



JewishTimes

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MOSHIACH

WHY WE'RE NOT READY FOR HIM

a Dialogue:
KNOWLEDGE
AND LOVE OF
GOD

KADDISH

WHY IS IT SO
IMPORTANT?

RELIGION of REASON

by Rabbi Moshe Ben-Chaim, Founder Mesora.org

Are your beliefs true,
or simply popular
among other Jews?

33 pg Preview

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Jews have succumbed to mystical religion and pop-kabbala. Ten years in the making, the author cites authentic Torah sources unveiling the fallacy of widespread beliefs. He focuses on Torah's brilliance and method of decryption; unraveling metaphors and interpreting texts to reveal hidden gems. Readers will enjoy a long overdue, rational exposé of cultural beliefs, and a unique look at Torah's deep insights. Free 33 page preview at right...

REVIEWS



RABBI REUVEN MANN

Rabbi, Y. Israel of Phoenix; Founder, Masoret Institute; Menabel YBT

Rabbi Moshe Ben-Chaim has written extensively about the philosophy and Hashkafa of Judaism for many years. As the title of his book, "Judaism; Religion of Reason" indicates, his ideas are rooted in an uncompromisingly rational approach to Judaism. He follows the guidelines of the great rationalist philosophers such as Rambam and Saadia Gaon in his exploration into the values and ideals of Torah Judaism. He is convinced that all of the teachings of Judaism and the statements of the Sages make perfect sense and are amenable to the rational, inquiring mind.

He is absolutely opposed to all forms of "mysticism" and seeks to debunk all practices and beliefs which are rooted in superstition or are contrary to reason. This collection of writings covers a wide variety of topics that are of interest to contemporary Jews. It also contains insightful analyses of Biblical narratives as well as the underlying significance and relevance of many mitzvot.

Rabbi Ben-Chaim demonstrates that Judaism can be harmonized with human reason. Indeed he asserts that one can only understand and appreciate Judaism by analyzing it in a logical manner in order to elucidate its deeper ideas. He is not afraid to ask the most penetrating and challenging questions because he is absolutely convinced that Torah is the Word of God and thus based on the highest form of wisdom.

Jews who have a profound desire to make sense out of their religion will benefit greatly from reading this book. One need not agree with all of Rabbi Ben-Chaim's ideas, but his questions, analyses and original thoughts will open your mind to a new appreciation of the wisdom and logical consistency of Torah Judaism.

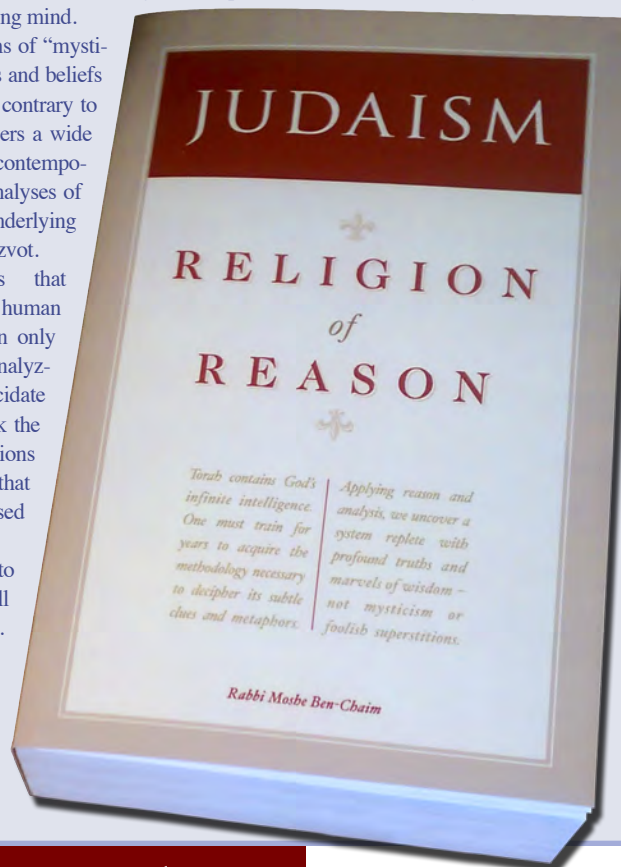


RABBI STEVEN WEIL

Executive Vice President, The Orthodox Union

Rabbi Moshe Ben-Chaim has followed in the footsteps of the great Medieval Rishonim (Rambam, R. Avraham ben HaRambam, etc.) in trying to explain, define and lay out the world outlook of Torah and the philosophy of Judaism in rational, logical terms. Rabbi Ben-Chaim asks critical, crucial and defining questions that any thinking Jew needs to ask. He is extremely critical of approaches to Judaism that superimpose external methodologies (such as mysticism, other religions) and project primitive emotions onto the

Almighty. Although one can disagree with some of the conclusions; his approach, his questions and method enable the reader to explore and engage our theology in a meaningful and serious way. When Chazal employ certain terms and convey certain images, the student is forced to conceptualize, extract and deduce profound psychological and philosophical principles. Unfortunately, many take Chazal at face value or project onto Chazal, motives and rationalizations they never meant. Rabbi Ben-Chaim following the method of the Rishonim, forces us to define, weigh and analyze each word and phrase of Chazal. Rabbi Ben-Chaim shows there is no contradiction between a serious investigation of Science and a serious investigation of Judaism. Rabbi Ben-Chaim has written a work that addresses the thinking, seeking person of all faiths. This work speaks to the scholar and lay person alike. Once again, one may not agree with specifics within the book but at the same time will appreciate it and gain insight into how the great Rishonim define how we view the world. Rabbi Ben-Chaim's website, Mesora.org is a very serious tool and resource for thinking human beings who want to engage and explore the Almighty, the Almighty's universe and do so within the realm of wisdom, rationality and intellectual honesty.



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“It is not that I am smarter; but that I remain with a problem longer.”

-Albert Einstein

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create a camaraderie with the demons (Maimonides). Seeking signs or amulets was believed to protect, as was acting on certain dates. But all such practices are unrelated to the natural course of cause and effect. As the world's events are due to natural properties and the above acts are not, there is no control we exert with such practices. If we wish success, we work. If we desire a home, we build it. If we are sick, we take remedial action and correct our diets. But if we were to address any of these needs by wearing red strings, bowing to gold statues or acting at 12:00 and not 12:01, we would remain in need. No effect would occur. As these acts are useless, God prohibits them (Ibn Ezra).

To the intelligent person, this is so obvious. One wonders why there exists a need to speak of this topic at all. But the need has never been greater...

MOSHIACH

WHY WE'RE NOT READY FOR HIM

RABBI MOSHE BEN-CHAIM

Last week, the Jewish Press newspaper again misrepresented Torah, giving license to Rabbi Gershon Tannenbaum to promote false ideas. Not only is the Jewish Press irresponsible in failing to research the Torah before promoting red bendels, but the publishers and the author sin greatly. Maimonides teaches, those who mislead the masses, sin grievously (Laws of Teshuva 4:1):

"Twenty-four matters prevent repentance. Four of them are most severe sins and one who commits one of these four, God will not allow that person to repent due to the greatness of the sin. These four are: 1) Causing the masses to sin..."

Maimonides is clear: misleading the masses (here, encouraging Jews to violate superstition) will meet with God's removal of that person's repentance. What can be worse? Over the years, the Jewish Press has promoted stories on human deification, Rebbes who work miracles, Chassidish silver rings, etc. If a publication wishes to represent itself as Jewish, certainly, as orthodox, it must be familiar with the Chumash, the Five Books. The Jewish Press and Rabbi Tannenbaum do not follow the hierarchy of Torah authority: God's words trumps all others. So the sources Rabbi Tannenbaum cites support-

Witnessing the Jews' idolatrous worship of the Gold Calf, Moses rightfully destroyed the Tablets that possessed God's miraculous writing. As Divine objects, Moses knew the Jews would treat the Tablets even worse than they had treated the inanimate Calf. The intended lessons revealed in the Tablets would be discarded in favor of relating to these Divine items in a superstitious manner.

There is little difference between those ancient Jews who sinned by deifying that gold statue, and today's Jews who sin by attributing powers to a red string and other nonsense. In both cases, Jews have abandoned the lessons of the Patriarchs, Matriarchs and Prophets; great people whom God recorded for their exemplary philosophies and practices. These perfected individuals never viewed physical items as powerful, or greater than God.

Such heresy was alien to their sense of reality. When in need, they prayed to God: no intermediaries, no amulets. This is sensible, since an intermediary or amulet possesses no abilities at all, whereas God controls everything, as He created everything. Perfected individuals throughout time distinguish truth from fallacy; between God and inanimate creations. And God clearly prohibits mankind from succumbing to his weak insecurities seeking quick fixes in the form of superstitious practice:

"You must not eat on blood. You must not act on the basis of omens. And you must not act on the basis of auspicious times (Lev 19:26)."

Here, God instructs us to refrain from acting in a manner that is unsupported by reality. Eating with blood was imagined to

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ing red bendels as powerful, are of no avail, since God prohibits it. Rabbi Tannenbaum writes:

"Some have likened the red strings of Kever Rachel to superstitious practices resembling idol worship as described in Tosefta Shabbos 7:1, where certain practices, including tying a red string around one's finger, are prohibited because of "darchei emori."

It is alarming that the Rabbi dismisses the Tosefta's clear prohibition, saying "Some have likened the red strings of Kever Rachel to superstitious practices." A further distortion is that the Rabbi does not cite the Torah source above prohibiting superstition, or Torah, Neveim and Kasuvim where superstition is never practiced by a single Prophet. He continues to cite Rabbis who say the following:

"...it is an established segulah to ward off pains and the evil eye, for fertility, easy birth, and more."

"...it is an old custom to tie the red string around the neck or wrist, as a

protection against many dangers, especially for pregnant women. First one should wind the string around the monument at Kever Rachel, thus transforming it to a segulah, proven effective time after time."

"It is well known that our mothers and grandmothers did so from the earliest times, and that it is a tradition passed down from generation to generation."

Rabbi Gershon Tannenbaum rejects God's command, while the incomprehensible and baseless claims of some Chassidic Rabbis are promoted instead. This is not Torah, but human worship. The attachment to man has blinded Rabbi Tannenbaum, the Jewish Press, and many generations.

Organizations like WesternWallPrayers.org and promoters like FutureSimchas.com also promote the violation of superstition, selling prayers at the Wall, as if God cannot hear man from any location.

Jewish leaders and those possessing a voice have a huge responsibility to accurately study Torah before presenting a

notion as "Jewish." Sadly, in this case, Torah study is ignored and what is popular has become accepted.

Had God granted Moshiach to us today, it appears that Jews would relate to him like they relate to Rebbe's and red bendels: they would view him in a superstitious light, the antithesis of God's intention in brining a messiah. God wishes us to focus on Him, not powerless men or amulets.

Until a generation's leaders will study Torah, learn what is true and what is false, and only then speak...Moshiach might be of no benefit. Nonetheless, whether we are ready or not, we anticipate the coming of Moshiach and accept that God can usher in this era at any moment.

On a positive note, it is gratifying that a few Rabbis are outspoken against Torah violations. These include Rabbi Hershel Schachter, Rabbi Reuven Mann, Rabbi Steven Pruzansky, Rabbi Bernie Fox and Rabbi Saul Zucker. May other Rabbis, the Jewish media and Jewish organizations follow their lead, for when they speak, they represent God's Torah, not man's imagination. ■



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a Dialogue:

Knowledge and Love of GOD

Rabbi Moshe Ben-Chaim

Reader: It seems that your views of Judaism are heavily Maimonidean in scope and substance. I am wondering how you respond to views of other Rishonim, such as Hasdai Crescas, who critique the Maimonidean approach.

In "Or Hashem", Crescas tries to prove that the soul – not the mind – holds the potential for knowledge. After this step he argues that the true goal of the soul is not rational knowledge but the love of God. In this argumentation, Crescas criticizes the opinion of Maimonides that love of God is a function of knowledge. According to Crescas, love is related to the will, which itself is the concordance of the appetitive and imaginative parts of the soul and is not related to the mind. Moreover, the true essence and the true goal of the soul is not to acquire knowledge on this view, but to delight in loving God.

According to Crescas, the easiest way to express love for God is to do what He commands. It is the reason why the Torah and particularly the commandments that are integral to it are the best way to attain spiritual reward after death. After the separation of the soul from the body, the soul stands by it and naturally wants to express its true essence (loving God). If the soul loves God in this world, it becomes joyous and can now love Him more, as bodily temptations no longer distract us. This rapture is the reward of the just individuals in the hereafter. But if a person does not fulfill the love of God in this world, the soul becomes despondent at his or her rebellion against God in the corporeal world, an error that it plainly understands after the death of the body.

In his critique of the Aristotelian position on these subjects, Crescas tries to construct a philosophical defense of what

he considers to be the traditional Jewish view. He first tries to prove that the opinions of the Aristotelians are philosophically mistaken, and then goes on to argue that what he considers to be the traditional view is philosophically true.

In the opinion of Maimonides, the majority of the commandments (and all of the practical commandments) are only intermediaries to achieving philosophical knowledge, which is the supreme goal of human endeavor. This opinion is one of the more problematic aspects of Maimonides from a traditional point of view. Through his critique of the Aristotelian view, Crescas builds a defense of what he considers to be the traditional view of the commandments as the way to achieve the highest religious and spiritual goals.

Rabbi: Firstly, Maimonides does not stop at knowledge as the final objective; love of God is a command that he endorses. Secondly, Maimonides teaches, "In proportion to one's knowledge is his love of God." Now, according to your view of Crescas, how can one love something without knowledge of the loved object, or more than one's knowledge allows? A man cannot love a woman he has never met. But once he meets her, love is possible; his continued acquisition of his knowledge about her fine qualities can also increase his love. One cannot love God, if he has no knowledge of God. Would you not agree?

Reader: I agree that one cannot love X without having at least some knowledge of X. Indeed, one cannot have any attitude toward any X without having some knowledge about what it is that his attitude is directed toward. However, the fact that some knowledge of God is necessary for love of God doesn't entail that (a) knowledge of God is sufficient for love of God or that (b) the state of knowing God alone is superior (in terms of the perfection of the individual who is in that state) to the state of loving God.

For instance, it is possible for one to know everything that there is to know about a paperclip, or one's wife, without that knowledge translating into love of the paperclip or one's wife. Nor does this mean that one's knowing about one's wife is better than loving one's wife. It is true that one must know one's wife in order to love her, but it is not the case that knowing one's wife entails loving her, or that know-

(continued next page)

ing her is better than loving her.

Moreover, as Maimonides himself suggests, our knowledge of God is exceedingly limited. Indeed, He is unintelligible in any positive terms, thus, "he who affirms [positive] attributes of God" argues Maimonides...unconsciously loses his belief in God. For "in reference to God, in whose real existence there is no plurality, it is impossible that one thing should be known, and another unknown." (LX.88) However, despite the epistemic constraints present on our knowledge of God, it seems that our love of God is not limited.

So, perhaps human perfection consists not in the little knowledge of God that is obtained by negation, but rather in love of God. The little knowledge of God that we may have perhaps serves only the "fix the reference" of our love, i.e., to direct our love toward the proper aim.

Rabbi: Would you say that 2 people can have identical "knowledge" of God, but experience highly divergent degrees of "loving" God?

Reader: It certainly seems plausible for two people to have identical knowledge of God, but for one to manifest love of God more than the other. Person A and person B might have the same knowledge, but A could disregard God's commandments while B abides by them. Having knowledge of X doesn't seem to entail love of X.

Forgive the anthropomorphism, but two brothers may have the same knowledge of their father, but one follows his father's word and manifest love more-so than his brother. The source of the former's insubordination needn't be a lack of knowledge.

Rabbi: I question your conclusion. I suggest that if two people have identical knowledge, they will have identical love.

However, if their love varies, then this must be explained by the one with lesser love as having faulty knowledge (lesser) knowledge. He in fact cannot express his love due to some ignorance; i.e., he values money more than is proper, so he spends less time loving God. This would be considered lesser knowledge of God, since money is overestimated and belittles his potential love of God. But two people with identical knowledge, and no emotions clouding the expression of that knowledge or obscuring the knowledge itself...will have identical love.

Alternatively, if both people possess identical knowledge, but one is more expressive in his love, I question that this is true "love", or love of "God." It may simply be an emotion to "express" more, with nothing to do with his knowledge, in such case it is not a better state, but worse.

Reader: I am not doubting whether knowledge and love are related; indeed they must be — one cannot love anything without having some knowledge of that thing. Knowledge seems to be a necessary, but not sufficient condition for love.

Rabbi: You say "Knowledge seems to be a necessary, but not sufficient condition for love." I ask, what else can generate love, if it is not knowledge? I contend there is no other means to loving God, other than that single faculty of intelligence; the single highway to understanding God as far as humanly possible.

Reader: The key question can thus be put crudely as follows: what is Man's ultimate felicity? Contemplation of God through the acquired intellect or love of God? While the latter may

require a certain degree of the former, is the perfected person the one who merely knows the good, or the one who loves the good and desires it? Does the Torah establish a political order in which only an intellectually gifted few can attain perfection, or does it provide tools capable of enabling and ennobling all?

Rabbi: 1) Perfection is attained on many levels...it need not be all or nothing. 2) I maintain that when one is impressed with a marvel of creation, this automatically results in a certain appreciation, or love of the Creator, unlike your paperclip example where knowledge does not necessitate love.

Additionally, when marveling at creation and God's wisdom, one wishes to probe further. The knowledge is the sole catalyst for the love, which is expressed naturally as a result. I do not argue whether knowledge is of the faculty of intelligence, or if love is a function of another faculty called soul. I merely contend that love is a natural result, and not due to some volition despite our level of knowledge. It is natural to admire

the Orchestrator of our stupendous creation. A person cannot artificially manufacture love from another source of his psyche or soul.

In the end, we can only recognize God through our intellects, our soul. He is not perceptible via the senses. And as all we possess are these two faculties (intellect and senses) it is the intellect alone that offers us knowledge of God. Until we possess true knowledge of Him, we cannot love Him. But once we do attain such knowledge, we can love Him, and grow in that love in direct proportion to our knowledge, as Maimonides taught.

You suggest Crescas maintained all man needs is some knowledge of God, and then he can engage in loving God to the nth degree. But I see no reasonable explanation that would explain how one can love God more than his knowledge dictates. ■



Superstition Leads to **IDOLATRY**

Rabbi Bernie Fox

“You must not eat on blood. You must not act on the basis of omens. And you must not act on the basis of auspicious times (VaYikra 19:26).”

Parshat Kedoshim includes many prohibitions regarding occult practices and superstitions. We are not permitted to base decisions upon omens or adopt behaviors associated with the occult. Maimonides includes all of these prohibitions in the section of his code devoted to idolatry. He explains that superstitions and occult practices were used by the idolaters to deceive their followers. He further explains that it is incorrect to maintain that there is any value or wisdom to these practices. Superstition and occult ritual are foolish and of no benefit.[7]

It is readily understandable that belief in the occult is associated with idolatry. However, we need to understand the relationship between superstition and idolatry.

Superstition is based upon human imagination and fantasy. It attempts to create order and security in an ever-changing world. For example, journalists have noted that many professional athletes develop involved rituals or adopt specific practices which they believe will bring them good fortune. In gen-

eral, all omens and superstitions are designed to provide either insight into the future or protection from mishap. In short, superstition involves a flight from reality. Truth is too harsh. The fantasy of superstition provides solace.

The Torah requires that we approach life and the universe intelligently. The Torah implores us to understand reality and find truth. This search, honestly conducted, inevitably results in an appreciation of the Creator and His Torah. The perspective and attitude underlying superstition is antithetical to the Torah perspective. Escape from reality results in an outlook that has no basis in truth. A superstitious perspective can only produce a fanciful and implausible theology. This theology is a projection of the individual's imagination upon reality.

Idolatry and superstition have identical roots. The idolater does not base religious beliefs upon wisdom and truth. Inspection and investigation are replaced by projection. The theology of the idolater is an expression of the imagination not tempered by serious thought. The connection is now clear.

A person guided by superstition has succumbed to the very attitude that underlies idolatry. ■

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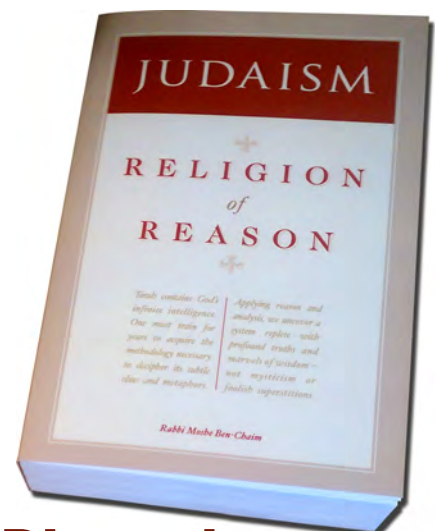
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**Disproving
Segulas** (pg 189)

RABBI REUVEN MANN

THE TRUE TEST OF PIETY



This week's Parsha, Mishpatim, deals with civil laws that govern the interactions of people, especially those having economic consequences. Theft, property damage and physical assault are some of the topics touched upon in this sedra. While there is no doubt about the practical necessity for these ordinances we need to understand their religious significance. Ramban quotes the Midrash which states, "The entire Torah depends on Justice, therefore the Holy One gave the civil laws after the Aseret Hadibrot". At first glance this statement is puzzling. Religion is generally associated with "spiritual" activities such as prayer, study and mitzvot. While everyone acknowledges the need for appropriate social behavior, its religious importance is not fully appreciated. A disparity can be discerned in the way some people relate to ritual as opposed to ethics. Some may pray with great fervor and be exceedingly strict in what they accept as kosher, and yet fail to display the same intense reverence in their treatment of others and conduct of business.

Our parsha is teaching us of the supreme religious importance of ethical and moral behavior especially as it relates to others. All of the laws of Mishpatim can be subsumed under the banner of "You shall love your fellow as yourself." This ideal has been challenged as unrealistic since it is contrary to the selfish nature of man. Let us admit that we are narcissistic beings whose primary concern is our personal gratification. Is it reasonable to demand that we love every Jew as we love ourselves? There are, of course, certain relationships in which one values his "friend" so much that he will sacrifice everything, if need be, for his welfare. Parents are prepared to give up their lives for the sake of their children. However, the Torah goes way beyond these limited instances and requires that we love every Jew, even a total stranger, as we love ourselves. How is this possible to achieve?

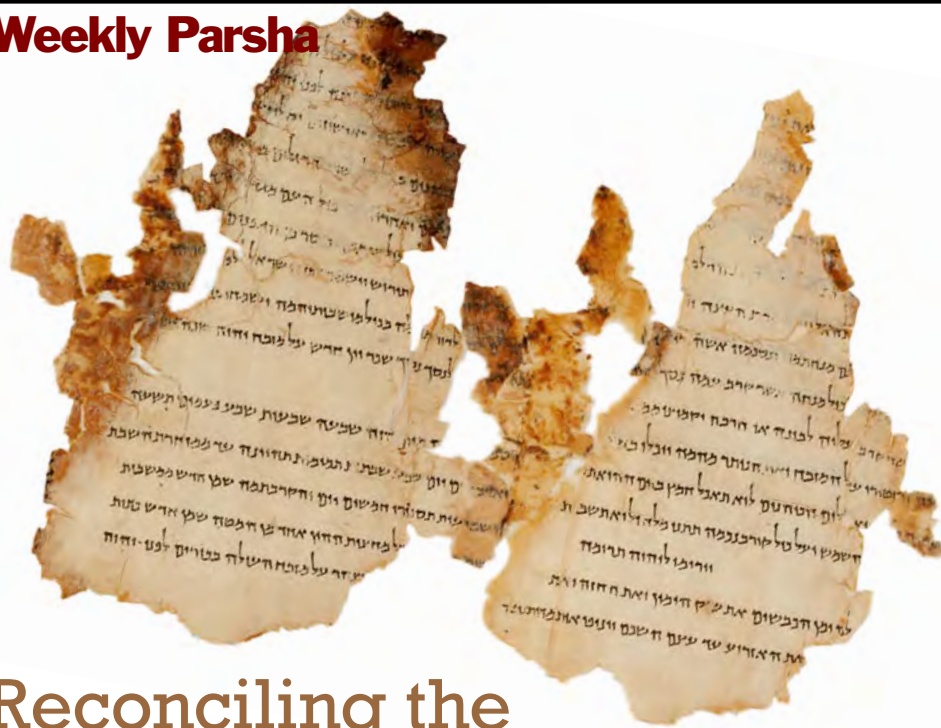
Hillel, the great Talmudic sage provided a brilliant exposition of this imperative. He said, "That which is distasteful to you, do not do unto others." We are obliged to treat others as we would want them to treat us. As Rambam teaches, just as we are concerned for our welfare, property and honor, so should we be solicitous of the dignity and concerns of others. This is contrary to our natural feelings. We

are very sensitive to the slightest insult, real or imagined, yet are generally not as protective of the feelings of others. The Torah teaches that we cannot base our behavior toward fellow humans on the basis of our emotions. This is a true test of our connection to Hashem. If our love of G-d is of the narrow, self serving kind, in which we serve Him for the sake of what He will do for us, then our primary attraction will be to the ritualistic aspects of Judaism. We will pray with great focus and perform mitzvot conscientiously because this caters to our desire for Divine protection. Such a person will not be as attracted to those commandments in which we are bidden to do things for the benefit of others, especially if they are strangers.

We are exhorted by parshat Mishpatim to strive for the level of one who serves Hashem out of love and not only for personal reward. Such a person cultivates a sense of awe for all of G-d's creations which exhibit His infinite wisdom and compassion. This will affect his attitude toward his fellow human beings. He does not regard himself as the center of the universe. Rather, he considers himself to be a special creation of Hashem whose uniqueness lies in the "Divine" soul with which he has been endowed. His respect for others is based on his awareness that they too have been created in G-d's "image", and as such are entitled to the same rights and privileges he enjoys by the will of Hashem. He realizes that all people are equal in the sight of their Creator, and that mistreatment of others violates the will of Hashem and negates the fundamental principle of, "In the Image of G-d He created him, male and female created He them."

We can now understand why the entire Torah is contingent on justice. The purpose of all the mitzvot is to perfect our nature through recognition and love of Hashem. No area of Torah requires that we overcome our primal narcissism and act in accordance with objective truth more than that of ethical and just behavior in our dealings with others. The meticulous fulfillment of these laws can elevate us to the level of those who serve Hashem out of love. That is the objective of the entire Torah. May we merit to attain it.

Shabbat Shalom. ■



Reconciling the Written & Oral Laws

Rabbi Bernie Fox

And Hashem said to Moshe: Ascend the mountain to Me and be there. And I will give you the stone Tablets and the torah and mitzvah that I have written for you to teach to them. (Sefer Shemot 24:12)

1. The Torah is comprised of a Written and Oral Law

Parshat Mishpatim continues the enumeration and explanation of the Torah's commandments and laws that began at the end of Parshat Yitro. The end of Parshat Mishpatim returns to the events at Sinai. In these passages, Moshe is instructed to ascend the mountain and there he will receive the Luchot – the Tablets of the Decalogue, the “torah and the mitzvah”. The term “torah” generally is used to refer to the entire body of law that includes the individual mitzvot. However, in this passage it is clear that the terms “torah” and “mitzvah” refer to two mutually exclusive entities. In this context to what do these terms refer?

Rabbaynu Avraham ibn Ezra and others respond that the term “torah” refers here to the Written Law. The term mitzvah refers here to the Oral Law. This interpretation is drawn from the comments of midrash. Maimonides expands on these comments. In his very first remarks introducing his code of law – Mishne Torah – he interprets the above passage. He explains that, in the above passage, the term “torah” refers to the Written Law and that the term “mitzvah” refers to its explanation.

2. The relationship between the Written and Oral Laws

Maimonides' comments add to the interpretation of Ibn Ezra. Maimonides comments include a description of the relationship between the Written and the Oral Laws. The Oral Law provides the interpretation of the Written Law. In itself, the Written Law is often vague or confusing. The Oral Law provides the interpretation and commentary required to understand and properly observe the Written Law.

Six days you shall perform your tasks and on the seventh you shall rest. (This is) so that your oxen, and donkeys will rest and the son of your maidservant and your convert. (Sefer Shemot 23:12)

Shabbat is one of the commandments included in the Decalogue. Parshat Mishpatim returns to the discussion of Shabbat. Shabbat is a day of rest. Nowhere does the Torah actually describe in precise terms the meaning of the admonition to rest on Shabbat. However, the Oral Law provides directions for fulfilling the commandment. It is the Oral Law that identifies the thirty-nine major categories of prohibited activities and their many derivatives. This is an example of the relationship between the Written and Oral Laws. The Written Law provides a brief and basic description of the commandment. In the instance of Shabbat, the Written Law commands that we rest on Shabbat. The Oral Law provides the additional detail that is essential for observance of the commandment. In the example of Shabbat, it provides a description of those activities from which we are required to rest.

And his master shall bring him close to the judges. And he shall bring him close to the door or to the doorpost. And he shall pierce his ear with an awl. And he will be his slave forever. (Shemot 21:6)

3. The freeing of the Jewish servant with the arrival of the Jubilee year

The above passage provides another fascinating example of the relationship between the Written and Oral Laws. The parasha describes the laws governing a Jewish slave or servant. The Torah allows for a Jewish male to be sold into servitude in two circumstances. A Jewish man can be sold by the court. This occurs if the individual is convicted of stealing and cannot repay the victim. The court sells the thief into servitude to another Jew. The proceeds of the sale are used to reimburse the victim of the theft. There is a second circumstance in which servitude is permitted. If an individual is in debt and cannot repay his creditors, he may sell himself. The proceeds are used to repay the creditors.

In both of these cases the sale is for a six-year period. If the Jewish servant wishes to remain with his master, then the master and servant must consult bait din – the court. The above pasuk describes the procedure for extending the term of the servitude. The pasuk explains that the ear of the servant is

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pierced against the doorpost of the court. The pasuk states that as a result of this procedure the term of servitude is extended “forever”. Targum Unkelus interprets the passage in a very literal sense. According to this interpretation, the passage indeed requires that the servant remain in bondage indefinitely. Rashbam suggests a very similar interpretation. He explains the passage as meaning that the servant remains in servitude for the duration of his life. However, both of these interpretations seem to contradict the interpretation of the passage provided by the Oral Law. The Oral Law teaches that the servitude is extended only to the Yovel – the Jubilee. At the Jubilee the servant must be freed. The Talmud explains that the term “forever” is not to be understood literally. It should be interpreted to mean until Yovel.

4. A reconciliation of the Written and Oral Laws

How can the message of the Written Law as confirmed by Unkelus and Rashbam be harmonized with the Oral Law’s interpretation of the passage? A possible answer is provided by an interesting comment of Nachmanides. Nachmanides explains that the above passage is not the source for the requirement of freeing the slave at the Jubilee. Instead, the source is found in Sefer VaYikra. There, the Torah explains the restoration law. This law states that at the time of the Jubilee every man returns and is restored to his portion of land in the Land of Israel. In other words, each person is restored his ancestral legacy in the Land. According to Nachmanides, the Talmud concludes from this requirement that the servant too is released and restored to his legacy. Nachmanides acknowledges that the Talmud interprets the term “forever” in the above passage to mean until Yovel. However, he suggests that this interpretation is only intended to reconcile the passage with the restoration law in Sefer VaYikra.

Nachmanides’ assertion that – the servant’s emergence into freedom with the Jubilee is derived from the restoration law in Sefer VaYikra – has an important implication. It suggests that the servant is not freed because his period of servitude has reached its natural termination with the arrival of the Jubilee. Instead, it seems that the servitude has no natural termination – as suggested by the literal interpretation of “forever”. Servitude ends because the Jubilee arrives and the restoration law takes effect. Every person – even the slave – must be restored to his legacy.

An analogy will help clarify this distinction. Marriage creates a relationship between man and woman. This relationship continues indefinitely. These two individuals may terminate the marriage, after any period,



through divorce. Nonetheless, it is proper to say that, by nature, a marriage represents an agreement to enter into a relationship for an indefinite period.

The piercing procedure, like marriage, creates a relationship that is indefinite in length. However, as in the case of marriage, this relationship is subject to termination through an outside force. In marriage this outside force is divorce. For the servant, this agent is the Jubilee.

Apparently, Unkelus and Rashbam share Nachmanides’ view. These commentators maintain that the Jubilee does not represent a limitation of the period of the servitude. Indeed, the period of servitude does extend indefinitely or throughout the life of the slave. This is the message of the term “forever” in the passage. However, the Jubilee interrupts the servitude and ends it.

5. An alternative reconciliation of the Written and Oral Laws

Rabbaynu Avraham ibn Ezra offers another approach to reconciling the Written Law to the Oral Law. He suggests that term forever – leolam – in the pasuk means until the Yovel. How is this possible? He explains that the term leolam can best be translated as “for an age”. Adopting this translation transforms the meaning of the passage. It is telling us that as a result of the ear piercing procedure the servitude is extended “for an age”. Now, the period represented by the term “age” must be identified. According to Ibn Ezra, an age must be the longest calendar unit recognized by halachah.

Halachah recognizes various calendar units. These units include day, week and month. Halachah also has created two

calendar units that are composed of groups of years. Six years followed by a seventh Sabbatical year is recognized as a unit. Seven of these units contain forty-nine years. The fiftieth year is the Yovel. This fifty-year period is the largest calendar unit used by halachah. Ibn Ezra explains that this is the “age” specified in the pasuk.

6. Two distinct approaches to reconciliation

These two interpretations suggest different approaches to reconciling the Written and Oral Laws. Nachmanides seems to suggest that the Written Law and Oral Law do actually suggest different messages. Our passage suggests that the servant’s period of servitude extends indefinitely. This does not conform to the actual law derived from the Oral Law. However, the Written Law presented by Parshat Mishpatim is composed in a manner that seems to contradict the Oral Law in order to communicate a deeper and more meaningful understanding of the law. The contrast between the Written and Oral Laws alert the student that the servant’s servitude is not naturally limited to a fifty year period. Instead, it ends at Jubilee because it is interrupted and canceled by the restoration law. Unkelus and Rashbam seem to accept this perspective.

Ibn Ezra’s interpretation suggests an alternative approach to reconciling the Written and Oral Law. His approach resolves the perceived conflict. The Oral Law provides interpretation and meaning. The Oral Law forewarns the reader to replace “forever” with “for an age” and then provides a meaningful interpretation of the term “age”. ■



PART I

Kaddish

Why is it so Important?

Rabbi Dr.
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Nobody would argue that kaddish has a central place in Jewish practice today. In the minds of many, it is the centerpiece of aveilus, mourning. At any given moment in a shul, there are numerous mourners reciting this tefila, and missing this opportunity is viewed as almost sacrilegious. Would it be surprising to know that there is no Talmudic source for a mourner reciting kaddish? (It first appears in Maseches Sofrim, but only referring to the time of the burial) Kaddish also presents itself in the order of tefila, inserted by Chazal at various points, reiterated throughout tefila. In fact, it is the most often repeated of all prayers. Why? Furthermore, it happens to be that the one halachic reference to kaddish in the Talmud refers to reciting it after completing some learning of Torah (a vague reference, to be sure). What, then, is the common denominator here? How could one tefila be relevant to mourning, the order of tefila and learning Torah? We will set out to explore this important tefila over the next several articles.

The starting point for this endeavor lies in two places in the Talmud, along with some commentary by Tosafos. In Maseches Berachos (3a), we find a conversation between Eliyahu HaNavi and Rabbi Yose. Rabbi Yose had chosen to pray in one of the ruins of Yerushalayim. After some back and forth, Rabbi Yose reported hearing a Divine voice, telling him the following:

"Woe to the children, on account of whose sins I destroyed My house and burnt My temple and exiled them among the nations of the world! And he said to me: By your life and by your head! Not in this moment alone does it so exclaim, but thrice each day does it exclaim thus! And more than that, when-

ever the Israelites go into the synagogues and schoolhouses and respond: 'May His great name be blessed!' (yehei shmei hagadol mevorach...) the Holy One, blessed be He, shakes His head and says: Happy is the king who is thus praised in this house! Woe to the father who had to banish his children, and woe to the children who had to be banished from the table of their father"

This should seem like an odd story to most people. Beyond the anthropomorphic liberties being taken, how do we begin to understand this lamenting by God? And what is so important about this specific prayer?

There is another, more well-known reference in the Talmud depicting the importance of yehei shmei rabba (Shabbos 119b):

"R. Yehoshua b. Levi said: He who responds, 'Amen, May His great Name be blessed,' with all his might, his decreed sentence is torn up, as it is said, When retribution was annulled in Israel, For that the people offered themselves willingly, Bless ye the Lord: why when retribution was annulled? Because they blessed the Lord."

This should seem to be even more troubling. What type of formula is this? What is this causal relationship? And why this specific tefila?

The fact that the Talmud isolates this particular line from kaddish indicates one important fact: the essence of kaddish, the main idea of this tefila, can be found in this one line recited by the chazzan and the congregation. What is so important about this one line?

The Aruch Hashulchan (OC 55:1), when discussing kaddish, offers us a brief history of its development. He writes how this prayer was introduced by the Anshei Kneses HaGedola soon after the destruction of the first Temple. In essence, this tefila is addressing the chillul Hashem, or desecration of God, that emerged from these devastations, including the destruction of the Temple and ravaging of Eretz Yisrael, as well as the diaspora of Jews across the world. The tefila, then, is the verbalization of our desire for the name of God to become great and powerful throughout the world.

This serves as a much needed introduction into understanding the importance of kaddish. When we think of the terrible sequence of events involving the destruction of the Bais Hamikdash and subsequent exile, we are faced with our flaws and defects, and how these led to the dreadful yet necessary consequences. We are reminded about these flaws every day that we do not have the Redemption, the door open for repentance. However, that is Bnei Yisrael looking inwards. There is an equally important idea that was the direct result of the Temple's destruction, and this is the desecration of the name of God. But what exactly is this referring to? One idea of chillul Hashem (desecration of God's fame) is an active engagement in the defilement. For example, someone who violates

(continued next page)

Shabbos in public is engaging in chillul Hashem. But there is another concept of chillul Hashem - namely, the inability to completely sanctify God. As long as the Bais Hamikdash lies in ruin and Bnei Yisrael exiled, and as long as the redemption does not materialize, there is no mechanism that allows for a complete sanctification of His name. As the Jewish people, we play an essential role in bringing this about. Therefore, we see in this tefilah a unique request from us to God. We are not requesting any self-benefit whatsoever. We are not turning to God for our needs. We are not beseeching God to elevate ourselves. This tefila focuses our attention on the importance of sanctifying the name of God in the world, how much we desire for this result. And this can only emerge through the geula asida, the future Redemption.

This explanation can now help us with the two ideas in the Talmud. In the first story, God laments the current state of affairs, provoked to this feeling by the recitation of yehei shmei (not literally, of course). What this could be referring to is the resulting chillul Hashem that emerged from the Temple's destruction. Bnei Yisrael had to be punished in such a manner for their straying from God. But in doing so, the ability for mankind as a whole to embrace God was now interrupted, only to be fulfilled in the times of Moshiach. The recitation of this tefila reflects the great importance we place on the chillul Hashem that exists today. God is "noting", so to speak, this reality that

emerged from the Temple's destruction. However, Bnei Yisrael's involvement in this tefila demonstrates our understanding of this loss. The importance of this idea is the main feature of the statement of Rabbi Yehoshua Ben Levi. Tosafos points out that the idea of saying this tefila with all of one's might (koach) really means with all his intention (kavana). Does this mean one should be closing his eyes even tighter when reciting this tefila? Doubtful. Instead, what Tosafos is telling us is the need for this idea to be internalized. The importance of the inability for God to be completely sanctified in this world must be clear to us, evident in our recitation of kaddish. If this idea is truly clear to us, it can have a powerful result. One should not simply believe that kavana in kaddish means he is forgiven for all his sins; putting aside the causal absurdity of such a concept (it completely negates teshuva), what need is there then for Yom Kippur? What it could mean here is that his relationship with God changes, in so far as how man views God, provided this idea is internalized. When man is able to view the importance of God's name being sanctified in the world at large, he is demonstrating a greater understanding of God. He sees God in a different way, and this by definition changes how he relates to God.

At this juncture, we can see how important the tefila of kaddish is. The question that we must now take up is its halachic evolution, which we will get to, bezras Hashem, next week. ■

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