

B'S'D'
INTERNET PARSHA SHEET
ON SHABBOS SHUVA & YOM KIPUR - 5761

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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash [SMTP:yhe@vbm-torah.org]
Three Suggestions Regarding Repentance
Based on sichot by HARAV YEHUDA AMITAL
Adopted by MATAN GLIDAI AND RAV RONNIE ZIEGLER
Translated by David Silverberg

A. R. ELAZAR BEN DORDAYA'S PATH TO REPENTANCE

Every year I learn the famous story in the Gemara (Avoda Zara 17a) about Rabbi Elazar Ben Dordaya, and each time I find in it something new. Here I would like to suggest a new interpretation to the story, one which bears a critical message for our generation, particularly the youth.

The Gemara recounts that Elazar Ben Dordaya slept with every harlot in the world - he did not miss a single one. Once, however, he heard of a harlot overseas who charged an entire bag of coins for her services. He immediately traveled to reach her, an arduous journey that took him across seven rivers. As they slept together, the harlot passed air and then remarked, "Just as this air will never return to from where it came, so will Elazar Ben Dordaya's repentance never be accepted!"

Elazar was terribly shaken by her comment. He tried to persuade the mountains, valleys, sky, earth, sun, moon, stars and constellations to plead for mercy on his behalf. They all refused, claiming that they must first beg for compassion for themselves. Finally he came to the realization, "This depends only upon me!" He slumped his head down between his knees and wept until his soul departed. A heavenly voice then declared, "Rabbi Elazar Ben Dordaya is destined for life in the World to Come!" The Gemara concludes that from that point on he was referred to by the title, "Rabbi."

This story is very strange. Of what significance is it that there was not a single harlot in the world whom Elazar did not visit? Why does the Gemara emphasize the immense effort he made to reach this woman? Furthermore, how are we to understand her comment to Elazar and his conversation with the natural elements?

Rabbi Elazar Ben Dordaya was a man of lofty spiritual aspirations. He wanted to be a good Jew, perhaps even a Torah scholar. However, he wanted first to enjoy the pleasures of the world and only thereafter to serve God properly. This is the meaning behind his manic behavior - his pursuit of every harlot in the world and the immense effort he invested towards that end. From the beginning, he planned to limit the period of his sexual indulgence, and he therefore wanted to make the most of that time.

This final harlot whom he visited understood that her newest visitor was not an ordinary person, as evidenced by the trouble he went through for her services. She suspected that this was not his natural place, that he merely sought to indulge as much as he could and then return to the proper path. She understood that as opposed to her other clients, this man did not seek merely some temporary enjoyment.

She therefore told him that this path cannot succeed. Someone who thinks to himself, "I will sin and then repent," becomes entangled in the world of sin such that he can never return. As Chazal say, such an individual is not afforded the opportunity of repentance. This does not mean that God will not allow him to perform teshuva. Rather, generally speaking, someone with such an attitude will never manage to bring himself to repent. This resembles the Rambam's list of twenty-four situations which prevent teshuva (Hilkhos Teshuva ch. 4). In those cases, the individual generally lacks the wherewithal to perform proper teshuva.

Elazar Ben Dordaya at that moment understood the hopelessness of his situation and suddenly felt lowly and dejected. He realized the error of his ways, now looking with contempt upon his

wrongdoing and looking upon himself as broken and worthless. Convinced of his inability to raise himself from the abyss he had dug, he felt compelled to turn for aid to the majestic wonders of nature - sun, moon, stars, etc. - because they possess immense power.

Among the problems that plague sinners is their view of themselves as helpless and powerless. They fail to recognize the vast reservoirs of internal strength within them. Even Elisha Ben Avuya (who became an apostate) thought that he could never repent. He heard a voice from "behind the Heavenly curtain" proclaiming, "Return, wayward children - except for Acher [Elisha Ben Avuya's nickname]!" (Chagiga 15a). Nobody heard this voice other than him; he essentially convinced himself that indeed he could never repent. Unlike Elisha Ben Avuya, Elazar Ben Dordaya eventually recognized that everything depended only on him. He assumed responsibility for his fate, galvanized his inner strength, and repented wholeheartedly.

The Almighty accepted his repentance, which forever serves as an example for all those who stray towards the path of sin.

B. R. AKIVA'S FOREBEARANCE

"Rabbi Eliezer once went before the ark [to conduct the service on a public fast day] and recited twenty-four blessings [of the prayer for rain] and was not answered. Rabbi Akiva went [before the ark] after him and said, 'Our Father, our King - we have no king other than You! Our Father, our King - for Your sake have compassion for us!' It then started raining. "The rabbis started speaking unfavorably [about Rabbi Eliezer]. A Heavenly voice emerged and declared, 'Not because this one [Rabbi Akiva] is greater than this one [Rabbi Eliezer], but because this one acts with forbearance and this one does not act with forbearance.'" (Ta'anit 25b)

Rabbi Eliezer would demand absolute compliance to his principles, while Rabbi Akiva knew how to forego when the need arose. The Gemara (Rosh Ha-shana 7a) comments,

"Whoever acts with forbearance, his sins are forgiven, as it says, 'B forgiving iniquity and remitting transgression' (Mikha 7:18). To whom does He forgive iniquity? To the one who remits transgression."

What is the meaning of being "ma'avir al midotav," of being forbearing and yielding, of not always insisting on having your way or receiving what is due to you?

A story is told of a certain chasid who each year would give his rebbe a portion of his income, and each year his business prospered. Once he came to see the rebbe and found that he had left. He heard that the rebbe had gone to meet with his own mentor, the Chozeh of Lublin. The chasid was startled to hear that his rebbe has his own rebbe. He therefore decided that rather than giving a portion of his earnings to his rebbe, the Chozeh's student, he would transfer the funds directly to the Chozeh himself. After all, as his rebbe's rebbe, wasn't the Chozeh more worthy?

From that point on, the chasid's earnings began to dwindle as his business deteriorated. He went to the Chozeh of Lublin and asked why this happened, to which the Chozeh responded, "So long as you weren't so fussy about whom you donated the money to, God wasn't so fussy about whether or not you deserved your earnings. The moment you started carefully considering to whom you would prefer to give, then the Almighty likewise began carefully examining if there are others more deserving of the money than you."

We tend sometimes to fuss too much about others, to point out what they do wrong and insist unrelentingly on what we rightfully deserve. The message of the aforementioned Gemara involves the preparedness to forego and not always insist upon every small matter. If we act with some forbearance towards others rather than demanding everything we rightfully deserve, then the Almighty will treat us accordingly, and will not hold us strictly accountable for our sins. In this way, we will hopefully earn a favorable judgment.

C. RAV'S SENSITIVITY TO CHILLUL HASHEM

The G(Yoma 86a) lists the four categories of atonement: when repentance alone yields atonement, when repentance holds the sentence in abeyance and Yom Kippur achieves atonement, when these two hold the sentence in abeyance and punishments atone, and, finally, when all these hold the sentence in abeyance until death finally achieves atonement. There is only one sin in this final category - "chillul Hashem," the desecration of God's Name.

The Gemara then offers several examples of this sin. Rav gives the following example: if he would purchase meat at the market without paying immediately, onlookers would think that the rabbi has connections with the storekeeper, thus causing a "chillul Hashem."

He therefore would never purchase meat on credit, lest someone get the wrong impression and God's Name be desecrated. The Gemara continues by expanding this strict standard beyond rabbis, to all yeshiva students:

"One who learns, studies, and serves Torah scholars but does not conduct business honestly and doesn't speak pleasantly with other people - what do people say about him? 'Woe unto this person who studied Torah, woe unto his father who taught him Torah, woe unto his rabbi who taught him Torah. This person who studied Torah - look how corrupt his behavior is, and how despicable his mode of conduct is B'"

As yeshiva students and as religious Jews in general, we represent the Torah world. This requires us to maintain proper behavior wherever we go in order to avoid desecrating the honor of Torah and Hashem's Name, God forbid. Not even Yom Kippur atones for the sin of chillul Hashem!

True, Rav's example is quite extreme and most likely pertains only to an individual of his stature. Nevertheless, we learn from this Gemara how much care one must exercise even with regard to seemingly small matters when dealing with society at large and representing the Torah world. Our behavior in every area of life must not only be scrupulously moral, as the Torah demands, but it must appear scrupulously moral as well. Then, as the Rambam says (Hilchot Yesodei Ha-Torah 5:11), we will sanctify God's Name. In the words of the aforementioned gemara,

"One who learns, studies, and serves Torah scholars, and conducts business honestly and speaks pleasantly with other people - what do people say about him? 'Happy is his father who taught him Torah, happy is his rabbi who taught him Torah, woe unto those who do not study Torah! This person who studied Torah - look how pleasant his behavior is, and how proper his mode of conduct is;,' concerning him Scripture says, 'And He said to me: You are My servant, Israel, in whom I will be glorified' (Yishayahu 49:3)."

(Based on sichot delivered at se'uda shelishit, Shabbat Parashat Ha'azinu-Shuva 5757 [1996], and on leil Shabbat Parashat Vayelekh 5754 [1994].)

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From: riskin@lists.virtualjerusalem.com Subject: [riskin] Shabbat Shalom: Yom Kippur BY RABBI SHLOMO RISKIN

Shabbat Shalom : Yom Kippur by: Shlomo Riskin
Efrat, Israel - Even a master "davener", an expert in prayer, might feel daunted by the enormous quantity of material covered in the Yom Kippur machzor. We don't usually read an entire book over the course of a day; how then are we expected to 'pray' a book in less than 25 hours, even with time off only for sleep since we are prohibited from eating?!

The simplest answer is to do it one word at a time. Indeed, if we take the time to 'count' each word, we may be surprised to discover the immense depth and wisdom with which our Sages sculpted both the structural style and the sagacious substance of our prayers.

This year I'd like to examine one such word - the three letter opening word in the confession of the High Priest during the period of the Holy Temple - as well as the substitution of a single letter in the following word, (bashem) "bet" instead of a "heh", as the definite article preceding the ineffable name of G-d.

When the Temple still stood, the high priest's role was central to the drama of the Yom Kippur ritual. It was he, garbed in all of the dazzling splendor described in the liturgical poem "Mare'h Kohen" (the appearance of the Priest), who effectuated G-d's forgiveness and purification of the Israelite nation. Based upon the Biblical description (Leviticus 16), the liturgical text exquisitely describes every detail of the Yom Kippur sacrifices; during the repetition of the Mussaf Amidah, the Cantor leads the congregation in a step by step re-play of the High Priest's request for Divine forgiveness for himself and his family, for his fellow priests-kohanim, and then for all of Israel: "And thus he would intone: 'I beg of You (Anah), the Name, (Hashem), I have transgressed, sinned and rebelled before You. "I beg of You (Anah), by the Name (bashem) forgive now the transgressions, sins and rebellions." (Yoma 3:8)

The liturgy uses the word 'Hashem' to indicate that the High Priest would utter the explicit four letter name of G-d, the Tetragrammaton, a name so holy that it could only be uttered by the High Priest, and only on Yom Kippur, and only in the Holy of Holies.

"And when the High Priest would utter the ineffable name of G-d in the fullness of its awesome and pure pronunciation, the assembled priests and Israelites in the adjoining courtyard would be so overcome with awe (mysterium tremendum) that they would kneel, prostrate themselves, and fall on their faces, bursting forth with the declaration, "Blessed is the Name of His glorious kingdom for all eternity."

As is the case with every significant ritual in Judaism, the liturgical text - based completely upon the Mishnah which is at least 2000 years old (Mishnah Yoma 3) - does not merely recount an ancient ceremony, but actually invites us to experience it in the here - and - now; we are there, we become literally transported in space and time to the Temple Mount of the First and Second Commonwealths.

Hence, although our usual prayer service does not include prostration and falling on our face, during this part of the service the congregants themselves - men and women - are encouraged to fall, prostrate with their faces on the ground when the cantor describes the Temple Mount scene as the High Priest intoned G-d's ineffable Name.

The first word publicly expressed by the High Priest during his rites of expiation and forgiveness is Anah, usually translated as "I beg," a contraction of two Hebrew words (Ani and Na). At the same time Anah comes out as a cry, a sigh-sob of pain, of entreaty, of inadequacy. Ahhh, naah. An alliterative sound, almost onomatopoeic. And herein lies a profound tension - as well as a profound message. The High Priest stands at the pinnacle of the Jewish people, the apex of the pyramid, our closest agent and representative of the Divine. And so on this day of days, Sabbath of Sabbaths, when we have a continuation of time, space and person (Yom Kippur, Holy of Holies and High Priest), we would have every right to expect a pageant of power and glory. Instead the High Priest removes his splendidly regal gold garments, changes into starkly simple garb of white purity, and utters not a pronouncement of pomp and potency but rather a cry of inadequacy and failure. What more profound message could possibly be conveyed to the rest of Israel? If the High Priest is not infallible, if the most exalted Israelite is not ashamed to admit that he transgressed unwittingly, sinned with malice afterthought as a result of venal and sexual desires which he could not control, and even rebelled against G-d out of spite and arrogance - how much more - must we - the rank and file of the nation - be willing to admit our inadequacies of personality, familial relationships and national responsibility as we seek Divine forgiveness and purification.

But the High Priest also makes an interesting switch regarding G-d's

name. First he confesses, "I beg (Anah) Hashem (the Name) I have transgressed,," and then he requests, "I beg (Anah), Bashem (by means of the Name) forgive."

Why does he first address Hashem (the ineffable Name) and then change prefixes to Bashem (by means of the Ineffable Name)? My teacher and mentor, Rav J. B. Soloveitchik, insists that even such a small difference in one letter must be taken very seriously and must be precisely understood. The High Priest is confessing to G-d (the Ineffable Name), but he is pleading for forgiveness - by means of the Ineffable Name. The Tetragrammaton is the method, the secret and mystical pathway by which sinners are forgiven and ultimately purified.

In order to truly understand what this means, let us turn to the Slichot, the penitential prayers of Forgiveness preferably recited in the pre-sunrise darkness from the week preceding Rosh Hashana up to and including Yom Kippur: "G-d! (E-l) You taught us to recite your thirteen traits (names, descriptions). Remember for us this day the covenant of these thirteen. As you showed it to the meek one (anav, a reference to Moses) from days past, as it's written in the Torah, 'G-d descended into the cloud, and stood with Moses there, and He called out by means of the Ineffable Name (Bashem).. G-d, G-d, compassionate and gracious, slow to anger and abundant in kindness and truth, preserver of kindness for thousands of generations, forgiving iniquity, transgression and sin, and Who cleanses. (Exodus 34:6-7)"

Yud Kay Vuv Kay (the Tetragrammaton) is the G-d of love and compassion, the G-d of redemption, the G-d of process and history. Literally Yud Kay Vuv Kay means, "He will bring about". It's a third person future verb. It's the G-d of becoming.

In the beginning of the Book of Exodus, we read: ". I am G-d (Y-H-V-H). I revealed to Abraham, Isaac and Jacob the Lord of Might, and my name Y-H-V-H I did not reveal to them" (Exodus 6:2,3). The Book of Genesis tells the story of creation, and reveals the G-d of Power and Being who spoke and the world appeared; the Book of Exodus tells the story of Redemption, and reveals the G-d of Process and Becoming who loves and accepts - despite the fact that the Israelites of Egypt were mired in the forty-ninth degree of impurity.

The Kotzker Rebbe was once asked by his disciples why, in the Hassidic tradition, the term for G-d generally used is Shechinah (literally, Divine Presence), which is a feminine and not a masculine form in its Hebrew syntax. He answered in the form of a parable. When a man comes home from a long day's work, he will play with his little baby devotedly. But as soon as the baby messes the diaper, the father calls the mother (at least, that's how it was in the nineteenth century when the Kotzker lived). She not only diapers the baby, but also kisses the baby while she's diapering. The mother loves the baby who emerged from her womb (rehem) unconditionally; she accepts her child even with a messy diaper. Our G-d is also called rahum, usually translated as compassionate, but in reality the G-d of unconditional love for every creature who emerged from Him/Her (Shechinah), who is a part of the Divine from on High. G-d loves as the mother loves the child who came from her womb; G-d believes in our capacity to change, and guarantees our ultimate redemption. G-d revealed Himself to Moses as Y-H-V-H Y-H-V-H twice - the G-d of love before we sin and the G-d of love after we sin. It is by means of this revelation of a G-d of unconditional love, and redemption that the High Priest, as well as every Jew turns to our Parent - in- Heaven on Yom Kippur, the Day of Forgiveness.

Shabbat Shalom and have an easy fast.

From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]
"RavFrand" List - Rabbi Frand on Parshas Haazinu

Good Shabbos and G'mar Chasima Tova, may you be sealed for a good year! Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frand This class is

dedicated in loving memory of Sima Tova Bas Yisrael David -

Rav Herzog on the Comparison of Torah to a Song

The pasuk [verse] from which we learn the mitzvah to write a Sefer Torah says "And now write for yourselves this song..." [Devorim 31:19]. The Torah refers to itself as a "Song" (Shirah). Why is Torah called Shirah?

Rav Herzog once gave the following explanation: In virtually all fields of study, a person who is uninitiated in that discipline does not derive any pleasure from hearing a theory or an insight concerning that field of study. Take physics, for example: A physicist will derive great pleasure from hearing a "chiddush" [novel interpretation or insight] in his field of expertise. However someone who has never studied and never been interested in physics will be totally unmoved by the very same insight. The same applies to many, many other disciplines.

However, this is not the case with music. When Beethoven's Fifth Symphony is played -- regardless of whether one is a concertmaster or a plain simple person -- there is something one can get out of it. Music is something that everyone on his or her own level can enjoy. Everyone can relate to music.

Rav Herzog says that this is why the Torah is called "Shirah". On one hand, someone can be a great Talmid Chochom [Torah Scholar] and learn "Bereishis Barah Elokim..." [the first three words of the Torah] and see great wisdom therein. On the other hand, one can be a five-year-old child, just beginning to read, and learn "Bereishis Barah Elokim..." and also gain something from it. Every person, on his own level can have an appreciation for Torah. Therefore, the pasuk aptly refers to Torah when it says "And now, write for yourselves this 'song'..."

Menachem Tzion on "Binu Shnos Dor V'Dor"

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

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

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

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

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

We can not blindly apply the same rules that worked in the past to present situations. If you try, you will fall short. Each generation is different. We can not glibly say "That's the way it was; therefore that's the way it has to be". Binu Shnos Dor V'dor -- learn the lesson of history, but bear in mind the changes from generation to generation. Times change, people change, and circumstances change. There are times when we must alter and redirect and not merely go with what was.

If someone today were to send a half million troops to the beaches of Normandy, he would rightly be called a "meshuganer" [crazy one]. While 50+ years ago there was indeed a need to fight a battle on the beaches of Normandy, that battle is now over; that battle has already been fought; and that battle has already been won. We cannot always continually fight the same battles again and again.

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

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

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

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From RABBI YISROEL CINER [SMTP:ciner@torah.org]
Parsha-Insights - Yom Kippur -

The days which stretch from Rosh Hashanah through Yom Kippur are known as the 'Aseres YEmay Tshuv'---the Ten Days of Repentance. As difficult as it is to shake ourselves from the stupor of our set patterns and ways, we need to try to find some concrete way of improving ourselves during these crucial days.

Thankfully, Chaza"l discuss a beautiful concept--one that can be worked into our daily dealings--and teach that it has the capacity to cause Hashem to 'pass by' our sins and shortcomings. The Siftei Chaim explains it in the following way.

The Talmud [Rosh Hashana 17A] teaches: Rava said: One who is maavir {passes by} his middos {attributes}, his sins are also 'passed by.'

Rav Dessler explains that this concept of 'maavir' is analogous to a road being almost totally blocked but one can still pass by. One who hasn't completely eradicated a bad middah but has minimized it to the degree that he can get past it. Anger is the usual response when wronged. If that anger totally fills the person he will be unable to get past it--to understand the other side and give the benefit of the doubt. If, however, he is able to hold that anger in check and minimize it to the degree that he can get past it, he will be able to understand the other side and forgive the perpetrator.

When one treats others in such a fashion, Hashem's attribute of middah k'negged middah {reciprocity} dictates that His judgment will also be minimized. Hashem will 'get past' that person's sins and will judge with chessed {kind mercy}.

This will not only affect a person's station in the World to Come but will even nullify harsh decrees aimed at a person in this world. The Talmud there relates that Rav Huna was so ill he was on the verge of death. After he had fought off death and was once again well, he related what he had experienced. "The heavenly court had decreed death but Hashem intervened arguing that since I had been maavir on my middos, the court must also look past some of my actions."

A person actually has the capacity to dictate how he'll be judged by the heavens. Two people can perform identical deeds and yet be judged totally differently. One who was maavir and found the good in others will have his sins mitigated and his merits magnified. The second, who refused to cut others some slack, will have his actions meticulously scrutinized and unceremoniously rejected unless they were completely pure. This is not necessarily a punishment. It is simply a reflection of the person himself.

With this, the Chofetz Chaim explains a seemingly difficult passage in the 'Avinu Malkainu' prayers that are recited during these days. We implore our Father and King to inscribe us in the Book of Merits. Why do we need to ask Hashem to do this? If we have merits then we should automatically be inscribed. If we don't have such merits, then even asking to be inscribed in that book should be considered quite audacious!

He explains that every person has performed some good deeds and as such has merits. However, close scrutiny of these deeds may leave nothing more than a bare skeleton of the original act. We might have donated charity to a needy cause but our feelings of pride, guilt and honor might not leave much of a balance. It might no longer deserve to be inscribed in that heavenly Book of Merits. As such, we implore Hashem not to dissect our actions too thoroughly. If we did a good deed, inscribe it in the Book of Merits.

The way that we can push that decision to go in our favor is, of course, through middah k'negged middah {the attribute of reciprocity}. If we accept the good that others do for us at face value without overly analyzing it, if we are willing to get past the less savory aspects of other's deeds, then middah k'negged middah will dictate that we and our deeds will be inscribed in the Book of Merits.

It all depends on how we look at things B

The great Chassidic leader, Rav Levi Yitzchak of Berditchev, once witnessed a seemingly boorish sight. A simple wagon-driver, in the midst of his prayers, began greasing the axle of his wagon. Other shocked bystanders couldn't help but commenting on the crudeness they had witnessed. "Imagine a person greasing an axle while praying!" they cried out in dismay.

Rav Levi Yitzchak, whose love for Israel seeped out of his every pore, had a totally different slant on the situation. "Imagine such a Jew!" he excitedly exclaimed. "He even prays when he greases his axle!"

A g'mar chasima tova. May we all be inscribed and sealed in the Book of Merits and the Book of Life.

Yisroel Ciner

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RABBI JONATHAN SCHWARTZ jschwartz@yemail.yu.edu Internet Chaburah -- Shabbat Shuva

Prologue: Shabbos and Yom Tov are not times for Personal requests. In fact, all that we request on Shabbos during our Tefillos involve spiritual things. Hence, when reciting a Mi Sh'Beirach, we add the phrase Shabbos (or Yom Tov) Hee M'Lev. It is, as if we cannot make the request on Shabbos simply because it is the inappropriate time for such a request.

When it come to Yom Kippur then, the Beracha of Melech Moichel V'Soleiach L'Avnoseinu is quite interesting. Not only do we make a request of God, we seem to make a demand that is a far gone conclusion. Namely, we note that Hashem WILL forgive us for our sins. How is that possible?

The Kedushas Levi noted that this situation is similar to a child who demands the only fruit left in the family from his poor father. The father

would like the child to wait until later but the child is starving now. The harder the demand, the more the father resists. Finally, the child makes a Beracha, Borai Pri HaEitz, and motions to the father Nu? The father, in an effort to avoid a Beracha L'Vatala, relents and gives the child the fruit.

Similarly, we have a grave difficulty making demands from Hashem. How can we possibly claim Mechila if we are not the greatest souls to begin with? So, in a last ditch effort to secure Mechila we make a Beracha and note that Hashem is Maavir Ashmaseinu each year. Hashem doesn't want to make us into liars so he must be Moichel (See Shiurei Maran Hagaon Harav Hershel Schachter Al Tefillas Yom HaKippurim, 5761).

V'Ani Tefillasee, She'Yikabel Tefilaseinu B'Rachamim V'Yichadeish Aleinu V'Al Kol Kahal Yisroel Snas Chaim, Oisher, Simcha, Kavod V'Shalom.

Yizkor and Vidui the day before?

The Talmud (Yoma 87b) tells us that the Chachamim maintained that one should recite Vidui before eating Seuda HaMafsekes lest he become unable to do so later as a result of the Seuda. Rashi explains that the Chashash is that he might become drunk while the Rambam (Hil. Teshuvah 2:7) holds that the fear is that he might choke to death and the Vidui is akin to the one recited by a dying man on his deathbed.

Now what is the requirement of the Vidui recitation? After all, if he dies prior to Yom Kippur, Yom Kippur isn't going to be Michaper for him! Unless of course, Meisim can achieve certain levels of Kappara. (See Rosh Hashanna 16b). The Michaber and Rema (O.C. 621:6) entertain this possibility and suggest that this is why we give Tzeddaka in their memory and recite Yizkor. The Darkei Moshe suggests that Yom Kippur is known as Yom HaKippurim because of the Kappara to the living and the dead.

But according to the Rambam, why do we specifically recite a Vidui before this meal. We should recite a Vidui before every meal lest that meal be our last?

Rav Soloveitchik (Reshumei Shiuri Maran HaGridas Al Yoma <R. Schachter Manuscript>, Harirei Kedem <41>) ztl. suggested that Erev Yom Kippur is unique because of the special Yom Kippur status it is accorded in the Talmud (See Rosh HaShanna 9a). Thus, according to the Rambam the fear of Chanukah is one that would lead one to be obligated to recite Vidui on Erev Yom Kippur and is not just a good idea. The idea, explained Rav Soloveitchik, is that we are obligated to remove any doubt that we might lose our Kappara on Yom Kippur. This Chiyuv begins on Erev Yom Kippur with the recitation of Vidui. Since Erev Yom Kippur can have many of the properties of Yom Kippur, Thus, the Chiyuv of recitation of Vidui on Yom Kippur falls on an individual the day before as if it were Yom Kippur itself. Hence although one might die on any day of the year, the potential death on Erev Yom Kippur might not allow him to fulfill his Yom Kippur obligation of reciting Vidui. That obligation began the day before, hence we recite Vidui before Seudah haMafsekes.

In fact, the Sfas Emes (Yoma 81b) notes that one recites Vidui Erev Yom Kippur because there is an element of Kappara that is achieved even then. The difficulty with his Peshat is that the Gemara seems to imply that it is the day itself (Yom Kippur) that is Michaper (see Shevuos 13a). Rav Soloveitchik's explanation includes the fact that Vidui isn't connected to Kappara. Rather it is connected to the idea of Yom Kippur which can be Michaper even for those who have passed on, so long as there was a prerequisite Vidui recited before.

Gmar Chasima Tova

http://www.torahweb.org/torah/1999/moadim/rwil_yk.html
[From last year]

RABBI MORDECHAI WILLIG

Tefilla of Yomim Noraim: Texts, Times, & Tunes

The preferred time for selichot is between midnight (chatzot) and dawn (alot hashachar). Selichot may be said before shacharit, even after sunrise, but not at night before chatzot. If necessary, selichot may be recited before or right after mincha. In most shuls, selichot are said before shacharit and invariably end (and usually begin) after dawn. In such shuls tachanun and all that follows can be omitted on Erev Rosh HaShana.

It is proper to pause slightly between b'sheim and Hashem. The words vayaavor-vayikra should be said by the tzibbur and then, aloud, by the chazzan followed by the thirteen middot which are the centerpiece of the selichot.

Mussaf on Rosh HaShana should extend beyond midday (chatzot). In most shuls this is done even when Rosh HaShana falls on Shabbat.

The shul's customs regarding piyutim and nigunim must be preserved. Changes may confuse the congregants and are considered a serious offence. The traditional nigunim for Borchu, Kaddish, and Kedusha should be used.

Rav Soloveitchik zt'l explained that the tenth pasuk of Malchuyot-Shema Yisrael- essentially belongs to the subsequent bracha. To demonstrate this, the chazzan should conclude the paragraph with the traditional nigun, followed by the tzibbur's nigun between paragraphs., before Shema and should not pause between Shema Yisrael and the bracha.

The Rav zt'l questioned the pasuk, "zecher assa" which does not reflect the theme of Zichronot, namely that God remembers. He recommended that the two pesukim- zecher, teref...yizkor (Tehillim 111:4-5) be combined in one veneemar and that another pasuk be added. In our shul, we add "zachor leolam berito" (Tehillim 105:8).

In Shofarot, the Rav zt'l noted that there are ten pesukim, without Tehillim 150, which, therefore, must be understood as a special shira recited when one is lifnei Hashem. In our shul, this perek is sung with a nigun reflecting this idea.

During Aseret Yemei Teshuva, most siddurim and machzorim conclude Besefer Chayim with oseh hashalom. The Rav zt'l was strongly opposed to this change.

The standard text of Kol Nidre refers to vows which were pronounced next year. The verbs (dindarna, etc) can and should be modified slightly to reflect future tense.

Most machzorim omit selichot from shacharit, mussaf, and mincha on Yom Kippur. The Rav zt'l, as the Aruch Hashulchan before him, bemoaned this omission and insisted that selichot be said in chazarat hashatz before zachor rachamecha (in yaaleh veyavo, in mussaf after the avodah). In our shul, a special booklet is distributed containing selichot collected from various machzorim, and the thirteen middot which are said five times for each tefilla.

The avodah is a critical component of chazarat hashatz of mussaf. As such, the Rav zt'l ruled that it must be said aloud by the chazzan. In our shul, the chazan begins with altzu trom and continues until vekidushim asara.

The Chaye Adam notes many errors in the nusach ashkenaz seder avodah. In our shul, we say vekach haya moneh four times instead of two. We reverse the order of the four and seven sprinklings of dam on the mizbach hapenimi, and the order of the second linen dressing and washing of the Kohen Gadol. The other "errors" of the Chaye Adam can be justified.

The starting time for mincha and neila should be determined based on past experience, before Yom Kippur. The phrase hashemesh yavo veyifne must be said before sunset. In this way, neila can be said with proper kavana and still end on time.

From: shabbat-zomet@lists.virtualjerusalem.com

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A MITZVA IN THE TORAH PORTION: THE BLESSINGS FOR TORAH STUDY

BY RABBI BINYAMIN TABORY

Moshe says, "For I will call out in G-d's name, declare our G-d's greatness" [Devarim 32:3]. Onkeles translates this, "When I pray in G-d's name, praise G-d." Rashi agrees and he writes, "this is the source for responding to the phrase 'Bless G-d' in the Temple with 'Let the honorable name of his kingdom be blessed'" (see Taanit 16b).

The Talmud considers this verse as referring to the blessing for studying Torah. Thus, before calling out G-d's name - studying Torah - it is necessary to recite the blessing of the Torah (Berachot 21a). In his list of mitzvot that the Rambam "left out," the Ramban adds: "It is necessary to thank G-d whenever we read the Torah, for the good that He did by giving it to us." He asks why the Rambam did not list this mitzva. The later commentators disagreed in their attempts to explain the Rambam's approach. Some feel that he sees the Talmud's proof only as a reminder, but that the requirement of a blessing is only a rabbinical decree. Others feel that the Rambam sees this as a Torah mitzva but one that is an integral part of Torah study and is not independent. (The Ramban suggested this possibility but rejected it.)

The wording of the Ramban suggests that this blessing (which he feels is a Torah obligation) is similar in form to the blessings of thanks (which are rabbinical rulings). Tosafot ask why the blessing is not recited every time one starts to study, in the same way that the blessing "to sit in a Sucah" is repeated every time one enters a Sucah (Berachot 12b). (The comparison to the blessing of Succah implies that Tosafot saw the Torah blessing as a blessing for a mitzva.) In any case, the answer of the Tosafot is, "Torah is different in that it never leaves the mind, since one is commanded to study all the time." It may be that Tosafot feel because there is a constant requirement to study, it is forbidden for one to put the Torah out of his mind. However, it is also possible to explain this differently: A person from Bnei Yisrael lives all the time within a framework of Torah and mitzvot and is therefore linked to a life of Torah even while not studying. Thus, there is no real possibility of ever being distracted from Torah.

According to the Shulchan Aruch, "Women recite the blessing for the Torah" [Orach Chaim 47]. This is in spite of the fact that they are not required to study (this has been discussed by later commentators, such as the GRA and Magen Avraham). According to the Ramban, who compares the Torah blessing to blessings of thanks, the fact that both men and women recite it once a day is reasonable. However, according to the approach of the Tosafot, that this is a blessing on a mitzva, a woman, who is not obligated to study Torah, should recite the blessing each time she starts to study. The Noda B'Yehuda in fact writes that this should be the case (in his commentary on Berachot), although he was not able to find a source for this from the early sages.

In the Shulchan Aruch of Chabad it is written that women should recite the blessing of the Torah, "since they must study their own mitzvot, in order to know how to perform the mitzvot they are required to do and in order to avoid prohibitions. They are also required to pray, just like men." And the most recent rabbi of Chabad wrote that women are similar to men in that they are obligated "all day long ... and therefore, it is enough for them to bless once a day, like a man." (Commentaries on the Talmud, volume 1, chapter 2).

From:

os-special@lists.virtualjerusalem.com[SMTP:os-special@lists.virtualjerusalem.com] Subject: [os-special] OS-Special - A Pound for Weighing A POUND FOR WEIGHING Reflections on Yom Kippur by Rav Mendel Weinbach

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Pounding one's chest conjures up memories of jungle king Tarzan demonstrating his primitive sense of macho.

But if chest-beating is viewed as a sign of masculine strength in the secular world, it is appreciated as a sign of human weakness in the Jewish world.

Throughout Yom Kippur a Jew pounds his chest as he confesses his sins before his Creator on the day when his judgment is sealed. Once right before the Fast Day begins and five times throughout the night and day of Yom Kippur, the Jew recites his long list of sins, each of which is accompanied by a fist striking at the heart.

Teshuva -- repentance and return -- is comprised of regret for past sin, resolution for the future and a verbal admission of the sin. All of these ingredients are readily understandable as being indispensable elements for genuine return to G-d. But why is it necessary to pound the chest while making that admission of guilt?

The answer can perhaps be found in the dialogue between Iyov (Job) and the friends who came to console him for the loss of his children, his health and his fortune which Heaven had inflicted on him as a trial of his faith in G-d. On the verge of total despair, Iyov presented an argument that attempted, says the Talmud (Bava Batra 16), to free all of mankind from responsibility for their sins. The evil inclination which G-d created to challenge man in his use of his free will is so powerful, argued Iyov, that man is as helpless in being a sinner as an animal with unclenched hooves is in being not kosher for consumption. To this his consolers responded that G-d had indeed created a powerful poison to persuade man to sin, but He also created an equally powerful antidote called Torah. Man could therefore not blame his Creator for his own failures to meet the challenges to his free will.

Iyov's futile effort at self justification echoes throughout the generations. It is heard in the international courtrooms from defendants on trial for crimes against mankind who plead they were helpless because they were only obeying orders in perpetrating their atrocities. It is heard in local courtrooms where a glib lawyer pleads for his criminal client on the grounds that his crime was not the product of any evil in him but rather the result of a problematic childhood, corrupting environment or economic despair.

It is also heard in the privacy of our hearts whenever we feel too weak to overcome temptation or to admit our sin in failing to do so. How many times have we heard ourselves and others say "That's the way I am!" "I'm only human!" when backed against the wall with criticism of our behavior?

This is why a Jew pounds upon his heart, home of the evil inclination and the good one, as if to say "You caused me to sin!" The Jew who is courageous enough to confess his sin is actually admitting that he cannot "pass the buck" of responsibility to the Creator, but rather declares that "the buck stops here!" At this moment of truth he avoids putting all the blame for his shortcomings on his parents, his teachers, his neighbors and friends and admits he is ultimately the guilty party. In the same heart and mind where lurks the poison of the evil inclination there is available the good one which obedience to Torah can activate as an antidote.

The repentant Jew pounds on his heart as he imagines the Heavenly Court weighing his virtues against his faults on this Day of Judgment. He knows that each pound will help to tip the scale in behalf of a favorable judgment for a good year to come.

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From: yitorah@lists.virtualjerusalem.com To: Young Israel Divrei Torah List Subject: NCYI Weekly Divrei Torah - Yom Kippur RABBI MICHAEL WHITMAN Young Israel of New Haven, CT 10 Tishrei 5761 October 9, 2000 Daf Yomi: Nedarim 82

Sponsored in memory of Golda bas Nachman, Goldie Flaum, by Rozanne and Joseph Polansky, Young Israel of North Bellmore, NY Rabbi Yochanan teaches a lesson that, were it not written in the Torah, it would be impossible to suggest. After the Jewish People sinned with the golden calf, Moshe ascended Mt. Sinai a second time to ask for forgiveness. G-d so to speak, wrapped Himself in a talit like a Chazan and showed Moshe the order of the prayer. And G-d said to Moshe, "Any time the Jews sin they should perform this order and I will forgive them. And the order is HaShem, HaShem, Keil, Rachum, V'Chanun..." which is the prayer we refer to as the 13 midot which states that G-d is merciful, compassionate, slow to anger, abundant in kindness, forgiving, etc. (Masechet Rosh HaShana 17b)

And we know it was effective then - because Yom Kippur is the anniversary of the day Moshe returned to the Jewish People from Mt. Sinai with the second set of stone tablets, indicating that G-d had forgiven them for the golden calf. And after more than three thousand five hundred years we still use this formula because it still works, as evidenced by the fact that we are still here. So we say this prayer throughout the Days of Awe as the centerpiece of Slichot. And on the night of Yom Kippur we say it several more times. And Yom Kippur will culminate at Ne'ila with the frenzied, passionate repetition of this prayer, in which we have so much trust.

The question, of course, is how does it work? How is it possible that through the recitation of this formula - or of any single prayer - we can be forgiven for the most heinous sins? I would like to suggest a new approach to this question, based on the commentary of Rabbi Moshe Alshich as formulated by Rabbi Yitzchok Etshalom.

What is the definition of good? In any given situation, how do we decide what the right thing is? I'm not asking what is the right thing but, what is the process by which we decide what is right? There are a lot of answers which don't really stand up to close moral scrutiny. But the Torah (Shmot 15:2) gives us an answer. The Torah says, in the song of praise after the splitting of the Red Sea, "Zeh Keli v'anvehu," this is my G-d and I will glorify Him. The Gemara (Masechet Shabbat 133b) explains a deeper meaning of the mysterious word, v'anvehu - it should be read as if it is a contraction of two words, ani v'hu - I and He, This is my G-d and I should make myself to be like Him, to imitate G-d. G-d is the ultimate model. Whatever I find by G-d defines what is good and is what I should follow. Of course it has always been true that it's not always easy to know what is the model that G-d offers. Our Sages may legitimately disagree about the conclusion to be drawn for a given question. But that is the process. Find what G-d does and copy it.

Now let's reread, more carefully, the passage in Rosh HaShana that we quoted at the beginning. And G-d said to Moshe, "Any time the Jews sin - Ya'asu lefanai k'seder hazeh - they should do this order and I will forgive them, the order of HaShem, HaShem..." The text doesn't indicate that we should recite this formula - though clearly that is the first step. But in order to be totally effective we have to do it - ya'asu. We have to act it out. We have to imitate G-d. That's the formula for forgiveness. We

ask G-d for mercy. To earn it we have to show mercy. If we can stand before G-d and say, "I was merciful" or at least, "I will be merciful" then we are deserving of G-d's promise of mercy. But are we? We pass a beggar on the street. Do we respond to his request for a coin? Of course we have many reasons not to. Maybe he didn't ask nicely. Maybe giving will only encourage people not to get a job and work for themselves. Maybe he will misuse what we give. But where is our mercy to a fellow human being who is so low as to have to beg? And how do we dare ask G-d for mercy when we haven't shown it. And even if we disagree with this kind of giving, we can still show mercy with a kind word.

We ask G-d to be slow to anger, to have patience with us. To earn it we have to show patience. If we can stand before G-d and say, "I was patient" or at least, "I will be patient" then we are deserving of G-d's promise of patience. But are we? Especially if we have young children or older parents, we know in our calm moments we have to be patient, not to lose our temper. We know how much more effective we will be. But in the frustration of the moment, it becomes so difficult for us to remember and put our need to be patient into action. Are we able to give ourselves a time out before responding? The Vilna Gaon says it is prohibited to discipline a child when we are angry. But do we try hard enough to exercise the control necessary to implement this when we are angry?

And we ask G-d for forgiveness. To earn it we have to show forgiveness. This is perhaps the most difficult trait for us to imitate. If we can stand before G-d and say, "I forgave" or at least, "I will forgive" then we are deserving of G-d's promise of forgiveness. But are we? And more importantly, if we say it, do we really mean it? Here is an actual story of authentic forgiveness.

Rav Moshe Feinstein, z"tl, until his passing several years ago, was the foremost authority of Jewish law in the world. Inevitably, people disagreed with some of his rulings and opinions. And inevitably, not everyone afforded Rabbi Feinstein the respect he deserved. There was one occasion, it happened in the spring, that a young scholar vehemently disagreed with a certain ruling of Rabbi Feinstein. And he published the most vile, evil-spirited attack. And he made repeated harassing phone calls, yelling and screaming. Rabbi Feinstein, in his quiet, modest way, explained his position, and said nothing more. Six months later, this young man wrote a book and came to ask Rabbi Feinstein to write a Haskama, a positive review that would be published as an introduction to the book. The students who had been with Rabbi Feinstein when the young man had called earlier were in shock that this person could even show his face at Rabbi Feinstein's apartment, much less ask for a favor after the terrible way he had treated Rabbi Feinstein just a few months before. But they went further into shock when Rabbi Feinstein agreed and wrote what the young man requested. When he left, the students asked Rabbi Feinstein, "How could you do that? How could you write those positive things after how he treated you?" Rabbi Feinstein answered, "Since that time, Yom Kippur has passed. On Yom Kippur it is my practice to forgive all who have hurt me. And I do so with a full heart. Since Yom Kippur he has done nothing to harm me. So when he came to see me now, I treated him as a friend and I fulfilled his request." That is real forgiveness.

We have a proven method of achieving atonement from G-d today. We know it works. We will be saying it numerous times throughout slichot. But it's not enough to say it. We have to emulate it. We have to act it out. May G-d give us the strength and courage to follow in His path.

From: Jeffrey Gross[SMTP:jgross@torah.org]
Weekly-halacha for 5761 Selected Halachos Relating to Parshas
Ha'azinu
BY RABBI DONIEL NEUSTADT

A discussion of Halachic topics related to the Parsha of the week.
For final rulings, consult your Rav.

THE ORIGIN and PURPOSE of KOL NIDREI

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

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

HALACHIC BACKGROUND - VOWS and OATHS

In earlier times, much more so than today, individuals were inclined to "accept upon themselves" different types of self-imposed obligations or restrictions. In order to ensure that these would actually be kept, people would label their self-imposed obligation as either a neder, a vow, or a shevuah, an oath, thus giving it legal force. The binding status of vows and oaths and the horrific and tragic consequences of violating them are discussed in several places in the Torah and Rabbinical literature(3).

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

THE VIEW of THE EARLY AUTHORITIES

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

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

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

THE VIEW of RABBEINU TAM

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

WHAT APPROACH DO WE FOLLOW?

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

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

A PRACTICAL APPLICATION

As stated earlier, vows and oaths are not too common in our times. It would seem, therefore, that the halachic aspect of Kol Nidrei has little practical application. But when properly understood, Kol Nidrei can be used as a tool to rectify a fairly common halachic problem. There is a well-known ruling in the Shulchan Aruch(10) that any proper custom, once accepted and followed, may not be dropped without undergoing hataras nedarim. People who adopt even "simple" customs which they are not obligated to practice, like reciting Tehilim daily, without making the b'li neder (without a vow) stipulation, require hataras nedarim should they decide to discontinue their practice(11).

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

Rules:

Since Kol Nidrei is an halachic procedure for nullifying certain, specific future vows, the following conditions must be met:

Each individual must understand exactly what is being said during Kol Nidrei. Since a legal declaration is being made, if one does not understand what he is declaring, his statement cannot have legal force(14). The difficult Aramaic text should, therefore, be studied and understood in advance of Yom Kippur eve.

Each individual must verbally recite Kol Nidrei along with the Chazan. Obviously, the Chazan cannot make such a declaration for anyone but himself(15). It should not be recited in an undertone, but loudly enough for a person nearby to hear(16). If it is whispered too softly, it may be invalid(17). Kol Nidrei should be recited while it is daylight, since the process of annulling vows [and the declaration of voiding them in the future] should not be done on Shabbos or Yom Tov(18).

FOOTNOTES: 1 Shita Mekubetzes (Nedarim 23b). 2 Indeed, some well-known Geonim, including Rav Netronai Gaon and Rav Hai Gaon, were adamantly opposed to the Kol Nidrei service and ordered their congregations to omit it entirely; see Tur O.C. 619. 3 For a sampling see Shabbos 32b; Yavamos 109b; Nedarim 20a and 22b; Vayikra Rabbah 37:1; Koheles Rabbah 5:2; Tanchuma, Matos 1. 4 Shibbolei ha-Leket. 5 It is important to

stress that, even according to this opinion, Kol Nidrei is a "last ditch effort" to guard a person from his own words and to save him from certain punishment. It is not meant as a crutch to rely on l'chatchilah. 6 According to this opinion, Kol Nidrei is similar to the first part of hataras nedarim which is recited on Erev Rosh ha-Shanah 7 The halachic basis for this type of declaration is in the Talmud (Nedarim 23b) and is not within the scope of this column. Note that according to this opinion, Kol Nidrei is similar to the second part of hataras nedarim which is recited on Erev Rosh ha-Shanah 8 Mishnah Berurah 619:2. 9 This "compromise text" was introduced by the Radvaz (4:33) and later adopted by Rav Yaakov Emdin (She'ulas Yaavetz 145) and other poskim, see Kaf ha-Chayim 619:17. 10 Y.D. 214:1. 11 See The Weekly Halachah Discussion, vol. 2, pg. 528-529 for a full discussion. 12 Or the second part of Hataras nedarim on Erev Rosh ha-Shanah. See Minchas Yitzchak 9:60 who explains why it is proper (but not obligatory) to recite both texts. 13 Harav S.Z. Auerbach in Minchas Shelomo 91 based on Teshuvos Salmas Chayim 2:38. See also Yabia Omar 2:30 and 4:11-9 who relies on this as well. 14 Chayei Adam 138:8 and Kitzur Shulchan Aruch 128:16, concerning hataras nedarim. 15 Mishnah Berurah 619:2. 16 Shulchan Aruch Harav 619:3 based on Y.D. 211:1. On the other hand, it should also not be said too loudly, so not to confuse the Chazan and other worshippers; Mateh Efraim 619:11. 17 Minchas Yitzchak 9:61. 18 Mishnah Berurah 619:5. See Mateh Efraim 619:11 who explains that as long as Kol Nidrei begins during daytime it does not matter if it continues into the night.

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From: EZRA BUTLER [SMTP:gebutler@ymail.yu.edu] Subject: Different strokes for different folks

Parshat Ha'azinu Shabbat Shuva Erev Yom Kippur

At the end of the parsha, after the song part, we read about G-d commanding Moshe to go up on Mount Nebo, and that he should look at the land which G-d will give to the Jews, and he, Moshe, won't have the merit to enter Israel. Then comes the interesting part. The reason G-d gives for this terrible punishment is because Moshe did not sanctify G-d's name with regard to the bitter waters.

The Rambam writes that there are a few different levels of forgiveness. One level can be reached by doing Teshuva. However, some sins are too great for Teshuva to overcome, so for these you wait until Yom Kippur, and the combination of Yom Kippur and Teshuva achieves the total forgiveness. Yet there are other sins which are too great even for the combination of Yom Kippur and Teshuva to overcome. For these, hardships, or punishments are sent on the person, and then only the combination of all three: Punishments, Yom Kippur and Teshuva will end in a total forgiveness. However, there is one sin which even these three parts will not wipe out. This is the sin of desecration of G-d's name. For this only death will cause forgiveness.

The problem is that Moshe did not desecrate G-d's name, rather he only didn't sanctify it. So why did this not doing of a positive commandment result in such harsh a punishment?

The sin that Moshe did was he impeded the sanctification of G-d's name. But still, the question remains, why such harsh a punishment for such a minor infraction?

I think that the answer lies in a simple principle. The greater you are, the more stringently you are judged, and likewise have to be more careful in your actions. The same sin done by anyone else of desecrating G-d's name was achieved by Moshe in his impeding of the possibility for G-d's name to be sanctified. He had the chance to do one of the greatest of all Mitzvot, and he passed it over. He had the chance of affecting millions of people positively, and he gave it up. This was his sin.

This is a multi-part message which we all have to learn. First of all, the importance of sanctifying G-d's name. One has no idea what kind of effect this could have on others, and if you pass over this Mitzva, you could be committing a terrible sin by your apathetic attitude. Secondly, we all have to realize that we, being Jews, are held to a higher standard. We have the tremendous responsibility for keeping to this standard, and will be held accountable if we don't. Lastly, Moshe lost his whole chance to enter Israel because of one sin. This just shows us how huge every single sin is, and conversely how great every single mitzva is.

Shabbat Shalom, Gmar Chatima Tova, Ezra

From: dafyomi@lists.virtualjerusalem.com The Weekly Daf #347 Nedarim 75 - 81

By RABBI MENDEL WEINBACH, Dean, Ohr Somayach Institutions
A BLESSING ON THE TORAH

"Who is the wise man that may understand this," asks the Prophet Yirmiyahu (9:11-12), "and who is the one to whom Hashem has spoken that he may declare it -- why has the land been lost?"

The answer is supplied by Hashem: "Because they have forsaken My Torah which I gave them and have not obeyed My voice."

Rabbi Yehuda quoted the Sage Rav as calling attention to the fact that no one could find the reason for Jews being exiled from their land, until Hashem revealed the reason. This question, he notes, was asked of the sages, the prophets and the angels, and no one could offer an explanation. This indicates that there was some subtle sin not discernible to anyone but Hashem.

And what is the meaning of Hashem's explanation? asks Rav. What is the difference between "they have forsaken My Torah" and "have not obeyed My voice?"

Rabbeinu Yona, quoted by Ran, explains that Rav deduced that the cause for exile could not possibly be that Jews literally abandoned the study of Torah, for had this been so it would not have eluded the sages, prophets and angels. His conclusion is, therefore, that Jews did in fact study Torah, and as long as they had this merit of Torah study Hashem did not yet punish them for their other sins. This is why no one was able to find a reason for the removal of Divine protection that brought about destruction and exile. Only Hashem knew the answer:

"Because they did not make a blessing upon the Torah!"

Only Hashem, who knows the innermost thoughts of man, was aware that Jews had approached the study of Torah as if it were just another form of wisdom, and had not considered it important enough to offer a blessing to Hashem for this opportunity. Since they did not approach their Torah study with the proper reverence and dedication, it was not capable of providing them with protection from punishment for their other grave sins which caused them to lose their land.
* Nedarim 81a

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RABBI MORDECHAI KORNFELD kornfeld@netvision.net.il Subject: Insights to the Daf: Nedarim 77-78

INSIGHTS INTO THE DAILY DAF
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Nedarim 78

THE DIFFERENCE BETWEEN "HATARAH" AND "HAFARAH" QUESTION: The Beraisa teaches that a Chacham can only remove a Neder through Hatarah, by saying "Mutar Lach" -- "It is permitted to you." A husband can only remove a Neder through Hafarah, by saying "Mufar Lach" -- "It is annulled for you." If a Chacham or a husband uses the wrong term, then the Neder will not be removed.

The RAN and Rishonim explain that the key to this difference is the fact that a Chacham, when he removes a Neder, uproots it retroactively, such that if the person transgresses his Neder and then is Matir it, he is exempted from Malkus (Shevuos 28a), because the Neder was uprooted retroactively and was never there. The word "Hatarah" means that he is removing the Neder as if it never existed by making it a Neder Ta'us (a Neder made in error).

Hafarah, in contrast, only removes the Neder from now on, and it will not exempt the woman from Malkus if she transgressed the Neder before it was annulled (Nazir 22a, see also RAN, bottom of 75a, DH d'Atfis). This is the meaning of Hafarah, which means "stopping it from now on."

However, the RAMBAM (Hilchos Nedarim 13:2; see Insights to Nedarim 21:1:c) writes exactly the opposite! The Rambam writes that a husband or father must be Mefer and not Matir because when he does Hafarah he uproots the Neder from its time of origin, as opposed to a Chacham who only annuls a Neder from now on. The Rambam is even clearer about this in Perush ha'Mishnayos, where he adds that Hafarah makes the Neder as if it never existed, while Hatarah means "undoing the knot" of the Neder for the future, and that is why the Chacham and the husband have to use the appropriate terms.

How can the Rambam write this? The Rambam himself (Hilchos Nedarim 12:19, 13:15) rules that if the father or husband is Mefer the Neder after she transgressed it, it does *not* remove the Neder retroactively and exempt her from Malkus, implying that Hafarah removes the Neder only from now on! In addition, regarding Hatarah the Rambam (Hilchos Shevuos 6:18) writes that Hatarah exempts a person from Malkus retroactively!

ANSWERS: Many Acharonim discuss these words of the Rambam. A few of the approaches that they offer for understanding the Rambam follow.

(a) The KIRYAT SEFER writes that the Rambam means that when a husband or father removes the Neder, the Neder is completely removed, but when a Chacham is Matir, some of the Isur still remains. In that sense, the husband uproots the Neder entirely, whereas the Chacham simply removes it, partially, from now on. (He himself writes that this is somewhat forced.)

(b) The CHAZON YECHEZKEL (Hilchos Nedarim 6:1) explains that according to the

Rambam, the husband's words act against the *expression* of Neder that his wife made, and in this sense he uproots it entirely. But the Chacham only removes the Isur of the Neder that was caused by the expression. In this sense, it is only a Hatarah for the future.

(c) Others explain that the Rambam is not referring to the *effect* of the Hatarah or Hafarah, but merely to the *wording* of the Hatarah or Hafarah. The husband must express that he *wants* to uproot the Neder entirely and that he does not want the Neder to ever have existed. This is necessary for Hafarah, because the logic of Hafarah is that the wife makes her Neder "Al Da'as Ba'alalah," only if her husband consents. This means that she wants her husband to consent to the original Neder in order for the Neder to take effect (in contrast to his lack of consent later on, which will not annul the Neder). Once he shows that he does not consent, though, she has in mind that from that time on the Neder should be Batel (because it does not bother him what happened already until that time).

The Chacham, on the other hand, although he uproots the Neder entirely, has no right to say that the Neder never existed. The Chacham just says that from now on the Neder should no longer be effective. However, the only way for the Neder to no longer be effective is if the Neder never caused an Isur in the first place because it was a Neder Ta'us (a Neder made in error). Therefore, in order to cancel the Neder from now on, the Neder must be uprooted entirely (from its origin). The person who made the Neder, though, who now has Charatah about it, admits that he wanted his Neder at the time that he made it but now he does not want it, and therefore the Chacham must use the wording that the Neder is removed from now on, according to the Rambam, in order for it to be removed retroactively from its inception. (See also the ROSH on 52a, who explains that the Hatarah of the Chacham works "from now on, retroactively" -- "mi'Kan u'Ha'Ba l'Mafrei'a." This means that at the time that the Chacham is Matir the Neder, the Neder becomes annulled from now on, and although until that point it was indeed Asur, it is viewed from now on as if there never was a Neder. Until the time of the Hatarah, the object certainly was prohibited. The Chacham, by being Matir, removes the Isur from now on *as if* it was never there before. See Insights to 52:3.)

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