

INTERNET PARSHA SHEET  
ON DEVARIM Shabbos Chazon - 5758

To receive these Parsha sheets by e-mail, contact crshulman@aol.com or members.aol.com/crshulman/torah.html. To subscribe to individual lists see <http://www-torah.org-virtual.co.il-shamash.org-shemayisrael.co.il-jewishamerica.com-ou.org/lists-youngisrael.org-613.org>

weekly-halacha@torah.org WEEKLY-HALACHA SELECTED  
HALACHOS RELATING TO PARSHAS DEVARIM By Rabbi Doniel  
Neustadt

WHEN TISHAH B'AV FALLS ON SHABBOS Many unique halachos pertain specifically to Tishah b'Av that falls on Shabbos, in which case the fast is postponed until Sunday.

ON SHABBOS: If one can keep himself occupied on Shabbos afternoon studying topics which pertain to Tishah b'Av or to mourning, he should do so(1). If he cannot, he may study what he ordinarily does(2). It is customary that Pirkei Avos is not studied on this Shabbos(3). The usual seudah ha-mafsekes restrictions do not apply on Shabbos. At the last meal before the fast - which is seudah shelishis on Shabbos - one may eat meat and drink wine and consume whatever food he desires(4). One should not, however, specifically say that he is eating in order to have strength for the fast, nor is it permitted to swallow a pill that makes it easier to fast, since he would then be preparing on Shabbos for a weekday(5). Eating seudah shelishis with family members is permissible. Company, however, should be avoided - unless one usually has company for seudah shelishis(6). Birkas ha-Mazon may be said with a zimun(7). Zemiros may be sung, even by one who does not always sing them(8). Eating, drinking, or washing any part of the body is permitted until sunset only(9). If one recited Birkas ha-Mazon before sunset, he may eat or drink until sunset. No precondition is required(10). One may sit on a chair until nightfall(11). Since it is not proper to wear Shabbos clothes on Tishah b'Av, it is recommended that one change clothes after nightfall, but before Ma'ariv(12). Baruch ha-Mavdil should be recited before changing into weekday clothes(13). No preparations for Tishah b'Av may be made until Shabbos is over. Tishah b'Av shoes or Kinos [unless studied on Shabbos] may not be brought to shul until nightfall, even in an area with an eiruv(14).

MOTZA'EI SHABBOS: Shabbos shoes may not be removed until nightfall. The custom in many places(15) is to remove the shoes after saying Barechu at Ma'ariv. Others remove their shoes after reciting Baruch ha-Mavdil but before Barechu, provided that it is already nightfall(16). This option is advisable when there is large gathering of people [such as a camp] in order to avoid a long break between Barechu and Ma'ariv(17). Atah chonantanu is said in Shemoneh Esrei. Women must be reminded to recite Baruch ha-Mavdil before doing any work(18). After Ma'ariv but before the reading of Eichah, a candle(19) is lit and Borei me'orei ha-eish is recited. If one forgot or failed to do so, Borei me'orei ha-eish may be recited anytime throughout the night(20). Customarily, Borei me'orei ha-eish is recited by one person for the entire congregation. It is proper, though, that all the listeners sit down while the blessing is recited(21). Preferably, women should listen to Borei me'orei ha-eish recited by a man. If they cannot do so, it is recommended that they recite their own blessing over a candle, but they are not obligated to do so(22). Some permit folding the tallis as on every motza'ei Shabbos(23), while others are stringent(24). Dirty dishes from Shabbos should not be washed until Sunday after chatzos(25), unless they will attract insects, etc.

ON SUNDAY: As is the case when the fast is not postponed, a woman who has given birth within the past thirty days need not fast. Because the fast is not actually on the ninth of Av but rather on the tenth, certain leniencies are allowed. Thus, a pregnant or nursing mother need not fast if she will feel the effects of the fast. The same is true for anyone who is slightly sick and would feel unwell if he were to fast(26). If a bris milah falls on this day, most poskim(27) allow the father, mohel, and sandak to eat a seudas mitzvah in honor of the bris after Minchah Gedolah(28). A minority opinion rules that they should finish their fast(29). Before breaking a fast because of illness(30)

B'S'D' or to celebrate a bris milah(31), Havdalah should be recited. Many poskim(32) hold that wine or grape juice may not be drunk, and Havdalah should be recited on a Shehakol beverage such as beer, coffee, or tea [with or without milk(33)]. Another option is to use wine or grape juice, but have a minor [between the ages of 6-9] drink the wine. Other poskim allow even an adult to drink the minimum amount(34) of wine or grape juice(35). There are various views among the poskim concerning the recitation of Havdalah for women who are not fasting [due to illness, pregnancy, or nursing](36). The preferred option is that the woman's husband [or another man] should recite Havdalah(37) and that she or a minor drink the beverage. If that cannot be arranged, most poskim allow her to recite her own Havdalah(38). If she cannot or will not, there are poskim who permit her to eat without reciting Havdalah(39). Most poskim hold that minors do not need to hear or recite Havdalah before eating(40). A minority opinion requires them to do so(41). One who must eat on Tishah b'Av in the morning should daven first, without tefillin, and then eat. If he needs to break his fast after chatzos, he should daven Minchah with tefillin and then eat. If he cannot daven Minchah until later in the day, he should still put on tefillin before he eats(42).

ON SUNDAY NIGHT: After the fast is over, one may not eat until Havdalah is recited. Women should hear Havdalah from their husbands or a neighbor(43). If it is difficult for a woman to wait for Havdalah, she may drink before Havdalah(44). If drinking is not sufficient, some poskim allow her to eat without hearing Havdalah while others hold that she should make Havdalah herself(45). Havdalah may be recited over wine or grape juice, and it need not be given to a minor to drink(46). Only the blessings of Borei pri ha-gafen and ha-Mavdil are recited. Borei me'orei ha-eish is not recited, even if one forgot to recite that blessing the previous night(47). Taking a haircut, shaving, doing laundry, sewing, bathing, and reciting Shehecheyanu are permitted immediately after the fast. Meat and wine (other than the wine from Havdalah) should not be consumed until the next morning(48). Listening to music should be avoided until the next morning(49).

FOOTNOTES: 1 Chazon Ish (quoted in Orchos Rabbeinu 2:136) 2 Mishnah Berurah 553:10. One may fulfill his obligation of Shenayim Mikra v'Echad Targum. 3 Rama 553:2. 4 O.C. 552:10. 5 Shemiras Shabbos K'hilchasah 28:77; Piskei Teshuvos 553 note 13. 6 Mishnah Berurah 552:23. 7 Ibid. 8 Igros Moshe O.C. 4:112-1. 9 Mishnah Berurah 552:24 and Sha'ar ha-Tziyun 22. See Chayei Adam 136:1 and Kitzur Shulchan Aruch 125:1 concerning washing. 10 Sha'ar ha-Tziyun 553:7. 11 Salmas Chayim 4:4-129 quoted in Shemiras Shabbos K'hilchasah 62 note 88. 12 Chazon Ish (quoted in Shemiras Shabbos K'hilchasah 28 note 178); Moadim u'Zemanim 7:256; Shevet ha-Levi 7:77. At the very least, this should be done before the reading of Eichah. 13 Mishnah Berurah 553:7. 14 Shemiras Shabbos K'hilchasah 28:77. 15 Based on Rama 553:2 as explained in Salmas Chayim 1:86. 16 Harav S.Z. Auerbach (quoted in Shemiras Shabbos K'hilchasah 28, note 179); Yechaveh Da'as 5:38; Moadim u'Zemanim 7:256. 17 Harav M. Feinstein (oral ruling, quoted in Halachos of the Three Weeks, pg. 16). 18 Mishnah Berurah 556:2. 19 Some light a single candle while others hold two candles together. 20 Mishnah Berurah 556:1. 21 Beur Halachah 213:1, since on this night there is no blessing recited over wine which establishes the required keivus needed for such blessings. 22 See Beur Halachah 296:8, Igros Moshe C.M. 2:47-2, and Shemiras Shabbos K'hilchasah 61, note 69 and 62, note 98 for a discussion on the general issue of whether women are obligated to perform this mitzvah. 23 Nitei Gavriel, pg. 115. 24 Luach Devar Yom b'Yomo quoting the Belzer Rav. 25 Several poskim quoted in Piskei Teshuvos 554:21. 26 Beur Halachah 559:9. See also Yechaveh Da'as 3:40. 27 Chayei Adam 136:7; Kitzur Shulchan Aruch 125:8; Mishnah Berurah 559:37 and Sha'ar ha-Tziyun 39; Igros Moshe O.C. 4:69-4; Yabia Omer 1:34; Shemiras Shabbos K'hilchasah 62:47. 28 These people, then, should not receive an aliyah at Minchah (Mishnah Berurah 566:20, 21). 29 Aruch ha-Shulchan 559:9, based on Magen Avraham; Kaf ha-Chayim 559:74; Chazon Ish (quoted by Harav C. Kanievsky in Tishah b'Av she'Chal b'Shabbos 8, note 48). 30 Sha'arei Teshuvah 556:1. If all that the sick person needs is a drink of water, Havdalah is not recited (Shevet ha-Levi 8:129). 31 Mishnah Berurah 559:37. 32 Kaf ha-Chayim 556:9; Harav M. Feinstein (oral ruling quoted in Halachos of the Three Weeks, pg. 19); Minchas Yitzchak 8:30; Shevet ha-Levi 7:77. 33 Tzitz Eliezer 14:42. Some poskim allow orange or apple juice as well. 34 A cheekful, approximately 1.6 fl. oz. Since, however, Al ha-gefen cannot be recited over this amount, this should be followed by eating cake, etc. and the words al ha-gefen v'al pri ha-gefen can be added; see pg. 148. 35 Chazon Ish (oral ruling quoted by Harav C. Kanievsky, Mevakshei Torah, Sivan 5753); Harav Y.Z. Soloveitchik (quoted in Peninei Rabbeinu ha-Griz, pg. 521 and in a written responsum by Harav S.Y. Elyashiv published in Mevakshei Torah, ibid.); Harav Y.Y. Kanievsky (Orchos Rabbeinu 2:145); Az Nidberu 11:48. 36 The issue: 1) Women, generally, do not recite their own Havdalah, since some Rishonim exempt them from Havdalah altogether; 2) Even men are not required by all poskim to recite Havdalah before eating on Motza'ei Tishah b'Av which falls on a Sunday. 37 The husband, then, does not repeat the Havdalah for himself once the fast is over (Shemiras Shabbos K'hilchasah 62:48). 38 Shevet ha-Levi 8:129; Shemiras Shabbos K'hilchasah 62:48; Az Nidberu 11:48; Moadim u'Zemanim 7:255. 39 Kinyan Torah 5:51; Shraga ha-Meir 1:59; Nitei Gavriel, pg. 164. 40 Harav Y.Y. Kanievsky (Orchos Rabbeinu 2:145); Harav S.Y. Elyashiv (quoted in Rivevos Efrayim 3:371); Shemiras Shabbos K'hilchasah 62:45; Moadim u'Zemanim 7:255; Chanoch l'Na'ar 28:10. 41 Mahari Diskin 2:5-72; Divrei Yatziv 2:243; Shevet ha-Levi 7:77. There are conflicting reports as to what the opinion of Harav M. Feinstein was; see Children in Halachah, pg. 190. 42 Entire paragraph based on ruling of Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 62, note

108 and 115). 43 Minchas Yitzchak 8:51. 44 Tishah b'Av she'Chal b'Yom Alef 70. 45 See Piskei Teshuvos, pg. 120 for the various views. 46 Mishnah Berurah 556:3. 47 Ibid. 4. 48 Rama 558:1. 49 See Sha'ar ha-Tziyun 558:4, who is lenient about music for a seudas mitzvah.

Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/>

owner-rabbis-notebook[SMTP:owner-rabbis-notebook@torah.org] ...  
Laws of Tisha B'Av and Erev Tisha B'Av This year, Tisha B'Av is Saturday, August 1. Because we do not fast on Shabbos (except for Yom Kippur) the actual fast is "pushed off" to Sunday, August 2nd. Due to this, many of the laws of Erev Tisha B'Av do not apply this year, and certain leniencies are applicable to the fast itself. Shabbos is Shabbos. Just as a mourner does not display mourning on Shabbos, neither do we display mourning for the loss of the Beis Hamikdash. Therefore, we do not have a Seudat Hamafseket - the dividing meal and wine and meat may be served for Shalosh Seudos. Note: all eating must end by sundown on Saturday! Some authorities forbid learning Torah after midday, except for those topics permitted to be learned on Tisha B'Av; however, many others permit it. On Tisha B'Av we are prohibited from wearing leather shoes. On Shabbos we are prohibited from doing anything that constitutes mourning, such as wearing non-leather when we normally would wear leather. This presents the dilemma as to when to change shoes for Tisha B'Av? The recommended practice is to bring non leather to Shul on Friday, and immediately following the Barachu at Maariv take off the leather and slip into the non leather. Only the Chazan takes off his shoes before Barachu. Havdallah only consists of "Borei Morei Haesh - the blessing over the flame", and is said after Maariv, before Eicha. After the fast, Sunday night, Havdallah over a cup of wine will be said, without fire or Bisamim - spices. Tisha B'Av, like Yom Kippur, is a 24+ hour fast, with additional restrictions. Eating, drinking, wearing leather shoes (referring to leather construction such as the soles or uppers, not leather strips or ornamentation), washing any part of the body, marital relations, and the use of moisturizing creams, lotions, or oils are prohibited. The prohibition against bodily washing is directed toward pleasure, not necessity. However, on Tisha B'Av the halachik a criterion for necessity is actual dirt. Washing one's face first thing in the morning is therefore categorized as pleasure and is prohibited. Netilas Yadayim first thing in the morning is accomplished by washing the fingers till the knuckles. Women do not go to Mikveh on Tisha B'Av night, and all preparations for Sunday night are to be done, either Sunday night or Friday. The distinction between Yom Kippur and Tisha B'Av is in the reason for the restrictions. On Yom Kippur, which is a serious but not a sad day, we project an elevated sense of sanctity and purpose that renders physical pleasure and sustenance irrelevant. On Tisha B'Av, which is both a serious and a mournful day, we project a sense of loss and mourning that renders physical concerns as unimportant. Therefore, on Tisha B'Av we have the following additional customs that reflect our status as mourners: 1. Until 1:00 p.m. we sit on the floor or a low stool (not higher than 12"). 2. Like an Avel - mourner, we should not greet each other all of Tisha B'Av. 3. It is forbidden to learn Torah all day except for those topics relating to the laws of mourning or the destruction of the Bais Hamikdash. 4. One should not go to work on Tisha B'Av, and it is not to be used as a day to catch up on housework or repairs. 5. Tallis and Tefillin are first worn at Mincha, and Tzitzit should be worn, but without a Bracha.

Tisha B'Av - Historic Review and Comment The Mishna in Taanis teaches that 5 tragedies befell the Jewish people on Tisha B'Av: 1) 2449-1314 b.c.e. The spies returned with their demoralizing report, and the generation that left Egypt was decreed to die out in the desert. 2) 3338 - 423 b.c.e. The first Beis Hamikdash was destroyed. 3) 3828 - 68 c.e. The second Beis Hamikdash was destroyed. 4) 3880 - 120 c.e. The fall of Betar and the tragic conclusion of Bar Kochba's revolt. 5) Sometime after the destruction of the 2nd Beis Hamikdash, the Temple Mount was plowed over like a field. Additionally, numerous tragedies have their ignoble anniversaries on Tisha B'Av (e.g. expulsion of the Jews from Spain in 1492). Rabbis-Notebook, Copyright (c) 1998 by Rabbi Aron Tendler and Project Genesis, Inc. The author

is Rabbi of Shaarey Zedek Congregation, North Hollywood, CA and Assistant Principal, YULA. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801 →

owner-weekly[SMTP:owner-weekly@virtual.co.il] \* TORAH WEEKLY \*  
Highlights of the Weekly Torah Portion Parshas Devarim  
<http://www.ohr.org.il/tw/5758/devarim/devarim.htm>

The House That Jack Built "Hashem heard your words and He was incensed and He swore, saying `If even a man of these people, this evil generation, shall see the good Land that I swore to give to your forefathers.' " (1:34) Maimonides lists five things which happened on Tisha B'Av: It was decreed that the generation who came out of Egypt should not enter the Land of Israel; both Holy Temples were destroyed; the great city of Betar was captured and the tens of thousands of Jews living there were slaughtered. Its king, thought by the greatest of the sages to be the Mashiach, fell amongst them; "And on that day," concludes Maimonides, "which is prepared for tragedy, Turnus Rufus of the kings of Edom/Rome plowed over the Sanctuary and its environs in fulfillment of the prophecy `Zion will be plowed over like a field.'" Let me ask you a question. If the Sanctuary was already destroyed, what was so tragic about plowing it over? If Maimonides lists all five of these events together, the implication is that they all are of equal gravity. Moreover, if this is the last event in the list, it implies that this was the end of the process, the final destruction, the final solution. How can plowing over what has already been destroyed be considered worse than the destruction of the Temples themselves? How can it be listed in the same league as the murder of tens of thousands at Betar; of the extinction of the Messianic hopes of an entire generation? It's only a bunch of ruins, isn't it? The world is tuned into a vast broadcast. A broadcast which beams out its message relentlessly day and night: "Go for it! Grab it now!" It's the modern, less eloquent version of the old Epicurean call "Eat drink and be merry -- for tomorrow we die!" It's the message of denial. Denial that our actions have cosmic repercussions. Denial that there is a Law. Denial that there is a Lawgiver. This voice is of immense overpowering strength. It is the voice of the spiritual heirs of Turnus Rufus from the kings of Edom. Edom is Esav, Yaakov's twin brother. We are locked in an historical battle with Esav. It is a symbiotic relationship which allows the ascendancy of one only at the downfall of the other. The world isn't big enough for both of us. When he is up, we are down. And he is riding very high at present. The massive machinery of materialism grinds out its glib jingle to a deafened world. And the still small voice of Yaakov, of the way of the spirit, is drowned out. Esav destroyed the Holy Temple. But that wasn't enough. He wanted to remove all vestige of its ever being there. That's why Maimonides lists the plowing over of the Sanctuary last: The ultimate destruction will be that you won't be able to see that there ever was a Temple there in the first place. They will want to uproot it to the extent that not only can they say it doesn't exist -- but it never existed. This is the way of denial. It's not enough for them to say "G-d is dead" (chas v'shalom). They must say that He was never here in the first place. They want to remove all trace. This is the greatest tragedy of Tisha B'Av. This is why it is listed at the end. It's the ultimate destruction. A ruin is a very sad thing. But it speaks of life that once was. It speaks of a reality that existed. When you remove a ruin, you remove its reality from the minds of men. You destroy not just its physical existence, but its spiritual existence as well. You disenfranchise its very existence. That is what they have done to us. Should we not weep?

Consolation "Hashem heard your words and He was incensed and He swore, saying `If even a man of these people, this evil generation, shall see the good Land that I swore to give to your forefathers.'" (1:34) Why do we still cry for the destruction of the Holy Temple? It happened so long ago.

Of all his sons, Yaakov loved Yosef the most. Yaakov's favoritism provoked the brothers' jealousy. This jealousy ultimately led to their selling Yosef into slavery. They dipped Yosef's coat into blood and showed it to their father Yaakov. Yaakov supposed that Yosef had been torn to pieces by a wild animal. He rent his clothes and mourned, and despite all his

children's efforts to comfort him, Yaakov was inconsolable for 22 years, until he received the news that his son Yosef was alive and well in the land of Egypt. G-d has only decreed that there be consolation over those who have passed from this world. No such decree exists for those who are still alive. This is why Yaakov was inconsolable. Consolation is only for the bereft, and Yosef was still alive.

It once happened on the night of Tisha B'Av that Napoleon was walking through the streets of Paris. He came upon a synagogue. From inside came the sounds of lamenting. Napoleon told his servant to go inside and bring him the president of the synagogue. After some moments the servant returned with the president. Napoleon said "What is the reason for this terrible lamentation? Have the Jewish People experienced a tragedy that I am not aware of?" "Your majesty," replied the president, "We have experienced a tragedy beyond words. Our Holy Temple has been destroyed."

"I was not aware that a tragedy had befallen my Jewish subjects" said Napoleon. "When did this happen?" "Eighteen hundred years ago, Your Majesty." "Eighteen hundred years! -- and you're still mourning?" said Napoleon. "If you can mourn for your temple for eighteen hundred years, you will surely get it back!"

Consolation is only for the bereft. There is no consolation for Tisha B'Av because the potential to have everything that we lost is still very much alive. The Holy Temple will be rebuilt. Its Builder lives and endures and His People survive as everlasting witnesses to this fact.

Source: Rashi

Haftorah: Yishayahu 1:1-27 This is the final haftorah of "Three of Affliction." It is always read on the Shabbos before Tisha B'Av. The ninth of Av wasn't always a day of tragedy. During the days of the Second Temple, it was turned into a day of great joy at the celebration of rebuilding of the Beis Hamikdash. When the Second Temple was destroyed, Tisha B'Av reverted to its former sadness. Every generation in which the Holy Temple is not rebuilt, it is as though we ourselves destroyed it. The Prophet Yirmiyahu laments not for the Temple's destruction, but rather for those evils that caused its destruction. For it is not enough for us to bemoan what was. We must realize that it is within our power to bring the Redemption and the rebuilding of the Beis Hamikdash. We must use this time of national mourning to analyze our mistakes and correct them. This year Tisha B'Av falls on Shabbos and the fast is "pushed off" until Sunday. We could "push off" Tisha B'Av for good, if we want to. We could be dancing in the streets this year, and the ninth of Av could again become a day synonymous with joy and exultation. It's up to us.

Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman  
Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1998 Ohr Somayach International

---

shabbat-zomet@virtual.co.il Shabbat-B'Shabbato - Parshat Devarim (Chazon) <http://www.ou.org/torah/zomet/default.htm> <http://www.ou.org/torah/zomet/parshiyot58>.

"WHY WAS THE LAND LOST?" [Yirmiyahu 9:11]

by Dr. Meir Tamari, Coordinator of Ethics in Business and Economics, Machon Lev, Jerusalem

Our sages speculated about the causes of the destruction of the Temple: was it because of unfounded hatred, or were the people so steeped in the three major sins (idolatry, illicit sex, and murder) that they reached the low point of "not reciting a blessing before studying Torah?" That is, even though they did study Torah, they ignored its Divine source. Earlier devastation, especially in the case where it was a universal disaster, was related to economic sins, such as social injustice, public corruption, and robbery. "The fate of the generation of the flood was sealed because of robbery" [Sanhedrin 108a]. This idea is an extension of a suggestion that Adam and Eve sinned by taking money which didn't belong to them. In addition, "The people of Sodom were very evil and sinned to G-d" [Bereishit 13:13], is interpreted as "evil with their bodies and sinful in their money" [Sanhedrin 109a]. And, how did the people of Ninveh mend their ways? "Let each one repent from his evil path, and from the corruption in their hands" [Yona

3:9]. If this is true of the nations of the world, there is no reason to assume that Yisrael are an exception to the rule. For example, it is possible to look at the sins listed in the daily "vidui" prayer of repentance: monetary sins, and not such items as Shabbat desecration, kashrut violations, or refraining from wearing Tefilin. Five of the eleven curses recited at Mount Eival are for economic evils, such as robbery, corruption, bribery, and extortion. In discussing forgery and fraud, the Rambam writes, "The punishment for evil character traits is worse than that for illicit sex, since the latter is between man and G-d, while the former is between man and man" [Hilchot Geneiva 7:13]. Stealing from the community, whether by such white collar crimes as not paying taxes or by profiting from a public office, is worse than private crime, in that it is not clear who the victim is, and thus to whom the money should be returned. As a general rule, the sin which is most likely to be the cause of disaster is economic corruption. Rabbi Moshe Mekotzi, in his work Sefer Mitzvot Gadol, written in France more than 750 years ago, blamed the length of the exile on fraud and lies practiced by some Jews against the Gentiles. The victims of such crime pray to G-d to delay the redemption, and He listens to their prayers, even though they are Gentiles. While this may not be the only answer, it is a valid reply to the prophet's question: "Why was the land lost?"

EXPLAIN A MIDRASH: Tisha B'Av and Pesach by Rabbi Yehuda Shaviv "Rabbi Abin opened as follows: 'Feed me bitterness' - on the eve of Pesach - 'fill me with gall' - on Tisha B'Av [Eicha 3:15]. The bitter herbs of the first night of Pesach are related to the pain of Tisha B'Av. The two events are always the same day of the week." [Petichta, Midrash Eicha 18]. This corresponds, first, to the overt symbol, the well known code of "at-bash" -- the aleph which begins the alphabet is the first day of Pesach, and it corresponds to the last letter, tav, symbolizing Tisha B'Av. However, a link can be made on a deeper level, in terms of contrasts between the two. The first one is at the time of leaving Egypt, and the second is when leaving Jerusalem; during the first, all of the nation is unified, and during the second, each one "sits alone" [Eicha 1:1]. The circle is complete. What started with aleph, at Pesach, ends with tav, on Tisha B'Av. In the Hagadda, we enumerate fifteen beneficial stages through which G-d took us. The first one is the redemption from Egypt, and the highest stage is the building of the Holy Temple. Thus, in our celebration, we declare that the redemption is not complete until we have reached the highest stage. This might be taken to imply that the destruction of the Temple refers only to the highest stage, and that there remain fourteen other stages which still exist. The Midrash emphasizes that this is not so, but that the destruction of the Temple leads to a complete collapse (or, as an alternative, the destruction may be the result of a total collapse of all fifteen stages). The expulsion from Jerusalem is related to the redemption from Egypt, in that the Temple is not just one of the stages to be traversed but is the ultimate goal of the entire process. Destruction of the Temple is a collapse of the entire fabric of redemption. However, understanding this relationship is the key to returning to the process which will end in redemption, by following the stages in sequence: rebuilding the nation, the land, and the Torah, leading to attainment of the heights of the Temple Mount.

---

yated-usa@mailserver.ttec.com Peninim Ahl HaTorah Parshas Devorim by Rabbi A. Leib Scheinbaum Hebrew Academy of Cleveland

"Let me go over, please, and see the good land the goodly mountain and the Levanon." (3:25) Rashi cites the Sifri who interprets the "mountain" as a reference to the Har HaBayis, the mountain on which the Bais HaMikdash stood. The Sifri also views Levanon as an analogy for the Bais HaMikdash. The word Levanon is a derivative of lavan, which means white. The Bais HaMikdash is that place which "whitens" or provides atonement for our sins. The Yalkut Shimoni differentiates among the words with which our ancestors referred to the Bais HaMikdash. Avraham Avinu referred to it as "har," mountain; Yitzchak called it a "sadeh," field, while Yaakov viewed it as a "bayis," house. What is the meaning of these three names, and what message can be derived from each one? Horav Mordechai Rogov, zl,

offers an explanation of this Midrash which is relevant to us today. The har is the symbol of spiritual ascendancy. It is the place to which only the daring may strive to go. In spiritual matters, the mountain remains a metaphor for those unique individuals who are prepared to elevate themselves to great spiritual heights. "Sadeh," a field, signifies that which everyone needs. The field sustains; it gives nourishment to all. If we were not to have access to the grains and crops that are the products of the field, we would perish from hunger. The "bais," house, is yet a greater necessity. While the field reaches out to everyone, only some people are actually involved in the process of planting and harvesting the crops. A house, however, is something that everyone requires. Each and every person must have a roof over his head, a place to call home. The house is truly a metaphor for that which we cannot be denied.

During Avraham Avinu's time, Har Ha'Moriah served as the pre-eminent place from which Torah emanated throughout the world. It served as the source of kedushah, holiness, for those unique individuals who had the capability to receive its inspiration. The common person was able to receive his inspiration even from the streets and market places which Jews frequented. The kedushah was so sublime, the spiritual influence so intense, that they were able to absorb the necessary influence everywhere. The "har," mountain, was set aside for the unique Jew, who totally devoted himself to spirituality.

As times changed, people became more "progressive." No longer were the streets and public places centers of Torah influence. No longer could the people suffice by hearing a shiur, Torah lecture, once in awhile from a great tzaddik who occupied himself with pure Torah study. The Har Ha'Bayis, the spiritual center of Klal Yisrael, became a place to which a greater number of Jews gravitated. It was now necessary for the average Jew to spend more time in the halls of the Bais Ha'Mikdash. To a greater extent, people realized their personal need to come closer to Hashem.

Yaakov's times represented the era in our history in which everyone acknowledged the importance of personally studying in the Bais Ha'Mikdash. The streets had become completely decadent. The lifestyle of those who remained outside of the Torah camp had digressed so much that it had become difficult to distinguish between Jew and non-Jew. Those who were "unaffiliated" were completely out of it! It had become evident that the makom Torah was a necessity for all Jews. We remained unprotected outside of the parameters of Torah. Har Ha'Bayis was finally viewed as a "house," a place where all must go to live.

Years ago, the Torah centers, the yeshivos of Europe, were designated for the unique bachur, the student who was prepared to devote himself to the pure study of Torah. The Jewish community of that day and age reflected a standard of dedication to Torah and mitzvos that had been unprecedented. This determination was manifest during the Holocaust when the "pashute yid," the common simple Jew, maintained his emunah and bitachon, faith and trust in the Almighty, despite undergoing cruel suffering and death, unparalleled in Jewish history. Indeed, in those days the Jewish ghetto with its sheltered environment provided a healthy Torah-oriented environment for the Jew. The spirit of Torah and yiraas Shomayim reigned and permeated the atmosphere. Regrettably, in contemporary times the Torah institutions regardless of their "name" and venue have become like a field and a house that are an essential pre-requisite for every Jew. We, therefore, must remember that the type of Jewish education our children receive will determine their "Jewish" future.

---

innernet@virtual.co.il INNERNET MAGAZINE A FLAME ABLAZE by Rabbi Paysach J. Krohn Reprinted with permission from "Along the Maggid's Journey", by Rabbi Paysach J. Krohn, Published by Mesorah Publications, Ltd. Brooklyn, New York 1995

In 1990, Hungary slipped out of the clutches of Communist dictatorship. People were free as they had not been since 1956 when Russia first invaded Hungary, and now for the first time in three decades, people were at liberty to make choices regarding the schooling of their children. It was at that time that Mr. Albert Reichmann of Toronto and Mr. David Moskowitz of Brooklyn decided to start a religious school in the Hungarian capital of Budapest. They invited Mr. Michael Cohen of London, who had served for more than twenty years in numerous educational capacities in England, to

come to Hungary and help organize the school. Mr. Cohen readily agreed and traveled to Budapest. There he placed ads in several newspapers announcing the formation of a new religious school. Mr. Reichmann and Mr. Moskowitz asked Mr. Cohen how many children he expected to register for the school. He replied that according to what he heard in the streets and the interest that he thought the ads had generated, he was sure they would have at least 50 children. Based on that estimate, they rented a few rooms to house the school. On the first day of school, 450 children and their parents came to register! Mr. Cohen and his teaching staff were shocked! The crowd was nine times greater than they had expected. How was it that so many parents with no religious upbringing had such an avid interest in the new school? What compelled these people to yearn suddenly for their children to have a religious education? Immediately, calls were made to Israel, America, and England to recruit teachers for the classes, which had to begin almost at once. After a few weeks of frantic juggling of students, schedules, and study courses, a semblance of order was achieved and the school day took on a regular rhythm. A few weeks later, Mr. Cohen extended an invitation to a group of parents to join him one evening at the school for a discussion. He wanted to probe their reactions and reflections on the new school, and hear their suggestions as to how they and their children could best be served. The following week, ten sets of parents met with Mr. Cohen in the fourth-grade classroom. Mr. Cohen opened the meeting with a talk about the education of the children and the proficiency of the teachers. Then he posed the question that intrigued him more than anything else. "Tell me," he said to all of the parents, "why did you send your children to this school? Why, after so many years of not having any religious education, did all of you want to enroll your children here?" The parents were a bit surprised at the question but were willing to talk about it openly. "I remember," began one father, "that as a very young child, I went to a "cheder" (a Jewish school), and so I wanted my child to go to one as well." A mother explained that she and her husband were not satisfied with the municipal school in their neighborhood and they thought the yeshivah would give their child more of a challenge. A third parent spoke of a return to "Jewish roots." They went around the room, and almost every parent offered some sort of explanation -- but there was one man who had not spoken at all. Mr. Cohen looked around the room, and then, turning to the fellow, he said, "Sir, you have not told us anything. Isn't there a reason you chose to send your child here?"

Seeming embarrassed and looking downward, the man said, "Yes, there is a reason that I brought my child here, but it is difficult for me to talk about it." "I am sure that it is," said Mr. Cohen sympathetically, "but I have the feeling that we all might learn something from what you can tell us." The man thought for a moment and then said softly, "I will try." Somewhat subdued, the gentleman began reliving and retelling the event that would never be forgotten by anyone who was fortunate enough to hear it. He began. "The Germans occupied Hungary in 1944. They knew that the war was almost over for them, but in their savage obsession to kill as many Jews as possible, they rounded up as many of us as they could to send off to Auschwitz. All Hungarian Jews were terrified. "One night I heard my parents arguing frantically. I was listening from my bedroom upstairs and I came down to hear what they were saying, but the door to the living room was locked, and so all I could do was look through the keyhole and watch. "My father was extremely agitated. He said to my mother, 'What are you so worried about? No one knows we are Jewish. We don't look Jewish. We don't act Jewish. We don't have any Jewish friends, and there is nothing Jewish in this house. Why would the Nazis even think of coming here?' "My mother protested. 'How can you be sure that no one knows we are Jewish? Maybe there is a list somewhere. Maybe someone knows the truth about us and will turn us in to save his own skin?' "My father dismissed her argument. He said, 'Even if they did come here, they could not prove we were Jewish. There is nothing in this house that ..' Then he stopped talking in mid-sentence. His eyes had been darting around the room, and now, suddenly startled, he pointed to the highest shelf in the bookcase. My mother turned slowly, and then she saw what he was pointing to. It was a

"siddur" (a prayer book), the "siddur" that her mother had given her on her wedding day. It was the same "siddur" her mother's mother had given her mother on the day she was married. "My mother took the "siddur" from the shelf and leafed through it with great emotion. My heart was pumping rapidly, for she was standing right next to a fireplace with a burning fire. I didn't want to believe what I thought could happen, but she suddenly turned to my father and said emphatically, 'You're right! What do we need this for!' And with that she threw the "siddur" into the fire, and it was consumed in the flames. "I was horrified. I ran upstairs, threw myself onto my bed, and cried as I had never cried before. I cried for more than an hour; for although we had no Jewish friends and had never acted Jewish, I knew in my heart that my mother had done something terribly wrong." The gentleman paused for a moment as he relived the pain of his past. "All these years, I could see those pages burning -- so when I finally heard that you were going to open up a religious school, I knew that I had to bring my child to you... because here I could give my child a "siddur"!"

yhe-parsha.ml@virtual.co.il tsc-all; tsc-parsha SEFER DEVARIM - introductory shiur This week's shiur is dedicated by my student and dentist and friend - Ari Greenspan / email: ari@tekhelet.co.il visit his website at <http://www.tekhelet.co.il> to learn about the latest on "tzitzis & techeles" THE TANACH STUDY CENTER [<http://www.virtual.co.il/torah/tanach>] In Memory of Rabbi Abraham Leibtag

#### SEFER DEVARIM - INTRODUCTION

What is Sefer Devarim? Most everyone would answer - a REVIEW or REPEAT of Chumash, just as its 'second name' - "MISHNEH Torah" implies. Is this really so? Imagine that you are a teacher who assigns the class to summarize the first four books of Chumash. How would you grade a student who handed in Sefer Devarim as his assignment? [We'll grade him at 25 points for an accurate summary of each Sefer.]

Sefer Breishit - Sefer Devarim makes almost no mention of any of its stories /not the Creation, nor the Flood, nor the Avot, or the brothers. (25 points off) Sefer Shmot - we find only a few details of the Exodus & NO details of the Mishkan (at least 10 points off) Sefer Vayikra - almost no mention of any of its mitzvot (at least 20 points off) Sefer Bamidbar - even though some of the stories are mentioned, however NONE of its mitzvot are recorded (10 points off). Even the most lenient teacher could not give a grade higher than a 40 - and would have to fail the student who handed in Sefer Devarim as a summary of the first four books! Furthermore, Sefer Devarim contains many mitzvot which have NEVER been mentioned earlier in Chumash. So it becomes quite clear that Sefer Devarim is NOT A REVIEW of Chumash! But what then is Sefer Devarim? Why do Chazal refer to it as MISHNEH TORAH? This week's shiur attempts to tackle this question.

INTRODUCTION - A BOOK OF SPEECHES In our study of Chumash thus far, we have found the theme of each sefer by identifying its primary components and following its ongoing narrative. For example: BREISHIT - God's creation of the universe and His choice of a special nation. SHMOT - The Exodus of that Nation from Egypt until their arrival at Har Sinai; Matan Torah and building the Mishkan. VAYIKRA - Torat Kohanim, the laws which make Am Yisrael an "am kadosh" (a holy nation). BAMIDBAR - Bnei Yisrael's journey from Har Sinai, with the Mishkan at its center, towards the Promised Land. In contrast to these seforim which are written in THIRD person, Sefer Devarim is quite different for almost the entire sefer is written in FIRST person. The reason why is quite simple. Sefer Devarim consists of a collection of several speeches given by Moshe Rabeinu before his death. Therefore, to better appreciate the content of Sefer Devarim, we must first determine the purpose of these speeches. To do so should be quite simple, for we need only to identify each speech, and then read what they\_re about. However, this becomes quite complicated for these speeches are not 'labeled'. Therefore, the only way to identify each speech is to read through the Sefer paying attention to the change of person from third person (i.e. the regular \_narrator mode\_ of Chumash) to first person (i.e. the direct quote of Moshe Rabeinu\_s actual speech). [I suggest that you try this on your own; if you are short for time, read carefully

at least 1:1-7, 4:40-5:2, 26:16-27:2, 28:69-29:2, & 30:19-32:1, noting the change from third person to first person, and hence where and how each speech begins.] For example, let's examine the opening psukim of Sefer Devarim. Note how the first five psukim are written in THIRD person and thus introduce Moshe Rabeinu's actual speech: "These are the DEVARIM (words/ speeches) which Moshe spoke to all of Israel... In the fortieth year on the first day of the eleventh month... in Arvat Moav, Moshe began to explain this Torah saying..." (1:1-5) The next pasuk, written in FIRST PERSON, is already part of Moshe's speech: "God, OUR Lord, spoke to US at Chorev saying..." (1:6) Then, the next four chapters, i.e. from 1:6-4:40, continue in first person and hence constitute Moshe's first speech. In a similar manner, the first pasuk of chapter five introduces Moshe's next speech, which continues all the way until chapter 26! Here again, the opening pasuk introduces the speech in third person, and the speech itself is written in first person. However, note here how the change from third to first person already takes place in the opening sentence: "And Moshe called together all of Israel and said to them (third person): Listen to the laws and rules that I tell you today... (first person)" (see 5:1) The following table summarizes the division of Sefer Devarim into its four speeches: SPEECH #1 Chaps. 1-4 Introductory speech SPEECH #2 Chaps. 5-26 Main speech SPEECH #3 Chaps. 27-28 Tochacha & Covenant SPEECH #4 Chaps. 29-30 Teshuva [From chapter 31 until the end of the sefer (chapter 34), Sefer Devarim 'returns' to the regular narrative style of Chumash (i.e. primarily in third person).]

THE MAIN SPEECH As the above table indicates, Speech #2 is by far the longest speech, and thus constitutes the MAIN speech of Sefer Devarim. Therefore, to understand what the sefer is all about, we must first determine the purpose of this main speech (i.e. chapters 5->26). Afterward, we will show how Speech #1 actually introduces this main speech, while the final two speeches form its conclusion. [I recommend that you read 5:1 -> 6:9 before continuing.] We start with chapter 5 (where the main speech begins), for in this introductory chapter Moshe explains what this speech is all about: "Listen O Israel to the CHUKIM & MISHPATIM which I am teaching you today, learn them and keep them..." (5:1) Moshe's opening statement already informs us that this speech will contain the CHUKIM & MISHPATIM that Bnei Yisrael must keep when they enter the land. The need for this speech at this time is quite understandable. Moshe is about to die and Bnei Yisrael are about to enter the Land. This is Moshe's last chance to instruct Bnei Yisrael about all of the mitzvot that they must keep when they enter the land. However, instead of getting \_right down to business\_ by detailing WHAT these CHUKIM & MISHPATIM are, he begins his speech by telling the story of HOW and WHEN these mitzvot were first given! This is actually quite logical, for before he commands Bnei Yisrael to keep these mitzvot, he must first explain WHY they are obligated to keep them. Note how he words this: "Hashem made a covenant with us at Chorev. NOT [ONLY] with our forefathers did God make this covenant, but [also] WITH US, we the living, who are here today..." (5:2-3)

This opening statement is fundamental for Moshe must explain to Bnei Yisrael that their obligation is based on the covenant which Am Yisrael accepted at Har Sinai, even though most of the members of this new generation were not there! This explains why Moshe continues his introductory remarks with the story of Bnei Yisrael\_s acceptance of that covenant \_i.e. the story of Ma\_amad Har Sinai. First, he reminds them that the first Ten Commandments were actually heard DIRECTLY from God (see 5:4-5), and then reviews those Ten commandments (see 5:6-19) - for they constitute the essence of that covenant.

WHAT IT'S ALL ABOUT... But the key to the entire speech lies in the story that ensues \_ for it explains what the rest of the speech is all about!

In that story (5:20-31), Moshe Rabeinu explains how Bnei Yisrael became fearful at Ma\_amad Har Sinai, opting to hear the remaining mitzvot from Moshe instead of directly from God. Those mitzvot \_i.e. the remaining mitzvot which Bnei Yisrael received via Moshe (after they received the Ten Commandments) \_ are precisely what Moshe reviews in this main speech of Sefer Devarim! In case you didn\_t follow, let\_s review this explanation

by following the psukim inside. Let\_s pick up the story as Moshe tells over how Bnei Yisrael became fearful at Ma\_amad Har Sinai, begging Moshe that he act as their intermediary: "When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me... and said... Let us not die, for this fearsome fire will consume us... YOU GO CLOSER and HEAR ALL THAT SAYS, and then YOU TELL US everything that God commands, and we will willingly do it..." (5:20-26) [From this pasuk we can infer that had Bnei Yisrael not become fearful, they would have heard additional mitzvot directly from God immediately after the Ten Commandments!] God concedes to this request (see 5:25-26) and informs Moshe of the new plan: "Go, say to them, 'Return to your tents'. But you remain here with Me, and I WILL GIVE YOU the MITZVAH CHUKIM & MISHPATIM... for them to OBSERVE IN THE LAND that I am giving them to possess..." (5:57-30) This pasuk, in its context, is the key to understanding Sefer Devarim for it explains that the mitzvot which Moshe Rabeinu is about to teach in this speech are simply the mitzvot that Bnei Yisrael should have heard directly from God at Ma'amad Har Sinai (but were given via Moshe instead). To prove this, we need only read the next pasuk, which introduces the mitzvot, which are to follow: "And THIS ("v'zot") is the MITZVAH, CHUKIM & MISHPATIM that God has commanded me to TEACH YOU to be observed on the LAND WHICH ARE ABOUT TO ENTER..." (6:1-3) Recall from 5:28 that God told Moshe that he should remain on Har Sinai to receive the MITZVAH, CHUKIM & MISHPATIM. Now, we see from the pasuk above (6:1), that Moshe's speech is simply a delineation of those mitzvot!

**THE ELEVENTH COMMANDMENT** Based on this introduction (i.e. 6:1-3), then we must conclude that the mitzvot which now follow \_ i.e. those beginning with 6:4 \_ are simply those mitzvot that God gave via Moshe Rabeinu as a continuation of Ma\_amad Har Sinai. But take a quick look at 6:4-7! Lo and behold, the first mitzvah of this special unit is none other than the first parsha of \_kriyat shma\_! "Shma Yisrael, Hashem Elokeinu Hashem echad, v'AHAVTA... v'ha'yu ha'DVARIM ha'eyleh..." (see 6:4-7) [This could explain why this parsha is such an important part of our daily prayers. Iy"v we'll deal with the importance of this parsha next week.] This first parsha of kriyat shma is only the first of a lengthy list of many mitzvot that continues all the way until Parshat Ki-tavo (chapter 26). That is why this speech is better known as "ne'um ha'mitzvot" \_ the speech of commandments. [Note how many mitzvot these five Parshiot contain!] It is also important to note that while the core of Moshe's speech are the mitzvot which Bnei Yisrael first received at Har Sinai, it is only natural that Moshe Rabeinu will add some comments relating to events which have transpired in the interim. [See for example chapters 8->9.] Nonetheless, the mitzvot themselves are '40 years old'! In next week's shiur we will discuss how these mitzvot are divided into two distinct sections.

**THE FIRST TIME \_ OR LAST TIME?** Before we continue, it is important to clarify a common misunderstanding. Moshe\_s introduction does NOT imply that now (i.e. in the fortieth year) is the FIRST time that Bnei Yisrael are hearing these mitzvot. Rather, Moshe first conveyed these mitzvot to Bnei Yisrael immediately upon his descent from Har Sinai. [To prove this, see Shmot 34:29-32!] However, for some reason (which we discuss below), these mitzvot were never recorded in Sefer Shmot. [One could suggest that because the general category of these mitzvot is "la'assot b'aretz" - to keep IN THE LAND (see 5:28,6:1) - they are only RECORDED forty years later, when they are being taught by Moshe (for the last time) to the new generation who will actually fulfill them.]

**MISHNEH TORAH** Thus far, we have shown that the main speech in Sefer Devarim is not a 'repeat' of Chumash, rather a set of mitzvot which had been given earlier but was only recorded in the fortieth year. How are we to understand Chazal's name for Sefer Devarim - "Mishneh Torah"? Does this name not imply a \_repeat\_ of Chumash? True, the word "mishneh" is derived from the "shoresh" (root) - "l'sha-neyan" [sh.n.n.] - to repeat. Yet Sefer Devarim is not a 'repeat' of Chumash, rather it contains a list of commandments that NEED TO BE REPEATED - every day! In fact, this is precisely what Sefer Devarim tells us in the first mitzvah of the main

speech (a pasuk which you all know by heart): "v'hayu ha'DEVARIM ha'eyleh - And these - mitzvot of the main speech - which I am teaching you today must be kept in your heart - v'SHINANTAM - AND YOU MUST REPEAT THEM (over and over) TO YOUR CHILDREN and speak about them constantly, when at home, and when you travel, when you get up in the morning, and when you go to sleep..." (6:5-8) In other words, this set of mitzvot which are recorded in the main speech of Sefer Devarim are special - for they must constantly be repeated and taught ("v'shinantam"), just as its name - "Mishneh Torah" - implies. In fact, each time that we recite the parshiot of "kriyat shma" we fulfill this mitzvah! Further proof of this interpretation is found in the sole pasuk in Sefer Devarim in which the phrase "mishneh torah\_ is actually mentioned (in parshat HaMelech 17:14-20): "And when the King is seated on his royal throne, he must write this MISHNEH HA'TORAH in a book... and it must be with him and HE MUST READ FROM IT EVERY DAY OF HIS LIFE in order that he learns to fear God..." (17:18-19) Once again, we see that "Mishneh Torah" does not imply a repeat of earlier laws, rather a set of laws which NEED TO BE REPEATED! [Similarly, the word "mishnah" (as in Torah sh'baal peh) has the same meaning. The "mishnayot" require "shinun", for they need to be repeated over and over again.]

**FROM HAR SINAI TO SEFER DEVARIM** via Shmot, Vayikra, & Bamidbar If it is true that the main speech of Sefer Devarim contains the mitzvot that Moshe Rabeinu originally received on Har Sinai, then what is the criterion for the mitzvot that we find in other seforim of Chumash? To answer this question, we simply need to review our conclusions from previous shiurim. Recall that God's original intention was to take Bnei Yisrael out of Egypt, bring them to Har Sinai (to receive the Torah), and then bring them immediately afterward to Eretz Canaan, the land in which these mitzvot are to be kept. At Har Sinai, Bnei Yisrael entered into a covenant and heard the Ten Commandments. As we explained in the shiur, after hearing the first Ten Commandments, they should have received many more but instead they became fearful and asked Moshe to act as their intermediary.

Now it is difficult to ascertain the exact chronological order of the events which transpired afterward, but by combining the parallel accounts of this event in Sefer Shmot (see 20:15->21:1, & 24:1-18) and Sefer Devarim (see chapter 5), the following picture emerges: \* On the same day of Ma'amad Har Sinai, God gave Moshe a special set of laws, better known as Parshat Mishpatim (really 20:19- 23:33), which Moshe afterward conveys to Bnei Yisrael (see 24:3-4). Moshe writes these mitzvot down on a special scroll ["sefer ha'brit" (see 24:4-7)], and on the next morning he organizes a special gathering where Bnei Yisrael publicly declare their acceptance of these laws (and whatever may follow). This covenant is better known as "brit NA'ASEH v'NISHMAH". [See 24:5-11/ we have followed Ramban's pirush, note that Rashi takes a totally different approach/ see Ramban 24:1.] \*

After this ceremony, God summons Moshe to Har Sinai to receive the LUCHOT & additional laws ["ha'Torah v'ha'MITZVAH" / see 24:12- 13]. To receive these mitzvot, Moshe remains on Har Sinai for 40 days and nights. It is not clear precisely what "ha'torah v'ha'mitzvah" is referring to, but it is only logical to assume that it is during these 40 days when Moshe receives the mitzvot which he later records in Sefer Devarim. [Note the use of these key words in the introductory psukim of Sefer Devarim, e.g. TORAH in Devarim 1:5, 4:44, and HA'MITZVAH in 5:28 & 6:1!] Most likely, in addition to the mitzvot of Sefer Devarim, Moshe received many other mitzvot on Har Sinai during these forty days. [Possibly even the laws of the Mishkan (this depends on the famous machloket between Rashi & Ramban - (see shiur on Parshat Terumah).] \* Because of CHET HA'EGEL, God's plans change and we never find out precisely which mitzvot were given to Moshe during the first forty days and which were given during the last forty days. Either way, Bnei Yisrael do not hear any of these mitzvot until Moshe descends with the second LUCHOT on Yom Kippur (see Shmot 34:29-33). However, at that time, Moshe tells over to Bnei Yisrael all of the mitzvot which he had received, even though they are not recorded at that point in Sefer Shmot (see again Shmot 34:29-33) \* During the next six months, Bnei Yisrael build the Mishkan and study the

laws which Moshe teaches them. Once the Mishkan is built in Nisan and the Korban Pesach is offered (in Nisan & Iyar), Bnei Yisrael are ready to begin their '11 day journey from Har Sinai to Kadesh Barnea', from where they should have begun their conquest of the land. Instead, the sin of "meraglim" takes place, and the rest is history.

With this backdrop, we are ready to tackle the big question, and that is: How are the mitzvot that Moshe received on Har Sinai divided up among the various seforim of Chumash?

We'll approach this question one book at a time:

**SHMOT** Sefer Shmot records the Ten Commandments and Parshat Mishpatim for they are an integral part of Ma'amad Har Sinai, i.e. the covenantal ceremony in which Bnei Yisrael accept the Torah. Even though Sefer Shmot continues with the story of Moshe's ascent to Har Sinai, it does not record the mitzvot that he relieved during those forty days! Instead, in the remainder of Sefer Shmot we find only the mitzvot which relate to the atonement for Chet ha'eigel, which are found in 34:10-29, and the laws of the Mishkan (found in chapters 25->31, & 35->40/ plus the laws of shabbat which relate to building the Mishkan!). This is understandable for the theme of the second half of Sefer Shmot centers around the problem if God's SHCHINA can remain within the camp of Bnei Yisrael, and the Mishkan provides a solution. [See Ramban's introduction to Sefer Shmot, v'akmal.]

What about the rest of the mitzvot which Moshe received on Har Sinai?

As we will now explain, some are in Sefer Vayikra, some in Bamidbar, and the main group is found in Sefer Devarim.

**VAYIKRA** Even though Sefer Vayikra opens with the laws which were given from the OHEL MOED (see 1:1), many of its mitzvot were already given on Har Sinai. This is explicit in Parshat Tzav, see 7:37-38; and Parshat Behar, see 25:1; and Bechukotei, see 26:46 & 27:34. Certain parshiot of mitzvot such as Acharei Mot obviously must also have been given from the Ohel Moed, but there is good reason to suggest that many other of its mitzvot, such as Parshat Kedoshim, were first given on Har Sinai.

So why are certain mitzvot of Har Sinai included in Sefer Vayikra? The answer is quite simple. Sefer Vayikra is collection of mitzvot which deal with the MISHKAN, KORBANOT and the KEDUSHA of Am Yisrael. Sefer Vayikra, better known as TORAT KOHANIM, simply contains all those parshiot which contain mitzvot which relate to its theme, some which were given to Moshe on Har Sinai, and others which were given to Moshe from the Ohel Moed. [See previous shiurim on Sefer Vayikra for more detail on this topic.]

**BAMIDBAR** Sefer Bamidbar, we explained, is primarily the narrative describing Bnei Yisrael's journey from Har Sinai towards Eretz Canaan. For some divine reason, that narrative is 'interrupted' by various parshiot of mitzvot, which seem to have belonged in Sefer Vayikra. [For example, nazir, sotah, chalah, nsachim, tzizit, tumat meyt, korbanot tmidim u'musafim, etc.] Most likely, these mitzvot were first given to Moshe on Har Sinai (or some possibly from the Ohel Moed as well). Nonetheless, they are included in Sefer Bamidbar because of their thematic connection to its narrative.

**DEVARIM** Now we can better understand Sefer Devarim. Up until Sefer Devarim, the books of Shmot, Vayikra, and Bamidbar contained only a limited sampling of the mitzvot that God had given to Moshe on Har Sinai, for each Sefer recorded only those mitzvot which relate to its theme. Sefer Devarim, it turns out, is really our primary source for actual mitzvot given to Moshe on Har Sinai. As we explained above, this is exactly what chapter 5 explains! [Recall that chapter 5 is the introductory chapter for Moshe's main speech that includes the MITZVAH, CHUKIM & MISHPATIM.] As we should expect, these mitzvot of Har Sinai which are recorded in Sefer Devarim are presented in an organized fashion and follow a common theme. Let's take a look once again at the pasuk that introduces this collection of mitzvot: "And THIS ("v'zot") is the MITZVAH, CHUKIM & MISHPATIM that God has commanded me to teach you TO BE OBSERVED ON THE LAND WHICH ARE ABOUT TO ENTER..." (6:1-3)

The mitzvot of Moshe's main speech are simply a guide for Bnei Yisrael, explaining how they are to behave as they conquer and settle the

land. [As we study the Sefer, this theme will become quite evident.]

Therefore, from a practical perspective, these are the most important mitzvot which Bnei Yisrael must follow, and they must be taught 'over and over' again [=MISHNEH TORAH]. Hence, it is only logical that Moshe decides to teach these mitzvot in a national gathering, as he is about to die and Bnei Yisrael are about to enter the Land. This also explains why these mitzvot will be taught once again on Har Eival, after Bnei Yisrael cross the Jordan (see Devarim chapter 27), and afterward, once every seven years in the HAKHEL ceremony (see 31:9-13, notice the word TORAH once again!).

**BETWEEN THE NARRATIVES IN DEVARIM & BAMIDBAR**

**/SHMOT** This understanding of the purpose and theme of each sefer helps explain the many discrepancies between the details of various events as recorded in Shmot and Bamidbar, when compared to their parallel accounts in Sefer Devarim (a classic example is "chet ha'meraglim"). Neither sefer records all the details of any event, however each sefer records the events from the perspective of its theme and purpose. In the shiurim to follow, this understanding of the nature of Sefer Devarim will guide our study of each individual Parsha. shabbat shalom menachem

**FOR FURTHER IYUN**

**A. TORAH SH'BAAL PEH** In the above shiur, we showed how the various mitzvot that Moshe received on Har Sinai are divided up among the various seforim of Chumash, according to the theme of each Sefer. How about the mitzvot which Moshe received on Har Sinai that for one reason or other 'never made it' into Chumash? One could suggest that this is what we refer to as "halacha l'Moshe m'Sinai" in Torah sh'baal peh (the Oral Law). This suggestion offers a very simple explanation of how the laws that Moshe received on Har Sinai are divided up between the Oral Law and the Written Law. Based on the above shiur, the conclusion that Moshe must have received many other laws on Har Sinai which were not included in any sefer in Chumash is almost "pshtat"! Obviously, the division between what became the Oral Law and what became the Written Law was divine and not accidental. Our above explanation simply makes it easier to understand HOW this division first developed. It also helps us understand why Torah sh'baal peh is no less obligatory than Torah sh'b'ktav. [See also Ibn Ezra to Shmot 24:12, in one of his explanations for "ha'TORAH v'ha'MITZVAH..." which may be referring to the Written AND Oral Laws!]

**B. BETWEEN SEFER DEVARIM & PARSHAT MISHPATIM** A major question that arises from this presentation of the mitzvot is: What is special about the mitzvot of Parshat Mishpatim? Why are they separate from the rest of the mitzvot given on Har Sinai? The most basic reason is because they constitute the "sefer ha'brit" for "na'asseh v'nishma" (according to Ramban). However, it is also clear that many mitzvot in Mishpatim are later expounded upon later in Chumash. This could be the source of the concept of "klal u'prat". In Parshat Mishpatim, the "sefer ha'brit", includes the general principles [=klal], while later parshiot in Chumash provide the extra details [=prat]. Therefore, it only makes sense that Chazal deduce many laws by comparing the two sources together. [See for example Rashi & Ramban at the beginning of Parshat Behar 25:1! See also Devarim chapter 16 (the shalosh regalim) in comparison to a capsulated version of these mitzvot in Shmot 23:12-19.] Additionally, the mitzvot in Parshat Mishpatim (except for the final laws in 23:10-19) have little to do with the land. Most of them deal with "nzikin" - damages. Since these laws had to be kept immediately, even while in the desert, they were given to Bnei Yisrael on the same day as the Ten Commandments. The rest of the mitzvot, like those in Sefer Devarim, primarily focus on laws which are to be kept only once Bnei Yisrael enter the Land (scan Devarim chapters 6->26 and you will notice this). Therefore, it was not as critical for Bnei Yisrael to receive them on that same day.

C. There is a popular opinion in Chazal that ALL of the mitzvot were first given on Har Sinai, then repeated once again from the Ohel Moed, and finally given one last time at Arvat Moav. In your opinion, is this the simple "pshtat" in Chumash? What problems, raised in the above shiur, does this Midrash solve? →

daf-insights@shemayisrael.com Insights to the Daf: Eruvin 81-85 INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il

Eruvin 83a I. The Measures of the Se'ah: 1) Midbaris = 144 eggs 2) Yerushalmis = 172.8 3) Tziporis = 207.36 II. The Measure of the Mudyah (Se'ah) of Kundis 1) Havah Amina: 207.36 + (207.36 / 24) = 216 2) Maskanah: (a) 207.36 + (207.36 / 24) + (207.36 / 80) = ~217 (1) (b) 207.36 + (207.36 / 20) = ~217 III. "The Se'ah Tziporis is greater than the Midbaris by one third" 1) 144 / 3 = 48 207.36 - 144 = 63.36 2) 172.8 / 3 = 57.6 207.36 - 144 = 63.36 3) 207.36 / 3 = 69.12 207.36 - 144 = 63.36 4) Rabbi Yirmeyah: 207.36 - 144 = 63.36 207.36 / 3 = 69.12 144 / 2 = 72 5) Ravina, and the Maskanah: 217 / 3 = 72.333 (2) 144 / 2 = 72

FOOTNOTES: (1) RASHI points out that this is incorrect. Although the Gemara rounds to the smaller whole number of eggs, the solution for the equation is 218.6, and thus it should have been rounded to 218. According to the second calculation (b), the equation works out to 217.73, and thus it is properly rounded to 217. (2) TOSFOS (DH Yeseirah) points out that to be precise, the Gemara should have calculated a third of 217.73, and not 217, for that is the exact sum of the Se'ah of Tzipori with the additional "v'Odos" of Rabbi. When calculated this way, the difference between a third of the Tziporis and half of the Midbaris comes out to more than \*half\* of an egg (217.73 / 3 = 72.58 > 72). The Gemara instead used the rounded sum which the Beraisa mentions (that is, 217) as the size of the Se'ah including Rebbi's additions, and the Gemara did not bother with the fractional remainder which was not mentioned in the Beraisa. ...

Eruvin 071a: Kinyan on Shabbos for a Mitzvah THE DAFYOMI DISCUSSION LIST

Eruvin 071a: Kinyan on Shabbos for a Mitzvah Nosson Munk <Max.Munk@rmb.com> asked: Thank you for the beautiful elaboration on the subject of making a kinyan on Shabbos, and the difference between land or object and between dvar mitzvah or not. On that subject, I recall a Tshuva of Rabbi Akiva Eiger to his brother where Rabbi Akiva Eiger uses the Sugya of the Kohan Gadol who prepares a second wife before Yom Kipur in case his wife dies to show that one cannot effect a kinyan on Shabbos even if the act of kinyan was done before Shabbos. At the end, Rabbi Akiva Eiger brings a proof to his psak that even if one makes the maasei kinyan before shabbos he cannot have the chalos kinyan on Shabbos, from the Remo who paskens that if the pidyon haben date falls on Shabbos, he should do the maasei Pidyon Haben after Shabbos (although he could have done the maasei kinyan before Shabbos with a condition that it becomes effective on Shabbos). Here we see that even for a dvar mitzvah, and even not for land purchase the Rema forbids a chalos kinyan on Shabbos.

The Kollel replies: Thank you, too, for the clear summary of the Teshuvah of Rabbi Akiva Eiger. When we wrote that a Kinyan is permitted on Shabbos for a Devar Mitzvah (based on the Magen Avraham), we wrote that it is only permitted \*for the needs of Shabbos\* and not for any other Mitzvah (such as Nisu'in and Pidyon ha'Ben). The logic is that only for a need of Shabbos is it permitted to do an Isur Shabbos, since it is being done for the sake of Shabbos itself. This is consistent with the Rema that you mention. Be well, Mordecai and the Kollel

Eruvin 81 GIVING MONEY TO A BAKER IN ORDER TO BE INCLUDED IN THE ERUV QUESTIONS: In the Mishnah, Rabbi Eliezer and the Chachamim argue concerning a case where one gives money to a baker in order for the baker to give a loaf of bread on his behalf to the Eruv. The Chachamim maintain that the person who gives the money to the baker is \*not\* included in the Eruv. The buyer expects his money to acquire for him a loaf of bread, but since "Ein Ma'os Konos" he does not acquire the bread through the act of giving money alone. Rabbi Eliezer maintains that the Eruv works for that person because "Ma'os Konos" and he successfully acquired the loaf of bread which the baker gave to the Eruv on his behalf. RASHI (DH Lo Zachu) explains that since the baker received money from this person, when the baker is Mezakeh bread to everyone in the Chatzer, he did not have intention to be Mezakeh a portion to this person. Consequently, the person does not have a share in the Eruv (because "Ein Ma'os Konos" and because the baker did not have in mind to be Mezakeh to him). (a) The Mishnah says that the reason giving money to the baker does not work for his inclusion in the Eruv is because "Ein Me'arvin l'Adam Ela mi'Da'ato," an Eruv cannot be made for someone without his consent. What does this case have to do with his consent? The reason he is not included in the Eruv is because "Ein Ma'os Konos!" (b) Rashi seems to relate to the above question (DH Lo Zachu). He explains that "he did not want to be Koneh." Apparently, Rashi means that the man who gave the money to the baker did not want the baker to give him a \*present\* of a loaf of bread. Rather, he wanted to \*purchase\* the loaf with his money -- and his money cannot be Koneh it for him, so the loaf is not his. Even if the baker is Mezakeh him a loaf, he will not be Koneh since he has "refused" to receive the Zikuy by virtue of giving money to purchase the loaf. (Rashi repeats this more clearly on 81b, DH she'Ei n.) This is what the Mishnah means by saying that one cannot make the loaf become a person's Eruv against his will. But if that is true, why did Rashi at first suggest \*another\* reason that the person was not Koneh the loaf -- that the \*baker\* did not intend to be Mezakeh a portion of the loaf to the person who paid for the Eruv, since he thought the man had already purchased his portion. Such reasoning is not necessary! Even if the baker had intended to give the buyer another, free loaf of bread, the buyer should not be Koneh it since he has "refused" to accept any bread other without payment! (TOSFOS, ROSH) The PIRYO BITO discusses this Rashi at great length (after calling it the most difficult Rashi in the Maseches) and sums up the various forced answers suggested by the Acharonim. Perhaps we may better understand Rashi based on what we have observed in the past about Rashi's general approach in Eruvin, as follows. ANSWERS: (a) We have pointed out (see Insights to 51:2 and 65:2) that often in Maseches Eruvin, Rashi's commentary appears to be a combination of two different versions of his comments. (That is, his first edition and second edition follow one another in our versions of Rashi, without even a break in between them to denote that they are two completely different explanations. This caused the MAHARSHAL to erase part of Rashi's comments, in a number of places in Eruvin, since they did not seem to conform to the rest of Rashi's words in the Sugya. See the above Insights, also Rashi 43a DH Halachah, and numerous other places.) Rashi here appears to be another such instance. Apparently, Rashi approached the Sugya at two different times with two different explanations. The words "d'Keivan d'Ma'os" begin the second explanation of Rashi. The second explanation of Rashi conforms to the way TOSFOS (DH Lo) and the other Rishonim explain. It is also the way Rashi explains later on 81b (DH sh'Ei n.). This appears to be Rashi's later and preferred explanation. According to this approach, when a person gives money to buy a portion of the Eruv, it is implicit that he does \*not\* want someone to be Mezakeh to him his portion in the Eruv, but he wants to purchase it with money. Consequently, if he thinks that he is Koneh the bread because he paid for it, he will \*not\* acquire it when the baker attempts to be Mezakeh it to him, because it is not being given to him with his consent. This is also the meaning of the Mishnah when it says "sh'Ei n' Me'arvin l'Adam Ela mi'Da'ato" -- since the person does not have intent to acquire a portion in the bread as a gift, the Eruv cannot be made for him. In his first explanation, Rashi learned differently. It is not the purchaser whose intent to buy, and not receive as a gift, prevents him from joining the Eruv. Rather, it is the \*baker\* who is making a mistake. The baker thinks that the person who gave him money is already included in the Eruv because he bought a portion, and therefore the baker does not have intention to be Mezakeh it to him. If so, what does this have to do with "Ein Me'arvin l'Adam Ela mi'Da'ato?" The answer is that when the Mishnah says "sh'Ei n' Me'arvin..." it is teaching something entirely new, as if it said "v'Ei n' Me'arvin" and not "\*sh'Ei n' Me'arvin." (The letter 'Shin' in the Mishnah is often interchanged with a 'Vav,' see Eruvin 44b and the marginal note on the Mishnah, and Tosfos Yom Tov, there based on Beitzah 8a). These words have nothing to do with the previous Halachah in the Mishnah, according to Rashi's first explanation of the Sugya. (See the TIFERES YISRAEL on the Mishnayos who explains the Mishnah in this way as well.) ...

... Mordecai Kornfeld [Email: kornfeld@virtual.co.il|Tl/Fx(02)6522633 6/12 Katzenelbogen St. kornfeld@netvision.net.il|US:(718)520-0210 Har Nof, Jerusalem,ISRAEL| kornfeld@shemaisrael.co.il|POB:43087, Jrslm