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INTERNET PARSHA SHEET  
ON DEVARIM  
& TISHA B'AV - 5763

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From: torahweb@zeus.host4u.net Sent: Thursday, July 31, 2003  
To: weekly1@torahweb.org Subject: Rabbi Yaakov Haber - The Dual Aspects of Bein HaMetzarim and Tish'a B'Av  
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RABBI YAAKOV HABER  
The Dual Aspects of Bein HaMetzarim and Tish'a B'Av

The Tur (Orach Chaim 549) introduces the halachos of fasting and fast-days by describing the four fasts of 17 Tammuz, Tish'a B'Av, Tzom Gedalya and 'Asara B'Teiveit as days of mourning commemorating tragic events in Jewish history. Whereas the Kinot and Shiv'a-like mourning practices on Tish'a B'Av underscore this theme on this saddest day of the year, the Tur teaches that the purpose of the other fast days as well is to mourn the various stages of the destruction of the Temple, the removal of Jewish sovereignty over the totality of Eretz Yisrael and the dispersion of the Jewish nation. Rav Yosef Dov Halevi Soloveitchik zt"l maintained that in light of this aspect of these days, practices of the "12 months" period of mourning for a parent apply on all of them. [See Peri Megadim (quoted by Bei'ur Halacha 551 :s.v. meiRosh Chodesh) who opines that even the practices of the "Nine Days" apply on these days.] Rambam (Hilchot Ta'aniyot Chapter 1) -- as noted by Chasam Sofer (Orach Chaim 208) and later by Rav Soloveitchik -- highlights a different aspect of these days -- that of repentance. By contemplating the past tragedies and realizing that any generation that has not merited the restoration of the Mikdash is also considered guilty of the same crimes which led to its destruction, the individual is spurred to repent for the misdeeds of both his ancestors' and his own generations. Clearly, both aspects, mourning and repentance, are present in varying proportions on all the fast-days. The Selichot recited on the other fast-days and the Kinot of Tish'a B'Av recall the various tragedies which occurred on that particular day. The Torah reading of Va'Yechal and the Haftarah of Dirshu Hashem B'himatz'o read on all of these fast-days call to repentance. The repetition of the 13 Middot HaRachamim throughout the Selichot on the other fast-days serve as an intense prayer for forgiveness. It would appear that on the evening and morning of Tish'a B'Av the mourning aspect dominates: the Torah reading and Haftarah of Shacharis warn of the dire consequences of abandoning the D'var Hashem. The Kinot do not include the 13 Middot HaRachamim. Only at Mincha do the Keriat HaTorah and the Haftarah switch to those of a regular fastday. This seems to be consistent with the theme found in pos'kim that some of the restrictions of mourning are relaxed after noon of Tisha B'Av as

we express our confidence that through our repentance we are assured to see the fulfillment of the prophecies of consolation: total return to Tzion and rebuilding of the Mikdash. [See Shiurei HaRav 'al 'Inyanei 'Aveilus v'Tish'a B'Av compiled by Rav E. Koenigsberg, especially Inyanei Tish'a B'Av (Simanim 1 & 20) for further analysis of these themes.]

The fact that the first half of the day does not focus on repentance but exclusively on mourning may perhaps be explained with an analogy from the t'shuva process itself. As is well known, repentance as formulated by Rambam consists of three fundamental components: 1) regret, 2) confession and 3) commitment not to return to sinning. Sincere regret requires intense contemplation of the sin: both concerning the Infinite power and exaltedness of the Legislator of human conduct and the act of rebellion against His wishes. The singularly-focused mourning over the past and present destruction serves as an intense impetus for sincere regret over the sins causing it. Contemplating, reciting and seeing before the mind's eye the devastating physical effects of the sin highlight the parallel, enormous, spiritual distance formed between Creator and created by these actions. Only after this realization can the mourner truly turn toward repentance. This theme is expressed by the Slonimer Rebbe zt"l in his Nesivos Shalom, interpreting a passage in T'hilim (139:8): "If I soar to the heavens, there You are; and if I descend to the Pit, behold, You are there [too]." A sinner, even while wallowing in the depths of his crimes, realizes that this same emotion can serve as the greatest of incentives to soar back heavenward, realizing that Hashem is always with him and awaits his return.

The Haftarah for this Shabbat, whose first word, "chazon", has traditionally been incorporated into the name of the Shabbat on which it is read (Shabbat Chazon), also stresses both of these aspects. Yeshaya first prophetically mourns the future destruction:

"Why should you be further smitten when you increase your straying; all heads are ill; all hearts are in pain. ... Your land is desolate, your cities are burned in fire, right before you, strangers consumed your land, and it is desolate being overturned by strangers. And the Daughter of Tzion shall remain as a booth in the vineyard ... as a city besieged is your land. If not that Hashem [Lord of] Hosts left a remnant, we would have been as S'dom, similar to 'Amora! (1:5-10)"

This is quickly followed by Yeshaya's fervent call for repentance:

"Cleanse yourselves, purify yourselves, remove the evil of your ways from before My eyes, cease harming. Learn to improve yourselves, seek out justice, support the victim, judge the orphan, advocate for the widow. Let us investigate, says Hashem, if your sins will be as scarlet, as snow shall they be whitened; if they will be reddened as crimson, as wool shall they be. If you would but will [to change] and hearken, the good of the land shall you eat! (1:15-19)"

Perhaps the fact that we traditionally read this Haftarah before Tish'a B'Av itself serves to highlight that the entire extended mourning period surrounding the fast-day, the week of Tish'a B'Av according to the Talmud and, by common custom, including the Three Week period from 17 Tammuz, also is an appropriate time for both themes: mourning and repentance. The Kozhnutzer Maggid zt"l quoting Rav Elimelech of Lizhensk zt"l alludes to this duality by commenting on the verse from Eicha, after which this mournful period is named: "Kol rod'feha hisiguha bein ha'metzarim" -- "all of her [Tzion's] pursuers overcame her between the straits." The Maggid interprets this verse homiletically as "all who pursue Hashem [rod'fei kah] during this

time period of Bein HaMetzarim will succeed in achieving their spiritual quest."

In the dual merit of our mourning over the physical and spiritual devastation brought about through our past and present misdeeds and hopefully the thoughts and actions of repentance motivated by this mourning, may we see the complete "simchas Y'rushalayim" in our days!

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[http://www.torahweb.org/torah/2002/moadim/rsac\\_tishabav.html](http://www.torahweb.org/torah/2002/moadim/rsac_tishabav.html)  
TorahWeb.org [From last year]

#### RABBI YONASAN SACKS PERSPECTIVES ON TISHA B'AV

The unique character of Tisha B'av manifests itself in two distinct ways. Modeled after Yom Kippur, Tisha B'av is essentially a ta'anis tsibbur (a public fast). The Talmud in Pesachim (54b) explains: "Ein bein Tisha B'av l'yom hakippurim ela shezeh sfeiکو assur v'ze sfeiکو muttar" – the only difference between Tisha B'av and Yom Kippur is that whereas situations of doubt are forbidden on Yom Kippur, they are permitted on Tisha B'av. Accordingly, the chamisha enuyim, the five afflictions that are forbidden on Yom Kippur are prohibited on Tisha B'av as well.

Teshuva (repentance), essential to Yom Kippur, is a central theme of the krias haTorah (Torah reading) on Tisha B'av. "B'tsar l'cha u'mtsaucha kol hadevarim ha'eileh b'acharis hayomim, v'shavta ad Hashem elohecha v'shomata b'kolo" (Devarim 4) "When you are in distress and all these things have befallen you, at the end of days, you will return unto Hashem your G-d and hearken to His voice."

Tisha B'av however, is not merely a ta'anis tsibbur. The Talmud in Taanis (30a) teaches, "Kol mitsvos hanohagos b'aveil nohagos b' Tisha B'av". In addition to ta'anis tsibbur, Tisha B'av is characterized as a yom aveilus - a day of mourning. This aspect of the day is emphasized in the haftarah, "asof asifem", "I shall utterly destroy them", which underscores the despair, suffering, and aveilus of Keneses Yisrael.

The Meiri (Yoma 78a) explains that because of this additional element of aveilus, Rabbi Yehoshua Ben Levi refrained on Tisha B'av from wiping his face, hands, and feet with a towel – a practice that is permitted on Yom Kippur!

Emphasizing the nature of Tisha B'av as a day of mourning, the Chassam Sofer (Ohr Hachaim siman 157) maintains that even individuals who must eat on Tisha B'av can be called to the Torah and receive an aliyah. He suggests that the obligation of krias haTorah on Tisha B'av is not merely a function of ta'anis tsibbur, but reflects the character of the day as a yom aveilus.

Although we often associate tefilas neilah with Yom Kippur, the Mishna in Taanis (26a) explains that this tefilah is recited on fast days decreed in times of calamity. If so, why is tefilas neilah not recited on Tisha B'av? Rav Solovietchik zt"l explains that unlike shacharis, mincha, and ma'ariv which are independent tefilot, neilah is an encompassing tefilah through which we beseech Hakadosh Baruch Hu to accept all of our tefilot of the day. If an individual failed to daven shacharis, he can nevertheless fully fulfill his obligation to daven mincha. Failure, however to daven any of the tefilot of Yom Kippur, renders tefilas neilah incomplete. Ta'anis tsibbur in general, and Yom Kippur in particular, are times of kabolas tefilah and we are therefore obligated to recite neilah. Tisha B'av however is characterized as "sosam tefilasi" (Eicah 3:8) – a time of aveilus when our tefilot are silenced, and hence we omit tefilas neilah.

May our taanis and aveilus elicit rachamei shomayim on behalf of Keneses Yisrael.

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#### DESTRUCTION OF THE TEMPLE RABBI KEN SPIRO

On the saddest day in the Jewish calendar, the 9th of Av, the Temple burns to the ground.

We left off the story in the last installment with Vespasian being made Caesar and returning to Rome. His son Titus now takes over the siege of Jerusalem. Titus attacks just after Passover in the year 70 CE, battering the city with his catapults which propel a rain of stone, iron and fire onto the population. By then, the city defenders are weakened from hunger and perhaps even more so from internal strife. Even so, it takes Titus two months of intense fighting before he is able to breach the walls of the city. The date for this event is 17th of the Hebrew month of Tammuz. To this day, religious Jews fast on the 17th of Tammuz in commemoration of this event.

Roman historian, Deo Cassius, reports: "Though a breach was made in the wall by means of engines, nevertheless the capture of the place did not immediately follow even then. On the contrary, the defenders killed great numbers [of Romans] who tried to crowd through the opening and they also set fire to some of the buildings nearby, hoping thus to check the further progress of the Romans. Nevertheless, the soldiers, because of their superstition, did not immediately rush in but at last, under compulsion from Titus, they made their way inside. Then the Jews defended themselves much more vigorously than before, as if they had discovered a piece of rare good fortune in being able to fight near the Temple and fall in its defense."

A horrific slaughter ensues with the Romans taking the city, literally house-by-house. One of the excavations that testifies to the destruction is the famous "Burnt House" which is open to visitors in Old City Jerusalem today. Here the skeletal remains of a woman's arm were found where she died on the doorstep of her house, a spear still in her death grip.

It takes him three weeks, but Titus slowly works his way to the Temple Mount. Now a duel to the death ensues, and finally, four months after the Romans had begun this attack Titus orders the Second Temple razed to the ground. The day is the 9th of Av, the very same day on which the First Temple was destroyed.

Deo Cassius again: "The populace was stationed below in the court and the elders on the steps and the priests in the Sanctuary itself. And though they were but a handful fighting against a far superior force, they were not conquered until part of the Temple was set on fire. Then they met their death willingly, some throwing themselves on the swords of the Romans, some slaying one another, others taking their own lives and still others leaping into the flames. And it seemed to everybody and especially to them that so far from being destruction, it was victory and salvation and happiness to them that they perished along with the Temple."

All of the neighboring countryside is denuded of whatever trees remained from the siege to create the giant bonfire to burn the buildings of the Temple to the ground. The intense heat from the fire causes the moisture in the limestone to expand and it explodes like popcorn, producing a chain reaction of destruction. In a day's time, the magnificent Temple is nothing but rubble.

## History As Destiny

The destruction of the Second Temple is one of the most important events in the history of the Jewish people, and certainly one of the most depressing. It is a sign that G-d has withdrawn from (though certainly not abandoned) the Jews. Although the Jews will survive – in accordance with the promise that they will be an “eternal nation” - the special relationship with G-d they enjoyed while the Temple stood is gone.

Sadly, this period of time, perhaps more than any other reflects the maxim that Jewish past is Jewish future, that Jewish history is Jewish destiny.

There's no period of time that more closely reflects what is going on today in Israel and among the Jewish people worldwide. (See Part 33). We are still living in the consequences of the destruction of the Second Temple, spiritually and physically. And the same problems we had then are the same problems we have now. States the Talmud (in Yomah): “Why was the Second Temple destroyed? Because of *sinat chinam*, senseless hatred of one Jew for another.”

What is the antidote to this problem which is so rampant in the Jewish world today? The answer is *ahavat chinam*, the Jews have to learn to love their fellow Jews. There's no hope for the Jewish people until all learn how to communicate with each other, and respect each other, regardless of differences.

G-d has no patience for Jews fighting each other. It's extremely important to study this period of time carefully because there are many valuable lessons that we can learn about the pitfalls that need to be avoided.

### “Judea Captured”

Before setting fire to the Temple, the Romans removed anything of value. Then they harnessed a group of Jewish slaves to take these priceless artifacts to Rome. Their arrival in Rome is memorialized in engravings of the Arch of Titus, still standing there today near the Forum.

It was the tradition in the Roman Jewish community that Jews would never walk under that arch. On the night of May 14, 1948, when Israel was declared a state, the Jews of Rome had a triumphant parade and marched under the arch. Their message: “Rome is gone, we're still around. Victory is ours.”

But at the time it was a horrible disaster. Hundreds of thousands of people died, many more were enslaved. There were so many Jews flooding the slave market after the Great Revolt that you could buy a Jewish slave for less than the price of a horse. Israel was in despair.

### Masada

Jerusalem has been conquered, the Temple has been destroyed, but it was not over yet.

A group of about 1,000 Zealots escaped and made their way into the desert where they holed up in the great fortress on top of a mountain plateau called Masada. Masada was built by Herod, the Great, as a place of refuge for him. As such it was practically self-sufficient. With its own water collection system and storage houses that could feed an army for years. What's more, the fortress was practically inaccessible from below and easy to defend. Indeed, the Zealots manage to survive there for three years.

If you go visit the ruins of Masada, you will see the remains of the fortress as well as the ramp that the Romans built, using Jewish slave labor, in order to capture Masada.

Josephus reports on the capture of Masada in 73 CE and the narrative resembles in some way the capture of Gamla. Here, too, the Zealots killed their own families, then each other until finally, there was only one man left, and he committed suicide.

For the modern state of Israel, Masada is a symbol of Jews who chose to die as free men rather than be enslaved or executed by the Romans, and is held up as a Zionist ideal. Up until recently, Israeli soldiers would go up to Masada to be sworn in, and call out for the mountain to hear and echo back: “Masada will never fall again!” (We will discuss this in greater detail in future installments on modern Zionist history.)

Back in 73 CE when Masada, the last Jewish stronghold, fell, the Romans could finally declare an end to the revolt.

Congratulating themselves on asserting the Roman might against the defiant Jews, the Romans also minted coins depicting a weeping woman and proclaiming *Judea Capta*, “Judea Captured.” But was it?

### Jewish Survival

The land was no longer under Jewish control, but it had not been since the days of Hasmoneans anyway. True, the Temple, the center of Jewish worship and the symbol of Judaism's special connection to the one G-d, was gone. But Judaism - along with all its unique value system – was alive and well.

Thanks to the foresight of Rabbi Yochanan ben Zakkai, the center of Torah learning at Yavneh thrived. It was here that the rabbis put together the legal/spiritual infrastructure which would allow the Jewish people to survive without many of the normative institutions which were the backbone of Judaism: Temple and its service, the High Priesthood, the monarchy. It was here that the rabbis institutionalized public prayer as a replacement for the Temple service and made the synagogue the center of Jewish communal life.

But most importantly, it was here that the rabbis devised a way of making sure that Judaism lived on in every Jewish home. In the coming years, when the Jews would be dispersed the world over - doomed for two thousand years to have no common land, no centralized leadership, and aside from Hebrew scriptures, no common language - they would carry with them their Judaism undiminished.

But that was yet to come.

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EZRAS TORAH LUACH

SHABBOS PARSHAS DEVORIM (CHAZON) 4 AV, FRIDAY EVENING, AUG. 1

SHABBOS, AUG.2, 4 AV

(Some have the custom to sing *Lechah Dodi* in the melody of *Eli Zion*.) The Haftorah is read (to the special melody of *Eichah*) from *Isaiah 1:1-27*. *Kel Malei* and *Av Harachmim*; usual *Mussaf*; Chapter 2 of *Pirkei Avos*.

At the Departure of Shabbos we make the usual *Havdalah* using wine. (If there is a child who understands the nature of a *Bracha*, we give him the wine to drink. If there is no child, the one who makes *Havdalah* may drink the wine himself.)

EREV TISHA B'AV 8 AV, WEDNESDAY, AUG. 6

No *Tachanun* at *Mincha*.

At the concluding meal before the fast, aside from the bread, we may not eat two different types of cooked foods. Three people should not eat together in order to avoid making a *Zimun* (quorum of three for the Blessing after Meals). We sit upon the floor and eat the customary egg dipped into ashes to symbolize our state of mourning. One may not eat another cooked food with the egg, as the egg itself constitutes a cooked food. We stop eating and drinking, as well as the other four categories of activities forbidden on *Tisha B'Av*, before sunset.

TISHA B'AV 9 AV, WEDNESDAY NIGHT, AUG. 6

This is a Public Fast Day. On *Tisha B'Av* we are prohibited to eat and drink, to wash ourselves (even in cold water), to apply oils to ourselves for pleasurable purposes, to have marital relations, and to wear leather shoes. “Anyone who eats or drinks on *Tisha B'Av* will not participate in the rejoicing over the rebuilt Jerusalem. And all who mourn for Jerusalem will

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

#### MAARIV

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

9 AV, THURSDAY MORNING, AUG. 7

#### SHACHRIS

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

After midday it is permitted to sit on chairs or benches.

#### MINCHA

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

[Our Sages have emphasized that the essence of a Fast Day is the process of Teshuva — Repentance. This is particularly so for those sins that were responsible for the destruction of the Beis HaMikdash, and yet, which we remain guilty of today. Here is a partial listing of those transgressions: Jerusalem was destroyed because:

- 1) the Jews profaned Shabbos.
- 2) they did not provide for the Torah education of their small children.
- 3) they did not recite the Shema morning and night.
- 4) they showed contempt for Torah scholars.

5) they had unwarranted hatred for each other.

6) they hardened their hearts to any fear of Divine retribution (see Gittin 55b).

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

It is a great Mitzvah to study on a daily basis the Sefer Chofetz Chaim which discusses the laws of Lashon Harah and Rechilus (talebearing). The major reason for the destruction of the Holy Temple was senseless hatred and Lashon Harah. By studying these laws, a person becomes sensitized to refraining from these very serious sins. Conversely, if one does not study these laws on a regular basis, he will not be as careful in avoiding these transgressions, nor will he understand the intricate details involved in guarding one's speech. One should read the Chofetz Chaim's zt"l descriptions of the great rewards that await those who are careful to avoid these sins. The Vilna Gaon zt"l quotes a Medrash that states: "For every moment that a person refrains from forbidden speech, he earns a celestial light hidden away for the righteous, whose value cannot be comprehended by neither angel nor man."

10 AV, THURSDAY NIGHT, AUG. 7,

#### MAARIV

We recite the usual weekday Maariv. After services we sanctify the New Moon of Av.

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From: Yeshivat Har Etzion Office [office@etzion.org.il] Sent: Wednesday, July 30, 2003 5:06 AM To: yhe-sichot@etzion.org.il Subject: SICHOT63 -42: Parashat Devarim Student Summaries Of Sichot Of The Roshei Yeshiva Dedicated in memory of Yaakov Levi z"l ben Harav Aryeh Matanky, whose first yearzeit is 2 Menachem Av. The Alon Shevut community joins in mourning the tragic and sudden death of Rav Avraham David HaLevi Ish Horovitz of Efrat. HaMakom yenachem etkhem be-tokh she'ar avlei Tzion ve-Yerushalayim.

#### SICHA OF HARAV YEHUDA AMITAL SHLIT"A

"Across the Jordan ... Opposite Suf" Adapted by Dov Karoll

These are the words Moshe addressed to all Israel across the Jordan, in the desert, in the Arava, opposite Suf, between Paran and Tofel, Lavan and Chatzeirot and Di-Zahav. It is eleven days' journey from Chorev, by way of Mount Se'ir, to Kadesh Barnea. It came to pass in the fortieth year, in the eleventh month, on the first day of the month, that Moshe addressed the children of Israel, in accordance with all the commandments that G-d had given him. (Devarim 1:1-3)

What is the reason for this lengthy description of place and time? Rashi and Onkelos explain that the place names are hints of rebuke for the Jewish people. Rashi adds that they are cast in hints rather than coming explicitly as rebuke, "out of respect accorded to Israel." On the other hand, the Rashbam explains that the simple understanding of the first verse is that these are all place names. But why do we need this lengthy description? Rav Shimshon Raphael Hirsch explains that this description comes to enable Jews of later generations to find exactly where Moshe's speech was, and to enable them to identify with Moshe Rabbenu and the speech. The more that every word of these last speeches ... bears the stamp of the depth of feeling with which his heart clung to his people and their future happiness, the more the deep longing is expressed therein to give his whole spirit and soul to his people for the future so full of trials and tests which awaited them, and the less this spot in the wilderness is recognizable by any special characteristics of its own, all the

more is the wish understandable to keep it in memory by the knowledge of its exact location.... We may ask a second question regarding these verses. Based on a midrash (Tanchuma Devarim 2), Rashi explains the phrase, "Moshe began to expound the Torah" (verse 5), as teaching us that Moshe expounded the Torah in seventy languages. What is the meaning of this midrash, and why does Rashi choose to bring it here? The idea is that the Torah is applicable to every language, to every different society. Applying this principle, the midrash and Rashi explain that in this sense, it is considered as if Moshe himself translated the Torah to be applied everywhere. This idea is crystallized by the Rambam. In his ninth principle of faith (in the introduction to the last chapter of Sanhedrin in his Mishna Commentary), the Rambam explains that the Torah will never be replaced or exchanged. Similarly, in Hilkhos Melakhim 11:3 (in the uncensored edition) he declares: "The laws of the Torah will not ever change, and we neither add to them nor detract from them. Anyone who does so, or who changes mitzvot from their original meaning, is a wicked person and a heretic." In other words, the Torah needs to be applied to every generation and is not to be supplanted. Beyond that, the Torah also needs to be applied to the precise circumstances in which one finds oneself. The Torah needs to be translated into the language of the particular culture where one is. It is for this reason that the Torah cites the exact time and place. Where exactly did Moshe deliver his message? "In the desert, in the Arava, opposite Suf, between Paran and Tofel, Lavan and Chatzeirot and Di-zahav." When did he give this message? "In the fortieth year, in the eleventh month, on the first day of the month." The application needs to be precise, to fit the audience one addresses as well as possible. To conclude, in fulfilling the mitzvot, we also need to bear in mind the Rambam's advice (Hilkhos Shechita 14:16) regarding kissui ha-dam, the mitzva of covering the blood of a slaughtered animal: When a person covers the blood, he should not cover it with his feet, but instead with his hands, a knife or a utensil, so that he will not treat it with disdain, and regard the mitzvot with scorn. For the honor accorded to the mitzvot is not for the mitzvot themselves. Rather, the honor is for He who commanded us to observe them, and thus saved us from groping in the darkness, and granted us a lamp to straighten crooked paths and a light to illumine the upright ways. And this is what the verse states, "Your words are a lamp to my feet and a light for my ways" (Tehillim 119:105). [This sicha was delivered on leil Shabbat Parashat Devarim 5762 (2002).] to subscribe send e-mail to majordomo@etzion.org.il with the following message: subscribe yhe-sichot yeshivat har etzion's israel koschitzky virtual beit midrash is on the world wide web at <http://www.vbm-torah.org> yeshivat har etzion israel koschitzky virtual beit midrash alon shevut, gush etzion 90433 e-mail: yhe@etzion.org.il or office@etzion.org.il

From: Kerem B'Yavneh Online [feedback@kby.org] Subject: Parshat Devarim

HAFTORAH: The Redemption of Zion and its Returnees  
Rosh Hayeshiva RAV MORDECHAI GREENBERG shlitza

In this week's Haftorah, it says: "Zion will be redeemed through justice, and its returnees through charity." (Yeshaya 1:27) We note that the redemption of Zion will be through "justice," whereas the return of the exiled people will be through "charity."

R. Chaim Volozhoner zt"l explains this based on the laws of loans and guarantors. When the borrower establishes a guarantor, who will be responsible for the repayment of the debt, the law is that when the borrower repays the loan – the guarantor is also rightfully exempt. However, when the lender cancels the loan, there is a distinction between the exemption of the borrower and the exemption of the guarantor. The borrower is exempt due to the kindness of the borrower, who canceled his load. However, the guarantor is not exempt due to the kindness of the borrower, but rather, once the borrower is exempt – the guarantor is rightfully exempt from his guarantee.

We find the Temple is a guarantor for Israel's "debt" to G-d. "These are the reckonings of the Mishkan, the Mishkan of Testimony." (Shemot 38:21) Rashi writes: "The Mishkan, the Mishkan: Two times, an allusion to the Mishkan (i.e., Temple) that was taken as collateral (mashkon) in the two destructions for the sins of Israel." Thus, the Mishkan is a guarantee. When Israel sinned, G-d took the guarantee. When G-d will have mercy on Israel and forego their sins, the guarantor will no longer be obligated, and the Temple will be rebuilt – just as the cancellation of the debt exempts the guarantor.

This is what the prophet says: "Zion will be redeemed through justice, and its returnees through righteousness." The returnees merit G-d's kindness, and it is charity from Him that He exonerates them. However, Zion is redeemed through justice; after G-d exonerates Israel, the Beit Hamikdash will be rebuilt rightfully – through justice – and not through charity.

R. Chaim added that Zion, which symbolizes Klal Yisrael, has a promise that it will be redeemed in any case: "Your children will return to their border." (Yirmiya 31:17) The Ohr Hachaim writes that the redemption will come even if all of Israel are completely wicked, G-d forbid. However, the returnees, the individuals – will not be redeemed other than in the merit of their good deeds: charity.

May we merit to see the redemption of Zion and the return of Klal Yisrael to Eretz Yisrael.

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#### TISH'A B'AV IN THE SECOND TEMPLE PERIOD

Dr. David Henschke, Department of Talmud, Bar-Ilan University, 7/28/01

Maimonides in his commentary on the Mishnah (Rosh Ha-Shanah 1.3) states that even in the days of the Second Temple it was customary to fast on the Ninth of Ab. It might seem to us astonishing for the people to have observed a fast day over its destruction while the Temple stood in all its glory! [1] For this reason, Rabbi Simeon ben Tzemah Duran (Spain and North Africa, died in the second half of the 15th century), asserted in his responsa (Tashbetz II, par. 273): "It appears that what the Rabbi z"l [Maimonides] wrote in this regard is a scribal error." Other rabbis have followed his lead, up to our own day (see Rabbi Ovadia Yosef, Yabia Omer, I, par. 34.3).

Now that we have access to a manuscript copy of Maimonides' commentary on the Mishnah, proofread by the author himself, we can say without doubt that there was no scribal error. Moreover, it has been noted in the responsa Mishkenot Yaakov (par. 136) that even in his magnum opus, the Mishneh Torah, Maimonides expressed the same view. For in chapter 5,5 of Hilkhos Taanit, after listing the four fast days associated with the destruction of the Temple, Maimonides adds, "It was customary for all the Jews

to fast on these times. And on the 13th of Adar, in remembrance of the fast observed in the days of Haman.”

The Maggid Mishnah expresses surprise at the above formulation: how could Maimonides have ascribed the reason for fasting the four fasts to custom, after he himself had established that the obligation to fast followed from the words of the prophets?

In response, the Maggid Mishnah cites the Talmud (R. H. 18b), which says that the duty to fast changes according to the circumstances pertaining in every generation. Three conditions are defined there: 1) in peacetime the fast day becomes a day of festive rejoicing; 2) in time of disaster, the fast is absolutely obligatory; 3) when conditions are somewhere between these two extremes – peace and disaster – the obligation to fast depends on the will of the community, to fast or not as the community sees fit. This holds for all fasts, save the Ninth of Ab, which, “since the misfortunes were redoubled on that day,” is obligatory even in the aforementioned intermediate condition. Hence the Maggid Mishnah explains that Maimonides said that the fasts were a matter of custom, since nowadays one fasts only because of the wishes and practice of the community.

But this answer is problematic for several reasons. The entire discussion of these three conditions is not mentioned at all by Maimonides. Moreover, Mishkenot Yaakov notes that the sentence which follows is peculiar in style – “And on the 13th of Adar” has no predicate: what is to be done on that day? Therefore he suggests that the conjunction “and” before “on the 13th of Adar” should be deleted and the text should read as a single sentence: “And it is customary in these times for all Jews to fast on the 13th of Adar.” “A sage is greater than a prophet” goes the saying, and indeed the Mishkenot Yaakov’s scholarly emendation was born out in our days, as evidenced by various ancient manuscripts and printed editions (cf. Frankel edition, loc. cit.). Thus it turns out that Maimonides never ascribed the four fast days commemorating the destruction of the Temple to custom, rather he presented them as an absolute obligation following from the words of the Prophets and not contingent on circumstance. Only the Fast of Esther in Adar was ascribed solely to custom – and a late one at that – which is only observed” in these times” i.e., in these generations [bizmanim elu referring not to the four fasts but to “present times”].<sup>[2]</sup>

This raises the question why Maimonides skipped entirely over the Talmudic discussion about the various conditions that determine the obligation to observe a fast day? According to Mishkenot Yaakov, we already have the answer: Maimonides believed that all these distinctions were said with regard to the three fast days of 3 Tishri, 10 Tevet, 17 Tammuz, during the Second Temple period, during which time they were dependent on various political conditions, but the Ninth of Ab was unconditionally obligatory even in the time of the Temple, as he notes in his commentary on the Mishnah. Once the Temple was destroyed, the entire discussion was no longer relevant, since from that day onwards all the four fasts became obligatory, irrespective of changing conditions, until such time when the Third Temple would be built.

How, then, did Maimonides explain the Talmudic expression that on the Ninth of Ab the misfortunes were redoubled (“hukhpelu hazzarot”), since the redoubling that is reflected in the destruction of the Second Temple had not yet occurred, and nonetheless Maimonides is of the opinion that the people of the Second Temple Period fasted? It seems Maimonides interpreted this turn of phrase in a similar manner to the parallel text in Sotah 49b: “After Rabbi’s death, the misfortunes were redoubled.” This does not mean that the day Rabbi died two misfortunes occurred, but

that all the previous misfortunes were intensified when Rabbi died. The analogous expression here should be similarly understood: when the First Temple was destroyed, all the preceding misfortunes were intensified.<sup>[3]</sup>

Thus what Maimonides meant is clear, for it was indeed customary to fast on the Ninth of Ab during the Second Temple period. It remains to be explained why they saw fit to fast over the destruction of the Temple when it had been rebuilt? The author of Sefat Emet (in his insights on R.H., loc. cit.) explains that even in Maimonides’ opinion the Jews did not observe the fast of the Ninth of Ab throughout the entire time that the Second Temple stood. Rather, it depended on the political situation: when the Jews of the Second Temple period were subjugated to foreign rule, that was interpreted as a time when “there was no peace,” and in such times indeed they fasted; but when they won Jewish independence (such as in the time of the Hasmoneans), it was viewed as “peacetime,” and even the fast of the Ninth of Ab would be cancelled.<sup>[4]</sup>

This teaches us an important point: the fast of the Ninth of Ab is not primarily about the physical destruction of the Temple, for in this regard nothing changed in any era. Rather, the fast is primarily about being subjugated to foreign rule, and therefore this is the criteria determining the obligation to fast, even when the Temple is standing. However, if an end is put to foreign domination but nevertheless the Temple does not stand, certainly the obligation to fast holds; for the very fact that there is no Temple is indicative of a lack of independence, be it political or spiritual.

Nevertheless, the explanation given by Sefat Emet can hardly be seen as addressing the plain sense of Maimonides’ remarks; for the Rambam mentioned no distinctions drawn during the Second Temple period, from which it follows simply that in every period, including times of political independence, it was customary to fast on the Ninth of Ab. Why? The most reasonable answer seems to be that the destruction of the First Temple proved that such a thing was at all possible – that it was conceivable the Lord would destroy His Temple and send His people into exile. We know that the prophets struggled against views that insisted such a course of history was theologically impossible, that it could never be that the Lord’s Temple, His throne in this world, would fall. The destruction of the Temple brought about the demise of this certainty as well, so that no longer could a person trust in wood and stone, even the stones of the Temple. Henceforth the entire responsibility lay on the shoulders of the public community and its spiritual-cultural strength: if they were worthy, they would live in their land in the shadow of the Temple; if not, the Temple would fall and the people would be exiled.

Therefore, throughout the Second Temple period, the fast of the Ninth of Ab was observed. On this day they wished to impress upon the consciousness of the people that destruction is always possible and that one cannot complacently put one’s trust in “the Lord’s help,” for the responsibility ultimately rests only on ourselves. Being aware of the possibility of destruction is precisely what might help keep the Temple standing. Perhaps this sense of responsibility can contribute to building the Third Temple, speedily in our day.

Notes [1] For a summary of the literature on the question of this fast during the Second Temple Period, see: J. Tabori, *Moadei Yisrael be-Tekufat ha-Mishnah ve-ha-Talmud*, Jerusalem 1995, pp. 398-400. [2] See what is said in my name by D. Sperber, *Minhagei Yisrael*, 4, Jerusalem 1995, pp. 250-252. [3] From the additional anonymous comment in the gemara on the remark of the Amoraim that the misfortunes were redoubled, it does indeed seem that they were referring to the accumulation of misfortunes

on that very day (loc. cit.). Nevertheless, this interpretation has its difficulties, because the same number of misfortunes can be counted on the 17th of Tamuz, and the remark itself can be interpreted as we explained above. [4] Compare this approach with what the grandfather of Sefat Emet, author of Hiddushei ha-Rim, wrote on Gittin 36b regarding observance of the Jubilee laws during the Second Temple period. In his view, the Jubilee year and release of bondsmen was practiced as long as there was political independence, but they were not observed in the years of the Second Temple period when the Jews were under foreign subjugation (loc. cit.).

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From: Shlomo Katz [skatz@torah.org] Sent: Monday, July 28, 2003 11:49 PM To: hamaayan@torah.org Subject: HaMaayan / The Torah Spring - Parashat Devarim

Hamaayan / The Torah Spring Edited by Shlomo Katz

Devarim: Review Volume XVII, No. 42 4 Av 5763 August 2, 2003

Sponsored by the Katz family on the yahrzeit of grandmother Frida bat Yosef Laib Halevi a"h

Today's Learning Daf Yomi (Bavli): Zevachim 54

"Hashem, your G-d, has multiplied you and behold! You are like the stars of the heaven in abundance . . . Eichah / How can I alone carry your contentiousness, your burdens, and your quarrels?" (1:10-12)

The Midrash notes that three prophets used the word "Eichah": The first was Moshe, in our verse. The second was Yishayah, who said (in today's haftarah, verse 21): "How has she become a harlot! - faithful city that was full of justice . . ." The third was Yirmiyah, who said (in the first verse of the Book of Eichah, which we read on Tishah B'Av), "Alas, how she sits in solitude! The city that was great . . ."

The Midrash likens these three prophets to three servants who saw their mistress at different times. One saw her in tranquil times, one saw her when she behaved irresponsibly, and the third saw her downfall. So, too, Moshe saw Bnei Yisrael in their glory ("Hashem, your G-d, has multiplied you and behold! You are like the stars of the heaven in abundance."), Yishayah saw them in their sinfulness, and Yirmiyah saw them at their downfall, the destruction of the Bet Hamikdash and the exile to Bavel.

R' Shlomo Harkavi z"l (mashgiach of the Grodno Yeshiva; killed in the Holocaust) writes: The midrash is showing us that whatever state Bnei Yisrael find themselves in, they always take it to extremes. The word "eichah" means more than "how." "Eichah" expresses wonder and amazement. Moshe saw Bnei Yisrael at the height of Hashem's kindness to them, when they rebelled against Him but He continued to shower them with daily bread and with other miracles. Moshe therefore exclaimed, "Eichah / How can I alone carry your contentiousness, your burdens, and your quarrels?" I cannot, but Hashem can and does.

Yishayahu saw Bnei Yisrael in their sinful state. Maharal (16th century) writes that it is the nature of Jews that when they fall, they fall very low. Yishayahu exclaimed in amazement, "Eichah / How are such sins possible from the people who live in Yerushalayim, the city of justice and charity?"

Finally, Yirmiyah saw Bnei Yisrael's punishment, and he cried, "Eichah / How is such suffering possible?"

In this light, says R' Harkavi, we can understand on a deeper level why the first chapter of Yishayahu was chosen as the haftarah for the Shabbat preceding Tishah B'Av. It is not because this passage coincidentally contains the word "Eichah." Rather, before we mourn on Tishah B'Av -- whether we mourn only for the losses of long ago or also for more recent tragedies - we remind ourselves how we reached this stage. Once we were unparalleled in our greatness, but then we sinned with unparalleled depravity. As a result, we have been punished with suffering unparalleled in history. (Me'imrei Shlomo No. 55)

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From: Ohr Somayach [ohr@ohr.edu] Sent: Wednesday, July 30, 2003 3:00 AM To: weekly@ohr.edu Subject: Torah Weekly - Parshat Devarim TORAH WEEKLY - For the week ending 2 August 2003 / 4 Av 5763 - from Ohr Somayach | [www.ohr.edu](http://www.ohr.edu)  
This Is The People Of G-d

"How can I carry alone...?" (1:12)

Sometimes I sit down to write things that I know that people will enjoy: a heart-warming tale, a wry 'take' on our brief walk in this world. And sometimes I sit down to write something that I know people will find hard to take but nevertheless needs to be said. This is one of the latter.

Thursday, this week, is the blackest day of the Jewish calendar - the Ninth of Av. The Ninth of Av has been a day of tragedy for the Jewish People since the Exodus from Egypt. In more recent times, as we mentioned last week, it was in the early hours of July 23rd 1942 - Tisha B'Av - that the first train transport of 'deportees' left Malkinia in Poland. The train was made up of sixty closed cars, crowded with people - Jews from the Warsaw ghetto. The car doors were locked from the outside and the air apertures were barred with barbed wire. That was the day the killings started at Treblinka. In Auschwitz, there was of all things, a small chapel. The chapel had a priest whose job it was to attend to needs of the camp staff. Day after day, he watched as train after train after train disgorged its human cargo. Day after day after day, his eyes lifted to the smoke wafting from the ovens, all that was left of a million lives, a million mummy's and daddy's goodnight kisses, a million broken birthday toys, a million pairs of bewildered frightened eyes staring lifeless into eternity.

Day after day after day.

One day, the priest walked into his chapel and went up to the cross. He picked up the cross and slowly, with his bare hands, tore it piece by piece into splinters. He smashed the cross until nothing remained of it, saying over and over again, "This is the people of G-d! This is the people of G-d!" The priest realized that he was witnessing something that defied belief, something that went far beyond the bounds of natural hatred and cruelty. He was witnessing something that could only be called supernatural. Rabbi Yochanan ben Zakkai lived at the time of the destruction of the Second Temple. There was unimaginable hunger in the Land of Israel. One day, he came upon a young girl picking out undigested barley from amongst the dung of an animal owned by Arabs - the only food she could find. This girl was the daughter of Nakdimon ben Gurion, one of the richest men in the world. Rabbi Yochanan started to cry, "How happy are you, Yisrael! When you do the will of G-d, no nation nor tongue can rule over you, and when you forsake G-d's will, you are delivered into the hands of the lowliest nation - and not even into their hands, but into the hands of their animals."

Why the Jewish People should be happy that no nation rules over them is self-evident, but why they should be happy sifting dung to survive demands explanation.

The Rashba tells us that there are two kinds of miracles, a miracle for the good and a miracle for the bad. A miracle isn't just where someone is saved at the eleventh hour. It isn't just someone throwing away his calipers after a lifetime of being a cripple. A miracle is clear evidence of G-d overriding the natural order, of His direct intervention in nature. That intervention can be for the good - or for the bad.

When natural disaster strikes, when there is an earthquake or a flood, or a building collapses without reason, it means that G-d is punishing us without revealing Himself. He has used the natural world as His agents. In other words, He doesn't want a direct involvement with us and has distanced Himself from us. However, when something happens that is so clearly unnatural - even though the punishment is terrible - nevertheless we recognize that our punishment is coming directly from our Father in Heaven. We have not been abandoned to the hands of an agent. When the daughter of the most affluent is reduced to foraging in excrement, when the world's most civilized nation suddenly turns into a wild monster without any rational reason, we have clear evidence of the supernatural at work.

This is the source of our strength and our survival - this is the greatest reason to be happy. Even in the darkest times, when we see miracles, even when they are miracles for the bad, we know that G-d has not deserted us. We know that

"This is the people of G-d."

sources:

- Eichah Rabba 1 - Talmud - Ketubot 64b - based on Rabbi Yonatan Eibeshitz and Rabbi Elyah Lopian in Lev Elyahu.

Written and compiled by RABBI YAAKOV ASHER SINCLAIR

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From: Menachem Leibtag [tsc@bezeqint.net] Sent: Thursday, July 31, 2003 6:55 AM To: Pareg; Lite1; 'NEW1' Subject: [par-new]SEFER DEVARIM - shiur  
Dedicated in memory of Yaakov Matanky z"l, whose first yahrzeit is today, 2 Menachem Av.  
RABBI MENACHEM LEIBTAG  
THE TANACH STUDY CENTER [http://www.tanach.org] In Memory of Rabbi Abraham Leibtag Shiurim in Chumash & Navi by Menachem Leibtag  
http://www.tanach.org/dvarim/dvarint.txt

#### 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? As we now demonstrate, it won't take more than a minute to show how that popular answer is simply incorrect! Let's quickly review the first four books (of Chumash), noting which of their primary topics are either included or missing from Sefer Devarim: . Sefer Breishit: Sefer Devarim makes almost no mention of any of its stories - be it the story of Creation, the Flood, the avot, or the brothers, etc. . Sefer Shmot: We find only scant details of the Exodus, and not a word about the mishkan; even though we do find the story of Ma'amad Har Sinai & chet ha-egel. . Sefer Vayikra: Here again, Sefer Devarim makes almost no mention of any of its mitzvot or stories, aside from a few laws that 'ring a bell' from Parshat Kedoshim, and some kashrut laws; but hardly a summary. . Sefer Bamidbar: Indeed Sefer Devarim does tell over the stories of the 'spies' and the defeat of Sichon & Og (with some major 'minor changes'). However, there is barely a mention of the remaining stories found in Bamidbar (and there are many), nor do we find a review of any of its mitzvot (e.g. nazir, sota, challa, etc.).

Furthermore, Sefer Devarim contains many mitzvot that had never been mentioned earlier in Chumash! Certainly, if the book was a summary, then it should not present totally new material. [To clarify this point, simply 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?] Hence, a few minutes of analysis will convince just about anyone that Sefer Devarim is not a review of Chumash! So what is Sefer Devarim? Like many good books, Sefer Devarim can only be fully understood after you have read it. [In other words, the second time around it makes a lot more sense.] So for those of you who are not patient enough to read the entire book first, the following shiur will 'spill the beans' - by explaining what the Sefer is all about, [as usual] focusing first and foremost on its structure. As we explain why most of its material is quite 'new', and how its laws form an important guide for the Jewish nation, we will also better appreciate why Chazal refer to the Sefer as 'mishneh Torah'. [It is recommended that you study this shiur carefully, as its conclusions will provide the basis for our entire series on Sefer Devarim (in the weeks to follow).]

**INTRODUCTION - A BOOK OF SPEECHES** The key to understanding Sefer Devarim lies in the recognition that it contains one very long (but important) speech delivered by Moshe Rabbeinu, prior to his death. It also includes several 'shorter' speeches; one which introduces that 'main speech', and others that form its conclusion. Therefore, the first step of our shiur will be to identify those speeches. To do so, we must first note how the style of Sefer Devarim is unique, as it is written almost entirely in the first person. [Recall how the narrative (and mitzvot) in the first four books of Chumash were presented in the third person.]

As you should remember from 'grammar school', speeches are recorded (or quoted) in first person. Therefore, to determine where each speech begins (and ends), we simply need to scan the entire Sefer, noting where the narrative changes from third person (i.e. the regular 'narrator mode' of Chumash) to first person (i.e. the direct quote of Moshe Rabbeinu, as he speaks). If you have ample time and patience (and a Tanach Koren handy), you should first try to do this on your own. On the other hand, if you are short on time - you can 'cheat' by reading at least 1:1-7, 4:40-5:2, 26:16-27:2, 28:69-29:2, & 30:19-32:1, noting the transition from third person to first person, and hence where and how each speech begins.

For example, let's take a quick look at the opening psukim of Sefer Devarim (1:1-7). Note how the first five psukim are written in third person: "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 Mo'av, Moshe began to explain this Torah saying..." (see 1:1-5);

This introduces the speech that begins (in the next pasuk) with the first sentence of Moshe Rabbeinu's speech: "G-d, our Lord, spoke to us at Chorev saying..." (see 1:6).

Then, scan the psukim that follow, noting how this speech continues from 1:6 all the way until 4:40 (i.e. the next four chapters). This entire section is written in first person, and hence constitutes Moshe's opening speech. In a similar manner, note how the first pasuk of chapter five introduces Moshe's next speech. Here again, the opening pasuk begins in third person, but immediately changes to first person, as soon as the speech begins: "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).

Where does this second speech end? If you have half an hour, you could scan the next twenty some chapters and look for its conclusion by yourself; otherwise, you can 'take our word' that it continues all the way until the end of chapter 26! This observation (even though it is rarely noticed) will be the key towards understanding Sefer Devarim - for in essence we have just identified the 'main speech', which includes twenty chapters! After this 'main speech', in chapters 27-30 we find two more short speeches that directly relate to the main speech; one better known as the 'tochacha', and the other as 'brit Nitzavim'. Finally, from chapter 31 thru 34 (i.e. till the end of the sefer), Sefer Devarim 'returns' to its regular narrative style, as it concludes the story of Moshe Rabbeinu's final day.

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

**THE MAIN SPEECH** As this table indicates, Speech #2 is by far the longest, so we'll begin our study by trying to figure out its primary topic. [Afterward, we will show how Speech #1 actually introduces this main speech.] To find the primary topic, let's use the 'magic rule' for good speech writing: i.e. (1) 'Say what you're gonna say' - (2) 'Say it' - & then (3) 'Say what you said.' [As we study this 'main speech', we'll see how the main speech beautifully follows this golden rule.]

Let's take a careful look at how Moshe's begins this main speech, noting how he explains to the people what to expect: "Listen Israel to the chukim & mishpatim which I am teaching you today, learn them and keep them..." (5:1).

This 'opener' immediately tells the listener that this speech will contain chukim & mishpatim [laws and rules] that must be studied and observed; and indeed that is precisely what we will find. However, before Moshe begins teaching those laws (in chapter 6), he first explains to the people (in chapter 5) how and when these laws were first given. In other words, instead of beginning his speech immediately with this set of laws, he prefaces these laws by first explaining why everyone is obligated to keep them, followed by the story of how he first received them at Har Sinai forty years earlier. To appreciate this introductory chapter, and to understand why it contains a 'repeat' of the Ten Commandments, let's carefully review its flow of topic.

**OBLIGATION & COVENANT** As his first point, Moshe emphasizes how these laws (that he is about to teach) were given as an integral part of the covenant between G-d and Bnei Yisrael at Har Sinai: "Hashem made a covenant with us at Chorev. Not [only] with our forefathers did G-d made this covenant, but [also] with us - we, the living - here today..." (5:2-3).

Even though (and because) most of the members of this new generation were not present at Ma'amad Har Sinai, Moshe must first remind Bnei Yisrael that their obligation to keep these laws stems from that covenant! Recall as well how G-d had spoken the Ten Commandments directly to Bnei Yisrael as part of that covenant. [Hence - the two tablets upon which they were inscribed are known as 'luchot ha-brit' - i.e. tablets of the Covenant.] This explains why Moshe first reviews the Ten Commandments (see 5:4-19), before he begins the lengthy set of laws, for they relate first and foremost to that covenant. Next, Moshe retells the story of how Bnei Yisrael immediately became fearful after hearing the 'dibrot' and asked Moshe that he become their intermediary to receive the remaining laws (see 5:20-30). Moshe continues his speech with that story, for it explains when and how the laws (that he is now about to start teaching) were first given. We quote this part of the narrative, for it will help us understand the overall structure of the main speech: "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 G-d says, and then you tell us everything that G-d commands, and we will willingly do it..." (5:20-26). [Keep in mind that from this pasuk we can infer that had Bnei Yisrael not become fearful, they would have heard additional mitzvot directly from G-d, immediately after these first Ten Commandments.]

Note how G-d grants this request (that Moshe should act as their intermediary) by informing Moshe of His 'new plan': "Go, say to them: 'Return to your tents.' But you remain here with Me, and I will give you the mitzva, chukim & mishpatim... for them to observe in the land that I am giving them to possess..." (5:27-28).

Read this pasuk once again, for it is the key towards understanding how the 'main speech' first came about. The mitzvot that Moshe will now teach (in this speech) are simply the same laws that G-d had first given to him on Har Sinai, after Bnei Yisrael asked him to become their intermediary. In fact, Moshe himself states this explicitly in the next set of psukim that clearly introduce this set of laws: "And this ('ve-zot') is the mitzva, chukim & mishpatim that G-d has commanded me to teach you to be observed in the land you are about to enter..." (6:1-3).

Recall from 5:28 that G-d told Moshe that he should remain on Har Sinai to receive the mitzva, chukim & mishpatim. This pasuk (6:1) explains how Moshe's lecture is simply a delineation of those mitzvot.

**THE ELEVENTH COMMANDMENT** Based on this introduction (i.e. 6:1-3), we conclude that these laws (that begin with 6:4) are simply those mitzvot that G-d had given - via Moshe Rabbeinu - as a continuation of the Ten Commandments at Ma'amad Har Sinai. If so, then the first mitzva of this special unit of laws is none other than the first parsha of 'kriyat shma': "Shma Yisrael, Hashem Elokeinu Hashem Echad, ve-ahavta... ve-hayu ha-devarim ha-eileh..." (see 6:4-7). [This could explain why this parsha is such an important part of our daily prayers - to be discussed in our shiur on Parshat Va-etchanan.]

This first parsha of kriyat shma begins a lengthy list of mitzvot (and several sections of rebuke) that continues all the way until Parshat Ki Tavo (i.e. chapter 26). [That is why this speech is better known as 'ne'um ha-mitzvot' - the speech of commandments. Try counting how many mitzvot are indeed found in these twenty two chapters!] Note as well that after the first two mitzvot of belief in G-d and the commandment to love Him with all your heart, we find a very general mitzva that relates to this entire set of mitzvot: "Ve-hayu ha-devarim ha-eileh..." - And these words [clearly, this refers to the laws that will now follow in the speech] that I am teaching you today must be kept in your heart - We will soon return to discuss this pasuk in greater detail; however, we must first clarify an important point. Even though the core of this speech consists of the mitzvot that Moshe initially received at Har Sinai, it is only natural that Moshe Rabbeinu will add some comments of his own, relating to events that have transpired in the interim. [See, for example, chapters 8->9.] Nonetheless, the mitzvot themselves are 40 years old. Furthermore, as the psukim quoted above explain, these mitzvot share a common theme - for they all apply to Bnei Yisrael's forthcoming entry into the Land of Israel (see 5:28 & 6:1). [In next week's shiur we will discuss how these mitzvot divide into two distinct sections, the mitzva section (chapters 6 thru 11) and the chukim u-mishpatim section (chapters 12 thru 26).]

**WHEN THIS SPEECH WAS FIRST GIVEN** So when did Bnei Yisrael first hear these mitzvot? If they were given at Har Sinai, then certainly Moshe should have taught them to the people at that time. The answer to this question is found in Parshat Ki Tisa. There, in the story of how Moshe descended from Har Sinai with the second luchot, the Torah informs us: "And it came to pass, when Moshe came down from Mount Sinai with the two tables of the testimony in his hand... and afterward all the children of Israel came near, and he [Moshe] commanded them all of the laws that G-d had spoken with him on Mount Sinai. (See Shmot 34:29-32) This leads us to a critical point, which causes many people to misunderstand Sefer Devarim. Indeed, Moshe Rabbeinu had already taught these laws to the first generation when they were encamped at Har Sinai. Yet, for some reason, Chumash never records these laws (as a unit) in Sefer Shmot. Instead, the Torah prefers to record them in Sefer Devarim, as Moshe teaches them to the new generation. In other words, the laws in Sefer Devarim are indeed a review of a set of laws that Bnei Yisrael had already received. However, they are not a review of the laws that Chumash had already recorded. [One could suggest that because the general category of these mitzvot is 'la'asot ba-aretz' - to keep in the land (see 5:28,6:1) - the Torah prefers to record them as they were given to the second

generation - who would indeed enter the land; and not as they were given to the first generation - who sinned, and hence never entered the land.]

This background will now help us understand why Chazal refer to this Sefer as mishneh Torah, and why this name is so commonly misunderstood. While doing so, we will also explain the 'simple meaning' of the famous psukim of kriyat shema that we recite every day.

**MISHNEH TORAH** Let's return to the opening psukim of kriyat shema, which form the opening set of commandments that Moshe first received on Har Sinai - immediately after the Ten Commandments. After the opening statement of faith - "shema Yisrael Hashem Elokeinu Hashem Echad"; and the most basic mitzva regarding attitude - i.e. 've-ahavta ...' - to love G-d with all your heart... (see 6:4-5), we find a very interesting 'second introduction': "ve-hayu ha-devarim ha-eileh... - And these words [i.e. laws that will now follow] that I am teaching you today must be kept in your heart - ve-shinantam - and you must repeat them (over and over) to our children and speak about them constantly, when at home, when you travel, when you lie down and when you get up..." (see 6:5-8).

Note the Hebrew word 've-shinantam' - which means more than simply to teach, but rather to 'repeat' [from the 'shoresh' (root) - 'leshanen' [sh.n.n.]. Moshe instructs the nation that these forthcoming laws (i.e. the laws of the main speech of Sefer Devarim), need not only to be taught, but they also require constant repetition! The word 'mishneh' in the phrase mishneh Torah also stems from this same root - lesanan - to repeat. Hence, the name mishneh Torah implies a set of laws that require constant repetition! This explains the confusion in regard to the meaning of this name. Mishneh Torah does not imply that Sefer Devarim is a repeat (or review) of what has been written in Chumash thus far; rather, it refers to a special set of laws that require constant repetition - i.e. when we sit in our homes etc. / see 6:6-7. In other words, the mitzvot of the main speech of Sefer Devarim are special, insofar as they must be constantly repeated and taught ('ve-shinantam'), as its name - Mishneh Torah - implies. In fact, we fulfill this mitzva each day by reciting the first two parshiyot of kriyat shema.

Further proof of this interpretation is found in the sole pasuk in Sefer Devarim that contains the phrase mishneh Torah, in regard to the King in Parshat Shoftim: "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 G-d..." (see 17:18-19).

Clearly, in this context, the term mishneh Torah does not refer to a repeat of earlier laws, but rather to a set of laws that need to be repeated. [Similarly, the word 'mishna' (as in Torah she-ba'al peh) has the same meaning. The mishnayot require 'shinun'; they must be repeated over and over again - hence they are called Mishna.]

**BACK TO PARSHAT DEVARIM** This interpretation can help us understand the opening psukim of Sefer Devarim - which otherwise appear to be rather cryptic. Before we continue, it is suggested that you read Devarim 1:1-2, noting the difficulty of its translation. "These are the devarim that Moshe spoke to Bnei Yisrael in Transjordan, in the desert, in the Arava, opposite Suf, between Paran and Tofel, and Di Zahav" (1:1).

First of all, what does the word devarim refer to: the entire book? - the first speech? - all the speeches? It's not clear. Secondly, what is the meaning of this long list of places? The location of 'ever ha-yarden' [Transjordan] makes sense, for Bnei Yisrael are now encamped there (see 1:5); but the remainder of the list - ba-midbar, ba-arava, mul suf, bein paran u-tofel appears to be quite cryptic. Are these many places, or just one place? What happened at all of these place? Again, it is not clear. The next pasuk is even more enigmatic! "Eleven days from Chorev, via Mount Se'ir, until Kadesh Barnea" (1:2).

This pasuk doesn't even form a complete sentence. What does it describe? What does it have to do with the previous pasuk? However, the next pasuk appears to be quite 'normal': "And it came to pass in the fortieth year on the first day of the eleventh month, Moshe spoke to Bnei Yisrael in accordance with the instructions that G-d had given him for them [after he had defeated Sichon]." (1:3-4).

This third pasuk seems to form an introduction to Moshe's speech. But this only strengthens our questions on the first two psukim. Why doesn't the Sefer just begin with the third pasuk?

Indeed, one who never studied Sefer Devarim should find himself terribly confused when reading these psukim. However, based on our shiur, it is possible to suggest a very simple explanation (that will find support in Ibn Ezra and Ramban as well).

A SUPER INTRO Recall how the main speech (i.e. ne'um ha-mitzvot / chapters 5-26) forms the focal point of Sefer Devarim, including a lengthy set of mitzvot that Bnei Yisrael must keep as they enter the Land of Israel. As we explained, Moshe had first taught these mitzvot to Bnei Yisrael when he came down from Har Sinai with the second luchot (see Shmot 34:32). However, since these laws require constant repetition [mishneh torah], it would only make sense that Moshe would have taught them several times.

Recall as well that the Torah uses this very same word 'ha- devarim' to introduce the mitzvot of the main speech / see 6:6 -'ve-hayu ha-devarim ha-eileh asher anochi metzaveh." Therefore, one can assume that the phrase 'eileh ha- devarim' (in 1:1) refers to the same mitzvot as 've-hayu ha- devarim' (in 6:6), i.e. the mitzvot of the main speech! If so, then the first pasuk of the Sefer introduces this main speech! Hence, the first two psukim of Sefer Devarim can be understood as follows: "These are the devarim [i.e. the mitzvot of the main speech] that Moshe delivered in Arvot Mo'av, [just as he had already delivered a similar speech in] the midbar, and arava, opposite suf, between Paran and Tofel, and at Di-zahav. [Furthermore, these mitzvot were also taught by Moshe to Bnei Yisrael during] their eleven day journey from Har Chorev to Kadesh Barnea." [Then] in the fortieth year... Moshe taught these laws (one last time) after the defeat of Sichon..." (see Devarim 1:1-4) [See also Ibn Ezra on these psukim!] This explanation fits in beautifully with Ibn Ezra's & Ramban's interpretation of the word devarim in the first pasuk of Sefer Devarim, as both explain that devarim refers specifically to the mitzvot that Moshe will teach later on in the main speech. [Ramban explains that these devarim begin with the Ten commandments (i.e. from chapter 5), while Ibn Ezra explains that they begin with the chukim & mishpatim in Parshat Re'eh (see 12:1). The underlying reason for this controversy will be explained in our shiur on Parshat Va- etchanan. The reason why Rashi explains that devarim refers to the 'rebuke' will be discussed in our shiur on Parshat Ekev.]

When we consider the setting, the Torah's emphasis in the second pasuk on the eleven day journey from Har Sinai to Kadesh Barnea becomes quite significant. Recall, that had it not been for the sin of the spies, then this eleven day journey would have been Bnei Yisrael's final preparation before conquering the land! As such, Moshe found it necessary to teach and review these important laws several times during that journey. [Again, see Ibn Ezra inside.] Now, in the fortieth year on the first day of the eleventh month, Bnei Yisrael find themselves in a very similar situation - making their final preparations for the conquest of the land. Therefore, Moshe gathers the people in Arvot Mo'av to repeat these mitzvot one last time. In this manner, the first four psukim of Sefer Devarim actually form the introduction to the main speech (chapters 5- 26). However, before Moshe begins that main speech, he first makes an introductory speech that is introduced by 1:5 and continues until 4:40; but this will be discussed in our next shiur (on Parshat Devarim). Untill then,

shabbat shalom menachem

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