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SHEMINI ATZERET AND SIMHAT TORAH

THE INVERTED HALAKHAH OF SIMHAT TORAH

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More than any other day on the Jewish calendar, Simhat Torah is a product of *minhag*. The Gemara says nothing about it beyond the basic fact that its Torah reading is *Ve-Zot ha-Berakhah*, the final section of the Torah.[1] The practices of reading the opening chapter of Joshua as the *haftarah* and beginning Bereishit immediately thereafter, which stress the completion and continuity of the Torah reading cycle, developed later. (The Talmud selects a different *haftarah*). In Talmudic times, it was little more than *yom tov sheni* of Shemini Atzeret.

In his indispensable 1964 monograph, *Toldot Hag Simhat Torah*, Avraham Ya'ari explains how starting in the era of the Geonim, the day became a celebration for completing the cycle of Torah reading. Ya'ari proceeds to document how various *minhagim* that accreted over the centuries solidified into the "Simhat Torah" we know today. An updated volume would surely focus on the ongoing developments in Israel, where this creation of *galut* is now folded back into Shemini Azteret, as well as recent efforts to include women in the festivities.

In keeping with the *minhag*-driven nature of the day, halakhic discussions of Simhat Torah are marked by the fact that folk practices frowned upon year-round are begrudgingly accepted (and in some cases, eventually lauded) on Simhat Torah. From the time of the Geonim to the present, the refrain recurring is that while a given practice is generally disfavored, *mipnei ha-simhah hitiru*—it is permitted owing to the joyous nature of Simhat Torah.

One example: Traditionally dancing was prohibited on *yom tov*,[2] but the Geonim permitted it due to the joy of celebrating the Torah.[3] Later on, dancing became not just permitted but meritorious,[4] and some Hasidic thinkers went so far as to hold that *hakafot* can overturn harsh decrees.[5] Another case: *kohanim* are prohibited from *dukhenen* while under the influence, which ordinarily mandates that they forbear from drink until the conclusion of *davening*. On Simhat Torah the priorities are inverted, as *birkhat kohanim* is moved to *Shaharit* to accommodate the inevitable *le-hayims* that will be consumed.[6]

Much the same is true about many of the practices related to the Torah and its reading. People are generally supposed to travel to the *Sefer Torah* rather than relocate the scroll to the people. Yet on Simhat Torah, scrolls are carried from one place to another to enhance the festivities.[7] Simhat Torah is the only time we *lein* at night. One explanation for this custom is that one may not generally remove a Torah from the *aron* for insufficient reason, but since the Torahs are taken out for dancing, *leining* was retconned to provide a halakhic rationale for their removal.[8] Other examples include that on Simhat Torah we read one section many times, allow a person to have an *aliyah* from two scrolls,[9] give *aliyot* to children, and allow multiple people to come up and recite a *berakhah* for one *aliyah*.[10] None of these practices is otherwise the norm, and though each has been subject to varying degrees of rabbinic disapproval or acceptance, rabbis are asked not to protest too much, lest the mood turn sour and the people curtail in the celebration of the Torah.[11]

Even Simhat Torah's peripheral practices have raised concerns. Does the *huppah* (canopy) placed over the *hatanim*'s heads violate the prohibition of constructing an *ohel* (shelter) on *yom tov*?[12] Is perennial crowd favorite *ha-Aderet ve-Haemunah* so holy that Nusah Ashkenaz must reserve it for Yom Kippur exclusively?[13] And though I have yet to find those who critique Ashkenazim's attempts to imitate Sefardic ululations while reciting the *piyyut mi-Pi Kel,* this should

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1 *Megillah* 31a.

2 *Shulhan Arukh, Orah Hayyim* 339:2.

3 See views of Geonim, cited in *Teshuvot Maharik- Shoresh* 9. See also *Mishnah Berurah, Orah Hayyim* 669:5.

4 See views of Gra and Arizal cited in *Mishnah Berurah, Orah Hayyim* 669:11.

5 See views of R. Meir of Premishlan, cited in Yom Tov Levinsky, *Sefer ha-Moadim* Vol.4, 242.

6 *Levush*, *Orah Hayyim* 669.

7 See *Mishnah Berurah, Orah Hayyim* 669:9.

8 See sources cited in R. Shabtai Lifshitz's (Ukraine, 19th c.) *Sha'arei Rahamim*, a commentary to *Sha'arei Ephraim*, at 8:25.

9 See generally, *Orah Hayyim* 144:4, *Mishnah Berurah, Orah Hayyim* 669:2.

10 *Rema* 669. This practice is now largely abandoned. See *Mishnah Berurah* 669:12.

11 See *Shut Rashba* (initially attributed to Ramban) #260; *Teshuvot Maharik- Shoresh* 9; *Eliya Rabbah* Orah Hayyim 669; *Mishnah Berurah* 669:5.

12 See *Tehilah le-David* 315:9.

13 *Magen Avraham* Orah Hayyim 565:5.

probably be abolished on grounds of cultural appropriation, or at the very least because it is annoying.

Further examples include how R. Hai Gaon (d. 1038 Babylonia-Iraq) yielded to the *minhag* of the *hatan Torah* placing on his head the ornaments that typically adorn the Torah.[14] (By contrast, Rashba reports that R. Hai really prohibited the practice, but that it was too widespread to change.) [15] Similar practices are recorded in *Sefer ha-Manhig* (R. Abraham b. Nathan ha-Yarhi; Provence, 12th c.), who expresses reservations that the *hatanim* will don the feminine scarves used to decorate the Torah, thereby violating *beged ishah*, and that those who sew and weave the ornamental fabrics violate the laws of *yom tov*.[16] Maharik (R. Joseph Colon; d. 1480; Northern Italy) allowed the community to request the secular authorities to forcibly ban a *kohen* from attending *shul*, so that, per accepted custom, the first *aliyah* could be sold to the highest bidder, who donated the synagogue's lighting needs for the entire year. Maharik took the opportunity to pen a lengthy paean to the power of communal *minhag*, even when it stands on shaky halakhic ground: "הרי לך דאין לשנות מנהג המקום אף על גב דאין מתוקן כשאר מנהגים."

More generally, Simhat Torah is typified by forms of merriment not otherwise present in synagogue life. We find reports of complex dance moves, daring acrobatic feats, and tests of physical strength reminiscent of the Talmud's description of *simhat beit ha-shoeivah*—which may serve as a precedent for aspects of these celebrations.[17] (Though I am told these have mostly faded away, in the *shul* I grew up in, people would at times climb atop the rafters and drop behind the *aron*; and following *davening*, there was an annual chin-up contest featuring the Rabbi and other leaders to raise money for *tzedakah*). Hard alcohol freely flows on Simhat Torah, even in *shuls* that otherwise run dry. It is not unheard of for someone to rise to the *bimah*, and ostentatiously make a *berakhah* on a shot of whiskey, an act unthinkable on any other day of the year, including Purim.

To be sure, not all practices were accepted, and Simhat Torah skeptics also have an impressive *mesorah* to rely upon. The Geonim strongly disapproved burning incense on the holiday, as it contradicts the Talmud's express prohibition. [18] R. Behaya disapproved of throwing fruit (today, candy) for children to collect, though the practice is recorded favorably in R. Issac of Tyrnau's (15th cent. Austria) *Sefer ha-Minhagim*.[19] In his treatise on Torah reading, *Sha'arei Ephraim*, R. Ephraim Margaliyot (Ukraine; 1760-1828) denounced the excesses of the *hagbah* hoisters.[20] *Mishnah Berurah* inveighs against those who pre-gamed the holiday and started to drink on the afternoon of Shemini Atzeret.[21]

The *Yekkish* community of pre-war Frankfurt held dancing was not befitting the decorum appropriate for *shul*, and R. Dr. Joseph Breuer is reported to have rebuked youth once caught dancing after *davening* on Simhat Torah. Not all was gloomy, however: the *gabbaim* were permitted to sway the scrolls back and forth toward each other after Torah reading—which for *Yekkes* might constitute dancing.[22]

Further, though it was generally prohibited to set off what seems to be an early version of firecrackers due to *hilkhot yom tov*,[23] it was permitted to do so indirectly— using a candle set in place before the *hag*.[24]

Perhaps the most shocking practice is recorded in the name of R. Jacob Moelin (Germany; d. 1427), known as Maharil, the primary conduit of classical *minhag Ashkenaz* to contemporary practice (by way of Rema). The passage is worth quoting in full:[25]

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[14] Opinion recorded in R. Issac ibn Gihat, *Sh'arei Simhah* 1:118. Cited in Daniel Sperber, *Minhagei Yisrael* Vol. 1 at 128.

[15] *Shut Rashba meyuhasot la-Ramban* 260. See also Sperber ibid.

[16] Sefer ha-Manhig, *Hilkhot Sukkah*, p.418.

[17] See sources collected by Aharon Arend, Rejoicing on Simhat Torah.

[18] Cited in *Teshuvot Maharik- Shoresh* 9.

[19] *Sefer ha-Minhagim*, *Shemini Atzeret* sect. 8. See also *Eliya Rabbah* 669:5.

[20] See *Sha'arei Ephraim* at 8:62 and 10:16; See also Ya'ari, *Toldot Hag Simhat Torah* at 75-77.

[21] Introduction to *Orah Hayyim* 669.

[22] See the story recounted by Aharon Arend, Rejoicing on Simhat Torah, at note 1.

[23] *Magen Avraham* 669.

[24] See *Be'er Heitev*, 669; *Mishnah Berurah* 669:5.

[25] Maharil, *Hilkhot Hag ha-Sukkot* §8.

Maharil said: That which the youth take *aravah* and burn it on Simhat Torah, is a proper *minhag* as an expression of joy on Yom Tov. There is no halakhic concern of tearing down a structure when they destroy the sukkah, because it is not deemed tearing down for the purposes of rebuilding. Further, the lighting itself is not prohibited —even though it is not for any legitimate purpose —since the second day of Yom Tov is not a Torah-level prohibition for in our time we are proficient in the correct dates of the calendar. Thus, only the first day of Yom Tov is mandated by Torah law, and we continue the practice of second day Yom Tov because the customs of our ancestors are maintained in our hands.	אמר מהר"י סג"ל מה שנוטלים הנערים ערבה ומבעירין אש בשמחת תורה מנהג יפה הוא לשמחת יום טוב, ולית ביה משום סתירת אהל אם סותרין בנין הסוכה דלא מתקרי סתירה לחייב אך הסותר על מנת לבנות, וגם ההבערה אינה אסורה אע"פ דלא לצורך היא דאין בה איסור דאורייתא משום דאנו בקיאים בקביעות ירחא ויו"ט ראשון בלבד דאורייתא, ומנהג אבותינו בידינו לעשות יו"ט שני.
Moreover, only young children are involved in this, and we are not obligated to prevent them from violating prohibitions, as [the Talmud rules] a court is not required to prevent minors from eating non-kosher. . . But those who are already *bar mitzvah* act inappropriately if they tear down the sukkah to burn it. Maharil's father would thus warn him when he was a youth not to tear down any sukkah and not to light flames on Simhat Torah.	ועוד דאין עושין זאת כי אם הקטנים ואין אנו מצווין להפרישן כמו קטן האוכל נבילות אין ב"ד מצווין להפרישן... אבל בני מצוה שלא כדין שעושין זאת לסתור ולהבעיר האש וכן אמר שאביו מהר"ם סג"ל היה מוחה בימי בחורותיו בידו שלא יסתור שום סוכה ולא יבעיר האש בשמחת תורה.
[But I, the compiler of this work have seen with my own eyes that Maharil was very happy and took pleasure when he would see the youth run from house to house on Simhat Torah to tear down—that is, steal—the wood of the sukkah and bring them to make a bonfire. And Maharil himself let them take wood from his own sukkah, and encouraged them to steal from those stingy householders who did not give it to them voluntarily.][26]	[ואני - המלקט באומרים - ראיתי אמ"ץ מהר"י סג"ל מאד היה שמח והיה נהנה כשרואה הנערים רצין בשמחת תורה מבית לבית לסתור - לגזול - עצי הסוכה ולהביא עצים ולעשות מדורה, והוא בעצמו הניחם לקחת מסוכתו והסיתם לגזול מהעצרנים שלא רצו לתת להם ברצון.]

While the text evinces some tension regarding the precise contours of Maharil's position,[27] either way this source puts forward some rather shocking halakhic arguments. Children were permitted to burn the sukkah on Simhat Torah because it is only a *yom tov sheni*, which we keep only because *minhag avoteinu be-yadeinu*—in continuity of traditional practice. This argument rarely carries weight in other contexts, and typically is deployed only in instances of great need. Yet Maharil adopts it for nothing more than the "*shtick* value" of Simhat Torah.

Even more surprising is the report in the final paragraph. The writer emphasizes that though the wood was stolen from various householders, Maharil was pleased with these actions and even encouraged the youth. Whereas the Gemara debates whether a sukkah made of stolen materials is prohibited,[28] on Simhat Torah children were taught to steal sukkah materials to build the bonfire. (No word on whether there was an accompanying *kumzitz* in Maharil's era, though Simha Assaf reports that the *hatanei Torah* would sponsor food and drink, and celebrate with the community around a bonfire.)[29]

While the case of burning down the sukkot is the most eye-popping example, most of the literature on Simhat Torah raises the same basic question. Why are halakhic arguments and folk practices that are commonly rejected suddenly deemed acceptable?

One potential approach is found in the Russian literary theorist Mikhail Bakhtin's (1895-1975) analysis of the carnival and its literary analogue, the carnivalesque. Bakhtin pointed to the phenomenon whereby the otherwise tightly ordered medieval societies maintained temporary periods of celebration—carnivals—when the unofficial folk culture turned the regimented official culture upside down. During the carnival, boundaries were dissolved and hierarchies inverted; eccentric behavior was deemed acceptable and revered symbols satirically deployed. In Bakhtin's understanding, the carnival was not simply a way of releasing social pressure, but the very process of temporarily inverting the dominant social structures simultaneously worked to reinforce them.

To be sure, not all of Bakhtin's descriptors of the carnival find their analogue in Simhat Torah. There is no parallel to the debauchery, scatology, or sexual licentiousness which prevailed in the medieval carnival (or its modern analogue, Las Vegas). Yet Bakhtin's emphasis on the dual functions of ritualistic inversions seems to capture something profound about Simhat Torah. Like Rosh Hashanah and Yom Kippur, Simhat Torah is inaugurated with the *nusah* of *Ma'ariv* typically reserved for the Days of Awe. (Though fittingly, I know of at least one *shul* whose rabbi objects to this practice). But whereas just a few weeks earlier this tune was chanted in somber solemnity, באימה וביראה ברתת ובזיעה, it is now sung with broad smiles and perhaps a bit in jest. Other customs of the Yamim Noraim also return: the tune for Torah reading and other sections of *tefillah*, the *kittel* worn by the rabbi and dignitaries, the daylong sojourn in *shul*. There are even recorded accounts of how in both Vilna and the yeshiva of Volozhin the congregation would fully prostate themselves during

[26] The text in brackets appears in the same form in the Torat Hakhmei Ashkenaz edition of Maharil. The notes explain that it is found in a gloss to several of the earliest manuscripts.

[27] See *Darkhei Moshe* to *Orah Hayyim* 669 and *Bikurei Ya'akov* 669:5.

[28] *Sukkah* 31a.

[29] See Yom Tov Levinsky, *Sefer ha-Moadim* Vol. 4. at pp. 251.

Aleinu of *Ma'ariv* and *Shaharit*, in the manner performed on Rosh Hashanah and Yom Kippur.[30]

Thus while a number of number of scholars have examined Megilat Esther and Purim through a Bakhtinian lens,[31] Simhat Torah may offer an even more telling case study. Purim has its share of carnival-like folk practices, but these are more grounded in Judaism's official culture of Tanakh and Talmud. Further, most of the extreme Purim behavior takes place in social spheres outside the *shul*, whereas Simhat Torah's celebrations are woven into the framework of *davening*. Finally, Purim's most transgressive revelries are traditionally displayed via means unrelated to ordinary religious practice (masks, cross-dressing, and Purim *shpiels*), whereas Simhat Torah tends to *shpiel shul* life itself.[32] Simhat Torah thus resembles the Yamim Noraim as seen through a fun-house mirror. The sounds and symbols are similar but the meaning is purposefully distorted, as the motifs of the past month are reclaimed by the people and celebrated as folk custom.

Beginning with the first night of *selihot*, Jews have been adhering to the Halakhah's precise and consuming schedule of pre-dawn prayers, fast days, and hours upon hours of *davening*, framed by intense focus on sin, repentance, and self-analysis. Sukkot, though known as the time of joy, is also regulated by the complex *halakhot* of the sukkah, lulav, and etrog, and is punctuated by a demanding schedule of prayers. Over the course of the long *galut*, the ecstatic, boundary-pressing festivities of the ancient *beit ha-shoeivah* were muted, while the mood of the Yamim Noraim reappeared in form of *leining* Megilat Kohelet as well as the judgment themes associated with Hoshanah Rabbah and *tefillat geshem* and *yizkor* on Shemini Atzeret.

Simhat Torah is made up of folk practices that rub against both the somber spirit of the preceding holidays and the halakhic norms of how *yom tov* is celebrated. Further, following Bakhtin's analysis, this day of inversion inevitably yields to a democratizing ethos. Simhat Torah is the only day where every male—even children—is called up to the Torah. (I leave to others the issue of whether women may receive *aliyot*, but note only that in some communities that do not otherwise offer *aliyot* to women, it is emerging as a folk practice specifically on Simhat Torah).

Moreover, for all the *minhagim* developed over the centuries, Torah study was never one of them. Whereas Shavuot commemorates Torah as an idea that is celebrated by scholars engaging in its study, on Simhat Torah the Torah is democratized and treated as a thing—a *heftza* (in the pre-*Brisker* sense) that is held, touched, paraded around, danced with, hugged, and kissed, but not learned. The teachings of the Hasidic masters as well as the Vilna Gaon and R. Soloveitchik add that we dance in a circle to emphasize how every participant is equidistant from the spiritual center,[33] and another *ma'amar* explains that Torah scrolls remain closed to demonstrate that scholars and *am ha-aratzim* share equally in the Torah. To the extent formalized learning takes place, it is primarily through the very recent *minhag* of instituting *shiurim* by and for women designed to recognize women and offer appropriate programing during the holiday's largely male-centric activities. The net result is that while men are functionally *patur*, women are encouraged to learn Torah: an inversion indeed!

In addition to offering a release, Simhat Torah reaffirms the community's dominant values. The celebrations, whatever their excesses, literally and figuratively revolve around Torah. The day has obtained its character through a millennium of iterative dialogue between popular custom and halakhic sensibilities. Further, some of the most halakhically problematic practices have not survived, while others were transformed as they were absorbed into quasi-official Halakhah. Moreover, the lightheartedness of Simhat Torah is impossible absent its proximity to the awe of Yom Kippur. The symbolic function of the *kittel* or Yom Kippur *nusah* can only be meaningfully inverted within a community that assigns them deep normative significance. The day's halakhic abnormalities stand out specifically against the backdrop of rigorous halakhic compliance.

Finally, Simhat Torah recalls that religious life becomes possible when the unfathomable *ein sof* of God's transcendence is manifest in human action and society. The season that began *Selihot* night centered on the image of וירד ה' בענן—God, obscured in mists of clouds, descending on the mountain's peak to speak with Moshe while the people stand far below—concludes with a day that owes it character to popular imagination. The push-and-pull of popular instinct, rabbinic mediation, and communal acceptance constructs a holiday exemplifying that מנהג אבותינו, בידינו—our ancestors' customs are in our hands.

Thank you to Tzvi Sinensky, Elli Fischer, Itamar Rosenzweig, and the Lehrhaus editorial team for helpful comments and references, and to my frequent Simhat Torah companion Avery Samet, with whom I've discussed these ideas for many years.

[30] See sources cited in Levinsky, ibid., 321.

[31] See Adele Berlin's introduction in the *JPS Bible Commentary: Esther* (2001), as well as Yoni Grossman's *Esther: The Outer Narrative and the Hidden Reading* (2011). On Purim more generally, see Elliot Horowitz, *Reckless Rites: Purim and the Legacy of Jewish Violence* (2006).

[32] Many Simhat Torah customs detailed herein are absent from the Israeli landscape, where it is combined with the more somber Shemini Atzeret. Thus in Israel, some traditional Simhat Torah customs have migrated to Purim. Indeed, the *avant garde* of Israeli Purim parodies look to the *mahzor* and the *shul* experience as their primary sources of inspiration.

[33] *Bnei Yisaskhar:* Tishrei 13:2; see also R. Hershel Schachter, *Nefesh Ha-Rav*, p. 221, interpreting the "dance-circle of the righteous" described in *Ta'anit* 31a.

'May Memories Rise'- On the Meaning of 'Ya'aleh Ve-yavo'

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On *Yamim Tovim*, High Holidays, and Rosh Chodesh, we include the *Ya'aleh Ve-yavo* prayer in our *davening*. Evoking our ancestral virtues and Messianic aspirations, we ask God to have mercy upon us, save us, and treat us with compassion and lovingkindness, in this prayer which, commentators suggest, was added to liturgy as a substitute for the Temple sacrifices once offered to Hashem during these *hagim.*[34]

But what exactly do we mean when we ask God, in *Ya'aleh Ve-yavo*, to "remember" us and our ancestors, Jerusalem, and Mashiah? Why not simply pray for God to "save us," "redeem us," etc? What is added by evoking, in flourishing detail, the uprising of memories before God's consciousness?

Earlier in the *Musaf* liturgy on Rosh Ha-shanah- a holiday also called *Yom Ha-zikaron*, the Day of Remembering, where *Ya'aleh Ve-yavo* likely found its original home[35]- we already affirm that "You Remember all that is forgotten...there is no forgetfulness before Your holy throne." We do not worry, therefore, that God's attention has simply drifted from us, that the saga of the Jewish people has slipped God's mind.

Nor do we ask God to engage in pleasant reminiscence, to nostalgically flip through a photo album of God's Jewish people and our deeds. Our pleas for God to "remember us" are charged with an urgency and intensity intimately related, it seems, to our very redemption. How can we look to Jewish tradition to understand this special power of *zikaron*, remembrance? How can a renewed appreciation of *zikaron* enhance our experience of Rosh Hashanah, a day when, during the Musaf service, the themes of remembrance, kingship and the blowing of the Shofar are intimately entwined?

In the Torah, the root *z-kh-r* appears 169 times, in various forms, to describe remembrances performed both by God and the Jewish people. "In the Bible," writes Nahum Sarna, "'remembering,' particularly on the part of God, is not the retention or recollection of a mental image, but a focusing upon the object of memory that results in action."[36] When "God [remembers] Noah," God ends the Flood (*Bereishit* 8:1); when "God [remembers] Rachel," God answers her prayers for children (*Bereishit* 30:22); when Joseph cries "remember me," he begs to be freed from imprisonment (*Bereishit* 40:14). Here and elsewhere, "remembrance" fulfills a pre-existing covenant, intervenes to make some redemptive claim upon human events; not simply a digging up of lost memory, it is a focusing on readily accessible information, in order to take a form of action.

In the Talmud, we find that remembrance performed by the Jewish people, too, carries similar qualities. In Megillah 18a, the Sages conclude that, to fulfill the mitzvah of remembering Amalek and the Purim story, it is not enough to remember "by heart," but rather, the memory must be read from a book; and further, it is not enough to read silently, to oneself- the commandment of *Zakhor* means one must read aloud, "with the mouth." Remembrance, for the Rabbis, is not simply passive recall, held aloof in one's memory as pleasant nostalgia or scientific contemplation. Remembrance is, rather, a decisive *action*, a positive imperative to transmit, to actualize by producing the written trace and the public proclamation.

We are bound together as a people when in our calendrical cycle, in our *davening*, in our ritual, we collectively cleave to memories of the events of our ancient past. These memories are not truly "past" for us; rather, they "arrive, reach, [are] seen" for us to experience anew in the present. We leave *Mitzrayim* again and again, in new-old ways, each time we re-enact the Exodus at our Passover Seder. We bring "those days" into "this time" each time we light candles and say the *berakhot* during Hanukkah. Our ritual is concretized remembrance; our remembrance is anticipatory redemption.

We do not cleave to remembrance because the impulse to narrate, document, even relive our past carries, in itself, some intrinsic value. "If Herodotus was the father of history," writes Yosef Hayyim Yerushalmi in *Zakhor: Jewish History and Jewish Memory*, "the fathers of *meaning* in history were the Jews" (italics added).[37] While the Greeks celebrated history as a linear series of events, strung together by cause and effect- much like the commonsense view of history today- we Jews cleave to our shared mythic past as the arena where God's emanations once intervened and, in our own time, may intervene again, may burst forth in a moment of divine rupture that, like the blowing of the shofar on Rosh Hashanah, redeems and uplifts, inaugurates a new beginning.

On Rosh Hashanah, the haunting cry of the shofar calls upon us to remember our deeds of the past year, to parse through the details of our individual and collective histories, and in doing so, to begin to integrate our fractured selves, to rectify wrongs, to embark anew upon the process of *teshuvah* which culminates ten days later, on Yom Kippur. We do this by calling upon God, on the day of Rosh Hashanah, to remember us, to help us in this work of *teshuvah* by measuring our deeds from the perspective of eternity.

"In remembrance," said the Baal Shem Tov, "lies the secret of redemption."[38] When we remind ourselves, in *Ya'aleh Ve-yavo*, that God remembered our ancestors, we strengthen our hope that so, too, God will remember us today. Through active, immersive, intimate remembrance, we charge our mythic memories with sparks of anticipation, which we hope may burst forth into a transformed present, a redeemed reality where God, as in the Rosh Hashanah liturgy, is newly enthroned as King.

On the *pshat* level, *Ya'aleh Ve-yavo* is about God's remembrance, not our own. However, several commentaries complicate this simple distinction. According to the Vilna Gaon, at the beginning of *Ya'aleh Ve-yavo*, when we evoke, in flourishing detail, the step-by-step process of God's remembrance- "may memories rise, arrive," etc.- we are in fact praying for our own *tefillah* to ascend through the 7 levels

[34] Rashi on B. Shabbat 24a- Rashi says that *Ya'aleh Ve-yavo* is to request mercy on Israel and Jerusalem to return the Temple service to its place and to be able to do the sacrifices of the day. It is said on days where there are extra sacrifices that are especially missed - Biblical Holidays, Rosh Chodesh and Chol HaMoed.

[35] Reif, Steven C. Judaism and Hebrew Prayer: New Perspectives on Jewish Liturgical History. Cambridge University Press, 1993, p. 189.

[36] Sarna, Nahum M. *JPS Torah Commentary: Genesis.* The Jewish Publication Society, 2001, p. 56.

[37] Yerushalmi, Yosef H. *Zakhor: Jewish History and Jewish Memory.* University of Washington Press, 1982, p. 8.

[38] R' Yakov Yosef of Polnoy, Zafnat Pane'ah 77a.

of *shamayim*, until we reach the very source of *teshuvah,* emanating from the highest spiritual realms.[39]

In either case, these commentaries suggest that when we pray, in *Ya'aleh Ve-yavo*, for God's memories to ascend to God's attention, we are to visualize our own devotion, ascending from the altars of our lips to Hashem. The key here again is remembrance as *action*- we do not await passively, begging for the divine remembrance of which we speak to unfold in a process beyond our control. Rather, we compel God to remember, as it were, through the fervency of our *davening*, the intention of our sacrifice, the blowing of our shofar. Again, we hope that our remembrance arises before God not for its own sake, but rather, we pray quite literally that "our memory may be a blessing"- that the remembrances God preserves of us may bestow goodness and peace upon our lives.

With some poetic license, we may imagine that this prayer for God's remembrance functions, in fact, as a performative metaphor for our own remembrance. Perhaps, in praying for God to remember Jerusalem, our ancestors, and the Messiah, we in fact bind these very remembrances closer upon our own hearts. Actualizing the Mishnah's imperative to "make His will into your will, so that He will perform your will like His will" (*Pirkei Avot* 2:4), we pray, in *Ya'aleh Ve-yavo*, for our own remembrance to redeem us, to strengthen us and light the way forward, to inspire us, like the blowing of the shofar, towards a new beginning. When we pray, on Rosh Hashanah, for God to remember us, we are praying simultaneously for our own work of *teshuvah* to be meaningful, for our own careful examination of past deeds, and rectification of misdeeds, to inspire God to write us anew in the Book of Life on Yom Kippur.

It may be said that our calendar is structured as a scaffolding for remembrance, its various holidays affixed at specific points along the yearly cycle to concretize, in our collective consciousness, specific memory-worlds from our mythic past. In Temple times, the entire people would gather in Jerusalem during these holidays, to offer prayer and sacrifice. Now, bereft of a Temple, we pray *Ya'aleh Ve-yavo* so that our lips may become the altar, and our remembrance the sacrifice. On Rosh Hashanah, we gather as an entire people in prayer, immersed in the work of teshuvah, memories in tow, and standing before Hashem, we lay bare the churning gears of our remembrance- "may memories rise, arrive, reach," etc- and pray that the emancipatory potential, brimming in our own past, may flower forth into redemption, into the inauguration of God's Kingship, the new beginning announced in the earth-shattering cry of the shofar.

The Chatam Sofer observes that, in Ya'aleh Ve-yavo, we evoke remembrances of the past- our forefathers- the present- Yerushalayim, suspended between destruction and rebirth- and the future- Moshiach.[40] Rabbi Yonason Roodyn observes that we are bound as Jews, individually and collectively, by these three temporal peoplehood markers- we each have a link to the spiritual potential of the Avos, a connection to Yerushalayim, a stake in the final redemption of Moshiach.[41]

Evoking these remembrances, *Ya'aleh Ve-yavo* merges and concentrates past, present and future- but not in the undifferentiated embrace of an "eternal Now." Rather, it is as if, in the act of davening, our remembrance dwells in exile between Time and its Other, singled out and commanded by a past which remains, a present which is already a trace of itself, a future which is always to-come.

In *Ya'aleh Ve-yavo* we cry to God, "Leave us traces! Raise the sparks of our remembrance; gather past, present and future and, in a single gesture, blast history itself open; redeem us, and redeem our ancestors, all together, speedily, at this very moment!" And we cry to ourselves, "may we remember! May we cling to traces! May our remembrance not remain bound to the earth, within linear, causal time; may its fierceness break the bonds of time itself, and gather us and our ancestors together, at once, into liberation!"

"As flowers turn toward the sun," wrote Jewish Marxist philosopher Walter Benjamin in his *Theses on the Philosophy of History*, "so, by dint of a secret heliotropism, the past strives to turn toward that sun which is rising in the sky of history."[42] *Ken yehi ratzon!*

In God's Country: The "Zionism" of Rashi's First Comment

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Rashi's first comment on the very first verse in the Torah might be the single best-known bit of Torah exegesis. Aside from being the opening words of the greatest commentator, it explicitly asserts the God-given right of the Jewish people to possess the Land of Israel. Given the unceasing attempts to delegitimize the State of Israel and deny the connection between the Jewish people and the Land of Israel, it is not surprising that the imagined conversation between Israel and "the nations of the world," who accuse it of thievery, resonates deeply. Finally, for believers, the uncomplicated notion that "God gave us this land" justifies Jewish possession, at least internally, without having to address questions of historical claims.

However, a line-by-line reading of this Rashi and the texts it cites shows that it is not as uncomplicated as it first seems (Rashi's words in bold):

> **Rabbi Isaac said: The Torah should have commenced with "This month shall be unto you the first of the months" (Exod. 12:2), which is the first mitzva commanded to Israel. Why does it begin with creation?**

If the Torah is a book of laws, why doesn't it begin with the first law? Fans of Robert Cover are delighted with Rashi's incipient recognition that a normative system must be embedded within a narrative that justifies the law.

[39] Nulman, Macy. *The Encyclopedia of Jewish Prayer: the Ashkenazic and Sephardic Rites.* Rowman & Littlefield Publishers Inc, 1993. *p. 362*

[40] Roodyn, Rabbi Yonason. *Yaaleh VeYavo: Stairway to Heaven*, Mar 2008, https://www.torahanytime.com/#/lectures?v=57893. Source sheet available upon request.

[41] Roodyn, ibid.

[42] Benjamin, Walter. *Illuminations.* Harcourt, Brace & World, Inc., 1968, p. 257.

> **Because "He told His people the power of His works in order that He might grant them the possession of the nations" (Psalms 111:6).**

God told His people about creation (His works) so He would be established as the world's owner, free to parcel out lands at His whim. As Ramban points out (and Stephen J. Fraade, reading Rashi in view of Cover, echoes), this answer explains why the Torah includes an account of creation but not why it includes the remaining 48 chapters of Genesis and the first 11 chapters of Exodus. However, looking at the verse from Psalms in its original context indicates that Rashi may have been after something else:

> He told His people the power of His works,
> in order that He might grant them the possession of the nations;
> The works of His hand are **truth** and **justice**; all His **precepts** are enduring,
> well-founded for all eternity, wrought of **truth** and **uprightness** (Ps. 111:6-8)

The "works" (*ma'asav*) of the first verse are described as truth (*emet*) and justice (*mishpat*) in the very next verse. That is, if the first verse refers to creation, then creation itself is charged with a moral dimension. Unlike in other Ancient Near Eastern creation accounts, in the Torah's account, it was no capricious, morally neutral display of Divine power. The world was created for a purpose, and truth and justice are an integral part of it. The Psalmist then goes on to tie God's works with His precepts. Like the world itself, they are enduring and wrought of truth (*emet*) and uprightness (*yashar*).

It follows, then, that God's gift of the land to Israel was not arbitrary, but was in view of furthering the goals of truth and justice through the fulfillment of His true and upright precepts. This sounds a lot like a message that is explicit in Deuteronomy (6:18): "Do what is **upright** (*yashar*) and good in the eyes of the Lord, that it may be good with you and that you may inherit the good land that the Lord your God swore to your fathers." Here, the granting of the land is explicitly conditioned on doing what is good and right in God's eyes.

And what exactly is "good and upright in God's eyes"? Rashi on that verse explains simply: Making compromises and going beyond the letter of the law. Ramban is more expansive, viewing it as the overarching goal of all the commandments:

> Now this is a great principle, for it is impossible to mention in the Torah all aspects of man's conduct with his neighbors and friends, and all his various transactions, and the ordinances of all societies and countries. But since He mentioned many of them…he reverted to state in a general way that, in all matters, one should do what is good and upright; including even compromise and going beyond the requirements of the law. (Chavel translation)

Here, possession of the land is conditioned on going *beyond* the letter of the law and embodying the values and virtues—the right and the good—that underlie it.

It is now evident that Rashi's explanation for the necessity of the whole of Genesis and the beginning of Exodus is not limited to creation, but extends to the stories of the Deluge, the Tower of Babel, and the lives of the Patriarchs. These tales are moral tales that prefigure and shape the values that later become law, and it is for this reason, as Netziv famously wrote, that an alternative name for Genesis is "The Book of the Upright" ("*Sefer Ha-yashar*").

> **For should the nations of the world say to Israel, "You are thieves, because you occupied the lands of seven nations," they reply: "All the earth belongs to the Holy One; He created it and granted it to he who was right in His eyes. By His will He gave it to them, and by His will He took it from them and gave it to us."**

We can now understand this final statement in a different light. "His will" is no mere whim. "Who was right (*yashar*!) in His eyes" echoes the verse in Deuteronomy. It has an even closer parallel as well, though, which further demonstrates that Rashi understood Israel's possession of the land to be contingent upon doing God's bidding.

At the beginning of the reign of Zedekiah, the last king of Judah before the destruction of the first Temple and the exile to Babylon, the prophet Jeremiah was commanded to deliver a message. It begins, like the Torah itself, with an account of creation, and then, like Rashi, explicitly connects God's creation to His right to allocate the land as He deems fit:

> It is I who made the earth, and the men and beasts who are on the earth, by My great might and My outstretched arm; and I have granted it **to he who is right in My eyes** (Jer. 27:5).

Though he places the words in the mouths of Israel as they respond to the nations, Rashi's words are taken directly from Jeremiah. In this context, the next verse is astonishing:

> I herewith deliver all these lands to My servant, King Nebuchadnezzar of Babylon (*ibid*. 6)

In Jeremiah's prophecy, God's creation and continued sovereignty over the world is used **to justify the dispossession of Judah and the granting of its lands to Nebuchadnezzar!**

In truth, the theology underlying Rashi's comments should not surprise us. The Torah, and the Talmud and Jewish liturgy in its wake, is filled with promises and threats that tie possession of the land to fulfillment of the commandments and dispossession and exile to transgression and punishment. "Due to our sins, we have been exiled from our land."

In fact, it is the "straightforward" reading of this Rashi that goes against the grain of the Torah's theology—though, to be fair, it too has biblical precedent—in the person of Jeremiah's rival, Hananiah ben Azzur, the false prophet (Jer. 28). Complacency, however, is the very last sentiment Rashi would have us derive from the Torah's first verse.