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Letter from the Editor

By leah klahr

My God My God

May these never end...

The sand and the sea

The rustle of the water

The lightning of the Heavens

The prayer of man (Hannaa Szenes, "*Eli, Eli*")

Like the sand and the sea, human prayer is both eternal and ever-changing; it transcends the barriers of time, language, and religion. Some of the earliest texts found by archaeologists are texts of prayer, pointing to the innate inner movement within humanity to respond to the call of the Infinite, and to call out in response. "The soul is in constant state of prayer," wrote the influential Jewish thinker and leader, Rabbi Abraham Isaac Kook. Similarly, in *Tikon Tefilati*, Rav Dov Zinger's book on prayer, he writes, "The call to prayer is the call to life, a call to open ourselves to the fundamental and deep voice whispering within us and within all of reality at all times." And yet, despite this innate call to prayer, prayer has become an almost taboo topic in our community. When we shared with fellow students that the theme of this issue would be prayer, many students responded with a sense of hesitation and even discomfort: "I just don't really connect to that topic, but I'd love to write for future topics," was the response we most commonly received.

This issue of Kol Hamevaser aims to create a space for dialogue about prayer within our community: about the meanings of Jewish liturgy and its laws, but also about the simple, personal, and dynamic ways in which our prayers move us, challenge us, and change us. In this issue, Ilan Lavian examines the Scriptural context of *Birkat ha-Kohanim*, and how this context changes our understanding of the blessing. Reuven Herzog explores the paradoxical nature of repentance through the story of Jonah, and his prayers. In an article on the Rambam's *Hilkhot Tefillah*, Rabbi Shalom Carmy presents an analysis of the necessity of *kavvanah* in prayer, which has significant implications for the debate surrounding the original purpose of the Brisker method. Similarly, Rabbi Dr. Michael Rosensweig reveals the implications of Maimonides' terminology in *Hilkhot Teshuva* by analyzing the talmudic source Maimonides draws from. In a symposium on the challenges of prayer, Dr. Deena Rabinovich, Rabbi Dr. J.J. Schacter, and Rabbi Ezra Schwartz discuss the role of prayer in our community, and how it can be a greater source of meaning in our lives. Finally, in our revisiting classical essays section, David Rubinstein revisits Rabbi Aharon Lichtenstein's essay "Does Jewish Tradition Maintain an Ethic Independent of Halakha?", explaining and further exploring its ideas.

We would like to thank the Bernard Revel Graduate School of Jewish Studies and the Yeshiva College Student Association (YCSA) for sponsoring this issue. It is our prayer that the ideas in this publication will reach the hearts and minds of readers, uniting Torah and *tefilla*, so that words of Torah can serve as words of prayer, and that words of prayer can serve as words of Torah.

Leah Klahr is a junior at Stern College, majoring in English literature and Jewish studies.

"I Have Set God Before Me Always...": An Example of the Maimonidean Approach to Jewish Law and Philosophy

By rabbi Shalom Carmy
Translated by: Yaakov Schiff

A. We find in the Talmud two sources concerning the *kavvanah*, conscious intention, required for prayer. In Tractate *Berakhot* 31a, we learn:

> Our Rabbis taught: One who engages in prayer must direct one's heart Heavenward. Abba Sha'ul says: an indication to this effect is [the verse], "Direct (*takhin*) their hearts, let your ear pay heed" (Psalms 10:17).

In support of this approach to *kavvanah*, the Talmud refers to the distinctive practice of Rabbi Akiva, concerning whom it is said that one might leave him to pray in one corner and find him afterward in an entirely different corner due to his customary kneeling and prostrations.

In contrast, the Talmud in *Sanhedrin* (22a) deals with the law of the Jewish king's personal Torah scroll. According to one opinion, the king is supposed to bind his Torah scroll to his arm as a sort of amulet, as it is said in Scripture, "I have set God before me always" (Psalms 16:8). The Gemara continues:

> And according to the other opinion, how is the aforementioned verse to be interpreted? This other opinion must interpret that verse in the manner of Rabbi Hana bar Bizna in the name of Rabbi Shimon Hasida [who teaches as follows]: One who engages in prayer must visualize oneself as though the Divine Presence is before oneself, as it is said, "I have set God facing me always" (ibid.).

One who reflects deeply upon these two teachings will observe that they denote substantively different types of *kavvanah*. "Directing one's heart" must mean, first and foremost, attention and concentration to the content of prayer. Indeed, the primary referent of Psalms 10:17, as explained by the students of Rabbeinu Yonah, is the purity of heart which is expressed through the course of prayer, and therefore Abba Sha'ul cites this verse only as an indication rather than a concrete source. Nonetheless, concentration for the sake of Heaven must include, at minimum, an awareness of the meaning of the words. This statement of Abba Sha'ul appears in several other locations in Rabbinic literature (e.g. *Yerushalmi Berakhot* 5:5; *Vayikra Rabba* at the end of Parasha 16; and the Midrash on Psalms 108), each time in relationship to the manner of intensive concentration required of an individual turning to God.

From the Gemara in *Sanhedrin*, by contrast, we learn about *kavvanah* of a different sort. It is not the words of prayer which are the focus of this second type of *kavvanah*, but the essential stature of the individual approaching in supplication before God. The obligation is incumbent upon the individual engaged in prayer to see oneself as though one is standing before the King, facing the Divine Presence.

B. A famous conceptual distinction posited by the great Rav Hayyim Soloveitchik of Brisk poses a differentiation between two types of *kavvanah* in prayer according to the thought of Maimonides. In *Hilkhot Tefilla* 4:16, Maimonides rules that anyone who engages in prayer must empty his heart of all interfering thoughts "and see oneself as though one is standing before God's Presence." Seemingly, by contrast, in *Hilkhot Tefilla* 10:1, Maimonides rules that one who prayed "and did not direct one's attention must return and pray again with *kavvanah*; [however] if one paid attention during the first blessing [of the *amida*], no more is necessary." Rav Hayyim perceived an apparent contradiction between these two rulings of Maimonides, and innovated by way of resolution that there must be two different classifications of *kavvanah* in prayer. In chapter four of *Hilkhot Tefilla*, the *kavvanah* spoken of is the consciousness of the praying individual that he or she is standing before the Divine Presence; without this recognition there can be no action of prayer at all. In chapter ten of *Hilkhot Tefilla*, by contrast, Maimonides deals with the requisite concentration of the praying individual to the words that he or she is saying, ruling that maintaining this concentration during the first blessing of the *amida* is sufficient to constitute a *kavvanah* which applies to the entire prayer.

No less well-known is the appraisal of the Hazon Ish in his glosses to Rav Hayyim's *Hiddushim* on Rambam, in which the Hazon Ish contends that the supposed contradiction pointed out by Rav Hayyim in this instance is in fact no contradiction at all, and therefore demands no resolution. According to the Hazon Ish, *Hilkhot Tefilla* 4:16 merely establishes a general rule that anyone engaged in prayer is obligated to maintain *kavvanah*. In chapter ten of *Hilkhot Tefilla*, by contrast, Maimonides delineates the laws pertaining to this *kavvanah*, and there he explains that on a post factum basis, one's obligation in prayer is fulfilled so long as one sustained concentration for at least the first blessing of the *amida*.

C. However, through paying close attention to the language of the Gemara and the language of Maimonides, Rav Hayyim's fundamental conceptual distinction may gain additional support. As it turns out, Maimonides, in chapter four of *Hilkhot Tefilla,* chose to employ the wording of the Gemara in *Sanhedrin*, which defines the *kavvanah* of prayer as standing before the Divine Presence, whereas in chapter ten of *Hilkhot Tefilla,* he relied upon the wording of the teachings speaking about directing one's heart and mind. Indeed, it seems as though the Hazon Ish is correct in his contention that the declared basis of Rav Hayyim's opinion – the contradiction between the rulings of Maimonides in chapters four and ten of *Hilkhot Tefilla* – invites a simple resolution from the standpoint of Maimonides' legal classification. It may be that Maimonides never meant to disqualify prayer lacking the explicit consciousness of standing before the Divine Presence, but in line with the considerations raised by the Hazon Ish, decided that there must always be a minimum level of subconscious intent as long as the individual is standing in prayer. Taking all this into account, the essence of the distinction in both the language of the Gemara and the language of Maimonides still stands. It emerges that the two

obligations of *kavvanah* exist not only from a phenomenological standpoint, but also within the linguistic framework of the primary sources.

Afterword

The piece was written for *Kutonet Yosef*, a memorial volume for my dear friend and teacher R. Yosef Wanefsky. My eulogy for him was published in the Fall 2000 issue of *Jewish Action*. The second half of the article examines Rambam's treatment of Psalm 16:8 in his *Guide*.

The section ably translated by Yaakov Schiff has a bearing on the current debate about R. Hayyim's methodology and the development of the Brisker school. On the face of it, the style of *Hiddushei Rabbenu Hayyim haLevi* on Rambam is typical of the yeshiva culture from which he emerged. That is to say, the trigger for R. Hayyim's analysis is a difficulty in the Rambam's text and the ostensible purpose of his discussion is to resolve the difficulty. If that is the case, then showing that the difficulty can be more plausibly resolved obviates the need for the analysis. This is indeed the brunt of Hazon Ish's frequent marginal criticisms of R. Hayyim.

By contrast, several students of Brisker methodology have argued that it is primarily about conceptual analysis rather than the relief of textual problems. See the work of R. Elyakim Krumbein most concisely available in his essay and that of R. Avraham Walfish in the Orthodox Forum volume on *Lomdut* edited by R. Yosef Blau. R. Krumbein claims that the Brisker approach evolved. While R. Hayyim himself remained focused on answering textual problems, later generations moved to a more purely conceptual orientation. He traces this development through the work of *maran ha-Rav zt"l*, relying primarily on *Shiurim le-Zekher Avi Mori* and the fully conceptual framework of our mentor R. Aharon Lichtenstein *zt"l*.

The implication of my discussion here is that there may be a gap between the implicit methodology of an analysis and its literary presentation. In the case at hand, R. Hayyim may have developed a cogent phenomenological and conceptual distinction between levels of intention in prayer. This distinction would be valid independent of textual evidence. If R. Hayyim had noticed my reading of the texts he could have adduced it. Of course, the argument in print is more "dramatic"—rising from a supposed contradiction in Rambam, whereas I merely "made a *diyyuk"* in Rambam's choice of phrasing. From a pedagogical point of view, the distinction is more easily rammed home through R. Hayyim's discovery of the apparent contradiction rather than by elaborating on the more "microscopic" insight I wrote about.

Whether or not the above argument indeed captures the evolution of R. Hayyim's new idea in this case, it may be applicable in other cases. In my contribution to the Orthodox Forum volume on *Lomdut,* I quoted R. Isser Zalman Meltzer's observation that written presentation of *lomdut* often differs significantly from oral presentation for pedagogical reasons. It is possible then that R. Hayyim's own methodological consciousness may have been more "advanced," i.e. closer to the later generations, than is reflected in the writing style of his major work. This hypothesis could be tested by reviewing notes of R. Hayyim's students or letters he wrote.

Rabbi Shalom Carmy is a professor of Jewish Studies at Yeshiva College and serves as the Editor-in-Chief of Tradition journal.

Mi-Darkei Ha-Teshuva: The Authentic Repentance

By Rabbi Michael Rosensweig

compiled by: Yehoshua katz

Of the many novel insights that are presented in Rambam's *Hilkhot Teshuva*,[1] Rambam's development of the "*darkei ha-teshuva*," "the ways of repentance," emerges at their forefront. Rambam (*Hilkhot Teshuva* 2:4) states:

> It is *mi-darkei ha-teshuva*, of the ways of *teshuva*, for the repentant to shout continuously before God with cries and supplications, for him to give charity according to his ability, for him to distance himself significantly from the matter with which he sinned, for him to change his name, as if to say, 'I am a different person and not the person who committed those transgressions,' for him to transform all of his ways into the good and straight, and for him to exile himself from his place, for exile absolves sin as it causes him to humble himself intensely.

Rambam's formulation raises a variety of challenging questions.

Firstly, what is the source for Rambam's description of "*darkei ha-teshuva*?" Kesef Mishneh assumes that Rambam's position is anchored in a comment of Rabbi Yitzchak in *Masekhet Rosh ha-Shanna* (16b):

> And Rabbi Yitzchak said, 'Four things uproot a man's fate, and these are the four: charity, shouting, changing one's name, and changing one's deeds. Charity, as the verse states, "And charity will save from death" (Mishlei 10); shouting, as the verse states, "And they cried out to Hashem in distress, and He would deliver them from their distresses" (Tehillim 107); changing one's name, as the verse states, "Sarai your wife, no longer call her Sarai but Sarah," and it is written, "And I will bless her and also give you a son from her" (Bereishit 17); changing one's deeds, as the verse states, "And God saw their deeds," and it is written, "And God regretted the evil He said He would do to them and did not do it" (Yona 3).' And some say that even changing one's place uproots his fate, as the verse states, "And God said to Avram, 'Go forth from your land,' and then He promises, "I will make you into a large nation" (Bereishit 12).

R. Yitzchak and the "*yeish omerim"* delineate all five of the various *darkei ha-teshuva* that Rambam records. Consequently, it is not surprising that Kesef Mishneh identifies R. Yitzchak's statement as Rambam's source. If so, however, then one central question arises. As Ritva explains, R. Yitzchak's "four things" are methods that can uproot one's fate; the act of changing one's name, in particular, divorces one from the astrological harm to which he is subject:

> The purpose of changing one's name is to declare that he is not the same person who committed sins in the past and thereby prevent others from speaking negatively about him. And, aside from this, another benefit of changing one's name is that his astrological fate is nullified and removed from him as the Gemara (*Shabbat* 156a) explains about Abraham.

Yet, while R. Yitzchak's statement concerns the changing of one's *gezar din*, verdict, Rambam's statement concerns the act of a repentant! To be sure, the act of uprooting one's troubling destiny is distinct in character from the act of repentance. Kesef Mishneh, in fact, accentuates Rambam's deviation from R. Yitzchak when he states:

> And our Rabbi (Rambam) hints to these five things with these words.

Clearly, Kesef Mishneh recognizes that Rambam does not quote R. Yitzchak's instruction but rather only hints to it. Rambam reinvents the application of R. Yitzchak's words, and therefore, Rambam's comments cannot be considered a verbatim quotation. The source for Rambam is *Rosh ha-Shanna* 16b, but Rambam alters its meaning.

On what basis does Rambam diverge from the simple interpretation of R. Yitzchak's statement and broaden its scope to include not only *keri'at gezar din* but also *teshuva*? What does Rambam's interpretation of *Rosh ha-Shanna* (16b) reflect about his understanding of the concept of *teshuva*?

Moreover, Lehem Mishneh notes another critical discrepancy between Rambam's comments and *Rosh ha-Shanna* (16b), Rambam's apparent source:

> And all five ways are mentioned in our rabbi's (Rambam) words even though the Gemara (*Rosh ha-Shanna* 16b) says that one of the five is sufficient (to uproot one's fate).

If Rambam's source is *Rosh ha-Shanna* (16b), why does Rambam argue that all five of the behaviors detailed in the Gemara are indispensable to the accomplishment of *darkei ha-teshuva*? After all, according to R. Yitzchak, only one of the five behaviors is necessary to uproot one's fate!

Perhaps a more basic question should be confronted as well. What is the meaning of Rambam's phrase, "*mi-darkei ha-teshuva*?" Rambam himself coins this terminology; it does not appear in Mishnah or Gemara, and even other Rishonim do not utilize it when discussing the same concept. Even Meiri, in *Hibbur ha-Teshuva*, reformulates this din. Lest we assume that Rambam's phraseology is merely coincidental, we must note that the phrase appears not only in *Hilkhot Teshuva* but also in *Hilkhot Ta'anit* (1:2):

> And this thing is *mi-darkei ha-teshuva*, of the ways of repentance, that when suffering arises and they (*Kellal Yisrael*) shout and blow trumpets, all will know that because of their bad deeds, they have been distressed, as the verse states, "Your sins have cause you to stray…" (Yirmiyahu 5), and this will cause them to remove the suffering from upon them.

Rambam's usage of the same phrase in each context, both *Hilkhot Teshuvah* and *Hilkhot Ta'anit*, suggests that the phrase carries significant meaning and is not just a convenient way of describing a proper methodology and reaction to sin.[2] It is not merely a methodology for absolving sin. Rather, it is indicative of some broader concept and ideal. What are the full implications of *darkei ha-teshuva*?

To unpack the meaning of Rambam's *darkei ha-teshuva*, we might begin by explaining Rambam's veering from the simple understanding of R. Yitzchak's comments and suggest two distinct, yet consistent, approaches.

First, in contradistinction to Ritva, Rambam may shy away from emphasizing astrological significance, especially in light of his broader rationalistic proclivities and specific rejection of this discipline. For Rambam, R. Yitzchak does focus on the uprooting of one's *gezar din*, but the method employed to uproot a *gezar din* demands the transformation of values, personality, and merit rather than the alteration of one's astrological or mystical fate. Therefore, it was natural for Rambam to apply R. Yitzchak's *keri'at gezar din* formula to methodology of repentance since repentance and *keri'at gezar din* share in common the need to transform one's personality and value system.[3]

Second, Rambam's application of Rabbi Yitzchak's statement to *Hilkhot Teshuva* reflects Rambam's tendency to broaden and expand throughout *Hilkhot Teshuva*. For Rambam, *Hilkhot Teshuva* constitutes a climactic transition. As the final section of *Sefer Mada*, the Laws of Teshuva bridge the ideas of *Sefer Mada* with the ideas of *Sefer Ahava*. They accentuate the ideal service of God, a service motivated by *ahava* and rooted in the proper legal philosophy of *Sefer Mada*. For this reason, chapter ten of *Hilkhot Teshuva*, the section's final chapter, centers on the "*oveid mei-ahava*,"[4] the one who serves God due to his love for God. As evinced by Rambam's stance that Laws of Teshuva are the prerequisites for *avoda mei-ahava*, Rambam defines and interprets the process of repentance in a most all-encompassing fashion. *Teshuva*, as the climax of *Sefer Mada*, is not indispensable to man's life only because it facilitates his neutralizing of past sins; rather, *teshuva*, at its finest, is an independently vital process, one that transforms a person into an *oveid Hashem* and facilitates *avoda mei-ahava*.[5]

Rambam's discussion (*Hilkhot Teshuva* 7:3) of repentance for corrupting traits, values, and beliefs further corroborates his broad understanding of repentance. Although Rambam records that true repentance includes the uprooting of certain emotions and traits, such as anger, hatred, and jealousy, this assertion is unsourced.[6] On what basis does Rambam justify his position? Additionally, we might question why Rambam waits until chapter seven to discuss repentance focusing on character and personality; such discussion seems relevant to the core components of repentance as outlined in chapters one and two!

Perhaps, Rambam's understanding of *teshuva*, as captured by his thesis of *darkei ha-teshuva*, explains these apparent anomalies. If *teshuva* is necessary not only to counteract sin but also to propel man towards *avoda mei-ahava*, then

perhaps chapter seven, a chapter dedicated to *ma'alat ha-teshuva*, the greatness of repentance, is the most appropriate context to present repentance from traits. Rambam informs us that the greatness of repentance is, precisely, its transformative potential, but for *teshuva* to achieve this ambition, it must be comprehensive; it must address both action and thought. Once *teshuva*, in its most pristine form, is the laying of groundwork for service of God *mei-ahava*, then no source is necessary to conclude that such *teshuva* must encompass repentance that holistically addresses the entire personality.

Given Rambam's broad understanding of *teshuva*, his reading of *Rosh ha-Shanna* (16b) emerges lucid and sensible. R. Yitzchak's statement advises one as to how to change his *gezar din*. Rambam then intensifies and transforms R. Yitzchak's statement into "*darkei ha-teshuva*"; he expands its relevance beyond the uprooting of decrees and applies it to the institution of repentance as a whole. Rambam adds that as part of "*darkei ha-teshuva*," one should not only shout, as R. Yitzchak advises for *keri'at gezar din*, but he should be "*tzo'eik tamid*," "shouting constantly." Moreover, he should not only yell, but he should yell "*be- bechi ve-tachanunim*," with cries and pleas. And, one should not only give charity, as Rabbi Yitzchak instructs, but he should do so "*ke-fi kocho*," "according to his ability." He must not only distance himself from evil, but he must distance himself *greatly*- "*u-mitraheik harbei*." Finally, Rambam emphasizes that one must be "*meshaneh ma'asav kulan*"; he must be one who "changes *all* of his ways." Rambam's intensification of Rabbi Yitzchak's instructions reflects Rambam's attitude towards them. For Rambam, they are part of *darkei ha-teshuva*. They are ways of motivating man towards and assisting him in self-evaluation and self-transformation. While for *keri'at gezar din*, less intense shouting or charity or changing of deeds may be sufficient, for concrete repentance that leads to *avoda mei-ahava*, intensification is necessary.

Furthermore, not only must these acts be strengthened qualitatively, but they must be bolstered quantitatively as well. Rambam, as Lehem Mishneh notes, requires all five actions as part of *darkei ha-teshuva*. For *keri'at gezar din*, one action may be sufficient; but, for *teshuva* that leads to *avoda mei-ahava*, all five are necessary.

The motif of "*darkei ha-teshuva*" as a window into *teshuva* dominates much of Rambam's *Hilkhot Teshuva*. Interestingly, as Rambam (*Hilkhot Teshuva* 3:4) articulates the well-known practice to increase giving of charity and multiply acts of kindness throughout *Aseret Yemei Teshuva*, the Ten Days of Repentance, he adds that the practice includes as well *"eisek be-mitzvot*," "involvement in *mitzvot*." For Rambam, it is not just altruistic action that should pervade the Ten Days; rather, the *ba'al teshuva* must make extra effort to increase his punctiliousness regarding all commandments. Rambam's expansion of the scope of proper activity throughout *Aseret Yemei Teshuva* coheres precisely with his characterization of *"darkei ha-teshuva*." If *teshuva* is to be not just an accumulation of merits but also a process of personal transformation, one that directs and facilitates *avoda mei-ahava*, then it must include intense involvement in all *mitzvot*.

Thus, while they may seem innocuous on their surface, the "*darkei ha-teshuva*" are indeed the means, both quantitative and qualitative, that guide one on his path towards *avoda mei-ahava*. They are not just an itemized list of actions to take to achieve forgiveness. On the contrary, the phrase "*darkei ha-teshuva*," in its intensified form, signifies Rambam's all-encompassing understanding of *teshuva*.[7]

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1 This article is an adaptation of a series of shiurim given by Rabbi Rosensweig in 2015. The article was reviewed by R. Rosensweig and is part of a future volume of essays edited by Itamar Rosensweig and Avraham Wein.

2 See also Hilkhot Teshuva (4:2) where Rambam uses the term "darkei ha-teshuva" and mentions that which prevents one from accomplishing darkei ha-teshuva.

3 See Shu"t ha-Rashba (1:19). Rashba argues that exiling oneself from his locale, as R. Yitzchak advises, is beneficial not only towards shinui mazal but also towards attaining kappara for one's sins. As we have suggested for Rambam, Rashba also does not limit the application of Rabbi Yitzchak's advice to shinui mazal but rather includes attainment of kappara as well.

4 Hilkhot Teshuva (10:2).

5 For a more extensive analysis of the tenth chapter of Hilkhot Teshuva, see my "Ahavat Hashem and Talmud Torah: The Telos of Teshuva," CJF Torah To-Go (Rosh Hashana and Yom Kippur 5778), 28-31.

6 See Migdal Oz (Teshuva 7:3) who suggests that Rambam's source is the concept of "hirhurei aveira kashin mei-aveira" (Yoma 29a). This suggestion, however, seems difficult if not untenable; Rambam is explicit in his assertion that repentance must address not only thoughts of sin but also midot ra'ot.

7 See Sefer Likutim (Teshuva 3:3), who formulates the notion of repentance as "tachlit be-fnei atzmo," "a purpose in and of itself." Such a characterization highlights the approach to repentance not as, solely, a reaction to sin, but as a proactive effort to achieve avoda mei-ahava.

Piyyut: The Story of the Poetry of Jewish Prayer

By Leah Klahr

Jewish prayer is caught between the two poles of *keva* and *kavvanah*, the fixed nature of prayer, and the role of intentionality in one's prayer.[1] While Jewish law ultimately prescribes fixed formulas of liturgy, the dialogue between *keva* and *kavvanah* continues to echo and evolve. The role of piyyutim,[2] poems of prayer or liturgical poetry, perhaps best embodies this continuous dialogue within Jewish thought and practice. Piyyutim have ancient roots, tracing as far back as the early first century CE.[3] Payytanim, Jewish poets who authored piyyutim, composed prayerful poems that expressed ideas beyond the ones within the statutory prayers. Thus, piyyutim came to represent the voice of the personal, dynamic, and creative within Jewish prayer. Piyyutim often feature anthropomorphic ideas, the presence of angels, midrashic themes, and the unique voices of the payytanim, echoing the historical and personal realities of their lives.[4] Yet, with time, these creative piyyutim were integrated into prayer services, and often served as a source of *keva*, rather than *kavvanah*.

The development of piyyutim throughout Jewish history reveals the interplay between *keva* and *kavvanah*, between halakha and *minhag*, and the way that these seemingly opposing ideas overlap and speak to one another.

Piyyut as an Eretz Yisrael Creation[5]

While piyyutim have been composed across oceans and centuries, it is in the land of Israel, or Byzantine Palestine, between the fourth and sixth centuries that piyyutim became ingrained into Jewish prayer. Though some piyyutim were recited as additions to the fixed prayers, Ruth Langer, a scholar of piyyutim, explains, "The most important early genres [of piyyutim] were created as alternatives to the standard texts of the prayers, to be presented by the *sheliah tzibbur* as the public prayer of the synagogue on particular days."[6] Thus, Langer writes, "Instead of a fixed and totally predictable liturgy, the Palestinian synagogue had a vehicle that allowed for change and artistic expression through the modes of poetry, and especially in later periods, choral music."[7] Similarly, Lawrence Hoffman, a scholar of liturgy, explains that piyyutim are not only a product of Palestine in the geographic sense, but perhaps more importantly, in the cultural and spiritual sense. Hoffman writes, "Of course national borders did not really exist then, at least not in the sense that we define the term. There were, rather, spiritual spheres of influence, cultural traits that marked one as basically Palestinian or Babylonian."[8] These cultural markers included choices such as whether one depended upon the Babylonian or Jerusalem Talmud, which legal responsum one chose to follow, and what cycle of readings from the Torah one observed. Thus, Hoffman explains that one could live as a Palestinian in Egypt, or as a Babylonian in Palestine. In this sense, Hoffman defines Piyyutim as a "Palestinian phenomenon," and the payytanim as "Palestinians by spiritual proclivity."[9] Additionally, most of the piyyutim and poetic texts found in the Cairo Genizah were of Palestinian rather than Babylonian origins, pointing to the Palestinian roots of early piyyutim.[10]

Halakhic Objections to Piyyut

The birth of piyyut, prayer-poetry, in the geographic and cultural soil of Palestine reflects that within the dialogue between *keva* and *kavvanah,* it was *kavvanah* that the Palestinian Jews sought within prayer. Unsurprisingly then, the Babylonian Geonim strongly objected to the integration of piyyutim into the prayer service, arguing that it threatened the statutory prayers they were attempting to establish within the Jewish community. Langer writes, "In their struggles to establish the predominance of their own customs, early Geonim introduced many of the halakhic arguments that would echo against piyyut over the next millennium and more."[11] The earliest responses that are recorded come from the school of the mid-eighth-century Rav Yehudai Gaon. In a letter found in the Cairo Genizah, Rav Yehudai's student, Pirkoi ben Baboi, describes his objections to piyyutim. Based on Rav Yehudai's teachings, ben Baboi writes that "anyone who alters a talmudically ordained blessing fails to fulfill his prayer obligations" and that "to add to the text is blasphemous." Ben Baboi also argues that the Palestinian custom of reciting piyyutim developed as a result of Christian persecution, when the Palestinian Jews were forbidden from praying. However, under Islamic rule, which allowed the recitation of formalized prayers, ben Baboi explained that the Palestinian Jews were "forbidden to recite anything other than the proper texts established by the sages in the right places in the right order." This argument reflects the Babylonian wariness of the creation and integration of piyyut; by attributing its creation to the external forces of persecution, ben Baboi attempts to mark piyyutim as foreign to ideal modes of Jewish prayer.

Yet, despite this rejection of piyyutim, by the ninth century, R' Natronai Gaon permitted the inclusion of piyyutim in prayer services under the limitations that the piyyut relate to the content of the blessing or the occasion it was being recited for, and that it includes the themes of the beginning and ending of the standard blessing it supplemented.[12] This halakhic response opened the floodgates for Babylonian Jews to begin embracing piyyutim within their own prayers. Langer suggests that this halakhic shift toward permitting piyyut relates to the cultural exchange between Palestinian and Babylonian Jews. The Palestinian institution of piyyut reached Babylonian Jews in various ways, slowly becoming a part of the Jewish Babylonian culture as well. Piyyutim so greatly infiltrated the Jewish Babylonian culture that, according to the Israeli poet and scholar of piyyut, Ezra Fleischer, by the postclassical period, the center of piyyut composition migrated from Palestine to Babylonia.[13] Ironically, the very place that had initially resisted the institution of piyyutim later became the hub of their continued creation.

However, though piyyutim had become a universal element of Jewish prayer by the medieval period, their role within Jewish prayer continued to be questioned. While piyyutim were originally instituted as a source of *kavvanah*, and creative expression within prayer, with time, as ancient piyyutim were integrated into the prayer service, they ceased to stir inspiration; rather, many halakhic authorities claimed that piyyutim caused a loss, rather than increase of *kavvanah*. For example, Maimonides maintained that the "improper" content, poetic meters, and melodies of many piyyutim served as a source of "amusement" within the prayer service, causing a loss of *kavvanah* among the congregation.[14] Similarly, the Tur argued that piyyutim should be abolished from the prayer service because congregants would often resort to talking during the recitation of the piyyutim.[15] One of the main objections to piyyut was that congregants often did not understand them, and that they therefore failed to serve as a meaningful part of prayer services. Abraham Ibn Ezra, an influential payytan himself, described this as one of the main problems with piyyut. He wrote that if a congregation does not understand the piyyutim integrated into statutory prayers, this deemed the entire prayer halakhically invalid.[16] This argument was employed by French and German Jews as well, and the *Hasidei Ashkenaz* responded to this problem by writing commentaries on piyyutim.

Another key factor in shaping attitudes toward piyyut was the influence of Lurianic kabbalah. In *Shaar Hakavvanot*, one volume of Rabbi Hayyim Vital's codification of the Arizal's teachings, Rabbi Hayyim Vital records that the Arizal only recited piyytuim attributed to Tananim like Rabbi Akiva, Rabbi Elazar ben Arakh, and Rabbi Nehunia ben Hakanah because they knew the secrets of kabbalah; according to the Arizal, these piyyutim could even be added into the text of the statutory blessings. However, the Arizal rejected the piyyutim of later payytanim because they were unfamiliar with kabbalah, and therefore their piyyutim were "filled with errors." Kabbalistic ideology further influenced acceptance of piyyut when Rabbi Hayyim Yosef David Azulai, known as the Hida, ruled that the insertion of piyyutim into statutory prayers interfered with the divine names and secrets hidden within the precise numbers of letters and words of the fixed prayers. Yet, at the same time, both the Arizal and the Hida maintained

that individual Jews should maintain their ancestral prayer *minhagim*, even if this included the recitation of certain piyyutim.

By the late eighteenth and nineteenth centuries, in Western Europe, the role of piyyut within Jewish prayer became a political, as well as halakhic question. On the one hand, some leaders attempted to maintain the role of this ancient custom within prayer. For example, Rabbi Abraham Lowenstamm argued that especially in the age of the printing press, when piyyutim could be printed in the *siddur* and studied by the congregation, they should not be abandoned. Other rabbis saw piyyutim as representative of the role of *minhag* within prayer, which was being threatened by the creation of the Jewish Conservative and Reform movements.[17] Thus, in 1892, Rabbi Yosef Zekharia Stern wrote that despite legitimate reasons to eliminate the integration of piyyutim, they must be maintained because of their status as a *minhag*. Langer explains, "Sages who might have otherwise jettisoned the custom felt that such a move was dangerous in a world where traditional practice was being increasingly challenged."[18] However, while some opinions argued to preserve the institution of piyyutim—for their own sake, or for political motives—others argued that they no longer played the same role for the Jewish community as they once did. For example, Rabbi Tzvi Hirsch Chajes wrote that piyyutim were no longer being recited by many communities, and no longer held meaning. Yet, rather than formally eliminating them from Jewish prayer and causing division over the issue, Chajes argued that with time, they would become organically extinct from Jewish prayer. These various dissenting voices led to the gradual loss of piyyut from most Ashkenazi communities. While some deeply ingrained piyyutim continued to be recited and printed in *siddurim*, many piyyutim quietly slipped out of Jewish prayer services.

The Rebirth of Piyyut in Eretz Yisrael Today

Though piyyut had transformed over time from a symbol of *kavvanah* and poetic creation to one of *minhag*, and perhaps even *keva*, recently, piyyutim have once again begun to serve as a source of renewed inspiration within the Jewish community. It is in Israel, the place where they were first created, that piyyutim have become most powerfully re-integrated into Jewish prayer and culture. Popular Israeli music artists, such as Ehud Banai, Yishai Ribo, Amir Benyon, and others, feature piyyutim in their music; piyyutim like "*Yedid Nefesh*," "*Okhila L'El*," and "*El Adon*," are regularly broadcasted on public radio, especially before Jewish holidays. "The Piyyut Ensemble," of the Ben Zvi Institute is an Israeli band that performs North African and Middle Eastern piyyutim and melodies. The groundbreaking project *Hazmana Le-Piyyut*, or the Invitation to Piyut website, founded by the Israeli Avi Chai Foundation, features an archive of ancient and modern piyyutim and their melodies. It presents the historical background, commentary, and varying perspectives of each piyyut, along with a list of melodies used for each piyyut. The website's homepage states, "The piyut purifies and refines key components of Hebrew culture into a totality: language, music mysticism, history, legend, philosophy, and prayer, as well as personal, family, and national stories and emotions. The singing of piyut makes it possible to experience this totality in its deepest sense." In a way, the piyyut was exiled together with the Jewish people from the land of Israel, and the return of Jewish people to the land where piyyutim were first created has released a new meaning and life within Jewish prayer-poetry. Especially with the rebirth of Hebrew as a spoken language and culture, piyyutim have once again become a source of *kavannah* within prayer.

Just as piyyutim were a product of the Eretz Yisrael culture that slowly spread to the Babylonian and diaspora communities, Israeli culture's renewed connection to piyyutim is slowly spreading to Jewish communities around the world. For example, Piyut North America is a joined project of *Hazmana L'Piyyut* in Israel and B'nai Jethrun in New York which works to spread knowledge of piyyutim to American communities. Like *Hazmana L'Piyyut*, The Open Siddur Project provides an archive of piyyutim, but it also features various Jewish prayers composed throughout history that model the dynamic, creative, and personal initiative of piyyutim.[19] As Jewish communities across the world find relevance and meaning in the prayer-poems written throughout Jewish history, the dialogue between *keva* and *kavvanah*, between halakha and *minhag*, and between Eretz Yisrael and Diaspora continues to flourish and grow.

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1 For a formative discussion of this tension within Jewish prayer, see BT Berakhot 29b: "R' Eleazar said, 'If one makes one's prayer fixed [keva] it is not true supplication [takhanunim].'" While the meaning of the word kavannah is interpreted in various ways, this article uses it in the sense of takhanunim, or prayer that emerges from the heart. See also Rabbi Shimon's statement in Mishna Avot 2:13: "...When you pray, do not make your prayers fixed [keva], but rather prayers for mercy and supplication before the Omnipresent, blessed be He."

2 The word piyyut stems from the Greek word for poem, poites.

3 Wout Jac. Van Bekkum, "The Hebrew Liturgical Poetry of Byzantine Palestine," in Prooftexts, Vol. 28, No. 2 (Spring 2008): 232-246.

4 For example, the 12th century piyyut attributed to Rav Yehuda Ha-Chassid, "Anim Zemirot," or formally called "Shir Ha-Kavod" deviates from the form and content of the statutory prayers through its poetic structure and elaborate anthropomorphism.

5 The halakhic opinions presented here are all drawn from Ruth Langer, To Worship God Properly (Cincinnati, Ohio: Hebrew Union College Press, 1998), 117-187.

6 Langer, To Worship God Properly, 113.

7 Ibid.

8 Lawrence Hoffman, The Canonization of the Synagogue Service (Notre Dame, London: University of Notre Dame Press, 1979), 66.

9 Hoffman, 67.

10 Ibid.

11 Langer, 117.

12 Hoffman explains that Natronai's halakhic stance stems from the talmudic concept of me'ein ha-berakha [the essence of the blessing]; R' Natronai Gaon expanded this concept to permit the inclusion of thematically appropriate piyyutim within statutory blessings, as long as the piyyut incorporated transitions out of and back into the statutory blessings.

13 Wout Jac. Van Bekkum, "The Hebrew Liturgical Poetry of Byzantine Palestine," in Prooftexts, Vol. 28, No. 2 (Spring 2008): 232-246.

14 At the same time, Maimonides encouraged the preservation of certain piyyutim, and even ruled that some of the Shabbat piyyutim should be maintained in order to prevent dissention within the Jewish community.

15 Tur on Shulkan Arukh, OH 68.

16 Langer, 150.

17 Yet, ironically, for the Conservative and Reform movements, the institution of piyyut served as the inspiration for further additions and changes to the statutory prayers.

18 Langer, 184.

19 For example, it features the full texts and English translations of Yiddish tkhines, personal prayers for various occasions, composed by Ashkenazic women mostly between the seventeenth and nineteenth centuries.

And Man Laughed: R' Menachem Froman's *Torat Ha-Sechok* and its Antecedents

By Yehuda Fogel

The jester is brother to the sage – Arthur Koestler

Jesters do oft prove prophets – William Shakespeare

The relationship between sense and nonsense, between the rational and the irrational, is often understood to be antithetical, with each of the pairings having a major gap between the two opposites. Within many a normative culture, the scholar and the jester would rarely be seen as occupying similar, or even overlapping roles; there would rather be a hierarchical distinction between the two. The former is noted for the insight and truth (s)he brings to the forefront, and the jester for the comedic relief, the escape from reality, the laughs. Many figures are one or the other, either the scholar or the jester, but upon occasion the world is blessed with a figure that combines the two roles, in someone who stands at the crossroads between sense and nonsense, who brings light into the cracks of a nonsensical world. Rav Menachem Froman (1945-2013) was such a figure. Rav Froman was both the chief rabbi of a West Bank settlement, Tekoa, and also a believer that the way to peace was not through politicians but shared religious experience. He was a student of Rav Tzvi Yehuda Ha-Kohen Kook and a founder of the Gush Emunim movement, a settlement movement often identified with Israel's right wing, but Froman also spoke of Yassir Arafat and Sheikh Ahmed Yassin (the founder of Hamas) as close friends. However, Froman's path was not merely an interesting deviation from the oft-vitriolic world of Israeli geo-politics, but was rather a loaded spiritual world that is beginning to come to light as his ideas are increasingly published.

While there is much the English-speaking world can learn from Rav Froman, I will focus here on one particularly fascinating element of his personality and thought: humor. One book published after his passing is titled *The Righteous Will Laugh from This*, and the assorted pithy thoughts and anecdotes touch upon topics profound and profane, mentioning Amos Oz and Sartre in the same pages as Rabbi Nachman of Breslov and the Zohar. The creativity of thought is exciting, and one constant throughout the work is a comedic edge, a humorous flair with which Froman delivers weighty ideas. We will first look at some examples of this trend, and will then look at the roots for Froman's particular style in the influences of Rav Kook and Rabbi Nahman of Breslov.

Background

Rabbi Menachem Froman was born into a nonreligious Israeli family in Kfar Hasidim, and after serving in the Paratroopers Brigade during the Six-Day War, went on to study Jewish thought at the Hebrew University. It was here that he began his *teshuva* process, and ended up studying under Rabbi Tzvi Yehuda Ha-kohen Kook in his Yeshivat Merkaz Ha-Rav. He received rabbinic ordination from Rabbis Shlomo Goren and Avraham Shapiro, eventually becoming the rabbi of Tekoa and a teacher in various *yeshivot*, including Mekor Hayim, Ha-kotel, Machon Meir, Ateret Kohanim, and Otni'el. He was married to artist and teacher Rabbanit Hadassah Froman,[1] and she continues to teach Zohar and *Hasidut*, in some ways continuing his mission after his untimely passing in 2013.

In order to understand Rav Froman, it is important first to understand the context within which he taught. The world of Israeli spirituality has exploded in recent years, marked by a fast-growing phenomenon of *Hasidut*-influenced *yeshivot hesder*, as well as a weekly publication *"Karov Elecha"* that serves largely Hasidic Torah to the National Religious (*Dati Le'umi*) population. This general trend dates back to the very beginning of modern Israel with the personality of Rabbi Abraham Isaac Ha-kohen Kook (1865-1935). As a thought leader and a writer with an oversized presence in the National Religious community, he emphasized a profound spirituality and connection to the land, and drew from much earlier Hasidic and Kabbalistic works. However, while Rav Kook brought a greater emphasis on spirituality into the then-nascent National Religious community more than fifty years ago, in recent years there have been a few core thinkers that have influentially emphasized the necessity for spirituality, namely Rabbis Shagar (1949-2007), Froman, and Steinsaltz (1937-present). Each impacted the opening of new *yeshivot* within the Hasidic National Religious framework, such as Siah Yitzhak, Kiryat Arba, Tekoa, Otni'el, and Mekor Hayim. While Steinsaltz has received the most attention heretoforth within the U.S. due to his Talmud translation and commentary, Shagar's works are gaining renown among American readership, many of whom are drawn to his interfacing between Postmodernism and Judaism.[2] Although Froman's political (or is it religious?) work has been widely publicized by Israeli media, his thought and ideas are gaining traction due to the increased publication of his teachings, such as *Hassidim Tzohkim M'Zeh* (*The Righteous Will Laugh From This)*, *Sokhaki Aretz, (Laugh My Beloved Land): Shalom* (Peace), *Am* (People), *Adamah* (Land), and the new *Ten Li Zeman* (Give Me Time).[3] While all three merit serious consideration, we will focus on *Hasidim Tzohakim*, as it is in this aptly titled work that Froman's comedic flair is most easily present.

For Rav Froman, humor may be doing something else entirely. *Hasidim Tzohakim* is broken up into 180 small thoughts and ideas, covering a broad array of themes, including the land of Israel, Zionism, bachelorhood, religious coercion, and spirituality, and many share a counterintuitive comedic edge. This ironic charm can be disarming yet intimately understandable, such as when he writes, "It is said that one must be married to learn Zohar. But how is it possible to marry without learning Zohar?"[4] Elsewhere he

writes that "the world of Torah is full of debate…Torah scholars argue about almost everything. How do we know that Chazal had a sense of humor? Because they said that 'Torah scholars increase peace in the world."[5] In a fascinating piece, he notes that "To be *dati* (usually translated as religious) is to be deep….in which case Amos Oz (the famed secular novelist) is *dati*." To be clear, this isn't to say that every single piece in *Hasidim* is humorous as much as there is a thread of counter-intuition present throughout much of the work. In an extremely telling passage, he writes that:

> There are many places that R' Nahman stops something in the middle, but in one place he stops in the middle of a sentence: "At first all beginnings were from Pesah, and therefore all mitzvot are in memory of the departure from Egypt. But now." The intention here is that in classic Judaism all mitzvoth are in memory of the departure from Egypt, and now we have reached a new era – the time of jest (*tzehok*) and freedom. Until now, all of the *mitzvot* were a serious matter. Passover is pathos; the Torah is pathos-driven, full of seriousness. And now we have reached a new era, a new Torah: *Torat Eretz Yisrael*, the Torah of the messiah. All the mitzvot are a remembrance to the jest of Purim and not the pathos of Pesah. 'To be or not to be?' is a very serious and heavy consideration, but in that very Shakespearean play (sic) it's also written that "all the world's a stage," everything is a play. You hear me say that the most important question in life is to live or not to live? This whole question is jest, it's jest…it's a joke…it's a joke… There is something that is above to live or not to live, even above (the principle) "saving a life pushes off Shabbat;" what is above saving lives? To be in front of God, in front of God, to be before God in this world and in the next, to be before God and to know that all that we do until now was jest. In life, in death, all is jest in front of God.[6]

In this radical piece, Froman associates the "jest of Purim" with *"Torat Eretz Yisrael"* and the Messianic Torah, which Rav Froman saw as dominant during this era of history. These are marked in the presence of God, or at least in the mindset of life in front of God. The antinomian merges with the counterintuitive in the formation of this radical theology of humor, a theology that places Purim over Pesach and laughter over solemnity.

These ideas may seem distant from many readers on a number of planes: the very notion of a "new Torah" can seem dangerously similar to previous attempts to supersede the Torah, as the eternality of the Torah is a necessary component of the religious Jew's belief system. Additionally, while there are previous instances of humor in the Jewish literary corpus, Froman's formulation is astounding in its raising of the theological stakes of humor. Although Froman is not explicit about his sources, I argue that he is utilizing and combining two concepts: an emphasis on theological components of divine jest, developed by Rabbi Nahman of Breslov (1772-1810); and the idea of a new Torah, or at least a new style of Torah, developed by Rabbi Abraham Isaac HaKohen Kook (1965-1935). This text presents a fascinating blend of the respective thoughts, merging the two into a composite whole.

Torat Eretz Yisrael

The notion of a style of Torah-learning distinct to Eretz Yisrael is not a modern invention, as roots of this idea may be evident in the stylistic differences between the Jerusalem and Babylonian Talmuds. In addition to the famous dictum that "the air of the land of Israel increases wisdom,"[7] this distinction is made explicit in several places, such as in the midrash's comment on the verse, "And the gold of the land is good,"[8] that "this teaches that there is no Torah like the Torah of the Land of Israel, and there is no wisdom like the wisdom of Land of Israel."[9] Later, the Talmud records that R' Zeira, upon moving to Israel, fasted 100 fasts in order to forget the Babylonian Talmud."[10] The medieval commentator Rashi (1040-1105) explains that the scholars of Babylon argued more than the scholars of Israel, who seemed to come to conclusions with greater harmony,[11] in line with a different passage in which the scholars of Israel and of Babylon are directly contrasted. The former are characterized as "being gracious to one another in halakha," whereas the latter "injure each other in halakha."[12] Strikingly, some Talmudic passages align the Babylonian Talmud with darkness, and the Jerusalem Talmud with light.[13]

Traditional rabbinic commentaries largely relate the aforementioned passages to methodological distinctions between the two schools, as the Babylonian school is redolent with logical casuistry and folio-long debates, and is the usual touchstone when people reference "Talmudic logic", in contradistinction to the Jerusalem school's emphasis on clarity and brevity. This clarity is often attributed to the more easily attainable wisdom of the Land of Israel, which thus mitigates the necessity for complex abstract argument.[14] As the Babylonian Talmud was and continues to be significantly more disseminated in traditional Jewish circles, it is interesting that its writers highlighted the beauty of the Jerusalem Talmud.[15] Although the passages seem to portray the latter in a more positive light, perhaps due to a discomfort with the negative portrayal of the primary source of rabbinic learning, some seek to mitigate the hierarchal portrayal.[16]

Enter Rabbi Abraham Isaac HaKohen Kook onto this intellectual backdrop. As the first Ashkenazic chief rabbi of British Mandatory Palestine, this thinker, halakhist, mystic, and poet par excellence often strove to reveal the positive implications in seemingly negative trends, revealing the light in a (seeming) religious darkness. In their defense of the avowedly secular new Judaism of the time, his writings drew criticism from the trenchant hardline religionists. For example, he writes positively about exercise[17], art[18], and Theodore Herzl[19], in each circumstance drawing the ire of some of his coreligionists.

In this vein, Rav Kook put a lot of thought into the transition from exile to Israel as a shift not only in space, but in thought and identity. The notion of *Torat Eretz Yisrael* gains importance, as it is a lens through which to view the theological impact of this shift on Torah-learning and thought.[20] He argues that the movement to the Land of Israel necessitates a broadened perspective, as the *Torat Eretz Yisrael* comprises a broadened, whole-picture perspective, in contrast to the particularistic, individualistic *Torat Chutz La-aretz*. He writes that *Torat Eretz Yisrael* "worries constantly on behalf of the whole, the whole soul of the entire nation. The details enter the whole, they are elevated in its elevations, crowned in its crowning…"[21] This isn't simply a shift in "the Torah in its understanding in learning, in the four cubits of halakha, but rather an enlightening of

all of life… From the depth of spiritual renewal, which prepares for *Torat Eretz Yisrael*, the boundaries that separate topic from topic, area to area… lessen."[22] This whole-oriented perspective encompasses all into a holistic composite, in which everything is realized to be one. He notes that "this broad divine flow…of all areas of the Torah….is available to be understood well only here on holy land…"[23] As part of this realization process, one realizes the inner unification of so many binaries: Aggadah and halakha, the individual and the nation, all particulars in their respective wholes. Rabbi Yaakov Moshe Charlop, a student and companion of Rav Kook, similarly affirms the notion of an old-new Torah for a new age, based off words in the Midrash that states "the Torah one learns in this world will be nothingness (hevel) in front of the Torah of Moshiach."[24]

Froman studied in the Kookian Yeshivat Merkaz Ha-rav and was a close student of its leader, R. Tzvi Yehuda Kook, and thus his conception of *Torat Eretz Yisrael* is significantly influenced by R. A.I. Kook's. Froman writes that "*Torat Eretz Yisrael* is an entirely different thing than *Torat Chutz La-aretz*. In my time the spirit of matters in Yeshivat Merkaz Ha-rav was as such: We are meriting to a great and powerful thing, a brand new Torah that our fathers didn't merit."[25] His strong memories of the overwhelming culture of Merkaz Ha-rav are testament to its influence on the then-young Froman. He then writes that the entire idea of *Torat Eretz Yisrael* is a focus on the strength of the whole instead of the particular. He connects this to halakha, noting that the conversations regarding the deal to free captive Israeli soldier Gilad Shalit was a question of the greater good versus the pain of an individual man, and *Torat Eretz Yisrael* in such a scenario looks at the "national factors" in addition to the more traditional *halakhot* of *pikuah nefesh.* This isn't to say that Froman's view of *Torat Eretz Yisrael* parallels R. Kook's identically, as the emphasis of divine jest and Purim-esque merriment seems absent from R. Kook's formulations. This is made apparent in Froman's statement that "In truth the world is full of tragedies… internal contradictions. The difference between myself and Rav Kook is that Rav Kook overcomes them through harmonistic methods, and I overcome them through humor."[26] However, they do share the view of the heightened need for paradigm shifts orienting the Jewish nation towards a broader, whole-focused thinking, than they had in exile.

Divine Jest

The notion of the "Jewish sense of humor" receives a lot of attention, and the role of this humor in rabbinic literature makes for an interesting history. The Talmud[27] records that Rabbah would open his lectures with a joke, and Rashi explains that this is "to open [the students'] hearts with happiness."[28] Tellingly, although Rabbah's students' hearts were open with joy upon hearing the joke, they would soon "sit in awe as he started the shiur."[29] It isn't always easy to identify what constitutes humor in the Talmud,[30] as some examples of Talmudic humor may be complex wordplays, insults, and bizarre scenarios; all of these are perhaps meant to mock, but they demand a high level of Jewish literacy. In later eras, there were even parody books written to imitate the style of rabbinic literature, such as Yehuda Alharizi's *Takhemoni*, the *Masekhet Purim,* and others.[31] In the Eastern European context, humor outside of rabbinic literature may have been used as a coping mechanism for constant oppression and powerlessness, as comedic appraisal grants a form of intellectual control of situations where the Jews may have had little other control. Freud, in his *Jokes and their Relation to the Unconscious*, posits that Jewish humor underscores the Jewish ability to empathize with the tragedy of Jewish community; highlight the moral values of Judaism; engage in honest self-critique; and embrace egalitarian social standards.[32] In any case, humor in rabbinic literature tends to be used as a pedagogical tool to maximize engagement; to mock other movements; or, occasionally, as part of a bantering discussion.

Froman's humor, while disarming, seems to be theologically laden, as is apparent in his equating of humor with both *Torat Eretz Yisrael* and *Torat Mashiach*.[33] In some places, his humor seems lighter and incidental, as in one piece whose entirety is his reciting a joke he appreciates;[34] in other instances Froman's humor seems to carry a profound message cloaked in comedic quality, such as his declaration that "one can't just be right wing or left wing, as you need two wings to fly."[35] This is deeply telling of Froman's own political views as an important figure in both the settler community as well as Jewish-Muslim dialogue and peace-building. In yet other portions, his humor is biting: he points out that given the degree of argument in the rabbinic world it is clear that *Hazal* had a sense of humor, for how else could they state that "Torah scholars increase peace in the world?"[36] In any case, Froman's statement that humor is his method of overcoming internal contradiction, as well as his aligning *Torat Ha-sechok* with *Torat Eretz Yisrael* suggest that this isn't the same type of Jewish humor that we have seen already. While there have been many funny rabbis, there have been few that refer to humor with the sort of theological import of Froman's "Torah of Humor." In order to find the roots of this position, we must go back some 200 years to a different countercultural Jewish mystic with a penchant for jest: Rabbi Nahman.

Rabbi Nahman of Breslov (1772-1810) was an early hasidic master and mystic and the founder of the Breslov Hasidic movement. Although "Rabbeinu," as he is referred to, speaks on a number of themes that are relevant to the contemporary reader, his embracing of the so-called *"sechok,"* which seems to be an embrace of the ridiculous, is most relevant here. Some of these counterintuitive statements are, like Froman's, a seeming attempt to impart a particular message or piece of wisdom, such as, "The essence of wisdom is to realize how far you are from wisdom."[37] In others, he shares a biting comedic edge, as in his opinion that "all the sages of Israel are in my estimation like a garlic peel."[38] As a major component of his writings are his exhortations against depression, in some places he writes that humor is important to lift one towards joy, saying with different formulations that "it is possible to come to joy even (alt. only) through matters of absurdity."[39] He goes so far as to say that "when a Jewish man rejoices himself through matters of absurdity (*mila di-shtuta*), he creates a major rectification, which is similar to the rising of the sparks of the *Shekhinah* from her exile."[40] This embracing of the ridiculous is certainly important in order to rise to happiness, which is depicted as the rectification of the *Shekhinah*, but a consideration of the following additional aspects of Rabbi Nahman's stance broadens our understanding of the role of humor in his teachings.

Much of Rabbi Nahman's most profound teachings were taught through the medium of fantastical tales; in one, "The Story of the Humble King and the Wise Man," Rabbi Nahman hints at the theological significance of the ridiculous. In this complex tale, a mythical king wishing to have a portrait of a certain other king, sends a wise man to the latter king's country in order to report back on the state of values there. The wise man, intent on delving the values of this nation, decides that in order to know the essence of this

country he would listen to the country's jokes, because "when one has to know something, one should know the jokes related to it." This is the joke he heard:

> Among all countries, there is one country which includes all countries…in that country there is one city which includes all cities of the whole country which includes all countries…in that city there is a house that includes all houses of that city which includes all cities…. And there is a man who includes everyone from that house…. and there is someone there who performs all the jests and jokes.

Although there is much to be gained from this fascinatingly profound story, the symbolism of the all-encompassing country/city/house/laughter is most relevant to us. Nahman of Cherin, a Breslover hasid suggests that the country in question is the land of Israel, the city Jerusalem, the house the Temple, and "this should be understood without explaining, since one cannot explain so much in such matters."[41] In Zvi Mark's stunning analysis of the story, the man who then lives in this "house" would be none other than the *Kohen Gadol*, the high priest, who finds a form of jest in the Temple. What is this jest? Mark writes that:

In the Temple, people give presents to the sublime Infinite God, atone before Him with a meal offering of fine flour, see in the smell of the incense of His being pleased, and the Levites sing to Him to make His time pass pleasantly. Is there a greater comedy than that?...The divine comedy describes God, the Infinite, as changing His mind because of the bribe of a calf. While this sentiment may seem to be on the border of heresy, Gelman points out that this statement of divine humor need not detract from the gravity nor legitimacy of the Temple nor G-d's worship. Instead, this serves to remind us of the simultaneous ridiculousness of all attempts of limited human action in the face of an Infinite G-d, as the aforementioned limited humans *continue their worship.* This demands an embracing of paradox, and is in line with a statement of Rebbi Nahman in which he says that "the main thing is the will and yearning…And in this way to pray, study, and perform the commandments. (And in truth, according to His greatness all of these services are nothing, but everything is "as though," for it is all just a joke compared to His greatness.)"[42] The paradox of Jewish life, within this perspective, is that it demands us to concurrently worship to the best of our abilities, while recounting that all of our attempts are a joke in the face of the all-present *Ein-Sof* that is beyond our own human comprehension.[43]

This is to say that part of the story of Judaism, or perhaps all religion, calls for us to acknowledge the grand absurdity of the presumption that any human activity can change the will of the all-encompassing God, while still behaving and acting as if it could. By God's command, we must believe that our actions and beliefs matter, while by God's existence and love we must understand that the notion of human initiative is ultimately laughable. Characterized here by the *Kohen Gadol's* laughter at the peak moment of human religious observance of the year, Rabbi Nahman isn't suggesting that the *Kohen Gadol* stop his weighty divine service, but rather that it must be held in balance with the realization that everything is nothing and nothing, everything. This laughter inducing paradox comprises the divine jest of our time.

With this intriguing perspective in hand, we can revisit R. Froman's own so-called *"Torat Ha-sechok."* Froman wrote that the Torah of our time is a Torah beyond questions of life-or-death, beyond *yetzi'at mitzrayim*, and is rather found in the ridiculous absurdities of Purim. These absurdities comprise all of human life in the face of the supernal "before G-d" that surpasses the gravitas of human life. By utilizing the notion of a "new Torah for a new generation" of Rav Kook, and the existential absurdity-embracing perspective of Rabbi Nahman, Froman forges an eminently enjoyable theology of humor. Definitions of this theology aren't easy, as one gets the sense in reading *Chassidim Tzochkim* that Froman would laugh at the very notion of a definition of Torat HaSchok, but it does call for a radical appreciation for the immediate intimacy of God. This intimacy calls all human action into comedic contrast, as any activity is nothing in the face of the infinite.

With a smile on his face and a witticism fresh from his tongue, R. Menachem Froman brought down a Torah of laughter and joy to the Jewish people, inundated with a seriousness beyond its years. Rav Froman sought to replace a lachrymose view of Jewish history with a humorous one, with trails of jest and joy instead of tears. Whether in joy or pain, from its truth or falsehoods, one thing is clear: the righteous will most definitely laugh from this.

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1 Rabbanit Froman appears in many pieces of Rav Froman's works, and is often referred to as "my master and rebbe, my wife…"

2 Much of this imbalance may due to availability of each writers' thought: Steinsaltz has published more than 25 works, while Shagar's works have been mostly published after his death in 2007, and are thus less numerous.

3 There have also been several smaller publications that have been distributed to smaller audiences, such as Din Ve-cheshbon Al Ha-shiga'on (Law and Thought on Madness), and Kuf Acher Elokim.

4 Piskah 169.

5 Ibid 144.

6 Ibid 28.

7 BT Bava Batra 158b.

8 Bereishit 2:12.

9 Bereishit Rabbah 16:4.

10 BT Bava Metzi'a 85a.

11 Rashi ad loc.

12 BT Sanhedrin 24a.

13 See Sanhedrin 24a, which interprets "He has made me dwell in dark places, as those that have long been dead" (Eikhah 3:6) as a reference to the Babylonian Talmud. See also Zohar Hadash Eikhah p. 93, also interpreting a verse in Eikhah; "'And the light': This is Jerusalem Talmud, which shines with the light of the Torah. After it is nullified, it is like being left in darkness, as it is written "he made me dwell in dark places", which refers to the Babylonian Talmud."

14 See Rivash to Ketubot 75.

15 It is also important to note that Professor David Weiss Halivni argues that much of the lengthy debates in the Babylonian Talmud are comprised of later "Stammaitic" redactions and if removed would reveal the two Talmuds to be much closer in text and style than usually thought.

16 R. Naftali Tzvi Berlin, Kadmat Ha'Emek, 1:9, writes that the distinction is similar to "One that wanders in a dark palace with many rooms, who can't find his way out…

One that has a flame in his hand to see his way out doesn't have to work as hard, but one that doesn't have a candle can escape only by reflecting on the wisdom of the palace, and by failing many times until he comes finds the exit, and understands the wisdom of the building much better than the first."

17 See Orot, 80:34. In a fascinating account, Agnon tells that, of the discussions surrounding the editing process of this piece of Orot, "R. Zvi Yehuda Kook recounted that when he was arranging the book Orot by his father Rav Avraham Isaac Kook of blessed memory, he brought him the entire work for examination before giving it to the printer. Meanwhile he remarked that it might be worthwhile to omit from the book the section on young Jews engaging in gymnastics, insofar as this section would likely be misunderstood by many and enemies would exploit it in their instigation. Rav Kook responded to him: 'Do you wish to do this because of the fear of Heaven? Rather it is the fear of flesh and blood, and I don't have this fear." See Agnon, Sefer, Sofer ve-Sippur (Tel Aviv:1978), p. 352, quoted by Shalom Carmy in "Dialectic, Doubters, and a Self-Erasing Letter: Rav Kook and the Ethics of Belief".

18 For example, Rav Kook said about seeing the National Gallery in London that "When I lived in London, I would visit the National Gallery, and the paintings that I loved the most were those of Rembrandt. In my opinion, Rembrandt was a saint. When I first saw Rembrandt's paintings, they reminded me of the rabbinic statement about the creation of light. When G-d created the light, it was so strong and luminous that it was possible to see from one end of the world to the other. And G-d feared that the wicked would make use of it. What did he do? He secreted it for the righteous in the world to come. But from time to time, there are great men whom G-d blesses with a vision of the hidden light. I believe Rembrandt was one of them, and the light of his paintings is that light which G-d created on Genesis day." Interview, Jewish Chronicle, 9 September 1935.

19 R. Kook famously eulogized Herzl, and in his remarks drew parallels between those that rebuild the physical structure of the Land of Israel, and Mashiach ben Yosef, drawing the ire of the ultra-orthodox zealots. See Kook, "The Lamentation in Jerusalem: On the Death of Dr. Theodor Herzl." Kook himself explained later to his father-in-law that in his opinion, Herzl "spoke pleasantly and politely, but… did reveal the fundamental failure of their...enterprise, namely the fact that they do not place at the top of their…priorities the sanctity of G-d and His Great Name… In my remarks, I offered no homage to Dr. Herzl per se." Letter to R. Elijah David Rabinowitz-Teomim, also known as the Aderet, 1904.

20 This may be in response to the Zionist value of shelilat ha-golah, negation of the exile, which called for a rebranding of the Jewish nation, from weak, passive, ghetto Jew to strong, vibrant, New Jew. Often forcefully detaching themselves from elements of Jewish history in the process, this evolution, or perhaps conversion, was actualized most clearly in the Hebraization of family names.

21 Abraham Isaac Kook, Orot Ha-Torah, 13:3. Similarly, he writes, "In every generation we need to love the Torat Eretz Yisrael, and all the more so in our general, the generation of disintegration and rebirth, the time of darkness and light, of desperation and strength. Due to this we need the antidote of life- specifically from the Torat Eretz Yisrael. We need to show the truth and clarity of this divine land……"

22 Ibid 13:4.

23 Ibid.

24 Rabbi Yaakov Moshe Charlop, a student and companion of Rav Kook, similarly affirms the notion of an old-new Torah for a new age, based off words in the Midrash that states "the Torah one learns in this world will be nothingness (hevel) in front of the Torah of Moshiach," Midrash Kohelet, quoted in R. Yaakov Moshe Charlop, Mei Marom, 6:24. Elsewhere, R. Charlop divulges that R. Yehoshua Leib Diskin, appeared to R. Charlop in a dream and spoke to him about the difference between the Bavli and the Yerushalmi. He then told R. Charlop that this was the primary innovation of R. Kook. See R. Yaakov Moshe Charlop, Hod Harim, Siman 36.

25 Hasidim Tzohakim Mi-zeh, 127.

26 Ibid 115.

27 BT Shabbat 30b and BT Pesahim 117a: "Like Rabbah, before he would open (the lecture) for the scholars he would say a humorous thing, and the scholars would rejoice, and they would then sit in awe and he would start the lecture."

28 Comments on BT Shabbat 30b.

29 Ibid.

30 See "But Is it Funny? Identifying Humor, Satire, and Parody in Rabbinic Literature", Jews and Humor (Studies in Jewish Civilization 22; ed. Leonard J. Greenspoon; Purdue University Press, 2010). See also Binyamin Engleman, "Humor Mutzhar, Galuy ve-Samuy be-Talmud Bavli" (Hebrew), Badad, vol. VIII (winter 5759).

31 Hillel Halkin looks at the influence of medieval Arabic traditions on the self-deprecating theme in Jewish humor in his "Why Jews Laugh at Themselves", Commentary Magazine, Vol 121, April 2006, No 4, pp. 47–54

32 Freud, S. (1960). Jokes and Their Eelation to the Unconscious (J. Strachey, Trans.). New York: W. W. Norton. (Original work published 1905). See also Elliot Oring (1984). The Jokes of Sigmund Freud. Univ. of Pennsylvania Press. ISBN 0-8122-7910-7.

33 Hasidim Tzohakim, Piskah 28.

34 Ibid 63.

35 Quoted by Raanan Mallek, "On the Influence of Rabbi Menachem Froman."

36 Hasidim Tzohakim, 148.

37 Likutei Maharan, 2:83.

38 Chayei Moharan, 290.

39 See Likutei Maharan 2:48: "The main thing is to be happy constantly, and to rejoice in all that one can, even through matters of absurdity, to make oneself like a madman and to do matters of absurdity and humor and jumping and dancing, in order to come to happiness, which is a major matter" (Italics mine). In Sichot ha-Ran 20, he writes similarly, but with an important deviation: "due to the many pains that a person has, that he carries on his body, soul, and money, therefore most people can't come to rejoice themselves unless through absurd matters (mila d'shtuta)…"

40 Likutei Halachot Nefilat Appayim 4:5.

41 Quoted by Zvi Mark, Mysticism and Madness in the Work of R. Nahman of Breslov, 229.

42 Sichot ha-Ran 34-35.

43 Ibid.

"And I Will Bless Them": Understanding *Birkat Ha-Kohanim* in its Scriptural Context

By Ilan Lavian

Among the rites that make up the Jewish prayer service, *Birkat ha-Kohanim* stirs particular curiosity. Mere human beings step in to offer (what appears to be) their own blessing as the congregation is about to implore God for His.[1]

Any attempt at understanding this irony must first consider *Birkat ha-Kohanim*'s origins in the book of *Bamidbar.*[2] There, the Torah introduces the blessing's formula only after it gives the instructions pertaining to the *sotah* and *nazir.*[3] Although much has been said for the Torah's juxtaposition of *sotah* and

nazir,[4] the reason as to why *Birkat ha-Kohanim* appears immediately after these two *mitzvot* seems less clear. Perhaps the reason is simply due to chronology. Or, perhaps, there exists a deeper reason for the juxtaposition, one which sheds light on the meaning behind *Birkat ha-Kohanim*. To uncover this meaning, we will first offer a comparative analysis of *sotah* and *nazir*. After having done so, we will relook at *Birkat ha-Kohanim* to suggest that its placement after *sotah* and *nazir* is not only deliberate, but also poignantly telling as to the nature of the *mitzvah*.

The fifth chapter of *Bamidbar* commences the book's discussion of *mitzvot,* and closes with the *mitzvah* of *sotah*. *Sotah*, Hebrew for one who has "gone astray," is the term the Torah ascribes to both a woman suspected of adultery by her husband, as well as the process she undergoes. To outline the *mitzvah* briefly: the suspicious husband brings his wife, as well as a *minchah* offering to a Kohen after having ineffectively warned his wife about her illicit conduct with another man.[5] The Kohen, in turn, "take[s] sacral water in an earthen vessel and, taking some of the earth that is on the floor of the Tabernacle… put[s] it into the water."[6] He then uncovers the *sotah*'s head, thus exposing her hair, and places her husband's *minchah* offering in her palms. Taking the sacral water, the Kohen recites an oath-curse that declares the punishment she will face if she actually did betray her husband, and proceeds to write the oath-curse onto parchment that is thrown into the water. The *sotah* subsequently drinks the water, and the Kohen offers the *minchah*. If the wife is guilty, the water will harm her physically, and their marriage will be terminated; if she is innocent, it will bless her womb with a child and re-allow the husband and wife to cohabit. The fate of the *sotah* and her marriage is thus left in God's hands.

After delineating the *sotah* procedure, the Torah introduces the procedure for becoming a *nazir*. If a person so chooses, they may take the nazarite vow, by which they temporarily forbid themselves from grape derivatives, cutting of the hair, and contamination through a human corpse. In adopting these restrictions, one effectively resembles a Kohen Gadol,[7] earning the priestly title of "holy to God." When one's stipulated term for *nezirut* ends, they are to bring an *olah*, *shelamim*, and *chatat* offering, along with two grain offerings to the Kohen for an official closing procedure. Notably, the *nazir* is commanded to have his hair shaven and offered as an additional sacrifice. The Kohen then takes a portion of the *nazir*'s offering, places it in the *nazir*'s palms, and gives the remaining portion as a *tenufah* offering. The ritual concludes with the *nazir* drinking wine, illustrating that his prior restrictions have been officially lifted.

Looking at the processes of the *sotah* and *nazir,*[8] the parallels between the two are striking. Both individuals take a vow that is integral to their respective *mitzvot*, and both must bring an offering to the Kohen to undergo their respective procedures. Both have their offering placed in their palm, and both have a ritualistic gesture performed to their hair. Lastly, both drink liquids to finalize their procedures. The role the Kohen plays in each process also warrants notice. The Kohen mediates the process that permits the *nazir* to wine, corpses, and haircuts, just as he meditates the process that (potentially) permits the husband to his wife. Furthermore, whereas the Kohen oversees the *nazir*'s shift from an elevated status to one of normalcy, he oversees the *sotah*'s (once again, potential) shift from a degraded status to a state of normalcy. Taking these parallels, as well as the juxtaposition of the *mitzvot* into consideration, we truly appreciate the Ramban's suggestion that the *sotah* and the *nazir* are direct contrasts of one another.[9]

An important point that emerges from the parallel structure of these two *mitzvot* is the prominent role that the Kohen has in each. Only through him may the *sotah* and her husband resume their marriage, and only through him may the *nazir* resume a normal life. Such a role on behalf of the Kohen entails his substantial involvement in the spiritual world of another person. One may be left wondering: Does not the Kohen's sizeable role interfere with one's relationship with God? It is precisely at this point that the Torah saw it fitting to introduce *Birkat ha-Kohanim*.

Before God gives the wording for *Birkat ha-Kohanim*, He has Moshe tell Aharon and the latter's sons: "Thus shall *you* bless the Children of Israel..." (My emphasis added) This line, *prima facie*, indicates that the blessing of *Birkat HaKohanim* stems from the Kohanim. Yet, after God reveals the blessing's wording, He says the blessing will "link *My* name with the People of Israel, and *I* will bless them." (Once again, my emphasis added) Apparently, although the blessing is delivered through the Kohanim, it nonetheless stems from God. It is also significant, as Rabbi Shimshon Raphael Hirsch has noted, that the Kohanim do not decide on their own accord to give the blessing. The halakhah requires that the congregants, themselves, invite the Kohanim to offer it. Not only is the Kohen not the source of the blessing; he is not the source of its occurrence, either.

The Rambam, in his *Mishnah Torah*, addresses another relevant law pertaining to *Birkat ha-Kohanim*. He says:

> "Do not wonder: 'What good will come from the blessing of this simple [Kohen]?' for the reception of the blessings is not dependent on the priests, but on the Holy One, blessed be He, as the Torah states: "They shall bestow *My* Name upon the children of Israel, so that *I* will bless them." The priests perform the mitzvah with which they were commanded, and G-d, in His mercies, will bless Israel, as He desires."[10] [My emphasis added]

As the Rambam would have it, the "reception of the blessing" is not dependent on the Kohen, either. Such is the reason as to why even a "simple" Kohen has the right to bless an entire congregation. The *Kohen's* role in this mitzvah is thus minimized. He is nothing more than a conduit.

That being so, we may now suggest a reason for *Birkat ha-Kohanim*'s juxtaposition with the *mitzvot* of *sotah* and *nazir*. After the delineation of these two *mitzvot*, the reader might have the impression that too much of Israel's spiritual world lies within the hands of the Kohen. After all, his presence is necessary to make the forbidden, permitted, and the sacred, profane. Lest one feel that the immediacy of the man-God relationship is affected by the Kohen's function, *Birkat ha-Kohanim* enters the picture to insist otherwise. The Kohen *is* the messenger for the blessing that offers an "intimate encounter in which we come face to face with God"[11]; nevertheless, the blessing does not stem from him; its effect does not lie in his hands, nor may he grant it at his own will. It is God, and God only, who "make[s] His face shine upon [Israel]."[12] And, what better way for the Torah to exhibit this truth than to do so through the Kohen, the one thought to be interfering!

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1 Birkat HaKohanim, of course, comes right before the Sim Shalom blessing, which asks for God's grace, lovingkindness, and mercy, among other things.

2 Even for the commentators, such as Ibn Ezra, who believe that Birkat HaKohanim appears earlier in the Torah (Vayiqra 9:22), all would agree that this is the first time the blessing is presented explicitly.

3 These two mitzvot will be defined and outlined in the following paragraphs.

4 See, for example, b. Sotah 5A; Ramban on Bamidbar 5:6; Abarbanel on Bamidbar 5:1.

5 The section pertaining to sotah, plainly understood, does not mention the husband's requirement to warn his wife before taking matters to the Kohen. This requirement is recorded in the Oral Torah.

6 Bamidbar 5:17; NJPS Translation.

7 See Rabbi Shimshon Rephael Hirsch's commentary on Bamidbar 6:6.

8 More specifically, the process the nazir undergoes to terminate his nezirut.

9 Ramban on Bamidbar 5:6.

10 Hilchot Tefilah 15:7, translation. Rabbi Eliyahu Touger's underlining and emendations.

11 Avishai C. David (ed.), Darosh Darash Yosef: Discourses of Rav Yosef Dov Halevi Soloveitchik on the Weekly Parashah (New York, N.Y.: Orthodox Union Press, 2011), p. 290.

12 Part of the blessing's wording; Numbers 6:25; NJPS Translation.

Jonah and the Paradox of Prayer and Repentance

By Reuven Herzog

The Book of Jonah occupies a prominent spot in the Yom Kippur liturgy. The themes of the book align closely with the themes of the day: distance and closeness to God, sin and punishment, and, most famously, repentance. The Beit Yosef comments on the inclusion of the book in the Yom Kippur service simply, *"u-maftir be-Yonah lefi she-yesh ba godel koach ha-teshuva,"* "and we supplement with Jonah because it includes the great measure of the power of repentance."[1]

It is surprising, therefore, that on the day devoted entirely to *teshuva* and *kappara*, a central Biblical text of the day seems to present repentance with an air of ludicrousness. The protagonist is known for his anger over the repentance of Nineveh, and God does not respond with a clear resolution; He may even endorse Jonah's perspective. Through the actions of Nineveh, Jonah's response to them, and God's final words, we see how repentance and atonement appear to lie in the realm of the absurd.

Chapter Three: Realistic Repentance?

The first two chapters of Jonah relate the initial command to the prophet to "go at once to Nineveh, that great city, and proclaim judgment upon it,"[2] his subsequent flight from this command, and his being cast into the sea when confronted with God's wrath. In the belly of a fish, Jonah prays to God and is then vomited back onto land. At this point, the start of Chapter 3, Jonah is commanded a second time to "go at once to Nineveh, that great city, and proclaim to it what I tell you."[3] This time, Jonah accedes to the command and goes to Nineveh. The rest of the chapter depicts the city's response to Jonah's message and concludes with God seeing the actions of the city and choosing to not destroy it.

A close reading of this chapter yields a feeling that something is off. From the outset, a motif of exaggeration starts developing. The city is described as *"gedolah lei-elohim,"* roughly translated as "enormously large."[4] Additionally, its size is given as a "three days' walk across."[5] Assuming a "day's walk" is approximately fifteen miles, a city that is 45 miles wide would be larger than Long Island, and five times as large as the city of New York!

The reader's apprehension is strengthened further upon recognizing the qualitative and textual similarities between Nineveh and Sedom: both cities were evil and faced a decree of destruction by divine wrath, each decree upon the cities making use of the language of *"hafikhah."*[6] Yet, although even Lot's closest relatives could not be convinced to flee the city, the people of Nineveh instantly listen to Jonah, a foreign prophet with no *bona fide*s and an extremely brief and vague message, not only accepting his word but responding to it!

The "repentance" shown by the people is the crux of the chapter, but it too does not seem to match the traditional Jewish perception of ideal repentance. Following Jonah's declaration, the text lists the sequence of actions taken by the inhabitants of the city:

1. The people of Nineveh believed God.
2. They proclaimed a fast.
3. Great and small alike put on sackcloth.
4. They news reached the king of Nineveh.
5. He rose from his throne.
6. He took off his robe.
7. He put on sackcloth.
8. He sat in ashes.
9. He had word cried through Nineveh.
10. His word said: No man or beast - of flock or herd- shall taste anything.
11. They shall not graze.
12. They shall not drink water.
13. They shall be covered with sackcloth- man and beast.
14. They shall cry mightily to God.
15. Let everyone turn back from his evil ways. [7]

These acts are primarily demonstrative, external behaviors associated with penitence; it is unclear if the people also engage in introspection and internal repentance. It is not until the fifteenth action that we see a relationship between the people and God as an element of their repentance, and only in the final action do we find explicit *teshuva*: *"ve-yashuvu ish mi-darko ha-ra'ah."*[8] Even

then, this *teshuva* is seen only in the king's command; the text does not record any account of the people doing this *teshuva*. God notices "their actions," but specifically only "that they had returned from their evil ways," ignoring the laundry list of penitential behaviors prior to this.[9]

The earlier motif of exaggeration resurfaces in this section as well. The adults immediately call a fast and wear clothes of mourning, and the children mimic their actions. Furthermore, the king not only extends his decrees to the children but, most shockingly, he includes animals in the commanded actions as well. What do children have to repent for, much less animals? Why are they included in this mass repentance?

All told, one could be skeptical of Nineveh's repentance. It seems too immediate, too staged, and too forced. The people expend significant energy on a performance to show God that they deserve His forgiveness and hardly any toward returning from their evil ways, which is relegated to the end of the list; the people of Nineveh believe that internal reflection and spiritual connection are less important than the other, more visible acts of penitence. The low esteem in which the people hold inner growth is concerning: if they do not truly value bettering themselves and repairing their relationship with God, then their outward acts of repentance are not real *teshuva*. The people's drastic response to Jonah's declaration of destruction is not an acceptance of *tochacha,* but rather a last ditch effort to avoid annihilation.

In this light, it is suddenly much more understandable why Jonah is so upset following the events of chapter three. Jonah proclaims that he knew exactly that this would happen: he knew that God is merciful and that He would forgive the evils of Nineveh. This is the very reason he fled the command in the first place: to avoid taking part in a system he despised. We can understand Jonah's appeal toward justice, toward sinners getting what they deserve. But why does the prophet so strongly hate repentance to the extent that he is willing to attempt an escape from before God? The events of chapter three indicate that it is not repentance as a concept that is anathema to Jonah's belief system, but rather repentance that is not genuine. He is not angry at God for including repentance in a system of reward and punishment; he is angry at God for accepting Nineveh's specific form of repentance: performative and inauthentic. Jonah claims that God operates on a system of cause-and-effect: one who performs the proper acts of repentance will be forgiven, even if he lacks the appropriate intentions. The ritualization of the heart is what Jonah cannot accept.

This understanding of Jonah's complaint resolves a major difficulty found earlier in the book: Jonah's prayer. Although framed as a plea issued by Jonah from inside the depths of a fish, this prayer actually reads like a giving of thanks: "In my trouble I called to the Lord, and He answered me; from the belly of *she'ol* I cried out, and You heard my voice."[10] Here, Jonah thanks God for his salvation and reflects on an earlier prayer. However, we do not see any evidence of an earlier prayer, and though Jonah did not drown, he is hardly alive either, and certainly not in a position to claim, "yet I will look again toward Your holy Temple."[11] Puzzling, too, is when Jonah claims, "When my soul wrapped around me, I remembered God; my prayer came before You, into Your holy Temple."[12] Is Jonah in a position to assert definitively that his prayer will be heard?

As we saw in chapter three and will see more explicitly in chapter four, a cause-and-effect relationship exists between man and God. Man repents and God forgives. Similarly, in chapter two, a causal relationship is seen regarding prayer: Man prays and God listens. One explanation of this relationship is that the act of prayer reveals man's dependence on God, and it is this sense of dependence that earns a response from the Creator. Jonah, however, still does not embrace the direct causation and instead issues a sarcastic commentary in protest. He prays to God, but doesn't ask for help. Rather, Jonah's prayer is a series of remarks on how prayer is effectual. Jonah speaks with such confidence without actually making any requests because he knows that, even with obvious cynicism, prayers are answered; that is simply how the world works. Jonah is proven correct, for, following his "prayer" for salvation, Jonah is returned to land, alive and well, able to complete his mission.

Chapter Four: The Kikayon and God's Final *Ein Hachi Nami*

Just as Jonah protests acceptance of the undeserving prayer in chapter two, he protests again in the beginning of chapter four. As opposed to God's indirect response after Jonah's prayer, using the fish as the intermediary, this time God responds directly, attempting to teach him via the *kikayon*. The message is not immediately clear and seems to end with a rhetorical question that lacks a satisfactory conclusion. The *kikayon* is an object that Jonah enjoys, and Jonah is distressed by its destruction. The *kikayon*, however, does not seem to deserve its existence. Humanity similarly may not entirely deserve its existence, but nevertheless God has pity on it. In the first two chapters God shows that He does not have unlimited tolerance because He is ready to destroy Nineveh and the ship on which Jonah is travelling; sin and punishment have important roles in God's relationship with the world. However, God also takes pity. To earn this pity, the most basic repentance is enough, even one that is only demonstrative and not authentic. At least the sinner is doing *something*.

Jonah protests that this is not entirely just. The sinner does not mean his repentance; he did not earn his forgiveness! And God responds, *"Ein hachi nami."* That is correct; it is not just. But that is how God conducts the world.

Yom Kippur seems almost paradoxical. Supposedly we spend the entire month of Elul on repentance, working to fix our mistakes from the previous year in preparation for the judgment on Rosh Hashana. The succeeding seven days we devote to an intense repentance period. Yet the day itself is a day of atonement, a day when we appeal to God not by virtue of our success in repentance, but by virtue of His mercy. We know we have not perfected ourselves, and we are similarly aware that we will falter during the coming year; there is no self-aware penitent on Yom Kippur who does not think he will need another Yom Kippur the following year. But despite our inadequacy, we feel confident coming out of the service that we have been forgiven, cleaned, and healed. This is the "unjust" message of Jonah, and why it earned a place in the Yom Kippur service. To some degree, *teshuva* and forgiveness are absurd. But, says God, *"kach alah be-machashavah le-fanai."*[13]

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1 *Shulkhan Arukh, Orah Ha'im 622:2.*
2 *Jonah 1:2.*
3 *ibid. 3:2.*
4 *ibid. 3:3.*
5 *ibid.*
6 *Genesis 19:25; Jonah 3:4.*
7 *Jonah 3:5-8.*
8 *ibid. 3:8.*
9 *ibid. 3:10.*
10 *ibid. 2:3.*
11 *ibid. 2:5.*
12 *ibid. 2:8.*
13 *Menachot 29b.*

Between Heaven and Earth: The Clash of Theory and Reality in *Masekhet Hagigah*

By Natan Oliff[1]

"Three times a year all your males shall appear before the Sovereign, the Lord" (Exodus 23:17), declares the Torah, instituting the *Shalosh Regalim* of Sukkot, Pesaḥ, and Shavuot, when Israelites would celebrate in Jerusalem and "appear before the Sovereign, the Lord" in the Temple.[2] Such an awesome encounter provokes multiple questions about our relationship with Hashem. Thus, centered around the topic of the *Shalosh Regalim* – specifically the encounter with Hashem – *Masekhet Hagigah* discusses the following questions: Who can be worthy of encountering Hashem? What insights can we glean about our relationship with Hashem? And how do we reconcile attempting to limit divine confrontation to those exhibiting ideal character traits while simultaneously considering the nuanced reality of human imperfection and character inconsistencies?

Who can be Worthy of Encountering Hashem?

Hagigah's first Mishnah lists the different personalities exempt from the encounter – such as the deaf and mute – which the Talmud later derives from the laws of *Hakhel.*[3] Yet, the Talmud is still bothered: While the exemption of the deaf – who cannot hear the Torah reading – is logical, for what reason should the mute be exempted (*Hagigah* 3a)? The Talmud explains that the mutes' exemption from *Hakhel* stems from their inability to teach Torah. This answer reveals a profound insight about the nature of *talmud Torah.* Encountering Hashem through the Temple service or Torah learning often serves as an invigorating educational and growth-oriented experience. Yet, this experience cannot occur in an isolated vacuum. Being privy to divinity – directly or indirectly – entails the responsibility of sharing and educating. Just as Hashem creates and teaches, so too, we should create and teach.[4] Hashem desires us to serve both as the subject and object of education, as a medium through which Torah can flow like water.[5]

The theme of righteousness also appears repeatedly in *Hagigah*. On 4b, multiple sages quote harsh biblical passages that evoke tears, such as the opening chapter of Isaiah: "That you come to appear before Me – Who asked that of you? Trample My courts" (Isaiah 1:12) and "'What need have I of all your sacrifices?' says the Lord. 'I am sated with burnt offerings of rams' (ibid v. 11). Thematically, Isaiah's opening chapter focuses on Hashem's rejection of the Israelites' *korbanot*. Interestingly, Hashem's reasoning for rejecting *korbanot,* perhaps the ritual mitzvah *par excellence*, proceeds from Israel's deficient merit within the realm of interpersonal mitzvot, as expounded later on: "For behold, the Master, the Lord of hosts, shall take away from Jerusalem and from Judah support and staff, every support of bread, and every support of water; the mighty man, and the man of war; the judge, and the prophet, and the diviner . . ." (Ibid. 3:1-4) In *Hagigah*'s exposition, each personality within Isaiah's prophecy possesses expertise in a particular area of Torah: "'Support'; these are masters of the Bible. 'Staff'; these are masters of Mishna, such as Rabbi Yehuda ben Teima and his colleagues" (*Hagigah* 14b). Yet, despite Jerusalem's citizens' wealth of Torah, their immoral and untrustworthy business dealings provoke Hashem's wrath (Ibid.). Seemingly, Hashem refuses to evaluate His relationship with humankind in a vacuum. The halakhic system operates on a holistic level, encompassing both the vertical and horizontal relational planes. To some degree, the validity of ritual practices depends on the performance of interpersonal mitzvot, and vice-versa. Thus, to don one personality while conversing with Hashem, but another while conversing with others, stains the authenticity and validity of the individual's prayers.[6]

Finally, *Hagigah* adds another dimension to the interconnectedness of interpersonal and ritual mitzvot – moral conduct that exceeds legalistic halakhic and moral observance – acting *lifnim mishurat hadin,* beyond the letter of the law. The following story is cited:

Rabbi Yehuda HaNasi and Rabbi Hiyya were walking along the road. When they arrived at a certain city, they said: "Is there a Torah scholar here whom we can go and greet?" The people of the city said: "There is a Torah scholar here but he is blind." Rabbi Hiyya said to Rabbi Yehuda HaNasi: "You sit here; do not demean your dignified status as *Nasi* to visit someone beneath your stature. I will go and greet him." Rabbi Yehuda HaNasi grabbed him and went with him anyways, and together they greeted the blind scholar. When they were leaving him, he said to them: "You greeted one who is seen and does not see; may you be worthy to greet the One Who sees and is not seen" (Ibid. 5b).

For Rabbi Yehuda HaNasi, a renowned Torah scholar, remaining behind would not have constituted a violation of any interpersonal or ritual mitzvot. Yet, he acted *lifnim mishurat hadin*, beyond the letter of the law, by visiting the blind scholar, meriting the blessing of greeting the "One Who sees and is not seen." Building on *Hagigah*'s theme of righteousness, Rabbi Yehuda HaNasi merits to encounter Hashem not based upon his rigorous observance of interpersonal mitzvot, but rather through a sensitivity to act *lifnim mishurat hadin*. Similarly, Hazal stress this concept's importance by shockingly attributing the Temple's destruction to Jews

who "insisted narrowly on strict Torah law, and didn't judge beyond the letter of the law" (*Bava Metzia* 30b). Adherence to Torah law only constitutes a portion of a Jew's duty. In-between periods of black and white exist grey areas specific and unique to each individual and situation. Those moments force the individual to act proactively and decisively, guided by the spirit of the law.[7]

Humanity: Subjects or Objects

The blind scholar's blessing alludes to another central theme in *Hagigah*: seeing or being seen. Depending on its punctuation, the word *yirah* assumes different meanings. When punctuated with a *tzeireh*, it becomes *yera'e*: "to be seen." However, when punctuated with a *hirik,* it becomes *yireh*: "to see". This grammatical distinction changes the entire meaning of the encounter with Hashem. Does man appear before Hashem as a passive object? Or, is he a proactive subject who actively seeks out Hashem's presence? Throughout *Hagigah*'s progression, Hillel and Shammai continue to explore this topic and its related themes. One such debate centers around whether Hashem began creation with the heavens, the angelic celestial realm, or with the earth, humanity's domain (*Hagigah* 12a). Each position reflects a philosophy behind Hashem's intent in creation and on humanity's purpose. According to Hillel, who holds the latter, Hashem created the world with emphasis on humanity and the physical, worldly realm. In contrast, Shammai believes that the physical world assumes secondary importance in relation to the afterlife and Hashem's heavenly kingdom. In a similar debate, the two schools discuss the relative merits of the *hagigah* and *olah korbanot*. Shammai prefers the *olah,* as it goes up entirely to Hashem, reflecting the conception that humanity exists to serve Hashem. In distinction, Hillel prefers the *hagigah*, of which both Hashem and man partake. In this conception, humanity's service should benefit both themselves and Hashem (Ibid. 6a).

Hagigah enters the debate. Explicating on the ambiguity of the word *yirah*, the Talmud expounds, "In the same manner that one comes to be see, so too he comes to be seen" (*Hagigah* 2a). In relational terms, if Shammai portrays humanity as Hashem's servants, and Hillel portrays Hashem as humanity's aid, then *Hagigah*'s new formulation conceives of Hashem and humankind as entering a partnership. In this worldview, humanity actively seeks Hashem, growing and rejoicing in His presence, while at the same time assuming the role of a passive observer. Reish Lakish joins the debate, advancing a fourth position. In regards to the world's creation, Reish Lakish teaches that Hashem created the heavens before the earth, but implemented the earth before the heavens (Ibid. 12a). Here, Reish Lakish differentiates between the idealistic and pragmatic. Ideally, the spiritual realm exists as the highest, most coveted plane of existence. Yet pragmatically, humanity resides in a physical world. Previously a gladiator, perhaps Reish Lakish is best suited to possess this worldview. To reach great heights in the spiritual realm, it is imperative to recognize the reality and importance of the physical realm as a necessary beginning and stepping-stone upwards.

Pragmatic Concerns

Just like Reish Lakish, *Hagigah* discusses the integration of idealism and pragmatism. After devoting much text to developing the ideal personality required to encounter Hashem, *Hagigah* turns its focus to the complexities and intricacies of the practical world. In reality, few people maintain complete consistency and commitment and human beings are inherently imperfect, resisting placement into neat boxes. Thus, *Hagigah* tackles this tension, discussing personalities or situations which transcend labels. The heretical character of Aher strongly personifies this tension. Aher, previously known as Elisha ben Avuya, entered *Pardes*, a place of metaphorical closeness to Hashem, with four fellow scholars (Tosafot to *Hagigah* 14b). While Aher's experience caused him to become a heretic, he still retained his Torah knowledge.

All of *Hagigah*'s possible stances advanced in response to Aher lay upon a spectrum, ranging from complete rejection to acceptance. Generally, Hazal leaned towards the former tendency. Of the four sages who entered, only one returned unscathed. Of the others, Aher became a heretic, one went insane, and another died. Within the story, the general populace rejects Aher, reflecting the aforementioned opinion that rabbinic credibility stems from a holistic virtuousness. On a general level, the Aher dilemma represents a nuanced, uncertain situation with potential for both good and bad. Hazal's position represents a risk-averse approach, an unwillingness to gamble for rewards in light of potential loss.

Risk-aversion actualizes itself in retreat and hiding from the source of uncertainty.[8] Translated into Hebrew, the word "hidden" comes from the root g.n.z. which appears in other places in *Hagigah*. For example, the Talmud describes the story of a child who dies while expounding Ezekiel's esoteric *merkavah* prophecy (Ibid. 13a). Consistent with their previous response, the sages propose to hide (*lignoz*) the Book of Ezekiel, a risk-averse position. Yet, the sages are not alone in their conduct. The Talmud explains that even Hashem acts, so to speak, with risk-aversion. For, after considering how the wicked might abuse the original light that was created, Hashem conceals the light, dubbing it the "hidden light" (*or haganuz)* (Ibid.12a).

On the other hand, *Hagigah* presents stances that hover around risk-neutral and even risk-seeking areas. For Rabbi Meir, Aher's former student, a turn towards heresy could not justify abandoning Aher. Despite social pressure from others, and even Aher himself, Rabbi Meir continues to follow Aher, hoping to glean teachings from his vast repositories of Torah knowledge. Aptly described as one who "found a pomegranate; ate the inside and threw away the peel" (Ibid. 15b), Rabbi Meir believed in the possibility of exclusive contact with Aher's positive traits. The ability to confront risk and uncertainty requires a level of self-confidence in one's ability to reject the bad and benefit from the good. Similarly, in the case of the child who studied Ezekiel's vision of the *merkavah*, a dissenting rabbi questions his fellow sages' confidence in their ability to encounter divinity through His texts, exclaiming, "If he [the child] was a sage, we are all sages!" (Ibid. 13a)

In addition to complexity of human personalities, *Hagigah* also considers the psychological and emotional nature of people. *Amei ha'aretz*, ignoramuses, characterized by their lack of Torah knowledge, presented a huge problem during the Temple pilgrimage. Entering Hashem's Temple, an immensely holy place, requires a high level of prudence in regards to purity of body and possessions. *Amei ha'aretz*, who are unlikely to be well-versed in, or careful regarding these laws, present a *tumah* liability. Ideally, simply banning *amei ha'aretz* from entering the Temple would fix the problem. However, doing so would open up the possibility of enmity, as Rabbi Yossi explained, "For what reason are all people, i.e., even *amei ha'aretz*, trusted with regard to the purity of their wine and oil that they bring to the Temple for sacrificial purposes

throughout the year? Why is the status of these items not investigated to determine that they were prepared with the necessary regard for ritual purity? In order to avoid schisms among the people, so that each and every individual should not go off and build a private altar for himself and burn a red heifer for himself" (Ibid. 22a). As in previous dilemmas, *Hagigah* presents multiple options for dealing with *amei ha'aretz*. Here, Rabbi Yossi allows their entrance to the Temple in certain situations, acknowledging the values of cohesion, community, and pragmatism. The value of pragmatism comes into complete force towards *Hagaigah*'s close. After fleshing out multiple debates discussing the nuances and tension between avoiding enmity but also *tumah*, *Hagigah* debates the maximum distance from which *amei ha-aretz* can be trusted to bring ovens to Jerusalem without rendering them *tamei*. The following conclusion is related:

A *tanna* taught in a *baraita*: They are deemed credible even with regard to large earthenware vessels for sacrificial food, and not only small ones. And why did the Sages exhibit so much leniency, waiving their regular decrees of impurity within Jerusalem for large vessels and all the way to *Modi'in* for small vessels? Because there is a principle that potters' kilns may not be made in Jerusalem, in order to preserve the quality of the air in the city. It is therefore necessary to bring in earthenware vessels from outside the city, and consequently the Sages were lenient concerning such utensils (*Hagigah* 26a).

While allowing *amei ha'aretz* to bring ovens from Jerusalem poses dangers of *tumah*, Hazal possessed no other option, as the concern of pollution prevented the production of these ovens in Jerusalem. Thus, despite all these stringencies and importance of avoiding *tumah*, Hazal, allow for leniency due to pragmatic concerns.

Reconciling Tensions

Despite *Hagigah*'s focus upon obsolete rituals and customs, the philosophical underpinnings of its debates and tensions carry immense relevance for the present day. Thus, from *Hagigah*'s main theme–the encounter with Hashem–stems two general tensions: theory versus reality, and humanity's status as either objects or subjects. Theoretically, only those of the highest halakhic, ethical, and intellectual caliber should receive permission to encounter Hashem at the Temple on the *Shalosh Regalim*. In reality, however, Hazal accounted for multiple variables. First, they considered the variable of complex personalities–such as Aher – who possessed both positive and negative qualities. The Aher debate revolves around a cost-benefit analysis of a situation's potential outcomes. Second, they considered the negative externalities related to limiting Temple access. In our case, these externalities assumed the form of schisms and rebellion within the Jewish people. Third, at times, logistics and pragmatics required non-ideal solutions, as noted in the case of the *Modi'in* ovens.

Similarly, any socio-organizational group undergoes these tensions. Preferably, any group should comprise only the utmost qualified candidates. Realistically, however, most candidates contain a complex package of talents, attitudes, and behaviors. Thus, it behooves the institution to engage in cost-benefit analysis and determine the extent of their risk-aversion. However, risk-aversion–extending from perfectionism and fear of loss–must bend to the specific logistic and pragmatic concerns of the situation. Any institution must acknowledge and factor its limited quantity of time, options, and resources in decision making. Additionally, in communal settings, the variable of enmity and division looms. Being overly selective and elitist may lead to backlash and eventually schisms within the community.

Humanity's cosmic standing divides Shammai and Hillel throughout *Hagigah*. Beginning with the punctuation of the word *yirah*, *Hagigah* debates whether divine experiences, such as the encounter and Torah learning, should be an end in itself–a divine demand–or as a means towards an invigorating, growth-oriented experience. *Hagigah* ultimately presents the experience as encompassing both elements, with the caveat that it includes an obligation to spread the inspiration. Similarly, Shammai and Hillel struggle with the tension between physical reality and spiritual loftiness. Shammai believes that the physical reality of *olam ha-zeh* simply pulls us from the spiritual heights of *olam ha-bah*. Hillel, however, acknowledges Hashem's creation of *olam ha-zeh* and its physicality. Thus, physicality, to some degree, must contain purpose and meaning. Reish Lakish attempts to synthesize both opinions: presenting the spiritual *olam ha-bah* as the goal, but acknowledges the reality of *olam ha-zeh* and its practical importance in reaching *olam ha-bah*.[9]

These important issues inform hashkafic attitudes in modernity. The motivation behind *Torah U'Mitzvot* in specific, or any actions in general, depend upon these two philosophies. Either deeds should be performed purely out of a sense of obligation, as articulated by Kant's Categorical Imperative, or for personal refinement and elevation as well, categorized as a Virtue Ethics approach.[10] Similarly, the role of physicality serves as an important topic. The importance of non-*Torah U'Mitzvot* activities, such as secular studies, occupations, political involvement, athletics, and arts revolve around these worldviews. Either they serve as distractions at best, or dangers at worst, of which we should avoid on our path of serving Hashem. Or, perhaps Hashem intended for us to seek His presence within the entirety of our existence: between both the spiritual and physical realms.

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1 I would like to thank R. Yehoshua Weisberg, R. Jon Kelsen, Max Gruber, & Sam Finkel for helping me work through the masekhet and develop some of these themes and ideas.

2 Unless noted, all translations from Gemara are from Steinsaltz and all translations from Tanakh are from JPS.

3 As commanded in the Torah (Devarim 31:10-12), the Jews were commanded to commence a public Torah reading called Hakhel every seven years.

4 Man as a co-creator with Hashem, similar to the idea I mentioned above, is a central idea in R' Joseph Soloveitchik's Halakhic Man: "Halakhic man is a man who longs to create, to bring into being something new, something original. The study of Torah, by definition, means gleaning new, creative insights from the Torah (ḥiddushei Torah) . . . The notion of ḥiddush, of creative interpretation, is not limited solely to the theoretical domain but extends as well into the practical domain, into the real world. The most fervent desire of halakhic man is to behold the replenishment of the deficiency

of creation, when the real world will conform to the ideal world." See Joseph B. Soloveitchik, *Halakhic Man*, transl. by Lawrence Kaplan (Philadelphia, 1983), 99.

5 The comparison of Torah to water appears multiple times throughout the works of Hazal. For example, "And Rabbi Ḥanina bar Idi said: Why are matters of Torah likened to water, as it is written: 'Ho, everyone who thirsts, come for water' (Isaiah 55:1)? This verse comes to tell you: Just as water leaves a high place and flows to a low place, so too, Torah matters are retained only by one whose spirit is lowly, i.e., a humble person" (Taanit 7b).

6 This theme also appears in regards to fasting during the Haftorah on Yom Kippur, where the people claim merit due to their fasting. Yet, Hashem explains that fasting only serves as the means to the end of fostering righteousness and destroying wickedness (Isaiah 58:1-14). It also appears very poignantly in the first Mishnah of the second chapter of Taanit: "The eldest member of the community says to the congregation statements of reproof, for example: Our brothers, it is not stated with regard to the people of Nineveh: And God saw their sackcloth and their fasting. Rather, the verse says: 'And God saw their deeds, they had turned from their evil way' (Jonah 3:10). And in the Prophets it says: 'And rend your hearts and not your garments, and return to the Lord your God' (Joel 2:13)" (Taanit 15a).

7 Ramban firmly believed that Halakhah could only delineate specific behavioral guidelines for a portion of one's life, and it could be quite possible to be a completely observant Jew yet still be act as a scoundrel (Naval Birshut HaTorah): " ... And the matter is [that] the Torah prohibited sexual transgressions and forbidden foods, and permitted sexual relations between husband and wife and the eating of meat and [the drinking of] wine. If so, a desirous person will find a place to be lecherous with his wife or his many wives, or to be among the guzzlers of wine and the gluttons of meat. He will speak as he pleases about all the vulgarities, the prohibition of which is not mentioned in the Torah. And behold, he would be a scoundrel with the permission of the Torah. Therefore, Scripture came, after it specified the prohibitions that it completely forbade, and commanded a more general [rule] - that we should be separated from [indulgence of] those things that are permissible" (Ramban to Leviticus 19:2). This position is only feasible based on the assumption that Torah and Halakha has a certain spirit or level of holiness that lies behind the mitzvot.

8 "Loss-Aversion," as termed by psychologists Daniel Kahneman and Amos Tversky, seems to dominate human cognition and decision making. According to their "Prospect Theory," given an equal probability of either gaining or losing and equal amounts of money, most people will refuse to take the gamble, as potential loss inherently holds more weight and overshadows the possible gains. Thus, humans prefer safety and certainty in the face of double-edged risks and gambles. For more on this topic, see Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011).

9 In *Halakhic Man*, R. Soloveitchik strongly advances the position that Halakhah, in contradistinction to most religions and faiths, places a supreme importance on this world and life. See Soloveitchik, *Halakhic Man*.

10 Rabbi Yitzchak Blau, in his article "The Implications of a Jewish Virtue Ethic," provides a great explanation of this topic: "Yeshayahu Leibowitz argues that the proper motivation for conduct according to Jewish law most closely resembles the Kantian ethic. Of course, Kant saw autonomous human reason as the source for determining our duty, while a Jewish Kantian sees the Divine command as the source. Nevertheless, the common denominator is that both value a particular motivation for behaving morally, namely the performance of one's duty. However, according to a Jewish virtue ethic, the cultivation of a benevolent personality reflects the fulfillment of a Divine directive. If so, one who successfully develops the trait of benevolence will want to give charity or comfort a mourner irrespective of the specific Mizvah to do so. A person's need to constantly struggle against inclination in order to adhere to these mizvot would indicate that such a person has not adequately fulfilled imitatio Dei." For further explanation, see Yitzchak Blau, "The Implications of a Jewish Virtue Ethic," *The Torah u-Madda Journal* 9 (2000): 19-41.

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Symposium

Addressing Contemporary Struggles with Prayer

Contributors to this symposium were asked to respond to the following prompt:

In recent years, there has been a proliferation of new editions of siddurim (with innovative commentaries) for holiday, weekday, and Shabbat prayers. Moreover, new forms or styles of prayer services have become more popular in the Orthodox community. Presumably, this reflects the continued attempt to maintain the relevance and impact of prayer for the Jewish people. Thus, we asked guest contributors to respond to the following prompt relating to Jewish prayer:

1. What is your assessment of Orthodoxy's ongoing struggle with enhancing prayer on a communal, institutional, or individual level?
2. What means or technique to enhancing prayer do you see as the most promising at this moment, and why?

*Editor's Note: For a fascinating presentation of one method for teaching students the meaning of daily prayer, see Dr. Rivkah Blau's symposium response titled "Davening: It's A Trip" which is featured on our website (kolhamevaser.com).

Hashem Sifati Tiftach: Paying More Than Lipservice to Tefila

By dr. deena rabinovich

Walking into a preschool program during *tefilla*, a visitor will see children sitting in a circle, belting out the words to songs like "*Modeh Ani*" or "*Torah Torah*." That might be about as good as davening gets in our schools. If a visitor were to enter a third grade classroom in a typical Modern Orthodox school, she will likely find students seated at desks, with siddurim open, and hear the teacher remind the students "*etzbah ba-makom*" (fingers on the place). Some students might actually be pointing to the correct line, and may even be reciting it. Others will be squirming or daydreaming. Seventh grade *tefilla* will more likely take place in a communal setting but the results are not necessarily any better. By this age, students are no longer adjured to keep their fingers on the right page, but are constantly admonished to sit still and to stop talking. And as those who work in our high schools know, it is often a battle just to get students to show up for *tefilla*.

It is not (or should not be) news that there is an ongoing struggle with tefilla that characterizes most Modern Orthodox Day Schools. While students may start off as passionate practitioners, they tend gradually to tune out of *tefilla*. *Tefilla* deteriorates year by year, from a joyous time of song for the youngest students, to a struggle for attention and decorum that is painful for both student and teacher by the time middle school rolls around, never mind high school.

The problem, of course, has not gone unnoticed. Administrators and educators have tried various practices to engage the disengaged. They have experimented with different siddurim; they have shifted the start time of *tefilla*; they have shortened the length of *tefilla*. They have tried new techniques like introducing music during *tefilla* and *kavvanot* (setting intentions) before. But while some of the changes work for some of the time, overall the effect is not unlike placing a single band aid over a severed artery. The more I hear of supposed new methods for solving the problem, the more I am reminded of Rav Yehuda Amital's observation "*ein patentim*" or, "there are no shortcuts (or tricks)." Addressing the subject of tefilla requires not just a quick fix, but a complete shift in mindset about the nature of *tefilla* and how we relate to God. That is not something that a new siddur can do and probably not something even dedicated teachers and administrators who make it a priority can do on their own, without something changing in our homes and in our communities concerning our fundamental relationship with God (or the absence of one). Try, though, we must. So, what can our schools do to address this most frustrating issue?

In many schools, the *tefilla* curriculum consists of two elements- the content (understanding what the words and tefillot mean) and skills (knowing how to read the words and knowing what to do at the various tefillot). But there is another crucial element that is not addressed (and it is easy enough to see why not)- namely,

the affective or emotional side of davening. What should a student be feeling when praying? How do we teach feeling? What (if it is not impertinent to ask) do we feel when we daven?

Tefilla, according to Rav Soloveitchik, is a means of communicating with God. While he describes other ways in which man interacts with God (the intellectual, the emotional, and the volitional), prayer, according to the Rav, is unique because it is a dialogue. The other ways are:

> (o)ne directional, unilateral acts performed by man… where man transcends his finitude but God does not respond by meeting him halfway… (while prayer is a) dialogue which is bilateral and reciprocal; a dialogue that exists when one person addresses another, even if the other is silent.[1]

The Rav continues:

> In praying, we do not seek a response to a particular request as much as we desire a fellowship with God… when we pray, God emerges out of His transcendence and forms a companionship with us- the Infinite and finite meet and the vast chasm is bridged.[2]

A dialogue does not always presume that both participants are talking, but does assume that both are present and are invested in the relationship. As Rabbi Hayim Halevi Donin so eloquently and honestly put it in his introduction of his *To Pray as a Jew*:

> It is true that at times I pray only because it is my duty to obey the Jewish law that requires me to pray. But there are also times that I pray because I sincerely want to pray. These are the times when I want to reach out and talk to my Father in Heaven, to my Maker, the Holy One, blessed by He. These are the times when I want to cry out to the Supreme Being, to communicate with Him in a way that I can communicate with no one else. I cannot see Him but He is real. He is there…. Whether God will accept my prayers and affirmatively respond to them, I do not know. That He hears my prayers, I firmly believe![3]

Knowing that God hears our prayers is part of understanding that prayer is built on a relationship with God. Introducing a new edition of the siddur, however student-friendly, is not a solution on its own. What we need to incorporate in the classroom are lessons that teach students how to develop a relationship with God. It sounds quite "chutzpadic," as Rabbi Nathan Lopes Cardozo notes, "How does man dare to speak to God, the Master of the Universe?" We dare, contends Cardozo, because:

> We just continue a conversation of more than five thousand years, started by men and women who really dared and knew the art of prayer… We can stand before God only when we remind ourselves that we continue this daring conversation because others started it.[4]

How do we teach our students the language of this conversation? How do we teach them how to enter into a relationship with the Divine? Somehow, we need to teach them not only the language and the mechanics of this conversation, but also need to provide them with tools for developing a relationship.

The mechanics of *tefilla*, which is now part of many curricula, includes the skills of reading the words, the understanding of what the words mean, and a knowledge of the appropriate laws regarding tefilla. Rather than teaching these in separate lessons, it may be more effective to incorporate those sessions into the tefilla experience itself (think the better beginner minyanim).

The relationship aspect of *tefilla* is more difficult to teach. As is suggested by the metaphoric understanding of *Shir Ha-Shirim*, and as Rambam famously wrote about learning to love God, we learn about relationships with God by analogy with relationships we have with other people. As such, one could begin by teaching the art of human relationships- what it means to be a friend, how to talk to a friend, how to listen to a friend (elements that are part of the Responsive Classroom curriculum, and specifically the Morning Meeting.) It is hard to develop a relationship with the Divine, so incorporating lessons on grit and developing an open and reflective mindset in the classroom would be helpful. And, as always, one should model for one's students- the difficulties in prayer, how you as an individual overcome them, and by showing (not just saying) how important *tefilla* is to you personally.

Any new approach to *tefilla* will need to be paired with the realization that meaningful prayer is a constant struggle and requires education, patience, compassion and grit. Even once one learns how to daven, meaningful *tefilla* is hard to achieve. Rav Amital used to say that he davened three times a day in order to achieve that one meaningful *tefilla* a year. Schools need to invest a lot of resources to making *tefilla* a major priority, and not merely paying lip service to the notion.

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1 *Abraham R. Besdin, Reflections of the Rav: Lessons in Jewish Thought adapted from the Lectures of Joseph B. Soloveitchik (Hoboken, NJ: Ktav Publishing House, 1990), 77.*

2 *ibid.*

3 *Hayim Halevi Donin, To Pray as a Jew: A Guide to the Prayer Book and the Synagogue Service (New York: Basic Books, 1980), 3.*

4 *Nathan T. Lopez Cardozo, "On Speech and Prayer" in Between Silence and Speech: Essays on Jewish Thought (Lanham, Maryland: J. Aronson, 1995), 198.*

Can Prayer Be Meaningful?: Feeling the Presence of God

By rabbi dr. jacob j. schacter

Tefilla presents, for me, the most formidable challenge I face as someone trying to be a responsible and committed Jew. The sheer repetitive nature of the required text - three times a day, at least, every day, without any break - often makes it hard for me to muster even a small measure of authentic feelings. I am familiar with the three-fold division of the weekday *Amida*– giving praise, stating requests, and articulating thanks – but I find it hard to express these sentiments, even on occasion, with any degree of sincerity. How is it possible to recite the same exact words thousands of times and identify emotionally with what is being recited?

The problem arises because *tefilla* is described by Hazal (*Ta'anit* 2a) as *avodah she-ba-lev*. To properly fulfill this *mitzvah*, it is insufficient to just recite words. While, in the formulation of Rabbi Joseph B. Soloveitchik, that articulation constitutes the *act* of the *mitzvah*, what he calls the *ma'aseh ha-mitzvah* or *pe'ulat ha-mitzvah*, a proper *fulfillment* of the *mitzvah* requires as well an inner, experiential dimension that involves the emotions or the heart, what he calls the *kiyyum ha-mitzvah*. Prayer, for him, "consists of both experiencing the complete helplessness of man, his absolute dependence upon God, and the performance of the ritual of prayer, of reciting fixed texts."[1] If this is the case, if feeling or experiencing is an indispensable component of the fulfillment of *tefilla*, the bar is set very high indeed. How many times can one recite *Ashrei* and find *Ashrei* meaningful?

No wonder the Orthodox community is struggling with finding meaning in *tefilla*, for both young and old alike.[2] Different siddurim, with different size letters, fonts, colors, pictures, and translations, are being produced at a rapid pace, all with the goal of, somehow, making *tefilla* more personal and, thereby, more meaningful.

It is hard for me to suggest which methods of enhancing the *tefilla* experience are most promising at this time. *Tefilla*, for me, is a most personal experience, and all individuals need to determine what they, personally, would find necessary for *tefilla* to be meaningful for them. I can only address what I find most useful for me, and that is to focus on recognizing, as I am getting ready to pray, that I am about to initiate a private, intimate encounter with God. It would be nice, of course, to feel this way for the entire davening, but I am happy if I can achieve this state even just for the *Amida* or even just for part of the *Amida*. I work to try to imagine myself as if I am standing *lifnei Hashem*, in the presence of God, engaged in a personal conversation with Him.[3]

The notion of *tefilla* as a *lifnei Hashem* experience is well known. Rabbi Soloveitchik repeatedly noted that prayer is an encounter with God. He even went so far as to assert that when one prays, one finds oneself in the presence of God, not just aware that one is addressing God (this is, indeed, the substance of much of the words we recite), but aware that one is, actually, in God's presence. "Prayer is basically an awareness of man finding himself in the presence of and addressing himself to his Maker, and to pray has one connotation only: to stand before God."[4] There is precedent for this imagery in the Rambam's *Hilkhot Tefilla* where he underscored this as fundamental to the *tefilla* experience: "What is meant by intention (*kavannah*)? One should clear his mind from all thoughts and envision himself as if he is standing before the Divine Presence (*ke-ilu hu omed lifnei ha-Shekhinah*)" (4:16); he should stand like a servant before his master (*ve-omed ke-eved lifnei rabo*) (5:4).

The real question is, of course, how to cultivate such a sensibility. What can one do to feel "as if he is standing before the Divine Presence," "like a servant before his master?" I have long struggled with this but found it easier to do when I began personally to resonate with two statements of Rabbi Soloveitchik in which he described having felt this way in his own personal life. I was aware of them from the time they were both first published in 1978, but only in the last few years have I felt their force and power. One describes the influence his mother had on him: "I learned from her the most important thing in life – to feel the presence of the Almighty and the gentle pressure of His hand resting upon my frail shoulders."[5] He portrays here how his mother taught him to experience God in a direct, personal, and unmediated way. The second specifically describes an experience he had while engaged in prayer:

> Eleven years ago my wife lay on her deathbed and I watched her dying, day by day, hour by hour; medically, I could do very little for her, all I could do was to pray. However, I could not pray in the hospital; somehow I could not find God in the whitewashed, long corridors among the interns and the nurses. However, the need for prayer was great; I could not live without gratifying this need. The moment I returned home I would rush to my room, fall on my knees and pray fervently. God, in those moments, appeared not as the exalted, majestic King, but rather as a humble, close friend, brother, father: in such moments of black despair, He was not far from me; He was right there in the dark room; I felt his warm hand, *ke-va-kakhol*, on my shoulder, I hugged his knees, *ke-va-kakhol*. He was with me in the narrow confines of a small room, taking up no space at all.[6]

Regretfully, I do not know how to teach others to achieve this level of awareness of the immediacy of God's presence. But I feel very blessed that I achieve it once in a while and it is this that sustains me, when I engage in prayer and when I don't. Prayer is meaningful to me when I feel the closeness of the God to whom I am directing my prayers.

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1 Joseph B. Soloveitchik, "Marriage," in *Family Redeemed: Essays on Family Relationships* (2000), 40. See also Rabbi Joseph B. Soloveitchik, *'Al ha-Teshuvah* (Jerusalem, 1975), 41-44; Joseph B. Soloveitchik, *On Repentance* (Northvale and London, 1996, 1984), 71-74; Joseph B. Soloveitchik, *Worship of the Heart: Essays on Jewish Prayer* (Jersey City, 2003), in passing.

2 See "Exploring the Power of Prayer," the cover story of the current issue of the Orthodox Union's *Jewish Action* 78:1 (Fall 5778/2017): 18-37.

3 I do recognize that R. Chaim Soloveitchik famously states that Rambam requires that the awareness of standing lifnei Hashem extend for the duration of the entire Amidah. See Hiddushei Rabbenu Hayyim ha-Levi, Hil. Tefillah 4:1.

4 Joseph B. Soloveitchik, *The Lonely Man of Faith* (Lanham, 2004), 56.

5 Joseph B. Soloveitchik, "A Tribute to the Rebbetzin of Talne," *Tradition* 17 (1978): 77.

6 Joseph B. Soloveitchik, "Majesty and Humility," *Tradition* 17 (1978): 33. The first quote comes from a talk he delivered on January 30, 1977, the second from a talk he delivered on April 14, 1973.

Personalized Prayer

By rabbi ezra schwartz

Few can question that *tefilla* in our communities is seriously lacking. Our shuls leave us with davening that is too often, even at its best, rushed and uninspiring. At its worst, the experience can be downright painful to hear off-key mispronunciations of Hebrew and to witness the rampant talking and disrespect for what should be *avoda she-beleiv.* Ask high school educators and you are likely to hear that they dread *tefilla* and the enforcement of what so many students find meaningless. As high-schoolers mature and develop, both intellectually and spiritually, and even when they return from Israel with a more intense approach to Torah and mitzvot, too often this does not translate into a more meaningful *tefilla*. Therefore, it is no wonder that Yeshiva University is constantly experimenting with minyan times and locations; the most popular minyanim on campus are the most rushed.

There have been many significant attempts at improving *tefilla* in our communities. Sadly, they have largely failed. While new siddurim are published with the aim of adding insight and profundity to our davening, most often these are not read, and if read, they don't improve the tefilla experience. As Rabbi Shalom Carmy notes regarding *tefilla*, quoting the legendary *gaon* Yogi Berra, "You can't think and hit at the same time." In other words, one cannot learn about *tefilla* and daven at the same time. New siddurim are often left to adorn our bookshelves with their beautiful covers but do not do much to transform our prayer. Music has been added to many tefillot, particularly Kabbalat Shabbat, in an effort to engage more *mispallelim* in sincere prayer. Leaving aside the problematic name for these *tefilla* services, in practice they enhance only prayers of secondary importance. Kabbalat Shabbat may be very beautiful, but subsequently, during *ma'ariv*, the *shemone esreh*, which is meant to be the spiritual apex of prayer, remains uninspired and rushed. In contrast to the communal involvement experienced during Kabbalat Shabbat, *ma'ariv* lags behind, and *tefilla*, in its pure form, remains lax.

So what, if anything, can be done? I would argue that we need to shift the way we teach and educate about *tefilla*. Too often, the focus is on the importance of the words themselves. However, students are never trained to go beyond the text and are never introduced to the opportunity to personalize their prayers.

In *Parshat VaYechi*, Yakov Avinu tells Yosef "*Va-Ani hineh natati lekha shekhem ehad al ahekha, asher lakakhit mi-yad ha-emori be-charbi u-bekashti*."[1]

Yosef was given a double portion including Shechem, which Yakov took from the Emori with his sword and bow. In our standard versions of Onkelos, this verse is interpreted not as a physical sword and bow but rather as to two terms for prayer: *tseloti* and *ba'uti*. These two terms for prayer are often assumed to be synonymous but, in reality, they are quite different. *Tseloti* refers to the common prayers that everyone says. *Ba'uti* however, refers to supplication, to the personal requests that an individual can add during his or her prayers (See *Avoda Zara* 8a). These additional prayers are not referred to with the sword metaphor, but with the metaphor of a bow. Unlike a sword that can be effective whether or not the holder is skilled, a bow changes in effectiveness based on the skill of the holder. Great expertise is needed to properly ascertain the force with which one pulls the bowstring and the proper angle at which to hold the bow. It is the effect of the bow, not the sword, that varies based on the skill of the holder. Therefore, the personal prayers added by the individual to reflect the deepest recesses of his or her heart are characterized as *kashti*, a bow.

To my mind, we make a mistake by only focusing on the fixed nature of prayer and ignoring its personalized supplicatory nature. Students don't find prayer inspiring because they don't find it personal. As adults, we never learned how and when to add our personal needs to tefilla. Interestingly, in Rav Soloveitchik's essay *Ra'ayonot al Ha-Tefilla,*[2] he speaks of the personal supplicatory, individual nature of *tefilla*. The Rav describes how *tefilla* is meant to reflect the crises which lie at the depths of an individual's soul. He speaks about the personal needs that one is meant to convey in *tefilla*; of how an individual is supposed to go through profound soul searching in prayer. Our failure to convey the difference between my *tefilla* and your *tefilla*, our inability as educators to open our souls and share with our students what we pray for, may actually impede our community's ability to improve the sincerity and devotion of our prayers.

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1 Bereshit 48:22.

2 Joseph B. Soloveitchik, "Ra'ayanot al haTefilla," HaDarom 47 (1979), 84-106.

Revisiting Classical Essays

Jewish Tradition on Ethics Beyond the Law: Revisiting R. Aharon Lichtenstein's Essay, "Does Jewish Tradition Recognize an Ethic Independant of Halakha"[1]

By David Rubinstein

As a mode of life, religion is often expected by its adherents and critics to guide toward the good and deter from the bad. Halakha, the observance of which is the principal fulfillment of Judaism, is supposed to be related to the fulfilment of the ethical. But what exactly is that relationship?

That is the question of R. Aharon Lichtenstein's article, "Does Jewish Tradition Recognize an Ethic Independent of Halakha?"[2] His answer is that the relationship is one of inclusion: 'The ethical moment we are seeking is itself an aspect of halakha."[3]

The nuances of this inclusion depend, for R. Lichtenstein, on the specific primary rabbinic source under examination. The term taken to imply a legal appeal to the ethical is *lifnim meshurat ha-din*– beyond the letter of the law. From R. Isaac of Corbeille's work *Sefer Mitzvot Katan*, which lists the obligation to behave *lifnim meshurat ha-din* as one of the 613 biblical commandments, R. Lichtenstein draws the most "rigorous" version of inclusion. Other medieval scholars do not give *lifnim meshurat ha-din* (or the analogous concept they prefer to discuss, such as *imitatio dei* for Maimonides) as important a role within halakha as being one of the 613 biblical commandments. The Rosh, for example, gives *lifnim meshurat ha-din* such an unimportant role that he deems whatever imperatives the category may create as un-actionable in a court of law. The overwhelming thrust of the sources, however, is that "traditional halakhic Judaism demands of the Jew…commitment to an ethical moment that [is]… in its own way fully imperative."[4]

Halakha, for R. Lichtenstein, is an ambiguous term. It can refer narrowly to *din* (law) only, whereby "everything can be looked up, every moral dilemma resolved by reference to code or canon." This conception of halakha, unsurprisingly, does not include many of the ethical imperatives we would expect a legal system that is concerned with morality to contain. However, halakha can also refer more broadly both to *din* and to *lifnim meshurat ha-din*. This conception of halakha allows for an ethic not identical to halakha, narrowly construed, that halakha, broadly construed, recognizes.

Presumably, it is coherent to refer to both by the term halakha for their obligatory nature. What distinguishes *lifnim meshurat ha-din* from the narrow boundaries of halakha is the degree of its obligation and, more significantly, its flexibility. While *din* "imposes fixed objective standards," *lifnim meshurat ha-din* evolves from "a specific situation and, depending upon the circumstances, may vary with the agent."[5]

So far we have summarized R. Lichtenstein's main argument. His thesis has the virtue that it establishes an inclusive relationship between ethical imperatives and Jewish norms, but it does so while maintaining them distinct from narrowly construed law. Because of the balance he strikes between those two considerations, critical responses to R. Lichtenstein's take do not abound. However, here we will discuss three critics of R. Lichtenstein's thesis.

R. J. David Bleich contests R. Lichtenstein's view that *lifnim meshurat ha-din* can be divorced from *din*.[6] The subcategories that fall under the category of *lifnim mishurat ha-din*, R. Bleich insists, are clearly objective and "are themselves encompassed within the corpus of Halakha."[7] While R. Bleich concedes that "of course"[8] there is an ethic beyond the recorded halakha, he believes that the content of this ethic is formulated in the Aggadah rather than the halakha, to the extent that it is recorded at all.

This brings us to the methodology R. Lichtenstein employed in this article. In order to uncover what "Jewish tradition" recognizes, he surveyed a specific class of texts in the Jewish tradition. Namely, R. Lichtenstein's analysis draws from the writings of medieval halakhists and their predecessors. This bibliography is not surprising; his topic self-selects in this way. When he asks what Jewish tradition says about halakha, R. Lichtenstein is predetermining that his discussion will be about traditional Jewish sources that spoke about halakha – namely, medieval halakhists and their predecessors.

But there is perhaps a more significant reason that R. Lichtenstein stays within this specific genre of literature: this is his view of what halakha is. For R. Lichtenstein, the nature of the religious experience in Judaism is that of normativity. As he writes, "The Jew is, first and foremost, a summoned being, charged with a mission, on the one hand, and directed by rules, on the other."[9] Since the religious experience is a predominantly legal one, and the pursuit of the ethical is, as our opening hypothesis states, a religious experience, it stands to reason that the content of the ethical be included in the corpus of halakhic content. This may be what motivates R. Lichtenstein to keep the ethic for which he searches within the legal realm, even if broadly a defined one, and not place it in the Aggadic realm as does R. Bleich.

We turn to a second critique, which argues that in fact Judaism does recognize an ethic that is independent of halakha. R. Asher Meir writes that although R. Lichtenstein argues that "moral obligations *per se* are superseded by a Torah commandment to act ethically,"[10]

there is evidence that areas of natural morality are not subsumed under any other halakhic category. His evidence is drawn from somewhat different types of sources than the ones R. Lichtenstein used. The examples R. Meir provides of "large swathes of natural morality" that "remain outside not only the halakhot themselves but also beyond what is included by *lifnim mishurat ha-din*"[11] are not the specific wording of medieval scholars.[12] Rather, they are the products of observations combined with logic. One example is debating with God in the face of apparent injustice as Abraham and Moses did. On this, R. Meir asks rhetorically, "Was this ethical principle subsequently subsumed into Halakha at Mount Sinai?"[13] Another example: the requirement to adhere to agreements, which cannot originate in the Torah "for the simple reason that our obligation to keep the Torah originates in it."[14] Thus, instead of integrating all ethical imperatives into Halakha, R. Meir concludes that "the tension between ethics and halakha remains."

Finally, we mention a critique R. Lichtenstein raises himself:

> [Isn't] this exposition mere sham? Having conceded, in effect, the inadequacy of the halakhic ethic, it implicitly recognizes the need for a complement, only to attempt to neutralize this admission by claiming the complement has actually been a part of the Halakhah all along, so that the fiction of halakhic comprehensiveness can be saved after all.[15]

R. Lichtenstein ultimately resolves his own challenge by pointing out three concrete ramifications of including within halakha the heretofore independent ethic. First, by including the ethical within the halakhic, technical exemptions of *lifnim meshurat ha-din* are decreased. While the *din*-level law would have excluded some cases due to legal technicalities, the *lifinim mishurat ha-din* extension of halakha legislates to include those cases as well. The second ramification is providing halakhic context for ethical decisions. The third, and perhaps most significant ramification is that the marriage of Jewish law and the ethical creates a framework within which the Jew can "integrate" his or her "whole self."[16]

For R. Lichtenstein, then, one of the more significant virtues of his view is that halakha, with his broad conception, can reflect the "full range of personal activity"– the totality of a person's being.[17] This recalls R. Lichtenstein's religious ontology of the Jew that we have already cited: "first and foremost, a summoned being, charged with a mission, on the one hand, and directed by rules, on the other."[18] All actions, whether legal or ethical, exist only with relation to the will of the "commanding Taskmaster," who deems them obligatory or optional, permitted or forbidden. Halakha is "the quintessential *devar Hashem* (word of God),"[19] and inasmuch as the *devar Hashem* points to good and bad, in addition to musts and must-nots, it points there through the halakha.

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1 I thank my friend and teacher Avraham Wein for the motivation to write this article and much of the information contained herein. I also thank my friend and colleague Yair Strachman for his time and willingness to discuss some of the content of this article.

2 Aharon Lichtenstein, "Does Judaism Recognize an Ethic Independent of Halakha?" in Modern Jewish Ethics: Theory and Practice, ed. by Marvin Fox (Columbus, OH: Ohio University Press, 1975) 62-85.

3 Lichtenstein, 70.

4 Lichtenstein, 83.

5 Lichtenstein, 79.

6 J. David Bleich, "Is There an Ethic Beyond Halacha?" in J. David Bleich, The Philosophical Quest: of Philosophy, Ethics, Law and Halakhah (Jerusalem: Maggid Books, 2013), 125–141.

7 Bleich, 133.

8 Bleich, 141.

9 Aharon Lichtenstein, "Why Learn Gemara," in Aharon Lichtenstein, Leaves of Faith v. 1 (Jersey City, NJ: Ktav, 2003), 1-17, at 3.

10 Asher Meir, "Does an Ethic Independent of Halakha Remain an Autonomous Source of Obligation?" in That Goodly Mountain, ed. by Reuven Ziegler, Shira Schreier with Dov Karoll, Yitzhak S. Recanati, (Alon Shevut, Israel: Yeshivat Har Etzion, 2012), 41-47, at 41.

11 Meir, 46.

12 This is true also by design of the argument. R. Meir's argument is from omission, so finding medieval scholars is not in line with the form of his argument.

13 Meir, 46.

14 Meir, 46.

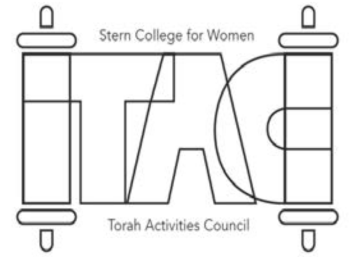
15 Lichtenstein, "Does Jewish Tradition Recognize an Ethic Independent of Halakha," 76-7. He also formulates another objection before this one but due to the structure of this exposition it is not relevant at this point.

16 Lichtenstein, 81.

17 Lichtenstein, 82.

18 Lichtenstein, Leaves, 3.

19 Lichtenstein, Leaves, 4.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