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INTERNET PARSHA SHEET
ON **DEVARIM - CHAZON -**
TISHA B'AV - 5766

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From **Darash Moshe** A selection of Rabbi Moshe Feinstein's choice comments on the Torah.

By Rabbi Moshe Feinstein z"l

Parashas Devarim

These are the words . . .(Deuteronomy 1:1).

Rashi remarks that each of the names Moses mentioned in this verse is an allusion to one of the nation's transgressions, but he did not want to state them explicitly so as not to embarrass the people. Very shortly, however (verses 22-39), Moses reproves the people at length over the incidents of the spies, and later (9:7-21) over the sin of the Golden Calf. Since he was going to chastise them openly for these incidents anyway, why in this instance was he so concerned to speak with such delicacy?

We can say that at the beginning of the parashah he was speaking not to the ones who had actually sinned (since that generation was no longer living) but rather to their children who were about to enter Eretz Yisrael and who were blameless. Therefore he utilized a mild tone and referred to their fathers' sins only by allusion.

Later, however, he was repeating the reproofs he had given to the previous generation, which had to be forceful in order to impress upon them the seriousness of their sin and the severity of its punishment, as well as the atonement they had received for it.

In addressing the next generation which had not committed the sins, however, he did not have to speak that harshly. Merely alluding to the sins of their forefathers was enough to uproot any inclination they might have to transgress in the same manner and to remind them that they were not immune to sin.

Therefore, as long as the second generation had not uprooted the traits that brought about these sins, Moses reproved them as if they themselves had committed them. Because of their honor, however, he merely hinted at their fathers' sins because, in reality, this generation was not guilty of committing them.

Along the same lines, I have suggested elsewhere that the mitzvah of remembering what Amalek did to Israel was given to remind us what terrible crimes humans are capable of committing. Only if we realize to what level we might sink can we protect ourselves (cf. our commentary on 25:17).

Alternately this passage teaches us that we should always attempt to give someone the mildest reproof that will achieve the desired effect. If merely alluding to his wrongdoings, rather than mentioning them openly, will make the desired impression, this is the best way. Indeed, looking at or even hearing of any kind of sinful behavior should be avoided whenever possible, so as not to awaken us to the possibility of such behavior.

For this reason the Sages said that someone who sees a suspected adulteress undergoing the sotah procedure should take a vow to abstain from wine. Even though he sees her in the midst of a degrading punishment, the Sages knew how strong the yetzer hara is and were concerned that knowledge of her sin might make more of an impression than the punishment one sees her receiving. Therefore they advised one to take a vow (a very serious step which they otherwise cautioned against) to protect himself from the powerful temptation to follow her example.

Similarly, the Sages taught (Yoma 70a) that watching the performance of a mitzvah is in itself a mitzvah. From this we may infer the converse, that it is forbidden to watch a sin being done, since the more people who see it, the greater is the desecration of Hashem's Name caused by the sin itself.

Thus, even when there is a need to reprove a sinner, it is best to avoid mentioning the sin itself if the desired effect can be achieved simply by hinting at it, as Moses did by mentioning the place where the sins had been committed. However, this applies only if the sinner is aware of his error and sinned only because he was too weak to resist temptation; then, only a slight reminder should suffice to make him regret his sin and seek ways to protect himself from falling into the same trap again. It does not matter when the reproof is given, since the sinner already knows that what he did was wrong and is likely to regret it. This is why Moses waited until just before his death to reprove the people, after he had already given them the land on the other side of the Jordan River and they could see that his intention was solely for their well-being; then, they were most likely to accept his chastisement.

However, if we see that indirect reproof will not accomplish its purpose, then we must speak openly. This is why Moses spoke so harshly and at such length about the spies and the Golden Calf, because he knew that the milder hints which had sufficed for the other sins would not impress upon the people the seriousness of failing to trust Hashem (as they did by sending the spies) or of thinking that molten images could serve as intermediaries to bring them closer to Hashem.

http://www.mail-jewish.org/rav/tisha_bav.txt

From: Rachamim Pauli

Subject: **Rav Soloveitchik on Tisha B'Av**

Based on a lecture given on the 8th of Menachem Av

by HaRav Aaron Adler

at the Ramat Modiim "Rav Tachliti Synagogue" - Chashmonayim.

(My thanks to Rabbi Dov Green for his tape recording - I hope that my translation from Hebrew will be on par with the intent of the lecture some redundancies I have left out)

"I would like to thank the 'Kahall' on the opportunity to speak this evening on the timely subject of Tisha B'Av with outlook of the Rav on the Kinnot of Tisha B'Av. What is a "Talmud Muvhok" of Rav Soloveitchik. Let me tell you that the Rav was fortunate to raise not one generation, but two generations of Talmidim. He had thousands of Talmidim but few can be classified as "Talmud Muvhok" and that is only a handful. One of which is Moraynu Rabbaynu Rav Aaron Lichtenstein, Rosh Yeshiva Alon Shuvut. Also here and there only a handful of Talmidim at Yeshiva University. Now many thousands can point to Rav Soloveitchik as Rav Muvhok but there are only a few whom the Rav would call a Talmud Muvhok. It is irrelevant to measure (the Talmid) in terms of quantity of Rambam, Dafei Gemara, etc. but the measurement of Rav Chomato to bring to future generations. The Talmidim used to come to the Rav on Chol HaMoed. The problem of the Rav Muvhok was through "Kriat HaBegeg" (mourner's rent of clothing) by the student and when should one rent the garment. There are many laws dealing with the rending of a garment by a mourner if his father or mother or other close relative passed away on Chol HaMoed. Generally after a parent, one rents his garment, but other relatives - the garment is rent after the Moed. Rav Lichtenstein himself went to Rav Shlomo Zalman Auerbach, the great Posik in Yerushalayim. He went personally to Rav

Shlomo Zalman Auerbach to inform him of the Rav's passing and at the same time asked him what to do about reading the garment. This was Friday Chol HaMoed Pessach. If he rent the garment at the time he heard the news, (within seconds after getting the news) there is on whom to rely; but, now that he waited two hours, he should wait until after the holiday. This is how Rav Lichtenstein did in fact do. A number of the Talmidim in Yerushalayim rent their garments immediately and they had on whom to rely.

Tonight we will deal with the "Machshavah" (thought/philosophy) of Rav Soloveitchik in regards to Tisha B'AV. We have dealt in our Schul with the difference in actions in the Synagogue on the morning of Tisha B'AV. I remember in my youth at camp on Tisha B'AV we said Kinnot, but in Israel and in Galut - the people don't have enough patience (time) to say all the Kinnot. Most of the people only want to fulfill their obligations to say the Kinnot (in Yiddish - Yozech zu sein) and then the Gabayim have to filter out what is said and what not is said. The criteria is usually the size of the printed text. That is to say, what is printed in large letters one says and what is written in small letters is skipped. The Rav asked what makes the larger printed Kinnot have extra holiness. Nobody really poskined that the larger printed Kinnot are holier. The size of the letter is only coincidental. The thought (of the Gabayim - Kahall) is "Why should we waste two or three hours on things we don't understand - let us say for half an hour and finished". This is the custom in most of the Synagogues in the world. People don't pay much attention to the Kinnot, because the Hebrew is very difficult. Paytanim that were written in the Middle Ages and a person has to be knowledgeable in Shass, Midrashim, Tenach, Poskim, Toladot AM Yisrael, things related to the Churban HaBiet to understand the hidden meaning behind the Peyout. There are things involved that have to do with the Bar Kochba revolt, Crusades, other Pogromim and they don't have a direct relationship to Churban HaBiet. The theme here is "Bechi L'dorot" crying of Yisrael through their generations. All the "tzorot" which have happened to Yisrael is the reason for saying Kinnot. The burning of the Talmud in 1260 plus is the reason for writing Kinnot.

By the Rav Soloveitchek in his Beit Midrash in Boston this was not so. After the Kiri'at HaTorah and Yermiyahu by the RAV they would say Kinnot. But to say Kinnot were not only words, but also explanations. There would be explanations - emotional, psychologically, etc. and they would not finish until into Mincha Katana which in the States is between 5 and 6 in the evening. He used to say Kinnot 8 or 9 hours even though he said that the original custom was up until midday (Chatzot HaYom). For Rav Soloveitchek that was simple, but for us that is tremendous. For it is the custom up until midday to sit on the ground and afternoon on a chair. There are many laws which we begin to feel a lightening of the burden of the fast after midday. There are those who permit smoking after midday. I am not one of them, because I believe that smoking should be forbidden all the time. Ashkenazim are permitted to put on a Tallis and Tephillin and an outside change reflects an inside positive change. What is the "Ophie" (personality) of Tisha B'AV in the morning compared to that in the afternoon. I once heard Rav Aaron Soloveitchek speak in the old city of Yerushalayim in the afternoon of Tisha B'AV. He was lying on the couch with his head up and when he saw me, he said: "Shalom Aleichem" and then he hit his head and said "Oh vey it is Tisha B'AV, but there are some late Poskim that hold that after midday it is permissible. Rav Soloveitchek Zal once said that Tisha B'AV suffers from Schizophrenia Halchait. Up into the morning, we are on the floor and when we get up in the afternoon, it is like we are walking towards Shabbos Nachamu.

One of the elements that is very important on a public fast day is the addition of pray. There is nothing like Yom Kippur, on the other fast days Sleichot and Avinu Malkanu (except Tisha B'AV). On Tisha B'AV no Sleichot, no Tachanum, no Avinu Malkanu. Why is this so? From Eicha - "Stum Tephillati" (my prayers were cut off). What is the mean - that the Churban was so great that it disrupted communications between HASHEM and the nation of Israel. Because of the lack of communications, on the morning of Tisha B'AV, we say the minimum of minimum to say what we are required to say. The reading of the Torah on Tisha B'AV is a big accusation of idol worship and what will eventually bring about the Churban. Yermiyahu for the Haphtorah brings out the women who are saying Kinnot. Usually after the Haphtorah there is a half kaddish or break and here not. The Rav says that this is a Halochik continuation of Yermiyahu. Otherwise it would be forbidden to ask "Eicha". The Rav states that there is a difference between private and public mourning. In private mourning there is an order of silence. The mourner must be silent. The only thing that a mourner can talk about is to praise the dead. He has to accept Divine justice and it is forbidden to ask a question against the Holy One Blessed Be He. (HOBHH) In public mourning, questions and answers are not really permitted against the CREATOR, but we can ask How did you do this? The one who gave us the permission to ask is none other than Yermiyahu the prophet in Migillat Eicha. Also in his Haphtorah when Yermiyahu invites the women who are saying Kinnot, he gives us permission to ask the above question. That is why Rav Eliezer Kaliah opened most of his Kinnot with Eicha. It is like he is in the foot tracks of

Yermiyahu. In the afternoon, we use the standard fast reading with the 13 Middot and Yeshaiyahu with the salvation of HASHEM. This conveys the idea of repentance in prayer. The RAV said "Do not think that Shabbat Nachamu starts the consolation, but midday on Tisha B'AV when we turn around our mourning into the end of mourning and starting the path for consolation. As you know that a mourner can't get married during the Shiva and up until the end of the 30th day. Sometimes Rabbis get questions regarding brides or grooms who have lost a parent and because the wedding is planned long in advance with loss of money etc. - how they can get around it and Sheva Berachot and then sit Shiva. But from the main point of the law, a person who is a mourner during the shiva or sheloshim should not get engaged or married. Today we do both under the Chupa with until the reading of the Ketuvah - the Erusin and afterwards the Kiddushim. The Erusin and Kiddushim are forbidden for private mourning - as for public mourning during the week of Tisha B'AV Kiddushim it is forbidden for marriages to take place because this is a simcha, but Erusin (giving of the ring) not only are they permitted during the 3 weeks and the week of Tisha B'AV but on Tisha B'AV itself. Why - because somebody else might come and make Erusin to the bride. Today it sounds funny, Rav says that the mourning on Tisha B'AV is not like the loss of a close relative. The private mourner's world is temporarily destroyed and now he can't think of engagement or marriage. He can't think of the continuation of the family. At present, he has to think of fixing his "dalet amot" - he can't think at this minute of a long term future but only for himself. Churban is not related this way to marriage. Everytime a Jew marries he helps the Geula of Yerushalayim "Kol sosson, kol simcha ...etc." If Tisha B'AV has an element of Geula so the first stage can be brought with. Therefore Erusin on tisha B'AV is permitted as it is the first step in rebuilding "Am Yisroel" for the rebuilding of Yerushalayim and the "Beis HaMikdash" (TEMPLE). That is the "Raiioyn" (idea) behind Tisha B'AV.

The RAV when he said Kinnot would emphasize "Token" (content/meaning). Sometimes he would emphasize a line, paragraph or chapter, or a complete Kinna. I can only demonstrate just the slightest of what the Rav would do. This will be only a "Taam" (taste of the Rav's explanations). There is no "Taam" (meaning) but good likeness. For example one of the first Kinnot that we say: "Abayd Edomim" - one can see the Aleph-Bet here in the Kinna. Notice that the first row has a lot of Alephs and the second a lot of Bets (here Rav Adler read in Hebrew). This is how the Paytanim of the middle ages wrote. Edomim is a code for the Romans (Esav). How did HOBHH let the Edomim destroy YOUR Nation. What has happened with the Brit Ben HaBitarim? YOU made a Brit Ben HaBitarim. Has HOBHH forgotten Parshat Lech Lecha and the Brit that he made with Avraham! There is a Gemara in Tractate SHABBOS 55A there is written "Tama schut Avot" (the merits of our Fathers have ended) Tosavot (Rabbinu Tam) on spot says "It is true that "Tama schut Avot" but not "Brit Avot"." When Rav Soloveitchik say this he wanted to know what is the relationship between "Brit" and "Schut"? Schut Avot is a thing which people hold a lot of merits. For example in match making people like to know "Who was the father, grandfather, great-grandfather etc." I travelled to an old grave site in Warsaw where there are over 500,000 graves. It was interesting to see the difference in the graves of the Litvoks and the Chassidim. On the graves of the Litvoks, one could see the standard epitaphs which one sees in Yerushalayim today. "He set aside time for TORAH, gave charity, did merciful deeds, etc." All this is quite honorable. On the Chassidim was written "the son of... son of... son of... Admor (Chassidic Rebbe)". Even to this day at the weddings of honorable Chassidim, one reads before the Chuppa the "Yechus" (genealogy) of the families. So by the Chassidim it is most important "Schut Avot". The Gemara says "Tama schut Avot". (finished - you can't hold too much from "Schut Avot") What is "Schut Avot"? What is "Brit Avot"? The former gives a trait (ie; Love of G-D/loved by G-D) which is passed on to his child - if the son has a son then to the grandson. This trait will continue in the family a number of generations but it is impossible to expect that the trait will continue on indefinitely. Avraham Avinu had a great love for G-D. (G-D also loved in turn his servant Avraham - my clarification). He gave birth to Yitzchak who was very similar to him. Yitzchok had Yaacov. Yaacov was the grandson of and similar to Avraham Avinu. But after the tribes and their children and more generations, the quality (my clarification) of the "Schut" was running out. The original love of G-D for Avraham Avinu slowly disintegrated until finally "Tama schut Avot". "Schut Avot" is a function of "Regish" (feeling). How can this feeling by HOBHH be? = HE gave TORAH in the language of mankind. Brit is a contract, a matter of negotiation (like business). If family A signed a contract with family B and there is no reason even after 1000 generations to cancel the contract; then the contract is still in force. Here Rabbinu Tam wanted to emphasize that our rights to the land of Israel is not a matter of feelings but a binding agreement. So the Paytan cries "How can YOU not remember Brit Ben HaBitarim?" If we are still in "Galut" after all these years, it is permissible for us on Tisha B'AV to say the pained feeling "What happened to the Brit?" We never say that we are free from sin and that HOBHH cancelled one sidedly the contract. Just the opposite we say "YOU are a righteous G-D". Still the above saying is in order here.

When we talk about "Churban" we are talking about tremendous number of sufferings. We often forget the individual. We are used to this concept with the millions that perished in the holocaust. Now there is a movement in Yad V'Shem to read individual names. This is important because millions are already a matter of statistics. However, when we call name after name, then the matter becomes close to our heart. When Yermiyahu pines at the death of Yoshiyahu then the paytan Rav Kaliah writes a Kinna on an individual suffering as the nation goes into Galut. It is forbidden for us to forget the individuals. Here the RAV spoke of the four expressions of Galut. Just as there are four expressions of redemption on the four cups of wine on Pessach so here there are four expressions of Churban. There are many Churbanim which came about because of Churban HaBiet so we can reflect on the various aspects of the Churban. We look at this not only that it was detrimental to "Am Yisroel". The RAV wanted to emphasize much the hurt of TORAH. Many times we forget this. Now we can talk about three times: Rabbi Akiva and the Bar Kochba revolt, the Crusades and the Holocaust. Besides these there were many other tragedies in the history of our nation. These three are singled out because of them there was almost a complete loss of TORAH. This was like the last minute before the TORAH would be lost. TORAH was almost lost because of the deaths of many Talmidai Chochamim. On Yom Kippur we read of the 10 Rabbis who were killed by the kingdom. Don't think that the Bar Kochba revolution left us with only 10 dead Rabbis. Who were the 24,000 students of Rabbi Akiva who died in the plague. Tractate Yevomot - Rabbi Akiva and Hazal knew that it was impossible to talk openly in front of the Romans. Also they wanted to speak of the honor of "Am Yisroel". So they spoke in codes. We are talking about a generation of Talmidai Chochamim who were supposed to be the continuing generation. They disappeared in one stroke due to the revolt of Bar Kochba. It was because of the revolt that it is permissible to write down TORAH SHEL BAAL PEH. (Oral tradition) Was it a whim of Rabbi Meir or afterwards Rabbi Yehuda HaNasi to write this down? No, this was because there was no other solution otherwise there would be a danger of total loss of TORAH. "A time for doing unto G-D". Just like "Pikuah Nefesh" can violate the TORAH, so here there was a "Pikuah Nefesh ruchani". The same thing happened because of the Crusades. At the end of the 1100's and the beginnings of the 1200's the Reshonim who wrote the paytanim felt small in relation to the giants who stood before them in the late 1000's. This comes in the Kinnot where they discuss loss of TORAH. The third period was the Holocaust. In 1946 C.E., "Am Yisroel" did not feel the blow of the Holocaust. Only in our days are we beginning to feel the tragedy of the loss of TORAH some 50 years ago. There were a few survivors who managed to come to Yisrael or the U.S.A. After 20 or 25 years, we managed to rehabilitate TORAH. Can anyone say that there is no TORAH in "Am Yisroel"? Thank Heaven there is TORAH even on a high level both B'Arezt and Hootza L'Arezt (Israel and in Galut). But everyone knows that since the death of Rav Moshe Feinstein, and other big Rabbis in the U.S.A. (ie; Rav Yaacov Kaminetski, etc.) - one Rosh Yeshiva after another of the same generation passed away in a matter of about 4 years. There are younger Rabbis who have filled the positions of the giants; but they are not the same. Everybody knows that. Today, ask somebody in the U.S.A. who is the "Gadol"? There is no answer! It is an orphaned generation. There are big Talmidai Chochamim. However, between a Talmid Chocham and the "Gadol HaDor" (great one of the generation) there is a tremendous gap. Rav Lichtenstein gave a Chesped for HaRav Soloveitchik Zal in the Beit Keneset HaGadol and somebody asked "Where are the Gadolim"? I answered "Ayn" therefore they didn't come.

I am holding here a photocopy of a letter from the great yeshiva of Branovitch written by the hand of Rav Elchanon Wasserman. He was one of the Talmidim HaMuvhakim of Rab Chaim Soloveitchik of Brisk. The letter is dated 1938 C.E. Nobody saw the Holocaust as what it was, but there were signs which worried the people. (Background information) In order to enter the U.S.A. in those days it was not easy. There were 10 years of depression since 1929 C.E. and everybody needed a close family to guarantee his income in order to enter the U.S.A. The States could not open up her doors for immigrants - this was an excess burden for her. My parents were lucky to have relatives who signed for them. My father left Berlin in '39 and my mother Austria in '39. Here Rav Elchanon Wasser received requests from two Yeshivot in America. One from HaRav Revel of Yeshiva College under the name of Rav Yitzchak Elchanon (now Y.U.) and the other from Chicago - Beit Midrash LTORAH (now called Skolkie). Y.U. not only offered to have Rav Elchanon Wasserman come over with his family, but all his Talmidim and their families. Rav Revel Zal offered to give him full autonomy (a complete Branovitch with a separate dormitory wing on the campus in New York). The Yeshiva was willing to guarantee the income of Rav Elchanon Wasserman, the student of Rav Chaim. Here is the letter in the holy hand of Rav Elchanon why he rejects accepting the offer. Why? - because he heard that in spite of the fact that he has a great "Gashmit" (physical/material) danger, in America it was very difficult at that time to remain "Shomer Shabbot". So he writes, I am going from material danger into to "Ruchanit" (spiritual) danger. Now is that worth it? If Rav Elchanon knew what

would happen to him, his family and all his students; then he would have been willing to crawl to safety (and certainly would have jumped at such an opportunity - my addition). In '41, he and all his family and students perished by sanctifying G-D's NAME. There are many stories of the "Kiddush HASHEM" of Rav Elchanon Wasserman. The same students - I assume to be a student of Rav Elchanon in Branovitch would have been 22 years old or more - today would be a Gadolim at the age of 70, 75 years of age. Where are these students today - ashes somewhere in Europe. Not only these students, but all the students of that generation who did not succeed in fleeing were lost. Now 50 years later, a whole generation of leaders - Rav Soloveitchik just one of them leaves us with an orphaned generation. This was the feeling of the generation after Rabbi Akiva and the Reshonim felt the same way. Here in the Kinna "Erzay HaLebanon" - 'these are the 10 martyrs of that were killed by the kingdom. On these I cry'. Where does the number 10 come from? - In the Mussaf Prayer of Yom Kippur after the "Avodah". This is between the morning of the Churban and the confession. HARAV said that when we compare the pray of Yom Kippur and "Erzay HaLebanon", we are dealing with the loss of TORAH and the tragedy of the deaths of the wisemen of Yisrael. On Yom Kippur there is an opening which is a bit strange talking about the sale of Yosef by his brothers and the wisemen of Yisrael are asked to judge what punishment is befitting a person who steals an Israelite and sells him into slavery. Rabbi Yishmael uses the Divine NAME and goes up to heaven and is told to accept the sentence. What did the paytan want here? The answer is philosophical in nature. If Rabbi Akiva and his generation accepted Bar Kochba as "Melech HaMeshiach" then how come it failed? Because of our sins! What were the sins - eating pork on Yom Kippur! - That the students of Rabbi Akiva didn't honor one another. We know in Perkei Avot that it says that if one does say a word in the name of the original spokesman, it brings redemption into the world. If a person gives credit to the previous spokesman, it shows humbleness and modesty. If a person brings a statement from others as if it is his own (cleverness, "Chiddush") there is no bigger "Gaavah" (proudness) than this. If a person says that he received his learning from Rabbi so and so, this is a function of "Ahavat Yisrael". "Gaavah" is just the opposite. The Talmidim of Rabbi Akiva did not have the foundation of the honoring of one to another. If the students of Rabbi Akiva acted so, how much more so the nation. In Tractate Yoma 8 it states that the "Beit HaMikdash" was destroyed by "Sinat Hinom" (groundless hatred). The question that should have been asked is: "Is there "Sinat Hinom"?" If 'yes' then forget it. The students of Rabbi Akiva died in the plague of not giving honor one to another. The paytan of "Elu Aeskaba" of Yom Kippur uses the example of Parshat "Vayeshev" to indicate "Sinat Hinom" - Brotherly hatred. The paytan asks the question on Yom Kippur because of the confession of "Sinat Hinom". We don't have a "Beit HaMikdash" every year because of the "Sinat Hinom". Why does the reading of Yom Kippur talk about the death of the sons of Aaron? - Because the death of Zaddikim compensates for this sin. The RAV explained this - that Rabbi Yismael was told from behind the curtain: "Accept the judgement". This is to be a sacrifice for "Am Yisrael". A sacrifice has to be from willingness. On Yom Kippur the motif is confession and sacrifice. On Tisha B'Av the motif is mourning. Therefore there is no need for the introduction with the "Sinat Hinom" it is enough to mourn for "Churban TORAH". There is a section of Kinnot "Heharishi Memeni". Here we can see the giant mind of HaRav Soloveitchik. The section ends with the bewailing. "Who will take apart "Havayot", who will answer broken sections (of Gemara), who will remove "Nazirut", who will explain (understand) "Nedarim"? This means who will give us the solutions to the above. The RAV says that in most of Shass Babli, we have the Rashi. But it is the Tractates of Nazir and Nedarim that the students of the Yeshiva world are afraid of. These Tractates are for students with high aims. Why? - because there are very few Rishonim on these Tractates. While the rest of Seder Nashim there are. What happened here? The Rav figured that the TORAH of the previous generation was lost and the Chochmei Ashkenaz did not have the tradition on how to solve the difficult questions that are brought out here. Therefore the paytan laments on the loss of this knowledge. This is the cry of loss of TORAH.

Other piyoutim of the loss of Chochmei Ashkenaz are "Me Yitain Roshi Ayin" Here the paytan talks about a pogrom in the town of Spira on the 8th of Iyar. In Magoa on Shabbos Kaddosh ...In Worms 23 Iyar; Rosh Chodesh Sivan. From here we see that in France and northern France there were pogroms between Rosh Chodesh Iyar and Shevouth and this is the source of the different Minhagim of Aveylut during this period. The paytan continues about the 3rd of Sivan from "Simcha" to "Yagoan". Thus what happened in Magencia. "B'seti M'Mitzrayim" "B'seti M'Yerushayim" ends on a positive note. Rabbi Yehuda HaLevi wrote "Tzion don't ask..." The RAV said here something extraordinary. "Shaal Shalom Yerushalayim" - that every Jew any place in the world is ben required to ask about the peace in Yerushayim. In Tactate Sukkah Rav Yochanan Ben Zacki asks "Lulov" the whole seven days? At home one day and in the Beit HaMikdash 7 days. Now Rabbi Y. Ben Zacki issued a ruling that we should hold 7 days in memory of the Beit HaMikdash. In Sukkah 41 we are asked why - the Gemara quotes Yermiyahu because nobody today enquires about Tzion. Tzion sits by herself and nobody asks

how she is. Therefore we are required to ask about the well being of Yerushalayim and Rabbi Y. Ben Zacki ordered this. The RAV asks "What is the relationship between this and Tractate Baba Batra where we are required to do certain things in memory of the TEMPLE. The Gemara brings "If I foret the O'Yerushayim then forget my right hand". Since there are two "Psukim" the Briskers hold two separate laws. The "Din" of Baba Batra is based on mourning for the past. The "Taam" of Rabbi Y. Ben Zacki is that soon will be built Beit HaMikdash. We are therefore forbidden to lose the perspective that soon the Beit HaMikdash will be here. We are continuing the Minhag of Beit HaMikdash to be used to them when it speedily will be rebuilt. This foundation of Minhagim will not be strange to us when Beit HaMikdash will be rebuilt. Yehuda HaLevi talks about the 4 directions (also psalms) - inviting the Jews to come back via the 4 directions. He wants to rebuild every place in Israel where there was a meeting between G-D and the children of Israel. The RAV asked what is the meaning of "Air of life souls in YOUR land"? - Only in Israel is the air holy. Only somebody like Yehuda HaLevi in Chotz L'Aretz in such tones could expect a Beit HaMikdash. Everybody else who says "Let our eyes see your return to Yerushalayim" is only paying lip service. "Next year in Yerushalayim" is not just a song. "Shir HaMaalot ...we were like dreamers" You have to be like Yosef HaZaddik 'Baal HaHalomot' (dreamer of dreams) to come to Israel. 100yrs ago there was a dream of a Jewish State with a Jewish fire dept., postal authority - thank G-D we have it. The dream continues. The next part is the TEMPLE mount, Beit HaMikdash. How can we sing "Shir HASHEM" in a strange land? But in Boro Park people don't have trouble. We have to educate the generation. Thus the paytan ends "B'Seiti M'Mitzrayim" with 'joy and pleasure when I return to Yerushalayim. In this world there is tension between the people seeking Emmet and those willing to compromise for Shalom. When Shalom and Emmet type of people will learn to love and respect one another we can truly look forward to Beit HaMikdash.

(I have tried hard to get the general gist - Rachamim Pauli)

From: owner-weeklydt@torahweb2.org on behalf of TorahWeb.org
torahweb@torahweb.org Sent: Wednesday, July 26, 2006 6:58 PM To:
weeklydt@torahweb2.org Subject: Rabbi Mordechai Willig - In Dire Straights: Then and Now

The HTML version of this dvar Torah can be found at:
<http://www.torahweb.org/thisWeek.html>

Rabbi Mordechai Willig
In Dire Straights: Then and Now

I

It is a Torah commandment to cry and to sound trumpets when any trouble besets the community, as it is said, "Against an enemy who oppresses you" (Bamidbar 10:9).

This is a path of teshuva, that when trouble comes and they cry and sound (trumpets), all will know that because of their bad deeds evil was done to them as it is written, "your sins have overturned these [good things] and your transgressions have kept goodness away from you" (Yirmiyahu 5:25). And this will cause that the trouble will be removed from them.

However, if they will not cry, but will say this is the way of the world, and the trouble happened just by chance, this is a path of cruelty, and causes them to cling to their evil deeds, and the trouble will lead to additional troubles.

This is what is written in the Torah, "if you behave towards Me with casualness, I will behave towards you with a fury of casualness" (Vayikra 26:27, 28). When I will bring upon you trouble so that you should repent, if you will say that it is a coincidence, I will add to you the fury of that coincidence. (Rambam, Hilchos Taaniyos 1:1-3)

Why is it cruel to attribute troubles of Am Yisroel to chance? Because by doing so one causes additional troubles. It is akin to one who has been instructed by a doctor how to relieve pain. Failure to follow these instructions is cruel.

II

There are days when all of Am Yisroel fasts because of the trouble which befell them, in order to awaken our hearts to begin down the path of teshuva. It is a reminder of our evil deeds and the

deeds of our forefathers that were like our present ones, until they caused them and these troubles. By remembering these things, we will repent to do good (ibid. 5:1)

On two of these days, Shiva Asar B'Tamuz and Tisha B'av, five tragedies befell Am Yisroel, culminating in the destruction of the first and second Beis Hamikdash. The phrase, "Kol rodfeha hisiguha bein hametzarim - All her pursuers overtook her in narrow straits" (Eicha 1:3) refers to the period of the "Three Weeks" between these two tragic fast days. Some laws of mourning are customarily observed during this period (Shulchan Aruch Orach Chaim 551:3,4).

These fasts are preparation for teshuva. Those who fast, but go on hikes and indulge in meaningless things, observe the secondary but ignore the primary purpose of the fast (Mishan Brura 549:1). The same can be said for the mourning of the Three Weeks and the Nine Days leading to Tisha B'av.

III

Indeed, the main theme of the Kinot is the relationship between our sins and our numerous troubles. The opening kina, recited right after Eicha, attributes our plight to baseless hatred and other sins identified by Chazal. The final kina for Tisha B'av eve begins, "at that time, through our sins, the Mikdash was destroyed, and through our iniquities the Temple was burnt down."

During the day of Tisha B'av we refer to later tragedies as well, including the crusades and, more recently, the Holocaust. The classical kina about the crusades, "Mi Yiten Rosh Mayim" explains that Tisha B'av is a day of mourning for all Jewish communal tragedies.

Although we lack the divine inspiration of the neviim and the wisdom of Talmudic giants, we are, nonetheless, commanded, as the Rambam taught, to do teshuva by first acknowledging our misdeeds. Great rabbinic leaders offered suggestions as to the cause of their respective tragedies.

For example, the burning of the Talmud in Paris in 1242 was linked to the burning of the Rambam's philosophical works after its Jewish critics gave them to Dominican monks. In the wake of the Cossacks' brutal murder of thousands of Jews in 1648, the author of Tosafos Yom Tov called for teshuva in shul decorum.

Each community in each generation must, with proper rabbinic guidance, engage in an introspective effort to identify areas where improvement is needed. Greater respect for opposing philosophies and the sanctity of the shul, today as in earlier centuries, are areas in which we are deficient.

IV

These themes apply at this time every year. How much more so when a terrible crisis engulfs Eretz Yisroel during this period. Our enemies in Lebanon and Gaza have killed and kidnapped brave soldiers, and have rained thousands of potentially lethal rockets that have claimed lives, destroyed property, and struck fear into the hearts of millions of civilians. Indeed we are in dire straits, bein hametzarim, between murderous hostile borders.

A few days after Shiva Asar B'Tamuz and the onset of the Hezbollah attack, we read in the haftorah, "mitzafon tipotach hara'ah al kol yoshvei ha'aretz - from the North the evil will be released upon all the inhabitants of the land" (Yirmiyahu 1:14). In last week's haftorah we were reminded of the Source of our embattlement, "lachein od ariv itchem, neum Hashem, v'es beni bneichem ariv - therefore I will yet contend with you - the word of Hashem - and with your children's children will I contend" (ibid. 2:9).

We correctly focus on the crisis in Eretz Yisroel, the military challenge and the global background. We earnestly pray for the success and safety of the heroic Israeli Army. We follow the tragic hits and Providential near-misses, and wonder how so many can criticize the Israeli incursions designed to stop murder and terrorism.

However, if we stop there, we are being cruel. It is our obligation to respond, as the Rambam teaches, by searching for our bad deeds which this

crisis demands that we address. Every individual must focus on teshuva, tefillah, and tzedaka to annul this harsh decree.

V

Special emphasis must be placed on interpersonal relationships, for two reasons. First, the Mikdash was destroyed because of baseless hatred (Yoma 9b). Every generation in which the Mikdash is not rebuilt, it is as if that generation destroyed it (Yerushalmi Yoma 1:1).

Apparently, if we corrected the misdeed which caused the destruction, we can merit the rebuilding of the Mikdash. Hence, if our generation has not merited that rebuilding, we have, perforce, not sufficiently corrected the interpersonal flaws of our ancestors.

Second, even the righteous soldiers of David Hamelech fell (because of informants), whereas the idolatrous soldiers of Achav were victorious in battle because they were united (Yerushalmi Pe'ah 1:1). In a broader sense, if Am Yisroel throughout the world can achieve greater unity, our soldiers will merit divine assistance and return safely.

"Omdos hayu ragleinu b'sha'arayich Yerushalayim - our feet stood firm within your gates, O Jerusalem" (Tehillim 122:2). What caused our feet to be firm in war? That gates of Yerushalayim that were engrossed in Torah (Makos 10a). Our war effort must include greater devotion to Torah study as well.

Indeed, the combination of Torah and unity can save us not only from our present crisis, but from our state of exile and destruction as well. "Tzom hareviI v'tzom hachamishi...yihye l'Beis Yehuda 'lsason u'l'simcha u'l'moadim tovim v'ha'emes v'hashalom ehavu - the fast of Tamuz and the fast of Av .. will be to the house of Judah for joy and for gladness and for happy festivals [only] love truth and peace" (Zecharia 8:19), i.e. on the condition that you will love truth and peace as I have commanded you (Radak).

The first Mikdash was destroyed because we forsook Hashem's Torah, the ultimate truth (Yirmiyahu 9:12, haftorah of Tisha B'av). The second Mikdash was destroyed because of baseless hatred, the opposite of peace. Only by correcting both of these errors can we merit the rebuilding of the Mikdash.

If we will do proper teshuva as we cry out for peace in Eretz Yisroel and commemorate the destruction of the Mikdash, Hashem promised to transform fasts into holidays and turn mourning into joy. May our proper response to current events and our genuine internalization of the lesson of Tisha B'av bring us peace and redemption.

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From: Halacha [halacha@utorah.org] Subject: Weekly Halacha Overview-

Public Fast Days

By RABBI JOSH FLUG

There are six fast days which are considered public fast days. Yom Kippur is the only fast day recorded in the Torah (Vayikra 16:31). Shiva Asar B'Tammuz, Tisha B'Av, Tzom Gedalia and Asarah B'Tevet are recorded in Zecharia (8:19). Ta'anit Esther is based on the fast that Esther fasted (Esther 4:16) and is recorded in Masechet Soferim 21:1.

The Difference Between Tisha B'Av and the Other Fast Days

The Gemara, Rosh HaShanah 18b, notes that the fast of Tisha B'Av is more stringent than the other three fasts mentioned by Zechariah because on Tisha B'Av there were multiple (and repetitive) tragedies. For this reason, the Gemara states that the fast of Tisha B'Av is obligatory and the other fasts are optional (when there is no national crisis).

Ramban, Torat Ha'Adam (Chavel edition, pg. 244) notes that all public fasts commence at sundown and last a full day. Furthermore, all of the activities that are prohibited on Tisha B'Av (washing, anointing, wearing leather shoes and marital relations) are prohibited on the other public fasts.

Ramban explains that the reason why these stringencies are not practiced on the "minor" fasts days is because the other days are, in principle, optional

fast days. While fasting on these days has become widespread practice, (and Ramban in fact maintains that it is prohibited to eat on these days now that it has become widespread) nevertheless, the widespread acceptance of these fasts was on condition that it does not entail all of the stringencies of Tisha B'Av.

Rambam, Hilchot Ta'aniot 5:5 and 5:10, implies that in principle Tisha B'Av is more stringent than the other fast days. The other fast days do not start until the morning and the only prohibition that applies on these days is eating (and drinking).

R. Yeshaya Horowitz, Shelah, Ta'anit 43b, sides with the opinion of Ramban and explains that the reason why there was no widespread acceptance of all of the stringencies of Tisha B'Av is because it is something too difficult to impose on the masses. Therefore, R. Horowitz suggests that an individual who feels that he is capable of fasting for twenty-four hours and refraining from the prohibited activities of Tisha B'Av should do so. However, he should not publicize this and therefore, he should wear leather shoes in public. This recommendation is cited by Mishna Berurah 550:6 (and Sha'ar HaTziun 550:9). [To the best of this author's knowledge, there are many scrupulous individuals who do not follow this stringency.]

For those fast days that begin in the morning, the Gemara, 12a, states that the fast begins at amud hashachar (dawn). However, the Gemara states that this only applies to someone who does not sleep the entire night. If someone goes to sleep, the fast begins at the time he goes to sleep. The Talmud Yerushalmi, Ta'anit 1:4, adds that if someone stipulates before he goes to sleep that he does not intend to begin the fast upon going to sleep, he may continue eating if he arises before amud hashachar. Shulchan Aruch, Orach Chaim 564:1, codifies the statements of the Talmud Bavli and Yerushalmi.

Fasting in Extenuating Circumstances

Mishna Berurah, Biur Halacha 550:1, discusses whether someone who has extreme difficulty fasting must fast on the minor fast days. This issue may be contingent on the dispute between Rambam and Ramban. According to Ramban, the reason why minor fast days are less stringent is because the fast days are, in principle, optional. When they were accepted as widespread practice, their acceptance was in accordance with the needs of the people. As such, it is possible that this widespread acceptance to fast did not include those who have extreme difficulty fasting. However, according to Rambam, the leniencies of the minor fasts are built into the original institution of the fast days. These minor fast days are not more lenient by nature and therefore, there is no reason to apply additional leniencies that are clearly not apparent on Tisha B'Av. Mishna Berurah concludes that a posek should deal with this issue on a case-by-case basis.

The same logic should apply to the discussion of pregnant women and nursing women. The Gemara, Pesachim 54b, states that pregnant women and nursing women are required to fast on Yom Kippur and Tisha B'Av. The implication is that they are not required to fast on the other fast days. Hagahot Maimoniot, Hilchot Ta'aniot 5:1, explains that the leniency of the minor fasts is based on the optional nature of these fasts. However, this explanation is insufficient according to Rambam who does not attribute the leniencies of the minor fasts to the optional nature of these fasts. Rambam himself implies (see Hilchot Ta'aniot 3:5 and 5:10) that pregnant women and nursing women are exempt from fasting on the minor fast days.

Nevertheless, one can explain that the reason why pregnant women and nursing women are exempt from fasting on the minor fasts is because the nature of a woman's obligation to fast is different than that of a man's. R. Yosef Rosen, Teshuvot Tzafnat Pane'ach (Dvinsk 1:13) suggests that a woman's obligation to fast on the minor fast days is similar to a private fast. He claims that Ramban's leniency for pregnant women and nursing women is based on this idea. One can then explain that regarding women, Ramban will agree to Ramban that the nature of the fast is patterned according to the way it was accepted as obligation. When women accepted

upon themselves to fast on the minor fast days, they did not include pregnant women and nursing women.

The Prayer of Aneinu

The Gemara, Ta'anit 13b, states that a prayer (entitled "Aneinu") is inserted into the Amidah on a fast day. R. Zerachia HaLevi, Ba'al HaMaor, Ta'anit 3a, asserts that one does not recite Aneinu at Ma'ariv because it is still permissible to eat. Ramban, Milchamot HaShem ad loc., maintains that one does recite Aneinu because the fast begins at sundown. Ba'al HaMaor seems to be following the opinion of Rambam that on the minor fast days there is no inherent obligation to fast until the morning. Ramban is following his own opinion that in principle, the fast should begin at nightfall. Ran, Ta'anit 4a, s.v. Yerushalmi Rabbi Yonah, adds that even if one is going to eat after the Ma'ariv prayer, it is still appropriate to recite Aneinu because in principle the fast begins at sundown. Shulchan Aruch, Orach Chaim 565:1, rules in accordance with the opinion of Ramban. Rama, ad loc., for technical reasons rules that Aneinu is only recited in the private Amidah at the Mincha prayer (see Rashi, Shabbat 24a, s.v. Arvit.) [Ba'al HaMaor, Ramban and Ran are all discussing a private fast. Shulchan Aruch applies the discussion to public fasts.]

Does the Mourning Period of Bein HaMetzarim Begin at Night?

R. Moshe Feinstein, Igrot Moshe, Orach Chaim 1:168, was asked whether it is permissible to schedule a wedding on the night of Shiva Asar B'Tammuz (prior to the fast). R. Feinstein writes that the question is contingent on the dispute between Ba'al HaMaor and Ramban. According to Ba'al HaMaor the fast of Shiva Asar B'Tammuz begins in the morning. As such, the mourning period of Bein HaMetzarim (the three week mourning period between Shiva Asar B'Tammuz and Tisha B'Av) does not begin until the morning of Shiva Asar B'Tammuz. However, according to Ramban, the fast begins at night (even though nowadays it is still permissible to eat) and therefore, the mourning period begins at night. R. Feinstein concludes that one may rely on the opinion of Ba'al HaMaor if there is a need to schedule the wedding specifically on that night. R. Feinstein adds that if Shiva Asar B'Tammuz occurs on Shabbat and is observed on Sunday, one may not schedule a wedding on Motza'eiShabbat because the Bein HaMetzarim period officially begins on Shabbat. R. Feinstein, Igrot Moshe, Orach Chaim 3:100, applies the same discussion to cutting one's hair on the night of Shiva Asar B'Tammuz and rules that one may only do so in a pressing situation.

From: Halacha [halacha@yutorah.org] Subject: Weekly Halacha Overview- The Proper Time to End a Fast

BY RABBI JOSH FLUG

The Proper Time to End a Fast

Last week's issue discussed public fasts and the difference between Tisha B'Av and the other fasts. This week's issue will focus on the proper time to end a fast. The article will discuss the ordinary scenario as well as some unusual scenarios.

The Ordinary Scenario

The Gemara, Ta'anit 12a, states that "any fast that does not experience the setting of the sun is not considered a fast." The implication of the Gemara is that a fast concludes at sundown. This is, in fact, the opinion of Rabbeinu Yonah (cited in Rabbeinu Asher, Shabbat 2:23). However, Rabbeinu Asher, Ta'anit 1:12, rules that the statement "any fast that does not experience the setting of the sun is not considered a fast," does not refer to sundown but rather to the complete setting of the sun which occurs at tzeit hakochavim (nightfall). Shulchan Aruch, Orach Chaim 562:1, codifies the opinion of Rabbeinu Asher that the fast concludes at nightfall. [See also, Aruch HaShulchan, Orach Chaim 562:9, who notes that there are a number of Rishonim who follow the opinion of Rabbeinu Yonah and that one who relies on the lenient opinion "should not be chastised."]

Shulchan Aruch's opinion notwithstanding, there are two reasons why one might conclude a fast prior to the time one normally concludes

Shabbat. First, as noted in a previous issue, there is a dispute between Rabbeinu Tam and the Vilna Gaon regarding the proper time for tzeit hakochavim. According to the Vilna Gaon, tzeit hakochavim occurs shortly after sundown, whereas according to Rabbeinu Tam, tzeit hakochavim does not occur until much later. R. Yitzchak Yosef, Yalkut Yosef 293:4, rules that even those who normally follow the opinion of Rabbeinu Tam (in determining the time of the end of Shabbat) may rely on the opinion of the Vilna Gaon in determining the time of the end of the rabbinic fasts.

Second, according to Rabbeinu Tam, sunset occurs in a two stage process. Astronomical sundown is the beginning of the process. The end of the process occurs a few minutes before Rabbeinu Tam's tzeit hakochavim. R. Moshe Feinstein, Igrot Moshe, Orach Chaim 4:62, rules that one who is following Rabbeinu Tam and is having difficulty fasting may end the fast at the end of the sunset process which R. Feinstein claims to be nine minutes before tzeit hakochavim.

One Who Travels to a Different Time-Zone

Suppose someone travels east on an airplane to different time-zone on a fast day. The fast will end in his place of arrival a few hours before it ends in his place of departure. Should he conclude the fast together with the people in his place of arrival or should he wait until the conclusion of the fast in his place of departure? The same question can be asked regarding someone who travels west.

R. Moshe Feinstein, Igrot Moshe 3:96, rules that one should always follow the place of arrival, even if it means that the traveler will fast for fewer hours. R. Feinstein states that the same is true for Tisha B'Av and there is no requirement to fast for a full twenty-four hours.

R. Ovadia Hadaya, Yaskil Avdi 8:38, suggests that the public fast of Tisha B'Av concludes at tzeit hakochavim at the place of arrival. However, there is a personal obligation to fast for a twenty-four hour period and that in principle, it should be made up on a different day. Nevertheless, one is not required to begin the twenty-four hour period at sundown of a different day. One can merely continue the fast until twenty-four hours are completed since the tenth of Av is an appropriate day to fast (see Shulchan Aruch, Orach Chaim 558:1).

Completing a Fast on Erev Shabbat

It is possible to accept a private fast on a Friday. Furthermore, Asarah B'Tevet occasionally occurs on Friday. The question arises: if a fast occurs on a Friday, may one accept Shabbat early and conclude the fast before the proper time?

The Gemara, Eiruvim 40b-41b, has a lengthy discussion regarding whether one should complete a fast that commences on Friday. The Gemara concludes that the "fast is completed." There are three opinions in the Rishonim regarding the conclusion of the Gemara. First, Tosafot, Eiruvim 41b, s.v. VeHilchita, explain that the conclusion of the Gemara is that it is permissible to complete the fast but it is not obligatory. For this reason, Rabbeinu Yitzchak (cited in Mordechai, Eiruvim no. 494) rules that it is preferable to eat before Shabbat starts so that one does not enter into Shabbat in a state of extreme hunger. He explains that although it is permissible to complete the fast, it is preferable not to complete the fast. Second, Rabbeinu Meir (cited in Mordechai, ibid) is of the opinion that one should complete the fast until the beginning of Shabbat. Once one accepts Shabbat, he should no longer fast. Third, Ra'aviah, no. 858, rules that a fast is not complete until tzeit hakochavim, even if one accepts Shabbat early.

Shulchan Aruch, Orach Chaim 249:4, rules in accordance with the opinion of Ra'aviah. Rama, ad loc., adds that one may be lenient regarding a private fast to eat once one accepts Shabbat.

One can explain the dispute between Rabbeinu Meir and Ra'aviah in two ways. It is possible that the dispute is contingent upon how one understands tosefet Shabbat (the ability to accept Shabbat early). If tosefet Shabbat transforms Friday into Shabbat, it is possible that tosefet Shabbat produces the same effect as tzeit hakochavim and the fast is considered complete. However, if tosefet Shabbat merely superimposes the sanctity of

Shabbat onto the existing day, the fast day is not considered complete until tzeit hakochavim.

Alternatively, one can explain that the dispute is contingent upon the ability of Shabbat to override the fast. Rabbeinu Meir is of the opinion that Shabbat and the fast cannot coexist and therefore, acceptance of Shabbat truncates that fast. Ra'aviah is of the opinion that Shabbat and a fast can coexist as long as the two days are not scheduled together on the calendar. Therefore, one must wait until tzeit hakochavim to complete the fast.

The practical difference between these two explanations is the efficacy of tosefet Shabbat to end a ta'anit chalom (a fast performed in response to an unsettling dream). The Gemara, Berachot 31b, states (see Tosafot, ad loc.) that it is permissible to perform a ta'anit chalom on Shabbat. A ta'anit chalom is considered a private fast and as such, it should ostensibly be permissible to end a ta'anit chalom that began on Friday once one accepts Shabbat (according to the opinion of Rama). Nevertheless, this issue is contingent on the aforementioned explanations. If the reason why it is permissible to end a fast early upon acceptance of Shabbat is because tosefet Shabbat transforms Friday into Shabbat, it would be permissible to end a ta'anit chalom upon acceptance of Shabbat because tosefet Shabbat produces the same effect as tzeit hakochavim. However, if the reason why Rabbeinu Meir permits ending the fast during tosefet Shabbat is because Shabbat and a fast cannot coexist, that reason does not apply to a ta'anit chalom which can coexist with Shabbat.

The issue of whether it is permissible to conclude a ta'anit chalom during tosefet Shabbat is a matter of dispute among the Rishonim. Hagahot Maimoniot, Hilchot Ta'anot 1: 3, rules in accordance with the opinion of Rabbeinu Meir regarding ordinary fasts. Regarding a ta'anit chalom, he rules that one should conclude the fast at tzeit hakochavim. Hagahot Ashri, Ta'anit 1:12, rules that one may conclude a ta'anit chalom upon acceptance of Shabbat. Mishna Berurah 249:23 quotes both opinions and concludes that one should be stringent on the matter.

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[From last year]

From: ravfrand@torah.org Rabbi Yissocher Frand [ryfrand@torah.org]
Sent: Thursday, August 11, 2005 11:41 PM To: ravfrand@torah.org
Subject: Rabbi Frand on Parshas Devarim

"RavFrاند" List - Rabbi Frand on Parshas Devarim

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Children are a Gift

"May God, the Lord of your fathers, add a thousandfold more like you and bless you, as He spoke to you." (Devarim 1:11)

The Jewish people, Rashi informs us, were not very happy with the blessing Moshe gave them. "May God, the Lord of your fathers," he had said, "add a thousandfold more like you and bless you as He spoke to you."

"Only that and no more?" the people responded. "Is that the full extent of your blessing? Hashem blessed us (Bereishis 32:13) to be like the dust of the earth that is too numerous to count."

"You will surely get the blessing Hashem gave you," Moshe replied. "This is just my own personal blessing to you."

What exactly was Moshe's reply? What additional benefit would the Jewish people derive from his blessing of a thousandfold increase if they were already receiving Hashem's blessing of virtually limitless increase?

The Chasam Sofer explains that Moshe was testing them. Why did they want children? Was it because children were useful, because they help carry

the household burden, provide companionship and are a source of security in old age? Or is it because each child is a spark of the Divine, a priceless gift from Heaven, a piece of the World to Come?

So Moshe gave the Jewish people a test. He blessed them with a "thousandfold" increase in their population. If they had wanted children for their usefulness alone, they would have said, "Thank you, but that's enough already! A thousandfold will suit our purposes just fine. We have no use for any more right now." But that was not what they said. They wanted more children. They wanted children "too numerous to count." Obviously, they were not thinking about their own material and emotional needs, but about the transcendent blessing that each child represents, and so, they proved themselves worthy of Hashem's blessing.

Hundreds of years earlier, these two conflicting attitudes toward children had already become an issue. Yaakov and Eisav had made a division. Eisav was to take this world, and Yaakov was to take the World to Come. When Yaakov came back from Aram, Eisav welcomed him at the head of an army four hundred men strong. In the tense early minutes of the confrontation, Eisav noticed Yaakov's many children.

"Who are these children?" Eisav asked.

"These are the children," Yaakov replied, "that Hashem graciously gave to your servant."

The Pirkei d'Rabbi Eliezer expands the dialogue between Yaakov and Eisav and reveals the underlying argument.

"What are you doing with all these children?" Eisav asked. "I thought we made a division, that I would take this world and you would take the World to Come. So why do you have so many children? What do children have to do with the World to Come? Children are a boon in this world!"

"Not so," Yaakov responded. "Children are sparks of the Divine. The opportunity to raise a child, to develop a Divine soul to the point where it can enter the World to Come, is a privilege of the highest spiritual worth. That is why I have children."

Yaakov wants children for their own sake, but Eisav views them as an asset in this world. Children are an extra pair of hands on the farm. They can milk the cows and help with many other chores that need to be done in agrarian societies.

Modern man has progressed beyond agrarian life. He has moved off the farm and does not have such a need for children anymore. In fact, he has made a startling discovery. Children are a tremendous burden. They are expensive, time consuming and exasperating. Who needs children?

But what about companionship? Loneliness? No problem. Modern man can get a dog. Dogs are wonderful. Instead of coming home to a house full of clamoring, demanding, frustrating children, he can come home to an adoring, tail-wagging dog who will run to bring him his slippers and newspaper. So why does he need children? This is the attitude of Eisav adapted to modern times.

Yaakov, on the other hand, understands that the purpose of children is not for enjoying this world or for making our lives easier. Each child represents a spiritual mission, a spark of the Divine entrusted to our care and our guidance, an opportunity to fulfill Hashem's desire to have this soul brought to the World to Come.

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<http://www.anshe.org/parsha.htm#parsha> Parsha Page
by **Fred Toczek** - A Service of Anshe Emes Synagogue (Los Angeles)

Parsha Page by Fred Toczek A survey of parsha thoughts from Gedolei Yisroel compiled by Fred Toczek. Perfect for printing and use at your Shabbos Tisch.

DEVARIM 5757

I. Summary

Moshe Reviews The Events And Experiences During The Years In The Wilderness. As the Jews neared Israel, Moshe began to review the events and experiences which had occurred during their years in the wilderness. In this Parsha, Moshe recalled:

A. The Journey From Sinai; The Appointment of Judges and Administrators; The Meraglim (Spies). At Mt. Sinai, Hashem had commanded the Jews to break camp and journey to Israel. Moshe claimed that he was unable to bear the burden of leadership alone and judges and administrators were appointed to help him. On the verge of entering Israel, the Jews were dismayed by the Meraglim's pessimistic report and complained to Hashem; their lack of faith led to their extended wandering in the desert during which time almost all of the older generation died.

B. The Jews Defeated Sichon and Og. After the Jews had encamped at Mt. Seir for a long period, they were told to continue their journey by passing through the land of Edom, although they were told not to engage in any hostilities since this territory had been promised to Esav's descendants. They were similarly told not to attack the residents of Moav, for their land was reserved for Lot's children. They did, however, defeat Kings Sichon and Og, and fear of the Jews began to spread amongst the neighboring nations.

C. The Land Of Gilad. As discussed in Mattos, the land of Gilad had been given to the tribes of Reuven, Gad and part of the tribe of Menasseh (with the proviso that they join their fellow Jews in the battle to conquer Israel). Moshe encouraged Yehoshua not to fear the nations living in Israel.

II. Divrei Torah

A. Lil'Mode U'lamed (**Rabbi Mordechai Katz**)

1. Greatness Has Many Levels. After Moshe protested that he was unable to bear the burden of leadership alone, Hashem advised him to select judges and administrators to assist him. But why was Moshe -- who led the Jews out of Egypt, performed miracles, etc. -- unable to lead the people on his own? Had his power diminished? Moshe remained a powerful leader; however, Hashem did not think it would be beneficial for Moshe to monopolize the mantle of leadership. For had he done so, the other Jews would have had no incentive to reach great heights (since they could never reach or even approach Moshe's level). While the seventy Elders appointed by Moshe couldn't hope to reach his level of eminence, they did attain their own pinnacle of distinction, evidencing that there are many levels of greatness and that each of us has the opportunity to reach our unique degree of prominence. As Rabbi Moshe Feinstein, zt'l said, "Hashem commanded the appointment of judges at all levels in order to present a goal for everyone; even someone who isn't blessed with the abilities of a Moshe can still aspire to be a judge over a thousand or hundred, or a least fifty or ten. Whatever level he attains, however great or humble, can then be used as a stepping stone from which to strive for even higher and higher plateaus (Darash Moshe)". We each must strive to discover how we can best utilize our talents to serve Hashem and our fellow man. A famous story is told in the name of many great Chassidic Rebbes, including Reb Zusia. He often said that after a person dies and ascends to the heavens for judgment, he is required to defend his past actions and behavior. But, he isn't asked why he wasn't as great as Moshe, as learned as Rabbi Akiba, etc. Each person has difficult capabilities and is only asked why he didn't use his G-d-given talents to the fullest -- was he as great as he could have been?!

2. The Right Association. Moshe refers to the Euphrates as the "Great River". Rashi commented that it is referred to as "great" because it is mentioned together with the land of Israel. The same is true of people -- if they associate with great people, leaders and scholars, they too can be called great. This is why the company we choose is so important -- if we select

companions with undesirable character, their corrupt ways will rub off; if, however, we surround ourselves with good and ethical people, we gain for ourselves not only a good name, but their positive traits will serve as a model upon which to base our own behavior.

B. Peninim on the Torah (**Rabbi A.L. Scheinbaum**)

1. Holding on to our Heritage. "May He make you so many more like you a thousand times, and may He bless you as He has promised you". This prayer by Moshe asks Hashem to make future generations "like you" (i.e., following in the path of Torah paved by our ancestors). In order for this prayer to be realized, we must imbue our children with a link in the chain of tradition -- Torah learning and every historical event, sad as well as joyous events, must be a part of our children's personal "experience". Today's blessing must coincide with the pattern of yesterday's values.

2. Recognizing Others' Suffering. "How can I myself bear your bothersomeness and your burden and strife?" The Midrash in Eichah distinguishes among three prophets who prefaced their prophecy with the word "Eichah": (1) Moshe, who bemoaned his obligations to deal personally with all of the Jews' strife and complaints; (2) Yeshayahu, who lamented the Jews' infidelity; and (3) Yirmiyahu, who beheld the Jews in their disgrace. The digression of the Jews became progressively worse during each of their three tenures. We often complain about our lot in life, not realizing that it is all relative and that others may be experiencing even greater hardships. We must learn to view our fate in the proper perspective that it reflects the decisions of Hashem, who in His infinite wisdom knows what is best for us.

C. Growth Through Torah (**Rabbi Zelig Pliskin**)

1. Master the art of seeing the good in others. Rashi cites the Sages: "If Moshe came out of his house early the people would say Why is Moshe early? Perhaps he is having family problems at home'. If he came out late from his house, they would say Moshe stays home longer in order to avoid negative plans against you". Someone with a tendency to judge others negatively will always find faults in others. But, there are always positive ways to interpret others' behavior -- if Moshe came out early, they could have said "Look at his willingness to sacrifice his time at home to help others"; if he came late, they could have said "He wants to prepare himself properly so as to be most effective at giving good advice." The way we interpret events has more to do with our character traits than it does with the reality of what someone else is like. The Torah commands us to judge others favorably. The more we do so, the better we ourselves will feel.

2. Treat others as close relatives. "And I commanded your judges at that time saying, listen among your brothers. Per Rabbi Zalman Sorotzkin, this teaches us to treat anyone who comes to us as a brother or sister. (Rashi cites the Sifri that Moshe was also telling the judges that, in settling quarrels, one must remember that every life situation is different; accordingly, each case should be viewed as entirely new and every detail considered.)

3. If you feel love towards others, you will assume that they have love for you. "And you complained in your tents, and you said, because the Almighty hated us he took us out of Egypt to hand us over to the Emorites to destroy us". Rashi comments that Hashem really loved the Jews but because they felt hatred towards Him, they mistakenly felt that He hated them. (As Rabbi Goldberg notes, this may be the first case of "projection".) We all tend to project our feelings towards others onto them. If you think that everyone disapproves of you, you likely don't approve of others and/or yourself. Conversely, if you feel love and compassion for others, you will assume that others feel positive about you.

From: Avi Lieberman <AteresHaShavua@aol.com>

Subject: ATARES HASHAVUA

Mesivta Ateres Yaakov 1170A William Street Hewlett NY, 11557 (516)-374-6465 AteresHaShavua@aol.com
EMES LIYAAKOV
Weekly Insights from MOREINU
Horav Yaakov Kamenetzky ZT"L
[Translated by Ephraim Weiss <Easykgh@aol.com>]

"Do not fear from anyone, for justice belongs to Hashem."

The Sifri on this pasuk explains that a judge should not fear entering judgment against a litigant. The judge should not fear that the guilty party might kill him, or destroy any of his property, and should enter the proper judgment no matter what.

Rav Yaakov Kamenetzky zt"l asks a question on this Sifri. Once the Sifri has taught us that a judge may not enter an incorrect judgment, even for fear of his life, it is obvious that he must risk property damage for the sake of a proper decision. Why does the Sifri have to repeat this?

Rav Yaakov answers this question by delving into the source for this strict chiyuv of mesiras nefesh. Generally, one is only obligated to give up his life for the three aveiros chamuros; murder, immorality, and avodah zarah. Why then must a judge give up his life for the sake of rendering the accurate verdict? Rav Yaakov explains that this halacha falls into the category of Kiddush Hashem, for which one is obligated to give up his life as well. The halacha is that if a non-Jew asks a yid what the halacha is in a given circumstance, the yid must answer correctly, even if he knows that his answer will anger the non-Jew to the point that he will kill him. This halacha of mesiras nefesh falls into the category of Kiddush Hashem, as it would be a chillul Hashem to misrepresent Hashem's Torah to please a non-Jew. Similarly, in this case, the judge may not misrepresent the halacha, even for fear of reprisal that will threaten his life, as to do so would constitute a chillul Hashem.

This halacha only applies once a non-Jew has asked a question, which to answer correctly would pose a danger. Certainly, one need not seek to antagonize a non-Jew, by telling him a halacha that he will react violently to. Similarly, in this case, the judge is only obligated to be meser nefesh once he has reached his verdict, and is concerned of reprisal from the losing side. He has no choice but to render his verdict, despite his apprehension. However, if at the very outset, the judge is concerned about the reaction of one of the litigants to an unfavorable decision, he is not obligated to hear the case at all. Indeed, at any point before the judge has reached his verdict, he may drop the case if he fears revenge from the part of one of the litigants.

When the Sifri included both fear of death, as well as fear of financial loss in a judge's chiyuv of mesiras nefesh, he was teaching us a chiddush in the second aspect of this halacha. The only time that a judge must make a financial sacrifice to ensure an honest verdict is when he is also obligated to risk his life. As such, in the case where the judge has not yet reached a verdict, he is not obligated to risk his life, and neither is he obligated to risk even financial loss.

May we all be zocheh to make a Kiddush Hashem in life, so that we may merit to see the King's honor restored to its fullest degree, with the coming of Moshiach, and the rebuilding of the Bais HaMikdash, b'mihayra b'yameinu, amen.

Young Israel Weekly Dvar Torah From: 11325-return-238-10500539@lb.bcentral.com on behalf of National Council of Young Israel [YI_Torah@lb.bcentral.com] Sent: Thursday, July 27, 2006 8:31 PM
Subject: NCYI Dvar Torah: Parshat Devarim

Parshat Devarim 4 Av 5766 July 29, 2006

Daf Yomi: Yoma 52

Guest Rabbi **Rabbi Chaim Komendant** Associate Rabbi, YICR

Probably the most difficult Shabbos of the year is the Shabbos that precedes the fast of Tisha B'Av. The special name of this Shabbas, is

Shabbos Chazon based upon the first word of this week's Haftorah that is taken from the Book of Isaiah (Chapter 1 verse 1). The tune associated with this Haftorah is that of Eicah and not the regular tune that is sung during the rest of the year. The mournful tune of this Haftorah and the Minhag of certain communities to sing L'Cha Dodi to the tune of Keli Tzion (another mourning tune sung at the conclusion of the Tisha B'Av service) sets the tone of this Shabbos and for the period leading up to Tisha B'Av. The question is simply why?

The Shulchan Aruch (Siman 284, Sif 1) explains that the Haftorah will be based upon the subject matter of the weekly Torah reading or the last subject matter read. The Aruch HaShulchan explains that during the time of Syrian-Greek persecution when the Torah was outlawed, the Sages of that generation instituted reading from the Prophets so that the subject matter of the weekly Parasha would be discussed. When the persecution period ended, the custom of reading the Haftorah has continued to this very day.

Isaiah lived and prophesied during the reign of Uzziah, Yosam, Achaz, and Chezkiah. This was approximately 100 years before the destruction of the First Temple. He decried the sins of the King and the people and predicted the destruction of the First Temple and the government because of their failing to adhere to the Torah. Where do we find such admonition in this week's Parsha?

The Lutzker Rav - Rabbi Zalman Sorotzkin ZT"L in his commentary on this week's Parsha makes an interesting observation. The beginning of Sifrei Shemos, Vayikra and Bamidbar all begin with a Vav. Shemos begins V'Elah Shemos, Vayikra begins Vayikra, and Bamidbar begins Vayidaber. The Vav signifies that each Sefer is connected to the previous one which ultimately joins it to Sefer Bereishis. However, Devarim begins Eleh Hadevarim, which signifies that it is its own Sefer. The Lutzker Rav further explains that the reason that this is so is that Sefer Devarim is filled with many warnings. Prior to his death, Moshe Rabbeinu teaches many commandments to B'nei Yisrael before we entered Eretz Yisrael. For this reason the name of Mishnah Torah or the teaching of the Torah is applied to Sefer Devarim. However, where do we find the admonition that would be so applicable to the theme of this week's Parsha?

It is interesting to note that devarim begins with the word Eleh. This word means "these are." Again, the Lutzker Rav notes that the opening two words of Eleh HaDevarim signifies the warnings that Moshe Rabbeinu spoke to Bnai Yisrael.

The Shelah Hakodesh makes an interesting point. When you want to rebuke someone, it is important to know who is giving the rebuke and in what language that rebuke is being made. The rebuke must come from a Talmid Chacham and from someone that people will listen to. In addition, the person giving the Mussar should not say that you did such and such thing, but should speak in a general tone.

This idea is based upon what Moshe Rabbeinu did in this week's Parsha. When G-d informed Moshe Rabbeinu that he would die after the war with Midyan, Moshe Rabbeinu requested that he wanted to review the entire Torah with B'nei Yisrael before he died as they entered Eretz Yisrael. Moshe wanted to clarify any difficulties that may exist and to make sure that B'nei Yisrael was thoroughly familiar with the Laws of the Torah. Prior to Moshe Rabbeinu reviewing the laws of the Torah he wanted to instill the fear of G-d in B'nei Yisrael. His reasoning, according to the Medrash was that if the people did not fear G-d properly, they would not perform the Mitzvos properly. The Midrash explains that Moshe was hesitant to rebuke B'nei Yisrael.

Moshe had good reason to be hesitant. He had been "burnt" by the waters of Meriva when he gave Mussar. Instead of speaking gently to B'nei Yisrael he gave them Mussar and G-d decreed that Moshe die in the Midbar and not enter Eretz Yisrael. Since Moshe had previously been punished when he admonished B'nei Yisrael, he now wondered how he could now give them Mussar. There is a three part answer to this question. One, once the B'nei Yisrael were cognizant that Moshe was about to die, they would

listen. Two, the people may have thought that prior to conquering Sichon and Og they would be unable to enter Eretz Yisrael and would die in the Midbar. Three, until the conquest of Sichon and Og, there was peace in the camp of B'nei Yisrael and they would not be open to Mussar. Once B'nei Yisrael defeated Sichon and Og, this "peace" did not exist.

We see from here that the Parsha and Haftorah of Devarim are joined together. The reprimands and warnings of the Parsha and Haftorah are a true setting for Tisha B'Av. We must all feel that there are improvements that we all need to make in our lives and in our relationships with our fellow man. But we may ask, do we really need to hear these warnings today? We have a homeland! We are not persecuted like our fathers! I respectfully ask - do we have peace in Eretz Yisrael? Are we friendly with our fellow Jew? Is our fellow Jew concerned with us? The most important question is do we have a Beis Hamikdash? Do we perceive G-d's presence in our midst?

I remember as a teenager trying to feel the loss of Tisha B'Av. I would go to old Jewish neighborhoods in Brooklyn (all the time keeping my car locked and secured), and see former shuls converted to churches and other uses. I would think of the stories that I heard my parents say about the "Jerusalem of Brownsville." The meaning was we have this beautiful Jewish neighborhood, what more do we need?

Today, this neighborhood and other communities around the world formerly inhabited by our people no longer exist. The children of many of these people are unfortunately no longer attached to B'nei Yisrael. I ask myself, do we care about them and what can we do? I then remember the words of Moshe Rabbeinu and Yeshayahu who exhorted us to be true to the Torah and its way of life and know that from Mussar we will find the proper path to fulfill the Mitzvos to their fullest. By taking the Mitzvos and the Torah to heart, we will care about people more, strive harder to come closer to G-d, and, ultimately, bring Mashiach Tzidkeinu. May we merit to fully understand the message of this Shabbos and take to heart the wise council of our Sages.

Shabbat Shalom!

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From: rabiwein-owner@torah.org on behalf of **Rabbi Berel Wein** [rabiwein@torah.org] Sent: Thursday, July 27, 2006 3:35 PM To: rabiwein@torah.org Subject: Rabbi Wein - Dvarim www.RabbiWein.com
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http://rabiwein.com/modules.php?name=News&new_topic=18
MENACHEM AV

<http://www.rabiwein.com/modules.php?name=News&file=article&sid=2093> Though the month of Av carries with a title – menachem – meaning comfort and consolation, it nevertheless remains the saddest and most disturbing month of the Jewish calendar. Comfort is a great and necessary word but as a true concept and in reality it is very difficult to obtain. This is particularly true for individuals reeling from the loss of a beloved one but it is also generally true for the national entity of the Jewish people as well. There has as yet been no comfort, even no closure, regarding the terrible national tragedy of the Holocaust, even though more than six decades have passed since the event. This should come as no surprise to Jews, for to a great extent the Jewish people have yet to be comforted for the destruction of our Temple and our exile, events that are almost two millennia old.

No person or institution in Jewish life is indispensable. But neither are they replaceable. It is the void that is left because of this irreplaceability that prevents true comfort from taking hold. Therefore, the Jewish people have remained restless and many times even disoriented over the long

exile that we have endured. The sadness of the first ten days of Av permeates and resonates within us precisely because the sense of closure and comfort has eluded us.

The Talmud states that there is a heavenly decree that engenders forgetfulness of the departed by those still living. However, if the object of grief and despair and loss is not truly dead but is only absent – such as was the case regarding Jacob's grief over the loss of Joseph – then this sense of closure and comfort remains absent as well. That is why the Torah records for us the inability of Jacob to accept comfort and solace from his family and friends. Joseph was not dead; the heavenly decree of forgetfulness which allows comfort was inoperative in his case. So comfort could not come to Jacob.

I believe that in an ironic and odd way the fact that the Jewish people still suffer from the anguish of the Holocaust is because of the intense efforts made by the Jewish community to prevent forgetfulness of the Holocaust from settling in. It is the Holocaust-deniers that wish to lull us into a false sense of comfort, to proclaim that it is over and that therefore bygones should remain bygones. The Bible records for us that our mother Rachel refuses to be comforted over the exile of her children because she is convinced that they are not permanently lost or exiled but will return. There is a positive side therefore to not being comforted. It allows for a connection to an unknown future that will not only provide comfort but even replacement of what and who was lost.

The sadness and tension of the first part of the month of Av are still with us centuries after the event of the destruction of the Temple simply because deep within the heart and psyche of the Jewish people the Temple is not gone, it is only missing. The entire enterprise of the return of the Jewish people to the Land of Israel in their millions over the past two centuries and the establishment of the Jewish state in our ancient homeland is testimony to the fact that to the Jews, the Land of Israel and the Temple were not dead issues. Those Jewish communities and individuals who "proclaimed that Berlin is our Jerusalem" and therefore sought permanent comfort in being "good" Germans, Russians, Poles, etc. did not fare well in God's world.

False comfort is far more damaging than no comfort at all. It remained for those Jews who did not forget that they were from Zion and Jerusalem to arise and help the Jewish people survive the worst and bloodiest century in its long history.

The prophet warns us against "being comfortable in Zion." Living in the Land of Israel is not a comfortable experience though it is a holy, challenging and inspiring one. For living in the Land of Israel makes us aware of what we have achieved against all odds and at the same time to appreciate what is still missing. The awareness of what is missing is what prevents us from being "comfortable in Zion." Thus the month of Av symbolizes in it the angst and challenge of living a Jewish life, of being grateful for what we have and yet maintaining a sense of loss for what we are still missing. May this month yet bring us the feeling of menachem – of a better time and the eventual comfort promised to us by G-d and His prophets.

From: peninim-bounces@shemayisrael.com on behalf of Shema Yisrael Torah Network [shemalist@shemayisrael.com] Sent: Thursday, July 27, 2006 6:20 AM To: Peninim Parsha Subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Devorim
PARSHAS DEVARIM ...

And we turned and we journeyed to the wilderness... and we went around Har Seir for many days. And Hashem spoke to me, saying, "Enough of your going around the mountain. Turn yourselves northward.." (2:1-3)

Horav Mordechai Rogov, zl, renders this pasuk homiletically. He cites the Midrash that explains the words, Penu lachem tzafonah, "Turn yourselves northward." Klal Yisrael complained to Hashem, "Master of the Universe, Eisav's father, Yitzchak, blessed him with the words, By your sword shall

you live (Bereishis 27:40). You approved of this blessing. Yet, You say to us now to hide from him. To where shall we flee?" Hashem replied, "When you see that he is prepared to attack you, flee to the Torah." Tzfonah is a reference to the Torah, as it says, "He lays up (Yitzpon) sound wisdom for the upright" (Mishlei 2:7). What is the Midrash teaching us, and how can we apply it to contemporary life?

Rav Rogov explains that our efforts to approach Eisav and his descendants reflect our insecurity in searching for ways to ingratiate ourselves to the host countries that have become our homes during our long exile. We are scared. We are different. We do not realize that being different is our distinction. Yet, we constantly attempt to develop a relationship based on ironing out our differences, by becoming more like them and less like we should be. We have erred by clinging to the belief that all of our woes are the result of our life of separation. If we would only acculturate and assimilate with the gentile world, we think that we will be accepted. This tragedy of Jewish history has repeated itself many times. Whenever we humble ourselves, when we fawn over our gentile neighbors, the strategy backfires. We are rebuffed as they remain unwilling to tolerate us, their innate hatred clouding any intellectual appreciation they might have for us.

Our only hope for improving our lot is to stop "circling the mountain," stop running after Eisav, obsequiously trying to blend in and receive his acceptance. It is time to "turn ourselves northward," to apply ourselves to the holy Torah. Rather than chase them in the streets, malls, and theaters, let us return to the shuls and batei medrash and do what we do best: daven and study Torah. By immersing ourselves in our heritage, we will develop a sense of mission that will ultimately lead to our meriting salvation and an ingathering of exiles.

This is the Midrash's message, "Enough of your going around the mountain!" There is no reason to search the mountain of Eisav for salvation or assistance. You will not find it there. Turn to the only true source of Jewish salvation: the Torah. As we return to the inner sanctums of our people, we will discover the sanctuary within ourselves and, consequently, merit Divine salvation.

'tov shem tov meshmen tov v'keser shem tov oleh al gabeiheh' li'lui nishmas R' Yaakov Zev ben R' Yehuda Aryeh z"l niftar 7 Av 5755 By his wife, their children, grandchildren and great-grandchildren Mrs. Jeanne Fogel Rabbi Yudie & Chaya Sarah Fogel, Nussie & Esther Fogel, Shalom & Ettie Fogel, Yosie & Bryndie Fogel, Rabbi Avigdor & Liz Jenkins, Rabbi Yitzie & Bryndie Fogel, Rabbi Avi & Suri Pearl and their families

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From: weekly-halacha-owner@torah.org on behalf of Jeffrey Gross [jgross@torah.org] Sent: Wednesday, July 26, 2006 6:06 PM To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Devarim WEEKLY-HALACHA FOR 5766

By **Rabbi Doniel Neustadt** Rav of Young Israel in Cleveland Heights
A discussion of Halachic topics. For final rulings, consult your Rav

THE NINE DAYS IN HALACHAH

QUESTION: In practical terms, how should one conduct himself with regard to the Nine Days' prohibition against full-body bathing?

DISCUSSION: One of the Nine Days' restrictions is the prohibition against bathing and showering.(1) 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, that 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.(2)

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

QUESTION: Which types of clothing are included in the prohibition against wearing freshly laundered clothes in the Nine Days?

DISCUSSION: Shulchan Aruch rules that 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.(3) It has become customary, therefore, that freshly laundered clothes are worn for a short while(4) before the onset of the Nine Days, so that the clothes are no longer considered "freshly laundered".

Contemporary authorities debate whether or not garments that are constantly being changed because of perspiration - like socks and undergarments - must also be worn briefly before the Nine Days. Some poskim hold that they must,(5) while many others hold that such garments are not included in the prohibition of wearing freshly laundered clothes and one need not prepare them before the Nine Days begin.(6) The widespread custom in the U.S. follows the second opinion.

QUESTION: Who is eligible to join a siyum and eat meat and drink wine during the Nine Days?

DISCUSSION: The restriction against eating meat and drinking wine is lifted when a seudas mitzvah takes place. This includes a siyum,(7) a bris,(8) or a pidyon ha-ben. Several poskim also include a bar mitzvah dinner which takes place on the day the boy becomes bar mitzvah.(9)

For a seudas mitzvah one may invite any man or woman who would normally be invited at any other time of the year, e.g., relatives or friends. Thus all campers and staff of a summer camp, both men and women, may join in a public siyum.(10) During the week in which Tishah b'Av occurs, only a minyan of people plus close relatives may partake of meat and wine at a seudas mitzvah meal.(11)

There are conflicting opinions about whether or not it is permitted to make a siyum specifically in order to partake of meat and wine.(12) While it is preferable to be stringent, one should follow the custom and the directives of his rabbi.

Regarding the nature of the text upon which it is permitted to make a siyum, the custom follows the halachically preferred option that a siyum be made only on a tractate of the Talmud, either Bavli or Yerushalmi. But there are poskim who allow a siyum to be made upon completing the intensive study of either an entire seder of Mishnayos or on an entire book of Tanach. Some allow a siyum even on three tractates of Mishnayos while others allow it even on one.(13)

L'chatchilah, all the participants should listen to and understand the siyum of the text as it is being read.(14) B'diavad, some poskim permit even those who were not present at the siyum to eat meat and drink wine at the siyum meal,(15) while other poskim are stringent.(16)

When a seudas mitzvah takes place, it is also permitted to drink the wine after Birkas ha-Mazon.(17) But the cup of wine which is usually drunk at a bris should be given either to a minor or to the mother of the child. (18)

Those who are particular to recite Havdalah every week over wine or grape juice should do so during the Nine Days as well,(19) since this too is permitted, just as it is permitted to drink wine at a seudas mitzvah. (20) In some places it is customary for a minor,(21) if one is present, to drink the wine,(22) while in other places an adult drinks the Havdalah wine.(23)

Those who make Havdalah on beer or another chamar medinah year-round should do so this week as well.(24)

QUESTION: Do the restrictions of the Nine Days remain in effect until chatzos of Friday when Tishah b'Av falls on Thursday?

DISCUSSION: The poskim rule that due to the honor of the approaching Shabbos, several of the restrictions of the Nine Days that normally remain in effect until chatzos of the tenth of Av, are lifted.(25) But they debate whether the restrictions are lifted as soon as the fast is over on Thursday night, or if they remain in place until it is actually erev Shabbos - on Friday morning. The poskim also debate whether or not these restrictions are completely suspended and these activities are permitted even for non-Shabbos needs, or if they are lifted only when they are needed for the sake of Shabbos. We will briefly review the various restrictions and the opinions of the poskim:

* Laundry - Although some poskim suggest waiting until Friday morning to do laundry,(26) the consensus of contemporary authorities is that doing laundry is permitted immediately on Thursday night.(27) Whether or not it is permitted to wash laundry which will not be used for Shabbos is a matter of dispute: Some permit it outright,(28) while others only allow adding such laundry to the load which is being washed for Shabbos use.(29)

* Haircuts, Shaves, Hot Showers and Baths - If possible, it is recommended to wait until Friday morning.(30) If this will prove difficult or impractical, it is permitted on Thursday night as well.(31) Whether or not it is permitted to shower or bathe when doing so is clearly not for the sake of Shabbos, e.g., one is planning to take another shower closer to Shabbos, or whether it is permitted to go swimming for pleasure, is a matter of dispute: Many permit it,(32) while others do not.(33)

The following activities have no connection at all with the approaching Shabbos. Thus all of them are forbidden until chatzos on Friday:

- * Eating meat(34) and drinking wine.(35)
- * Playing music and dancing.(36)
- * Wearing freshly laundered clothes.(37)
- * Reciting shehecheyanu.(38)

FOOTNOTES: 1 O.C. 551:16. 2 Entire Discussion based on Aruch ha-Shulchan 551:37; Harav Y.C. Sonnenfeld (Salmas Chayim 4:20; Toras Chayim, pg. 83); Igras Moshe, E.H. 4:84-4; Emes l'Yaakov 551, note 14; She'arim Metzuyanim b'Halachah 122:12. 3 O.C. 551:3. 4 There are several views - ranging from several days to several minutes - as to how long a garment should be worn in order for it to be considered no longer fresh. In actual practice, the garment should be worn long enough so that it loses that special crispness and freshness that one associates with freshly laundered or dry cleaned clothes. 5 Kaf ha-Chayim 551:91; Orchos Rabbeinu, vol. 2, pg. 130; Minchas Yitzchak 10:44; Harav C. Kanievsky, quoted in Nechmas Yisrael 19:7. 6 Aruch ha-Shulchan Y.D. 389:6 (concerning shivah) Geshar ha-Chayim 21:10 (concerning shivah); Salmas Chayim 4:4; Harav M. Feinstein (oral ruling, quoted in Rivevos Efrayim 1:377 and 3:340, Moadei Yeshurun, pg. 134 and Kitzur Hilchos Bein ha-Meitzarim, pg. 9); Kinyan Torah 1:109; mi-Beis Levi, vol. 13, pg. 26. 7 Some poskim recommend that no siyum take place after the sixth of Av (Harav M. Feinstein, Moadei Yeshurun, pg. 132). See also Aruch ha-Shulchan 551:28, who advises that a siyum should not take place at all during the Nine Days, since we cannot properly rejoice and honor the Torah during this time of mourning. 8 Even if it was deferred due to illness, etc., Sha'arei Teshuvah 551:15. 9 Yad Efrayim 551:31; Divrei Yatziv 2:238. 10 Harav M. Feinstein and Harav S.Z. Auerbach (quoted in Nitei Gavriel 18:7). 11 Mishnah Berurah 551:77. Some poskim hold that only a minyan - including the relatives - may eat meat or drink wine; Sha'ar ha-Tziyun 84. 12 See Mishnah Berurah 551:73, Aruch ha-Shulchan 551:28 and Kaf ha-Chayim 551:161. 13 See the various opinions in Ha-elef Lecha Shelomo 386; Igras Moshe O.C. 157 and O.C. 2:12, Yabia Omer 1:26, Yechaveh Da'as 1:40 and B'tzeil ha-Chochmah 4:99.

14 Mishnah Berurah 470:10. 15 Minchas Yitzchak 9:45; Teshuvos v'Hanhagos 1:300 quoting Harav Y.Y. Kanievsky, who says that it is customary to be lenient in this matter, provided that the participant is sincerely "happy" with the siyum taking place. See also the lenient ruling of Harav Y.Y. Fisher concerning a mourner (Pnei Baruch, pg. 463). Harav M. Feinstein is also quoted as being lenient (Moadei Yeshurun, pg. 132). 16 Ben Ish Chai 1:96-25; Chazon Ovadiah, pg. 99; Harav Y.S. Elyashiv (Siddur Pesach K'hilchaso, pg. 168). 17 Mishnah Berurah 551:72. 18 Harav Y.S. Elyashiv (quoted in Otzar ha-Bris, pg. 187). 19 Eishel Avraham

551; Chazon Ish (quoted in Imrei Yosher, pg. 4). 20 Mishnah Berurah 551:67. 21 The preferred minor for this purpose is a boy beyond the age of chinuch but who is not yet old enough to understand the concept of mourning the destruction of the Beis ha-Mikdash; Mishnah Berurah 551:70. [It is difficult to define the age of such a child.] If such a child is not present, any boy under bar mitzvah age will do. 22 Rama O.C. 551:10. 23 Harav M. Feinstein (Moadei Yeshurun, pg. 154). 24 See Aruch ha-Shulchan 551:26. 25 Mishnah Berurah 558:3. 26 Harav M. Feinstein (oral ruling, quoted in Kitzur Hilchos Bein ha-Meitzarim, pg. 32); Toras ha-Moadim, pg. 13, quoting Harav C. Kanievsky. 27 Siddur Ya'avetz; Harav Y. Kamenetsky (Emes l'Yaakov, O.C. 558, note 527); Harav Y.Y. Fisher (Even Yisrael 7:27); Harav N. Karelitz (Chut Shani, vol. 2, pg. 328); Harav S. Wosner (mi-Beis Levi, Bein ha-Meitzarim, pg. 37); Lehoros Nossos 2:36; Shemiras Shabbos K'hilchaso 42:5; Machazeh Eliyahu 86. 28 Harav M. Feinstein (Kol ha-Torah, vol. 54, pg. 8); Harav N. Karelitz (Chut Shani, vol. 2, pg. 328) 29 Harav S.Z. Auerbach (Tikunim u'Miluim 42:16); Harav S. Wosner (mi-Beis Levi, Bein ha-Meitzarim, pg. 37) Shevet ha-Kehasi 3:182. 30 To satisfy the view of several poskim who allow these activities only on Friday morning; see Be'er Moshe 3:79 and Toras ha-Moadim, pg. 13. 31 Harav Y.Y. Fisher (Even Yisrael 7:27); Machazeh Eliyahu 86. 32 Harav N. Karelitz (Chut Shani, vol. 2, pg. 328); Harav C. Kanievsky and Harav S. Duvlitzky (quoted in Nechmas Yisrael 40:8). See also Machazeh Eliyahu 86. 33 Koveitz Hilchos Bein ha-Meitzarim, pg. 84. This may be the opinion of Harav S.Z. Auerbach (quoted in note 5) as well. 34 It is permitted, however, to eat a meaty dish on Thursday night if no meat or poultry is actually visible, e.g., clear chicken soup; Beir Halachah 558:1, s.v. shelo. 35 Aruch ha-Shulchan 558:2. A minority opinion holds that it is permitted to eat meat and drink wine on Friday morning after Shacharis; see Orchos Chaim 558:1, quoting Rav Levi Yitzchak of Barditchev. 36 Machazeh Eliyahu 86. 37 Shemiras Shabbos K'hilchaso 42, note 16. 38 Machazeh Eliyahu 86. Weekly-Halacha, Copyright © 2006 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118 HaRav Yisroel Grumer, Marah D'Asra. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> or email learn@torah.org to get your own free copy of this mailing. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. 122 Slade Avenue, Suite 250 Baltimore, MD 21208

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A Child's Honor from Stories My Grandfather Told Me Volume 5 -- Devarim Memorable Tales based on the Weekly Sidrah
By Zev Greenwald

A Child's Honor

"These are the words that Moshe spoke to all Israel, across the Jordan" (Devarim 1:1)

"Because they are words of rebuke, and [because Scripture] lists here all the places in which they caused anger before the Omnipresent -- this is why it put 'the words' vaguely, and mentioned them through intimation, because of the honor of Israel." (Rashi)

A group of students from Talmud Torah Eitz Chaim once went with their teacher to visit the rosh yeshivah, R' Isser Zalman Meltzer. The rosh yeshivah tested the boys, asking them questions on the Gemara they were learning.

When R' Isser Zalman asked for the explanation of a certain Tosafos, one of the boys answered in a way that showed he did not correctly understand it. R' Isser Zalman tried to spare the boy humiliation.

"Maybe," the rosh yeshivah suggested, "you really meant this and this." And he himself began to explain the Tosafos to the boy.

But the student protested, "No! That's not what I meant." And he went back to his incorrect explanation.

R' Isser Zalman tried to explain the Tosafos in a different way, always making sure to add, "That's probably what you meant to say."

But the boy stubbornly stuck to his own explanation of the Tosafos.

The student's teacher lost all patience with the boy, but R' Isser Zalman continued for ten minutes to try to spare the boy more embarrassment -- but in vain.

Finally, the rosh yeshivah apologized to those present, saying that he had to leave the room for a few minutes. He walked into the hall, closed the door behind him, and began to pace to and fro. As he paced, R' Isser Zalman was heard repeating to

himself, over and over, "Honoring one's fellow man includes children, too ... honoring one's fellow man includes children, too."

After a few minutes, R' Isser Zalman returned to the room. He behaved as though the students had just walked in. With fresh enthusiasm and warmth he turned to the boy and began explaining the Tosafos once again, until the boy finally grasped his meaning and was saved from total embarrassment.

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R' Avigdor Halberstam, brother of R' Chaim of Sanz, was once a guest in a rich man's home. In those days, the custom was for an honored guest to dole out the cholent on Shabbos. R' Avigdor's host, therefore, placed the cholent pot in front of R' Avigdor at the table.

R' Avigdor put some cholent on his plate and tasted it! Then he took another taste. Instead of handing out the cholent to the rest of the family, R' Avigdor continued to eat spoonful after spoonful, until there was no cholent left for anyone else!

When the cholent pot was empty, R' Avigdor asked if there was another pot, or whether there was any more cholent left in the kitchen. The rich man hurried to bring everything that was left -- and R' Avigdor ate every bit of it. He left nothing at all for the others.

The rich man and his family were dumbfounded. They understood that their honored guest must have his reasons for his actions, but they could not fathom what those reasons could possibly be.

A few days passed -- and the reason for R' Avigdor's actions came to light. The widow who cooked for the rich man had made a mistake. Instead of pouring oil into the cholent pot, she had poured in kerosene. R' Avigdor, after that first taste, realized her error -- but did not want the maid to be embarrassed. Mastering his distaste, he finished his own portion, and then made sure that no one else would get a chance to taste that awful cholent.

When all was found out, R' Avigdor explained, "Better that they think me a glutton, and better that I suffer with eating kerosene-flavored cholent, than to let the widowed maid feel humiliated."

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth
[From 2 years ago - currently 5764] <http://www.chiefrabbi.org/tt-index.html>
Devarim - Words

I HAVE ARGUED BEFORE, in the case of Vayikra and Bamidbar, that the Hebrew names of the Mosaic books, even though they seem uninformative, in fact convey important insights into the nature of the book. The same is true about the book of Devarim.

The book of Devarim is known in English as Deuteronomy from the Greek *deuteros nomos*, or "second law" -- itself a translation of the early rabbinic name for the book, namely *Mishneh Torah* (a title later adopted by Maimonides for his great law code). The reason is obvious: the book represents the speeches of Moses in the last month of his life. He addresses the next generation, those who will - as he will not - be destined to cross the Jordan and enter the promised land. He reviews the history of Israel after leaving Egypt and recapitulates the main contents of the Law. Early on (in next week's sedra) he repeats the Ten Commandments. Towards the end, he renews the covenant between the people and G-d. The book is a "repetition of the Law" - hence *Mishneh Torah* in Hebrew, *deuteros nomos* in Greek.

By contrast, Devarim ["words"] seems to lack any specific connection with the book. It comes, like the traditional Jewish names for the other four books, from the first significant word in the book, in this case in the opening verse: "These are the words Moses spoke to all Israel in the desert, east of the Jordan . . ." The name "Words" seems bland and unspecific. Is not the whole of Torah "words"? Why this book in particular? What is the connection between the title and the contents? What insight does the name yield into the nature of this, the last of the five Mosaic books? I believe the insight is profound, and it points to three dimensions of this magnificent and world-changing work.

THE FIRST IS EVOCATIVE. The rabbis - in interpretive principles such as of *hekesheh* (analogy) and *gezerah shavah* (verbal association) -- were the first to understand the phenomenon known today as intertextuality, the idea that texts are linked as commentaries on one another. A word or phrase in one context evokes, reminds us of, a similar expression in another context, and this is not accidental. It is part of the richness of texts that they resonate in this way. Of this, the Torah is the supreme example. Indeed, to quote Maurice Blanchot in *The Gaze of Orpheus*:

The book begins with the Bible, in which the logos is inscribed as law. Here the book achieves its unsurpassable meaning, including what extends beyond it everywhere and cannot be surpassed. The Bible takes language back to its origin . . .

In the case of Devarim the intertextuality is stunning. The phrase "These are the words Moses spoke to all Israel . . ." at the end of his career as leader of the Jewish people take us back to another instance of devarim at the very beginning:

Moses said to the LORD, "O Lord, I have never been a man of words [ish devarim], neither in the past nor since you have spoken to your servant. I am slow of speech and tongue." He who said "I am not a man of words" becomes, at the end of his life, the most eloquent spokesman of G-d in all of history. The speeches of Devarim are the most visionary ever delivered. They reach to the furthest horizons of the prophetic imagination. And they are Moses' words. That is the point. In the other four books of the Pentateuch the narrative voice is anonymous -- "And it came to pass" - while the commanding voice is the voice of G-d - "And G-d spoke these words, saying . . ." What is unique about Devarim is that it is the reported speech of a human speaker. But how can the words of a human being be Divine?

Each time we pray the supreme prayer, the Amidah, we begin by saying silently a verse from the book of Psalms:

O Lord, open my lips, and my mouth shall declare Your praise. At the highest point of the encounter with G-d, we do not speak: we are spoken. We open our mouths but the words we utter do not come from us, though they come through us. Prayer, like prophecy, is an extinction of the self (known in Jewish mysticism as *bitul ha-yesh*) in the presence of the One-who-is-All. For everyone else except Moses this is partial, never complete. Even the greatest of the other prophets retained something of themselves, which coloured and gave distinctive character to their prophecies. Of Moses alone - "more humble than anyone else on the face of the earth" - could it be said that his words, devarim, were the words of G-d. It was precisely because he said "I am not a man of words" that he became the man of Devarim, the one whose words were not his own but those of the Divine presence, the Shekhinah, speaking through his lips (see the commentary of R. Yaakov Emden to Sanhedrin 99a).

THE SECOND SIGNIFICANCE OF DEVARIM is political. The last book of the Pentateuch is the supreme covenantal document in history. It is the foundational text of covenantal politics.

The late Daniel Elazar, the political scientist who more than any other pioneered the academic study of covenantal politics, explains that there are three fundamental types of political structure, differentiated from one another by the way they come into existence. The first is by conquest, external or internal (such as by coup d'etat). In his words: "Conquest tends to produce hierarchically organized regimes ruled in an authoritarian manner: power pyramids with the conqueror on top, his agents in the middle, and the people underneath the entire structure."

The second is by organic development. "Organic evolution involves the development of political life from families, tribes and villages into large polities in such a way that institutions, constitutional relationships, and power alignments emerge in response to the interaction between past precedent and changing circumstances with the minimum of deliberate constitutional choice." In such polities, "in the course of time elites emerge from among the population and political power gravitates into their hands." Such was the case, for example, in ancient Greece. The organic model, he writes, "is closely related to the concept of natural law in the political order" and "seems to reflect true aristocracy of the best and the brightest as the natural order of things."

The third, born in ancient Israel, is covenant. "Covenantal foundations emphasise the deliberate coming together of humans as equals to establish bodies politic in such a way that all reaffirm their fundamental equality and retain their basic rights." The great age of covenantal politics was the seventeenth century, during which the Swiss, the Dutch, the Scots, the English Puritans and the American Founding Fathers "not only conceived of civil society in covenantal terms, but actually wrote national covenants to which loyal members of the body politic subscribed." Covenant is central to the emergence of free societies in the West. It is no accident that it emerged in the 17th century, for it was then, under the twin influence of the Reformation and the spread of printing, that Europeans for the first time read the Hebrew Bible for themselves, in their homes and in their own language. Western freedom is biblical freedom.

If conquest represents the politics of power, and organic development the politics of the elite, covenant is the politics of the word. It involves a document, such as the American Declaration of Independence, to which all sides agree to be bound. In covenantal politics, writes Elazar, "the constitution comes first and foremost because it delineates the basis upon which institutions are organized and authority and power are shared and divided. Without the constitution there cannot legitimately be politics or administration."

The very existence of nations defined by covenant depends on devarim, words. Indeed it involves a highly specialized use of language to which the Oxford philosopher J. L. Austin gave the name performative utterance. Normally, language is used to communicate, describe or express. Occasionally, however, it is used to create - and what it creates are moral relationships, obligations. When I say "I

promise to . . ." I do not merely describe a promise, I make one. A covenant is a mutually binding promise.

The primary meaning of Torah min ha-Shamayim, "Torah from heaven," is political. It defines Israel as a nation uniquely brought into being by a mutually binding pledge between a people and G-d in which G-d adopts the people as His own, and the people in turn agree to be bound to His authority and word. This happened at Mount Sinai in the wilderness. But at the culmination of Devarim in chapters 29 and 30 Moses renews the covenant with the next generation so that they give their consent to the fact that it is on these terms that they are about to enter the land, gain possession of it, and construct their life as a nation:

"All of you are standing today in the presence of the LORD your G-d-your leaders and chief men, your elders and officials, and all the other men of Israel, together with your children and your wives, and the aliens living in your camps who chop your wood and carry your water. You are standing here in order to enter into a covenant with the LORD your G-d, a covenant the LORD is making with you this day and sealing with an oath, to confirm you this day as his people, that he may be your G-d as he promised you and as he swore to your fathers, Abraham, Isaac and Jacob. I am making this covenant, with its oath, not only with you who are standing here with us today in the presence of the LORD our G-d but also with those who are not here today . . ." The second significance of Devarim, "words," is that it represents the supreme expression of the politics of the word - politics predicated on "the deliberate coming together of humans as equals to establish bodies politic in such a way that all reaffirm their fundamental equality and retain their basic rights." Covenant is supremely a politics of equality, in which every citizen is accorded equal dignity as a partner to the constitution, and undertakes personal responsibility for its fulfillment.

THE THIRD IS IN SOME WAYS THE MOST MOVING. The history of Israel is unique. Other civilizations have come and gone. The people Israel has survived - under circumstances that rendered its survival improbable, seemingly impossible. No other nation has preserved its identity under conditions of exile and dispersion as a minority without power and often without rights. None has so consistently refused assimilation to the dominant culture or conversion to the dominant faith. How did it happen? That it happened because of Divine providence, I believe with perfect faith. But in Judaism, though we will never fully understand the ways of providence, we must none the less engage in the full exercise of understanding.

The answer lies in another instance of intertextuality, one of the key texts of Judaism, from the prophet Hosea:

Return, O Israel, to the LORD your G-d. Your sins have been your downfall! Take words [devarim] with you and return to the LORD. The standard interpretation of these verses is that Hosea is speaking about repentance (confession, apology, resolution) as opposed to sacrifices. "Offer words, not animals." That is, indeed, their primary meaning.

Beneath the surface, however, Hosea is saying something more fundamental. Your relationship with G-d is based on words - the Torah that constitutes the covenant, the marriage contract, between Israel and its sovereign Lord. A politics based on power comes to an end when a nation is defeated and loses power. A politics based on organic development, on the long experience of a people living together in the same land, is destroyed when the people are uprooted from the land and scattered over the face of the earth. Neither of these two forms of national existence can survive defeat and dispersion. Once lost, they are gone, never to return.

Israel's existence as a nation, however, is not based on power or a land (though it longs for and is promised both) but on words - the words of G-d to Israel and the acceptance of those words by Israel. So long as the word exists, Israel exists; and because G-d is eternal and never revokes His word, Israel will always exist. Because Israel's very being as a nation is constituted by devarim, the "words" of G-d, there is always the possibility and promise of return. Israel, alone among the nations of the world, survives defeat and dispersion - the loss of power and land - because there is something it will never lose: G-d's word given and received in love. "Take words-the words of the covenant - with you and return to the Lord."

In the mouth of Hosea, the word devarim harks back to the great vision of Moses (in chapter 30) of exile and return:

When all these words [devarim, often - wrongly - translated as "things"], the blessings and curses I have set before you, come upon you and you take them to heart wherever the LORD your G-d disperses you among the nations, and when you and your children return to the LORD your G-d and obey him with all your heart and with all your soul according to everything I command you today, then the LORD your G-d will restore your fortunes and have compassion on you and gather you again from all the nations where he scattered you. Even if you have been banished to the most distant land under the heavens, from there the LORD your G-d will gather you and bring you back . . . For this command that I am commanding you today is not too difficult for you or beyond your reach. It is not up in heaven, so that you have to ask, "Who will ascend into heaven to get it and proclaim it to us so we may obey it?" Nor is it beyond the sea, so that you have to ask, "Who will cross the sea to get it and proclaim it to us so we may obey it?" No, the word is very near you; it is in your

mouth and in your heart so you may obey it. Israel survived because it never lost devarim, "the words" which bound it to G-d and G-d to it. That was the basis of its survival in exile. Those "words" were never rescinded. Hence Israel never lost the promise of return.

THE DECISION TO CALL THE FIFTH AND FINAL BOOK of the Pentateuch Devarim was thus neither random nor insignificant. It brought together in a single word the three main themes of the book: the uniqueness of Moses as a prophet, the uniqueness of Israel as a nation, and the uniqueness of Jewish history as a narrative of exile and return. The book of Devarim, "Words," is the supreme expression of the power of the word to link heaven and earth, G-d and a people, in an unbreakable bond of mutual loyalty. Today, more than three thousand years later, we are in a position to understand more deeply than any previous generation (not that we are greater, but that our time perspective is larger) that Words proved more powerful than power, more lasting than land. The Word lives and gives life to the people who dedicated their life to the word.