

INTERNET PARSHA SHEET
ON DEVARIM - CHAZON - 5760

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Parshat Devarim

The Sin of the Spies and Moshe's Punishment

Rosh Hayeshiva RAV MORDECHAI GREENBERG shlita

"With me, as well, Hashem became angry because of you." (Devarim 1:37) What does Moshe's punishment, which was on account of Mei Meriva, have to do with the sin of the spies?

The Ohr Hachaim and Sforno explain based on the Gemara in Ta'anit (29a) which comments on the pasuk, "The people wept that night" (Bamidbar 14:1): Hashem said to them, "You cried for naught; I will establish a crying for all generations." That day was Tisha B'Av, on which the first and second Temples were destroyed.

Furthermore, Chazal say that had Moshe entered the land, the Temple would not have been destroyed, as no nation would have been able to touch it. On the pasuk, "A psalm of Asaph: O G-d! The nations have entered into Your inheritance," Chazal say (Midrash Tehillim 79): "A psalm of Asaph?!" It should have said, "A lamentation," since they destroyed the Temple! Rather, it is called a psalm because G-d expended His wrath on the wood and stones of the Temple, while Israel survived.

Thus, had Moshe entered Eretz Yisrael, the Temple would not have been destroyed, and hence, Heaven forbid, G-d would have expended his wrath on Israel instead, leaving no remnant of them. Therefore, it worked out that the decree was issued that Moshe should not enter the Land, so that the Temple could be destroyed, and Israel was saved.

However, were it not for the sin of the spies, Israel would certainly have remained righteous, and the forces of evil would not have prevailed. We would never have reached the point at which to weigh the destruction of Israel or the destruction of the Temple. However, after the sin of the spies, G-d foresaw that the hand of the wicked would prevail, and there was a need to allow the destruction of the Temple. Therefore, it was necessary that Moshe not enter the Land, to allow saving Israel by destroying the Temple.

What was the cause for this crying for all generations? The Sforno comments on the pasuk, "Hashem heard the sound of your words" (Devarim 1:34): "The sound of crying for naught." It is possible that the spies, and Bnei Yisrael in their wake, spoke logically; that there was merit to their arguments. However, a lot depends on the tone in which the words are said, on what is implied by them. Hashem listened to "the sound of your words" -- not only to the claim itself. He listened to the tone and heard the sound of crying for naught; for this came the decree.

This bears a lesson for our generation. There are those who see in our current political situation a problem of security or of saving lives. There are those who see an injustice to another nation. We, based on our world outlook, reject outright claims of this sort, since in our opinion they are insufficient to weaken our right to Eretz Yisrael, which was given to us with a covenant and oath by the Creator of the world. Still, these are claims that are understandable. But what is the meaning of the rejoicing on every concession and every piece of land which is ripped away from Eretz Yisrael? Here we already hear the tone which is behind the logic, and the tone is very worrying. Heaven forbid that it should be said about

B'S'DIs, "From a distance shall you see the Land, but you shall not enter there." (Devarim 32:52)

During the period of the three weeks we must deal with issues of Eretz Yisrael, to strengthen our love of it, in order to rectify the crying for naught, as opposed to, "They despised the desirable land." (Tehillim 106:24)

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RABBI ARI JACOBSON

Whereas the first one-and-a-half books of the Torah are devoted to the conception and birth of the Jewish nation, and the next two-and-a-half books describe the mitzvot ma'asiot-specific, practical behaviors-the book of Devarim stands as the "heart" of the Torah.

Though Devarim does contain several new mitzvot as well as ample history, it stands out for its focus on a reciprocal relationship of love between Hashem and his chosen nation:

"You shall love Hashem your G-d."

"You shall cleave to him."

"You are children of Hashem your G-d."

"You have chosen Hashem, and Hashem has chosen you."

It is no coincidence, then, that Devarim addresses the nation on the East bank of the Jordan River, poised to enter the Promised Land, where this unique relationship will manifest itself most acutely. Only Israel is described as a land constantly under the direct watchful eye of Hashem: "The eyes of Hashem your G-d are upon it from the beginning of the year until the end of the year."

So potent is Divine Providence in the King's Palace that the Talmud teaches that rainfall is initially determined for Eretz Yisrael, and only what is left over is disbursed throughout the rest of the world.

And yet, G-d's presence will only be felt by those who allow it. There is simply not enough room in the world for both Hashem and the haughty. It is for this reason, according to the Shlah Hakadosh, that the land of Israel retains elements of Eretz Canaan even after the Jewish conquest. The root of Canaan is hachna'ah-subjugation. Only one who subjugates himself to the Almighty will experience the Divinity of the land.

Perhaps this is why the "heart" of the Torah commences with subtle but poignant rebuke. According to Rashi, the locations enumerated at the beginning of Devarim are not merely names, but veiled references to assorted Jewish iniquities. While careful not to publicly humiliate the Jewish people, Moshe Rabbeinu understood the importance of recognizing one's shortcomings and limitations. Only then could the nation collectively and individually maximize their experience of the Divine in the Land of Canaan.

A devout chassid once approached the Tzemach Tzedek with the idea of relocating to Eretz Yisrael. Conscious of the perilous conditions prevailing in nineteenth century Palestine, the Rebbe advised to instead "make this place Eretz Yisrael." Though we live in a generation fortunate enough to be able to make aliyah with relative ease, the Rebbe's message remains equally relevant. Eretz Yisrael is not simply a place but an ideal, to be carried within the Jewish heart regardless of physical location. This is why the Prophet Zechariah refers to Jerusalem as being devoid of borders.

The symbiotic love of Hashem for his children also knows no bounds-other than those that are self-imposed. A dose of humility goes a long way in providing the space necessary for Hashem to return His glory to Jerusalem, thereby ensuring that our national days of mourning are transformed to days of "sason vesimchah u'mo'adim tovim."

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From: listmaster@jencom.com peninim@shemayisrael.com
PENINIM ON THE TORAH
by RABBI A. LEIB SCHEINBAUM
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Parshas Devarim

These are the words that Moshe spoke to all Yisrael. (1:1)

Sefer Devarim begins by presenting Moshe Rabbeinu as a "speaker" who admonishes Klal Yisrael before he takes leave of this world.

Interestingly, when Hashem approached Moshe regarding his mission to Pharaoh, Moshe begged to be relieved of this responsibility asserting, "I am not a man of words," (Shemos 4:10). When did his ability to speak change? The Midrash addresses this transformation: "Before Moshe received the Torah, he was not a man of words. After he merited the Torah, he began to speak." Horav Elazar Menachem Man Shach, Shlita, explains that prior to the Giving of the Torah, Moshe had no responsibility to convey his thoughts or words to the people. Refraining from speaking was not inappropriate on his part. It is similar to a Navi, prophet, who subdues his prophecy and does not foretell his revelation. Once the Torah was given, however, it no longer mattered whether he was capable of expressing himself eloquently or not; he became responsible to teach Torah and to improve the people.

Horav Shach derives from here that there are times and circumstances which demand that one publicly make known the dvar Hashem, word of G-d. In these circumstances one is required to do so even if he knows that the truth is being blurred by sham artists who are capable of concealing the evil they perpetrate by painting over it with a coating of humanitarianism. One must speak up specifically in situations such as these, when we are confronted by those who represent a fusion of evil and goodness, so that we really need the clarity of vision that is derived from the Torah. Those who sabotage their mission, who refrain from protesting against the chameleons who would rob us of our heritage, are themselves moral hypocrites. While it is important to know when to be silent, it is equally significant to know when to express oneself in words.

Hashem, your G-d, has multiplied you and behold, you are like the stars of Heaven in abundance. (1:10) The Midrash comments about the comparison of Klal Yisrael to the stars. They cite three areas in which the Jewish People bear a likeness to stars. Just as one star is greater than another, so, too, does Klal Yisrael have different levels, one greater than another: some Jews are Kohanim, some are Leviim; and others are Yisraelim. Just as there is no end to the stars, so, too, there is no end to our People. Just as the stars have power from one end of the world to another, so, too, does Klal Yisrael manifest such power. Chazal are teaching us that Hashem's blessing to Avraham Avinu, that his descendants will be likened to stars, is multifaceted. Not only will they be compared to stars in quantity, but also in attributes.

Horav Yaakov Dushinsky adds a unique quality, that is intrinsic to stars, which has a profound meaning in regard to the Jewish People. In contemporary times, through remarkable technological advances, scientists have been able to discover stars that, due to their extreme distance, have previously been impossible to locate. They are so far that we measure the distance in light years, which is the distance that light travels - hundreds of thousands of miles per second - in one year. In other words, it is quite probable that the illumination we see from a star is the energy of a star that burned out a long time ago. Yet, its effect continues far beyond its physical life.

Regarding the pasuk in Daniel 12:3, "And those who teach righteousness to the multitudes (will shine) like the stars, forever and ever," in the Talmud Sanhedrin 92b, Chazal say that this is a reference to righteous judges, charity collectors, and melamdei tinokos, teachers of

children. The judge who does not swerve from the truth maintains the integrity of the judicial system. Chazal say that he becomes a partner with the Almighty in the creation of the world. He maintains discipline within society. He who raises much needed funds for the poor, grief stricken, and hungry is undoubtedly the paragon of virtue, sustaining those whom society regrettably often forgets. Last, he who defers a life of material/financial security, who rejects the opportunities of this world so that he may give all of himself to Hashem's children, to the future of Klal Yisrael, truly sanctifies his life. How are they compared to stars? Their work continues far beyond their times. Their reach extends far beyond their grasp! They involve themselves in chayei netzach, eternal life, as they give up their olam hazeh, opportunities in this world.

Thus, the fruits of their labors, the results of their toil, live on as shining examples of their work. The effect a teacher has on a student is eternal. Is there a greater reason for choosing such a field of endeavor? One must remember, however, to make sure that this effect is of a positive nature, for the opportunity is accompanied by the awesome responsibility.

Provide for yourselves distinguished men, who are wise, understanding, and well-known to your tribes, and I shall appoint them as your heads. (1:13)

The Midrash notes that the word "va'asimeim," "and I shall appoint," can easily be read as "va'ashimeim," "and I will hold them guilty/responsible," if the "sin" were to be replaced by a "shin." It all depends where the "dot" on the letter is placed: to the right, and it's a "shin;" or to the left, and it is a "sin." Chazal derive an important message herein. Moshe was telling Klal Yisrael that if they do not listen to their leadership, he will hold the leadership responsible! This is like a snake whose 'tail' told the 'head' "Why should you always lead, while I bring up the rear? Let us change things around. I will lead, and you will follow." We can imagine what occurred. The tail, having no eyes, dragged the head into places that were certainly not conducive to its continued health and well-being. First, it was dragged through a river, then into a fire, and last it became impaled on a thorn bush. The lesson is clear: When the Torah leaders, the "eyes" of the nation, are guided by those who should be following, they become critically impaired.

In the Talmud Chagigah 14a, Chazal relate that the Navi Yeshayahu cursed Klal Yisrael with eighteen curses, yet he was not content until he pronounced, "The youngster will behave insolently against the elder, and the base against the honorable." Yeshayahu's curses affected every possible class of Jew. He included the learned who were erudite in Torah, who had mastered its profundities. He included judges, kings, wise men and counselors. Yet, nothing he said was as extreme as the curse that the authority of Klal Yisrael's leadership would be usurped. He was not content until he had promised this ultimate curse. Why?

Horav Yeruchem Levovitz, zl, explains that when the youth lose respect for their elders -- when they wrest the reins of leadership away from those whose wisdom is tempered by life's experiences, from a leadership whose counsel is inspired by the Torah giants of a previous era -- Klal Yisrael is as good as dead. This is not life! Indeed, such a circumstance represents the greatest curse. A nation whose leadership is not "mekabel," will not accept advice from their elders, who are obsessed with their arrogance and sheer chutzpah; who denigrate the authority of their elders and render decisions based upon their own brash ideas, and shaped by their own vested interests, is not living a Torah life. Such a generation does not truly live.

Horav Chaim Shmuelevitz, zl, explains that the Jewish people are unlike other nations, in that they cannot survive without the institution of "zekeinim," elders. While other nations manage to survive without the leadership of sages or elders, our uniqueness renders our elders an essential prerequisite for our existence, rather than a mere luxury. It is Rabbi Akiva who says, "Yisrael is likened to a bird. Just as a bird cannot

fly away without its wings, so, too, is Yisrael helpless without its elders." Rav Chaim explains that a bird without its wings is in a worse situation than an animal who never had wings. It remains a helpless, pitiful creature, victimized by any creature bigger and more powerful than it. Klal Yisrael without elders is just like that bird. It cannot survive. Undermining the power of our elders is tantamount to striking a powerful blow to the core of the life force of the Jewish People.

The Satmar Rav, zl, commented that not just anyone can possess the necessary qualities for wearing the mantle of gadol b'Yisrael, Torah leader. He felt that such a person should be endowed with the following attributes: First, he must be a talmid chacham muvhak, Torah scholar of the highest order, erudite in all areas of Torah law and literature; second, he must be a yarei Shomayim, G-d fearing Jew, who will not be influenced by his personal emotions or interests; third, he must be a chacham and pikeach, wise and crafty, knowledgeable of the world scene, understanding people; knowing what makes them "tick;" being able to recognize evil when it confronts him. Only one who is blessed with these traits may issue forth his judgement in regard to inyanei ha'klal, communal affairs.

One of the distinguished laymen who heard the Satmar Rav's comments questioned him regarding a certain rav who fit the criteria, yet whose views regarding Orthodoxy were in contradiction to the Satmar Rav's. The Rav responded that indeed the gadol in question truly "fit the bill," but was deficient in one area. He was not "meshamesh," did not serve in such a capacity that he understood how to deal with the incursions against Torah Judaism. Only certain rabbonim, such as those who served in a number of the larger communities in Hungary, in which they were compelled to fight a holy war to preserve the sanctity of Torah and mitzvos from those who would do anything to impugn and destroy the Torah way of life, were able to impart lessons based upon their own life's experience. The Satmar Rav was an individual who, in addition to being a brilliant talmid chacham and pikeach, had absorbed a wealth of wisdom and knowledge from his rebbeim, who themselves were the gedolei Yisrael of the previous generation.

Horav Yechezkel Abramski, zl, put the idea into perspective with the following illustration: Imagine sitting at a distance of one hundred yards from a given point and asking a group of people if they are able to see a picture at this distance. One person will say he can only see thirty yards, while another will see forty yards, and yet another will see up to seventy yards. Suddenly, someone comes along with incredible eyesight who can see up to one hundred yards! Indeed, if all of the other people would get together, they could nevertheless not see as well as he, because the sight is limited. Having them all get together is to no avail because the eyesight of the individuals is still deficient.

The same idea applies to our Torah leaders: They see what others cannot; their vision extends beyond the grasp of the average person. Thus, if an entire group gets together to express their opinion in opposition of one gadol, their position carries no weight, because they cannot see what he sees. Their vision is stunted; their perspective is myopic. This is the reason that our Torah leaders are referred to as "einei ha'am," the eyes of the nation.

All of you approached me. (1:22)

Rashi says they all came "b'irvuvya," mixed together, in a tumultuous, disorderly and disrespectful manner. The young pushed ahead of their elders, and the elders pushed aside the leaders. The approach for the meraglim, spies, sharply contrasted the manner in which they had come together as a nation during Kabolas ha'Torah. Then there had been decorum, decency and dignity. Moshe Rabbeinu is rebuking Klal Yisrael for the sin of the spies, the sin that ultimately cost them their own entrance into Eretz Yisrael. He seems to focus on the disrespectful manner in which they presented their request. One would think that in a sin of such magnitude, the approach would not play such a significant

role. Does Moshe really have to belabor the issue of their disrespect, especially in contrast to their later rebellion?

In his commentary on the Torah, The Netziv, zl, cites Horav Yitzchak Mi'Volozhin, who explains that by rebuking Klal Yisrael regarding the manner in which they arrived, Moshe was actually magnifying the gravity of their later sin. They could no longer attempt to ameliorate their sin by saying that in the beginning their request had been innocuous. They could not say there was "no harm" in coming forward with a "simple" request. They could not say that everything had been fine until the meraglim returned and slandered Eretz Yisrael. They could not mitigate their sin, because it was not realistic. From the very beginning they were wrong! The manner in which they approached Moshe Rabbeinu bespoke their spurious intentions. We derive from here that when an endeavor is constructive, the various courses that are followed in achieving this endeavor are also inherently proper. If, in contrast, the goal of an endeavor is improper, then the avenues leading to this goal will be equally inappropriate. The Alter M'Kelm feels that it was their impulsiveness, their utter recklessness, that was the genesis of their mishap. They should have waited for Moshe; perhaps he had been planning to send spies anyway. Had they given the matter some thought, they might have arrived at a different conclusion. They were not, however, able to wait; they had to respond immediately to make sure that the land was investigated. Their inability to exhibit patience, and their self-indulgence, led to their involvement in an endeavor that demonstrated a lack of emunah on their part. Their lack of waiting caused them to remain in the wilderness.

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Tisha Be-av: a Day of Mourning, a Day of Teshuva
BY RAV AVI BAUMOL

(Based on a lecture by Rav Joseph B. Soloveitchik zt"l, 1979)

On Tisha Be-av, two seemingly contradictory halachic categories confront each other. On the one hand, Tisha Be-av is first and foremost a day of mourning. It is the epitome of aveilut yeshana, "old mourning" which relates to a historical tragedy, as opposed to aveilut chadasha, "new mourning" which relates to a recent personal loss. Our mourning over the destruction of the Beit Ha-mikdash leads us to think of this day as one of remembrance of something which once was, and is no longer. On this day of grief-stricken sadness, the overarching theme is one of passivity - after all, what is mourning if not acceptance of the news of one's bitter loss? On such a day, Chazal tell the mourner, "Shev ve-al ta'aseh" - don't act, rather sit and be acted upon.

The laws of aveilut (mourning) are filled with don'ts: don't work, talk, wear tefillin, learn Torah, cut your hair, shave, etc. On Tisha Be-av, according to the Ramban, even the acts which one would normally perform in order to demonstrate his mourning - tearing, covering of the head, turning the bed over - do not apply, seemingly because in this type of aveilut no remnant of activity should exist. There is, however, one exception to this rule, as we shall soon see. But, first, let us look at the second, contradictory aspect of the day.

Aside from being a day of mourning, Tisha Be-av is also a public fast day, a ta'anit tzibbur. It is not just any ta'anit tzibbur, but perhaps the archetype of them all (on par with Yom Kippur). On this day we not only refrain from eating and drinking (as on most other fast days), but, similar to Yom Kippur, we observe four other elements of suffering: no washing, wearing of leather shoes, anointing, or sexual relations. As on other fasts, the passage "Va-yechal Moshe" is

recited at Mincha, and a typical spirit of teshuva pervades the day. This spirit is apparent in the Torah portion we read on the morning of Tisha Be-av, "Ki toled banim," where the theme is that of returning to G-d.

What symbolizes a public fast day? On the one hand, we refrain from physical pleasures. However, this is not the goal of the day, but rather a means of achieving the ultimate end of coming closer to G-d. Prayer and mitzvot are the most salient activities of a typical ta'anit tzibbur. On Tisha Be-av, the paradigmatic fast day, we would assume that activity would be the major focus. Yet, due to its aspect of mourning, this is certainly not the case, and therefore we will see that there are exceptions to the general rules of fast days on Tisha Be-av.

In sum, two "spirits of the day" seem to coincide on Tisha Be-av. The day of mourning, which invokes passivity, confronts the public fast day, which elicits action. How can we reconcile these two motifs, melding them into one on this day? The answer may be found by analyzing the exceptions to the rule.

THE EXCEPTION TO PASSIVE MOURNING

There is one halakha which resembles a "kum ve-aseh" (mandated action) on Tisha Be-av, and that is the recital of kinot. While we are usually told to sit quietly and refrain from prayer, here we are enjoined to wail and weep as we recite a book full of dirges on the destruction of the Temple. Since the kinot represent the essence of day, they must be recited, despite our proclivity towards silence. What are kinot? In a word, a hesped, a eulogy. But whereas in personal aveilut, one describes a person, the lost one, on Tisha Be-av, the "met ha-mutal lefanenu" (the deceased in front of us) is a composite of many things.

First and foremost, the "deceased lying before us" is the Mikdash (Holy Temple). We mourn the loss of the glory of G-d (Shekhina) which was centered within the community. We mourn the erection of a barrier which has separated G-d from His people. We mourn the severing of the special connection each Jew had with G-d, and the great tragedy which manifested the severance of that connection.

This mourning is so intense, that the kinot, which describe the destruction of Jerusalem and convey our sense of sadness and loss, also have an added dimension - they unleash the question of "Eikha," How? We cry out: How can it be that G-d allowed this to take place? How did He let His beautiful Temple be defiled? These are questions which, when asking them, have one treading on thin theological ice. How do we dare challenge G-d with such a question?

Halakha states that man's reaction to calamity should be submission: "Just as we bless G-d in times of joy, we bless Him upon hearing of misery and grief." Did not Job ask these questions in his moment of suffering and receive this reply: "Where were you when I created the heavens and the earth? Declare to me if you have understanding of these great events. ... Shall he who reproves contend with the Almighty?" Job responds humbly, "Behold, I am of no account; what can I answer you? Once I have spoken but I will not again."

How then can we come along and raise these questions before G-d? The answer is that were it not for Jeremiah who uttered the lines first, we would never have had the audacity to say such words. Jeremiah acts as a "matir" - he grants halakhic permission for man to recite kinot. The mourning on this day is so intense and so all-encompassing, that we are able to take the cue from Jeremiah and recite kinot, uttering words that should not normally be said.

Tisha Be-av, then, is a day of mourning, focusing on the hesped of the Beit Ha-mikdash and of Jerusalem. There is one more focal point to this mourning which we shall explain shortly. First, let us analyze the exceptions to the general rule of ta'anit tzibbur.

THE EXCEPTION TO ACTIVE SUPPLICATION ON THIS PUBLIC FAST DAY

There are a few things glaringly missing in our tefilot on

Tisha Be-av. The first is selichot. How could we conjure up a fast day without the concept of saying selichot? How can we pray suitably without reciting the thirteen attributes of mercy?

Secondly, why do we skip certain parts of "U-va Le-tzion?" Additionally, our formulaic Kaddish is incomplete - we skip the line which asks G-d to accept the prayers and supplication of the Jewish nation. Finally, we are missing a crucial component of fast days - the additional ne'ila prayer (which is not exclusive to Yom Kippur).

The common denominator of all of these factors is that they, in some way, ask G-d to accept our prayers. They remind G-d of His unceasing relationship with His people, and that is very much part of our fast day teshuva process. We fast, pray, perform mitzvot, and remind G-d of the promise He made to our forefathers, so that when He hears our prayers He will have mercy on us and forgive our sin. All this is appropriate on a regular fast day; however, Tisha Be-av is different. It is not just a ta'anit tzibbur - it is a ta'anit tzibbur of aveilut. Sadly enough, today G-d does NOT accept our prayers.

We read in Eikha various verses outlining G-d's resilience against listening to our cries for mercy: "You have covered yourself in your clouds so as not to accept our prayer (3:44) ... Even as I cry and pray to you, my prayer is sealed (satam tefilati) (3:8) ... You have slaughtered, you have not taken pity (3:43)." The most poignant testimony to this idea is found in the Book of Jeremiah: G-d says to Jeremiah, the messenger of Israel, "Do not pray on behalf of this nation and do not raise up to Me a cry or prayer for them, for I will not listen to you (Jeremiah 11:14)." Why does G-d choose not to listen to our prayers on this day? Perhaps it is to tell us that although this day is a public fast day, it is NOT a day of teshuva. On this day, we cannot expect G-d to listen to our requests for forgiveness, or our attempts at reconciliation. Another way to put it is that on this day the teshuva aspect, too, is enwrapped and shrouded in mourning. Here lies the melding of the two concepts, and the final segment of the variegated mourning.

We mourn the Beit Ha-mikdash and the loss of the Shekhina within the nation; but most of all we mourn the motivation behind the severance of contact between G-d and His people, i.e., our sin. The prophets are explicit in warning that the destruction will come about only due to the nation's iniquity. This generation of the first churban thought that they were doing well, or at least better than the previous generation (when Menasheh was king). It was sin which brought about the first (and second) destructions and it is sin (and the lack of total teshuva) which has prevented Tisha Be-av from becoming, in the words of the prophet Zekharia, "a day of happiness, joy, and good times." Chazal's declaration that every Tisha Be-av that continues to be a day of mourning is equivalent to our destroying the Temple ourselves, is quite poignant. It forces us to re-evaluate our own lives during this day. Any teshuva which we might endeavor to undertake on this day is too late! It should have taken place beforehand, during the previous year, heightened in the last three weeks, and even more so in the last nine days. The fact that we are sitting on the floor today is testimony that we are not worthy of the rebuilding of the Mikdash, and in such a case, our prayers are not worthy of G-d's acceptance. This, then, is the true aveilut on this day. The sense of our own unworthiness is the driving force behind our recital of kinot.

Our prayers will not be answered, so we must fully understand the gravity of our situation. We must give the ultimate hesped; we cry for what we had, what we lost, and most importantly, for the reason we lost it. In the morning prayer, we read from the Torah about teshuva. Immediately following that, we read a haftara from Jeremiah, reminding us of the aveilut of the day. The two together, by dint of their proximity in time, remind us that the teshuva element is intricately linked with the mourning. It is no wonder that we can not begin to utilize the formulaic passages asking for mercy from G-d on this fast day (i.e. Selichot).

When can we recite "Va-yechal?"

When do we ask for mercy from G-d? Only after midday (and some say after all kinot are recited). Why can we suddenly recite "Nachem" at Mincha? Because at this late hour in the day, the ta'anit tzibbur element of the day comes to the fore, and the aveilut aspect submerges into the background. Why does this happen at all on Tisha Be-av, in light of what we have said? Perhaps to say that while we have no chance of affecting this Tisha Be-av, and all we have left to do is cry bitter tears of mourning, it is not too early to try to alter next year's plans. After midday, when all of the mourning has drained our souls, the component of teshuva takes center stage, in the hope that this Tisha Be-av will be our last to be marked by aveilut.

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From: Jeffrey Gross[SMTP:jgross@torah.org] Weekly-halacha for 5760 Selected Halachos Relating to Parshas Devarim
BY RABBI DONIEL NEUSTADT

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

EATING MEAT AND DRINKING WINE DURING THE NINE DAYS

The first nine days of the month of Av, known as the Nine Days, is a period of time established by the Rabbis to mourn the destruction of the two Batei Mikdash. There are certain activities, normally permitted, which are prohibited during this period. Since the Talmud(1) tells us that only one who has properly mourned the Temple's destruction will merit to see its rebuilding, it is important to become more knowledgeable about the exact nature of the prohibitions of the Nine Days. One of them, the injunction against eating meat and drinking wine, is reviewed here.

Although this prohibition is not clearly mentioned in the Talmud as binding halachah, it is an age-old custom which is recorded by many Rishonim(2) and has become universally accepted. Thus, today it may not be compromised in any way, and one who does so is considered a poreitz geder, lit., a "fence-breaker"(3).

The restriction against eating meat and drinking wine begins at sunset [or after davening Ma'ariv(4)] on Rosh Chodesh Av and ends at the midday of the tenth of Av.

All kinds of meat and poultry and their derivatives, even if no meat or poultry is actually visible, e.g., chicken soup, are included. Parve dishes cooked in a utensil used for meat are permitted(5). [If a small piece of meat accidentally fell into a parve dish and its taste will not be sensed, the dish may be eaten(6).]

All wines and grape juices are prohibited. Beer, whiskey and wine-vinegar are permitted(7).

The restriction applies to men, women and children, even to children who are under the age of chinuch and who do not understand the concept of mourning for the destruction of the Beis ha-Mikdash(8).

A child, a pregnant or nursing woman, or an elderly or sick person who cannot eat dairy foods or who needs to eat meat for health reasons, may eat meat. If possible, they should limit themselves to meat derivatives or to poultry rather than to actual meat(9).

On Friday afternoon close to the onset of Shabbos, it is permitted to feed children - who normally eat at that time - the regular meaty Shabbos foods(10). A woman who needs to taste the Shabbos foods while cooking may do so on Friday afternoon after midday(11).

On Shabbos there is no restriction against eating meat or drinking wine even if one began the Shabbos early - any time after Plag ha-Minchah. It is forbidden, however, to eat food left over from Shabbos even for melaveh malkah(12).

If, by mistake, one recited a blessing over meat or wine, he should taste a bit so that his blessing will not have been in vain(13).

Butcher shops may remain open during the Nine Days(14).

Proprietors of fleishig restaurants should consult a rav.

MEAT AND WINE at a SEUDAS MITZVAH

The restriction against eating meat and drinking wine is lifted when a seudas mitzvah takes place. This includes a siyum(15), a bris(16) or a pidyon ha-ben. Several poskim also include a bar mitzvah dinner which takes place on the day the boy becomes bar mitzvah(17).

For a seudas mitzvah one may invite any man or women who would normally be invited at any other time of the year, e.g., relatives or friends. Thus all campers and staff of a summer camp, both men and women, may join in a public siyum(18). During the week of Tishah B'av, only a minyan of people plus close relatives may partake of meat and wine at a seudas mitzvah meal(19).

There are conflicting opinions about whether or not it is permitted to make a siyum specifically in order to partake of meat and wine(20). While it is preferable to be stringent, one should follow the custom and the directives of his rav.

Regarding the nature of the text upon which it is permitted to make a siyum, the custom follows the halachically preferred option that a siyum is made only on a tractate of the Talmud, either Bavli or Yerushalmi. But there are poskim who allow a siyum to be made upon completing the intensive study of either an entire Seder of Mishnayos or on an entire book of Tanach. Some allow a siyum even on three tractates of Mishnayos while others allow it even on one(21).

L'chatchilah, all the participants should listen to and understand the siyum of the tractate as it is being read(22). B'dieved, some poskim permit even those who were not present at the siyum to eat meat and drink wine at the siyum meal(23), while other poskim are stringent(24).

When a seudas mitzvah takes place, it is also permitted to drink the wine after Bircas ha-Mazon(25). But the cup of wine which is usually drunk at a bris [or pidyon ha-ben] should be given either to a minor or to the mother of the child(26).

Those who are particular to recite havdalah every week over wine or grape juice should do so during the Nine Days as well(27), since this too is permitted, just like it is permitted to drink wine at a seudas mitzvah(28). In some places it is customary that if a minor(29) is present, he should drink the wine(30), while others allow an adult to drink the havdalah wine(31).

Those who make havdalah on beer or another chamar medinah year-round should do so this week as well(32).

AFTER TISHAH B'AV

It is customary not to eat meat(33) or drink wine until midday of the tenth of Av, even when the tenth of Av falls on a Friday. This is because the destruction of the Beis ha-Mikdash, which began on the ninth of Av, continued throughout the night and most of the next day(34).

All of the aforementioned leniencies regarding eating meat and drinking wine in the Nine Days apply to Motzaei Tishah B'av until midday of the tenth of Av(35).

When Tishah B'av falls on Shabbos and the fast is postponed to Sunday, meat and wine are to be avoided only on Sunday night. On Monday morning meat and wine are permitted(36). Drinking the havdalah wine on Sunday night is permitted without restriction(37).

FOOTNOTES: 1 Ta'anis 31b, quoted in Shulchan Aruch O.C. 554:25. 2 Several reasons for this custom are given: To minimize joyfulness; to mourn the abolishment of the Korban Tamid and Nissuch ha-Yayin; to mark the loss of the Even Shesiya (see Orchos Chayim, Kol Bo and Avudraham). 3 O.C. 551:11. Most Sefardim, too, follow this custom for all of the Nine Days, although some Sefardim do not observe it on Rosh Chodesh day itself; Kaf ha-Chayim 551:125; Yechaveh Da'as 1:41. 4 Kaf ha-Chayim 551:122. 5 Mishnah Berurah 551:63. It makes no difference if the parve food is sharp or bland; Orchos Chayim 31. 6 Sha'ar ha-Tziyun 551:68. Some poskim hold that even l'chatchilah it is permitted to put a small amount of meat or wine into a dish if its taste will not be detected. 7 Sha'arei Teshuvah 551:10. 8 Mishnah Berurah 551:70. Some poskim allow children under the age of three to eat meat and some allow it up till age 6; Divrei Yatziv O.C. 2:236. 9 Mishnah Berurah 551:61,64 and Sha'ar ha-Tziyun 69. Most poskim hold that an hataras nedorim is not required; Yechaveh Da'as 1:41. 10 Igros Moshe O.C. 4:21-4. 11 Mekor Chayim 551:9. 12 Igros Moshe O.C. 4:21-4. 13 S'dei Chemed (Bein ha-Metzarim 1:4). 14 Igros Moshe O.C. 4:112-3. 15 Some poskim recommend that no siyum take place after the sixth of Av (Harav M. Feinstein, Moadei Yeshurun, pg. 132). 16 Even if it was deferred due to illness, etc.; Sha'arei Teshuvah 551:15. 17 Yad Efrayim

551:31; Divrei Yatziv 2:238. 18 Harav M. Feinstein and Harav S.Z. Auerbach (quoted in Nitei Gavriel 18:7). 19 Mishnah Berurah 551:77. Some poskim hold only a minyan - including the relatives - may eat meat or drink wine; Sha'ar ha-Tziyun 84. 20 See Aruch ha-Shulchan 551:28 who advises that a siyum should not take place at all during the Nine Days, since we cannot properly rejoice and honor the Torah during this time of mourning. 21 See the various opinions in ha-Elef Lecha Shelomo 386; Igros Moshe O.C. 157 and O.C. 2:12, Yabia Omer 1:26, Yechaveh Da'as 1:40 and B'tzeil ha-Chochmah 4:99. 22 Mishnah Berurah 470:10. 23 Minchas Yitzchak 9:45; Teshuvos v'Hanhagos 1:300 quoting Harav Y.Y. Kanievsky who says that it is customary to be lenient in this matter, provided that the participant is sincerely "happy" with the siyum taking place. See also the lenient ruling of Harav Y.Y. Fisher concerning a mourner (Pnei Baruch, pg. 463). Harav M. Feinstein is also quoted as being lenient (Moadei Yeshurun, pg. 132). 24 Ben Ish Chai 1:96-25; Chazon Ovadyah, pg. 99; Harav S.Y. Elyashiv (Siddur Pesach K'hilchaso, pg. 168). 25 Mishnah Berurah 551:72. 26 Harav S.Y. Elyashiv (quoted in Otzar ha-Bris, pg. 187). 27 Eishel Avraham 551; Chazon Ish (quoted in Imrei Yosher, pg. 4). 28 Mishnah Berurah 551:67. 29 The preferred minor for this purpose is a boy beyond the age of chinuch but who is not yet old enough to understand the concept of mourning the destruction of the Beis ha-Mikdash; Mishnah Berurah 551:70. [It is difficult to define the age of such a child.] If such a child is not present, any boy under bar-mitzvah age will do. 30 Rama O.C. 551:10. 31 Harav M. Feinstein (Mo'adei Yeshurun, pg. 154). 32 See Aruch ha-Shulchan 551:26. 33 But a meaty food which presently contains no meat is permitted; Beir Halachah 558:1 (s.v. shelo). 34 O.C. 558:1. 35 Mishnah Berurah 558:2. 36 Rama O.C. 558:1. 37 Mishnah Berurah 556:3.

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RABBI JONATHAN SCHWARTZ

From: jschwartz@ymail.yu.edu

Subject: Internet Chaburah --- Shabbat Chazon

Prologue: Parshas Devarim begins Moshe Rabbeinu's quick review of his association with Bnei Yisroel and his trials and tribulations with them as he prepared them to go into the Holy land. In fact, Mishneh Torah opens with the bulk of Parshas Devarim dedicated to themes relating to Kibush HaAretz culminating with the command of Hashem to Yehoshua to enter the land and capture it.

Yet there is one exception. B'Ever HaYarden B'ereitz moav Hoil Moshe Be'Er Es Hatorah HaZoa Leimor. The commentaries explain that the wording of Be'er refers to Moshe's struggle to teach the people all of Torah She'Baal Peh. At that moment, the Parsha immediately switches gears to discuss the issues of Kibbush HaAretz. What is the connection between Kibbush HaAretz and torah She'Baal Peh?

Maran Hagadol, HaGaon Harav Hershel Schachter Shlita (Beis Yitzchak 31p. 59) suggested an interesting approach. Notes Rav Schachter that had the Jews fully understood and accepted Torah She'Baal Peh when they entered the land, it would never have been able to be taken away from them. The land would have been Eretz Yisroel infused with a Kedusha Rishona of the highest proportions. This was Moshe's desire. Therefore, he set out to teach them the entire Torah so that they could capture and infuse the land with its full holiness. Thus, the teaching of Torah She'Baal Peh is intricately connected to Kibbush HaAretz. It would have guaranteed that the land never be destroyed.

Alas Moshe was not successful. Full Kedusha was not infused onto the land and it was destroyed. We commemorate that destruction daily and yearly in periods of mourning. Those who visit Eretz Yisroel even before the potential peace agreements will agree that full Kedusha has not returned to Eretz Yisroel. For that we mourn. This week's Chaburah examines the extent of mourning of a tourist in Yirushalayim. It is entitled:

A CAPITAL TEAR

The Gemara in Moed Katan (26a) quotes Rav Elazar who notes that one who sees Arei Yehuda in their destroyed state must tear Kriya. He adds that when one sees Yirushalayim in the destroyed state he too, must tear Kriya. The Shulchan Aruch (Orach Chaim 561:1) cites this

opinion L'Halacha. Yet, the Michaber (Sif 5) notes that if one travels to and from Yirushalayim within 30 days, he need not tear Kriya. The Mishnah Berurah (17) limits this Psak to applying to people who live in Yirushalayim. However, tourists must tear more often.

Today, Kriya has become somewhat under practiced in Yirushalayim. Even those who will tear Kriya will not do so until they reach the Kotel. Why? The first opinion cites the fact that Yirushalayim is not considered B'Churbana so long as it remains under Israeli control. The Bach and Mogen Avraham (7) maintain that when a city is under Jewish rule, it is considered rebuilt. A city that is rebuilt is not one that we must tear Kriya for. However, seeing the Beis Hamikdash B'churbana, even while the city is under Jewish rule, creates a necessity for Kriya. [See opinion of Rav Soloveitchik cited by Hagaon Harav Hershel Schachter B'ikvei Hatzoan Siman 18:10].

But is a city under secular Jewish law considered Jewish rule? Many believe that during Beis Harishon many of the kings were serving Avoda Zara and clearly today's government is no worse. Hence, since then they were Midinas Yisroel, so too, today we must consider the city, as a Shilton Yisroel [Har HaKodesh p. 24-26]. Yet, many Poskim still maintain the need to tear Keriya (Kehillos Yaakov, Minchas Shlomo Vol. I, Igros Moshe among others) so why is Keriya on Yirushalayim so lax?

Maran Harav Hershel Schachter (Bikvei HaTzoan p. 107) suggested that there is a contemporary Machlokes of the poskim with regard to Yirushalayim. Is the Keriya there for the destruction of the capital city and the loss of the Jewish leadership and sovereignty over the Land of Israel? Or perhaps the destruction of the city is a part of the destruction of the Beis Hamikdash. Rav Schachter notes that Rabbi Soloveitchik clearly felt that the loss of the Makom Hamikdash for which we mourn. Yirushalayim, noted Rav Soloveitchik, retained some of the Kedusha of the mikdash and it is for this loss of Kedusha that we add to the Keriya on Yirushalayim above that of the Arei Yehuda. This perhaps is a further enhancement of the statement (Keilim 1:6) that there are ten Kedushot to the different levels of land in the world. The land of Israel is granted a higher Kedusha than land elsewhere in the world merely the connection to Kedushat Mikdash that it has (See Kuntros Otzar Hasifrei).

Similarly, notes Rav Schachter, the tearing for Yirushalayim is based upon the destruction of the Beis Hamikdash. And so long as the Old City is in Jewish hands and the mikdash is not rebuilt, the Keriya should still be done on Yirushalayim. However, given the fact that Keriya on Yirushalayim is done as an aspect of Aveilus, we follow the opinion of those lenient opinions who believe that when things are under Shilton Yisroel, there is no Keriya, (Halacha K'Divrei Hameikeil B'Avel).

V'Shenizkeh Kulanu L'Hisabel Al Yirushalayim, V'lizkot L'Simoach B'binyana

From: RABBI RISKIN'S SHABBAT SHALOM LIST
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Shabbat Shalom: Parshat Devarim (Deuteronomy 1:1-3:22) by Shlomo Riskin

Efrat, Israel-- The portion of Devarim, the introductory parsha of the fifth of the Five Books, always falls on the Sabbath immediately preceding the solemn fast day of Tisha B'Av commemorating the final destruction of the Second Temple, and the inevitable exile that ensued. Often the Ninth of Av will fall on Shabbat of Devarim itself, and then the fast is put off until after the Sabbath ends.

In fact there is an 'interweaving' between the portion of Devarim and Tisha B'Av, which is made tangible when the Torah reader alters the normal chant early on in the Torah reading for the special, mournful chant unique to Lamentations. The transitional word is 'Eicha' (How so,

Deuteronomy 1:12) which is also the very first Hebrew word in the Scroll of Lamentations.

But it's not just the word 'Eicha' alone that intensifies an association with Tisha B'Av. Indeed, if we examine the entire sequence in which the word 'Eicha' appears, we soon realize that the Biblical text we are examining doesn't quite fit into the larger pattern of its context - and, under deeper study, hints at the most fundamental cause of the destruction of the Temples and our loss of national sovereignty.

The portion of Devarim opens with Moses addressing the entire nation on the bank of the Jordan. We are given time and place - the first day of the eleventh month in the fortieth year - and the entire topography, with all the place-names laid out. Moses then reminds the people of G-d's words at Horeb regarding the route they'd be taking toward the promised land, and the boundaries of that land. "Behold I have set the land before you. Go in and possess the land that G-d swore He would give to your fathers, Abraham, Isaac and Jacob, and to their descendants after them." (Deuteronomy 1:8)

After this introduction about possessing the land, the text suddenly, and inexplicably leaves the subject of land. Moses complains that he "cannot bear (the people of Israel) alone" (Deuteronomy 1:9) and begins addressing the subject of judges and justice. "...judge righteously between a man and his brother, and the stranger that is with him. You shall not play favorites in judgment, you shall hear the small and great alike, you shall not be afraid of the face of any man, for the judgment is G-d's..." (Deuteronomy 1:9-17)

And then, just as suddenly and inexplicably, what follows these nine verses is a flashback to the issue of possessing the land, verses 19 and 20 referring to the route taken in the Wilderness after departing from Horeb, and the following verse an almost exact parallel of what we read ten verses earlier, "Behold G-d your Lord has set the land before you, go up, take possession..." (1:19). Why does the Torah, in the midst of the command to conquer the land, suddenly shift strategies and discuss judges and justice. Furthermore, the passage concerning justice includes a first word which opens the Scroll of Lamentations, - EICHA, - and the Biblical reader uses the familiar haunting cantillation melody of Tisha B'Av when he reads this verse. Moreover, the Biblical "justice" passage bears a close resemblance to the haftarah reading for the Ninth of Av, taken from the prophet Jeremiah, which also stresses judgement and justice? Let the wise not glory in his wisdom, let the strong not glory in his strength, let the rich not glory in his riches,...let him who glories glory in this: Understand and know Me, that I am G-d who exercises benevolence, justice and righteousness in the earth, for in these things do I delight... (Jeremiah 9:22-23)."

The centrality of this passage in Judaism is attested to by the fact that Maimonides chose to cite it as the conclusion of the last of his great works at the end of his life. **THE GUIDE FOR THE PERPLEXED:** This message, teaches Maimonides, is the quintessence of Judaism!

Working our way backwards from the Guide to the Perplexed, to Jeremiah, and then to our sequence in our portion about judges and justice wedged in between the two exhortations to possess the land, the message is indubitably clear: "Justice, justice shall you pursue, in order that you may live and inherit the land which the Lord your G-d gives to you" (Deuteronomy 16:20). Only if we establish a just society can we expect to inherit - and continue to possess - the Promised Land! Immorality, inequity, oppression can only lead to destruction, exile and mourning. Indeed, in this week's prophetic reading, we read how G-d is not interested in "...vain offerings, incense of abomination they are to me....And when you spread out your hands (in prayer) I will hide my eyes from you." What G-d really wants from the Jewish people is to "Seek judgment, relieve the oppressed, judge the fatherless, plead for the widow." (Isaiah 1:17) What G-d wants is benevolence, justice and righteousness!

In the Book of Exodus, G-d refers to Israel as 'My first-born.' But

this appellation contains a challenge as well as a promise. After all, one of the unique elements about the Torah is that first-borns don't usually make it. Ishmael was a first born, Esau was a first born, and Reuven, Jacob's eldest, was a first born. They didn't "make it," these were not the major carriers of our tradition. The old law of primogeniture simply did not pertain to the patriarchs. It is not one's birth placement and genealogy which creates leadership; it is rather worthiness and righteousness. This is precisely the implicit warning in the justice passage placed squarely between the opening and closing verses of conquering the land. It all depends upon the justness of our society.

Now we can understand even more clearly the very first Rashi in Genesis which asks why the Torah begins with the creation of the world when it should have started with the month of Nissan, the date of the Exodus from Egypt, as the first of the months. Rashi's prophetic explanation is that if the nations of the world will accuse Israel of having stolen the land of Israel from the seven nations, the answer we must give is that "All the earth belongs to G-d; He created it and doles it out to whom is 'YASHAR' in His eyes." (Rashi, Genesis 1:1) Rashi is usually translated to mean that G-d - the Creator - can dispense the land to whichever nation He wishes. But the Hebrew word YASHAR actually means righteous or just. Rashi is therefore informing us in his very first commentary - that built into the very fabric and rules of creation is that the Almighty will grant us sovereignty over Israel only if our righteous and just acts make us worthy of having sovereignty. Jerusalem is the City of Righteousness; "Righteousness, righteousness shall you pursue in order that you may live and inherit the land." Our right to Israel is not so much a promise as it is a challenge.

Shabbat Shalom

<http://www.ohrtorahstone.org.il/parsha/index.htm> Ohr Torah Stone Colleges and Graduate Programs Rabbi Shlomo Riskin, Chancellor Rabbi Chaim Brovender, Dean To subscribe to Rabbi Shlomo Riskin's Shabbat Shalom list: send an email to <listproc@vjlists.com> with the message: 'join riskin <your name>' (e.g. join riskin David Katz)

From: Kenneth Block[SMTP:kenblock@att.net]
Subject: NCYI Weekly Divrei Torah - Parshat Devarim, Shabbat Chazon

RABBI SHLOMO YAFFE Young Israel of Hartford, CT
4 Av 5760 August 5, 2000 Daf Yomi: Nedarim 17
Is Enough - Enough?

Moshe Rabbeinu (Devarim 1:1) gives a long catalogue of place names as part of his review of the experiences and behavior of the Jewish people since the Exodus. The last place listed is "V'di Zahav". The literal translation of these words is "sufficient gold" or "enough gold". Rashi quotes Rabbi Yochanan as pointing out that many of the places mentioned in this verse are not found earlier in the detailed accounts of the travels of B'nei Yisrael through the wilderness. This is because they are not so much names of places, but rather references to negative events that took place during the years in the wilderness that the Jewish People needed to be reminded of. The goal of this remembrance was to obviate the likelihood of repeating those mistakes in the future. Rashi points out that "Di Zahav" means that they had an abundance, a surfeit of gold that allowed and encouraged them to build the idolatry of the Golden Calf.

Rabbi Chaim Ben Attar in his Ohr Hachayim commentary on our verse takes a different approach. He agrees that the meanings of the places mentioned here are (primarily) conceptual and ethical rather than geographical. However, he interprets all these places not as negative examples from the past that need to be avoided, but as paradigms of positive attitudinal and character traits that need to be nurtured for the Jewish People to attain success in their purpose.

The final place/name in the verse is "Di Zahav" - "enough gold". The Ohr Hachayim gives two interpretations:

a) "That one should not be focused on illusory wealth and chase worldly goods. All who are strongly driven to follow their physical

desires are uninvolved in the service of G-d. One must be satisfied with that which is necessary - and this is hinted in the words "v'di zahav" say "enough" to (the pursuit) of gold (physical possessions)." b) "That we say of our gold (physical possessions) "enough". Pirkei Avot (4:1) states, "Who is wealthy? One who is satisfied with their portion". This causes one's heart to incline to the service of G-d. In this interpretation the Ohr Hachayim tells us that we should understand that the material possessions which G-d has given us is what we need to fulfill our purpose as Jews, so that which we have is by definition enough.

The three meanings of the words "enough gold" (Rashi's understanding and the two approaches of the Ohr Hachayim) are intertwined: a. The need to appreciate and treasure exactly where we happen to be economically. (2nd Ohr Hachayim). We need to understand that all of our efforts that are expended on economic activity are merely making a vessel for G-d's blessings. Ultimately, we have free choice for right and wrong - to obey or disobey the Torah. The resources with which we fulfill our purpose are given to us by G-d. Our choices do not define the amount and type of our resources. It is true that if we do not work and make a vessel for HaShem's blessings we will suffer want, but work itself is a fulfillment of the will of G-d as articulated in halachah. The fact is that we see that wealth is given to people not necessarily in accordance with their ability or effort. The world is full of rich and lazy fools and hungry and hard working geniuses. Wealth is not a reward for our virtue. It is a tool that can be used to serve or reject G-d. When we give charity to the limits of our ability and are impeccably honest in our dealings with rich and poor, customer and supplier, employer and employee, Jew and gentile alike we are truly wealthy and dignified. When we break the laws of honesty in business or fail to give charity because we desire wealth for its own sake and our own transient enjoyment we are engaged in denial of G-d's presence in our lives and are truly impoverished and degraded.

b. The need to say "enough" to the inclination to become completely involved in the pursuit of possessions. (1st Ohr Hachayim). When we imagine that our own efforts are the primary cause of our accomplishment or lack thereof in the economic sphere we can become obsessed. We become fixated on spending hour after hour trying to secure another deal, another customer, another rewriting of a brief, all at the expense of spending enough time on Torah study, prayer and "Ve'shinantam Levanachah" - educating our own children. As a wise educator once told me - "There is no such thing as 'quality time' with one's children, only 'quantity time' - you have to consistently be with them".

The sad thing is, the entire extra time invested doesn't even help our livelihood. How can we secure the blessings of HaShem by rejecting our connections to what G-d created us for in the first place?

During the Vietnam War reporters were taken on a tour of a village that had been the scene of intense fighting. Seeing that not a stick remained standing in the village a reporter asked the commanding officer for an explanation for the destruction. He responded "we had to destroy the village to save it". When this story got out, many Americans began to realize what a hopeless mess the war (as run from Washington) had become. How can we justify "destroying the village" - neglect of our G-dly obligations, to "save it" - to provide a vessel for G-d to give us the wherewithal to perform the mitzvot. You can't get to a destination by moving away from it!

C. The negative results of too much wealth (more than enough), hence the temptation to idolatry (Rashi). If we understand the nature of the way G-d gives us resources, if we have an abundance, it is all "enough" - exactly enough to fulfill our obligations. If we have a great deal of wealth, we have it to serve HaShem on a grand scale - HaShem has trusted us to accomplish great things. The Talmud tells us that Rebbe Yehudah Hanassi used to honor the wealthy. He didn't need donations for his Yeshivah, as Rebbe Yehudah Hanassi was one of the wealthiest

and most generous people in the world at that time. Rather he saw the enormous potential for good that HaShem had given them, which also meant they had the spiritual capacity and potential for true G-dly greatness. Rebbe honored them for their capacity for good, thereby inspiring them to do so.

But if we forget the "enough" and imagine that our wealth is our own pleasure and it is "extra" to be used mindlessly, it becomes an idol - a vehicle for misplaced arrogance, self indulgence, and self worship - the most pernicious forms of idolatry.

* * * The solution to these challenges is found at the end of our Haftarah. "Tzion will be redeemed with justice and her captives will return with tzedakah". Tzion- the totality of the Jewish people are redeemed from their own personal, internal exile by justice - by carefully judging our involvement in our daily activities in the light of the Torah, detail by detail - and then knowing when to say "enough!"

"Her captives return with "Tzedakah", commonly translated as "charity" meaning kindness. Tzedakah really means "rightness". Our use of our possessions and abilities for others is not an extra kindness - it is the only reason we have them in the first place. We always have exactly "enough" to fulfill our mission in life.

It is our hope on this Shabbat Chazon, that by us living the "enough" that HaShem will say "enough" to our exile and return us to 'Tzion' in it's simplest sense - the third and everlasting Beit Hamikdash standing on its Mount overlooking a rebuilt and perpetually rejoicing Jerusalem.

A Project of the National Council of Young Israel
<http://www.youngisrael.org> Kenneth Block (kenblock@att.net)

From: Aish.com[SMTP:aishlist@aish.com] Subject: The Three Weeks - Tisha B'Av Message <http://aish.com/holidays/> Aish.com TISHA B'AV & THE 3 WEEKS The 3 Weeks of Jewish national mourning continues until Tisha B'Av on August 9-10, 2000.

"TISHA B'AV MESSAGE"

by RABBI NOAH WEINBERG

Dean and Founder, Aish HaTorah

The prophet Ezekiel foretells that there will be a time when the Jews will say they no longer want to be G-d's chosen people.

Tragically, this prophecy is coming true today. In Israel, most of the country is trading Westernism for Judaism. And in the Diaspora, the rate of intermarriage is 70 percent.

Those of us who appreciate what it means to be Jewish are responsible for the situation of our people.

Why?

The Jewish people are one unit. The spiritual health of our nation is affected for good or bad by every member. Therefore the destiny of each Jew is inextricably tied with the action of his neighbor.

The Talmud (Shabbat 55a) recounts a fascinating exchange between G-d and the angels, which teaches us a profound lesson about the depth of our mutual responsibility.

In Ezekiel 9:4, it is written: "G-d said to the angel: Go through Jerusalem and make a mark with ink on the foreheads of the righteous so that the angels of destruction should not attack them. Also make a mark with blood on the foreheads of the wicked, so that they should be attacked by the angels of destruction.

The Attribute of Justice said before G-d, "Master of the Universe: How is one group different than the other?"

G-d replied, "One group is righteous, while the other group is wicked."

The Attribute of Justice said, "Master of the Universe, but the righteous were able to protest the actions of the wicked and did not do so."

G-d said, "It is revealed and known to Me that even if they would have protested, it would have had no effect."

The Attribute replied, "But the righteous didn't know that!"

It is thus written, "The Angels of destruction began with the elders who were in front of the Temple."

This is the punishment given to those who (according to G-d Himself) could not have succeeded no matter what the effort. Therefore, how great is our accountability in this generation -- when success is clearly within our grasp!

Why did we cry in the generation of Moses? Because even after G-d took us out of Egypt, gave us the Manna, the Well and the Clouds of Glory, we still said He couldn't bring us into the land of Israel. We didn't trust in Him -- because we lacked appreciation for all He'd done for us.

On Tisha B'Av, we have to take an accounting of ourselves. Are we grateful for all the Almighty has done for us -- and do we trust Him?

Are we in pain because of our brothers' suffering? Do we believe the Almighty will assist us if we reach out to help fellow Jews? Of course! The Almighty wants His children to return to Him!

We are one people with one destiny. Each of us is responsible for the actions of the other. A handful of people dedicated to the cause of Jewish continuity has already made a lasting impact on our future. If we join together, we will surely merit to bring back the entire Jewish nation.

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This parasha series is being dedicated in memory of Michael Jotkowitz, z"l.

Parashat Devarim MISHNEH TORAH - THE BOOK OF SECOND CHANCES
BY RAV YEHUDA SHAVIV

A. The Three Parts of the Sefer

Sefer Devarim, like Sefer Bemidbar, can be divided into three parts. The division of Sefer Bemidbar is based on the observation in Massekhet Shabbat (116a) that the parasha of "va-yehi bi-neso'a" is a Sefer in its own right (marked by the inverted "nunim"), while the division of Sefer Devarim into three parts arises from the contents of the Sefer itself: a section of rebuke (ch. 1-4), a section of mitzvot (5-26) and a section of the covenant (27-34).

The Vilna Ga'on regarded the first five verses of the Sefer as an introduction to these three sections. In this way he also solved the problem of the repetitions contained in these verses - a problem which is immediately obvious to anyone who studies this opening section. In the opinion of the Vilna Ga'on, the first two verses serve as the introduction to the first section of the Sefer; verses 3-4 introduce the second section (the sentence "Moshe spoke..." appears in the middle of the verse, thereby hinting at its role as the introduction to the middle section of the Sefer), and verse 5 introduces the third section (this verse concludes with the word "saying," hinting at its connection to the final section of the Sefer, which concludes with the same word).

B. Mishneh Torah

The three sections of Sefer Devarim, according to the explanation of the Vilna Ga'on, also correspond to the other Books of the Torah. (Sefer Bereishit is not included in this calculation, since it serves as an introduction for the entire Torah.)

The three books (sections) of Devarim correspond to the three Books of Torah, i.e.: The opening words, "Eleh ha-devarim (These are the things)" correspond to Sefer Shemot, which begins "Ve-eleh shemot"; the second section which begins "Vayikra" corresponds to Sefer Vayikra, and the third section begins with the word "va-yedaber," corresponding to Sefer Bemidbar.

Hence it is most appropriate that Chazal referred to Sefer Devarim as "Mishneh Torah" (lit. "repetition of the Torah"), since in this Sefer - and especially in the section of the mitzvot - we review material which we have already learned in the previous Books.

C. Did Moshe Compose These Words Himself?

In this Sefer we see both repetition and innovation. The Gemara (Megilla 31b) addresses the difference between the warning (blessings as well as curses) in Sefer Vayikra and the warning in Sefer Devarim, and notes as follows: "The former are formulated in the plural, and Moshe conveyed therein a Divine message, while the latter are in the singular and Moshe composed them himself."

In the Sefer Ha-Zohar this distinction is widened to include the entire Sefer

Devarim (see Zohar Devarim, 261a). This assertion, despite its support in the first-person wording of the Sefer, nevertheless contradicts the very basis of our faith in the Divine origin of the entire Torah. The Rambam (Hilkhot Teshuva 3:8) rules as follows: "Three fall into the category of heretics who deny the Torah: Someone who says that the Torah is not from G-d; if he says of even one verse or even one letter that MOSHE COMPOSED IT HIMSELF, then he is a heretic." The source for this ruling is to be found in a beraita in Sanhedrin 99a. In fact, the Zohar itself poses a similar question: "What does 'Moshe composed it himself' mean? Can one imagine that Moshe said even one single letter of the Torah of his own initiative?"

This problem can be solved by means of an observation by the Abarbanel. He maintains that at first Moshe indeed said these words of his own initiative, but afterwards G-d commanded him to write, and He dictated the same words in exactly the same way as He had dictated the previous Books. Hence, according to this opinion, there is nothing unique about the nature of this Sefer, since we have found similar instances in the other Books as well: various personalities who appear in the Torah (Pharaoh, Bil'am and others) uttered their own words, and eventually G-d dictated their words back to Moshe, and they have been included ever since as an integral part of G-d's Torah. Hence what sets Sefer Devarim apart is not a qualitative difference but rather a quantitative one - here, the great majority of the Sefer was recorded in this fashion.

D. The Sefer of Teshuva

If we seek some unique feature of this Sefer we shall discover that one of its characteristics - if not the crux of its whole message - is the concept of a "second chance." In other words, even if one has failed and sinned, there is always an opening for repair and improvement, for change and renewal. Hence the mention of a new mitzva in our Sefer - a mitzva mentioned for the first time qua mitzva: "For this mitzva which I command you today, it is not too wondrous for you, nor beyond your reach... for the matter is very close to you, in your mouth, in your heart, to perform it." (30:11-14) The Ramban (after first attempting to interpret the expression "this mitzva" as referring to the entire Torah) explains, "But 'this mitzva' refers to teshuva. The words, 'and you shall return it to your hearts' and 'and you shall return to the Lord your G-d' - define a mitzva; we are being commanded to act in this way... And this is the reason why the Torah says, 'in your mouth, in your heart, to perform it': They should confess their sins and those of their fathers verbally, and return in their hearts to G-d and accept the Torah upon themselves that day, to fulfill it for all generations..."

Teshuva is not presented here simply as a mitzva, but rather as a thoroughly attainable possibility which holds a promise of hope. Obviously, as any other mitzva, it has boundaries and regulations, and not everything that a person decides of his own initiative to do is automatically considered teshuva. This idea becomes apparent from the very start of the Sefer, where the story of the spies is recorded. When the nation received the news of the harsh decree that had been imposed upon them - that they would not merit to enter the Land of Canaan - some of them reacted in a way which could be interpreted as teshuva: "And you answered and said to me: We have sinned, we shall ascend and we shall fight just as the Lord our G-d has commanded..." (1:41). But this "teshuva" on their part was not accepted, and they were struck down by the Amorites living on the mountain. Despite their regret and their tears before G-d, nevertheless "G-d did not hearken to your voice and did not listen to you" (1:45).

E. Innovation of Mitzvot in Sefer Devarim

Let us turn our attention to some mitzvot which are first introduced in our Sefer. The Ramban, in his introduction to the Sefer, addresses a number of them: "And in this Sefer a few mitzvot are added which have not been mentioned previously at all, such as yibum (the obligation of a man to marry his deceased brother's wife if he died childless), the law concerning defamation of character, divorcing a woman, conspiring witnesses (a special category of false witnesses who claim to have witnessed an event when neither of them was in the vicinity at all) and others... And they were all conveyed to Moshe at Sinai, or in the Tent of Meeting some time during the first year, prior to the spies being sent, since on the Plains of Mo'av (just prior to the entry into the Land) Moshe received no new messages except for the formulation of the covenant... But these mitzvot were not recorded in the earlier Books, to be conveyed to the generation which had left Egypt, for perhaps these mitzvot were to be fulfilled only in the Land of Israel, despite the fact that they are an obligation to be physically fulfilled, as in the case of the libations, or otherwise they were mentioned only to the later generation which was to enter the land because they are mitzvot which do not frequently occur."

If we perceive the idea of a "second chance" as a central message of the Sefer, it is easy to understand why the mitzva of yibum is mentioned here. This mitzva comes to teach us that even if a person has died without leaving any descendants, all hope is not lost for his name and legacy to be continued, and for this important purpose the Torah goes so far as to permit the usually forbidden union with one's brother's wife.

The same can be said for the subject of divorce. A man and woman enter into the covenant of marriage, hoping to set up a home together, but unfortunately the covenant does not hold up, and it is apparent that there is no hope for this union. Is this couple obligated to remain together even though they cannot bear to live with each other? The Torah's solution is, "And she shall go out... and SHE SHALL BE (the

wife) OF ANOTHER MAN" (24:2). There is a formal procedure for divorce and dissolution of the marital bond, with the aim that hopefully these two people will be able to establish homes and futures with other partners.

Something of the same idea exists in the case of "conspiring witnesses," too. The Torah has already instructed that "a matter is established by the word of two witnesses or by the word of three witnesses" (19:15). Thus the testimony of the witnesses is the formal and reliable basis for judgment in cases where a deed was witnessed. But, teaches Sefer Devarim, let us not get carried away with formal rigidity. Even this seemingly firm basis can sway and crack, and the Torah provides a legal framework for the rejection of their testimony and for their punishment.

From here we turn to the very institution of justice and the legal establishment. Although the Ramban does not mention it, the mitzva of appointing judges for each city is also an innovation of Sefer Devarim. Several fundamentals of the Torah's legal system are detailed in parashat Shoftim and in parashat Ki Tetze, and right at the beginning of the Sefer we find an extensive description of the appointment of the judges, in what seems to be out of the narrative context (1,9-17).

In truth, the whole essence of the legal system is an attempt to deal with deficiencies in the order of life. When some problem arises, whether in the realm of interpersonal relationships or a conflict between the individual and society - or even in the relationship between man and G-d - the legal system is there to restore order, either by its decision or by application of the appropriate punishment.

This may be part of what Chazal meant when they taught: "Any judge who renders a genuinely true judgment even only on one occasion - the Torah regards him as though he became G-d's partner in the Creation." (Shabbat 10a) It is conceivable that in some sense he becomes a partner of G-d, for the King of the Universe certainly watches and judges the whole world, but why does he become G-d's partner specifically "in the Creation"? The answer may be that wicked individuals who cause perversion and injustice are in fact causing damage to the fabric of life in the world and are spoiling the work which the Creator did during the days of Creation. Whoever restores judgment and order therefore becomes G-d's partner - retroactively, as it were - in the Creation.

F. Mitzvot Pertaining to the Community

All details of social organization - administration, institutions and regime - are an innovation of this Sefer. This category includes the mitzva of appointing a king and all the detailed halakhot pertaining to this institution, as well as the institution of prophecy, the halakhot of going out to war, etc. Almost everything which is codified in Rambam's Hilkhot Melakhim, as well as a sizable portion of the halakhot pertaining to the Sanhedrin and laws of testimony, appear for the first time in Sefer Devarim.

Let us try to understand why these mitzvot appear specifically - and only - in Sefer Devarim. Perhaps, since they are mitzvot which pertain to the nation as a whole rather than to each individual, it was not appropriate for them to be mentioned in those Books which deal with the sojourns of the nation in the desert, for at this stage they were still a group of individuals, not having acquired the status of a nation in its land. It is only as they are about to enter Eretz Yisrael that the nation assumes a collective identity, and at this point it is appropriate to introduce "national mitzvot."

However, there may be an additional reason for this phenomenon. Concerning one particular mitzva in Sefer Devarim, Chazal (Kiddushin 21b) taught that "The Torah so instructs only as a measure against the yetzer ha-ra (evil impulse)." This is the mitzva of the "yefat to'ar" - the beautiful gentile woman captured on the battlefield, whom "if the Holy One, Blessed be He, had not permitted (to the Israelite man) then he would have married her even illegally" (Rashi on 21:11). This concept of "concession to the yetzer ha-ra" can be extended to many other communal mitzvot, such as that of warfare and perhaps even also the mitzva of appointing a king. This idea is based on the words of Rabbi Nehorai (Sanhedrin 21b): "This parasha was only given in response to their grievances." "Grievances" can be regarded as being in the same category as the yetzer ha-ra.

Mitzvot which are given as measures against the yetzer ha-ra are a type of "bediavad" (after the fact, less than ideal) mitzva, as it were, which arise from a penetrating view of this world with all its weaknesses and crises; these are mitzvot which attempt to correct even the yetzer ha-ra itself, gradually, and to create order and procedure even amidst chaos and crisis. Perhaps the entire institution of social control may be viewed as a means to rectify a missed opportunity of the individual. By extension, the same purpose can certainly also be attributed to such personal mitzvot as divorce and conspiring witnesses.

G. Wherever We Call Unto Him

The theme of the "second chance" is also emphasized in Moshe's speeches of rebuke. Even if the nation has sinned, the possibility of correction still exists. For this purpose Moshe goes so far as to put his fate at stake as against that of the nation. At the opening of parashat Va-et'chanan Moshe recounts his attempts to change G-d's decree against him by prayer and supplication. But he was halted from on High: "You have spoken too much; do not speak to Me any longer on this matter" (3:26). Immediately thereafter, we read: "And we stayed in the valley, facing Beit Pe'or... And now, Israel, hear the statutes..." (3:28-4:1). At first we don't detect any textual difficulty or hint here. But Rashi explains: "You were in close proximity to idolatry (Ba'al Pe'or), but nevertheless, 'Now, Israel, hear the statutes...'. In other words, all was forgiven you, but I did not merit that my sin be forgiven."

Is this not the power of the community - that the Heavenly doors are never closed before it?! "But as part of a community, so long as they engage in teshuva and cry out with a sincere heart - they are answered, as it is written, 'As the Lord our G-d whenever we call unto Him.'" (Rambam, Hilkhot Teshuva 2:6)

H. Before All of Israel

But we shall see that this power is revealed with much greater clarity at the conclusion of the Sefer, in the description of the greatness of Moshe: "And no other prophet arose in Israel like Moshe... for all the signs and wonders which G-d sent him to perform in the land of Egypt... and for the strong arm and all the great terror which Moshe performed before the eyes of all of Israel."

What was it that Moshe did "before the eyes of all of Israel"? Rashi explains, "Before all of Israel - that his heart led him to shatter the tablets before their eyes, as it is written, 'And I shattered them before their eyes', and G-d approved of his action, as it is written, 'which you broke' - you did well in breaking them."

Hence we may perhaps say that it was this great deed which created the possibility of a continuation, the possibility of correction within the camp, the possibility of and the sculpting of new tablets upon which the ten commandments would once again be written. The shattering of the first tablets as a result of the golden calf episode teaches us about the possibility of building anew, on the ruins of the old.

Proof of this is to be found in the fact that the repetition of the ten commandments in parashat Va-et'chanan, in our Sefer, are - with some adjustments - the commandments which were written on the second tablets (according to the Maharaal, in Tiferet Yisrael, end of chapter 44). This is the very definition of Mishneh Torah - the Torah repeated a second time, amidst conflict and following conflict with the yetzer ha-ra.

For Further Study:

1. In Parashat Devarim, Moshe recounts those events which explain the PRESENT situation of the Jews in ARVOT MOAV - the incident of the spies, the path taken to avoid Edom and Moav, the wars with Sichon and Og. Why is the appointment of judges 38 years earlier included (1,9-17)?

2. In the descriptions of Edom, Moav, and Ammon, the Torah details which nations previously occupied those territories (2:11-12, 20-23); even repeating this information, in the case of Edom, three times. What is the significance of this detail in Moshe's speech? (Add to this list the historical place-name details given in 3:9, 13-14).

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