

- Fried (Page 1)
- Rosenfeld (Page 3)

VAYELEKH

PAT YISRA'EL AND TWO APPROACHES TO THE ASERET YEMEI TESHUVAH

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The Mishnah (Avodah Zarah 2:6) prohibits Jews from eating bread baked by a non-Jew. Based on the Gemara (Avodah Zarah 35 and Yerushalmi ad loc.), it is generally assumed that this prohibition only categorically applies to home-baked bread, but there are circumstances when bread from a non-Jewish bakery would be permissible, provided, of course, that the ingredients are kosher (see *Shulhan Arukh Yoreh De'ah* 112). While some Jews are strict to consume only *pat yisra'el* (bread prepared by a Jewish baker) all year long, it is generally accepted that this is a stringency, and not the strict Halakhah¹. However, *Shulhan Arukh (Orah Hayyim* 603:1) records the widespread practice that during the *aseret yemei teshuvah*, one should be especially stringent to consume only *pat yisra'el*. While surely this is the time of year for being scrupulous in one's *Mitzvah*-observance, the particular focus on *pat yisra'el* is not immediately obvious. To better understand this custom, we must look back at the original sources from which we derive our understanding of the *aseret yemei teshuvah*.

The discussion of these days between Rosh Hashanah and Yom Kippur begins with a Gemara in tractate *Rosh Hashanah*:

R. Kruspedai said in the name of R. Yohanan: Three books are opened [in heaven] on Rosh Hashanah, one for the thoroughly wicked, one for the thoroughly righteous, and one for the intermediate. The thoroughly righteous are immediately inscribed and sealed for life; the thoroughly wicked are immediately inscribed and sealed for death; the intermediate is suspended from Rosh Hashanah until Yom Kippur; if they merit, they are inscribed for life; if they do not merit, they are inscribed for death² (*Rosh Hashanah* 16b).

Rambam paraphrases this passage in *Hilkhos Teshuvah* (3:3) with a seemingly minor change:

Just as a person's merits and sins are weighed at the time of his death, so too, the sins of every inhabitant of the world together with his merits are weighed on the festival of Rosh Hashanah. If one is found righteous, his [verdict] is sealed for life. If one is found wicked, his [verdict] is sealed for death. An intermediate person's verdict is suspended until Yom Kippur. **If he repents**, his [verdict] is sealed for life. If not, his [verdict] is sealed for death³.

Penei Yehoshua (*Rosh Hashanah* 16b s.v. *ve-hinei*) takes issue with this Rambam. Rambam changed the Gemara's language of "merit" (*zakhah*) to "repent" (*asah teshuvah*). Aside from the issue of departing from the text of the Gemara, Penei Yehoshua asserts that conceptually Rambam's change makes no sense. "Intermediate people," at least according to Rambam's own definition (*Hilkhos Teshuvah* 3:1) refers to people whose merits and sins are exactly equal. Any additional merit should be sufficient to push a person from the intermediate category to the righteous category. Why then should repentance specifically be necessary to have that person's verdict sealed for life?

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¹ See <https://www.ou.org/torah/halacha/practical-halacha/pas-akum-part-2-pas-palter/>.

² Talmudic translations are based on [Soncino](#) with several modifications of my own.

³ Translation is based on [Eliyahu Touger](#) with several modifications of my own.

Answering the textual question is simple. Rambam followed the language of the Talmud Yerushalmi (*Rosh Hashanah* 1:3), which says “repent” rather than “merit.” The conceptual question, however, still stands, and is now not just a question on Rambam, but on the Yerushalmi as well. Many commentaries have attempted to answer Penei Yehoshua’s question on Rambam⁴. However, the Gemara in *Yoma* 86b provides a very straightforward answer:

Reish Lakish said: Great is repentance, for willful sins are turned into errors... But didn’t Reish Lakish say: Great is repentance, for willful sins are turned into merits...There is no difficulty, one refers to [repentance] out of love, and the other refers to [repentance] out of fear.

This Gemara highlights the unique power of repentance. It is not merely another merit. Unlike any other *Mitzvah* or good deed, its performance does not merely make one a better person today. Whether out of love or fear, it has the unique power to retroactively undo the misdeeds of our past in the eyes of God, to make us better people, not just today, but also yesterday. Penei Yehoshua (and the Bavli) seem to see Yom Kippur as a new day of judgment. If we are in the intermediate category on Rosh Hashanah, God throws out that judgement and reevaluates us based on which category we are in on Yom Kippur. Thus, any additional merits are sufficient to push us out of the intermediate category and get us in the righteous category by Yom Kippur. For Rambam, however, there is only one day of judgment: Rosh Hashanah. If we are in the intermediate category on Rosh Hashanah, God will check the record books again on Yom Kippur. However, the judgment from Rosh Hashanah is not thrown out. There is no new judgement taking place on Yom Kippur. The record book is the same. It will only make a difference if God looks back and finds that you were actually in the righteous category on Rosh Hashanah—and only repentance can change the past deeds evaluated on Rosh Hashanah and turn them into merits. Thus, additional merits during *aseret yemei teshuvah* are a good start on next year’s judgment, but only repentance, with its power to retroactively change the past, will have an impact on this year’s judgment⁵.

This approach yields two very different focuses for the *aseret yemei teshuvah*. Penei Yehoshua has a forward-looking *aseret yemei teshuvah*, focused on building up as many merits as we can in order to be worthy on Yom Kippur. Rambam, on the other hand, has a backward-looking *aseret yemei teshuvah*, focused on introspection and repairing our mistakes from the previous year. The widespread practice of eating only *pat yisra’el* certainly does not fit into Rambam’s understanding. Even within Penei Yehoshua’s understanding, it is still not clear why the focus should be on this rather than any other *Mitzvah*. Additionally, it must be noted that

⁴ See the [Frankel edition of Mishneh Torah](#) for a complete list.

⁵ When I shared this idea with Rabbi Elimelech Goldberg, he shared with me that he heard a similar explanation of this Rambam from Rabbi Aharon Kotler. The index in the Frankel Mishneh Torah (see note 4) also cites Rabbi Aharon Kotler as addressing this question in *Mishnat Rebbe Aharon: Derashot*, vol. 2, p. 179. I have not been able to locate a copy of the book to see if he says the same thing. See, however, Rabbi Aryeh Pomeranchik, *Emek Berakha*, pp. 146-147, and Rabbi Chaim Shmulevitz, *Sihot Musar*, p. 439, who explain similarly. My thanks to Moshe Kurtz for bringing these last two sources to my attention.

while I have provided a textual source and conceptual explanation for Rambam’s position, I have thus far not provided any explanation for why Rambam would choose the text of the Yerushalmi over the text of the Bavli. Answering this question will help us better understand how *pat yisra’el* fits into the picture.

In order to understand why Rambam quoted the Yerushalmi’s version of this passage rather than the Bavli’s version, we must look at the Biblical verses that each Talmud quotes in support of the idea of God’s three books. The Yerushalmi quotes a verse from Psalms 69:29, “May they be erased from the book of life, and not be inscribed with the righteous⁶.” The context of this psalm is King David pleading with God to rescue him from his suffering, to save him from those who persecute him. “Deliver me, O God, for the waters have reached my neck (verse 2).” “They give me gall for food, vinegar to quench my thirst (verse 22).” The experience King David describes is an individual experience of suffering and persecution with universal relevance. There is nothing uniquely Jewish in these verses.

The Bavli, however, quotes another verse in addition to the one quoted in the Yerushalmi: “Now, if You will forgive their sin [well and good]; but if not, erase me from the book which You have written (Exodus 32:32).” Unlike the verse in Psalms, this verse has an extremely Jewish context. Moses pleads with God to forgive the Jewish people after the sin of the golden calf. God responds to Moses’ plea by saying, “Go now, lead the people where I told you. See, My angel shall go before you. But on the day of my accounting, I will bring them to account for their sins (32:34).” What does this phrase, “the day of my accounting” refer to? Ibn Ezra (ad loc.) says it means that the Jewish people will be held accountable for their sins on the first day of each year. Rashbam (ad loc.) proposes that it means that God will judge the Jewish people from time to time, as individuals, but not as an entire nation together. They are both getting at the same idea. The first day of the year, Rosh Hashanah, is, according to the Mishnah (*Rosh Hashanah* 1:2), a day of judgment for every individual in the world. God assents to Moses’ request not to wipe out the Jewish people, but will send an angel before them instead of leading them directly. Ibn Ezra and Rashbam interpret this to mean that the Jewish people will lose any special relationship they had with God as a nation, and exist merely as individuals. The people’s response to this is clear. “When the people heard this harsh word, they went into mourning (33:4).” Ultimately, God agrees to renew the special relationship with the Jewish people, resulting in the second set of tablets (34:1) and the 13 attributes of mercy (34:6-7). This final reconciliation took place on the 10th of Tishrei—the date that would become Yom Kippur (see Rashi on Exodus 33:11 s.v. *veshav*). Unlike Rosh Hashanah, Yom Kippur is not a day of judgment for the whole world, but is intimately connected to the special relationship between God and the Jewish people.

This understanding of the verses can illuminate the difference in language between the Yerushalmi and the Bavli. The Yerushalmi is focused exclusively on the universal experience of judgment as individuals, which applies to both Jews and non-Jews. It therefore sees Rosh Hashanah as the only real day of judgment. At most, God will wait until Yom Kippur to seal the verdict, but the verdict is ultimately based on one’s worthiness or lack thereof on Rosh Hashanah. Thus, the only way to reverse the initial verdict is through the power of repentance to retroactively change the past. The Bavli, which is focused not only on the universal experience of judgment as

⁶ Biblical translations taken from [NJPS](#) with some modifications.

individuals, but also on the special relationship between God and the Jewish people, adds a new dimension to Yom Kippur, a dimension that emerges from the attribute of mercy that characterizes God's new relationship with the Jewish people. Even if we fail to repent, fail to make ourselves worthy on Rosh Hashanah, God gives us a second chance. If we can make ourselves worthy through more good deeds to get more merit by Yom Kippur, that will be sufficient to undo the judgment we would have deserved on Rosh Hashanah. Rambam, in the passage quoted above, was talking about the judgment of "every inhabitant of the world" on Rosh Hashanah. Since, in *halakhah* 3, he was talking about Jews and non-Jews alike, he confined himself to the Yerushalmi's more narrow understanding that only repentance is capable of changing the judgment. This does not mean, though, that he rejects the Bavli's idea with respect to the special relationship between God and the Jewish people. In fact, in the very next *halakhah* he writes, "The entire house of Israel has accustomed themselves to increase their charity and good deeds, and to be involved in *Mitzvot* from Rosh Hashanah until Yom Kippur more than the rest of the year." Here, when talking specifically about the Jewish people, he presents an approach to the *aseret yemei teshuvah* that is in line with the Bavli, and not limited to the backward-looking focus on repentance⁷.

With this foundation, we are now able to explain the significance of being strict on *pat yisra'el* during the *aseret yemei teshuvah*. The basic Halakhah, based on the ruling of *Shulhan Arukh (Yoreh De'ah 112:5)*, is that one is permitted to eat the bread of a non-Jewish baker if it is of a better quality than what is available from the Jewish baker⁸. Being strict on *pat yisra'el* makes the statement that we want to show support for the bakers and businesses within our community, even if the quality is not quite as good, and even if it costs a little more. This focus on supporting and strengthening our ties to the Jewish community affirms the unique opportunity we have been given in the *aseret yemei teshuvah*. As individuals, our only hope is repentance and retroactively changing the past. It is only by connecting ourselves to the Jewish community that we are able to take advantage of the opportunity to better ourselves in other ways, and have our judgment completely reevaluated come Yom Kippur.

⁷ With this idea, we can answer another challenge that Penei Yehoshua presents against Rambam. Rambam's language indicates that one who remains in the intermediate category on Yom Kippur would be judged for death, and only one who actively moves themselves into the righteous category would be judged for life. Penei Yehoshua (ibid.) cites a parallel discussion the Gemara has (also *Rosh Hashanah* 16b) about the judgment a person undergoes after death. In that discussion, the Gemara concludes, based on God's attribute of "abundant kindness (Exodus 34:6)," that a person whose merits and demerits are exactly equal would receive a favorable judgment. Penei Yehoshua assumes that this idea ought to apply to the yearly judgment on Rosh Hashanah/Yom Kippur as well. Based on what I have said, we can understand that "abundant kindness" is one of the 13 attributes of mercy that characterize God's special relationship with the Jewish people, and therefore Rambam did not mention it when discussing the judgment undergone by every inhabitant of the world.

⁸ For more details, see <https://www.ou.org/torah/halacha/practical-halacha/pas-akum-part-2-pas-palter/>.

SIN-A-GOGUE: A MUST-READ FOR THE YAMIM NORAIM

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Let's face it, most modern Jews have a problem with sin. It's not that we don't do it, often even enjoy it, and also repent for doing it, but we don't like to talk about it much, we don't like our Judaism to be infused with talk of sin. From ModernOrthodoxy to Reform, Reconstructionism, and Renewal, and we like our Judaism positive.

Thus begins Shaul Magid's foreword to [David Bashevkin's](#) new book, *Sin-a-gogue: Sin and Failure in Jewish Thought* (Academic Studies Press, 2019). And it's true – sin may be something that happens for many (if not most) on a daily basis, but it's also something which is rarely discussed in public. When I was growing up in the New York Modern Orthodox community, after the first-grade explanations of sin and repentance, sin didn't receive all that much attention. The only sin that could legitimately be decried from the pulpit and talked about at Shabbat meals was *lashon ha-ra*. But what about some of the less savory sins that many otherwise committed Orthodox Jews commit? Violations of tax fraud, internet pornography, as well as a myriad of other common financial and sexual infractions within the Orthodox community – I certainly never heard those decried or even discussed from the pulpit.

Bashevkin should be commended for his courage and independent thought in tackling a subject, at once so important and so taboo. In the midst of the month of Elul, we are not far from Yom Kippur. We begin the *Kol Nidrei* service on *Yom Kippur* with the unambiguous line which welcomes the sinners in our midst to join in the prayer: "*anu matirin le-hitpalel im ha-avaryanim*," "we ask permission to pray with the sinners." And even before *Kol Nidrei* starts, many have the custom of arriving early to synagogue to recite *Tefillah Zakah*, with its explicit descriptions of sin and temptation as they impact every bodily organ. It isn't our tradition which has hang-ups over sin – from the Bible to the Talmud to medieval pietists to later responsa literature - there are Jewish texts replete with an awareness of sin (many of them discussed by Bashevkin in his book). It is we who have the hang-ups.

Bashevkin's writing is infused with both a depth and breadth of Jewish knowledge as well as wide-ranging general knowledge. The subsections are short and written in an engaging and easily readable style. Each chapter opens with a story or case from the world at large and then moves into a Jewish source-based angle to the question, ultimately looping back to the story or case with which the chapter began, thereby providing a sense of closure. Creating conversations across religions, cultures, and time periods – such as between Brother Daniel, a Jewish convert to Catholicism who petitioned the Israeli Supreme Court to be included in Israel's "Right of Return," and Talmudic and medieval discussions of apostasy (chapter 7) – is enriching and also serves to broaden the discourse beyond the uniquely Jewish context.

The book's introduction, entitled "The Stories We Tell," offers an engaging discussion of how we choose to tell stories, both in the wider stories we tell about rabbis of previous generations (what Bashevkin refers to with approbation as "sanitized storytelling"), to

the more narrow family stories we tell, to the very personal story we tell when we write our own bio for a lecture or on a book jacket. Based on a research-based survey which found that “the oscillating family narrative” (a story of family history which recounts both successes as well as failures) cultivates the most resilience in children, Bashevkin extends this argument to Judaism, claiming that the way to cultivate religious resilience is likewise to focus on both success and failure, sin and repentance, as part of the religious narrative we model. He offers Rabbi Yitzhak Hutner as a model of this praxis, and quotes from one of his most famous letters, in which he discusses the importance of sin in religious life, for it is only through sinning that the righteous are able to reach the heights which they reach. In Rav Hutner’s words, “Greatness does not emerge despite failure; it is a product of failure” (p. xv, and again on p. 144). The fact that the book ends by returning to Rabbi Hutner’s letters and his integration of spiritual failure into religious life, underscores the deep impact that Rabbi Hutner has had on Bashevkin’s thought. One way of reading *Sin-a-gogue* is as an attempt to translate Rav Hutner’s thought and make it accessible and relevant to the 21st century reader.

As he writes in his bio on the book jacket, Bashevkin is the director of Education for NCSY, the youth movement of the Orthodox Union. NCSY is a major site of *kiruv*, often catering to Jews who attend public schools and who know little about Judaism from home, trying to bring these teenagers closer to Judaism and halakhic observance. I would venture to say that in his professional capacity, Bashevkin has certainly encountered another angle on the issues about which he is writing. Indeed, in the beginning of chapter eleven (originally published at [Lehrhaus](#)), he begins with a brief discussion of his frustrations as an educator who sees people coming to religion from the wrong motivations (i.e., out of loneliness, illness, or a broken family life), though he cuts this discussion short. Overall, Bashevkin makes a conscious choice to keep the focus of the book on the intellectual and to maintain a critical distance. While the less personal voice definitely serves to widen the readership beyond Orthodox Jews, it also carries the possibility that the book can be read exclusively on the intellectual level, such that the reader can choose not to take a practical message from it. As a fellow Orthodox Jew who doesn’t see the issue as solely intellectual, I would have appreciated a stronger place for Bashevkin’s personal voice.

This book follows on Bashevkin’s earlier Hebrew book, *Be-Rogez Rahem Tizkor* (2015), which, though it also deals with sin and repentance, is substantially different. The Hebrew book is a “*sefer*,” exclusively a work of Jewish thought, of *lomdus*, without reference to materials outside the Jewish tradition. It also contains more of an inspirational tone, speaking to the reader as a fellow traveler in the religious experiences of failing and recouping. In contrast, the current work, while firmly grounded in traditional Jewish sources, includes a wealth of material from outside the Jewish tradition, giving the book a wider reach and potential to speak to an audience which is not exclusively Jewish and steeped in Jewish knowledge. It also has more of a detached tone, so that it doesn’t sound at all “preachy.”

Sin-a-gogue contains three sections, each with several chapters surrounding a theme related to sin. The first section, “The Nature of Sin,” begins with a discussion of the many words the Bible and later rabbinic literature use for “sin.” In addition to the multiplicity of terms, each with subtle differences from the others, there are also multiple images for how sin is constructed – as a burden, or as a debt – each of which leads to a different conceptualization. The impact of language cannot be overstated. When I was writing my doctoral

dissertation⁹ and asking friends for advice, several told me to take out the word “sin” from the doctorate – it was too strong, too alienating. They suggested I replace it with the more neutral “violate the Halakhah.” While the words may mean the same thing, the sanitized version doesn’t emotionally capture the fullness of the experience of sin and its impact on the individual: the range of shame, guilt, conflicted pleasure, and self-loathing which can often result from sin, and which are discussed by Bashevkin in light of the differing terminologies.

In the next chapter, Bashevkin moves to a discussion of the first case of sin, or “Original Sin” concluding that “lateness, sin, failure, and shame are the crucial components that make humans human” (p. 21). From here he moves to a discussion of action versus intention and which is needed in order to categorize something as sin, as well as a discussion of the various levels of intention that one can have behind an action (*shogeg*, *meizid*, *mitasek*, and *ones*). Bashevkin also goes on to discuss issues such as determinism and the unique view of sin taken by the Hasidic school of Izbica, including the radical notions “sinning for the sake of Heaven” (*aveirah lishmah*) and the concept of God’s repentance. Each of these discussions opens another angle to sin, introducing rich source material.

The second section, “Case Studies in Sin and Failure,” deals with several instances in which an examination of the specific case can also teach us about the broader issues. From a chapter on the concept of apostasy in Judaism and whether it is possible to ever leave Judaism, to a character analysis of Jonah, whose quest for truth leads him to scorn those who would repent out of practical considerations, to an analysis of the “Rabbi’s Son Syndrome” in which specifically children of clergy often end up leaving religion – this section adds depth to the topic through the layering of each specific example.

The final section, “Responses to Sin and Failure,” contains fascinating material found in rabbinic correspondence on sin and failure. The material contained in the rabbinic correspondence is a treasure-trove for both parents and Jewish educators, who are looking for concrete ways in which to respond to their children or their students in situations of sin and religious failing and their aftermath.

Sin-a-gogue should have a place on the shelf of parents and Jewish educators alike. Beyond the main text, the footnotes should be read and primary sources opened, for they will help us all to educate the next generation with a healthier understanding of sin than we were raised with. The book of Kohelet teaches us that no human being is completely righteous without failing (7:20); failing is intrinsic to human nature, and also intrinsic to growth. If we were able to better understand the place of religious struggle, we would be better equipped to educate the next generation into a full life of *avodat Hashem* – both the victories and the failings which propel us forward. For those looking for a new book to buy this Elul, which will help move them into the mindset of the *Yamim Nora'im*, as well as push them to think in new directions about very traditional categories – Bashevkin’s *Sin-a-gogue* is it.

⁹ My dissertation “[Talmudic Re-readings: Toward a Modern Orthodox Sexual Ethic](#)” (City University of New York, 2008), dealt with the conflicts faced by Orthodox singles in navigating between their commitment to halakhic observance with the challenges of observing the halakhic sexual restrictions.