

LEHRHAUS

OVER SHABBOS
VAYELECH AND
YOM KIPPUR
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WAKE UP SLEEPING ONE!
YEHUDAH HA-LEVI'S DRAMATIC USE OF GENRE AND NARRATIVE
VOICE IN THE HIGH HOLIDAYS' MOST RESOUNDING CALL TO
ACTION

YAAKOV JAFFE

Yehudah Ha-Levi's liturgical poem for *selihot*, "[*Yashen, Al Teradam*](#)," "sleeping one, do not slumber," is generally recited as part of the liturgy only in a subsection of Sephardic communities, but its distinct tone, emotional power, and command of poetic technique makes it a worthwhile piece for all Jews to study. Written in 12th century Spain, this piece of liturgy captures the modern rhythms and patterns of the High Holiday season, which echo remarkably to our practice today. Familiar descriptions of situations and citations from the liturgy occur throughout the poem, which has a mere six stanzas or verses, each with ten rhyming six-syllable lines.¹

This essay will pay close attention to the distinct narrative voice this poem takes and the genre to which it belongs, using as a starting point the opening words, which can simultaneously be read literally, as a metaphor, and as an allusion. After a consideration of the poem's more basic elements and narrative, we turn to the ways the poet uses Biblical allusions to direct the reader to consider his or her self as being in a particular situation or position (the literary technique known as reader positioning), or to shift the attention of the reader in many directions, stimulating and invoking specific feelings and emotions on the part of the reader.

Literal Reading: Call to Prayer

Taken literally, the opening words "sleeping one, do not slumber"² serve as a call to prayer, calling upon the addressee, subject, or audience of the poem to wake up in the middle of the night to recite the *selihot*. Though less prevalent in the United States today, it is a long-standing custom of Diaspora Jewry to awaken in the middle of the night, before dawn, to recite the *selihot*, and so the addressee, or audience, is asked to wake up, and not sleep deeply, to go out and pray.³

An expert poet, Yehudah Ha-Levi includes both explicit and implicit references to the nighttime setting throughout the poem. The first and second verses speak about the stars,

¹ Counting only the long vowels, not the *Sheva*-vowels or the *Chataf*-vowels.

The five odd lines in each verse rhyme with each other, as do the first four even lines. As we shall see, in the first (line 7-8), fifth (line 3-4), and sixth (line 3-4) stanzas, a single long Biblical quote spans two lines in both halves of the rhyme scheme and provides the words that will rhyme both with the odd column and with the even column of that verse. All three of these long quotes are Biblical citations which appear prominently in the High Holiday liturgy, and were clearly chosen intentionally by Yehudah Ha-Levi.

² Taking the root *r-d-m* as a deeper form of sleep, based on *Pesakhim* 120b, and elsewhere in the Talmud.

³ The practice is mentioned in the *Siddur* of Rav Amram Gaon, written after the close of the Talmud but centuries before Yehudah Ha-Levi was born.

comets, and planets, which are visible only at night. Thus, even if the reader recites the prayer during the day, the references to seeing the stars cause the reader to enter the mindset or position of the imagined audience who hears or recites the poem at night.

Like the opening words, the entire poem is in second person (either in the indicative, jussive, or the formal imperative), addressing the reader or listener through imperative, hortatory admonishments. This is an uncommon genre or narrative voice within our prayers, most of which are either written in the first person (where the supplicant speaks about his or her self), or in the third person (where the supplicant speaks about God). Prayers in second person tend to take the perspective of a speaker/petitioner addressing God directly; they almost never speak from the perspective of the hidden or unknown author addressing the reader.

The third of the six stanzas provides the most accessible example of a second person command to the reader, while capturing going out at night to pray: “And go out in the middle of the nights,/ in the footsteps of the famous ones [the sages] ⁴/ Who have praises in their mouths/ and inside them there is no deceit or trickery ⁵/ their nights are prayers/ and their days are fasting.”⁶ It is the High Holiday season, and so the audience must arise for prayer and fasting to prepare.

The stanza continues with a description of the process of repentance and reconnection at this time of year: “In their hearts are paths to God/ and in His throne are places for them ⁷/ in their path a ladder ⁸ to go up/ to Hashem your God.”⁹ The last line references Hebrew words that appear twice in the liturgy, in the *Haftarah* of the Shabbat before Yom Kippur ([Hosea 14:2](#)), and the Torah reading of the week before Rosh Hashanah ([Deuteronomy 30:2](#)), another example of how the High Holiday echoes in this prayer are consistent with the High Holiday experience today.

⁴ Though in the Bible the phrase *anshei sheimot* refers to famous military figures (I Chronicles 5:24 and 12:31), it would seem from context that it refers to the sages.

⁵ From Psalms 10:7.

⁶ The practice of fasting during the ten days of repentance antedates Rabbi Yehudah Ha-Levi. See the collection of Geonic and early Post-Geonic responsa “*Shaarei Teshuvah*” 64. For the modern practice, see *Orah Hayim* 581:2.

⁷ The syntax of these two lines are parallel in the Hebrew, beginning with a word with a dative prefix (*lamed*) indicating whom the subject is for, continuing to a word with a locative prefix (*bet*) indicating where the subject is found, and then concluding with the subjects, both beginning with *mem*: *mesilot* and *mekomot* (alliteration). The parallel syntax cements the sense of the relationship between these famous ones and God, who each have something ready nearby for the other, and thus even if the words are repurposed from Psalms 84:6, the poet’s restructuring of the syntax is amazingly original. The ideas of special paths to God and places for the righteous in God’s throne are found in *Yoma* 86a and *Shabbat* 152b.

⁸ The modern translation of the word, even if not the Biblical translation. The use of a ladder in a poem set at night instantly also invokes the ladder of the Patriarch Jacob.

⁹ The last line of each stanza is a quote, ending in “*kha*.” Each thus rhymes with the final word of each other stanza, but not with any of the previous 9 lines in that particular stanza.

Setting the song at night achieves two purposes. We have already addressed how, on a practical level, nighttime causes the audience to arise and end slumber. On a deeper level, setting the poem at night reveals the vastness of the stars and cosmos, more visible at night than during the day, highlighting the smallness of humanity compared to the Creator. The theme of the smallness of humanity is returned to in the second verse “Rise to see His Heavens/and that which His Fingers crafted,¹⁰ / and see His vaulted tent/ which is hanging by His Arms/ The stars which are His signet,/ the embossment of His ring,/ and fear His awe,/ and pine for His salvation¹¹ / Lest the time come when you become high/ And your heart will become high in your arrogance.”¹² And again in the fifth verse “Poor ones [humanity], the dust is their foundation,¹³ / from whence is wisdom/ And humanity is greater/ than animal naught¹⁴ / But only in seeing their honored Rock/ an emotional ‘seeing’ and not with eyes¹⁵ / And to find the springs of their secrets/ which are better than wine¹⁶ / for in that way O Flesh and Blood/ You will find your God.”¹⁷ Even in daylight, the reader can see the stars, appreciate the vastness of the cosmos at night, and turn towards prayer.

Metaphorically: Sin as sleep

The opening hortatory imperative to arise and wake up is intended metaphorically as well, to wake up from the slumber of sin, and turn towards repentance. The sinner is unaware, but the repentant person is truly awake. Though the earlier stanzas of the poem speak more generally about awakening and realizing God’s greatness and grandeur, the penultimate verse focuses more specifically on the process of recanting sin and provides a recipe for repentance based upon the Talmudic teaching of Rebbi Yitzchak ([Rosh Hashanah 16b](#)). Rebbi Yitzchak taught that four things (later summarized into three things in the *Unetaneh Tokef* prayer) can rip the bad decree: charity, prayer, change of name, and change of action.

¹⁰ Psalms 8:4, adjusted to fit the meter and rhyme.

¹¹ Lamentations 3:26, another text that invokes the setting of nighttime, given the prominent references to night in the book.

¹² Ezekiel 31:10, adjusted to fit the rhyme. The entire chapter speaks of the great arrogance of Pharaoh, and his great destruction as a consequence. Ezekiel echoes the Biblical verse Deuteronomy 8:14, which predicts the arrogance of Israel as well.

¹³ Based on Job 4:19; a description of humanity which also appears prominently in the High Holiday liturgy in the *Unetaneh Tokef* prayer.

¹⁴ These two lines are one long quote from Ecclesiastes 3:19, which is the centerpiece of the confession in the *Neilah* service. Yehudah Ha-Levi deftly began his composition of this verse with this quote, which does double-duty, both servicing the theme of the poem and also serving as yet another echo for the liturgy of this time of year, and then rhymed all the odd lines in this verse with the first half of the quote (*dam*), and the even lines with the second half of the quote (*ayin*).

¹⁵ Because of the incorporeality of God. See *Kuzari*, start of section 4.

¹⁶ For more on the use of wine in Yehudah Ha-Levi’s poetry, see Yaakov Jaffe, “[This 9th of Av: Do We Sing with Yehudah Ha-Levi, or on Account of Yehudah Ha-Levi?](#)” *Lehrhaus*, July 18, 2018.

¹⁷ Genesis 31:32, although in that context referring to false gods.

Though the order is changed, Yehudah Ha-Levi advises that the repentant embrace the same four things: “Your eyes should flow tears/ and you should regret your sins [=repentance, change of action],/ And pray opposite your Creator [=prayer]/ and do not copy the wicked¹⁸ / and lower your pride greatly [=change of name/reputation]/ and take the good¹⁹ for it is pleasant²⁰ ,/ Honor God from your wealth [=charity]²¹/ until such time that the saviors rise²² / And they will raise their voice your multitude²³ / Prepare to meet your God!”²⁴

We are told to awaken from the slumber of sin, to contemplate the contrast between the smallness of humanity and the vastness of the Almighty, and then be driven to change our ways and turn to charity to refashion ourselves at this time of year.

As an Allusion: The Story of Jonah

The hallmark of a great poet is the ability to use one short line to convey three different things. In this vein, the initial words of the song function not just as a literal call to the sleeping Jew to wake up and pray, and not just as a metaphorical call to repentance, but also as an allusion to one of the more prominent stories of repentance in the Jewish tradition, [the story of Jonah](#), read each year on Yom Kippur since the times of the Talmud ([Megillah 31a](#)).

In the story of Jonah, the stormy ocean waters were ready to break the ship the prophet had embarked upon, and all the sailors respond by entreating their false gods for salvation. At that time, Jonah is sleeping in the lower deck of the ship, and is awoken by the captain with the words “Why are you slumbering? Get up and call out to your God!” These words are directly quoted in the last line of the first stanza of the poem, and are echoed by the first line.

By speaking to the reader with the same words that the captain had spoken to Jonah, the poem instantly positions the reader in exactly the same situation as the prophet Jonah to dramatic effect. Jonah is a sinner, hiding from God, and the reader instantly feels as a sinner hiding from God as well. Jonah was sleeping at a time he should have engaged in prayer, and the addressee is likely also fighting off sleep at a time of prayer. And thus, just as Jonah had the choice to repent or to face disaster, so too the reader also must wake up, in both ways, or face the disaster of an unfortunate judgment: “Sleeping one, do not slumber./ And forsake your follies²⁵ / Make human ways far [from you]/ And see²⁶ the ways of the one higher than

¹⁸ A direct quote from Psalms 37:1, although the meaning of this verse is unclear, see Rashi and Ibn Ezra.

¹⁹ Yet another quote from the liturgy of the High Holiday period: Hosea 14:3.

²⁰ Psalms 135:3 and 147:1.

²¹ Proverbs 3:19, see *Kiddushin* 32a.

²² The final verse of Ovadiah (21), which is one of the verses of God’s kingship in the *Mussaf* of Rosh Hashanah.

²³ A pun (*hamonekha*) with the earlier wealth (*mehonekha*).

²⁴ Amos 4:12, either to meet Him by fulfilling the literal meaning of the song and going to pray (as it was understood by *Berakhot* 23a), or meet Him in the metaphoric sense, by reaching Him in repentance.

²⁵ Based on Proverbs 26:18 but adapted to fit the key rhyme of the key final line. In this first verse there are only eight lines, with the odd ones rhyming with the first half of the key quote from Jonah, and the even ones rhyming with the end of the quote. Here too, Yehudah Ha-Levi deftly began his composition of this verse with

you/ And run to serve an eternal rock²⁷ / like the running of the stars of your brightness/
Enough! ‘Why are you slumbering?/ Get up and Call out to your God!’”

This initial verse invokes all of the themes and ideas that will recur later in the song: physically running towards the prayer house while watching the stars at night, focusing on repentance, and forsaking the follies of humanity, and appreciating the eternity, strength, and greatness of the Almighty, in contrast to lowly humanity. Even if the reader is personally content, being positioned as the Jonah figure causes the reader to see his or her self as the sleeping sinner, motivating a turn towards prayer and repentance.

Upwards and Downwards

The reader or audience of the poem is also asked to shift the direction of his or her attention throughout the poem, through references both to things above and to things below. Indeed, the addressee is asked in virtually every verse to first look up and then to look down, or the reverse. In the first two verses the reader is asked to look up and then down: Verse #1 first asks the reader to “see the ways of the one higher than you,” and invokes the stars, but then ends with the allusion to Jonah in the lower-quarters of the boat; verse #2 begins with a lengthy description of looking at the heavens and stars but ends by asking the reader to lower his or herself lest they become arrogant or high-spirited. In the next three verses, the reader begins on earth or looking down, and is then asked to move up: Verse #3 begins on Earth with the famous people going to pray, but then directs the addressee towards the ladder and paths up to God; verse #4 begins with the tears running down and the addressee lowering his or her arrogance, but ends with the raised voice; and verse #5 begins with a reference to dust but ends by speaking about seeing their Rock above.

In the earlier verses the reader is asked to shift attention once per verse. The effect is even more dramatic in the final verse. The central lines read “Stand for His judgment²⁸ and live/and leave rebellion and treachery”; here the addressee is asked to stand, physically rising from a sitting (or sleeping) position.

The first four lines of the verse describe God, again using references to both up and down “Hashem,²⁹ ‘I will be that I will be’³⁰ / Who did all that He Wished/ ‘Who kills and gives

this quote, which does double-duty, both servicing the theme of the poem and also serving as yet another echo for the liturgy of this time of year, and then rhymed all the odd lines in this verse with the first half of the quote (*dam*), and the even lines with the second half of the quote (*ekhah*).

²⁶ The word *shur* is a rare verb meaning to look at or see in Biblical Hebrew.

²⁷ These words carry philosophical resonance, that God is eternal and antedates the entire world. See the discussion in *Kuzari* 2:54.

²⁸ Numbers 35:10 about a human court, also in Psalms 119:91 about the Divine Court, a verse that is often cited in the High Holiday prayers. In Ashkenazic circles it is one of the introductory verses to the *Pizmon* on the day before Rosh Hashanah, and the first image of the “*Hayom Harat Olam*” prayer after the Shofar blowing in the *Hazan’s* repetition. In the Biblical context, the defendant is asked to stand (*amad*) when being judged; although in the context of the poem, the meaning of waking up or praying (*Berakhot* 26b) may also be intended.

²⁹ The first letter of this two-letter name of God is the letter *yud*, which leaves an acrostic of *Yehud-dai*, not of Yehudah, the author’s name. Perhaps the hortatory call “*Dai!*” “enough!”, is intended by the acrostic not just the

life/lowers to the underworld and raises,” and uses yet another prominent quotation ([I Samuel 2:6](#)) from the High Holiday liturgy, the *Haftarah* for the first day of Rosh Hashanah since Talmudic times ([Megillah 31a](#)). Saying that God gives life and also death also serves a third purpose, to further encourage the reader to be shaken up and feel the urgency of repentance.

Somewhat slyly and ironically, the poet also engages in misdirection with these lines to further unsettle the reader. The reader is the addressee of the entire poem, although these lines at first glance seem to indicate a change in audience, where God, Himself, is addressed as the first words of a prayer. Yet, the following line (“stand for His judgment”) reveals to the reader that he or she is mistaken; the first lines are merely an appositive for the pronoun “His,” not the vocative for a new addressee. The focus of the song is not to address words of prayer to God; its purpose is to address words of admonishment to the reader to stand before God, effectively shifting the burden or onus of responsibility at times of repentance and prayer to what we can do for God, and not what God can do for us. Put differently, Yehudah Ha-Levi shifts the readers expectations to caution: we are still not yet standing before Him, and still not ready to issue a request.

The last four lines contain an even more dramatic reversal. For in a poem where the reader has been encouraged to look up and down, the poem concludes that we must forsake the treachery of “Saying when and where?/ And what is below and what is above”³¹ / Rather, “Perfect you shall be/ with Hashem your God.”³² The poet has forced us to look up and then down the entire poem, and then indicates that if we truly want to begin to pray, we must stop looking up and down, and instead focus instead on improving the relationship with the Almighty. After forcing us to look up and down, Rabbi Yehudah Ha-Levi tells us that it is precisely having done that thing, which now indicates our need to repent.

As we approach the High Holiday season, perhaps the greatest thing we need from our poets and prophets is to be shaken out of our zone of comfort and reminded of the need for introspection and change. The reader of this song can imagine Yehudah Ha-Levi coming to their home and shaking the reader up at midnight to wake up! The deft use of second person voice, the constant disorienting shift from up to down, and the reversals of the last paragraph serve to leave the reader unsettled, but thereby fully awake and ready to follow the 4-part counsel of the sages to repent and change his or her ways. After reading this *selihah* we walk

name of the author, given the prominence of the word “*Dai*” as the initial word of the final section of the first verse, which also bears a partial acrostic.

³⁰ A different name of God. Yehudah Ha-Levi discusses both names of God at length in the start of the fourth section of the *Kuzari*.

³¹ An example of a question whose asker is better to not have been born (*Hagigah* 11a), although the order is reversed to fit the rhyme. Admittedly, unlike the rest of the song, this above and below are metaphysical, not physical. Compare *Kuzari* 5:14.

³² Deuteronomy 18:14. In its original context, the verse asks the Jewish people to have perfect faith in their Creator, and not in idols or other forms of Divination. Yehudah Ha-Levi reuses it here that one should have perfect faith, and not consider other forms of philosophy that question about the eternity of the world, or the physical whereabouts of an incorporeal Creator.

away, if we might borrow from an English poet: "He went like one that hath been stunned,
/And is of sense forlorn: /A sadder and a wiser man, /He rose the morrow morn."

Rabbi Dr. Yaakov Jaffe serves as the rabbi of the Maimonides Kehillah, founded by Rabbi Joseph B. Soloveitchik in 1963, and as the Dean of Judaic Studies at the Maimonides School. He received his ordination and doctorate from Yeshiva University, where he holds graduate degrees in Bible, Jewish History, and Jewish Education.

YOM KIPPUR, FASTING, AND THE POOR: CONSIDERING THE MESSAGE OF ISAIAH 58

SHLOMO ZUCKIER

What is Yom Kippur about? Reflexively, many of us would say “fasting,” in the sense of refraining from eating and drink. But the *haftara* read on Yom Kippur, taken from Isaiah 58, gives a radically different conception of what a fast day should be, focusing on matters other than refraining from eating. This essay will take a close look at the literary artistry of Isaiah, trying to discern its literary-theological message, and considering what this tells us about fasting and Yom Kippur in general.

The charge to fast on Yom Kippur stems from the biblical phrase **תענו את נפשותיכם** (Lev. 16:29), usually translated as “you shall afflict/debase yourselves” but probably better construed as “you shall deny your gullet.” This phrase, cited several times in the Torah and clearly associated with Yom Kippur, will be the key to decoding the literary message of Isaiah 58.

Isaiah 58 comes to correct the people’s severe misimpression of fast days. They saw the technical observance of the fast, namely debasing oneself and abstaining from eating, as the be all and end all of its observance. While meticulously following the ritual technicalities of fasting, they were oppressing their workers – even having them work on the fast itself! – and they failed to assist those less fortunate.

For Isaiah, however, the fast must be directed towards helping others. One is to practice self-debasement precisely in order to support others. We see this in the multiple cases of inversion that the chapter offers to the phrase **ענוי נפש** (self-affliction), which function on both a literary and a thematic level. The passage is uniquely constructed so as to complicate the standard understanding of mortification of flesh that people generally associate with Yom Kippur.

- Rather than affliction (**ענוי**), the people are bidden to do the opposite: they are to feed the hungry (v. 7; **הלוא פרס לרעב לחמך**), and satiate the gullet (v. 11; **והשביע** **ובצחצחות נפשך**). In fact, there is a charge precisely to satiate those souls that are afflicted (v. 10; **ונפש נענה תשביע**), the exact opposite of **תענו את נפשותיכם**!
- Not only is the opposite of **ענוי** called for, but the root **עני** itself is redirected, as well: by punning on the root for affliction (**ענוי**) the text shows that it cannot be simply followed as it sounds. The poor (**עני**) are mentioned, but they are to be brought in (v. 7; **עניים מרודים תביא בית**). If one acts properly, God will respond (v. 9; **אז תקרא וה'** **יענה**), clearly a pun replacing affliction (**יענה**) with divine response (**יענה**).
- Additionally, the word **נפש** (soul/person/gullet) is redirected in various manners. The people are expected to “given themselves,” i.e. their compassion, to the hungry (v. 10; **ותפק לרעב נפשך**), and satiate the gullet of the oppressed (v. 10; **ונפש נענה** **תשביע**), such that God will in turn satiate their gullet (v. 11; **והשביע בצחצחות נפשך**).

The literary assault on **ענוי נפש** thus includes the deployment of antonyms to affliction as well as the use of both the root **עני** and the noun **נפש** to promote the *opposite* of affliction – supporting the poor is what will cause God to respond.

These linguistic inversions are accompanied by several thematic inversions, as well. It is clear that the standard understanding of a fast, as understood by Isaiah's addresses, was to not eat or drink (see vv. 3 and 5), to wear sackcloth (v. 5) and to bow one's head and ignore one's flesh (v. 5). These practices correlate to the additional ענויים (Yom Kippur observances) familiar from the Talmud and contemporary practice – one neither eats nor drinks, afflicts one's flesh by neither washing nor applying oil, refrains from sexual activity, and practices sartorial debasement by not wearing shoes.

Yet Isaiah's account of the fast required by God inverts each of these themes:

- Isaiah charges the people to eat and drink and be healthy, the opposite of the prohibitions against eating and drinking. Specifically, the people are told to feed the poor and downtrodden, to *reverse* their affliction.
- The people are charged to clothe the poor, *inverting* the concept of mourning by wearing sackcloth and/or not wearing shoes.
- The nation is urged “do not forsake your flesh,” which clearly opposes a conception of carnal debasement. However, there is another inversion at work. This verse is understood, in various Second Temple and Rabbinic traditions, as relating to a scenario where a man would marry his niece in order to support her financially.³³ This is another counterweight to the prohibition against carnal activity for the fast day, as one is urged to consider undertaking a sexual relationship for the purpose of assisting someone in an unfortunate financial position.

The key to reading this critique is the overturning and re-directing of the fast day, accomplished through punning and re-deployment of the phrase ענוי נפש that is paradigmatic of fast days, and especially Yom Kippur.

A true fast, one God desires, will inspire those fasting to utilize the self-abnegation for the purpose of caring for those less fortunate than themselves. The failure of the people was that their fast was accompanied by doing business, and doing so on the back of others (vv. 3-4, הן, ביום צמכם תמצאו חפץ, הן לריב ומצה תצומו). In doing so, they doubly missed the point – they were not truly denying themselves, and they certainly were not helping others. A successful fast, says Isaiah, must – either by reallocation of resources (v. 7, פרס לרעב לחמך) – or a reassignment of sympathies (v. 10, ותפק לרעב נפשך) – redirect one's attention from preoccupation with one's self (נפש) to concern for others. In the long run, he promises, the self-affliction (ענוי) leads to God listening (ה' יענה), and leads to ultimate self-fulfillment (והשביע בצחצחות נפשך).

Whether by redirecting food not eaten to a food pantry or becoming inspired through fasting to identify with those who are starving, Isaiah's message – equally important now as then – is that we ensure that the practices of Yom Kippur reinforce our awareness of those less fortunate and our capacity to support them. Failing to do so would mean that we have become so self-absorbed in our own affliction that we missed its point entirely.

³³ Aharon Shemesh has treated this matter in various places. See his “Scriptural Interpretations in the Damascus Document and their Parallels in Rabbinic Midrash,” in *The Damascus Document: A Centennial of Discovery*, ed. J. Baumgarten, (Leiden: Brill, 2000), 163-167, which cites CD 6:21-7:1 CD 8:4-8 and bYevamot 62b.

May we all merit to internalize Isaiah's rebuke, and to fulfill the fast with its full significance!

Rabbi Shlomo Zuckier is a PhD candidate in Ancient Judaism at Yale University, a member of Yeshiva University's Kollel Elyon, and is a Lecturer at YU's Isaac Breuer College. Previously he served as Director of the Orthodox Union's Jewish Learning Initiative on Campus at Yale University. Shlomo is an alumnus of Yeshivat Har Etzion and Yeshiva University (BA, MA, Semicha), as well as of the Wexner, Tikvah, and Kupietzky Kodshim Fellowships. He has lectured and taught widely across North America, and is excited to share Torah and Jewish scholarship on a broad range of issues. Shlomo serves on the Editorial Committee of Tradition, is co-editor of Torah and Western Thought: Intellectual Portraits of Orthodoxy and Modernity, and is editing the forthcoming Contemporary Forms and Uses of Hasidut.

JONAH AND THE VARIETIES OF RELIGIOUS MOTIVATION

DAVID BASHEVKIN

The consolations of Religion, my beloved, can alone support you; and these you have a right to enjoy. Fly to the bosom of your God and be comforted.

— Letter of Alexander Hamilton to Elizabeth Hamilton, 4 July 1804

Rust Cohle: What do you think the average IQ of this group is, huh?

Marty Hart: Can you see Texas up there on your high horse? What do you know about these people?

Rust Cohle: Just observation and deduction. I see a propensity for obesity, poverty, a yen for fairy tales, folks putting what few bucks they do have into little, wicker baskets being passed around. I think it's safe to say that nobody here is gonna be splitting the atom, Marty.

— *True Detective*, Season 1, The Locked Room

The journey towards more fervent religious life so often begins with personal turmoil. Some people turn to religion because they are lonely, some are looking to cope with feelings of mortality, while others may turn to religion in the hopes that it will serve as a respite from a broken family. As a religious educator, it is hard to ignore the gnawing feeling that the object of these people's search is not authentic spirituality, but a very, almost secular driven, emotional catharsis from the everyday pain of life. Of course, as an educator, there is a duty to remain egalitarian as to the religious motivations of those who seek counsel; but can I be faulted for noticing that so many people who are seeking religious commitment would seem to be better suited in finding simple healthy social interactions? Does the teenager looking to make sense of her or his parents' impending divorce really need theological purpose or would she or he be better suited with the guidance of a mental health professional and a friend?

I don't think I am the first educator to develop fatigue from watching many who began with intense motivation and then slowly watch said motivation (d)evolve into either disappointment or disuse. The prime suspect, in my eyes, of such abortive entrances into religious life was often the nature and substance of the motivation that brought them there in the first place. Perhaps, I wondered, if people came to religion for the "right reasons," if such can even be said to exist, the resulting religious experience would be more fruitful.

Of course, I recognize that everyone is welcome to seek meaning where they see fit, but my frustration was couched not so much in the breadth of what motivates religiosity than by incredulity towards the religious commitment that emerges from such fleeting emotional pain. A person can surely find God after a devastating diagnosis, but what enduring sense of duty could such motivation produce? Can religious motivation devoid of theological urgency still foster lasting religious commitment? It is an uncomfortable question to ask, for who has the authority to question others' religious search, but it was a question I nonetheless found myself asking, however quietly.

I don't know if I ever found a definitive answer to my difficulties, but my frustrations were assuaged, somehow. In December of 2014 I was invited to deliver a series of classes at a

weekend program for teenagers. Many of the participants would have the personal backgrounds that typically irked me in my endeavors at religious education. But, those classes changed my view on the varieties of religious motivation and experience. My classes focused on a personality, who I learned, dealt with a set of frustrations and difficulties similar to the ones with which I had been grappling. His name was Jonah.

II.

Jonah was approached by God to convince the people of Nineveh to repent and return to Him. Instead of listening, Jonah chose to run. Why did Jonah, a prophet, decide to run?

Like many biblical characters Jonah's underlying religious ethos was alluded to in his name. He was Jonah the son of Amittai, which derives from the Hebrew word *emet* – meaning truth. Jonah was a man of truth. He was not interested in religious comfort or convenience. He was not concerned with escaping the terror of death and finitude. Jonah was motivated by truth. Jonah's religiosity was founded on theological fact and doctrinal integrity.

After fleeing, Jonah found himself on a boat in a tempestuous storm. His fellow sailors began to panic. "And the mariners were afraid, and cried every man unto his god." Throughout the story the operative description of the sailors is fear. The religious motivation of the seamen was based on the impending crisis of their own mortality. Jonah, however, took a nap. He was not interested in being a prophet on this boat. The task of reminding them of repentance so as to escape death's grasp is the very job he absconded by running away from Nineveh. Jonah understood that the people on that boat were not seeking religious truth, but rather religious comfort.

After being thrown overboard in the midst of the storm, Jonah is saved from drowning by miraculously being swallowed by a fish. Inside the fish, Jonah prays and recommits himself to God, who in return ensures he is safely returned to dry land. Jonah, now seemingly reformed, agreed to return to Nineveh – which he did. The Nineveh community, hearing Jonah's exhortations to repent, promptly responded with a communal commitment to return from evil, which God just as promptly accepted.

Jonah, however, is still in pain. His outreach work still leaves him unfulfilled. He finally discloses to God why he ran:

וַיִּתְפַּלֵּל אֶל ה' וַיֹּאמֶר, אֲנִי ה' הֲלוֹא זֶה דִּבַּרְתִּי עַד הַיּוֹתִי עַל אֲדָמָתִי—עַל כֵּן קִדְמָתִי, לְבָרַח
תַּרְשִׁישָׁה: כִּי יָדַעְתִּי, כִּי אַתָּה אֵל חַנּוּן וְרַחוּם, אֶרֶךְ אַפַּיִם וְרַב חֶסֶד, וְנָחָם עַל הָרָעָה.

He prayed to God and said: Please, God, was this not my contention when I was still on my own soil? Because of this I fled towards Tarshish; for I knew that You are a gracious and merciful God, slow to anger, abundant in kindness, and who relents of evil.

While Jonah clearly intends to offer an explanation as to why he ran, his justification at first glance still remains unclear. A close reader, however, will notice that Jonah invokes the opening of the familiar refrain of Moses (or God, depending on who you ask), known as the Thirteen Attributes, that are repeated throughout the High Holiday season – albeit, with one

exception. The standard sequence of God's attributes that most readers are surely familiar with ends **not** with the term "*nicham al ha-ra'ah*," but rather with the term "*emet*"—truth. The word *nicham* derives from the word *nechamah*, comfort. Jonah in his aggravated description of God substitutes comfort for truth. Jonah the son of Amittai finally discloses his frustration with outreach to God. "You want to know why I ran away? Because for most people God, religion, spirituality—it's not about truth—it's about comfort."

Why did the fear of death and mortality seem to have no bearing on Jonah's religious outlook? Perhaps, it was his childhood. I Kings ch. 17, presents the story of the widow Zarephath, whose son died only to be revived by the Prophet Elijah. That son, according the Midrash, was Jonah. Death for Jonah, then, was not an abstract fear lurking in his future, but a reality he had already experienced. Having already lived through the terror of death, Jonah sought another motivation to ground his religious commitment: truth.

Jonah's concern has been articulated by many critics of religion. David Hume, in his *History of Natural Religion*, considers the concerns which motivated the advent of religion commitment. Hume, who was quite skeptical of religion, assumes that religion began not in the search for truth, but rather in a search for comfort:

But what passion shall we here have recourse to, for explaining an effect of such mighty consequence [i.e., religion]? Not speculative curiosity surely, or the pure love of truth. That motive is too refined for such gross apprehensions; and would lead men into enquiries concerning the frame of nature, a subject too large and comprehensive for their narrow capacities. No passions, therefore, can be supposed to work upon such barbarians, but the ordinary affections of human life; the anxious concern for happiness, the dread of future misery, the terror of death, the thirst of revenge, the appetite for food and other necessities. Agitated by hopes and fears of this nature, especially the latter, men scrutinize, with a trembling curiosity, the course of future causes, and examine the various and contrary events of human life. And in this disordered scene, with eyes still more disordered and astonished, they see the first obscure traces of divinity.

His pessimistic view of the underlying motivation for religion is shared by many philosophers. Ernst Becker, in his Pulitzer Prize winning book *The Denial of Death*, flatly declares that "religion solves the problem of death." No doubt, this view is best encapsulated in Karl Marx's often cited declaration that "religion is the opiate of the masses." An opiate does not bring its users truth, of course; it is a specious solution for the harsh pain of a harsh world.

Long ago, Maimonides was also concerned with this issue. In his Laws of Repentance (10:2), Rambam makes an important distinction regarding the proper motivation for religious commitment:

Whoever serves God out of love, occupies himself with the study of the Law and the fulfillment of commandments and walks in the paths of wisdom, impelled by no external motive whatsoever, moved neither by fear of calamity nor by the desire to obtain material benefits—such a man does what is true because it is true...

The ideal form of religious commitment, according to Maimonides, is founded upon truth as opposed to the solace religion proves in the face of calamity. Of course, he readily concedes, most will never achieve such purity of motivation – but it stands as an ideal nonetheless.

In 1967, Gordon Allport wrote “Personal Religious Orientation and Prejudice,” an important essay that invoked a similar dichotomy in religious motivation to that of Maimonides. According to Allport, religious motivation can be characterized based on two binary poles – intrinsic versus extrinsic motivation. He succinctly defines this scale as follows:

Perhaps the briefest way to characterize the two poles of subjective religion is to say that the extrinsically motivated person uses his religion, whereas the intrinsically motivated lives his religion. As we shall see later, most people, if they profess religion at all, fall upon a continuum between these two poles. Seldom, if ever, does one encounter a “pure” case.

Using Maimonidean terminology, those motivated by truth could therefore be considered intrinsically motivated, while those motivated by fear of calamity or, for that matter, by social, emotional, or any other form of temporal comfort could be typified as extrinsically motivated. Thus, what plagued Jonah was his insistence on pure intrinsic motivation.

The story of Jonah can be read as the narrative of a frustrated outreach professional. As a prophet, Jonah has proclaimed God’s impending wrath to wayward communities and time and again he sees them repent out of fear. Man, when confronted with his own mortality, finds comfort in the community and eternal promises offered by religion. Jonah, however, grew tired of serving as the temporal haven for man’s fear of crisis and transience. If religion is only a blanket to provide warmth from the cold, harsh realities of life, did concerns of theological truth and creed even matter?

III.

What was God’s response to Jonah’s religious torment? The story of Jonah ends abruptly. God provides a tree for the ailing Jonah to find shade. After momentarily providing Jonah comfort, God summarily destroys the tree. Jonah is crestfallen. With the sun beating down on Jonah, he pleads for death. God, in the closing statement of the story, rebukes Jonah for becoming so attached to the comfort of the tree, while still failing to develop any empathy for the religious struggle of the people of Nineveh.

Comfort, God reminds Jonah, is a need inherent in the human condition. The comfort provided by a tree no more obscures the role of God, than the comfort that religion provides. The means through which we find solace need not obscure the ultimate source from which all comfort derives.

Christian Wiman, a noted American poet, knows that his religious motivations are looked at with suspicion. After living as an atheist for much of his teens, he rediscovered God following a bout with cancer. As he acknowledges in his brilliant collection, *My Bright Abyss: Meditations of a Modern Believer*, “[t]hat conversion often happen after or during intense life experiences, especially traumatic experiences, is sometimes used as evidence against them.” As he surely was accused of himself, “The sufferer isn’t in his right mind. The mind tottering

at the abyss of despair or death, shudders back toward any simplicity, any coherency it can grasp, and the man calls out to God.” Wiman, however, does not accept this skeptic narrative of religious motivation, “[t]o admit that there may be some psychological need informing your return to faith does not preclude or diminish the spiritual imperative any more than acknowledging the chemical aspects of sexual attraction lessens the mystery of enduring human love.”

Religious motivation, however fleeting, however fearful, can still beget dignified religious commitment. Many people seek out religion, just as Jonah thousands of years ago desperately sought shade. Few, if any, are purely and intrinsically motivated by theological truth – but the story of Jonah teaches that their stories are still endowed with religious depth and significance. Perhaps this is why the story of Jonah is read on Yom Kippur. People come to synagogue for all sorts of reasons on Yom Kippur; many come only on this day. Reading the story of Jonah is an apt reminder that it doesn’t matter what brought you to synagogue, be it comfort, truth, or otherwise.

Religious integrity is not determined by the door through which you enter, or even the length of your stay. Our momentary religious experiences are meaningful, regardless of their motivations or durations. So whatever brings you to prayer on Yom Kippur, know that your presence has meaning. We’re glad you’re here.

Dovid Bashevkin, Director of Education for NCSY, studied in Ner Israel and completed his rabbinic ordination at Yeshiva University’s Rabbi Isaac Elchanan Theological Seminary (RIETS). While in Yeshiva University, he completed a Master’s degree in Polish Hassidut, focused on the thought of Rav Zadok of Lublin, under the guidance of Dr. Yaakov Elman. He is currently pursuing a doctorate in Public Policy and Management at The New School’s Milano School of International Affairs, focusing on crisis management. He also teaches a course at Yeshiva University about religious crisis. Recently, he published a rabbinic work entitled B’Rogez Rachem Tizkor (trans. In Anger, Remember Mercy), which is a discussion of sin and failure in Jewish thought and law. Dovid has been rejected from several prestigious fellowship and awards.

WHY I DON'T MISS SHUL ON YOM KIPPUR

LESLIE GINSPARG KLEIN

When I was single, I stayed with my brother and sister-in-law for Yom Kippur every year. They lived next door to a yeshiva, and I much preferred the yeshiva-style davening to the standard synagogue service. While I typically wasn't the most fervent *shul*-goer, Yom Kippur was different. I was present when davening started and there when it ended.

I managed to tap into the intensity of the day: the dread of *Kol Nidrei*; the heartfelt pleas of *viduy*; the emotion-packed crescendo of the room exploding at the end of *Neilah*, "*Hashem hu ha-Elokim*," and the euphoria of the declaration, "*Le-shana ha-ba bi-Yerushalayim!*"

I was very comfortable in my Yom Kippur routine. Year after year, I sat in the same seat, wearing the same Steve Madden (non-leather) slides, using the same *mahzor*, anticipating the tune that was coming next. As I traveled the familiar and yet always emotional journey that is Yom Kippur, I had the full confidence of knowing that I was exactly where I needed to be in that moment, doing what I needed to be doing. I was in *shul*. Because that is what you do on Yom Kippur.

There is a level of *simcha* in knowing you are doing the right thing.

Only that's not what I do anymore. I haven't been to *shul* on Yom Kippur in years. And I am okay with that.

Back in my yeshiva-going days, when my brother and I would go back to his house during the short break, my sister-in-law would greet us at the door with a smile. Drained from the hours in *shul*, I could barely muster a smile in return. She, on the other hand, was relaxed and upbeat. And I, still in the intense headspace of *shul*, couldn't relate. To be so "chilled" on Yom Kippur seemed wrong. But now, that is me. And it is kind of nice.

These days, I don't spend hours standing in *shul*, feeling the heaviness of the day, the intensity, the dread. These days, I spend Yom Kippur reading storybooks and playing board games. I try to talk with my kids a little about Yom Kippur, but I end up devoting more time to building elaborate structures out of Magnatiles. When I get tired, I rest and adjudicate inter-child disputes from the comfort of my couch. I also hang out with the other moms on the block as we have a steady stream of rotating playdates/tag team *davening*. With my friends' and my husband's help, somewhere along the day, I sneak in the five requisite *Shemoneh Esrehs*.

Towards the end of the day, the kids who are still awake daven the end of *Neilah* along with me. It's not quite as impressive as at the yeshiva, but it still gets a little loud. It may be less inspiring, but it's not just about me. It's about sharing the meaning of the day with my kids.

Not every woman experiences Yom Kippur the same way. Thankfully, most *shuls* have groups, babysitting and families make other arrangements that allow women with young

children to be in *shul*, at least part of the day. I hope that the available options continue to increase.

For me, staying at home works and makes the most sense. Sure, there are elements of being at home on Yom Kippur that are challenging. But during the many years I spent the *Yomim Norai'm* single, the primary thing I davened for was to be in this stage of life. While there is certainly much to daven for today, and I could daven more effectively in *shul*, I can't feel upset. My prayers were answered.

While this most definitely is not the Yom Kippur of my single years, this is the reality of my stage of life. So I don't feel guilty for not missing being in *shul*. And I don't feel guilty for being less intense and more relaxed. Instead, I have the full confidence that I am exactly where I need to be in the moment, doing what I need to be doing. And there is *simha* in that too.

Leslie Ginsparg Klein is a writer and educator. She has taught education, Jewish history and Jewish studies at Gratz College, Touro College, Hebrew Theological College, and Beth Tfiloh High School.

CAN A COURT REALLY BAN *KAPPAROT* AND WHY IT MATTERS FOR THE AMERICAN JEWISH COMMUNITY

MICHAEL (AVI) HELFAND

Like many Jews, I do *kapparot* with my kids on Yom Kippur eve. But like many others, I don't wave a chicken around my head—I use money and then donate the money to charity. I do the *kapparot* with money even as I readily admit that the “money version” of the ritual is a recent change to the more traditional chicken-based routine. My reason: I find the chicken alternative just more than I can handle and, honestly, I don't feel comfortable doing the ritual with a live animal.

Discomfort, of course, is one thing. Taking [legal action](#) against the live-chicken version of *kapparot* is another. But the legality and constitutionality of *kapparot* is precisely what is at stake in a federal case current on the docket in California. The fact that someone is making a, pardon the pun, federal case out of *kapparot* may seem surprising. First, you might legitimately wonder what law someone is breaking when they use a chicken for *kapparot*. Second, and maybe more fundamentally, you might also wonder why isn't someone engaging in *kapparot* protected by the First Amendment's guarantee to protect the “free exercise” of religion. The answers to these two questions are important and not simply because of the current litigation; they tell us something important about why the Jewish community must take a more active role in current debates over religious liberty in the United States.

So What Law Prohibits *Kapparot*?

Let's start with the current litigation. On September 28, United Poultry Concerns, an animal rights group, [filed suit in California federal court against the Chabad of Irvine](#), arguing that the ritual practice of performing *kapparot* with chickens violated California law. The plaintiff's legal claims are themselves a bit complicated—a Rube Goldberg form of legal argumentation if you will, so you have to keep your eye on the ball.

Here's step 1: California's Unfair Competition Law prohibits [“any unlawful, unfair or fraudulent business act or practice.”](#) Easy enough. A business violates California law if it engages in an unlawful business practice. But there's an important twist. If a business does engage in an unlawful business practice, a private citizen—including, potentially, a non-profit animal rights group like United Poultry Concerns—can file a civil suit against the practice. So let's say a business engages in a practice that the district attorney believes is not unlawful and therefore the district attorney doesn't prosecute the business; a citizen that disagrees with the D.A.'s conclusion can take advantage of this California rule to file his or her own lawsuit, arguing the practice really is unlawful--again, even though the district attorney disagrees.

Of course, under this California rule, that citizen would have to demonstrate that he or she had been injured by the unlawful business practice—that he or she had [“lost money or property as a result of the unfair competition.”](#) This is what gives the citizen “standing” in the first place to file the suit. Otherwise, there's no reason for the citizen to be in front of the court. In the *kapparot* case, United Poultry Concerns attempts to satisfy this requirement by claiming that it has been harmed because of all the money it's lost while investigating the conduct of the Chabad of Irvine.

So next comes Step 2: California law prohibits [the “malicious” and “intentional” killing of an animal](#). This law could make a business practice “unlawful” if that business is maliciously and intentionally killing an animal. And as we know from Step 1, a non-profit can sue a business for engaging in an unlawful business practice. So if a California non-profit believes that a business is maliciously and intentionally killing an animal—such as the ritual practice of *kapparot*—and this practice causes it to lose money, it can file its own lawsuit claiming that the business is engaged in “unfair competition.”

Hopefully in describing the legal argument, you can already see some of the problems. First, it’s hard to understand how the plaintiffs have been actually financially harmed in this case. Second, the Chabad of Irvine--a religious non-profit--is presumably not a business. Third, the *kapparot* themselves are not a business practice, even as Chabad does receive some amount of money as a donation from participants in conjunction with the practice. And fourth, it isn’t clear that the actual method of killing the chickens is itself malicious; indeed, the actual killing of the chickens—as opposed to process of swinging the chicken around the head—is done via ritual *shehitah*, which has never been deemed to be legally “malicious.”

Indeed, these reasons are why at least one California state court has previously [dismissed claims](#) brought by United Poultry Concerns against a different Chabad institution in California. And given that United Poultry Concerns needs to win at each step of the argument to win the overall case, there is good reason to believe that the lawsuit is doomed to failure.

But What About Religious Liberty?

In reading the ins and outs of California law, you may find yourself wondering why even bother--aren’t *kapparot* protected by the constitutional guarantees of religious liberty? The answer to this query, like all good legal questions, is maybe. And that uncertainty--combined with the plaintiff’s patchwork of California laws--was enough to [convince a federal court](#) to temporarily prohibit *kapparot* in the days leading up to Yom Kippur. This outcome is, in and of itself, troubling.

But the outcome is grounded in Supreme Court precedent. Indeed, [since 1990](#), the Supreme Court has interpreted the First Amendment’s religious liberty protections to only prohibit the targeting of religious practices; where laws apply across the board, the fact that they burden religious practices simply doesn’t raise a constitutional problem. And none of the rules raised by United Poultry Concerns target religion in any way. So the fact that they threaten to prohibit a particular practice does not, in and of itself, trigger the protections of the First Amendment.

Now, there are [good arguments](#) to claim that *kapparot* should still be protected by the First Amendment. Most notably, California’s law against the malicious and intentional killing of animals has a bunch of exceptions for things like [“game” or scientific experiments](#). And where a law grants exceptions for secular purposes, but doesn’t do so for religious practices, it is typically viewed as no longer imposing a prohibition across the board—thereby triggering the protections of the First Amendment.

However, the fact that *kapparot* will have to be defended in federal court raises a more central problem for how the Jewish community should think about religious liberty. When the Supreme Court interpreted the First Amendment to only prohibit laws that target religion, it also provided a blueprint for how religious individuals might get a reprieve from laws that incidentally bar a religious practice. Instead of asking a court to provide constitutional protection, religious individuals or institutions could ask a legislature to just write a religious exemption into the law. So, for example, if a legislature enacts a law prohibiting minors under 21 from drinking alcoholic beverages, it can also add a provision that allows minors to drink alcohol as part of a religious ritual like communion or kiddush. In this way, the Supreme Court encouraged religious groups to find a new address for their complaints. Don't call a court--call your senator or congressman.

The problem with this suggestion is that it is unlikely to be equally effective for all religious groups. More established religious groups, with more well-known religious practices, are likely to have a relatively easy time when they ask legislators for legal exceptions. But minority religious groups, with more obscure religious practices, will presumably face far more skepticism when they present similar requests.

This asymmetry between the likely legislative reception of different religious groups is precisely why [many states](#), following Congress's lead, have enacted religious liberty laws to supplement the limited protections afforded by the First Amendment. These laws vary in scope, but they all—in some manner—require courts to balance the importance of religious liberty against the importance of the state's law--and they subject laws to this balancing even if the law doesn't target religion. Where the state doesn't have a strong reason for enforcing the particular law, the religious practice may proceed even though it conflicts with the law. Such a framework, if implemented in this case, would pretty much end the litigation dead in its tracks; it is unlikely that the religious needs of Chabad would be trumped by California's unfair competition law, assuming the unfair competition law even applies in the first place.

States, however, have become wary of these religious liberty bills because they are seen as [allowing businesses to discriminate against same-sex couples](#). While many states have laws prohibiting business from discriminating against customers on the bases of sexual orientation, religious liberty bills could be interpreted to allow a baker, for example, to refuse to bake a cake for a same-sex wedding by arguing that doing so burdens his religious practices. Indeed, when Indiana tried to enact a religious liberty bill in 2015, the public outcry was [so ubiquitous](#) that [Indiana amended the law](#). And attempts in [other states](#) have faced a similar backlash. The problem here is that religious liberty bills have become politically toxic because of the potential of such laws to be deployed against members of the LGBTQ community. In this way, religious liberty bills--originally conceived to protect religious minorities whose voices might not be heard in a state legislature--are now viewed as themselves tools to target other minority groups.

And this new narrative is of particular worry for the American Jewish community. The fact that religious liberty bills have become so toxic has limited the protections afforded religious groups in far less complicated cases. And the *kapparot* litigation serves as a case in point. In an ideal world, a court would resolve the *kapparot* case by balancing religious liberty against the importance of California's unfair competition laws--and employing that calculus, find in favor of allowing Chabad to practice its *kapparot* ritual. But California has no such religious

liberty bill that provides a legal framework for that kind of balancing--and it never will in the current political climate.

This is why the American Jewish community needs to discover its voice when it comes to debates over religious liberty. Groups on the political right will use the *kapparot* case to convince the Jewish community [to take a far more aggressive stance when it comes to current culture wars over religious liberty and LGBTQ rights](#). Groups on the left will encourage the American Jewish community to stand in solidarity with other minorities even if that means supporting more limited religious liberty protections.

But between the two lies a different path--one where the American Jewish community remains true to both its standing as a religious group and as a minority group. To do so requires embracing a legal framework that balances the needs of religion against the needs of others, recognizing that in some cases religion deserves protection, but in other cases religion might have to lose out. All told, the *kapparot* litigation is a reminder that the American Jewish community, in the coming years, will need to make its voice heard on how to balance the claims of religion against other legal imperatives. And in so doing, the Jewish community will need to provide an alternative--a uniquely Jewish alternative--to the current clash between religious and LGBTQ groups, one that reminds the law that the practices of minority religious groups should not be caught in the crossfire of the current culture wars.

Dr. Michael (Avi) Helfand is an expert on religious law and religious liberty. A frequent author and lecturer, his work considers how the state treats religious law, custom and practice. He is currently an associate professor at Pepperdine University School of Law and co-director of Pepperdine University's Diane and Guilford Glazer Institute for Jewish Studies. He received his J.D. from Yale Law School and his Ph.D. in Political Science from Yale University.

His academic articles have appeared in numerous law journals, including the Yale Law Journal, New York University Law Review and Duke Law Journal. Professor Helfand also often provides commentary on clashes between law and religion, writing for various general audience publications, including the Wall Street Journal, Los Angeles Times, USA Today, and the Forward, and has provided legal commentary for various news outlets, including the New York Times, PBS, and Huffington Post.

In addition to his academic work, Professor Helfand is an executive board member of the Beth Din of America, where he also serves as a consultant on the enforceability of rabbinical arbitration agreements and awards in U.S. courts.

PRAYING AT THE GRAVE OF FRANZ ROSENZWEIG

ELLI FISCHER

There is an old Ashkenazic custom to visit the graves of Jewish saints on fast days, and particularly on the day before Rosh Hashana.³⁴ Rabbi Jacob Moellin of Worms, Germany (better known as Maharil) explained this practice:³⁵

ואמר דנראה לו טעם
אחר מאוד דבנית הקברות מקום מנוחת הנדיקים.
והסיך כך הוא מקום קדש וטהור והתפיל נתקבלה ביותר
על אדמת הקדש. והמשמט על קברי הנדיקים
ומתפלל אל יצא מנחתו כנגד המתים האוֹכְנִים שם אך
יבקש מאת השם י"ת שיתן אליו רחמים בנפשות הנדיקים
אוֹכְנֵי עפר תננה' :

He said that another reason appeals to him: a cemetery is the resting place of the righteous, and therefore is a place of sanctity and purity, and prayers are better received on holy soil. One who prostrates himself on the graves of the righteous and prays should not direct himself toward the deceased lying there. Rather, he should petition God, blessed be He, to show him mercy in the merit of the righteous who dwell in the dust, may their souls be bound in the bonds of life.

Let us sharpen Maharil's idea a bit. Visiting a grave is about more than calling upon the merit of the righteous generically, though that is definitely part of what drives the dead rabbi tourism industry. Visiting the grave of a particular Jew offers a chance to meditate on his or her specific legacy, the way this saint changed the world and changed us. A visit to the grave of a historical figure who has inspired us or shaped us is a journey of self-discovery, a cathartic dredging of the soul.

This past February, I had an opportunity to visit the grave of Moreinu Franz Rosenzweig in Frankfurt am Main.³⁶ His grave is not (yet) a pilgrimage site, yet I was drawn to it, drawn to

³⁴ No, this didn't start with Uman.

³⁵ *Sefer Maharil*, Laws of Fast Days, p. 95a of the Frankfurt 1688 edition (because of course the Frankfurt edition). By the way, this custom is cited by Rema, *Orah Hayim* 581:4.

³⁶ Among German Jews, the honorific "Moreinu," which literally means "our Teacher," was given to a learned layman who has exhibited mastery of halakhic texts. As the gravestone shows, Rosenzweig was indeed awarded this title, though he did not publicize this fact during his lifetime. The plan to grant the title to Rosenzweig was initially conceived by Rabbi Nehemiah Nobel, but as Rosenzweig later wrote, "I told him right off that he had no idea how difficult my unlegalistic head would find the *halakha*." Rabbi Nobel died young, and shortly thereafter Rosenzweig himself was diagnosed with ALS and knew that his time was limited. His only child, a son named for Rabbi Nobel, was born just a few months later. Thus, when Rabbi Leo Baeck offered the honorific, Rosenzweig accepted, not because he felt he deserved it, but because: "above all, there is my little boy, who will one day be called up to the Torah under this patronymic and there learn that his father, to whom it

him, drawn not necessarily to *what* he thought, but to *how* he thought. As it happens, about a week later I was asked to join the editorial board of this exciting new project named for Rosenzweig's adult education initiative, *Lehrhaus*. Now the *Yamim Nora'im* are upon us, and our site is about to launch, and I can't help but think about Rosenzweig.

It is said that there are Purim Jews, Tisha Be-Av Jews, and Yom Kippur Jews. Rosenzweig was a Yom Kippur Jew—not just because of his “[conversion](#)” at the [Potsdamer Brücke](#) Synagogue, but because the holiest day on the Jewish calendar seems to have exerted a gravitational pull on the entire trajectory of his life. In 1917, he spent Yom Kippur in a Ladino-speaking Sephardic community in Uskub, Serbia (today Skopje, Macedonia)—a community of whom he said, prefiguring his later observations about Polish Jews and the ideas about *halakha* that he articulates in [The Builders](#): “Their Jewish knowledge is nil, but the Jewish way of life is entirely natural to them” (Glatzer, *Franz Rosenzweig*, 51, 61). And it was on Yom Kippur in 1922, soon after Rosenzweig fell ill, that Ernst Simon, a *Lehrhaus* colleague, first organized the *minyan* that would continue to meet weekly in the Rosenzweig home until Franz finally succumbed to his paralysis in 1929.

One other description of the *Yamim Nora'im* is worth mentioning. Though it is allusion and metaphor, it is a stirring description of the process of *teshuva*—often translated as “repentance” but better translated as “return”—and establishes beyond doubt that Franz Rosenzweig was a true *ba'al teshuva* in the most literal sense.³⁷ He was a master of return, a man who recognized that he, along with his entire generation, was lost, was born lost, and managed to reorient himself and find his way home.

The letter was to Professor Friedrich Meinecke and was written in August 1920. Meinecke³⁸ had offered Rosenzweig a university lectureship in Berlin, and the latter declined in favor of founding the *Lehrhaus*. In the letter, he attempts to explain his decision:

It was then (one can speak of such matters in metaphors only) that I descended to the vaults of my being, to a place whither my talents could not follow me; that I approached the ancient treasure chest whose existence I had never wholly forgotten, for I was in the habit of going down at certain times of the year to examine what lay

was not given to be his teacher, may yet, through ‘ours,’ be his teacher.” (Nahum Glatzer’s *Franz Rosenzweig: His Life and Thought* [130-131]).

³⁷ He was also a *ba'al teshuva* in the sense that he became observant later in life. There is some debate about whether he was “Orthodox,” which misses the point. He wasn’t Orthodox; he was *frum*. The difference can perhaps be explained by yet another metaphor that he used in a letter to his mother: in the 1850s, Empress Eugenie and Queen Victoria attended a theatrical performance together. They approached the railing in the royal box, thanked the audience, and sat down—Victoria, a royal by birth, sat down without looking around. Eugenie first glanced around to make sure a chair was there. Rosenzweig aspired to be able, like East European Jews, to sit down without looking around. For those still curious, yes, he kept kosher, kept Shabbat, and there was a *mehitza* at the *minyan* in his home.

³⁸ He later became a Nazi sympathizer. This has nothing to do with the present story, but it needs to be said all the same.

uppermost in that chest: those moments had all along been the supreme moments of my life. But now the cursory inspection no longer satisfied me; my hands dug in and turned over layer after layer, hoping to reach the bottom of the chest. They never did. They dug out whatever they could and I went away with armfuls of stuff—forgetting, in my excitement, that it was the vaults of myself that I was thus plundering! Then I climbed back again to the upper stories and spread out before me what treasures I had found: they did not fade in the light of day. These, indeed, were my own treasures, my most personal possessions, things inherited, not borrowed!

It was the very same vision that animated his vision for the *Lehrhaus*. It was designed to “lead from wherever we are in life back to the Torah. We shall not disregard whatever we are, not renounce whatever we have acquired, but lead everything back to Judaism.”³⁹

Perhaps, then, Moreinu Rosenzweig—and despite his deprecation of his own accomplishments in traditional Jewish learning,⁴⁰ he has taught us all—would smile at the idea of reciting a prayer for the success of this new venture at his grave. After all, Maharil, the hero of Ashkenazic custom, was part and parcel of that treasure trove that Moreinu Rosenzweig inherited, and graveside prayer—a customary, non-rational, natural expression of Jewishness—could easily be a manifestation of one’s excavation of his own soul. Thus:

May it be Your will, Lord my God and the God of my fathers, that I and my colleagues find success in this new endeavor, for Your sake, and for the sake of Your holy Torah. Help me find the path, and help me help others find the path, from Torah to life, and from life to Torah; to find eternity within the details, and the details of the Eternal. Unite us all in the pursuit of Jewish learning, so that we may embrace the whole of Judaism. Permit me to return to You by returning to the treasures I have inherited from my ancestors, and help me appreciate that others may embark on similar journeys and discover very different treasures. In the merit of your servant, Moreinu Levi ben Shmuel, who translated and expounded Your Torah amid terrible suffering,⁴¹ grant me the courage to face life’s challenges with humor, dignity,

³⁹ This is from the opening convocation of the *Lehrhaus*, October 17, 1920. The entire address appears in Glatzer, Franz Rosenzweig (228-234). Needless to say, it is self-recommending.

⁴⁰ He indeed never truly mastered the Talmud. He first tried teaching himself Aramaic while stationed on the Balkan front during World War I, and studied Talmud daily, first with Joseph Prager, then with Rabbi Nobel. Once he was paralyzed, he preferred to study Talmud, because he spent so much time on each page that it was less burdensome for his nurses and attendants, who otherwise would have had to turn pages for him constantly. Nevertheless, he was largely unfamiliar with the Talmud when he wrote *Star of Redemption*, a fact which earned some criticism from Dr. Isaac Breuer (as well as others—including Rav Soloveitchik—who came from the world of the Talmud and did not think much of works of Jewish thought that were not anchored in the Talmud). Rosenzweig responded to Breuer: “When I finished the *Star of Redemption* I thought I would then have decades of learning and living, teaching and learning, before me, and that perhaps toward the end, when I had reached a hoary old age, another book might come out of it, and this would have been a book on the Law.” It is worth noting that *The Builders*, where he makes the case, contra Buber, that Jewish learning and Jewish observance are inseparable, appeared about a year before his correspondence with Breuer.

⁴¹ In his translation of Tanakh, undertaken together with Martin Buber, they got through Chapter 52 of Isaiah. I like to think that the last years of his life, in their entirety, were a translation of Chapter 53.

and common sense, and to heed, study, teach, observe, perform, and uphold Your Torah with love.

Elli Fischer is an independent writer, translator, editor, and rabbi. Previously, he was the JLIC rabbi and campus educator at the University of Maryland. He holds rabbinical ordination from Israel's Chief Rabbinate, and is working toward a doctorate in Jewish History at Tel Aviv University. His original writing has appeared in Commentary, Moment, Jewish Review of Books, Mosaic, Jewish Ideas Daily, Journal of Halakha and Contemporary Society, New York Jewish Week, Jewish Action, and elsewhere. Among his translated works are By Faith Alone: The Story of Rabbi Yehuda Amital, and he is the editor of Rabbi Eliezer Melamed's Peninei Halakha series in English.

RABBI YEHUDAH HA-NASI'S YOM KIPPUR

SHLOMO ZUCKIER

Does the Torah's description of the *Kohen Gadol's* ritual in Leviticus 16, commonly known as *Avodat Yom Ha-Kippurim*, refer specifically to Yom Kippur? Perhaps not. The first 28 verses do not mention Yom Kippur at all, only discussing the nature of “*Be-Zot Yavo Aharon El ha-Kodesh*,” how the *Kohen Gadol* can enter the Holy of Holies. After, and only after, that point, from verse 29 and on, does the Torah mention that this is to be performed annually on Yom Kippur, the “tenth day of the seventh month.” Then, the Torah teaches other aspects of Yom Kippur: that it is a Sabbath of Sabbaths, with an obligation to afflict oneself, and concludes with another reference to the *Kapparah* that is effectuated in the Temple on that day.

The Gaon of Vilna and Some Precedents

The Vilna Gaon ([cited](#) by the *Hayyei Adam* at the end of *Avelut*) noticed this. He made use of this literary fact, [arguing](#) that Aharon had the option of conducting the ritual within the Holy and entering the Holy of Holies at any point in time, so long as he fulfills the process delineated in Leviticus 16:1-28. In other words, it is possible to detach the beginning of the chapter from its end, to separate the ritual inside the Holy from Yom Kippur.

This insight of the Gaon is a celebrated one. But I believe it is possible to see this insight echoed, to a certain degree, in a much earlier rabbinic text – in a Talmudic dispute (*Yoma* 3a):

דְּתַנִּי, רַבִּי אֹמֵר: אֵיל אֶחָד, הוּא הָאֹמֵר כֹּאן הוּא הָאֹמֵר בְּחוֹמֵשׁ הַפְּקוּדִים. רַבִּי אֱלִיעֶזֶר בְּרַבִּי שִׁמְעוֹן אֹמֵר: שְׁנֵי אֵילִים הֵם, אֶחָד הָאֹמֵר כֹּאן, וְאֶחָד הָאֹמֵר בְּחוֹמֵשׁ הַפְּקוּדִים.

It was learned—Rabbi [Yehudah ha-Nasi] says: “one ram” (Leviticus 16:5)—the one stated here is the same as the one stated in Numbers (29:8). Rabbi Eliezer be-Rabbi Shimon says: There are two rams, one stated here, and one stated in Numbers.

These rabbis dispute whether the service in the *Mikdash* on the day of Yom Kippur features one ram or two. The *Avodah* of Yom Kippur opens with this verse (Leviticus 16:3):

בְּזֹאת יָבֹא אַהֲרֹן אֶל הַקֹּדֶשׁ בֶּפֶר בֶּן בָּקָר לַחֲטָאת וְאֵיל לְעֹלָה

With this shall Aharon enter the holy: with a young bull for a sin-offering and a ram for a burnt offering.

Aharon enters the Temple's inner sanctum bringing these two animal offerings. It seems simple enough, but this verse raises a certain question when considered in context of what appears in Numbers 29:7-8:

וּבַעֲשׂוֹר לַחֲדָשׁ הַשְּׁבִיעִי הַזֶּה מִקְרָא קֹדֶשׁ יִהְיֶה לָכֶם וְעִנִּיתֶם אֶת-נַפְשֵׁיכֶם כָּל-מִלְאכָה לֹא תַעֲשׂוּ:

וְהִקְרַבְתֶּם עֲלֶיהָ לִיקּוֹן רֵיחַ נִיחַח פֶּר בֶּן־בָּקָר אֶחָד אֵיל אֶחָד כְּבָשִׂים בְּנֵי־שָׁנָה שִׁבְעָה
תְּמִימִם יְהִיוּ לָכֶם:

And on the tenth of this seventh month, there shall be a holy calling for you,
and you shall cause yourselves discomfort; you shall do no work.

And you shall bring a burnt offering to the Lord, a pleasant smell, one young
bull, one ram, seven unblemished year-old sheep for you.

In discussing the offerings for Yom Kippur, we are told to bring a bull, ram, and seven sheep,
all as burnt offerings. An identical set of offerings—apparently the seasonal sacrificial
complement—is brought on Rosh Hashanah and Shemini Atzeret. The verse (Numbers
29:11) notes that these are all in addition to the ritual, non-seasonal *Hattat* unique to Yom
Kippur.

The Crux of the Matter

A question emerges from the confluence of these *pesukim*: what about the rams? Is the ram
noted in Numbers 28 (which is notably *not* called a *Hattat*) the same as the ram for *Olah* noted
in Leviticus 16? Or are they two separate rams? No verse explicitly clarifies this matter,
which then becomes subject to the dispute between Rabbi Yehudah ha-Nasi and Rabbi Elazar
be-Rabbi Shimon noted above.

There's a fundamental question residing at the core of this matter. The key quandary is
whether the sacrifices that Aharon is told to bring into the holy in Leviticus 16 overlaps and
integrates with the holiday offerings of Numbers 28. Are the offerings of the service inside
the Holy defined as essentially Yom Kippur offerings, or are they merely necessary steps
enabling the *Kohen Gadol* to enter the Holy of Holies, while holding no particular connection
to the day.

Rabbi Yehudah ha-Nasi argues that there is really only one ram, and thus a unity exists
between the two passages governing Yom Kippur, held together through the nexus of this
ram. Each passage emphasizes a different aspect of the complement of sacrifices of the day,
but both are part of a singular whole. The passage in *Aharei Mot* includes an offering specific
to Yom Kippur, part of the bull/ram/seven sheep structure for the *Tishrei* holidays, because it
comprises an integral part of the sacrifices for entering the Holy of Holies.

On the other hand, Rabbi Elazar be-Rabbi Shimon rejects this unifying thread between the
passages. For him, like for the Gaon many centuries later, the first 28 verses of Leviticus 16
are detachable, with no Yom Kippur-specific content. The fact that both they and Numbers
28 discuss the bringing of a ram is a complete coincidence; the rams are distinct and
unrelated, and nothing holds the day together, composed as it is of unbridgeable seasonal and
ritual offerings.

The Yom Kippur Trait

We might consider more deeply the ramifications of Rabbi Yehudah ha-Nasi's position, that
the service inside the Holy has essential Yom Kippur characteristics to it. In the

contemporary world we live in, where there is no Temple service, do the positive effects of Yom Kippur still apply?

The more that the ritual service historically carried out on Yom Kippur is detachable from day itself (as Rabbi Elazar has it), the more Yom Kippur becomes a mere platform for a generic process of atonement. Absent an actual ritual service in place, or some replacement thereof, it is difficult to see the tenth day of tenth of *Tishrei* offer atonement of its own. If one is to attain atonement, presumably one would need to invoke some sort of stand-in for the ritual process as well, and draw the atonement from there rather than from the day of Yom Kippur.

However, for Rabbi Yehudah ha-Nasi, where the High Priest's service inside the Holy is essentially tied to the day of Yom Kippur, there is a simpler path to contemporary atonement on Yom Kippur. For Rabbi Yehudah ha-Nasi, as the very day of Yom Kippur is defined by this process of atonement, and the *Avodat Penim* is unique to Yom Kippur and definitional to the day, we might argue that in the present world we are well-positioned to receive atonement even absent the ritual process of service inside the Holy.

And sure enough, we find another statement of Rabbi Yehudah ha-Nasi makes this very point, appearing in an important dispute about the nature of *teshuvah* through Yom Kippur. The Mishnah (*Yoma* 8:8) writes:

חטאת ואשם ודאי מכפרין מיתה ויום הכפורים מכפרין עם התשובה תשובה מכפרת
על עבירות קלות על עשה ועל לא תעשה ועל החמורות הוא תולה עד שיבא יום
הכפורים ויכפר:

Sin-offerings and guilt-offerings atone; death and the Day of Atonement atone along with repentance; repentance atones for minor sins: for a positive commandment and for negative commandments, and for the more severe sins it "hangs" [the sin] until the Day of Atonement comes and atones.

Yom Kippur plays a certain role in effecting atonement, but always in conjunction with *teshuvah*. Absent repentance, the day of Yom Kippur has no such power according to the straightforward underspending of the Mishnah. Just as in the time of the Temple, when the day was insufficient and required the *Avodat Penim* itself to atone, nowadays, it appears, the day is insufficient and requires a process of *teshuvah* to serve in place of that expiatory service in order to offer atonement. Repentance replaces ritual, providing Yom Kippur with its necessary supplement.

Rabbi Yehudah ha-Nasi's Yom Kippur Remedy

However, Rabbi Yehudah ha-Nasi's position is presented as diverging from at least the straightforward meaning of the Mishnah. (See, however, *Yoma* 85b, which resolves that the Mishnah can be read as similar to this position.) Rabbi Yehudah ha-Nasi says (*Shevuot* 13a):

דתינא, רבי אומר: על כל עבירות שבתורה, בין עשה תשובה בין לא עשה
תשובה—יום הכפורים מכפר, חוץ מפורק עול ומגלה פנים בתורה ומפר ברית
בבשר, שאם עשה תשובה—יום הכפורים מכפר, ואם לאו—אין יום הכפורים מכפר

It was taught: Rabbi says: For all sins in the Torah, whether one repents or not – the Day of Atonement atones, except for one who throws off the yoke, offends regarding Torah, or revokes his carnal covenant, where if one repents—the Day of Atonement atones, and if not—the Day of Atonement does not atone.

Yom Kippur has the power to atone for every sin, without that person even repenting! The only exception is for three especially severe and offensive violation, which do require repentance. But in general, the power of the day of Yom Kippur itself is sufficient to effectuate atonement for the person in nearly all cases. The essence of the day of Yom Kippur, all on its own, has the power to effectuate that atonement.

It is by no means surprising that Rabbi Yehudah ha-Nasi holds this position. The very sage who defines the service in the Holy as *Avodat Yom Hakippurim*, an essential aspect of the day of Yom Kippur, will view the atoning power of Yom Kippur in its fullest-force, even in a world that lacks the Temple service.

Rabbi Shlomo Zuckier is a PhD candidate in Ancient Judaism at Yale University, a member of Yeshiva University's Kollel Elyon, and is a Lecturer at YU's Isaac Breuer College. Previously he served as Director of the Orthodox Union's Jewish Learning Initiative on Campus at Yale University. Shlomo is an alumnus of Yeshivat Har Etzion and Yeshiva University (BA, MA, Semicha), as well as of the Wexner, Tikvah, and Kupietzky Kodshim Fellowships. He has lectured and taught widely across North America, and is excited to share Torah and Jewish scholarship on a broad range of issues. Shlomo serves on the Editorial Committee of Tradition, is co-editor of Torah and Western Thought: Intellectual Portraits of Orthodoxy and Modernity, and is editing the forthcoming Contemporary Forms and Uses of Hasidut.