SEPHARDIC COMMUNITY ALLIANCE







Issue 54: Hanukkah DEDICATED IN LOVING MEMORY OF JOSEPH EZRA GRAZI, A"H

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# Dedicated in Loving Memory of Joseph Ezra Grazi, A"H

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# A Special Thank You to Councilman David Greenfield

On behalf of the Sephardic Community, The Alliance would like to express its sincere gratitude to Councilman David Greenfield. Since 2010 Councilman Greenfield has championed the interests of our local community as our city council representative in District 44. Included in many of his accomplishments was a historic bill that helped provide security guards at non-public schools in New York and the beautification of our neighborhood. Councilman Greenfield has always been a strong supporter of the State of Israel and an advocate against BDS on Campus.

Prior to serving on the City Council as our representative, Greenfield was Executive

Vice President of the Sephardic Community Federation (SCF), working closely with public officials at every level of government to improve funding for private schools. He was also the founding Director and Counsel of TEACH NYS, advocating on behalf of parents of New York State's 500,000 Catholic, Jewish and independent school-children. Councilman Greenfield's work led to legislation providing for \$600 million in tax credits to parents of all school-age children.

Councilman Greenfield plans to become executive director of the Metropolitan Council on Jewish Poverty. We wish him the utmost success in his new position.





# COMMUNITY QUESTION BOARD

#### QUESTION:

When in a place that has a different time than where my family lives, (ie going on vacation with friends, traveling for business, in Israel for the year etc.) do I need to light nerot Hanukkah or does "New Ish Ubeto" still cover me? Is there any different between the halakha of that and Friday night candles? If so, what is the difference and why?

- Victor Dweck

### ANSWER:

The Gemara in Massekhet Shabbat 21b mentions three levels of fulfilling the misva of lighting the Hanukkiyah.

- a. Each household kindles one light each night (the basic *misva*)
- b. A light is kindled each night for each family member in the household (*mehadrin*)
- c. On the first night one kindles one light, two on the second night, and so on until eight [following the opinion of Bet Hillel] (mehadrin min hamehadrin)

According to this, *Maran* in *Shulhan Arukh Orah Hayyim 671:2* states that even if the members of the

household were many, one still lights in the method described in part (c) above. Hakham Ovadia Yosef A"H in *Hazon Obadia* (*Hanukkah* page 144) is posek that while on vacation, on business, or away for the year in Israel, one need not light *Nerot Hanukkah*, as the concept of *Ner Ish Ubeto*, that one is covered by the lighting done in his/her household, applies (assuming candles are lit in his/her home). This is the case even when there is a time difference, as explained in *Yalkut Yosef*, 677:5. (Also see *Yalkut Yosef* 677:5 and *Hazon Obadia Hanukkah* page 150, regarding the permissibility of lighting with a berakha when there is a time difference.)

This is indeed different than the lighting of the Shabbat candles, as the nature of Shabbat candles differs from Nerot Hanukkah. Shabbat candles are lit in order to bring shalom ("peace") into the household. Without it, one would not be able to enjoy the meal of Shabbat. Therefore, Maran Shulhan Arukh states (Orah Hayyim 263:6-7) that if one is away from home for Shabbat on vacation, on business, or away for the year in Israel, he/she is obligated in הדלקת, obligating one to light in their current residence. (Regarding lighting with electric lights where it is not possible to light with candles due to the policy in a hotel or hospital, see Yabia Omer Volume 9, Siman 108:124; Also see R' Hayyim David HaLevy's Mekor Hayyim, Siman 110 footnote 47.)

-Rabbi Nathan Dweck

To have your questions answered by a community Rabbi, please send all inquiries to

QAHALNEWSLETTER@GMAIL.COM



## Hanukkah 5778

### HANUKKAH

Rabbi Ilan Acoca

Probably the most popular story in the Talmud is the story of the modular oven (*Baba Metzia* 59b), its parts connected by sand so that it functioned as a unit, but its parts remained somewhat independent of each other. The question before the Sages was whether this should be considered a finished vessel, and therefore subject to the rules of purity and impurity, or whether it was technically under construction and therefore not subject to these rules. The principle being that an unfinished vessel does not have the potential to become impure until it has reached its finished state.

The Sages declare that it is indeed finished enough while Rabbi Eliezer disagrees and says that it is not. At this point the fireworks begin. Rabbi Eliezer has a number of parlor tricks that he invokes in order to prove that his is the correct opinion. Streams are twisted around, carob trees jump several football fields, the walls of the *Beth Midrash* begin to collapse, and finally a heavenly voice descends and announces: The law always goes according to Rabbi Eliezer!

None of these "proofs" impress his colleagues, not even the heavenly voice. Quoting from the Torah, they say, "It (the Torah) is not heaven", and "After the majority one must incline". Later on, one of the sages sees Elijah the Prophet in the marketplace and asks how the Holy One reacted to the seeming impudence of those sages, and Elijah said, God smiled and said, "My children have defeated me! They have defeated me!"

How is it possible for G-d to declare that His children defeated Him? What was G-d intending to teach us through this story?



G-d wanted to emphasize how important it is to have "emunat hakhamim", trust in our sages and how we have to respect them.

The Talmud (Shabbat 23a) instructs us to light Hanukkah candles and recite the blessing "Who has sanctified us with His commandments and has commanded us to kindle the Hanukkah light." The Talmud poses the following

question, "But where in the Torah did G-d command us to light the Hanukkah candles? The Talmud answers, Rav Avya said from the

"Whenever a Hakham walked by, my father stood up in awe and trepidation."

I often ask myself from where my father and his generation got this respect? I believe it is something that they got from their childhood. It is something that they saw their parents do and they continued on with this magnificent tradition.

The Talmud (Sotah 49b) says that at the messianic era, impudence will increase; the elders will be disrespected. I believe that we are living in this generation and it is up

> to us to keep this teaching that was done so naturally and simply especially in Sephardic countries.

verse "You shall not deviate from the words that they (the rabbis) will tell you" (Deuteronomy 17:11), Rav Nehemiah said from the verse "Ask your father and he will tell you, your elders and they will say to you" (Deuteronomy 32:7).

This idea reminds of my father Z"L who passed away 19 years ago.

My father was someone who had such a Kavod for the Torah and Hakhamim. Whenever a Hakham walked by, my father stood up in awe and trepidation. It did not matter who was the Hakham, but it was the fact that my father had to show respect to the Torah.

Let us all remember this teaching and continue on living it and perpetuating it to the next generation.



Rabbi Acoca is Rabbi Emeritus Sephardic Congregation Beth Hamidrash, Vancouver, BC, Canada and currently serves Rabbi of The Sephardic Congregation of Fort Lee Bet Yosef, NJ, and Rav Beit Hasefer

of Yeshivat Ben Porat Yosef, Paramus, NJ.

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# DIVINE EMANATIONS, CAUSE AND EFFECT, AND HANUKKAH

Rabbi Nathan Lopez Cordozo PhD

Sponsored Le-ilui Nishmatah shel HaZekenah Miriam Robles Lopes Cardozo eshet HaRav Ha'Abir Neim Zemirot Yisrael Abraham Lopes Cardozo, by her daughters Judith Cardozo-Tenenbaum and Debbie Smith

istory, the study of cause and effect in the annals of humankind, has been a serious challenge for honest historians. In many ways, interpreting history is conjecture. What motivates many historians, more than what actually occurred, is what they would like to believe happened. After all, how can a person ever really know what was the cause and what was the effect in a specific instance? Sometimes, what we believe to be the cause is, rather, the effect.

Our Sages draw our attention to this phenomenon when they deal with Joseph's release from prison. Referring to the words, "A definite period was set for the world to spend in darkness", the Midrash states: "A definite number of years was set for Joseph to spend in darkness, in the prison. When the appointed time came: 'And it came to pass, at the end of two years, and Pharaoh dreamed a dream..."

Rabbi Gedalya Schorr, in his monumental work, Ohr Gedalyahu, points out that this observation radically differs from the standard, academic way of dealing with historical events.

Reading the story in the traditional way, we would no doubt conclude that because Pharaoh dreamed a dream that required interpretation, Joseph, known to be a man with prophetic insight into dreams, was asked to come and see Pharaoh. After having successfully interpreted the dreams, Joseph was not only freed but elevated to the position of second-in-command of Egypt. This would mean that Pharaoh's dream caused Joseph's freedom.

A careful reading of our Midrash, however, suggests the reverse. It was because Joseph had to be freed and become the viceroy of Egypt that Pharaoh had to have a dream. The cause was, in fact, the effect.

This approach, then, opens a completely new way of understanding history. Judaism suggests that at certain times God issues emanations into this world so as to awaken people and spur them to action, just as Pharaoh received his dreams in order that Joseph's imprisonment would come to an end.

A later example of this is the story of Hanukkah. The Jews knew that logically there was no chance of a successful uprising against the Greeks, but God created a notion of revolt in the minds of the Maccabees. The greatness of these few Jews was manifest in their correct reaction to this heavenly directive. They realized what needed to be done, however preposterous.

Midrashic literature often compares the Greek empire to "darkness that blinded the eyes of the Jews in their exile" — "Choshech zeh galut Yavan." The traditional interpretation is that Jews in the Maccabean period were blinded by the Greeks' worship of the body and followed their example. It may, however, have a much deeper meaning. The Greeks were also the inventors of historical interpretation. Greek thinkers were among the first to try and understand history in its more scientific form, as reflected in the need to search for cause and effect. From the point of view of the Midrash, this approach blinded the Jews from reading history as divine emanations and the human response to them. It misconstrued the deeper meaning of history, reversed cause and effect, and darkened the bright insight of the Jews.

One of the most mysterious aspects of the human psyche is the dimension of motivation. Human beings suddenly hear an "inner voice," or feel a mysterious pull to do something, while not understanding the source of the motivation. This is true not only regarding human actions but even taste and preference. History is replete with examples of people radically changing their taste in art and music. Melodies are considered superb and irreplaceable; then, half a century

<sup>&</sup>lt;sup>1</sup> Iyov 28:3

<sup>&</sup>lt;sup>2</sup> Midrash Rabbah on Bereishit 41:1

<sup>&</sup>lt;sup>3</sup> Midrash Rabbah on Bereishit 1:2

later, they lose favor. So it is with art, fashion, and even the color of our wallpaper.

There are no rational explanations for these phenomena (notwithstanding various scientific suggestions). We could argue that all of them are the result of divine emanations communicated to our world. While it is difficult to explain why these divine messages come, perhaps their main purpose — particularly regarding music and art — is to offer people a feeling of renewal and an insight into the infinite possibilities of God's creation. Some messages may be a divine response to the earlier deeds or moral condition of humankind. The sudden predilections for more aggressive forms of music or art may be a warning that humans have abated their former dignity.

In the case of emanations, as with the Maccabees, the main challenge is "hearing" the message, correctly interpreting it, and subsequently knowing what it demands of us. This, in itself, requires divine assistance and moral integrity and is not available to all. (In fact, it can be dangerous.)

Throughout history, Jews have experienced many divine emanations. Several of them, cited in the latter part of Tanach, allude to the coming of the Mashiach at specific times. Some of these dates are long behind us, and the Mashiach has not yet appeared. This should not surprise us. Dates of the Mashiach's arrival, as cited in Jewish sources, were in no way final statements. They were divine signals that at these times the world would be more conducive to the coming of the Mashiach, but they were not guarantees of his arrival. When humanity failed to respond in the appropriate religious and moral manner, the special moment passed with no outcome.

It is hard in this day and age to deny the unique events that have transpired in Israel and the world. The new administration in the USA, the topsy-turvy political situation in Europe, the Israeli Palestinian conflict, the huge refugee problem, and so many other highly unusual phenomena these days make us wonder. Are they just incidental, or are they divine emanations designed to tell us something? Are they results, or are they causes?

Hanukkah Sameach!

### QUESTIONS TO PONDER FROM THE DAVID CARDOZO THINK TANK:

[We suggest printing out and discussing at your Shabbat table, if you like.]

- 1. The essay suggests that divine emanations can alter things as personal as one's taste in art, or pull one to do acts one would previously not have considered. Do you accept this possibility? If so, does the notion of such an "intrusive" level of divine intervention trouble or delight you (or neither)? And where does this leave our free will?
- 2. When we involve matters of belief or religion in our decisions, can we still be said to be behaving rationally? Do you include such "irrational" factors in your own decisions, or do you prefer to compartmentalize your religious beliefs and the practical/political areas of life?
- 3. Did the State of Israel come into existence as the result of historical circumstances (Herzl / Balfour declaration/Holocaust etc), or rather for a divine purpose that would perhaps become clear only with the passing of time?
- 4. Water has the special property that when it freezes it becomes lighter. This means that when lakes and river freeze, a layer of ice is formed on top and life under water can continue. In light of this, should we say that water was designed specifically thus for the benefit of living creatures on our planet or take the other perspective, that this fact is actually what (causatively) brought life to thrive?



Rabbi Dr. Cardozo is the Founder and Dean of the David Cardozo Academy and the Bet Midrash of Avraham Avinu in Jerusalem. He is the author of several books and provoking essays on contemporary Judaism.

See, for example, the Book of Daniel.

### HANUKKAH AND QIDDUSH HASHEM

Rabbi Meyer Laniado

It is the year 166 BCE, and as you sit around the Shabbat table with your family, enjoying your meal, there's a loud knock at the door. You open the door to find Greek soldier's ordering you to worship idols on their altars. They are burning incense at your door, its odor filling your nostrils, and mixing with the aroma of your Friday night dinner. You are stunned, at a loss for what to do next. They have come to your home; you can no longer ignore them. They call out to you by name. They order you to come outside to the town square. There, everyone from the community is standing and watching. They are waiting in anticipation of how you will respond. You walk through the crowd until you see before you a Greek general flanked on both sides by soldiers.

The general addresses you by name as you stand with your family before the assembled community.

that you will make? This is exactly the *qiddush Hashem* scenario, and Mattitiah responds masterfully. He takes the opportunity to make a bold speech before his family and all of the people:

"My children, my relatives, and I will continue to keep the covenant that God made with our ancestors. With God's help, we will never abandon his Law or disobey his commands. We will not obey the king's decree, and we will not change our way of worship in the least<sup>2</sup>."

Mattitiah being a traditional Jew, views the scenario he is in through the eyes of the Tanakh and models Moshe's action at the golden calf. When Moshe saw the nation worshipping the golden calf he took action and proclaimed: "Whoever is for God, come to me<sup>3</sup>." Moshe then directs these Jews to

# "Mattitiah was willing to dedicate his life for the Torah, and he instructs his five sons on his death bed to do the same."

"You are a respected leader in this town, and you have the support of your sons and relatives. Be the first to sacrifice to Zeus. If you do, you and your children will be honored with the title of Friends of the King, and you will be rewarded with silver, gold, and many gifts<sup>1</sup>."

How would you respond? Recognize that if you refuse to follow the Greek general's orders to sacrifice to the Greek god, you are refusing an order of the king, and would surely be put to death. You feel a rush of adrenaline, you feel the blood running through your body, your heart is pounding out of your chest, and you can feel the pulse of the veins in your temples. You know this is a make or break moment, not solely for you, but for your family and all of those watching. If you sacrifice to the Greek god, you will sacrifice all that your forefathers have stood for, but if you do not, you will have signed your own death sentence. What is the decision

draw their swords and fight against those have desecrated the name of God by worshiping the golden calf. Similarly, when Mattitiah finishes his speech and a Jew approaches the pagan altar sacrificing a pig to the Greek deity, Mattitiah draws his swords along with the family members who are standing beside him and kill the Jew along with the Greek general and his soldiers. He then proclaims: "If anyone is zealous for the laws of his country, and for the worship of God, follow me!" He runs to the hills with his family and all those dedicated to Torah. They prepare themselves to fight, against all the odds, for the freedom to practice Torah and misvot, and reestablish proper worship of God in the Beit haMiqdash.

Mattitiah's response shows that he lives a life focused on sanctifying and glorifying God's name. His life goal is to

<sup>&</sup>lt;sup>2</sup> ibio

<sup>&</sup>lt;sup>3</sup> Shemot 32:26

<sup>&</sup>lt;sup>4</sup> Josephus Antiquities XII 6

# HANUKKAH: PDR (PUBLIC DISPLAYS OF RELIGIOSITY) - YAY OR NAY?

Rabbi Moses Haber

have always been a bit uncomfortable with outward signs of religiosity. Growing up, I would oft recite with pride that as Sepharadeem our dress was never used as a sign of our level of observance. An example was that our minhag was that *Kipot* were only worn when saying a Berakha/learning Tora and *Sisit* were worn on the inside of our shirts.

There is tremendous value to our tradition which in clear terms is saying, that what is really important is the intention and motivation for doing the right thing and that only God is the judge of one's motivation and intention. For the past thousand years we prospered both as Jews and as citizens of our host country, because of inner courage that came from a deep knowledge of who we were.

to interact and learn from other people of distant faiths and norms from our own.

Thinking even more broadly, not only do we live in a cosmopolitan society, we also live in an age of self-expression. In the early part of last century (think of black and white movies) there were little if no exhibitions of extreme styling. Not today! From what kind of watch you wear, to your clothes and shoes, to the architecture you choose for your house, and the picture you choose for your instagram account, we are an expressive society. We want people to know who we are and we find many ways to tell them. It is entirely appropriate to do so as long it is within the bounds of our cultural and religious sensitivities both as Americans and Jews.

"For the past thousand years we prospered both as Jews and as citizens of our host country, because of inner courage that came from a deep knowledge of who we were."

Yet, when on the subway or walking in the City, there are times when I am a bit thoughtful when I see a Sikh wearing

his long hair wrapped in a turban, a young lady leaving Madison High School wearing a Hijab or on Ash Wednesday when Christians walk around with a mark of the cross of ash on their forehead. Is it courageous to express the sense of religion in such public ways? Perhaps it's pride in their religion, or a comfort level with who they are or for some a desire to identify tribally in a specific way that professes superiority. I am sure there is no one reason.

As citizens of New York City, we live in a cosmopolitan society. Every day we encounter different people from different faiths. We

must be thankful to God, that we live in this very generation and in a country that allows us self-expression and the ability Each month Barkai Yeshivah focuses on a specific character trait with our students. Last month, the mida of the month was

Hesed (Kindness). Throughout the past month there were classes and projects implemented by our Sheliheem and Benot Sherut that helped to inspire our students to think deeply about acts of kindness (Hesed) and to inculcate hesed into their lives. This month, our inspiration for the mida of the month, 'Jewish Identity and Pride' - זהות יהודית, comes from the holiday of Hanukkah. Famously known as the time when a small band of brothers and friends fought courageously and successfully against the Greek empire and the Jewish Hellenzing sympathizers. The brothers who were proud Jews, were astonished that Jews affected by

Greek culture were embarrassed to express their Judaism



#### Continued from page 11

#### ...HANUKKA: PDR - YAY OR NAY?

in public and hid their identities. Among other examples some even went to the extreme act of covering their Berit Milah when wrestling unclothed in the public square. In contradistinction, the band of brothers and the Rabbis of the time went outdoors to express themselves religiously.

When I was younger the conversation was about whether one 'has to' or 'not have to', wear a *kipa* or *sisit*. Or whether a woman 'has to' or 'not have to' pray more than once a day. We are long past that point and have strong halakhic basis that one does not have to wear a kipa when not saying Hashem's name or for a women to pray more than once a day. There are even opinions that allow one to place the Hanukia inside one's house away from the public eye and not in the front window. But in the spirit of the month of Kislev, as the memory of the courageous Macabeem is raised, the question we want to ask is: *even if you don't have to, should you?* 

I am aware that the topic of Jewish Identity and Pride, especially when express publically, can awaken old arguments

against Harediism. To do so would be to miss the point. There is an alternative approach I would like to suggest. We can teach our children that it is appropriate to express 'Jewish Identity and Pride' when it comes from the wellsprings of emotion and courage in the religion that we teach them the all year long. While it is not appropriate when used as a symbol from a high perch to judge others as irreligious. These are two mutually exclusive points; the first, we should embrace and the second we should condemn.

The conversation we should be having now is how (and if) we can find a balance between the way our grandparents did or did not choose to express publicly their Jewish Identity and Pride and how and if we should so today given the different circumstances we have.



Rabbi Haber is Rav Yeshivah of Barkai Yeshivah

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#### ...HANUKKAH AND QIDDUSH HASHEM

make God's name distinct and known. This dedication to showing that our God is not like all of the other 'gods,' and serving Him is what our life is about. It is the misva deoraita of qiddush Hashem<sup>5</sup>. When challenged to offer a pig to a pagan god, Mattitiah's entire life's purpose is being challenged. If he brings the sacrifice, he is throwing away his entire life, expressing the message that God is just like the other gods. This would be a *hillul Hashem*, a desecration of the distinctness of God. Mattitiah's only choice is to fight. Whether he wins or dies during this fight, he has conveyed the message to his children and all those who would hear about him that our God is the only God. That it is God who we live to serve, and that we are willing to put everything, including our life, on the line to achieve the goal of sanctifying His name. The question then is: What do we live for? Is there something we are willing to sacrifice our life for?

We use the expression 'giving it our all,' but in what situation are we willing to? Mattitiah was willing to dedicate his life for the Torah, and he instructs his five sons on his death bed to do the same: "...as to be ready, when it shall be necessary, to die for your laws (Torah)<sup>6</sup>." Mattitiah literally lived for *qiddush Hashem*, dedicating his life for the glory of God and his laws.

Shabbat Shalom

6 ibid



Rabbi Laniado is a Rabbi at Congregation Magen David of West Deal and Hillel Yeshiva High School.

<sup>&</sup>lt;sup>5</sup> HilkhotYesodei haTorah Chapter 5



# SEPHARDIC CUSTOMS

### TALLET & TEFILLIN FOR MINHAH OF A FAST DAY?

Mr. Joseph Mosseri

During the course of the year we have four minor fasts: Som Gedalyah, 'Asarah BeTebet, Ta'anit Esther and Shib'ah 'Asar BeTamooz. With each one I get the same questions regarding wearing tallet and tefillin during minhah. (Tish'ah BeAb has different laws and customs and as such will not be discussed in this article).

Do we do it? Who does it? Why is it done? When and where did it start?

Believe it or not, it all began with Hakham Yosef Karo (1488-1575) who, before he wrote The *Shulhan 'Arukh* wrote a commentary on The *Tur* entitled *Bet Yosef*. In it (*Orah* 

Hakham Ya'aqob Raqah (Libya, 1800-1891) in his *Shulhan Lehem HaPanim* volume 4 page 54 writes it was the custom to wear *tallet* and *tefillin* for *minhah* of fast days, including when 'Asarah BeTebet was on a Friday.

Hakham Abraham Adadi (Libya, 1801-1874) in his *Vayiqra Abraham* page 223 wrote that the custom is to wear *tallet* and *tefillin* during minhah of fast days, as mentioned in the *Bet Yosef*, in order to complete 100 *berakhot*. He also wrote that this was the *minhag* in Tripoli, Libya and all of *Eress Yisrael*, but in recent times this custom is only adhered to by the Hakhamim and God Fearing individuals in Tripoli.

### "There were many important Sephardic Hakhamim over the past 500 years who mentioned this custom."

Haim chapter 46) he explains that a person must make 100 Berakhot each day. He calculates that on a fast day it would be impossible to make more than 98 berakhot, so the only way to bring it to the required 100 is to institute tallet and tefillin during Minhah, each of which has a berakhah, bringing a person to the required amount. Even though the Bet Yosef was well studied by all of our Hakhamim, this point seems to have been temporarily forgotten by some. As such, they came up with other reasons for wearing tallet and tefillin during a fast day minhah as we shall see.

Hakham Yisrael Ya'aqob Algazi (Turkey, 1679-1756) in his *Shalmé Sibbour* mentions the custom of Hakham Haim Benvenisté (Turkey, 1603-1673) was to wear *tallet* and *tefillin* for the *minhah* of fast days.

Hakham Yisshaq Ben Walid (Morocco, 1777-1870) in his *Vayomer Yisshaq volume 1, Ta'anit 2* clearly writes that tallet and tefillin were worn for minhah of fast days.

Hakham Rahamim Nisim Yisshaq Palacci (Turkey, 1813-1907) in his *Yafé LaLeb 30:3* mentions the actions of Hakham Haim Benvenisté and then he further mentions it was also their custom to wear *tallet* and *tefillin*. His father, Hakham Haim Palacci (1788-1868), also writes this in his *Rouah Haim25:2* and his *Kaf HaHaim 19:5*.

Hakham Abraham Hamuy {he spelled his name this way} (Syria, 1838-1886) in his *Bet Din* 192b wrote that in *Aram Sobah Halab* the custom was to wear *tallet* and *tefillin* for *minhah* of fast days. This is also attested to in the book *Derekh Eress*.

Hakham Eliyahou Hazzan (Egypt, 1846-1908) in his Neveh Shalom (see: section of laws for minhah and 'arbit, 3 & 4) mentions the custom of wearing tefillin on a fast day minhah, but to wear Tefillin of Rabbenu Tam and not to make a berakhah upon them! But as we know, it has never been the

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#### Continued from page 13

custom or the practice of the people to wear *Rabbenu Tam Tefillin*, as the *Shulhan Arukh 34:3* states "these [*Rabbenu Tam Tefillin*] should not be worn except by those who are steadfast and well known in extreme piety".

Hakham Refael Aharon Ben Shim'on (Egypt, 1848-1928) wrote in *Nehar Missrayim*, *hilkhot tefillin 4* that in Cairo he saw some people wearing *tallet* and *tefillin* for *minhah* on fasts but he did not know why. He said he thought they were doing so because they felt all fasts should follow the custom of *Tish'ah BeAb*, where all agree that *tallet* and *tefillin* are worn for *minhah*. He then continued and said these people should not be reprimanded, as this custom found favor in his eyes.

Why you may ask did he look upon this favorably? Because, he writes, that in his generation unfortunately, people were lax with fast days other than Yom Kippoor and Tish'ah BeAb, and it was a foreseeable scenario where they could not find 10 men fasting during minhah to say the prayers as they should be. Hakham Refael observed that because people were wearing tallet and tefillin it was very easy to determine how many

fasters were present and conduct themselves accordingly. Therefore, he concludes, no one should belittle any *minhag* without first carefully researching its benefits and origins. {I wonder if those few people that Hakham Refael Aharon Ben Shim'on saw wearing *tallet* and *tefillin* were from the last vestiges of a minhag that existed in Cairo but was dying out.}

Hakham Haim Sittehon (Israel, 1871-1916) in his *Eress Haim 566:8* also mentioned the custom in Israel to wear tallet and tefillin for minhah of fast days, as per the reasoning of the *BetYosef* to complete 100 berakhot. Hakham Shem Tob Gaguine (Israel-England, 1885-1953) gave a similar reason in his *Keter Shem Tob*, as that of Hakham Refael Aharon Ben Shim'on.

Hakham Shelomo Zafrani (Syria, 1891-1965) recorded

the customs of the ancient Great Synagogue of Aleppo. There he wrote that it was the custom during *minhah* of all fast days to wear *tallet* and *tefillin*.

Hakham Yosef Messas (Morocco, 1892-1974) in his *Ossar HaMikhtabim volume 3, chapter 1829* wrote that when wearing *tallet* and *tefillin* for *minhah* of fast days a *berakhah* should not be said! In fact he continues and says this was a new custom that people started on their own and they should not make a *berakhah*. He further records that first he stopped them from making a *berakhah*, and then stopped the entire practice. He goes on to say that this custom is improper because people are weak from the fast (and especially in warm weather) perspiring profusely, neither of which conditions

are proper for *tallet* and *tefillin*. He concludes by saying that this was all just a movement to show off how outwardly pious they were! Apparently he overlooked the words of the *Bet Yosef* and how this was an old established custom with a very valid reason

Hakham 'Amram Abourabi' (Morocco-Israel, 1894-1966) wrote in his *Netibé 'Am 568:1* that the custom in Jerusalem like all of *Eress Yisrael* is to

wear *tallet* and *tefillin* for *minhah* of fast days as recorded by *Maran* in the *Bet Yosef*. However he adds that in recent times the custom fell out of use in Jerusalem while in other cities it has been maintained.

Hakham Yosef 'Abadi Shayo (Syria, 1894-1976) in his manuscript on customs of Aleppo, mentioned that on fast days everyone wore *tallet* and *tefillin* for *minhah*.

Hakham Mosheh Malkah (Morocco-Israel, 1911-1997) wrote in *Miqveh HaMayim, volume 4, page 16* that the reason for the custom was based on a different section of the *BetYosef* (chapter 549) which tells us that on fast days we read the section of *Vayhal Mosheh* from the *Sefer Torah* in both *shahrit* and *minhah*. Since people associate that reading with Shahrit when they wear *tallet* and *tefillin*, they therefore do the same



when listening to it during minhah.

Hakham Shalom Messas (Morocco-Israel, 1913-2003) wrote in his *Shemesh OuMaghen volume 4 page 15* that it is not obligatory to wear *tallet* and *tefillin* for *minhah* of fast days. It is, however, a pious practice and, as such, it was not done by everyone. He then mentions that he always did it but, as his age advanced, he felt too tired and abandoned the custom.

Based upon the above sources, we know it was the custom in at least the following locales (and probably many others) to wear Tallet and Tefillin for Minhah of fast days:

- Israel= Safed
- Libya=Tripoli
- Morocco =
   Tetuan, Meknes,
   Marrakesh, Tangier,
   Fez, Casablanca.
- Syria= Aleppo
- Tunisia=Tunis
- Turkey= Izmir
- Yemen= Aden,
   Sana'a

of use in many communities, through their own efforts and due to various other factors. For example, in the 1980's when Hakham Yom Tob Yedid (1926-2016) left Aleppo and arrived in NY, he was perplexed by the custom of wearing *tallet* and *tefillin* during *minhah* of fast days, he witnessed here. Being born and raised in Brooklyn, I always saw all the community rabbis and congregants wear tallet and tefillin but Hakham Yom Tob Yedid told me, he never saw it in Aleppo. My friend Morris Arking surveyed some people and mentioned an interesting point to me about Aleppo. Mr. Selim Shamah who emigrated circa 1919 mentioned that at his time in Aleppo there were those who wore and those who did not; his younger brother Mr. Abraham Shamah who emigrated circa 1927, said that he never saw anyone in Aleppo wear them

for minhah. It therefore seems that even in Aleppo the custom was abandoned by the 1920s, although clearly practiced there prior to that as evidenced by the quoted sources. A custom lost in Aleppo and no longer practiced in the Aleppian communities of Argentina, Brazil, Mexico, and Panama, is alive and well here in New York. As I have shown it is a beautiful important practice that was established and maintained for a number of

purposes and as such should be treasured and embraced.

Personally, I think it's a wonderful *minhag*. It makes sense on a number of levels, as the *Hakhamim* quoted above explained. I also feel that it bonds those who are fasting and encourages others to do the same. All in all, it's an excellent practice that should be encouraged and perpetuated.

Among North American Communities, Rabbi Dobrinsky in his "A Treasury of Sephardic Laws and Customs" records the custom of wearing *tallet* and *tefillin* for minhah of fast days to be the practice in the following congregations: Aleppian, Moroccan, Turkish & Greek, Spanish and Portuguese.

This listing is by no means exhaustive, but I think the reader gets the idea. There were many important Sephardic Hakhamim over the past 500 years who mentioned this custom. Rabbi Shelomo Dayan of Jerusalem has dealt with this topic at length in his book 'Ateret Shelomo if you wish to learn more.

As we can see from the above sources, this was an old and well established *minhag* based on various viable reasons. At the same time, even these *Hakhamim* saw this custom fall out



Mr. Mosseri is a noted expert on Sephardic customs and lives in Brooklyn, NY.



### CHARITY ADVICE

# Understanding the Basics of Charitable Contributions

Mr. Eli D. Greenberg ESQ

iving charity has long been a central value to the Jewish Community. Understanding the basics of the laws on deducting charitable contributions will help you meet your charitable goals and assist in maintaining the integrity of our community organizations.

If you itemize your charitable deductions on your tax returns, there are two basic requirements for tax-deductible charitable contributions. First, the recipient of our contribution must be exempt from federal taxation as a charitable

organization (known as a 501(c)(3) organization) another type of permitting exemption deductible tax contributions. The easiest way to check for tax-exempt status is through the IRS website (search for "IRS Charity Search" to get there). If the contribution is being made from a private foundation (more that later), you must make sure that also the beneficiary of the donation is listed as a

"public charity" rather than a "private foundation." (Religious organizations such as synagogues and Mikvehs may not be on the IRS list as they are not required to file for exempt status with the IRS, though many of them do.)

Second, you need to ensure that the charity complies with the IRS substantiation rules. A donor must have a bank record or written communication from a charity for any monetary contribution before the donor can claim a deduction for a charitable contribution. If the amount of a single contribution is over \$250, the donor is responsible for obtaining a written acknowledgment from a charity before the donor can claim a charitable contribution. The acknowledgement should include (a) the donor's name, (b) the amount of money or a description of the item or items donated, and (c) a statement indicating whether or not any goods or services were provided and a good-faith estimate of the value of any goods or services provided. (For instance, if you donate to a charity dinner, the charity's acknowledgement must state the value of the dinner

and that the value of the dinner is not deductible.)

### CHARITY BASICS MAKE SURE:

- » YOUR CHARITY IS A RECOGNIZED 501(C)(3) ORGANIZATION
- » GET A DONATION RECEIPT
- » THE CHARITY IS COMPLIANT WITH ALL LAWS
- » THE CHARITY HAS A COMPLIANCE PLAN

If religious organization provides only "intangible religious benefits" to a donor, the acknowledgment does not need to describe or those benefits. value can simply that the organization provided intangible religious benefits the donor. "Intangible religious benefits" are benefits provided by an organization operated

exclusively for religious purposes, and are not usually sold in commercial transactions outside a donative context. Examples include the purchase of Holiday and permanent synagogue seats and purchasing honors on the Holidays.

Noncash donations (such as cars, furniture, art, etc.) are subject to special rules. You must add a special form to your tax return if your noncash contribution is more than \$500. If you claim a deduction for a contribution of noncash property

worth more than \$5,000, you will need a qualified appraisal of the noncash. Special rules apply to donations of certain types of property that have appreciated in value

Not all forms of support of a charity are tax deductible. The cost of raffle tickets, chinese auction tickets and other games of chance are not tax deductible. Neither is volunteer time. (Though volunteers may deduct their out of pocket expenses incurred in providing donated services when those expenses are not reimbursed — including 14 cents per mile driven in service of charitable organizations.)

Contributions earmarked for a certain individual, including one that is deserving, are not deductible. Earmarking may result from any oral or written understanding that the charity will use the contributed property for a specific donor designated individual. That is, a donation is not considered a contribution to charity if the facts show that the charity is merely a conduit for a gift to a specific individual.

The IRS uses two tests to determine whether a contribution is improperly earmarked. One, does the charity have discretion and control over the contribution (i.e., the charity has the option to apply the funds as it sees fit)? Two, is the donor's intent to benefit the charity or a designated individual? The IRS may review the charity's fundraising literature as well as the donor's gift receipt to determine whether the donation is improperly earmarked.

So, do not ask a charity to provide a charitable donation receipt when you purchase a raffle ticket or donate funds earmarked to help a friend or family member, no matter how deserving. In addition to the moral and religious prohibitions on that, you are asking a charity to participate in tax fraud, which would endanger the charity's mission and ultimately damage the reputation of the entire community.

It is also important to make sure that the beneficiary charity is in compliance with relevant tax laws so that your good faith contribution is not enmeshed in a government investigation. Ask if the charity has a compliance plan in place and is regularly audited by an outside accountant. If either answer is negative, ask why not. Many community organizations do have these in place; the Sephardic Community Federation (SCF) prepared a form compliance plan that many community organizations enthusiastically adopted.

Donors with substantial funds to contribute have several additional options to reach their charitable goals. These include contributing to a donor advised fund, creating a private foundation and creating an endowment fund at a favored charity.

A donor-advised fund (such as one sponsored by Jewish Community Federation or a mutual fund company) is a charitable giving vehicle sponsored by a public charity. When you donate to your donor-advised fund, you are making a tax-deductible donation to the organization sponsoring the fund. You advise the organization on how to grant the money out to your favorite charities. Your donation is invested based on your preferences, so it has the potential to grow, tax-free, while you are deciding which charities to support.

A private foundation is the next step up. It is a separate not-for-profit corporation or trust that you absolutely control. You have more flexibility as to investments and can include older children in the governance and decision making to enhance a family value of charitable contributions. But a private foundation comes with added costs and complications, which must be weighed against its benefits. Also, be aware that contributions from private foundations become public information -- so do not make contributions from the foundation that you do not want public.

Another alternative that is gaining traction in the community are contributions to an endowment fund with a favored organization. You can contribute to a charity's existing endowment fund or create a separate fund for that organization that meets your goals. An endowment policy agreed to by the donor and the charity controls the fund. The policy will specify the exact use, the percentage to be distributed by the fund each year, potential distributions of capital, naming opportunities, etc.

Be generous. Instill a culture of charity in your family. But do it smart.



Mr. Greenberg is a partner with Schwartz Sladkus Reich Greenberg Atlas LLP and is a board member of several community organizations.

### MAQAM OF THE WEEK Sephardic Pizmonim Project, www.pizmonim.com

Dr. David M Betesh, DMD

For **Shabbat Miqes** (Genesis 41:1- 44:17), Maqam SIGAH is applied according to all Aleppo sources in commemoration of Hannukah, the festival of the Menora (Damascus sources indicate RAHAWI-NAWAH). SIGAH is familiar to most, because it is the maqam used for all public Torah recitations. There is a connection between the Torah and light, as it says in Proverbs, "Ki Ner Missva VeTorah Or." Whenever there is a reference to the Menora, SIGAH is applied, because *Yebiun Sefatai Shira* (SUHV page 472A), a pizmon about the Menora, is in this maqam, and is traditionally applied for Nishmat. For the same reason, as per the notes of Hakham Moshe Ashear (Aleppo, 1877 - Brooklyn, 1940), this melody is also applied on Shabbat *Tessave* and Shabbat *Behaalotekha* (two other weeks that are associated with the Menora).

According to Aleppo custom, also noted by Hakham Moshe Ashear, an important pizmon, *Yassa Limlokh Mibet Surim* (page 363) is sung as the Sefer Torah is brought out to the *Tebah* (table). This pizmon, classified as Maqam Nawah, can also be applied for the following pieces of prayers: *Rau Banim* (Friday night of either Shabbat *Vayesheb* or *Miqes*, *Semehim* or *Mimisrayim* (typically on Shabbat *Vayesheb*).

"Yassa Limlokh Mibet Surim" (acrostic: ישראל בר משה בר לוי, authored by Hakham Israel Najara (Damascus, 1555 - Gaza, 1625), is a retelling of the miraculous Joseph saga (Genesis 39-41) in poetic form. There are 16 stanzas in this poem and as a rule, the first three phrases of each stanza rhyme with the last phrase of the preceding stanza. For example: AAAB-BBBC-CCCD etc. Although the story of Joseph's rise to power is discussed in Genesis 39-41, much of the details mentioned in this poem are based on classical Midrashic literature.

The last two stanzas of this poem indicate to the reader that the story of Joseph is a source of inspiration for our people; a people who experienced the hardships of poverty (עבד) and oppression (עבד) throughout the ages. The last stanza, הזק, is the call for redemption of our nation and the hope that God will raise us just like He raised Joseph from the dust of poverty to the power of royalty.

For more on the Sephardic Pizmonim Project, and to hear recordings of the pizmonim please visit: www. pizmonim.com.

שָׁם הָיוּ נְכְפִּים וּנְזוּפִים,	שַּׁר מַשְׁקִים וְשַׂר הָאוֹפִים,
חַן שְּׂפָתָיו נָתַן לָמוֹ:	רָאָה פְּגֵיהֶם זוֹעֲפִים,
פָּתַר לְהֶם בִּנְאוּמוֹּ,	הגידו לו איש חלומו.
וְאֶת שֵׂר הָאוֹפִים תָּלְה:	שר מַשְׁקִים שָם עַל מְקוֹמוּ.
אֶל פַּרְעֹה סוֹד חֲלוֹם נִגְלָה,	בְּעוֹד שֶׁנְחַיִּם חָלָה <i>,</i>
אָת סוֹד נְתִיבוֹ וְדַרְכּוֹ:	וְלֹא נִמְצָא חָכָם גּלָּה,
יְדִיעַת יוֹסֵף וְעֶרְכּוֹי,	רָחַשׁׁ שֵּׁר מַשְׁקִים לְמַלְכּוֹי,
: הָרִיצוּהוּ בְּרֹב אוֹנִים	אָז מִבֵּית הַבּוֹר וְחֶשְׁכּוֹי,
דְּבָרִים טוֹבִים וּנְבוֹנִים,	לַחֲלוֹמוֹ שָּׁם פִּתְרוֹנִים.
הַגְבִּיר אָת הוֹד מַהַּלֶלְיו:	אָמֵר לוֹ אֶת רֹאשׁ מְבִינִים.
וּרְבִיד זָהָב שָּׁם עַל כֵּלְיוּ,	ְוְשָּׁם אוֹתוֹ מִשְׁנָה אַלְיוּ,
וְאִישׁ גָּדוֹל דּוֹפַק עַל דָּל:	וְכָל־שֵׁר סָר לִנְשׁוֹק שׁוּלְיוּ,
וְיֹאמְרוּ תָמִיד אֵל יִגְדַּל,	יָרנּוּ עַל זָה עַם נְבְדַלּ,
וּמֵאַשְׁפּוֹת יָרִים אֶבְיוֹן:	אַל מְקִימִי מֵעָפָר דַּלּ,
הָּחִישׁ הְּשִּׁימֵהוּ עֶלְיוֹן,	חַגַּק צוּרִי אָת עַם אֶבְיוֹן,
יָצָא לָמְלוֹךְ מִבֵּית סוּרִים:	פַּאֲשֶׁר עֶבֶד דָּר חָבְיוֹן,
nn	

תמ
לשבת מקץ
סימן ישראל בר משה בר לוי חזק
ולוך מבית סורים, עבד מיַלְדֵי
ול החוו החום מוני הורות

משה בר לוי חזק	סימן ישראל בר
עֶבֶד מיַלְדֵי הָעָבְרים,	יָצָא לִמְלוֹךְ מִבֵּית סוּרִים,
וּבֵין כּוֹכָבִים שָׂם קְנּוֹ:	בָּטַח בָּאֵל קַרְנוֹ הַרִים,
וּמוֹשֵׁל בְּכֶל־קּנְיָנוֹי	שָׂמוֹ אָדוֹן עַל מְכוֹנוֹ.
וּמְאֹד רַבּוּ מֵכְמוֹנָיו:	שַׂר טַבָּחִים כִּי רַב הוֹנוֹ.
כִּי כְסַהַר נִדְמוּ פָנָיוּ.	רָאַתְהוּ אֵשֶׁת אֲדוֹנָיוּ
לֹא נָתְנָה לְלִבָּה דּוֹמִי:	חָמְדָה יָפִיוֹ וְאוֹר עֵינָיוּ
וְאָם אַתָּה הָעַבְרִי זֶר עַמִּי,	אָמְרָה לוֹ בֹּא שִׁכְבָה עִמִּי,
נָא מַלֵּא אֶת חֶפָּצִי קוּמָה:	אֲשִׂימְךְּ נְגִיד אוּלַמִּי,
ּלִשְׁכַּב אֶצְלָהּ לְהָיוֹת עִמָּה.	לא שָׁמַע לְקוֹל נְאוּמָהּ
וַתִּשֶׁב בְּאֵיתָן קַשְׁתּוֹ:	כִּי הָבִּיט אָל שׁוֹכֵן רוּמָהּ
סוֹד זֶה סָפְּרָה לוֹ אִשְׁתוֹּ	בְּבֹא אֲדוֹנֶיו אֶל בֵּיתוֹ,
וְלֶאֱסוֹר אֶת נַפְשׁוֹ מָהַר:	אָז הַעִיר עָלָיו חֲמֶתוֹּ,
הְּשָּׁה לוֹ שָׁלוֹם כַּנְּהָר.	רָאָה אֵל כִּי לְבּוֹ נִטְהָר.
רֵב תְּהָלוֹת עוֹשֶׂה פֶּלֶא:	שָׂם חִנּוֹ בְּעֵין שַׂר סוֹהַר.
עַל כָּל־אָסוּר בְּבֵית כֶּלֶא,	מְנָה אוֹתוֹ שֵׁר וּמְעַלֶּה.
שוֹמֵר חֶסֶד לְאֲלְפִים:	כִּי אֵל חֲסָדִיו לֹא יִכְלֶה.





Sigah trichord: starting on E



## JEWISH PHILOSOPHY

# MAIMONIDES 13 PRINCIPLES: 2 & 3 GOD IS ONE, GOD IS NOT PHYSICAL

Rabbi Harold Sutton, Mr. Murray Mizrachi

he Following series examines the 13 normative principles of Judaism formulated by Maimonides. The full text of all 13 principles can be found in Maimonides commentary to the Mishnah. This article will focus on the Second principle- God's uniqueness as a sole entity.

- 1. The existence of the Creator
- 2. G-d's absolute and unparalleled unity.
- 3. G-d's noncorporeality
- 4. G-d's eternity.
- 5. The imperative to worship Him exclusively and no foreign false gods.
- 6. G-d communicates with man through prophecy.
- 7. The Prophecy of Moses our teacher has priority.
- 8. The divine origin of the Torah.
- 9. The immutability of the Torah & Misvot
- 10. Divine omniscience and providence.
- 11. Reward and retribution.
- 12. The Messiah and the messianic era.
- 13. The Resurrection of the dead.

#### The Second Principle

יחוד הש"י כלומר שנאמין שזה שהוא סבת הכל אחד ואינו כאחד הזוג ולא כאחד המין ולא כאיש האחד שנחלק לאחדים רבים ולא אחד כמו הגוף הפשוט האחד במנין שמקבל החלוק לאין סוף אבל הוא הש"י אחד באחדות שאין כמותה אחדות וזה היסוד השני מורה עליו מה שנאמר שמע ישראל ה' אלהינו ה' אחד:

As his second fundamental of belief, Maimonides explains God's uniqueness and singularity. God is not created, nor is there anything else like Him or part of his species. He cannot be divided. This idea is embodied when we declare God's uniqueness when reciting the Shema every day.

#### **The Third Principle**

שלילת הגשמות ממנו וזה שנאמין כי האחד הזה שזכרנו אינו גוף ולא כח בגוף ולא ישיגוהו מאורעות הגופים כמו התנועה והמנוחה והמשכן לא מצד עצמות ולא במקרה ולכן שללו ממנו החכמים ז"ל החבור והפירוד ואמרו (חגיגה טו.) אין למעלה לא ישיבה ולא עמידה לא עורף ולא עפוי כלומר לא פירוד ולא עורף והוא חבור והוא עפוי מלשון ועפו בכתף פלשתים כלומר ידחפו אותם בכתף להתחברם בהם ואמר הנביא ואל מי תדמיוני ואשוה יאמר קדוש אילו היה גוף [היה] דומה לגופים וכל מה שבא בכתבי הקדש שמתארים אותו בתארי הגופות כמו ההליכה והעמידה והישיבה והדבור וכיוצא בזה הכל דרך השאלה וכן אמרו ז"ל (ברכות לא:) דברה תורה כלשון בני אדם וכבר דברו החכמים בזה הענין הרבה והיסוד השלישי הזה הוא מורה עליו מה שנאמר כי לא ראיתם כל תמונה כלומר לא השגתם אותו בעל תמונה לפי שהוא כמו שזכרנו אינו גוף ולא כח בגוף:

Maimonides explains that G-d cannot be physical citing a famous Gemara from *Masekhet Hagigah*. Physical activities such as sitting and talking cannot be said of G-d because these would require legs or a mouth. Even attributing emotions to God would be inaccurate according to Maimonides. This begs the question of why the Bible would use such physical terminology to describe G-d. Maimonides reasons that this embodies the rabbinic dictum that is found in the Gemara "the torah speaks in the language of humans" (*Berakhot* 31b) and that it is all a metaphor. He further proves his point by reminding the reader of *Debarim* 4:5- "Take ye therefore good heed unto yourselves--for ye saw no manner of form on the day that the LORD spoke unto you in Horeb out of the midst of the fire "

In the next article of the series we will review Maimonides fourth and fifth principles; G-d's eternity and the exclusive worship of the one G-d.



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