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ON DEVARIM – TISHA B'AV - 5776

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from: Aish.com <[newsletterserver@aish.com](mailto:newsletterserver@aish.com)> via em.secureserver.net  
date: Fri, Aug 12, 2016  
subject: Aish.com Daily - 8-9 Av

**Today in Jewish History**  
**Rabbi Shraga Simmons**

Av 9 In 423 BCE, the first Holy Temple was destroyed by fire, as Nebuchadnezzar's Babylonian troops conquered Jerusalem. Also on this day, the second Temple was destroyed by the Romans in 70 CE. Tisha B'Av has long been a day of calamity for the Jewish people: On this day, during the time of Moses, Jews in the desert accepted the slanderous report of the spies, resulting in the decree postponing entry into the Land of Israel. Other grave misfortunes throughout Jewish history occurred on the Ninth of Av: The Spanish Inquisition culminated with the expulsion of Jews from Spain on Tisha B'Av in 1492. World War I broke out on the eve of Tisha B'Av in 1914 when Germany declared war on Russia; German resentment from the war set the stage for the Holocaust. On the eve of Tisha B'Av 1942, the mass deportation began of Jews from the Warsaw Ghetto, en route to Treblinka. Today, Tisha B'Av is the Jewish national day of mourning, when we don't eat, drink or bathe. Lights in the synagogue are dimmed, and we read the Book of Lamentations, Jeremiah's poetic lament over the destruction of Jerusalem.

**Growing Each Day - Rabbi Abraham J. Twerski**

Av 9 How she [Jerusalem] sits in isolation! (Lamentations 1:1).  
The opening verse of the book of Scriptures that depicts the fall of Jerusalem cites a state of isolation. Badad connotes loneliness, abandonment, and the state of being shunned by others. This term also appears in the Torah in regard to the expulsion of a metzora (someone who suffers from a disease called tzaraas), who is to be isolated from the community (Leviticus 13:46).

The Talmud states that the affliction of the metzora is in retribution for the sin of lashon hara. Indulging in harmful talk brings about enmity and divisiveness. Gossip and slander can turn people against one another and sow suspicion where once there had been trust and friendship.

The Talmud states that when Jews were united, and when there was no lashon hara among them, they were triumphant, even though they were far from perfect in other respects. On the other hand, when lashon hara causes dissension, all other merits may not suffice to tip the scales.

On the ninth day of Av, Jerusalem became badad, shunned by its neighbors, shunned its former friends, and to all outward appearances, even shunned by God. Why? Like the metzora, the Israelites had been guilty of behavior that brought about divisiveness. By bringing about the state of badad within their ranks, they themselves became badad, isolated from God.

We must jettison all personal whims and desires that stand in the way of Jewish unity, for in unity lies our salvation.

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**Tisha B'av Guidelines**

**from Rav Yaakov Neuburger and Rav Tanchum Cohen**

This year, Tisha B'av coincides with Shabbos and the observance of the fast is postponed to Sunday. Here are some *halachos* that are unique to a year such as ours.

**1. Tisha B'av restrictions**

Although Shabbos is the 9<sup>th</sup> of Av, the common minhag Ashkenaz is to celebrate Shabbos with full Shabbos meals and Shabbos attire. However, different restrictions of Tisha B'av begin to apply at different times, as follows:

a. Applies throughout Shabbos, including Friday night. As with any Shabbos, one may not prepare on Shabbos for Sunday, eg preparing tisha b'av shoes or kinos. Though one is certainly allowed to eat on Shabbos with the upcoming fast in mind, as there is an immediate benefit as well, one should be careful not to explicitly say that one is eating for tonight or tomorrow.

Married couples should refrain from intimacy throughout Shabbos, unless Friday night is *leil tevila*.

b. Beginning at midday on Shabbos (chatzos = 1:00 pm). Ideally, on Shabbos afternoon one should learn Tisha B'av-appropriate topics (e.g., *Eicha, hilchos Tisha B'av, hilchos aveilus*) rather than other areas of Torah. However, it is certainly better to learn one's routine course of study and other areas of Torah this Shabbos afternoon rather than not to learn.

Also, we should refrain from taking walks and making visits that are entirely social.

c. Beginning at sundown (shkia = 7:58pm). One must finish eating and drinking before sunset. *Zemiros* for *seuda shlishis* as well should be completed before sunset.

d. Beginning when Shabbos ends (tzeis ha-kochavim = 8:48 pm). All other mourning prohibitions of Tisha B'av (e.g., wearing leather shoes, washing, greeting others, and sitting on normal chairs) only begin at *tzeis* when Shabbos ends.

**2. Schedule: Shabbos afternoon and motzai shabbos**

*Mincha* .. earlier than usual .. to allow time for subsequent *seuda shlishis* at home. The rules of *seuda ha-mafsekes* do not apply: one sits on a regular chair, etc. As above, please be sure to complete all eating, drinking and *zemiros* before 7:58 pm.

At *tzeis ha-kochavim* (8:48 pm), one recites "*Baruch ha-mavdil bein kodesh le-chof*" and changes into Tisha B'av shoes. Now that Shabbos has ended, one can prepare the *kinos* and make any other preparations. Each family should also recite "*Baruch ata ... borei me'orei ha-eish*" over a *havdala* candle. (A fuller *havdala* is recited on Sunday night.)

...Should one have to eat on tisha b'av for health reasons, one should complete the *havdolo*, as one would on Sunday night, before eating.

On Sunday night, *havdala* consists of two *berachos* only: *borei peri ha-gafen* and *ha-mavdil bein kodesh le-chol bein ohr le-choshech*.

Since Sunday night is the 11th of Av, all restrictions of the Three Weeks and Nine Days end as soon as the fast ends, except that we continue to refrain from eating meat or drinking wine until Monday morning.

### 3. Haircuts

As many will be heading for haircuts this week, and all of us presently have three weeks growth, this is a good opportunity to remind ourselves that the biblical requirement of leaving "peos harosh" requires that leave some noticeable (enough for a momentary slight tug) hair on the sides of or heads.

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from: Torah Musings <newsletter@torahmusings.com>

Date: Thu, Aug 11, 2016 at 11:20 AM

### Learning Torah on Shabbos Erev Tisha B'Av

by R. Gil Student

One of the prohibitions of Tisha B'Av is learning Torah, which brings you joy. You may only learn certain sad parts of the Torah. The Rema (Shulchan Arukh, Orach Chaim 553:2) records a custom to refrain from learning Torah on the afternoon before Tisha B'Av. Presumably, if you enter the mournful day with these Torah thoughts on your mind, the joy will linger with you. He adds that when the observance of Tisha B'Av falls out on Sunday, we maintain this practice and refrain from studying Pirkei Avos on Shabbos afternoon.

Mishnah Berurah (ad loc., 8) points out that this can only be a stringency. On the afternoon before Tisha B'Av, we are allowed to eat, drink, wash and other practices forbidden on the day itself. Certainly, on a technical level we are allowed to learn Torah. He also quotes a number of authorities who felt this was a bad stringency, including Maharshah, Vilna Gaon and Chayei Adam. The Mishnah Berurah concludes that whoever wishes to act leniently may do so.

Another important view on this was expressed by Rav Yosef Dov Soloveitchik, the author of *Beis Ha-Levi* and namesake for his famous American great-grandson. The story is told ((I am utilizing the report in the Haggadah Shel Pesach Mi-Beis Ha-Levi, pp. 308-309.)) that one time when Rav Soloveitchik was visiting Minsk, a wealthy businessman associated with a group of maskilim ("enlightened" religious reformers) approached him. This gentleman told Rav Soloveitchik that their generation requires rabbis to rule leniently, in order to prevent Jews from leaving the path of observance (some arguments never change). Rav Soloveitchik replied sarcastically that, indeed, he agreed and rules leniently on a number of matters. The businessman asked for examples and Rav Soloveitchik provided the following seven, all of which are really stringencies formulated as leniencies:

- Some rule that if you fail to pray by halakhic midnight (chatzos), you have lost the opportunity to fulfill the mitzvah (this is the view of Rabbenu Yonah). Rav Soloveitchik said that he rules leniently, that if you failed to pray by midnight, you may pray any time throughout the night.
- Some only allow people to wear two pairs of tefillin (Rabbenu Tam in addition to the standard Rashi) if the individuals are extremely pious (this is the view of the Shulchan Arukh, Orach Chaim 34:3). Rav Soloveitchik is lenient and allows anyone who wants to wear the second pair of tefillin.
- Some people are careful not to recite piyutim (liturgical poems) during the regular prayer service because the poems serve as interruptions (Shulchan Arukh, Orach Chaim 68:1). Rav Soloveitchik permits these additions to the prayers.
- Some forbid learning Torah on Shabbos afternoon before Tisha B'Av (the Rema, discussed above). Rav Soloveitchik rules leniently and permits learning any kind of Torah until Tisha B'Av begins.
- Some forbid fasting on Rosh Hashanah (see Shulchan Arukh, Orach Chaim 596), even for the sake of repentance. Rav Soloveitchik permits repentant fasting.

• Some forbid people from fasting two consecutive days of Yom Kippur (Shulchan Arukh, Orach Chaim 624:5), as we observe all other holidays in the diaspora. Rav Soloveitchik permits observing two days of Yom Kippur.

• Some rule that if you forget to count one night of the Omer, you cannot count future nights with a blessing (Shulchan Arukh, Orach Chaim 489:8). Rav Soloveitchik rules that even if you miss one night, you can continue with a blessing.

Of course, these were not the kinds of leniencies the Maskilim desired. They wanted a life less bound by halakhah, allowing more personal freedom. Rav Soloveitchik did not believe in watering down religion in an attempt to keep people from drifting away.

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### Rabbi Yisroel Reisman - Parshas Devarim 5774

Let's talk a little about the time we are in right before Shabbos Parshas Chazzon. I would like to make an observation about what it says in Shulchan Aruch. I am sure many of you, probably all of you have learned Siman Taf Reish Nun Aleph, the Halachos of Bain Hamitzarim, the Halachos of the nine days, the Halachos of the three weeks. Many of you that learned it see that it seems to be a jumble, not in a clear order. As a matter of fact there are some contemporary people who put out books with the laws of the three weeks that seem to be more Mesudar, much more in order. What is the order there in the Shulchan Aruch?

I would like to explain to you the order and a lesson from it. The Shulchan Aruch is in an order which is based on the concept of Mesorah. Everything we do, everything we learn we have to know for Halacha L'mayseh but there is a great difference into where Halacha comes from. In the Shulchan Aruch, the Bais Yosef is very conscious of this. Therefore, the Seder Had'varim, the order of Halachos in Siman Taf Kuf Nun Aleph is such. First the Halachos that comes from Shas, Gemara. The first three Si'ifim. Then some Halachos that are brought from the Rambam and other Rishonim. Then finally Minhagim, customs that are customs of Klal Yisrael without an early Mekor. That is the order of the Shulchan Aruch. Going back to where the Shulchan Aruch begins with Dinnim that come from Shas it has Halachos that come from Yevamos 43. As a matter of fact, S'if Bais are the Halachos that come from Maseches Yevamos. Those Halachos which come from Yevamos include the prohibition on marriage, on buying things of Simcha, limiting business. Then separately there is a Sugya in Maseches Taanis and that follows. The Sugya in Maseches Taanis talks about Issurim like laundering clothing and taking haircuts etc. The question being asked is why is this separated in Shas, why is there one Sugya in Yevamos 43 and one Sugya at the end of Maseches Taanis why doesn't it have all the Halachos together?

The answer is an important Yesod in understanding the Lomdus of the Halachos of these days. There is two separate Gedolim, two separate Dinim for the nine days. There are Halachos of Mishenichnas Av M'maatin B'simcha. When the month of Av comes we are M'ma'ait in things of Simcha (joy). That is the Sugya of Yevamos. That is why we don't get married during these days and that is why we limit the types of buildings that we build, the types of planting that we do, the type of business that we do. Mishenichnas Av M'maatin B'simcha. Then there is a separate set of Halachos, the Halachos of Aveilus that we practice during these days and that is in Maseches Taanis. The Yad Ephraim says that these Halachos of Aveilus are the Aveilus of Shloshim and that is what we observe from the Gemara in Taanis. Two separate Inyanim. Mishenichnas Av M'maatin B'simcha and Hanhagas Aveilus.

This answers a number of difficult Kashas and I will mention a few. As you know, some Halachos Sefardim keep only on Shavua Shechol Bo, only the week of Tisha B'av. Other Halachos even the Sefardim keep from Rosh Chodesh. How do they decide which from Rosh Chodesh and which from Shavua Shechol Bo it is so confusing. Us Ashkenazim we just keep everything or just about everything from Rosh Chodesh except for clipping nails which we do this week but not next week. Outside of that we keep just

about everything from Rosh Chodesh. What is the Minhag of the Sefardim? The answer is simple. Those Issurin that come from Yevamos 43 Mishenichnas Av M'maatin B'simcha, those certainly start from Rosh Chodesh the Dinnim in Mishenichnas Av M'maatin B'simcha. However, those Dinnim that are Dinnim of Aveilus which are from Maseches Taanis, those according to the Minhag Sefard are only in Shavua Shechol Bo. A clear explanation.

This explains other things. For example, the Shulchan Aruch says we do less business. Mishna Brura S'if Kotton 11 says this means business Shel Simcha. How do you know? Maybe decreasing business is an Aveilus type Din as we know that there are times that Aveilim don't go to business. The answer is that decreasing business is mentioned in Yevamos 43 which is referring to Devarim Shel Simcha. Since this is Devraim Shel Simcha so we understand that decreasing business refers to Inyanim Shel Simcha.

This of course answers a question that people ask on the Yad Ephraim. The Yad Ephraim says that Inyanim of Aveilus we keep is the Aveilus that an Aveil keeps during Shloshim, that is what we keep during the nine days. The question is asked that this is not true because an Aveil is not someone who decreases business during the Shloshim? The answer again is that the Yad Ephraim is referring to the Sugyos of Masechta Taanis which are Aveilusdika Dinim. The Inyanim of Maasa Umattan is from Masechta Yevamos and that is M'maatan B'simcha type of Din. Buying things that cause specific joy, things that are decorative, or jewelry etc. The Issur on buying clothing is a separate Issur that comes from the Issur of laundering clothing which is related to that.

In the Mussar Hadavar, we understand that the technical rule mirrors a dual obligation in the way we are supposed to be thinking and observing the nine days. M'maatan B'simcha is an emotional thing. There is an emotion of Simcha and we are told to be M'mai'at B'simcha. Then there is Aveilus. Aveilus has precise rules. Aveilus is Avodah She'b'moach, it is something that a person does actively. To feel, to have a sense of a time of Aveilus that we are in.

This year with the Aveilei Tzion of Yerushalayim, so many families here in Eretz Yisrael suffering in Aveilus of young good men who have tragically lost their lives so suddenly. It is a time to feel with the Aveilei Tzion of Yerushalayim. When you observe Aveilus, if you connect to them you will do better. I was on the plane to Eretz Yisrael and I had to Daven Shemoneh Esrei and there was turbulence. It is very distracting. I just thought of the Talmidai HaGra who came to Eretz Yisrael on rickety boats. I am sure the sea was turbulent and when they stood Shemoneh Esrei they held on for dear life. I am sure they had Goyim who ridiculed them just as the stewardess seem to do today. As soon as I connected to the Talmidei HaGra my Davening was different.

The same thing with this Aveilus. With this Aveilus think and sense that it is the Aveilus of Klal Yisrael. Those who are Aveilim today are people who are killed because they are Yidden are connected to all the Aveilei Tzion in Yerushalayim through all the generations that we have suffered. Connect to them. Sadly, the Aveilus is barely observed. We seem to have all these real or imagined Heteirim to bathe and take showers during the nine days. We seem to not worry too much about clothing that was laundered or not laundered, you touch the floor with it you don't touch the floor with it, I don't understand. Even when we are obligated to sit on the floor on Tisha B'av, I remember as a boy everyone sat on the floor, elderly people put a cushion under them. Some had a cardboard box which would slowly crush as the day went on. Today everyone has comfortable seats. We don't feel the Aveilus. We are weaker, not weaker physically but weaker spiritually. Maybe if we closed our eyes and felt for a minute the Aveilus, the not showering of a family sitting Shivah on a 20 year old son who they brought up so proudly and is no longer with them. The Aveilus of a young wife, an expecting wife who lost her husband and is expecting a child. Maybe if we felt with them we would feel the Aveilus as greater meaning.

Hamakom Yenacheim, Klal Yisrael B'soch Aveilei Tzion MiYerushalayim.

We try to feel with the Aveilei Tzion MiYerushalayim. Let's hope we can be Mekayeim the Haftacha that Kol Hamisabeil Al Yerushalayim Zoche V'ro'e B'nechemasa. We can connect to Aveilei Tzion we should be Zoche and come to the day where we will finally say Hallel with a Beracha, full Hallel on Tisha B'av. Bim'heira B'yameinu. A Gutten Shabbos to all!

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**Thanks to hamelaket@gmail.com for collecting the following items:**

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>

reply-to: info@jewishdestiny.com

subject: Weekly Parsha from Rabbi Berel Wein

**In My Opinion TISHA B'AV**

**Rabbi Wein's Weekly Blog**

The Talmud traced the causes for the destruction of the First and Second temples to the spiritual failings and sins of the Jewish people. As those assessments are undoubtedly correct, they are observed in the popular view of the events to be the sole and only causes for these national tragedies. However, it should be obvious to all that failed policies, false assessments of the military and diplomatic situations of the times and a certain amount of foolhardy bravado certainly were also involved in destruction of the First and Second Commonwealths.

In both instances the Jewish rulers of the times pursued irrational policies, in the mistaken belief that somehow they would prevail and that Heaven would overlook their mistakes and national sins. As is often the rule in human history, when caution and good sense are substituted for emotion and personal calculations, disasters are likely to follow.

And so it was in the case of our first two attempts at Jewish national sovereignty in the Land of Israel. There is no escape for good or for better, from the consequences of national behavior and of governmental policies. Though the supernatural is always present in human affairs, no policies or strategic decisions should be made on the basis of mystical interference with the consequences of behavior and governmental policies.

Faith in supernatural help is a basic idea in Judaism. However, Judaism teaches self-reliance, wise choices in life and in diplomacy, and a realistic and rational outlook on unfolding events and prevalent societal forces. Heaven helps the wise and astute.

The mighty empire of Babylonia destroyed the First Temple. It did so after a rash and wholly irrational decision by the Judean king to rebel against its authority and ally himself and his small and weak country with Egypt, then the competing empire in the Middle East. This decision was opposed by the prophet Jeremiah. He warned the king and the people of the folly of this policy.

No one knows what would have been the result had the king listened to Jeremiah and not taken up arms against Babylonia. But no one can deny that the decision of the king to rebel was foolish. The prophet Jeremiah was certainly more practical and wise than the Judean king of his day. One would have thought that the prophet would have invoked the power of faith over the practicality and the reality of the situation. But that was certainly not the case.

The Jewish people then were simply unable to imagine that God, so to speak, would allow His own holy house to be destroyed. But the prophet warned them that they were mistaken in that belief and that disaster would follow their erroneous assessment of the situation. One of the bitter lessons of this period on the calendar is that practicality and wisdom are necessary in order to insure Jewish national survival. Faith in God is everything in Jewish life. But the faith must be founded on the realities of the world and the circumstances of life that surround us.

The same lesson is to be learned from the story of the destruction of the Second Temple. Realistically, the Jewish Commonwealth had no chance or ability to defeat the then mighty Roman Empire. The great rabbis of Israel at

that time, almost to a man, opposed the war of rebellion against Rome. They foresaw defeat and disaster. The Zealots, who fomented and fought the rebellion to its ruinous conclusion, proclaimed loudly and often that somehow Heaven would bless their efforts and provide them with miraculous victory. Again, this was a disastrous miscalculation on their part. As above, there is no one that can know what the Jewish story would have been like if the Zealots would not have mounted their ill-fated rebellion. But, we do know that their actions led to a long and painful exile for the Jewish people. Everything is in the hands of Heaven but without the human execution and participation, the will of Heaven is never executed on this earth.

So, the Jewish world in our time also needs a heavy dose of practicality and reality in order to translate our limitless faith into concrete achievements and goals. Abandoning the worship of false idols, of immoral behavior and wanton murder, coupled with the mitigation of baseless hatred in our community are the spiritual and emotional weapons for our redemption.

Added to these is the requirement for hard realistic thinking, wise policies and tempered utopianism. May we all be comforted, both nationally and personally in this difficult time.

Shabbat shalom  
Berel Wein

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from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
reply-to: info@jewishdestiny.com  
subject: Weekly Parsha from Rabbi Berel Wein

#### **DVARIM Rabbi Wein's Weekly Blog**

No matter how accurately facts are presented, the picture that they impart is incomplete if the element of perspective and background is not also present. The Torah reading of last week concluded the narrative of the creation of the Jewish people and of their special role in human history and civilization. This week we begin to study the final book of the Torah of Moshe.

This is the book of perspective, of the long view of events. It serves to help us place the facts of our story in proper order, for a clearer understanding. In his long oration before his death – which is what constitutes the bulk of this book of the Torah – Moshe analyzes the past story of God's relationship to his human creatures as well as indicating the future role of the Jewish people in history.

Just as a great portrait painting requires backdrop to truly capture the personality of the subject of the painting, so too, the story of a people requires a deeper understanding of its nature and history than can be provided by a mere presentation of dry facts alone. That is why this book of the Torah is so vital and necessary for any true appreciation of Judaism and of the Jewish people. One can say that this book is not only a “repetition” of the Torah – it is the Torah itself.

In this book of Dvarim, the Jewish people are revealed in all of their glory, as well as with their weaknesses and vulnerability. All of our foibles, of rebellion, backsliding, carping and complaining, are starkly revealed. Yet, the essential, unique traits of the Jewish people – their intellect and loyalty, tenaciousness and their desire for spiritual greatness – are also revealed and emphasized. The complexity of the Jewish character – both personal and national – is clearly outlined by Moshe in his final address to his beloved congregation.

He spares them no little criticism as he recounts the events that they brought upon themselves in their history, especially in their sojourn in the desert of Sinai. Nevertheless, his message is full of optimism regarding the eventual redemption and glory of Israel, the land and its people. He does not see the glass as being half-empty or half-full. He sees it merely as the container that holds the story of the Jewish people through the history of human civilization.

His optimism for the future is made more real and more likely by the cold realism of his description of the shortcomings of the past that so

characterized the Jewish people that he led. The rabbis of the Talmud have taught us that Moshe was the “father” of prophets. He set the template for Jewish prophecy, which never spared the rod of criticism, while portraying the golden future that would surely come upon us. We should all be able to recognize ourselves and our times in the book of Dvarim that we are commencing to read and study this week.

Shabbat shalom  
Rabbi Berel Wein

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from: Yeshiva.org.il <subscribe@yeshiva.org.il>  
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By Rabbi Yirmiyohu Kaganoff

#### **Do the Clothes Make the Man?**

#### **Not if They are Washed During the Nine Days!**

**By Rabbi Yirmiyohu Kaganoff**

The Mishnah teaches that “Mishenichnas Av mema'atim b'simcha,” “Once Av enters, we decrease our happiness” (Taanis 26b). Although the Mishnah does not clarify what we must do to decrease our happiness, the Gemara (Yevamos 43a) lists four activities that are banned during these days:

- (1) We decrease our business activities.
- (2) We refrain from construction and planting intended for joyous reasons (Yerushalmi Taanis, cited by Tosafos to Yevamos 43a s.v. Milisa).
- (3) We do not conduct weddings.
- (4) We do not make a festive meal to celebrate an engagement. (This interpretation of the Gemara Yevamos follows the Ramban in Toras Ha'adam and the Tur Orach Chayim 551, but is not the approach used by Rashi ad loc.)

So, why don't we launder clothes during the entire Nine Days, if the Gemara does not prohibit it?

The Mishnah prohibits laundering from the motza'ei Shabbos preceding Tisha B'Av until Tisha B'Av. (The days from the motza'ei Shabbos preceding Tisha B'Av until Tisha B'Av are called “the week in which Tisha B'Av occurs.”) However, these laws do not apply at all this year, since Tisha B'Av falls on Sunday.

Similarly, during these days, one may not launder bed linens, tablecloths, or clothes belonging to a gentile. One may also not wash children's clothing, although there is a dispute why the prohibition was extended to children. Some contend that this is because of chinuch -- to train children to be aware of the loss of the Beis HaMikdosh, while others contend that adults feel increased mourning by seeing children in unwashed clothes.

#### **DOES ANY HALACHIC DIFFERENCE RESULT FROM THIS DISPUTE?**

Indeed it does. According to the reason that we are training children to feel the mourning, the prohibition applies only to clothes of children old enough to appreciate the mourning over the destruction of the Beis HaMikdosh, but not to younger children. Thus, some poskim permit washing clothing of children under the age of eight (Pri Megadim, Eishel Avraham 551:38, based on Rama). However, other poskim prohibit washing all children's clothing (Shulchan Aruch 551:14), while a third opinion permits washing garments of children, but only until the age of four (Ben Ish Chai, Devorim 6). The two latter opinions hold that children do not wear freshly laundered clothes, so that adults should feel increased mourning by seeing children in unwashed clothes.

#### **NINE DAYS WITHOUT FRESH LAUNDRY**

At some point in Jewish history, Ashkenazim extended the prohibition against laundering or wearing fresh laundry earlier, prohibiting these practices from Rosh Chodesh Av (Rama 551:3). Most Sefardim do not follow this practice, but launder and wear fresh laundry from Rosh Chodesh until Shabbos Chazon. (Although the Kaf HaChayim is more stringent and follows the Rama's approach [551:64], the Ben Ish Chai [Devorim 6] and most other Sefardic authorities disagree.)

**WHY ARE ASHKENAZIM MORE STRINGENT THAN THE MISHNAH?**  
If the Mishnah permits laundering before the week in which Tisha B'Av occurs, why did Ashkenazim ban laundry from Rosh Chodesh?

The reason is that in the times of Chazal, the memories of the Beis HaMikdosh were still very fresh in people's minds, and a shorter period of mourning was a sufficient reminder of the Churban. But now, after our long golus, we require a longer period of mourning to arouse our feelings and mourn properly for the Beis HaMikdosh.

Some commentaries point out that this public mourning follows the exact opposite procedure of private mourning. Whereas private mourning moves from the more intense mourning periods to less intense, the public mourning begins with the Three Weeks, then to the Nine Days, the week in which Tisha B'Av occurs, Erev Tisha B'Av, and finally the intense mourning of Tisha B'Av itself. By gradually increasing the intensity of the mourning, we should be able to reach the appropriate sense of loss on Tisha B'Av, itself.

**ARE THERE ANY HALACHIC DIFFERENCES BETWEEN THE FIRST PART OF THE NINE DAYS AND THE SECOND PART?**

Since the days from Rosh Chodesh until Shabbos are prohibited only by custom, whereas the days after Shabbos are prohibited because of Takanas Chazal, do any halachic differences result from this distinction?

Yes, they do! Many poskim contend that one may wash children's clothes until the Shabbos before Tisha B'Av (Pri Megadim, Eishel Avraham 551:38; Mishnah Berurah 551:82, quoting Chayei Odom). They assume that the Ashkenazic custom did not include children's laundry, and therefore, these clothes may be washed until the time banned by Chazal.

Another halachic difference between the first and latter part of the Nine Days is that someone who has only one of a certain garment, say - one shirt - may wash it during the first part of the Nine Days. The poskim explain that the custom not to launder during the beginning of the Nine Days should not be more stringent than Chol HaMoed, when someone who has only one of a certain garment may wash it (Mishnah Berurah 551:29, quoting Elyah Rabbah).

**WHY IS LAUNDERING PROHIBITED DURING THESE DAYS?**

Rashi (Taanis 29b) explains that doing laundry distracts one from the mourning atmosphere that should pervade this week. For this reason, one may not launder clothes during these days, even if he intends to put them aside until after Tisha B'Av (Gemara Taanis 29b). One may not give laundry to a gentile during the Nine Days (Rama 551:3), even if one tells him not to launder it until after Tisha B'Av (Magen Avraham 551:15), because giving laundry to a gentile distracts one from mourning (Levushei Serad). If laundry is forbidden due to the distraction it causes, certainly other forms of recreational activity should be avoided completely.

However, all this does not explain why one may not wear freshly laundered clothes during these days, since this is not distracting (Ramban, Rashba, Ran, all quoted by Beis Yosef). The Rishonim explain that wearing freshly laundered clothes is prohibited, because it violates the public period of mourning that these days represent.

**NOTHING TO WEAR**

If someone's garment became dirty or sweaty so that he can no longer wear it and all his remaining clothes are freshly laundered, he may change into those clothes. If he has nothing to change into, he may even launder the soiled garment (see Pischei Teshuvah, Yoreh Deah 381:3, 389:2; Aruch HaShulchan Yoreh Deah 389:6, 7; Gesher HaChayim pg 234). However, one should prevent this from happening, by preparing sufficient "worn" clothing before Rosh Chodesh. One does this by changing into different shirts, wearing each one for a half-hour or so, and then putting them away to wear during the Nine Days (or the week of Tisha B'Av, if he/she is a Sefardi [see Ben Ish Chai, Devorim 6; Kaf HaChayim 551:9]). Towels should also be used at least once before Rosh Chodesh, in order to allow their use during the Nine Days (ibid.).

One may spot-clean a garment, if he is concerned that the stain will set or if he is embarrassed to wear such a garment and has no substitute. It is also

permitted to soak a dirty garment without completing its laundering, in order to facilitate its cleaning after Tisha B'Av (Piskei Teshuvos 511:18).

**FRESH FOR SHABBOS**

To fulfill a mitzvah, one may wash and wear fresh clothes, even during the week that Tisha B'Av occurs (see Rama; Mishnah Berurah 30). This is because Chazal did not prohibit laundering done for a mitzvah, but considered the observance of the mitzvah to be more important. According to this reasoning, one could argue that it is permitted to wash laundry to provide fresh linen for one's guests. For the same reason, one may wear fresh clothes and use fresh tablecloths for Shabbos (Rama 551:3). However, one may not use fresh linens, presumably because this will not significantly diminish the dignity of Shabbos (Taz 551:4, quoting Maharshal; Mishnah Berurah 551:33).

Although one may wear freshly laundered clothes on Shabbos, one may not use Shabbos to prepare garments for weekday wear. Thus, one may not change one's clothes extra times on Shabbos in order to have more pre-worn clothes for after Shabbos. However, if one is changing one's clothes in any case, such as upon arising in the morning, he does not need to put on the clothes worn the night before, but may wear different clothes, so that he'll have extra clothes for the following weekdays. This is permitted, because one is not changing his clothes only for the purpose of the weekday (Ben Ish Chai, Devorim 6).

**THURSDAY IS WASH DAY**

The poskim dispute whether one may launder on Thursday of the Nine Days, if he does not have freshly laundered clothing for Shabbos (Magen Avraham 551:14 permits this; however, see Darchei Moshe, who implies that one may not). The poskim imply that this is permitted only on Thursday, but not on any other day of the week.

Why not do the laundry on Friday?

Around the time of the construction of the Second Beis HaMikdosh, the great Jewish leader, Ezra, instituted ten takanos, special decrees, for the benefit of the Jewish people. One of them was that laundry should be washed every Thursday, in honor of Shabbos (Bava Kama 82a).

Why did Ezra specify Thursday? The poskim dispute this point. Some contend that Ezra prohibited laundering on Friday in order to guarantee that Friday remain available for other Shabbos preparations (Magen Avraham 242:3). Other poskim contend that the focus of Ezra's takanah was different: Do the laundry on Thursday, in order to assure that one has fresh clothes for Shabbos. In earlier generations, laundering was extremely time consuming and it was impractical to launder on Erev Shabbos (Elyah Rabbah 242:9). Furthermore, the clothes would not be dry for Shabbos. Therefore, Ezra ruled that one should launder on Thursday, in order to guarantee relatively fresh laundry for Shabbos. Because of this, there is a year round obligation every Thursday to check that the family has clean laundry, linens, and tablecloths for Shabbos, and if not, to launder them.

Although most later poskim do not follow the first opinion that the takanah was against laundering on Friday (Shaarei HaTziyun 242:16), one should still preferably do laundry on Thursday, rather than on Friday. However, when Tisha B'Av occurs on Thursday one may launder on Thursday night or Friday according to all opinions (see Magen Avraham 551:18, 558:1).

**WHAT OTHER PROHIBITIONS APPLY TO CLOTHING DURING THE NINE DAYS?**

One may not dry-clean clothes or iron them (Shulchan Aruch 551:3). Again, Ashkenazim observe these laws from Rosh Chodesh, and Sefardim from the motza'ei Shabbos before Tisha B'Av. However, it is permitted to repair shoes and clothes during the Nine Days (Kaf HaChayim 551:107; Piskei Teshuvos 551:ftn. 157).

One may not wear Shabbos clothes or other unusually nice clothing during the weekdays of the Nine Days. A notable exception is that the celebrants of a bris are permitted to wear Shabbos clothes, since for them it is a Yom Tov (Rama 551:1).

The poskim record different customs concerning whether one wears weekday or Shabbos clothes on Shabbos Chazon. Our custom is to wear Shabbos clothes on Shabbos Chazon. Some poskim hold that one should change out of the Shabbos clothes immediately after Shabbos (based on Magen Avraham 262:2 and 559:10)

#### WHO IS A CELEBRANT?

Which celebrants may wear Shabbos clothes at a bris during the Nine Days? According to all opinions, the baby's parents, the sandek (who holds the baby when the bris is performed), the mohel, and the woman who brings the baby to the bris (the kvaterin) may wear Shabbos clothes (Rama 551:1). Other opinions permit the baby's grandparents and other close relatives to wear Shabbos clothes (Shaarei Teshuvah, end of 551:3), as well as the person honored with placing the baby on the kisei shel Eliyahu, those who bring the baby closer to the bris ("cheika"), and the kvatter (see Elyah Rabbah 551:27). Each person should consult his rav for practical psak. (Incidentally, this discussion is a source that family members attending a bris during the rest of the year should wear Shabbos clothes!)

#### NEW CLOTHES

One may not wear new clothes during the Nine Days, even on Shabbos (Magen Avraham 551:6; Mishnah Berurah 551:9, 45; Shu't Igros Moshe, Orach Chayim 3:80), nor may one tailor or purchase new clothes or shoes (Rama 551:6-7). (If these are garments for which one would usually recite shehechyanu, then we do not wear them the entire Three Weeks.) However, one may purchase non-leather footwear, even during the week of Tisha B'Av if one has no suitable footwear for Tisha B'Av -- because of the extenuating circumstances that otherwise, he would have to walk all day Tisha B'Av without footwear (Shu't Igros Moshe 3:80).

#### HOTEL

What do I do if I am in a hotel during the Nine Days?

If one may not use freshly laundered bed linens during the Nine Days, what should one do if one stays in a hotel or as a guest in someone's home during the Nine Days? May he use the freshly laundered sheets? The poskim permit guests to use fresh bed linens, since most people are very uncomfortable using bed linens slept on by someone else (Shu't Minchas Yitzchak 10:44; Shu't Tzitz Eliezer 13:61). The Minchas Yitzchak suggests soiling the linens on the floor a little before using them. Depending on circumstances, one might also be able to bring one's own used linens. In any instance, one should instruct the hotel not to change the bed linens until after Tisha B'Av.

#### PLEASURE BATHING DURING THE NINE DAYS

The Gemara mentions no prohibition against bathing during the Nine Days. To quote the Ran, "Washing one's body is permitted, whether in hot water or cold - and even the entire body - for Chazal only prohibited washing on Tisha B'Av itself. However, meticulous people have the custom not to bathe the entire week."

On the other hand, the Tur, quoting Avi Ezri, writes that the widespread custom is to forbid bathing from Rosh Chodesh until after Tisha B'Av. Furthermore, he states that someone who violates this custom violates "al titosh toras imecha, - do not forsake the teaching of your mother," here referring to the customs of the Jewish people. The Shulchan Aruch records two customs: one to refrain from bathing from Rosh Chodesh, and the second to refrain only during the week of Tisha B'Av. The custom is not to bathe for pleasure during the entire Nine Days, but bathing for hygienic and health purposes is permitted. A rav should be consulted as to when and how this applies.

#### THE REWARD FOR OBSERVING THE NINE DAYS

The Medrash (Medrash Rabbah Shemos 15:21) teaches that Hashem will bring forth ten new creations in the era of Moshiach:

1. He will create a new light for the world.
2. A freshwater spring will develop from Yerushalayim whose waters will heal all illnesses.
3. Each month, Hashem will create trees that produce new fruits with special curative powers.

4. All the cities of Eretz Yisroel will be rebuilt, including even Sodom and Amora.

5. Hashem will rebuild Yerushalayim with sapphire stone that will glow and attract all the nations of the world to come and marvel at the city's beauty.

6. The cow and the bear, the wolf and the sheep will graze together, and their young will play together (see Yeshaya 11:7).

7. Hashem will make a covenant with all the creatures of the world, and people will beat their swords and spears into plows and pruning hooks (see Hoshea 2:20.)

8. There will be no more crying in the city of Yerushalayim (see Yeshaya 65:19).

9. Death will perish forever (see Yeshaya 25:8).

10. Everyone will be joyful, and tears will be wiped from every face (see Yeshaya 25:8).

The Kaf HaChayim (551:1) states that everyone who meticulously observes the halachos of the first ten days of Av, thereby demonstrating his personal mourning over the churban of Yerushalayim, will merit to witness these ten miracles. May we all merit seeing them speedily and in our days.

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Yeshivat Ateret Yerushalayim

**Ha-Rav Shlomo Aviner Shlit"a**

Tisha Be-Av which Falls on Motzaei Shabbat

#### 1. Beginning of the Fast

The fast as well as the other prohibitions begin from sundown - not nightfall (i.e. when 3 stars come out), even though it is still Shabbat (Mishnah Berurah 552:24).

#### 2. Seudah Mafseket

It is permissible to eat meat and drink wine and have a festive meal like King Shlomo (Shulchan Aruch, Orach Chaim 552:10). And one does not eat an egg dripped in ashes as in a regular year. There are Poskim who say that one should nonetheless eat the meal in a sorrowful manner without joy, and without company, while other authorities permit acting as on all other Shabbatot, so there is no public mourning on Shabbat (Mishnah Berurah #24). One must be careful, however, to complete the meal before sunset (Mishnah Berurah ibid.).

#### 3. Removing Shoes

The Rama (Orach Chaim 553:2) rules that on Tisha Be-Av which falls on Motzaei Shabbat, we remove our shoes after Barechu of Maariv, since it is forbidden to display any signs of mourning on Shabbat (Mishnah Berurah #6). The Rama adds, however, that the Shaliach Tzibur removes his shoes before Barechu, after reciting "Baruch Ha-Mavdil Bein Kodesh Le-Chol" (Mishnah Berurah Ibid. #7). The Mishnah Berurah (Ibid.) explains that he does so in order not to become confused if he has to remove them after Barechu.

There are however various problems which arise with this:

- a. One who brings his Tisha Be-Av shoes to Shul on Shabbat violates preparing on Shabbat for a weekday.
- b. When one removes his shoes and puts on his Tisha Be-Av shoes, he must be careful not to touch them, or he will be required to wash Netilat Yadayim.
- c. Everyone changing shoes impinges upon proper intention while Davening.
- d. If everyone changes their shoes (even if they brought them to Shul before Shabbat), the Shul will be filled with shoes, which disgraces the holiness of the Shul.

It is therefore preferable to act in the following manner: After nightfall (3 stars coming out), before one leaves his house, each person says "Baruch Ha-Mavdil Bein Kodesh Le-Chol" and puts on his Tisha Be-Av shoes (and see Shut Yechaveh Daat 5:38). In order to do so, Maariv should be delayed 15 minutes. If one is unable to act in this manner, he should put on his Tisha Be-Av shoes at home on Shabbat and walk to Shul in them so he is not

preparing on Shabbat for a weekday, since he is using them on Shabbat itself. Even though this seems to contradict the concept of not displaying signs of mourning on Shabbat, our Sages allow one to wear regular shoes on Tisha Be-Av if one is traveling or if one lives among non-Jews and he fears being mocked (Shulchan Aruch, Orach Chaim 554:17), and the same leniency applies for the honor of Shabbat and he may wear his Tisha Be-Av shoes on Shabbat.

#### 4. Kinot

One who brings a Kinot book to Shul on Shabbat should learn a little from it so that he does not prepare on Shabbat for a weekday.

#### 5. Havdalah

After Maariv, before reciting Kinot, we recite only the blessing over seeing a candle (and not the verses before Havdalah or the Berachot over wine and spices). If one does not recite the blessing then, he should do so later that night upon seeing a candle or light. A woman should also recite this blessing if she stays at home and her husband does not return until later. On Motzai Tisha Be-Av (Sunday night), we recite Havdalah only over wine, without a candle and spices (Shulchan Aruch, Orach Chaim #556). We also do not recite the verses before Havdalah.

#### 6. Eating

When Tisha Be-Av is postponed until Sunday – those who are ill, nursing or pregnant fast as long as it is not difficult for them. If it is difficult for them, it is permissible for them to eat. There is no need to eat "Shiurim" (minimum quantities), but one should eat simple foods.

Anyone who eats should first recite Havdalah over grape juice.

#### 7. Motzai Tisha Be-Av when Tisha Be-Av is Postponed

After the fast, it is forbidden to eat meat and drink wine. It is permissible to drink wine during Havdalah. It is permissible to do laundry and get a haircut and shave. All of the other Halachot of the Three Weeks no longer apply (Halichot Shlomo of Ha-Rav Shlomo Zalman Auerbach Chapter 15, Dvar Halachah #26. Unlike the ruling of Ha-Rav Yechiel Michal Tukachinsky in Luach Eretz Yisrael). In the morning, all of the prohibitions of the Three Weeks are lifted.

May Hashem continue the return of His Presence to Zion, and may the Beit Ha-Mikdash be built speedily in our days.

<http://torah.org/series/rabbizweig/>

### **Parshas Devarim Av 5776 – Rav Yochanan Zweig** **EVERYONE'S A CRITIC**

These are the words that Moshe spoke to of Israel, on the other side of the Yarden, in the desert, in the plain, between Paran and Tophel...(1:1)

This week's Parsha opens with Moshe addressing the entire nation. Both Rashi and Targum Yonason (ad loc) point out that Moshe isn't merely speaking to Bnei Yisroel - he's actually criticizing them. In fact, all the places listed in the Possuk are locations where the Jewish people transgressed and angered HaShem.

The Talmud (Bava Metzia 30b) states that the reason Jerusalem was destroyed was because the inhabitants went according to the strict letter of the law and didn't act in ways that would have gone beyond the letter of the law. In other words they didn't treat one another any better than the Torah required them to. Tosfos (ad loc) asks that the reason given for the destruction seems to contradict the Gemara (Yoma 9b) which states that the reason for the destruction was because of "baseless hatred". Tosfos answers that both those reasons played into the cause for the destruction. Seemingly, Tosfos is explaining that the baseless hatred led them to only do for each other what was required and nothing beyond the strict letter of the law.

Yet, the Gemara in Shabbos (119b) states that the reason for the destruction was because people failed to criticize one another. This, once again, seems to contradict the Gemara in Yoma which states that the destruction stemmed from baseless hatred. Presumably, if baseless hatred was rampant in the city

of Jerusalem then harsh criticism couldn't be far behind. What does the Gemara mean when it says that people didn't criticize each other?

Almost everyone is familiar with the Torah command "Hocheach Tocheach Es Amisecha" - the obligation of criticizing a fellow Jew. Sadly, most of us have no idea what this really means and when to apply it. As an example: Most of us feel it is our sacred obligation to (loudly) shush the person in Shul who is talking too loudly or is disruptive in some way. As we will explain, this does not fall under the obligation of criticizing a fellow Jew.

Maimonides (Hilchos Deyos 6:7) lays out very clearly what this Mitzvah entails: "It is a mitzvah for a person who sees that his fellow Jew has sinned, or is following an improper path, to return him to proper behavior and to inform him that he is causing himself harm by his evil deeds - as the Torah (Vayikra 19:17) states: 'You shall surely admonish your colleague.'

Clearly, according to Rambam, the prime motivation for criticism of another Jew should be your interest in his well being. In fact, as Rambam points out, one of the key elements of criticism is the explanation of how the person's behavior is harmful to themselves. In other words, the main driving force of criticism of another has to be your love of them and your desire that they don't hurt themselves.

Most of us only criticize behavior of others that bothers us, not the behavior that is harmful to them. Most of us prefer to blithely ignore behavior of our friends that is clearly detrimental to them - unless, of course, their behavior or something they do is disruptive to our own lives. At that point we jump into action. But until that point we would rather ignore their shortcomings and "leave well enough alone". In other words, we effectively only criticize when their behavior is about us, not when their behavior is about them. In addition we should carefully consider what that says about our "friendship".

That's what the Gemara means that Jerusalem was destroyed because we didn't criticize one another. This was a direct result of the baseless hatred. Because of the baseless hatred we had for one another we didn't care about each other and therefore didn't make any attempt to prevent another, person from harming themselves.

#### **THE DEATH OF DISCONNECTION**

How can I alone carry your carry your trouble and your burden and your quarrels? (1:12)

Parshas Devarim is read every year on the Shabbos before Tisha B'av. In this Parsha Moshe laments; "Eicha esa levadi", how can I myself bear the burden of Bnei Yisrael's quarrels and arguments. It is customary to read this Possuk in the special melody of Megillas Eicha. Chazal, in the prologue of Midrash Eicha, give an interpretation to the meaning of the word Eicha and the connection to Tisha B'av:

R. Abbahu taught "But they like men [Adam] have transgressed the covenant (Hoshea 6:7). This refers to Adam Harishon, of whom HaShem said, "I brought him into the Garden of Eden and I imposed a command upon him, but he transgressed it so I punished him by driving him out and sending him away. "V'kinati alav eicha" - and lamented over him,... as it is said, Therefore Hashem God sent him forth, and lamented over him "Where art thou? (Ayeka). Similarly with his descendants. I brought them into the land of Israel, ... I gave them commandments, ... they transgressed my laws ... so I punished them by driving them out, and by sending them away, and I lamented over them, How (Eicha) she (referring to Yerushalayim) sits solitary.. (Eicha 1:1).

This, of course, refers to Adam's sin of eating from the tree of knowledge and violating the only commandment given to him at the time, which led to his banishment from Gan Eden. The parallel to Adam's sin is the sins of Bnei Yisroel that caused them to be driven out of Eretz Yisroel. These two words, Eicha and Ayeka, appear identical in the non-vowelized text as they are the exact same letters. Just as HaShem used the word Ayeka when He banished Adam He uses the word Eicha when He banished Bnei Yisroel from Eretz Yisroel.

Maimonides (Hilchos Teshuvah 6:1-3) states that one of the core tenets of understanding Hashem's providence is the knowledge that all evil that befalls

us, whether individually or as a community, comes from consciously using our free will to transgress sins. These punishments often come to us in the most horrific ways, but they are all meted out in accordance to Hashem's divine knowledge of the proper way to exact punishment to fit the sin. But all of these punishments are only if the person doesn't do Teshuvah. But if a person repents in conscious manner and of his own free will this acts as a shield to protect one from punishment.

In light of this, we must examine how we, as a people, react to the devastating loss of the Beis Hamikdosh, the destruction of Jerusalem and the death and banishment of the Jewish people that is poignantly memorialized by the three weeks and Tisha B'av.

Our sages instituted the custom to begin a period of mourning on the 17th of Tammuz. This gets progressively more intensive, culminating with Tisha B'av. Towards the end of Tisha B'av we begin to console ourselves, and over the next seven week we experience what is known as the "seven weeks of consolation". This is highlighted as such by the weekly Haftorahs. Only after this process do we begin to embark on the Teshuvah process. This seems a little backwards. According to Maimonides it seems we should be immediately embarking on Teshuvah. What is this process of mourning? What are we trying to internalize?

Most people think that the period of mourning is the process of the internalization of the terrible tragedies that happened to the Jewish people and to feel a sense of loss. This is really only part of the purpose, and perhaps, only a small part of it.

Of course Maimonides is right, we need to constantly focus on doing Teshuvah. But the real issue in doing Teshuvah is that we are often distracted from the root cause of our problem. We often look at Teshuvah as our apology for a transgression, as in "please don't punish me (i.e. my family, my business) for my sins, I am sorry that I behaved in such a terrible manner". This is, at best, an incomplete perspective.

What we really should focus on is the severing of the relationship with HaShem due to our misbehavior. We need to begin to fathom the true effect of our transgressions - this disconnection from our source. When we are disconnected from HaShem that is when all the terrible things happen to us. Being disconnected from HaShem is literally death, because we are now merely finite beings.

That is why when Adam sinned he brought death to the world and that is what HaShem said to him "Ayeka" - where are you? If we are disconnected from HaShem we are nowhere. Gone. Banished. The loss of the Bais Hamikdosh and Eretz Yisroel is the manifestation of the severing of the relationship with HaShem that had been restored, in part, after the sin of the Golden Calf.

This is also why it is prohibited to study Torah on Tisha B'av; the Torah and its infinite connection to HaShem masks this sense of disconnection. It is this death, the severing of our relationship with HaShem, that we must mourn during this time period. We have been banished from the relationship. It is for this reason that all the stories of the destruction, those that we are permitted to study on Tisha B'av, appear in the tractate of Gittin - laws of divorce.

Only after suitably internalizing this loss, and its ramifications, do we begin to console ourselves. Even after all that we have done to HaShem, He still wants a relationship with us. When we begin to understand his yearning for us to return, then we can properly return to him with a complete Teshuvah - a return to the relationship.

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subject: Shabbat Shalom from the OU

**To 120: Growing Old, Staying Young –**

**Lord Rabbi Jonathan Sacks**

On 27 March 2012, to celebrate the diamond jubilee of the Queen, an ancient ceremony took place at Buckingham Palace. A number of institutions presented Loyal Addresses to the Queen, thanking her for her service to the nation. Among them was the Board of Deputies of British Jews. Its then president, Vivian Wineman, included in his speech the traditional Jewish blessing on such occasions. He wished her well "until a hundred and twenty."

The Queen was amused and looked quizzically at Prince Philip. Neither of them had heard the expression before. Later the Prince asked what it meant, and we explained. A hundred and twenty is stated as the outer limit of a normal human lifetime in Genesis 6:3. The number is especially associated with Moses, about whom the Torah says, "Moses was a hundred and twenty years old when he died, yet his eyes were undimmed and his strength undiminished" (Deut. 34:7). Together with Abraham, a man of very different personality and circumstance, Moses is a model of how to age well. With the growth of human longevity, this has become a significant and challenging issue for many of us. How do you grow old yet stay young?

The most sustained research into this topic is the Grant Study, begun in 1938, which has tracked the lives of 268 Harvard students for almost eighty years, seeking to understand what characteristics – from personality type to intelligence to health, habits and relationships – contribute to human flourishing. For more than thirty years, the project was directed by George Vaillant, whose books *Aging Well* and *Triumphs of Experience* have explored this fascinating territory.<sup>1</sup>

Among the many dimensions of successful aging, Vaillant identifies two that are particularly relevant in the case of Moses. The first is what he calls generativity,<sup>2</sup> namely taking care of the next generation. He quotes John Kotre who defines it as "to invest one's substance in forms of life and work that will outlive the self." In middle or later life, when we have established a career, a reputation, and a set of relationships, we can either stagnate or decide to give back to others: to community, society and the next generation. Generativity is often marked by undertaking new projects, often voluntary ones, or by learning new skills. Its marks are openness and care.

The other relevant dimension is what Vaillant calls keeper of the meaning. By this he means the wisdom that comes with age, something that is often more valued by traditional societies than modern or postmodern ones. The "elders" mentioned in Tanakh are people valued for their experience. "Ask your father and he will tell you, your elders, and they will explain to you," says the Torah (Deut. 32:7). "Is not wisdom found among the aged? Does not long life bring understanding?" says the book of Job (12:12).

Being a keeper of the meaning means handing on the values of the past to the future. Age brings the reflection and detachment that allows us to stand back and not be swept along by the mood of the moment or passing fashion or the madness of the crowd. We need that wisdom, especially in an age as fast-paced as ours where huge success can come to people still quite young. Examine the careers of recent iconic figures like Bill Gates, Larry Page, Sergey Brin and Mark Zuckerberg, and you will discover that at a certain point they turned to older mentors who helped steer them through the white-water rapids of their success. Asei lekha rav, "Acquire for yourself a teacher", remains essential advice.<sup>3</sup>

What is striking about the book of Devarim, set entirely in the last month of Moses' life, is how it shows the aged but still passionate and driven leader, turning to the twin tasks of generativity and keeper of the meaning.

It would have been easy for him to retire into an inner world of reminiscence, recalling the achievements of an extraordinary life, chosen by God to be the person who led an entire people from slavery to freedom and to the brink of the Promised Land. Alternatively he could have brooded on his failures, above all the fact that he would never physically enter the land to which he had spent forty years leading the nation. There are people – we have all surely met them – who are haunted by the sense that they have not won the recognition they deserved or achieved the success of which they dreamed when they were young.



Moses did neither of those things. Instead in his last days he turned his attention to the next generation and embarked on a new role. No longer Moses the liberator and lawgiver, he took on the task for which he has become known to tradition: Moshe Rabbenu, "Moses our teacher." It was, in some ways, his greatest achievement.

He told the young Israelites who they were, where they had come from and what their destiny was. He gave them laws, and did so in a new way. No longer was the emphasis on the Divine encounter, as it had been in Vayikra, or on sacrifices as it was in Bamidbar, but rather on the laws in their social context. He spoke about justice, and care for the poor, and consideration for employees, and love for the stranger. He set out the fundamentals of Jewish faith in a more systematic way than in any other book of Tanakh. He told them of God's love for their ancestors, and urged them to reciprocate that love with all their heart, soul and might. He renewed the covenant, reminding the people of the blessings they would enjoy if they kept faith with God, and the curses that would befall them if they did not. He taught them the great song in Ha'azinu, and gave the tribes his death-bed blessing.

He showed them the meaning of generativity, leaving behind a legacy that would outlive him, and what it is to be a keeper of meaning, summoning all his wisdom to reflect on past and future, giving the young the gift of his long experience. By way of personal example, he showed them what it is to grow old while staying young.

At the very end of the book, we read that at the age of 120, Moses' "eye was undimmed and his natural energy was unabated" (Deut. 34:7). I used to think that these were simply two descriptions until I realised that the first was the explanation of the second. Moses' energy was unabated because his eye was undimmed, meaning that he never lost the idealism of his youth, his passion for justice and for the responsibilities of freedom.

It is all too easy to abandon your ideals when you see how hard it is to change even the smallest part of the world, but when you do you become cynical, disillusioned, disheartened. That is a kind of spiritual death. The people who don't, who never give up, who "do not go gentle into that dark night,"<sup>4</sup> who still see a world of possibilities around them and encourage and empower those who come after them, keep their spiritual energy intact.

There are people who do their best work young. Felix Mendelssohn wrote the Octet at the age of 16, and the Incidental Music to a Midsummer Night's Dream a year later, the greatest pieces of music ever written by one so young. Orson Welles had already achieved greatness in theatre and radio when he made Citizen Kane, one of the most transformative films in the history of cinema, at the age of 26.

But there were many others who kept getting better the older they became. Mozart and Beethoven were both child prodigies, yet they wrote their greatest music in the last years of their life. Claude Monet painted his shimmering landscapes of water lilies in his garden in Giverny in his eighties. Verdi wrote Falstaff at the age of 85. Benjamin Franklin invented the bifocal lens at age 78. The architect Frank Lloyd Wright designed the Guggenheim Museum at 92. Michelangelo, Titian, Matisse and Picasso all remained creative into their ninth decade. Judith Kerr who came to Britain when Hitler came to power in 1933 and wrote the children's classic The Tiger who came to Tea, recently won her first literary award at the age of 93. David Galenson in his Old Masters and Young Geniuses argues that those who are conceptual innovators do their best work young, while experimental innovators, who learn by trial and error, get better with age.<sup>5</sup>

There is something moving about seeing Moses, at almost 120, looking forward as well as back, sharing his wisdom with the young, teaching us that while the body may age, the spirit can stay young ad meah ve-esrim, until a hundred and twenty, if we keep our ideals, give back to the community, and share our wisdom with those who will come after us, inspiring them to continue what we could not complete.

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Devarim: Elucidating the Torah

**"On the east bank of the Jordan, in the land of Moab, Moses began to elucidate (be'er) this Torah." (Deut. 1:5)**

Moses and Ezra

The fifth book of the Torah differs from the first four books. Deuteronomy is not a verbatim transmission of God's word, but a prophetic work, on par with the writings of other prophets. The final book of the Torah is called Mishneh Torah (Deut. 17:18), for it is Moses' review and elucidation of the Torah.

A second surge of Torah exegesis took place in the time of Ezra:

"They read in the book of God's Torah, clarified (meforash); and they gave the sense, and explained the reading to them" (Nehemiah 8:8).

Both Moses and Ezra explained and elucidated the Torah. Their methods of interpretation, however, differed. Moses' elucidation was a biur, while Ezra's was a perush. What is the difference between these two methods?

Two Methods of Elucidation

From the time of Moses until Ezra, the Torah was clarified through the method of biur. This word comes from the root be'er, meaning a well of water. Like a well, the creative outpouring of learning flowed "like an overflowing spring and a river that never dries up" (Avot 6:1). This form of analysis begins by deducing the underlying principles; then, all of the details may be derived from these fundamental principles, the hidden foundations of the Torah.

Ezra, however, recognized that the innovative biur, with its subtle methods of induction and deduction, was not suitable for all periods. In a time of exile, this approach could prove to be dangerous. Political instability and social upheaval diminish the quality of scholarship and peace of mind, thus weakening the nation's spiritual and intellectual capabilities. In such difficult conditions, the method of biur could be misused, leading to a subversion of the Torah's true aims.

Therefore, Ezra promoted the approach of perush. This is an empirical method of analyzing a subject by examining all of its details. Details are compared to one another, without attempting to determine the underlying principles. The word perush comes from the root paras, "to spread forth" (see Isaiah 25:11). This form of analysis is less risky, since it limits itself to the material at hand.

Letterforms for the Times

The Talmud (Sanhedrin 21b) states that Ezra was a scholar of such stature that the Torah could have been given to Israel through him. While this did not occur, Ezra nonetheless made a revolutionary change in the Torah, by switching the writing in the Torah from the ancient Hebrew script to the square Assyrian script. Why did Ezra make this change in the letterforms? The two scripts reflect different needs of the nation. During the First Temple period, there was little interaction with other nations, and the Torah did not openly influence the world. The Jewish people dwelled in their own land, and the kohanim and the Levites were available to inspect the text of the Torah scrolls and guard them from any scribal errors. When Moses gave the Torah to the Jewish people, a clear script not given to mistakes in transmission was not of paramount importance. The problem of similar-looking letterforms in the ancient Hebrew script was not an issue during the relatively stable era of the First Temple period.

Ezra lived at the beginning of the Second Temple period. This era was essentially a time for the Jewish people to prepare themselves for the long and difficult exile that would follow. Retaining the difficult ancient letterforms would have made it impossible to safeguard the accuracy of the Torah's text. In the centuries of exile and wanderings from country to country, the original Hebrew script would have lead to many mistakes and

uncertainties. The sages of the beginning of the Second Temple period, aware of the long exile to come, worked to fortify the spiritual state of the people, despite the future loss of the nation's unifying institutions, such as the Temple, the Sanhedrin, and the monarchy. One of the initiatives of that era was Ezra's decision to switch the script to the clear Assyrian script, whose unambiguous letters would prevent confusing similar letters in the text of the Torah.

#### A Fence for the Torah

The sages of that era made other preparations for the future exile, establishing protective decrees to guard the Torah's laws. "Make a fence for the Torah" (Avot 1:1) was the motto of the Great Assembly.

Even though these changes came about due to the needs of the hour, the Jewish people recognized the value and benefits of these decrees. As the nation adopted these holy paths, pure deeds and worthy customs, a net of eternal love spread over them, and they acquired a permanent place in the spiritual life of the nation.

*(Gold from the Land of Israel, pp. 291-293. Adapted from the Introduction to Ein Ayah vol. I, pp. 14-17)*

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<https://www.ou.org/holidays/fast-of-tisha-bav/>

#### OU Torah

##### *VaYigdal Moshe on Tisha b'Av*

##### *Rav Moshe Twersky HY"D*

##### *Seichel and Beis Ha'Mikdash*

Chazal say that someone who has deiah it is as if the Beis Ha'Mikdash was rebuilt in his days (Sanhedrin 92a). How are we to understand this? Why is having deiah likened to the Beis Ha'Mikdash? We find a similarly emphatic statement in Nedarim 41a: one who has deiah has everything and one who is lacking deiah, what does he have?" The fact that Chazal are telling us that without deiah one has nothing means that we really ought to try and understand what deiah is. Regarding Betzalel (Shmos 31:3) we find that Hashem gave him three things: chochmah, tevunah, and daas. Rashi explains there that chochmah, is the raw knowledge that one is taught by others, and tevunah is what one is able to derive on one's own from that which he was taught. The understanding he gains of what he learned by dint of his efforts to comprehend it well. Accordingly, daas is the finished product. The wisdom that is ready for practical implementation.

Rashi also says that daas is ruach ha'kodesh. Are these two completely different explanations? The first approach seems to pin daas as the final product of a person's intellect, whereas the ruach ha'kodesh approach seems to be a matter of Divine inspiration that is not within the bounds of human intellect. However, it really isn't two different approaches. Rabbeinu Yonah writes in Shaarei Teshuvah (1:10) that the Creator has blown into us a "living soul which is wise of heart and possessed of solid intellect". The intellect, then, is the expression and manifestation of the nishmas chayim, the neshamah that Hashem bestows upon us. The neshamah is our direct connection to the Creator, because it – more than any other facet of creation – is the most direct and refined vehicle of the revelation of Godliness in the world. The ruach ha'kodesh and the seichel are really the same, because the intellect is the expression and manifestation of the neshamah which is our direct and most powerful connection to Ha'Kadosh Baruch Hu.

There is a pasuk in Shir Ha'Shirim (4:4) that says, "Like the tower of Dovid is your neck", and Chazal tell us that this is an allusion to the Beis Ha'Mikdash. And why is the Beis Ha'Mikdash compared to a neck? Because the neck serves as the connecting bridge between the spiritual head of the body and the lower, physical part of the body. So too, the Beis Ha'Mikdash is that which connects Shamayim and Aretz as we see in the dream of Yaakov avinu. The ladder was firmly anchored in the ground but it reached all the way up to Shamayim. The lower part of the ladder is on the earth side, and the upper part of the ladder on the Heaven side. And what was in the

middle? Rashi (Breishis 28:17) explains that the middle of the ladder was directly corresponding to the location of the Beis Ha'Mikdash. Because the Beis Ha'Mikdash – which is where we are able to fully serve Hashem and connect to him – is the connecting bridge between Shamayim and Aretz. Now we understand why deiah is like the Beis Ha'Mikdash, because it is through our seichel that we come to know and connect with Hashem and thereby build the connection between Shamayim and Aretz.

(From the notes of Rav Eliezer Neihaus)

##### *Shavua Sheh'chal Bo When Tisha B'Av Falls on Shabbos*

The Tur (Orach Chaim 551) brings varying opinions regarding the status of the week preceding Tisha B'Av when it falls on Shabbos. Although the minhag of Ashkenazim is to refrain from laundering (or wearing freshly laundered clothes) beginning from Rosh Chodesh Av, and from haircuts beginning from Shiva Asar b'Tamuz, this was adopted as a custom in addition to the basic enactment that Chazal mandated. Chazal's enactment is only on the actual week of Tisha B'Av – this is called shavua sheh'chal bo. Regarding the halacha of that basic enactment, there is a difference of opinion regarding when Tisha B'Av falls out on Shabbos. The first opinion that the Tur brings is that when Tisha B'Av falls out on Shabbos, there is no shavua sheh'chal bo. Since, explains this opinion, the fast is postponed to Sunday, you cannot call the preceding week the week in which Tisha B'Av falls. And insofar as the following week is concerned (from Monday and on), that's already after the fast which definitely does not have any restrictions of laundering or haircutting. However, continues the Tur, the Sefer Ha'Mitzvos says that the accepted practice when Tisha B'Av falls on Shabbos is to indeed treat the preceding week as shavua sheh'chal bo and to refrain from laundering and haircuts. The straightforward understanding of the first opinion, which is based on the words of the Ran and the Rosh, is that they do not accept this statement of the Sefer Ha'Mitzvos. They hold that when Tisha B'Av falls on Shabbos, there is no shavua sheh'chal bo; period. Let's try to understand what may be the underlying reasoning for this. The prohibition of not laundering or taking haircuts on the week of Tisha B'Av is an expression of aveilus, mourning. The question we can ask, though, is how do we classify this aveilus requirement: is it an independent, self-contained requirement of aveilus over the destruction of the Beis Ha'Mikdash – distinct from the aveilus of the actual day of Tisha B'Av – or is it merely an extension, adjunct, and lead-up to the full-fledged aveilus of Tisha B'Av? It would seem that the Ran and the Rosh understood the enactment of shavua sheh'chal bo according to the latter proposition. Namely, that the prohibitions of shavua sheh'chal bo are not an independent unit of aveilus, rather they are just an extension of the aveilus of Tisha B'Av itself. Obviously, it is the week-unit that connects the days preceding Tisha B'Av to Tisha B'Av, and that is why those days of the same week can be infused with an extension of Tisha B'Av's aveilus. However, if Tisha B'Av falls on Shabbos – which of course cannot have any aveilus (at least open displays of aveilus) – and is pushed off to the following Sunday, then there is nothing to connect the days of the preceding week to Tisha B'Av, and the aveilus therefore cannot be extended to them. The Sefer Ha'Mitzvos, on the other hand, seems to hold like the other approach – that shavua sheh'chal bo is not an extension of Tisha B'Av's aveilus; rather, it is its own, independent unit of aveilus. And its only connection to Tisha B'Av is in terms of determining which week is deemed shavua sheh'chal bo. Accordingly, the fact that there is no aveilus on the ninth day of Av when it falls on Shabbos is immaterial. The week preceding it is still the week preceding it, and it is that week which is assigned the status of shavua sheh'chal bo.

(From the notes of Rav Yehudah Eisenstein)

##### *Heter of a Baal Bris to Eat When Tisha B'Av Falls on Shabbos*

When Tisha B'Av falls out on Shabbos and the fast is nidcheh, postponed until Sunday – and there is a bris on that day – the parents of the baby, the mohel, and the sandak are all allowed to eat (after Minchah) as they are all designated as "baalei ha'bris" (Shulchan Aruch Orach Chaim 559:9, and Mishnah Brurah 36). We see from this that when the fast is nidcheh, it is not

as stringent. However, it is important to understand the precise parameters of this leniency. The Tur quotes the source for this halachah: such a thing actually happened once with Rabbeinu Yaavetz, and he ate after Minchah. As the source for what he did, he pointed to the Gemara in Eiruvin 41a that says the following. “Said Rabi Elazar bar Tzadok, I am from the descendants of Sanah ben Binyamin. One time, Tisha B’Av fell out on Shabbos and the fast was postponed until Sunday. We started off fasting, but we did not complete the fast, because that day was our Yomtov.” In the time of the Beis Ha’Mikdash, various families would donate wood for usage therein on a rotation basis. This was called korban eitzim. The day for the family of Sanah ben Binyamin to bring the korban eitzim was the tenth of Av, and it was thus their personal Yomtov. What we see from this statement of Rabbeinu Yaavetz is that a personal Yomtov – such as the day of bringing the korban eitzim or the baalei bris when there is a bris milah – has the power to override a postponed Tisha B’Av fast. In the later Poskim, we find leniencies for ill people, nursing mothers, and the like when Tisha B’Av falls on Shabbos and the fast is postponed to Sunday, but in the Rishonim we do not find any mention for that type of leniency as it is of a totally different category. The only thing we find is, as we said, this concept that a personal Yomtov overrides a postponed fast of Tisha B’Av, but not more than that. (From the notes of Rav Yehudah Eisenstein)

#### **Motzaei Tisha B’Av**

The Tur and Shulchan Aruch (Orach Chaim 558) bring down that, because the majority of the Beis Ha’Mikdash burned on the tenth of Av, it is appropriate to refrain from eating meat and drinking wine the day after Tisha B’Av. The Rama says that the minhag of Ashkenazim is to refrain until midday, but no longer. Although the Mishnah Brurah cites the Achronim who followed in the footsteps of the Maharshah to forbid bathing and haircuts as well, in the Biur Halachah he quotes other Poskim who point out that the fact that the Tur, Shulchan Aruch, and Rama did not make any mention of such a thing clearly indicates that they held that the only thing we refrain from on the tenth of Av is meat and wine, but bathing and haircuts are totally permissible. Of course, the question is why the differentiation? My grandfather, Rav Yosef Dov Ha’Levi Soloveitchik zt”l explained that the prohibition of eating meat and drinking wine following Tisha B’Av is akin to the halachah of an ein, someone whose close relative just died. An ein is forbidden from partaking of the meat of korbanos, and this prohibition includes the night following the burial. Only consumption of meat and wine has a connection to this, whereas bathing and haircuts has no association with this whatsoever.

(From the notes of Rav Yehudah Eisenstein)

#### **Taanis vs Aveilus**

The Ramban holds that the prohibitions of bathing and anointing begin immediately following the seudah ha’mafsek despite the fact that it is still permissible to drink and eat (this shitah of the Ramban is not brought l’halachah in the Shulchan Aruch or Mishnah Brurah). Why is that? The answer is that the prohibitions of Tisha B’Av are divided into two main categories: aveilus and taanis. A fast-day is always a specific, calendar day. As such, there wouldn’t be any reason for the prohibitions of eating and drinking to begin before that day actually commences. However, insofar as the aveilus component of the day is concerned, that can begin even before the actual day starts, like the Rambam says that already from the seudah ha’mafsek we are in a state of “meiso mutal lefanav, when the deceased is lying before him”. Another difference between aveilus and taanis is the prohibition of washing only the hands, face, and feet as well as washing with only cold water. That’s only a function of the fast-day status, because aveilus does not forbid those things.

Now, in general, the Rambam and Ramban have a difference of opinion regarding when the aveilus status commences for one who has lost a close relative. The Ramban holds that the aveilus status begins immediately, whereas the Rambam holds that it only begins following the burial. The Ramban holds that it is the relative’s death that is the obligating catalyst of

aveilus, whereas the Rambam holds that it is the burial that is the obligating catalyst of aveilus.

With this in mind, we can better understand the Ramban’s statement that immediately following the seudah ha’mafsek one may not bathe or anoint. During the seudah ha’mafsek, we already feel the destruction of the Beis Ha’Mikdash, it is akin to one whose deceased relative has just died and is lying before him. And that, according to the Ramban, is what marks the beginning point for aveilus. Accordingly, immediately following the seudah ha’mafsek, the aveilus prohibitions of bathing and anointing come into effect. However, there is a kashya on this understanding of the Ramban: if it is true that the Ramban holds that the aveilus status begins immediately following the seudah ha’mafsek, then it should also be prohibited to learn Torah (because that prohibition is also a function of aveilus), but the Ramban makes no mention of that?! Furthermore, he explains the commencement of the bathing and anointing prohibitions in such a way that implies that learning Torah is still permissible. He says that the reason one may not bathe or anoint after the seudah ha’mafsek is that the pleasure and benefit will carry on into Tisha B’Av. Tzarich iyun.

(From the notes of Rav Yehudah Eisenstein)

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#### **Daf Parashat Hashavua**

*(Study Sheet on the Weekly Torah Portion)*

#### **Tishah B’av During the Second Temple Period**

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In his commentary to the Mishnah (Rosh Hashanah 1,3), Maimonides states that the Jews in the Second Temple period fasted on Tishah B’av. [1] In retrospect this is very surprising: the Temple stands in all its glory - and alongside it Jews fast in mourning for its destruction?! This apparent contradiction prompted Rabbi Shimon Ben Zemach Duran (Spain - North Africa, died in the mid-15th century) to write in a responsa (Tashbetz, B, §271): "It seems as if what [Maimonides] wrote about this is an error of the copyist". Other scholars, even in our own time, have followed the lead of the Tashbetz on this subject. (See: Rabbi Ovadia Yosef, Responsa Yabia Omer, 1, §34-3).

Today, however, we are in possession of the manuscript of Maimonides' commentary to the Mishnah which was corrected by the author himself - and there can no longer be any doubt that there is no error. Moreover, the author of responsa Mishkenot Ya'akov had already pointed out (§ 136), that even in his major work, Mishneh Torah, Maimonides held the same opinion. In the fifth chapter of Hilchot Ta'anot, halachah 5, after Maimonides listed the four fast days commemorating the destruction of the Temple, he adds: "It was the custom in all of Israel to fast on these days, and on the 13th of Adar in remembrance of the fasts which were observed in the time of Haman", etc., The Magid Mishneh reacts with surprise: How could Maimonides see the fasts as being dependent on a custom - after he himself has determined that the obligation to observe them was based on prophetic authority?

In his answer the Magid Mishneh cites the Bavli, Rosh Hashanah 18b, that the obligation to fast can vary with the circumstances in each generation. The Talmud defines three different sets of circumstances: "When there is peace they (the fast days) will be for joy and gladness; if there is persecution they will be fast days; if there is no persecution and yet no peace, then those who desire t'fast may fast and those who do not need not fast". The decision to fast or not on these days is in the hands of the people. However, "Tishah B'av is in a different category because numerous misfortunes occurred on it", therefore it is an obligation to fast even when the third, intermediate situation exists. Therefore explains the Magid Mishneh, Maimonides determined that the fasts are a custom since there is a circumstance when the fasting is not obligatory but voluntary and according to custom.

Unfortunately the division into three situations which appears in the Talmud does not appear at all in Maimonides. Moreover, the Mishkenot Ya'akov points out the strange construction of the relevant section of Maimonides in Hilchot Ta'anot, especially the words: "and on the 13th of Adar" - which appear without any explanation as to what is to be done on that day. He suggests that the word "and" is an error and that, in fact, what we have before us is one continued sentence: "It was the custom of all Israel in those days to fast on the 13th day of Adar".

Scholarship is preferable to conjecture and this reading has now been confirmed without a doubt by the examination of manuscripts and early printed editions (See Maimonides, *ibid.*, Frankel Edition). It is now clear that Maimonides never saw the obligation of the fasts which commemorate the destruction of the Temple as a custom, and presented them as a clear absolute obligation, based on words of the prophets. This obligation is not dependent on changing circumstances. Only the Fast of Esther (the 13th of Adar) is based exclusively on custom, as Maimonides wrote, and it is a late custom at that, one which was not known until "these times" [2].

Now one must ask why Maimonides completely ignored the Talmudic source which recognizes varying circumstances as a factor in determining the nature of the obligation to fast? The answer, tells us the Mishkenot Ya'akov, is obvious. Maimonides believes that the text in the Bavli Rosh Hashanah refers to the time of the Second Temple, when the observance of the three fast days out of four ordained for the destruction of Jerusalem was dependent on varying political situations. But Tishah B'av was observed unconditionally even during the years when the Temple stood, as he explained in his Commentary to the Mishnah. With the destruction of the Second Temple, that Talmudic text again became irrelevant, and once more all the fasts took on the nature of unconditional obligations, irrespective of any changing circumstances --until such time as the Third Temple is built. How did Maimonides interpret the Talmudic phrase which tells us that "numerous misfortunes occurred" on Tishah B'av? That "numerousness" expressed in the second destruction had not yet occurred! It would seem that Maimonides interpreted this according to a parallel text at the end of Sotah (49b), "When Rabbi (Yehudah Hanassi) died troubles were multiplied-two fold". This does not mean that on the day he died two misfortunes occurred, but rather that all existing troubles were doubled, similarly: upon the second destruction all the difficulties which preceded it were doubled - and therefore the reference must be to the first destruction [3].

Clearly it is Maimonides' opinion that the fast of Tishah B'av was observed during the Second Temple period. It remains to be explained why this was so - why mourn over the destruction of the Temple after it was rebuilt? The S'fat Emet (in his commentary to Rosh Hashanah, *op. cit.*) explains that even according to Maimonides fasting on Tishah B'av was not observed during the entire period of the Second Temple and its observance was dependent on the changing political situation from time to time: When the Jews of the Second Temple were under the yoke of foreign rule, that was considered a time when there was "no peace" and then fasting was observed, but when Jews ruled themselves (as during the Hasmonean period), that was a period of peace and the fast of Tishah B'av was canceled [4].

There is a crucial lesson to be learned here. The main reason for the fast of Tishah B'av is not to mourn over the physical destruction of Temple, since the Temple stood in ruins during that entire period. We mourn because we are under foreign domination, and that factor alone determined the observance or non-observance of the fast during the period of the Second Temple. Even so, when we are free from foreign rule but as yet the Temple has not been rebuilt, there is, of course, an obligation to fast on Tishah B'av. The absence of the Temple in itself is a symptom of our lack of complete independence - both political and spiritual.

Some doubt does exist as to whether the explanation of the S'fat Emet truly reflects the ideas of Maimonides. No mention is made by Maimonides of any differentiation between various portions of the Second Temple period. The

implication is simply that during that whole time, even during periods of political independence, fasting was observed on Tishah B'av. Perhaps the rationale behind this was that the first destruction had proven that the Temple could be destroyed, and from then on the possibility that G-d would destroy His house and exile His people was a real one. We know that the prophets fought against the belief which stubbornly held that this very idea was a theological impossibility. It could not be possible, claimed some, that the Temple of the Lord, the foundation of His seat in the universe, could fall. The destruction of the First Temple put an end to this certainty: Never again could man put his trust in wood and stone - even the stones of the Temple. From that point on responsibility for the future rests squarely on the shoulders of the people and their behavior. If they deserved it - they would live in their own land in the shadow of their Temple, but if not - the Temple would fall and the people would be exiled.

They therefore fasted on Tishah B'av, all through the Second Temple period. On that day they confirmed their understanding that destruction is always a possibility. No faith can be placed in slogans such as "G-d will help us" because the responsibility for our continued existence as a people is ours alone. The awareness that destruction is possible may very well be the key to preventing it in the future when the Temple is rebuilt. Our sense of responsibility may be a contributing factor toward the eventual rebuilding of the Third Temple, may it occur speedily in our days.

Notes:

1. For a summary of the research literature on the question of the fast during the Second Temple Period, see: Y. Tabori, *Moadei Yisrael B'tkufat Hamishnah Vehatalmud*, Jerusalem, 1995, pp. 398-400.
2. See also: D. Sperber, *Minhagei Yisrael*, Part 4, Jerusalem, 1995, pp. 250-252.
3. From an addition of an anonymous source to the amoraic text regarding the increased number of misfortunes, it would seem in retrospect that this refers to the actual number of misfortunes that occurred on that day. However this explanation is difficult because an equal number of misfortunes occurred on the 17th of Tammuz, and the amoraic text is open to the interpretation which we gave in the article.
4. Compare this to the opinion of the grandfather of the S'fat Emet, the Ba'al Chidushei Rim on Gittin 36b, on the question of the Jubilee year during the Second Temple period: in his opinion the Jubilee and emancipation of slaves were observed whenever political independence existed, but not during the years of foreign domination within the Second Temple period.

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