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subject: Rabbi Benjamin Yudin - Above and Beyond

Rabbi Benjamin Yudin Above and Beyond

This Shabbos we begin the fifth book of the Torah, which is known as "Mishneh Torah". This name is understood to mean the book of either repetition or review of the Torah. The Talmud (Avodah Zarah 25a), when discussing the miracle of the sun standing still for Yehoshuah, cites the verse (Yehoshuah 10:13) that this event is recorded in "Sefer Ha-Yasher - The Book of the Upright." The Talmud brings two opinions as to what book is being referred to; Rabi Chiyah Bar Abah taught in the name of Rav Yochanan that this refers to the book of Bereishis, which deals primarily with the Avos (patriarchs) who are called yesharim (Bamidbar 23:10). Rabi Elazar said that this is a reference to Sefer Devarim, as it contains the verse "v'asee-sah ha-yasher v'ha-tov b'einei Hashem - you shall do what is upright and good in the eyes of Hashem (6:18).

Does it make sense that the entire book of Devarim would be called Sefer Hayashar just because it includes the aforementioned verse? The Maharsha (ibid) answers that this verse is always associated with the concept of lifnim me-shuras hadin - going beyond what would be expected to be the strict law. Implementations of this concept include the law of shumah hadar (seized property which must be returned to the debtor - see Bava Metziah 16b) and the law of bar metzrah (the rite of first refusal ibid 108a). Thus, the Maharsha contends, the mitzvos contained in the book of Devarim reflect this noble unique concept of Jewish law, and as such is appropriately called Sefer Hayashar.

Rav Alpert zt"l (Limudai Nissan, volume 2 page 108) gives a few examples of this concept. In Parshas Mishpatim the Torah clearly warns that one is not to damage another with his body or property, and must pay for any damage that is done. Here in Devarim, we are taught that a protective fence must be put around one's roof and dangerous areas to

prevent even accidents from happening (22:8). In Mishpatim we are taught the obligations that one must provide his wife, namely, food clothing and marital relations (21:10). In Devarim, we are taught to go beyond the obligations and to make our wives happy - "v'seemach es ishto" (24:5).

Interestingly, the Torah Temimah compares "v'asee-sah ha-yasher v'ha-tov" to "v'ahavtah l'reiacha kamocho" and states that just as "v'ahavtah..." is a klal gadol baTorah - a mainstay of the Torah - so is "v'asee-sah ha-yasher v'ha-tov" a mainstay to the book of Devarim.

I believe it is not by chance that we read Parshas Devarim annually on the Shabbos before Tisha B'av. Not only is the verse "Eicha Esah L'vadi" (1:12) read to the sad tune of the book of Eicha, reminding us of the connection to the forthcoming fast day, but the primary message of Devarim admonishes the Jewish people and creates the environment for Tisha B'av.

The Talmud (Bava Metziah 30b) teaches in the name of Rav Yochanan that Jerusalem was destroyed because they acted in accordance with the letter of the law of the Torah and did not perform actions that would have gone beyond the letter of the law. Tosafos asks does not the Talmud (Yuma 9b) ascribe the cause of the destruction of the second Bais HaMikdash to sinas chinam - baseless hatred? Tosafos answers that both factors caused the destruction. I understand this to mean, that because of the breakdown of human relations they understandably did not go lifnim meshuras hadin for one another. As we acted with din, strict justice devoid of compassion, Hashem acted accordingly with us, and destroyed the Bais HaMikdash.

This past Monday, was Rosh Chodesh Av, the only Yaahrtzeit mentioned in the Torah, that of Aharon haCohen. I believe it is more than coincidental that we are reminded on the day that begins our focus on our glorious past, when we had His Divine Presence in our midst, our long bitter exile with inquisitions, pogroms and a Holocaust, and our yearning for the third Temple, that we learn from this great leader in Israel. The Talmud Sanhedrin (6b) contrasts Moshe and Aharon. The former is described as yikov hadin es ha-har - strict justice. Aharon loved peace, pursued peace, and made peace between one man and another as is stated in Malachai (2:6), "he walked with me b'shalom u'mishor - in peace and uprightness - and turned many away from sin". Note the similarity between b'shalom u'mishor and "v'asee-sah ha-yasher v'ha-tov".

Finally, Hashem manifested Himself to His people in a fashion lifnim meshuras hadin (Avos 5:7). In fact, even at the time of the actual churban, the keruvim (cherubs atop the Aron - the holy ark) were embracing (Yuma 54b), showing that even at that moment He had not turned His back on, nor forsaken, His children. It behooves us as we approach another Tisha B'av to introspect regarding many areas of our lives, especially in our interpersonal relationships, and to see how in our daily interactions with our spouse, our children, our coworkers, and our congregants can go lifnim meshoras hadin, hopefully causing Him to respond in kind.

Wishing all a meaningful fast.

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Rabbi Wein - Parshas Devarim

Rabbi Berel Wein Parshas Devarim

The Recognition of Shame

The nine days of mourning for Jerusalem's fall and the destruction of the Temples are upon us. This Shabat, which always precedes Tisha B'Av itself, takes its name from the haftorah of the prophet Yeshayahu read in the synagogue. The words of the prophet condemn the social ills

of his times and society – governmental corruption, economic unfairness and a lack of legal and social justice. But these are the problems that have plagued all human societies from time immemorial. And they are omnipresent in our current world and national society today as well.

So, at first glance, one could conclude that the prophet is making impossible demands, since human behavior and social interactions can never eliminate these issues fully. And we are all well aware that the Torah never demands the impossible from its human subjects. So what is the point of the prophet's criticism and harsh judgments? What is it that he really demands from us fallible mortal creatures?

I feel that he demands of us that we at least realize and recognize the shortcomings in our society. We may not be able to correct them all completely, but we should know that they exist. We should never allow apathy the ability to overwhelm our better instincts and arrest our never-ending quest for an improved social structure.

The prophet demands that we remain relentless in trying to improve the social conditions of the world we live in even if we know at the outset that complete success is beyond our human capabilities. By accepting our societal deficiencies without a murmur of regret or complaint we become complicit in our own eventual destruction.

The Chafetz Chaim is reputed to have said that what motivated him to write his monumental work about the evils of slander and evil speech was that he noticed that people who had engaged in such speech no longer exuded a sigh of regret over their words. Evil speech had become societally acceptable and there was no sense of shame or embarrassment present about engaging in that type of behavior.

Shame is a great weapon for good and when it disappears from society, when brazen self-interest and greed is somehow legitimized, then the prophet warns us of impending doom. Politicians disgraced by their previous behavior openly vie again for public office as though having served one's time in jail or being forced to resign from public office wipes their slate clean permanently.

A society that knows no shame, whose leaders never recognize the moral turpitude of their past behavior, dooms itself to the ills of favoritism, corruption and unfairness that will plague its existence. The prophet demands of us that even if we are unable to correct all ills and right all wrongs we should at least be ashamed that such ills and wrongs exist within our society.

That recognition and sense of shame that accompanies it serves as the basis for possible necessary improvement in social attitudes and societal behavior. Then the prophet's optimistic prediction "Zion shall be redeemed through justice and those who return to it will also find redemption through righteousness" will yet be fully fulfilled.

Shabat shalom

Rabbi Berel Wein

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Tzedek: Justice and Compassion

Britain's Chief Rabbi Lord Jonathan Sacks

As Moses begins his great closing addresses to the next generation, he turns to a subject that dominates the last of the Mosaic books, namely justice: I instructed your judges at that time as follows: "Listen to your fellow men, and decide justly [tzedek] between each man and his brother or a stranger. You shall not be partial in judgment. Listen to great and small alike. Fear no one, for judgment belongs to God. Any matter that is too difficult for you, bring to me and I will hear it."

Tzedek, "justice", is a key word in the book of Devarim – most famously in the verse: Justice, justice you shall pursue, so that you may thrive and occupy the land that the Lord your God is giving you. (16: 20)

The distribution of the word tzedek and its derivate tzedakah in the Five Books of Moses is anything but random. It is overwhelmingly concentrated on the first and last books, Genesis (where it appears 16 times) and Deuteronomy (18 times). In Exodus it occurs only four times and in Leviticus five. All but one of these are concentrated in two chapters: Exodus 23 (where 3 of the 4 occurrences are in two verses, 23: 7-8) and Leviticus 19 (where all 5 incidences are in chapter 19). In Numbers, the word does not appear at all.

This distribution is one of many indications that the Chumash (the Five Books of Moses) is constructed as a chiasmus – a literary unit of the form ABCBA. The structure is this: A: Genesis – the prehistory of Israel (the distant past) B: Exodus — the journey from Egypt to Mount Sinai C: Leviticus – the code of holiness B: Numbers — the journey from Mount Sinai to the banks of the Jordan A: Deuteronomy – the post-history of Israel (the distant future)

The leitmotiv of tzedek/tzedakah appears at the key points of this structure – the two outer books of Genesis and Deuteronomy, and the central chapter of the work as a whole, Leviticus 19. Clearly the word is a dominant theme of the Mosaic books as a whole.

What does it mean? Tzedek/tzedakah is almost impossible to translate, because of its many shadings of meaning: justice, charity, righteousness, integrity, equity, fairness and innocence. It certainly means more than strictly legal justice, for which the Bible uses words like mishpat and din. One example illustrates the point: If a man is poor, you may not go to sleep holding his security. Return it to him at sun-down, so that he will be able to sleep in his garment and bless you. To you it will be reckoned as tzedakah before the Lord your God. (Deut. 24: 12-13)

Tzedakah cannot mean legal justice in this verse. It speaks of a situation in which a poor person has only a single cloak or covering, which he has handed over to the lender as security against a loan. The lender has a legal right to keep the cloak until the loan has been repaid. However, acting on the basis of this right is simply not the right thing to do. It ignores the human situation of the poor person, who has nothing else with which to keep warm on a cold night. The point becomes even clearer when we examine the parallel passage in Exodus 22, which states: If you take your neighbour's cloak as a pledge, return it to him by sunset, because his cloak is the only covering he has for his body. What else will he sleep in? When he cries out to me, I will hear, for I am compassionate. (Ex. 22: 25-26)

The same situation which in Deuteronomy is described as tzedakah, in Exodus is termed compassion or grace (chanun). The late Aryeh Kaplan translated tzedakah in Deut. 24 as "charitable merit". It is best rendered as "the right and decent thing to do" or "justice tempered by compassion".

In Judaism, justice - tzedek as opposed to mishpat - must be tempered by compassion. Hence the terrible, tragic irony of Portia's speech in The

Merchant of Venice: The quality of mercy is not strain'd, It droppeth as the gentle rain from heaven Upon the place beneath: it is twice blest; It blesseth him that gives and him that takes: 'Tis mightiest in the mightiest: it becomes The throned monarch better than his crown; His sceptre shows the force of temporal power, The attribute to awe and majesty, Wherein doth sit the dread and fear of kings; But mercy is above this sceptred sway;

It is enthroned in the hearts of kings, It is an attribute to God himself; And earthly power doth then show likest God's When mercy seasons justice. Therefore, Jew, Though justice be thy plea, consider this, That, in the course of justice, none of us Should see salvation: we do pray for mercy; And that same prayer doth teach us all to render The deeds of mercy. I have spoke thus much To mitigate the justice of thy plea . . .

Shakespeare is here expressing the medieval stereotype of Christian mercy (Portia) as against Jewish justice (Shylock). He entirely fails to realize – how could he, given the prevailing culture – that “justice” and “mercy” are not opposites in Hebrew but are bonded together in a single word, tzedek or tzedakah. To add to the irony, the very language and imagery of Portia's speech (“It droppeth as the gentle rain from heaven”) is taken from Deuteronomy: May my teaching drop as the rain, my speech distill as the dew, like gentle rain upon the tender grass, and like showers upon the herb . . . The Rock, his work is perfect, for all his ways are justice. A God of faithfulness and without iniquity, just and upright is he. (Deut. 32: 2-4)

The false contrast between Jew and Christian in The Merchant of Venice is eloquent testimony to the cruel misrepresentation of Judaism in Christian theology until recent times.

Why then is justice so central to Judaism? Because it is impartial. Law as envisaged by the Torah makes no distinction between rich and poor, powerful and powerless, home born or stranger. Equality before the law is the translation into human terms of equality before God. Time and again the Torah insists that justice is not a human artefact: “Fear no one, for judgment belongs to God.” Because it belongs to God, it must never be compromised – by fear, bribery, or favouritism. It is an inescapable duty, an inalienable right.

Judaism is a religion of love: You shall love the Lord your God; you shall love your neighbour as yourself; you shall love the stranger. But it is also a religion of justice, for without justice, love corrupts (who would not bend the rules, if he could, to favour those he loves?). It is also a religion of compassion, for without compassion law itself can generate inequity. Justice plus compassion equals tzedek, the first precondition of a decent society. To read more writings and teachings from the Chief Rabbi Lord Jonathan Sacks, please visit www.chiefrabbi.org.

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from: Ohr Somayach <ohr@ohr.edu> date: Thu, Jul 11, 2013 at 2:16 PM subject: Insights into Halacha - Havdalah During the Nine Days

Havdalah During the Nine Days by Rabbi Yehuda Spitz

Have you given any thought to how you are going to make Havdalah this Motzai Shabbos? The proper way to perform Havdalah on Motzai Shabbos Chazon, the Shabbos preceding Tisha B'Av, is one annual issue that seems to always have disparate approaches. The main problem is that the very essence of Havdalah is ending Shabbos, resulting in the fact that it is actually recited during 'chol', weekday. That is fine for an ordinary week, but Motzai Shabbos Chazon is halachically part and parcel not only of the Nine Days, but actually considered 'Shavua shechal bah Tisha B'Av'. This means that even the Sefardim, who generally are lenient with the Three Weeks' and Nine Days' restrictions[1], are still required to keep them this week. And one of

these restrictions prohibits drinking wine[2], the mainstay of Havdalah[3]. So how are we supposed to synthesize making Havdalah while not transgressing this restriction?

Just Drink It!

The first approach to this problem is the Shulchan Aruch's[4]. He maintains that whoever makes the Havdalah should just drink the wine himself. The Gr"a explains this position (and is later echoed by the Mishna Berura) that Havdalah is no worse than a Seudas Mitzva; just as at a Seudas Mitzva (such as a Bris) one may drink the wine even if it falls out during the week of Tisha B'Av, so too by Havdalah. They add that according to the Shulchan Aruch, these restrictions were never intended to negate a Mitzva. This ruling is accepted and followed by Sefardic Jewry, and this Motzai Shabbos, their psak is to drink the Havdalah wine[5].

Child Care

The Rema's[6] opinion is a bit more complicated. He maintains that it is preferable to find a child and let him drink the Havdalah wine. That way, the one who actually makes the Havdalah does not have to transgress this prohibition. He concludes however, that me'iker din the Shulchan Aruch is correct, and if one cannot find a child to drink the wine, then an adult may do so.

But one detail the Rema neglects to mention is how old this child should be. The Magen Avraham (and clarified by the Machatzis HaShekel and Dagul Mervava ad loc.) qualifies the Rema's ruling. He explains that the child must not be old enough to be able to mourn the destruction of the Beis HaMikdash, for if a child is able to understand and properly mourn, there is no halachic advantage gained by having him drink the cup. Additionally, the child must be 'higia l'chinuch', old enough to understand the need to make a bracha before drinking, for, if not, the Havdalah would end up being a 'bracha levattala', in vain, unless an adult drinks the wine. So basically, to fulfill the Rema's ruling lechatchila, the child must be in the ballpark of 6 to 9 years old; otherwise, it would be preferable for an adult to drink it. This ruling is followed by most mainstream Ashkenazic authorities, including the Mishna Berura and Kitzur Shulchan Aruch[7].

Just Beer It!

However, there is a third opinion, that of the Aruch Hashulchan[8]. He maintains that the best solution to our concern is to make Havdalah on Motzai Shabbos Chazon using beer instead of wine. Since beer is cited throughout the ages as a 'Chamar Medina', a 'drink of the land' on which Havdalah is permitted to be made[9], it would therefore be the simplest resolution to our problem.

However, many authorities remain hesitant to rely on this l'maaseh. The reason for this is that there is no clear-cut delineation of what 'Chamar Medina' actually is or how to properly define it, resulting in different poskim having very different understandings of its parameters.

For example, many authorities maintain that one may only rely on using 'Chamar Medina' if wine cannot be found anywhere in the city[10]. Others maintain that it must be a popular drink that people would always serve at a proper meal[11]. A different definition cited is that it must be a drink that one would serve to honor someone[12]. Others define it as a drink that can be intoxicating, making it having alcoholic content a prerequisite[13]. Another view is that it must be a drink that has inherent importance[14]. Others say it refers to a drink that one has 'chavivus', or affection toward[15].

Although our ubiquitous beer fits many of these definitions, still the Magen Avraham and Vilna Gaon ruled that in Ashkenaz, beer has lost its status of 'Chamar Medina'. [16] Also, due to the whole machlokes regarding defining 'Chamar Medina', as well as the fact that many authorities rule that if wine is available, it trumps beer's use for Havdalah, consequently, many poskim are hesitant about fulfilling the mitzvah of Havdalah with beer in this day and age. Additionally, based on how beer is viewed nowadays, and especially in Eretz Yisrael, several

poskim, including the Chazon Ish[17], rule that beer would no longer be considered 'Chamar Medina'.

Conversely, many contemporary authorities do confirm beer as 'Chamar Medina', even nowadays; yet, they still generally maintain wine's superiority for Havdalah[18].

What To Do?

So now that we explained that there is a three-way machlokes, what's the bottom line?

Generally speaking, Sefardim follow the ruling of the Shulchan Aruch and the adult who makes the Havdalah should drink the wine. Most mainstream Ashkenazim follow the Rema's psak and try to find a child in the proper age range (approx. 6 - 9). If one cannot be found, then an adult should drink the wine. Yet, surprisingly, several contemporary Ashkenazic poskim, including Rav Yosef Chaim Zonnenfeld, the Chazon Ish, and Rav Shlomo Zalman Auerbach[19], held that it is preferable to follow the ruling of the Shulchan Aruch and an adult should rather drink the wine.

But what of the Aruch Hashulchan's beer solution? This author was told by mvr Rav Yaakov Blau ztl that although he personally held that it was preferable to drink the wine, nonetheless, if one was accustomed to making Havdalah on beer, or if one's minhag was to do so on Motzai Shabbos Chazon, then he is allowed to continue doing so, even in Eretz Yisrael. On the other hand, this author has heard from Rav Efraim Greenblatt shlit"a (the Rivevos Efraim)[20] that one may make Havdalah with beer on Motzai Shabbos Chazon, with no compunction.

However one ends up making Havdalah this Motzai Shabbos [make sure to discuss this with your rabbinic advisor in advance], it is important for us all to remember that these restrictions were instituted by our Rabbanim as a public show of mourning during the most devastating time period on the timeline of the Jewish year. Our goal should be to utilize these restrictions as a catalyst for inspiration towards Teshuva[21]. It is worthwhile to do so, as well. As the Gemara relates, everyone who observes and properly demonstrates their personal mourning over the destruction of Yerushalayim will merit seeing its rejoicing[22].

The author wishes to acknowledge R' Zvi Ryzman's sefer Ratz KaTzvi (on Hilchos Shabbos Ch. 15), which contains a wealth of information on the parameters of 'Chamar Medina' and has been extremely useful in writing this article.

[1]See previous articles 'When Do the Three Weeks Start?', 'Meat For Breakfast?', and 'Showering During the Nine Days'.

[2]Shulchan Aruch (O.C. 551, 10).

[3]See Tur & Shulchan Aruch (O.C. 294 - 296) at length, Ohr Zarua (vol. 2, 25), Pirkei D'Rav Eliezer (Ch.20), Mishna Berura (296, 8), Kaf Hachaim (O.C. 182, 1 & 14, quoting the Zohar on the importance of using wine for Havdalah).

[4]Shulchan Aruch (O.C. 551, 10), Biur HaGr"a (ad loc. s.v. u'mutar), Mishna Berura (ad loc. 67).

[5]Kaf Hachaim (O.C. 551, 152), Rav Mordechai Elyahu's Darchei Halacha Glosses to the Kitzur Shulchan Aruch (122, 14), Yalkut Yosef (Kitzur Shulchan Aruch, O.C. 551, Din Achilas Bassar B'Teishes HaYamim 24).

[6]Rema (O.C. 551, 10), based on the Shu"t Maharil (15). Interestingly, the Maharil himself writes that he saw that his Rabbeim were not so zahir with this restriction. The Gr"a (ad loc. s.v. v'nohagin), and later the Mishna Berura (ad loc. 68) explain that regarding Havdalah there is an option to let a child drink it as opposed to a Seudas Mitzva.

[7]Magen Avraham (O.C. 551, 31), Machatzis HaShekel (ad loc.), Mishna Berura (ad loc. 70), Kitzur Shulchan Aruch (122, 8). The Steipler Gaon (Orchos Rabbeinu vol. 2, pg. 135) and Rav Yosef Shalom Elyashiv (Ashrei HaIsh O.C. vol. 3, pg. 468 - 469, 34 & 35) are quoted as maintaining that if a child within that age range can not be found, it is still preferable to allow a boy up until his Bar Mitzva to drink, before relying on an adult to drink. However, the Butchacher Gaon (Eshel Avrohom O.C. 551, 10) held that once a child can properly mourn, an adult might as well drink in his stead. Rav Elyashiv stressed that this dispensation for a child is only for a boy not a girl. An adult male drinking Havdalah wine is preferable to a girl within the proper age range. [See O.C. 296 in the Rema (8), Bach (1), Magen Avraham (4 & 11), Derech Hachaim (Dinei Havdalah 3) and Mishna Berura (35 & Shaar HaTziyun 34).]

[8]Aruch Hashulchan (O.C. 551, 26).

[9]As seen in Gemara Pesachim (107a) in the story of Ameimar. See Tur & Shulchan Aruch (O.C. 292, 2) and Biur Halacha (ad loc. s.v. im).

[10]Rashbam (Pesachim ad loc.), Rambam (Hilchos Shabbos Ch. 29, 17), Tur (O.C. 272), Bach (O.C. 182), Magen Avraham (ad loc. 2), Levush (O.C. 292, 1), Derech Hachaim (Hilchos Havdalah 5), Shulchan Aruch HaRav (O.C. 272, 10), Kitzur Shulchan Aruch (45, 1 & 96, 3),

Mishna Berura (272, 24 & 296, 8). However, see Shu"t Shevet HaLevi (vol. 3, 26 & vol. 5, 32) who is melamed zchus on those who do not follow this.

[11]Aruch Hashulchan (O.C. 272, 14 & 296, 13). He maintains that even if wine is available, as long as beer is very popular one may make Havdalah with it. See Shu"t Teshuvos V'Hanhagos (vol. 4, 77) who implies similarly but argues that nowadays beer would no longer fit the bill, but tea and coffee would.

[12]Aderes (Kuntress Over Orach), Rav Moshe Feinstein (Shu"t Igros Moshe O.C. vol. 2, 75) and the Tzitz Eliezer (Shu"t vol. 8, 16). Although several contemporary poskim argue [see Shu"t Rivevos Efraim (vol. 3, end 439), quoting Rav Elya Meir Bloch, Telzer Rosh Yeshiva, Rav Yaakov Ruderman, Rosh Yeshivas Ner Yisrael, and Rav Yisrael Zev Gustman, Rosh Yeshivas Netzach Yisrael, as well as Rav Chaim Pinchas Scheinberg (cited in Ratz Katzvi on Hilchos Shabbos 15, 7)], Rav Moshe excluded soda from this category as he maintained it is mainly drunk for thirst and not as a drink meant to honor someone. Rav Aharon Kotler and Rav Yaakov Kamenetsky are quoted as agreeing with Rav Moshe on this. L'choirah even according to the mekeilim, their Kavanna was on a higher end soda that is popular but still has a chashivus, like Coca-Cola (see previous article titled "The Coca-Cola Kashrus Controversy"), which even in Eretz Yisrael nowadays is considered a "chashuv" drink. Ostensibly, Faygo Redpop or Kristal soda would be assur to use for Havdalah l'divrei halak.

[13]Shu"t Halachos Ketanos (vol. 1, 9), Maharsham (Daas Torah O.C. 296, 4), Shu"t Shem M'Shimon (O.C. 14), & the Chida (Birkei Yosef O.C. 296, 3; cited in Shaarei Teshuva ad loc.) according to Rav Ovadia Yosef's understanding of his words. See Shu"t Yabea Omer (vol. 3, O.C. 109, 19) and Shu"t Yechaveh Daas (vol. 2, 38). Rav Ovadia adds that Rav Chaim Na'eh (Ketzos Hashulchan 97, Badei Hashulchan 7 & 8) and the Minchas Shabbos (on the Kitzur Shulchan Aruch 96, 14) rule that one may not make Havdalah on tea or coffee, as does the Levushei Mordechai (Shu"t Mahadura Tinyana O.C. 51), and he personally concludes that one who makes Havdalah on tea or coffee has possibly made a bracha levatala. However, the Tzitz Eliezer (ibid.) argues that this was not the Chida's intent, and concludes that b'shaas hadchak one may make Havdalah on tea or coffee, as did Rav Moshe Feinstein (Shu"t Igros Moshe O.C. vol. 2, 75). Rav Nissim Karelitz (Chut Shani on Hilchos Shabbos vol. 4, Ch. 6, 4, pg. 112 s.v. u'lmaaseh) agrees that only b'shaas hadchak may one make Havdalah on black coffee; if it is mixed with milk and/or sugar then one definitely may not. On the other hand, Rav Pesach Elyahu Falk (Shu"t Machazeh Elyahu 34) cites many issues with making Havdalah on tea or coffee, and concludes that only b'shaas hadchak may one do so, but exclusively on coffee or tea with milk and/or sugar, the way one normally drinks it. He adds that if someone would make Havdalah with black coffee, he would need to repeat Havdalah. A similar sentiment is shared by Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 4, 77; see footnote 11) who maintains that nowadays 'Chamar Medina' does not need to be intoxicating, as that is not the type of drink people commonly have at a meal. He maintains that the most common 'Chamar Medina' nowadays is tea and coffee, and therefore one may make Havdalah using them, but only the way they are commonly drunk, with milk and sugar. He concludes that Brisker Rav was known to have made Havdalah on tea and coffee.

[14]Chayei Adam (vol. 2, 8, 13), Mishna Berura (O.C. 296, 10; based on a diyuk from the Taz (O.C. 182, 1) and Elya Rabba (ad loc. 5).

[15]Rema (O.C. 296, 2). See Biur Halacha (ad loc. s.v. im) and Kaf Hachaim (ad loc. 26). See also Ratz KaTzvi (on Hilchos Shabbos Ch. 15, 9 & 10) who maintains that this is also the Sefer HaChinuch's position (Parshas Yisro, Mitzva 31) as well. The Rema rules that on Motzai Pesach it is preferable to make Havdalah on beer, because then it is chaviv to him. See next footnote.

[16]The Rema (O.C. 296, 2) rules that on Motzai Pesach it is preferable to make Havdalah on beer, because then it is chaviv to him. However, the Magen Avraham (ad loc. 6) vehemently argues, that in Ashkenaz - beer is not considered 'Chamar Medina', and concludes that it would therefore be assur to make Havdalah with it, even if no wine was available. The Gr"a, Rabbi Akiva Eiger (ad loc.), and the Shulchan Aruch HaRav (ad loc. 10; he does conclude that in 'Medinos Eilu' nohagin lehakel like the Rema), as well as later the Mishna Berura (ad loc. 12) all seem to accept the Magen Avraham's psak that in 'Ashkenaz' one may not rely on the Rema's ruling to allow Havdalah to be made with beer. [However, it is important to note that they all agree that if one is in a place where beer is positively considered 'Chamar Medina', then one may make Havdalah on it.] However, the Aruch Hashulchan (ad loc. 13) argues, stating that if that were true, why did the Rema add the part about Motzai Pesach, he should have just stated a rule. He therefore maintains that one may make Havdalah on beer, even if wine is available, as long as it is popular (see footnote 11). There is an interesting epilogue to this Motzai Pesach machlokes. The Torah Temimah (Parshas Bo Ch.12, 168) writes that he heard that the Vilna Gaon used to make Havdalah on Motzai Pesach on beer, possibly to fulfill the diyuk of the Targum Yonason on that pasuk. However, as Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 10, footnote 71) pointed out, this seems odd as it would go against his own ruling of the preference of wine over beer; additionally, in the Maaseh Rav HaShalem (Minhagei HaGr"a, Hilchos Pesach, 185, pg. 208 - 209) it only mentions that the Gaon would make sure to taste some chametz on Motzai Pesach, not actually make Havdalah on it. Thanks are due to R' Joel Schnur, Vilna Gaon descendent and enthusiast extraordinaire, and Rabbi Eliezer Brodt, author of Bein Keesh La'Asor and Likutei Eliezer, for pointing out these sources to me.

[17]Including the Chazon Ish and Rav Chaim Kanievsky (see Kovetz Teshuvos vol. 1, 57, s.v. ode b'hanal), Rav Nissim Karelitz (Chut Shani on Hilchos Shabbos vol. 4, Ch. 6, 4, pg. 111 s.v. uv'chu"; however he concludes that b'shaas hadchak and if it is impossible to get wine for Havdala, then one may use beer), Rav Binyomin Zilber (Shu"t Az Nidberu vol. 11, 48 s.v. siman 371), and Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 4, 77; see footnote 11).

[18]Including Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 16, Dvar Halacha 16), Rav Yosef Shalom Elyashiv (Kovetz Teshuvos vol. 1, 57, 1), Rav Yaakov Kamenetsky (Emes L'Yaakov on Shulchan Aruch O.C. 296, footnote 325 & O.C. 551, footnote 525), Dayan Yisrael Yaakov Fischer (cited in Kovetz Beis Yisrael Shevat - Adar 5755

pg. 80 & Shu"t Rivevos Efraim vol. 7, 103, 2), Rav Ben Tzion Abba Shaul (Shu"t Ohr L'Tzion vol. 2, Ch. 20, 19), Rav Ovadia Yosef (Shu"t Yechaveh Daas vol. 2, 38), Rav Chaim Pinchas Scheinberg (Chidushei Basra pg. 294), the Rivevos Efraim (Shu"t vol. 3, 371; and by oral psak), the Shmiras Shabbos K'Hilchasa (vol. 2, Ch. 60, 4 7 footnote 14), and the Sha'arim Metzuyanim B'Halacha (96, Kuntress Acharon 3). See also Shu"t Shevet HaLevi (vol. 3, 26 & vol. 5, 32) who is melamed zchus on those who make Havdalah on beer.

[19]Rav Yosef Chaim Zonnenfeld (Shu"t Salmas Chaim, new print 317), the Chazon Ish (Dinim V'hanhagos Ch.19, 8), and Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 14, 27). As mentioned previously, the Butchacher Gaon (Eshel Avrohom O.C. 551, 10) held that if there is a safek on a child's status, an adult might as well drink in his stead. The Terumas Hadeshen (cited in Leket Yosher pg. 110) also was known to have drunk the Havdalah wine himself.

[20]The author wishes to thank R' Naftoli Tabatchnik for posing this sheilah to Rav Greenblatt today.

[21]See Mishna Berura (549, 1), based on the Rambam (Hilchos Ta'anis Ch. 5, 1).

[22]Taanis (30b) & Bava Basra (60b).

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Shabbat Shalom: Parshat Devarim 5773 Shabbat Shalom: **Rabbi Shlomo Riskin's Parsha List** ohrtorahstone@otsny.org via ohrtorahstone.ccsend.com

SHABBAT SHALOM Parshat Devarim (Deuteronomy 1:1 - 3:22) 6 Av 5773 - July 13, 2013 Rabbi Shlomo Riskin Founder and Chancellor Ohr Torah Stone

"Eicha" - Rabbi Shlomo Riskin's Insights into the Connection Between Tisha B'Av and Parshat Devarim If you would like to dedicate a parsha in honor or in memory of a loved one, email parshat_hashavua@ots.org.il

Efrat, Israel - "This is what the Lord Almighty says: 'The fasts of the fourth, fifth, seventh and tenth months will become joyful and glad occasions and happy festivals for Judah. Therefore, love truth and peace.'" (Zechariah 8: 19) This week, I would like to explore a number of difficult issues concerning Tisha B'Av. Firstly, the prophet Zechariah, cited above, optimistically declares that our fast days will one day become "joyful and glad occasions and happy festivals" he therefore cautions us to "love truth and peace." We give credence and added strength to this prophecy by changing and lightening the foreboding character of Tisha B'Av by rising from our shivah stools (we must sit on the ground on Tisha B'Av) at mid-day. Likewise, adult males put on their Tefilin for the post mid-day afternoon prayer - despite the fact that Tefilin is called an "adornment" (pe'er) by the prophet Ezekiel. How can we change the character of a day and date of historical destruction, doom and gloom? In every other instance of a festival, the manner in which we celebrate the Kedushat HaYom (sanctity of the day) is determined by the miracles of God performed on that day. What miracle occurred on Tisha B'Av which enables it to become a festival in the future? Even more paradoxically, it was specifically in the late afternoon of Tisha B'Av, the 9th day of Av that the actual burning of the Holy Temple commenced continuing into the next day, the tenth of Av (B.T. Ta'anit 21a). How can we alleviate the heavy atmosphere of our observance of the day precisely at the time when the destructive flames were beginning to envelop the Temple? Finally, our Biblical reading for Tisha B'Av is taken from the Biblical portion of Va'etchanan, which will be read next week on the Sabbath known as the Sabbath of Comfort (Shabbat Nahamu). Indeed, although the passage opens with a brief description of the corruption of the Israelites and the eventual destruction which will occur after they enter the Promised Land (Deut 4:25-28), it then speaks of the miracle of Jewish survival and the ultimate beginning of Israel as God's elected nation (ibid 29-40). Would not a reading from either of the two Biblical portions of Chastisements (Tochechot - Leviticus 26 or

Deuteronomy 28) been more fitting for Tisha B'Av, the day of utter calamity and loss of national sovereignty?! My revered teacher Rav Joseph B. Soloveitchik answers these questions - as well as an edifying insight into the significance of Tisha B'Av - in a commentary on one of the fast day dirges (kinot) - "How the Rose of Sharon sat alone," written by Rabbi Elazar HaKalir. On the words, "The enemy stretched out his hand against the Temple, for we deserved extinction no less than the generation of the flood". The Rav explained that while the suffering on Tisha B'Av was grievous and horrific, the day also contained an important element of God's hesed (loving kindness): The Almighty chose to express His wrath against the corruption and insensitivity of the nation Israel by destroying the inanimate stones of the Holy Temple; God razed the Temple to the ground, but He allowed His nation Israel to live. Israel "deserved the punishment of extinction no less than the generation of the flood"; but God chose to destroy His earthly throne, the Holy Temple, as substitute or collateral for Israel. In this manner, God demonstrates the eternity of His covenant with Israel; Israel may be punished but we will never be destroyed. Israel remains God's covenantal nation, Israel will ultimately repent and Israel will ultimately be redeemed and will redeem the world. (Kinot in the Tradition of the Rav, Lookstein Edition, OU -Koren Press pp. 282-3) This is the force of the Biblical reading from Va'etchanan on Tisha B'Av. After the text states that because of Israel's perverseness and idolatry she "will be destroyed, yes destroyed" (Deut 4:25), the very next verse lightens the punishment to exile and dispersion, promises that Israel will seek out God and repentance and declares that our God of compassion will never forsake or destroy us, He will never forget the covenant He swore to our fathers. (ibid 4:29-32) It is this Divine guarantee which emerges from Tisha B'Av that enables the Ninth Day of Av to become a festival (mo'ed) once Israel learns to appreciate the lesson of the day and becomes worthy of the fulfillment of the Covenant. And this is why it is precisely when the flames were devouring and destroying the physical stones of the Temple, but not wiping out the Jewish people, that Jewish law alleviates the somber and burdensome atmosphere of the day by allowing us to rise from sitting on the ground and to adorn ourselves with the Tefilin. Shabbat Shalom Enjoying Rabbi Riskin's weekly e-mails? Click to support Rabbi Riskin's OHR TORAH STONE Institutions, or contact parshat_hashavua@ots.org.il to sponsor a shiur in honor or memory of a loved one. Visit the Ohr Torah Stone Website Missed a Parsha? Visit the online archives...

http://www.ou.org/oupressexcerpt/the_ravs_thoughts_on_the_tisha_bav_kinot_3

The Koren Mesorat HaRav Kinot 3

Excerpted from the Koren Mesorat HaRav Kinot: Lookstein Edition. Edited by Rabbi Simon Posner, Kinot translated by Rabbi Dr. Tzvi Hersh Weinreb. Click here to buy the book

The Rav discusses what we mourn for on Tisha B'Av. It is not only the Hurban Beit HaMikdash in the material sense, but also the Hurban Beit HaMikdash in the spiritual sense, the destruction of centers of Torah and the thousands of towns and villages over the ages where Jews lived a sacred life.

After shifting from kinot for the Hurban Beit HaMikdash to a kina for the Ten Martyrs, there is now a further shift in the subject matter of the kinot. This kina (Hacharishu Mimeni Va'adabera) is the first of several commemorating the massacres in Speyer, Mainz and Worms, and other related tragedies during the Crusades in Germany at the end of the eleventh century. These kinot recount the Hurban Batei Mikdash of the Hakhmei Ashkenaz, the slaughter of the Torah scholars and the destruction of the Jewish communities.

In a sense, however, this kina is a continuation of the kina Arzei Halevanon. In both kinot, the deaths that are described represent a double catastrophe. Thousands of Jews were killed during the Crusades. But the tragedy was not just the murder of ten people during the Roman times or the myriads during the Crusades. The tragedy was also the fact that the greatest scholars of the Jewish people were killed. In this kina, the mourning that is expressed is not just for the inhuman act of the massacre. Rather, the principal emphasis is on the destruction of the Torah centers in Germany.

The dates of these massacres are known to us. The Crusaders generally started out on their journey in the spring, and the massacres took place in the months of Iyar and Sivan, around the time of Shavuot. Even though these events did not occur on Tisha B'Av, they are included in the kinot and are commemorated on Tisha B'Av because of the principle, already noted in connection with other kinot, that the death of the righteous is equivalent to the burning of the Beit HaMikdash. If the Beit HaMikdash was sacred, how much more sacred were entire Jewish communities which consisted of thousands of scholars. These communities were also, collectively, a Beit HaMikdash in the spiritual sense. If the kinot speak about the Hurban Beit HaMikdash in the material sense, they also mourn the Hurban Beit HaMikdash in the spiritual sense, the destruction of centers of Torah and the killing of great Torah scholars. In fact, sometimes the death of the righteous is even a greater catastrophe than the destruction of the physical Beit HaMikdash.

There is an additional reason for including these kinot dealing with the massacres in Germany in the Tisha B'Av service. Hurban Beit HaMikdash is an all-inclusive concept. All disasters, tragedies and sufferings that befell the Jewish people should be mentioned on Tisha B'Av. Rashi says (II Chronicles 35:25, s.v. vayitnum lehok) that when one has to mourn for an event, it should be done on Tisha B'Av. When these kinot relating to the Crusades are recited, one should remember that the tragedies being described happened not only in 1096 but in the 1940s as well. These kinot are not only a eulogy for those murdered in Mainz, Speyer and Worms, but also for those murdered in Warsaw and Vilna and in the hundreds and thousands of towns and villages where Jews lived a sacred and committed life. The kinot are a eulogy not only for the Ten Martyrs and those killed in the Crusades, but for the martyrdom of millions of Jews throughout Jewish history.

http://www.ou.org/oupress/excerpt/the_koren_mesorat_harav_kinot_4

An excerpt from the Rav's commentary on the Kinah, Eikha Yashva Havatzelet HaSharon.

Why is it that the stringency of our observance of mourning decreases in the afternoon of Tisha B'Av, at precisely the time that the flames of destruction began to engulf the Beit HaMikdash?

Ki Kiliha Chivasi Kidor Hamabul For we deserved extinction no less than the generation of the Flood. This passage sounds the recurring theme found in the kinot that the Beit HaMikdash served as a substitute, as collateral, for the Jewish people, and the physical structure of the Beit HaMikdash suffered the destruction that rightfully should have been visited upon the entire nation. The kina says that the Jewish people are responsible and are deserving of punishment; we are guilty, and we should have been destroyed as was the generation of the Flood. God, however, in His mercy and grace, subjected His throne, the Beit HaMikdash, rather than the Jewish people, to disgrace, abuse and destruction. It is for this reason that Tisha B'Av contains an element of mo'ed, a festival – God rendered His decision on Tisha B'Av that Knesset Yisrael is an eternal people and will continue to exist. The Beit HaMikdash was humiliated, profaned and destroyed in order to save the people.

This concept is expressed halakhically in the character of Tisha B'Av afternoon. The second half of the day has a contradictory nature in halakha. On the one hand, the avelut, the mourning, is intensified

because the actual burning of the Beit HaMikdash commenced in the late afternoon of the ninth day of Av, and the flames continued throughout the tenth (Ta'anit 29a). On the other hand, Nahem, the prayer of consolation, is recited in the Amida for Minha in the afternoon, and not in Shaharit of Tisha B'Av morning or Ma'ariv of the preceding evening (Shulhan Arukh, Orah Hayyim, Rama 557:1). Similarly, tefillin are put on in the afternoon, not the morning (Shulhan Arukh, Orah Hayyim 555:1), and sitting on chairs rather than on the ground is permitted in the afternoon, not the morning (Shulhan Arukh, Orah Hayyim 559:3).

In Minha, one re-inserts in Kaddish the phrase Tiskabel Tzilohuson Uvohuson, accept our prayers and entreaties" (see Beit Yosef, Tur Orah Hayyim 559 s.v. ve'omer kaddish belo titkabal, with respect to the recitation of Titkabal in Shaharit). This phrase is removed from Kaddish earlier on Tisha B'Av because of the assertion that "satam tefillati, my prayer is rejected" (Lamentations 3:8), which prevails on Tisha B'Av, comes to an end at midday. Paradoxically, the moment the Beit HaMikdash was set ablaze was a moment of relief. At that moment, it became clear that God decided to take the collateral, the Beit HaMikdash, instead of pursuing the real debtor, the Jewish people. Paradoxically, once He took away the Beit HaMikdash in the afternoon of Tisha B'Av, the nehama, the consolation, could begin. Tisha B'Av is a day of limitless despair and boundless hope and faith.

from: **Rabbi Ephraim Z. Buchwald** <ezbuchwald@njop.org> via njop.ccsend.com reply-to: ezbuchwald@njop.org date: Mon, Jul 8, 2013 at 6:57 PM subject: Weekly Torah Message from Rabbi Ephraim Z. Buchwald

Devarim 5761-2001

"Eichah, The Annual Search for Meaning and Introspection" by Rabbi Ephraim Z. Buchwald

This week's parasha, parashat Devarim, is the parasha which is always read on the Shabbat that precedes Tisha B'Av, the Ninth of Av, which this year will be observed on Saturday night, July 28th through Sunday night, July 29th.

According to the commentators, there is an allusion to the observance of Tisha B'Av in this week's parasha. In Deuteronomy 1:12 we encounter the verse: "Ay'chah eh'sah l'vah'dee tor'cha'chem u'mas'ah'chem v'riv'chem?" How can I alone, Moshe asks, carry your contentedness, your burdens and your quarrels? Unable to bear the responsibility alone, Moshe recommends that the people appoint for themselves men who are wise, understanding and well known who can serve as leaders of the tribes and at least partially relieve the burden from him.

Because of the allusion to "Eichah" in this verse, and the confluence with the observance of Tisha B'Av, when the above verse is read by the Torah reader on Shabbat, it is read with the mournful melody of Lamentations, of Eichah. The Book of Lamentations, attributed to the prophet Jeremiah, is also known in Hebrew as Eichah, because of the first word of the first verse: "Eichah yash'vah va'dod ha'eer rah'bah'tee am, hay'tah k'al'mah'nah?" How is it possible, asks the prophet, that she, the city of Jerusalem, sits in solitude—the city that was once great with people has become like a widow?

The Shabbat which precedes Tisha B'Av is known in the Jewish calendar as Shabbat Chazon. "Chazon," which means vision, alludes to the first chapter of the Book of Isaiah that is read as the Haftarah, the prophetic message paralleling the Shabbat Torah portion. In the first chapter of Isaiah, which is the third and final of the Shalosh D'puranuta, the three Haftarot of affliction, the prophet Isaiah laments the underlying causes of destruction, which he attributes to the lack of sincerity in the Jews' devotion to G-d. Once again, in the Book of Isaiah 1:21, we encounter the crucial word, "Eichah." Isaiah cries out: "Eichah hay'tah l'zoh'nah, kir'yah neh'eh'mah'nah?" How is it possible that the faithful city [Jerusalem] has become a harlot? "M'lay'ah'tee mish'pat, tzedek yah'lin bah, v'ah'tah m'rahtz'chim." G-d says, I filled Jerusalem with righteousness, but now she is filled with murderers.

It is no coincidence that on the Shabbat preceding Tisha B'Av the word Eichah is evoked again and again, as if it were a theme. "Eichah?" asks G-d, How is it possible? How did this all come about? Why do these resounding tragedies strike the Jewish people again and again? The rabbis of the Talmud tell us in Berachot 5a that when tragedy strikes a person, "Y'fash'paish b'mah'ah'sav," the person should examine his deeds, look for what might be the underlying cause of the misfortune. This introspection and search is the precise theme of Tisha B'Av. It's not so much the fasting, not so much the mourning, it's really the self-evaluation that is

essential. It is critical that at times of crises the Jewish people examine their deeds and see what they might have done to deserve the calamities that befall them, so they can learn to do better in the future.

In chapter 3 of Genesis, after eating of the forbidden fruit from the Garden of Eden, Adam and Eve hear the sound of the Al-mighty in the garden as they try to hide among the trees. Genesis 3:9, “Va’yikra Hashem Elo’h’kim el ha’adam.” G-d calls out to the human being: “Va’yomer loh.” And He says to him: “Ah’yeka?” Where are you? Adam responds, “I heard your voice in the Garden, and I was afraid because I am naked, and I hid.” Obviously, G-d is not asking Adam and Eve where they are. He knows precisely where they are! G-d is asking them, Adam and Eve: ah’yeka? Where are you existentially? I endowed you with the gift of intelligence that no other creatures possess. I gave you everything and forbade just two little trees. How did you allow this to happen?

The word Ah’yeka is the exact same word, composed of the exact same letters as the word Eichah. How could this have possibly happened? Eichah and Ah’yekah are the themes of Tisha B’Av. G-d is asking the Jews: Where are you? What have you done with your lives? How could this have possibly happened? How can we improve ourselves?

If we focus on this message, then the fast of the Ninth of Av will indeed be meaningful. If not, then we will find that we’ve frittered away another great opportunity for self-improvement that G-d has given us—the gift of Teshuva.

Have a meaningful fast.

May you be blessed.

Tagged: -Eichah--The Annual Search for Meaning and Introspection, 2001, 5761, Adam and Eve, Ah’yeka, devarim, Garden of Eden, Isaiah, Judaism, Lamentations, Rabbi Buchwald, reflection, self-evaluation, self-improvement, Shabbat Chazon, Teshuva, Tisha B’Av.

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Tisha B’Av: Hope in the Face of Sorrow

Rabbi Elchanan Adler

Rosh Yeshiva, RIETS

Tisha B’Av Musings of a Young Holocaust Victim

On Tisha B’Av, 5703 (1943), 16-year-old Moshe Flinker penned the following words in his personal diary:

On this day we recall all our people, from the defenders of the walls of Jerusalem to the victims of the Gestapo, who have fallen in the name of their people and their Lord. On this day our thoughts go to all our people, wherever they may be, and especially to that part of our precious few who bear the greatest and heaviest load of the burden of exile. ... On this Tisha B’Av of the year 5703 our eyes shall fill with tears but we shall not cast down our heads. Our troubles and our plight shall replace our prayers, and they shall come before the throne of the Lord to intercede for His people. On this memorial day we shall lift our heads and straighten our backs, for we most assuredly know that the blood of our people which has run like water, will not remain unavenged; vengeance shall certainly be exacted. On Tisha B’Av 5703 the only prayer which we lay at the feet of the Lord is that the magnitude of His mercy will equal the immensity of the troubles which have assailed and continue to assail our unfortunate people.

Moshe Flinker, an Orthodox Jewish teenager, composed these words while residing with his family in a Belgian suburb. Sadly, he, along with his parents, perished in Auschwitz. But his diary, discovered after the war, reveals a sensitive, contemplative youth, imbued with immense love for his people and enormous spiritual anguish over their plight. The diary was published by Yad Vashem in 1958 in the original Hebrew under the title Hana’ar Moshe: Hayoman shel Moshe Flinker, and an English translation appeared in 1965 as *Young Moshe’s Diary*.

The sentiment captured by young Moshe Flinker—that the commemoration of Tisha B’Av encompasses the collective suffering of Jews throughout the millennia—is particularly relevant to our times, when Holocaust studies have assumed a universal-humanistic tone in many quarters, and the unique spiritual and religious components of the Shoah are either ignored or played down. Moreover, the link between

Tisha B’Av and Jewish suffering takes on a special poignancy in light of the ongoing Palestinian terror campaign against our people, along with the larger trend of escalating anti-Semitism in Europe and across the globe. Though Moshe Flinker’s Tisha B’Av entry was penned some 70 years ago, words not too different might well be written today by some other “young Moshe” trying to come to grips with recent events in Eretz Yisroel and the world at large. This article is entitled “Tisha B’Av: Hope in the Face of Sorrow.” But in order to understand how Tisha B’Av inspires hope—and to experience this hope in its fullest sense—it is first necessary to embrace the sorrow. To do so, we must explore the implications of the relationship between Tisha B’Av and Jewish suffering.

Jewish Suffering and Martyrdom:

A Trans-generational Holistic Perspective

From a strictly historical perspective, the events of world history in general—and Jewish history in particular—are seen as proceeding in linear fashion. Each period—each event—is analyzed discretely in terms of its own unique set of historical forces and circumstances. However, on a religious and metaphysical plane, events separated from each other by vast spans of time and place may be viewed as joined together and as echoing one another.

This concept is perhaps captured in a phrase that appears in the prayer known as “Av Harachamim.” The prayer was composed during the Middle Ages in memory of the kedoshim, the martyrs, individuals and communities who perished al kiddush Hashem, for the sanctification of G-d’s name. In referring to these martyrs, the prayer utilizes an expression that, at first glance, poses some grammatical difficulty—“shemasru nafsham al kedushas Hashem”—“who surrendered their souls for the sanctification of G-d’s name.” The problem is that the term “nafsham,” taken literally, means “their soul”—in the singular form. A more precise phrase would have employed the plural form—“shemasru nafshoseihem,” “who surrendered their souls.” Apparently, the author of this prayer wished to convey the idea that each individual act of martyrdom should be viewed as part of a greater whole. In a metaphysical sense, all of these martyrs, wherever and in whatever generation they perished, were somehow united on a spiritual level as they surrendered their collective soul to their Maker.

The same can be said about the bitter saga of Jewish suffering over the course of the millennia. All expressions of Jewish suffering transcend their immediate context—and not just because history may repeat itself—but because theologically, they are all inextricably linked. This sublime notion was also grasped by young Moshe Flinker, who expressed it most profoundly in his diary entry of Dec. 12, 1942:

All our troubles, from our first to this most terrible one, are multiple and endless, and from all of them rises one gigantic scream. From wherever it emanates, the cry that rises is identical to the cries in other places or at other times.

Tisha B’Av as the Quintessential Framework for Viewing Jewish Suffering

The Talmud (Rosh Hashana 18b) speaks of Tisha B’Av as “yom shehuchpelu bo tzaros,” a day in which tragedies were compounded. The Mishna in Ta’anis (26b) enumerates five calamities that occurred on Tisha B’Av. The first was the Divine decree to deny the Jews in the wilderness entry into the land of Israel in the wake of the disheartening report brought by 10 of the spies who had been sent to scout out the land. Next, the Mishna lists the destruction of the two batei mikdash—the First and Second Temples in Jerusalem. Fourth, the Jewish stronghold of Beitar fell to the Romans approximately 52 years after the destruction of the Beis Hamikdash. Fifth, the city of Jerusalem was ploughed over like a field—down to its foundations.

But the list does not end here. Historically, many more Jewish—and world—tragedies have occurred on or around Tisha B’Av—most notably, the expulsion of the Jews from Spain in 1492. In addition, the

outbreak of World War I—the aftermath of which sowed the seeds of German instability that set the stage for World War II and its tragic consequences for our people—took place on August 1, 1914, which, in that year, coincided with Tisha B'Av.

In light of the repeated calamities that occurred on Tisha B'Av, little wonder that this day has become synonymous with Jewish tragedy as a whole and is associated even with tragic events that have taken place on other days, since all expressions of Jewish suffering are interrelated. Thus, the traditional kinos recited on Tisha B'Av include accounts of the pillaging of Jewish communities and the massacre of Jews during the First and Second Crusades as well as the public burning of Torah scrolls and Jewish manuscripts in France in 1242. And in recent years, special kinos have been composed to mourn the Shoah, and some of these have been incorporated in the Tisha B'Av liturgy.

To view all manifestations of Jewish tragedy as interrelated and to link the history of Jewish suffering with Tisha B'Av should certainly not lead us to lose sight of the uniqueness of the individual episodes or to blur the distinctions between them. To properly mourn or empathize with any loss, it is obviously necessary to be acquainted with the specific circumstances of each situation. To overlook context is, to some degree, to trivialize, *chas veshalom*, the nature of the suffering. There is no doubt that the scope of the horrors that were experienced 70 years ago must stand out as unique. In our own time, the emergence of the suicide bomber who inflicts instant death and injury of ghastly proportions on unsuspecting, defenseless victims is also a phenomenon that is unprecedented.

Yet as we view each tragedy, we are impelled to focus not only on its manifest uniqueness but also on its rootedness in Tisha B'Av, the archetypal day commemorating Jewish suffering over the millennia.

Echoes of Yirmiyahu's Laments in Modern Times

If we listen intently to the voice of Yirmiyahu Hanavi bemoaning the destruction of Jerusalem—with the haunting words “Eicha yashva vadad,” “Alas, she sits in solitude”—we can also hear that “Eicha” reverberate throughout the ages. One of the first documented eye-witness accounts of Nazi atrocities during World War II appeared in a letter written by my maternal grandfather, Rabbi Yaakov Meir Pomerance zatzal, a disciple of the saintly Chofetz Chayim, who served in 1939 as the Rav of a small town near the Polish-German border called Brok. The letter, which was sent to the Broker Landsleit residing in the United States, was printed in the Yiddish daily Morgen Journal on November 30, 1939, and was appropriately entitled “Der ‘Eicha’ oif dem churban fun a Yiddishe shtetl in Poilin”—“The ‘Eicha’ on the destruction of a Jewish town in Poland.” Indeed, there have been countless bastions of Torah—“miniature Jerusalems,” repositories of long and proud legacies of Jewish tradition—that have been laid waste throughout the ages by the enemies of Klal Yisroel, upon which this same lament might be uttered: “Eicha yashva vadad,” “Alas! She dwells in solitude!”

In another lament beginning with the word “Eicha”—“Eicha yu'am zahav,” “Alas, the gold is dimmed!,” Yirmiyahu eulogizes the righteous King Yoshiyahu. He had been an extraordinary king who had sparked a spiritual revolution among masses of Jews. Yet he met an untimely and tortured end, having been pierced by 300 enemy arrows. Indeed, there were countless other “Yoshiyahu personalities” throughout the ages for whom such a lament might also be uttered—“Eicha yu'am zahav”—“Alas, the gold is dimmed!”

Yirmiyahu bitterly describes the image of little children who turn pathetically to their mothers for solace that never comes. This portrait of grief may readily apply not only to the young victims in Jerusalem during the time of Yirmiyahu but to all the uncomforted children throughout our history who were orphaned—including those in the Shoah—and more recently in Israel's battles for survival and in the recurrent waves of terrorism.

Yirmiyahu describes Israel's enemy taking sadistic pleasure at Israel's misfortune—“vayesamach alayich oyev” (Eicha 2:17). These words, too, echo through the ages. Suffice it to recall the arch that Titus erected in Rome depicting his military triumph over the Jewish nation, the Nazi plan to establish a museum in Prague as a cruel testament to the Jewish race that they hoped to extinguish, and recent Palestinian exhibits and glorification of the terrorists who perpetrated the murder and maiming of so many Jewish men, women and children.

When Yirmiyahu cries out “Sechi u'ma'os tesimeinu bekerev ha'amim”—“You made us as filth and refuse among the nations” (Eicha 3:45)—we think of the long, unbroken chain of anti-Semitism culminating in the Shoah, along with its modern-day manifestations as displayed, for example, in the Durban conferences and other UN-sponsored initiatives.

Yirmiyahu's voice continues to ring for us today, loud and clear. While the circumstances may differ, the lessons are timeless.

Churban Beis Hamikdash and its Cataclysmic Fallout

All that we mourn on Tisha B'Av is, of course, intertwined with one overarching loss—the loss experienced as a result of churban Beis Hamikdash, the destruction of the Temple. In essence, the totality of Jewish suffering can be subsumed under churban Beis Hamikdash. This is because churban Beis Hamikdash entailed far more than the mere destruction of a majestic building. Churban Beis Hamikdash represented the loss of spiritual innocence. It represented the degradation of the Jewish nation—the tainting of *kevod ha'uma hayisre'eilis*, of our national dignity.² Moreover, it represented *chilul Hashem*, a desecration of G-d's name of staggering proportions—“Lama yomru ha-goyim ayei eloheihem,” “Why should the nations say: Where is their G-d?” (Tehillim 79:10). Even on a purely physical level, our Sages teach us that churban Beis Hamikdash caused a blockage in the natural channel through which blessing is said to flow into the universe.

Thus, the root of all Jewish suffering—and to a large extent, all human suffering—can be traced to churban Beis Hamikdash. It was that event, more than any other, that made possible all subsequent travail. Only when the void created by churban Beis Hamikdash is filled will the Jewish people, and the world at large, experience healing.

This is why we continue to mourn the loss of the Beis Hamikdash every year. For in mourning churban Beis Hamikdash, we thereby also mourn its tragic fallout that continues to affect us to the present.

We cry over our loss of spiritual innocence—for the death of true Torah personalities whose absence the Talmud (Rosh Hashana 18b) equates with the destruction of the Temple:

The death of the righteous is equivalent to the destruction of the Temple.

We cry for the continuing and intensifying degradation of the Jew in the eyes of the world.

We cry for the terrible *chilul Hashem* that results from the vandalizing, in Europe and elsewhere, of shuls and Jewish cemeteries and the desecration of *sifrei Torah*.

And we cry for the precarious state of the world since 9/11 and through the “Arab Spring” and beyond.

True, we have been privileged to experience tremendous Divine grace in the aftermath of the Shoah. We have been privileged to witness the renewal of Jewish sovereignty in the Land of Israel, and the return of so many of our brethren to our ancient homeland—a measure of *kibbutz goluyos* that could scarcely have been dreamed of in earlier years. We have witnessed the reunification of Yerushalyim, access to our holy sites, and a burgeoning of *yeshivos* and Torah institutions unparalleled in many centuries. But despite all this, we recognize how vulnerable we still are. Our hold over our land—over the *Me'aras Hamachpeila* in Chevron, *Kever Rachel* in Beis Lechem, even *Yerushalayim* and *Har Habayis*—is far from secure. Jewish blood continues to flow. And in the Diaspora, assimilation among the vast majority of our brothers and

sisters is as rampant as ever. And so we continue to mourn each year, aware that our sorrow is somehow inextricably linked to the long trail of Jewish suffering that is rooted in churban Beis Hamikdash.

Zoche Veroeh Besimchasa:

Mourning the Churban and its Cathartic Epiphany

And then something dramatic happens, something cathartic. Out of the midst of the intense grief engendered by Tisha B'Av, a ray of light emerges that allows us to experience a small taste of consolation. Our Rabbis (Ta'anis 30b) allude to this phenomenon in the following teaching:

One who mourns for Jerusalem merits to see its rejoicing.

On a simple level, this statement holds out a guarantee that one who mourns for Jerusalem will eventually merit to see it rebuilt—whether in one's lifetime or after the resurrection of the dead.

However, the choice of words employed by our Sages is most revealing—"zoche veroeh besimchasa"—literally, "he merits and sees in her rejoicing." The Gemara employs the present tense—"zoche vero'eh"—literally, "merits and sees," rather than the future tense "yizke veyir'eh," he will merit to see." Apparently our Rabbis wished to convey a very profound idea: that the process of mourning for Jerusalem can, in and of itself, produce a therapeutic effect through which one begins to experience a glimpse of Jerusalem's ultimate joy—not at some future time but in the present moment. If the colloquial expression affirms that "seeing is believing," our Rabbis wish to teach us that the converse may be even more valid: "believing is seeing." One who truly mourns for Jerusalem and holds out a constant vision of its former glory is blessed with a premonition of that blissful state for which he so passionately yearns.

Nechama: A Shifting of Perspective

This cathartic experience of "zoche vero'eh besimchasa"—in the present tense—is closely associated with a phenomenon known as "nechama," commonly translated as "consolation." The motif of nechama is embedded within Tisha B'Av ritual and liturgy but only emerges after midday of Tisha B'Av. This is why after chatzos (midday), some of the Tisha B'Av restrictions are lifted. Also, the Mincha Amida includes the prayer of Nachem, which asks for consolation; a theme that is omitted during Shacharis. Let us understand the message of nechama that is inherent in Tisha B'Av.

In truth, there is something very puzzling about associating nechama with Tisha B'Av afternoon. The Gemara (Ta'anis 29a) tells us that it was on the eve of the ninth of Av that the Beis Hamikdash was set aflame and it was over the course of the next two days—the ninth day of Av through the tenth—that it was completely consumed by the flames. Based on this, Rabbi Yochanan observed that had he been present at that time, he would have ordained that the day of mourning be the tenth of Av rather than the ninth. The Rabbis, however, who selected the ninth of Av, did so because it was on the eve of the ninth that the process of destruction had begun. Even so, in view of the fact that much of the Beis Hamikdash continued to burn throughout the afternoon of the ninth, does it not seem incongruous that precisely this period should be designated as nechama?

The answer may lie in the etymology of the word nechama, which, apart from its common meaning, "consolation," also implies "reconsideration." For example, in the aftermath of the sin of the golden calf we read (Shemos 32:14) "vayinachem Hashem al hara'ah asher diber la'asos l'amo," "Hashem reconsidered—changed His mind, as it were—concerning the evil that he had originally sought to do to his nation."

Why is the Hebrew word for "consolation" identical with that of "reconsideration?" The answer is because the essence of consolation is the ability to shift perspective—to look at the same reality and to "reconsider," to see it in a different light. While from an earlier perspective, a tragedy might be viewed in stark "black and white" terms—as senseless and meaningless—nechama allows for shades of gray, leading one to perceive a silver lining within the depth of the

suffering. While a painful void and gnawing questions still remain, the spirit of nechama begins to uncover Divine grace, permitting people to discern the hidden hand of Providence underlying the apparent madness, and encouraging them to use the painful experience as an impetus to move forward creatively. In short, nechama connotes the ability to reconsider. Although externally nothing may have changed, and things may, on occasion, even seem worse, internally, a transformation has taken place in the meaning that one assigns to this harsh reality.

Shafach Chamaso Al Eitzim Va'avanim: Discovering the Silver Lining
Chazal (Eicha Rabbah 4:14) identify what is perhaps the quintessential element in the process of nechama for churban Beis Hamikdash—namely, the fact that while the physical structure of the Beis Hamikdash was destroyed, the Jewish people, as a whole, survive. G-d poured out his wrath on the wood and stones that comprised the physical structure of the Temple—but it could have been far worse. The awareness that the Temple was the target of the punishment while the people were spared is the theme that lies at the heart of nechama. It represents the shift in perspective that brings with it a measure of consolation as we come to grips with the tragedy of churban Beis Hamikdash.

It is precisely for this reason, the Gaon of Vilna explains (OC 555:1), that the period after midday on the ninth of Av was designated as a time for nechama. It was then, while the Temple burnt to a crisp, that the "silver lining" of "shafach chamaso al eitzim va'avanim," "He poured out his wrath on the wood and stones," became apparent. As tragic and painful as things were, a renewed perspective allows for some consolation—in the knowledge that at the height of tragedy, Hashem made sure to spare the nation. On Tisha B'Av night and earlier on in the day, we do not allow ourselves to take such comfort. We feel devastated as we engage in tearful mourning and recite the kinos. But somehow, as a result of this process, we are suddenly left with a ray of hope—"zoche ve'ro'eh besimchasa." We begin to detect the chasdei Hashem, the Divine grace, within the throes of the churban itself—"shafach chamaso al eitzim va'avanim." This sense of nechama gives us the ability to move on.

Post-Shoah Aspects of Nechama

The inner transformation that occurs on Tisha B'Av with respect to churban Beis Hamikdash—the ability to find cause for hope in the face of sorrow—must naturally spill over into all of those tragedies for which we mourn on Tisha B'Av. At first glance, the concept of "shafach chamaso al eitzim va'avanim" offers virtually no comfort when it comes to the Shoah. After all, in this case, the victims were, indeed, the people themselves—a staggering six million, if not more. Nevertheless, the very fact that we, as a people, did survive, the fact that we managed to rebuild out of the ashes of the Shoah, is, in itself, a measure of nechama. While we are still limping—and we dare not forget what was lost—we have somehow managed to survive and to thrive. We are called upon to stop and consider the truly remarkable myriad accomplishments of the State of Israel since its inception, all performed under a taxing burden of non-stop hostilities. And the rebirth of Torah institutions both in Israel and in America surely illustrates the resilience of Am Yisroel and the special *siyata dishmaya*, Divine assistance, that has guided us.

The spirit of nechama, of consolation and reconsideration, impels us to seek out stories of inspiration that emerged from of the Shoah—not just stories of kiddush Hashem, but also of kiddush Hachayim—of those who maintained their dignity and their faith in the face of the horrors with which they were confronted.

Nechama impels us to continue to search for the silver lining—to seek out stories of Divine Providence—in the tales of survivors who managed to escape. On a personal level, my maternal grandfather, Rabbi Yaakov Meir Pomerance, who served as the last Rav in Brok, Poland, was fortunate enough to escape along with his wife and four children to America in the early part of the war. Like so many other survivors, his path was paved with miracles, from the hand grenade that was thrown

into his home that was then filled with numerous families, which landed miraculously in a pail of water and did not explode, to the flight from Brok by foot where he was nearly shot, to the few days when the family was separated into two with each group unaware of the others' whereabouts, to the families' managing to miraculously obtain the visas necessary to emigrate—including the famous Sugihara transit visa. Were it not for chasdei Hashem that somehow protected my mother and her family, I know that I would not be here today. And the stories go on and on. Stories of this nature provide some measure of consolation and give us hope in the face of sorrow.

When we contemplate the terrible toll that Arab hostility has wrought on our brothers and sisters in Israel—and reflect on the stories of the victims and their families—those who were killed as well as those that were maimed—children left fatherless and motherless, children taken from their parents, young men and women taken from their spouses—we are left feeling numb and paralyzed, and appropriately so. But from this mourning must also emerge an element of *nechama*. *Nechama* allows us to persevere and use the pain as an impetus to grow and to inspire others and ourselves.

Timeless Words of Chizuk for a Grieving Child

Several years ago, I had occasion to hear **Chief Rabbi Lau** of Israel speak during a brief visit to the United States. He told the tragic story of the Schijveschuurder family, who had emigrated from Holland to Israel some 22 years earlier; how the father, Mordechai (Moti) had given up his business to build a cheder in Talmon, how the mother, Tzira, would commute each day to Yerushalayim for an hour and a quarter to teach in a special school for deaf children (called *Shema Koleinu*). The Schijveschuurders had eight children. On August 9, 2001, on a Thursday afternoon, the parents, together with their five youngest children, went out to dine in the Sbarro Pizzeria in Yerushalayim. A Palestinian terrorist, strapped with explosives, walked in and detonated a bomb, killing fifteen and wounding over one hundred. Among those killed were the parents, Moti and Tzira, as well as three of the children—Ra'aya, Avraham Yitzchak and Chemda—ages 14, 4 and 2. The other two children—10-year-old Layela and 8-year-old Chayela—were badly burned and rushed to nearby Bikur Cholim hospital.

Rabbi Lau related how that evening he received a call from Tzira's sister with the heart-wrenching news—asking him to officiate the next morning at the funeral of the parents and three children. The request was made of Rabbi Lau not in his capacity as Chief Rabbi but because of his personal relationship with the family going back many years. Rabbi Lau had, in fact, acted as *mesader kiddushin* at the parents' wedding 25 years earlier. At the *levaya* (funeral) the following morning, as Rabbi Lau was about to speak, an ambulance pulled up, and 10-year-old Layela, seriously burned and covered with bandages, was brought out on a stretcher accompanied by doctors and nurses. Layela had insisted on being present at the *levaya* of her parents and three siblings. Rabbi Lau's emotional *hesped* (eulogy) consisted of a string of biblical citations beseeching G-d to eradicate evil and to have compassion on his people.

The following Monday, Rabbi Lau visited the family's home where the three older siblings were sitting *shiva*. Again, an ambulance arrived carrying 10-year-old Layela who wished to join her brothers for the duration of the *shiva*. Before leaving, Rabbi Lau approached Layela and inquired about her younger sister, Chayela, who had not yet left the hospital. Layela tearfully told Rabbi Lau that she had last seen Chayela two hours earlier to let her know that she was going to the *shiva* house, how they had both cried, and that she was hopeful that Chayela would recover. Then she added: "It's good that you asked about Chayela. Because when I told her that I was coming here, she said: 'I'm sure Rav Lau will be there since he was very close to Abba and Ima. Please tell him when you see him that just as there is a *mitzvah* of *nichum aveilim*—consoling the bereaved—there is also a *mitzvah* of *bikur cholim*—visiting the sick. I hope that he will visit me too.'"

The next morning, Rabbi Lau appeared at the hospital and witnessed the sad sight of 8-year old Chayela lying in severe pain with bandages covering most of her body. Sitting at her bedside silently, Rabbi Lau noticed the child's eyes well up in tears. He turned to her and said: "Chayela, there is something that I want to tell you. I know someone who also lost his Abba and Ima suddenly when he was only 8 years old. But he was even less fortunate than you are. You have two *Savtot* and a *Saba*—two grandmothers and a grandfather—and three remaining brothers. You have people who love you and will comfort you when you leave the hospital. Even the prime minister of Israel, Arik Sharon, has come to visit you here and has brought you a *dubi* (teddy bear). But that little boy had no *Saba* or *Savta*, no friends, no one to hug him, kiss him or love him. He knew of only one surviving brother. Chayela, that little boy is now..."

But before Rabbi Lau could complete his sentence, little Chayela, with the slightest of smiles, interjected: "Kein, ani yoda'at. Zeh ata"—"Yes, I know, it was you."

Rabbi Lau concluded his remarks: "You see, Chayele, it is all up to you. Hakadosh Baruch Hu helps those who help themselves—as it says, "uveirachecha bechol asher ta'aseh"—He shall bless you in all that you do." If you wish to live and be healthy, He will help you recover and be healthy... If you wish to be happy, He will help you to be happy. If you wish to succeed in life, He will help you to succeed. Always remember my example."

This powerful vignette speaks for itself. Rabbi Lau's touching words to Chayela truly capture the essence of *nechama*.

The Challenge of Tisha B'Av:

Nurturing a Vision and Maintaining Hope

Tisha B'Av offers us a powerful taste of sorrow—the sorrow of Klal Yisroel—the Jewish people throughout the ages. The river of sorrow seems endless and never ending—as Yirmiyahu Hanavi says, "ki gadol kayam shivreich mi yirpa lach"—"Your ruin is as vast as the sea; who can heal you?" (Eicha 2:13). But paradoxically, as we allow ourselves to feel the plight of our people, as we mourn the loss of the *Beis Hamikdash* and all that it entailed, we begin to taste *nechama*. Through our mourning we hold out a vision of a better future—of an Israel at peace, of a world at peace, of the coming of *Moshiach* and the rebuilding of the third Temple. We begin to "see" these visions as living realities—"zoche ver'eh besimchasa." This, in turn, allows us to "reconsider" those same tragedies and use them as vehicles for growth as characterized by the spirit of *nechama*. These positive steps may, in turn, be instrumental in helping to bring the ultimate redemption that much closer and making our pure vision a physical reality.

How ironic—that latent within Tisha B'Av is the potential to bring *Moshiach*! No wonder that *Moshiach*, according to our Sages, will be born on Tisha B'Av!

May we be privileged to properly mourn for Yerushalayim—to genuinely anticipate the *yeshu'as Hashem*, G-d's ultimate salvation, to yearn for it passionately—and to experience a taste of the *nechama* that makes living in an imperfect world that much easier. May this Tisha B'Av be our last as a day of sorrow with the arrival of *Moshiach* speedily in our days, Amen.

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Torah Study on Tisha B'Av

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The laws of Tisha B'Av preclude the study of Torah. Yet, to a certain extent, Tisha B'Av is one of the most popular days for Torah study. This is due to the fact that it is permissible to study certain portions of Torah, most notably, portions that are relevant to Tisha B'Av. In this article, we will explore the nature of the prohibition against Torah study on Tisha B'Av and the permissibility to study those portions.

What is the Basis for the Prohibition? The source for the prohibition against Torah study on Tisha B'Av is a Beraita: Our rabbis taught, all of the commandments that apply to a mourner apply on Tisha B'Av ... One may not read the Torah, the Prophets or the Writings, one may not study Mishna, Talmud, or Midrash, whether halachic or aggadic ... One may read Job, Lamentations and the somber portions of Jeremiah. The schools are closed on that day as it states (Tehillim 19:9) 'The commandments of God are just, they cause the heart to rejoice.' Ta'anit 30a There are a number of questions one can ask regarding this passage:

1. The Gemara, Mo'ed Katan 21a, in presenting the prohibition against Torah study for a mourner during the first seven days does not present any subjects that the mourner may study. Is there a difference between Tisha B'Av and private mourning?

2. The end of the Beraita cites a verse that Torah study provides one with joy. Is this the basis for the prohibition against Torah study on Tisha B'Av or is the verse only employed for the prohibition against teaching children?

3. Do the selected portions of permissible study provide one joy when studying them throughout the year? If so, why is it permissible to study these portions on Tisha B'Av?

There is a discussion in Tosafot whether the sections that are permissible to study on Tisha B'Av are necessarily permissible for a mourner mourning the loss of a relative:

In the responsa of Rabbeinu Yitzchak it states that Rabbeinu Ya'akov prohibited [study of] Job, Lamentations and the somber portions of Jeremiah during one's mourning period because the Talmud does not mention it [regarding mourning] as it does regarding Tisha B'Av. In his later years, he permitted it ... Rabbeinu Yitzchak's proof to prohibit it from the previous statement that [a mourner] is prohibited from Torah study as it states (Yechezkel 24:17) 'whimper in silence' which implies [a prohibition from studying] everything, doesn't seem to be a proof ... Tosafot Mo'ed Katan 21a.

Rabbeinu Ya'akov (Rabbeinu Tam c.1100-1171) concluded in his later years that it is permissible for a mourner to study certain portions of Torah. Yet, Rabbeinu Yitzchak seems to take the approach that it is prohibited. R. Menachem Meiri (1249-1306) explains why one might distinguish between Tisha B'Av and mourning the loss of a relative: According to some, it is prohibited [to study] even Lamentations and the somber portions, even though these are permissible on Tisha B'Av because mourning [the loss of a relative] is focused on silence and Tisha B'Av is focused on feeling suffering. Beit HaBechirah, Mo'ed Katan 15a

Meiri's comments seem to provide an important insight into the nature of the day of Tisha B'Av. Regarding mourning the loss of a relative, the focus is on the deceased and therefore, there is a requirement to be "silent" on any other matters. The prohibition against a mourner exchanging greeting with someone else is also based on the requirement for silence. Both Torah study and greetings can serve as a distraction from the mourning process and are therefore prohibited. However, mourning on Tisha B'Av is a different experience. The Gemara, Yevamot 43b, refers to the mourning of the destruction of the Temple as aveilut yeshana, old mourning. We are mourning events that took place many years ago and the feeling of grief that a mourner normally experiences doesn't come naturally. Perhaps according to Meiri, the rabbis allowed/encouraged the study of Torah portions that facilitate one to mourn properly. Furthermore, Tisha B'Av is considered a day of mourning for all Jewish tragedies and, as such, study of Torah portions relating to tragedies of the Jewish people is not considered a distraction from the mourning process, but rather a more intense focus on mourning. How does Meiri's approach account for the concern that Torah study brings one joy? Rashi (1040-1105), Ta'anit 30a, V'Asur Likrot, states explicitly that the prohibition against Torah study on Tisha B'Av is based on the concern that Torah study brings one joy. Yet, R. Shmuel Eidels (1555-1631), Maharsha, Ta'anit 30a, suggests that perhaps the prohibition against Torah study is not based on a concern for joy. The concern for joy only applies when one is teaching children. Rather, the concern is that Torah study is a distraction from mourning the destruction of the Temple. Meiri's approach seems to be more compatible with Maharsha's explanation. If the only concern for prohibiting Torah study is joy, there should be no reason to distinguish between someone mourning the loss of a relative and Tisha B'Av. However, if the concern is distraction, it is easier to distinguish between the two different types of mourning as presented earlier. Nevertheless, such an assertion would lead one to the conclusion that Rashi and Maharsha's explanations are contingent on the dispute about whether someone mourning a relative may study the aforementioned selected portions, a conclusion that is not compelling. Alternatively, it is possible that we are concerned for joy as well as distraction. This approach is advanced by R. Shlomo Kluger, Chochmat Shlomo, Orach Chaim 554:1. Is it Permissible to Study These Portions In Depth? Meiri's comments are also relevant to the

question of how in depth one may study the permissible portions. R. Yosef Karo, Beit Yosef, Orach Chaim no. 554, quotes the opinion of Rabbeinu Peretz (d. 1295) that one may not study the commentaries on Yirmiyahu and Iyov because one may only read these portions and not delve into their analysis. R. Karo then quotes Maharil (c. 1365-1427) who states: To study the commentaries to Jeremiah, Job and the third chapter of Mo'ed Katan on Tisha B'Av, I am not sure why you distinguish between the commentaries and the text. Is there a reason to believe that one is only permitted to perform a superficial reading? Are we dealing with the ignorant who don't understand what comes out of their mouths? If so, let them study whatever they want because if they don't understand, why not also learn the commentaries? ... If your concern is that there is in depth study, it would seem that this is better ... because if one struggles to understand, it is preferable. Responsa of Maharil no. 201

Rabbeinu Peretz's opinion may be explained based on the concern for joy when one studies Torah materials in depth, even if the subject matter is of a somber nature. Yet, Maharil seems to be focused on the effect that it has on the person studying these materials. One can explain that there is no resulting joy when one studies these subjects, even when they are studied in depth. Alternatively, one can understand that the primary concern is the proper focus on mourning and the themes of the day. When one studies these matters in depth, it contributes to a greater focus on mourning and the themes of the day.

While Shulchan Aruch, Orach Chaim 554:2, rules in according with Maharil, R. Avraham Gombiner (c.1633-1683), adds a qualification: It seems to me that for this reason (i.e. because of the concern for joy) it is prohibited to study a discourse or question and answer even relating to somber matters because it provides one with joy. Magen Avraham 554:5 R. Gombiner seems to take the approach that the permissibility to study the commentaries on Yirmiyahu and Iyov is based on the fact that there is no resulting joy. This is true regarding an in depth study of certain types of somber material. However, if there will be resulting joy, it is prohibited. According to R. Gombiner, this does occur when studying a discourse or the give and take of a complex portion of Torah. R. Yechezkel M. Epstein (1829-1908), notes that it is inevitable that a scholar who studies Torah materials on Tisha B'Av is going to think about in-depth matters while studying. R. Epstein attempts to seek a justification for a scholar to study these materials: In truth, it is very difficult for a scholar who is studying, because his mind will involuntarily think of questions and answers and the like. However, based on what I wrote, it is not a problem because all matters of Torah bring a certain element of joy, even the somber matters. However, the suffering nullifies the joy. Therefore, even if one thinks of a novel idea, the suffering is not nullified. Aruch HaShulchan, Orach Chaim 554:7

According to R. Epstein, as long as there is an element of suffering in the subject matter, one is permitted to study that subject on Tisha B'Av. R. Epstein also adds that R. Gombiner's stringency is more compatible with Rabbeinu Peretz's approach than Maharil's. R. Yosef D. Soloveitchik (1903-1993) offers a slightly different explanation. He notes Torah study always results in joy. Therefore, the permissibility to study certain portions is not based on the lack of joy in studying these portions. Rather, study of these portions is a fulfillment of mourning on Tisha B'Av, even though they bring one joy. For this reason, R. Soloveitchik affirms the position of his grandfather, R. Chaim Soloveitchik (1853-1918) who permits in-depth study of the portions as they further enhance one's fulfillment of mourning on Tisha B'Av.

Summary On Tisha B'Av many of us struggle to make the mourning experience meaningful. The portions of Torah that one may study on Tisha B'Av are not simply a permissible means of passing the time. Rather, they serve as a tool to make the mourning experience more meaningful. For Meiri and Maharil, study of these portions is encouraged because they arouse the feelings of suffering that should be felt by someone who is mourning. For R. Eidels, study of these portions allows one to focus on the themes of the day. For R. Soloveitchik, these portions are part and parcel of the Tisha B'Av experience. The surge in study of these portions on Tisha B'Av in recent years is indicative of our desire to have a greater connection to the mourning experience. May the increased desire to connect to Tisha B'Av hasten the ultimate redemption as the Gemara states:

All who mourn Jerusalem will merit and see its Joy. Baba Batra 60b

from: **Rabbi Kalman Packouz** <newsletterserver@aish.com> via madmimi.com date: Tue, Jul 9, 2013 at 1:11 AM subject: Shabbat Shalom Devarim -- What is the saddest day of your life?

Insights into life, personal growth and Torah.

View online: <http://www.aish.com/tp/ss/ssw/214521571.html>
Devarim (Deuteronomy 1:1-3:22)

GOOD MORNING! What is the saddest day of your life? For most of us, it the day when someone close to us passes away. For the Jewish people as a nation, the saddest day is the 9th of the Hebrew month of Av -- the day when our Temple in the heart of Jerusalem was destroyed. That is what our tradition teaches us. However, it is hard to relate to the loss of something 2,000 years ago -- especially since we never experienced having the Temple in our lifetime.

July 15th, Monday evening through Tuesday night, is Tisha B'Av, the 9th day of the Jewish month of Av. It is the saddest day in the Jewish year. What should a person do if he has no feeling for Tisha B'Av? If a person is Jewish and identifies with being Jewish, then it behooves him to find out why we as a people mourn on this day -- what have we lost? What did it mean to us? What should we be doing to regain that which we have lost? At the very minimum, we should mourn that we don't feel the pain.

In 1967, Israeli paratroopers captured the Old City and made their way to the Wall. Many of the religious soldiers were overcome with emotion and leaned against the Wall praying and crying. Far back from the Wall stood a non-religious soldier who was also crying. His friends asked him, "Why are you crying? What does the Wall mean to you?" The soldier responded, "I am crying because I don't know why I should be crying."

Tisha B'Av is observed to mourn the loss of the Temples in Jerusalem. What was the great loss from the destruction of the Temples? It is the loss of feeling God's presence. The Temple was a place of prayer, spirituality, holiness, open miracles. It was the center for the Jewish people, the focal point of our Jewish identity. Three times a year (Passover, Shavuot, Sukkot) every Jew would ascend to the Temple. Its presence pervaded every aspect of Jewish life -- planning the year, where one faced while praying, where one would go for justice or to learn Torah, where one would bring certain tithes.

On the 9th of Av throughout history many tragedies befell the Jewish people, including:

The incident of the spies slandering the land of Israel with the subsequent decree to wander the desert for 40 years.

The destruction of the first Temple in Jerusalem by Nevuchadnetzar, King of Babylon in 423 BCE.

The destruction of the Second Temple in Jerusalem by the Romans in 70 CE.

The fall of Betar and the end of the Bar Kochba revolt against the Romans 65 years later, 135 CE.

Pope Urban II declared the First Crusade. Tens of thousands of Jews were killed, and many Jewish communities obliterated.

The Jews of England were expelled in 1290.

The Jews of Spain were expelled in 1492.

World War One broke out on Tisha B'Av in 1914 when Russia declared war on Germany. German resentment of the Treaty of Versailles set the stage for World War II and the Holocaust.

On Tisha B'Av, deportation began of Jews from the Warsaw Ghetto.

Tisha B'Av is a fast day (like Yom Kippur, from sunset one evening until the stars come out the next evening) which culminates a three week mourning period by the Jewish people. One is forbidden to eat or drink, bathe, use moisturizing creams or oils, wear leather shoes or have marital relations. The idea is to minimize pleasure and to let the body feel the distress the soul should feel over these tragedies. Like all fast days, the object is introspection, making a spiritual accounting and correcting our ways -- what in Hebrew is called Teshuva -- returning to the path of good and righteousness, to the ways of the Torah.

Teshuva is a four part process: 1) We must recognize what we have done wrong and regret it 2) We must stop doing the transgression and

correct whatever damage that we can, including asking forgiveness from those whom we have hurt -- and making restitution, if due 3) We must accept upon ourselves not to do it again 4) We must verbally ask the Almighty to forgive us.

On the night of Tisha B'Av, we sit on low stools (as a sign of our mourning) in the synagogue. With the lights dimmed -- and often by candlelight -- we read Eicha, the book of Lamentations, written by the prophet Yirmiyahu (Jeremiah). We also recite Kinot, a special liturgy recounting the tragedies that have befallen the Jewish people.

Learning Torah is the heart, soul and lifeblood of the Jewish people. It is the secret of our survival. Learning leads to understanding and understanding leads to doing. One cannot love what he does not know. Learning Torah gives a great joy of understanding life. On Tisha B'Av we are forbidden to learn Torah except those parts dealing with the calamities which the Jewish people have suffered. We must stop, reflect and make changes. Only then will we be able to improve ourselves and make a better world.

Tisha B'Av by Rabbi Avrohom Chaim Feuer is helpful to understand the day and the service (available at your local Jewish bookstore, at JudaicaEnterprises.com or by calling toll-free to 877-758-3242). If you wish to delve deeper, I recommend going to [Aish.com](http://www.aish.com). There are articles to help understand Tisha B'Av -- <http://www.aish.com/holidays> and check out ShabbatShalomAudio.com ! May we all merit that the Temple be speedily rebuilt in our days!

From: Kaganoff Sent: Sunday, August 07, 2011 4:25 AM To: kaganoff-a@googlegroups.com Subject: halachic article about tenth of av attached

The Tenth of Av By Rabbi Yirmiyohu Kaganoff

Question #1. "We are leaving the morning after Tisha B'Av for Eretz Yisroel to attend a family simcha. Do we have to pack a suitcase full of dirty laundry and wash it upon our arrival?"

Question #2. "I am studying a Mesechta and was told not to rush to complete the siyum during the Nine Days. May I make a fleishig siyum the night after Tisha B'Av, and assuming that I can, may I rush the learning to make the siyum at that time?" Question #3. May I recite a Shehecheyanu on the night after Tisha B'Av?

BACKGROUND TO THE SHAYLAH

The Gemara (Taanis 29a) records the following: "On the Seventh of Av, the gentiles entered the Beis Hamikdash and spent three days feasting and contaminating it. As the sun was setting on the Ninth of Av, they set the Beis Hamikdash ablaze, and it continued to burn for the entire next day." (Shulchan Aruch notes that the Beis Hamikdash burned the entire Tenth of Av, the fire finally going out as the sun set on the Tenth.) Because of this event, Rabbi Yochanan declared that had he been alive at the time of the Churban, he would have declared the fast on the Tenth of Av, rather than the Ninth. He felt that the main mourning should be on the day that the Beis Hamikdash was actually destroyed rather than on the day that the tragedy began. The halacha does not follow Rabbi Yochanan; the main observance is on the Ninth, when the destruction began. Nevertheless, the custom is to observe the Tenth of Av as a day of mourning, as we will see.

Although Chazal did not institute two consecutive days of fasting because it is dangerous for most people to go 48 hours without eating, the Talmud Yerushalmi records that Rabbi Avin fasted for two consecutive days - the entire Ninth and the entire Tenth days of Av to commemorate the tragedy on both days. Rabbi Levi, who was not as strong, fasted only the Ninth and through the night of the Tenth, but broke his fast on the morning of the Tenth. Note that these rabbonim did not require people to fast both days. Rabbi Avin felt the loss of the Beis Hamikdash so intensely that he fasted both days to grieve its loss. Rabbi Levi also felt the intensity of the Churban, but could not fast two consecutive days because of his health. Thus, he observed the Tenth of Av as a fast day to the extent that he could, refraining from ending his Tisha B'Av fast until the following morning.

The Tur (558) mentions that although we lack the strength to extend our fast into the Tenth of Av, nonetheless it is appropriate to refrain from eating meat on the Tenth. Thus, on the Tenth we eat only what is necessary to regain our strength from the Tisha B'Av fast, but not luxury items such as meat and wine. Nevertheless, we find that even in later generations there were great tzadikim who fasted both the Ninth and the Tenth of Av. Several interesting shaylahs result from this fast:

NACHEIM ON THE TENTH

Does someone who is fasting on the Tenth of Av recite Nacheim, the special prayer added to the Shmoneh Esrei of Tisha B'Av, when he is fasting the day after Tisha B'Av? On the one hand, it is no longer Tisha B'Av, so why should someone recite Nacheim? On the other hand, one is commemorating the day that the Beis Hamikdash was destroyed by fasting on that day. The Shla Hakodesh ruled that one who is still fasting on the Tenth of Av because of the churban should recite Nacheim then (quoted by Birkei Yosef). We see from his discussion that it was not unusual in his time for people to fast two consecutive days because of the Churban!

However, someone who is marrying on the night of the Eleventh of Av and is therefore fasting on the Tenth because of Taanis chassan should not recite Nacheim – because he did not fast the night before and it is therefore not a continuous fast to commemorate the churban.

FORGOT TISHA B'AV!

Some Poskim mention another interesting shaylah. A traveler without access to a Jewish calendar arrived in a Jewish community the afternoon of Tisha B'Av and discovered that he had failed to observe any of the halachos of Tisha B'Av. Since he ate the entire day because of his mistake, what should he do now? Can he observe any of the halachos of Tisha B'Av?

Firstly, he should not eat the rest of Tisha B'Av, because every piece of food that he eats violates the fast of Tisha B'Av. He is also required to observe the other halachos of Tisha B'Av until the end of the day.

What else should he do?

The gadol who paskened the shaylah ruled that he should fast and observe the halachos of Tisha B'Av on the Tenth of Av, because Chazal would have instituted the Tenth of Av as a fast were it not too difficult for people. Therefore, someone who failed to observe the Ninth of Av should fast on the Tenth (Birkei Yosef).

FASTING ON MONDAY THE ELEVENTH

Someone asked the Maharil (Shu't #125, quoted by the Beis Yosef, Orach Chayim 558) the following shaylah. He usually fasted on the Ninth and Tenth of Av, but in the year he asked the shaylah, Tisha B'Av was on Shabbos. Thus, Sunday, the observed Tisha B'Av that year, was really the Tenth of Av. Must he fast on the Eleventh of Av in order to fulfill his practice of fasting two days of Tisha B'Av?!

The Maharil ruled that he is not required to fast on the Eleventh of Av. The reason for fasting on the Tenth of Av is because most of the Churban occurred on this day, as we explained above. But by the Eleventh the Beis Hamikdash had already finished burning and there is no reason to fast.

However, the Maharil ruled that he should refrain from eating meat on the night of the Eleventh and begin eating meat only in the morning. This is because the meal following a fast should be solemn and not include any meat or wine. Similarly, Sefer Hassidim rules that one should not eat meat or drink wine either immediately before or immediately after a fast (quoted by Shu't Maharshah #92).

Because of these reasons, although the halacha specifically does allow one to eat fleishig immediately after Shiva Asar b'Tamuz, Asarah B'Teiveis and Tzom Gedalyah, many people have a minhag not to eat meat these nights, or at least not to eat meat immediately after the fast since these dates all commemorate events surrounding the Churban. After Yom Kippur, many have the custom specifically to eat meat in order to celebrate the forgiving of our sins.

In conclusion, the Shulchan Aruch (558) rules one should refrain from eating meat or drinking wine the entire day of the Tenth of Av, and this is the normative practice of the Sefardim. The Rama rules that one need refrain only until midday of the Tenth, and this is standard Ashkenazic practice. (However, other Ashkenazic poskim rule that one should refrain from eating meat the entire Tenth of Av [Shu't Maharshah #92].)

SOME MEATY LENIENCIES

Some contend that on the night of the Tenth one may eat food that contains meat and that one may also recite the benschung over wine (called benschung on a kos) if he usually recites the benschung over wine (Maamar Mordechai).

It should be noted that none of the poskim we have quoted so far mention refraining from any activities on the Tenth of Av other than fasting and not eating meat. Thus, one can infer that immediately after Tisha B'Av one may bathe, launder clothes, and engage in all the other activities that we refrain from during the Nine Days. This is indeed the opinion followed by both the Shulchan Aruch and the Rama (558; 551:4). However, others extend the mourning atmosphere of the Tenth of Av to other observances and say that one should not take a haircut, launder or bathe on the Tenth (Shu't Maharshah #92, quoted by Bach 558; see also Kenesses HaGedolah's comment, quoted by Mishnah Berurah 558:2). The standard Ashkenazic practice is to be stringent on all the halachos of the Nine Days until midday on the Tenth (Taz). However, when Tisha B'Av falls on Thursday, one may perform all these activities in honor of Shabbos (Mishnah Berurah 558:3).

Sefardim are strict not to eat meat until the end of the Tenth, but most permit cutting hair, laundering and bathing.

Notwithstanding this halachic conclusion, there are some leniencies. Some poskim contend that there is no prohibition to shower on the Tenth: the prohibition is only against doing things that are pleasurable or relaxing, such as eating meat or taking a relaxing sauna (Teshuvos Vehanhagos 2:260). Others contend that under extenuating circumstances one may rely on those opinions that permit laundering on the Tenth. Therefore, someone traveling on the morning of the Tenth for a family simcha may do his laundry before he leaves (Piskei Teshuvos 558:2).

MAY ONE SCHEDULE A WEDDING FOR THE DAY AFTER TISHA B'AV?

The Mishnah states that mishenichnas Av memaatim bisimcha, when the month of Av enters, we decrease our happiness (Taanis 26b), which includes making weddings. An additional reason cited to forbid weddings is that since Av is a time of bad mazel for Jews, one should postpone a wedding to a more auspicious date (Beis Yosef 551; Magen Avrohom 551:8). However, this does not tell us how much of Av has bad mazel that precludes making weddings – clearly the minhag is not to avoid making weddings the entire month. In most places, people conduct weddings from the Eleventh of Av. However, some Hassidim have a custom not to make weddings before Shabbos Nachamu (Shu't Minchas Elazar 3:66).

According to some poskim, one should not make a wedding on the Tenth of Av, even after midday. However, others seem to disagree since they imply that one may schedule a wedding on the day of the Tenth of Av (see Mishnah Berurah 558:2). Others, albeit a minority, even permit making a wedding the night after Tisha B'Av under extenuating circumstances (Shu't Ramatz #40, quoted by Maharsham in Daas Torah).

SIYUM AFTER TISHA B'AV

Although the universally accepted practice is to refrain from eating meat the night after Tisha B'Av, we are more lenient than the halacha of not eating meat during the Nine Days.

Although one may eat meat at a siyum during the Nine Days, only people who would usually attend the siyum may eat meat. Other people, who might have chosen to not attend the whole year round, may not eat meat or drink wine at the siyum (Rama and Taz 551:10). Furthermore, in order to make a siyum during the Nine Days one should not rush or slow down the learning (Eliyah Rabbah 551:26; Mishnah Berurah 551:73; Aruch Hashulchan 551:28).

None of these stringencies apply to a siyum made on motza'ei Tisha B'Av: then, one may serve meat to as many people as one chooses (Mishnah Berurah 558:2). In addition, one may deliberately arrange the learning schedule so that the siyum falls on that night (Shu't Ramatz #41, quoted by Maharsham in Daas Torah).

SHEHECHYANU ON THE TENTH

The poskim discuss whether one may recite the bracha of Shehecheyanu on a new fruit, garment or other possession during the Three Weeks. Reciting this bracha acknowledges that Hashem has sustained us so that we can celebrate again, lazman hazech on this special occasion.

Most poskim conclude that one may recite Shehecheyanu on Shabbos or in a case where one will not have an opportunity to recite it later, but that otherwise one should not recite Shehecheyanu on weekdays during the Three Weeks (Magen Avraham, Eliyah Rabbah, Chayei Odem; Mishnah Berurah). The poskim dispute why we do not recite Shehecheyanu during the Three Weeks. – This dispute affects whether we recite Shehecheyanu on the Tenth of Av.

According to many opinions, we do not recite Shehecheyanu during the Three Weeks because we are in mourning. These poskim assume that one may recite Shehecheyanu on Shabbos during the Three Weeks, since there are no public signs of mourning on Shabbos (Magen Avraham 551:21). According to this approach, whether and when one recites Shehecheyanu on the Tenth of Av is dependent on when we observe mourning on this day and to what extent (Shaarei Teshuvah 558:1). According to this reasoning, Ashkenazim who do not practice mourning after midday on the Tenth of Av, could recite Shehecheyanu at this point.

However according to the Ari, we refrain from saying Shehecheyanu during the Three Weeks for a totally different reason -- because it is inappropriate to recite a bracha whose words are "He has sustained us for this time" when it is a time of year when so many tragedies occurred. Therefore, according to the Ari, one should not recite Shehecheyanu during the Three Weeks even on Shabbos (Shu't Chaim She'ol #24).

According to the reasoning of the Ari, even an Ashkenazi should not recite the bracha of Shehecheyanu the entire Tenth of Av, even after midday. Although Ashkenazim do not observe any mourning in the afternoon, the reason not to recite Shehecheyanu is because the bracha is inappropriate on a day that such tragedies happened to the Jewish people. This is certainly a reason not to recite Shehecheyanu on the Tenth of Av (Aishel Avraham of Butzatsch). Other poskim contend that one may recite Shehecheyanu on the Tenth of Av since it is a less

intense day of mourning (Daas Torah). This approach assumes that the reason we do not recite Shehecheyanu during the Three Weeks is because we are observing mourning practices. According to all opinions, someone who performs a mitzvah on the Tenth of Av which requires Shehecheyanu, such as a pidyon haben or a Bris (for those who recite Shehecheyanu at a bris), should recite Shehecheyanu, just as he would during the Three Weeks.

As we mentioned above, the Talmud Yerushalmi records that Rabbi Avin fasted for two consecutive days - the entire Ninth and Tenth days of Av because the loss of the Beis Hamikdash was so intense to him that he felt the need to fast both days to grieve for its loss. One might think that Rabbi Avin lived close to the time of the destruction of the Beis Hamikdash and that it was therefore a fresh personal memory for him. But in fact, he lived over two hundred years after the destruction of the Second Beis Hamikdash and 700 years after the destruction of the First. Nevertheless, he suffered such anguish from the Churban that he could not bring himself to eat on a day that the Beis Hamikdash was still burning. I have been told that Rav Yehoshua Leib Diskin went to the kosel only twice in his lifetime, although he lived in Yerushalayim. Both times he passed out from the sheer pain he felt at seeing the manifestation of the Churban!

We too should realize that the Churbanos of long ago still have an immediate impact on our lives. We should endeavor to feel the loss of the Beis Hamikdash as our personal loss for which we mourn intensely.