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The Rav on Kinot: Tziyon Halo Tish'ali

Rabbi Joseph B. Soloveitchik z"l

Edited by Rabbi Simon Posner

The kinot conclude with a group of ten piyutim known as the Tziyon (Zion) kinot. All of them (with one exception) begin with the word Tziyon and have a characteristic literary style and form. They are all concerned with one topic, the fact that Israel was selected as the Chosen Land. The first of the Tziyon kinot is "ציון אֵיךְ שֶׁאֵלֶּיךָ אָבְרָם" by Rabbi Yehuda HaLevi, and the others are by paytanim who imitated his style and form, with varying degrees of success. The kina composed by the Maharam of Rothenburg, "אֵיךְ שֶׁאֵלֶּיךָ אָבְרָם" is also considered a part of the Tziyon kinot because of its style and form, although its subject is the burning of the Talmud and destruction of the Torah rather than the destruction of the land of Israel.

The meaning of the word Tziyon is somewhat unclear. As a literary matter, it may refer to any or all of the land of Israel, Jerusalem, the Beit HaMikdash, or the Holy of Holies. The precise definition of Tziyon is a signpost on a road, as in "Set up tziyunim (signposts)" (Jeremiah 31:20). Tziyon, however, has another definition. It means a tall mountain or bold rock, and it has the connotation of something which is difficult to conquer. Initially, even before King David's conquest of Jerusalem, Tziyon was the name of the region of the Jebusites. It had this name because it was wellfortified, strategically located and difficult to conquer. When the prophets and the author of Psalms referred to Tziyon and Jerusalem, their intent was to emphasize to the enemies of the Jews all over the world that Zion is difficult to overcome. In addition, Tziyon in the prophetic books began to take on the connotation of some spiritual, transcendental beauty or something out of the ordinary. The prophets speak about Tziyon not only in terms of a mighty city but also in terms of uniqueness.

This kina, "אֵיךְ שֶׁאֵלֶּיךָ אָבְרָם" reflects the principle in Rabbi Yehuda HaLevi's important philosophical work, the Kuzari, that the land of Israel is unique not only in a metaphysical sense, but in a natural sense, as well. The air is clearer and charged with ruah hakodesh, the divine spirit. Nature is more beautiful and magnificent in Tziyon than elsewhere. The rain, the soil, the stones, are all physically different in the land of Israel. When the Torah describes the land of Israel as "a land flowing with milk and honey" (Deuteronomy 26:9), the intent is that there is a unique quality in the nature of the land itself.

Rabbi Yehuda HaLevi was in love with the land of Israel. While there were many pilgrims who traveled to Israel, none expressed their love for Israel as passionately as he. Maimonides, for example, mentions the land of Israel only once in his Guide

for the Perplexed in a discussion of Israel as the promised land (II:29). Rabbeinu Bañya's Duties of the Heart does not mention the land of Israel at all. Although Nahmanides was a lover of Zion, Rabbi Yehuda HaLevi was perhaps the most "Zionist" of the Torah scholars of the Middle Ages. Nahmanides expressed his love for Israel in halakhic terms which are familiar to us. Rabbi Yehuda HaLevi, however, expressed his passion somewhat differently. Rabbi Yehuda lived a comfortable existence in Muslim Spain, where he was well-connected with the caliphate government and was held in high regard. He yearned, however, to go to the land of Israel, which in that era was an arduous and dangerous undertaking. Legend has it (first recorded in Rabbi Gedalia ibn Yahya's Shalshet HaKabbala [1586, Venice edition], page 92) that when Rabbi Yehuda finally arrived in the land of Israel, he prostrated himself on the ground, and at that moment a Bedouin horseman rode past and killed him.

The Tziyon kinot highlight an important aspect of Tisha B'Av. There are two elements to the observance of Tisha B'Av and the recitation of the kinot. One is to remember Tziyon in its state of destruction. The second is to remember Tziyon in its magnificence prior to the destruction. Up to this point, the book of Lamentations and the kinot have focused on the first element, on the bloodshed and destruction and the exile and persecution of the Hurban. With this kina, the focus shifts to remembering Jerusalem before the Hurban. The verse in Lamentations states, "Jerusalem remembers in the days of her affliction and her anguish all her treasures that she had from the days of old" (1:7). The kinot have already remembered the affliction and anguish of the Hurban, and now they turn to the beautiful life of Jerusalem before the destruction. The Tziyon kinot all describe in glorious terms the beauty and holiness of Jerusalem and the wisdom of her people. This second element is necessary because in order to appreciate the magnitude of the Hurban and what was lost, we have to be familiar with the beauty of the Beit HaMikdash and Jerusalem before the disaster occurred.

This second element of the kinot is reflected in halakha as well. Rabbi Yohanan ben Zakkai instituted that "the lulav should be taken in the provinces all seven days as a remembrance of the Mikdash" (Sukka 41a). Rabbi Yohanan ben Zakkai's goal was to cultivate the emotion of joy and happiness, and to remember the beauty of the Beit HaMikdash. This demonstrates that certain types of zikhron haMikdash, remembrance of the Temple, arouse simha and not aveilut, joy and not mourning.

Rabbi Yohanan ben Zakkai's goal was to perpetuate an experience zekher leMikdash, not zekher leHurban. "ציון, אֵיךְ שֶׁאֵלֶּיךָ אָבְרָם" surely you will inquire after the well-being of your imprisoned ones. The paytan asks whether Zion is concerned with the well-being of her captives. It is noteworthy that they are described as the captives of Zion, not as the captives of the Romans or Babylonians. Indeed, the Jewish people are prisoners of the land. They love the land, are loyal to the land, and never want to be separated from the land. They are asirayikh, your captives. You, the land, have imprisoned them. No matter how difficult it will be for them, they will always try to return to you. Perhaps with a touch of irony, the paytan directs his question to the land: "Are you interested in the welfare of your captives? They are concerned with you. Are you concerned with them?" "Those who seek your well-being. The Jews constantly inquire about Zion and send greetings to Zion at every opportunity.

"From west, east, north, and south. The paytan has greetings for Zion from all directions.

The well-being of the distant and the close. One way of interpreting this phrase is that Zion should be concerned with the well-being of those near and far. From another perspective, this phrase can be viewed as the paytan declaring that there are greetings to Zion from those who are very distant, and also from those who are very close, emotionally, to Zion. "Promote...from every direction. Rabbi Yehuda HaLevi is saying, in effect, that the Jewish people will never desert Zion. Even though they are asurim, exiles taken away against their will, they are still dorshei shlomekh, they still send Zion greetings day after day. No matter how dispersed Jews are around the globe, they are committed to finding their way back to Zion. The paytan is emphasizing the eternal bond between the Jewish people and Zion. He describes the beautiful relationship between the people and the land. The land inquires about the people and sends regards to them, and the people send their regards to the land. It is comparable to the bond between a mother and her child who, because of grave circumstances, are separated from each other. They have not seen each other for a very long time, but they continue to cry for, and convey their fervent feelings to each other. The Jewish people have remained loyal to Zion for nineteen hundred years and have not betrayed or deserted her. One could ask whether Zion, for her part, has been loyal to the Jewish people. The answer provided by the Midrash is clearly affirmative. On the verse, "And I will make the land desolate, and your enemies that dwell in it will be astonished" (Leviticus 26:32), the Midrash (Sifra Behukkotai 2:65) says, "This is a noble trait of the land of Israel, that it grants from its fruits only to its children." The Midrash understands the second half of the verse, "and your enemies that dwell in it will be astonished (veshamemu)," to mean that the enemies who exile the Jews and take their place in

the land of Israel will reside in a desolate land (shemama). They will starve because the land will not give of itself to them. In effect, it was a promise that the land would keep all of its bounty for the Jewish people. Our enemies drove us out of Jerusalem and destroyed the site of the Beit HaMikdash, but no other nation succeeded in colonizing the land. The land was occupied by many powers: Rome, Byzantium, the Muslims, the Crusaders, and then the Muslims again. But no one developed the land of Israel agriculturally, industrially or scientifically. Shortly before World War I, Germany established settlements in Israel, and some were successful, but England defeated Germany and assumed dominion of the land of Israel, and the German effort failed. During the 18th and 19th centuries, entire continents were colonized and settled by the British, yet these same British could not colonize the land of Israel. Contrast this to the Jewish yishuv! See what the Jews have accomplished in Israel in such a short period of time! There is a sense of loyalty on the part of the land; she will never betray her people; she will never offer anything of herself to strangers or conquerors. The fact that "Mount Zion...is desolate" is proof that the sanctity with which the land was endowed by Joshua and Ezra is still in effect; it was sanctified on a temporary basis, and it was sanctified eternally for the future. Thus, Zion has kept faith with Israel, as Israel has kept faith with Zion. *As well as the well-being of those bound by longing.* There is a different version of the text which reads "asir tikva, bound by hope," which I believe is the correct version. "Ta'ava" means that the person has a desire to return to the land. "Asir tikva," however, means that one can never surrender. No matter how bleak the situation and no matter how long the exile, one cannot give up hope. The prisoner of hope has faith that Zion will be rebuilt and that God will finally redeem Israel. Implicit in this phrase is the idea that Rabbi Yehuda HaLevi himself is the asir tikva who is inquiring after the welfare of the land of Israel. The intent is that the paytan is speaking about himself and is saying to Zion, "Accept my own greetings. I am sending you greetings from a prisoner of hope, and my hope is that I will return to you." *Shedding tears like the dew on Mount Hermon.* The image of the dew of Mount Hermon is an allusion to the verse: "Like the dew of Hermon, that comes down upon the mountains of Zion" (Psalms 133:3). Just as the dew of Hermon reaches Zion, the paytan is shedding tears on the hills of Zion. *My heart is to Bethel.* On one specific level, this phrase expresses the emotion that the paytan's heart's desire is the House of God, the place where God meets man. The paytan yearns for the Beit HaMikdash. On a more general and conceptual level, this phrase is the commencement of the kina's explanation of why the land of Israel is unique and why the paytan is so attached to it. The ideas presented in this kina are a quintessence of Rabbi Yehuda HaLevi's philosophy which is developed in greater detail in the Kuzari. One of those ideas is that prophecy in the land of Israel is a natural condition (Kuzari II:12-14). In Israel, prophecy is a stream that descends from heaven in the same manner that rain and dew descend. The quality of the atmosphere in the land of Israel is imbued with prophecy and ruah hakodesh, the holy spirit. In fact, in Israel, prophecy can be received by anyone who desires it. The only reason that no prophets exist today is because there is no worthy recipient. The people are thirsty and want the rain, but they do not have the vessel to draw water from the stream, and therefore remain thirsty. But when the worthy person will come, he will have the proper vessels and will fill them immediately with ruah hakodesh. *And yearns excessively for Peniel.* This is an allusion to the verse, "And Jacob called the name of the place Peniel: 'for I have seen God face to face, and my life has been saved'" (Genesis 32:31). Again the paytan refers to a meeting place between God and man. There is another version of this text which reads, "and before God, I am in great longing." This version of the text conveys that Rabbi Yehuda HaLevi's longing for Zion is not for the land but for the Shekhina, the Divine Presence which dwells in the land. He explains in the Kuzari (II:22-24) that the Shekhina has never departed from the land of Israel and is still present. This entire kina is devoted to the motif that the Shekhina is still present in the land. The paytan is longing for God and knows he will find Him in the land of Israel. *And for Mahanayim.* This is an allusion to the place which Jacob named Mahanayim because that is where he met the angels of God (Genesis 32:3). Mahanayim should be understood as the place where God, either Himself or through His angels, has a rendezvous with man. In fact, Rabbi Yehuda HaLevi's view is that the entire land of Israel should be referred to as Mahanayim. According to Rabbi Yehuda HaLevi, God's angels are always present in the land of Israel. The only reason that we do not meet them is because, apparently, we do not want to meet them. Had we wanted to, we would have met them. *There the Divine Presence resides close by.* Here the paytan declares explicitly what he has been hinting at, that in the land of Israel, the Shekhina is one's neighbor. The Shekhina resides there even now. *And there your Creator opened up the gates of heaven opposite your gates.* From one perspective, the meaning of this phrase is that the gates of heaven are open to Zion. Any influence which emerges from the gates of heaven, descends to Zion. This is similar to the concept that there are special windows in heaven that are open only to the land of Israel, as reflected in the verse, "the eyes of the Lord your God are always upon [the

land], from the beginning of the year to the end of the year" (Deuteronomy 11:12). From another perspective, Rabbi Yehuda HaLevi's intent with this phrase is to reflect the halakhic aspect of prayer (Berakhot 3a; I Kings 8:48), that one who prays must pray via the land of Israel; that the gates of prayer are open only in Israel. This refers to the aggada (Midrash Tehillim 91:7; Rashi on Genesis 28:17) that prayers do not rise directly to the heavens from where one prays. Rather, they travel first to the Temple Mount and rise from there to heaven. The gates of Heaven, are open only opposite the gates of the Beit HaMikdash. Alternatively, this phrase reflects Rabbi Yehuda HaLevi's philosophy and his understanding of the land of Israel. For him, hashra'at Shekhina is part of the climate of the land of Israel. Just as it is natural to arise in the morning and see the sun shining or hear the rain falling, so, too, it is natural in the land of Israel to arise in the morning and find the Shekhina. Thus, in Israel, when one opens the astronomical gates and sees the sun, one also automatically opens the metaphysical gates of heaven, the sha'arei Shekhina through which God speaks to the Jew if he is willing to respond and enter into a dialogue with Him. No one emphasizes this quality of the land of Israel in quite the same manner as Rabbi Yehuda HaLevi. For him, giluy Shekhina is not just a transcendental event. The Shekhina is part of the person's environment, just as the sunlight is part of a person's environment. For Rabbi Yehuda HaLevi, the fact that God spoke with a prophet at a particular location has the effect that that place absorbs holiness or achieves a certain metaphysical quality. These locations are still endowed with this potential of hashra'at Shekhina for anyone who finds them. This is a quality that only the land of Israel possesses. In this regard, Rabbi Yehuda HaLevi is reminiscent of the students of the Ba'al Shem Tov. Depending upon how broadly one interprets this phrase of the kina, Rabbi Yehuda HaLevi's statement may be in conflict with the position of Maimonides. As previously noted, Maimonides' view (Mishneh Torah, Hil. Beit HaBehira 6:16-17) is that the initial sanctification of the land of Israel by Joshua was annulled by Nebuchadnezzar's conquest. The reason is that the initial sanctification was based on conquest, which was terminated by Nebuchadnezzar's superior forces. But the sanctification which was bestowed upon the Temple by King Solomon was not terminated, and continues to exist because the status of kedushat haMikdash, the sanctity of the Temple, is completely independent of conquest. Rather, it stems from the presence of the Shekhina, and the Shekhina is never annulled. If Rabbi Yehuda HaLevi's statement that "the Shekhina is your neighbor" refers to the Beit HaMikdash as being close to the Shekhina, his statement is consistent with Maimonides' view. If, however, his intent is that all of the land of Israel is endowed with the holiness of the Shekhina, then there is an element of contradiction between his position and that of Maimonides. *And the glory of God alone was your light.* The idea that the Shekhina radiates light is found in the verses, "Arise, shine, for your light has come, and the glory of the Lord has shone upon you. Behold, darkness shall cover the earth, and thick clouds the nations; but upon you the Lord will shine, and His glory will be seen upon you" (Isaiah 60:1-2). *And not the sun, the moon, or starlight.* One does not need the sun, the moon, or the stars, nor the sha'arei sha'ah. All that one needs are the gates of the Shekhina, which, according to Rabbi Yehuda HaLevi, are available every morning. *Choose to pour out my soul at that place where God's spirit is poured upon your chosen ones.* Prayer in the land of Israel is different from prayer in any other location. The paytan wants his soul to extend to those places that God chose for the purpose of saturating His chosen ones with the divine spirit, and those places are only in the land of Israel. This is again an expression of Rabbi Yehuda HaLevi's philosophy that hashra'at Shekhina and prophecy in Israel are similar to natural phenomena. They are shefukha, they simply pour forth like the rain. Rabbi Yehuda HaLevi emphasizes the principle that the Shekhina resides only in the land of Israel (Kuzari II:14), and there is no prophecy outside Israel. *You are the royal palace and God's throne.* This is an allusion to the dictum of our sages that God's throne of glory and the celestial Beit HaMikdash correspond to the Beit HaMikdash located on earth. A more literal interpretation for the concept that Zion is considered to be the "royal palace and God's throne" is based on verses in the High Holy Day Amida: "And then You, Lord, will reign over all Your works, on Mount Zion, resting place of Your glory, and in Jerusalem, Your holy city, as it is written in Your sacred writings: The Lord shall reign forever. He is your God, O Zion, from generation to generation. Halleluya!" *Would that I could wander among the places where God was revealed to your seers and envoys.* Rabbi Yehuda HaLevi yearned for the experience of exploring the places in the land of Israel where a prophet spoke with God. As noted above, he considered every location where God revealed Himself to a prophet to be endowed with holiness. This is a novel concept from a halakhic point of view. *Who can make wings for me.* Rabbi Yehuda HaLevi clearly wrote this kina while still in Spain before he traveled to Israel. *And move my ruptured heart to your ruptured hills.* The paytan's heart is already in Israel, as he wrote in one of his

The Talmud records a dispute about whether one may study unfamiliar areas of Torah:

One may not read Tanach, nor may one study Mishnah, Talmud, Midrash, halakhot, and aggadot. One may, however, read parts of Tanach that he is unaccustomed to reading, and study parts of Mishnah that he is unaccustomed to studying ... R. Yehudah says, he may neither read parts of Tanach that he is unaccustomed to reading, nor study part of Mishnah that he is unaccustomed to studying. Ta' anis 30a

ואסור לקרות בתורה בנביאים ובכתובים
ולשנות במשנה בתלמוד ובמדרש
ובהלכות ובאגדות. אבל קורא הוא
במקום שאינו רגיל לקרות ושונה במקום
שאינו רגיל לשנות ... רבי יהודה אומר
אף אינו קורא במקום שאינו רגיל לקרות
ואינו שונה במקום שאינו רגיל לשנות.
תענית ל

R. Meir holds that one may study unfamiliar Torah topics. R. Yaakov b. Asher (Arba'ah Turim §554, a.k.a. Tur, 1270-1340) explains that studying such topics is frustrating, not pleasurable. R. Yehudah, however, holds that even studying unfamiliar topics is forbidden. The simple interpretation of R. Yehudah's position is that studying unfamiliar topics is pleasurable, not frustrating. Based on this interpretation, Maharil (ibid.) asserts that R. Yehudah only forbids studying new topics with pleasurable content; R. Yehudah would permit, however, deep analysis of gloomy topics. The rationale for distinguishing between these types of study is twofold. First, pleasurable content ensures greater joy of study than gloomy content. Second, the frustration of studying simple, new topics is far less severe than the frustration of studying even old topics in depth.

This interpretation, however, does not pay adequate tribute to the complexity of emotional experience that accompanies Talmud Torah. Therefore, later poskim offer more nuanced interpretations of R. Yehudah's position.

Daydreaming

R. Dovid haLevi Segal (Turei Zahav §554, a.k.a. Taz, 1586-1667) explains that we experience both joy and frustration while studying new, difficult topics. The joy stems from anticipation of future accomplishment and fulfillment, while the frustration stems from present failure to comprehend. Studying new topics is forbidden in spite of the frustration involved, since the joy of anticipated fulfillment outweighs the frustration of present bafflement. The Taz adduces a parallel from the laws of chol haMo'ed (intermediate days of festivals). When women undergo certain types of skin treatment, they experience both joy and pain. The joy stems from anticipation of future enhanced beauty, while the pain stems from the treatments' chafing the skin. In spite of their pain, women may undergo these treatments on chol haMo'ed. Here, too, anticipation of future benefit outweighs present discomfort. Hence, according to the Taz, one may engage in neutral activities with no joyous component (i.e. daydreaming) on Tisha b'Av. Only activities wherein the joyous components outweigh the sad ones are forbidden. Indeed, daydreaming may be preferable to studying even unfamiliar Torah topics, since daydreaming is neutral while Torah study is gladdening in the aggregate.

R. Shlomo Kluger (Chochmas Shlomo §554, 1783-1869) modifies the Taz' interpretation. Joy and frustration neutralize each other. Hence, studying a difficult topic or undergoing skin treatment, which contain elements of both joy and pain, are neutral activities. On Tisha b'Av, neutral activities are forbidden since they distract us from mourning. Only activities that reinforce our sadness are permitted. Similarly, on chol haMo'ed, neutral activities are permitted, since they do not detract from the joy of our festivals. Only unambiguously sad experiences are forbidden, since they detract from the festivals' joy. Hence, according to R. Shlomo Kluger, just as one may not study new Torah topics since they distract him or her from mourning, one may not engage in other neutral activities.

Based on this, R. Shlomo Kluger resolves an apparent challenge to the Taz' theory. It is forbidden to cause pagans joy on their holidays, lest they invoke their deities' names in thanksgiving. When one repays a loan, he experiences both joy and sadness. The joy stems from anticipation of future freedom from liens, while the sadness stems from having to surrender money. According to the Taz, accepting payment from a non-Jew on his holiday should be forbidden, since the pagan's joy of anticipation outweighs his sadness of surrendering money. Yet the Talmud rules otherwise, that we may accept payment from pagans on their holidays. According to R. Shlomo Kluger, however, the joy and sadness neutralize each other. Accepting the pagan's payment does not create for him a joyous experience, but only creates a neutral experience; it therefore does not trigger the prohibition against causing pagans joy. Both the Taz and R. Shlomo Kluger explain R. Yehuda's position using a dichotomy between anticipation of future fulfillment and present pain or frustration. An alternate dichotomy, based on the distinction mentioned earlier between mind and soul, may explain R. Yehuda's opinion with equal adequacy. The joy of Torah study stems from the soul's engagement with Torah, from its reinforcing connections to Hashem; in contrast, frustration results from the mind's inability to grasp the intricacies of the topic at hand. It is the soul's joy that renders Torah study forbidden on Tisha b'Av, in spite of the mind's frustration. This approach also resolves R. Shlomo Kluger's question. Perhaps one may accept repayment from pagans because their present frustration at surrendering money outweighs their anticipation of a debt-free future; similarly, the frustration of not comprehending a topic outweighs the joy of anticipating future understanding. However, the mind's frustration does not and cannot outweigh the soul's delight at engaging in Torah study.

Resolving Halakhic Queries

Rabbis may not respond to halakhic queries on Tisha b'Av, since issuing halakhic rulings, like Torah study, connects us to the simchas haTorah. (Shulchan Aruch §554) Yet resolving time-sensitive queries or disputes is permitted on Tisha b'Av. (Taz, ibid.) For example, if two merchants have a monetary dispute, and Tisha b'Av is their last opportunity to resolve the dispute in a Jewish court on account of their travel plans, a quorum of three may convene and resolve their dispute. The importance of dispute resolution overrides the importance of abstaining from simchas haTorah on Tisha b'Av.

Studying Gloomy Texts

One may study the following writings on Tisha b'Av: Megilas Eichah, commentaries on Eichah, the prophecies of our exile in Sefer Yirmiyahu, Sefer Iyov, and the chapter of Mo'ed Katan that deals with the laws of mourning. (Shulchan Aruch, ibid.) Why are these writings excluded from the prohibition against Torah study: does their content preclude them from creating intellectual joy; do they create a mixture of joy and pain in the minds and souls of their students; or does the importance of studying them on Tisha b'Av, like the importance of resolving time-sensitive halakhic queries, outweigh the unalloyed joy they bring to the mind and soul?

Rishonim dispute whether or not Megilas Eichah et. al. may be studied by people mourning for their close relatives. (Tur, Yoreh De' ah, §364) Logically, if these texts are permitted on Tisha b'Av because of their gloomy content, they should be permitted for mourners too because they increase sadness. In contrast, if they are permitted on Tisha b'Av in spite of their happiness, their study should be forbidden during mourning for relatives. Eichah is critical for the Tisha b'Av experience, since it enhances our sense of loss for the Bais haMikdash (holy temple), but it is not critical for mourning relatives, when the Bais haMikdash's loss is not our primary focus.

Superficial Reading and In-Depth Delving

R. Peretz rules that although one may study commentaries on Eichah, one may not study commentaries on Iyov. In contrast, Maharil writes that one may study commentaries on both books.

R. Peretz wrote [that one may study] commentaries on Eichah, but not commentaries on Iyov, since they are (more) [very] deep ... The Maharil wrote, "I do not know what uncertainties my master had about learning commentaries on Eichah and Iyov on Tisha b'Av, to distinguish between understanding and reading. Are we dealing with fools, who do not understand what emerges from their mouths? If [you are concerned that these commentaries contain] iyun (deep analyses), this is additional cause to permit them, since R. Meir permits one to study unfamiliar subjects even if their content does not pertain to rebuke, and although we rule like R. Yehudah, nevertheless we see that the more one finds difficulty and frustration in his study, the more permissible it is."

Tur, Orach Chaim, §554

וה"ר פרץ כתב בפירושו איכה אבל לא ... בפירושו איוב משום דהוי עמוק טפי ובתשובת מהרי"ל כתוב ללמוד בתשעה באב פירוש ירמיה ואיוב ידעתי במה נסתפק אדוני לחלק בין הפירוש והקריאה אטו בשופטני עסקינן שאינם מבנינים מה שמוציאים מפייהם ואי משום שיש בו עיון מכל שכן דעדיף דהא רבי מאיר מתיר אפילו אינו תוכחה לקרות ולשנות במקום שאינו רגיל ואף על גב דקיי"ל כרבי יהודה מכל מקום חזינן בכל מה דמצטער ללמוד ומתקשה טפי עדיף טור או"ח סי' תקנד

According to the Taz, R. Peretz and Maharil argue about which texts are assumed to bring joy and which are not. R. Peretz believes that the commentary on Eichah is easy and therefore brings but little joy, while the commentary on Iyov is deep and brings greater joy. In contrast, Maharil believes that both commentaries bring sadness, not joy. Hence, the Taz rules that any subject, style, or level of study that brings joy to its practitioners is forbidden on Tisha b'Av. Reading and understanding are assumed to bring no joy. Simple analysis, i.e. reading analytic texts, which does not render the joy of invention, is similarly permitted. However, difficult, innovative analysis, independent of analytic texts, is assumed to be too joyful and is therefore forbidden.

For this reason it appears to me that even in places where one may study, this is only to study the words' simple meaning, but not pilpul (casuistic analysis).

Taz, §554

ומשנים זה נ"ל דאפי' במקום דיותר ללמוד היינו שילמד בפשוטו של דבר'י אבל לדרך פילפול

ט"ו אורה חיים סימן תקנד

Colloquially, the Taz is understood as forbidding any study that deviates from the text's simple meaning, as he writes, "only to study the words' simple meaning." However, the Taz permits us to study commentaries on Iyov, even though they contain iyun. Indeed, the Maharil upon which the Taz bases his remark explicitly writes that commentaries on Iyov are permitted because they are deep. Hence, perhaps we must understand the Taz to permit anything other than pilpul, as he writes, "but not pilpul." Hence, iyun is permitted, while pilpul is forbidden. What distinguishes iyun from pilpul?

1. Perhaps iyun refers to any frustrating style of study, while pilpul refers to any joyous style of study. This definition, aside from being circular, eliminates all presumptions about what causes frustration and what causes joy. Eichah, Iyov, and commentaries thereupon may only be studied in a manner that causes sadness; they may not be studied in a manner that causes joy.
2. Alternately, iyun refers to analysis that does not cite or address any joyous texts, while pilpul refers to analysis that compares and contrasts sad texts and topics with joyous ones. This distinction is problematic since commentaries on Eichah and Iyov, as well as the third chapter of Mo'ed Katan, routinely compare and contrast joyous and sad topics but are still unqualifiedly permissible to study.
3. More likely, however, iyun refers to studying commentaries written by others, similar to the commentaries on Iyov that Maharil discusses, while pilpul refers to performing one's own, innovative analysis.

Even this understanding of the Taz, however, is explicitly contradicted by the arguments adduced by Maharil in favor of studying commentaries on Iyov. Maharil raised and subsequently rejected two challenges to intellectually stimulating Torah study on Tisha b'Av. First, understanding the words brings joy, and should therefore be forbidden. Second, reading in-depth commentaries brings joy, and should therefore be forbidden. Maharil responds to each argument differently. As far as understanding is concerned, he argues that one cannot separate the text from its simple meaning. Articulating words and understanding them are two sides of the same coin. Hence, just as reading is permitted, pursuit of understanding is permitted. However, the second argument still stands. Perhaps reading and understanding are permitted because they lack the joy of depth, while pursuit of understanding that involves deep analysis should nevertheless be forbidden. In other words, understanding alone is not problematic, but understanding coupled with analysis is too joyful. To this, Maharil responds that frustration increases in proportion to depth of analysis; deeper analyses will produce more frustration, and therefore are more likely to be permitted. This explicitly contradicts the Taz' assertion that simple analysis is permitted while difficult, casuistic analysis is forbidden.

Alternately, R. Peretz may hold, as R. Joshua Falk (Perishah §554, 1555-1614) explicitly asserts, that both commentaries are deep, but the importance of studying Eichah's commentary outweighs the prohibition against joy, while Iyov's commentaries are not important enough to outweigh this prohibition. This bespeaks a fundamental difference between our permission to study Eichah and our permission to study Iyov. Eichah is studied to heighten our sense of loss and bereavement for the Bais haMikdash and Eretz Yisrael; in contrast, Iyov is studied to amplify Tisha b'Av's somber mood, but not to directly impact our mourning for the temple. In-depth study of Eichah increases our appreciation of the Bais haMikdash, while in-depth study of Iyov does not necessarily enhance the mood of mourning. Maharil, in contrast, might hold that both Eichah and Iyov are permitted because they enhance the mood of mourning, and Eichah has no special preference on account of its recounting the temple's destruction. Hence, in-depth study of Iyov is permitted, like in-depth study of Eichah, since it enhances the mourning mood more than superficial study.

Epistemology of Torah - R. Chaim Soloveichik reportedly took the Maharil's argument one step further. (Harerei Kedem, vol. 2,

§143) While Maharil equated reading with understanding, but acknowledged that analysis represents a qualitatively different stage of study, R. Chaim argues that even analysis is fundamentally unified with reading and understanding. If reading is permitted, innovative analysis must be permitted; if analysis is forbidden, even reading must be forbidden. It makes no difference whether or not analysis enhances our mourning experience. Once Chazal permitted us to study sefer Iyov on account of its enhancing the aveilus atmosphere, they must have permitted both reading, understanding, and analyzing, since there exists a fundamental unity between the simple interpretation and the deep meaning of any text or topic. Therefore, R. Soloveichik permitted even innovative analysis of all texts whose study is permitted on Tisha b'Av.

Context - In medieval Ashkenaz, many Jews studied the gloomy chapters of sefer Yirmiyahu in their entirety, even

though many comforting verses were interspersed with the gloomy prophecies. R. Meir of Rotenberg (Maharam, 1215-1293) objected to this practice, and noted that God-fearing individuals, in opposition to the prevalent custom, would skip the comforting verses. (Tur, §554)

Perhaps Maharam believed that the gloomy prophecies were permitted because they do not gladden the mind. Therefore, any gladdening pesukim interspersed therein are forbidden to study. In contrast, the Ashkenazi Jews may have thought that just as reading and analysis are fundamentally one entity, all the verses in a given chapter comprise a single, simple mass. Hence, once the prohibition against studying a chapter is lifted, there remains no reason to distinguish between the verses within that chapter. In a similar vein, the commentaries on Eichah and Iyov and the third chapter of Mo'ed Katan often cite verses and Mishnayos from areas of Torah otherwise forbidden on Tisha b'Av. Earlier, we noted that this precedent may allow for limited comparison and contrast of sad texts with joyous ones. These verses, Mishnayos, and otherwise joyous Torah texts may be studied because they meld seamlessly into the sad texts and thereby lose their joyous identities.

Torah Within Prayer - The Ramban similarly permits us to recite paragraphs of Torah, or entire sections, in the context of prayer.

(Tur, ibid.) The simplest interpretation of Ramban's permissiveness lies in the fact that Torah recited by rote causes less intellectual joy than Torah studied with intent to understand, just as reading without understanding gives less joy than comprehension. However, in light of the above, one may explain that Torah in the context of prayer loses its Torah status, much as the Ashkenazi Jews believed that comforting verses in the context of gloomy prophecies lose their joyous identity. Since prayer is permitted, and Torah verses within prayer cannot be distinguished from other components of prayer, even the verses are permitted.

Practical Ideas - During the 25 hours of Tisha b'Av, we should ideally invest all our energies into intensifying sadness and

mourning for the churban (temple's destruction) and the galus (exile). As R. Shlomo Kluger notes, even daydreaming and idling are inappropriate activities, since they distract us from our sadness. Our attempts at attaining single-minded sadness, however, are often thwarted by lack of forethought. Even if we attend an elucidated kinnos recitation, we still sometimes idle away the fast's remaining hours. Yet proper planning can make Tisha b'Av the meaningful holiday it was meant to be. Torah study that frustrates us, saddens us, and most importantly, enhances our appreciation of our loss' magnitude, can complement and augment the Tisha b'Av experience. With proper preparation, we can enter this Tisha b'Av or the next with a custom made curriculum that arouses us to feel the Bais haMikdash's loss like a dagger-thrust to the heart.

Preparing such a curriculum, however, is no simple feat. It requires introspection, erudition, and imagination. When I prepare for Tisha b'Av, I ask: what makes me cry? What memories, what stories, what thoughts bring me to the verge of tears? These are memories we should carry with us into Tisha b'Av. Memories of insult, of insecurity, of denied gratification, or of failing in an important endeavor, are often particularly saddening. English-language books and periodicals devoted to Tisha b'Av, the holocaust, churban, and galus, can also provide us with significant inspiration for sadness. It makes no difference whether we start crying for selfish or altruistic reasons; our tears are for sin and its consequences. Just as frustration over difficult texts contributes to Tisha b'Av's disconsolate mood, sad selfish memories soften us to better mourn the Bais haMikdash's destruction and repent. Yet this is only the first step. We cannot draw sadness from our memories alone; we must also find sadness in Chazal. Aside from Eichah, Iyov, etc. there are numerous sources in Chazal that can help us mourn for the churban. I personally find the last Mishnah in Masechet Sotah (49a-b) incredibly saddening, and I try to review it each Tisha b'Av. This Mishnah recounts the relentlessly progressive deterioration of ethical society that began with the churban and continues to the present day. If we study beforehand the texts recommended by Acharonim, we can identify those portions that most powerfully evoke our personal feelings of loss. In particular, we should initially focus on stories or happenings in Chazal that we relate to, which resemble occurrences in our own lives that made us sad.

Once we have studied Chazal's stories and statements, we can turn to our imagination. Chazal speak tersely, and they often of necessity eschew the poetic prose that characterizes contemporary novels and plays. We must each write our own script, faithful to the original account, but incorporating imaginative elements we know will make us sad. For example, Chazal tell us that Torah students once had the stamina to stand while learning from dawn until dusk and beyond. I imagine myself at the end of a long week, slumped in my seat, barely able to concentrate on the page before me. I imagine myself as I might have been. How I wish I lived in those times! How I wish they had never ended! How I wish they would soon return! Imagine who I could be, if not for the churban! Imagine who I am not, because of our galus! A businessman might be more attuned to descriptions of lost material wealth, and a barren couple might be saddened more by accounts of how Jerusalem's populace once was blessed with multitudes of children. Before appreciating the collective dimensions of our loss, each of us must imagine who they could have been but are not, what they could have had but do not, on account of the churban and galus. May Hashem assist us in serving Him this Tisha b'Av, and may He speedily gather the exiles and in our days restore His Bais haMikdash.

Thanks to hamelaket@hotmail.com for collecting most of the following items.

From **Destiny Foundation/Rabbi Berel Wein** <info@jewishdestiny.com>
Subject Weekly Parsha from Rabbi Berel Wein

Jerusalem Post :: Friday, July 16, 2010

THE AMBIVALENT MONTH :: Rabbi Berel Wein

The eleventh month of the annual Jewish calendar year (though it is only the fifth month of the monthly year) begins this week. The month of Av is mainly known for the intense period of mourning that marks its beginning and culminates in the saddest day on the Jewish calendar, Tisha B'Av – the ninth day of Av.

The destruction of both the First and Second Temples, the crushing of the Bar Kochba rebellion by the Romans, the later tragedies of the expulsion of the Jews from Spain and the innumerable pains and killings of Jews in the wars of the twentieth century are all somehow commemorated and associated with this month of Av. Yet the month of Av contains rays of hope and optimism for us as well.

The fifteenth day of Av is a minor holiday marking positive and joyous ritual and social events that formed Jewish life in earlier times. The mourning over Jerusalem's destruction is always tempered even on the day of Tisha B'Av itself by the realization, certainly partly achieved in our time, of its rebirth and rebuilding. The month therefore comes to symbolize the eternal resilience of the Jewish people.

The month itself bears an addition to its name. It is called "menachem" Av, a month that will bring solace and comfort to long-suffering Israel. There is no negative attribution given to the month even though it is obviously the least fortuitous month of the year for the Jewish people. There is therefore an ambivalence of attitude and approach to this month. We dread its coming and yet welcome its passage and the message of hope and solace that it nevertheless brings with it.

The Talmud teaches us that the current names of the months of the Jewish calendar year are Babylonian in origin, brought into Jewish society by the return of Ezra at the beginning of the Second Commonwealth. Yet the name of the month of Av has a distinctly Hebrew ring to it. Av in Hebrew means father, head or leader. It also intimates strength and greatness.

The Talmud teaches us that it also implies that there are "toldot" – descendants - consequences if you will, that inescapably derive from the presence of an "av." As such it appears to me that this month is therefore most aptly named. For the events commemorated in this month have had major effect upon Jewish and world history. And the "descendants" of Av continue to influence our national and personal existence even through today.

The Talmud again reminds us that the absence of the Temples and Jewish control over the Land of Israel, the state of rootlessness and alienation that exile foisted upon the Jewish people for many centuries has even changed the physical and emotional environment of our world society. The tastes of foods, the aroma of flowers, and the laughter of humans- all were changed and somehow diminished by the destruction of the Temples and the exile of the Jewish people from the Land of Israel.

In these respects as well as in many others, Av became and remains the most consequential month of the Jewish calendar year. It is the month that casts the longest shadow of all over Jewish life and history.

The rabbis taught us that those who are able to truly feel the loss of the Temples and Jerusalem within their hearts, whose mourning on their destruction is heartfelt and genuine and not merely externally expressed and pro forma, are privileged to see the other side of the month of Av in its consoling comfort and promise of redemption and better times.

This ambivalence of feeling, a deep sense of loss combined with a sense of soaring optimism that is able to overlook current difficulties and misfortunes, makes this month of Av truly special. The ninth of Av marks our sorrow and pain while the fifteenth of Av lifts our spirits and points to success in family and community matters. The fact that these dates are close to one another prevents us from having a permanent feeling of depression and sadness and burdening the entire month with a black shroud of negative feeling.

The addition of the adjective "menachem" – one who comforts and consoles - to the name of the month of Av is meant to bring this lesson home to us. It is necessary to maintain this upbeat spirit for Av leads to the month of Elul and with it the anticipation of the new and good year

awaiting us. Av and all of its days will yet be a source of happiness and permanent achievement for all of Israel.
Shabat shalom.

From Shema Yisrael Torah Network <shemalist@shemayisrael.com>
To Peninim <peninim@shemayisrael.com>
Subject **Peninim on the Torah by Rabbi A. Leib Scheinbaum**

Peninim on the Torah by Rabbi A. Leib Scheinbaum
Parshas Devarim

These are the words that Moshe spoke to all Yisrael. (1:1)
The "words" which Moshe Rabbeinu spoke to Klal Yisrael were not ordinary words. They were words of rebuke. Like a loving father taking leave of his children, Moshe cautioned Klal Yisrael concerning the future. Perhaps they thought that they had "made it", they had nothing to fear; sinful behavior was not on their agenda; they were beyond that. Moshe subtly reminded them of their past indiscretions, activities which they had committed after they had accepted the Torah. Apparently, they were not as spiritually refined as they thought.

Tochachah, rebuke, is important and necessary. In order for it to be effective, however, it must be administered with love, feeling and sincerity. In the Talmud Shabbos 119b, Chazal posit that Yerushalayim was destroyed because people did not rebuke one another. They were either apathetic or afraid, but, in any event, they did not call attention to the negative behavior of the other. As mentioned, tochachah must be properly administered. If it is, then the individual who is being rebuked will listen, will accept, and - not only bear no grudge against his rebuker - but will probably appreciate what he has done for him. At times, however, when rebuke can generate a negative reaction, it can produce an enmity which ultimately destroys the relationship. How do we prevent this? What is the prescription for effective rebuke?

Horav Chizkiyah Kohn, zl, of Gateshead, distinguishes between a rebuke which touches upon a material error, and one that addresses a spiritual deficiency. When a person purchases a piece of glass under the assumption that it is a diamond, he has just spent a small fortune for a worthless piece of glass. After the exchange, someone approaches him and tells him the truth. He has just spent a king's ransom on a piece of worthless glass. He has no business purchasing diamonds if he has no idea how to determine their integrity. Basically, the person gives the buyer a severe tongue-lashing with the intention that he will return to demand his money back. There is no question that, under such circumstances, the buyer will accept his dressing down, and will, in turn, profusely thank the individual who had rebuked him.

That is material rebuke. Regrettably, when it comes to spiritual failings, the response does not tend to be as positive. When someone subtly intimates to his friend that he might be acting inappropriately, his reaction invariably is something like this: "Who made you my spiritual superior? What makes you think that you are so perfect? Who are you to determine my failings?" Needless to say, the rebuker's words fall on deaf ears. Why? Why does one readily accept a failing that has material ramifications, yet vehemently ignore any reference to spiritual deficiency?

The difference is that people have a greater awareness of materialism, because they sense that it defines their life. Thus, when someone assists them in making adjustments in their lives which positively influences their material portfolio, they are grateful. After all, it is my life; whoever helps me live has me in their debt. Sadly, many of us have not reached that point whereby spirituality defines our lives. We do what we have to because we are commanded to act in a specific manner and to maintain a singular demeanor. We are only acting out our role in the play called life. It is not real. Therefore, when someone criticizes or counsels us concerning our spiritual demeanor, we respond, "It is none of your business." Gashmius,

materialism, has a greater impact, therefore we give it greater focus than spiritual ascendancy. If it is for "special people, not for us." It is not our life. One who is prepared to turn it around, to accept spiritual critique - so that he lives a life replete with spiritual integrity - will ultimately become a receptacle for Heavenly blessing. The alternative does not need to be written. It should be self-evident to anyone with a modicum of common sense.

Shlomo Ha'Melech says in Mishlei 9:8, "Do not rebuke a leitz (joker/scoffer) lest he hate you." What is the definition of leitz? Horav Meir Chodosh, zl, explains that a leitz is a person who hates you for rebuking him. Indeed, as long as he maintains the position that rebuke is likely to cause him to hate you, he is a leitz. It is forbidden to rebuke such a person. This is a powerful statement. We must be certain that the rebuke we administer will not create a rift between us and the person we rebuke. At times, the problem is with the individual who is giving rebuke. He simply cannot do it with love. Rav Meir Chodosh was the master Mashgiach, ethical supervisor, who would go out of his way to seek different ways of getting his message across to a student without taking on the appearance of a scolding. Sometimes, he would let his thoughts emerge in a talk with a group of students, without singling out any individual student. The one who needed to hear the message heard it - if he was listening. The Mashgiach had the uncanny ability to say things that entered into his students' hearts, hinting at ideas that were directed toward a specific individual. One of the senior Torah educators in Eretz Yisrael described his entrance exam to the yeshivah gedolah/post high school. After being tested by the Rosh Yeshivah, he had an interview with the Mashgiach. "Do you know the difference between a yeshivah ketanah/elementary/high school and a yeshivah gedolah?" the Mashgiach asked. The young man presented a number of answers which the Mashgiach demonstrated were incorrect. "I will explain the difference to you. It will help you succeed in the yeshivah. Tell me," the Mashgiach asked, "in your yeshivah ketanah, how did you know if you were doing well?"

The young man replied, "If they came to me with complaints, I knew I was having a problem. If they left me alone, I knew I was doing well." The Mashgiach smiled warmly at the bachur and said, "If you continue to use this as your barometer of success in a yeshivah gedolah, you will be living erroneously. Here, the rules are in total contrast. If I do not come to you, and, as a result, you think that you are doing well, you will be making a serious mistake. In this yeshivah, we do not bother to complain to - or make demands of - someone to whom there is no point in talking. There is no purpose in wasting his time - or ours. When I come to you with demands it is an indication that I believe that you are someone from whom I can demand!" The Mashgiach was wont to say, "The mechanech, educator, must be like a cup of wine. He must fill himself until he brims over with wisdom and knowledge, filling the adjacent vessels - his students - with the overflow that he himself cannot contain. He pours for himself, but everything that overflows is for his students and for anyone else who wishes to learn." His entire life he worked on himself. The vast sea of knowledge which he acquired was for himself, developing his own personality, which, in turn, was the perfect expression of his thoughts. He, thus, served as a role model for his students and so many others. It was real. It was not superficial. His personal example was his greatest lesson. He was a walking mussar sefer, volume of ethical discourses.

Horav Aharon Kotler, zl, explains that just as Hashem created the world out of a sense of altruism, so are we obliged to emulate Him. The greatest kindness that we can do for others is to give them Torah and mitzvos and to keep them away from falling into the clutches of the yetzer hora, evil inclination. This is but one aspect of the mitzvah of tochachah, reproof. Rav Aharon teaches us that there is a way that one can achieve this mitzvah without lifting a finger, without saying a word to his friend. He does this by serving as a good example, living and exemplifying Torah life, acting ethically, morally and maintaining an elevated level of spirituality. In other words, he is living as a Jew should live. The flip-side, of course, is that one

who serves as a bad example is a meis, inciter, who encourages others by his example, to act inappropriately.

In a way, giving reproof through example has a definite advantage over direct reproof. It is our obligation to reprove respectfully, maintaining the individual's dignity and self-respect. We must go out of our way not to cause any unnecessary embarrassment. This, regrettably, is often a tall order. Rebuke by personal example, however, is totally free of any tinge of embarrassment. Indeed, it is the most respectful method of administering and carrying out the mitzvah of tochachah.

Va'ani Tefillah

Atah asisa es ha'Shomayim... asher bocharta b'Avram... ne'eman lefanecha You made the Heaven... (the G-d) Who selected Avram... (You found his heart) faithful before You.

What does the creation of Heaven have to do with the selection of Avraham? Siach Yitzchak gives the following analogy: An individual who was well-known for his penetrating wisdom was invited by the king to visit his treasury, and choose from among his many jewels and precious stones, one special stone which would be the king's gift to him. The king had a truly impressive collection valued in the millions of dollars. The man moved around slowly through the treasury touching, looking, checking each and every stone, until he chose what appeared to be the most simple, plain stone in the lot. The average spectator would have thought that this man had lost it. To ignore stones valued in the millions of dollars for a simple, nondescript stone seemed nonsensical. Those in the know, who were quite aware of this person's level of acuity, were certain that the stone he had selected must be something very special. If he had chosen it, then it must have qualities unbeknownst to the average person.

The pasuk attests to this idea. "You made the Heaven, its hosts, the earth, the seas - everything! But, at the 'end of the day,' You chose Avraham. It was upon him that You placed Your blessing." This indicates the significance and extra-special nature of our Patriarch. This is supported by the pasuk in Yeshayah 66:1,2: "The Heaven is My throne, and the earth is My festival... My hand created all these... but it is to this that I look: to the poor and broken-spirited person who is zealous regarding My word."

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From TorahWeb <torahweb@torahweb.org>

To weeklydt@torahweb2.org

Rabbi Mordechai Willig

Modesty and Restraint (The TorahWeb Foundation)

I "We circled Mount Seir for many days. Hashem said to me enough of your circling this mountain; turn yourselves northward" (Devarim 2:1-3). The Hebrew word tzafon, north, stems from the root tzafun, hidden. The sun, as we see it, moves from east to west in an arc that inclines to the south. Therefore, the north is somewhat hidden from the sun (Ramban Shemos 26:18).

What follows is the Kli Yakar's understanding of this passage. "Turn yourselves northward" is an exhortation to hide one's wealth. We must hide our wealth from Esav, for no nation is as jealous of Yisrael as is Esav. Esav views all of our possessions as stolen from them, since Yaakov received Esav's beracha by deceiving Yitzchak.

Yaakov questioned his sons, "Why do you make yourselves conspicuous?" (Bereishis 42:1). Rashi explains, "Why do you appear to the sons of Yishmael and Esav as if you are satiated?" They think that Yitzchak stole the prosperity of Yishmael and that Yaakov stole the prosperity of Esav. Therefore, Hashem commanded Am Yisrael, particularly regarding Esav (who dwelt on Mount Seir, Bereishis 36:8), "turn yourselves northward", so that Esav should not be jealous of them.

This is the opposite of what Yisrael does in these times on the land of their enemies. One who has one hundred presents himself, with fancy clothes and expensive houses, as if he has many thousands. This incites the nations against us, and violates "turn yourselves northward."

This custom pervades a large portion of our people. It is what causes all the hardship that has befallen us. The wise will understand to learn the lesson.

II The lesson (mussar) of the Kli Yakar has particular relevance as we mourn the destruction of the Beis HaMikdash at the hands of the Romans. Esav is Edom (Bereishis 36:19), the Romans who destroyed the second Beis HaMikdash (Rashi, Eichah 4:21). Our present primary nemesis, Yishmael, is included in the kingdom of Edom (see Metzudas David to Zecharia 6:3).

The Shulchan Aruch (Orach Chaim 560:1) requires that we leave a portion of our homes unfinished as a remembrance of the churban. Ostentation is incompatible with a proper perspective of our exiled status, even as it invites further jealousy on the part of Esav and, particularly, Yishmael, who continue to despise us and/or attempt, sometimes successfully, to harm us. Conspicuous consumption causes disaster within Am Yisrael as well. It creates jealousy within our people, which often begets hatred, the very cause of our lengthy exile (Yoma 9b). It places pressure on others to keep pace, even if they lack the means, which can lead to poverty or, worse, theft. And it invites an ayin hara, evil eye, as others gaze upon the wealth flaunted by the rich (Bava Basra 2b).

Aside from the interpersonal evils generated by ostentation, arising from the aforementioned responses of non-Jews and Jews, it reflects an inner character flaw. Modesty is an intrinsically desirable trait, and its opposite, flaunting one's wealth, is undesirable even if there is no negative interpersonal consequence.

III Imagine if the Kli Yakar were alive today! How excessive could the clothes and houses of 17th century have been? The homes, cars, clothes, bar mitzvahs, and weddings of 2010 are, too often, status symbols of newfound prosperity. Eye-catching excess and exhibitionist opulence have, alas, replaced, in many cases, the tasteful and functional lifestyles of the previous generations.

In today's difficult economy, such excess is particularly grievous. With so many people suffering, a wedding invitation which requires three stamps borders on the grotesque. Leveling perfectly functional homes to create ever-increasingly palatial edifices, inexcusable in the best of times, is cruel and inconsiderate in the current downturn which has affected so many. Again, it must be emphasized that flaunting one's wealth reflects an internal personality flaw, even if there is no interpersonal damage. Indeed, self-glorification is undesirable in all areas of human achievement. The haftara of Tisha B'av concludes: let the wise man not glorify himself with his wisdom, the strong man with his strength, the rich man with his wealth. Only understanding and knowing Hashem is worthy of glorification.

In an age of increasing anti-Semitism which endangers our people, at a time when we are mindful of the lengthy and painful exile stemming from the destructions of Tisha B'av, we are duty bound to "turn northward", to exhibit appropriate modesty and restraint.

If, as the KliYakar writes, ostentation is the cause of all the hardships that have befallen us, then its avoidance can rid us of these hardships. With appropriate modesty and restraint, the jealousy of Esav and Yishmael will cease, the interpersonal sins within Am Yisrael will end and the Beis Hamikdash will be rebuilt.

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From Jeffrey Gross <jgross@torah.org>

reply-To neustadt@torah.org, genesis@torah.org

To weekly-halacha@torah.org

Subject Weekly Halacha - Parshas Terumah

by **Rabbi Doniel Neustadt** (dneustadt@cordetroit.com)

Yoshev Rosh - Vaad HaRabanim of Detroit

The Nine Days and Tishah b'Av

Is it permissible for a woman to have her sheitel set during the Nine Days?

During the Nine Days it is forbidden to have a sheitel washed and/or professionally set, but it is permitted for a woman to set (but not to wash) her own sheitel at home.

What are the guidelines for showering and bathing children and adults during the Nine Days?

One of the Nine Days' restrictions is the prohibition against bathing and showering. Nowadays, people find it most uncomfortable to observe this restriction, since we are all accustomed to bathing or showering daily, unlike in earlier times when people bathed much less frequently.

It is important to distinguish between the two reasons why people bathe: 1) for reasons of hygiene and cleanliness; 2) for pleasure; the hot water soothes them, the cold water cools them — it is a pleasurable experience. It is safe to assume that most people bathe or shower for both reasons — for cleanliness and for pleasure.

It is clearly forbidden to bathe or shower during the Nine Days for pleasure. Thus it is forbidden to take a hot bath, a long, hot, relaxing shower, or to go swimming in a lake or a pool. The primary purpose of these activities is the pleasure derived from them.

But one who became dirty or sweaty and must take a shower in order to rid himself of the odor, dirt or sweat, may take a short, cold or lukewarm shower. If he requires soap or shampoo in order to remove the dirt or sweat, it is permitted as well. If the dirt or sweat cannot be removed unless hot water is used, hot water may be used for those areas where it is needed.

One who needs to take a hot shower or bath or go swimming for medical reasons is permitted to do so.

May one allow his children to swim in a kiddie pool during the Nine Days? What about a sprinkler?

During the Nine Days, when swimming for pleasure is forbidden for adults and older children, it is permitted to allow the younger children to swim in a kiddie pool or use the sprinkler. Once a child is mature enough to understand the concept of mourning over the churban, he should be taught that it is no longer appropriate for him to swim during the Nine Days. We are in the middle of a renovation. May we continue it during the Three Weeks?

During the Nine Days only renovations which are necessary for actual living space are permitted; construction for beauty or pleasure, such as a vacation home, a patio or planting a garden for beauty or fragrance is forbidden. Similarly, painting, wall-papering and other forms of home decorating are not to take place during the Nine Days. Still, if a non-Jew was contracted before the Nine days to build, paint or decorate a home, and postponing the job will cause one a substantial loss of money, it is permitted to allow the non-Jew to continue working.

Given the fact that we refrain from eating meat during the Nine Days due to mourning, is it permissible to serve milchig or pareve foods that are considered "lavish" or "treats"?

The reason why we refrain from eating meat and drinking one during the Nine days is not only because of mourning but primarily to recall the korbanos of meat and wine which were suspended because of the churban. Dairy or parve foods, as lavish as they may be, are not included in this prohibition, and one may continue to consume them as he does during the rest of the year.

What kinds of trips are not advisable during the Nine Days?

While the basic halachah does not specifically forbid taking trips during the Nine Days, it is nevertheless strongly recommended by all poskim that one should limit all long distance travel during this time. Unless one is traveling to Eretz Yisrael or is involved in the performance of some other mitzvah, such as kibbud av v'eim, he should avoid flying by airplane or even take a long car trip. In addition, even short distance trips taken purely for the purpose of pleasure, should be avoided or severely limited during the

Nine Days. Still, parents should take into account that children cannot be left alone to entertain themselves, and sometimes it may be necessary to take a trip to occupy the family in a positive way. Since every situation is different, each family should consult their rav for guidance.

Is it an halachic requirement to try on all clothing that will be worn during the Nine Days and how must this be done? Would this halachah apply to children's clothing as well?

All freshly laundered or dry-cleaned clothes and linens (such as towels, sheets and tablecloths) may not be worn or used during the Nine Days. It has become customary, therefore, that freshly laundered or dry-cleaned clothes are worn or used for a short while — long enough so that the garment loses that special crispness and freshness that one associates with freshly laundered or dry-cleaned clothes — before the onset of the Nine Days, so that the clothes are no longer considered "freshly laundered." The widespread custom in the United States is that garments that are constantly being changed because of perspiration — like socks and undergarments — are not included in the prohibition of wearing freshly laundered clothes and one need not prepare them before the Nine Days. Once children are old enough to understand the significance of the Nine Days, approximately 8 or 9 years old, they, too, should be encouraged to prepare pre-worn clothing for the Nine Days.

Is it permissible to wash children's clothing during the Nine Days?

All clothing that will be required by infants, babies or small children who constantly get their clothes dirty may be washed during the Nine Days. There is no requirement to buy additional clothing for a child in order to avoid washing his clothes. When traveling, one is not required to pack all of the children's clothes in order to avoid doing laundry, if doing so will be very bothersome.

If an adult runs out of clothing, is it permissible to launder his or her clothing? Is it better to purchase new clothing instead?

Adults must prepare enough clothing to last them for the entire Nine Days. Doing laundry, even via a non-Jew, or buying new clothing, is strictly forbidden, including socks and undergarments or other garments that are constantly being changed because of perspiration. In the event that the unexpected happened where they ran out of clothes and have absolutely nothing clean to wear, it is permitted for them to wash the minimum amount of clothes they will need for the duration of the Nine Days. Preferably, their clothes should be washed together with a load of children's laundry. If possible, a non-Jew should be asked to do the laundry. If a woman is expecting or ill, is it proper for her to ask a shailah about fasting or is it a given that she must fast on Tishah B'Av?

A woman who is ill, experiencing a difficult pregnancy or nursing an infant without supplementing, must consult a rav about fasting on Tishah b'Av. These women should not decide on their own whether or not to fast, but should do so only after asking a shailah about their particular situation. From what age must children fast on Tishah B'Av?

Children under the age of bar/bas mitzvah should never fast on Tishah b'Av (or any other fast, including Yom Kippur) even if it is the last fast day before their bar/bas mitzvah. They should, however, be encouraged to fast during the night and for a few hours during the day once they are old enough to understand the significance of Tishah b'Av. They should also be taught to limit their food intake to whatever is necessary and not to indulge in candy, etc.

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By Rabbi Yirmiyohu Kaganoff

The Right Type of Help
By Rabbi Yirmiyohu Kaganoff

Household Help

Shirley* asks me: "We hired a very nice Russian lady to help around the house, keep an eye on the kids, and do light housekeeping. Can we have her cook a bit for the kids while I am away at work?"

Commuter Crisis

Mrs. Goldman is stuck in a typical commuter predicament. The traffic is not moving, and it is well past the time that she should be putting up supper. She calls the non-Jewish babysitter, Jenny, to apologize for the delay and asks her to find something in the freezer to warm and serve the kids. Jenny finds some blitzes and some fish sticks, places them on some ceramic cookware and pops them into the toaster oven.

That evening, when Rabbi Goldman returns from Kollel, Mrs. Goldman tells him about her frustrating commute home. Rabbi Goldman realizes that they may now have a kashrus concern in their house.

Surprise Sous-chef

I received a phone call from Rabbi Black: "Our seminary has girls who work on work study programs. We just discovered that a girl who was working as our cook is not halachically Jewish. Do we need to kasher the kitchen?"

Each of these actual shaylos show the prevalence of bishul akum questions that come up regularly.

The Source in the Parshah

SICHON'S FOLLY

It is noteworthy that the Gemara tries to find a source for the prohibition of bishul akum in this week's parsha. When the Bnei Yisrael offered to purchase all their victuals from Sichon and his nation, Emori, they could purchase only food that was unchanged through gentile cooking (see Devarim 2:26-28; and Bamidbar 21:21-25). Any food altered by Emori cooking was prohibited because of bishul akum (Avodah Zarah 37b).

Although the Gemara rejects this Biblical source and concludes that bishul akum is an injunction of the Sages, early authorities theorize that this proscription was enacted very early in Jewish history, otherwise how could the Gemara even suggest that its origins are Biblical (see Tosafos s.v. vehashelakos)? Chazal instituted this law to discourage inappropriate social interaction, which may lead to intermarriage, and also to guarantee that kashrus is not compromised (Rashi, Avodah Zarah 35b s.v. vehashelakos and 38a s.v. midrabbanan and Tosafos ad loc.).

Food prepared in violation of the laws that Chazal instituted becomes prohibited as bishul akum and is fully non-kosher. The early authorities dispute whether equipment used to cook bishul akum becomes non-kosher. The Shulchan Aruch concludes that the equipment indeed becomes non-kosher and must be kashered, although the halachah for kashering from bishul akum is sometimes more lenient, as I will explain (Yoreh Deah 113:16).

Please note that throughout the article, whenever I say that something does not involve bishul akum, it might still be forbidden for a variety of other reasons

Three Cardinal Rules When Chazal prohibited bishul akum, they did not prohibit all gentile-cooked foods, but only foods where the gentile's cooking is significant. For example, there are three major groupings of gentile-cooked foods that are nevertheless permitted because the gentile's contribution is considered trivial. One might find the following acronym useful to remember these permitted categories: YUM, Yisrael, Uncooked, Monarch.

I. Yisrael – A Jew Participates

If a Jew contributes to the cooking in a significant way, the food is categorized as bishul Yisrael, cooked by a Jew, and is therefore permitted even when a gentile did most of the food preparation. For example, if Mrs. Goldman had asked Jenny to warm food that was already cooked, there would be no bishul akum problem. I will soon explain some of the extensive details about this law.

II. Uncooked – Food Edible Raw

A food that could be eaten raw is exempt from the prohibition of bishul akum even when a non-Jew cooked it completely. This is because cooking such an item is not considered significant (Rashi, Beitzah 16a). For example, if Mrs. Goldman had asked Jenny to bake apples or cook a fruit soup there would be no problem of bishul akum since these fruits are all edible raw. However, baking potatoes does present a bishul akum concern because potatoes are not eaten raw (Chachmas Odum 66:4; cf. Aruch HaShulchan 113:18).

III. Monarch

Bishul akum applies only to food that one would serve on a king's table alongside bread. Chazal did not prohibit bishul akum when the food is less prominent because one would not invite a guest for such a meal, and therefore there is no concern that inappropriate social interaction may result (Rambam, Hil. Maachalos Asuros 17:15).

Bishul Yisrael At this point, I want to explain in more detail one of the rules I mentioned above: When a Jew participates in the cooking, the food is permitted even when a gentile performed most of the cooking. For example, if a non-Jew placed a

pot of meat on the fire, and a Jew stirred the pot, this act is significant enough to permit the food because it is considered bishul Yisrael (Shulchan Aruch, Yoreh Deah 113:7). Similarly, if a Jew placed food in the oven and it baked until it was barely edible, and then the food was removed from the oven and returned later by the gentile, who thereby completed the cooking, the food is kosher (Shulchan Aruch, Yoreh Deah 113:10, 11).

Ashkenazim versus Sefardim How much Jewish participation is necessary to avoid bishul akum? The answer to this question depends on whether one is Sefardi or Ashkenazi, since Ashkenazim are more lenient in these laws than are Sefardim. For example, Ashkenazim rule that if a Jew ignited the fire that is being used to cook, or even if all he did was add to a flame that the gentile is cooking with, that this participation is sufficient to permit the food as bishul Yisrael. Sefardim rule that it is insufficient for a Jew to simply ignite the fire – the Jew must be involved in the actual cooking of the food. Either the Jew must place the food onto the fire to permit it, or participate in some other significant way; but if all the Jew did was ignite the fire and a gentile placed the food on the fire, the food is prohibited. Thus an Ashkenazi household that utilizes non-Jewish help in the kitchen must have a Jew turn on or adjust the fires to avoid bishul akum. In a Sefardi household, someone Jewish must place the food on the fire to cook, or stir it once it is cooking.

Food Service Cooking This dispute is very germane to restaurants, caterers and other institutional cooking, where the kitchen help is often all non-Jews, thus potentially creating a bishul akum concern. According to Ashkenazim, to avoid bishul akum, it is sufficient if the Jew turns on the fire that is used to cook, or even for him to adjust the temperature setting upward. Thus, if the gentile already turned on the oven, but no food was finished cooking yet, the Jew can simply lower the setting and reset it and all the food cooked is considered bishul Yisrael. However, according to Sefardim, a Jew must actually place the food on the stove to cook. If the food is already on the fire, but is not yet minimally edible, it suffices for a Jew to stir the food to make it into bishul Yisrael.

This shaylah often affects the kashrus arrangements in restaurants and caterers. Since most Jews in North America are Ashkenazim, most hechsherim simply guarantee that a Jew turn on the fires to arrange that the food be bishul Yisrael, an approach that does not satisfy some Sefardic authorities, although some permit the food after the fact because of a combination of other heterim that we will discuss below (Shu"t Yechaveh Daas 5:54).

On the other hand, proper Sefardic hechsherim insist that the mashgiach place all food into the oven or on the stove.

A More Lenient Approach Some Ashkenazi authorities are even more lenient than above described and permit food when the Jew lit a flame, and the gentile used the Jew's flame to ignite a second flame that was used for cooking. According to this approach, it is sufficient if a Jew lights the pilot light that is then used to ignite all the stove and oven lights. Although pilot lights are now uncommon in household appliances, they are still fairly common in industrial kitchens.

Partly Cooked Here is another case in which Sefardim and Ashkenazim differ in accepted bishul Yisrael practice. If a gentile began the cooking and it became minimally edible, Sefardim consider the food already prohibited because of bishul akum. Following this approach, if a gentile cooked the food at the beginning until it was barely edible, and a Jew then completes the cooking and makes it quite tasty, the food is still prohibited, unless there is an extenuating circumstance, such as a major financial loss will result (Shulchan Aruch, Yoreh Deah 113:9). However, Ashkenazim rule that if a Jew cooked it passed this point, it is permitted, since the product's delicious taste was created by a Jew.

Not Yet Edible In the reverse case, one where a Jew cooked the food until it was barely edible and then the gentile cooked it past this point, the food is permitted according to both approaches (Shulchan Aruch, Yoreh Deah 113:8). However, if the food was not edible when the Jew's cooking ended, and subsequently a gentile cooked it without any Jewish participation, the food is prohibited as bishul akum according to all authorities.

Bishulei Blintz At this point, we can explain the concerns created by Jenny's warming the blintzes. Kashrus organizations usually make no arrangements to see that frozen blintzes or fish sticks are bishul Yisrael for a very simple halachic reason: The products are still inedible at the time the company freezes them, and therefore nothing is accomplished halachically by having a Jew cook them at this early stage. When you remove these products from your freezer and heat them, you are cooking them, whether you realize it or not. However, when Jenny warmed these foods, she not only cooked them, but she also made them into prohibited bishul akum, thus rendering the foods and the equipment non-kosher, although she meant no harm.

Even in the Comforts of your own Home? When Mrs. Goldman's mother heard about the calamity that had befallen her grandchildren, in that they ate non-kosher bishul akum food, she reacted with surprise: "But does bishul akum apply in your own house?" Indeed she is not the first to raise this issue.

Does the prohibition of bishul akum exist when the food is cooked in a Jewish house? Since neither of the reasons for the prohibition, the risk of social interaction, or the kashrus concerns, exists when the food is prepared in a Jewish house by a hired hand, perhaps the prohibition does not exist either. Indeed, one of the early Baalei Tosafos, Rav Avraham ben Harav David, indeed contended that no bishul akum prohibition exists when food is prepared in a Jewish house.

However, Rabbeinu Tam disputed this conclusion, contending that in the vast literature Chazal provided concerning the prohibition of bishul akum, they made no such distinction. Furthermore, Rabbeinu Tam contends that there are still grounds for concern even in a Jewish house (Tosafos, Avodah Zarah 38a s.v. Ela). The Shulchan Aruch rules according to Rabbeinu Tam (Yoreh Deah 213:1), although some authorities rule that even according to Rabbeinu Tam the prohibition of bishul akum does not apply to long-term hired household servants (Issur VaHeter, quoted by Taz 113:3). This approach is not accepted by most later authorities (Chachmas Odom 66:7).

Three Times and You're Safe! There is a lenience regarding koshering from bishul akum that does not apply to most halachos. Ordinarily, if an earthenware or ceramic vessel absorbs non-kosher taste, there is no way to kasher the equipment and it has been rendered permanently non-kosher. In such a case, your beautiful ceramic may be used henceforth as a planter or for some other decorative purpose, but not for food production.

However, Chazal allowed lenience when the essence of a prohibition is rabbinic in origin, as is the case with bishul akum. They permitted koshering even normally non-kosherable earthenware by boiling the vessel three times (Shulchan Aruch Yoreh Deah 113:16). Thus, Mrs. Goldman may kasher her favor ceramic bowl by boiling it three times and then it can be returned to kosher use.

Microwaved Blintzes Would the same prohibition apply if Jenny had heated the blintzes in the microwave oven instead?

Why should it make any difference?

Indeed one of our generations greatest halachic authorities, Rav Vozner of Bnei Beraq, rules that no difference exists between having a gentile cook food in a microwave oven or in any other means: it is prohibited as bishul akum.

However, I have read opinions from other rabbonim who dispute this conclusion. I will explain some of their reasons:

Smoking The Talmud Yerushalmi discusses whether there is a prohibition of bishul akum when food is cooked by smoking. One should be aware that there are several different methods of preparing food that are all called "smoking," but for our purposes we are discussing food that is cooked by heating it in hot smoke. (Some types of sausage, including frankfurters, are often cooked this way.)

Why should smoking be different from any other type of cooking? Usual cooking is performed either in a liquid, usually water, or through baking or roasting, which are through direct heat without any liquid medium. Frying is also prohibited because of bishul akum, since oil is likewise considered to be a liquid medium like regular cooking (Aruch HaShulchan 113:24). Smoking involves cooking food in a non-liquid medium, which is qualitatively different. The question is whether this distinction in the cooking method is significant enough that Chazal did not include it in their prohibition of bishul akum.

The Shulchan Aruch rules that food smoked by a gentile is not prohibited because of bishul akum (113:13). Thus, he concludes that where the method of food preparation differs significantly from what Chazal prohibited, the prohibition does not exist, even though the reasons for the prohibition of bishul akum apply just as well.

Steaming Some foods are cooked in steam rather than in water. If cooked this way by a gentile, are they prohibited as bishul akum? This is a very common case, since much commercial production, including canned vegetables and tuna, for example, are cooked in steam. In addition, many oriental foods include rice, which is commonly steamed when produced for these purposes.

This question became very germane in the 19th century, when factories began cooking food through steam. Similar to smoking, food here is cooked in live steam, which although closer to water, is still not exactly comparable, but is a medium that is not liquid and also not direct heat. Does the halachic lenience that applies to smoking apply equally to steaming?

This issue was debated by the authorities of the time. An early responsum debates whether cane sugar is prohibited because of bishul akum since the ground sugar cane was cooked in live steam.

(Others permitted cane sugar for a variety of other reasons [Aruch HaShulchan 113:23.]) Some authorities permitted steaming just as smoking is permitted, and others permitted for a different reason, contending that gentile steaming is permitted since it is a totally new production method that did not exist in the days of Chazal and was therefore not include in the prohibition. On the other hand, other authorities contended that the heter of smoking cannot be extended to something cooked in vaporized water (Darkei Teshuvah 113:16). We find that some later authorities relied on this heter but only in combination with other reasons to permit the food (Shu"t Minchas Yitzchak). I leave it to the individual to discuss with his rav whether he permits the use of food cooked by a non-Jew with a microwave oven. Thus, some rabbonim would have permitted Jenny to cook the blintzes or the fish sticks in the microwave, whereas others would contend that this does not change the situation. I leave it to our readers to ask their own posek for a decision on the matter.

Seminary Sous-Chef

At this point, I would like to address Rabbi Black's shaylah whether he needs to kasher his seminary's kitchen. The question was that they had discovered that the mother of their cook had been converted to Judaism in a questionable way, and was presumably not Jewish, which made the cook not Jewish either. Although no one planned this problem, the question is whether the seminary needs now to kasher its entire kitchen.

There are two possible reasons to permit not koshering the kitchen, both of which apply equally to the Goldmans' ovens and pots. The household in which the food was cooked is Jewish, so that according to Rabbi Avraham ben Rabbi David the food is not bishul akum, and in addition there are Rishonim who contend that although Chazal prohibited bishul akum, they did not prohibit the utensils used to prepare the food. Both of these positions are rejected as the final position in Shulchan Aruch, but perhaps based on the two together one could avoid koshering. Since there are authorities who might permit the utensils under these circumstances, I suggest asking a shaylah from one's halachic authority whether you need to kasher the equipment.

Conclusion

The Gemara teaches that the rabbinic laws are dearer to Hashem than the Torah laws. In this context, we can explain the vast halachic literature devoted to understanding this particular prohibition, created by Chazal to protect the Jewish people from major sins.

*Although all the stories here are true, the names have been changed for privacy.