

**Jerusalem Post :: Friday, July 17, 2009**  
**MENACHEM AV :: Rabbi Berel Wein**

Though the month of Av carries with a title – menachem – meaning comfort and consolation, it nevertheless remains the saddest and most disturbing month of the Jewish calendar. Comfort is a great and necessary word but as a true concept and reality it is very difficult to obtain. This is particularly true for individuals reeling from the loss of a beloved one but it is also generally true for the national entity of the Jewish people as well.

There has as yet been no comfort, even no closure, regarding the terrible national tragedy of the Holocaust, even though more than six decades have passed since the event. This should come as no surprise to Jews, for, to a great extent, the Jewish people have yet to be comforted for the destruction of our Temple and our exile- events which are almost two millennia old.

No person or institution in Jewish life is indispensable. But neither are they replaceable. It is the void that is left because of this irreplaceability that prevents true comfort from taking hold. Therefore, the Jewish people have remained restless and many times even disoriented over the long exile that we have endured.

The sadness of the first ten days of Av permeates and resonates within us precisely because the sense of closure and comfort has eluded us.

The Talmud states that there is a heavenly decree that engenders forgetfulness of the departed by those still living. However, if the object of grief and despair and loss is not truly dead but is only absent – such as was the case regarding Jacob's grief over the loss of Joseph - then this sense of closure and comfort remains absent as well.

That is why the Torah records for us the inability of Jacob to accept comfort and solace from his family and friends. Since Joseph was not dead; the heavenly decree of forgetfulness which allows comfort was inoperative in his case.

I believe that in an ironic and odd way the fact that the Jewish people still suffer from the anguish of the Holocaust is because of the intense efforts made by the Jewish community to prevent forgetfulness of the Holocaust from settling in. It is the Holocaust-deniers that wish to lull us into a false sense of comfort, to proclaim that it is over and that therefore bygones should remain bygones.

The Bible records for us that our mother Rachel refuses to be comforted over the exile of her children because she is convinced that they are not permanently lost or exiled but will return. There is a positive side therefore to not being comforted. It allows for a connection to an unknown future that will not only provide comfort but even replacement of what and who was lost.

The sadness and tension of the first part of the month of Av are still with us centuries after the event of the destruction of the Temple simply because deep within the heart and psyche of the Jewish people the Temple is not gone, it is only missing. The entire enterprise of the return of the millions of Jewish people to the Land of Israel over the past two centuries and the establishment of the Jewish state in our ancient homeland is testimony to the fact that to the Jews the Land of Israel and the Temple were not dead issues.

Those Jewish communities and individuals who “proclaimed that Berlin is our Jerusalem” and therefore sought permanent comfort in being “good” Germans, Russians, Poles, etc. did not fare well in God's world. False comfort is far more damaging than no comfort at all. It remained for those Jews who did not forget that they were from Zion and Jerusalem to arise and help the Jewish people survive the worst and bloodiest century in its long history.

The prophet warns us against “being comfortable in Zion.” Living in the Land of Israel is not a comfortable experience though it is a holy, challenging and inspiring one. For living in the Land of Israel makes us aware of what we have achieved against all odds and at the same time to

appreciate what is still missing. The awareness of what is missing is what prevents us from being “comfortable in Zion.”

Thus the month of Av symbolizes in it the angst and challenge of living a Jewish life, of being grateful for what we have and yet maintaining a sense of loss for what we are still missing. May this month yet bring us the feeling of menachem – of a better time and the eventual comfort promised to us by God and His prophets.

Shabat shalom.

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**Weekly Parsha :: MATOT – MASEI :: Rabbi Berel Wein**

The reading of the book of Bamidbar concludes this week with the parshiyot of Matot and Masei. Jews are inveterate travelers. The long exile that we have suffered has of necessity forced us to travel a great deal. There is almost no place in the world that we have not visited, settled and eventually moved from to a different location. Thus the recording of all of the travels and way stations that the Jews experienced in their years in the Sinai desert is a small prophecy as to the future historical experiences of Jews over millennia of wandering.

The world of our enemies has always accused Jews of being “rootless.” But that is untrue since we have always been rooted in the Land of Israel, consciously or subconsciously, during our entire history as a people. It is in the Exile that we are rootless, never certain of the shifting ground that lies under our weary feet. Thus we are always a restless people filled with curiosity over locations that we have not as yet seen and wonders that we have as not as yet experienced.

The history of the Exile is that Jews arrive at a new destination, settle there, help develop that country or part of the world, begin to feel at home there and attempt to assimilate into the majority culture and society. Suddenly all of this collapses. A mighty and unforeseen wind uproots them after centuries of living there and they move on to new shores.

There are no more Jews in numbers sufficient to speak of in Poland, Lithuania, Latvia, Estonia, The Czech Republic, Slovakia, Romania, etc. This was the Jewish heartland for centuries. But now we have moved on again to other shores.

All of the travels and way stations described in this week's parsha had only one ultimate goal and destination in mind – entry into the Land of Israel and settlement there. The Israel deniers in our midst, religious and secular, leftists and rightists, academics and almost illiterate (certainly in Jewish history) all share a common delusion – that the home of Jews is somehow not necessarily, and certainly not now in the present, in the Land of Israel.

We are taught that the Jews stayed at the oasis of Kadesh in the desert for thirty eight of their forty year sojourn in the Sinai desert. They became accustomed to living there and felt comfortable there. The Land of Israel was a far off dream and goal of theirs but not an immediate imperative. But the Lord pushed them out of the desert to fight wars that they probably would have wished to avoid and to settle a land, harsh in character but with the potential of being one of milk and honey.

Every way station and desert oasis is recorded for us in this week's parsha in order to remind us that these places exist only in our past, but that our present and future lie only in the Land of Israel. The lessons of this parsha are as valid to us today in our Jewish world as they were to our ancestors long ago at Kadesh.

Shabat shalom.

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**TORAH WEEKLY—Parshat Matot - Masei**  
**For the week ending 18 July 2009 / 25 Tammuz 5769**  
**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**  
**by Rabbi Yaakov Asher Sinclair - [www.seasonsofthemoon.com](http://www.seasonsofthemoon.com)**

## OVERVIEW

### Matot

Moshe teaches the rules and restrictions governing oaths and vows especially the role of a husband or father in either upholding or annulling a vow. Bnei Yisrael wage war against Midian. They kill the five Midianite kings, all the males and Bilaam. Moshe is upset that women were taken captive. They were catalysts for the immoral behavior of the Jewish People. He rebukes the officers. The spoils of war are counted and apportioned. The commanding officers report to Moshe that there was not one casualty among Bnei Yisrael. They bring an offering that is taken by Moshe and Elazar and placed in the Ohel Mo'ed (Tent of Meeting). The Tribes of Gad and Reuven, who own large quantities of livestock, petition Moshe to allow them to remain east of the Jordan and not enter the Land of Israel. They explain that the land east of the Jordan is quite suitable grazing land for their livestock. Moshe's initial response is that this request will discourage the rest of Bnei Yisrael, and that it is akin to the sin of the spies. They assure Moshe that they will first help conquer Israel, and only then will they go back to their homes on the eastern side of the Jordan River. Moshe grants their request on condition that they uphold their part of the deal.

### Masei

The Torah names all 42 encampments of Bnei Yisrael on their 40-year journey from the Exodus until the crossing of the Jordan River into Eretz Yisrael. G-d commands Bnei Yisrael to drive out the Canaanites from Eretz Yisrael and to demolish every vestige of their idolatry. Bnei Yisrael are warned that if they fail to rid the land completely of the Canaanites, those who remain will be "pins in their eyes and thorns in their sides." The boundaries of the Land of Israel are defined, and the tribes are commanded to set aside 48 cities for the levi'im, who do not receive a regular portion in the division of the Land. Cities of refuge are to be established: Someone who murders unintentionally may flee there. The daughters of Tzelofchad marry members of their tribe so that their inheritance will stay in their own tribe. Thus ends the Book of Bamidbar/Numbers, the fourth of the Books of the Torah.

## INSIGHTS

### Whose Vengeance Is It?

*"G-d spoke to Moshe, saying, 'Take vengeance for the Children of Israel against the Midianites.'"* (31:2)

A well-known Rabbi was standing in line at Customs at an airport. In front of him were two equally religious-looking gentlemen. The customs officer came over to the two and asked them if they had anything to declare. Rather nervously, they both answered in the negative. Whether it was their nervousness or some other reason, the customs officer decided to ask them to open their suitcases.

After a few seconds of careful probing, somewhat reluctantly the cases disgorged two million dollars' worth of diamonds. They lay there on the counter. Both men collapsed in tears. Not just at being caught, but at the terrible desecration of G-d's name that they had perpetrated.

The customs officer turned his attention to the next in line, the Rabbi, and asked him: "Anything to declare, sir?" He replied "No, officer." "Sir, would you mind opening your case, please." "Officer, I will happily open my case, but I think I should tell you that you are wasting your time." "Oh yes, sir. And why is that?" replied the officer, a cynical smile playing around the corner of his lips. The Rabbi continued. "Officer. I am an Orthodox Jew and the Torah strictly prohibits smuggling." "I see, sir," said the customs officer, sarcastically. "Do you see those two religious Jewish gentlemen over there, sir? And what are those two gentlemen, sir? Martians?" Replied the Rabbi, "Which two religious gentlemen are you referring to, officer? I'm afraid I don't see religious Jews. I see only diamond smugglers."

When an Orthodox Jew behaves in a despicable fashion, the damage is felt on the other side of the cosmos. Someone who wears a kippa is an ambassador for the Jewish People to the whole world. However, the world will judge not only Judaism based on the actions of this person. They will also judge its Author.

Everything in this world was created for the honor of its Creator. When a person brings credit to the Jewish People, he also brings honor to the One who chose us from all the peoples. He fulfills his purpose and the purpose of Creation itself. If he does the reverse, G-d forbid, he both writes himself out of reality and damages the whole cosmos. He blemishes Creation more than all the world's crude-oil spills and atomic meltdowns.

But there's another side to chillul Hashem (desecrating G-d's Name). When a Jew sees or hears someone doing an unspeakable act, he thinks to himself: "How could he have done that?! I would never do such a thing in a million years. You know something? I'm not such a bad person after all. I'm really a tzaddik. My small transgressions are nothing compared with this guy's. You know something? I'm really a big tzaddik!"

It takes a lifetime's work to correct the flaws in our character, both big and small. The only way we have a hope of improving ourselves is to sensitize ourselves to our shortcomings and realize that we have a long way to go. When someone behaves immorally it makes us think that we are really okay because we would never sink to that level, and thus we give up trying to be better. As a result, not only do we suffer, but the whole world becomes a darker place because we have given up on the light.

In this week's Torah portion, there is an interesting anomaly. In one verse G-d says, "Take vengeance for the Children of Israel against the Midianites." And in the next verse Moshe directs the Jewish People "to inflict G-d's vengeance against Midian." Which is it? Is it G-d's vengeance or is it ours?

The answer is that at the deepest level the Jewish People and G-d are one. When we blemish the good name of the Jewish People, we cause a diminution of G-d's light in the world. And when we do something that brings credit to the Jews, we bring the whole of mankind closer to G-d.

Sources: Rabbi Mordechai Perlman and others

Written and compiled by Rabbi Yaakov Asher Sinclair

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### Rabbi Yissocher Frand on Parshas Mattos-Massai The First Born Had No Patience; The First-Fruits Teach Patience

This week's parsha contains the story of the Tribes of Gad and Reuven coming to Moshe to ask special permission to settle on the eastern bank of the Jordan River (Ever haYarden). They had huge flocks and noticed that the land on the eastern bank of the Jordan was good for grazing. Therefore, they requested to stay in that territory.

Moshe was initially upset at the request, thinking that they were refusing to go fight with the rest of the tribes for the conquest of the Land of Canaan west of the Jordan River. They insisted that this was not their intention and that they would accompany their brethren and lead the fight for Eretz Yisrael.

Nevertheless, Chazal were not happy with this request and find many faults with these tribes for it. In fact, Chazal state that it was for this reason that these tribes were the first to go into exile.

However, the point I would like to make at this time is the following:

The book Shivtei Yisrael states that there is a common denominator between the Tribes of Gad, the Tribe of Reuven, (and the half Tribe of Menashe that decided to join them in this request to remain on the eastern bank of the Jordan). They were all first-born sons. Reuven was the first born to both his father and mother. Gad was the first born to Bilhah. Menashe was the first born to Yosef.

There is something special about a first-born. First born sons have privileges that other children do not have. First born children can command respect of their younger siblings [Kesuvos 103a]. Whether it is nurture or nature, first born sons have special skills and talents. They are infused with tremendous energy and strengths.

However, the problem is – and Reuven is a classic example – that sometimes this energy is unbridled. It is often not properly channeled and may be directed improperly. Yaakov Avinu chastises Reuven, saying that he is like a fast flowing river (pachaz ka'mayim). Because of his nature – like a torrent of a raging river – he made mistakes along the way. It causes impetuosity, an unbridled push, excessive aggressiveness, or some other

such description of the assertiveness that often accompanies the Bechorah [status of being first born]. At times, such characteristics cause negative results.

If truth be told, when we look through the Biblical narrative, we notice that first born sons did not fare all that well. We see this with Kayin and Hevel, Yishmael and Yitzchak, and Eisav and Yaakov. Reuven lost the Bechorah; Menashe was surpassed by Ephraim, etc., etc.

The common approach of Reuven, Gad, and half the Tribe of Menashe, was that they saw good grazing land on the eastern bank of the Jordan and they said "Let's grab it!" The Torah is not happy with this approach.

The observation of the Shivtei Yisrael is as follows: The Mishneh [Bikkurim 1:10] states: One may not bring Bikkurim [First fruits] from Ever HaYarden [the Eastern bank of the Jordan]. The Shivtei Yisrael quotes from the Mei Shiloach regarding the significance of the Mitzvah of bringing the first fruits: A farmer works the whole year; finally he sees the first fruits. The natural inclination is "Grab those first fruits. We finally have something for all our labor!" The Torah says: "No. Wait! Not so quick!" The lesson of Bikkurim is patience. Your payday can wait a little longer. The first fruits go to the Master of the Universe.

The Shivtei Yisrael suggests that we do not bring Bikkurim from Ever HaYarden because Ever HaYarden represents the impetuosity of the first born, and that attribute is precisely the characteristic that the first fruits are meant to counteract.

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### Portion of the week / Pursuing an ancient goal

#### By Benjamin Lau

This week's double Torah reading mentions the explicit Zionist commandment about living in the land of Israel: "And ye shall dispossess the inhabitants of the land, and dwell therein: for I have given you the land to possess it" (Numbers 33:53).

Unlike Maimonides in his "Sefer Hamitzvot" ("Book of Commandments"), Nahmanides mentions this injunction while enumerating God's commandments to the Jews: "In my opinion, this is mitzvah asseh [a commandment of prescriptive action, as opposed to mitzvah lo-ta'asseh, involving a prohibition]. God commanded the Jews to settle the land [of Canaan] and to inherit it because he gave it to them; furthermore, they were commanded to view their divinely granted legacy with respect and awe. If they decided to capture the land of Shinar or of Assyria or some other territory, they would be disobeying God's commandment. Our sages discuss at length (Babylonian Talmud, Tractate Ketubot) our obligation to settle in the Holy Land and the prohibition on our leaving that land; it should be noted that both the obligation and the prohibition are contained in this divine commandment..."

Moreover, Nahmanides practiced what he preached: He settled in the Holy Land in 1267 (at the age of 73) and established a synagogue in Jerusalem. His view of the obligation to live in Eretz Israel served as the spiritual foundation for the modern religious Zionist camp. From ancient times to the present day, Jews the world over have been keenly aware of the link between them and their ancient homeland. However, that awareness has sometimes been marred by the arrogance of those who openly declared that they were the first, unconditional owners of that land - for instance, in the period immediately preceding the destruction of the First Temple in Jerusalem.

In 597 B.C.E. the city fell to its enemies - in this case, Nebuchadnezzar, king of Babylon, who exiled Jehoiachin, king of Judah, along with his political and economic leaders. Only the poorest inhabitants remained in the kingdom of Judah; their ruler was Zedekiah, who had sworn allegiance to Nebuchadnezzar. The centers of power in Jerusalem were then dominated by people who opposed subjugation to Babylon; they aspired to independence and supported a revolt against the empire. We can hear the voices of those leaders in the verses of two prophets who lived during that era: Jeremiah (who remained in Jerusalem) and Ezekiel (who lived in exile

in Babylon). In the Book of Ezekiel (11:15), we read: "Son of man, thy brethren, even thy brethren, the men of thy kindred, and all the house of Israel wholly, are they unto whom the inhabitants of Jerusalem have said, Get you far from the Lord: unto us is this land given in possession."

According to the leaders under Zedekiah's rule, God dwelt only in Jerusalem, and thus all those who abandoned that city also distanced themselves from him. They even claimed that those who distanced themselves from God had lost their right to a portion of the Holy Land.

Such declarations, made a decade before the destruction of the First Temple in Jerusalem, reflected a moral blindness and an intolerable degree of callousness.

However, an even grimmer picture is depicted afterward, in Ezekiel (33:21-24): "And it came to pass in the 12th year of our captivity, in the 10th month, in the fifth day of the month, that one that had escaped out of Jerusalem came unto me, saying: The city is smitten ... Then the word of the Lord came unto me - saying: Son of man, they that inhabit those wastes of the land of Israel speak, saying, Abraham was one, and he inherited the land. But we are many; the land is given us for inheritance."

It is difficult to believe that, following the First Temple's destruction, the survivors of the devastation in Eretz Israel continued singing the same tune heard prior to the destruction - that "the land is given us for inheritance."

Jeremiah compares the proponents of such a position to "evil figs, which cannot be eaten, they are so evil" (Jer. 24:8). In this prophecy, he presents the exiles in Babylon as Jews who are committed to God, who will, in turn, protect and return them to Palestine. In contrast, Jeremiah declares, the present residents of Jerusalem will be forced to leave that city and will become "a reproach and a proverb, a taunt and a curse" (Jer. 24:9).

This is the counter-attack that Jeremiah mounts against those Jews who claimed that God abandoned the exiles in Babylon. Similarly, Ezekiel has harsh words for Jews with such a mistaken attitude: "Wherefore say unto them, Thus saith the Lord God; Ye eat with the blood, and lift up your eyes toward your idols, and shed blood: and shall ye possess the land? Ye stand upon your sword, ye work abomination, and ye defile every one his neighbor's wife: and shall ye possess the land?" (Ezekiel 33:25-26).

In the eyes of both Jeremiah and Ezekiel, the fact of mere residence in the Land of Israel is insufficient for laying any claim to the land: Much more is required to achieve that and there must be a commitment to transforming Eretz Israel into a model society based on justice. The exiles in Babylon who heard such vociferous statements against the residents of Jerusalem decided to rebuild the Temple in Babylon and to establish a new spiritual center in their land of exile.

This way of thinking, which involved turning Babylon into Jerusalem and, in later generations, aimed to turn Lithuania into Jerusalem and subsequently Brooklyn into Jerusalem, inspires Ezekiel's passionate words: "For in mine holy mountain, in the mountain of the height of Israel, saith the Lord God, there shall all the house of Israel, all of them in the land, serve me: There will I accept them" (Ezek. 20:40).

Although Ezekiel advocates that his brothers and sisters adjust to life in Babylon, he firmly opposes any thought of forgetting the Holy Land; they must never abandon the dream of one day returning to their homeland, Zion, and of building a model Jewish society.

Those of us who live today in Israel should similarly commit ourselves to the goal of building such a society here.

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## Rav Kook List

### Rav Kook on the Torah Portion

#### Matot - Atonement for the Soldiers

God commanded Moses to attack Midian in revenge for their devastating scheme against the Israelites. The Midianites had used their daughters to lure the Israelite men into worshipping the licentious idolatry of Peor, resulting in Divine anger and a terrible plague.

The war against Midian was a remarkable success - not a single soldier fell. After the battle, the generals and captains approached Moses:

"We wish to bring an offering to God. Every man who found a gold article - an ankle, bracelet, ring, earring, body ornament - to atone for our souls before God." [Num. 31:50]

The officers had followed God's command, waging war against Midian. Why did they feel a need for atonement?

#### The Sin of the Soldiers

The Sages explained that while the soldiers committed no actual transgressions, they were not free of improper thoughts. Rabbi Ishmael expressed this idea with an intriguing phrase, saying that "their eyes feasted on the immodest sights" [Shabbat 64a-b].

When the soul's inner sense of holiness is healthy and robust, it will not absorb decadent and degrading sights. Such visual stimuli are inconsistent with the overall makeup of the soul and will be promptly rejected.

If, on the other hand, the soul has failed to retain its pristine purity, then it will lack an orderly defense against defiling images. Improper sights will have a negative impact on one's emotional and imaginative faculties, and will generate turmoil within the soul.

Rabbi Ishmael described this phenomenon as a 'feast' of the eyes. To feast or derive nourishment indicates that there exists a natural connection between the food and the living organism eating that food. The soldiers were not immune to the sights of Midian. The images of the Midianite women and their flashy ornaments found a place in their souls, and "their eyes feasted on the immodest sights."

True, the soldiers did not act upon these stimuli; but the very fact that they were drawn to them indicated that they were in need of atonement and spiritual cleansing.

#### Superficial Attraction

The gold ornaments were an apt metaphor for the corrupting deception that confronted the soldiers in Midian. The Sages wrote that the body ornaments were formed into lewd shapes. The golden pieces of jewelry lured the eye with their dazzling exterior of glittering beauty. Their influence was a function of the magnetism of their superficial attraction. On the inside, however, their true essence remained, crude and repulsive.

[adapted from Ein Eyah vol. IV, pp. 114-116]

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### **Haftarah Parshas Matos - Masei Yirmiyahu 2:4 by Rabbi Dovid Siegel**

This week's haftarah continues the theme of the three weeks and introduces the month of Av. The prophet Yirmiyahu reprimands the Jewish people and reminds them, in the name of Hashem, of all of the favors they have received over the years. Hashem asks, "What wrong did your fathers find in Me that distanced them from Me and resulted in their following the empty practices of idolatry diminishing the Jews to nothingness? They didn't turn to Hashem who brought them up from Egypt and led them through the desolate dangerous desert." Hashem continues, "And I brought them to the fertile land of Israel to partake of its fruits and goodness. But they defiled My land and disgraced My inheritance." (Yirmiyahu 2:5) Hashem faults the Jewish nation for presently rejecting Him and resorting to the shameful ways of idolatry.

Hashem says, "They forsook Me, the source of the waters of life; to dig empty cisterns." But the blame wasn't limited to the common folk, it even extended to their leaders and prophets. Hashem describes their spiritual decline in the following terms, "The Kohanim didn't revere Me and the upholders of Torah didn't publicize My name, the kings rebelled against Me and the prophets delivered false prophecy." (2: 8) This bleak picture of the Jewish people was certainly not a comforting one and almost promised immediate retribution and destruction.

Yet, we discover that Hashem's response to all the above was one of concern and compassion. Hashem surprisingly responded, "Therefore I will continue to quarrel with you and even with your grandchildren." Hashem vowed to send more prophets and continue showing them and their descendents the proper path. Although every attempt thus far had been unsuccessful Hashem remained determined to help His people. Hashem refused to reject them even after the numerous rejections they

showed him. The present leaders were not loyal to Hashem and didn't inspire the nation to repent and follow the proper path. Perhaps the next group of leaders would be more loyal and could successfully leave their imprint on the Jewish people. Although the Jews had reduced themselves to the point of emptiness and nothingness Hashem still cared about them with deep compassion. He wouldn't leave His people until every last avenue had been exhausted and it had been determined that there was literally no more hope for them.

This unbelievable degree of compassion is explained in the verses immediately preceding this week's haftora. Hashem says, "I remember you for the kindness of your youth, the love of our initial relationship when you blindly followed Me in the desert." Even after all the offenses the Jewish people committed against Him, Hashem still remembered His initial relationship with His people. Hashem never forgets those precious years wherein He enjoyed a perfect relationship with His people. Hashem actually longs for the opportunity of returning to that relationship and will do virtually anything to restore things to their original perfection. This explains Hashem's persistence in sending prophets to the Jewish people attempting to persuade them to return. In truth, Hashem views the Jewish people from an entirely different perspective than their present rebellious state. Hashem sees them through the visions of the past. True, they have presently gone totally astray but Hashem sees in them their perfect past as the devout people whose intimate relationship with Him directed them to follow blindly wherever they were led. Hashem therefore expresses His sincere desire that the present Jewish nation live up to His perfect vision of them, the glorious vision of the past. Through this perspective the Jewish people deserve every last chance they can to return to their glorious era.

With this insight in mind we can truly appreciate the words of Chazal in Midrash Tehilim (137) which reveal Hashem's indescribable love and compassion for His people. The Midrash relates that the Prophet Yirmiyahu accompanied the Jewish people into their exile until the Euphrates River, the doorstep of Babylonia. He then informed them that he would be leaving and returning to the segment of Jewish people left behind in the land of Israel. Suddenly there was an outburst of uncontrollable weeping from the Jewish people who realized that they were being abandoned by Yirmiyahu. He responded with the following words, "I testify in the name of Hashem that if this sincere cry would have transpired moments ago, when we were still in our homeland, the exile would never have come about." So great is Hashem's love for His people that even after all the atrocities they committed, rebelling against Hashem and intentionally spiting Him, one sincere gesture from the Jewish people was all that was needed. Even one emotional outburst, sensing Hashem's rejection would have sufficed to hold back the terrible calamity they now faced. Hashem loves His people so deeply that even at the last moments He still awaited their return to Him and was prepared to call off their imminent exile. In Hashem's eyes we will always be seen through the perspective of our past, a perfect devout people ready to serve Him unconditionally. And Hashem is therefore always prepared to do anything He can to restore us to that glorious position, His perfect nation.

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### **YatedUSA Parshas Mattos-Masei 25 Tammuz 5769**

#### **Halachah Discussion**

#### **by Rabbi Doniel Neustadt**

#### **Shopping During the Nine Days**

Question: Is it permitted to go shopping during the Nine Days?

Discussion: The first nine days of the month of Av, known as the Nine Days, is a period of time established by the Rabbis to mourn the destruction of the two Batei Mikdash. To make us feel the aveilus, there are certain activities which are prohibited during this period. Since the Talmud tells us that only one who has properly mourned the Temple's destruction will merit to see its rebuilding, it is important to become more knowledgeable about the exact nature of the prohibitions of the Nine Days. One of them, the injunction against "buying new items," is reviewed here.

There are two types of items which are forbidden to be bought during the Nine Days: 1) Items which the consumer buys to give him pleasure or joy (as opposed to items which the consumer needs for daily living). 2) Apparel (clothing). As each group has its own rules and regulations, we will discuss each one separately.

#### Items of Joy or Pleasure

In order to diminish the level of simchah during this sad time, the Rabbis forbade buying items that mainly serve to give the owner joy or pleasure. Thus it is forbidden, for example, to purchase silver dishes, jewelry, fancy china, home decor items, or a car that is used mainly for pleasure travel.<sup>1</sup> But it is permitted to purchase standard household items that are needed, even if they are major purchases such as an air conditioner, a set of dishes, a cell phone, a health-related appliance, or a car that is used mainly for business or every-day household needs.<sup>2</sup> [If the business item being bought would normally require the recital of shehecheyanu, the shehecheyanu is said after Tishah b'Av.<sup>3</sup>]

Only actual buying is prohibited — shopping without buying is permitted. Window or comparison shopping is permitted.<sup>4</sup> Returns are permitted. Exchanges may be prohibited.<sup>5</sup>

If delaying the purchase will cause a monetary loss, or if the item will not be available for purchase after Tishah b'Av, it is permitted to buy the item during the Nine Days.<sup>6</sup> If possible, it is recommended to merely put down a deposit and take delivery of the item after Tishah b'Av.<sup>7</sup>

It is permitted to buy items for the purpose of performing a mitzvah, e.g., buying tefillin or seforim that are needed at the time.<sup>8</sup> Similarly, a bachelor who is getting married after Tishah b'Av may shop during the Nine Days if need be.<sup>9</sup>

#### Shopping for Clothes

The second category of items that may not be purchased — or worn — during the Nine Days is clothing or shoes, even if they are intended for use after the Nine Days.<sup>10</sup> Both expensive and inexpensive items, even trivial articles of clothing such as a pair of socks, a belt, a yarmulke, or a kerchief, are included.<sup>11</sup> A new tallis or a tallis katan may also not be purchased.<sup>12</sup> Linen and towels are considered “clothing” and are prohibited to be purchased as well.<sup>13</sup>

In the following cases it is permitted to shop for clothing during the Nine Days:

- ◆ If one has no clean shirt for Shabbos, he may [buy and] wear a new shirt.<sup>14</sup>
- ◆ A bachelor who is getting married after Tishah b'Av may buy anything he needs during the Nine Days.<sup>15</sup>
- ◆ One who does not have appropriate shoes to wear on Tishah b'Av may buy them during the Nine Days.<sup>16</sup>
- ◆ Although it is permitted to wash clothing for infants, toddlers and small children who constantly soil their clothes,<sup>17</sup> one is allowed to purchase new baby's and children's clothes rather than do their laundry.<sup>18</sup>
- ◆ If delaying the purchase will cause a monetary loss, or if the item will not be available for purchase after Tishah b'Av, some poskim permit buying the item during the Nine Days,<sup>19</sup> while others are more stringent.<sup>20</sup> If a substantial loss is involved, a deposit should be made and delivery taken after Tishah b'Av.
- ◆ It is permitted to [buy and] wear new clothes for the purpose of a shidduch.<sup>21</sup>
- ◆ People in the clothing business may purchase stock during the Nine Days.<sup>22</sup>

The prohibition against shopping during the Nine Days begins with sunset of Rosh Chodesh Av and ends at midday of the tenth day of Av. When Tishah b'Av falls on a Thursday, it is permitted to shop for Shabbos needs on Thursday night.

#### Footnotes

1 O.C. 551:2, Mishnah Berurah 11 and Sha'ar ha-Tziyun 13; Aruch ha-Shulchan 551:20; Kaf ha-Chaim 551:21, 23; Igros Moshe, O.C. 3:80. See also Nitei Gavriel, pg. 51, quoting the Rav of Pappa.

2 See Koveitz Halachos L'yimei Bein Hametzarim, pg 125; Halichos v'Hanhagos, pg. 5, quoting Rav Y.S. Elyashiv; Kol ha-Torah, vol. 56, pg. 48, quoting Rav B. Rackove; Vayevareich Dovid 1:69. See also Teshuvos Levushei Mordechai 3:185-4.

3 Igros Moshe, O.C. 3:80.

4 Igros Moshe, E.H. 4:84-1.

5 Since the shopper is getting a new item in exchange for the old one, it may be considered as if he is buying the item anew. If the new item requires a shehecheyanu, the exchange may definitely not take place during the Nine Days; see Moadei Yeshurun, pg. 152, note 31.

6 Pri Megadim 551:7; Mishnah Berurah 551:11,13; Kaf ha-Chaim 551:21, 23; Igros Moshe, E.H. 4:84-1.

7 Kinyan Torah 1:109-5.

8 Igros Moshe, O.C. 3:80.

9 Mishnah Berurah 551:46. Other poskim disagree with this leniency; see Kaf ha-Chaim 551:30, 33 and 101.

10 Rama, O.C. 551:7 and Mishnah Berurah 45 and 49.

11 Mishnah Berurah 551:45-46; Rav C. Kanievsky, quoted in Nechamas Yisrael 13:3.

12 Igros Moshe, O.C. 3:80.

13 Nitei Gavriel 31:9.

14 Beir Halachah 551:6, as explained by Igros Moshe, O.C. 3:80.

15 Mishnah Berurah 551:14 and 46. Other poskim disagree with this leniency; see Kaf ha-Chaim 551:30, 33 and 101.

16 Igros Moshe, O.C. 3:80.

17 Rama, O.C. 551:14.

18 Mishnas Yaakov (quoted in Piskei Teshuvos 551:27 and in Nechamas Yisrael 13:7). See Emes l'Yaakov, O.C. 551, note 513, who suggests that buying might be preferable to doing laundry.

19 Kinyan Torah 1:109-5.

20 Emes l'Yaakov, O.C. 551, note 509, who questions if it is permitted to buy apparel on sale during the Nine Days

21 Orchos Rabbeinu, vol. 2, pg. 132, quoting Chazon Ish.

22 Mishnah Berurah 551:11.

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### *YatedUSA Parshas Mattos-Masei 25 Tammuz 5769*

#### **Halachah Talk**

**by Rabbi Avraham Rosenthal**

#### **Tearing Kriyah at the Kosel HaMaaravi**

Eretz Yisroel. Yerushalayim. The Kosel. It is part of the itinerary of every frum Yid. How can someone come to Yerushalayim and not go to the Kosel? The question is, though, do we know how to go to the Kosel? And I do not mean, which bus will get me there. Rather, I refer to a small and almost unnoticed chapter of Shulchan Aruch, of which many are not even aware exists. The very last chapter of the section that includes Hilchos Tisha B'Av instructs us what to do upon seeing the place of the destroyed Bais Hamikdash.

During this time of year when we are mourning the Churban HaBayis, it behooves us to spend some time contemplating these halachos. Even if we have no plans to visit Eretz Yisroel in the foreseeable future, studying these halachos will hopefully help us focus our attention on our being in galus and that something significant is missing in our lives.

#### **TEARING ONE'S GARMENTS**

The Gemara states: “The following tears cannot be mended: One who tears for his father, for his mother, for his teacher who taught him Torah, for the king, the head of the beis din, upon hearing bad tidings, upon hearing someone curse Hashem, for a sefer Torah that was burned, on the cities of Yehudah, on the Bais Hamikdash, and on Yerushalayim” (Moed Katan 26a).

From this Gemara the Rishonim and poskim derive the obligation to tear one's garments upon seeing the destruction of the cities of Yehudah, Yerushalayim and the Bais Hamikdash (Rambam, Hilchos Taanis 5:16; Shulchan Aruch, Orach Chaim 561). As is evident from the Gemara and the Rambam, the point of tearing one's garments over the calamity of the destruction is to express one's sorrow over these tragic events.

#### **THE CITIES OF YEHUDAH**

As we have seen, there is an obligation to tear one's clothes when seeing the destroyed cities of Yehudah. These include Chevron, Gedeirah, and Be'er Sheva. The poskim explain that the reason why one only tears over

the cities of Yehudah, as opposed to the other cities of Eretz Yisroel, is because they are closer to the royal capital of Yerushalayim, which straddled the border of the lands of Yehudah and Binyomin, and are therefore more important (Beis Yosef, Bach and Levush – 561; Pe’as HaShulchan 3, Beis Yisroel #1).

Nowadays, the minhag is not to tear one’s garments upon seeing the cities of Yehudah (Ir HaKodesh VehaMikdash, vol. III, chap. 17; Mishnas Yaavetz #48; Shu”t Igros Moshe, Orach Chaim vol. V, #37; Moadim BeHalacha, pg. 371). The poskim cite two reasons for this:

1) The cities that are now called by the names of the original ancient cities of Yehudah are not necessarily built on the same location as the originals. The obligation to tear one’s clothes is only when seeing the true location of the destroyed cities. Since we are unsure of where these locations are, we do not tear.

2) The Shulchan Aruch (561:3) writes that if one tears his clothes upon seeing Yerushalayim or the Bais Hamikdash, he is no longer obligated to tear when he comes to the Judean cities. Since these cities are located to the south of Yerushalayim and most visitors come from the north and arrive in Yerushalayim first, they have already torn their clothes in Yerushalayim.

#### YERUSHALAYIM IR HAKODESH

The obligation to tear one’s garments upon seeing Yerushalayim only applies to the Old City. The new neighborhoods built beyond the Old City walls are considered to be a new city and one does not tear his clothes when seeing them (Kaf HaChaim 561:14; Shu”t Shevet HaLevi, vol. VII, #78).

It is a historical and archeological fact that most of the area that we now call “the Old City” was not included in the walled Yerushalayim during the time of the Bais Hamikdash. The only areas that were certainly part of the ancient Yerushalayim are those to the south of the city towards what is now called Ir Dovid and Silwan, and to the north of Har HaBayis until the area of Shaar Shechem. The rest of the city, such as the Jewish and Armenian Quarters were added to the city during the centuries following the churban (Har HaKodesh, pg. 326; Ir HaKodesh Vehamikdash, vol. II; HaKosel HaMaaravi: Halachos u’Minhagim, pp. 373-376).

There is a disagreement among the poskim concerning which part of Yerushalayim one must see in order to have the obligation to tear his clothes. According to some, any portion of the Old City is sufficient, even if it was not part of the original Yerushalayim (Kaf HaChaim 561). This seems to have been the opinion of the Chazon Ish, as it is reported that when he visited Yerushalayim for the first time in 5740 (1940), he tore his clothes upon entering Shaar Yafo (Jaffa Gate), an area that was not included in the Yerushalayim of old (Pe’er Hador, vol. II, pg. 48). On the other hand, other poskim contend that one is only obligated to tear when he sees the original areas of Yerushalayim (Har HaKodesh, pg. 361; Sefer Eretz Yisroel 22:2).

#### TEARING OVER YERUSHALAYIM TODAY

Concerning whether there is an obligation to tear one’s clothes upon seeing Yerushalayim nowadays is a matter of dispute among the poskim. This argument revolves around how to interpret the wording of a halacha in the Shulchan Aruch. The Shulchan Aruch (561:2) writes, “One who sees Yerushalayim in its destruction tears” his garment. Some poskim apply a literal interpretation to the phrase “in its destruction” and they understand that there is only an obligation to rend one’s clothes when seeing Yerushalayim lying in ruins. However, when the city is built up, as it is nowadays, one would not tear his clothes (Shu”t Igros Moshe, Orach Chaim vol. V, #37; Chazon Ovadiah, Taaniyos; Responsa of Rav Eliezer Yehudah Waldenberg, printed in HaPardes, 5728; Shu”t Yaskil Avdi, vol. VIII, #25.3).

Other poskim contend that “in its destruction” is not to be taken literally, but rather figuratively. Thus, the current unfortunate situation where houses of idol-worship and other sources of tumah exist in the holy city and we are powerless to remove them is also categorized as “in its destruction.” Therefore, there is still an obligation to tear one’s garment when seeing the Old City today (Shu”t Minchas Shlomo, vol. I, #73;

Approbation of Rav Pinchas Epstein to Sefer Har HaKodesh; Shu”t Shevet HaLevi, vol. VII, #78).

#### THE PLACE OF THE BAIS HAMIKDASH

Concerning the Judean cities and the Old City of Yerushalayim, we have seen that there are various opinions whether there is still an obligation to rend one’s garment when seeing these places. However, with regards to seeing the place where the Bais Hamikdash once stood, everyone agrees that there is an obligation to tear one’s clothes (Shu”t Igros Moshe, Orach Chaim vol. V, #37; Shu”t Shevet HaLevi, vol. VII, #78; Chazon Ovadiah, Taaniyos, pg. 438; Shu”t Yaskil Avdi, vol. VIII, #25.3).

#### THE FLOOR OR THE DOME

When we speak about the obligation to tear one’s clothes upon seeing the place of the Bais Hamikdash, what does one have to see? Does one have to actually see the floor of Har HaBayis, the Temple Mount, where the Bais Hamikdash stood, or is it sufficient to see the Dome of the Rock – the mosque which stands there?

Some authorities contend that lechatchilah, one should actually see the floor of Har HaBayis. This would require one to find a high vantage point from which he can see over the walls surrounding Har HaBayis, such as from Har HaZeisim, Har HaTzofim (Mount Scopus), or from one of the rooftops or porches in the Jewish Quarter (Kuntres Acher Kosleinu, pg. 10; Shu”t Teshuvos veHanagos, vol. I, #331 in the name of Rav Yitzchok Zev Soloveitchik, zt”l).

Others maintain that it is sufficient to see the Dome of the Rock. This is for two reasons: 1) The Gemara states in several places that for certain halachos, anything attached to the ground is considered like the ground itself (see Shabbos 81a; Gittin 39a). Therefore, since the mosque standing on Har HaBayis is connected to the ground, seeing it is the equivalent of seeing the ground itself (Zichron Betzalel 38:2). 2) Additionally, there is no greater indication of the churban than seeing a mosque on the place where the Bais Hamikdash should be (Sefer Eretz Yisroel; Halichos Shlomo, Tefillah, chap. 16, footnote #15; Halichos veHanagos of Rav Elyashiv, Bein HaMetzarim).

If one comes to the Kosel and he knows that later on that day he will have the opportunity to see the floor of Har HaBayis, he should delay tearing his clothes until then. This is because, as we mentioned, it is preferable to tear one’s clothes upon seeing the floor of Har HaBayis. However, if one tears upon seeing the Kosel, he does not have to tear again when seeing Har HaBayis (Kuntres Acher Kosleinu, pg. 10).

As we discussed earlier, there is a disagreement whether one should tear his clothes when seeing the Old City. Additionally, some maintain that one should preferably see the floor of Har HaBayis when tearing for the churban Bais Hamikdash. Therefore, some authorities have suggested that one can satisfy all of the opinions in the following manner: before going to the Old City and the Kosel, one should go to a place from where one can see both Har HaBayis and the Old City at the same time and make one tear for both, having in mind that he is tearing over both the churban Yerushalayim and the churban Bais Hamikdash. This is derived from the halacha (see Shulchan Aruch, Yoreh Deah 340:23) that if a person, lo aleinu, has to rend his garment over the deaths of two relatives at the same time, it is sufficient to rend once (Kaf HaChaim 561:16; Kuntres Acher Kosleinu, pg. 10; Moadim u’Zmanim, vol. V, chap. 348, footnote #2).

#### WHO IS OBLIGATED TO TEAR?

The requirement to tear one’s clothes when seeing Yerushalayim and the Bais Hamikdash applies to both men and women. However, women must be extra careful to maintain the guidelines of tznius when tearing their garments (Shulchan Aruch, Yoreh Deah 340:11 and 15; Shach 340:22; Orchos Rabbeinu, vol. II, pg. 149).

Adult children who rely on their parents for their needs and sustenance also have an obligation to tear their clothes. One might wonder why it is necessary to mention this, since, as adults they are obligated in all halachos. The novelty of this halacha is that although the garments they are wearing were purchased with their parents’ money, they are still permitted to tear them, even though this will cause their parents a financial loss. The reason why this is true is because there is a general rule that a person is pleased when a mitzvah is done with his possessions. However, it is



preferable for the child to ask his or her father for explicit permission to tear the garment, as the father might prefer that they use an old garment (Sefer HaKosel HaMaaravi: Halachos u'Minhagim, pg. 131).

Concerning children under the age of bar or bas mitzvah, there is a disagreement among the poskim whether their parents must train them to perform this mitzvah. Most poskim maintain that the minhag is to be lenient. Indeed, Rav Yaakov Yisroel Kanievsky, the Steipler Gaon, related that when his children accompanied the Chazon Ish to the Kosel, only his son who was already a bar mitzvah tore his clothes (ibid.; Orchos Rabbeinu, vol. II, pg. 149).

#### HOW TO TEAR

When tearing one's garment, one must be standing. If he tore while sitting or leaning heavily on something, he has not fulfilled his obligation and must tear again. If one sees Yerushalayim, the Kosel or Har HaBayis from a car or a bus, he should not tear while seated, but he should get out and tear (Shulchan Aruch 561:4). One who is physically incapable of standing may be lenient and tear while seated (Zichron Betzalal, pg. 2).

#### THE LEVEL OF SEVERITY

In order to understand the discussion concerning where on the garment one must tear when seeing Yerushalayim or the place of the Bais Hamikdash, a short introduction is required.

When a person, Rachmana litzlan, becomes a mourner due to the death of a close relative, he or she has an obligation to tear his or her clothes. As this is not our topic, we cannot go into all the details of what is halacha and what is minhag; however, we will merely state that there are two levels of severity concerning this obligation:

1) Over the death of a relative aside from one's parents, one tears the front of the uppermost garment on the right side. This tear can be performed either by hand or with an instrument.

2) Over the death of a parent, one tears all of his garments "until he bares his heart." This means that even if he is wearing several layers, he must tear all of them. This tear is done on the front of the garment on the left side. Additionally, the tear is performed only by hand (see Shulchan Aruch, Yoreh Deah 340 and commentaries ad loc.).

Concerning tearing one's garments upon seeing Yerushalayim or Har HaBayis, there is a disagreement among the Rishonim whether the obligation has the severity of tearing for one's parents or that of one's other close relatives (see Rambam, Hilchos Taaniyos 5:17; Raavad and Magid Mishnah ad loc.).

The Shulchan Aruch (561:4) paskens like the stringent opinion. Following this view, therefore, when seeing Yerushalayim or the place of the Bais Hamikdash, one should make a tefach-long tear in the front of the garment on the left side. Interestingly, even according to this view, the minhag is to permit using an instrument to make the tear and it is not necessary to do it specifically with one's hand. Additionally, one only needs to tear one garment and not all of them (Ir HaKodesh VebaMikdash, vol. III, 17:1.1; Kuntres Mitzvos Hateluyos Ba'aretz [Eshkol edition of Kitzur Shulchan Aruch] 41:5).

Among the contemporary poskim, it is reported that when the Steipler visited the Kosel, he tore on his left side. Additionally, Rav Elyashiv is quoted as saying that we should follow the psak of the Shulchan Aruch and not make up new minhagim (Orchos Rabbeinu, vol. II, pp. 150 and 153; HaKosel HaMaaravi: Halachos u'Minhagim, pg. 159, footnote #14).

This is all according to the view of the Shulchan Aruch. However, many poskim maintain that the minhag today is to follow the opinion of the Rishonim who equate tearing over Yerushalayim and the Bais Hamikdash with tearing over the deaths of one's other relatives. Therefore, practically speaking, one should make a vertical tefach-long tear opposite the chest on the right side of the garment. One only has to rip one garment and he may do so even with the aid of a sharp instrument (Sefer Eretz Yisroel pg. 49; Shu"t Minchas Shlomo, vol. I, #73; Kuntres Achar Kosleinu, pg. 12).

An additional requirement of the tearing is that in order for the tear to be noticeable, it is not sufficient to merely rip the garment in the middle of the material. Rather one must start the tear at the edge of the garment and then rip vertically. For example, with a shirt or blouse that opens in the middle of the chest, one should first cut the garment horizontally from the edge in

between the buttons or buttonholes and then cut or tear one tefach in a downwards motion (Kuntres Mesos Kol Ha'aretz, pg. 36; Shulchan Aruch, Yoreh Deah 340:12; HaKosel HaMaaravi: Halachos u'Minhagim pg. 139). WHICH GARMENT?

As we have seen, the minhag is that only one garment is torn upon seeing Yerushalayim or the place of the Bais Hamikdash. Which article of clothing does one tear? When tearing clothes over the death of a close relative, the Shulchan Aruch (Yoreh Deah 340:9) writes that one rips the uppermost garment. However, the poskim explain that this does not include an overcoat or a raincoat, but rather something that would be worn both indoors and outdoors (see Aruch HaShulchan 340:9).

The same rules apply for tearing one's clothes over Yerushalayim and the Bais Hamikdash. One tears the uppermost garment that he or she is wearing, excluding a coat. This would include a jacket or a sweater. If one is not wearing either of these, then one tears a shirt or blouse (Kuntres Mesos Kol Ha'aretz, Dinei Kriyah #22; HaKosel HaMaaravi: Halachos u'Minhagim pg. 139).

#### CONSERVING ONE'S CLOTHES

If one does not wish to rip his jacket or sweater, as this would entail a significant financial loss, he is allowed to remove the jacket and tear his shirt instead. Lechatchilah, the jacket or sweater should be removed before he becomes obligated to tear it, e.g., before seeing Yerushalayim or the place of the Bais Hamikdash. However, if he saw it while still wearing the jacket, he may remove that garment and then tear his shirt. Once he tears the shirt, he may put his jacket back on (Zichron Betzalal pg. 30; HaKosel HaMaaravi: Halachos u'Minhagim, pp. 340-341)

If one also does not want to rip a good quality shirt or blouse, the poskim recommend donning another garment of lesser quality over what he or she is wearing and tearing the upper one. A person is even allowed to designate a particular shirt or blouse as a "kriyah" garment and reuse it several times as needed. Additionally, one may borrow such a garment from a friend in order to use for ripping. In such a situation, it is preferable for the owner to transfer ownership to the "borrower" so that he may tear it according to all opinions (Gilyon Maharsha, Yoreh Deah 340:7; Kuntres Achar Kosleinu pg. 13; Orchos Rabbeinu, vol. II, pg. 153; Kuntres Mesos Kol Ha'aretz, Dinei Kriyah #31).

#### DID NOT TEAR

If a person saw Yerushalayim or the place of the Bais Hamikdash and did not tear his clothes, there is a disagreement among the poskim concerning whether he should tear afterwards. Everyone agrees that as long as he can still see the place of the churban, he should tear his garment. However, the question is whether he is still obligated once he leaves the area. According to some, he is still obligated the entire day until sunset and he should tear his garment no matter where he is (Har Hakodesh, Panim Chadoshos 3:15; Kuntres Achar Kosleinu, pg. 11). Others maintain that once he leaves the area, he is no longer obligated to tear (Shu"t Minchas Shlomo, vol. I, #73).

If one did not tear his garment, either because he forgot or because he was unable to (e.g., it was Shabbos), and then he revisits the Kosel within thirty days, there is a disagreement among the poskim if he should tear his clothes upon visiting these places again within thirty days. Rav Moshe Feinstein, zt"l, maintains that he must tear his garment at his next visit (Shu"t Igros Moshe, Yoreh Deah vol. III, #52). However, Rav Shlomo Zalman Auerbach, zt"l, contends that his seeing the churban exempts him from tearing for the next thirty days even if he did not rip his garment (Shu"t Minchas Shlomo, vol. I #73). It is interesting to note that when Rav Shlomo Zalman was informed of Rav Moshe's opinion, he responded that the minhag is not like Rav Moshe (Maadanei Shlomo, Moadim, pg. 61).

#### CIRCUMVENTING THE HALACHA

There is a common practice among people to try to avoid tearing their clothes when seeing Yerushalayim and the place of the Bais Hamikdash. They do this by "selling" the clothes they are wearing to someone else before going to the Old City. By doing so, they are wearing "borrowed" clothes and are technically exempt from tearing them. Although there is a halachic basis for this, it is beyond the scope of this article to explain the background of this issue.

Nevertheless, it is worthwhile to mention two points:

1) Not all poskim agree that such a method is effective, as it is unclear whether either party is really serious about the “sale,” and they are only following a formality to avoid having to tear. The biggest proof to this contention is that rarely does it occur that the “seller” goes back to the “purchaser” in order to “buy back” his clothes (Kuntres Achar Kosleinu pg. 15; HaKosel HaMaaravi: Halachos u’Minhagim, pg. 145).

2) The poskim are not pleased with methods of circumventing the halacha. The requirement to tear one’s clothes was instituted by Chazal and should not be avoided. One who does so belittles the honor of the Bais Hamikdash and the pain that the Shechinah, kaviyachol, feels over the galus. Additionally, he is distancing himself from those who mourn over the churban (see Maadanei Shlomo, Moadim, pg. 60; Shu”t Pa’as Sadcha #57).

#### VISITING ON SHABBOS

One who has not seen Yerushalayim or the place of the Bais Hamikdash for at least thirty days is obligated to tear his clothes. There is a disagreement among the poskim concerning such a person who comes to the Old City on Shabbos. According to some, there is no obligation to tear even on Motzai Shabbos (Shu”t Minchas Shlomo, vol. I, #73). Others maintain that such a person might still have an obligation to tear his clothes after Shabbos is over (Shiurim of Rav Elyashiv, Moed Katan). Additionally, there is a third opinion that such a person has a definite obligation to tear on Motzai Shabbos (Siddur Minchas Yerushalayim, Dinei Yerushalayim 1:25).

Based on the above, it is preferable that a person who has not seen the place of the Bais Hamikdash for thirty days not go to the Kosel on Shabbos. This is because he is putting himself in a situation where he might be obligated to tear on Motzai Shabbos (HaKosel HaMaaravi: Halachos u’Minhagim, pg. 146).

#### VISITING ON OTHER “SPECIAL” DAYS

Friday afternoon: There are various minhagim concerning tearing one’s garments on Friday afternoon. However, the poskim contend that the main halacha is that one must tear his clothes then and that there is no basis for the minhag. Nevertheless, the poskim do point out that if one goes to the Kosel dressed for Shabbos, and if he tears, he will not have anything else to wear, he is exempt from tearing (Shu”t Igros Moshe, Yoreh Deah vol. III, #52.4 and Orach Chaim vol. V, #37; Shu”t Minchas Shlomo, vol. I, #73; Shu”t Teshuvos v’Hanhagos vol. I, #334).

Chol Hamoed: Although according to the basic halacha there is an obligation to tear even on Chol Hamoed, the minhag is to follow the opinions of the Rishonim that one does not tear on those days (Shu”t Minchas Shlomo, vol. I, #73).

When tachanun is not said: If one sees Yerushalayim or the place of the Bais Hamikdash on days when tachanun is not said, such as Rosh Chodesh, Chanukah, Purim, and Isru Chag, he must tear his clothes (Kuntres Mesos Kol Haaretz pg. 26; Kuntres Achar Kosleinu pg. 11; Orchos Rabbeinu, vol. II, pg. 149; HaKosel HaMaaravi: Halachos u’Minhagim, pg. 151).

Let us hope that we will soon merit seeing the third Bais Hamikdash!

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#### TALMUDIGEST - Bava Metzia 86 - 92

**For the week ending 18 July 2009 / 25 Tammuz 5769**

**from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)**

**by Rabbi Mendel Weinbach**

#### **A HINT FOR HOSPITALITY - Bava Metzia 87a**

“I will bring you some bread,” said the Patriarch Avraham to his three guests as he invited them to partake of his hospitality. What he ended up doing was slaughtering three cows so that he could offer each guest a luxurious meal.

This shows, commented Rabbi Elazar, that the righteous offer little and deliver a lot, in contrast with the wicked who promise much and deliver nothing.

It would seem that it is sufficient for the righteous to merely deliver what they promise. Why should they begin by offering less?

Maharsha sees in this a valuable hint for true hospitality. If a host invites a potential guest to a lavish dinner there is a danger that his offer will be refused because of a reluctance to impose upon the host. Avraham taught us the strategy of offering something token that will not be turned down, and then surprising the guest with truly lavish hospitality.

#### **WHAT THE SAGES SAY**

“How important is peace between people that even G-d deviated from the truth (to preserve peace between Avraham and Sarah.)”

The Yeshiva of Rabbi Yishmael - Bava Metzia 87a

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