

THE BENJAMIN AND ROSE BERGER TORAH TO-GO®

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Center for the Jewish Future

Dedicated in loving memory of

Dr. Harlan Daman

by Carole, Gila and Avi Daman

Featuring Divrei Torah from

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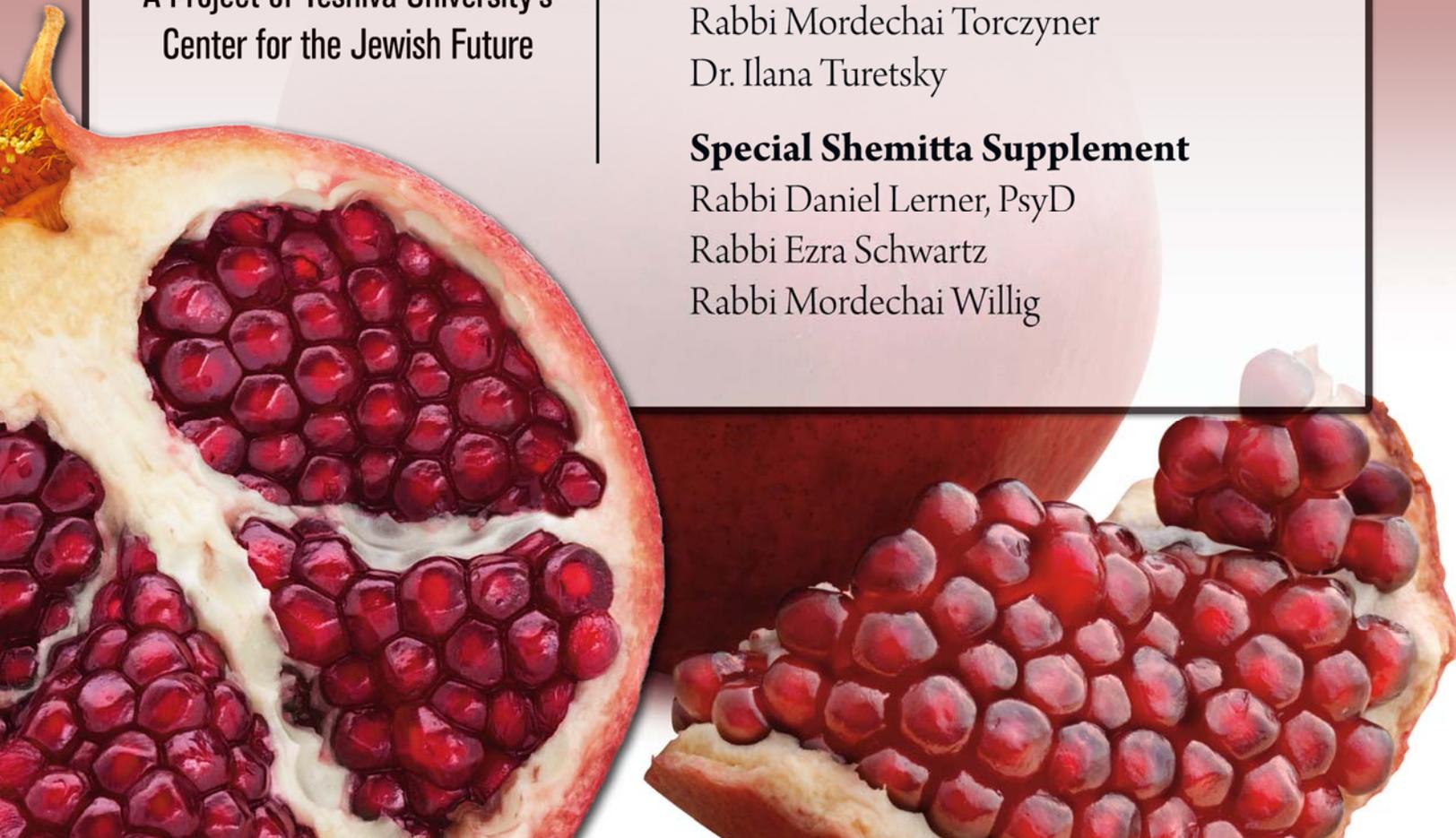
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Yeshiva University Center for the Jewish Future
500 West 185th Street, Suite 413, New York, NY 10033
office@yutorah.org
212.960.5263

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Table of Contents

Rosh Hashana 2014/5775

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| | |
|---|---------|
| R. Yohanan ben Nuri and the Unique Prayers of Rosh Ha-Shanah Rabbi Dr. David Horwitz | Page 5 |
| The Failed Teshuva of Nineveh Rabbi Zvi Romm | Page 10 |
| The Purpose, Privilege and Paradox of Teshuva Mrs. Shoshana Schechter | Page 15 |
| Ya'alu L'elef U'lerevava: A Poem of Rabbi Yehuda Halevi for Rosh Hashana Rabbi Gamliel Shmalo | Page 19 |
| The Fast of Gedalyah: The Measure of a Man Rabbi Mordechai Torczyner | Page 23 |
| Humility, Self-Efficacy, and the Teshuva Process Dr. Ilana Turetsky | Page 27 |

Special Shemitta Supplement

| | |
|---|---------|
| Shemitta: The Power of Not Doing Rabbi Daniel Lerner, PsyD | Page 32 |
| Heter Mechira Rabbi Ezra Schwartz | Page 41 |
| Shemitta for the Consumer Rabbi Mordechai Willig | Page 47 |



Dear Friends,

It is our pleasure to present to you this year's first issue of Yeshiva University's Benjamin and Rose Berger Torah To-Go series. It is our sincere hope that the insights and reflections in this issue will deeply enhance your *yamim tovim*.

The Torah depicts our mandate to perform the mitzvah of lulav and etrog with the phrase "*ulekachtem lachem bayom harishon*, and you shall take these for yourselves on the first day." The Gemarah comments that the term "*lachem*" presents a biblical mandate of personal ownership in order to fulfill the mitzvah of the 4 species. At the same time, the Midrash writes that these four species symbolize 4 different types of Jews. It is striking that the mitzvah which represents the diversity of the Jewish people, would have such a fundamental requirement of personal possession. If the entire message of the mitzvah is the centrality of Jewish unity, it would be more logical to allow for people to share in each other's four species.

The four species seem to represent a more nuanced understanding of the notion of unity. Unity in Judaism is not the same as conformity. We value the outlooks and personalities of each individual while striving to coalesce into a larger united community of purpose and vision. It is in respecting the "*lachem*" of each and every Jew – the entitlement to one's personal perspective, that we can create true wholeness amongst our people and build on the unity that we experienced over the last few months in solidarity with our brothers and sisters in Israel.

The *yamim tovim* are a time of year when we all share in common religious experiences. Yet, within each home and synagogue, there is a unique and individual flavor to the world of Yom Tov. The community *minhagim* and family traditions are what make the memories that shape the legacy of our future generations. May we all merit experiencing a month of Tishrei filled with individualized personal growth that unites us as a nation.

Wishing you and your entire family a *ketiva vachatima tova*,

Rabbi Yaakov Glasser

David Mitzner Dean, Center for the Jewish Future

R. Yohanan ben Nuri and the Unique Prayers of Rosh Ha-Shanah

Rabbi Dr. David Horwitz

Rosh Yeshiva, RIETS

The Rosh Ha-Shanah Musaf prayer consists of nine sections. Some of these sections are essentially prayers, but they are called “blessings” because each of them contains a blessing to God at the end of each section. The first three sections are the same as those recited every day in the *Shemoneh Esrei* prayer (however, they contain some variations for Rosh Ha-Shanah and the ensuing Ten Days of Repentance). The third blessing, known as *Qedushat Ha-Shem* (Holiness of the Name), begins with **You are holy**, and concludes with **The Holy God**. During the Ten Days of Repentance, it concludes with **The Holy King**.

Besides the first three and the last three sections, the Musaf prayer on Rosh Ha-Shanah also contains three special sections:

- a) *Malkhuyyot* (Verses of Kingship): attesting to God’s past, present and future and ultimate Kingship;
- b) *Zikhronot* (Verses of Remembrance): dealing with God’s attribute of remembering all the deeds of mankind, good and bad, and his examination of them all on this Day of Judgment;
- c) *Shofarot* (Verses of Shofar): discussing God’s Revelation through the shofar blasts at Mount Sinai, and His future Revelation through the shofar that heralds the advent of the Messianic King.

Each section consists of an opening prayer related to the particular topic, a selection of relevant Scriptural verses and a concluding prayer and blessing.¹

As a yom tov, Rosh Ha-Shanah also must contain a berakhah that mentions *Qedushat Ha-Yom* (the Holiness of the Day). How does this aspect of the Rosh Ha-Shanah liturgy fit with the obligation to add the three berakhot of *Malkhuyyot*, *Zikhronot* and *Shofarot*? How does the obligation to blow the shofar in connection with the three berakhot fit with the additional liturgy? These issues are

¹ This section has been taken from the ArtScroll introduction to the Mishnah on *Rosh Ha-Shanah*, p. 32a.

the subject of a debate between R. Yohanan ben Nuri and R. Akiva in the Mishnah located in the fourth chapter of *Massekhet Rosh Ha-Shanah* (32a). The Mishnah states:

This is the order of the blessings in the Musaf prayer: One says the blessings of Patriarchs, Powers and Holiness of the Name, and combines the Kingship passage with them, but does not blow the shofar; then he says the blessings of the Holiness of the Day and blows the shofar, the blessing of Remembrance and blows the shofar and the blessing of Shofarot and blows the shofar; then he says the blessings of the sacrificial Service and Thanksgiving, and the Benediction of the Kohanim. These are the words of R. Yohanan ben Nuri.

R. Akiva said to him: If one does not blow the shofar for the Kingship passage, why does he mention it? Rather, the order is this: he says the blessings of Patriarchs, Powers and Holiness of the Name, then combines the Kingship passage with the blessing of the Holiness of the Day and blows the shofar, says the blessing of Remembrance and blows the shofar and the blessing of Shofarot and blows the shofar; and then he says the blessings of the sacrificial Service and Thanksgiving, and the Benediction of the Kohanim.

סדר ברכות: אומר אבות
וגבורות וקדושת השם,
וכולל מלכיות עמהן ואינו
תוקע. קדושת היום -
ותוקע, זכרונות - ותוקע,
שופרות - ותוקע, ואומר
עבודה והודאה וברכת
כהנים, דברי רבי יוחנן בן
נורי. אמר לו רבי עקיבא:
אם אינו תוקע למלכיות למה
הוא מזכיר? אלא: אומר
אבות וגבורות וקדושת
השם, וכולל מלכיות עם
קדושת היום - ותוקע,
זכרונות - ותוקע, שופרות -
ותוקע, ואומר עבודה
והודאה וברכת כהנים.

In sum, R. Yohanan ben Nuri holds that one recites *Malkhuyyot* with *Qedushat Ha-Shem* (berakhah #3) whereas R. Akiva holds that one recites *Malkhuyyot* with *Qedushat Ha-Yom* (berakhah #4). Both views hold, however, that the first blowing of the shofar is done at berakhah #4.

The Gemara (*Rosh Ha-Shanah* 32a) begins its discussion on the Mishnah by querying R. Akiva's question. How could he say to R. Yohanan ben Nuri, "If one does not blow the shofar for the Kingship passage, why does he mention it?" This implies that it is conceivable that one, under certain circumstances, not be obligated to recite the *Malkhuyyot*! But *The Merciful One said to mention it!*² Thus it is obligatory in any event, no matter where in the liturgy one recites it!

The Talmud answers that this is what R. Akiva meant to say: Why (according to R. Yohanan ben Nuri that one recites the blessings of *Malkhuyyot* with berakhah #3, *Qedushat Ha-Shem*, but nonetheless blows the shofar with berakhah #4, *Qedushat Ha-Yom*) does he mention **10** verses of Kingship? [A subsequent Mishnah on the same page, 32a, teaches that one should recite ten Scriptural verses each for *Malkhuyyot*, *Zikhronot* and *Shofarot* blessings.³] Let him say only **nine** verses (at berakhah #3), for we should reason that since *Malkhuyyot* is different from *Zikhronot* and *Shofarot* in the regard that the shofar is not blown for it, it is also different in regard to the **number** of verses recited.

² Although the Gemara (*Rosh Ha-Shanah* 34b) states that the obligation to recite these berakhot is only rabbinic whereas the language "The Merciful One said" implies that the obligation is biblical, various authorities (Rashba, *Turei Even*) explain that since there is a scriptural allusion to these blessings, it is legitimate to use the language of "The Merciful One." See ArtScroll, ad loc., n. 11.

³ Although that Mishnah states that R. Yohanan ben Nuri on the *be-di-aved* level also disputes this other ruling and holds that if one recites merely three verses in total he has fulfilled his obligation, we are postulating here that as on the *le-chatchila* level he also requires ten verses altogether, in full agreement with R. Akiva.

This passage is extremely difficult to understand. The Gemara derives the obligation to recite **10** Scriptural verses for *Malkhuyyot*, *Zikhronot* and *Shofarot*. There is no evidence that there is any difference between the three sets of verses. Granted that R. Yohanan ben Nuri held that one should recite *Malkhuyyot* with berakhah #3, *Qedushat Ha-Shem* (be the reason what it may), why in the world would anyone think that consequently, one should arbitrarily delete one of the verses?

Maran Ha-Rav Joseph B. Soloveitchik, *zt"l*, explained the matter, and in the course of doing so explained the conceptual substructure of the debate between R. Yohanan ben Nuri and R. Akiva as well.⁴

The Rav understood that there is a difference between the nature of the obligation to recite the **first nine Scriptural verses**—of all three sets of berakhot and the obligation to recite the last, **10th Scriptural verse**—of all the three sets. The first nine verses serve as Scriptural proof texts for the ideas latent in the additional berakhot of *Malkhuyyot*, *Zikhronot* and *Shofarot*. This is in line with the formula that appears numerous times in rabbinic literature; a particular idea is “Written in the Torah, repeated a second time in the Prophets, and repeated a third time in the Writings.” These first nine verses can be subsumed under the rubric of *shevach*—praise of God.

The 10th verse in each set, however, is connected to the concluding *hatimah* of each berakhah, in which we beseech God to exercise His attributes of action exemplified by *Malkhuyyot*, *Zikhronot* and *Shofarot* and establish His kingship over the world, remember the Jewish people, and blow the shofar of deliverance for His people. Thus it is a verse of *baqashah*, of petition, and distinct from the previous nine verses of *shevach*.

In our *nusah ha-tefilah* of *Zikhronot* and *Shofarot* this distinction is clearly seen, for the 10th verse is written one whole paragraph after the 9th verse and *immediately* near the final *hatimah*. In our *nusah* of *Malkhuyyot* (which, following R. Akiva, is part of the berakhah of *Qedushat ha-Yom* [berakhah #4]) however, this is not so; it is recited immediately following the other nine verses and one whole paragraph before the final *hatimah*. But, the Rav maintained, that does not change the conceptual point that is true for all three sets of verses. The 10th verse (*Shema Yisrael*) of *Malkhuyyot*, like that of *Zikhronot* and *Shofarot*, is still a *baqashah* and not a *shevach*. We beseech God to make manifest in the world his Utter Divine Oneness and Uniqueness.

To underscore this point, the Rav on Rosh Ha-Shanah would instruct the hazan to pause between his recitation of the first nine verses of *Malkhuyyot* and the 10th concluding verse, to demonstrate that halakhically the 10th verse is different than the nine previous ones. Thus, the verse is connected with the *baqashah* that concludes the berakhah of *Malkhuyyot*.

But why, at the end of the day, did Hazal not equate the pattern of *Malkhuyyot* with the pattern of *Zikhronot* and *Shofarot*, and simply place the 10th verse all the way at the end of the berakhah? This, the Rav explained, is because the *Malkhuyyot* verses are inserted in the berakhah of

⁴ My citations of the Rav's explanation are taken from two sources: (a) *Masorah*, ed. By R. Hershel Schachter and R. Menachem Genack, Vol. 2 (*Tishrei*, 5750 {1989}), p. 14-16 (b) R. Michel Shurkin, *Harerei Qedem* (Jerusalem, 2009), #30, pp. 56-58. There are a few differences between the two presentations, but the main points are the same in both sources.

Qedushat Ha-Yom (berakhah #4). The berakhah of *Qedushat Ha-Yom* is, of course, recited even on other *tefilot* of Rosh Ha-Shanah (Shaharit, Minhah and Arvit), where there is no insertion of Scriptural verses at all. Hazal did not, according to the Rav, wish to change the actual *nusah* of the *hatimah* of Musaf from the way it is recited on the other *tefilot* of the day. Conceptually however, the point remains that in *Malkhuyyot* as well, the 10th verse is logically connected to the *baqashah* immediately before the *hatimah*.

Moreover, we can now establish a particular connection between the 10th verse and the blowing of the shofar. For the blowing of the shofar, as the Rav explained numerous times, contains an element of petitionary prayer. That is why, to cite one of several proofs, the Gemara (*Rosh Ha-Shanah* 26b and Rashi ad loc.) connects the obligation to have a bent shofar with the bent position one assumes in prayer. Through the blowing of the shofar one prays to God.

With this conceptual substructure, the Rav now proceeded to analyze the debate between R. Yohanan ben Nuri and R. Akiva.

The first question is where the berakhah of *Malkhuyyot* should be placed. R. Yohanan ben Nuri maintained that the 10 verses of *Malkhuyyot* should be recited at berakhah #3 (*Qedushat Ha-Shem*) and not berakhah #4 (*Qedushat Ha-Yom*). Why? Actually, on Rosh Ha-Shanah, the *hatimah* of **both** berakhah #3 and berakhah #4 contain an element of *Malkhuyyot* as well (*Ha-Melech Ha-Qadosh* at berakhah #3; *melech al kol ha-aretz, meqadesh yisrael* at berakhah #4). Thus both berakhot would be legitimate places for the ten verses. However, R. Yohanan ben Nuri felt that *mi-din ein ma'avirin 'al ha-mitzvot*, the principle that states that one should not pass on an opportunity to perform a mitzvah is paramount, and therefore one should recite the berakhot at the first appropriate place, which in this case would be berakhah #3 (*Qedushat Ha-Shem*).

The second question is where the first set of shofar blasts, those of *Malkhuyyot*, should be placed. Here R. Yohanan ben Nuri felt that the shofar blasts should be blown at the last berakhah that contains an element of *Malkhuyyot* (berakhah #4; the berakhah of *Qedushat Ha-Yom*), and consequently, the shofar blasts would connect to all previous words of *Malkhuyyot*.

Alternately, one can make an even stronger claim and say that according to R. Yohanan ben Nuri, since, as has been explained, the blowing of the shofar itself constitutes an act of *tefilah*, and more specifically, the petitionary aspect of *tefilah*, and one may not petition God during the first three berakhot, one **may not** blow the shofar during berakhah #3 (in spite of the fact that the *hatimah* of the berakhah contains an element of *Malkhuyyot*), and therefore one must wait until the berakhah #4 (*Qedushat Ha-Yom*) to blow the shofar.⁵

From this analysis, it seems clear that R. Yohanan ben Nuri, who apparently maintains that one should recite **all** the verses of *Malkhuyyot* during berakhah #3 (*Qedushat Ha-Shem*), holds that even the 10th concluding verse should not be construed as a verse of *baqashah* but a verse of *shevach*. That is why he allows even the 10th verse to be recited there, although he does not

⁵ This presentation follows the one in *Masorah*, in which the prohibition to petition God during the first three berakhot is presented as a second way to explain R. Yohanan ben Nuri. In *Harerei Qedem*, the order of the two ways to understand R. Yohanan ben Nuri's view are reversed, and this point is immediately presented as the basis of R. Yohanan ben Nuri's view.

permit the shofar to be blown then. But, as we have seen above, R. Akiva disputes this very point and maintains that the 10th verse is a verse of *baqashah*. This, then, is the full import of his retort to R. Yohanan ben Nuri: Since you, R. Yohanan ben Nuri, do grant that the *teqi'ot shel Malkhuyyot* themselves may not be blown during berakhah #3 and must be blown during berakhah #4, by the same token, you should admit that the 10th of the ten verses of *Malkhuyyot*, which is also a verse of *baqashah*, should for the very same reason also be recited during berakhah #4, *Qedushat Ha-Yom*, and not during berakhah #3, *Qedushat Ha-Shem*.

Our *nusah ha-tefilah*, in which both the ten verses of *Malkhuyyot* are recited and the *teqiyyot* of *Malkhuyyot* are blown during berakhah #4, *Qedushat Ha-Yom*, follows R. Akiva and **not** R. Yohanan ben Nuri. Interestingly, the Yerushalmi to *Rosh Ha-Shanah* (4:5) writes that in Judea, the *minhag* was according to R. Akiva, in the Galilee according to R. Yohanan ben Nuri, and *bedi-aved* if one followed the Galilean *minhag* in Judea, or the Judean *minhag* in the Galilee, one would fulfill his mitzvah in any event. The Rav remarked that this passage seems to indicate that the debate is merely one of different *nusha'ot*, all of which are acceptable. (The Rav interpreted a Tosefta regarding this matter quoted in the Gemara (*Rosh Ha-Shanah* 32a) in the same fashion.) Thus, it would not be halakhically impossible for some remnant of R. Yohanan ben Nuri's view to be extant in our *nusah ha-tefilah* today.

These remarks served as the preface for the Rav's quotation of the astonishing interpretation given by his maternal uncle, R. Menachem Krakovsky, author of the work '*Avodat Ha-Melech* on *Rambam's Sefer Ha-Madda*. We all know that on Rosh Ha-Shanah we recite three paragraphs all beginning with the Hebrew word *u-ve-khen*. What, conceptually, are these paragraphs doing in the middle of the berakhah of *Qedushat Ha-Shem* (berakhah #3)? R. Krakovsky suggested that these paragraphs constituted a part of the blessing of *Malkhuyyot* that were recited in the Galilee according to the view of R. Yohanan ben Nuri!

We have already mentioned how the verses of *Malkhuyyot*, *Zikhronot* and *Shofarot* are proof texts to the fundamental ideas being expressed in these berakhot. This applies to the *u-ve-khen* paragraphs as well. Moreover, according to the aforementioned analysis, the Rav concluded, the interpretation of the word *ten* in *u-ve-khen ten* is not a petition, a *baqashah*, but a declarative statement. The Hebrew word after *u-ve-khen*, **ten** should be construed as **titen** (future tense). We proclaim: You, the *Ribono Shel Olam*, shall indeed set Your fear, give glory, the righteous shall rejoice, and You shall reign (*ve-timlokh*) in an undisputed manner.⁶

Although we possess very few statements of R. Yohanan ben Nuri in Shas, it is remarkable how this particular dispute with R. Akiva regarding the liturgy on Rosh Ha-Shanah can be the source of such rich, profound insights regarding the various aspects of our prayer to God on the New Year.

⁶ Interestingly, the historian of liturgy Ismar Elbogen, in his work *Jewish Liturgy, A Comprehensive History* (translated by Raymond P. Scheindlin [Philadelphia, New York and Jerusalem, 1992], p. 118), also concluded that these paragraphs (including *ve-timlokh*) were a vestige of R. Yohanan ben Nuri's view.

The Failed Teshuva of Nineveh

Rabbi Zvi Romm¹

Faculty, IBC School of Jewish Studies, Yeshiva University · Rabbi, Bialystoker Synagogue, NYC

The Book of Yona, read as the haftara on the afternoon of Yom Kippur, is typically understood as a classic illustration of the power of teshuva.² After all, the inhabitants of the city of Nineveh were slated for destruction, but were able to alter their fate by doing teshuva. This message of the power of teshuva is (rightfully) deemed particularly appropriate in the waning hours of Yom Kippur.

The purpose of this essay is to present a different approach to the Book of Yona, one that sees a very different message in its pages.

Let us begin our analysis at the end of the Book. G-d tells Yona, after Nineveh had been spared, that His sparing the city was an act of divine mercy:

How shall I not show pity to the great city of Nineveh that has more than 120,000 people who don't know their right from their left and many animals?

Yona 4:11

וְאֲנִי לֹא אָחִים עַל נִינְוֵה הָעִיר הַגְּדוֹלָה אֲשֶׁר
לֹא יָדָע בֵּין יְמִינֹו לְשִׂמְאֹלוֹ וּבִהְמָה רֶבֶה.
יֹנָה ד:יא

Why was the sparing of the city an act of pity? Had not the people earned the reprieve, at least on some level, by virtue of their extraordinary teshuva?

Abarbanel and Malbim both suggest that the teshuva of the people of Nineveh was actually quite deficient. True, they modified their behavior—returning stolen objects and engaging in acts of contribution like fasting and the wearing of sackcloth—but they never embraced a belief in one G-d, which is so basic to teshuva. They began as idolaters, and they remained idolaters. Hence, the city was **not** spared because of their teshuvah, which was actually deficient, but only because of G-d's mercy.

¹ Dedicated by my wife Shira and myself in honor of the bar Mitzvah of our son Aharon Shmaya on Yom Kippur 5775. May we merit to raise him and his siblings -- Chava, Miriam, and Moshe -- as true *ohavei Hashem*.

² This is clearly the position of the author of the “*pizmon*” recited on Tzom Gedalia entitled “*Horeisa Derech Teshuva*,” which extols prominent examples of proper *teshuva* throughout history and concludes by describing the *teshuva* of Nineveh:

“The people of [Nineveh] the great city spoke with sharp tongues against You;/ their sins, both inadvertent and intentional, increased until the heavens/ When You revealed the vision of their overthrow, shuddering and quaking seized them;/ they repented properly – and were accepted before Your Throne of Glory.” (*The Complete ArtScroll Selichos*, page 499.)

On the surface, this answer of Abarbanel and Malbim seems extraordinarily difficult to reconcile with the verses themselves. The verse states explicitly that the people of Nineveh “believed . . . in G-d” (3:5) and “cried out to G-d” (3:8). In fact, Ibn Ezra (1:2) characterizes the people of Nineveh in a manner that is entirely the opposite of the approach suggested by Abarbanel and Malbim. He describes the Ninevites as having always been monotheistic; after all, there is no mention of their abandoning idolatry as part of their teshuva. They must have **never** worshipped idols, says Ibn Ezra.

I believe that Abarbanel’s and Malbim’s approach can be understood when we pay close attention to the shifting divine names that appear in the Book of Yona. Sometimes G-d is described as Hashem, sometimes Elokim, and once as Hashem Elokim. Appreciating the shift between these various names is a key to a deeper understanding of the story.

The Names of G-d

Rabbi Yehuda HaLevi (*Kuzari*, beginning of Book IV) outlines a fundamental difference in the implications between the name “Elokim” versus the name “Hashem.” “Elokim” he writes, is the generic term for G-d. Through philosophic speculations, an intelligent person can come to the belief in a Supreme Being. But this belief is merely a belief in an intellectual proposition. No personal relationship is forged between man and G-d when G-d is appreciated as “Elokim.”

By contrast, “Hashem” connotes G-d as experienced through revelation, whether the communal revelation at Sinai or the personal revelation of prophecy.³

[One who experiences G-d as “Hashem” will] scoff at the logical argument that he used in the past to apprehend G-d’s mastery and unity. He becomes a servant who craves the One he serves, and because of this love he is prepared to lay down his life.”

Kuzari IV: 15.9, Korobkin translation

וילעג להקשות ההם אשר היו רגילות
להגיע בהם אל האלהות והיחוד, ואז
ישוב האדם עובד, חושק בנעבדו,
ומוסר נפשו להריגה על אהבתו.
ספר הכוזרי, מאמר ד טו:ט

The believer in “Hashem” has a personal relationship with G-d, which inspires him to follow the path of piety.

With this fundamental distinction in mind, let us analyze the Book of Yona.

Yona’s Initial Success

As is befitting a prophet who has a personal connection with G-d, Yona experiences the command from G-d sending him to Nineveh as emanating from “Hashem” (1:1). But Yona runs away from “Hashem” (1:3). Why does he flee?

We are likely familiar with the explanation of Chazal that Yona was afraid of success, afraid that he would successfully convince the people of Nineveh to repent, and in doing so would cast

³ Of course, the most familiar explanation of the difference between “Elokim” and “Hashem” is implied by Chazal in *Midrash Bereishis Rabba* 12:15, namely, that “Elokim” represents the attribute of divine justice, while “Hashem” represents the attribute of divine mercy. R’ Yehuda HaLevi may understand that this midrashic interpretation is simply the natural extension of the idea he develops in the *Kuzari*: the more personal a relationship of any sort is, the more one can expect the parties to “bend the rules” and operate with mercy.

aspersions on the Jews, who failed to heed the words of the prophets (Cited in Rashi to 1:3). Rabbenu Bechaye (*Kad HaKemach*, “Kippurim”) suggests a different approach: Yona, like Moshe Rabbenu, humbly declined the task, thinking himself unworthy.

Perhaps the approach of Rabbenu Bechaye suggests a very different explanation than Chazal’s for Yona’s flight. Yona was concerned not that he would **succeed**, but that he would **fail**. He could not fathom how he would be able to convey to the non-Jewish residents of Nineveh that Hashem, the personal G-d of prophecy, had an interest in human behavior and was demanding that the people improve their ways. Even if the people Nineveh believed in “Elokim”—a Supreme Being—how could he expect that they would modify their behavior based on a prophetic revelation? Only one who has a personal relationship with “Hashem” could be expected to react in such a fashion.

Yet in Yona’s act of flight, he has an experience which causes him to rethink his position. He encounters the sailors on the boat. We can reasonably assume that the sailors were idolaters before encountering Yona. When in distress, they call out to their “gods” for assistance (1:5). Even when initially speaking to Yona, they beseech him to turn to “Elokim,” the impersonal Supreme Being, in the hopes of intervention (1:6). Apparently, Yona was extremely convincing. The sailors absorbed Yona’s conception of a personal G-d. From that point on, they refer to G-d exclusively as “Hashem,” praying to Him, recognizing that He will hold them accountable for the shedding of innocent blood (1:14), and ultimately offering sacrifices to Him (1:16). Chazal tell us that the sailors convert to Judaism (cited in Rashi to 1:16), an observation that closely fits the sailors’ embrace of the name “Hashem” in describing their newfound relationship with G-d.

The fact that Yona had succeeded in convincing one group of idolaters to embrace a belief in a personal G-d was not lost on him. In the course of the prayer he recites while in the fish—a prayer filled with expressions of a close relationship with and reliance on a personal G-d – Yona exclaims:

Those who guard false vanities abandon their kindness (2:9). | בַּט מְשֻׁמְרֵי הַבְּלִי שְׂוֹא חֶסֶדִם יַעֲזֹבוּ.

Chazal (*Pirkei D’Rabbi Eliezer* chapter 10, cited in Rashi and Mahari Kara) interpret this verse as a reference to the sailors abandoning their belief that their idols would bestow kindness upon them. Clearly, Yona is struck by his own ability to share his belief in “Hashem” with a broader audience. If he can convince the sailors, perhaps he can convince the people of Nineveh as well!

Thus by the time G-d calls to Yona once again to go to Nineveh, Yona does not flee. He now has a heightened sense of self-confidence, a greater feeling that his mission can succeed.

In a subtle way, this greater confidence is hinted at in the text. Initially, G-d told Yona to go to Nineveh and “call against her” (*kera aleha*) to repent (1:2). This time, Yona is told “call to her” (*kera eileha* 3:2), a phrase that subtly indicates a greater receptivity (Rabbenu Bechaye in *Kad HaKemach*).

A Failure in Nineveh

Yona arrives in Nineveh, an *ir gedola L’Elokim* (3:3). The phrase is typically translated as “an exceedingly great city.” In light of our focus on the names of G-d as a crucial key to

understanding the Book of Yona, we might suggest an alternative translation: Nineveh was a city that greatly embraced “Elokim”—a belief in G-d, but an impersonal G-d, a G-d who was acknowledged and respected but not loved.

When Yona warns the people of Nineveh that “in another forty days, Nineveh will be overturned,” (3:4) he makes no reference at all to G-d. The people believe in G-d—as “Elokim” (3:5). Indeed, until chapter four, any reference to G-d utilizes the name “Elokim.” The people of Nineveh embrace the idea of a Supreme Being, and even accept that He is angry and needs to be appeased. But that sense never translates into an ongoing personal relationship with G-d. After the crisis is averted, life in Nineveh returns to normal. The opportunity for the creation of a newfound connection to “Hashem”—one embraced by the sailors after they experience their own crisis—is missed.

It is in this sense, I believe, that Abarbanel and Malbim can describe the teshuva of the people of Nineveh as defective. While the residence of Nineveh changed their ways, the process of repentance did not serve as a catalyst for creating a personal connection with G-d. While they might not have been idolaters, they did not connect the social and interpersonal changes they had implemented with any type of religious awakening.

The Kikayon

The book of Yona concludes with the enigmatic story of the *kikayon*. It seems odd that a prophet of Yona’s stature should be so overjoyed at the growth of a plant and so despondent at its death. Moreover, in what sense is Yona’s sadness at the loss of the *kikayon* in any way comparable to G-d’s imagined chagrin at the destruction of the city of Nineveh?

Yona did not need the *kikayon* to relieve any physical discomfort; he already had a *sukka* (4:5).⁴ Rather, the growth of the *kikayon* satisfied Yona’s spiritual anguish. As we have seen, Yona was frustrated that the people of Nineveh failed to recognize a personal G-d on the basis of observing events around them.

The *kikayon* comes to reassure Yona. It springs up overnight, growing rapidly to enormous proportions. It is a miraculous phenomenon, but at the same time, a natural one. Yona is overjoyed with the *kikayon*’s appearance. It signifies that there is still hope that man can look at nature—like the *kikayon*—and be able to perceive the hand of G-d and form a relationship with Him.

Strikingly, the only time the two names of G-d appear in conjunction with one another—“Hashem Elokim”—in the entire Book of Yona is when the verse describes the appearance of the *kikayon* (4:6). The *kikayon* represents the nexus of “Elokim”—the Supreme Being, who creates laws of nature and allows the world to run “naturally” according to those laws – and “Hashem” – the personal G-d who, working through nature, allows events to unfold in such a

⁴ The classic commentators give alternative explanations as to why Yona needed a *kikayon* if he already had a *sukka*. See, for example, Mahari Kara, Radak and Ibn Ezra to 4:6.

way to benefit those who are close to Him.⁵ Surely, Yona reasons, the existence of the *kikayon*, and manifestations of Providence like it, shows that a man can progress from seeing G-d as “Elokim” to seeing Him as “Hashem.”

But then the euphoria ends. The narrative switches back to “Elokim.” The *kikayon* dies, felled by nature in the form of the worm. Yona despairs. How can the world connect to “Hashem” when even seemingly miraculous phenomena are crushed by the forces of an impersonal nature?

Seeing Yona’s despair, “Hashem” speaks with him and imparts a lesson on to the prophet: “You had pity on the *kikayon* (4:10).” You saw in the *kikayon* a vehicle for enabling man to connect beyond the forces of nature to a personal G-d.

“Shall I not have pity on the great city of Nineveh (4:11)?” The ultimate vehicle for enabling man to connect to a personal G-d is other men. Man may be imperfect, petty and foolish—“(those) who do not know their right from their left (4:11)” —but in showing mercy to the unsophisticated person who cannot connect to a personal G-d, one is able to connect himself to G-d in a profound way. The very display of undeserved mercy is the deepest way to spread the idea of a relationship with G-d.

With this sublime lesson imparted to Yona, the Book draws to a close.

⁵ The association of “Elokim” – the impersonal G-d – with the unchanging laws of nature is developed by R’ Shneur Zalman of Liadi (the “Ba’al HaTanya”) in *Sha’ar HaYichud V’HaEmuna*, chapters 4-6. He points out that the *gematria* of “Elokim” (86) is equal to “*hateva*” (nature).

The Purpose, Privilege and Paradox of Teshuva

Mrs. Shoshana Schechter

Director of Mechina and Assistant Professor of Bible, Stern College for Women

In the beginning, G-d created. . . teshuva. The *Medrash Rabba* tells us that teshuva is among the list of seven things that were created before the creation of the world.¹ *Pirkei D'Rabbi Eliezer* states further that not only did teshuva precede creation of the world, it was built into its blueprint, since without it the world is not viable.² The reason for this prerequisite of teshuva is reflected in Rashi's third comment in his *Commentary on the Torah*:

[In the beginning] Elokim created—It does not say Hashem created because in the beginning, G-d thought to create the world with the attribute of justice. He saw that the world would not last and He promoted the attribute of mercy and made it a partner with the attribute of justice.

Rashi, Breishit 1:1

ברא אלהים - ולא אמר ברא ה',
שבתחלה עלה במחשבה לבראתו
במדת הדין, ראה שאין העולם
מתקיים, הקדים מדת רחמים ושתפה
למדת הדין.
רש"י, בראשית א:א

Rashi explains that while the Torah begins with the term Elokim for G-d, the name “Hashem” is introduced in the second perek only once man and women are created. Rashi explains that G-d's initial thought was to create the world with only *din*, judgment, which is what the term elokim represents. He realized that with the introduction of man, however, that the world could not exist on judgment alone, and therefore introduced the term Hashem, representing His merciful attribute. The term Hashem (mercy) then merges with the term Elokim (judgment), which is what enables man to be forgiven for his sins and thus allowing the world and man to continue to exist.³

The theme of teshuva as a crossroad in the history of man appears throughout Sefer Breishit. It represents a pivotal point for the individual who will choose to either take advantage of doing teshuva or not. Both Adam and Kayin, who together with Chava are the very first sinners in the

¹ *Breishit Rabbah* 1:4.

² *Pirkei D'Rabbi Eliezer* ch. 3.

³ Rashi on Breishit 1:1.

history of man, are given the opportunity by G-d to do teshuva immediately following their sin before they are punished. G-d asks Adam rhetorically, “*ayeka*”—“where are you?” and similarly asks Kayin, “*ay hevel achicha*”—“where is Hevel your brother.” In both instances Rashi points out the obvious question. Of course G-d knows where Adam is and of course He knows what happened to Hevel. Why is He even asking? Rashi answers that G-d is opening the dialogue and giving them both an opportunity to take responsibility, confess their sins and do teshuva.⁴ In these two cases, neither Adam nor Kayin takes the bait. While Adam does hesitantly admit he sinned, he makes excuses and does not take personal responsibility. He points a finger at his wife who in turn blames the snake. Kayin not only does not admit accountability, he goes one step further and blames G-d for what happened. In both of these instances, the opportunity offered by G-d to do teshuva and the decision of man to take advantage of it completely affects the outcome of not just the individual but of mankind as well. Throughout Tanach there are many examples of this teshuva crossroad for both individuals and entire nations.

Teshuva plays a pivotal role in Sefer Yona as well. Read at mincha on Yom Kippur, and one of the highlights of the tefilla service over the course of the day, the story demonstrates the transformative power of teshuva. A key statement of Chazal to help shed light on this enigmatic process of teshuva is a passage found in the Talmud Yerushalmi:

They asked wisdom, what is the punishment of one who sins? Wisdom responded, “evil will pursue the sinners.” (Mishlei 13:21). Prophecy was asked what is the punishment of one who sins? Prophecy responded, “the soul that sins must die.” (Yechezkel 18:4). They asked Hashem what is the punishment of one who sins? Hashem responded, he should do teshuva and will be forgiven.

Talmud Yerushalmi, Makkot 2:6

שאלו לחכמה חוטא מהו עונשו אמרו להם [משלי יג כא] חטאים תרדף רעה שאלו לנבואה חוטא מהו עונשו אמרה להן [יחזקאל יח ד] הנפש החוטאת היא תמות שאלו לקודשא בריך הוא חוטא מהו עונשו אמר להן יעשו תשובה ויתכפר לו.
תלמוד ירושלמי, מכות פרק ב:ו

According to this passage in the Yerushalmi, without Hashem’s magnanimous offer of teshuva, there is no opportunity to change one’s fate and be forgiven. These various approaches to *cheit*, sin and failure, as described in the medrash, frame the entire sefer.

Sefer Yona presents the story of the navi Yona who is commanded to warn the people of Ninveh of their upcoming destruction. Popular belief dictates that this story is read on Yom Kippur because it depicts a story of evil people (the people of Ninveh) who ultimately do teshuva and are, as a result, forgiven and escape punishment. Some add that Yona himself, after attempting to run away from following G-d’s instructions, finally does teshuva and fulfills his G-d given job after his encounter with a large fish. The problem with that understanding is that according to this perspective, the sefer should end after the third perek. In the first perek, Yona is commanded by G-d to go to Ninveh, and he runs away. In the second perek he is swallowed by a fish, prays to G-d from inside, and is then spit out to safety. In the third perek Yona goes to Ninveh and delivers the message as he was commanded. If this book was just about various people doing

⁴ Breishit 3:9 and 4:9 and Rashi there.

teshuva, this would be the ending. However, the story continues with the fourth perek which presents a somewhat strange series of events that lead to a very abrupt ending to the story.

The fourth and final perek begins with Yona feeling extremely angry. He prays to G-d stating the reason he ran away in the first place, explaining that he was compelled to do so because he knew that G-d is, "קל חנון ורחום ארך אפים ורב חסד ונחם על הרעה" that G-d is a gracious and compassionate G-d, slow to anger, abounding in kindness, and relenting of punishment. He will turn away from his burning wrath so we will not perish.⁵ This hardly seems like a reason to run away from his mission to bring the people of Ninveh to do teshuva. It is precisely, though, because he is afraid that they will be granted clemency and allowed to do teshuva, which he believes is a falsification of G-d's judgment. He describes G-d here using some of G-d's thirteen attributes, clearly omitting the attribute of *emet*, truth, which usually follows *rav chesed*, abundant in kindness. This is not an inadvertent omission on Yona's part. Yona's anger here is rooted in his belief that G-d is not "*emesdik*," or truthful. The people of Ninveh sinned and deserved punishment. Actions have consequences. It is not truthful or fair that they can do teshuva and then have their sins magically disappear. If one drinks poison (physical or spiritual), one will die. One cannot "undrink" that poison, or make it simply disappear, which is exactly what teshuva does to sin. Yona is a man of truth. When the boat on which he has escaped from G-d is overcome by a storm and about to sink, the sailors ask him with genuine concern what to do to escape from the storm.⁶ Yona, as a man of truth, calmly tells the sailors to throw him overboard. He knows very well that he is at fault and, therefore, must pay the consequences of his sin.⁷ He cannot comprehend the concept of G-d's *midat hadin*, attribute of judgment, being overtaken by teshuva, the situation in which consequences disappear. He believes that his placating G-d's *midat hadin* and accepting the consequences of his actions is G-d's will, and indeed this calms the sea. When he survives, because G-d chooses to save him, and prays to G-d from within the fish in the second perek, he is not adding anything more to his having taken responsibility by being thrown overboard. He remains a man of rigid truth, stating his personal predicament and despair⁸ and expressing belief that G-d will save him, but only because he will now fulfill his obligation:

And I, with a voice of thanksgiving, will offer a sacrifice to You. That which I promised, I will fulfill for salvation which is of Hashem.

Yona 2:10

ואני בקול תודה אזבחה לך אשר
נדרתי אשלמה ישועתה לה'.
יונה ב:י

To Yona, this is all about truth and fulfilling obligation, not the deep irrational love G-d has for His creations that can erase sin and override punishment and natural consequence. Yona's entire essence, his *raison d'être*, is truth, which is even evident in his name, יונה בן אמתי. He is so distraught in the fourth perek at the lack of truth of G-d that he wishes to die. The rest of the perek demonstrates to Yona, and to us, the purpose of teshuva and G-d's reasoning behind the concept and allowance of teshuva. Yona needs to learn that G-d's gift of teshuva to mankind, and

⁵ Sefer Yona 4:1-3.

⁶ Sefer Yona 1:11.

⁷ Sefer Yona 1:12.

⁸ Sefer Yona 2:4-7.

to all of His creations, does not contradict truth, but transcends truth, and is rooted in His abundance of love for His creations. This is in fact the greatest example of G-d's true *emet* in the world.

While Sefer Yona ends pretty abruptly with G-d asking Yona a rhetorical question, most meforshim explain this as *sh'tikah k'hoda'ah*, meaning, Yona's silence at the end of the story proves his acceptance and comprehension of G-d's message. The *Otzar Midrashim*, Medrash Yona, offers a deeper glimpse into Yona's epiphany by describing Yona's emotional reaction to G-d's message in its epilogue to the sefer. The medrash describes Yona, with tears streaming down his face, bursting forth with his newfound awesome revelation of G-d's אמת and רחמים, both stemming from His deep love for His creations:⁹

At that time, Yona fell on his face before G-d and said before Him, Master of the Universe, do you not consider that attribute of justice? You run Your world with the attribute of mercy and You should be praised for it . . . I did not know the strength of Your great mercy and I did not mention Your great kindness. There is nobody who matches Your actions and Your might. Your actions were splendid, Your performance was splendid, Your mercy was splendid, Your kindness was splendid, Your forgiveness was splendid, Your tearing of their document of debt was splendid and Your forgiving of their evil was splendid.

באותה שעה נפל יונה על פניו לפני הקב"ה ואמר לפניו רבש"ע כלום היא לפניך מדת הדין? במדת רחמים תנהיג את עולמך ונאה לך תהלה ... גבורות רחמיך הרבים לא הייתי יודע וחסדיך הרבים לא הייתי מגיד, שאין מי יעשה כמעשיך וכגבורותיך, יפה עשית יפה פעלת יפה רחמת, יפה חננת יפה סלחת, יפה קרעת להם שטר חובתם יפה נחמת על רעתם.

The story of Yona is specifically read at mincha on Yom Kippur perhaps because mincha, which was established by Yitzchak who was a man of *din*, is the time of day when judgment is strongest. We are beseeching G-d to follow His *rachamim*, as opposed to His *din*, which allows opportunity for teshuva. At this pivotal point in the day, immediately preceding the final prayer of Neila, we are reminding G-d of His mercy and His purpose in giving us the gift of teshuva.

In typical conservation of a personality pattern often demonstrated in Tanach, Chazal explain Yona's identity as the son of the Shunamit woman who Elisha haNavi resurrected from the dead.¹⁰ Ironically, Yona's entire existence is based on G-d's mercy and allowance for teshuva, since in his understanding of *emet*, resurrection of the dead would not be possible. Perhaps this theory is a metaphor for our own resurrection on Yom Kippur. G-d's gift of teshuva allows us to be reborn and start anew with a clean slate. By recognizing the source of this gift of teshuva and understanding the place of deep love from whence it comes, we will hopefully be more inspired take full advantage of this tremendous gift that G-d offers us year after year.

⁹ Thanks to Dr. Shneur Leiman who pointed out this medrash in a shiur on Sefer Yona he gave in his home.

¹⁰ Melachim 2, (4:18-37).

Ya'alu L'elef U'lerevava

Rabbi Yehuda Halevi's Poem for Rosh Hashana

Rabbi Gamliel Shmalo

Instructor of Jewish Philosophy, Stern College for Women

Thousands and myriads shall ascend,
Like sheep, all the sons of the Earth;
And under the staff they shall be brought,
Without omission and without exception.
The verdict of the naughty and of the righteous,
In the Valley of Judgment shall be decided;
Before the Lord, for He has come
To judge the land.

Today orders are declared;
And the Earth stands on trial;
And on it the Rock began to display
The power of his hewing right arm.
And on it was established the awesome throne
Of He who dwells on high
Of He who crouches to view
That which are on heaven and on land.

And the foundations of the world were established,
And the pillars of the Earth's circle were raised.
And three barren ones were visited;
The faithful of Yeshurun born.
And those who were enslaved in Pathros
And by the Zoanites, they were redeemed;
And these on that day will be remembered,
To raise them up from the land.

Oh Sought Out one, crown today
Your King, and he will govern over you;
And sound your long and short blasts, until
The remembrance of your assemblies arises
To redeem your life from destruction
And he will shine his countenance upon you
To renew, as a phoenix, your youth
And, as with a gentle rain, will be sated the land

Raise up, oh silent distant dove,
A call from a distant land;
You who sound out from the depths,
Lift up a song to the heavens.
Perhaps the time has drawn near to fulfil
His word to the Valley Rose
"And your people are all righteous;
Forever, they shall inherit the land."

Translated by Gamliel Shmalo

יֵעָלוּ לְאֵלֶיךָ וְלִרְבִּיבָה
וְתַחַת הַשֵּׁבֶט יִבָּא
דִּין שׁוֹבֵבָה וְדִין שָׁבָה
לְפָנֶיךָ ה' כִּי בָא

הַיּוֹם פְּקֻדוֹת נִקְרְאוֹת
וְבוֹ הַחֵל הַצּוֹר לְהִרְאוֹת
וְבוֹ כּוֹנֵן פֶּס נִוְרָאוֹת
הַמְּשַׁפִּילֵי לְרֵאוֹת

וּמוֹסְדֵי עוֹלָם נוֹסְדוּ
וְשָׁלֵשׁ עֲקָרוֹת נִפְקְדוּ
וְאַשּׁוּר בְּפִתְרוֹס הָעֶבְדוּ
וְאַלֶּה בּוֹ יִפְקְדוּ

דְּרוֹשָׁה כִּיּוֹם הַמְּלִיכִי
וְתִקְעֵי וְהִרְעֵי עַד כִּי
לְגֹאֵל מִשַּׁחַת תִּיבִי
לְחַדֵּשׁ כְּנֹשֶׁר נְעוּרִיכִי

הַעֲלֵי יוֹנָת אֵלֶם רְחוּקִים
הַקּוֹרְאָה מִמְּעַמְקִים
אוֹלֵי יִקְרַב עֵת לְהִקְיָם
וְעַמְּךָ בְּלֶם צְדִיקִים

The Jews of Yemen have preserved the above poem by Rabbi Yehuda Halevi (“Rihal”) as part of their Rosh Hashana liturgy, reciting it at the close of the second night’s service. It is woven from themes that are quite familiar to anyone acquainted with the early rabbinic literature about Rosh Hashana, and embroidered with evocative phrases from Tanach. A first reading reveals a pleasant and uplifting composition, like an elegant arrangement of favorite garden flowers in the hands of a master florist. Only after careful study and some reflection do Rihal’s novel interpretations of these familiar sources emerge, uncovering this philosopher/poet’s profound understanding of the Judgment Day.

The first stanza quotes from the Mishnah in Rosh Hashana as it is understood by the most basic of the three interpretations offered by the Babylonian Talmud:

On Rosh Hashana, all inhabitants of the Earth pass before Him like “benei Maron”...

Mishnah, Rosh Hashana 1:2

בראש השנה כל באי העולם עוברין לפניו כבני מרון
משנה, ראש השנה א:ב

What are “benei Maron”? Here (in Babylon) we translate it as “like sheep” (like “benei amarana”).

Gemara, Rosh Hashana 18a

מאי כבני מרון הכא תרגימו כבני אמרנא
גמרא, ראש השנה יח.

Rashi and other commentators emphasize the individual inspection of each sheep; Rabbi Menachem Meiri adds the image of the shepherd’s staff. In the Ashkenazic liturgy, the image of sheep passing individually under the shepherd’s critical gaze has been memorialized famously and graphically in the hauntingly powerful poem *Un’taneh tokef*. As the chazzan invokes this ancient rabbinic image in bloodstained medieval verse, each Jew imagines himself being scrutinized individually by the Almighty, the Book of Life and the Book of Death opened before Him, with his personal verdict (“who by water; who by fire”) inscribed with his personal signature.

Trained as we may be by years of association, it is easy to read *Un’taneh tokef*, together with its emphasis on personal judgment, into the first stanza of Rihal’s poem: “. . .like sheep under the staff . . . the verdict of the naughty and of the righteous. . .” Franz Rosenzweig, the great 20th century Jewish philosopher, dedicated the last years of his rich life to Rihal’s poetry. He commented on this poem, “Thus, the New Year’s Day in the fall has become ‘The Day of Judgment,’ bringing the individual every year face to face with the awesomeness of the last judgment.”¹ But while this emphasis was certainly found by Rashi and other commentaries in the Mishnah and Talmud, and while Rihal appears to open in that direction as well, ultimately I cannot locate it in Rihal’s poem; at least here, Rihal’s conception of Rosh Hashana seems to be entirely different.

As much as Rihal drew from the Mishnah, he was also invoking the prophecies of Yoel, particularly from chapter 4:

2 I will gather all nations, and will bring them down into the Valley of Jehoshaphat; and I will enter into judgment with them there for My people and for My heritage Israel, whom they have scattered among the nations, and divided My land...

(ב) וקבצתי את כל הגוים
והורדתי אל עמק יהושפט
ונשפטי עמם שם על עמי ונחלתי
ישראל אשר פזרו בגוים ואת ארצי

¹ Franz Rosenzweig, *Ninety-Two Poems and Hymns of Yehuda Halevi*, (2000, Albany) 27.

12 *Let the nations be stirred up, and ascend to the Valley of Jehoshaphat; for there will I sit to judge all the nations round about...*

14 *Multitudes, multitudes in the Valley of Judgment! For the day of the LORD is near in the Valley of Judgment.*

Yoel 4

חלקו:....
 (יב) יעוררו ויעלו הגוים אל עמק יהושפט כי שם אשב לשפט את כל הגוים מסביב:....
 (יד) המונים המונים בעמק החרוץ כי קרוב יום ה' בעמק החרוץ:
ספר יואל פרק ד

Rihal read the Mishnah and Talmud in the light of Yoel's prophecies, and in that light he saw the ascent of many multitudes, "thousands and myriads," only a small minority of whom are Jews, and many more "the sons of the Earth" who had exiled and abused God's holy people. As a philosopher, Rihal reserved personal Divine providence for Jews;² it is therefore implausible that the Mishnah claims that "all inhabitants of the Earth" receive an annual personal verdict. Rihal also may have had in mind the Midrash that states that Israel's emerging with the lulav in hand on Sukkot is a sign that Israel was previously victorious over the nations of the world on Rosh Hashana.³

The verdict, then, is not a personal verdict on individuals; rather, these are entire flocks, some "naughty" and some "righteous," which are ascending to the Valley of Judgment. Perhaps not even each nation will be judged on its own merit, but may face off against each other as litigants and antagonists. Furthermore, they may be driven to Yoel's horrifying inversion of Yeshayahu's hope: "Beat your plowshares into swords, and your pruning-hooks into spears."⁴

What is it about Rosh Hashana that threatens to precipitate such Divine wrath? In the second stanza, Rihal points to Rosh Hashana as the anniversary of the creation. On this day God mysteriously turned outward from his Aristotelian solipsism and formed a structured universe—"orders are declared"—a kingdom over which He would rule. In his act of creative majesty, God chose to sit on a throne of sovereignty, and to gaze down on the heavens and earth He had carved from the primordial hyle.⁵ And so on this day the very "earth stands on trial": have the creations maintained the divinely ordained order; or must there be a recalibration of that order, a breaking and resetting that is traumatic even as it heals?

Rosh Hashana is the anniversary of creation, of the metaphysical divine throne (second stanza), and of the physical "foundations of the world" and "pillars of the earth" (third stanza). But for Rihal, the great poet of Jewish national pride, the following *beraita* was pregnant with additional meaning:

The beraita states, Rabbi Eliezer says: on Tishrei the world was created; on Tishrei the Patriarchs were born; on Tishrei the Patriarchs died; on Passover Yitzchak was born; on Rosh Hashana Sarah, Rachel and Chana conceived; on Rosh Hashana Yosef was freed from prison; on Rosh Hashana our

תניא, רבי אליעזר אומר: בתשרי נברא העולם, בתשרי נולדו אבות, בתשרי מתו אבות, בפסח נולד יצחק, בראש השנה נפקדה שרה רחל וחנה, בראש השנה יצא יוסף מבית האסורין, בראש

² Kuzari 2:32; 4:3.

³ Midrash Tehilim 17. See also Tanchuma Parshat Emor 18.

⁴ Yoel 4:10.

⁵ Kuzari 1:67.

forefathers in Egypt were liberated from labor; in Nissan we were redeemed; in Tishrei we will be redeemed...

Talmud Bavli, Rosh Hashana 10b–11a

השנה בטלה עבודה מאבותינו במצרים,
בניסן נגאלו, בתשרי עתידין ליגאל...
מסכת ראש השנה דף י' – י"א.

Not only the foundations of the world were created in Tishrei; the foundations of the Jewish nation were created in Tishrei. Not only was the earth born in Tishrei; the Jewish nation was born (in part), and will be born in full, in Tishrei. Once again, in this poem of Rihal (1) the subject of Rosh Hashana is less personal judgment and more a reordering of the world; (2) the object of divine attention is less the individual and more the nation; (3) the goal of Rosh Hashana is less about each person finding his place before God, and more about the Jewish people retuning to its proper place among the nations, and its proper place of honor within its Master's kingdom.

Given this reframing of the holiday, how may we Jews best participate in the annual recalibration of the universe in all its dimensions—metaphysical, physical and national? God himself reorders the world, putting everything back in its proper place. But perhaps we can do for God the one thing He cannot do for Himself: we can return God to *His* proper place, because a nation needs a king, and only a nation can create one.

Therefore the fourth stanza calls upon Jerusalem, the “Sought Out one” (to which she is referred by Yeshayahu, 62:12), to abandon the cacophony of the past and to play her proper role in the symphony of tomorrow, to enthrone the Almighty as King of the Universe. That is the ancient role of our capital city in a well-ordered world; but Jerusalem can hardly fulfill that role if she is abandoned and hollow. Jerusalem should therefore call out “You are my king!” so that God should rule over her; Jerusalem should trumpet the call of assembly on the shofar so that “remembrance of your assemblies arises,” so that she should be filled with her children. Scattered among the nations, the Jewish people are barely alive, “like the dry bones which Yechezkel saw in his vision” (*Kuzari* 2:30); but at the time of the universe's regeneration, we can draw on that renewed creative energy to be given renewed life, to be rejuvenated “like a phoenix.”

Each of us senses some of that renewed energy in our souls, and in our otherwise dry bones, on this day of remembrance. Even in the distant lands of our continued exile—where we feel so alienated from authentic spirituality that prayer often seems forced and artificial, and where the price of authenticity all too often is silence—we may feel moved to return to our ancient role as a people. And what is that role? Actually, it is not really to pray; certainly not to beseech. Although we normally, at our best, “sound out from the depths,” on this day such a petition would turn a spotlight on us as individuals that would be better focused on the King himself. Such a prayer would also indicate a lack of harmony that awaits resolution on a day that should celebrate precisely that resolution, that divine recalibration. Instead of *prayer*, Rihal asks us to join together with that newly reordered, heavenly harmony in *song*. Indeed, if this is a moment of favor, perhaps our song will join the cosmic chorus of coronation and we will be invited to reclaim our rightful place in the kingdom of God, to glorify God on land as he is glorified in Heaven.

The Fast of Gedalyah: The Measure of a Man

Rabbi Mordechai Torczyner

Rosh Beit Midrash, YU Torah Mitzion Zichron Dov Beit Midrash of Toronto

The Fast of Gedalyah, Version 1

In the fourth year of the reign of Persian King Darius, a small band of Jews made its way from Babylon to Jerusalem, where the new Beit haMikdash was under construction. Acting on behalf of Babylonian Jewry, they put a question to the prophet Zecharyah: "Shall we continue to fast in the fifth month," observing Tishah b'Av?¹

As explained by Radak, the Jews of Babylon knew of the struggles of the Jews who had returned to Israel, and they were uncertain whether to view the troubled restoration of Jews to their ancestral land as full redemption.² To this Zecharyah responded that the fasts had never been of central importance to G-d; rather, the Divine emphasis was on heeding the words of the prophets. The fasts themselves would be abolished in the Second Beit haMikdash, transformed into days of joy.³

As part of his response,⁴ Zecharyah listed "the fast of the fourth, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth." The Talmud explains each numerical reference, offering the following commentary regarding "the fast of the seventh," the Fast of Gedalyah:

"The fast of the seventh"—This is the third of Tishrei, on which Gedalyah ben Achikam was killed. And who killed him? Yishmael ben Netanyah killed him. This teaches you that the death of the righteous is equal to the burning of the house of our G-d. And why does the text call it "the seventh"? [It is in] the seventh month.

Rosh haShanah 18b

צום השביעי" זה שלשה בתשרי,
שבו נהרג גדליה בן אחיקם. ומי
הרגו? ישמעאל בן נתניה הרגו,
ללמדך ששקולה מיתתן של צדיקים
כשריפת בית אלקינו. ואמאי קרי ליה
"שביעי"? שביעי להדשים.
ראש השנה יח:

This passage states we fast on the third day of Tishrei because a righteous person, Gedalyah, was murdered. The existence of a fast memorializing the death of a righteous person teaches that

¹ Zecharyah 7:1-3.

² See the commentary of Don Isaac Abarbanel to Zecharyah 7 for harsh criticism of the Babylonian Jews of Zecharyah's day; his words may fairly be applied in our own day as well.

³ For more regarding when these fasts are to be observed, see *Rosh haShanah* 18a-b, Ritva there, and Rambam's *Commentary to Mishnah, Rosh haShanah* 1:3.

⁴ Zecharyah 8:19.

such a tragedy must be viewed as equal to⁵ the event that triggered other fasts, the destruction of the Beit haMikdash.⁶

The Fast of Gedalyah, Version 2

The Talmud's catalyst for the Fast of Gedalyah seems to be contradicted by Rambam, in his enumeration of fast days in *Mishneh Torah*:

The third day of Tishrei: when Gedalyah ben Achikam was killed and the remaining ember of Israel was extinguished, leading to the completion of their exile.

Hilchot Taaniyot 5:2

יום שלישי בתשרי שבו נהרג גדליה בן
אחיקם ונכבית גחלת ישראל הנשארה וסיבב
להתם גלותן.
הלכות תעניות ה:ב

Rambam alludes to the greater context of Gedalyah's death: After Babylonian King Nevuchadnezzar destroyed the Beit haMikdash, he permitted a small population of Jews to remain in Israel under the leadership of a Jewish governor, Gedalyah ben Achikam. Ba'alis, king of Amon, hired a Jew from the royal line, Yishmael ben Netanyah, to assassinate Gedalyah.⁷ Gedalyah received word of the plot, but he dismissed the rumors, and Yishmael killed him in the month of Tishrei.⁸ The rest of the Jews, fearing that Nevuchadnezzar would see the assassination of his representative as a revolt against him, fled to Egypt. Thus ended a millennium of formal Jewish settlement in the Land of Israel.⁹

Certainly, Rambam's added cause for fasting resonates with the reader, but it seems to fly in the face of the Talmud's version of the Fast of Gedalyah, which emphasizes the death of a single righteous person. Why does Rambam make this the central feature of the fast?

A Tale of Two Fasts

Chatam Sofer¹⁰ sought to resolve the competing versions of the catalyst for the Fast of Gedalyah.

Basing himself on passages from the traditional *kinot* of Tishah b'Av, Chatam Sofer contended that after the Beit haMikdash was destroyed, no additional loss would warrant a new day of

⁵ *Eichah Rabbah* 1:37 states that the death of the righteous is worse than the destruction of the Beit haMikdash; see *Meshech Chachmah* to Vayechi who attempts to resolve the different sources.

⁶ Rabbi Shlomo haKohen of Vilna (*Cheshek Shlomo* to *Rosh haShanah* 18b) notes that this supports the view that all fasts should have the five deprivations observed on Tishah b'Av. Were it not so, having fasts of different levels for each event would not demonstrate the equivalence of their tragedies.

⁷ Per Abarbanel, Yishmael, a member of the royal tribe of Yehudah, was also motivated by a desire to gain the throne for himself.

⁸ There is some debate regarding whether Gedalyah was assassinated on the first, second or third of Tishrei. See Ibn Ezra Zecharyah 8:18, Radak Yirmiyahu 41:1, *Beit Yosef Orach Chaim* 549, Maharsha to *Rosh haShanah* 18b, and *Turei Even* to *Rosh haShanah* 18b. For practical ramifications of this disagreement, see *Taz Orach Chaim* 549 and *Mateh Ephraim* 602:3.

⁹ *Melachim II* 25; *Yirmiyahu* 40-41.

¹⁰ Rabbi Moshe Sofer, in *Torat Moshe, Mahadura Tinyana, Parshat Vayechi*.

mourning. Instead, all future tragedies would be commemorated on Tishah b'Av.¹¹ The sages of the Talmud knew this, and in our passage they addressed two implicit questions:

- Why is Gedalyah's death mourned on a day other than Tishah b'Av?
- If there is to be a special fast to mark the death of the righteous, why choose Gedalyah's death, as opposed to the death of some other righteous person?

To these questions the Talmud responded in two parts:

- "The death of the righteous is equal to the burning of the house of our G-d," which is why we need a distinct day to mark the loss of righteous individuals.¹²
- "Who killed him? Yishmael ben Netanyah killed him," precipitating the end of the Jewish community in Israel, which is why this death, in particular, is chosen for commemorating the death of all righteous individuals.¹³

As Chatam Sofer explains, Rambam mentioned only the answer to the second question—the end of the Jewish community in Israel—in order to emphasize that the Fast of Gedalyah commemorates the death of righteous individuals through the ages, because of the great national devastation which resulted from the death of this individual.

The Measure of a Man

Chatam Sofer's approach resolves the apparent conflict between the Talmudic and Maimonidean explanations for the Fast of Gedalyah, but it raises a new question: Why do we need to learn the lesson that "the death of the righteous is equal to the burning of the house of our G-d"? We know well the value of a righteous person's life! We who are taught to violate almost every biblical law in order to save a life, we who have seen the impact of a Moshe, a Miriam, a King David upon the Jewish people, we who have suffered the passing of thousands of righteous people through the ages, surely we recognize that the loss of a righteous person can devastate the nation as a whole?

Another version of the Talmudic lesson may offer some insight; the Tosefta records a slightly different text:

"The fast of the seventh"—This is the third of Tishrei, on which Gedalyah ben Achikam was killed, for Yishmael ben Netanyah killed him. This teaches you that the death of the righteous is as harsh before G-d as the destruction of the Beit haMikdash.

And why is it named "seventh"? For it is in the seventh month.

Tosefta Sotah 6:10

"צום השביעי" זה שלשה בתשרי, יום שנהרג בו גדליה בן אחיקם, שהרגו ישמעאל בן נתניה, ללמדך שקשה מיתתן של צדיקים לפני המקום כחורבן בית המקדש ולמה נקרא שמו "שביעי"? שהוא חדש שביעי.
תוספתא, סוטה ו:י

¹¹ This was also the stated position of Rabbi Yosef Dov Soloveitchik (see, for example, *Halakhic Positions of Rabbi Joseph B. Soloveitchik*, Volume 4, page 98) and of Rabbi Moshe Feinstein (*Igrot Moshe Yoreh Deah 4:57:11*).

¹² In truth, our Kinot commemorate the death of King Yoshiyahu, and Rabbi Yosef Dov Soloveitchik explained that Tishah b'Av is also a day to commemorate the loss of individuals. Nonetheless, the central focus of Tishah b'Av is the loss of the Beit haMikdash.

¹³ Indeed, *Pnei Yehoshua* noted that this line appears to be superfluous, as it conveys information that is explicit in biblical verses.

This Tosefta teaches that the lesson of the Fast of Gedalyah is not regarding the gravity of **human** grief when a righteous person passes on. Rather, the prophetic institution¹⁴ of the Fast of Gedalyah sends the message of **Divine** grief at the passing of a righteous human being.

In truth, our sages teach that only one's spouse¹⁵ or one's beneficiaries¹⁶ are truly affected by one's death, but perhaps that only refers to the human plane. According to our Tosefta, G-d mourns as well, and His grief at the passing of the righteous matches even His grief at the burning of the Beit haMikdash. Although G-d has suffered no distancing from the deceased—indeed, the soul of the righteous is said to be bound at the Divine throne¹⁷—nonetheless, the righteous person is no longer active in this world, and for this G-d is described as "grieving" as well. Or as King David averred, "The death of His pious ones is difficult in His eyes."¹⁸

Thus the Fast of Gedalyah teaches humanity the measure of its existence and potential; we harbor within ourselves the G-d-given capacity to become a living equivalent of the Beit haMikdash, a sanctified and sanctifying home for G-d on earth.¹⁹ The loss of that capacity is tragic in the celestial realms. If Tishah b'Av is a fast for the Divine loss of His wood and stone home on Earth, then the Fast of Gedalyah is a fast for the Divine loss of His flesh and blood home on Earth, the loss of a place where the Shechinah could rest even without grand architecture, and the loss of the one home is equal to the loss of the other.²⁰

The Fast of Gedalyah: Day of Inspiration

The Fast of Gedalyah, with its statement about human potential, comes at an ideal time on our calendar. True, the murder of Gedalyah is made more shocking by the realization that it occurred during the Ten Days of Repentance,²¹ but observing this fast between Rosh haShanah and Yom Kippur also may provide an infusion of inspiration.

Our sages²² teach us to see our world as balanced between good and evil, and our own actions as the added weight that could incline it either way. The Fast of Gedalyah, for all of its grief, provides the same empowering message. Twice in our past, for a collective period of 900 years, a sanctuary offered humanity the opportunity to sense the presence of the Divine, and to draw close. But each and every morning, for the more than 33 centuries since Sinai, we have woken up with the potential to match the achievements of that building, to bring the presence of G-d into this world.

This is the message of Tishah b'Av's twin, the Fast of Gedalyah. May we absorb the message, and live up to our potential in the year to come.

¹⁴ Per Chatam Sofer *ibid.*, Yirmiyahu and other prophets instituted the fast. Chatam Sofer sees a reference to this in Esther 9:31, apparently against the explanation of that verse in Ritva to *Taanit* 10a.

¹⁵ *Sanhedrin* 22b.

¹⁶ *Megilah* 15a.

¹⁷ *Shabbat* 152b.

¹⁸ *Tehillim* 116:15; see *Metzudat Tzion* there.

¹⁹ *Bereishit Rabbah* 47:6, and see *Bach Orach Chaim* 47:2 regarding the righteous in every generation.

²⁰ Perhaps this is also why Zechariah 7:5 specifically pairs the Fast of Gedalyah with Tishah b'Av, to teach this equality.

²¹ Maharsha, *Chiddushei Aggadot to Rosh haShanah* 18b.

²² *Kiddushin* 40b; *Mishneh Torah, Hilchot Teshuvah* 3:4.

Humility, Self-Efficacy, and the Teshuva Process

Dr. Ilana Turetsky

Instructor, Azrieli Graduate School for Jewish Education and Administration

The Role of Humility in the Teshuva Process

Chazal are highly complimentary of the modest and humble, and emphatically critical of the haughty and arrogant. The Mishna in *Avot*,¹ for example, emphasizes the need to avoid any form of arrogance ("מאד מאד הוא שפל רוח", be exceedingly humble") and the Talmud² states that God does not dwell among those who are haughty.³ In explaining the problematic nature of this trait, many sources indicate that arrogance induces a sense of irreverence and precipitates sin. For example, Rabbeinu Yona⁴ states that the evil inclination controls one who is haughty.⁵

Conversely, modesty is perceived by Chazal as a trait that promotes virtue and righteousness. One who is humble has an easier time accepting constructive criticism from others and engaging in introspection with the goal of bettering oneself.

In light of the above, it is not surprising that many Jewish thinkers view modesty as a necessary prerequisite for effective teshuva. Such a perspective has been stated, for example, by R. Nachman of Breslov and is developed at length by R. Avraham Schorr.⁶ Teshuva demands willingness to acknowledge wrongdoing and openness to change, both of which are more likely to be found among individuals with a humble spirit.

Question: The Role of Self-Efficacy

When considering the close link between humility and repentance, an important question arises. On the one hand, teshuva seems to be inextricably linked with humility. On the other hand,

¹ *Avot* 4:4.

² *Sotah* 5a.

³ *Semag* (Neg. Prohibition 64) even records a prohibition to be arrogant in his list of 613 mitzvot.

⁴ *Sha'arei Teshuva* 1:27.

⁵ The Talmud (*Sotah* 4b) writes that such a person will eventually sin with a married woman.

⁶ See R' Avraham Schorr's *HaLekach ViHalibuv* on Chodesh Elul at length.

might humility also stunt the teshuva process? Research has demonstrated⁷ that self-efficacy, the belief that one is capable of actualizing one's goals, is critically important for working hard to achieve a desired outcome and to overcome challenges along the way. Effecting meaningful and lasting personal change requires ongoing investment of energy and a high degree of perseverance. Wouldn't a lowly spirit interfere with the self-efficacy needed to succeed at this lofty and arguably grueling endeavor? Does humility not hinder one's ability to engage in effective teshuva?

The following article presents three perspectives on the deeper relationship between teshuva and humility. The first approach is based on a well-known idea found in a variety of sources about the true definition of humility. The second and third approaches, while rooted in primary sources, may offer new insights into the function and role of humility in the teshuva process.

Answer # 1: Humility as Understanding of Self-Worth

One approach with significant and well-known precedent is to redefine the meaning of humility. While numerous sources describe humility as a requirement to perceive oneself as lowly and contemptible,⁸ there is an additional and very well-known understanding of humility. Some *ba'alei mussar* (masters of character development)⁹ explicitly state that humility does not entail denying one's actual abilities; rather, humility involves the recognition that one's qualities and strengths are an endowment from God and should thus be channeled toward serving Him. Furthermore, the humble individual understands that even the greatest of human talents are dwarfed by G-d's greatness and that all human capacities are intrinsically limited. The problem of arrogance, according to this perspective, is when one feels entitled to respect and honor, attributing credit to oneself rather than recognizing the true source of these and all talents.

This perspective is often cited in the context of a Talmudic statement of Rav Yosef. The Mishna¹⁰ states that humility and fear of punishment ceased to exist when Rebbe passed away. The Talmud cites Rav Yosef's response:

R. Yosef said to the recorder of the Mishna, "remove the word humility because [humility doesn't cease to exist], I am still humble."

Sotah, 49b

אמר ליה רב יוסף לתנא לא
תיתני ענוה דאיכא אנא.
סוטה מט:

Many commentators are bothered by Rav Yosef's response. How can he claim to be so humble? Does such a statement not undermine any modesty he purports to have? For this reason, some suggest¹¹ that authentic humility does entail knowledge of one's strengths and abilities, but concomitantly demands recognizing that these strengths come from G-d and one must stand humbly before the Divine. Rav Yosef was both aware of his own strengths, as well as profoundly aware of G-d's role in endowing him with these gifts.

⁷ Bandura, A. (1982). Self-efficacy mechanism in human agency. *American Psychologist*, 37, 122-147.

⁸ This may emerge from the Mishna in *Avot* cited above. Rambam's commentary on that Mishna confirms such an approach.

⁹ See, for example, *Lev Eliyahu* Vol. 1 pg. 294.

¹⁰ *Sotah* 49a.

¹¹ See Maharsha (ad loc) and *Chovat HaLevavot, Shaar HaKenayah* ch. 9 with slightly different formulations.

According to such a perspective, one can understand how humility contributes to effective teshuva. There is no contradiction between high levels of self-efficacy and modesty. Awareness of one's strengths, coupled with a deep appreciation of the source of one's talents, leads one to live with a sense of mission to use one's abilities toward the service of G-d. The teshuva process is only strengthened by belief in one's own abilities and the determination to capitalize on one's strengths to strive for spiritual perfection.

Answer # 2: Humility in Relation to G-d

The above approach suggests that one look inward, at one's own strengths and abilities, in order to cultivate self-worth and appreciate one's ability to grow, which can then spur the teshuva process. An alternate approach suggests that rather than looking inward, a person look upward, toward G-d, in order to accomplish successful repentance.

R' Yitzchak Meir of Ger,¹² known as Chiddushei HaRim, presents an approach to teshuva based on a verse in Sefer Tehillim that is recited daily in *Pesukei D'Zimra*:

Know that G-d, he is the Lord, He made us and we are His, His people and the flock of His pasture.

Tehillim 100:3

דַּעַן כִּי־הוּא אֱלֹהִים הוּא־עָשָׂנוּ וְלֹא (וְלוֹ) אֲנַחְנוּ עִמּוֹ וְצֹאן מִרְעִיתוֹ.
תהלים ק:ג

Interestingly, there are in fact two versions of this verse. The verse is written as "וְלֹא אֲנַחְנוּ," meaning that G-d made us and we did not make ourselves. However, it is read as "וְלוֹ אֲנַחְנוּ," which means that we are His, that we belong to G-d. Chiddushei HaRim suggests a homiletic interpretation that merges these two versions together. He explains that to the extent to which we view ourselves as miniscule and small (לֹא אֲנַחְנוּ), we become increasingly connected to the Divine (וְלוֹ אֲנַחְנוּ).

Though the Chiddushei HaRim doesn't explicitly connect this idea to teshuva, one may homiletically extend this concept to the process of repentance. R' Yisrael Salanter is often quoted as saying that changing even one character trait is harder than learning the entire Talmud. Even one with a strong sense of self-efficacy may feel quite deflated as he approaches the Yamim Nora'im with a determination to change the same trait that he had planned on changing last year, and the year before, and the year before. How can one continue to believe in one's capacity to change when one's history indicates that self-improvement is rather elusive?

The Chiddushei HaRim's idea suggests that the combination of "וְלֹא אֲנַחְנוּ" and "וְלוֹ אֲנַחְנוּ" presents an important perspective when embarking on the teshuva process. Achieving meaningful and lasting change is an incredibly challenging endeavor. To the extent that one appreciates "וְלֹא אֲנַחְנוּ," that one's own efforts are insufficient in order to attain one's goals, that one depends on G-d's assistance and graciousness for tasks big and little, will a person merit "וְלוֹ אֲנַחְנוּ." The more that a person acknowledges G-d's critical role and involvement in his/her life, the more that individual tethers him/herself to the Divine and merits Divine assistance. Though a person may feel that effecting meaningful personal change is unattainable by virtue of his own

¹² Cited by his grandson, *Sefat Emet*, Elul 5642.

efforts, embracing the limitations of the human condition can yield a stronger and deeper connection with the Divine, as well as Divine assistance in achieving lasting teshuva.

Chiddushei HaRim concludes his insight with the statement that this form of connection is the primary task during the month of Elul. In support of such an idea, he notes that the two words in question in the aforementioned verse, "לא" and "לו," have the same letters as the Hebrew spelling for the month of Elul, אלוּל. It is when the ideas represented in those two words merge together that we have truly gained what the month of Elul has to offer.

Answer # 3: Humility and Connection to the Jewish People

In addition to reconnecting with oneself and with G-d, humility may also be a catalyst for deepening one's connection with Knesset Yisrael, which can play a key role in facilitating and mediating the teshuva process.

The trait of humility is conducive to establishing positive interpersonal relationships. While the arrogant may feel threatened by others' success, the modest individual is comfortable acknowledging the good in others and open to learning from and being inspired by that goodness. On a basic level, the teshuva process is bolstered by the ability to learn and gain strength from positive influences in one's surrounding. Though many people may be presented with countless learning opportunities each day, it is the humble individual who is willing to constantly learn from the characteristics and contributions of others. On a pragmatic level, the teshuva process is strengthened by positive, meaningful relationships and the willingness and ability to learn from others.

On a more metaphysical level though, the spirit of unity that can be fostered by a humble stance may have profound effects on the teshuva that is attained. Teshuva that is achieved as an isolated individual may have a lower currency or metaphysical value than the same teshuva that is accomplished by one who is connected to the *klal* (whole). The supplication and transformation of the Jewish people is more readily accepted by G-d when done as a unified nation rather than as disjointed individuals.

A basis for this idea can be found in the words of the Tur.

Each person should have in mind on erev Yom Kippur to appease anyone that he has wronged . . . We do this so that the entire Jewish people should be whole one to another and there should be no possibility for the Satan to indict them.

Tur, Orach Chaim no. 606

ויתן כל אדם אל לבו בערב יום הכפורים
לפייס לכל מי שפשע כנגדו... ועושין כן
כדי שיהא לב כל ישראל שלם כל אחד עם
חבירו ולא יהיה מקום לשטן לקטרג
עליהם.

טור, אורח חיים סימן תרו

Referring to the requirement to ask forgiveness of others before Yom Kippur, the Tur explains that the goal of this practice is to achieve unity and harmony within Am Yisrael, which somehow serves as a deterrent to the Satan who is attempting to indict the Jewish people. Rav Yosef Dov Soloveitchik¹³ similarly explained the requirement to ask for *méchilah* (forgiveness) from others,

¹³ *Harerei Kedem* Vol 1, pg. 82.

suggesting that the forgiveness attainable on Yom Kippur comes as a communal forgiveness and that only one who is connected to the Jewish people is able to achieve that form of forgiveness.

Perhaps, in light of these ideas, one can explain why the *Viduy* recitation is worded in plural form. *Viduy*, confession of sins, is a central element of the teshuva process. Though an individual is meant to be pondering his/her own personal wrongdoings, the plural phraseology suggests that this highly personal process is meant to be occurring on the backdrop of a deep and real connection to the entire nation. As individuals, our actions may be scrutinized and our teshuva insufficient. As a unified nation, though, our prayers and efforts are deemed sufficient and *kapara* (atonement) can be achieved.

Conclusion/Ensuring Long-Term Teshuva

The process of teshuva is a central feature of the Yamim Nora'im season. Any significant attempt at change must involve self-confidence and the belief that one has the capacity to effect such change. Nevertheless, many view humility as a necessary prerequisite for authentic teshuva. The above article explores three different approaches that elucidate the role that humility may play in catalyzing teshuva, as summarized in the table below:

| | | | | |
|--------------------------|---|--|---|---------|
| Approach #1: Humility | → | TURNING INWARD: Appreciation of one's strengths and understanding of the source of those strengths (leading to self-efficacy and drive) | → | Teshuva |
| Approach #2: Humility | → | TURNING TO G-D: Recognition of the role of G-d in succeeding at the teshuva process (thus meriting increased Divine assistance) | → | Teshuva |
| Approach #3: Humility | → | TURNING TO THE JEWISH PEOPLE: (a) Pragmatic: Open to learning from others (which fosters personal growth) (b) Metaphysical: Viewing oneself as part of the nation (resulting in increased metaphysical value of one's teshuva) | → | Teshuva |

Humility seems to play an important role in understanding oneself both in isolation as well as in relation to G-d and the Jewish People. Ironically, through developing one's sense of humility, one emerges a more ambitious and ennobled person, further empowered to grow and to achieve spiritual heights.

May we merit feeling empowered by our own potential, encouraged by the Divine support that constantly accompanies us, and inspired by being a part of this distinctive nation. May our efforts to engage in authentic teshuva be blessed and may the entire Knesset Yisrael achieve *mechila*, *kapara*, and be inscribed for a happy, healthy, and peaceful year.

Shemitta: The Power of *Not* Doing

Rabbi Daniel Lerner, PsyD

Faculty, IBC and JSS Schools of Jewish Studies, Yeshiva University
Rabbi, Pikesville Jewish Congregation • Founder and Principal, Strategic Family Solution, LLC

Who Am I?

There's a well-known story about a precocious young boy who wanted to become a rabbi. His mother suggested that he go to speak to their shul rabbi to find out what the job entailed.

The rabbi, thrilled to meet with the young man, said, "I'm happy to answer any question you have about being a rabbi." "Well, besides giving a fifteen-minute sermon on Shabbat morning, what else do you do all week?" the boy asked. Without skipping a beat, the rabbi replied, "You don't want to become a rabbi. With questions like that, you can be the shul president!"

One of the first questions, if not *the first* question asked when two people meet is, "What do you do?"—meaning, "what do you do for a living?" By knowing what type of work a person does, we feel that we have a way to identify and relate to them accordingly.

One of my most humbling and instructive experiences occurred five years ago when I first entered the business world. After two decades spent in the rabbinate and Jewish communal work, I finally had the opportunity to experience, first-hand, the types of challenges faced by my congregants. Issues such as business meetings in non-kosher restaurants, closing a major deal on a winter Friday afternoon, conducting business during chol hamoed, and the question of "how much is enough?" were suddenly up-close and personal dilemmas. Since that time, my respect for my congregants has only increased. I now understand the tremendous willpower it takes to turn the phone off before entering shul and refrain from checking emails during *chazarat hashatz* (the chazan's repetition). I appreciate the commitment it takes to come to morning minyan and learn daf yomi instead of beating rush-hour traffic. I am more cognizant of the fact that while I was paid to daven, learn Torah, and do acts of *chesed* (kindness), my congregants actually do their mitzvot *lishma*, with no ulterior motives! Moreover, I had to ask myself whether or not my own *avodat HaShem* (service of G-d) had become a vocational habit or the result of a deliberate and ongoing set of choices.

Many, if not most of us identify ourselves by the activity that consumes the majority of our time—our work. We are business owners, accountants, plumbers, teachers, doctors, electricians, bankers, lawyers, purchasing agents, farmers, etc. Yet we can just as easily be categorized as spouses, parents, or grandparents. Furthermore, we can be identified as Torah-observant Jews, committed to daily prayer, Torah study, and mitzvah observance. We may profess, and even

believe, that our religious commitment or family responsibilities is our primary calling. Nevertheless, our tendency is still to be identified with our job.

The Talmud in *Berachot* (35b) relates:

See what a difference there is between the earlier and the later generations. Earlier generations made the study of Torah their main concern and their livelihood secondary to it, and both prospered in their hands. Later generations made their livelihood their main concern and their Torah study secondary, and neither prospered in their hands.

בא וראה שלא כדורות הראשונים דורות האחרונים, דורות הראשונים עשו תורתן קבע ומלאכתן עראי - זו וזו נתקיימה בידן, דורות האחרונים שעשו מלאכתן קבע ותורתן עראי - זו וזו לא נתקיימה בידן.

In *Ein Ayah* (vol. II pp. 173-175), Rav Avraham Kook references this passage and notes that the amount of time devoted to a particular activity is not the sole factor in determining that this is our main pursuit in life. What truly matters is that which we consider to be our priority. Rav Kook reminds us that the quantity of time at work does not necessarily mean that we love our coworkers more than our spouses. The fact that we sleep more than we study doesn't mean that we fundamentally believe that sleeping is more important than Torah. It is implicitly understood that certain natural and economic demands mandate a given commitment of time.

In the liturgy for Yom Kippur, we ask, “*Meh anachnu*, Who are we?” While the question seems to be rhetorical, it is, nevertheless, a haunting question. Who am I? What do I do? How can I know my true identity? And how do I stay true to my professed values?

One way of differentiating between our *professed* identity versus our *actual* identity, particularly when it comes to work, is to assess what we do with our free time. When we are home, at shul, on vacation, etc., where is our attention and energy directed at those times? The nature of those experiences can belie our true aspirations.

Shabbat and Shemittah

In the life of the Jew, Shabbat offers such an opportunity for values clarification. On Shabbat, we are required to disengage from work (assuming we're not congregational rabbis!). How we spend our Shabbat should indicate if our aspirational goals are mundane or spiritual. Just as Shabbat provides a respite from our daily grind, it would appear that the mitzvah of shemittah—an entire year of agricultural Shabbat—represents the ultimate litmus test of professed versus actual identity.

And the L-rd spoke to Moses on Mount Sinai, saying, Speak to the children of Israel and you shall say to them: When you come to the land that I am giving you, the land shall rest a Sabbath to the Lord.

Vayikra 25:1-2

וַיְדַבֵּר ה' אֶל־מֹשֶׁה בְּהַר סִינַי לֵאמֹר. דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם וְשָׁבַתָה הָאָרֶץ שְׁבַת לַיהוָה.
וַיִּקְרָא כה-א-ב

In a well-known question, Rashi asks “What [special relevance] does the subject of shemittah have with Mount Sinai (מה ענין שמיטה אצל הר סיני)?”

Rav Yehudah Leib Ginsberg, *Yalkut Yehudah*, notes a passage in *Avot D'Rabbi Natan* to explain the juxtaposition of shemittah with matan Torah:

Just as the Torah was given with a covenant, so too was work given with a covenant. As it states, "Six days you shall work and do all of your creative labor." R. Yehuda b. Beteira says: One who has not work to do, what should he do? If he has a courtyard or field that is desolate, he should tend to it as it states, "Six days you shall work and do all of your creative labor." Once the Torah states, "Six days you shall work," what is then derived from (the seemingly redundant words) "and do all of your creative labor"? This is to instruct us that anyone who has a yard or field that is desolate should go out and work in them. R. Yosi says: a person only dies from idleness.

Avot D'Rabbi Natan ch. 11

כשם שהתורה נתנה בברית כך המלאכה נתנה בברית שנאמר ששת ימים תעבוד ועשית כל מלאכתך ויום השביעי שבת לה' אלקיך (שמות כ' ט') ... רבי יהודה בן בתירא אומר [אדם] שאין לו מלאכה לעשות מה יעשה אם יש לו חצר חרבה או שדה חרבה ילך ויתעסק בה שנאמר ששת ימים תעבוד ועשית כל מלאכתך (שם כ' ט') ומה תלמוד לומר ועשית כל מלאכתך להביא את מי שיש לו חצרות או שדות חרבות ילך ויתעסק בהן. רבי יוסי אומר אין אדם מת אלא מתוך הבטלה.
אבות דרבי נתן פרק יא

At Sinai there was a covenant to engage in creative labor. Given the high value placed on work, it seems counterintuitive that the Torah would tell a farmer to sit idle and not to work the land for an entire year. Therefore, the Torah juxtaposes the mitzvah of shemittah to the revelation at Sinai. The same covenant that demands work six days of the week and a day off for Shabbat, also demands work for six years with a "Shabbat" year. This indicates to us that shemittah must be viewed within the same purview as the weekly Shabbat. In fact, Ibn Ezra (*Shemot* 20:8) notes that just as Shabbat serves as a time for introspection and Torah study while we are off from work, so too shemittah is a time for introspection and Torah study.

The Challenge of Observing Shabbat and Shemittah

Historically, we Jews have found Shabbat observance somewhat challenging and observance of shemittah *extremely* challenging.

One of the most impressive Biblical miracles is the "*man*" or manna, that heavenly food which sustained us during our sojourn in the Sinai desert. What makes this miracle so extraordinary is that it wasn't a singularity such as the splitting of the sea or the revelation at Mount Sinai. The *man* was ongoing; six times a week for 40 years. G-d explains that five days a week the *man* will be supplied each morning to provide food for that day; it was forbidden to save one day's *man* for the next. Indeed, no matter how much *man* the people gathered, they each ended up with exactly one day's ration of an *omer* for each member of their household. But on the sixth day, each person was given a double portion. The Jews were specifically commanded not to go out on the seventh day to collect *man*. Yet the Torah (*Shemot* 16:27) records that people did not listen and ventured out on Shabbat looking for *man*.

My question is very simple: if your employer were to say to you, "You have a six-day workweek. You are forbidden to work on day seven, and I'm going to pay you, in-advance, for *not* working on the seventh day." What would you do?

What a great deal! If you could get the same salary for working six days a week instead of seven, why would anyone insist on working an extra day? They didn't do it because they were hungry—they already had their food in hand from Friday. So how can we explain the behavior of those Jews who insisted on working and thereby defying G-d's will?

In a similar vein, it is difficult to understand why the mitzvah of shemittah was neglected during ancient times. The farmer presumably works to provide income and security for his family. The Torah (Vayikra, 25: 20-22) addresses this reasonable concern as follows:

And if you should say, "What will we eat in the seventh year? We will not sow, and we will not gather in our produce!" [Know then, that] I will command My blessing for you in the sixth year, and it will yield produce for three years. And you will sow in the eighth year, while [still] eating from the old crops until the ninth year; until the arrival of its crop, you will eat the old [crop].

וכי תאמרו מה נאכל בשנה השביעית הן לא נזרע ולא נאסף את תבואתנו: וצויתי את ברכתי לכם בשנה הששית ועשת את התבואה לשלש השנים: וזרעתם את השנה השמינית ואכלתם מן התבואה יָשון עד השנה התשיעית עד בוא תבואתה תאכלו יָשון.

Conversely, the Torah (Vayikra 26:34-35) states that the consequence for noncompliance is the destruction of the land. Rashi (25:18) explains that the Babylonian exile was due to transgressing the laws of shemittah.

Question: Would you be willing to make the following investment? The investment provides a 300 percent return *and* all of your profits will be provided up front. Failure to invest will cause a loss of your income. Normally, an investment of time, money, or energy, by definition involves risk. Indeed, it can be argued that even spiritual investment involves some risk, as it requires faith that our efforts will be rewarded. Yet the mitzvah of shemitta runs counter to the entire risk-reward paradigm. With shemittah, the Torah states that *before* the seventh year begins, your sustenance for the next two-plus years will be provided. So why did Bnei Yisrael not keep the laws of shemitta? Why did they persistently violate shemittah to their own detriment?

It would seem that our difficulty in properly observing Shabbat and carefully observing shemitta has to do with something other than our material sustenance.

In order to understand this, let's ask ourselves: is *all* of the time and effort we expend at work necessary? And if so, at what point are we able to responsibly disengage from work to give our full attention to our Creator, to our loved ones, and to ourselves?

Humanity was Created to Toil

The Talmud, *Bava Kamma* 118b, tells us that a person is always aware of how much money he is carrying. If you ask someone how much money they made last year, most likely they could tell you. We have accounting programs to tell us how much we spend, what we spend it on, and what our projected expenses will be. We can determine money saved and money wasted. Yet, there's no hourly rate for building a relationship with our loved ones. In order to sustain and grow relationships, we need to make decisions about how valuable these people are to us. What is the value to the five-minute phone call to our spouse in –between meetings or the half hour of patience giving attention to our children at the end of a 12-hour work day? What about spending a few more minutes on the

phone with our grandparent rather than begging off to get back to work? What is the cost-benefit of attending a school function for my child or a life cycle event for a relative or friend? What is the value of visiting the sick or consoling a mourner? Do we take the time to do these things, and if we do—do we constantly feel the need to run out to “get back to work”?

And what about our relationship with G-d? How much is that truly worth to us? In which column do we place the 60 to 90 minutes per day for prayer—“cost” or “benefit”? Perhaps that depends on how much we value the relationship.

There is no shortage of examples where the Talmud lauds the value of work. Although our Talmudic sages did not seek empirical support, the research does demonstrate work to be associated with increased life expectancy and idleness as associated with a host of psychological maladies, not the least of which is depression. It is not coincidental that we refer to a job as a “livelihood” and our work as “making a living.”

I would humbly submit that, for many of us, disengaging from work is anxiety-provoking. While we are working, we are focused, goal-oriented, have a sense of control, and, if we are fortunate, a sense of fulfillment. Not working creates a void that, if not managed appropriately, can trigger an identity crisis. This sense of angst is not always about sustenance, it’s about *who we are*. After all, if *I am* an accountant, lawyer, rabbi, social worker, doctor, builder, etc., than who am I when I’m not actively engaged in those activities that reinforce my self-definition? How do I have a sense of my own reality if I am not doing my job? How do I feel that my life has meaning and purpose when I am disengaged from my livelihood?

There is a Talmudic debate (*Sanhedrin* 99b) about how to interpret the verse in *Iyov* (5:7) “*Adam l’amal yulad* - Man was born to toil”. R’ Tzadok haKohein (*Pri Tzaddik*, *Vayikra*) explains that “*ameilut*-toil” is an essential feature of the human experience by referencing the Talmud in *Bava Metzia* (38a): “*Adam rotzeh b’kav shelo m’tisha kabin shel chaveiro* - a man desires one portion of his own more than nine portions of his fellow”. According to Rashi (*ad loc*), one’s own portion is more cherished by virtue of his own toil (“*she’amal bahen*”).

Do you remember the first paycheck you ever received? However meager it might have been, there was an inherent value to it because *you earned it*. I remember many businessmen who used to save the first dollar they earned as a keepsake. This does not mean to say that we wouldn’t be excited to win the lottery. The fact is, a healthy individual feels better about and has a greater sense of satisfaction from the products of his or her own work. The more invested we are in any endeavor, the more we value that entity.

Our desire to be self-supporting is by design. Rav Yosef Karo, *Maggid Meisharim* to *Bereishit*, describes that G-d created the world in a way that we can earn our own keep (both spiritually and materially) rather than being degraded by *nahama d’kisufa*—shameful bread. This is why G-d placed Adam in *Gan Eden* “*l’ovdah, ulishomrah*—to work and to guard it.” This is why G-d gives us *mitzvot*. Instead of giving us handouts like beggars, G-d wanted us to have a sense of autonomy. The way we can feel independent is by earning our own keep both materially and spiritually through the expenditure of our own efforts.

While the Talmud (*Sanhedrin* 99b) concludes that we are born to toil in Torah, what is less clear is how this applies for each individual. The Talmud prompts us to ask ourselves: **How can I best invest my time, my physical prowess, and my creative energy to positively transform myself and the world to the greatest degree possible?**

As human beings, we have a natural desire to sense the reality of our existence. That we matter; that we have an impact; that what we do is consequential. This sense of purpose and life-satisfaction can only come from that which results from our own efforts. From that which we design, build, cultivate, invest in, grow, etc.

Perhaps this is why B'nei Yisrael went out to work on Shabbat to collect the *man* even though their sustenance had already been provided. Perhaps this helps explain why the Jews didn't stop working their land during shemittah even though they were paid not to work. When my identity is bound to my work, not working is disorienting. When my sense of accomplishment is tied to activity, being non-active feels disempowering.

According to the *Sefer HaChinuch* no. 84, shemittah is an instructional tool that assists us in relinquishing control and learning to trust HaShem as well as an opportunity for practicing generosity. The other Rishonim identify one or both of these themes: the recognition of the supremacy of HaShem and greed reduction as the "reason" for the mitzvah of shemittah.¹

Our existence in this world involves a partnership with G-d whereby G-d is the founder and majority shareholder. Ironically, our inability to stop working leads to us losing perspective on *why* we are working.

In this context, we can understand that exile is not so much a punishment as it is a natural consequence of our decisions. When we view our material success as purely the result of our own efforts, we forfeit the benefits of G-d's partnership. We soon find ourselves in a world where G-d's presence is less palpable and where G-d's law is disregarded.

By confusing activity with productivity we disempower ourselves by becoming slaves to our work. We lose perspective and our toil becomes transient instead of transcendent. The result is not only a loss of identity it's also a loss of control.

The challenge of shemittah is the requisite inaction as opposed to action. By relinquishing control, we demonstrate our recognition that we are ultimately not in charge. That indeed, the world can continue without us exerting our influence. Torah study is not necessarily the reason for shemittah. Yet Torah-study, along with introspection and spiritual recalibration is the ancillary benefit of standing down and recognizing G-d's sovereignty over the world.

Koach and Gevurah

The *Midrash Rabbah* recognized the challenge of shemittah:

¹ It is notable that the type of generosity involved in shemittah is one that is passive. The produce in our field is ownerless and, therefore, anyone may come and take what they want. This is different from the experience of *ma'aser*, *terumah*, and other forms of *tzedakah* where I have the satisfaction of allocating and directing various gifts to others in need. As such, the gifts accrued to the needy do not represent the landowner's beneficence, but rather, an act of relinquishment.

"[The] mighty (גבורי) in strength (כח) that fulfill His word" (Ps. 103:20). Of whom does the verse speak? R. Yitzchak said: The verse speaks of those who observe the Sabbatical year. The common practice is that a person fulfills a mitzvah for one day, for one week, for one month. But does he perhaps do so for the rest of the days of the year? Now this man sees his field untilled, his vineyard untilled, and yet he pays his taxes and does not complain—have you a mightier (גביר) man than this?

Vayikra Rabbah 1:1

גבורי כח עושי דברו במה הכתוב מדבר א"ר יצחק בשומרי שביעית הכתוב מדבר בנוהג שבעולם אדם עושה מצוה ליום א' לשבת אחת לחודש א' שמא לשאר ימות השנה ודין חמי חקליה ביירה כרמיה ביירה ויהבי ארנונא ושתיק יש לך גבור גדול מזה.
ויקרא רבה א:א

What's the difference between *koach* and *gevurah*? Rav Yosef D. Soloveitchik, in his article "Catharsis" (*Tradition* 1978), explains that *koach* generally denotes physical strength that is part of a natural endowment. *Koach* is the type of brute strength that we humans share with the animals. By contrast, *gevurah* represents the uniquely human trait of transcendence. *Gevurah* is our ability to override our *koach*, to be guided by our values and not by our primal instinct; to make decisions that go against our nature and desire, as in "Aizehu gibor? Hakoveish et yitzroh—Who is mighty? One who conquers his evil inclination" (*Avot* 4:1).

I believe that when it comes to observance of mitzvot, the difference between *koach* and *gevurah* is the difference between willpower and strength of conviction. Many of us have been taught or tacitly believe that willpower is the key ingredient for breaking a bad habit or sticking to a New Year's resolution. But all we need to do is think about how long most New Year's resolutions really last to know that willpower has a pretty limited run. Willpower alone is not enough to break a bad habit.

For instance, imagine trying to lose weight by saying "I'm just going to eat less." It might work for a few hours, or a couple of days, or even a few weeks, but eventually you're going to find yourself staring down a delicious chocolate sundae or going toe-to-toe with a pastrami burger and fries. Without the strength of conviction, it's only a matter of time until you break.

Shabbat provides a brief respite from our daily grind. Yet many of us find it difficult to completely disengage from weekday concerns. What is the content of our conversation at the Shabbat table? Are we truly giving our undivided time, attention, and energy to our loved ones and our Creator?

For many of us, Shabbat observance is an exercise in *koach* or willpower. Many of us can white-knuckle it through Shabbat, knowing that our smartphones will come out concurrently with the emergence of three stars. "Just one Shabbos and we'll all be free" to once again become enslaved to our technology habits. "Eliyahu Hanavi—time to turn on the TV." Many of us opt for the "minyan on the block" over a beit kneset so we can arrive home at the earliest possible second after nightfall. Woe unto us if we are unfortunate to be stuck in a minyan where *Veyiten Lecha* is recited, and woe to the chazan who cannot complete *Veyiten Lecha* in under four minutes.

Despite these challenges, even a Shabbat observed through "*koach*" can serve as a touchstone, indicating to us that we indeed have the capacity to survive 25 hours without our mundane pursuits and technological compulsions. Yet Shabbat itself is not long enough to break our habits; to regain our identity; to facilitate a spiritual realignment with our ultimate values.

Shabbat affords us a “taste” of *Olam Habah*, the World to Come, but Shabbat alone is too short a time span for significant and sustainable life changes to occur. This is because the behaviors that form the habits that define us develop and are reinforced over long periods of time. They become embedded through repetition until they are second nature. That which is second nature does not easily change. When it comes to our spiritual trajectory, Shabbat does not offer the requisite endurance to break our habits and reset our spiritual trajectory.

By contrast, the observance of shemittah requires the implementation of *gevurah* over *koach*. The ability to abstain from asserting power over nature, to relinquish control over material pursuits, to dial down the drive for tangible results for the sake of abstract values—for an entire year(!)—elevates the farmer to the highest spiritual realm.

No doubt, the overt observance of shemittah is one of self-restraint. Shemittah by definition provides an opportunity to recognize HaShem’s omnipotence. It is humbling to realize that the world can continue without us. That despite all of our ingenuity and sweat-equity—“*Ain ode milvado*”—nothing exists without G-d.

However, the deeper message of shemittah is one of actualization. Shemittah is a device whereby we emulate G-d through a process of spiritual self-determination.

Just as when we observe Shabbat we are emulating G-d’s behavior, so too shemittah allows us to act G-dly as well. These are periods of time where we exercise self-control and engage our capacity for reflection, consolidation, and self-direction.

Thus, our cessation from work on Shabbat and relinquishing control during shemittah presents an interesting dialectic: on the one hand, we recognize our mortal limitations and G-d’s omnipotence. On the other hand, we become empowered by emulating G-d’s own behavior of “*shavat vayinafash*, He ceased to work and rested.” In this latter dynamic, our abstention becomes an empowering and expansive experience.

By ceasing our work, we show that we are not enslaved by the physical world. By disengaging from our mundane habits we can truly manifest our autonomy.

In his book, *The Survivors Club*, journalist Ben Sherwood writes about U.S. Air Force Captain Brian Udell, an experienced flight instructor with over 100 combat missions. On April 15, 1995, Udell was on a routine training exercise in his F-15E tactical jet fighter off the coast of North Carolina on a moonless night. Udell began an “easy” maneuver—a 60 degree right turn; but due to a malfunction on his heads-up display, Udell suddenly found himself upside down, racing toward earth at an almost vertical angle. At 10,000 feet, his plane shattered the Mach-1 barrier and Udell knew it was time to bail out.

In the time it took Udell to pull the ejection handles, his plane traveled another 4,000 feet, less than six seconds away from crashing into the Atlantic Ocean. The bubble covering the cockpit ripped away at 4,500 feet. At 1,500 feet, Udell ejected. The force of the ejection tore off Udell’s helmet, mask, earplugs, gloves, and watch and shredded his life preserver. The one-man life raft hanging at the end of a 15-foot cord attached to Udell’s right hip was still intact, yet he was severely injured.

Udell's parachute opened just 500 feet above the water; he floated in total darkness, then suddenly plunged 10 feet under the frigid Atlantic water. Udell felt the salt water burn his wounds as he struggled toward the surface. Alone, some 55 miles off the North Carolina coast in five-foot seas without a life vest, Udell tried to frog kick to no avail.

Udell was exhausted and running low on energy. His body ached all over. Given his injuries, swimming wasn't an option and he faced the threat of hypothermia or a shark attack.

Udell tried repeatedly to pull himself into the life raft, but with only one functioning arm, he couldn't get leverage and the waves kept pushing him away. Finally, Udell put his head against the canvas, and closed his eyes as they welled up with tears. The one vivid image that appeared in his mind's eye was his beloved wife, who was pregnant with their first child. At that moment, Udell stopped fighting and started praying. Broken and battered, he cried out: "**G-d, I need help.**"

Udell suddenly felt a surge of energy, and he summoned all his strength with one last attempt to pull himself onto the raft. This time, instead of knocking him off, a gentle wave nudged him to safety. To date, Udell is the only pilot ever to survive ejecting at sea level from a jet going faster than the speed of sound. He went on to serve two more tours in Iraq and on September 7, 1995, he witnessed the birth of his son.

Udell is deeply modest and doesn't claim any credit for what he did. When he couldn't pull himself onto the raft, he believes G-d gave him one more assist by sending a wave that saved his life.

After interviewing Udell, author Ben Sherwood concluded: "At this crowded intersection of what we command and what we don't, the most effective survivors know **when to hold on, when to let go and when to let G-d.**"

Few of us will ever have to relinquish control to G-d in such a dramatic circumstance. Yet as the Midrash clearly states, the importance of relinquishing control during the shemittah year is nothing short of heroic.

In extolling the virtues of democratic capitalism, the father of modern economics Adam Smith coined a metaphor known as "the invisible hand" to describe the self-regulating nature of the free-market. Interestingly, we also believe in an invisible hand metaphor as it pertains to the wealth of nations—we call it the *yad HaShem*—the hand of G-d. Although we may plant and reap, buy and sell, invest and accrue, we must never mistakenly think that we are ultimately in control. Shemittah, like Shabbat, has us step back and appreciate that our national sovereignty and prosperity results, not through the might and power of our own hand, but by our ability to recognize the *yad HaShem*—the Hand of G-d in all of our material endeavors.

When we stand before G-d on Rosh Hashana, we affirm our belief that G-d is our King and we are His subjects. *That* is what we do and *this* is who we are! As G-d's ambassadors to the world, our highest aspirations must involve our recognition of...

When to hold on, when to let go, and when to let G-d.

Heter Mechira

Rabbi Ezra Schwartz

Rosh Yeshiva and Bochen, RIETS · Rabbi, Mount Sinai Jewish Center, NYC

Perhaps the area of halacha that has expanded the most in the past 125 years is *mitzvot hateluyot baaretz*, agricultural mitzvot that apply in the Land of Israel. The *aliya* of millions of Jews and the establishment of agricultural communities forced poskim to research areas of halacha that had not been researched for hundreds of years. A fascinating literature developed to confront the challenges of a reality where Jews work the land and must deal with *mitzvot hateluyot baaretz*. Within this broad area, perhaps the aspect that has merited the most discussion is shemitta, with its consequent challenge of not farming for an entire year and the potential significant loss that may ensue. Perhaps the aspect of shemitta that has generated the most Torah literature is the *heter mechira*.

The first shemitta after the *Aliya Rishona* (the First *Aliya*) was in 1882. The few Jewish farmers in Petach Tikva and Motza were able to observe shemitta properly. They left their fields fallow in accordance with the Torah's directive. However, by the time the shemitta of 1889 arrived, the situation had become more complicated; in addition to the original two *moshavot*, there were Jewish farmers in six other communities.¹ A good number of these farmers were not religious and therefore not inclined to follow the Torah's directive of leaving the fields fallow for a complete year. This generated a wide-ranging and fertile halachic discussion about the permissibility of circumventing the shemitta prohibitions by selling the land to non-Jews. This sale is known as the *heter mechira*. Many *gedolei Yisrael* including Rav Yehoshua of Kutna and Rabbi Shmuel Mohliver permitted the sale. Others including the Beit HaLevi and the Netziv forbade it. A decision was made to send the question to Rav Yitzchok Elchanan Spector. Rav Yitzchok Elchonon permitted the sale. However, he stipulated that his permission was only granted if the *rabbanim* in Yerushalayim would concur. The Yerushalayim rabbanim led by Rav Yehoshua Leib Diskin however, did not permit the sale. Consequently the rabbi of Yafo and surrounding agricultural communities at that time, Rav Naftali Hertz Halevi, did not implement the *heter mechira*. The sale was left to local Sefardic rabbis who drafted the documents and implemented the *heter mechira*.²

When shemitta of 1896 arrived, there was great fear that failure to sell the land to non-Jews for shemitta may undermine the entire *yishuv*. R Naftali Hertz Halevi consulted once again with R Yehoshua Leib Diskin and the Aderet, the two most prominent rabbis of Yerushalayim. Although these same rabbanim had forbidden the *heter mechira* in 1889, in 1896 they permitted it with a few minor improvements. They did stipulate, however, that this *heter* is only a temporary accommodation and must be revisited each shemitta. In the shemitta of 1903, R

¹ Rishon Letzion, Mazkeret Batya, Nes Tziyona, Rosh Pina, Gedera and Yesod Hamaala.

² See Rav Yechiel Michel Tukachinsky, *Sefer HaShmitta* pages 59-62 and Rav Shlomo Yosef Zevin, *L'Or HaHalacha* pg. 117, for a brief history of the *heter mechira*.

Yehoshua Leib had already passed away, but the Aderet nonetheless signed on to the *heter mechira*. This far-reaching conversation surrounding the *heter mechira* was debated by *gedolei Yisrael* and only picked up steam after the publication of Rav A.Y. HaKohen Kook's *Shabbat Haaretz* in 1910. In that classic work, Rav Kook explores every halachic and philosophical dimension of the *heter mechira*, and set the table for the *heter* as it is known today. Although the Ridbaz, then of Safed, argued vociferously against the *heter*, it was put into effect nonetheless. Since that time, the Chief Rabbinate has supported the *heter mechira* for each shemitta. However, large segments of Klal Yisrael, based largely on R Avraham Yeshaya Karelitz's arguments in *Sefer Chazon Ish* on *Shviit*, do not support the *heter*.

Our goal is to outline some of the issues that have been and continue to be hotly debated, and to analyze the positions of major poskim. It stands to reason that a topic of this scope cannot be completely covered in a single article. We will therefore limit ourselves to an overview of this rich and important halachic topic.

Yesh Kinyan

The basis of the *heter mechira* is the Gemara in Gittin:

Raba said: Even though an acquisition of land by a non-Jew in Israel does not remove the obligation of tithing . . . it is effective to permit the non-Jew to dig pits, shrubbery and caves . . . R Elazar says: Even though an acquisition of land by a non-Jew in Israel is effective in removing the obligation of tithing . . . it is not effective to permit the non-Jew to dig pits, shrubbery and caves. . .

Gittin 47a

אמר רבה: אע"פ שאין קנין לעובד כוכבים בארץ ישראל להפקיע מידי מעשר, שנאמר: כי לי הארץ, לי קדושת הארץ, אבל יש קנין לעובד כוכבים בא"י לחפור בה בורות שיחין ומערות, שנאמר: השמים שמים לה' והארץ נתן לבני אדם; ור"א אומר: אע"פ שיש קנין לעובד כוכבים בא"י להפקיע מידי מעשר, שנאמר: דגנך, ולא דגן עובד כוכבים, אבל אין קנין לעובד כוכבים בא"י לחפור בה בורות שיחין ומערות, שנאמר: לה' הארץ.
גיטין מז.

Raba believes that the acquisition of land in Eretz Yisrael by a non-Jew does not serve to exempt the produce from an obligation to tithe. However R Elazar disagrees. He maintains that acquisition of land by a non-Jew does exempt the produce from the obligations of *maasrot*. Although at first glance, this Gemara supports the possibility of sale of the land to circumvent the shemitta laws, upon further reflection, this source presents difficulties for the *heter mechira*. The Gemara discusses only tithing and does not address other *mitzvot hateluyot baaretz* such as *orlah* (the prohibition against eating fruit of a tree in its first three years), *kilaei hakerem* (the prohibition against planting grapes and other produce together), and most important for us, shemitta. This has led some to suggest that *yesh kinyan* (the sale is effective) only exempts one from those *mitzvot hateluyot baaretz* that are primarily positive commands. *Orlah* and *kilaei hakerem* are fundamentally *lavin* (negative commandments), and non-Jewish ownership will not affect the obligation. If this analysis is correct, the question as to whether shemitta is fundamentally a *mitzvah* or fundamentally an *issur* (prohibition) reigns supreme. The Chazon Ish raised this objection to *heter mechira*. However, as we will see, this was far from his strongest objection.³

³ See *Chazon Ish, Shemitta* 1:3.

There are a number of other reasons to question the application of *yesh kinyan l'Akum* to shemitta. The most basic question stems from the fact that halacha sides with the opinion that *ain kinyan* (a sale is not effective); in fact the acquisition of land by a non-Jew does not remove produce from obligations that inhere in the Land of Israel. The Rambam (*Hilchot Terumot* 1:10) follows the position of Raba that sale of the land to a non-Jew does not remove the obligation to tithe. Although at first glance this question seems insurmountable, upon careful review of the *sugya* and the halachot of shemitta we can understand why *heter mechira* has a firm basis in halacha.

Kesef Mishne (*Shemitta V'yovel* 4:29) understands that when Rambam decided *ain kinyan*, he was referring to a case where the land was repurchased by a Jew. However, so long as the land remains in the possession of a non-Jew, all would agree that *yesh kinyan*. Although *Kesef Mishne's* approach justifies reliance on the *heter mechira*, it must be noted that there are many who disagree with the *Kesef Mishne*.⁴

The most commonly accepted view to support *heter mechira*, emerges from the Gemara itself. The Gemara notes that only in Eretz Yisrael do we assume that *ain kinyan*. In Surya (the area roughly equivalent to modern Syria, that was not conquered by the totality of the Jewish people but rather only by David HaMelech for his personal purposes – see *Gittin* 8a, and the comments of Rashi and Maharam Schiff there) however, the Gemara notes that all agree *yesh kinyan*. Since the sanctity of Surya is rabbinic in nature, even those who ordinarily maintain that *ain kinyan* agree that in Surya *yesh kinyan*. If we can argue either that the sanctity of Eretz Yisrael in our times is completely rabbinic, or that for purposes of shemitta the sanctity of the land is rabbinic, then there would be grounds to justify the *heter mechira*. Both of these positions can be found in Rishonim. Rabbeinu Baruch, (*Sefer Hateruma, Hilchot Eretz Yisrael*), assumes that the sanctity of the land is completely rabbinic in our times. He follows those opinions in the Gemara that *kedusha shenia*, the sanctity of the land subsequent to the settlement of Ezra and Nechemiah, is nullified.⁵ This also seems to be the approach of the GRA (*Yore Deah* 331:6,28). It must be mentioned however that this seems to be a minority approach among Rishonim. Most Rishonim, including Rambam (*Terumot* 1:5), maintain that even after the destruction of the Second Temple the sanctity of the land is biblical in nature.

What has stronger medieval support is the notion that although the sanctity of Eretz Yisrael in its entirety is biblically mandated, nonetheless shemitta in our times is rabbinic. This approach has support from the Gemara.⁶ According to Rabbi Yehuda HaNasi, we compare shemitta to yovel. Since yovel is no longer observed in our times, shemitta is similarly no longer observed as a matter of Torah law.

⁴ Rav Moshe of Tirani (*Mabit*, volume 1:11) famously disputed the *Kesef Mishne's* understanding. This disagreement is particularly relevant for the shemitta status of foods grown on gentile land. *Kesef Mishne* declares that they do not possess *kedushat sheviit* (the sanctity of shemittah) but *Mabit* and *Maharit* contend that they do. See the summary of this issue in Rav Zevin, *L'Or HaHalacha* page 114 and Rav Yosef Zvi Rimon, *Shemitta* pages 288-291. It should be noted that the practice was traditionally in line with the view of *Kesef Mishne* that produce from a non-Jew's land was not treated with the sanctity of *sheviit*.

⁵ See among others *Chagiga* 3b. See also Rav Zevin's excellent summary of this issue in *L'or HaHalacha* pages 105-112.

⁶ *Gittin* 36b and *Moed Kattan* 2b.

This approach is subject to much criticism. There is a great deal of literature regarding the final halachic outcome of the Gemara that compares shemitta to yovel.⁷ In particular, the position of Rambam in this respect is subject to much debate.⁸ Moreover, if we follow the approach that the sanctity of the land is in full effect according to Torah law, but with respect to shemitta it is rabbinic, we have reason to question the entire comparison to Surya. Unlike Surya, where the sanctity of the land itself is rabbinic, Eretz Yisrael maintains its kedusha according to Torah law.⁹ Nevertheless the comparison of shemitta in our times after the destruction of the Second Temple with Surya, as mentioned in the Gemara, remains the strongest basis for *heter mechira*. This is the approach favored by Rav Kook in *Shabbat Haartzet, Mavo* chapter 11.¹⁰

Lo Techaneim

The major opposition to *heter mechira*, however, does not stem from the sugya of *yesh kinyan*, but from another sugya. The Gemara in *Avoda Zara* 20a teaches:

The verse states: do not show mercy to them (lo techaneim), do not allow them to settle (from the word chanaya) the land. Don't we require lo techaneim for a different law, since the Torah means don't show them favor (chen)? If so, the verse should have stated lo techunam. Why does it say lo techaneim? We see that it is teaching two laws. However, we still require this verse for a different law, since the Torah means don't give them a gratuitous gift (chinam). If so, the verse should have stated lo tachinam. Why does it say lo techaneim? We see that it is teaching all of the laws.

דאמר קרא: לא תחנם, לא תתן להם חנייה בקרקע. האי לא תחנם מיבעי ליה דהכי קאמר רחמנא: לא תתן להם חן! א"כ, לימא קרא לא תחונם, מאי לא תחנם? שמע מינה תרת. ואכתי מיבעי ליה דהכי אמר רחמנא: לא תתן להם מתנת של חנם! אם כן, לימא קרא לא תחינם, מאי לא תחנם? שמע מינה כולהו.

We derive three distinct prohibitions relating to *akum* from *lo techaneim*: it is forbidden to sell them land in Eretz Yisrael; it is forbidden to bestow upon them additional favor; and it is forbidden to give them a gratuitous gift.

Based on the first of these prohibitions, the Netziv (*Meishiv Davar* volume 2 number 56) writes in a memorable formulation that those who want to circumvent shemitta with use of the *heter mechira* are: "ברח מהזאב ופגע בו ארי" —fleeing from a wolf only to encounter a lion"—they are

⁷ Ramban and Rosh posit that we follow Chachamim who disagree with Rebbi and maintain that *sheviit* in our times is biblical, however the majority of Rishonim follow Rebbi that shemitta is rabbinic.

⁸ *Kesef Mishne* 4:25 assumes that *sheviit* is biblical according to Rambam, but his position cannot be squared with the text of Rambam found in the Frankel edition, see Rav Rimon page 284.

⁹ This was the argument of *Beit HaLevi* (volume 3 number 1). See the explanation of Rav Soloveitchik in *Shiurei HaRav* to Sanhedrin 26, and in Rabbi Menachem Genack, *Gan Shoshanim* number 57. Rav Kook rejects the analysis of *Beit HaLevi* in *Shabbat Haartzet, Mavo* chapter 11. Rav Soloveitchik (*Nefesh Harav* page 82) himself offered a different innovative reason to question the *heter mechira*. In his understanding, the Land of Israel is owned by all Jews. The individual owners therefore are not licensed to sell the land, which is not exclusively theirs. Hence any sale entered by an individual farmer would be invalid. See Rav Herschel Schachter, *Eretz HaTzvi* chapter 30 section three for a question on this analysis.

¹⁰ There are other suggestions made by Rav Kook as well. Perhaps in cases of great need such as this we can rely on the position of Raavad and *Baal HaMaor* that shemitta after the destruction of the Beit HaMikdash is a matter of stringency- *middat chasidut*. See *Shabbat Haartzet, Mavo* chapter 10 and *Chazon Ish Sheviit* 23:4.

striving to circumvent shemitta, which according to the majority of poskim is rabbinic, but end up encountering a Torah prohibition of *lo techaneim*, not selling land in Eretz Yisrael to non-Jews.

The *Chazon Ish* (*Sheviit* 24:4 s.v. *Ulefikach*) took this argument a step further. He maintains that because of the prohibition of *lo techaneim*, the very sale of the land, as it was traditionally put into practice, is not valid. The Gemara¹¹ teaches that *ain shaliach l'dvar aveira*—the halachic institution of agency was not established for the performance of a prohibited activity. Since the farmers appoint the Israeli Chief Rabbinate as their agents to sell land to a non-Jew—an activity that is prohibited according to Jewish law—it should follow that any ensuing sale is invalid based on the principle of *ain shaliach l'dvar aveira*.

However, there is ample ground to question both the Chazon Ish's application of *ain shaliach l'dvar aveira* and the very understanding of the Netziv, that contemporary selling of the land to a non-Jew would be a violation of *lo techaneim*.

The principle of *ain shaliach ledevar aveira* is based on the notion of *divrei harav vedivrei hatalmid divrei mi shom'im*—we assume a lack of sincerity in the appointment of an agent to carry out a prohibited act, since the agent should listen to the directive of G-d rather than the specific instructions he was given. It follows therefore that in a situation where the agent believes that there is no prohibition involved—as he relies on the opinions we will discuss below that *lo techaneim* does not apply in the case of *heter mechira*—then the one who appoints the agent has a right to assume that the agent will carry out his directive and the *shelichut* is in effect.¹² Moreover, the language of the power of attorney delegating the Chief Rabbinate as agents to sell the land does not explicitly mention that they are to sell the land to non-Jews. As such, one can argue that the agency is not invalidated.¹³ Additionally, there are large schools of poskim who maintain that even in a case of *ain shaliach ledevar aveira*, the agency itself is not invalidated.¹⁴ This position is famously attributed to the *Netivot Hamishpat* (182:1), and the Chazon Ish's own brother in law, the Steipler Gaon, maintains in his work on *Bava Metzia* (16:8) that the simple explanation of the Gemara is that the agency is not invalidated. Moreover and perhaps most important, in shemitta of 2008 the land was sold by the farmers directly to the non-Jew, thus circumventing the problem of *ain shaliach ledevar aveira*.¹⁵

With respect to the Netziv's question, there are ample grounds to maintain that the sale as currently constituted does not run afoul of the prohibition of *lo techaneim*. Many maintain that in this case, where the sale is intended to benefit the yishuv, there is no prohibition.¹⁶ Rav Kook in his *teshuvot* (especially *Mishpat Kohen* number 58) offers many explanations why the sale does not present a problem of *lo techaneim*. He argues that the prohibition of *lo techaneim* only

¹¹ *Bava Metzia* 10b.

¹² See *Sema Choshen Mishpat* 182:2. See also Rav Avraham Sherman's article in *Torah She'beal Peh* volume 35 page 92.

¹³ See *Mishne Lemelech Geneiva* chapter 3 number 6.

¹⁴ See *Tosafot Bava Metzia* 10b sv *D'amar*.

¹⁵ See Rav Yosef Zvi Rimon, *Shemitta* page 299.

¹⁶ This explanation was put forward by R' Yehoshua of Kutna in his *Yeshuot Molcho YD*, number 55. See also Rav Yechiel Mechel Tukachinsky, in his *Sefer Hashemitta* page 108 who questions this approach.

extends to those nations who are idolatrous, not to today's Moslems. He further argues that a temporary sale, such as the way it is currently done, does not present a problem. Rav Zevin (*L'Or Ha'Halacha* 124) notes that it was this mechanism that was invoked in the *Teshuvot Shemen HaMaor*, as the basis for the pre-modern *heter mechira*. Finally, Rav Kook (*Shabbat Haaretz, Mavo* chapter 12) cites a member of his bet din, R Zalman Shach, who inferred from the Rambam (*Avoda Zara* 10:4) that the prohibition of *lo techaneim* only applies to giving a non-Jew his or her original foothold in the Land of Israel. Once the non-Jew already owns land there is no prohibition against giving him additional land.¹⁷

Gemirat Daat

There is one final obstacle that the *Chazon Ish* (*Bava Kamma* 10:9) raised against the *heter mechira*. The entire sale seems to be a sham. The sale is not registered in the land registry and as such runs afoul of the *dina demalchuta* (the law of the land). Moreover, there is a lack of the requisite *gemirat daat*, seriousness, needed for the sale to take effect. The farmers do not intend for the sale to be genuine and as such one can argue that the entire *heter mechira* is invalid.

It is worth noting that in 1979 the Knesset passed legislation that sale of land to circumvent the shemita prohibitions need not be registered with the land registry.¹⁸ With respect to the lack of seriousness needed for the sale to take place, this issue was already hotly debated with respect to the other *heter mechira*, sale of chametz to a non-Jew to circumvent the prohibition of Jewish-owned chametz after Pesach. In that context many poskim maintain that although the seller may lack the requisite seriousness, since the sale is binding and enforceable as a matter of law, it is valid. In our case, there are additional reasons to assume that the sale has the requisite *gemirat daat*. The contracts drawn up are fully binding legal documents. One may not sign a valid document and subsequently contend that he or she lacked the requisite *daat* to do so.¹⁹

As we have seen, all the questions and challenges to *heter mechira* can be addressed. Nevertheless Rav Soloveitchik cautioned those who reside outside of Israel not to rely on it. In fact, the policy of the OU has been not to rely on the *heter*. Those who reside in Israel have firm basis to rely on the *heter* as we mentioned. Certainly when not relying on the *heter* involves the purchase of fruit from avowed enemies of the Jewish people and State, there is strong reason to prefer reliance on the *heter*.²⁰ However Rav Soloveitchik cautioned that those who reside outside of Israel and do not confront the same pressing needs should not get involved in what remains a debated halachic enterprise.²¹

¹⁷ It is worth noting that the *Chazon Ish* (*Sheviit* 24:1) deemed this interpretation as acting frivolously with a Torah prohibition.

¹⁸ See Rav Rimmon page 302.

¹⁹ See Rav Rimmon page 303 for sources and discussion of this.

²⁰ See Rav Rimmon pages 380-382.

²¹ See Rav Herschel Schachter, *Divrei Harav* 240-241.

Shemitta for the Consumer

Rabbi Mordechai Willig¹

Rosh Yeshiva, RIETS · Rabbi, Young Israel of Riverdale, Bronx, NY

The year 5775 is, according to our calculations,² a shemitta year. Although the prohibition of agricultural activity is limited to Eretz Yisrael, certain restrictions exist concerning the use of Israeli produce even if exported, so shemitta is *halacha l'ma'aseh* (practically applicable) for us as well.

In fact, some authorities prohibit all produce that is guarded or worked on in normal fashion by those who grow it.³ However, most authorities seem to reject this view.⁴

Grains and vegetables that are both planted and harvested during shemitta are prohibited.⁵ This applies to exported soup powders, canned vegetables, and cookies made of Israeli grain, including those on the shelf for up to 15 months after the end of shemitta.⁶ Some authorities permit them after similar products grow from the following year's crop, but others disagree.⁷ When harvested after shemitta, they are permitted when the next year's crop grows, or on Chanukah at the latest.⁸ Fruits that blossom during shemitta, as well as grains and vegetables that are harvested during shemitta, are holy. They must be treated accordingly. In fact, they may not be exported, but if they are exported they may be eaten.⁹ They may not be thrown out unless they become inedible, nor may they be eaten by a non-Jew. Squeezing citrus fruit into juice is permissible.¹⁰ Peels and pits that are ordinarily thrown out have no *kedusha* and may be thrown out.¹¹

Method of Sale

Shemitta fruit may not be marketed in a normal fashion. This prohibition applies to the seller, and does not make the fruit forbidden. The buyer violates *lifnei iver* (causing someone else to

¹ This article was originally printed in *Hamevaser*, 5740 (1979).

² See *Bei'ur HaGra*, *Choshen Mishpat* 67.

³ Rabbeinu Tam in *Tosafos*, *Sukka* 39.

⁴ *Sefer Hashmita* p. 13. See also *Igros Moshe*, *Orach Chaim* 1 no. 186. See however, *Chazon Ish*, *Shvi'is* Chap. 26, and *Oz Nidberu* IV, pps. 32-35.

⁵ *Chazon Ish*, *Shvi'is* Chap. 26.

⁶ *Jewish Dietary Laws* II, p.153.

⁷ *Chazon Ish* 9:13, 14.

⁸ *Ibid* 7:16.

⁹ *Igros Moshe Orach Chaim* 1 no. 186.

¹⁰ *Chazon Ish* 25:32.

¹¹ *Chazon Ish* 14:10. See however, *Shvi'is Kehilkhoso* pps. 84, 85.

sin) on two counts: the sale itself and the giving of the money to the seller. The latter problem is due to the fact that money exchanged for shemitta products assumes the holiness of the produce. The money may only be used to buy food, and this assumes the holiness of the money, making the money *chullin* (mundane).

Lifnei iver does not apply when the other party (the seller in this case) acts on the basis of a rabbinic ruling (that the land may be sold to a non-Jew and that the produce grown on a non-Jew's land is not holy). Even if the buyer does not abide by these rulings (which are controversial and will be discussed later), he may buy shemitta produce in regular fashion.¹² Nevertheless, it is preferable to include the shemitta produce in a larger sale without specifying a price for the produce,¹³ or to buy the produce by check or on credit.¹⁴ One may not keep shemitta fruit at home ("fruit" in this article, unless stated otherwise, refers to all produce) beyond the time they are no longer available in the field. If one keeps them beyond this time (called "*z'man biur*") they may no longer be eaten. Rather, one must render them ownerless (be "*mafkir*" them) and place them outside the home. The owner may then reclaim them and eat them as shemitta fruit.¹⁵ Some maintain that the fruits no longer have the holiness of shemitta fruit, or their restrictions.¹⁶

If one is in doubt as to the time of *biur*, he must make the fruits *hefker* every day until the "*z'man biur*" has definitely passed.¹⁷

There is a way to eliminate the problem of *biur*, as well as the problem of selling shemitta fruit, by setting up an *Otzar Beis Din*. This is a system whereby farmers give authority to a rabbinical court to tend to their fields. The court then appoints the farmers as its agents to gather the produce. The court sets a price and the customers buy on credit or by check so that the money does not have the laws of shemitta. The court then pays the farmers and storekeepers for their work.¹⁸

Non-Jewish Produce

There is a great controversy about fruits grown by non-Jews on farms they own in Israel. While all agree that the prohibition against vegetables planted and harvested during shemitta does not apply,¹⁹ the question is whether the produce has the holiness of shemitta.²⁰ Rav Yosef Karo held that it does not, and therefore must be tithed. He even excommunicated those who did not tithe. Although the majority of authorities differ from Rav Yosef Karo, the magnitude of his authority continues to determine the custom of Jerusalem. In other parts of Israel the custom is to treat the produce as shemitta fruit, while tithing it in deference to Rav Yosef Karo's decision.²¹

¹² See *Oz Nidberu* IV, pps. 6-8, 147.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Chazon Ish* 26 (end).

¹⁶ *Ibid.*, 13:5.

¹⁷ *Ibid.*, 26.

¹⁸ *Ibid.* and *Hilchos Shvi'is* pps. 30-32.

¹⁹ Rambam, *Hilchos Shemitta* 4:29.

²⁰ *Kesef Mishneh* and *Radbaz*, ad loc.

²¹ *Chazon Ish* 20:7, *Oz Nidberu* IV, p. 154.

Some authorities hold a compromise view. The fruit must be eaten as shemitta fruit, but the prohibition against marketing and the law of *biur* do not apply. Tithes need not be taken.²²

The ramifications of this controversy, which are great due to the large amount of Israeli land controlled by non-Jews, have been greatly extended. This is because of the Chief Rabbinate's sale of most Jewish owned farms in Israel to non-Jews for the duration of shemitta. This practice, now over one hundred years old, was sanctioned as a *horo'as sha'ah* (a temporary ruling) by many of the great rabbis of the late nineteenth century, including Rav Yitzchok Elchonon of Kovno, probably the most widely respected authority of his time.²³

This sale can allow Jews to work the land during shemitta, but only if two assumptions are made: a) that the laws of shemitta are no longer Torah law but only of rabbinic nature, and b) that ownership of the land by non-Jews cancels this rabbinic sanctity.²⁴ The laws of shemitta would now be only rabbinic because the sanctity of Israel with respect to laws of the land is only *d'rabonon*—either since the destruction of the Second Temple, or even from its very inception. Incidentally there is a view, rejected by most authorities, that shemitta is not mandatory at all these days, since we have no *yovel*, the 50th Jubilee year, which applies only when most Jews live in Israel.²⁵

Since both of the above-mentioned assumptions, especially the latter one, are very questionable, the rabbis did not allow a Jew to do work prohibited by the Torah—even after the sale. They further stipulated that the ruling is a temporary one, designed to prevent the collapse of the new settlements.²⁶ Unfortunately, many farmers do not observe the above restrictions, and the sale has become a matter of course, even for settlements that could survive without it. Only the Agudas Israel settlements have consistently refused to rely on the sale, due largely to the ruling of the Chazon Ish.

Sale Forbidden

The Chazon Ish²⁷ forcefully rejected the second assumption above, and ruled that the sale was not effective to alter the state of the produce or to permit work on the land. In addition, he claimed that the sale violates the Torah injunction against selling the land to non-Jews, and rejected all the efforts to avoid this problem. These include a temporary sale, sale to a non-idol worshipper, sale of only trees and the immediately surrounding area, sale to a non-Jew who already owns land in Israel, and sale to benefit the Jewish settlements.²⁸ He further stated that since the sale was prohibited, it has no legal effect if done by proxy (e.g. the Rabbinate).²⁹ Other authorities dispute the prohibition of the sale, and especially the contention that the sale is not

²² Radbaz op. cit., *Toras HaShmita* p.38.

²³ *Sefer HaShemitta* pps. 66-7.

²⁴ See *Otzar Yosef, Shemitta*.

²⁵ *Bei'ur HaGra, Yoreh Dei'ah* 331:6, 28; see also 8.

²⁶ *Sefer HaShemitta* op. cit.

²⁷ 20:7. See *The Jewish Dietary Laws II*, Appendix II.

²⁸ *Ibid.*, 24:1-4.

²⁹ *Ibid.*, 4.

valid.³⁰ The lack of an official government bill of sale and/or real intent, which renders the sale invalid according to some authorities,³¹ does not preclude it according to others.³²

If the sale is valid, then Rav Yosef Karo's ruling becomes even more far-reaching, for even if the sale does not allow for the working of the fields, the produce does not have the laws and restrictions of shemitta. This would seem to make grains and vegetables permissible—although some disagree³³—and remove the question of worked or guarded fruit. If one rejects Rav Yosef Karo's ruling then even if the sale is effective to allow the farmers to work, the restrictions on the produce still apply.

Thus, for the American consumer, the main issue is not the effectiveness of the sale (once one assumes its validity), but rather the question of the status of the produce of non-Jews. With respect to fruit, even if one rejects Rav Yosef Karo's ruling and even the validity of the sale, most authorities permit the fruit to be eaten until "*z'man biur*" as shemitta fruit, even if it is worked and guarded as usual.³⁴

This last fact is crucial not only to those who want to buy Israeli citrus fruit next winter but also to those who purchase an esrog grown in Israel. This is because an esrog must be edible halachically even if one does not plan to eat it. Rav Moshe Feinstein zt"l has ruled³⁵ leniently on this matter, while others disagree since many (some say most) authorities prohibit worked and/or guarded fruit.³⁶ Some suggest that an esrog has no laws of shemitta fruit, since it is grown for the mitzvah and not to be eaten.³⁷ If one rejects this idea, then one may not throw out his esrog after Sukkos. It must be used as jelly (which must be eaten before the "*z'man biur*" which is in Shvat³⁸) or disposed of after it becomes inedible. Rav Yosef Karo's ruling does not apply because esrog growers do not sell their land through the Chief Rabbinate. The seller's problem of marketing and perhaps even that of exporting is often avoided through the *Otzar Beis Din* system described above.³⁹ The problem of the money assuming laws of shemitta is best avoided by paying for the four "*minim*" together.⁴⁰ (The status of the lulav and haddasim⁴¹ is questionable, but many lulavim and haddasim sold in America are not Israeli).

Obviously, this is only a superficial summary of the laws of shemitta as they apply to the consumer, for we learn in Tosafos⁴² that there is no limit to the laws of restrictions that apply to shemitta fruit. We all eagerly await the time when all of us will return to Israel and fully observe all the laws of shemitta.

³⁰ *Kerem Zion* III pps. 1-8, by Rav Zvi Pesach Frank.

³¹ *Shvi'is Kehilkhoso* p. 18.

³² *Le'or Hahalakha*.

³³ See *Oz Nidberu* IV, pps. 20-4, 164.

³⁴ See *ibid.*, p. 161.

³⁵ *Igros Moshe Orach Chaim* I no. 161.

³⁶ *Oz Nidberu* *op. cit.* and pps. 32-35.

³⁷ *Kerem Zion, Shemitta*, p. 52.

³⁸ *Toras HaShemitta* p. 28.

³⁹ *Hilchos Shvi'is* II, P. 178.

⁴⁰ See *ibid.*, pps. 177-8.

⁴¹ *Oz Nidberu* IV, pps. 129-31, *Hilchos Shvi'is* II p. 173.

⁴² *Sukka* 39a.

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