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Krias Yam Suf: The Day We Discovered Ourselves **Rav Yaakov Feitman**

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The culmination of Pesach and indeed Yetzias Mitzrayim was Krias Yam Suf. This was clearly one of the greatest miracles in human history and has become a part of our legacy, davening and emunah. But something equally important happened then that also has a daily impact upon our lives and the hashkafah by which we live.

My rebbi, Rav Yitzchok Hutner (Maamarei Pachad Yitzchok, 69:9, page 249), notes that the Shirah is the first time that Knesses Yisroel speaks of itself in the first person. The words are “zeh Keili ve’ anveihu — This is my G-d and I will build Him a sanctuary; the G-d of my father and I will exalt Him” (Shemos 15:2). This is the first moment of Klal Yisroel’s self-awareness. When a child is born, it has no such awareness of a self. At this crucial moment, Klal Yisroel declares coronation of the Ribono Shel Olam, for without that, it cannot continue to exist.

So now we know. Beyond the exodus, beyond Mattan Torah, it seems that we received our identity as a nation at Krias Yam Suf. Why, indeed, not when, as the Haggadah tells us, “We became a nation there [in Egypt]”? Why not at Har Sinai, when we were told what to do and what to avoid? We are the nation of the Torah. Shouldn’t that be the moment when we discovered our identity?

Rav Hutner answers that all other nissim were temporary. They lasted as long as they were needed, and then the world returned to its original state of creation, which is the ostensibly natural not supernatural world. However, when Hashem split the Yam Suf, the waters would have remained suspended in midair if not for His declaration that “the water will go back upon Egypt, upon its chariots and upon its horseman” (Shemos 14:26). As Rav Hutner expressed it elsewhere (ibid. 33:15, page 135), “If when we went down to Mitzrayim, the future family of Klal Yisroel that would go toward the End of Days was created, its form and final birth happened at Krias Yam Suf.” But we have not yet fully understood why this was the pivotal moment when we realized who we were, why we were created, and what our purpose is in the world. Rav Hutner gives a comprehensive and profound answer, which is beyond the scope of this article, but I would like to suggest a simpler

approach to this important query, which is actually based upon Rav Hutner’s words elsewhere.

First of all, Rav Hutner (Pachad Yitzchok, Pesach 40:7) quotes the Mechilta (Shemos 14:21) that all the waters in the world split at the same time as the Yam Suf. He explains that this seemingly unnecessary part of the miracle “happened because, in fact, the neis of Krias Yam Suf affected the entire realm of water and earth.” In other words, this miracle was not limited to the nation’s need to be rescued from the Egyptians. It represented a new manifestation of Hashem’s power and control over every facet of the universe. This itself is an answer to Rav Hutner’s question earlier. Once we understand that the world was created for Klal Yisroel, the final part of Yetzias Mitzrayim must be felt all over the earth so that we would realize that from this point on, “everything is because of Klal Yisroel” (see Vayikra Rabbah 36:4).

To continue our study of the Pachad Yitzchok’s view of Krias Yam Suf, Rav Hutner (Maamarei Pachad Yitzchok, Pesach 96:2, page 344) quotes the Yerushalmi (Arvei Pesachim, halacha 6) that “the reason that Klal Yisroel didn’t sing shirah until the seventh day of Pesach is that the culmination of geulah (redemption) did not occur until then. He elaborates on this statement of Chazal in several maamorim (ibid. 33:15, 41:6), where he derives the relationship between the finality of geulah and shirah from a posuk in Tehillim (13:6), which we recite every day at the end of Hodu. Dovid Hamelech says, “But as for me, I trust in your kindness; my heart will exult in your salvation. I will sing to Hashem, for He has dealt kindly with me.” Rav Hutner concludes, following the Vilna Gaon (commentary in the siddur on Hodu), that even if one totally believes in Hashem and has absolute bitachon that He will rescue us, shirah is not recited or sung until the redemption has actually taken place. This is also quoted by the Emek Brocha, who heard it from the Brisker Rov in the name of his father, Rav Chaim Soloveitchik (see also Rav Nissan Kaplan, Shalmei Nissan, Brachos, page 185:18).

We can conclude from the Vilna Gaon, Rav Chaim and now Rav Hutner that Klal Yisroel was able to burst into a song that has become eternal because they had experienced the miraculous completion of the process of Yetzias Mitzrayim. Only after witnessing the “Egyptians dead on the seashore” were they able to collectively and individually sing our beloved Az Yoshir. We can now understand why we discovered our identity and voice at Krias Yam Suf. As we learned from Rav Chaim Brisker, even when one has total trust in Hashem, it is impossible to sing shirah on an incomplete event. In the case of Yetzias Mitzrayim, this was the complete annihilation of the Egyptian army. Perhaps there are analogies to the current war in Iran. We cannot be sure, but we can hope that the Yad Hashem will once again become manifest and clear enough for us to sing. This, as Rav Hutner suggests, might also be the reason why the waters would have remained standing if not for an express command from Hashem. Since this was a pivotal final moment releasing us from the threat of Mitzrayim, the miracle had to include a sense of culmination and permanence. This also explains the universal aspect of Krias Yam Suf being both visible and effective throughout the world.

Many other aspects of Krias Yam Suf now fall into place as well. The Mateh Moshe (Hilchos Pesach) quotes Rabbeinu Bachya (Parshas Va’eira), who says that Krias Yam Suf is included in the four aspects of geulah. In fact, the splitting of the sea corresponds to the kos shel brocha of Birkas Hamazon. Halachically, there is a fascinating disagreement amongst the poskim (Hilchos Krias Shma) if one can fulfill his obligation to mention Yetzias Mitzrayim by reciting the Shirah. The Mogein Avrohom is certain that one can, but Rav Akiva Eiger citing his son-in-law, the Chasam Sofer, is unsure (see Brachos 13b). In any case, it is clear that Yetzias Mitzrayim was officially over after the Shirah. This might also explain why it marks the culmination of Pesukei Dezimra, the passages that praise Hashem for many things. It also explains why the Mishnah Berurah (51) assures us that “one should recite the Shirah joyously and imagine that he, too, has crossed the

sea that day. Whoever follows this regimen will surely have his sins forgiven.”

Finally, the Maharal (Gevuros Hashem, chapter 39) tells us that “when Klal Yisroel accepted the royalty of Hashem at Krias Yam Suf, we gained our new form through the singing of the Shirah. The Vilna Gaon (Aderes Eliyahu to Devorim 33:8), too, teaches that “at Krias Yam Suf, we acquired the ability to serve Hashem properly (nishlam kinyan avodah).” Thus, we see that Krias Yam Suf, on many levels, represents the ultimate perfection of the Jewish body and soul so that we can truly be avdei and ovdei Hashem. Just to complete the picture, let us note that the Shelah Hakadosh and Meshech Chochmah (both on Parshas Beshalach) stress the culmination aspect of Krias Yam Suf and the Shirah. They both understand those magical moments at the end of Yetzias Mitzrayim as a time of self-discovery. We know that the Ramchal (Derech Hashem) stresses that each Yom Tov brings a renewal and ability to reenact what happened on that day. The seventh day of Pesach is therefore a unique time to look deeply inside of ourselves and discover new paths to greatness and how we can help bring the geulah. May Hashem accept our efforts and bring the long-awaited and much-needed geulah sheleimah bemeheirah veyomeinu. Amein. A chag kosher vesomeiach to all.

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The Great Supermarket Controversy: Testing the Limits of Mechirat Chametz by Rabbi Daniel Z. Feldman

In a previous post, the practice of “mechirat chametz” (the sale of leavened products to a non-Jew before Passover) was explored and defended. The argument rested on an understanding of the Torah’s intent behind the prohibition of owning chametz: since the Torah’s primary concern is that chametz not be eaten, the requirement to remove it from one’s possession functions as a safeguard against the risk of consuming it absentmindedly. On this basis, the Jewish people have embraced “mechirat chametz” as a declaration that there is another force equally capable of keeping one away from the chametz: the prohibition of theft. The individual homeowner who sells his chametz, and then scrupulously avoids touching it throughout Passover because it legally belongs to another, is giving powerful expression to the integrity of monetary relationships.

The question that arises, then, is what happens when the seller has no intention whatsoever of leaving the chametz alone. The individual homeowner’s sale, whatever questions it generates, is within the lines of halachic legitimacy. A far more contested case is the sale of inventory of stores (supermarkets, liquor stores, grocery chains) that continue to operate throughout Passover, selling chametz to all comers. The debate this practice has generated is contentious, and goes to the heart of what “mechirat chametz” is really about and what the halachic system is willing to tolerate in the name of minimizing transgression.

The difficulties with such a sale are significant, and they operate on multiple levels simultaneously. A store owner who sells his inventory to a non-Jew before Passover, and then opens his doors on Passover morning and sells chametz to every customer who walks in, is doing something that looks nothing like a valid sale. The “ha’aramah” objection to “mechirat chametz” in general (the term refers, alternatively, to halachic evasion or to a legal sham) would seem to apply here with particular force. There is no pretense of actually separating from the chametz. The chametz never leaves the premises. The owner handles it, prices it, stocks it, and profits from it throughout the holiday.

A second, and more than merely technical, problem sits alongside the first. Assuming for a moment that the pre-Passover sale was valid, that ownership genuinely transferred to the non-Jewish purchaser, in that case, the store owner who continues to do business with the chametz is not merely evading the spirit of the law. He is committing “gezel,” theft, against the person who now legally owns the merchandise. The very rationale offered in defense of individual “mechirat chametz,” that the prohibition of theft is what keeps the

Jew away from the chametz, is here inverted: the sale, if real, creates a prohibition of theft, and the store owner is violating it openly with every transaction.

The two objections thus mirror the two poles of the broader “ha’aramah” debate: on one hand, the sale is a sham, wholly outside the spirit of the law; on the other hand, if it is not a sham, the owner’s conduct is an active violation of ownership rights. Either way, the situation is deeply problematic. (It should be noted that the objection to “mechirat chametz” generally assumes authorities have disqualified the “mechirat chametz” even of any individual whose general behavior indicates he does not personally respect the relevant religious principles. However, the situation of the merchant is more extreme, both because of the public nature of the non-observance and because the commerce specifically undermines the claim of having sold the chametz to another.)

Given these objections, it is no surprise that a significant number of major authorities completely rejected the validity of such sales, ruling not merely that they were inappropriate but that they were null and void, leaving the chametz fully prohibited. Among those taking this position were the “Sdei Chemed,” “Chachametz U’Matzah,” “Responsa Maharam Shik,” “Tuvia Goldstein,” “Emek Halachah,” “Responsa Y. Yishai,” “Responsa Shev’eisi Eish,” and R. Yosef Shalom Elyashiv, as quoted in R. Eliyahu Shlesinger’s “Mo’adei Kodesh.” Rav Joseph B. Soloveitchik was also among those who completely disapproved of such sales.

The stringent position offered its own counter-argument to the lenient technical claims that have been presented. The standard defense of “mechirat chametz” in these circumstances holds that a seller’s insincerity, even when established by later actions, cannot retroactively cancel the rights of a buyer. The stringent authorities responded that when the insincerity is blatant and evident to the entire world, as it is when a store has been publicly open on Passover for years running, this is categorically different. The situation parallels the case of “Matnat Beit Choron” discussed in the Talmud, a man had taken a vow prohibiting himself from deriving benefit from his son. When the son wished to make a wedding for his own son, he sought a maneuver that would allow his father to attend the wedding. To circumvent the vow, the son transferred his property to a friend, with the transparent understanding that the transfer had no real-world effect and existed only to allow the father to make use of it for the wedding. The Talmud rules that such a transfer is treated as null, because the subsequent behavior of the parties makes the original insincerity manifest. Here too, where a store’s doors remain open on Passover morning just as they do every other day of the year, the owner’s earlier “sale” is similarly exposed as having never reflected genuine intent.

R. Moshe Sternbuch combined both objections, invalidating the sale because of the continuing commerce and additionally noting that since there is no valid “bitul” (nullification) of the chametz, the sale falls short even of the standard defended by the “Bechor Shor” regarding ordinary “mechirat chametz.”

“Responsa Pri Hasadeh” inverted the logic of the “Chatam Sofer,” who had argued that the main consideration validating “mechirat chametz” is the removal of the Jew from engagement with the chametz, noting that in this case the Jew is openly conducting business with the chametz, thus eliminating the very foundation of the sale’s legitimacy.

Notably, even the “Sdei Chemed,” despite his stringent ruling, did not follow his position to its full logical conclusion of declaring the chametz completely forbidden in all benefit after Passover. Rather, he limited the prohibition to selling to other Jews, explaining that while the more stringent position would be more logical, it is less likely to be observed, and he therefore opted for the lesser evil.

Notwithstanding these formidable objections, there were significant authorities who found at least some basis for the validity of such sales. In many respects, the question is not fundamentally different from that of allowing any non-observant Jew to participate in the communal “mechirat chametz,” a person who may not take the sale seriously and may in fact

continue to consume his own chametz during Passover. The arguments in both directions tend to travel together.

The most widely cited responsum on this question was authored by R. Chaim Halberstam of Sanz, known as the “Divrei Chaim.” He addressed the scenario of a completely non-observant Jew who regularly sold his chametz before Passover but was known to consume it over the holiday. The Divrei Chaim suggested that although the seller’s behavior casts doubt on his sincerity, it does not necessarily invalidate the sale. The buyer acquires legal ownership, and the seller’s subsequent actions do not retroactively undo the transaction.

Later authorities connected this reasoning to a Talmudic principle explained by Maimonides, that a bill of divorce can under certain circumstances be coerced from a recalcitrant husband, despite the formal requirement of his consent, on the grounds that his inner will is to comply with divine law. The view here suggests that even where a person’s behavior appears inconsistent, his deeper will may align with halachic compliance, and the formal transaction can therefore be valid.

Even among those who found some validity in such sales, the range of positions was wide, reflecting different calibrations of the “ha’aramah” debate. Some maintained that the sale is completely valid and morally acceptable; others held that it is technically valid but outside the spirit of the law; still others argued that while the sale may be technically effective, the store owner is nevertheless committing theft by continuing to sell merchandise that no longer belongs to him.

What emerges from this spectrum is that even the lenient authorities do not view the store owner’s situation as remotely ideal. The disagreement is not over whether the arrangement is praiseworthy but over whether it has any legal standing at all, and whether the net communal benefit of partial compliance outweighs the costs of legitimizing a deeply compromised practice.

This is where the question of communal rabbinic responsibility enters. A passionate advocate for the lenient position was R. Yaakov Breisch of Zurich, who argued not only that such sales were permissible but that facilitating them was an obligation of the rabbinate, in order to minimize sin whenever possible. Others, including the Lubavitcher Rebbe, emphasized that while such sales may have technical validity, stores ideally should not operate on Passover at all.

R. Moshe Feinstein, despite his confidence in the technical validity of the sale, similarly acknowledged that a local rabbinic authority may decide that such sales are not advisable and should act according to his conscience. The question of what is best for the community is separate from the question of what is technically permissible.

After Passover, the consumer faces a different question: may one purchase chametz from such a store? Here too, opinions vary. Some maintain that there is no reason whatsoever for the customer to refrain from purchasing, while others, including the Vilna Gaon, forbade the purchase of any chametz that had been subject to such an arrangement.

A final extension of the issue concerns scenarios where chametz is sold on behalf of individuals without their explicit participation, or even against their wishes. While some authorities were willing to extend leniencies to such cases, others viewed them as deeply problematic, raising questions about consent, agency, and the very nature of the transaction.

The debate over supermarket chametz sales is, in many ways, the crucible in which the broader tensions of “ha’aramah” are most sharply revealed. The collective effort to balance the integrity of the law, religious sincerity, and genuine concern for the spiritual and practical challenges of the Jewish people continues to play out in the exchanges of the ongoing halachic debate. There are no easy answers here, only the enduring question of how far the law can be adapted in the name of minimizing transgression, and at what point the adaptation itself becomes the problem. It takes wisdom, sincerity, and spiritual and interpersonal responsibility to know the difference.