

מתוקים מדבש



Dei'ah, Binah and Haskel on the weekly parashah

REB MICHA BERGER

Bemachshvah Techilah

In this week's *parashah*, the brothers admit to the viceroy of Egypt their guilt in selling their brother. They declare, "Aval asheimim anachnu, ... – But we are guilty, over our brother, that we saw the pain of his soul when he called to us and we didn't listen..."¹

The Rambam offers a similar text for *vidui*, confession. He writes, "The *vidui* that all of Israel practice is 'Aval anachnu chatanu' – But we have sinned."² The Lechem Mishneh³ points us to the origin of this three word *vidui*. R' Mareidah⁴ recalled that the only part of *vidui* for which Shmuel stood was these three words, and from this the Gemara deduces that this is the *ikkar vidui*, the essence of confession. One is obligated to stand for *vidui*, so if Shmuel held that standing for this alone was sufficient, then it alone is the essential *vidui*.

However, the Rambam opens his discussion of *teshuvah* with a totally different formula for *vidui*. "... How does one confess? One says, 'Please, Hashem! I accidentally sinned, I willfully sinned, I rebelliously sinned⁵ before You, and I did such-and-such. Now I regret and I am embarrassed of my actions, and I will never repeat this thing.'⁶ Here the definition of confession is described as having a

number of components: (1) approaching G-d, (2) admitting guilt, (3) spelling out the particular sin, (4) embarrassment, and (5) abandoning the sin.

The *vidui* said when giving a *korban* is similar. "How does he confess? He says, "I accidentally sinned, I willfully sinned, I rebelliously sinned, and I did such-and-such, and I return in *teshuvah* before You. And this is my atonement."⁷ This confession is said after the actual repentance, which must precede the offering. We can suggest that the

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"Please Hashem!", the formal approachment to G-d, is unnecessary for someone who actually traveled to the *Beis HaMikdash* with a *korban* – a word that means "approach". For similar reasons, repentance should leave the person with feelings of embarrassment. (For example, consider the prohibition against causing embarrassment to a *ba'al teshuvah* by reminding him of his sin.) But these differences pale in comparison to our original text.

Why does the Rambam give two different texts? And if the confession is defined as requiring 5 different elements, how can a simple "But we have sinned" be sufficient?

Dr. Seligmann Baer⁸ has the text of "We are not stubborn, ... *aval*, but we have sinned." He translates "*aval*" as "*ela*" along the lines of "but" or "rather". What does "rather" mean? We use it to connect two propositions, both considered true simultaneously (like the word "and"), where the first is stated in the negative and the second elaborates in the positive. For example, "I will not be going to work tomorrow, rather I will be observing Yom Kippur."

How does that function here? Does not R' Mareidah start the confession with the word *aval*? What is the first clause being contrasted? Baer answers that the Gemara meant that Shmuel stood for the whole paragraph. However, as it does with many quotes, the Gemara only cited part of the full text. With all due respect, there are a few difficulties with this answer. First, it is rare if ever that the Gemara quotes the end rather than the beginning portion of a longer text. Second, the Rambam and Lechem Mishneh treat this halachah as a stand-alone quote; they do not discuss combining this *vidui* with the other. Third, in our text the brothers begin their confession with the word "*aval*".

Perhaps we can suggest that in this case the first proposition of the "*aval*" is not a stated text, but a reference to all of the person's life until this point. It is a succinct statement of

¹ Bereishis 42:21

² Hilchos Teshuvah 2:8

³ Ad loc. 8

⁴ Yoma 87b

⁵ "Chatasi, avisi, pashati"

⁶ Hilchos Teshuvah 1:1

⁷ Hilchos Ma'aseh Korbanos 3:15

⁸ *Siddur Avodas Yisrael*, Commentary to the *vidui* for Yom Kippur. Interestingly, his *siddur* reads "but we have sinned" unlike our version which reads "but we and our forefathers have sinned."

the abandonment of the sin. More than that — this first “clause” is explained by the second clause. It is the realization that life until now was sinful that motivates the contrast pointed to by the word “*aval*”. This is akin to Reish Lakish’s statement that *teshuvah* motivated by love can turn sins into merits.⁹ This also fits the translation the Targum gives our verse for “*aval*” — “in truth”¹⁰, a translation that removes the normal connective use of “*aval*”, leaving the meaning that the following clause is true. Yes, this is the underlying reason, the truth, behind why I am avowing to stop.

The words of the siddur, “*Aval anachnu chatanu*” could have just been “*Aval chatanu*” with no change in translation. However, it is significant that we draw attention to

⁹ Yoma 86a, as Reish Lakish is explained by subsequent Gemara.

¹⁰ Bereishis 42:21, followed by Rashi ad loc.

The Gemara in Ta’anis 11a informs us, based upon Bereishis 41:50¹ that it is forbidden to have *tashmish hamitah*, marital relations, during a time of famine.² Tosfos, Ta’anis 11a, sv. assur

¹ The verse states that Yosef’s two sons were born prior to the onset of the years of famine. The gemara thus derives that Yosef did not have children after the onset of the famine because he was refraining from sexual relations.

² As the language of the Gemara and subsequent halachic works is in the masculine, this raises the issue of whether this prohibition is specifically on the male or also includes the female. If the prohibition is only in regard to the male then it may be subject to the Biblical command of *onah*, the husband’s marital responsibilities to his wife (see Rambam, Mishneh Torah, Hilchos Ishus 141-7; 151), and thus observance of the famine prohibition may be dependent upon the

“*anachnu*”, our selves. Unlike a guilty party saying that “violence erupted”, we stress that it was I who did it. An admission that not only the act has to be addressed, but also the self and the personality that lead to it.

If we take the brothers’ *vidui* as the origin of repentance *vidui*, it is even more so—“*Aval asheimim anachnu*” does not describe an activity, that is in the rest of the verse. “*Asheimim*” is an adjective, a self-description. Perhaps we change it into “*chatanu*” for reasons similar to why so many social workers and psychologists avoid labeling. If someone defines himself as “an angry person”, he minimizes his ability to change. “What can I do? That’s what I am!” Perhaps this motivated Chazal’s change, making the language into something less definitional.

But even without this speculation, we have a means of explaining why the Rambam provides two different versions of *vidui*, and why our siddur

ask us to say both. The first *vidui* is on the act, which is why it must include an itemization of the particular sin. The second is on the whole attitude that lead to the act. There are in essence two kinds of repentance.

It is not until Yosef reveals himself that the brothers learn the full extent of how the post-“*aval*”-world is a truth that is built upon their pre-confession life. “Hashem sent me before you to give a remnant in the land...”¹¹ This is a critical lesson for the *ba’al teshuvah*. Rather than the “wasted years” being regrettable false steps taken, they become like merits, steps in the positive result, a critical part of the *oveid Hashem* that the person is today. The “*aval*” of personal change is not only a contrast; it is also a critical connection.

¹¹ Bereishis 45:7

RABBI BENJAMIN HECHT

Bakeish Shalom

Torah Temimah, Bereishis 41:50, note 8 challenges this answer for it implies that, while Yosef met this higher standard of *chassidus*, Levi did not. How can we say that Levi, who is specifically praised with the term *chassid*, did not perform an act of *chassidus*? Thus the Torah Temimah explains that the prohibition on *tashmish* during a famine only applies to one who is not actually suffering from the famine itself. Refraining from *tashmish* is a way by which an individual not subject to the tribulations

The most powerful challenge is that the Gemara presents this as a universal law, not as a behavior for only stringent individuals. Some wish to explain Tosfos by stating that they are only making this distinction prior to Sinai but subsequent to Sinai this prohibition became applicable to all. In fact, many different answers to Tosfos’ question are presented by the commentators.

l’adam asks how was it permitted for Levi to have *tashmish* for we are taught that Yocheved was conceived and born on the journey to Egypt?³ Tosfos thus answers that this prohibition must not apply to everyone but only to one wishing to observe a higher level of righteousness.⁴

wife’s waiving of her *onah* rights which she would not be obligated to do. If the prohibition applies to both genders, since the wife is inherently prohibited from having relations, *onah* is not an issue. See, further, Pischei Teshuvah, Orach Chaim 574. Whether statements, in the Gemara and in halachic works, made in the masculine apply only to males or to both sexes is a matter of great discussion in the sources, both generally and specifically, and is worthy of further investigation.

³ See Bava Basra 123b

⁴ This answer, in itself, poses a problem, for various reasons, to the commentators.

of a community can, nevertheless, indicate that he is still bound to the community in times of trouble.⁵

For the one actually suffering from the famine, the Torah Temimah continues, there is no prohibition in maintaining *tashmish* for it makes no sense to add pain to an already painful situation. Thus Yosef, who was not subject to the pain of the famine, refrained from marital relations while Levi, who was subject to the pain of the famine, did not.

As the Torah Temimah freely states, his conclusion is novel and contrary to the established halachic understanding of the law.⁶ He admits that much more Torah analysis and study is demanded before this view of the law can be applied. Yet, his words raise significant issues that must be addressed both in determining the proper response to our pain and to another's pain.

On the surface the *Halachah* demands of one who is already suffering from the effects of a famine to also impose upon oneself the pain of separation from one's spouse. The Torah Temimah questions why. Why should the *Halachah* impose further suffering upon one already suffering? The simple answer is that the *Halachah* is demanding consistency, a consistency that is also found in other halachic categories such as mourning.⁷ When there is major pain, as in the case of famine, it must dominate one's being and honesty demands that there be a consistent response of the individual to this overriding reality.

⁵ Ta'anis 11a actually continues with the importance of identifying with a community and not separating from it during times of trouble. See, further, Shulchan Aruch, Orach Chaim 574:5.

⁶ See Shulchan Aruch, Orach Chaim 240:12; 574:4. See, specifically, Mishnah Berurah 574:9.

⁷ In terms of *simchah*, joy, we also see this demand for consistency in such matters as the holidays.

Yet is it still fair to impose greater suffering? A review of the variant

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halachic sources will actually show that this concern is also of significance even if phrased in somewhat different language. There are many exceptions to this prohibition that perhaps, at their source, demonstrate an attempt to balance these two concerns. In responding to one's own pain, one must attempt consistency in one's being but one must not further afflict oneself. With the Torah Temimah's words, the recognition of this attempt to balance for which we must strive is fully articulated.

The Torah Temimah also introduces a new dimension in our understanding of how to respond to another's pain. Clearly we must identify with a community in pain but how? Mishnah Berurah 574:13 specifically mentions the demand for practical assistance. If we are able, both spiritually (through prayer and fasting) and physically (through money), to help a community in need, we must do so. There is also the call to publicly identify with those who are suffering and thus the rich individual who has food during a time of famine should still be careful to not publicly display his abundance.⁸ By specifically demanding a restraint on *tashmish hamitah*, the Torah Temimah is going beyond the call for a public or practical display of identification. What one does in one's bedroom is not known to any other. The call is existential and exists within the privacy of one's soul. We must personally feel the pain of the other and make a statement in this regard – not

⁸ See, further, Torah Temimah, Bereishis 42:1, note 1.

to the other but to ourselves. Thus it is in a matter of privacy that the Torah Temimah sees the specific need for identification not to replace the public and practical but in addition to it. It is the statement of one's soul but, more importantly, to one's soul.⁹

Nonetheless there is still a distinction between the situation of this individual and the situation of the community and so there is still a limit to how far the process of identification can go. Thus the commentators all point to a limit which, in general terms, describes a situation when the concern for the community could lead to the harming of oneself. Just as we attempt to relate with a steadying balance to our own pain, there is a demand for balance in how we relate to another's pain.

⁹ I would further contend that this must be specifically private, for an act of identification that is public must also consider the problem of perceived sarcasm. When a rich individual acts poor, the poor may not perceive a warmth of identification but rather may feel a pain of perceived mockery. One truly in pain does not necessarily want another, who can escape the pain, to experience the pain in an act of identification. The identification may, in fact, be seen as ridiculing the pain for it may imply that the pain is not so bad – for if it were, one would not so identify. One would not want such pain. Again there is a balance demanded – not to flaunt but also not to over-identify. See, also, Rabbi Benjamin Hecht, "The Evil Of Chesed", *Nishma Update* 5757-1.

REB MICHA BERGER

Sefasai Tiftach

Israel was suffering from a drought. The people, many of whom recalled the days of the second *Beis HaMikdash*, probably looked longingly to the prayers there, the entire nation praying together, and likely wondered how they could again gain Hashem's mercy. The rabbis declared it a fast day, and told everyone to gather for *minchah* in the town square. Rav Eliezer served as *chazzan*. He even extended the *Amidah* to twenty-four *berachos*! The people were moved, but still, no rain fell. Rabbi Akiva stood up before the crowd and cried "Avinu Malkeinu – Our Father, our King, we have no king but You! Our Father our King, for Your sake, have mercy on us!" And the rain fell. A *bas kol*, a voice from heaven explained, "It is not that one is greater than the other. Rather, this one forgives his limits, and this one does not."¹ Rabbi Akiva, because he was forgiving even in things due to him, merited being answered.

According to the Levush, Rabbi Akiva's "Avinu Malkeinu" grew to parallel the structure of the weekday *Shemoneh Esrei* it follows. According to the Tur², the *Ashkenazim* of his day said 22 lines in an alphabetic acrostic. Our current version has 44 lines. Many versions containing various sets of requests can be found in historical *siddurim*. The key phrase is the only constant, the formula "Our Father, our King."

Many *tefillos* explore the various facets of our relationship with our Creator. We've explored in these pages the tension between the Immanent and the Transcendent expressed by the language of *berachos*. Total transcendence can only be ex-

pressed in silence. The philosopher's G-d is totally incomprehensible; we have no means of relating. Kabbalists speak of the Absolute, the *Ein Sof*, the Limitless. Defined by what He is not. While declaring G-d our King is a more distant view of Him than declaring Him our Father, it is still likening our relationship to that between two sorts of people. The contrast cannot be the motivation for "avinu malkeinu" as other pairs of terms better express it.

The Maggid of Mezeritch explained Moshe Rabbeinu's words, "Know in your heart that just as a father scolds his son, so Hashem, your G-d, scolds you."³ The Maggid compares this to the way a child is taught how to walk. The father begins by holding the child's hand. Then, he takes a few steps back, forcing the child to take a few steps on his own. When Hashem distances Himself from us, it is so that we can approach Him of ourselves.

According to the Doveir Shalom, when we speak of proper action, we relate to Hashem as His children. It is when we strive for self-perfection that we are His nation. This may be a similar thought. When He assists us in acting, he is *avinu*. However, when Hashem takes a "step back", distancing Himself to be like a king to his people, it is because Hashem wants us to improve ourselves, to be able to come back to Him on our own effort.

Rav Samson Raphael Hirsch⁴ also sees *avinu* as referring to how we relate to Him on a more primitive level than does *malkeinu*. Our Father calls us to Him when we sin and need repentance. Our King grants us our needs once we approach Him. The

Iyun Tefillah takes a similar approach, but explains the relationships in light of the purpose of the *tefillah*, asking Hashem for our needs. When we act like children, not yet commanded to do His Will, we need the generosity of a Father. If, however, we accept Hashem's rule, then we ask for the beneficence of a King providing for His nation.

We can elaborate on this idea. When a child makes a request of his father, the father judges whether to fulfill it based on the child's needs. If the request is in the child's best interest, a father will do his best to grant it. A king, however, focuses on his responsibility to society as a whole. A king's primary factor for assessing a wish is whether it helps the group, not the individual. By calling Him "Avinu Malkeinu" we remind ourselves that Hashem grants based on both criteria. We are in effect asking for two things. Hashem, please aid us with this need, and please aid human society as a whole by granting it to us.

Rabbi Akiva was answered because he was *ma'avir al midosav*. Rabbi Akiva would look at a problem not only in terms of his own needs, but also in terms of the needs of the people around him. He identified both as an individual and a member of society. It was therefore natural that Rabbi Akiva was the one to find this formula, *Avinu Malkeinu*.

Editor: Gil Student
Associate Editor: Micha Berger

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¹ Ta'anis 25b

² Orach Chaim 601

³ D'varim 8:5

⁴ The Hirsch Siddur, pg. 626