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THE PURIFICATION PROCESS: Mikveh TO NE'ilah

By The Kol Torah Staff

In Rav Soloveitchik's notable work *Al HaTeshuvah*, The Rav contrasts the two aspects of Teshuvah that are innate to Yom Kippur: Kaparah and Taharah.¹ The Rav suggests that Kaparah is a substantial Teshuvah; however, Taharah is a definitive Teshuvah. He cites a Sugya in Sanhedrin (25b) where the Gemara suggests that Teshuvah Gemurah is achieved when one who charges interest to his fellow Jew, for example, refrains from charging interest altogether (even to a non-Jew). The Rav expounds on the Gemara and states that Teshuvah Shel Emet (true repentance) is where one completely disassociates themselves with the actions involved in performing a specific Aveirah.

The last Mishnah in Massechet Yuma² records a well-known statement of Rabi Akiva:

"Amar Rabi Akiva Ashreichem Yisrael! Lifnei Mi Atem Mitaharin UMi Metaheir Eschem? Avichem SheBaShamayim... Mah Mikveh Metaheir Et HaTemei'im Af HaKadosh Baruch Hu Metaheir Et Yisrael," "Rabi Akiva says, fortunate are the Jewish people! Who is it before whom you become pure, and who is it who purifies you? Our father in Heaven (Hashem)... Just like a Mikveh purifies the spiritually unclean, so too Hashem purifies the Jewish people."

The Rav suggests that just as a Mikveh requires total immersion, so too Teshuvah Gemurah (complete repentance) stemming from Taharah requires a complete repentance from all forbidden actions.

May we enter this new year clean (Mechupar) from sin and completely pure (Tahor) in action. We wish you a Gemar Chatimah Tovah and a Kol Tuv from Kol Torah!

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THE SHOFAR OF NE'ilah

By Rabbi Raphi Mandelstam

We are all familiar with the climactic shofar blast blown at the end of Ne'ilah as the awesome day of Yom Kippur comes to an end. Although it may seem like an appropriate time to sound the Shofar, it is worthwhile to explore the roots of this Minhag in order to appreciate its significance. Perhaps the most well known reason offered for this Minhag, quoted in Tosafot (Shabbat 114b s.v. *Le'Eil Ve'Ami*), is that this is simply a Zeicher LeYoveil, a reminder of the shofar blowing of the Yoveil year which took place on Yom Kippur. Tosafot themselves reject this explanation, as it hardly seems necessary to commemorate Yoveil each year, considering that Yoveil itself only occurred every fifty years. Rather, suggests Ri, we are announcing that the fast is over and that those at home can prepare for the post-fast meal.

Additional suggestions can be found in the works of many Acharonim, but one approach contains a particularly important message which helps us appreciate this special time of year. We know that one of the places in the Torah where the shofar plays a pivotal role is at Har Sinai, as it signified the presence of the Shechinah. Similarly, the shofar blown on Rosh HaShanah signifies the presence of Hashem in a way that is more tangible than at other times of the year. The Gemara itself characterizes the Aseret Yemei Teshuvah as a unique time of closeness with Hashem, and connects this concept to the Pasuk, *"Dirshu Hashem BeHimatezo Kera'uhu BiHyoto Karov,"* "Seek out Hashem when He is found, call out to Him when He is near" (Yishayahu 55:6). When, asks the Gemara, is Hashem found and close to us? The ten days from Rosh HaShanah to Yom Kippur.

With the parallel to Har Sinai in mind, the Semag suggests that the shofar of Yom Kippur is similar to the Shofar blown at the end of Matan Torah, reflecting that Hashem's Shechinah has now departed from our midst, as it did then. Considering that the process of Matan Torah itself culminated on Yom Kippur with the giving of the second Luchot, it is fitting that our unique period of closeness with Hashem concludes on Yom Kippur as well.

By connecting the Shofar of Yom Kippur to that of Har Sinai, we can better appreciate the days that follow. Many Rishonim, especially Ramban, address the concern facing Bnei Yisrael as their direct encounter with Hashem at Har Sinai came to an end. How could we be expected to maintain our connection to Hashem without His tangible presence? Ramban points out that in addition to a specific Mitzvah to constantly remember Ma'amad Har Sinai (according to his own opinion), the very purpose of the

¹ "Ki BaYom HaZeh Yechapeir Aleichem LeTaheir Eschem," "For this day (Yom Kippur) will be an atonement for you to purify you." (VaYikra 16:30)

² Yuma 8:9

Mishkan was to be a daily Ma'amad Har Sinai-type experience, a place we constantly connect to Hashem.

In a certain respect, the ideal manner in which we are meant to connect to Hashem is not through the Har Sinai-type experiences, but rather through our ability to translate that experience into everyday life. Granted, we may need a vehicle like the Mishkan to help us, but our relationship with Hashem only deepens in the aftermath of Har Sinai. In the same vein, the Vilna Gaon points out that this is precisely the idea behind the Mitzvah of Sukkah. In the same way the Mishkan was our way of extending the unique experience of Har Sinai into everyday life, so too the Sukkah becomes our personal Mishkan where we continue to find Hashem in the aftermath of the Yamim Nora'im. (In fact, the Gra calculates that the mishkan's construction began on the first day of Sukkot: Moshe received the second Luchot on Yom Kippur, in the next few days the command to construct the Mishkan was given to Bnei Yisrael, and on the fifteenth of Tishrei we began building the Mishkan.)

May we all be Zocheh to have a Gemar Chatimah Tovah and be able to successfully infuse every minute of every day with the Divine Presence. "*Ve'Asu Li Mikdash VeShachanti BeTocham,*" "And you shall build for Me a sanctuary, that I may dwell within you" (Shemot 25:8).

FROM PROPHETS TO PRIESTS: THE SECOND YOM KIPPUR AND STRUCTURING AWESOME MOMENTS

By Sam Weinberg ('20)

Judaism is built on great moments. Everything begins with a spoken word from Hashem. Light, darkness, life, death. The world as we know it, and the march of the Divine will, began in this moment of Creation. As time went on, moments continued to occur. A young Avraham, hearing the call of Hashem, finding purpose and being a trailblazer for Judaism. A burning bush as Moshe looks on, listening to a call from God. A sea, at one point unbroken, splitting so that a whole nation could cross through. All of these moments serve as the backbone for our belief, the way we conduct ourselves, and the ways we live.

There's a challenging question that stems from this concept. It's been quite some time since the sea split, since the bush burned, since Avraham Avinu first heard the call. These moments, as awesome as they are, can easily slip into the distant past in our minds. How does a modern Jew translate these moments and their importance into an ongoing continuity?

Rabbi Lord Jonathan Sacks discusses this question in his book, *Ceremony and Celebration: Introduction to the Holidays*. It's critical for us in modern times to turn these moments and their importance into a cycle, a recurring ceremony to which we constantly find ourselves returning. We need memory

and ritual. As Rabbi Sacks puts it, "You reenact history by writing it into the calendar." He notes how the term '*Luach,*' 'Calendar,' also means a tablet. We take what we learned from the Aseret HaDibrot and solidify it in the calendar, as well as in the tablet of our hearts. When a moment such as Moshe's descent from the mountain with the second Luchot occurs³, it isn't meant to be a one-time happening, but rather an event that is repeated in a certain way every year. In this vein, having Yom Kippur as an annual event makes complete sense.

The idea of structure, of an annual moment, doesn't require a prophet; setting the moment as a precedent that is meant to be repeated requires a priest-figure, namely a Kohein. In contrast, the prophet doesn't work in the realms of this sort of structure. Rabbi Sacks adapts an idea from Max Weber⁴, saying that the Kohein stands for the structure of a moment, a "routinization of charisma."

The first Yom Kippur was from Moshe Rabbeinu, not a Kohein. It was an overpowering moment, one of those moments that changed everything. But, as described in VaYikra Perek 16, the following annual celebrations of Yom Kippur required the work of a Kohein Gadol, or in that specific case, Aharon.

The switch between the First and Second Yom Kippur involved a switch from Moshe to Aharon, from prophet to priest. The way that those two figures stand in the Jewish community, both pillars of faith and strength, are radically different. The prophet works best in the moment, being a part of stories that the Jewish people reflect on for centuries. The Kohein works best outside of the moment, literally structuring the way that the Jewish people reflect. It's important to understand the role of both of them in our lives, and both are worth recognition on Yom Kippur.

BETWEEN NINEVEH'S RIGHT AND LEFT

By Rabbi Chaim Jachter and Binyamin Jachter ('17)

Introduction

In explaining why He forgave Nineveh, Hashem tells Yonah that the city's many inhabitants "*Lo Yoda Bein Yemini LeSmolo,*" "Do not know between right and left" (Yonah 4:11). Presumably this means they do not distinguish between right and wrong.

This is an enormously difficult assertion. After all, every human being is created in the image of Hashem and is thus capable of recognizing the difference between right and wrong no matter the environment in which the person is raised.

³ The historical occurrence which gave its date to Yom Kippur, as it signified that Hashem had indeed forgiven the Jewish People for the sin of the Golden Calf; see Rashi on Ta'anit 26b s.v. *Zeh Matan Torah*.

⁴ This idea was also famously propounded by Asher Ginsberg, known as Achad Ha'Am, in his book *Kohein VeNavi*.

Approach Number One - Rashi, Radak, and Metzudat David

One approach that many of the Mefarshim find attractive is the idea that Hashem is referring to the children of Nineveh regarding whom one may say they do not distinguish between right and wrong. According to this approach, Hashem spared Nineveh due to its innocent children.

Professor Uriel Simon presents intriguing support to this approach. He notes that archaeological discoveries indicate that the population of Nineveh hovered around 300,000. This, of course, is far more than the population of 120,000 people mentioned in Seifer Yonah (4:11). Professor Simon suggests that the 120,000 refers to those residents who are innocent - namely the children.

My Talmidim at Torah Academy of Bergen County did not find this argument compelling since the children were unlikely to compose such a large component of Nineveh's population. This is especially true according to Minchat Chinuch's (190:8) suggestion that a non-Jew is regarded as a minor only until approximately age nine when he has attained a level of sufficient understanding. Torah Academy of Bergen County Talmud Max Schechter astutely suggests that 120,000 was the number of Nineveh residents who remained in the city even after Yonah issued his warning of imminent destruction.

Alternatively, it could be like our counts in Seifer BaMidbar. Only the men between the ages of twenty and sixty are counted. Thus, we can double the number of 120,000 to account for women and add another fifty percent for those under the age of twenty to give us the 300,000 count. Tanach usually counts just the able bodied men because that is what shows the strength of the population.

Abarbanel's Kashya on Approach Number One
Abarbanel poses a devastating question on approach number one. He notes that Hashem did not spare the people of Sedom or the Dor HaMabul (Generation of the Flood) from destruction despite the children in their midst. The same applies to the destruction of Nineveh described in Seifer Nachum. Rather, we conclude from these instances, writes the Abarbanel, that children suffer the consequences created by the evil perpetrated by the adults in their environment. Interestingly, this might serve as a justification for the American dropping of atomic bombs on Hiroshima and Nagasaki, despite the many infants and children who sadly perished in these attacks.

We may add that in the case of Sedom, Avraham Avinu seeks only for there to be ten righteous and moral people, not innocent individuals. Assuming that Nineveh's teachings were immoral, all children were tainted and so, though innocent, were not sufficient to save the city. Thus, just like the animals of the Dor HaMabul, they too were brought down with the punishment.

Approach Number Two - Abarbanel

The Abarbanel adopts an approach consistent with his understanding that Yonah is upset that Hashem forgave Nineveh despite the fact that the inhabitants did not abandon the worship of idolatry. According to Abarbanel, Hashem explains that in

regard to the sin of Avodah Zarah he regards the people of Nineveh as not being able to distinguish between right and left. Nineveh's residents, adults and children alike, are the equivalent of a Tinok SheNishbah, a Jewish baby captured and raised by non-Jews who does not know better than to worship idols.

The Rambam (Hilchot Mamrim 3:1-3), when he codifies the harsh actions that the Halachah prescribes for a known Apikores (someone who rejects one of the pillars of traditional Jewish thought), limits their application as follows: "This rule applies only to one who has consciously rejected belief in the Oral Law on his own thoughts and reasoning, such as Tzadok, Baytus (both of whom started sects that rejected parts of our Oral Law), or their followers. However, children and grandchildren of those who go astray... who were born to Kara'ites and were raised with these tenets, such a person is like a Tinok SheNishbah... He is like one who was coerced [to violate Mitzvot]." Although he heard as an adult that he is Jewish and saw practicing traditional Jews, he is still like one who is coerced since he was raised on mistaken beliefs. It is therefore appropriate to try to influence them to return to traditional Jewish observance and beliefs and draw them with pleasant engagement until they return to a Torah life.

Yonah (4:11) just might serve as the Biblical basis for the Rambam's assertion. The powerful cultural legacy of idolatry in the ancient near east and the lack of appropriate spiritual guidance in the region make it reasonable for one to classify the people of Nineveh as Tinokot SheNishbu.

Despite the idea of Tinok SheNishbah as a reason for compassion and innocence, some criticize the idea as literally infantilizing evil doers. These critics argue that such categorization is disrespectful to those who hold errant beliefs. A response to these critics is that indeed the Tinok SheNishbah approach, while it allows for leniency, is not a complimentary appellation. If the misled individual were to be thinking as an adult he would not worship idols or engage in other errant activities or harbor wayward beliefs. Indeed, Hashem compares those who are regarded as Tinok SheNishba to animals who do not know better. Animals do not think and simply follow their instincts. A Tinok SheNishba, while forgivable for his errors, is nonetheless comparable to a brute animal since he proceeds through life just following the herd and failing to think for himself. In contrast, Avraham Avinu and those who follow his path of thoughtful self-determination are the true adults.

The Limitation of the Tinok SheNishbah Rule

One may wonder, accordingly, why Hashem destroyed Sedom and the Dor HaMabul. Why did Hashem not regard these communities as Tinok Shenishbah? Ramban (Bereishit 6:13) explains that regarding certain very obvious matters, such as theft, one is not considered to be a Tinok SheNishbah. Every human being is able and responsible to realize that theft is wrong even if the ambient culture regards it as acceptable.

It is for this reason that the Torah (Bereishit 6:13) specifically mentions "Chamas," "theft," as the reason for the Mabul. In fact, Chazal (Sanhedrin 108a) assert that the sin of Geneivah (theft) led Hashem to doom the Dor HaMabul to

destruction. Moreover, it is specifically the evil of Chamas that is mentioned in Yonah 3:8 that the people of Nineveh and its leadership corrected.

According to Abarbanel, Yonah wondered why Hashem accepted the Teshuvah of Nineveh when they repented only for Geneivah but not for Avodah Zarah. Based on Ramban we can answer that regarding Geneivah, the idea of Tinok SheNishbah does not serve as an excuse. Regarding Avodah Zarah, Tinok SheNishba does deem a community as worthy of forgiveness since its mistakeness and inherent evil are not as apparent as that of theft or murder.

Similarly, the straw that broke the camel's back regarding Sedom was that when they discovered that a young girl had fed a starving beggar, they smeared honey all over her and placed her upon the city wall, so that she died from the stings of bees attracted by the honey (Rashi to Bereishit 18:21 citing Sanhedrin 109b). Tinok SheNishbah is not an excuse for such unspeakable behavior. In the same way, Nineveh is much later destroyed because it has become the "Ir HaDamim," "city of blood [murder]" (Nachum 3:1).

My Torah Academy of Bergen County students noted that according to this approach the Nuremberg trials rightfully rejected the "just following orders" defense presented by Nazi war criminals. Every human being is expected to recognize the reprehensible nature of such despicable behavior despite the pervading mood in the surrounding culture.

The Exception of the Jews

One may ask, then, why Jews are treated differently. For example, the primary reason for Churban Bayit Rishon (the destruction of the first Temple) was Avodah Zarah (see, for example, Yirmiyahu 1:16). Why didn't Hashem classify the Jews as Tinokot SheNishbu regarding this sin as Hashem did regarding Nineveh? Abarbanel answers that the presence of Nevi'im and other proper spiritual guides precludes this possibility. One might also answer that such a negative cultural legacy does not exist amongst our people as it did for the remainder of the residents of the ancient Near East.

One may also distinguish Bein Yisrael Le'Amim (between Israel and the other nations): while we are held accountable for a greater range of sins, we are also never completely destroyed. Other nations, however, are held accountable for fewer sins, but when they are judged by Hashem to be guilty of being utterly awash with the most basic sins they are completely destroyed as in the case of Sedom.

Conclusion

Hashem explains to Yonah why He was willing to overlook Nineveh's failure to eliminate Avodah Zarah from its midst. Similarly, it would appear that decent Nochrin (gentiles) who live a moral life but violate the prohibition of Avodah Zarah might nonetheless be admitted to Olam HaBa (the World to Come) despite their error since Hashem regards such actions as forgivable due to negative cultural influence. On the other hand, those who murder in the name of religion are not admitted to Olam HaBa since every human being is capable of knowing better.

Postscript - Can Morality Exist Absent Belief in God

Although we have argued for the ability and responsibility for every human being to intuit that murder and theft are inherently abhorrent and wrong this does not imply that morality can exist without the Shofeit Kol Ha'Aretz (Judge of the Entire Earth). Rav Yosef Dov Soloveitchik (presented in Rav Abraham Besdin's "Reflections of the Rav"; page 184) masterfully clarifies this matter:

"The mind certainly condemns murder... But does this abhorrence of murder also apply when the victim is an old, cruel, miserly woman who in the eyes of society was a parasitic wretch, as in Dostoyevsky's Crime and Punishment... May euthanasia be practiced to relieve the elderly or terminally ill of further suffering? Here the logos hesitates, is uncertain, and imparts no decisive guidance."

The spark of the divine within all of humanity (the Tzelem Elokim described in Bereishit 1:26-27 as interpreted by Rav Eliyahu Dessler in his Michtav Mei'Eliyahu) endows humanity with the ability to discern the evil inherent in murder and theft. However, absent divine revelation, the parameters of the proscriptions and the absolute nature of the prohibition to murder are impossible to discern.

Yom Kippur is a day to repair our relationship with Hashem. We fast and pray for mercy just as the residents of Nineveh did, and like them we hope to be forgiven. However, the focus is not all on Bein Adam LeMakom (between humans and Hashem). As we saw in this article, Hashem did not punish Nineveh for egregious sin of Avodah Zarah - the epitome of an issue between us and Hashem - because the people of Nineveh ceased stealing from one another (a classic issue Bein Adam LeChaveiro). We see clearly from Seifer Yonah that in order to have a successful Yom Kippur with Hashem our first steps must be to repair our relationships with our friends, family, and fellow human beings. Then, and only then, will we be ready to confront Hashem.

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