

First Day Rosh Hashanah Sermon 5765

- Mayer Waxman.

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I wanted this speech to start a little bit differently than its going to. I wanted to be able to say with some degree of pride that two days ago I finished Masechet Aruchin together with the international Daf Yomi movement. Unfortunately, I fell behind in the Masechta. However the Masechta was completed a couple of days ago, it was completed this Tuesday, and first of all I want to give kudos to anyone who learns Daf Yomi. It takes a huge commitment of time – so the families of anyone who learns the daf must be commended as well. But learning the daf is an incredible thing, it gives you so many yedios, such a vast view of the wide ranging concepts within Torah.

In learning Messechet Aruchin, I came across a discussion which is very relevant to Rosh HaShannah. A mishnah on Daf Chet Amud Bet there there is part of a sequence of Mishnayos which talk about minimums and maximums within Halacha; Halachic boundaries, the most that will be required in a given Halacha and the least that will be required. The Mishna says: “Ein Banigaim pachot mishavua echad,” never in a case of tzaraas is there confinement for less than one week, “V’lo yeter al shlosa Shavuot,” and never is there a confinement regarding the findings of potential tzaraas which lasts more than three weeks.

An affliction of tzaraas can occur either on human flesh or on houses, or on garments. When someone is diagnosed with tzaraas, or a house or garment has tzaraas, the person or thing becomes tameh. In order for something to be confirmed as tzaraas, a Kohen has to look at the suspicious mark and make a declaration. Sometimes a Kohen can tell right away that a mark on a person is tzaraas, but other times, only some symptoms of tzaraas are manifest. In these cases where its not clear whether the mark is in fact tzaraas, the person is confined for a period of seven days. At the end of this period, the Kohen comes back or the person comes back to the Kohen, and the Kohen again, examines the Nega, the mark, to see if it has spread or if it has developed any other symptoms that would assure that it is in fact tzaraas. If there are no changes, the Kohen, depending on the type of tzaraas that is being considered, can either confine the person or thing for a second week, or declare him or it to be tahor, pure and tzaraas-free. This confinement time is what the Mishnah is referring to. Some types of negaim on humans only require one confinement. Human negaim as well as those of clothing have a maximum of two confinements. It’s only houses that can require as long as three weeks of confinement to reach a resolution. So there we have, like the Mishna says, when a nega of tzaraas appears on a house or a garment, then these negaim can never be confirmed without a confinement of at least one week – the mishna’s minimum – and houses are subject to as many as three confinements – the mishna’s maximum.

The Gemara there interprets a verse from Tehilim (36:7). It is a verse we say almost every Shabbos Mincha: “Tzidkascha k’harerei el, mishpatecha tahom rabba,” –“Your benevolence is like the mighty mountains, Your judgments are like the vast deep.” The Gemara is bothered by the curious juxtaposition of these two phrases; the first phrase talks about “tzidkascha,” God’s benevolence, yet the second part switches to God’s judgement, “mishpatecha,” which usually means God’s punishments. So the Gemara says, “Amar Rav Pappa,” Rav Pappa said, “‘Tzidkascha k’harerei el,’ elu niga-ay adam” the first part of the verse which says that God’s

benevolence is like the mighty mountains is alluding to the negaim of people, “mishpatecha tahom rabba,” the second part of the verse describing God’s judgments as being like the vast deep, “elu nega-ay batim,” this refers to the negaim of houses. Rav Pappa basically explains that the subject in both halves of the verse is in fact God’s judgments; Rav Pappa is saying that even when meting out punishments to those deserving of it, Hashem is sometimes benevolent as the mighty mountain in that he does not leave the punished person in limbo for too long, such as in the case of a person who’s got tzaraas appearing in such a form that his status is resolved by the end of only one week. On the other hand, sometimes God’s punishment is harsh like the vast deep, such as in the case of a nega of a house where the person might remain uncertain as to his house’s fate for as long as three weeks.

Parenthetically, Rav Chaim Shmuelevitz, in his Sichos Mussar learns from here an implied lesson about human nature. He says if you look at the implications of this limud of Rav Pappa, you can ask, what kind of benevolence is it to have your question of tzaraas resolved at the end of one week, if at the end of the week the resolution is that you are a metzora and you are tamei?! Wouldn’t it have been better to stay confined for another week or two but at least retain the possibility of being ruled tahor at the end? And the question can obviously be asked from the opposite angle: What is so difficult about having your house left in limbo for three weeks if at the end, it’s declared tahor? Isn’t that better than waiting only a week but finding out its Tameh? So, Rav Chaim Shmuelevitz says the implication from here is that it is in our nature to hate to be left in doubt, to hate, not knowing. A person, in fact, would rather have his house declared definitely tameh, and be forced to go through all the difficulties that entails – even raising the building – than to suffer a tense, anxious three week period of not knowing, even though by the end of that three weeks, the results could be a favorable tahor declaration. Accordingly, Rav Chaim Shmuelevitz explains, if you’ve got the type of tzaraas for which the answer is resolved clearly in a week, even if the resolution is not the one you hope for, that represents God’s kindness as great as the mighty mountains.

But let’s go back to the Gemara. The Gemara continues, ‘What is the meaning of this Pasuk “Tzidkascha k’harerei el, mishpatecha tahom rabba,”?’ “Amar Rav Yehuda, Ilmaleh tzidkascha k’harerei el,” if it were not for the fact that your benevolence is like the mighty mountains, “Mi yuchal la’amod lifnei mishpatecha tahom rabba,” who could withstand your judgments which are [as harsh] as the vast deep? And Rabbah interprets the pasuk differently, “Rabbah amar ‘tzidkascha k’harerei el,’” Your benevolence is like the mighty mountains, “mipnei shemishpatecha tehom rabba,” because your judgments are like the vast deep.

Don’t worry; I didn’t think that that was going to clear things up for anyone! Neither did the Gemara. It goes on to ask, “B’mai k’ mifligi,” what point are Rav Yehuda and Rabba arguing about? So the Gemara answers, “Bi’d’Rabi Elazar v’Rabi Yosi, B’rabi Chanina...” Rabbi Elazar and Rabi Yosi B’Rabi Chanina have a machloket, a disagreement in the Gemara in Rosh Hashana. During this season of slichos and teshuva we often say the thirteen attributes of God. One of these thirteen attributes is Rav Chesed, one of God’s attributes is that He is abundant in kindness. What does this mean? It means that if when a person is judged for his actions his sins and mitzvos are exactly equal, God tips the scale towards kindness, “Mateh klapei chesed,” thereby rescuing the person from ultimate punishment. Rav Elazar and Rav Yosi B’Rabi Chanina argue about the nature of how God tips the scale. “D-itmar,” it was said, “Rabi Elazar Amar covesh,” Rabi Elazar says God conceals, God removes some of the sins from the scale, and hides them away, thereby causing the merit side of the scale to tip lower than the side of sin. Rav Elazar bases his opinion on a pasuk in Michah (7:19), “Yashuv Yerachameinu, yichbosh

avonoteinu, v'tashlich bimtulas yam kol chatotam," "He will once again show us His mercy, He will hide our iniquities, He will cast all our sins in the depth of the sea." By concealing some of our sins in the depth of the sea, the side of sin is made lighter, and the scale tilts toward the side of merit. The other opinion, "Rabi Yosi B'Rabi Chanina Amar, 'Nosei,'" Rabi Yosi the son of Chanina says God lifts up the side of sin so that it is outweighed by the side of merit. Rav Yosi bases his opinion on the pasuk preceding Rav Elazar's. The pasuk says, "Nossei Avon," He lifts up iniquity, "V'over al pasha," and overlooks transgression. By placing His hand under the side containing the iniquities and lifting up that side, God overlooks the transgression in that the side of mitzvah, the side of merit, thereby dips and outweighs the side of sin.

So our Gemara explains, the machlokes between Rabbah and Rav Yehuda regarding the pasuk of "Tzidkascha k'harerei el mishpatecha tahom rabba," is based on that machlokes of Rav Elazar and Rav Yosi B'Rebi Chanina. Rabbah holds like Rav Elazar. Rabbah who says "Your benevolence is like the mighty mountains because Your judgments are like the vast deep," Rabbah is explaining the pasuk according to Rav Elazar who says the way that God saves people whose mitzvos and sins are evenly balanced is by concealing some of their sins, by hiding some of the sins in the vast deep, so that the mitzvos outweigh them – it is because of God's hiding some of the sins in the vast deep that God's benevolence is able to soar. Rav Yehuda, on the other hand, who says "If not for Your benevolence which is like the mighty mountains, who could withstand Your judgments, which are like the vast deep?" is explaining the pasuk, according to Rav Yosi the son of Rav Chanina, that the way that God rescues those with an equal measure of mitzvos and sins is through lifting up the side of the scale containing the sins. 'If not for Your benevolence, your magnanimous act of lifting up the transgression side of the scale, "k'harerei el," as high as the mighty mountains, who could withstand "mishpatecha tahom rabba," your judgments, the impact of the many sins for which you judge us, which would weigh down the sin side of the scale and cause it to dip as low as the vast sea.

[The Shulchan Aruch has an interesting Halacha, one sif, only one line long: (568) "Rosh Hashana Shechal Lihiyot b'Shabbat, omrim Tzidkascha b'Mincha," when R'H occurs on Shabbat we say tzidkascha at Mincha, even though it is not said on other Shabbos days which, if they were a weekday, Tachanun would not be said. This makes sense; now that we see the Tzidkascha's relevance to Rosh HaShana, it makes sense that it should be said on Rosh HaShana. Nonetheless, the R'MA says "V'yesh omrim shelo l'omro, v'ken anu nohagim," we do not say it, but the fact that the Shulchan Aruch says we do is considerable.

We now understand the disagreement between Rav Yehuda and Rabbah as to the meaning of the pasuk "Tzidkascha k'harerei el mishpatecha tehom rabba;" we understand that it is based on an argument of Rav Elazar and Rav Yosi B'Rabi Chanina regarding the nature of God's kindness. But, the Maharal explains the deeper subtext of this argument. The Maharal explains not just the sources of the disagreement, rather the very nature of God's attributes about which Rav Yehuda and Rabbah disagree. The Maharal explains that Rav Yehuda, who says "Were it not for Your righteousness being so great, who could stand for Your judgment," believes that the attribute which is foremost in God's nature is the attribute of tzedek, of righteousness. Rav Yehuda therefore explains that without that righteousness, who could stand in the face of pure justice. But Rabbah believes the opposite. Rabbah understands God's nature to be foremost one of mishpat, of true justice, and Rabbah therefore explains the pasuk, that "Your benevolence is like the mighty mountains because Your judgments are like the vast deep;" because the first middah, the first attribute of God is justice – because God's justice is so true, so pure that it will not let the sins which are equal to the mitzvot but which tend to be more discernable, sins can be so

apparent that they block the view of the equal mitzvot, but God's justice is pure and is not clouded – this pure justice allows the benevolence to summit.

The Maharal explains that this machlokes, this difference of opinion regarding the very nature of God is a very deep issue. The Maharal explains that the underpinning of this disagreement between Rav Yehuda and Rabbah is that when someone is standing on Rosh Hashanah with “mechtzis zechuyos,” half credit and “mechtza chovot,” and half debt, half mitzvos and half aveiros the nature of God's Rav Chesed, God's having abundant kindness, “mateh yado klafei chesed,” will somehow tip the scales toward the side of good. The Maharal says for sure when someone has more sins and he's a rasha and he's brought himself over the edge, there's no one to blame for his wrongdoing but himself, but when he is half and half, when he is in the middle ground, then this abundant kindness nature of God is left to decide the person's outcome. And because of God's abundant kindness, a beinoni, someone who is in the middle ground, will always be judged favorably. And it is on that very encouraging point that Rav Yehuda and Rabbah ask, ‘how does it happen?’ “In what way does G-d credit this middle ground person?” Well, Rav Elazar says that God hides the sins in a way of true mishpat, true judgment, He doesn't let the sins prosecute against the middle ground person, because its nature that when you see the bad, it may be more apparent than the good, it may speak louder, so God really levels the playing field so that true justice can be meted out. Rav Yosi holds that God's first attribute is righteousness, and this righteousness lifts up and devalues the side of sin.

So what are we left to walk away with? Thanks to the Maharal, we have a clear understanding of the machlokes; we understand that it's a machlokes in the very nature of God's abundant kindness. Either, God's first attribute is true judgment and true judgment means not being clouded by the equal but more obvious bad, or God's first nature is righteousness and that righteousness allows the mitzvos to outshine the sins. But for a practical, meaningful Rosh Hashanah sermon, what's the outcome, the difference, what's the nafka amina? Whichever attribute is prevalent, mishpat or tzedek, true justice or righteousness, either way, we are fortunate, because either attribute results in God's abundant kindness. The Gemara in Kiddushin says we are always supposed to view ourselves as if we are benonim, as if half of our judgment is towards credit, is mitzvos, and half of our judgment is toward sin. We are therefore always supposed to behave in a way to make sure that we tilt the scales in our favor. Either way that we view God's rav chesed, either through true mishpat or through tzedek, we come out ahead; as benonim we win. Conversely, of course, it behooves us to strive to do better, it behooves us to do teshuva, and it is in our best interest to appeal to either attribute of God's benevolence.

Perhaps that is part of the answer. Perhaps this is a question on a fact, and there are two opinions as to the nature of God's righteousness and either one is awe inspiring and just thinking about that nature and these attributes as we continue on to these ten days of tefilla, introspection and teshuva will inspire us to weather the holidays appropriately. But on a more proactive level, we must consider that it is our duty to aspire to emulating God; ‘mah hu rachum af atah rachum,’ just as God is merciful, so must we be merciful. The argument in the Gemara through the prism of the Maharal highlights two ideal attributes, mishpat and tzedek, which in some combination result in rav chesed. It is incumbent on us to strive to incorporate both ideals as we reinvent ourselves in this new year.