

Finding Tradition in the Modern Torah World

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(Seventh Draft Edition)

Table of Contents

Tradition vs. Kabbala.....	8
The Importance of Minhagim.....	10
What's at Stake?.....	11
How it Began.....	11
Defining Limits.....	12
Who Can We Trust?.....	13
How Are We Supposed to Pray?.....	14
The Traditional Approach to Prayer.....	15
The Tzfas Approach to Prayer.....	16
The Broader Tzfas Influence.....	17
What Are Partzufim?.....	20
Putting Together the Pieces.....	21
Rabbinic Reaction.....	22
Between Frankfurt and Tzfas.....	25
Hirsch on Mitzvos.....	26
Tzfas on Mitzvos.....	27
Hirsch on Kabbala.....	29
Hirsch vs. the World?.....	30
Sources.....	32
How We Choose What We Observe.....	36
Engaging in business activities on Shabbos.....	37
Wearing a sheital.....	38
Secular courts.....	39
Eating before mitzvos.....	40
Laws of mourning.....	41
Hats on Shabbos.....	43
Honesty.....	44
Gratitude.....	45
Belief.....	46
Radical Goals.....	48
Radical Minhagim.....	48
Radical Prayer.....	50
Why Blow 100 תוף on Rosh Hashana?.....	51
Other Modern Innovations.....	57
Why Do We Say Selichos?.....	57
The rise of the black hats.....	61

Mesorah.....	62
Self image.....	62
Discipline.....	63
A higher halachic standard.....	64
A few more popular innovations.....	65
Some Older Changes.....	70
Yom Tov schedules.....	70
Understanding Nefesh Hachaim.....	75
Nefesh Hachim Sha'ar 2, Chapter 5.....	76
Nefesh Hachim Sha'ar 2, Chapter 12.....	79
Nefesh Hachaim Sha'ar 1, Chapter 15.....	81
Nefesh Hachaim Sha'ar 2, Chapter 2.....	82
Nefesh Hachim Sha'ar 2, Chapter 4.....	83

Tradition vs. Kabbala

Many years ago when I was in kollel I asked R' Sholom Schwadron a question about the mechanics of Divine providence that was then bothering me. He replied by asking me how old I was. (I believe I was around 28 at the time.) He told me to wait until I was 40 before worrying about my problem.

Well 40 is now a distant, fading memory and I've been thinking about R' Schwadron's comment. I'm sure he could have quickly offered me one or two approaches from among the rishonim who discuss the problem. But instead he felt it was a topic I should simply avoid for the time being. For the record, I ignored his wise advice and continued to dig into relevant sources. And for that same record, those efforts didn't get me anywhere particularly useful.

I now suspect that the reason R' Schwadron didn't give me a clear and satisfying answer to my problem was because there *is* no clear and satisfying answer. Some topics resist clarity by their very nature. What one particular rishon might describe as obvious will be forcefully rejected by a handful of others. Something most or even all rishonim agreed to might be

strangely ignored in the writings of many mainstream acharonim. And there are nearly always significant outliers from every era who felt free to head off all by themselves in entirely new directions. The intellectual history of Torah scholarship is not a tidy place.

28-year-olds might be bothered by this ambiguity and become disoriented when they can't find easy answers for all their questions. But that doesn't mean the ambiguity isn't there. Dealing intelligently with ambiguity requires, as the very least, information. And information is what I plan to provide here.

In these essays I'm going to explore a fairly well-defined set of minhagim and the beliefs that have driven them. These particular minhagim, by and large, originated between the 16th and 18th Centuries and have since spread to nearly all corners of the Orthodox world.

This brief quotation from the introduction to ספר שני לוחות (written by the author's son), is a powerful illustration:

ראה זה חדש הוא, שחידש כמה דינים משכלו, והם כמה וכמה מאות דינים מחודשים

See how new this is: that he (the book's author, Rabbi Yeshaya Horowitz) innovated many laws from his own logic, and there are many, many hundreds of such innovated laws.

Bear in mind that Rabbi Horowitz' work is indeed the primary source of many recent innovations, including התרת נדרים before Rosh Hashana, listening to 100 Shofar קולות on Rosh Hashana, and all-night learning on Shavuos.

They may be widely adopted now but, at their birth, innovations often attracted significant rabbinic opposition. In many cases they represent violent changes to the way we look at our relationship to our Torah and its Giver.

I'm going to try to imagine a Judaism without some or all of those minhagim. But for many reasons it's not my goal to

suppress their practice. After all:

- How can I be sure those minhagim are objectively wrong?
- Who gave me the authority to advocate for changing accepted minhagim?
- Considering how few people would listen to me, what would be the point?
- Even if my analyses were correct and I did somehow influence others, how can I know that my efforts wouldn't lead to dangerous unintended consequences?

Instead, I would like to map out the status of some contemporary Torah attitudes and practices so I can understand where individual minhagim came from and where there might be conflicts with my mesorah and approach. You certainly don't have to share all of my assumptions, but following me as I work through the process might help you assess your own position.

The Importance of Minhagim

One thing I most certainly do *not* recommend is casually changing existing minhagim. R' Moshe Feinstein (א"ח ח"ב סי' כד) famously wondered how the early chassidim had the right to create Nusach Sfar. The precise halachic status of specific minhagim is, at the very least, unclear, and they shouldn't be treated disrespectfully. Just as it's normally forbidden to abandon a valid minhag, all things being equal, it should be equally problematic to create new ones.

There are exceptions of course. A minhag based on a judgment error can be ignored (פסחים נא. תוס' דה"מ אי אתה רשאי), as can a new minhag that's מוציא לעז on earlier generations (שו"ע יו"ד (רי"ד פתחי תשובה ס"ק ד).

But I believe that there's another compelling reason for being careful with minhagim. The way you'll come to integrate G-d into your daily life and exercise your moral responsibilities will, to a large degree, depend on the minhagim you keep. Simply put, they're going to play a significant role in defining the *way* we learn Torah and perform mitzvos.

This is something you really want to get right. And "getting it right" will involve making sure that your minhagim are a good match with your Torah identity. Running around looking for red bendle-type segulos won't work well if, like me, you're a Hirschian. And I suppose avoiding most music because we're mourning the destruction of the mikdash might not work well if you live in an active chassidic community.

What's at Stake?

I wrote earlier about a "well-defined set of minhagim and the beliefs that have driven them." Specifically, I'm referring to the explosion of innovation in Jewish practice that followed the introduction and popularization of the Tzfas school of kabbala. I might be wrong, but I can't help thinking that a Jew from the year 1600, miraculously transported to a thriving Torah community in 2020, would wonder whether he was still among Jews. Everything would look, sound, and feel so different.

Let's spend a few moments talking about how that happened and what it involves.

How it Began

The watershed event marking the beginning of the revolution was arguably the popularization of the Ari's systematic reinterpretation of the Zohar. The Ari and his followers focused enormous energy on building a conceptual schematic design mapping the process of creation (in particular "tzimtzum") and the ways heaven and earth come to influence each other. But the initial goal was to change the way we think about interacting with G-d, most specifically through the act of tefila.

As I describe later in "How Modern Kabbalists Would Have Us Pray," the Tzfas ideology divides what we've traditionally described as "G-d" into multiple parts ("partzufim," "sefiros," etc) and claims, as the Ari himself wrote, that most of those parts - in particular "Ain Sof" - are indifferent to and unaware of our prayers and that Jews should pray only to the partzuf Zehr Anpin.

I note in that essay how alien all this is to someone influenced by the Rambam (and other rishonim). In "Between Frankfurt and Tzfas," I also show how great Torah leaders like R' Hirsch vigorously resisted these interpretations. It should also be noted that, over the last century or two, responsible mainstream kabbalists like the Leshem (see Sefer Hadeah Section 1, Drush 5, Siman 7) worked to actively suppress at least some of those ideas while remaining loyal to the general terms of the Ari's system.

Paying attention to the shape of the modern siddur and researching the origins of much of its structure will give you a sense of how much came to exist only over the past few centuries. Think about Kabbalas Shabbos. Or about some other innovations that come from far darker sources. My feeling is that nearly all of the change can be traced, in one way or the other, to the hills and narrow streets of Tzfas.

Defining Limits

As I wrote, I'm not out to spark a movement towards casting off existing practices. But what I would like to see is a world where it's normal and acceptable for a Jew to choose to live according to the traditional principles of pre-Tzfas Judaism. There should be room in such a world for other - newer - traditions. But loyalty to the innovations of Tzfas should never be a test for loyalty to G-d's Torah.

The ultimate decision over whether some of the Ari's teachings are or are not within the scope of acceptable Torah values is not mine to make. And I have surprisingly little interest in what shape such a decision might take. In fact, the odds are that a public discussion about such things will never take place, and that's probably a good thing. It's worth remembering the unspeakable chaos and destruction caused by the three great rabbinic conflicts of the 18th Century involving, respectively, Nechemya Chayun, the Ramchal, and R' Yonason Eibschutz.

But it's also worth keeping in mind that not everything that happens within an Orthodox community occurs with the full

knowledge or sanction of Torah leaders. Sometimes lasting change just happens without anyone's approval. That distinction will have a significant impact on this discussion.

Who Can We Trust?

One of the most unsettling parts of this whole process has been having to revisit my relationship with some beloved seforim. Can I, for instance, still "trust" the Mishnah Berurah? By that, of course, I certainly don't mean I have any less respect for the precision, reliability, and clarity of the Chofetz Chaim's scholarship, or of his powerful voice of moral authority. It does however mean that for all the many times he invokes the authority of the Ari and his talmidim when ruling on "our minhag," that "our" might not include me. (We'll see examples of this in a later chapter.)

Or consider that, despite the genuinely careful and balanced text of the Artscroll siddur, it's been a while since I was able to automatically accept every choice they made. One or two interesting examples will appear later.

So, in an ambiguous world, I'm looking for a way to agreeably acknowledge my neighbors' strange innovations while passionately embracing the traditional approach of Rabbi Hirsch.

How Are We Supposed to Pray?

I always assumed that prayer involved speaking to the all-knowing and all-powerful G-d Who created the universe and Who alone determines our destinies. Obviously, the more sincere and morally responsible you were, the more powerful your prayers could be but, nevertheless, G-d is close to all who call Him (Tehilim 145:18).

However, exploring some of the most authoritative sources of the mainstream modern kabbalistic world (including those of the Ari and his students), I'm left with the impression that there's no point praying to the Master and Creator of everything, but instead prayers must be directed to a created entity - known as a partzuf - called זעיר אנופין.

My heart tells me that this belief - or at least the way I've understood it - is not compatible with traditional Torah teachings. In that, I might be in line with reservations expressed by Rabbi S.R. Hirsch (and explored in the next chapter). But it's also possible that I've simply misunderstood either the traditional Torah teachings or the mainstream kabbalistic sources. Perhaps you can help me decide.

The Traditional Approach to Prayer

Before we begin, let's use the Rambam's opinion as a baseline for this discussion. That's not to say that his is the only opinion that's available to us - the fact that most kehilos include "מכניסי" in "רחמים סליחות" demonstrates that that's not the case - but it is a good place to start.

חמשה הן הנקראים מינים...וכן העובד כוכב או מזל וזולתו כדי להיות מליץ בינו ובין רבון העולמים כל אחד מחמשה אלו הוא מין (רמב"ם פ"ג מהל' תשובה הל' ז')

Five are called heretics...and also one who serves a star, mazal, or anything else in order that it should be an intermediary between him and the Master of all worlds.

היסוד החמישי (מתוך הי"ג עקרים מפירוש הרמב"ם למשנה פרק חלק ממס' סנהדרין)

שהוא יתברך הוא הראוי לעבדו ולגדלו ולהודיעו גדולתו ולעשות מצוותיו. ושלא יעשה כזה למי שהוא תחתיו במציאות, מן המלאכים והכוכבים והגלגלים והיסודות ומה שהורכב מהם. לפי שכולם מטובעים, ועל פעולתם אין משפט ולא בחירה אלא לו לבדו השם יתברך. וכן אין ראוי לעובדם כדי להיותם אמצעים לקרבם אליו, אלא אליו בלבד יכווננו המחשבות, ויניחו כל מה שזולתו.

That He - who should be blessed - is appropriate to serve and magnify and to acknowledge His greatness and do His mitzvos. And you should not act this way to one who is below Him in creation; not angels, stars, spheres, or the elements that are founded of them...Similarly, it is not appropriate to serve them so that they should be a means to bring them close. But to He Himself you should address your thoughts, and all others you should abandon.

I should add here that, at least according to the Chazon Ish (Hilchos Akum 62:12), the Rambam's definition of מינות (as opposed to עבודה זרה) is primarily focused on the service of conceptual creations (כח נברא) rather than physical objects like people or stars.

The Tzfas Approach to Prayer

Now, by contrast, let's see a few quotations from some mainstream kabbalists. These sources are all widely available (including from multiple internet sources), so you should feel free to look up the originals.

In all fairness, I should note that both the Ari and Rabbi Chaim Vital apparently forbade the publication of their works even after their deaths. R' Vital further insisted that his words simply could not be understood unless they were transmitted through direct oral communication. So I believe we can only assume that we're not properly understanding the sources.

So why bother quoting them in the first place? Because, for better or for worse, their books are being published and actively promoted. And because their ideas - incorrectly understood or not - have been continuously and actively spread for centuries. In effect, this article is focused on contemporary popular interpretations of the words of the Ari and R' Vital, rather than on their actual thoughts.

Rabbi Chaim Vital was, by his own account, the primary student of the Ari. In this passage, he claims that the expression "ה' אלוקיכם" actually refers to the two lowest of the partzufim, Zeyr Anpin and his "wife."

והנה עם מה שביארנו לעיל -- כי ז"ן מתחברים בכותל א' משא"כ יעקב -- בזה תבין סוד מ"ש משה לישראל בכניסתן לא"י "ואתם הדבקים בה' אל-היכם חיים כולכם היום", כי "ה' אל-היכם" הוא ז"ן - (ספר עץ חיים שער הכללים פרק יא) [ז"ן = זעיר ונוקבא או זכר ונקבה]

From what we explained previously - that the male and female partzufim are united in a single wall as opposed to Yakov - with this you can understand the secret of what Moshe said to Israel when they entered the Land of Israel: "And you are attached with the Lord your G-d, living all of you today" - for "The Lord your G-d" (refers to) the male and female.

In his Sha'ar Hakavanos, where he describes the way he feels Jews should pray, the Ari himself associates the name "הוי"ה" with Zeyr Anpin. This is specifically within the context of tefila:

ונבאר מלת "יהוה". כי צריך אתה לכוין כי כבר יצא השפע הנזכר מחוץ למלכות דבינה והגיע לד' מקיפין של הד' מוחין **דז"א הנקרא הוי"ה**. - (שער הכוונות דרושי השחר כוונת הברכות)

And we will explain the word "יהוה". You must concentrate (on the fact) that the abundance mentioned has already exited from outside to the Kingdom of Understanding and reached the four circles of the four brains of Zeyr Anpin, which is called "יהוה".

In his recommendation for the "ideal" focus of the Musaf prayer, the Machberes Hakodesh also equates Zeyr Anpin with G-d:

מלאכים המוני מעלה הם או"א שכן בתיקונים הוא אומר כי או"א הם מלאכים לכתר מאצ'י יתנו כתר **לז"א שהוא ה' אלהינו** - (ספר מחברת הקודש בסדר מוסף שבת כ) [ז"א = זעיר אנפין]

Angels of the heavenly host, (the partzufim) Abba and Ima - for in Tikunim it is said that Abba and Ima are the angels of keser from the supernal world (i.e., atzilus) - will give keser to Zeyr Anpin who is the Lord our G-d.

The Broader Tzfas Influence

Many influential mainstream kabbalists through the generations of and following the Ari consistently and clearly wrote about these practices and, equally consistently, directly attributed their beliefs to sources in the Zohar. Rabbi Immanuel Chai ben Avraham Ricchi, for instance, begins his sefer Yosher Levav with a question:

עמוד 6: מפני מה אנו קוראים לעולם ומשבחים ומתפללים לשם הוי"ה המיוחד לפרצוף ז"א ולא לשמות מפרצופים הגבוהים ממנו או לפרצוף אחרון שבכולם

Why do we always call, praise, and daven to the (name of G-d that's) specific to the partzuf Zeyr Anpin and not

to names of the partzufim that are higher than (Zeyr Anpin) or to the highest of all (the partzufim)?

Much later in the book, he explains:

עמוד 58: משא"כ פרצוף ז"א שהוא הקב"ה שנשמתו המסתתרת בו ע"י הפרצופים שלפנים ממנו היא הסיבה ראשונה ממש ולה אנו עובדים בעבודתו

...Which is not true of the partzuf Zeyr Anpin who is the Holy one, blessed be He, whose soul is hidden within him by way of the partzufim deeper within. This is actually the first cause and it is what we serve.

Later still, he further clarifies the status of Zeyr Anpin, and identifies a source in Zohar:

עמוד 78: כי זה הוא רצון הסיבה ראשונה שיהיה הוא הז"א המוציא והמביא שפעו לתחתונים ואין עוד מלבדו. ודבר זה מבואר בזהר פ' נשא דף קכ"ט ע"א

For this is the will of the first cause that Zeyr Anpin should be the taker and bringer of his influence to the lower worlds and there is nothing besides him. The matter is clear in the Zohar..

I'll quote - and then translate - that passage from the Zohar at length. But first, to add some context, here's a fragment from a second passage in Zohar (Parshas Naso) where Erech Anpin, the "highest" of the partzufim, is identified as "Ayn":

זוהר פרשת נשא דף קכט א

ועל האי תאיבו בני ישראל לצרפא בלבהון דכתיב היש יי' בקרבנו אם אין. בין זעיר אנפין דאקרי יי' ובין אריך אנפין דאקרי אי"ן

And on this the Jews longed to purify their hearts, as it is written: "Is G-d in our midst or not?" - between Zeyr Anpin that is called "G-d" and Arich Anpin that is called "Ayn".

Now here's that key Zohar passage:

זוהר פרשת בשלח דף ע"ב:

אמר רבי אבא, מאי דכתיב "היש יהו"ה בקרבנו אם אין", וכי טפשין הוו ישראל דלא ידעי מלה דא, והא חמו שכינתא קמיהו, וענני כבוד עלייהו דסחרן לון, ואינן אמרו היש יהו"ה בקרבנו אם אין, גוברין דחמו זיו יקרא דמלכיהון על ימא, ותנינן ראתה שפחה על הים מה שלא ראה יחזקאל, אינן אשתכחו טפשין ואמרו היש יהו"ה בקרבנו אם אין. אלא הכי קאמר רבי שמעון, בעו למנדע בין עתיקא סתימאה דכל סתימין דאקרי אין, ובין זעיר אנפין דאקרי יהו"ה, ועל דא לא כתיב היש יהו"ה בקרבנו אם לא, כמה דכתיב הילך בתורתני אם לא, אלא היש יהו"ה בקרבנו אם אין, אי הכי אמאי אתענשו, אלא **על דעבידו פרוּדא**, ועבידו בנסינא, דכתיב ועל נסותם את יהו"ה, אמרו ישראל אי האי נשאל בגוונא חד, ואי האי נשאל בגוונא אחרא, ועל דא מיד "ויבא עמלק"

Rabbi Aba said: why does it write (Shemos 17:7) "Is G-d in our midst or not?" Were the Jews such fools that they didn't know this? Did they not see the Shechina before them, and did the clouds of glory not cover them? How could they say "Is G-d in our midst or not?" Men who saw the precious shine of their King on the sea, and (about whom) it's taught that a slave girl saw on the sea things that Yechezkel didn't see; could they have been such fools to say "Is G-d in our midst or not?"

Rather, this is what Rabbi Shimon said: they wanted to understand (the difference) between the Ancient One, hidden from all that's hidden, which is called "Ayn," and between Zeyr Anpin which is called G-d. And for that (reason), it doesn't write "Is G-d in our midst or not (אם לא) - as it writes (Shemos 17:4) "Will they follow in My Torah or not", but "Is G-d in our midst or Ayn".

*If so, why were they punished? Because they **served a distinct part**, and served as a test, as it says (Shemos 17:7) "And because they tested G-d." The Jews said: "Should one be approached in one way, and the other in another way?" For that it says (Shemos 17:8) "And Amalek came."*

Note that in the first passage the Zohar enumerates *two* sins: על

דעבידו פרודא, ועבידו בנסיונא. The first sin ("...they served a distinct part") is understood by Rabbi Ricchi to be the "error" of davening to anything (including what we think of as G-d) besides Zeyr Anpin. And, in fact, his reading of the Zohar seems perfectly reasonable.

Even more recent European kabbalists followed this approach in their own writings. R' Chaim Volozhiner (ספר נפש החיים שער ב), (פרק ב), in the context of prayer, wrote:

כי עצמות א"ס ב"ה סתים מכל סתימין ואין לכנותו ח"ו בשום שם כלל אפילו בשם הוי"ה ב"ה ואפי' בקוצו של יו"ד דבי' ... וז"ש האריז"ל בלשונו הקד' הובא בהקדמת פע"ח. שכל הכנויים והשמות הם שמו' העצמו' המתפשטים בספירות וע"ש

For Atzmus Ain Sof ("the Essence of G-d without end") is hidden from all secrets and there's no way to describe Him in any way, even with the Name "Havaya"...And this the Arizal wrote in his holy language – brought in the introduction to Pri Eitz Chaim – that all descriptions and names are (really just) names of the essence that has spread among the sefiros.

What Are Partzufim?

We should pause a moment to clarify the status of these "partzufim." The sources we've seen appear to advocate directing our prayers to one or more partzufim, but did they understand those partzufim to be distinct from G-d Himself? Could they not just represent alternate aspects of a single, undivided G-d?

The "history" described by the tzimtzum theory strongly suggests that partzufim are creations that came to exist only after (or in the course of) creation. If, after all, they're not independent entities or identities and whatever they describe effectively existed before tzimtzum, so then what changed during tzimtzum?

Nevertheless, I have been told that some, including the Ramchal in Vikuach 132, do understand tzimtzum as "G-d limiting his will without limiting his essence" and that, as a result, partzufim

could be considered somehow as elements of G-d.

But that's still a direct conflict with Rambam's second principle (that G-d is infinitely simple and comprises no "parts"). More to the point, why would anyone advocate specifying one "element" of G-d over another in his prayers? Isn't G-d perfectly capable of directing incoming internal "mail" however He sees fit without us adding "zip codes" to the address? The passages we've seen just don't seem to agree with Ramchal's approach. In any case, since it's highly unlikely the Ramchal was a recipient of a direct oral transmission from the Ari, his opinion is, at best, not authoritative.

Putting Together the Pieces

Within a more general context, here's another idea of R' Chaim Vital quoted by R' Volozhiner (נפש החיים שער א פרק טו):

...שאינן עצמות מהותה נכנסת כלל בתוך גוף האדם ואדם הראשון קודם החטא זכה לעצמותה ובסיבת החטא נסתלקה מתוכו ונשארה רק חופפת עליו. לבד משה רבינו ע"ה שזכה לעצמותה תוך גופו ולכן נקרא איש האלקים

...That (G-d's) Essence of the Existence does not enter at all into the body of a human. And Adam before the sin merited the Essence and, due to the sin, it was removed from his midst and remained only hovering above him. (All this is) besides for Moshe who merited to have the Essence (of G-d) inside his body. For this reason, he is called "man of G-d."

So, unless I'm missing something significant, it would seem that the Ari and his mainstream followers, basing themselves on their reading of sources in Zohar, believed:

- That partzufim are (almost certainly) taken to be the created products of G-d
- That the various names of G-d mentioned in Tanach and the siddur actually refer to various partzufim or other

creations that are not synonymous with what we think of as G-d

- That there's no value in praying to what we think of as G-d
- That there is a creation (*Zeyr Anpin*) that was delegated the exclusive job of receiving our prayers and delivering our blessings
- That it's theoretically possible for G-d's Essence to become incarnate within a human body

It is possible that most or all of those sources are not meant to be understood literally. In fact, there is no shortage of reliable individuals who make that very claim. But, at least in the context of these particular passages, that seems very unlikely.

As a rule, one uses a metaphor to obscure a deep idea within a seemingly innocuous text, making the truth available only to initiates. But knowing that the text will also be read by countless outsiders, one would be wise to choose a metaphor that's *truly* harmless.

Why, however would anyone couch his ideas within an outer metaphor that not only expresses the *exact opposite* of what he's teaching, but stands opposed to the very core of Jewish belief? And, in addition, why use a metaphor that's not in the least obscure – leaving no clear hint that there's anything deeper to find beneath the surface?

I can, therefore, only conclude that at least most authors of modern kabbalistic texts fully believed the simple meaning of what they wrote and further believed that that meaning didn't contradict true Torah beliefs.

Rabbinic Reaction

Let me restate my questions from above:

Are the beliefs and practices presented by these kabbalistic

sources actually in conflict with those of Rambam and other rishonim? If they are, how could the Torah world's "official" understanding of these matters have evolved so far and so quickly to the point where even suggesting they're new invites accusations of heresy? And why have no ranking Torah authorities over the past centuries said anything publicly about it?

One possibility is that the problems are privately acknowledged, and that offensive kabbalistic principles are informally suppressed by individuals wishing to preserve the authority of kabbala without explicitly promoting problematic beliefs. This would fit a pattern among at least some 19th Century Torah leaders (some examples can be found [in a separate article](#)) to "reinterpret" Torah passages to fit modern needs.

In a remarkable example of this approach, [ספר שם משמאל](#) quotes the very same passage in Zohar quoted above, but his interpretation (that Zeyr Anpin is a kind of metaphor meaning bracha that comes through your own hard work and Ayn means bracha that comes without effort) is, as far as I can see, going to be pretty much impossible to square with the actual text of the Zohar.

Rabbi Shlomo Wolbe, in the second volume of his [עלי שור](#) (in the chapter entitled [עמלק](#)), offered a similarly benign but apparently irreconcilable approach to this Zohar.

And it's also possible that many authorities were simply not familiar with the finer details of the Tzfas system. Getting access to and reading related books was not nearly as simple for Jews in centuries past than it is in our astounding internet age. Knowing the stature of many of modern kabbala's proponents, why wouldn't a responsible rabbi assume there couldn't be anything truly controversial being taught?

There is evidence that even R' Yosef Karo – despite his personal relationship with the big players in the Tzfas community – might never have been fully introduced to the theological system. And even if he was, I suspect that there were times when he would

make a conscious effort to separate kabbala from his halachic rulings.

Take, for example, his lengthy discussion of the prohibition of seeking to communicate with the dead (בית יוסף י"ד קע"ט יג-יד). R' Karo offers strong interpretations of a number of seemingly contradictory sources in Chazal before concluding that, indeed, the prohibition of דורש אל המתים remains in force in its simplest understanding. This, despite the existence of a passage in Zohar (זהר חלק ג עא א) that unambiguously permits the act:

אמר רבי ייסא בשעתא דאצטריך עלמא למטרא אמאי אזלינן לגביהון דמיתייא והא כתיב ודורש אל המתים ואסיר. אמר ליה עד כען לא חמיתא גדפא דצפרא דעדן. ודורש אל המתים אל המתים דייקא. דאינון חייבי עלמא דאינון מעמין עכו"ם דאשתכחו תדיר מתים. אבל ישראל דאינון זכאי קשוט שלמה קרא עלייהו ושבח אני את המתים שכבר מתו בזמנא אחרא ולא השתא. שכבר מתו. והשתא אינון חייין.

Rabbi Yosa said: "when the world needs rain, why do we go to the dead; does it not say '(do not) seek (the counsel of) the dead'? (Rabbi Chizkiya?) replied:... "(that refers) only to the dead who are (sinners) from the nations of idolaters who are indeed permanently dead...But the Jews who, in truth, are meritorious, are they not truly alive?"

Here, the Zohar clearly permits seeking the counsel of dead Jews (in obvious conflict with halachic sources like the Rambam). The fact that R' Karo completely ignores such an unambiguous Zohar and, in fact, rules against it, suggests that he prefers to exclude it from the halachic process.

Nevertheless, later halachic authorities like the Mishnah Brurah, who relied heavily on kabbalistic sources, apparently disagreed.

Between Frankfurt and Tzfas

It should surprise no one when I note that among Jews - even Torah-loyal Jews - there have always been significant disagreements. Even such seemingly basic texts as Rambam's thirteen principles have long been the subject of dispute. Safely navigating these disputes can be a challenge. The question I'd like to address in this article concerns whether it's possible for an individual or community to adopt a philosophical system with a clear and reliable tradition even though it stands at odds with what has become a widely adopted orthodoxy.¹

1 In recent years, some have argued that the contemporary dominance of particular hashkafos can achieve the status of “psak” and can render even positions held by many rishonim as “kefira”. So how is a person supposed to learn and teach rishonim if he never knows which of their words is kefira and which kosher (and which will become kefira in another ten or twenty years)? I was told by one of the גדולי ראשי ישיבה to ignore the whole thing and continue teaching Ramban and Rambam as I always had. I consider that the starting point for this discussion.

Specifically, I'd like to explore embracing Rabbi S.R. Hirsch's views on the goals and impact of mitzva observance as opposed to those of the "Tzfas" interpretation of the Zohar and other related works. The differences between these two world-views are far more than purely theoretical and stand close to the very core of how we see our relationship with G-d and the way we approach mitzvos and tefila. Let's begin by mapping out the key differences.

Hirsch on Mitzvos

Rabbi Hirsch thought of Torah and mitzvos as practical tools created to help us grow into perfect human beings striving to build and maintain perfect communities. He consciously and explicitly avoided any theosophical discussions (or, in other words, any discussion of how performing a mitzva might have some magical effect on either the physical or spiritual world), apparently considering the possibility as a waste of precious time and a distraction from our real goal. Man's purpose, in Hirsch's view, is not to see G-d, but to learn to see the world through G-d's eyes. Why should we care what happens beyond our sphere of knowledge when many very real responsibilities lie waiting for our attention?

Thus, for example, the purpose of the Temple offerings is not to mechanically change (or "fix") the universe, but to dynamically change *ourselves* by absorbing the many profound lessons taught by the avoda's complex symbolic details.

This is nicely illustrated in the fourteenth letter of Hirsch's Nineteen Letters, where he detailed how each category of Temple service was meant to impress particular thoughts upon us: "The aron represented the concept that the Torah is G-d-given; and the menorah and shulchan, the concept that the physical and mental faculties needed for implementation of the Torah are G-d-given, too." Individual elements of the avoda served unique educational roles, inspiring our "...consecrating to G-d our life (zerikas ha-dam), our sentiments (ketorus) and, indeed, our entire personality (olah) by fulfilling the Torah." In

the same letter, Hirsch similarly describes prayer as a "cleansing of the thoughts and of the heart" rather than an expression of power.

Hirsch felt that the Torah opposes any attempt to represent G-d - whether as image or symbolic concept. His comments to Shemos 20:21 are an example of his firm belief that nowhere should we try to "bring heavenly things down to you on earth, but to elevate all earthly things up to Me. When you wish to come to Me, you have not to represent to yourselves things that you imagine are with Me in heaven, but rather to ponder on how I wish things to be carried on by you on earth."

Furthermore, everything a Jew could possibly need to achieve spiritual and moral perfection is easily within his grasp (as long, of course, as he's willing to work hard). There are, Hirsch points out in his comments to Devarim 30:11-14, no secrets or esoteric rituals needed in the pursuit of Torah greatness. "The teachings and actions which it has in view do not move in the sphere of the supernatural or the heavens, and nothing which was necessary for its being understood and accomplished remained in heaven in the Divine Revelation..."

Finally - and, in our context, quite significantly - anyone can achieve a profound relationship with G-d and His will without the need for the intermediary efforts of any other human being. See Hirsch's commentary to Bamidbar 11:29 and Tehilim 145:18.

Tzfas on Mitzvos

First some definitions. For the purposes of this article, by "Kabbala" I mean the interpretation of Zohar that was taught by Rabbi Yitzchak Luria ("the Ari") and his students. This is the interpretation that has subsequently been accepted as authentic by many Torah scholars of great standing (including Ramchal, the Gra and Rabbi Chaim Volozhin, and early leaders of the chassidus movement). If we take Rabbi Luria's student, Rabbi Chaim Vital, at his word, his is the only authoritative

presentation of Rabbi Luria's teachings:

"וכל אשר תמצא כתוב באיזה קונטרסים על שמו ז"ל ויהיה מנגד מה שכתבתי בספר הזה טעות גמור הוא" כי לא הבינו דבריו - הקדמה לספר עץ חיים

The key teachings of the Sixteenth Century Tzfas kabbalists revolved around the doctrine of tzimtzum.² However, Rabbi Luria expanded the scope of the doctrine far beyond the sefiros found at least implicitly in Zohar and later sources like Ramban.

Tzimtzum itself is used as a resolution to a philosophical conflict: if G-d is infinite, how does that leave room for a physical world? Tzimtzum proposed that G-d somehow withdrew into Himself to make room for creation, only revealing Himself and passing His influence through the medium of sefiros.

Rabbi Luria himself, however, proposed that human beings, when conscious of a "shattering of vessels" (שבירת הכלים) that accompanied tzimtzum, can become active in correcting the consequent flaws in creation through tikunim. A mitzva, therefore, takes on special theosophic importance within this context, because it can effect changes far beyond the local environment of the one performing it.

As far as I can see, a great deal of the substance of the mainstream literature of the Tzfas kabbalists is taken up with instructions on how to use mitzvos and tefila to, on some level, control the cosmos for both universal and personal purposes (with much of the rest focusing on describing and defining the supernatural realms and G-d Himself).

2 Isn't all this supposed to be a secret, known only to a few initiates and understood by even fewer? Once perhaps. More recently it can be called a secret in much the same way that the existence of an Israeli nuclear weapons program in the Dimona facility is a secret. Consider the *ספירת העומר* prayer that follows *רבנו של עולם* in most sidurim which, in the absence of familiarity with these basic Tzfas-inspired principles, would be entirely incomprehensible.

Hirsch on Kabbala

Even if he had made no explicit reference to Kabbala in his writings, I believe that the conflicts between its modern interpretation and most - if not all - of the basic principles of Hirschian thought would be obvious. But as it turns out, Hirsch did address the issue in his book "The Nineteen Letters" in two separate passages:

“Presently, a form of learning came into existence about which, not being initiated in it, I dare not venture to express any opinion. However, if I properly understand that which I believe I do comprehend, then it is, indeed, an invaluable repository of the spirit of the Tanach and the Talmud, but it was also unfortunately misunderstood; the eternal progressive development which it taught came to be considered a static mechanism, and what was to be understood as inner perception was seen as external dreamworlds. As this branch of learning came into being, the mind could turn either to external sharp-witted dialectics in the study of Talmud, mentioned before [i.e., the “pilpul” style of learning that was popular in centuries before Rabbi Hirsch], or to this new field of study, which appealed to the emotions as well. Had it been correctly comprehended, it might perhaps have imbued practical Judaism with spirituality; but, as it was misconstrued, the practice of Judaism was interpreted to be a form of magical mechanistic manipulation, a means of influencing or resisting theosophic worlds and anti-worlds.” (Letter Eighteen)

“What if, in addition, one aspect of Judaism, the actual repository of its spirit, was studied in such an uncomprehending way as to reduce its spirit to physical terms, and man's inner and outer endeavors came to be interpreted as a mere mechanical, magical, dynamic building of cosmic worlds - thereby often reducing all those activities that were meant to train and give vitality to the spirit to mere preoccupation with amulets?” (Letter Ten)

Here, Hirsch clearly makes two points: that the "form of

learning" in its original state was a perfectly legitimate and valuable source of inspiration (probably in much the same way as midrash), and that a more recent - incorrect - interpretation has dominated and overpowered the original understanding to the point where the original has been lost.³

I believe that Hirsch felt that Zohar, in its original state, was meant to be a tool for firing our emotions with the thought of G-d's supernal greatness and then applying ourselves with even more vigor to the problems of religious life. However, he saw the Tzfas school's emphasis on trying to quantify G-d and His actions in a mechanistic way - or on trying to understand G-d at all - as, at best, a distraction. At worst, the (mis)use of mitzvos to "force" heavenly blessings of one sort or another would be seen by Hirsch as virtually pagan.

Hirsch vs. the World?

Now back to my original question: do I have the right to adopt the Hirschian system even when, in many ways, it is a rejection of "Tzfas principles" that have since become standards? Off the bat I can think of a couple of arguments suggesting that I can't.

For one thing, weren't many of Rabbi Luria's interpretations received through various kinds of supernatural inspiration? That's certainly the claim of Rabbi Chaim Vital in his introduction to Eitz Chaim.

3 Some who are largely unfamiliar with Rabbi Hirsch's work will argue that he didn't really believe many of the ideas he taught, but only used them as a kind of *שעה הוראת* in order to win over wavering Jews. But if such a thing were true, it would mean that he had essentially devoted his entire life to teaching things he knew were lies. And worse, that he then turned this lie around to harshly attack something (i.e., the Tzfas school) he would have known to be the truth. How could anyone with a trace of *yiras shomayim* act that way? But in any case, it's not true. Rabbi Joseph Breuer, Rabbi Shimon Schwab, and Rabbi Yosef Elias all put themselves clearly on the record stating that Hirsch's Torah im derech erez position was entirely honestly held. I can't imagine their understanding of this subject would be any different.

But that is itself a solid reason why Hirsch might have had no problem rejecting it. The Torah is no longer in the Heavens, and even prophets have no right to introduce innovations:

שבת קד. והכתיב (ויקרא כז) אלה המצות שאין הנביא רשאי לחדש
דבר מעתה

Secondly, since Rabbi Luria's teachings have been accepted by so many early Torah leaders (including Rabbi Yosef Karo and the Gra), what right does a later authority like Rabbi Hirsch have to reject his predecessors - and how could we choose to side with him?

If it were just Rabbi Hirsch against all those powerful voices, then this would be a very strong question. So strong that, had he truly been alone on this, I can't believe Hirsch would ever have written those words. But digging into the writings of rishonim and early acharonim reveals that sharp condemnation of the study and practice of kabbala without a direct personal mesora was widespread.

The Chavas Ya'ir, for instance, felt that even if some more modern rabbis have encouraged the popular seforim-based study of kabbala, their positions can't possibly outweigh the consensus of their predecessors who forbade it. Quoting the Rema (in ספר ד פרק ג חלק ג), Chavas Ya'ir adds that there simply are no qualified living teachers left to safely transmit kabbalistic ideas so, effectively, it's no longer a viable option.

Similar positions were clearly taught by שו"ת תשובה מאהבה and שו"ת אליהו מזרחי ובעל נודע ביהודה ריב"ש, besides condemning any kabbalistic study outside of a personal mesora relationship, question the use of sefiros as part of our avoda and argue strongly for a simple relationship with G-d and His mitzvos – an approach that's perfectly in line with that of Rabbi Hirsch.

I certainly won't claim that these opinions are binding. But I will suggest that, with their existence, one can't say that the Hirsch approach is in any way "out of bounds" for us. On the contrary, it may well be far closer to the mainstream Judaism of the previous

centuries.

Sources

שו"ת ריב"ש קנ"ז

כי מורי הרב רב' פרץ הכהן ז"ל לא היה כלל מדבר ולא מחשיב באותן הספירות...להוציא מלב המקובלים שהם מתפללים פעם לספירה אחת ופעם לספירה אחת...וכל זה הוא דבר זר מאד [באמת המשיך לבאר דרך נכונה בהבנת תפילה ע"י ספירות אבל לא ידע תועלת בה. וא"א אפילו להבין דברי הרמב"ן אפי' ע"י ביאורים נאמנים...]. וקרוב לטעות בדבר מהם ולכן בחרתי לבל יהיה לי עסק בנסתרות...ולזה אני אומר שאין לסמוך בדברים כאלו אלא מפי חכם מקובל ועדיין אולי.

שו"ת רשב"ש (ר' שלמה בן ששון דוראן) סימן קפ"ט

כי ראיתי רבים מעמי הארץ מתיהרים ומחכבדים בחכמת הקבלה והם ריקים מחכמה ולא ידעו עד מה אני רוצה לבאר כי הם בחשכה יתהלכו תחלה שקבלה אינה אלא [כשמה] מהפה לאוזן והדבר ידוע שאין מוסרין אותה אלא לחכם ומבין מדעתו ואלו היתה זו שכתובה בספרים היא הקבלה האמיתית איך יטעו המקובלים לכתוב אותה בספרים להטעות בה בני אדם ואם חאמר שבאותן דברים יש כפלים לחושיה לא יחלט משני פנים או שאותם דברים לא יודעו אלא מפי מקבל מפה לאוזן א"כ חזר הדין להיות הדבר מפה לאוזן ואם הדבר ההוא השאיירוהו לחכמים להתבונן חזר הדבר להיות סברא ולא קבלה. ועוד שהם לא ידעו אלו עשר ספירות מה הם אם הם או תוארים או שמות השפעות שופעות מאתו י"ת ואין כפי השכל חלוקה רביעית ואם תאמר שהם שמי' א"כ אין הם עצמיות ואם הם עצמיות הם תוספת א"כ אם הנוצריים טועני' השלישיות אלו טוענים העשיריות ואם תאמר תוארים הם מה נשנו תוארים אלו משאר התוארי' והרי הב"ה [הוביע] למשה י"ג מדות ולמה מעטו הם ג' מהם ואם תאמר שאינם אלו הכתובים בתורה לא ימלט [אלו] הספירות הם בסגנון אחד עם המדות האלו או יותרחשובים מהם או פתוחים מהם ואם הם בסגנון אחד מה בשתנו אלו מאלו ואם יותר טובים למה העליתם הש"י מן משה ואם נעלמו ממשה ח' יודעם אם ר' לא שנאה ר' חייא מנין לו ואם משה לא ידעם מי הוא הסקובל שידעם ומתי קבלם שהרי גם הם אומרי' שגם משה לא הגיע לכלל כל הספירות ואם משה לא הגיע לכללם איך יגיע זולתו אליהם ואם הם פחותים ממדות הכתובות בתורה למה נחליף אלו באלו ואם תאמר שהם השפעות א"כ הם כחות כלומר מלאכים והמתפלל אליהם אם אומר שהם כחות או השפעות א"כ המתפלל והמכוין בהם שהם עצמיות הוא כופר שכל המתפלל למלאך מהמלאכים כופר הוא והחושב שיש עצמיות בלתי

עצם הבורא שגה לעצמותו וכופר הוא ואם תאמר שם תוארים יודיענו מה נשתנו אלו מזולתו וקשה עוד מזו שהם דורשים כרכים כעניני הספירות ורומזים אליהם וחושבים לדבר בסתרי תורה ודברים אלו קשים ומרים כלענה שאם הם סתרי תורה אין לגלותם ואם אינם סתרי תורה א"כ הם סברא וכחה רע ומר לומר הסברא שהם סחרי תורה וכמו שאמרנו בגמרא למי שאמר שצלפחד היה מקושש עתיד ליתן עליו את הדין אם הוא התורה כיסתו ואתה תגלהו ואם אינו אתה מוציא לעז על אותו צדיק כך הדבר הזה אם הם סתרי תורה התורה הסתירתם והוא מגלה אותם ואם אינם הלא מוציא לעז על התורה לומר שאלו הם סתריה ומ"מ עתיד ליתן את הדין וראוי לגעור באלו הדורשים גם באלו המתפארים בזה ותלמידים שלא שמשו כל צרכם ואינם רוצים לטרוח בסוגיות ההלכות בוחרים בקצרה בחבורים כאלה להתפאר בחכמת הקבלה להתגדל בפני נשים ועמי הארץ וליטול עטרה לעצמם בדברים קלים כאלה והם ריקים ממנה ועל כיוצא כזה נאמר הרוצה לכזב ירחיק את עדיו והרוצה ליחנק יתלה לאילן גדול ושומר נפשו ירחק מהם

תורת העולה לרבינו הרמ"א חלק ג' פרק ד'

אחר שהביא הכרח המאמר לדבר בדברים שהם כבשונו של עולם והם דרכי הקבלה — לא אכחד מן המעיין את אשר תחת לשוני ואגלה דעתי בעניין זה. וסהדי במרומים שיראתי הרבה לדבר בדבר שאין לי בהן ידיעה מקובלת והדבר הזה הוא עיקר אמונת האלוקות והוא יתד שהכל תלוי בו. ואיך אדבר בעניין כזה מסברת עצמי אך אמרתי עת לעשות לה' הפרו תורתך כי בעונו' הדור נתמעט כל כך שלא ראיתי מימי איש מקובל יודע הדבר על בוריו מצד הקבלה האמתית. ורבים מהמון עם, כל אחד קופץ ללמוד עניין הקבלה כי היא תאוה לעינים. ובפרט בדברי האחרונים אשר גלו דבריהם בספריהם בביאור וכל שכן בזמן הזה שנדפסו ספרי הקבלה כגון הזוהר והרקנ"ט ושערי אורה אשר כל מעיין מתבונן בהם והכל הוא מבואר לדעת המעיין בהם אף על פי שדבריהם אינם מובנים על פי האמת מאחר שאין מקובל מפי מקובל ולא זה בלבד שהמשכילים יבינו בה אלא אפילו בעלי בתים שאינם יודעין בין ימינם לשמאלם בחשיכה יתהלכו אינם יודעין לפרש סדרה או פרשה בפירוש רש"י קופצין ללמוד קבלה. וכל זה גורם להם שהדור יתום בעונות נתמעט כל כך שאסטרא בגליני קשקש קריא וכל אחד שראה בה מעט מתפאר בה ודורש ברבים ועתיד ליתן את הדין.

חות יאיר ר"י (קרוב לסוף הסימן)

אע"פ שרבים וכן שלמים ממקובלים האחרונים התעוררו במאוד לבות בני אדם על לימוד הקבלה והוכיחוני מדברי הזהר ותיקונים...נראה לי כמר אמר חדא ומא"ח ולא פליגי בודאי מי שיכול ללמוד מפי מקובל אלקי...אשרי חלקו...אבל מה נעשה שכבר העיד הגאון בספר תורת

העולה שאפילו בימיו לא נמצא איש מקובל יודע הדבר על בוריה...
ואת"ל דפליגי והאחרונים התירו ללמוד הקבלה גם מהספרים ולהבין
מדעתו מ"מ כיון שהקדמונים מיחו בדבר טובה צפרנן של ראשונים
אליהם תשמעון שב ואל תעשה טפי עדיף...קיי"ל ספק איסורא
לחומרא ומכ"ש סכנתא דחמירא מאיסורא...ואין לנו לחקור מנסתרות
כי אם לשמוע בלימודי הזוהר פשטי מנקראות בדרך הנגלה ותוכחת
מוסרים...

צל"ח ברכות כ"ח:

כאשר הזהיר [ר' אליעזר] לתלמידיו שילכו בארחות חיים הבטוחים ולא
ילכון בדרכים המסוכנים המפולשים גם לדרכי מיתה אמר הזהרו
בכבוד הבורא וכבודו הוא שלא תסתכל בארבע דברים הנזכרים ונס
למנוע עצמם מלכוין בתכלתו ובמצות רק לעשות הדברים לשמן לקיים
ציווי הבורא...ואמר וכשאתם מתפללים דעו לפני מי אתם עומדים
לומר להם שלא יכונו לשוס מדה וספירה רק דעו לפני מי אתם
עומדים והוא מקור שממנו מקלחים כל אחד שפעו והוא ישפיע לכל
מדה נכונה בחסדו ובגבורתו וברחמיו אבל אתם לא תכונו רק אליו
לבד ולא תדעו דבר רק לפני מי אתם עומדים. ובשביל כך שתשמרו
עצמיכם מדרכים המסוכנים ותלכו כדרך בטוח בודאי תזכו לחיי עוה"ב
כי אין כאן שוס מכשול ולא תדאגו שתקבלו חלילה איזה עונש על שאין
אתם מתפללים על פי סודית לא כן הוא ואין כאן עונש ואדרבה תקבלו
שכר על הפרישה כי בשביל כך תזכו לחיי עולם הבא

שו"ת נודע ביהודה יו"ד ס' צ"ג

אין לאדם להוציא מפיו שעושה הכונה במצוה או תפילה על פי הסוד

שו"ת נודע ביהודה א יו"ד ס' ע"ד

והנה בדברי הזוהר אין רצוני להאריך ומה מאד אפי על אלו העוסקים
בספר הזוהר ובספרי הקבלה בפרהסיא פורקי' עול תורה נגלית מעל
צוארם ומצפצפים ומהגי' בספר הזוהר וזה לא עלה בידם ועי"ז
תורה משתכחת מישראל ולא עוד אלא בדורותינו נתרבו המינים מכת
הש"ץ שחיק טמיא הי' ראוי לגדור גדר בלימוד הזוהר וספרי הקבלה
והנה אין הזמן להאריך בזה ועכ"פ אין מורין הלכה מן הזוהר ואין רצוני
להאריך בכונת הזוהר כי אין לי עסק בנסתרות ובמה שהורשתי
אתבונן

שו"ת תשובה מאהבה ח"א פתיחה

מאד יש להרחיק הלימוד הזה...

ועוד:

שו"ת אליהו מזרחי ס' א (בסופו)

שו"ת תשובה מאהבה ח"א פתיחה דה"ם ועוד רעה

How We Choose What We Observe

Understanding the particular set of minhagim your community has chosen and how they came to choose it is a worthwhile goal. It's also useful to try to know why it was just this rather than some other combination that, over time, took hold. In some instances, the narrative will revolve around achieving higher levels of adherence to halacha. Other times, choices are framed as the best options for solving looming problems. But there's often no narrative at all. Some changes just seem to happen organically without any obvious community sponsor or plan.

Those are all ideas I try to address within my Finding Tradition in the Modern Torah World project. But I suspect that successfully identifying the patterns underlying a community's minhagim is less important than uncovering their incoherence. In fact, the practices observed by many Torah observant communities are probably mostly remarkable for their *lack* of consistency.

Here, I'm going to explore the problem using concrete and easily verifiable examples of cases where a community's accepted practice stands opposed to a higher halachic ideal (לכתחילה) or

even to baseline halachic standards (בדיעבד).

My theory is that a community's customs will rarely reflect entirely consistent standards and that no one has a claim to perfection. Not only does this seem factually true, but it's unavoidable. The authentic halachic process - encompassing thousands of years of growth and dispersion and serving communities in all geographic regions - is far too complex to expect it to produce uniformity.

I'll focus here primarily on examples of widespread weaknesses in observance within those communities that are perceived as being the most meticulous in their observance and who tend to claim the closest fidelity to core halachic sources. But a similar study would be equally justified for any group of Jews.

I would note that none of this is to suggest that the examples you'll soon see represent *negligence* of halachic practice. There are, for each of them, reliable lenient opinions. My point is only to observe how widespread such lenience is even in communities professing to prefer the highest halachic standards.

Similarly, I'm certainly not claiming that there are (or aren't) systemic flaws in any one community's observance, or that they've somehow lost their connection to authentic Judaism. Rather, I'm only trying to identify and understand the scope and nature of that connection.

Engaging in business activities on Shabbos

Over the past decade or two it's become acceptable for Orthodox publishers to print hundreds of eye-catching ads in their magazines even though they sell those magazines with the knowledge that they'll almost always be read on Shabbos. Some of their advertisers promote activities that might be considered mitzva-oriented and, thus, appropriate for Shabbos. But the majority are selling commercial food, clothing, and real estate opportunities.

The magazines are immensely popular, with at least one title purchased by hundreds of thousands of readers each week. For many, browsing through the articles and ads printed in multiple magazines has become a weekly ritual.

But does halacha permit such reading? One may not read mundane documents (שטרי הדיטות) on Shabbos because it might lead to erasing part of the content (רמב"ם שבת כג:יט). Technically, street signs and food package labelling could fall into the category of שטרי הדיטות, but I doubt anyone would adopt that restriction these days. Reading patterns have changed a lot over the centuries. But it would be much harder to dismiss the problem that halacha presents for commercial ads.

Beyond that though, reading ads is a kind of business activity, which halacha certainly forbids. The Mishna Brura (307:63) refers to the Shevus Yakov as the lenient party in the debate over reading newspapers on Shabbos. While the Shevus Yakov permits newspapers in general as long as you skip the business parts, others forbid reading any part of a newspaper because of the business information it contains.

It's highly unlikely that many Shabbos readers of modern charedi magazines are able or even willing to ignore the commercial ads. They're designed to be attractive and interesting. The hundreds of individual charedi Jews involved with producing those magazines - along with the rabbinic leadership they consult - are obviously fine with that.

Wearing a sheital

Married women who cover their hair with a sheital (wig) rather than some kind of turban or tichel are enthusiastically portrayed in much of the orthodox world as following the ideal route. It can be argued that there are some perfectly sound reasons for *permitting* the practice, but it's much harder to claim that, in halachic terms, it's actually preferred.

There is certainly no shortage of serious halachic authorities who

consider a sheital to be an adequate hair covering (ובכללים) (הרמ"א אורח חיים שגו: והמגן אברהם אורח חיים עה:). But there's also quite a lineup on the other side. Among the powerful voices who feel that a woman wearing a wig is equivalent to one who exposes her hair in public are the Be'er Sheva (סי' יח), Rabbi Shlomo Kluger (קנאת סופרים - דף כד ע"ב תשובה עב), the Chasam Sofer (בהגהותיו על שו"ע סימן ע"ה) and, in more recent generations, the Klausenberger Rebbe (שו"ת דברי יציב יו"ד ח"א) (סימן נו), and Rabbi Ovadya Yosef (יביע אומר ח"ה אה"ע סי' ה).

One should note that the חזון איש is reported to have preferred the sheital because it will often do a better job covering even loose or stray hairs. However, that won't help for the stricter opinions, because they believe a woman wearing a sheital has already effectively exposed *all* of her hair.

So one can't say it's categorically wrong for a woman to wear a sheital. But you also can't say that it reflects the highest halachic values.

Secular courts

Under normal circumstances, a Jew may not have his legal disputes heard before secular courts. The Shulchan Aruch (חושן משפט כו:א) appears unequivocal about it:

אסור לדון בפני דיני עכו"ם ובערכאות שלהם (פי' מושב קבוע לשרים לדון בו) אפי' בדין שדנים בדיני ישראל ואפי' נתרצו ב' בעלי דינים לדון בפניהם אסור וכל הבא לדון בפניהם הרי זה רשע וכאילו חירף וגידף והרים יד בתורת מרע"ה

It is forbidden to seek a judgment from non-Jewish law courts, even if they would rule like the law of the Torah and even if both litigants agree. Anyone who goes before their courts is evil (הרי הוא רשע) and it is as though he has blasphemed and raised his hand against the Torah of Moshe.

However, as the very next paragraph in Shulchan Aruch illustrates, there are exceptions:

היתה יד עכו"ם תקיפה ובעל דינו אלם ואינו יכול להציל ממנו בדייני ישראל יתבענו לדייני ישראל תחלה אם לא רצה לבא נוטל רשות מב"ד ומציל בדיני עכו"ם מיד בעל דינו

If the non-Jewish court system has jurisdiction and the opposing litigant is recalcitrant, making it impossible to reclaim damages through Jewish judges, you should first make a claim before Jewish judges and if (the litigant) refuses to respond, request permission from the Jewish court so you can reclaim damages through a non-Jewish court.

These days, many of even the most religious Jews take their disputes to non-Jewish courts, often without first gaining the approval of a *bais din*. It's a complicated legal and commercial environment that we live in right now, and issues like impartiality and the power of enforcement are frequent and often serious considerations.

But there have been many relatively recent and very public cases involving the leaders of major hasidic communities fighting in non-Jewish courts over property and dynastic authority. Those have also left their mark on how these laws are observed and applied more generally. And this, too, represents a measurable evolution in the way some Jews choose to observe halacha.

Eating before mitzvos

Halacha often limits what and how we eat when there's a particular mitzva observance pending. As the gemara (Berachos 10b) describes it, taking care of your personal needs before praying for them is a deep internal contradiction. As another example, it's common in some circles to avoid making kiddush and eating before Musaf on Rosh Hashana because we haven't yet heard the shofar.

So it's a bit odd to see the way so many yeshivos and kollelim schedule supper at 6:30 and ma'ariv at 9:45 or 10:00. This will continue even through the winter months when the Shema could and should be recited as early as 5:00.

Invariably, whenever I bring this up I'm told "It's fine: we won't forget to recite Shema because we always attend a regular (קבועה) ma'ariv." As it turns out, I don't personally know anyone who always attends a regular ma'ariv: who doesn't have weddings, meetings, or yeshiva dinners at least once or twice a week?

An alternative response is "It's fine: other people (my wife; my chavrusa) will remind me to recite Shema." But apparently it's far too easy to completely forget about hearing the shofar while sitting in a crowded synagogue on Rosh Hashana and eating a piece of cake at a kiddush. After all, who's there to remind you?

As far as I can tell, this is another case of communities picking and choosing their observance for largely non-halachic considerations.

Laws of mourning

It should hardly be surprising that the ways we observe the rules of mourning evolve from generation to generation. Even though a good few books have been published in recent years presenting a particular set of rules as universal "laws," arguably, they're mostly based on גשר החיים ספר. That master work, by Rabbi Y.M. Tucazinsky, describes the customs of the Jerusalem chevra kadisha in the first half of the 20th Century. I'm not convinced all parts of the book were meant to be taken as permanently and universally applicable.

But we can all agree there's a core set of halachos in this area that *are* universally binding. And if any halachos should fit that description, you'd expect it would be those in the Shulchan Aruch. Nevertheless, in at least one respect, the Shulchan Aruch itself is now largely ignored.

Here (Yore Deah 391:2-3) is what I'm referring to:

על כל מתים נכנס לבית המשתה לאחר שלשים יום על אביו ועל אמו
לאחר י"ב חדש ... הגה: ובחבורת מצוה כגון שמשאי יתום ויתומה
לשם שמים ואם לא יאכל שם יתבטל המעשה מותר לאחר ל'

(Mourners) for any relative may enter a house of celebration after 30 days. (If the relative was a) father or mother, after 12 months...(Remah:) And for a group performing a mitzva, like marrying off two orphans for free, such that if (the mourner) doesn't eat there the event will be cancelled, it's permitted after 30 days.

ליכנס לחופה שלא בשעת אכילה לשמוע הברכות יש מתירין ויש אוסרין אלא עומד חוץ לבית לשמוע הברכות ... הגה: ... אבל בחופה שעושין בבית הכנסת שמברכין שם ברכת אירוסין ונישואין ואין שמחה כלל - מותר מיד אחר שבעה (הגהות מיימוני). ויש אוסרין עד שלשים (שם בשם ראבי"ה). וכן נראה לי. ... יש מתירין לאבל לאכול בסעודת נישואין או ברית מילה עם המשמשיין ובלבד שלא יהא במקום שמחה כגון בבית אחר (כל בו וב"י בשם סמ"ק) ויש אוסרין (הגהות אשירי) וכן נוהגין. רק שהאבל משמש שם אם ירצה ואוכל בביתו ממה ששולחין לו מן הסעודה.

Some permit attending a chuppah ceremony where there is no eating just to hear the blessings. And some only permit standing outside to hear the blessings...(Remah:) But it's permitted immediately after shiva to attend a chuppah that takes place in a synagogue where they just make the blessings without accompanying celebration. Some forbid that until after 30 days, and that seems correct to me...Some permit a mourner to eat at a wedding or bris with the servants as long as they're in a different building and not in the celebration hall. And some prohibit (even that), and that is the custom. However, a mourner may assist (at the celebration) if he wants, and then eat food from the celebration in his own house.

I'm certainly not criticizing the current widespread custom to permit, say, parents of a new couple to attend their children's weddings despite a recent loss. My father attended my wedding in that state, and my wife similarly attended the wedding of one of our children. But I am saying that there doesn't seem to be any source in classical halachic literature to support the practice. Or, in other words, it's another informal halachic evolution.

Hats on Shabbos

May one wear a hat on Shabbos - and particularly outside in a place where there's no eruv? Well, in halachic terms, that would seem to depend on the hat. Here's how the gemara (Shabbos 138b) presents it:

ואמר רב ששת בריה דרב אידי האי סיאנא שרי והאיתמר סיאנא אסור
לא קשיא הא דאית ביה טפח הא דלית ביה טפח אלא מעתה שרביב
בגלימא טפח ה"נ דמחייב אלא לא קשיא הא דמיהדק הא דלא
מיהדק רש"י: טעמא לאו משום אהל הוא אלא משום שלא יגביהנו
הרוח מראשו ואתי לאתויי ארבע אמות הלכך מיהדק בראשו שפיר
שרי לא מיהדק אסור

Rav Sheshes the son of Rav Idi said: "(going out wearing) felt hats (on Shabbos) is permitted." But does it not say "felt hats are forbidden?" That's not a problem: one refers to (a brim of at least) a tefach (around four inches - which is considered a halachic roof), while the other refers to a brim that's less than a tefach. But based on that, a cloak that extends more than a tefach beyond ones head, is it, too, forbidden? Rather, (the felt hat sources are) not a contradictory: one refers to (a hat that's) on tight and the other refers to (a hat that's) not on tight. Rashi: ... so that the wind won't be able to blow the hat off perhaps causing you to carry it four amos.

The Shulchan Aruch (Orech Chaim 301:40-41) rules strictly according to both approaches:

כובע שהוא מתפשט להלן מראשו טפח אסור להניחו בראשו אפילו
בבית משום אהל

A hat whose brim extends more than a tefach beyond your head may not be worn, even within a house, because of (the prohibition of erecting an) ohel (roof)

לצאת בשבת בכובע שבראשו העשוי להגין מפני החמה יש מי שאוסר
משום דחיישין שיגביהנו הרוח מראשו ואתי לאתויי ד' אמות ברשות
הרבים אלא אם כן הוא מהודק בראשו או שהוא עמוק שראשו נכנס

לתוכו ואין הרוח יכול להפרידו מראשו או שהוא קשור ברצועה תחת גרונו דבהכי ליכא למיחש למידי

Some forbid going outside on Shabbos with a hat made to protect from the sun because we're afraid the wind might blow it from your head and you'll come to carry it four amos in a public place. But if it's worn tightly on the head, or it's made so the head fills it to the point where wind cannot blow it off, or it's tied with a strap beneath your throat, then there's nothing to worry about.

It would seem that, even without especially broad brims, current popular Orthodox fashions in hats might not be entirely compatible with the highest levels of halachic observance.

Honesty

Some areas of halacha are complex and can appear ambiguous. Knowing when and how to apply a particular principle can sometimes be confusing. But not this one. The Torah (Devarim 25:16) isn't shy about telling us what it expects.

כי תועבת ד' אלו' כל עשה אלה כל עשה עול

For it is an abomination of God all who do this, all who do wrong

Who is that verse talking about? Jews who own inaccurate weights and measures, even if they don't actually use them. Such people are an abomination. I can't imagine what the Torah would say about people who actually cheat.

But I don't need to imagine what else the Torah teaches us through that passage: the gemara (Bava Metziya 49a) tells us:

שיהא הן שלך צדק ולאן שלך צדק

That your "yes" should be just and your "no" should be just

Meaning, when you say "yes" or "no" it should be a fully

accurate reflection of your intent.

Nevertheless, there are communities whose members are taught it's permitted to scam government programs or cheat insurance companies. These are not just the crimes of desperate people whose judgment is clouded by the pressures of life. But organized, premeditated crime.

The late Rabbi Shimon Schwab addressed this kind of crime years ago [in an article](#):

“Rabbi” so and so, who sits in court with his velvet yarmulka in full view of a television audience composed of millions of viewers, is accused of having ruthlessly enriched himself at the expense of others, flaunting the laws of God and man, exploiting, conniving and manipulating - in short, desecrating all the fundamentals of Torah Judaism...

To defraud and exploit our fellowmen, Jew or gentile, to conspire, to betray the government, to associate with the underworld elements all these are hideous crimes by themselves. Yet to the outrage committed there is added another dimension, namely the profanation of the Divine Name...

Therefore, no white-washing, no condoning, no apologizing on behalf of the desecrators. Let us make it clear that anyone who besmirches the sacred Name ceases to be our friend. he has unwittingly defected from our ranks.

Gratitude

Character counts for a great deal in Torah literature. We're expected, for instance, to show appreciation for even those whose kindness is far from selfless and spontaneous. To illustrate from Chumash (Devarim 23:8), our historical national experience in Egypt was, shall we say, troubled. Nevertheless we're still expected to go out of our way to avoid causing pain to

individual Egyptians who might live among us.

לא תתעב אדמי כי אחיך הוא לא תתעב מצרי כי גר היית בארצו רש":
שהיו לכם אכסניא בשעת הדחק

Do not reject the Edomite for he is your bother. Do not reject the Egyptian for you were a stranger in his land. (Rashi:) For they hosted you in a difficult time.

Not a lot of ambiguity there. Which begs the question: why do so many charedi Jews in Israel express hatred for their government in such vile and nasty ways? Why do they permit their children to use such offensive and historically ignorant language ("Naziim") against the people tasked with protecting them?

And, most of all, where is the gratitude for everything the government has done for the Torah observant community?

Sure, the modern Israeli government - like all governments - does stupid things from time to time. And some of their members and agencies promote reprehensible opinions. But through the past few decades, no one in the Israeli government has, to my knowledge, threatened to shut down or limit the activities of any kollel that finds its own legal source of financial support.

In fact, most "full-time" Torah study undertaken in Israel would be impossible *without* the financial and security support of the government. By stark contrast, the kings Dovid and Shlomo, with all their fabulous wealth and power, didn't support a single avrech in kollel. You can hardly fault a secular government for wanting to limit their support to only a few tens of thousands of talmidim!

They don't distribute public taxpayer-generated funds quite as much as some people would like. But are they worse than Egypt?

Belief

Loud voices in the charedi world have, from time to time, attacked the beliefs taught by various orthodox academics. In my personal opinion, some of those attacks have been justified and

others not. The conversation inspired by those attacks has, intentionally or not, led to greater awareness of the principles and sources underlying the issues. Overall, I'd say that's been healthy.

Respectfully arguing for or against a given position, then, is perfectly reasonable. But such claims must be accompanied by the realization that the full set of beliefs held by any one community is unlikely to align perfectly with the positions taken by traditional Torah sources.

For one thing, there simply is no single set of beliefs agreed to by all rishonim. And, as I observe in my "How Are We Supposed to Pray" and "Between Frankfurt and Tzfas" chapters, Jewish practices relating to our core beliefs have undergone radical changes through the past few centuries. Or, in other words, elements of the dominant belief system of the modern Torah world is built on very modern assumptions that, in some cases, draw from dark origins.

Radical Goals

As referenced earlier, here are some examples of widely adopted modern innovations to Jewish practice. I'm certainly not suggesting that there's anything intrinsically wrong with these practices. However, the way they're formulated and packaged strongly suggests that they're intended to produce the kinds of non-traditional results we've been discussing.

I should note that, while I quote the Mishnah Berurah in the following examples, *his* source for such things will generally be the Magen Avraham. The questions remain either way.

Radical Minhagim

Mishnah Berurah 21:15

ובכתבי האר"י ז"ל כתוב ע"פ הסוד שיש לשכב בלילה בטלית קטן

“And in the Ari's writings it is written based on a secret that one should sleep at night (wearing) a tallis koton.”

Mishnah Berurah 51:19

הארי"ז"ל כשאמר ואתה מושל בכל נתן צדקה מעומד

“And the Ari, when saying 'ואתה מושל בכל' would give charity while standing.”

Mishnah Berurah 660:8

וגם הארי"ז"ל הזהיר מאוד שלא לחבר הערבה עם הלולב

“And also the Ari was very careful not to join the arava with the lulav (on Hoshanah Rabbah).”

Now why would the Mishnah Berurah – or the Ari himself, for that matter – *want* us to wear a tallis koton while sleeping? After all, do we not hold לאו זמן ציצית לילה? Similarly, what benefit could there possibly be for us (or for G-d) if we give tzedaka just at *that* moment during davening and *specifically* when we're standing up? And how is our performance of a venerable מנהג נביאים enhanced by meticulously keeping the lulav separate from the arava?

I could probably come up with attractive and inspiring interpretations for those practices and I'm sure you could, too. But the point is that neither the Ari nor the Mishnah Berurah included any of their own. Which suggests that either they figured the explanations were obvious or that it wasn't important for us to know them.

From the way these (and many other) customs were presented, it seems reasonable to conclude that there simply aren't any obvious explanations that we were expected to grasp – particularly the tallis koton example which was explicitly associated with “סוד.” But in general, no matter how creative you or I might be, it's highly unlikely that we'll happen to stumble on the same rationale as the Ari for each of his many innovations.

So what can we say other than that the Mishnah Berurah expected us to perform such minhagim without any sense of their underlying context or rationale.

Why? What else can I conclude except that these practices are

intended to arbitrarily control and manipulate “upper worlds” lying beyond our understanding? Just the kind of practice that Rabbi Hirsch found so alien.

Sound far fetched? Here’s an example of how Rabbi Chaim Vital - the Ari’s primary student – characterizes the study and, presumably, practice of kabbala:

ולכן בראות רשב"י ז"ל ברוח קדשו ענין זה צוה לר' אבא לכתוב ספר הזוהר בדרך העלם להיותו מוצנא למשמרת עד דרא בתראה קריב ליומיה מלכא משיחא כדי שבזכות המתעסקים בו תצמח הגאולה בימינו בע"ה (מהקדמת רח"ו על שער ההקדמות)

“Therefore when Rashbi with his holy spirit saw this matter, he commanded Rabbi Abba to write the Zohar in a hidden way, so it would be hidden in safekeeping until the final generation near the days of King Moshiach, so that in the merit of those involved in its (study), redemption should flower in our days...”

Or, in other words, the study and performance of kabbalah can be used to force G-d’s hand and invoke historical events.

Tangentially, with the benefit of 450 years of hindsight, we now know that the publication of such literature was based on a tragic miscalculation. After all, it was promoted many generations before its intended time.

Radical Prayer

Here’s one final example of a significant departure from traditional prayer that’s widely available in mainstream publications. Some editions of the Artscroll siddur – and many bentschers - follow the Friday night version of סעודתא with a tefila that begins: ויהא רעוא מן קדם עתיקא קדישא (“Let it be the will of Atika Kadisha”). We seem to be asking מן קדם - מן קדם עתיקא that he (it?) should "redeem us from troubles - and "give us food and good support" - ויפרקינא מכל עקתינ בישין - etc. This is tefila.

But to what (or who) is this tefila directed? Assuming the author is, as widely claimed, the Ari, what did he mean by עתיקא קדישא? Here's how R' Chaim Vital describes the phrase in עץ חיים שער יג פרק ב:

אמנם כאשר הא"ס מתלבש במה שלמטה הימנו כנ"ל הנה הוא מתלבש בג' רישין אלו הנזכר כאן באדרא ובהיותו מתלבש ומתעלם בתוכם אז נקרא הא"ס עתיקא דכל עתיקין וגם הג' רישין עלאין עצמן נקרא עתיקא קדישא ג"כ בהיות א"ס מתלבש בתוכם

However, as the Ain Sof is enclothed within what's below it...it is enclothed within these "three heads" that are mentioned here in Idra. And as it is enclothed and hidden within them, then it is called the Ain Sof, the ancient of all ancients. And these "three heads" are called Ancient Holy One (Atika Kadisha) also when Ain Sof is enclothed within them.

I'm given to understand that the רישא דלא אתידע ג' רישין refer to רישא דעין ורישא דאריך ("the head that is not known, the head of the eye(?) and the long head"). That third one (רישא דאריך) is at least an aspect of one of the partzufim (אריך אנפין). Which means that the תפילה printed in bentchers and siddurim is addressed to a composite that includes one of the partzufim. I don't believe that this represents the traditional, pre-Tzfas, understanding of a Jew's relationship with G-d.

And it doesn't sound very Hirsch-like, does it?

Even if you're unlikely to find modern, mainstream kabbalists directing their prayers to partzufim, their larger goals are, from a traditional perspective, radical. Prayer and mitzva observance are no longer primarily means to draw us towards the Torah's ideal human behavior (as Hirsch would have it), but tools for affecting mystical change and forcing Divine blessing.

Why Blow 100 קולות on Rosh Hashana?

Here's another example of the innovation-heavy Tzfas mindset at work in modern Jewish life.

The way most communities perform the mitzva of shofar on Rosh Hashana is an excellent example of the spread of the Tzfas ideology and mindset. Here, based on Shulchan Aruch Orech Chaim 590:1, is what the Torah requires:

כמה תקיעות חייב אדם לשמוע בר"ה, תשע; לפי שנאמר: תרועה ביובל ובר"ה ג' פעמים, וכל תרועה פשוטה לפנייה ופשוטה לאחריה, ומפי השמועה למדו שכל תרועות של חדש השביעי אחד הן, בין בר"ה בין ביוה"כ של יובל, תשע תקיעות תוקעין בכל אחד משניהם: תר"ת, תר"ת, תר"ת.

How many tekiyas must a man hear on Rosh Hashana? Nine, for it mentions the word "terua" three times (in the passages concerning) Yovel and Rosh Hashana, and each terua must have a simple sound (i.e., tekiya) both before and after it. And from tradition we learn that all teruos during the seventh month (i.e., Tishrei) are the same...tekiya-terua-tekiya; tekiya-terua-tekiya; tekiya-terua-tekiya.

As is well known, the precise sound of a terua was unknown even in the time of the Gemara. To ensure we're covered, we're accustomed to hear all three possible variations of the terua, known respectively as "shevarim-terua," "terua," and "shevarim." Once each of these combinations is heard three times (and counting each tekiya as a sound and each "shevarim-terua" as two distinct sounds), we will have heard a total of 30 sounds (קולות) to be sure we've done the mitzva.

When should these 30 sounds be heard? With a minyan, the key sets occur during the repetition of the Mussaf. However, there's an ancient custom to also hear a full set of 30 sounds before the individual Mussaf begins. Here's the Rambam, Shofar 3:7.

המנהג הפשוט בסדר התקיעות של ראש השנה בצבור כך הוא. אחר שקוראין בתורה ומחזירין הספר למקומו יושבין כל העם ואחד עומד ומברך ... ותוקע שלשים תקיעות שאמרנו מפני הספק על הסדר. ואומרים קדיש ועומדין ומתפללין תפלת מוסף. ואחר שגומר שליח צבור ברכה רביעית שהיא מלכיות תוקע תקיעה שלשה שברים תרועה

תקיעה פעם אחת ומברך ברכה חמישית שהוא זכרונות. ואחר שגומרה תוקע תקיעה שלשה שברים ותקיעה. ומברך ברכה ששית שהיא שופרות. ואחר שגומרה תוקע תקיעה תרועה ותקיעה פעם אחת וגומר התפלה

The simple custom for tekiyos with a tzibur is thus: After reading the Torah and returning it to its place, the people sit down and one rises and makes (two blessings)...(Then he) blows the 30 tekiyos we described because of our uncertainty (over the proper sounds). Then (the people) say kaddish, stand, and pray Mussaf. After the chazan completes the fourth bracha, which is "malchiyus," you blow tekiya-shevarim-terua-tekiya one time and recite the fifth bracha, which is "zichronos." After completing that, blow tekiya-shevarim-tekiya and recite the sixth bracha which is "shofros." After that's complete, blow tekiya-terua-tekiya one time, and complete the tefila.

The Shulchan Aruch in Orech Chaim 592:1 adds some more sounds during the later sets:

ועכשיו נוהגים לתקוע למלכיות תשר"ת שלשה פעמים, ולזכרונות תש"ת שלשה פעמים, ולשופרות תר"ת שלשה פעמים.

And now the custom is to blow tekiya-shevarim-terua-tekiya three times for malchiyus, tekiya-shevarim-tekiya three times for zichronos, and tekiya-terua-tekiya three times for shofros.

This would raise the total through the day to 60 קולות. However, the Rema, quoting the Tur in the name of the Rabbainu Tam, disagrees. The Rema writes that the "custom in these countries" is to blow only one set for each of the three relevant brachos. His total through the day would thus be only 40 קולות.

The Rambam himself (Shofar 3:12) acknowledges a rationale for hearing more קולות, but rejects it. And the reason why is interesting.

בדין היה שיתקעו על כל ברכה כל ברא מהן שלש פעמים כדרך

שתקעו כשהן יושבין אלא כיון שיצאו מידי ספק בתקיעות שמיושב אין מטריחין על הצבור לחזור בהן כולן על סדר ברכות. אלא די להן בבא אחת על כל ברכה כדי שישמעו תקיעות על סדר ברכות.

Logically, it would make sense to blow three times for each section the way we do when seated (i.e., before Mussaf). But since we already completed the mitzva beyond doubt when seated, we should not bother the tzibur to repeat them at each bracha. Rather, it's sufficient for a single (set) for each bracha so we can hear tekiyos during the brachos.

(Bear in mind that there's considerable dispute about what exactly the Rambam means here, and how we should translate that passage. But I don't think the controversy directly impacts our discussion.)

In any case, Rambam clearly feels that concerns for טרחא דצבורא outweigh the value we might theoretically gain from hearing those extra 20 קולות. We can safely assume that the Rema was similarly motivated when he, too, limited us to 40 קולות. In addition, Rambam is very clear that an *individual* (without access to a minyan) needs no more than 30 קולות in total:

וכל הדברים האלו בצבור אבל היחיד בין ששמע על סדר ברכות בין שלא שמע על הסדר בין מעומד בין מיושב יצא ואין בזה מנהג

And all this concerns only a tzibur. But an individual, whether or not he hears along with the brachos and whether he hears sitting or standing, he has completed the mitzva, and there isn't in this a custom.

I'm not entirely sure what ואין בזה מנהג refers to (i.e., the 30 קולות of an individual or the 40 קולות of a minyan). In general, though, such a formulation suggests that even if members of a community should at some point decide to add such a practice, it would not be binding on individuals. All would be free to act according to their own preference.

I think we're now clear that the positions of at least many of our

core halachic sources require us to hear between 30 and 60 קולות. In addition, there is neither the need nor, according to Rambam, even an option to add more. Since we Jews at least claim to believe that the Torah's commandments are perfect and need no expansion, that should really be the end of the story.

But it's not. The Mishna Berura (592:3) closely follows the Rambam's lead and limits the tekiyos we should hear because "ש"ן מטרין על הצבור". But in the very next paragraph (592:4), he writes:

ובשל"ה כתב הדרך המובחר לתקוע תשר"ת תש"ת תר"ת למלכות וכן לזכרונות וכן לשופרות [ואחר אנעים זמירות עוד תשר"ת תש"ת תר"ת כדי להשלים עד מאה קולות]

And in the Sh'la (ספר שני לוחות הברית לר' ישעיה הורוויץ) it is written that the ideal approach is to blow tekiya-shevarim-terua-tekiya, tekiya-shevarim-tekiya, and tekiya-terua-tekiya for (the bracha of) malchiyos, zichronos, and shofros and then add (another full set) after Anim Zemiro in order to reach 100 קולות.

With one possible partial exception we'll discuss later, the Sh'la is the earliest written source I'm aware of who advocates for this new custom. The Sh'la himself attributes the practice to two unnamed students of the Ari. Later poksim (including the מטה אפרים תקצ"ג) also discuss the custom in passing, often in tangential reference to other halachos.

I should add that the Mishna Berura himself, quoting the Pri Megadim, places restrictions on adopting the custom. :

ומ"מ במקום שנהגין כמנהגנו אין לשנות [פמ"ג]

Nevertheless, in a place that follows our custom (i.e., hearing only 40 or 60 קולות), one shouldn't change.

This is in line with a general prohibition against changing existing customs. But, of course, *all* places once blew only 40 or 60 קולות and would, therefore, have all been prohibited from adding more. And besides that, we must try to understand how

we got to a place where insisting on hearing 100 קולות is considered a standard requirement.

I understand that the Sh'la himself claimed to have seen the practice mentioned in two publications, the full text of which he printed as part of his own sefer. The publications seem to have first been included in ספר מעין גנים by Rabbi Menachem Azariya from Fano (Italy), a student of Rabbi Moshe Cordovero. Rabbi Menachem Azariya, in turn, seems to have received one of the publications from kabbalist students of the Ari in Israel, and might have himself authored the second as a commentary to the first.

But even Rabbi Horowitz never suggested that the custom should be universal. And I doubt he would have approved of individuals and communities engaging in the practice without any understanding of the context or purpose. And yet here we are, all of us caught up in a practice that, according to key poskim has no purpose and, according to Rambam (and perhaps Mishna Berura) is actually prohibited.

There is, as I hinted earlier, one earlier source: The Aruch (ערך ערב). The Aruch suggests that some individuals could be extra stringent on themselves to hear 100 קולות due to an association with the mother of Sisra, who cried 100 sobs on receiving news of her son's death:

ומכאן אנו למדים דבעינן שלושים בעמידה כמו שלושים בישיבה. והני דמחמרי ועבדי שלושים כדיתבי ושלושים בלחש ושלושים על הסדר כנגד מאה פעיות דפעתא אימיה דסיסרא, ואלו ועשרה אינון כשגומרים כל התפילה קל תקועייה דיחודאה מתבעי למהוי עשרה תשר"ת תש"ת תר"ת והן מאה.

One problem with this is that it's not clear whether there's any statement חז"ל supporting this. The ערוך mentions the Yerushalmi in the larger context of this ערך, but we don't have any actual matching source. And it's difficult to explain how the number 100 is associated with Sisra's mother. Some point to the fact that there are 101 letters in the two adjacent verses in ספר שופטים. But that's 101, not 100. And what, exactly, is the significance of the number of letters any verses might contain?

Other Modern Innovations

Including these examples here shouldn't be taken to imply that there's anything wrong with any particular practice, but instead to emphasize just how much Orthodox Judaism has changed since the start of the modern era.

Why Do We Say Selichos?

Here, perhaps, is a related manifestation of this approach. While there's certainly no clear evidence to prove it, I think one could argue that the sheer length of our modern Ashkenaz selichos is the result of a mechanistic ("recite-the-words-and-change-the-universe") mindset.

For the longest time I've struggled to understand the selichos recited in Ashkenaz shuls. I don't mean that I've struggled to translate their difficult words: that's a problem shared universally by everyone I've met and it's hardly unique to me. Rather, I mean that I've never been able to fully understand the role that certain parts of selichos are supposed to play in my teshuva efforts.

Let me be more specific. The extended passages filled with familiar verses from Tanach (like שומע תפלה) or that closely reflect patterns already suggested by Chazal (like מי שענה, clearly based on Taanis 15a) are all straightforward. Likewise, the confession (אשמנו) and the thirteen midos. What we're supposed to draw from all those sections is pretty obvious.

The trouble begins in the paragraphs commonly known as "סליחות." Why were so many of them written using such obscure and difficult language? I've written a book of essays on the navi Yeshaya and given shiurim on Kinnos, so I'm certainly not unfamiliar with poetic and challenging Hebrew. But the selichos included in the Ashkenaz versions for עשרת ימי תשובה are, as the אבן עזרא famously noted in his commentary to קהלת, in an entirely different league.

Thinking about these things led me to other questions: Who wrote those selichos? Who was their original intended audience? Who decided to include them in the order of selichos and what did the Jewish community look like at that time?

I'll note that I believe there's essentially no value whatsoever in just reading the words without any understanding. That there might be some magic powers contained in the words that invisibly shift individual and national fortunes at some cosmic level simply by being uttered - and overriding G-d's will in the process - is, in my understanding, so foreign to traditional Jewish thinking that I won't even address it here. If you're not being inspired to change by the content of what you're reading, you're not really participating.

Growing up, as they have, in a generation blessed with easily available translations and commentaries, my kids might find it

hard to imagine a time when even a casual understanding of selichos was, for most people, simply impossible. But until thirty years back, that was where we all lived. So what really lies behind this minhag?

Enough generalities. I'll illustrate my point by taking a look at just a few lines from the first selicha (אין מי יקרא בצדק) from the first night of selichos:

אין מי יקרא בצדק

איש טוב נמשל כחדק

"There is no one who can justly call You: a good man is compared to 'chedek'"

The word חדק might be referring to a thorn (as used in מיכה ז:ד and (משלי טו:יט עירובין קא), in which case the gemara referenced by the Artscroll commentary would make some sense...except that יהושע בר חנניא ר' who was, in that source, insulted with the expression, responded that it should actually be seen as a great praise. In the context of our selicha, that seems out of place.

But could the word not also be a reference to the river חדקל and, by extension, to one or more ancient Jews of Babylonia or even to אדם וחוה in אדם וחוה? Suddenly, even a healthy familiarity with relevant sources leads us to ambiguity and confusion. What did the original author mean? Are we supposed to make our own choices from all the possibilities? And how are we supposed to even think coherently about it if we're speeding through the text at upwards of 20 syllables per second (don't laugh: I've timed it).

Moving on:

בקש רחמים בעד שחוקי הדק

בשום פנים אין בדק

"Seek mercy for those ground to dust: there is nothing searched"

The word בִּדְק is vowelled to rhyme with צִדְק and חִדְק above. But are we to parse the word literally or, as the Artscroll would seem to have it, ignore the vowel and understand it as though it was "נִבְדֵּק"? Or - as a separate commentary suggests, might it be a reference to בִּדְק הַבַּיִת, implying that there's no one among us willing to stand up and support G-d's holy work (which is a much better fit with the vowellization)?

In some cases, you might argue that "either way, the general sense is clear." But I don't believe that's quite true in this instance, because neither reading feels like a good match with the actual words in their larger context. After all, it's not clear whether the אִישׁ טוֹב above refers to someone who is genuinely good but misunderstood, or to someone who is revealed to be undeserving. What then, should the subject of אִין בִּדְק actually be?

גבר תמים ונבר אפס

גמר חסיד וצדיק נרפס

"There is no uncorrupted or pure man: the chasid is completed and the tzadik is 'nirpas'"

It's certainly true that גמר could mean "gone" as the Artscroll has it. But I'm at a loss on נרפס, which Artscroll translates as "trampled." That would be נרמס, not נרפס. One commentary evokes the talmudic expression "מרפסן איגרא" but that would be strange in the context of the Hebrew prefix (the נ in נרפס) it uses here.

Its use in סח:לא suggests the word here might mean "muddied" (or, perhaps, "humbled"). But if the person we're talking about is indeed a צדיק, how are we to take his apparent fall? Or could the meaning be that the people we consider צדיקים are all fakes?

At any rate, these are certainly not ideas that should be decided carelessly - and certainly not at breakneck speeds.

Was there ever a generation whose members were so well versed

in the full range of Torah literature and Hebrew grammar that they could be reliably expected to come up with cogent and inspiring interpretations on the fly at each time they recited these selichos? Were these poems even intended for use in such a context?

Of course, there's nothing stopping us from properly preparing by investing many hours of serious study of all the text that's read throughout the days of selichos. We could at least work out enough possible interpretations to make a go of it. Well, there's nothing stopping us besides the fact that very few of us have enough time in our busy lives.

The two to three weeks of selichos covered each year probably contain thousands of lines and countless unusual word conjugations, many of which leading to deep ambiguities of meaning. Besides, I'd suspect that relatively few individuals have the background and resources to "make a go of it."

The rise of the black hats

Every now and then I try to understand the thinking behind various policies enforced by modern Torah schools. Here, I'll discuss the educational and social implications related to the rules governing hats for bar mitzva boys.

First of all, so we can start off with a clear baseline, let me present some possible benefits of such policies:

- Wearing yeshivishe hats is part of an important mesorah and it's valuable to get boys into the habit of following such practices.
- Wearing yeshivishe hats promotes an elevated self-image that should lead to better behavior.
- Yeshivishe hats are key elements of a kind of yeshivishe uniform that expresses discipline and loyalty to community standards.

- Wearing yeshivishe hats is in itself a higher halachic standard.

Now I'll explore each of those benefits individually.

Mesorah

While maintaining loyalty to a genuine mesorah is important, I find it difficult to understand how wearing black, snap-brim fedoras qualifies. My own rebbi once told me how upset he was that the yeshiva world felt themselves so dominated by chassidim that suddenly only black hats were acceptable. In fact, just fifty years ago you would not have seen anyone wearing anything remotely similar to what's currently popular - the material, crown shape, and brims from those days would be ridiculed today and, of course, back then all colors were accepted.

Something this new that's so deeply dependent on fast-changing fashion trends can hardly be called a mesorah.

Perhaps it could be argued that there is, indeed, a mesorah to wear *any* kind of head covering. But I doubt that's how it's commonly understood: how many yeshivos would allow a clean, logo-free baseball cap?

Ok. So maybe it's the fact that a black, snap-brim fedora is so easily identifiable as a Jewish levush. But then so is a yarmulka.

Self image

There's no doubt that dressing a bit "fancy" can inspire a more restrained and respectful approach to the world around you. But the downside is that the chillul haShem consequences of *mis*behavior are much, much higher when ones Jewish identity is more obvious. Confidently weighing the risks and benefits is difficult without access to some kind of reliable historical data.

But here's one more "data point" that should also be considered.

Clothes most definitely affect those wearing them. As an example, Chazal seem to feel that the color red could lead people to arrogance. So let's not ignore the possible damage caused by encouraging young, maturing bochorim to indulge in an overpriced, fashion-conscious, and hyper-materialistic clothing choice.

I suspect that the possible damage to a young boy's midos can be greater still when he absorbs the clear message that those boys and men who don't dress this way are defective in their Torah observance. When it comes to halachic observance, we have no choice but to tell our children that Jews who don't keep Shabbos are wrong. But as we'll soon see, there are no halachic implications associated with hats.

By the way, I used the term "overpriced" with care. The fact that so many boys continue to insist on purchasing \$250-300 hats when virtually indistinguishable versions can be bought from a fine Jew in Rochester for \$55 (see yeshivishhats.com) tells me a lot about what's driving the fashion. I don't see any differences between this kind of consumerism and the social forces that drive sales of overpriced glasses and, while we're on the subject, cars. And I don't consider either to be particularly healthy.

Those forces - along with the crippling financial pressures they place on families that cannot afford it - should be part of the conversation.

Discipline

Discipline and loyalty to community standards are certainly valuable but, like "self image" above, their value must be carefully weighed against the costs. Ideally, of course, children would happily choose to follow their parents' minhagim and practices, as their parents happily chose theirs. But in the real world, it's not always like that. Peer and social pressures exert formidable power over communities and families, and there's no guarantee that the pressures won't do more damage than good.

Here's another thought: I'm not currently aware of any source in Chazal or rishonim recommending that all Jews dress identically. I do, however, know that Rav Hirsch finds a reflection of the importance of *intelligent individuality* in Jewish observance in the halachic principle that the tzitzis should be tightly tied for only one third of their length (hinting to our complete loyalty to halacha), but loose for the other two thirds (hinting to the need for independent thought and action).

I also recall once being told by Rav Aharon Feldman (in a very different context) that:

"When sheep have no leader, they huddle together and imitate each other out of fear. And I'm not talking about sheep."

Widespread blind imitation isn't a sign of a healthy community.

A higher halachic standard

I think that this one is flat out wrong. I don't believe that there are any halachic arguments for wearing hats. In fact, The Gra (שו"ע או"ח סי' ח סע' ב) concludes that there is no halachic obligation of any kind to cover your head *at all* (except when in the presence of תלמידי חכמים), and only מדת חסידות when davening. Here's how he concludes that piece:

כללא דמילתא אין איסור כלל בראש מגולה לעולם רק לפני הגדולים וכן בעת התפלה אז נכון הדבר מצד המוסר ושאר היום לקדושים שעומדים לפני ה' תמיד

And I doubt that the קדושים mentioned by the Gra would have worn our modern hats, as they don't completely cover the head in any case. They would more likely have done עטיפה of some sort.

That's not to say that the Gra is the only opinion out there, but he doesn't exist within a vacuum. And I feel that imposing a public policy on maturing children that encourages them to imitate קדושים in the name of halacha would be dangerous.

A few more popular innovations

Kabbalas Shabbos

This one is so deeply entrenched in our weekly routines (and so beloved) that it can be hard to imagine that it's only been around for a few centuries. I'm told that it was actually Rabbi Hirsch who's responsible for those shuls where the שליח ציבור stands by the בימה rather than the עמוד. This was designed to underline the fact that קבלת שבת is **not** a תפילה stemming from חז"ל.

שבועות on All-night learning

The earliest reference I've found is the של"ה who notes (at great length) the activities of students of the Ari.

Hitting hoshanos against the ground

משנה ברורה תרס"ח וגם תרס"ד:י"ט ט

Reciting אורי לדוד ה' during Elul/Tishrei

The origin of this custom has been associated with ספר חמדת which is of a relatively recent – and clouded – source.

Bending the knees at the start of Shemone Esrei

The custom to bow *at the waist* at the start of Shemone Esrei is a gemara (Brachos 28b). But I believe the earliest mention of bending *at the knee* in a halachic context is the Magen Avraham (אורח חיים קיג:ד) quoting the Zohar.

Ensuring visible binding hairs on Tefilin

The Mechaber himself (לב:מד), according to באר הגולה, quotes the

Zohar:

קצת שער זה צריך שיראה חוץ לבתים

A little of that hair should be visible (even) outside the box (of the תפילין של ראש)

The Magen Avraham (61) qualifies that with (what I assume is) another Zohar:

קצת שער: כתוב בספר יש שכר בשם הזוהר שלא יצא השער כשעורה חוץ לבתים

A little hair: The ספר יש שכר quotes the Zohar that the hair should extend outside the box.

I, personally, was quite surprised when hearing just how recently this widespread custom had entered the halachic realm.

Reciting chapters of תהלים for the ill

I can't find any authoritative source recommending this practice, but we do know that: "לא נתנה תורה לרפואת הגוף אלא לרפואת ה"נפש" See ט"ז ליורה דעה קעט ט

Associating a mother's name with prayers

Try to get someone to pray for you without having to first hand over your name and that of your mother. Considering the Gemara (ברכות לד): כל המבקש רחמים על חבירו אין צריך להזכיר שמו, that seems strange...and modern.

Naming children after deceased relatives

This seems to be quite modern (again, though: there's absolutely nothing wrong with it). The kabbalistic notion of thereby acquiring the "שורש הנשמה" of the deceased is also new.

New Celebrations

The Jewish calendar has undergone significant adjustments over the past while. Elaborate rituals and observances now accompany שני פסח בעומר ופסח שני in ways that were unknown just a few centuries ago.

Growing payos

By way of illustration, when the מקדש stood כהנים expecting to enter the מקדש would probably avoid any growth of hair longer than 30 days (כמה הוא גידול פרע שלשים יום כנזיר - רמב"ם ביאת). (מקדש איני ואינו) A כהן גדול faced even greater restrictions (מרבית פרע לעולם שנאמר את ראשו לא יפרע ואפילו בעת שלא יכנס (למקדש אלא מספר מערב שבת לע"ש - כלי המקדש:הו-).

I can't prove this, of course, but I'm doubtful that a style of hair growth that's forbidden to כהנים would become fashionable among the general Torah-loyal Jewish population. At any rate, I'm aware of no pre-modern sources that *promote* long payos and beards.

Growing long beards

Many kashrus organizations reject shoctim who don't dress according to chassidic fashion or who trim their beards. My understanding is that this practice began in the early years of the 20th Century in North America as an effective way to filter (mostly Lithuanian) shoctim of deeply objectionable beliefs and practices.

That particular risk is long past, but the policy - in direct conflict with ב סימן - שו"ע י"ד סימן ב - is still enthusiastically embraced. The COR "Kosher Corner" publication from Passover 2020 (https://cor.ca/view/959/cor_passover_magazine_20205780.html) tells us:

"Premier (a kosher poultry production facility) boasts a chassidishe shechita, which means that the shoctim use

the mikvah regularly, do not trim their beards, and hold by various other halachic stringencies, both in their personal and professional lives.” (page 92)

Those fashion standards are said to contribute to the *יראת שמים* of the *shochtim*. Some sense of the real-world connection between such dress codes and *יראת שמים* can perhaps be seen by touring New York state penitentiaries and noting the number of untrimmed beards and longer peyos on view.

I think it's also reasonable to conclude that thinking mikvah use improves *יראת שמים* (rather than being the result of morally free-willed choices) could also be considered a modern, Tzfas-inspired innovation.

Chinuch

While teaching Torah is all about accurately transmitting what we've received to our children, the ways we go about doing that are constantly changing. Most of the innovations have little or nothing to do with the Tzfas culture, but they do illustrate just how easily far-reaching change can be adopted. Was there, for instance, ever a cheder in the pre-war years anywhere in Eastern Europe where they:

- Didn't hit misbehaving children?
- Examined student achievement through written tests?
- Ran *emunah* programs?
- Employed social workers?
- Taught in Polish (or English)?
- Used lesson plans?
- Required teacher training?
- Included *למודי חול* curricula?

I probably wouldn't have sent my kids to a cheder that didn't

make use of those innovations, but we can't deny that they were, indeed, innovations.

Some Older Changes

Change in Judaism doesn't seem to be a new phenomenon. Here's a discussion about a series of adjustments to way we plan our Yom Tov living that stretched over centuries and probably began more than a thousand years ago.

Yom Tov schedules

As I've written elsewhere, unexpected changes to our minhagim over the centuries are not necessarily the result of evil manipulation by nefarious secret cabals. Sometimes change just happens. And some changes might even make a lot of sense. More than anything else, the goal of this book is to show how frequently traditional Judaism has undergone serious change through history and how we've responded to it.

With that in mind, comparing the ways modern Torah communities experience Yom Tov with the way historical experiences are understood in halachic sources should give us some interesting food for thought. Here's how the gemara (Megila 23a) describes the ideal Yom Tov schedule:

ביו"ט מאחרין לבוא וממהרין לצאת ביום הכפורים ממהרין לבוא ומאחרין לצאת ובשבת ממהרין לבוא וממהרין לצאת לימא ר"ע דאית ליה גברא יתירא אפילו תימא רבי ישמעאל דנפיש סידורא דיומא

On Yom Tov we come late (to synagogue) and hurry home (afterwards), on Yom Kippur we hurry to arrive (early) and leave late, and on Shabbos we hurry to arrive and to leave. Should we say that Rabbi Akiva (is the only author of this statement)? No. It could even be Rabbi Yishmoel (if you consider that Yom Tov) includes a busier schedule.

Rashi to that gemara explains that the "busier schedule" is partly the result of our ability to cook on Yom Tov (something forbidden on Shabbos, and unnecessary on Yom Kippur), requiring that we spend time before prayers preparing the meals for later. But it's also because Yom Tov comes with a special mitzva of simchas Yom Tov, which forces us to leave earlier to get back home.

Rashi also points us to his source in Mesechte Sofrim 18:4.

אמרו המברך צריך שיגביה קולו משום בניו הקטנים ואשתו ובנותיו ומן הדין הוא לתרגם לעם לנשים ותינוקות כל סדר ונביא של שבת לאחר קריאת התורה וזו היא שאמרו בשבת מקדימין לבוא ומאחרין לצאת מקדימין לבא כדי לקרות קריאת שמע כוותיקין עם הנץ החמה ומאחרין לצאת כדי שישמעו פירוש של הסדר אבל ביום טוב מאחרין לבא שהן צריכין לתקן מאכל' של יום וממהרין לצאת שאינו מן הדין לפרש להן דאמרי' רב לא מוקי אמורא מיומא טבא לחבריה

One who makes the bracha (on the reading of the Torah) should raise his voice for his young sons and wife and daughters. It would make sense to translate for this congregation and women and children the entire Torah reading along with the (reading from the) prophet for each Shabbos after the reading of the Torah. And this is what is meant by "on Shabbos, they come early and leave late." They come early so as to recite the Shema appropriately at dawn. And they leave late so that all should hear the commentary to the Torah reading. But on Yom Tov they come late because they need to prepare

food for the day, and they hurry to leave since there's no need to provide commentary, as Rav said "Don't appoint a sage from one day of Yom Tov to another."

Now there's a lot to think about here. For one thing, it would seem that either the men - and not the women - were expected to do all the meal preparation on Yom Tov (otherwise why should they need extra time at home before prayers?), or that men and women attended synagogue together (so that, whichever one prepared, it would have to happen before prayers). Either option is at least mildly surprising.

But the bigger issue is how different this is from the Rambam's account (Laws of Yom Tov 6:19):

אלא כך היא הדת, בבקר משכימין כל העם לבתי כנסיות ולבתי מדרשות ומתפללין וקורין בתורה בעבני היום וחוזרין לבתיהם ואוכלין, והולכין לבתי מדרשות קורין ושונים עד חצי היום, ואחר חצות היום מתפללין תפלת המנחה וחוזרין לבתיהן לאכול ולשתות שאר היום עד הלילה

*This is what's appropriate: in the morning everyone should **arrive early** to synagogues and study houses (where they) pray and read the Torah according to the day. They (then) return to their homes and eat, and then go to the study houses and study until midday. After midday, they pray Mincha and return to their homes to eat and drink for the rest of the day until night.*

Two thoughts: Note how praying, eating the meal, and returning to the study house for a learning session would all be complete **before** midday! But, closer to our primary point, why are we supposed to arrive in synagogue **early** on Yom Tov mornings? Weren't we first supposed to prepare the Yom Tov meal?

The Rema (שו"ע או"ח תקכ"ט) sides with the original (late arrival) approach. But the Magen Avraham (#6) offers an explanation that could answer our question:

מאחרין לבוא. חוץ מר"ה שמשכימין לבה"כ וב"ח סי' תקפ"ד ובסימן תרמ"ד כ' דהאידיגא שמאריכין בפיוטים משכימין בכל י"ט עכ"ל כלו'

דרש"י פי' הטעם דמאחרין כדי לטרוח בסעודת י"ט קודם שילכו לבה"כ והאידינ' יכולי' להכין בעוד שמאריכין בניגונים ופיוטים

We arrive late: Besides for Rosh Hashana where we come early to synagogues. And the Bach (ס' תקפ"ד) (ובסימן תרמ"ד) writes that 'these days, since we extend (the prayers with) poems (פיוטים), we come early on all Yom Tov days.' That is to say, according to Rashi's second reason - that (we would originally arrive late) in order to prepare the Yom Tov meal before going to pray. But these days, we can prepare while they're extending the songs and poems (in synagogue).

I'm just not sure what to make of this. Exactly when is the preparation now supposed to occur? I have the image in my mind of all the men (or women), one after the other slipping out of synagogue, running home, and throwing the chicken in the oven while those left behind would pretend nothing unusual was happening.

But what comes out is that, originally, Yom Tov prayers were supposed to be brief enough that we could arrive late and leave early, with enough time left over to finish a full meal and a learning session before midday. Some time later (likely before the Rambam's time), piyutim became popular, requiring longer services.

Who instituted these significant changes and how widely and quickly they were adopted isn't known. Since, however, the songs were optional, individuals were free to slip out of synagogue to prepare the meal, allowing earlier start times.

I will add that the Bach (ס' תקפ"ד) explains that the Tur rules that the late start of Yom Tov doesn't apply to Rosh Hashana. One reason the Bach offers is that an early start on Rosh Hashana will make it possible for people to return home and begin their meals before midday (it being inappropriate to fast half a day on Rosh Hashana). That's one more thing that's mostly disappeared from our own Rosh Hashana experiences.

However, why would the Tur in the laws of Sukkos (ס' תרמ"ד)

write "In the morning, we arrive early..."? After all, "Yom Tov" in the gemara in Megila should certainly include Sukkos. The Bach explains that, because of the hectic pre-Sukkos period (see Tosafos to Chulin 83a), people will usually enjoy a simpler meal on the first day of Sukkos that requires less preparation. There would, therefore, be no reason not to come early to synagogue.

But if that's the case, asks the Bach, why should the Tur also teach us (in סי' תרס"ח) to arrive early on the morning of Shemini Atzeres? This, concludes the Bach, is because we now include both the קרוב"ץ for rain and Yizkor on that day. It would seem that both the קרוב"ץ for rain and Yizkor were innovations originally unknown to Jewish liturgy, and their introduction forced a refactoring of Yom Tov protocols that had been followed since at least the time of the Talmud.

Understanding Nefesh Hachaim

Among my many sins, I spent years teaching Torah for a living. During those years I was often forced to confront - both for myself and for my students - why some answers and explanations are more likely true than others.

To large measure, I eventually settled on a variation of Occam's razor which, roughly described, states that a problem's true resolution is probably the one which requires the least interpretation. For all intents and purposes, the Talmud does this on nearly every page; rejecting a proof whenever another equally (or more) likely possibility is presented.

I would often apply the tool during debates. To briefly illustrate (based on [another of my articles](#)): Is the Chasam Sofer's way of understanding Rabbi Yishmael's interpretation of Deut. 11:14 a

possible meaning of the Gemara in Berachos 35b (which the Chasam Sofer insists would *only* apply within geographic Israel)? Of course. But, given the fact that Rava explicitly applies the Rabbi Yishmael's position to his students – most of whom surely lived outside Israel – suggests that *possible* is not synonymous with *likely*. And *derush* is not the same as *pshat*.

Over the years, this way of thinking became so habitual for me, that it threatens to spoil my enjoyment of many great Torah pleasures.

So here I am, asking for help. For years I've thought about various passages in Rabbi Chaim of Volozhin's *Nefesh Hachaim* and enjoyed their insights. But I've also contended with a growing sense that I've never really understood how it all worked. One idea might be built on a source that didn't seem to quite fit the context within which it was quoted. And another idea felt strangely foreign when measured against my understanding of some classical Torah sources. In short, I'm missing something important. Is it possible that Rabbi Chaim's style is simply a product of the larger changes brought by the Tzfas revolution?

There's no better way to illustrate my problem than by offering some concrete examples of each of the classes of problem I'm having.

Nefesh Hachim Sha'ar 2, Chapter 5

Rabbi Chaim quotes this gemara (Brachos 10a):

הני חמשה ברכי נפשי כנגד מי אמרן דוד לא אמרן אלא כנגד הקב"ה
וכנגד נשמה מה הקב"ה מלא כל העולם אף נשמה מלאה את כל
הגוף מה הקדוש ברוך הוא רואה ואינו נראה אף נשמה רואה ואינה
נראית מה הקב"ה זן את כל העולם כלו אף נשמה זנה את כל הגוף
מה הקב"ה טהור אף נשמה טהורה מה הקב"ה יושב בחדרי חדרים
אף נשמה יושבת בחדרי חדרים יבא מי שיש בו חמשה דברים הללו
וישבח למי שיש בו חמשה דברים הללו

These five "ברכי נפשי", in relation to what did David write them? They were certainly written in relation to the Holy One, blessed be He and the soul (of a man). Just like the Holy One, blessed be He fills the entire world, so the soul fills the entire body...

Rabbi Chaim uses this passage - among others - to advance the theory of immanence (i.e., that G-d somehow fills all the space of the physical universe to the exclusion of all else). In fact, I don't see how the Gemara in Brachos can be used as a proof, as that doesn't seem to be its most likely - and certainly not its only - interpretation. Why couldn't you understand the passage to mean that, just like the soul is intimately aware of, influences, and even controls its body, so G-d is aware of, influences, and - when He chooses - controls the entire world? I can't be 100% sure that that's what the Gemara means but, as long as reasonable alternative interpretations exist, no single approach can be considered definitive.

But my main interest in this chapter is in how Rabbi Chaim quotes Rambam's Moreh Nevuchim:

וגם הרמב"ם ז"ל כתב במורה בפ' ע"ב מחלק הא' שכל העולם בכללו נקרא שיעור קומה. והאריך להמשיל כלל חלקי העולם לחלקי אברי האדם וכל עניניו שבו. ושהוא ית' הוא נשמת העולם כענין הנשמה לגוף האדם ע"ש. ודבריו ז"ל ראויים למי שאמרם. שכן מבואר בזוהר תולדות...

And also the Rambam of blessed memory wrote in the Moreh 1:72 that the entire world is called "shiur koma". And he goes to great length to compare all the parts of the world to the parts of a man's limbs and all his composites. And that He (who should be blessed) is the soul of the world as a soul is to the body of a man, see (the Moreh). And his words are fit for he who said them, as it's clear in the Zohar...

In that chapter, the Rambam certainly goes to great lengths to compare the biological structure of humans (and animals) with

the structure of the natural world as a whole. But he also most definitely does *not* extend the comparison to G-d. And, even more emphatically, he does *not* use his comparisons to propose any semblance of immanence (which would run counter to the second of Rambam's 13 principles).

What's even more interesting is how Rabbi Chaim refers to that passage in Moreh Nevuchim as an explicit discussion of "שיעור קומה" – a phrase the Rambam doesn't actually use. In fact, the phrase has very specific implications in the kabbala world. The שיעור קומה to which Rabbi Chaim's reference presumably refers is the name of a mostly-lost kabbalistic text that is known to describe G-d using very physical terms. The historical fact that Rambam was aware of the text and explicitly declared it a heretical fake does seem to place this whole passage in a confusing light.

Here's the text of the Rambam's thoughts on שיעור קומה from his תשובות סימן קז (quoted from Rabbi Yosef Qafih's translation):

שאלה, יורנו הדרתו מה לומר למי ששאל שאלה בענין שיעור קומה האם הוא כדברי מי שאמר שהוא חבור אחד הקראים ושמע את זאת מהדרתכם, או שהוא סוד מסודות החכמים ז"ל וכמוסים בו ענינים גדולים טבעיים או אלהיים כמו שאמר רבנו האי ז"ל באחד הקונדרסים בעניני חגיגה. ושכרו כפול מן השמים. תשובה, איני סבור כלל שהוא לחכמים ז"ל ואינו אלא חיבור אחד הדרשנים בערי אדום ולא יותר. כללו של דבר השמדת אותו הספר והכרתת זכר ענינו מצוה רבה, ושם אלהים אחרים לא תזכירו וכו' כי אשר לו קומה הוא אלהים אחרים בלי ספק.

Question: His glory should teach us what to say to someone who asks about Shiur Komah. Is it like those who say that it is a book of the Karaites - and this was heard (in the name of) his glory; or is it a secret from the secrets of our sages containing great mysteries of natural or Godly matters as our master Rabbeinu Hai of blessed memory (wrote) in one of his publications on Chagiga, and the heavenly reward (for studying such a book) should be double?

Response: I don't believe that (the book) in any way came from the sages. It's nothing but a publication of preachers in the cities of Edom and nothing more. To sum up, destroying that book and eliminating the memory of it's contents is a great mitzva: "The name of other gods you should not mention." For (in the minds of those who wrote that book) the one who has stature (הַקוֹמָה) without a doubt refers to foreign gods.

Nefesh Hachim Sha'ar 2, Chapter 12

Rabbi Chaim's theme in this chapter is that great people ignore their own suffering and, instead, devote all their attention and prayers to the parallel suffering of God. Without a doubt it's a beautiful idea. His primary proof text is from the Gemara in Brachos 31b, which he quotes in this passage:

והוא שדרז"ל בחנה ברכות לא ב והיא מרת נפש ותתפלל על ה'. שהטיחה דברים כלפי מעלה. ר"ל הגם שהיא עצמה היתה מרת נפש עכ"ז השליכה צערה מנגד ולא אכפת לה להתפלל ע"ז כלל. אל"א שהטיחה דברי תפלתה לפניו ית"ש על הצער של מעלה הנעשה מחמת שהיא שרויה עתה בצער. ולכן אמרו שם שגם משה הטיח דברי כלפי מעלה כו' אל תקרי אל ה' אלא על ה'.

And this that the rabbis explain (Brachos 31b) concerning Chana "And she was bitter of soul and she prayed on God' that she pressed her words towards the heavens." That is to say since she herself was bitter of soul, with all that she cast her suffering away and saw no reason to pray for it at all. Instead, she [pressed] the words of her prayer before Him (Whose name should be blessed) in regard to the suffering of heavens resulting from her suffering. Therefore they say (ibid) that 'even Moshe [pressed] his words towards the heavens...don't read it as "to God" but as "on God."

In my translation I placed the word "pressed" in brackets. This is because that is the simplest translation for the word הטיחה. But, as far as I can tell, it's also not consistent with Rabbi Chaim's interpretation. After all, he clearly uses it as though it means "shift" or "transfer."

Let's see a few other places where the word is used, like Sukkah 53a:

והאמר רבי אלעזר לעולם אל יטיח אדם דברים כלפי מעלה שהרי אדם גדול הטיח דברים כלפי מעלה ואיטלע ומנו לוי

And Rabbi Eliezer said: a person should never press (יטיח) his words towards heaven because a great man pressed his words towards heaven and he was crippled. Who was he? Levi.

Whatever יטיח means here, it's obviously not good, since it led to Levi's injury and we're all warned not to do it. Rabbi Chaim, by contrast, recommends all of us strive to act this way. Still, though, while it would seem הטחה is not an appropriate action, this doesn't prove that Rabbi Chaim's actual translation is strained. For that, we'll see Beitza 9a:

הרואה אומר להטיח גגו הוא צריך

One who sees (a man doing this) will say he's (doing it to) plaster his roof.

I've never done it myself, but I imagine that one plasters a roof by smoothing soft tar beneath a heavy tool of some sort. The motion is one of pressing. Similarly, the gemara in Bava Kama 28b says:

לפיכך אם הטיח צלוחיתו באבן חייב

Therefore, if someone smashes his glass against the stone (left illegally in a public place, the owner of the stone) must (pay damages).

Each of those sources suggest that הטחה is an act of smashing or, at least, pressing vigorously against a resisting counter force.

I'm really not sure how that word could be taken to mean some kind of willing transfer for the comfort and benefit of a recipient (G-d, in this case).

Nefesh Hachaim Sha'ar 1, Chapter 15

Concerning the theoretical possibility of G-d having some physical quality (corporeality), Rabbi Chaim (quoting R' Chaim Vital) wrote:

...שאין עצמות מהותה נכנסת כלל בתוך גוף האדם ואדם הראשון קודם החטא זכה לעצמותה ובסיבת החטא נסתלקה מתוכו ונשארה רק חופפת עליו. לבד משה רבינו ע"ה שזכה לעצמותה תוך גופו ולכן נקרא איש האלקים

...That the Essence of (G-d's) Existence does not enter at all into the body of a human. But Adam before the sin merited the Essence and, due to the sin, it was removed from his midst and remained only hovering above him. (All this is) besides for Moshe who merited to have the Essence (of G-d) inside his body. For this reason, he is called "man of G-d."

I can't think of any way to read those words that won't do violence to the second of Rambam's 13 principles (that the unity of G-d is infinitely simple and that He has no internal divisions). And I'm just at a loss as to how the physical bodies of at least two human beings (Adam and Moshe) could have encompassed the "Essence of G-d." What am I missing?

But I'm also unsure what to do with Rabbi Chaim's proof text: "ולכן נקרא איש האלקים" Is there really no other credible interpretation of those words than that Moshe's body encompassed G-d? Is it not far more likely that it means Moshe, through his behavior and life's works, exhibited all the values and principles taught by G-d and His Torah? How do those words prove Rabbi Chaim's idea? I understand that חז"ל sometimes took verses out of context by way of אסמכתא, but

those sources weren't being used for proof (as evidenced by frequent use of "וקרא אסמכתא בעלמא").

Nefesh Hachaim Sha'ar 2, Chapter 2

In the context of prayer, Rabbi Chaim wrote:

כי עצמות א"ס ב"ה סתים מכל סתימין ואין לכנותו ח"ו בשום שם כלל אפילו בשם הוי"ה ב"ה ואפי' בקוצו של יו"ד דבי' ... וז"ש האריז"ל בלשונו הקד' הובא בהקדמת פע"ח. שכל הכנויים והשמות הם שמו' העצמו' המתפשטים בספירות וע"ש

For Atzmus Ain Sof ("the Essence of G-d without end") is the most hidden of all secrets and there's no way to describe Him in any way, even with the Name "Havaya"...And this the Arizal wrote in his holy language – brought in the introduction to Pri Eitz Chaim – that all descriptions and names are (really just) names of the essence that has spread among the sefiros.

What this appears to mean is that we shouldn't think about G-d Himself during prayer and that, in fact, God Himself is not even conscious of us. But we should instead focus on various names that actually represent reflections whose actual "location" is the sefiros.

Now before you accuse me of being naive and hopelessly foolish, I hasten to add that I'm aware that Rabbi Chaim Vital is the primary source of this idea - I've seen it in the original. And I'm also aware of the possible implications of what I'm writing (particularly in relation to the second and fifth of the Rambam's principles). But that doesn't help me understand the concept itself.

I must add that Sha'ar 2, Chapter 4 includes a note that's very relevant to this discussion:

הגהה: ומ"ש בכוונות התפלה והברכות לכיין בכל ברכה כוונה מיוחדת לספירה מיוחדת לא ח"ו לעצמות הספירה. כי הוא קיצוץ נטיעות ח"ו.

And that which is written in the focus (כוונות) of our

prayers and blessings to focus each blessing a specific focus on a specific sphere, that is not, G-d forbid, to say (that we should focus on) the Essence of the sphere, for that would be heresy.

I certainly agree. But how can we square that with what he wrote above: "שכל הכנויים והשמות הם שמו' העצמו' המתפשטים" "בספירות הגהה"? And, as a side point, who wrote those notes? It's known that Nefesh Hachaim itself was only published after Rabbi Chaim's death: could these have been added by the publisher?

Nefesh Hachim Sha'ar 2, Chapter 4

There's one word in particular that's used a lot by Rabbi Chaim that I've never really understood: כביכול ("were it possible").

אמנם לא שאנו מדברים אליו כביכול על עצמותו ית' לבד בבחי' היותו מופשט ומופרש כביכול לגמרי מהעולמות כענין שהיה קודם הבריאה דאם כן איך נתארהו ח"ו בכל ברכותינו ותפלותינו בשום שם וכנוי בעולם כלל

However, it's not that we talk to Him - were it possible - in relation to His essence (may it be blessed) alone, in a way that's completely distinct and separate - were it possible - from the worlds, the way it was before creation. For if that were so, how could we refer to Him - G-d forbid - with our blessings and prayers using a name or reference at all?

Leaving aside some interesting issues surrounding the passage as a whole, here's my immediate problem: if speaking directly to G-d is somehow a theological problem - perhaps even forbidden - then it's a problem. And if (as Tehilim 145:19 would suggest) it's perfectly reasonable and permitted, then let's do it. But what value is there in imposing a conditional ("were it possible") status on a principle or belief? Is it possible or isn't it?