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ON **DEVARIM-CHAZON**
TISHA B'AV - 5775

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D'varim - Chazon 5775- Rabbi Berel Wein

SHABBAT AND TISHA B'AV

Rabbi Wein's Weekly Blog

It is an established fact that Shabbat trumps almost every other commandment, custom and practice in Jewish life and law. Allowing circumcision on Shabbat is the exception and not the rule. Whether confronting the fast days or feast days, Shabbat takes precedence. It rules, by rabbinic decree, over shofar and lulav as well as over the mournful commemorations of personal and national grief, loss and tragedy. It seems fair to say that Shabbat is the linchpin of all Jewish observances and of Judaism itself. Shabbat has two components to it: remembrance and observance. Both of these qualities are demanded of us in order that Shabbat may be experienced in its fullest holiness and beauty. Nevertheless, it is possible to observe the laws of Shabbat without retaining any of its spirituality or aura of unique holiness. This is especially true in our time when technology allows us somehow to do almost anything on Shabbat without technically violating any of the proscribed "work" prohibitions of the day. It is also possible, though this is becoming increasingly more difficult in our society, to inject the remembrance of Shabbat in the house even though the observance of Shabbat is not really present any longer. In most of the Diaspora, especially in North America, tragically, Shabbat is no longer remembered nor observed by millions of Jews. There are enclaves and neighborhoods that are populated by Orthodox Jews where the Shabbat can be felt by the large number of stores that are closed and streets that are empty of traffic. This is a great achievement which reflects the resilience and renewed strength of Torah observance amongst certain sections of the Jewish people. However, again, this is the exception and not the rule in most Jewish societies. When I was a rabbi in Monsey New York, there was a non-Jew

who lived in the midst of our otherwise completely Orthodox Jewish area. I remember that he was once asked why he remained living in such a neighborhood when all of his coreligionists had left. He replied: "I cannot give up the Saturday serenity that I experience here." Even though he was not Jewish, he certainly understood what Judaism was about. The supremacy of Shabbat over Tisha B'Av is a prime example of the priorities of Jewish values. The Jews built magnificent Temples and were a powerful nation in both First and Second Temple times. But none of this was permanent. It was always subject to destruction and decadence. However, the Jews believed, in the main, that God would not allow their sovereignty or Temples to be taken away from them and they treated them as permanent fixtures to which they were entitled in perpetuity. But in disregarding the warnings of the prophets of Israel and their message, the Jews doomed these benefits to be temporary and not permanent. Tisha B'Av has come to represent the transient and temporary in Jewish life and history. However, the Shabbat, which has almost single-handedly enabled us as a people to survive all of the vicissitudes and tragedies of exile, remains permanent and dominant in our thoughts and lives. It is no wonder that Shabbat supersedes Tisha B'Av in observance and commemoration. It is axiomatic that the permanent will always dominate the temporary. Here in Israel, the remembrance of Shabbat, if not quite yet the observance of Shabbat, has somehow become strengthened over the past few decades. In our neighborhood of Rechavia, which has a number of main thoroughfares running through it to get from one end of Jerusalem to the other, automobile traffic on Shabbat is noticeably less than it was more than twenty years ago when I first moved into the neighborhood. Here in Israel it is almost impossible to forget that Shabbat exists. This is one of the main and perhaps most vital differences between living in Israel and living in the vast regions of the Jewish diaspora. And it is the Shabbat that not only dominates Tisha B'Av but it is also the mechanism that can weaken and destroy Tisha B'Av completely. We all pray for security and permanence in dwelling, for this our third attempt to do so in our ancient homeland. Permanence is achieved by associating with permanence. And it is the Shabbat above all else that can give to us a sense of permanence and serenity, both through its remembrance and observance. This coming Shabbat, which would otherwise be a day of morning and fasting, we should recall and internalize this concept of the permanent Shabbat and of its supremacy over all else. Shabbat shalom Berel Wein

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Devorim

Parshas Devorim - Vol. 10, Issue 40

Compiled by **Oizer Alport**

Eileh ha'devorim asher dibeir Moshe (1:1) There are 5 books in the written Torah, and 6 sections of the Mishnah - the Oral Torah. The Paneiach Raza writes that there are 6 portions in the written Torah which correspond to the Mishnah, each of which begins with the letter aleph - eileh toledos Noach, eileh Pekudei, im Bechukosai, eileh masei, eileh ha'devorim, atem nitzavim. This is because the spelling of the letter aleph comes from the root meeting to study, and the word Mishnah also means to learn.

Of the 6 portions, four begin with the word eileh, which alludes to the four sections of the Mishnah on which we also have Talmudic commentary, as the gematria (numerical value) of the word eileh is 36, which is also the number of tractates in the Babylonian Talmud! The last book of the Torah, Devorim, begins with one of these four parshios in order to teach that in reviewing the Torah and its laws with the nation before his death, Moshe reviewed not only the written Torah but the entire Talmud and Oral Law as well.

Similarly, there are 5 tractates in the Mishnah which begin with the letter aleph - eilu Devorim she'ein lahem shiur (Peah), ohr l'arba'ah asar (Pesachim), arba'ah roshei shanim heim (Rosh Hashana), arba'ah avos

nezikin (Bava Kamma), avos hatumah (Keilim), which hint to the 5 books of the written Torah and teach that every component of Torah is deeply intertwined. The Torah itself represents the Will of Hashem, and just as He and His Will are one, so too all parts of the Torah are interconnected, and the components which may seem the most disparate and unrelated are full of deep and powerful wisdom waiting to be unlocked by one who toils to uncover it.

Eileh ha'devorim asher dibeir Moshe el kol Yisroel b'ever haYarden Bamidbar ba'arava mul suf bein Paran u'bein Tofel v'Lavan v'Chatzeiros v'Di Zahav (1:1) The book of Devorim begins with Moshe's review of the 40-year national history from the time of the Exodus until the present. Much of Parshas Devorim revolves around Moshe's rebuke of the Jewish nation for sins they committed during this period, in an attempt to ensure that they wouldn't continue in these mistaken ways. The Torah introduces this section by relating that Moshe spoke these words between Paran, Tofel, Lavan, Chatzeiros, and Di Zahav. Each of these refers to a place in which the Jewish people sinned. However, Rashi notes that there is no place named Lavan. Rather, this was a veiled criticism of the complaints of the Jewish people about the Manna, which was white (the meaning of the Hebrew word "Lavan").

During their travels in the wilderness, a group of complainers began to protest the Manna that they were forced to eat day after day. They wailed that they missed the succulent tastes of the meat, fish, and vegetables that they ate in Egypt, and now they had nothing to look forward to except Manna (Bamidbar 11:7). Rashi writes that in response to their complaint, Hashem wrote in the Torah a description of how wonderful the Manna was as if to say, "Look, inhabitants of the world, at what my children are complaining about."

Rav Pam notes that although we don't merit hearing it, a Bas Kol (Heavenly voice) still frequently expresses similar frustration over the things that we complain about. We live in a time of unprecedented freedom and material bounty. We are surrounded by a society which influences us to believe that we are entitled to immediate gratification and to have everything we want exactly how we want it. If we would only step back and view our lives with the proper perspective, we would be so overwhelmed by the blessings we enjoy that there would be no room to complain about trivialities.

Although we don't normally hear Hashem's direct communication on this point, sometimes He sends us the message about priorities and values through a human agent, as illustrated in the following story. A group of yeshiva students were once complaining about the quality and selection of the meals they were served. Each boy heaped more and more criticism on every aspect of the food, until they were jolted to their senses by one of the elderly teachers in the yeshiva. The Rabbi couldn't help but overhear their loud complaints in the dining hall and walked over to teach a succinct lesson: "In Auschwitz we would have done anything to have gotten such food."

Every time that a husband comes home to a messy house, filled with children's toys and dirty clothes, and berates his wife over her inability to keep their house clean, a Heavenly voice challenges, "How many families would do anything to have children and would gladly clean up the mess that accompanies them, and here is somebody who has been blessed with healthy children and is upset that they make his house disorderly? Where are his priorities!?"

When a husband or a child complains about eating the same supper for the third consecutive night, Hashem can't help but point out how many poverty-stricken families would do anything to eat this dinner every night for a year, if only to enjoy a nutritional and filling meal. Every time that the parents of the bride and groom quarrel over petty wedding-related issues, a Bas Kol wonders how many parents will cry themselves to sleep that evening over their inability to find a proper match for their aging son or daughter, and who would gladly accede to any terms the other side would set ... if only there would be another side.

The next time that we find ourselves upset about issues which are objectively nothing more than nuisances and minor inconveniences, we should remember the lesson of the Manna and open our ears to hear Hashem's response to our complaints.

B'ever haYarden b'ereitz Moav ho'il Moshe be'er es HaTorah ha'zos leimor (1:5) The book of Devorim begins with Moshe's review of the Torah and the national history from the time of the Exodus until the present. Rashi comments that in addressing the nation prior to his death, Moshe also translated the Torah into all 70 languages, which is difficult to understand. At this point in time, all of the Jewish people were gathered together in the same place, and all of them spoke the same language. What was Moshe's purpose in translating the Torah for them into so many other languages?

The K'Sav Sofer explains that Moshe's intention in translating the Torah into every language was to teach them a critical lesson: No matter where a Jew finds himself, and no matter what language he may speak, the Torah is still relevant and applicable to him. The Torah's laws and messages are universal and apply in every situation, independent of the passage of time or the changing of languages and customs.

Rabbi Chaim Zvi Senter adds that Parshas Devorim is always read during the summer, at a time when this concept is particularly relevant, as many families are already on vacation or about to embark upon one, and yeshiva students begin their 3-week intersession after Tisha B'av. While we are away from our homes and our familiar routines, it is essential to bear in mind the K'sav Sofer's message, that the Torah's laws and guidelines are applicable no matter where life may take us.

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From: Shema Yisrael Torah Network <shemalist@shemayisrael.com> to: peninim@shemayisrael.com date: Thu, Jul 23, 2015 at 7:50 PM subject: **Peninim on the Torah by Rabbi A. Leib Scheinbaum** - Parshas Devorim

"How can I carry by myself your contentiousness, your burdens and your quarrels?" (1:12)

The nation of Moshe Rabbeinu was not an easy people to lead. Apparently, they needed to be trained in the ways and means of peoplehood - with the first requisite lesson being respect for leadership. Rashi identifies Moshe's three complaints. The first was contentiousness. The people were difficult to deal with, especially during litigation. If a litigant saw his rival prevailing, he insisted on a trial delay, with the claim that he has other witnesses to testify in his behalf, or additional proof to support his position. Alternatively, he might have demanded his right to call for more judges on the court. Second, your burdens: the people were skeptical and suspicious of their leadership. Additionally, they always questioned Moshe's motives, attributing a negative twist to everything that he did. Third, quarrels: the people were constantly arguing with one another.

The Midrash at the beginning of Sefer Eichah observes that three individuals prophesized with the word Eichah, how: Moshe, Yeshayah, Yirmiyah: Yeshayah said, Eichah ha'seyah l'zonah, "How did she become a harlot?" Yirmiyah lamented, Eichah yashvah badad, "How does she sit alone?" Moshe said, Eichah esa levadi, "How can I carry by myself?" Rabbi Levi says, "This is compared to a matron who had three servants. One saw her when she was relaxed and at peace. The other saw her during her period of tension and controversy, when she was defiant towards authority. The last saw her during her moment of degradation when she was deposed and humiliated. Moshe saw Klal Yisrael when the nation was at its high point, when it was honorable and held in esteem by surrounding nations. Yeshayah saw the nation during a period of tension when the nation was like a harlot at everyone's beck and call. Last, was Yirmiyah who saw the nation during a time of destruction, alone and devastated.

In his Daas Sofer, the Pressburger Rav, Horav Akiva Sofer, zl, posits that the last two Eichahs - that of the Neviim, Yeshayah and Yirmiyah, were

actually the result of Moshe's lament/Eichah. He quotes the Talmud Shabbos 119, in which Chazal state, "Yerushalayim was not destroyed [for any other reason other than] because the people humiliated talmidei chachamim. Their lack of respect for the rabbinic leadership of the Holy City led to their destruction. Chazal go on to say that one who is mevazeh, denigrates, a Torah scholar, ein lo refuah, "he will not be healed." In other words, he will succumb to a Heavenly dispatched illness. The sin of disrespecting a scholar weighs heavily over the head of the perpetrator to the point that it will outweigh his other merits (author's suggestion).

This is what Chazal mean by including Moshe's Eichah together with the laments of the Neviim. After all, they do not appear to be in the same category. Moshe complains about respect, while the Neviim lament the varied levels of destruction. It was the prevailing attitude in Moshe's time that led to Yerushalayim's physical devastation. When people lose or have no respect for their leadership, it indicates a deficiency in the spiritual and moral compass of a community. This, together with the social discord that prevailed in the holy city - the controversy among its citizens and the unwarranted enmity among brothers - led to the destruction of the Second Temple, whose replacement has yet to occur.

Why is disgracing a talmid chacham such an egregious sin? The Mishnas Yosef quotes the Nesivos Olam, Nesiv HaTorah II, in which the Maharal explains that a talmid chacham is much more than an erudite individual who knows the Torah. One who studies Torah properly - with diligence, toil and love - becomes himself a substance of Torah. He becomes one with the Torah. This is consistent with Chazal who decry the fact that people arise for a Sefer Torah, but neglect to do so for a scholar, who is the embodiment of Torah. This is why Chazal are stringent in the punishment of one who does not properly eulogize a talmid chacham. One who denigrates a talmid chacham denigrates the Torah, which is the dvar Hashem, every word as if it has been uttered by Hashem, Himself. A frightening story is related concerning an indirect insult to a holy talmid chacham. Indeed, the individuals involved had noble intentions, but they lacked aforethought. Had they considered carefully what they were about to do, they would have realized that they had gone too far.

Horav Yehudah Assad, zl, author of Yehudah Yaaleh, was a distinguished European Rav. His passing left a void in the hierarchy of the elite European rabbinate. It also orphaned his children, among them a number of daughters, some of whom had reached marriageable age and did not have great hope of finding a proper match without a dowry. The Rav was a holy person whose encyclopedic knowledge of Torah knew no peer, but this did not put bread onto the table. He left behind no worldly possessions, and departed this world a destitute person.

A group of close followers who were concerned about the plight of his daughters conceived a plan for raising the badly needed funds to arrange for the daughters' marriages. Their idea, although bizarre, succeeded in raising the necessary funds. The Rav had a distinguished and handsome countenance, but he had refused to have his picture taken. This was consistent with the ruling of other rabbanim, as well. Consequently, we do not have their pictures available for posterity. The followers dressed the body of the deceased in his rabbinic garb and sat him up in his chair - then they took a picture of him. No one knew the truth, and the money raised by this ruse served as a dowry for his orphaned daughters.

Obviously, these well-meaning individuals were guilty of bizayon talmid chacham, degrading a Torah scholar. Their intentions were noble; their actions, however, were reprehensible. All five perpetrators of this travesty died that year. One who shames a Torah scholar, regardless of his self-justification, will be punished.

Horav Yitzchak Abulafia, zl, was once gravely ill. He was paralyzed - unable to move or speak. The doctors had already despaired for his life. It was only a matter of time. Horav Alefanderi came to visit him and said, "Chacham Yitzchak, I promise you that you will arise from this illness. You

must have faith in my word." Rav Yitzchak moved his lips slightly to respond amen.

A number of days passed, and Chacham Yitzchak was cured. He soon arose from his sickbed and began to walk within a relatively short time later. The entire city hummed over the miracle. Then tragedy struck. One of Rav Yitzchak's close relatives suddenly became ill, and, a few days later, his soul went to its eternal rest. The entire town participated in his funeral. Among the mourners were Rav Yitzchak Abulafia and Rav Alefanderi. Rav Yitzchak turned to the holy sage and said, "His honor should know that when he left my house (after blessing me) the deceased, who was also there, began to chuckle, saying, "How could anyone regain his health from such an illness?" Now that I am cured, he became ill and died. Rav Yitzchak was alluding to the self-generated curse the deceased inadvertently placed upon himself by questioning the saintly Rav Alefanderi.

"Designate for yourselves men who are wise, understanding and well-known to your tribes, and I shall appoint them as your leaders." (1:13)

Rashi explains that the tribes among whom the leaders grew up and lived would know them better than Moshe Rabbeinu did. Moshe said, "If each of them were to come before me wrapped in his Tallis, I would not know who he is, from which tribe he has descended, and if he is worthy." In other words, apparently Moshe had difficulty discerning the pedigree and true nature of each judicial candidate. This seems inconsistent with the pasuk in Sefer Shemos 18:21, in which Moshe is told to "seek out men of ability,

G-d-fearing men of truth who hate improper gain." Rashi explains that he should search out these men by using his Heavenly endowed powers of Ruach HaKodesh, Divine Inspiration. If Moshe is able to discern "who is who" by using his spiritual powers, why did he ask the people for their input?

Horav Yaakov Galinsky, zl, teaches us an important lesson, which sadly, all too often, proves itself valid. He explains that Moshe himself circumvented this question when he said, "For if he will come before me covered in his Tallis, I will not know who he is." Indeed, Yitzchak Avinu was certainly endowed with Ruach HaKodesh, yet Eisav was able to pull the proverbial wool over his eyes. How did he do it? Chazal teach us that he came before his father dressed in his finery - clothing that quite possibly concealed the real Eisav. He would present himself to his father dressed as a Torah scholar, bent over in humility, speaking with spiritual refinement. In other words, Eisav disguised himself when he came to Yitzchak.

Likewise, Moshe was concerned that a potential candidate would disguise his true self. The people with whom he had grown up knew how he really dressed, what his habits, true religious leanings, and moral compass were.

Chazal teach that le'asid lavo in Olam Habba, the World to Come, Eisav will enter dressed in his Tallis as everyone else and claim his seat right next to Yaakov Avinu - after all... This is the meaning of misatef b'Talliso, wrapped in his Tallis, concealing his many moral and spiritual faults.

Rav Galinsky relates that he once had occasion to ask information from the Gerrer Rebbe, zl, the Bais Yisrael, concerning one of his chassidim. "What would you like to know?" the Rebbe asked. "I would like to know about his level of yiraas Shomayim, fear of Heaven," Rav Galinsky replied.

"How should I know?" asked the Rebbe. "Concerning yiraas Shomayim, only two know the real truth: Hashem and his wife!"

You approached me, all of you, and said, "Let us send men ahead of us and let them spy out the land." (1:22)

Rashi describes the contrasting scenario in which the people came to Moshe Rabbeinu and "suggested" that spies be sent to reconnoiter Eretz Yisrael. "And you approached me, all the heads of your tribes and your elders..." This was a reference to the decorum manifest by the people when they accepted the Torah. That approach was proper. The young honored the elders and sent them ahead of them. And the elders honored the heads of the tribes by allowing them to precede them. In this case, however, "You approached me, all of you as a rabble, with the young pushing the elders, and the elders pushing the heads." Moshe's critique focuses on two deficiencies: first, a lack of decorum whereby the young showed no respect for their elders - the common Jew for his leaders. Second, the disorderly formation in which they approached Moshe was indicative of a stressed out people who were giving rise to panic. This showed that the mission to send spies was the result of a lack of faith on their part. Hashem had promised them that they would enter and conquer the land without any problem. They seemed concerned. Otherwise, why did they come in such chaos to demand spies?

Arvuyah, disorderly, mixed-up, is an apt description of the lack of decorum with which the people approached Moshe. On paper, their motivation appeared bona fide and sincere. They were apprehensive about entering a new, strange land, about which they knew nothing. They were not soldiers who could adapt to any given situation. For the previous two centuries, they and their ancestors had been slaves. Who was to say that their motives were anything but honorable? Arvuyah determines the source of one's motives.

At times, one feels motivated to do what appears to be correct and proper. His yetzer tov, good inclination, spurs him on to undertake, to do, to endeavor. He could be wrong, however, and actually, he is being motivated to action by none other than his yetzer hora, evil-inclination. He is being convinced that he is about to perform a mitzvah, create/establish an organization, or undertake an endeavor that is positive and appropriate, when, in fact, it is not. He is being manipulated by the yetzer hora, convinced to do something that is wrong, and duped into signing up for something that he will later regret.

How does one recognize the signs of distortion? How does one determine the true source of his motives? The Alter, zl, m'Kelm teaches us an important rule. The way to determine if the catalyst is good or bad is to introspect on how one came to the decision to move forward. Was it impetuous, done quickly, without forethought? Or was it the result of deep reflection, patient analyses, rational thinking, and studying all aspects from every angle? Whenever one jumps the gun (so to speak), rushing into a project without properly thinking it through, it is an indication that he is being provoked by the yetzer hora - who "knows" that if one were to give his proposal some thought, he would change his mind and back down.

This was Moshe's proof that the Jewish People were up to no good, that they were inappropriately motivated. Their objective was flawed from the very beginning. If Hashem was taking them into the Holy Land, they need not worry. The Almighty had "proven" Himself time and again. He was functioning above convention. He could suspend the laws of nature and allow His People to emerge triumphant. Spies were appropriate for usual warfare. However, there was nothing normal about the march of the Jewish People towards Eretz Yisrael.

Horav Elchanan Wasserman, zl, explains that the yetzer hora rests between the two "openings" of the heart - representing the path towards evil and the path towards good. From his vantage point, he has the ability to influence one to sin and also to have "input" in his mitzvah performance. The yetzer hora is focused on evil, but it is able to promote evil by convincing a person that the endeavor he is about to do is a mitzvah, when, in fact, it is not. Misrepresentation is an integral component of the yetzer hora's bag of tricks. By masquerading a sin in the guise of a mitzvah or by taking a mitzvah and persuading the person to execute it improperly, the yetzer hora has succeeded in its work. It has distanced us from Hashem.

Rav Elchanan relates that Horav Chaim Volozhiner, zl, came to his Rebbe, the Gaon, zl, m'Vilna and informed him that he wanted to establish a yeshivah. He defined his goals and objectives, describing what would ensure the success and viability of the Volozhiner Yeshivah. Surprisingly, the Gaon dissuaded him from undertaking this endeavor. He was instructed to shelve the project.

A few years passed, and Rav Chaim once again presented the Gaon with his request to establish a yeshivah. This time the Gaon encouraged him and gave his blessing to the project. Understandably, Rav Chaim was incredulous by the Gaon's change of position. "Why did the Rebbe previously rule negatively concerning this project, while now I receive his blessing?"

The Gaon replied, "I sensed that you were overexcited about the project. Therefore, I feared that your motivation did not emerge entirely from a holy source." The desire to be Rosh Yeshivah, to be in control, can often cloud one's mind and cause him to act when the time is not yet propitious. Rav Elchanan added, "Imagine how careful must one be not to rush into something. Rav Chaim Volozhiner was an individual of unprecedented spiritual stature. Yet, the Gaon sensed that his passion and drive might not be one hundred percent pure. So, he halted the founding of Volozhin - until it was appropriate."

"Be not terrified nor frightened of them." (1:29)

Klal Yisrael had witnessed the destruction of the mightiest armies. Egypt was like nothing in the hands of Hashem. Likewise, Amalek went down into the dung heap of history, putty in the hands of the Almighty. Why is it that the nation that had been sustained by Hashem through the travails of wilderness journey for forty years was in deathly fear of a handful of small, scattered Canaanite kingdoms? Indeed, as noted in an earlier pasuk (27), Klal Yisrael suggested that Hashem must hate them to put them in such a terrifying situation.

The Bostoner Rebbe, zl, notes that fear reflects our perception of reality more than it reflects reality itself. The Sifri applies the well-known proverb, "What you feel about your friend, you imagine he feels about you," to explain the debacle of the meraglim,

spies. Our fears of the outside world are often projections and externalizations of what we feel within. Indeed, we create the world around us by our thoughts and our beliefs. Thus, an angry person lives in an angry world; a happy person lives in a happy world. We do not see things as they are; rather, we see them through our sometimes distorted, often myopic, vision.

In Sichos HaRan (83) Horav Nachman Breslover, zl, teaches that people desire what cannot help them and fear what cannot harm them, for their desires and fears originate within their subconscious selves. Fear is always part illusion. Thus, by listening to the Torah to put fear aside, we are able to concentrate on the reality that is, the real-life challenges that we face. Sometimes, the greatest fear is an illusion which have we conjured up in our mind.

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Tisha B'av Guidelines from Rav Yaakov Neuburger and Rav Tani Cohen This year, Tisha B'av coincides with Shabbos and the observance of the fast is postponed to Sunday. Here are some of halachos that are unique to a year such as ours.

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

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

b. Beginning at midday on Shabbos. Ideally, on Shabbos afternoon one should learn Tisha B'av-appropriate topics (e.g., Eicha, hilchos Tisha B'av, hilchos aveilus) rather than other areas of Torah. However, it is certainly better to learn one's routine course of study and other areas of Torah this Shabbos afternoon rather than not to learn. Also, we should refrain from taking walks and making visits that are entirely social.

c. Beginning at sundown. One must finish eating and drinking before sunset. Zemiros for seuda shlishis as well should be completed before sunset.

d. Beginning when Shabbos ends. All other mourning prohibitions of Tisha B'av (e.g., wearing leather shoes, washing, greeting others, and sitting on normal chairs) only begin at tzeis when Shabbos ends.

2. Shabbos afternoon and motzaei shabbos The rules of seuda ha-mafsek do not apply: one sits on a regular chair, etc. As above, please be sure to complete all eating, drinking and zemiros before shkiya. At tzeis ha-kochavim one recites "Baruch ha-mavdil bein kodesh le-chol" and changes into Tisha B'av shoes. Now that Shabbos has ended, one can prepare the kinos and make any other preparations. Each family should also recite "Baruch ata ... borei me'orei ha-esh" over a havdala candle. (A fuller havdala is recited on Sunday night.)

Should one have to eat on tisha b'av for health reasons, one should complete the havdolo, as one would on Sunday night, before eating. On Sunday night, havdala consists of two berachos only: borei peri ha-gafen and ha-mavdil bein kodesh le-chol bein ohr le-choshech.

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

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

download.yutorah.org/2015/1053/Tisha_Bav_To-Go_-_5775.pdf

Tisha B'Av and Birkot HaTorah Letting the Light of Torah Shine Through -- Rabbi Joshua Flug

Director of Torah Research, YU Center for the Jewish Future

We may have noticed that the morning prayer services of Tisha B'Av somewhat different than the ordinary weekday services. Most notably, the donning of talit and tefillin is delayed until the afternoon. Additionally, certain passages or berachot are skipped, depending on one's tradition. These omissions are a reflection of the fact that Tisha B'Av is a day of mourning and as such, we observe some of the practices of mourners. Birkot HaTorah, the blessings recited before learning Torah, are recited as

usual, despite the prohibition on Tisha B'Av against studying Torah. While recitation of Birkot HaTorah Tisha B'Av is normative practice, some earlier authorities recommended omitting it precisely because of the prohibition against studying Torah. What is the nature of this dispute?

Why Was the First Temple Destroyed?

Before we answer this question, let turn our attention to another aspect Tisha B'Av relating to Birkot HaTorah. In the haftarah for Tisha B'Av morning, which predicts the destruction of the First Temple and the exile, the verses state:

Who is the wise person that can understand this? Who does God speak to that can tell? Why was the land lost, [why has it] become parched like a desert with no passersby? God said, it is because they abandoned My Torah that I gave before them and they didn't listen to My voice and they didn't follow it. Yirmiyahu 9:11-12 The Gemara presents the following interpretation of these verses: R. Yehuda said in the name of Rav, What is meant by the verse "Who is the wise person that can understand this?" This question was posed to the scholars and to the prophets and they couldn't give an answer until God himself gave an answer as it states, "God said, it is because they abandoned My Torah etc." Isn't this the same as "they didn't listen to My voice and they didn't follow it"? R. Yehuda said in the name of Rav, they didn't recite a blessing on the Torah first. Nedarim 81a

This interpretation requires further clarification. Is it possible that omission of Birkot HaTorah is what led to the destruction of the Temple? Does omission of Birkot HaTorah warrant such a harsh punishment? Furthermore, the Gemara elsewhere presents a different rationale for the destruction of the First Temple: Why was the First Temple destroyed? Because of three offenses that were prevalent there: idol worship, incest and murder. Yoma 9b

If the Jewish people were violating these three sins, why does the Gemara feel the need to highlight the omission of Birkot HaTorah? Isn't that omission negligible compared to these three sins?

The Midrash sheds light on the apparent discrepancy between the two passages in the Gemara regarding the destruction of the First Temple: R. Huna and R. Yirmiyah said in the name of R. Shmuel son of R. Yitzchak: We find that God forgave [them] for idol worship, incest and murder but did not forgive [them] for the desecration of the Torah as it states, "Why was the land lost?" It doesn't say that it is because of idol worship, incest and murder, but rather "because they abandoned My Torah." R. Huna and R. Yirmiyah said in the name of R. Chiya b. Abba: It states, "They abandoned Me and didn't observe my Torah." If only they would have abandoned Me but observed the Torah, through their involvement in [the study of] Torah, its light would have guided them back to becoming good people. Eicha Rabbah, Introduction no. 2

This midrash seems to resolve the apparent discrepancy in one of two ways. First, the Jewish people were guilty of the worst transgressions and were deserving of punishment for those transgressions. However, God didn't punish the Jewish people immediately because He hoped that the light of Torah would eventually inspire a teshuva movement. Once the Torah was abandoned and the possibility of a teshuva movement was unlikely, God punished the Jewish people for the terrible transgressions they violated. This approach is espoused by R. David HaLevi Segal, Taz, Orach Chaim 47:1, though he doesn't reference the midrash.

Second, the drift of the Jewish people away from the values of Torah was not instantaneous. It occurred gradually and eventually reached a point where violation of the three major transgressions was rampant. The Jewish people were certainly punished for violating these transgressions, but the sages and prophets of the time had difficulty figuring out what led to such a deterioration of morality. To this, God responds that if the Jewish people would have embraced the Torah, they would have avoided their deterioration of morality. This approach is espoused by R. Yaakov of Lisa, Emet L'Yaakov to Bava Metzia 85b, who also does not mention the midrash.

Birkot HaTorah and the Light of Torah

What these two approaches highlight is that embracing the Torah, specifically through Birkot HaTorah, serves as a preventive and corrective measure to combat immorality. What is it about Birkot HaTorah that provides these qualities? Rabbeinu Nissim offers the following insight from Rabbeinu Yonah:

They were definitely involved in [learning] Torah constantly and for this reason, the scholars and the prophets were wondering why the land was abandoned, until God explained Himself that He knows the inner thoughts [of the people], that they weren't reciting a blessing on the Torah first, meaning that the Torah wasn't so important to them that it was worthy to recite a blessing, because they weren't studying it for its own sake and because of this, they were neglectful of its blessing. This is what is meant by "they didn't follow it," meaning that it wasn't with the right intentions and for its own sake. Rabbeinu Nissim, Nedarim 81a

On the surface, this comment is somewhat puzzling. Does learning with the wrong intentions really lead to the disastrous consequences mentioned above? Don't our rabbis

encourage us to learn Torah despite our ulterior motives because that will eventually lead one to learning with the proper intentions (Pesachim 50b)?

R. Shneur Zalman of Lyadi offers the following insight: Our rabbis only said that one should be involved with Torah [study] and mitzvot even for the wrong reasons when one is fulfilling the mitzvot that one learns in the Torah ... There are those who say that nevertheless, one should always study Torah because studying for the wrong reasons can lead to studying for the right reasons, learning in order to fulfill mitzvot, because the light of [the Torah] will guide one back to becoming good person. Shulchan Aruch HaRav, Hilchot Talmud Torah ch. 4

According to R. Shneur Zalman's initial approach, we should not encourage Torah learning that is purely an academic exercise when those who are learning have no intention of keeping the mitzvot. However, he then asserts (based on the comments of Rambam and R. Yitzchak Abohab in his Menorat HaMaor) that the messages contained in the Torah have the ability to penetrate and influence even those who don't currently plan on observing what is written in the Torah.

How then should we understand Rabbeinu Yonah's comments? They seem to follow the initial approach presented by R. Shneur Zalman. When there is a lack of observance, learning Torah for academic purposes or ulterior motives is not a recommended course of action. As such, Torah learning was not a mitigating factor when God judged the Jewish people for violating the most serious transgressions. Are Rabbeinu Yonah's comments also compatible with the second approach? If the Jewish people were learning, albeit for ulterior motives, why wasn't there a possibility that the light of Torah would shine and cause them to change?

R. Moshe Chaim Luzzatto seems to follow R. Shneur Zalman's second approach but with one limitation: Our rabbis taught us a great secret: if the evildoers did not abandon learning Torah, it would have guided them back to becoming good people ... It is obvious that this does not apply to those who study in a mocking manner or in order to distort the meaning of the Torah, but rather, one must at least study it on the level that one studies other subject matters. Derech HaShem 4:2

When Torah learning is purely academic or theoretical, the messages and the values of Torah still have the ability to penetrate. However, when there is antagonism or cynicism involved, it becomes more difficult for the light of the Torah to shine through. R. Luzzatto expands on this idea in his Mesillat Yesharim:

Just as the essence of Watchfulness involves applying one's heart to things, so the essence of laughter is the turning away of one's heart from just, attentive thinking, so that thoughts of fearing God do not enter one's heart at all. Consider the great severity and destructive power of levity. Like a shield smeared with oil, which wards off arrows and causes them to fall to the ground, not permitting them to reach the bearer's body, is levity in the face of reproof and rebuke. For with one bit of levity and with a little laughter a person can cast from himself the great majority of the awakenings and impressions that a man's heart stimulates and effects within itself upon his seeing or hearing things which arouse him to an accounting and an examination of his deeds. The force of levity flings everything to the ground so that no impression whatsoever is made upon Him. This is due not to the weakness of the forces playing upon him, nor to any lack of understanding on his part, but to the power of levity, which obliterates all facets of moral evaluation and fear of God. Mesillat Yesharim ch. 5 (Translation from Shechem.org)

According to R. Luzzatto, there are no active motives required for Torah study to have an impact. As long as there is no antagonism or cynicism involved, we can be confident that the light of Torah will shine through. Perhaps then, Rabbeinu Yonah's assessment that the Jewish people were learning Torah for the wrong reasons was not intended to criticize those who study solely for academic purposes, but specifically those who study Torah out of cynicism or antagonism. When Torah learning reached such a state of affairs, the possibility that the light of Torah would guide them to a path of teshuva was too small for God to ignore their grave transgressions.

While R. Luzzatto doesn't have any active requirements for the light of Torah to shine through, Taz, op. cit., suggests that in order for Torah learning to have an impact, the study must involve rigor. In explaining why the Gemara specifically identifies Birkot HaTorah, Taz notes that the opening blessing contains the term la'asok b'divrei Torah, to engage in Torah matters. Taz suggests that Torah learning would have spared the Jewish people had they learned Torah with the rigor reflected in the term la'asok. However, since their learning was superficial, the merits of Torah learning did not protect them.

Birkot HaTorah on Tisha B'Av

Based on the comments of Taz, we can understand the opinion that one should omit Birkot HaTorah on Tisha B'Av. R. Tzidkiyah HaRofei, Shibbolei HaLeket, Seder Ta'anit no. 269, presents the issue as follows:

There are Geonim who say that one should not recite Birkot HaTorah because there is a prohibition against learning Torah and the study halls are closed. It seems to me that this position is difficult because it is permissible to read the Torah [portion of the day] and

Iyov, Kinnot and the prophecies of destruction in Yirmiyah. Therefore, one should recite Birkot HaTorah.

The argument to omit Birkot HaTorah is the prohibition against learning Torah on Tisha B'Av, and the counterargument is that there are portions of Torah that one may learn on Tisha B'Av. The Geonim were certainly aware that one may learn these portions and nevertheless recommended omitting Birkot HaTorah. Perhaps the reason for this is that the permissibility to learn these portions is limited. As Taz, Orach Chaim 654:2, notes, one may only learn the simple meaning of these portions and one may not delve into any analyses of these portions. In other words, one may not study these portions with the same rigor required of ordinary Torah study. As such, the argument to omit Birkot HaTorah is that one cannot learn Torah with the rigor reflected in the blessing la'asok b'divrei Torah.

Yet common practice is to recite Birkot HaTorah. Furthermore, there is no indication that Taz requires one to omit it. How can one recite la'asok b'divrei Torah when the level of Torah learning that the blessing represents is prohibited? Perhaps Taz has a multilayered approach to the issue. Torah learning, even on a superficial level, is not only part of the mitzvah of talmud Torah but is also impactful. When one reads of the trials and tribulations of Iyov or the story of Kamtza and Bar Kamtza, one should be inspired to reflect on self-improvement. We don't need to deeply analyze these portions to be affected by their content. We can confidently recite la'asok b'divrei Torah knowing that our study of the simple meaning of the text is rigorous, not necessarily from an intellectual perspective, but in the way it impacts us. Nevertheless, at the time of the destruction of the Temple, there was a generation that was deeply involved in serious transgressions and a more comprehensive study of the Torah and its messages was necessary. The superficial study of Torah wasn't sufficiently impacting the people and perhaps if they would have taken a more rigorous approach to Torah study, they would have been able to pull themselves out of the darkness in which they were so heavily steeped.

This Tisha B'Av, as we recite Birkot HaTorah and study the portions of Torah appropriate for Tisha B'Av, we should be mindful of the impact our learning can have on us. While the Torah's light can shine even on those who study it for purely academic purposes, with no intent of fulfilling it, its greatest impact can be felt when we specifically look for the values and inspirational messages contained within it. Furthermore, we can take a moment to reflect on how Torah study impacts us the rest of the year. Do we approach Torah study with rigor and passion? Do we walk away from a study session with a sense of inspiration and exhilaration? Are our actions and behaviors reflective of someone who studies Torah? By asking ourselves these questions, we will further enable the light of Torah to shine brightly through.

Laws of Torah Learning on Tisha B'Av

- The study of Torah is prohibited on Tisha B'Av because Torah brings joy to those who study it. One may study Iyov, Eichah and the somber portions of Yirmiyahu (Ta'anit 30a).

- It is also permissible to study the laws of mourning (Shulchan Aruch, Orach Chaim 554:2).

- When studying the appropriate portions, one may also study the commentaries (Shulchan Aruch, Orach Chaim 554:2) but one should focus on the simple meaning of the text, not the analysis (Mishna Berurah 554:4).

- One may read the portions in the Siddur that are recited on a daily basis, such as the sections about the korbanot (Shulchan Aruch, Orach Chaim 554:4).

Rabbi Isaac Elchanan Theological Seminary • The Benjamin and Rose Berger CJF Torah To-Go Series • Tisha B'Av 5775

From: Shabbat Shalom <shabbatshalom@ounetwork.org> reply-to: shabbatshalom@ounetwork.org date: Thu, Jul 23, 2015 at 7:01 PM

The Rav's Thoughts on the Tisha B'Av Kinot

Excerpted from the Koren Mesorat HaRav Kinot: Lookstein Edition. Edited by Rabbi Simon Posner, Kinot translated by Rabbi Dr. Tzvi Hersh Weinreb. The Rav discusses what we mourn for on Tisha B'Av. It is not only the Hurban Beit HaMikdash in the material sense, but also the Hurban Beit HaMikdash in the spiritual sense, the destruction of centers of Torah and the thousands of towns and villages over the ages where Jews lived a sacred life.

After shifting from kinot for the Hurban Beit HaMikdash to a kina for the Ten Martyrs, there is now a further shift in the subject matter of the kinot. This kina (Hacharishu Mimeni Va'adabera) is the first of several commemorating the massacres in Speyer, Mainz and Worms, and other related tragedies during the Crusades in Germany at the end of the eleventh century. These kinot recount the Hurban Batei Mikdash of the Hakhmei

Ashkenaz, the slaughter of the Torah scholars and the destruction of the Jewish communities.

In a sense, however, this kina is a continuation of the kina "???? ??????" In both kinot, the deaths that are described represent a double catastrophe. Thousands of Jews were killed during the Crusades. But the tragedy was not just the murder of ten people during the Roman times or the myriads during the Crusades. The tragedy was also the fact that the greatest scholars of the Jewish people were killed. In this kina, the mourning that is expressed is not just for the inhuman act of the massacre. Rather, the principal emphasis is on the destruction of the Torah centers in Germany.

The dates of these massacres are known to us. The Crusaders generally started out on their journey in the spring, and the massacres took place in the months of Iyar and Sivan, around the time of Shavuot. Even though these events did not occur on Tisha B'Av, they are included in the kinot and are commemorated on Tisha B'Av because of the principle, already noted in connection with other kinot, that the death of the righteous is equivalent to the burning of the Beit HaMikdash. If the Beit HaMikdash was sacred, how much more sacred were entire Jewish communities which consisted of thousands of scholars. These communities were also, collectively, a Beit HaMikdash in the spiritual sense. If the kinot speak about the Hurban Beit HaMikdash in the material sense, they also mourn the Hurban Beit HaMikdash in the spiritual sense, the destruction of centers of Torah and the killing of great Torah scholars. In fact, sometimes the death of the righteous is even a greater catastrophe than the destruction of the physical Beit HaMikdash.

There is an additional reason for including these kinot dealing with the massacres in Germany in the Tisha B'Av service. Hurban Beit HaMikdash is an all-inclusive concept. All disasters, tragedies and sufferings that befell the Jewish people should be mentioned on Tisha B'Av. Rashi says (II Chronicles 35:25, s.v. vayitnum lehok) that when one has to mourn for an event, it should be done on Tisha B'Av. When these kinot relating to the Crusades are recited, one should remember that the tragedies being described happened not only in 1096 but in the 1940s as well. These kinot are not only a eulogy for those murdered in Mainz, Speyer and Worms, but also for those murdered in Warsaw and Vilna and in the hundreds and thousands of towns and villages where Jews lived a sacred and committed life. The kinot are a eulogy not only for the Ten Martyrs and those killed in the Crusades, but for the martyrdom of millions of Jews throughout Jewish history.

from: Shabbat Shalom <shabbatshalom@ounetwork.org> reply-to: shabbatshalom@ounetwork.org date: Thu, Jul 23, 2015 at 7:01 PM
Why Are There So Many Jewish Lawyers?

Britain's Former Chief Rabbi Lord Jonathan Sacks

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

And I charged your judges at that time, "Hear the disputes between your people and judge fairly, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judging; hear both small and great alike. Do not be afraid of anyone, for judgment belongs to God. Bring me any case too hard for you, and I will hear it. (Deut. 1: 16-17)

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

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith. Albert Einstein memorably spoke of "the pursuit of knowledge

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

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

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

One feature of Tanakh is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[2] At other times, it is God who brings a case against the children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[3] is *riv*, which means a law-suit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God’s law on the part of humans, and on God’s promise of loyalty and love on the part of heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfill their undertakings.

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means ‘direction, guidance, teaching,’ but above all ‘law.’ The most basic meaning[4] of the most fundamental principle of Judaism, Torah *min ha-Shamayim*, ‘Torah from Heaven,’ is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the Torah *she-be-al peh*, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, *kol gadol velo yasaf*, is understood by the commentators in two seemingly contradictory ways. On the one hand it means ‘the voice that was never heard again’; on the other, it means ‘the voice that did not cease,’ that is, the voice that was ever heard again.[5] There is, though, no contradiction. The voice that was never heard again is

the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is *min ha-shamayim*, “from Heaven,” but about the Oral Torah the Talmud insists *Lo ba-shamayim hi*, “It is not in heaven.”[6] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that “Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation.”[7]

Third, fundamental to Judaism is education, and fundamental to Jewish education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, “Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults” (Is. 51: 7). It is what Jeremiah meant when he said, “This is the covenant I will make with the house of Israel after those days, says the Lord: I will put my law within them, and I will write it on their hearts; and I will be their God, and they shall be my people” (Jer. 31: 33). It is what Josephus meant when he said, nineteen hundred years ago, “Should any one of our nation be asked about our laws, he will repeat them as readily as his own name.” The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, “learned in the law.” We are a nation of constitutional lawyers.

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

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

[1] Alan Dershowitz, *Abraham: the world’s first (but certainly not the last) Jewish lawyer*, New York, Schocken, 2015.

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

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

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

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

[6] *Baba Metzia* 59b.

[7] *Shabbat*

<http://www.torahmusings.com/2014/12/changing-tune-third-chapter-eicha/>

Halakic Positions of Rav Joseph B. Soloveitchik by R. Aharon Ziegler

There is a prevalent custom where the reader of Megillat Eicha for Tisha B’Av changes the trop tune when he reads the third chapter. Some claim that this is done because the sentences are all shorter and more cryptic making the regular trop sound awkward.

Rav Soloveitchik said that when he was in the Ukraine he never heard of this change in trop, but he did hear it in Berlin. Furthermore, he acknowledged that it does make sense because the entire tenor of Eicha changes in that perek. Until that point the mood consists primarily of asking how such destruction could occur—which is actually, a complaint. In fact the Rav said that the tone of Kinot is different from Selichot, of which the latter always emphasizes the “*mipnei chato’einu*” concept, that we are to blame and it is our fault.

Kinot, in contrast, asks how G-d could do this to us. The mood of the third perek in Eicha, however, is one of taking responsibility for what happened and turning inward: *Nissa Leva’veinu El-Kapayim El Kel BaShamayim* –Let us lift up our heart with our hands to G-d in the heavens [Eicha 3:41]. It is

true that each perek has some mention of acknowledging our fault, but that is incidental and not the main emphasis.

We also see that not all wailing sounds are the same. Kinot wailing is definitely different than Slichot wailing. And all the wailing of the first, second, fourth and fifth perakim of Eicha are decidedly different than the third. Whether we should change the tune for the third is a matter of different opinions and different customs.

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The Rabbi Jacob S. Kassin Memorial Halacha Series
Authored by **Rabbi Eli J. Mansour** (7/22/2015)

Description: Tisha B'Ab – If a Bar Misva Boy Turns Thirteen on Tisha B'Ab That Falls on Sunday

When the 9th of Ab falls on Shabbat, the fast of Tisha B'Ab is delayed until Sunday. We eat our normal meals on Shabbat, and the Gemara establishes that even the final meal eaten before sundown may be large and festive, “like the meal of King Shelomo in his time.”

An interesting question arises in the case of a boy who turns thirteen on the 10th of Ab which falls on Sunday. Is he required to fast that day? On the one hand, he is a Halachic adult on the day when the fast is required – the 10th of Ab – and should thus seemingly be required to fast. On the other hand, the fast was to have been observed the previous day, on Shabbat, and it is only because we cannot fast on Shabbat that the observance is delayed until Sunday. Perhaps, then, only those who were theoretically obligated to fast on Shabbat are obligated to fast on Sunday.

The answer to this question depends on how we perceive the observance of the fast on the 10th of Ab when the 9th falls on Shabbat. Do we view the fast on the 10th as a “makeup” for the fast which could not be observed on the 9th? Or, do we say that in such a case, the Tisha B'Ab obligation from the outset applies on the 10th of Ab, and not on the 9th. According to this perspective, we fast on the 10th not to make up the fast which we missed, but rather because in this case the Tisha B'Ab observance is scheduled for the 10th of Ab, and not the 9th.

Some Halachic authorities suggest drawing proof from the fact that some elements of mourning are observed on Shabbat, the 9th of Ab, in such a case. The Mishna Berura (Rav Yisrael Meir Kagan of Radin, 1839-1933) cites a view that although one may indulge in a large meal before the fast on Shabbat, this should not be done in a joyous, festive manner, but should rather be accompanied by a somber, solemn aura. Others maintain that if one normally conducts a joyous, festive meal with friends late Shabbat afternoon, then he should do so this Shabbat, too, as this would otherwise constitute a public display of mourning on Shabbat. This discussion presumes that some degree of mourning should be observed on this Shabbat – albeit perhaps only in private – which might suggest that even in such a case, the real day of Tisha B'Ab is on Shabbat, even if the actual fast is delayed until Sunday. Accordingly, only those who would have been obligated to fast on Shabbat are obligated to make up the missed fast on Sunday.

Others, however, disagree. Rav Shemuel Vosner (1913-2015), in Shebet Ha'levi (4:72), takes the position that from the outset, the 10th of Ab is considered the date of the Tisha B'Ab observance when the 9th falls on Shabbat, and therefore, one who becomes a Bar Misva on the 10th of Ab in such a case is obligated to fast.

Summary: If Tisha B'Ab falls on Shabbat and is thus observed on Sunday, even a Bar Misva boy who turns thirteen on Sunday, and would not have been obligated to fast if Tisha B'Ab had been observed the previous day, is obligated to fast.

Is it Permissible to Take Medication on Tisha B'Ab?

If a person must take pills on Tisha B'Ab, and cannot miss a day of medication, what is the proper procedure for swallowing them?

Hacham Ben Sion Abba Shaul (Israel, 1923-1998) writes that it is permissible to swallow pills on Tisha B'Ab when medication is necessary. He adds that if a person cannot swallow the pills without water, then before taking the medication he should put something in the water to make it bitter, such that most people would not drink it. For example, he can place a tea bag in the water for an extended period of time, until the taste becomes exceptionally strong. Or, he can place baking soda or rosemary in the water so that it becomes bitter such that people would not ordinarily drink it. He may then sip some of the water to help him swallow the pill. This was also the position of the Sedeh Hemed (Rav Haim Hizkiya Medini, 1833-1905) and the Kaf Ha'haim (Rav Yaakov Haim Sofer, Baghdad-Israel, 1870-1939), in Siman 554 (34).

Summary: One who must take pills on Tisha B'Ab may do so, and if he needs water to swallow the pill, he should first make the water bitter, such as by placing in it strong tea concentrate or the like.

Description: Habdala When Tisha B'Ab Falls on Mosa'eh Shabbat

When Tisha B'Ab begins on Mosa'eh Shabbat (as it does this year, 5775), then we do not recite the standard Habdala on Mosa'eh Shabbat. Instead, we recite only the Beracha over a flame (“Boreh Me'oreh Ha'esh”). We do not recite the Beracha over spices (“Boreh Mineh Besamim”), because we should not be allowing ourselves this special enjoyment of smelling fragrant spices on Tisha B'Ab.

On Sunday night, when Tisha B'Ab ends, we recite Habdala starting with “Kos Yeshuot Esa” and the Beracha over wine, followed by the Beracha of “Ha'mabdil.” We do not recite the Beracha over the flame, which was recited the previous night, and we do not recite the Beracha over spices, because this Beracha is recited only to compensate for the loss of our Neshama Yetera (“extra soul”) when Shabbat ends. The departure of this soul creates a vacuum, of sorts, within us, which we seek to fill by smelling spices. (It has thus been explained that we do not recite the Beracha over spices on Mosa'eh Shabbat that is Yom Tob, because we have a Neshama Yetera on Yom Tob just like on Shabbat. Others claim that the Yom Tob meals fill the vacuum created by the loss of the extra soul, and so we do not require spices.) As the Beracha is relevant only on Mosa'e Shabbat, once we are unable to recite this Beracha on Mosa'eh Shabbat – as is the case when Tisha B'Ab falls on Mosa'eh Shabbat – there is no reason to recite it on Sunday night.

We also omit in the Habdala after Tisha B'Ab the introductory verses that we normally recite before the Beracha over wine in Habdala. These verses are recited as an expression of our hopes for good fortune as we begin the week. We therefore do not recite these verses when Habdala is recited on Sunday night, as the week has already begun.

It thus emerges that on Mosa'eh Tisha B'Ab we recite a very brief Habdala: “Kos Yeshuot Esa,” “Sabri Maranan,” “Boreh Peri Ha'gefen,” and “Ha'mabdil.”

It should be noted that one who needs to eat on Tisha B'Ab must first recite Habdala before eating. This applies to ill patients, as well as to pregnant and nursing women, who are not required to fast when Tisha B'Ab falls on Shabbat and is delayed until Sunday. Hacham Ovadia ruled that these women, who are absolved from the fast, may eat immediately on Mosa'eh Shabbat, and thus should recite Habdala after Shabbat. Even in this case, the introductory verses and the Beracha over spices are omitted, as they are inappropriate for Tisha B'Ab. Of course, the women in this case include the Beracha over a flame just as on an ordinary Mosa'eh Shabbat.

Summary: When Tisha B'Ab begins on Mosa'eh Shabbat, we recite the Beracha over the flame (“Boreh Me'oreh He'esh”) on Mosa'eh Shabbat, but not the rest of Habdala. On Sunday night, after Tisha B'Ab, we recite an abridged Habdala, starting from “Kos Yeshuot Esa.” Those who absolved from the fast – such as pregnant and nursing women – recite this abridged Habdala, with the Beracha over the flame, on Mosa'eh Shabbat, and may then eat.

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**Fasting: Excercise in Righteousness or, Just Hunger Pangs? By Rabbi
Eliyahu Safran | Jul 8th, 2013 |**

Our calendar is dotted with a number of fast days, days when we are called upon to deny ourselves the deep and satisfying pleasure of food and drink. Some of these fasts, like Tsom Gedaliah, Asarah beTevet, Shiva Asar B'Tamuz and Tisha B'Av, are public and recall dark events in our history. Others, like Ta'anit Esther, remind us of moments of agony coupled with ultimate salvation.

And, of course, there is our fast on Yom Kippur at the conclusion of the awe-filled Days of Repentance.

These fasts demand that we bring "suffering" upon ourselves. But why? And perhaps most importantly, do our fasts accomplish what the mitzvah demands? After all, the events that these fasts commemorate happened long, long ago. How could we possibly identify with those times. And how does giving up our Starbucks help us do so?

We know that the purpose of our fasts are to motivate us toward repentance, reflection and introspection. But, really, are hunger pangs, deprivation and caffeine-loss headaches the best way to accomplish this?

I wasn't sure. So I polled a number of good, observant Jews and asked them, "How/what do you feel when you fast?"

A number of the responses were a variation of, "We Jews love to suffer. Our fasts prove it." Some fasted for no other reason than the obligation to fast. "It is suffering without purpose or context," they complained. Some felt put out by the need to fast. Others showed flashes of humor in their responses. "Would Gedaliah have fasted for me?"

Almost every person assessed the minor fasts differently than they did Yom Kippur or Tisha B'Av where the power of the moment combined with the demands of the fast to create a sense of holiness. For them, the minor fasts seemed more like transitory obstacles rather than moments of holy introspection.

"Fast days make me feel as though there is a dark cloud hanging over me. I feel weak. Anxious. And hungry. Very hungry!"

Wouldn't our focus on repentance, reflection and the significance of these tragedies be more powerful if we were not depleted and distracted by our interest in "How much longer?"

For those of us who live to eat (versus eat to live!) few things have the potential to break us down and put us out of sorts as taking away our pleasure. However, there is another way to view fasting, a way that was articulated by a dear friend of mine who had a passion for his chosen profession, medicine. His zeal and determination to become the very best doctor he could be was a blessing to his patients.

When he was an intern, he actually resented the time that eating took away from his experience of learning. Consequently, he got into the habit of not eating during the day. By not eating breakfast, lunch and dinner, he could focus on his responsibilities and actually get home an hour or two earlier than some of his colleagues.

He laughed as he related his experience to me. "All those years of not eating during the day. I almost never feel hunger during the day but when I get home at night... I am like Pavlov's dog. I am practically starving by the time I walk through the door." Which brought him to my question. "During a fast of only one daylight, I hardly recognize that I'm fasting. As a consequence, it requires a conscious effort for me to remember that it is a fast day and why, and what I should be doing or thinking.

"Fast days that begin at night... well, remember, I tend to be hungry at night when the fast begins, as I am when I return home from shul. Interestingly enough, during ta'anit like Yom Kippur that begin the night before I don't

need 'reminders' to focus me on the fast and what it means. Of course, my awareness might also have a lot to do with being in shul most of the day..."

It is only during fasts that challenge his "Pavlovian response" that the actual fasting impresses itself upon him. But the act of fasting itself does not seem to focus his thoughts more surely on the message and meaning of the commemoration.

If fasting seems not to accomplish its purpose either with those for whom the physical deprivation is easy or difficult, why do we persist in engaging in fasts? Certainly because it is commanded. That is reason enough. But when called upon to observe a mitzvah aren't we better off for finding meaning in the doing of that mitzvah, as well as in the rationale for doing it?

I think that, to truly grasp the power of fasting, we have to confront the power of what it is that we are giving up. What is more essential, more basic, to our physical existence than eating and drinking? In our need to eat and drink, we are no different than any other beast of the field.

The demand for repentance is a demand that we become "other", that we step outside our basic selves. Certainly, that means that we leave behind our more base selves and embrace our more holy selves.

What better way to accomplish that than to abstain from the act that makes us thoroughly and completely basic?

Strip away our physical need and what is left? Neshama. The soul. It is true that God created us as physical beings but not only physical beings. There are times when we must test what it means to leave our physical selves behind. It is not easy. Our physical selves cry out in discomfort. We must allow our souls to raise themselves above that discomfort. When we walk home after Neilah, our thoughts should not be, "Boy, am I am hungry!" but rather, "I am purified!"

By afflicting our bodies, we afflict our souls – the true goal of the fast. Jewish values do not embrace physical affliction. Rather, the Torah teaches us to "afflict your soul."

"V'inisem es nafshoseichem." Afflict your soul so your physical existence has meaning. We fast to awaken ourselves from a deep slumber; from the numbness of apathy and egotism; from the superficiality of our physical existence. We fast to wake up!

We know intellectually that there will be a day when we shirk off our physical selves forever. We will die. We know it in our heads but in our hearts we believe we will live forever. This is the reason an eighty year old man can stare at his wrinkled reflection in the mirror and be astonished that the smooth face of a young boy is not looking back at him.

"Where did the time go?"

The moments seem to slip by so slowly and imperceptibly... when can we actually feel the passage of time? The sands slip through so gently. It is only the tzom, the rare moment that demands that we discard the temporal, that we shirk, if only for a few, short hours, the comfort of our physical selves. It is only then that we have the chance to glimpse the person we are beyond our bodies.

Only through those long hours, coming to their magnificent conclusion at neilah, do we finally begin to get to a place where our awareness is not merely intellectual, but deeper and therefore more frightening.

Our end is nigh.

We know it because we can feel it during our fasts. And, feeling it, we have the opportunity to move forward from our fasts by making our lives more holy and meaningful.

The psalmist wings, "So teach us to number our days, that we may get us a heart of wisdom."

Even for those who are "observant", mitzvot often lose power because they are done almost by reflex. We mumble brachot so fast so that the words have no sound or meaning. We speed through the Amidah so perfunctorily that we sometimes cannot remember if we've said, Ya'aleh v'Yavo. We cover the challah before Kiddush so as "not to embarrass the challah or hurt its feelings" but then go on to say things at the dinner table that embarrass someone.

Many engage in ritual but never emerge from it with an increase in holiness or meaning. Like fasting, it is so often “a drag”.

Suffering without meaning or purpose.

For Rabbi Dov Fischer, it is just the opposite. It is the backwards ticking clock, teaching us the urgency of holiness and meaning.

It is taught that in the days of the Messiah, the commemorative fast days will be abolished. “All of these fast days,” the Rambam writes, “will be nullified... Moreover, they will all become days of sason v’simcha – of rejoicing.”

It is difficult to fast. Demanding. It is not meant to be easy or enjoyable. But, until Messianic times we must do it, because the job is not yet done. During the Messianic days, we will be truly holy. Until then, we focus on our bodies rather than our souls. And so we need to stop and separate ourselves from our basic bodily needs. We need to fast so that we can know, truly know, that we will, indeed, one day “shuffle off this mortal coil.”

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Tisha Be-Av which Falls on Motzaei Shabbat

Mordechai Tzion Inspiring Torah from **Rav Shlomo Aviner**

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

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

3. Removing Shoes The Rama (Orach Chaim 553:2) rules that on Tisha Be-Av which falls on Motzaei Shabbat, we remove our shoes after Barechu of Maariv, since it is forbidden to display any signs of mourning on Shabbat (Mishnah Berurah #6). The Rama adds, however, that the Shaliach Tzibur removes his shoes before Barechu, after reciting "Baruch Ha-Mavdil Bein Kodesh Le-Chol" (Mishnah Berurah Ibid. #7). The Mishnah Berurah (Ibid.) explains that he does so in order not to become confused if he has to remove them after Barechu. There are however various problems which arise with this: a. One who brings his Tisha Be-Av shoes to Shul on Shabbat violates preparing on Shabbat for a weekday. b. When one removes his shoes and puts on his Tisha Be-Av shoes, he must be careful not to touch them, or he will be required to wash Netilat Yadayim. c. Everyone changing shoes impinges upon proper intention while Davening. d. If everyone changes their shoes (even if they brought them to Shul before Shabbat), the Shul will be filled with shoes, which disgraces the holiness of the Shul. It is therefore preferable to act in the following manner: After nightfall (3 stars coming out), before one leaves his house, each person says "Baruch Ha-Mavdil Bein Kodesh Le-Chol" and puts on his Tisha Be-Av shoes (and see Shut Yechaveh Daat 5:38). In order to do so, Maariv should be delayed 15 minutes. If one is unable to act in this manner, he should put on his Tisha Be-Av shoes at home on Shabbat and walk to Shul in them so he is not preparing on Shabbat for a weekday, since he is using them on Shabbat itself. Even though this seems to contradict the concept of not displaying signs of mourning on Shabbat, our Sages allow one to wear regular shoes on Tisha Be-Av if one is traveling or if one lives among non-Jews and he fears being mocked (Shulchan Aruch, Orach Chaim 554:17), and the same leniency applies for the honor of Shabbat and he may wear his Tisha Be-Av shoes on Shabbat.

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

5. Havdalah After Maariv, before reciting Kinot, we recite only the blessing over seeing a candle (and not the verses before Havdalah or the Berachot over wine and spices). If one does not recite the blessing then, he should do so later that night upon seeing a candle or light. A woman should also recite this blessing if she stays at home and her husband does not return until later.

On Motzaei Tisha Be-Av (Sunday night), we recite Havdalah only over wine, without a candle and spices (Shulchan Aruch, Orach Chaim #556). We also do not recite the verses before Havdalah.

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

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

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