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Rebuilding Ourselves, Rebuilding the World

Lessons from the First Exile

Rabbi Yehuda Willig

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The Maharal makes a remarkable comment in his observation of the words הלג (exile) and ל (redemption). He notes that these two words share the letters ג and ל and only differ in the third letter, the א. The Maharal explains that what distinguishes exile from redemption is whether or not there is a oneness among the Jewish people. That oneness is represented by the letter א, which numerically symbolizes the number one. When Klal Yisrael loses its sense of unity, the result is a fracturing and fragmentation of the Klal, transforming our status from geulah (הלוואג) to galus (תולג) and dispersal around the world. We are reduced from being unified as one people in our homeland to being spread across the four corners of the earth.

Ayeka: Where are You?

Perhaps we can glean an alternative idea and insight into the concept of geulah and galus if we examine more carefully the very first time that humanity suffered expulsion. After Adam and Chava eat from the forbidden tree and before their exile, the Torah describes a perplexing event: And they heard the voice of Hashem Elokim traveling in the garden toward evening, and Adam and his wife hid from Hashem Elokim among the trees of the garden. And Hashem Elokim called to Adam and said to him, where are you? Bereishis 3:8-9

“Where are you?” This question, the first question ever recorded in the Torah, needs to be understood. After all, didn’t God know where Adam and Chava were located geographically? This very question was asked in a most interesting set of circumstances to the Ba’al Ha’Tania, Rav Shneur Zalman of Liadi, in a fascinating story that is recounted by R. Shlomo Yosef Zevin. When R. Shneur Zalman of Liadi was imprisoned by the secret service in St. Petersburg, an officer of the Gendarmes came to interrogate him. The officer saw that the rebbe was pensive and consumed in his thoughts, and understood that he was dealing with a great leader. The officer himself was very intelligent and proficient in the Bible.

The officer said to the rebbe, “I have one question regarding the Torah that I would like to ask you. Will you answer my question?” The rebbe replied, “You may ask the question.”

The officer asked, “Please explain to me the meaning of the verse ‘And Hashem Elokim called to Adam and said to him, where are you?’ Doesn’t God know where Adam is?”

The rebbe replied, “Do you believe that the Torah is eternal and applicable in all times, to every generation and to each person?” The officer said, “Yes, I do believe that.”

The rebbe said, “The meaning of the verse is that at all times God calls out to man and says ‘Where are you? Where are you in the world?’ A person has a limited number of days and years, and each day of each year he must do good with God and with people. Therefore, he should ask himself where he is in the world, how many years have passed and what did he do in those years...” The officer was amazed. He clapped and said “Bravo!”

After seeing the intelligence of the rebbe, the officer convinced the czar that the rebbe was a very intelligent and holy man and that in his opinion, the accusations against the rebbe were falsified.

This very notion is captured in the words of Rabbi S. R. Hirsch in his explanation of this pasuk:

Ayeka—Where are you? Which spiritual level have you reached?

This question, which led up to the first exile, the exile of Adam and Chava from Gan Eden, is really the source of exile itself. When man fails to capitalize on the great potential that God has given him and is unsuccessful in using his talents for His service, then he is exiled from himself, from who he truly can be. This inner exile of self is the cause of his external exile from man’s geographic location.

Perhaps this is symbolized by the letter א missing from the word הלוג. The א in Hebrew grammar represents the יג, the I, of the person. When a person fails to bring out his true spiritual self and potential, when he misses the א inside of him, he enters into a self-inflicted exile. This spiritual exile from one’s own יג then translates into a real displacement from the land of our spiritual destiny, a land that Hashem has gifted us and tailored to allow us to fulfill our own spiritual calling. This is in contrast to הלוואג, which results from living a life of utilizing one’s unique talents and abilities in serving the Creator. Geulah and our return to Eretz Yisrael is a result of each of us living a life of achievement and realization of our spiritual potential. When we attain הלוואג then our missing א is restored as we live a life with connection to who we really are.

Ayeka or Eichah

The Midrash in explaining a verse in Hoshea (6:7) makes the following comment:

Rav Abahu said in the name of Rav Chanina; it is stated (Hoshea chapter 6), “and they were like Adam, they transgressed the covenant,” (this means to say that) they are just like Adam HaRishon, just as with Adam HaRishon, I (Hashem) have brought him into the Garden of Eden and I commanded him (not to eat from the forbidden tree) and he transgressed this order and I judged him and had him evicted and exiled, and I mourned over him with the recital of ה VW [...I judged him with exile as it says “and I banished Adam,” I mourned over him with the recitation of הניא as it says, “And Hashem Elokim called to Adam and said to him, where are you?”] so too Adam’s children, I have brought them into the land of Israel, I have commanded them to perform mitzvos and they have transgressed those mitzvos, I have judged them with eviction and exile, and I have mourned over them with the recitation of ה VW. I have judged them with exile as it says (Hoshea chapter 9) “from my home I have exiled them,” and I have mourned over them with the recitation of ה V? as it says (Eichah chapter 1), “How is it so that she (Zion) sits...”

Bereishis Rabbah Chapter 19 number 9

We are taught in the Midrash that when Hashem asked Adam, הניא (ayekah), He was really lamenting and mourning over Adam. God was saddened by

Adam's sin, pained by his exile. Instead of reading the word ayekah as a question of where are you, it is to be read eichah, an expression of mourning. Perhaps, in light of the above interpretation, we can better understand the relationship between these two readings. More than a coincidental spelling between these two words, there is a deep message the Midrash is conveying. For the wayward Jew, the question of where are you is a piercing and painful experience—an experience of realizing one's distance from the Ribbono Shel Olam, recognizing a life of lost potential, and comprehending the failures and disappointments of his life. This is an eichah experience. This is Hashem's lamentation, bemoaning the state of man, and anguishing over his downfall. That is where the ayekah experience and the eichah experience merge, joining in suffering over the lowly state of man.

The Destruction of the Human Beis HaMikdash

The aforementioned Midrash contains another important message highlighting the great potential of the Jew and further underscoring the severity of his failures. The Midrash compares the exile of the entirety of Klal Yisrael to the exile of Adam HaRishon. Adam, one single individual's exile, seems to be likened to the exile of a large nation. I believe the Midrash is teaching that when Hashem looks down at every single Jew, He sees vast capabilities. When man fails to achieve, Hashem mourns that failure just as he mourns the larger scale failure of the entire nation. To God, each Jew is precious; each Jew represents endless opportunities for greatness.

On many a Tisha B'Av I vividly recall how my father, Rabbi Mordechai Willig, would pose a critical question. We read in the Kinnos scores of compositions mourning over the destruction of the two temples, the exile of all of Israel, and the deaths of so many thousands of Jews. Yet among these many Kinnos, we dedicate an entire kinnah to the tragic story that befell the two children of Rabbi Yishmael Kohen Gadol. Why such attention? Why do we devote so much space in our Kinnos and in our limited mourning capabilities to two children when there is so much more to think about? My father would quote Rav Yosef D. Soloveichik, who offered a beautiful explanation. He suggested that while we mourn the loss of such great numbers of Jews who were killed, the mourner can be overwhelmed at the staggering figures and can begin to lose his ability to appreciate each loss. Instead of mourning for the deaths of real people, he begins to think of the loss as a number, as a cold historian who records historic events. The stories of these two children help shape and personalize the loss of each person in the hearts and minds of the mourner.

Perhaps one can further expand on this notion and suggest that indeed the loss of two lives is worthy of mourning just as the destruction of the Beis HaMikdash. Here the author of the Kinnos is emphasizing the value of each individual. The loss of every person can be seen as the loss of the Beis HaMikdash itself, warranting genuine sorrow and pain.

This idea can be elucidated more clearly based on a comment of the Alshich. The Alshich, in his explanation of the verse (Shemos 25:8) "מִכֹּתֶב יִתְנַשֵּׁר וְשָׂעִי שְׂדֵקְמִי יִלְוֶנִי" (And you shall make me a Mikdash and I will dwell amongst them"), says the following:

It says that I will dwell among them and not (that I will dwell) in it. And the idea is, because I heard those who extract from here that the main residence of the Shechinah is in man himself, and not in the home (Beis HaMikdash), from the fact that it says (I will dwell among) them.

Alshich, Shemos ch. 25

This incredible concept demonstrates the thought we mentioned previously, that each person has such immense significance. Each person is charged with the responsibility to become a living Beis HaMikdash, to use his abilities and talents to bring more Godliness into this world. Therefore, with the loss of every single Jewish life, we mourn and grieve as we do over the loss of the Beis HaMikdash.

Indeed, galus according to this understanding reflects the commonality of exile from one's self and from the Beis HaMikdash in a very real way. Both are lacking the א of redemption, both are deficient in fulfilling their common mandate and purpose to be a home to the Shechinah.

We read with respect to the creation of man:

And Hashem Elokim created man from the dust of the earth and He blew in his nostrils a spirit of life, and man became a living soul.

Bereishis 2:7

Targum Yonasan based on Chazal adds the following:

And Hashem Elokim created man with two inclinations and He took earth from the place of the Beis HaMikdash (and used it to create man). Targum Yonasan, Bereishis 2:7

Why did Hashem choose specifically earth from under the Beis HaMikdash to create man? One explanation may be that Hashem is imparting to us this very message. Man is meant to serve as a portable Beis HaMikdash, serving as a home to the Shechinah wherever he travels. The Beis Hamikdash and Adam were made from the same material, underscoring their shared purpose. When either fails to achieve this objective, when either one disposes of their א, then הָלוּיָא turns to הָלוּיָא, redemption transforms to exile.

The Aleph of God

Shlomo HaMelech teaches in Mishlei:

One who alters the statements of people will cause further fighting; the one who complains will bring about separation between man and his chief.

Mishlei 16:28

The Zohar in explicating this verse states:

Who is the chief? This refers to the Holy One Blessed Be He (For He is the Chief of the world). Zohar, Tzav no. 98

When man sins, he drives a wedge between himself and his Creator, further distancing himself from the Ribbono Shel Olam.

Perhaps, homiletically we can suggest that the Aluph mentioned in this verse is connected to the letter Aleph. When one sins, he causes a division in the word הָלוּיָא, the sinner removes the Aleph from that word and transforms it into הָלוּיָא (exile). When humanity eliminates Hashem, the Alupho Shel Olam (Chief of the world), from their lives, they bring about an existence absent of God, and are removed from His dwelling.

In a similar vein, we know that the letter Aleph has the numerical value of one:

Who knows one? I know one. One is Hashem, our God in the heavens and the earth. Passover Haggadah

This famous passage that we recite at the culmination of the Pesach seder has early roots in our tradition.

The Talmud Yerushalmi teaches:

There is no one except for the Holy One Blessed be He, as it says, Hear O Israel, Hashem is our God, Hashem is One.

Talmud Yerushalmi, Sanhedrin 10:1

The Aleph in הָלוּיָא also signifies the Oneness of Hashem. When the Jewish people restore

Hashem into their daily routine, when we begin to truly live a God-conscious existence, we then convert our exile into redemption.

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Rabbi Wein's Weekly Blog

Dvarim –Chazon

The Torah reading of this Shabbat and the attendant Haftorah from the book of Isaiah always precedes the week of the fast day of the ninth of Av. It is as though our teacher Moshe, a millennium before the destruction of the First Temple, already envisioned the disaster that would befall the Jewish people and the Land of Israel.

This is also true regarding the words of the prophet Isaiah who, a century before the destruction of the Temple and the exile of Israel to Babylonia and Egypt, predicts and describes the sad event. It is not only the gift of prophecy that Moshe and Isaiah possessed that allowed them to so graphically portray

what would happen in the distant future. It is their keen ability to see the problems that actually produced the sad result that we commemorate this coming week.

Moshe despairs over the pettiness of their behavior, their constant carping and complaining, and of the burdens that they unnecessarily place upon their leaders and teachers. Isaiah complains regarding the moral and monetary corruption of their leaders and society, and of the acceptance by the people of such failings. There are no voices raised in objection to the obvious destruction being wrought on Jewish society.

There is no feeling in the general society that somehow they were to be an exceptional people and a light unto the nations of the world. Without this societal feeling there apparently existed no reason for the Jewish kingdom and its holy Temple to survive and continue. Without the mission of the Torah and the feeling of Jewish exceptionalism, the purpose of the Jewish state and its Temple became irrelevant.

It would first take decades and later ages of exile to somehow impress the Jewish people as to their true role in society and civilization. Even then vast numbers of Jews would remain unaware of their place in society and of their purpose for existence. They would view themselves as though nothing exceptional was to be demanded from them and they would measure their achievements by the yardstick that others established for them.

So, it would take a world of millennia-long persecution, discrimination and anti-Semitism to drive home to the Jewish people that they are somehow exceptional, different and that their history, and their God Who guides it, places a unique and holy mission upon them and all of their generations.

The anniversary of the destruction of the Temples serves to remind all of us of the cost of not realizing who we are and, just as importantly, why we are. This day of sadness serves also to be a day of contemplation and renewed dedication to the values and mission that the Torah and our tradition imposes upon us. It is not only a day of mourning but it is a day of self-renewal and commitment. That is why the rabbis saw it as a day of potential joy and a holiday. May it turn out to be that way even this very year.

Shabbat shalom
Rabbi Berel Wein

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Poetic Controversies

By Rabbi Yirmiyohu Kaganoff

Ashkenazim and Sefardim recite very different kinos on Tisha B'Av and different piyutim on most other occasions. This provides an opportunity to discuss:

Question #1: How many machzorim?

"I am a Sefardiyah by birth, and recently became engaged to a wonderful Ashkenazi man who gave me a beautiful, five-volume set of machzorim. I looked at my new set of machzorim and could not find the selichot recited in Elul anywhere in the Rosh Hashanah machzor, nor in any of the other volumes. Where will I find them? I also could not find any volume for Tisha B'Av, but I also could not find those prayers in the Ashkenazi siddur my chatan bought me."

Question #2: The Italian connection

"Why are so many of our piyutim written by Italian authors?"

Introduction:

Our prayers have been enhanced by the inclusion of many religious poems written by various authors over the years. During the yomim nora'im, virtually every Jewish community recites piyutim, poetic liturgy, as part of the davening. We also prepare for Rosh Hashanah and Yom Kippur with the recital of selichos, which also includes piyutim. Such famous and standard prayers as Yigdal, Adon Olam, and An'im Zemiros all qualify as piyutim. The zemiros that we sing at our Shabbos meals are also piyutim, as is Dvei

Haseir, written by Dunash, recited prior to bensching at a wedding or sheva brachos, and Yom Le'yabasha, written by Rav Yehudah Halevi, that is chanted at a seudas bris. And do you know of a community that does not begin Shabbos by singing Lecha Dodi, written by Rav Shlomoh Alkabetz? At one time, in Ashkenazic circles, the davening of all the yomim tovim, all special Shabbos, and even Purim and Tisha B'Av was graced with piyutim specially suited to the occasion. The themes, history and emotions of each season and special day were expressed through these beautiful writings. In the last generation, the recital of piyutim is definitely on the downswing. When I was young, during the birchos kerias shema of maariv on Pesach, Sukkos and Shavuos, most shullen recited piyutim, a custom that is in most places not observed today. About the only shullen where I hear this being practiced today are chassidische minyanim or those following the nusach Ashkenaz traditions of the old German communities.

In the yeshivish world, what is left over from our long tradition of these piyutim are the zemiros of Shabbos, the piyutim recited during yomim nora'im, the kinos, and the selichos.

One interesting exception that has survived is the recital of Akdamus at the beginning of kerias haTorah on Shavuos, which is still recited in every Ashkenazi shul I have ever attended. (Sefardim do not recite Akdamus, as I will soon explain.)

Kinos versus selichos

Since I mentioned the remaining use of piyutim for both selichos and kinos, it is interesting to note a difference between the selichos and the kinos of Tisha B'Av. Although the same basic structure of selichos is followed by most Ashkenazic communities, different practices developed concerning which selichos are recited on which days and in what order. The differences are significant enough so as to make it necessary to make sure that one has a copy of the selichos that follows the exact minhag followed by the shul that one is attending.

On the other hand, with very slight differences, the same kinos for Tisha B'Av are recited virtually universally by all the different communities of Ashkenaz.

Ashkenazim and Sefardim

I once attended Rosh Hashanah davening with a Sefardic minyan, and I can advise someone doing this to have a Sefardic machzor handy, which I did not. Although many different customs have developed among various Ashkenazic communities, the same sources and the same style of piyutim are used by all. However, the piyutim recited by the Sefardim are completely different. Very few of the piyutim recited by Sefardim are familiar to Ashkenazim and vice versa. For example, the writings of the Italian school of paytanim (authors of piyutim) who figure so significantly among the Ashkenazim are never part of the Sefardic prayer. Similarly, Rav Elazar Hakalir, who figures so predominantly in the Ashkenazim's prayer, is not used by the Sefardim. Most of their piyutim are of relatively late vintage and from four authors. The predominant paytanim used by the Sefardim are Rav Shelomoh ibn Gabirol, Rav Yehudah Halevi, Rav Moshe ibn Ezra and Rav Avraham ibn Ezra, all of the Spanish school of talmidei chachamim. It is also interesting to note that in the Sefardic custom, fewer piyutim are recited, which is surprising, since the Jews of medieval Spain were far more noted for their poetry than were the Ashkenazim. Still, Sefardim recite piyutim as part of the selichos, during Rosh Hashanah and Yom Kippur davening and on Tisha B'Av, which Ashkenazim call the reciting of kinos. By the way, although Sefardim say far less piyutim than Ashkenazim, they do say selichos after all five tefilos on Yom Kippur as well as piyutim before kedusha.

How many machzorim?

At this point, we can address one of our opening questions.

"I am a Sefardiyah by birth, and recently became engaged to a wonderful Ashkenazi man who gave me a beautiful, five-volume set of machzorim. I looked at my new set of machzorim and could not find the selichot recited in Elul anywhere in the Rosh Hashanah machzor, nor in any of the other

volumes. Where will I find it? I also could not find any volume for Tisha B'Av, but I also could not find this in the Ashkenazi siddur my chatan bought me."

The answer to this question is interesting. In the customs of bnei Ashkenaz, every day's selichos is completely different from every other day. Although the Sefardim recite selichos the entire month of Elul, they have no separate selichos book. This is because they recite the same selichos every day, and the selichos are usually included in their Rosh Hashanah machzor. A Sefardi set of machzorim might include three volumes: one for Rosh Hashanah, one for Yom Kippur and one for Tisha B'Av. Since they do not recite piyutim on the other holidays, the printers did not always find it worthwhile to produce machzorim for those days, since a standard siddur and chumash suffice.

Others include a fourth volume, which is for all three regalim.

On the other hand, when a publisher sells an Ashkenazic set of machzorim, he includes a volume for each Yom Tov because each Yom Tov had its own special piyutim. However, the selichos recited on fast days, during Elul and aseres yemei teshuvah, and the kinos recited on Tisha B'Av are not included in a set of machzorim and are sold as separate volumes.

History through piyutim

There is a tremendous amount of history that can be derived from learning about the authors of our piyutim. We get quite an education as we see where the wandering Jew has found himself over the centuries of our dispersal.

Here is a sampling of the names and geographic areas of some of our predominant paytanim, organized according to the periods of history. In all likelihood, many of our more common piyutim predate even the earliest dates I have mentioned here. However, since we are without any means of dating them, I have omitted them.

Bavel

Some of our piyutim are known to date back to the era of the geonim 1200-1300 years ago. Among the authors of this period we find Rav Sa'adia Gaon, Rav Nissim Gaon, and Rav Amram Gaon.

The early Italians

Not long after the period of the geonim that I just mentioned, there was a period of significant production of piyutim that dates back to the late 9th century in Italy. Among the many Italian paytanim of this era whose works we recite are a grandfather and grandson both named Amitai, Shefatyah, who was the son of one Amitai and the father of the other, Zevadyah, and Rav Shlomoh Habavli. (Historians do not know for certain why he was called Habavli, since he lived in Italy. The most obvious explanation is that either he was originally from Bavel or that his family origins were there. This would be similar to someone with obvious German roots carrying the family name Pollack, or someone of eastern European background with a family name of a central or western European city, such as Shapiro, from the city Speyer in western Germany, because of some earlier family history.)

Early Ashkenaz

The word Ashkenaz is associated with Germany, and the historical origins of these practices are usually traced to the Jewish communities that lived a thousand years ago in the Rhine river valley. The most famous three of these communities were Speyer, Worms and Mainz. Many of our piyutim are authored by gedolim of this period, including Rabbeinu Gershom, Rabbi Shimon Hagadol of Mainz and Rav Meir ben Yitzchak, the chazzan of Worms, who was the author of Akdamus. By the way, this will explain why Sefardim do not recite Akdamus on Shavuot, since its author lived after the time that Sefardim and Ashkenazim were physically separated into different areas.

Spanish

Beginning around this era is the Golden Age of Spain, which included much writing of piyutim. The major body of the attributable piyutim recited by the Sefardim goes back to this period, most of it written by Rav Shlomo ibn Gabirol, Rav Yehudah Halevi, Rav Moshe ibn Ezra, and Rav Avraham ibn Ezra, as I noted above. Ashkenazim do recite some piyutim from these authors, for example, Shomron Kol Titein, recited in the kinos of Tisha

B'Av, authored by ibn Gabirol, and Tziyon halo Sish'ali, also one of the kinos, and the above-mentioned Yom Le'yabasha by Rav Yehudah Halevi, recited commonly at a bris. By the way, you will find Yom Le'yabasha in your Ashkenazi machzor for Pesach, where it exists as the piyut to be recited at shacharis of the seventh day of Pesach, immediately before the brocha of Ga'al Yisroel.

Later Ashkenaz

In this era, many of the piyutim were written by rishonim who are familiar to us from their halachic and Talmudic writings. These include several baalei Tosafos, such as the Rivam (Rashi's grandson and the older brother of Rabbeinu Tam), Rav Elchanan, Rav Yehudah Hachasid, Rav Yitzchak Ohr Zarua, the Maharam, Rav Yosef Bechor Shor, Rav Yoel Halevi (the father of the Ra'avyah).

The Italian angle

Having studied a quick overview of the various places where our paytanim lived, we can now explain why Ashkenazim recite many selichos and other piyutim written by the early Italian paytanim, whereas the Sefardim do not recite piyutim from these authors. The answer is that the ancestors of what came to be called Ashkenazic Jewry probably predominantly migrated northward from Italy, bringing with them their customs and their piyutim that had been written during this early golden age of piyut.

Rav Elazar Hakalir

No discussion of piyutim is complete without presenting Rav Elazar Hakalir, who authored the lion's share of the kinos we recite on Tisha B'Av, as well as many of our other piyutim, including Tefillas Tal and Tefillas Geshem, the piyutim for the four special Shabbos (Shekalim, Zachor, Parah and Hachodesh), and many of the yotzros for Yomim Tovim. We know absolutely nothing about him personally — we cannot even date when he lived with any accuracy. Some Rishonim place him in the era of the Tanna'im, shortly after the destruction of the Beis Hamikdash, identifying him either as Rabbi Elazar ben Arach (Shu"t Harashba 1:469), a disciple of Rabbi Yochanan ben Zakai, or as Rabbi Shimon ben Yochai's son Elazar, who hid in the cave with his father (Tosafos, Chagigah 13a s.v. Veraglei; Rosh, Berachos 5:21; Shibbolei Haleket #28). On the other hand, others date Rav Elazar HaKalir hundreds of years later.

We do not know for certain what the name "Kalir" means. Since there are several places where he used the acronym "Elazar berabi Kalir," it seems that his father's name was Kalir. However, the Aruch explains that "kalir" means a type of cookie, and that he was called hakalir because he ate a cookie upon which had been written a special formula that blessed him with tremendous erudition (Aruch, eirech Kalar III).

Many of Rabbi Elazar Hakalir's piyutim and kinos require studying rather than reading, since they rely on allusions to midrashim and historical events. Many commentators elucidated his works, attempting to illuminate the depths of his words. Often, his ideas are expressed in difficult allusions, and the story or midrash to which he hints is unclear or obscure. They certainly cannot be understood without careful preparation. Someone who takes the trouble to do this will be awed by the beauty of the thoughts and allusions. When did he live?

Most assume that Rav Elazar HaKalir lived in Eretz Yisrael, based on the fact that we have no piyutim written by him for the second day of Yom Tov (Tosafos, Chagigah 13a s.v. Veraglei; Rosh, Berachos 5:21.) However, the yotzros of the second day of Sukkos clearly include Rav Kalir's signature and follow his style. Could it be that Diaspora Jews moved yotzros he wrote for the first day of Yom Tov to the second day? This approach creates another question: Since the yotzros recited on the first day of Yom Tov were also written by him, would he have written two sets of yotzros for Shacharis on Sukkos? There are other indications that he did, indeed, sometimes write more than one set of piyutim for the same day, and this approach is followed by the Shibbolei Haleket (#28).

Kalirian controversy

Notwithstanding the brilliance and prevalence of Rav Kalir's piyutim, reciting them was not without controversy. No less a gadol than the Ibn Ezra stridently opposes using Rav Kalir's works. In an essay incorporated in his commentary to Koheles (5:1), the Ibn Ezra levels extremely harsh criticism of the piyutim authored by Rav Kalir. He divides the nature of his arguments into four headings.

Simplicity of language

Ibn Ezra notes that prayers should be recited in simple language that can be understood on a very basic level. After all, the goal of prayer is to understand what one is saying. Since piyutim are usually intended to be forms of prayer, one should not recite any prayer whose intent is not obviously clear. Because of this criticism, Ibn Ezra advises reciting the piyutim written by Rav Sa'adia Gaon, which are written so that they can be understood in a very literal way.

Mixed language

Ibn Ezra's second criticism of Kalir is that he mixed into the Hebrew of his piyutim vocabulary whose basis is in the Gemara, treating Talmudic language on the same level of Hebrew as that of Tanach. As Ibn Ezra notes, the Gemara says *loshon mikra lechud uloshon Talmud lechud*, which he understands to mean that the Hebrew used by the Gemara should be treated as a different language from that of Tanach. Therefore, one should not mix the two languages together when reciting prayers.

Grammatical creativity

The third criticism of Ibn Ezra is that he is unhappy with Kalir's creative approach to Hebrew grammar and structure, allowing poetic style to influence the Hebrew that he used. Ibn Ezra also criticized Kalir's creation of new words by changing masculine words to feminine and vice versa for poetic effect or to accomplish his allusions.

Use of midrashim

Ibn Ezra's fourth criticism of Kalir is that his piyutim are filled with midrashim, and that these should not be included in one's prayers.

Ibn Ezra notes that there were those who took issue with his criticisms, since Kalir had passed on many years before and would be unable to respond. Ibn Ezra himself dispenses with this disapproval by noting that prayer must be whole-hearted, and how can one pray when one does not understand what one is saying? Ibn Ezra notes that when Rav Sa'adia wrote piyutim, he steered clear of these four problems.

In fact, Sefardim do not recite piyutim of Rav Kalir, whereas among Ashkenazim, he is the single, most commonly used paytan.

Response to Ibn Ezra

We should note that the Shibbolei Haleket saw this essay of the Ibn Ezra and quoted selections from it, but he omitted any of the Ibn Ezra's criticism of Rav Kalir's writings.

Furthermore, none of Ibn Ezra's criticisms should be taken as casting aspersions on Rav Elazar Hakalir's greatness. Shibbolei Haleket records that when Rabbi Elazar Hakalir wrote his poem *Vechayos Asher Heinah Meruba'os* (recited in the *kedusha* of *musaf* of Rosh Hashanah), the angels surrounded him with fire (quoted by the Magen Avraham at the beginning of Siman 68). Similarly, R' Chaim Vital writes that his teacher, the Arizal, recited only the piyutim written by the early paytanim, such as R' Elazar Hakalir, since they are based on kabbalah.

Which seder ha'avodah?

This dispute between Ashkenazic practice and Sefardic manifests itself in the choice of piyut used for the seder ha'avodah recited towards the end of *musaf* on Yom Kippur. Dozens of piyutim explaining the seder ha'avodah were written, some dating back to the time of the Gemara, some perhaps earlier. Notwithstanding the antiquity of some of these pieces of poetry, the ones currently used are of relatively late origin. Ashkenazim recite *Amitz Koach*, which is highly poetic and difficult to understand. On the other hand, Sefardim recite *Atah Konanta*, which is written in clear Hebrew.

Conclusion

Now that we have had an opportunity to appreciate some of the background to our piyutim, it should motivate us to utilize our davening better to build a

relationship with Hashem. As the Kuzari notes, every day should have three very high points -- the three times that we daven. We should gain our strength and inspiration for the rest of the day from these three prayers.

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Yeshivat Ateret Yerushalayim

Rav Shlomo Aviner Shlit" a

Parashat Devarim

Come and Possess Eretz Yisrael - Promise and Command

The entire book of Devarim is one long speech given by Moshe Rabbenu before his death and before Israel enters the Promised Land. In his humility, he had protested to being appointed, saying: "I am not a man of many words" (Shemot 4:10). Forty years later, at the age of 120, he encompasses the whole history and geography of Israel in his final speech - addressing both the individual and the Nation as a whole.

Throughout the past century, a great debate has been going on regarding whether it is up to us to conquer and settle the land, or whether we should sit and wait for G-d's promise to be fulfilled. This week's parashah contains the promise: "See, I have presented you with the Land" (Devarim 1:8). Although this seems to imply that G-d will ensure that we get the Land, we are immediately commanded: "Come and possess the Land which Hashem swore to your fathers, to Avraham, Yitzchak and Yaakov, to give to them and to their descendants after them" (ibid.). "Hashem swore," but it is up to us to ensure that His word be done. It is both a promise and a command. We must not rationalize that if Hashem swore, there is nothing for us to do but sit and wait. It is precisely because He swore that we know that our efforts are meaningful, and that they will bear fruit. We must conquer and settle the Land.

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The Book of the Covenant (Devarim 5777)

Covenant & Conversation

Judaism & Torah

As we begin reading the fifth and final book of the Torah, I would like to discuss three questions. First, why does the book of Devarim have the structure it does: a mix of history, law, recollection and anticipation?

The sages knew that Devarim had a clear structure. Elsewhere in the Torah some rabbis used the principle of *semikhat haparshiyot* – that we can learn something from the fact that passage Y occurs immediately after passage X. Others however did not, because there is a rule, *Ein Mukdam Umu'achar BaTorah*, meaning, the Torah does not always follow a strict chronological sequence. So we cannot always attach significance to the fact that the passages are in the order they are. However, everyone agrees that there is precise order and structure in the book of Devarim (Berakhot 21b). But what is the order?

Second: the sages originally called Devarim *Mishneh Torah*, a "second law". Hence the Latin name *Deuteronomy*, which means, the second law. But in what sense is Devarim a second law? Some of the laws Moses states in the book have appeared before, others have not. Is it a repetition of the laws Moses received at Sinai and the Tent of Meeting? Is it something new? What exactly is the meaning of *Mishneh Torah*?

Third: what is the book doing here? It represents the speeches Moses delivered in the last month of his life to the generation who would cross the

Jordan and enter the Promised Land. Why is it included in the Torah at all? If the Torah is a history book, then we should proceed directly from the end of Bamidbar, the arrival of the Israelites at the banks of the river Jordan, to the book of Joshua, when they crossed the river and began their conquest of the land. If the Torah is a book of law, then Devarim should just be a collection of laws without all the historical reminiscence and prophecy it contains. What kind of book is Devarim and what is its significance to the Torah as a whole?

A number of relatively recent archeological discoveries have however thrown new light on all these questions. They are the engraved records of ancient treaties between neighbouring powers. Among them are the “Stele of the Vultures” commemorating the victory of Eannatum, ruler of Lagash in southern Mesopotamia, over the people of Umma, and that of Naram-Sin, king of Kish and Akkad, with the ruler of Elam. Both date from the third millennium BCE, that is to say, before the time of Abraham.

The treaties are of two kinds: between parties of roughly equal power (“parity treaties”) and those between a strong one (a precursor of the modern idea of a superpower) and a weak one. These latter are known as “suzerainty treaties”, suzerain meaning the dominant power in a particular region. Another name for treaty is, of course, brit, or covenant, and we now see their significance for an understanding of Judaism. Covenant was the basic structure in the ancient Middle East of treaties between neighbouring powers. Abraham, for example, makes a brit with Avimelech, king of Gerar, at Beersheva (Gen. 21:27-32). So does Isaac (Gen. 26:28). Jacob does so with Laban (Gen. 31:44-54).

What the newly discovered treaties show is the precise form of ancient covenants. They had six parts. [1] They began with a preamble, establishing the identity of the person or power initiating the covenant. This was followed by [2] a historical prologue, reviewing the history of the relationship between the two parties to the covenant. Then came [3] the provisions of the covenant itself, the stipulations, which were often stated in two forms, [a] general principles, and [b] detailed provisions.

There then followed [4] a provision for the covenant to be deposited in a sacred place, and read on a regular basis. Next came [5] the sanctions associated with the covenant, namely the blessings that would follow if it was adhered to, and the curses that would occur if it is broken. Lastly there is [6] a statement of the witnesses to the agreement – usually the gods of the nations involved. The entire book of Devarim is structured as an extended covenant, on precisely these lines. This is how it works:

1. Preamble 1:1 – 1:5 Announces place, time and person initiating the covenant that follows: Moses on behalf of God.
2. Historical prologue 1:6 – 4:49 Moses recapitulates the history that has brought them to where they are, mostly recalling the events described in the book of Bamidbar
3. Stipulations [a] chs. 5-11[b] chs. 12-26 [a] general provisions: Ten Commandments, Shema, etc. Recapitulation of events surrounding the making of the covenant at Sinai.[b] specific provisions: the details of the law, with special reference to how they are to be carried out by the people as a whole in the land of Israel.
4. Deposition and regular reading 27, 31 The law to be inscribed on stone (stele) at Mount Ebal; the Torah written by Moses and placed in the ark; to be read in public at a national assembly by the king every seven years.
5. Sanctions: the blessings and the curses 28 Ch. 28 states the blessings and curses; 29-30 the actual covenant renewal, together with a statement that even if the people break the covenant and the curses come to pass, return, teshuvah, is still possible.
6. Witnesses 30:19 – 32:1 “Heaven and earth” (4:26, 30:19, 31:28, 32:1), “This song” (31:19)

In other words, apart from Moses’ song and blessing of the tribes, with which the book and Moses’ life come to an end, the entire book of Devarim is a covenant on a monumental scale.

We now see the extraordinary nature of the book. It has taken an ancient political formula and used it for an entirely new purpose.

What is unique about the covenant in Judaism is, first, that one of the parties is God himself. This would have been unintelligible to Israel’s neighbours, and remains extraordinary even today. The idea that God might bind himself to human beings, linking their destiny to His, making them His ambassadors – his “witnesses” – to the world, is still radical and challenging.

Second, the other party to the covenant is not, as it was in the ancient world, the king or ruler of the relevant nation, but the people as a whole. Every Israelite, as we saw in Exodus 19 and 24, and throughout Deuteronomy, is party to the covenant, and co-responsible with the people as a whole for its being kept.

From this flows the idea of Kol Yisrael Arevin Zeh Lazeh, “all Jews are responsible for one another”, as well as the much later American idea of “We, the people.” This transformation meant that every Jew had to know the law and teach it to his or her children. Every Jew had to know the story of his or her people, reciting it on Pesach and when bringing first-fruits to Jerusalem.

This is covenant politics, a unique form of political structure based not on a hierarchy of power but on a shared sense of history and destiny. It is a moral politics, dedicated to creating a just and gracious society that honours the dignity of all, especially the downtrodden, the poor, the powerless and the marginal: the widow, the orphan and the stranger.

The structure of the book is now clear. It follows precisely the structure of an ancient suzerainty treaty between a strong power, God, and a weak one, the Israelites. Politically, such treaties were well known in the ancient world, but religiously this is unique. For it means that God has taken an entire nation to be His “partners in the work of creation,” by showing all humanity what it is to construct a society that honours each individual as the image of God.

We now understand what Mishneh Torah means. It means that this book is a “copy” of the covenant between God and the people, made at Sinai, renewed on the bank of the Jordan, and renewed again at significant moments of Jewish history. It is the written record of the agreement, just as a ketubah is a written record of the obligations undertaken by a husband toward his wife.

We now also understand the place of Devarim in Tanakh as a whole. It is the axis on which all Jewish history turns. Had the generation who left Egypt the faith and courage to enter the promised land, all Jewish history would turn on the revelation at Sinai. In fact, though, the episode of the spies showed that that generation lacked the spirit to do so. Therefore the critical moment came for the next generation, when Moses at the end of his life renewed the covenant with them as the condition of their inheritance of the land. The four previous books of the Torah lead up to this moment, and all the other books of Tanakh are a commentary to it – an account of how it worked out in the course of time.

Devarim is the book of the covenant, the centre-point of Jewish theology, and the project it defines is unique. For it aims at nothing less than the construction of a society that would moralise its members, inspire others, and serve as a role model of what might be achieved were humanity as a whole to worship the one God who made us all in His image.

Parshat Devarim (Deuteronomy 1:1-3:22)

Rabbi Shlomo Riskin

Efrat, Israel — “How (eichah) am I able to bear your contentiousness, your burdens and your quarrels?!” [Deut. 1:12]

Just prior to the conclusion of the 1978 Camp David Accords, U.S. President Jimmy Carter submitted a letter for Prime Minister Menachem Begin that caused the Israeli leader to turn pale and promptly return it to the leader of the free world unsigned. “But I did not ask you to give up Jerusalem,” said the astonished American president. “I only asked that you put it on the negotiating table.”

Begin answered in his characteristically poetic style: “For two thousand years, we Jews have been reciting a verse from King David’s Psalms at every wedding ceremony: ‘If I forget thee O Jerusalem, may my right hand lose her cunning: Let my tongue cleave to the roof of my mouth, if I hold thee not above my highest joy.’”

“But does Judaism not state that you must give up a limb in order to save the entire organism?” remonstrated Carter. “Yes,” countered Begin, “but not if the limb is one’s heart. No human being can live without a heart. Jerusalem is the heart of Israel and the heart of the Jewish people.”

At this time of year, as Tisha b’Av approaches, we are especially cognizant of the devastating impact of the destructions of our nation’s heart in 586 B.C.E. and 70 C.E. With this in mind, it is important to note that Tisha b’Av is always immediately preceded by this week’s Biblical portion, Devarim. What is the significance of this calendrical juxtaposition?

Firstly, there is the linguistic connection between Parshat Devarim and Tisha b’Av. In our Biblical portion, Moses expresses his exasperation with the Jewish people: “How (eichah) am I able to bear your contentiousness, your burdens and your quarrels?!” To underscore the appearance of the word “eichah”, this verse is publicly chanted with the same haunting cantillations as the Scroll of Lamentations (Megillat Eichah), which is read on the evening of Tisha b’Av.

Going one step deeper, this linguistic connection points to the sin that led to Jerusalem’s first and second destruction and subsequent long exile: internal strife among the Jewish People. Our sages defined this contentiousness and quarrelsomeness as “sinat chinam,” causeless hatred. And since “every generation that does not build [the Temple] is as if they destroyed it” [Jerusalem Talmud, Yoma 1:1], it is painfully evident that we have much room for improvement.

Despite this daunting challenge, it gives us hope to know that Jerusalem, whose destruction we currently mourn and feel, is also the city from which the redemption of humanity will one day come. Jerusalem, once the paradigmatic symbol of destruction and loss, will become a symbol of reunification and restoration.

Isaiah, in presenting his vision of redemption, calls out in the Haftarah of the Sabbath immediately following Tisha b’Av: “Comfort you, comfort you (“Nachamu nachamu”), My people, speak about Heart-Jerusalem [“Lev-Yerushalayim”], and call out unto her; her period (of exile) has been completed, her iniquity has been forgiven” [40:1–2].

Note that the prophet refers to the city as Heart-Jerusalem, a compound noun (“speak about Heart-Jerusalem”); it is “heart” that defines Jerusalem. This is what Rabbi Avraham Yitzchak HaKohen Kook likely referred to when he said of the Western Wall, “There are some hearts that are of stone; and there are some stones that are truly hearts.” Such are the heart-stones of the Western Wall; such is Jerusalem – heart-stone.

According to all of our prophets, this message will be conveyed at the end of the days from the Holy Temple in Jerusalem, to which all the nations will flock. At that time they will beat their swords into ploughshares, forsake entirely the cultivation of warfare [Is. 2, Mic. 4], and “the nations will change to speak a pure language; they will all call upon the name of God and serve Him with a united resolve” [Zeph. 3:9]. Jerusalem will become the vehicle for Israel’s expression of the purpose for its being, the effectuation of a redeemed world of peace.

For these reasons and more, Prime Minister Begin was absolutely correct to insist that Jerusalem cannot be placed on the negotiating table! Jerusalem will one day reunite all of humanity within her bosom, for she is the heart of humanity. The love that will emanate from Jerusalem will be a love without cause [“ahavat chinam”], repairing the hatred without cause that caused Jerusalem’s demise in the first place.

We have the obligation and the ability to transform this vision to reality by taking it upon ourselves on a daily basis to do our part to increase love without cause. B’ezrat Hashem, in this merit, we will witness the full rebuilding of Jerusalem speedily and in our days.

Shabbat Shalom

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**Ohr Somayach :: Torah Weekly :: Parshat Devarim
by Rabbi Yehuda Spitz**

For the week ending 29 July 2017 / 6 Av 5777

Insights

A Public Need

“These are the words that Moshe spoke to all Israel...” (1:1)

Why does the Torah stress here that Moshe spoke to “all” Israel. It could equally have written, “...to the Children of Israel” or “...to Israel.” These are alternatives that the Torah itself uses elsewhere.

The Talmud (Mo’ed Katan 21b) explains that Moshe communicated the words of Sefer Devarim, the Mishneh Torah (Repetition of the Torah), three days after the passing of his brother Aharon. The gemara there raises the question how was Moshe — a mourner in the week of shiva — able to learn Torah? The gemara’s answer is that if there is public need a mourner may learn and teach Torah.

This is why the Torah stresses that Moshe spoke to “all” of Israel — for without being needed by the entire Jewish People he would not have been allowed to learn or teach Torah.

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חדשות ערוץ 7

**When one person’s piety caused a national disaster – a lesson for the
Three Weeks.**

Chief Rabbi Ephraim Mirvis

In his D’var Torah this week, the Chief Rabbi reflects on Rabbi Zecharia ben Avkulas role in the destruction of the Temple.

Rabbi Zecharia ben Avkulas was responsible for the destruction of our Temple. Who was this Rabbi and why was such a suggestion given? During these Three Weeks between Shiva Asar B’Tamuz and Tishah B’Av, it is common for us to study the Gemarah in Mesechet Gittin (55b), and there we find the well-known story of Kamtza and Bar Kamtza: A well-known man in Jerusalem, a wealthy individual, threw a party, he invited his good friend Kamtza. Unfortunately, his enemy, Bar Kamtza was invited instead. He turfed Bar Kamtza out of his home, Bar Kamtza felt humiliated in the presence of the great leaders of that time, and so he went off to Rome and he said to Caesar, ‘the Jewish people are planning a rebellion’. Caesar said, ‘prove it!’

He said ‘Well, if you send an animal for them to sacrifice in their Temple, they will refuse to do it’.

‘Now, the dilemma that our people faced then is similar to many dilemmas that we faced throughout history. What do you do in tricky situations, such as this?’

Caesar did just that and en route to Jerusalem, Bar Kamtza inflicted a blemish on that animal. So, the animal arrived in Jerusalem and the Kohanim wanted to sacrifice it because they said, ‘if we don’t, we’re going to offend Caesar and who knows what might follow’.

Rabbi Zecharia ben Avkulas said, ‘You cannot sacrifice this animal, it will set a precedent’. People will say, ‘ah, it’s okay to sacrifice animals with a blemish’.

And then the Rabbis suggested, ‘well, maybe we should take Bar Kamtza’s life and as a result, he won’t be able to give a report back to Caesar about what will happen’.

Rabbi Zecharia ben Avkulas said: 'No! People will say as a result: from here we learn that anybody who offers a sacrifice with a blemish is Chayav Mitah – they deserve to be killed'.

So, as a result of his view, the animal was not sacrificed, Caesar was offended, he sent his army to Jerusalem and the rest, as they say, was all history.

Rebbe Yochanan declared: Rabbi Zecharia ben Avkulas is responsible for the destruction of our Temple and the exile of our people.

Now, the dilemma that our people faced then is similar to many dilemmas that we faced throughout history. What do you do in tricky situations, such as this?

Rebbe Yochanan is telling us, that sometimes you can't just focus on one specific issue, you have to see the bigger picture. And so through the ages, our Rabbis, in a Halakhic context, have learned the lessons from Rabbi Zecharia ben Avkulas. For example, there was a chance that the Oral law would be forgotten. And so, Rebbe Yehudah HaNassi decided to break with tradition, in order to write down the Oral law, because within Halakha, he saw that he had a responsibility and Halakha dictated that it was necessary for him to do this in order to preserve it.

As a result, therefore, we need to always consider the broader, long term context of what we are deciding upon and what we are doing. In that way, we will, please God, always arrive at the right decisions, for our time and for the future.

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Missed Opportunities and the Afternoon of Tisha Bav
Rabbi Daniel Stein

While recounting the sin of the meraglim, the spies, in Parshas Devarim, Moshe mentions that upon realizing the costly mistake of maligning Eretz Yisrael, Bnei Yisrael expressed a sincere desire to rectify the situation, as the pasuk states, "then you answered and said to me, We have sinned against Hashem, we will go up and fight, according to all that Hashem has commanded us" (Devarim 1:41). Hashem instructs Moshe to refuse this gesture by saying, "Neither go up nor fight, for I am not among you, lest you be struck down before your enemies." Bnei Yisrael did not heed Hashem's warning and they subsequently waged an unsuccessful battle to conquer Eretz Israel where they are slaughtered en masse. Why did Hashem thwart the attempted repentance of Bnei Yisrael? Why were they prevented from repairing their initial rejection of Eretz Yisrael and their preliminary lack of enthusiasm?

The Ralbag explains that Hashem did not rebuff their teshuvah per say, rather it was simply ineffective in gaining them entry into Eretz Yisrael because it came too late. The window of opportunity to enter Eretz Yisrael at this time had already expired. Often times, and in all aspects of life, if an opportunity is not capitalized upon immediately, it can disappear, and it may be impossible to fully recapture it or reclaim it at some later point.

Opportunity knocks once, maybe twice, but then it is gone. The period of the Bein Hametzarim, and specifically the morning of Tisha Bav, also seem to represent a similar type of limited and confined opportunity.

The pasuk in Eichah (1:15) refers to Tisha Bav as a moed or holiday. Indeed, the Apta Rav (Ohav Yisrael) observes that the entire period of the Bein Hametzarim, consisting of the twenty-two days from the seventeenth of Tammuz until the ninth of Av corresponds to the twenty-two days of festivals that we celebrate in the diaspora throughout the year, including the

eight days of Pesach, the two days of Shavuot, the two days of Rosh Hashanah, Yom Kippur, and the nine days of Sukkos and Shemini Atzeres. Moreover, we regularly begin the period of the Bein Hametzarim with the reading of Parshas Pinchas, which enumerates the entire gamut of moadim, perhaps indicating further that the Bein Hametzarim and Tisha Bav are also part of the "holiday" cycle.

How can the mourning of the Bein Hametzarim and Tisha Bav possibly be included or equated with the celebrations of the other holidays and moadim? What characteristic do they share in common? Rav Mordechai Gifter quoted in the name of Rav Avrohom Yitzchak Bloch, that the Bein Hametzarim and Tisha Bav can be considered moadim, because a "moed" refers to any period of time that presents us with an opportunity to interface directly with Hashem (see Shemos 25:22). Throughout the regular cycle of the moadim we have an opportunity to interact directly with Hashem on positive terms and for happy occasions. The Bein Hametzarim and Tisha Bav are rightfully considered moadim because they also afford us an opportunity to encounter Hashem directly, albeit in the guise of sadness and mourning. Therefore, the Bein Hametzarim and Tisha Bav, should not be viewed as obstacles in our summer that must be endured and overcome, but rather as opportunities to interact and encounter Hashem directly, that should be grasped and exploited.

However, it seems that this rare opportunity begins to dissipate and slip away in the afternoon of Tisha Bav. Even though, the halachos of mourning build progressively throughout the Bein Hametzarim, climaxing on the night and morning of Tisha Bav, after midday on Tisha Bav they abruptly change course, and begin to loosen and relax. In fact, the Bnei Yisaschar notes that the entire period of the Nine Days, from Rosh Chodesh Av through Tisha Bav, contains two hundred and sixteen hours, corresponding to the numerical value of the word "aryeh" or "lion." This is because, just like the pasuk states "when the lion roars who does not fear" (Amos 3:8), similarly, who amongst us does not tremble from the devastation and mourning of the Nine Days which lasts for two hundred and sixteen hours. However, when the word "aryeh" "lion" appears in Eichah (3:10) it is missing the letter "heh", corresponding to the number five, perhaps reflecting the notion, that during the final five hours of Tisha Bav, after midday, the intensity of the mourning has already started to subside.

This is surprising because the Gemara (Taanis 29a) tells us that historically the Beis Hamikdash only began to burn in earnest on the afternoon of the ninth of Av, after which it continued to burn throughout the tenth of Av. In recognition of that historical reality, Rav Yochanan claims that personally he would have instituted the tenth day of Av as the day of extreme mourning instead of the ninth of Av. If the destruction primarily took place in the afternoon on the ninth of Av, why do our practices of mourning subside in the afternoon, if anything they should become more severe? Rav Tzvi Meir Zilberberg suggests that upon witnessing the beginning of the burning of the Beis Hamikdash in the afternoon of Tisha Bav, Klal Yisrael was utterly shocked and transformed. At that point, they sincerely expressed remorse and began to repent. Therefore, our practices of mourning weaken and decrease in the afternoon of Tisha Bav, because after midday, Bnei Yisrael had already begun to do teshuvah!

In fact, the Gemara (Yoma 54b) states that when the gentile marauders entered the Holy of Holies at the time of the destruction of the Beis Hamikdash the keruvim on top of the Aron were facing one another. The Shita Mekubetzes finds this difficult to reconcile with the statement of the Gemara (Bava Basra 99a) which resolves that the keruvim would only face each other when Bnei Yisrael enjoyed a harmonious relationship with Hashem, but when there was distance and discord between them, the keruvim would face apart from one another. Since the destruction of the Beis Hamikdash was precipitated by a religious rebellion and rampant lack of observance, why were the keruvim facing each other at the time of the churban? Rav Tzadok Hakohen asserts that the keruvim were facing one another because in the middle of the day on the ninth of Av, once the Beis

Hamikdash had started to burn, Klal Yisrael had undertaken to do teshuvah and repent, thereby restoring and repairing their relationship with Hashem. However, if Klal Yisrael had accepted to do teshuvah in the afternoon of the ninth of Av, when they witnessed the Beis Hamikdash starting to burn, why were their efforts not effective in stemming the tide, and averting the remainder of the calamity? Rav Tzvi Meir continues that their repentance could not halt the developing churban, because it came too late. The churban had been triggered and set in motion, and the window of opportunity to do teshuvah in a fashion that would arouse injunctive relief, had already passed. Therefore, we should and must learn from the mistakes of our past, to capitalize on the precious and timely opportunity of the Nine Days and specifically the morning of Tisha Bav to do teshuvah with alacrity and purpose, and not allow this precious opportunity to slip through our fingers once again. If we do so, may Hashem grant our desperate plea "Restore us to You, Hashem, that we may be restored! Renew our days as of old" (Eichah 5:21).

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Devarim: Israel the Non-Imperialist

Sovereignty over any foreign land is insecure - Seneca the Elder

Historically, Israel was blessed with fearsome warriors. The ancient near east quaked in their sandals as the Children of Israel approached the borders of successive nations. There was the miraculous Exodus from Egypt and the Splitting of the Sea, which basically destroyed the mighty Egyptian empire. Forty years later, there was the lightning-fast conquest of the lands of Sihon King of Emor and Og King of Bashan. The other nations learned that God was with Israel and that the new generation of Israelites was fearless. However, what the non-Canaanite nations did not know was that God had given an express command for Israel not to attack the neighboring nations, not even to threaten them. This included not attacking Israel's distant cousins, the Edomites, the Moabites and the Ammonites. Had Sihon and Og left Israel alone, if they would have let Israel pass through to Canaan peacefully, they too would have remained unscathed and unconquered. Rabbi Hirsch (in the 1800s) on Deuteronomy 2:5 details:

"Israel is to take its place among the nations with a God-fearing respect for their possessions. Israel must not see itself as a nation of conquerors from whom no nation on earth will henceforth be safe. Rather, Israel must limit its military actions and prowess to the task of occupying that one sole land which God has intended for it and promised to it from the very outset of history."

Israel has its Promised Land. Every other land is off-limits to Israel. Just as God assigned a particular land to the Jewish nation, so, too, He assigned other lands to other peoples. The Torah goes out of its way to detail the conquests of other lands that God facilitated for other nations.

There are people in the world who imagine that Israel has imperialistic designs or "Zionist plots." Often these people and their theories are anti-semitically motivated and are disengaged both from reality, as well as from our very nature and founding as a people. In the end, they are either distorting reality for their own purposes or just clueless.

What we will fight for is to defend the land that God has finally returned us to, but we have no designs or interest in anyone else's land.

May we remain steadfast in protecting our people and our land and may our enemies learn again to fear us.

Shabbat Shalom

Dedication

In memory of the recent victims of terror. God will avenge their blood.

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Parashat Dvarim: Compromise And Justice

Rabbi Shmuel Rabinowitz

July 27, 2017 Thursday 4 Av 5777

Justice and compromise are the ways a person makes room for others in his heart. Insisting on the letter of the law, even if it is just, can be a sign of egoism.

This week we begin reading the last of the five books of the Torah – Deuteronomy.

This book is mostly composed of speeches Moses gave to the nation during the days before his death on the border of the Land of Israel. These speeches summarize the nation's history during its 40 years in the desert on the way from Egypt to the Land of Israel. Likewise, Moses presented them with guidance and instructions on how to preserve the Jewish nation's uniqueness after settling the Land of Israel – with a view toward the spiritual and cultural challenges they would be facing from the adjacent nations.

One of the events Moses reviewed in his first speech was the appointment of judges. After explaining the need to create a widespread legal system, he described the instructions he gave the judges prior to their appointment: "And I commanded your judges at that time, saying, 'Hear [disputes] between your brothers and judge justly between a man and his brother, and between his litigant'" (Deuteronomy 1:16).

The words "judge justly" are ambiguous.

The simple meaning is to make sure the judgment is just, fair and honest.

But the word "justly" was interpreted by one of our medieval sages, Rabeinu Behaye ben Asher (Spain, 1255-1340), to mean "by compromise." This means the judge is not meant to strive to reach a decision based on absolute justice, but should soften the argument and instruct both sides to give in a little, to compromise.

This ambition to reach a compromise is not coincidental. In the prophecy read as the Haftara this week after the Torah portion, Isaiah prophecies about the good future in store for Jerusalem: "Zion shall be redeemed through justice and her penitent through righteousness" (Isaiah 1:27).

Justice and compromise are the ways a person makes room for others in his heart. Insisting on the letter of the law, even if it is just, can be a sign of egoism.

Even if a person harmed you, even if he owes you something, you should not live in the emotional state of the plaintiff. On the contrary, the understanding that others have faults, just as we have faults, is a basic concept that changes a person's position when facing society.

Indeed, in the Talmud's description of the factors leading to Jerusalem's destruction, we find the following: "Jerusalem was destroyed because people there insisted on their rights based on the full letter of the law, and were not willing to be lenient" (Talmud Bavli, Tractate Baba Metzia, daf 30).

At first glance, this seems paradoxical.

The term "lenient" seems to insinuate that this is something that cannot be demanded of someone, so how could this be punishable? There is an important message concealed here: A person should rise above the basic position demanding what he thinks he deserves. Our position should be softer, more inclusive, less demanding.

This is not a recommendation, but rather an obligation. This is the correct way to live.

The writer is the rabbi of the Western Wall and Holy Sites.

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Devarim 5777-2017

“The Transformation of Moses is Completed”

by Rabbi Ephraim Z. Buchwald

With this week’s parasha, parashat Devarim, we begin reading the fifth and final book of the Torah, known as דְּבָרִים , Devarim–Deuteronomy.

The entire book of Deuteronomy takes place during the final weeks of Moses’ life. In Devarim, Moses reviews and teaches many of the laws of the Torah and much of the history of Israel, stressing those laws and teachings that the people of Israel will need to know in their future life in the Promised Land.

Parashat Devarim opens with the well-known verse, Deuteronomy 1:1, אָלֶּה , אֵלֶּה הַדְּבָרִים אֲשֶׁר דָּבַר מֹשֶׁה אֶל כָּל יִשְׂרָאֵל בְּעֵבֶר הַיַּרְדֵּן (דְּבָרִים—Devarim) that Moses spoke to all of Israel on the other side of the Jordan...

The Torah, in Deuteronomy 1:3, states that it was on the first day of Shevat that Moses began to review the Torah with the people of Israel. According to tradition, he continued until the day before he died, on the seventh of Adar.

The book of Deuteronomy is significantly different from the first four books of the Torah, whose contents are attributed directly to G-d. In the book of Deuteronomy, Moses speaks to the people in G-d’s name.

It is quite significant that the final book of the Torah opens with the words, אֵלֶּה הַדְּבָרִים אֲשֶׁר דָּבַר מֹשֶׁה , and these are the words-

(devarim) that Moses spoke, דָּבַר , (dee’ber) to all of Israel.

It is impossible not to be struck by these words. After all, when G-d first revealed Himself to Moses at the Burning Bush, and tried to convince Moses to serve as His agent to redeem the Jewish people, Moses fought bitterly not to be appointed. Even after G-d gave Moses a series of Divine signs, Moses demurs, saying to G-d, Exodus 4:10, בִּי הַשֵּׁם, לֹא אִישׁ דְּבָרִים אֲנִי גַם מִתְּמוֹל גַּם , Please my L-rd, I am not a man of words, not since yesterday, nor since the day before yesterday, nor since You first spoke to Your servant, for I am heavy of mouth and heavy of speech. G-d responds to Moses movingly, in Exodus 4:11, “Who makes a mouth for man? Or who makes one mute or deaf or sighted or blind? Is it not I, the L-rd? So now go. I shall be with your mouth and teach you what you should say.” Despite G-d’s assurance, Moses responds, Exodus 4:13,

“Please, my L-rd, send through whomever You will send.” Send anyone, just not me!

The commentators differ over the meaning of the Hebrew expression, כָּבֵד פִּה , וכָּבֵד לְשׁוֹן . Rashi says that Moses said of himself that he was a stammerer and a stutterer. Other commentators disagree. The Rashbam says that Moses, who is now 80 years old, meant that he was not fluent in Egyptian, because he was young when he was forced to flee Egypt. R. Abraham Ibn Ezra says that Moses felt inadequate because he was not a polished or gifted speaker. Shadal seems to indicate that because he spoke bluntly and forcefully, Moses felt that he would not be an effective communicator.

Moses not only felt inadequate as a speaker, but also as a leader. When the people were in the wilderness and complained about the Manna, Moses cried out to G-d, Numbers 11:11, “Why have You done evil to Your servant? Why have I not found favor in Your eyes that You place the burden of this entire people upon me?” Moses offers a most dramatic and plaintive plea, Numbers 11:12, הֲאֲנִי הֲרִיתִי אֶת כָּל הָעָם הַזֶּה אִם אֲנִי יִלְדֵתִיהוּ , כִּי תֹאמַר אֵלַי שְׂאֵהוּ בְּחִיקָה , כִּי אֲשַׁר , Did I [Moses] conceive this entire people or did I give birth to it, that You [G-d] say to me, “Carry them in your bosom, as a nurse carries a suckling, to the land that You swore to its forefathers?”

My father, Moshe Aharon Buchwald, of blessed memory, used to joke about some of the people who came from his shtetl in Poland, Biala. Growing up in great poverty, many Jewish children never had a chance to receive even a basic education, and were functionally illiterate. However, when they arrived in America, they immediately enrolled in public schools and, lo and behold, they soon became quite educated, serving as public leaders, at times, delivering eloquent public addresses. My father compared this to Moses, who, when he first started out, was a stammerer and a stutterer, unable to

speak a word. After crossing the sea, the Torah tells us (Exodus 15:1), אָז יִשִּׁיר , מֹשֶׁה , that Moses became the “Poet Laureate” of Israel, composing the most beautiful songs and poetry. So it was with his fellow Biala landsman, who crossed the sea in steerage, arrived at Ellis Island, and after focusing on education, became eloquent “singers.”

אֵלֶּה הַדְּבָרִים , these are the words that Moses spoke to all of Israel. The “inarticulate” Moses, who insisted that, “I am not a man of Devarim, I am not a man of words,” not only became a man of words, but an entire book of the Torah records his final days as the ultimate “Man of Words.” Not only has Moses been transformed into a passionate and an articulate orator and speaker, he has also become a tireless leader. The man who cried, “Did I conceive this entire people or did I give birth to it?” has become a gifted leader, who has enabled an enslaved people to be taken out of Egypt and brought to the very doorstep of the Promised Land. Through his leadership and his cajoling, he succeeded in breaking the resistance and indifference of these difficult people, persuading them to leave the land of their enslavement, and they all left. And when they stood before their first challenge, and began to complain about the Manna and begged to be taken back to Egypt, Moses was able to transform the mixed multitude of former slaves into a powerful people, who are now free to conquer and settle in the Holy Land.

The task of transforming the rebellious people was far more difficult than taking them out of Egypt. For forty years Moses educated the people, taught them the statutes and laws of G-d, and gave them the Torah. He organized a judicial system and stood up to their every complaint, rebellion and challenge. With a soft hand and a loving heart, he served as the shepherd of the people of Israel, answering all their requests and responding to all their complaints with infinite patience and with fatherly love—despite all the great disappointments and the lack of gratitude displayed by the stiff-necked People of Israel. And when it was necessary for him to improve them and even punish them, he did so with great humility, never asking for anything in return, only longing to see the fulfillment of the holy task of redeeming G-d’s people.

The man who said, “I am not a man of words,” the man who asked, “Did I conceive this entire people, did I give birth to it?” eventually became the great orator and the thoroughly devoted nursemaid of his people. The book of Deuteronomy confirms that the transformation of Moses is now complete.

May you be blessed.

Please remember: Rosh Chodesh, the first day of the new month of Av, was observed on Sunday evening, July 23rd and all day Monday, July 24th. It marked the beginning of the “Nine Days” a period of intense mourning leading to the fast of Tisha B’Av.

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Rav Kook Torah

Tisha Be’Av: The Call for Sacred Splendor

Like a grieving lion, God roars each day:

“Woe to My children! On account of their sins I have destroyed My House, set fire to My sanctuary, and exiled them among the nations!” (Berachot 3a) If the Sages are correct, and God is so deeply distraught about the destruction of the Beit HaMikdash — then why does He not rebuild it? Emulating God

Before answering this question, we must first examine a more basic issue: how does one go about living a life of holiness? The path to holiness, Rav Kook explained, is based on a single fundamental rule: emulating God. We should strive to compare and equate our conduct to God’s elevated ways. This was King David’s guiding principle: “I have placed God before me at all times” (Psalms 16:8). The phrase “I have placed” (shaviti) may be translated as “I have equated” — “I have equated God to myself at all times.”

The Torah articulates this idea with the command, “You shall follow in His ways” (Deut. 28:9). As the Sages explained, “Just as God is gracious and compassionate, so you should be gracious and compassionate” (Shabbat 133b). Ethical conduct, positive character traits, and, in fact, all mitzvot and good deeds — they are all based on this principle of emulating God. But is it possible for the finite to emulate the Infinite? The Sages spoke of “likening the created form to its Creator” (Breishit Rabbah 24:1). Such comparisons require our imaginative faculties. The Hebrew word *dimayon* means both “comparison” and “imagination.” It is only through our powers of imagination that we are able to envision the application of Divine traits in our lives. From here it is clear that the imagination is a fundamental tool in serving God. And as one advances in holiness, one’s imagination is strengthened and purified.

The various manifestations of a life of holiness — whether a heightened sensitivity to the feelings and property of others, or aesthetic embellishments when performing mitzvot (*hiddur mitzvah*) — are all expressions of serving God through one’s imaginative powers. Such conduct reflects the refinement of one’s soul and the richness of one’s imagination.

The Nation’s Powers of Imagination

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

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

However, proper use of the imagination requires mental and practical preparation. One cannot attain a richness of God-directed imagination while suffering from ignorance and unrefined character traits. Only wise and virtuous individuals, Maimonides asserted, can attain prophecy (Fundamentals of Torah 7:1). And on the national level, only when the Jewish collective has attained an appropriate ethical and spiritual level will it be possible to restore the Beit HaMikdash. The focal point of Divine beauty in the world requires prerequisite levels of both cognitive and practical holiness.

But while the nation may not be ready for the actual rebuilding of the Beit HaMikdash, we still feel the soul’s demand for this lofty spiritual splendor. The soul cries out for its powers of imagination to be cleansed and elevated, purified and enriched. These cries of anguish, this profound sense of loss, may be heard in the terrible roars of Divine grief: “I have destroyed My House, set fire to My sanctuary, and exiled My children among the nations!” (*Silver from the Land of Israel. Adapted from Orot HaKodesh vol. III, pp. 199-200*)

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Weekly Halacha :: Parshas Devarim :: The Three Weeks

Prohibitions Of Tishah B’Av

By Rabbi Doniel Neustadt

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

Tishah b’Av as well as the circumstances under which these restrictions do not apply:

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

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

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

- A woman who is expecting a child should consult a rav about fasting. 5

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

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

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

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

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

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

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

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

- Preparing food. 17 If warm water is necessary, it may be used as well. 18

- Medical needs. 19 Hot water may be used when needed. 20

- Preparation for davening. 21 Some say that only the tips of the fingers (until the first joint²²) should be washed. 23

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

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

- A baby who is bathed daily. 28

- A bride, who is allowed to wash her face up to 30 days after her wedding. 29

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

Anointing is permitted for...

- Medical needs. It is permitted, therefore, to apply ointment to a skin rash³⁰ or to apply a mosquito repellent. 31

- Preventing a bad odor. 32 Antiperspirant may be applied. 33

- A bride up to 30 days after her wedding. 34

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

- A person who has to walk a long distance over stones or mud, and no other suitable footwear is available³⁶.

- Medical needs. 37

- Children who are too young to understand about the destruction of the Batei Mikdash. 38

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

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

- Sefer Iyov* with commentaries.

•The relevant halachos of Tishah b'Av and mourning. In-depth study should be avoided. 39

•Sifrei Mussar⁴⁰ (moralistic instruction and ethics).

•To prepare the Torah reading for either Shacharis or Minchah of Tishah b'Av. 41

•Several poskim permit reciting Tehilim for a sick person. 42

Other prohibitions

•It is prohibited to greet people on Tishah b'Av. Greeting another person, which includes saying "hello," "good night," "good morning," etc., 43 is permitted only if one must respond to a greeting. The response should be uttered in a serious tone. 44

•Sending a gift is permitted only if the recipient is a needy person. 45 It is also prohibited to promise another person to give him a gift. 46

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

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

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

Sources: 1. Mishnah Berurah 554:11. See also Chayei Adam 135:2. A mere headache or minor discomfort, however, does not allow one to break his fast. 2. Although some poskim (Maharam Shick, O.C. 289 (see, however, 290); Sedei Chemed, Bein ha-Metzarim 2:3; Beur Halachah 554:6, s.v., d'bnakom, quoting Pischei Olam; Marcheshes 1:14) maintain that one should try to eat less than a shiur (like on Yom Kippur), the majority of the poskim disagree; see Avnei Nezer 540; Aruch ha-Shulchan 554:7; Kaf ha-Chayim 554:31 (see, however, 35); Chazon Ish (quoted in Toras ha-Yoledes 48, note 9); Rav Y.Z. Soloveitchik (quoted in Teshuvos v'Hanhagos 2:261); Halichos Shelomo 3:13-5; 16-1; Shevet ha-Levi 4:56; Tzitz Eliezer 10:25-16. This is also the custom; Nitei Gavriel, pg. 80, quoting Puppa Rav. 3. Aruch ha-Shulchan 554:8. Although Mishnah Berurah seems to rule that that from seven days after the birth it is proper to fast, contemporary poskim tend to be lenient in their ruling since nowadays women are weak. When in doubt, consult a rav. 4. Beur Halachah 617:4, s.v., yoledes, quoting Sedei Chemed. 5. See Halichos Shelomo 3:16-1 and Divrei Yatziv, O.C. 231, 232. 6. Some have the custom that children over the age of nine fast on the night of Tishah b'Av and for a few hours during the day to accustom themselves to fasting. 7. Kaf ha-Chayim 554:34. 8. Halichos Shelomo 3:16-3. 9. Entire paragraph based on ruling of Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 62, note 108 and 115). 10. O.C. 554:9. 11. See Rama, O.C. 613:1. 11. Those who usually wash four times (see Mishnah Berurah 4:10) may do so on Tishah b'Av also; Kitzur Hilchos Moadim, pg. 109. 12. O.C. 554:10. One need not be exact (Orchos Rabbeinu, vol. 2, pg. 139, quoting Chazon Ish). 13. Mishnah Berurah 554:22. 14. O.C. 613:3, Mishnah Berurah 4-6 and Aruch ha-Shulchan 6. 15. Mishnah Berurah 567:11; Minchas Yitzchak 4:109. Aruch ha-Shulchan 567:3 is more stringent. 16. Rav M. Feinstein, oral ruling quoted in Halachos of the Three Weeks, pg. 19. 17. Mishnah Berurah 554:19. 18. Kaf ha-Chayim 554:46. 19. Mishnah Berurah 554:26. A woman who has given birth may wash herself as much as needed (Aruch ha-Shulchan 613:9). 20. Kaf ha-Chayim 554:63. 21. Mishnah Berurah 554:21. 22. Rav M. Feinstein (oral ruling quoted in Moadei Yeshurun, pg. 140). 23. Sha'arei Teshuvah 554:9. See also Aruch ha-Shulchan 554:10. 24. The poskim debate whether it is permissible to wash dishes on Tishah b'Av. Clearly, though, if the dirty dishes will attract insects, one may be lenient; see Pischei Teshuvah 554:22; Machazeh Eliyahu 87; Moadei Yeshurun, pg. 140. 25. Kaf ha-Chayim 554:46. 26. She'arim Metzuyanim b'Halachah 133:16 quoting Levushei Mordechai, Y.D. 2:11; Kaf ha-Chayim 554:53 quoting Tosfos Chayim 155:10; Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 39, note 106); Shevet ha-Levi 8:139. 27. Taharas ha-Shulchan 557. See, however, Moadei Yeshurun, pg. 141. 28. Chanoch l'Na'ar, pg. 57. 29. Mishnah Berurah 554:29. 30. O.C. 554:15. 31. Shevet ha-Kehasi 2:191. 32. Beur Halachah 554:15, s.v. sichah. 33. Rav M. Feinstein (oral ruling, quoted in Moadei Yeshurun, pg. 141); Halachos of the Three Weeks, pg. 22; Halichos Shelomo 3:14, Orchos Halachah, note 56. See Shalmei Moed, pg. 495. 34. Mishnah Berurah 554:29. 35. But if the leather part is merely decorative and is not an integral part of the shoe, it is permitted; see Kaf ha-Chayim 554:75. 36. Mishnah Berurah 554:32. 37. O.C. 614:3. 38. See Chochmas Adam 152:17, who holds that even children above this age may wear leather shoes. See, however, Igras Moshe, Y.D. 1:224 who rules that once a child reaches the age of chinuch, he is forbidden to wear leather shoes. Some parents train their children not to wear leather shoes even before the age of chinuch; see Sha'ar ha-Tziyun 551:91 for a possible source. 39. Mishnah Berurah 554:4. 40. Tosfos Chayim on Chayei Adam 135:2; Yabia Omer 2:26, who quotes the Meiri, Moed Katan 21a, who allows a mourner to study sefarim that bring a person to repentance. (Rav C. Kanievsky is quoted (Rivevos Efrayim 1:386) as prohibiting studying sefarim which are based on pesukim and sayings of Chazal.) 41. Mishnah Berurah 554:8. 42. Divrei Malkiel 6:9; Chazon Ish (quoted in Orchos Rabbeinu, vol. 2, pg. 142); Halichos Shelomo 3:15, Orchos Halachah, note 28. Moadei Yeshurun, pg. 145 and Rivevos Efrayim, vol. 3, pg. 433, quote an oral ruling from Rav M. Feinstein as prohibiting it. 43. To bless another person, such as to wish him mazal tov or refuah sheleimah, is permitted. 44. O.C. 554:20. 45. Kaf ha-Chayim 554:91. 46. Hisorerus Teshuvah 3:331. 47. O.C. 559:3. Some poskim hold that the stool should be lower than 12 inches, while others hold it is permitted to sit on

any chair which is lower than a standard chair or bench; see Nechamas Yisrael, pg. 170, and Halichos Shelomo 3:15, Orchos Halachah 25, for the various views. 48. See Aruch ha-Shulchan, Y.D. 387:3. 49. O.C. 554:24. 50. Chayei Adam 135:19; Kitzur Shulchan Aruch 124:15. 51. Igras Moshe, O.C. 5:20-22.

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Ohr Somayach :: Insights into Halacha

Hygiene in Halachah- Showering During the Nine Days?!

For the week ending 29 July 2017 / 6 Av 5777

by Rabbi Yehuda Spitz

The Mishnah in Maseches Ta'anis (26b) famously teaches that "Mishenichnas Av Mema'atin Besimchah", 'When the month of Av arrives (Rosh Chodesh Av), we lessen our joy'. Since many catastrophes and national tragedies befell our people during this time period, including the destruction of both of the Batei HaMikdash on Tisha B'Av,[1] halachah dictates various restrictions on us in order to mourn our great losses, and properly commemorate by feeling the devastation.[2] One of these restrictions is not to bathe during the "Nine Days", the nine day mourning period from Rosh Chodesh Av until Tisha B'Av.[3] Although bathing is noticeably absent from the Gemara's restrictions of the Nine Days, all the same, this opinion of the Ravyah's (an early Rishon) is codified as halachah by the Tur, Shulchan Aruch, and Rema (Orach Chaim 551: 16).[4] Nevertheless, and quite interestingly, the most common question a Rabbi is likely to receive this time of year is if it is permissible to take a shower during the Nine Days.

Although at first glance from a preliminary reading of Rabbinic literature on the topic, showering seems to be black-on-white prohibited, yet, from the works of many contemporary authorities it seems a better question would be if there is a heter not to take at least some sort of shower during the Nine Days!

First of all, it must be noted that with the vast majority of world Jewry living in the Northern Hemisphere, the Nine Days (not so conveniently) falls out during the hottest part of year, during the blazing summer. When someone is asking his rabbi for a halachic dispensation to take a shower, he is not merely asking a theoretical question. It is usually someone sweating heavily, caked in perspiration and often afflicted from odoriferous emanations. This is especially germane this summer, with the mercury in Yerushalayim already hovering over 100°F (38°C) in June!

Hygiene or Pleasure?

If we were to ask our suffering friend why he wanted to take a shower, he would most likely reply "to get rid of the sweat and stickiness and feel like a human being again".[5] The Aruch Hashulchan,[6] already in the 1890s, ruled that one whose body is dirty can bathe during the Nine Days (even using hot water) in order to get clean, since he is not bathing for pleasure. In other words, the Aruch Hashulchan is teaching us that the restrictions of the Nine Days are meant to lessen our enjoyment, not to force us to give up basic hygiene.

But, before we can question how the Aruch Hashulchan made such a distinction, it should be stressed that the halachos of the Nine Days parallel those of a mourner, and even a person mourning the loss of his parents is permitted to be 'ma'avir es hazuhama', 'remove the sweat', even during shiva, since it is not done for pleasure.[7] The Mishnah Berurah adds that it's so obvious that this is permitted during the Nine Days that there was no need for the Shulchan Aruch to even make mention of it.

Indeed, the Rambam and Ramban rule that the 'Nine Days' prohibition refers exclusively to pleasure bathing in hot water in an actual bathhouse. The Yeshuos Yaakov writes similarly that since the Nine Days constitute a mourning period akin to Sheloshim, and during Sheloshim a mourner may wash himself with cold water, so too during the Nine Days the only washing

restriction should be pleasure bathing in hot water.[8] On the other hand, it should be noted that not everyone concurs with this position, as the Rema (O.C. 551: 16) seemingly did not hold this way, but rather, following the precedent of the Terumas Hadeshen (vol. 1: 151), ruled that one may not wash his whole body even in cold water during the Nine Days.

An interesting proof several contemporary authorities cite is from Hilchos Yom Kippur. On Yom Kippur, the holiest day of the year, and the only biblically mandated fast day that comes with its own set of restrictions including washing, the Shulchan Aruch emphatically declares that only pleasure washing is technically forbidden.[9] Although the Mishnah Berurah stresses that on Yom Kippur one should not rely on this unless in dire need, nevertheless, if hygienic washing to remove sweat on Yom Kippur is me'ikar hadin permitted,[10] then it certainly should be permitted during the less stringent, rabbinically ordained Nine Days.

Another noteworthy factor is that several important Acharonim, including the Chayei Adam, Ben Ish Chai, Kitzur Shulchan Aruch, and Mishnah Berurah[11] explicitly permit certain types of washing on Erev Shabbos Chazon (head, arms, and legs) with hot water if one is accustomed to bathe every week. Several contemporary authorities, including Rav Moshe Feinstein zt"l and Rav Yosef Elyahu Henkin zt"l, maintain that nowadays, with everyone (hopefully) showering more than once a week, this dispensation should include everyone taking a full hot shower, especially when deemed necessary. However, it should be noted that not all contemporary poskim agree with this chiddush lema'aseh.[12] [13]

An interesting point raised by Rav Shlomo Zalman Braun zt"l, in his Sha'arim Metzuyanim B'Halachah[14], is that when Chazal enacted the original prohibitions of the Nine Days, the only way to bathe was to go for an enjoyable lengthy dip in a steamy bathhouse. But nowadays, with the advent of quick and easy showers, which are meant for a hygienic wash and not for pleasure bathing, it is possible that they would not be included in the prohibition. Remember, not too long ago showers were not very prevalent.[15]

Contemporary Consensus

This 'Shower Exclusion' during the Nine Days for hygienic purposes is ruled decisively by the vast majority of contemporary authorities including Rav Yosef Chaim Sonnenfeld zt"l, Rav Yechiel Michel Tukachinsky zt"l, Rav Moshe Feinstein zt"l, Rav Shlomo Zalman Auerbach zt"l, Rav Yaakov Kamenetsky zt"l, the Klausenberger Rebbe zt"l, Rav Yosef Shalom Elyashiv zt"l, Rav Shmuel Halevi Vosner zt"l, Rav Ben Tzion Abba Shaul zt"l, Rav Ovadiah Yosef zt"l, Rav Mordechai Elyahu zt"l, Rav Yisrael Halevi Belsky zt"l, Rav Efraim Greenblatt zt"l, the Sha'arim Metzuyanim B'Halachah, and Rav Moshe Sternbuch.[16]

Conversely, and although there are differing reports of his true opinion, it must be noted that the Chazon Ish zt"l, the Steipler Gaon zt"l, as well as Rav Binyamin Zilber zt"l and Rav Chaim Kanievsky, are quoted as being very stringent with any showering during the Nine Days, even for hygienic reasons, and even while acknowledging that most other Rabbanim were mattir in specific circumstances.[17]

Additionally, and quite importantly, this 'Shower Exclusion' is by no means a blanket hetter. There are several stipulations many of these poskim cite, meant to ensure that the shower will be strictly for cleanliness, minimizing enjoyment and mitigating turning it into 'pleasure bathing':

There has to be a real need: i.e. to remove excessive sweat, perspiration, grime, or dirt. (In other words, 'to actually get clean!').

One should take a quick shower in water as cold as one can tolerate (preferably cold and not even lukewarm).

It is preferable to wash one limb at a time and not the whole body at once. (This is where an extendable shower head comes in handy). If only one area is dirty, one should only wash that area of the body.

One shouldn't use soap or shampoo unless necessary, meaning if a quick rinse in water will do the job, there's no reason to go for overkill. Obviously, if one needs soap or shampoo to get clean he may use it.

Rav Shlomo Zalman Auerbach zt"l, while wryly noting that actual mourners do not usually ask for special halachic allowances related to the halachos of mourning as opposed to many who do so during the Nine Days, nonetheless cautions the overzealous among us not to forget about the spirit of the law.[18] It is important for us all to remember that these restrictions were instituted by Chazal to publicly show our mourning during the most devastating period on the timeline of the Jewish year. Our goal should be to utilize these restrictions as a catalyst for inspiration towards Teshuvah.[19] It is worthwhile to do so as well. As the Kaf Hachaim[20] citing the Midrash relates, everyone who observes the halachos of the first ten days of Av, thereby demonstrating their personal mourning over the destruction of Yerushalayim, will merit witnessing ten incredible miracles reserved for the days of Moshiach.[21] May it be speedily in our days.

[1] See Mishnah in Maseches Ta'anis 26b and accompanying Gemara. [2] See Gemara Yevamos 43a, Tosafos (ad loc. s.v. milisa, citing the Yerushalmi Ta'anis), and Tur, Shulchan Aruch, Rema and their commentaries to Orach Chaim 551. [3] This is following general Ashkenazic minhag; many Sefardim only observe restrictions beginning the week that Tisha B'Av falls out on. Although there are several Sefardic authorities who maintain that Sefardim should follow the Ashkenazic minhag and start the restrictions from Rosh Chodesh Av [Including the Knesses HaGedolah (Orach Chaim 551: Haghos on the Tur 5), the Ben Ish Chai (Year 1, Parshas Devarim 4, 5, & 12), and Kaf Hachaim (Orach Chaim 551: 44, 80, & 142); although they generally only start immediately following Rosh Chodesh Av, as opposed to most Ashkenazic authorities who include Rosh Chodesh Av itself in the restrictions], nevertheless, most Sefardim are only noheg these restrictions from the actual week of Tisha B'Av as per the ruling of the Shulchan Aruch (Orach Chaim 551, 10). See Shu"t Yabea Omer (vol. 6, Orach Chaim 46 and vol. 9, Orach Chaim 50, 1), Shu"t Yechaveh Daas (vol. 1: 41 and vol. 4: 36), Rav Mordechai Elyahu's Darchei Halachah glosses to the Kitzur Shulchan Aruch (122: 19), and Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 551: 1). Many of these restrictions are generally still in effect until midday (Chatzos) of the next day, the tenth of Av (see Shulchan Aruch, Rema, and main commentaries to Orach Chaim 558), with some being makpid the whole next day for some of the restrictions (except in a year when Tisha B'Av is actually being observed on the tenth of Av, since it fell out on Shabbos). [4] Although bathing is noticeably absent from the Gemara's restrictions of the Nine Days, nevertheless, this opinion of the Ravayah (Avi Ezri vol. 3: 882) is codified as halachah by the Tur, Shulchan Aruch, and Rema (Orach Chaim 551: 16). The halachah does not follow the opinion of the Ran (Ta'anis 9b s.v. Gemara), who maintains that the Gemara omitted bathing during the Nine Days purposely. [5] This, in fact, is the lashon used in Ma'adanei Shlomo (on Moadim, Bein HaMetzarim pg. 56). [6] Aruch Hashulchan (Orach Chaim 551: 37). [7] Tosafos (Brachos 16b s.v. istanis), Tur and Shulchan Aruch (Yoreh De'ah 381: 1 & 2). See Mishnah Berurah in Biur Halachah (554: 15 s.v. sichah & Shaar HaTziyun 38) who says this explicitly, and avers that on Tisha B'Av itself it is technically permitted. The Vilna Gaon (Biur HaGra, Orach Chaim 614, 1; Yoreh De'ah 381: 3) cites proof to this from the Yerushalmi Ta'anis (Ch. 1 Halachah 6). The Mishnah Berurah adds that it's so obvious that this is permitted during the Nine Days (including Tisha B'Av), that there was no need for the Shulchan Aruch to even make mention of it. Although the Shulchan Aruch only explicitly mentions the phrase "leha'avir es hazuhama" regarding the prohibition of 'sichah', anointing, nevertheless, it is obvious that it applies as well to washing, which is a lesser form of 'ta'anug' than anointing. See also Levush (Orach Chaim 614: 1), Shulchan Aruch Harav (Orach Chaim 614: 1), and Yeshuos Yaakov (Orach Chaim 613: 1) [8] Rambam (Hilchos Ta'anios Ch. 5: 6; "u'kvar nahagu Yisroel shelo le'echol bassar b'Shabbos zu v'lo yichansu l'merchatz ad sheya'avur haTaanis"), Ramban (cited by the Kaf Hachaim, Orach Chaim 551: 186), and Yeshuos Yaakov (Orach Chaim 551: 3). A similar shittah is widely quoted as the opinion of Rav Yosef Dov (J.B.) Soloveitchik in the name of his father, Rav Moshe (although this was only expressed derech limud and not as actual psak), citing precedent from the Shach (Yoreh Deah 381: 1) and Aruch Hashulchan (ad loc. 3), that nowadays the prevailing minhag is to allow cold showering for a mourner in Sheloshim. Therefore, it stands to reason that according to the Aruch Hashulchan's understanding of the Shach's position, one may do so as well during the less stringent Nine Days. However, the Rav's noted talmid, Rav Michel Shurkin (Harerei Kedem vol. 2: 139 s.v. a"n; pg. 286 - 287), points out that according to Rav Akiva Eiger and the Dagul Mervavah (ad loc.), the Shach was only referring to granting a dispensation allowing a mourner to wash his face, hands, and legs in cold water, and not a full bath. Ergo, he explains, this same hetter is what would apply as well to the Nine Days, and not a blanket hetter for a cold shower that many assume Rav Soloveitchik was proposing. Additionally, as a counter point, it is important to note that the basic understanding of the Rema (ad loc. 1) is to proscribe cold showers for a mourner in

Sheloshim, and many poskim, including the Taz (ad loc. 1), Teshuvos Chein (Shu"t 31), Pischei Teshuva (ad loc. 2), Atzei Levonah (ad loc.), and Chida (Birkei Yosef ad loc. 1) follow his shittah. Moreover, the Rema's psak is leshtaso, as in Hilchos Tisha B'Av (O.C. 551: 16) he rules similarly - that one may not wash his whole body even in cold water during the Nine days, based on the Terumas Hadeshen (vol. 1: 150), who avers that one should not simply take a cold bath or even a dip in the river during the Nine Days without pressing need. Therefore, it doesn't seem so simple to rely exclusively on this heter and its comparison with a mourner. [9] Shulchan Aruch (Orach Chaim 613: end 1), Mishnah Berurah (ad loc. 2; based on the Levush, Magen Avrohom, Elyah Rabbah, and Ma'amar Mordechai - Orach Chaim 614: 1). [10] The Mishnah Berurah (613: Shaar HaTziyun 4), nevertheless explicitly permits 'bathing to remove dirt' on Yom Kippur, as even the machmirim (including the Bach, Taz, and Pri Chodosh - Orach Chaim 613: 1, and Mateh Efraim 613: 2) would agree that that is permitted on Yom Kippur. See also Shu"t Divrei Yatziv (Orach Chaim vol. 2, end 237, 4, s.v. u'lfee), who maintains that it is possible that there is no real dispute here, as all would agree that for a simple light sweat, any bathing would be assur as it would still be considered for pleasure, while for heavy sweat and grime all would agree that bathing would be strictly for hygiene and thus, permitted. [11] Chayei Adam (vol. 2, 133: 19), Ben Ish Chai (Year 1, Parshas Devarim 16), Kitzur Shulchan Aruch (122: 13), and Mishnah Berurah (551: 97). [12] Rav Moshe Feinstein's opinion is cited in Rabbi Shimon D. Eider's A Summary of Halachos of The Three Weeks (pg. 13: 7) as well as in Mesores Moshe (vol. 1, Bein HaMetzarim, pg. 171, 367: 3). Rav Yosef Eliyahu Henkin's shitta is printed in his approbation to sefer Nechamas Yosef, in his essential Ezras Torah Luach (5776; Chodesh Av pg. 121) and in his recent posthumously published Shu"t Gevuros Eliyahu (vol. 1, Orach Chaim 37: 4 and 153: 2). See also Shu"t Rivevos Efraim (vol. 3: 350 & vol. 4: 139) for a similar assessment. However, Rav Yechiel Michel Tukachinsky (Luach Eretz Yisroel, Chodesh Av, Parshas Devarim), the Chazon Ish (cited in Orchos Rabbeinu vol. 2, pg. 134: 18; although he maintains that nowadays one should not wash legs with hot water as people generally have their feet and legs covered), Rav Shlomo Zalman Auerbach (Ma'adanei Shlomo on Moadim, Bein Hametzarim pg. 56; he is also cited as expressing amazement that there are people who are scrupulous about showering daily and sometimes twice a day!), and Rav Yisroel Yaakov Fischer (Halichos Even Yisroel, Hilchos Bein Hametzarim, pg. 350: 1) are quoted as not agreeing with this chiddush, and maintaining that on Erev Shabbos Chazon one still should not bathe 'kol gufo b'chamin', following the Aruch Hashulchan (Orach Chaim 551: 36) and Mishnah Berurah's ruling (ad loc. 95) regarding one who bathes in hot water every Erev Shabbos. [13] If one is unsure if or when this is relevant to himself, he should ask his spouse, friends, or the guy davening next him in shul! Remember, Mitzvos Bein Adam L'Chaveiro constitute half of the Aseres HaDibros! Indeed, this author has heard b'sha'im Rav Ezeriel Auerbach that if one refuses to shower or take care of personal hygiene during the Nine Days and it is "shattering" others in their learning or davening etc., he is considered a 'mazik'. [14] Sha'arim Metzuyanim B'Halachah (vol. 3, Ch. 122: 12 & 13). [15] Although the first real showers, with plumbed-in water, were invented by the ancient Greeks, as after exerting themselves in the stadium, ancient Greek athletes would freshen up in the kind of shower depicted on an Athenian vase of the fourth century B.C.E., nevertheless, they were not common nor widespread until fairly recently, as showers were not deemed necessary until the monumental breakthrough by famed French chemist Louis Pasteur ignited the eventual discovery of germs. With the presence of germs and bacteria confirmed, new steps were taken in hygiene to prevent these germs from proliferating, sickening, and spoiling. [16] Including Shu"t Salmas Chaim (New Edition, vol. 1: Orach Chaim 313), Luach Eretz Yisroel (Chodesh Av, Parshas Devarim; "velo rochtzin rechitzah shel ta'anug"), Shu"t Igros Moshe (Even Ha'ezer vol. 4: 84, 4), Halichos Shlomo (Moadim vol. 2, Ch. 14, Dvar Halachah 24), Ma'adanei Shlomo (on Moadim, Bein Hametzarim, pg. 55 and 56), Emes L'Yaakov (on Shulchan Aruch pg. 225, Orach Chaim 551, footnote 514), Shu"t Divrei Yatziv (Orach Chaim vol. 2, 237: 4), Ashrei Ha'Ish (Orach Chaim vol. 3, pg. 469: 36), Shu"t Shevet Halevi (vol. 7, 77: 2, 2 & vol. 8: 127), Shu"t Ohr L'Tzion (vol. 3, Ch. 27: 5), Shu"t Teshuvos V'Hanhagos (vol. 2: 260 and vol. 4: 129), Shu"t Yabea Omer (vol. 5, Orach Chaim 41), Shu"t Yechaveh Daas (vol. 1: 38), Rav Mordechai Eliyahu's Darchei Halachah Glosses to the Kitzur Shulchan Aruch (122: 19), Sha'arim Metzuyanim B'Halachah (vol. 3, Ch. 122: 12 & 13), Shu"t Rivevos Efraim (vol. 3: 350; and vol. 5: 377, 10), Shu"t Vayevarech Dovid (vol. 1: 74), Shu"t Shulchan Halevi (vol. 1, Ch. 16: 1, pg. 150), Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 551, Dinei Shavua Shechal Bo Tisha B'Av, 13), and Shu"t Siach Nochum (Orach Chaim 34). See also Rabbi Shimon D. Eider's A Summary of Halachos of The Three Weeks (pg. 12: 4) [also cited in Mesores Moshe (vol. 1, Bein Hametzarim, pg. 171: 367)], who cites Rav Moshe Feinstein zt"l as ruling that one who is 'metzta'er' may even immerse himself for a short time in a swimming pool to accomplish cleaning oneself from perspiration and grime during the Nine Days. Rav Ovadiah Yosef zt"l several years ago reiterated his stance publicly on Israeli radio,

that one should shower for hygienic reasons during the Nine Days. Additionally, Rav Yisroel Yaakov Fischer zt"l (Shu"t Even Yisroel vol. 9, Haaros on Mishnah Berurah, Hilchos Tisha B'Av, pg. 111) proves that regarding the Nine Days's restrictions, any time 'rechitzah' is actually allowed (although he personally was generally very machmir regarding 'rechitzah' in the Nine Days; see next footnote), 'sichah' would be as well, and using soap and shampoo in a shower cannot be construed as more than 'sichah'. See also Shu"t Emek Hateshuva (vol. 1: 92, 2) who applies similar logic to permit toothbrushing and floor cleaning (sponja) during the Nine Days; since they are meant for hygiene and cleanliness and not pleasure, they are likewise permitted. Interestingly, Rav Meir Brandsdorfer zt"l (Shu"t Knei Bosem vol. 1: 32) addresses the issue that the Mishnah Berurah (551: 93, quoting the Levush ad loc. 15) implies that this dispensation is only for children who medically need it; he concludes that that Mishnah Berurah's allowance only theoretically applies to the general issue of 'rechitzah' for pleasure during the Nine Days. However, practically, if the 'rechitzah' is to remove sweat and grime, and certainly if it is for 'refuah mammash' [as mentioned by the Knesses HaGedolah (Haghos on Beis Yosef ad loc. 23), Elyah Rabbah (ad loc. 35), Shaarei Teshuva (ad loc. end 37), and Ben Ish Chai (Year 1, Parshas Devarim 15)] it is 'pashut' that one should not be stringent, as regarding Tisha B'Av itself, even an adult may technically be lenient to shower under those conditions (as previously mentioned in footnote 7). [17] It must be noted that the Chazon Ish and Steipler Gaon were quoted (Orchos Rabbeinu vol. 2, pg. 133: 15; new edition 5775, vol. 2, pg. 165: 16) as being very stringent with showering during the Nine Days, even for hygienic reasons, and even though most other Rabbanim were mattir. They do allow pouring cold water on one's back as a way to cool off, though. [Interestingly, Shu"t Rivevos Efraim (ibid.) cites differing views as to the Chazon Ish's psak, with one opinion maintaining that the Chazon Ish ruled leniently for Bnei Torah to take a cold shower during the Nine Days since they could not properly concentrate on their learning due to their heavy sweating.] Rav Binyamin Zilber (Shu"t Az Nidberu vol. 11: 48, s.v. siman 350) rules stringently as well regarding showering (unless perhaps for a married woman). He adds that this is the Chazon Ish's true shittah, and not as one of the opinions cited in the Rivevos Efraim quoted him as holding. He concludes 'u'kdai ketzas lehitza'er al serafas Beis Elokeinu'. This is also Rav Chaim Kanievsky's ruling (see Moadei HaGra"ch 334 and Orchos Rabbeinu ibid.), citing the Chazon Ish's precedent. Interestingly, this exact case, of a Ben Torah in Bnei Brak during the Nine Days, is one Rav Shlomo Zalman Auerbach expressly permitted (Ma'adanei Shlomo on Moadim, Bein Hametzarim, pg. 55 and 56), explaining that a place as hot and humid as Bnei Brak is considered 'ee efsher b'lav hachi', impossible to go without' (referring to at least a cold shower). Additionally, Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos ibid.) questions Rav Chaim Kanievsky's shittah, as halachically the Nine Days restrictions cannot be any more severe than an actual mourner. Rav Nissim Karelitz (Chut Shani on Yom Tov and Chol Hamoed, Kovetz Inyanim pg. 346) takes a middle-ground Bnei Brak approach, maintaining that optimally showering is prohibited, even for one who is 'mazeeyah'. Yet, if one is completely 'covered in sweat' and cannot handle it, or is suffering extreme discomfort and / or has a 'reiach ra', he may then take a cold shower. Rav Yisroel Yaakov Fischer (Halichos Even Yisroel, Hilchos Bein Hametzarim pg. 340 - 341: 5, 9 and 10) writes similarly that sweat alone should not be enough to allow a shower dispensation, even for a bachur in Bnei Brak. However, if he is metzta'er harbeh and would put this rechitzah into the category of 'refuah', then it would be permitted, and even with soap, as the sichah prohibition is linked to the rechitzah prohibition. [18] Halichos Shlomo (ibid. footnote 61). [19] See Mishnah Berurah (549: 1), based on the Rambam (Hilchos Ta'anis Ch. 5: 1). [20] Kaf Hachaim (Orach Chaim 551: 1; quoting the Yafeh Lalev vol. 2: 1). [21] Midrash Rabbah (Shemos, Parshas Bo, Ch. 15: 21). See also the Gemara at the end of Maseches Makkos (24a - 24b), Gemara Ta'anis (30b), and Shulchan Aruch (Orach Chaim 554: 25). © 1995-2017 Ohr Somayach International