

ספר נוראות הרב

**NORAOS
HARAV**

VOLUME 16

DRASHOS ON

**TESHUVA
AND
YOMIM NORAIM**

Rabbi Joseph B. Soloveitchik, zt"l

**TRANSLATED AND ANNOTATED BY
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August 2008

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PREFACE

Noraos HaRav Volume 16 contains three *drashos* dealing with various aspects of *Teshuva* and *Yomim Noraim*, delivered by Rabbi Joseph B. Soloveitchik, *zt"l* (reverently referred to by his countless students and admirers as the *Rav*) in 1965, 1966 and 1972, respectively. The first two *drashos* are translated from the original *Yiddish*; the third is an edited reconstruction of an English *drasha*.

In response to suggestions from readers, I have translated all citations from the *Gemara* and *Medrash*. These translations appear in italics and are generally not literal. The footnotes and annotations highlight parenthetical comments made by the *Rav* during these *drashos*. In addition, I have inserted my suggestions for further reference along with alternative approaches presented by other contemporary *Acharonim*.

This volume would not have been possible without the collaboration of the following individuals, who graciously expended countless hours of their personal time to assist in editing the *drashos*. Their many helpful suggestions and editorial comments appear on each page of this work. They include: Ari Bergman, Sam Bergman, Danny Gross, Shimon Laufer, Gittie Neufeld, Jonas Prager, Shai Sasson, Yitzy Schreiber, Evelyn Singer, Yair Yaish and Joel Yarmak. Avi Brick researched the citations contained in the footnotes.

I wish to thank my uncles, Rabbi Abraham Moshe Kahane, for constantly encouraging me to publish more volumes of the *Noraos Harav* series, and Rabbi Nachum Schorr, for providing me with his excellent notes of the two *Yiddish drashos*.

I cannot adequately express my boundless indebtedness and overwhelming appreciation to both my father, Dr. Aaron Schreiber, שליט"א, and my mother, Mrs. Rivka Schreiber, שתחי'. My parents have served as exemplary role models for me and my family, investing in us a love of Torah and *mitzvos*. My family and I continue to be inspired by their extraordinary talent, generosity of spirit and selfless commitment. It is my fervent hope that they be blessed with a *refuah shlemah* and continued *nachas* from our family.

Above all, I express my warmest admiration and gratitude to my wife Ricki for her constant support of all of my endeavors, and to our children, Baila, Ari, Yitzy, Nomi and Yitzchak, who graciously sacrificed their quality time in order to allow me to prepare this work.

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לזכר עולם

This Volume is dedicated in loving memory of Shaindy Eckstein, ע"ה, daughter of my dear friends, Chaya and Shimon Eckstein.

**אלישבע שיינדעל ע"ה
בת יבלחט"ו שמעון אביעזר**

**שנקטפה בדמי ימיה
בה' מר השון, תשס"ח**

Her purity of spirit, radiant personality, penetrating wit and loving heart inspired and warmed all who met her.

May the merit of the Torah study engendered by this Volume inure to her benefit as she continues to advocate on behalf of her parents, siblings and friends.

תהא נשמתה צרורה בצרור החיים

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NORAOS HARAV

תשובה ובחירה

TESHUVA AND BECHIRAH

Teshuva Drasha

Tishrei, 5726 (1965)

Introduction

This *drasha* contrasts the divergent methodologies of *teshuva* posited by the *Rambam* in the first and seventh chapters of הלכות תשובה. It introduces the duality of the *teshuva* of בחירה-תפארת and the *teshuva* of גבורה-רשות and posits that these correspond to two types of sinners – one who has simply lapsed, as opposed to one who has become mired in sin. The *drasha* analyzes the roles played by the two levels of human consciousness, the רצון העליון and the רצון התחתון, in initiating these forms of *teshuva*. The *drasha* then examines the different protocols of *teshuva* which these sinners require. It concludes with an exhaustive discussion of the existential crisis precipitated by an awareness of death and its role in motivating man to recreate his personality. This awareness forms the basis of the *kapparah* extended on Yom Kippur in that it prompts man to recreate his personality. Man thus experiences a metaphysical death, rather than actual death.

The *Rambam* associates the obligation of repentance with man's freedom of will

The *Rambam* begins the seventh chapter of הלכות תשובה with a discussion of the interrelationship between man's freedom of will and his concomitant obligation to repudiate his sins and reform his lifestyle. The *Rambam* writes:¹

¹ פרק ז' מהלכות תשובה הלכה א'.

הואיל ורשות כל אדם נתונה לו כמו שביארנו, ישתדל האדם לעשות תשובה (ולהתודות בפיו מחטאיו)² ולנעור כפיו מחטאיו, כדי שימות והוא בעל תשובה כדי שיזכה לחיי העולם הבא.

Inasmuch as the exercise of free-will has been granted to man, as we have previously explained, he should first attempt to repent and confess his sins (i.e., recite viduy) and thereafter rid himself of his sins. By doing so he will die a penitent and merit his share in the World to Come.

The *Rambam* adds that everyone should immediately attend to *teshuva* since one may unexpectedly die at any time. He writes:³

לעולם יראה אדם את עצמו כאילו הוא נוטה למות, ושמה ימות בשעתו ונמצא עומד בחטאיו. לפיכך ישוב מחטאיו מיד, ולא יאמר כשאזקין אשוב, שמה ימות קודם שיזקין. הוא ששלמה אמר בחכמתו בכל עת יהיו בגדיך לבנים...⁴

One should always regard himself as if he is in danger of imminent death and of dying unexpectedly, without having repented his sins. Man should therefore recant his sins immediately and not defer repentance until old age, lest he die while still in his youth. As Shlomo Hamelech in his wisdom wrote, "Your clothes should be clean at all times."

The *Rambam* concludes with an ode to *teshuva*, a dramatic description of the sublime benefits accorded to the *baal teshuva*. He writes:⁵

כמה מעולה מעלת התשובה! אמש היה זה מובדל מה' אלוקי ישראל... והיום הוא מודבק בשכינה.

How exalted are the benefits of repentance! Yesterday, prior to reformation, he was alienated from G-d... Today, after discarding his sins, he enjoys communion with G-d.

² The phrase *מחטאיו בפיו ולהתודות* appears in some of the versions of *תורה* and was the text used by the *Rav*.

³ שם, הלכה ב'.

⁴ קהלת: ט', ח'.

⁵ שם, הלכה ז'.

The questions raised by the *Rambam's* divergent formulations of *teshuva* in the first and seventh chapters

The *Rav* raised a number of questions with respect to the *Rambam's* formulation of these *halachos*, especially in light of the *Rambam's* detailed explanation of *teshuva* and בחירה, *freedom of will*, contained in the previous chapters of הלכות תשובה:⁶

(i) In the first chapter of הלכות תשובה, the *Rambam* formulates the basic obligation of sinners to engage in *teshuva*. He writes in the preamble to the first chapter:

מצות עשה אחת: והיא שישוב החוטא מחטאו לפני ה'.

The sinner is charged with the imperative of repenting his sins before G-d.

In that chapter, the *Rambam* does not predicate the imperative of *teshuva* upon the phenomenon of בחירה, *freedom of will*, even though one would assume that the obligation to engage in *teshuva* is imposed solely because man, exercising בחירה, willfully and wrongfully chose to sin.⁷ The *Rambam* defers his discussion of בחירה and man's

⁶ In other *shiurim*, (see: ספר על התשובה (עמ' 191); ספר (עמ' 111); ספר נוראות הרב ח"ג (עמ' 111); ספר הררי קדם (ח"א סימן ל"ז)), the *Rav* raised the question of why the *Rambam* does not introduce the concept of בחירה until the fifth chapter of הלכות תשובה. The *Rav* posited that there are two forms of *teshuva*: (x) situational, causalistic *teshuva*, and (y) personalistic *teshuva*. The situational *teshuva* described in the first chapters is obtained independent of בחירה. It is realized following the occurrences of external factors (such as life altering experiences, peer pressure, etc.) which motivate the sinner to abandon his prior activities. In contrast, the personalistic *teshuva* described in the fifth chapter is self-motivated. The impetus to engage in this form of *teshuva* arises from within the person. Moreover, this form of *teshuva* reforms the sinner's personality and not merely his behavior. As such, this *teshuva* is engendered by בחירה, the great gift of transfiguration, which enables man to renew his soul, reconstitute his personality and identify with his ideal self. [Editor's note]

⁷ Although the *Rambam* generally formulates his thoughts very tersely, he uncharacteristically elaborates on the tenet of free will, בחירה חפשית. Apparently, many Jews were unwilling to accept that man is endowed with unlimited freedom

freedom of will until the fifth and sixth chapters of הלכות תשובה.⁸ Yet, when describing the *mitzvah* of *teshuva* in the seventh chapter of הלכות תשובה, the *Rambam* **does** predicate *teshuva* upon man's ability to exercise freedom of will. He writes:⁹

הואיל ורשות כל אדם נתונה לו כמו שבארנו ישתדל האדם לעשות
תשובה...

*Inasmuch as the exercise of **free-will** has been granted to man, he should first attempt to confess his sins...*

The question is twofold. Why does the *Rambam* duplicate his discussion of the imperative of *teshuva* in both the first and seventh chapters of הלכות תשובה? Moreover, why does the *Rambam* associate freedom of will solely with the *teshuva* described in the seventh chapter of הלכות תשובה, and not with the *teshuva* depicted in the first chapter of הלכות תשובה?

(ii) In the seventh chapter of הלכות תשובה, the *Rambam* stresses:
ישתדל האדם לעשות תשובה (ולהתודות בפיו מחטאיו).

*Man should **attempt** to repent and confess his sins.*

The word ישתדל, as opposed to חייב, connotes exertion. By employing the word ישתדל in the context of *teshuva*, the *Rambam* implies that man's inclination to engage in *teshuva* will be met with resistance and that he will be compelled to expend an enormous degree of energy in order to overcome that opposition and recant his sins. By contrast, in the discussion of *teshuva* contained in the first

of will or that man's actions are not predetermined. The *Rambam* refers to those skeptics as (פרק ה' מהלכות תשובה הלכה ב')

The *Rambam* bases his theory of the autonomy of human action upon both: (x) man's inherent dignity and (y) man's moral responsibility, both of which presuppose his unrestricted ability to exercise freedom of will.

⁸ He writes:

רשות כל אדם נתונה לו, אם רצה להטות עצמו לדרך טובה ולהיות צדיק הרשות בידו (פרק ה' מהלכות תשובה הלכה א'). His employment of the word רשות in both the fifth and seventh chapters is striking.

⁹ פרק ז' מהלכות תשובה הלכה א'.

chapter of הלכות תשובה, the *Rambam* does not stress the opposition that the sinner will inevitably encounter nor the difficulty which that process must entail. On the contrary, one reading the first chapter is left with the impression that *teshuva* does not necessarily require extraordinary efforts. What underlying difference between those two forms of *teshuva* yields such disparate treatment?

(iii) In an earlier chapter of הלכות תשובה, the *Rambam* discusses the component elements of *teshuva* and formulates the precise sequence of its performance. He writes:¹⁰

ומה היא התשובה? הוא שיעזוב החוטא חטאו, ויסירונו ממחשבתו, ויגמור בלבו שלא יעשהו עוד...וכן יתנחם על שעבר... וצריך להתודות בשפתיו ולומר עניינות אלו שגמר בלבו.

What is the protocol of teshuva? The sinner must first renounce his sin, expel it from his consciousness, resolve never to repeat the sin... evince regret for his conduct... and confess his sins aloud.

The *Rambam* explains that complete *teshuva* can be obtained only if the sinner first renounces his iniquitous behavior, then expels it from his consciousness and resolves never to repeat the transgression. The process then concludes with confession and *viduy*. The *Rambam*¹¹ adds that one who confesses his actions without first repudiating his iniquities and resolving never to repeat them does not discharge his obligation. An insincere repentance which does not conform to this sequential protocol, commencing with regret and repudiation, is as ineffective as an immersion in a *mikvah* while still in physical contact with *tumah*.

In contrast, the *Rambam*, in the seventh chapter of הלכות תשובה, reverses the order and seemingly prescribes that one may first confess his sins even **before** he renounces those sins (and even if he has not yet resolved never to repeat that conduct). The phrase ישתדל האדם

¹⁰ פרק ב' מהלכות תשובה הלכה ב'.

¹¹ כל המתודה בדברים ולא גמר בלבו לעזוב, הרי זה דומה לטובל ושרץ בידו פ"ב מהלכות תשובה הלכה ג'.

(ולהתודות בפיו מחטאיו) stipulates that the first step in this form of *teshuva* consists of *viduy*, confession of sin. This is followed by the second stage of *ולנעור כפיו מחטאיו*, ridding himself of the sin. How can confession **precede** renunciation of sin? Isn't repentance without prior repudiation seemingly insincere and meaningless?

(iv) Finally, although the *Chovos Halevavos* and other *seforim* routinely employ the fear of impending death as a means of facilitating *teshuva*, the *Rambam*, by and large, rejects that approach. In his other works, including *משנה תורה*,¹² he promotes study of Torah and love of G-d as the proper methods for ensuring righteous behavior. Yet, in the seventh chapter of *הלכות תשובה*, the *Rambam* repeatedly emphasizes the inevitability of death as a means of spurring repentance. He writes that one must vigilantly renounce sin since, *ושמא ימות בשעתו ונמצא עומד בחטאיו*, *he may die unexpectedly without having repented his sins*. Why does the *Rambam* adopt this seemingly inconsistent approach?

The conflicting statements by *Chazal* regarding the scope of *בחירה הפשיית*

The imperative of *teshuva* is predicated upon the concept of freedom of will, man's unfettered choice to engage in either righteous or felonious conduct. The Torah extensively discusses man's freedom of choice. For example, the *passuk* states:¹³

ראה נתתי לפניך היום את החיים ואת הטוב ואת המות ואת הרע...
 החיים והמות נתתי לפניך, הברכה והקללה. ובחרת בחיים למען
 תחיה אתה וזרעך.

Behold, I have granted to you both life and good, as well as death and evil... You have been granted the opportunity to pursue either life or death, blessings or curses. You shall

¹² פ"ב מהלכות יסודי התורה ה"ב.

¹³ פרשת ראה (דברים: י"א, כ"ו) in *פרשת נצבים*: ל', ט"ו-י"ט. Although in *ברכה*, and violation in *קללה*, he did not introduce the concept of *בחירה* until his final days, in *פרשת נצבים*.

that one repent and abandon his iniquitous behavior, inasmuch as renunciation is within his control. As the Torah writes, "Let us analyze our conduct, examine our deeds, and ultimately recant our sins."

In a word, the *Rambam* stipulates that *teshuva* originates from the freedom of choice with which each person is endowed. Just as each person is granted the autonomy to engage in criminal conduct, so too each person is free to renounce that conduct and engage in *teshuva*.

The *Mishnah* also states that man is culpable for his sins since he exercises unrestricted freedom of will. The *Mishnah* writes:²⁰

הכל צפוי ורשות נתונה... והכל לפי רוב המעשה

All is known, and yet free will is extended. The fate of the world is judged according to the preponderance of its deeds.

Likewise, the *Gemara*²¹ comments on the *passuk* which states:²²

ועתה ישראל מה ה' אלקיך שואל מעמך כי אם ליראה את ה' - הכל בידי שמים חוץ מיראת שמים.

*Yisroel, what does G-d request of you other than to fear Him. [This request indicates that] everything is in the hands of G-d, except for the fear of G-d.*²³

Inasmuch as the *passuk* articulates that G-d **requests** man to fear Him, one can deduce that man freely decides whether or not to fear G-d and comply with His will.

On the other hand, *Chazal* have also indicated that the reverse is true and have in a certain respect diluted the concept of man's

²⁰ מסכת אבות, פרק ג' משנה ט"ו

²¹ מסכת ברכות דף ל"ג ע"ב

²² דברים: י', י"ב

²³ The word שואל is interpreted by the *Gemara* in terms of בקשה, request. G-d **requests** that the Jewish people select a G-d-fearing lifestyle. This phraseology implies that man has the option of either granting or refusing that request.

absolute and unrestricted freedom of will. For example, the *Gemara* writes:²⁴

אמר רבי חמא בן רבי חנינא אלמלא שלש מקראות הללו נתמוטטו רגליהם של שונאי ישראל. חד דכתיב, ואשר הרעתי.²⁵ וחד דכתיב, הנה כחומר ביד היוצר כן אתם בידי בית ישראל.²⁶ וחד דכתיב, והסרתי את לב האבן מברסכם ונתתי לכם לב בשר.²⁷

R' Chamah the son of R' Chaninah states. Were it not for three passukim which discuss the underlying causes of sin, the Jewish people would have been condemned. The first passuk states, "I have compelled you to become evil." The second passuk states, "As matter²⁸ is formed by its creator, so too the Jewish people's (conduct) is molded by Me." The third passuk states, "From your flesh, I shall extract your heart of stone and replace it with a heart of flesh."

רש"י - אלמלא שלש מקראות הללו שמעידים שיש ביד הקב"ה לתקן יצרנו ולהסיר יצר הרע ממנו נתמוטטו רגלינו במשפט. אבל עכשיו יש לנו פתחון פה שהוא גרם לנו שברא יצר הרע.

Rashi explains that were it not for these three passukim which confirm that G-d has the ability to cause the Jewish people to reform their conduct and realign their evil inclination, the Jewish people could never be acquitted. However, given these mitigating circumstances, the Jewish people may assert in their defense that G-d caused them to sin by providing them with an evil inclination.

One can deduce from the *Gemara's* statement that man is condemned inexorably to sin and that it is futile for him to wage an unwinnable struggle against his *yetzer hara*. This is puzzling given all

²⁴ מסכת ברכות דף לב ע"א.

²⁵ מיכה: ד', ו'.

²⁶ ירמיהו: י"ח, ו'.

²⁷ יחזקאל-ל: ל"ו, כ"ו.

²⁸ The *Gemara* interprets "matter," not in the biological physical sense, but in the spiritual sense.

of the previous statements and express assertions by the *passukim* that man has been granted unfettered freedom of will and may therefore be judged by his conduct. How is it possible for the *Gemara* to state that man does not have real freedom of choice?

Freedom of will is denominated by the Torah as בחירה

In order to understand the scope of בחירה חפשית, *freedom of will*, we must first explain why the תורה שבכתב employs the word בחירה to describe free will, while the תורה שבעל פה and the *Rambam* utilize the word רשות to describe the seemingly identical phenomenon?²⁹

Apparently, the terms בחירה and רשות express two different concepts. The term בחירה describes a situation in which the person must select one of two equally viable alternatives. For example, the *passuk*³⁰ states, החיים והמות נתתי לפניך ובחרת בחיים, *You have been granted the opportunity to pursue either life or death, and you shall choose (the path of) life*. This indicates that the person is able to select whichever path he chooses, since each option is equally attainable. He can as easily select life as death. There is nothing more compelling about either of those options. Similarly, the Torah writes:³¹

כי המצוה הזאת אשר אנכי מצוך היום, לא נפלאה היא ממך ולא רחוקה היא. לא בשמים היא לאמר מי יעלה לנו השמימה ויקחה לנו... כי קרוב אליך הדבר מאד בפיוך ובלבבך לעשותו.

This mitzvah (i.e., of teshuva) which I have imposed upon you today is neither extreme nor too difficult for you. It does not exceed your capacity. It is not located in the

²⁹ Thus, the *passuk* (cited earlier) states: (דברים: ל', י"ט). In contrast, the *Mishnah* (cited earlier) writes: הרשות נתונה (מסכת אבות, פרק ג' משנה ט"ו), as does the *Rambam*: (פרק ז' מהלכות תשובה הלכה א').

³⁰ דברים: ל', י"ט.

³¹ דברים: ל', י"א – י"ד.

remote heavens, so that you can justify your refusal to pursue it because of its inaccessibility. Rather, the matter is readily available in your mouth and heart and easy for you to engage in.

In other words, **כי קרוב אליך הדבר מאד**, the matter is readily available to you. Life and death are two options, equally accessible by mankind. Man is charged with the imperative of selecting one of those two items.

The term רשות reflects the power required to combat evil

The term רשות, on the other hand, does **not** mean license, nor does it connote the ability to decide or to determine. Rather, רשות translates as **power**, control or authority. For example, the *Mishnah*³² writes, **אל תתודע לרשות**, *Do not reveal anything to the powers to be (i.e., the government)*.

Likewise the *Gemara* writes:³³

אמר ר' יוחנן גזל ולא נתייאשו הבעלים, שניהם אינם יכולים להקדיש. זה לפי שאינו שלו וזה לפי שאינו ברשותו.

*R' Yochanan ruled that an item which has been stolen, but which the owners believe can still be recovered, cannot be consecrated by either the thief or the owner. The thief cannot consecrate it since it does not yet belong to him; the owner cannot consecrate it since the item is no longer within his exclusive **control** or authority.*

In this context, the word רשות is employed to depict that the legal owner of the stolen item no longer exercises any **control** over that object (and therefore cannot consecrate it).

While the term בחירה denotes mere **freedom of will** in both the physical and spiritual sense, the word רשות portrays man's **power** to

³² מסכת אבות פרק א' משנה י'

³³ מסכת קידושין דף כ"ב ע"א

combat evil. It connotes man's capacity and fortitude to defeat his evil inclination. Moreover, while the word בחירה implies that each option is equally accessible, requiring an identical exertion of effort,³⁴ the term רשות signifies heroic struggle. Although the sinner possesses the potential to overcome evil, he must first engage in a perilous and protracted battle. If the Torah were to have described the phenomenon of רשות, as opposed to בחירה, it would not have described it as accessible, as being neither remote nor distant - לא נפלאת היא ממך ולא רחוקה היא. On the contrary, it would have declared that the pursuit of *teshuva* היא ממך רחוקה, *is very remote from you*. It is extremely difficult for a person to harness his energies and overcome his natural inclinations. His entire personality rebels against this. Unlike בחירה which presumes accessibility, the word רשות signifies inaccessibility, something which is difficult to achieve - בשמים היא. To alter radically one's personality is very arduous.

Nowadays, it can be very difficult to observe Shabbos. Becoming observant is not an obvious option. One must sacrifice, both monetarily and socially, in order to observe the Shabbos properly. Often, one faces ridicule and scoffery from the non-observant. The same obstacles are encountered when educating children in *yeshivos*, as opposed to secular schools. בשמים היא - raising children properly, teaching them to be G-d-fearing and observant requires intense fortitude. רשות presupposes a decision which runs contrary to one's self interest, one which can be financially and socially ruinous. Nonetheless, יש לך רשות, each person **has** been granted the capacity to conquer רע and achieve טוב. Though perilous and fraught with risk, man possesses the fortitude to renounce evil and adopt a righteous lifestyle.

In other words, while the term בחירה reflects **choosing** טוב, the term רשות depicts **conquering** רע.

³⁴ As the *passuk* writes: 'ולא רחוקה היא...בפיק ובלבבך לעשותו (דברים: ל', י"ד).

The human psyche is composed of both a רצון תחתון and a רצון עליון

Both בחירה and רשות are predicated upon man's רצון, his cognitive ability and mental capacity. The *Chachmei Kabbalah*, the *Rambam* and *Chabad Rabbis*³⁵ posit two degrees of consciousness, namely, the רצון התחתון and רצון העליון. *Chabad* describes the רצון התחתון as a level **below** the three *sefiros* of בינה ודעת, חכמה, and identifies the רצון העליון with כתר, a level **above** the *sefiros* of חכמה, בינה ודעת.³⁶

³⁵ See ספר תורה אור דף פ"ז, טור ד'; ספר לקוטי תורה פ' אמור דף ל"ו, טור ב', וראש השנה. I am indebted to Rabbi Yosef Jacobson for supplying these references. [Editor's note]

³⁶ Man perceives G-d and the world through the ten ספירות, culminating in חכמה, בינה ודעת. The attribute of כתר represents the true essence of G-d. This is not comprehensible by man and is thus even more sublime than the ten ספירות. Since כתר depicts a reality which cannot be comprehended by man, it is incompatible with the ten ספירות (culminating with דעת) which describe the reality which **can** be perceived by man. דעת and כתר are therefore mutually exclusive concepts. The ספר עשר ולא אחד עשר, *there are ten and not eleven* (ספירות) expresses this incongruity with the phrase, יצירה (פ"א מ"ד).

The אין (בראשית: א, א') describes כתר as the decision by G-d, who is *boundless and transcendent*, to create a world which is constrained by *limitations*. חכמה describes G-d's selection of the degree of constraint to which He subjects the world. בינה represents G-d's imposition of the specific limitations upon this world, and דעת signifies G-d's satisfaction with His selection.

See also: אור שמח פ"ה מהלכות תשובה ה"ד ד"ה והנה באמת:

מגיד משרים (פ' בראשית) cites the (ג', י"ד – ט"ו, ד"ה מעודי) who notes that the appellation אה"ה represents the כתר feature of G-d, while הו"ה represents the תפארת feature of G-d. Although כתר is more sublime than תפארת, nonetheless, אה"ה **may** be pronounced (in context), whereas הו"ה **not** be pronounced (except as אדנות). The משך חכמה explains this anomaly. He notes that, prior to the sin of the עץ הדעת, Adam was able to comprehend G-d as הו"ה. Because of the sin of the עץ הדעת, man is no longer able to enjoy that perception. Thus, in order to demonstrate this inability, we may not pronounce הו"ה phonetically. In contrast, the emanation of כתר is beyond human comprehension. Even prior to his downfall, Adam was unable to identify with כתר. Accordingly, rather than

In psychological terms, the **רצון התחתון** represents man's **דעת**, his pragmatic, commercial and mercantile logic. The **רצון התחתון** is interested solely in the survival of the body and contemplates the world from a very practical, utilitarian perspective. The **רצון העליון**, on the other hand, which is derived from **כתר**, a level even more sublime than **דעת**, represents man's cognitive decision-making capacity. The **רצון העליון** seeks truth and spirituality and is unaffected by utilitarian concerns. Its decisions are often reached instantly, without consulting the **דעת**, since it instinctively distinguishes between right and wrong. At times, the person is even unaware of the decisions reached by the **רצון העליון**. Moreover, the **רצון העליון** may undertake action which is prejudicial to man's pragmatic interests if it believes that this contrary behavior will yield noble and spiritual benefits. The **רצון העליון** pursues sublime goals and principles. It is unconcerned with the mundane.

Ultimately, the primary decisions are concluded by the **רצון העליון** and the secondary decisions by the **רצון התחתון**.³⁷

For example, the *Rambam*³⁸ rules, **מכין אותו עד שיאמר רוצה אני**, *Bais Din is charged with compelling individuals to perform mitzvos*

representing man's perception of **כתר**, an impossibility, the appellation of **איהיה** merely depicts that G-d is aware of His transcendence and His **כתר** dimension. The name **איהיה** may be pronounced to represent this limited notion (i.e., that man recognizes that G-d is aware of His **כתר**), while simultaneously acknowledging that man has never been able to comprehend the **כתר** feature of G-d. [Editor's note]

³⁷ The *Shemoneh Esrei* contains the petition, **ותפילתם תקבל ברצון**. The word **ברצון** is seemingly inappropriate. *Prima facie*, we should ask G-d to grace us and accede to **all** of our requests. Nonetheless, we limit our petition and insert the word **ברצון** to reflect that one of the **חסדי ה'** is that He does **not** accept all of our requests. Some of our requests would, if granted, actually be prejudicial or even harmful to us. Thus, for example, a person's **רצון התחתון** may maintain that a certain objective will be beneficial to him; in fact, that goal, though financially rewarding, will be spiritually ruinous. Therefore, we ask G-d to accept solely those of our prayers which conform to G-d's **רצון**, as opposed to our **רצון התחתון**.

³⁸ פרק ב' מהלכות גירושין הלכה כ'.

as legitimate expressions of the person's own will. The Rambam explains that the rationale for coercing people to comply with *mitzvos* is that, although the recalcitrant's רצון התחתון is unwilling to perform those *mitzvos*, nonetheless, his רצון העליון does in fact wish to perform them.^{39, 40}

³⁹ The (פ' יתרו: י"ט, י"ז) adds that this principle applies in reverse with respect to violations performed under duress. Generally, one who acts under duress is exculpated from punishment since he lacks the requisite intent. Actions are culpable only if performed voluntarily by one with legal capacity. The Rambam (פ"כ מהלכות סנהדרין הלכה ג'), however, rules that duress does not excuse the engagement in גילוי עריות, *sexual crimes*. He reasons that sexual crimes cannot physiologically be consummated unless the individual subconsciously consents and permits his bodily functions to assert themselves. In situations other than גילוי עריות, the compulsion affects solely the רצון התחתון; thus, the resulting performance does not produce culpability. However, by engaging in the sexual act, albeit under duress, the person belies the consent of the רצון העליון. It is this complicity which produces culpability.

The (סימן מ"ט, אות א-ד) concurs with this approach. He explains that culpability is obtained only if an action (מעשה) is performed with intent (רצון). Actions performed under duress lack רצון and are excusable as אונס. However, sexual actions are culpable since they cannot physiologically be performed without intent (רצון). The *halacha* only excuses performances initiated without רצון; it does not exculpate conduct undertaken with רצון, even if the רצון was obtained under duress.

See also אור שמח (פ"ה מהלכות יסודי התורה ה"ו); קובץ הערות (שם, אות ה-ו) who distinguish between one who is compelled to serve עבודה זרה, as opposed to one who uses the עבודה זרה to cure an ailment. The former committed the violation under duress and thus lacks רצון. He will therefore not be punished by *bais din*. The latter will be punished since he violated the איסור willingly, albeit in order to effect a cure. [Editor's note]

⁴⁰ The *halacha* distinguishes between the concepts of דעת and רצון. Thus, the *halacha* requires only דעת מקנה, a lower level of דעת, to validate commercial transactions. With respect to קנין סודר and חליפין, however, דעת המחייב, a higher degree of capacity, is required. It is for this reason that a minor (whom the *halacha* regards as lacking a high degree of intellectual competence) may engage (מדרבנן) solely in קנין משיכה (and the like), but not in קנין חליפין (or שטר).

The principle of אסמכתא is predicated upon the rejection of the transaction by the רצון העליון

Likewise, the *halacha* establishes the principle of אסמכתא to invalidate certain commercial transactions.⁴¹ For example, one borrows money and secures the debt with a lien against his field. He stipulates that if the loan remains unpaid after a stated period of time, then the field shall be transferred to the lender in satisfaction of the loan. The *Gemara*⁴² rules that the lender may not foreclose upon and forcibly take title to the field inasmuch as אסמכתא לא קניא, the grant of the right of foreclosure lacks *halachic* validity. If the *halacha* had analyzed this transaction solely from the viewpoint of the mercantile, pragmatic logic of the borrower's רצון התחתון, it would have validated the transaction. After all, the borrower had agreed to transfer the field in the event that the loan remains unpaid. He willingly executed an otherwise legal mortgage on the property. However, the *halacha* has determined that the transaction violates the principle of אסמכתא. The *halacha* reasons that *vis-à-vis* the borrower's רצון העליון, which pursues, not just commercial logic, but moral objectives, the field should not be transferred to the lender. The borrower's רצון העליון would never have permitted him to engage in such speculation simply for pecuniary gain. The borrower's רצון העליון asserts that the borrower was delusionary. He acted irrationally when borrowing the money. He required funds in order to avoid bankruptcy or pursue a seemingly profitable commercial venture and erroneously concluded that this need outweighed the risks associated with placing the lien. Thus, since the borrower's רצון העליון did not join in the loan transaction, the transaction is invalidated.

The *halacha* has determined that the independent and true personality of the person is evidenced by **both** the רצון העליון as well

The difference between דעת מקנה and דעת המתחייב is exhaustively discussed in: ספר ברכת שמואל למס' קידושין סימן כ"ו; מסורה חוברת ב', עמ' מ"ה; ספר אבי עזרי פ"ה; ממכירה ה"ט. [Editor's note]

⁴¹ This principle is apparently unique among all judicial systems.

⁴² מסכת בבא מציעא דף ס"ה עמוד ב'.

as the **רצון התחתון**. The **רצון התחתון** alone does not represent the borrower's **total** personality. Since the **רצון העליון** would never have agreed to risk relinquishing the field in exchange for the loan, the lien encumbering the field, granted by only a **portion** of the borrower's total personality, is void.⁴³

התרת נדרים represents the template for absolution of sin

Another *halachic* example is that of **התרת נדרים**, pursuant to which a *bais din* is permitted to absolve a vow even though the vow

⁴³ The *Rav* explained that just as the **רצון העליון** is in consonance with the borrower in invalidating a commercial transaction which is subject to **אסמכתא**, similarly, in cases of **רצון העליון**, the **רצון העליון** arrays with the bride in enforcing the **רצון העליון** even under **אסמכתא** conditions. In those cases, the obligation is binding even in the absence of the concurrence of the **רצון התחתון**.

The *Rav* illustrated an application of the principle of **אסמכתא** in a **קידושין** scenario with an actual case which had been presented to him. In that incident, a man became engaged to a woman who had a physical deformity. The engagement lasted over one year. The deformity was not generally visible and had been described to the groom prior to the engagement. Moreover, the deformity was not objectively repulsive. There were many people who would be unconcerned with it. Initially, the groom also thought that he could overlook the deformity, but he subsequently concluded that he was in fact bothered by it.

The *Rav* explained that, unlike commercial transactions in which the **רצון העליון** does not join in the transaction, thus rendering the transaction voidable, with respect to **קידושין**, the **רצון העליון** promotes the **קידושין** even though it is speculative. One who becomes betrothed under **אסמכתא** circumstances must nonetheless consummate the marriage since basic ethics dictate that the groom reciprocate his bride's loyalty. The groom cannot ignore the tragic consequences of terminating an engagement after an extended period of time. The groom's **רצון העליון**, serving as his moral compass, would insist that he ignore the deformity and consummate the union. The concurrence of the **רצון העליון** in the **קידושין** suggests that the **קידושין** may not be voided by the non-occurrence of a predicate event.

was assumed voluntarily and without any duress. The rationale for this rule is that although the רצון התחתון accepted the vow, nevertheless, the רצון העליון did not join in that assumption. Only a portion of the person's personality (i.e., his רצון התחתון) accepted the vow. The *halacha* recognizes that, at least with respect to נדירים, the human personality is also represented by the רצון העליון. Because the vow had not been undertaken by the רצון העליון, the *bais din* is permitted to absolve it.

This rationale forms the basis of *teshuva* and partially explains the recital of *Kol Nidrei* on Yom Kippur eve.⁴⁴ Just as a נדר is susceptible of rescission, since the true representative of the human personality (i.e., the רצון העליון) was not in consonance with the vow, so too on Yom Kippur, G-d acknowledges that the absence of the רצון העליון in the commission of the crime renders an otherwise sinful performance as an inadvertent act. G-d accepts our claim that our sins were committed by only a portion of our psyche and that this corrupt facility is not representative of our true, total persona. Therefore, G-d proclaims⁴⁵, ונסלח לכל עדת בני ישראל כי לכל העם בשגגה, *I will forgive the Jewish people because their sins were committed inadvertently*. Even those sins which were committed במזיד, *intentionally*, are forgiven and deemed to have been committed בשגגה, *inadvertently*.⁴⁶ Man is not held culpable unless his total personality, inclusive of the רצון העליון, had perpetrated the crime. Inasmuch as the sinner's רצון העליון is incorruptible and, therefore, could not join in the commission of the iniquity, G-d extends סליחה and expiation to those penitents who permit their רצון העליון to reassert itself and regain control of their personality.

⁴⁴ Another rationale for this recital is proposed in the 1966 *Teshuva Drasha* contained in this volume.

⁴⁵ במדבר: ט"ו, כ"ו.

⁴⁶ In this respect, the violation is classified as an אסמכתא and is therefore void.

תפארת promotes the *teshuva* of תורה שבכתב

The different roles played by the רצון העליון and the רצון התחתון explain the divergent formats of בחירה and רשות. The *teshuva* of בחירה is initiated by the רצון התחתון. The *teshuva* of רשות is precipitated by the רצון העליון.

The *teshuva* of בחירה is predicated upon תפארת, *man's dignity and self respect*, and is initiated by the person's רצון התחתון. It may be obtained if the רצון התחתון is predominantly pure, readily acknowledges its errors, and experiences the defilement resulting from its sins. In that case, the person's דעת and רצון התחתון are united in their resolve to regain their lost תפארת and restore their forfeited dignity and self-respect. In this scenario, *teshuva* is achieved through הכרת החטא, when the person recognizes that he is corrupt, spiritually bankrupt and has gained nothing as a result of his iniquities. The sinner's תפארת is restored when his דעת acknowledges that sin is contrary to his self-interests, that sin suppresses his תפארת, his majestic stature, and moreover, that the sin has not yielded the desired objectives. Thus, the נביא declares:⁴⁷

שובה ישראל עד ה' אלקיך כי כשלת בעונך.

*Repent, Israel and return to G-d; you have failed despite your sins.*⁴⁸

Likewise, Adam and Chava recognized on their own that they had become corrupted.⁴⁹ ותקפחנה עיני שניהם וידעו כי עירמם הם. *They opened their eyes and become aware that they were naked.* Adam and Chava instinctively realized that they had forfeited their pristine status. They concluded that, despite the representations of the נחש, they had not attained the promised objective of והייתם כאלוקים יודעי טוב ורע.⁵⁰ They had failed to achieve divinity. When man

⁴⁷ הושע: י"ד, ב'.

⁴⁸ The word כשלת should be translated as "you have **failed**," and not as "you have **stumbled**."

⁴⁹ בראשית: ג', ז'.

⁵⁰ בראשית: ג', ה'.

contemplates his actions, evaluates his life and ultimately recognizes that he has failed, the pragmatic logic of his **רצון התחתון** concedes defeat, **ולא שווה לנו**; he has accomplished nothing. The **רצון התחתון** then cries out and compels the sinner to engage in *teshuva*. All that is necessary in order to engage in this form of *teshuva*, is one's honest acknowledgement of his failure and sincere commitment not to continue to live and die under misguided illusions.⁵¹

In a word, the *teshuva* precipitated by the **רצון התחתון**, which recognizes that *teshuva* is necessary in order to recapture the sinner's **תפארת**, merely requires **בחירה רשות**; is unnecessary.

גבורה תורה שבעל פה advocates the *teshuva* of גבורה.

In contradistinction, the *teshuva* of **רשות** is predicated upon **גבורה** and is initiated solely by the **רצון העליון**. Heroism, **גבורה**, is required whenever man's **רצון העליון** and **רצון התחתון** are in conflict, whenever one's **רצון העליון** demands *teshuva*, and his **רצון התחתון** scoffs at reformation, when man's very personality is split, when his **רצון העליון** is estranged from the **רצון התחתון**. Man's practical utilitarian logic, his **רצון התחתון**, asserts that one is better off, more financially secure and more accepted by society, by adopting a secular lifestyle and integrating himself within that society. His pragmatic self-interests are opposed to *teshuva*. His **רצון התחתון** advises that it is financially prudent to conduct business on Shabbos, to eat non-kosher food and to socialize with the elite of a society which rejects all forms of religion. In such situations, the **רצון התחתון** urges man to persist in sin. It does not acknowledge that sin corrupts man's **תפארת**, his majesty and dignity. It is only man's **רצון העליון** which demands reformation. In order to overcome his own **רצון התחתון** and combat his own recidivist personality, man must exercise **גבורה**, super-human heroism.

⁵¹ Man instinctively recoils from admitting failure. Man refuses to acknowledge that he has wasted his life. This form of *teshuva* is, therefore, also difficult to obtain, though it is more easily attainable than the *teshuva* of **גבורה** described in the succeeding paragraphs.

The **תורה שבכתב** and the **תורה שבעל פה** describe *teshuva* in different terms – **בחירה** and **רשות** – in order to accommodate the different methods required by the respective societies which they represent.

During the period described by the **תורה שבכתב**, the **בית המקדש** was in its glory. **נבואה** was commonplace and the **השגחה** of G-d was so palpable that **מלא כל הארץ כבודו**, *the universe reflected His glory*.⁵² Each Jew perceived with his physical senses the manifest presence of G-d's *shechinah*. He, therefore, instinctively strove to observe the *mitzvos* and accept the **רצונו של הקב"ה**. The Jew required little or no prompting to engage in *teshuva*. At such times, the repentant's **רצון** **התחתון** merely exercised its **בחירה**, repudiated his sins and chose the correct mode of conduct. Good and evil presented equally accessible options. Thus, the term **בחירה** is employed with respect to the form of *teshuva* promoted by **תורה שבכתב** to reflect that the decision lay solely within the **רצון התחתון**. The **רצון התחתון** recognized of its own

⁵² **ישעיה: ו', ג'**. Yeshayahu lived prior to the **גלות**. He, therefore, describes the angels as basking in G-d's manifest glory, **מלא כל הארץ כבודו**. Yechezkel, on the other hand, lived during the **גלות** era. He, therefore, portrays those same angels as inquiring from one another about G-d's seeming disappearance, **איה מקום כבודו**. The response was **ברוך כבוד ה' ממקומו (יחזקאל: ג', י"ב)**.

In **מסורה (חוברת ט"ו עמוד כ"ו)**, the *Rav* describes the differences between Yeshayahu's vision of G-d as **מלא כל הארץ כבודו**, as opposed to Yechezkel's vision of G-d of **ממקומו ה' ברוך כבוד ה' ממקומו**. When G-d's glory is manifest, when the **בית המקדש** is extant, then G-d's **השגחה** and presence is experienced by all. He is **מלא כל הארץ כבודו**. On the other hand, the period of **גלות** experienced by Yechezkel marks a time in history when the **שכינה** is **באיתכסיא**, *suppressed and obscured*. At such times, G-d's presence is transcendent. It can only be experienced by discerning and sensitive souls - **ברוך כבוד ה' ממקומו**.

The *Rav* adds that a mourner is advised **המקום ינחם אותך**. The term **המקום**, as a description of G-d, is deliberately employed since **מקום** reflects G-d's transcendence (**ברוך כבוד ה' ממקומו**). Likewise, the mourner whose relative has been taken from him feels estranged from G-d. He is told that although his perception of G-d is that of **ממקומו**, remote and uncaring, nonetheless, this perception will be replaced with a clearer vision of G-d as **מלא כל הארץ כבודו**. Ultimately, he will acknowledge the greater good which his loss represents. [Editor's note]

accord that it must renounce iniquity in order to regain its תפארת, its self-respect.

The *teshuva* of תורה שבעל פה, on the other hand, generally represents the גלות period. It is marked by הסתר פנים which hides G-d's presence. The angels ask each other: אייה מקום כבודו, *Why has G-d's glory disappeared?*⁵³ G-d responds: ברוך כבוד ה' ממקומו, *The glory of G-d lies in the remote extremities of the universe.*⁵⁴ G-d is transcendent, and His presence cannot be easily discerned. In such dark eras, good and evil are not equally attractive options. Evil is paramount; good is subordinate. Nature itself seems to have abandoned Torah. The רצון התחתון is intoxicated by sin and rejects Torah and *mitzvos*. A schism thus develops within the sinner's own psyche, as his רצון העליון and רצון התחתון each seek to dominate the other. The רצון התחתון, in alliance with the person's דעת, advocates the pursuit of a secular non-observant lifestyle. The רצון העליון resists that position. It thus becomes estranged and intellectually isolated from the רצון התחתון and דעת. In order to overcome one's instinctive pursuit of חטא, to initiate a combat between one's recidivist רצון התחתון and his רצון העליון, the mere exercise of בחירה is insufficient. In such situations, one requires superhuman גבורה and fortitude to prevail against seemingly insurmountable odds. The exercise of such heroism is represented by the term רשות, which connotes the גבורה, the inner strength and power, required to suppress one's own instincts and comply with his רצון העליון.

Of course, even during the גלות period, *teshuva* was often obtained through the mere exercise of בחירה. One can deduce from the tone of the *Shabbos Shuva drashos* delivered by Rabbis of prior generations, such as the נודע ביהודה, the הלוי and R' Yonasan Eibeshitz, that many of the Jews who lived at that time engaged in *teshuva* merely by invoking the בחירה articulated by the תורה שבכתב. Of course, Jews sinned in those days, nonetheless, it was unnecessary

⁵³ This phrase appears in *kedusha* recited on *mussaf*.

⁵⁴ יחזקאל-ל: ג', י"ב.

for many Jews to engage in the more heroic *teshuva* of רשות advocated by the תורה שבעל פה. The principle of ובחרת בחיים promoted by תורה שבכתב was, in and of itself, sufficient to facilitate *teshuva*. The level of רשות proposed by תורה שבעל פה was not required.⁵⁵

The difference between the *teshuva* of בחירה and that of רשות is further illustrated by contrasting the level of Shabbos observance by European Jews prior to World War II with that of American Jews both then and today. In Europe, a Jew's practical, self-indulging רצון התחתון, which normally promotes selfish interests, was also eager to observe Shabbos meticulously. The Jew of that time recognized that a מחלל שבת was isolated and rejected by society at large. The Jew's רצון התחתון, therefore, encouraged him to remain observant in order to ensure his acceptance by society. Being observant was pragmatic as well as spiritually rewarding.

The American Jew, both in that period and even today, does not share that experience. On the contrary, the American Jew's practical, commercial and mercantile רצון התחתון rejects Orthodoxy, scorns Torah and shuns *mitzvos*. Only his רצון העליון recognizes the truth of Torah, encourages him to observe Shabbos and to ignore the benefits which a secular lifestyle provide. The American Jew's חכמה בינה ודעת reject a Torah lifestyle. His instinct and רצון התחתון argue that it is contrary to his selfish interests to join the minority of Jews who

⁵⁵ The *Gemara* (מסכת סנהדרין דף כ' ע"א) provides other illustrations in which the fabric of society was aligned with Torah, and only the *teshuva* of בחירה was required. It writes, (משלי: ל"א, ל), שקר החן והבל היפי אשה יראת ה' היא תתהלל. *Charm is false, beauty is disingenuous, only the G-d-fearing woman is to be praised.*

שקר החן – זה דורו של משה ויהושע; הבל היופי – זה דורו של חזקיה; יראת ה' היא תתהלל – זה דורו של ר' יהודה בר' אילעאי... שהיו ששה תלמידים מתכסים בטלית אחת ועוסקין בתורה. *The phrase "charm is false" refers to the generation of Moshe and Yehoshua. The phrase "beauty is disingenuous" refers to the generation of Chizkiyahu. The phrase "the G-d-fearing woman is to be praised" refers to the generation of R' Yehuda ben Eloi. In that generation the people were so poor that they could not afford to purchase clothing. Six talmidei chachamim would wear a single robe and nonetheless immersed themselves in the study of Torah.*

observe Torah and *mitzvos*. To overcome external pressures, and at the same time reject the promptings of one's own intellect, requires *גבורה*, heroism and fortitude. The person must engage his *רצון העליון* and encourage it to compel the *רצון התחתון* to conform with the dictates of Torah.⁵⁶

The *teshuva* of תפארת is introduced in the first chapter of הלכות תשובה

The duality of *בחירה* and *רשות*, of the *teshuva* of תפארת initiated by the *רצון התחתון*, as opposed to the *teshuva* of *גבורה* precipitated by the *רצון העליון*, finds expression in the two distinct methodologies of *teshuva* formulated by the *Rambam* in the different chapters of הלכות תשובה.⁵⁷

In the first chapters of הלכות תשובה, the *Rambam* discusses the *teshuva* of *בחירה*. This *teshuva* is precipitated by the *רצון התחתון* which strives to recapture its תפארת, its self respect and dignity. This type of *teshuva* does not require extraordinary efforts of *גבורה*. On the contrary, *הכרת החטא* is initiated by the *רצון התחתון* which acknowledges that its תפארת has become debased. The *teshuva* required by this individual is that described by the *Rambam* in the preamble and first chapters of הלכות תשובה, namely, מצות עשה... שישוב מחטאו ויתודה *בחירה*. This type of *teshuva* is exercised through

⁵⁶ Another illustration of the *teshuva* of *גבורה*, supplied by the *Rav*, is contained in Appendix A of this *drasha*.

⁵⁷ This duality leads the *Rambam* to introduce four distinctions between each of these formats.

The first distinction relates to the *גבורה* required of one who engages in the *teshuva* of *רשות*. It is not required for the *teshuva* of *בחירה*.

The second distinction is that, unlike the *teshuva* of *בחירה*, the protocol of the *teshuva* of *רשות* does not commence with *עזיבת החטא*, renunciation of sin.

The third distinction relates to the varying degrees of defilement experienced by one who requires *גבורה* to overcome his obsession with *חטא*.

The fourth distinction relates to the different methods which must be employed to encourage these types of recalcitrants to engage in *teshuva*.

and with the recognition and encouragement of the **רצון התחתון**. It is, therefore, unnecessary for the *Rambam* to employ terms such as **רשות**, which presuppose an internal conflict of the psyches.

The *teshuva* of **רשות is introduced in the seventh chapter of הלכות תשובה**

In the seventh chapter of הלכות תשובה, the *Rambam* discusses a different scenario, namely, one in which the person's own **דעת** encourages him to pursue **חטא** and which scoffs at *mitzvos*. In those situations, the sinner's **רצון התחתון** is corrupted and suffused with evil. It is only his vigilant **רצון העליון** which remains pristine and wages a perpetual battle to overcome the **רצון התחתון**.

In order to underscore the intensity of that conflict, the *Rambam* writes: **הואיל ורשות נתונה**; inasmuch as man is given the **רשות**, the fortitude,⁵⁸ to overcome his **רצון התחתון** and reform his personality, hence, **ישתדל לעשות תשובה**, **גבורה**.⁵⁹ He must align himself with his indomitable **רצון העליון** and defeat the **רצון התחתון**. He must reconstitute and recreate his **רצון התחתון** so that it conforms with Torah. To recreate oneself requires an inordinate degree of courage and heroism. Often, one who renounces his lifestyle faces alienation from his family and becomes an object of mockery and ridicule. Many people who wish to adopt a Torah lifestyle are justifiably afraid of the negative and adverse social and familial consequences which will inevitably ensue. The *Rambam* addresses these people and writes, **ישתדל האדם לעשות תשובה**.⁶⁰ He

⁵⁸ As noted, the word **רשות** connotes **power**.

⁵⁹ The word **ישתדל** is used in the sense of mustering one's inner strength and fortitude in the conflict against the **רצון התחתון**.

⁶⁰ The term **רשות** contained in the seventh chapter, does **not** address the issue of freedom of will. That concept is exhaustively analyzed in the prior chapters of הלכות תשובה. Rather, the word **רשות** is employed to connote **power**. It anticipates the fortitude that this type of *teshuva* requires. The word **רשות** merely serves as a lead-in to the next phrase, **ישתדל לעשות תשובה**, which depicts the heroism and **גבורה** which the penitent must muster to overcome his **רצון התחתון**.

exhorts them to muster the heroism necessary to heed their רצון העליון and recreate their רצון התחתון.

In conclusion, the seventh chapter of הלכות תשובה discusses a different methodology of *teshuva* than that described in the first chapters. The seventh chapter depicts the *teshuva* required whenever the רצון העליון must engage in conflict with the רצון התחתון. The *Rambam* thus employs the terms רשות and ישתדל to reflect the internecine battle of the psyches which must occur in order for the person to perform *teshuva*, and to assure the penitent that he indeed possesses the inner strength and fortitude necessary to prevail and reform his lifestyle. This form of *teshuva* is in stark contrast with the more benign תפארת form of *teshuva* described in the first chapters of הלכות תשובה, in which the רצון התחתון itself encourages the sinner to engage in *teshuva*.⁶¹ Since there is no need for conflict, this type of *teshuva* merely requires בחירה; גבורה and רשות are unnecessary.

The *teshuva* of בחירה is required of one who lapses into sin and commences with הרטה and עזיבת החטא

The duality of the two forms of *teshuva* also expresses itself in divergent *teshuva* processes. One who engages in the *teshuva* of בחירה and תפארת must adopt a different approach to *teshuva* than one who exercises the *teshuva* of רשות and גבורה. The *Rambam*, therefore, introduces two different protocols of *teshuva* in order to accommodate both types of sinners.

In the first chapters of הלכות תשובה, the *Rambam* prescribes a format of *teshuva* comprised first of עזיבת החטא, *renouncement of*

⁶¹ The ברכות השחר contain two *brachos*. One is the *bracha* of תפארת בתפארה, *G-d crowns Israel with majesty*. The other is גבורה באור, *G-d envelops Israel with inner strength*. When the רצון התחתון is pure and untarnished by sin, one can legitimately recite the *bracha* of תפארת בתפארה. This sinner nonetheless retains his crown of תפארת and majesty. On the other hand, the *bracha* of אור בגבורה is recited by one whose רצון העליון must first overwhelm his רצון התחתון. That person requires the heroism of גבורה in order to succeed in that conflict.

evil, and concluding with *viduy* and confession.⁶² However, in the seventh chapter of הלכות תשובה, the *Rambam* prescribes the reverse format. The *teshuva* of the seventh chapter commences with *viduy* and confession and **concludes** with renouncement of the misdeeds.⁶³

He writes:

ישתדל האדם לעשות תשובה (ולהתודות בפיו מחטאיו) ולנעור כפיו
מחטאיו...

*The person must first attempt to repent and confess his
sins, and thereafter rid himself of his sins...*

The first chapters of הלכות תשובה address one whose רצון התחתון is pristine and pure. His *teshuva*, the *teshuva* of תפארת and בחירה, is precipitated by the רצון התחתון, which itself senses the corruption engendered by wicked behavior. In such cases, the sinner's general persona accepts Torah and *mitzvos*, and sin represents a momentary and transient lapse, an anomalous deviation from his true personality. This person has been merely intoxicated by sin. His lapses are not the result of a deviant philosophy or an existential realignment.⁶⁴ On the contrary, sin is extrinsic to his persona. Just as wine can lead a person to sin, similarly, emotions can cause a temporary descent into sin. Transitory emotions can

⁶² פ"ב מהלכות תשובה ה"ב: ומה היא התשובה? הוא שיעזוב החוטא חטאו, ויסירנו ממחשבתו, ויגמור בלבו שלא יעשהו עוד...וצריך להתודות בשפתיו ולומר עניינות אלו שגמר בלבו. עכ"ל.

⁶³ The *Rambam* uses the phrases of שיעזוב חטאו and כפיו מחטאיו interchangeably.

⁶⁴ The most striking example is one who desecrates the Shabbos in order to pursue a lucrative business transaction. He did not reject *Yahadus*; he was merely captivated by the lure of wealth. רגש, *emotion*, overcame his שכל, *reason*. As soon as the intoxication wanes and the transaction is consummated, he will become immediately contrite and will engage in *teshuva*.

עץ שאכל ממנו אדם הראשון גפן היה (מסכת סנהדרין דף ע' ע"א) accepts the opinion that סנהדרין דף ע' ע"א (ע"א). He, therefore, states that grapes may not be eaten on Rosh Hashanah, since שאין לך דבר שמביא יללה על אדם אלא יין (מסכת ברכות דף מ' ע"א) (ע"א). The *Gemara* which stresses the horrible consequences of inebriation was referring, not to alcohol, but to all emotions which intoxicate man and lead him to sin. Emotions are the root cause of sin since they suppress the person's true personality.

suppress the רצון התחתון. At times, the emotion is anger; at other times, it is greed, lust, avarice or the like. These emotional drives, which temporarily subdue the רצון התחתון, are in effect שכרות, a temporary intoxication, a moment of weakness.

One intoxicated by his emotions will invariably awaken and recoil with embarrassment. *Tanach* refers to such sobering moments as ויהי ממחרת, *the next day*. Suddenly, without warning, the person awakens from his drunken stupor, recognizes the enormity of his foolishness and the extent to which his emotions have corrupted his soul.

For example, the נביא relates the episode of Avigayil and Noval:⁶⁵

ותבא אביגיל אל נבל. והנה לו משתה בביתו כמשתה המלך. ולב נבל טוב עליו והוא שיכור עד מאד. ולא הגידה לו דבר.

Avigayil approached Noval. Noval was celebrating a kingly feast. The heart of Noval was pleased, and he was very drunk. Avigayil did not tell Noval anything.

Avigayil approached Noval and realized that he was inebriated. She immediately recognized that, when in the grips of passion, man loses consciousness and cannot be reasoned with. Avigayil, therefore, did not advise Noval of the impending disaster. לא הגידה לו דבר, *she did not tell (Noval) anything*. However, the next *passuk* states:

ויהי בבקר, בצאת היין מנבל ותגד לו אשתו את הדברים האלה. וימת לבו בקרבנו.

The next day, after Noval had sobered, his wife told him what had occurred, and his heart died within him.

Avigayil served as a proxy for Noval's רצון התחתון. At one time or another, everyone suddenly acts like Noval, and everyone has an Avigayil to redirect him. She engaged in what the *Rav* termed תוכחה שלילית, *negative criticism*. Acting as his רצון התחתון, Avigayil boldly woke Noval from his inebriation and exhorted him to engage in

⁶⁵ על התשובה עמ' 28 ועמ' 218. See also שמואל א': כ"ה, ל"ו [Editor's note]

teshuva. She compelled him to recognize that his passions had corrupted his soul, defiled his greatness, sullied his תפארת, and ruined his life. Noval's response was וימת לבו בקרבו. His passion receded. Noval's intoxicating emotions subsided, and Noval regained control of his Torah-true personality.

This *teshuva* of בחירה and תפארת is described by the *Rambam* in the initial chapters of הלכות תשובה. This form of *teshuva* is more achievable, since evil has not yet been incorporated within the sinner's persona. חטא is still extrinsic to the sinner. Thus, *teshuva* is limited solely to the חטא, to the sinful **conduct**, as opposed to the דרך חטאים, the decadent **lifestyle** (described in the next paragraph). One whose guilt exhausts itself in misdeeds and reprehensible activities, must **first** evince חרטה - regret for that behavior - and renounce that conduct - עזיבת החטא. **Following** that, he must confess his sins and recite *viduy*.

The *teshuva* of רשות is a product of internal conflict and commences with a change in lifestyle, followed by עזיבת החטא and חרטה

On the other hand, the *teshuva* of גבורה and רשות discussed in the seventh chapter of הלכות תשובה must be performed whenever חטא is so intrinsic to the sinner's personality that his רצון התחתון is also corrupt. To engage in *teshuva*, יעזב רשע דרכו.⁶⁶ This sinner must engage his רצון העליון. He must repudiate his entire **lifestyle**, reconstitute his existential persona, and recreate the essence of his personality. If he merely renounces רשעתו, *his evil deeds*, while retaining his original *weltanschauung*, his corrupt lifestyle will continue to lead him astray. For example, merely plucking diseased fruits from a tree will not prevent other diseased fruit from growing in their place. The entire tree must be uprooted. For this sinner, *teshuva* cannot occur spontaneously. Rather, *teshuva* will emerge only after a long, protracted and frustrating battle. In this case, the transfiguration of the sinful personality engendered by the heroism and גבורה of the

⁶⁶ ישעיה: נ"ה, ז'.

רצון העליון, and the defeat of the רצון התחתון, must precede חרטה, *regret and renouncement of his iniquitous behavior*.

Unlike the first type of *teshuva* which focuses on behavior and sinful deeds, and in which חרטה, regret and abandonment of such activity, precedes *teshuva*, the *teshuva* of גבורה and רשות is focused upon the sinful lifestyle. עזיבת החטא, merely regretting the misdeeds, is insufficient and often initially unattainable. This type of sinner requires a complete transfiguration, יעזוב רשע דרכו. He requires that Avigayil speak to him, not as a proxy for the רצון התחתון, but for the רצון העליון.⁶⁷ Thus, he must first alter his lifestyle and only thereafter regret and abandon his felonious activities. Accordingly, the *Rambam* writes that the first step consists of, ישתדל האדם לעשות תשובה (ולהתודות בפיו מחטאיו), *The sinner must first initiate the process of teshuva*.⁶⁸ The sinner must first start by adopting a new lifestyle. Only after his lifestyle has been radically altered, his personality reconstituted, and his רצון התחתון realigned, can he engage in the next step of *teshuva*, renouncing and evincing regret for his prior conduct, ולנעור כפיו מחטאיו, *Rid himself of his sins*.

The sinners described in the first and seventh chapters are motivated by different stimulants

It is a long, arduous and complex process to reconstitute one's world outlook, to realign one's ontological dimension and to adopt an opposing philosophy. Contemporary man, cultured man, is generally disciplined and not easily moved. How then can Avigayil convince modern man to engage in *teshuva*? How can Avigayil reform contemporary man's רצון התחתון so that it no longer advocates a

⁶⁷ The classical ספרי מוסר offered negative criticism since the sinners in those generations had not corrupted their תפארת. Those types of sinners are more easily restored.

⁶⁸ The phrase לעשות תשובה is **not** used in the traditional sense of עזיבת החטא. Rather, it refers to the initiation of the *teshuva* process. It connotes changing one's lifestyle and reorienting his personality.

sinful lifestyle? How does Avigayil accelerate the ממחרת, *the morning star*, which marks the sinner's return to Torah?

The answer to this dilemma is provided by the *passukim* relating to the construction of the מזבח. The מזבח may not be constructed with any metallic instruments. The Torah writes:⁶⁹

לא תבנה אתהן גזית, כי חרבך הנפת עליה ותחללה.

*[The stones of the altar] shall not be chiseled with metal, lest you chisel the stone with a sword and defile it.*⁷⁰

In order to extract the stones, the workers were required to utilize a שמיר, a magical creature which cracked the stones and allowed them to be quarried and built into the מזבח.⁷¹

The difference between cutting stones with a metallic instrument, as opposed to a שמיר, is twofold. First, mining stones with metallic instruments requires force and effort. The sheer impact of the metal on the stone causes it to crack. The more forceful the impact, the larger the fissure. The שמיר, on the other hand, effortlessly causes a smooth fissure to appear within the rock. Second, when cutting stones with metal, a person may inadvertently shatter the stone into small particles. A שמיר, on the other hand, cuts the stone along defined prescribed lines and never shatters it. The *Gemara*⁷² relates that the original guardian of the שמיר was the תרנגולא ברא.⁷³ It placed the שמיר on barren arid mountains, whereupon the mountains immediately split apart. It then inserted seeds and other vegetation

⁶⁹ שמות: כ', כ"ב.

⁷⁰ The *Shema* (פ"א מהל' ביהב"ח הט"ו) maintains that stones chiseled with a metallic instrument may not be inserted into the מזבח even if the stones were chiseled before they were consecrated. [Editor's note]

⁷¹ See מסכת גיטין דף ס"ח ע"ב.

⁷² Ibid.

⁷³ Rashi (י"ט, י"א, שמיני י"א) writes that this was a דוכיפת, which Rabbi Steinsaltz identifies as the hoopoe bird. I am indebted to Rabbi Yaakov Preil for alerting me to Rashi's comment. [Editor's note]

into the cleft. Eventually, vegetation and flowers sprouted, and the area became a blooming habitable oasis.

The sinner described in the first chapter must be subjected to תוכחה שלילית

The two types of sinners described by the *Rambam* require different stimulants in order to motivate them to initiate their respective forms of *teshuva*. The recalcitrant sinner described in the first chapter of הלכות תשובה is basically righteous and merely requires the *teshuva* of בחירה and תפארת. In order to stimulate him to engage in *teshuva*, he must be overwhelmed with guilt and subjected to תוכחה שלילית. For such an individual, the hammer-like approach should be employed. One who is essentially pious will be spurred to *teshuva* if subjected to sharp criticism. If told that he is רשע, foul and corrupt who has corrupted his תפארת, his רצון התחתון will be moved, and he will repent. In this situation, חטא is accidental, an anomaly, a momentary lapse, extrinsic to his personality and not part of his *weltanschauung* and existential personality. תוכחה שלילית can therefore be effectively employed.

Contemporary man is motivated by תוכחה חיובית

On the other hand, the sinner described in the seventh chapter of הלכות תשובה is estranged from *Yahadus*. He cannot be compelled to reform. Subjecting him to repeated criticism will be counterproductive. It will be rejected. Instead, the שמיר approach of תוכחה חיובית, subtlety, pleasantries and constructive engagement, must be employed. The sinner must be gently spoken to and advised that it is never too late to reform. Despite his total assimilation, he can discard his past and adopt a new lifestyle. He must be reminded that the inner core of his soul remains pure, that his true *gestalt* remains pious and G-d fearing. He must be reassured that he still retains a spark of uncorrupted, primordial sanctity which longs for *kedusha* and a rapprochement with G-d. By emphasizing his positive qualities, his רצון העליון will facilitate reformation and transfiguration.

The *teshuva* of רשות - of contemporary man - operates as the שמיר. There is no coercion or pain. Rather, just as the שמיר painlessly split the rock from top to bottom, revealing the rock's core, so, too, the רצון העליון motivates the sinner to recognize hitherto unknown strengths submerged within the depths and recesses of his personality, in the עלמא דאיתכסיא, *the hidden worlds of his soul*. Though previously unknown to the sinner, these resources, *willy-nilly*, enable the sinner to engage in *teshuva*. His inner personality is slowly reconstituted.⁷⁴

The רצון העליון does not criticize the sinner; it does not impugn the sinner's prior lifestyle. It realizes that contemporary man recoils from criticism and is unwilling to acknowledge his failures. Criticizing him will therefore be counterproductive. Rather, the רצון העליון reinvigorates contemporary man's soul and encourages him to develop a new personality. Just as the שמיר used תרנגולא ברא to fertilize barren areas and create new habitats, so, too, the רצון העליון employs a שמיר-type approach to germinate the corrupt soul and allow it to blossom anew. It first stresses the positive benefits of reformation and a righteous lifestyle. In this form of *teshuva*, עזיבת החטא, *renunciation of sin*, **follows** the engagement in *teshuva*. It does **not** precede it. Only after a reconstitution of the sinner's personality, can the sinner address his prior iniquities.

The *Gemara*⁷⁵ illustrates the *teshuva* of רשות. It relates that the renowned *Shimon Hatzaddik* never ate from the meat of the אשם offered by a נזיר טמא.⁷⁶ He reasoned that if someone is of such a lofty personality that he has accepted נזירות, then he would never have

⁷⁴ This theme is also developed in (344, 184, עמ' 184). [Editor's note]

⁷⁵ See מסכת נדרים דף ט' ע"ב. *Shimon Hatzaddik* was not very familiar with secular Jews whose רצון התחתון encourages them to pursue חטא and on whom תוכחה has no impact.

⁷⁶ A נזיר is one who undertakes a vow which requires him to abstain from cutting his hair, imbibing wine and coming into contact with טומאת מת. If he does become טמא, he must cut his hair, offer certain sacrifices, including an אשם נזיר, and begin his counting anew.

defiled it by becoming טמא, even inadvertently. The fact that the נזיר did become טמא betrays his insincerity.

However, *Shimon Hatzaddik* made one exception. He related that a very handsome נזיר once came to the *Bais Hamikdash* to offer an אשם נזיר. The נזיר originated from Alexandria, a city where assimilation and secularism prevailed. He was dressed in contemporary clothing. *Shimon Hatzaddik* recognized that criticizing him would be ineffective. He asked this נזיר what motivated someone of his obviously assimilated background to undertake נזירות and observe Torah and *mitzvos*. He asked the נזיר why he would exchange the immoral, corrupt decadence of Alexandrian society for the rigidity and restrictions of a religious lifestyle. The נזיר responded that he had not been raised in an orthodox home. He had never experienced purity and *kedusha*. He was unaware of the sanctity of *Yerushalayim*. He was not interested in religious observance. But he had at times experienced a mysterious, inexplicable longing. He yearned for something more sublime, a noble existence with which he could not identify. One day he looked at his reflection in a מעין, a stream. The pure and incorruptible water permitted him to see for the first time his spiritual soul radiating through his body.⁷⁷ Inexplicably, he was moved to his core. He immediately recognized that Alexandria was not his home. He suddenly longed to emigrate to *Yerushalayim* and discover his spiritual roots. His evil inclination immediately erupted and attempted to dissuade him from traveling to *Yerushalayim* and adopting an alien, logic-defying, religious lifestyle, replete with paradoxes and restrictions. His יצר הרע pointed out the difficulties of a Torah-true lifestyle. His רצון התחתון demanded that he remain in Alexandria and continue his descent into secularism and corruption. Suddenly, his רצון העליון emerged and urged him to dedicate his entire life, body and soul, to G-d. When *Shimon Hatzaddik* heard this, he kissed the young man on the forehead and willingly ate from his *korban*.

⁷⁷ The *Gemara* emphasizes that נסתכלתי בבואה שלי, *I gazed at my true and pristine reflection*. I saw, not only my exterior facade, but my inner personality as well.

Contemporary man must first be encouraged to perform *mitzvos*

The ילקוט שמעוני addresses the method that should be employed to motivate contemporary man who has committed numerous *aveiros*, but who has not yet attained the level of חרטה and עזיבת החטא. This person does not yet regret his iniquities. He will not readily abandon his felonious behavior. He is not yet ready for complete *teshuva*. The ילקוט writes:⁷⁸

כל מי שיש בידו דבר עבירה, ומתבייש לעשות תשובה, יחליפנה
במעשים טובים ויעשה תשובה ויתקבל.

One who has sinned, but is embarrassed to engage in teshuva should replace his sins with good deeds. This will then motivate him to finalize an acceptable teshuva process.

The ילקוט advises that such an individual should be encouraged to perform *mitzvos* and מעשים טובים. He must be neither criticized nor alienated. He must merely be motivated to study Torah and attend *minyanim*.

In the seventh chapter of הלכות תשובה, the *Rambam* adopts the approach proposed by the ילקוט for contemporary man. The *Rambam* writes, הואיל ורשות כל אדם נתונה לו. The *Rambam* focuses on sinners such as contemporary man, whose רצון התחתון advocates sin and conspires with the sinner to remain mired in a secular lifestyle. The *Rambam* warns him of the impending רשות and conflict which he must initiate. He advises modern man that he possesses the גבורה and fortitude to vanquish his רצון התחתון. The *Rambam* acknowledges that one whose רצון התחתון is so suffused with חטא that it discourages him from performing *teshuva* is unable at first to renounce his sin (as is the case of the repentant described in the first chapter of הלכות תשובה). Such a sinner is not yet ready for עזיבת החטא. He does not yet regret his past. His entire culture is corrupt, and he is not yet ready to adopt a new lifestyle. Moreover, such a person is not ready

⁷⁸ See הלוי על התורה, cited in the introduction to the ילקוט שמעוני (רמזים תקל"ט).

to adopt a new lifestyle. For such a person, the *teshuva* process cannot commence with עזיבת החטא. Rather, this person must first be encouraged to engage in *mitzvos*. He must be made aware of the beauty and majesty of *Yahadus*. Step by step, this sinner must first engage in *mitzvos* and other good deeds. He must be introduced to his תפארת, the beauty and grace of a Torah-true lifestyle. Eventually, his personality will be reformed, and he will undertake the second stage of לנעור כפיו מחטאיו, renouncing his sins. The person's רצון העליון will suddenly emerge, advise him to abandon his misdeeds, adopt a new lifestyle and comply with the dictates of the Torah.

The *Gemara* emphasizes the difficulties encountered by the exercise of גבורה

The *Gemara* cited earlier,⁷⁹ which relates the three *passukim* that seemingly justify sin, may be explained based upon the duality of the *teshuva* of בחירה and תפארת, as opposed to that of רשות and גבורה. Were it **not** for those cited *passukim*, one would have assumed that *teshuva* is possible solely in those situations in which בחירה suffices (i.e., when the רצון התחתון also advocates *teshuva*). However, one would have concluded that *teshuva* is not attainable whenever רשות must be exercised (i.e., when the רצון התחתון opposes *teshuva*). One could mistakenly have concluded that if the רצון התחתון refuses to reform, then *teshuva* is impossible. The *Gemara*, therefore, cites the *passuk*⁸⁰ which states, והסרתי את לב האבן מבשרכם, *I shall replace your cold, unfeeling, stone heart with a warm, passionate heart*. This *passuk* underscores that *teshuva* is possible even if the רצון התחתון resists reformation. Through the exercise of רשות and the fortitude of גבורה, the רצון העליון can overcome the רצון התחתון. It can **replace** the recidivist רצון התחתון (symbolized by the removal of the heart of stone) with a compliant one (symbolized by the heart of flesh), allowing the sinner to undergo transfiguration, reform his lifestyle and engage in *teshuva*.

⁷⁹ מסכת ברכות דף ל"ב ע"א.

⁸⁰ יחזקאל: ל"ו, כ"ו.

The *Gemara* depicts the *teshuva* of גבורה, in which the רצון העליון is in conflict with the רצון התחתון. In that scenario, the technologically advanced and progressive society scoffs at the seemingly primitive and closed-minded religious lifestyle. Unlike the situation which prevails whenever the person, on his own volition, recognizes the corruption generated by sin - in which the רצון התחתון also prompts him to engage in *teshuva* - the *Gemara* refers to instances which are marked by הסתר פנים, when G-d's presence is obscured. During periods of הסתר פנים, the רצון התחתון encourages people to remain mired in the morass of sin. This is the experience of contemporary man whose רצון העליון is mute, insensitive and remote. His רצון התחתון actively discourages him from engaging in *teshuva*. It is rare for contemporary man to overcome his natural inclinations and reform his personality. In such situations only סייעתא דשמיא can enable the sinner to muster the גבורה necessary to enable him to engage in *teshuva*. והסירותי את לב האבן, G-d endows the sinner with inner strength and partners with him to replace his wicked heart with a pure heart, to reconstitute his personality and reform his lifestyle.

The Rambam requires חשבון הנפש for both the *teshuva* of גבורה and for the *teshuva* required in times of crisis

The final question remains. Why does the *Rambam* focus on death in the seventh chapter of הלכות תשובה?⁸¹ Why does he uncharacteristically employ the inexorability of death as a means of facilitating *teshuva*?

In order to answer this question, the *Rav* first developed his theory that the *Rambam* articulates yet another nuance to the גבורה dimension of *teshuva* described in the seventh chapter of הלכות תשובה. The *Rav* noted that the *Rambam*, in the seventh chapter of הלכות תשובה, imposes the additional obligation of חשבון הנפש, *analyzing oneself in order to discover hitherto unknown deviations.*

⁸¹ The *Rambam* writes: כדי שימות והוא בעל תשובה כדי שיזכה לחיי העולם הבא (שם) הלכה א'.

The *Rambam* writes:⁸²

ואל תאמר שאין התשובה אלא מעבירות שיש בהן מעשה...[אלא]
צריך לחפש בדעות רעות שיש לו ולשוב מהן.

One should not think that repentance is required solely with respect to behavior, and not to thoughts and opinions. One must therefore constantly search out and analyze his deviant views and renounce them.

The *Rambam* requires the sinner who engages in the *teshuva* of גבורה, not only to confess the sins of which he is aware, but also to undergo חשבון הנפש and discover other sins committed by him. In contrast, the *teshuva* described in the first chapters of הלכות תשובה is precipitated by the *passuk*:⁸³

איש או אשה כי יעשו מכל חטאת האדם... והתודו את חטאתם
אשר עשו.

A man or a woman who sins shall confess the sins that they committed.

Under that scenario, the protocol of *teshuva* is שישוב מחטאו, *to repent and confess his sins*.⁸⁴ The sinner need only renounce the sins of which he is aware and resolve never to repeat those iniquities. The sinner is under no obligation other than with respect to those sins of which he is cognizant.

Why does the *Rambam* require חשבון הנפש for the *teshuva* of גבורה?

In order to answer this question and to understand the additional imperative of חשבון הנפש imposed for the *teshuva* of גבורה, it is necessary to analyze yet a different type of *teshuva*, namely, תשובה ה' בעת צרה, *repentance undertaken in response to an impending crisis*.⁸⁵

⁸² פרק ז' מהלכות תשובה הלכה ג'.

⁸³ במדבר: ה', ו-ז'. The *Rambam* (פ"א הלכות תשובה ה"א) cites this *passuk* as the source for the imperative of *teshuva*.

⁸⁴ Preamble to הלכות תשובה.

⁸⁵ As will be demonstrated, this type of *teshuva* also requires חשבון הנפש.

The *passuk* describes the *teshuva* of crisis as follows:⁸⁶

בצר לך ומצאוך כל הדברים האלה... ושבת עד ה' אלקיך.
When you are in distress, in crisis, and all of these punishments will have been visited upon you, you shall return to your G-d.

The *Rambam*, when discussing the laws of a תענית undertaken in response to disaster or crisis, writes:⁸⁷

ודבר זה מדרכי התשובה הוא שבזמן שתבוא צרה ויזעקו עליה ויריעו ידעו הכל שבגלל מעשיהם הרעים הורע להן... שאביא עליכם צרה כדי שתשובו...

This is a component of the teshuva process. When confronted with crisis, man must cry out to G-d and acknowledge that his iniquities have caused G-d to punish him with this crisis... The Torah advises that G-d brings catastrophe in order to prompt man to engage in teshuva.

Impending disasters dictate the introspection of השבון הנפש

What is the difference between the *teshuva* required during צרה, crisis, and the standard *teshuva* described in the first chapter of הלכות תשובה? If we are commanded to engage in *teshuva* whenever we sin, why is there a separate, seemingly duplicative, *mitzvah* to engage in *teshuva* when confronted with impending disaster?

The simple answer is that the general obligation of *teshuva* which is not precipitated by crisis is required solely by one who acknowledges his iniquities (i.e., ידיעת החטא). As the *passuk* writes⁸⁸ או הודע אליו חטאתו, *The person becomes aware of his sin.* However, one who is unaware of having sinned need not engage in *teshuva*.⁸⁹

⁸⁶ דברים: ד', ל'.

⁸⁷ פרק א' מהלכות תענית הלכה ב' – ג'.

⁸⁸ ויקרא: ד', כ"ג.

⁸⁹ *Teshuva* is precipitated solely by ידיעת החטא, awareness of the sin. The *Rav* proved this thesis from the *Gemara's* ruling of (מסכת שבת דף ע"א ע"ב)

In other words, awareness of the sin (ידיעת החטא) precipitates the obligation to engage in *teshuva*. Thus, חשבון הנפש, *introspection and evaluation*, is not required as a pre-condition for *teshuva*.

On the other hand, *teshuva* performed בעת צרה, in response to disaster, requires נחפשה דרכינו ונחקרה ונשובה,⁹⁰ *let us engage in introspection, evaluation and repentance*. Thus, the Rambam writes that in times of crisis:⁹¹

בית דין יושבין ובודקין מעשי אנשי העיר ומסירין המכשולות של
עבירות.

The courts convene and evaluate the actions of the residents of the city and eradicate the stumbling blocks that cause sins.

Likewise, the *passuk* writes:⁹²

והיה כי יבאו עליך כל הדברים האלה... והשבת אל לבבך... ושובת עד
ה' אלוך.

When disaster strikes... you should reform your hearts...and return to your G-d.

The phrase ושובת refers to *teshuva*. The phrase והשבות connotes חשבון הנפש, *introspection and evaluation*. Crisis dictates והשבות; one must analyze his lifestyle and discover the sins which are the root causes of the crisis. It is insufficient merely to repent the misdeeds of which he is aware. The community must search out and eradicate previously unknown felonious conduct.

מחלקות - the number of חטאות offered for multiple performances of the same חטא is commensurate with the number of times in a series that the sinner becomes aware of the injunction, promptly forgets it and repeats the חטא. *Teshuva* and חטאת are subject to similar standards. Inasmuch as one is not obligated to offer a חטאת for sins of which he is unaware, likewise, he need not engage in *teshuva* for sins of which he is unaware.

⁹⁰ איכה: ג', מ'.

⁹¹ פרק א' מהלכות תעניות הלכה י"ז.

⁹² דברים: ל', א'-ב'.

חשבון הנפש is required in order to finalize the *teshuva* of גבורה

The *Gemara*⁹³ relates that בית שמאי and בית הלל debated the fundamental philosophical question of whether or not it was preferable for man to have been created. They concluded:

נוח לו לאדם שלא נברא יותר משנברא. עכשיו שנברא יפשפש במעשיו.

It would have been preferable that man not be created. However, once he has already been created, man must scrutinize his actions.

The *Rav* deduced from the conclusion יפשפש במעשיו, that there is a constant *mitzvah* to engage in חשבון הנפש, *introspection*, even when not confronted with crisis, and even in the absence of an עת צרה. He explained that this conclusion is not inconsistent with the thesis presented above which imposes the imperative of נחפשה דרכינו solely during times of crisis. He noted that, although man is not **presently** confronted with a manifest crisis, he is nonetheless in a perpetual state of an **existential** crisis. Man is always vulnerable because נוח לו שלא נברא, *it would have been preferable that he not be created*. His continued existence is not a foregone conclusion. He cannot assert an incontrovertible claim to life. Man does not necessarily deserve to live. On the contrary, נוח לו שלא נברא. It is unclear whether the world is better off because of his existence. Since man's creation and his continued existence are מתנות חינם, gratuitous gifts from G-d, every man is vulnerable. King and pauper, scholar and peasant, affluent and indigent, are in a continual existential crisis, since their gift of life may be suddenly revoked. Man, though alive today, may die tomorrow. Accordingly, the *Gemara* concludes: עכשיו שנברא יפשפש במעשיו. Since man is constantly בעת צרה, in a constant state of existential crisis, he must continuously engage in the נחפשה and *introspection* that is required of those who are confronted by an impending external disaster.

⁹³ מסכת עירובין דף י"ג ע"ב.

Although *Yahadus* never emphasized the fear of death as a catalyst for *teshuva*, nevertheless, *Yahadus* did not want man to ignore the inexorability of his death. *Yahadus* therefore proposed that man is in a continuous state of existential crisis since any day may be his final day. *Teshuva* is therefore required, not solely in connection with ידיעת החטא, but also as a result of the הנפש חשבון precipitated by man's existential crisis, נחפשה דרכינו.

The heroic *teshuva* of גבורה, precipitated by the רצון העליון, presupposes that man is confronted with an existential crisis. As previously explained, the *teshuva* of גבורה requires the sinner to reform his personality. However, in order to reconstitute one's personality properly, one must first analyze all of his deeds and ascertain hitherto unknown iniquities, so that the emergent personality be even more sublime than it would have been had he not discovered those deficiencies.

The *Rambam*, therefore, justifiably inserts the obligation of הנפש חשבון solely in the seventh chapter of הלכות תשובה which describes the heroic *teshuva* of the רצון העליון. By doing so, his reformation will be complete.

The *Rambam* employs the inevitability of death as representative of man's constant existential crisis

In order to stress the existential crisis which engenders חשבון הנפש, the *Rambam* adds that everyone must acknowledge his ultimate death. He writes:⁹⁴

לעולם יראה אדם את עצמו כאילו הוא נוטה למות.
One should always regard himself as if he is in danger of imminent death.

The word למות is to be understood, not in the sense that man's death is imminent, but that his death is **inexorable** and inevitable. Accordingly, the *Rambam* cautions:

לפיכך ישוב מחטאיו מיד. ולא יאמר כשאזקין אשוב, שמא ימות
 קודם שיזקין.

⁹⁴ פרק ז' מלכות תשובה הלכה ב'.

Man should therefore immediately recant his sins and not defer repentance until old age, lest he die while still in his youth (unrepentant and corrupted by sin).

The *Rambam* does not utilize death to facilitate *teshuva*. Rather, the *Rambam* merely emphasizes that since death is inevitable, one's life consists of a *מלחמת החיים*, a lifelong battle waged, both individually and collectively, on multiple fronts. This battle precipitates the *חשבון הנפש* required for *עת צרה*. Moreover (as will be explained), it permits man to experience a "pseudo" death and thereby obtain an even greater degree of expiation.

Humankind, collectively, battles disease and hunger; man, individually, strives to accumulate wealth and knowledge. He wishes to be respected by his peers, obtain joy and satisfaction from his family, be proud of his children and assured that they shall perpetuate his legacy. *Yahadus* promotes social activism. It encourages man to be optimistic and confident of his abilities to emerge victorious from his conflicts. Yet, *Yahadus* also cautions that man, despite his success, heroism, efforts and dedication, will never be able to attain all of his objectives. He will never be able to conquer all of his enemies. Inevitably, man will be defeated in at least some of his lifelong battles. The day of death inexorably presents itself and overpowers and defeats each person, thus ensuring man's defeat on at least this single front. More importantly, man will be defeated in that battle which is most critical to him, in the very conflict which he is most intent on winning.

All *Gedolei Yisroel*, even the *Avos*, were overwhelmed and defeated in certain respects - particularly in those areas in which they most desired to overcome. Avraham was challenged with a son Yishmael, his *בכור*. Avraham desperately wanted to take pride in Yishmael. The *passuk* writes:⁹⁵ *וירע הדבר מאד בעיני אברהם על אודות בנו*, *Avraham was frustrated by his son's development*. Avraham was

⁹⁵ *בראשית: כ"א, י"א*. The *Rav* speculated that this *parsha* is read on Rosh Hashanah in order to underscore man's ultimate defeat in those areas which he most treasures.

defeated in the battle for Yishmael's soul. In a spiritual sense, he lost his son Yishmael. The same is true of Avraham's battle for Yitzchak's life. After Avraham was instructed to sacrifice Yitzchak, he traveled together with Yitzchak to הר המוריה. The degree of angst and emotional torture which Avraham suffered in those three days is indescribable. Avraham knew that Yitzchak's fate was sealed, his death imminent. He knew that he himself would wield the sword that would snuff out Yitzchak's life. Nonetheless, Avraham was mute; he said nothing. He was committed to his task. In those three days, Avraham felt as if Yitzchak had already died.⁹⁶ When the angel cried out to him, אל תשלה ידך אל הנער,⁹⁷ he experienced the birth of a new son.

Yitzchak lost his son Esav. Yaakov lost his beloved wife Rachel, whom he did not forget even on his death bed. His description, ואני בבואי מפדן מתה עלי רחל,⁹⁸ reflects the freshness of his grief so many years after Rachel's demise. Likewise, the greatest of all men, Moshe, was defeated in two existential battles. First, Moshe was condemned to die without ever having set foot in *Eretz Yisroel*. His greatest vision, his most treasured lifelong dream, and the primary role which had initially been assigned to him, was denied to him at the end - רב לך אל תוסיף דבר אלי.⁹⁹ Second, his children did not follow in his greatness.¹⁰⁰ His descendents are not even numbered in the census of the באי הארץ – those who conquered *Eretz Yisroel*. Man's most

⁹⁶ This is analogous to one who is informed that his loved one has contracted an incurable disease. The person experiences the loved one's existential death immediately, even before the patient actually dies. In ספר נוראות הרב (חלק ט"ו, עמוד 52), the *Rav* explains that this sensation forms the basis of the פדיון which the sinner must offer to G-d in order to obtain expiation.

See also: (46 'עמ) ספר ימי זיכרון [Editor's note]

⁹⁷ בראשית: כ"ב, י"ב.

⁹⁸ בראשית: מ"ח, ז'.

⁹⁹ דברים: ג', כ"ו.

¹⁰⁰ מסכת בבא בתרא דף ק"ט ע"ב.

precious hope, namely, that his children perpetuate his legacy and that he thereby continue to live on through his children, was denied to Moshe. כל הגדול מחברו מפלתו גדולה ממנו - the greater the person, the more traumatic must be his defeat.

This represents the curse imposed upon Adam - וקוץ ודרדר תצמיח - *לק*, *thorns and thistles shall sprout in your gardens*.¹⁰¹ Man toils and expects to reap the harvest of his energies. But, despite בזיעת אפיק, all of man's efforts, he will always be subject to קוץ ודרדר, thorns which will grow in the most treasured portions of the garden of his life, in those which he has invested the most energy. Although the thorns will initially grow on the periphery of man's existence, they will inevitably envelop his entire life and cause his death.¹⁰² The *passuk* states:¹⁰³ כי עפר אתה ואל עפר תשוב, *You are dirt and shall return to dirt*. Each man is condemned to be defeated by death. But even prior to his demise, he will be defeated in many areas of his life.

This eventual defeat places man in a constant existential crisis of בצר לק. Man must engage in *teshuva*, not because of ידיעת החטא, but because of the חשבון הנפש required of every man who is in distress. Man realizes that he is not indispensable, that humanity will continue even after he dies, and the world will exist despite his absence. Man's tragic realization of his mortality and inexorable defeat precipitates the obligation of *teshuva* of האלה כל הדברים האלה. When man realizes that death is inevitable, he is charged with the task of שוב יום אחד לפני מיתתך; man acknowledges that he will ultimately lose the battle and must therefore repent.

¹⁰¹ בראשית: ג', י"ח.

¹⁰² The *Gemara* (פ' בראשית: ב', כ', הערה ל"ט; וג', ט"ו) speculates that after *Adam's* sin, evil and good merged together in an existential sense. Likewise, disease was then permitted to infect the body, resulting in death. It is for this reason that the *Gemara* (מסכת בבא בתרא דף ט"ז ע"א) writes that the angel of death and *Satan* are one and the same. [Editor's note]

¹⁰³ בראשית: ג', י"ט.

On Yom Kippur, man is provided with the unique opportunity of selecting the manner of his defeat

Yom Kippur is unique in that it presents man with an alternative. Ultimately, man must be defeated. However, Yom Kippur permits man to elect either to remain unrepentant and to be defeated by the השגחה, or to repent and be defeated by eradicating his prior self and replacing it with a new personality. Yom Kippur endows man with the ability to select his own conqueror. If he remains unrepentant, man will be defeated by the השגחה in at least one sector of his life. Alternatively, man can select the opponent which will ultimately conquer him. He can replace a destructive death with a constructive death. Instead of being defeated by the השגחה, man can elect to be defeated by his own רצון העליון.

To be defeated by the השגחה is painful and tragic. Man is defeated by the השגחה in the most ignominious manner. But the *Ribbono Shel Olam*, in His infinite kindness, grants man the option of selecting his opponent and his ultimate conqueror. The facility of *teshuva* empowers the רצון עליון and enables it to conquer the רצון התחתון and achieve *kedusha*. The pragmatic, utilitarian רצון התחתון, which believes that it has mastered everything and discovered all of the mysteries of the universe, and which continues to rebel against all authority, must be defeated by the רצון עליון and compelled to engage in *teshuva*.

The conflict against the רצון התחתון is more palpable than the struggle against death. In this conflict, *teshuva* replaces death as man's protagonist. Through *teshuva*, man defeats his entire personality and his essence, and replaces it with a new personality. The transfiguration of one's personality is deemed by G-d to constitute the existential equivalent of death. *Teshuva*, thus, entails man's most powerful defeat. But, as opposed to death which eradicates man, *teshuva* provides man with a new and reformed personality. Since *teshuva*, unlike death, is self imposed, *teshuva* is constructive rather than destructive. It elevates and ennoble man's personality rather than obliterating it. *Teshuva* motivates man to

defeat his רצון התחתון and thereby emerge as a new personality, endowed with *kedusha*.

On Yom Kippur, the *Kohen Gadol* would petition G-d, ¹⁰⁴ 'אנא ה' ... חטאו עוו פשעו... אנא ה' כפר נא... *Please G-d, they have sinned and transgressed... Please G-d, grant them atonement.* Why does the *Kohen Gadol* employ the word אנא when acknowledging the sins committed by the people? He should have merely related ה' חטאו עוו פשעו. What message does the seemingly extraneous plea אנא convey?

The answer is that the *Kohen Gadol* would petition G-d, "Please G-d, grant us the strength to conquer our רצון התחתון. Allow us to be motivated to return to You. You are correct. We have descended into sin - כי אמת עשית ואנחנו הרשענו - Please allow us to rise above our own decadence. Please permit us to be defeated by ourselves, rather than by death."

The *Mishnah* relates: ¹⁰⁵

אמר ר' עקיבא אשריכם ישראל, לפני מי אתם מטהרים ומי מטהר אתכם? אביכם שבשמים, ואומר מקוה ישראל ה'.
R' Akiva declared, "How fortunate are you, the Jewish people. Before whom are you purified, and who cleanses you? Your Father in heaven. As the passuk writes, G-d serves as the ritual bath of the Jewish people."

R' Akiva was the great optimist, the one who laughed while others cried, who recognized that the glory of the *Bais Hamikdash* survives even after its destruction. He was asked by the heartbroken Jewish people in the years following the *churban* how they could possibly be absolved from all of their iniquities in the absence of the Yom Kippur service. The people were in the depths of despair. They thought that they had forfeited the *kapparah* of Yom Kippur. ¹⁰⁶ R'

¹⁰⁴ See התשובה (עמ' 46). מסכת יומא דף ס"ו ע"א. See also

¹⁰⁵ מסכת יומא דף פ"ה ע"ב.

¹⁰⁶ The *piyut* of ספר בן סירא מראה כהן originates in the שמעון הצדיק - one who personally observed the greatest *Kohen Gadol*. It vividly portrays the grandeur and majesty of the Yom Kippur service in

Akiva responded that the *Kohen Gadol* had provided merely *kapparah*. He had never provided *taharah*. Only G-d himself can provide *taharah*. To obtain *taharah*, man does not require a *Bais Hamikdash*, nor *karbonos* nor קטורת. To obtain *taharah*, man need only be defeated. Today, man himself provides the appropriate *taharah* by accepting defeat, by being vanquished by his רצון העליון and returning to G-d. G-d responds by sprinkling man with the waters of purity, the waters of repentance, and pronouncing him redeemed, לפני מי אתם מטהרים... אביכם שבשמים.

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תהא נשמתו צרורה בצרור החיים

the *Bais Hamikdash*, and contrasts it with the squalor which prevails after its destruction: ולאחר חורבן כל אלה, אין לנו לא כהן ולא לוי, ולא קדש הקדשים.

APPENDIX A

The *teshuva* of R' Elazar ben Dordaya exemplifies the *teshuva* of גבורה

The *Gemara*¹⁰⁷ provides an example of one who engaged in *teshuva* through his רצון העליון. This individual exercised an unusual degree of גבורה to overcome peer pressure, reject the decadence of his culture, act against his self-interest, recreate himself and return to G-d. Initially, his חכמה, בינה ודעת rejected *teshuva*. They refused to conform with his רצון העליון. Nonetheless, this individual ultimately conquered his רצון התחתון and reformed his lifestyle.

The *Gemara* relates that R' Elazar ben Dordaya was so debased that he had consorted with every known prostitute. He lived during an era of decadence, at the height of the Roman Empire, when the entire world was governed by lust and degeneration. He was a modern individual, steeped in the immorality of his technologically advanced, progressive - but morally bankrupt - culture. He was financially secure, confident and healthy.

One day, his רצון העליון inexplicably erupted, revolted and exhorted him to discontinue his evil ways. The *Gemara* relates:

הלך וישב בין שני הרים ואמר, הרים וגבעות בקשו עלי רחמים.

He sat between two mountains and begged them to beseech G-d on his behalf.

The reference to the mountains is allegorical. It represents the aristocratic and corrupt society of Rome, the cause of R' Elazar's degeneration. R' Elazar recognized that he could no longer identify with the immoral patricians of Rome. He understood that his sins were a direct consequence of the degenerate lifestyle of the secular Roman culture. However, he begged the hills to intercede on his behalf, to explain to G-d and to his רצון העליון that it was too difficult for him to abandon his aristocratic lifestyle, friends, business associates and political cohorts and adopt a Torah lifestyle. They responded that his cause was hopeless; he would never be able to renounce his lifestyle and embrace Torah. He was too obsessed with his creature comforts, luxuries and aristocratic station to be able to return to G-d.¹⁰⁸

¹⁰⁷ מסכת עבודה זרה דף י"ח ע"א.

¹⁰⁸ The *Gemara* expresses this response as follows: עד שאנחנו מבקשים עליך נבקש על עצמנו.

The *Gemara* continues:

אמר, חמה ולבנה בקשו עלי רחמים.

He then asked the sun and the moon to petition G-d on his behalf.

The sun and the moon represent Torah and *kedusha*, in contrast to the sciences and paganism which dominated Roman culture. The sun and moon answered that they cannot intercede on his behalf since Torah and the sciences of pagan Rome are incompatible. R' Elazar recognized that it was impossible to reconcile these two diametrically opposed philosophies. Torah and the other disciplines, such as physics and math, each demand man's total commitment. R' Elazar understood that he must select one and renounce the other.

The *Gemara* concludes:

אמר אין הדבר תלוי אלא בי. הניח ראשו בין ברכיו וגעה בבכיה עד שיצאה נשמתו. יצתה בת קול ואמרה, ר"א בן דורדיא מזומן לחיי העולם הבא.

He concluded that the matter is dependent only upon him. He placed his head between his knees and cried until his soul departed from his body. A heavenly voice then announced, "R' Elazar ben Durdya is assured a place in the World to Come."

R' Elazar finally concluded that he did not require the intercession of the hills, sun or moon. He recognized that the *teshuva* of בחירה would be insufficient. He resolved to employ all of the גבורה contained in his רצון העליון and conquer his התחתון רצון. He was determined to plumb the depths of his heart and to extract a sufficient quantity of fortitude to enable him to renounce the tantalizing allure of the modern, immoral, Roman society and to reform his lifestyle.

He engaged in the most sublime form of *teshuva* and died a penitent, assured of an honorable place in the World to Come.

תשובה ותורה

TESHUVA AND TORAH

Teshuva Drasha
Tishrei, 5727 (1966)

Introduction

This *drasha* weaves together a number of themes relating to the origin and scope of *teshuva*. The *drasha* explores the reason why *teshuva* was not introduced until the transmission of the second set of *luchos* on Yom Kippur. It analyzes the relationship between *teshuva* and תורה שבעל פה and examines the facets of *teshuva* manifested by the מידת החסד, in contradistinction to that evoked by the מידת האמת. It associates those divergent forms of *teshuva* with two components of sin: (a) the commission of the sin, and (b) the ensuing defilement engendered by such performance. It concludes with an analysis of the eternal קדושת הגוף invested in the Jewish people through the study of תורה שבעל פה. This investiture ensures the efficacy of *teshuva* inasmuch as it preempts the defilement otherwise facilitated by sin.

The sequence of events commencing with the חטא עגל and concluding with the promise of the י"ג מידות הרחמים

The Torah relates that G-d informed Moshe of the חטא העגל immediately after He delivered the first set of *luchos* to Moshe¹. G-d's first reaction to the sin of the עגל was, ואכלם, *I shall exterminate (the Jewish People)*.² Moshe's response was limited. He did not request that G-d forgive the Jews. Rather, Moshe's prayer,

¹ מסורה (חוברת ט"ו, עמ' י"ח) This sequence is also discussed in שמות: ל"ב, ז'.

[Editor's note]

² שמות: ל"ב, י'.

ויחל משה,³ requested that G-d exercise His attribute of רחמים, suspend the People's guilty verdict and defer their punishment. There is no mention of pardon or mitigation.

Moshe's request was immediately granted:

וינחם ה' על הרעה אשר דבר לעשות לעמו.⁴

G-d suspended the punishment which He had wished to exact upon the Jewish [People].

Thus, at that time, G-d did not pardon the Jews. He did not reverse the guilty verdict. He merely stayed the execution of their punishment.

It appears from the *passukim* that, after the judgment was suspended, Moshe intuitively sensed that the stay of execution represented by 'ה וינחם was not sufficient. Moshe sought a solution whereby the Jews would be granted the opportunity to eradicate their sins retroactively. Moshe deduced that *selicha*, a full pardon, was possible, and that such a pardon would allow for a complete reconciliation between the Jewish People and G-d - thus restoring the intimacy between G-d and the His People.⁵

Moshe therefore advised the nation:⁶

ועתה אעלה אל ה' אולי אכפרה בעד חטאתכם.

I will ascend the mountain to G-d and perhaps will persuade Him to forgive your sin.

³ שמות: ל"ב, י"א

⁴ שמות: ל"ב, י"ד

⁵ Moshe instinctively felt that he could obtain the dimension of *teshuva* so beautifully depicted by the *Rambam* ("פרק ז' מהלכות תשובה הלכה ז'), wherein, in a single second, the sinner is reconciled with G-d. He writes, כמה מעולה מעלת התשובה! אמש היה זה מובדל מה' אלקי ישראל... והיום הוא מודבק בשכינה, שנאמר ואתם (*How wonderful is teshuva! Previously, the sinner was alienated from G-d... Yet, after he engages in teshuva, he immediately obtains communion with G-d. As the passuk states, "You have become intimate with G-d."*)

⁶ שמות: ל"ב, ל'

He employed the word **אולי**, *perhaps*, since he was unsure how - or if - a pardon could be obtained.

The succeeding *passukim* reflect that Moshe then ascended the mountain for a **second** forty-day period. During that time, he petitioned G-d:⁷

הודעני נא את דרכך ואדעך למען אמצא חן בעיניך.

*Please inform me of Your ways, so that I may understand
You and find favor in Your eyes.*

This phrase **למען אמצא חן בעיניך**, [*so that*] *I may find favor in Your eyes*, reflects Moshe's intuition that a process exists by which sinners who are estranged from G-d can nonetheless return to Him (i.e., and thereby **חן אמצא**, find favor in G-d's eyes). Moshe therefore requested that G-d teach him **דרכיך**, *Your ways*. He exhorted G-d to teach him the methodology of *teshuva* so that he could initiate that process and effectuate a rapprochement between G-d and the Jewish People.

Moshe stressed:⁸

ראה כי עמך הגוי הזה.

See, this is Your nation.

Moshe pointed out to G-d that inasmuch as the Jews are **עמך**, *Your nation*, it was insufficient for G-d merely to stay their punishment. Rather, it was critical that the harmony between the Jewish People and G-d be reestablished, so that the Jewish People once again assume the status of **עמך**, *G-d's Chosen People*.⁹

⁷ שמות: ל"ג, י"ג.

⁸ שם.

⁹ The (י', ט') (פ' בהעלותך: ט', י') speculates that, prior to the sin of the **עגל**, the Divine Presence, the **השראת השכינה**, resided in each Jew individually. The *passuk* describes this initial design of G-d as **בכל מקום אשר אזכיר את שמי אבוא אליך וברכתיך** (שמות: כ', כ"א). Any Jew could, through the study of Torah, facilitate communion with G-d. Furthermore, the commitment of (ט"ז, ט"ז) (ויקרא: ט"ז, ט"ז) was available to each Jew. G-d would not have deserted even the individual Jew. Thus, a specific **משכן** to house the *shechinah* was unnecessary. On the contrary, **ושכנתי בתוכם** - the *shechinah* would have resided in each individual. Following the

The next set of *passukim* contains G-d's consent to teach the methodology of *teshuva* to Moshe. G-d informed Moshe:

אני אעביר כל טובי על פניך, וקראתי בשם ה' לפניך וחנתי את אשר
 אחן ורחמתי את אשר ארחם.¹⁰

*I will pass all of My goodness in front of you. I will call out the name of G-d in your presence. I will grace those who find favor in My eyes and extend clemency to them.*¹¹

Although G-d's promise of **אני אעביר כל טובי על פניך** was made sometime during the **second** of Moshe's forty-day sojourns on the mountain, nonetheless, G-d did **not** actually teach the methodology of *teshuva* to Moshe at that time. Rather, G-d first instructed Moshe **פסל פסל לך שני לחת אבנים**,¹² *fashion another set of stones (on which will be engraved the aseres hadibros)*.¹³ Moshe complied: **ויפסל שני לחת**

sin of the **עגל**, the Jews lost this facility. G-d's presence would be limited to a house designated for such purpose. This necessitated the *mitzvah* of **ועשו לי מקדש**.

The **משך חכמה** adds that, prior to the **עגל**, the penalty of **כרת** could not be imposed upon any Jew. The irrevocable commitment of **אתם בשוכם אתם** stipulated that no Jew could be severed from his communion with G-d. Subsequent to the **עגל**, however, this commitment was revoked *vis-à-vis* the individual Jew and reserved solely for the collective **ציבור**. (The *Gemara* (דף ו' ע"א) therefore rules: **אין מיתה בציבור**, *the Jewish Nation can never cease to exist*).

The **משך חכמה** concludes that the *mitzvah* of **שני פסח**, which presupposes that **כרת** is imposed for one who fails to offer the **פסח** on **קרבת פסח**, became necessary only subsequent to the **עגל**. As a result of the **עגל**, the penalty of **כרת** could be meted out to any individual. The commitment of **אתם בשוכם אתם** was to be realized solely on the communal, and not on the individual level. [Editor's note]

¹⁰ שמות: ל"ג, י"ט. The exact meaning of this response, and especially the connotation of **בשם ה'**, is explained in the succeeding paragraphs.

¹¹ The **ח"י הגר"ז עה"ת (פ' כי תשא)** explains that the facility expressed in the words **אני אעביר כל טובי על פניך** constitutes G-d's commitment to act mercifully towards all future generations. Thus, every act of G-d's kindness, throughout Jewish history, originates in that promise. [Editor's note]

¹² שמות: ל"ד, א'.

¹³ This apparently occurred at the commencement of the **third** forty-day period, (i.e., on *Rosh Chodesh Elul*).

ויעל אל הר סיני...¹⁴ *Moshe chiseled a set of two stones... and ascended the mountain.*

The Torah then records Moshe's encounter with G-d. The *passuk* states:¹⁵

וירד ה' בענן... ויקרא בשם ה'.

G-d descended in a cloud... He called out the name of G-d.

G-d then proclaimed the thirteen attributes of mercy, which begin with the two identical Names of G-d, ה' ה'.¹⁶

ויעבור ה' על פניו ויקרא: ה', ה', וכו'.

G-d enveloped Moshe and called out ה', ה'.

The *ל"ג מידות הרחמים* express G-d's commitment to accept our *teshuva* and depict the enormous potential for effectuating a rapprochement with G-d. We, therefore, recite in *selichos*,¹⁷ ודרך תשובה הורית... כהודעת לעניו מקדם *teshuva to the modest one (i.e., Moshe).*

In order to understand the potential of the *ל"ג מידות הרחמים*, it is necessary to isolate the facet of the *השגחה* which exercises this grace.

The power of *teshuva* devolves from the power of the second ה' שם

G-d's promise to reveal the methodology of *teshuva* to Moshe contains the phrase וקראתי בשם ה' לפניך¹⁸, *I will call out the name of G-d in your presence.* Likewise, the *passuk* which immediately precedes the actual pronouncement of the *ל"ג מידות הרחמים* contains the phrase¹⁹, ויקרא בשם ה', *He called out the name of G-d.*

¹⁴ שמות: ל"ד, ד'.

¹⁵ שמות: ל"ד, ה'.

¹⁶ שמות: ל"ד, ו'.

¹⁷ This passage is contained in the paragraph commencing with וכו' אפי' וכו'. The distinction between this paragraph and that of קל מלך יושב is discussed in ספר נוראות הרב (חלק ט', עמ' 99) [Editor's note].

¹⁸ שמות: ל"ג, י"ט. This occurred during the second forty-day period.

¹⁹ שמות: ל"ד, ה'. This occurred on the final day of the third forty-day period.

In order to understand the meaning of the phrase 'בשם ה' contained in both responses, it is first necessary to explain why the 'ג' 'ה' commence with a seemingly duplicative description of G-d: 'ה', 'ה'.²⁰

The *Rav* cited the *Gemara*²¹ which explains that the two appellations “ה', ה'” refer to two divergent facets of G-d's השגחה:

אני הוא קודם שיחטא האדם,

ואני הוא לאחר שיחטא האדם ויעשה תשובה.

I am the G-d prior to the time that man sins.

I am the G-d following the time that man sins and awaits his repentance.

The first appellation depicts G-d's relationship with man prior to the time man sins. The second appellation refers to a facet of the Divine that remains with the sinner despite his iniquity and motivates him to return through *teshuva*.

Logic would dictate that one who sins cannot rectify the sin, and should thus experience complete alienation from G-d. However, the merciful attribute inherent in the second Name, 'ה', preserves – in some form - a relationship between the sinner and G-d. G-d never completely abandons the sinner. *G-d retains His presence even among corrupt and defiled people.*²² The second 'ה' prompts the sinner to *teshuva*. Thus, the *passukim* בשם ה' וקראתי בשם ה' and 'ה' ויקרא בשם ה' correspond to the second 'ה' which continues to reside within the sinner.²³

Prior to that time, Moshe was aware solely of one 'ה' of the single dimension of G-d which had been revealed to the *Avos*,²⁴

²⁰ ה' ה' קל רחום וחנן. שמות: ל"ד, ו'.

²¹ מסכת ראש השנה דף י"ז ע"ב.

²² ויקרא: ט"ז, ט"ז.

²³ In (54 עמ' 54), the *Rav* adds that the *Kohen Gadol* declares, 'אנא ה', על התשובה (עמ' 54). The first אנא is directed at the first 'ה' שם; the second אנא is directed at the second 'ה' שם. The *Kohen Gadol* pleads for *kapparah*, 'אנא בה', through the power of this second שם which remains with the sinner forever.

²⁴ As the *passuk* writes: וארא אל אברהם יצחק ויעקב בא-ל-ש-די. ושמי ה' לא נודעתי להם.

namely, the 'שם ה' which precedes the חטא, the 'שם ה' which can be experienced only by an uncorrupted person who continues to preserve his primordial sanctity. However, Moshe did not realize that there is a second 'שם ה', a feature of G-d's השגחה which never forsakes even the most depraved sinner and, moreover, can restore the sinner to his original meritorious status.

G-d therefore promised Moshe that He would instruct him about a unique ability and would reveal כל טובי, a hitherto unknown dimension of G-d's infinite grace which enables the sinner to reconstitute his personality.²⁵ G-d added that this facility will consist of לפניך בשם ה' (i.e., the second 'שם ה'). Finally, at the conclusion of the third forty-day sojourn, on Yom Kippur, G-d called out to Moshe בשם ה' (i.e., with the second 'שם ה' and pronounced the י"ג מידות הרחמים.²⁶

(שמות: ו', ג'). The phrase בא-ל ש-די refers to the first 'שם ה'; the phrase שמי ה' לא שם ה' נודעתי להם refers to the second 'שם ה'.

²⁵ The *Rav* apparently deduced this new dimension from the seemingly extraneous qualification of כל, and not from the appellation טובי. As will be discussed, *infra*, טוב refers to a less sublime facet of the השגחה.

²⁶ שמות: ל"ד, ו'.

The *Rav* assumed that the pronouncement of the י"ג מידות הרחמים expressed G-d's grant of *kapparah* for the sin of the עגל.

Tosfos (מסכת יבמות דף ע"ב ע"א, ד"ה נזופין) implies that this *kapparah* was also expressed by the pronouncement of the *passuk* (כ"י, י"ד) (במדבר: י"ד, כ'). Although this *passuk* is recorded following the episode of the מרגלים, nonetheless, it was actually pronounced by G-d on Yom Kippur in recognition of the full *kapparah* extended by G-d for the sin of the עגל. Likewise, the דעת זקנים מבעלי דעת זקנים מבעלי דעת זקנים interpret that *passuk* in conjunction with the preceding *passuk*, נא סלח נא (שם) לעון העם הזה וגו' וכאשר נשאת וגו' ממצרים ועד הנה. They explain that both *passukim* allude to the prior pronouncement of סלחתי כדברך following the עגל. Moshe sought to obtain the same treatment for the sin of the מרגלים and, therefore, invoked again that very pronouncement. Moshe reminded G-d that כאשר נשאת – *You have previously pardoned them.*

(במדבר: י"ד, י"ז) adopts this position as well and adds that *Chazal* often state that G-d extended *kapparah* for the sin of the עגל on Yom Kippur by

The mysterious connection between the second set of *luchos* and the revelation of the mystery of *teshuva*

The arrangement of the *passukim*, which describe פסל לך, the fashioning of the stones containing the second set of *luchos*, as **preceding** the declamation of the "ג מידות, indicates that, but for the completion of the second set of *luchos*, the "ג מידות הרחמים could not have been revealed to humanity. Otherwise, G-d would have revealed the "ג מידות as soon as He promised אני אעביר כל טובי על פניך during the **second** forty-day period of Moshe's supplication. Apparently, the mystery of the second שם ה' could not be revealed without G-d's simultaneous transmission of the second set of *luchos*.

What is the basis of this mysterious bond between the second *luchos* and *teshuva*? What constitutes the nexus, the interdependence between the second set of *luchos* and the revelation of the mystery of *teshuva*? Why couldn't the "ג מידות הרחמים be revealed without the prior (or simultaneous) transmission of the second set of *luchos*?²⁷

pronouncing סלחתי כדבריק. (In הערה 75, the editor, Rabbi Chavel *zt"l*, struggles to find corroboration for this opinion).

Rashi (ibid.) disagrees and maintains that סלחתי כדבריק was not pronounced following the episode of the עגל since G-d never fully pardoned the Jews for that sin. The Jews remained נזופין למקום from that time on.

See (סימן י"ב) for further elucidation of this matter. [Editor's note]

²⁷ The *Rav* also addresses this issue in ,ירושלים, עמ' קע"ז, ח"א, עמ' קע"ז, ירושלים, תשמ"ג.

As will be discussed in this *drasha*, the *Rav's* thesis is that the special grace of *teshuva* is attributable to the תורה שבעל פה since the תורה שבעל פה invests the Jew with an indelible הגוף קדושת. This endowment enables the Jew to engage in *teshuva* and regain his intrinsic sanctity.

In הערה ח', (סימן ח', הערה י"ז) R' Shlomo Fisher provides a different answer to this question. He cites the view of the *Chachmei Kabbalah* who maintain that the "ג מידות הרחמים correspond to (and are the mirror image of) the מידות שהתורה (תורה שבעל פה) (which, in turn, is the prototype of the תורה שבעל פה נדרשת בהן (למס' עירובין דף כ"א ע"ב)). Both constitute "כבשי דרחמנא", one of the mysteries of the universe. Inasmuch as the second *luchos* introduced the תורה שבעל פה, represented

The Yerushalmi describes the reaction of justice and תורה שבכתב to sinners

The Yerushalmi²⁸ comments on the following *passuk*:

טוב וישר ה' על כן יורה חטאים בדרך.²⁹

by the *תורה שבעל פה* from which the *תורה שכתב* is derived, it simultaneously engendered the mysterious (undeserving) grace constituted by the corresponding *תורה שבעל פה*. Thus, the facility of *teshuva* represented by the *תורה שבעל פה* could only be realized with the accompanying transmission of the *תורה שכתב*. מידות שהתורה נדרשת בהן

In (סימן ו'ז'), R' Fisher explains this further. He cites the אר"י ז"ל who writes that there are two worlds - two realities. The first world is the *עולם המשפט*, the world of justice. The second world is the *עולם היחוד*, the world of ultimate unity. The *עולם המשפט* is regulated by natural law and is subject to the constrictions of time and space. Thus, the *עולם המשפט* cannot accept any deviations which defy those rules. The *עולם היחוד*, on the other hand, transcends time and space and all other laws.

The *Gemara* (ע"א) (מסכת ברכות דף ז' ע"א) notes that the secret of the *תורה שכתב* is expressed in the commitment הגון שאינו גון – G-d bestows grace on the undeserving. R' Fisher explains that the undeserving grace provided by the *תורה שכתב* (denominated as *חסד עליון*) emanates solely from the *עולם היחוד*. It results in a different standard of judgment and facilitates full absolution. The rationale for this is that the *עולם היחוד* transcends good and evil, temporal and spatial limitations, and effects a total communion with G-d. The *עולם היחוד* is not governed by rules. The *תורה שבעל פה* (represented by the corresponding *תורה שבעל פה*) also originates in the realm of the *עולם היחוד*. That sphere of existence accepts both contradiction and the reconciliation of opposites, as is articulated in the final of the *תורה שכתב* which reads, *שני כתובים המכחישים זה את זה, עד שיבא הכתוב השלישי ויכריע ביניהם*, *Two passukim that contradict one another can be reconciled by a third passuk*.

The unique capacity of *teshuva* is that man's iniquities are reconstituted as meritorious deeds, *זדונוֹת נעשו כזכויות*. This can only occur in the sphere of the *עולם היחוד*, which transcends space and time, permits man to rewrite the history of his life, and re-characterize violations as *mitzvos*.

[The balance of this footnote is contained at the conclusion of this *drasha* (p. 109)]

²⁸ ספר על התשובה (עמ' 337) מסכת מכות (פרק ב' הלכה ו').

²⁹ תהלים: כ"ה, ח'.

שאלו לחכמה,³⁰ חוטא מהו דינו (עונשו)?³¹ אמרה להם חטאים
 תרדף רעה.³²
 שאלו לנבואה, חוטא מהו דינו (עונשו)? אמרה, הנפש החוטאת היא
 תמות.³³
 שאלו לתורה, חוטא מהו דינו (עונשו)? אמרה, יביא קרבן ויתכפר.
 שאלו להקב"ה, חוטא מהו דינו (עונשו)? אמר יעשה תשובה ויתכפר
 לו.

The passuk writes: "G-d is good and complies with the standards of justice. He, therefore, guides sinners along the path to repentance."

The Jews asked of wisdom, "What punishment will be meted to a sinner?" Wisdom responded with the passuk that states that sinners will pursue evil indefinitely (i.e., the sinner's plight is hopeless).

They then posed this question to prophecy, who cited the passuk that states that the sinful soul shall perish.

They inquired of Torah which advised that the sinner cannot obtain expiation unless he first offers a korban (i.e., that kapparah can be obtained only as long as the Bais Hamikdash functions).

³⁰ The Rav explained that the word חכמה refers to *Kesuvim*, and particularly to the wisdom contained in ספר משלי. The קרית מלך (להגר"ח קניבסקי) concurs. He notes that the *Rambam* often employs the word חכמה in reference to משלי ושיר השירים. See, e.g., פ"ט מהלכות שאר אבות הטומאה ה"ו.

Thus, when prescribing the appropriate conversation for scholars, the *Rambam* writes, אבל שיחת כשירי ישראל וצדיקיהם אינה אלא בדברי תורה ודברי חכמה (פ"ז, מהלכות טומאת צרעת ה"י) *The conversations of righteous people is limited to Torah and words of wisdom*, (i.e. Mishlei). [Editor's note]

³¹ The Rav noted that most versions of the *Yerushalmi* formulate the question as follows: חוטא מהו דינו. The significance of this variant will be discussed in the succeeding paragraphs.

³² משלי: י"ג, כ"א

³³ יחזקאל: י"ח, כ'

They then consulted with Hakadosh Baruch Hu, who responded that if the sinner engages in teshuva, he shall be forgiven.

The obvious question is, once the people had been advised by the Torah, *Neviim* and *Kesuvim* of the consequences of sin, why did they persist and ask the same question of *Hakadosh Baruch Hu*? After all, our knowledge of *Hakadosh Baruch Hu* is exclusively expressed in the Torah, *Neviim* and *Kesuvim*. Thus, once the Torah, *Neviim* and *Kesuvim* had provided a single answer, there are no other resources from which to derive an alternative response.³⁴

Apparently, the direct inquiry to *Hakadosh Baruch Hu* represents a plea to the תורה שבעל פה. The previous questions were all directed at the Torah, *Neviim* and *Kesuvim* which constitute the תורה שבכתב. The final question posed to *Hakadosh Baruch Hu* sought to invoke the counsel of the תורה שבעל פה. The answer provided was that the תורה שבעל פה is the sole medium through which *teshuva* may be realized.

The תורה שבכתב teaches that the consequence of sin is punishment and condemnation. Of course, the תורה שבכתב recognizes סליחה וכפרה, pardon and forgiveness. But the תורה שבכתב does not express the secret of *teshuva* as we know it. The תורה שבכתב does not evince man's capacity to emerge from the darkness of corruption and be suddenly endowed with *Ruach Hakodesh* and communion with the *shechinah*. Only תורה שבעל פה advocates man's revolutionary and supernatural ability to reconstitute himself, regain his sanctity and obtain גילוי שכינה in the manner described by the *Rambam*³⁵, אמש היה

³⁴ The משה, in his commentary to that passage of the *Yerushalmi*, writes, מצד החכמה ומצד הנבואה לא היה לחוטא שום תיקון, והקב"ה הוא שעושה לפניו משורת הדין ומקבלו בתשובה. ולא עוד אלא שכל הרוצה להשיב מורה לו דרך לעשות תשובה שלימה, *From the perspective of Torah and Neviim, the sinner has no remedy. G-d, in His grace, nonetheless accepts his repentance. Moreover, G-d instructs him as to the proper method to engage in teshuva.*

³⁵ רמב"ם פ"ז מהלכות תשובה ה"ז, cited in Footnote 5.

זה מובדל מה'... והיום הוא מודבק בשכינה *Previously the sinner was alienated from G-d... but, today, he is intimate with G-d.*

The *teshuva* obtained through חסד defies the natural law

In order to understand the complex nexus between תורה שבעל פה and the mystery of *teshuva*, it is first necessary to analyze two different modes of *teshuva*.

The thirteen principles of mercy were revealed by G-d to Moshe in G-d's capacity as רב חסד ואמת, pursuant to which G-d is נושא עון *G-d overlooks and tolerates sins and transgressions.*³⁶ The *passuk* explains that pardon is obtained **either** through G-d's exercise of חסד רב or His application of מידת האמת. Sometimes, G-d provides expiation through His employment of the מידת החסד of Avraham. At other times, G-d extends forgiveness by invoking the מידת האמת of Yaakov.

The *passuk* states³⁷, *כי גדל עד שמים חסדך, Your grace is greater than the span of the heavens.* The imagery of חסד as exceeding the magnitude of the heavens denotes that חסד functions on a supernatural scale and defies logic. חסד is not constricted by the laws of nature which regulate the workings of the universe. Since *teshuva* originates with חסד, *teshuva* also transcends nature. *Teshuva* defies rationality. Simple logic dictates that expiation should not be accorded to a sinner. *Prima facie*, it is impossible to undo a wrong. The strict application of justice - the exercise of the מידת האמת - dictates that the sinner be convicted and punished for his crime. Remorse plays no role in the arena of אמת or justice.

G-d, however, is רב חסד. At times, G-d graciously grants expiation through the מידת החסד, which is unregulated, boundless, and unconstrained by natural law. *כי גדל עד שמים חסדך.* G-d's חסד is

³⁶ שמות: ל"ד, ו"ז.

³⁷ תהלים: נ"ז, י"א.

infinite, מן העולם ועד העולם; through its exercise, the sinner is excused despite the contrary protestations of logic and justice.

The *Gemara*³⁸ lists *teshuva* among the items created prior to the creation of the universe. To support this contention, the *Gemara* cites the *passuk*³⁹, בתרם הרים יולדו... ותאמר שובו בני אדם, *Prior to the creation of hills... G-d had already instructed sinners to engage in teshuva*. The *Gemara* does not merely express the chronology of creation, with *teshuva* preceding the creation of the world. That would be trivial. Rather, the *Gemara* teaches that the phenomenon of *teshuva* transcends the natural order. Thus, the natural law prescribed by ויאמר אלקים has no application to *teshuva*, which originated prior to the day on which ויאמר אלוקים was uttered and the natural law established. Even though natural law dictates that the sinner be condemned, nonetheless, through *teshuva* which predates natural law, בתרם הרים יולדו, the scheduled punishment can be preempted. *Teshuva*, created prior to the universe, is not governed by natural law and therefore supersedes וארץ שמים וארץ.⁴⁰

Teshuva predicated upon אמת is an entitlement

Yahadus teaches, however, that there is yet another form of *teshuva*, namely, the *teshuva* obtained through מידת האמת.⁴¹ Contrary to the *teshuva* of חסד which supersedes the natural order, the *teshuva*

³⁸ מסכת נדרים דף ל"ט ע"ב. In (page xxviii) מחזור מסורת הרב, the *Rav* explains that the transcendental feature of *teshuva* is represented by הו"ה. The appellation of הו"ה, a contraction of הוה ויהיה, הוה, היא, suggests that G-d conflates past, present and future. [Editor's note]

³⁹ תהלים: צ', ב'ג'.

⁴⁰ As noted, however, one who seeks this format of *teshuva* is not guaranteed absolution. G-d need not recognize the *teshuva* which seeks to invoke מידת החסד. G-d may refuse to exercise מידת החסד and thus condemn the sinner.

In contrast, as will be explained in the succeeding paragraphs, *teshuva* which invokes the מידת האמת is an entitlement. G-d, כביכול, is compelled to accept that form of *teshuva*. [Editor's note]

⁴¹ י"ג מידות הרחמים (ה', ה'... רב חסד ואמת) אמת.

of מידת האמת is governed by the laws of nature. At times, *teshuva* may be predicated upon אמת and צדק, strict application of justice and natural law. In those cases, even צדק and אמת dictate that the person can, כביכול, **demand** of right *mechila* and *selicha* from *Hakadosh Baruch Hu*. The sinner can insist upon a pardon as a legal matter of entitlement, pursuant to the laws of משפט חושן.

One who invokes the מידת החסד is not acquitted automatically. On the contrary, the sinner is not even guaranteed an audience with G-d, כדלים וקרשים דפקנו דלתותיך, *The sinner petitions You as a poor beggar whom You may turn away*.⁴²

The exercise of the מידת החסד is discretionary and dependent upon G-d's grace. On the other hand, one who invokes the מידת האמת must be automatically acquitted even pursuant to the dictates of natural law, of מידת הדין. This latter aspect of *teshuva* functions **within** the prescribed rules of creation.

In other words, there are two dimensions of *teshuva*: First, the *teshuva* of חסד, the transcendental *teshuva* of כי גדל עד שמים חסדך which is greater than the heavens and preempts the natural order. חסד, however, is a function of G-d's grace - it is discretionary. It is not automatically granted to everyone. On the other hand, the *teshuva* of אמת, the *teshuva* ingrained in the natural order which conforms with the dictates of the natural law (ויאמר אלקים), can be demanded by man of right. Once invoked, the *teshuva* of אמת, as an expression of the natural law, must always be granted.

Based upon this distinction between the two different modes of *teshuva*, we can understand the dialogue between the sinners, the Torah, *Neviim* and *Kesuvim*, and G-d, as presented by the *Yerushalmi*. The Torah, *Neviim* and *Kesuvim* discuss *teshuva* at length. Yet, the *Yerushalmi* notes that, when questioned by the sinner, the *Neviim* responded by citing a *passuk* authored by Yechezkel⁴³ הנפש החטאת היא תמות, *The sinful soul shall perish*. This damning response is

⁴² This sentence is contained in the prologue to *selichos*.

⁴³ יחזקאל: י"ח, כ'.

seemingly inconsistent with all of Yechezkel's other exhortations to engage in *teshuvah*, many of which are contained in the *tefillot* of Yom Kippur. For example, Yechezkel declares:

שובו שובו... ולמה תמותו בית ישראל.⁴⁴

Repent, repent... why should you perish children of Israel.

בשוב רשע מדרכו וחייה.⁴⁵

The recalcitrant who recants his pursuit of wickedness may be spared.

Likewise Yechezkel proclaimed:⁴⁶

וזרקתי עליכם מים טהורים וטהרתם מכל טמאותיכם.

I shall sprinkle pure water upon you and purify you from all of your sins.

Indeed, *Tanach* contains multiple references to *teshuvah*. It is, therefore, perplexing that the *Yerushalmi* writes that their response to the sinner was that he is doomed, and that his situation is hopeless.

The answer is that the sinners did not question the efficacy of *teshuvah* once granted. That is indisputable. The question formulated by the *Yerushalmi* was **חוטא מה דינו (עונשו)** - what does the strict application of **מידת הדין** dictate with respect to one who has sinned? Accordingly, the **מידת האמת (הדין)** responded that the consequence of sin is **חטאים תרדף רעה**, *sinners will pursue evil indefinitely*. Likewise, the *Neviim* justifiably responded, **הנפש החוטאת היא תמות**, the sinner is legally condemned. Even though the sinner regrets his iniquities, nonetheless, empirically, from the vantage of the natural order, a deed once performed cannot be undone. The criminal will not be acquitted of his crime even though he sincerely regrets its commission.

Of course, at times, through prayer and G-d's grace, the transcendental order of **מידת החסד** will intervene, and the sin will be commuted. The **מידת החסד** may intervene to reverse the strict application of **מידת הדין** which should otherwise have resulted in the

⁴⁴ יחזקאל: ל"ג, י"א.

⁴⁵ יחזקאל: ל"ג, י"א.

⁴⁶ יחזקאל: ל"ו, כ"ה.

sinner's total condemnation. בשוב רשע מדרכו וחיה, *the recalcitrant who recants his pursuit of wickedness may be spared*. However, this discretionary feature derives from G-d's grace, רב חסד, and operates supernaturally. It is not in response to the *Yerushalmi's* question, which was limited to the consequences of חטא dictated exclusively by justice and מידת הדין. The conclusion therefore proposed by the Torah, *Neviim* and *Kesuvim* was one of total and irreversible condemnation.⁴⁷

The *Yerushalmi* concludes that the sinner ultimately directed his inquiry, חוטא מהו דינו, to *Hakadosh Baruch Hu* Himself, through the agency of תורה שבעל פה.⁴⁸ The תורה שבעל פה did not respond with the critical polemic of הנפש החוטאת היא תמות. On the contrary, the תורה שבעל פה responded, יעשה תשובה ויתכפר לו. The תורה שבעל פה responded that one who engages in *teshuva* will be able to demand absolution, whereupon, even the מידת הדין will concede that he must be acquitted.

In other words, the *Yerushalmi* does not formulate the question in terms of how the sinner will be treated (i.e., חוטא מה יעשה לו). It acknowledges that, at times, pardon will be granted as a matter of grace, כי גדל עד שמים חסדך. It merely wishes to ascertain the outcome engendered by strict justice. It therefore phrases the inquiry in terms

⁴⁷ This phenomenon, whereby G-d exercises supernatural grace to pardon the sinner, is described in the Torah, כי קל רחום ה' אלקיך, לא ירפך ולא ישחיתך ולא ישכח (דברים: ד', ל"א) את ברית אבותיך. *G-d is kind. He will not abandon you, nor allow you to become extinct. He will never renounce the covenant concluded with your ancestors.* In actuality, the Jewish people should rightfully have been exterminated. But, G-d, in His infinite kindness, exercises the מידת החסד of חסדך and rescues them time and again.

⁴⁸ The inquiry to תורה שבעל פה was formulated as directed to *Hakadosh Baruch Hu*, since all communications between the Jewish people and G-d are obtained solely through תורה שבעל פה. Unlike communications with תורה שבכתב, which are constrained by the written word, a dialogue with *Hakadosh Baruch Hu* can be initiated through the infinite and boundless medium of תורה שבעל פה. The two terms are thus almost interchangeable. See (עמוד קע"ז) 'שיעורים לזכר אבא מרי חלק א' [Editor's note]

of what does justice **dictate** (i.e., חוטא מה דינו). The response of תורה **dictate** differs from that of תורה שבעל פה. The only *teshuva* recognized by תורה שבעל פה is that predicated upon the supernatural facility of מידת החסד.⁴⁹ But, in the absence of supernatural intervention, the response is one of condemnation, הנפש החוטאת היא תמות. On the other hand, *teshuva* promulgated by תורה שבעל פה is predicated upon מידת האמת. The reformed sinner can demand expiation from G-d inasmuch as this result is prescribed by the natural law. The תורה שבעל פה therefore concludes, יעשה תשובה, and the penitent is assured complete vindication.

In order to bolster its contention that there are two divergent methodologies of *teshuva*, one predicated upon מידת החסד and the other upon מידת הדין, the *Yerushalmi* cites the *passuk*,⁵⁰

טוב וישר ה'. על כן יורה חטאים בדרך.

G-d is good and complies with the standards of justice. He, therefore, guides sinners to the path of repentance.

The *Yerushalmi* contrasts the approach of טוב with that of ישר. It explains that, at times, טוב ה', G-d, in conformance with the תורה שבעל פה, invokes the מידת החסד, connoted by the word טוב, and forgives the sinner. At other times, however, ישר ה', G-d extends *teshuva* through His exercise of the מידת האמת (connoted by the word ישר). In such cases, the sinner is able to **demand selicha** and expiation. The two approaches to *teshuva*, טוב and ישר, are each articulated in this *passuk*. However, the latter alternative of *teshuva* of ישר initiated through the מידת האמת was revealed to Moshe only after his receipt of the תורה שבעל פה, when he was advised of this facility, ודרך תשובה הורית.

⁴⁹ This notion is refined by the *Rav* in a later portion of this *drasha* (*infra*, pp. 90-92). He explains that the תורה שבעל פה does in fact acknowledge that G-d will pardon the criminal act even pursuant to מידת האמת under appropriate mitigating circumstances. However, the מידת האמת is unwilling to pardon the resultant corruption arising out of the criminal act. To facilitate the pardon of מידת האמת for that defilement, the *teshuva* espoused by תורה שבעל פה is required. [Editor's note]

⁵⁰ תהלים: כ"ה, ח'.

The second set of *luchos* constituted the *bris* of תורה שבעל פה

In order to understand the scope of *teshuva* obtained through the *teshuva* and the reason why תורה שבעל פה facilitates that form of *teshuva*, it is first necessary to explore the texture of תורה שבעל פה and its interdependency with the second set of *luchos*.

The *Beit Hilei*⁵¹ cites the following *Gemara*:⁵²

אמר ר' שמעון בן לקיש: מה דכתיב, "ואתנה את לחת האבן והתורה והמצוה אשר כתבתי להורותם."⁵³
 לחת: אלו עשרת הדברות.
 תורה: זה מקרא.
 והמצוה: זו משנה.
 אשר כתבתי: אלו נביאים וכתובים.
 להורותם: זו התלמוד.
 מלמד שכולם נתנו למשה מסיני.

The *Beit Hilei* (and many of the *Chakmi Hadorosh*) were puzzled by the *Gemara's* interpretation of the introductory phrase אשר כתבתי להורותם as referring both to תורה שבכתב as well as to *Mishnah* and *Gemara* described in that *passuk*. After all, תורה שבעל פה is by definition oral and at that time (at least) had not yet been reduced to writing. Thus, אשר כתבתי is a seemingly misplaced description.

The *Beit Hilei* theorizes that both תורה שבכתב and תורה שבעל פה were merged within the first set of *luchos*. The first set of *luchos* thus contained the Torah in its entirety.⁵⁴ The *Beit Hilei* adds that this

⁵¹ דרוש י"ח.

⁵² מסכת ברכות דף ה' ע"א.

⁵³ שמות: כ"ד, י"ב. I have not translated this *drasha* since it is self-explanatory. [Editor's note]

⁵⁴ Although the *luchos* only contained the *aseres hadibros*, nonetheless, *Chazal* maintain that the *luchos* also constituted the entirety of Torah since the *aseres hadibros* constitute the fundamental principles upon which all of the Torah, both תורה שבכתב as well as תורה שבעל פה, is based. Each of the *drashos* and *halachos* subsequently developed by each generation of Rabbis were also deduced

was not the case of the **לוחות שניות**.⁵⁵ The **השגחה** decided that the **תורה שבכתב** and **תורה שבעל פה** would constitute two separate entities. *Hakadosh Baruch Hu* therefore bifurcated the **תורה שבכתב** from the **תורה שבעל פה**. The **תורה שבכתב** was recorded on the *luchos*; the **תורה שבעל פה** would be developed orally.⁵⁶ Moreover, the *bris* of the first

from those principles. Similarly, *Rashi* (כ"ד, י"ב), quoting *R' Saadia Gaon*, explains that all of the **תרי"ג מצוות** are derived from the *aseres hadibros*.

⁵⁵ *Rashi* (ז', כ"ד) writes that Moshe recorded the Torah from **בראשית** until **ספר הברית** prior to receiving the first set of *luchos*. This scroll, the **ספר הברית**, represented the *bris* concluded in connection with the first set of *luchos*. This *bris* was, however, limited to the written word, as is denoted by the word **ספר**.

The (פ' יתרו: י"ט, א') notes that the chapter which describes **מתן תורה** commences with the words **בחדש השלישי**. This is in contrast to all other *parshiyos* of the Torah (other than **בראשית**) which commence with a **ו' החיבור**. He explains that the **ספר הברית** concluded with the *passuk* of **וילך לו ארצו**, the final *passuk* of the immediately preceding *parsha*. Since the words **בחדש השלישי** mark the commencement of a new *sefer*, as opposed to another chapter of an existing *sefer*, a **ו' החיבור** is inappropriate. [Editor's note]

⁵⁶ This theme was also developed by other *Acharonim* as presented below. For ease of reference, each approach has been separately numbered.

(A) The (פ' יתרו: י"ט, ט') writes that the first *luchos* contained the **טעמים** and the **תגין**, both of which reflect the secrets of **תורה שבעל פה**. The **טעמים** constitute an elaborate punctuation system, enabling one to deduce the sentence structure of each *passuk* and to derive *drashos* from its hidden meaning. The facility of articulating the **טעמים** during the study of **תורה שבעל פה**, and engaging in **שירה של תורה**, is called **שירה**. Thus, the **שירה** of **עבודה** practiced in the *Bais Hamikdash* (and the *Mishkan*) was not mere song. It consisted of the study of **תורה שבעל פה** through the **טעמים** and the *drashos* derived therefrom. Had the first *luchos* not been destroyed, all Jews would have been taught the art of articulating and deciphering the **טעמים** and **תגין**. All Jews would have engaged in the **עבודה** of **שירה** in the *Mishkan* and *Bais Hamikdash*.

After the first set of *luchos* was shattered, the **שירה** of **טעמים** and **תגין** was taught solely to Moshe and to **שבת לוי** (see **דף ע"א**). The Torah was written in **כתב עברי** and did not contain **תגין** or **טעמים**. The **טעמים** and **תגין** were, therefore, studied orally. Though Moshe shared the art of **שירה** with the other Jews, nonetheless, from that time on, the *Leviim* were primarily entrusted to preserve the oral tradition of **תורה שבעל פה**. The *Leviim* were mandated to engage in the **עבודה** of

שירה, which consisted of analyzing the טעמים and developing *drashos* based thereon.

The *צפנת פענח* (פ' וילך: ל"א, ט', השני) adds that Moshe Rabbeinu, prior to his death, wrote twelve *Sifrei Torah*, one for each שבט. He then wrote a thirteenth *Sefer Torah* and gave it to the *Leviim*. Unlike the twelve *Sifrei Torah*, which were written in the כתב עברי used by Moshe, and which did **not** contain any תגין or טעמים, the thirteenth *Sefer Torah* contained all of תגין and טעמים and was written in כתב אשורי. Thus, the *Leviim* were able to use this special *Sefer Torah* to foster their study of תורה שבעל פה and טעמים in elucidating the תגין.

The *צפנת פענח* notes that, during the period of the first *Bais Hamikdash*, the *Leviim* did not have to engage in complex פלפול nor develop many *drashos*. The תורה שבעל פה was not as elaborate as it is nowadays. He explains that the גילוי ירושלמי radiating from the ארון resolved all complex questions and issues (see פרק ה' ממסכת ברכות ה"ה). Human input was thus minimal. However, after the ארון was hidden by יאשיהו, the questions which would inevitably arise had to be resolved through פלפול. It was insufficient that only the *Leviim* possessed those skills. It became necessary for all Jews to become proficient in the methodology of תורה שבעל פה. Ezra, therefore, changed the script to כתב אשורי. The כתב אשורי contains תגין (although it does not contain the טעמים explicitly). Ezra thus enabled all Jews to participate in תורה שבעל פה. This universal participation facilitated the explosive growth of תורה שבעל פה experienced in the Second *Bais Hamikdash*. (See also *צפנת פענח* הל' תרומות עמ' 103, ופ' וילך, הערה כ"ב).

In ספרי (פ' וזאת הברכה, פיסקא שנו"ו) which states, ואשר חרב גאותך. אמר לו הקב"ה למשה: עתיד אני ליתן להם לישראל אותו זיין שניטל מהם בחורב, שנא' ויתנצלו בני ישראל את עדים... שנא' חי אני... כולם כעדי תלבשי עדי, *the ornaments*, as the שירה and the תורה של תורה represented by the טעמים which had been usurped from the Jews and transferred to Moshe and שבט פ' כי. The ספרי associates this עדי with the עדי worn by the Jews at הרי סיני (see תשא: ל"ג, ד"ר' ל"ג). It thus expresses that לעתיד לבוא the full שירה will be returned to all Jews, and their original עדי will be restored. Everyone will be able to study Torah in depth, to plumb the mysteries of the Torah and to engage in the original שירה of the first *luchos*. Likewise, all Jews will be permitted to engage in שירה in the *Bais Hamikdash*.

[The balance of this footnote is continued at the conclusion of this *drasha* (p. 110)]

luchos had been rescinded as a result of the חטא העגל. A new *bris* was therefore required, and this new *bris* was concluded solely with the תורה שבעל פה. The בית הלוי cites the *Gemara*:⁵⁷

לא כרת הקב"ה ברית עם ישראל אלא בשביל דברים שבעל פה,
שנאמר כי על פי הדברים האלה כרתי אתך ברית את ישראל.⁵⁸

Hakadosh Baruch Hu entered into a new covenant with the Jews predicated solely upon the oral Torah. As the passuk writes, "Based upon these words (i.e., the oral Torah), I have concluded a covenant with you."

The cited *passuk* על פי הדברים האלה כרתי אתך ברית, *Based upon these words, I have concluded a covenant with you...* appears in the Torah (in פרשת כי תשא) following the transmission of the second set of *luchos* on Yom Kippur. The *Gemara*, therefore, deduces that a new *bris* was entered into between G-d and the Jewish people in conjunction with the second *luchos*. The initial *bris* which had been concluded in conjunction with the first set of *luchos*, and described (in פרשת משפטים) in the *passuk* ויקח (משה) ספר הברית,⁵⁹ was limited to the תורה שבכתב.⁶⁰ However, this first *bris* was rescinded subsequent to the sin of the עגל. Thus, G-d entered into a new *bris* in connection with the second set of *luchos*. This *bris*, represented by the תורה שבעל פה, is depicted as על פי הדברים האלה, inasmuch as תורה שבעל פה is constituted as an oral dialogue, and not as a written document.

The teshuva of מידת האמת was engendered by the תורה שבעל פה component of the second set of *luchos*

The secret of *teshuva* obtained through G-d's exercise of the מידת האמת was first disclosed by the תורה שבעל פה transmitted with

⁵⁷ מסכת גיטין דף ס' ע"ב.

⁵⁸ שמות: ל"ד, כ"ז.

⁵⁹ שמות: כ"ד, ז'.

⁶⁰ As noted, the first set of *luchos* recorded all of the Torah, both what is currently denominated as תורה שבכתב as well as that which is known as תורה שבעל פה.

the second set of *luchos*. Prior to Moshe's receipt of the second set of *luchos*, he was unable to initiate this type of *teshuva*. The quality of *מידת האמת* which dictates that *teshuva* is an entitlement and empowers the sinner to demand expiation from G-d, was not revealed until the first Yom Kippur. Thus the *teshuva* of *מידת האמת* originated solely with *תורה שבעל פה*. Prior to the transmission of the second set of *luchos*, *teshuva* was exercised solely through the *מידת החסד*. However, the *מידת החסד* is discretionary; it does not always result in forgiveness. True, when exercised, the *מידת החסד* transcends the natural order and yields miraculous results. However, *והנתי את אשר*.⁶¹ The resulting expiation is one of grace, a gratuitous gesture proffered by G-d, which G-d can, in His discretion, grant or withhold.

With the advent of the second *luchos*, however, G-d no longer appears as *אחון* *אשר את אשר אחון*, as One bestowing discretionary grace. Rather, the great mystery of *teshuva* revealed to Moshe enables man to **demand** *teshuva* as of right, in accordance with law, by invoking the *מידת האמת*. G-d, *כביכול*, can be called upon to act as *ישר* and extend *teshuva*.

In the *selichos* recited on the days prior to Rosh Hashanah, we petition G-d to exercise *teshuva* through the *מידת החסד*. We petition Him *כדלים וכרשמים דפקנו דלתותיך*,⁶² as unworthy beggars banging at His door requesting a *מתנת חנם*, undeserved grace. We implore G-d to overlook our iniquities and grant us expiation. These *selichos*, therefore, contain self-effacing petitions, such as *הנשמה לך והגוף פעלך*.⁶³ We exhort G-d to overlook our worthlessness and hopelessness, to act in accordance with the *מידת החסד* and to forgive us.

On the other hand, in the *Shemoneh Esrei* recited on Rosh Hashanah and Yom Kippur, we cite the *passuk*:⁶⁴

⁶¹ שמות: ל"ג, י"ט.

⁶² This phrase is contained in the prologue to *selichos*.

⁶³ This phrase is also contained in the prologue to *selichos*.

⁶⁴ ישעיהו: ה', ט"ז.

ויגבה ה' צבקות במשפט והקל הקדוש נקדש בצדקה.
G-d is exalted through His administration of justice. G-d is consecrated through His mercy.

We continue:

ובכן תן פחדך ה"א על כל מעשיך ואימתך על כל מה שבראת, ויראוך
 כל המעשים...

Instill Your awe in all of Your creatures so that they fear You.

The balance of the *Shemoneh Esrei* contains multiple references to themes of משפט, justice and the strict administration of law.⁶⁵ Why do we invoke the facility of G-d's judgment and not His quality of חסד? Isn't חסד more conducive to expiation than strict justice? Isn't our invocation of משפט counter-productive? Doesn't משפט inevitably result in our conviction?

Apparently, on Yom Kippur, both *teshuva* motifs emerge - the *teshuva* of תורה שבכתב predicated upon מידת החסד, as well as the *teshuva* of תורה שבעל פה obtained through מידת האמת. Thus, the references to משפט contained in the *shemoneh esrei* of the ימי הדין effectively empower the penitent to compel G-d to conform with the rule of the law and acquit him. By invoking the מידת האמת, the repentant can demand expiation and atonement.

Why is this so? Why is the *teshuva* of תורה שבעל פה so inextricably linked with the exercise of משפט and אמת? How does תורה שבעל פה facilitate *teshuva* through מידת האמת, and how does it enable man to compel G-d, כביכול, to pardon him? Why is the scope of *teshuva* engendered by תורה שבכתב limited to the discretionary exercise of חסד? Why doesn't תורה שבכתב also precipitate the

⁶⁵ On Rosh Hashanah and on Yom Kippur we affirm מלכותו של הקב"ה, G-d's sovereignty. The ספר החינוך (מצוה ת"ה) and others explain that sovereignty presupposes דין, *judgment*, since the primary role of a monarch is to administer justice. Thus, by expressing המלך הקדוש, we are, in effect, invoking G-d's ensuing judgment. This is seemingly inconsistent with our pleas for חסד, mercy and mitigation.

exercise of *teshuva* through מידת האמת? Finally, why was the *teshuva* of תורה שבעל מידת האמת revealed only after the transmission of the פה of the second *luchos*, pursuant to על פי הדברים האלה כרתי אתך ברית עם ישראל?

One who sins is also guilty of מעילה, stealing from G-d

In order to answer these questions, it is first necessary to explore the nature of sin and its consequences. The *passuk* states:⁶⁶

נפש כי תמעל מעל וחטאה בשגגה מקדשי ה'... ואת אשר חטא מן הקודש ישלם.

One who transgresses and accidentally misappropriates a sacred instrument, must repay that which he has stolen, together with an incremental penalty.

This chapter deals with incidents of מעילה (i.e., one who either uses an item of הקדש for personal matters or misappropriates an item which belongs to הקדש). Theft from הקדש is denominated as מעילה.⁶⁷ Likewise, the Torah describes ordinary theft as מעילה as well. It writes⁶⁸ *ומעלה מעל בה' וכחש בעמיתו*. In both cases the term מעילה is limited to theft, either from הקדש or from an individual.

The Torah, however, also employs the term מעילה to denote violations of other laws of the Torah, even those which do not entail theft. Thus, for example, in the *parsha* dealing with an adulteress, the *passuk* writes⁶⁹ *איש איש כי תשטה אשתו ומעלה בו מעל*, *One whose wife*

⁶⁶ ויקרא: ה', ט"ו-ט"ז.

⁶⁷ See (דף ל' ע"ב, ד"ה זר) תוספות מסכת כתובות.

The ח"י הגר"מ הלוי (פ"ח מהלכות מעילה הל"א); שערי יושר (שער ג' פרק כ"ג) distinguish between the concepts of: (x) גזילה מן הקדש and (y) נהנה מן הקדש.

See also: ח"י הגר"מ הלוי, פ"א מהלכות שופר; רשימות השיעורים למסכת שבועות, ח"א עמ' [Editor's note] ל"ט; קהילות יעקב למס' מעילה, סימן א', ולמס' כריתות, סימן ח'

⁶⁸ ויקרא: ה', כ"א.

⁶⁹ במדבר: ה', י"ב.

went astray and rebelled against him. To address this inconsistency, *Rashi* explains that the word מעילה has a single generic connotation, namely, change or deviation. He writes:⁷⁰

אין מעילה בכל מקום אלא שינוי. וכן הוא אומר⁷¹ וימעלו באלקי אבותיהם ויזנו אחרי אלהי עמי הארץ.

The word מעילה connotes a change or deviation. As the passuk writes: "They have deviated from worshipping the G-d of their fathers and have instead sought the gods of the idolatrous masses".

In order to substantiate his thesis that the word מעילה connotes change (שינוי), *Rashi* cites a *passuk* which employs the word מעילה to depict חטא (in this case, the sin of idolatry). This is perplexing. Admittedly, the word מעילה connotes theft, inasmuch as theft results in שינוי רשות, a conversion of the property from the jurisdiction of the owner to the control of the expropriator. Likewise, מעילה is justifiably employed to describe an adulteress who transfers her allegiance from her husband to her paramour. On the other hand, it is difficult to understand how מעילה can be generically employed to depict all other types of חטא. In what way does חטא effect שינוי, change?

Every sinner is guilty of שליחות יד, misappropriation

The *Rav* explained that every חטא is comprised of two components: first, the מעשה עבירה, the physical performance of the prohibited act (such as desecration of Shabbos, murder, idolatry, etc.); second, the defilement, the מעילה בקדשים, the resulting שינוי (הגברא) and the metamorphosis of the wholesome spiritual personality into a depraved one.

The *tefillah* of נעילה contains the following phrase:

אתה הבדלת אנוש מראש... ותתן לנו את יום הכיפורים הזה... למען נחדל מעשק ידינו וכו'

⁷⁰ ויקרא: ה', ט"ו.

⁷¹ דברי הימים א': ה', כ"ה.

*You have distinguished man from the balance of creation...
You have accorded to man the day of Yom Kippur so that
he may refrain from **larceny**.*

The word עֶשֶׂק, *larceny*, is seemingly out of place. Theft is certainly not the only sin of which we are guilty. People commit a vast plethora of sins. Why, then, was theft singled out as the cardinal sin for which Yom Kippur must expiate?

In order to answer this question, we must first explore the juridical nature of man's rights to his body.

Yahadus asserts that man is the property of G-d - הנשמה לך והגוף - שלך. All of man's talents, endowments and qualities - his very personality - are all owned by G-d. Man's use of his body and all of his activities must therefore be in conformity with the will of G-d. The philosophers and *baalei mussar*, from *R' Bachya* to *R' Yisroel Salanter*, explain that every person serves as a שומר, a custodian, *vis-à-vis* his body. Man's body and soul are not owned by him. They are also governed by the general rule articulated with respect to deposits of personal property⁷² כי יתן איש אל רעהו כסף או כלים לשמר, *One who deposits with another money or property for safekeeping*. G-d entrusts to each person that individual's existential personality and all of its accouterments.⁷³ All of one's activities must, therefore, exclusively conform with the directives of the Depositor, G-d. One who sins is guilty, not only of the actual crime, but also of שליחות יד, *misappropriation*. He has usurped the פקדון for his own use. His

⁷² שמות: כ"ב, ו'.

⁷³ Following the sudden demise of their two young sons, Bruria remarked to her husband, R' Meir, that the בעל הפקדון has asked for the return of his deposit. The *passuk* (כ"ב, א'; איוב: א', כ"ב) should not be construed in terms of a gift which the grantor wishes to recover. One who gifts something to another can never demand its return. Rather, the *passuk* should be interpreted in terms of one who reclaims a deposit previously entrusted by him. Bruria told her husband that G-d had merely deposited the children with them as trustees. As their owner, G-d has now demanded their return. (See מדרש משלי פ"ל א-י').

See also *Derashot Harav* (Pages 16-19). [Editor's note]

talents have been misappropriated for something other than that for which the Depositor, G-d, intended. Instead of using his bodily organs to perform *mitzvos*, the sinner has unlawfully employed his organs to commit the violation. He is, therefore, guilty of עשק, *larceny*.⁷⁴

Accordingly, on the day of Yom Kippur, man finds himself in the analogous situation of a bailee who is sued by the depositor. The *passuk* describes that proceeding:⁷⁵

ונקרב בעל הבית אל האלקים אם לא שלח ידו במלאכת רעהו.
The bailee must convince the court that he has not misappropriated the deposit.

On Yom Kippur, man must justify his use of his body. If he fails, he must return his body to G-d.

Moreover, unlike עשק, larceny and other *aveiros*, which relate to physical objects, the sinner is also guilty of a far more heinous theft. He is guilty of having misappropriated his divine-like intellect and thoughts and of corrupting his pure הנפש. They have been misdirected in furtherance of lascivious pursuits.⁷⁶

⁷⁴ The *Rav* often noted that G-d is described in the *Shemoneh Esrei* as הכל וקונה הכל, *the master of everything*. This reflects that the universe and all of humanity are the property of G-d. See (עמ' 275) על התשובה (עמ' 40); [Editor's note]

⁷⁵ שמות: כ"ב, ז'.

⁷⁶ The *Gemara* (מסכת יומא דף כ"ט ע"א) writes, הרהורי עבירה קשו מעבירה, *Impure thoughts are more corrupting than actual deeds*.

The *Rambam* (מורה נבוכים ח"ג פרק ח') explains that crimes which corrupt the intellect, the distinguishing mark of the human being, are far worse than crimes which exhaust themselves in the performance of a deed. The former corrupts the divine-like quality of man; the latter merely defiles the animal-like component of man.

יעזוב... איש און מחשבותיו interprets the *passuk* of (פ' נצבים: ל', כ') (ז' ישעיה: נ"ה, ז') as referring to one who deliberately exposes himself to prurient activities (such as attending theaters or movies). By doing so, he stimulates his fantasy and conjures up impure thoughts which captivate his mind and defile his personality. [Editor's note]

The *tefillah* therefore employs the phrase of **מעשק ידונו** to depict the misappropriation – the **שליחות יד** and **גזילה** - which the sinner is guilty of. The term **עשק**, as opposed to the more general descriptions of **חטא** or **פשע**, reflects that any sin committed by man, *per se*, constitutes larceny, theft from G-d.

Each מעילה constitutes עבירה

One who sins is not only guilty of **שליחות יד**, of violating the terms of G-d's deposit. His crime is far more severe than mere larceny. Inasmuch as the Depositor is G-d Himself, the sinner is also guilty of **מעילה בקדשים**, of having stolen from **הקדש**. Each person is **קנינו של הקב"ה**, the property of G-d - **לך והגוף שלך**. Each person is endowed at birth with a measure of *kedusha*. By sinning, the person replaces that *kedusha* with **טומאה**. That conversion, *per se*, constitutes **מעילה**, theft from **הקדש**. All *aveiros* unlawfully usurp the person's talents, **כוחות הנפש**, soul, organs and personality. The sinner is, therefore, guilty of **מעילה**.⁷⁷ *Rashi*,⁷⁸ therefore, justifiably identifies all sins as **מעילה** since, by definition, each *aveirah* also constitutes the crime of **מעילה בקדשים**.

Sin dilutes man's intrinsic kedusha

The identification of **חטא** with **מעילה** constitutes the severity of **חטא**. One of the consequences of **מעילה** is that the item's **קדש** properties automatically dissipate.⁷⁹ The item becomes **חולין**,

⁷⁷ The ancient Greeks disagreed vehemently with *Chazal* on this issue. The Greeks maintained that man is the sole master of his body and soul. They deified the body and promoted nudity. *Chazal*, in contrast, taught that man does not own his body. The external physicality of the body is meaningless. One's body is merely loaned to him, and man is exhorted to consecrate it. Items of *kedusha* must be covered; **ולא יבאו לראות כבלע את הקדש (במדבר: ד', כ')**. Likewise, man is obligated to treat his body with decorum and *tznius*.

⁷⁸ ויקרא: ה', ט"ו.

⁷⁹ מסכת קידושין דף נ"ג ע"ב.

mundane and non-descript. As the *passuk* notes⁸⁰, **ובאו בה פריצים**, וחללוה, *The lawless people shall enter (the Bais Hamikdash) and defile it.*

The pure, sensitive and fragile **הקדש** retreats as soon as it intersects with **חול**. Likewise, every **חטא** automatically results in **חילול**. **טהרת הקודש**. Sin corrupts the pristine spiritual personality of the sinner. **חטא** defiles the *taharah* of the soul. The vulgar contact with sin contaminates the *kedusha* of the *neshama*. Since the sinner's prior sanctity is replaced with corruption and defilement, the sinner is guilty of **מעילה**.

In other words, sin does not exhaust itself in the mere performance of the crime, but in the consequences of the **חטא**, in the ensuing **חילול הקודש**. One who violates any of the precepts of the Torah injects **טומאה** into his soul. His *kedusha* is commensurately diluted; his divine-like qualities dissipate. He becomes **חול**. The consequence of the commission of an *aveirah* is a metamorphosis of the sinner's pristine personality, a transformation of his psychological constitution and emotional composition. His lifestyle changes; his *weltanschauung* becomes deviant. He becomes insensitive and callous to the pure and uncorrupted. His emotional psychological *gestalt* is defiled.

One who is ignorant of Torah develops a mundane and coarse world outlook. He strives for material possessions and suffers the defilement which results from obsession with the secular and the physical. Every *aveirah* engenders negative and pejorative emotional and psychological reactions which adversely alter the human personality.

On the other hand, a Jew who performs *mitzvos*, not only discharges his physical obligations, but, moreover, elevates and

⁸⁰ מסכת ערו"ז, דף כ"ד ע"א מדפי The *Baal Hamaor* and the *Ramban* (הר"י) debate the scope of this **חילול**. An analysis of this controversy is contained in רשימות שיעורים למסכת שבועות (ח"א, עמ' נ"א); שר"ת שאילת דוד (חאו"ח סימן ג') [Editor's note]

consecrates his personality. He automatically strives to ascend and obtain ever higher levels of *kedusha*. We recite in the *tefillas mussaf* of Shabbos, ישמחו במלכותך שומרי שבת וקוראי עונג. Throughout the week, a Jew awaits the experience of מלכותו של הקב"ה realized on Shabbos. A Jew yearns for *kedusha*. He feels hollow during the week. The נשמה יתירה represents the incremental degree of *kedusha* enjoyed by the personality of one who properly observes Shabbos. His *neschama* senses new dimensions of purity and sanctity. Likewise, one who constantly engages in the study of Torah develops a Torah *weltanschauung*, a Torah-true perspective. Even mundane political and social questions are viewed through the prism of Torah. His goals and motivations are guided by the *kedusha* of Torah, marked by constant ascensions to ever greater spiritual heights. His Torah-true personality is constantly transmuted and ennobled by his continued immersion in the Torah. He continuously experiences new dimensions of the indivisible communion of קודשא בריך הוא ישראל ואורייתא חד הוא.

חילול is not always correlated with the gravity of the sin

The חילול הקדש resulting from the commission of an *aveirah* is not necessarily directly proportionate with the severity of the sin. Even a seemingly minor sin may precipitate degrees of *tumah* which are seemingly incommensurate with the gravity of the sin. For example, the Torah records the sin of Reuven, a seemingly minor infraction.⁸¹ Reuven was only concerned with enforcing the respect which he felt was due to his mother Leah. He reasoned that, once Rachel had died, it was only proper for his father Yaakov to relocate to Leah's tent. He was upset that his stepmother Bilha had supplanted his mother as Yaakov's primary wife. Why then is Reuven so harshly criticized by the Torah? Why does the Torah equate his activities with the sin of adultery? Why was Yaakov so harsh in condemning him even on his deathbed? Why did this sin cause Reuven to forfeit the kingship and priesthood?

⁸¹ בראשית: ל"ה, כ"ב; ומ"ט, ד'

On a superficial level, Reuven sinned by failing to respect his father's decision. *Chazal* note⁸² that one who observes his father violating one of the precepts of Torah should not overtly tell his father that he has sinned. Rather, he should tell his father in generic terms that similar conduct has been enjoined by the Torah. He should not confront his father nor specifically criticize his father's actual unlawful behavior. Reuven did not conform with this precept. He acted without consulting his father.

This sin, though seemingly inconsequential, had disastrous results; it eroded Yaakov's influence and honor. **כִּיבוּד אב** is one of the foundations of the Jewish home and is a vital feature of *Yahadus*. The *mesorah* of *Yahadus* is predicated upon according the utmost deference to one's parents, inasmuch as they constitute the immediately preceding link in the chain of the *mesorah*.⁸³ Accordingly, the שבטי קה had always revered their father Yaakov. Their community was united by this common perspective.

Everything changed as soon as Reuven behaved disrespectfully towards his father. The **טומאת החטא** of Reuven's conduct, **אז הללת** **יצואי עלה**, expressed itself in the attendant fragmentation of the integrity of the שבטי קה. The vision of **בנין כשתלי זיתים סביב לשלחנך**⁸⁴ was impugned when Reuven violated **איש אמו ואביו תיראו**.⁸⁵ As a result, the brothers no longer held Yaakov in awe. This diminution and their own disregard for their father enabled them to engage in

⁸² מסכת קידושין דף ל"ב ע"א.

⁸³ The (ג, ט, י"ט) notes that the Torah stresses that one must comply with the words of the Torah even if it contravenes a specific directive from his parents. He theorizes that the Torah emphasizes this seemingly obvious precept since the *mesorah* is predicated upon the transmission from father to son. Thus, one would have reasoned that, in order to preserve the integrity of the transmission process, anything that the parent relates to his son should be held as sacrosanct and be obligatory. The Torah therefore underscores that deviations will not be tolerated even though that could adversely affect the efficacy of the *mesorah*. [Editor's note]

⁸⁴ תהלים: קכ"ח, ג'.

⁸⁵ ויקרא: י"ט, ג'.

מכירת יוסף. Thus, the consequence of Reuven's **חטא** was the eventual sale of Yosef into ignominious slavery so many years later. The course of Jewish history was disastrously and irrevocably altered.

The *Medrash* expresses a frightening insight.⁸⁶ It cites the *passuk* recorded after the sale of Yosef:⁸⁷

וישב ראובן אל הבור... ויאמר הילד איננו ואני אנה אני בא.
And Reuven returned to the pit... He cried out, "The boy is no longer there. What am I to do?"

The *Medrash* raises the obvious question regarding Reuven's expression of guilt. After all, Reuven had not participated in Yosef's sale and so was not implicated in that crime. Why then did he offer confession for the sale? The *Medrash* explains that Reuven again confessed his sin with Bilha. This response is perplexing, given that the episode with Bilha had occurred so many years previously.

The *Medrash* teaches that Reuven was compelled to engage again in *teshuvah* for the episode of Bilha, since he now perceived that the ripple effects of his long-forgotten crime had facilitated the sale of Yosef. Reuven acknowledged that he was ultimately to blame. He recognized that, had he not sinned in the episode of Bilha by disrespecting his father and violating the basic precept of **כיבוד אב**, his brothers would not have dared to aggravate Yaakov by selling Yosef. At that point, Reuven finally perceived the extent and gravity of his sin, of the **מעילה בקדשים** which he had engendered. He was therefore compelled to again engage in *teshuvah* for the far reaching consequences of the **חטא** resulting from the crime committed so many years earlier.

After relating the episode of Reuven and Bilha, the *passuk* concludes by depicting Yaakov's family both as **יעקב** and as **ישראל**. It states:⁸⁸

⁸⁶ עסוק היה בשקו ובתעניתו, בראשית רבה, פרשה פ"ד
 (בראשית; ל"ז, כ"ט)

⁸⁷ בראשית: ל"ז, כ"ט-ל'.

⁸⁸ בראשית: ל"ה, כ"ב.

וישמע ישראל; ויהיו בני יעקב שנים עשר.

Yisroel heard...and the sons of Yaakov numbered twelve.

The *Rav* explained the transition from יעקב to ישראל based upon the *Ramban*'s thesis⁸⁹ that the word ישראל reflects the Jewish people's majesty and that, in contrast, the word יעקב depicts the subordinate position experienced by Jews whenever they are in exile and have become defiled. Prior to the episode of Bilha, the *passuk* relates that בשכון ישראל בארץ ההיא⁹⁰. The Jews enjoyed the august stature and grandeur of ישראל, replete with strength and optimism, endowed with sanctity and incorruptible fortitude. Immediately following the episode with Bilha, the *passuk* depicts the Jews, not as ישראל, but as יעקב, in order to underscore their diminished spiritual stature.

Likewise the זכה תפילה (recited on Yom Kippur eve) states:

אוי לי ואוי לנפשי...שהלכתי אחר עצת יצרי הרע... ולא די שלא
קדשתי את איברי אלא טמאתי אותם. מששתי את כל איברי
ומצאתי אותם בעלי מומין.

Woe is to me, woe is to my soul. I have blindly complied with my evil inclination. Not only have I not consecrated my organs and dedicated them to the service of G-d, but I have defiled them. I have examined all of my organs and have found them each deficient.

The זכה תפילה focuses, not so much on the actual חטא performance, as on the טומאת החטא which results from that conduct. The sinner begs for forgiveness for having violated the elementary rules of שליחות יד, thereby engendering חילול הקודש and degradation.⁹¹

⁸⁹ בראשית: מ"ו, ב'.

⁹⁰ בראשית: ל"ה, כ"ב.

⁹¹ The objective of the *tefillah* of על חטא is to seek pardon for the commission of the *aveirah*; the goal of the זכה תפילה is to obtain expiation for the ensuing degradation.

The two components of חטא correspond to the two facets of *teshuva*

We have previously established that there are two approaches to *teshuva*. The first, is the *teshuva* exercised by the מידת החסד; the second, is that invoked by the מידת האמת. Concomitantly, there are two corresponding components of חטא. The first, is the actual **performance** of the חטא; the second, is the resulting **corruption**, the מעילה בקדשים, and the degeneration of the soul. One must engage in *teshuva*, not only for his misdeeds, but also for the ensuing טומאה which those activities engendered.

Prima facie, it would seem that the *teshuva* of אמת promotes *kapparah* for the חטא, פעולת החטא, while the *teshuva* of רב חסד facilitates *kapparah* for the טומאת החטא. With respect to the actual performance of the crime, the פעולת החטא, G-d can forgive the sinner, inasmuch as G-d recognizes the fallibility and vulnerability of man. After all, people often forgive one another for slights and insults suffered by them. To pardon someone else does not require extraordinary kindness or benevolence. However, as far as the corruption, the מעילה בקדשים engendered by sin and the resultant חילול הקודש which defiles and debases man's personality, extinguishes the flame of טהרה and causes the sinner to descend into a morass of iniquity, the *teshuva* of אמת is insufficient. In order to reform a degenerate personality and elevate the sinner from the abyss of degradation, the *teshuva* of רב חסד is required.

G-d acknowledges human foibles. He is prepared to forgive temporary lapses of judgment suffered by one who was overwhelmed by his passions and obsessions. G-d will forgive unlawful conduct performed under mitigating circumstances. Human judges in criminal court often commute a guilty sentence because of a variety of factors. G-d should also, כביכול, be compelled to adopt this attitude and pardon the sinner. However, G-d is not prepared to forgive a deviant soul, one whose pristine spirit has become polluted, one whose essence has become so defiled that he instinctually pursues a degenerate lifestyle. The מידת האמת refuses to pardon one who has

suppressed his *kedusha*, one who has replaced his Torah orientation with a pragmatic, vulgar and utilitarian *weltanschauung*. Reformation of the soul requires the supernatural *teshuva* of רב חסד, wherein G-d, in His infinite mercy, permits the degenerate soul to regain its primordial purity and luster. כי גדל עד שמים חסד.⁹² The *teshuva* of רב חסד transcends the natural order and is obtained only as an undeserving grace from G-d. The *teshuva* required for the מעילה *מעיילה* which inheres in every חטא cannot be attained through מידת האמת.

This approach was, in fact, adopted by the תורה שבכתב.⁹³ Thus, the *Yerushalmi*⁹⁴ records that the people sought to determine the appropriate remedy for the sinner in accordance with the strict application of justice – חוטא מה דינו. They sought to ascertain what justice, the מידת האמת, dictates of one who is guilty of *מעילה*, of defiling his own *kedusha*. The immediate response provided by תורה שבכתב was negative - הנפש החוטאת היא תמות. The crime of *מעילה* results in חילול הקודש, vulgarity, the automatic obliteration of

⁹² תהלים: נ"ז, י"א.

⁹³ As noted earlier, the *Rav* had explained that the תורה שבכתב recognizes solely the *teshuva* of רב חסד, the *teshuva* accepted by G-d in His discretion. It does **not** recognize the *teshuva* of מידת האמת at all. It maintains that the מידת האמת condemns the sinner. As the *Yerushalmi* writes: שאלו לנבואה חוטא מה דינו? אמרה: הנפש החוטאת היא תמות.

In this paragraph, having distinguished between the criminal performance and the defilement resulting therefrom, the *Rav* refines this thesis and limits its application solely to the חילול הקודש engendered by the criminal conduct. Thus, the תורה שבכתב concedes that even the מידת האמת will grant expiation under mitigating circumstances for the criminal performance, for the פעולת החטא. However, the מידת האמת will **not** pardon the ensuing חילול הקודש.

Of course, the מידת החסד will at times intervene and extend *kapparah*; however, this intervention is discretionary and cannot always be obtained. In order to obtain expiation for חילול הקודש pursuant to the מידת האמת, as a matter of right, in accordance with natural law, one must invoke the תורה שבעל פה. The rationale for this will be exhaustively described in the succeeding paragraphs.

⁹⁴ מסכת מכות (פרק ב', הלכה ו').

הקדש. One's purity can never be regained. The sinner is irrevocably condemned to death, absent the intervention of the discretionary מידת החסד.

The conclusion of the תורה שבכתב, that the חילול הקודש may be expiated solely by the discretionary grace of G-d, in His exercise of רב חסד, was resoundingly rejected by the תורה שבעל פה. The *Yerushalmi* records that the תורה שבעל פה provided the optimistic and encouraging prospect of יעשה תשובה ויתכפר לו. The תורה שבעל פה promotes the principle that the sinner, in accordance with מידת האמת, can demand that G-d pardon even the ensuing חילול הקודש, the defilement engendered by the חטא. The תורה שבעל פה espouses the novel theory that *kapparah* is an entitlement accorded to each sinner even with respect to מעילה בקדשים, and that, moreover, the sinner can mysteriously restore his pristine sanctity and *kedusha*.⁹⁵

***Kedusha* is expressed either as קדושת הגוף or as קדושת דמים**

In order to understand fully the bold response of the תורה שבעל פה that *kedusha* and purity can be regained and the sinner's sanctity restored, it is first necessary to analyze the two types of *kedusha* recognized by the *halacha*: קדושת הגוף and קדושת דמים. The *halacha* defines קדושת דמים as something whose value has been donated to הקדש. The consecrated item cannot, however, be itself offered on the מזבח. It will be sold, and the funds realized from the sale will be used to purchase *korbanos*. Such an item has no intrinsic *kedusha*; the sanctity which it enjoys is extrinsic to it. הקדש has a mere lien (שעבוד) on that item which dictates that the item must be redeemed and the proceeds realized therefrom remitted to הקדש. לשכת הקדש. On the other hand, an item endowed with קדושת הגוף is one which will itself be offered on the מזבח as a *korban*. Such an item is not only הקדש in a

⁹⁵ The facility of restoring one's personality is also discussed in ספר בסוד היחיד (איש הלכה) עמ' 161 [Editor's note]

financial sense, it is intrinsically קדוש. Its very core, its essence, is suffused with *kedusha*.⁹⁶

The *halacha* has determined that קדושת דמים dissipates whenever the item is used for non-הקדש purposes. Thus, the *Gemara* often writes⁹⁷, כיון שמעל יצא לחולין, *An item of הקדש loses its kedusha as soon as it is used for a purpose that is inconsistent with that kedusha*. On the other hand, an item invested with קדושת הגוף can never forfeit that *kedusha* even though it is subsequently used for non-הקדש purposes. As the *Mishnah* writes⁹⁸, בבהמה יש מועל אחר, מועל, *An animal consecrated as an offering retains its kedusha even though it was repeatedly employed for secular and mundane uses*.

Prior to receiving the עשרת הדברות, the Jewish people were consecrated by G-d⁹⁹, ואתם תהיו לי ממלכת כהנים וגוי קדוש, *You have been designated by Me as a nation of priests, a holy people*. To which degree of *kedusha* does this designation refer, to קדושת דמים or קדושת

⁹⁶ The (פ' ראה: י"ד, כ"א) and צפנת פנח (הפטרה לפ' מטות) distinguish between the terms קודש and קדוש. The term קודש, שם התואר, refers to an item which is invested with *kedusha* in a superficial sense. Although the item enjoys an endowment of *kedusha*, nonetheless, it is not defined by that *kedusha*. Rather, *kedusha* is an extrinsic quality and one of many attributes enjoyed by that object. On the other hand, the term קדוש, שם העצם, refers to an item which is endowed with *kedusha* to such an extent that *kedusha* defines its very existence. The property of *kedusha* is intrinsic to its essence. The latter form of *kedusha* is permanent and can never dissipate.

Thus, prior to the sin of the עגל, the Jews are referred to as קודש (שמות: כ"ב), ואנשי קודש, since their *kedusha* was subject to extinguishment. However, subsequent to the sin of the עגל, G-d promised to Moshe that He would always retain the Jews as His Chosen People (see מסכת ברכות דף ז' ע"א). Thus, the Jews were thereafter referred to as קדוש (דברים: י"ד, כ"א) כי עם קדוש אתה in order to confirm the permanency of their *kedusha*. [Editor's note]

⁹⁷ מסכת קידושין דף נ"ג ע"ב.

⁹⁸ מסכת מעילה דף י"ט ע"ב.

⁹⁹ שמות: י"ט, ו'.

הגוף? Were the Jews endowed with קדושת הגוף, an intrinsic sanctity, or were they invested merely with a superficial קדושת דמים?¹⁰⁰

Another question may be raised. Following the sin of the עגל, Moshe Rabbeinu shattered the *luchos*. G-d concurred with that action, and *kapparah* was extended to each of the three thousand people who participated in that crime. Why, then, did Moshe not similarly shatter

¹⁰⁰ The פ' שלח: ט"ו, מ', ד"ה ירושלמי ובפ' ראה (י"ג, ו') offers a different perspective on the distinction manifested by one endowed with קדושת הגוף, as opposed to one invested with קדושת בדק הבית, a derivative of קדושת דמים. He cites the *Vilna Gaon* who posits that *mitzvos* are imposed upon one's חומר, his physicality and various organs. As such, *mitzvos* impart to the person a type of *kedusha* which is analogous to קדושת בדק הבית (i.e., a *kedusha* which relates solely to physical objects). On the other hand, Torah invests the Jewish soul with קדושת הגוף, a *kedusha* not bound by physical, temporal or spatial limitations. It is therefore eternal.

Based upon this thesis, the משך חכמה explains the incident recorded in the (ירושלמי פ"ג דמסכת ברכות ה"א). R' Yochanan and R' Yanai both attended a funeral of a fellow *talmid chochom*. R' Yochanan asked R' Yanai if one may consecrate a קרבן עולה with an additional investiture of קדושת בדק הבית. The משך חכמה explains that R' Yochanan and R' Yanai had often debated if *mitzvos* will be practiced לעתיד (מסכת נדה, דף ס"א ע"ב). R' Yochanan maintains that *mitzvos* will not be necessary לעתיד לבוא. He reasons that לעתיד לבוא people will no longer have a body. They will be solely spiritual beings. Inasmuch as *mitzvos* invest one with merely קדושת בדק הבית (unlike Torah which invests one with קדושת הגוף), *mitzvos* will be unnecessary. As spiritual beings, everyone will be endowed with the higher degree of קדושת הגוף. The lower degree of קדושת בדק הבית will be superfluous.

In order to illustrate his position, he raised the question of whether one can consecrate an עולה (which is already invested with קדושת הגוף) with an incremental (but lower) level of קדושת בדק הבית.

R' Menachem Zemba, *hy"d* (הקדמה לספר גור אריה יהודה) interprets this *Yerushalmi* in a similar vein. In his opinion, R' Yochanan was exhorting R' Yanai to extract from the עולה (represented by the deceased *talmid chochom* who, in death, was כליל ה' a measure of *kedusha* (and Torah) which can be utilized to support and reinforce continued Torah study nowadays (characterized as קדושת בדק הבית). [Editor's note]

the *luchos* and obtain *kapparah* following the episode of בעל פעור, in which over twenty-four thousand people had participated?

דמים קדושת הגוף demands compliance; engenders communion

The answer is that after the מתן תורה of the first set of *luchos*, the Jews enjoyed the status solely of קדושת דמים. The Jews had undertaken to comply with the Torah by their acceptance of נעשה ונשמע.¹⁰¹ However, the Torah had not yet infiltrated their core persona; the *kedusha* of the Torah remained extrinsic to their personality. The fusion of קודשא בריך הוא ישראל ואורייתא חד הוא, the indivisibility of G-d, the Torah and the Jewish people, had not yet been realized. The Jews had not yet identified themselves with the Torah nor reoriented their lifestyles to a Torah existence. They had merely obligated themselves to **comply** with the word of G-d. But, they had not yet reconstituted their personalities to reflect the *taharah* with which the Torah is defined. They were not קדושים to their core. The Torah could lay claim to their actions, but not to their personalities. At that point, the Jews were characterized merely by דמים קדושת דמים. Consequently, when they sinned with the עגל, their דמים קדושת דמים dissipated through מעילה. They immediately forfeited their status of גוי קדוש וגוי כהנים. They became חולין, secular and devoid of *kedusha*.¹⁰² G-d's initial response, therefore, was ¹⁰³, *Leave Me be... and I will destroy them.*

¹⁰¹ שמות: כ"ד, ז'.

¹⁰² This exposition originates in the בית הלוי (דרוש י"ז). He explains that one of the primary distinctions between Jews and non-Jews is that Jews are endowed with קדושת הגוף, while non-Jews are invested merely with דמים קדושת דמים. To illustrate this distinction, he cites the *Gemara* (מסכת סנהדרין דף ע"ה ע"א) which rules that non-Jews are not obligated to sacrifice their lives if compelled to violate the three cardinal sins, even though non-Jews are, under all other circumstances, enjoined from violating those sins. He reasons that non-Jews are charged merely with complying with the seven *mitzvos* of *Bnei Noach*. However, they are not consecrated with that incremental degree of קדושת הגוף which engenders, not only

Thus, following the sin of בעל פעור, Moshe Rabbeinu could not shatter the *luchos*. Despite the enormity of their crime, the Jews continued to enjoy the status of קדושת הגוף invested in them following the second set of *luchos*. They remained intrinsically קדוש, and their פנימיות, the flame of sanctity that suffused their souls, the eternal *kedusha* which defined their existential personality, could never be extinguished. Although the *kedusha* was obscured by layers of טומאה and diluted by overwhelming volumes of pollutants, nonetheless, the קדושת הגוף implanted in their innermost core, submerged within the depths of their personality, retained its pristine purity.

Moshe shattered the first set of *luchos* only on that single occasion when the Jews were invested solely with קדושת דמים, when their endowment of *kedusha* was still nascent and tenuous. However, once they received the second set of *luchos*, the Jews were endowed with an eternal קדושת הגוף, intrinsic to their personality, which could never be entirely obliterated. The Jew became inextricably linked with the eternal G-d. The indivisibility of קודשא בריך הוא, ישראל was actualized at that time.

It is for this reason that as soon as the second *luchos* were delivered, and the Jews' קדושת הגוף was finalized, G-d taught the secret of *teshuva* to Moshe. He advised Moshe of כל טובי, of the second הויה which will thereafter remain with the sinner despite his degradation. G-d advised Moshe that the דרך תשובה could no longer be foreclosed from any Jew. The Jew will always return to his G-d. The G-d of ה' לאחור שחטא will eventually reignite the sinner's soul from the smoldering embers of his eternal flame and reawaken him to *teshuva*.

The Jew endowed with eternal קדושת הגוף can then **demand** *kapparah*, not only through מידת החסד, but also through מידת האמת. One who only enjoys קדושת דמים cannot demand *kapparah* as of right. Such an individual's *kedusha* is subject to dissipation which cannot always be regained. Thus, he may only plead for *kapparah* through מידת החסד. That plea may, however be rejected. G-d will not

always grace the penitent with expiation. In contradistinction, a Jew invested with an eternal קדושת הגוף, which can never be totally obliterated, can demand *kapparah*, as his due, through מידת האמת and מטלך המשפט as well. He can insist, as a matter of right, that his full measure of *kedusha* be restored to its pristine stature.

The Jews were invested with קדושת הגוף solely through their study of תורה שבעל פה

The obvious question is, why was the קדושת הגוף accorded to the Jews only following their receipt of the second set of *luchos*? Why was the perpetual and eternal *Kedushas Yisroel*, which is not subject to חילול and dissipation, endowed solely after the transmission of the second set of *luchos*?

The answer is that the second set of *luchos* engendered the revolutionary bifurcation of תורה שבעל פה from תורה שבכתב¹⁰⁶. In the first set of *luchos*, the תורה שבעל פה was embedded within the תורה שבכתב. In the second set of *luchos*, the תורה שבעל פה was studied orally. It, therefore, invested the Jews with קדושת הגוף.

A *Sefer Torah* is written on a קלף, *parchment*. Although the *Sefer* enjoys *kedusha*, nonetheless, the *Sefer* is stored in an *aron kodesh*. The Jew is obligated to comply with the words of the קלף; nonetheless, the words contained in the קלף are extrinsic to him. The Jew's relationship with the תורה שבכתב is that of קדושת דמים. He is obligated to conform with its dictates, but this קדושת כתב reposes exclusively in the קלף (which in turn is invested with קדושת הגוף). The קדושת הגוף of תורה שבכתב is not shared by the Jew.

On the other hand, the *kedusha* of the independent תורה שבעל פה permeates the Jew's existence. His mind is engaged in Torah and, through that engagement, he establishes the communion of קודשא ובורא; בריך הוא, ישראל ואורייתא חד הוא the tripartite existential relationship

¹⁰⁶ This theme originates in (דרוש י"ח) בית הלוי.

It is also developed in 'ספר בית יוסף שאול עמ' קע"ז; ספר בית יוסף שאול עמ' 68. [Editor's note]

between G-d, the Jews and Torah is finalized. The person who studies Torah, whose intellect is infused with the eternal living Torah, whose mental faculties are consecrated by the Torah, becomes endowed with קדושת הגוף. His intellect is converted *into* the קלף on which the תורה is written, and he is transformed into a living *Sefer Torah*.¹⁰⁷

The mind of a lay person is preoccupied with thoughts of commerce, political intrigue, theater, entertainment and the like. In contrast, the intellect of a *ben Torah* is preoccupied with Torah concepts. It contains the text of numerous *brachos*, countless chapters of *Mishnayos*, thousands of pages of *Gemara* and an unquenchable yearning for even more Torah. The תורה שבעל פה is inscribed on his intellect as a living dynamism. His mind is the קלף into which the תורה שבעל פה is embedded. The תורה שבעל פה, with which the Jews' mind is obsessed, invests the Jews' physical body with קדושת הגוף.

The *bris* of the second *luchos* assures the perpetuation of the Jewish nation

Following the sin of the עגל, the *Ribbono Shel Olam* told Moshe:¹⁰⁸

כתב לך את הדברים האלה, כי על פי הדברים האלה כרתי אתך ברית ואת ישראל.

¹⁰⁷ In other *shiurim*, the *Rav* often cited the *passukim* in which Yirmiyahu foretells the entry into a new *bris*. The *passukim* state, ... וכרתי את בית ישראל... הנה ימים באים... לא כברית אשר כרתי את אבותם... להוציאם מארץ מצרים... כי זאת הברית... *Days are coming... I will enter into a new covenant.*

The *Rav* explained that these *passukim* refer to the exponential surge in the study of תורה שבעל פה experienced by the Jews after Ezra taught them תורה שבעל פה. Thus, the imagery of על לבם אכתבנה employed by Yirmiyahu depicts that the תורה שבעל פה will be inscribed upon the **hearts** of the Jewish people, investing them with קדושת קלף. In contrast to the תורה שבכתב which is recorded on קלף, the תורה שבעל פה is recorded upon each Jewish soul, thereby transforming each Jew into a living *Sefer Torah*.

[The balance of this footnote is contained at the conclusion of this *drasha*]

¹⁰⁸ שמות: ל"ד, כ"ז.

G-d told Moshe to record these words insofar as the covenant between G-d and the Jewish people shall be predicated upon these words.

The *Gemara*¹⁰⁹ explains the enigmatic reference to the **דברים**, the **words** upon which the covenant was concluded. It notes:

אמר ר' יוחנן לא כרת הקב"ה ברית עם ישראל אלא בשביל **דברים**
שבעל פה.

*G-d concluded His covenant with the Jewish people solely through the medium of the **oral** Torah.*

The prior *passukim*¹¹⁰ had stated:

הנה אנכי כרת ברית. נגד כל עמך אעשה נפלאות אשר לא נבראו
בכל הארץ... וראה כל העם אשר אתה בקרבך את מעשה ה' כי נורא
הוא, אשר אני עושה עמך.

Behold I will enter into a covenant with you. Before all of your nation, I will perform miracles which were never previously seen on earth...and your entire nation shall witness the awesome works of G-d.

Which awesome miracles does the *passuk* refer to? All of the supernatural phenomena had already occurred in *Mitzrayim*. What other miraculous events does the *passuk* foretell?

The answer is that the *bris* of **כרת ברית** depicted in this *passuk* does **not** refer to the *bris* of the first *luchos* described in **פרשת** **משפטים**.¹¹¹ That *bris* was limited to the **תורה שבכתב** transmitted on that day. The **קדושת דמים** precipitated by that *bris*, merely inscribed on the parchments of the **תורה שבכתב**, could never have survived the travails of two millennia of persecution and forced conversions. After all, **קדושת דמים** merely engenders juridical obligations, **שעבוד**; it does **not** infuse the human personality with indelible sanctity. Had the

¹⁰⁹ מסכת גיטין דף ס' ע"ב.

¹¹⁰ שמות: ל"ד, י.

¹¹¹ ויקח ספר הברית (פ' משפטים: כ"ד, ז).

Jewish people been invested solely with קדושת דמים, they would, G-d forbid, have entirely assimilated and ceased to exist as a nation.

Fortunately, G-d entered into a second *bris* with the Jewish people - על פי הדברים האלה כרתי אתך ברית -¹¹² G-d and the Jews concluded a *bris* of תורה שבעל פה, and that new *bris* automatically invested the Jews with an eternal and indelible קדושת הגוף.

The *kedusha* of תורה שבכתב represented by the first *luchos* was defined as כתב לך. Even the *Mishnah* and the *Gemara* were reduced to writing, inasmuch as **both** the תורה שבכתב and the תורה שבעל פה were recorded on the first *luchos*. Thus, the Torah was extrinsic to the Jewish people. It was studied, but not incorporated within their body and soul.

With the לוחות שניות, on the other hand, a ברית חדשה was entered into. The *passuk*¹¹³ describes this *bris* as נפלאות - אשר לא נבראו בכל הארץ. This *bris* represents a revolutionary phenomenon which was previously unheard of. It consists of the unique facility whereby the תורה שבעל פה permeates the mind of every Jewish person and endows each Jew with an indelible קדושת הגוף. Jews have endured two millennia of שמד, persecution, torture, forced conversions and deviant sects of heretics and apostates. Yet, throughout the generations, the Torah and the Jews' קדושת הגוף have been preserved. The spark of the living Torah encased in each Jewish soul has never been extinguished. The greatest miracle of all time, the נפלאות אשר לא נבראו, is realized by the Jewish People's steadfast commitment to the Torah and the preservation of the nation's identity through the study of Torah for thousands of years. Scholar and ignoramus, saint and sinner, man and woman, are all infused with the קדושת הגוף of the Torah, thereby ensuring the Jewish People's continuity as a nation, despite all external secular pressures and notwithstanding their infractions and deviations.

¹¹² שמות: ל"ד, כ"ז.

¹¹³ שמות: ל"ד, י.

The spark of Torah has never been extinguished. The Jews have remained an עם קדוש despite all attempts to suppress and obliterate that *kedusha*. Countless generations after Moshe and R' Akiva, Jews still convene on each Yom Kippur and declare כי ביום הזה יכפר עליכם.¹¹⁴ On each Yom Kippur, Jews reaffirm their commitment to G-d and rekindle the eternal flame of *kedusha* recessed in their souls. There is no greater miracle than the eternal preservation of the Jewish spirit and the Jewish People's continued and steadfast dedication to Torah and *mitzvos*. This miracle is singular, אשר לא נבראו בכל הארץ. The perseverance of a religion, despite all of the plots for its obliteration, is unparalleled in the annals of human history.

The תורה שבעל פה ensures that the sinner can restore his virtue

Hakadosh Baruch Hu was able to disclose to Moshe the previously unheard of concept of *teshuva* only because He simultaneously transmitted to him the תורה שבעל פה of the second set of *luchos*, which in turn invested the Jews with an eternal indelible קדושת הגוף. The Jewish people assumed a new existence, endowed with a קדושת הגוף which can never be extinguished, solely because they received the תורה שבעל פה. A Jew can restore his purity even though he has sinned, since his *teshuva* is exercised under the aegis of מידת האמת which guarantees him a positive reception. In the past, he was a sinner; after *teshuva*, he regains his luster.

The Jew endowed with קדושת הגוף need not rely upon the discretionary grace of the מידת החסד. He can demand the sublime transfiguration engendered by מידת האמת. Not only will he be pardoned, but he will realize the exquisite transfiguration of the soul described by the *Rambam*.¹¹⁵

אמש היה זה שנוי לפני המקום... והיום הוא אהוב ונחמד, קרוב וידיד... והיום הוא מודבק בשכינה.

¹¹⁴ ויקרא: ט"ז, ל'.

¹¹⁵ פרק ז' מהלכות תשובה ה"ר – ה"ז.

Yesterday, the sinner was alienated from G-d... Today he is sweet, beloved... he has obtained communion with G-d.

No Jew can ever forfeit his קדושת הגוף, since that *kedusha* is permanently ensconced within the innermost recesses of his soul. The Jew can, at any time, in a split second, elevate his soul and restore its purity. Though his soul is interred under mounds of חטא, illusions, deviant philosophies and apostasies, the Jew can suddenly emerge from that internment, cast off iniquity, recapture his luster and become מודבק בשכינה. This reformation of the personality is the wondrous phenomenon of נפלאות אשר לא נבראו בכל הארץ. The spark of קדושת הגוף can be ignited into an inferno of such intensity that, after renouncing his sins, the repentant can declare to G-d, שאני אחר, ואיני אותו האיש שעשה אותן המעשים; *I am not the one who has sinned. I am a new person.*¹¹⁶

The sinner is not merely absolved of his sins. The sinner is not merely pardoned. It is much more than and dramatically different from that. The *teshuva* engendered by תורה שבעל פה permits the sinner to be reborn. His indomitable קדושת הגוף reconstitutes his entire personality. He approaches G-d as a new person, reawakened by his resurgent קדושת הגוף. Though secular literature is replete with stories of penitence and renouncement of sin, only *Yahadus* advocates that *teshuva* can precipitate a total transfiguration of the sinner's personality, a reconstitution of his soul, ignited from the embers of a previously suppressed, but indelible, קדושת הגוף. Only the תורה שבעל פה, and the קדושת הגוף which it facilitates, can allow the sinner to shatter his corrupt personality and be reborn with a renewed קדושת הגוף. This is the unique perspective of *teshuva* facilitated by the תורה שבעל פה, the most sublime חסדיו של הקב"ה.

The miracle of transfiguration constitutes the response of *Hakadosh Baruch Hu* and the תורה שבעל פה to the inquiry of חוטא מהו דינו. Unlike the תורה שבכתב, which responded that the sinner is doomed, הנפש החוטאת היא תמות, G-d and the תורה שבעל פה

¹¹⁶ פרק ב' מהלכות תשובה ה"ד.

answered, יעשה תשובה ויתכפר. Even the מידת האמת participates in the קדושת הגוף of the Jew endowed with *teshuvah* of the Jew.

תורה commemorates the transmission of שבעל פה

Yom Kippur is not merely a *yom tov* of *mechila* or *selicha*; it is also a *yom tov* of מתן תורה. On *Shavuot* we celebrate the מתן תורה, and the קדושת דמים which it facilitated. On Yom Kippur, on the other hand, we commemorate the מתן תורה of תורה, and the ensuing קדושת הגוף which it engendered.

The *Gemara*¹¹⁷ relates with respect to the *passuk*:¹¹⁸

ובא אהרן אל אהל מועד. למה הוא בא? אינו בא אלא להוציא את הכף והמחתה. שכל הפרשה כולה נאמרה על הסדר חוץ מן הפסוק זה.

The passuk of וּבָא אֶהְרֹן אֶל אֹהֶל מוֹעֵד describes the removal of the cup and the pan of coals of the incense which was performed during the fourth טבילה. However, this passuk is inappropriately juxtaposed between the passukim which describe the activities performed during the second and third טבילות. All of the other passukim contained in that chapter are presented in the correct sequence of the Kohen Gadol's performance. Yet, this passuk is out of sequence.

The *Gemara* explains that the הלכה למשה מסיני prescribes that the כהן גדול must engage in טבילה on five different occasions. Had the כף been removed immediately (in the second טבילה as expressed in that *passuk*), then it would not have been necessary for the *Kohen Gadol* to engage in five טבילות; three טבילות would have sufficed for the completion of the Yom Kippur service.

The *Ramban*¹¹⁹ raises the obvious question - why didn't the Torah express this explicitly by inserting the *passuk* in the correct

¹¹⁷ מסכת יומא דף ל"ב ע"א.

¹¹⁸ ויקרא: ט"ז, כ"ג.

¹¹⁹ פירוש לפ' אחרי מות: ט"ז, כ"ג.

order? Why was it necessary for the Torah to allude to this extra טבילה in such an oblique and indirect manner? The answer is that the Torah wished to demonstrate the power of **שבעל פה** introduced on the first Yom Kippur, and to establish the **תורה שבעל פה** as the sole method by which the **תורה שבכתב** may be elucidated.¹²⁰ In order to underscore the primacy of **תורה שבעל פה**, the **תורה שבכתב** deliberately recorded the *passukim* in an incorrect order and relied on the **תורה שבעל פה** to contravene it and rearrange the *passukim* in the correct sequence.

Likewise, the *tefillah* which heralds the commencement of the Yom Kippur service is *Kol Nidrei*. The laws of נדרים, the subject of *Kol Nidrei*, represent one of the greatest manifestations of **תורה שבעל פה**. *Chazal*¹²¹ note, היתר נדרים פורחין באויר ואין להם על מה שיסמכו, *The concept of revoking one's oaths "floats in the air" and has no basis in the תורה שבכתב*. The **תורה שבעל פה** which engenders the קדושת הגוף of the Jewish People ushers in the holiday of Yom Kippur. The *kedushas hayom* of Yom Kippur is represented by the **תורה שבעל פה** and the ensuing קדושת הגוף which it precipitates.

¹²⁰ In *R' Velvel*, חידושי מרן ר"ז הלוי (קונטרס על קידוש החדש, יומא וסוכה, עמוד ט"ז) notes that, although the הלכה למ"מ posits the necessity of five טבילות, nonetheless, since this טבילה is not expressly prescribed by the **תורה שבכתב**, the order of performances mandated by the term חוקה (a principle dictated solely by **תורה שבכתב**) will not apply to this extra טבילה. Thus, if the removal of the קטורת is performed out of order, this deviation will not invalidate the balance of the עבודות.

In a similar vein, the שר"ת דבר אברהם (ח"ג סימן א' אות ה', בהערה) explains the rationale of those who maintain that גיסוך המים, which is derived from הלכה למשה, is not subject to the penalty of שחוטי חוץ (if performed outside of the *Bais Hamikdash*). He reasons that the **תורה שבכתב** prescribes the penalty of שחוטי חוץ solely with respect to *karbanos* expressly noted in the **תורה שבכתב**. It cannot dictate penalties with respect to *karbanos* contained solely in the **תורה שבעל פה** (such as גיסוך המים).

Likewise, the משך חכמה (פ' פנחס: כ"ט, ז') notes that, inasmuch as גיסוך המים is not explicitly described in the **תורה שבכתב**, the verb לכפר is not employed by the **תורה שבכתב** (in פרשת פנחס) with respect to the שעייר חטאת offered on *Succos*. [Editor's note]

¹²¹ מסכת חגיגה דף י' ע"א.

Succos celebrates the טהרת הנפש obtained on Yom Kippur

The *Chachmei Kabbalah* teach that the *Yom Tov* of *Succos* also commemorates our receipt of the תורה שבעל פה and is thus an extension of the holiday of Yom Kippur. *Succos* commemorates the הנפש renewed on Yom Kippur, the greatest endowment awarded to mankind. There is no greater *simcha* than that of טהרת הנפש. The *passuk* of ביום הראשון (ולקחתם לכם),¹²² is interpreted as referring to, ראשון לחשבון העוונות, *The first day following absolution of sin.*¹²³ After obtaining a reconstitution of his personality on Yom Kippur, the Jew celebrates a sin-free existence, marked by טהרת הנפש and purity. This טהרת הנפש can be effected only if the תורה שבעל פה defines his existence, is ingrained in his mind and infiltrates every particle of his being. Through תורה שבכתב, a Jew can obtain *selicha*; however, the taint of the חטא will always survive. It is only through תורה שבעל פה that the חטא and its corrupting effects can be expurgated, and the person's pristine purity restored to an extent that may even surpass his original state.

Accordingly, all of the *mitzvos* of *succah*, *lulav* and the like, are predicated upon תורה שבעל פה. For example, the *halachos* of: מחיצות, לבוד, דופן עקומה, אויר פחות משלושה, ניסוך המים, ערבה במקדש וכו' are all prescribed and regulated by הלכות למשה מסיני. The dispute between the פרושים and צדוקים was primarily centered on the correct method of celebrating the holidays of Yom Kippur and Succos, each of which is replete with many practices promulgated solely by the תורה שבעל פה. The Gemara¹²⁴ relates that a צדוקי once poured the water of ניסוך המים on his foot rather than into the appropriate tube on the מזבח. When the people noticed his deviation, they pelted him with their esrogim. The ספר ערבי נחל¹²⁵ explains that the people

¹²² ויקרא: כ"ג, מ'.

¹²³ תנחומא אמור כ"ב.

¹²⁴ מסכת סוכה דף מ"ח ע"ב.

¹²⁵ חידושים למס' סוכה (שם).

deliberately selected esrogim with which to pelt him. They reasoned that the identification of the phrase פרי עץ הדר as an esrog is prescribed solely by the תורה שבעל פה. Even the צדוקים conceded that פרי עץ הדר refers to the esrog fruit. The people therefore wished to demonstrate that תורה שבעל פה is the sole method of interpreting תורה שבכתב.

In a word, Yom Kippur and *Succos* constitute a single *Yom Tov*. The first Yom Kippur introduced תורה שבעל פה and precipitated טהרת הנפש. On each subsequent Yom Kippur, the Jew and G-d meet in the mysterious rendezvous of תטהרו ה' לפני ה', and each Jew's קדושת הגוף is restored. *Succos* is the *Yom Tov* during which the acquisition of that טהרת הנפש is celebrated. The Torah describes *Succos* as, ושמתם לפני, וטהרת הנפש, ה' אלקיכם שבעת ימים.¹²⁶ Having reacquired his purity and טהרת הנפש, the Jew celebrates his encounter with G-d, לפני ה'.

Conclusion

In conclusion, Yom Kippur marks the day on which the תורה שבעל פה was miraculously introduced to Moshe. The "ג מידות הרחמים ה' ה' – הויה – imparted on that first Yom Kippur contain both names of הויה – קל רחום וחנון. It contains both the הויה **prior** to the occurrence of the חטא as well as the הויה **following** the commission of the crime. The הויה which precedes the חטא is predicated upon תורה שבכתב which invested the Jews solely with קדושת דמים. However, חטא engenders dissipation of קדושת דמים and results in מעילה and הוצאה לחולין, the loss of the great personality. The penalty for this defilement, in terms of unmitigated justice, is והנפש החוטאת היא תמות, total condemnation and conviction.

The second הויה is the G-d of לאחר החטא. This second הויה represents תורה שבעל פה. It depicts the incorruptible קדושת הגוף which permeates each Jewish soul and precipitates his transfiguration and the restoration of his pristine purity. This second הויה never

¹²⁶ ויקרא: כ"ג, מ'.

deserts the sinner, השכן אתם בתוך טמאתם.¹²⁷ The second הויה facilitates *teshuva* by reigniting the eternal flame of his קדושת הגוף. The sinner is rejuvenated. Only after the transmission of the לוחות שניות, was it possible for the sinner to return to G-d. Only after an indelible קדושת הגוף was invested into each Jewish soul, was the eternal flame of *kedusha* established. This everlasting flame can never be extinguished and smolders deep within the Jewish personality. It suddenly reignites and compels the sinner to recant his ways, reassert his *kedusha* and reestablish the tripartite existential relationship of ישראל ואורייתא וקודשא בריך הוא חד הוא.

The phenomenon of enabling the penitent to demand this transfiguration in accordance with the מידת האמת represents the great miracle of the נפלאות אשר לא נבראו אעשה עמך.

Though the חטא can suppress קדושה, bury it, imprison it and dilute it, nonetheless, under the aegis of the second הויה of תורה שבעל פה, it can never obliterate it. One's קדושת הגוף can never be extinguished entirely - יש מועל אחר מועל. The principle that כיון דמעל has no application to items endowed with קדושת הגוף. Once realized, קדושת הגוף is eternal.

When a Jew confronts G-d on Yom Kippur, he presents himself as one whose קדושת הגוף has reasserted itself and reconstituted his personality. As such, the penitent can demand *teshuva*, as of right, by invoking the מידת האמת engendered by תורה שבעל פה.

תושלב"ע

תהא נשמתו צרורה בצרור החיים

¹²⁷ ויקרא: ט"ז, ט"ז.

Continuation of Footnote 27:

R' Fisher adds (שם סימן ו') that the חסד עליון, G-d's infinite love and kindness of the Jewish People, is reciprocated by the Jewish People when they perceive themselves as G-d's children, בנים למקום, and comport themselves as such by meticulously observing all of the dictates of the Torah. A child attempts to please his father by complying with his father's wishes. Conversely, a father is always charitable to his own children and provides them with objects which they may not really deserve. Similarly, G-d often exercises unusual grace to rescue the Jewish people even though they are undeserving. By the same token, a father will at times discipline his child. While in the short term, the child will experience angst as he is punished; yet, the long term benefits subsequently realized by the child will far exceed his pain. The Torah, therefore, writes: 'כי כאשר ייסר איש את בנו ה' (ה' אלוקיך מיסרך (דברים: ח', ה') לעתיד לבוא. As the *Gemara* (מסכת פסחים דף נ' ע"א) notes, in the eschatological era, all humanity will recite the *bracha* of הטוב והמטיב on each experience (whether good or bad). Everyone will understand that מפי עליון לא תצא הרעות - G-d's actions are unqualifiedly good and beneficial.

R' Fisher concludes (שם סימן מ"ד) that G-d had concluded a ברית with Yaakov. This is expressed in the promise ונתתיך לקהל עמים (בראשית: מ"ח, ד') which the Targum translates as כנישת שבטין (see also (הגרי"ז (סטענסייל) לפ' ויחי). The ברית השבטים was invoked by Moshe after the חטא העגל when Moshe declared, זכור לעבדך, which refers to the שבטים (See שם סימן ז', וסימן י"ט, וסימן) (מדרש רבה, פ' כי תשא: מ"ד, ט' כ"ו, הערה מ"ב) that the ברית השבטים, which encompasses the thirteen tribes (inclusive of לוי (שבט לוי), also originates in the כבשי דרחמנא rooted in the עולם היחוד. It too corresponds with both the מידות הרחמים and with the י"ג מידות שהתורה נדרשת בהן. Since the Jews are undeserving of this commitment, and since it is not based upon principles of justice, the ברית השבטים is not explicitly described in *Tanach*.

Likewise, the feature of חנינה and המתקת הדין, grace and mitigation of the strict application of justice, exercised by G-d on Yom Kippur, derives from this mystery. Unlike Rosh Hashanah, when the entire world is judged in accordance with dictates of the מידת הדין, on Yom Kippur, the כבשי

דרחמנא prescribes a unique mitigation of justice, a special *חנינה*, reserved for the Jewish people. This grace ensures the realization of the *ברית השבטים* through the continuity of the Jewish people. [Editor's note]

Continuation of Footnote 56:

פ' לך-לך: ט"ו, ז-ח; הפט' לפ' ואתחנן; פ' ראה: י"ג, ב' מהדר"ת) צפנת פענח (דף פ"א, טור א' adds that the first *luchos* constituted a single unit, whereas, the Torah of the second *luchos* was composed of multiple discrete units. Thus, the first *luchos* was not subdivided into written and oral components. The composite and fragmentary nature of the second *luchos*, however, fostered the bifurcation of the written and oral facilities of Torah. The second set of *luchos* is predicated upon multiplicity.

Based upon this, the *צפנת פענח* explains that it was necessary for Moshe to shatter the first *luchos*. The Torah of the first *luchos* constituted one discrete unit. Thus, upon a deviation from one of its principles, the integrity of the entirety was impugned. It therefore had to be destroyed after the *חטא העגל*. However, the Torah of the second *luchos* was constituted as a composite of many individual components. Accordingly, a deviation from a single component does not affect the other components.

The *צפנת פענח* adds that the same protocol was obtained with respect to the *kedusha* of *Eretz Yisroel*. The land was invested with *kedusha* on two different occasions, once by Yehoshua and again by Ezra. These investitures parallel the *luchos*, which were also delivered on two different occasions, once prior to the sin of the *עגל*, and once subsequent to the sin of the *עגל*. Likewise, the first *kedusha* of *Eretz Yisroel* endowed by Yehoshua was realized only after the conquest and settlement of the land in its **entirety** was concluded. In contradistinction to this, the *Yerushalmi* (פרק ו' ממסכת שביעית הלכה א' notes that the second *kedusha* was obtained gradually. Each parcel of land was invested with *kedusha* as soon as it was settled. The *kedusha* of *Eretz Yisroel* could be realized piecemeal, in discrete units.

(B) The *גרי"ז* (למס' מנחות דף כ"ט ע"ב) posits a similar theory. He notes that the *Gemara* (ibid.) relates that Moshe was permitted to visit the *bais medrash* of R' Akiva. Moshe heard R' Akiva explicating many *halachos* but did not understand many of those *drashos*. The *גרי"ז* is puzzled

by the phenomenon of the אדון הנביאים being unable to comprehend the *drashos* of R' Akiva, who lived many years after his passing.

The גר"ז explains that the תגין reflect many of the secrets of תורה שבעל פה and permit one to engage in *drashos*. Moshe had, however, transmitted the Torah in כתב עברי, which does not contain any תגין. Moshe therefore never employed the תגין as a tool for expounding the *drashos* of תורה שבעל פה. Ezra subsequently introduced כתב אשורית, which **does** contain the תגין. This change enabled everyone to employ תגין to elucidate the mysteries of תורה שבעל פה. Moshe, who had never employed the תגין, was, therefore, incapable of understanding the *drashos* developed by R' Akiva from the תגין.

(C) R' Shlomo Fisher (ספר דרשות בית ישי סימן ח') offers a different approach. R' Fisher disagrees with the thesis developed by the גר"ז that the תורה שבעל פה is reflected solely in the תגין and, therefore, suggests a different approach.

He first cites the דרשות נחלת דוד (דרוש ו') and others who theorize that the first set of *luchos* was recorded in כתב אשורי and contained all of the נקודות, טעמים, תגין, and אותיות. The תורה שבעל פה was, at that time, derived solely from those cantillations. After the first set of *luchos* was shattered, the Torah was transcribed in the כתב עברי script, and divided into two discrete entities, namely, תורה שבכתב and תורה שבעל פה. The תורה שבכתב was represented by the corpus of the recorded words written on the *luchos* in כתב עברי script. The תגין and other cantillations were not recorded, and the art of deciphering them was not revealed to anyone. Moshe and שבט לוי were taught the תורה שבעל פה and the myriad of *halachos* and *drashos* constituting the תורה שבעל פה. Inasmuch as the Torah (written in כתב עברי) lacked the תגין, טעמים, etc., which allude to those *drashos*, Moshe was **not** taught how those *drashos* could be derived from the תורה שבכתב.

Subsequently, the Jews voluntarily and lovingly accepted the תורה שבעל פה after the miracle of Purim (קימו וקבלו, קימו מה שקבלו כבר - מסכת). G-d rewarded them by instructing Ezra to change the script of the Torah to a כתב אשורית format (see מסכת זבחים דף ס"ב ע"א). This new format only contained the תגין. However, the cantillations of טעמים ונקודות were still not recorded in the text of the Torah. Thus, although R' Akiva derived many *drashos* from the תגין, nonetheless, at times, there were certain *drashos* which he could not attribute to the תגין. In

those instances, R' Akiva would declare that the unexplained *drashos* constitute הלכה חמשה מסיני. They are not attributable to the written text.

R' Fisher explains that the *drashos* which R' Akiva could not master were in fact attributable to the נקודות, טעמים and all of the other cantillations which were **not** recorded by Ezra. Lacking those tools, R' Akiva was compelled to conclude הלכה למשה מסיני - that these constitute the oral tradition which are divorced from the written word and not alluded to in the text.

Ultimately, ומלאה הארץ דעה את ה' will also be recorded in the Torah. All of the תורה שבעל פה will then be aligned with the תורה שבכתב.

R' Fisher quotes the (פ' תזריע: י"ג, ל"ז) who explains that, although Moshe was not taught how to trace the תורה שבעל פה to its origins in the תורה שבכתב, nonetheless, each Jew is charged with the task of ascertaining the derivation of the *halachos* of תורה שבעל פה from their point of origin in the תורה שבכתב. It is documented that the Vilna Gaon spent his final years studying from a *Sefer Torah* and associating each word of the תורה שבכתב with the myriad of *halachos* of תורה שבעל פה which it engenders. [Editor's note]

Continuation of Footnote 107:

In other *shiurim* (68 עמ' שאול יוסף בית יוסף), the *Rav* substantiated the equation between a Jew and a *Sefer Torah* from a number of halachic rulings.

For example, the *Gemara* (מסכת שבת דף ק"ה ע"ב) rules that one who is present at the death of another Jew must perform קריעה. The *Gemara* explains that the departure of a Jewish soul is analogous to the burning of a *Sefer Torah*. Likewise, the *Gemara* (מסכת מגילה דף כ"ו ע"ב) rules that a *Sefer Torah* which is no longer usable must be interred in the grave of a *talmid chochom*.

The *Rav* adds that *kedusha* does not vest automatically. Objects do not obtain *kedusha* unless they are first actively endowed with *kedusha*. Even the holidays must first be consecrated by a *bais din*. Likewise, a *Sefer Torah* is not automatically invested with *kedusha* simply because it contains the

words of G-d. The *Sefer Torah* obtains *kedusha* only if the individual writes it לשמה and pours his heart and soul into the letters.

The *Rav* raises the rhetorical question of how one can invest certain items with *kedusha*, given that *kedusha* is an intangible which is not owned by the individual. Doesn't this seem contrary to the rule that אין אדם מקדיש דבר שאינו שלו?

The answer is obvious. G-d resides in the soul of each Jew and infuses each soul with an internal *kedusha*. The Jew, in turn, can thus transfer that *kedusha* to another item which reflects his internal *kedusha*. Moshe refers to this internal *kedusha* as מעונה אלקי קדם (דברים: ל"ג, כ"ז), G-d's מעון, *His residence*, is contained in each Jew's soul.

This ability is, however, subject to a qualification. The Jew is able to impart *kedusha* to other objects solely to an extent commensurate with the degree of internal *kedusha* which he enjoys. Thus, for example, Jews infuse *Yom Tov* with *kedusha* in proportion to the *kedusha* which they have accumulated. Accordingly, a *Kohen Gadol*, who is invested with a higher degree of *kedusha* than that realized by lay people, must observe the laws of *Yom Tov* year round. He may never observe the inconsistent laws of אבילות. The *Gemara* (מסכת מועד קטן דף י"ד ע"ב) writes: כהן גדול דכל השנה כרגל לכולי עלמא דמי, *The Kohen Gadol during the year enjoys the level of simcha experienced by Jews on Yom Tov.*

Finally, the *kedusha* which the scribe imparts to the *Sefer Torah* emanates from the *Sefer Torah* recorded upon his heart. The scribe merely extends the living *Sefer Torah* indelibly etched upon his soul to tangible ink and parchment.

Moshe is referred to as ספרא רבה דישראל (מסכת סוטה דף י"ג ע"א), since Moshe was the first to record the words of the Torah and the *kedusha* resulting therefrom on the hearts and souls of the Jewish people. He was the first to transform and consecrate the Jews as living *Sifrei Torah*, dynamic repositories of the words of G-d.

The *Rav* concludes that just as the parchment of a *Sefer Torah* must first undergo a process of עיבוד before the letters can be inscribed, so too the Jewish people must undergo a similar two-fold process. The *Avos* and their descendents were gradually inculcated with קדושת ישראל. This process commenced with the עשרה נסיונות which Avraham had to overcome and which slowly molded his personality and that of his descendents. In time, as

they continued to observe the seven *mitzvos* and conducted themselves as a nation apart from the Egyptians, their personalities gradually metamorphosed into a nation that was ready to be endowed with a full measure of *kedushas yisroel*. [Editor's note]

יום כיפור ובריאת העולם

YOM KIPPUR AND CREATION

Tishrei, 5733 (1972)

INTRODUCTION

This *drasha* analyzes four themes relating to Yom Kippur:

- (A) The role of Yom Kippur in facilitating the creation and in enabling man to recapture his incorruptible primordial sanctity.
- (B) G-d's sovereignty over all of man's faculties, the forfeiture of a sinner's license to use those talents and the price which the sinner must pay in order to reacquire those rights.
- (C) Man's dual spiritual and physical components and G-d's sovereignty in each of those realms.
- (D) G-d's judgment of man from His perspective of eternity.

Each of these themes is presented in a different chapter.

CHAPTER ONE – THE ROLE OF YOM KIPPUR IN CREATION

The concept of Yom Kippur originated at the dawn of creation

The Torah concludes its description of the first day of creation with the *passuk*:¹

ויהי ערב ויהי בוקר יום אחד.

It was evening, and it was morning – Day One.

The *Medrash*² comments:

יום אחד, זה יום הכיפורים.

Day One – this is Yom Kippur.

Apparently, the *Medrash* interprets the phrase יום אחד, not as the “first” day, but as a “singular” or special day,³ namely, the day of Yom Kippur. Similarly, R’ Elazar HaKalir⁴ describes Yom Kippur as יום המיוחד לכל הימים, a day singled out for forgiveness, atonement and absolution of sin. The *Medrash* teaches that *Hakadosh Baruch Hu* devised the concept of Yom Kippur on the day that He created the universe. Thus, the primordial phenomenon of Yom Kippur was in some way a precondition for the entire creation. Had *Hakadosh Baruch Hu* not conceived of Yom Kippur, He would not have created the universe. A heated debate had raged among the angels as to whether man should be created.⁵ צדק and חסד were in favor of man’s creation; אמת and שלום were opposed. *Hakadosh Baruch Hu* decided in favor of creation because He envisioned the ideal of Yom Kippur - יום אחד, זה יום הכיפורים.

¹ בראשית: א, ה.

² בראשית רבה: פרשה ב.

³ The word אחד contained in the *passuk* "אחד" can also be translated in one of two ways. On the one hand, the word אחד means that G-d is one; He is absolute oneness, absolute unity. However, the word אחד also connotes that G-d is מיוחד; He is the **only** One, the singular One. He is different from all other creatures.

⁴ פיוט לשחרית יום כפור.

⁵ בראשית רבה (פרשה ח' ד"ה ה').

The obvious question is, what is so unique about Yom Kippur that influenced G-d's decision to create the universe?

In order to answer this question, it is first necessary to analyze the series of *passukim* which precede the above-cited *passuk* of ויהי יום אחד. Those *passukim*⁶ discuss the creation of אור, *light*, and read as follows:

ויאמר אלוקים יהי אור... וירא אלוקים את האור כי טוב... ויקרא
אלוקים לאור יום...

And G-d said, "Let there be light" ... And G-d saw that the light was good... And G-d called the light "day" ...

This theme concludes with the *passuk* cited above:⁷

ויהי ערב, ויהי בוקר, יום אחד.

It was evening, and it was morning – Day One.

In *Tanach*, the word אור often refers to the electromagnetic physical phenomenon of light. If so, the word אור contained in the immediately preceding *passukim*⁸ of: ויאמר אלוקים יהי אור... וירא, also refers to the physical phenomenon of light. If this interpretation is accurate, however, it is difficult to understand why the *Medrash* interprets the very next *passuk*⁹ of ויהי יום אחד as referring to Yom Kippur. What is the connection between the description of electromagnetic waves contained in the first set of *passukim* and the allusion to Yom Kippur depicted in the succeeding *passuk*?

The light created on the first day of creation was a spiritual light

Apparently, the *Medrash* interprets the word אור contained in the first set of *passukim* as referring to another type of light, namely, the **spiritual** light which inheres in man. In *Tanach*, the human

⁶ בראשית: א', ג'ה'.

⁷ בראשית: א', ה'.

⁸ בראשית: א', ג' – ד'.

⁹ בראשית: א', ה'.

personality is often portrayed in terms of אור, *light*. For example, the *passuk* states¹⁰, נר ה' נשמת אדם, *The soul of man (his spirit, essence, inner personality) is a candle lit by G-d*. Likewise, knowledge is symbolized as אור. Thus, many *passukim* characterize the eschatological era as marked by light. The *passuk* states¹¹, וכבוד ה' עליך זרח... והלכו גוים לאורך, *G-d's glory shall radiate within you... The nations shall be guided by your light*.

The אור refers, not to physical light, electromagnetic waves – a cosmic phenomenon - but to the light of Jewish learning, the light of Jewish wisdom, the light of our faith, of our Torah. Those *passukim* assert the belief that the illumination of the Torah will ultimately be accepted by all mankind. The Jewish way of life will be adopted by all humanity and the Torah will be realized as a universal doctrine. The *passukim* portray our faith that a bright light will illuminate the world and enlighten every corner of the universe.

Accordingly, the word אור contained in the introductory *passukim*, ויאמר אלוקים יהי אור וכו', depicts, not a physical light, but a spiritual light - the illumination obtained through knowledge. One who is ignorant lives in existential darkness. One who is enlightened, is educated, understands phenomena and can interpret them, lives in an illuminated world.

A similar thought is expressed by *Rashi* in his comment to the above cited *passuk*.¹² Paraphrasing the *Gemara*,¹³ *Rashi* writes:

וירא אלוקים את האור כי טוב:
ראה [את האור] שאין [העולם] כדאי להשתמש בו, והבדילו
לצדיקים לעתיד לבוא.

G-d saw that the light was good:

G-d recognized that the people of this world did not

¹⁰ משלי: וי, כ"ג

¹¹ ישעיה: ס"א, א'-ג'

¹² בראשית: א', ד'

¹³ מסכת חגיגה דף י"ב ע"א

deserve to enjoy the primordial sublime light. He therefore stored that light and reserved it for the righteous of the messianic era.

Rashi maintains that the אור discussed in this *passuk* does not refer to the standard light emanating from the sun. Rather, this אור refers to a metaphysical or spiritual light, the light of knowledge, through which man can attain divine-like understanding. For the time being, G-d has hidden that light. Man thus lives in ignorance - in darkness - condemned to search and grope for the light. Ultimately, a day will arrive when man will rediscover this sublime light, and it will endow him with divine-like knowledge. He will finally understand the world, himself and - most importantly - his Maker. Man will become closer to G-d and will be able to comprehend Him more clearly.¹⁴

The *passuk* וירא אלוקים את האור כי טוב affirms that each person is endowed with an inextinguishable spiritual light

The *passuk* of וירא אלוקים את האור כי טוב thus relates that, on the first day of creation, G-d implanted a metaphysical אור in the inner recesses of each person, and G-d affirmed that this special spiritual light is good - that something inherently redeeming resides within the human personality. No matter how depraved, defiled, or wicked man becomes; no matter how much man is involved in sin, nonetheless, there is something good in him - some potential - which can never be corrupted.

The *Kaballah* portrays man's inner light as ניצוצות, *sparks*, which ignite within the endless, boundless human personality. The divine light of the human personality commands the human mind and illuminates its psyche. This light may at times dim and recede, but it can never be extinguished. Though man may be partially enveloped

¹⁴ As *Rashi* notes, the more sublime manifestation of this אור is reserved for the eschatological era. However, even nowadays, each person is endowed with a certain degree of this metaphysical illumination.

in darkness, he can never be completely eclipsed. A minute spark of light will always remain in him.

In a word, the spark of G-d's eternal light illuminates even the most corrupt sinner.

Man lives in a state of existential darkness

The *passuk* which concludes this set of *passukim* qualifies this thought. It states:¹⁵

ויהי ערב, ויהי בוקר, יום אחד.

It was evening, and it was morning – Day One.

Evening is referred to as ערב, since it denotes ערבוביא - *confusion, perplexity*. In the evening hours, one has difficulty identifying other people and is therefore confused. Man gropes in the darkness, unable to find his way. Just as the אור described in the preceding *passukim* does not refer solely to physical light, similarly, the term ערב depicted in this *passuk* of ויהי ערב ויהי בוקר does not refer solely to the astronomical evening. Rather, the word ערב connotes one who lives in a period of existential ערב, *confusion*. He senses that his spiritual light has been eclipsed. He is perplexed. He lives in darkness. No matter how progressive man is, no matter how well he has perfected his scientific instruments, nonetheless, spiritually, axiologically, man lives in a state of ערב, of confusion and perplexity. *Yahadus* challenges the man of ערב to emerge from darkness and enjoy the בוקר, the clarity obtained when man discovers the true purpose of his existence.

When the two *passukim* of וירא אלוקים את האור כי טוב and that of ויהי ערב, ויהי בוקר, יום אחד are read together, they articulate the message that the אור, the hidden light residing in even the most depraved man (i.e., one who lives in ערב) is, nonetheless, טוב, spiritually pure. The *passuk* of וירא אלוקים את האור כי טוב does not describe the אור which envelops the saintly personality. On the contrary, it describes the spark of incorruptible holiness submerged

¹⁵ בראשית: א', ה'.

within the recesses of **immoral** man, of one who resides in a constant state of ערב, who is almost totally ensnared by darkness. The *passuk* affirms that even a wicked person retains a spark of the inextinguishable אור כי טוב, the everlasting primordial light.¹⁶

The *passuk* addresses those periods of man's life when man is evil, when man is corrupt - when he is confused. The *passuk* assures man that this corruption and confusion is not indefinite or infinite. ערב can never capture the entire human personality. The darkness may temporarily infiltrate a substantial portion of man's personality; nonetheless, a minute spark of that personality will always remain innocent. Man's basic goodness will always be preserved.

The *passuk* affirms that, ויהי בוקר, the incorruptible spark residing in the depth of a depraved man's soul (marked by ערב) will suddenly emerge and reform him.

The chapter of ממעמקים קראתיך ה' refers both to the depths of human despair as well as the pristine recesses of his personality

It is customary to recite the chapter, שיר המעלות ממעמקים, *a song of ascent issued from the depths*,¹⁷ during the *aseres yemei teshuva*. This chapter was selected not merely because it discusses sin and forgiveness, iniquity and injustice, חטא and redemption. There are many other chapters which describe those themes.¹⁸ This chapter was incorporated within the liturgy because the word ממעמקים describes, not topographical depths, but the depths of human misery and despair. The *Zohar*¹⁹ writes that there exist עשרה ממעמקים, *ten*

¹⁶ The *passuk* cannot refer to the spiritual light which resides in the saintly virtuous man since **all** portions of a moral man's personality are pure, not just the recessed, ערב portions of his soul.

¹⁷ תהלים : ק"ל.

¹⁸ For example, (תהלים : ק"ג, י').

¹⁹ זוהר (פי בשלח) דף ס"ג ע"ב.

depths of despair, into which man can descend. One of the depths is old age; another is poverty.

In a word, *מעמקים* refers to the subterranean depths of human agony, distress and misery. It is therefore well suited to the *aseres yemei teshuva*, a period during which man is encouraged to analyze his entire emotional range.

The sinner prays to G-d from the incorruptible core of his personality, unknown even to him

There is another rationale for the inclusion of this chapter in the liturgy of the *aseres yemei teshuva*. The word *מעמקים* also refers to the hidden depths of man's **personality**. Often, man functions as *homo-revelatus*, displaying his external façade to society. Yet, every human is also a private, mysterious being, hidden not only to strangers, but even to his family and friends. People know each other only superficially. Even people who are very close to one another, who share the same experiences, such as husband and wife, father and son, are strangers to one other. Moreover, people are strangers even to themselves. No one totally understands who he is and what he stands for. Man is a stranger to himself.

Accordingly, the phrase *קראתיך ה' מעמקים* depicts one who petitions G-d from the mysterious depths of his personality, from his subconscious, from the recesses which are unknown and foreign even to himself.

Man must call out to G-d from the *מעמקים* submerged within the subterranean caverns of his personality, since those mysterious recesses constitute the only portions of his personality which have not been corrupted by sin. Ordinarily, a sinner has no right to call G-d. The *passuk* declares²⁰, *עונותיכם היו מבדלים בינכם לבין אלוקיכם*, *Your sins have alienated you from your G-d*. The *Gemara*²¹ describes a *מחיצה של ברזל*, *an impenetrable iron wall*, which at times may

²⁰ ישעיה : נ"ט, ב'.

²¹ מסכת סוטה דף ל"ח ע"ב.

separate the Jewish people from G-d. The Iron Curtain is not a mere political term coined by Winston Churchill. Each sin creates a divide which separates man from his Maker, making it impossible for him to approach G-d. Likewise, the *Rambam* portrays the sinner as one who is estranged from G-d and whose good deeds are rejected.²² The sinner thus finds himself in a seemingly impossible quandary. On the one hand, he has been expelled from G-d's presence; he is unable to pray to G-d - to ask for forgiveness. On the other hand, in order to obtain atonement, the sinner must first recite *viduy* and confess his sins, yet, *viduy* is premised upon an encounter with G-d in which the sinner beseeches G-d to pardon him. The penitent must recite *viduy* הוא ברוך הוא לפני הקל-ברוך הוא, *in the presence of G-d*.²³ How, then, can one who is enjoined from approaching G-d ever meet G-d and confess his sins to G-d?

Viduy commences with the phrase, אלוקנו ואלוקי אבותנו אנה תבוא לפניך תפילתנו. The petitionary phrase אנה reflects the sinner's plea that G-d grant him an audience. But, the sinner is not entitled even to address G-d. He has forfeited his right to communicate with Him. Atonement is an act of חסד, grace. G-d does not owe anything to the sinner. The sinner is, so to speak, millions of light years away from G-d. How, then, can the sinner bridge this infinite distance? How can the sinner reach G-d when infinity itself separates the sinner from Him?

The solution is found in the psalm of ממעמקים קראתיך ה'. True, the sinner cannot address himself to G-d. This chapter teaches, however, that it is not the sinner who approaches G-d. Rather, ממעמקים קראתיך ה'; the saint within man reaches out to G-d. The incorruptible core of the human soul, submerged within the inner recesses and mysterious dimensions of the human personality, and unknown even to the sinner himself, has never been estranged from G-d. ממעמקים קראתיך ה'. The primordial pristine nucleus contained

²² עושה מצות וטורפין אותם בפניו (פ"ז מהלכות תשובה ה"ז).

²³ חייב להתודות לפני הקל ברוך הוא (רמב"ם פ"א מהלכות תשובה ה"א).

within each person's מעמקים approaches G-d and begs Him to pardon the balance of that person's personality.

The phrase *ה' קראתיך* thus depicts that the *I* - the genuine *I* - addresses G-d. The אור, the incorruptible and inextinguishable spark which G-d ignited in the subterranean recesses of each man's personality at the dawn of creation, is permitted to address *viduy* to G-d since it never participated in the transgression.

The sinner continues: *ה' שמעה בקולי*, תהינה אזניך קשובות לקול, תחנוני, G-d, please listen to my **true** and genuine inner voice - and not to the voice of my sinful pseudo-personality. Listen solely to the authentic *I*. Do not heed the voice of the other portions of my depraved personality.

The chapter concludes with the *passukim*.²⁴

קויתי ה' קותה נפשי... נפשי לה' משמרים לבקר.

I hope for G-d... my soul longs for G-d as those who await the morning.

People generally fear darkness. When night falls, people become anxious, frightened and are often afraid to fall asleep. They desperately await daybreak. They will run to the window every now and then to ascertain whether the morning star has risen. Likewise, the sinner experiences spiritual darkness and longs for a metaphysical light. He therefore petitions G-d, נפשי לה' משמרים לבקר. Even though I am enveloped in ערב, in opaque spiritual darkness - even though I am estranged from You - nonetheless, there is something good within me, something pristine which has not been defiled and corrupted. The אור, the primordial pure light within me – depicted in the *passukim*.²⁵ וירא אלוקים את האור כי טוב; ויהי ערב ויהי בקר - has not been completely extinguished. Thus נפשי לה' משמרים לבקר - I am certain that the morning light of my personality will emerge – ויהי בקר. Just as those frightened people impatiently await the morning, so, too, every person, no matter how deeply mired in darkness, anticipates a

²⁴ תהלים: ק"ל, ה' - ר'.

²⁵ בראשית: א', ד' - ה'.

spiritual sunrise. The morning star will emerge from the recesses of his soul and reignite his spirit with the illumination of Torah.

Reflecting the incorruptibility of the human personality, Yom Kippur is responsible for the creation and facilitates the eschatological era

Based upon the identification of אור as the pristine incorruptible spark implanted within the core of the human personality, we can understand why the *Medrash* explains that the succeeding *passuk* of ויהי ערב ויהי בקר יום אחד refers to Yom Kippur. The ideal represented by Yom Kippur is that man's primordial spark can be reignited and his personality reconstituted. On each and every Yom Kippur, every Jew is rejuvenated and his soul restored to its primeval state.

The identification of יום אחד with Yom Kippur denotes an additional dimension, in that יום אחד also depicts the day upon which the spark of **all** humanity will suddenly be reignited; the day when **all** people will recognize מלכותו של הקב"ה. The *Medrash* infers that יום אחד also connotes יום של אחד, the day of the **One**. יום של אחד refers to that special day when יהיה ה' אחד ושמו אחד,²⁶ the day upon which the sovereignty of G-d will be universally recognized. The message of Yom Kippur is that no matter how corrupt mankind becomes, nonetheless, humanity will eventually become close to G-d and recognize Him.

ויהי ערב. Mankind lives in an era of ערבוביא, confusion and perplexity. Mankind rebels against G-d.²⁷ The *Medrash* assures us,

²⁶ זכרי'ה: י"ד, ט'.

²⁷ Speaking in 1972, the *Rav* noted that mankind has never rebelled against G-d as much as in his generation. It has never occurred in the annals of human history that a single empire (i.e., Communist Russia), consisting of hundreds of millions of people, is committed to the concept of atheism, to denial and rebellion against G-d. The rebellion against G-d has become this empire's *raison d'être*. Likewise, the New Left and other radicals agitate, not so much to promote social justice, but to reject G-d's authority. They seek to demote G-d, unseat Him as a sovereign, and replace His Torah with their own fallible moral codes. Contemporary western

however, that no matter how evil man will become, no matter how cynical, arrogant and insolent, nonetheless, the day will arrive when all of humanity will embrace G-d.²⁸ Though humanity is currently mired in **ויהי ערב**, we pray for the era of **ויהי בוקר**. In spite of human bankruptcy, wickedness, cruelty, injustice, insensitivity and harshness towards G-d, we believe that **ויהי בוקר**, the wonderful, miraculous eschatological time of **בוקר** will arrive. On that fateful day, **ביום ההוא**, **יהיה ה' אחד ושמו אחד**, humanity will accept G-d's exclusive sovereignty. This belief constitutes the core of Yom Kippur.

The *Medrash* therefore stresses **יום אחד - זהו יום הכיפורים**. Yom Kippur is identified with the first day of creation, since the ideal of Yom Kippur is responsible for the creation of man. If not for the principle of Yom Kippur, for *Yahadus*'s deep implicit faith that there is something divine in man which can never be extinguished, that the minute spark in man burns eternally, and that mankind will ultimately accept G-d's sovereignty, the world would never have been created. If not for this unique feature of Yom Kippur that enables man to reconstitute his personality, man and the entire universe would not have come into existence. Because Yom Kippur is responsible for the cosmic drama of Creation, Yom Kippur is denominated as **יום המיוחד**, the aristocrat of all days, the Singular Day.

society, marked by **ערב**, confusion, complexity, is experiencing a complete collapse of ethical and sexual morality. The rise of terrorism as an international movement, embracing people from diverse countries, is likewise a consequence of man's rebellion against G-d.

²⁸ ועל כן נקוה לך ה' אלוקנו לראות מהרה בתפארת עוזיך לתקן עולם במלכות ש-די (תפילת עלינו בסוף שחרית).

CHAPTER TWO – G-D’S SOVEREIGNTY AND ITS IMPACT UPON THE SINNER

The term רבון העולמים refers to G-d as the sole Sovereign

The *תפילת זכה*, customarily recited on Yom Kippur eve, describes G-d as רבון כל העולמים, *Master of all worlds*, rather than using the appellations of בורא or יוצר, *creator or molder of the world*, frequently found in *Tanach*. The term רבון does not appear in *Tanach* at all. It was coined by the *Chachmei Hatalmud*, who often refer to G-d as רבונו של עולם. Similarly, when formulating the text of *viduy*, the *Gemara*²⁹ records an opinion that *viduy* should commence with the phrase רבון העולמים.³⁰ What is the significance of the term רבון?

The term בורא depicts G-d as the Creator of the world. The term יוצר portrays G-d as the Fashioner of the world. The appellation רבון, on the other hand, implies that G-d is the **Sovereign** of the world. The term sovereign connotes both the supreme and exclusive authority, over whom no one exercises control, as well as one whose autonomy is not derived from any other source. In contrast, the President of the United States, though possessing nearly unlimited powers, is not a sovereign. His authority is circumscribed by the Supreme Court and the Congress and, moreover, is bestowed on him by the electorate. Indeed, none of the political organs of a democratic state can be classified as sovereigns, since a sovereign denotes one whose authority is imposed by him, as opposed to one upon whom authority was conferred.

The governmental state purports to be a sovereign. Inasmuch as Jews recognize only one Sovereign, G-d, Jews have always denied the sovereignty of the state. A Jew by nature is an anarchist - not in the political sense, but in the religious sense. The *Rambam*'s political philosophy is that of anarchy.³¹ He maintains that governmental

²⁹ מסכת יומא דף פ"ז ע"ב.

³⁰ רב ששת היה מתפלל: רבון העולמים (מס' ברכות דף י"ז ע"א).

³¹ I regret that I have been unable to locate this cite.

control is completely unjust and proposes a society which is free of any political authority. Ideally, man should rise to such ethical and moral heights that there is no need for external enforcement – for courts, police or a legislature. The ideal state is one in which man will be guided by his own conscience. Thus, when *Mashiach* arrives, he will lead a stateless society.

G-d is a true Sovereign. G-d is the **sole** Sovereign of the world and the **source** of all power. G-d is omnipotent. His authority and power are limitless, and He does not owe His sovereignty to human beings. G-d is the wellspring of authority.

As Sovereign, G-d exercises exclusive rights to everything and everybody

In addition to exclusivity and omnipotence, sovereignty also implies the ability to assert an unqualified and unrestricted claim to everybody and everything. For example, if the state, acting in its sovereign-like capacity, imposes a conscription, then all of its eligible citizens must enlist in the army. Even if the state then assigns a soldier to a dangerous, almost suicidal mission, that soldier must nonetheless risk his life.

As the supreme Sovereign, G-d most certainly lays claim to everything in human life. He can take away one's most precious possessions. He need neither explain His deeds nor rationalize them. His claim is universal, unreserved and unlimited. This proclamation of sovereignty is explicated in the story of the *akeidah* recited in the Torah Reading and in the *mussaf* of Rosh Hashanah. The *akeidah* is read on Rosh Hashanah, not only to teach us that we must sacrifice our lives in the service of G-d, just as Avraham was willing to sacrifice his son, but also because it portrays the essence of G-d's sovereignty. G-d does not make partial demands; He demands everything in totality, the whole of us, our entire bodies and souls, all of our possessions and all which we take pride in. G-d can, and is, entitled to take away everything that we love and cherish - our

talents, our households, our children, our friends. G-d lays claim to everything - even though, by taking those items, He renders man's life meaningless. Indeed, the more precious the item or person and the greater the passion with which one loves a particular possession or person, the more persistent and stronger are G-d's claims to that object or person.

The prime example of this is Yitzchak. When G-d first instructed Avraham to sacrifice Yitzchak, He employed multiple designations to describe Yitzchak - **קח נא את בנך את יחידיך אשר אהבת - את יצחק**, *Please take your son, your only son whom you love, Yitzchak*.³² G-d recognized that Yitzchak was Avraham's dearest and most precious possession. G-d recognized that Avraham's life had meaning only because of Yitzchak, and that, without Yitzchak, Avraham's life would be hollow and purposeless. But, it was precisely because Yitzchak was the center of Avraham's life that G-d demanded Yitzchak from him!

The term **רבון** is never used in the plural form.³³ One cannot speak of two sovereigns, since that would *per se* contradict the exclusivity which sovereignty represents. There can be only **one** sovereign. When we approach G-d on Yom Kippur, we acknowledge Him as our **sole** Sovereign. The **תפילת זכה** and *viduy* therefore commence with the term **רבון** to signify G-d's exclusive sovereignty. The appellation **רבון** precludes any sharing of power, any partnerships. No creature, no matter how powerful he is perceived to be, can share in G-d's sovereignty.

In conclusion, the appellation **רבון** connotes G-d's sole and total sovereignty over all people and their possessions.

³² בראשית : כ"ב, ב'.

³³ The term **אדון העולמים** appearing in *Tanach*, represents mere ownership and does not convey this precise message. The term **אדון** means master; it does not reflect sovereignty. One can, for example, have two **אדונים**, masters. The word **אדון** is therefore used either in the singular or in the plural form. For example, **אדוני הארץ**.

Sin is a reality which distorts the human personality

The question remains. On Rosh Hashanah, and particularly on the second day, the central theme of the Torah reading and the *piyutim* authored by R' Shimon HaGadol, is the *akeidah*. In contrast, the *akeidah* is barely alluded to on Yom Kippur. Why then is the term רבון also employed on Yom Kippur? Moreover, why do *Chazal* specifically employ רבון with respect to the text of *viduy*³⁴ in which man confesses his sins to G-d?³⁵

In order to understand this properly, we must first analyze the impact of חטא on the human personality. Man is judged by G-d on the ימי הדין, Rosh Hashanah and Yom Kippur. People erroneously psychologize the judgment feature of Yom Kippur. The ימי הדין should be interpreted, not in psychological terms, but in theological, metaphysical terms. Unitarians and Universalists may psychologize theology; Jews do not. Jews take the basic principles and tenets of faith seriously. Jews believe that Rosh Hashanah and Yom Kippur are actual Days of Judgment and that חטא is a metaphysical reality, and not merely an error in judgment.

For example, Khrushchev offered confession on behalf of his predecessor, Joseph Stalin.³⁶ In that confession, Khrushchev never mentioned the word **sin**. He related how Stalin had executed hundreds of thousands of innocent people. But he never employed the word “**sin**.” He used a substitute word. He wrote that Stalin had committed an “**error**.” There is a substantive difference between error and sin. Error is a practical mistake; sin, on the other hand, is a

³⁴ [ויודין מאי אמר? ר' יוחנן אמר רבון העולמים (מסכת יומא דף פ"ז ע"ב)].

³⁵ One of the attendees suggested to the *Rav* that pardon or absolution may be granted solely by the highest ranking ruler in the regime. If G-d were not a Sovereign, He would be unable to pardon us. רבון, thus, connotes that G-d has the sole authority to grant us absolution.

³⁶ The Torah demands that the sinner himself must confess. But, modern man lacks the courage to admit his sins. He is too cowardly to concede that he has failed both his G-d and himself.

theological metaphysical reality. Sin has an adverse negative impact upon the spiritual personality, defiling, crippling and distorting it.

If חטא were merely a mistake, an error, it would be unnecessary for man to confess. If he is sufficiently intrepid to suffer the consequences of his errors, man would not need to confess at all. One who invests money in a failed business will not confess. Confession would have no utility. The money is lost, and, if he is courageous enough, he will accept the loss with equanimity and invest in other ventures. In contrast, חטא, *sin*, is different. חטא represents a malignancy of the soul. חטא is a metaphysical reality which corrodes and destroys the spiritual personality, just as a cancerous tumor destroys the human body.

What are the consequences of חטא? What occurs after a man sins and rebels against G-d?

The תפילת נעילה contains the following statement:

אתה נותן יד לפושעים... למען נחדל מעשק ידנו.

You have extended assistance to evil doers (by teaching them to confess their sins) so that they not be guilty of theft and larceny.

עשק is an halachic term which depicts misappropriation and larcenous activities. Why, then, was עשק singled out as the cardinal sin which man confesses in the תפילת נעילה? Larceny is not the sole sin of which we are guilty. Why do we offer confession solely for עשק, *theft*?³⁷

Apparently, עשק does **not** refer exclusively to larceny; rather, עשק is a generic term encompassing **all** sins. The phrase למען נחדל מעשק ידנו should be read as: למען נחדל מחטא, *so that they not be guilty of sin.*

However, the question remains. Why are all sins subsumed under the generic term עשק, theft and robbery?

³⁷ This issue is exhaustively discussed in the *Teshuva Drasha*, 1966, contained in this Volume.

In order to employ his faculties, man must first acquire them from G-d

Yahadus maintains that man is the property of G-d. Though instinctively rejected by most people, this tenet is fundamental to *Yahadus* and represents the central theme of *selichos*.³⁸

The *selichos* prologue is composed of many *passukim* selected from different chapters of *Tehillim*, masterfully woven together as a coherent, continuous Psalm. The ³⁹שומע תפילה עדיך כל בשר יבאו, *G-d listens to the prayers of all creatures who approach Him*,⁴⁰ grants man the license to approach G-d and recite *selichos*. This introduction essentially expresses G-d's sovereignty and mastery over the entire universe. But the fact that G-d owns the whole world is not the most significant aspect of this prologue. The apex of *selichos* is achieved in the final *passukim* of the prologue:

אשר לו הים והוא עשהו...⁴¹ אשר בידו נפש כל חי...⁴² הנשמה לך
והגוף פעלך.⁴³

³⁸ In other *shiurim*, the Rav explained that the term הכל וקונה, contained in the first *bracha* of *Shemoneh Esrei*, connotes G-d's total ownership of mankind and mankind's concomitant obligation to serve Him. See, (ספר ימי זיכרון (עמי 40) and Derashot Harav (page 12). [Editor's note]

³⁹ ספר לבוש, או"ח סימן תקפ"א סעיף א'. He adds that the *passukim* preceding *selichos* correspond to *פסוקי דזמרא* and the *selichos* correspond to the *Shemoneh Esrei*. Thus, *תחנון* and *תקבל* are recited at the conclusion of *selichos*.

In *שיעורי הגר"ד על פסחים*, ר"ה ויוה"כ (בהעתקת ה"ר צבי שכטר) (עמי קי"ד) the Rav notes that the structure of the *selichos* is modeled after that of *Shemoneh Esrei*. Thus, it commences with *passukim* of גבורה, followed by the ייג מידות (corresponding to קדושת השם). It then contains petition and concludes with the paragraph of זכור לנו ברית which corresponds to the *bracha* of רצה. [Editor's note]

⁴⁰ תהלים: ס"ה, ג'.

⁴¹ תהלים: צ"ה, ה'.

⁴² איוב: י"ב, י'.

⁴³ This phrase is contained in the compilation of שומע תפילה which serves as the prologue to *selichos*.

*The sea is His; He created it...In His hand, is the soul of every living creature and the spirit of every human being...
The soul is Yours; The body was molded by You.*

These *passukim* assert that all of man - body and soul - belongs to G-d; Man does not belong to himself. If so, what permits us to use our organs, our talents, our capabilities? What right do we have to love ourselves, enjoy ourselves and promote our interests? What right do we have to employ our intellectual capacity to resolve the mysteries of the cosmos or to utilize our facility for speech and language to write beautiful prose? Or to employ our acoustic sense to compose glorious music? Or to use our optic sense to enjoy the symphony of colors? Or to use our creativity to paint the most beautiful picture? What right do we have to use any of our many talents, senses and creativity, for our own purposes? Are we not, *prima facie*, **stealing** from *Hakadosh Baruch Hu* every time we produce anything - whenever we enjoy a profound thought or coin an expressive phrase?

Moreover, all of our loved ones belong to *Hakadosh Baruch Hu*. Are we not stealing from *Hakadosh Baruch Hu* every time we kiss our children or even express our love to them?

The answer is that G-d, in His infinite grace, **lends** those talents to us. He grants us the license to use all of our talents and faculties. In return, we must merely acknowledge G-d's underlying ownership of those talents. We may use our endowments solely in accordance with His will and in pursuit of Torah and *mitzvos*. G-d does not exact any price from us the **first** time that we use any of our faculties, other than to acknowledge that those capabilities are still owned by G-d. If G-d would demand that we pay for that endowment, we would be unable to do so. The price would be unimaginably exorbitant, and beyond our means.

We must, however, recognize that this endowment is merely a loan from G-d; it is not an unqualified grant. Our continued use is subject to revocation at any time. Inevitably, the day shall arrive that G-d will demand that we return whatever He has loaned to us. Thus,

Chana declared, ותקרא את שמו שמואל כי מה' שאלתי⁴⁴. Some commentators⁴⁵ interpret שאלתי in terms of begging or petitioning (i.e., that Chana had begged G-d to give Shmuel to her). Other commentators⁴⁶ interpret שאלתי literally, in the sense of borrowing (i.e., that Chana acknowledged that her son Shmuel had been **loaned** to her by G-d).

The sinner unlawfully misappropriates his talents from G-d

In *Tanach*, the word חטא often denotes **forfeiture**.⁴⁷ Likewise, in theological terms, one who commits a חטא forfeits his rights to his continued existence. חטא effects a complete revocation of G-d's prior loans to the sinner. The loan transaction which occurred so many years ago is automatically nullified by the sin, and the sinner is required to return his endowments to G-d. The sinner is therefore guilty of larceny whenever he continues to use his talents. By not honoring his obligation to refund his abilities to G-d, the sinner is misappropriating property which belongs to G-d. The sinner has no further inherent right to live, to create, to breathe, or to engage in any functions, whether biological, psychological or neurological, since all of those functions belong to G-d. Though G-d, in His infinite grace, had initially lent those capabilities to the person, nonetheless, once the person sins, the loan is automatically called in, and the license revoked.

In a word, each חוטא is a thief who misappropriates his very being from *Hakadosh Baruch Hu*.

⁴⁴ שמואל א': א', כי.

⁴⁵ רד"ק (שם).

⁴⁶ מלבי"ם (שם).

⁴⁷ For example, (מלכים א': א', כ"א), *I and my son Shlomo will have forfeited our lives.*

The *baal teshuva* must pay a price in order to regain the right to utilize his abilities

In contrast, *teshuva* is the reacquisition of the sinner's own self. *Teshuva* facilitates a new transaction between the *baal teshuva* and G-d, whereupon the *baal teshuva* reacquires a license to use his faculties. But this time, unlike the first, it is not a gratuitous grant. The *baal teshuva* must pay a price. There is only one price demanded by G-d from man, suffering.

Suffering is that which man offers to *Hakadosh Baruch Hu* as payment for this reacquisition. Suffering is to be understood, not only in the literal physical sense of sickness or disease, but in terms of the anxiety which arises from *חרטה על העבר*, the penitent's regret of his previous iniquitous conduct. One who regrets something has, *per se*, suffered. Moreover, suffering is also to be understood as the restraint which a person exercises in order to comply with G-d's will. G-d, in His infinite grace, accepts "token" suffering as the price for man's reacquisition of his self. Thus, for example, the five *innuyim* observed on Yom Kippur constitute the price which we pay to G-d in order to obtain *mechillah* and expiation from our sins. It is not very difficult to abstain from eating and drinking, but it is certainly unpleasant and inconvenient. The person loses a minute portion of his bodily fat.⁴⁸ Although the degree of physical pain is inconsequential, nevertheless, the exercise of restraint is significant and comprises the great *korban* that we offer to G-d in order to obtain *kapparah*. G-d agrees to accept this token payment instead of demanding something more substantial.⁴⁹

⁴⁸ The *Gemara* (מסי ברכות דף י"ז ע"א) notes that when the *Bais Hamikdash* was in existence, one who sinned offered a *korban*. He would burn the fat of the animal on the *mizbeach*, and sprinkle the blood on its corners. Nowadays, that we have no altar and no animal sacrifices, the *חלבי ודמי*, the minimal body fat and blood, that man loses on the *taanis*, substitutes for the fat and blood of the *korban*.

⁴⁹ In other *shiurim*, the *Rav* explains that one of the *חסדי ה'* is that G-d often values a token payment far in excess of its actual worth. This exchange is referred to as *פדין*. The *Rav* analogizes this to the *halacha* which provides that *הקדש שוה מנה*

Yahadus has always emphasized the human capacity to **retreat**. Every person gives up something on Yom Kippur. He rises in the morning and wishes to drink a cup of coffee. He restrains himself. It is not terribly difficult. It is merely inconvenient. This act of recoiling, retreating, of overcoming one's desire - however so trivial - is part of the "price" which the sinner pays on Yom Kippur.

In conclusion, *teshuva* represents the reacquisition of the sinner's self after he has completely forfeited all of his rights through חטא. Thus, the term רבון must be employed during *viduy*, inasmuch as רבון characterizes G-d's sovereignty over the sinner's body, soul, talents and abilities. The term רבון also reflects G-d's ability to revoke the sinner's rights to his faculties, **and** the sinner's concomitant obligation to reacquire those abilities by suffering.

שחללו על שוה פרוטה מחולל (מסכת בבא מציעא דף נ"ז ע"א) An item of הקדש may be purchased at a fraction of its value. The *Rav* notes that G-d recognizes that man is generally unable to undergo a degree of suffering commensurate with his iniquities. G-d, therefore, accepts a much reduced degree of pain in exchange for full expiation.

ספר ימי זכרון, עמ' 46; ספר על התשובה, עמ' 277; ספר נוראות הרב חלק ט"ו, עמ' 62. [Editor's note]

CHAPTER THREE – MAN IS ROOTED IN TWO WORLDS

The description of G-d as the Sovereign of all worlds encompasses both the physical and spiritual orders

In addition to describing G-d as רבון, *the Sovereign of the world*, the זכה תפילת adds that G-d is רבון כל העולמים, *G-d is the Sovereign of all worlds*. Likewise, the text of *viduy* formulated by the *Gemara*⁵⁰ also refers to G-d as רבון העולמים (in the plural). What does the plural form עולמים connote? It is incorrect to interpret עולמים as referring to the many **worlds** which comprise the universe. If רבון כל העולמים is to be translated as the King of all of the many **worlds**, then the correct form should have been רבון כל עולמות, since the plural of עולם is עולמות, in the feminine gender.⁵¹ Thus, by using the word עולמים, the author clearly intended to convey a different meaning.

Moreover, it is puzzling that the text of standard *brachos* refers to G-d as מלך העולם, the King of the world (in the singular), and **not** as מלך העולמים, the King of the worlds (in the plural), as in the text of *viduy*. Why is this so? Why does the text of *viduy* refer to G-d as עולמים (מלך) - in the plural - connoting the King of all of the many worlds, whereas the text of *brachos* refers to G-d as מלך העולם - in the singular - connoting the King of only one world?

The answer is that the plural עולמים encompasses both the cosmic order (the physical world) as well as the transcendental order (the spiritual world).⁵² These two worlds constitute two distinct existences. The cosmic world extends in two dimensions - time and space. All occurrences in this world are linked with one another

⁵⁰ [וידוי] מאי אמר? ר' יוחנן אמר רבון העולמים (מסכת יומא דף פ"ז ע"ב).

⁵¹ Although the word עולם (in the singular) is in the masculine gender, nonetheless, the plural form of that word is עולמות, in the feminine. Likewise, the plural of עצם is עצמות, in the feminine, even though the singular form is in the masculine gender.

⁵² The spiritual world presently realized by man is a mere reflection of the greater spiritual world of עולם הבא.

through the bond of causality. The causal or cosmic order regulates both the earth as well as the outskirts of the universe, billions of light years away. The same laws of gravity prevail both on this planet as well as on all of the other planets and stars.

***Brachos* affirm G-d's sovereignty over the physical world**

Brachos relate solely to the physical world. *Brachos* do not refer to the spiritual world. The purpose of reciting *brachos* is to affirm the reader's belief that the velocity of light, the law of gravity and all of the physical laws which govern the cosmic causal order are expressions of the primordial will of G-d imbedded in matter, organic as well as inorganic. Thus, what scientists refer to as mechanical events and rigid mathematical formulas were long ago ordained by G-d, albeit as events which are repetitious, routine and mathematically structured.⁵³ Accordingly, *brachos* refer to G-d merely as **מלך העולם** (in the singular) in order to emphasize that the cosmic order is not mechanical, but was established by G-d. Thus, for example, the *bracha* of **בא"י אלוקינו מלך העולם בורא פרי העץ** expresses the belief that the miracle of growth of organic matter and all of the complex laws and biological formulae associated with it, was formulated by G-d. Since this affirmation relates solely to the physical world, the phrase **העולם**, in the singular, is employed.⁵⁴

⁵³ In antiquity, *Yahadus* was more scientifically-minded than the other cultures. It is incorrect to assert that the Greeks recognized the law of inevitability while the Jews believed that the world is ruled solely by miracles, and not by natural law. The ancient Jew was aware that the world is regulated by the mechanical order of the natural law.

⁵⁴ One of the attendees raised the question of why the **ברכות המצות**, which seemingly relate to the spiritual world, refer to G-d as **מלך העולם**, and not as **מלך עולמים**, as in the text of *viduy*. The *Rav* replied that the recital of **ברכות הנהנין** is obligatory on the **דאורייתא** level. The recital of **ברכת המצות** was, however, first imposed by *Chazal*. Since the formulation of **ברכות המצות** is modeled after the text of **ברכות הנהנין**, it must also refer to G-d as **מלך העולם**.

Viduy addresses G-d's Sovereignty over the spiritual world

With respect to *viduy*, however, the term מלך העולם (in the singular) would not suffice. The reason for this is that *viduy* is in response to חטא and moral culpability, both of which are predicated upon man's existence in a spiritual order (in addition to the physical order).

Biologically, man is a product of the cosmic order, equal to the beast in the field. On a purely biological cosmic level, there is nothing more to man than there is to the brute in the forest. But if man were solely a product of the cosmos, he could not be held accountable for his sins. No one can charge a beast with חטא, with immorality. A being ruled solely by reflex and instinctual drives cannot sin in the legal and moralistic sense. The fact that man is punished for being immoral demonstrates that man is a responsible being who belongs, not only to the cosmic order, but to the spiritual order as well.⁵⁵

Man is a product of two worlds. He is rooted in the natural world, with no greater status than any insect driven by mechanical urges. In this respect, חטא is inapplicable - and Yom Kippur unnecessary - since the members of the natural world have no culpability for their instinctual drives.⁵⁶ Thus, if מלך העולם, referring solely to the natural world, were employed in *viduy*, it would negate

The ברכת נצי"ב (הרחב דבר - פי קדושים : י"ט, כ"ד) theorizes that, initially, the sole כרם רביעי recited by one who brings to *Yerushalayim* the כרם רביעי, referred to in the Torah as קדש הילולים לה' (ויקרא : י"ט, כ"ד). This *bracha* expressed gratitude, not only for the כרם רביעי brought by him, but for all of the other fruits and grains that he would subsequently consume that year. After the destruction of the Second *Bais Hamikdash*, *Chazal* instituted that a ברכת הנהנין be recited prior to the consumption of each food product. [Editor's note]

⁵⁵ The scope of this spiritual order is discussed in the succeeding paragraphs.

⁵⁶ The materialistic, atheistic philosophy of man, as formulated by communism, which adores and even deifies man, nonetheless downgrades man to the rank of a mere natural mechanical being by absolving man from moral culpability.

the culpability which inheres in חטא and the necessity for Yom Kippur. In *viduy* it is necessary to stress מלך העולמים - in the plural - in order to confirm that G-d is the Sovereign of **both** worlds, the cosmic world as well as the transcendental world. Man is rooted in both of those worlds and thus can be held liable for his crimes.

In other words, man resides in both the cosmic world as well as in the transcendental order. Man is both a natural being and a metaphysical being. Man is the son of the dirt and earth; man is also the son of heaven. Because of man's dualistic nature, he is susceptible to חטא.⁵⁷

When describing the creation of man, the *passuk*⁵⁸ writes: וייצר ה' אלוקים את האדם. *Rashi* notes that the *passuk* spells the word וייצר with **two** letters יו"ד. Yet, when describing the creation of animals, the *passuk*⁵⁹ writes: "ויצר ה' אלוקים מן האדמה כל חית השדה", *G-d*

⁵⁷ The משך חכמה (פי חוקת: י"ט, ג') points out that טומאה and *kedusha* are inversely correlated. Thus, טומאה vests only in those areas which are endowed with, or relate to, *kedusha*. For example, those engaged in the עגלה ערופה ritual, as well as the *kohen* who sends out the צפורי מצורע from a regular city, do not become טמא. The משך חכמה explains that those services originate outside the *Bais Hamikdash*, and thus do not enjoy a high degree of *kedusha*. The same is true of non-Jews who are also not endowed with high levels of *kedusha*. In contrast, those who burn the פרה and the one who delivers the לעזאזל שעיר do become טמא since those services either relate to or originate in the *Bais Hamikdash*. (The blood of the פרה is sprinkled in the direction of the *Bais Hamikdash*, and the לעזאזל שעיר underwent the גורל while standing in the עזרה of the *Bais Hamikdash*).

In his commentary to (פי וירא: י"ח, כ"ז), the משך חכמה adds that טומאה is precipitated by the conflict which rages between man's spiritual and physical components. He notes that live animals are not susceptible of contracting טומאה since they lack any spiritual faculties. Thus, their existence does not produce any conflict. Non-Jews are not subject to טומאה while alive (and, to a certain degree, even after death) since they, too, lack fully developed spiritual facilities. [Editor's note]

⁵⁸ בראשית: ב', ז'.

⁵⁹ ספר נוראות הרב (חלק ט"ו, עמ' 104). בראשית: ב', י"ט.

created all the animals, spelling the word ויצר with only **one** letter י"ד. The reason is obvious. An animal is not a dual being. An animal is completely monistic, homogeneous. Man, on the other hand, is a dual creature. Thus, the word וייצר (אדם) is spelled with double letters י"ד to denote that יצירתו מן התחתונים ויצירתו מן העליונים. Man is the product of two orders.⁶⁰

⁶⁰ In דרשות בית ישי (סימן י"ח אות ב'), R' Shlomo Fisher theorizes that G-d's initial design was to create man on the seventh day of creation. It is for this reason that in the *passuk* immediately following the creation of the animal kingdom on the sixth day, the Torah writes, וירא אלוקים כי טוב (בראשית: א, כ"ה), a phrase that also appears at the end of each day of creation. This *passuk* is then followed by a description of the creation of man, concluding with the seemingly duplicative *passuk*, וירא אלוקים את כל אשר עשה והנה טוב מאד (שם: א, ל"א).

R' Fisher theorizes that the decision to create man on the sixth day of creation underscores that, at birth, man is the equivalent of an animal. However, he is endowed with the potential to rise to great spiritual heights (exceeding the level of the animals created on the sixth day) and be reborn, so to speak, as a human being. He must transcend his physical limitations and attain the spiritual greatness reflected by the Shabbos created on the seventh day. This cycle of birth and rebirth is called הריון. Rosh Hashanah, the day of man's creation, is therefore referred to in היום הרת עולם as תפילת מוסף.

צפנת פננה פ' קרח (ט"ז, ג'), ופי שמיני (ט, ט'), ופי חקת (י"ט, ג') explains that the controversy between the Greek and Jewish philosophers as to whether man's skin is identical with that of the animals, is predicated upon the philosophical question of whether there is any commonality between man and animals, or whether man is qualitatively different than animals, even with respect to those features which they seemingly share.

A similar debate rages with respect to the difference between Jews and בני נח. Are Jews deemed to be merely בני נח who are invested with an incremental level of *kedusha*, or are Jews endowed with a qualitatively different level of *kedusha* than בני נח.

See also: דרשות בית ישי (סימן כ"ו), וחידושי בית ישי (סימן ק"ז).

Likewise, the *Acharonim* debate whether a כהן גדול is regarded merely as a כהן who possesses an additional level of *kedusha*, or as qualitatively different from a כהן הדיוט in all respects.

See: אור שמח (פ"ה מכלי המקדש הי"ז); משך חכמה פ' אמור (כ"א, ח' ו"ד); אוצר הספרי (להגר"מ זעמבא הי"ד) עמ' מ"ז.

This duality finds expression in the appellation רבון העולמים (in the plural) contained in *viduy*. G-d governs, not only the natural world, but the spiritual transcendental world as well. Man is guilty of immorality since he is a citizen of both the natural and the spiritual world.

Both man's physical and spiritual components are involved in sin

As demonstrated, man is held responsible for his sins and crimes because he is a dual being rooted, not only in the natural world, but in the spiritual world as well. The question arises, how does man sin in general? Does man sin solely as a natural being, or does he sin as a spiritual being as well? For example, one eats pork.⁶¹ He is driven by

The practical consequences of this debate are whether the אבנט of the כהן גדול differs from that of a regular כהן and whether one who has never served as a כהן, but is suddenly appointed as a כהן גדול, must offer one מנחת חינוך for his initiation as a כהן גדול, or two מנחות, one for his induction as a כהן גדול and the other for his appointment as a כהן גדול. (See מנחת דף ע"ח ע"א).

The (סימן ל"א) speculates that Avraham was endowed with a certain measure of *kedusha*. He denominates this as קדושת אברהם. This degree of *kedusha* was more tepid than the *kedusha* enjoyed by Jews after מתן תורה, since it encompassed fewer *mitzvos*. He speculates, however, that a convert must accept both the קדושת אברהם as well as the standard *kedushas yisroel*. Based upon this demarcation, he explains the opinion of the ר"ש משאנ"ץ (הובא ברא"ש – פרק י"ט) that a child born without an ערלה, is not obligated to perform הטפת דם ברית, even though a convert who had been previously circumcised for medical reasons is required to engage in הטפת דם ברית. The זכר explains that the *Yerushalmi* (פ"ח מסכת יבמות ה"א) writes that the *mitzvah* of הטפת דם ברית was required of Avraham. Inexplicably, the Torah discontinued this *mitzvah* with respect to Jews following מתן תורה. Thus, inasmuch as Avraham was required to perform הטפת דם ברית, the convert, who must first assume קדושת אברהם in addition to the standard *kedushas yisroel*, must also undergo הטפת דם ברית.

See also: שו"ת משכנות יעקב (חיו"ד סימן ס"א); ספר משנת יעבץ (חיר"ד סימן ל"ג); [Editor's note] מסורה (חוברת ט"ז עמ' י"ט – כ"ב)

⁶¹ The same question arises with respect to many violations, such as חילול שבת and the like, which are motivated by biological urges.

a natural biological pressure. Many sins are due to man's status as a biological being, subject to hormonal urges which are, at times, almost irresistible. In those cases, man's natural physical faculties are responsible for his commission of sins.

Are there any sins that are committed solely by man's spiritual components and not by his natural faculties? Can the spiritual transcendental features of man be held responsible for any category of sin, or is the spiritual component of man completely insulated from all realms of sin?

The answer is obvious. When we speak of man, we speak in terms of both his **outer** life, his physiological functions, such as eating, sleeping and walking, as well as his **inner** world, his emotional world, the world of feeling. Likewise, *aveiros* can be committed in two distinct fashions. Some *aveiros* can only be performed with one's physical organs. Other *aveiros*, however, do not require one's physical organs for their commission.

For example, the sin of pride, גאווה, is attributable solely to man's spiritual faculty. An animal does not feel pride. Pride is uniquely characteristic of man's status as a transcendental spiritual being. Likewise, hate, envy, malice and similar traits are a result of man's rootedness in the transcendental world. These latter types of sins are inextricably linked with the **inner** life of man. The Torah constantly emphasizes that it has promulgated laws pertaining to man's physiological functions, to his physical organs, such as the prohibition against killing, stealing, eating non-kosher foods and desecrating the Shabbos. But the Torah also stresses that it has dictated other laws which relate exclusively to man's inner world, his emotional state and his feelings, such as לא תשנא, *do not hate* and וואהבת את ה', *you should love G-d*.

The *Ibn Ezra*⁶² questions the prohibition of לא תחמוד, *covetousness*, given that man is naturally and instinctively envious. For example, when a poor man sees a beautiful mansion and

⁶² ראב"ע (פי יתרו : כ', י"ד).

compares it to his humble shoddy house, he is instinctively envious. Yet, the Torah prohibits him from feeling this way. The Torah enjoins man, both from performing certain physical deeds as well as from developing certain emotions. *Yahadus* believes that man is free, not only to determine his physical activities, but to regulate his inner life and change his disposition as well. It is inexcusable for one to assert that he is “naturally” jealous. One has no right to be jealous, no right to be envious, no right to hate.

Modern psychologists maintain that man is free to disown certain emotions and, on the contrary, to integrate certain emotions into his personality. For example, one instinctively dislikes another person. *Yahadus* frowns upon this very common attitude and prohibits instinctual dislike. *Yahadus* believes that emotions are rational, subject to a certain logic, and can therefore be controlled. Man can educate himself and disown certain disjunctive and destructive emotions, such as hate and envy, and can assimilate and integrate noble emotions into his personality. Man is the master over both his emotions and his deeds. Had the Torah not considered man capable of controlling his emotions, it would not have declared **ואהבת לרעך כמוך**. The Torah requires that one who hates another must convert that hatred into love by using intellectual insight to transform that negative emotion.

In conclusion, just as man can sin in his external, physiological and biological life, so too he can sin in his psychological and emotional life. Man sins both as a natural being and also as a spiritual being.

The *Rambam* adds:⁶³

ואל תאמר שאין התשובה אלא מעבירות שיש בהן מעשה, כגון זנות וגזל - וגניבה. כשם שצריך אדם לשוב מאלו, כך הוא צריך לחפש בדעות רעות שיש לו ולשוב מהן, מן הכעס ומן האיבה ומן הקנאה. ואלו העונות קשים מאותן שיש בהן מעשה. שבזמן שאדם נשקע

⁶³ פ"ז מהלכות תשובה הי"ג.

באלו, קשה הוא לפרוש. וכן הוא אומר יעזוב רשע דרכו, ואיש און מחשבותיו.

Do not mistakenly conclude that repentance is required solely with respect to sins which are dependent upon the physical deed, such as adultery and larceny. Rather, just as man is required to abstain from criminal deeds, so, too, he is required to explore his inner life, his emotional world. He must recant and abstain from rage, hostility, hate, envy, cynicism, love of property, instinctual drives and the like... Transgressions pertaining to the emotional world are more serious than those which are predicated upon a physical performance. If man becomes accustomed to such emotional attitudes, he will never be able to abstain from them. Therefore, the passuk writes יעזוב רשע דרכו. The word דרכו does not refer to the deed; it refers to the method, the approach and the thought.⁶⁴

The *Rambam* maintains that man sins as a dual being, both as a natural being and as a spiritual being.

In conclusion, the term רבון העולמים, in the plural, denoting that G-d is the Master of both worlds, implies three concepts. First, that G-d is the King of both the spiritual world and the physical world. Second, that man is also rooted in the spiritual world, and is, therefore, held culpable when he sins. Had man been rooted solely in the natural world, sin would not be applicable to him. Third, that man is capable of sinning with both his physical facilities, his outer world, as well as with his spiritual aptitudes, his inner world.

Man's quest for pleasure leads him to sin

The generic all-inclusive transgression in the natural world, the quest that causes man to sin, is the pursuit of pleasure, *hedone*. Man is a hedonic being constantly seeking pleasure. Man does not eat solely because he is hungry or to quiet his hunger pains. If eating was

⁶⁴ This free translation was provided by the *Rav*.

merely an antidote to hunger, man would not require so varied a cuisine. The *Chovos Halevavos* writes that stale bread and a glass of water suffice to satisfy man's hunger. Unfortunately, because man is a pleasure seeking and hedonic being, he overindulges. He seeks to derive pleasure from each physiological function.

This is true of the physical world. But, what motivates spiritual man to sin in his spiritual world, to defile his emotions, to hate instead of love, to be cynical instead of understanding, to be proud instead of humble? The answer, it seems, is man's desire to attain divine-like status.⁶⁵ It is the old story of the נחש הקדמוני, Satan, who told Chava:⁶⁶

כי ביום אכלכם ממנו, ונפקחו עיניכם, והייתם כאלקים יודעי טוב ורע.

On the day that you eat this fruit, your eyes will open and you will become as G-d, endowed with the ability to discern good from evil.

Satan convinced Chava that she could become a G-d. Chava and Adam sinned as spiritual beings. The sins committed by spiritual man, inasmuch as they impugn his spiritual facilities, are far more defiling than those committed by natural man.

⁶⁵ Regrettably, there is a gap in my copy of the recording of this *drasha*. I am, therefore, uncertain if I have portrayed this answer correctly. [Editor's note]

⁶⁶ בראשית: ג', ה'.

CHAPTER FOUR – G-D’S ROLE AS THE KING OF ETERNITY IN THE JUDGMENT OF MAN

The appellation עולמים denotes that G-d is the King of both retrospection and anticipation

The word עולמים has a second connotation.⁶⁷ In *Tanach*, the word עולם denotes “eternity.” It is rarely used to describe the “world.”⁶⁸ For example, the word עולם contained in the *passuk*,⁶⁹ “ויקרא שם בשם ה' קל עולם” means that he called out in the name of G-d Eternal. It does not mean the G-d of the world, as was interpreted by the *Ramban* and *Onkelos*⁷⁰. Likewise, the term “מן העולם ועד” means that G-d reigns from eternity until eternity, and not from one world to the next world. That would severely limit G-d’s unlimited prowess. Similarly, the *passuk* “ה' ימלוך לעולם ועד”⁷¹ expresses that G-d will reign forever.⁷² Thus, the term רבון העולמים means that G-d is the sovereign of **eternity**.

A question arises, however. Why does the *viduy* describe eternity with the plural form עולמים, rather than with the singular term עולם? What does it mean to describe eternity in the plural form?⁷³

Apparently *Yahadus* recognizes two eternities: an eternity of hindsight, of retrospection, as well as an eternity of anticipation, of

⁶⁷ The word עולם is sometimes employed to describe an extended period of time. For example, יובל לעולם represents a servitude until יובל.

⁶⁸ The phrase רבון עולמים, thus, means the King of Eternity or the Eternal King, and not the King of the Worlds.

⁶⁹ בראשית: כ"א, ל"ג.

⁷⁰ *Onkelos* notes: בשמא דה' אלקא דעלמא, in the name of the G-d of the world.

⁷¹ שמות: ט"ו, י"ח.

⁷² The *passuk* “גם את העולם נתן בלבם (קהלת: ג', י"א)” is interpreted by some commentators as “The image of the world He implanted in their hearts.” This is, however, an aberrant usage. Throughout *Tanach*, the term עולם generally refers to eternity, and not to the universe.

⁷³ In Hebrew, eternity is always defined in the plural.

prospection.⁷⁴ Eternity connotes boundlessness, endlessness, with no beginning or end.⁷⁵ The *passuk* states:⁷⁶ כה אמר ה' אני ראשון ואני אחרון. This *passuk* does not mean that G-d is merely the first and last. Rather, it means that G-d is eternal in both directions, in the retrospective and in the prospective. רבון העולמים, formulated in the plural, expresses the tenet of our faith that G-d is eternal, both as far as retrospection as well as anticipation is concerned.

The authors of the prayer book were very meticulous in their selection of words and terms. Every word in the prayer book has its unique place and meaning. Why then do they stress G-d's eternity on the Yomim Noraim? Why do they emphasize that G-d is both the King of the Eternity of the past, as well as the Sovereign of the Eternity of the future? Why do the *tefillos* stress that G-d is the King of the Eternity of the has-been, as well as the Eternity of yet-to-be, the Eternity of what was real, and the Eternity of what is not yet real?

The *bracha* of *zichronos* affirms G-d's memory of the remote past and anticipation of the future

The concept of the two eternities is the primary motif of the *bracha* of *zichronos* recited in the *mussaf* of Rosh Hashanah.⁷⁷ The *bracha* describes G-d's omniscience:

⁷⁴ The *Rav* emphasized that when discussing eternity one cannot speak in terms of past and future. The past and future are time dimensions, whereas, eternity, *per se*, presupposes the **absence** of time. One can, however, speak of eternity in terms of two **directions**, retrospection and prospection.

See (עמ' 158 ועמ' 166) ספר בסוד היחיד והיחיד (איש ההלכה) [Editor's note]

⁷⁵ Eternity is described solely in terms of temporality, for lack of a better word. Eternity cannot be defined in terms of dimension.

⁷⁶ ישעיה: מ"ד, ו'.

⁷⁷ The theme of פדיון and multi-dimensional time is also discussed by the *Rav* in: בסוד היחיד והיחיד (איש ההלכה) (עמ' 166) (והערה 113); ספר נוראות הרב (חלק י"א עמ' 60) (עמ' 277) (על התשובה); וחלק ט"ו עמ' 58; Gesher, June 1966 (pages 5-29) (cited by Dr. Arnold Lustiger in Traditions, Volume 4, Pages 27-34). [Editor's note]

אתה זוכר מעשה עולם... לפניך נגלו כל תעלומות והמון נסתרות
שמבראשית.

You recall all of the events of the past... All secrets are revealed to You as well as all that has been obscured from others since creation.

אין שכחה לפני כסא כבודיך ואין נסתר מנגד עיניך.
No item is forgotten (by You when you sit) on Your throne, and no event is hidden from Your eyes.

The *bracha* contrasts שכחה אין with ואין נסתר. The word שכחה, *forgetfulness*, refers to events which occurred in the past but which perforce have ceased to be. This conveys the belief that G-d does not forget the past. To G-d, the past is neither hidden nor mysterious. The next phrase ואין נסתר מנגד עיניך, refers to the anonymous, mysterious and secret future and affirms our belief that G-d is also aware of the future.

The *bracha* continues, אתה זוכר את כל המפעל, *You recall all that has transpired*. This addresses G-d's omniscience of all of the events of history. It then stresses, וגם כל יצור לא נכחד מפניך, *the creatures of the future are not concealed from You*. G-d is aware of all that shall transpire in the future. The *bracha* concludes with the phrase, הכל גלוי וידוע לפניך ה' אלוקנו... צופה ומביט עד סוף כל הדורות.
All is revealed and known to you... You look and You see until the end of all generations.

For G-d, there is no beginning to the past, and there is no end to the future. G-d is omniscient. He knows everything.

G-d judges the individuals within the context of both his antecedents and descendants

These motifs are emphasized in the *bracha* of *zichronos* since that *bracha* expresses a comprehensive view of creation. G-d does not focus on only select sectors in creation. He views creation comprehensively, in its totality. When G-d casts a glance at His creatures, He sees, not only those that exist in the present, but also

those that existed in the most distant past, as well as those that have not yet come into existence. G-d scrutinizes creatures who have already “played their role,” so to speak, on the stage of life, left the stage and disappeared into anonymity, as well as those that have yet to appear at some point in the distant future.

In other words, the individual is judged as a link between those who were and are not anymore, and those who have not yet been. The present moment is very difficult to isolate. The ancient dilemma of time was pithily formulated by R' Yedaya Hapnimi:

העבר אין, והעתיד עדיין, וההווה כהרף עין.

The past no longer exists; the future does not yet exist; and the present is as fleeting as a blink of the eye.

G-d is the link between the past which no longer exists and the future which does not exist as yet. On the Day of Judgment, G-d does not judge and appraise man as an isolated individual. On the contrary, G-d evaluates man within the context of both past generations that have played their role, made their contribution and then disappeared into oblivion, as well as those generations that are destined to appear but are currently anonymous. If G-d would not take into account the role of man's antecedents and his descendents, man would invariably be found guilty and condemned. As isolated individuals, all men are guilty. Who can be found flawless in the eyes of G-d? As the *passuk*⁷⁸ notes, ובמלאכיו ישים תהלה אף שכני בתי חמר, *And He does not trust His angels and certainly for those who live in houses of clay.* The individual's fate is, *per se*, hopeless. He should be condemned to death. Yet, G-d acquits the individual solely because G-d evaluates him within the context of past and future generations.

G-d accepts פדיין from people living in either the remote past or in the distant future

An individual might otherwise have been found guilty because he performed poorly. However, G-d in His infinite grace, looks upon

⁷⁸ איוב: ד', י"ח – י"ט.

the individual from the viewpoint of the past as well as of the future. Although the strict application of justice would dictate that an individual should be required to pay a steep price in order to acquit himself, nonetheless, he is exempt from doing so since somebody has already paid the price for him, namely, an anonymous person in the remote past. Whether it was Avraham and Yitzchak at the *akeidah*, or some other figure of the past, someone has already paid the *פדיון*, *the ransom*, for this individual. On each *Yom Hadin*, we are found guilty. But some person from the past mysteriously appears at our trial, pays a ransom and redeems us.

Who is the someone who redeems us? At times, it is an anonymous antecedent from a past generation who paid this ransom, such as Avraham, Moshe and the great *kehillos hakodesh* who paid the ransom with their manifold sacrifices, total dedication and total commitment. The payment by mysterious individuals in the past is referred to as *zechus avos*.

Zechus avos is not a mere empty phrase. It is a reality. Someone in the past pays a ransom for the individual. The identity of the one paying the ransom is irrelevant. Our parents are certainly better than we are, as were our grandparents and great grandparents. Among our ancestors were many G-d-loving people, G-d-fearing people, sincere and honest people. We cannot appreciate how wonderful the Jews of old were, how pious, humble, saintly and faithful to G-d. They observed every iota of the law. They maintained a great sense of responsibility for the future. They paid the ransom in advance for us because they sensed that we would be incapable of paying it.

On the other hand, somebody great from the future might pay the ransom for us, one hundred years or even a thousand years from now. It does not matter when. G-d is very flexible. At times, G-d accepts ransoms paid in advance. At other times, He is also willing to wait for the ransom to be paid by somebody in the distant future.

On Rosh Hashanah, an individual might be found wanting, guilty, sinful, undeserving and unworthy of divine grace. Yet, G-d bestows grace upon him and grants atonement for his sins. But there

is a price that must be paid. Atonement is not granted gratuitously. If the פדין has not already been paid, *Hakadosh Baruch Hu* will, nonetheless, apply mitigating factors to the sinful individual in expectation that a future generation, anonymous, silent and not yet known, will legitimize the sinner's existence through their enormous accomplishments. Though one may be undeserving to be acquitted or unworthy of existence, perhaps a grandson or a great-grandson, centuries later, will retroactively validate his existence. His existence will be vindicated solely because of that individual's deeds. Man cannot fathom this mystery. Only *Hakadosh Baruch Hu* can evaluate this secret. צופה ומביט עד סוף כל הדורות - G-d judges the world in both retrospection and in anticipation. When man is judged on Yom Kippur, the ransom has either already been paid or will be paid in the future.

In conclusion, in the *viduy* recited on Yom Kippur, we state that G-d is רבוך כל העולמים, in the plural, to express these two concepts, namely, that G-d is the G-d of both worlds (the spiritual and the natural), as well as the G-d of both eternities, the past eternity and the future eternity. We exhort G-d to judge us, not as isolated individuals, without roots and without any destiny, but as one who is a link between generations, between the past and the future, within the context of generations. Each of us is just one of many participants in the march of generations, which commenced with Avraham when he said: שבו לכם פה... ואני והנער נלכה עד כה.⁷⁹ Avraham initiated the strange march of generations and our peculiar destiny.

The strangest expressions of our destiny in modern history are represented by the phenomenon of *Eretz Yisroel* and the resurgence of Russian Jewry. The strong commitment of the Diaspora Jew to *Eretz Yisroel*, without regard to the danger to his status and security which that commitment entails, is remarkable. The problem of dual loyalty is ever-present and lingers in the minds of non-Jews, even if not expressed aloud. Yet, the American Jew is very courageous and

⁷⁹ בראשית: כ"ב, ה'.

maintains his commitment to *Eretz Yisroel*. Unlike the American Jew of the past, who was afraid to protest throughout the entire Holocaust period, today's American Jew is not afraid. He is courageous, bold, almost heroic, as far as his political involvement is concerned. Ours is a strange destiny. ואני והנער נלכה עד כה. If the American Jew were dedicated, as many accuse him, to his wealth and his comfort, without any commitment to higher ideals, if the American Jew were guilty solely of a materialistic philosophy, he would not display so much devotion *vis-à-vis Eretz Yisroel*.⁸⁰

Likewise, the Russian Jew is an enigma. Despite three or four generations of living in an atheistic society, they remain committed Jews. Atheism constitutes the central idea of Russian philosophy. Communism is predicated upon atheism in the same manner that Nazism was based upon anti-Semitism. This is one of the reasons the Soviets hate Jews. An atheist society cannot tolerate one who identifies with the nation who proclaimed to the world the existence of one G-d. When Russian Jews, whose grandfathers were Communists, were asked what motivated them to return to *Yahadus*, they answered that they felt as if they were choking, as if they had no air to breathe. They recognized that Russia is a materialistic society, and that they could no longer exist as materialistic beings. They were searching for G-d and embraced *Yahadus*.

Yom Kippur is the יום מיוחד, the special day in which man's spiritual light overcomes his metaphysical darkness. We therefore pray on Rosh Hashanah and Yom Kippur to רבון העולמים, the Master of all worlds and all eternity. Every Jew, no matter how simple, no matter how alienated, no matter how remote, nonetheless, is somehow involved in the mysterious march of generations. G-d

⁸⁰ There was a time when the *Rav* thought that the American Jew was lost and forlorn, that the process of assimilation and erosion would overtake the American Jew, and he would forget his destiny. But he came to realize that the American Jew is destiny conscious and has enthusiastically joined the strange march of generations.

evaluates him in that context, and the Jew may therefore rest assured that, with *teshuva* and *viduy*, he will attain G-d's salvation and atonement.

תושלב"ע

תהא נשמתו צרורה בצרור החיים