

*Mazal tov to Barbara & Mickey Wohl on the engagement of Zack to Daniella Kaufman*

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**THE TORAH IS FOR ALL :: Rabbi Berel Wein**

There are numerous instances in the Talmud when the rabbis state that if a certain item of behavior is permissible to some Jews then why is it not permissible to all? The Talmud and the Torah itself recognizes exceptional circumstances, unusual pressures, differing opinions that need be taken into account but the Talmud never advocated differing standards of halachic behavior.

It did recognize that there are different personality needs and differing societal mores. But the Torah was always the same Torah for all Jews. What was expressly forbidden in the Torah was forbidden to all and what was permitted was also permitted to all. Much of the problems that exist in the Jewish world today have nothing to do with halacha as much as they do to political and societal norms.

Elevating these societal and political issues to realms of Torah law and halacha only sharpens our differences and creates unnecessary friction which eventually casts very negative light upon all religious Jews and the Torah generally.

In the haftorah from Yirmiyahu that was read for parshiot Matei –Maasei the prophet strikingly says “that those who hold the Torah tightly knew Me not.” Those who hold the Torah tightly unto themselves, who see no one else but themselves and their society, and who are therefore completely separated from the rest of the Jewish people, truly know Me not. For the Torah is for everyone and not merely the self-anointed few.

Everyone has the right to create their own grouping and society but no one has the right thereby to create an halachic basis that does not truly exist and to claim the Torah exclusively for themselves.

Over the ages of Jewish history there have always been differences over rabbinic power and identity, differing societal norms and customs, and general attitudes towards the outside non-Jewish world and culture. The societal norms of the Jews in the Middle Ages in Spain were not those of the Jews in Germany and Central Europe and the norms of Jewish society in Renaissance Italy certainly did not resemble those of the Eastern European shtetel.

What unified all of these diverse parts of Jewry were Torah and halacha with all of its allowances for differing nuances while preserving the basic whole of traditional Jewish law and life. With the advent of Chasidus in the eighteenth century, new and differing societal norms were introduced into Eastern European Jewish life.

But again these new mores were in the main restricted to societal behavior. And since, in the Exile, the Jews lived in far removed places one from the other, these societal differences were tolerated and rarely were the cause of continuing friction amongst the different societies of Jews.

This luxury of being able to be separate one from the other has been seriously reduced currently here in the Land of Israel. Here we are all thrown together so that the societal mores of one group clash daily and regularly with those of other groups. The only way therefore to justify one’s societal mores over those of others is to elevate them to the status of halacha. This is a terribly damaging process for all concerned.

The struggle for turf, political and economic power, influence and direction of the Jewish world has been the hallmark of internal Jewish life for the past two centuries. The erroneous hopes and unfulfilled expectations of secularism, Enlightenment, nationalism, Marxism, humanism, etc. all of which captured much Jewish support over the past centuries have, as a result, created a climate of separatism - us against them - in much of the observant religious society.

Feeling threatened and constantly on the defensive, much of religious society has wrapped the Torah about itself unwilling and unable to share it intelligently with others. Walling out the outside world to the best of its

ability this grouping allows its societal norms not to be seen as that but rather as halacha from Moshe on Sinai.

This only serves to further the frictions and deepen the differences between Jews. Thinking that one’s societal norms are those that are best for everyone smacks of arrogance and weakness at one and the same time. A system of education that teaches that one’s societal norms are paramount even to halacha only reinforces the difficulties that our religious society already faces in a world of instant communication and multiculturalism.

Once we agree that the Torah is for everyone and that it operates very effectively in different places and differing societies we will be on the way to the balanced view of life that the Torah truly demands from us.

Shabat shalom.

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**Weekly Parsha :: DVARIM – CHAZON :: Rabbi Berel Wein**

There are visions and there are nightmares. This week’s parsha and haftorah provides us with a little of both. As Moshe begins his final great oration to his beloved people he warns of the dangerous future and reminds the people of the tragic and costly errors of the past. Moshe is the person of vision. He is shown the entire story of the Jewish people throughout all of the ages.

His vision even includes, so to speak, seeing the knot of God’s head tefilin “on His back.” But Moshe also sees the tragedies, defeats, mistakes and failings that lie ahead in the Jewish story. He also views the vision of Jewish resilience and eventual triumph, peace, prosperity, and security. Thus the entire gamut of chazon – vision of the future, its problems, defeats and victories is reflected in this week’s parsha.

There is a great responsibility that rests upon the shoulders of one that possesses the gift of vision. How does one translate that vision into reality is the problem of all visionaries. Moshe faces it with the fortification of the Divine Torah that he himself brought down to Israel from Sinai.

He forecasts the difficulties that lie before the people that is charged to be a light unto the nations. Yet he does not gloss over the sad parts of the vision. An honest leader tells the people the truth no matter how difficult and painful it is. Chazon – vision – therefore always has an element of sadness attached to it for it describes the reality and difficulties of life.

The haftorah is the vision of the great prophet Yeshayahu. It also minces no words in describing the impending tragedy of the Temple’s destruction and of the sins of Israel that contributed and led to this destruction. In reading the words of the haftorah, one cannot help but sense the overwhelming feeling of frustration that envelops the prophet.

He is the doctor who has diagnosed the disease correctly and has the proper medicines and cures to heal the patient but the patient ignores the disease and its cure. Yeshayahu complains about the thickheadedness of Israel in not understanding and realizing its true condition and its tragic result. It is Israel’s refusal to see things clearly, to ignore the long range disaster that looms over it and instead look only for short range comfort that drives the prophet to understandable distraction.

His vision is real and stark, disturbing and tragic. There is a willful blindness in Israel regarding its future that strikes Yeshayahu, as a man of vision himself, as being utterly not understandable. Israel is more blind to its future and, necessarily as well, to its past than is the donkey or the ox that recognize their sources of food and safety.

But all prophecies regarding the Jewish people, no matter how sad and doomed they seem, always end on a note of hope and optimism. The eternal people will right itself and yet achieve its physical and spiritual goals and be redeemed in the cause of justice and righteousness.

Shabat shalom.

Tzom kal

### **Overview**

This Parsha begins the last of the Five Books of The Torah, Sefer Devarim. This Book is also called Mishneh Torah, “Repetition of the Torah” (hence the Greek/English title Deuteronomy). Sefer Devarim relates what Moshe told Bnei Yisrael during the last five weeks of his life, as they prepared to cross the Jordan into Eretz Yisrael. Moshe reviews the mitzvot, stressing the change of lifestyle they are about to undergo: from the supernatural existence of the desert under Moshe’s guidance to the apparently natural life they will experience under Yehoshua’s leadership in the Land.

The central theme this week is the sin of the spies, the meraglim. The Parsha opens with Moshe alluding to the sins of the previous generation who died in the desert. He describes what would have happened if they hadn’t sinned by sending spies into Eretz Yisrael. Hashem would have given them without a fight all the land from the Mediterranean to the Euphrates, including the lands of Ammon, Moav and Edom. He details the subtle sins that culminate in the sin of the spies, and reviews at length this incident and its results. The entire generation would die in the desert; Moshe would not enter Eretz Yisrael. He reminds them that their immediate reaction to Hashem’s decree was to want to “go up and fight” to redress the sin. He recounts how they wouldn’t listen when he told them not to go, that they no longer merited vanquishing their enemies miraculously. They ignored him and suffered a massive defeat. They were not allowed to fight with the kingdoms of Esav, Moav or Ammon these lands were not to be part of the map of Eretz Yisrael in the meantime. When the conquest of Canaan will begin with Sichon and Og, it will be via natural warfare.

### **INSIGHTS**

#### **Innuendo - “And these are the words...” (1:1)**

A person’s power of self-justification knows few bounds.

On Yom Kippur we all stand in shul klopping our chests but it’s very difficult to really admit that we are guilty of what we are reading.

Often, the best way to get ourselves to admit that we have erred is in a roundabout way. A hint that triggers our own analysis of past failings is often far more effective than a full frontal assault.

In the first verse of this week’s Torah reading Moshe conducts an extensive but veiled criticism of the Jewish People’s conduct in the desert: “.Concerning the Wilderness.” Shortly after the Exodus, the people complained that they had been brought into the desert to starve. (Shemot 16:1-3) “.concerning the Arava.” This was where the Midianite women seduced many Jews. “.opposite the Sea of Reeds.” When the Egyptians were bearing down on the Jews and the Sea was behind them, the people complained, “.Were there no graves in Egypt?” (Shemot 14:11) And when they emerged on the other side of the Sea, they complained the Egyptians had probably escaped. “.between Paran.” hints to the sin of the spies who were sent into the land of Canaan and returned with a negative report. “.and Tophel and Lavan” both refer to the complaints about the manna. “.and Chatzerot.” Korach’s rebellion took place there, or Miriam slandered Moshe there. “.and Di Zahav” Di Zahav literally means “.enough money” The Jews left Egypt with great wealth but they used it to make a golden calf. “.eleven days from Chorev.” G-d wanted the Jewish People to enter the Land as quickly as possible and miraculously, so He abbreviated a eleven day journey to just three days. In spite of this proof that G-d was leading them, they wanted spies to reassure them that they should enter the Land, and this led to the debacle of the spies.

The question arises, if Moshe was criticizing the people with veiled references, why then did he go back and spell out these self-same failings at great length in the following chapters?

Innuendo may be very good at getting through the psychological barrier of denial but by itself it is insufficient to change our behavior. Innuendo is only the breach in the wall. True change can only come from an open and detailed analysis of past failings.

To paraphrase a well-known twentieth-century philosopher: One who does not learn from the past - in great detail - is destined to repeat it - with the details subtly changed.

Sources: based on Rashi, Rabbi Shimon Kraft

Written and compiled by Rabbi Yaakov Asher Sinclair

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### **Drasha Parshas Devarim**

**by Rabbi Mordechai Kamenetzky**

#### **The Usual Suspects**

This week’s portion discusses an array of issues, among them entering and conquering of the land of Canaan, which was to occur shortly. The lands that the Israelites passed on their quest to conquer Canaan were inhabited by various tribes and nations: some of them Israel was allowed to conquer, while other lands were forbidden.

Even while nearing Canaan, there were nations the Israelites were warned not to provoke or attack.

Moshe tells the people, “Hashem said to me, ‘You shall not distress Moab, and you shall not provoke war with them, for I shall not give you an inheritance from their land. For to the children of Lot have I given Ar as an inheritance. The Emim dwelled there previously, a great and populous people, and tall as the giants. They, too, were considered Rephaim, like the giants; and the Moabites called them Emim.’” (Deuteronomy 2:10-11).

There seems to be an important discussion about the land of the Giants.

Moshe refers to the Emim, who live in the land that was allocated to Avraham’s nephew Lot. The verse seems to extend itself by explaining that the people living there are not Rephaim, rather they are Emim, who are often referred to as Rephaim, because they have Rephaim-like attributes.

However, Moshe explains to his people that those giants are not really Rephaim, rather they are actually Emim. Obviously, this whole identification process is a bit confusing. Rashi helps us understand the issue. “You might think that this is the land of the Rephaim which I gave (promised) to Abraham (Gen:15:20), because the Emim, who are Rephaim, dwelt there formerly (and they are one of the seven clans whose land you were to possess), but this is not that land, because those Rephaim I drove out from before the children of Lot and settled these in their stead” cf. Rashi on Deut. 3:13.

Rashi explains that though the land of the Rephaim was promised to Abraham, and as such should be rightfully inherited by the Jews, the land of Ar was not promised to Abraham. Ar was promised to Lot. If the Children of Israel expected to inherit Ar based on the fact that giants who were called Rephaim live there, Moshe corrects their misunderstanding. “You see,” explain the commentaries, “these giants are really not the Rephaim variety of giants. They are the Emim variety. The original Rephaim were long gone and replaced. The Jews were promised the land of the Rephaim and not of Emim, who both resemble and are referred to as Rephaim.”

Truth be told, all this seemingly irrelevant classification must have relevance to us students of the Torah. Why, otherwise, would the Torah spend so much time and verbiage on it? Why would it warn us not to confuse the Emim with Rephaim? It should just say, “Keep out of Ar, it goes to Lot!”

This story is true, I altered the details to spare the concerned.

Many years ago, during an extreme heat wave, a certain food manufacturer was cited by the Department of Health and the USDA for having an infestation of a particular species of a moth in its manufacturing facility.

Immediately, the board of directors sent its representatives to inspect the factory as well. After all, having insects in the plant were very bad for business. Not only could the government shut them down, they were a health hazard as well! A team of inspectors came to the plant to see how they should address the problem.

While going through the factory, a Vice-President popped the lid off a container of raw nuts. Like a tornado rising, a swarm of insects emerged from the bin. Shocked and dismayed, he called over one of the workers. “Do you see this?” he shouted. “Look at these flies!”

“Don’t worry, sir,” smiled the worker. “Those ain’t the government flies. Those are the regular flies!”

Often we view adversaries in one fell swoop. An enemy is an enemy is an enemy. A giant is a giant is a giant.

Perhaps the Torah painstakingly teaches us that every nation has an accounting. Some the Israelites were allowed to inherit. Some they were allowed to attack. Others they were to avoid. Still others the Israelites were allowed to confront and not physically harm.

As Jews, we must be careful not confuse the Emim and the Rephaim, the Edomites with the Ammonites, or the Sichons, or the Ogs or even the icebergs with the Greenbergs. We may not want to see differences in a world that wants to see black and white. But the Torah teaches us this week that no two nations are exactly the same. And no matter how tall they may appear, no two giants are alike.

Good Shabbos

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### Portion of the Week / Visions of catastrophe

By Benjamin Lau

In the summer of 1942, Shabbat Hazon - which falls tomorrow - was the last Sabbath on which Rabbi Kalonymus Kalmish Shapira, the Piaseczner rebbe, was able to deliver a sermon to his congregation. A few days later, the Nazis carried out aktions in Warsaw, rounding up Jews for deportation, and the group of followers fell apart. The rebbe remained in the Warsaw Ghetto until its liquidation in April 1943, and later that year perished in a concentration camp near Lublin. In the late 1950s, a Jewish Agency official, Baruch Duvdevani, published "Esh Kodesh," a collection of Rabbi Shapira's sermons.

In his last sermon, the rebbe discussed hazon (vision) as a synonym for prophecy. According to our midrashic literature, the Bible uses 10 terms to denote prophecy, most referring to talking or hearing: preaching, speaking, saying, using massa (weighty words) or melitza (wise words), etc. Only the word hazon refers to seeing. In the rebbe's opinion, it is the most demanding term: He says that a prophet describing an experience of hearing must also see the prophecy to fully appreciate its message. The prophecy we will read about tomorrow, "Hazon Yishayahu" (the vision of Isaiah), describes an experience in which the prophet foresees the disasters and suffering that will befall his people in the future.

In his sermon, Rabbi Shapira describes how he once felt when reading about the destruction of the two Temples in Jerusalem and the exile from the Holy Land, and how he now feels about those disasters: "When we learned in the past about the calamities depicted by the prophets, we thought we understood them and we would even sometimes shed tears. We now see that a world of difference separates hearing about catastrophes and seeing them, not to mention suffering them, God forbid; essentially, hearing about a disaster is scarcely comparable to seeing one." During the tenure of the First Knesset, Menachem Begin proposed that the fast of Tisha B'Av, the ninth day of the Hebrew month of Av, should be the day on which the Holocaust is commemorated. Fortunately, the parliament rejected his initiative. First, Tisha B'Av falls during the summer vacation, and the Education Ministry would be hard pressed to organize commemorative events. Second, and most important, Tisha B'Av's calamities and the Holocaust are totally different.

The Mishnah (Tractate Taanit) states: "Five disasters befell our ancestors on Tisha B'Av." The first was the sin of the ten spies who, upon returning from their reconnaissance mission in Canaan, struck fear into the Israelites' hearts, discouraging them as to the prospects of conquering it. That night, the fate of the "desert generation" was sealed: God barred them from entering Canaan. According to our sages, that very day, the 9th of Av, would henceforth be the date for memorializing disasters that befell the Jews. Indeed, in addition to the destruction of the First and Second Temples, Tisha B'Av commemorates the fall of Betar, symbolizing the failed Bar-Kochba revolt against the Romans, the razing of Jerusalem and its transformation into a Roman metropolis, Aelia Capitolina - a development that dramatically embodied the loss of the Jewish people's national symbol.

Tisha B'Av's catastrophes are associated with Eretz Israel and with the loss of our national sovereignty. In the additional service liturgy for festivals, we recite, "because of our sins, we were exiled from our land and were expelled from our soil." Those painful events stemmed from the serious malfunctioning of our social and national mechanisms: A loss of faith during the "desert generation" era in our ability to conquer Canaan; a general sense of arrogance and a refusal to heed the prophets, which together led to the First Temple's destruction; the violent religious zeal and factionalism that ushered in the Second Temple's destruction; and the messianic fervor and aggressiveness that brought about the fall of Betar and the end of a significant Jewish presence in Jerusalem.

European Jewry's destruction in the last century is not situated on the continuum of disasters concentrated in the month of Av. None of Tisha B'Av's calamities includes annihilation or the Final Solution: The Holocaust's scope dwarfs them. The Piaseczner rebbe noted in a commentary that he added shortly before his death: "The disasters that befell us in late 5702 (the summer of 1942) resembled previous ones in our history. However, as far as I can tell from my knowledge of both the words of our sages and our people's chronicles, the catastrophes and the strange and horrible forms of death the terrible murderers have forced upon the House of Israel, from late 5702 onward, differ from the previous disasters in our history. May God pity our nation and may he immediately save us from their hands."

The Bein Hametzarim (Between the Straits) period - the three weeks starting with the fast of the 17th of Tammuz and culminating in Tisha B'Av - reminds us of our terrible losses, as reflected in three verses, each beginning with eikha (how): "How doth the city sit solitary, that was full of people" (Lamentations 1:1), "How is the faithful city become a harlot!" (Isaiah 1:21), and "How can I myself alone bear your cumbrance, and your burden, and your strife?" (Deuteronomy 1:12). The first is read on Tisha B'Av, while the other two will be read tomorrow morning in the synagogue, in the weekly Torah portion and the haftarah, respectively.

In contrast, nowadays the period beginning with Holocaust Remembrance Day on Nisan 27, just after Passover, links that celebration of national liberation with Memorial Day, Independence Day, Jerusalem Day, the counting of the Omer and the holiday of Shavuot. Unlike Bein Hametzarim, the period between Holocaust Remembrance Day and Shavuot has an upbeat feeling, which fills us with hope. However, the molding of Israeli nationalism depends on what we do during Bein Hametzarim, when we engage in national soul-searching and resolve to correct injustices in our society.

Tisha B'Av begins next Wednesday night. It is a time for recalling the words of our prophets, who warn of the dangers of complacency, arrogance, communal violence and corruption in the corridors of power.

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## Rav Kook on the Torah Portion

### Tisha Be'Av: The Call for Sacred Splendor

Every day, like a grieving lion, God roars:

"Woe to My children! On account of their sins I have destroyed My house, set fire to My sanctuary, and exiled them among the nations!" [Berachot 3a]

If the Sages are correct, and God is deeply distraught, so to speak, about the destruction of the Beit HaMikdash, then why does He not rebuild it?

Emulating God

How does one go about living a life of holiness?

The path to holiness, Rav Kook wrote, is based on one fundamental rule: to emulate God, to compare and equate one's own conduct to God's elevated ways. This was King David's guiding principle: "I have placed God before me at all times" [Ps. 16:8]. The phrase 'I have placed' (shaviti) may be translated as 'I have equated.' "I have equated God to myself at all times."

The Torah articulates this idea with the command "You will follow in His ways" [Deut. 28:9]. As the Sages explained, "Just as God is gracious and

compassionate, so you should be gracious and compassionate" [Shabbat 133b].

Ethical conduct, positive character traits, and in fact all mitzvot of the Torah and the intellect - they are all based on this principle of emulating God. But is it possible for the finite to emulate the Infinite?

The Sages spoke of "likening the created form to its Creator" [Breishit Rabbah 24:1]. Such comparisons require our imaginative faculties. The words 'comparison' and 'imagination' are the same in Hebrew - dimayon. It is only through our powers of imagination that we are able to envision the application of Divine traits in our lives.

From here we see that the imagination is a critical tool in serving God. And as one advances in holiness, one's imagination becomes stronger and purer. The various forms of piety, whether a heightened sensitivity to the feelings and possessions of others, or aesthetic embellishments (hiddurim) when performing mitzvot - these are all expressions of serving God through one's imaginative powers. Such conduct reflects the refinement of one's soul and the richness of one's imagination.

#### The Nation's Powers of Imagination

The same principle holds true for the nation as a whole. The awe-inspiring splendor of the Beit HaMikdash, the majestic nobility of the priestly garments, the sanctity and purity of the Temple service - all of these presuppose the importance of a strong and robust imagination. The Sages referred to the Beit HaMikdash as "the Beauty of the universe" to highlight the Temple's primary function as engaging the aesthetic and imaginative faculties.

Our imaginative powers fulfill their ultimate purpose when they serve as an instrument for enlightenment. In its highest levels, this enlightenment manifests itself as prophetic inspiration and, on the collective level, God's Divine Presence.

However, proper use of the imagination requires mental and practical preparation. One cannot attain a richness and depth of God-directed imagination while plagued by ignorance and coarse character traits. Only wise and virtuous individuals, Maimonides asserted, can attain prophecy. And on the national level, only when the Jewish people has attained an appropriate ethical and spiritual level will it be possible to restore the Beit HaMikdash. The focal point of Divine beauty in the world requires prerequisite levels of cognitive and practical holiness.

But while the nation may not be ready for the actual rebuilding of the Beit HaMikdash, we still feel the soul's demand for this lofty spiritual splendor. The soul cries out for its powers of imagination to be cleansed and elevated, purified and enriched. These cries, this profound sense of lack, are expressed in the terrible roar of Divine anguish. "I have destroyed My house, set fire to My sanctuary, and exiled My children among the nations!"

[Adapted from Orot HaKodesh vol. III, pp. 199-200]

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#### Edutainment Weekly (torah.org) From Rock Bottom to Bottoms Up (Insights for Tisha B'Av)

This Week's RRR (Relevant Religious Reference): "(In Messianic Times to come), the Fast of the Fourth Month (i.e. TISHA B'AV, our saddest day of the year)... shall become (a time) of joy and gladness and cheerful feasts..." - Zechariah, 8:19

This Week's SSC (Suitable Secular Citation): "I've had an interesting morning. In the last two hours... I've lost my job, my apartment ... my car and my girlfriend" - JOHN WINGER (BILL MURRAY) to his buddy RUSSELL ZISKEY (HAROLD RAMIS) in the movie "STRIPES"

#### ROCK BOTTOM

Rock bottom! It can't get any worse because there is simply no lower depth to which to sink. In the Jewish calendar and consciousness, there is a "rock bottom" equivalent in the dimension of time: the 9th of Av (in Hebrew, "Tisha B'Av"). Spanning Jewish history, it has been a day that has reverberated with the energy of disaster, repeatedly set aside for the harshest brand of national Jewish wake-up calls. If so, then why do our Sages tell us that in times to come, the 9th of Av will be celebrated as a Holiday of great rejoicing?

#### UNFATHOMABLE ANGUISH: A MAN KICKED OUT OF HIS FAMILY HOME

Imagine the following tragic scenario: a man becomes caught up in a gambling addiction, which gradually erodes the fabric of his Family life. He's rarely home, he loses much of the Family's nest egg, he begins to beat his children... His Wife does all she can to help him shape up, but she finds that his occasional overtures to correct his behavior are half-hearted at best. Exasperated, she is eventually left with no choice: "I want you out tonight," she says as she throws his duffel bag at him. "Pack and get out of here." "But I'll really change this time!" "Not here you won't! I refuse to stand here and be insulted by those empty words again. You're out!" Dejected and completely broken, he takes his bags and walks through the doorway that he is no longer deemed worthy to reenter. Without a plan, he heads for the streets to begin his bitter personal exile. He has no more excuses to make, and no one to listen to them even if he did.

Eventually - after wallowing in self-pity proves fruitless - he decides to commit to a sincere regiment of rehabilitation, and he gradually works his way back to respectability. At long last, he feels that he is ready to try to regain his Family's favor. They spot him approaching, and before he even reaches the pine door that he had so often pined for, he is greeted with open arms by those who can see that he has truly, and heroically, done it! As he rebuilds his relationships, he finds himself wanting to celebrate the remarkable rehabilitation that led to his jubilant reunion. Which date does he choose? The anniversary of the very day he had hit rock bottom! Had it not been for that fateful day, he probably would have never made himself right again. Therefore, the dark day that spurred on his eventual rebirth & family reunion becomes tantamount to his new Birthday, Wedding Anniversary, and Father's Day as well. [Adapted from a story told by Rabbi Mordechai Becher]

#### THE "HOUSE" THAT SUPPLIED LIGHT TO THE WORLD

All of us - the Jewish People - were kicked out of the Home we shared with our Creator. Our Temple was called a "House of Holiness", where G-d chose to "dwell" in the sense of allowing us to experience a greatly heightened manifestation of His Presence. It served as the spiritual supply station of a universal pipeline, through which Divine energy would be pumped out to the rest of the world. Therefore, when the Temple was destroyed (it stood twice and was destroyed twice, both times on the 9th of Av), the world lost some of the guiding light that emanated from its Global Soul.

The Talmud declares that "any generation in which the Temple is not built, it is as if it was destroyed in that generation." In other words, if we see that the Temple isn't rebuilt, we know that we haven't fully corrected the human flaws that caused it to be destroyed in the first place (e.g. baseless hatred, immorality, & evil speech) - if we had, it would have been reconstructed by now. Therefore, Tisha B'Av is the time to recognize that in one sense, we have hit rock bottom. It is the time to realize just what it means to be living in a world that lacks its illuminating "House of Holiness".

#### BOTTOMS UP

But as with the protagonist in our story, this sobering, soul-searching realization is meant to serve as "a going down for the sake of going up", spurring us on to get our lives together and thereby our "House" back in order. Borrowing from a much lighter example, we are in some ways enjoined to follow the lead of John Winger (Bill Murray) after things got unbearably tough for him in the movie "Stripes". After hitting rock bottom

by losing his job, his apartment, his car, his girlfriend, and his pizza (all within two hours), he knew that he had to commit to a radical regiment of change in order to pull himself back up. He decided to “be all that he could be” by joining the Army! We too are called upon to use this time in order to “be all that we can be”. Through this process, we will one day be able to celebrate Tisha B’Av as a uniquely joyous Holiday, the anniversary of the very day that snapped us into reality and allowed us to reunite with our Creator in a rebuilt House of Holiness. May we soon celebrate Tisha B’Av as the day that transformed devastation to celebration – as the day that helped us journey from Rock Bottom to Bottoms Up!  
Have a Wonderful Shabbos and a Meaningful Tisha B’Av! Love, Jon & The Chevra

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## YatedUSA Parshas Devorim 3 Av 5769

### Halachah Discussion

by Rabbi Doniel Neustadt

### The Prohibitions of Tishah b’Av

The ninth day of Av, the day on which both Batei Mikdash were destroyed, not only commemorates the destruction of both Temples, but is also a national day of mourning for all of the tragedies and calamities that have befallen the Jewish people. This sorrowful fast day, which culminates the Three Weeks period of mourning, is replete with special halachos. In this Discussion, we will review some of the special restrictions that apply to Tishah b’Av as well as the circumstances under which these restrictions do not apply:

Eating and drinking is forbidden. Eating and drinking is permitted for...

- ◆ A person who is ill, or an old or weak person who may become ill if he does not eat or drink, even if his illness will not endanger his life.<sup>1</sup> He may eat as much food as he usually does,<sup>2</sup> but he should not indulge himself.

- ◆ A woman up to thirty days after giving birth,<sup>3</sup> even if the baby was stillborn.<sup>4</sup>

- ◆ A woman who is expecting a child should consult a rav about fasting.<sup>5</sup>

- ◆ Boys under the age of 13 and girls under the age of 12.<sup>6</sup> They should not, however, indulge themselves with unnecessary food.

- ◆ Medication prescribed by a doctor.<sup>7</sup> It is permitted to swallow a bit of water along with a prescribed medication if the medicine cannot be swallowed otherwise.<sup>8</sup>

Note: One who must eat on Tishah b’Av in the morning should daven first, without tefillin, and then eat. If he needs to break his fast after chatzos, he should daven Minchah with tefillin and then eat. If he cannot daven Minchah until later in the day, he should still put on tefillin before he eats.<sup>9</sup>

Washing any part of the body is forbidden, even with cold water. Washing is permitted for...

- ◆ Dirty or soiled hands or any other part of the body. Any substance or discharge (e.g., a glutinous gel in the eye) may be rinsed off.<sup>10</sup> [If soap is needed to remove the dirt, it may be used.]

- ◆ Awakening in the morning. One may wash netilas yadayim three times on each hand,<sup>11</sup> but the water should reach only until the knuckles.<sup>12</sup> After the hands are wiped but remain slightly damp, they may be passed over the face or the eyes.<sup>13</sup>

- ◆ After using the bathroom and/or after touching a part of the body that is normally covered, but the water should reach only until the knuckles.<sup>14</sup>

- ◆ Rinsing the mouth, but only in case of great discomfort.<sup>15</sup> Care must be taken not to swallow the water. Mouthwash should not be used.<sup>16</sup>

- ◆ Preparing food.<sup>17</sup> If warm water is necessary, it may be used as well.<sup>18</sup>

- ◆ Medical needs.<sup>19</sup> Hot water may be used when needed.<sup>20</sup>

- ◆ Preparation for davening.<sup>21</sup> Some say that only the tips of the fingers (until the first joint<sup>22</sup>) should be washed.<sup>23</sup>

- ◆ Washing dishes [after midday], if leaving them unwashed will attract insects,<sup>24</sup> etc. It is proper not to use warm water.<sup>25</sup>

- ◆ Eating bread, for those who are allowed to eat. The hands should be washed to the wrists in the usual manner.<sup>26</sup> Some poskim hold that one may also wash mayim acharonim if he is always particular to do so.<sup>27</sup>

- ◆ A baby who is bathed daily.<sup>28</sup>

- ◆ A bride, who is allowed to wash her face up to 30 days after her wedding.<sup>29</sup>

Anointing (i.e., applying oils, creams, makeup, perfumes, etc.) is forbidden. Anointing is permitted for...

- ◆ Medical needs. It is permitted, therefore, to apply ointment to a skin rash<sup>30</sup> or to apply a mosquito repellent.<sup>31</sup>

- ◆ Preventing a bad odor.<sup>32</sup> Antiperspirant, therefore, may be applied.<sup>33</sup>

- ◆ A bride up to 30 days after her wedding.<sup>34</sup>

Wearing leather shoes is forbidden, even if only part of the shoe is coated with leather.<sup>35</sup> Leather shoes are permitted for...

- ◆ A person who has to walk a long distance over stones or mud, and no other suitable footwear is available.<sup>36</sup>

- ◆ Medical needs.<sup>37</sup>

- ◆ Children who are too young to understand about the destruction of the Batei Mikdash.<sup>38</sup>

Torah study is forbidden. Torah may be studied only...

- ◆ If the learning pertains to the story of the destruction of Jerusalem and/or the Batei Mikdash, e.g., Eichah, its midrashim and commentaries; parts of Yirmeyahu; Gittin 56-58; Sanhedrin 104; Yerushalmi, end of Ta’anis; Josephus.

- ◆ Sefer Iyov with commentaries.

- ◆ The relevant halachos of Tishah b’Av and mourning. In-depth study should be avoided.<sup>39</sup>

- ◆ Sifrei Mussar<sup>40</sup> (moralistic instruction and ethics).

- ◆ To prepare the Torah reading for either Shacharis or Minchah of Tishah b’Av.<sup>41</sup>

- ◆ Several poskim permit reciting Tehilim for a sick person.<sup>42</sup>

Other prohibitions

- ◆ It is prohibited to greet people on Tishah b’Av. Greeting another person, which includes saying “hello,” “good night,” “good morning,” etc.,<sup>43</sup> is permitted only if one must respond to a greeting. The response should be uttered in a serious tone.<sup>44</sup>

- ◆ Sending a gift is permitted only if the recipient is a needy person.<sup>45</sup> It is also prohibited to promise another person to give him a gift.<sup>46</sup>

- ◆ Sitting on a chair or bench is permitted only after midday; before that one should sit on the floor or on a low stool.<sup>47</sup> An elderly, ill or weak person, or an expecting woman, may sit on a regular chair or bench.<sup>48</sup>

- ◆ Unless it will result in a major and irretrievable loss, business should not be conducted until midday.<sup>49</sup> Many G-d-fearing people do not conduct business on Tishah b’Av even after midday.<sup>50</sup>

- ◆ Mourners should be consoled after midday only. Under extenuating circumstances, it is permitted to visit a mourner and recite ha-Makom even before midday. Other words of comfort should not be said at that time.<sup>51</sup>

### Footnotes

1 Mishnah Berurah 554:11. See also Chayei Adam 135:2. A mere headache or minor discomfort, however, does not allow one to break his fast.

2 Although some poskim (Maharam Shick, O.C. 289 (see, however, 290); Sedei Chemed, Bein ha-Metzarim 2:3; Beir Halachah 554:6 quoting Pischei Olam; Marcheshes 1:14) maintain that one should try to eat less than a shiur (like on Yom Kippur), the majority of the poskim do not agree; see Avnei Nezer 540; Aruch ha-Shulchan 554:7; Kaf ha-Chaim 554:31 (see, however, 35); Chazon Ish (quoted in Toras ha-Yoledes 48, note 9); Rav Y.Z. Soloveitchik (quoted in Teshuvos v’Hanhagos 2:261); Halichos Shlomo 3:13-5, 16-1; Shevet ha-Levi 4:56; Tzitz Eliezer 10:25-16. This is also the custom; Nitei Gavriel, pg. 80, quoting Puppa Rav; Shraga ha-Meir 1:59.

3 Aruch ha-Shulchan 554:8. Although Mishnah Berurah seems to rule that that from seven days after the birth it is proper to fast, contemporary poskim tend to be lenient in their ruling since nowadays women are weak. When in doubt, consult a rav.

4 Beir Halachah 617:4, quoting Sedei Chemed.

5 See Halichos Shlomo 3:16-1 and Divrei Yatziv, O.C. 231, 232.

6 Some have the custom that children over the age of nine fast on the night of Tishah b’Av and for a few hours during the day to accustom themselves to fasting.

7 Kaf ha-Chaim 554:34.

8 Halichos Shlomo 3:16-3.

9 Entire paragraph based on ruling of Rav S.Z. Auerbach (Shemiras Shabbos K’hilchasah 62, note 108 and 115).

10 O.C. 554:9, 11. See Rama, O.C. 613:1.

11 Those who usually wash four times (see Mishnah Berurah 4:10) may do so on Tishah b'Av also; Kitzur Hilchos Moadim, pg. 109.  
 12 O.C. 554:10. One need not be exact (Orchos Rabbeinu, vol. 2, pg. 139, quoting Chazon Ish).  
 13 Mishnah Berurah 554:22.  
 14 O.C. 613:3, Mishnah Berurah 4-6 and Aruch ha-Shulchan 6.  
 15 Mishnah Berurah 567:11; Minchas Yitzchak 4:109. Aruch ha-Shulchan 567:3 is more stringent.  
 16 Rav M. Feinstein, oral ruling quoted in Halachos of the Three Weeks, pg. 19.  
 17 Mishnah Berurah 554:19.  
 18 Kaf ha-Chaim 554:46.  
 19 Mishnah Berurah 554:26. A woman who has given birth may wash herself as much as needed (Aruch ha-Shulchan 613:9).  
 20 Kaf ha-Chaim 554:63.  
 21 Mishnah Berurah 554:21.  
 22 Rav M. Feinstein (oral ruling quoted in Moadei Yeshurun, pg. 140).  
 23 Sha'arei Teshuvah 554:9. See also Aruch ha-Shulchan 554:10.  
 24 The poskim debate whether it is permissible to wash dishes on Tishah b'Av. Clearly, though, if the dirty dishes will attract insects, one may be lenient; see Pischei Teshuvah 554:22; Machazeh Eliyahu 87; Moadei Yeshurun, pg. 140.  
 25 Kaf ha-Chaim 554:46.  
 26 She'arim Metzuyanim b'Halachah 133:16 quoting Levushei Mordechai, Y.D. 2:11; Kaf ha-Chaim 554:53 quoting Tosfos Chaim 155:10; Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 39, note 101); Shevet ha-Levi 8:139.  
 27 Taharas ha-Shulchan 557. See, however, Moadei Yeshurun, pg. 141.  
 28 Chanoch l'Na'ar, pg. 57.  
 29 Mishnah Berurah 554:29.  
 30 O.C. 554:15.  
 31 Shevet ha-Kehasi 2:191.  
 32 Beir Halachah 554:15.  
 33 Rav M. Feinstein (oral ruling, quoted in Moadei Yeshurun, pg. 141); Halachos of The Three Weeks, pg. 22; Halichos Shlomo 3:14, Orchos Halachah, note 56. See Shalmei Moed, pg. 495.  
 34 Mishnah Berurah 554:29.  
 35 But if the leather part is merely decorative and is not an integral part of the shoe, it is permitted; see Kaf ha-Chaim 554:75.  
 36 Mishnah Berurah 554:32.  
 37 O.C. 614:3.  
 38 See Chochmas Adam 152:17, who holds that even children above this age may wear leather shoes. See, however, Igros Moshe, Y.D. 1:224 who rules that once a child reaches the age of chinuch, he is forbidden to wear leather shoes. Some parents train their children not to wear leather shoes even before the age of chinuch; see Sha'ar ha-Tziyun 551:91 for a possible source.  
 39 Mishnah Berurah 554:4.  
 40 Tosfos Chaim on Chayei Adam 135:2; Yabia Omer 2:26, who quotes the Meiri, Moed Katan 21a, who allows a mourner to study sefarim that bring a person to repentance. (Rav C. Kanievsky is quoted (Rivevos Efrayim 1:386) as prohibiting studying seforim which are based on pesukim and sayings of Chazal.)  
 41 Mishnah Berurah 554:8.  
 42 Divrei Malkiel 6:9; Chazon Ish (quoted in Orchos Rabbeinu, vol. 2, pg. 142); Halichos Shlomo 3:15, Orchos Halachah, note 28. Moadei Yeshurun, pg. 145 and Rivevos Efrayim, vol. 3, pg. 433, quote an oral ruling from Rav M. Feinstein as prohibiting it.  
 43 To bless another person, such as to wish him mazal tov or refuah shleimah, is permitted.  
 44 O.C. 554:20.  
 45 Kaf ha-Chaim 554:91.  
 46 Hisorerus Teshuvah 3:331.  
 47 O.C. 559:3. Some poskim hold that the stool should be lower than 12 inches, while others hold it is permitted to sit on any chair which is lower than a standard chair or bench; see Nechamas Yisrael, pg. 170, and Halichos Shlomo 3:15, Orchos Halachah 25, for the various views.  
 48 See Aruch ha-Shulchan, Y.D. 387:3.  
 49 O.C. 554:24.  
 50 Chayei Adam 135:19; Kitzur Shulchan Aruch 124:15.  
 51 Igros Moshe, O.C. 5:20-22.

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## Showering During the Nine Days

## Rav Joseph B. Soloveitchik (OU)

The Shulchan Aruch (Orach Chaim 551:16) records a custom practiced by Ashkenazim of not bathing or showering during the Nine Days, from Rosh Chodesh of the month of Av until the end of the Tisha B'Av mourning. Rav Moshe Soloveichik explained the custom as follows: When someone's relative dies, there are three periods of mourning he may have to observe: "Shivah," the week of intensive mourning right after burial; "Shloshim," a thirty-day period (including the week of Shivah) in which one observes various mourning restrictions; and when mourning for a mother or father, "Yud Bet Chodesh," a year (including the week and month of Shivah and Shloshim) of limited mourning restrictions. Tisha B'Av (this year, July 30th) is a day of such intense mourning that we observe all of the restrictions of Shivah, in addition to fasting. The Ashkenazic custom is to adopt many restrictions of Shloshim during the Nine Days – from Rosh Chodesh Av (this year, July 22nd) until after the Tisha B'Av mourning – and restrictions of Yud Bet Chodesh during the earlier part of the Three Weeks (beginning this year on July 9th). Rav Moshe Soloveichik explained that the Shulchan Aruch (Yoreh Deah 381:1) records the original Ashkenazic custom not to shower or bathe for the entire Shloshim period. Therefore, the custom was to similarly refrain from showering or bathing during the Nine Days. However, since nowadays the custom is to shower immediately after Shivah and not to be stringent in this regard during the Shloshim period, therefore there is no reason to refrain from bathing during the Nine Days. The old Nine Days custom no longer applies because it was based on a mourning custom that is no longer observed.

Adapted from Shiurei Harav on Mourning and Tisha B'Av, based on the lectures of Rabbi Joseph B. Soloveitchik. This and other books are available for purchase at <http://www.ou.org/sefarim>

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## TALMUDIGEST-- Bava Metzia 93 - 99

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by Rabbi Mendel Weinbach

### THE MYSTERIOUS EXEMPTION

"If the owner is with him (the borrower) he will not be responsible for payment (if the animal dies)."

This passage (Shemot 22:14) is the source for a puzzling exemption of responsibility for a shomer (guardian), which is the main topic of the ninth perek of our mesechta.

If at the time that one assumes responsibility for guarding the animal of another - whether as borrower, renter or other sort of shomer - the owner is serving him in some capacity, this is called "the owner is with him". In such a case even if the borrower, whose level of responsibility is the greatest of all shomrim, is negligent in causing the death of the animal, he is exempt from payment.

No rationale is offered in the gemara for this exemption which applies to every shomer for every situation. It is simply accepted as a Divine decree.

In his commentary on Torah, Rabbi Ovadiah of Seforno offers the following rationale:

If the owner of the animal (or any object) feels so close to the one borrowing from him that he has placed himself at his service, we can assume that he only expects the borrower to return the animal if it is intact and waives any claim for payment if it is no longer returnable.

Bava Metzia 94a

### WHAT THE SAGES SAY

"Any condition made in regard to a transaction or divorce which is impossible to fulfill cannot nullify the transaction if not fulfilled."

Rabbi Yehuda ben Telma - Bava Metzia 94a

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