



VA'AD HAKASHRUS OF BUFFALO
Kosher Certification Council
401 Maryvale Rd.
Cheektowaga, New York, 14225

Rabbi Moshe Taub
Rabbinic Administrator
716-634-3990
vaadbuffalo@yahoo.com

Shabbos Shuva 2007

Forgiveness: A History In Four
Parts

I

"Dieu me pardonnera; c'est son metier."

"God will forgive me; that's his job."

(Johann Heinrich Heine- German poet and assimilated Jew, d 1856)

At the heart of the High Holidays, after all the prayers and regret, sermons and meditation, study and intensity, lies one word - forgiveness. G-d forgives us and we forgive each other. Without forgiveness all the promised change for the future - which, no matter how intense the assurances, lives only in the world of possibility - can do nothing to affect our verdict, let alone vindicate us.

So quick are we to utter the phrase, "I am *Mochel* (*I Forgive*) you" and to blindly assume that G-d does the same, that we run the risk of overlooking the mechanics of this enigmatic concept.

CBS

Apr 18, 2007, *Compassion: Students Forgive Virginia Tech Killer*

While it seems most people are resigned to express hatred toward Cho Seung-Hui, the Virginia Tech gunman who shot and killed 32 people before taking his own life, still, somewhere in between all the anger, there are the occasional students who are willing to forgive, and offer their prayers to honor the killer's life.

Montclair State University freshman Justin Heba explained: "Cho Seung-Hui lived eight-thousand, four-hundred, and eighty-nine days. I and no reasonable person, or deity, could or should allow the events of one of them to discount the other eight-thousand, four-hundred, and eighty-eight," the student wrote. "You will be in my prayers, Cho, though I never knew you -- it is a shame that you died the way you did, and that so many others died that day too...he deserves to be respectfully and lovingly remembered, just like the rest of the victims," she said. "They are senselessly hating him in return, and that is completely unfair."

October 4, 2006

WorldNetDaily.com: *Grieving Amish raise money for killer's family*

Explaining the Amish way, Gertrude Huntington, an expert on children in Amish society, told the AP that Roberts' Amish neighbors would probably be very supportive of the killer... "because judgment is in God's hands: 'Judge not, that ye be not judged.'"

Monday morning, Roberts, heavily armed, stormed into the one-room West Nickel Mines Amish School, sent the boys and adults outside and barricaded the entrance with wood before tying up the 10 girls and shooting them, finally turning the gun on himself. And Journalist Tom Shachtman, who wrote a book on Amish culture, told the New York Times: "I don't want to denigrate anybody else who says they're imitating Ch st, but the Amish walk the walk as much as they talk the talk. They know their children are going to heaven. They know their children are innocent ... and they know that they will join them in death. The hurt is very great but they don't balance the hurt with hate."

II

What is so disturbing about the above quoted articles is not only the apparent lack of proper understanding of what a life is - our one chanced journey to attain - nor the curiosity if all those who are choosing to forgive these killers also forgave the brother they have not been talking to for decades as well as if they mended the common friction with their parents (not to mention if they can stay cool and forgive when someone cuts them off on the road or other innocuous daily frustrations).

It is something else, something far more sobering that gnaws at me.

I searched through news opinion pieces at the time and spoke to colleagues hoping someone would make mention of one crucial error in all of this, something so blatant it almost makes these people seem like arrogant buffoons; Are they actually forgiving these killers for what they did to *someone else*?! What Chutzpa. "Dear Sir, I saw how you just spat at my mother, and, *I forgive you*". "I just witnessed you mauling that innocent man and its OK, *I forgive you*". Now multiply that by a thousand.

moshetaub/07/buffalo/732.232.4911

Granted, had they said, “We forgive you for the anguish you have caused *us*”, while maybe a misreading of their emotions, it would at least be within their province.

More than this, if the killer had never asked for anyone’s forgiveness to begin with, can the institution even apply to him¹?

Yet, as we shall now see, Yom Kippur, brings analogous complexities.

THE BIRTH OF YOM KIPPER:

When looking at Yom Kipper, Teshuva and Vidduy through the prism of history, even with the above in mind, we can easily glaze over, or even miss, the following central detail:

The events surrounding the birth of a Day of Atonement start with a nation’s tragic error. The golden calf had been molted and the table is set for Moshe’s disappointment in the nation he had so selflessly nurtured. After the Luchos are broken the healing begins. Moshe, our leader, takes up residence once again in the heavenly abode to plead our case to the Almigh-ty.

וַיֵּשֶׁב מֹשֶׁה אֶל יְיָ וַיֹּאמֶר אֲנִי חָטָא הָעָם הַזֶּה חֲטָאָה גְדוֹלָה וַיַּעֲשׂוּ לָהֶם אֱלֹהִי זָהָב

G-d begins to forgive while revealing the single greatest incantation for Teshuvah and G-d’s assistance (the Yud Gimmel Middos).

Did you see it? Let’s read that sentence again: *Moshe, our leader, takes up residence once again in the heavenly abode to plead our case to the Almigh-y. G-d begins to forgive while revealing the single greatest incantation for Teshuvah and G-d’s assistance (the Yud Gimmel Middos).*

Again: *Moshe, our leader... pleads our case to the Almigh-y. G-d begins to forgive...*

¹ See however Megilla 28 in the name of Mar Zutra (...”I forgive everyone...”) and Ritv”a there as well as the language in Tephila Zaka before Yom Kipper, implying that we can be forgiven with פיו. See also Moady Yisroel pg 330.

moshetaub/07/buffalo/732.232.4911

Can it be that Moshe was a messenger for *our* Teshuva? Teshuva, like, say, Tephillin, is a Chovas HaGuf - an obligation on the individual - and, like Tephilin, surely could not be fulfilled through a Shliach!

This question is compounded when we consider the words of the Yerushalmi, Nedarim 5:4, "When one says Vidduy he must be Mpharet- Specify - his sins *in order to bring indignity or shame to the transgressor.*", in fact the Mishnah Berura, Siman 607, explains, L'Halacha, the concept of Vidduy as the embarrassment caused by the admission and the atonement that pain brings. I assume we can all agree that shame, if ever an obligation, can not be accomplished through someone else². This is like the wise man of Chelm who, after hearing of all the troubles of its denizens, decided that there is an easy solution: raise money and with the collected funds they shall hire a person who will be paid to worry in lieu of the residents of the town, then all the Da'agaos (worries) will be solved³!

We may be tempted to explain away our dilemma by suggesting that Moshe was not doing *Teshuvah*, or better said *Vidduy*, on our behalf; rather Moshe was our *advocate*, a lawyer campaigning for a cause he believed in, pleading and being Mispallel to G-d and to His Middas Harachamim to not exterminate us⁴.

Such a hypothesis however is unconvincing:

The Talmud, Yoma 86b, makes it clear that these Pesukim regarding Moshe's petition are the paradigmatic articulation of *Vidduy*. In fact, the Rambam, Hilchos Teshuva 2:3, according to the Keseph Mishna, codified the individual's obligation of Pyrut HaChet - specifying the sin during the Vidduy process - from this stitch of Talmud, read: from Moshe. Indeed, one of the few Pesukim the

² See Sefer Hamapteach in the back of Rambam Hilchos Teshuva/Frankel edition. Interestingly, although there they do bring this question in the name of the Seder Hamishnah (written by the son of the Machatitz HaSekel) and Seder Hateshuva - a contemporary three volume encyclopedia on Teshuva - they fail to mention the Minchas Chinuch who, as we shall soon see, asks these questions as well as focuses strongly on the words of the Seder Hamishnah. The author wishes to thank BMG Baron Library for their time in locating, photocopying, marking and faxes many of the works that are quoted throughout this piece.

³ See also Gittin 29b-"מילי שלא נמסרין לשליח".

⁴ See Sefer Yiraim, Mitzvah 363 who has this understanding of these verses. However, to support this view he would be forced to have a radically different reading of the Talmudic text we are about to bring. See Toras Shleima note 243 who explains the Yiraim in a most convenient way.

moshetaub/07/buffalo/732.232.4911

Rambam marshals to support his view in the Yad is by this Halachah, Shmos 32:31, "וישב משה אל ה' ויאמר אנה חטא העם הזה חטאה גדולה..."⁵

Not only is the history of this day rooted in a Shliach for Teshuvah, so is its key institution:

The highlight of the Yom Kipper service is the Avodah of the Kohen Gadol which, again, at its core, is the returning and confession through a Shliach, or more accurately, two Shluchim; the Kohen Gadel confesses the sins of Am Yisroel⁶ (Vayikra 16:12) while the Azazel actually atones. See Rambam, Teshuva 1:2.

(It should be noted here, that serendipitously, the Talmud, Yuma 37, expounds through an exegeses the verse of Moshe's Vidoy to the Vidoy of the Kohen Gadol.)

Now, one may wonder if these two examples are rooted in the idea of leaders and their shared responsibility for our actions. As the Talmud, Shabbos 55a, teaches, leaders of each generation are punished (first) for the sins of their respective generation, for they should have prevented them from happening by protesting, and, we can argue that the fact that Halachos of Vidoy are learned from Moshe is not proof of the permissibility of a Shliach by this Chovas HaGuf rather the exception that proves the rule: Leaders, and only they, have the power of us all and carry the weight of our sins⁷.

This argument too is unpersuasive; for one, if that were true here, would not then Aaron, who indeed could have, as well as should have, rebuked the nation

⁵ Although thus far we have only asked on Moshe's **Vidoy** (as opposed to **Teshuva** through a Shliach), see the Pasuk immediately preceding, 32:30, where Moshe makes a similar statement to "אין ועתה אלא" and the comment in B"R 21:6 "אתם חטאתם חטאה גדולה, **ועתה** אעלה אל ה'..." - בני" תשובה שנאמר שמות לב: ל..."

⁶ The exact confession of the Kohen Gadol and if there is a requirement for בני" to say Vidoy simultaneously is beyond the scope of this essay, see Meiri, Chibur HaTeshuva pg 546. Suffice it to say, regardless of our dual role in that Korban, nothing can escape the fact that the K"G is playing part of our role of repentance.

⁷ The fact the Moshe could never have been be blamed for not protesting in the case of the Eigel-he was in the heavens – is a weak point, as my wife points out, for the idea of reproof is about preventing the **seeds** of Chet, i.e. the Eruv Rav etc.

moshetaub/07/buffalo/732.232.4911

and prevent this tragedy of the Eigel, be the leader to take the role of the “repenter”?⁸

Secondly, on Yom Kipper the Chazaras HaShatz includes the section containing Vidduy. The Rosh⁹ explains that this is no different in objective than the daily Chazaras HaShatz; to benefit those who can not read and on Yom Kipper too the Chazan says Vidduy to satisfy their personal obligation. Ostensibly, even non Gedolim/leaders of respective generations have the authority and powers to vicariously satisfy our obligation to repent and/or confess¹⁰.

I found in the Minchas Chinuch, Mitzva 364, where he more than just ask these questions, he *proves* from them. It is his *Halachik* (!) view that, as seen from the Kohen Gadol on Yom Kipper and Moshe at the Chet Haegel, a Jew *can* confess sins through a Shliach!

How ironic the famous Talmud in Avodah Zara¹¹ now seems:

“The sin of the golden calf was (allowed to be) done only to give a Pischon Peh¹²/an opening (so as not to feel hopeless in the difficulty of repenting) to Ba’alei Teshuva”.

How can this be said when it was not even the *Chotim* who did the Teshuva in that instance?! This Gemara will be returned to shortly.

To review thus far; we have the catalyst of this day (Chet Haegel), its main institution (the Avodah) as well as standard synagogue practice (Chazaras HaShatz) all forcing us to conclude that Vidduy (and perhaps its twin, Teshuvah-

⁸ In fact, see Meshech Chochma, 34:6 where he explains the Pasuk “...no man should go up with you...” to be referring as a refrain on Aaron who played a role in the sin *and for that reason can not* take part in Teshuvah for Klal Yisroel.

⁹ Yuma, chapter 8:25. He brings this from Rav Amram Goan. See however Shulchan Aruch 608:5 in the Ram”a in the name of the Ra’n. See also Sefer Korban Eisan 15:11.

¹⁰ We should not confuse our question with that of Tephila and Chazaras HaShatz’s ability to fulfill one’s obligation in prayer. That works through the Halachik device of Shomeah K’Onah which could obviously not apply to the Jews in the Machaneh while Moshe was in the heavens.

¹¹ The bottom of Avoda Zara 4b.

¹² It is interesting to call attention to the term “Pischon Peh” and its more than three sudden uses during these days: here, regarding the $\mu\psi$ and in the Amida of the Yomim Noraim.

see footnote #4) can be accomplished through others and indeed, in the most important areas, *are* accomplished through others.

We shall return to this discussion shortly.

III

THE BIRTH OF YOM KIPPER, PART 2:

Every Yom Tov, *save for Yom Kipper*, has one common denominator; they are all celebrations and commemorations of a past event.

Granted, based on the above discussion, we are now reminded of the birth of Yom Kipper in history through the efforts of Moshe and forgiveness of G-d, however that is not the thrust of the day, neither in liturgy nor in Hashkofa (especially when compared to the other Yomim Tovim).

Yom Kipper, it would seem, was always meant to be, with or without a Chet Haegel and history. Indeed this is the view of the Midrash, Bareishis Rabbah 3:10:

“ ...‘there was evening and there was morning, one day’, The Evening – these are the deeds of the sinners. The Morning – these are the deeds of the righteous, and the One Day is the one Day G-d gave them to return, Yom Kipper”.

The Sefer HaChinuch (Mitzva 188) too seems to believe that the world *needs* a Yom Kipper, regardless of history:

“At the root of this Mitzva (Yom Kipper) is in His kindness He gave us a Day...for if not within a matter of years the world could deserve devastation...and at the world's creation this time was set and sanctified for this...”

However, Rashi (Devarim 9:18), makes the case that seems to challenge this Medrash as well as disagree with the Sefer HaChinuch

“...G-d forgave us for the Eigel on Yud Tishrei in gladness and therefore established it as a Day of forgiveness for the generations...”

Similarly, the Midrash, brought in Yalkut Shemoni (391), teaches:

“...on the last of the 40 days (Yud Tishrei) Moshe cried and fasted and so was decreed for all Jews....God said ‘ I swear by My Throne Of Glory that this Day will be a Day when you cry in gladness and it will become a Day of **סליחה ומחילה** for you and the generations after...”

Complicating matters further is that Rashi himself, in his commentary to Psalms on the Pasuk:

"... יכתבו ימים יצרו ולא (קר' וכת' - **ול**) אחד בהם"
139:16

makes the case for a timeless Yom Kippur:

“From the beginning of your creation...this is Yom Kippur...”,

seemingly, opposing his above cited view.

Some¹³ answer these divergent traditions as follows; The position the Midrash in B”R was teaching was the need for a Day *somewhere* in the year dedicated for mercy, this too was what the Chinuch was saying, *when* that day would be however was not known, or at least set, and it was the Chet Haegel that established it on Yom Kipper/Yud Tishrei.

This answer though seems somewhat forced. A quick perusal of the above Midrashim makes it clear that G-d was not setting the calendar anew after the Chet Haegel but was *introducing* to the בני"י to a new concept and manifestation of Midas Harachamim.

¹³ See L'Teshuvah Hashana pg 146 where such an answer is given.

Another difficulty with this approach is, yet again, of history: We find Midrashim that explain events prior to Sinai as well as dating them, through the prism of a Yud Tishrei/Yom Kipper. Abraham, for example, may be the best example. In Pirkei D'R' Elazar¹⁴ we are taught that Abraham's Bris Mila took place on Yom Kipper. The fact that Abraham kept Mitzvos before they were given does not work here to explain Yud Tishrei being sanctified in Abraham's eyes, for as the Seredei Eish¹⁵ teaches, the Avos did not keep Mitzvos rooted in *events that were yet to happen*.

Rather, to answer the visible disagreement/contradiction of Midrashim above we must say that a Yud Tishrei/Yom Kipper always existed in some form or in the Olam שליחות, however after the Chet Haegel a new facet was added, a innovative dimension introduced. What that new element(s) was/is needs further study, as we shall see. We shall also return to the Bris of Abraham and the significance of it taking place on Yom Kipper.

IV

Before we continue with the history of *Yom Kipper* let us briefly discuss the history of *Teshuvah*.

Who was the first to repent?

The Midrash teaches (B"R 84:19) based on the Pasuk (Bereishis 37:29), "Reuven returned to the pit...":

¹⁴ Pirkei DR"E #29, See Tosphos, Rosh Hashana 11a S.V. Elah. Compare this to Ramban, 17:26.

¹⁵ Shu't Seredei Eish 2:53. See Shabbos HaGodol/mt05: *Chometz: the True Miracle of Pesach*, where the Seredei Eish's theory is put to the test and compared to many seemingly opposing Midrashim.

moshetaub/07/buffalo/732.232.4911

"'returned' means repented. Hashem told Reuven, "No one has ever repented. You are the first...your descendant (Hoshea) will be the first to call for repentance, as it is written, 'Return, Yisroel, unto Hashem (Hoshea 14:2)'"

The same Midrash teaches:

- ראובן פתח בתשובה תחילה -

Before you, no one has ever sinned and then repented - Rueven was the first to do Teshuva – (lit. Rueven opened/began Teshuva first)

Although it is unclear on which Chet he was doing Teshuva for¹⁶, what does seem patent is that he was *not* the first¹⁷. Both Adam and Cain repented¹⁸. As did both Ebimelech¹⁹ and Pharaoh, both in the days of Abraham. This is not to mention the Midrashim that deal with the repentance of Yishmoel²⁰ and others.

There are also a myriad of other difficulties with this Midrash.

- 1 – What is the meaning of פתח בתשובה תחילה? Is there a connection to the language in Avoda Zara mentioned above of *"PISCHON"* Peh?
- 2 – What is the connection to Hoshea who, from the Pasuk brought, did not repent per se rather galvanized *others* to do so?
- 3 – If his repentance was for the switching of the beds, the Talmud (Shabbas 55b) has already taught that "who ever says Reuvein sinned is in error- surely the first recorded act of Teshuva should be for an actual sin, we would also have to explain why at this time did Ruevein see fit to repent for a past deed -, and, if his repentance *was* for Mechiras Yosef, Rueven should be the last of the Shevatim to repent for if anything he *saved* Yosef and was not even there when he was sold.

¹⁶ See Kol Simchah ,Otzar Hamachshava Hachasidus, Nedivas Haleiv in the name of the Kotzker Rebbe as well as Toras HaSefas Emes all explaining this to be about על שבלבל יצועי אביו which can be implied by Rashi 37:19 in the second interpretation.

¹⁷ See footnote above, all those sources deal with this question. See also Shu"t Chashva Ltuva 44 brought in Shallal Rav, Bereishis pg 297.

¹⁸ See B"R 22:19, Pirkei D'R'Elazar 20 based on Bereishis 4:13, B"R 23:13, Tanchumah note 9, et al.

¹⁹ See Beraishis 20:4-12

²⁰ See Bava Basra 16b.

V

To answer and explain all of the above we need to establish as well as prove one simple Yesod, an overarching rule, a simple template that distinguishes the founding of Yom Kipper and the historical seeds of Teshuva from other days and actions. In order to accomplish this we must bring what may at first seem like an arbitrary pattern:

- 1- It is brought in the name of R' Chaim Brisker²¹ that the reason the Kohen Gadol was able to vicariously atone for the Klal without fulfilling all the laws of Vidoy is because: "...there is a difference between Vidoy D'Yachid and Vidoy D'Rabim (individual confession and confession by/for a group)"
- 2- The Rambam, after first explaining the significance of the Aseres Yemai Teshuva, cryptically states (Teshuva 2:6): "**Yom Hakipurrim** is the time for Teshuva for both the Yachid and the Rabim".
- 3- We say in Davening on Yom Kippur "(G-d) who forgives us for our sins and the sins of all of Israel."

Soon we will cite more examples of this phenomenon, but for now the point may have been made. Let us begin:

There *was* something unique about the sin of Mechiras Yoseph:

מכירת יוסף was the/our first **communal sin**. Until that point in history, Jews^(22?) were *individuals* serving G-d, and as individuals they may have sinned and even

²¹ See Letshuvus Hashana pg 113 second column where I found it brought "...מפי השמועה...".

²² If the term "Jew" is accurate in describing adherents to Yehadus before Matan Torah is beyond the scope of this essay. For a brief overview of this topic see Ramaban, Vayikra, 24:10 and Encyclopedia DeTalmudus, AVOS.

repented, it was only after the Shevatim were born did we represent a unit, a force in familial numbers as well as in strength.

Reuven, realizing the crime that had just taken place and knowing G-d will now reevaluate him and his brother's devotion and service in this Shaas Din, was the first *ambassador* on behalf of Klal Yisroel in repentance. For although we may not all sin, or better said, sin all sins, we all must all suffer their consequences. As Rambam teaches (Teshuva 3:1) we must view the world as half Zakai and half Chayav, knowing that our one sin or singular kind deed can tip the scale. Reuvein may have been referencing his personal past mistake, but he chose this moment to gain amnesty from G-d by his repentance now for his brothers as well. Consider the language used:

וַיֵּשֶׁב אֶל אֶחָיו וַיֹּאמֶר הִילֵד אֵינְנוּ וְאֲנִי אָנֹכִי אֶנִּי בָּא

About 210 years later Moshe set a continual based on what Reuven was the first to do –

. וַיֵּשֶׁב מֹשֶׁה אֶל יְיָ וַיֹּאמֶר ...

The similarities between these two Pesukim, specifically their first five words, are striking.

Moshe in fact went beyond that opening/פתח set by Reuven and included himself in the Teshuva of the community²³ regarding a sin that, unlike Reuvein and the Mechira, he had no part in on any angle. This all happened on Yom

²³ See http://www.hakotel.org.il/docs/Neventzal_Yom-Kipur_5765.doc were the connection between the Chet Hegel and Micharas Yosef is beautifully expounded, here we will bring part: "כי אתה סלחן לישראל ומחלן לשבטי ישורון". מהו כפל הלשון הזה, "סלחן לישראל" ו"מחלן לשבטי ישורון"? הסביר הג"ר חיים זוננפלד זצ"ל, ואולי גם חכמים אחרים, שב"סלחן לישראל" הכוונה היא לחטא העגל, שישראל אמרו עליו "אלה אלהיך ישראל" (שמות לב, ד), [וכאילו אנו אומרים: כי אתה סלחן לאותו חטא שאמרנו בו "אלה אלהיך ישראל"], וב"מחלן לשבטי ישורון" הכוונה היא לחטא השבטים, שחטאו במכירת יוסף, מה מיוחד בשני החטאים האלו? חטא העגל, שהיה העבירה הראשונה שישראל חטאו בה לאחר מתן תורה, הוא שורש כל העברות שבין אדם למקום בישראל. והחטא הקדום של מכירת יוסף, הוא שורש כל העברות שבין אדם לחבירו בישראל. כשאנו באים לכפר את עוונותינו ביום הכפורים, אנו מתפללים אפוא לכפרה גם על שני החטאים הנושנים האלו, שהם שורש כל שאר החטאים שלנו.

moshetaub/07/buffalo/732.232.4911

Kippur, transforming a Day that always existed from a day of personal and autonomous return into a day of mutual and communal responsibility. Centuries late Hoshea did the same.

How fascinating, now, is the following Midrash²⁴:

“Reuvein did Teshuva all his life and only when Moshe appeared was it accepted”!

Let us move on:

The individual as community.

As the Talmud (Yuma 87b) teaches,

“Rabbi Meir²⁵said, ‘how great is Teshuva, for even the Teshuva of one can erase the sins of many’.”

A parallel mention of this ideology in the Talmud²⁶ marshals an ostensibly unrelated Pasuk to prove this assertion (Isaiah 51:21):

"לֹכֵן שִׁמְעִי נָא זֹאת עֲנִיָּה וּשְׂכוּרוֹת וְלֹא מִיִּין".

It seems to me that the only connection this Pasuk has to the above dictum/philosophy is the word **עֲנִיָּה** - afflicted one - an allusion, perhaps, to the only day referenced as Innoy in the Torah, *Yom Shel Innoy*-Yom Kippur, only then the Klal, as a unit, has the power to achieve perfection through others²⁷.

²⁴ Medrash Hagadol, Devarim 6:4

²⁵ See Maharal (Nesiv HaTeshuvah chapter 3) and Ein Yaakov where this Memra is brought in the name of Mar Zutra. We should note that as a rule the Maharal always follows the Gerssa of the Ein Yaakov.

²⁶ Eruvin 65a

²⁷ For further analyses into this last Memra, see Maharal ad loc as well as Shallal Rav, Yomim Noraim pg 327-328, where he seems, in the name of the Anaph Yoseph (commentary on Ein Yaakov, Yoma 87b) and the Sifsei Daas, *to prove our point of Arvus by Teshuva in greater philosophical detail*. See also Toras Moshe Al HaTorah (Chasam Sofer) Parshas Vayikra (1:1) in the name of his Rebbe, Rabbi Phinchos Horovitz - The Haphloah, where, again, this point is exemplified.

The Mitzvah of Bris Mila too, it would seem, has this exclusivity. As the Talmud (Kidushin 29a) teaches²⁸ Bris Mila is an obligation which a child, for obvious reasons, can not execute on his own and it is therefore considered the *personal Mitzva* of the father (unique from other Mitzvos done through the medium of Chinuch²⁹). If however the father too can not perform the Bris then the Mitzva becomes the *personal* Mitzvah of the local Battei Dinnim and Sha'ar Knesses Yisroel (see footnotes 27 and 28 as to our reading of the Lomdus into this Halachah).

Perhaps this is the significance of Abraham's Bris being performed on Yom Kippur, a Day of the Klal in lieu of the Yachid.

Moshe was not a Shliach per se rather a part of a greater whole.

Now we can see how magnificent the poetic realism was in the A-lmighty choosing to appear to Moshe that first Yom Kippur in a Tallis; like the Shliach Tzibbur (description found in Medrash Tanchuma Ki Sisa 37) praying on behalf of the Klal.

As the Seder HaMishna (from the son of the Machatitz HaShekel) teaches³⁰, the concept of one Jew returning past deeds to G-d, like Moshe, for the benefit of another is, at its core, the Halachah of Arvus - every Jew is responsible for the

²⁸ This reading of the Gemara is based on the supposition taught there by the Birkas Shmuel by R' Baruch Ber Lebovitz in his recording of discussions he had with his Rebbe, R'Chaim Brisker, on this Sugya.

²⁹ Indeed when it come to Chinuch it may very well be that the child *never* had/has a Mitzva pe se, see http://www.yibuffalo.org/divrei_torah/Katan.pdf, by this writer: וראי' ידוע לזה ממה שכתב הרמב"ם בהלכות מצה פרק ו' הלכה י' "קטן שיוכל לאכול פת מחנכין אותו במצות ומאכילין אותו אפילו כזית מצה" ולא פי' שקטן מחויב בפני עצמו אלא רק מתורת חינוך של האב עליו

³⁰ On Rambam Teshuva 1:2, see also Minchas Chinuch cited above where he quotes from the Seder HaMishna at length. See also Sefer HaMapteach quoted above, footnote 1. We should note that all those who bring up this concept of Arvus by Teshuva seem to do so hesitantly. See Seder Hatshuva in a footnote (pg # cited in S.H.) where he strives to make it mainstream.

moshetaub/07/buffalo/732.232.4911

other, allowing us to perform deeds that are unnecessary for us to fulfill for the gain of another³¹.

To explain this further let us see how Rambam (Teshuvah 2:5) defines the *uniqueness* of these Days.

Although man can repent the whole year, he needs a quorum to guarantee acceptance, however during these Days even a Jew by himself has this power”.

According to Rambam, the *only* distinction between Yom Kippur and the rest of the year is the vicarious universality of Klal Yisroel; only on this Day of days are we *together even when apart*, suffering in each others consequences and rejoicing in each others victories.

Let us also revisit the Pasuk Rashi brings as a source for a timeless Yom Kippur:

“... יכתבו ימים יצרו ולא (קר' וכת' - וּלְנִי) אחד בהם”

The Kri V'chshiv³² alone expounds our point homiletically; To G-d there is only one Yom Kippur (ולו אחד בהם) and one nation that it is given to. But to us, the Klal, it would be read as - וּלְנִי אחד בהם, translated to mean that the individual - the אחד בהם - , the measure of one man autonomous from the rest, is absent on that same Day. There is no “one (person)” on this Day.

The Talmud (Taanis 26) teaches:

There are no Yomim Tovim L'Yisroel like Yom Kippur and Tu B'av.

Clearly the Talmud is referencing some commonality between these two days; after all, we are already taught that the Simchas Beis Hashoava is the *happiest* time in the Jewish calendar.

³¹ Of course, this Teshuva can only help for the past, future change can only come from each individual. A simple illustration might be the class that is punished because of the misbehavior of a few; in such a scenario it would not be out of line for one of the “good” students, who now is being punished, to come to the defense of those trouble makers. It is only when no consequence is suffered by the entire class that they would seem out of their province appealing for misdeeds that have no bearing on them.

³² This is the Biblical device where a word is spelled one way and read a different way, often times they may sound the same but have two opposite meanings. In *all* cases however, a vital lesson is being surreptitiously taught.

The Talmud goes on to explain the significance of Tu B'Av in several ways: it was the day maidens would prepare to meet their respective mate, the day Binyamin was let back into Klal Yisroel, the day the tribes were allowed to intermarry with one another and the day the sentries were disbanded³³.

This is the commonality Tu B'Av shares with Yom Kippur: the dismantling of the physical and conceptual walls that divide us. It is about true unity; the rejection of the individual in search of a greater whole; the me for the us; the trees for the forest³⁴.

*There are no Yomim Tovim L'Yisroel like Yom Kippur and Tu B'av.
Yomim Tovim L'Yisroel.³⁵*

³³ Although two more reasons are given there, each one of the reasons given stand alone and, as we will now demonstrate, many seem to that have a common link. For a historical account of these moments in our history see Artscroll Talmud there ff.

³⁴ See note above. We can make a case for the other answers given in the Talmud supporting our theses, however, to some, it may seem forced and, again, we are not obligated to connect all the approaches of several Amorim, rather we have shown that many seem tied together.

³⁵ So as not appear longwinded we have shortened a far longer essay into about 15 pages. For the sake of brevity, however, we will end here with only a quick perusal of the other doors we have yet to open in light of the above: The Minchas Chinuch (363) after bringing the following Machlokoks (Yuma 85):

" , רבי אומר: יום-הכיפורים מכפר גם בלי תשובה עיצומו של יום מכפר

. וחכמים אומרים: יום-הכיפורים מכפר רק לשבים בתשובה ואינו מכפר לשאינם שבים. Asks; According to Rebbe, how was it ever possible for the Temple to be destroyed? Surely From one Yom Kippur to the next would not be enough to annihilate the Jews.

The Minchas Chinuch answers that the Klal of יום של עיצומו can not help against שנאת חינוך, which according to all of the above, would run counter to the essence of this Day.

The Rambam 2:3, in following the view of the need of Piyrut HaChet, is following *minority* opinion (see Kesef Mishnah and Rabbi Moshe Feinstein, Moriah, Kovetz Hamoadim, pg 677); in fact even the Shulchan Aruch does not follow that view. Leaving this aside for a moment, the Rambam (2:8) follows another minority view, as well as argues with Rabbeinu Yona, in stressing the need to repent every year on Yom Kippur even on that which one has successfully repented already. The Pasuk brought to support this view is וחסאתי נגדי תמיד. There are many important difficulties with this law: 1- Why does the Rambam follow the minority opinion? 2- Why do both he and the Talmud teach this law regarding repentance on Yom Kippur, would it not apply at all times? This is compounded when we consider the Pasuk brought נגדי תמיד...implying that whatever the obligation being taught it is not a once a year concern. 3- The Pasuk brought seems

bazaar, if the sins have been returned and indeed נעשה כזכויות why would a Pasuk regarding חטאים be proof or relevant to the discussion of “honorary” Teshuvah? 4- And finally, what could possibly be gained by this return and repeated confession? Returning to our question of Reuvein we may suggest the following: Ruevein was the first to repent on his own-not waiting for the day G-d appears to him and reprimanded his deed. The Chet the Talmud asks us to continually repent for is the Chet of waiting initially for Yom Kippur to come around to return, and, as we know, to rectify a deed the same time and place is needed. This also explains why that Pasuk is apropos- וחטאתי נגדי תמיד- , your sins should always be on your mind, never should we wait until Yom Kippur. This would explain as well why the Rambam and Gemarah tell us to wait until the next Yom Kippur to repent again-we are repenting for Viddoy Peh on a past Yom Kippur not for a specific sin per se. More to follow...

No Original Part of This Essay may be used Without Express Permission, Umavy Geula L'olam.
Mt/07/buffalo/732.232.4911