrash, the house of study and study Torah Sheb'al Peh from those who transmit the oral tradition, the "students of Moshe Rabbeinu". Seven days were required to teach the Kohen Gadol the laws within Torah Sheb'al Peh dealing with the avoda.

Given the above, we must ask why the avoda ritual is written so ambiguously in this instance that an apparent dichotomy exists between Torah Shebichtav and Torah Sheb'al Peh? According to the Rav, these inconsistencies were introduced deliberately in order to teach us that Torah Shebichtav without Torah Sheb'al Peh is in fact not Torah at all.

The reason an affirmation of the validity of Torah Sheb'al Peh plays such a conspicuous role in the Yom Kippur avoda recitation is explained by the Rav's great grandfather, Reb Yosef Ber Soloveitchik zt'l (the Bet Halevi)(4). He suggests that Yom Kippur is actually the day that Torah Sheb'al Peh was conferred on B'nai Yisrael.

The Bet Halevi explains that in the giving of the Torah at Sinai on the first Shevuot, both Torah Shebichtav and Torah Sheb'al Peh were committed to writing, and that in fact the first tablets that Moses brought down from Sinai contained both in a coherent whole. However, as Moses observed B'nai Yisrael after the sin of the golden calf, in the words of the Yalkut Shimoni (Ki Tisa 393), "the words ?in the tablets! flew away". Clarifying this enigmatic statement, the Bet Halevi explains that this refers to the Torah Sheb'al Peh portion having departed, leaving only Torah

Shebichtav. Because alone it impossible to fulfill Torah Shebichtav without the Torah Sheb'al Peh explication, this departure figuratively caused the tablets to become heavy, causing Moses to drop them.

In contrast to the first set of tablets, the second set, presented to B'nai Yisrael on Yom Kippur, contained only Torah Shebichtav, intending that Torah Sheb'al Peh be based solely on oral transmission. A Gemara in Gittin (60A) quotes Rabbi Yohanan as follows "The Holy One Blessed be He did not make a covenant with Israel except for the sake of the oral transmission as the verse says "through (in Hebrew 'al pi', homiletically translated as 'orally') these words I have made with them a covenant". This verse appears in the Biblical narrative only at the giving of the second tablets(5).

After the Kohen Gadol's public reading on Yom Kippur, he said these words: "More than I have read to you is herein written" (Mishnah Yoma 7:1). In a homiletic interpretation, the Rav states that within this phrase the Kohen Gadol indicated that there is an oral tradition that is integral to the avoda. This is the key to understanding the reason for the recitation of the avoda during musaf. The earlier reading is insufficient to accurately describe the avoda; By reciting the avoda, we make the same demonstration of the indispensibility of Torah Sheb'al Peh.

Therefore, the Rav continues, this affirmation continues as a central theme in our present day avoda recitation. "Atta Konanta", the version of the seder avoda in the Nusach Sefard machzor, was written during the period of the second Bet Hamikdash, and many in fact maintain that it was composed by the Kohen Gadol himself (6). Its syntax and structure is that of the mishna and baraita. The wording is clearly that of Torah Sheb'al Peh, and indeed constitutes a manifesto declaring faith in the authenticity of Torah Sheb'al Peh (7).

#### Ecstasy and Mourning

Besides the affirmation of Torah Sheb'al Peh, another motif is dominant in the avoda recitation. The person reciting these piyutim is placed in an almost beatific trance as he both observes and becomes involved in the ritual as it is unfolding, compelled to follow every detail until its successful completion. In his 1979 Teshuva lecture, the Rav describes the avoda recitation of his father and grandfather in this way:

"They said it with so much enthusiasm, such ecstasy, that they could not stop. They were no longer in Warsaw or Brisk: they were transported to a different reality. Although I am not a musician or musicologist, all one had to do was hear the nigun of "Hakohanim Veha'am" to understand. One did not even need to hear the words in order to feel the nostalgia for what once existed and is no longer. Similarly, "V'kach haya moneh: achas, achas v'achas". Towards the end of the avoda, when the scarlet thread turned white, the piyut describes how the nation exuded happiness, expressing pleasure and delight, a feeling of closeness to Hashem: He is right beside me."

The avoda description culminates in the majestic piyut "mar'eh kohen", describing the luminous appearance of the Kohen Gadol after successfully completing the avoda:

"Why the happiness in reciting "mar'eh kohen"? Why was it sung with such a happy tune? The answer is that the Kohen Gadol reflected the radiance of the shechina. Through witnessing the radiant appearance of the Kohen Gadol, there could be no doubt about Hashem's acceptance of klal yisrael's prayers."

At this point, the avoda description itself is complete. However a new theme now appears in the Yom Kippur prayerbook. The refrain of the next piyut reads "fortunate the eye which saw all these things: for the ear to hear of it distresses our soul". In the Rav's words:

"Suddenly the payettan and the reader of the piyut are rudely awakened from a dream (8). They cry 'This is no longer the reality in which we live'. It existed once, yes, but is no more. One finds himself alone in a stormy night, dark, lost, and yells 'all this occurred while the temple was in existence: happy the eye which saw all these things' --- BUT NOT OUR EYES."

While reciting the avoda, the Jew was transported to a different, beautiful world. He is now rudely awakened to find himself in a bitter exile. The detail we just discussed: "vekach haya moneh, vekach haya omer, hakohanim vеха'am..." we no longer have.

Immediately after the joy of reciting the avoda, we start to say piyutim of mourning. Suddenly, Yom Kippur is transformed into a Tisha B'av, the mourning reaching its most wrenching moment as we recount the story of the asarah harugei malchut, the ten tannaim martyred by the Romans.

Why kinot on Yom Kippur? Why the mourning? The Yerushalmi provides the answer that there is one sin which a person must confront which does not appear in vidui:

Every generation in which the Bet Hamikdash is not built is as if it was destroyed by that same generation.

The function of mourning on Yom Kippur is the recognition of sin, as it says in the machzor: "aval avonoteinu he'erichu kitzo," our sins have extended its state of destruction. In the introduction to vidui we say "she'ain anu azay panim ukshai oref lomar lefanecha tzadikim anachnu velo chatanu". We deny any pretense of righteousness because our sin is staring us in the face, as it were. Because we find ourselves at a time in which the bet hamikdash remains destroyed, it is impossible to deny that we have sinned. The equivalence between the destruction of the bet hamikdash and our own sins is verbalized explicitly in slichot:

"The residence of our temple was destroyed through our sins; our palace was devastated, the beauty of our land was given to aliens, our strength to strangers. Yet we have still not turned back from our erroneous ways: how can we be so stubborn and stiffnecked to say to you that we are righteous and have not sinned..."

The startling contrast between the joy of the avoda recitation and the pain evoked by reciting the piyutim immediately following serves a basic cognitive purpose. In order to truly feel a loss, a person must understand two key points: 1) how wonderful life was before the loss and, 2) how terrible life is after the loss. In the words of Lamentations:

"Jerusalem remembered in the days of her affliction and of her miseries all her pleasant things that she had in the days of old" (Lamentations 1:7)

To merely articulate our present plight is not a kinah. A born slave feels no deficiency in his life (9). In order to feel a loss one must first have experienced the "pleasant things".

"This is the point of reading the avoda: to feel the reality of the bet hamikdash which is no longer. This is the kinah a Jew says on Yom Kippur. The mourning which takes place on Yom Kippur is our recognition of sin. The destruction of the Bet Hamikdash is itself our sin."

#### Rabbi Akiva's Affirmation

However, hope to attain the closeness to G-d as characterized by the avoda of the Kohen Gadol, is not lost to contemporary man. The words of Rabbi Akiva towards the end of Mishna Yoma is a ray of hope to our generation so far removed from the Temple service. Rabbi Akiva, in response to the feelings of hopelessness felt by the Jewish people upon the Temple's destruction said:

"Happy are you Israel: before whom are you purified and who purifies you: your father in heaven"

All the darshanim ask, "What is the significance of such a statement? Who else could purify us"? The answer lies in understanding the historical context of the statement. It was the first Yom Kippur after the Temple's destruction. The Jews could not conceive of the possibility of such a Yom Kippur: a Yom Kippur without the Kohen Gadol, sa'ir la'azazel, the Holy of Holies, a Yom Kippur based on one concept alone: individual repentance. The Jews were in pain and despair. How could there be a Yom Kippur without a bet hamikdash?

The response of Rabbi Akiva has been explained by the Rav in the following way (10):

"Then rose Rabbi Akiva, the unswerving "optimist", and he said: There is no need for such mournfulness and helplessness. Indeed, we have been bereft of the Temple and its divine dispensation of grace for the atonement

of sin. But we have lost only Kapara, atonement and penitence, but not Tahara, Purification. Indeed, we have been bereft of the ceremonies and sacrifices that are relevant to the transcendent act of the erasure of sin by supernatural grace and incomprehensible divine benevolence that alter the past and disrupt the causal chain. The attainment of Kapara will not be as complete and perfect now as it was when the cult worship acts of the High Priest brought man into contact with transcendent and incomprehensible divinity. But we Jews have brought another message of Teshuva to man, that of Tahara. There is nothing transcendent, miraculous or non-rational about Tahara...The performance of Tahara is not directed at a transcendent divinity but at G-d, as our Father, Companion and intimate Counsellor...this communion of G-d - man has not been affected by the loss of outward ceremonial rites"

#### Yom Kippur as a Day of Prayer

While in the days of the Temple the avoda service was perceived as being synonymous with the Yom Kippur experience, today our own cognitive association with Yom Kippur is that of a day devoted entirely to prayer. According to the Rav, prayer on Yom Kippur takes on an entirely different complexion than prayer during the rest of the year. The essence of the day of Yom Kippur must be transformed into a "yom tefila" a day of prayer. To accomplish this transformation, the rabbis instituted the Ne'ilah service, the purpose of which is to allow us to request that all the previous prayers of the day be accepted before G-d.

This conception of the role of the Ne'ilah service is so compelling to the Rav that he actually posits a halakha on this basis. If one forgets to pray one of the three daily prayers during the year in their proper time, it does not normally affect one's halakhic ability to participate in subsequent prayers. However, according to the Rav, if for some reason one did not pray on Yom Kippur until the time for Ne'ilah has arrived, having missed the other prayers of the day, he cannot participate in the Ne'ilah service. Ne'ilah is a prayer whose function is to transform all those previous into one unified prayer activity. Without the earlier prayers there can be no Ne'ilah.

On the eve of Yom Kippur, immediately after the amida of ma'ariv, there is a piyut which apprehends the unique nature of prayer on Yom Kippur:

"Ya'aleh tahanuneinu me'erev, veyavo shavateinu miboker, veyaraeh rinuneinu ad arev."

"May our supplications ascend from evening, and may our cry arrive from morning, and may our praise find favor (literally 'be seen') by evening"

In this piyut, the request is explicitly made that the entire day be a yom tefila in that one already anticipates Ne'ilah in his prayers from the previous evening. All three verbs in this first sentence of the piyut are paralleled by the biblical description of three stages in Israel's prayer during the Egyptian exile. There are three parts to the piyut:

1) Evening - Ascension: The Torah describes the initial stage of prayer by the enslaved Hebrews: "...and their supplication ascended unto G-d by reason of their bondage" (Exodus 2:23)

At this point in their slavery experience, Israel had no intention of formulating prayer as such. This initial stage of prayer is little more than a poorly articulated instinctive cry (10). According to the Ramban, Hashem Himself "lifted" their supplication, allowing their cry to rise up before Him. On the evening of Yom Kippur, we similarly ask Hashem to allow our prayer to rise.

#### 2) Morning - Arrival :

"...the cry of Bnai Yisrael has come before me" (Exodus 3:9)

In the morning we ask Hashem that our prayer enter before Him and be heard.

#### 3) Evening - Acceptance ("seeing"):

"...and G-d saw...and took cognizance" (Exodus 2:25)

Ne'ilah is the prayer in which we ask for Hashem's acceptance of all our prayers, uniting all the previous prayers into one large "ma'aseh tefila" or prayer activity. The piyut therefore expresses the hope that our prayers of the evening become a suitable introduction to those of the morning, and

that those of the morning be a suitable introduction to those of the following evening, in accordance with the Biblical verse regarding Yom Kippur:

"From evening until evening you shall keep this Sabbath" (Leviticus 23:32)

#### FOOTNOTES

This essay is based largely on the Yarchei Kallah and Kinus Teshuva, unless otherwise noted

1) On the Shabbat prior Pesach, the cantor recites a similar supplicatory introductory piyut ("Avo Behayil"), prior to a piyut which details the halakhot of chametz and matza. However, in this case the chazan is asking permission to detail halachot which are applicable today. In contrast, the avoda in our day is not in practice.

2) This disagreement is not mentioned specifically in the Gemara. The major disagreement between the Pharisees and the Saducees, recorded in the Gemara in Yoma 53A, was whether the Kohen Gadol was to prepare the incense while in the Kodesh Kodashim, or whether to prepare it before entering there.

3) According to the Rav, during this seven day prelude, the Kohen Gadol experiences two fundamental changes of his personal status. On one level, the seven days elevates the Kohen Gadol until he is the virtual personification of Aaron himself. For this reason the Biblical avoda description refers specifically to tasks that Aaron was to perform (i.e. "bezot yavo Aharon el hakodesh") rather than a generalized description of the Kohen Gadol's duties. On a second level, the Kohen Gadol becomes transformed into a holy Temple vessel, as he was required to use his hands to transfer incense from the ladle to the shovel while in the Holy of Holies. The seven days of avoda preparation thus facilitates both transformations.

4) Sha'alot Utshovot Bet Halevi, Drush 14.

5) The Bet Halevi further explains the reason Torah Sheb'al Peh was presented orally after the first set of tablets were broken. According to a Gemara in Eruvin (54), had the sin of the golden calf not taken place, Israel would never have experienced the yoke of foreign domination. However, Israel once having sinned was vulnerable to outside conquest. G-d foresaw that these nations would expropriate Israel's religious texts as their own. Hence, by keeping this portion of the Torah away from Scripture, Torah Sheb'al Peh remained the unique possession of Israel.

5) Interestingly, the Rav indicated that the Nusach Ashkenaz version of the avoda (Amitz Koah) was composed much later and contains with it a few difficult passages which seem inconsistent with the avoda service as it was practiced.

6) According to the Rav, just as Yom Kippur is the holiday commemorating the giving of Torah Sheb'al Peh, Succot is the Yom Tov celebrating Torah Sheb'al Peh. The Saducees and Pharisees argued about very basic rules involving the Succot festival, e.g. Aravot, Nisuch Hamayim. Indeed, what is a Succa? What should its height be? Ninety percent of the halochos of a Succa are Halacha L'Moshe Misinai. Succot is therefore the yom tov of Torah Sheb'al Peh. At the same time Succot is the holiday wherein we celebrate the taharat hanefesh effected by Yom Kippur. ("Uv'yom harishon: rishon le'avonot" - Vayikra Rabba 30:7).

7) The Rav's tone changes dramatically at this point in the lecture. His tone is forboding, becoming almost cynical as he says the word "but not our eyes" at the end of the end of the paragraph.

8) See Tradition, June 1978 "Redemption, Prayer and Talmud Torah": "The animal is exposed to pain; so is the slave. When the slave meets with pain he reacts like the animal, uttering a sharp shrill sound. However, the howl of the beast, like the shriek of the slave, lasts a moment in the darkness and the hush of the night. In a split second all is silent again. There is no aftermath to the pain sensation of the animal or the slave; there follows no complaint, no request, no protest, no question of why and what. The slave does not know suffering, lacking, as he does, the very existential need awareness which generates suffering".

9) J.B. Soloveitchik in "Sacred and Profane", Gesher 3 (1), June 1966. See also "On Repentance" chapter on "Atonement and Purification"

10) See Tradition, 1976: Redemption, Prayer and Talmud Torah, "Moses, by defending the helpless Jew, restored sensitivity to the dull slaves. Suddenly they realized that all that pain, anguish, humiliation and cruelty...is evil. This realization brought in its wake not only sharp pain, but a sense of suffering as well. With suffering came loud protest, the cry...The dead silence of non-existence was gone; the voice of human existence was now heard...It is in this second stage, with the awakening of the need awareness, that prayer makes its entry. This level of intermediate prayer is not yet tefila but tze'akah, a human outcry... there is not yet a clear understanding of what one is crying for... Tze'akah is primordial prayer, the voice restored, the word still lacking".

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[Excerpt from

**A Yom Kippur Machzor - Rabbi Joseph B. Soloveitchik**

With commentary adapted from the teachings of Rav Soloveitchik

Edited by Dr. Arnold Lustiger

#### [Kol Nidrei]

...[H]ow can the concept of releasing one from vows (matir neder) be even remotely ascribed to the Master of the Universe? We can shed light on this idea through closer examination of the concept of hataras nedarim.

One reason we recite Kol Nidrei before Yom Kippur is as follows: When G-d pronounced His intention to destroy Israel, the pronouncement had the status of a vow. The Zohar says that Kol Nidrei is designed to release G-d from this vow, as it were. On Erev Yom Kippur, Jews are constituted as a beis din to "absolve" Hashem. The Zohar derives this concept directly from the passage in the Gemara, wherein Moses released G-d from His vow.

By use of the word vayechal, Moses was telling Hashem that He must view the Jewish people in the same way that a court looks at one who wishes to nullify a vow. The vow was mistaken from the start; the person was not himself when it was uttered. Even when a Jew worships idols, deep in his heart he is good. For every Jew who worshiped the Golden Calf, there is another inner Jew who did not, and these Jews must be saved.

There was hardly a group of sinners more infamous than those who worshiped the Golden Calf. Yet Moses was able to annul God's vow to destroy Israel by arguing that every Jew who participated in the sin had a split personality, one that worshiped the Calf and one that did not. The pure essence of the Jew who did not engage in such worship needed to be saved (Derashos HaRav, pp. 101-102)

In the convocation of the court above and in the convocation of the court below. Only after Moses, Aaron, and Chur convened as a beis din did G-d provide salvation in the battle with Amalek (Exodus 17:12). We therefore deduce that the Heavenly Court (the beis din shelmaalah) acts only after the earthly beis din (beis din shel matah) issues its own ruling. Within Kol Nidrei, a legal ruling is promulgated that asserts that the assembly is meritorious, that this Yom Kippur will provide complete atonement, and that our prayers will be answered. In this way the atonement provided by Yom Kippur is a duly constituted legal ruling conforming to the requirements of the portion of the Shulchan Aruch dealing with such issues, the Choshen Mishpat (Before Hashem, pp. 76, 80).

We sanction prayer with the transgressors. The communal atonement effected by the Day of Yom Kippur is compromised if specific members of Knesses Yisrael are excluded. We therefore include this statement, explicitly counting even those among the congregation who have



committed the most serious sins (Motza'ei Shabbos Erev Yom Kippur, 1969).

Excommunications. In Kol Nidrei, we annul all excommunication, thereby reintegrating every Jew into the congregation of Israel. Only in this way can the imperative of

"and You shall forgive the entire congregation of Israel" be fulfilled. If the community is truncated due to excommunication, the communal entity is compromised and communal atonement does not take effect (Motza'ei Shabbos Erev Yom Kippur, 1969).

From the last Yom Kippur until this Yom Kippur. True teshuvah is accompanied by a deep sense of humiliation for having sinned in the first place. Ezra the Scribe emphasized the importance of shame in the act of teshuvah by stating: "My God, I am embarrassed and ashamed to lift my face to You, My God, for our sins have multiplied above our heads and our sins extend unto heaven" (Ezra 9:6). Reflecting this theme, the Gemara (Berachos 12b) states: "Whoever commits a sin and is ashamed because of it, all his sins are forgiven." Rambam (Hilchos Teshuvah 1:1) includes the element of shame in his description of Vidui: "Please, Hashem, I have sinned and transgressed before You . . . and now I have remorse and am ashamed of my acts."

Remorse, a major component of repentance, must be accompanied by a sense of shame for having sinned. As an example, if one who routinely violates the Sabbath thinks to himself, "I may as well observe Shabbos; I have nothing to lose," the key element of shame is missing, and true repentance is lacking. If, on the other hand, he thinks, "What a fool I am for not keeping Shabbos; I would have had different children, a different household, a different life," the sense of regret is so intense that the sin becomes a source of deep embarrassment. This emotion constitutes true shame.

A person who experiences shame will desperately welcome any possible opportunity to somehow undo the act that resulted in the humiliation, to turn back the clock, so to speak. He cannot tolerate the thought that he actually indulged in sin. The true penitent is therefore not quite satisfied with atonement per se; he would greatly prefer to extirpate the sin as if it never existed. By reciting Kol Nidrei, we convey this desire and thus attest to our Maker that the remorse we feel for all sins, not just false vows, contains within it the critical element of shame (Before Hashem, pp. 73-74).

And from this Yom Kippur until the next Yom Kippur. The form of Kol Nidrei that is most often used states that all vows be annulled ". . . from the past Yom Kippur until this Yom Kippur . . ." This version is consistent with the above explanation that Kol Nidrei serves to uproot vows made in the past.

However, with this subtle change in wording, one requests that vows be annulled ". . . from this Yom Kippur until the next Yom Kippur . . ." Rabbeinu Tam, who prefers this latter wording [Sefer Hayashar; Rosh Nedarim; Tur Orach Chaim], explains that Kol Nidrei is in fact not an annulment of past vows at all, but rather a conditional statement that future vows uttered throughout the coming year should be annulled.

In light of the latter reading, we must reinterpret the relationship of Kol Nidrei to Yom Kippur. What is the symbolic relevance of Kol Nidrei to the broader themes of Yom Kippur in Rabbeinu Tam's version?

Aside from shame, another critical component in the teshuvah process is the resolve never to repeat the sin. In detailing the teshuvah process, the Rambam is quite strict in this requirement. The resolve must be so sincere that Hashem Himself must testify that the penitent will never again engage in such a sin (Hilchos Teshuvah 2:2). The person must also engage in specific actions to demonstrate his sincerity: "Among the ways of teshuvah is for the penitent to call out constantly to Hashem in weeping and supplication, and for him to give charity according to his means, and for

him to greatly distance himself from the sin that he committed" (Hilchos Teshuvah 2:4).

No matter how sincere the intention, the penitent must provide some type of guarantee of his resolve through concrete action. In the case of false vows, such a guarantee would take the form of a conditional statement that all vows uttered in the future be voided. This statement is the best possible proof that he will never again be guilty of such a sin.

Rabbeinu Tam's text of Kol Nidrei therefore gives expression to our determination not to continue sinning, while the earlier version is indicative of our deep shame for having sinned in the first place. Kol Nidrei therefore resonates as a clear expression of the proper mind-set upon the arrival of Yom Kippur. At the same time, recitation of Kol Nidrei sends a message to man that his teshuvah must be strict and disciplined, including the two key halachic requirements of remorse and resolve (Before Hashem, pp. 74-75)

May it be forgiven for the entire congregation of the Family of Israel. As indicated in the introduction, the shaliach tzibbur and the two who accompany him constitute a beis din. But on what halachic basis does such a beis din rule in Israel's merit? Through the wording of the final ruling: "May it be forgiven for the entire congregation (root: eidah) of Israel and for the stranger who dwells among them, for the sin befell the entire nation (root: am) through error" (Numbers 15:26). Through the Kol Nidrei recitation, Israel is transformed from an entity known as an eidah to that of an am.

Eidah represents the highest sociological description of a group. An eidah is a sophisticated, discerning group of people. An eidah understands the difference between good and evil, and comprehends the gravity of sin and its consequences.

On the other hand, am, or nation, is an appellation that represents Israel as a collective in its lowest form. As one example of this usage, upon hearing the news of Israel sinning during the Golden Calf incident, Moses was told: "Go descend, for your nation has corrupted itself (ki shicheis amcha)" (Exodus 32:7). The Talmud states: This nation can be compared to dust or [alternatively] to the stars. When they descend [i.e. are unworthy] they descend to the level of dust, and when they ascend, they rise to the level of the stars" (Megillah 6b).

The beis din realizes that an eidah knows full well the consequences of sinning, and recognizes when it has done so. Members of an eidah cannot say that they committed the sins in error. How then could atonement apply to such a group? It is because the beis din in a sense demotes the congregation of Israel from eidah to am, from an entity that understands sin and its consequences to one that does not. Only for an am can sin be considered to have been committed in error.

But what is the basis for the error? A passage in Tractate Nedarim (66a) states the following: "If one vows, 'I will not marry this ugly person,' and she was [found to be] beautiful, dark complexioned and found to be light, short and found to be tall, she is permitted [for him to marry], not because she was ugly and became beautiful, dark complexioned and came to be light, short and came to be tall, but because the vow was made mistakenly [i.e. under false assumptions]." The Gemara continues: "There once was an incident where one vowed not to marry his [homely] niece. [The niece] was taken to the house of Rabbi Yishmael, who beautified her. Rabbi Yishmael asked [the one who vowed]: 'Is it [indeed] from this [beautiful] woman [you see before you] that you did vow?' He answered, 'No,' and Rabbi Yishmael released him from his vow. At that moment, Rabbi Yishmael cried and said, 'The daughters of Israel are indeed beautiful, but poverty has made them look repulsive.'"

Israel performs many transgressions that lower her prestige, but the motivation to sin always stems from some external influence. "The daughters of Israel are indeed beautiful": the sin does not enter the personality per se; the sin is a stain that can be washed off.

This analogy recurs in the Kinnot (elegies) of Tishah B'Av. A story is told of how Elijah happened upon a poor, dirty woman. When he asked her

identity, she replied that she was the "Congregation of Israel." Elijah responded that if she were to simply wash herself she could once again regain her beauty.

This is the basis of the ruling of the beis din in Kol Nidrei. All Jews have acted in error, but they remain fundamentally meritorious. Hashem may have initially vowed that due to the sinner's repulsiveness He will have nothing to do with him. The beis din through their Kol Nidrei ruling abets Hashem, as it were, to absolve Him of His vow (Before Hashem, pp. 80-82).

May it be forgiven for the entire congregation of the children of Israel . . . Please forgive the iniquity of this people . . . Why are these verses recited precisely at this moment in the Yom Kippur service? According to the Rav, they serve as both a conclusion to Kol Nidrei and an introduction to the Shehecheyanu blessing:

Venislach as the conclusion of Kol Nidrei Kol Nidrei is intimately associated with the concept of hataras nedarim, the halachically prescribed formula for the nullification of vows. When the Jew wishes to nullify a vow he has made, he may do so through hataras nedarim. Such nullification takes place through a declaration of remorse for having made the vow. In the presence of either a beis din or an appropriate individual, he states that at the time of his utterance, had he then understood what he now knows, he never would have made the vow at all. Through the recognition that the original act was in effect amistake, the vow is nullified retroactively. The Torah therefore provides the authority to change his intention to vow from willful to accidental on the basis of his present understanding, rather than on the basis of his state of mind at the time the vow was spoken.

Yom Kippur carries precisely the same message. Through the experience of repentance, we acknowledge that our sins were impulsive acts that do not reflect our present value system. As a result of this realization, our sins are considered as if they were committed unintentionally, even though they stemmed from a world-view whose flaws we only now recognize.

The concluding phrase of the first verse, "for all the nation is in error," thus links Kol Nidrei with the concept of teshuvah: sins are retroactively declared to have been committed in ignorance.

Venislach and Selach Na as the introduction to Shehecheyanu The experience of simchah or joy is the basis for the recitation of Shehecheyanu (Eruvin 40b). On Yom Tov, this joy finds expression in the recitation of the Vehasi'enu passage during the festival Amidah: "Bestow upon us, Hashem, our God, the blessing of Your festivals for life and for peace, for gladness and for joy . . ." Although Vehasi'enu is generally not recited nowadays in the Amidah of Rosh Hashanah and Yom Kippur, the Rosh in his commentary near the end of Tractate Rosh Hashanah (siman 14) enumerates a number of Geonim and Rishonim who did in fact recite Vehasi'enu, thereby suggesting that this expression of joy is indeed appropriate even during the Yamim Noraim. (The Rav elsewhere suggested that the custom of reciting Vehasi'enu on Yom Kippur terminated with the Crusades (Kedushas HaYom Shiur, 1956).

The simchah of festivals is specifically associated with the eating of meat and drinking of wine (Pesachim 109a) and, in fact, ideally Shehecheyanu is recited over a cup of wine (Eruvin 40b). What then is the basis for the recitation of the blessing on Yom Kippur, when fasting is the order of the day?

The answer lies in understanding the basis for the holiday that follows Yom Kippur, the festival of Succos. Succos is in fact the holiday most clearly associated with the concept of simchah (Deuteronomy 16:13-14), precisely due to its proximity to Yom Kippur. The simchah of Succos derives from the communal forgiveness of sin that Israel experiences during Yom Kippur, the celebration of which actually takes place during Succos.

The simchah of Yom Kippur similarly derives from this recognition. It is the communal nature of this forgiveness that is highlighted in the two verses recited prior to the Shehecheyanu blessing: "And it shall be forgiven

to all the congregation of the Children of Israel, and to the stranger who dwells among them, for all the nation is in error" (Numbers 15:26). "Please forgive the iniquity of this nation according to the greatness of Your lovingkindness, and as You have forgiven this nation since Egypt until now. And Hashem said, I have forgiven according to your words" (Numbers 14:19-20).

These verses deal with communal forgiveness, the forgiveness bestowed on Knesses Yisrael, the entire congregation of Israel as a unified entity. In contrast, another verse closely associated with Yom Kippur forgiveness: "For through this day He will provide atonement for you, to purify you from all your sins, before Hashem you shall be purified" (Leviticus 16:30), would be inappropriate in this context. The verse in Leviticus deals specifically with the purification that results through the teshuvah of one or many individuals. Depending on the quality of the repentance, an individual or group of individuals may or may not achieve forgiveness on Yom Kippur. On the other hand, Knesses Yisrael gains forgiveness without fail. The simchah that underlies the holiday of Yom Kippur is particularly associated with this unconditional communal forgiveness. As a result, it is specifically the verses of venislach and selach na that are recited as an introduction to the Shehecheyanu blessing.

The fast on Yom Kippur is referred to as tzom he'asor, and not the more common term for a fast, taanis. The word tzomin another context means "braid," as used in Mishnah Chullin 4:6 through the term tzomes hagiddin, or braided sinews. A braid is a collection of individual strands unified into a single entity. On Yom Kippur we celebrate the forgiveness of sin bestowed on Knesses Yisrael as a gavra, a communal "personality," that transcends a mere collection of individuals. This joyful recognition is thus the basis for reciting the Shehecheyanu blessing that allows us to thank Hashem ". . . Who has kept us alive, sustained us, and brought us to this time" (Before Hashem, pp. 116-120).

[Shehecheyanu Vikiyimanu Vihigiyanu Lazman Hazeh] The Rav noted in his youth the emotional Amen response of the congregation at this point, simultaneously reflecting both fear and longing for the Day of Judgment (Noraos HaRav 13, p. 79).

[A Yom Kippur Machzor - Rabbi Joseph B. Soloveitchik The Hebrew Text of the Machzor, as well as the translation and instructions, is from the universally acclaimed ArtScroll Yom Kippur Machzor. The Annual Teshuvah Shiurim of Rav Joseph B. Soloveitchik zt"l were transforming moments for all who heard them. His penetrating insights, brilliant erudition and fully expounded sense of awe of the Y'mei HaDin, enabled everyone to gain a deeper appreciation of both the magnitude of the task of repentance and the path toward personal and communal growth. This monumental work includes: Introductions by Rabbi Menachem Genack and Rabbi Hershel Schachter An extensive review of many of the hanhagos HaRav — the Rav's traditions in tefillah — delineated throughout the Machzor and explained in a special section An inspiring commentary culled from many of the Rav's enthralling, penetrating thoughts This work presents many of the probing thoughts offered by the Rav in his shiurim, lectures and written works — distilled for the very first time into a concise commentary on the tefillos of the day, from Kol Nidrei, Maariv, through Avodas Yom HaKippurim and Neilah. This Machzor will add meaning and significance to your prayers on Yom Kippur and its messages will continue to inspire you throughout the year. ]

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SHEMA KOLEINU The Weekly Torah Publication Of The Marsha Stern Talmudical Academy – Yeshiva University High school for Boys [From last year] Volume 10, Issue 2 Yom Kippur 5766

**Teshuva- An Identity Crisis**

**Rabbi Shimon Kerner**

In a court of law: witnesses testify against the accused, evidence is presented and discussed and a verdict is issued. If upon being convicted the criminal were to get up and say "it's not me, you've got the wrong guy", he would be ignored in light of convincing evidence to the contrary. Yet in the heavenly court, even if all the evidence points to a person's guilt in having committed a transgression, he still has a chance to say "it's all true, but I'm not the one who violated that aveira". Moreover, the Rambam (hilchos teshuva 2:4) codifies the teaching of our sages (Rosh Hashana 16a) that "changing one's name" is among the helpful paths to t'shuvah! The Ran explains that by changing his name, a sinner feels to be a new person and is inspired to rectify his ways.

One of the other things that tears up a bad decree is shinui ma'aseh (lit. change in action). The Ritva explains that the gemara is not only referring to changing one's ways from "wrong to right." Rather, it is offering another technique to inspire ourselves to be better. Shinui ma'aseh means agreeing to avoid doing things which are not technically forbidden, but are improper or unbefitting of a Torah observant Jew. If a person accepts shinui ma'aseh upon himself, he is agreeing to totally transform into a person undeserving of the punishment reserved for the actual transgressor.

In the same vein, we can explain how prayer is one of the things that tears up the evil decree. Rav Yosef Albo (sefer haikarim(4:18)) asks: If one is deserving of a certain punishment, how can tefilla make a difference? The punishment has already been decreed! He answers that indeed tefilla doesn't change the decree, but if offered with sincerity, changes the person. When done properly, tefilla can transform the person into an entirely new human being.

If t'shuvah means return, to what are we returning? According to this explanation, we are returning to our pre-transgression state. This is represented by immersion in the mikva, which reminds us of our in-utero state, entirely enveloped by amniotic fluid. When we are born, we emerge into the world in a pristine, pure state.

This Yom Kippur let us all make an attempt to daven with all our hearts and souls. We should look for ways to improve ourselves to the point that we are transformed into new people. If all goes well this Yom Kippur, when we return to Yeshiva, we will all need new ID cards!

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**SHEMA KOLEINU** The Weekly Torah Publication Of The Marsha Stern Talmudical Academy – Yeshiva University High school for Boys  
**Anachnu Va'Avoseinu Chatanu**  
**Moshe Shulman**

On Yom Kippur, we will be saying Viduy. Among the many things we say is "Ein Anu Azei Panim U'Kshei Oref Lomar L'fanecha Hashem Elokeinu V'eilokei Avoseinu Tzadikim Anachnu V'Lo Chatanu, Aval Anachnu Va'Avoseinu Chatanu." – We are not so bold and stubborn as to say before You, Hashem our G-d and the G-d of our forefathers, that we are righteous and did not sin, but we and our fathers have sinned.

How can we mention our fathers' sins? Isn't that a bold, brazen act? We have just promised not to act brazenly! Rashi on Vayikra 26:39 explains based on a Gemara in Sanhedrin that we mention our fathers' sins only if we continue doing them.

Even so, why do we mention that these sins were our fathers'? We could just say that it is our sins. So why do we say this seemingly disrespectful statement that our fathers' sinned?

The Beis Halevi on Parshas Bereishis redefines what we are claiming to Hashem in Viduy. He says that at first, the Yeitzer Hara acts very weak. Then, as we do a sin, the Yeitzer Hara for that sin grows stronger until it is almost impossible to overcome. The Beis Halevi says that this is why we say in Tachanun every day, "Al Tizkor Lanu Avonos Rishonim – Do not recall against us the first sins." On the last sins, we have an excuse – the

Yeitzer Hara was very strong. However, on the first sins, we have no excuse.

The Beis Halevi says that by Tachanun, too, we are making this plea. We say that we are not so brazen as to say that we did not sin, but we say that since we and our fathers sinned earlier, now there is a bigger Yeitzer Hara. The reason we mention our fathers' sins here is because that too added to the strength of our Yeitzer Hara. We say that our sins are "Karov L'Ones".

The Toafos HaRim gives a different explanation. He says that when one is considered a good person, it also gives a good name to his father. On the other hand, if one sins, it gives a bad name to his father. When we mention "Anachnu Va'Avoseinu Chatanu – we and our fathers have sinned," it is just to give us reinforcement to do T'shuvah. We must consider how our sins negatively affect our fathers.

May it be Hashem's Will that all our sins be forgiven on Yom Kippur.

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From: Rabbi Goldwicht [[rgoldwicht@yutorah.org](mailto:rgoldwicht@yutorah.org)] Sent: Thursday, September 28, 2006 8:57 PM Subject: Shabbat Shuvah/Yom Kippur 5767  
**WEEKLY INSIGHTS BY RAV MEIR GOLDWICHT**

After an unexpected break, we are b'ezerat Hashem returning to our former system, with a dvar Torah on the parasha or inyanei d'yoma in your inbox every week. We hope you enjoy it and share it at your Shabbat or Yom Tov table, and we encourage you to share it with your friends as well. With the beginning of the year, we wish you and yours a shana tovah and a g'mar chatimah tovah, a year in which we all merit to increase kevod shamayim in good health, achdut, and happiness.

Shabbat Shuvah/Yom Kippur 5767

The Rambam rules in the first perek of Hilchos Teshuva that the process of viduy (confession) includes the enumeration of one's sins, voiced regret and shame for one's actions, and a verbal commitment never to repeat the sin. How can the Rambam suggest that it is even possible for an individual to tell HaKadosh Baruch Hu that he will never repeat his sin? How can he be so sure? Quite the contrary? In general we do repeat our sins!

To answer this question, we must take a brief look at the very interesting sugya (topic) of busha (shame). This sugya begins at the very beginning of Creation, where the Torah tells us that Adam and Chavah were both naked, but "lo yitboshahu, they were not ashamed" (Bereishit 2:25). Busha turns up again when Yosef reveals his true identity to his brothers, who were positively speechless out of shame (Rashi; Bereishit 45:3). Busha makes another appearance at Kabbalat HaTorah, where Moshe Rabbeinu explains that the entire purpose of Ma'amad Har Sinai was "I'va'avur tih'yeh yirato al p'neichem, so that His fear will be upon your faces" (Shemot 2:16). Chazal explain in the gemara in Nedarim that this yirah refers to busha.

The sugya continues on, but the general idea is that busha is a force no one can withstand. If a person is put to shame, but somehow endures it, it is a sign that he was not shamed enough. If he was, he would simply be unable to continue functioning. A person who is truly ashamed loses all his strength; this is in fact what happened to Yosef's brothers when they understood that the brother they had sold into slavery twenty-two years prior was standing opposite them. The only way to cope with busha is to begin a new life in a place where they don't recognize the individual.

This is essentially the secret of the ba'al teshuva. The ba'al teshuva has achieved a level of true busha, inspiring him to move to a new place spiritually, and sometimes physically as well, and to begin life anew. This is the meaning behind the famous gemara in Berachot: B'makom she'ba'alei teshuva omdin, tzadikin gemurin einam omdin. In the place that the penitent stand, even the completely righteous cannot. This is also why the gemara in Berachot says that one who performs an aveirah, but is then ashamed to stand before HaKadosh Baruch Hu, is forgiven all his sins; through the shame he feels, the sinner moves to a new place and a new life.

This is the meaning behind the Rambam's aforementioned ruling. If a person is ashamed of his ways, he really can pledge never to repeat his

ways, since he his busha has inspired him to begin life anew; if he ever performs the sin "again," it is not "repeating" the sin, per se, but rather it is as if it is the first time.

The Rambam sings the praises of teshuva in the seventh perek of Hilchot Teshuva: "How great is teshuva! Yesterday this person was cast away from G-d, his prayers ignored and his mitzvot rejected; yet today, he is attached to the Shechinah, his prayers are answered immediately and his mitzvot are accepted happily." What happened between yesterday and today? He experienced busha, leading him to repent. In fact, in Hebrew the word bosh (be ashamed) is shav (repent) backwards.

Therefore, as we approach Shabbat Shuvah, which contains elements of the entire following week and Yom Kippur, if we contemplate the sugya of busha even just a bit, experiencing busha over even one sin, we are guaranteed forgiveness for all of our sins and will merit a chatimah tovah, and a year of joy and success.

Shabbat Shalom, Shana Tovah, and G'mar Chatimah Tovah! Meir Goldwicht

Please feel free to forward the weekly sichah to friends and family. If you are not yet subscribed, you can subscribe here. The administrator can be reached at [talliskattan@sbcglobal.net](mailto:talliskattan@sbcglobal.net).

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From: [ZeitlinShelley@aol.com](mailto:ZeitlinShelley@aol.com) Sent: Wednesday, September 27, 2006 7:08 AM To: [ZeitlinShelley@aol.com](mailto:ZeitlinShelley@aol.com)

#### **Recommendations for Repentance**

##### **By Rabbi Moshe Meir Weiss**

The Gemora in Masechtas Menachos teaches us that this world was created with the letter 'Hei,' as the verse states, "Eila toldos shamayim v'aretz b'hibarom – These are the accountings of heaven and earth when they were created." The word b'hibarom can also be read, "b'Hei barom," which gives us a rendering of the verse, "With the letter Hei, the heaven and earth were created." The Gemora explains that the 'Hei' is open at the bottom to signify that if we lead a life of sin, we will plummet - G-d forbid - to the abyss. The opening at the left side of the 'Hei' represents a special entranceway for those who do tshuva, repentance, to reenter. Thus we see the letter that made creation possible has, as one of its main components, the mission of tshuva.

While tshuva is important throughout the year, at no time is it as urgent and as effective as during the Ten Days of Repentance – for at that time, Hashem stretches out His hand, welcoming our overtures of repentance. It is this that the posuk attests when it says, "Dirshu Hashem v'hi m'tzo – Seek out Hashem when He can be found," which refers to the Ten Days of Repentance.

But, when one seriously initiates a campaign to do tshuva, he is overwhelmed by where to start. Should he work on gossip? On anger? On business ethics? Or should he turn his attention to prayer, learning the many words that he doesn't understand, working on his concentration and focus to better his talking to G-d? Should he perhaps concentrate on finding time to learn, or spending more time honoring his parents? Should he work on charity and acts of kindness? Perhaps he should hone his skills at displaying more sensitivity in his inter-personal relationships. Or maybe one should put full focus on bettering his or her marriage. Whew! The list goes on and on and we can almost hear the Yeitzer Hora sarcastically saying in the background, "Forget it! You're a lost cause!"

Of course, while all of the above are ripe fields for self-improvement, it is foolhardy to try to improve everything at once. So, where do we begin? Rabbi Dovid Goldwasser, in his inspiring sefer on Elul, quotes and interesting Gemora in Masechtas Menachos [43b]. The Gemora teaches us, "Kasha onshon shel tzitzis yoser mei'onshon shel t'cheles – The penalty

for not wearing white tzitzis is more severe than the sin of leaving out the blue thread." The fundamental theme of this Gemora is that, since the white thread was easier to procure, the sin of not having it is more serious for the easier the mitzvah the greater is the sin for its omission. Thus we see, contrary to what we might think, when one embarks upon a campaign of tshuva, he should start correcting the easy mitzvahs first – for the neglect of these mitzvahs are the most sinful in the eyes of Hashem. There is another strong reason to start first with the easier aveiros. We are most likely to succeed, which will give us a strong incentive to continue our campaign of self-improvement.

Yet another important guideline on where to start our tshuva curriculum is to consider the Talmudic dictum of "aveira goreres aveira," the viscous cycle that the doing of one sin leads to further sins. An example of this is if someone sins by yelling at his wife Friday afternoon, Hashem might tempt him with sin during Maariv on Friday night by having someone come over to him to talk. Indeed, many times when we find ourselves facing strong temptation, the reason we were put in such a predicament in the first place is because we sinned earlier in the day.

Thus, the serious Baal Tshuva, penitent, bearing this in mind, will pay special attention to his or her behavior at the very beginning of the day. For example, do we say Modeh Ani in the morning as soon as we wake up? This is a relatively easy thing to do – so its omission is particularly punishable as explained above. Furthermore, if we start off the day on the wrong foot, this right away initiates the nasty snowball effect of "aveira goreres aveira" which can have ugly repercussions throughout the day. This line of reasoning holds equally true for the proper washing of our hands in the morning, how we greet our spouse upon awakening, and how we say our brochos at the breakfast table, etc.

So let's bear in mind these important rules. Start with the easy stuff at the beginning of the day! This formula will prove very rewarding and can greatly improve and enhance the quality of our lives and the substance of our spirituality.

In this merit, may we be blessed with a G'mar Chasima Tova u'Masuka – a Final Seal of Good Health and Sweetness for the New Year.

To receive a weekly cassette tape or CD directly from Rabbi Weiss, please write to Rabbi Moshe Meir Weiss, P.O. Box 140726, Staten Island, NY 10314 or contact him at [RMMWSI@aol.com](mailto:RMMWSI@aol.com).

Attend Rabbi Weiss's weekly shiur at the Landau Shul, Avenue L and East 9th in Flatbush, Tuesday nights at 9:30 p.m. Rabbi Weiss's Daf Yomi shiurim can be heard LIVE on Kol Haloshon at (718) 906-6400. Write to [KolHaloshon@gmail.com](mailto:KolHaloshon@gmail.com) for details.

(Sheldon Zeitlin transcribes Rabbi Weiss' articles. If you wish to receive Rabbi Weiss' articles by email, please send a note to [ZeitlinShelley@aol.com](mailto:ZeitlinShelley@aol.com).)

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From Rabbi Mordechai Kornfeld [kornfeld1@012.net.il](mailto:kornfeld1@012.net.il) Outline of the Daf: Yoma 86-88 8/31/06

#### **POINT BY POINT SUMMARY OF THE DAF**

by Rabbi Ephraim Becker Kollel Iyun Hadaf

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YOMA 82 (4 Elul) - Dedicated l'Illuy Nishmas Chaim Yissachar (ben Yaakov) Smulewitz of Cleveland on his Yahrzeit, by his daughter and son-in-law, Jeri & Eli Turkel of Raanana, Israel. YOMA 88 (10 Elul) - The concluding Daf of Yoma has been dedicated in honor of the Yahrzeit of Yisrael (son of Chazkel and Miryam) Rosenbaum, who passed away on 14 Elul, by his son and daughter and families, and also in memory of Sheina Basha (daughter of Yakov and Dora) Zuckerman, who passed away on 10 Elul, by her children and sons-in-law.

#### **Yoma 85b**

5) MISHNAH: THE ATONEMENT OF KORBANOS AND YOM KIPUR

(a) Korbanos Chatas and Asham (Vadai), and Misah and Yom Kipur atone, together with Teshuvah.



- (b) Teshuvah alone atones for Mitzvos Asei and Lo Sa'aseh.
- (c) Aveiros which incur Misah require Yom Kipur (to suspend the afflictions) and Yom Kipur to atone, with Teshuvah.
- (d) One who plans to do an Aveirah and Teshuvah for it, is hindered from doing Teshuvah.
- (e) One who does an Aveirah relying on the atonement of Yom Kipur does not benefit from that atonement.
- (f) Yom Kipur does not atone for sins between man and man.
  1. These require reconciliation between the parties.
  2. R. Elazar b. Azaryah learns this from the Pasuk Lifnei Hashem Ti'haru.
- (g) R. Akiva learns from the Pasuk that Hashem purifies us from our sins just as a Mikvah purifies those who are impure.

#### 6) ASHAM TALUI

- (a) Question: Asham Taluy should be mentioned together with Chatas and Asham Vadai - since the word "Kaparrah" appears there, too!?
- (b) Answer: An Asham Taluy, unlike an Asham Vadai, does not atone completely (it only holds off the punishment until he ascertains that he sinned and can bring his Chatas).
- (c) Alternate Answer: The Asham Taluy is not grouped with the others since Yom Kipur is a backup Kaparah for it.

#### 7) DEATH AND YOM KIPUR WITH OR WITHOUT TESHUVAH

- (a) Question: If we infer that without Teshuvah Yom Kipur and Misah do not atone, then this would not follow the opinion of Rabbi (according to whom Yom Kipur atones even without Teshuvah, with the exception of one who denies Hashem (Porek Ol), interprets the Torah however it suits him or negates the B'ris Milah).
- (b) Answer: Rabbi might agree with our Mishnah, which only says that Teshuvah alone needs Yom Kipur; it does not say that Yom Kipur needs Teshuvah.

#### 8) R. YEHUDAH ON ASEI AND LO SA'ASEI

- (a) Question: If Teshuvah atones for Mitzvos Lo Sa'aseh, is it not obvious that it will atone for Mitzvos Asei as well!?
- (b) Answer: R. Yehudah therefore amends Lo Sa'aseh to Lav ha'Nitak la'Asei (which needs to be also taught as it does not incur Malkos, and is not more stringent than an Asei).
- (c) Question: Does Teshuvah then \*not\* atone for a Lo Sa'aseh!?
  1. The Beraisa teaches that Teshuvah \*does\* atone for Lo Sa'aseh.
  2. The only exception listed in Beraisa is "Lo Sisa" (swearing falsely).
- (d) Answer: The Tana means by "Lo Sisa" to include with it all comparable Lavin (which are not Nitak la'Asei).

Yoma 86

#### 2) TESHUVAH

- (a) R. Elazar b. Azaryah (citing R. Yishmael) taught there are only three categories (unlike the assumption of R. Masya b. Charash) as Teshuvah is not an atonement, it is a prerequisite for the other three.
  1. One who violates an Asei and does Teshuvah is atoned at that time (proof text).
  2. One who violates a Lo Sa'aseh and an Asei, Teshuvah suspends the affliction and Yom Kipur atones (text).

3. One who violates a Kareis or Misas Beis Din, his Teshuvah, together with Yom Kipur, suspend the sentence and affliction brings atonement (text).
4. For Chilul Hashem, all of the above only suspend, while death is needed to atone (text).

#### 4) TESHUVAH

- (a) Teshuvah causes healing in the world (proof text).
- (b) Question (R. Chama b'R. Chanina): One Pasuk indicates that Teshuvah causes the sinner to be viewed, retroactively, as only a wild child (not a sinner) while another Pasuk sees Teshuvah as healing that which was ill?
- (c) Answer: Teshuvah out of love brings retroactive revision, while Teshuvah out of fear only heals from then on.
- (d) Question (R. Yehudah): One Pasuk calls to the penitent as a son; the other calls to him as a servant?
- (e) Answer: Teshuvah is pleasant when it is out of love or fear; while it will come about through affliction when it is forced upon Yisrael by the Master, Hashem.
- (f) (R. Levi): Teshuvah reaches Hashem's Throne (proof text).
- (g) (R. Yochanan): Teshuvah is so great that it (so to speak) overrides a Lo Sa'asei in the Torah (the Lav of taking back one's divorced wife after marriage to another Manna, as indicated in the proof text).
- (h) (R. Yonasan): Teshuvah brings the redemption (proof text).
- (i) (Resh Lakish): Teshuvah causes Zedonos to be Shegagos (text).
  1. Question: But Resh Lakish has taught that Zedonos become Zechuyos (proof text)!?
  2. Answer: One speaks of Teshuvah miYira'ah (they become Shegagos) and one speaks MiAhavah (become Zechuyos).
- (j) (R. Shmuel b. Nachmani): Teshuvah lengthens one's years (proof text).
- (k) (R. Yitzhok): Compare the ways of man with those of Hashem.
  1. Someone who sins against his fellow must wonder if the other will be appeased at all, and if so, at what cost.
  2. One who transgresses the Will of Hashem need only approach Him with words (which will be credited as if he brought the finest Korban), and he will not only be received, but appreciated!
- (l) (R. Meir in the Beraisa): Teshuvah on an individual brings atonement for the entire world (proof text).

#### 5) THE BA'AL TESHUVAH

- (a) Question: What constitutes a Ba'al Teshuvah?
- (b) Answer (R. Yehudah): One who avoids transgressing the same sin on another two occasions (e.g. with the same woman, during the same period of his life, in the same location).
- (c) Question (R. Yehudah, citing Rav): One Pasuk praises the one who conceals his sin, and another does the opposite!?
- (d) Answer (Rav): One should confess (and suffer embarrassment) from public Aveiros, but should not publicize private ones.
- (e) Answer (R. Zutra b. Tuvyah citing R. Nachman): One should openly confess his sins against his fellow, but conceal those against Hashem.

- (f) (R. Yosi b. Yehudah): Hashem forgives the same sin performed (by Klal Yisrael as well as by an individual) three times, but not four (two proof texts are needed to make the point by both the Klal and the Yachid).

#### 6) VIDUI

- (a) (Tana Kama): Aveiros which one confessed one Yom Kipur should not be confessed on the next, (unless the Aveirah was repeated) for doing so is like returning to the filth which he left behind (proof text).
- (b) (R. Eliezer b. Ya'akov): One should keep one's sins before himself always (proof text).
1. Question: How will R. Eliezer explain the Tana Kama's proof text?
  2. Answer: He learns from there Rav Huna's slogan - that once a person sins twice, it begins to \*appear\* to him as if the sin was permitted.
- (c) (R. Yehudah b. Bava): One must specify the Aveirah when confessing (proof text).
- (d) (R. Akiva): It is unnecessary to specify.
1. Question: How will R. Akiva understand the proof text from Moshe (confessing the sin of the people)?
  2. Answer: He learns R. Yanai's teaching, that Moshe attempted to reduce the people's guilt.
- (e) Our faithful leaders, Moshe Rabeinu and David ha'Melech, differed on their desire to have their transgression mentioned.
1. David ha'Melech asked Hashem to \*hide\* his sin.
  2. Moshe asked Hashem to \*publicize\* his.
  3. As in the Mashal cited, Moshe wanted all to know the difference between the sin which prevented him from entering Eretz Yisrael and that which prevented Yisrael from entering (Meraglim).
- (f) It is proper to publicize the identity of Chanafim (as in the proof text, to prevent the Chilul Hashem which results from people learning from the actions of these evildoers posing as Tzadikim and also questioning the punishment which comes to them).
- (g) The Teshuvah of total Resha'im delays their punishment even if it has already been sealed.
- (h) The tranquil life of Resha'im is an obstacle (that impedes the world's progress), because it affords them time to devise their evil plans.
- (i) Authority buries its incumbents.
- (j) One leaves the world as he came into it (were that a person could leave it as free of sin).
- (k) Before going out to judge, both Rav and Rava used to say 'Of one's own freewill one goes to one's death (referring to the heavy responsibility of judging), even though one gains nothing in the process. Would that he would return home (blameless) as he left.'

#### Yoma 87

#### 2) ONE WHO SINS AND PRESUMES TESHUVAH WILL ATONE

- (a) Question: Why does the Tana repeat the words 'Echta ve'Ashuv'?
- (b) Answer: He learns from this the teaching of Rav Huna citing Rav, that one who repeats a sin views the matter as permitted.
- (c) Question: Our Mishnah (that Yom Kipur will not atone for someone who deliberately sins, while relying on Yom Kipur to atone for it) appears incompatible with Rabbi (who taught that Yom Kipur atones even without Teshuvah)?

- (d) Answer: Rabbi will agree in this case, since he is using Yom Kipur as an excuse to sin.

(e) Question: The Pasuk (Shmuel I, 2:25) "Im Yecheta Ish le'Ish u'Filelo Elokim" seems to mean that Hashem (Elokim) will appease (Filel) even for Aveiros between man and man!?

(f) Answer: It means that he will be forgiven only if the judges (Elokim) find him guilty (Filel) and make him pay.

(g) Question: Then how are we to understand the end of the Pasuk "ve'Im Lashem Yecheta Ish, Mi \*Yispalel\* Lo" (it cannot mean 'Who will judge (Filel) him?', since Hashem is not short of ways by which to punish someone who has sinned against Him)?

(h) Answer: 'Filel' is an expression of appeasement, meaning if someone sins against his friend and appeases him, Hashem will forgive him, whereas if he sins against Hashem, who will appease Hashem (other than Teshuvah and good deeds)?

(i) One who wronged another verbally or monetarily must make it up to him by appeasing him or paying him back (proof text as expounded).

(j) (R. Chisda): The sinner must attempt to appease the victim three times, with three lines of three representatives (proof text).

(k) (R. Yosi b. Chanina): However, not more than three times (proof text).

(l) If the victim of verbal anguish has died, the offender takes ten men to his grave and begs his forgiveness.

#### 3) INCIDENTS OF REQUESTING MECHILAH

(a) R. Yirmiyah went to R. Aba to appease him for some wrong that he had done him, and while he was waiting for R. Aba to exit, R. Aba's maidservant inadvertently poured some sewage on his head.

(b) R. Yirmiyah quoted the Pasuk in Tehilim, "me'Ashpos Yarim (a play on his name, Yirmiyah) Evyon".

(c) When R. Aba heard R. Yirmiyah quoting the Pasuk, he went out to see him, and easily forgave him for what he had done (and begged his forgiveness for the slight).

(d) When someone wronged R. Zeira verbally, he would go and stand in front of him, to make it easy for him to ask him for forgiveness.

(e) R. Huna told his Rebbe, Rav, that he was on his way to kill someone, because he knew that the butcher who had wronged Rav, would not respond in a positive way, thereby making his situation in Heaven worse.

(f) His prediction came true when the butcher, looking up and seeing Rav standing in front of him, slighted Rav.

(g) The butcher was killed right away (by a bone chip).

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(h) Rav was learning a chapter of Tanach in front of Rabbi. He started again from the beginning when R. Chiya arrived, and a third time for Bar Kapara.

(i) When R. Chanina b'R. Chama joined the group, Rav declined to start all over again, and he continued, slighting R. Chanina.

(j) Rav went to ask him for forgiveness on thirteen consecutive Arvei Yom Kipur.

1. Question: But we learned earlier that it is forbidden to ask for forgiveness more than three times?

2. Answer: Rav took a strict line and went beyond the letter of the law. (see Rabeinu Chananel).

- (k) Someone who readily forgives those who have sinned against him will find that Hashem will give him the same treatment and all his sins will be forgiven.
1. Question: Why did R. Chanina not forgive Rav?
  2. Answer: Because he had a dream, in which they suspended Rav on a date-palm (a sign that he was destined to rise to greatness).
  3. Since \*he\* (R.Chanina) was due to become Rebbi's successor, he understood that if Rav were to remain in Eretz Yisrael, and R. Chanina would become the Rosh Yeshivah, it would have meant that he would have to die (in order to make room for Rav).
  4. Consequently, his refusal to accept appeasement was meant to force Rav to leave Eretz Yisrael, and to become the Rosh Yeshivah in Bavel (which he subsequently did).

#### 4) THE MITZVAH OF VIDUY

- (a) The first recital of Viduy is due on Erev Yom Kipur, immediately after the Se'udah ha'Mafsekes, as soon as one has brought in the fast (still before nightfall).
- (b) Chazal instituted the recital of Viduy \*before\* the Seudah ha'Mafsekes, in case he become unable to recite Viduy after the Se'udah.
- (c) One nevertheless needs to recite it again after the Seudah in case one sinned in some way during the Seudah.
- (d) Again, Viduy is recited at Shacharis, Musaf, Minchah and Ne'ilah (ten times, twice during each of the Tefilos).
- (e) It is recited by the community at the \*end\* of each Tefilah and by the Chazan in the \*middle\*.
- (f) Question: What Tefilos should accompany the Viduy?
- (g) Answer: (Rav): 'Atah Yode'a'; (Shmuel): 'mi'Ma'amakei ha'Lev [unknown sins]'; (Levi): 'Ki Va'Yom ha'Zeh Yechaper Aleichem'; (R. Yochanan): 'Ki Lo Al Tzidkoseinu'; (R. Yehudah): 'Ki Avonoseinu'; (R. Hamnuna): 'Elokai Ad she'Lo Notzarti'... (which was the Viduy of Rava all year round).
- (h) (Mar Zutra): 'Aval Anachnu Chatanu' alone will suffice.
  1. Bar Hamduri reported that when the Shatz arrived at 'Aval Anachnu Chatanu', Shmuel stood up.
  2. We learn from this that 'Aval Anachnu Chatanu' is the main Viduy.

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### INSIGHTS INTO THE DAILY DAF

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#### YOMA 85b

2) TESHUVAH, YOM KIPPUR, AND THE KORBAN "CHATAS" AND "ASHAM VADAI" QUESTION: The Mishnah discusses the effectiveness of Teshuvah, Yom Kippur, and death in attaining atonement for various types of sins. The Mishnah begins with a statement that the "Chatas and Asham Vadai attain atonement."

These Korbanos atone for a person's sins any time he offers them (and, of course, repents). Why does the Mishnah mention them specifically in the context of the laws of Yom Kippur?

ANSWERS: (a) The TOSFOS YOM HA'KIPURIM answers that the Mishnah does not intend to teach anything about these Korbanos themselves. Rather, the Mishnah intends to teach that only the Asham Vadai provides complete atonement for a sin, but \*not\* an Asham Taluy. If a person finds out, after he has offered an Asham Taluy, that he definitely

sinned, he still must bring a Korban Chatas. Moreover, if Yom Kippur arrives before one offers his Asham Taluy, it exempts him from the obligation to bring the Korban (in contrast to the Chatas and Asham Vadai). (The Tosfos Yom ha'Kipurim discusses at length why, according to this reasoning, the Mishnah mentions the Korban Chatas, if the Mishnah's intention is to teach something about the Asham Taluy, which is inferred only from the mention of Asham Vadai.)

(b) The Mishnah mentions the Chatas and Asham Vadai to teach a lesson about the atonement achieved by Teshuvah and Yom Kippur.

The Mishnah lists the sins for which Teshuvah alone atones, and the sins which need additional atonement. One who transgresses an Aseh or a Lo Ta'aseh does not need to bring a Korban; Teshuvah alone is effective for those types of sins. The Chatas and Asham are necessary for sins that carry the punishment of Kares and Misas Beis Din. These types of sins require Teshuvah \*and\* the extra atonement of Korbanos. Similarly, Teshuvah does not atone for them until Yom Kippur comes and provides extra atonement.

In addition, the Chatas and Asham atone only for sins "Bein Adam la'Makom" (between man and G-d), but not for sins "Bein Adam la'Chaveiro" (between man and his fellow man). Similarly, Teshuvah and Yom Kippur do not atone for sins "Bein Adam la'Chaveiro" until one appeases his friend and asks for forgiveness.

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2) CONFESSING SINS FROM ONE'S PAST QUESTION: The Gemara cites an argument with regard to whether or not one should confess his old sins each year, even though he confessed them in previous years. According to the Tana Kama, to confess one's old sins is abhorrent, while Rabbi Eliezer ben Yakov maintains that it is praiseworthy.

Why does the Tana Kama say that it is abhorrent to confess one's old sins? What is the proper way to conduct oneself in practice?

ANSWER: RABEINU YONAH (end of SHA'AREI TESHUVAH) explains that there are three different ways in which one might confess his sins of previous years.

(a) One who confesses only his sins of previous years and omits mention of sins of the outgoing year certainly acts improperly. It is as if he says that he considers himself to be righteous and free of sin except for those sins which he committed in previous years. His confession lacks the element of humility needed for Teshuvah and displays a sense of arrogance.

(b) Similarly, one should not even mention his old sins together with his new sins, according to the Tana Kama, because doing so shows that he does not have confidence that Hashem pardons those who do Teshuvah.

(c) However, requesting atonement in general is different from confessing specific sins. Part of the Mitzvah of Viduy is the sinner's iteration of each sin. This confession must be done every year for sins committed that year. On the other hand, since the penitent sinner performed the Mitzvah of Viduy last year, he should not mention any specific sins from that earlier year. Nevertheless, he should continue to request a general forgiveness for past misdeeds, just in case he did not fully repent for those sins. An additional benefit of requesting a general forgiveness for past sins is that if further afflictions have been decreed upon him because of the old sins, perhaps extra confession now will lessen the severity of his suffering. Furthermore, a request for forgiveness now will help for sins which he remembered only after last year's confession.

#### Yoma 87

1) ONE WHO CAUSES MERIT FOR OTHERS WILL NOT SIN QUESTION: The Gemara says that "Kol ha'Mezakeh Es ha'Rabim, Ein Chet Ba Al Yado" -- no sin will come upon the hands of a person who causes merit for other people [by teaching them Torah]. The Gemara reasons that it is not proper for the teacher to be in Gehinom while the students are in Gan Eden.

However, the Gemara elsewhere mentions that it is possible for a person to teach Torah to others and still be a sinner. The Gemara in Chagigah (15b) relates the story of "Acher" (Elisha ben Avuyah) who taught Torah (even the great Rabbi Meir was his student) and yet became a notorious sinner. Similarly, the Gemara in Yevamos (109b) says that if a person thinks that even though he sins he is still entitled to reward because he taught Torah to others who then went and fulfilled Mitzvos, he is incorrect. How is the Gemara in Chagigah and Yevamos, which imply that a person who teaches Torah to others has no guarantee that he will not sin, to be reconciled with the Gemara here which says that one who causes merit for others will not sin? (TOSFOS YESHANIM)

ANSWERS: (a) TOSFOS in Yevamos (109b, DH Mahu) and the TOSFOS YESHANIM here answer that the guarantee that no harm will befall a teacher of Torah applies only to one who never sinned prior to teaching. The merit of causing others to fulfill Mitzvos stands in his stead to prevent him from sin. The case of Acher and the Gemara in Yevamos refer to people who were sinners before they started to teach Torah. (As the Gemara in Chagigah says, heretical books fell from Acher's lap as a youngster when he arose from the Beis Midrash, and he frequently hummed gentile tunes.)

(b) RAV YECHEZKEL ABRAMSKY zt'l in CHAZON YECHEZKEL (Tosefta Yoma 4:11) explains that the Gemara here does not refer to one who teaches Torah to others merely to help them increase their knowledge. Rather, it refers to one who teaches Torah in order to "\*purify\* their minds and thoughts through Torah. This, in turn, distances them from sin as they immerse themselves in Torah and Mitzvos." Rav Abramsky interprets the word "Mezakeh" not to mean "Zikuy" (merit), but to mean "Zikuch" (purification). Acher taught only the facts from the Torah; he did not help his students internalize what they had learned and develop into greater people through Torah. Likewise, the Gemara in Yevamos refers to a person who teaches the laws to his students but does not teach them how to become G-d-fearing individuals. (Rav S. Yudaikin, in DIVREI SHALOM 5:6, expands on this theme. See there (5:7) for another answer based on the BEN YEHOYADA.)

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