

INTERNET PARSHA SHEET
ON YOM KIPUR - 5759

B'S'D'

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selichos.98 Shiur HaRav Soloveichik ZT"L on Selichos
(Shiur date: sometime in the mid to late 1950's...)

Introduction People are used to the notion that the study of Halachos is associated with Pesach, Hagalas Keilim, etc. The discourses around Rosh Hashonah and Yom Kippur focus on motivating the people to do Teshuva and on the ceremony associated with the holidays. The Rav wanted to dispel this notion and stress that there are many major Halachos associated with this period, and these Halachos influence our entire philosophy and approach to Yomim Noraim.

Institution of Selichos Selichos is an institution that is recognized by the majority of Jews, yet understood by a precious few. How old is the custom of Selichos? We know that it is a very old custom. The Rambam (Hilchos Teshuva) mentions it as a well established custom already in his time to recite Selichos in the 10 days between Rosh Hashonah and Yom Kippur. There are Gaonim that mention Selichos. Even though Selichos is not mentioned in the Gemara, the Rav's intuition was that the custom originated with the Chachmai Hatalmud. We should not be alarmed that Selichos is not mentioned in the Gemara. There are many customs that we maintain that stem from the Chachmai Hatalmud, yet are not mentioned in the Gemara. For example, the custom to blow Shofar in the month of Elul is not mentioned in the Gemara. It is mentioned in Pirkei D'Rabbi Eliezer as an old, well established custom. And even if we are to accept the opinion of those radical historians who date the Pirkei D'Rabbi Eliezer in the sixth century, it still documents the custom of Selichos as an old, well established tradition from previous generations of Chachmei Chazal. Another example is the Haftarah that we recite on Simchas Torah. The Gemara (Megilla 31a) says that we read from Melachim 2, Vayaamod Shlomo. However (as Tosfos, Lemahar, points out) our custom is to read the first chapter of Joshua. We should not assume that later generations overruled the Gemara. Apparently there were 2 opinions among Chazal what to read and the custom to read from Joshua is the one that was adopted by Bnay Yisrael. The custom of circling the Bimah in Shul for Hoshanos during Sukkos is not mentioned in the Gemara, yet it is mentioned in Midrash Tehillim. The Rambam also mentions the Hakafa of the Bimah like they used to circle the Mizbeach during the time of Beis Hamikdash. The custom of reading the 3 Haftoros of pending destruction and the 7 conciliatory Haftoras around Tisha Bav are not mentioned in the Talmud, yet they are old established customs mentioned in the Pesikta that undoubtedly trace back to Chazal. In short, the Talmud is not a compilation of customs. It contains some that were accepted by previous generations that we maintain to this day, while there were conflicting customs that are not documented in the Talmud yet Bnay Yisrael have accepted them throughout the generations.

Talmudic Origin of Selichos Selichos is such a custom that was undocumented in the Talmud. Selichos is a well accepted ancient tradition. Selichos has its basis in the Gemara (Rosh Hashonah 17b). Mlamed Shenisatef HKB"H Kshaliach Tzibbur Vherah Lmaoshe Seder Tefila. [R Yochanan interprets Vayaavor Hashem Al Panav as Panav Shel HKBH, not Moshe.] Also the Midrash Eliahu Zuta says that David was upset that when the Beis Hamikdash will be destroyed the people would have no vehicle to attain forgiveness. Hashem answered that they should do "Seder Selicha" and do Teshuva and they will be forgiven. The Midrash paraphrases Rabbi Yochanan's statement and refers to the prayers as Seder Selicha. We must say Seder Selicha when Bnay Yisrael sin and do Teshuva. Teshuva is a Mitzvah Tmidis, it has no set time when it is to be performed. Yet there are certain times when Teshuva is most appropriate and beckons to man to do

Teshuva, either during the 10 days of Teshuva or when a Taanis Tzibbur is decreed because a Taanis Tzibbur is one of the methods of Teshuva. In fact, the original Minhag of Selichos was to recite them only during the 10 days of Teshuva This Minhag is mentioned by the Rambam (Hilchos Teshuva). In the times of the Gaonim there were places that said Selichos 10 full days including Rosh Hashonah and Shabbos Shuva. (Our custom is to begin Selichos at least 4 days prior to Rosh Hashonah in order to attain a minimum of 10 days of Selichos excluding 2 days for Rosh Hashonah, Shabbos and Yom Kippur itself. That is why we begin saying Selichos prior to Rosh Hashonah). Even though we do not typically fast or recite supplications of any kind for any acute need on Shabbos, some Gaonim said that in these 10 days this restriction was relaxed because of the desire to beseech Hashem for forgiveness in the period that He is closest to Bnay Yisrael..

Uniqueness of Selichos? What new idea is represented by the Seder Selicha that Rabbi Yochanan mentions, that Hashem acted as Shaliach Tzibbur and recited the 13 Midos and revealed this formula to Moshe? We know that there is a concept of Tefila as Avodah Shblev. What was so special about this prayer? Also, what is the difference between Seder Selicha (Eliyahu Zuta) and Seder Tefila (Gemara Rosh Hashonah)?

Permission to Pray Chazal held that Tefila, that man should approach Hashem through prayer, is something incomprehensible and irrational. How can a human being, who is here today and gone tomorrow, approach the King of Kings with prayer and request that Hashem grant his worthless wishes, baseless hopes and irrelevant fantasies? We don't have an acceptable answer to this question. Yet we know that we may pray, as it says Tefila Lani Ki Yaatof Vlifnay Hashem Yishpoch Sicho. The Rambam in Hilchos Yesoday Hatorah (Chapter 8) describes the requirements and high levels that the prophet has to attain before he can dialogue with Hashem through prophecy. Yet any simple individual can approach Hashem directly through prayer and talk to Him: Boruch Ato. We don't know why this is possible. But we have a well established precedent that the patriarchs and prophets approached Hashem in prayer, hence we can follow their lead and also pray. We have Minhag Avo-saynu Byadaynu. Since they all prayed we may also, and since they approached Hashem with Tefila then apparently approaching Hashem with Tefila is not an act of arrogance, rather it is something that we are permitted to do.

Text of Prayer Since Chazal did not have an answer as to why we may pray, and they relied on the precedent of the patriarchs, they were very careful in the words that they chose to approach Hashem. They put together a specific program to approach Hashem that is based on Kisvay Hakodesh. First we start with Verses from Tehillim. How can insignificant man sing the praises of Hashem? We don't understand how it is possible. Yet, we rely on David, who sang praises to Hashem, to begin the approach. The rest of Tefilla is composed of and based on verses from Tanach. Chazal did not approve of us praying more than 3 times daily. (Even though the Gemara says that Rabbi Yochanan says that would it be so that man would pray all day long. However the Rishonim say that now that we don't know how to pray Tefilas Nedava we should limit our prayers to the 3 prayers required by Chazal). We must be careful not to change the text of the Tefilos that Chazal composed. For example, if we forget to say Tal Umatar or Hamelekh Hakadosh we must repeat the Tefila. We made a minor change in the Tefila, why should that render the entire Tefila unacceptable and require us to repeat the Tefila? Because since the Tefilos were established by Chazal in a very careful way where every word is carefully chosen, we have no right to modify it in any way. The Gemara says that the Tefilos were established by 120 elders and among them were some number of prophets. If there were no prophets included in the group that established the Tefilos, Chazal would not have been able to establish the Tefilos that we recite. However we may not change the prayers that they established. Doing so renders the Tefila unacceptable. When someone is sick we do not compose new prayers. Either we include a prayer for the sick in the blessing of Refainu or we recite Thillim. Chachmai Chazal, even in the last generations, did not compose Tefilos on their own. We can't compose our own prayers because we lack the vocabulary to do so. Gedolei Yisrael relied on the Siddur of the Anshei

Knesses Hagedolah and Thillim. Nowadays there has crept in a custom to compose prayers for various occasions. These newly composed prayers are to be avoided. We must rely on what Chazal provided for us in terms of prayer. We should not seek to extend it on our own.

Selichos as Seder Tefila The one exception that we have to the specific set of Tefilos is Selichos. Jews arise outside the normal time of Tefila, before sunrise or after midnight, and they come together for to recite prayers that are not part of Thillim or part of a Tefila (Shmoneh Esray). (Composing prayers on our own is unacceptable we have to rely on the Tefilos that Chazal gave us, whose every word was measured, and if we change these Tefilos in the slightest the prayer is nullified and we must pray again.) How can we come together in a Tefila that is not Shacharis, Mincha, Mussaf or Maariv? Rabbi Yochanan found a Heter that during the time that the people do Teshuva, they are allowed to come together to pray an additional Seder Tefila of Selichos. The structure of Selichos begins with Ashray. Why? There is a Braisa (Berachos 31a) that says one should only pray through the joy of a Mitzvah for we find that the prophets concluded their words with consolation, and Rashi says this refers to the verses we find in Ashray. We can't knock on the door of Hashem, Kivayachol, with our own words. We have to use the words of Tanach as introduction. The Rav was very much against the trend of Rabbis to author new prayers. We must rely on Tanach and the Siddur. If that is insufficient than we can fall back on the Thillim. Next we say Kaddish and begin to say Selichos. After Selichos we fall Tachnun, and Tachnun is only recited after Shmoneh Esray (even though we have a rule that there is no Nefilas Apayim after nightfall) and we recite the full Kaddish with Tiskabel. We have a rule that Tiskabel is recited in only one place: after Shmoneh Esray (Tefila). Why do we recite it after Selichos as well? We see from this that Chazal instituted Selichos as a Shmoneh Esray. We typically know of 3 Shmoneh Esrays daily. During the Selichos period we recite a fourth Shmoneh Esray. In the Halachic sense Tefila means Shmoneh Esray. So according to Rabbi Yochanan we add a fourth Shmoneh Esray during this period, a Seder Tefila. In order to add this Shmoneh Esray we needed a Passuk from the Torah: this is the statement of Rabbi Yochanan that Hashem revealed to Bnay Yisrael to recite the 13 Midos. Because Selichos is another Shmoneh Esray, the Rav mentioned that Gedolay Yisrael would stand for Selichos. Even though the Mitzva of Tzitzis does not apply at night (Layla Lav Zman Tzitzis) the Chazan puts on a Talis to recite Selichos, because Tefila requires Atifa, wrapping one's self in a Talis like Hashem showed Moshe. We also put on the Talis before Kol Nidray because in previous generations Yom Kippur night was strictly for reciting Selichos, and Selichos requires Atifa. The reason for Talis before Kol Nidray is not because of the popular assumption that Tzitzis extends the life of man (and is therefore appropriate to the evening of Yom Kippur). Rather, we put on Talis because we recite Selichos.

Seder Selicha vs. Seder Tefila What is Seder Selicha? The central theme of Selichos is the 13 Midos. This is the statement of Rabbi Yochanan, that Hashem instructed Moshe that we should recite the 13 Midos. The Rav felt that Rabbi Yochanan derived his statement from the El Malay Rachamim Kel Horaysa Lanu Lomar Shlosh Esray, that it predated his statement in the Gemara. Hashem revealed to Moshe to recite the 13 Midos, the Seder Selicha, in order that we may attain forgiveness.

3 Sections of Selichos The central motif of Selichos is the 13 Midos. Why is it called Seder Selicha? Why isn't it called Seder 13 Midos? There are 3 parts to the Selichos we recite. The first part of Selichos is a collection of verses from Tanach that mention Selicha, forgiveness. If we carefully examine these selected verses, we see the beautiful continuity of the verses that Chazal selected. We contrast the greatness of Hashem with the Shiflus Hadam, the insignificance of man. We stress the wonderful things that Hashem and only Hashem could create. We have a collection of verses that the prophets said, Micha, David, Daniel. The next section is Vidui, without Vidui we have no Selichos. Then we have a set of small prayers that are in both Hebrew and Aramaic (the Aramaic prayers in particular are very old) that stem from Bayis Shayni. We find the basis for these prayers and parts of them mentioned in Masechet Taanis. We recite some of these verses that

relate to Selicha and recite the 13 Midos. Since the 13 Midos are the central motif we do this over and over till we come to Vidui and the short prayers that the prophets recited and the prayers from Bayis Shayni. The combination of these 3 parts whose theme is Selicha is the basis for Seder Selicha. Over the years Piyut was introduced to the Tefila (what we call "Shmoneh Esray"). Piyut was then also introduced to Selichos which is also a Shmoneh Esray. Nowadays we find an unfortunate custom among Chazanaim. They expend all their energy in Hineni Heani and in Unesaneh Tokef and the other Piyutim on Yom Kippur. But when it comes to repeat Malchios, Zichronos and Shofros, the most beautiful prayers ever composed, or when we recite Selichos and the special prayers of Bayis Shayni that Chazal established, they say it quietly and quickly. They expend all their energy on Piyut, which was introduced much later. If they pray like this they have not fulfilled the Mitzvah of Seder Selicha. Yom Kippur is a day of Selichos originally, not a day of Piyut. They should be careful to say aloud each word of these prayers from Shema Kolaynu through the conclusion of the short prayers taken from the prophets verse by verse. In this way they will fulfill the biblical obligation to recite Seder Selicha as mentioned by Rabbi Yochanan.

Best wishes for a Gmar Chasimah Tova Lanu Ulechal Yisrael. Please note that Dr. Arnold Lustiger has summarized and annotated the Teshuva Shiurim delivered by the Rav ZT"L between 1973 and 1980. The Sefer is called "Before Hashem You Will Be Purified", the Rav on the Days of Awe. This summary is copyright 1998 by Dr. Israel Rivkin and Josh Rapps, Edison, N.J. Permission to distribute this summary, with this notice is granted. To receive these summaries via email send mail to listproc@shamash.org with the following message: subscribe nj -ravtorah firstname lastname

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UNITED SYNAGOGUE - LONDON (O)

Vayelech Vol 11 No 2 26 September 1998 6 Tishri 5759 Shabbat ends in London at 19:37 Copyright 1998 United Synagogue Publications Ltd. The electronic version of this document is provided by: brijnet - british jewish network - uk branch of shamash this document may be copied or transmitted on condition that the message indicating that it is copyright united synagogue - london & was provided by brijnet is included <http://www.brijnet.org/us> Shemini Atzeret is the Yahrzeit of Fred Bradfield. This month's issues are dedicated to his memory in recognition of his family's generosity in re-establishing the Daf Hashavua

TRADITIONAL NUSACH

by Rabbi Geoffrey L Shisler, Bournemouth Hebrew Congregation

At this time of the year, when many congregations have to employ extra Ba'alei Tefillah to lead parallel services, the question of 'traditional' melodies becomes of serious concern, not only for people with a specific interest in Synagogue music, but also for the regular Shul-goer who recognises and relies on his familiarity with these melodies, and uses them to aid him in his concentration. That musical traditions vary from one community to another is readily discernible to every visitor, but many people do not realise that there is a clear distinction between what is traditional and what is patently incorrect. A Ba'al Tefillah who begins the repetition of the Amidah on Rosh Hashanah in the same way that he would on Shabbat is not just following the tradition of his community, even if it has been done there for fifty years. He is simply wrong!

Many congregations have melodies that have been used in their services for many years, and such tunes are obviously 'traditional' in that particular community. Very often you will not even hear them in another Shul. There are also tunes that are well-established in London congregations that you might not hear in a provincial community, and vice versa. In terms of 'traditional melodies', we must distinguish between individual compositions and 'modes'. The prayer modes are called Nusach Hatefillah, and the same ones will be heard, with minor variations, throughout the world. (Those used by the Sephardim are totally different from the ones employed by Ashkenazim.)

A thorough explanation of Nusach Hatefillah, is outside the scope of this brief article, but it may best be described by drawing your attention to the theme used for the repetition of the Amidah. You will notice that, whereas Ba'alei Tefillah will sing a variety of melodies for Unetaneh Tokef, they will all use the same basic modes for the paragraphs beginning with Uvechein Tein. They will sing different tunes to Ya'aleh, on Kol Nidrei night, but will use the same basic modes for the Penitential prayers - the Selichot. A very significant and instantly recognisable element of these modes is the way that

the Berachah and its Amen are sung. In the unlikely event that one had lost track of time, a regular Shul goer would be able to identify the day of the Jewish calendar by hearing just one Berachah in the Amidah. These modes are exceedingly important since they help to create the atmosphere of the day, and if the wrong one is used, it can be very disorientating and totally spoil one's concentration.

Among the fascinating aspects of the Nusach for the Yamim Noraim are the threads which connect it with other occasions of the Jewish year. In some communities extra prayers are added in the Shacharit service on the Shalosh Regalim. These are called Yotz'rot and Kerovot. The modes used for them are very similar to some of those used in the Shacharit service on the Yamim Noraim. We utilise the Succot themes in the Kedushah as well as the flavour of Tal and Geshem, the prayers for dew and rain, in the Kaddish of Neilah. There is also an association between the Shavuot hymn, Az Sheish Me'ot and Kol Nidrei, and Lewandowski, at least, makes an arrangement of Ya'aleh to his themes for Tal.

Although it is difficult to establish why these specific associations were made, it is not out of chance or ignorance. It is as if the Nusach itself is reaching out to us from beyond the Yamim Noraim and saying, 'Come back and hear me on other occasions too.'

A rather surprising aspect of the melodies for the High Holydays is the preponderance of happy tunes. It is only because most of us do not understand what we are singing, and do not even take the trouble to glance across at the translation, that we do not recognise the apparent incongruity of the lustiness with which we sing, Ashamnu Bagadnu...! or Ve'al Chataim'. A variety of reasons exist for the utilisation of these tunes on the most solemn days of the year, the days on which we are literally begging for our lives. Firstly, singing them joyfully, demonstrates our confidence that the Almighty has indeed forgiven our sins. The trial through which we go on these awesome days is unlike a trial by a human court. We know that, if we have prayed with devotion, if we have made a sincere commitment to try to improve our ways, then with absolute certainty, we shall be forgiven. Also, I believe the rabbis did not object to them because they inspire communal participation much more readily than sombre tunes would, and the notion that, being very attractive, they may encourage people to return next year, should not be too readily dismissed. The importance of using the traditional Nusach cannot be overstated. The Chachamim were insistent on the correct melodies being used, and it is incumbent on a congregation to do everything in its power to employ as Ba'alei Tefillah only those who can demonstrate their total familiarity with Nusach before allowing them to officiate.

weekly-halacha@torah.org Weekly-halacha for 5759 Selected Halachos
Relating to Shabbos Shuvah By Rabbi Doniel Neustadt A discussion of
Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

THE ORIGIN AND PURPOSE OF KOL NIDREI

The holiest day of the year, the day which the Torah designates as a Day of Atonement for the sins of the Jewish people, begins with the little understood but emotionally charged Kol Nidrei Service. For reasons which are not completely known to us, the compilers of the Yom Kippur Machzor chose Kol Nidrei, which is basically a halachic procedure for annulling certain oaths and vows, as the opening chapter of the Yom Kippur davening. Obviously, then, there is more to Kol Nidrei than meets the eye. Let us take a deeper look.

It is known that Kol Nidrei dates back to ancient times, possibly as far back as the era of Anshei Kenesses ha-Gedolah(1). The earliest written version, though, is in the Seder of Rav Amram Gaon who lived in the ninth century. Already then, the exact reason for reciting Kol Nidrei on Yom Kippur was not clearly understood, and the Geonim and the early Rishonim struggled with its exact meaning and purpose(2).

HALACHIC BACKGROUND - VOWS AND OATHS

In earlier times, much more so than today, individuals were inclined to "accept upon themselves" different types of self-imposed obligations or restrictions. In order to ensure that these would actually be kept, people would label their self-imposed obligation as either a neder, a vow, or a shevuah, an oath, thus

giving it legal force. The binding status of vows and oaths and the horrific and tragic consequences of violating them are discussed in several places in the Torah and Rabbinical literature(3).

But the Torah also recognizes that sometimes these vows and oaths were undertaken without due consideration of the consequences. More often than not, the individual making the oath did not realize how difficult it would be to keep it. Sometimes, an oath was declared in anger or out of spite, and eventually the individual regretted his words and wished to revoke them. To that end, the Torah provided a legal formula called hatoras nedorim, allowing a petitioner to present his case before a beis din which in order to find a legal loophole and extricate the petitioner from his plight. This process involves complex halachos, and indeed, not always can the court release the petitioner from his vow.

THE VIEW OF THE EARLY AUTHORITIES

Before beseeching G-d for atonement of sins on Yom Kippur, it is imperative that each individual absolve himself of any vows or oaths that he may have made and subsequently violated. The severity of violating a vow or an oath is such that it may block or interfere with the entire atonement process(4). Consequently, one who is aware of any violations that he may have, is strongly urged to petition a Jewish court in order to find a way out of his self-imposed obligations. Indeed, it has become customary that already on Erev Rosh Hashanah, all males petition a beis din for Hatoras nedarim.

But not everyone is familiar with the procedure of Hatoras nedorim, and not everyone who has violated a neder or a shevuah realizes that he has done so. To avert and to solve this problem, Kol Nidrei was instituted. Kol Nidrei declares that in case an individual made a vow or an oath during the past year and somehow forgot and violated it inadvertently, he now realizes that he made a terrible mistake and strongly regrets his hasty pronouncement. In effect he tells the "court" - comprised of the Chazan and two congregational leaders - that had he realized the gravity and severity of violating an oath, he would never have uttered it in the first place. He thus begs for forgiveness and understanding(5).

This explanation of Kol Nidrei, put forth by many of the early authorities and endorsed by the Rosh, fits nicely with the traditional text of Kol Nidrei, which reads, "from the last Yom Kippur until this Yom Kippur", since we are focusing on vows and oath which were undertaken during the past year(6).

THE VIEW OF RABBEINU TAM

Other authorities - led by Rabbeinu Tam - strongly object to this interpretation of Kol Nidrei. Basing their opposition on various halachic principles, they question if it is legally valid to perform hatoras nedarim in this manner. In their view, Kol Nidrei was instituted to deal with the problem of unfulfilled vows, but from a different angle. Instead of annulling existing vows and oaths, Kol Nidrei serves as a declaration rendering all future vows and oaths which may be uttered without due forethought - as invalid, "null and void, without power and without standing(7)." Accordingly, the text was amended to read "from this Yom Kippur until the next Yom Kippur", since we are referring to what may happen in the future, not to what has already happened in the past.

WHAT APPROACH DO WE FOLLOW?

Most of the later authorities have accepted Rabbeinu Tam's explanation of Kol Nidrei and this has become the accepted custom in most congregations(8). Nevertheless, in deference to the first opinion, many congregation include both versions as part of the text. Thus the text in some machzorim(9) reads as follows: From the last Yom Kippur until this Yom Kippur (accounting for vows already made), and from this Yom Kippur until the next Yom Kippur (referring to future vows), etc.

It is important to note, however, that Kol Nidrei, whether referring to the past or to the future, does not give one the right to break his word. As previously explained, Kol Nidrei is valid only for additional obligations or personal restrictions that an individual undertakes of his own volition. By no means can hatoras nedarim or Kol Nidrei exempt an individual from court [or beis din] imposed oaths, etc.

A PRACTICAL APPLICATION

As stated earlier, vows and oaths are not too common in our times. It would seem, therefore, that the halachic aspect of Kol Nidrei has little practical application. But when properly understood, Kol Nidrei can be used as a tool to rectify a fairly

common halachic problem. There is a well-known ruling in the Shulchan Aruch(10) that any proper custom, once accepted and followed, may not be dropped without undergoing hataras nedarim. People who adopt even "simple" customs which they are not obligated to practice, like reciting Tehilim daily, without making the b'li neder (without a vow) stipulation, require hataras nedarim should they decide to discontinue their practice(11).

This is where Kol Nidrei(12) can help. As stated above, Rabbeinu Tam explained that Kol Nidrei is a declaration that invalidates the legal force of certain future vows. Contemporary poskim(13) rule that "proper customs" from which an individual wishes to absolve himself although he neglected to make the b'li neder stipulation initially, are included in the Kol Nidrei declaration invalidating such vows. The "proper custom" may now be discontinued.

RULES Since Kol Nidrei is an halachic procedure for nullifying certain, specific future vows, the following conditions must be met: Each individual must understand exactly what is being said during Kol Nidrei. Since a legal declaration is being made, if one does not understand what he is declaring, his statement cannot have legal force(14). The difficult Aramaic text should, therefore, be studied and understood in advance of Yom Kippur eve. Each individual must verbally recite Kol Nidrei along with the Chazan. Obviously, the Chazan cannot make such a declaration for anyone but himself(15). It should not be recited in an undertone, but loudly enough for a person nearby to hear(16). It is whispered too softly, it may be invalid(17). Kol Nidrei should be recited while it is daylight, since the process of annulling vows [and the declaration of voiding them in the future] should not be done on Shabbos or Yom Tov(18).

KOL NIDREI: A SYMBOLIC IDEA The above sums up the halachic analysis of Kol Nidrei. But as noted earlier, there is more to Kol Nidrei than meets the eye. If Kol Nidrei were merely a "dry" halachic procedure concerning vows and oaths, it would hardly evoke such deep emotional sentiment throughout the Jewish world. Why are the Sifrei Torah removed from the Aron, a haunting centuries-old melody chanted and an atmosphere of sanctity and awe created if all that is taking place is hataras nedarim? While the commentators offer various answers, we will quote just one, which is based on the teachings of the Zohar.

In Kabbalistic teaching(19), Kol Nidrei is a plea to Hashem to nullify His oath that He will punish or exile the Jewish people because of their sins. The Talmud (Bava Basra 74a) relates that Rabba bar Bar Chanah heard a heavenly voice saying, 'Woe is Me that I have sworn to exile My people, but now that I have sworn, who can annul it for Me?' Kol Nidrei implies that just as we seek to absolve ourselves of vows and oaths which burden us, so, too, may Hashem annul His oath to withdraw His Presence from the Jewish people. In this sense, Kol Nidrei is a prayer and a supplication to Hashem to quickly end the bitter exile and bring salvation to the Jewish nation. Thus, it is a very appropriate prayer for inaugurating the holiest and most awesome day of the year. It is this hidden message and prayer, cleverly camouflaged(20) by what seems to be a technical, halachic procedure, that evokes those deep emotions, and brings almost every Jew, observant or otherwise, scholar or student, to shed a tear and resolve to better his ways in the coming year, a year which we hope will bring the final redemption that we so eagerly await.

FOOTNOTES: 1 Shita Mekubetzes (Nedarim 23b). 2 Indeed, some well-known Geonim, including Rav Netronai Gaon and Rav Hai Gaon, were adamantly opposed to the Kol Nidrei service and ordered their congregations to omit it entirely; see Tur O.C. 619. 3 For a sampling see Shabbos 32b; Yavamos 109b; Nedarim 20a and 22b; Vayikra Rabbah 37:1; Koheles Rabbah 5:2; Tanchuma, Matos 1. 4 Shivlei ha-Leket. 5 It is important to stress that, even according to this opinion, Kol Nidrei is a "last ditch effort" to guard a person from his own words and to save him from certain punishment. It is not meant as a crutch to rely on l'chatchilah. 6 According to this opinion, Kol Nidrei is similar to the first part of hataras nedarim which is recited on Erev Rosh Hashanah. 7 The halachic basis for this type of declaration is in the Talmud (Nedarim 23b) and is not within the scope of this column. Note that according to this opinion, Kol Nidrei is similar to the second part of hataras nedarim which is recited on Erev Rosh Hashanah. 8 Mishnah Berurah 619:2.

9 This "compromise text" was introduced by the Radvaz (4:33) and later adopted by R' Yaakov Emdin (She'ulas Yaavetz 145) and other poskim, see Kaf ha-Chayim 619:17. 10 Y.D. 214:1. 11 See The Weekly Halachah Discussion, vol. 2, pg. 528-529 for a full discussion. 12 Or the second part of Hataras nedorim on Erev Rosh Hashanah. See Minchas Yitzchak 9:60 who explains why it is proper (but not obligatory) to recite both texts. 13 Harav S.Z. Auerbach in Minchas Shelomo 91 based on Teshuvos Salmas Chayim 2:38. See also Yabia Omer 2:30 and 4:11-9 who relies on this as well. 14 Chayei Adam 138:8 and Kitzur Shulchan Aruch 128:16, concerning hataras nedorim. 15

Mishnah Berurah 619:2. 16 Shulchan Aruch Harav 619:3 based on Y.D. 211:1. On the other hand, it should also not be said too loudly, so not to confuse the Chazan and other worshippers; Mateh Efraim 619:11. 17 Minchas Yitzchak 9:61. 18 Mishnah Berurah 619:5. See Mateh Efraim 619:11 who explains that as long as Kol Nidrei begins during daytime it does not matter if it continues into the night. 19 This idea is reflected in the section of Zohar (Rabbi Shimon stood up...) which is recited by many individuals before Kol Nidrei. 20 Possibly, to confound the Satan.

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parsha-summary@torah.org Rabbis-Notebook: Vayelech

Preparing For Yom Kippur - Review and Comment The holiest day of the year is devoted to prayer and introspection. Although similar to Tisha B'Av as regards the restrictions against: eating, drinking, washing, using ointments, marital relations, and wearing leather shoes; the mood of Yom Kippur is totally different. Tisha B'Av is a sad day steeped in the memories of past tragedies and calamities. Yom Kippur is a solemn day, filled with the hope for forgiveness and the elation of a renewed relationship with both G-d and man.

Yom Kippur is the only biblically ordained fast day, and its origins began with the year 2248 following the Exodus from Mitzrayim. After the breaking of the first Luchos, Moshe re-ascended Sinai in anticipation of the second Luchos. After 40 days and nights, during which the Bnai Yisroel were immersed in prayer and repentance for the sin of the Golden Calf, Moshe descended from Sinai, on the 10th day of Tishrei, 2448, bringing the 2nd Luchos and Hashem's love and forgiveness. Thereafter, the day of Yom Kippur has been designated, by the Torah, as the day on which Hashem will forgive his children for their yearly sins of "worshipping the Golden Calf". Allow me to explain. The sin of the Golden Calf captured the essence of why we sin. Following the extraordinary events leading up to Revelation, it is difficult to understand how that generation could sin so quickly and severely. In truth, we are not any different. Acceptance of a Creator Who is intimately involved in directing every aspect of our personal, national, and universal destinies, carries the responsibility of listening to His commandments. To do any less denies the purpose that the Creator had in creating us and placing us in the setting of His universe. Coming to terms with the awesomeness of G-d's power and control is not easy. Often we do not understand the rules by which He governs and judges, and more often, we aren't prepared to frame our lives by the restrictions of His demands. Instead, we either engage in the philosophical game of "is there truly a Creator who cares?"; or, we modify G-d to suit our limited needs and understanding. Either approach recreates G-d in a form that we are more comfortable with, because we control the rules of the game. The Jews in the year 2448 knew that Hashem existed, but did not understand the degree of G-d's love and concern. As a result, they were unwilling to invest in a relationship that demanded complete obedience. To make such an investment would have required absolute trust that Hashem would continue to care and provide, even if His trusted servant Moshe was no longer present.

Today, we too are not sure if we can trust Hashem. If we could, we would be foolish not to listen to Hashem's rules and demands considering His promised rewards of health, wealth, and all good things. Instead, we create our own image of G-d, our own Golden Calf, that reflects the lack of trust and obedience in our relationship with the Creator. Some may feel that they have good cause to question His trustworthiness, others may admit that they simply are not prepared to do what He demands. In either case, we are implored on Yom Kippur to forego our limited understanding, and through fasting and prayer rise above the physical limitations of our mortality to recognize the greater picture of Hashem's continued and trustworthy providence. The mere fact that we have survived the past 3,000 years as a nation is a far greater miraculous revelation of G-d's presence than the Exodus or the giving of the Torah. Those were mere moments in history; the

existence of the Jewish people is history itself. Yom Kippur should focus us on the need to trust Hashem, and accept His continued involvement in our lives. The entire Musaf service is devoted to what had taken place in the Bais Hamikdash. The Kohain Gadol performed the entire service in the hope of exacting forgiveness from Hashem for the continued effect of the sin of the Golden Calf. He entered into the Holy of Holies to offer the nation's total acceptance of G-d and His Torah and to beg for compassion and mercy.

During that time he was prohibited from wearing his "golden vestments", because they were reminiscent of the Golden Calf. It is important to remember that the very creation of the Mishkan - Tabernacle was a consequence of the Golden Calf. Because the Golden Calf perverted the purity of a brand new world that had just received the Torah, we had to construct a micro-replacement of that pure world wherein which Hashem's presence could be openly manifest. This micro-replacement would be a symbol of what the world could have been if only we had not sinned. Therefore, the construction of the Mishkan had to mirror the creation of heaven and earth. For example, the 39 Melachot - acts of work prohibited on Shabbos, are derived from the work required to build the Mishkan. Through keeping Shabbos we proclaim G-d's ownership of the universe and accept His intended purpose for creating us. Therefore, just as Hashem rested on Shabbos from creating the universe, so too, we rested from doing the work of creating the Mishkan. Furthermore, our yearly attempt at correcting the sin of the Golden Calf had to take place in the Bais Hamikdash that represented the world that should have been if it had not been perverted by the sin of the Golden Calf.

On Yom Kippur, the Shabbos of all Shabbatos, all the elements of our intended relationship with Hashem come together. The holiest man on the holiest day in the holiest place comes as a representative of the holiest people to express absolute trust in the Creator and in His purpose for creating us and the universe. The final moments of Yom Kippur underscore this concept. After davening and fasting almost 24 hours, we are prepared to embrace the realities of a Creator who is intimately involved in all aspects of our lives. This is publicly expressed when we all proclaim the final words, "Hashem is our G-d!" The seven-fold proclamation is our statement of absolute trust and acceptance in G-d. This is followed by the joyous prayer, Next year in Yerushalayim, when we will hopefully witness, first hand, the holiest man, serving on the holiest day, in the holiest of all places.

Rabbi's Notebook - Special Edition - The Yom Kippur Avodah The Yom Kippur davening focuses us on the beauty and majesty of being the "Chosen People". The Tefilos are filled with the grandeur of G-d's power and the love and compassion of His mercy. The Musaf service projects us back in history to a time when this grandeur was manifest in the actual building of the Bais Hamikdash and the being of the Kohain Gadol. This edition of the Rabbi's Notebook is devoted to a description of that Avodah - Service and the fervent hope that we all merit to personally witness the rebuilding of the Bais Hamikdash and the Kohain Gadol performing the Avodah next year in Yerushalayim!

The Avodah (Birmbaum - 811; ArtScroll - 554; Metsudah -533) 1. The Avodah begins with a magnificent description of the history of the world leading up to the birth of the Kohain Gadol. It reflects on the theme that all of creation finds its meaning in the setting of the holiest man, on the holiest day, serving the Creator in the holiest place. This is what humanity, and specifically the Chosen People, can aspire to become. 2. (B.813; A.558; M.538) The 7 days of preparation prior to Yom Kippur are then described as the Kohain Gadol was trained and purified to do the Avodah. 3. (B.815; A.560; M.542) Having stayed awake the entire night immersed in Torah study and prayer, the Kohain Gadol began the day at dawn. He immersed in the Mikvah for the 1st of 5 times that day, put on his Golden clothing, and prepared the daily sacrifice, incense, menorah lighting, mincha, and wine libation. 4. (B.815; A.560; M.544) The Kohain Gadol removed his Golden clothing, immersed a 2nd time, put on his white linen garments, said the 1st confession for himself while leaning with both hands on the head of the bull which would be his personal sin offering. 5. (B.817; A.562; M.546) The lottery of the 2 identical goats was performed, and a scarlet wool string was tied between the horns of the goat selected to be sent into the desert. 6. The

Kohain Gadol then confessed over his bull on behalf of his family and all the Kohanim, and then sheched - slaughtered the bull. 7. (B.819; A.564; M.549) The Kohain Gadol prepared the Ktores- incense offering and entered into the Holy of Holies. Leaving the burning incense behind, he exited, took the blood of his bull offering, reentered the H.O.H and sprinkled the blood. Exiting again he then sheched the goat offering and reentered the H.O.H to sprinkle its blood. He exited and sprinkled the blood of his bull a 2nd time in front of the Paroches - dividing curtain, and then did the same with the blood of the goat. Then the 2 bloods were mixed and sprinkled on the Golden Alter. 8. (B.821; A.566; M.553) The Kohain Gadol then confessed over the 2nd goat on behalf of the entire nation, and sent the goat into the desert to be killed at the Azazel. The bull and goat sacrifices were then prepared to be burned on the Mizbeach after which he immersed for the 3rd time and changed into the Golden garments. He then offered a second set of sacrifices, the Oleh, for himself and the people, along with the Musaf offering. 9. (B.823; A.568; M.556) The Kohain Gadol immersed a 4th time, changed into his linen garments and entered the H.O.H to retrieve the fire pan used for the burning of the incense. Exiting, he removed the linen garments, never to be worn again, and immersed a final 5th time, and put on his Golden garments. He then offered the daily afternoon offering along with the daily incense offering, and lit the Menorah. 10. The remainder of the Avodah describes the magnificence of the Kohain Gadol's triumphant appearance and celebration. This is followed by the mournful recognition that we are no longer able to witness the glory and majesty due to our sins and those of our ancestors. 11. Note that in addition to the 5 immersions that the Kohain Gadol underwent between changes of clothing, there was also 10 times that he "washed his hands and feet". He would wash his hands and feet before removing his garments and after putting on the change of garments. The 5 Tefilos that we recite are symbolic of the 5 immersions, and the 10 confessions are reminiscent of the 10 washings of hands and feet. 12. (B.837; A.586; M.575) A moving telling of the Ten Martyrs is part of our Musaf confession and is one of the emotional highlights of Yom Kippur. Although each story is historically accurate, the combined stories are not. The history spans approx. 150 years from before the destruction of the 2nd Temple until after Bar Kochva's revolt. The Gemara tells us that the death of Tzadikim is a form of sacrifice and redemption. May it be Hashem's will that the need for all such offerings end, and that we will soon merit the coming of Mashiach. Parsha-Summary, Copyright (c) 1998 by Rabbi Aron Tendler and Project Genesis, Inc. The author is Rabbi of Shaarey Zedek Congregation, North Hollywood, CA and Assistant Principal, YULA. Rabbi Tendler is also the author of the Rabbis-Notebook class. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

Shabbat-zomet@virtual.co.il Shabbat-B'Shabbato

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A DECISION OF CONTINUED LIFE

by Rabbi Shalom Mashash, Chief Rabbi and Chief Rabbinic Justice, Jerusalem Our sages wrote: "Three books are opened on Rosh Hashana: for completely righteous people, for completely evil people, and for those in the middle. The righteous ones are immediately given a seal of approval for life, the evil ones are immediately condemned to death, and those in the middle wait for judgement until Yom Kippur. Then, if they have gained merits, they are given life, but if they did not gain merits, they are condemned to death." [Rosh Hashana 16b]. The Talmud explains that the completely righteous ones are those whose good deeds outnumber their sins, and the completely evil ones are those whose sins are in the majority. The people in between are those whose sins and good deeds are exactly balanced. They are kept waiting until Yom Kippur. According to this, the meaning of the phrase "they have gained merits" is that they performed additional mitzvot. This would tip the balance in their favor, so that they would be judged worthy of life. The opposite, "they did not gain merits," would then mean that the people sinned. Their balance then becomes negative, transforming them into

evil people, who are sentenced to death. This would seem to be the straightforward interpretation of the above passage from the Talmud. However, when the Rambam quotes the above halacha he changes the conditions, and writes: "If he repents, he is judged worthy of life, and if not, he is sentenced to death." [Hilchot Teshuva 3:3]. This implies that even one who performs enough mitzvot to outweigh his sins is still missing merits and is not given life unless he also repents. But this seems to be a paradox: the righteous people were defined as those whose good deeds outweigh their sins, and they were immediately given the gift of life, without any requirement for repentance. Why should the middle people be condemned to death if they have not repented, even if their good deeds now outweigh their sins? This seems very difficult to explain. One answer to this question was given by Rabbi Yisrael Salanter. He wrote that while it is necessary to repent all year round, there is a specific Torah obligation to perform the mitzva of teshuva between Rosh Hashana and Yom Kippur. Thus, one who begins this period with more good deeds than sins, has already attained the benefit of life before the formal time of repentance has arrived, and he has not incurred the obligation to perform the mitzva. But one who is on middle ground, and is therefore waiting for final judgement, enters Rosh Hashana with the additional sin of not having repented. He is thus required to perform the mitzva of teshuva in order to be saved. Since every person should always consider himself as being on middle ground, it is always necessary to repent in order to be saved from death. Let us hope and pray that we will all be judged worthy of being written in the Book of Life, Blessings, and Peace.

EXPLAIN A MIDRASH: The Power of Repentance by Rabbi Yehuda Shaviv
 The best way to summarize the contents of most of the words of the prophets of Yisrael in one word is: Teshuva [repentance]. Why, then, were the words of Hoshaya chosen for the Haftara reading between Rosh Hashana and Yom Kippur? An answer may be found in the following: "All the prophets called for Yisrael to repent, but not in the same way as Hoshaya. Yirmiyahu said, 'If Yisrael repents, they will return to me' [4:1], and Yeshayahu said, 'Seek G-d when He is available' [55:6], but they did not teach Yisrael what to say. But Hoshaya not only said to them, repent, he also taught them what to say: 'Return, Yisrael, up to your G-d ... Take words with you, and return to G-d. Say to him: Forgive our sins' [14:2]" [Pesikta Rabbati 44]. On the Shabbat before Yom Kippur, it is not enough to simply call for repentance, it is necessary to describe how to do teshuva: using the proper words, and saying them to G-d. This is what is needed on the holy day, both from each individual and from the entire community, as was written by the Rambam: "Everybody is required to repent and to confess on Yom Kippur" [Hilchot Teshuva 2:7]. Repentance for sins is always important, but Yom Kippur is a day when man stands before G-d. On this day, what is required is not just repentance for sins but a return all the way to G-d: "Return, Yisrael, up to your G-d." The Midrash also taught that teshuva can be effective even before it has been expressed in words: "Rabeinu, the Holy One, taught: Great is the power of teshuva, since as soon as one begins to feel repentance in his heart it immediately rises up ... and stands before the Divine Throne. That is what Hoshaya meant, when he wrote, 'Return ... up to your G-d.'" Thus, the verse implies, "Return" - start thinking about repentance, and you can immediately - as it were - reach the Divine Throne.

TORAH AND ... MYSTICISM: "And They Cast Lots" [Yona 1:7] by Rabbi Uri Dasberg
 Many important issues in our lives were decided by lottery. Examples are the choice between the two sacrificial goats on Yom Kippur, the division of the land among the tribes, and the work assignments of the Kohanim in the Temple. However, we may still ask if we are permitted to use a lottery to decide important questions. This is what was done by the sailors in order to discover Yona's guilt. Rabbi Yehuda Hachasid seems to contradict himself on this issue. In one place (Sefer Chasidim, 701), he writes that people on a boat are not allowed to hold a lottery to decide which one should be thrown overboard: If in monetary matters, winning a lottery does not confer ownership, then it cannot be a valid way to decide matters of life and death. However, in another place (chapter 679), he permits doing this. It may be that the case where he

permitted the lottery was very similar to that of Yona: there was a storm centered only around the specific boat, the same man was picked by lots three times, and the people prayed beforehand that the lottery should give a true answer. The Chavat Yair does accept that a lottery is a sign from heaven, basing his opinion on the verse, "Let a lottery be cast in a lap, and all of its judgement is from G-d" [Mishlei 16:33]. The author of Tiferet L'Moshe even permitted using a lottery to decide which one of a group should be handed over to be killed. On the other hand, the Chazon Ish felt that all of the permitted lotteries in the Tanach were carried out in accordance with Divine instructions, but we are not permitted to decide matters by using a lottery. Rabbi Ovadia Yosef feels the same, and he writes that the lotteries in the Tanach pointed towards the truth but were always followed by a prophetic declaration, such as by Yona or by Achan. In conclusion, there are many reasons why we cannot decide based on the story of Yona to use a lottery to guide our actions. First, there is no reason to believe that the sailors acted according to halacha. In addition: as written above, their boat was the only one attacked by the storm; they cast the lottery three times and obtained the same result; they did not simply throw Yona overboard, but tried three times to dunk him in the ocean without drowning him (Pirkei D'Rebbi Eliezer); and, not only did Yona agree to being cast into the sea, but all of the participants had agreed in advance to abide by the results of the lottery. It is also possible to explain the specific case of Yona according to the Midrash (Pirkei D'Rebbi Eliezer), which maintains that Yona was the son of the woman of Tzorfat, who was brought back to life by Eliyahu (I Melachim 17). Since he had already died once, it may be that he no longer had the full halachic status of a living person. Reference: Rabbi Ben-Tzion Kriger, "Yona"

perceptions@torah.org] Vayailech-Shuva: Song of the Conscience

This Shabbos is Shabbos Shuva. Even though Rosh Hashanah has passed, and we're now heading for Yom Kippur, the following is still relevant.

It says in the Talmud that on Rosh Hashanah, three "books" are opened before G-d (Rosh Hashanah 16b). Tosafos there (q.v. Nichtamim l'alter l'chaim) explains there that this is with respect to the World-to-Come (i.e., the person is being judged in terms of their portion in the World-to-Come). However, this is difficult to understand; how is it relevant to judge a person who is still living with regard to his portion in the World-to-Come? Is it not a person's final moment that proves everything about him, whether he is worthy or unworthy for eternal bliss? The answer given is as follows: On Rosh Hashanah, the Heavenly Court judges someone first to see if presently he is worthy of the World-to-Come, and if he is, then he may be punished in This World, now, before he dies, to save him suffering in the Next World. But someone who is going to need spiritual "cleansing" in a major way, more than his life can provide, they give him good in This World now, as it says in the Talmud: Sometimes they lift the judgment meant for after death and give him evil in This World instead. (Kiddushin 39b) In other words, all that happens to a person in This World is dependent upon his position with respect to inheriting the World-to-Come. After he dies and leaves this world, then he will finally be judged based upon all he went through in his lifetime on earth. Hence, the "three books opened on Rosh Hashanah" are really with respect to the World-to-Come, and in them the completely righteous and the completely evil are "sealed" on Rosh Hashanah. However, with respect to This World, no one is sealed until Yom Kippur. This is what Tosafos means. Based upon what has been said above, the Gr"a says it is incorrect to wish someone "Leshanah tova sikasaiv v'sikaseim"-A good year, written and sealed," because it sounds as if the brochah is only for one year, this year, which is only in This World. If one's intention is to bless someone regarding the World-to-Come, then he should only say: l'chaim tovim sikaseiv v'sikaseim-a good life, written and sealed, without mentioning "a good year," the main reason being that the judgment of the World-to-Come is over before the "writing" and the "sealing." After the "sealing" of the judgment of the World-to-Come the "writing" for This World is done on

Rosh Hashanah. What one really needs to say is: "For a good life you should be written and sealed for in the World-to-Come, and for a good year you should be written for life in This World." However, the tradition is not to say such a long greeting, so therefore, the Gr"a said that one should only say "written" which refers to This World, and which will also include a brochah for the World-to-Come. This didn't help you this year, but maybe you'll remember it for the next year. In any case, have a wonderful year filled with blessing and only good news, and a great Shabbos Shuva as well.

Kesiva v'Chasima Tova, Pinchas Winston Rabbi Winston has authored fourteen books on Jewish philosophy (hashkofa). If you enjoy Rabbi Winston's weekly Perceptions on the Parsha, you may enjoy many of his books. Visit the Project Genesis bookstore - Genesis Judaica - <http://books.torah.org/authors/winston/Perceptions>, Copyright (c) 1998 Rabbi Pinchas Winston and Project Genesis, Inc. Rabbi Winston teaches at both Neve Yerushalym (Jerusalem) - <http://www.torah.org/neve/> and Neveh Tzion (Telzstone) - <http://www.neveh.org/> Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

machon_meir@virtual.co.il Repentance is not easy... Rabbi Shlomo Aviner

Question: When I am confessing my sins, and I know that I am going to commit a particular sin again, how can I stand before the Master of the Universe and express contrition and real resolve regarding the future? Answer: What you describe is true contrition, albeit not strong enough to withstand the likely outbursts of the evil impulse. It is true repentance, and even though it is not complete repentance, we should not make light of it. Repentance is something so enormous, so remarkable, penetrating so much of the spiritual universe, that even a tiny morsel of repentance is already considered something great, and its light permeates the soul and gives one the strength to climb higher in levels of repentance. Just as redemption occurs gradually, so does repentance occur gradually, step by step, effort after effort, and all the little efforts add up to a great sum. Fortunate is he who repents fully and completely all at once. Fortunate is he who is transformed into another person overnight. He is like Rabbi Elazar ben Dordia, who had fallen into the depths of sin, yet with a supreme, superhuman effort, saved himself from his own nature, was torn to bits, and before his soul flew up to Heaven a Heavenly voice went forth and proclaimed, "Rabbi Elazar ben Dordia is ready for the World-to-Come." Rabbi Yehuda HaNasi cried and said, "There are those who acquire their world in many years and those who acquire it in a single moment" (Avodah Zarah 17a). Most of us are incapable of sudden repentance, of the spiritual lightning that in a moment banishes all sin. Yet we are capable of gradual repentance, of improving more and more, of climbing and ascending, of slowly conquering the paths of uprightness, of improving our character traits and deeds, of teaching ourselves how to purify ourselves until we reach the high spiritual level of $E8=E5=E4=F8$ -tohar,= " or "purity" (Orot HaTeshuvah, Ch. 2). When a person thinks about repentance, wishes to repent, decides to repent, even if not yet capable of carrying it out, this by itself already causes a great light to shine in his soul. Imagine a country that is corrupt, yet whose spiritual figures protest forcefully. Compare this to another corrupt country, as different from the first as night from day, in which the country's spiritual figures bow their heads before wickedness. While the first country has hope and a future, the second has lost all hope. In the same way, when a person confesses, he is protesting against the wickedness within him. By doing so, he brings himself into the presence of G-d's light. Our master Rabbi Abraham Isaac Kook writes, "A person is obligated to confess his sins... When one daily experiences the purity of prayer and confession, never forgetting to analyze his own deeds, he then shakes off his own wickedness, little by little, before that wickedness can deceive him so greatly that he is unable to lift his head" (Orot HaKodesh 3:302). Therefore, on the one hand, repentance is the easiest mitzvah there is, because thinking penitent thoughts already constitutes repentance. On the other hand, it is the very hardest mitzvah, because repentance only comes after great toil (Introduction to Orot HaTeshuvah). Thus, let not one's spirit sink when he sees himself rise and fall. "The righteous man falls seven times and yet rises up again" (Proverbs 24:16). Ultimately, he stops falling. By contrast, the evildoer lies fallen in despair. Even the righteous sometimes fall

in battle, yet there is something worse than falling in battle -- to fall without ever having gone to war. Therefore, a man must stand valiantly before G-d's light, strengthening his resolve to repent. Then he will come to a good end, for the Master of the Universe will not abandon him, but will help him, until -- high and exalted -- he achieve holiness.

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"UNDERSTANDING THE HIGH HOLIDAYS" by Rabbi Emanuel Feldman

Tishrei, the month of Rosh Hashana, is the first month of the universe, and just as when G-d completed His Creation He contemplated and evaluated it, so does He do every Rosh Hashana -- which means that Rosh Hashana is actually the Day of Judgment for the universe and for mankind collectively and individually. That explains why, more than any other Yom Tov, Rosh Hashana's liturgy is not limited to Jewish themes exclusively, but contains so many universal themes as well. On no other occasion, for example, is G-d referred to as "King over all the earth," and at no other time is G-d's Holy Temple called a "house of prayer for all the nations." This is all a reflection of the universal judgment of this day. G-d evaluates us collectively, just as a shepherd looks over his flock with one glance. And individually, He also judges us like a shepherd who looks at each single sheep as it files through a narrow opening in the gate. So Rosh Hashana and Yom Kippur are more than just a Jewish version of New Year's Day. It's a time of great introspection, of teshuva/repentance, of stock-taking. According to an ancient Jewish tradition, it marks the creation of Adam and Eve -- who were created, who sinned, and who were judged all on the same day. All of these traditions underscore the idea that Rosh Hashana is the time of beginnings. For example, the Talmud states that a number of other events took place on Rosh Hashana: Abraham and Jacob were born on Rosh Hashana; the three barren women -- Sarah, Rachel, and Hannah (the mother of the prophet Samuel) -- were all remembered by G-d on Rosh Hashana, when He decreed that they will give birth. On Rosh Hashana, Joseph was freed from the Egyptian prison and became viceroy of Egypt. And on Rosh Hashana, slavery ended for the Jews in Egypt and they waited for the ten plagues to be completed so that they could go out to freedom. Thus, Rosh Hashana is a time for significant initiatives. As such, it is an opportunity for us to recreate ourselves, to return to a relationship with G-d, to strengthen our ties to our faith...

On the one hand, Rosh Hashana is an extremely solemn day, the most solemn of the year after Yom Kippur. Because Rosh Hashana begins the Ten Days of Repentance, we stand at the bar of judgment on those days. It's as if we were in a courtroom pleading for our very lives. Our tradition gives us a vivid image: "The Books of the Living and the Books of the Dead are open before Him," which means many things -- but one of the things it means is that we pray that our names be inscribed by our loving and understanding G-d in the one book and not in the other. Our tradition also tells us that beginning with Rosh Hashana, a Jew has the opportunity to return to God, to perform teshuva -- which literally means to turn around, to return, to start all over again. Rosh Hashana and its companion, Yom Kippur, are Divine gifts in which we are given the opportunity to reopen our relationship with G-d, when we have the chance to wipe away the past as if it did not exist, and to start over again with a clean slate. The slate is not wiped clean automatically. The process has to begin with us, with a sense of true regret, with contrition for past misdeeds, and with a serious resolution not to repeat them. The opportunity is given to sincere returners, not to pro forma ones who are just going through the motions. But once the process is properly done, once the catharsis of Rosh Hashana and Yom Kippur make their impact on us, what could be more joyous than that? So, yes, it's solemnity filled with awe, and also filled with spiritual joy. Remember that in the religious context joy is deeply inward, and is not necessarily manifested by laughter and smiles. As such, religious joy and religious awe are not contradictions. In fact, they go hand in hand. In the second Psalm, King David says, "Serve the Lord with fear, and rejoice with trembling."

The liturgy of Rosh Hashana, especially the additional "musaf" service,

is the most magnificent prayer the world has ever seen. It's like a symphony, perfectly balanced, divided into three separate movements, devoted to the themes of: a) making G-d our sovereign and acknowledging Him as our King; b) remembering His intervention in our history, and underscoring our belief in Divine Providence -- the idea that He listens and cares for us; and c) recalling the numerous Biblical events where the shofar heralds G-d's presence and protection, and longing for the time when the shofar will herald the redemption of all mankind and the coming of the Messiah... Bear this in mind: the overarching theme of Rosh Hashana and Yom Kippur is "change:" to change from what we were before and to become new individuals. The motif behind it all is accountability. We are responsible for our actions. We do not live in a vacuum. What we do or say has an impact and a resonance in the world. Yom Kippur represents the potential for a human being to change and return: we are not eternally condemned to follow a certain habitual path; we do have the ability, if we so choose, to change our ways. It is amazing: in the Talmud (Nedarim 39b), the Sages tell us that teshuva, repentance, was created before the world was created. That is to say, the idea of repentance, of a person changing himself and changing his course, is an integral part of Creation -- and the world could not exist without it.

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weekly@virtual.co.il TORAH WEEKLY Highlights of Weekly Torah Portion

Cosmic Hide And Seek "I will surely hide My face." (31:18) Once, there was a great rabbi who came upon a young child crying his heart out. "What's the matter, yingele?" asked the Rabbi, his eyes shining with sympathy and concern. "We were playing..." The child struggled to speak between sobs. "We were playing hide and seek...and I was the one who was supposed to go hide..." The boy looked up into the Rabbi's face. "Yes, I'm listening," said the Rabbi. "So I went and hid but...but..." The child broke down again in gales of sobs. "Tell me what happened," said the Rabbi softly. Finally, the boy managed to finish the sentence "...but nobody came to look for me!" After a few moments, the Rabbi smiled his warm smile and said, "You know, you shouldn't feel so bad. You're in very good company." The child heaved a little, his tears abating. The Rabbi looked into the child's eyes and continued: "You're in very good company indeed. G-d feels a lot like you -- not many people are coming to look for Him." This world is a cosmic game of hide and-seek. We are given an invitation to this world; the invitation is called life. This invitation itself is a challenge: Who brought us here? Who sustains us here? What are we doing here? To make the game more challenging, and our success more meaningful and rewarding, there are various distractions and "false leads" which can take us away from the game. But our "Host" has not left us without a "crib sheet" to help us navigate this ultimate virtual adventure. He has provided a clear manual which is guaranteed to allow us to unmask Him and the purpose of our existence. This manual is called the Torah. When we keep the Torah, we see our "Host" more and more clearly. But if we don't keep the Torah, He will hide himself more and more deeply, and finding Him will be very difficult indeed. "I will surely hide My face." In the Hebrew language, the emphatic "to surely do" something is expressed by the repetition of the verb. In other words, the literal translation of the phrase "I will surely hide My face" is "Hide, I will hide My face." The very structure of the Hebrew language gives us an insight into this "hiding." There are two kinds of concealment. One is a concealment where you know someone is there but you just can't see them. The other is a concealment where you don't even know if they are there at all. In this second type, the very fact of their being hidden is concealed. This is the ultimate hiding -- where the very hiding is hidden. When we are aware that G-d has hidden from us, He is not really concealed, because we realize that our hiding from Him has been reciprocated by His hiding from us. And so,

we humble ourselves and return to Him, imploring his forgiveness. However, when the hiding is itself hidden, and we think that this is the way the world is supposed to be, then we are in big trouble, because nothing awakens us to return to Hashem. We think to ourselves: "This is the way things are supposed to be -- isn't it?" Ignorance, they say, is bliss. But only while we're ignorant of our ignorance. One day, we will all wake up in the real "Supreme" court, and we will then have to pay the price for our years of "bliss." On Yom Kippur, we have a chance to shake ourselves out of our self-inflicted ignorance. A once-a-year opportunity to throw ourselves on the mercy of the King. If we search with all our hearts, we will find Him. Sources - The Sfas Emes in the name of the Chidushei HaRim in Mayana shel Torah; a story heard from Rabbi Zev Leff ...

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<http://www.cckollel.org/parsha.shtml> VaYeLech/Yom Kippur
by Rabbi Mordechai Loiterman

Improving Our Lot Tshuva, tefilla, and tzedakah are the magical formula through which we reverse an evil decree, according to Chazal û our Sages. But why is that these three components are the key? First, we need to understand the three ways an evil decree can be set upon us. One possibility is that it's a punishment for our evil actions. (*Note - tzaddikim are punished in this world and are thereby granted the privilege of cleansing themselves of their sins before the next world where the sins would be weighed more heavily.) Another reason is that an evil decree could be a result of a person's mazel or celestial influences. (Moed Katan 23a) And a third explanation is yesurin shel ahava û Hashem sends difficulty to those he loves as a means of increasing their share in the next world.(Berachos 5). Our three methods of tshuva, tefilla, and tzedakah individually address these three areas: When a person commits a sin, his neshama û soul, is weakened and he experiences an overall lessening of spirituality. The only way to fix that spiritual loss is to acknowledge the flaw and correct it, thereby recognizing the spiritual detriment inflicted by the sin, which is above and beyond merely removing the infraction itself. This additional understanding is actually a positive thing, for if one had never committed the sin, he would not have come to understand its harm. It is for this reason that when a person does tshuva meahava-out of a feeling of love toward Hashem, his evil actions actually become merits in his favor, (Yoma 86b) as well as nullifying any evil decrees. Regarding mazalos, the power to change one's destiny was uniquely granted to the Jews, unlike the other nations. In Parshas Va'eschanan the Ibn Ezra explains that Hashem handed over the other nations to different melachim û angels, who could plead the cases of their respective nations, but didn't have the power to alter their mazalos. However, Bnei Yisrael was not given a middle man, but rather we can speak directly to Hashem (Devarim 4:19). This special power of tefilla, as described by Rabeinu Bechaya in this week's parsha, is the ability to directly pray to Hashem to overturn the rulings of the mazalos (31:14). With this unique connection we are expected to offer our tefillos on behalf of the entire world, as well as ourselves on Rosh Hashana. For our third category, Harav Chaim Goldwicht ZT"L, Rosh Yeshiva of Kerem B'Yavneh, explains that a person can look at yesurim û difficulties, in two ways, either as a rejection by Hashem or as a sign of closeness. Just like we would give the most important and difficult work to our most trusted people, so too Hashem gives us yesurim at times as a sign that he trusts us with life's most important and difficult tasks. Rav Goldwicht also connects tzedakah to this lesson. In Bava Basra (10b) it is written that Turonosrufus asked Rebbe Akiva, "If Hashem loves poor people so much that he commands us to support them, why doesn't he support them himself?" To this Rebbe Akiva explains that Hashem provides us with the mitzvah of tzedakah in order to save us from Gehonim. Rabbi Akiva then goes on to compare giving tzedakah to supporting the king's children. Rav Goldwicht says that

Rebbe Akiva viewed these poor people as endeared children of Hashem. Not as rejected people, but rather as servants entrusted with the challenge of providing other Jews with the opportunity to give tzedakah and support the King's children. When we give tzedakah we are demonstrating that we understand that peoples trials and tribulations are a means of Hashem showing His presence and closeness, thereby obviating the necessity of yesurim. May we all merit to have all of the types of evil decrees erased through our performance of these mitzvos during this auspicious time for teshuva. Rabbi Loiterman is Assistant Rabbi of Congregation Ohr Torah of Skokie as well as a rebbi in the Arie Crown Hebrew Day School. He learns each afternoon in the Chicago Community Kollel. Parsha Encounters is coordinated by Rabbi Dovid Rifkind and edited by Barbara Horwitz. ©1998 The Chicago Community Kollel

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Truthful Repentance Based on a sicha by Harav Yehuda Amital

We commence the Selichot prayers by declaring, "To you, God, belongs righteousness, and to us, shamefacedness." These words alone would suffice if only we sincerely meant them. The gemara teaches us (Berakhot 12b): "Rava Bar Huna the Elder said in the name of Rav: Anyone who commits a sin but is then ashamed of it receives forgiveness for all of his sins." All that is required is simple embarrassment before the Holy One, standing before Him submissively.

The gemara (ibid.) learns this from the episode of King Shaul and the sorceress (I Shemuel 28:15): "Shemuel said to Shaul, 'Why have you so disturbed me, to call me up (from the dead)?' And Shaul answered, 'I am extremely distressed, for the Philistines make war against me and God has departed from me and no longer answers me, neither by prophets nor dreams. Therefore I call to you.'" Shaul does not mention that he had inquired of the "Urim and Tumim" but had received no reply because of his sin of killing the Kohanim of Nov. That is, Shaul is embarrassed to mention his earlier behavior. "And how do we know that God forgave Shaul? As it is written: 'Tomorrow you and your children will be with Me.' Rav Yochanan said: 'With Me' - within My domain." Shaul knows well that Shemuel is aware of the crime perpetrated at Nov, but he nevertheless is fearful, embarrassed, humiliated, and does not mention his shameful act. Similarly, when standing before God, who knows our actions and our innermost thoughts, we too must feel shame. How human is this feeling, how unique to the experience of humanity! One stands completely exposed before the Heavenly Throne, struggling to comprehend that "To you, God, belongs righteousness, and to us, shamefacedness."

Embarrassment does not relate to sins alone, but rather is much broader. When one contemplates his mitzvot and good deeds, explains Rav Moshe Chaim Luzzato in Mesillat Yesharim, he must "search his deeds: or some say, sense his deeds." Searching means to see the good acts and the bad; sensing refers to the mitzva acts themselves. One should contemplate how much he invested of his soul, how much love and fear of God characterized his mitzvot, how many moments of truth accompanied him. It is not enough to go through the motions of fulfilling the mitzvot; we must serve God in truth, in sincerity, with a whole heart. As the Chiddushei Ha-rim said in the name of Rav Simcha Bunem: The Evil Inclination desires only to steal from man the kernel of truth he possesses; afterwards, he no longer needs to steal anything else.

We approach the Holy One, Blessed be He, in fear and trembling, saying "Our Father, our King;" but do we hear the fearsome words of the prophet (Malakhi 1:6) echo in our ears: "A son honors his father, and a servant his master. But if then I am a Father - where is My honor? If I am a Master, where is My awe?" It is easy to say "Our Father, our King;" it is far less easy to recall that "if I am a Father - where is My honor? If I am a Master, where is My awe?" We request of God, "May our supplications be as pleasant to You as a burnt offering." Our prayers are our sacrifices. Just as a sacrificial animal must be perfect and any

blemish disqualifies it, so too with prayer. And we, what lame, defective creatures we are! How can we find, in truth and sincerity, a perfect prayer?

We study Torah, and always seek to understand what the Torah wants to teach us. When the gemara suggests a particular formula or application, we dissect it and raise every possible difficulty regarding it. But with regard to ourselves, there are no difficulties, no challenges, no critical analysis! We forget that in the gemara there are rejected and accepted assumptions, obvious and difficult conclusions. And sometimes when we seem to have reached the appropriate understanding of the matter, room remains for clarification and further analysis.

The essence of the Selichot are the Thirteen Divine Attributes: "'And God passed over him and declared_' - God said to Moshe: At all times that the Jewish People sin, act before Me in this manner and I will forgive them" (Rosh Ha-shana 17b). Rashi explains, "'Act before Me in this manner' - wrap yourselves [in a tallit] like a prayer leader." It is not

enough to recite the Thirteen Attributes. One must wrap himself like a prayer leader - to stand before God with such an utter sense of communal responsibility, to struggle with the conflicts of personal aspiration versus community needs. For this reason the prayer leader wraps himself in a tallit - in order to conceal his "self," to prevent consideration of his private will; to turn himself into a true emissary of the community, with its whole variety of problems. This consciousness of being an emissary of the community is required also of every individual when he stands before God. Only then the promised covenant applies, that we will not return empty-handed.

Each of the Thirteen Attributes has a unique meaning, and it is everyone's obligation to learn them during the Ten Days of Repentance, in order to understand how to imitate God's ways and how to fulfill our communal responsibility. "God is close to all who call upon Him, to all who call upon Him truthfully." The Holy One expects sincerity. He is indeed close, but demands the element of truth.

First and foremost, it is our duty to feel ourselves united to Klal Yisrael. Let us band together in mutual love and respect, and with collective force we will pray to the Holy One that we merit a year of mercy and peace, a year in which the People of Israel will rise upward. Let us indeed acknowledge that "God is close to all who call upon Him, to all who call upon Him TRUTHFULLY." Then we will merit a year of life and peace, and a ketiva va-chatima tova. (Summarized by Yisrael Wohlman; translated by Mordechai Weinstein and Ronnie Ziegler. This sicha was delivered on the first night of Selichot, 5744.)

The Secret of Selichot: The Thirteen Attributes of Mercy By Rav Ezra Bick A. The Jewish people have a custom of saying "selichot," penitential prayers on fast days and especially during the days leading up to Yom Kippur. On Yom Kippur itself, the custom was originally to say selichot in each of the five prayers of the day. Modern machzorim print selichot for only two of those prayers, the evening prayer (Ma'ariv, Kol-Nidrei) and the closing prayer (Ne'ila). Because there were many different local customs as to which selichot were said in the other prayers of Yom Kippur, older machzorim simply printed one line in the appropriate place - "Here the selichot are said" - and gradually most communities stopped saying them. It is still true that the selichot, and the "thirteen attributes of mercy" that lie at the heart of them, are central to the understanding of Yom Kippur. This is felt most clearly in the waning moments of the day, during Ne'ila, when they are repeated over and over again (seven times in most versions).

The basis for reciting the thirteen attributes of mercy is found in Rosh Hashana 17b. "God passed by him and called..." (Shemot 34,6). R. Yochanan said: Were this not an explicit verse, we could not have said such a thing. It tells us that the Holy One, blessed be He, wrapped Himself (in a talit) like the prayer leader (chazzan) and showed Moshe the order of prayer. He said to him: Whenever Israel sins, let them perform this order and I shall forgive them. "HaShem HaShem" - I am He bman sins; I am He after man sins and repents ... Rav Yehuda said: A covenant is made over the thirteen attributes, that they are never ineffectual, as is written, "Behold I am making a covenant" (34:10).

There are a number of perplexing points about this gemara. Why did God have to demonstrate to Moshe how to recite the thirteen attributes? Why did he "dress up" like a chazzan and pretend to be one who prays? Why are the thirteen attributes guaranteed to succeed more than any other prayer, and what is the meaning of the "covenant" which is the basis of that success? Finally, examining the thirteen attributes, we find that they are merely names and descriptions of God, not a prayer at all. Nothing is actually requested. What is the significance of reciting attributes of God? Surely a plea from the heart for forgiveness should be more effective!

B. How do the Sages know that the thirteen attributes, conveyed to Moshe in a mysterious and powerful revelation after the sin of the golden calf (Shemot 34,5-7), are a means of obtaining forgiveness? The answer to this question is found in a later incident in the Torah. When the Jewish people, after hearing the report of the spies concerning the Land of Israel, seek to return to Egypt, God tells Moshe that He is planning to destroy them. Moshe pleads and argues with God,

finally saying, "And now, the strength of God shall increase, as You have spoken, saying: HaShem, long-tempered and great in mercy, who bears sin and iniquity, and shall cleanse but not cleanse.... Forgive the sin of this people by the greatness of your mercy, as You have borne this people from Egypt unto here." And God said, I have forgiven by your words. The verse Moshe is citing ("as You have spoken, saying...") is a quote of the original thirteen attributes from Shemot (though not a completely accurate quote, nor can all thirteen attributes be discerned here - but that is a different question which we will not solve now). Here we find Moshe using the recitation of the attributes as the clinching argument of his prayer - and God responds, "I have forgiven, BY YOUR WORDS." What's more, Moshe ascribes this recital to a promise of God. The Sages understood, accordingly, that the revelation of Sefer Shemot included a method of achieving forgiveness - hence, the conclusion: "Whenever Israel sins, let them perform this order and I shall forgive them."

But this passage also contains an enigmatic hint of the inner meaning of this recitation. Moshe prefaces his words to God by praying, "And now, the strength of God shall increase, as You have spoken." What does Moshe mean by asking God to increase His strength? In what sense can we speak of God's strength increasing in any way? Why is this request the preface to the attributes of mercy?

C. The secret which God revealed to Moshe, the principle which is so amazing that "were this not an explicit verse, we could not have said such a thing," is exactly what Moshe refers to when he says, "And now, the strength of God shall increase." The attributes of God, in Judaism, are not theology. They are revelations, manifestations of God's presence in the world. But God does not impose His presence on the world. God is found where people, created in the image of God, call on His name. Every day, at every prayer, Jews declare: "Yitgadel ve-yitkadesh shemei raba" - His great name shall be sanctified and increased! This is precisely the meaning of COVENANT - "A covenant is made over the thirteen attributes, that they are never ineffectual." A covenant is not a promise; it is a two-sided agreement. It creates something which exists only in partnership. The thirteen attributes exist in covenant, because God has agreed that His presence in the world will depend on the free-willed calling of humans, who shall be the bearers of His name, His presence, His glory. The clearest and most obvious example of this principle is the attribute of God called "malkhut" - kingship. There is a basic principle in kingship - "ein melekh be-lo am" - there is no king without a people. God's kingship, which is an intrinsic attribute of His majesty, cannot be complete without the acceptance by people.

The end of the "Aleinu" prayer, which forms a centerpiece of the prayers of Rosh Ha-shana and Yom Kippur, reads: "And they shall all accept the yoke of Your kingship, and You shall rule over them forever... and God shall be king over all the earth; on that day God shall be one and His NAME ONE." The words, "God is King," recited by the Jewish people on Rosh Ha-shana, complete the coronation of God on that day. In the words of the Sages and the prayers, He ascends the throne. This principle, so revolutionary in its implications, is actually taught to children in preschool. Adon olam asher malakh: The Master of the world Before any creature was created; When everything shall be done according to His will, THEN His name shall be called KING.

The same is true for the attributes of mercy. Because God is committed to being our God as we call on Him, then when we call Him by His names of mercy, that is How His presence will be felt. God is not only God - He is our God, the God of Israel. When one calls Him "merciful and graceful, long-tempered and great in mercy," then that is how He is OUR God. This then is the meaning of the gemara quoted above. God appeared to Moshe wrapped in a talit, as the leader of the prayer, because the thirteen attributes are not a prayer TO God. He is not listening, receiving, considering. He is part of the prayer itself. The words are not TO Him, they are about Him. They, as it were, create the Presence of God Himself. God is changing Himself ("rising from the throne of judgment and sitting on the throne of mercy"). He is as much part of the recitation as we are. Properly speaking, before the creation of the covenant, ONLY God could have "recited" the thirteen attributes. God has to show Moshe how this is to be done, for He is giving over to Moshe and the Jewish people something which belongs to Him alone. He is making the Jewish people the bearers of God's presence in this world.

Therefore, "A covenant is made over the thirteen attributes, that they are never ineffectual." There has to be some effect to a sincere calling of the attributes, because the terms of the covenant are that otherwise, God will have no presence in the world at all. There is no basis for God within the world other than the hearts of men. If God is not revealed within the prayers of Israel, how shall He be revealed? Therefore, the forty days between the beginning of the month of Elul and Yom Kippur are the days of Selichot. The revelation of the thirteen attributes to Moshe took place on the first day of Elul (forty days after the sin of the golden calf on 17 Tammuz), and the sign of the forgiveness of Israel was given on Yom Kippur, when Moshe descended the mountain for the second time with the second tablets of the law. The second tablets are God's acceptance of the covenant - His presence in the world; the ten commandments as given to the Jews, are carved by Moshe (unlike the first, which were carved by God), by Man.

The Kotzker Rebbe, commenting on the verse, "For the distance of East from West, have our sins distanced Him from us" (Psalms 103:12), said: What is the distance of East from West? - the turning of one's head! If we turn to God and call, He is there. Prayer, requests, pleading - that begins afterwards.

Appendix: The gemara states that there are thirteen attributes of mercy found in Shemot (34:6), but does not actually enumerate them. There are various opinions found in the commentaries. The most widely accepted is that found in Tosafot (RH 17b): 1. HaShem (before the sin) 2. HaShem (after the sin) 3. Kel (power) 4. Rachum (merciful) 5. Chanun (grace) 6. Eretz apayim (long-tempered) 7. Rav-chesed (great in mercy) 8. (Rav) emet (great in truth) 9. Notzer chesed l'alafim (keeps mercy for a thousand generations) 10. Nosei avon (bears iniquity) 11 (Nosei) pesha (transgression) 12. (Nosei) chata'a (sin) 13. Nakei (cleanse). The meaning of and difference between each attribute is a subject worthy of extended discussion, which will have to await a later date.

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Sponsored by Samuel and Marion Markovitz on the yahrzeits of their fathers Yisroel Moshe ben Tzvi Dov Markovitz a"h Rabbi Yitzchak Mordechai ben Avraham Gross a"h Sponsored by Manny and Loretta Sadwin and family on the yahrzeit of Loretta's father, Irving Smolar a"h

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An Astonishing Midrash When Avraham bound Yitzchak on the altar, he said, "Master of the Universe! Give my sons ten days of repentance." R' Zvi Elimelech Shapira of Dinov z"l explains: Avraham's willingness to sacrifice Yitzchak and Yitzchak's willingness to be sacrificed both demonstrate a tremendous love of Hashem. Chazal teach that because of the Patriarch's mesirut nefesh/willingness to sacrifice everything for Hashem, Hashem acts as though the sacrifice of Yitzchak did take place. Avraham reasoned: If mesirut nefesh can cause something that never happened to be treated as if it did happen, then it also can help a person achieve atonement for his sins. Even sins for which only death can atone can be atoned for through mesirut nefesh, for Hashem will view the person as if he died and was born anew. Avraham therefore asked Hashem to set aside a period for intense teshuvah. R' Zvi Elimelech adds: These ten days are a time to repent for the events of the entire year. When a "yud" (for "ten") is added to the word "shanah"/"year", the result is "sheinah"/"sleep." Sleep is an expression of mesirut nefesh, as we say in the ma'ariv prayer, "In Your hands I entrust my spirit." [Sleep is a form of death, and we awaken from it with our souls returned to us refreshed - so, too, is the power of teshuvah with mesirut nefesh.] (Bnei Yissaschar: Ma'amarei Tishrei II:27) ... Hamaayan, Copyright (c) 1998 by Shlomo Katz and Project Genesis, Inc. Posted by Alan Broder, ajb@torah.org. <http://www.torah.org/learning/hamaayan/>. <http://www.acoast.com/~sehc/hamaayan/>. Donations to HaMaayan are tax-deductible. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

-mj-ravtorah@shamash.org Shiur HaRav ZT"L on Shofar (belated)
(Shiur date: Sometime in the mid to late 1950s...)

On Rosh Hashonah, the sounds of the Shofar, the Tekiah and Teruah, are the main aspect of our prayer. Why did the Torah demand that the prayer of the Jew on Rosh Hashonah flow through the Tekias Shofar on Rosh Hashonah, as opposed to prayers all year?

The Likutai Torah (from the first Lubavitcher Rebbe) describes the topic of Shofar in terms of a Kol Pashut, simple sound. He says that each Jew possesses an inner soul and personality that is good and true. The Jew cannot defile this inner soul through sin. When a Jew sins, it is his external personae that is blamed. The inner soul does not participate in this act. If the inner soul would be defiled through sin, Teshuva would not be possible. The entire entrance to Teshuva, where man says that the act was committed by someone else who was masquerading as him, is built on the notion of the purity of man's inner soul.

The middle Lubavitcher Rebbe, Reb Ber, explained the verse that Hashem will return your exile and gather you in from among the nations among whom you were exiled (Parshas Nitzavim). He asked why was this verse written in the singular rather than the plural (since Moshe was speaking to all of Bnai Yisrael)? He explained that this verse is not referring to the ultimate political redemption of the nation. Rather, it refers to the exile of the individual, exile from his family, friends and loved ones that can be as painful, or more so, than the exile of the nation throughout Jewish History. The worst exile of all, is the internal exile of the individual. He ostracizes and exiles himself from his own inner personality and strengths in order to fit in with the desires of society. He acts and talks in ways that are meant to ingratiate himself with others, so they will be more accepting of him. The Torah tells us that man will find himself scattered across the far reaches of the world by his multi-faceted attempts to subordinate his true inner soul in deference to what society demands. Man sometimes awakes in the middle of the night gripped with fear as he contemplates the schism between his internal and external personae, yet man responds by further suppressing his inner soul.

For example, someone may prepare a lecture and the salient points of the lecture can be captured in a few sentences. Yet he will embellish the lecture with all sorts of extraneous details, and through his intellectual achievements, weave the disparate pieces into a long and involved, yet ultimately connected lecture. His internal sense of truth tells him that he could accomplish his task succinctly, yet his external personae demands that he embellish in order to impress others.

People live through very trying times, especially Rabbis and leaders, where they feel terribly isolated and depressed by their responsibility and situation. The only answer to such feelings is the expression of M'mamakim Kerasicha Hashem, I call to Hashem from the depths of my suffering. This cry to Hashem derives from the inner, untainted soul. The external personae is not capable of this. Teshuva requires that the inner personae be victorious over the external one, and admit that his entire external posturing is false. Man wears many layers and styles of clothes. One set for his family, another for his employment, another for his interaction with the community. Teshuva demands that man rip away all these garments and expose the true inner Jew who has been suppressed but remains as strong as ever in the desire to pursue the ways of Hashem. This is the meaning of the verse When you are in a difficult situation, you will return to Hashem and listen to Him. You will remove the external layers and reveal the true inner Jew.

The external Jew is evident in prayer as well. Man has been given the ability to express himself and he learns from the society and culture around him how to speak and how to act and even how to pray. However, ultimately man must recognize that

he lacks the vocabulary to express his needs to Hashem. This is especially true on Rosh Hashonah, when man is in the depths of despair with the books of life and death open before Hashem, he must recognize that he has been led astray by his external personality, no matter how developed and cultured it may be. We rely on the same expression of fear and pain that an animal utters, the Genuchi Ganach and Yeluly Yallal, the sobbing and crying noises that we mimic on Rosh Hashonah.

M'mamakim can not be expressed through the beautiful prose that we recite on Rosh Hashonah (the Piyutim). In fact, the prayers on Rosh Hashonah have been recognized universally as the most beautiful in their content and phraseology. M'Mamakim can only be expressed through the simple sound of the Shofar, representing the simple, unaltered inner Jew. No matter how beautiful our words may be, they still represent the external personality. On Rosh Hashonah we must strip that away, only the internal simple Jew can pray, and only through the simple sound of the Shofar.

Judaism is most progressive in its recognition that man can achieve intellectually and use that knowledge in the worship of Hashem. It does not demand that man live a sheltered existence. But Judaism also demands that man recognize that there is a conflict between his external and internal personae. It is the internal Jew that is the key to his existence. That is why Rosh Hashonah is called Yom Hazikaron: man must remember that on this day he must strip away all external pretenses and layers of inner subordination to reach the true internal Jew. Only when he has reached his internal personality, can he call out to Hashem, and pray that Hashem should remember him on this day and inscribe him in the book of life.

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With Talmud In Hand When Rabbi Yosef miraculously recovered from a deathly coma, his father, Rabbi Yehoshua ben Levi, asked him to describe the glimpse he caught of the World of Souls where he had briefly sojourned. "I saw an upside down world," he replied, "in which those so honored here because of their wealth were placed very low, while those so low here because of their poverty were there so highly placed." "You saw a clean world," his father assured him. "But tell me, what was the status of Torah scholars like ourselves?" "The same honor we enjoy in this world," replied the son, "is accorded to us there." "I also heard an announcement made up there," added the son, "which declared: Fortunate is he who arrives here with his Talmud in his hand." There is a popular tradition, based on this gemara, that a person specialize in one mesechta of the entire Talmud, in addition to his general study of the rest, so that when the time comes he will arrive in the World to Come with "his Talmud in his hand." This is the concept of an "Olam Haba's Mesechta" -- a tractate for the World to Come -- which is touted by this tradition as a ticket to a place of honor in the hereafter. Maharsha makes an interesting observation: We generally think of the Talmudic learning we have achieved in our lifetime as something stored in our heads and our hearts. What is the significance, then, of arriving in Heaven with the Talmud in our hand? The most lasting impression which Torah study can make on a person, he explains, is when it is accompanied by writing what he learns. For this reason, he concludes, Talmudic Sages are referred to as Scribes. *Pesachim 50a

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Pesachim 33 ONE IS "CHAYAV" FOR "ME'ILAH" EVEN WHEN HE IS "MIS'ASEK"
QUESTION: The Gemara, explaining the Beraisa cited earlier (32b) which says that Me'ilah is more
severe than other Isurim in one respect, offers several ways to explain in what manner Me'ilah is
more severe than all other Isurim. One explanation, suggested by Mar brei d'Ravna, is that one is
Chayav for Me'ilah even when it is done without intention ("Eino Miskaven"), but one is not
Chayav for any other Isur when it is done without intention. For example, on Shabbos, if one
intended to cut an item which it is permissible to cut (it is already detached from the ground) and he
unintentionally cut something which it is forbidden to cut (it is attached to the ground), he is Patur
because he did not do what he intended to do. This is not so when it comes to Me'ilah, though. If
one had intention to warm himself with fabric of Chulin and he unintentionally warmed himself with
the wool from a Korban Olah, he is Chayav for Me'ilah. RASHI (DH she'Im Niskaven) explains
that the words "Eino Miskaven" in this sense refer to Mis'asek (one who performs an Isur without
intention to do so). Mis'asek is normally Patur, "*even on Shabbos*," Rashi asserts, because in
order to be Chayav one must do a "Melech Machsheves." (1) What does Rashi mean that "even"
on Shabbos one is Patur for an Isur done unintentionally? Why would we have thought that Shabbos
is more stringent than any other Isur, that Rashi has to point out that "*even*" on Shabbos one is
Patur? In fact, Rashi tells us that Mis'asek is Patur because one is only Chayav for "Melech
Machsheves," an act done intentionally. The words "Melech Machsheves" were stated with
regard to Shabbos -- why, then, should Mis'asek be Patur not only on Shabbos but by all other Isurim?
If anything, it is *more* obvious that Mis'asek is Patur by Shabbos than by other Isurim.
(2) TOSFOS RABEINU PERETZ, TOSFOS HA'ROSH and TOSFOS SHANZ, as well as the
PNEI YEHOSHUA, point out further that not only does the exemption of "Melech Machsheves"
not apply to other Isurim, but we find that one will indeed *be Chayav* for other Isurim done
b'Mis'asek (Shabbos 73a; Rashi there, DH d'Savur. Why, then, does Rashi say "even on Shabbos,"
when the Petur applies *only* on Shabbos? ANSWERS: (a) The DEVAR SHMUEL suggests that
Rashi here holds that the Petur of "Mis'asek" does apply to other Isurim besides Shabbos. (This is
learned from the word "Bah," see Kerisus 19 and Insights). Even though one is also Patur for
"Mis'asek" on Shabbos, that exemption is not the normal exemption of "Mis'asek," but rather a new
verse is needed to teach that "Mis'asek" on Shabbos is Patur -- the verse which teaches that Shabbos
requires "Melech Machsheves." Why is this extra verse necessary? Because the general Petur
of "Mis'asek" will not suffice to exempt one on Shabbos, for the following reason. On Shabbos, if a
person did not realize that it was Shabbos and he did a Melachah, thinking that it was a weekday, he

is Chayav to bring a Korban. Why is that act of unintentional transgression not included in the
general Petur of "Mis'asek?" The CHELKAS YO'AV (OC 7) concludes that it must be learned from a
Gezeiras haKasuv that the Petur of Mis'asek does not apply to this particular Halachah of
Shabbos. If so, we might have thought that all forms of "Mis'asek" are Chayav on Shabbos as well.
Therefore, Rashi says that "*even*" on Shabbos" one is Patur for Mis'asek; that is, one is Patur
when one knew it was Shabbos but intended to do an act which was Mutar and unintentionally did
an act which was Asur. This is what Rashi means by saying one is Patur from Mis'asek *even* on
Shabbos. (DEVAR SHMUEL) (b) The Gemara gives a second answer to explain why Me'ilah is
more severe than other Isurim. Rav Nachman bar Yitzchak says that the difference between Me'ilah
and other Isurim is that one is Chayav for Me'ilah "b'Mis'asek." RASHI (DH Rav Nachman bar
Yitzchak) explains this as follows. Rav Nachman argues with the explanation of Mar brei d'Ravna,
because he maintains that even by non-Me'ilah Isurim one would be *Chayav* for the type of Eino
Miskaven described by Mar brei d'Ravna, since one performed the same act that he intended to
perform; he just did not perform the act on the *object* for which he had intended. What makes
Me'ilah exceptional is that one is Chayav when one intended to do one act and unintentionally did
an entirely *different* act; for example, he intended to *take out* an object from a vessel and he
ended up *rubbing oil* of Hekdesh on his hand. Such a mistaken transgression is a true case of
Mis'asek, which is Patur when other Isurim are involved. (Incidentally, Rav Nachman bar
Yitzchak and Mar brei d'Ravna appear to be arguing the same Machlokes argued by Rava and
Abaye, in Shabbos 73a, about how to define Mis'asek; see Chart there). Rashi says that according
to Rav Nachman, a person who does the act he *intended* to do but with a different object (for
example, he intended to cut something detached and he cut something attached) is Chayav when
Isurim besides Me'ilah are involved. It is not included in the Petur of "Mis'asek" because one did a
"Melech Machsheves"; he performed the same action that he intended to. How can "Melech
Machsheves" affect the Halachah with Isurim other than Shabbos? The principle of "Melech
Machsheves," which is stated with regard to Shabbos, applies only to Shabbos! Perhaps there is a
printing error in the words of Rashi. The words "even on Shabbos," which appear in Rashi above
(DH she'Im Niskaven) and which are difficult to understand there, belong in Rashi here (DH Rav
Nachman), which is difficult to understand *without* those words. (The words should be placed
right after the phrase "Melech Machsheves Hi v'Chayav -- *Afilu b'Shabbos*"). Rashi is saying
that even on Shabbos one is Chayav because it not only is not Mis'asek, it is even a "Melech
Machsheves." The words "even on Shabbos" do not mean that one is *Patur* for Mis'asek even on
Shabbos, but that one is *Chayav* for "Melech Machsheves" on Shabbos. (M. Kornfeld)

Pesachim 35b THE REASON ONE MAY NOT FULFILL THE MITZVAH OF MATZAH
WITH MATZAH WHICH IS FORBIDDEN TO BE EATEN QUESTION: The Mishnah (35a)
states that we cannot fulfill the obligation to eat Matzah on Pesach night with Matzah of Tevel and
Ma'aser Rishon from which Terumah was not yet taken, nor with Matzah of Ma'aser Sheni or
Hekdesh that was not redeemed. The Gemara concludes that this is derived from a verse which
teaches that only an item which can become Asur as Chametz can be used for Matzah to fulfill the
Mitzvah. Something which has another Isur, such as Tevel, which cannot become Asur because of
Chametz, cannot be used for fulfilling the Mitzvah of eating Matzah. RASHI on the Mishnah (DH
v'haKohanim) cites this reason. In the Gemara, though, Rashi (DH Tavul mid'Rabanan) says that
the reason one cannot fulfill his obligation to eat Matzah with fruit of Tevel which was grown in a
perforated pot (an "Atzitz Nakuv," the content of which is only Tevel mid'Rabanan) is because of
the principle of "Mitzvah ha'Ba'ah b'Aveirah." Why does Rashi ignore the reason that he mentioned
in the Mishnah, which is also the Gemara's reason? Furthermore, Rashi (DH Demai) explains why
the Gemara says that it is obvious that one may not fulfill his obligation to eat Matzah by eating
Matzah of Demai. Rashi says it is either because of the Derashah (that teaches that one can only
fulfill the Mitzvah with items that can become Asur because of Chametz), or because of the
principle of "Mitzvah ha'Ba'ah b'Aveirah." Why does Rashi mention both reasons here, while in his
comments on the Mishnah, Rashi mentions only the reason of the Derashah, and in his comments
later in the Gemara he mentions only the reason of "Mitzvah ha'Ba'ah b'Aveirah?" ANSWER:
The MAHARSHA explains that the Derashah of the Gemara applies only when there is an Isur
d'Oraisa forbidding the food item, which precludes the Isur of Chametz from being the only Isur
d'Oraisa. But if the food is only Asur because of an Isur d'Rabanan, then the Derashah does not tell
us that such Matzah cannot be used for the Mitzvah. The Matzah is Kosher for the Mitzvah, for it
has no other Isur d'Oraisa! That is why Rashi on the Mishnah mentions the Gemara's reason (the
Derashah) -- the Mishnah is talking about an Isur d'Oraisa. Rashi later in the Gemara is
discussing Tevel in a perforated pot, which is only Asur mid'Rabanan, and therefore Rashi had to
say that the reason it cannot be used for Matzah is because of "Mitzvah ha'Ba'ah b'Aveirah."
When Rashi discusses Demai, though, Rashi is uncertain concerning the Gemara's intention. When
the Gemara says it is obvious that Demai cannot be used, does the Gemara mean that it is obvious
because it is a *Safek Isur d'Oraisa* of Tevel, or because it is a *Vadai Isur d'Rabanan* of Demai?
If Demai cannot be used for the Mitzvah of Matzah because of the Safek Isur d'Oraisa, then the
reason is because of the Derashah mentioned in the Gemara. If Demai cannot be used because it is a
Vadai Isur d'Rabanan, then the reason of the Derashah does not apply and the reason must be
because of "Mitzvah ha'Ba'ah b'Aveirah." Therefore, Rashi mentioned both reasons with regard to
Demai in order to cover both possible ways of understanding the Gemara's statement!

"MITZVAH HA'BA'AH B'AVEIRAH" QUESTION: The Gemara concludes that the reason
why Tevel cannot be used for the Mitzvah of Matzah is because of a Derashah that teaches that only
something which can be Asur because of Chametz may be used for the Mitzvah of Matzah. Tevel
does not become Asur with the Isur of Chametz, because "Ein Isur Chal Al Isur" (an item that is
forbidden because of one Isur cannot become forbidden because of another Isur; this is the opinion
of Rebbi Shimon). Why doesn't the Gemara mention another, more basic reason why one cannot
use Matzah of Tevel to fulfill the Mitzvah of Matzah -- it is a "Mitzvah ha'Ba'ah b'Aveirah," as
Rashi mentions numerous times in the Gemara! Why does the Gemara make no mention of that
principle, but instead look for another source? (TOSFOS Sukah 30a DH Mishum) Furthermore,
we do not rule like Rebbi Shimon, but like the Rabanan who say that an object *can* become Asur
with an additional Isur ("Isur Chal Al Isur") when the second Isur is a greater Isur (such as an Isur
Kolel). According to the Rabanan, wheat that is Asur because of Tevel can become Asur because
of Chametz as well. If so, will the Mishnah's ruling, that one does not fulfill the Mitzvah of eating
Matzah by eating Matzah made from Tevel, still apply? ANSWERS: (a) TOSFOS RABEINU

PERETZ and TOSFOS SHANZ (here, and "Ba'alei ha'Tosfos" cited by the RAMBAN and RITVA here and in Sukah 31a) explain that indeed, we do not follow the Halachah as stated in the Mishnah, and if one eats Matzah of Tevel he fulfills the Mitzvah of eating Matzah. Why is there no problem of "Mitzvah ha'Ba'ah b'Aveirah?" Because the principle of "Mitzvah ha'Ba'ah b'Aveirah" applies only to an object which serves to be "Meratze Hashem" (i.e. to ask Hashem for forgiveness) or to praise Hashem. We find the principle of "Mitzvah ha'Ba'ah b'Aveirah" applied in the Gemara in only three instances. (1) A stolen animal that is brought as a Korban is invalid. A Korban is brought to be Meratze Hashem. (2) A stolen Lulav is invalid, because a Lulav is used to be Meratze and Mehalal Hashem (see Rashi, Sukah 36b, DH Ela l'Rav). (3) A Shofar that is Asur b'Hana'ah cannot be used because of "Mitzvah ha'Ba'ah b'Aveirah" (Rosh Hashanah 28a, according to some Rishonim), because a Shofar, too, is meant to be Meratze Hashem (Rosh Hashanah 26a). Only when the role of the Mitzvah is to be Meratze Hashem does the principle of "Mitzvah ha'Ba'ah b'Aveirah" apply, but not for any other Mitzvah. (b) The RITVA (here, and in Rosh Hashanah 28a and Sukah 30b) proves from the Yerushalmi that the principle of "Mitzvah ha'Ba'ah b'Aveirah" does not apply here, because it only applies when the *performance of the Mitzvah itself causes one to transgress an Aveirah*. For example, by making an animal that belongs to someone else a Korban or by designating someone else's branch as a Lulav, one acquires the object through changing the name of the object (Shinuy ha'Shem) into a "Korban" or a "Lulav," and thereby transgresses the Isur of stealing. The very act of making the object into one of a Mitzvah was associated with stealing the object. In such a case, the Mitzvah is a "Mitzvah ha'Ba'ah b'Aveirah." When one eats Matzah of Tevel, though, the fact that one fulfills a Mitzvah by eating it has nothing to do with the Aveirah. Even if, by eating the Matzah of Tevel, one would not fulfill the Mitzvah, he would still be transgressing the Isur of eating Tevel! The Isur does not play a role in the performance of the Aveirah. Therefore, the laws of "Mitzvah ha'Ba'ah b'Aveirah" do not apply here (and the Mishnah is only in accordance with the opinion of Rabbi Shimon). (c) Some suggest that the principle of "Mitzvah ha'Ba'ah b'Aveirah" applies only when the Aveirah which is done with the object *leaves an impression on the object*. That is, the object is still affected by the Aveirah that was committed with it. For example, a stolen object has a Kinyan Gezeilah on it even after the act of the Gezeilah has been completed (because of which the robber can acquire the object through making a Shinuy). Likewise, if an object is worshipped as Avodah Zarah, the item remains forbidden as an object of Avodah Zarah even after the act of the transgression is over. Tevel, on the other hand, is not an Aveirah. Tevel is merely the status of produce before its Terumos have been removed. The Aveirah occurs only when Tevel is eaten. Since the item of Tevel itself is not an item of Aveirah, one is able to fulfill a Mitzvah with it (b'di'Eved), and it is not a "Mitzvah ha'Ba'ah b'Aveirah." (CHEMDAS SHLOMO, OC #30. Tosfos Sukah 30a, DH Mishum, appears to consider this opinion but eventually rejects it. However, support can be drawn for this view from the Yerushalmi cited by the Ritva.) Alternatively, the RAMBAN (in our Sugya, see also Milchamos in the beginning of the Maseches) suggests that perhaps "Mitzvah ha'Ba'ah b'Aveirah" does not apply to a relatively "weak" prohibition like that of Tevel, which it is in one's ability to remove (by separating Terumah) from it. Once again, the Mishnah must then be expressing the opinion of Rabbi Shimon, and it is not the Halachah. (d) The RAMBAN (in his conclusive suggestion, in our Sugya) and his disciple, RABEINU DAVID, explain that "Mitzvah ha'Ba'ah b'Aveirah" is a principle learned from Divrei Kabalah, as it is derived from a verse in Malachi (Sukah 30a). It does not have a status of a Torah principle. Therefore, the Gemara wanted to show that at least according to Rabbi Shimon, we even have a source from the Torah which prevents one from using Tevel for Matzah. Even according to the Rabanan of Rabbi Shimon, though, one does not fulfill the Mitzvah of Matzah by eating Tevel, but only mi'Divrei Kabalah and not mid'Oraisa. This might also be the opinion of RASHI who keeps mentioning "Mitzvah ha'Ba'ah b'Aveirah" in our Sugya (and in Rashi 39a DH u'Demai). (e) Others suggest that the principle of "Mitzvah ha'Ba'ah b'Aveirah" applies in every case when an Aveirah is committed at the same time the Mitzvah is performed. However, it does not apply in the case of our Mishnah, because in our case we apply the principle of "Aseh Docheh Lo Ta'aseh;" the performance of a Mitzvas Aseh overrides a Lo Ta'aseh, so that one may -- and is bidden to -- perform the Mitzvah and is not considered to have transgressed the Aveirah. (In fact, TOSFOS in Kidushin (38a) cites a Yerushalmi that says that one should be permitted to eat Matzah of Chadash for this reason.) Therefore, the principle of "Mitzvah ha'Ba'ah b'Aveirah" does not apply here, because the Aveirah is permitted for the sake of the Mitzvah. However, others argue, pointing out a number of reasons why the principle of "Aseh Docheh Lo Ta'aseh" does not apply in our case: 1. Eating Tevel is punishable with Misah, and a Mitzvas Aseh cannot override a Lav which is punishable with Misah (SHA'AGAS ARYEH 96). 2. RABEINU DAVID explains that the principle of "Aseh Docheh Lo Ta'aseh" applies only when the Torah itself forces the Aseh and the Lo Ta'aseh into opposition. But if the confrontation between the Aseh and the Lo Ta'aseh comes only as a result of one's particular situation and circumstances (for example, he has no other Matzah available other than Matzah of Tevel), then "Aseh Docheh Lo Ta'aseh" does not apply. In such a situation, the Torah telling the person to eat Tevel. (This is not the case with other instances of "Aseh Docheh Lo Ta'aseh," such as the Aseh of Milah which overrides the Lo Ta'aseh of cutting Tzara'as from the body. In that case, the confrontation between the two is created by the Aseh of Milah itself, which tells us "Cut this skin even though it has Tzara'as." With regard to Matzah, the Mitzvah never directs us, "Eat this Tevel.") (A very similar answer is suggested by SHA'AGAS ARYEH loc. cit., echoing the opinion of BEIS YOSEF OC #11) 3. The MINCHAS CHINUCH (10:13) points out that the Mitzvah is only to eat a k'Zayis of Matzah. After the initial k'Zayis, there is no longer a Mitzvas Aseh to eat Matzah, so it would be Asur to eat Matzah of Tevel after the first k'Zayis. Consequently, Matzah of Tevel may not be used even for the first k'Zayis, because the Gemara says that the Matzah used for the Mitzvah must be Matzah which is fit for eating all seven (or eight) days of the festival. Tevel, though, cannot be eaten after the first k'Zayis on the first evening, after which the Mitzvas Aseh expires. 4. Finally, it would appear that the principle of "Aseh Docheh Lo Ta'aseh" should not apply here, because one may not do a Mitzvah at the expense of someone else's money! If one eats Tevel in order to fulfill the Mitzvah of eating Matzah, one is stealing from the Kohen, by not separating their portion from the Tevel. It is obvious that one may not steal someone else's Lulav if one has no other Lulav! Similarly, one may not steal the property of the Kohanim (Terumos and Ma'aseros) in order to fulfill a Mitzvah. (M. Kornfeld)

Pesachim 38 HALACHAH: A GUEST WHO EATS THE MATZAH OF HIS HOST QUESTION: The Gemara states that there is a principle of "Lachem" regarding the Mitzvos of

Chalah, Matzah, and Esrog. "Lachem" teaches that in order for dough to be Chayav in Chalah, the dough must belong to a Jew, and not to Hekdesh (such as Ma'aser Sheni, which is Mamon Gavoha, according to Rabbi Meir). The requirement that Matzah, too, must belong to a Jew is derived through a Gezeirah Shaveh from Chalah. The SEFAS EMES (Sukah 35a, DH Asya) raises an interesting point. We know that an object is not considered owned by someone unless he has full rights to do whatever he wants with it (sell it, be Makkidish it, Mafkir it, etc.). When food is placed in front of a guest, does he own that food, or does it remain the host's food, which he happens to be eating? The Gemara in Nedarim (34b) seems to say that when a guest eat a loaf of bread that is served to him, the guest is *not* considered to be the owner of the bread. (This source is cited by Rav Tzvi Pesach Frank, MIKRA'EI KODESH, Pesach II p. 158). Likewise, a guest who is eating Matzah at the Seder of his host on Pesach night should not be the owner of the Matzah served to him. If so, the guest should be required to acquire the Matzah from the host by having the host be Makneh to him the Matzah; otherwise, the guest will not fulfill the Mitzvah when he eats the host's Matzah! The Sefas Emes writes that perhaps a person should make this his practice, but he adds that he does not know why people are not normally careful to do this. The IMREI BINAH (Hilchos Pesach, end of #23) reaches the same conclusion. Why indeed are guests not careful to be Koneh the Matzah from the host before they eat it on Pesach night? ANSWERS: (a) The SEFAS EMES alludes to the Halachah mentioned in Even ha'Ezer 28:19, where we find that if a person asks his friend for a ring and tells him that he wants it in order to be Mekadesh a woman to be his wife, when his friend gives him a ring we assume that the friend was Makneh it to him and was not merely lending it to him -- since otherwise, it would not serve its purpose. Similarly, when a person invites a guest to his Seder and he serves him Matzah, it is understood that the host is Makneh the Matzah to the guest, because the guest must own it in order to fulfill the Mitzvah. RAV MOSHE STERNBUCH (Teshuvos v'Hanhagos 2:240; Mo'adim u'Zemanim, vol. 3, p. 155), however, questions this. People do not realize that their guest will not fulfill the Mitzvah unless he owns the Matzah. If they do not know that they have to be Makneh the Matzah to the guest, how can we assume that they do so? (b) RAV STERNBUCH (Mo'adim u'Zemanim loc. cit.) writes instead that perhaps we rely on the ruling of the RAMBAN (Hilchos Chametz u'Matzah 6:7) who does not mention the principle of "Lachem" with regard to Matzah, but writes only that one cannot fulfill his obligation with stolen Matzah because of the principle of "Mitzvah ha'Ba'ah b'Aveirah." Since he does not say that the reason is because one must own the Matzah, it must be that he maintains that there is no requirement that the individual own the Matzah with which he fulfills the Mitzvah. However, how does the Rambam understand our Gemara, which says that the principle of "Lachem" applies to Matzah? The YAD HA'MELECH explains that the principle of "Lachem" does not mean that each individual must be in possession of his own Matzah. Rather, "Lachem" means that the Matzah must belong to *Jews* and not to Gavoha or to gentiles. This is clear since the need for "Lachem" when eating Matzah is learned from Chalah, and one certainly *is* required to separate Chalah even from borrowed or stolen bread. It is considered Lachem since it belongs to a Jew, even though it does not belong to the person performing the Mitzvah. The only bread which is exempt from Chalah is bread that does not belong to a Jew but belongs to Gavoha (such as Ma'aser Sheni) or to a gentile. Likewise, as long as the Matzah belongs to any Jew and not to Gavoha or gentiles, one fulfills the Mitzvah with it. The TOSFOS (DH Asya) and other Rishonim seem to equate the "Lachem" of Matzah to the "Lachem" of Lulav. If so, just as a Lulav must be owned by the person performing the Mitzvah, so too with Matzah. According to them, our question remains unanswered.

(c) The MIKRA'EI KODESH (loc. cit.) points out that TOSFOS earlier (29a, DH b'Din) says explicitly that when a guest eats food that belongs to his host, he is certainly Koneh it at the moment that he eats it. If so, at the moment that a guest eats the Matzah that is given him, he is Koneh the Matzah, and thus our question does not begin! (It should be noted that RASHI (29a) argues with Tosfos and asserts that a Jew who eats a gentile's Chametz is *not* considered to be eating Chametz that belongs to a Jew; it remains the gentiles. This is no proof, though, that the Jew is not Koneh the food at the moment that he eats it. Rather, Rashi might mean that when the Torah prohibits the Chametz of a Jew, it means that one may not eat Chametz that belongs to a Jew *at the moment* that one begins to eat it -- that is, while he is holding it in his hand and beginning to bite from it. In the case of a Jew who eats the Chametz of a gentile, when he starts to eat it it belongs to the gentile.) But what about the Gemara in Nedarim (34b) that implies that a guest does not own the food that his host gives him? Although the Mikra'ei Kodesh does not discuss this point, several reasons may be suggested why the Gemara in Nedarim does not actually show that what a guest eats is not his: 1. First, the MEFARESH there educates the *opposite* point from the Gemara. He understands that the point of the Gemara is that a guest *is* the owner of the food that his host places before him. 2. Second, the ROSH there suggests that the Gemara just means that a guest does not own the food that is *served* to him -- that is, *before* he eats it. Therefore, if a person makes an vow saying, "As long as this bread is mine, it is forbidden to you," he may not invite that person to his home to eat from it, since when the guest sits down at the table in front of the bread he derives pleasure from it, and at that point he does not own it. 3. Finally, the NIMUKEI YOSEF and the RITVA there understand that the Gemara is just discussing a question concerning the *intention* of the person making the vow. It is not discussing the technical question of what belongs to whom. Even if the guest who eats the bread *is* Koneh it when he eats it, if someone makes an vow saying, "As long as this bread is mine, it is forbidden to you," his intention is that the other person should not eat the bread as a guest in his house, even though the act of eating will transfer the ownership of the bread. HALACHAH: The common practice is not to require one to own the Matzah which he eats to fulfill the Mitzvah. Some, though (Teshuvos v'Hanhagos, ibid.), are stringent, and either make sure to bring their own Matzah to their host's Seder or specifically ask the host to be Makneh them their portion of Matzah.

Pesachim 40 HALACHAH: "MATZOS SHEMURAH" OPINIONS: The Torah states, "You shall guard the Matzos" (Shemos 12:17), teaching that during the production of Matzos, one must watch (or "guard") the wheat to prevent it from becoming Chametz for the sake of the Mitzvah of Matzah. The Gemara discusses the extent to which Matzah must be watched from becoming Chametz. One opinion suggests that it must be watched from before the time that it is kneaded. The Gemara concludes that no proof can be brought that Matzah must be watched from before kneading. Nevertheless, Rava taught that when cutting the grain in the fields and tying it into bundles, people should have in mind that they are doing it for the sake of the Mitzvah of Matzah. What is the Halachah? (a) The RIF rules that the Shemirah must be done from the time that the grain is cut,

based on what Rava told the people. (b) The SHE'LTOS (Parshas Bo) writes that from the moment the wheat comes in contact with water, it must be watched from becoming Chametz. The ROSH confirms this opinion and says that where he lives there is always water found in the vicinity of the mills where the flour is ground, and therefore the practice is to watch the wheat from the time that it is ground into flour. The RAN adds another reason to watch the flour from the time that it is ground. Rava said that watching it from the time of kneading is not sufficient Shemirah; one must watch it from *before* the time that it is kneaded. Therefore, one must watch it from the time of grinding. This might be the opinion of RASHI in Chulin (7a) as well, who mentions that we watch the flour from the time of grinding. (c) The ROSH (2:26) rules that it is enough to have Shemirah from the time of kneading, because the proof of Rava was not established as conclusive. Even the Rif and the others who say that the flour should be watched before kneading, only mean that it is *proper* to watch it then, but not that it is obligatory. That is, if one does not watch it from the time that it is cut, the Matzah is still Kosher for fulfilling the Mitzvah to eat Matzah. HALACHAH: All three opinions are cited by the SHULCHAN ARUCH (453:4). L'Chatchilah, one should watch the wheat from the time that it is cut in order to fulfill the Mitzvah of Matzah in the most ideal way, as the Rosh writes. If one is unable to watch it from that time, then b'Dieved he should watch it from the time of grinding, or at least from whenever it comes near water. In extenuating circumstances, one may fulfill the Mitzvah with Matzah that was watched only from the time of kneading. 40b HALACHAH: MACHINE MATZOS The Torah states, "You shall guard the Matzos" (Shemos 12:17), teaching that during the production of Matzos, one must watch (or "guard") the wheat from becoming Chametz, having in mind that it is for the sake of the Mitzvah of Matzah ("Lishmah"). Today, machines are used to make Matzah. The machines knead the dough and bake it. Obviously, a machine cannot have in mind that it is making Matzah for the sake of the Mitzvah. If so, machine-made Matzah should not be valid for use at the Seder for fulfilling the obligation to eat Matzah. What is the Halachah? The Acharonim compare this case with that of Matzah being made by a person who is unable to have intention to make the Matzah for the sake of the Mitzvah, such as a gentile or a child. There is an argument among the Rishonim if Matzah can be made Lishmah in such a case: (a) The BEIS YOSEF (OC 460) cites the RASHBA who says that when a gentile kneads the dough, even though a Jew was standing over him as he made the Matzah, the Matzah may not be used for the Mitzvah. The Jew's Kavanah that the Matzah be made by the gentile Lishmah does not help, since he is not making the Matzah himself. This is also the conclusion of the RITVA. (b) Others, though, argue. RAV HAI GA'ON and the RE'AH, cited by the Ritva, assert that the Torah does not require that the *person making* the Matzah do so Lishmah. Rather, the Torah requires that the Matzah be watched and guarded by someone, Lishmah. If a Jew stands over a gentile or a child who is kneading the dough, and he watches the dough from becoming Chametz "Lishmah," it will suffice. HALACHAH: The MISHNAH BERURAH (OC 460:3) cites both of the opinions regarding a Jew who watches over a gentile or Katan while they make Matzah. He cites the MAGEN AVRAHAM who rules that when there is no other option, one may rely on the lenient opinion and use such Matzah for the Mitzvah. Although the Magen Avraham writes that the Jew must constantly be reminding the gentile that he is making the Matzah for the sake of the Mitzvah, the Mishnah Berurah (Sha'ar haTziyon #5) points out that according to Rav Hai Ga'on and the Re'ah, this does not seem to be necessary, since it is enough to have the Kavanah of the Jew himself as he stands over the gentile and guards the Matzah Lishmah. According to this, Matzah made by a machine with a Jew standing by it having in mind to guard the dough from becoming Chametz for the sake of the Mitzvah of Matzah *would* be acceptable for fulfilling the Mitzvah, if no other Matzah is available. In fact, Matzah made by a machine which a Jew turned on may even be acceptable l'Chatchilah, as the machine (which does not have a mind of its own) might be considered an extension of the hands of the Jew. However, there are many issues involved with Matzah made by machine (see MIKRA'EI KODESH Pesach II:3:b; MO'ADIM U'ZEMANIM, Hilchos Pesach), and therefore in practice one should consult a competent Rabbinic authority or follow his family's custom.

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Mordecai Hershman - 1888-1940 Like so many of the great Chazanim of the Golden Age of Chazanut, Mordecai Hershman was a Russian. He was born in Cherinov in 1888, and his father, who was a glass-merchant, had no interest in singing whatsoever. Sadly, Mordecai was orphaned at the age of six and it turned out that his foster parents were equally disinterested in music. However, it may well have their discouragement that turned the young Hershman towards the Synagogue in order to satisfy his thirst for singing, and it was through the pleadings of the local cantor with his foster parents that Mordecai was allowed to take lessons. At the age of twelve, he was adopted by his grandfather who took him to Solovio, where he continued his studies under Chazan Dorfman. By 1905 Chazan Dorfman considered his prot=E9g=E9 to be ready and he applied for, and was appointed Chazan Sheni (assistant Cantor) to the Vilna Synagogue, earning 12 roubles a month! When the incumbent Chazan Rishon (Chief Cantor) died, Hershman applied for the position, and against some extremely fine opposition, he was appointed Chazan Rishon himself. Since Vilna was one of the most flourishing centres of Jewish life, at this time, this post of Rishon at the main Synagogue was indeed a coveted one. In 1914 Hershman was drafted into the army and it is related that his commanding officer was so impressed with his singing, that he was released from army service and returned to his synagogue. (This, and similar apocryphal stories are related about many chazanim. It is of course very difficult to verify, but is a charming notion, nevertheless!)

After 1918 Hershman sang extensively throughout Russia and the rest of Europe. He became so famous that his own Synagogue released him to officiate only twice per month and he conducted services in many communities on the other Shabbatot. In concert he often sang operatic arias and appeared as soloist, twice, with the Warsaw Philharmonic. The famous Choir Director, Leo Lowe, heard him and invited him to go to America where he was appointed Chazan at the Temple Beth-El in Boro Park, Brooklyn. Hershman toured and took part in concerts all over the States, as well as conducting services in all the major Synagogues. He died at the very early age of 53 in 1940,

deeply mourned by countless admiring fans. We are fortunate to have many recordings of Mordecai Hershman in which we can still thrill to his high, lyrical, tenor voice. Some of his recordings have become classics and are frequently performed by modern Chazanim. Eilu Devarim, Shma Koleinu and Aneinu are amongst the most well-known and many Chazanim use his rendering of the Berachah for Hallel as standard. You are also very likely to hear his Sheva Berachot being sung, though not, perhaps as Mordecai would have sung them himself!

Zevulun (Zavel) Kwartin - 1874 - 1952 Most famous Chazanim have tenor voices. One who was endowed with a glorious baritone, was the great Zavel Kwartin. Kwartin was born on 25th March 1874 in Chonorod, Elisabetgrad, Russia, to a wealthy Chassidic textile merchant. From a very early age he exhibited a beautiful voice and his father took him to the famous Chazan, Yerucham Hakatan (also known as Yerucham Blindman), to hear his son sing and get a professional opinion of his abilities. According to Zavel's own account, the ageing Chazan was deeply impressed by him and wanted to take the boy as his pupil. His father was not too keen on the idea though believing that a career in textiles might be rather more secure than one in Chazanut. On his marriage he went to Shul with his in-laws in Yelisavgrad and was invited to say the Haftarah. The congregation was very impressed with his rendering of the Berachot and he was prevailed upon to conduct Musaf. It was on this occasion that the seeds of his golden career were sown. Kwartin took music and singing lessons with the finest teachers of his time and on June 1st 1896 he gave his first public concert. He states that he was a great success. The following year he gave a concert in Lodz for which he was paid more than 400 roubles and he continued to travel in Europe, give concerts and conduct services to great acclaim. In 1903 he was appointed Obercantor of the Queen Elizabeth Temple of Vienna where his salary was 2,500 krone per annum, an extraordinary salary by any standards. In 1914 Kwartin was invited to come to America for a fee of \$30,000 for a series of 30 concerts. Because of the war this was postponed and it was not until April 1920 that he eventually got there. His first concert, which was not a success, was at the Metropolitan Opera House. Fortunately though he redeemed himself at the "Hippodrome" and went on from there to tour America, with great success.

He decided to remain in the States and was appointed Chazan at the Temple Emmanuel where his salary was \$12,000. He also continued to give concerts and was possibly the highest-paid Chazan of all time. Kwartin published two volumes of his three-volume work, Z'mirot Sevulun' in 1928 (the third was published in 1937). They contain the music to most of his famous pieces, "Tihear Rabbi Yishmael", "Ve'al Yedei Avadecha", etc., and is still widely used. Zavel was deeply moved by his first visit to the Holy Land and eventually built a home for himself on Mount Carmel. The last fifteen years of his life were spent in the USA, and when he died on 3rd October 1952, he was brought to Israel for burial. Zavel Kwartin made numerous recordings, many of which have been electronically enhanced and re-released. Through them his phenomenal voice still lives on.

Pierre Pinchik 1900-1971 Everyone has their favourite Chazan, the one with whom they would most like to spend (or have spent) Yom Kippur. For me this is Pierre Pinchik. Born in Zhivitov, in Kiev in the Ukraine, as Pinchas Segal, he attended Yeshiva there, and then went on to the conservatory where he studied piano and voice. In his early days he was a folk singer and, sponsored by the anti-religious Soviet government, and adopting the name Pierre Pinchik, he travelled around the country giving concerts. From 1923 to 1926 he served as a Chazan to the Leningrad Shul, but without fanfare. In 1927 he went to America, and attracted by the freedom that was denied his fellow countrymen under the Bolsheviks, he decided to remain there. It was not long before he was celebrated as both a Chazan and an outstanding performer of folk-songs, many of which he recorded. Pinchik was endowed with a very sweet and distinctive voice. It was not a 'great' voice in the traditional sense, but he had the unusual ability of singing everything with his heart. There is also an originality about his compositions that makes them immediately recognisable as his work. Pinchik's most famous compositions are as fresh today as they were when he first introduced them to the public. His Ribono Shel Olom for Sefirat Ha'Omer (with its recurring theme of Dee, da-da-da, Dee, da-da-da, Daa) and his Raza DeShabbat are perhaps the most famous, and they are, without doubt, classic pieces. But there are others that are just as appealing. Areshet Sefateinu, for Rosh Hashanah and Hashem Hashem from Neilah illustrate supremely well how he could interpolate the style of a folk melody into Tefillah or, with the most complicated Chazanut, rend your heart in two. I have heard it said that he was a very temperamental performer, even on the Bimah, and would refuse to conduct a service if there was the slightest sound coming from the congregation. He would wait until there was total silence before starting and would stop immediately if there was an interruption. Perhaps today's Chazanim could take a lesson from him! Although there are still fine Chazanim today, perhaps Pierre Pinchik represented the last of the Golden Age of Chazanim, the last true composer/performer who could pull in the crowds, whether to hear him lead a service or give a concert. We are fortunate that a number of his recordings were made at a time when the technical ability to reproduce the voice accurately had improved enormously. Thanks to this, countless generations will still be able to thrill to this unique talent.

LEIB GLANTZ - 1898 - 1964 You either thrill at Leibe Glantz's unique style of Chazanut, or you dislike it intensely! One thing though you can say about it for certain is that it is absolutely inimitable. Glantz was born in Kiev. His father was a well-known Chazan of his time who served for more than 30 years in the Talner Shul. Leibe was already singing in public from a young age and with his family background, it was readily accepted that he would study music and voice. His first post was in Kishinev. He arrived in America in 1926 and soon became well-known, travelling and giving concerts of Chazanut, Chassidic songs and folk melodies. His first position in the States was at the Congregation Ohav Shalom in New York from where he eventually went to Los Angeles.

Although many chazanim try to sing Glantz's compositions, his music is amongst the most difficult to emulate of all. He had the ability to enter into the very soul of every word he sang and, whereas Glantz could get away with some of the extraordinary vocal gymnastics that he performed - indeed it was expected of him - it does not really ring true when others try to copy him. Sometimes he would suddenly shout out a word, and on other occasions words would be recited almost without any melody at all. In 1961 Glantz moved to Israel and established a Cantorial Forum. After his death the Leib Glantz Memorial Foundation was established to preserve and publish his music. Glantz was a great expert in prayer modes (Nusach Hatefillah) and wrote and lectured on the subject. He was absolutely insistent that the right one be employed for each prayer and he bemoaned the fact that so much Synagogue music is in the minor key. In one of his lectures on Hallel and Tal he said: "When we enter an orthodox synagogue.... the ear is immediately struck by sad, almost tearful tones, and one gets the impression that Jewish liturgy is based on sad, plaintive keys and

modes, even when the verbal content expresses joy and thanksgiving". In analysing this he suggested that one of the reasons was because of the catastrophic situation that the Jews had endured in the Diaspora over the years. Glantz did not try to teach his students to copy him. Perhaps he knew it was impossible anyway. Rather he tried to give them the foundations and building materials with which to develop their art, i.e. the musical structure of the Nusach. In this way he hoped that they would cultivate their own individual styles, which would be built on solid traditions. There are many recordings of Leibel Glantz available, one of which is a complete live Selichot service. There is little I can think of that is a better preparation for the High Holidays services, than to listen to it, and absorb the art of this extraordinary chazan.

DAVID ROITMAN 1884 - 1943 In the late 1920's a most extraordinary court case was held in the United States. Two of the world's most famous Chazanim were engaged in a battle to claim the rights to two musical compositions - Ashamu Mikol Am, from Selichot, and Rachel Mevakah Baneha, a concert item, based on words from the prophet Jeremiah. Both Yossee Rosenblatt and David Roitman claimed to have composed them and at the end of the day the court ruled in Roitman's favour. I do not know if the transcript of the case was ever published, but it would surely make for fascinating reading! David Roitman was born in Derezhinke, Podolia. As a lad he sang in various Synagogue choirs with some very famous Chazanim, including Moshe Gruberman and Zeidel Rovner and, like most Chazanim in those days, he graduated from being a chorister to become a Chazan in his own right. At 18 he was appointed in Elisavegrad and at 25 he became Chazan in Vilna. The great Synagogue in St. Petersburg was his next post and in this prestigious position, with a salary commensurate with its importance, he remained until 1917. Being forced to move on by the Bolshevik Revolution, he went to Odessa and then Kishinyev. He remained in Kishinyev for a time and was even able to embark on some concert tours from there, and it was on one of these tours, while he was in Bucharest, that he was fortunate to be heard by the American consul, who was greatly impressed by his singing and arranged for him to emigrate to the US with his family. When he first arrived in the States, Roitman occupied the Bimah at the Ohev Shalom Congregation in Brooklyn, where the renowned Leo Liow was choirmaster, and from 1924 until his death, he officiated at Congregation Shaare Zedek in New York, making many concert tours in Europe and South America. When Roitman came to England, he was guest Chazan at the Nelson Street Synagogue. Roitman had a most beautiful, lyric tenor voice. It was very flexible, and he was able to sing the most complicated coloratura (ie the long, flowery, twiddly bits). He was renowned for having the unusual facility of being able to pass from a very high falsetto into full voice with absolutely no discernable break. This is technically very difficult to execute and few, of even the world's greatest male singers, have ever been able to achieve it as faultlessly as Roitman. Although David Roitman died at the comparatively young age of 59, it is fortunate that he left us with quite a number of his recordings, some of which were made whilst he was still in Russia. Thanks to modern technology we can continue to thrill at his wonderful artistry.

Jan Peerce 1904 - 1984 There can be few people who have an interest in chazanut who do not know that he had an unusually good voice. Jan Peerce was also a famous opera singer. However, what many of them will not is that Peerce was also a genuinely committed Jew. It is reported that he was exceedingly particular about putting on Tephillin every day and that he would not, in any circumstances, eat anything other than Kosher food. In his book about Chazanim and Chazanut, 'B'ron Yachad', Akivah Zimmerman relates how Rockerfeller once asked Jan Peerce to sing at a special performance for him, and in Peerce's honour, Rockerfeller indicated that he wanted to prepare a festive banquet. Since he did not eat trefah, Peerce explained that he would not be able to participate in the meal, as he made it his practice never to eat before a performance. "That's fine" said Rockerfeller, "We will all eat afterwards." In order to extricate himself from the corner into which he had got himself, Peerce said that after a performance he only drank tea, and always waited a long time before having a proper meal! Jan Peerce was born Jacob Pincus Perlemuth and as a youngster he trained as a violinist. In the early part of his career, he played and sang in a dance band.

At the start of his performing career, Peerce used to play the violin. In order to pad it out he started to sing popular songs and it was almost by accident that it was found that he had an unusually good voice. He was engaged to sing with the Radio City Music Hall company and, since they frequently appeared on the radio, he soon became a well-known performer of light classical songs and operatic arias. The famous conductor Arturo Toscanini heard him and decided to engage him to sing the lead in his recordings of opera and choral pieces. Jan Peerce made his formal debut in Philadelphia in 1938, and then with the Metropolitan Opera Company in New York in 1941. Although he made countless appearances as guest Chazan in various Synagogues, he never held a regular post. Jan Peerce was widely regarded as a very fine operatic performer, but was certainly not snobbish when it came to music. In 1971 he made his Broadway debut as Tevye in Fiddler on the Roof. As far as his cantorial work was concerned, Peerce had a close working relationship with Abraham Ellstein, who was a very well-known composer and arranger of liturgical pieces and Yiddish music, particularly for the Yiddish operetta theatre. He made numerous visits to Israel. In Chazanic circles Jan Peerce was welcomed as a Chazan, and in the world of opera, as one of the finest tenors of modern times.

SAMUEL ALMAN 1877 - 1947 Although Samuel Alman is considered by many as the greatest English composer of synagogue music, he was not born in this country. He hailed from Sobolevka, Podolia, in Russia and studied music at the Odessa and Kishnev conservatories. After conscription, he served as a musician in the Russian army for four years and after completing his service, the terrible pogrom that he witnessed at Kishnev (1903) encouraged him to come to London. In England, he continued his musical studies at the Royal College of Music. It was not long before Alman was drawn into the Jewish life of London and he was soon appointed as Choirmaster at the Dalston Synagogue (North London). In the course of time he also became Choir leader of the Great Synagogue, in Duke's Place, as well as at Hampstead. Although he composed a great deal of liturgical music, there are only a few of his pieces that are known now. They were certainly utilised in the Synagogues where he worked and a number of his compositions he dedicated to various Chazanim,

such as Halter, Shechter and Boyars. Alman was the leader of the Halevi Choral Society and the London Hazanin Choir. He was a prolific composer of many diverse works; a string quartet, pieces for piano and organ, Hebrew Art songs, and arrangements of Yiddish songs. In 1912, his opera Melech Ahaz (King Ahaz) was performed for the first time, though it now seems to have lapsed into oblivion. In 1925 and 1938 Alman published Shirei Beit ha-Knesset, 2 vols, which is his collection

of Synagogue music for cantor and choir. Volume One contains the pieces that are still most well-known amongst his compositions. Yehi Ratson - for Blessing the New Moon, and the sublime Hineni and Ribono Shel Olam for Sefirat HaOmer. Although many Ba'alei Tefillah sing the Yehi Ratson unaccompanied, it really does require the responses of a Choir to achieve what the composer actually intended! In 1933, Alman was called upon to update the so-called Blue Book - The Voice of Prayer and Praise, that had first been published in 1899. This is subtitled, "A handbook of Synagogue Music" and was originally intended for use by the congregation, who would use it to follow the singing! When Alman updated it, he added a supplement which contained many of his own compositions, including Birkat Cohanim and Havu laShem (Psalm 29). Although Samuel Alman undoubtedly had a great influence on the music used in the main London Synagogues during his lifetime, with the demise of interest in the style of service that requires a Chazan and choir, which forms the bulk of Alman's compositions for the Synagogue, it is sadly inevitable that most of his music is destined to become 'lost'.

Johnny Gluck 1949 - 1984 When I was a student of the late Rev. Leo Bryll, in the Chazanut Class at Jews' College at the end of the 60's, a very young man of about 17 came to join the class. I can remember, as if it were yesterday, that on the first day that he came, he sang Sheyibaneh Bet Hamikdash for the class (there were about 12 of us in those days all full-time students!) And we were absolutely bowled over by the maturity of his voice and the professionalism of his presentation.

This young man was Johnny Gluck. Johnny was born in Hungary and whilst still a child, his family went to Dublin where his father, Israel, had been appointed Chazan at the Great Synagogue. Since it was quite obvious what he was going to do for a career, Johnny was sent to London to study with Rev. Leo Bryll, and it was not long before he was appointed Chazan at the Western Synagogue. He was only 17. The combination of Leo Bryll, as his formal teacher and Emmanuel Fisher, the celebrated leader of the London Jewish Male Voice Choir, as his choirmaster at the Western, ensured that Johnny had the finest tuition that it could have been possible to obtain. At the age of 20 he went for a short while to the Great and New Synagogue in Manchester and, while he was there, he was invited to be one of the guest artists at the annual Radcliffe Arts Festival, the first Chazan ever to participate in this event. >From 1970 - 1975, whilst he pursued his musical education at the Royal College of Music, he returned to London to become Chazan at the Marble Arch congregation. In 1975, Johnny moved to Israel and was Chazan at the Great Synagogue in Raanana and during his years in Israel he gave many concerts and appeared many times on Television and Radio. In 1979 he was appointed Chazan at the prestigious Great Synagogue in Johannesburg, South Africa. Right up to the very end of his life, Johnny Gluck was still making recordings. The last one that was issued by his wife Judy, after his death, is devoted to the compositions of Leibush Miller. If it were possible that anybody ever doubted Johnny's ability as a Chazan, I believe that this cassette demonstrates only too clearly, what a phenomenal talent he had.

Johnny Gluck was quite simply a natural Chazan. He had an intuitive feel for the interpretation of a piece and a most beautiful voice. Had Johnny Gluck been alive today, he was only 36 when he died, he would have unquestionably been one of the most celebrated Chazanim of the modern age.

MARCUS HAST - b. 1840 Marcus Hast was born in Praga, near Warsaw in 1840 and served as Chazan in Warsaw, Torun and Breslau. He became Chazan (or Reader, as he would have been called then) in Duke's Place, London, in 1871. This is all that I have been able to discover about his life, but I was keen to include him here for two special reasons. First, there have been very few Chazan/composers in this country, most being happy to rely on the compositions of others. Hast was not and he composed and published music for the entire Jewish year. The second reason is that in the introduction to his major work, he outlined a philosophy of Synagogue music that, in this day of 'sing-anything-that-comes-into-your-head-first', I believe, is well-worth bringing to a wider public. In 1910 Marcus Has published Avot HaKodesh - a complete edition of traditional and original compositions of Synagogue music, in four volumes. It was dedicated (by kind permission!) To the right Honourable Lord Rothschild and the Lady Rothschild and was published by the Bibliophile Press, England. In the introduction, Hast says that he had published another volume already in 1873 which he considered to be the first fruit of his own youthful activity. Perhaps he felt it was now time to improve on those compositions! Interestingly, he also says that it was the first of its kind to appear in England. In his Avodat HaKodesh he states that there were three principles that aided him in his compositions: 1. That Synagogue music must be sui generis. 2. It must faithfully interpret the meanings of the prayers. 3. It must not lack dignity. 1. Quoting Hast '.....it must be neither concert music, nor Operatic music, nor even Church music, but Synagogue music.' 2. Synagogue music is more tied to the words than any other kind of music. Hast points out that in other spheres music has frequently to make up for the poverty of words, '...as witness the libretti of most operas.' However important the music in the Synagogue is, utmost care has to be taken to interpret the meaning of the prayer or poem, faithfully and reverentially. 3. While Shul music certainly does not have to be dull or depressing, it must never lack dignity and the understanding that it is being used as an aid to communicate with the Almighty. Some of Marcus Hast's compositions are still sung today, though not many, and this is probably because they are virtually all written for Chazan and choir. Lecha Hashem Hagedulah, and one of the popular versions of Adon Olam (da, da, da, da, da, da dam) are probably the best known.

Joseph Schmidt 1904 - 1942 It is impossible to assess how many great artists were amongst the casualties of the last war. One thing is certain, and that is that Joseph Schmidt, who died at the very young age of 38, was amongst them. Schmidt was born in Davideny, Buchavina, Rumania to a farming family and as sympathetic as his mother was to Joseph taking up music as a career, so was his father against it. Because of the First World War he moved with his parents to Czernowitz where, at a very young age, he was appointed Chazan. It was also there, at the age of 20, that Joseph gave his first public performance as a concert singer. When he was 24, his uncle, Leo Engle, who was a well-known manager, arranged for Joseph to appear in Berlin. He remained there for a while, for his great talent brought him a position as Cantor at the Adas Yisroel Synagogue. As he established himself, so his concerts gradually took shape. They usually consisted of one half of Chazanut and the second of Neapolitan songs and operatic arias. He was an accomplished pianist and frequently accompanied himself. It was unfortunate however, that a tenor voice of such brilliance and quality emanated from a frame that was under five feet tall. When the conductor Leo Blech first heard him sing, he was deeply moved: "Pity you aren't small," he said: "But I am small," Schmidt said. "No you aren't small, you're too small," replied Blech. Although his stature

effectively barred him from opera, there were other outlets for his talents. He appeared in a number of films, he made records and he made countless appearances on the radio. In 1934 he managed to go to Palestine, where he gave a number of Chazanut concerts. When the war broke out he managed to make his way to France where he settled in the unoccupied zone. When France was defeated he made his way to Switzerland where he arrived virtually penniless. Although he was in possession of an American visa and was very well known, he was interned as an illegal immigrant. Sadly his health deteriorated whilst in the camp, and owing to a lack of proper medical attention he died on November 16th 1942 in Gierenbad Camp, near Hindwilh. He was buried in the Fiezenberg Cemetery, near Zurich and it is reported that all the 350 inmates of the camp attended his funeral, in defiance of authority. Although his operatic recordings are available, regrettably Schmidt did not make any professional recordings of Chazanut. However, there are some private ones that were published including Brich Shmei and Ki Lekach Tov. [He recently featured in a programme on Spectrum Radio: Editor]
