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## INTERNET PARSHA SHEET ON ROSH HASHANA - 5770

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### **Rabbi Michael Rosensweig Yom Teruah and Zichron Teruah: The Centrality of Mitzvat Shofar even on Shabbat Rosh Hashanah**

The mishnah (R.H. 29b) rules that the mitzvah of tekiat shofar is suspended whenever Rosh Hashanah coincides with Shabbat. The gemara explains that this suspension is due to the concern that

preoccupation with the performance of the mitzvah might precipitate a violation of Shabbat ("shema yaavirenu arba amot be-reshut ha-rabim"). The gemara reports that same consideration was applied in suspending the practice of the mitzvot of lulav and Megillat Esther when they coincide with Shabbat. However, notwithstanding this policy, the mishnah records an exception: the mitzvah of shofar was observed in the mikdash (Temple) even on Shabbat. Moreover, in the aftermath of the destruction of the mikdash, it was determined that tekiat shofar would continue to have a Shabbat outlet in venues which housed a permanent sanhedrin.

Tosafot (R.H. 29b s.v. aval; Sukkah 43a s.v. inhu) notes that we do not encounter a parallel manifestation with respect to the mitzvah of lulav. During the Temple era, the mitzvah of lulav was practiced universally if the first day of Sukkot was a Shabbat (mishnah, Sukkah 42b). After the Temple's destruction, the performance of lulav on Shabbat was uniformly terminated. What accounts for the discrepancy between these two Biblically ordained commandments? Why was it deemed important to attempt to find some outlet for tekiat shofar even on Shabbat, while the same risk of Shabbat desecration categorically precluded the performance of lulav?

Tosafot's response succinctly, but profoundly highlights the indispensability of tekiat shofar as a vehicle transmitting Klal Yisrael's merits to Hashem: "de-shofar hu le-haalot zichronoseihem shel Yisrael le-avihem she-bashamayim lo ratzu le-vatel legamri." Tosafot's formulation of shofar's function in communicating the nation's "zichronot" invokes Rabah's celebrated characterization of the interrelationship between the three themes of Rosh Hashanah- malchiyot, zichronot, and shofrot. The gemara (34b) reports that the integration of shofar blowing and its accompanying themes is unique, requiring that the various berachot be expressed in conjunction with the tekiot ("tekiot u-berachot shel Rosh Hashanah ve-Yom Hakippurim meakvot"). Rabah elaborates this interconnection by accentuating the different but mutually enhancing contributions: "amar Hakadosh Barukh Hu: imru lefanai be-Rosh Hashanah malchiyot, zichronot ve-shofrot. Malchiyot kedai she-tamlichuni aleichem, zichronot kedai she-yavo lefanai zichroneichem le-tovah u-ba-meh? Be-shofar."

While the words of Rabah resonate in Tosafot's pointed articulation of the need for a Shabbat outlet for tekiat shofar, they also assume additional significance in its light. One might have conceived of shofar's contribution to the triad of malchiyot-zichronot-shofrot in purely functional terms as an effective, optimal, even ideal but hardly indispensable vehicle through which to convey the substantive content of zichronot to the Melech. Tosafot's insight imparts that shofar is a medium that shapes and redefines the message. The fact that shofar redefines, even transforms the message and that it transcends its role as merely a medium can be demonstrated by the Torah's designation (in parshat Pinchas) of Rosh Hashanah as "yom teruah". This depiction, alongside "yom ha-zikaron", dominates our tefillot.

Indeed, aside from the Shabbat outlet (the Temple, or sanhedrin), and in eras like our own in which there is no venue that will allow for shofar on Shabbat, it is noteworthy that we continue to project the message of zichronot in conjunction with the absent shofar, its ideal method of communication! When the gemara considered the possibility that shofar's suspension on Shabbat was rooted in biblical law, it cited as its source the phrase "zichron teruah", the description of Rosh Hashanah in Emor, the primary parshah of the moamid. Although that perspective was subsequently rejected by the Talmud, it is still our practice, based on massechet Sofrim, to formulate the kedushat ha-yom of Shabbat-Rosh Hashanah, in tefillah and birkat ha-mazon, as "zichron teruah"!

There are various (and, probably, interrelated) factors that underpin shofar's special status as a medium that recasts its message. There is much evidence that tekiat shofar is a form of prayer. Rav Soloveitchik conceived this perspective to be a major theme of Rosh Hashanah. The

fact that ideally we integrate the blowing of the shofar into the Mussaf prayers on Rosh Hashanah underscore this theme. Yet, shofar is far from conventional prayer which focuses on the verbal articulation of needs and aspirations. Shofar constitutes inarticulate prayer, a piercing note conveying torrents of different, even contradictory impulses, as well as the ineffable. It constitutes the more subtle but also more powerful kol demamah dakah that can transcend rational expression. The Talmud explains that teruah means “yevava”, a cry that it is identified either with a more measured sighing-groaning (shevarim-genuchei ganich) or with uncontrollable staccato sobbing (teruah-yelulei yalil) or the seemingly incompatible combination of both. When zichronot are transmitted by means of the shofar not only is the experience different, the content-substance is affected, as well.

Furthermore, the act of tekiat shofar integrates seamlessly the entire gamut of human and halachic emotions and experiences. R. Saadia Gaon enumerates ten different themes of the shofar. They range from ecstatic heights to trembling-fear, from inspired awe to joyous celebration. The fact that this range is compressed into a single note and that all of these dimensions are relevant, even trenchant on this special day accurately captures the special kedushat ha-yom of Rosh Hashanah. In this sense, it is truly a “yom teruah”.

Moreover, tekiat shofar is perceived as an act of ritzui and avodah, akin to the sacrificial rite. Perhaps this is so precisely because it is a singular form of communication with Hashem and because it embodies the integrative expression of many crucial dimensions of religious life. The gemara (R.H. 26a, see also Ramban’s derashah on R.HI) explains that one cannot utilize a cow’s horn as a shofar because of the principle of “ein kateigar naseh saneigar - a prosecutor cannot become a defender” (referring to the sin of the golden calf). The gemara explains that while this principle may apply only to service in the inner precincts of the Temple (the bigdei kehunah of the kohen gadol on Yom Kippur cannot contain gold), shofar is judged by these standards since it transmits the message of zichronot (“keivan de-lezikaron hu ke-lifnim dami.”). Once again, the Talmud accentuates that the shofar’s unique method of bearing the zichronot qualifies it as having an elevated halachic status. Some Rishonim (Ritva Sukah 10a, 30a) argue that shofar may qualify for the disqualification of mizvah ha-baah be-aveirah because it constitutes an act of ritzui-worship. Possibly, the original special allowance of shofar on Shabbat, specifically in the Temple, is connected to this association of shofar and avodah. (See also, Rabad, on the Rif, Sukkah 43b who argues that the pesukim in Emor imply that ideally shofar should be practiced within the Temple framework! The Mikdash also serves as the ultimate prayer venue- “ki beiti beit tefilah yikarei le-kol ha-amim”.)

Finally, the piercing sound of the shofar is a catalyst for introspection and renewed halachic commitment. The Rambam eloquently captures this theme in Hilchot Teshuvah (3:4) with his stirring depiction of the shofar’s message of “uru yesheinim mi-shinatchem” (awaken from your spiritual slumber) galvanizing man to combat and overcome insidious spiritual complacency. When Klal Yisrael’s zichronot are imparted by the shofar, they provide an ambitious framework for halachic renewal and maximalism

Given the transformational impact of the shofar in conveying zichronot, it is unsurprising that the halachah expended every effort to manifest at least some expression of “yom teruah yihiyeh lachem”, even on Shabbat -Rosh Hashanah. In this respect, the mitzvah of shofar inspired greater urgency than lulav. When it was not possible to sufficiently protect against the risk of Shabbat desecration, it was still vital to accentuate tekiat shofar’s contribution to and expansion of zichronot. The Emor phrase “zichron teruah” on Shabbat -Rosh Hashanah encapsulates the substantive impact of the medium on the message. It emerged as the focal point of Shabbat -Rosh Hashanah, challenging us not only to remember the shofar but to ensure that our

zichronot continue to reflect the shofar’s high spiritual and halachic ambition, even in its absence.

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### **Rosh Hashanah 5770**

#### **Chief Rabbi Sir Jonathan Sacks**

There’s a story told about Rabbi Shneur Zalman of Liadi, the first Rebbe of Lubavitch, during the time he was imprisoned on false charges made by his opponents. While he was in the prison a fascinating encounter took place between the Rebbe and the chief warden. The warden, a man who read the Bible, realised that he had an unusual prisoner, a sage of rare wisdom and saintliness. So he decided to ask the Rebbe a question that had longed puzzled him.

“We find in the Bible that after Adam and Eve sinned, G-d called out to them, ‘Where are you?’ But surely G-d knows everything. Why then did He call out ‘Where are you?’ He knew where they were. Why did He need to ask?”

The Rebbe looked at the warden with gentle yet penetrating eyes. “Do you believe,” he asked, “that the Bible speaks to every generation, to each of us in fact?” “Of course,” replied the warden. “Well, then,” continued the Rebbe, “it was not to Adam and Eve alone that G-d was speaking, but to each of us. Perhaps G-d is right now asking you, who have lived forty-six years on earth: Where are you?” The warden, hearing his age, and understanding the Rebbe’s message, trembled. Rosh Hashanah is, according to some, the anniversary of the day on which the first human beings – Adam and Eve – were created. G-d is asking us, as He asked them: “Where are you? What have you made of my most precious gift, the gift of life? Last year you asked to be written in the Book of Life, and I answered your prayer. What have you done with the year I granted you? Where are you?”

That’s what makes Rosh Hashanah and Yom Kippur so potentially lifechanging. It’s easy to go through life without ever asking, “Why am I here? What have I contributed to the world? What good have I done, and what have I failed to do? Whom have I wronged? How can I help put it right?”

These are difficult, uncomfortable questions, so we tend to avoid them, living from day to day. As one writer put it: Half our life is spent trying to find something to do with the time we have rushed through life trying to save. Life is too short to be lived without a purpose, never asking the fundamental questions of why we are here. That is why on Rosh Hashanah, in the sound of the shofar, G-d himself calls out to us, “Where are you?”

Judaism is a religion of time. The first thing G-d called holy wasn’t a place or a person but a day: Shabbat. The first command G-d gave the Jewish people in Egypt was the command to fix the calendar: to sanctify time. The difference between a free human being and a slave isn’t that a slave works harder. Often free human beings work very hard indeed. The difference is that a slave has no control over his time; a free human does. The bad news is that time flies. The good news is we are the pilot.

G-d’s greatest gift is time itself. That’s what we pray for when we ask Him to write us in the Book of Life. He gives it to all of us on equal terms. However rich or powerful you are, there are still only 24 hours in a day, seven days in a week, and a span of years that is all too short. That is why the Psalmist says, “Teach us to number our days that we may get a heart of wisdom.” The single most important decision we make is how to use our time.

Faith tells us that time is precious, that it's G-d's challenge and our responsibility. Compare the Jewish approach to time with that of Shakespeare's Macbeth. Macbeth said: "Tomorrow and tomorrow and tomorrow creeps in this petty pace from day to day . . . Out, out brief candle. Life's but a walking shadow, a poor player that struts and frets his hour upon the stage, and then is heard no more. It is a tale told by an idiot, full of sound and fury, signifying nothing."

For Macbeth, with his guilty conscience, time was tedium and torment. For the sages, by contrast, every moment was precious. For them, the worst offence was bittul zman, "wasting time" that could be used to learn Torah or fulfil a mitzvah. One of the most beautiful Jewish blessings is Shehecheyanu in which we thank G-d for having "kept us alive and sustained us and brought us to this time." To be a Jew is to see life as a blessing and make a blessing over life.

Judaism is a highly structured way of sanctifying time. Each day, morning, afternoon and evening, we renew our contact with G-d in prayer. Every time we make a blessing we express our sense of gratitude for what we have. Every Shabbat we create an oasis in time so that, whatever the pressures of work, we make space for the things that are important but not urgent: family, friends, being part of a community, praying, studying and celebrating together. On Shabbat, Judah Halevi said, the simplest Jew is freer than the most powerful king. On the festivals we relive our people's past and help build its future. These are timeless moments in the midst of time.

Time is too short to do everything, but there is always enough time to do the most important things. As Martin Luther King said, "The time is always right to do what is right." Judaism is about balance: between earning and learning; between working at our jobs and working on ourselves; between creating and acknowledging that we are ourselves the work of a Creator. Through what we earn, we make a living. Through what we give, we make a life. A life lived on Jewish principles is full of blessings, the blessings we receive and the blessings we make by enhancing the lives of others.

Let us resolve so to live in the coming year that when, a year from now, G-d asks us, "Where are you?" we can answer, "Here, doing Your will, living Your Torah, helping to write ourselves and others in the book of life."

Shanah tovah umetukah: a good and sweet New Year to you, your families and the Jewish people throughout the world.

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The Essence of Forgiveness

**Rabbi Dr. Zalman Kossowsky Zurich**

[Drasha 5763]

Morai v'rabotai,

It is indeed a pleasure to write to you, and share in your Service (Avoda), for the Day of Judgement. Unlike the Shalosh Regalim -- the Pilgrimage Festivals -- even in the Holy Land Rosh Hashana is celebrated as a 2-day Festival. Tradition refers to it as a yoma arichta -- a long day -- a 48-hour day. Usually we have somewhat of a deja vue feeling on the second day, because it seems to be merely a repeat of the first. This year we are blessed that, because the First Day fell on Shabbat, we will have something new on the Second Day, namely the sounding of the Shofar.

Our Tradition tells us that one of the functions of the Shofar is to awaken us and to shake us out of our lethargy. These are the days that are special in our calendar. These are the days when, if we try, we can overcome the negativities of the past year.

I would like, in my message to you, to focus on a phrase that echoes all through these days. In fact, from the Saturday night before Rosh Hashana, from Selichot on - through Rosh Hashana - and till the end of Yom Kippur -- in some form or another, we cry out: - "s'lach lanu, m'chal lanu, ka'per lanu - which we translate as forgive us, pardon us, grant us

atonement." Over and over, we are going to ask G'd -- s'lach lanu, m'chal lanu, ka'per lanu

What exactly are we asking for? While it would be logically possible for the three requests to be identical - one could after all say three times - "forgive us, forgive us, forgive us" - our Rabbis did not interpret it that way. They understand each phrase to be a separate and different request.

My teachers used to explain the difference using the following analogy: Imagine if one day, in a fit of anger against one's partner, or one's friend, a person proceeded to hammer a number of big nails down the length of the top of the dining room table which the other person had received as a heirloom. Obviously when one's anger cooled down, one regretted those actions and one tried to fix the wrongdoing. This, my teachers said, is the starting point at which one begins to ask s'lach li, m'chal li, ka'per li - forgive me, pardon me, grant me atonement.

Forgiveness is analogous to the process of taking a pair of pliers and pulling the nails out of the tabletop. Now the table is again usable in the sense that the nails are gone, but the damage is very visible. One would not be able to invite others to the table unless one put a cloth over the table. However, even this is difficult because the edges of the holes are rough with splinters. If one was to put a tablecloth on the table, these splinters could not only snag and damage the fabric of the cloth, but the uneven surface could also cause wineglasses to tip over.

So a higher level of correction and repair is required, namely to remove the splinters and to smooth down the wood surface, so that one can safely put a tablecloth, even a precious one, on the table without risk of damage. This is akin to the process of m'chila -- pardon. This is a significant level of repair and correction, however, one still cannot use the table in public without a tablecloth because of the holes that mar the tabletop.

There remains therefore the need for a further process of repair in which the holes are filled in and the surface treated so as to mask the original damage. This, my teachers said, is what happens at the level of kapara - atonement.

That is the theoretical explanation of these three concepts. It is also possible to transfer this analogy to our own personal lives. Thankfully, most of us could not imagine ever doing something as malicious as putting nails in our partner's precious furniture, however, when we expand our focus beyond our immediate families, then there are very few of us who can honestly claim that we have never committed even the emotional equivalent of putting a nail in someone else's tabletop.

So this process is something that should interest all of us. In Chassidic thought there is a perspective that says that every individual can experience three different levels of golus -- of exile, each one more painful than the previous. The first is when Jews are in exile among the nations. The second is when Jews are in exile among Jews. And the third is when a Jew is exiled within his family, within himself.

I would like, this morning, to look at the second and third levels. I am convinced that most of our communal, and even personal problems occur at these levels.

For instance, we all know of families whose members are in exile; alienated from each other, families whose members do not speak to each other. My friends, there are indeed parents who do not speak to their children and children who do not speak to their parents. There are siblings who do not speak to each other. There are long time friends who are estranged from each other.

What makes the situation even sadder is that often when one asks, "How did it start? When did it start?" one discovers that no one in the family remembers exactly what caused the impasse. No one knows its genesis, but the deadlock continues without end.

On these Days of Awe, we come to ask forgiveness from G'd. Our tradition knows that we are not perfect. The Jewish view of human nature is expressed in the Bible in the book of Ecclesiastes 7:20. "There is no human being on earth who has done good and has not sinned."

On Yom Kippur we will hold up a mirror to our inner soul. We will recite the Al Chet at each of the services not only in public aloud, but also in private, in silence when no one can hear our confession except we ourselves and G'd. Each time we will call out - "s'lach lanu, m'chal lanu, ka'per lanu forgive us, pardon us, grant us atonement .

And we expect G'd to do just that, at least to forgive us, if not pardon us but hopefully also grant us atonement. My friends, have you ever asked yourself why G'd should do that? After all, for all those who have, in our opinion, wronged us, have hammered nails into our tabletops, have we forgiven them? And if we have already forgiven, whom have we pardoned? But even more importantly, how many people have we allowed the opportunity to atone? How many times have we opened ourselves up to others so that the damaged relationship can not only be repaired, but also rebuilt?

In Judaism we understand that the goal of human existence is d'vekut - coming close to G'd. However, given that G'd is Infinite, and thus has no form this closeness can only express itself in the emulation of G'd's ways. G'd is the ideal, the model to be emulated by us in our relationships in life, between us and our family and friends. The rabbis spelled out the moral correlation, "As G'd is merciful, be thou merciful. As G'd is compassionate, be thou compassionate. As G'd forgives, you, forgive."

My friends, eight days after Rosh Hashana we will observe Yom Kippur. What are we going to do over this next week? And even more importantly, what are we going to do over the rest of the coming year?

I would like to end with two short stories. The first is a Yiddish folk anecdote that illustrates some of the difficulties that we might face when we attempt reconciliation. It is the story of Yankel who meets his former business partner Hershel in the foyer of the synagogue after such an inspiring drosha and says, "Hershel, I bear you no grudge. For this coming New Year, I wish you what you wish me." To which Hershel's immediate reaction is:- "So Yankel, shame on you. Why are you starting to fight with me again?"

The second is the Chassidic story of a man we will call Moshe, who came to visit his Rebbe for a Shabbat before Rosh Hashana, as was the custom in the olden days. On Friday night he had a dream. He dreamed that he was walking with the Rebbe when he saw a house that was giving off a great deal of light. When they walked into the house, he saw that it was filled with many different lamps. Some of the lamps were burning bright, some were dim, and some were almost flickering out. He turned to the Rebbe and asked, "What is this?"

The Rebbe replied, "Each lamp is a different soul living in the Shtetl. The ones burning bright are in the prime of life. The ones low on oil and flickering are people who are dying. When the lamp goes out, the person dies."

They continued to walk through the house. Suddenly he saw a lamp with his name flickering in the corner. It looked as if it was about to be extinguished. Moshe panicked, and looked around for some more oil to pour into his lamp so it would burn brighter. He started to take oil from another brightly burning lamp. But a hand stopped him. "That is not how it works here. Your lamp does not burn brighter when you take oil from someone else. On the contrary, your lamp burns brighter when you give oil to someone else." Moshe picked up his flickering lamp and poured oil into several other lamps. When he put it down, the flame started burning brighter. And then he woke up.

Dear Friends -- in this coming week and year there are numerous choices which we are each going to face. At each of these crossroads I would like to suggest to you that you pause and reflect on these two stories. My blessing to all of us is that we choose well.

Shana tova -- u'ketiva vachatima tova.

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### **Designing Your Own Calendar**

**By Rabbi Eliyahu Safran**

There are calendars which provide the convenience of viewing one day at a time. At the end of the day, the day's page is torn off and disposed of. When the year ends and all the days and pages have been discarded, all that is left is the pageless, empty cover.

Then there are calendars designed in such a way that the days of the month can all be viewed with one quick look. Such a calendar requires the user to tear off and discard only one page at the end of the month, twelve times a year. But tear and discard, nevertheless.

There are people whose lives and accomplishments are synonymous with these two predesigned calendars. Their days, months and years speedily fly by and are then discarded just as their calendars. These calendars govern human lives; dictate schedules, and program accomplishments. The only human response to these calendars is the passive acknowledgment of their passing. These calendars alert their owners of their inability to control or hold back passing and fleeting time.

On the other hand, there are serious and sensitive human beings who refuse to be controlled by the predesigned calendar. So they design their own. These are people for whom life in this world is too short and precious to allow days and months to be discarded simply because a calendar points to the end -- of a day, week, month or year. Their life philosophy revolves not around calendars dictating to people, but rather people dictating to calendars. Their calendars are not mass produced, nor are they mailed by hundreds of synagogues, yeshivot, hospitals or orphanages. They are carefully and diligently hand written, drawn, measured, and designed by thoughtful and prudent individuals. These calendars are never torn or discarded. They are treasured and preserved for posterity, to be passed on to future generations as legacies of human fulfillment and achievement.

A conversation between almighty God and the angels is recorded in the Midrash. The angels inquire of God:

"When is Rosh Hashanah, and when is Yom Kippur? God is amazed by this type of question and responds unhesitatingly, "Why are you asking me? Let us go down to the lower [human] court and find out. Does it not explicitly say: 'Blow the shofar at the new moon, at the full moon for the feast day. For it is a statute for Israel, an ordinance of the God of Jacob.' "

God is teaching the angels that man has the knowledge and ability to meaningfully create and design his own days of celebration. Man has been given tools, methods and techniques to infuse his days with values, content and meaning. True, the calendar dictates when certain formal occasions and celebrations occur. It is man however, who must use his intellect and skill to actually celebrate and mark these days with fervor and meaning.

In teaching Moshe about the celebration of special, sacred and eventful days, God says: "These are the special times that you must celebrate as sacred holidays at their appropriate times." The prerequisite for the proper celebration of God's festivals is the complete and full participation and involvement of man: Halachically through Kiddush Ha-Chodesh, cross examination of witnesses, announcements of the new moon to other distant communities...and personally, through infusing the days with meaning, fervor and spirit.

A little girl was tacking up a new wall calendar. "It is going to be a beautiful year," she exclaimed. A friend who heard the girl's prediction, asked: "How do you know it is going to be a beautiful year? A year is a long time, and you never know what will happen." "Yes," she answered, "but a day is not a long time. I am going to take a day at a time and make

it beautiful. Years are only days put together, and I am going to see that every day in the New Year gets something beautiful in it.”

A little girl determined to author her own calendar.

Let us approach the beginning of this new year by resolving to author and design our own days and calendar. Let us not be enslaved to predesigned schedules and preordained programs, timetables and resolutions. Let’s not just tear off and discard precious and valuable time, never to be retrieved. May the 5770 calendar be designed with care, adorned with precision and love, accompanied with health, happiness and contentment – so that our individual and collective accomplishments are many. Shanah Tova.

Rabbi Dr. Eliyahu Safran serves as OU Kosher’s Vice president of Communications & Marketing.

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### **On the Proper Use of Niggunim for the Tefillot of the Yamim Noraim**

#### **Cantor Sherwood Goffin**

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Song has been the paradigm of Jewish Prayer from time immemorial. The Talmud Brochos 26a, states that “Tefillot kneged tmidim tiknum”, that “prayer was established in place of the sacrifices”. The Mishnah Tamid 7:3 relates that most of the sacrifices, with few exceptions, were accompanied by the music and song of the Leviim. It is therefore clear that our custom for the past two millennia was that just as the korbanot of Temple times were conducted with song, tefillah was also conducted with song. This is true in our own day as well. Today this song is expressed with the musical nusach only or, as is the prevalent custom, nusach interspersed with inspiring communally-sung niggunim.

It once was true that if you wanted to daven in a shul that sang together, you had to go to your local Young Israel, the movement that first instituted congregational melodies c. 1910-15. Most of the Orthodox congregations of those days – until the late 1960s and mid-70s – eschewed the concept of congregational melodies. In the contemporary synagogue of today, however, the experience of the entire congregation singing an inspiring melody together is standard and expected.

Are there guidelines for the proper choice and use of “known” niggunim at various places in the tefillot of the Yamim Noraim? Many are aware that there are specific tefillot that must be sung “...b'niggunim hanehugim.....b'niggun yodua um'sukon um'kubal b'chol t'futzos ho'oretz...mimei kedem.” – “...with the traditional melodies...the melody that is known, correct and accepted” In Arachin 11a there is a dispute as to whether song is m’akeiv a korban, and includes 10 biblical sources for song that is required to accompany the korbanos. The gemorrah states there that song is essential (“m’akeiv”) and mandated biblically, but says that the lack of it does not invalidate a korban. Aruch Hashulchan “L’Atid” on Kodashim 1:20 says that shira is not m’akeiv a korban. Rambam in Hilchos Klei Hamikdash seems to agree. The Yerushalmi Psachim 3:1 says that shira is m’akeiv a korban. The Bavli in Taanis 23 agrees, but mentions “kli shir”- the instruments of the Leviim only. The above source in Arachin implies that if instruments are required, then certainly vocal music is required.

throughout the (Jewish) world...from ancient days.” (Mateh Ephraim), and that for these particular texts no “popular” niggunim can be substituted. The essence of the question is what tefillot fall under this

category and what can be sung to any melody of the chazzan’s choosing?

When you pray, use those tunes that are pleasant and sweet in your eyes...which will draw your heart after what is spoken from your mouth. For supplication, use a tune that readies the heard. For praise, use a tune that gladdens the heart, so that your mouth be filled with a love and joy for the One Who Sees your heart. Sefer Chasidim 158

There are some in our contemporary minyanim that have taken this statement as a matir that anything goes when it comes to utilizing niggunim for tefilla, even for the Yamim Noraim. However, there is one difference between the citation of the Sefer Chasidim when it was written in the 12th century and our minhag today, and that is the appearance of the halachic presence/authority of the Maharil almost 200 years later.

The Maharil, Rabbi Jacob Möllin (1365-1425 CE), decreed l’halacha that there are rules, parameters and musical guidelines that must be followed and that dictate the use of any and all niggunim/melodies in our tefillot. This was codified as part of our halachic tradition. One should not digress from the customs of the place, even with regard to tunes and piyutim that are used. (Maharil) Rama 619:1 ? The Maharil “sanctified” more than 50 niggunim plus another 50 or more “corollary”, related phrases, which he referred to as “Missinai”, (a euphemism for “very old”). He gave these melodies, found in our tefillot throughout the year but primarily on the Yamim Noraim, the force of an ancient tradition/minhag that cannot be changed. His minhag also determined the musical form of most of the paragraphs of our tefillot. Therefore, no longer do the words of the Sefer Chasidim apply, but they are superseded by the ruling of the Maharil. No longer can a Baal Tefilla choose “any melody that gladdens his heart”, but the melodies he sings must be chosen within the guidelines of the Ramah and his ruling based on the Maharil. It is the task of this article to describe the parameters by which we can clearly determine where the sanctified musical nusach of the Yamim Noraim tefillot is unchangeable, sacrosanct, and must be sung in the manner that has been accepted and heard in every Ashkenazic synagogue of the East/West European tradition for almost seven centuries since the Maharil. We can then detail where a Baal Tefilla is allowed to utilize spiritually effective congregational melodies to inspire and uplift the congregation if it is the desire of the congregation that he do so. It is a wonderful basket of choices that we have today at our disposal from which to choose beautiful niggunim to uplift the tefillot of our shuls: Moditz, Carlebach, Chabad or Dveykus niggunim and more! All are excellent; all are effective. The only remaining decision for us is whether or not they are appropriate according to the guidelines set before us by Chazal and by the time-honored tradition of centuries of beloved and discerning shlichei tsibbur who have preceded us.

The Problem Whenever we hear a beautiful melody being sung in shul, as the entire tzibbur erupts in song and harmony, it inspires us and gives us an incredible sense of unity. The question begs whether or not we can use any melody anywhere we wish.

I have developed a mnemonic that can serve as general guideline to the proper use of niggunim in tefilla all around the year. It is my “Three M” Guideline System of using Niggunim for Tefillah: Mode, Mood, and Min Hakodesh.

Mode It is very difficult for those who are not musically trained to understand or be able to distinguish the different musical modes upon which Nusach Hatefillah is built. Most of us viscerally know how a section of tefilla sounds from years of attending services in shul. It may not be necessary for a good Baal Tefilla to know that Tikanto Shabbat is in the mode of “Phreigish” (or its Hebrew name, “Ahava Rabba”), or that Shochein Ad is in the mode of “minor” (or “Mogein Avos”). However, when describing a nusach that is not well known or unknown to the individual, it becomes necessary to have a way to define and identify the musical format, or “mode”, with which this tefilla must be

sung. This is also part and parcel of the takkanot of the Maharil, who not only was mekadash specific melodies, but insisted that the general modes of all our tefillot be zealously protected and adhered to as well.

In America, we are generally the inheritors of the Eastern European branch of Ashkenazic minhag. It differs in only minimal ways to that of the original West European minhag known in the days of the Maharil. Over the centuries it became its own distinct custom while adhering to the Maharil's guidelines in a majority of cases. This is our minhag, and according to the dictum of the Maharil, we must adhere fastidiously to it. The Maharil understood the importance of entering a shul any time of day or month and being able to identify which tefilla is being prayed simply by its sound - its melody. Whether Mincha Shabbat or Yom Tov Musaf, the recognizable strains of the nusach's melody surrounds us and puts us into the atmospheric aura of the prayer experience. This becomes a crucial step in raising us to the proper heights of kavannah, as required by the Shulchan Aruch. The nusach "speaks to us" from within the framework of the musical mode.

The question remains: How do we convey the structure of the musical modes to the average, non-musically literate Jew with a good voice who wants to know how to daven properly? Solution #1 is to have him study at the Belz School of Jewish Music at YU, or #2, to privately study with a mumcheh who can record the proper nusach for him. Solution #3 is to get a CD of the nusach, and there are some very good CDs out there. However, there are also some "not very good" CDs out there that can mislead the buyer.

The purpose of this article is not to teach nusach, which is a very long and complicated course of study. It is my intention to give the individual who is interested in the subject or who is already davening as a Shliach Tsbibur the tools to discern where, when and what kind of niggunim are or are not appropriate for a particular tefilla on the Yamim Noraim.

A Guide to the Hebrew Music Modes

Hebrew Mode English Name Style/Description (Sounds Like)  
Magein Avot Minor Fri. Eve. Magein Avot; Shochein Ad Hashem  
Moloch Mixo-Lyidian Kabbalat Shabbat (i.e. Arbaim Shana) Shabbat  
Chazarat Hashatz - Avot Ahava Rabba Phreigish/Hejaz Tikanta  
Shabbat /Y.N. Avinu Malkeinu Standard Major (Not a Traditional  
Jewish Mode) Pre-Musaf Ashrei; Ein Keilokeinu

There are three additional modes, but the differences between these and the modes cited above are subtle and not sufficiently different than the ones I have written down to list and possibly cause confusion.

In the chart of all the tefillot of the Yamim Noraim in the appendix, whenever one of the above modes is mentioned, compare it with the guide above to approximately determine what the mode sounds like, and whether or not the niggun is appropriate for a particular tefilla. My hope is that this will make the examples of the "musical mode" clearer to the non-musician.

Mood Mood is understandably important when choosing a melody for tefillah. Too often, Baalei Tefilla are so enamored with a particular melody that they, perhaps unaware, use that melody inappropriately. An example would be for the tefilla of the Shabbat Av Horachamim, where the Chazzan recites the last lines: "Ki Doresh Domim..." "For the Avenger of Blood has remembered them. He has not forgotten the cry of the humble". To sing a joyous melody here would be very inappropriate, yet it is not uncommonly heard. Even in the Musaf Kedusha, where we recite: "Mimkomo hu yifen b'rachamim..." "From His place may he turn with compassion..." the tone of the words begs a melody that is slower or at least introspective in quality, rather than a "simcha" type melody which is often utilized and is inappropriate as well. Certainly, for a very emotionally charged text, such as: "Mi Yichye, Mi Yomus..." in the "Unesaneh Tokef" prayer, it should almost be unnecessary to say that the use of a "popular" niggun here would be highly inappropriate. It is the rare niggun that can properly

interpret intense words such as these. My humble but firm suggestion is to generally avoid niggunim for such a tefillah, and to proceed with the musical nusach form - a format that baalei tefillah have utilized for centuries, that pleads and cries in amplification of the poignant words written by the heartbroken paytan, in this case, Rabbi Amnon. Here one does not have to be musically conversant. One only needs to use forethought and "seichel" when planning the use of a congregational melody. Discretion is the rule here.

Min Hakodesh This third guideline refers to the origin of the niggunim that we choose for congregational singing - not only on the Yamim Noraim but during the entire year as well. It is clear from the writings of many of our most authoritative commentaries that melodies taken from non-holy sources are to be frowned upon, and in some cases, forbidden. Acher (Elisha Ben Avuya) [was an apostate from] Greek tunes constantly in his mouth. Chagiga 15b

A chazzan who ... sings with non-Jewish tunes should be warned not to do so, and if he does not stop, he should be removed. Rama OC 53:25

The Sefer Chassidim also strongly condemns those who sing or even imitate "foreign" or non-Jewish tunes in Tefilla. Such warnings occur again and again in the halachic literature of minhag Ashkenaz. It is clear, even from a simple visceral reaction to the concept, that one should only use melodies that come from a "kosher" source.

The Use of Melodies in the Liturgy of the Yamim Noraim Where there is song there is prayer. 13 Brachot 6a

The question is where should there be tefilla only, and where can there be rinah, or song, that can be joined in by the congregation? 14 The answer is, as long as it follows certain defined guidelines it will be acceptable. Let us examine what these are. 12 The Aruch Hashulchan OC 53:26 substitutes the phrase "Shirei Agavim", meaning secular love songs, and Rabbi Eliezer Waldenburg, Tzitz Eliezer 13:12 suggests this is the correct version of the text of the Rama as well. 13 The numerical equivalent of shira ( ??? ) is that of tefilla ( ??? ), a remez to the need for song in the conduct of our prayers.

14 In truth, there are certain "Niggunei Maharil" that already seem to lend themselves to congregational participation. One well-known example is the sanctified Missinai Kaddish before Musaf of the Yamim Noraim (also used for the introduction to Slichot), wherein the entire synagogue sings along to the words starting at the second line - at "B'chayeichon". However, this "sing-along" melody is actually a choral composition by Cantor Wolf "Velvele" Schestopol (1832-72) of Odessa! Before Schestopol added his embellishment, the second line of this Kaddish was not a sing-along in any manner or form. However, it became so popular and accepted by Am Yisrael that it has, in effect, practically become our minhag yisrael.

The Three Kinds of Tefillah Melodies There are three kinds of melodies that we utilize in our tefillot, and on the Yamim Noraim, in particular. 1) Missinai niggunim, the special, time-honored melodies of the Maharil, such as V'hakohanim, Aleinu, etc. that must be sung note for note without change. 2) "Corollary Missinai/Traditional" chant, or nusach, in a given musical mode/style, which is utilized in the body of the chazzan's tefilla for the bulk of the words of every paragraph. 3) Sing-a-long melodies that are inserted by the chazzan, that also must conform to certain rules and regulations, but are flexible to the degree that the chazzan has the freedom to make his choice within the rubric/structure of those rules and regulations. The chart that is being provided as an appendix below will attempt to clarify which tefillot of the Yamim Noraim conform to 1, 2, or 3. It is the hope of the author that, by encouraging the preservation of the sanctified melodies and modes of the Yamim Noraim, all of us will find our tefilla experience meaningful and effective, and that we will be blessed with a year of health, success and fulfillment of all our hopes and prayers. V'chayn Y'hi Ratson!

The Complete and Comprehensive Chart of Missinai and Corollary Missinai/"Traditional" Tefillot

#### LEGEND

MISSINAI in bold caps -- untouchable. COROLLARY MISSINAI/TRADITIONAL in non-bold caps -- may not be changed. Niggunim are allowed within the traditional nusach- in lower case letters. Niggunim are allowed to be used without restriction -- italics. M = Major, mixo-lydian; mi = minor; P = Phreigish. Refer to the chart in the article. Maariv Rosh Hashana

• BOR'CHU • ALL BROCHOS ENDINGS • TIKKU  
BACHODESH • KADDISH • KIDDUSH -- "Akdomus" phrases • L'Dovid Mizmor (mi, P)

Shacharis Rosh Hashana • HAMELECH • 1ST THREE PARAGRAPHS • SHIR HAMAALOS • KADDISH • BOR'CHU • Zochreinu (mi) • ATO GIBBOR • Gevuros (mi) • AD YOM MOSO • YIMLOCH/V'ATO KODOSH • Ato Hu Elokeinu (M) • ROM UMISNASEH • TOIR V'SORIA, TSETSOEHO, etc. • SH'MO M'FOARIM, EDER VOHOD • HASHEM MELECH • Melech Elyon -- alternate with nusach (M) • L'KEIL ORECH DIN • KEDUSHA -- N'KADESH, OZ • MIMKOMCHO (mi) • L'dor Vador thru Vatiten Lanu (mi) • BROCHO -- YOTSER OR • OR OLOM, MELECH B'ASORO • Hameir Lo'oretz (mi) • Keil Odon (mi) • BIRCHOS KRIAS SHMA ENDINGS • SHACHARIS OVOS • MISOD • YOREISI/OSSISI/SHULACHTI • ASHREI HO'OM of Seder Shofar • ASHREI YOSHVEI, Y'HAL'LU • L'Dovid Mizmor, Uv'nucho (M, mi)

Musaf Rosh Hashana • Hin'ni (P, mi) • MUSAF KADDISH • OVOS • MISOD • KEREN, TOSHUV, ASUMO • Zochreinu (mi) • ALL BROCHOS • Gevuros, M'chalkeil, (P, mi) • L'HOSIR • YIMLOCH, V'ATA KODOSH • KEIL EMUNOH, IM LO • Melech Elyon (M) • Unesaneh Tokef (mi,P) • MI YONUACH • Useshuvo Usefilo Utzedoko (mi) • Ki K'shimcha (mi) • V'ato Hu Melech • Ein Kitzvo, Hamakdishim Shimcho (M) • KEDUSHA -- K'VODO, MIMKOMO • Sh'ma, Hu Elokeinu (M, mi) • Adir Adireinu through B'ein Meilitz (mi) • V'chol Maaminim - alternate with nusach (mi) • V'CHOL MAAMINIM/SHOFEIT TZEDEK • Tugav through Uv'cheins (mi) • V'yeesoyu Chol (M) • V'simloch (mi) • KODOSH ATO and BROCHO • Ato V'chartonu to Aleinu (mi) • OLEINU • Heyei Im P'fivos (mi) • OCHILO LOKEIL • ALL BROCHOS • Yaaleh V'yavoh (mi) • M'loch, R'tzei, etc. (mi) • R'TZEI THRU SIM SHALOM • Ovinu Malkeinu (mi) • Seder Hotso'oh • SHMA YISROEL, ECHOD, GADLU of Hotso'oh • BIRKAS KOHANIM (chanting of the words) and duchenen niggun (mi) • SIM SHALOM, B'Sefer Chaim (mi) • Hayom T'amtseinu (M) • K'HAYOM HAZE, BROCHO • Final Kaddish Sholeim (mi)

Kol Nidre/Yom Kippur Maariv • B'yeshiva Shel Maaloh (mi) • KOL NIDRE • V'nislach (mi) • VAYOMER HASHEM • SHEHECHEYONU • BOR'CHU • ALL BROCHOS ENDINGS • KI VAYOM HAZE • KADDISH • Yaaleh, Shomeia Tefilloh (mi) • OSONU AL SHIMCHO • DARK'CHO; L'MAANCHO • TAALEH ARUCHO • Keil Melech Yosheiv (mi) • VAYERED HASHEM B'ONON to Al ponov vayikra • HASHEM, HASHEM KEIL RACHUM • SLACH NO LAAVON HO'OM HAZE • S'lach No, Omnom, Ki Hinei (P, mi) • Zchor Rachamecho (mi) • AL NO SOSHEIS, HEIN • Zchor Lonu Bris Ovos (mi) • SHMA KOLEINU - FOUR P'SUKIM • Elokeinu Veilokei Avoseinu (mi) • Ki Onu Amecho (mi) • ELOKEINU/TOVO • OSHAMNU • ELOKEINU/SLACH • AL KEIN N'KAVEH (Malchiyos, 1st paragraph) • ALL ELOKEINU PARAGRAPHS • All Hayom, Areshes paragraphs (mi) • ATO ZOCHEIR (Zichronos -- 1st paragraph) • ATO NIGLEISO (Shofros -- 1st paragraph) • ALL BROCHOS ENDINGS • R'TSEI TO BIRKAS KOHANIM

Yom Kippur Shacharis • HAMELECH THROUGH BOR'CHU-- as in R.Hashono. • BROCHO -- HAPOSEIACH • SLACH L'GOY, CHOTONU • Oz B'yom and Boruch Sheim Kvod (mi) • Hameir Lo'oretz (mi) • Keil Odon (mi) • BIRCHOS KRIAS SHMA ENDINGS • SHACHARIS OVOS • MISOD • EIMECHO • Imatzo, Taavas, etc. (mi) • Zochreinu (mi) • Gevuros (P, mi) • AD YOM MOSO • YIMLOCH/V'ATO KODOSH • ATO HU ELOKEINU • ONO SLACH NO; ONO RACHUM • MELECH SHOCHEIN TO ZEH EL ZEH • HAYOM YIKOSEIV • Imru l'eilokim - alternate with nusach (M) • Asher Ometz thru Rom'mu (mi) • L'YOSHEIV TEHILLOS, ZEH EL ZEH • L'KEIL ORECH DIN • KEDUSHA -- NAARITZ'CHO, KVODO, • MIMKOMO, Sh'ma, Hu Elokeinu (mi) • Adir Adirei thru Vatiten Lonu (mi) • Yaaleh V'yavoh (mi) • Zchor Rachamecho (mi) • AL NO SOSHEIS • ALL BROCHOS • Zchor Lonu Bris Ovos (mi) • SHMA KOLEINU - FOUR P'SUKIM • Elokeinu Veilokei Avoseinu (M) • SHIMCHO MEIOLOM • ATO YODEIA ROZEI OLOM • Al Cheit to Uvizman Koriv (mi) • Avinu Malkeinu (mi) • L'Dovid Mizmor (mi) • Kaddish Sholeim to Yigdal/Adon Olom(mi) • SHMA YISROEL, ECHOD, GADLU of Hotso'oh • Yizkor (P, mi) • ASHREI YOSHVEI, Y'HAL'LU • L'Dovid Mizmor, Uv'nucho (M)

Yom Kippur Musaf • KADDISH • OVOS • MISOD • NIV S'FOSEINU, MALEH etc. • Zochreinu (mi) • ALL BROCHOS • Gevuros (mi) • OD BO NISHMOSO • REGESH, YIMLOCH • NECHOSHEIV, ESO DEI • ES LACHASHI, ODON • Imru l'eilokim - alternate with nusach (M) • L'YOSHEIV TEHILLOS; EYLU L'EYLU • Unesaneh Tokef (mi, P) • MI YONUACH • Useshuvo Usefilo Utzedoko (mi) • Ki K'shimcha • V'ATO HU • Ein Kitzvo, Hamakdishim Shimcho (M) • KEDUSHA -- K'VODO, MIMKOMO • Sh'ma, Hu Elokeinu (M, mi) • Adir Adireinu through B'ein Meilitz (mi) • V'chol Maaminim--alternate w/nusach(mi) • V'CHOL MAAMINIM/SHOFEIT TZEDEK • Tugav through Uv'cheins (mi) • V'yeesoyu Chol (M) • V'simloch (mi) • KODOSH ATO and BROCHO • Ki Onu Amecho (mi) • ELOKEINU/TOVO • OSHAMNU thru Al Cheit - as in Maariv • Dovid Avdecho to Mimei Kedem (mi) • ELOKEINU/M'CHAL • R'TZEI THRU SIM SHALOM • Ovinu Malkeinu (mi) • Seder Hotso'oh (M, mi) • AL NO SOSHEIS • Eileh Ezk'ro (mi) • Zchor Lonu Bris Ovos (mi) • SHMA KOLEINU - FOUR P'SUKIM • Elokeinu Veilokei Avoseinu (mi) • Ki Onu Amecho (mi) • ELOKEINU/TOVO • OSHAMNU • ELOKEINU/SLACH • SHIMCHO MEIOLOM • ATO YODEIA ROZEI OLOM • Al Cheit to Mimei Kedem (mi) • ELOKEINU VEILOKEI AVOSEINU • M'CHAL • ALL BROCHOS ENDINGS • R'TSEI TO BIRKAS KOHANIM • BIRKAS KOHANIM (chanting of the words) and duchenen niggun (mi) • SIM SHALOM, B'Sefer Chaim (mi) • Hayom T'amtseinu (M) • K'HAYOM HAZE, BROCHO • Final Kaddish Sholeim (mi) • Ato V'chartonu to Oleinu (mi) • OLEINU • Heyei Im P'fivos (mi) • OCHILO LOKEIL • AVODOH ENDINGS (Mazim Olov, etc.) • V'CHACH HOYO OMER • V'HAKOCHANIM • Emes Ma Nehdor, Ashrei Ayin (M, mi) • Zchor Rachamecho (mi)

Tefillas Neila • KADDISH • OVOS • MISOD, GOSH, AVUR • Gevuros (mi), ZOAK, GEULOSEINU, • YIMLOCH, SH'MA NO • KEDUSHA -- K'VODO, MIMKOMO • Sh'ma, Hu Elokeinu (M, mi) • L'DOR VADOR thru YAALE V'YAVO • PSACH LONU, HAYOM, ONO • Keil Melech Yosheiv (mi) • VAYERED HASHEM B'ONON to Al ponov vayikra • HASHEM, HASHEM KEIL RACHUM • SLACH NO LAAVON HO'OM HAZE • Hateh (mi) • Z'CHOR BRIS AVROHOM • ENKAS MISALDECHO, etc. • HASHEM HASHEM KEIL RACHUM • RACHEIM NO, SHAAREI SHOMAYIM Ki Onu Amecho (mi) • ELOKEINU/TOVO • OSHAMNU • Ato nosain, Ato Hivdalto (mi) • Elokeinu



Veilokei/M'chal (mi) • Conclude as in Yom Kippur Shacharis •  
FINAL SH'MA, BORUCH SHEM, • HASHEM HU HOELOKIM.  
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**A Sign of the Times: Symbolism during the High Holiday Period  
Rabbi Joshua Flug**

Community Fellow, Yeshiva University Center for the Jewish Future  
South Florida Initiative The High Holiday period is marked with  
numerous events that are performed for symbolic purposes. Whether it  
is dipping an apple in honey, eating the head of a sheep, or waving a  
chicken over one's head, symbolic traditions are commonplace during  
this period. There are a number of questions that one might ask  
regarding these traditions: 1) What is the purpose of the symbolic acts?  
Can a symbolic act really affect future events? 2) The Torah (Vayikra  
19:26) states "Lo Tinachashu," you shall not engage in divination. The  
Gemara, Sanhedrin 65b, defines this prohibition as interpreting certain  
events or signs as omens that one should or shouldn't engage in certain  
activities. How do our symbolic traditions differ from prohibited  
divinations? 3) Do these acts have inherent value or do they serve as  
catalysts for something else? One of the most significant sources  
regarding symbolism is a passage in the Gemara: Our Rabbis taught:  
The kings are anointed only at a fountain, that their sovereignty may  
endure, as it is said, And the king said unto them: 'Take with you the  
servants of your lord . . . and bring him down to Gihon'. R. Ammi said:  
He who wishes to ascertain whether he will live through the year or not  
shall, during the ten days between the New Year and the Day of  
Atonement, kindle a lamp in a house wherein there is no draught. If the  
light continues to burn he may know that he will live through the year.  
He who desires to engage in business and wishes to ascertain whether  
he will succeed or not, let him rear up a cock; if it grows plump and  
fine he will succeed. He who desires to set out on a journey and wishes  
to ascertain whether he will return home again or not, let him station  
himself in a dark house; if he sees the reflection of his shadow he may  
know that he will return home again. This, however, is not a proper  
thing to do, lest his courage fail him and he meet with misfortune in  
consequence. Said Abaye: Now that it has been said that omens are of  
significance, a man should make a regular habit of seeing at the  
beginning of the year, pumpkin, fenugreek, leek, beet and dates.  
Horayot 12a (Adapted from Soncino Translation) Said Abaye: Since  
you hold that symbols are meaningful, every man should make it a habit  
to eat on New Year pumpkin, fenugreek, leek, beet and dates. Keritot  
6a (Soncino Translation)

The source for using symbolic foods on Rosh Hashanah is the  
statement of Abaye, who deduces from the fact that simana milta (signs

are significant) that these foods should be used at the beginning of the  
year. Question: What portion of the passage of Gemara is Abaye's  
source for the concept of simana milta? The answer to this question  
seems to be the subject of a dispute among the Rishonim that lays the  
groundwork for two different approaches to understanding these  
symbols. The First Approach The first approach is presented by R.  
Menachem Meiri (1249-1306): When kings were anointed, they would  
do so near a spring as a good sign that his kingdom should flow (like a  
spring). This is not divination, rather [its purpose is] to inspire him to  
behave in the way of a spring whose waters don't dry up . . . There are  
many things that are permissible that are similar to divination but are  
not actual divination, rather a sign to inspire one to perform good  
deeds. This is what they said to place on one's table on the night of  
Rosh Hashanah pumpkin, fenugreek, etc., for some of them grow  
quickly and some grow to large sizes. In order that one does not violate  
the prohibition against divination, they instituted a recitation that  
inspires one to repent . . . It is known that this is only a point of  
reference because it is not contingent on the recitation alone, rather on  
repentance and good deeds. However, acts that are performed in the  
manner of divination are categorically prohibited such as that which it  
states that certain people when they begin a business venture raise a  
rooster in the name of the business and if it grows nicely, they are  
confident in their success. This is what they stated that this and acts like  
this should not be performed and it is not proper to rely on these  
omens . . . Beit HaBechirah Horayot 12a

According to Meiri, all of R. Ami's litmus tests are rejected because  
they violate the prohibition against divination. The reason why it is  
permissible to serve symbolic foods on Rosh Hashanah is that they are  
not meant as a litmus test to check if one is going to experience a good  
year. Rather, their purpose is to focus on repentance and self-  
improvement. This is why there is a recitation accompanying all of  
these symbols. According to Meiri, one must conclude that Abaye's  
source for simana milta is the statement of the Beraita that one should  
anoint a king near a spring. This tradition is parallel to the symbolism  
of Rosh Hashanah in that the purpose is not to test the king, but rather  
to encourage him to rule with strength. The Second Approach  
Mordechai (1250-1298) has a different understanding of the Gemara's  
passage. That which it states that this is not proper because his  
courage may fail him etc., only refers to one who is travelling and  
wants to test if he will return home. [The reason why this is not proper  
is] that the satan prosecutes during times of danger, like in the case of  
someone who is travelling . . . and he is therefore easily susceptible to  
bad luck. Mordechai Yoma no. 723

According to Mordechai, R. Ami's litmus tests to determine the  
success of future events are valid. The one test that is invalid is only  
invalid for technical reasons. As such, Abaye's recommendation to  
serve certain foods at the beginning of the year is based on the fact that  
certain events can have an impact on the future. One must then ask:  
Why aren't R. Ami's litmus tests a violation of the prohibition against  
divination? R. Shmuel Eidels (1555-1631) addresses this question: The  
good that comes from G-d comes with certainty as it states 'a good trait  
that comes from G-d is not retracted,' but bad does not come with  
certainty because it can always be changed. For this reason, if  
someone creates a sign for the positive it is not considered divination,  
rather a symbol that one will receive positive benefits from G-d.  
However, if one creates an omen for oneself for something negative, it  
is considered divination because one assumes that it comes with  
certainty, when in reality, there is always a chance for change . . . For  
this reason, the Gemara states "one who wants to know if he will have a  
positive year," implying that if the test is not successful he may still  
have a positive year . . . If he states that if the light does not burn, he  
will [certainly] have a negative year, it is considered divination.  
Maharsha, Horayot 12a



According to R. Eidels, the prohibition against divination only applies if one sees a certain event as an omen that something bad will certainly happen. However, if the event is an omen that something good will happen there is no prohibition. Therefore, R. Ami's litmus tests are only for the purpose of testing if there is a good omen. If the results of these litmus tests are negative, one may still experience a positive result. As such, Abaye's comments are based on the fact that one can create positive omens for oneself and it is not a violation of divination. According to R. Eidels' explanation, these symbols have inherent value. They are not merely for the purpose of inspiring one to repent and improve oneself. One must then ask: how do these symbols provide one with success? R. Avraham Danzig (1748-1820), Chayei Adam, Hilchot Rosh Hashanah 139:6, and R. Shmuel Borenstein (1856-1926), Shem MiShmuel, Mo'adim, Rosh Hashanah 5677, suggest that one can explain the inherent significance of the symbols based on a comment of Ramban (1194-1270): One should know that all heavenly decrees have a permanent effect when they are converted from a statement to an action. Therefore, we find the prophets performing acts to accompany the prophecy. Ramban, Bereishit 12:6

According to Ramban, performing an act can concretize a positive judgment that has not yet come to fruition. This is the explanation of the symbolic acts that were performed by the prophets. Based on Ramban's comments, R. Borenstein explains that the purpose of the symbols on the night of Rosh Hashanah is to concretize any positive decrees that one may have earned before Rosh Hashanah so that they are not overturned during the judgment of Rosh Hashanah. Practical Differences There are practical differences between the two different approaches to understanding how simana milta works. First, according to Meiri's approach, the recitation of the prayer is an integral part of the service. The recitation is what allows one to focus on repentance and improving oneself. According to Mordechai's approach, the recitation is not an integral part of the service. Second, there are two different versions of Abaye's statement. In Horayot, Abaye is recorded as saying that one should see the symbolic foods at the beginning of the year. In Keritot, Abaye is recorded as saying that one should eat the symbolic foods. It is possible that these two versions represent the two different approaches to understanding simana milta. According to Meiri, the symbolic foods serve to focus on repentance and self-improvement. As such, it should be sufficient to see the symbolic foods and not necessarily to eat them. In fact, Meiri, in formulating this practice writes "this is what they said to place on one's table etc." According to R. Danzig's and R. Borenstein's explanation of simana milta, an act must be performed in order for the symbolism to be effective. As such, it is arguable that seeing or serving the symbolic foods is not a significant enough act. One must actually eat the foods in order for the symbolism to be effective. Kaparot

These two approaches are reflected in how one understands the practice of kaparot. Kaparot is the practice where one waves a chicken around one's head and proclaims that the chicken should serve as atonement for one's transgressions. How can waving a chicken over one's head provide atonement?

Meiri notes that kaparot has historically been a controversial practice: Many objected to this practice but [their objections] were not accepted because most scholars allowed the practice as long as it is similar to the signs of Rosh Hashanah ... In my opinion, they wanted to say that the purpose of this practice is to inspire the individual and to instill fear in him; to see himself and his entire family as culpable to G-d because of his transgressions and if he repents to G-d with all of his heart, G-d will change curses to blessings and remove his initial decree because of his repentance. Because this is the purpose of this practice, it is combined with giving charity and sending food items to the poor with the chickens. Chibbur HaTeshuva 2:8

Meiri, in justifying the practice of kaparot, references his own comments regarding simana milta. The purpose of kaparot is to inspire one to repent. This is why this practice is accompanied with providing the slaughtered chickens to the poor. R. Ya'akov Weil (15th century) seems to explain kaparot in a similar manner: On Erev Yom Kippur one should perform kaparot ... and one should think that he is culpable for death like this (bird). This is the reason for sacrifices. We throw the bird to the ground, similar to stoning, the slaughtering is like death by sword, grabbing it by the neck is like strangulation and burning it like death by fire. Teshuvot Mahari Veil no. 191

According to R. Weil, the purpose of kaparot is to instill a sense of fear in the participant that he is held accountable for his transgressions. Therefore, he is supposed to imagine going through the various processes of capital punishment while performing kaparot.

R. Avraham Danzig seems to understand that R. Weil's comments are based on the second approach: One should not think that this is his atonement, rather one should think that everything that happens to this bird should have happened to him (similar to the intent of sacrifices) and G-d in his mercy, in his response to the repentance, will overturn the decree and will enact it on the bird (similar to the comments of Ramban at the beginning of Parshat Lech Lecha regarding Avraham's walk). Chayei Adam, Hilchot Yom Kippur 144:4

R. Danzig seems to place a different focus on the need to imagine oneself experiencing capital punishment. By referencing the aforementioned comments of Ramban, R. Danzig implies that kaparot serve as a confirmation of the repentance process. When one performs kaparot, it is assumed that he has already repented and the kaparot symbolize the fact that G-d has accepted the repentance and reversed any bad decrees. The kaparot concretize the acceptance of his repentance.

R. Danzig, in explaining kaparot, is consistent with his general approach towards symbolic acts. He explains the symbols of Rosh Hashanah night based on the comments of Ramban and uses the same general approach to explain kaparot.

Summary We have seen two basic approaches to understanding the symbolic acts of the High Holidays. One approach is that the symbols serve to inspire one to repent and improve oneself. The other approach is that the symbols serve to confirm a positive heavenly decree. One can apply these two approaches to many traditions that are practiced throughout the year. May this year be a year of self-improvement, repentance and blessing!

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from Rabbi Josh Flug <yutorah@yutorah.org> reply-to  
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date Wed, Sep 16, 2009 at 3:16 PM subject B'Mesillat  
HaHalacha #16 - Special Observances during the Aseret Yemei Teshuva  
**Special Observances during the Aseret Yemei Teshuva**  
**Rabbi Josh Flug**

The ten days from Rosh HaShanah to Yom Kippur are known as the Aseret Yemei Teshuva, the ten days of repentance. The Gemara, Rosh HaShanah 18a, states that the verse (Yeshayahu 55:6) that states to call out to G-d when he is close refers to the Aseret Yemei Teshuva. There are a number of practices that are observed during these days. In this issue, we will present a discussion about these practices and the common theme that is apparent in all of these practices.

The Recitation of HaMelech HaKadosh and HaMelech HaMishpat  
The Gemara, Berachot 12b, notes that during the Aseret Yemei Teshuva, the beracha of "HaKel HaKadosh" should be changed to "HaMelech HaKadosh" and the beracha of "Melech Ohev Tzedakah UMishpat" should be changed to "HaMelech HaMishpat." The Gemara has a further discussion regarding whether one must return to that beracha if he did not recite the special formulation.

Most Rishonim rule in accordance with the opinion that one must return to the beracha if it was not recited properly. R. Eliezer ben R. Yoel HaLevi, (Ra'aviah c. 1140-1220), Avi HaEzri no. 40, rules that one is not required to return to the beracha. R. Yosef Karo (1488-1575) Shulchan Aruch, Orach Chaim 582:1, rules in accordance with the majority opinion. He adds that there is a difference between a mistake in HaMelech HaKadosh and a mistake in HaMelech HaMishpat. The beracha of HaMelech HaKadosh is part of the first three berachot which is considered a single unit. Therefore, if one did not recite HaMelech HaKadosh, he must return to the beginning of the Amidah. If one did not recite HaMelech HaMishpat, he returns to the beginning of that beracha.

Rabbeinu Yonah (d. 1263), in Talmidei Rabbeinu Yonah, Berachot 7a, s.v. UMihi, notes another difference between the two berachot. He contends that the critical factor is mentioning G-d as King (melech). Therefore, one who recited "Melech Oheiv Tzedakah UMishpat" is not required to return to the beracha because his recitation of the word "melech" is sufficient. This is significant from a practical perspective since the ordinary recitation is "Melech Oheiv Tzedakah UMishpat," and it is unlikely that someone would omit the word "melech." As such, according to Rabbeinu Yonah, the discussion about returning to the beracha is only practically relevant to one who recited "HaKel HaKadosh" instead of "HaMelech HaKadosh." R. Karo, Beit Yosef, Orach Chaim no. 582, notes that most Rishonim do not present this distinction which indicates that they disagree with Rabbeinu Yonah. R. Karo himself in Shulchan Aruch, op. cit., does not present this distinction. Nevertheless, Rama, Orach Chaim 118:1, accepts Rabbeinu Yonah's distinction as a matter of Halacha.

#### Acceptance of Additional Stringencies

The laws of ritual purity only relate to certain areas of Halacha. It is permissible to eat non-sacrosanct food (chullin) while one is ritually impure. Nevertheless, in times when the laws of ritual impurity were observed, it was considered praiseworthy to refrain from eating chullin while one was ritually impure. The Talmud Yerushalmi, Shabbat 1:3, states that if one cannot observe this practice the entire year, he should at least observe it seven days of the year. Korban HaEdah ad loc., explains that the Yerushalmi is referring to the seven days between Rosh HaShanah and Yom Kippur. There was no need to encourage this practice on Rosh HaShanah because people would generally purify themselves for the holiday.

Rabbeinu Nissim (1320-1380), Rosh HaShanah 12b, s.v. Garsinan B'Yerushalmi, notes that based on the comments of the Talmud Yerushalmi, there are those who are meticulous to refrain from pat palter (bread baked by non-Jewish baker) during the Aseret Yemei Teshuva. [The concept of pat palter was discussed in a previous issue.] Shulchan Aruch, Orach Chaim 603:1, writes that it is common practice to refrain from eating pat palter during these days, even if one is not normally stringent on the matter.

The extension of the practice from eating chullin with ritual purity to refraining from pat palter seems to be indicative of a value of accepting stringencies during the Aseret Yemei Teshuva, even if one does not plan on continuing these stringencies after Yom Kippur. Rabbeinu Mano'ach (13th-14th century), Hilchot Chametz U'Matzah 1:5, writes that it is appropriate to accept other stringencies during the Aseret Yemei Teshuva. [See Aruch HaShulchan, Orach Chaim 603:2, who notes that one should only accept stringencies that are clearly permissible and their observance is only considered an enhancement (hidur). One should not accept the stringent opinion of a halachic dispute because it does not make sense to accept such a stringency during the Aseret Yemei Teshuva and not after Yom Kippur.]

#### The Common Theme of the Aseret Yemei Teshuva Observances

There are a number of other additional observances during the Aseret Yemei Teshuva. First, Rambam (1135-1204), Hilchot Teshuva 3:4,

writes that during the Aseret Yemei Teshuva one should increase his involvement in tzedakah (charity), good deeds and mitzvot. Second, Rambam notes the practice of reciting Selichot during the Aseret Yemei Teshuva. Third, Rama (1520-1572), Orach Chaim 602:1, writes that the prayer "Avinu Malkeinu" (Our Father, Our King) is added to the prayer services of Shacharit and Mincha.

The ultimate goal of practices during the Aseret Yemei Teshuva should be to repent. Yet, the observances presented above do not seem to reflect that theme. The formulation of "HaMelech HaKadosh" and "HaMelech HaMishpat" seems to be an extension of the theme of Rosh HaShanah- the coronation of G-d as King of the Universe. The acceptance of additional stringencies is ostensibly not a form of teshuva because teshuva requires that one change one's ways permanently. Increasing one's involvement in good deeds, while commendable, will not affect one's judgment on Yom Kippur because those deeds will be accounted for in the new year and not the previous year. How then, do these observances relate to teshuva?

R. Yitzchak Y. Borodianski, Siach Yitzchak, Moadim pp. 153-156, notes that there is a common theme among all of these observances. This theme can best be understood by presenting two ideas from earlier sources. First, R. Yisrael Salanter (1810-1883 cited in Likutei Ya'akov pg. 18) posits that the reason why Rosh HaShanah precedes Yom Kippur is that the judgment of Rosh HaShanah on the physical is a necessary stepping stone to the proper spiritual mindset required for the repentance of Yom Kippur. Second, Rambam, op. cit., writes that that one of the messages of the shofar is that one should improve (shapru) one's deeds. As such, R. Borodianski explains that coronating G-d as the King of the Universe Who judges all of mankind is a necessary prerequisite for complete repentance. Similarly, improving one's actions is a prerequisite for complete repentance. The observances of the Aseret Yemei Teshuva are not components of teshuva, but rather its prerequisites. The formulation of "HaMelech HaKadosh" and "HaMelech HaMishpat" as well as the recitation of "Avinu Malkeinu" are a continuation of the coronation process. Accepting additional stringencies and increasing one's involvement in good deeds are ways in which one can improve and elevate oneself in order to perform teshuva properly.

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When Was the Universe Created?

**Rabbi Yona Reiss**

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The celebration of Rosh Hashana takes place every year on the first and second days of Tishrei. This is a time in which we send out greetings for a sweet new year and begin the count of a new year from the time of creation. This past year in all letters and Jewish legal documents we made reference to the year 5769 and in this coming year we will inaugurate the year of 5770 starting with the first day of Tishrei. Nonetheless, the notion that the creation of the world took place in Tishrei is not universally accepted. The Talmud in Tractate Rosh Hashana (10b) records a disagreement between R' Eliezer and R' Yehoshua regarding when the world was created. According to R' Eliezer, the world was created in the month of Tishrei. According to R' Yehoshua, the world was created in the month of Nissan.

According to the Midrash (e.g., Midrash Rabbah, Parshat Devorim), even if one assumes the position of R' Eliezer, the world was actually

created on the 25th day of Elul. However, since man, who represents the ultimate purpose of creation, was created on the sixth day which corresponds to the first of Tishrei, this day is considered to be the true beginning of creation (see Maharsha to Rosh Hashana 16a).

The Chassidic Master Harav Tzvi Elimelech, author of the work *B'nai Yissaschar*, explains based on this calculation (Tamuz-Av, Ma'amar 4, "Betula Be'Machoz") the significance of the 15th day of Av and the 15th day of Sh'vat. Each date precedes the first day of creation by 40 days, either according to the view of R' Eliezer (in which case the actual first day of creation was the 25th day of Elul) or the view of R' Yehoshua (in which case the actual first day of creation was the 25th day of Adar, see Tosafot Rosh Hashana 8a s.v. "le'Tekufot"). The Talmud tells us (Sota 2a) that forty days before a child is created, a Bat Kol (heavenly voice) declares the future zivug (destined partner) for that child. The reason why these days are special days of celebration for the Jewish people is in part due to the fact that these were the days when it was determined that the Jewish nation would be "wed" to Hashem through the Torah. However, it seems odd that both days would be viewed as days of creation. Presumably the correct view would be in accordance with either R' Yehoshua or R' Eliezer, but not both. Which is really the accepted view?

The Talmud (Rosh Hashana 27a) quotes R' Shmuel ben Yitzchak as noting that the prayer recited on Rosh Hashana containing the words "zeh hayom techilat ma'asekha" (this is the day which was the beginning of your creation) is clearly in accordance with the view of R' Eliezer that the world was created in Tishrei.

Additionally, the Ibn Ezra (Vayikra 25, 9) cites several proofs that the world was created in Tishrei, including the fact that the Torah states explicitly that the shofar is blown on Yom Kippur of the jubilee year. It stands to reason, argues the Ibn Ezra, that this act of blowing the shofar, which signifies the start of the jubilee year, would take place at the moment in time signifying the true beginning of the year.

Despite the foregoing, there are many sources that substantiate the position that the world was created in Nissan. This past year, we recited birkhat hachama, the blessing on the sun, during the month of Nissan. This blessing is recited when the sun returns to its original position in the heavens (Tekufat Nissan) on the same date and at the same moment as when the sun was created on the fourth day of creation. The calculation of the time for birkhat hachama as corresponding to tekufat Nissan is predicated upon the assumption that the creation of the world was in Nissan, in accordance with the view of R' Yehoshua. Furthermore, the Talmud in Rosh Hashana 12a clearly states that all tekufot (astronomical seasons) are calculated in accordance with R' Yehoshua's view.

Is there a way to reconcile the discrepancy between the liturgical description of Rosh Hashana in Tishrei as being the beginning of creation and the astronomical calculation of birkhat hachama and tekufot which assume that Nissan is the beginning of creation? In his book *Bircas Hachammah* (pages 76-77), Rabbi J. David Bleich quotes a novel explanation from the *Sefer Or haChammah*. A midrash in Bereishit Rabbah 10:4 states that the planets and spheres traveled at an extremely rapid speed prior to the time of Adam's sin (on the sixth day of creation). According to this explanation, the planets traveled so fast that they completed a six month journey in an actual time frame of two days between the placement of the heavenly bodies in the firmament on the fourth day of creation in tekufat Nissan, and the time of the creation of man on the sixth day of creation. Consequently, even though the world was created on the first day of Nissan, the sixth day of creation actually took place on the first day of Tishrei. A different approach is apparently taken by the author of the Maset Binyamin in his responsa (teshuva 101). The Maset Binyamin addresses the question of how we can engage in the contradictory practice of calculating the time for birkhat hachama based on the astronomical calculations of Shmuel and

at the same time calculate our 19 year calendar cycle, including leap years, based on the astronomical calculations of Rav Adda, according to whose calculations birkhat hachama should ostensibly never be recited because the sun has never returned at the same time to its precise location that it occupied upon the fourth day of creation. The Maset Binyamin responds that in these matters we need not be bothered by contradictions since, after all, we also calculate years based on the assumption that the world was created in Tishrei and yet calculate astronomical seasons based on the assumption that the world was created in Nissan.

This approach of the Maset Binyamin may be better understood in light of the comments of Rabbeinu Tam quoted by Tosafot (Rosh Hashana 27a). In a liturgical poem designed for the holiday of Shmini Atzeret, Rabbi Eliezer HaKalir describes the world as having been created in Tishrei, and yet in a prayer designed for the holiday of Pesach, he describes the world as having been created in Nissan. In response to this discrepancy, Rabbeinu Tam formulates a fascinating response. Both views ("Elu V'Elu") are correct. The world was created both in Tishrei and in Nissan!

How could the world have been created both in Tishrei and in Nissan? Rabbeinu Tam explains that in machshava (thought) the creation of the world was conceived by Hashem in the month of Tishrei, but in actual ma'aseh (deed) the world was physically created in Nissan. Based on this answer, we may interpret the Maset Binyamin in similar fashion. There can be multiple truths with respect to our perspectives towards understanding creation. Depending upon different perspectives, or different objectives in explaining and applying astronomical phenomena, even contradictory results can be reconciled. Thus, while creation took place at a specific moment, different aspects of the beginning of creation may well have occurred at different times. Similarly, while the calculations of Shmuel and Rav Adda regarding the length of the solar year may differ, they may differ based on different methodologies of how to quantify astronomical data, and each approach may have merit for purposes of different types of halachic calculations.

The Torah Temima similarly writes (Bereishit, Chapter 1, notes 44 and 50) that for purposes of birkhat hachama, we follow the opinion of Rabbeinu Tam that the world was physically created in Nissan. However, we nonetheless describe the beginning of Tishrei as "techilat ma'asekha" – the "beginning of the works of Hashem," because we follow the opinion of Rabbeinu Tam that the world was created in thought on Tishrei. Since from a divine perspective there is no differentiation between thought and deed (see Bemidbar 23:19), the world is considered created by Hashem from the moment that the idea of creation was conceived, in accordance with the opinion of R' Eliezer.

The Arukh Le'Ner (Rosh Hashana 11a) utilizes the distinction of Rabbeinu Tam to answer a question posed by the Ran (Rosh Hashana 16a). The Ran (Rosh Hashana 16a) asks that according to the view of R' Yehoshua that the world was created in Nissan, shouldn't we count the years and celebrate Rosh Hashana in Nissan rather than Tishrei? He answers that since Yom Kippur is the time that Hashem declared that he was forgiving the Jewish people, it is appropriate to celebrate Rosh Hashana during a time of forgiveness. The Maharsha critiques this answer, indicating that Rosh Hashana should then be celebrated on the day of Yom Kippur which is the 10th day of Tishrei, rather than the first day of Tishrei. Rather, the Maharsha explains that Tishrei was chosen for Rosh Hashana because of the auspicious events that occurred during the first day of Tishrei, such as the pregnancies of Sarah and Rachel and the release of Yosef from his Egyptian jail cell. Therefore, the first day of Tishrei was deemed as a fitting time for the "day of judgment" since it is the time when the deeds of all men are recounted by Hashem.

The Arukh Le’Ner suggests a different answer consistent with the approach of the Torah Temima. Assuming Rabbeinu Tam’s distinction between thought and deed, even R’ Yehoshua is in agreement that the world was created in thought at the beginning of Tishrei. As Rashi notes on the first verse in the Torah, it was originally the intention of Hashem to create the world based solely on “din” – strict judgment. Upon observing that the world would not be able to survive based on strict judgment, Hashem added the attribute of “rachamim” – of mercy, to exist alongside the attribute of strict judgment. Thus, in establishing the day for Rosh Hashana, which is the “yom din” – the day of judgment, it was appropriate to choose the first day of Tishrei because that was the day of the original intention to create the world only based on “din”. Based on this distinction, the Arukh Le’Ner explains why in the entire description of the story of creation the Torah (Bereishit 1:1-2:3) employs the term “Elokim,” which denotes the attribute of strict judgment, while afterwards (Bereishit 2:4) the Torah describes the first day of creation as “be’yom asot Hashem Elokim Eretz Ve’Shamayim” (“the day that Hashem Elokim made heaven and earth”), indicating that from the very first day the world was created with an commingling of the attribute of strict judgment (“Elokim”) together with the attribute of mercy denoted by the term “Hashem.” The answer, suggests the Arukh Le’Ner, is that the term “Elokim” in the story of creation describes the time of the thought process of creation in Tishrei, while the Torah’s description of “beyom a’sot” is a reference to the later time in Nissan that the physical creation of the world took place, when indeed strict judgment was mixed together with mercy.

Along these lines, the Tzitz Eliezer (18:37) quotes the Ari Hakodesh as elucidating the famous passage recited on Rosh Hashana in the Mussaf service, “hayom harat olam” (“today is the day of the conception of the universe”). Birth consists of two components: conception and birth. The first day of Tishrei marks the day of the conception of the universe. The first day of Nissan marks the date of the birth of the universe. Accordingly, explains the Tzitz Eliezer, every single year on the first day of Tishrei, the same thought process that accompanied the first day of Tishrei at the time of creation, to judge based on “din” – strict judgment, becomes resuscitated, and it is our job each Rosh Hashana to convert the attribute of strict judgment into the attribute of mercy. This is the meaning of the verse (Tehillim 47) that we recite on Rosh Hashana immediately prior to the blowing of the Shofar: “ala Elokim b’Truah, Hashem b’kol Shofar” (“Elokim has ascended with a blast, Hashem with the sound of the Shofar”), namely that the attribute of “Elokim” (of strict judgment) present on the day of Rosh Hashana should turn into the attribute of “Hashem” (of mercy) as denoted by the latter part of the verse.

Interestingly, the Mishna Berura (592:5), in commenting upon the prayer “hayom harat olam,” actually notes (based on the Magen Avrohom) that this prayer is appropriate despite the fact that we essentially accept the opinion that the world was physically created in Nissan, because of the fact that it was Tishrei that the idea of creation was conceived even though the actual creation did not take place until Nissan. Thus, the Mishna Berura appears to codify Rabbeinu Tam’s distinction as halakha.

This distinction also presents us with an understanding of the dual significance of the 15th day of Av and the 15th day of Sh’vat as representing the days signifying the destiny of klal yisroel to have a special relationship with HaKadosh Barukh Hu. Both days, explains the B’nei Yissaschar, represent the advent of the dual aspects of creation.

On a final note, the Vilna Gaon (Orach Chaim 581:1, based on the Ran) explains that the differing practices with respect to when to begin reciting slichot is dependent on the dispute between R’ Yehoshua and R’ Eliezer. The practice to begin reciting slichot the week before Rosh Hashana is in accordance to the view of R’ Eliezer that man was created on the first day of Tishrei and therefore the world was created on the

25th day of Elul. Since the world was effectively created on the 25th day of Elul, slichot are begun on a date that is roughly consistent with that date from year to year. By contrast, those who recite slichot from the beginning of Elul are following the view of R’ Yehoshua that the world was created in Nissan, and therefore there is no special status attributable to the 25th day of Elul. Rather, it makes sense to begin the recitation of slichot on the first day of Elul because that is the day which began the final forgiveness period when Moshe Rabbeinu ascended the mountain of Sinai to receive the second set of tablets from Hashem. According to this approach, the dispute as to when the world was created is actually a dispute between the Ashkenazim (who begin reciting slichot the week before Rosh Hashana) and Sefardim (who begin reciting slichot at the beginning of Elul).

Even according to this explanation of the Vilna Gaon, we should bear in mind the everlasting truth of Rabbeinu Tam’s premise – “Elu V’Elu Divrei Elokim Chayim.” Each of these practices, representing both the Ashkenazic and Sefardic traditions, is predicated upon a legitimate Torah perspective.

Of course, this discussion also underscores how matters of creation are fundamentally beyond our comprehension, and we can at best gain a small glimpse of understanding from an analysis of these sources.

There is, nonetheless, at least one important insight for the season of repentance that we can draw from the dichotomy of thought and deed articulated by Rabbeinu Tam. During these days of repentance and introspection, when the world was originally created “in thought” for the purpose of being created at a later time “in deed,” we should strive to purify our minds and thoughts in order to ensure that the pure and good intentions that we express on Rosh Hashana translate into proper and righteous deeds during the rest of the year. K’tiva V’chatima Tova.

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From Shabbat Shalom <shabbatshalom@ou.org> date Fri, Sep 18, 2009 at 1:27 AM  
OU.org September 16, 2009

**From the Desk of Rabbi Dr. Tzvi Hersh Weinreb**  
**Willing to Change - Rabbi Weinreb's Torah Column for Rosh Hashanah**

Sometimes even the corniest of old jokes has a profound lesson to teach us.

“How many psychologists does it take to change a light bulb?”

In case you haven't already heard the answer to this example of tired "light bulb" humor, it goes like this:

“Just one. But it has to be willing to change!”

This witticism, if it deserves that name, recognizes an important limitation of the profession of psychotherapy. It can only be effective to the extent that patients or clients are motivated to cooperate with the process. Only if they are committed to doing the hard work of personal change can psychotherapists look forward to success.

Willingness to change is a rare trait among humans. People are frightened of anything new and adhere to the status quo even when it has brought them little benefit.

Rabbi Abraham Isaac Kook, the first chief rabbi of the land of Israel, wrote a precious little book entitled *The Lights of Return*. In it he insists that the “human tendency to cling desperately to old ways and ancient habits is the sign of a spiritual malaise”.

Rav Kook wrote this book early in his life. In his later years, he not only recommended it to others, but he studied it himself, especially at the time of year in which we now find ourselves.

For we are now in the waning days of the month of Elul with the High Holidays imminent. The theme of this period of the Jewish calendar is teshuvah, which, although usually translated as “repentance”, is better translated as “return”, or still better as “change”.

A fundamental teaching of Judaism is the following verse from Ecclesiastes: “For no man is perfect in this world, doing only good and never sinning.” We all need to improve, we all need to change. This is the central message of Rosh Hashanah and Yom Kippur for the Jew.

The fundamental difference between optimists and pessimists is that the former believe that change is possible, whereas the latter believe that attempts to change are futile.

“You can't change human nature.” “The leopard cannot change his spots.” “Once a fool always a fool.” These are the mottos of the pessimists, and the assumptions

they make are the very stuff of the entrenched resistance to genuine change in our behaviors and attitudes.

Books have been written and countless sermons sounded with all sorts of advice as to how to go about change. Some believe that it is a slow, gradual, step-by-step process. Others insist that change requires a dramatic leap of faith, and can be done in a transformational moment.

Some believe that change happens because of external circumstances, or social pressures imposed by other people. Others maintain that, on the contrary, change can be intentional and purposefully initiated by every person himself or herself.

Jewish texts recognize that there are two types of change; one indeed, a slow, painstaking path, and the other, a rapid and sudden personality shift. Jewish tradition recognizes that others influence and mold our paths, but that the ultimate responsibility for spiritual change lies with each of us ourselves.

I would like to share with you all one fascinating example of two individuals working together in a purposeful but deliberately incremental change process. It is to be found in the writings of a man known as the Rebbe of the Warsaw Ghetto. His name was Rabbi Kalonymus Kalman Shapiro, and his career as an outstanding pedagogue and teacher of adolescent boys was tragically cut off by the horrors of the Holocaust.

Rabbi Shapiro wrote a book aimed at his young protégés, giving them the following piece of advice to be initiated at the beginning of the school semester. He asks the student to imagine, if his name, for example, is Reuven, what "Reuven" might look like a month from now, six months from now, a year from now.

Once the young man has some sort of image of what his future self might be he can consciously begin to take steps to approximate this image. He can set specific goals and objectives to come closer to his self ideal, step by tentative step.

And every so often, he can monitor his progress, accelerating the process, modifying it if necessary, or slowing it down if things are going too quickly. The Rebbe encourages the young man to collaborate with a friend or a mentor as he goes through this process of self-change and self-development.

At this time of the Jewish New Year, as many do around the time of the secular New Year, we all tend to make resolutions. Rabbi Shapiro's technique is but one of the numerous methods which can assist us in formulating such resolutions and in successfully executing them.

The sanctity of this season inspires us, like the light bulb, to be willing to change. We must turn to the wise and the experienced among us, be they living friends, mentors, and spiritual guides, or past scholars, rabbis, and teachers, for suggestions of specific techniques as to how to really change.

Judaism always insists upon the utility and the importance of textual study. At this time of year study is no less important than prayer. Especially if our study focuses upon finding ways to achieve desired change, and to maintain that change in the face of challenge and ever shifting circumstances.

Every time we wish each other a Happy and Sweet New Year, we are really saying, "I hope that you are successful in your attempts to change yourself and improve yourself in the coming year." It is in that spirit that I wish each of you, dear readers, a Happy and Sweet New Year!

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from Yeshivat Har Etzion <office@etzion.org.il> reply-to Yeshivat Har Etzion <office@etzion.org.il> to yhe-holiday@etzion.org.il date Wed, Sep 16, 2009 at 4:41 AM subject Special Rosh Hashana Package

### **Fear and Joy: The Experience of Rosh Hashana**

**By Rav David Brofsky**

**Rosh Hashana in Tanakh** Rosh Hashana, as it appears in Scripture, is somewhat mysterious. The festival is mentioned twice: once in Sefer Vayikra, and again in Sefer Bamidbar. In the latter (29:1), the Torah commands: And in the seventh month, on the first day of the month, it shall be a holy convocation (mikra kodesh) for you; you shall do no servile work; it shall be a day of terua for you. While the celebration of Rosh Hashana does not entail the pilgrimage component of the other festivals, it shares an *issur melakha* (prohibition of labor) as well as the title of "mikra kodesh." The uniqueness of Rosh Hashana seems to lie in its being a "yom terua," "a day of terua," the ululating sound that is variously described in Scripture as emanating from the shofar, trumpets, or human throats. Similarly, the Torah teaches elsewhere (Vayikra 23:23-25): And God spoke to Moshe, saying: "Speak to the Israelites, saying: 'In the seventh month, on the first day of the month, it shall be a solemn rest for you, a terua memorial (zikhron terua), a holy convocation. You shall do no servile work, and you shall bring a fire-offering to God.'" Here too, Rosh Hashana is described by the term "terua." While our Sages understand it to refer to the mitzva of shofar, the Torah uses this term to describe the day itself. In what way does "terua" characterize the day? What does blowing a shofar or trumpet symbolize? Throughout Tanakh, we can identify two

distinct, yet apparently contradictory descriptions of these sounds — and of Rosh Hashana itself. On the one hand, the prophet Tzefanya (1:10, 14-16), describing the horrors to befall the Jewish people, relates: And on that day, says God, "Hark... The great day of God is near; it is near and hastens greatly, the sound of the day of God, wherein the mighty man cries bitterly. That day is a day of wrath, a day of trouble and distress, a day of waste and desolation, a day of darkness and gloominess, a day of clouds and thick darkness, A DAY OF SHOFAR AND TERUA, against the fortified cities, and against the high towers." The terms "shofar" and "terua" are clearly employed to depict alarm and distress. Similarly, Amos (3:6) describes the blowing of the shofar and the people's response. Shall a shofar be blown in the city, and the people not tremble? Shall evil befall a city, and God has not done it? Indeed, when the Jewish people go out to war, they are commanded to make this sound (Bamidbar 10:9): And when you go to war in your land against the adversary that oppresses you, then you shall sound a terua with the trumpets; and you shall be remembered before Lord your God, and you shall be saved from your enemies. These verses strongly imply that "a day of shofar and terua" is a day of alarm, crisis, and distress. On the other hand, the trumpets are also sounded on festive days, as the next verse notes: And on the day of your joy, and on your appointed seasons, and on your new moons, you shall blow the trumpets over your burnt-offerings and over the sacrifices of your peace-offerings; and they shall be for you as a memorial before your God: I am Lord your God. Similarly, we find in Nechemya (8:2, 9-12) a description of Ezra's joyous reading of the Torah on Rosh Hashana. And Ezra the Priest brought the Torah before the congregation, both men and women, and all that could listen with understanding, on the first day of the seventh month. And Nechemya, who was the governor; and Ezra the Priest, the Scribe; and the Levites that taught the people, said to all the people: "THIS DAY IS HOLY TO LORD YOUR GOD; NEITHER MOURN NOR WEEP!" — for all the people were weeping, as they heard the words of the Torah. Then he said to them: "Go on your way: eat the fat, and drink the sweet, and send portions to him for whom nothing is prepared; FOR THIS DAY IS HOLY TO OUR GOD; DO NOT BE SAD, FOR GOD'S GLADNESS IS YOUR STRENGTH." So the Levites stilled all the people, saying: "Hold your peace, for the day is holy; do not be sad." And all the people went their way to eat, to drink, to send portions, and to make great joy; because they had understood the words that were said to them." Nechemya commands the people to overcome their grief over their failure to keep the Torah; instead, it is time to celebrate, because "this day", Rosh Hashana, "is holy to our God." In summary, Tanakh seems to portray Rosh Hashana as both "a day of terua" — of fear and apprehension — and a day of great joy. Hallel and Simchat Yom Tov on Rosh Hashana This apparent uncertainty, as to whether Rosh Hashana is a day of alarm and distress or one of happiness and joy, continues into the halakhic literature. The Gemara (Arakhin 10b) instructs us to recite Hallel on the Festivals and the eight days of Chanukka. (We have discussed the scope of this mitzva elsewhere, as well as the nature of different types of Hallel.) The Gemara then questions why Hallel is not mandated on other special days, including Rosh Chodesh, Chol Ha-mo'ed Pesach and Purim. Since Rosh Hashana and Yom Ha-kippurim seem to meet the requirements for Hallel — being an "appointed season" with a prohibition of labor — why are they excluded? Rabbi Abbahu said, "Is it seemly for the King to be sitting on His Throne of Judgment, with the Books of Life and Death open before Him, while the people sing joyful praises to Him?" It seems that the Gemara assumes, in its question, that it would certainly be appropriate, if not obligatory, to recite the joyous prayer of Hallel on Rosh Hashana. The Gemara's answer, however, is somewhat unclear. Does the Gemara mean to deny Rosh Hashana any aspect of joy or happiness, or merely to temper it by omitting Hallel? Interestingly, the Rambam (Hilkhot Megilla Ve-Chanukka 3:6) writes: However, we do not recite Hallel on Rosh Hashana and Yom Ha-kippurim, as they are days of repentance (teshuva), fear (yira) and dread, NOT DAYS OF EXCESSIVE JOY (simcha yeteira). The Rambam describes Rosh Hashana as a day of repentance, characterized by "fear and dread," yet he still implies that there is a mitzva to rejoice! Indeed, regarding the commandment of "simchat yom tov," "rejoicing on the festival," as well, the Rishonim disagree as to whether the mitzva applies on Rosh Hashana. The Torah (Devarim 16:14) instructs us: "Ve-samachta be-chaggekha," "And you shall rejoice on your holiday." The Rishonim debate whether this mitzva is limited to the consumption of the shalmei simcha, the joyous peace-offerings brought on the Shalosh Regalim (the Three Pilgrimage Festivals) for the purpose of rejoicing, or whether it extends to other expressions of happiness as well. Tosafot (Mo'ed Katan 14, s.v. Aseh de-yachid), for example, assume that the obligation of simchat yom tov may only be fulfilled through the consumption of shalmei simcha, and they therefore conclude that the obligation nowadays, in the absence of the Temple, must be rabbinic. On the other hand, the Rambam (Hilkhot Yom tov 6:17-18) writes: A person is obligated to rejoice on these days

— he, his children, his wife, his grandchildren, and all those who have joined his family — as the Torah states, “And you shall rejoice on your holiday.” Even though the Torah is referring to the obligation to offer and consume peace-offerings (the shalmei simcha), INCLUDED IN THIS OBLIGATION TO REJOICE IS FOR A PERSON AND HIS ENTIRE FAMILY TO REJOICE IN THE MANNER THAT IS APPROPRIATE FOR HIM. How is this practiced? One distributes parched grain, nuts, and delicacies to the children. One purchases, depending on what he can afford, clothes and beautiful jewelry for the women in the family. The men eat meat and drink wine, as there is no rejoicing without meat and wine. The Rambam expands the parameters of the mitzva of simchat yom tov to include other expressions of joy as well. Clearly, Tosafot cannot maintain that the obligation to rejoice on festivals applies on Rosh Hashana, as it has no obligation to offer shalmei simcha! However, the Rambam, who expands the definition of simchat yom tov, might apply this mitzva to Rosh Hashana. Indeed, as we saw above, he describes Rosh Hashana as a day without EXCESSIVE happiness, but with happiness nonetheless. Furthermore, he implies elsewhere (Hilkhot Yom Tov 6:17) that the mitzva applies to festivals other than Pesach and Sukkot, seemingly referring to Shavuot, Rosh Hashana and Yom Kippur! Interestingly, Rabbi Aryeh Leib ben Asher Gunzberg (1695–1785), in his Sha’agat Aryeh (102), also discusses this issue, and he concludes that there must be a mitzva of simchat yom tov on Rosh Hashana since one is allowed to perform certain types of labor necessary for producing food (“okhel nefesh”) on Rosh Hashana. If not for the commandment to rejoice, he assumes, it would be prohibited to cook on Rosh Hashana.

**Mourning on Rosh Hashana** The Mishna (Mo’ed Katan 19a) discusses which holidays pre-empt the first seven and first thirty days of mourning, known as “shiva” and “sheloshim” respectively, observed after the burial of a close relative. Rabban Gamli’el and the Chakhamim argue whether only the Shalosh Regalim cancel shiva, or even Rosh Hashana and Yom Kippur do so. Rav Achai Gaon, in his She’iltot (Parashat Chayei Sarah 15), explains that Rabban Gamli’el, who rules that “Rosh Hashana and Yom Kippur are akin to the Festivals,” maintains that the commandment of simchat yom tov must also apply on these days. He clearly assumes that it is the mitzva to rejoice which cancels shiva. The Rambam (Mo’ed Katan 24b) also derives from the verse in Nechemya, cited above, that on Rosh Hashana there is “simcha and a prohibition to be sad,” and therefore the observances of shiva and sheloshim are halted by Rosh Hashana. Rav Soloveitchik, in his Shiurim Le-zekher Abba Mori, addresses this issue as well. The Shulchan Arukh (YD 399:6) rules in accordance with Rabban Gamli’el, that Rosh Hashana and Yom Kippur DO cancel shiva and sheloshim. **Fasting on Rosh Hashana** Even regarding one’s demeanor while eating on Rosh Hashana, we find this halakhic ambivalence. The Shulchan Arukh (OC 597:1) writes: They eat, drink and rejoice, and they do not fast on Rosh Hashana and Shabbat Shuva. However, they should not eat to satiety, in order that they not become lightheaded — that the fear of God should be upon their faces (cf. Shemot 20:16). The Mishna Berura (597:1) explains that although Rosh Hashana is a “day of judgment,” the commandment of simcha obligates one to eat and drink, as stated in Nechemya. The Rema (597:3), however, cites the Terumat Ha-deshen (245), who asserts that some consider it “a mitzva to fast on Rosh Hashana.” The Tur and Beit Yosef cite the relevant opinions. Furthermore, the Magen Avraham, in his introductory comments to this chapter, cites the Bach, who relates that Rav Shelomo Luria (1510-1574), known as the Maharshah, would not eat fish, which he especially enjoyed, on Rosh Hashana, as he wished to restrict himself in some way. He also cites a discussion regarding the propriety of eating meat and wearing nice, festive clothing on Rosh Hashana. Still, the Mordekhai (Rosh Hashana 708) cites Rav Nachshon Gaon, who prohibits fasting on Rosh Hashana, due to its inherent simcha, and the Taz (1) and Mishna Berura (12) concur.

**Tefilla on Rosh Hashana** The question of the nature and experience of Rosh Hashana may also impact upon both the text and recitation of the day’s prayers. Regarding the text of the Shemoneh Esreh and Kiddush of Rosh Hashana, the Rosh (Rosh Hashana 4:14), and subsequently his son, the Tur (582), bring different customs. They cite Rav Sar-Shalom, Rav Paltoi Gaon and Rav Shemu’el ben Chofni, who report that in the two major Babylonian yeshivot they would say on Rosh Hashana the standard Shalosh Regalim formula, thanking God for giving us “mo’adim le-simcha, chaggim u-zmannon le-sason,” “appointed seasons for rejoicing, holidays and times for jubilation.” The Tur concludes, however, that the custom is in accordance with Rav Hai Gaon, who omits the references to simcha. Clearly, they are debating the very character of Rosh Hashana. Interestingly, the Posekim discuss even the manner in which one should pray on Rosh Hashana. The Kitzur Shulchan Arukh (129:2), for example, records that some are accustomed to praying the silent, standing prayers of Rosh Hashana and Yom Kippur while bowing, with their heads lowered. He personally recommends praying upright, with a “bent heart and with tears.” Rav Ovadya Yosef (Yechavveh Da’at 2:69)

also discusses this issue: should one pray with happiness and elation, or out of “fear of judgment,” while crying? He cites Rav Chayyim Vital, who testifies that the Arizal would cry during his Rosh Hashana and Yom Kippur prayers. Alternatively, he notes that the Vilna Gaon (Ma’aseh Rav 207) maintains that one should not cry during one’s prayers on Rosh Hashana and that the cantor should lead the prayers with a traditional Festival melody. He concludes that one who is naturally overcome by tears may cry. However, one should not bring oneself to weep; rather, one should pray with happiness and great focus. **Conclusion** Rosh Hashana surely emerges as a confusing holiday; from the Sages to the later Acharonim, our greatest minds have grappled with its nature and experience. It would seem that this confusion is no accident. In fact, all service of God, as King David relates, reflects this dialectic. In his Tehillim, we find both “Serve God with joy; come before His presence with singing” (100:2), and “Serve God with fear, and rejoice with trembling” (2:11). Midrash Tehillim (100, s.v. Ivdu) asks: “Serve God with joy” — another verse says, “Serve God with fear.” If [one serves] with joy, how is it with fear? And if [one serves] with fear, how is it with joy? The midrash records different resolutions to this quandary. On the one hand, Rav Acha suggests that one should serve God in this world with fear, in order to reach the next world with happiness. Similarly, Rabbi Aivu distinguishes between tefilla, during which joy is the primary feeling, as opposed to other activities, during which fear dominates. On the other hand, the midrash suggests another type of solution: “‘With joy’ — is it possible without fear as well? The verse therefore teaches, ‘with fear.’” In other words, joy and fear do not necessarily contradict each other; rather, they are crucial and complementary components of our service of God. When we discuss the different reasons behind the mitzva of shofar, we will note that Rosh Hashana is “yom harat olam,” “the day of the world’s creation,” during which we coronate God as King over humanity. Standing before God and accepting upon ourselves His service inspires not only feelings of fear and trepidation, but feelings of joy and happiness as well. These seemingly contradictory feelings are natural for one who truly experiences and internalizes Rosh Hashana and sets the proper tone for the entire year, during which our service of God vacillates between simcha and yira, and at times is even comprised of both.

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**2500 Years Ago Today**

**Dr. Rivkah Blau**

Noted Lecturer and Author

Almost 2500 years ago Jews who came to Israel from the Babylonian exile observed the first Rosh Hashanah through bringing sacrifices. About fifty years later, when more Jews had come, the celebration of the yom tov centered on Ezra teaching Torah to a large assembly all morning, followed by everyone going home for a festive meal in the afternoon. The accounts of the two celebrations—the first in Ezra, Chapter 3, the second in Nehemiah, Chapter 8—and the contrast between them are relevant to Rosh Hashanah today.

Challenges to Jewish life now that we may label “unprecedented” are actually parallel to what Ezra and Nehemiah faced then: a low level of Torah knowledge and observance; a high rate of intermarriage, even among the elite of the kohanim and the princes; missing genealogical records so that people did not know their ancestry. The opportunity to live in Israel was open to all Jews, but only a minority went on alyah; they encountered opposition to restoring Jewish life in Israel and appeals to government authority in another country to stop their construction of a protective wall. According to Nehemiah 4.11 those who labored on the wall surrounding Jerusalem “worked with one hand, and with the other hand held a weapon.” Our generation is not the first to deal with these problems.

Their generation faced an additional challenge: Haggai and Zekhariah are mentioned in Ezra- Nehemiah, but the end of the era of prophecy was approaching. Where would people turn when they could no longer go to a prophet to learn what God wants? The first group who came back to Israel understood that they were seeing the fulfillment of Jeremiah’s prophecy. Koresh, the king of Paras, invited them to re-build the Temple and gave back the gold and silver vessels that Nevuchadnezzar had plundered. Although they settled in different areas, they gathered together in Jerusalem.

When the seventh month came and the children of Israel were in the cities, the people gathered together as one man to Jerusalem. Then Yeshua the son of Yozadak and his brothers the kohanim, and Zerubavel the son of She’altiel and his brothers, rose up and they built the altar of the God of Israel to offer burnt-offerings on it, as it is written in the Torah of Moshe the man of God. Ezra 3:1-2

From the first day of the seventh month they began to offer burntofferings to God, but the foundation of God's Temple was not yet laid. Ezra 3:6

In their desire to obey the Written Torah as precisely as possible, the people shared in observing a mitzvah that the kohanim performed. Because they intended to recreate the Temple as it was, the critical activities were building the altar, bringing the appropriate sacrifices, and anticipating the next stage of laying the foundation. Food and drink are mentioned in the next verse, but not for the enjoyment of yom tov at home; instead it was intended for the nations who brought cedar trees for building the Temple, which was their primary concern. Nevertheless, in the following year when they completed the foundation, those who remembered the First Temple wept; the glory of the past could not be recaptured.

In the ensuing decades despite numerous difficulties the Second Temple was built and inaugurated. Ezra came with many dignitaries to Israel, where he tried to solve the problem of intermarriage through a meeting of everyone who had returned from exile; there they agreed to a public, systematic arrangement for dissociating from their foreign wives. Ezra was trusted both for his lineage, going back to Aharon, the first kohen (Ezra 7:1-5), and because he was a sofer mohir b'Torat Moshe asher natan Hashem Elokai Yisrael, "a ready scribe in the Torah of Moshe that Hashem the God of Israel had given" (6). He had the background, the trustworthiness and the ability "to explain God's Torah, to do, and to teach statutes and judgments in Israel" (11). These qualities, the mark of a person who could explain the Written Torah, won the people over: if Ezra said to separate from other nations, the people responded, "Yes, as you have said, we must do." But the affirmation did not last.

When Nehemiah came to Israel and joined Ezra for the next Rosh Hashanah celebration, the Jews realized they needed something more. Despite all that Nehemiah had accomplished in building a wall around Jerusalem, setting up a security system, and solving economic problems, the people had reverted to their old ways, marrying non-Jews and abandoning observance. The opening verses of the second account are almost identical to those of the first: "When the seventh month came, and the children of Israel were in their cities. Then all the people gathered together as one man" (Nehemiah 7.72 and 8.1). The first of Tishrei is again a catalyst for coming together, but the place, the purpose and the actions are all different this time: And they gathered in the open place that was before the water gate, and they said to Ezra the sofer to bring the sefer Torat Moshe that Hashem had commanded Israel.

And Ezra the kohen brought the Torah before the congregation from man to woman and all who could hear with understanding on the first day of the seventh month. And he read in it...from the light [of early morning] until mid-day before all the men and the women and the me'vinim, and the ears of all the people were toward the sefer haTorah. And Ezra the sofer stood on a wooden platform that they made for this purpose [with thirteen men beside him]. And Ezra opened the sefer in the sight of all the people, for he was above all the people; and when he opened it, all the people stood. Nehemiah 8:1-5

The people requested the reading of the sefer Torah. They realized that they had lost their connection to it and willingly stood for hours to learn. The emphasis is on the text and on the me'vinim, the scholars who can help the people understand it. Ezra led them in a brakhah to which the people answered Amen, Amen and bowed. Also Jeshua, and Bani, and Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah, even the Levites, caused the people to understand the Law; and the people stood in their place. They read in the book, in the Tora of G-d distinctly, and gave the sense, and caused them to understand the reading. Nechemia 8:8 (Koren translation)

Rashi says me'vinim is me'targemin, "translating" or "interpreting." This final verse can also be translated, "They read in the book, in Hashem's Torah with explanation, and applying intellect, and they understood the reading." In either way it is Torah she'be'al peh, Oral Torah.

Ezra and the Jewish people agreed: the Torah is the center of Jewish life; everyone must participate in studying it; everyone must understand it. They had to make an additional change; the Torah had to become part of their lives. "The people wept when they heard the words of the Torah" (9); they were taken aback by how much they did not know and how much they may have violated inadvertently. They had to learn what a yom tov is. Instead of watching the offering of sacrifices on the altar as the earlier assemblage had done, and thinking that was all, they had to take Rosh Hashanah into their homes. Their instructions were to "go, eat rich food, drink sweet drinks, and send portions to those for whom nothing is prepared" (10). They made a "great rejoicing because they understood the words that they taught them" (12). Then the Jews came back on the second day. This was the critical test. They were looking to the future. The first mitzvah they encountered was Sukkot which had been in abeyance for so long

that their leaders had to teach the nation how to observe it, just as they had to instruct the people the day before how to make a holiday meal. They studied Torah each day of Sukkot, which led to a national day of repentance and Torah study, a review of the relationship between God and His people, and a shared oath to keep the commandments, especially Shabbat and all the Beit HaMikdash offerings, and to stop intermarriage.

We don't find the takkanot, the ordinances that Ezra decreed, listed here, although each was designed to enhance Jewish life then and in the future. We find them appropriately in the Torah she'be'al peh, in Talmud Bavli, Bava Kama 82b and Talmud Yerushalmi, Megillah, Chapter 4. Ezra established that the Torah should be read on Monday and Thursday, in addition to the Shabbat reading that Moshe had ordained. Together with his takkanah that the village courts should meet on Monday and Thursday, he guaranteed that the nation would be attached to Torah study, and that Torah law would operate in daily life.

To prevent intermarriage he decreed that merchants should travel the length and breadth of the land to sell to young women whatever they needed to beautify themselves. Young men had complained that the Jewish girls did not take as much care of their appearance as the foreign women; through correcting that imbalance, Ezra wanted to promote Jewish men marrying Jewish women.

He built up the importance of Shabbat and family life by decreeing that laundry should be done on Thursday and garlic should be eaten on Friday, for health and because it makes one more loving. Bread should be baked early on Friday so that the homemaker has food to give to the poor. Rather than listing prohibitions, Ezra's decrees are positive and practical in bringing Jews closer to Torah.

The Rosh Hashanah of Ezra shifts focus from the sacrificial ritual to Torah knowledge and family observance. Instead of trying to recreate the past, this observance looks to the future; by increasing Torah knowledge, especially the Oral Law, and by strengthening the Jewish family, intermarriage can be fought and a full Jewish life can be enjoyed. He has fulfilled his mission "to explain the Torah of God, and to do it, and to teach in Israel statutes and judgments" (Ezra 7.10). There would be backsliding. In the thirteenth and final chapter of Nehemiah he is still teaching people not to intermarry and still arranging for the gates of the city to be closed so that there won't be commerce on Shabbat, but a momentous change has happened: the people realize that to properly fulfill the Written Torah, as they had intended at the first Rosh Hashanah of their return to Israel, they must study and live according to the explanations of the Oral Torah. This is the straightforward application of verses from Ezra-Nehemiah to our time. Rabbi Dr. Yaakov Elman, through a sophisticated analysis of Rav Zadok haKohen of Lublin's writings, traces the flowering of the Oral Torah to the gathering in Chapter 8 of Nehemiah. In what Elman calls "the rule of inversion," failure must precede achievement, and do so "in direct proportion" (p.9). If prophecy had ceased, if the Jewish people had reached the lowest level of ignorance and abandonment of Jewish life, then a desire to learn and to foster intellectual leaders had to come next. Ezra taught so that all the people should be me'vinim.

We can take lessons from Ezra and Nehemiah. Ezra emphasized Torah study for everyone, family, and Shabbat, while Nehemiah created practical solutions. Their partnership exemplifies bringing different talents together to deal with the challenges. Ezra's focus on the Oral Torah gives us the tools to confront the problems of our time. Challenges will always be coming, will always be changing, and will always be demanding our ingenuity in applying the Torah.