



TISHREI IN A DAY

A HOLIDAY PANORAMA

SUNDAY, SEPTEMBER 8, 2019
YESHIVAT OR CHAIM, 159 ALMORE AVENUE, TORONTO



ROSH HASHANAH

9:00 AM • TANACH

A Shofar of Cruelty?

R' MORDECHAI TORCZYNER

9:30 AM • TEFILLAH (PRAYER)

HaMelech!

R' ALEX HECHT

10:00 AM • MACHSHAVAH (THOUGHT)

A Breath of Fresh Air

R' SAMMY BERGMAN

10:30 AM • HISTORY

Auschwitz 1944:

An Uplifting Decision

R' AARON GREENBERG

11:00 AM • HALACHAH (LAW)

Sleeping During Judgment?

EZER DIENA



YOM KIPPUR

11:30 AM • TANACH

Fish on a Fast? Yonah's Role

MIRIAM BESSIN

12:00 PM • TEFILLAH (PRAYER)

When "Sorry" Isn't Enough

R' MORDECHAI TORCZYNER

12:30 PM-1:30 PM - LUNCH

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WWW.TORONTOTORAH.COM/TISHREI

1:00 PM-1:30 PM

OPTIONAL LUNCHTIME SESSION

The Feast Which is a Fast

R' SAMMY BERGMAN

1:30 PM • MACHSHAVAH (THOUGHT)

Blame it on the Goat?

R' ALEX HECHT

2:00 PM • HISTORY

Vilna 1848

EZER DIENA

2:30 PM • HALACHAH (LAW)

Are Kapparot All Shlugged Up?

R' MOSHE YERES



SUKKOT

3:00 PM • TANACH

When G-d Celebrates

R' SAMMY BERGMAN

3:30 PM • TEFILLAH (PRAYER)

A Musical Answer to Rejection

R' MORDECHAI TORCZYNER

4:00 PM • MACHSHAVAH (THOUGHT)

Sukkot: The Great Escape

R' EITAN AVINER

4:30 PM • HISTORY

Bar Kochba's Etrog

R' MORDECHAI TORCZYNER

5:00 PM • HALACHAH (LAW)

Day 8: Are You In or Out?

R' ALEX HECHT

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A Shofar of Cruelty?

R' Mordechai Torczyner – torczyner@torontotorah.com



Dedicated by Robbie and Brian Schwartz and family in memory of our dear great-nephew Ben Shaw z"l

Introduction

1. The basic set of 30 blasts

- 3 sets of: Tekiah-Shevarim-Tekiah
- 3 sets of: Tekiah-Teruah-Tekiah
- 3 sets of: Tekiah-Shevarim-Teruah-Tekiah

2. Our 100 blasts

- 30 before musaf
- 30 with the blessings of the musaf amidah
- 30 after musaf
- 10 more: Tekiah-Shevarim-Tekiah, Tekiah-Teruah-Tekiah, Tekiah-Shevarim-Teruah-Tekiah

3. Talmud, Rosh HaShanah 33b

כתיב "יום תרועה יהיה לכם" ומתרגמינן "יום יבבא יהא לכוון" וכתיב באימיה דסיסרא "בעד החלון נשקפה ותיבב אם סיסרא". מר סבר גנוחי גנח ומר סבר ילולי יליל.

Bamidbar 29:1 says, "It will be a day of *teruah* for you," which is translated, "It will be a day of *yevavah* for you." Regarding the mother of Sisera it says, "Through the window, the mother of Sisera gazed and *vatiyavev*." One thought this referred to groaning; the other thought it referred to wailing.

4. Rabbi Natan baal ha'Aruch (10th century France), as cited in Tosafot to Rosh HaShanah 33b

דהלין דמחמרי [ועבדין] שלשים כדיתבין ושלשים בלחש ושלשים על הסדר, כנגד מאה פעיות דפעיא אימיה דסיסרא. ואלין [עשרה] אינון כשגומרין כל התפלה...

For those who are strict and [do] thirty while seated and thirty silently and thirty in order, parallel to the 100 cries of Sisera's mother. And these [ten] are when they complete the entire prayer...

Who is Sisera's mother?

5. Shoftim 5:28-31

(כח) בַּעַד הַחֲלוֹן נִשְׁקָפָה וַתִּיבֵב אִם סִיסְרָא בְּעַד הָאֶשְׁנָב מְדוּעַ בְּשֵׁשׁ רֶכְבּוֹ לְבוֹא מְדוּעַ אֶחָרוֹ פְּעָמֵי מְרַכְבוֹתָיו: (כט) חֲקָמוֹת שְׂרוֹתֶיהָ תַעֲנִינָה אִף הִיא תִשִּׁיב אֶמְרֶיהָ לָהּ: (ל) הֲלֹא יִמָּצְאוּ יִחְלְקוּ שְׁלָל רַחֵם רַחֲמָתִים לְרֹאשׁ גְּבַר שְׁלָל צְבָעִים לְסִיסְרָא שְׁלָל צְבָעִים רַקְמָה צְבַע רַקְמָתִים לְצִנְאָרֵי שְׁלָל: (לא) כֵּן יֵאָבְדוּ כָּל אוֹיְבֵיךָ ד' וְאֶהְיֶה כְּצֵאת הַשֶּׁמֶשׁ בַּגְּבֻרָתוֹ...

At the window, the mother of Sisera gazed out and *vatiyavev*, through the *eshnav*. "Why is his chariot delayed in coming? Why are the hoofbeats of his chariots late?" The wise noblewomen answer her, and she also gives this statement to herself, "Have they not found and distributed spoils, a womb, two wombs to every man, spoils of dyed [material] for Sisera, spoils of dyed embroidery, dyed embroideries around the neck of the despoiler?" So may all of Your enemies, Gd, be destroyed, and those who love Him shall be like the sun's emergence in its strength...

6. Professor Yehudah Elitzur (20th century Israel), Daat Mikra: Shoftim, pg. נח

אהל יעל על כליו והפציו הפשוטים, יתד ומקבת, מים והלב, הוא היפוכו של בית סיסרא בחרושת הגויים שבעד חלונה אשנבה משקיפה גבירה מוקפת מטרוניתות אשר לָבֵן לסלסולי לבוש ולשפחות מקושטות. מן הראוי לציין כאן כי האשנב שהוא כנראה שכבת אבן מפוארת בחלון, הוא אחד הסימנים המובהקים של ארמנות מלכים ושרים כפי שמוכיחים ממצאי החפירות בארמון רמת רחל בדרום ירושלים...

The tent of Yael, with its simple tools and objects – a stake and hammer, water and milk – is the opposite of Sisera's house in *Charoshet haGoyim*, through the *eshnav* window of which the lady of the house gazes, surrounded by her matrons, their hearts given to frippery and made-up maids. It would be appropriate to note here that the *eshnav* seems to be a layer of decorative stone in a window, and it is one of the identifying signs of royal palaces and nobles, as seen in archaeological finds in the palace of Ramat Rachel in South Jerusalem...

7. Ralbag (13th-14th century France), Commentary to Shoftim Perek 4-5, Lesson 8

השמיני הוא לפרסם גנות האומות ההם והיותם פרוצים בעריות ולזה הקדימה אם סיסרא בספור הצלחת סיסרא רחם רחמתיים לראש גבר...
The eighth lesson is to publicize the disgrace of those nations, and their wanton immorality. Thus the mother of Sisera, in speaking of Sisera's success, began with...

So why pick Sisera's mother?

8. Midrash, Avot d'Rabbi Natan cited in Torah Sheleimah to Bereishit 22 #92

באותה שעה נשתנה קלסתר פניו של אברהם. אמר: "אני זקן והוא נער, שמא יברח? ומה תהא עלי?"
אמר לו יצחק: "אבא, אל תתיירא! יהי רצון מלפני המקום שיתקבל לרצון רביעית דם שלי! אלא כופתני יפה, כדי שלא אצטרך. וכשתלך אצל שרה אמי אל תאמר לה פתאם, שלא תחבול עצמה..."
באותה שעה היה יצחק מסכים בפיו, ובלבו היה אומר: "מי יצילני מיד אבי? אין לי עוזר אלא הקב"ה, שנאמר: 'עזרי מעם ד' עשה שמים וארץ.'"

At that moment, the complexion of Avraham's face changed. He said, "I am old, and he is young, perhaps he could flee? And what would be with me?"

Yitzchak said to him, "Father, fear not! May it be Gd's will that the *revi'it* of my blood be accepted! But bind me well, so that I will not need [restraining]. And when you go to my mother Sarah, do not tell her suddenly, lest she harm herself..."

At that moment Yitzchak consented verbally, but in his heart he was saying, "Who will save me from my father? I have no aid other than Gd, as Psalms says, 'My aid is from Gd, Maker of Heaven and Earth.'"

9. Rabbi Yehudah Amital (20th century Israel), **וטהר לבנו לעבדך באמת**

כלל גדול לימדנו כאן חכמים הראשונים. אברהם לא היה מלאך ויצחק לא היה שרף.
לדברי המדרש יש סעד וסמך במשנת תענית (ב, ד): "מי שענה את אברהם בהר המוריה, הוא יענה אתכם וישמע בקול צעקתכם היום הזה. ברוך אתה ד' גואל ישראל." ולכאורה קשה: האמנם תפילתו של אברהם אבינו היא שגרמה לכך שנענה לו הקב"ה? והלא מתחילה לא הייתה כוונת הקב"ה אלא לנסותו, ולא עלתה במחשבה לפניו שיעקוד את יצחק בנו?
אכן, גלוי וידוע לפני אנשי כנסת הגדולה שלא רק הגשמת רצון שמים יש כאן, אלא אף מענה לזעקתו האנושית של אברהם אבינו. גם אלמלא התוכנית האלוקית להימנע מהקרבתו לעולה, היה יצחק ניצל מדינה של עקידה מכוח תפילתו של אברהם.
לעומת פרשת סדום, שם "התווכח" אברהם עם הקב"ה, הדגש מושם כאן על תפילתו של אברהם. אלמלא הייתה מסורת בעניין זה, לא היו חכמים מדגישים זאת. אברהם תיקן כאן "סדר תפילה" של ממש, לשעה - ולדורות.

The early sages taught us a great principle here: Avraham was not a *malach*, and Yitzchak was not a *saraf*.

There is support and basis for this midrash in Mishnah Taanit 2:4, "May the One who answered Avraham on Mount Moriah answer you and hear the sound of your cries on this day. You are blessed, Gd, Redeemer of Israel." This appears difficult: Was it truly our ancestor Avraham's prayer that caused Gd to answer him? From the beginning, wasn't Gd's intent only to test him? It was never a thought before Him to be *okeid* his son Yitzchak!

In truth, it was evident and known before the Great Assembly that this was not only the realization of Divine desire, but also a response to the human cry of our ancestor Avraham. Even had it not been the Divine plan to refrain from sacrificing him as a burnt offering, Yitzchak would still have been rescued from the *akeidah* as a result of Avraham's prayer.

As opposed to the passage of Sdom, where Avraham "argued" with Gd, the emphasis here is on Avraham's prayer. Had there not been a tradition [teaching of such a prayer, and of the Divine response to it], the Sages would not have emphasized this. Here Avraham enacted "the order of prayer" of substance, for that time – and for generations.

10. Talmud Yerushalmi, Taanit 2:1

ולמה תוקעין בקרנות? לומר חשבינו כאילו גועים כבהמה לפניך.

And why do we blow with animal horns? To say: Consider us as though we were lowing like beasts before You.



*Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z”l
and his beloved brother Jerry Kirsh z”l*

1. Talmud, Rosh HaShanah 34b (Davidson Edition translation)

מ"ט אמר רבה אמר הקב"ה אמרו לפני בר"ה מלכויות זכרונות ושופרות מלכויות כדי שתמליכוני עליכם זכרונות כדי שיבא לפני זכרוניכם לטובה ובמה בשופר.

What is the reason [that all the blasts and blessings are indispensable on Rosh HaShanah]? Rabbah said that the Holy One, Blessed be He, said: Recite before Me on Rosh HaShanah Kingship, Remembrances, and *Shofarot*. **Kingship, so that you will crown Me as King over you;** Remembrances, so that your remembrance will rise before Me for good. And with what? With the *shofar*.

Crowning G-d as king: what are we doing, exactly?

Reinforcing our own faith:

2. R' Yosef Albo, *Sefer HaIkkarim* I:4 (JPS, 1929 translation)

שהם כנגד ג' עקררים הללו, להעיר לב האדם כי בהאמנת העקררים הללו עם סעיפיהם ושרשיהם כפי מה שראוי יזכה האדם בדינו לפני השם. כי ברכת מלכויות היא כנגד עקר מציאות השם...וכן ברכת זכרונות תורה על ההשגחה והשכר והעונש...וברכת שופרות היא לרמוז על העקר השלישי שהוא תורה מן השמים.

[These three blessings] correspond to the three principles and are intended to call our attention to the fact that by properly believing in these principles together with the dogmas derived from them we shall win a favorable verdict in the divine judgment...The blessing known as Kingship corresponds to the principle of the existence of G-d...The benediction called Remembrances points to providence and reward and punishment...The benediction called *Shofarot* alludes to the third principle, revelation.

Teaching humanity:

3. Sefat Emet, Rosh HaShanah 5662

פי' שעל ידכם יהי' נגלה מלכותי בעולם. כל העולם ומלואו אינו כדאי שיתגלה מלכותו ית"ש עליהם. רק באמצעות בני' בכח האבות ובכח התורה שמלמדת לנו החכמה לעמוד על מהות ופנימיות הבריאה.

Explanation: Through you, will My sovereignty be revealed in the world. The whole world and its fullness are not worthy for His sovereignty to be revealed upon them. Only through the medium of the Jewish people, by the power of the Patriarchs and by the power of the Torah, which teach us the wisdom to uphold the essence and deeper purpose of creation.

No king without a nation:

4. Talmud, Rosh HaShanah 31a (Davidson Edition translation)

בששי היו אומרים (תהלים צג, א) ה' מלך גאות לבש על שם שגמר מלאכתו ומלך עליהן.

On the sixth [day of the week] they would recite [the psalm beginning]: “The Lord reigns, He is clothed with majesty” (Psalms 93:1), because [on that day] He completed His labor and ruled over [all of creation in full glory].

5. Rabbeinu Bachaye, Bereishit 38:30 (translated by Rabbi Eliyahu Munk)

ידוע כי שם אלקים הנזכר בבראשית הוא מלך העולם והוא התשובה, וזה אנו אומרים בראש השנה שבו נברא העולם המלך הקדוש והמלך המשפט, לפי שהיום ההוא הוא תחלת מעשיו שאין מלך בלא עם.

We acknowledge this attribute especially on Rosh HaShanah, the “birthday” of the universe, (creation of man) and the days between Rosh HaShanah and Yom Kippur when we conclude the third of the blessings in the עמידה prayer by saying המלך הקדוש, “the Holy King,” or המשפט, “the King who dispenses justice,” instead of האל-הקדוש, “the Holy G-d,” or מלך אוהב צדקה ומשפט, “the King who loves righteousness and justice.” There is no King without a people.

6. Siddur, “Adon Olam” (Sefaria Community translation)

אָדוֹן עוֹלָם אֲשֶׁר מֶלֶךְ. בְּטָרָם כָּל יְצִיר נִבְרָא, לְעֵת נִעְשָׂה בְּחִפְזוֹ כָּל; אִזֵּי מֶלֶךְ שְׁמוֹ נִקְרָא.

The king of the world, who ruled before any creature was created; At the time they were made, all was according to His will, and then His name was called "King.”

7. R' Shimshon Dovid Pincus, Moadei HaShanah: The Days of Awe, p. 235

Regarding the nature of *Malchus*, we find an important statement in *Chazal*. The Gemara recounts that when David sought to kill Naval, he was approached by Avigail - then Naval’s wife - who came and asked David why he intended to kill her husband without first judging him. David answered her: “He is a rebel against the king and it is not necessary to judge him.” Avigail responded, “Shaul is still alive, and your renown has not yet spread in the world.” (Megillah 14b)

Now, David had already been anointed as king by Shmuel HaNavi. Nevertheless, we learn from the above Gemara that he was not yet considered king, as long as he did not actually practice his kingship.

The nature of *Malchus* is “Your renown has spread in the world.” It needs to come to practical expression. When there is law and order in a country, when there are roads, hospitals, etc., when the rule of the government is practically expressed, when people see it in action – only then is it *Malchus*. By contrast, *Kadosh* means separated and elevated above everything.

It comes out that the concluding words of *HaMelech HaKadosh* says it all. With these words, we express that Hashem is *Melech*, in practical control of everything, and that he is *Kadosh*, exalted above all. For Hashem, this is no contradiction.

G-d rules through consent, not coercion:

8. Tehillim 22:29 (chabad.org translation)

כִּי לַיהוָה הַמְּלוּכָה אֲמִנְשָׁל בְּגוֹיִם.

For the kingship is the Lord's, and He rules over the nations.

9. Malbim, Beiur HaMilot

המושל הוא ביד חזקה, ומצד זה יוסיף לפעמים תואר מושל, כי המלך הוא בהסכמת העם....

The *moshel* (ruler) [governs] by force, and from this angle, Yosef sometimes carried the title of “*moshel*,” whereas the *melech* (king) [governs] with the consent of the people...

What does this mean, practically?

10. Mechilta d'Rabbi Yishmael (translated by Rabbi Shraga Silverstein)

לא יהיה לך אלקים אחרים על פני. למה נאמר? לפי שנאמר "אנכי ה' אלקיך". משל למלך בשר ודם שנכנס למדינה. אמרו לו עבדיו: גזור עליהם גזרות! אמר להם: כשיקבלו את מלכותי – אגזור עליהם; שאם מלכותי לא יקבלו – גזרותי לא יקבלו! כך אמר המקום לישראל: "אנכי ה' אלקיך... לא יהיה לך": אני הוא שקבלתם מלכותי במצרים? אמרו לו: כן. – וכשם שקבלתם מלכותי – קבלו גזרותי.

"There shall not be unto you any other gods before My presence": What is the intent of this? An analogy: A king of flesh and blood enters a province and his servants say to him: Make decrees for them. He: When they accept my rule, I will make decrees for them. For if they do not accept my rule, they will not accept my decrees. Thus did the Lord say to Israel: "I am the Lord your G-d. There shall not be unto you, etc.": Am I He whose rule you have accepted? They: Yes. He: Just as you have accepted My rule, accept My decrees.

11. R' Yaakov Weinberg, *Insights on the Moadim*

(<http://files.scdntoyaiwu.org/enewsletter/YN5775/R%27WeinbergRoshHashanah2014.pdf>)

What is the difference between obeying Him as King and actually being the King's subjects? The difference is really quite stark. If I am only obeying him as king, my essential self has not changed. I am who I am, with all my needs and desires, all my likes and dislikes, just I have agreed to limit my needs and forego my desires to serve Him. In effect, I have two identities: I as myself and I as being obedient to Him. By contrast, if I actually make Him my King and become His subject, I have transformed by identity. All I am now is a subject and servant of His Majesty. My ultimate pleasure is to fulfill His will, and this is the only thing of significance and meaning for me.



א. תלמוד בבלי מסכת ראש השנה דף טז עמוד א

תניא, אמר רבי יהודה משום רבי עקיבא: מפני מה אמרה תורה הביאו עומר בפסח - מפני שהפסח זמן תבואה הוא; אמר הקדוש ברוך הוא: הביאו לפני עומר בפסח, כדי שתתברך לכם תבואה שבשדות. ומפני מה אמרה תורה הביאו שתי הלחם בעצרת - מפני שעצרת זמן פירות האילן הוא; אמר הקדוש ברוך הוא: הביאו לפני שתי הלחם בעצרת, כדי שיתברכו לכם פירות האילן. ומפני מה אמרה תורה נסכו מים בחג - אמר הקדוש ברוך הוא: נסכו לפני מים בחג, כדי שיתברכו לכם גשמי שנה, ואמרו לפני בראש השנה מלכיות זכרונות ושופרות. מלכיות - כדי שתמליכוני עליכם, זכרונות - כדי שיעלה זכרוניכם לפני לטובה, ובמה - בשופר.

1. Talmud Bavli Tractate Rosh Hashana 16a (translation from Sefaria)

It is taught in a baraita that Rabbi Yehuda said in the name of Rabbi Akiva: For what reason did the Torah say: Bring the omer offering on the second day of Passover? It is because Passover is the time of grain, and therefore the Holy One, Blessed be He, said: Bring the omer offering before Me on Passover so that the grain in the fields will be blessed for you. And for what reason did the Torah say: Bring the offering of the two loaves from the new wheat on Shavuot? It is because Shavuot is the time of the fruits that grow on a tree, and therefore the Holy One, Blessed be He, said: Bring the offering of the two loaves before Me on Shavuot so that the fruits that grow on a tree will be blessed for you. And for what reason did the Torah say: Pour water onto the altar in the Temple on the festival of Sukkot? The Holy One, Blessed be He, said: Pour water before Me on the festival of Sukkot so that the rains of the year will be blessed for you. And recite before Me on Rosh HaShana verses that mention Kingships, Remembrances, and Shofarot: Kingships so that you will crown Me as King over you; Remembrances so that your remembrance will rise before Me for good; and with what? With the shofar.

ב. תלמוד בבלי מסכת ראש השנה דף כו עמוד א

דאמר רב חסדא: מפני מה אין כהן גדול נכנס בבגדי זהב לפני ולפנים לעבוד עבודה - לפי שאין קטיגור נעשה סניגור... והוא איכא בגדי זהב מבחוץ! - מבפנים קא אמרינן. - שופר נמי מבחוץ הוא! - כיון דלזכרון הוא - כבפנים דמי.

2. Talmud Bavli Tractate Rosh Hashana 26a (translation from Sefaria)

As Rav Hisda said: For what reason does the High Priest not enter the innermost sanctum with his golden garments to? It is because a prosecutor cannot become an advocate. But there are the golden garments the High Priest wears outside the Holy of Holies! What we are saying is that a sinner should not adorn himself with gold inside the Holy of Holies, but outside there is no concern. If so, the shofar is also outside! The Gemara answers: Since the shofar is sounded in order to evoke G-d's remembrance, it is considered as if it were sounded inside the Holy of Holies.

ג. הידושי הריטב"א מסכת ראש השנה דף טז עמוד א

ובמה בשופר. עיקר הפירוש דאכולהו קאי במה ראוי להמליכי ולהזכיר זכרוניכם לפני בשופר, שכן כתיב (עי' מלכים א' פ"א פל"ט) ויתקעו העם בשופרות וימליכו את שאול עליהם למלך, ומלכותא דארעא כעין מלכותא דרקיעא.

3. Ritva Tractate Rosh Hashana 16a

“With what? With the Shofar.”- The main explanation is that the phrase refers to all of them. With what is it fitting to crown me and cause your memories to be remembered before me? With the Shofar. As it is written: (Kings 1 1:39) “The nation blew trumpets and coronated Saul over them as king”. The Kingdom of the land is parallel to the Kingdom of heaven.

ד. פסיקתא דרב כהנא פיסקא כג - ראש השנה

תני ר' אליעז' בעשרים וחמשה באלול נברא העולם... נמצאת אומ' בראש השנה נברא אדם הראשון.

4. Pesikta of Rav Kahana: Verse 23- Rosh Hashana

Rav Ilaah taught: On the 25th of Elul the world was created. Based on this, we can say that on Rosh Hashana Adam was created.

ה. בראשית פרק ב פסוק ז

וַיִּצְרֶה אֱלֹהִים אֶת-הָאָדָם עֶפְרָל מִן-הָאֲדָמָה וַיִּפַּח בְּאַפָּיו נְשָׁמַת חַיִּים וַיְהִי הָאָדָם לְגַפְשׁ חַיָּה:

5. Genesis 2:7

And the Lord, G-d formed the man from the dust of the earth. And he blew a living soul into his nostril. And the man became a living being.

ו. רמב"ן בראשית פרק ב פסוק ז

(ז) ויפח באפיו נשמת חיים - ירמוז לנו הכתוב הזה מעלת הנפש יסודה וסודה, כי הזכיר בה שם מלא, ואמר כי הוא נפח באפיו נשמת חיים, להודיע כי לא באה בו מן היסודות כאשר רמז בנפש התנועה (לעיל א כ), גם לא בהשתלשלות מן השכלים הנבדלים, אבל היא רוח השם הגדול, מפיו דעת ותבונה, כי הנופח באפי אחר מנשמתו יתן בו.

6. Ramban Genesis 2:7

“And he blew a living soul into his nostril”- With this, the verse hints to us the greatness of the soul, its foundation, and its secret. For it mentions in reference to the soul the full name, and it says he blew a living soul into him to express that the soul didn't come from the elements as it hinted to in regard to the soul of movement. Nor was it formed as a development from the higher minds. Rather, it is the spirit of the great name, knowledge and understanding from his mouth. **For one who blows into another's nostril puts breath from his soul into him.**

ז. תלמוד בבלי מסכת סנהדרין דף לח עמוד ב

אמר רב יהודה אמר רב: בשעה שבקש הקדוש ברוך הוא לבראות את האדם, ברא כת אחת של מלאכי השרת, אמר להם: רצונכם, נעשה אדם בצלמנו? אמרו לפניו: רבונו של עולם, מה מעשיו? אמר להן: כך וכך מעשיו, אמרו לפניו: רבונו של עולם מה אנוש כי תזכרנו וכן אדם כי תפקדנו?

7. Talmud Bavli Tractate Sanhedrin 38b (translation from Sefaria)

Rav Yehuda says that Rav says: At the time that the Holy One, Blessed be He, sought to create a person, He created one group of ministering angels. He said to them: If you agree, let us fashion a person in our image. The angels said before him: Master of the Universe, what are the actions of this person You suggest to create? G-d said to them: His actions are such and such, according to human nature. The angels said before him: Master of the Universe: “What is man that You remember him? And the son of man that You think of him?”

ח. פחד יצחק ראש השנה מאמר כה

ומעתה יפה קטרגו מלאכי השרת על בריאת אדם באמרם: "מה אנוש כי תזכרנו". כלומר כיונו את חוד הקטרוג כלפי הנקודה המרכזית ביצירת אדם. נקודה מרכזית זו, היא היא יצירת גשר-קשר בין אותו המצב של לפני ה"נפחתה" עם אותו מצב של לאחר ה"נפחתה". ומהותו של גשר קשר זה היא עצם עצמותו של כח הזכרון.... כל נשימה באה היא מפנימיותו של הנושם. ומצות שופר, שהיא המצוה היחידה המתקיימת בכח הנשימה, וזמנה היא ביום של יצירת אדם, מיתחסת היא לאותה הנשימה של "ויפח באפיו", ומתוך כך השופר לזכרון קאתי להפוך הקטרוג ד"מה אנוש כי תזכרנו. והנשימה באה היא מפנימיותו של הנושם. והנשימה היא חלק אלוק ממעל-, הרי מאיליהם מאירים הם דברי הגמרא: "שופר כיון דלזכרון קאתי כלפני ולפנים דמי" והבן.

8. Pachad Yitzchak Rosh Hashana Article 25

Now, the angels protested well against the creation of man when they said: “What is man that You remember him?”. They aimed the point of their protest at the central point of creating man. This central point is the creation of the connecting bridge between the era before the “blowing”, with the era after “the blowing”. The nature of this bridge is the essence of the faculty of memory.

Every breath emanates from the insides of the breather. The commandment of Shofar, which is the only commandment performed through the breathing faculty, and its time is the day man was created, connects to that breath of: “and he blew into his nostril”. Therefore, the shofar is “for remembrance”, to overturn the protest of: “what is man that you should remember him”. Breath emanates from the insides of the breather. The soul is a g-dly portion from above. Behold the words of the Talmud illuminate themselves! “The shofar since it is for remembrance it is considered as if it were sounded inside the inner chambers.

Auschwitz 1944: An Uplifting Decision

Rabbi Aaron Greenberg, rabbigreenberg@jliccanada.com

This shiur is dedicated by Helene and Debbie Bauer in memory of our wise, resilient and beloved parents, Eugene and Adele Bauer z"l (Holocaust survivors of Sachsenhausen and Auschwitz, respectively)

Rabbi Tzvi Hirsch Meisels relates the following incident in his Introduction to Responsa *Mekadshei Hashem*:

On the eve of Rosh Hashana (5705/1944), they rounded up and took 1400 boys to an isolated, closed block at Auschwitz. The next day, the first day of Rosh Hashana, the rumor spread through the whole camp that in the evening the youths would be taken to the furnace. Many people in the camp had an only son among these youths, the only child left to them ... and all that day they ran in confusion around the closed block, in the hope that perhaps they could catch some glimmer of light to save their precious son. A 'regular' Jew came and said to me: "Rabbi! My only son is in there among the boys condemned to the furnace, and it is within my power to purchase his release with a gold watch. Since it is known to us, without any doubt, that they will take someone else in his place, I present before you a halachic decision. Tell me what the law is according to the Torah. Am I allowed to redeem him? I shall act according to your decision."

- What do you think Rabbi Meisels said to this 'regular' Jew and why?
- What would you do and why?
- What is the deeper message of this tragic story?



Sleeping During Judgment?

Ezer Diena, ediena@bastoronto.org



**Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z"l
and his beloved brother Jerry Kirsh z"l**

Dedicated by Jeffrey Silver in honour of Ezer Diena's accomplishments

1. Talmud Bavli Sukkah 26b (Davidson Edition translation)

אמר רב אסור לאדם לישן ביום יותר משינת הסוס וכמה שינת הסוס שיתין נשמי אמר אביי שנתיה דמר כדרב ודרב כדרבי ודרבי כדדוד ודוד כדסוסיא ודסוסיא שיתין נשמי אביי הוה ניים כדמעיל מפומבדיתא לבי כובי קרי עליה רב יוסף (משלי ו, ט) עד מתי עצל תשכב מתי תקום משנתך

Rav said: It is prohibited for a person to sleep during the day longer than the duration of the sleep of a horse. One who sleeps for longer is derelict in the study of Torah. And how long is the duration of the sleep of a horse? It is sixty breaths long. Abaye said: The sleep of the Master, Rabba, is like that of Rav, and that of Rav is like the sleep of Rabbi Yehuda HaNasi. And that of Rabbi Yehuda HaNasi is like that of King David, and that of King David is like that of a horse. And that of a horse is sixty breaths. The Gemara relates: Abaye would sleep during the day for a period equivalent to the time it takes to enter from Pumbedita to Bei Kuvei. Rav Yosef read the following verse as pertaining to Abaye: "How long will you sleep, sluggard? When will you arise from your sleep?" (Proverbs 6:9). Rav Yosef considered this dereliction in the study of Torah.

2. Rabbi Yisrael Meir Kagan/Poupko, Mishnah Berurah, Orach Chaim 4:36

השיגו עליו האחרונים דלא נמצא שם כן בגמרא רק על האמוראים אבל דוד בעצמו גם בלילה היה נזהר ונ"מ כ"ז לדין שבעל נפש יחמיר עכ"פ ביום. ואין שבת בכלל זה. ועיין לקמן בסימן רל"א ס"א דאם א"א לו ללמוד בלא שינת הצהרים מותר לישן מעט אבל לא יאריך בה עיי"ש ועיי"ש עוד שגם זה לא תהיה כונתו להנאת עצמו רק לעבודתו יתברך. ועיין במחצית השקל שכתב דענין השינה ביום תלוי לפי מה שהוא אדם וכפי הצורך לעבודתו ית':

The Acharonim asked on [Shulchan Aruch] that this is not found in the Gemara, it is only said referring to the Amoraim, and that King David himself was careful of this even at night! The practical difference for us [between whether we follow the Acharonim or Shulchan Aruch] is whether or not a particularly pious person should be stringent during the day, and Shabbat is not included in this. See Orach Chaim 231:1 that if it is impossible to learn without an afternoon nap, it is permitted to sleep a bit, but not for a lengthy period of time, and see there further that even this should not be with the intention of enjoyment, but rather for the service of G-d. See the Machatzit Hashekel who writes that sleeping during the day depends on the person and what is necessary for G-d's service.

3. Rabbi Moshe Isserles, Darchei Moshe, Orach Chaim 583 (this custom is cited approvingly in his commentary to Shulchan Aruch there)

בירושלמי דראש השנה איתא האי מאן דמיך בריש שתא דמיך מזליה ולכן נזהרים שלא לישן בראש השנה:

In [Talmud] Yerushalmi, [Masechet] Rosh HaShanah it states: "Any person that sleeps on Rosh HaShanah, his mazal will sleep", and therefore, [many] are careful not to sleep on Rosh HaShanah.

4. Rabbi Avraham Gombiner, Magen Avraham, Orach Chaim 583:6

האר"י אמר שאחר חצות מותר לישן שכבר נתעורר המלאך ע"י התפלות והתקיעות ובב"ח כת' שהר"ם ישן בר"ה והיושב בטל כישן דמי: Rabbi Yitzchak Luria said that after midday it is permitted to sleep, as the angel has already been woken by the prayers and shofar-blowing, and the Bach writes that the Maharam slept on Rosh HaShanah, and one who sits idle is like he is asleep.

5. Rabbi Ezra Schwartz, The Minhag of Not Sleeping on Rosh HaShanah, Yeshiva University Tishrei To-Go 5773 (footnotes removed)

Many have noted, however, that this Yerushalmi does not appear in the versions of Yerushalmi that we possess. It is entirely possible that it was found in the Yerushalmi on Kodshim which is missing, or the Yerushalmi on Nidda that is incomplete. Alternatively, some suggest that Rishonim refer to Midrashim that originate in Eretz Yisrael as Yerushalmi. A further suggestion posits that there was a book which many Rishonim drew upon titled the Sefer haYerushalmi and when citations are quoted from a Yerushalmi that we do not have, they originate in this work.

6. Rabbi Yehoshua Ibn Shu'ib, Derashot R"l Ibn Shu'ib – Derashah for Rosh HaShanah

והרמב"ם ז"ל כתב כי בתקיעת השופר יש רמז לדין כמו עורו ישנים מתרדמתכם. רוצה לומר כי השינה צריכה הערה, כמו שנ' אם יתקע שופר בעיר וגו'. ומכאן כתבו בירו' שאסור לאדם שישן בראש השנה כדאמרינן התם הך בר נש דדמיך בריש שתא ועוסקין בדיניה לעיל שהוא מורה עצלה דכתיב מה לך נרדם.

The Rambam wrote (Hilchot Teshuvah 3:4) that in the blowing of the Shofar, there is a [reminder] of the judgement, like saying “Sleepers, wake up from your slumber!” This means to say that sleep needs an awakening, as it says: ‘If the shofar will be blown in the city [will the people not tremble?]' (Amos 3:6). And based on this [idea], the [Talmud] Yerushalmi writes that it is prohibited for anyone to sleep on Rosh HaShanah, as it says there: “Any person that sleeps on Rosh HaShanah, and they are judging him above, [this] shows laziness, as it says: ‘What are you doing asleep!’” (Yonah 1:6)

7. Talmud Bavli, Avodah Zarah 4b (Davidson Edition translation)

אמר רב יוסף לא ליצלי איניש צלותא דמוספי בתלת שעי קמייתא דיומא ביומא קמא דריש שתא ביחיד דלמא כיון דמפקיד דינא דלמא מעייני בעובדיה ודחפו ליה מידחי

Rav Yosef says: A person should not recite the additional prayers during the first three hours of the day on the first day of Rosh HaShana if he is praying individually, as, since the judgment of the entire world is reckoned then, perhaps the Heavenly court will scrutinize his actions and reject him.



When "Sorry" Isn't Enough

R' Mordechai Torczyner – torczyner@torontotorah.com

Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z"l and his beloved brother Jerry Kirsh z"l

Dedicated by Rina and Irving Gottesman in honour of our grandchildren Ezra, Ariella, Jackson and Tyler Children today... Builders tomorrow

Dedicated by Andy & Margie Gann in memory of Samuel Gann, Shmuel Shimson ben Avraham haLevi z"l Dedicated by Anonymous in honour of our children and grandchildren

1. Rambam (12th century Egypt), Responsum 207

תשובה: הראוי שלא לומר דבר מדברי השיר האלה בתפלה ואם אין ההמון רוצה אלא לאמרם ויד הבערות על העליונה, יהא זה קודם ברכות קריאת שמע ולא יוסיפו דבר בשום פנים בעצם הברכות ולא יפסיקו ביניהן ובין קריאת שמע.

It would be appropriate not to say anything from these songs in prayer. And if the masses only want to say them, and foolishness reigns, then let it be before the blessings of Shema, and let them not add in any way to the actual blessings, and let them not interrupt between the blessings and Shema.

How Forgiveness Works

2. Michah 7:18

מי קל כמוך נושא עון ועובר על פשע לשארית נחלתו לא החזיק לעד אפו כי חפץ חסד הוא

Who is powerful like You, Who pardons iniquity and overlooks transgression for the remnant of His heritage? He does not maintain His wrath forever, for He desires generosity.

3. Daniel 9:9

לד' אלקינו הרחמים והסלחות כי מרדנו בו:

Mercy and forgiveness are with G-d, for we have rebelled against Him.

4. Don Isaac Abarbanel to Shemot 34

מפני שהאם מרחמת על בניה ברחמים גדולים... לכן קראו להמלה רחמים מלשון רחם המיוחדת אל האשה

Because the mother has great mercy for her children... Therefore, they called mercy *rachamim*, from *rechem* [womb], which is uniquely female.

5. Devarim 9:26-29

(כו) וְאֶתְפַּלֵּל אֶל ד' וְאָמַר ד' אֱלֹהִים אֵל תְּשַׁחַת עַמְּךָ וְנַחֲלַתְךָ אֲשֶׁר פָּדִיתָ בְּגִדְלֶךָ אֲשֶׁר הוֹצֵאתָ מִמִּצְרַיִם בְּיַד תְּזַקֶּה: (כז) זָכַר לַעֲבֹדֶיךָ... (כח) פֶּן יֹאמְרוּ הָאֲרָץ אֲשֶׁר הוֹצֵאתָנוּ מִשָּׁם... (כט) וְהֵם עַמְּךָ וְנַחֲלַתְךָ אֲשֶׁר הוֹצֵאתָ...
And I prayed to Gd, saying: Hashem, Elokim! Do not destroy Your nation and Your portion, whom You redeemed in Your greatness, whom You removed from Egypt with a mighty hand. Remember Your servants... Lest they say, the land from which You removed us... And they are Your nation and Your portion, whom You removed...

6. Melachim I 8:46-51

(מו) כִּי יִחַטְּאוּ לָךְ... (מז) וְהָשִׁיבוּ אֵל לִבָּם בְּאֲרָץ אֲשֶׁר נָשְׁבוּ שָׁם וְשָׁבוּ וְהִתְחַנְּנוּ אֵלֶיךָ בְּאֲרָץ שְׁבִיָּהֶם... (מח) וְשָׁבוּ אֵלֶיךָ כָּל לִבָּבָם... וְהִתְפַּלְלוּ אֵלֶיךָ דְרָךְ אֲרָצָם אֲשֶׁר נָתַתָּה לְאֲבוֹתָם הָעִיר אֲשֶׁר בָּחַרְתָּ וְהַבַּיִת אֲשֶׁר בָּנִיתִי לְשִׁמְךָ: (מט) וְשָׁמַעְתָּ הַשָּׁמַיִם... (נ) וְסָלַחְתָּ לְעַמְּךָ אֲשֶׁר חָטְאוּ לָךְ... (נא) כִּי עַמְּךָ וְנַחֲלַתְךָ הֵם אֲשֶׁר הוֹצֵאתָ מִמִּצְרַיִם מִתּוֹךְ כּוּר הַבְּרֹזֶל:
When they sin against You... And they set in their hearts in the land where they have been taken captive, and they plead with You in the land of their captors... And they return to You wholeheartedly... And they pray to you via their land, which You gave their ancestors, the city You have chosen, and the house I have built in Your Name. And You will hear in Heaven... And You will forgive Your nation, which has sinned against You... For they are Your nation and Your portion, whom You removed from Egypt, from the iron kiln.

Stage 1: The Piyut

7. Technical background

<https://www.yutorah.org/sidebar/lecture.cfm/863413>

8. Rambam (12th century Egypt), Responsum 180

המותר למתפלל להפסיק בין הברכות שקודם קריאת שמע או שלאחריה בדבר מן הפיוטים החדשים.....
התשובה להפסיק ביניהן בדבר מן הפיוטים הוא משגה וטעות גמורה, ואין פנים להתירו...

May one who is praying interrupt between the blessings before Shema or after it with one of the new *piyutim* ...

Answer: Interrupting with one of the *piyutim* is error, a total mistake, and there is no room to permit it.

9. Rambam (12th century Egypt), Responsum 254

ואין זה כמו הפיוטים אשר הם תוספת עניינים והבאת דברים הרבה שאינם מעניין התפלה, ונוספים לזה משקלם וניגונם, ויוצאת התפלה מגדר תפלה (ונעשית) לשחוק. וזו הסיבה היותר גדולה לחסרון הכוונה ושההמון מקילים ראש לשוחח (באמצע התפלה), לפי שהם מרגישים, שאלו הדברים הנאמרים אינם מחויבים...

[Permitted additions are] not like the *piyutim* which are additions and introduction of many things which are not of the essential prayer, and their metre and tune is added, and prayer stops being prayer and becomes a joke. This is the greatest cause of deficiency of concentration, and the masses taking lightly speech (during prayer), because they feel that these things which are being said are not obligatory...

10. Rabbi Avraham Ibn Ezra (12th century Spain) to Kohelet 5:1

חייב אדם שיתפלל שישמור פתחי פיו ויחשוב בלבו שהוא עומד לפני מלך, בידו להחיות ולהמית על כן אסור שיתפלל אדם ויכניס בתוך תפלתו פיוטין לא ידע עיקר פירושם...

[O]ne who will pray must guard the entrances of his mouth, and think in his heart that he is standing before the King, who has the power to give life and to kill. Therefore, one may not pray and introduce into his prayer *piyutim* the essence of which he does not understand...

11. Rabbeinu Tam (12th century France), cited in Shibbolei haLeKet 28

וכי לא ידעו גדולי הדור הא דלא ישאל אדם צרכיו, ועוד שהאריכו בהם יותר מאמצעיות? אלא פשוט ביום [כיום?] שנכון להרבות בשבחו של מקום ובצרכי צבור, ובשלא ראשונות יותר כגון זכרנו ומי כמוך ובכך תן פחדך וסדר הקדושה...

Did the giants of the generation not know that one should not request his needs, and further that they extended these [initial blessings] more than the middle ones? Rather, it is clear in day [as day?] that it is appropriate to increase the praise of Gd and the requests for communal needs, and especially in the first three blessings – like *Zochreinu, Mi Kamocha, UvChen ten pachdicha*, and *Kedushah*...

12. Rabbi Yosef Dov Soloveitchik (20th century USA), Halakhic Man pp. 58-59

Halakhic man never accepted the ruling of Maimonides opposing the recital of *piyyutim*, the liturgical poems and songs of praise. Go forth and learn what the *Guide* sought to do to the *piyyutim* of Israel! Nevertheless, on the High Holidays the community of Israel, singing the hymns of unity and glory, reaches out to its Creator. And when the Divine Presence winks at us from behind the fading rays of the setting sun and its smile bears within it forgiveness and pardon, we weave a "royal crown" of praise for the *Atik Yomin*. The Ancient One. And in moments of divine mercy and grace, in times of spiritual ecstasy and exaltation, when our entire existence thirsts for the living G-d, we recite many *piyyutim* and hymns, and we disregard the strictures of the philosophical *midrash* concerning the problem of negative attributes...

13. Rabbi Chaim Mordechai Margulies (18th-19th century Ukraine), Shaarei Teshuvah 584:2

וכל מי שאפשר יש לו ליקח פנאי ללמוד פי' הפיוטים להתפלל, ועייך לעיל סי' ק' שכתב הט"ז דבפיוטים צריך להסדיר תפילתו ע"ש:
And anyone who is able should take the opportunity to learn the meaning of the *piyutim* to pray. And see Taz's comment that regarding *piyutim*, one must arrange his prayer [in advance].

Stage 2: The Avodah

14. Rationales

- Funding Toldot Yitzchak
- Preventing sin Rambam, Rabbeinu Bechaye, Akeidah
- Avoiding punishment Rama, Ibn Ezra, Toldot Yitzchak, Akeidah, Rabbeinu Bechaye, Ramban
- Helping repentance Ralbag, Toldot Yitzchak
- Education Rambam, Rama
- Mystical benefits Akeidah, Kuzari, Zohar

15. Bereishit 8:21

...ויאמר ד' אל לבו לא אסף לקלל עוד את האדמה בעבור האדם כי יצר לב האדם רע מנעוריו ולא אסף עוד להפוך את כל הַי כַּאֲשֶׁר עָשִׂיתִי:
...And Gd said to Himself: I will not continue to curse the land for humanity, for the nature of the heart of man is wicked from his immaturity, and no longer will I strike all life as I did.

16. Midrash, Bereishit Rabbah 31:5b

א"ר חנינא: חמס אינו שוה פרוטה, וגזל ששוה פרוטה. וכך היו אנשי המבול עושים: היה אחד מהם מוציא קופתו מליאה תורמוסים, והיה זה בא ונוטל פחות משוה פרוטה וזה בא ונוטל פחות משוה פרוטה, עד מקום שאינו יכול להוציאו ממנו בדין.
Rabbi Chanina said: *Chamas* is taking something that is not worth a *perutah*, *gezel* is taking something that is worth a *perutah*. And so the generation of the Flood did: One of them would put out his box filled with beans, and another would come take less than a *perutah*'s worth, and another would come and take less than a *perutah*'s worth, to the point that the owner could not claim it from him in court.

Stage 3: Viduy

17. The piyut preceding Viduy

כי אנו עמך ואתה אלקינו, אנו בניך ואתה אבינו
אנו עבדיך ואתה אדונינו, אנו קהלך ואתה חלקנו...

For we are Your nation, and You are our Gd. We are Your children, and You are our Parent.

We are Your slaves, and You are our Master. We are Your community, and You are our Portion...

18. Beit Levi commentary https://books.google.ca/books?id=_3JHAAAAYAAJ&pg=PP185&lpg=PP185



The Feast Which is a Fast

R' Sammy Bergman-sbergman@torontotorah.com

Dedicated by David and Chani Klein for a refuah sheleimah for Zvi Hersh ben Ita Faiga



The Source

א. ויקרא פרק כג

(כו) וַיְדַבֵּר ה' אֶל־מֹשֶׁה לֵאמֹר: (כז) אַף בְּעֶשְׂוֹר לַחֲדָשׁ הַשְּׁבִיעִי הַזֶּה יוֹם הַכִּפּוּרִים הוּא מְקַרְא־קֹדֶשׁ יִהְיֶה לָכֶם וְעִנִּיתֶם אֶת־נַפְשֹׁתֵיכֶם וְהִקְרַבְתֶּם אֵשֶׁה לָּהּ: (כח) וְכָל־מְלָאכָה לֹא תַעֲשׂוּ בַעֲצֵם הַיּוֹם הַזֶּה כִּי יוֹם כִּפּוּרִים הוּא לְכַפֵּר עֲלֵיכֶם לִפְנֵי ה' אֱלֹהֵיכֶם: (כט) כִּי כָל־הַנֶּפֶשׁ אֲשֶׁר לֹא־תִעַנֶּה בַעֲצֵם הַיּוֹם הַזֶּה וְנִכְרְתָה מֵעַמִּיהָ: (ל) וְכָל־הַנֶּפֶשׁ אֲשֶׁר תַעֲשֶׂה כָל־מְלָאכָה בַעֲצֵם הַיּוֹם הַזֶּה וְהֶאֱבַדְתִּי אֶת־הַנֶּפֶשׁ הַהוּא מִקֶּרֶב עַמִּיהָ: (לא) כָּל־מְלָאכָה לֹא תַעֲשׂוּ חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם בְּכָל מְשֻׁבְתֵיכֶם: (לב) שַׁבַּת שַׁבְתוֹן הוּא לָכֶם וְעִנִּיתֶם אֶת־נַפְשֹׁתֵיכֶם בַּתְּשׁוּעָה לַחֲדָשׁ בְּעָרֵב מֵעָרֵב עַד־לְעָרֵב תִּשְׁבְּתוּ שַׁבְתֶּכֶם:

1. Vayikra Chapter 23:26-32 (Translation from JPS Bible 1917)

And the LORD spoke unto Moses, saying: But on the tenth day of this seventh month is the day of atonement; there shall be a holy convocation unto you, and you shall afflict your souls; and you shall bring an offering made by fire unto the LORD. And you shall do no manner of work in that same day; for it is a day of atonement, to make atonement for you before the LORD your G-d. For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people. And whatsoever soul it be that does any manner of work in that same day, that soul will I destroy from among his people. You shall do no manner of work; it is a statute for ever throughout your generations in all your dwellings. It shall be unto you a sabbath of solemn rest, and you shall afflict your souls; in the ninth day of the month in the evening, from evening unto evening, shall you keep your sabbath.

The Problem and the Solution

ב. תלמוד בבלי מסכת ראש השנה דף ט עמוד א

ורבי עקיבא, האי וענייתם את נפשתיכם בתשעה, מאי עביד ליה? - מבעי ליה לכדתני חייא בר רב מדפתי. דתני חייא בר רב מדפתי: וענייתם את נפשותיכם בתשעה, וכי בתשעה מתעניין? והלא בעשירי מתעניין! אלא לומר לך: כל האוכל ושותה בתשיעי - מעלה עליו הכתוב כאלו התענה תשיעי ועשירי.

2. Masechet Rosh Hashana 9a

And Rabbi Akiva, what does he do with this verse: “And you shall afflict your souls on the ninth of the month in the evening”? He requires it for that which was taught by Hiyya bar Rav of Difti, as Hiyya bar Rav of Difti taught the following baraita: The verse states: “And you shall afflict your souls on the ninth of the month.” Is the fasting on the ninth? But isn’t the fasting on Yom Kippur on the tenth of Tishrei? Rather, this verse comes to teach you: whoever eats and drinks on the ninth, the verse ascribes him credit as though he fasted on both the 9th, and the 10th.

Explanations

ג. טור אורח חיים הלכות יום הכפורים סימן תרד

ה"ק קרא הכינו עצמכם בתשיעי לעינוי של מחר ומדאפקיה רחמנא לאכילה בלשון עינוי א"כ חשיב כמו עינוי כאילו התענה ט' וי' פירוש כאילו נצטוו להתענות בשניהם והוא מאהבת הקדוש ברוך הוא את ישראל שלא צוה להתענות אלא יום אחד בשנה ולטובתם לכפר עונותיהם וציום שיאכלו וישתו תחלה כדי שיוכלו להתענות ושלא להזיק להם העינוי.

3. Tur Orach Chayim Laws of Yom Kippur Chapter 604

This is what the verse means. Prepare yourselves on the 9th for the affliction of the next day. Since the Torah used the term “affliction” instead of “eating”, it shows that the eating is considered affliction, as if he fasted on the 9th and 10th and was commanded to fast on both. This expresses the love of the Holy One Blessed Be He to Israel. For he only commanded them to fast one day a year for their benefit to atone for their sins. He commanded them to eat and drink first so they will be able to fast without the affliction causing damage to them.

ד. ספר שערי תשובה לרבינו יונה שער ד

ועל כן אמרו רבותינו זכרונם לברכה (ראש השנה ט, א): כל הקובע סעודה בערב יום הכפורים כאילו נצטוו להתענות תשיעי ועשירי והתענה בהם, כי הראה שמחתו בהגיע זמן כפרתו, ותהיה לו לעדה על דאגתו לאשמתו, ויגונותיו לעונותיו. והשנית כי בשאר ימים טובים אנחנו קובעים סעודה לשמחת המצוה, כי יגדל וישגא מאד שכר השמחה על המצוות, ומפני שהצום ביום הכפורים, נתחייבו לקבוע סעודה על שמחת המצוה בערב יום הכפורים. והשלישית למען נחזק להרבות תפלה ותחנונים ביום הכפורים ולשית עצות בנפשנו על התשובה ועיקריה.

4. Gates of Repentance of Rabbi Yonah Gate 4

Therefore, our sages of blessed memory said: anyone who has a repast on the eve of Yom Kippur it is as if he was commanded to fast on the 9th and 10th and fasted on them. For he has shown his happiness upon reaching the day of his atonement. It is a testament to his concern over his guilt and his despair over his sins. **Secondly**, on other festivals we have a repast celebrating the joy of the commandment, for the reward for happiness over commandments is great. Since the fast is on Yom Kippur we are obligated to have a repast on the joy of the commandment on the eve of Yom Kippur. **Thirdly**, [we eat on the eve of Yom Kippur] order to give us strength, pray, and supplicate in abundance on Yom Kippur, and to put ideas in our hearts about repentance and its precepts.

ה. תורה תמימה ויקרא פרק כג הערה צז

ולפי"ז מבואר שכל האוכל ושותה בתשיעי מעלה עליו הכתוב כאלו מתענה תשיעי ועשירי, והוא מפני שתענית יום עשירי קשה לו ע"י רבוי אכילה בתשיעי, ונמצא שאכילה בתשיעי היא הכנה לקושי התענית, ולכן עולה לו התענית של יום העשירי בערך תענית של שני ימים.

5. Torah Temimah Vayikra Chapter 23 note 97

According to this, it's clear why anyone who eats and drinks on 9th, the verse considered it as if he fasted on the 9th and 10th. That is, because the fast of the 10th becomes more difficult because of the abundance of eating on the 9th. As a result, eating on the 9th is a preparation for the difficulty of the fast. Therefore, the fast of 10th has the value of a two day fast.

ו. חכמת שלמה אורח חיים סימן תרד

והנה ניהזי אנן, באדם שיש לו דין קשה אצל שופטי הארץ והיה לו עגמת נפש גדול, אם פעם אחת יהיה נשכח ממנו המשפט שלו ויאכל וישתה ואחר כך יהיה נזכר לו המשפט הקשה עליו, ומצטער מאוד מה שאכל ושתה תחלה, כיון שיש עליו משפט קשה היאך ערב לפיו אכול ושתו. כן הכי נמי ביום הכיפורים, האדם אוכל ושותה בתשיעי ואין פחד יום הכיפורים לנגד עיניו, אבל בהגיע עת כל נדרי נופל עליו פחד יום הכיפורים, ממילא הוא לו צער למה אכל ושתה תחלה אחר דיש עליו דין גדול ונורא, לכך הוא בזה כאלו התענה תשיעי ועשירי.

6. Chochmat Shlomo Orach Chayim Chapter 604

Let us consider a person who faces a difficult court case and is very distressed. At one point he forgets his case, eats and drinks, and then recalls the difficult judgement upon him. He becomes very distressed over what he ate and drank. With such a difficult verdict upon him, how is food and drink pleasant to his mouth?! So too, here on Yom Kippur, he will very distressed about how he could possibly have eaten and drank before going through an awesome judgement. Therefore, it is as if he had fasted both the 9th and 10th.

ז. חידושי אגדות למהר"ל ראש השנה דף ט עמוד א

מה שאמרו כל האוכל ושותה בתשיעי מעלה עליו הכתוב כאלו התענה תשיעי ועשירי, זה מפני כי יום העשירי הוא קדוש כמו שנקרא יום הכפורים קדוש, וכל קדוש הוא נבדל מן האחר שזהו ענין הקדוש, ואם אין אכילה ושתיה ביום ט' אין יום העשירי קדוש ונבדל, רק אם יש אכילה ושתיה ביום הט', ויום העשירי הוא נבדל מן יום הט' שאין בו אכילה ושתיה בשביל כך כאלו התענה תשיעי ועשירי.

7. Maharal on Aggadah Rosh Hashana 9a

That which they said that any who eats and drinks on the 9th the verse considers it as if he had fasted on the 9th and 10th is because the 10th day is holy, as Yom Kippur is called holy. Anything holy is separate from others, as this is the idea of holiness. If there was no eating and drinking on the 9th, the 10th wouldn't be holy and separate. Only because there is eating and drinking on the 9th, is the 10th day apart from the 9th in that there is no eating and drinking on the 10th. Therefore, it's as if he fasted on the 9th and 10th.

Test Cases

ה. בית יוסף אורח חיים סימן תרד

והא דמצוה להרבות במאכל ובמשתה ביום זה היינו כדי להראות שנוה ומקובל עליו יום הכפורים והוא שמח לקראתו על שניתן כפרה לישראל דכיון שיום הכפורים עצמו אי אפשר לכבדו במאכל ומשתה כדרך שמכבדין שאר ימים טובים צריך לכבדו ביום שלפניו ואף על פי כן אם מתענה שפיר דמי שהוא מורה כי נפל עליו פחד יום הכפורים שהוא יום דין והוא חרד מפחד ה' ומהדר גאונו: ועוד יש לומר דאין להתענות כלל בתשיעי...

8. Beit Yosef Orach Chayim 604

The reason for the commandment to eat and drink in abundance on this day is for a one to show that Yom Kippur is pleasant and acceptable to him, and he is happy to greet it because atonement is given to Israel. Since it's impossible to honor it with eating and drinking on Yom Kippur itself as we honor other holidays, we need to honor it on the day preceding it. Nevertheless, if he fasts, it's acceptable, since he is showing that the fear of Yom Kippur has fallen upon him since it is a day of judgement and he is trembling from the fear of G-d and from His greatness. Alternatively, it is possible that one should not fast at all on the 9th...

ט. שאילתות דרב אחאי פרשת וזאת הברכה שאילתא קסז

ת"ר תענו את נפשותיכם בתשעה וכי בט' מתעני' והלא בעשירי מתענין אלא לומר לך כל האוכל ושותה בתשעה ומתענה בעשירי מעלה עליו הכתו' כאילו נתענה תשיעי ועשירי.

9. Shiiltoth of Rav Achai Parshat Vizot Habracha Shiilta 167

The Rabbis taught: "Afflict yourselves on the 9th". Do we fast on the 9th? We fast on the 10th! Rather it tells you that anyone who eats and drinks on the 9th, **and fasts** on the 10th, the verse considers it as if he fasted on the 9th and 10th.

י. מגן אברהם סימן תרד ס"ק א

כתב של"ה הנוהג' שלא לאכול בשר כי אם בימים שא"א תחנון או במקומות שאין מרבים בסליחות באשמורת א"כ גם הלילה י"ט ומותר לאכול בשר בלילה ומ"מ צ"ע דהא בכל פעם שמחזיקי' הלילה לי"ט אין נופלין במנחה שלפניו והכא נופלין ש"מ דאין מחזיקים הלילה לי"ט.

10. Magen Avraham 604:1

The Shela writes those who have the custom to only eat meat on days when we don't say *Tachanun* or places where they don't recite many *Selichot* early in the morning, if so even the night time is a holiday and it's permitted to eat meat at night. Nevertheless, this requires explanation. For every time we consider the night a festival, we don't fall on our faces during the preceding *mincha*. Here we do fall on our faces which teaches that we don't considered the nighttime a festival

יא. מנחת חינוך פרשת אמור מצוה שיג

דע דז"פ דבערב יה"כ דמצוה לאכול אין חיוב דוקא פת כמו שויו"ט דלא מצינו זה בשום מקום רק מצוה לאכול ויוצא בכ"ד וכ"ה במג"א ה' מגלה גבי פורים. ונלע"ד כיון דאכילת עיה"כ נפ"ל מלשון עינוי אפ"ל דאינו יוצא אלא אם אכל בערב יום הכיפורים שיעור ככותבת דכה"ג לא הוי עינוי ביום הכיפורים ואכילה זו גזה"כ דנקרא עינוי.

11. Minchat Chinuch Parshat Emor Commandment 313

Know that it's obvious that on the eve of Yom Kippur, although it is a commandment to eat, there is no obligation to eat bread as there is on a festival. For we have only found in any place a commandment to eat and he fulfills the obligation by eating anything. This is what the *Magen Avraham* writes in the laws of the *Megillah* regarding Purim. In my humble opinion, since eating on Yom Kippur is derived from the language of affliction, it's possible that he doesn't fulfill the obligation unless he eats on the eve of Yom Kippur the amount equivalent to a date. Otherwise, it's not considered affliction on Yom Kippur and this eating is divinely decreed to be affliction.

יב. שו"ת רבי עקיבא איגר מהדורא קמא סימן טז

אבל אני נבוך בכל נשים הבריות אם חייבות לאכול בערב יוה"כ דאפשר הן פטורות כמו מכל מ"ע שהזמן גרמא, או לא, כיון דקרא מפיק לה בלשון בתשעה לחודש בערב וכו' ולומר דהוי כאלו התענה תשיעי ועשירי ממילא כל שמחוייב בתענית עשירי מחוייב לאכול בתשיעי.

12. Responsa of Rabbi Akiva Eiger Volume 1 Chapter 16

However, I am unclear if healthy women are obligated to eat on the eve of Yom Kippur. It's possible they are exempt as they are from all positive time bound commandments. Or no, since the verse expresses with language of "on the 9th of the month in the evening", to say that it is as if he fasted on the 9th and 10th, it follows that anyone obligated in the fast on the 10th is obligated to eat on the 9th.



Dedicated by Sue Oliver in honour of Rabbi Alex Hecht's beloved grandmother, Lily Perry

1. Vayikra, Chapter 16 (chabad.org translation)

ז וְלָקַח, אֶת-שְׁנֵי הַשְּׂעִירִים; וְהֶעֱמִיד אֹתָם לִפְנֵי ה', פְּתַח אֹהֶל מוֹעֵד. ח וְנָתַן אֶהָרֹן עַל-שְׁנֵי הַשְּׂעִירִים, גְּרָלוֹת--גּוֹרֵל אֶחָד ה', וְגּוֹרֵל אֶחָד לְעֹזָאֵל. ט וְהִקְרִיב אֶהָרֹן אֶת-הַשְּׂעִיר, אֲשֶׁר עָלָה עָלָיו הַגּוֹרֵל ה'; וְעָשָׂהוּ, חֲטָאת. י וְהַשְּׂעִיר, אֲשֶׁר עָלָה עָלָיו הַגּוֹרֵל לְעֹזָאֵל, יֶעֱמַד-סִי לִפְנֵי ה', לְכַפֵּר עָלָיו--לְשַׁלַּח אֹתוֹ לְעֹזָאֵל, הַמִּדְבָּרָה...כא וְסָמַךְ אֶהָרֹן אֶת-שְׁמֵי יָדָו, עַל רֹאשׁ הַשְּׂעִיר הַסִּי, וְהִתְנַדָּה עָלָיו אֶת-כָּל-עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל, וְאֶת-כָּל-פְּשָׁעֵיהֶם לְכָל-חַטָּאתָם; וְנָתַן אֹתָם עַל-רֹאשׁ הַשְּׂעִיר, וְשַׁלַּח בְּיַד-אִישׁ עֹתִי הַמִּדְבָּרָה. כב וְנָשָׂא הַשְּׂעִיר עָלָיו אֶת-כָּל-עֲוֹנוֹתָם, אֶל-אֶרֶץ גְּזֵרָה; וְשַׁלַּח אֶת-הַשְּׂעִיר, בַּמִּדְבָּר.

And he shall take the two he goats, and place them before the Lord at the entrance to the Tent of Meeting. And Aaron shall place lots upon the two he goats: one lot "For the Lord," and the other lot, "For Azazel." And Aaron shall bring the he goat upon which the lot, "For the Lord," came up, and designate it as a sin offering. And the he goat upon which the lot "For Azazel" came up, shall be placed while still alive, before the Lord, to [initiate] atonement upon it, and to send it away to Azazel, into the desert...And Aaron shall lean both of his hands [forcefully] upon the live he goat's head and confess upon it all the willful transgressions of the children of Israel, all their rebellions, and all their unintentional sins, and he shall place them on the he goat's head, and send it off to the desert with a timely man. The he goat shall thus carry upon itself all their sins to a precipitous land, and he shall send off the he goat into the desert.

2. Talmud, Yoma 67b (Davidson Edition translation)

תנא דבי ר' ישמעאל עזאזל שמכפר על מעשה עוזא ועזאל. (רש"י: עוזא ועזאל - מלאכי חבלה שירדו לארץ בימי נעמה אחות תובל קין ועליהם נאמר ויראו בני האלקים את בנות האדם (בראשית ו'ב') כלומר על העריות מכפר)

The school of Rabbi Yishmael taught: Azazel is so called because it atones for the actions of Uzza and Azael. [These are the names of “sons of G-d” who sinned with “daughters of men” (Genesis 6:2) and thereby caused the world to sin during the generation of the Flood].

תנו רבנן: (ויקרא יח) את משפטי תעשו - דברים שאלמלא (לא) נכתבו דין הוא שיכתבו, ואלו הן: עבודה זרה, וגלוי עריות, ושפיכות דמים, וגזל, וברכת השם. ואת חקתי תשמרו - דברים שהשטן ואומות העולם משיבים עליהן, ואלו הן: אכילת חזיר, ולבישת שעטנז, וחליצת יבמה, וטהרת מצורע, ושעיר המשתלח. ושמא תאמר מעשה תוהו הם - תלמוד לומר (ויקרא יח) אני ה' - אני ה' חקקתיו, ואין לך רשות להרהר בהן.

The Sages taught with regard to the verse: “You shall do My ordinances...” (Leviticus 18:4), is a reference to matters that, even had they not been written, it would have been logical that they be written. They are the prohibitions against idol worship, prohibited sexual relations, bloodshed, theft, and blessing G-d, a euphemism for cursing the Name of G-d. And you shall keep my statutes, is a reference to matters that Satan and the nations of the world challenge because the reason for these mitzvot are not known. They are: The prohibitions against eating pork; wearing *shaatnez*; *halitza* with a *yevama*; the purification of the *metzora*; and the scapegoat. And lest you say these have no reason and are meaningless acts, therefore the verse states: “I am the Lord” (Leviticus 18:4), to indicate: I am the Lord, I decreed these statutes and you have no right to doubt them.

3. Talmud, Yoma 66a (Davidson Edition translation)

וכבש עשו לו, מפני הבבליים שהיו מתלשים בשערו ואומרים לו: טול וצא, טול וצא.

And they made a ramp for the goat due to the Babylonian Jews [who were in Jerusalem], who would pluck at the goat's hair and would say to the goat: Take our sins and go, take our sins and go, and do not leave them with us.

4. Ramban to Vayikra 16:8 (Chavel translation)

וזה סוד הענין, כי היו עובדים לאלהים אחרים, הם המלאכים, עושים להם קרבנות והם להם לריה ניחוח... והנה התורה אסרה לגמרי קבלת אלקותם וכל עבודה להם, אבל צוה הקב"ה ביום הכפורים שנשלח שעיר במדבר לשר המושל במקומות החרבן, והוא הראוי לו מפני שהוא בעליו ומאצילותו כחו יבא חורב ושממון כי הוא העילה לכוכבי החרב והזמים והמלחמות והמריבות והפצעים והמכות והפירוד והחרבן, והכלל נפש לגלגל מאדים, וחלקו מן האומות הוא עשו שהוא עם היורש החרב והמלחמות, ומן הבהמות השעירים והעזים, ובחלקו עוד השדים הנקראים מזיקין בלשון רבותינו, ובלשון הכתוב (להלן יז ז) שעירים, כי כן יקרא הוא ואומתו שעיר. ואין הכונה בשעיר המשתלח שיהיה קרבן מאתנו אליו חלילה, אבל שתהיה כוננתו לעשות רצון בוראנו שצונו כך: והמשל בזה, כמי שעשה סעודה לאדון וצוה האדון את האיש העושה הסעודה תן מנה אחת לעבדי פלוני, שאין העושה הסעודה נותן כלום לעבד ההוא ולא לכבודו יעשה עמו, רק הכל נתן לאדון והאדון נותן פרס לעבדו, ושמר זה מצותו ועשה לכבוד האדון כל אשר צוהו, ואמנם האדון לחמלתו על בעל הסעודה רצה שיהיו כל עבדיו נהנין ממנה שיספר בשבח ואלא בגנותו: וזה טעם הגורלות, כי אילו היה הכהן מקדיש אותם בפה לה' ולעזאזל, היה כעובד אליו ונודר לשמו... לא אוכל לפרש כי היינו צריכים לחסום פי המתחכמים בטבע הנמשכים אחרי היוני אשר הכחיש כל דבר זולתי המורגש לו והגיס דעתו לחשוב הוא ותלמידיו הרשעים כי כל ענין שלא השיג אליו הוא בסברתו איננו אמת.

Now, this is the secret of the matter. They used to worship "other gods," namely, the angels, bringing offerings of a sweet savor to them... Now the Torah has absolutely forbidden to accept them as deities, or to worship them in any manner. However, the Holy One, blessed be He, commanded us that on Yom Kippur we should let loose a goat in the wilderness, to that "prince" [power] which rules over wastelands, and this [goat] is fitting for it because he is its master, and destruction and waste emanate from that power, which in turn is the cause of the stars of the sword, wars, quarrels, wounds, plagues, division and destruction. In short, it is the spirit of the sphere of Mars, and its portion among the nations is Esau [Rome], the people that inherited the sword and wars, and among animals [its portion consists of] the *se'irim* (demons) and the goats. Also in its portion are the devils called "destroyers" in the language of our Rabbis, and in the language of Scripture: *se'irim* (satyrs, demons), for thus he [i.e. Esau] and his nation were called *sa'ir*. Now the intention in our sending away the goat to the desert was not that it should be an offering from us to it - Heaven forbid! Rather, our intention should be to fulfill the wish of our Creator, Who commanded us to do so. This may be compared to someone who makes a feast for his master, and the master commands the person making the feast, "Give one portion to that servant of mine," in which case the host gives nothing [of his own] to that servant, and it is not to show him honor that he acts in that way to him, but everything is given to the master and it is the master that gives a gift to his servant; the host only observes his command and does in honor of the master whatever he commanded him to do. The master, however, out of his own compassion for the host, wanted all his servants to derive some enjoyment from it [the feast], in order that they may all speak of his [the host's] praise and not of his shortcomings. This then is the reason [for having someone] who casts the lots [on the two goats]. If the priest were to dedicate them merely, by word of mouth [without casting the lots], saying, "one for the Eternal" and "one for Azazel," that would be like worshipping [Azazel] or taking a vow in its name... I cannot explain more, for I would have to close the mouths of those who claim to be wise in the study of nature, following after that Greek [philosopher Aristotle] who denied everything except that which could be perceived by him [through the physical senses], and he, and his wicked disciples, were so proud as to suspect that whatever he could not conceive of through his reasoning is not true.

5. Rambam, Moreh HaNevuchim 3:46 (Friedlander translation)

וכאשר היה שעיר המשתלח לכפרת חטאים גדולים כולם, עד שאין חטאת צבור שיכפר מה שהוא מכפר, וכאלו הוא נושא כל החטאים, מפני זה לא נרצה לזביחה ולא לשרפה ולא להקבר כלל, אלא הרחיקו תכלית ההרחקה ויושלך בארץ גזרה, ר"ל שאין בה יישוב, ואין ספק לאדם שהחטאים אינם משאות שיעתקו מגב איש אחד לגב איש אחר, אבל אלו המעשים כולם משלים להביא מורא בנפש עד שתתפעל לתשובה, כלומר שכל מה שקדם ממעשינו נקינו מהם והשלכנום אחרי גוינו והרחקנום תכלית ההרחקה.

The goat [of the Day of Atonement] that was sent [into the wilderness] (Lev. 16:20, seq.) served as an atonement for all serious transgressions more than any other sin-offering of the congregation. As it thus seemed to carry off all sins, it was not accepted as an ordinary sacrifice to be slaughtered, burnt, or even brought near the Sanctuary; it was removed as far as possible, and sent forth into a waste, uncultivated, uninhabited land. There is no doubt that sins cannot be carried like a burden, and taken off the shoulder of one being to be laid on that of another being. But these ceremonies are of a symbolic character, and serve to impress men with a certain idea, and to induce them to repent; as if to say, we have freed ourselves of our previous deeds, have cast them behind our backs, and removed them from us as far as possible.

6. Rambam, Mishneh Torah, Laws of Repentance 1:2 (chabad.org translation)

שְׁעִיר הַמִּשְׁתַּלֵּחַ לְפִי שֶׁהוּא כִּפְרָה עַל כָּל יִשְׂרָאֵל פֶּהוּ גְדוֹל מִתְּנוּדָה עָלָיו עַל לְשׁוֹן כָּל יִשְׂרָאֵל שֶׁנֶּאֱמַר (וַיִּקְרָא טז כב) "וְהִתְנוּדָה עָלָיו אֵת כָּל עֲוֹנוֹת בְּנֵי יִשְׂרָאֵל". שְׁעִיר הַמִּשְׁתַּלֵּחַ מְכַפֵּר עַל כָּל עֲבֵרוֹת שְׁבִתוֹרָה, הַקְּלוֹת וְהַחֲמוּרוֹת, בֵּין שֶׁעָבַר בְּזָדוֹן בֵּין שֶׁעָבַר בְּשִׁגְגָה, בֵּין שֶׁהוֹדַע לוֹ בֵּין שֶׁלֹא הוֹדַע לוֹ, הַכֹּל מִתְּכַפֵּר בְּשִׁעִיר הַמִּשְׁתַּלֵּחַ. וְהוּא שֶׁעָשָׂה תְּשׁוּבָה. אֲבָל אִם לֹא עָשָׂה תְּשׁוּבָה אֵין הַשְׁעִיר מְכַפֵּר לוֹ אֲלֵא עַל הַקְּלוֹת. וּמָה הֵן הַקְּלוֹת וּמָה הֵן הַחֲמוּרוֹת. הַחֲמוּרוֹת הֵן שֶׁחֵיבִין עֲלֵיהֶם מִיַּתַּת בֵּית דִּין אוֹ כָּרֵת. וְשִׁבוּעַת נְשָׂא וְשֶׁקֶר אִף עַל פִּי שֶׁאֵין בָּהֶן כָּרֵת הֲרִי הֵן מִן הַחֲמוּרוֹת. וְשֶׁאֵר מִצְוֹת לֹא תַעֲשֶׂה וּמִצְוֹת עֲשֶׂה שֶׁאֵין בָּהֶן כָּרֵת הֵם הַקְּלוֹת.

Since the goat sent [to Azazel] atones for all of Israel, the High Priest confesses upon it as a spokesman for all of Israel as [Leviticus 16:21] states: "He shall confess upon it all the sins of the children of Israel." The goat sent to Azazel atones for all the transgressions in the Torah, the severe and the lighter [sins]; those violated intentionally and those transgressed inadvertently; those which [the transgressor] became conscious of and those which he was not conscious of. All are atoned for by the goat sent [to Azazel]. This applies only if one repents. If one does not repent, the goat only atones for the light [sins]. Which are light sins and which are severe ones? The severe sins are those for which one is liable for execution by the court or *karet*. False and unnecessary oaths are also considered severe sins even though they are not [punished by] *karet*. [The violation of] the other prohibitions and [the failure to perform] positive commandments that are not punishable by *karet* are considered light [sins].

7. Rabbi Samson Raphael Hirsch to Vayikra 16:10 (Judaica Press)

...Clearly, we have here a description of two creatures which at the outset are identical in every respect but which come to a complete parting of the ways once they arrive at the threshold of the Sanctuary. They are both identical in appearance, size, and monetary value. Both were purchased at the same time. Both are placed in the same manner "before G-d in the entrance of the Tent of Appointed Meeting." The lot marked "for G-d" or that "for Azazel" could fall upon either one of them. The chances of becoming the one or the other are the same. Indeed, each of the two can only become that which it will become because it could have just as well have become the other...In this sense, each and every one of us is a "he-goat," as it were. Each and every one of us has powers of resistance, the ability to oppose with firmness the demands made on our will. Whether or not our life will be morally worthy depends on the use to which we put this power. We can utilize it in the service of G-d; we can become "G-d's own he-goat," as it were, by offering firm resistance to any enticements and considerations, from within or without, that would lure us away from G-d and from His holy will, and to have us forfeit our close attachment to G-d. Or we can use it in obstinate refusal to obey G-d and to comply with the demands of His holy moral law. We can turn against Him the powers of resistance which He himself bestowed upon us, and supinely give ourselves up to that sensuality, and to those enticements, which G-d meant to have us fight with the powers of resistance He bestowed upon us.

Dedicated by Esther and Eliakim Katz in memory of Esther's grandparents, HaRav Yehoshua Zelig and Esther Ruch, who were murdered by the Nazis in Ponar, October 1941

Dedicated by David and Agnes Miller in honour of Ezer Diena

1. The Aish Rabbi, Eating on Yom Kippur, https://www.aish.com/atr/Eating_on_Yom_Kippur.html

I'd also like to share this story: About 150 years ago there was an epidemic going around parts of Lithuania around the time of the High Holidays. Doctor's orders were that nobody was allowed to fast. It seemed, however, that few were willing to follow the doctor's orders. Realizing this, Rabbi Israel Salanter went from synagogue to synagogue on Yom Kippur night and, standing by the ark, he ate before the shocked crowds. Seeing their rabbi eat on Yom Kippur, the masses went home to eat as well. Just as on Yom Kippur it is a mitzvah to fast, in certain circumstances the mitzvah is to eat on Yom Kippur. Even if a person wants to fast like everyone else, G-d sometimes gives a unique test - in this case to eat on Yom Kippur, to remain healthy and serve G-d.

2. Summary of Rabbi Dov Katz, Sefer Tenuat HaMussar (first published in 1946)

- Based on research
- The story took place on Yom Kippur 1848
- Despite no clear conclusion from the city rabbis, Rabbi Salanter decided that due to the danger, as well as due to the Chilul Hashem that might be caused by not fasting and getting sick, it was prohibited to fast
- The day before Yom Kippur, he hung signs up around the city, which read “not to fast on this holy and awesome day, to shorten the [prayers], to walk [outside] in the fresh air...”
- Since he was afraid that people would not listen, he himself arose after Shacharit, took out wine and cakes, recited kiddush, and ate.
- People were shocked and did not want to follow his example
- Some say that Rabbi Betzalel, the senior judge of the community, stood up in front of the congregation and protested in the name of all of the local rabbis, and ruled that one may only eat if he is instructed to do so by his/her doctor based on their personal situation
- Rabbi Salanter waited until each member of the community came and ate some food.

3. David Frischman (b. 1859), Three Who Ate (first published in 1892), Ben Yehudah Project, <http://www.yekum.org/2017/09/ק-סיפור-שאלו-שאכלו-שלושה-הכיפורים-לרגל-יום-הכיפורים-שאלו-סיפור-ק/> (based on Glenn translation, cited by Ira Taub, details below in source 6)

הנה יום הכפורים אחרי הצהריים. על הבמה אשר בתוך בית-הכנסת עומד הרב וקומתו זקופה למאד... והעם עומד מחריש ומחכה לשמוע דבר-מה מפי איש האלקים, ואין איש אשר יערבנו ואשר יקחנו לכו לנשף ברוחו... והרב ידבר, קולו החלש והרפה ילך הלוך וגדול, הלוך וחזק, עד כי באחרונה יגדל ויחזק עד מאד. והוא על קדושת החג ידבר ועל כונת נותן התורה, על יום הכפורים ועל תעודת היום הזה, על החיים ועל המתים, ובפרט על המתים יטיף מלתו ועל המגפה הגדולה... עד מתי, עד מתי עוד? ... ואזני תשמענה פתאום את קולו בדברו: „ובשעה שאדם רואה יסורין באין עליו יפשפש במעשיו ולא אך במעשיו שבינו ובין המקום יפשפש, כי-אם גם במעשיו שבינו ובין נפשו, ולא אך באלה שבינו ובין נפשו, כי-אם באלה שבינו ובין עצמו, בין גופו ובין בשרו!“... „משום עת לעשות הפרו תורתך! וכי יש אשר יפר איש את התורה כלה, ובכל-זה יקיים עולם מלא... על דעת המקום ועל דעת הקהל אנו מתירין – לאכל ולשתות היום!“

It is Atonement Day in the afternoon. The Rabbi stands on the platform in the centre of the Synagogue, tall and venerable... [The] people are waiting to hear what the Rabbi will say, and one is afraid to draw one's breath... And the Rabbi begins to speak. His weak voice grows stronger and higher [every minute], and at last it is quite loud. He speaks of the sanctity of the holiday and of the intention of the Giver of the Torah; [of repentance and of prayer], of the living and of the dead, and of the pestilence [that has broken out]... for how long? for how much

longer? ...and I hear him say: “And when trouble comes to a man, he must look to his deeds, and not only to those which concern him and the Almighty, but to those which concern himself, to his body, to his flesh, to his own health... There are times when one must turn aside from the Law, if by so doing a whole community may be saved... With the consent of the All-Present and with the consent of this congregation, we give leave to eat and drink on the Day of Atonement.”

4. Summary of Rabbi Baruch Halevi Epstein (b. 1860), Mekor Baruch 11:2 (published 1927)

- He heard this from a relative, who heard it from Ayzik Meyer Dik, a noted Yiddish author who lived in Vilna during the mid-1800s, and was close with the Epstein Family
- This story took place on Yom Kippur 1869
- (Although Rabbi Epstein was alive at that time, he does not claim to have personally experienced it)
- All of the doctors (Jewish and Non-Jewish) came to a unanimous decision prohibiting fasting
- The people in the city were undecided what to do
- After Shacharit, Rabbi Salanter and two respected community judges stood at the bimah and permitted (required) the community to eat on Yom Kippur
- They then made kiddush and ate baked goods
- Apparently, Ayzik Meyer Dik understood that the purpose of this story was to make a joke to cheer up the masses, who were upset about having to eat on Yom Kippur, and doctors had been chiefly concerned about sadness leading to the spread of the disease, rather than fasting
- As a result, during a later epidemic, Dik himself would make an effort to amuse people on Yom Kippur

5. Rabbi Shlomo Yosef Zevin, Hamoadim BaHalachah – Yom Kippur Chapter 2 – The Fast of the Tenth, Page 102

האחרונים דנו על זמן מגיפת דבר ("חולירע") רח"ל, כשהרופאים אומרים שהתענית תזיק לבריאים, אם מותרים לאכול. החתם-סופר (בהערות: ח"ו סימן כג) התיר. על אבי המוסריים, רבי ישראל מסלאנט ז"ל, מספרים שהוא בעצמו עלה על הבימה ודרש, שהקהל לא יתענה. יש מוסיפים, שהוא בעצמו, בשביל לעודד את הקהל, טעם בפניהם בעצם היום. אולם בשו"ת ראשית-בכורים לרבי בצלאל הכהן ז"ל, מוויילנא כתב: "הן עלינו להודיע הדבר הגדול הזה לדורות עולם אשר בתלתא הוי חזקה מאלפים ורבבות אנשים ונשים ת"ל התענו כולם בצום כיפור דשנת תקצ"ט ותרכ"ז בכל מדינתנו אז ולא קרה להם כל רע חלילה ונודע זאת במעט בכל העולם אז".

The Acharonim deliberated about a time of a plague (cholera), may G-d save us, when the doctors say that the fast will harm healthy people, if they are permitted to eat. The Chatam Sofer (footnote: 6:23) permitted [eating]. It is told about the father of the Mussar [Movement], Rabbi Yisrael of Salant, that he himself stood at the bima and [ruled] that the congregation should not fast. There are those who add that he himself, in order to encourage the congregation, tasted [food] in front of them in the middle of the day. However, in Responsa Reishit Bikkurim of Rabbi Betzalel HaKohen of Vilna [translator's note: first published in 1869], it is written: “It is [incumbent] upon us to publicize this great matter to generations forever, if something can be established with three [occurrences], that thousands and tens of thousands of men and women (thank G-d) all fasted on the [Yom] Kippur fast in 1838, 1848 and 1866 in our entire country then, and nothing bad (G-d forbid) happened then, and this was known in almost the entire world!”

6. Ira Taub, The Rabbi Who Ate On Yom Kippur: Israel Salanter and the Cholera Epidemic of 1848, You Shall Surely Heal: The Albert Einstein College of Medicine Synagogue Compendium of Torah and Medicine 2006, Pages 297-298 (footnotes removed)

It should be noted that there are serious questions regarding the historicity of these stories. Most published accounts, including the short story excerpted above, were based upon second- and thirdhand sources, almost never with input from those who were alive at the time. Some are from individuals at ideological odds with Salanter's traditional beliefs, who undoubtedly altered the account to serve their own agenda. For example, it has been argued that the story is actually based upon a prank, during which secularists posted a forged letter from Vilna's

leading rabbis that gave wholesale permission to eat on Yom Kippur. In an alternative version of the story, Salanter acted in cooperation with the other rabbinic authorities to encourage a shortened service that would allow worshipers to spend time outdoors in the fresh air. Cake was available in a side room, and individuals who felt weak were encouraged to taste a small amount. In this account, Salanter took the somewhat less radical step of encouraging a minor modification of the fast, and only for the infirm. What is noteworthy here is the public and widespread encouragement of that step, which went somewhat beyond what the other authorities were willing to permit. It is easy to see how this could be the kernel of truth within the other, somewhat embellished, accounts.

7. Jacob Mark (b. 1860), Essay Cited in The Golden Tradition: Jewish Life and Thought in Eastern Europe, Lucy S. Dawidowics, Page 173

Vilna provided Rabbi Israel with numerous opportunities to do good deeds and, indeed, many stories were told of his charity and kindness in helping the needy and oppressed. I want to dwell particularly on one story which has frequently been told about him. During a cholera epidemic, to discourage people from fasting on Yom Kippur, he was supposed to have pronounced a benediction on wine in the Great Synagogue of Vilna, despite the objection of the authoritative rabbis in matters affecting Jewish law. This story entered our literature (Steinschneider's "The City of Vilna" and Frischman's "The Three Who Ate") as a true incident, but it is only a myth. I once talked with Rabbi Simeon Strashun of Vilna, who had been in the synagogue on that occasion. This is what happened. The day before Yom Kippur, with the concurrence of the authoritative rabbis, Rabbi Israel had announcements posted in the synagogues that because of the epidemic, the liturgical poems could be omitted, the prayers were to be shortened as much as possible, and the people were to stay in the fresh air as long as possible. Tiny portions of sponge cake were to be on hand in an antechamber of the synagogue, to be used if necessary. After the morning services, Rabbi Israel mounted the pulpit and announced that anyone feeling weak could partake of food in the antechamber, without asking a doctor's opinion. Then, the head of the authoritative rabbinical body followed Rabbi Israel to the pulpit, protesting the announcement. But Rabbi Israel himself did not, in fact, taste any food. But another story often told about Rabbi Israel is true, not a legend. As a child I heard it from my mother, who was born in Salanty and grew up with Rabbi Israel's children. This incident took place in Salanty. People had congregated in the synagogue for Kol Nidre. They waited for Rabbi Israel but he did not appear. Since it was getting late, they recited Kol Nidre without him. Then they sent out to look for him, but no one could find him. The crowd was growing panicky; soon the service would be over. Then, abruptly he entered, took his accustomed place, drew the prayer shawl over his head and began to pray. Everyone was astonished at his appearance: his coat was rumpled; his hair and beard full of down. After he finished his prayers, he recounted what had happened to him. On the way to the synagogue for Kol Nidre. He heard a child crying. He went in the house, saw an infant crying in its cradle, a bottle of milk just out of its reach. The mother had prepared the bottle and gone off to the synagogue, expecting her six-year old daughter to give the baby its bottle. But the little girl had fallen fast asleep and did not hear the baby crying. Rabbi Israel fed the baby and put it to sleep. When he was ready to leave, the little girl awoke and begged him not to go for she was afraid to be alone. Reluctant to leave small children alone with low-burning candles, he stayed until the mother returned from the synagogue. He rejoiced he had been given the opportunity to do a good deed at a time as sacred as Yom Kippur. His listeners were amazed: How could one miss the Yom Kippur services because of a child's crying? Rabbi Israel scolded them: "Do you not know that, even in the case of a double doubt about saving a life in jeopardy, Jews are permitted not only to omit the prayers but even to profane the Sabbath?"



**Dedicated by Yehoshua/Josh & Maily Frankel in honor of Rabbi Moshe and Esty Yerkes
Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z”l and his
beloved brother Jerry Kirsh z”l**

1) Geonic Responsa – Sha’arei Teshuvah 299

מר רב ששנא גאון ז”ל וששאלתם האי שאנו רגילים לשחוט ערב יוה”כ תרנגולים ואין אנו יודעים מנהג זה למה אי משום תמורה מ”ש תרנגול מבהמה וחיה הא ודאי קושיא היא.

[Responsum of] Mar R’ Sheshna Gaon: That which you asked about [our practice] to slaughter chickens on Erev Yom Kippur and we do not know why we do this custom; this is certainly a [good] question.

וי”ל שיש בה שני טעמים אחד שתרגול מצוי בביתו של אדם מבהמה וחיה

The answer is twofold. Firstly, chickens are more readily available in our homes than domesticated and wild animals,

ועוד יש במקומנו עשירים שעושים תמורה אילים ועיקר מבעלי קרנים דמות אילו של יצחק אבינו לפי לא דבר קבוע הוא.

And furthermore, there are rich individuals in our place who do “temurah” exchanges with rams, and especially with rams that have grown horns, to remember the ram [of the Binding] of Isaac our father, therefore, it is not fully established [to use chickens].

ועוד שמענו מחכמים ראשונים שאעפ”י שיש מי שעושה תמורה בבהמה שדמיה יקרים. תרגול מובחר לפי ששמו גבר כדאמר’י מאי קריאת הגבר. אמר רב קרא גברא דבי רב שילא אמרי קרא תרנגולא. ותניא כותיה דר’ שילא היוצא קודם קריאת הגבר דמו בראשו וכיון ששמו גבר תמורת גבר בלבד ואפי מהני ומעלי.

Also we have heard from the early Sages that even though there are those who do a “temurah” exchange with animals that are expensive [and therefore seemingly more significant], a rooster is preferred because it is called “gever”, as it says: “What is the call of the gever? Rav said: It is the call of the man. Rabbi Sheila’s school said: It is the call of the rooster, and a baraita was taught in accordance with the opinion of the school of Rabbi Sheila: One who goes out before keriat hagever [and is harmed], his blood is on his head.” (Talmud Bavli Yoma 20b-21a) Since its name is “gever”, it alone can be exchanged for a man,

וכך צריך אוחז שליח תרנגול ומניח ידו על ראש התרנגול ונוטלו מניחו על ראש מתכפר ואומר זה תחת זה וזה חילוף זה זה מחול על זה ומחזירו עליו פעם אחרת ואומר’י יושבי חשך וצלמות בו’ ויוציאה מחשך וצלמות בו’ אילים מדרך פשעם כו’ כל אוכל תתעב נפשם וגו’ ויצעקו אל ה’ בצר להם וגו’ ישלח דברו וירפאם יודו לה’ חסדו וגו’ ויחננו ויאמר פדעהו וגו’ נפש תחת נפש. ועושה כסדר הזה ד’ פעמים ואח”כ מניח ידו על ראש תרנגול ואומר זה יצא למיתה תחת זה ומניח ידו על ראש מתכפר ואומר תכנס אתה פלוני בן פ’ לחיים ולא תמות ועושה כסדר הזה ג’ פעמים ומניח מתכפר ידו על ראש תרנגול תבנית סמיכה וסומך ידו עליו ושוחטו לאלתר. תבנית תכף לסמיכה שחיטה:

So must be done: another person holds the rooster, and he places his hand on the head of the rooster and takes it. He then places it on the head of the person seeking atonement, and says “this in place of this, this is substituted for this, and this is forgiven on this”, and he places it over him another time, and they say “those sitting in darkness and the shadow of death”... This order is performed seven times, and afterwards he places his hand on the head of the rooster and says “this shall go to die in place of this”, and he places his hand on the head of the person seeking atonement, and he says “you, Ploni the son of Ploni will go to life, and you will not die”. This order is performed three times, and the person seeking atonement places his hand on the head of the rooster similar to semichah, and he leans his hand on it and slaughters it immediately. (It is similar in that immediately following semichah is slaughter.)

2) Leviticus 18:1-3 (JPS 1917 translation)

א וַיְדַבֵּר ה', אֶל-מֹשֶׁה לֵאמֹר. ב דַּבֵּר אֶל-בְּנֵי יִשְׂרָאֵל, וְאָמַרְתָּ אֲלֵהֶם: אֲנִי, ה' אֱלֹהֵיכֶם. ג כְּמַעֲשֵׂה אֶרֶץ-מִצְרַיִם אֲשֶׁר יִשְׁבְּתֶם-בָּהּ, לֹא תַעֲשׂוּ; וְכַמַּעֲשֵׂה אֶרֶץ-כְּנָעַן אֲשֶׁר אָנֹכִי מְבִיא אֲתֶכֶם שָׁמָּה, לֹא תַעֲשׂוּ, וּבְחַקְתִּיהֶם, לֹא תֵלְכוּ.

1 And the Lord spoke unto Moses, saying: 2 Speak unto the children of Israel, and say unto them: I am the Lord your G-d. 3 After the doings of the land of Egypt, wherein ye dwelt, shall ye not do; and after the doings of the land of Canaan, whither I bring you, shall ye not do; neither shall ye walk in their statutes.

3) Shulchan Aruch Orach Chaim 605:1

מה שנוהגים לעשות כפרות בערב יום כיפור, לשחוט תרנגול על כל בן זכר ולומר עליו פסוקים, יש למנוע המנהג.
What people have a custom to do “kapparot” on Erev Yom Kippur, to slaughter a rooster for each male in the family and say various verses – one should not do this minhag.

הגה: ויש מהגאונים שכתבו מנהג זה, וכן כתבו אותו רבים מן האחרונים, וכן נוהגין בכל מדינות אלו. ואין לשנות, כי הוא מנהג ותיקין. ונוהגין ליקח תרנגול זכר לזכר, ולנקבה לוקחין תרנגולת (ב"י בשם תשב"ץ). ולוקחין למעוברת שני תרנגולים, אולי תלד זכר. ובחרין בתרנגולים לבנים, על דרך שנאמר: "אם יהיו חטאיכם כשנים כשלג ילבינו" (ישעיהו א, יח). ונהגו ליתן הכפרות לעניים, או לפדותן בממון שנותנים לעניים (מהרי"ל). ויש מקומות שנוהגין לילך על הקברות ולהרבות בצדקה. והכל מנהג יפה. ויש להסמיך שחיטת הכפרות מיד לאחר שהחזירו עליו. וסומך ידיו עליו, דמות הקרבן. וזורקין בני מעיהם על הגגות או בחצר, מקום שהעופות יכולין לקחת משם (טור):

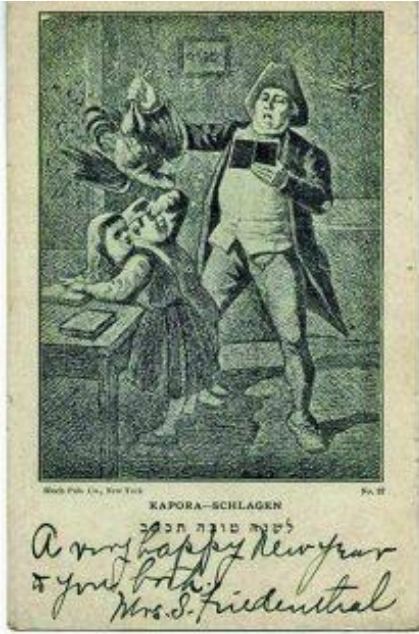
Rama – However, some of the Geonim wrote about this minhag and so did many Acharonim, and it is done in these countries and one should not deviate from this because it is a very old custom. We have the custom to take a rooster for a male, and for a female we take a hen (Beit Yosef in the name of the Tashbetz). And we take two chickens [i.e. a hen and a rooster] for a pregnant woman, in case she gives birth to a male. And we choose white roosters based on the verse in Isaiah 1:18 “If your sins are crimson let them become white...” And they have the custom to give the kapparot to the poor, or to redeem them for money that is given to the poor (Maharil). And some places have the custom to visit graves [of tzaddikim] and to give much tzedakah, and all of these are nice customs. One should slaughter the kapparot immediately after he [waved] it over himself, and he should place his hands on it, similar to a korban. We also throw their innards on the roofs or in the courtyard, places where the birds can take them as food.

4) Rashi to Shabbat 81b (R' Torczyner translation)

ובתשובת הגאונים מצאתי: שעושין חותלות מכפות תמרים, וממלאין אותם עפר וזבל בהמה, ועשרים ושנים או חמישה עשר יום לפני ראש השנה עושין כל אחד ואחד לשם כל קטן וקטנה שבבית, וזורעים לתוכן פול המצרי או קיטנית, וקורין לו פורפיסא, וצומח, ובערב ראש השנה נוטל כל אחד שלו, ומחזירו סביבות ראשו שבעה פעמים, ואומר: זה תחת זה, וזה חליפתי וזה תמורת, ומשליכו לנהר.

In a responsum of the Gaonim I found: They make baskets of palm branches and fill them with dirt and animal manure. 22 or 15 days before Rosh HaShanah, each individual makes one for each minor boy and girl in the house, and they plant pol hamitzri or kitnit in them. They call it porfisa. It grows, and on the day before Rosh HaShanah each one takes his own and passes it over his head seven times, saying, “This in place of this, this is my exchange, this is my substitute,” and he throws it into the river.

5) Selected Images of Kapparat



All photos from:
<https://www.jewishpress.com/sections/features/features-on-jewish-world/kapparat-a-wing-and-a-prayer/2018/09/14/>

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Dedicated by Fred Birnbaum in honour of his wife Susan and their daughters Ricki, Sarah and Leora

א. עזרא פרק ג

(א) ויגזל הַחֹדֶשׁ הַשְּׁבִיעִי וּבְגֵי יִשְׂרָאֵל בְּעָרִים ס וַיֵּאָסְפוּ הָעָם כְּאִישׁ אֶחָד אֶל־יְרוּשָׁלַם: ס (ב) וַיִּקְרְמוּ יְשׁוּעָה בֶן־יֹצְדָק וְאֶחָיו הַכֹּהֲנִים וְזַרְבָבֶל בֶן־שַׁאֲלֻמְיָאֵל וְאֶחָיו וַיִּבְנוּ אֶת־מִזְבֵּחַ אֱלֹהֵי יִשְׂרָאֵל לְהַעֲלוֹת עָלָיו עֹלוֹת כַּכְּתוּב בְּתוֹרַת מֹשֶׁה אִישׁ־הָאֱלֹקִים: (ג) וַיִּכְנֹסוּ הַמִּזְבֵּחַ עַל־מְכוֹנֹתָיו כִּי בָאִימָה עָלֵיהֶם מֵעַמֵי הָאָרְצוֹת וַיַּעֲלוּ עָלָיו עֹלוֹת לְהַעֲלוֹת לְפָנָיו וּלְעָרְב: (ד) וַיַּעֲשׂוּ אֶת־חַג הַסִּפּוֹת כַּכְּתוּב וְעֹלֹת יוֹם בַּיּוֹם בְּמִסְפָּר כְּמִשְׁפֵט דְּבַר־יְיָ: (ה) וְאֶחָד־יָמָן עֹלֹת תְּמִיד וְלֶחֶד־מוֹעֲדֵי הַמִּקְדָּשִׁים וְלִכְל־מוֹעֲדֵי הַמִּקְדָּשִׁים וְלִכְל מִתְנַדֵּב נִדְבָה לַה: (ו) מִיּוֹם אֶחָד לַחֹדֶשׁ הַשְּׁבִיעִי הִחִילוּ לְהַעֲלוֹת עֹלוֹת לַה וְהִיבֵל הַ לֹא יָסַד: (ז) וַיִּתְּנוּ־לָסֹף לַחֲצֹבִים וְלִחְרָשִׁים וּמֵאֲכָל וּמִשְׁתֵּה וְשִׁמֹן לְצִדְנִים וְלִצְרִים לְהֵבִיא עֲצֵי אֲרָזִים מִן־הַלְּבָנוֹן אֶל־יָם: יְפוֹא פְרָשִׁינוֹן פּוֹרֵשׁ מִלְד־פָּרַס עֲלֵיהֶם:

1. Ezra 3:1-7 (JPS Translation 1917)

And when the seventh month came, and the children of Israel were in the cities, the people gathered themselves together as one man to Jerusalem. Then stood up Jeshua the son of Jozadak, and his brethren the priests, and Zerubbabel the son of Shealtiel, and his brethren, and built the altar of the G-d of Israel, to offer burnt-offerings thereon, as it is written in the Law of Moses the man of G-d. And they set the altar upon its bases; for fear was upon them because of the people of the countries, and they offered burnt-offerings thereon unto the LORD, even burnt-offerings morning and evening. And they kept the feast of tabernacles, as it is written, and offered the daily burnt-offerings by number, according to the ordinance, as the duty of every day required; and afterward the continual burnt-offering, and the offerings of the new moons, and of all the appointed seasons of the LORD that were hallowed, and of every one that willingly offered a freewill-offering unto the LORD. From the first day of the seventh month they began to offer burnt-offerings unto the LORD; but the foundation of the temple of the LORD was not yet laid. They gave money also unto the hewers, and to the carpenters; and food, and drink, and oil, unto them of Zidon, and to them of Tyre, to bring cedar-trees from Lebanon to the sea, unto Joppa, according to the grant that they had of Cyrus king of Persia.

ב. נחמיה פרק ח

(יג) וּבַיּוֹם הַשְּׁנַיִי נֶאֱסָפוּ רְאֵשֵׁי הָעָבוֹת לְכָל־הָעָם הַכֹּהֲנִים וְהַלְוִיִּם אֶל־עֲזָרָה הַסֹּפֵר וְלִהְשָׁכִיל אֶל־דְּבָרֵי הַתּוֹרָה: (יד) וַיִּמְצְאוּ כְּתוּב בְּתוֹרָה אֲשֶׁר צִוָּה הַ בְּיַד־מֹשֶׁה אֲשֶׁר יָשְׁבוּ בְּגֵי־יִשְׂרָאֵל בַּסִּפּוֹת בְּחֹדֶשׁ הַשְּׁבִיעִי: (טו) וְאֲשֶׁר יִשְׁמִיעוּ וַיַּעֲבִירוּ קוֹל בְּכָל־עִרְיָהֶם וּבִירוּשָׁלַם לֵאמֹר צִוָּה הַ הָהָר וְהִבִּיאוּ עֲלֵי־נֵית וְעֲלֵי־עֵץ שִׁמֹן וְעֲלֵי־הַדָּס וְעֲלֵי־תְּמָרִים וְעֲלֵי־עֵץ עֹבֵת לַעֲשׂוֹת סִפּוֹת כַּכְּתוּב: פ (טז) וַיִּמְצְאוּ הָעָם וַיִּבְיִאוּ וַיַּעֲשׂוּ לָהֶם סִפּוֹת אִישׁ עַל־גִּגּוֹן וּבְחֻצְרוֹתֵיהֶם וּבְחֻצְרוֹת בַּיִת הָאֱלֹקִים וּבְרַחוּב שַׁעַר הַמַּיִם וּבְרַחוּב שַׁעַר אֶפְרַיִם: (יז) וַיַּעֲשׂוּ כְּלִי־הַקֶּקֶל הַשְּׁבִיעִים מִן־הַשְּׁבִיעִים סִפּוֹת וַיִּשְׁבּוּ בַּסִּפּוֹת כִּי לֹא־עָשׂוּ מִימֵי יְשׁוּעָה בֶן־נּוּן כֹּן בְּגֵי יִשְׂרָאֵל עַד הַיּוֹם הַהוּא וְתַהֲיִי שְׁמִחָה גְדוֹלָה מְאֹד: (יח) וַיִּקְרָא בְּסֵפֶר תּוֹרַת הָאֱלֹקִים יוֹם: בַּיּוֹם מִן־הַיּוֹם הָרִאשׁוֹן עַד הַיּוֹם הָאֶחָד־עָשָׂר וְהַיּוֹם הַשְּׁבַעִת יָמִים וּבַיּוֹם הַשְּׁמִינִי עֲצָרַת כַּמִּשְׁפָּט:

2. Nehemiah 8:13-18 (JPS Translation 1917)

And on the second day were gathered together the heads of fathers' houses of all the people, the priests, and the Levites, unto Ezra the scribe, even to give attention to the words of the Law. And they found written in the Law, how that the LORD had commanded by Moses, that the children of Israel should dwell in booths in the feast of the seventh month; and that they should publish and proclaim in all their cities, and in Jerusalem, saying: 'Go forth unto the mount, and fetch olive branches, and branches of wild olive, and myrtle branches, and palm branches, and branches of thick trees, to make booths, as it is written.' So the people went forth, and brought them, and made themselves booths, every one upon the roof of his house, and in their courts, and in the courts of the house of G-d, and in the broad place of the water gate, and in the broad place of the gate of Ephraim. And all the congregation of them that were come back out of the captivity made booths, and dwelt in the booths; for since the days of a Joshua the son of Nun unto that day had not the children of Israel done so. And there was very great gladness. Also day by day, from the first day unto the last day, he read in the book of the Law of G-d. And they kept the feast seven days; and on the eighth day was a solemn assembly, according unto the ordinance.

(יב) וְנָאֵתוּ תְהִינָה הַמַּגָּפָה אֲשֶׁר יִגָּף הָאֶת-כָּל-הַעַמִּים אֲשֶׁר צָבְאוּ עַל-יְרוּשָׁלַם הַמָּקוֹם בְּשָׂרוֹ וְהוּא עֹמֵד עַל-רַגְלָיו וְעֵינָיו תִּמְקַנֶּה בְּחִרְיָתָן וְלִשְׁוֹנוֹ תִּמְקַם בְּפִיָּהֶם: (יג) וְהָיָה בַּיּוֹם הַהוּא תְהִינָה מְהוּמַת־יִקְנוּם רַבָּה בָּהֶם וְהִחְזִיקוּ אִישׁ גֹּד רַעְהוּ וְעָלְתָה יָדוֹ עַל-יַד רַעְהוּ: (יד) וְגַם-יְהוּדָה תִּלְחָם בִּירוּשָׁלַם וְאֶסְפָּר חֵיל כָּל-הַגּוֹיִם סָבִיב וְנָהָב וְנִכְסָף וּבַגְדִים לָרֶב מְאֹד: (טו) וְכֵן תְהִינָה מִגַּפַת הַסּוּס הַפָּרָד הַגַּמְלָה וְהַחֲמֹר וְכָל-הַבְּהֵמָה אֲשֶׁר יִהְיֶה בַּמַּחֲנוֹת הַקֶּמֶה כַּמַּגָּפָה הַזֹּאת: (טז) וְהָיָה כָּל-הַבְּנוֹתֵי מְכֻלֵּי-הַגּוֹיִם הַבָּאִים עַל-יְרוּשָׁלַם וְעָלוּ מִדֵּי שָׁנָה שָׁנָה לְהִשְׁתַּחֲוֹת לְמִלְכָּהּ הַצְּבָאוֹת וְלָחֵג אֶת-תֵּג הַסְּכוּת: (יז) וְהָיָה אֲשֶׁר לֹא-יַעֲלֶה מֵאֵת מִשְׁפְּחוֹת הָאָרֶץ אֶל-יְרוּשָׁלַם לְהִשְׁתַּחֲוֹת לְמִלְכָּהּ הַצְּבָאוֹת וְלֹא עֲלִיהֶם יִהְיֶה הַגָּשָׁם: (יח) וְאִם-מִשְׁפַּחַת מִצְרַיִם לֹא-תַעֲלֶה וְלֹא בָּאָה וְלֹא עֲלִיהֶם תְהִינָה הַמַּגָּפָה אֲשֶׁר יִגָּף הָאֶת-הַגּוֹיִם אֲשֶׁר לֹא יַעֲלוּ לָחֵג אֶת-תֵּג הַסְּכוּת: (יט) נָאֵת תְהִינָה חֲטָאת מִצְרַיִם וְחַטָּאת כָּל-הַגּוֹיִם אֲשֶׁר לֹא יַעֲלוּ לָחֵג אֶת-תֵּג הַסְּכוּת:

3. Zechariah 14:12-19 (JPS Translation 1917)

And this shall be the plague wherewith the LORD will smite All the peoples that have warred against Jerusalem: Their flesh shall consume away while they stand upon their feet, And their eyes shall consume away in their sockets, And their tongue shall consume away in their mouth. And it shall come to pass in that day, that a great tumult from the LORD shall be among them; And they shall lay hold every one on the hand of his neighbour, And his hand shall rise up against the hand of his neighbour. And Judah also shall fight against Jerusalem; And the wealth of all the nations round about shall be gathered together, Gold, and silver, and apparel, in great abundance. And so shall be the plague of the horse, Of the mule, of the camel, and of the donkey, And of all the beasts that shall be in those camps, as this plague. And it shall come to pass, that every one that is left of all the nations that came against Jerusalem shall go up from year to year to worship the King, the LORD of hosts, and to keep the feast of tabernacles. And it shall be, that whoso of the families of the earth goes not up unto Jerusalem to worship the King, the LORD of hosts, upon them there shall be no rain. And if the family of Egypt go not up, and come not, they shall have no overflow; there shall be the plague, wherewith the LORD will smite the nations that go not up to keep the feast of tabernacles. This shall be the punishment of Egypt, and the punishment of all the nations that go not up to keep the feast of tabernacles.

ד. תלמוד בבלי מסכת עבודה זרה דף ג עמוד א- עמוד ב

אמרו לפניו רבש"ע"ע תנה לנו מראש ונעשנה אמר להן הקב"ה... מצוה קלה יש לי וסוכה שמה לכו ועשו אותה... ואמאי קרי ליה מצוה קלה משום דלית ביה חסרון כיס מיד כל אחד [ואחד] נוטל והולך ועושה סוכה בראש גגו והקב"ה מקדיר עליהם חמה בתקופת תמוז וכל אחד ואחד מבעט בסוכתו ויוצא שנאמר +תהלים+ ב' ננתקה את מוסרותימו ונשליכה ממנו עבותימו מקדיר והא אמרת אין הקב"ה בא בטרוניא עם בריותיו משום דישאל נמי זימני דמשכא להו תקופת תמוז עד חגא והוי להו צערא והאמר רבא מצטער פטור מן הסוכה נהי דפטור בעוטי מי מבעטי.

4. Talmud Bavli Tractate Avodah Zarah 3a-3b

They said, "Master of the Universe! Give it to us from the start and we will do it!" G-d said to them, "... I have a light mitzvah called Succah; go perform it."... Why is it called "a light mitzvah"? Because there is no loss of money. Immediately, each one takes materials and goes and makes a succah upon his roof, and G-d shines the summer sun upon them, and each kicks his Succah and leaves, as in, "We will cut His bindings and cast off His ropes." "Shines"? But we have said that Gd does not look for claims against His creations! Jews also have the summer extend to Succot at times, and it pains them. But didn't Rava say that one who is pained is exempt from Succah? True, he is exempt – but does he kick?

ה. ויקרא פרק כג

(לג) וַיְדַבֵּר ה', אֶל-מֹשֶׁה לֵאמֹר. (לד) דַּבֵּר אֶל-בְּנֵי יִשְׂרָאֵל, לֵאמֹר: בַּחֲמִשָּׁה עָשָׂר יוֹם, לַחֹדֶשׁ הַשְּׁבִיעִי הַזֶּה, חַג הַסְּכוּת שִׁבְעַת יָמִים, לַה. (לה) בַּיּוֹם הָרִאשׁוֹן, מִקְרָא-קֹדֶשׁ; כָּל-מְלֶאכֶת עֲבֹדָה, לֹא תַעֲשׂוּ. (לו) שִׁבְעַת יָמִים, תִּקְרִיבוּ אֹשֶׁה לָהּ; בַּיּוֹם הַשְּׁמִינִי מִקְרָא-קֹדֶשׁ יִהְיֶה לָכֶם וְהִקְרַבְתֶּם אֹשֶׁה לָהּ, עֲצַרְתָּ הוּא--כָּל-מְלֶאכֶת עֲבֹדָה, לֹא תַעֲשׂוּ. (לז) אֵלֶּה מוֹעֲדֵי ה', אֲשֶׁר-תִּקְרְאוּ אֹתָם מִקְרָאֵי קֹדֶשׁ: לְהַקְרִיב אֹשֶׁה לָהּ, עֹלָה וּמִנְחָה זָבַח וּנְסֻכִים--דָּבַר-יוֹם בְּיוֹמוֹ. (לח) מִלְּבַד, שַׁבַּת הִיא; וּמִלְּבַד מִתְּנוּחֵיכֶם, וּמִלְּבַד כָּל-דְּנָרִיכֶם וּמִלְּבַד כָּל-דְּבַתֵיכֶם, אֲשֶׁר תִּתְּנוּ לָהּ '

(לט) אך בחמשה עשר יום לה' השביעי, באספקם את-תבואת הארץ, תחגו את-חג-ה, שבעת ימים; ביום הראשון שבתון, וביום השמיני שבתון. (מ) ולקחתם לכם ביום הראשון, פרי עץ הדר כפת תמרים, נענף עץ-עבת, וערבי-נחל; ושמתם, לפני ה' אלקיכם-- שבעת ימים. (מא) וחתם אתו חג לה', שבעת ימים בשנה: חקת עולם לדלתיכם, בחג השביעי תחגו אתו. (מב) בספת תשבו, שבעת ימים; כל-האזרח, בישראל, ישבו, בספת. (מג) למען, ידעו דלתיכם, כי בספות הושבתי את-בני ישראל, בהוציא אותם מארץ מצרים: אני ה' אלקיכם. (מד) ונדבר משה, את-מעדי ה' אל-בני ישראל.

5. Vayikra 23:33-43 (JPS Translation 1917)

And the LORD spoke unto Moses, saying: Speak unto the children of Israel, saying: On the fifteenth day of this seventh month is the feast of tabernacles for seven days unto the LORD. On the first day shall be a holy convocation; you shall do no manner of servile work. Seven days you shall bring an offering made by fire unto the LORD; on the eighth day shall be a holy convocation unto you; and you shall bring an offering made by fire unto the LORD; it is a day of solemn assembly; you shall do no manner of servile work. These are the appointed seasons of the LORD, which you shall proclaim to be holy convocations, to bring an offering made by fire unto the LORD, a burnt-offering, and a meal-offering, a sacrifice, and drink-offerings, each on its own day; beside the Sabbaths of the LORD, and beside your gifts, and beside all your vows, and beside all your freewill-offerings, which you give unto the LORD.

However on the fifteenth day of the seventh month, when you have gathered in the fruits of the land, you shall keep the feast of the LORD seven days; on the first day shall be a solemn rest, and on the eighth day shall be, a solemn rest. And you shall take you on the first day the fruit of goodly trees, branches of palm-trees, and boughs of thick trees, and willows of the brook, and you shall rejoice before the LORD your G-d seven days. And you shall keep it a feast unto the LORD seven days in the Year; it is a statute for ever in your generations; you shall keep it in the seventh month. You shall dwell in booths seven days; all that are home-born in Israel shall dwell in booths; that your generations may know that I made the children of Israel to dwell in booths, when I brought them out of the land of Egypt: I am the LORD your G-d.

5. רמב"ן ויקרא פרק כג פסוק לט

אכן ביום חמשה עשר לה' השביעי הזה בעבור שהוא עת אספקם את תבואת הארץ תחגו את חג ה' שבעת ימים והוסיף לומר בכאן ביום הראשון שבתון וביום השמיני שבתון שתשבתו ותנוחו בהם כאשר פירשתי (פסוק כד) ואמר עוד שתוסיפו לשמוח לפני השם בלולב ואתרוג שבעת ימים כי הוא זמן שמחה שברך השם אותך בכל תבואתך ובכל מעשה ידיך והיית אך שמח לפניו וטעם "תחגו את חג ה'" שתחגו לפניו לתת הודאה לשמו על מעשיכם אוסף כי בא וחזר ואמר עוד (פסוק מא) "וחגותם אותו חג לה'" לסמוך אליו "בסוכות תשבו" (פסוק מב) וטעמו וחגותם אותו חג שבעת ימים בשנה שתשבו בסוכות וכל האזרח בישראל ישבו בסוכות לומר שיעשו חג שבעה בלולב ושמחה ובסוכה.

6. Ramban Vayikra 23:39

However, on the 15th of this 7th month, since it is the time of gathering of the grain of land, you shall celebrate the holiday of G-d during the 7 days. And here it adds that the first day and the eighth day are a Sabbath, that you should rest and relax on them as I have explained. It also adds that **you should celebrate additionally in front of G-d with the lulav and etrog** for 7 days. For it is a time of happiness that G-d blessed you with all your grain, and all your handiwork and you shall only be happy in front of him. The explanation of the verse "you shall celebrate the holiday of G-d" is that **you should celebrate in front of him by giving thanks to his name about your continual harvest**. It repeats: "and you shall celebrate it as a holiday to G-d" **to juxtapose it to the verse "you shall dwell in booths" and it means you shall celebrate it for seven days of the year by dwelling in booths** and all that are home-born in Israel shall dwell in booths meaning **you should make a seven day holiday with lulav, happiness, and booths**.

*Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z"l
and his beloved brother Jerry Kirsh z"l*

Dedicated by Shayna and Dr. Lazer Friedman l'ilui nishmat Malka bat R' Chaim Yehoshua z"l, Shayna's mother

1. Rabbi Avraham Ibn Ezra (12th century Spain) to Kohelet 5:1

וכלל אומר יש בפיטוי רבי אליעזר הקליר מ"כ, ארבעה דברים קשים: הדבר האחד כי רובי פיטוי חידות ומשלים... ולמה לא נלמד משלמה שלא היה חכם אחריו כמוהו והנה תפלתו שהתפלל מודעת וכל יודע לשון הקדש יבין אותה ואיננה חידות ומשלים...

In general, I will say there are four difficult elements in the *piyutim* of Rabbi Elazar haKallir, may he rest in honour: First, most of his *piyutim* are riddles and parables... And why should we not learn from Shlomo, after whom none were as wise? The prayer he prayed is known, and anyone who knows Hebrew will understand it, it is not of riddles and parables...

2. Worth seeing: סלה אהללך <http://www.hebrewbooks.org/53679>

3. Our poem (Hebrew text from Wikipedia; English text from Artsroll, Siddur Eitz Chaim (Nusach Sfar), pg. 719

<p>קַה קְלִי וְגֹאֲלִי אֶתִּיצְבָּה לְקַרְאֲתֶךָ הָיָה וְהָיָה הָיָה וְהָיָה כָּל גּוֹי אֲדַמְתֶּךָ</p> <p>וְתוֹדָה וְלַעֲוֹלָה וְלַמִּנְחָה וְלַחֲטָאת וְלְאָשָׁם וְלְשִׁלְמִים וְלַמְלוּאִים כָּל קֶרְבְּנֶךָ זְכוֹר נְלָאָה אֲשֶׁר נִשְׁאַה וְהָשִׁיבָה לְאֲדַמְתֶּךָ סְלָה אֶהְלֵלְךָ בְּאֲשֶׁרֵי יוֹשְׁבֵי בֵיתֶךָ</p>	<p>O Gd, my Gd and Redeemer, I shall stand to greet You – Who was and Who will be, Who was and Who is – with the entire nation on Your soil;</p> <p>And the thanksgiving-, elevation-, meal-, sin-, guilt-, peace-, and inauguration-offerings – Your every offering. Remember the exhausted [nation] that won [Your favour], and return her to Your soil. Eternally will I laud You, saying, 'Praiseworthy are those who dwell in Your House.'</p>
<p>דָּק עַל דָּק עַד אֵין נִבְדָּק וְלִתְבוּנָתוֹ אֵין חֶקֶר הֶקֶל נוֹרָא בְּאַחַת סְקִירָה בֵּין טוֹב לְרַע יִבְקֵר</p> <p>וְתוֹדָה וְלַעֲוֹלָה וְלַמִּנְחָה...</p>	<p>Painstakingly exact, beyond calculation – to His intelligence there is no limit. The awesome Gd – with a single stripe, He differentiates the good from bad.</p> <p>And the thanksgiving-, elevation-, meal-...</p>
<p>אֲדוֹן צְבָאוֹת בְּרֹב פְּלֹאוֹת חִבֵּר כָּל אֶהְלוֹ בְּנִתְיבוֹת לֵב, לְבָב, הַצּוֹר תְּמִים פְּעֵלוֹ</p> <p>וְתוֹדָה וְלַעֲוֹלָה וְלַמִּנְחָה...</p>	<p>The Lord of Legions, with abundant miracles He connected His entire Tabernacle; In the paths of the heart may it blossom – the Rock, His work is perfect!</p> <p>And the thanksgiving-, elevation-, meal-...</p>

4. Talmud, Rosh HaShanah 18a

"בראש השנה כל באי העולם עוברין לפניו כבני מרון. " מאי "כבני מרון"? הכא תרגימו כבני אמרנא. ריש לקיש אמר כמעלות בית מרון. רב יהודה אמר שמואל כחיילות של בית דוד. אמר רבה בר בר חנה אמר רבי יוחנן: וכולן נסקרין בסקירה אחת.
"On Rosh HaShanah, all who enter the world pass before Him, like *bnei maron*." What are *bnei maron*? Here they explained: Like young sheep. Reish Lakish said: Like the steps of Beit Maron. Rav Yehudah cited Shemuel: Like the soldiers of the house of David. Rabbah bar bar Chanah cited Rabbi Yochanan: All of them are seen with one scan.

5. Rabbi David Kimchi (12th-13th century France), Commentary to Tehillim 84:5

הכהנים שהיו יושבים בביתך אז כשבית המקדש קיים, אשריהם. גם הם החכמים והחסידים שהיו מתבודדים שם, אשריהם. או פירושן, אשרי שיזכו ויראו בבנין הבית ויהיו יושבי ביתך.

The kohanim who dwelled in Your house when the Temple stood, they are fortunate. These are also the sages and pious ones who were there alone. Or it means: Fortunate are those who will merit and see the construction of the house, and will be residents of Your house.

6. Yeshayah 1:14

חַדְשֵׁיכֶם וּמוֹעֲדֵיכֶם שָׂנְאָה נַפְשִׁי הָיוּ עָלַי לְטָרַח נְלֵאִיתִי נְשֹׂא:

Your new moons and festivals, I have hated; they were a burden for Me; I am exhausted of bearing them.

7. Vayikra, Chapters 6-8

6:2-6	Olah (burnt offering)
6:7-16	Minchah (grain offering)
6:17-23	Chatat (sin offering)
7:1-10	Asham (guilt offering)
7:11-38	Shelamim (peace offering)
8	Miluim (inauguration offering)

8. Midrash, Vayikra Rabbah 9:7

רבי פנחס ורבי לוי ורבי יוחנן בשם ר' מנחם דגליא: לעתיד לבא כל הקרבנות בטלין וקרבתן תודה אינו בטל, כל התפלות בטלות ההודאה אינה בטלה. הה"ד (ירמיה לג) "קול ששון וקול שמחה קול חתן וקול כלה, קול אומרים הודו את ד' צבקות וגו'" זו הודאה, "ומביאין תודה בית ד'" זה קרבן תודה. וכן דוד אומר...

Rabbi Pinchas, Rabbi Levi and Rabbi Yochanan cited Rabbi Menachem Diglaya: In the future, all offerings will be cancelled, and the thanks offering will not be cancelled. All prayers will be cancelled, and thanks will not be cancelled. Thus Yirmiyahu 33 says, "The voice of joy, the voice of happiness, the voice of the groom, the voice of the bride, the voice of those who say, 'Thank Hashem, Lord of Multitudes...' – this is thanks. "And who bring a thanks offering to the house of Gd" – this is the thanks offering. And so David said...

SUKKOT

THE GREAT ESCAPE

Rabbi Eitan Aviner (EAviner@bastoronto.org)

Dedicated by Dov and Jane Goldberg in appreciation of the YU Beit Midrash

1. The Parsha of the Holidays (Vayikra 22-23, Chabad.org translation)

Laws of Animals

26) And the Lord spoke to Moses, saying:

(כו) וידבר יקוק אל־מִשֶׁה לֵאמֹר:

27) When an ox or a sheep or a goat is born, it shall remain under its mother for **seven days**, and from the **eighth day** onwards, it shall be accepted as a sacrifice for a fire offering to the Lord.

(כז) שֹׁר אוֹ־כֶשֶׁב אוֹ־עֵז כִּי יוֹלֵד וְהָיָה שִׁבְעַת יָמִים תַּחַת אִמּוֹ וּמִיּוֹם הַשְּׁמִינִי וְהָלָאָה יִרְצָה לְקַרְבַּן אִשָּׁה לִיקוּק:

28) An ox or sheep you shall not slaughter it and its offspring in **one day**.

(כח) וְשֹׁר אוֹ־שֶׂה אֹתוֹ וְאֶת־בְּנוֹ לֹא תִשְׁחֹטוּ בְיוֹם אֶחָד:

Introduction to the Moadim

1) And the Lord spoke to Moses, saying,

(א) וידבר יקוק אל־מִשֶׁה לֵאמֹר:

2) Speak to the children of Israel and say to them: The Lord's appointed [holy days] that you shall designate as holy occasions. These are My appointed [holy days]:

(ב) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם מוֹעֲדֵי יִקוּק אֲשֶׁר־תִּקְרְאוּ אֹתָם מִקְרָאֵי קֹדֶשׁ אֵלֶּה הֵם מוֹעֲדָי:

3) [For] six days, work may be performed, but on the **seventh day**, it is a complete rest day, a holy occasion; you shall not perform any work. It is a Sabbath to the Lord in all your dwelling places.

(ג) שֵׁשֶׁת יָמִים תַּעֲשֶׂה מְלָאכָה וּבְיוֹם הַשְּׁבִיעִי שַׁבַּת שַׁבְתוֹן מִקְרָא־קֹדֶשׁ כָּל־מְלָאכָה לֹא תַעֲשֶׂוּ שַׁבַּת הוּא לִיקוּק בְּכֹל מוֹשְׁבֹתֵיכֶם:

4) These are the Lord's appointed [holy days], holy occasions, which you shall designate in their appointed time:

(ד) אֵלֶּה מוֹעֲדֵי יִקוּק מִקְרָאֵי קֹדֶשׁ אֲשֶׁר־תִּקְרְאוּ אֹתָם בְּמוֹעֲדָם:

Pesach

5) In the **first month**, on the **fourteenth** of the month, in the afternoon, [you shall sacrifice] the Passover offering to the Lord.

(ה) בַּחֹדֶשׁ הָרִאשׁוֹן בָּאַרְבָּעָה עָשָׂר לַחֹדֶשׁ בַּיּוֹם הָעֶרְבִים פֶּסַח לִיקוּק:

6) And on the **fifteenth day** of that month is the Festival of Unleavened Cakes to the Lord; you shall eat unleavened cakes for a **seven-day** period.

(ו) וּבַחֲמִשָּׁה עָשָׂר יוֹם לַחֹדֶשׁ הַזֶּה חַג הַמַּצּוֹת לִיקוּק שִׁבְעַת יָמִים מַצּוֹת תֹּאכְלוּ:

7) On the **first day**, there shall be a holy occasion for you; you shall not perform any work of labor.

ז ביום הראשון מקרא־קֹדֶשׁ יהיה לכם כל־מלאכת עבֹדָה לא תַעֲשׂוּ:

8) And you shall bring a fire offering to the Lord for a **seven-day** period. On the **seventh day**, there shall be a holy occasion; you shall not perform any work of labor.

ח והקרבֹתֶם אִשָּׁה ליקוק **שבעַת ימים ביום השביעי** מקרא־קֹדֶשׁ כל־מלאכת עבֹדָה לא תַעֲשׂוּ:

Shavuot and Omer

9) And the Lord spoke to Moses, saying,

ט וידַבֵּר יקוק אֶל־מֹשֶׁה לֵאמֹר:

10) Speak to the children of Israel and say to them: When you come to the Land which I am giving you, and you reap its harvest, you shall bring to the kohen an omer of the beginning of your reaping.

י דַבֵּר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי־תָבֹאוּ אֶל־הָאָרֶץ אֲשֶׁר אָנִי נֹתֵן לָכֶם וְקָצַרְתֶּם אֶת־קְצִירָהּ וְהִבַּאתֶם אֶת־עֹמֶר רֵאשִׁית קְצִירְכֶם אֶל־הַכֹּהֵן:

11) And he shall wave the omer before the Lord so that it will be acceptable for you; the kohen shall wave it on **the day after the rest day**.

יא וְהִנִּיף אֶת־הָעֹמֶר לִפְנֵי יקוק לְרִצְוֹנְכֶם מִמַּחֲרַת הַשַּׁבָּת יְנִיפֶנּוּ הַכֹּהֵן:
....

15) And you shall count for yourselves, **from the morrow of the rest day** from the day you bring the omer as a wave offering **seven weeks**; they shall be complete.

טו וּסְפַרְתֶּם לָכֶם מִמַּחֲרַת הַשַּׁבָּת מִיּוֹם הַבִּיאְכֶם אֶת־עֹמֶר הַתְּנוּפָה **שבע שבתות** תְּמִימַת תְּהִינָה:

16) You shall count until the **day after the seventh week**, [namely,] the fiftieth day, [on which] you shall bring a new meal offering to the Lord.

טז עַד מַמַּחֲרַת הַשַּׁבָּת הַשְּׁבִיעִית תִּסְפְּרוּ חֲמִשִּׁים יוֹם וְהִקְרַבְתֶּם מִנְחָה חֲדָשָׁה ליקוק:
....

Rosh Hashana

23) And the Lord spoke to Moses, saying,

כג וידַבֵּר יקוק אֶל־מֹשֶׁה לֵאמֹר:

24) Speak to the children of Israel, saying: In the **seventh month**, on the **first of the month**, it shall be a Sabbath for you, a remembrance of [Israel through] the shofar blast a holy occasion.

כד דַבֵּר אֶל־בְּנֵי יִשְׂרָאֵל לֵאמֹר בַּחֹדֶשׁ הַשְּׁבִיעִי בָאֶחָד לַחֹדֶשׁ יהיה לכם **שבתון** זְכָרוֹן תְּרוּעָה מקרא־קֹדֶשׁ:

Yom Kippur

26) And the Lord spoke to Moses, saying:

כו וידַבֵּר יקוק אֶל־מֹשֶׁה לֵאמֹר:

27) But on the tenth of this **seventh month**, it is a day of atonement, it shall be a holy occasion for you; you shall afflict yourselves, and you shall offer up a fire offering to the Lord.

כז אַךְ בַּעֲשׂוֹר לַחֹדֶשׁ הַשְּׁבִיעִי הַזֶּה יוֹם הַכִּפּוּרִים הוּא מקרא־קֹדֶשׁ יהיה לכם וְעִנִּיתֶם אֶת־נַפְשֵׁיכֶם וְהִקְרַבְתֶּם אִשָּׁה ליקוק:
....

32) It is a **complete day of rest** for you, and you shall afflict yourselves. On the ninth of the month in the evening, from evening to evening, you shall observe your rest day.

לב **שבת שבתון** הוא לכם וְעִנִּיתֶם אֶת־נַפְשֵׁיכֶם בַּתְּשׁוּעָה לַחֹדֶשׁ בָּעֶרֶב מֵעֶרֶב עַד־עֶרֶב תִּשְׁבְּתוּ שְׁבַתְכֶם:

Succot

33) And the Lord spoke to Moses, saying,

(לג) וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵאמֹר:

34) Speak to the children of Israel, saying: On the **fifteenth** day of this **seventh** month, is the Festival of Succoth, a **seven-day** period to the Lord.

(לד) דַּבֵּר אֶל־בְּנֵי יִשְׂרָאֵל לֵאמֹר בְּחִמְשָׁה עֶשְׂרִי יוֹם לַחֹדֶשׁ הַשְּׁבִיעִי הַזֶּה חַג הַסֻּכּוֹת שִׁבְעַת יָמִים לִיקוּק:

35) On the **first day**, it is a holy occasion; you shall not perform any work of labor.

(לה) בְּיוֹם הַרְאֲשׁוֹן מִקְרָא־קֹדֶשׁ כָּל־מְלָאכָת עֲבֹדָה לֹא תַעֲשׂוּ:

36) [For] a **seven-day** period, you shall bring a fire offering to the Lord. On the **eighth day**, it shall be a holy occasion for you, and you shall bring a fire offering to the Lord. It is a [day of] detention. You shall not perform any work of labor.

(לו) שִׁבְעַת יָמִים תִּקְרִיבוּ אֲשֶׁה לִיקוּק בְּיוֹם הַשְּׁמִינִי מִקְרָא־קֹדֶשׁ יְהוָה לָכֵם וְהִקְרַבְתֶּם אֲשֶׁה לִיקוּק עֲצֵרֶת הוּא כָּל־מְלָאכָת עֲבֹדָה לֹא תַעֲשׂוּ:

...

39) But on the **fifteenth day** of the **seventh month**, when you gather in the produce of the land, you shall celebrate the festival of the Lord for a **seven-day period**; the **first day shall be a rest day**, and the **eighth day shall be a rest day**.

(לט) אַךְ בְּחִמְשָׁה עֶשְׂרִי יוֹם לַחֹדֶשׁ הַשְּׁבִיעִי בְּאַסְפְּכֶם אֶת־תְּבוּאֹת הָאָרֶץ תַּחֲגוּ אֶת־חַג־יְהוָה שִׁבְעַת יָמִים בְּיוֹם הַרְאֲשׁוֹן שְׁבֹתוֹן וּבְיוֹם הַשְּׁמִינִי שְׁבֹתוֹן:

40) And you shall take for yourselves on the **first day**, the fruit of the hadar tree, date palm fronds, a branch of a braided tree, and willows of the brook, and you shall rejoice before the Lord your G-d for a **seven-day period**.

(מ) וּלְקַחְתֶּם לָכֵם בְּיוֹם הַרְאֲשׁוֹן פְּרִי עֵץ הַדָּר כַּפֹּת תְּמָרִים וְעֵגֶף וְעֵץ־עֵבֶת וְעַרְבֵי־נַחַל וְשִׂמְחַתֶּם לִפְנֵי יְהוָה אֱלֹהֵיכֶם שִׁבְעַת יָמִים:

41) And you shall celebrate it as a festival to the Lord for **seven days** in the year. [It is] an eternal statute throughout your generations [that] you celebrate it in the **seventh month**.

(מא) וְחַגְתֶּם אֹתוֹ חַג לִיקוּק שִׁבְעַת יָמִים בַּשָּׂגָה חֻקַּת עוֹלָם לְדֹרֹתֵיכֶם בְּחֹדֶשׁ הַשְּׁבִיעִי תַחֲגוּ אֹתוֹ:

42) For a **seven-day** period you shall live in booths. Every resident among the Israelites shall live in booths,

(מב) בַּסֻּכּוֹת תִּשְׁבּוּ שִׁבְעַת יָמִים כָּל־הָאֲזָרָח בְּיִשְׂרָאֵל יִשְׁבּוּ בַסֻּכּוֹת:

2. Devarim 16:13 (Chabad.org translation)

You shall make yourself the Festival of Sukkoth for seven days, when you gather in [the produce] from your threshing floor and your vat.

(יג) חַג הַסֻּכּוֹת תַעֲשֶׂה לָךְ שִׁבְעַת יָמִים בְּאַסְפְּךָ מִגֶּרְנֶךָ וּמִיִּקְבֶּךָ:

3. Gemara Succah 11a (Davidson Edition translation)

זה הכלל כל שהוא מקבל טומאה ואין גידולו מן הארץ אין מסכין בו וכל דבר שאינו מקבל טומאה וגידולו מן הארץ מסכין בו :

This is the principle with regard to the roofing of a *sukka*: **Anything that is susceptible to ritual impurity, e.g., vessels, or its growth is not from the ground, e.g., animal hides, one may not roof his *sukka* with it. And anything that is not susceptible to ritual impurity and its growth is from the ground, one may roof his *sukka* with it.**

4. Gemara Succah 12a (Davidson Edition translation)

כי אתא רבין אמר ר' יוחנן אמר קרא "באספך מגרנך ומיקבך" בפסולת גורן ויקב הכתוב מדבר. ואימא גורן עצמו ויקב עצמו
א"ר זירא יקב כתיב כאן ואי אפשר לסכך בו ... רב אשי אמר מגרנך ולא גורן עצמו מיקבך ולא יקב עצמו

The Gemara cites a different source: **When Ravin came** from Eretz Yisrael to Babylonia he said that **Rabbi Yoḥanan said that the verse states:** "You shall prepare for you the festival of *Sukkot* for seven days **as you gather from your threshing floor and from your winepress**" (Deuteronomy 16:13), and the Sages interpreted that it is **with regard to the waste of the threshing floor and of the winepress that the verse is speaking.** One uses grain stalks and vines for roofing the *sukka*, materials that are not susceptible to ritual impurity and grow from the ground.

The Gemara asks: **And say** that the verse teaches that one uses the items placed on the **threshing floor itself**, i.e., stalks with the grain still attached to them, **and the** items placed in the **winepress itself**, i.e., vines with the grapes still attached, as roofing. Grain and grapes, like all foods, are susceptible to ritual impurity. If the verse is interpreted in this manner, the mishna's criteria for roofing fit for a *sukka* could not be derived from it. **Rabbi Zeira said: "Winepress" is written** in the verse **here**, referring to the wine, **and it is impossible to roof with wine.** Apparently, the verse is referring to stalks and sheaves but not to produce...

Rav Ashi said: One may nevertheless derive the ruling of the mishna from this verse: **"From your threshing floor,"** indicating an item that comes from the threshing floor, **but not** the items placed on the **threshing floor**, i.e., grain, **itself;** **"from your winepress,"** **but not** the items placed in the **winepress**, i.e., grapes, **itself.** The verse is referring the waste products of the produce placed on threshing floor and in the winepress.

*Dedicated by Fred Birnbaum in honour of his wife Susan and their daughters Ricki, Sarah and Leora
Dedicated by Gila and Ilan Metz in memory of Ilan's grandmother Miriam bat Yitzchak Halevi z"l and Gila's
grandmother Chava bat Yitzchak Natan z"l*

1. Prof. Erich and Rael Isaac, *A Goodly Tree: Sacred and Profane History*, Commentary Oct '58

Is the etrog just an excuse for the Jews to exercise their passion for the difficult, for the formal, and, above all, for argument? Such a view has been expressed before—in the 4th century, for example, Methodios Ebulios, a Christian bishop and subsequent martyr, wrote that it was both shameful and foolish for the Jews to make such an issue over a lemon.

2. Methodius, *How Each one Ought to Prepare Himself for the Future Resurrection*, Chapter 3

In the first day of the resurrection I am examined whether I bring these things which are commanded, whether I am adorned with virtuous works, whether I am overshadowed by the boughs of chastity. For account the resurrection to be the erection of the tabernacle... I take, therefore, on the first day the things which are set down, that is, on the day in which I stand to be judged, whether I have adorned my tabernacle with the things commanded... But come, let us consider what follows.

"And ye shall take you," He says, "on the first day the boughs of goodly trees, branches of palm-trees, and the boughs of thick trees, and willows (and the tree of chastity) of the brook; and ye shall rejoice before the Lord your G-d." The Jews, uncircumcised in heart, think that the most beautiful fruit of wood is the citron wood, on account of its size... [I]f the citron appear beautiful to you, why not the pomegranate, and other fruits of trees, and amongst them apples, which much surpass the citron? Indeed, in the Song of Songs, Solomon having made mention of all these fruits, passes over in silence the citron only.

3. Rambam (12th century Egypt), *Mishneh Torah*, Laws of Kings 11:3

ואל יעלה על דעתך שהמלך המשיח צריך לעשות אותות ומופתים ומחדש דברים בעולם או מחיה מתים וכיוצא בדברים אלו, אין הדבר כך, שהרי רבי עקיבא חכם גדול מחכמי משנה היה, והוא היה נושא כליו של בן כוזיבא המלך, והוא היה אומר עליו שהוא המלך המשיח, ודימה הוא וכל חכמי דורו שהוא המלך המשיח, עד שנהרג בעונות, כיון שנהרג נודע להם שאינו, ולא שאלו ממנו חכמים לא אות ולא מופת

Don't imagine that the king, Mashiach, must perform signs and wonders, or create new entities, or resuscitate the dead, or perform similar feats. It is not so, for Rabbi Akiva was one of the wise sages of the Mishnah, and he was an aide to Ben Koziva, the king, and he said that Ben Koziva was the king, Mashiach. He, and all of the sages of his generation, imagined that Ben Koziva was the king, Mashiach – until he was killed for his sins. Once he was killed, it was known to them that Ben Koziva was not it. The sages did not ask Ben Koziva for signs or wonders.

4. Dio Cassius, *Historia Romana LXIX* 14, Cray translation

Very few of them in fact survived. Fifty of their most important outposts and nine hundred and eighty-five of their most famous villages were razed to the ground. Five hundred and eighty thousand men were slain in the various raids and battles, and the number of those who perished by famine, disease and fire was past finding out... Many Romans, moreover, perished in this war. Therefore Hadrian in writing to the senate did not employ the opening phrase commonly affected by the emperors, "If you and your children are in health, it is well; I and the legions are in health."

Etrog Evidence

5. Jerusalem Talmud, Maaser Sheni 1:1

מטבע שמרד כגון בן כוזיבא אינו מחלל.

The coin of a revolt, like that of Ben Koziva, may not be used for redemption [of the secondary tithe].

6. Prof. Rivka Ben-Sasson, *Botanics and Iconography Images of the Lulav and the Etrog*, Ars Judaica 2012
The Four Species of plants which are taken in hand during the Sukkot festival are represented in Jewish art from its very inception, for example: on the coins that were struck during the fourth year of the first revolt against the Romans (69–70 CE) (fig. 1). They appear again on the coins marking the first and fourth years of the Bar-Kokhba Revolt (132–36 CE) (fig. 2) and on clay oil lamps from the same period.

7. Mishnah Succah 3:4

רבי עקיבא אומר כשם שלולב אחד ואתרוג אחד כך הדס אחד וערבה אחת:

Rabbi Akiva said: Just as there is one palm branch and one etrog, so there is one myrtle and one willow.

8. Papyrus Yadin 57

שמעון ליהודה בר מנשה לקרית ערביה. שלחת לך תרי חמרין די תשלח עמהן תרי גברין לות יהונתן בר בעין ולות מסבלה די יעמרן וישלחן למחניה לותך ללבין ואתרגין. ואת שלח אחרנין מלותך וימטון לך הדסין וערבין. ותקן יתהן ושלח יתהן למחניה בדיל די אכלסה סגי. הוא שלם.

Simon to Yehudah son of Menasheh, to Kiryat Arabiya. I have sent you two donkeys, for you to send with them two men, to Yehonatan son of Be'ein and to Masabala, to load them and send them to the camp, to you, palm branches and citrons. And send others from you, and let them bring you myrtles and willow branches. And prepare them, and send them to the camp, because the masses are many. In peace.

9. Papyrus Yadin 52, tr. Hayim Lapin, *Palm Fronds and Citrons*, Hebrew Union College Annual 64 (1993)

Soumaios to Jonathan son of Baianos and to Masabala, greetings. Since I have sent Agrippa to you, hurry (and) send me wands and citrons. Provide(?) these for the camp of the Jews, and do not do otherwise. It (the letter) was written in Greek because of no means having been found to write it in Hebrew. Release him (Agrippa) quickly because of the festival, and do not do otherwise. Soumaios, greetings.

What did it mean to them?

10. Mishnah Succah 4:7

מיד התינוקות שומטין את לולביהן ואוכלין אתרוגיהן:

Immediately the children release their lulavim and eat their etrogim.

11. *Citrus fruits were the clear status symbols of the nobility in the ancient Mediterranean*,
<https://www.sciencedaily.com/releases/2017/08/170818092100.htm>

New research from Tel Aviv University reveals that citrons and lemons were clear status symbols for the ancient Roman ruling elite and plots the route and evolution of the citrus trade in the ancient Mediterranean... Until the first century CE, the only citrus produce available to the ancient Romans were the extremely rare and inordinately expensive citrons and lemons... [Dr. Langgut said,] "It appears that the citron was considered a valuable commodity due to its healing qualities, symbolic use, pleasant odor and rarity. Only the rich could have afforded it. Its spread therefore was helped more by its high social status, its significance in religion and its unique features, rather than its culinary qualities."

12. Talmud, Yevamot 72a

ר' יהודה אומר לא ימול מפני שסכנה היא לו אמרו לו והלא הרבה מלו בימי בן כוזיבא והולידו בנים ובנות

Rabbi Yehudah said: [One who has undergone a procedure to conceal circumcision] should not undergo a second circumcision, for it would be dangerous. They said to him: But many such people were circumcised in the time of Ben Koziva, and they produced sons and daughters!

13. Prof. Rivka Ben-Sasson, *Botanics and Iconography Images of the Lulav and the Etrog*, Ars Judaica 2012

[A]fter the destruction of the Temple in Jerusalem, the Romans minted a coin to celebrate their victory bearing the inscription *Judaea Capta* where the symbol of Judea is a palm tree, under which sits a feminine figure guarded by a Roman soldier...

Returning to the relatively few depictions of the date palm in mosaics of the Land of Israel, I can make an assumption. In Jewish consciousness, the date palm represented Judea and its independence, as symbolized on the Roman coins of *Judaea Capta* struck in Rome from 70 to 80 CE, after the destruction of the Temple. On these coins Judea is represented by a palm tree, and the people by a mourning woman. Perhaps Bar-Kokhba's use of the same symbol to awaken the national feelings of the people of Judea, followed by the disastrous consequences of the uprising, led to the limitation in the use of this visual symbol.

14. Midrash Tehillim 17:5

ואמרי רבנן לולב בימין ואתרוג בשמאל. מה טעם? "נעימות בימינך נצח," במי שהוא נוטל לולב בימין ונוצה ובאין. בנוהג שבעולם הנדייסין רצין באיפרכוס, מי נוטל ובא? מי שהוא נוצח.

And the Sages said: The lulav in the right and the etrog in the left [while circling the altar]. Why? "The pleasant items are in your right, for victory. (Tehillim 16:11)" This refers to the one who takes the lulav in the right and is victorious with the branches. Customarily, competitors race in the arena, and who takes the branches? The one who wins.

15. Plutarch, *Antony* 24:3, Perrin tr.

At any rate, when Antony made his entry into Ephesus, women arrayed like Bacchanals, and men and boys like Satyrs and Pans, led the way before him, and the city was full of ivy and thyrsus-wands and harps and pipes and flutes...

16. Melachim I 8:65

ויעש שלמה בעת ההיא את ההג וכל ישראל עמו קהל גדול מלבוא חמת עד נחל מצרים לפני ד' אלקינו שבעת ימים ושבעת ימים ארבעה עשר יום:

And at that time Shlomo performed the *chag*, all Israel with him, a great nation from the entrance to Chamat to the wadi of Egypt, before Hashem our Gd, seven days and seven days, fourteen days.

17. Ezra 3:3-4

ויכינו המזבח על מכונתיו כי באימה עליהם מעמי הארצות ויעלו עליו עלות לד' עלות לבקר ולערב: ויעשו את חג הסוכות ככתוב ועלת יום ביום במקפר כמשפט דבר יום ביומו:

And they prepared the altar on its foundations, for they feared the nations of the lands. And they brought upon it burnt offerings for Gd, burnt offerings for the morning and evening. And they performed the Succot festival, as recorded, and each day's burnt offering by number, according to the law, each day's [offerings] as appropriate.

18. Zechariah 14:16

והיה כל הנותר מכל הגוים הבאים על ירושלים ועלו מדי שנה בשנה להשתחוות למלך ד' צבקות ולחג את חג הסוכות: And all who remain from all of the nations who ascended against Jerusalem will ascend annually to bow to the King, the Lord of multitudes, and to celebrate the holiday of Succot.

19. Brian Burnstein, *The Causes of the Bar Kokhba Revolt*, Masters Thesis, University of British Columbia

In addition, the use of paleo-Hebrew on the revolt coinage displays a desire to be seen like the Maccabees and their revolt from Seleucid hegemony, perhaps in an attempt to see the same success they had against their overlords.

*Dedicated by Nathan Kirsh in memory of his beloved parents Lou and Ruth Kirsh z"l
and his beloved brother Jerry Kirsh z"l*

1. Mishnah Sukkah 4:8 (Davidson Edition translation)

סוכה שבעה כיצד גמר מלאכול לא יתיר את סוכתו אבל מוריד את הכלים מן המנחה ולמעלה מפני כבוד יו"ט האחרון של חג.
The mitzva of *sukka* is **seven** days. **How** does one fulfill this obligation for seven full days? When **one finished eating** on the seventh day, **he should not dismantle his *sukka*** immediately, because the obligation continues until the end of the day. **However, he takes the vessels down** from the *sukka* into the house **from *minḥa* time and onward in deference to the last day of the Festival**, when he will require the vessels in the house.

2. Talmud, Sukkah 48a (Davidson Edition translation)

אין לו כלים להוריד מהו אין לו כלים אלא כי אשתמש במאי אשתמש אלא אין לו מקום להוריד כליו מהו ר' חייא בר (רב) אמר פוחת בה ארבעה ור' יהושע בן לוי אמר מדליק בה את הנר. ולא פליגי הא לן והא להו.
If **one does not have vessels to take down** from the *sukka*, **what** should he do? The Gemara asks: **One does not have vessels? But when he utilized his *sukka* during the Festival, with what vessels did he eat when he utilized the *sukka*? Rather**, this is the question: **If he has no place** into which **he can take down his vessels** and he must continue eating in the *sukka*, **what** is the *halakha*? What can he do to underscore the fact that he is eating there not to fulfill a mitzva, thereby violating the prohibition against adding to the mitzvot of the Torah, but only due to the lack of an alternative? **Rabbi Ḥiyya bar Rav said: He reduces** the roofing of the *sukka* by **four** handbreadths, thereby rendering the *sukka* unfit. **And Rabbi Yehoshua ben Levi said: He lights a lamp inside the *sukka***, which is prohibited during the festival of *Sukkot*. **And they do not disagree** with regard to the *halakha*. **This is for us**, who live outside Eretz Yisrael, **and this is for them**, who live in Eretz Yisrael.

3. Talmud, Sukkah 46b-47a (Davidson Edition translation)

אמר רב יהודה בריה דרב שמואל בר שילת משמיה דרב שמיני ספק שביעי שביעי לסוכה ושמיני לברכה ור' יוחנן אמר שמיני לזה ולזה מיתב כ"ע לא פליגי דיתבינן כי פליגי לברוכי למ"ד שביעי לסוכה ברוכי נמי מברכינן למ"ד שמיני לזה ולזה ברוכי לא מברכינן אמר רב יוסף נקוט דר' יוחנן בידך.
Rav Yehuda, son of Rav Shmuel bar Sheilat, said in the name of Rav: Outside of Eretz Yisrael, on the **eighth** day, with regard to which there is **uncertainty** that it might be the **seventh** day of *Sukkot*, its status is like that of the **seventh** day with regard **to the** mitzva of *sukka* **and** like that of the **eighth** day with regard **to the blessing**, i.e., in Grace after Meals, in *kiddush*, and in the *Amida* prayer, the Eighth Day of Assembly is mentioned. **Rabbi Yoḥanan said:** Its status is like that of the **eighth** day both with regard **to this**, the mitzva of *sukka*, **and to that**, the blessing. The Gemara explains: **Everyone**, even Rabbi Yoḥanan, **agrees that we reside** in the *sukka* on the eighth day, with regard to which there is uncertainty that it might be the seventh day. **When they disagree** is with regard to whether or not **to recite the blessing** over residing in the *sukka*. According **to the one who says** that the status of the eighth day is like that of the **seventh** day with regard **to the** mitzva of *sukka*, **we also recite the blessing:** To reside in the *sukka*. However, according **to the one who says** that its status is like that of the **eighth** day both with regard **to this and to that**, **we do not recite the blessing.** **Rav Yosef said: Take the statement of Rabbi Yoḥanan** that on the eighth day outside Eretz Yisrael one does not recite the blessing: To reside in the *sukka*, **in your hand**, i.e., adopt it as your practice.

4. Tosafot, Sukkah 47a (“מיתב”)

בלולב לא רצו לתקן כלל שיטלנו הלולב מספק לפי שהוא י"ט ומוקצה לטלטול ומינכר' למילתיה שנוהג בו מנהג חול אבל סוכה פעמים שסוכתו עריבה עליו אוכל בה אפי' בי"ט.
With regard to lulav, they did not want to decree to take the lulav altogether out of doubt, since it [Shemini Atzeret] is Yom Tov and it is *muktzeh*. And it would be recognizable that one is performing a weekday activity. However, Sukkah - it sometimes happens that it is pleasant sitting in his hut, and he eats there on Yom Tov.

5. Ritva, Sukkah 47a

תמיהה מלתא לר' יוחנן היכי אפשר דלא יתבינן בסוכה בח' דכיון דספק ז' הו"ל ספיקא דאורייתא ולחומרא. י"ל דכי לא ידעי בקביעא דירחא אה"נ דלכ"ע מיתב יתבינן כי פליגי בזמן הזה דידעינן בקביעא דירחא ולא עבדינן תרי יומי אלא משום מנהג אבותינו וסבר רבי יוחנן שאע"פ שאבותינו דלא ידעי בקביעא דירחא יתבי בסוכה בח' מספיקא אנן לא אזלינן במנהג דידהו בהא כי היכי דלא לזלזלו בח' שהוא י"ט מן התורה לדון אותו כז' שהוא חול ויהיו מקילין בקדושתו ורב סבר דכיון דבלא ברכה יתבינן בה הא מינכרא מלתא שאינה ז' ממש אלא ספק ולא יזלזלו בקדושתו.

Rabbi Yochanan's ruling is puzzling! How is it possible that we would not sit in the Sukkah on Shemini Atzeret, since there is a doubt about it being the seventh day [of Sukkot], and we act stringently regarding a doubt on a Torah level?! We can say that when the exact date was not known, everyone agreed that we sit in the Sukkah. When did they disagree? In our days, when we know the exact date, and we only observe two days of Yom Tov as a custom of our ancestors. Rabbi Yochanan reasoned that even though our ancestors did not know the exact date, and sat in the Sukkah out of doubt, we do not follow their practice, for how can we disrespect Shemini Atzeret, which is a Yom Tov from the Torah, by treating it like the seventh day [of Sukkot], which is a weekday, and be lenient in its holiness. And Rav reasoned that since we sit in the Sukkah without a *berachah*, it is recognizable that we do not consider it literally the seventh day. Rather, it is considered a doubt, and the holiness of Shemini Atzeret is not disrespected.

6. Shulchan Aruch, Orach Chaim 668:1

ובחוצה לארץ אוכלים בסוכה בלילה וביום מפני שהוא ספק שביעי ואין מברכים על ישיבתה ומקדשים ואומרים זמן.

In the Diaspora, one should eat in the Sukkah at night and during the day due to a doubt that it is the seventh day, and there is no *berachah* on sitting in the Sukkah, and *kiddush* and *she'hechyanu* are recited.

7. Magen Avraham 668:2

ויש שאין יושבין בה בלילה וביום יושבים בה ואינו מנהג [טור] ובמדינתנו יש קצת אנשים שנוהגין כך לפי שראו כך מאבותיהם, וכתב הרב"י שטעמם כיון שאומרים בלילה זמן אשמיני אם ישבו בסוכה תהיה ישיבתם סותרת אמירת הזמן וק' דהא ביום ג"כ אומרים את יום ש"ע הזה בב"ה ואפ"ה יושבין ול"נ טעמא דחיישי' לבל תוסף לכן מפסיקים ליל' א' ואה"כ ליכא חששא כמ"ש סי' תרס"ו בהג"ה ומ"מ הדין עם הטור כמ"ש הרב"י דהרי סתמא אמרו בגמרא... ומ"ש בהגמ"נ ליישב קצת מה שנוהגין ההמונים לאכול רק חצי סעודה בסוכה כדי שיתפללו על הגשם בלב שלם וכו' ע"ש.

There are those who do not sit in the Sukkah at night, and sit in it during the day - and this is not a legitimate custom [Tur]. In our countries, there are some people who follow this custom, according to what they saw from their parents. And the Beit Yosef wrote that the reason is since they mention Shemini Atzeret [in prayers] - if they sit in the Sukkah, it will contradict the mention of Shemini Atzeret. But during the day, they also mention "Shemini Atzeret," and nevertheless, they sit! It appears to me that the reason is because they are concerned about *bal tosif* (adding to the Torah), and therefore, they take a break from sitting in the Sukkah at night, following which there is no concern of *bal tosif*. Nevertheless, the law follows the Tur, as the Beit Yosef wrote, since this is the plain understanding of the Gemara... Hagahot Minhagim wrote to justify the practice of many to eat only part of their meal in the Sukkah in order to say the prayer for rain with a full heart.

8. Mishnah Berurah 668:6

מפני שהוא ספק שביעי - ומטעם זה הרבה אחרונים מצדדין דצריך ג"כ לישן בסוכה וכן הוא ג"כ דעת הגר"א ויש אחרונים שסוברין שאין כדאי לישן בסוכה בשמ"ע לא ביום ולא בלילה דעושה אותו כחול דבשלמא גבי אכילה לא מנכר שכן דרך ב"א לפעמים לישב בצל סוכה אפילו שלא לשם מצוה משא"כ בשינה. ומנהג העולם להקל בשינה.

On account of doubt that it is the seventh day - Based on this reason, many later authorities were inclined to rule that one should also sleep in the Sukkah, and this was the opinion of the Vilna Gaon. And there are later authorities who reasoned that it is not proper to sleep in the Sukkah on Shemini Atzeret, neither during the day nor at night, because it is like making Yom Tov into a weekday. Regarding eating, it is not recognizable [that one is acting like it is still Sukkot], since it is the way of people to sometimes sit in the shade of a hut, even not for the sake of the mitzvah - unlike sleeping. And common custom is to be lenient with sleeping.

9. Korban Netanel on Sukkah 95

אבל סוכה פעמיים שסוכתו עריבה עליו ואוכל בה אפילו ביו"ט האחרון. אמנם אם באותו יום עת צינה או רוחות או שום שינוי אויר אין מן הראוי לאכול בסוכה ביום שמיני ספק שביעי.

However, [regarding sitting in the] Sukkah - it sometimes happens that it is pleasant sitting in his hut, even on the last day of Yom Tov. Therefore, if on that particular day, it is cold or windy, or there is some change in the air, it is not proper to eat in the Sukkah on the eighth day, on which there is a doubt that it is the seventh.

10. Aruch HaShulchan 668:5

דוודאי במדינות החמים כמו בבבל, ובמדינות המערביות והדרומיות, דבסוכות האויר ממוזג וטוב – וודאי דחייבים לאכול ולישן בשמיני עצרת, כמו בכל החג. אבל במדינות הצפוניות כשלנו, דעל פי הרוב הזמן הוא קר; אך אם אנו נפטור עצמינו בכל חג הסוכות מטעם קרירות בטלה מאתנו מצות סוכה, ובעל כרחנו אנו צריכים לישב ולישן בכל חג הסוכות, ובאמת משינה רובם פוטרם מטעם זה, כמו שכתבתי בסימן תרלט. מיהו בשמיני עצרת שצו חכמים עלינו לישב בה, ובאופן שלא יהא ניכר שהיא לשם מצוה, וזהו דבר שאי אפשר כמעט במדינות שלנו. ולכן חלילה לנו לבטל תקנת חכמים, אבל מכל מקום בהכרח לעשות איזה היכר שהיא שלא לשם מצוה, והיינו: דמי שישן בסוכה כל ימי החג – לא יישן בשמיני עצרת. ומי שאינו ישן בסוכה דהשתא לא הוי זה היכר, בהכרח לעשות איזה היכר אחר, והיינו: או שלא לאכול בלילה, או לאכול מקצת סעודה ביום חוץ לסוכה. אך שני הדרכים האלה פגומים הם. לכך ההיכר הטוב הוא לצאת מיד לאחר הסעודה של שחרית מן הסוכה, להראות שאין אנו עושים זה לשם מצוה. ובזה כל דברי המנהגים קיימים (כן נראה לעניות דעתי).

Certainly, in hot countries like Babylonia, and in western and southern countries, where the air is pleasant, there is certainly an obligation to eat and sleep [in the Sukkah] on Shemini Atzeret, as during all of Sukkot. But in northern countries like ours, where it is cold most of the time; if we were to exempt ourselves during all of Sukkot because of the cold, we would forsake the mitzvah of Sukkah. We are forced to sit and sleep [in the Sukkah] during the entirety of Sukkot, and in truth, most people exempt themselves from sleeping in the Sukkah for this reason, as I have written in *siman* 639. Nevertheless, on Shemini Atzeret, when the Sages commanded us to sit in the Sukkah in a manner in which it is not recognizable that one is [sitting in the Sukkah] for the sake of the mitzvah - this is something that is not possible in our countries. And therefore, Heaven forbid that we should nullify a rabbinic decree! Therefore: one who sleeps in the Sukkah all the days of Sukkot should not sleep there on Shemini Atzeret. One who does not sleep in the Sukkah must make another demarcation. Thus, either they do not eat in the Sukkah at night, or have part of the meal outside the Sukkah. However, there is a deficiency in both of these methods. Therefore, a good demarcation is to leave the Sukkah immediately following the morning meal to show that we are not in the Sukkah for the sake of the mitzvah. With this, all of the customs will be upheld (in my humble opinion).