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## INTERNET PARSHA SHEET DEVARIM CHAZON - TISHA B'AV - 5782

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from: ArtScroll BookNews  
<[emailupdates@artscroll.com](mailto:emailupdates@artscroll.com)> date: Aug 4, 2022, 8:09  
PM artscroll-shabbos-newsletter\_devarim5782

### A LEADER'S PATIENCE

#### The Torah Treasury

by **Rabbi Moshe M. Lieber Lieber**

איכה איכה אשא לבדי טרחכם ומשאכם וריבכם How can I alone  
carry your toil, your burdens, and your quarrels?  
(Devarim 1:12) The life of a person is delineated by his  
relationships with Hashem, with others, and with himself  
(see Maharal to Avos 1:2). Moshe, as the spiritual leader  
of Klal Yisrael, saw all three as his responsibility. The  
Rambam accordingly explains this verse in the following

manner: Your toil refers to Moshe's toil in teaching Klal  
Yisrael Torah, the study of which is the key to a healthy  
relationship with oneself. Your burdens refers to  
Moshe's role as intercessor with Hashem on behalf of  
Klal Yisrael. Your quarrels refers to his mediation in  
their interpersonal quarrels. Rashi interprets  
masa'achem, your burdens, as heresy. He refers thereby  
to those who made it a practice to constantly mock  
Moshe and to assign ulterior motives to all he did.  
[Rashi's description of this as heresy coincides with the  
Talmudic ruling (Sanhedrin 99b) that names one who  
mocks a Torah scholar "a heretic."] If Moshe would  
leave his home a bit early, these people would whisper  
that his home was plagued with domestic strife. If he  
would remain at home until later, they would assure one  
another that he doubtless spent the extra time scheming  
against them

A contemporary of Rav Chaim Brisker complained to  
Rav Chaim about the abuse showered upon him by the  
litigants in a monetary dispute that he was adjudicating.  
Rav Chaim replied, "Why does the Torah record for  
posterity an allusion to the defamatory attack on Moshe?  
It is because the Torah wishes for us to appreciate  
Moshe's patience with an obstinate, ungrateful people.  
No matter how they mocked and defamed him, he  
continued to bear their burdens." Rav Chaim concluded,  
"The Torah wants every judge and leader to learn from  
this that he must bear abuse with patience and love."

Rav Nachman of Breslov explains why the phrase your  
burdens refers to heresy: A heretic lives a terribly  
burdensome life, for he refuses to acknowledge that his  
tribulations are shared by G-d, and he must therefore  
shoulder all life's burdens alone. Not so the believer,  
who knows that Hashem shares his pain, and who  
consequently finds life's burdens much easier to bear.  
Thus, the verse describes heresy as a burden

### Tisha B'av THE LAST STOP

**The Darkness and the Dawn by Rabbi Daniel  
Glatstein**

Rav Chaim Volozhiner was the primary disciple of the  
Vilna Gaon, and he is considered the father of the  
concept of a yeshiva as we know it today. One morning,  
in Rav Chaim's yeshiva, the bachurim were surprised  
by the onset of terrible and painful crying in the middle  
of the Shemoneh Esrei of Shacharis. They looked for the  
source of the loud wailing and were astonished to see

Rav Chaim Volozhiner sobbing uncontrollably. The students began to tremble, tears welling up in their eyes at the sight of their rosh yeshivah crying so bitterly.

When davening was over, Rav Chaim left the beis midrash and entered his private study. The talmidim of the yeshivah could not understand what could possibly have moved their rosh yeshivah to tears in the middle of davening. They asked Rav Dovid Tevil, the author of the sefer Nachalas Dovid, to approach Reb Chaim and ask him why he was moved to bitter tears. Reb Dovid entered Rav Chaim's study with great trepidation, and in a quivering voice he informed Rav Chaim that the entire student body of the yeshivah was gripped with fear as a result of their rebbi's crying.

At first, Rav Chaim was reluctant to explain. Eventually, he acquiesced, taking the fact that he had been moved to tears publicly, in the presence of his students, as a sign from Hashem that he should in fact include them in the reason behind his tears.

Rav Chaim told Reb Dovid, "My dear talmid, you should know that the day will come when the pillars of European Jewry will topple, when the yeshivos will be uprooted and destroyed.

"But there will be one more stop before the arrival of Mashiach. The last stop will be America. The tenth and final exile of the Torah will be America. Babylon, North Africa, Egypt, Italy, Spain, France, Germany, Poland, Lithuania, and America. America is the last stop." Rav Aharon Kotler, in Mishnas Rav Aharon (Cheilek Dalet, page kuf tzadi), records this as an authentic mesorah: "Hachaniyah ha'acharonah tihyeh America."

Here we are, at the final stop of this long and arduous journey we know as galus. We don't know how much longer we will be here. We hope we will be here b'shalom, in peace, until this stop is over and we can finally return to Eretz Yisrael. But the sad verdict of history is that when a stop along the galus journey comes to an end, we are lucky if we can leave fast enough with the shirts on our backs.

We Are Not Home; We Don't Belong Here If there is one thing that we learn from the omission of the Spanish Inquisition from the Kinnos on Tisha B'Av, it is that we never cry when we leave galus. We don't belong in galus, and we have never belonged in galus. We don't belong in Spain, and we don't belong in North Africa. Neither do

we belong in France, Hungary, Poland, or America. We belong in Eretz Yisrael. We belong in Yerushalayim.

If we merely open our eyes, we will appreciate that we live in historic times. We see the words of all the Neviim coming to fruition. All the Neviim promise us that before the coming of Mashiach, the Ribbono Shel Olam will gather Klal Yisrael to Eretz Yisrael from the far-flung corners of the globe. Every decade recently, we have been seeing Hashem doing just this: gathering Jews to Eretz Yisrael. First the Iranians, then the Russian Jews, and then, in the following decade, the Jews of Ethiopia. More recently, many Jews from France have made their way to Eretz Yisrael.

There is no question that we here in America are coming up on Hashem's list of those to return to Eretz Yisrael. Just as we left Spain triumphantly, with song and music, so too will we rejoice when the Ribbono Shel Olam takes us out of America as well.

We hope and fervently pray that this final stop will not last much longer, and that this will be the last mournful Tishah B'Av. May we be zocheh to all go up to Yerushalayim together

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from: ArtScroll BookNews <emailupdates@artscroll.com>  
date: Aug 4, 2022, 8:09 PM subject: FREE DOWNLOAD:  
**Laws of Tisha B'Av for This Year - Laws of Daily Living  
by Rabbi Simcha Bunim Cohen**  
**9 / WHEN TISHAH B'AV COINCIDES WITH THE  
SHABBOS**

When Tishah B'Av falls on Shabbos, the fast and most the restrictions on activities are postponed until Sunday. Those aspects of the day are discussed in Chapter 10 below, Tishah B'Av on Sunday.' The present chapter will discuss those halachos that are relevant to the Shabbos itself and to the week that precedes it.

I. The Week in Which Tishah B'Av Occurs As mentioned often in this sefer, certain matters are treated leniently until the week in which Tishah B'Av occurs, but stringently after that. However, a question arises when Tishah B'Av falls on Shabbos and the fast must be postponed to Sunday. Is the postponed fast considered a substitute for the fast that could not be held on Shabbos, but some modicum of mourning is still relevant to that Shabbos; or is the postponement considered an uprooting of the fast and mourning from Shabbos, with the proclamation of a new fast day on Sunday? If the Sunday fast is a carryover from Shabbos, then the preceding week is considered as the week in which Tishah B'Av occurs. But if the Sunday fast is considered as an independent enactment, there is halachically no week

preceding Tishah B'Av that year.

In actual practice, the Poskim differ regarding this matter. Therefore, one may be lenient with regard to eating meat and drinking wine, cutting the nails, and making clothes, but should be strict with regard to laundering and haircuts.

Accordingly, one must be stringent in the following cases, and follow the restrictions usually in place during the week in which Tishah B'Av occurs:

1. A child should not be given a haircut during The Three Weeks. In certain cases, however, a child's hair may be cut until the week of Tishah B'Av [see Chapter 4, Section I:B:2].
2. In certain instances a man may shave or trim his mustache until the week of Tishah B'Av [see Chapter 4, Section I:C:7].
3. A Jewish launderer may wash the clothing of a gentile until the week of Tishah B'Av [see Chapter 5, Section IV:D:I].
4. In certain situations the clothing of older children and adults may be washed until the week of Tishah B'Av. [see Chapter 5, Section IV:D:G].

Conversely, one may be lenient with regard to eating meat and drinking wine [see Chapter 5, Section I:F:6], cutting nails [see Chapter 4, Section III:A], and making clothes [see Chapter 5, Section III:B:2].[2]

#### II. Fast Is Postponed to Sunday

When Tishah B'Av occurs on Shabbos, the fast is postponed until Sunday, the tenth of Av. Therefore, certain leniencies are permitted:

1. A woman should not fast for thirty days after childbirth.[3]
2. A pregnant or nursing mother need not fast if she will feel ill effects from fasting.[4] [However, she should consult a halachic authority before eating.]
3. A person who is slightly sick and would feel worse as a result of fasting need not fast.[5]
4. Where a bris milah is performed on this day, most Poskim permit the father, mohel, and sandak to eat after davening Minchah Gedolah.[6] One should consult a halachic authority. In all these cases, one must recite Havdalah before eating [see Chapter 10, Section VI:C, below].

#### III. Practical Applications

1. Marital Relations One may not engage in marital relations unless Friday night is the night of tevilah.[7]
2. Men Immersing in a Mikveh A man who immerses himself every Shabbos morning or whenever he is tamei may immerse himself this Shabbos in an unheated mikveh.[8]
3. Shalom Zachor A shalom zachor may be celebrated on Friday night.[9]
4. Aufruf An aufruf may be celebrated.[10] 5. Kiddush A kiddush may be served.[11] 6. Taking a Stroll One should not stroll for pleasure this Shabbos.[12] IV. Sunday Night After the fast has ended, one may not eat until after Havdalah.[13] A woman should hear Havdalah from a man (e.g., her husband

or a neighbor).[14]

If this is not possible, she should recite her own Havdalah.[15]

Havdalah may be recited over grape juice or wine.[16]

The opening verses of Havdalah are omitted, as are the spices and candle. Only the Boreh Pri Hagafen and Hamavdil blessings are recited.[17]

#### Activities Permitted Sunday Night

One is permitted to take a haircut, shave, launder clothing, bathe or recite the berachah שִׁבְעָה יָמֵינוּ immediately after the fast.

However, the prohibitions against consuming meat or wine (other than the wine of Havdalah),[18] and listening to music[19] remain in effect until the next morning. 10 /

TISHAH B'AV ON SUNDAY I. The Meal Before the Fast A. Menu and Mood When the Ninth of Av falls on Sunday, Erev Tishah B'Av is on Shabbos. When Erev Tishah B'Av is on a weekday, many laws of mourning apply to the day [see Chap. 6 above]. However, displays of mourning are prohibited on Shabbos. Therefore, we eat regular Shabbos meals,[1] and sing regular Shabbos zemiros. Even one who generally does not sing zemiros at the Shabbos table may do so at this meal.[2] Additionally, the seudah hamafsekkes usually eaten on Erev Tishah B'Av is omitted on this Shabbos. Instead, the regular seudah shlishis meal is eaten.[3]

Moreover, one may eat more than usual at this meal, even if the intention is to make it easier to fast. Nevertheless, one should not verbalize such intentions.[4]

Although one may not display mourning, this meal should be eaten in a somber, not festive, mood.[5]

#### B. Guests

Although a family may eat together, company should not be invited, unless one usually invites guests to seudah shlishis.[6] Communal seudah shlishis in shul however should not be served.[7]

#### C. When the Fast Begins

The fast begins at sunset,[8] therefore everyone must stop eating and drinking before sunset. Nevertheless, Bircas Hamazon may be delayed until after sunset, and Bircas Hamazon may be recited with a zimun.[9] Moreover, if Bircas Hamazon is completed before sunset, one may drink the cup of wine used at the zimun.

Authorities differ regarding the singing of zemiros after sunset. Some maintain that zemiros should be concluded by sunset, for the period of bein hashmashos (sunset to nightfall) takes on the stringencies of Tishah B'Av, a time when singing zemiros is inappropriate. Nevertheless, many tzaddikim customarily remain at the seudah shlishis table, singing late into the night of Tishah B'Av. Some authorities justify this custom, for the intent of the singers is to arouse Heavenly compassion through the zemiros and thereby hasten the geulah

(redemption).[10]

#### D. Eating After the Meal

After Bircas Hamazon one may still eat or drink until just before sunset. No prior stipulation is necessary in order to eat after Bircas Hamazon.[11]

#### II. Medication to Alleviate the Effects of Fasting

Some Poskim rule that one may take medicine on Shabbos to make the fast more tolerable.[12]

According to some authorities it is preferable that a pill taken for this purpose be mixed in food or liquid before Shabbos. However, if it was not mixed before Shabbos, it may be mixed on Shabbos.[13]

#### III. Torah Study

As mentioned above [see Chapter 6, Section I:B] many Poskim rule that after midday on Erev Tishah B'Av one may study only those Torah subjects that may be studied on Tishah B'Av. Some Poskim apply this rule even when Erev Tishah B'Av falls on Shabbos.[14]

Others contend that just as one may eat meat and drink wine, so may one study any Torah subject. One who follows the lenient view is not acting in error.[15]

#### IV. Commencement of Prohibition — Sunset or Nightfall

##### A. Obvious Displays of Mourning

Bein hashmashos (the time between sunset and nightfall) takes on the stringencies of the day before — Shabbos — and the stringencies of the next day — Tishah B'Av. Therefore, activities that are obvious displays of mourning and are prohibited on Shabbos remain prohibited until nightfall. These include: removing one's shoes; changing from Shabbos clothing to weekday clothing; sitting on the floor; and removing the paroches from the Aron Hakodesh.[16]

One who feels uncomfortable sitting on a regular chair and wearing shoes during bein hashmashos on Erev Tishah B'Av — even though these activities are permitted during bein hashmashos of Motza'ei Shabbos — may remove his shoes and lie in bed from before sunset until after nightfall. Since most people remove their shoes before they lie down, such posture cannot be considered a display of mourning.[17]

B. Other Prohibitions Most of the Tishah B'Av prohibitions take effect when the sun sets on the eighth of Av, even when it falls on Shabbos. These include: fasting; washing; anointing oneself; and marital relations.[18]

C. Removing Shoes; Changing Clothing Although the Rama (553:2) writes that when Tishah B'Av occurs on Motza'ei Shabbos, the shoes are removed after Borchu, the prevalent custom is to delay Maariv long enough to allow everybody to change from Shabbos shoes and clothing after nightfall and to return to shul dressed appropriately for Tishah B'Av.[19]

V. Preparing for After Shabbos One may not prepare a Sefer Kinos on Shabbos for use after Shabbos, as it is obvious that he is preparing on Shabbos for the next day. This includes

bringing the Kinos to shul, even within an area enclosed by an eiruv.[20] However, one who wishes to study the Sefer Kinos on Shabbos may bring it to shul in an eiruv-enclosed area. Since he will be using it on Shabbos, his act is not considered as preparing on Shabbos for the next day.

#### VI. Havdalah

A. Hamavdil Whereas the fast of Tishah B'Av begins with sunset on Shabbos, the berachah of Hamavdil which must be recited over a cup of wine, is postponed until Sunday night. However, Atah Chonantanu is recited in the Shemoneh Esrei. Before engaging in any melachah that is prohibited on Shabbos, one must either recite Atah Chonantanu at Maariv or, at the very least, say, Hamavdil Bein Kodesh Lichol Blessed is He Who distinguishes between the holy and the mundane.[21]

B. Borei Me'orei Ha'eish Although the berachah of הַמְבַרְכֵי הַמַּלְאָכִים is postponed until Sunday night the berachah over fire is recited on Motza'ei Shabbos.[22]

Preferably, this berachah should be recited preferably before the reading of Eichah, for it is stated in Eichah (3:6), “He sat me in darkness.” Therefore, it would be inappropriate to recite the berachah on the “light” after being “sat in darkness.” Nevertheless, one who forgot to recite this berachah before Eichah should recite it after,[23] but not later than dawn on Sunday morning.[24]

The Poskim are not in agreement regarding a woman's obligation to recite the berachah of מְשַׁאֵם הַנֵּרוֹת מֵאֵר הַרְבֵּה, Who creates the lights of the fire, on Motza'ei Shabbos throughout the year. To accommodate all opinions, it is customary for a woman to listen to a man recite the berachah during Havdalah and to have in mind that his berachah should exempt her also. Therefore, when Motza'ei Shabbos is Tishah B'Av and the regular Havdalah has to be postponed until Sunday night, many men customarily recite מְשַׁאֵם הַנֵּרוֹת מֵאֵר הַרְבֵּה at home after nightfall, before Maariv, in order to exempt those women of the household who will not be attending shul. Women who do attend shul that night can also be exempted by the chazzan's berachah in shul.

If neither of the above options are practical, the man should not exempt himself with the berachah recited in shul, but should wait until he returns home after Eichah to recite it on his own behalf and on the behalf of the women at home. A woman who cannot hear the berachah from a man may recite it herself.[25]

C. The Sick and Others Who Must Eat on Tishah B'Av One who cannot fast or who cannot complete the fast must recite Havdalah before eating.[26] Under these circumstances Havdalah consists of the berachah over the beverage (see next paragraph), the berachah over the candle, and the berachah of Hamavdil; all other parts of Havdalah are omitted.[27] Some authorities rule that the Havdalah should be recited over chamar medina[28] (e.g., beer, coffee), while others rule that

wine or grape juice should be used.[29] [One who uses wine or grape juice should not drink more than the minimum amount (approximately 1.6 fl oz).] One who must drink water, but can otherwise fast, does not recite Havdalah.[30] Likewise, one who must eat or drink, but needs only very small amounts (i.e., one fluid ounce in less than nine minutes [some Poskim say two minutes]), does not recite Havdalah.[31]

According to many authorities a woman who is not fasting due to illness, pregnancy, or nursing must hear or recite Havdalah before eating. However, since there are some authorities who rule that a woman should not recite Havdalah, it is preferable that the woman's husband (or another man) should recite Havdalah and that she drink the beverage. In this situation the man exempts his Havdalah obligation and need not hear or recite Havdalah on Sunday night. If this is not feasible, the woman must recite Havdalah herself.[32]

D. Minors Most Poskim rule that minors do not have to recite Havdalah before eating.[33]

E. Havdalah Sunday Night After the fast is over, one may not eat until reciting or hearing Havdalah. The Havdalah contains only the blessings of Boreh Pri Hagafen and Hamavdil.[34]

Havdalah may be recited on grape juice or wine and an adult may drink it.[35]

Women may not eat before hearing Havdalah, preferably from a man. A woman who cannot wait may drink water before hearing Havdalah.[36] If this does not suffice, she must recite Havdalah herself.[37]

[Rabbi Simcha Bunim Cohen's classic books on the Laws of Shabbos and Yom Tov have made complex halachos understandable and practical to laymen and scholars alike. Rabbi Cohen now turns his attention to the laws that apply to the routines of daily life. The word for Jewish law is halachah, which also means "walking." Halachah guides the Jew wherever he or she goes. And Rabbi Cohen's clear, user-friendly presentation is the perfect guide to halachah. For those desiring to probe the source material for the applications of halachah in this volume, Rabbi Cohen has provided thorough research notes in Hebrew with detailed explanations for each subject. This first volume explores the correct application of Jewish law to common morning routines: rising; washing one's hands; getting dressed; use of the lavatory; Bircas HaTorah (the blessings before Torah study); activities prohibited before Shacharis; proper attire for prayer; environments unsuitable for prayer or Torah study;...]

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from: TorahWeb <torahweb@torahweb.org>

date: Aug 4, 2022, 5:13 PM

subject: Rabbi Zvi Sobolofsky - Above the Letter of The Law

**Rabbi Zvi Sobolofsky**

**Above the Letter of The Law**

In the parshiyos of **Devarim and Va'eschanan** there are two different descriptions of monetary law. Parshas Devarim begins with Moshe appointing judges and commanding them to be absolutely honest in all of their dealings. Mishpat - strict justice - is presented as the way Hashem rules His world "כי עשית הישר" - the way of righteousness and goodness. Chazal interpret this to be referring to לפני משרת הדין - going above and beyond the actual letter of the law. We are supposed to sometimes forego our actual rights in monetary cases. The ideal is portrayed as not insisting on what is due to me, but rather to compromise and act in a way that is ישר וטוב. Strict justice as well as kindness and goodness have their roots in the very beginning of the world. Chazal comment that in Parshas Breishis Hashem is described as creating the world in two different ways. "בראשית ברא אלוקים" - the name אלוקים is synonymous with מדת הדין - the Divine trait of justice. "עשות ה'" - both the name ה' and אלוקים are used together to describe creation. In contrast to the name אלוקים, ה' represents מדת הרחמים - the Divine trait of mercy. Chazal explain that in theory the world should have been created according to the rules of strict justice, but Hashem tempered that justice with mercy and compassion. We are commanded to emulate Hashem in how we deal with our fellow man.

Although "כי המשפט לאלוקים הוא" - Justice is divine, we must follow Hashem's model. We are expected to combine that truth with loving kindness and often look the other way. Not being so insistent on what we think we are entitled to is the highest level of following in Hashem's ways.

The two worlds of justice and compassion are the very basis for the Beis Hamikdash and the korbanos that are offered in it. Throughout the book of Vayikra the name ה' is used. All of the korbanos are predicated on the Divine trait of compassion. The Ramban (in his introduction to Vayikra) elaborates upon how, according to the strict rules of justice, there would be no place for korbanos. Any sin even done unintentionally would warrant immediate punishment. It is only because Hashem created the world also through the trait of mercy that we are granted the opportunity to do teshuva and offer korbanos as an atonement for our misdeeds.

The great gift of korbanos, which is the ultimate expression of Hashem's compassion for us, is predicated on our acting in a similar fashion to our fellow man. It is therefore not surprising that Chazal teach us that one of the reasons the Beis Hamikdash was destroyed was because people were too insistent on their monetary rights. Rather than going above and beyond the actual law and compromising, they only followed the strict rules of justice. By not tempering justice with compassion to others they lost the opportunity for Hashem to do so as well. Tragically, the destruction of the Beis

Hamikdash and the cessation of korbanos was a direct result of not acting in a way reflective of the traits of kindness and compassion to others. Perhaps it is not coincidental that Tisha B'Av always occurs between the parshiyos of Devarim and Va'eschanan. If we only focus on the justice of Devarim and never reach the compassion of Va'eschanan, tragically, the result is Tisha B'Av. Let us learn the lessons of both parshiyos as we interact with our fellow man as Hashem relates to us. May we learn these lessons and thereby merit that Hashem returns to us the Beis Hamikdash and showers upon us His love and kindness once again.

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from: Rabbi YY Jacobson <rabiyy@theyeshiva.net>reply-to: [info@theyeshiva.net](mailto:info@theyeshiva.net) date: Aug 4, 2022, 8:10 PM subject: As the Play Comes to an End, Don't Opt Out - New Essay by Rabbi YY

### **As the Play Comes to an End, Don't Opt Out A Sea of Tears & Joy Rabbi YY Jacobson**

There is a moving Chassidic story concerning two of the great spiritual masters, Rabbi Yitzchak Kalish, popularly known as the Vorker Rebbe, and his friend, the Kotzker Rebbe, Rabbi Menahem Mendel Morgenstern of Kotzk, Poland. Though their paths were vastly different, they were nonetheless the closest of friends. So much so that even death would not keep them apart. So, when Reb Yitzchak Vorker passed away, and a full month went by without his appearance in a vision or a dream, the Kotzker Rebbe decided to ascend to heaven in order to search for his friend in all the celestial palaces. At every place he stopped, they told him that his beloved friend, the Vorker, had been there but he had gone away.

In growing despair, the Kotzker Rebbe asked the angels, "Where is my dear friend Reb Yitzchak?" And the angels sent him in the direction of a dark, dark forest. It was the most fearsome and foreboding forest he had ever been to, but he pushed on, anxious to discover the whereabouts of his beloved friend. As he traveled deeper into the forest, he began to hear gentle waves lapping upon the shore. He reached the edge of the forest and before him lay a great and endless sea, stretching in every direction. But then the Kotzker Rebbe noticed a strange sound. Every wave as it swelled high would cry out a soft, but heart-breaking sob. The sound was terrifying, and he turned to run away, but just then he saw, standing at the edge of this wailing sea, staring at its melancholy waters, his holy friend Reb Yitzchak.

"I've been looking for you," said the Kotzker, "why have you not come back to visit me?" Instead of answering his friend, Reb Yitzchak asked him a question, "Do you know what sea this is?"

The Kotzker replied that he did not, and so Reb Yitzchak explained, "It is the sea of tears. It is the sea which collects all

the tears of G-d's holy people," he said, "and when I saw it, I swore that I would not leave its side until G-d dried up all these tears."

### **An Enigmatic Statement**

It is a strange statement in the Jerusalem Talmud:

ירושלמי יומא פרק א הלכה א: אמרו כל דור שאינו נבנה בימיו מעלין עליו כאילו הוא החריבו.

*The Sages said: Every generation in which the Beit HaMikdash, the Holy Temple, is not rebuilt in its days, is considered as if it was destroyed in its days.*

What is the meaning of this? Is this fair to say, that a generation which did not see the rebuilding of the Holy Temple is virtually responsible for its destruction?<sup>[1]</sup>

There have been many generations with extraordinary Tzaddikim (righteous Jews) who were dedicated to G-d and man in exemplary ways. It seems unjust to declare that each of them merited to have the Beit HaMikdash destroyed during their days, just because it was not built in their days.

What is more, if this statement is taken literally, then the generation in which the Beit HaMikdash will finally be rebuilt will somehow have to manage to be greater than any of its predecessors. For all the previous generations were considered destroyers of the Temple; yet that final generation manages to trump all other generations of Jews preceding it. That seems unfair.

Moreover, it seems discouraging to tell us, that all the previous generations, filled with so much spiritual richness, and so many great souls—they all did not merit redemption, and were considered responsible for its destruction. Is it our generation, far weaker and lower, which will merit the rebuilding? If they could not do it, how can we?

### **An Accumulative Story**

Let me share an insight by the Sefas Emes, Rabbi Yehudah Aryeh Leib Altar of Ger, Poland. A similar insight I heard numerous times from the Lubavitcher Rebbe

שפת אמת שבת דברים תרל"ד: כל דור שאינו נבנה בימיו כאילו נחרב בימיו. קשה להבין שהיו הרבה דורות צדיקי עליון שנאמר שהי' ראוי להיות נחרב בימיהם? ונראה לפרש כי כל ימי הדורות מצטרפין ומתכנסין כל ההארות של עבודת בני' להיות ראויין לגאולה, כי היעלה על הדעת שדור הגאולה יהיו כ"כ ראויין בזכותם בלבד לגאולה?! רק זכות כל דור ודור עוזר ומביא מעט בנין בהמ"ק. והבנין נמשך כל ימי הגלות כמאמר בונה ירושלים [=לשון הווה בכל דור]. וז"ש שכל דור שאינו מסייע לבנינו. וז"ש שאינו נבנה בימיו שאין ימיו בכלל הבנין כנ"ל. וכל אדם בפרט ג"כ צריך לידע שכל מעשיו הם סיוע לבנין בהמ"ק. וכפי מה שמקבלין ע"ע עול מלכות שמים מסייעין לבנינו כמ"ש הכל מסייעין לבנינו של מלך כו':

The Talmud may be teaching us something very different—and providing us with a deeper perspective on Jewish history.

We often view history as disjointed narratives transpiring through numerous generations. Am I really connected to my great-great-grandmother who lived in Russia two centuries ago? I do not know her name, I don't have a photo of her, nor

do I know anything about her. How about my great great grandfathers who lived 800 years ago in Spain, Germany, Italy, France, or Russia?

Judaism sees history as a single book—each page continuing the story of the past, and all the chapters together create a harmonious book. History is not a combination of many “short stories,” but rather it is like a single novel that consists of an aggregated narrative. Not only are we connected to our past. We keep them alive; they continue to live and function through us, genetically and spiritually.

Bringing redemption to the world, says the Talmud, will be the result of the accumulation of the achievements of the Jewish people from the time of the destruction to this very day. It is not one generation or another which does the job; each generation contributes to the work of mending our world and bringing Geulah-Redemptive consciousness to our planet.

The question of how we can do it if they did not do it, is missing the point. Imagine someone building for many years a super massive bonfire to cast light and warmth all around; this individual even pours the kerosene all over the logs, so the fire can catch easily. He just did not strike the match to light the fire. Now I come along and say, if he did not manage to light the fire, how can I?

But I was given the match. All I need to do is strike the match and the fire ascends.

### **Every Tear Remains**

The sweat, blood, and tears of the Jewish people over the last two thousand years—as well as the laughter, the joy, the faith, and the love—is all present and accumulative, integrated like a sum in calculus, or like a vessel that is filled one drop after another, until it is full. We are not filling the vessel that previous generations could not fill; we are adding our drop of water to take it over the top.

Every generation of Jews builds the Beit HaMikdash in its day—every generation continues to fill our world with Divine light, love, hope, and healing. Every one of us, every day, builds a world of redemption, constructing part of the Holy Temple in his or her corner of the universe.

Each of us comes from generations of grandmothers who lit Shabbos candles every Friday before sunset, welcoming the holy day into their homes, as warm, loving tears flowed down unto the Shabbos table. Where did all those tears go? Do you think they faded into oblivion?

Their tears made their way into the soil of Jewish history, irrigating our souls, and giving us the strength to grow and blossom. Every tear of every Jewish mother over 2000 years became the water that was absorbed into our roots and seeds, providing us with the strength, resolve, and courage to continue to live and love. Every tear went into that vessel.

When your ancestor left Spain penniless on the 9<sup>th</sup> of Av 1492, rather than abandon his faith, it went into that vessel.

When your great-grandmother cut a hole in the ice of a frozen Russian river for use as a Mikvah, it went into that vessel.

When your great grandfather came home after a hard day and opened a book of Mishnayos and began learning Torah, it went into that vessel.

When your grandmother, and tens of thousands of other Holocaust survivors, valiantly tried to start all over again and to continue the Jewish story, it went into that vessel.

Every dollar that you put into a charity box goes into that vessel.

Every time you wrap tefillin, study Torah, and make a blessing, it goes into the vessel.

Every time that every one of us takes an extra minute or an extra thought to go out of our way to be considerate to the feelings of another, even if that person may not look like, dress like, or always act like we do it goes into that vessel.

It all gets added together until the vessel, or the ocean, is full—and the Beit HaMikdash is rebuilt. Redemption comes to the world.

### **Don't Run**

So what kind of generation is the Talmud referring to when it says that if the Temple was not built in its day, it is like it was destroyed in its day?

Now that we established that the Temple must be built in every generation; each generation of Jews contributes to the consecutive and ongoing work of healing the world, cleansing it from evil, bringing in Divine light, and rebuilding the space where the Divine presence will dwell on earth; now that we discovered that there is no one generation who build—but that every generation builds. What then does the Talmud mean? Which generation is the one who we say that the Beis Hamikdash was destroyed in its time?

It is the generation that gives up on this historic mission and chooses instead to no longer care to add whatever it can to all the good that has already been accumulated before it. It is the generation that opts out of the continuous journey from exile to redemption, from darkness to light, from violence to peace, from fragmentation to unity, and from brokenness to wholeness. It is the generation that says, “I am not part of this any longer. I am done.” It allows all the love, tears, kisses, and truth to stop in its tracks and not allow the train to reach its ultimate destination—the space of Geulah, of complete redemption.

Every generation in which the Bais Hamikdash is not built in its days—is the generation that does not see its days as contributing to the building of the Beis Hamikdash; it is detached from the march of Jewish history, from the dance of Klal Yisroel, from the parade of every single Jew toward Jerusalem—that generation must appreciate how detrimental and tragic its passivity can be.

### **Back Stage Cheering**

Rabbi Sholom Moshe Paltiel, the Chabad Rabbi and Shliach in Port Washington, NY, shared with me the following personal story:

I was visiting Jewish patients in S. Francis Hospital, when I walked into the room of an elderly Jew named Irving, a Holocaust survivor, who was obviously quite sick, surrounded by his entire family. I spent some time with him. We talked about the horrors of his youth, and how he managed to survive and rebuild his life.

He told me it was his mother's words to him on the last night before they were separated. "She sat me down and said to me: Life is like a play (my mother loved the theater). Every one of us plays a part. Not just us, but our parents and grandparents, their parents and grandparents, all the way back to Abraham and Sarah. They're all part of this production. Each of us plays a part, and then, when your part is over, you go backstage. You're not gone, you're still there, looking, cheering, helping out in any way you can from behind the scenes."

And then mama grabbed my hand, looked me in the eye, and said: "Yisroel, I don't know what's going to happen, how long we'll be together, whether I'll survive this. But one thing I ask of you, if you survive: Don't give up, play your part. You might feel sad and lonely, but I beg of you: Don't give up. Play your role as best you can. Live your life to the fullest. I promise you, you won't be alone. Tate un ich, Babe un Zeide, mir velen aleh zein mit dir oif eibig, Daddy and me, Grandma and Grandpa, we will be with you forever, we'll be watching you from backstage."

"It was those words from Mama that got me out of bed on many a difficult morning."

By the time the man finished the story, there wasn't a dry eye in the room.

A few days later, Irving passed away. At the shiva, the family kept repeating the story about the play. It was clear they took comfort from knowing their father was still there, behind the scenes. Still, there was a profound sense of pain and loss.

They asked me to say a few words. I got up, turned to the family, and I said: "There is a postscript to the story. What happens at the end of the play? All the actors come back out. Everyone comes out on the stage to give a bow. It is a basic Jewish belief that every soul will come back and be with us once again, right here in this world. I assure you," I said, "with G-d's help, you will soon be reunited with your father."

This is what the Talmud is teaching us. Every soul which ever lived contributed to the Third Temple. Then they moved backstage, to allow the next generation to continue the work. But they never really left; they are just backstage.

Now it is our job to strike the match, and fill the world with light, to complete the play. When each of them will emerge from backstage and take the bow.

We're ready for the time when, as we say in the Aleinu prayer, "lecho tichra kol berech," all creations will bow to You. We're ready for the final bow.

*(My thanks to Dr. Mark Rutenberg for his article on this Sefas Emes, which I used in the above essay. My thanks to Rabbi Sholom Moshe Paltiel for sharing the story).*

[1] See the famous explanation of Reb Yosef Rozen, the Rogatchover Gaon, explained in Sichas 12 Tamuz 5744 (1984).

[2] See Likkutei Sichos vol. 5 Bereishis p. 34-35. Cf. Likkutei Sichos vol. 19 Nitzavim pp. 272-273. Sichas Shabbos Parshas Vayishlach 5748.

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from: The Rabbi Sacks Legacy Trust <info@rabbisacks.org>

date: Aug 4, 2022, 10:30 AM

Devarim

### **OU Torah Rabbi Sacks on Parsha Why Are There So Many Jewish Lawyers? Rabbi Lord Jonathan Sacks ztz"l**

At the beginning of the book of Devarim, Moses reviews the history of the Israelites' experience in the wilderness, starting with the appointment of leaders throughout the people, heads of thousands, hundreds, fifties, and tens. He continues:

I charged your judges at that time: "Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it. Deut. 1:16-17

Thus at the outset of the book in which he summarised the entire history of Israel and its destiny as a holy people, he already gave priority to the administration of justice: something he would memorably summarise in a later chapter (Deut. 16:20) in the words, "Justice, justice, shall you pursue." The words for justice, tzedek and mishpat, are repeated, recurring themes of the book. The root tz-d-k appears eighteen times in Devarim; the root sh-f-t, forty-eight times.

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith. Albert Einstein memorably spoke of Judaism's "pursuit of knowledge for its own sake, an almost fanatical love of justice, and the desire for personal independence – these are the features of the Jewish tradition which make me thank my lucky stars that I belong to it." In the course of a television programme I made for the BBC, I asked Hazel Cosgrove, the first woman to be appointed as a judge in Scotland, and an active member of the Edinburgh Jewish community, what had led her to choose law as a career, she replied as if it was self-evident, "Because Judaism teaches: Justice, justice shall you pursue."



One of the most famous Jewish lawyers of our time, Alan Dershowitz, wrote a book about Abraham,[1] whom he sees as the first Jewish lawyer, “the patriarch of the legal profession: a defence lawyer for the damned who is willing to risk everything, even the wrath of God, in defence of his clients,”[2] the founder not just of monotheism but of a long line of Jewish lawyers. Dershowitz gives a vivid description of Abraham’s prayer on behalf of the people of Sodom (“Shall the Judge of all the earth not do justice?” [Gen. 18:25]) as a courtroom drama, with Abraham acting as lawyer for the citizens of the town, and God, as it were, as the accused. This was the forerunner of a great many such episodes in Torah and Tanach, in which the prophets argued the cause of justice with God and with the people.

In modern times, Jews reached prominence as judges in America – among them Brandeis, Cardozo, and Felix Frankfurter. Ruth Bader Ginsburg was the first Jewish woman to be appointed to the Supreme Court. In Britain between 1996 and 2008, two of Britain’s three Lord Chief Justices were Jewish: Peter Taylor and Harry Woolf. In Germany in the early 1930s, though Jews were 0.7 per cent of the population, they represented 16.6 per cent of lawyers and judges.

One feature of Tanach is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah, and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God Himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[3] At other times, it is God who brings a case against the Children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[4] is *riv*, which means a lawsuit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God’s law on the part of humans, and on God’s promise of loyalty and love on the part of Heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfil their undertakings.

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means ‘direction, guidance,

teaching,’ but above all ‘law.’ The most basic meaning[5] of the most fundamental principle of Judaism, *Torah min haShamayim*, ‘Torah from Heaven,’ is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the *Torah she-be-al peh*, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, *kol gadol velo yasaf*, is understood by the commentators in two seemingly contradictory ways. On the one hand it means ‘the voice that was never heard again’; on the other, it means ‘the voice that did not cease,’ that is, the voice that was ever heard again.[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is *min ha-shamayim*, “from Heaven,” but about the Oral Torah the Talmud insists *Lo ba-shamayim hi*, “It is not in Heaven.”[7] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that “Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation.” (Shabbat 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, “Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults.” (Is. 51:7)

This is what Jeremiah meant when he said, “This is the covenant I will make with the house of Israel after those days, says the Lord: I will put My law within them, and I will write it on their hearts; and I will be their God, and they shall be My people.” (Jer. 31:33)

This is what Josephus meant when he said, nineteen hundred years ago, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name.” The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, “learned in the law.” We are a nation of constitutional lawyers.

Why? Because Judaism is not just about spirituality. It is not simply a code for the salvation of the soul. It is a set of instructions for the creation of what the late Rabbi Aharon Lichtenstein zt”l called “societal beatitude.” It is about bringing God into the shared spaces of our collective life. That needs law: law that represents justice, honouring all humans alike regardless of colour or class; law that judges impartially between rich and poor, powerful and powerless, even in extremis between humanity and God; law that links God, its Giver, to us, its interpreters, the law that alone allows freedom

to coexist with order, so that my freedom is not bought at the cost of yours.

Small wonder, then, that there are so many Jewish lawyers.

[1] Alan Dershowitz, *Abraham: The World's First (But Certainly Not the Last) Jewish Lawyer*, New York, Schocken, 2015.

[2] *Ibid.*, 11.

[3] Elie Wiesel, *The Trial of God*, Schocken, 1995. The story is believed to be fictional, although on one occasion Wiesel said that it happened and that he was there.

[4] On the subject in general, see Anson Laytner, *Arguing with God: A Jewish Tradition*, Jason Aronson, 1977.

[5] Not the only meaning, to be sure. See Rambam, *Hilchot Teshuvah* 3:5.

[6] Deut. 5:19, and see Rashi *ad loc.*, who gives both interpretations.

[7] *Bava Metzia* 59b.

Rabbi Lord Jonathan Sacks ztz"l was a global religious leader, philosopher, the author of more than 25 books, and the moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks, please visit [www.rabbisacks.org](http://www.rabbisacks.org).

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### THE CHURBAN AND BAD MIRACLES

חטא חטאה ירושלם על כן לנידה היתה כל מכבדיה הזילוה כי ראו ערותה  
גם היא נאנחה ותשב אחר איכה א:

(Jerusalem grievously sinned; therefore, she has become loathsome; all who once respected her disparage her, for they have seen her nakedness. She herself sighs and turns away.

The Gemara explains the phrase “they have seen her nakedness” as a reference to an incident during the destruction of the Second Beit Hamikdash:

אמר ריש לקיש בשעה שנכנסו גוים להיכל ראו כרובים המעורין זה בזה  
הוציאו לשוק ואמרו ישראל הללו שברכתן ברכה וקללתן קללה יעסקו  
בדברים הללו מיד הזילום שנאמר כל מכבדיה הזילוה כי ראו ערותה: (יומא  
נג:)

Reish Lakish said: When gentiles entered the Sanctuary, they saw the keruvim, cherubs [male and female] entwined with each other. They took them out to the market, and said: These Jews, whose blessing is a blessing and whose curse is a curse should they be occupied with such matters? They immediately disparaged them, as it is stated: “all who once respected her disparage her, for they have seen her nakedness.”

The immediate problem with this story is that the relationship of the keruvim to each other reflected the relationship between the Jewish people and God. The Gemara tells us that when we were not fulfilling the will of God the keruvim turned away from each other, and when we were fulfilling God's will they

turned toward each other (*Bava Batra* 99a). The *Ritva* (*Yoma ad loc.*) raises this question:

בשעה שנכנסו גוים להיכל מצאו כרובין מעורין זה בזה. הקש' הרב בן מאוש  
ז"ל דהא בב"ב אמרינן שלא היו פניהם איש אל אחיו אלא כשהיו עושין רצונו  
של מקום ... והנכון כמו שפ"י הרא"ם ז"ל דהני נמי בנס היו מעורין עכשיו  
אלא שנעשה נס לרעה כדי לגלות ערותן.

When the pagans entered the Heichal they found the keruvim entwined in each other. The *Ri Migash* asked that according to *Bava Batra* 99a, which states that the keruvim only faced each other when the Jews were fulfilling Hashem's will [how could it be that at the time of the destruction and punishment for Israel's sins they were embracing each other?] ... the correct answer appears to be that the keruvim were entwined miraculously, however in this case it was a miracle for the bad, in order to expose the shame of the Jews... The *Ritva* uses the unique phrase *nes lera'ah* “a miracle for bad” to describe this debasement of the Jewish people. Sometimes we see something terrible and tragic and still recognize it as an act of Hashem, a miracle. A miracle is something that clearly indicates Divine involvement in the world, and at times that involvement can be seen in a negative occurrence.

Antisemitism is an example of this “miracle for bad.” Antisemitism is unfortunately a phenomenon that has plagued us throughout history and continues to this day. There is a hatred for the State of Israel that is inexplicable in its intensity, universality and irrationality. It is a hatred that is found among Muslims, Christians, right-wing fascists and leftwing socialists. This was pointed out by Rav Soloveitchik decades ago: Communist Russia together with the Vatican, Nehru, the student of Gandhi, together with the devoutly Catholic Franco, the British Foreign Office with Chiang Kai-shek, have all joined in the attempt to isolate Israel and are being assisted by [Israel's other] enemies in other lands. This conspiracy began specifically after the establishment of the State, at a time when many of Israel's leaders thought that the Jewish problem had been solved, that Jewish isolation had been eradicated and normality had been introduced into our existence. The assumption that the State of Israel has weakened antisemitism is erroneous. On the contrary, antisemitism has grown stronger and employs false charges against the State [of Israel] in the war against us all.

*Kol Dodi Dofek*, translated by David Z. Gordon, 2006. Ch. 11  
I believe that one explanation for this extraordinary “miracle for bad” is that all these groups may have consciously or unconsciously sensed that the return of Jews to their land, the establishment of an independent Jewish state and the success of the state, are indications of the coming redemption. They are afraid, perhaps not even knowing why, as the Gemara (*Megilah* 3a) states, “Even though they did not see the vision, their souls saw it, (*mazlayhu chazu*) and therefore they sensed that there was something fearful...” The Jewish national

revival in Israel is as though a fossil, to borrow Arnold Toynbee's phrase, has come back to life. Frightening indeed for those who have based their ideology on the assumption that the Jews were rejected by God because they rejected a "messiah." Threatening for those who predicate their faith on the belief that the Jews and the Torah have been superseded by the later "revelation" of the seal of all prophets. Terrifying for those who believe that there is no God, no Divine Providence and no Chosen People. The same events that cause fear and hatred on the part of others, cause joy and anticipation for us. We, like Rabbi Akivah (Makot 24a-b), although witnesses to destruction and hatred, hear in the hatred a "bad miracle" — bad, yes, but a miracle, nonetheless. Others see Israel and its success and perceive the eternal nature of the Jewish people as a threat to their beliefs and their convictions. We understand these same phenomena as testimony to the imminent redemption. If you see dinosaur footprints in stones in the Jerusalem Forest near Bait Zayit, there is nothing to be afraid of — they have been extinct for eons and only exist as fossils. If, however, you are on the beach in Costa Rica and see fresh velociraptor footprints in the sand — be afraid, very afraid. While others see footprints of an extinct fossil that has come to life, we see the footsteps of the Mashiach, ikveta d'Meshicha. Israel's success in agriculture is obvious as we walk through a Costco in New Jersey and see Israeli fruits and vegetables on display. "There is no greater indication of the redemption than this, 'And you, mountains of Israel, shall bring forth your branches and bear your fruits for My people Israel'" [Ezekiel 36]. Rashi — When the Land of Israel gives its fruits in abundance, then the redemption is approaching (Sanhedrin 98a). This is something that always inspires me, but I can imagine it as something that is threatening and sinister to others. We can identify with the reaction of Rav Naftali Zvi Yehudah Berlin, the Netziv, in 1882, to receiving one of the first bottles of wine produced by the Carmel (East) Wine Company in Rishon LeZion. He put on his Shabbat clothing to greet the wine and cried with joy when he held the bottle. We can also understand, although clearly not identify with, someone of another faith who saw that as a contradiction to his deeply held belief in the extinction or obsolescence of the Jews. Abba Eban spoke at Yeshiva University in 1955 and addressed the idea of the Jews as fossils with his signature eloquence:

Now, the doctrine of the fossil is the very core of the Toynbee heresy. If Israel was a fossil centuries ago, then its survival is certainly an archaism and its restoration is a grotesque paradox. On the other hand, if the concept of Judaism as something petrified and embalmed cannot be sustained, then it is difficult to challenge the right of a sentient living spirit to seek survival and restoration. Prof. Toynbee fails, indeed declines, to substantiate the fossil theory, despite the fact that it is the absolute premise and starting point of all his subsequent

judgments. But the fossil, not having read Dr. Toynbee's eight volumes, is unaware of its own petrification. It clings to its sense of mission, and even strives for national restoration. We are indeed still in exile and are therefore called "prisoners." But the prophet Zechariah (9:12) describes us as "prisoners of hope" — "Return to the fortress, you prisoners of hope; today I declare that I will restore to you double." We are "unaware of our own petrification" and therefore filled with hope and with a will to live, to build and to restore our nation to its former glory.

Rabbi Isaac Elchanan Theological Seminary • The Benjamin and Rose Berger CJF Torah To-Go Series • Tisha B'av 5782

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from: Esplanade Capital <jeisenstadt@esplanadecap.com>

date: Aug 4, 2022, 10:51 PM

subject: Rabbi Reisman's Weekly Chumash Shiur

**Rabbi Reisman – Parshas Devarim 5782**

**A Thought for Tisha B'av**

As we prepare for Shabbos Chazon, Shabbos Tisha B'av, Shabbos Parshas Devarim. I would like to share with you an appropriate thought for a Shabbos Tisha B'av. We are told that Achar Mai'a V'esrim when we come up to the heavenly tribunal we will be asked very specific questions immediately (as is discussed in the Gemara Shabbos 31a, 4 lines from the bottom). (נשאת צפית לישועה) Tzipisa L'yeshua is one of them. (קבעת עתים ונתת באמונה לתורה) Nasata V'nasata B'emunah is one. (קבעת עתים לתורה) Kovata Itim L'torah is one. Now Kovata Itim L'torah we know that a person has to designate time for learning. No one is puzzled by the source of such an obligation. Nasata V'nasata B'emunah, if you dealt faithfully, also is something that everybody is aware of. When the Gemara says (צפית לישועה) did you hope for the Yeshua to come, for Moshiach to come, the question is what is the source for that to be an obligation for every Jew?

The Smak, the Sefer Mitzvos Kotton, in describing Mitzvah Aleph, (The Chinuch lists the Mitzvos in order of the Parshios, the Smak follows the Rambam's example and lists them in the order of the significance, not so much the significance of Schar and Onesh but the significance of what it means to be a Jew). Mitzvah Aleph in the Smak's Sefer is (אָשֶׁר יָרַר אֱלֹהֵיךָ, אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם) Emunah, faith in HKB"H. Explains the Smak, the Emunah in G-d is that HKB"H is a Melech Hagoel, is a G-d (אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם) who took the Jews out of Egypt and in Emunah that is HKB"H's behavior towards Klal Yisrael, constantly as a Goel. Because that is part of the Emunah, the Tzipisa L'yeshua is appropriately one of the first questions we are asked Achar Mai'a V'esrim, because in fact that is what it is about. That is the way it is. Emunah is Emunah.

The Rambam as you know lists the Yud Gimmel Ikrim and most famously in Perek Cheilek, and there in the Chiyuv of

believing in Moshiach, the Rambam adds to Daven that he will come. Now, all the Yud Gimmel Ikrim are Emunah, are issues of faith, and therefore, it seems that the Rambam is the source of the Smak's idea that Tzipisa L'yeshua, the Mispaleil L'boai, to Daven for the Yeshua to come is part of the Mitzvah of Emunah.

As a matter of fact, the Rambam in Hilchos Melachim at the beginning of Perek Yud Aleph says (או מי שאינו מחכה לביאתו). (לא בשאר נביאים בלבד הוא כופר). Somebody who is not hoping for Moshiach's coming is a Kofer B'torah, is an Apikores. What does one thing have to do with the other? Why does that make him an Apikores? So it seems that the Rambam too holds that Tzipisa L'yeshua is part of the Mitzvah of Emunah. We believe in G-d, we believe in a G-d who is a Melech Goel, a G-d who redeems people. (מלך עוזר ומושיע ומגן).

The question is okay so you have explained Tzipisa L'yeshua, the faith in HKB"H as a Goel has a source. However, the Rambam says that L'hispaileil L'boai, we have to Daven for his coming. If it is part of the Mitzvah of Emunah then why is it part of Tefillah? Why is there an obligation to Daven?

The answer to that is that Davening is part of the Mitzvah of Emunah. In Igros Moshe in the second volume of Orach Chaim. Rav Moshe was asked regarding advocating for or against prayer in public schools. Rav Moshe in the Teshuva as is his style, discusses whether non-Jews have a Mitzvah to Daven. What is our understanding? What is the source that a non-Jew has an obligation to Daven? Zagt Rav Moshe, exactly this thing.

He says that part of Emunah if you really believe in HKB"H, then you turn to Him to help you in times of difficulty. That is part of Emunah. If you are not turning to HKB"H in Prayer, it is because you don't have adequate faith in Hashem as a King who is waiting eagerly to be a Goel. And so, we have learned something today, we learned that L'hispaileil L'boai, to Daven for Moshiach's coming is part of our Mitzvah of Emunah in Hashem.

Jews are Maminim B'nei Maminim. When Jews are in trouble they turn to HKB"H, they look heavenward. In the foxhole there are very few Apikursim. In times of trouble, Jews in the concentration camps, or in the exile of Spain, they were Tzipisa L'yeshua, and they spoke about Moshiach coming. What about us in the USA in the year 2022, are we Metzapeh L'yeshua? Are we Mispaleil L'boai? We all hope eagerly for HKB"H to come, however, we have to know that Davening for Moshiach's coming is part of being Metzapeh L'yeshua. Once you hear the link that the Rambam and the Smak are saying, the link between Davening for something and believing in it, you will see that it is in the Siddur everywhere. (את צמח דוד עבדך מְהֵרָה). (תְּצַמִּיחַ). We Daven for Malchus Beis Dovid to return and we say (כי לישועתך קוינו כל היום). We are Davening for this because we

are Mechakim Kivinu Kol Hayom. We are hoping for the Geulah.

In Kedusha on Shabbos we say (ממקומך מלפנינו תופיע ותמלוד). We say G-d reveal yourself. Then we say (כי מחכים אנחנו לך). Because we are Metzapeh L'yeshua. That is why we Daven for it. We say as is found in Tehillim 102:14 and 15 (כי-רצו עבדך, את-). (אתה תקום, תרחם ציון). Because Klal Yisrael has a Ratzon for Eretz Yisrael. Always we Daven for Geulah because we are Metzapim L'yeshua.

As we come to the end of the three weeks, we come to Tisha B'av which this year we will observe the fast of Tisha B'av on the 10<sup>th</sup> of Av. It is our job really to take a moment and choose a place in Davening to be Metzapeh L'yeshua. Some day we will be asked Tzipisa L'yeshua and you will say of course I did. They will ask for an example. What will be your example of when you were Metzapeh L'yeshua? Not an easy thing. So do what I am trying to do. Take a few words in Davening and try to designate that there is a place that you are Metzapeh L'yeshua.

When we step out of Shemoneh Esrei we say (יהי רצון). We say that (יהי רצון שייבנה בית המקדש במהרה ביימינו). Say those words out loud. After all, when you step out of Shemoneh Esrei you typically wake up from whatever distractions existed during the Shemoneh Esrei. At that moment when people typically feel bad that they didn't have the right Kavana, take a minute and say those 5 words (שייבנה בית המקדש במהרה ביימינו). Say it with a Kavana, say it with a feeling, just for the moment. Then you will be able to answer the question of Tzipisa L'yeshua, yes. So this is a thought, a very practical thought, a Yedi'a. You are getting the test questions ahead of time. Isn't that amazing to get the test questions ahead of time? The Beis Din Shel Maila will ask you if Tzipisa L'yeshua? What are you going to answer? Every day, three times a day I stepped out of Shemoneh Esrei and I said (יהי רצון) may it be G-d's will that (שייבנה בית המקדש במהרה ביימינו). We Daven for it. Okay, you Daven for it then you were Tzipisa L'yeshua. You will be Zoche. And so, this is what is on my mind as we come to these days.

from: The Rabbi Sacks Legacy Trust <info@rabbisacks.org>  
date: Aug 4, 2022, 10:30 AM

Devarim

**OU Torah Rabbi Sacks on Parsha**  
**Why Are There So Many Jewish Lawyers?**  
**Rabbi Lord Jonathan Sacks ztz"l**

At the beginning of the book of Devarim, Moses reviews the history of the Israelites' experience in the wilderness, starting with the appointment of leaders throughout the people, heads of thousands, hundreds, fifties, and tens. He continues:

I charged your judges at that time: “Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it. Deut. 1:16-17

Thus at the outset of the book in which he summarised the entire history of Israel and its destiny as a holy people, he already gave priority to the administration of justice: something he would memorably summarise in a later chapter (Deut. 16:20) in the words, “Justice, justice, shall you pursue.” The words for justice, *tzedek* and *mishpat*, are repeated, recurring themes of the book. The root *tz-d-k* appears eighteen times in *Devarim*; the root *sh-f-t*, forty-eight times.

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith. Albert Einstein memorably spoke of Judaism’s “pursuit of knowledge for its own sake, an almost fanatical love of justice, and the desire for personal independence – these are the features of the Jewish tradition which make me thank my lucky stars that I belong to it.” In the course of a television programme I made for the BBC, I asked Hazel Cosgrove, the first woman to be appointed as a judge in Scotland, and an active member of the Edinburgh Jewish community, what had led her to choose law as a career, she replied as if it was self-evident, “Because Judaism teaches: Justice, justice shall you pursue.”

One of the most famous Jewish lawyers of our time, Alan Dershowitz, wrote a book about Abraham,[1] whom he sees as the first Jewish lawyer, “the patriarch of the legal profession: a defence lawyer for the damned who is willing to risk everything, even the wrath of God, in defence of his clients,”[2] the founder not just of monotheism but of a long line of Jewish lawyers. Dershowitz gives a vivid description of Abraham’s prayer on behalf of the people of Sodom (“Shall the Judge of all the earth not do justice?” [Gen. 18:25]) as a courtroom drama, with Abraham acting as lawyer for the citizens of the town, and God, as it were, as the accused. This was the forerunner of a great many such episodes in Torah and Tanach, in which the prophets argued the cause of justice with God and with the people.

In modern times, Jews reached prominence as judges in America – among them Brandeis, Cardozo, and Felix Frankfurter. Ruth Bader Ginsburg was the first Jewish woman to be appointed to the Supreme Court. In Britain between 1996 and 2008, two of Britain’s three Lord Chief Justices were Jewish: Peter Taylor and Harry Woolf. In Germany in the early 1930s, though Jews were 0.7 per cent of the population, they represented 16.6 per cent of lawyers and judges.

One feature of Tanach is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah, and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God Himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[3] At other times, it is God who brings a case against the Children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[4] is *riv*, which means a lawsuit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God’s law on the part of humans, and on God’s promise of loyalty and love on the part of Heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfil their undertakings.

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means ‘direction, guidance, teaching,’ but above all ‘law.’ The most basic meaning[5] of the most fundamental principle of Judaism, *Torah min haShamayim*, ‘Torah from Heaven,’ is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the Torah *she-be-al peh*, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, *kol gadol velo yasaf*, is understood by the commentators in two seemingly contradictory ways. On the one hand it means ‘the voice that was never heard again’; on the other, it means ‘the voice that did not cease,’ that is, the voice that was ever heard again.[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is *min ha-shamayim*, “from Heaven,” but about the Oral Torah the Talmud insists *Lo ba-shamayim hi*, “It is not in Heaven.”[7] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that “Every judge who delivers a

true judgment becomes a partner with the Holy One, blessed be He, in the work of creation.” (Shabbat 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, “Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults.” (Is. 51:7)

This is what Jeremiah meant when he said, “This is the covenant I will make with the house of Israel after those days, says the Lord: I will put My law within them, and I will write it on their hearts; and I will be their God, and they shall be My people.” (Jer. 31:33)

This is what Josephus meant when he said, nineteen hundred years ago, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name.” The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, “learned in the law.” We are a nation of constitutional lawyers.

Why? Because Judaism is not just about spirituality. It is not simply a code for the salvation of the soul. It is a set of instructions for the creation of what the late Rabbi Aharon Lichtenstein zt”l called “societal beatitude.” It is about bringing God into the shared spaces of our collective life. That needs law: law that represents justice, honouring all humans alike regardless of colour or class; law that judges impartially between rich and poor, powerful and powerless, even in extremis between humanity and God; law that links God, its Giver, to us, its interpreters, the law that alone allows freedom to coexist with order, so that my freedom is not bought at the cost of yours.

Small wonder, then, that there are so many Jewish lawyers.

[1] Alan Dershowitz, *Abraham: The World’s First (But Certainly Not the Last) Jewish Lawyer*, New York, Schocken, 2015. [2] *Ibid.*, 11. [3] Elie Wiesel, *The Trial of God*, Schocken, 1995. The story is believed to be fictional, although on one occasion Wiesel said that it happened and that he was there. [4] On the subject in general, see Anson Laytner, *Arguing with God: A Jewish Tradition*, Jason Aronson, 1977. [5] Not the only meaning, to be sure. See Rambam, *Hilchot Teshuvah* 3:5. [6] Deut. 5:19, and see Rashi ad loc., who gives both interpretations. [7] *Bava Metzia* 59b.

Rabbi Lord Jonathan Sacks zt”l was a global religious leader, philosopher, the author of more than 25 books, and the moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks, please visit [www.rabbisacks.org](http://www.rabbisacks.org).

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### **Why Did Rabban Yochanan ben Zakkai Weep?**

**Based on a sicha by Harav Aharon Lichtenstein**

**Adapted by Tomer Mevorach with Reuven Ziegler**

Translated by Kaeren Fish

The well-known Gemara in Berakhot (28b) relates:

When Rabban Yochanan ben Zakkai fell ill, his disciples came to visit him. When he saw them, he began to weep. His disciples said to him, “Light of Israel, right-hand pillar, mighty hammer – why do you weep?” He said to them: “Were I being led before a mortal king... I would weep; now that I am being led before the King of kings, the Holy One, blessed be He... and moreover, two paths are before me, one to Gan Eden and the other to Gehinnom, and I do not know upon which I am to be led – shall I not weep?”

They said to him, “Our teacher – bless us!” He said, “May it be [God’s] will that your fear of Heaven be like your fear of mortals.” His disciples said to him, “Is that all!?” He said to them, “If only it were so! Know that when a person transgresses, he says, ‘May no man see me.’”

Even after his lengthy response, the question of why Rabban Yochanan ben Zakkai wept remains open. A giant of Jewish history, who influenced the world of Torah for many generations to come – could anyone imagine that he was to be led on the path of Gehinnom? He experiences here a deep-seated fear arising from the very fact that he is a “right-hand pillar and powerful hammer.” It is specifically his role as “light of Israel” which confronts him with the terrible question of whether his fear of heaven is at least as great as his fear of mortals.

A number of commentators suggest that a different thought disturbed Rabban Yochanan ben Zakkai. They refer us to the account in Gittin (56a-b) of the siege of Jerusalem, when tangible danger hung over the city and the leaders were divided as to how best to deal with the situation. Some, with firm faith in God and confidence in their own military strength, wanted to wage war against the Roman Empire. Others, who combined a realistic view of the world with their religious outlook, sought a path that would bring the nation at least partial salvation.

Although the former group viewed the latter path as surrender, a disgrace, or an abandonment of the nation, the Torah and the land, this latter group believed that this was the correct path at that time. Rabban Yochanan ben Zakkai found himself in the

latter camp. It is difficult to know how he arrived at this view, but it seems that it was no coincidence that he ended up in a position of leadership. The great men of the city at that time assessed his worldview and scholarship and chose him over the leaders of the other sects. They chose someone who perceived the long arc of Jewish history and Torah, someone who recognized different expressions of religious life, and someone who took responsibility for the fate of the nation as a whole.

The Gemara (Gittin 56a-b) recounts:

The biryonim (a group of Zealots) were then in the city. The Rabbis said to them: “Let us go out and make peace with them [the Romans].” They would not let them, but on the contrary said, “Let us go out and fight them.” The Rabbis said: “You will not succeed.” They [i.e., the biryonim] then rose up and burnt the stores of wheat and barley so that a famine ensued [and the Jews would be forced to fight]...

Abba Sikra, the leader of the biryonim of Jerusalem, was the nephew of Rabban Yochanan ben Zakkai. [Rabban Yochanan] sent to him, saying, “Come privately to me.” When he came, [Rabban Yochanan] said to him: “How long will you continue this way and kill everyone with starvation?”

He [Abba Sikra] said to him, “What can I do? If I say anything to them [i.e., to the other biryonim], they will kill me!”

He said to him, “Devise some way for me to escape [the besieged city of Jerusalem]; perhaps I shall be able to save a small portion.” [Rabban Yochanan then escaped and met with the Roman general Vespasian.] ...

[Vespasian] said to [Rabban Yochanan ben Zakkai]: “I am going now and someone else will come in my place. But you may make a request of me, and I shall grant it.”

He said, “Give me Yavneh and its scholars, and the dynasty of Rabban Gamliel, and doctors to heal Rabbi Tzadok.”

Rabban Yochanan ben Zakkai meets with his nephew, the head of the biryonim. It is apparent from their discussion that the latter has already, in principle, accepted Rabban Yochanan’s view, but he is not capable of doing anything about it. What he is willing to do is to arrange some clandestine way for Rabban Yochanan ben Zakkai to leave the city so that he can meet with the head of the Roman forces. At the end of a lengthy conversation with him, Vespasian offers Rabban Yochanan ben Zakkai the opportunity to make a request. Rabban Yochanan takes him up on the offer – even though some would say that this in itself represented weakness and submission. He requests three things: healing for Rabbi Tzadok, preserving the dynasty of Rabban Gamliel, and the town of Yavneh and its sages.

The concern for Rabbi Tzadok testifies to the importance of the individual in the eyes of Rabban Yochanan: he does not minimize or dismiss the suffering of the individual within an entire city that is under siege. The second request is somewhere between concern for the individual and concern for the community: Rabban Yochanan asks for protection for the

dynasty of the nesi’im, the nation’s aristocracy and oligarchy, a symbol of the Israelite monarchy which is no more. The third request represents concern for all of Am Yisrael – and Rabban Yochanan ben Zakkai chooses Yavneh and its sages. His choice astounds us: why settle for Yavneh, relinquishing the real center – Jerusalem?

We may propose two possible answers. One is that while Rabban Yochanan himself was able to predict the criticism that would later be directed at him for this decision, he felt that Jerusalem would not be given to him. The other possibility is that he perceived Yavneh and its sages as being in some way preferable to Jerusalem. Yavneh was a town on the periphery which, at that time, was witnessing a boom in Torah scholarship. Jerusalem was a divided, warring city in which even the Torah was subject to disputes and was tainted with causeless hatred.

The Gemara goes on to give voice to criticism of Rabban Yochanan:

Rabbi Yosef – some say Rabbi Akiva – applied to him [Rabban Yochanan ben Zakkai] the verse: “[God] turns wise men backwards and makes their knowledge foolish” (Yeshayahu 44:25). For he should have said to [Vespasian], “Let [the Jews] off this time.” But [Rabban Yochanan] thought that so much would not be granted him, such that [if he were to make such a request] even a little would not be saved.

Rabban Yochanan ben Zakkai elects to make a smaller request in order to be certain that his request will be approved. His calculation is realistic, pragmatic, practical, and based on facts. He makes his calculation out of uncertainty as to what exactly the Romans will be prepared to allow. This leader of Israel adopts a self-consciously cautious approach: the spiritual future of the Jewish nation is not to be gambled with, and we do not ignore realistic, practical considerations. Sometime we are even prepared to suffice with “saving a little,” so long as it is the more certain option.

The Gemara presents a dissenting view, but this fact in and of itself testifies to Rabban Yochanan ben Zakkai’s approach at this moment of crisis, faced with the danger of annihilation – he is fully aware of opposing views, which interpret his decision as weakness and submission.

Viewing the considerations in their entirety  
Prior to the dramatic encounter described above between Rabban Yochanan and Vespasian, the Gemara records the deterioration amongst Am Yisrael which led to the gloomy situation in which Rabban Yochanan found himself. The well-known story of Kamtza and Bar-Kamtza demonstrates the depths of the baseless hatred that was rampant among the Jewish people. Bar-Kamtza, wishing to avenge himself for the despicable behavior to which he was subject, attempted to bring down upon the Jews the wrath of the Caesar:

He [Bar-Kamtza] went and said to the Emperor, “The Jews are rebelling against you.” He said, “How can I tell?” He said to him: “Send them an offering and see whether they will offer it [on the altar].” So he sent with him a fine calf.

While on the way, [Bar-Kamtza] made a blemish on its upper lip, or as some say on the white of its eye, in a place where we [Jews] count it a blemish but they [Romans] do not. The Rabbis were inclined to offer it in order not to offend the Government. Rabbi Zecharia ben Avkulas said to them: “People will say that blemished animals are offered on the altar.”

They then proposed to kill Bar-Kamtza so that he should not go and inform against them, but Rabbi Zecharia ben Avkulas said to them, “Is one who makes a blemish on consecrated animals to be put to death?”

Rabban Yochanan thereupon remarked, “Through the scrupulousness of Rabbi Zecharia ben Avkulas our House has been destroyed, our Temple burnt, and we ourselves exiled from our land.” (Gittin 56a)

Rabbi Zecharia ben Avkulas ignored considerations of the actual situation, and refused to contemplate an emergency deviation from standard halakha. Anyone with eyes in his head could easily understand the ramifications of what he was doing, in terms of how the emperor would view the accusation of rebellion. But if someone has no interest in considerations of the actual situation, why would he care about the emperor’s psychology? There he remains, holding the Shulchan Arukh, free of any blame.

The Gemara expresses an opinion about this approach, too.

Rabban Yochanan’s conclusion is the bottom line of the discussion, criticizing Rabbi Zecharia: a constricted view that takes only local and isolated considerations into account, with no distinction between major and minor, is a mistaken halakhic approach. Halakha takes the real world into consideration, and someone whose books serve as blinders is ultimately responsible for the destruction of the Temple and the exile of the nation from its land. All of this arises from a mistaken ruling. Rabbi Zecharia did not turn the question over to Rabban Yochanan, but rather ruled on the basis of his own personal opinion – and thereby brought about terrible destruction.

We began our discussion with the view that connects Rabban Yochanan’s fear upon his deathbed to the fateful decision he had taken during the terrible time of the Destruction. As his life is about to end, he delves into his past to re-evaluate his ways and his actions. He is aware of the background to his decision and the considerations that led to it, but fears that perhaps he was mistaken; perhaps he chose the easier option rather than the more correct one. This doubt breaks down his internal barriers and he bursts into tears of pain and sorrow, repentance and regret. God has placed us in a world of doubt, and the measure of certainty which had allowed him to reach his decision was unavailable to him when he looked back on it.

Against this background we must examine two decisions: the decision of Rabban Yochanan ben Zakkai, which was based on mature and responsible deliberation, with an examination of all possible alternatives, and the decision of Rabbi Zecharia, which was taken with a narrow-sighted refusal to consider alternatives. Rabbi Zecharia ben Avkulas does not weep. He is a man of certainty; he leaves doubts and self-examination to others. He takes into consideration only the narrow elements with which he is familiar, not opening his eyes to other horizons.

When faced with any decision, especially those that are weighty, there are two questions we must ask: what factors are to be considered and examined, and what is the relationship between the concerns that are weighed up against each other. Someone involved in the messy work of decision-making on the national level must be expert in the precise weighing-up of every factor in its own right, and must be skilled in understanding the relationship between the various elements and their mutual influences and effects. He must also always keep in mind Newton’s law that every action is accompanied by an equal and opposite reaction.

Deliberation in decision-making

Beyond the question of values and the relative weight to be assigned to various considerations, there is the question of the pace of decision-making.

On Yom Yerushalayim we heard an account, related in the name of one who was present in the room, of a meeting between Prime Minister Netanyahu (in his first term) and US Secretary of State Madeline Albright. The Secretary of State strongly admonished the Prime Minister for his plans to build in Jerusalem, and threatened that the United States would remove its support for Israel at the United Nations if Israel did not comply with its demand to cease building. The Secretary of State said that she understood this was a hard decision and gave the Prime Minister three days to respond. The Prime Minister replied that he required no time to consult and to formulate an answer; he refused on the spot to comply with the American demands.

I mention this episode not because I wish to advocate a specific political approach, but because it touches on key issues of morality and public life, including decision-making processes and consideration of values and halakha in matters of supreme importance.

On Yom Yerushalayim, the speaker lavishly praised the Prime Minister for his unhesitating response. I take a different view. Let us imagine a rabbi sitting in his office and responding to those who seek his guidance. A woman arrives with a blood stain or a chicken; he examines the evidence before him as accurately as he can, and then he may find that the situation is subject to a halakhic dispute. He may take a while to investigate the question further and study the different



opinions in more depth. Thus, it can take some time to decide a question pertaining to a blood stain or the kashrut of a chicken. If one deliberates so seriously over these halakhic questions, is it possible that fateful decisions regarding the future of the entire nation should be taken instantly?

When a political leader needs to make a decision concerning the entire community, can he risk jumping to a decision just because he may otherwise be considered weak or hesitant? Perhaps he needs to consult, to meditate, to gird himself for three days. How can anyone have the audacity to say that a decision of this sort, affecting the lives of many people, must be taken on the spot? Can all of this be dismissed with a wave of the hand, scorning considerations of the real world and glorifying instant decision-making?

Weighty decisions

Obviously, Jerusalem is a unique place in the world, and the very thought that part of it could be given up causes us to tremble. But a public leader cannot make a decision merely on the basis of trembling. A leader needs to learn from the example of Rabban Yochanan ben Zakkai; he, too, was dealing with the question of Jerusalem. Unlike some people today, he did not believe that decisions regarding Jerusalem are to be divorced from all rational considerations.

In a famous midrash, Chazal teach:

“A song unto Assaf: O God, heathen nations have come into Your inheritance” (Tehillim 79:1) – Is it appropriate that this psalm is introduced as a “song”? Surely it is a dirge! Similarly, it is written, “And David ascended the ascent of the olives, weeping as he ascended” (II Shemuel 15:30) and yet it is written, “A song unto David when he fled” (Tehillim 3:1)...

This may be compared to a king who had a son, who was difficult, and did not obey him. What did the king do? Since he was angry, he entered his son’s wedding canopy and cut and tore and cast down the curtains until they were all torn, and he threw them out. The king said, “Have I not acted well in tearing up my son’s bridal canopy, where I can make a more beautiful one? Moreover, I did not kill him in my anger, for if I had killed him then my brother’s son would have inherited me; it is better that my own son should inherit me.”

So said Assaf: Did God not act well in venting His anger on stones and wood, and not on His children? Therefore it is said, “God has finished His anger; He has poured out His wrath and ignited a fire in Zion” (Eikha 4:11). Therefore it is written, “A song unto Assaf: O God, heathen nations have come into Your inheritance.” (Midrash Tehillim, mizmor 79)

Better a destruction of wood and stones than a destruction of people! This is a most painful statement, and it is not difficult to imagine the sorrow with which the psalm was written.

Perhaps it is possible to determine that the preservation of the Sanctuary is worth a certain price in human life, but why is it necessary to give an immediate answer?

In deliberating political processes – as well as personal processes – a person must choose between different alternatives, different values, and different dangers. There is much to ponder and many factors to weigh.

It was a terrible and bitter time that Assaf viewed in his prophecy – “Heathen nations have come into your inheritance; they have defiled Your holy temple; they have made Jerusalem into heaps.” But Chazal understood, as Assaf himself did, that the Jewish nation had already known much sorrow and many crises, and it was important to view these in perspective.

Our nation has had many opportunities for weeping.

Heightening our awareness of distress, our sensitivity to human life and suffering, can bring a person to tears. A wonderful midrash speaks of the weeping of Kneset Yisrael: Israel says, “Master of the universe, the princes sin – and they bring a sacrifice and it atones for them. Mashiach sins – and he brings a sacrifice and it atones for him. As for us – we have no sacrifice.” He said to them, “And if the entire congregation of Israel sins...” (Vayikra 4:13).

They said to Him, “We are poor and are unable to bring sacrifices.” He said, “Words are what I seek, as it is written, ‘Take words with you and return to God’ (Hoshea 14:3) – and I shall forgive all of your transgressions.” And “words” always means “words of Torah,” as it is written, “These are the words which Moshe spoke...” (Devarim 1:1).

They said to Him, “We do not know [words of Torah].” He said to them, “Weep and pray before Me, and I shall accept it. When your forefathers were enslaved in Egypt, was it not through prayer that I redeemed them? As it is written, ‘And Bnei Yisrael groaned from the labor, and they cried out’ (Shemot 2:23)”... So, too, even though the people of Jerusalem angered Me, I had mercy upon them because they wept...

Therefore David says, “I wash my hands in innocence...” (Tehillim 26:6-7). It does not continue, “...to offer sacrifices to You,” but rather “to sound the voice of thanksgiving” – I am thankful to You for the words of Torah. (Shemot Rabba 38)

Weeping demonstrates sorrow, but also other elements. One who does not weep expresses excessive self-confidence. Weeping breaks down barriers; it allows a person to uplift and rededicate himself, owing to the determination that can emerge from sorrow.

Some people would say that the weeping in the midrash is appropriate for the exile, where the Jews had no political and military strength; all they were able to do was weep. In Eretz Yisrael, they claim, a new type of Jew has emerged – upstanding, mighty, believing in his power. Avraham, who did not inherit the land, was able to weep; Bnei Yisrael, enslaved in Egypt, could weep. But in Eretz Yisrael there is a new ethos, which precludes spontaneous weeping; in fact, it

precludes weeping altogether. Even if people in Eretz Yisrael sometimes weep, this is an outdated expression of the broken-hearted helplessness of the Jew in exile.

The midrash comes to tell us that it was weeping which redeemed the Jews of Jerusalem. Sorrow and broken-heartedness are bound up with human suffering, bound up with God Himself Who says, “My soul shall weep in hidden places” (Yirmiyahu 13:17) – and they exist in Eretz Yisrael, too. The person who weeps must also be the person who makes decisions. May we be worthy to learn to weep properly. Fateful decisions must emerge out of weeping and prayer. Heaven forefend that our human sensitivity disappear in a cloud of national pride. At the setting of the sun, on the eve of God’s great and awesome day, Jews stand, wrapped in their tallitot, and from every weeping, praying throat there arises a prayer: May it be Your will, Who hears the sound of weeping, that You collect our tears in Your bottle, and deliver us from all harsh and cruel decrees, for our eyes look only to You. (This sicha was delivered on the 29th of Iyar 5770 [May 13, 2010].)

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## **What Can We Do to Hasten the Rebuilding of the Temple?**

**By Rav Yitzchak Levi**

**Translated by David Strauss**

### **I. Spiritual Repair**

We can hope to repair the churban only if we understand that the Mikdash expresses a spiritual reality. The Gemara (Sanhedrin 96b) states that when Nevuzaradan became haughty after destroying the First Temple, a heavenly voice said to him: “You killed a dead nation, you burned a burnt sanctuary, you milled ground flour.” That is to say, from the moment that Israel’s spiritual level deteriorated, the Mikdash was already regarded as destroyed, so that the nations that actually destroyed it merely “finished the job.”

The Gemara (Yoma 9b) explains the main cause of the destruction of the Second Temple:

But why was the Second Temple destroyed, seeing that in its time they were occupying themselves in the Torah, [observance of] mitzvot, and the practice of loving-kindness? Because therein prevailed hatred without cause. This teaches you that groundless hatred is considered as equal in severity to the three sins of idolatry, incest and bloodshed together.

The Maharal (Netzach Yisrael, chap. 4) explains that the superiority of the Second Temple, in which the Shekhina did not reside, lay in Israel themselves, who were united through the Temple. Once groundless hatred began to grow and Israel’s unity around God and the Temple unraveled, there was no longer room for the Mikdash.

What is groundless hatred? The Lubavitcher Rebbe (Hechaltzu, p. 259) explains:

Because of a person’s being, he does not make room for the other. For perforce the other diminishes his existence, and therefore he cannot tolerate him.

The Netziv writes (Ha’amek Davar, introduction to the book of Bereishit):

The people who lived during the Second Temple period were righteous and pious and they toiled in the Torah, but they were not upright in their worldly conduct. Therefore, owing to the groundless hate that they harbored in their hearts one for the other, they suspected anyone who did not follow their own approach in the fear of God of being a Sadducee or a heretic. And this brought them to bloodshed...[1]

Rebuilding the Temple – Through Groundless Love

Well-known are the words of Rav Kook:

If we were destroyed and the world was destroyed with us owing to groundless hate, we will be rebuilt and the world will be rebuilt with us through groundless love (Orot Ha-kodesh, III, p. 324).[2]

Just as the destruction was based on a corrupt spiritual reality, so, too, the Temple will be rebuilt through a repair of that spiritual reality through groundless love.

Here the question arises: Surely we are all bound by the positive commandment of “And you shall love your neighbor as yourself; I am the Lord” (Vayikra 19:18). What, then, does “groundless love” add to this mitzva? What precisely is the added dimension of groundless love in relation to the basic level of love obligated by Torah law?

The idea of groundless love may be as follows: Love that does not depend on anything else – love that does not flow from the manner that the other person appears or conducts himself, but from the very recognition of his goodness, as he is. We naturally love another person because of his good qualities, his radiant personality, or his worthy outlook on the world; in this sense, our love depends on something. However, groundless love is love that is not founded on an evaluation of the other person based on his personality or qualities, but rather unconditional love of every creature, of every person, regardless of the traits that he has or lacks.

A second possibility is that one must love his fellow precisely as we love ourselves. It is the way of the world that we tend to forgive ourselves for our weaknesses, providing all kinds of excuses and justifications for our own behavior, whereas with respect to other people we are inclined to be meticulous and set more stringent standards. Groundless love may be love that is similar to self-love. Just as a person does not love himself because of his good looks, his intelligence, or his skills, and just as he continues to love himself even when he acts wrongly, he must love every other Jew in the same way. The ability to see another person’s virtues and not his failings, and not only to act with forbearance towards him, is what can lead to groundless love.[3]

Another possibility is that groundless love refers to love of a wider scope – love directed at a community with which one does not have close social connections. In addition, a higher quality love of one’s more immediate surroundings is demanded – more refinement, more sensitivity, more attention and consideration with respect to other people.

The Yerushalmi’s position is well-known:

Any generation during whose days the Temple is not rebuilt is regarded as if it had destroyed it. (Yoma 1:1)

In every generation, the potential exists to rebuild the Temple, and each generation’s responsibility for not realizing that potential equals the responsibility of the generation of the destruction! The primary mission following from the absence of the Mikdash is spiritual repair. This repair can express itself in many different ways: on the individual level and on the community level, in the realms of unity, peace, social justice, tolerance, help to others, and the like.

I believe that we should establish regional offices of professionals in various areas – doctors, lawyers, accountants, carpenters, plumbers, psychologists, social workers, and the like – who are ready to volunteer their services to help others.[4] These offices will be called “Offices for the Rebuilding of the Temple.” In this way, everyone will understand that the rebuilding of the Temple requires a spiritual rebuilding of the nation, and that the way to rebuild the Temple is through a full joining together of all sectors of the population – right and left, secular and religious, rich and poor. “O Jerusalem, built as a city that is joined together” (Tehillim 122:3) – through our connection to one another, the Jewish people will reconnect to God, and as a result we will be privileged to have the Temple rebuilt speedily in our days.

## II. Study

The main way to cope with the absence of the emotional experience of the Temple is through study. The book of Vayikra in the Torah, the orders of Kodashim and Taharot in the Mishna, and the chapters dealing with the Mikdash and the sacrificial order scattered throughout the Talmud – all these are distant from our consciousness. They are not sufficiently the subject of study, examination, knowledge and deep understanding.

The Chafetz Chayyim related to the study of the Mikdash and the sacrificial order as an integral part of awaiting the building of the Mikdash.[5] What will we do if the messianic king arrives tomorrow morning? How will we know the location of the altar? How will we apply the law of a red heifer? What about the presumed lineage of the priesthood or the priestly garments?

There are two aspects to this study: study for the sake of practice, and study that intensifies our relationship with the Mikdash and magnifies our yearnings. In addition to increasing one’s knowledge, study enhances one’s emotional connection

to the studied material, brings one closer to its concepts, and leads one to recognize the perfection that exists in this ideal world.

## III. Prayer and Yearning

Every day we pray: “May it be Your will... that the Temple be speedily rebuilt in our days.” What do we hope for? What is missing without the Temple, and what are we asking of God? Do we really mean what we say, or are we merely parroting words?

In his book *Ma’ayanei Ha-yeshua* (chap. 56), Rav Yaakov Moshe Charlop zt”l explains that when a person sees the full reality of the Mikdash before his eyes and lives and breathes it, it gains meaning and his waiting turns into reality. “Whoever mourns over Jerusalem merits to see it in its joy” (Bava Batra 60b) – it does not say here that he will merit to see it in its joy, but rather he merits to see it in its joy. When yearnings have substance in the consciousness, in the will, and in the soul, those yearnings turn into absolute reality.

A person must honestly and seriously ask himself: Is the Mikdash really missing for me? Does today’s spiritual reality, on both the individual and collective levels, satisfy my desire for God’s closeness? What am I prepared to invest in order to draw closer to God and to repair the world?[6]

There is a famous story at the end of tractate Makkot (24b) about Rabban Gamliel, Rabbi Elazar ben Azarya, Rabbi Yehoshua and Rabbi Akiva:

Once again they were coming up to Jerusalem together, and just as they came to Mount Scopus they saw a fox emerging from the Holy of Holies. They fell to weeping and Rabbi Akiva seemed merry. They said to him: Why are you merry? Said he: Why do you weep? They said to him: A place of which it was once said: “And the common man that draws near shall be put to death” (Bamidbar 1:51), is now become the haunt of foxes, and we should not weep? He said to them: Therefore am I merry, for it is written: “And I will take to Me faithful witnesses to record, Uriya the priest and Zekharya the son of Yeverakhya” (Yeshayahu 8:2). Now what connection has this Uriya the priest with Zekharya? Uriya lived during the time of the First Temple, while Zekharya lived [and prophesied] during the Second Temple. But Scripture linked the prophecy of Zekharya with the prophecy of Uriya. In the [earlier] prophecy [in the days] of Uriya, it is written: “Therefore shall Zion for your sake be plowed as a field” (Mikha 3:12). In Zekharya it is written: “Thus said the Lord of Hosts, There yet shall old men and old women sit in the broad places of Jerusalem” (Zekharya 8:4). So long as Uriya’s prophecy had not had its fulfillment, I had misgivings lest Zekharya’s prophecy might not be fulfilled; now that Uriya’s prophecy has been fulfilled, it is quite certain that Zekharya’s prophecy is being fulfilled. They said to him: Akiva, you have comforted us! Akiva, you have comforted us!

Once again, the Gemara does not say “It is quite certain that Zekharya’s prophecy will be fulfilled,” but rather “It is quite certain that Zekharya’s prophecy is being fulfilled.” Rabbi Akiva, who saw before him the enormity of the destruction of Jerusalem brought about by Emperor Hadrian – its being plowed over and turned into a pagan city – is capable of seeing in the destruction the fulfillment of the prophecy of Zekharya in his very day. The vision is alive, it breathes and beats within him, and even allows him to see salvation and repair in the depths of the destruction.

We must therefore try to experience deeply the thirst for God’s nearness, out of hope and striving that we be worthy of the rebuilding of the Mikdash.

#### IV. Seeking Out the Place

Before concluding, let us try to understand the meaning of our connection to the Temple Mount today. The Torah states: But to the place which the Lord your God shall choose out of all your tribes to put His name there, there shall you seek Him, at His dwelling, and there shall you come. (Devarim 12:5) On this verse, the Sifrei states (ad loc., piska 12): Seek out the word of a prophet. You might say you must wait until a prophet tells you. Therefore the verse states: “There shall you seek Him, at His dwelling, and there shall you come” – seek and find, and afterwards the prophet will tell you.[7]

In other words, the site of the Mikdash demands seeking. It is not by chance, therefore, that the Torah does not specify the site of the Temple, but speaks of “the place that the Lord your God shall choose.”

#### Seeking the Place Today

Following the miracle of our returning to Yehuda, Shomron, and the Old City of Jerusalem during the Six Day War, masses of people began to stream to all the holy places which came back under Israeli control: the Makhpela Cave, Joseph’s Tomb, Rachel’s Tomb – and also the Temple Mount. In the wake of this activity, a proclamation signed by many of the generation’s leading Torah authorities was issued in Elul of 5727 (1967), warning about the sanctity of the Temple Mount and the prohibition to set foot upon it.

It would have been appropriate to mark off the holiest areas and define them as “out of bounds” for everybody: Jews and Arabs, Israelis and tourists. But the Minister of Defense handed over the keys to the Temple Mount to the Moslem Wakf. Practically speaking, the Temple Mount fell thereby under Moslem control. At the same time, the Kotel plaza began to assume independent significance, detached from the Temple Mount, and what is more, replacing it.

This is expressed in the very name “Kotel” – the western supporting wall of the Temple Mount. When a person goes to visit a friend and finds that he is out, does he feel that he has visited the wall of his house? This plaza should rightfully be called: “below the site of our Temple.” Moreover, most people

who come to pray in the Kotel plaza face the western wall of the Temple Mount, whereas Halakha and common sense dictate that one should face the site of the Holy of Holies, which the Radbaz and others identify as below the Dome of the Rock. Attesting to the extent of the alienation and ignorance is the comprehensive plan drawn up by an architect in the wake of the Six Day War for the building of the Temple in the Kotel plaza. These are all expressions of how the “Kotel plaza” was turned into a place of its own, which is not intimately connected to what lies above it.

Over time, the stream of people leading to the Temple Mount came to a total halt, the rabbinic proclamation remained in force, and Moslem control over the mountain grew stronger. This situation was highlighted by the terrible plunder conducted by Moslems in 1996 in the southeastern section of the Temple Mount: the flooring was broken with heavy machinery, in order to connect up at a depth of twelve meters to Solomon’s Stables and open a northern entrance to the new mosque that was built in that space. This expresses the weakness of our hold on the place.

Another difficult expression of this weakness is the way in which the Israeli authorities relate to Jews who wish to ascend the Temple Mount in a state of ritual purity. The issue of such a visit is complicated and involves spiritual, halakhic, and conceptual elements, which we will not deal with here. For our purposes, let us say that the situation today is that at the world’s holiest site a Jew cannot open his mouth in prayer, not even in the manner of Channa’s prayer: “Only her lips moved, but her voice was not heard” (I Shemuel 1:13). Every group is accompanied by uniformed police, undercover detectives, and Wakf representatives, who watch the mouths of religious Jews,[8] and anyone who is caught praying is arrested by the Israeli police for the crime of disrupting the public order.[9] To sum up, today there is not even a hint of Jewish presence and control of the Temple Mount, neither flag nor any other symbol of sovereignty. This situation has created de-facto Moslem control over the Temple Mount,[10] and public and worldwide recognition that the Temple Mount belongs to the Moslems and the Western Wall to the Jews.

The Bottom Line: What Practical Expression Are We to Give Today to Our Connection to the Temple Mount?

Every person can express his connection to the Temple Mount in various ways:

- Study of the historical sources and the archeological remnants at the entranceways to the Temple Mount.

- Tours along the length of the southern and western walls of the Temple Mount.

- On the eve of every Rosh Chodesh, a “Sivuv She’arim” is conducted. Participants circle the Temple Mount and recite the Songs of Ascent (Shirei Ha-ma’alot) at its various gates. We thereby articulate that the Temple Mount is exceedingly

precious and important to us, and that the reason that we do not proceed further is the mountain's sanctity. This persistence with a monthly connection to the holy place emphasizes its importance to us. When we merit that masses of people will visit the place every month, the Jewish people's connections to the place will be clearer.

· Part of seeking out the place is being familiar with it and visiting it. Going up to the Temple Mount in a state of holiness and purity, with fear of the Mikdash, magnifies its holiness in our eyes, in the eyes of the authorities, and in the eyes of the world. It is very important to emphasize that going up to the Temple Mount does not substitute for vitally necessary spiritual work. Even someone who does not go up to the Temple Mount for whatever reason can study its entranceways and approaches and visit them.

#### The Absence of the Mikdash

When the Mikdash exists, the Jew visits it at set times – the three Festivals, when he brings his first fruit to the Temple between Shavuot and Sukkot (or Chanuka), and in the framework of his service in the priestly or levitical mishmarot or the Israelite ma'amadot, if he belongs to one of them. But he also comes on other occasions, which do not have a fixed time, for example, when he brings a sacrifice (a sin-offering, a thanksgiving offering, a firstborn, animal tithe, or the like), or when he is involved in a court case that went up to the great Sanhedrin, which convenes in Lishkat ha-Gazit. Coming to the Mikdash means unmediated recognition that it is the center of the nation and of all being: the center of Divine presence in the world, the source of material blessing in the entire world, and the place where a person may lift himself up to his Creator.

The entire nation assembled in the Mikdash on various occasions (the three Pilgrim Festivals, on Yom Kippur, at the hakhel assembly, and the like). But besides this, the Mikdash had communal significance by its very existence in that it was clear to all that God has a place that gives expression to His presence in the world and that He has a special love for the Jewish people. The Jewish people, in turn, committed themselves to give constant expression to their connection to the place by serving God there.

When a person would come to the Mikdash, he would feel the unmediated nearness of God to a degree altogether different from what can be felt today. This feeling impacted upon his entire life and directed it to the worship of God.

With the destruction of the Temple, our connection to God diminished and our relationship to Him weakened. Through groundless love, yearning, prayer, study of Temple-related matters, and the renewal of our connection to it – we hope to merit speedily in our days to be worthy to have the Shekhina rest once again among us, and to be able to rebuild God's Temple. "And there we shall serve You in fear as in ancient days and years of old."