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This shiur is dedicated in memory of Dr. William Major z"l.

AVELUT YESHANAH AND AVELUT HADASHAH: HISTORICAL AND INDIVIDUAL MOURNING

BY RABBI JOSEPH B. SOLOVEITCHIK ZT"L

MAN AND HIS EMOTIONAL WORLD

I would like to try in this presentation to interpret the halakhic terms and concepts that relate to mourning in philosophical and also, perhaps, psychological categories. I want to try to derive from dry, formal, abstract terms experiential materials which can be utilized in formulating an understanding of Judaism's view of the mourning experience. People speak about religious experiences today, trying to stimulate religious experiences with drugs or all kinds of acrobatics while actually engaging in idolatrous practices. But one cannot get a religious experience - that is, a Jewish religious experience - without utilizing the materials of Halakhah. There can be no philosophy of science or nature unless one is an expert in the fields of physics, chemistry and biology, the sciences of animate and inanimate objects. So, too, it is impossible for one to philosophize about Judaism and speak about its experiential universe without having the Halakhah at his fingertips. I am suggesting a modest experiment here: to try to translate a halakhic discussion into the idiom of modern man without doing any harm or inflicting any damages, without restricting or limiting the depth and the sweep of Halakhah.

The whole concept of avelut, mourning, at both an individual and a historical level, is nurtured by a unique doctrine about man and his emotional world. It actually represents, I would say, the Judaic philosophy of man and his relationship to both G-d and the world. Man, Judaism maintains and insists, is capable of determining the kind of emotional life he wants to live. Man has both actions and emotions at his disposal. Man must never be overwhelmed by his emotions. He can invite emotions as well as reject them, opening the door and inviting feelings and sentiments if they are worthy, and slamming the door on those which are degrading and unworthy of attention. In the same manner in which man has the freedom to abstain from engaging in an act to which his conscience objects on moral grounds, he can also disown emotions which the same conscience assesses as unworthy of being integrated into his personality. Likewise, he can assimilate such emotions which bear the stamp of moral approval - constructive noble feelings. Emotions can be subjected to the scrutiny of our moral consciousness, examined and evaluated as to whether they are worthy and dignified ones which enrich, redeem and exalt man's life. Bahya ibn Pakuda wrote a famous book called *Hovot ha-Levavot*, in which he discriminates between *hovot ha-evarim*, the duties of our limbs, and *hovot ha-*

levavot, the duties of the heart. But how can one speak about *hovot ha-levavot* if the heart succumbs hysterically to emotions, such as love for a person, object, goal or idea which is in reality unworthy of one's love and appreciation?

Actually, many precepts in the Torah deal exclusively with human emotional attitudes and not physical actions: "Love your neighbor" (Lev. 19:18), "You shall not covet" (Ex. 20:14, Deut. 5:18), "You shall rejoice on your holiday" (Deut. 16:14), "You shall not hate your brother" (Lev. 19:17), "You shall love the stranger" (Deut. 10:19), etc. We all know the question which Ibn Ezra raised vis-a-vis the command of *lo tahmod*, not to covet the property of one's neighbor. Coveting is an emotion, a feeling. How then can one be commanded to not covet, desire, or be envious? But in truth one can be called upon to exclude an emotion in the same way one must abstain from a certain act which is considered unworthy. Ibn Ezra (in his commentary to Ex. 20:14) introduces a famous fable or simile. The ignorant peasant, he says, will never desire or fall in love with the daughter of the king, the princess. Ibn Ezra wants to show that emotions are guided by human reason. One desires only what is possible; whatever is impossible is not desired. Pascal spoke about the *logique de couer*, the reasons of the heart (Pensees #277). The freedom to adopt and accept emotions or to reject and disown them is within the jurisdiction of man.

AVELUT AND THE CONTROL OF EMOTIONS

The precept of avelut, as I indicated above, rests completely upon this Jewish doctrine of human freedom from emotional coercion. However, man's task vis-a-vis avelut is not always the same. At times man is told to respond emotionally to disaster, to yield to the emotional hurricane and not master his feelings. He must not take evil as something inevitable, which warrants no emotional outburst, just because such a response would be an exercise in futility.

Judaism says with admirable realism: Of course every event, good or bad, is planned by the Almighty. So too is death. Man can do little to change the course of events; he rather must surrender to G-d's inscrutable will. Yet submission to a higher will must not prevent man from experiencing those emotions which are precipitated by a confrontation with existential absurdity, with the total disregard for and complete indifference to human interests manifested, *prima facie*, by natural law. Judaism does not want man to rationalize evil or to theologize it away. It challenges him to defy evil and, in case of defeat, to give vent to his distress. Both rationalizing and theologizing harden the human heart and make it insensitive to disaster. Man, Judaism says, must act like a human being. He must cry, weep, despair, grieve and mourn as if he could change the cosmic laws by exhibiting those emotions. In times of distress and sorrow, these emotions are noble even though they express the human protest against iniquity in nature and also pose an unanswerable question concerning justice in the world. The Book of Job was not written in vain. Judaism does not tolerate hypocrisy and unnatural behavior which is contrary to human sensitivity. Pain results in moaning, sudden fear and shrieking. The encounter with death must precipitate a showing of protest, a bitter complaint, a sense of existential nausea and complete confusion. I want the sufferer to act as a human being, G-d says. Let him not suppress his humanity in order to please Me. Let him tear his clothes in frustrating anger and stop observing mitzvot because his whole personality is enveloped by dark despair and finds itself in a trance of the senses and of the faculties. Let him cry and shout, for he must act like a human being.

The Mishnah relieved the mourner who has not buried his dead "from the recital of the Shema ... and from all the [positive] mitzvot laid down in the Torah" (Berakhot 3:1 at 17b). Rashi (s.v. patur) says that the reason is that a person who is engaged in performing one mitzvah is exempt at that time from other mitzvot. But Tosafot (s.v. patur), quoting R. Bon in the Jerusalem Talmud (3:1), disagree, saying that the reason is that "the Torah says '... that you may remember the day of your departure from the land of Egypt all the days of your life' - days during which you are concerned with the living, not those days during which you are concerned with the dead." That means that the mourner is relieved of his obligation in mitzvot because he is incapable of performing them. He has simply lost his own sense of dignity; the focus of his personality has been lost. He is like a heresh, *shoteh ve-katan*, the deaf-mute, imbecile and minor who are all exempt from mitzvot. This is what Tosafot and all the rishonim [medieval halakhic authorities] mean when they say that it is completely forbidden to perform a mitzvah during this first stage of mourning: the mourner is incapable of performing mitzvot. Judaism understands that bitterness, grief and confusion are noble emotions which should be assimilated and accepted by man, not rejected at the time of distress. Of course, emotions, like the tide, reach a high mark, make an about face, and begin to recede. The Torah has therefore recommended to man not only to submit himself to the emotional onslaught, but gradually and slowly to redeem himself from its impact.

Therefore, the Halakhah divided mourning into various stages: First, "meto muttal lefanav, when his dead lies before him." This is the period of aninut, extending from the time of death until the time of burial. Then, commencing with burial, avelut shiv'ah, the week-long period, which extends into sheloshim, the thirty-day period. Finally, for one's parents, yodbet hodesh, the twelve-month mourning period. We have during these stages an imperceptible transition from a depressed, desolate, bitter consciousness of catastrophe to a redeemed higher consciousness.

TWO TYPES OF MOURNING

The Gemara (Yevamot 43b) distinguishes between avelut hadashah and avelut yeshanah, "new" mourning and "old," historical mourning - or, expressing the same thought in a different idiom, between avelut de-yahid and avelut derabbim, private and national-communal mourning. The first, avelut hadashah, is caused by a death or disaster which strikes a family or an individual. It is a primordial, instinctual, spontaneous response of man to evil, to the traumatic confrontation with death, to the impact of catastrophe and disaster. It is an existential response, not one that evolves by the application of artificial stimuli.

The second category, avelut yeshanah, is due to a historic disaster that took place 1,900 years ago. This category is the handiwork of man. There is no spontaneous reaction to some new event which has just transpired, for nothing new has happened which should justify grief. The avelut is a result of recollection of events. Judaism here introduced a strange kind of memory, a very unique and singular memory. Thousands of years later, Henri Bergson (Matter and Memory) came very close to describing the kind of memory of which Judaism spoke so long ago.

A UNITIVE TIME EXPERIENCE

Judaism developed a very peculiar philosophy of memory - indeed, an ethics of memory. Memory and forgetfulness are subject to ethical determination. Memory is not just the capacity of man to know events which lie in the past. Memory is experiential in nature; one does not simply recollect the past or just remember bygone, but re-experiences that which has been, and quickens events that are seemingly dead.

Many mitzvot are based upon this idea. The Passover seder is, of course, the prime example: "In each generation a person is required to see himself as if he had gone out of Egypt" (Haggadah). So too is keriat ha-Torah, the institution of the public reading of the Torah, which is not simply limmud - study and instruction - but an experiential event meant to restage and re-enact mattan Torah, the giving of the Torah. The proof of this is to be found in the use of the ta'amei elyon, the special cantillation (trope) used for the public reading of the Aseret ha-Dibberot (Decalogue). These ta'amei elyon combine together the units of the Decalogue in its reading, rather than separating them into the actual verses. But the division would be determined by the verses if instruction were the sole purpose of keriat ha-Torah.

This shows that actually the reading of the Aseret ha-Dibberot is not only a didactic performance of limmud, but a restaging, a dramatic reenacting of mattan Torah. That is why people rise when it is read. Rambam asked in his responsum (no. 263, Blau ed.), Why should they rise? Aseret ha-Dibberot is no more sacred than the parashah which speaks of Timnah, the concubine of Elifaz (Gen. 36:12)! But the Aseret ha-Dibberot is read not only as a text which is being studied, but as a text which is being promulgated and proclaimed by G-d Himself. When Rambam speaks about the obligation of Hakhel, the public reading of the Torah performed by the king in Jerusalem every seven years, he writes that the king is the representative of the kahal, the congregation, and the entire kahal must pay close attention to the keriat ha-Torah. Even the wise and great, as well as converts who do not understand the Hebrew text, must concentrate and hearken with dread and trepidation in the same manner as the Jews hearkened to the words of G-d when the Torah was given at Sinai - as if the law were being proclaimed now for the first time, as if the person were hearing it from the Almighty, listening to the voice of G-d Himself (Hilkhot Hagigah 3:6). Rambam actually has spelled it out in plain terms. The rubric of "In each generation a person is required to see himself as if he had gone out of Egypt" is applicable not only to the Exodus, but to all events which the Torah has commanded us to remember and not forget.

Experiential memory somehow erases the borderline separating bygone from present experiences. It does not just recollect the past, but re-experiences whatever has been. It quickens events which man considered dead and it actually merges past with present - or shifts the past into the present. Judaism has recommended what I would call a "unitive time consciousness" - unitive in the sense that there is a tightening of bonds of companionship, of present and past.

Many modern experiences can be understood only if we look upon them from the viewpoint of the unitive time awareness. Our relationship to the Land of Israel is very strange. After a gap of 1900 years, our relationship is a very weak one in

historical terms. I have no doubt that had a Jewish state arisen in Africa or South America, Jews would not feel so committed or dedicated to it. Our commitment is not to the state per se, but to Eretz Yisrael, the Land of Israel. This is because of our very distant and remote experiences, which usually would have vanished into oblivion over the years.

Since Jews have a unitive time consciousness, the gap of centuries simply cannot separate them from the past. They do not have to relive the past, as the past is a current living reality. Memory opens up new vistas of the time experience, and the companionship of the present and past is tightened, growing in intimacy and closeness. As a matter of fact, our relationship to our heroes - such as Rabbi Akiva and Rabbi Yohanan ben Zakkai, or even the Patriarchs and the Prophets - is completely different from that which the nations of the world have to their heroes. To us, they are not just ancient heroes. Usually history is divided into antiquity, the Middle Ages, and the contemporary period. However, the word "antiquity" does not exist in our history. The story of Joseph and his brothers, the story of the destruction of the Temple, the story of Moses' death - all used to move me to tears as a boy. It was not just because I was a child; it was not an infantile reaction on my part. It was very much a human gestalt reaction. These stories do not lie in antiquity; they are part of our time awareness, part of our historical experience. Similarly, there is no archaeology in Judaism. There is history but not archaeology. Archaeology refers to something remote, a dead past of which I am no part. It arouses my curiosity; I am inquisitive to know about the origins. But history to us means something living, past integrated into present and present anticipating future.

We all know the aphorism, "He-avar ayin (the past is no more), ve-he-atid adayin (the future has not yet come), ve-hahoveh ke-heref ayin (the present is fleeting)." However, in my opinion this is wrong. The past is not gone; it is still here. The future is not only anticipated, it is already here, and the present connects the future and the past. That is what I mean by a unitive time consciousness.

Tish'ah be-Av, the Ninth of Av, would be a ludicrous institution if we did not have the unitive time consciousness. We say in the Kinnot, "On this night, be-leil zeh, my Temple was destroyed." "This night" means a night 1900 years ago; "be-leil zeh" means tonight. Apparently, that night nineteen hundred years ago is neither remote nor distant from us; it is living - as vibrant a reality as this fleeting moment in the present. The unitive time consciousness contains an element of eternity. There is neither past nor future nor present. All three dimensions of time merge into one experience, into one awareness. Man, heading in a panicky rush toward the future, finds himself in the embrace of the past. Bygone turn into facts, pale memories into living experiences and archaeological history into a vibrant reality.

Of course, historical mourning is based upon this unitive time consciousness. Without that experiential memory it would be ridiculous to speak of mourning due to an event which lies in antiquity. It would be contrary to human nature. Avelut hadashah is a spontaneous response - neither premeditated nor planned - to the sudden attack or onslaught of evil, catastrophe, disaster or death. Avelut yeshanah is cultivated, gradually evolving through recollection and through the unitive time awareness. The main distinction between these two types of mourning expresses itself in the reversal of the order of the stages. Avelut hadashah commences with the most intense, most poignant and highest state of grief - aninut - and slowly recedes into shiv'ah, sheloshim and yod-bet hodesh, until it fades into a lingering melancholy. Avelut yeshanah follows a reverse course. It starts out with avelut of yod-bet hodesh, the mildest form of mourning, which represents a sadness that is usually non-conative and non-explosive. It gradually turns into avelut sheloshim and grows in intensity until it reaches the pitch of shiv'ah.

THE THREE WEEKS

Although R. Moshe Isserles (Shulhan Arukh Orah Hayyim 551:2,4) rules that the minimum mourning preceding Tish'ah be-Av commences on the Seventeenth of Tammuz, R. Joseph Karo (ibid., 551:1) rules that it commences only on Rosh Hodesh Av, the first day of the month of Av: "When Av begins we lessen our happiness." Does that mean that the whole idea of bein ha-metzarim, the three weeks before Tish'ah be-Av, is not of halakhic origin? If it is, in what does it express itself? What are the prohibitions which the Seventeenth of Tammuz initiates? In fact, the Talmud does not mention bein ha-metzarim at all. The Midrash refers to the period in its interpretation of Lamentations 1:3: "... all her persecutors overtook her bein ha-metzarim, within the straits' - these are the days between the Seventeenth of Tammuz and Tish'ah be-Av" (Eikhah Rabbah 1:29). Interestingly, the Yerushalmi (end of Ta'anit 4:5) says that if the walls of Jerusalem in the time of the First Temple were breached on the ninth of Tammuz instead of the seventeenth, as occurred in

the time of the Second Temple, then the date of the destruction of the First Temple must have been the first of Av; the interim period consists of only twenty-one days. The Yerushalmi derives this from the verse, "I see a rod of an almond tree" (Jer. 1:11); it takes the almond tree twenty-one days to blossom and bud. Yet all this does not answer our question: Does this interim period of three weeks have halakhic significance?

The key to the answer is to be found in the fact that during these three weeks we suspend the recital of the haftarah which are concerned with the same motif as the weekly Torah reading and read instead the sheloshah de-pur'anuta, the three chapters from Jeremiah and Isaiah which speak of destruction and exile. Apparently, we consider the theme of catastrophe and hurban (destruction) to be me-inyana de-yoma, "from the topics of the day." Otherwise, the elaboration of such a theme in the haftarah would be out of context. In other words, halakhically, the twenty-one days are linked up with hurban and avelut.

Even though the mourning of an individual constitutes a kiyum she-ba-lev, an inner, experiential fulfillment of the obligation to mourn, it must be translated into deeds, into technical observance. The inner experience cannot be divorced from objective aspects. The Halakhah demanded that feeling be transposed into deed, subjective emotions into solid objective data, that fleeting, amorphous moods be crystallized into real tangible symbols. The individual does not invite sorrow; the latter strikes him hard and mercilessly. His immediate response is a dual one - subjective and objective. He reacts to disaster with everything he has at his command - thought and deed, feeling and action.

Avelut yeshanah does not establish itself at one bang; the process is generally slow. It begins with the awakening of the unitive time awareness of a memory which not only notes and gives heed to bygone days but also reexperiences, relives, restages and redramatizes remote events which seem to have forfeited their relevance long ago. The Halakhah could not decree observance of mourning at once. The reawakening takes time; it transpires gradually. It would be absurd, therefore, to start out with the practical observance of mourning before the experience has been reproduced and relived in all its tragic, frightening magnitude. The time between the Seventeenth of Tammuz and Rosh Hodesh Av is exclusively devoted to remembrance, to meditation, to reliving and reexperiencing. Only on Rosh Hodesh Av does the avelut she-ba-lev begin to be recorded on the register of objective mourning and the first signs of observance become visible.

WHEN AV BEGINS

The period of mourning for the Temple which parallels that of the twelve-month period of mourning for one's parents begins on the first day of the month of Av. Both share the avoidance of participation in any festive events, receptions, and so forth. The mishnah (Ta'anit 1:7) states in general terms that "When Av begins we lessen our happiness." The baraita says as follows: From the first day of the month until the fast, ha-am mema'atim, the people must restrict their activities in trade, building and planting, betrothals and marriages. During the week in which the ninth of Av occurs, it is asur, forbidden, to cut one's hair and wash one's clothes (Yevamot 43b).

When the baraita spoke of Rosh Hodesh Av, it used the term mema'atim, whereas within the week in which Tish'ah be-Av falls, the term asur was used. Why this change in terminology? Apparently, there is a basic difference between the avelut which commences with Rosh Hodesh Av and that of the week in which Tish'ah be-Av falls. If one violated the law pertaining to the mourning of the latter, he or she has committed a ma'aseh averah, an illicit act which itself is culpable and is considered to be sin - like a mourner who failed to observe the laws of mourning. However, in the days preceding the week, there are separate injunctions against certain activities. The baraita did not speak of issurim, of prohibitions. The positive aspect, not the negative, was formulated.

If one abstains from all those pursuits, as suggested in the baraita, the result is a kiyum avelut, a fulfillment of the obligation to mourn. However, the failure to comply results not in a commission of a sin, but in a forfeiture of a kiyum mitzvah and the guilt of shev ve-al ta'aseh, of an omission. The positive aspect is emphasized - it is important to withdraw temporarily from those activities: "The people must restrict their activities in trade, building and planting, betrothals and marriages." The term avelut is not employed. As a matter of fact, the baraita speaks of reducing, of doing less. If a prohibition were attached to such activities, the amount and volume of business and construction would not matter at all. This type of work is either prohibited or sanctioned; the amount, how much, would not be an important factor. However, if the activity per se is not culpable, then only the avelut she-ba-lev is robbed of an opportunity to express itself in deed. Partial abstention is also important because through it avelut she-ba-lev is realized and consummated. If this be true, even restricted activity is relevant.

Maimonides omitted the baraita in Yevamot from his Code. He quoted (Hilkhot Ta'anit 5:6) only the mishnah in Ta'anit: "When Av begins we lessen our happiness." He did not, however, specify or enumerate the forbidden activities; per se they are legitimate. They serve only as media through which the mourning expresses itself. Hence, the kiyum avelut she-ba-lev, the fulfillment of inner mourning, can also be realized through other means and by abstaining from such activities which usually please the doer and give him a certain amount of contentment. In fact, the baraita says "ha-am, the people" - those activities which have been classified by the people as joyous.

However, they are not the only ones from which one must refrain. Any engagement which results in joy and satisfaction is to be avoided. That is why Rambam omitted those specific pursuits. They are not the only ones which come under the rubric of simhah, of happiness. There is no objective criterion; the choice is subjective and varies with the times.

THE WEEK OF TISH'AH BE-AV

Shavua she-hal bo, the week during which Tish'ah be-Av falls, corresponds to sheloshim, the thirty-day mourning period, as both include the prohibitions of cutting one's hair (tisporet) and pressing one's clothes (gihutz). The two periods differ, however, with regard to three other specific actions, washing one's clothes (kibbus), commerce (massa u-mattan), and betrothals (erusin), as the Gemara (Yevamot 43a) discusses.

Washing one's clothes and commerce are prohibited in the week before Tish'ah be-Av and permitted during sheloshim, while betrothal is handled in the opposite manner: betrothals are permissible during the week of Tish'ah be-Av and forbidden, according to Ri and Ramban (Yevamot 43b, s.v. shanei), during sheloshim.

This distinction can be explained by the fact that there is one aspect of historical public mourning that has almost no application to personal mourning, namely, heseah ha-da'at, any distraction or diversion of attention. The content of avelut she-ba-lev - the inner mourning of the heart - for an individual grieving over the loss of a member of the household expresses itself in sharp unbearable pain, black despair and bitter protest against evil and absurdity in the universe. One has the impression that G-d has absented Himself from human destiny and delivered man into the hands of laughing Satan. In a word, avelut she-ba-lev expresses itself in the experience of the dark night.

With communal mourning, however, no matter how imaginative the person, and no matter how powerful his intuitive time awareness and experiential memory, the pain is not as severe as in the case of recent disaster, the grief not as sharp and distressing as in the private encounter with death. Since there is no sudden plunge into the night of mourning, the emotional loss is not complete. However alive the experience of hurban (destruction) might be, it is nurtured by human reflection and meditation. It is the intellect which commands the emotions to respond to the historical memories of a community. The emotions are aroused not spontaneously but rather by meditation and concentration. They do not explode under the impact of disaster; they are just lit by the fire which memory brought forth. It is measured pain, rational grief, whose cause lies outside of the emotional sphere. Any distraction, any diversion of attention, any heseah ha-da'at breaks up the avelut.

That is why the mourning of the week in which Tish'ah be-Av falls revolves around the concept of heseah ha-da'at. Whatever may cause diversion or dissipation of emotional tension has been prohibited. Engaging in commerce is a steady occupation. If you engage in commerce for only a quarter of an hour each day, you'll go bankrupt - just as you cannot become a scholar by studying only fifteen minutes a day. In addition, as Tosafot note (Yevamot 43b, s.v. shanei), commerce is done publicly, so people will say that the community does not care about the destruction of Jerusalem. The same reasoning is also applicable to washing one's clothes. In olden times, washing one's clothes meant continuous public work at the river. Avelut yeshanah is stricter with those matters which are public and continuous.

On the other hand, heseah ha-da'at plays no role in the personal encounter with individual grief, because intellectual concentration or even emotional fixation are not responsible for the emergence of the mourning. The latter leaps out of nowhere, it befalls, overpowers and breaks man - unexpectedly and completely. In fact, the mourner cannot concentrate and is unable to relax or to think of something else. He cannot think or rationalize at all because he loses the focus of his personality, and his inner life, including his intellectual capacity, is in disarray. The prohibitions pertaining to private mourning are concerned not with the possibility of heseah ha-da'at but with different aspects such as untidiness (nivvul), feeling pain (tza'ar), etc.

The prohibition of betrothal (an act which requires only two witnesses and is therefore not considered public) is not rooted in heseah ha-da'at. The private

mourner is enjoined from betrothal for a different reason entirely, namely, the apparent worthlessness of life and its irrational, absurd vicissitudes. There is no need to engage in any act which is related to the survival and continued existence of man. He is not worth the effort he himself makes in order to assure his survival. This prohibition is symbolic of the experience of human failure and full bankruptcy through which one lives during the days of mourning.

Matrimony is in fact related to the bitter human destiny which ends in death. There is no doubt that the procreative urge in man reflects his anxiety over and fear of death. In the child he finds continuity and immortality. He sees himself redeemed from the curse of nihility by continuing to live through the child. However, when man reaches the state of resignation and utter insensibility, when he finds himself in a stage of total deprivation, when everything that used to matter is not worth one's attention - then the urge to live and to persevere and to defeat evil vanishes. That is the foundation of the prohibition of betrothal.

In light of the above, we understand yet another distinction between *avelut de-rabbim* and *avelut de-yahid*: that which involves white and colored clothes. Maimonides writes, "Just as it is forbidden for a mourner to wash his clothes, so too it is forbidden to wear white, new ironed, clothing, etc..." (Hilkhot Avel 5:3). Maimonides limits the prohibition of wearing new clothes to white ones. However, in his Hilkhot Ta'aniyyot 5:6, he did not distinguish between white and colored clothes. The answer again is the same. The prohibition of washing one's clothes and wearing newly ironed ones during the week of *avelut de-yahid* is motivated by the law of untidiness, the requirement that grief should express itself in the neglect of one's appearance, in carelessness as to dress - and a distinction between colored and white clothes is relevant.

The identification of *avelut* with untidiness is an outgrowth of the traumatic experience of death as destroying human distinction and chosenness, as testimony to the pessimistic statement, "Man has no preeminence over the beast" (Eccl. 3:19). Neatness in dress and appearance is inseparably associated with the dignity of man who was created in the image of G-d. Man bears a resemblance to G-d, a likeness to Him, and therefore cleanliness, tidiness and neatness are worthwhile qualities. When his disciples asked Hillel where he was going, he answered that he was going to perform a *mitzvah*, for he was on his way to the baths (Lev. Rabbah 34:3). One serves G-d by respecting his own personality and observing *kevod ha-briyyot*, human dignity. Therefore, after one's encounter with death, which erases human dignity and leaves man deprived of all those traits, the grief over the loss of humanity manifests itself in a state of neglect in appearance, dress, etc.

All this cannot fit into the whole context of historical grief; the *hurban* did not deprive us of our dignity. What we are worried about is *heseah ha-da'at*, that the mind should not be distracted, that the passionate meditation about the historical destiny of our people - about its past and future - not be discontinued. As far as this aspect is concerned, there is no difference between white and colored clothes; the activity was forbidden, the color matters not at all. Thus in Hilkhot Ta'aniyyot 5:6, Maimonides does not distinguish between colored and white clothes in noting the prohibition of washing and wearing them during the period of *avelut de-rabbim*.

TISH'AH BE-AV

The mourning of Tish'ah be-Av itself is like that of *shiv'ah*. The baraita says, "All the restrictions which are *noheg* (observed) during *shiv'ah* are observed on Tish'ah be-Av" (Ta'anit 30a). "All" should not be taken literally, as there are a number of basic distinctions between the two. First, according to the Gemara (Mo'ed Katan 15a), the mourner does not put on *tefillin* on the first day, while we do don *tefillin* on Tish'ah be-Av. (In this connection there is no significance to the fact that we postpone putting on *tefillin* until the afternoon. Apparently, our view is that putting on *tefillin* is obligatory on Tish'ah be-Av.) We all know Rambam's view in Hilkhot Avel 1:1 that the first day of *avelut* is biblical in origin, while the rest of *shiv'ah* is rabbinically ordained. Rambam derives a proof from the fact that the *onen*, the mourner on the day of his relative's death, is enjoined from eating sacrificial meat (*kodashim*). But how could Rambam derive *avelut* from this law regarding *kodashim*? Rambam says observance of *avelut* refers to ten prohibitions, such as the wearing of shoes, and so on. The *onen* was enjoined by the Torah from eating sacrificial meat, but it did not say that an *onen* is supposed to take off his shoes, or not wash, or not apply cosmetics or ointment, and so on.

I would explain the matter as follows. There are two *halakhot* in *avelut*, two aspects of the laws of mourning. One pertains to *nihug avelut* - the practical observance of *avelut*, the compliance with Rambam's ten injunctions. Then there is another *Halakhah* which applies to the *gavra*, to the person who is called *avel*. Being an *avel* is an attribute of the *gavra*, an adjectival description of the person, and the *gavra* can be an *avel* even without the *nihug avelut*. Rabbenu Tam (cited

in Kesef Mishneh, ad loc.) disagreed with Rambam and with Rav Alfasi, and thinks that *avelut* has only rabbinic status even on the first day. But Rabbenu Tam is in disagreement with Rambam only about *nihug avelut* and not about the fact that the personal status of the *gavra* changes into that of an *avel*. About this, Rabbenu Tam could not disagree.

I will demonstrate this to you. Rambam says, "An *avel* may not send his sacrifices for a full week" (Hilkhot Bi'at ha-Mikdash 2:11). This is drawn from a *gemara*: "The *avel* does not send his sacrifices. Rabbi Shimon learned: The *shelamim* sacrifices' - when he is *shalem*, complete, and not when he is *haser*, incomplete" (Mo'ed Katan 15a). When the *avel* is incomplete, he is not capable of entering the Temple and offering a sacrifice.

Now Rambam, who claimed that the first day's observance is of biblical status, admitted that the rest of *shiv'ah* is rabbinic. Yet he says that the mourner may not send sacrifices for the whole week, an exclusion which is certainly biblical. The explanation is that as far as *nihug* (observance) is concerned, his *avelut* is limited to the first day, but the classification of the *gavra* as an *avel* continues through the whole week. Rambam did not mention the law that an *avel* cannot offer a sacrifice among the ten prohibitions imposed on the *avel* because he deals there with *nihug avelut*, while the prohibition against his sending a sacrifice stems from the person's classification as an *avel*.

As an example of the distinction between the two laws embodied in mourning, consider the opinion of the Rif (18a in the Alfasi) - it goes back to the Geonim - which Rambam (Hilkhot Avel 13:4) and Shulhan Arukh (Yoreh De'ah 376:3) also quote: If a person who died has no relatives, ten people come and they observe *avelut*. It would be ridiculous to say that the strangers are *avelim*; they are rather engaged in *nihug avelut*. Now, with reference to Tish'ah be-Av, the baraita said that "all that is *noheg* during *avelut* is *noheg* on Tish'ah be-Av," not that "all Israel become *avelim* on Tish'ah be-Av." With regard to historical mourning, *avelut yeshanah*, Jews can observe *avelut*, engage in *nihug avelut* and comply with its laws. But they are not *avelim* with respect to their *gavra*, their personhood. The prohibition against putting on *tefillin* as a mourner is not part of *nihug avelut*. Rather, the *gavra* as an *avel* is relieved of *tefillin*. A *gavra* who is an *avel* somehow cannot be crowned with *tefillin*, cannot adorn himself with them. Rabbi Akiva Eiger related this to a practical question (Yoreh De'ah 388:1). If someone died and was buried during *hol ha-mo'ed*, the intermediate days of a festival, there is no *nihug avelut* until after the holiday because the observance of *avelut* is in conflict with the joy of the holiday. Nevertheless, should a person who usually puts on *tefillin* during *hol ha-mo'ed* put on *tefillin* on what would have been the first day of *avelut* - the day of death and burial? There is no *nihug avelut*, but the *gavra* is still an *avel*, as witnessed by the fact that *hol ha-mo'ed* counts as part of *sheloshim*. The prohibition against putting on *tefillin* is not part of *nihug avelut* but rather a result of the *gavra* being an *avel*. But this all has no application to Tish'ah be-Av. *Avelut yeshanah*, historical mourning, imposes observance of *avelut*, but it cannot change the *gavra* into an *avel*. Therefore *tefillin* are worn on Tish'ah be-Av. The *gavra* is not an *avel* on Tish'ah be-Av. Similarly, betrothal is not part of *nihug avelut*. The prohibition of betrothal stems from the individual's reaction to death, as we explained earlier. It depends on the fact that the *gavra* is an *avel*. That is why the prohibition is applicable to *avelut hadashah*, individual mourning, and not to *avelut yeshanah*.

Another distinction between individual and historical mourning is that originally, the mourner would cover his face down to the tip of his nose (*atfat ha-rosh*), but this was never done on Tish'ah be-Av. *Atifah* is rooted in the idea of covering a face which has lost its *tzelem*, its G-dly image. Another distinction involves the prohibition against the study of Torah. The Gemara (Mo'ed Katan 15a) derives the prohibition for a mourner from the verse, "Be silent" (Ez. 24:17) - "From here we learn that the mourner may not study Torah." With regard to Tish'ah be-Av, however, the Gemara explains the prohibition differently: on Tish'ah be-Av one should abstain from engaging in any pursuit or in any activity which results in pleasure or comfort, and the study of Torah is linked up with the feeling of joy.

A final distinction between Tish'ah be-Av and *avelut* relates to *kefiyyat ha-mittah*, turning the bed upside down, which is not done on Tish'ah be-Av. (We no longer do this during *avelut* - something of which the *Tosafot* [Mo'ed Katan 21a, s.v. *elu*] were already aware. Originally, the beds were constructed in such a way that you could turn the bed upside down and still sleep on it. But, our beds cannot be turned upside down, so this was eliminated, and we cover the mirrors as a substitute.) All laws of mourning were derived in Mo'ed Katan (15a-b) from two sources: the Divine commandment to Aaron and those to Ezekiel. The exception is *kefiyyat ha-mittah*. As regards this manifestation of *avelut*, the Talmud introduces a strange reason without attempting to derive it from a biblical text: Bar Kapparah taught his disciples, "G-d says, 'I have set the

likeness of My image in them, and through their sins have I upset it. Let your beds be overturned on account of this" (Mo'ed Katan 15a). Enigmatic words. However, the central motif here is that death impinges upon the worth of human dignity and the human divine nature. Man dies deprived of dignity and without his divine humanity. The symbol of humiliated man, of man who goes down in defeat, insult and shame, is an overturned bed. The bed is a metaphor for the moral integrity of the family ("mittato shelemah") or the human personality in general ("mittato porahat ba-avir"). This whole manifestation is alien to avelut de-rabbim.

CONSOLATION FOR THE MOURNING COMMUNITY

In individual mourning, betrothal is forbidden. Man, vanquished by death, suffers self-degradation. There is no use in continuing the struggle, and he submits himself to his cruel fate. But it is permissible to betroth on Tish'ah be-Av. The whole dimension of despair and resignation, the notion of the mourner being unworthy of his own existential experience, sitting like a leper on a heap of ashes, bankrupt and forlorn, is contrary to the very gist of avelut de-rabbim. There, the mourner is not the individual but the nation, the covenantal community, which must never lose hope or faith. No matter how difficult times are, no matter how great the loss is, however dreary and bleak the present seems, the future shines with a brilliant glow full of promise. The messianic hope has never vanished; the people have never been enveloped by the dark night of despair. While the Temple was being consumed by the purple flames of destruction, R. Yohanan ben Zakkai was already planning the future redemption. He introduced takkanot zekher la-mikdash, ritual reminders that although we have lost a Temple built by human hands, we will instead find a sanctuary constructed by the Divine hand, "... the sanctuary, O Lord, which Thy hands have established" (Ex. 15:17). The more intense the callousness, the drearier the boredom, the more cruel and ruthless were the Roman edicts of religious persecution - the louder Rabbi Akiva used to laugh at the dismal, detestable present and the stronger was his faith in the future (Makkot 24b).

Nehamah, consolation, is intertwined in the texture of avelut de-rabbim. There the whole method of manifesting despair is out of context and contradicts the very essence of avelut derabbim, which is a dialectical moving between grief and hope, darkness and a dazzling light, spiritual emptiness and a transcendent vision, bleak autumn and a glowing summer.

[Printed by permission of the Toras HoRav Foundation. This essay is a chapter from Rav Soloveitchik's book, *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition* (2003). The book can be ordered from <http://www.vbm-torah.org/ravbooks.htm>.]

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SALT!! ("Surf A Little Torah")

RABBI DAVID SILVERBERG

Monday, 8 Av 5764 – July 26, 2004

The Shulchan Arukh (O.C. 559:4) writes (based on the Hagahot Maimoniyot), "We do not recite tachanun on Tisha B'Av because it is called a 'mo'ed' [festival]." The Acharonim explain that this ruling refers to a verse in the first chapter of Sefer Eikha (verse 15): "He has proclaimed a mo'ed against me to destroy my young men." The fact that the prophet employs the term "mo'ed" – which generally denotes festivity and celebration – in conjunction with the Temple's destruction, lends a certain "festive" quality to the day of Tisha B'Av. But the obvious question arises, how can we speak of a festive quality of this day of mourning and sorrow? In what way does Tisha B'Av qualify as a "mo'ed"?

The Arukh Ha-shulchan (end of 552) suggests that this and other halakhot related to the "mo'ed" quality of Tisha B'Av refer to the promise we have been given that Tisha B'Av will, in the future, be transformed into a day of festive celebration. The prophet Zekharya (8:19) famously foresees the time when the four fast days commemorating the Temple's destruction will once again be observed as festival days. Therefore, even nowadays, when we unfortunately observe these days amidst mourning and lamentation, we make some commemoration of the fact that Tisha B'Av will transform into a festive holiday.

Rav Moshe Pinchuk, in an article on this topic (available on-line in the yeshiva's Daf-Kesher archives: www.etzion.org.il/dk/1to899/451daf.htm#Heading2), suggests a different approach, based on the famous story about Rabbi Akiva told at the end of Masekhet Makkot. Upon seeing jackals scurrying about in the area of the Temple's ruins, Rabbi Akiva's colleagues all cried, while he laughed. Rabbi Akiva

explained that the fulfillment of the prophecies concerning the Temple's destruction reaffirms his belief that the prophecies of redemption, blessing and prosperity will likewise be actualized. Therefore, the site of the Temple's ruins is actually cause for joy, rather than sadness. Similarly, Rav Pinchuk suggested, the mourning we observe on Tisha B'Av is itself half the consolation and cause for optimism. The calamities of the churban (destruction) only reinforce our faith in the ultimate end of our pain and sorrow. Halakha found several, subtle ways of expressing this optimism, and herein lies the "mo'ed" quality of Tisha B'Av.

A much different explanation is cited in the name of Rav Yerucham Lebovitz, the famous Mir mashgiach. Rav Yerucham commented – somewhat ambiguously – that there are "mo'adim" (holidays, or fixed time) of closeness with G-d, and there are "mo'adim" of distance and estrangement. The three regalim (Pesach, Shavuot and Sukkot) are the classic "mo'adim," occasions when we spend time with the Almighty, as it were, in the Beit Ha-mikdash. Tisha B'Av is a "mo'ed" in the opposite sense, an occasion designated specifically for the theme of distance.

What exactly did Rav Yerucham mean?

Rav Aryeh Leib Shapiro, in his work, "Chazon La-mo'ed," suggests that this point relates to the idea he develops in that book, as we discussed yesterday, concerning the nature of our estrangement from G-d on Tisha B'Av. Latent within G-d's abandonment of His people with the destruction of the Temple was a positive note of encouragement: He did not truly abandon us, but rather sent us away as a temporary, punitive measure. In one sense, then, there is indeed room for some "celebration" on Tisha B'Av. We celebrate the fact that the exile did not mean the end of our special relationship with the Almighty, that despite the calamity of exile, G-d's protection remains with us, and His love for His people continues even as He subjects us to punishment.

Rav Shlomo Wolbe, in his "AleI Shur" (vol. 1, pp. 115-116), suggests a different approach to understand Rav Yerucham's comment, while acknowledging that he cannot claim for sure that this is what the venerable mashgiach had in mind. One of the verses in our "ashrei" prayer (Tehillim 145:18) reads, "The Lord is close to all who call to Him, to all who call to Him truthfully." This verse, Rav Wolbe explains, indicates that G-d's "closeness" to a person and acceptance of his prayer depends not on the person's piety or religious stature, but rather on the degree of his "truthfulness." Calling to G-d "truthfully" means praying with an understanding of who we are, what we deserve or do not deserve, and acknowledging our distance from G-d. When a person looks at himself honestly and truthfully and comes before G-d with a humble and self-effacing assessment of his worthiness, G-d comes close to hear his prayer. How distant from the Almighty this person is initially is of no consequence; what matters is his honest recognition of that distance.

This concept, Rav Wolbe suggests, might explain the notion of Tisha B'Av as a "festival of distance." On this day, all of Am Yisrael comes together to acknowledge our distance from our Creator. We spend the day contemplating and lamenting the fact that G-d has left us because we did not and do not deserve His presence among us. Ironically, such a day is well suited for a "mo'ed," for an experience of closeness with G-d. For on Tisha B'Av we call to the Almighty "be-emet" – with an honest assessment of our national condition, and as a result, G-d comes close to us and hears our prayers. Such a day is, indeed, a "mo'ed."

www.vbm-torah.org/salt.htm SALT!! ("Surf A Little Torah")

RABBI DAVID SILVERBERG

Motzaei Shabbat, July 24, 2004

A famous Talmudic passage (Yoma 9b) draws a fundamental distinction between the destruction of the First Temple and that of the Second Temple. The first Mikdash, the Gemara tells, fell on account of the three severe transgressions of idolatry, adultery and murder. During the time of the Second Temple, by contrast, the Jews of Eretz Yisrael committed a different sin for which they were exiled: sin'at chinam – baseless hatred among people.

At first glance, this distinction is of critical importance for us in determining where our focus should be placed during this time of year, when we are to concentrate on the causes of the destruction and the means of ushering the redemption. The straightforward reading of the Gemara suggests that the two events – the loss of the First and Second Temples – are inherently unrelated. The spiritual failings of the First Commonwealth were corrected in the Second, and it is only because of sin'at chinam that the Second Temple also fell. Bearing in mind the famous, frightening assertion of the Talmud Yerushalmi that every generation that passes without witnessing the Temple's reconstruction is considered as having destroyed it, we might conclude that we are guilty of only sin'at chinam. The problems of the First Temple have been fixed, but the disease of sin'at chinam remains uncured, and for this reason alone we have "destroyed" the Beit Ha-mikdash in every generation over the last 1,930 years.

While this does appear to emerge from the aforementioned Gemara, the Ramban claims otherwise. In his essay, "Sefer Ha-ge'ula" (3), the Ramban argues that the sins of the First Temple have also yet to be fully atoned for. The Jews' return to Israel under the Persian Empire and their rebuilding of the Temple did not result from the complete expiation of their wrongdoing during the First Commonwealth. It was rather a temporary respite from exile, whose impermanence was foreseen from the outset. The Ramban bases this approach on his reading of the prophecy given to Daniel by the angel Gavriel, as recorded in the ninth chapter of Sefer Daniel. We read there that Daniel had calculated the end of the seventy-year period of Jewish exile predicted by Yirmiyahu (25:11; 29:10) and thus anticipated the nation's imminent return to its homeland. Daniel thus offers an impassioned prayer to the Almighty, and in response the angel Gavriel appears to him. Gavriel's prophecy is very difficult to understand and lends itself to different interpretations. The Ramban interprets it to mean that although Yirmiyahu had indeed predicted a seventy-year period of Babylonian rule, the end of this period would not mark the end of exile. It would merely begin a temporary phase in which Benei Yisrael would return to and rebuild Zion, but this effort would ultimately fail, because Benei Yisrael had yet to correct the flaws that drove them into exile in the first place. The final redemption, Gavriel tells Daniel, will unfold only much later, once the Jewish people's repentance is complete.

It turns out, then, that according to the Ramban, when mourning the Temple's destruction we must contemplate not only the Second Temple's destruction at the hands of the Romans, but the fall of the First Temple, as well. Evidently, Benei Yisrael as a nation are still guilty of the three cardinal sins of idolatry, adultery and murder, and these transgressions, along with baseless hatred among Jews, must be addressed and eliminated for us to earn the final redemption.

The question, of course, arises as to what purpose was served by the Second Commonwealth if from the outset it was doomed to failure and never intended to serve as Benei Yisrael's final return to Jerusalem. Rav Yehonatan Eibshitz, in his "Ye'arot Devash" (1:4), explains that the period of the Second Temple was necessary for the spiritual fortification of the Jewish people, to ensure that their heritage would not be forgotten completely. There are several indications in Sefer Ezra-Nechemya that ignorance and neglect of the Torah had become widespread among the Jews during the seventy-year period of Babylonian exile. Ezra and Nechemya speak of large-scale Shabbat desecration and intermarriage, and the Jews were surprised when they were informed about the mitzva of sukkot. Had Benei Yisrael remained in Persia, Rav Eibshitz claims, this process of religious decline would have continued unabated until the Jewish religion would have disappeared entirely, Heaven forbid. G-d therefore allowed Benei Yisrael to return to their homeland and rebuild the Temple, a development which gave rise as well to the establishment of the Anshei Keneset Ha-gedola (Men of the Great Assembly), who enacted many laws aimed at ensuring the continuity of the Torah. Indeed, this period saw a dramatic renewal of Jewish observance and scholarship, which curbed the tide of assimilation and laid the groundwork for religious survival throughout centuries of exile. Rav Eibshitz points out that the Jews' ability to preserve their faith despite all the years of persecution and hardship was made possible by the religious revival led by Ezra and the Anshei Keneset Gedola during the early period of the Second Commonwealth.

In any event, according to the Ramban, on Tisha B'Av we mourn not only the calamity of 70 C.E., when the Second Temple fell, but also the destruction of 586 B.C.E., when we lost the First Temple.



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 Covenant & Conversation
 Thoughts on the Weekly Parsha from
 RABBI DR. JONATHAN SACKS
 Chief Rabbi of the United Hebrew Congregations of the
 British Commonwealth
 [From last year]
 Devarim
THERE ARE TIMES WHEN, BENEATH THE SURFACE of an apparently simple interpretation, an intense drama is taking place. So it is with the opening verse of Devarim.

The text seems simple enough. "These are the words Moses spoke to all Israel in the desert east of the Jordan, in the Aravah, opposite Suph, between Paran and Tophel, Lavan, Hazeroth and Di Zahav." The sages, however, ever sensitive to the slightest nuance, heard something strange and suggestive in these words. What is Di Zahav? Evidently the name of a place. But it has not been mentioned before.

How then does it help us locate where the great last speeches of Moses took place, if we have no way of knowing where it was?

Besides which, the name itself is suggestive. Di Zahav means "enough gold." Might there not be a subtle reference here to an episode which involved gold - namely, the golden calf, the worst sin of the previous generation? On this slender basis, the sages built one of their most daring interpretations:

Moses spoke audaciously [hiti'ach devarim] towards Heaven . . . The school of R. Jannai learned this from the words Di Zahav. What do these words mean? They said in the school of R. Jannai: Thus spoke Moses before the Holy One, blessed be He: "Sovereign of the Universe, the silver and gold [zahav] which you showered on Israel until they said, Enough [dai], was what caused them to make the calf . . . R. Hiyya bar Abba said: It is like the case of a man who had a son. He bathed him and anointed him and gave him plenty to eat and drink and hung a purse around his neck and set him down at the door of a house of ill-repute. How could he help sinning?"

Moses, in this dramatic re-reading, has been transformed into counsel for the defence. Yes, he says to G-d, the people committed a sin. But it was You who gave them the opportunity and the temptation. Without gold, they could not have made the calf. But it was You who told them to ask their neighbours for gold. This was not something they did of their own accord. Therefore you must not blame them. Please, instead, forgive them.

We hear, in this aggadic passage, one of the most striking and humane motifs in rabbinic thought. It is called being melamed zekhut, judging favourably, or arguing the case for the defence. It means placing a positive construction on events, pleading a cause, putting the case for mercy or at least mitigation of sentence. The sages sought to exonerate Israel. Yes, to be sure, judging by appearances, they may have been guilty of waywardness, backsliding and ingratitude. They may at times have failed to live up to the highest ideals of the Torah. Yet consider the difficulties they faced, the dangers they went through, the temptations that surrounded them. Even the making of the golden calf, their greatest sin, was in some measure excusable.

Limmud Zekhut has a rich history in aggadah and halakhah, Jewish thought and law. One of its classic expressions is to be found in Maimonides' Epistle on Martyrdom, written around 1165. Spain had been invaded by an extremist Muslim sect, the Almohads, who confronted Jews with the choice: convert or die. Maimonides' own family was forced to flee. Some Jews, however, stayed, publicly embracing Islam while secretly remaining Jews - forerunners of the later marranos who converted to Christianity.

One of the forced converts wrote to a rabbi to ask whether he was right to continue to practice as many mitzvot as he could in secret. The rabbi wrote back a dismissive reply, saying that now that he had abandoned Judaism, every religious deed he performed was not a merit but a sin. Appalled by this reply, Maimonides wrote the Epistle, saying that indeed Jews should leave Spain and go somewhere they could practice their religion openly. But those who stayed and converted under fear of death should not be regarded as sinners. To the contrary, every mitzvah they do is still a good deed. Indeed, in one sense, it is a great deed since "the reward is much greater for a person who fulfils the Law and knows that if he is caught, he and all he has will perish." In the course of the letter, Maimonides cites a host of examples in which the sages say that the greatest of the prophets were criticised by G-d when they criticised the Jewish people. His conclusion is that "It is not right to alienate, scorn and hate people who desecrate the Sabbath. It is our duty to befriend them and encourage them to fulfil the commandments."

It is a note that sounds again during the Hassidic movement, most famously in many stories attributed to the great R. Levi Yitzhak of Berditchev. It is said that Levi Yitzhak once saw a Jew smoking in the street on Shabbat. He said, "My friend, surely you have forgotten that it is Shabbat today." "No," said the other, "I know what day it is." "Then surely you have forgotten that smoking is forbidden on Shabbat." "No, I know it is forbidden." "Then surely, you must have been thinking about something else when you lit the cigarette." "No," the other replied, "I knew what I was doing." At this, Levi Yitzhak turned his eyes upward to heaven and said, "Sovereign of the universe, who is like Your people Israel? I give this man every chance, and still he cannot tell a lie!"

The great leaders of Israel were the great defenders of Israel, people who saw the good within the not-yet-good.

Where did they learn it from? From the prophets themselves. Most notable in this regard is a figure not usually associated with good news, namely Jeremiah. His name is associated with a bringer of bad tidings, yet it is he who says in the name of G-d:

I remember the devotion of your youth, How as a bride you loved Me And followed Me through the desert, Through a land not sown. Again, it was Jeremiah who said of Ephraim (the northern kingdom, usually associated with idolatry):

Is not Ephraim my dear son, The child in whom I delight? Though I often speak against him, I still remember him. Therefore my heart yearns for him; I have great compassion for him - declares the Lord.

There were the great prophecies of hope in the concluding chapters of Isaiah, from which all seven haftarot of "consolation" are taken, beginning next week. Indeed almost every prophet gave voice to hope. The prophets criticised Israel, but always, and only, out of love. Perhaps the most paradoxical of all such utterances came, in the name of G-d, from Amos: "You only have I chosen [yadati, which may also mean, 'have I known' or 'have I loved'] of all the families of the earth; therefore I will punish you for all your sins." 5 The very suffering of the Jewish people, implied Amos, was a sign of their chosenness, their preciousness in the eyes of G-d.

What then is going on in the sages' interpretation of the words Di Zahav in the first verse of Devarim? The sedra of Devarim is always read on the Shabbat before Tisha b'Av, the most tragic date in the Jewish calendar, the day on which both the first and second temples were destroyed and on which many other catastrophes occurred, including the defeat of the Bar Kochba rebellion, Hadrian's rebuilding of Jerusalem as a pagan city, and the Spanish expulsion.

The haftarah (the famous "vision" of the first chapter of Isaiah, which gives its name to this day, Shabbat Chazon) is one of the most searing indictments in all literature of the corruption of a people. Devarim itself is harsh in its judgement of the Israelites. Rashi, in his comment to the first verse, writes that "These are words of rebuke, and [Moses] is listing the various places where [the Israelites] provoked G-d." The connection between sedra, haftarah and Tisha b'Av is driven home by the unmistakable three-fold occurrence of the word Eichah:

In the sedra: "How [eichah] can I bear your problems, your burdens and your disputes alone?" In the haftarah: "How [eichah] the faithful city has become a harlot! She once was full of justice; righteousness used to dwell in her; but now murderers!" In the megillah: "How [eichah] deserted lies the city, once so full of people. How like a widow is she who once was great among the nations. She who was a queen among the provinces has now become a slave."

These are terrifying judgements, awesome in their cumulative weight. It is not too much to say that had this been all, the Jewish people might have concluded that the mission G-d had given them was impossible. However hard they tried, it seemed, they fell short. They were afflicted; they suffered; twice they had seen their holiest site destroyed. The first time, when they were exiled to Babylon, consolation was at hand. The prophets told them - and they were right - that within seventy years they would return. This time, however, under Rome, no end was in sight. An extraordinary passage in the Talmud tells us how close Jews came to despair:

R. Ishmael ben Elisha said: Since the day that a government has come into power which issues cruel decrees against us and forbids us to enter into the 'week of the son' [i.e. brit milah, circumcision] we ought by rights to issue a ruling forbidding Jews to marry and have children, so that the seed of Abraham our father would come to an end of its own accord. It was a moment of crisis. (So, incidentally, was the Spanish expulsion. Abarbanel, who lived through it, later wrote: "I used to say in those days [following the expulsion] all the prophets who prophesied about my redemption and salvation are false; Moses, may he rest in peace, was false in his utterances, Isaiah lied in his consolations . . . Let the people remember all the despairing things they used to say at the time of the exile.")

What, at such times, is the role of a sage? The sages were not prophets, but they knew they carried the same responsibility ("From the day the Temple was destroyed, prophecy was taken from the prophets and given to the sages"). They knew that at times of comfort and ease, the task of the prophet is to warn of impending dangers, to detect the first signs of moral drift and decadence. But at times of trouble the role of the prophet is to bring hope.

That is what the sages did. Building on the prophets but going beyond them, they were melamed zekhut for the Jewish people. They became advocates for the defence. They spoke the good news about Jews ("Even the emptiest of Israel is as full of good deeds as a pomegranate is of seeds"; "Let Israel alone: they may not be prophets, but they are the children of prophets"; "they are believers, the children of believers"; "A Jew who sins remains a Jew"). Throughout the rabbinic and post-rabbinic literature this note sounds time and again - a note of love, of generosity of spirit, even awe for this people who, though much afflicted, never gave up its faith. And this is what they did on Shabbat Chazon. On this, the most painful Shabbat of the year, they introduced into the first verse of Devarim a note of defence. Yes -- Israel sinned, nowhere more so than when they made the golden calf, but even then there was a case to be argued in mitigation - and this, they said, is what Moses did. Don't blame them, he said to G-d: they were not responsible for the gold, and without the gold there would have been no golden calf. Moses, counsel for the prosecution, becomes Moses, attorney for the defence. Thus the sages introduced a note of hope into what otherwise might have been the Shabbat of despair.

Where is that voice today? We know all too well our failings as a people. Yes, Jews in Israel are a fragmented and deeply divided society. Yes, Jews in the Diaspora are assimilating and disaffiliating. Those who seek to be critical will find no shortage of grounds on which to be so. But Jewish leadership as the sages understood it is about love, respect, even awe for the Jewish people - this extraordinary people who after the Holocaust and the angel of death collectively created the greatest single affirmation of life in the past two thousand years of our history: the State of Israel. This remarkable people who, despite the pressures of modernity and post-modernity, still identify as Jews, come to the aid of other Jews in need wherever they are, who carry beneath the surface of their lives a glowing ember of identity which with the right touch may yet be fanned into flame. This people who, though they may live far from Israel, still carry Israel, the land and its people, in their heart, so that when it is attacked they come to its defence. We have no shortage of internal critics. What we need is the opposite. Who will be melamed zekhut for the Jewish people today?

From: National Council of Young Israel [YI_Torah@lb.central.com] Sent.: July 20, 2004

Parshat Devarim 6 Av 5764 July 24, 2004 Daf Yomi: Bechoros 42

Guest Author:

RABBI DAVID RABHAN

Young Israel of Aberdeen, New Jersey.

In this week's portion we are confronted with one of the two versions (the first version can be found in Parshas Shelach) of the story of the Spies and the terrible calamity that ensued. Moses charged the Spies to bring back a report of the land and the Spies proceeded to spread a "false" report of the land to the Jewish people. As a consequence, the Jewish people were commanded by G-d, to wander the Desert for forty years.

When we compare and contrast the two sections of the Spies there are many surprising differences between the two versions of the story. In the 13th Chapter of Numbers, the decision to send the Spies emanates from G-d and only from G-d alone. "Shelach lecha Anashim", you (Moses) should send Men (spies) to spy out the land of Israel.

In Deuteronomy 1:22, the idea to send the Spies emanates from the people. "Vatikrevun Aylay Kulechem Vatomroo nishlecha anashim lefananu", "All of you approached me (Moses) and said let us send men ahead of us." In the following verse Moses states that he concurs and agrees with the idea. What is fascinating is that in the account in Deut. With Moses as the speaker, G-D'S ROLE IS NOT MENTIONED AT ALL.

To add to the difficulty, when we refer back to Numbers 13 with G-d, so to speak, as the speaker, Moses' and the people's role as originators of sending the Spies is completely omitted. From Numbers 13 it is G-d and G-d alone who decides to send the spies and in Deut.1 it is the people who request the Spies and their request is supported by Moses. The obvious question is quite simply, what happened? Whose idea was it to send the Spies?

Our Rabbis explain that the two accounts are to be understood as two pieces of the same puzzle. Initially, the idea to send the Spies emanated from the Jewish people. Moses, for various reasons, concurred. He asked G-d for permission to send the Spies and G-d granted permission, which is recorded in Numbers 13. Thus the order of the accounts are backwards. In reality, Deut. 1 initially transpired and then subsequently, Numbers 13 occurred.

The question then emerges, Why is the Torah written A) out of order B) why are there two fragments of the story? Why didn't G-d include the role of the people and Moses, and why didn't Moses include the role of G-d.

I believe that the Torah is teaching us a very important lesson about how we approach and relate to failures. Success in life is sweet and enjoyable. We pray for success and we yearn for it. When we are successful there are invariably many people who feel, and oftentimes rightfully so, that they were part of the process.

In situations of failure the opposite often occurs. Invariably there is a scramble to distance oneself from the failure and to find a convenient scapegoat to take the responsibility away from us.

To quote the popular maxim: Success has many fathers, while failure is a lonely orphan.

In the Torah there are many examples of this phenomenon, particularly at the beginning of Genesis. Adam is confronted by G-d and G-d asks Adam, have you eaten from the fruit of the tree of Knowledge? Adam responds that it wasn't his fault. Adam proceeds to blame Eve directly and G-d indirectly for his indiscretion.

It was G-d who created Eve and without this creation, Adam would not have sinned. Consequently, according to Adam, it's G-d's fault that he, Adam ate from the forbidden fruit. Eve ate from the forbidden fruit first. She gave the fruit to

Adam. Had Eve not been present then Adam would not have sinned. Consequently it is not Adam's fault that he, Adam violated G-d's only commandment.

In the next chapter when G-d confronts Cain, G-d asks Cain where is your brother. Cain, like his father Adam can not admit that a sin has been committed. Cain, like his father Adam could not admit to failure and Cain tried to distance himself from the catastrophe.

I believe that the selection of Judah and David for the Torah Monarchy relates to their general willingness to accept responsibility and their capacity to admit publicly to their sins and mistakes.

King David accepts responsibility for his actions and their consequences. When the Prophet Nathan confronted King David concerning David's role in the Bathsheba incident and said "Atah HaIsh," (you (King David) are the man who committed an immoral act), King David responds "Chataseeh" (I sinned)

To accept responsibility in a situation of failure is the prerequisite for leadership and the monarchy. King David is a shining example that G-d does not expect perfection, rather he expects us to admit our mistakes and to take responsibility for our actions.

G-d himself teaches this principle in recounting the story of the Spies. When we are first introduced to the story, G-d does not mention that the initial idea to send the Spies came from the people. This crucial omission creates an initial perception that it was G-d's idea to send the Spies, when it clearly wasn't. G-d teaches us through the means of this omission, not to blame others when a plan or idea fails. The silence screams to us, that although the idea originated with the people and the idea found favor in the eyes of Moses, however G-d went along with the idea, and he does not hide his participation in this failure.

In Deut. Moses reviews the history of the Jewish people during the desert era. The purpose of this review is to learn from the mistakes and sins of the past 40 years to prevent their repetition in the future. As the speaker throughout Deut., Moses obviously learned from G-d's example that one not avoid taking responsibility when a plan or course of action fails.

When Moses recounts the story of the Spies he omits G-d's involvement. Why? Since Moses agreed with the idea to send Spies, he takes responsibility and does not try to obfuscate his own involvement. (The Jewish people's involvement is mentioned because in the context of Deut. Moses' purpose is to teach the Jewish people not to repeat the mistakes of the past.) It's not easy to admit failure. It can be excruciatingly difficult to take responsibility for mistakes. But when one does take responsibility one is performing a noble, G-dly activity. This course of action is so dear to G-d that I believe it is a prerequisite for Monarchy. [With a little Homiletic license I would like to apply an opinion of Rabbi Joshua, who simply said that all Jews are the sons of Kings. It is time to act as such.]

Good Shabbos.

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EZRAS TORAH LUACH

SHABBOS PARSHAS DEVORIM (CHAZON) FRIDAY EVENING, JULY 23, SATURDAY, JULY 24, 6 AV (Some have the custom to sing Lechah Dodi in the melody of Eli Zion.) The Haftorah is read (to the special melody of Eichah) from Isaiah 1:1-27. Kel Malei and Av Harachmim; usual Mussaf; At Mincha Tzidkascha Tzedek. Chapter 3 of Pirkei Avos. At the Departure of Shabbos we make the usual Havdalah using wine. (If there is a child who understands the nature of a Bracha, we give him the wine to drink. If there is no child, the one who makes Havdalah may drink the wine himself.)

EREV TISHA B'AV MONDAY, JULY 26, 8 AV No Tachanun at Mincha. At the concluding meal before the fast, aside from the bread, we may not eat two different types of cooked foods. Three people should not eat together in order to avoid making a Zimun (quorum of three for the Blessing after Meals). We sit upon the floor and eat the customary egg dipped into ashes to symbolize our state of mourning. One may not eat another cooked food with the egg, as the egg itself constitutes a cooked food. We stop eating and drinking, as well as all the other categories of activities forbidden on Tisha B'Av, before sunset.

TISHA B'AV MONDAY NIGHT, JULY 26, 9 AV This is a Public Fast Day. On Tisha B'Av we are prohibited to eat and drink, to wash ourselves (even in cold water), to apply oils to ourselves for pleasurable purposes, to have marital relations, and to wear leather shoes. "Anyone who eats or drinks on Tisha B'Av will not participate in the rejoicing over the rebuilt Jerusalem. And all who mourn for Jerusalem will earn the right to take part in the rejoicing over the rebuilt Jerusalem. And concerning a person who eats meat or drinks wine at the last meal before the

Fast [with the exception of Shabbos]. Scripture states (Ezekiel 32:27): "and their iniquities shall come upon their bones." [Orach Chaim Siman 554:25] The Mishneh Brurah, writing on the first phrase, "Anyone who eats or drinks on Tisha B'Av..." comments: "Even women who are pregnant or nursing, or people of weak constitution, for whom fasting is very difficult, must fast on Tisha B'Av (this does not apply to someone who is truly ill), for the destruction of the Beis HaMikdash is worth suffering for, at least one day a year."

MAARIV (We remove the curtain from the Aron HaKodesh, we dim the lighting, and we sit on the floor or on a low stool. We do not sit on regular chairs or benches until after midday [1:01 PM DST]). We recite Maariv in a low and subdued voice; Shemonah Esrei; Kaddish Tiskabel. We have a public recitation of Eichah ó the Book of Lamentations, followed by several Kinot for the night of Tisha B'Av; Va-ata Kadosh; Kaddish Tiskabel without Tiskabel; Aleinu; Mourner's Kaddish.

TUESDAY MORNING, JULY 27 SHACHRIS We wash our fingers only until the knuckles (as one is drying his fingers, while there is still some moisture on them, he may rub them across his eyes to remove the sediment there); we make the Bracha Al Netilas Yadayim, as well as all of the other appropriate morning Brachos. We rise early to Shul. We do not wear our Tallis or Tefillin until midday. We do wear our Tallis Koton, but without making a Bracha over it. We say the usual morning Brachos, as well as the rest of the morning order (we omit Pitum Haktoras). We recite the usual morning service, Shemonah Esrei; Chazzan's Repetition; the Chazzan recites Aneinu between Goel and Refaenu; (the Chazzan does not say Birchas Kohanim before Sim Shalom); Half-Kaddish (we say neither Tachanun nor Avinu Malkeinu on Tisha B'Av); we take out a Sefer Torah and have three Aliyahs in Parshas Vaeschanan (Deut. 4:25-40) iKi Solid Banim; Half-Kaddish; the third Aliyah is Maftir. The Haftorah is read in the melody of Eichah from Jeremiah 8:13-9:23; iAsof Asifam. At the conclusion of the Haftorah, the Brachos after the Haftorah are read until iMagen David; we return the Sefer Torah to the Aron HaKodesh; we say the lengthy collection of Kinot until their completion (preferably around noon); Ashrei; (we omit Lamnazeach) Uva Letzion (skipping the verse iVaani Zos Brisi etc.); Kaddish Tiskabel without Tiskabel; Aleinu; Mourner's Kaddish; we do not say the Psalm for the Day during Shachris on Tisha B'Av. (It is recommended that people read Eichah individually to themselves). After midday it is permitted to sit on chairs or benches.

MINCHA We don Tallis and Tefillin, making the appropriate Brachos. The Psalm of the Day is recited, followed by a Mourner's Kaddish. As is customary for Mincha of all Public Fasts, we say Ashrei, followed by a Half-Kaddish; we take a Sefer Torah out of the Aron HaKodesh and we have three Aliyahs in iVayechelf as in the Mincha service of any Public Fast; no Half-Kaddish after the Torah is read; the third Aliyah is the Maftir. The Haftorah Dirshu; Isaiah 55:6-56:8 (until ;Akabetz Aluv Lanikbazav;) is the usual one for the afternoons of Public Fasts; Brachos after the Haftorah until iMagen David; Yehalelu; we return the Sefer Torah to the Aron HaKodesh; Half-Kaddish; Shemonah Esrei including Nachem in Boneh Yerushalayim and Aneinu in Shomeah Tfilah. If one forgot to say Nachem in Boneh Yerushalayim he may say it before Vasechezena omitting the ending blessing Boruch Menachem Zion concluding only with Vesechezena [Mishneh Brurah]. See Tzom Gedaliah for the laws pertaining to an individual or Chazzan who omits Aneinu. Chazzan repeats Aneinu between Goel and Refaenu, Nachem in Boneh Yerushalayim and says Birchas Kohanim before Sim Shalom; (we do not recite Avinu Malkeinu and Tachanun); Kaddish Tiskabel; Aleinu; Mourner's Kaddish.

[Rav Henkin noted: Our Sages have emphasized that the essence of a Fast Day is the process of Teshuva ó Repentance. This is particularly so for those sins that were responsible for the destruction of the Beis HaMikdash, and yet, which we remain guilty of today. Here is a partial listing of those transgressions: Jerusalem was destroyed because: 1) the Jews profaned Shabbos. 2) they did not provide for the Torah education of their small children. 3) they did not recite the Shema morning and night. 4) they showed contempt for Torah scholars. 5) they had unwarranted hatred for each other. 6) they hardened their hearts to any fear of Divine retribution (see Gittin 55b).

Throughout the history of the Diaspora we have always taken the matter of repentance on fast days very seriously. Even the 'sinners and scoffers' of past generations were observant in this area. In recent history, however, there has been a tragic breakdown in religious sensitivity, may G-d protect us.]

It is a great Mitzvah to study on a daily basis the Sefer Chofetz Chaim which discusses the laws of Lashon Harah and Rechilus (talebearing). The major reason for the destruction of the Holy Temples was senseless hatred and Lashon Harah. By studying these laws, a person becomes sensitized to refraining from these very serious sins. Conversely, if one does not study these laws on a regular basis, he will not be as careful in avoiding these transgressions, nor will he understand the intricate details involved in guarding one's speech. One should read the Chofetz

Chaim's zfil descriptions of the great rewards that await those who are careful to avoid these sins. The Vilna Gaon zfil quotes a Medrash that states: "For every moment that a person refrains from forbidden speech, he earns a celestial light hidden away for the righteous, whose value cannot be comprehended by neither angel nor man."

TUESDAY NIGHT, JULY 27, 10 AV MAARIV We recite the usual weekday Maariv. After services we sanctify the New Moon of Av.

(Meat may not be eaten and wine may not be drunk until noon of Wednesday.)

From: ohr@ohr.edu Sent: July 20, 2004 To: weekly@ohr.edu Subject: Torah Weekly - Parshat Devarim

TORAH WEEKLY - For the week ending 24 July 2004 / 6 Av 5764 - from Ohr Somayach | www.ohr.edu

Written and compiled by RABBI YAAKOV ASHER SINCLAIR

OVERVIEW

This Parsha begins the last of the Five Books of The Torah, Sefer Devarim. This Book is also called Mishneh Torah, "Repetition of the Torah" (hence the Greek/English title Deuteronomy). Sefer Devarim relates what Moshe told Bnei Yisrael during the last five weeks of his life, as they prepared to cross the Jordan into Eretz Yisrael. Moshe reviews the mitzvot, stressing the change of lifestyle they are about to undergo: from the supernatural existence of the desert under Moshe's guidance to the apparently natural life they will experience under Yehoshua's leadership in the Land.

The central theme this week is the sin of the spies, the meraglim. The Parsha opens with Moshe alluding to the sins of the previous generation who died in the desert. He describes what would have happened if they hadn't sinned by sending spies into Eretz Yisrael. Hashem would have given them without a fight all the land from the Mediterranean to the Euphrates, including the lands of Ammon, Moav and Edom. He details the subtle sins that culminate in the sin of the spies, and reviews at length this incident and its results. The entire generation would die in the desert; Moshe would not enter Eretz Yisrael. He reminds them that their immediate reaction to Hashem's decree was to want to "go up and fight" to redress the sin. He recounts how they wouldn't listen when he told them not to go, that they no longer merited vanquishing their enemies miraculously. They ignored him and suffered a massive defeat. They were not allowed to fight with the kingdoms of Esav, Moav or Ammon - these lands were not to be part of the map of Eretz Yisrael in the meantime. When the conquest of Canaan will begin with Sichon and Og, it will be via natural warfare.

INSIGHTS

You're A Star!

"Hashem, your G-d has multiplied you and behold! you are like the stars of the heaven in abundance." (1:4)

When the Jewish People fulfill G-d's will, they are like the stars. There is no competition or envy among the stars. No star was ever heard to complain that the light of another was brighter than his. Similarly a righteous person is happy with the light that G-d has bestowed on him, for he knows it is not his own light anyway. Sometimes the light of a star is not immediately apparent. A cloud of cosmic gas or some other obstruction may mask that light. So too are there are untold numbers of holy people amongst our nation who deliberately hide their light "under a bushel." And just as the stars will live forever, so is the Jewish People an eternal nation who will radiate the light of G-d forever.

- Source: based on the Sifri in Parshat Ekev

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From: ohr@ohr.edu To: parasha-qa@ohr.edu Subject: Parsha Q&A - Parshat Devarim

PARSHA Q&A - For the week ending 24 July 2004 / 6 Av 5764 - from Ohr Somayach | www.ohr.edu

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Parshat Devarim <http://ohr.edu/yhiy/article.php/1795>

QUESTIONS AND ANSWERS

1. How do we see from the beginning of Parshat Devarim that Moshe was concerned for the Jewish People's honor?

* 1:1 - Moshe mentions only the names of the places where the Jewish People sinned, but does not mention the sins themselves.

2. How much time elapsed between leaving Mt. Sinai and sending the spies?

* 1:2 - 40 days.

3. Moshe rebuked the Jewish People shortly before his death. From whom did he learn this?

* 1:3 - From Yaakov, who rebuked his sons shortly before his death.

4. Why did Moshe wait until he had smitten the Amorite kings before rebuking the Jewish People?

* 1:4 - So that no one could say, "What right has he to rebuke us; has he brought us into any part of the land as he promised?"

5. What were some of the achievements that resulted from the Jewish People "dwelling" at Mt. Sinai?

* 1:6 - They received the Torah, built the mishkan and all its vessels, appointed a Sanhedrin, and appointed officers.

6. Why does the Torah single out the names of the avot in connection with the giving of the Land?

* 1:8 - Each of the avot possessed sufficient merit for the Jewish People to inherit the Land.

7. What did Moshe convey to the Jewish People by saying: "You today are like the stars of the Heavens"?

* 1:10 - They are an eternal people, just as the sun, moon and stars are eternal.

8. "Apikorsim" (those who denigrate Talmud scholars) observed Moshe's every move in order to accuse him. What did they observe, and what did they accuse him of?

* 1:13 - They observed the time he left home in the morning. If Moshe left early, they accused him of having family problems (which drove him from his home). If he left late, they accused him of staying home in order to plot evil against them.

9. Moshe was looking for several qualities in the judges he chose. Which quality couldn't he find?

* 1:15 - Men of understanding.

10. Moshe told the judges, "the case that is too hard for you, bring it to me." How was he punished for this statement?

* 1:17 - When the daughters of Tzlofchad asked him a halachic question, the law was concealed from him.

11. Why did Moshe describe the desert as great and frightful?

* 1:19 - Because the Jewish People saw huge, frightening snakes and scorpions in the desert.

12. Which tribe was not represented among the spies?

* 1:23 - Levi.

13. Which city did Calev inherit?

* 1:36 - Hebron.

14. How many kingdoms was Avraham promised? How many were conquered by Yehoshua?

* 2:5 - Avraham was promised the land of ten kingdoms. Yehoshua conquered seven. The lands of Moav, Ammon and Esav, will be received in the time of the mashiach.

15. Why were the Jewish People forbidden to provoke Ammon?

* 2:9 - This was a reward for Lot's younger daughter, the mother of Ammon, for concealing her father's improper conduct.

16. Why were the Jewish People not permitted to conquer the Philistines?

* 2:23 - Because Avraham had made a peace treaty with Avimelech, King of the Philistines.

17. How did Hashem instill the dread of the Jewish People into the nations of the world?

* 2:25 - During the battle against Og, the sun stood still for the sake of the Jewish People, and the whole world saw this.

18. Why did Moshe fear Og?

* 3:2 - Og possessed merit for having once helped Avraham.

19. Who was instrumental in destroying the Refa'im?

* 3:11 - Amrafel.

20. What was the advantage of Reuven and Gad leading the way into battle?

* 3:18 - They were mighty men, and the enemy would succumb to them.

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From: RABBI YISSOCHER FRAND [ryfrand@torah.org] Sent: July 22, 2004 To: ravfrand@torah.org

"RavFrand" List - Rabbi Frand on Parshas Devarim -

Don't Flaunt It

"You have enough, circle the mountain, and turn to the north (tzafonah)." (Devarim 2:3)

The Kli Yakar lived during a time when the Jews enjoyed prosperity, and he did not approve of the way they dealt with it. He urged them to be more discreet, to keep a low profile and not draw attention to themselves with ostentatious lifestyles. He supported his exhortation with a homiletic interpretation of Moshe's words to the Jewish people. "You have enough, circle the mountain, and turn to the north (tzafonah)." The word tzafonah can also be translated as "the hidden." In other words, you have enough material things. Now hide them! If you've got it, you don't have to flaunt it!

Eisav has a long memory, writes the Kli Yakar. Whenever he sees Yaakov prosper, he believes with all his heart that it is only because of the blessings that he believes Yaakov stole, the blessings that should have gone to Eisav.

Yaakov himself was already worried about this. When famine struck all of the Middle East, everyone was forced to run to Egypt, the only place where large stockpiles of food existed. It was the only way to avoid starvation.

Yaakov's pantry, however, was well stocked with food, and his family could have gone a long time without a trip to Egypt. Nonetheless, Yaakov sent them to buy food. "Lamah tisra'u?" he said. "Why should you show off?" According to Rashi, Yaakov was concerned about the children of Eisav and Yishmael. Why should they see that you have plenty of food while they are starving? That would be a foolish thing to do.

Living in the United States, which is so liberal, so tolerant, we tend to forget this important lesson. Regardless of how benign American society is, it is still exile. We still live among non-Jews, not all of whom share the full measure of tolerance which has made this country the superpower that it is today. We still need to watch our step. If we have been blessed with prosperity -- money, real estate, nice homes, automobiles and clothing -- there is no need to flaunt our wealth.

"Why do you show off?" said Yaakov. It is impolite. It is unwise. It is even dangerous.

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From: TorahWeb.org [torahweb@torahweb.org] Sent: July 20, 2004 To: tw314@torahweb.org Subject: Can Women Be Rabbis? - Rabbi Herschel Schachter to subscribe, email weekly@torahweb.org to unsubscribe or for anything else, email: torahweb@torahweb.org the HTML version of this dvar Torah can be found at: <http://www.torahweb.org/thisWeek.html>

RABBI HERSCHEL SCHACHTER -
CAN WOMEN BE RABBIS?

[Torahweb Editor's Note: the following is in response to various communications which I have received: Rav Schachter's dvar Torah portrays women very positively. He describes the bina yeseira with which they are endowed, the added element of imetatio dei which they are privileged to observe, etc. The statement about monkeys or parrots reading the kesuba was clearly intended to dramatize the halachic insignificance of the reading of the kesuba from the standpoint of the sidur kiddushin (marriage ceremony). It was not intended to imply or insinuate anything else. And his analogy applies equally for men or women reading the kesuba.]

I

Some of the non-Orthodox denominations celebrate the bat mitzvah of young girls at thirteen - the same age that the boys celebrate their bar mitzvah. These groups felt uncomfortable about the discrimination between the sexes which had been practiced by Jews for millennia, and finally did away with it.

The rationale for this distinction is presented by the Talmud as follows: the Torah says (Braishis 2:22) that G-d created Eve from the body of Adam. The term used is "vayiven", from the verb bonoh, "and He built". The rabbis had an oral tradition that this verb "vayiven" has an additional level of interpretation, from the root

"binah". "Binah yeseirah" was given to women more so than to men. Women mature intellectually at an earlier age than the men; therefore girls should become bat mitzvah at age twelve, while boys only attain their intellectual maturity at age thirteen (Talmud Niddah 45b).

By insisting that the girls observe their bat mitzvah at age thirteen, just the same as the boys, one is in effect insulting the women, and denying that they were created with this "binah yeseirah".

In a recent study published in Time Magazine (May 10, 2004, p. 59) it was reported that the brain mass of females reaches its maximum size at age eleven, while that of the males only reaches its maximum size at age twelve and a half. It would appear that the ages of bar and bat mitzvah were established by the halacha in accordance with this attaining of maximum size of the brain mass, and the rabbis derived this point of biology from their additional level of interpretation of the possuk in Braishis. The Talmud (B'choros 8b) relates that in the days of the tannaim, the rabbis were able to read in between the lines of the chumash and discover scientific details in the area of biology, which the scholars of Athens had not yet ascertained through their scientific research. In later generations, however, this ability to "darshen" psukim was lost, to the extent that the chachomim couldn't even figure out halachos by reading "in between the lines" of the text of the Torah.

II

A new trend is emerging among certain "modern Orthodox" circles. A scholarly woman is called upon at a wedding ceremony to read the kesuba. They say that "halachically there is nothing wrong with this!" In a certain sense this statement is correct. If one only judges the issue from the perspective of the laws of "sidur kiddushin" there's nothing wrong. Yes, even if a parrot or a monkey would read the kesuba, the marriage would be one hundred percent valid. Strictly speaking, the reading of the kesuba is not at all a part of the marriage ceremony. This minhag was introduced in the days of the rishonim after the geonim had done away with the ancient practice of having a long pause (of several months) between the erusin and the nissuin. When a young girl would be married for the first time, the pause would be "a yohr un a mitvoch". The date for the chuppah would be set for the first Wednesday following the entire year after the erusin (see Talmud Kesubos 2a). In the days of the Talmud there would have been no objection if "borei pri hagoffen" would have been recited over the cup of wine used for the six brachos of nissuin, despite the fact that that same bracha had already been recited in connection with the cup of wine used for the "birchas erusin"[1], because there was a pause of months in between the two occasions. However, once the geonim introduced the practice of having the nissuin follow immediately after the erusin, the reciting of the blessing of borei pri hagoffen the second time seems very strange! There was no longer a pause of several months between the two brachos, but merely a pause of a few moments, and the reciting of the second bracha really seems absolutely unnecessary! This is what prompted the rishonim to institute the slow reading of the kesuba in between the erusin and the nissuin, to establish a hefsek between the two "brachos al hakos", so that the second borei pri hagoffen will not seem so superfluous. It is for this reason that many have the practice that if someone is scheduled to speak under the chuppah, or if a chazzan is going to sing something, that these take place right after the reading of the kesuba. The greater the pause, the better. Some rabbis have the practice of reading the kesuba very quickly. I remember that when Rav Eliezer Silver zt"l would be called upon to read the kesuba at a chasuna, he would do so very slowly. Since the whole purpose of krias hekesuba is to introduce a pause between the brachos over the two cups of wine, the longer the pause - the better! (See Beikvei Hatzohn pg. 268.) So it is a correct observation that if one only studies Even Hoezer Hilchos Kiddushin and Hilchos Nissuin there's absolutely no mention whatsoever that anything is wrong with a woman reading the kesuba. Yes, a monkey could also read the kesuba!

But when a shailah is researched one must look through the entire Shulchan Aruch, and consider all the various aspects of that shailah. Just because there is an issue that does not appear in Even Hoezer Hilchos Kiddushin or Hilchos Nissuin, it doesn't mean that the issue is "non-halachic". Orach Chaim Hilchos Krias HaTorah is just as "halachic" as Even Hoezer Hilchos Kiddushin. In Hilchos Krias HaTorah the Shulchan Aruch quotes from the Talmud that although judging from the perspective of Hilchos Krias HaTorah alone a woman may receive an aliyah, from the perspective of Hilchos Tznius this is not permitted. All people were created b'tzelem Elokim, and the Torah has instructed each of us to preserve his tzelem Elokim. One aspect of Elokus is the fact that Hashem is a "Keil Mistater", He always prefers to hide b'tzinah. Therefore we assume that part of our mitzvah of preserving our tzelem Elokim is for all of us to lead private lives. The prophet Micha (6:8) uses the verb "leches" in conjunction with tznius: "vehatzeia leches im Elokecha." The rabbis of the Talmud (Sukkah 49b) understood the choice of that particular verb to be an allusion to the expression in Koheles (7:2) "tov laleches el beis ovel mileches el beis mishteh." This particular form of the

verb appears in connection with a funeral and a wedding - occasions which are intended for a public outpouring of emotion. The navi Micha is telling us that even on these occasions one should tone down his public display of his inner emotions. And kal vachomer, so much more so all year long, one should try to lead as private (as tzanua) a life as possible.

Sometimes the halacha requires of us to act in a public fashion (b'farhesia), as for example to have tfilah b'tzibur, krias haTorah b'tzibur, etc. On these occasions the halacha distinguishes between men and women. We only require and demand of the men that they compromise on their tznius and observe certain mitzvos in a farhesia (public) fashion. We do not require this of women. They may maintain their middas hahistatus, just as Hashem (most of the time) is a Kel Mistater (Yeshaya 45:15). Of course, if there are no men in the shul who are able to lein and get the aliyos, we will have no choice but to call upon a woman, and require of her to compromise on her privacy and lein, to enable the minyan to fulfill their obligation of krias haTorah. If there is a shul where a woman gets an aliyah, this is an indication that there was no man who was able to lein, and this is an embarrassment to that minyan. This is what the rabbis meant when they said that a woman should not lein - for this would constitute an embarrassment to the minyan. (Megillah 23a.)

And the same is true regarding a woman reading the kesuba in public at a chasuna. Of course the kiddushin will not be affected in the slightest! An animal can also read the kesuba without affecting the kiddushin! The truth of the matter is that no one has to read the kesuba! We have a centuries-old custom to create the hefsek through the reading of the kesuba. Because we plan to satisfy the view of the Rambam that the kesuba must be handed over to the kallah before the nissuin[2], the rishonim thought that we may as well read that kesuba which we're just about to hand over. But nonetheless it is a violation of kvod hatzibur to have a woman surrender her privacy to read the kesuba in public. Were there no men present who were able to read this Aramaic document?

III

Clearly the motivation to have a woman read the kesuba is to make the following statement: the rabbis, or better yet - the G-d of the Jews, has been discriminating against women all these millennia, and has cheated them of their equals rights, and it's high time that this injustice be straightened out!

What a silly misunderstanding! Our G-d never intended to cheat women of their rights and privileges! Quite the contrary! He wanted to give women the ability to fulfill vehalchta bidrachav in a more complete way - without ever having to compromise their tznius.

IV

The Talmud records that during the period of the Second Temple the Tzdukim had many disputes with the chachamim. The Tzdukim did not follow the Torah Shebeal Peh, and had many complaints against the rabbonim, based on their fundamental misunderstanding of the principals of the halacha.

One of their big issues was this issue of discrimination against women. According to the Torah law, a daughter will only inherit a parent where there were no sons. The Tzdukim felt that this was unfair, but there was nothing they could do about this because this point is explicit in the chumash (Bamidbar 27:8). But the following case is not explicit: if someone dies leaving a daughter and they previously had a son who had predeceased the parent, and that son left a daughter, i.e., a granddaughter of the deceased. According to the halacha, the granddaughter receives the entire inheritance while the daughter gets nothing. The Tzdukim were famous for their dispute with the chachamim in this instance, and they felt that the daughter should at least share along with the granddaughter (Bava Basra 115b). They preached that the rabbis were cheating that daughter, and that women should have equal rights to those of men!

Years later, after the destruction of the Second Temple, the early Christians picked up some of the "shtik" of the Tzdukim. Just like the Tzdukim of old pushed Shavuos off to a Sunday, in order to have an "extended holiday weekend" (see Menachos 65a), so too the Christians pushed off the observance of Pentecost (the holiday of the fiftieth day) to Sunday. And so too they felt that the rabbis had discriminated against women, so they preached (Talmud Shabbos 116b) that sons and daughters should always share an inheritance equally. They also did away with the women's section in the synagogue and developed the notion that "the family that prays together stays together".

History repeats itself. In recent years, the Reform and the Conservative movements have expressed this same complaint against the rabbis, or better put - against the G-d of the Jews: discrimination against women! Look what has become of the Tzdukim, the early Christians, the Reform, and the Conservatives.....

V

Rav Moshe Feinstein wrote in one of his teshuvos that if a woman chooses to listen to shofar or to shake a lulav, despite the fact that these are mitzvos asch

shehazman gramma, we must determine what motivated her to do so. If she's upset at the rabbis and at the halacha, and her shaking lulav and listening to shofar is done out of protest to the tradition, then these acts constitute an aveira. Only if what motivates the woman to volunteer these mitzvos is her sincere desire to come closer to G-d is she in the category of "aina metzuvah veosaah", and she is deserving of reward.

VI

The non-Orthodox movements have wholeheartedly approved of women rabbis. We read in the papers that a certain "Orthodox rabbi" has stated publicly that "the stupidest thing about Orthodoxy is that they don't approve of women rabbis."

In Pashas Dvorim we read that Moshe Rabbeinu appointed many rabbis to serve the community. The expression used by the chumash is (Dvorim 1:13), "let us appoint anoshim". Rashi quotes from the Sifre a fascinating comment: what is the meaning of the term "anoshim"? Was there even a "salka daitach" to appoint women rabbis?? The expression must certainly mean "anoshim tzadikim".

Why was it so obvious to the tanaim that we can not have women rabbis? After all, Tosfos (Bava Kama 15a) raises the possibility of giving semicha to women, and having them serve on a beth din. So if women can possibly receive semicha, why can't they serve the community as rabbis?

The answer is obvious. Although we must sometimes compromise on our midas hatznius and do certain mitzvos befarhesia (in public), this is not required of women. Women are not being discriminated against. They alone, unlike men, are given the opportunity to maintain their midas hahistatus at all times.

VII

Our generation is so much into publicity that this midas hahistatus is totally unappreciated. We live in a generation in which there is no sense of shame. People will do the most intimate and the most private acts in a most explicit and most demonstrative fashion. Their arrogant attitude has led them to believe that if they were G-d they would always be bragging, boasting, and showing off, always "making a statement". They don't have the slightest notion that G-d exists, is a "Kel Mistater", and has created all of us with a tzelem Elokim, which also includes this midas hatznius.

In some kehillos in Europe the nusach hatfillah for Rosh Chodesh Beshcen included a request that G-d should grant us "chayim sheyesh bohem busha uchlama" [3], i.e., a sense of shame and a sense of tznius and privacy. We have a lot to pray for in our generation!

[1]The truth of the matter is that historically the reciting of birchas erusin over a cup of wine seems to have been introduced during the period of the geonim, and was probably not practiced at all in the days of the Talmud. [2]See commentary of Magid Mishna to Rambam Hilchos Ishus (10:7) [3] The common nusach for this tfilah is, "chaim sheain bohem busha uchlama".

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From: RABBI JONATHAN SCHWARTZ [jschwartz@ymail.yu.edu] Sent: July 22, 2004 To: internetchaburah@yahoo.com Subject: [internetchaburah] internet chaburah -- Parshat Devarim/chazon

Prologue: The commemoration of this tragic period of the year often leads us to ask the questions of "how" and "why." In fact, the Midrash reminds us that we must ask the question of why in good times or run the risk of asking "how did this happen" in the moments after tragedy (See Asufas Maaraches volume III: Maamar Aieka). The Talmud (Nedarim 81a) asked the question as well. In explaining the verse "Mee HaIsh HaChacham V'Yaven Es Ela" (Who is the wise man who can understand this) The Talmud notes that the issue was raised to the wise people and prophets of the time and they could not explain it. Until Hashem came and explained why the Churban happened himself. He told the people "al Azvam Et Torasee" (Because they had forsaken the Torah).

The Talmud's comments here are perplexing. Doesn't the Gemara (Yoma 9b) note that the temple was destroyed because of the adultery, idolatry and murder that was rampant in the midst of the people at the time? Why does Hashem provide a different explanation? Where is there room for leaving the Torah? And furthermore, if the issue dumbfounded the prophets and the wise people, why punish common man for not knowing? And if the wise people were not studying Torah, how were they classified as wise?

The Ran (Nedarim 81a) quotes Rabbeinu Yona who notes that it cannot be true that no one was studying the Torah. For if it were so, the glaring desecration of divine will would have been apparent to all. Rather, Rabbeinu Yona notes that the sin of the people was that they did not recite the Birkat HaTorah before studying Torah. They did not love the Torah. It was merely an academic exercise in her study, not necessarily a way of life. This is what mystified the wise men. They engaged in the

academic pursuit of Torah knowledge but not in the life cause of setting a Torah lifestyle. For that they were punished.

Rav Yitzchak Isaac Chaver (Maalos Hatorah) explains that this change in attitude toward the role of Torah led to a life that was not bound to anything significant. One studied Torah independently of how he chose to live. However, when a Torah life is not one's pursuit, then it is a slippery slope until one gets to the point of Murder, idolatry and adultery. Rav Shach Ztl. Added that this challenge is one that each person knows himself. He alone knows in his heart where his outward studies lead him. For that, even the common man could be punished.

The apparent antidote for the sin of Azivat Hatorah is re-dedication to a Torah lifestyle. Rav Soloveitchik ztl. once noted that in regard to Pirkei Avot, the statements are specifically written in the form Haya Omer. According to the Rav, this was not an accident. Each Tanna was espousing his life philosophy. The ideas contained therein were not just things raised in the course of Talmudic debate, they were lessons in living not as taught in prose but rather as displayed by each Tanna in action, daily throughout their lives. When we adopt their ideas and incorporate them into our own lives, we will merit greater and greater things always.

B'Nechemat Zion V'yirushalayim

Shabbat Chazon: Lenient on Leftovers?

The Mishna in Taanis (26b) clearly notes the Rabbinic prohibition of eating meat and drinking wine on Erev Tisha B'Av. The Talmud there explains that the actual ruling only applies to fresh meat. However, one who consumes preserved meat did not violate the letter of the Rabbinic law on this matter. The reason cited by the commentaries (Raaviah, Rashbat) is that the prohibition against meat and wine is only against those that follow the pattern of Korbanot. Meat and wine that does not resemble these patterns, would be fine according to this logic.

The Tur (O.C. 552) disagrees with the above explanation and adds that another reason for the prohibition is to increase the visible Aveilus. For this reason, the Tur forbids the consumption of chicken and other poultry together with preserved and fresh meat.

The Shulchan Aruch (O.C. 551:9) notes that many Jewish communities have accepted stringencies upon themselves in this matter. Some do not eat meat during the week of Tisha B'Av. Others stop at Rosh Chodesh Av for the entire nine day period and still others stop eating meat for the entire three weeks prior to Tisha B'Av. The Bach notes that one who accepts this more strict obligation is in the minority and therefore has accepted a personal Neder upon himself and must abstain from meat even on Shabbos. The Mogen Avraham notes that one must literally use the language of Neder for him to be forbidden from partaking of meat. If he does not do so, it is merely a Kabbala that never intended to include Shabbos. The Taz (O.C. 551:16) notes that Shabbos was never meant to be included in this category and one with such a Minhag may eat meat on Shabbos in the same way that we do on Shabbat Chazon. All agree with the statement of the Rashba cited by the Shulchan Aruch (551:11) that one who does not follow the Minhag in his locale is called a Poretz Geder and is far from praiseworthy. The Aruch Hashulchan (O.C. 551:23) explains that the abstaining from meat is a Minhag of Klal Yisroel and is therefore akin to a Neder of the nation and one may not simply ignore it without reason.

But what happens when the reason is waste? What is one supposed to do with the leftovers from the Shabbat? Must he abstain from them because it is a Minhag to abstain from meat or does the fact that these might go to waste constitute a Heter?

The Chida (Birkei Yosef O.C. 551:6) cites those who are lenient on leftovers. They seem to derive proof from a Gemara in Chullin (17a) where in regard to Basar Nechira we apply a principle of Hoiel D'Ishtaree Ishtaree - once it was Mutar, it remains Mutar. In that case, the Talmud concludes with a Teiku and our Psak was to be lenient. Ergo, in our case where the matter is one of Minhag, one may be Meikil as well. The Chida notes that it is easy to refute this proof but one should not yell at those who accept this opinion. Shut Kol Eliyahu (O.C. 45) notes that many greats in his time ate the leftovers citing the fact that these were leftovers of a Mitzva. Similarly, Rav Yedidya Monsoneego (Shut Dvar Emet O.C. 3) notes that the Minhag in Morocco was to eat the leftovers from the Shabbat and Rosh Chodesh meals.

The problem is that the basis for this leniency - the principle of Hoiel V'Ishtaree Ishtaree - is not always applicable to Shabbat food. In fact, unlike the case in Chullin, where the meat was only Mutar, the Shabbat food was cooked on Friday when its consumption was forbidden and an exemption to this prohibition was granted on Shabbat Chazon. However, the application of Hoiel V'Ishtaree should not apply. Another example where this is the case appears in Demai (4:1) and there too, the principle of Hoiel D'Ishtaree did not last post-Shabbos. Similarly, the Rashba (Mishmeres HaBayis p. 89) allowed a Choleh She'Ein Bo Sakana to

partake of food cooked for him by a non-Jew. However, after Shabbos, that same Choleh may not eat the same food since it is Bishul Akum. Thus, there too, we do not apply the principle of Hoiel V'Ishtaree. The same should be true with our leftovers as well.

Others highlight the difference between Basar Nechira and our leftovers. For as Rav Yaakov Moshe Charlop (Heiaros to Shut Minchas HaChag) notes, the Basar Nechira was forbidden because of a prohibition on a particular type. Here, the prohibition is not on the meat ("The Cheftza") but rather on the time ("The Zman") that the meat cannot be consumed. Therefore, whether or not the Shabbat food was prepared as a Cheftza Shel Mitzva, one is not allowed to consume it during this Time period.

The Shaarei Teshuvah (O.C. 551:18) quotes the Birkei Yosef's opinion and quickly adds that he never heard of anyone being Meikil in the Ashkenazic communities. Furthermore, he conjectures that the Chida would not allow one to prepare amounts of food for Shabbat that would guarantee leftovers. Also, the Orchos Chaim (Spinka) notes that the Rav cited by the Kol Eliyahu - Rav Avraham Yitzchaki probably partook of the leftovers since he was weak (See Sefer Mizbach Adama who says the same thing).

The Bnei Yisoschar (Chdesh Tammuz Mamar Alef:10) suggests another reason for leniency. He says that if we do not allow the consumption of the leftovers after Shabbos, one might purchase less food for Shabbos causing a lack of Oneg Shabbos. He adds that this is merely a conjecture of concern and not a Halachic Psak.

LHalacha, Rav Ovadiah Yosef (Shut Yabia Omer X:O.C. 42) notes that one who does eat his Shabbat Chazon leftovers has a legitimate leg to stand on. Other contemporary Poskim (See Piskei Teshuvos O.C. 551:34) are clearly opposed to this practice, especially with the prevalence of freezers and other means of storing leftovers. Therefore, they encourage everyone to abstain from meat leftovers after Shabbat Chazon.

Battala News Mazal Tov to Mr. and Mrs. James Berenthal and family upon the engagements of their two daughters.

A Special Kinnot service will be held at Fifth Avenue Synagogue on Tisha B'Av (July 27th). FAS Scholar in Residence and RIETS Rosh Machon Beren, Rabbi Dr. Michael Rosensweig will lead and comment on the Kinnot of Tisha B'Av morning. The program begins with Shachris at 8:30 am and concludes with the early Mincha at 1:45 pm. For further information please contact Sheila at (212) 838-2122.

From: Shema Yisrael Torah Network [mailto:shemalist@shemayisrael.com] Sent: July 22, 2004

PENINIM ON THE TORAH
BY RABBI A. LEIB SCHEINBAUM
Parshas Devarim

These are the words which Moshe spoke... between Paran and Tofel and Lavan. (1:1)

Rashi explains that Moshe Rabbeinu's words were an admonishment to the people, and the places that he mentioned are allusions to various sins that occurred. "Paran" is a reference to the sin of the meraglim, spies, who were sent from the wilderness of Paran, and "Tofel" and "Lavan" refer to the Jews' complaints concerning the manna. Upon studying the text, two questions present themselves. First, the word "between" (between Paran and Tofel and Lavan) suggests a connection between the two aforementioned incidents. Yet, this is hardly possible, since the two sins occurred thirty-eight years apart. The meraglim sinned right at the beginning of their forty-year sojourn, while the complaint about the manna occurred near the end.

Second, the names Tofel and Lavan are enigmatic. The word "tofel" in Hebrew means to attach, and "lavan" means white. These definitions imply that the people attached one word to another to formulate their complaint about the manna, which happened to be white. What aspect of the Torah's allusion to the manna underscores its color?

In addressing these questions, Horav David Feinstein, Shlita, suggests that the connection between the two sins was the Jews' complaining. In the incident of the spies, they complained about Eretz Yisrael; concerning the manna, they referred to it as lechem haklokeil, the light bread. The common thread that runs between them is that in both cases they were tired of living under Hashem's constant observation. Chazal teach us that the manna was white because it whitened, cleansed, Klal Yisrael's sins.

The manna communicated a compelling lesson to each individual when he gathered it. Each day, they were able to gather only one measure of manna per family member. This measure was edible for only that day. If they would attempt to gather

extra, it was useless, since it would disappear by the time they arrived at home. Also, any leftover manna became wormy at the end of the day. Thus, it was essential that Klal Yisrael maintain its utmost faith that Hashem would provide their gift of manna on the next day. Every day, each Jew would examine his actions: Was he worthy of manna for another day - or not? He knew that if he was not worthy, he would not receive Hashem's gift. Consequently, the daily manna catalyzed a powerful teshuvah, repentance movement, by which daily introspection became a common and natural occurrence.

During the episode of the spies, the Jews were concerned that once they arrived in Eretz Yisrael, their every action would once again be under constant Heavenly scrutiny. Does not Moshe later tell the Jews that Eretz Yisrael is a land "where the eyes of Hashem are on it from the beginning of the year until the end of the year"? (Devarim 11:12) They knew that they were leaving the scrutiny created by the daily manna to live under the scrutiny of Eretz Yisrael. This was very likely why the spies' negative report made them want to go back to Egypt. They were not interested in living under such close perusal.

During both incidents, the spies and the manna, the people had a parallel complaint: Hashem was watching them too closely. It was more than they were willing to confront. When one is insecure about himself and diffident about his actions, if he questions the integrity of his service to Hashem, it would make sense that he could not deal with scrutiny from above. He has two choices: either he cleans up his act and changes his ways; or he learns to live with scrutiny.

You shall not fear in the face of man. (1:17)

The Torah exhorts the judges not to adjudicate out of fear, lest it color their attitude toward the case.

When the Brisker Rav, zl, was rav in Brisk, there lived a young man from a wealthy family who was a moser, government informer, who was the cause of much pain and anguish in the community. When his mother died, she left in her will that when her son married, the rav of Brisk should officiate at the wedding ceremony. A short while later, the young man became engaged, and he requested that the Brisker Rav officiate at his wedding. The rav refused emphatically, saying that it was forbidden to officiate at the wedding of an informer.

The groom offered the rav a substantial amount of money to change his mind, to no avail. The Brisker Rav was not swayed by material benefits. The young man threatened to go to the authorities and inform on the rav, as he had done before to another rav. The Brisker Rav was not moved by his threats. The community was in an uproar. They were acutely aware of the groom's threats and the dire consequences. The leaders of the community, together with the Rav's closest students, entreated him to rescind his decision.

On Motzoei Shabbos, the rav raised his cup to recite Havdalah, and at that moment another one of the rav's close students entered the house. The rav, knowing fully-well the purpose of his visit, became so agitated that he spilled the wine from the cup.

After he calmed down, the rav told him, "I know why you have come here. You should know that only one thing determines my actions - halachah, Jewish law. If you will prove to me that halachah permits me to officiate at the wedding of an informer - I will do so. If, however, you cannot, and the halachah is as I arbitrated it, then there is no alternative but to refuse to go through with this travesty."

Once Horav Yechezkel Abramsky, zl, was asked to arbitrate a monetary dispute. His response to the questioner was that he had nothing to worry about. The questioner was concerned, lest people circulate rumors regarding his integrity in business, asserting that he was not acting in accordance with halachah. Rav Chatzkel replied, "What will people say? This is a common malady. What did people say when they walked behind Boaz's coffin at his funeral? Surely, the slanderers were saying, 'He died the day after he married Rus, the Moabite. For transgressing a Biblical ordinance, Hashem immediately punished him.' This is what some people were saying. They were certainly not aware of Chazal's interpretation of 'Movi v'lo Moavis,' a (male) member of Moav, but not a Moabite, female member. Rus was totally permitted to Boaz, yet people talk. Who says we must concern ourselves with those who are unschooled and not proficient in Jewish law?"

Furthermore, not only was this absolutely not a punishment for Boaz, on the contrary, it was a blessing. Hashem, the Mesabev sevivos, cause of all causes, catalyzed a chain of events that Boaz should merit one more mitzvah, one more unprecedented opportunity - to sow the seeds of Moshiach Tzidkeinu, one day before he was to leave this world." As usual, there are always those who will see things in the negative, because they look through a distorted spectrum. Then there are those who look with an emes, with veracity, and see the positive aspect of an occurrence. It all depends on the lens through which one gazes.

l'yilu nishmas R' Yaakov Zev ben R' Yehuda Aryeh z'l JACK FOGEL OB" M niftar 7 Av 5755 By his wife, their children, grandchildren and great-grandchildren Mrs. Jeanne Fogel Rabbi Yudie & Chaya Sarah Fogel, Nussie & Esther Fogel, Shalom & Ettie Fogel, Yosie & Bryndie Fogel, Rabbi Dovid & Liz Jenkins, Rabbi Yitzie & Bryndie Fogel, Rabbi Avi & Suri Pearl and their families
