



BS"D

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from **Rabbi Yissocher Frand** <ryfrand@torah.org>  
to [ravfrand@torah.org](mailto:ravfrand@torah.org)  
date Thu, Sep 24, 2009 at 3:05 PM  
subject Rabbi Frand on Parshas Haazinu  
Rabbi Frand on Parshas Haazinu  
These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah  
portion: Tape # 67, The Mitzvah of Writing a Sefer Torah. Good Shabbos!

Menachem Tzion on "Binu Shnos Dor V'Dor"  
The pasuk in Parshas Ha'azinu says, "Remember bygone days; understand the years of each generation; ask your father and he will tell you, your grandfather and he will say it over to you" [32:7]. Even on a very simple and basic level, this pasuk [verse] is teaching the importance of having an appreciation for history.

It is very important for us to have an appreciation for history. If a person has an appreciation of what was, of tradition, of what transpired over the years, then he is capable of dealing with the present. A person has an obligation to remember and understand and to try to see the Hand of G-d (Hashgocha) in history.

When Willaim Shirer wrote his book "Rise and Fall of the Third Reich" (1959), he used as an epigraph, a quote from U.S. philosopher George Santayana: "Those who cannot remember the past are condemned to repeat it." This is a truth. We must remember history (Zechor Yemos Olam).

On a simple level, the next words in the pasuk, which say, "Binu Shnos Dor V'Dor" [Understand each and every generation], seem redundant. It appears to be nothing more than a poetic restatement of the beginning of the pasuk. On a homiletic level however, the Menachem Zion offers a very nice interpretation of this expression.

Yes, we must understand history and learn the lessons of history and apply them to our generation, but in addition to that, "Binu 'Shnos' dor v'dor". The Menachem Zion explains homiletically that the word 'Shnos' is not derived from the word 'Shana' [year] but from the word 'Shoneh'

[different]. The meaning is that you must understand the changes from one generation to the next.

We can not blindly apply the same rules that worked in the past to present situations. If you try, you will fall short. Each generation is different. We can not glibly say "That's the way it was; therefore that's the way it has to be". Binu Shnos Dor V'dor -- learn the lesson of history, but bear in mind the changes from generation to generation. Times change, people change, and circumstances change. There are times when we must alter and redirect and not merely go with what was. If someone today were to send a half million troops to the beaches of Normandy, he would rightly be called a "meshuganer" [crazy one]. While 60+ years ago there was indeed a need to fight a battle on the beaches of Normandy, that battle is now over; that battle has already been fought; and that battle has already been won. We cannot always continually fight the same battles again and again.

Understand the changes ('shnos') in each generation. Understand that each generation has its own set of problems and own set of rules and own set of circumstances. We must remember the days gone by, but couple that remembrance with an understanding of the changes that take place in each generation.

In the past, I have quoted the 'Chassideshe vort' of Reb Levi Yitzchak regarding why Eliyahu HaNavi (rather than Moshe Rabbenu or anyone else) was the one designated to resolve all of the Talmud's "Teykus" [acronym used by the Talmud to indicate a question remains unresolved until Tishbi (Elijah) will provide the resolution].

The reason, the Berditchever says, is because Eliyahu never died -- he has been around in all generations. We need someone who has an understanding of each generation to pasken the shaylos [issue Rabbinic rulings on Halachic questions] for that generation. Therefore, only Eliyahu, who was present during all generations, is qualified to resolve the "Teykus".

Glossary  
Chassideshe vort -- homiletic interpretation, popular in the teachings of Chassidic Rebbes, that teach a moral lesson from a Scriptural verse by deviating from the simple or literal interpretation

Personalities & Sources:

Rav Yitzchak Herzog -- (1888-1959) Chief Rabbi of Ireland and later Palestine - Israel.

Menachem Tzion -- Rabbi Menachem Ben-Zion Zachs.

Reb Levi Yitzchak of Berditchev -- (1740-1810) famous Hassidic Rebbe, disciple of Dov Baer of Mezchirech.

This week's write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion. The halachic topics dealt with in the portion of Haazinu in the Commuter Chavrusah Series are the following: Tape # 067 - The Mitzvah of Writing a Sefer Torah Tape # 296 - Does Eating Mezonos Require a Succah? Tape # 518 - Esrog Hamurkov Tape # 694 - Personal Tefilos on Rosh Hashana Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail [tapes@yadyechiel.org](mailto:tapes@yadyechiel.org) or visit <http://www.yadyechiel.org/> for further information.

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Haazinu: Enjoy Sinning

## Shabbat Shalom

Jay

### A Thought for the Week: Haazinu

Rabbi Jay Kelman

Sinning is meant to be enjoyable. If not, there would be no point to it. How ironic then, when a person sins and does not derive any pleasure. A person experiments with non-kosher food and does not like the taste. Or, one decides that in order to get ahead financially one must work on Shabbat. And guess what. You do not do well in business, you are passed over for a promotion, which instead goes to your Shabbat observant colleague.

This, Rav Soloveitchik explains is what the prophet Hoshea had in mind in the opening line of the haftorah we read this shabbat. "Return O Israel to G-d your Lord for you have stumbled in your sins." A person thinks that they will get ahead by cheating yet not only do they morally bankrupt themselves, they don't even "succeed" in their sin. If doing the right thing in and of itself will not convince us to change, then at least the realization that we often are not gaining anything by sinning should motivate us.

Often we imagine that by doing a mitzva we are sacrificing something. Yet ask any observant Jew and they will most likely tell you that Shabbat is their favourite day of the week. Similarly when we help others - and there is no mitzva greater than helping people - we ourselves feel good.

There is, of course, no denying that at times, Torah observance requires sacrifice, of money, time, or even peace of mind. And oftentimes in the short term (which can last a very long time) sinning really does pay. But a Jew does mitzvot and shies away from sinning because that is what G-d demands, period.

Yom Kippur is the day to renew our relationship with G-d. The theme of the day is lifnei Hashem teitaharu - you shall purify yourselves before G-d. It is a wonderful opportunity to elevate ourselves, living a little beyond this world as we deny ourselves the basics of physical existence.

Who can think about food on a day when we are living in the Divine realm? Yom Kippur is meant to inspire us for the rest of the year when we are bound, not to ignore the physical, but to sanctify it.

That Yom Kippur is a day of sanctification is beautifully expressed by the mystics who point out that the translation of Yom Kippurim literally means a day like Purim. Yom Kippur is like Purim? How incredulous! Purim with its eating, drinking and general frivolity seems to be the polar opposite of Yom Kippur. And yet Yom Kippur is compared to Purim implying that it is Purim that is the more important of the two!

It is one thing to acknowledge G-d when we are hungry and in shul the entire day. It is much harder and much more important to be cognizant of mitzvot when we are partying. A Jew who remembers those less fortunate when in the midst of celebration, when it is so easy to forget, has truly understood the message of Yom K'purim .

Yonah, in attempting to run away from G-d and His call to action, captured the true essence of the day. In describing the teshuva of the people of Ninveh , a city populated with non-Jews we read "and G-d saw their deeds, that they repented from their evil ways." The Talmud points out that G-d did not see their fasting or their sackcloth as that served no intrinsic purpose. It is actions, compassion, tzedakah, honesty, integrity and basic decency that count.

Fasting or feasting reflect the mood of the day; they do not define its purpose. Whether Yom Kippurim will have served its purpose will only be determined by our degree of improvement as human beings and Jews. Let us pray that we should reach for G-d who is waiting with open arms to help us be just a little bit better than we think we are capable of being. Shabbat Shalom!

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from genesis@torah.org

to rabbiwein@torah.org

date Thu, Sep 24, 2009 at 6:05 PM

subject Rabbi Wein - Parshas Haazinu - Moshe's Final Song  
Parshas Haazinu

Moshe's Final Song

The final song of Moshe is the main subject of this week's parsha. It is a dark one to contemplate. Though it promises a happy ending for Israel, at the end it outlines a long list of travail and challenges, tragedies and losses on the way. Moshe raises but does not answer the underlying question of Jewish history: Why are the people of Israel apparently fated to suffer such continuing calamities?

The underlying reasons seemingly are connected to Jewish behavior itself, but to our finite and seemingly rational minds this reason is often deemed to be insufficient to justify the disproportionate troubles of Israel. Factoring our permanent and never ending minority status in the world population, it still seems to be highly unfair for the Jewish people to bear the downturns that Moshe accurately forecasts for them in the song of Haazinu.

It is no accident of chance that the parsha is always read in public in the Yom Kippur season of the Jewish year. It – the Torah reading -combines within it the awe and dread of the day of Yom Kippur coupled with its message of hope, forgiveness and healing. The parsha fits the season of the year with its mood of solemnity – as well as confident hope. The parsha reflects the Jewish story and mood perfectly. Troubles and hope, trepidation and optimism combine to define our personal and national lives. Haazinu speaks to us as a timeless gem of commentary on our current situation and circumstances.

Rashi on Haazinu quotes the two opinions of Rabi Yehuda and Rabi Nechemia regarding who is the main subject of the bulk of the middle part of the parsha – is it the Jewish people or the nations of the world generally? Like many apparent differences of opinion that appear in Talmud and Midrash, here also it is possible to say that both opinions are correct and accurate.

History has shown us time and again that the Jewish people are the canary in the mine and that the fate of other nations and even of the world as a whole is tied to the Jewish story and its happenings. Europe was destroyed in the twentieth century because of the story of the Jews. The Soviet Union disappeared coincidentally and not accidentally because of Soviet Jewry, the State of Israel and Jewish dissidents and refuseniks.

The troubles of the world are many and bitter, dangerous and threatening. Yet they somehow seem to have a connection to the Jewish people, their problems and status in world events, no matter how forced and tenuous it may appear. So both opinions in Midrash are correct. Moshe's song applies to Israel and to the nations of the world as well. Their fate is bound up with our destiny and our challenges. And the eventual settling of accounts that Moshe describes at the end of his song of Haazinu affect the general world no less than they do the people of Israel. May the comforting end of the song be the beginning of our great and good new year.

Shabat shalom.

Gmar chatima tova,

Rabbi Berel Wein

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From: "Daniel M. Hartstein" <daniel@bettertel.com>

Date: Wed, 06 Dec 2006 16:07:01

Subject: Points to Ponder- Brachos #5

This week we investigated the source of standing for some Brachos.

We saw the Gemarah Brachos (Nun Alef-b) which told us the Halacha is to sit when eating and when Benching. Tosfos (D'H-V'Hilchasa) says

the reason one must sit for Benching is because it is a Bracha that is Min HaTorah and we are machmir when it comes to Brachos of this level (as mentioned this is the only Min Hatorah with the possible exception of Birchas HaTorah). The Tosfos then gives a naticomb (hint) to this halacha based on the pasuk to bench the word say V'Savata which can be read Shev Ais (lit. sit now).

It seems that based on Tosfos, Benching is the exception to the rule and that by most Brachos one can either sit or stand as he prefers.

The Rosh in Pesachim (Perek 10 OMem Alef) says that Sefiras HaOmer should be said standing as the Braysa teaches based on the pasuk (Devorim 16:9) don't read it Kama but Koma (to stand). Thus the Bracha should be said standing.

The HaGaos HaGrib (on the Rosh) comments that this Gemarah the Rosh quotes does not appear anywhere in Shas. With due respect to the Beer HaGola who also quotes this Rosh, despite there being no source for it. However the HaRI Geias (early Rishon) says that there is a Kabalah for this Asmachta of Kama and Koma.

The idea of standing for Brachos is discussed in the Tur regarding Birchas Tzitzits (siman Ches) the Bais Yosef comments that the Sefer Mitzvot Katan learns the reason you should stand by the Bracha of Tzitzits is because of 'lachem' 'lachem' (ie whenever the Pasuk used the term L'chem it implies it should be done standing- see detailed explanation below). We also see this based on the drasha of Kama and Koma (ibid Rosh) The Abudraham and Orchos Chaim agree with this pashat. Further the Yerushalmi says that all Brachos on Mitzvos are said standing and all Birchas HaNainim are said sitting.

We have the same problem with this Yesrushalmi! The Hagos in the Machon Yerushalayim Tur says that this Yerushalmi is not in our editions.(ie can't be found anywhere).

The Mishnah Berurah (ibid -SK 2).quotes the kama and koma limud as well as the Yerushalmi that all Brachos HaMitzvot are said standing. However this is only lechatchila and if one did say the Bracha sitting he has fulfilled his obligation.

The Magen Avraham (SK 2) also questions this statement and asks why is it different then the Bracha on taking challah which there is a 'real' mishnah that says one can sit. This could be because this is indeed a Mitzvah but one done to allow me to eat the food like shachita. Indeed this is more like a Bracha on food and not a mitzvah.

Based on the pasuk quoted above the Rabbanu Bechaya learns this drasha of Kama and Koma and adds there are four other items done standing; Omer, Tzitzis, Millah ,and Lulav. The Haagos on the Rabbnu Bechaya comments that this limud of Kama Koma is based on a Pasikta Zotra in Parshas Lech Lecha that says that the Mitzvah of Milah is done standing. Omer is done standing based on the limud of Kama and we learn that all Mitzvot that use the term 'Lachem' are Mitzvahs done standing (so to Bracha is done standing). Standing is not limited to these Mitzvahs as we see similar ideas by Kiddush Levana where the Gemarah compares it to meeting the Sechina therefore we stand. We also have a limud by Shofar.

The Torah Temimah quotes the Rosh and says many Achronim quote this limud and relied on this Gemarah that the Rosh quoted despite there being no such Braysa. The truth is this is a drasha is a hint only quoted by the poskim as to why we stand by some Mitzvot.

Rav Kluger in Chachmos Shlomo say the rule is simple. Any Mitzvah done standing the Bracha is done standing and any Mitzvah done sitting the Bracha is done sitting. The Ateres Zekanim questions this by the Mitzvah of Sukkah but it seems to fit in nicely with the pashat of Rav Kluger as the mitzvah of Sukkah is sitting so the bracha should be said sitting.

The Meor V'Katzeya says the reason we stand by Brachos is to honor Hashem's name being mentioned. However, by Brachos on food it is the way of the World (based on health reasons and danger) to sit so sitting is allowed. However if you will be drinking standing then the Bracha should be said standing.

To answer Yanky's question there is an interesting discussion when it comes to Birchas Shevah V'Hodah. The Pri Megadim (and Birkay Yosef) says it can be done sitting as only action Brachos (Birchas Hamitzvot) need to be said standing. In Rav A. Eiger's Siddur he is not sure about this idea of action vs. no action. According to the Pri Megadim Birchos Hashachar can be said sitting but Rav Yaakov Emden in his siddur says it is better to say them standing as we practice. It is interesting that Rav Chaim Palagi (Kaf HaChiam) says one should sit so that he has proper Kavanah when the Brachos are being said.

We will see next week a number of Teshovos discussing this idea. We will see some interesting questions regarding Birchas Hatorah and other Mitzvot, I did not mention that the Bach and Sefer HaEshkol site that the standing is based on benefit. If there is physical benefit after the Bracha then it is done sitting. Others disagree and say this is a specific limud that applies only to the Kama or Lachem Mitzvot.

Have a great Shabbos-  
Reb Dov

100 Birchas- D. Hartstein

From: Daniel M. Hartstein" <daniel@bettertel.com>  
Date: Wed, 13 Dec 2006 18:25:34  
Subject: Point to Ponder #6  
This week's Shiur is available at:  
<http://www.yutorah.org/showShiur.cfm?shiurID=717038>

Last week we say an interesting machlokes between the Magen Avraham (and Pri Megadim) on one hand who held that all Mitzvot require one to stand when the Bracha is said. This is based on the words of the Bais Yosef (who quoted a phantom Yerushalmi..ie it does not exist). On the other side was Rav Shlomo Kluger (

The Yavetz, Pnei Yehoshua) who held that one is only required to stand for Mitzvot that are normal done standing.

We wondered how this would apply to the case of Kiddush . The Mishnah Berurah-MB(Riesh Ayin Hay: Yud) says that the reason sitting is preferred for Kiddush is for two reason. The first reason is the idea of 'kiddush b'makom seudah' it seems the MB takes this literally that you must make Kiddush in the place you are sitting. Since you will eat the meal sitting at your table that is the preferred place to make Kiddush. The other reason the MB gives is based on the idea of Arayvivos. In most cases I will not only make Kiddush for myself but for others. In order that everyone fulfills their obligation a unit/group must be formed. According to the MB this is best done via sitting together around the table. If you have some people sitting and some people standing this is not seen as a group. The Shulchan Aruch quotes the custom of sitting for

Kiddush but standing for the first section of Vayecholu as this paragraph is tantamount to giving testimony about the creation of the world). The Ramah adds it is ok to stand but it is better to sit for all of Kiddush.

However the custom of standing for all of kiddush is well documented by the Ashel Avraham, Matah Moshe (on the Matah Ephraim), Kaf Hachaim and Devray Yatziv. This all stems from the words of the Zohar who advises to stand for all of Kiddush. The same rule would apply for Shabbos day. Havdallah is not as simple as there are different customs. L'Halacha one should follow their minhag as there is a good source for both.

We do see that despite the Magen Avraham it seems that standing is not as well codified in Halacha. The shita of the Rav Kluger seems to make more sense in this regards to Kiddush. One will be eating the meal sitting and the Bracha that sanctifies the meal should be said sitting. We are not talking about regular Brachos on food, there all agree sitting is ok or even required.

Rav Yosef- (Shut Yechave Daas 5:4) questions how this rule would apply to Birchas HaTorah. On one hand it has the name as a Brichas Hamitzvah [this is actually not so clear as many think it is a Bracha of Shevach to Hashem for giving us the Torah and its delights] Rav Yosef explains that there is a notable shita that maintains that if there is pleasure in the Mitzvah and it is not called a Birchas Hamitzvah (at least for characterization purposes) In this regard Rav Yosef quotes the Gemarah Brachos that clearly states that learning Torah has spiritual benefits but it is not like food that has physical pleasure and enjoyment. Therefore it seems one should stand based on the shita of the Magen Avraham. However Rav Yosef concludes he is not as sure that this idea makes sense and he asks one can sit for Birchas HaTorah.

The Shut Halachos Ketanos-HK (Biez: Rish Tes Vav) asked why the Tzibur is not required to stand by all Brichas Hamitzvos (as the Bais Yosef says). The HK quotes something he heard (we know as the Rosh) about a special limud by certain mitzvos to stand but say it does not make so much sense to him. The early sources do not quote that one has to stand by all Mitzvos so he does not feel it is necessary or required.

The Shut Darchai Noam-DN (OC 3) quotes an interesting Teshuva of the Ramah M'Pano (Kuf Zayin) who tries to make sense of this who sitting and standing issue. The Ramah M'Pano wanted to suggest that Mitzvos that are done in pairs we sit for like that of Tefilin. There are other Mitzvos we have to stand for like Omer and Birchas HaLevenah but that is based on a special limud.

The DN does not understand this concept. When it comes to a Holiday like Pesach we have Achilas Matzah, Marror etc and we don't say you must stand for one or the other. Even the example of Tefilin does not make much sense for even those who make 2 Brachos do not sit for one and stand for the other Bracha. The DN sees no proof from any Gemarah or even the Achronim that require one to stand in any other Mitzvah other than the special limud of Lachem (as mentioned last week, a Mitzvah where the Torah uses the word 'Lachem' one must stand like by the Bracha of Omer, Lulav and Titizia.). Sure we have some other Mitzvos that we do the Bracha standing but that is based on minhag. It is true that the Yerushalmi learns that all Brachos should be said standing but clearly he was referring to the 'Lechem' Mitzvos and not all Birchas Hamitzvah [this was not as clear to the Magen Avraham].

In conclusion the DN does not see the reason for the Ramah M'Pano (and Levush) that one should stand for all Birchas HaMitzvos But he is

not coming to change things just to make people aware this is only a minhag. Those that want to stand they should get a Bracha.

Again, we see the statement of this Yerushalmi is not so well founded.

Rav T.P.Frank (Shut Har Tzvi Biez: Kuf Lamed) was asked about Megillah reading. He was asked why the Tzibur first stands but then sits by the reading. Rav Frank quotes the Pnei Yehoshua-PY who does not think there is a basic rule that all Brachos on Mitzvos are said standing. The PY holds that if the Mitzvah is done standing one should stand for the Bracha and if you sit for the Mitzvah then sit for the Bracha. The Magen Avraham disagrees and says by all Mitzvos it seems one should stand by the Bracha.

It seems clear the intention of the Magen Avraham is based on the idea that if one derives benefit from the Mitzvah one sits. Therefore by Achilas Matzah one sits for the Bracha. We also can not bring a proof that one can sit for the taking of Teruma and Chalah as they are not true Birchas HaMitzvos. The Magen Avraham is a supporter of the Bais Yosef based on the Yerushalmi and says Mitzvos and its accompanying Brachos should be done standing. There are exceptions when in fact something is defined as a Mitzvah but we do not categorize it as such based on physical benefit reasons or the mere fact that the Mitzvah is done sitting. So it seems Rav Frank does not see the Machlokes as wide as we first thought and that there might be some agreement on the side of the Magen Avraham to the idea that some Brachos despite the name Birchas Hamitzvah fall in to a different place because of a unique action associated with them.

Rav Frank point out that the Chasam Sofer (Nun Alef in the OC Shut) questions why we sit for Megillah reading. We learn that Megillah reading is tantamount to saying Hallel on Purim and the Gemarah leans Hallel must be said standing. The fact is that the Bais Yosef does allow sitting based on the fact that there are Hallel's we say that we sit for like the Hallel of the Hagadah. The truth is standing for Hallel is not an absolute requirement as the famous story of Rebbe entering the shul and seeing the Tzibur saying Hallel he decided to say it alone sitting. So in fact this is not such a problem to sit for Megillah reading especially in light of the great burden it would cause to the Tzibur to stand for so long.

We ended with a possible connection to Chunukah. The Rav – (Hari Kedem: Vol 1-page Reish Tzadek Zayin) develops the idea of what the Bracha of Sheasah Nissim is. Do we define it as a Brichos Hamitzvah or a Birchos Shevach. The Rav quoted the Minhag of Rav Chaim that one the second night he said only the first Bracha and then lit the first candle and then made the Sheasah Nissim Bracha. This way he is ok on both accounts. If it is a Birchas Hamitzvah he has to make the Bracha before the action and the action will go on candle 2 and if it is Shevach then he has gotten the benefit required seeing candle one lit.

Maybe we can add that this would also impact if one can stand or sit for this Bracha. If it is Shevach so sitting should be no issue (see our discussion last week based on Pri Migadim who says you can sit by Birchas Shevach- Rav Ebshitz is not as sure). If it is a Brichas Hamitzvah then it seems one should stand according to both the Magen Avraham and Rav Kluger. It is funny that when the Gemarah describes if an onlooker can say the Bracha with no Menorah it says if you are sitting on boat and you see a Menorah you make the Bracha of Sheasah Nissim.

Once again we are fortunate to see the sweetness of the Torah in this dispute of what one does when he says a Bracha. It seems that one should follow the general practice of sitting when the Mitzvah is done sitting and standing when the Mitzvah is done standing.

Have a great Shabbos and Happy Chunkah!!!

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YUHSB Shma Koleinu  
**The Power of Teshuva**  
**Yaakov Braun**

The Rambam writes (*Hilchos Teshuvah* 1:2) that the *se'ir hamistale'ach*, the goat that is sent off the cliff on Yom Kippur, is *mechaper* on all *aveirot*. It atones for the lighter ones and the more stringent ones, whether committed by accident or on purpose, whether known to a person or not; all is atoned for through this *se'ir*. However, this only happens when a person does *teshuvah*, if not, then the *se'ir hamishtale'ach* is *mechaper* on *kalot*, lighter *aveirot*, or the violation of *mitzvot aseh* or those *mitzvot lo ta'aseh* that do not carry the death penalty or *karet*. So we see that the *Shita* of the Rambam is that when the *Beit HaMikdash* stood, on Yom Kippur, a person has atonement for his *aveirot kalot* even if he does not do *teshuvah*. However, this seems to contradict the Gemara in *Masechet Shvu'ot* (12b), which says that if you do not do *teshuvah*, the *se'ir hamishtale'ach* atones for neither *mitzvot aseh* nor *lo ta'aseh*. Without *teshuvah*, the *se'ir* is referred by the Torah as "זֶבַח רָשָׁעִים תּוֹעֵבָה" - an abominable *korban* of *reshaim*.

Rav Moshe Shternbach *shlit"a* (*Moadim U'Zmanim siman 57*) quotes the sefer *Chibur HaTeshuvah*, (written by the Meiri) that says that the *se'ir hamishtale'ach* atones for *kalot* without *teshuvah*, only when we have not done *teshuvah gemurah*, complete *teshuva*, but have still done a minor form of *teshuvah*. If this is true, then another two questions arise. What is this minor form of *teshuvah*? Why does the Rambam not refer to this with the word *teshuvah*? After all, isn't it just a different type of *teshuva*?

According to what the Rambam writes at the beginning of *Hilchos Teshuvah*, a main action of *teshuvah* is *דְּוִי*, confession of the sin. He even counts this as a *mitzvat aseh*. He also writes that an integral part of *teshuvah* is an acceptance not to do that *aveirah* any more. One has not fulfilled the mitzvah of *teshuvah* without this component of severing himself from his *aveirot*. It seems clear, writes Rav Shternbach, that if one has complete remorse for his actions his is no longer a *rasha*, as once he resolves to turn away from his *aveirot*, he is no longer in a state of rebellion against Hashem. However, even then he has not fulfilled the mitzvah of *teshuvah*; he has only performed a partial *teshuvah*. The next step, actually abstaining from sin, completes the *teshuvah* process.

The resolve to change, the act of *charatah*, is what the Meiri must have referred to when he wrote about a minor form of *teshuvah*. If a person really looks at himself and does a *cheshbon hanefesh*, he will find that his wants to leave his *aveirot* and return to HaKadosh Boruch Hu. However, it is extremely difficult for a person to take the next step and officially accept upon himself to abstain from sin. The *Seir Hamishtale'ach* helps him attain atonement without his doing complete *teshuvah*.

This explains as well why the Rambam did not refer to this minor form of *teshuvah* as "*teshuvah*." It is not a different type of *teshuvah* at all! This person simply never completed the *teshuvah* process!

We see from this whole idea that the path to complete *teshuvah* depends solely on us. If this is true, that our ultimate *kaparah* does not rest on Yom Kippur or the *se'ir hamishtale'ach*, but rather on each and every one of us, then certainly we must always have this in mind as our actions may determine the ultimate outcome of whether we can merit

atonement. We should not just begin davening on Yom Kippur thinking that this time slot of intense prayer and our *klapping* "*al chet*" to erase our sins will accomplish all of our *teshuvah*. We need to do it *b'emet b'lev shalem u'b'kavanah*. Doing *teshuvah* should not and cannot be confined to such a short time! We need to live with a sense of *teshuvah* constantly within us; we should have an awareness incorporated into everything we do. It can't end when we walk out of davening and *selichot*.

As we said above, the Rambam counts *וְדָוִי* as one of the 613 mitzvot. R' Moshe Tzuriel asks (*Otzrot HaMussar: Shaar HaTeshuvah maamar 1*), why doesn't the Rambam count "*teshuvah*" as a mitzvah? Why only one component of it, why not the rest of the whole *teshuvah* process? R' Tzuriel suggests that *teshuvah* itself is an all inclusive mitzvah, like "*Kedoshim Tih'yu*." *Teshuvah* includes all of the mitzvot we do, all of the Torah we learn, and they way we live by them. It's not just meant for the few hours we spend in *shul* on Yom Kippur! The Rambam doesn't count inclusive mitzvot such as these.

He also brings down a different answer from the Maharal (*Netivot Olam*). The *midrash* (*Yalkut Shimoni Tehillim*) says that the three *sifrei* Tanach were asked what a sinner's punishment is. K'tuvim answered, "he will continue to chase evil." Neviim said, "He will die." The Torah said, "He will bring a *korban* and do atonement." Hashem said, however, "He will do *teshuvah* and thereby atone for himself!" The Gemara says that seven things were created before the world and one of them is *teshuvah*. The Maharal writes that *teshuvah* is an amazing thing. It's like pressing a restart button; a person is transforming into who he was before his sin and he is returning to Hashem! He writes that this is something above this world. That is why only Hashem could have advised us to do *teshuvah*, it is so great that, *kivyachol*, it was beyond the advice of the Torah which only tells us to bring a *korban*. It was beyond the scope of Tanach; it had to come from the *Torah Sheba'al Peh*, which was not written, but came straight from an oral chain that originated from Hashem Himself.

Hashem your G-d for you have stumbled in your iniquity. Chazal comment (*Yoma 86a*) that *teshuvah* is so great that it reaches all the way to the *kisei hakavod*. Rav Chaim Shmuelevitz *tz"l* writes that we see from here, that *teshuvah* brings one all the way to the *kisei hakavod*, that it also elevates one to a higher level than he could have reached with all his strength even if he had always been a *tzaddik*! As Chazal say, the place where those who do *teshuvah* stand, even *tzaddikim gemurim* do not stand! The Gemara says (*Menachot 29b*), if one comes to purify himself, he receives Divine assistance. Rav Shmuelevitz explains that this means that one who comes to purify himself from his impurities and the *aveirot* that he has done will receive Divine assistance. Therefore, the message is clear; if a person does *teshuvah*, he can bring himself closer to Hashem than even a *tzaddik gamur*, as he is being helped directly by Hashem Himself! May we be *zoche* this Yom Kippur to do a *teshuvah gemurah*, properly, *b'lev shalem*, while making sure that we maintain ourselves throughout the rest of the year as well, and may we raise our *neshamot* back to Hashem with *siyata dishmaya*.

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Teshuva – An Identity Crisis  
Rabbi Shimon Kerner

In a court of law, witnesses testify against the accused, evidence is presented and discussed, and a verdict is issued. If upon being convicted the criminal were to claim his innocence, he would be ignored in light of convincing evidence to the contrary. However, in the heavenly court, even if all evidence points to a person's guilt, he still can say, "It is all true, but I am not the one who violated that *aveira*." The

*Gemara* (Rosh Hashana 16a) declares that "changing one's name" is among the helpful paths to *teshuva*. The Ran explains that by changing his name, a sinner feels as if he is a new person and is inspired to rectify his ways.

Another path to *teshuva* mentioned in that *gemara* is *shinui ma'aseh* – a change in one's actions. The *Ritva* explains that the *gemara* is not only referring to changing one's ways from "wrong to right." Rather, it is offering another technique to inspire ourselves to be better. To do a *Shinui Ma'aseh* is to avoid doing things that are not technically forbidden, but are improper or unbefitting of a Torah observant Jew. If a person does a *shinui ma'aseh*, he makes a complete transformation into a person undeserving of the punishment reserved for the actual transgressor.

In the same vein, we can explain how *t'filla*, prayer, tears up the evil decree. If one deserves a punishment, why should *t'filla* help? Rav Yosef Albo (*Sefer Ha'Ikarim* - 4:18) explains that sincere *t'filla* doesn't change the *decree*, but it does transform the *person*. This new person is not the one who deserves punishment.

*Teshuva* means returning. To what are we returning when we do *teshuva*? With this above explanation, we can answer that we are returning to our pre-transgression state. This is represented by immersion in the *mikva*, which reminds us of our in-utero state, entirely enveloped by amniotic fluid. When we are born, we emerge into the world in a pristine, pure state.

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