

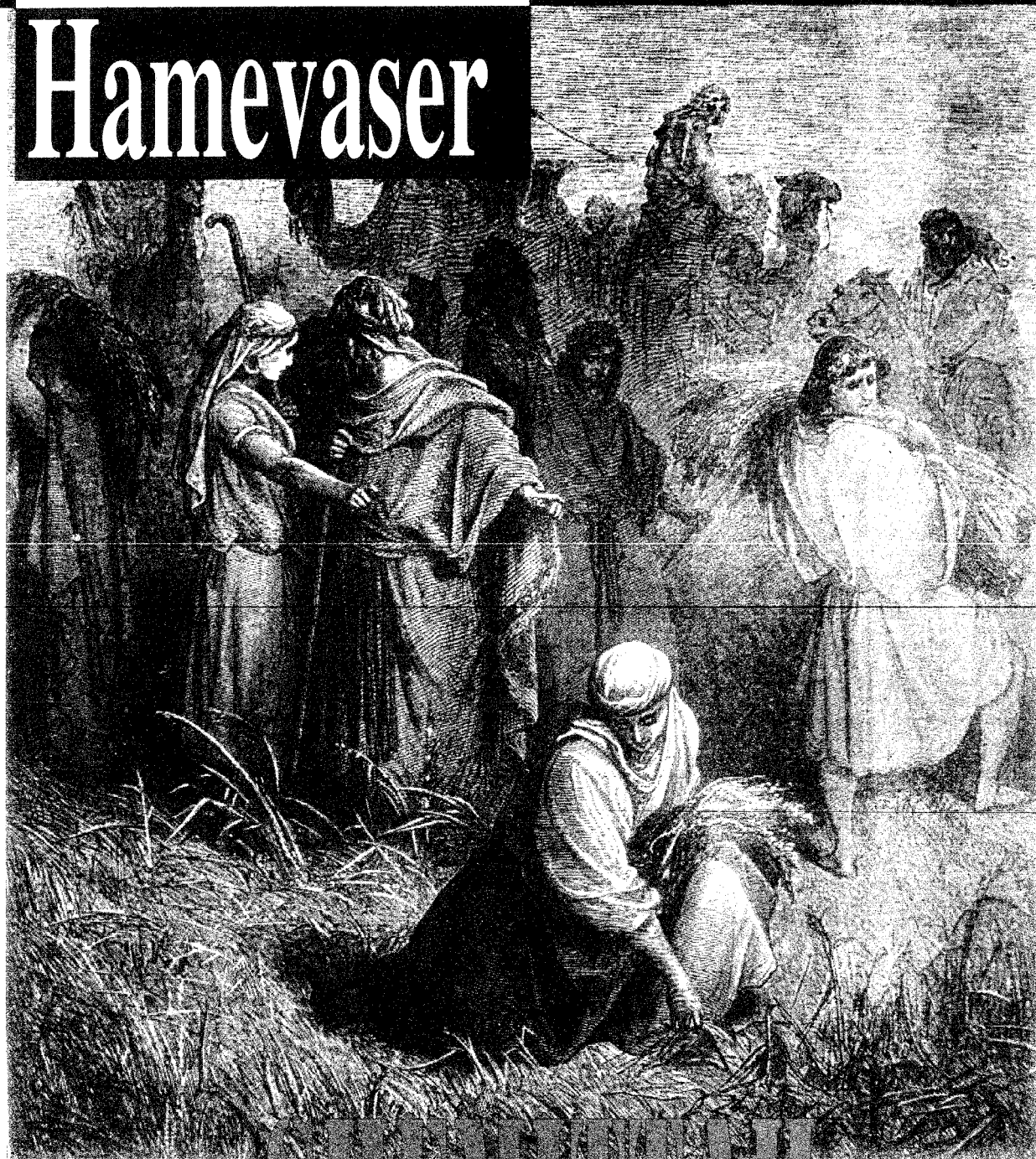
המבשר

*Inside: Rav David z"l Remembered*

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# Hamevaser



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# EDITORIAL

## "Kol Biyshivah 'Ervah"

One question about the Kol "controversy": what's the *hava 'amina*?! That *halachah* takes a dim view of the stuff we found in our mailboxes recently is neither a surprise nor a secret. Such expression has no place here. So why has there been disagreement and discord?

We were going to applaud Rabbi Lamm, Dean Nulman and Danny Gurell for their decisive action—but honestly, we feel sort of silly heaping praise on people for doing what was so obviously necessary and proper. As Rabbi Lamm said during the recent Dorm Talks, a *yeshiva* is a place where, in an atmosphere of *vir'at shamayim* and *talmud Torah*, *talmidim* are encouraged to grow spiritually and religiously. That fragile atmosphere must be preserved.

We found the *pareve* editorial reaction of *The Commentator* particularly troubling: "Students have the right to privately express themselves in any way they wish" because "freedom of speech is of the utmost importance." That's just not true, especially in an institution like ours. Make no mistake—we agree that freedom of speech is important. But the Founding Fathers are simply irrelevant in the face of an older, wiser, and above all, holier tradition than theirs. "*Le'olam 'al yotzi 'adam davar meguneh mipiv.*" Furthermore, is it really as "inexcusable" as *The Commentator* thinks for Yeshiva to take action on a religious matter without first "consulting" professors of English? Inform, perhaps, as a matter of courtesy. Consult? No.

This episode involves not only a *halachic* issue but a fundamental religious one, one which goes to the core of our commitment both inside Yeshiva and out. *Madda is nada* if it does not contribute to our *'avodat Hashem*. Just as we don't leave our critical skills and broadmindedness at the door on our way into the *bet midrash*, we also don't leave our *kippot* at the door on our way out.

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## "Torat Hashem - Meshivat Nafesh"

by Ruby Spolter

It's something of an unwritten rule: Never stay home for *Simchat Torah*. So, as I always play by the rules, I headed to Yale University to enjoy the last days of *Sukkot* vacation in a new environment.

I must admit, it was like nothing I have ever experienced. Arriving shortly before *Yom Tov*, we were off to retrieve mattresses from the law school storage room. Entering the school building, I noticed two men deeply engaged in a scholarly discussion, something vaguely reminiscent of two yeshiva students arguing over a point in a *Tosafot*. Pointing out this phenomenon, my host (a Yale Law Graduate) turned to me and said, "You have to realize that this is the Volozhin of the secular world." Having seen such serious intellectual discussions only in my religious yeshiva experience, their intensity discussing a secular subject jarred me, as I had always placed such fervor solely in the "Torah" world.

On *Simchat Torah*, we took a tour of the University with another graduate spending *Yom Tov* at Yale. Every building told a story; every location had historical significance. The craftsmanship and artistry on the Yale grounds were not simply beautiful, but overwhelming. Surroundings Yale students take for granted mesmerized me. The libraries, both in magnitude and opulence conveyed an intoxicating commitment to knowledge and culture that I've never before felt in my educational experience.

Walking back to our apartment, my host turned to me and said, "You have to admit that in a yeshiva education, you're definitely missing something. You know that the *gemara* says *chokhmah bagoyim taamin*. How can you deny it here?"

"Yes," I agreed. "I truly am missing something." *Chokhmah bagoyim taamin*.

Yet, given the choice all over again, I would still choose Yeshiva University over Yale, or any other university. Discovering what I lack allowed me to see what I have, and what the pageantry and magnificence of Yale can never offer. It also showed me that my choice to attend Yeshiva was indeed a wise one. While the men and women of the Yale Law School discuss law like it's *Tosafot*, I talk *Tosafot*. For all the beauty of the Yale campus and the enticement its culture, none of that compares with the ability to spend much of my day talking *Tosafot*.

Over the weekend, I discovered the perfect *kiruv* pick-up line. I simply ask people, "What do you do all day?" The question begs the subsequent explanation; my rigorous schedule, the Jewish Studies program, beginning secular classes at 3:00 pm and homework at midnight. All of these things amaze people who thought that they worked hard. Yet, in the various discussions which result, there remains one thought I cannot adequately articulate. When I tell people that I spend seven hours a day learning *gemara*, much of that time dedicated voluntarily, they invariably ask, "How do you do it all day? What could be that compelling?"

Prepared for precisely that question, I nevertheless grope for its elusive answer. How can I explain the pleasure of unraveling a difficult *sugya*, *Rashba*, or *Ran*? How do I convey the deep feeling of purpose that envelops me through the hum of the *Bet Midrash*? I cannot, for it's like nothing I've ever known in my secular life.

On *Simchat Torah* night, we repeat a song over and over: *Torat Hashem Temimah, Meshivat Nafesh*. How often do we realize the ultimate truth in these words? To the unschooled, it's a catchy tune, and especially easy to dance to, but to those who comprehend its depth, it remains a guiding life force.

Still, for all the sacrifices that I make in my secular education, I am gratified that I have learned enough to appreciate the magnificence of a Yale University. Whereas before my Yeshiva education I would have shrugged off a Monet as a "nice picture, though kind of blurry," I now realize that the world has much to offer. This recognition only contributes to my sacrifice, as I now see how much any Ivy League experience would enrich me. *Chokhmah bagoyim taamin*? Without question.

But even more importantly, *Torat Hashem Temimah, Meshivat Nafesh*.

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# Women In Distress

## Prenuptial Agreements in Halachah

by Chaim Gottesman

This article is dedicated to the memory of my grandmother, Frances Devorah Gottesman, a"h.

Few situations both sadden and frustrate the contemporary Orthodox Jewish community as does that of the *agunah*, one who is held in matrimonial limbo by her recalcitrant husband. Motivated by greed or spite, a husband may withhold a *get* from his civilly divorced wife, leaving her unable to halachically remarry. The dilemma becomes a disaster when discouraged women opt to ignore the *halachah* and remarry without *gittin* from their first husbands, and subsequently raise *mumzerim* from their second marriages. Although there is little formal recourse post facto, an agreement signed by both parties before the marriage may prevent this unhappy situation. This article will present some of the *halachic* issues relevant to such agreements and discuss various forms offered by today's authorities.

The most basic agreement, a solution proposed by the Conservative movement, would obligate the husband to pay a fine upon his refusal to issue a *get* to his wife. Forty years ago, the Rabbinical Assembly inserted an amendment into the Conservative *ketubah* which would ensure a religious dissolution of the marriage via a *get* (Proceedings, 1954). In the event of marital breakdown, both parties obligate themselves to a) recognize the authority of the Beth Din of the Rabbinical Assembly to counsel them in matters pertaining to their marriage, b) to summon either party at the request of the other, and c) to impose fines for failure to respond to the summons or to carry out decisions of the Beth Din.

Although the intentions of the Conservative

movement were commendable, their chosen means were less than satisfactory. Rabbi Dr. Norman Lamm, (Tradition Fall 1959), presents a cogent critique of the amendment, demonstrating that it does not meet halachic standards.

According to *halachah*, any gift, sale, or obligation between two parties must be accompanied by the assurance that both parties have full knowledge of, and consent to, all conditions implicit in the agreement. If there is any doubt as to the full awareness of either party of the ramifications of the agreement, the agreement is invalid, as it constitutes what the *gemara* refers to as an '*asmachta*'. The Talmud (*Bava Metzia* 104b) discusses a case in which a share cropper agrees to pay a penalty to his landowner if he fails to plant his field. According to the *gemara*, the agreement is not binding and the landowner cannot collect the penalty. The agreement is invalid because it is an '*asmachta*', as the sharecropper never truly obligates himself, fully believing that he will plant his field.



The same problem invalidates the Rabbinical Assembly's *ketubah*. Our Conservative husband never envisioned that he would divorce his wife, much less stand in the way of her remarriage. After all, how many husbands expect marital bliss to wither and wane? The husband never seriously considered divorce as an eventuality and therefore did not obligate himself to pay the fines imposed by the Conservative Beth Din. To demand payment of such a fine is nothing more than extortion.

Rabbi J. David Bleich (Journal of Halacha and Contemporary Society, Spring 1984) notes another basic problem with this penalty agreement. According to one opinion cited by Rama (*Even Ha Ezer* 134:5), a *get* executed by the husband in order to free himself from a monetary penalty is invalid *lechatchila*, as it constitutes a *get me'ushch*, a coerced *get*.

### Arbitration Agreements

In place of the problematic penalty agreement, Rabbi Bleich (*ibid.*) suggests an arbitration agree-

*Continued on page 6*

## We Need A Rosh Yeshivah

by Lavi Greenspan

The recent passing of our guide and teacher, the Rav zt"l, has left our yeshivah at one of the most critical junctures of its history. *Yeshivat Rabbeinu Yitzchak Elchanan* continues to assume the role as the leading voice for Centrist Orthodoxy. The positions and attitudes adopted by the leaders of the Yeshiva are absolutely pivotal in the development of a significant portion of our people. It is therefore extremely alarming that YU seems to be lacking the necessary leadership to navigate the course for its current and future *talmidim*. Due to the Rav's imposing figure and the incredible respect that he commanded, the Yeshiva University of Rav Solovetchik's era was not plagued by the disunity that unfortunately is so prevalent within the walls of our Yeshiva today. Perhaps since so many *Roshei Yeshivah* were themselves *talmidim* of the Rav, there was little debate or confusion surrounding the views of the Yeshiva. The *hashkafah* developed by the Rav was synonymous with the *hashkafah* of the Yeshiva; there was little, if any, dissent. To our great dismay, the void created by the loss of the Rav has led to an almost chaotic atmosphere. It often seems that each classroom here is its own little *yeshivah*. Was the policy to declare every *maggid shiur* as a *Rosh Yeshivah* designed to create one unified yeshivah with diverse opinions and healthy debate, or was it in-

tended to break the yeshivah up into as many parts as there are opinions? If we strive for the latter, we can most certainly pat ourselves on the back. If it is the former that we hope for, even the most cursory of observations around our Yeshiva will reveal that we have fallen woefully short. Choose any of the issues that now confront the YU *talmid* and/or the average alumnus: what is the Yeshiva's position? Does anybody know? Who speaks for us? Is there one true *manhig* of this Yeshiva?

It should be stressed that none of this should be construed as a criticism of our highly esteemed *Rosh Yeshivah* and president, Rabbi Dr. Norman Lamm. His endless efforts on behalf of this institution leave us all with an immeasurable debt of gratitude to him. We certainly acknowledge and appreciate his selfless devotion to all of YU and, in particular, the *b'nei yeshivah*. Nor are we suggesting that his successes have been limited to the administrative or financial responsibilities of his position. Rabbi Lamm has clearly understood his role as the leader of the Yeshiva and, to an extent, he has thrived in it. Nevertheless, the *talmidim* of Yeshiva still feel a tremendous lack of guidance. Every yeshivah needs a true *Rosh Yeshivah*. Every yeshivah needs an individual to stand at the head of the institution and lead it through the rigors of contemporary Orthodox life. This is especially true of our institution, where the questions seem to be more frequent, more diverse, and, therefore, more complex. Rabbi Lamm certainly attempts to clearly articulate and define the principles behind the Yeshiva. Yet, it is clear that the *talmidim* require more in the way of *hadrachah*. The yeshivah is in desperate need of someone to assume the mantle of the traditional *Rosh Yeshivah*. The ye-

shivah unquestionably suffers without anyone to stand in front of the Bet Medrash and deliver a *shiur kelali*. There is a definite lack of guidance that needs to be addressed.

The demands of the president's position may make it impossible for one man to perform all the tasks necessary to keep YU operating smoothly AND still provide the leadership that the *talmidim* need. You can't run this yeshivah while sitting and learning in the *Bet Midrash*; at the same time, a *Rosh Yeshivah* can't expect to have the necessary impact from the sequestered environs of his office. It can't be demanded of Rabbi Lamm that he sacrifice other crucial areas of his work so that his presence will be more profoundly felt. However, many yeshivos function well with two *Roshei Yeshivah*. Perhaps this is the direction that YU should consider taking.

How ever the details are approached, the need for a true *Rosh Yeshivah* should be clear. Obviously, one major obstacle to any movement in this direction would be the selection process. The new *Rosh Yeshivah* would have to be respected by the *talmidim* and *rabbeim* alike. The current *Roshei Yeshivah* (*maggidei shiur* along with Rav Lamm) would have to select an individual who commands this type of respect. Certainly the individual would have to be a genuine *gadol b'Torah*. The candidates should ideally be limited to individuals within the yeshivah.

The yeshivah is rapidly approaching a crisis situation. Too many students are suffering spiritually, and we implore the administration to take the necessary steps to improve the situation. YU simply has too much good to offer for it to be obscured by the confusion and despair that permeates our campus today.

Lavi Greenspan is President of SOY. Opinions expressed in this column do not reflect SOY policy.

# Heter Mechira: A Blessing in Disguise

by Tali Dinewitz

*Shemittah* -- the mere mention of this word is enough to inspire painful feelings of guilt in many observant Jews. Although the issue of *Shemittah* has been center-stage since the beginning of the Jewish immigration to 'Eretz Yisrael, most observant Jews are not satisfied with the status quo. Regardless of which political camp one belongs to, no Jew today is able to fulfill all the requirements of *shemittah* in keeping with the spirit of the law. The *heter mechira* is the compromise presented by some Rabbinical authorities, including Rabbi Yitzchak Elchanan Spector and Rabbi Avraham Yitzchak Hakohen Kook, which enables the Jewish people to observe the *mitzvah* of *shemittah* without suffering the loss of their livelihood. Since land that is not owned by Jews may be worked during the seventh year, the *heter mechira* provides for the sale of Israeli land to gentiles.

Although the *heter mechira* is considered by some authorities to be completely halachically valid, and *shemittah* is considered by some authorities to be only a Rabbinical ordinance in our days, most religious Jews in Israel still feel uncomfortable about circumventing the *mitzvah* of *shemittah*. Rav Kook himself states: "Our hearts ache because of the deplorable plight of the Jewish settlers in the Holy Land who are forced to take recourse in such legal devices which temporarily suspend the holy and beloved *mitzvah* of the Sabbath of the land" (*Mishpat Kohen*, chap. 63). One may question, then, why Rav Kook and other Rabbinical authorities are willing to issue a *heter* that is so incompatible with the spirit of the law.

## A Failed Attempt at Shemittah

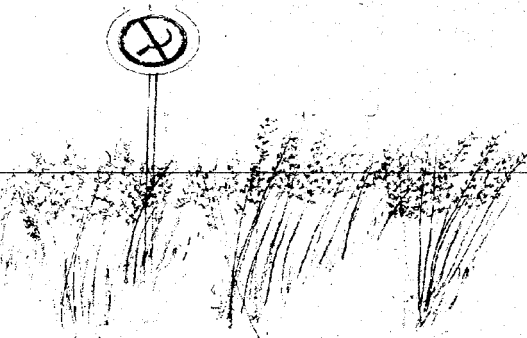
In order to resolve the issue of *shemittah* in our days, we can look at the only time that *shemittah* is mentioned in the Prophets: the book of Nehemiah. Nehemiah immigrates to Israel during the period of the Second Temple and encounters a devastating situation. In addition to the physical ruin in the city of Jerusalem, the Jews there are intermarrying and neglecting the laws of the Sabbath. In a frantic attempt at restoring the spiritual level of the Jewish people, Nehemiah orders the immediate renovation of the Holy City. Once the renovation is complete, the Jews undergo a day of fasting and prayer to repent for their prior sins. The repentant nation then makes a series of promises to Hashem, vowing to keep certain *mitzvot*, including *shemittah*. Apparently, Nehemiah miraculously transforms the spiritual level of the entire Jewish community in Israel. However, Nehemiah is required to leave the city of Jerusalem for a short period of time. Upon returning, he

finds that the Jewish people have reverted to their former deplorable state. The Jewish people are again intermarrying and desecrating the Sabbath. Why does the spiritual level of the Jewish people fall so easily?

The nation which intermarried and profaned the laws of the Sabbath could not stand up to the intense spiritual demands of *shemittah*. The observance of *shemittah* imposed too heavy a burden on a people who were at such a low religious level.

## Are Mitzvot Ever too Difficult

There are occasions when factors which may impede one's ability to fulfill a *mitzvah* are taken into consideration. For example, Rambam (*Hilchot Gezeilah Va'avedah* 1:5) states that Torah law requires a thief to return exactly what he steals. In other words, if one steals a brick from his neighbor and uses it to build a house, the robber must knock down his house and return the brick. However,



Rambam explains, the Sages enacted a special law that allows the robber to return a similar object, rather than the one that had actually been stolen.

How could the Sages alter the requirements of a law that is written in the Torah? According to the Rambam, the Sages enacted this law in order "to encourage robbers to return what they had stolen." In other words, the Sages recognized that although the thief is returning to Hashem, he may not yet be capable of destroying his home in order to fulfill a *mitzvah*. Requiring this much of the former robber would discourage him from repenting.

This principle can again be seen in Hillel's enactment of the *prozbul*, which circumvents the prohibition of collecting loans after the *shemittah* year by transferring the loans to *Bet Din*. In Tractate Gittin 36a, the Talmud asks how Hillel could have "done away with the *shemittah* of money that the Torah speaks of." The answer is that in actuality, Hillel was preserving *shemittah* rather than doing away with it. Hillel issued the edict of *prozbul* because he saw that many Jewish people were not lending money, as they were apprehensive that debts owed to them would be cancelled because of *shemittah*. This is in direct violation of the Torah's warning: "Beware lest you have in your heart an act of treachery, saying: 'The seventh year is approaching, the year of *shemittah*,' and you look unkindly on your poor brother and you do not give him." In order to ensure that the Jews would at least lend money to the poor, Hillel enacted the *prozbul*.

According to Rabbi Shaul Yisraeli, author of *Shemittah Through the Ages*, the edict of the *prozbul*

also serves as a reminder to the Jewish people of the monetary laws pertaining to *shemittah*. Every time a man loans money, he is forced to arrange a *prozbul*. A God-fearing person will regret that he can not fulfill the *shemittah* laws in their strictest sense, and will yearn for the day when he will be able to keep them completely.

## The purpose of the Heter Mechira

Based on the above examples, we can understand the *heter mechira* in a similar fashion. Rav Kook states in his introduction to Shabbat Ha'aretz that he defends the use of the *heter mechira* only in order "to make it known that these trespassers who do so according to ordered instructions are not to be compared with those who trespass against the holy Torah, Heaven forbid. And it is also in order to fortify many of our brothers who are scattered in the Diaspora and who yearn to come and settle in the desirable Land if only they are able to find ways of supporting themselves from the labour of their hands. But they are apprehensive about stopping work during the seventh year in these times ... And so they keep well away from the Holy Land and they submerge themselves in foreign countries, and so the holiness of the delight of the Land and rebuilding it is withheld from them. I therefore consider it my duty to explain the content of the *heter* in order that it should be known that if the needs of the settlement of the Holy Land require it to be used, it is arranged in order and set out properly on reliable foundations." In other words, the *heter mechira* is a circumvention of a test of faith which many may not withstand.

## The Shemittah Ideal

Consequently, we must always strive for the day when we will be on the spiritual level that will enable us to keep the laws of *shemittah* in their strictest sense. Rav Kook wrote that it is our "duty to seek out all opportunities the Almighty affords us and which enable our brethren who have settled in the Holy Land to observe *shemittah* fully without having to resort to the *heter mechira*. And any part of the Holy Land, be it ever so small, where Jewish settlers keep the *mitzvah* of *shemittah* in its entirety should be a cause of jubilation for us as if we had discovered the greatest treasure" (*Mishpat Kohen*, chap. 63).

One may wonder what it is about the *mitzvah* of *shemittah* that necessitates such a high level of spirituality before it can be completely fulfilled. In *Shemittah Through the Ages*, Rabbi Yisraeli explains the wide scope of the *mitzvah*, which involves both the relationships between man and man and the relationship between man and God. According to Rabbi Yisraeli, *shemittah* abolishes all economic and social class differences in society. During the seventh year, any produce that happens to grow on a man's land is distributed equally by the *Bet Din* among the rich and the poor. In addition, a rich man is required to lend his money to someone in need, with the awareness that *shemittah* will cancel the debt. Finally, all men, be they learned scholars or ignorant farmers, study Torah together during the seventh year. For a nation to exist in a utopian state

# Kedushat Ha'aretz: Partnership Between Man and God

by Dov Weiss

Though religious practices often generate debate, *shemittah* observance in 'Eretz Yisra'el always inspires a particularly intense conflict. *Heter mechirah*, permission to sell land to non Jews in order to circumvent the requirement to leave the land fallow, sparks such passionate sentiments not only because of its widespread ramifications, but also because it challenges our perception of the land of Israel in our time.

Central to the *heter mechirah* controversy is the nature of the prohibition itself. While some view *shemittah* today as a Biblical prohibition, others consider in Rabbinic nature. Several explanations support the position that *shemittah* is a Rabbinic obligation. The predominant view is that *shemittah* is interconnected with *Yovel*, and since *Yovel* is no longer a Biblical obligation, neither is *shemittah* (*Yerushalmi Shevi'it* 10-2).

Rav Chaim Brisker argues that *shemittah* is dependent upon *bi'at kulchem* - the return of the majority of Jews to Israel. Lack of *bi'at kulchem* signifies a deficiency in *kedushat ha'aretz*. Only when *kedushat 'Eretz Yisra'el* is complete will *shemittah* resume its Biblical status (*Hilchot Shemittah VaYovel* 12). Thus, in order to understand *shemittah* it is necessary to analyze the concept of *kedushat ha'aretz*.

## Nation Creates Kedushat 'Eretz Yisrael

Rambam writes that the *kedushah* of 'Eretz Yisra'el originated in the time of Ezra. Yehoshua's conquest created *kedushah*, but that *kedusha* lasted only until the destruction of the first *Bet Hamikdash*. However, the conquest did instill permanent *kedushah* in the *Bet Hamikdash* and *Yerushalayim* (*Hilchot Bet Habechira* 6:16).

Does this mean that before Ezra there was nothing intrinsically special about 'Eretz Yisra'el? Is 'Eretz Yisra'el an historic phenomenon rather than an eternal phenomenon??

R. Isaac haParchi suggests that 'Eretz Yisra'el has two unique qualities: One is *shem 'Eretz Yisra'el* - "the name 'Eretz Yisra'el" and the other is *kedushat 'Eretz Yisra'el*. *shem 'Eretz Yisra'el* signifies that the land is special to God. It is the land that "God chose from all other lands," and promised to Avraham in *brit ben habetarim* (*Beresheet* 15). Because of this *shem*, 'Eretz Yisra'el has major spiritual significance.

On the other hand, *kedushat 'Eretz Yisra'el* is man made. It is dependant upon the Jewish people's settling the land. (*Kaifot vaFerach* chapter 10 and *Bet*

*Yitzchak* 1967. Rav Aaron Soloveitchik pg. 79-83).

Thus the borders of *shem 'Eretz Yisra'el* are much broader than those of *kedushat 'Eretz Yisra'el*. Based on this idea, Rabbi Yosef Dov Soloveitchik *z"l* asserts that Moshe may have made *aliyah* to the area designated *shem 'Eretz Yisra'el*, since he reached *Ever HaYarden* (the Eastern side of the Jordan River). R. HaParchi explains that most *mitzvot kateluyot ba'aretz* (laws tied to the land of Israel) are dependant upon *kedushat 'Eretz Yisra'el*. There are, however, a few concepts dependent upon *shem 'Eretz Yisra'el*, such as the commandment to live in Israel and *nevu'ah* (prophecy).

R. Haparchi's understanding is based on the premise that *kedushah* of anything tangible, such land, is man-made. Man, not God, sanctifies *tefillin*, *mezuzot*, and *sifrei torah*. In this vein, Abraham Joshua Heschel explains why *shabbat* supercedes the building of the *Bet Hamikdash*. The sanctity of *shabbat* is *kedushat zeman* (sanctity of time). This type of *kedushah* is created by God alone. *Shabbat* comes every seven days regardless of man. *kedushat Hamikdash*, on the other hand, is man "activated". *Kedushah* from God, such as *kedushat shabbat*, supercedes *kedushah* activated by man, i.e. *kedushat hamikdash*.

The idea that man sanctifies the land explains Rav Chaim Brisker's position that *kedushat ha'aretz* is bound to *bi'at kulchem*. The more Jews living in 'Eretz Yisra'el, the greater the amount of *kedushah*.

## Kedushat 'Eretz Yisra'el: Extension of Mikdash

According to Rav Soloveitchik (*Al Hateshuvah* 300-308), Yehoshua's conquest of the land was achieved through conquest, with the liberation moving from the peripheries inward, so that the *mikdash* and *Yerushalayim* were last to be redeemed. Conversely, Ezra's sanctification came about through *chazaka* (established possession), with the *mikdash* first to be sanctified. The holiness of the *mikdash* comes directly from God; as God is eternal so too is the holiness of the *mikdash*. Consequently, the *kedushah* of all lands settled after the *mikdash* is eternal. Thus, according to the Rav, *kedushat ha'aretz* emanates from the *Shechinah* of *kedushat hamikdash*.

The structure of *Sefer Vayikra* supports this idea. The first half of *Sefer Vayikra* (ch. 1-16) is centered around the *mikdash*. Chapters 1-9 focus on the laws of *korbanot* (sacrifices). Chapters 10-16 list the individuals who cannot enter the *makom hamikdash* because they are *tame* (impure), intolerable to *kedushat hamikdash*.

ceives extra produce during the sixth year, no extra faith is required for him to refrain from work during the following year. Reb Yosef explains that one must possess faith during the first six years in order to prevent himself from wondering what he will eat in the seventh year. A Jew should not store food or employ technologically advanced means in order to prepare for the seventh year. *Shemittah* is not a problem that must be circumvented, but rather a test of a person's willingness to place his entire existence, in the hands of Hashem.

The high spiritual level achieved by the nation

The second half of the *Sefer* turns the focus from the *mikdash* to the 'Aretz. Like the *mikdash*, the land has special *kedushah* and can not tolerate *tum'ah*. Thus, the Torah says "*Vatitma ha'aretz... vatiki ha'aretz et yoshveha*" : "And the land is defiled... the land vomited out her inhabitants" (18:25). This is followed by laws commanding the people in the land to be holy (ch.19), laws of the *kohen* in the land, (ch.21,22), laws of bringing agricultural products to the *mikdash* on holidays (ch.23), laws of *shemittah* and *yovel* (ch.25), and the *brit* with God not to be expelled from the land (ch.27).

The structure of *Vayikra* emphasizes that *kedushat ha'aretz* (second half of *Vayikra*) derives its holiness from *kedushat hamikdash* (first half of *Vayikra*).

*Kedushat 'Eretz Yisra'el* emanates from the *Shechinah* of the *mikdash*. Therefore, one can get a closer connection to God by living in 'Eretz Yisra'el. This idea is expressed in Ramban (*Vayikra* 18), who writes that only in 'Eretz Yisra'el can one have a direct line to God without any "interfering officials." The Torah (*Devarim* 11:1) emphasizes this very point: "*Tamid' enei Hashem Elokecha bah mereshit ha-shanah ve'ad acharit ha-shanah*" - "Continuously the eyes of God are on it (the land) from the beginning of the year to the end of the year."

Rav Chaim Betzalel (the brother of the Maharal) writes that the closeness of Jews in 'Eretz Yisra'el to God all year round parallels the relationship of Jews of *chutz la'aretz* to God during *Aseret Yemei Teshuvah* (the Ten Days of Repentance) (*Sefer HaChayim* pg. 79a). Only in 'Eretz Yisra'el, which has *kedushat 'Eretz Yisra'el*, can one reach an optimum level of closeness with God. This mirrors the *gemara* in *Ketubot* (111a) which reads "Anyone who lives in *chutz la'aretz* is as if he has no God".

*Kedushat 'Eretz Yisra'el* only comes about through settlement of Jews in 'Eretz Yisra'el. The nature of this *kedushah*, however, stems from God's *Shechinah*, which dwelled in the *mikdash*. Thus, there is a partnership between man and God in bringing about *kedushat Ha'aretz*, and this *kedushah* allows for a stronger relationship between man and God.

Continued from page 4

such as the one described above, the people must have reached a spiritual level that would allow them to recognize the insignificance of social class differences.

In addition, complete fulfillment of the *mitzvah* of *shemittah* requires an intense faith in Hashem. "And when you should say: 'What will we eat in the seventh year?' ... And I will command My blessing to you in the sixth year, and it shall bring forth produce for the three years" (*Vayikra* 25:20-21). The Gaon Reb Yosef Horewitz asks why the fulfillment of *shemittah* requires faith in Hashem. Seemingly, if a person re-

during the *shemittah* year is exemplified by the *mitzvah* of *Hakel*, which occurs at the end of the seventh year. The entire Jewish nation assembles at the Temple to listen to the king of Israel read from the Torah. Ramban in *Hilchot Chagigah* 3:6 explains that at this point the Jewish people are on such a high level that it is as if they are receiving the Torah anew at Mount Sinai, "for the king is a messenger to proclaim the words of God." May we be worthy of achieving the spiritual state that will inspire us to fulfill the *mitzvah* of *Shemittah* in its entirety.



Continued from page 3

ment. This agreement, which is separate from the *ketubah*, obligates the couple to appear before a *Bet Din*. Unlike the Conservative *ketubah*, there is no mention of fines to be imposed by the *Bet Din*.

### Unconditional Obligations

Rabbi Judah Dick, (Tradition, Spring 1983 and *Sefer HaYovel LeHaGrid Soloveitchik*) offers an alternative prenuptial agreement. *Rambam* (Mehira, 11:18) records a legal device of the "Sages of Spain" which overcomes the problem of *'asmachta* by requiring one party to undertake an unconditional obligation to the second party. The second party then executes a document of forgiveness of that obligation which is contingent on performance of some act. Thus, in the case discussed by the Talmud in *Bava Metzia* 104b, the sharecropper could unconditionally obligate himself to the landowner, who would forgive the debt if the field was planted. If the sharecropper neglects to plant, then the obligation stands in its full force. There is no issue of *'asmachta* since the sharecropper obligates himself unconditionally.

This halachic device could serve as the mechanism for a prenuptial agreement. Each party executes a prenuptial bond of \$100,000 to the other party and the other party executes a conditional release and a waiver of the obligation as well as a deferral of the obligation until the parties are civilly divorced. Thus, the civil divorce triggers the full effect of the two mutual obligations, which are mutually forgiven upon the giving and receiving of an Orthodox divorce.

This agreement, according to Rabbi Dick, avoids both *'asmachta* and the problem of coercion. As mentioned earlier, *Rama* (ibid.), cites two opinions regarding a *get* executed by the husband in order to free himself from a monetary obligation. The first opinion, based on the consensus of most *rishonim*, approves such a *get* only if the husband voluntarily accepted the obligation upon himself. The *get* is not deemed coerced since the husband chose to obligate himself to pay the fine. The second opinion, based on a responsum of *Rashba*, categorically prohibits even such a *get*.

Rabbi Dick argues that *Rama* only saw the abridged excerpt of *Rashba's* responsum cited by the *Bet Yosef*. Had *Rama* seen the full responsum, he surely would have understood

*Rashba* as ruling in accordance with the other *rishonim*. Therefore, there is no opinion which prohibits a *get* executed in order to avoid a self-imposed penalty.

Rabbi Bleich (Contemporary Halachic Problems vol.3), presents a similar agreement which operates even according to *Rama's* second opinion. *Rashba* and *Rama*, according to Rabbi Bleich, deal with a case in which the assumption of the debt is coupled with, and made contingent upon, failure to give the *get*. Since the financial obligation is created only at

A clause is incorporated into the *tenaim acharonim* which obligates the husband, at any time that his wife does not share his board, to provide for her a daily sum of two hundred dollars for her food, clothing, and domicile. He must pay this sum every day until a judgement is issued by a *Bet Din* declaring that she is no longer prevented from marrying in accordance with the law of Moshe and Yisrael because of him (i.e., when he gives her a *get*).

When a husband willingly delivers a *get* to his wife, the fact that he terminates thereby his regular monetary obligations to her does not render the *get* a coerced one. If that were the case, a legitimately executed *get* would be impossible. For this reason, the enhanced support does not constitute coercion. An obligation can be considered coercive only its source is external to the marriage, like a fine or a penalty. The enhanced support obligation, on the other hand, stems from the marriage itself.

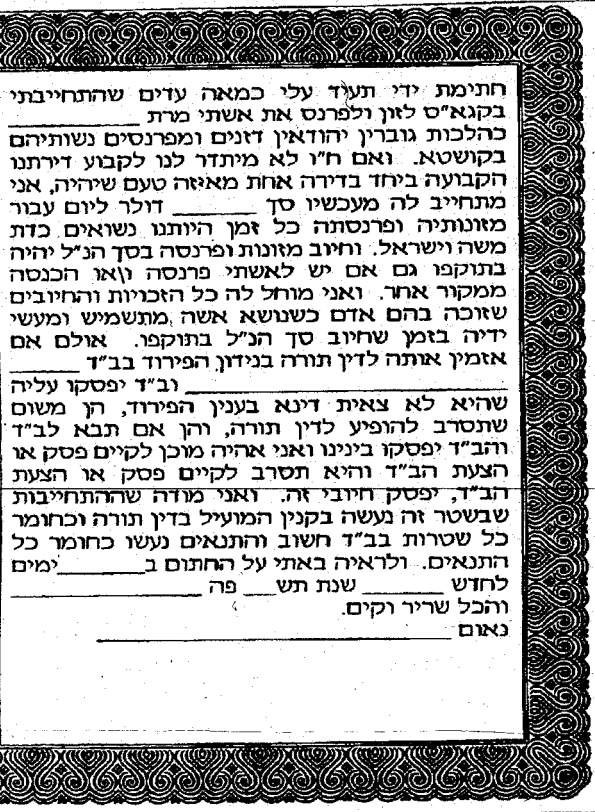
This device also avoids the problem of *'asmachta*. There is no uncertainty on the part of the husband as to the actuality of his obligation, as it takes effect immediately and is not dependent on the non-satisfaction of any condition.

Rabbi Mordechai Willig (forthcoming article) and Rabbi Zalman Nechemia Goldberg (article by Rabbi Zvi Gartner in *Moriah*, Iyar 5748) have authored agreements which function through similar principles. Rabbi Willig's has been adopted by the RCA and RIETS as the official document to be used by all of their members and alumni.

I hope this article has clearly presented some of the fundamental issues involved in prenuptial agreements. It must be stressed that this discussion is at best cursory and far from complete. Each of the authorities quoted above explains his position in detail and many critique the position of their colleagues. For a thorough analysis, this writer recommends any of these articles and those forthcoming. Hopefully, with more

participation on the part of lay and rabbinic organizations, the prenuptial agreement will obviate the sad and frustrating plight of the *agunah*.

I would like to thank Rabbi Mordechai Willig and Rabbi Yaakov Neuberger for their help and advice.



Prenuptial agreement drafted by Rabbi Willig and adopted by the RCA

the moment of the husband's refusal, enforcement of such an obligation is regarded as coercion. The device of the "Sages of Spain," on the other hand, calls for an unequivocal and unconditional guarantee on the part of the husband independent of his conduct with respect to the *get*. Therefore, concludes Rabbi Bleich, even *Rama* (and *Rashba*) would allow a *get* which was given in this circumstance.

### Enhanced Support

Rabbi Bleich (Jewish Law Annual 1981 and *Or HaMizrach* Tishrei 5750) offers an agreement which functions through a different mechanism. *Halachah* requires a husband to provide financial support and maintenance for his wife during their marriage (*mezonot*). The amount of support given depends on the social standing of the couple and the financial status of the husband. While a woman cannot demand a standard of support which is beyond her normal sustenance, her husband may voluntarily offer an enhanced standard of maintenance ("*tosafet mezonot*").

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# Who Knows Seven?

by Eitan Mayer

Parashat 'Emor commands, "Usefartem lachem...sheva shabbatot temimot...tisperu chamishim yom"--we are to count 50 days, or seven weeks, beginning from the second day of Pesach and continuing until Shavu'ot. The next sidrah, Parashat Behar, begins with the mitzvah of shemittah, the commandment to discontinue all agricultural work for an entire year, once every seven years--that is, after a "week" of years. The sidrah continues with the mitzvah of yovel, which we mark every 49 years (seven weeks' worth of years). Yovel, like sefirah, also requires counting--the Sefer Hachinuch (304) says that the Sanhedrin used to count the years until yovel the same way we count sefirah today.

The parallels between these sets of sevens are too obvious to ignore: the counting of the seven days of the week, which ends with shabbat, parallels the counting of the seven years, which end with shemittah, and the counting of the seven weeks of sefirah (seven sets of seven days) until the climax of shavu'ot, parallels the counting of seven shemittot (seven sets of seven years), until the climax of yovel.

Besides their focus on the number seven, the most obvious similarity between shabbat and shemittah is the prohibition of creative activity--shabbat carries a broad 'issur melachah forbidding many different forms of creative activity, while shemittah carries a more narrow 'issur which forbids mainly agricultural activity. But these restrictions on creative activity and the focus on the number seven are only the "symptoms" of shabbat and shemittah. Is there a common factor which accounts for the similarities between these mitzvot, and if so, what is it? Also, since the pattern of 49 days until Shavu'ot and 49 years until yovel (each of these 49's itself a string of seven days/years times seven) suggests a parallel between shavu'ot and yovel, in what way are shavu'ot and yovel similar? Finally, what is there about the number seven which makes it the right number around which to build all of these mitzvot?

The Maharal writes about the number seven in Gevurot Hashem (p. 175). We tend to relate time to motion, the Maharal writes, because we measure time by observing motion (Maharal is not a da'at yachid in this--a well known 'acharon by the name of Albert Einstein had similar ideas). Since we relate time to motion, and naturally, motion is possible only for something physical, we can say that time does not bind things which are not physical. (With Einstein in perspective, I would modify this slightly--since motion is possible only for something which can be thought of as a wave or a particle [or both a wave and a particle; see *Chidushei* Stephen Hawking or any text on quantum mechanics], we can say that time does not bind things which cannot be thought of as either particles or waves.) Based on this, we should probably conclude that only the spiritual can escape time. But speak to your local Orthodox theoretical physicist for more detail:

Now for the numbers: the Maharal says that the number six represents the essence of physicality, because there are six directions: up, down, right, left, forward, and back. (This is the same as the three dimensions we call width, height, and depth, but the Maharal speaks in terms of directions, not dimensions, so there are six.) Seven is a bit different from the numbers before it: on the one hand, seven represents the exact center of every object, so it is somewhat physical, because it's within the physical; on

the other hand, it's only a mathematical point, which means it doesn't take up any space, so it's not really physical at all. Seven sits on the fence between six, which stands for the physical, and eight, which represents the supernatural (*lema'ala min hateva*). The Maharal concludes that this dynamic determines the number and character of the days in a week: we have six days to represent the physical, followed by shabbat, which represents the focal point (as does the number seven), the center of all the days. Shabbat, being a day, mimics the external structure of the other days, but on the other hand, its kedushah sets it apart--like the number seven, it is a similar to what comes before it, but it is also fundamentally different from its predecessors. (The number seven also has Kabbalistic significance, as it represents the seven sefirot from Chesed to Malchut. *Ve'en kan makom leha'arich...*) It is the seventh direction, the fifth dimension. (Strictly speaking, the seventh direction should be in the fourth dimension, but since modern physics has assigned time to the fourth dimension, I have assigned holiness to the fifth.) Shabbat is twenty five hours of spiritual time; the essence of shabbat (if not its hours) disappears into the fifth dimension without leaving a trace of its passage on the clock of the mundane.

This explanation applies to the seven-year cycle as well. The first six years of the shemittah cycle represent the dimensions of the physical world, and in those years, we work the land. The seventh year stands together with the previous years, but also apart; just as shabbat is a day like others, but one which is characterized by special themes, requirements and prohibitions, so shemittah is a year like others, but with special themes, requirements and prohibitions. Both shabbat and shemittah require us to suspend our normal creative lifestyle and adopt a temporarily idle, artificial one.

The truth is, though, that if we dig a little deeper into history, it turns out that the work we do during the six days of the week and the six non-shemittah years of the cycle is not necessarily "normal" at all. The truth is that it's all an echo of the Divine curse bequeathed us by 'Adam Harishon, the legacy of the Etz Hada'at. That first human failing jarred the universe and the relationship between man and God into a state of fundamental, radical estrangement. "Normalcy" is 'Adam before the chet--in Gan 'Eden, where farming, and perhaps melachah in general, was a foreign notion.

A reflection of this appears in the end of the shabbat davening--"mizmor shir leyom hashabbat, mizmor shir le'atid lavo, leyom shekulo shabbat umenucha lechaye 'olamim"--that in the time of Mashiach, we will return to our natural state, one of continuous shabbat, when melachah will be unnecessary. So the truth is that neither shabbat nor shemittah is a suspension of the natural state; they both are the natural state itself.

At the climax of the 49 years is yovel, which has all the halachot of shemittah, but some others as well. A special shofar blast is blown on Yom Kippur of yovel; all Jewish slaves become free, even those who previously refused freedom and had their ears

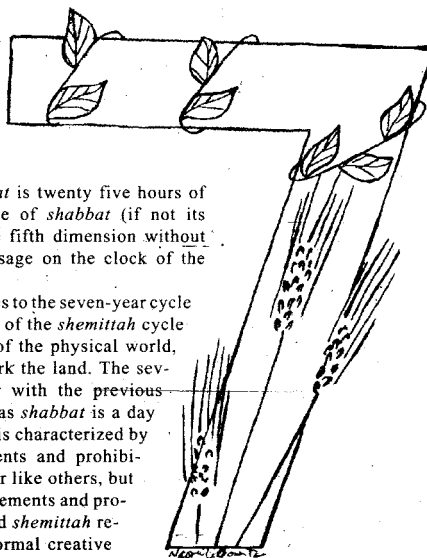
pierced as a consequence; and all land sold until yovel must be returned to its original owner, according to the way the land was divided when it was first conquered. What do all these things mean? Since yovel is the climax of the 49 years, it is instructive to look at Shavu'ot, which, as the climax of the 49 days, may turn out to be a microcosm of the 49-year yovel cycle.

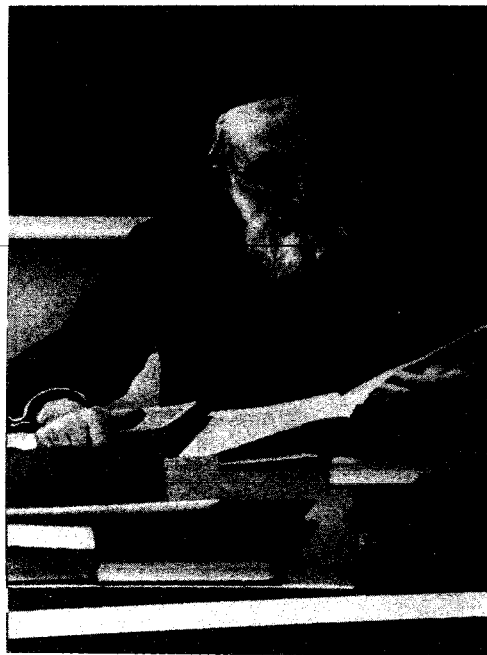
Shavu'ot of the year Bene Yisra'el left Mitzrayim was not just another Shavu'ot, since it was, of course, Ma'amad Har Sinai. (Although Bene Yisra'el may not have counted sefirah from Pesach until Ma'amad Har Sinai, the Midrash tells us that on each day between Pesach and Matan Torah, Bene Yisra'el ascended one madregah, raising

themselves from the 49th level of tum'a. The theme of ascending a level of kedushah every day is also part of the sefirah we count nowadays.) Besides the lightning, the thick smoke, and the trembling of the mountain, Ma'amad Har Sinai also brought incredible noise. One of the main sources of this noise was a shofar blast which became progressively stronger, in-

stead of getting fainter, as usually happens when human ba'alei teki'ah start to run out of air. So, for whatever other reasons the shofar may be blown on Yom Kippur of yovel (the 49 years), it seems to be an echo of the shofar of Ma'amad Har Sinai (the 49 days). And why on Yom Kippur of yovel--why not on Shavu'ot of yovel? Maybe to reflect the fact that although Ma'amad Har Sinai was on Shavu'ot, its culmination--the giving of the luchot--was marred by the chet ha'egel and Moshe's smashing of the first luchot. Since the second luchot were given on Yom Kippur, and this time Bene Yisra'el "behaved," we commemorate our acceptance of the luchot with a shofar blast on this day--the day of the unmarred acceptance of the luchot.

How about the freeing of the slaves? Hashem tells us why He wants us to free them: "Ki'avadai hem 'asher hotzeti'otam me'ere'tz Mitzrayim; lo yimachru mimkeret 'aved" (25:42); a few pesukim later, "ki li Bene Yisra'el'avadim; avadai hem 'asher





# Rav Dovid Lifshitz, z.t.l.

On June 28, 1993, the Y.U. community suffered another great loss in the passing of our esteemed teacher and leader Rabbi Dovid Lifshitz. Rav Dovid, the "Suvalker Rav," escaped Nazi persecution in 1939, emigrated to the United States in 1941, and taught Talmud at Yeshiva University since 1944. Funeral services were held in Y.U.'s Beit Midrash and Rav Dovid was buried on Har Menuchot, in Israel.

Rav Dovid was born in Minsk, on Yom Kippur, 1906. His grandfather, R. Shelomoh Zalman of Grodno, authored the sefer "*Olat Shelomoh*" on *Kodashim*. His father, R. Yaakov Aryeh, a storekeeper, was a Talmudic scholar as well. Rav Dovid, recognized as an "*illui*" (child prodigy) in Talmud, was also well versed in Hebrew language and Bible, and at the age of twelve he co-edited a volume of commentary on the Bible.

In 1919, his family moved to nearby Grodno, where, in the Grodno yeshiva, he became a close student of Rabbi Shimon Shkop. He later studied in the Mirrer yeshivah, where he remained for seven years and was ordained by halachic giants such as Rabbi Shimon Shkop, Rabbi A. Kamai, and Rabbi Eliezer Yehudah Finkel.

In 1933, Rabbi Lifshitz married Tziporah Joselovitz, the daughter of Rabbi Joseph Joselovitz, the legendary rabbi of Suvalk. Succeeding his father-in-law as Rav of Suvalk in 1935, he remained in Suvalk until he was forced to flee from the Nazis six years later. There, Rav Dovid acquired a reputation as a warm, involved spiritual leader. He remained involved with the Suvalki Benevolent Society even after his arrival in America, and served as president of that organization at the time of his death.

In Suvalk, Rabbi Lifshitz devoted himself to all aspects of community life, especially the area of Jewish education. He was greatly involved with the education of hundreds of children in Suvalk, and founded a yeshiva which attracted students from the surrounding communities. Rav Dovid became active in the larger Jewish community as well, assisting Rabbi Hayyim Ozer Grodzinski of Vilna in safeguarding the interests of Orthodoxy.

On Passover 1939, Rav Dovid arranged to provide kosher food for Jewish soldiers stationed in Suvalk. Due to an emergency state of preparation for the upcoming Nazi offensive, the Polish army Command refused to provide for the Jewish soldiers. Rav Dovid personally approached the local commanding general. Because Rav Dovid guaranteed that the soldiers would return to their barracks each night at a designated time, the soldiers were permitted to go to synagogue twice daily

and from the synagogue to the kitchen to partake of the Passover seder.

Even after the outbreak of war at the end of 1939, and the beginning of round-ups of Jews for deportation, Rav Dovid chose to remain with his community. In late 1940, Rav Dovid, his wife, and their baby daughter Avivit Rashel finally fled towards the Polish Lithuanian border, escaping not a moment too soon: the previous night the Nazis had searched for Rav Dovid, planning to use him as a hostage. Tragically, his daughter was shot and killed during the escape, and buried near Suvalk. While in Lithuania, Rav Dovid concentrated his efforts on saving members of his community exiled from Suvalk.

Rav Dovid and his wife secured a U.S. visa, and traveled through the Soviet Union, to Honolulu, and eventually to the U.S. mainland. Throughout the war he continued to assist members of his community still in Europe, and became very active in *Pe'ud Hatzalah*, the official Jewish rescue organization.

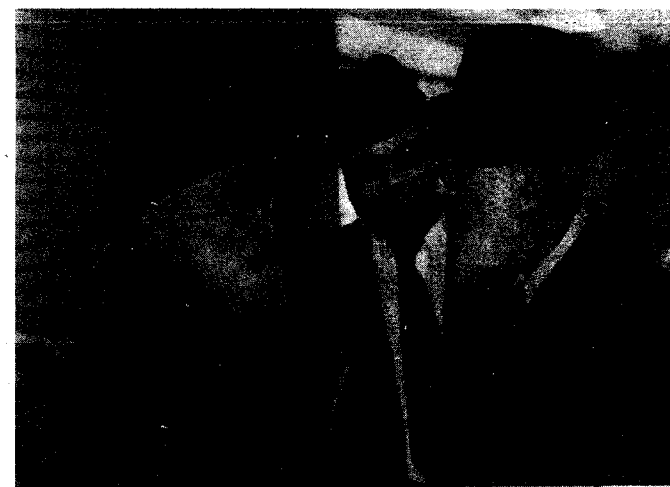
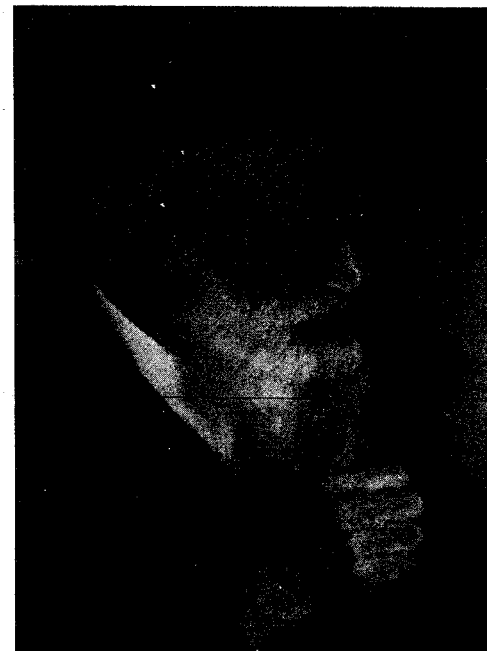
Rav Dovid and his wife lived in New York from 1941 to 1942, and then moved to Chicago, IL, where he taught at the Hebrew Theological College until 1944. Rav Dovid worked to strengthen the religious community in Chicago, particularly in the areas of Sabbath observance, *taharat hamispacha*, and Jewish education.

Dr. Samuel Belkin, Yeshiva University's second president, actively attempted to bring Rav Dovid to RIETS. Finally, in 1944, Rabbi Lifshitz joined the RIETS faculty.

Following Israel's War of Independence in 1948, Rabbi Lifshitz was active in guiding Orthodox Judaism's relationship to the State of Israel. In the early 1950's, he was on the forefront of a movement attempting to create a coalition of all religious elements, Zionist and non-Zionist, in Israel. He traveled to Israel to campaign on behalf of the "United Religious Front" (*Chazit Ha-Datit Ha-Me'uchedet*), comprised of all Israeli religious political parties.

Rav Dovid expressed his love for the land of Israel and recognition of the State of Israel. He was a strong proponent of students' learning Torah in Israel, and he himself spent much time there. He insisted that Hallel be recited on *Yom Ha'atzma'ut* at his daily minyan in the *Beit Midrash*, and often delivered a shiur at Yeshiva's *Yom Yerushalayim* program.

Rav Dovid remained at Yeshiva until his passing. For fifty years, he dedicated himself to teaching Torah to thousands, developing close, personal, and lasting relationships with many students. Even those who did not attend his shiur are profoundly influenced by memories of his singing "*Laveh yeshu'ot Ya'akov*" at the annual Purim Chagigah and reciting "*Avinu Malkenu*" on Yom Kippur. *Yehi zichro baruch*.





### Rav Goldvicht Delivers Kinus Teshuvah Lecture

On September 21, 1993 Rav Meir Goldvicht delivered Y.U.'s annual *Kinus Teshuvah* lecture, and dedicated the *shiur* to the memories of Rabbi Paretsky (on whose *yarzeit* it was delivered), Rav Dovid Lifshitz, and the Rav, *zichronam l'vracha*.

In *Hilchos Teshuvah*, 1:1, Rambam records what he considers the appropriate formulation of *vidui* (verbal confession): *ana Hashem, chatati, 'aviti, pash'ati* (Please God, I have erred, transgressed willfully, and transgressed rebelliously). The order in which one should enumerate the categories of sin is debated in the *gemara* (Yoma 36b). R. Meir maintains that the proper order is *'aviti, pash'ati, chatati*, basing his position on two Scriptural passages: Moshe's confession on behalf of the people, and the verse which describes the *Kohen Gadol's* confession over the scapegoat. The *Chachamim* advocate the formulation adopted by Rambam, insisting that the order of confession progress from less to more stringent sins, arguing that there is no point confessing lighter sins after already admitting graver ones. The *gemara* responds to R. Meir's proof from Moshe's confession, but not to his proof regarding the *Kohen Gadol*.

What is the point of contention in this argument? The *chachamim*, explained R. Goldvicht, believe that one must confess for the *essence* (*mahut*) of the sin, while R. Meir maintains that one must confess for the *act* (*ma'aseh*) of sin (in which case the order makes no difference.) Therefore the *chachamim* agree with R. Meir regarding the *Kohen Gadol's* confession, believing that he is confessing for the *acts* of sin of *K'fal Yisra'el*, although Rambam insists on his formulation for the *Kohen Gadol* as well; apparently contending that the confession of the *Kohen Gadol* is also for the essence of sin.

In Chapter 2, (*hal. 8*), Rambam writes that the essence of *vidui* is *aval anachnu chatanu*, "we have surely sinned," apparently contradicting his position in Chapter 1. Furthermore, he writes that the individual confesses *after tefilah*, while the *sheliach tzibur* confesses in the middle of *tefilah*. Why this distinction? Based on a *Midrash Tanchuma* (*Chukat n. 46*), R. Goldvicht explained that the confession of a *tzibur* alleviates harm instantly, while an individual must go through the process of repentance. In Ch. 1, Rambam describes the repentance of an individual, who confesses for the essence of his sins and therefore must acknowledge them in the proper order; Ch. 2 describes the confession of the *tzibur*, who need only admit their *acts* of sin; for them *chatanu* is enough.

The *gemara* at the end of Yoma quotes R. Akiva: "Fortunate are you, Israel, before Whom are you cleansed? Who cleanses you... as a *mikveh* cleanses the impure, so God

cleanses you." What is the significance of the phrase "before Whom are you cleansed" - surely there are no options besides God!?

To understand this phrase, one must understand the concept of purification through water. Water, explains R. Goldvicht, is ultimately an obliterating force. When God created the world, he had to separate the waters (*yikavu ha-mayim*) to reveal the land. Water in its normal state endeavors to wipe out everything. When man enters living waters, he puts himself into a state of potential annihilation; thus when he emerges he considers himself a new person, one who has miraculously escaped an overwhelming danger.

One who submerges in a *mikveh* must have intent to fulfill his obligation. God purifies us from sin when we understand "before Whom" we are being cleansed. *Teshuvah* involves two steps: man feels disgusted and empty as he is suddenly conscious of

## Shiurim in Yeshiva

In a new feature, Hamevaser presents three *shiurim* delivered by *Roshei Yeshiva* during the past *Elul*.

Articles compiled by Mail Adler, David Brofsky, and David Silverberg.

his sin; he feels despair as he contemplates how hopelessly mired in sin he is. It is at this point that man must realize before Whom it is that he is repenting; before God, Who reaches out to the most hopelessly outcast and purifies him (see also Ezekiel 33: 7-11): This is taught by R. Akiva, living exemplification of his message.

In addition to the individual, the community is obligated to repent. Once redeemed, we are obligated to guard our redemption. The *gemara* (*'Arachin*) records that when the Jews returned from exile with Ezra, they rejoiced, because they had not celebrated *Sukkot* since *Yehoshua's* time. *Sukkot* symbolize watchfulness: *Yehoshua* did not guard his redemption, while Ezra did (by praying for the elimination of the urge toward idolatry). *Yehoshua's* unprotected redemption was transitory, Ezra's guarded redemption endures.

R. Goldvicht contends that we must safeguard the redemption granted to Israel in 1967; we must not squander it. Those whose preserve the legacy of Torah are obligated to communicate its messages to fellow Jews. Members of the Yeshiva University community, who nurture Torah in the context of secular society, are in a particular position to fulfill this obligation. Rav Goldvicht exhorted constituents of Y.U. to reach beyond the perimeters of their own lives, to turn inward to peers within Y.U., and to carry the banner of their beliefs with strength and pride into the Jewish world at large.

### Rav Aharon Soloveitchik: Inyanai Teshuvah

During *'aseret yemei teshuvah*, HaRav Aharon Soloveitchik delivered a *shiur* on several issues related to Rambam's *Hilchos Teshuvah*.

Rav Soloveitchik began his remarks by quoting the *Minchat Chinuch's* opinion that Rambam maintains that while verbal confession of one's transgressions is a direct obligation, *teshuvah*, repentance, is

not. Rather, *teshuvah* is "merely" a means to the achievement of atonement, and is, as such, optional. Rav Soloveitchik pointed out that Rambam, in his *koteret* (heading) to the Laws of *Teshuvah*, posits in no uncertain terms that indeed there is a positive commandment "*sheyashuv hachotei michet o*," for a sinner to "return" from his wrongdoing.

The lecture then focused on a seeming contradiction between comments in *Hilchos Teshuvah* and in Rambam's Commentary to the *Mishnah*. In the opening sentence of *Hilchos Teshuvah*, Rambam requires *teshuvah* for all sins committed intentionally (*be'mezid*) or unintentionally (*be'shogeg*). However, in his commentary on *masechet Yoma*, Rambam asserts that the scapegoat, which was killed on *Yom Kippur* as a means to atonement, served also as a *kapparah* for *onsim*, sins that occurred as a result of unavoidable circumstances. Yet, this category was omitted from the list of transgressions requiring repentance in *Hilchos Teshuvah*!

Rav Soloveitchik suggested a distinction between two types of *ones*. The first involves a situation in which the sin was completely unavoidable, and the culprit therefore bears no responsibility whatsoever. Certainly in such a case there would be no need for repentance and atonement, based on the principle "*mai havi lei leme'evad*" (what could he have done?). However, there are situations in which a person, although not obligated to bring a sacrifice due to the inevitable nature of his transgression, still retains his status as a sinner. An example of this is the *tinok shenishbah*, the Jew who grew

up unaware of his Jewish identity, and as a result failed to keep the laws of the *Torah*. Although the *halachah* does not deny his lack of liability, since he chose not to examine his roots more carefully he is labelled a "*choteh*" and requires *kapparah*. This is the type of *ones* atoned for by the scapegoat. Because of its similarity to a *shogeg*, Rambam subsumes this type of *ones* under the general category of *shogeg* in *Hilchos Teshuvah*.

When spelling out the formula of the *vidui* (verbal confession), Rambam chooses not to include the word "*hitcharati*," which directly represents the idea of regret. Instead, he uses the term, "*nichamti*," which is closely related to the word *nechamah*, consolation. From this, Rav Soloveitchik derived a critical lesson regarding the *teshuvah* process. A sinner considering repentance must maintain a firm belief in his ability to correct his ways and become a new person. One's remorse and sorrow over previous wrongdoings must not develop into frustration. Rather, one must proclaim, "*nichamti*;" I console myself with the recognition that I have the innate potential to change absolutely and allow my "*ani*" (true self) to control my actions henceforth.

Another discrepancy in Rambam's writings involves the proper sequence of events to be followed by the *ba'al teshuvah*: should he begin by focusing on his sin, stimulating feelings of contrition and penitence, or should he first concentrate on the future, strengthening himself until he feel assured that he will never regress and commit the sin again? (Compare 1:1 and 2:2.) Rav Soloveitchik resolved this difficulty by delineating the distinction between atonement and the refashioning of one's character. To achieve *kapparah*, one must concern himself primarily with feelings of remorse for his sins, only later preparing for the future to ensure that he is not a *tovel vesherez beyado*, an insincere repenter. But the *teshuvah* process contains another element: the elimination of the contaminating effects of sin. The *ba'al teshuvah* must undergo the rigorous process of redefining himself. To this end, the major concern is

Continued from page 8

the future. He must visualize his new self, a person unaffected by the mistakes of his old personality. Remorse over prior events serves merely as a testimony to the sincerity of his acceptance of his new way of life.

Finally, focusing on the obligations one has toward his fellow man vis-a-vis repentance, Rav Soloveitchik noted that the Talmud cites several passages to derive the principle that atonement for civil transgressions requires the consent of the parties involved. Rav Soloveitchik presented the explanation offered by his grandfather, Rav Chaim Brisker. The extra verses stress that even when one violated a *midat chasidut*, a civil "transgression" which seems above the letter of the law, one must request forgiveness. Rav Soloveitchik concluded his remarks by relating several inspiring stories about his grandfather that demonstrated just how far one must go to achieve forgiveness for sins committed against a fellow Jew.

### Rav Rosensweig: Teshuvah and Talmud Torah

On September 23, before Yom Kippur, Rav Rosensweig discussed *Teshuvah* and *talmud Torah* with his *shiur*.

The Torah states, "For this *mitzvah* which I command you this day is not hidden from you, nor is it far off; It is not in heaven... nor is it beyond the sea.... Rather it is very near to you, in your mouth and in your heart that you should do it..." (*Devarim* 30:11-14). Rashi (*ibid.*) and Rambam (*Hilchot Teshuvah*), based on the *gemara* in *Eruvin* (25), explain that "this *mitzvah*" refers to the commandment of *talmud Torah*. Rambam, on the other hand, understands it as a reference to *teshuvah*.

Hoshea instructs the Jewish people, "*kechu imachem devarim*" - "take with you words." The Midrash understands these "words," which are crucial to the *teshuvah* process, to be referring to *talmud Torah*. If so, then the explanations of Rambam and Ramban in *Devarim* can be merged, such that the verses emerge as a blueprint for the process of *teshuvah*, which itself includes *talmud Torah*.

Other sources demonstrate the centrality of *talmud Torah* to the *teshuvah* process. The Talmud instructs one whose "evil inclination" has overcome him to "drag it to the *bet midrash*." Similarly, at the end of *Sefer Taharot*, Rambam explains that just as man can purify his body through immersion in the waters of the *mikveh*, he can purify his being through immersion in the "waters of knowledge." Rav Rosensweig noted that especially before *Yom Kippur*, when, according to some *Rishonim*, there is a special imperative not only to repent, but to purify one's self ("before God you should be purified"), immersion in the "waters of knowledge" takes on greater meaning.

Both *teshuvah* and *talmud Torah* are central to Judaism. Regarding the study of Torah, Chazal posit that "Talmud Torah *keneged kulam*," the study of Torah is equivalent to all other endeavors. Similarly, Rambam writes in the *Sefer Ha-Mitzvot* that *talmud Torah* is a prerequisite for "ahavat Hashem."

Similarly, *teshuvah* is also a fundamental idea in Judaism. For example, some believe that a *mumar lechalel et Yom Ha-Kippurim*, one who knowingly rejects and violates *Yom Kippur*, is equivalent to a *mumar lechalel et kol ha-Torah kulo*, one who rejects the entire Torah. Why should this be the case? While a *mumar lechalel et ha-Shabbat*, one who rejects the Sabbath and refuses to abstain from *melachah*, is in effect denying the doctrine of creation, what has one who denies *Yom Kippur* done? The concept of *teshuvah*, Rav Rosensweig explained, is indispensable to Judaism because, as the Rambam

notes in *Hilchot Teshuvah*, it is tied to the notion of *bechirah chofshit*, free will. Judaism maintains that man is responsible and accountable for his actions.

So, being that they are so essential to Judaism, it is quite appropriate that the Torah refers to these two concepts, *talmud Torah* and *teshuvah*, as "this *mitzvah*."

Rav Rosensweig went on to analyze how each verse dispels a common misconception and instructs man on how to achieve greatness. If man is finite, how can he relate to the infinite God? The Torah stresses, and even promises, that man can overcome this philosophic quandary. "It is not hidden from you," Rashi explains. It can be overcome. The greatness of *teshuvah* is that it asserts that there is a relationship between man and God, even though man may not be able to describe or perceive it. This verse also implies that *teshuvah* is not based on a miracle. While other religions believe in a charismatic, one-step *teshuvah*, Judaism maintains that *teshuvah* is based on a decision to improve and develop.

"It is not in heaven." At least a minimum of initiative is required from man, and even when God initiates, man is required to respond. But not only should the initiative of "avodat Hashem be *lo bashamayim hi*, one's entire religious perspective should reflect the concept of "*lo bashamayim hi*." Torah is "not in heaven;" it is accessible to mankind. One should not overstate the difficulty in achieving a certain goal, and resign one's self to despair. Exertion and effort are necessary, because "even if it were in heaven, you would be required to ascend and learn it."

Through this perspective we understand the rejection of mediocrity in *teshuvah*. Do not compare yourself to other people in establishing goals for yourself; "*lo bashamayim hi*" - you can reach the highest levels. *Talmud Torah* and *teshuvah* become the basis for one's personality.

"Nor is it beyond the sea" - some tend to idealize Europe or other situations. For students at Y.U., the years spent in Israel are often over-idealized or used as a measuring stick. Romanticizing the experience rather than building upon it can only lead one to religious mediocrity.

The *Bet Ha-Levi* once noted that "*din*" relates to what a person does, while "*chesed*" refers to one's impact on others. One should view one's self as one who is influenced, and influences others. In our era, where there is a tremendous vacuum of leadership, "*lo bashamayim hi*" is critical. The opportunities of *kiddush Hashem* in our society demand both *din* and *chesed*.

The vehicle itself, "in thy mouth and in thy heart," integrates the different faculties. All aspects of Torah, Rav Rosensweig asserted, including different types of *mitzvot*, and all aspects of human activity, are necessary for *teshuvah*. "*Kol atzmotai tomarnah Hashem mi chamocha*."

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# Ach'av--the Role Model From Hell?

by Hayyim Angel

There is little wonder why our Sages include Ach'av as one of the three kings who has no share in the World to Come (*Sanhedrin* 90a). Ach'av is considered to have been the worst idolater in the Northern Kingdom (I Kings 16:30-33, 21:25-26). He witnessed the drought (17:1, 18:45), the great miracles at Mount Carmel (chapter 18), his own surprising military victories against *Aram* (chapter 20), and other events which should have obviated the prophetic words of *Eliyahu* and *Michayahu*, and nevertheless clung to his idolatrous behavior. Only upon hearing his bleak fate did he show any signs of remorse at all (21:27-29). He supported the prophets of *Ba'al* and his wife *Izevel*'s massacre of the true prophets of Israel (18:13). In fact, Ach'av was so wicked that God punished *Yehoshafat*, the righteous king of *Yehuda*, for committing the "heinous" crime of assisting Ach'av in the war against *Aram* (chapter 22; see II Chron. 19:2).

Many *Midrashim* focus on the magnitude and extent of Ach'av's wickedness. One *Midrash* states that Ach'av wrote his denial of the God of Israel on the gates of *Shomeron* (*Sanhedrin* 102b, *Yalkut* 207). He is even said to have erased God's names from *Torah* scrolls, inserting in their stead the word "Ba'al" (*Sanhedrin* 102b).

## As Equally Good As Bad

Yet, Ach'av, one about whom the Sages should feel no qualms criticizing, receives an inordinate amount of rabbinic comments defending him against the simple *peshat*. One *Midrash* states that Ach'av reigned for 22 years as a result of his honoring the *Torah*, which was written with 22 letters (*Shemot Rabbā* 3:8, *Yalkut Shim'oni* 219). Such a *Midrash* is remarkable, especially when contrasted with the *Midrash* which states that Ach'av replaced God's names with "Ba'al."

Other *Midrashim* indicate that Ach'av was actually equally balanced between good and evil. Such an assertion is shocking, in light of the fact that Ach'av does not appear to do anything good in the biblical text. Let us consider two of these *Midrashim*.

1) *Sanhedrin* 102b: R. Nahman says, Ach'av was balanced [in judgement], as it is written (I Kings 22:20), "Who shall entice Ach'av, that he may go up and fall at *Ramat Gile'ad*?" And this one said in this manner, and another said in that manner." The simple meaning of this verse is that different angels wanted to entice Ach'av. This *Midrash*, on the other hand, understands the verse to be implying that the heavenly court was divided equally over Ach'av's fate. The Sages in the continuation of this *Midrash* reject the possibility that Ach'av actually had as many meritorious acts as transgressions, since Ach'av is portrayed as almost completely wicked in the biblical text. They conclude that because Ach'av supported righteous people, half of his transgressions were forgiven (compare to *Ketuvot* 111b, which states that one who supports the righteous is considered as one

who clings to the *Shechina*).

From this *Midrash*, we find that Ach'av, in whatever manner it should be understood, was as good as he was bad. From the *peshat* of the individual verses, however, our Sages could not conclude that Ach'av was really half good; therefore, they explain that half of the monarch's transgressions were forgiven by his one trait of generosity towards the righteous.

2) *Yerushalmi Sanhedrin* 10:2: For six months, R. Levi explained the verse (I Kings 21:25), "But there was none like Ach'av, who did give himself



over to work wickedness in the sight of the Lord, whom *Izevel* his wife did incite," in a manner critical of Ach'av. Ach'av came to R. Levi in a dream, and protested: "How have I wronged you? Is there only a first half to this verse?" The second half reads "whom *Izevel* his wife did incite," implying that *Izevel* should be blamed for Ach'av's wickedness! R. Levi responded by teaching this verse for six months with a favorable slant towards Ach'av [by blaming *Izevel*].

This *Midrash* is particularly fascinating. After his dream, R. Levi should have adopted the new positive understanding of the verse permanently. Instead, the *Midrash* emphasizes that R. Levi spent six months on the second half of the verse, a period equal to the time he had spent on the first half. This theme echoes the position of Ach'av being equally good and evil, which we saw in the first *Midrash* cited above. Also interesting is the fact that R. Levi, after his dream, interpreted this verse *le-shevah*, or in a praiseworthy manner. Although Ach'av may have been negatively influenced by his wife, this hardly makes him worthy of praise; it simply makes him less culpable than had he been the primary perpetrator. It would appear that the authors of this *Midrash* wished to portray Ach'av as one who has reached a moral equilibrium.

## Support From The Text

When seen in this light, these two *Midrashim* answer a number of important questions in the text. In 18:3, we find that Ach'av retained 'Ovadyahu, a God fearing individual. Given that Ach'av was opposed to Godfearing people (evident from the fact that he had tolerated his wife's extermination of true prophets [18:13]), why would he permit such a Godly man to remain in his presence? In *Sanhedrin* 39b, it is suggested that Ach'av brought 'Ovadyahu into his household because of the latter's merits. Although this position may indicate selfishness on the part of Ach'av, it also shows the king's awareness that Godfearing people are good to have around, and that they do bring blessing. Such a realization indicates that Ach'av's religious sensitivities were far from a complete denial of God's Providence.

Moreover, we find an interesting relationship between Ach'av and the prophets *Eliyahu* and *Michayahu*. On one hand, Ach'av refers to *Eliyahu* as "the troubler of Israel" (18:17) and "my enemy" (21:20). He informs his prophet-killing wife that *Eliyahu* had emerged victorious from his confrontation with the prophets of *Ba'al* at Mount Carmel (19:1). Needless to say, this aroused *Izevel*'s ire, and she wanted to kill the prophet (19:2). The same sentiment is expressed toward *Michayahu*, Ach'av remarks that he hates him (22:8), and he immediately imprisons *Michayahu* after the prophet declares that Ach'av will perish in battle (22:27).

Yet, Ach'av listens to the true prophets. At *Eliyahu*'s order, Ach'av personally gathers the prophets of *Ba'al* for the confrontation at Mount Carmel (18:20). More significantly, he was present at that event, witnessed the slaughter of the prophets of *Ba'al*, but remained silent! Even after Ach'av imprisoned *Michayahu*, he nevertheless heeded the prophet's warning, exchanging his garb with *Yehoshafat* (22:30). Openly, Ach'av rejected the prophets; yet, he always seemed to follow their direction and guidance.

## A Strong Or Weak Personality?

*Chazal* seem to be mixed on the issue of whether Ach'av's actions stemmed from strong convictions, or whether he had highly malleable moral and religious resolve. The first *Midrash* (*Sanhedrin* 102b) about Ach'av being balanced, through being evil yet supporting the righteous, appears to assert the former possibility. From the simple reading of the text pertaining to Ach'av's evils, it is difficult to imagine that Ach'av was evil solely because of his wicked wife. Moreover, Ach'av's supporting the righteous, under *Izevel*'s nose, indicates Ach'av's independent conviction towards good. In fact, we find that only twice throughout the text does Ach'av clearly take a strong position, refusing *Aram*'s request for Ach'av's "choicest possessions" (i.e., the *Torah*, see 20:6 and our

discussion above), and during the final moments of his life, bravely standing in his chariot, despite enormous pain from his wounds, so as not to dishearten his followers (see 22:34-35). The *Midrashim* (*Shemot Rabba* 3:8 quoted above; *Mo'ed Katan* 28b), praise him for both.

The second *Midrash* quoted above, which discusses *Ach'av's* appearing to R. Levi in a dream, indicates that *Ach'av* had a weak personality, one which lent itself to the terrible influence of *Izevel*. According to this line of reasoning, *Ach'av* cannot really be praised for listening to *Eliyahu* and *Michayahu*; he listened to everybody. At the same time, *Ach'av* cannot be seriously censured for his idolatry. Thus, R. Levi could not eternally praise *Ach'av* (he settled for six months, an amount of time equal to his condemnation of *Ach'av*): according to this *Midrash*, *Ach'av* had no religious backbone whatsoever.

Using this distinction, we may understand another *midrashic* argument: how sincere was *Ach'av* in his *teshuvah* in 21:27-29? According to one opinion, *Ach'av* had the righteous king *Yehoshafat* whip him vigorously—a true sign of remorse and repentance (*Pirkei D'Rabbi Eliezer* 43). A different *Midrash* suggests that *Ach'av* merely postponed his breakfast for three hours (*Yerushalmi Sanhedrin* 10:2). While this is some sign of repentance, it could hardly qualify as sincere regret of his past. Those who assert that *Ach'av* had a strong personality would support the first view of *Ach'av's* repentance, whereas those who think that *Ach'av* had a weaker personality would attribute to him a token repentance.

In any event, the *midrashic* portrayal of *Ach'av's* internal balance yields an interesting insight about *Ach'av*: in most cases, he was unable to remain consistent either on the side of *Ba'al* or God. He listened to both *Izevel* and to *Eliyahu*. He followed his false prophets and the true prophets. He drove the righteous away but retained *Ovadyahu* in his own house. *Ach'av*, the monarch of Israel, truly represents the people of his time: he is the one who is *pose'a'al shenei ha-se'ifim*, the one who is wavering between the two faiths (18:21).

We also may understand the apparent contradiction between two *Midrashim* mentioned earlier. One *Midrash* (*Shemot Rabba* 3:8) portrays *Ach'av* as a defender of God's *Torah*, while another (*Sanhedrin* 102b) states that *Ach'av* would erase God's names from *Torah* scrolls and replace them with the word, "*Ba'al*." These conflicting *Midrashim* should not be reconciled; on the contrary, taken as a unit, they are a poignant example of *Ach'av's* wavering between God and the camp of *Ba'al*.

#### **Ach'av and His Connection to Repentance**

Rambam (*Yad, Hilchot Rotze'ah* 4:9) asserts that *Ach'av* was balanced in judgement until he ordered *Navot's* execution (chapter 21). It was only then that *Ach'av* forfeited his share in the World to Come. Rambam bases his conclusion on the *Midrash* which asserts that *Ach'av* was equal in his judgement (the first of the two *Midrashim* cited above), the *Midrash* which we have found to attribute to *Ach'av* a strong personality. With all of *Ach'av's* idolatrous inclinations, Rambam agrees with the position that *Ach'av's* idolatry alone simply made *Ach'av* into one whose judgement is balanced.

According to Rambam (*Yad, Hilchot Teshuvah* 3:1-2), an individual or a group of people balanced between merits and iniquities are called *benonim*. For either the individual or the group, as soon as their transgressions (qualitatively) exceed their merits, they die. This view is consistent with Rambam's

view in *Hilchot Rotze'ah* mentioned above, that *Ach'av* was not condemned to death until he had killed *Navot*.

In *Hilchot Teshuvah*, 3:3, Rambam writes that a *benoni's* judgement is suspended until *Yom Kippur*: if he has repented, then he lives, and if not, he is judged for death. In 3:4, Rambam writes that everyone must view both himself and the entire world as a *benoni*; in this manner, a person will be careful to act properly, not wanting to seal the doom of either himself or even the entire world. *Ach'av*, then, becomes a role model for us. How many biblical figures do we know who actually maintained such a precarious balance between merits and transgressions?

God used *Ach'av* as a role model of *teshuvah*. *Eliyahu*, after complaining that his message was not accepted by the people, was proven wrong by *Ach'av*. After *Ach'av* repented (21:27), God appeared to *Eliyahu* and exclaimed: "Have you seen how *Ach'av* humbles himself before me? Because he humbles him-

self before me, I will not bring the evil in his days, but in his son's days I will bring the evil upon his house" (21:28-29). Even *Ach'av*, the most wicked of all Israelite kings, was able to repent. Since God Himself praised *Ach'av* in this manner, it would appear likely that *Ach'av* really did have a strong personality, and did not repent out of weakness.

King David often serves as our role model for *teshuvah* (see II Sam 11-12). However, *Ach'av* actually serves as a more universal role model; he is a *benoni*, as we must view ourselves. *Chazal*, in their perception of *Ach'av*, teach us that it is simplistic to dismiss *Ach'av* as a wicked, one-dimensional personality; in reality, *Ach'av* is, strange as it seems, a role model from Hell.

#### **CONTRIBUTION DEADLINE : NOVEMBER 31, 1993**

On the 18<sup>th</sup> of Nissan 5753, Maran HaRav Yosef Baer Soloveitchick, z"l was taken from us, leaving a tremendous void in Torah leadership. The Student Organization of Yeshiva, as part of its effort to perpetuate the Rav's memory, has commissioned the writing of a **Sefer Torah** to be placed in our *Beis Medrash*. We invite you to participate with us in this meaningful endeavor.



*The Talmud  
(Menachos 30A)  
states that one who  
writes even one letter  
of the Torah is  
regarded as if he has  
written the whole  
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Continued from page 16

tually Saul's son-in-law. Saul, however, becomes intensely jealous of David, of his popularity with the people, and even of the close relationship that David has with Saul's children. Saul's feelings are split between love and hate for David, and change depending on the day or the hour. David, however, continues to demonstrate the utmost respect and love for the king, even when Saul chases and attempts to kill David. During one of Saul's pursuits, David and his men are hiding in a cave which Saul enters, unaware of their presence. (The caves in that area of the country are very large, with many rooms, and sometimes many different levels and floors in one cave. It is therefore quite possible to be unaware of the presence of even a large group of people in a different part of a cave.) David's men inform him that this is a perfect opportunity to rid himself of the problem of Saul once and for all. David silently goes to see Saul, but instead of revealing himself and killing Saul, he cuts the corner of Saul's coat and leaves him alive. When the men question his actions, David replies with much emotion, "Far be it from me, in God's name, if I were to do such a thing to my master, to God's anointed, to set my hand on him; for God's anointed is he" (I 24:6). David even feels stricken with remorse that he has cut the corner of Saul's coat, thereby showing disrespect for the belongings of the king. When Saul finishes and leaves the cave, David follows him out and confronts him. We can see that his respect and love for Saul have not changed. David even addresses Saul as "my father" (24:11). Saul hears David's words and reacts "... Is that your voice my son David; and Saul raised his voice and he cried" (24:16). Saul realizes that David is the "friend who is better than he", prophesized by Samuel to take over the kingdom.

From among Saul's children, David is closest with Jonathan and Michal. After the slaying of Goliath, David and Jonathan strike up a warm friendship. Jonathan begins to realize that the leadership of the nation, that should have been his by birth, will be given to his best friend David. This recognition is made harder for him by his father's refusing to acknowledge that possibility. Jonathan, however, is willing to accept David's role from the start: "Jonathan and David made a treaty, in his love for him like his soul; and Jonathan took off the coat that was on him and gave it to David, and his armor" (I 18:3,4). In this context, the coat is employed as a symbol of friendship, but also as a recognition of David's greatness and superiority. The coat is also a symbol of royalty, reminiscent of David's remorse at having torn Saul's coat, and the of the first incident discussed between Saul and Samuel. This is a "passing of the mantle", as Jonathan relinquishes his control to David. The point is made even stronger when Jonathan gives David his sword and armor, items which were very rare at the time. (There was only two in the nation in an earlier battle (13:22)). David accepts Jonathan's gift of friendship; this is to be contrasted with Saul's failed attempts to dress

David in armor before the fight with Goliath (17:39).

The theme of tragic reversal is seen clearly with David and Michal. Michal falls in love with David, and after proving his worth, David is allowed to marry her. After one of David's successes against the Philistines, Saul goes into a murderous rage and decides to kill David. Michal hears of the king's plan and warns David, helping him escape through the window. She then sets up a dummy in his place in the bed and tells the pursuers that David is sick: "And Michal took the idols and put them on the bed and she put lamb's wool by its head, and she covered it with a garment" (19:13). Michal saves David's life by covering up the dummy with a cloth. After this event David is a fugitive for a long period of time, and Saul gives Michal to another man (Palti, son of Layish, 25:44). David asks for her back, even though he has at least six other wives at the time. This should have been the renewal of a happy, loving relationship, but the opposite occurs. David brings up the Holy Ark to Jerusalem, a joyous, yet solemn, event. As David dances in religious ecstasy, Michal watches and disapproves. She greets him when he returns home saying: "... How honored today is the king of Israel who uncovered himself today before the eyes of the handmaids of his servants, exposed like of the empty ones" (II 6:20). She seems to be castigating David for dancing in a more exposed fashion than was proper (or to be saying that dancing itself constituted improper exposure for a king). Just as Michal covered up the dummies that represented David, she once again wants to keep him covered and unexposed in front of his constituents. In both situations, however, David remains exposed. In the first situation, Michal's "covering" was motivated by love; here it is motivated by fear of ridicule. David is outraged at Michal and ends their relationship, never having children with her. This disrupts the chance of uniting the kingdom by uniting the royal houses. This also spells the final destruction of Saul's house; his sons are killed, and his daughter has no children with David.

David's relationships with Jonathan and Saul ends at the same moment. Upon hearing of their deaths "David caught his clothing and ripped them; and also all of the men who were with him" (II 1:11). The law of ripping cloth in mourning prescribes that an outer garment must be torn, generally at the funeral or upon hearing of the death. (This custom is also referred to in 31:13.) The ripping of cloth as a sign of mourning is mentioned again in reference to the death of Abner. "David said to Joab and all the nation that were with him, 'tear your clothing and wear sackcloth and eulogize before Abner'; and the King David went after the hearse" (II 3:31). This is the final act of the house of Saul, as Saul's uncle, Abner, the head of armies, dies through the treachery of Joab and Avishai.

#### Decline and Death

Ironically, David's eventual decline is brought upon by a lack of clothing. When David's relationship with Batsheva begins when he sees her bathing (II 11:2). The agents of David's punishment for his inappropriate conduct with Batsheva are his children. Amnon, the king's son, falls in love with his half-sister, Tamar. After careful planning, he traps her alone and rapes her. As she is thrown out of his house, she is described as

wearing a special striped cloak that the virgin daughters of the king wore. She tears this coat and goes into mourning (II 13:18-19). This tearing act is symbolic not only of her mourning her lost virginity, but also of her descent from royalty. In this situation, the coat once again symbolizes royalty, for when daughters of the king lose their virginity (through marriage or otherwise) they are no longer considered royal. Therefore, they can no longer wear their special coats. David hears what happened, but can not rebuke his son; he lost his moral authority on sexual matters after the incident with Batsheva. Absalom, Tamar's brother, decides to take revenge and plots to kill Amnon. He carries out his plan and kills him while Amnon is feasting with all of his brothers. When the first mistaken accounts of Absalom's party reach David reporting that all of the king's sons had been killed, David rips his coat in mourning. Later, Absalom goes into a full revolt, which ends in his death. David mourns for him for the rest of his life. Absalom was one of David's favorite children and his death affects him greatly. Afterwards, he seems a changed man, no longer as powerful as he used to be.

In the end of David's life we are presented with a strange fact: "And the King David was old, advanced in years, and they covered him with clothes but he could not get warm" (Kings I 1:1). The fact that the clothing is not able to warm David is considered a punishment for his having ripped Saul's coat. David ends his life an old man, angry with the world, who's acts of vengeance must be left to his son. David, who used to be abreast of every situation, is not even aware of the fact that his son, Adoniyah, is rebelling. This image is far different from the one of David in his prime, when he was able to dance wildly in front of God; at the end of his life, he is covered in layers of cloth and cannot even find warmth.

The theme of cloth plays a major role within the lives of Saul, David, and Samuel. Interspersed throughout the stories, it evokes a sense of unity. Its presence marks the complete downfall of Saul, as well as the various tragic stumbles of David. Cloth, therefore, serves as the fabric of tragedy throughout the books of Samuel.

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Continued from page 7

hotzeti 'otam me'erez Mitzrayim; 'ani Hashem 'Elokechem" (25:55). Hashem wants all of Bene Yisra'el to be His 'avadim, not 'avadim to humans. 'Avadim who serve human masters are unable to focus exclusively on serving Hashem--first, from a practical standpoint, they are subject to the whims of their masters, and second, from a halachic standpoint, they are not even obligated in all the mitzvot a normal Jew is privileged to. Finally, and perhaps most fundamentally, the psychological orientation of the slave precludes his development of a self-conception as an 'oved Hashem: first, his sense of purpose is circumscribed by his status as a slave: he knows his primary function is to serve the will of another human. Second, although he may in practice exercise his bechira by making independent religious choices, his awareness of his obligation to his master limits his freedom conceptually, even if his master is particularly enlightened and allows him relatively complete freedom. Enslavement to a human master denies God's absolute sovereignty, disrupting His authority by substituting another loyalty. This is why the pasuk closes with "'ani Hashem 'Elokechem"--God is not merely identifying Himself or demanding obedience because He is God, He is also providing a ta'am mitzvah--"Free the slaves so that I remain, absolutely, Hashem 'Elokechem."

Yovel and Ma'amad Har Sinai both involve the freeing of slaves from human masters to enable them

to accept Hashem as master: yovel, in a direct way, frees even the unwilling, even those who insisted on remaining slaves beyond the normal six years, and Ma'amad Har Sinai, when Bene Yisra'el accepted Hashem's authority unconditionally, was another (and perhaps unwilling--"kafah 'alehem har kegigit") step of the process of their redemption from the slavery of Mitzrayim. The goal of Bene Yisra'el's emancipation was not freedom lishmah--they rejected Egyptian authority in order to accept Hashem as their new Master. Therefore, every yovel we renew this commitment in a concrete manner, freeing all slaves to serve Hashem alone.

The next mitzvah of yovel is the return of the land to its owners. The context of the parashah in which the Torah speaks of returning the land implies that the land was originally sold to pay debts: "Ki yamuch 'achicha umachar me'achuzato" (25:25). To a certain extent, someone who owes money is considered a "slave" of his creditor: in several sugyot, the gemara and poskim quote the pasuk from Mishlei of "'eved loveh le'ish malveh," which expresses this idea. Even the terminology used to define the obligations of a borrower is the same we use to describe the obligations of a slave--we call them "shi'budim," which recalls "shi'bud Mitzrayim," or "shi'bud galut," for example. And in fact, the word "shi'bud" contains the word "'eved." In the parashah of yovel, the borrower-slave has fallen into such dire circumstances that he must give up his land to pay his debts. Therefore, Hashem decrees that even these slaves,

the borrowers, must be released from their "slavery" to serve Hashem to the fullest by working their land and keeping all the mitzvot connected to it--terumah, ma'aser, orlah, leket, shichechah, pe'ah, and all the others. On another level, since 'Eretz Yisra'el is the natural habitat of Bene Yisra'el, it is fitting that part of yovel, which represents a return to original states, is the expression of the guarantee that everyone in Kelal Yisra'el has a share of 'Eretz Yisra'el. The Ramban writes (25:10) that the word "yovel" is similar to the word "movil" and comes from the same root, which means "to bring," in the sense, the Ramban says, of bringing things back to their unblemished, proper state. During shemittah, as well, there is a reflection of "'eved loveh le'ish malveh," which is why all debts between Jews are cancelled every shemittah--once again, in order to make sure that we remain 'avadim to Hashem and no one else.

Let us hope that we will soon be able to renew the cycle of yovelot which we have lost, and, to the extent possible, that our letting the land lie fallow during shemittah as a mitzvah will somehow make up for the hundreds of years the land lay fallow as a result of our galut. Everything returns to its natural and original place.



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## Weekly Schedule of Events

### Yeshiva College

#### Tuesday

9:40 Mesillat Yesharim Rav Cohen  
10:15 Assorted topics Rav Goldvicht

#### Wednesday

9:00 Halachah Rav M. Tendler  
9:40 Sichat Mussar  
10:15 Chaburah-Pesachim Rav David Hirsch

#### Thursday

2:45 Bikkur Cholim  
2:45 Halachah Rav Eli Schufman  
9:40 Parshah - Mussar Rav Cohen  
10:15 Parshah - Halachah Rav Sobolovsky  
11:30 Parshah Rav. A. Twersky

#### Friday

9:00 am Meals on Wheels

### Stern College

#### Monday

1:05 Tehillim for Cholim  
6:00 Bikkur Cholim  
8:00 Assorted topics Rabbi Flaum

#### Tuesday

6:00 Bikkur Cholim  
7:50 YI Chavrutah program  
9:30 Parshah Assorted students

#### Wednesday

6:00 Bikkur Cholim  
Last night for Home Hospitality/  
Kenei Lecha (Lach) Rav

#### Thursday

1:05 Tehillim for Cholim

# Cloth and Tragedy in the Books of Samuel

by Shifra Telfz

The books of Samuel are replete with instances in which cloth is a major agent of tragedy. It is a theme that binds together all the major characters and allows us to see them in a clearer light. In general, the term used in the text is "*me'il*", literally translated as an upper garment, both because it is outerwear and because it connotes a higher rank. The term "*beged*" means a simpler garment. Interestingly, both words in their verb form take on an altered meaning. "*Ma'al*" means malfeasance, and "*bagad*" to betray. Both words have tragic connotations of a reversal of fortune or of a betrayal of trust. We can follow this trend by studying the appearance of cloth, as it accompanies tragedy in the lives of two of the main characters in these books, Samuel and David.

## Samuel and His Mother

The first mention of cloth arises in the narrative regarding Samuel and his mother. Chana and Elkana had wanted children for many years. When Chana prayed for a son, she promised that were she to have a child, she would give him over to God's service. God remembered her and Chana gave birth. True to her promise, she took Samuel to Shiloh to reside there after he was weaned. But, after waiting so many years to have a child, it was hard for her to part with Samuel. This is evident in the language of the verse describing Chana's yearly visits: (Samuel 1 2:19) "and his mother made a small coat for him, and she brought it up to him from time to time, when she came up with her husband to bring the sacrifices of the days." The biblical account is highly unusual. The fact that the coat was mentioned at all is strange; it seems to be totally irrelevant. In addition, the coat is described as being "small." The presence of an adjective is unusual in biblical narrative, and is particularly unusual here. If Samuel's mother brought him a coat every year, the coats would not remain "small" forever. The added adjective affords us a glimpse into the mind and emotions of Chana. When we think of a little coat, we envision a small, vulnerable child, without his family, consigned at a very young age to the service of the people. Chana put all of her motherly love and caring into this coat, since it was the only contact left with her son. In her mind, Samuel would always remain a small child, since they had been separated when he was weaned. The separation was very hard on her, but she kept her promise, only later realizing its full implications. The coat epitomized Samuel, and was associated with him later in life as well.

## Saul and Samuel

The next relationship of significance in Samuel's life involved Saul. Samuel anointed Saul, taught him, and led him in his years as king. He believed that Saul would be his heir. As a child, Samuel had a relationship with a mentor, the High Priest, Eli, that involved

the leadership of a nation, and looked forward to a similar relationship with Saul. Saul venerated his teacher Samuel, as well as his connection to God. Saul felt utterly lost without him, and when he was left alone, he faltered.

The most serious incident involving cloth occurs after the war with *Amalek*. In an emotional scene, Samuel castigates Saul for ignoring God's command by allowing Agag to live and letting the nation take from the spoils. Saul initially pushes off the blame but then repents, asking Samuel to return with him to pray to God; Samuel refuses "and Samuel turned to go, and he held the corner of his coat and (it/he) ripped (it)" (1 15:27). The language in this verse is ambiguous, allowing for many different interpretations. The first explanation is based on the verse following this one (15:28) "And Samuel said to him, God tore the kingdom of Israel from you today, and gave it to your friend who is better than you." Samuel ripped Saul's coat in a symbolic act, representing the tearing of the kingdom away from Saul. This type of symbolic act is seen frequently in the books of the prophets (Jeremiah 27:2, 28:10-11 and others). Two other explanations are possible however, in light of the tragic relationship between Samuel and Saul. Saul caught Samuel's coat in an effort to prevent him from leaving, and the coat tore inadvertently. This is textually possible since the verb at the end of the verse does not specify whether the coat was torn, or whether it tore of its own accord. One only must imagine Saul's desperation at seeing Samuel leave to understand why this may have occurred. The third explanation, like the first, features Samuel as the tearer. He took the corner of his own garment and tore it as a sign of mourning. It was, and is, a symbol in Judaism to tear one's clothing when in mourning (see below, the case of David.) Samuel tore the coat in grief, knowing that his relationship with Saul was over. The hopes and expectations that Samuel had for Saul's future and the future of the nation died. He knew that he would never see Saul again, nor did he want to, since it was too painful to confront the sad visible remains of what once had been a grand dream. This is attested to in verse 35, "and Samuel didn't continue to see Saul until the day he died, because Samuel mourned for Saul..." God even chides Samuel for his excessive mourning: "and God said to Samuel, 'Until when are you going to mourn over Saul...'" (16:1).

The final scene between Samuel and Saul takes

place at the end of Saul's life. Saul, about to enter into a difficult battle, is uneasy. He attempts to elicit a response from God, but is unsuccessful. The narrative emphasizes that Samuel is dead; we are told of Samuel's death at the beginning of Chapter 28, although we have already been informed of this earlier (in Chapter 25). This foreshadows the future events, and almost sounds the death-knell of Saul, who is so closely linked to Samuel. Saul, in his desperation, decides to find a specialist in these matters to attempt to raise Samuel from the dead. Jewish law, however, prohibits practicing witchcraft, and Saul specifically had made a point of eradicating all witches. In preparation for this confrontation, "Saul disguised himself and wore other clothing..." (Samuel 1 28:8). This change of clothing is not incidental. It is symbolic of Saul's tragic flaw, his inability to lead. He takes off his clothing of royalty and puts on regular clothing, dressing up as a follower in order to get his wishes.

The woman at Endor does not recognize him and attempts to raise Samuel (whom, it seems, she did not know). When she succeeds, she is shocked, as she sees "God rising from the ground" and realizes that only Saul could have raised this specter. Saul cannot see the apparition and asks for a description. She describes "an old man rising...wrapped in a coat, and Saul knew that it was Samuel..." (28:14). The description of the coat is the key recognition factor, the symbol of the relationship between Samuel and Saul. Samuel is angry with Saul and berates him. The tone of the dialogue is bitter; Samuel rebukes Saul for going to a witch on the eve of a major battle. In the following conversation, we see the eventual end of the relationship. Samuel tells Saul that "tomorrow you and your sons [will be] with me" (28:19). Although they had been separated in life, in death they will be reunited.

## David's Career

David is the second major character in the book of Samuel. In the various relationships in his life one can see the theme of cloth as well. The first instance is in his relationship with Saul. They first meet when David is called to the court to play his harp during the king's "bad moods". Their relationship develops as David kills Goliath, becomes a General, and even-

Continued on page 14

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