

# Commemorating the *Shoah*

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## שאלה

A region of the Federation of Jewish Men's Clubs has created a kit for the observance of Yom Hashoah. The kit contains a memorial candle and they seek to include in the instructions for the observance that the candle be lit with the accompaniment of a ברכה (blessing). The proposed ברכה is:

בא"י אמ"ה אשר קדשנו במצותיו וצונו להדליק נר של (יום ה)שואה.

Blessed art Thou, O Lord our God, King of the Universe, who has sanctified us by His commandments and has commanded us to light the lamp of *Shoah*.

## תשובה

The question raises several thorny issues:

- 1) If the above is indeed to be used as a ברכה for the lighting of the memorial candle, does it not imply the creation of a new mitzvah, and can one legitimately add to the mitzvot?
- 2) If the answer to the above is in the negative, may one compose and recite a different kind of ברכה that would not have the phrase *אשר קדשנו במצותיו וצונו* (who has sanctified us by His commandments and has commanded us . . .)?
- 3) If the answer to the above is also in the negative, may one compose and recite a ברכה if it is formulated without *שם ומלכות* (mention of God's name and sovereignty)?
- 4) Even if the answer to the above is positive, is it advisable?

## On Adding to the *Mitzvot*

The biblical injunction that one must not add to or subtract from that which God commands<sup>1</sup> was understood as prohibiting observing the commandment in a manner that exceeded or was less than what was required, viz. five *ציציות* (ritual fringes) or three *ציציות* on a טלית; or a כהן

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*The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.*

adding an additional ברכה to the ברכת כהנים (priestly benediction).<sup>2</sup> It was also understood as prohibiting additional mitzvot over the number of 613, a number already accepted in the Talmud as the sum of the mitzvot.<sup>3</sup> While the rabbis of the Talmud recognized that there were some mitzvot that were not specified in the Torah, they were quick to point out that those mitzvot were extremely limited:

ושבע נביאות נתנבאו להן לישראל ולא פחתו ולא ת"ר ארבעים הותירו על מה  
ושמונה נביאים שכתוב בתורה חוץ ממקרא מגילה.<sup>4</sup>

The Sages taught: Forty eight prophets and seven prophetesses prophesied for Israel, and they neither subtracted nor added to [the mitzvot] written in the Torah other than [the mitzvah of] reading the *megilah*.

Rashi adds נר חנוכה (the Hanukkah lamp) as a post-biblical mitzvah but says it was excluded from the ברייתא since by the time of the Hasmoneans prophecy had ceased, whereas in Mordecai's time Haggai, Zechariah, and Malachi were functioning. The fact that Rashi only finds it necessary to explain נר חנוכה is also indicative of the paucity of post-biblical mitzvot.

The reluctance of the rabbis to acknowledge that mitzvot could be created post-biblically is also seen in the statement attributing הלל (Hallel – special psalms recited on the festivals) to Moses and the institution of its recitation on occasions celebrating deliverance attributed to the prophets.<sup>5</sup>

It is clear, therefore, that the tradition opposes the creation of new mitzvot. Composing a ברכה to include the formula אשר קדשנו במצותיו (who has sanctified us by His commandments and has commanded us) would imply that lighting such a candle is a mitzvah. While I certainly believe that Jews should remember the Holocaust and commemorate it, I am not ready to assert that it must be commemorated in precisely that manner. The other side of the coin is that every mitzvah implies an עברה (a transgression) for its breach. By creating such a ceremony and attaching such a ברכה to it, we are implying that every Jew who does not light such a candle on *Yom Hashoah* has been guilty of non-performance of a mitzvah, no matter whatever other means he/she utilizes to observe the day.

I don't believe, therefore, that we are ready to initiate such an observance as an obligatory mitzvah. Consequently, while the lighting of a memorial candle is certainly appropriate on *Yom Hashoah*, the recitation of a ברכה formulated as אב"י אקב"ו להדליק נר של is highly inappropriate.

## On Creating New ברכות

By definition, a ברכה is a formula that contains the phrase: ברוך אתה ה' (Praised are you Adonai). Every ברכה therefore, is a theological statement, attributing something to God.<sup>6</sup> One can even make a case for the notion that the ברכה acquired the distinct function of expressing the normative theology of the rabbis. It would appear that when the rabbis wanted to indicate that a certain belief or doctrine was to be considered normative, it was cast in the form of a ברכה, viz. תחיית המתים (resurrection) in ברכת גבורות (the second ברכה of the עמידה). This would explain why the rabbis were so concerned with the precise formulation of the ברכה.

Two requisite elements were שם ומלכות (mention of God's name and His sovereignty):

אמר רב כל ברכה שאין בה הזכרת השם אינה ברכה ורבי יוחנן אמר כל ברכה שאין בה מלכות אינה ברכה.

Rav said: Any ברכה which lacks mention of the [God's] name is not a ברכה. And Rabbi Yoḥanan said: Any ברכה which lacks reference to [God's] sovereignty is not a ברכה.<sup>7</sup>

This statement is not to be understood as indicating two mutually exclusive elements. Rather, the issue between Rav and R. Yoḥanan, as understood by the *Rishonim*, was whether the omission of מלכות invalidated the ברכה. The Rokeach<sup>8</sup> even says that Rav would agree that לכתחילה (*ab initio*) the ברכה should contain מלכות. The consensus of the *Rishonim* is that הלכה כרבי יוחנן (the halakhah follows R. Yoḥanan).<sup>9</sup>

The Yerushalmi<sup>10</sup> records a dispute between Rav and Samuel regarding the necessity of the word אתה (Thou), Rav saying it is required and Samuel saying it is not required. *Shibbolei Halekket*<sup>11</sup> thus explains that to satisfy both views, the ברכה was formulated with זג (Thou) in the second person (*a la* Rav) but then switching to אשר קדשנו (who has sanctified us) in the third person (*a la* Samuel).

This concern with the precise formulation also extended to the other elements of the ברכה. While R. Meir would not always require the precise wording, R. Yossi says:

כל המשנה ממטבע שטבעו חכמים בברכות לא יצא ידי חובתו.

Whoever deviates from the precise wording of the ברכה as formulated by the Sages has not fulfilled the religious obligation.<sup>12</sup> Here too, as Maimonides and the Gaon of Vilna indicate, the issue is only בדיעבד (*a posteriori*) but all agree that לכתחילה (*ab initio*) one should not deviate from the precise מטבע (the precise formulation).

If the ברכה expresses what the rabbis considered a normative theological doctrine, then any deviation from the precise wording ran the risk of being heretical. Also, if the ברכה has that specific function, no individual can arrogate to himself the right to formulate a ברכה, since that creates the impression that what he is saying is normative rabbinic doctrine.

The same concern manifests itself regarding the creation of a ברכה not previously formulated in the Talmud. Although, as we shall see, there are ברכות which have no Talmudic antecedents, the early sources apparently forbid it.

וכן אמר ר' יהודאי... כל ברכה שאינה בתלמוד אסור לברך אותה ואסור להוסיף אות אחת בא (sic)

And so said R. Yehudai... any ברכה not found in the Talmud is forbidden to be recited nor may one add even a single letter to it.<sup>13</sup>

Also Maimonides opposes non-Talmudic ברכות, citing what he considers a most flagrant example:

... ולא יוסיף שום דבר בשום פנים בעצם הברכות ולא יפסיק בינם לבין ק"ש. ואמנם אותה אשר קוראים ברכת בתולים היא ברכה לבטלה בלי ספק. מוסף על שה שזה מנהג מגונה מאד ואין ראיו למי שהוא ירא שמים להקהל בקיבוץ. ההוא בשום פנים.

... Nor should one add anything at all to the essence of the ברכות nor should one interrupt between them and קריאת שמע. And indeed, that which is called ברכת בתולים is without doubt an invalid ברכה. Furthermore it is a very despicable custom and it is unsuitable for any God-fearing Jew to be associated with such an assemblage in any way.<sup>14</sup>

What Maimonides refers to as ברכת בתולים is a ברכה that the חתן (bridegroom) recited after deflowering the virgin bride. The ברכה as found in Or Zarua reads as follows:

תות דרב אחאי גאון ובתר דמפיק סדר בתולין מחייבין לברך בא"י אמ"ה אשר צג אגוז בגן עדן שושנת העמקים כל ימשין זר במעין חתום ע"כ אילת אהבים שמרה בטרה חוק לא הפירה בא"י הבוחר, בזרעו של אברהם.

And it is written in the שאילתות of R. Aḥai Gaon that after the bridal sheet is brought out, one must recite the following ברכה: Blessed art Thou, O Lord our God, King of the Universe, who planted a nut tree in the Garden of Eden, the lily of the valleys, let no stranger have dominion over the sealed fount, for that the gazelle of love preserved in purity and violated not the law. Blessed art Thou, O Lord, who has chosen the seed of Abraham.<sup>15</sup>

The *רא"ש* (Rabbeinu Asher) has a slightly although significantly different *נוסח* (version): *ברוך אשר צג אגוז בגן עדן וכו'* (Blessed be He who planted a nut tree in the Garden of Eden etc.) and adds *ואפשר שברכה זו* *ולתקנו הגאונים ז"ל* (Perhaps this *ברכה* was instituted by the *Geonim* of blessed memory).<sup>16</sup>

In connection with the question as to whether one may recite a *ברכה* not found in the Talmud the *רא"ש* (Rabbeinu Asher), in spelling out the order of the *פיריון הבן* ceremony, has the following comment: *ותקין גאוני* *לסודרי מנהגא דפדינא וברכתא דיליה הכי* (The *Geonim* instituted the order of the Redemption ceremony and its *ברכה* thus) – after the usual *ברכות*, he adds that the *כהן* recites a long *ברכה* that begins *קדש עובר בא"י אמ"ה אשר קדש עובר* (Blessed art Thou, O Lord our God, King of the Universe who has sanctified the fetus in its mother's womb etc.) and ends with the concluding phrase: *בא"י אמ"ה מקדש בכור ישראל לפדינו* (Blessed art Thou, O Lord, who sanctifies the first born of Israel by his redemption). He then indicates that this is a Sephardic custom, adding:

ובאשכנז לא נהגו לברך ברכה זו ולא מצינו שמברכין שום ברכה שלא הוזכרה במשנה או בתוספתא או בגמ' כי אחרי סידור רב אשי ורבינא לא מצינו שנתחדשה ברכה ...

In France and in Germany it was not customary to recite this *ברכה* nor do we find that we recite any *ברכה* not mentioned in the Mishnah or the Tosefta or the Gemara, for after the redaction by R. Ashi and Rabina, we do not find that any new *ברכה* was instituted...<sup>17</sup>

Similarly, *ספר המנהגים*<sup>18</sup> quotes Saadia Gaon to the effect that “one cannot establish a *ברכה* other than one established by the sages of the Talmud.”

Despite this, there is no denying the fact that there are *ברכות* current which are not found in the Talmud. Among these such a well-known *ברכה* as *בא"י אמ"ה מתיר אסורים* (Blessed art Thou, O Lord our God, King of the Universe, who looses the bound). Similarly, Abudraham writes:

ברכה זו אינה נזכרת בגמ' אבל הרמב"ם כתב אותה בחבורו (בסדר תפילה שלו) ונהגו לאומרה.

This *ברכה* is not mentioned in the Talmud but Maimonides wrote it in his composition (his Order of Prayers) and it has become customary to recite it.

He also mentions as not found in the Talmud, *בא"י מגביה שפלים* (Blessed art Thou... who raises up the downcast) and also *בא"י הנותן ליעף כח* (Blessed... who grants strength to the weary).<sup>19</sup>

In regard to the latter ברכה, the Shulḥan Arukh says:

יש נוהגין לברך הנותן ליעף כח ואין דבריהן נראין

Some are accustomed to recite the ברכה “who grants strength to the weary” but this does not appear to be correct.<sup>20</sup>

The מהרש"ל (Rabbi Solomon Luria) did not recite that ברכה.<sup>21</sup> Nevertheless, the רמ"א (Rabbi Moses Isserles) adds: אך המנהג פשוט בבני אשכנז לאומרה

(However, the practice of reciting it is widespread among Ashkenazic Jews.)

The Shulḥan Arukh adds:

נוהגים לברך ברכות אחרות נוספות על אלו וטעות הוא בידם

There are some who recite ברכות additional to these and this is an error on their part.<sup>22</sup>

The Turei Zahav<sup>23</sup> comments on an apparent contradiction in Rabbeinu Asher – between his statement re פדיון הבן that there can be no new ברכות after R. Ashi and Rabina and his statement re ברכת בתולים that ברכה זו גאונים תקנוה (the ברכה was instituted by the *Geonim*), by which he seems to imply that the ברכה is legitimate. He reconciles the contradiction by pointing out that the version of ברכת בתולים cited by Rabbeinu Asher was without. He then concludes that a new ברכה without שם ומלכות would be permissible.

היוצא מדברינו (the upshot of all this) – while some ברכות not mentioned in the Talmud have in some places become common usage, they are few in number and there is a great volume of opinion denying their legitimacy. It would therefore be improper to create a new ברכה in connection with the lighting of the memorial candle that would have the formula בא"י אמ"ה (Blessed art Thou, O Lord, King of the Universe etc.).

### **On Creating a ברכה Without שם ומלכות**

As indicated above, R. Asher who emphatically denies the legitimacy of a non-Talmudic ברכה, nevertheless would seem to permit the creation and recitation of such a ברכה without שם ומלכות. Indeed such a case is to be found in the מחזור where the חזן (the precentor) concludes the הנני prayer with ברוך אתה שומע תפילה (Blessed art Thou who hears prayer).

In connection with the lighting of the memorial candle for *Yom Hashoah*, one could create such a pseudo-ברכה. This pseudo-ברכה could take a number of different forms, depending on what is sought to be expressed. Some possibilities would include:

- (1) ברוך (אתה) זוכר השואה.
- (2) ברוך (אתה) הנוקם נקמת דם עבדיו השפוך.
- (3) ברוך (אתה) הזוכר נשמות אחינו שמסרו נפשם על קידוש השם.
- (4) ברוך (אתה) הנפרע לנו מצרינו.

- 1) Blessed is God (art Thou) who remembers the *Shoah*.
- 2) Blessed is God (art Thou) who avenges the spilled blood of His servants.
- 3) Blessed is God (art Thou) who remembers the souls of our brethren who offered their lives for the sanctification of God's name.
- 4) Blessed is God (art Thou) who wreaks retribution on our enemies.

These do not, by any means, exhaust the possibilities.

In any event, if such a pseudo-ברכה were to be formulated, it should be as the *חתימה* (the concluding phrase) of a larger liturgical statement that would tie the lighting of the candle to the remembrance of the Holocaust. That liturgical statement would allow a more expansive expression of one's feelings on *Yom Hashoah* than would a ברכה alone.

While the use of such a ברכה without *שם ומלכות* is certainly within the parameters of the halakhah, some might consider its formulation and use inadvisable. On the one hand, it is questionable whether such a pseudo-ברכה would add appreciably to the liturgical statement. In other words, whatever is being sought to be expressed at the time of the lighting of the candle can be expressed without such a *חתימה* (concluding phrase). Furthermore, on the other hand, it is possible that *מתוך שיגרא* (by force of habit) many might say 'ברוך אתה ה' which, as we have pointed out, would be a *ברכה לבטלה* and a mention of God's name in vain. And perhaps we should be concerned about *מכשול לפני עור* (setting a stumbling block before the blind).

## CONCLUSION

In conclusion, the New England Region of the Federation of Jewish Men's Clubs is to be strongly commended for the creation of a kit for the observance of *Yom Hashoah*. Such a kit will certainly enable and motivate many to take note of *Yom Hashoah*, which they might not do in a meaningful or impressive way otherwise. The creation of such a ritual is an important means by which the tragedy and lesson of the Holocaust can be transmitted to future generations. One might even add that the creation of such a family and community ritual is long overdue. This may be a first step in the evolution of what may become, in the course of time, a hallowed tradition of our people.

The inclusion of a memorial candle and its lighting is an appropriate element to be included in such a ritual. The lighting of the candle should be preceded by a liturgical statement expressing our need to remember that tragic chapter in our history, and that the candle is lit in memory of those who perished at the hands of the Nazis. That statement may conclude with a formula that would essentially be a ברכה without שם ומלכות, although such a חתימה (concluding phrase) would be unnecessary and inadvisable.

## NOTES

1. Deut. 4:21 and Deut. 13:1.
2. Rosh Hashanah 28b
3. Makkot 23b
4. Pesahim 117a
5. Ibid.
6. See Van der Leeuw, *Religion in Essence and Manifestation*, London, 1938, p. 27.
7. Berakhot 40b
8. #363
9. So the Rif and see also Tos. Berakhot 40b ד"ה אמר אביי כוותיה דרב מסתברא so too Maimonides, Hilkhot Berakhot 1:5; also the Rosh a.l. quoting Hai Gaon.
10. Berakhot 9:1
11. #165
12. Berakhot 40b
13. Louis Ginzberg, *Geonica*, v. II, p. 50.
14. Responsa of Maimonides, ed Friemann, #32.
15. Or Zarua #341; other sources for this ברכה include: Abudraham, Hilkhot Berakhot, Birkat Nissuin; Tur and Shulḥan Arukh, Even HaEzer 63.2; and Maḥzor Vitri.
16. Rosh Ketubot 1:15
17. Rosh Kiddushin 1:41
18. Hilkhot Sukkah 61
19. Abudarham, Jer. 1959, סדר שחרית של חול, p. 41
20. Shulḥan Arukh, Oraḥ Ḥayyim 46:6
21. Responsa of Maharshah #64
22. 46:7
23. Shulḥan Arukh, Oraḥ Ḥayyim 46 אין דבריהן נראין