

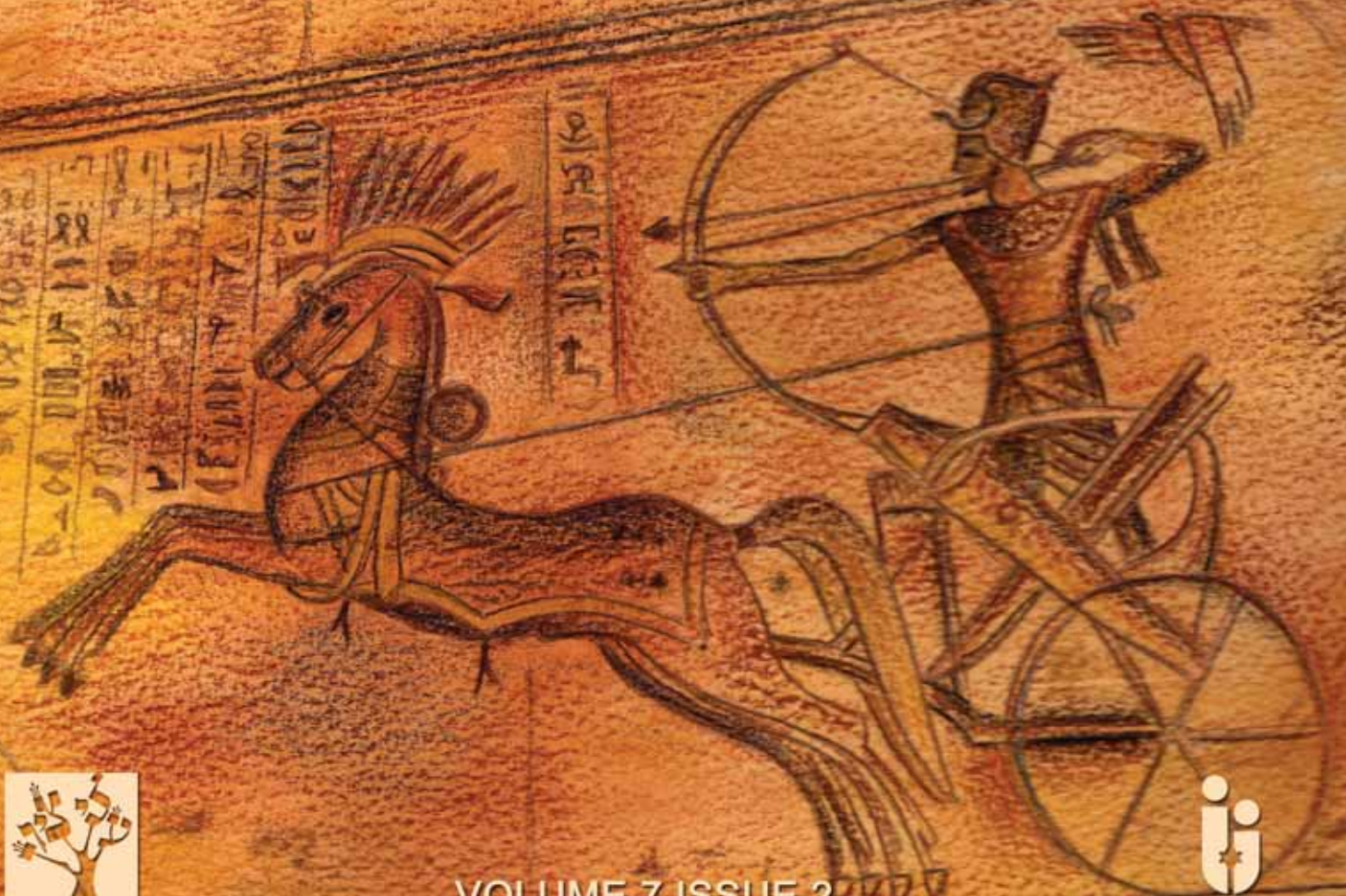
DEGEL

תורה וחכמת ישראל מקהילת עלי ציון
TORAH AND JEWISH STUDIES FROM ALEI TZION

פסח תשע"ו
NISSAN 5776



וַיִּרְדְּפוּ מִצְרַיִם אַחֲרֵיהֶם - כָּל
סוּס רֶכֶב פָּרְעָה וּפָרָשָׁיו וַחֲיָלוֹ



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The US

Chag Pesach Kasher v'Samayach

With
Compliments
from
Hilary &
Howard Gross

Chag Pesach Kasher v'Samayach

DEGEL

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Schaller House, 44a Albert Road, London, NW4 2SJ | degel@aleitzion.co.uk*

RABBI DANIEL AND NA'AMAH ROSELAAR
DEVORAH, ELISHEVA, NETANEL AND CHANANYA
TOGETHER WITH KEHILLAT ALEI TZION
WISH THE ENTIRE COMMUNITY A
HAPPY AND KOSHER PESACH

Greetings
from
Family
Zussman

In appreciation of
the inspiring and
welcoming kehilla
at Alei Tzion.
From
Family White

Greetings
from
Anna-Leah
and
Raph Cooper

Pesach Kasher
V'Sameach
from
Michael, Emma,
Noa, Eliana
and Gabriella
Abramson

Notes from the editor

Luzatto wrote a book to remind people of what they already know (Path of the Just). A cursory appraisal might conclude that Seder night is an annual demonstration of this proposition, a revisiting of what we already know. After all, at some Seders even the jokes don't change from year to year. However, the challenge of Seder night is to stretch us beyond simple factual knowledge. Our obligation is to experience. The text of the Hagada bears this out "even if we were all wise, with understanding..." we need to relive, to somehow feel firsthand, the historic journey from slavery to freedom "...to see oneself as if..." this happened to me. That is the summons to each one of us, reverberating through the generations, reaching us now.

Experience by definition is personal, harder to transmit than objective fact. Remarkably, the Seder service has endured through millennia, with the Hagada, a composite text providing not just a portal to review what we know but also a backdrop to enhance our personal engagement with the call to relive the exodus on some level.

In these pages are a variety of ideas that we hope may serve to further elucidate or embellish that experience. Starting with Seder night, it is clear that it is an occasion replete with symbols, however it would seem that without doubt matza is central. David Shaw questions whether it is indeed the eating of matza or in fact, the avoidance of chametz that is actually the primary focus of the holiday.

Since freedom is the fundamental theme of Pesach, Shmuel Ebert examines the nature of freedom in the context of a religious life more broadly.

As on any festival, Hallel is recited during Pesach, but there is a change in the length of Hallel that we say over the duration of the holiday. Judith Weisz explores this by contrasting the miracles of the ten plagues with the miracles at the splitting of the sea and the associated impact on the Jewish people, resulting in a changed requirement for Hallel.

Maggid comprises the main body of the Seder service and Pnina Savary provides a number of insights into its structure. Michali Belovski provides a survey of the various judges that appear in Tanach and the variety of characteristics that they display and Rabbi Roselaar provides a thoughtful review of the recently published Koren Yom Haatzmaut machzor.

We hope that these thoughts will add to the Pesach season either as a reminder of what we know or perhaps a window to a new perspective.

I want to close by expressing a personal thanks to all the authors, our sponsors and the editorial team without whom Degel would simply not exist.

We welcome feedback and future submissions. Please contact us at degel@aleitzion.co.uk

With best wishes for a wonderful Yom Tov.

ELANA CHESLER

Chametz and Matza – a lifestyle of freedom

DAVID SHAW

The question of the beracha that we make – or don't make – on matza is one whose answer will help us understand the nature of this positive mitzva, its relationship to the negative mitzvot surrounding chametz, and the symbolism of this cluster of interrelated commandments.¹

We only say the beracha “al achilat matza” in the context of leil haseder.² This might imply that we are only obligated to eat matza on Seder night, and that there is no mitzva to do so for the rest of Pesach. However, this intuition would be met with some strong resistance when confronted with the mitzva of matza as it is described in the text of the Torah. The command to eat matza is mentioned nine times³ and on eight occasions it says explicitly that matzot are to be eaten for the entire seven days of the festival. It would appear from this evidence, then, that there certainly is a mitzva to eat matza throughout the festival. So, if the mitzva lasts seven days, why do we only make the beracha on Seder night; and if the mitzva is only on Seder night, why does the Torah say that it lasts for the whole festival?

If the mitzva to eat matza lasts seven days, why do we only make a beracha on the mitzva on Seder night?

A possible answer lies in a beraita quoted in Massechet Pesachim, which addresses the one anomalous pasuk, in parshat Re'eh, which says, astonishingly, “for six days you shall eat matzot, and on the seventh day there shall be an assembly to the Lord” (Devarim 16:8). Applying one of Rabbi Yishmael's thirteen principles of interpretation to this verse,⁴ the beraita suggests that this inconsistency comes to teach us that there is a particular obligation to eat matza on the first night, but for the rest of the festival it is simply reshut – optional. The plain meaning of the other verses indicates that there is still a mitzva during the rest of the festival in that if you do eat matza you have performed a mitzva, but there is no requirement to do so. The Rambam adopts this

understanding,⁵ which seems – at this stage – to explain the difference between the mitzva of matza on the first night, which occasions the beracha “al achilat matza,” and on the rest of the festival, which doesn't.

If this structure of obligatory mitzva on the first night and optional mitzvat reshut for the rest of the festival seems familiar, that might be because the same is true of the mitzva of succa. On the first night of Succot there is a strict obligation to eat a meal accompanied by bread in the succa; but for the rest of the festival you could live on fruit, vegetables, meat, fish, and so on without any requirement to eat in the succa.⁶ Similarly, on Pesach, there is no specific obligation to eat matza throughout the festival, and you could very easily only eat other foods.⁷ The Gemara in Massechet Succa makes this comparison explicit: “just as there [matza] the first night is an obligation [chova] and from then on it is voluntary [reshut], so too here [succa] the first night is an obligation and from then on it is voluntary.”⁸

This answer alone, though, does not quite suffice to resolve the question of the beracha. The issue, in fact, has become even knottier. Because if you do decide to have bread during Chol Hamoed Succot, and take yourself out into the succa to have it, you do, in fact, say a beracha on the mitzva: “leishev basucca.” Even within a model in which there is an initial obligatory mitzva and an optional counterpart thereafter, it does elicit a beracha! So the question with which we started remains: why indeed do we not say a beracha on the mitzva of matza for the rest of Pesach, when the evidence from the mitzva of succa suggests that we should? The answer that I will suggest here will involve understanding the mitzva of matza in the context of the many halachot that surround chametz, and pursuing the parallel between this cluster of mitzvot and the mitzva of succa. The starting point is to consider that both Succot and Pesach entail a temporary transformation of our lifestyle. At the beginning of winter, we temporarily go out from our permanent homes to eat and sleep in the succa; and at the beginning of the summer we temporarily eschew chametz and exclude it from our diet.

In fact, the change at Pesach is very stark. Chametz is surrounded by an extremely stringent set of halachot. We are neither allowed to eat, to benefit from, nor to own chametz on Pesach; and the normal laws of “bittul” by which an insignificant part of a prohibited substance is considered void does not apply to it, so we change or purify our dishes, and search our houses for chametz. Additionally, and most graphically, there is a separate positive mitzva to burn some chametz on the morning of erev Pesach – by way of contrast, the peculiar thought of going out of your way to buy some non-kosher meat in order to destroy it goes some way to highlighting the obsessive stringency surrounding chametz.

Obviously, though, this extreme attitude towards chametz is only operative for the duration of the festival. Before and after Pesach, chametz is completely permissible – to eat, benefit from, and own. Furthermore, the process of the Omer which starts on Pesach ends on Shavuot when the Torah instructs us to “bring a new offering to God” that is specifically to be normal, leavened bread: “chametz te’afena,” you shall bake it as chametz (Vayikra 23:17). Chametz, then, can be seen as an end product, the content that comes after a careful and arduous process, the results of human striving and endeavour. On Pesach, when we are newly granted freedom, we eliminate chametz from our lives because freedom alone, while worth celebrating, must not be mistaken for a true end in itself.

Chametz... an end product.... comes after a process... the results of human striving.... On Pesach, when we are newly granted freedom, we eliminate chametz from our lives because freedom alone, while worth celebrating, must not be mistaken for a true end in itself

It is a demanding opportunity: an unploughed field, a blank page, or canvas, or whatever metaphor you prefer. To gather around the table on Pesach and eat chametz would be to get ahead of ourselves and delude ourselves that we have achieved something with our freedom – it would be obscene and vacuous, prematurely celebrating the results of the process that only begins on Pesach. So before the process of the Omer and the eventual bringing of the first fruits – with chametz – we restrict ourselves to a lifestyle free of chametz, free of the

product that our labour has yet to produce, symbolising the freedom that has not yet been utilised to achieve a meaningful goal.⁹

Now, the detailed meaning and connotations of the mitzva of succa are not our topic, but, to return to our original question, if we consider it as a temporary transformation of our way of life, we can see the meal on the first night as the moment of the transition. This obligatory initial meal in the succa symbolises, expresses, and achieves the transformation into the new existence that will define the duration of the festival. It distinctly and precisely marks – and generates – the transformation. And after this moment, each additional meal is voluntary, but is also another, additional expression of the positive lifestyle-mitzva of succa – and so a beracha is said. However, the lifestyle we adopt at Pesach is not a positive one, but is primarily an absence. The change we make is one of restraint, refraining from chametz, excluding it from our diet, and eliminating it from our possession. But on the first night, we perform a positive act, a mitzva, which, just like the initial act of eating in the succa, generates our transition into the chametz-free way of life: the mitzva of achilat matza.

So the eating of matza is a *positive* act that first serves to inaugurate the lifestyle of Pesach characterised by the *negative* mitzvot of chametz, and that obligatory moment of transition is a positive mitzva in its own right; while for the rest of the festival, the mitzva of eating matza is simply an expression of the ongoing prohibition of chametz – and so we don’t say a beracha.¹⁰

This reading of the mitzvot of chametz and matza on Pesach as a lifestyle which we initiate by eating matza on leil haseder is supported by the fact that there is a prohibition to eat matza on erev Pesach. This, according to the Rambam, was instituted by the Rabbis in order that the matza of that night should be distinct.¹¹ In other words, to ensure that the commencement of the chametz-free lifestyle by the act of eating matza at leil haseder be completely clear and unambiguous, we prohibit matza during the day before this mitzva.¹²

Additionally, with regard to the end of Pesach, we can cite a fascinating practice of the Vilna Gaon.¹³ Although he normally ate the customary two meals on Yom Tov, on the afternoon of the last day of Pesach he would have a third meal, to stretch the precious mitzvat reshut of eating matza to its final moments; and when Yom Tov ended, he would make sure to have some chametz as soon as possible.¹⁴ The prohibition of matza followed by the mitzva of matza on leil haseder enacts the beginning of the lifestyle of Pesach, and the Vilna

Gaon recreated the same structure in the inverse to make a distinct end to it.¹⁵

To summarise, then, it appears from our practice only to say the beracha “al achilat matza” on leil haseder that there is not a mitzva to eat matza for the rest of the festival. The plain meaning of the verses, however, is that there is such a mitzva – and Torah she’ba’al peh clarifies that, like the mitzva of succa, the mitzva is a reshut after the initial obligatory instance.

Both of the mitzvot of Succa and matza entail a temporary change in the way we live our lives that is inaugurated by a distinct act that marks and creates the transition into the new, but temporary

¹ These ideas are based on Rav Menachem M. Kasher’s study on the mitzva of matza, *Haggada Shelema* p160-166, and a shiur given by Rav Elchanan Samet at Michlelet Herzog’s Yemei Iyun BeTanach in 2013, “The Mitzvot of Succa and Matza”

² Hamotzi is always said on matza.

³ Four times in parshat Bo (Shemot 12:15, 12:18, 13:6, 13:7); once each in parshat Mishpatim (Shemot 23:15), Ki Tissa (Shemot 34:18), Emor (Vayikra 23:6) and Pinchas (Bamidbar 28:17); and twice more in parshat Re’eh (Devarim 16:3 and 16:8)

⁴ His eighth principle, that “when a particular case, already included in a general statement, is expressly mentioned to teach something new, that special provision applies to all other cases included in the general statement” (Koren Siddur). That is, the verse differentiates the seventh day from the previous six, suggesting that it contains less of an obligation to eat matza – i.e. “reshut” – and this provision also applies to the rest of festival. Shemot 12:18 establishes the particular obligation of the first night, and this explanation seems to be consistent with the plain meaning of that verse. Pesachim 120a.

⁵ Maimonides, *Mishneh Torah*, Hilchot Chametz U-Matza, 6:1

⁶ Except for Shabbat and Yom Tov where there is a separate obligation to eat three or two meals with bread respectively.

existence. But according to the perspective detailed here, while the mitzva of succa is entirely positive, the mitzva of matza is essentially the positive expression of the negative mitzvot to avoid chametz – the lifestyle that we adopt on Pesach is one of restraint, of the refusal to celebrate that which we have not yet achieved, and so our expressions of that mitzva throughout the festival do not entail a beracha.

David Shaw is studying for a Master's degree in the Anthropology of Religion at LSE. He studied Theology & Religious Studies at the University of Cambridge and learnt at Yeshivat Har Etzion. He and his wife Miriam are new members of the Alei Zion community

⁷ Again, except for Shabbat and Yom Tov.

⁸ Succa 27a

⁹ See Rav Alex Israel and Rav Ezra Bick’s articles, both entitled “The Symbolism of Chametz” in Yeshivat Har Etzion’s Pesach Journal <<http://etzion.org.il/en/pesach-journal>>

¹⁰ The Sefer Ha’ittur suggests this answer to why we don’t say a beracha on matza throughout the festival, and adds that “we don’t make a beracha on a prohibition” and the Orchos Chayim similarly compares it to eating kosher meat, on which we also don’t say a special bracha. Both quoted in *Haggada Shelema* p166

¹¹ Maimonides, *Mishneh Torah*, Chametz U-Matza, 6:12. “כדי שיהיה היכר לאכילתה בערב”

¹² Some have the minhag not to have matza from Rosh Chodesh Nissan, and some even from Purim.

¹³ *Hanhagot HaGr’a* 181; quoted in *Haggada Shelema* p163

¹⁴ No doubt at a local inn, cf “Vilnius’s thriving – and refreshingly cheap – craft beer scene” <<http://www.theguardian.com/travel/2015/nov/21/vilnius-lithuania-craft-beer-bars>>

¹⁵ It might be worth comparing this to the candle at havdala: the moment of distinction between Shabbat and chol is marked by an act that embodies the difference between them and so initiates that change.

אל תקרי חרות אלא חרות

The long walk to Freedom – Egypt and Sinai

SHMUEL EBERT

Introduction¹

The theme of freedom is one that is highly prevalent throughout the festival of פסח. We refer to the festival as זמן חירותינו and recount the historical story of the exodus from Egypt. Many of the laws of ליל הסדר - ארבע כוסות,² חיוב הסבה³ and even perhaps the symbolism of the מצה⁴ - reflect our status as בני חורין, free men. If freedom is an accepted value during this short festival, this article attempts to identify the more general value placed upon freedom throughout the rest of the year. More specifically, this article will endeavour to examine the following questions:

What is the scope of the value of freedom and what is its place in the hierarchy of competing values?

Does freedom have an absolute or merely an instrumental value?

And what is the nature of said freedom?

To this end, this article will explore competing accounts of freedom and their relationship with a religious lifestyle. Broader discussions of the freedom of the will, free speech, freedom of expression and freedom in the political arena, lie outside the scope of this work and will only arise tangentially.

The article can perhaps best be thought of as being framed by the statement:

אל תקרא "חרות" אלא "חירות"
שאינו לך בן חורין אלא מי שעוסק בתלמוד תורה

Do not read engraved, but rather free; for only one who is engaged in Torah can be considered free.⁵

This statement will serve as a point of reference for each thinker or approach to illustrate how their explanation best interprets the phrase. In this way it is hoped that the reader will emerge with a clearer picture as to how the competing theories not only differ but also help to supplement and enrich each other.

The article is arranged into three distinct sections. It commences with an attempt to define the term 'freedom', drawing heavily upon Isaiah Berlin's distinction between negative and positive liberty. The middle section offers a brief analysis of both Biblical and Rabbinical outlooks on freedom and slavery, with a view towards ascertaining the value of freedom in classical texts and sources. The final section presents competing accounts of the nature of freedom within a religious framework and it is here that the reader encounters the various approaches of the Abarbanel, Rabbi Sacks and the author respectively. Major topics such as the politics of freedom, notions of consent and coercion in the Jewish legal system and the relationship between the state and the individual are debated along the way but always with a view back to the original questions. Finally, the reader is challenged in to re-visit the term 'freedom' and to reflect on whether it is indeed compatible with religion.

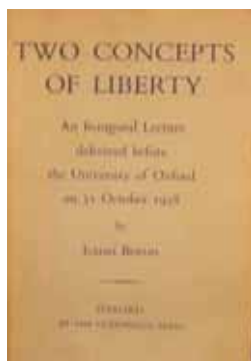
The Definition of Freedom

When attempting to offer a robust definition of the term 'freedom', it becomes apparent that this is no simple task. Freedom seems to fit the response of Augustine when asked to define time - "I know well enough what it is, provided that nobody asks me; but if I am asked what it is and try to explain, I am baffled."⁶ It remains easier to point to a person who is not free – in our society the prison inmate - than to one who is. Is a child free? Is an elderly person free? Freedom is often associated with similar concepts of liberty,

autonomy or choice but these seem to represent neither necessary nor sufficient conditions. A prison inmate may be granted certain autonomies but would not be regarded as free and Arendt points out that the mere ability to select from among arbitrary choices or pre-ordained paths does not represent freedom.⁷ More formally, we can be said to be interested in investigating the conditions needed to ascribe the truth values of 'True' or 'False' to the sentence 'x is free' or 'y is not free'. With that in mind, I turn to a critical distinction of Isaiah Berlin.

Two types of liberty

In a seminal essay first published in 1958, Isaiah Berlin differentiated between two different types of liberty – 'negative' liberty and 'positive' liberty.⁸



Title page of Berlin's lecture -1958

The contrast between the two can be thought of as the absence from external control versus a positive presence of self-mastery. One way of thinking about this dichotomy is along the external/internal fault line; negative liberty is about being free from other people whereas positive liberty is about being free from yourself. This would seem to indicate that negative liberty is a political concept and positive liberty a psychological one but the political sphere in truth is just as interested in the concept of positive liberty. Perhaps a more precise explanation would be to differentiate between being 'free from' and being 'free to'. Negative liberty is about being free from the wishes and whims of others whereas positive liberty is about being free to develop, determine and choose.

Negative liberty can thus be defined as follows:

In society S, G, where G can be an individual, institution or a group, possesses freedom if, and only if, it is not subject to the interferences and constraints of O, where O can be an external individual, institution or group.

Positive liberty on the other hand can be formalised as follows:

In society S, G, where G can be an individual, institution or a group, possesses freedom if, and only if, it has the ability for self-determination or self-realisation.

Here too, there are questions to be addressed. Are we not all subject at times to the control of others – be it family, teachers or bosses? Are we really free to do or be whatever we want? For the purposes of this paper however, this admittedly brief introduction to Berlin's definition of liberty will suffice. In particular, we should note that the question of the role of the state in promoting positive liberty is perhaps the central question to occupy post-enlightenment political philosophers; Rousseau advocates a maximalist state to promote positive liberty⁹ whereas Mill and the birth of liberal theories call for a minimalist state to ensure negative liberty alone and the protection of the rights of the individual.¹⁰

I would suggest that this could also shed further light upon the famed question of how to structure the tale of the exodus on Seder night according to the adage מתחיל בגנות ומסיים בשבח.¹¹

Although at first glance the freedom described on סדר night is overwhelmingly physical, there are in fact two opinions as to what constitutes the גנות and שבח of סיפור יציאת מצרים. The opinion of שמואל is that the emphasis must be on how the physical slavery of עבדים היינו resulted in the negative liberty of ויציאנו ה' אלקינו משם. The opinion of רב is that attention should be drawn to the rational freedom from a state of עובדי עבודה. זרה היו אבתנונו. The ריטב"א already points out,¹² *contra* אבודרהם, that there is no necessity to see these opinions as mutually exclusive and the argument could be limited as to which to grant primacy in terms of structural ordering. Thus, both themes of freedom can in fact be said to be prevalent on this evening.

Freedom and Slavery through the year

Having established a dual definition of freedom and demonstrated that both of these themes are present during the festival of פסח, it is now time to cast our vision to the remainder of the year. Is freedom generally regarded as a value? And if so, is it a value in and of itself or only as a means to something else?

A biblical analysis

The word חרות doesn't appear in the whole of תנ"ך and thus the scope for investigation about freedom from a biblical perspective appears limited.¹³ It is possible however to analyse its opposite theme, that of עבדות, which features heavily in many contexts. It is important to note that two recognised forms of עבדות exist in the literature; the Israelite slave (עבד עברי) and the gentile slave (עבד כנעני). For the purposes of this essay, I will restrict my analysis to the former case as my focus is upon ascertaining a possible clash between slavery and a religious life. I will thus not deal with the ethical question of the institutionalising of slavery which often arises in the context of עבד כנעני.¹⁴

Genesis – A sequence of curses

The first appearance of the root עבד in its use in servitude to man, rather than as an עבד אדמה, appears with the curse of כנען following his humiliation of his drunk father

ויאמר- ארור פנען- עבד עבדים- יהיה לאחיו
And he said 'cursed is Canaan a slave
he shall be to his brothers.¹⁵

The inference to be made is that a loss of liberty acts as a curse for man. Indeed, this links back to the original curse of Adam when exiled from the Garden of Eden

לעבד את-האדמה אשר-לקח משם
to work the ground he was taken from¹⁶

which also seems to indicate that man's job as an עבד אדמה is the actualisation of his cursed state, for he will now have to toil and sweat over the land in order to reap its produce.¹⁷

This theme is repeated yet again in the following chapter where קין is introduced as an עבד אדמה.¹⁸ The verses offer preciously little insight into the differences between קין והבל and thus the reason for the rejection of the offering of one of קין and the acceptance of הבל's. From the description of the verses alone and without adding detail about possible intentions or background

information which is not written, the only differences are their names, occupations and the content of their offerings. Whether or not קין is indeed rejected due to his occupation as an עבד אדמה as opposed to a shepherd like his brother is perhaps just conjecture and could be dismissed as an anti-capitalist reading, but what is undisputed is that the curse yet again revolves around the concept of being a slave to the land for little reward

כי תעבד את-האדמה, לא-תסר תת-כחה לך
when you work the ground it will no
longer yield unto her strength.

Hence, it is clear that there is a repetition of events in Genesis with a sequence where an עבד אדמה commits a sin and is punished with a curse of continuing to labour and slave over the land for little reward. A loss of liberty in Genesis can thus be thought of as a cursed lifestyle.

Exodus – A loss of liberty

The concept of slavery itself on the national level is introduced in Chapter 21 as the first rule in the legal code after the giving of the Torah. Its placement did not escape the attention of the מדרשים and the commentators:

כי תקנה עבד עברי. פתח במשפט [עבד]
עברי, לפי שהיו עבדים במצרים, ופדאם
הקדוש ברוך הוא ונתן להם חירות, לפיכך
צוה לישראל בראשונה שלא לשעבד
באחיהו בפרך ולא לשעבדו [לדורות], כי
אם עד השנה השביעית, שנאמר כי עבדי
הם אשר הוצאתי וגו' (ויקרא כה מב),
לפיכך פתח במשפט עבד עברי

When you acquire an Israelite slave. The verse opens with the Israelite slave because they were slaves in Egypt and G-d redeemed them and gave them freedom, therefore He first commanded to the Israelites not to subjugate their brother with harsh work or for generations but rather until the 7th year as it says 'for they are my slaves that I took them out of Egypt' (Lev. 25:42), therefore it opens with the Israelite slave.¹⁹

The מדרש draws attention to its primacy over any other legal detail and explains it as an attempt to

limit the state of slavery which negates the educational and theological messages of the Exodus.

ואין לאדם בעולם יותר קשה עליו מהיותו ברשות
אדם כמוהו, על כן החל משפט העבד

There is nothing worse in the world for a man than to be under the authority of another man like him, therefore it began with the laws of the slave²⁰

The אבן עזרא took a slightly more psychological approach by pointing to the fact that there is nothing more severe to man than his loss of liberty and hence its placement at the very introduction to the Judeo ethico-legal code. A loss of liberty in Exodus can thus be thought of as direct contradiction to a religious lifestyle.

A Rabbinic analysis

The halachic system places further strict restrictions upon the treatment of slaves during their service which render them more comparable to hired workers including:

- The sale should not take place in a denigrating or public manner²¹
- The slave cannot be set meaningless tasks devoid of benefit to the master²²
- The slave cannot be set lowly tasks but should be treated like a hired worker²³
- The slave must receive the same comfort as the master in terms of accommodation and the same quality of food for meals²⁴
- The master must financially provide for his wife and children during the duration of the service²⁵
- The slave is not sent out empty handed but is given a financial offering at the termination of service²⁶

These restrictions led to the wry statement that

כל הקונה עבד עברי כקונה אדון לעצמו
“one who acquires himself a slave has really
acquired for himself a master.”²⁷

A slave cannot be held indefinitely against his will and is criticised for voluntarily extending his service, such that his ear must be pierced for not heeding the call to liberty at Mount Sinai. The

singling out of this transgression piqued the interest of all of the commentators who note that this logic can be applied to any other iniquity in the same fashion but on some level this exception is an expression of the fact that liberty is perhaps regarded as the most basic need of all, without which the attempt to create the religious lifestyle legislated by the Torah is untenable.

A foundation value

Freedom itself then is not particularly lauded in classical sources. But the wealth of material in terms of its counterpart slavery is seemingly enough to illustrate that being free does seem to be a prerequisite for a life of religious servitude. Conceptually this makes perfect sense, for one who is in servitude to another cannot also focus upon being in servitude to a Divine being. This is reflected in the halachic system which only partially obligates certain commandments upon an עבד.²⁸ A tentative conclusion could thus be that freedom is only an instrumental value and its nature is that of negative liberty to be able to properly serve the Divine rather than another.²⁹ There has been nothing to suggest that the state of being free itself is valuable, only what it potentially brings about. In the hierarchy of values, the good and the ethical may take precedence over freedom. שאין לך בן חורין אלא מי שעוסק בתורה would thus have to be read as indicating that only one who has the ability to freely be עוסק בתורה away from the control of another can be considered a בן חורין.

Positive freedom

According to the above analysis, freedom plays an instrumental value in the sense of negative liberty. This final section attempts to identify what an account of positive freedom may look like from a religious perspective and whether one can be coherently drawn at all.

The freedom to serve

One approach is to assume that positive freedom is the ability to freely serve the Divine and submit oneself totally to Him. Although this may not sound like an account of freedom, it is in fact a great honour to be in the service of a mighty King as opposed to slaves of a lowly master of flesh and blood. The reason why negative liberty is a prerequisite is because עבדי הם ולא עבדים דעבדים and one cannot be

slaves to two masters.³⁰ This indeed was part of the purpose of the Exodus from the start, for משה was told prior to the start of redemption that תעבדון את האלקים על ההר הזה.³¹ Rousseau opens *The Social Contract* with the reflection that “man is born free yet found everywhere in chains”,³² but the very opposite is true in the formation of the Jewish nation. The Jewish people were born into slavery and were it not for Divine intervention הרי אנו ובנינו ובני בנינו משועבדים לפרעה במצרים. The purpose of the creation of the nation and the story of the Exodus is the transformation from slavery, to attaining negative liberty in redemption, to pursuing positive liberty in the service of the Divine as per the terms set out on Mount Sinai.

The festival of Pesach is therefore not to be viewed in isolation but rather as the start of a progressive fifty day journey

The festival of Pesach is therefore not to be viewed in isolation but rather as the start of a progressive fifty day journey which leads to the acceptance of a new Master; a journey which later emphasise with the institution of the counting of the Omer linking the two events.³³ It is now easy to understand the significance of the statement אל תקרי חרות אלא חרות, שאין לך בן אלא מי שעוסק בתורה which not surprisingly references the acceptance at Mount Sinai. The Abarbanel points out that it is only at this location that the Jewish people, having been freed in the negative sense a short time earlier from Egypt, now attain positive freedom by becoming His servants and property.³⁴ Positive freedom is thus the call of בטל – forfeit your will for His.³⁵

Forced to be free

Whilst this approach is certainly a valid reading of select texts and the Master-slave relationship one metaphor for our relationship with the Lord,³⁶ it is problematic both linguistically and politically. On the linguistic plane it seems like an exercise in Orwellian ‘double speak’ to celebrate חירותינו as a festival which results in further slavery rather than freedom. Politically it would presumably encounter the criticism of Berlin who predicted that positive liberty was always going to come at the expense of negative liberty.³⁷ He points out that the justification of any authoritarian or totalitarian is to create a hierarchy of rationality based on their knowledge of what is in the rational self-interest of their citizens better than

the uninformed citizens themselves, and thus create laws that can result in subjugation. Torture and oppression become legitimate tools to promote this ‘freedom’. Rousseau admits that sometimes people must be “forced to be free”³⁸ and Talmon expertly observes that “When a regime is by definition regarded as realising rights and freedoms, the citizen becomes deprived of any rights to complain that he is being deprived of his rights and liberties.”³⁹ The apparent coercive role of בית דין who were able to force the performance of the positive precepts seems to follow this pattern.⁴⁰ Even without stretching afield to the problematic nature of the forced acceptance of the Torah at Mount Sinai⁴¹ or the lack of consent to enter into the covenant on part of individuals seemingly born into obligation today,⁴² the very notion that a life of religious servitude, commitment and often restriction is actually an expression of positive freedom seems puzzling and highly questionable.

The politics of freedom

The approach of Rabbi Sacks is to take into account these dangers of the curtailment of freedom in the name of further liberty, but to also illustrate at the same time that absolute liberty will eventually lead to the same loss of rights. Following on from Plato’s famous attack on democracy, he notes that freedom does not allow one to do whatever one wants to do. Such a freedom would be meaningless because it denies the very notion of values, duties and responsibilities. Freedom in this manner must inevitably lead to chaos where the social order is overturned and then to tyranny as order is attempted to be re-imposed.⁴³ “Freedom for the pike means death to the minnows”⁴⁴ because the conception of freedom for one individual will soon come at the cost of the freedom of the other. It is such a freedom that Sacks conceives of the Jewish nation attaining in the Exodus and one he equates with negative liberty. It creates, he says, a society of free people but not a free society. It was only at Mount Sinai, when the people commit to accepting the terms of the covenant, that positive freedom is created, because only the law can prevent abuse, power and injury of the other. The law can grant rights to the oppressed, economic equality and mandate acts of social justice. It does not allow for the personal expression of the freedom of the individual but it does allow for a free and moral collective. It is inaccurate to say that we give up our freedom in order to become slaves to a Higher being but rather that the freedom of the individual is given up in order to ensure the freedom of the collective. The religious aspect is encapsulated by the fact that such

a social structuring of the collective is a mirroring of the 'Kingdom of Priests' that the Jewish people are called upon to become to reveal the Divine presence. אל תקרא "חרות" אלא "חירות" שאין לך בן is to be read as saying that it is only with the acceptance of the legal constitution instructing the people how to arrange its society, that true freedom for both the individual and the collective is guaranteed.

A religious social contract?

The approach of Sacks is certainly cogent but makes certain assumptions as to the primacy of the state or collective over the individual; an assumption accepted by many cultures from the Ancient Greeks⁴⁵ to modern day Communism but rejected out of hand by modern day libertarians⁴⁶. Moreover, the argument bears remarkable similarity to a secular theory known as the 'social contract'. There are many different proponents of the theory but the main commonality between the various versions is an attempt to explain why it is in the rational interest of the individual to surrender some of their rights to a central authority in return for certain protections of their rights, security or property.⁴⁷ It seems that there is still work to be done to provide a robust account of why such an arrangement of the collective is a religious imperative and why the same outcome of collective freedom cannot be achieved through any other political constitution than the Torah. It also seems surprising to suggest that the whole of the Revelation at Sinai was nothing more than an instruction at how to order a political society.

Freedom from within

A final approach then would be to revisit the definition of freedom surrounding internal and external freedom. Although many people appear to be free in terms of the fact that they are not subject to the control of another, in fact they are held prey to all sorts of addictions and habits as well as the expectations of their peers and society.

There are a number of both psychological and philosophical accounts as to how addictions curtail freedom. Human beings, as Freud observed, are not just able to adeptly deceive others but are best at the rationalisation of their own conduct through mechanisms such as repression, denial and projection.⁴⁸

On his analysis, we deny the warnings about the dangers of smoking or drinking to maintain the false illusion that we freely want to engage in these actions. Harry Frankfurt's breakdown of addictions relies upon distinguishing between first order and second desires.⁴⁹ A first order desire is what the agent wants to do i.e. smoke, but the second order desire is what the agent wants to do based upon rational reflection i.e. not smoke because of the causal connection between habitual smoking and poor health. This second order desire is one with which the agent *identifies* and reflects the true self. An agent acts freely when the desire on which they act, is one that the agent desires to be effective. An addict acts out of a desire which he does not want to act upon and hence does not act freely.

Contrastingly, a normal agent is free when they are *able* to make any of the first-order desires the one upon which they act. In terms of the freedom of the action, it is not important whether one does smoke as long as one could have willed to refrain from doing so.

In an era where technology has redefined the borders of a globalised universe, people are under more pressure than ever before to maintain their public image. Recent figures published in a Pew survey on social media usage amongst teenagers found that 40% admitted to feeling pressure to only post content online which made them appear good to others.⁵⁰ A public figure may have power but he certainly has no freedom in his actions watched by millions of prying cameras. The smartphone has increased accessibility and widened our choices but at the same time increased the pressure to forever respond to the latest comment of a peer or client. Conversations in all disciplines, be it science, philosophy or economics, take place within certain pre-defined boundaries where certain axioms cannot be questioned.

Perhaps it is here, that religion has a voice to be heard. Its countercultural nature and demanding interrogatives force a certain level of freedom upon its proponents. The majesty of the Sabbath can drive all thought of the client meeting out of the window; the heartfelt prayer can block out the noisy traffic rumbling by. A Jew, in the language of Rav Soloveitchik, is both a גר and a תושב, engaged with the world and yet consciously aware of his own identity and the

true taste of what is valuable in this world.⁵¹ “Judaism”, in the language of Rabbi Sacks, “is the revolutionary moment at which humanity refuses to accept the world that is”.⁵² It is simple to criticise and sneer from the outside but Judaism does not stop halfway and also challenges its followers to build, construct and improve. It values every question and creates a system of education where the student is meant to probe, analyse and argue. It is more interested in the inner image, the image made in G-d’s image, than in the public image. It demands catharsis in the emotional realm and is not content for man to be driven by his natural tendencies.⁵³

Note how this approach differs from those above. Freedom here is not a means to attaining the ability to become a Divine slave but rather the ability to express our true selves and not be subject to outside pressures or internal habits. In this way it does at times ‘force one to be free’ but only as a means to ensuring that freedom is found. It differs from the approach of Sacks in that it seeks an account of freedom for the individual and not the collective. It is thus compatible with modern libertarian views of individual rights. אל תקרא "חרות" אלא "הירות", – שאין לך בן חורין אלא מי שעוסק בתלמוד תורה the manual, the guide to life that is the Torah, will free one from inner inhibitions and allow one to truly be free. Indeed perhaps a better version for this account is the one found in מסכתות קטנות מסכת אבות דרבי נתן נוסחא א פרק ב which reads:

אל תקרי חרות אלא הירות שכל מי שעוסק בתורה
הרי הוא בן חורין לעצמו

for only one who is engaged in Torah
can be considered free for himself.

¹ The exploration of the theme of freedom was developed in a series of lectures by Rabbi Ezra Bick in his ‘Talking about God in the 21st century’ class at Yeshivat Har Etzion. Subsequent ideas are my own and any errors and shortcomings lie with the author.

² Babylonian Talmud, Pesachim, 108b

³ Ibid., 109b

⁴ According to the reason provided in Exodus 12:39

⁵ Misheh, Avot 6:2.

⁶ Augustine, Confessions [= Conf.], XI, 14 [translated by R. S. Pine-Coffin, New York, Penguin Books, 1961, 264.

Conclusion

So what is freedom in the positive sense? It is not merely the freedom to do whatever one wants to do. Freedom ultimately may be more related to integrity; to performing that which is right because it is right and not for any external honour or internal habit. It may be related to wholeness and the Maimonidean concept of all facets of the body working in harmony with each other according to their prescribed measure.⁵⁴ Religion offers the freedom to be truly free, not just in the political sense of respecting the rights of the other⁵⁵ but even on the individual level; not just for Men but for Man. It hands us the ability to be free from the expectations imposed upon us from the outside and even from our own internal voices. It challenges us to stand up to our moments of weakness and to pick ourselves up again after we fall. It demands that we constantly strive to improve, to grow and to attain more knowledge. A free man is not one who lives alone in a cave but one who is involved in society and can influence the world without being negatively influenced from it. It is one who is confident, self-sufficient and embraces responsibility rather than shirking it. It is one who does not act just because others do but rather because she thinks it is the worthwhile thing to do. איזהו בן חורין we might ask? Who is a free man? One who can draw from the world’s best without absorbing its worst.⁵⁶

Shmuel Ebert studied for two years at Yeshivat Har Etzion and is reading Philosophy at The London School of Economics and Political Science. He is the previous head of the LSJS Sixth Form Centre, the current Mazkir of Sinai Youth Movement and runs philosophical enquiries in schools across London for the Philosophy Foundation.

⁷ Arendt, Hannah. *The human condition*. University of Chicago Press, 2013.

⁸ Berlin, Isaiah. *Two Concepts of Liberty*, in I. Berlin, *Four Essays on Liberty*, London, Oxford University Press, 1969. New ed. in Berlin, 2002

⁹ Rousseau, *The Social Contract*, New York, Penguin, 2006

¹⁰ Mill, John Stuart. On liberty. Longmans, Green, Reader, and Dyer, 1869.

¹¹ Babylonian Talmud, Pesachim, 116a

¹² In his commentary to Pesachim, 116a

¹³ The Babylonian Talmud, Rosh Hashana, 9b, indicates that the word דרור is the biblical

equivalent of חרות. The 6 times that it appears in this context in תנ"ך all refer to the freeing of slaves and thus I choose to analyse the concept of slavery.

¹⁴ For further literature on this issue see Nahum Eliezer Rabinovitch, *The Edah Journal*, 3:1, Tevet 5763.

¹⁵ Genesis 9:25

¹⁶ Genesis 3:23

¹⁷ C.F. Genesis 2: 15 which man is placed within the Garden ולשמרה לעבדה.

18 Genesis, 4:2

19 Medresh Agada (Buber) Exodus 21 – section 2

20 Ibn Ezra Exodus (Long commentary) 21:2

21 Maimonides, Mishneh Torah, Avadim, 1:5

22 Ibid., 1:6

23 Ibid., 1:7

24 Ibid., 1:9

25 Ibid., 3:1

26 Ibid., 3:14

27 Ibid., 1:9

28 This reflects the understanding of the קידושין רמב"ן who thought that an עבד is פטור from certain מצוות like an אשה. C.F. רמב"ם איסורי ביאה. יב: יא

29 An instrumental value should not be thought synonymous with a non-important value. A car key only has instrumental value in terms of opening and locking the car door but it is an important item in terms of accessing the vehicle.

30 Babylonian Talmud, Baba Metzia, 7a

31 Exodus, 3:12.

32 Rousseau, *The Social Contract*, New York, Penguin, 2006

33 See also רמב"ן who views the period as having the status of an extended המועד

34 Abrabanel, Commentary to Deuteronomy 29:10. This was the answer he proposed to the problem of the binding nature of the covenant on future generations. See note 39

35 Mishneh, Avot 2:4

36 See amongst others Mishneh, Avot 1:3

37 Berlin, Isaiah. Two Concepts of Liberty, in I. Berlin, *Four Essays on Liberty*, London, Oxford University Press, 1969. New ed. in Berlin, 2002

38 Rousseau, *The Social Contract*, New York, Penguin, 2006

39 Talmon, J.L., *The Origins of Totalitarian Democracy*, New York, Prager, 1960, 35.

40 Babylonian Talmud, Ketuboth, 86a

41 Babylonian Talmud, Sabbath, 88a

42 A detailed account of the problem can be found in Jonathan Sacks, *Radical Then, Radical Now*, London, HarperPress, 2000.

43 See the criticism of democracy in R.E. Allen, trans. Plato. *The Republic*. New Haven, Yale University Press, 2006.

44 Tawney, R. H. *Equality*. London, George Allen and Unwin, 1952.

45 The ultimate expression perhaps the speech of Socrates in *the Crito* as to why he did not flee the state after the state had found him guilty.

46 For a comprehensive account of libertarianism see Robert, Nozick. *Anarchy, state and utopia*. New York, Basic books, 1974.

47 For a comprehensive summary of the social contract tradition see Jean, Hampton, *Hobbes and the social contract tradition*. Cambridge University Press, 1988.

48 Freud, Sigmund. *The neuro-psychoses of defence*. Read Books Ltd, 2014.

49 Frankfurt, Harry. *Freedom of the Will and the Concept of a Person*, in Watson (1982), ed., 81–95

50 Pew Research Center's Teen Relationships Survey, Feb.10 – Mar.16 2015

51 Besdin, Abraham R. *Reflections of the Rav: Lessons in Jewish Thought Adapted from the Lectures of Rabbi Joseph B. Soloveitchik*. Vol. 1. KTAV Publishing House, Inc., 1993. pp.169–177

52 Sacks, Jonathan, *Radical Then, Radical Now*, London, HarperPress, 2000, p.58

53 Soloveitchik, Joseph B. "Catharsis." *Tradition: A Journal of Orthodox Jewish Thought* 17, no. 2 (1978): 38-54.

54 Maimonides, *Mishneh Torah*, Deot, Chapter 4

55 Sacks, Jonathan, *Radical Then, Radical Now*, London, HarperPress, 2000, pp. 115-116

Pesach as a tutorial in empathy

JUDITH WEISZ

On Seder night our custom is to remove drops of wine from our cup on recital of each plague. The intention of this practice is to sensitize us to the suffering of the Egyptians who perished during the plagues. Even when the focus of the night is on our own joyous salvation and subsequent freedom, we remain aware of the fate of the enemy. It is true to say that this attitude which does not condone rejoicing in the downfall of others, exists strongly as part of our national identity today.

In the Talmud Bavli¹ we are told that G-d instructed the angels not to sing Shira at the time of the splitting of the sea:

מעשה ידיי טובעין בים ואתם אומרים שירה?
My creations are drowning at sea and you are saying Shira?!

The angels were barred from singing praise to G-d for the salvation of the Jewish nation because of the simultaneous tragedy in which the Egyptians drowned and perished.

The Shiblei Haleket², a medieval commentator by the name of R Tzidkaya Ben Avraham Anav HaRofei (b. 1230 - d. 1300), highlights a parallel between the drowning of the Egyptians and our recital of only half Hallel throughout the majority of the days of Pesach. He quotes from Mishlei³ saying

בנפול אויבך אל תשמח
Do not rejoice in the fall of your enemy.

Just as the angels of that time were cautioned from a demonstration of complete joy, we too limit our display of joy by saying only half Hallel on Pesach.

A clear question therefore emerges concerning the recitation of full Hallel on the first night and first day of Pesach (or first two days outside of Eretz Yisrael)? This practice seems to be inconsistent with the value described above. By saying full Hallel on the first day of Pesach, it appears that we are displaying a parochial and narrow-minded perspective, unconcerned with the fate of the Egyptians, rather than demonstrating the universal human-centric attitude described above. How can we reconcile this practice?

This is a well debated question and while it is not possible to consider it from all angles within this article⁴, it is important to note the chronological component of the discussion. After departing Egypt on what became the first day of Pesach, the Jews only reached the Sea of Reeds (Red Sea) on the seventh day. It was there that the miracle of the splitting of the sea occurred and at that point that the angels were given their directive not to sing Shira. This means that on the first day of Pesach the Egyptians had not yet perished at sea. Despite this clarification, the question still remains. Many Egyptians died prior to the incident at the Red Sea and if we are commemorating our salvation as a nation over Pesach, surely this concern for all of G-d's creations should come into play from the start of the Yom Tov?⁵

To begin to answer to our question, Rav Yosef Dov Soloveitchik (1820 - 1892) who authored the Beis Halevi helps us by highlighting the difference between the events that we commemorate on the first and seventh day of Pesach⁶. On the first day we focus on the exodus itself and the 10 plagues which featured so prominently in the lead up to the liberation. The plagues involved G-d invoking miracles to destroy the Egyptians, requiring a clear deviation from the order of the natural world. In contrast, the survival of the Jewish people through the plagues was not miraculous per se, G-d achieved this through 'simply' upholding the natural order on their behalf whilst the plagues wreaked havoc solely for the Egyptian population.

In other words, in Egypt G-d struck the Egyptians through miracles and saved the Jews through the maintenance of the natural order.

However at the splitting of the sea on the seventh day, the opposite occurred for the first time. At the sea, the Egyptians died naturally, drowning in water, whereas it was the Jews who were saved by G-d's active miraculous intervention, involving a change in the laws of nature by splitting the sea. Therefore, whilst on the first day of Pesach our focus is on the destruction of our enemies by miraculous means, on the seventh day of Pesach we focus on the deliverance of the Jewish people through miraculous means.

The Beis Halevi takes this idea further by explaining that whilst the plagues that struck the Egyptians engender awe and fear of G-d, the splitting of the sea teaches us love of G-d. At the splitting of the sea G-d changed the rules of nature and saved us through a remarkable miracle; we were recipients of His infinite love for us. Therefore, this event became a catalyst for us to develop our love for Him. Through feeling God's love for us, we are prompted to love Him in kind.

Mishlei has a famous proverb⁷ 'כַּמֵּיִם הַפְּנִיִּים לַפְּנִיִּים כֵּן לִבְהֵאָדָם לֵאָדָם'. As water reflects a face, so too the heart of one man reflects another. If I feel love from another human being, my heart will be filled with love for them. In the same way, if I feel G-d's love, my heart will be filled with love for Him. As a consequence of the love we have for God, we begin to understand and see the world from God's point of view, which means having an appreciation of the fact that every single human being is made in His image. If they are hurt, G-d cares and therefore (as an extension of the love I have for God) I care too.

From a parochial position of self-interest, the miraculous destruction of the Egyptians does not mar my celebration. However, when I begin to see the world as G-d 'sees' it, a level achieved through loving G-d, then I focus on the knowledge that to God, all life is precious.

Perhaps this now helps us to understand why the saying of half Hallel does not apply to the first day of Pesach. Day 1 represents the perspective of awe and fear of G-d and Day 7 connects us to love of G-d. Fear of God does not necessarily provide a platform for us to see beyond ourselves. When one graduates to a love of G-d, one moves away from one's own personal gain or loss and learns to see the world through the eyes of the Other, the Beloved. Learning to love G-d enables me to see the world through His 'eyes'.

¹ Babylonian Talmud Megilla 10b

² Shiblei HaLeket Rosh Chodesh 174

³ Proverbs 24:17

⁴ This article is drawn on ideas presented by Rabbi Yitzchak Breitowitz in a shiur presented in 2015 at the OU Center in Jerusalem and with his permission. Formerly a Rabbi in Silver Spring, Maryland, Rabbi Breitowitz currently lives in Jerusalem where he is well-known Rav and teacher par excellence. He has a reputation for bringing true mastery to his shiurim, appealing to listeners across the spectrum and sharing Torah wisdom partnered with deeply pragmatic insights into the human condition.

⁵ We begin saying half Hallel already from Chol Hamoed and do not wait until the seventh day which would be

This is the true value of a relationship. We find a similar idea in reference to the relationship between a husband and wife. When I am challenged by another person's perspective, it forces me to rethink my position and consider that of the other. Similarly on an emotional level, a relationship of love means putting oneself in the other person's shoes, attempting to see the world through their eyes. In Bereishit⁸ we learn that G-d gave Adam an עֵזֶר כְּגֹדֶד⁷ which literally means 'a helper against him'. Is a spouse intended as an opposition or a helpmate? Hassidic commentators explain that the help a spouse can offer is precisely in that they look at life from a different or even 'opposite' perspective.

Pirkei Avot⁹ states חֲבִיב אָדָם שֶׁנִּבְרָא בְצַלְמֵי אֱלֹהִים 'beloved is man who is created in G-d's image'. Every soul is precious and if people are destroyed, this should be accompanied with sadness and regret, even if it is necessary. It is reasonable that this might be a difficult principle to aspire to with regards to our enemies. However, this sentiment is achievable as part of a process. Our goal for Pesach is to use the week-long festival to graduate from awe of G-d's might to a feeling of His love for us. In turn we hope to strengthen our love for Him, enabling us to see the world and its people through more G-dly eyes. If this is the aspiration for our enemies, image what level of empathy we are expected to develop for our friends. In fact, how different would all our relationships be if we were able to look at other people the way G-d does?

Judith Weisz graduated from UCL with a BSc in Speech and Language Therapy and gained an MSc in Family Therapy from University of London (Birkbeck). She currently lives and works in Jerusalem.

consistent with the chronology described above. The Taz (the Turei Zahav) a post-medieval commentator by the name of R' David Halevi Segal (b. 1586 d. 1667) explains that the only reason for us doing this is because it is not fitting for Chol Hamoed to have more fulsome Hallel than Yom Tov itself. Interestingly, the implication of his view is therefore that we would otherwise continue to say full Hallel until the seventh day of Pesach.

⁶ Beit HaLevi Parashat Beshalach

⁷ Proverbs 27:19

⁸ Genesis 2:19

⁹ Chapters of the Sages 3:14

Insights into Maggid

PNINA SAVERY

As the Festival of Freedom comes closer, we toil and work hard to clean our houses of *chametz* and prepare ourselves for the *Sedarim*. Whilst the cleaning and the intricate halakhic details of the food we eat for the eight-day festival are undoubtedly of major importance, the *Sedarim* themselves are hugely significant. Often, we spend so much energy preparing for the festival that, when we come to sit at our painstakingly prepared beautiful Seder table, we are exhausted and cannot focus on the true meaning behind the words and rituals that we go through. We must ask ourselves, what is the true meaning behind the Seder?

This article will focus on the Maggid component of the Hagadda – the section where we fulfil the Biblical obligation of “Ve’higadta le’binkha”¹ which is loosely translated as the duty to remember the exodus from Egypt by telling our children what happened. When looking at the Maggid section of the Hagadda, you may notice that it is made up of a variety of readings that are not obviously connected with the exodus. Surely, the best way to tell the story would be to read the parts in Sefer Shemot that describe Moshe arriving to help the enslaved Israelites, then follow the narrative to discuss the Ten Plagues, the exodus and the splitting of the sea? But this is not the format that we follow. Not only that, but the Maggid section starts chronologically well before the enslavement begins and ends long after the exodus from Egypt. We will now go through the main sections of Maggid and address the purpose of each section.

The Maggid section starts after the Mah Nishtana, the four questions, which are included as a way to encourage children to be involved in the seder. The Mishna in Mesekhet Pesachim² gives some instructions as to the format in which the exodus story should be told: “Mathilim bi’gnut u’mesaymim be’shevakh” – “We begin with a derogatory comment and conclude with praise”. There is a debate in the Gemara as to what exactly this “derogatory” comment should be. Rav states that it should be “Mi’thila ovdei avoda zara” – “at first our ancestors were idol worshippers”. Shmuel disagrees and argues that it should be “Avadim hayinu” – “we were once slaves”. Rabbi Leibtag³ explains that this dispute relates to a more fundamental question regarding the commencement

of the story of the exodus. Does it begin with our idol worshipping forefathers (according to Rav) or from our slavery in Egypt (according to Shmuel)? Maggid opens with the passage “Avadim hayinu” – “we were once slaves”. It appears that we are following the opinion of Shmuel and beginning our story from the start of the slavery. However, when reading this paragraph closely, we see that actually it is not simply acting as the start of the story of the exodus. Rather, it answers the questions just asked in Mah Nishtana of “Why is this night different from all other nights?” We explain **why** we are obligated to tell the story – because if G-d had not rescued us we would still be slaves today. Then we explain **who** is obligated to tell the story – not just children (which we could misunderstand due to the Biblical text stating “tell your children”) but everyone, even those greatly learned in Torah. The Hagadda continues to tell a story of five great Torah scholars who, despite knowing the story in great detail already, stayed up all night discussing the exodus. This is to prove the point that everyone is obligated to tell the story. Therefore, we can see that before we begin telling the actual story, the Maggid sections takes time to discuss the various details of our obligation to ensure that everyone does it correctly.

In fact, we only seem to begin to tell the story later on with the passage that starts “Mi’thila ovdei avoda zara” – “at first our ancestors were idol worshippers”. We follow the opinion of Rav, and begin with the story of our forefather Avraham growing up in a family of idolaters. Whilst this certainly fulfils the Mishna’s instruction of beginning the story with a derogatory statement, this is not the only purpose for this statement. If we look at the entire sentence we can see an added meaning: “in the beginning our ancestors were idol worshippers, but now G-d has brought us near to serve Him”. G-d chose the Jewish people for a purpose, in order that we should serve Him. The Hagadda continues to quote a passage from Sefer Yehoshua⁴ where Yehoshua speaks to all of the Jewish people and reminds them of their history, pointing out that G-d chose Avraham in order that his descendants should worship G-d and keep His covenant.⁵ Therefore, this section does not quite begin the story, but it provides an important background: explaining that G-d originally chose

Avraham in order that he would become the father of a nation that will serve Him.

The following passage, beginning “Barukh shomer havtahto” is praise of G-d for keeping His promise to Avraham made at the Brit Bein Ha’btarim (covenant between the parts) that his descendants will be oppressed strangers in a foreign land for many years, but then G-d will redeem them and they shall leave in great wealth⁶. Once again, this does not actually refer to the story of the exodus, but is giving a further reason behind it. G-d planned to send the Jewish people into slavery in order that through the experience of both slavery and freedom we could form into a nation. We continue with the recitation of “Ve’hee she’amda”, an important statement that it was this promise of the Brit Bein Ha’btarim that has protected us from our enemies in every generation since Avraham. This statement is so important that we lift our wine glasses as we say it. The covenant with Avraham was not a one-time promise and the exodus from Egypt was not a one-time redemption – rather it is to be viewed as the start of an on-going historical process in which G-d sees the Jewish people as His special nation who He will redeem and protect time and time again.

After these passages of introduction, we finally come to the story of the exodus. Here is where we would expect the verses from Sefer Shemot describing what actually happened. Instead, we have four verses from Sefer Devarim which are elaborated on word by word through a number of midrashic texts. This section begins with “Arami oved avi” and continues all the way to the Ten Plagues. This is actually the format the Mishna in Masekhet Pesahim tells us to use for the telling of the story on Seder night. Yet, we can still ask the question: what is significant about these verses in Devarim that we use them here to fulfil our Biblical obligation of telling the story of the exodus?

The quoted verses are from Devarim 26:5-8, which forms part of the first fruits Bikkurim ceremony. During Temple times, there was an obligation to present to the Kohen the “first fruits” grown in a person’s land each year. These verses that we read at the seder comprise the declaration that needs to be stated at the time of the presentation of the first fruits. The declaration briefly outlines Jewish history, how the people were oppressed slaves in Egypt before being redeemed by G-d and brought to the land of Israel, a land flowing with milk and honey. This yearly ritual symbolised an awareness that everything a man has comes from G-d. In this manner, the Jew praises and thanks G-d for keeping His side of the covenant made to Avraham all those years ago at the Brit Bein Ha’btarim, and declares

his own commitment to serving Hashem in return. The Hagadda uses these verses to tell the story of the exodus.⁷

G-d did not only take the Jewish people out of Egypt in order that we should serve Him. He took us out of Egypt in order that we should serve Him in the Promised Land that He would give to us. Unfortunately, the Bikkurim ceremony cannot take place when we are living outside of Israel and when we do not have a Temple. But the significance of the inclusion of this passage to tell the story on seder night is clear – we are not only meant to serve Hashem, but do to so in the land which was promised to us.



Depiction of bikkurim being brought⁸

This message is strengthened by the section “Dayeinu” – “It would have been enough” which follows the discussion of the Ten Plagues. This poem forms the “praise” section that the earlier quoted Mishna instructed us to include at the end of the Maggid section. The common question asked here is “how can we say that ‘It would have been enough’ even if G-d had not given us the Torah?” and so on. The answer is that we are not saying that, rather we are stating that at each stage “this alone would have been enough to praise G-d for what He did for us”.

Firstly, this teaches an important lesson that we should be grateful for every kindness we receive, for every small step in a larger process still needs thanksgiving. Secondly, the song ends with the entrance into the Land of Israel and building of the Temple. This shows that the entire process of redemption was only complete once we were living in Israel with a Temple in which to serve G-d. In exactly the same way that the Bikkurim declaration shows the significance of Israel and the Temple, Dayeinu does too. The ultimate purpose of redemption from Egypt was to reach the land of Israel, the only place in which the Jews can truly serve G-d properly. Furthermore, Dayeinu speaks

of 15 stages of redemption which corresponds to the 15 steps leading to the Temple – once again focusing on the crucial importance of the Temple in Yerushalayim.

This year, when we are sitting at our Sedarim, let us reflect on the importance of the covenant G-d made with our forefather Avraham and on the entire process of redemption from Egypt that finished only once we were living safely in our own land. Whilst we are blessed to be able to live in the Land of Israel today, we still await the final redemption which will enable us to live there in

¹ Shemot 13:8

² Pesachim 116a

³ See <http://www.tanach.org/pesach.htm>

⁴ Yehoshua 24:2-4

⁵ Note that this is not all included in the Hagadda, but if you look at the continuation of Yehoshua Chapter 24 it is clear from the context what the purpose of the earlier verses is. It is likely that when this passage of the Hagadda was first composed, it was assumed that the readers would be well versed in Tanach and would know the continuation of this chapter without it all needing to be quoted.

⁶ Bereishit 15:13-18

peace and allow us to serve G-d once more in the rebuilt Temple. As we say at the end of the our Sedarim, “l’shana ha’ba’a be’Yerushalayim hab’nuya” – next year in a rebuilt Jerusalem.⁹

Pnina Savery studied in Midreshet Rachel v'Chaya and gives a monthly alumni shiur. She graduated from the two-year Advanced Tanach Program at Matan in Jerusalem and is completing her Masters in Jewish History from Hebrew University. She currently teaches English and History at Menorah High School.

⁷ However, the Hagadda stops before the end of the declaration which talks about being taken to the land of Israel as this does not directly relate to the exodus. Look at Devarim 26:9-10 for these final verses. Despite not being directly quoted in the Hagadda, once again the inferred meaning from the context of the quoted verses is clear.

⁸Image sourced from

https://www.liveauctioneers.com/item/20184794_b_ringing-bikkurim-to-the-holy-temple-17-18th-century

Chag Pesach Kasher v'Samayach

Many thanks to the Alei Tzion family
for their warmth and hospitality
over the last year.

Wishing you a Chag Sameach.
David, Tehilla & Roni Lewin

Chag Pesach Kasher v'Samayach

Chag Pesach Kasher v'Samayach

Greetings from Family Gedalla

Chag Pesach Kasher v'Samayach

An overview of the Judges in Tanach

MICHALI BELOVSKI

The first place in Tanach that we are told about judges is in Parshat Yitro. Yitro sees that Moshe is sitting all day judging disputes amongst the Jewish people, and advises his son-in-law to appoint other judges to assist him. He tells Moshe

וְאַתָּה תִּחְזֶה מִכָּל-הָעָם אֲנָשִׁי
 סִלְ יִרְאֵי אֱלֹקִים, אֲנָשִׁי אֱמֶת--שְׂנְאֵי כָצַע;
 וְשֹׂמְתֵי עֲלֵהֶם, שְׂרֵי אֲלָפִים-- שְׂרֵי מֵאוֹת
 שְׂרֵי חֲמִשִּׁים-- וְשְׂרֵי עֶשְׂרֵת

And you shall discern from among the entire people, men of accomplishment, God-fearing people, men of truth, people who despise money, and you shall appoint them leaders of thousands, leaders of hundreds, leaders of fifties, and leaders of tens.”¹

Rashi² comments that *ve'ata teheze* – you shall discern - means with the *ruah hakodesh* that Moshe has, he should select *anshei hayil*, men of valour; rich men who will not need flattery or recognition. The Ramban³ says that *anshei hayil* refers to wise men who are well-versed in war and have much alacrity. Rashi continues saying that Moshe should appoint *anshei emet*, men of truth; reliable men who will be listened to, *son'ei batsa*, men who hate unjust gain; those who hate money in the justice system, so they won't take bribes. The Kli Yakar⁴ comments further that the judges Moshe appoints should also be humble.

It is easy to see why wise, humble, rich, reliable men would make good judges, but why men of alacrity who are well-versed in war? Perhaps it is because a Jewish judge is not just a judge, he is an example to and leader of the Jewish people, as we see from the judges in Sefer Shoftim.

In Sefer Devarim, the Jewish people are commended to appoint judges:

שֹׁפְטִים וְשֹׁטְרִים-- תִּתֵּן לָךְ-- בְּכָל שְׁעָרֶיךָ-- אֲשֶׁר ה' אֱלֹקֶיךָ-- נָתַן לָךְ
 לְשִׁבְטֶיךָ וְשֹׁפְטֵי-- אֶת-הָעָם-- מִשֹּׁפֵט צֶדֶק. לֹא תִטֶּה-- מִשֹּׁפֵט לֹא
 תִּכְבֵּר פָּנִים-- וְלֹא תִקַּח שֹׁחַד-- כִּי הַשָּׁחַד יַעֲוֶר-- עֵינֵי חֲכָמִים-- וְיִסְלַף
 דְּבָרֵי צְדִיקִים. צֶדֶק צֶדֶק-- תִּרְדֹּף-- לִמְעַן תַּחֲיֶה
 וִירִשֶׁת אֶת-הָאָרֶץ אֲשֶׁר ה' אֱלֹקֶיךָ נָתַן לָךְ.

Judges and officers shall you appoint in all your cities – which HaShem, your God, gives you – for your tribes; and they shall

judge the people with righteous judgment. You shall not pervert judgment you shall not respect someone's presence, and you shall not accept a bribe, for the bribe will blind the eyes of the wise and make just words crooked. Righteousness, righteousness shall you pursue, so that you will live and possess the Land that Hashem, your God, gives you.

The qualities of a judge described here are the same as the ones Yitro described – *takir panim* is one of the ways Rashi explains *anshei hayil*, they both eschew accepting bribes and they both stress that the system should be a just one – *son'ei batsa* in the case of Yitro, and “צדק צדק – תרדף” – justice justice you shall pursue” here in Parshat Shoftim. The double language of צדק צדק – תרדף also implies the active pursuit of justice, rather than waiting for court cases to come to the judge. The Ramban⁵ also observes that this implies that not only must a judge judge justly, the layman must constantly endeavour to find a just *beit din*. Here the added element of inheriting the land comes into play. Rashi⁶ asserts that appointing righteous judges is so meritorious that it will serve as credit to keep Bnei Yisrael alive and settle them in the Land of Israel.

In Sefer Shoftim, several shoftim are discussed. The first shofet is Ehud ben Geira, who is left-handed.⁷ This works as an advantage to him as a leader of the Jewish people, as he wears his sword on the right-hand side, so that when he goes to kill Eglon the king of Moav, he is not suspected, because far as they can see, he has no weapon.⁸ His left-handedness gives him the ability to combine the strength of his left hand with the achievement of the right.⁹



Depiction of Ehud ben Geira killing Eglon by F.M. Brown

After Ehud comes Shamgar ben Anat, who continues the fight with the Pelishtim, and then

comes Devora. Aside from her uniqueness as the only female *shofet*, she was a *nevia*,¹⁰ a prophetess, a quality not shared by most of the other judges. In fact, she is the only *shofet* to be explicitly called a *navi*. In *shirat Devora*, the song of Devora, she also refers to herself as an *eim b'Yisrael*,¹¹ a mother in Israel. The Metsudat David¹² explains that as a mother guides her children to the correct path, so Devora directs the Jewish people on the correct path. She also sits under a palm tree and judges disputes between “Jews and non-Jews, between men, between women, between servants and between maidservants.”¹³ In other words, whoever comes to her with a dispute, she would solve it for them.



Depiction of Devora by G.Dore

Next is Gidon, who is described as a *gibor hayil*, a mighty man of valour. Multiple commentaries¹⁴ interpret this as great physical strength. This is obviously an advantage in a leader who not only guides the people but also fights wars.

Then comes Tola ben Pua, about whom we know little, then Yair HaGil'adi. He, as well as Avdan ben Hillel, who appears later, had sons who *rohev al ayarim*¹⁵, ride upon ass colts. The Metsudat David¹⁶ comments that this is a sign of importance. In both a leader and judge, this is an important quality, as they have to be well-known and respected in the community in order to fulfil their duties correctly.

After Yair HaGil'adi comes Yiftah HaGil'adi. He is also described as *gibor hayil*,¹⁷ which presumably implies great physical strength here too. He also “has *ruah Hashem* on him,”¹⁸ which Mosaf Rashi¹⁹ interprets as a will or desire, rather than *nevua*, prophecy, based on a Rashi in Divrei Hayamim I. Metsudat David²⁰ says it is a spirit of strength and courage from Hashem. Both of these interpretations are essential abilities of a *shofet*. Motivation is necessary to carry out unpleasant

judgements and decrees, and strength and courage are too, as well as for war.

Shimshon arrives next, and he is a *nazir*.²¹ He also periodically has *ruah Hashem*,²² the spirit of Hashem. Targum Yonatan²³ translates this as *ruah gevura*, a spirit of strength, and Metsudat David²⁴ expands on this to say that it is in order to perform wonders. It is obvious why physical strength is an important quality in a warrior leader, but in the story of Shimshon, it is both his strength and his downfall. He manages to kill many Pelishtim, but in the end his wife finds out the “secret” of his strength and cuts his hair. His strength leaves him and he is unable to fight off the Pelishtim, who tie him up, blind him and imprison him. Shimshon then calls out to Hashem to give him one last burst of strength, which he uses to break down the pillars holding up the roof and bring down the ceiling, killing himself, but also more Pelishtim than he had killed in the entire rest of his life.²⁵ Shimshon is also very cunning. He sets a riddle for 30 Pelishti men which they were unable to solve and the upshot is that he killed them.

The last *shofet* is Eli. He is a *kohen*,²⁶ according to Midrash Shmuel,²⁷ even the *kohen gadol*, which is different from the other *shoftim*, and perhaps gives him an added advantage as a leader of the Jewish people, as he is well known and a leader in another capacity than *shofet*. King Shaul followed him, commencing the era of the kings.

From Sefer Shoftim, we see varied qualities for judges include: left-handedness, or at least the element of surprise and lateral thinking; *nevua*; an ability to guide the Jewish people on the right path, the essential ability to judge disputes justly; physical strength; authority; motivation; courage; *nezirut* and cunningness.

Qualities for judges include... lateral thinking, nevua, an ability to guide the Jewish people on the right path.....strength, authority, motivation, courage and cunning

Obviously, not all the *shoftim* had all these qualities, but since we are not told much about the attributes of the *shoftim*, we can assume that what we are told is important.

This list of qualities leads us to believe that although the *shoftim* in Sefer Shoftim have the same descriptor – *shofet* – as the *shofet* of the Torah, their role is different. It is not just to judge disputes fairly and pursue justice, it is also to lead

the Jewish people, and in the days of the earlier *shoftim*, to fight wars to conquer the land.

Michali Belovski is an alumna of Menorah High and MMY. She is currently studying Biomedical Engineering at City University.

¹ Exodus 18:21

² Rashi Ibid

³ Ramban Ibid

⁴ Kli Yakar Ibid

⁵ Deuteronomy 17:20 Ramban

⁶ Rashi Ibid

⁷ Judges 3:15

⁸ Metsudat David Ibid

⁹ Yigal Ariel Oz VeAnava

¹⁰ Judges 4:4

¹¹ Judges 5:7

¹² Metsudat David Ibid

¹³ Eliyahu Raba 89

¹⁴ Rashi 6:12, Metsudat Tsion Ibid, Radak Ibid

¹⁵ Judges 10:4

¹⁶ Metsudat David Ibid

¹⁷ Judges 11:1

¹⁸ Judges 11:29

¹⁹ Musaf Rashi Ibid

²⁰ Metsudat David Ibid

²¹ Judges 13:5

²² Judges 13:25

²³ Targum Yonatan Ibid

²⁴ Metsudat David Ibid

²⁵ Judges 16:19-30

²⁶ Samuel 1 1:9

²⁷ Midrash Shmuel 1:9

Chag Pesach Kasher v'Samayach

Wishing the
entire
community
a meaningful
Pesach

Chag Pesach Kasher v'Samayach

Review: *The Koren Yom Haatzmaut Machzor*

RABBI DANIEL ROSELAAR

Yom Haatzmaut has always suffered from a lack of religious identity. Firstly, its very status as a religious holiday is the subject of vociferous debate. Obviously those who are ambivalent or antagonistic towards the whole notion of Medinat Yisrael will maintain that Yom Haatzmaut has no religious significance whatsoever. But even those who are passionate Zionists might also maintain that for a variety of halachic considerations, a nationalistic independence day cannot be defined as a religious holiday. Secondly, even if we accept the view, widely held in Religious-Zionist circles and beyond, that the State of Israel and Yom Haatzmaut merit the definition of a religious festival of some nature, it is not clear how that should manifest itself and there is certainly no uniform consensus regarding how it should be observed.



Ben Gurion announces Israel's independence 1948

I remember that during my teenage years the detractors of Yom Haatzmaut would poke fun at the fact that the *seder tefillah* and associated observances seemed something of a hotchpotch with different communities doing different things and with changes and revisions from year to year. In retrospect we should have all realised that this was to be expected. Medinat Yisrael was barely thirty years old at the time which in Jewish liturgical terms is a fairly short span of time. It is true that the Talmud tells us that the observances for Chanukah were formalised just one year after the occurrence of the miracle, but that was in the Temple era when the Sanhedrin was still functioning and the religious leadership had the

authority to enact the legislation that made Chanukah part of the religious calendar. So whilst we might have hoped that all Jewish communities would be observing Yom Haatzmaut in the same way, it was probably an unrealistic aspiration for such a short period of time. Medinat Yisrael is now nearing the end of its seventh decade and now that much of the dust has settled and the State of Israel is a well-established reality it might be more reasonable for us to expect that a degree of uniformity can be achieved and one imagines that this is one of the motivating factors behind the Yom Haatzmaut Machzor (or *Mahzor*) published by Koren last year. I fear however that the current realities of the Jewish world mean that it is still nigh impossible to really produce such a machzor because there is still no consensus on a host of halachic issues. If the observances of Yom Haatzmaut were an unformulated hotchpotch thirty-five years ago, they have now become a formulated hotchpotch!

Classical machzorim clearly show the worshipper which prayers should be recited. Occasionally alternative texts for short passages might be presented (e.g. והאופנים וחיות הקודש versus והחיות ישוררו on the Yamim Noraim) and sometimes there might be a note that certain prayers are included or omitted in some congregations. But such variations tend to be the exception rather than the rule and the machzor should generally be an “Order of Service” rather than a “Compendium of Prayers.”

Previously machzorim were published for specific communities and they reflected the minhagim and liturgies of those communities. Their publishers presumably expected those with different minhagim to buy their prayer books from a different source. This has changed significantly in the past thirty years or so. Nowadays, for a host of understandable reasons and in a move started by Artscroll in the 1980s, machzorim are produced to cater for a range of communities with somewhat diverse minhagim and they often present a range of alternatives within the one volume. This has been taken to an extreme in the current volume. To compound the ambiguity about whether *Al Hanisim* should be recited at all on Yom Haatzmaut, no less

than seven alternative versions are presented in this machzor! Predictably, there is a similar lack of clarity about what version of Hallel should be recited, whether it should be recited at night as well as in the morning, and whether or not a bracha should be recited.

These comments should not be construed as a criticism of the machzor under review. They are presented simply to illustrate the complexity of the task that was undertaken by Koren. Had the machzor been definitive and prescriptive in its content and instructions it would have limited its appeal to those who have committed themselves to that particular minhag. For example, if the rubrics had been unequivocal that Hallel should be recited with a bracha in the evening I would not have wanted to authorise such a machzor for use in my own shul. In fact, considering the lack of consensus on many of the halachic issues relating to Yom Haatzmaut, as a shul Rabbi I prefer not to have a volume that is tightly prescriptive about what should be done and the range of options that this machzor presents allows me to make my own decisions in the context of my own particular community. Furthermore, the flexibility presented allows it to have a much wider appeal than would otherwise be the case. There is still no unanimity regarding what form the liturgy of Yom Haatzmaut should take and even if the non-Zionist poskim are discounted in this context, there is still much debate even within the Religious-Zionist community and its halachic leadership about what should or should not be included. Consequently, even though one would still ideally aspire to a “traditional” machzor, Koren’s failure to produce one is more a reflection on the still-evolving nature of Yom Haatzmaut and diverse range of views that exist regarding how the day should be observed.

Once I came to terms with the above-stated reality I quickly realised that despite its unavoidable limitations, this machzor is an inspirational work and a very welcome companion for Yom Haatzmaut and Yom Yerushalayim. Like the Koren-Sacks machzorim for the established Chagim, this volume also is divided into two parts. One part serves as a machzor with an accompanying commentary penned (in the main) by Rabbi Moshe Taragin, whilst the other part is a collection of essays on themes associated with Yom Haatzmaut. And whilst the range of liturgical options might be somewhat confusing for the worshipper, they are fascinating for anyone who is interested in tracing and charting the development of religious responses to the establishment of the State of Israel. The halachic notes accompanying these texts, as well as the halachic notes

accompanying Hallel, Keri'at Hatorah, the haftarah and the bracha of *She'he'cheyanu* are very valuable and allow the reader to appreciate the halachic considerations that are under discussion as well as the range of views that have been expressed on each of these particular matters.

The halachic notes... allow the reader to appreciate the halachic considerations under discussion

The running commentary on the prayers is particularly edifying in that it shows how *Eretz Yisrael*-centric the siddur is and Rabbi Taragin has masterfully managed to link, without stretching the limits of our credulity, almost every passage in the tefillah with the Land of Israel. In some instances, such as the description of God as אֱלֹהֵינוּ the association is obvious, but in other cases it needs to be teased out of the text. Three such examples will suffice:

Firstly, commenting on the phrase *בּוֹרְאֵנוּ בְּמַלְאכָתוֹ* in the Shema he discusses the inherent value of the Hebrew language and cites both Rashi and Rambam to the effect that “speaking Hebrew is actually considered a halachic mitzva and not just a cultural value”.

Secondly, the second bracha before the morning Shema states “You have loved us with great love, etc.” The commentary discusses the requirement for Jews to love God and how it is equally vital in Israel and in the diaspora, but also notes that “life in Israel more easily facilitates love, since we more readily understand the divine plan in history and view ourselves as partners to HaKadosh Barukh Hu in shaping that history.”

Thirdly, the weekday Kriat Hatorah ceremony doesn’t automatically make one think about *Eretz Yisrael*. But the commentary points out that soon after the Israelites crossed the Yarden into the Land of Israel Yehoshua inscribed the Torah on giant stones at Gilgal, and when Ezra led the people back to Israel after the first exile he publicly read the Torah to them on the first Rosh Hashanah. Thus we see that a public ceremony reminding the people of their association with the Torah is a critical introduction to the Land of Israel. Rabbi Taragin notes that “the great renaissance of personal Torah study in our generation is both a function of our return to the land and a basis for our return. We await the public ceremony of Torah which will undoubtedly accompany our final redemption.”

The essay section of the machzor is clearly not intended to be light reading during quiet moments in shul on Yom Haatzamut, though some of the essays are short and easy to read. A full review of all the essays in the volume is well beyond the scope of this article, but I found several of them to be of particular interest and worthy of reference in this context.

Dr. Erica Brown (Yom Haatzmaut: Personal Reflections on Diaspora Observance) makes some of the observations already made in the first part of this article regarding the unstructured nature of Yom Haatzmaut observances and describes how they are accentuated in the diaspora because of the obvious tensions that exist when one tries to celebrate the independence of a country somewhere abroad.

She notes that whilst there are certain obvious ways of celebrating the nationalistic dimension of the occasion for those living in Israel (e.g. the Israel Prize ceremony and opening IDF bases to the public) it is hard to replicate them appropriately outside of Israel.

I would add to this that the difficulty is compounded due to the multi-ethnic nature of Israeli society. Because modern Israel is such a melting-pot of different cultures it is hard to identify anything that is particularly Israeli in nature. When I was at primary school we celebrated Yom Haatzmaut by drinking Israeli orange juice, dressing in blue and white, and eating falafel and doing what we believed was “Israeli dancing”. I don’t know how many Israelis actually do any of these things on a regular basis, and even if they do, I’m not sure that any of them are authentically Israeli. California produces far more orange juice than Israel does, falafel is more Egyptian in origin than Israeli, and the Hora (if anyone still dances it) is based on a Romanian folk-dance form. Most Israelis celebrate Yom Haatzmaut with the ubiquitous barbeque, but that is also hardly authentically or culturally “Israeli”. Whilst it is somewhat easier for the religious community to find appropriate ways of celebrating, such as with *tefillah chagigit*, Dr. Brown makes the observation that it is important to ensure that the reach of Judaism and Zionism isn’t restricted to “a perilously narrow purview” by focussing solely on the religious character of Israeli society.

Helpfully, particularly for those charged with organising Yom Haatzmaut activities in communities or schools, she presents a list of practical suggestions how to make the day more meaningful including – use the day to stimulate study and facilitated conversation about Israeli politics, history and culture; harnessing technology to possibly join Israelis celebrating in Israel in “real-time”; partnering with expat Israelis in the local

community to create shared programming and community-wide conversations.

Rabbi J J Schacter (The Beginning of the Flowering of Our Redemption) discusses the redemptive or messianic overtones and undertones of the prayer for the welfare of Medinat Yisrael, with particular reference to the concept of *Reshit Tzemichat Geulatenu*. This phrase is notably absent from the authorised Anglo-Jewish siddurim and machzorim and its inclusion by some UK rabbanim has sometimes been regarded as radical and a sign of passionate Zionism. Conversely, in some circles its omission is regarded as problematic and in fact when I was interviewed for the position of Rav of Kehillat Alei Tzion the interviewing committee wanted to know if I would be willing to recite this phrase. But though some regard the use of these words as a sign of unhesitating and proud religious-Zionist credentials, according to Rabbi Schacter it is a much more tempered and restricted expression, regarding the State of Israel as neither a sign of the redemption, nor even a first sign of the redemption, but only the beginning of the flowering of the redemption. This reflects the painful reality that whilst religious Zionists surely believe that the State of Israel is part of the Divine plan to restore the sovereignty of the Israel to the Jewish people, nonetheless the spiritual state of the country is far removed from what our forebears prayed for.

Interestingly, he suggests that this theme finds subtle expression elsewhere in the prayer as well, noting that at the beginning phrases are borrowed from the *Hashkivenu* bracha recited as part of the Maariv service. This bracha is described in the gemara as *geula arichta*, which means an extended redemption. In its Talmudic context this means that should be regarded as an extension to the previous bracha which deals with the redemption, rather than as an interruption in the service. But according to Rabbi Schacter, in the context of the prayer for the State it should be understood as reflecting the slow and drawn-out redemptive process that Medinat Yisrael is part of.

In recent years the relevance and the importance of the Israeli Chief Rabbinate has been the subject of some significant debate, and there has also been discussion about the Zionist credentials of some of the most recent Chief Rabbis. However, at the time of the founding of Medinat Yisrael Rabbis Y I Herzog and B Z Uzziel were serving as the Chief Rabbis. They were both internationally recognised as outstanding halachic authorities and anyone familiar with their published collections of responsa will appreciate how hard they toiled to bring a Torah perspective to the newly established country, as well to apply halachic principles to the realities of a modern democratic state. In the run-up to the first

celebration of Yom Haatzmaut in 1949 many people in Israel turned to the Chief Rabbinate for guidance regarding what prayers should be recited, as well as regarding whether the mournful restrictions of the Omer period should be suspended.



Chief Rabbi Uziel & Chief Rabbi Herzog

Rabbi Shmuel Katz (Establishing a Holiday: The Chief Rabbinate and Yom Haatzmaut) provides a comprehensive study of the background to the religious guidelines that were prepared by the Chief Rabbinate. Three points are of particular interest in this regard – i) The whole process was clearly very last-minute and rushed, rather than having been carefully considered for several months in advance. This clearly reflects the very nature of things at the time. Nowadays the date of Yom Haatzmaut is printed in diaries years in advance but the Israeli government’s decision to adopt an Independence Day holiday (originally known as “State Day”) wasn’t publicised until just eight weeks prior to the first Yom Haatzmaut. ii) The first guidelines were much more modest than what is common nowadays in Zionist communities and the main celebratory services and the recitation of Hallel were originally proposed for Mincha rather than the evening or morning services as is current today. iii) The initial statements allowed weddings and haircuts on Yom Haatzmaut, but this was soon revised so that the issue would be revisited “when the entire holy city of Jerusalem, old and new as one, will be restored to Israel.” A further particularly noteworthy point is to see how Chief Rabbis Herzog and Uziel contextualised the Yom Haatzmaut celebrations. They were unequivocal about the religious significance of establishment of the State of Israel and in what can only be described as a courageous step, they established the firth of Iyar as a holiday “for all generations, as a day of joy of the beginning of the redemption for all of Israel.”

It is particularly gratifying for me in a personal capacity to find that one of the essays (“It Is Wondrous in Our Eyes”) is the transcript of a *sicha* delivered on Yom Haatzmaut 1994 in Yeshivat Har Etzion by *mori ve’rabbi* Rabbi Yehudah Amital z”l. Rav Amital came to Israel in 1944 having been in a Nazi labour camp. He joined the Hagganah and fought in the War of Independence. His addresses to the packed Bet Midrash in the yeshiva on Yom

Haatzmaut evening were always inspirational and moving and made the student body jealous that we had not experienced those historic events ourselves. As he stood up to speak there was always a sense of excitement and tension in the air as we shifted in our chairs to make sure that we would hear every word that he was going to say. I don’t know why this particular *sicha* more than any other one was chosen for inclusion in this machzor, but it is certainly characteristic of Rav Amital’s ability to see *gadlut* in small things. His text is Zecharia’s prophecy about old men and old women sitting in the streets of Yerushalayim and the city being full of children playing. The prophet says that this will be wondrous in God’s eyes and Rav Amital asked if there are not more dramatic prophecies from Zecharia that this should be the one which is described and regarded as wondrous? His answer drew on the idea of “historical awareness” and explained that if one is only focussed on what is good and dramatic and miraculous today, then the vision of old men watching whilst children are playing is not so exciting. But if one is aware that it is unique for a nation to return after it has been exiled from its land for so long, then even the mundane things become miraculous – “for us, every natural phenomenon becomes a supernatural one. For us, nothing is simple.” For Rav Amital, the fact that after two-thousand years of exile the Jewish people are able to live normally in their land, that itself is nothing short of wondrous.

A characteristic of Jewish festivals is that one is required to start studying their details in advance. Whilst in a strict halachic sense it might only be Pesach that has a run-in time of thirty days, nonetheless our appreciation of a festival is always significantly enhanced if we prepare for it intellectually as well as practically. As noted towards the beginning of this article, I believe that it is still beyond the realms of what is possible to produce a definitive machzor with wide appeal (even if only in the Religious-Zionist community) that will instruct the worshipper what *tefillot* are to be recited. But Koren has most certainly produced a volume of essays and commentary that if studied in advance of Yom Ha’atzmaut will turn a holiday which sometimes lacks focus and clarity into a much more meaningful religious occasion.

Rabbi Daniel Roselaar is the Rav of Alei Tzion and teaches halachah at the Montefiore Semicha Programme. He has previously served as the Rabbi of Watford and Belmont Synagogues. Rabbi Roselaar learnt at Yeshivat Har Etzion, received semicha from the Israeli Chief Rabbinate and has an MA in Jewish Education from the University of London.

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