

INTERNET PARSHA SHEET
ON DEVARIM CHAZON - 5759

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B'S'D'

Temple is not rebuilt, it is as though we ourselves destroyed it. The Prophet Yirmiyahu laments not for the Temple's destruction, but rather for those evils that caused its destruction. For it is not enough for us to bemoan what was. We must realize that it is within our power to bring the Redemption and the rebuilding of the Beis Hamikdash. We must use this time of national mourning to analyze our mistakes and correct them. It's up to us.

Horse Sense "The ox knows its owner, and the donkey its master's trough. Israel does not know, My people do not perceive." (1:3) Rabbi Yochanan ben Taurisa once sold an ox to a non-Jew. When Shabbos came, the non-Jew tried to plough his field, but the ox refused to budge. He beat the animal vigorously until Rabbi Yochanan came and whispered in the animal's ear "You are no longer under my jurisdiction. You are now under the domain of the non-Jew. You must work now as he desires." Immediately, the ox started pulling the plough. Seeing this, the non-Jew went and converted. And that's how Rabbi Yochanan got his name "ben Taurisa" -- son of an ox (Taurus).

Similarly, our Sages relate the incident of the ox which Eliyahu HaNavi gave to the false prophets of the baal. The ox refused to be slaughtered in the name of the idol baal until Eliyahu told it that by letting itself be offered as part of the contest which would ultimately discredit the baal, it too would be sanctifying G-d's Name. Only then, the ox gave in and allowed itself to be slaughtered.

Our Sages also tell of Rabbi Pinchas ben Yair's donkey which refused to eat food from which maaser (tithes) had not been taken.

All of this is hinted in this verse: "The ox knows its owner" -- there is an ox that knows its master -- the ox of Eliyahu HaNavi who submitted to being sacrificed to idolatry, and the ox of Rabbi Yochanan ben Taurisa who wouldn't work on Shabbos; "And the donkey, the feeding trough of its master" -- the donkey of Rabbi Pinchas ben Yair who wouldn't eat un-tithed food. However, you, My people, says Hashem, you have sunk lower than the ox and the donkey, for "Israel does not know, My people do not perceive."

* Tzoare Shalal in Mayana shel Torah

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From: Ohr Somayach[SMTP:ohr@virtual.co.il] * TORAH WEEKLY *
Highlights of the Weekly Torah Portion Parshat Devarim

A World Of Words "These are the words..." (1:1) In Hebrew, the word for "word" and the word for "thing" come from the same root -- davar. When G-d created the world, He used speech to call each thing into being. "And G-d said 'Let there be light!' And there was light." It is not just that G-d called things into being and from then on they have an independent existence. Rather, everything in this world is no more than G-d "speaking." Things are no more than G-d's words. "Things" are "words" because something can only exist in this world while G-d is still "speaking" it. G-d is speaking you. He's speaking me. Right now. Nothing has a reality outside of the Creator. When the Torah says "There is nothing else except Him," it doesn't mean that there are no other gods except Him. It means that there is nothing outside Him at all. Idol worship isn't necessarily bowing down to over-sized dollies. For even if a person admits that G-d created an object but claims that now it has an independent existence -- that's idol worship. How did idol worship start? The first generations had no doubt that G-d created the world and everything in it. However, in the generation of Enosh, the third generation from Creation, people made a simple but fundamental error: Even though they understood that the sun, the moon and the stars were no more than G-d's vassals, yet they thought that as G-d's "representatives," the heavenly bodies too were due respect. Not for themselves, of course, but merely as servants of the King. They imagined that the Will of G-d was that His representatives be honored. By doing so, they felt they were honoring the King Himself. This was the root of idol worship, its essence; seeing the sun, the moon or the stars as independent agents, something separate from G-d. For nothing in this world is more than an ax in the hands of the Woodchopper. A mere tool. Powerless without the Hand that wields it. Nothing is more than the words which G-d is speaking. That's what things are. * Maharal, Drash L'Shabbat HaGadol; Rambam Hilchot Avodat Kochavim 1

Haftorah: Yishayahu 1:1-27 This is the final haftorah of "Three of Affliction." It is always read on the Shabbos before Tisha B'Av. The ninth of Av wasn't always a day of tragedy. During the days of the Second Temple, it was turned into a day of great joy at the celebration of rebuilding of the Beis Hamikdash. When the Second Temple was destroyed, Tisha B'Av reverted to its former sadness. Every generation in which the Holy

From Rabbi Riskin's Shabbat Shalom
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Shabbat Shalom: Devarim By Shlomo Riskin

Efrat - An important aspect of the golden mean, or proper balance between extremes, which traditional Judaism provides, is the teaching that one dare not be happy to the extreme ; because, after all, the world is not yet redeemed and tragedy is still an inextricable part of the human experience ; and one dare not be sad to the extreme ; because, after all, the "External one of Israel who guarantees ultimate redemption does not express falsehood"

Hence even during the profound joy of a wedding ceremony, the climax of the nuptial blessings of jubilation is the breaking of a glass, in order to buttress the words of Rav Nahman of Bratzlow: "In our world of imperfection, who is a whole human being? Only one who has a broken heart!"; and even the most tragic day of the Hebrew calendar, Tisha B'Av (ninth day of the Hebrew month Av) promises to turn into a festive ceremony, so that the latter part of our bleak, black fast day is marked by the wearing of phylacteries (t'filin, a mark of "glory" or p'er) and there is a time-honored tradition that the messiah shall be born on Tisha B'Av.

Indeed, the idea that the Ninth of Av will one day become a Festival is rooted in the Prophetic Scriptures. The Prophet Zeharia records that at the time of the rebuilding of the Second Temple (approx 516 BCE), a delegation from Babylon (where the majority of the Jews still lived) came up to Judea with one of the first Responsa (halakic questions and answers) in history: "Shall we continue to weep on the fifth month as we have done for the past seventy years?" Does not the re-establishment of the Temple remove the necessity of our maintaining the Tisha B'Av Fast?

The Prophet responds that the time will certainly come when "the fast of

the fifth month. Shall become transformed into a day of gladness and rejoicing (sason v'simhah); however, the rebuilding of the Temple is not sufficient for this to happen. Tisha B'Av can only become a Festival day when the nation engages in true repentance especially in their inter-personal relationships, when the Israelites will love and practise truth and peace" (Zeharia 7,8).

This is certainly a most precious idea, but it still requires further elucidation. After all, in order for Tisha B'av to turn into a Festival, the date itself must contain at least the seeds of rejoicing. We celebrate the fifteenth of Nissan (Pesah) because on that day the Jews left Egypt, and the fourteenth of Adar (Purim) because on that day the Jews of Persia were victorious over Haman. What will be celebrated on the ninth day of Av? Shall we be expected to rejoice because the Holy Temple was destroyed?

I believe that there is one aspect to the Ninth day of the month of Av which ; despite the tragedies which occurred on that particular date, or perhaps precisely because of those tragedies ; qualifies it to be transformed into a day of joy. Our Sages make reference to it when they chose the Biblical reading on Tisha B'AV, a reading which comes from next week's Torah portion of D'varim (Deuteronomy 4:25 ff). Moses is making his farewell speech and in taking his leave of the nation of Israel he records the future historiography of the nation. "You will bear children, and children to your children, and you will live a long time in the land. But then you will do evil in the eyes of the Lord your G-d to anger Him and you will be destroyed from off the landà.". Under ordinary circumstances, this exile should have signaled the death-Knell of the nation. After all, there is no nation in the history of humanity which, after having been detached from its homeland for two-hundred years, has not assimilated into its host nation and has retained a unique ethnic identity; Israel has been removed from its homeland for close to 2000 years, had has remained a nation distinct and apart nevertheless!

And so the Torah reading insists ; and prophesies ; that the fate and destiny of Israel will indeed be unique. The Lord will scatter the remnants of Israel after the destruction to all four corners of the earth, and many Jews will assimilate by worshipping trees and stones (the Gaon of Vilna interprets trees as the wood of the Christian Cross and stone as the foundation stone of the Al Aska Moslem Mosque). However, in the midst of the difficult straits of the Exilic persecutions "all these words shall find you and you shall returnà. This is because the Lord is a G-d of compassion, Who will neither forsake nor destroy you, neither will He forget the covenant He has sworn to your Parents (Dt 4:30,31).

The truth of this prophecy struck the core of my consciousness when in 1970, I was sent to the then Soviet Union on a mission for the Lubavitcher Rebbe Rav M.M. Schneerson of blessed memory to establish four underground Yeshivot. On my first day in Moscow I met an unforgettable individual, Tunya R., who invited me to his 30th birthday celebration. He was a refusenick, and around the table which featured his birthday cake I heard for the first time about the trumped-up Leningrad trials, in whose aftermath a reign of terror descended on anyone with even a Hebrew primer in his library. Tunya's parents were dedicated communist-atheists, who had made their aliya from Allerton Rd. in the Bronx to the Soviet Union in 1932. Now Tunya was becoming a committed student of Torah and observer of the commandments, and he yearned to leave Communist Russia.

How did such a transformation occur? Tunya explained that as a result of his family background, he had received no religious Jewish education whatsoever, not even having had a bar mitzvah. He was an outstanding student in Physics, and upon University graduation obtained an excellent job which included two hours a day of library study. For some inexplicable reason, however, he would enter the library in a semi-depression, searching for an elusive message which never seemed able to grasp hold of. English was the language with which he grew up at home, and when he saw a Holy Bible on the library's English shelf ; primarily as a showpiece for tourists ; he began to leaf through it. He became fascinated by the Joseph stories, and when he read how Joseph went wandering" in search of his brothers", he suddenly realized the source of his ennui and estrangement. He, too, was searching for his brother, and so he ran from the library to Archipova Street

anxious to visit the Central Moscow Synagogue for the first time. He found a long line consisting of old men, and when he asked what they were waiting for, he was told that it was a few hours before the Festival of Passover and they were receiving matzot. He also took a matzah upon learning that it was the special Jewish freedom bread, and ate it before going to sleep without mentioning anything to his family.

The next morning he found that he had been fired from his position, a natural result of the hidden camera in front of the synagogue set up to report on any non-pensioner displaying a religious interest. From that moment on, Tunya became a seriously committed Jew.

"In the midst of the difficult straits, these words (of the Torah) shall find you and you shall return", teaches the Torah reading. There will be a destruction but there will also be a rebuilding, there will be an exile but there will also be a return. "The Eternal One of Israel does not express falsehood". One of the names of the Almighty is Ehyeh, "I will be", explained by our Talmudic Sages to mean: "I will be with you in the midst of your suffering" ; and ultimately I will take you out of your travail. When the people of Israel return to their ethical and ritual traditions as well as to their homeland, reunited with their history and their G-d, the ninth day of Av will become a Festival, a festival which marks the eternity of a people despite destruction and exile, a people who overcame the worst of tragedy because of their covenant with their G-d.

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From: Jeffrey Gross[SMTP:jgross@torah.org]
WEEKLY-HALACHA FOR 5759 SELECTED HALACHOS
RELATING TO PARSHAS DEVARIM

By Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

SHOPPING DURING THE NINE DAYS QUESTION: Is it permitted to go shopping during the Nine Days? DISCUSSION: It is forbidden to make a major purchase, such as a car, silver items, or furniture during the Nine Days. There are two possible prohibitions involved in such a purchase: Purchasing a substantial (chashuv) item - even if used - obligates one to recite a shehecheyanu(1), and it is improper to recite it throughout the Three Weeks(2) and especially during the Nine Days(3). If the car or furniture is for the use and enjoyment of the entire family, in which case ha-Tov v'ha-Meitiv is recited instead of shehecheyanu(4), one would be allowed to buy it during the Three Weeks but not during the Nine Days. This is prohibited since it is similar to building or buying a binyan shel simchah (loosely translated as building or buying an item for pleasure or joy), which the Shulchan Aruch(5) clearly forbids(6). Shopping for clothing or shoes, even if they are intended for use after the Nine Days(7), is prohibited(8). Both expensive and inexpensive items (such as socks) are included(9). [If one has no clean shirt for Shabbos, he may wear a new shirt(10).] Shopping for items which a) do not require a shehecheyanu; b) are not purchases which could be classified as a binyan shel simchah; and c) are not apparel, is permitted. Even when shopping is prohibited, the following leniencies apply: Only actual buying is prohibited. It is permitted to shop without buying. Window or comparison shopping is permitted. Returns are permitted. Exchanges may be prohibited(11). An item which is forbidden to be bought during the Nine Days because of the shehecheyanu restriction may be bought during the Nine Days if it requires assembly and if the assembly will be done after the Nine Days. The same rule applies to a utensil that requires immersion. If the immersion will not take place until after the Nine Days, no shehecheyanu is said at the time of purchase(12). It is permitted to buy a car or furniture for business purposes. The shehecheyanu should be said after Tishah b'Av(13). People in the clothing business may purchase stock during the Nine Days(14). If delaying the purchase will cause one a substantial

loss(15), or if the item will not be available after Tishah b'Av(16), it is permitted to buy the item during the Nine Days(17). A bachelor who is getting married after Tishah b'Av may buy anything he needs during the Nine Days(18). One who does not have appropriate shoes to wear on Tishah b'Av may buy them during the Nine Days(19). If one will run out of clothing for small children, one may either wash the clothes or buy new clothes(20) .

FOOTNOTES: 1 O.C. 223:3. 2 O.C. 551:17. 3 Aruch ha-Shulchan 551:38. 4 O.C. 223:5. 5 O.C. 551:2, Mishnah Berurah 11 and Sha'ar ha-Tziyun 13. 6 Mishnah Berurah, ibid. and Aruch ha-Shulchan 20 prohibit buying silver items as binyan shel simchah. Igros Moshe O.C. 3:80 prohibits car buying for the same reason. See also Nitei Gavriel, pg. 51, who quotes the Puppa Rav as including furniture as well. 7 Mishnah Berurah 551:49. 8 Rama O.C. 551:7. See also Mishnah Berurah 45. 9 Mishnah Berurah 551:45-46. 10 Beur Halachah 551:6, according to the explanation of Igros Moshe O.C. 3:80. The poskim do not mention specifically if one would also be allowed to buy the shirt during the Nine Days. 11 Since the shopper is getting a new item in exchange for the old one, it may be considered as if he is buying the item anew. A rav should be consulted. If the new item requires a shehecheyanu, the exchange may definitely not take place during the Nine Days; see Moadei Yeshurun, pg. 152, note 31. 12 Mishnah Berurah 223:17 and Sha'ar ha-Tziyun 21 quoting R' Akiva Eiger. See also Vezos ha-Berachah, pg. 167 quoting Harav C.P. Scheinberg. 13 Igros Moshe O.C. 3:80. 14 Mishnah Berurah 551: 11. 15 See Zichron Shelomo, Hilchos Chol ha-Moed, pg. 94, who quotes Harav M. Feinstein and Harav Y. Kamenetsky who rule that when an item is offered on sale at a substantial reduction and the sale is not likely to occur again in the near future, it is considered a davar ha-aveid in regard to hilchos Chol ha-Moed. 16 Ben Ish Chai (Devarim 2). 17 Based on Mishnah Berurah 551:11 and 13 that permit even a binyan shel simchah in order to avoid a loss. There are other poskim who prohibit a binyan shel simchah even in a case of loss; see Kaf ha-Chayim 551:29. 18 Mishnah Berurah 551:14 and 46. Other poskim disagree with this leniency; see Kaf ha-Chayim 551:30, 33 and 101. 19 Igros Moshe O.C. 3:80. 20 O.C. 551:14 and Mishnas Yaakov (quoted in Piskei Teshuvos, pg. 83).

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Aish HaTorah's Calendar Series: TISHA B'AV & THE 3 WEEKS - 5759

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"THE TEMPLE: DO WE FEEL THE LOSS?" Since the day the Temple was destroyed there has never been a perfectly clear sky, as it says (Isaiah 50.3): "I clothe the heaven with blackness and I make a sackcloth their covering." - Talmud, Brachot 59

WHY DON'T WE FEEL THE LOSS? The Holy Temple was - and still is - one of the most central and basic concepts in Judaism. The Sages say that the rebuilding of the Temple should be one of our foremost concerns and that we should be missing its existence every moment. Yet for many of us, it is very distant from our consciousness. Though we may be suffering spiritual agony because of our distance from G-d, we often don't realize it. Why? Life for the most part is nice and comfortable. We don't feel that we're lacking anything. We believe in the illusion of the physical world, and imagine that life is "great as it is." The Three Weeks come along to remind us that there's something missing from our lives and that we're not living the way we really want to. If the Sages did not designate these days of mourning, then we would always be asleep to the agonizing loss of the Temple and what we're lacking in our lives. The purpose of these days is to contrast the way we're living now with how our lives could be. If we feel the pain of our souls, then we'll truly mourn for the loss of the Temple.

The following story is told about Rabbi Shraga Feivel Mendlowitz (1886-1948), the Rosh Yeshiva of Yeshiva Torah Vadaas in the Williamsburg section of Brooklyn. Jewish law forbids leaving an uncovered knife on the table during Birkat Hamazon ("Grace After Meals") for fear that the despair one feels during the paragraph dedicated to Jerusalem may drive a person to take his life. One Friday night in the summer of 1948, word reached America that the Old City of Jerusalem was being destroyed by invading Arab armies. Upon receiving the news, Rabbi Mendlowitz suffered a heart attack at his Shabbos table while reciting "Uv'ne Yerushalayim," the

blessing for the rebuilding of Jerusalem.

DO WE KNOW WHAT WE LOST? In the time of the Temple, a person could go to Jerusalem and literally feel His Presence. The desire of one's soul was fulfilled. But then the Temple was destroyed and we lost what we had. But what exactly did we lose? In June 1967, the Israeli paratroopers who captured the Old City of Jerusalem were amongst the first to visit the Western Wall. Many of the soldiers, overcome with great emotion, stood weeping at the Wall. One non-religious soldier stood far back and was weeping, too. "Why are you crying?" asked his friend. "I am crying because I don't know why I should be crying."

If we don't feel the loss, then there's no hope the Temple will be rebuilt. The Code of Jewish Law, the Shulchan Aruch, says: "It is fitting for every G-d-fearing person to be troubled and disturbed over the destruction of the Holy Temple." The commentators ask an obvious question: What about the person who is not yet G-d-fearing and consequently doesn't feel the loss of the Temple? The answer is that for such a person, the obligation still applies - though in a slightly different version: "It is fitting for every person who is not yet G-d fearing to be troubled and disturbed over the fact that he is not troubled over the destruction of the Holy Temple." This obligation is so important that the Talmud (Shabbos 31a) says when a person is brought to judgement in the next world, one of the crucial questions posed is: "Did you hope for the redemption?" G-d does not expect us to immediately achieve lofty levels. But neither does that exempt us from trying. We should strive to grow to the point where we appreciate the loss of the Temple, and can mourn along with the rest of the Jewish People.

TOOLS FOR FEELING THE LOSS As we sit here in the heart of a 2000-year exile, with all its persecution and suffering, we sometimes feel a sense of hopelessness and despair. This is precisely the reason to begin learning about the rebuilding of the Temple and its service. We develop hope as thoughts of a better Jewish future come into focus. Boundaries of time and space melt away before the vision of a new and permanent Jerusalem that will usher in the utopian, Messianic era. What are some tools to help us begin? When the Jewish People were in the Babylonian Exile, the Prophet Ezekiel was instructed to teach the people details of the Temple construction. The commentator the Radak (Ezekiel 43.11), says that the people were told to construct a three-dimensional model of the Temple. By doing this, it brought into reality the idea that the Jews would eventually return to their land and rebuild the Temple. Says the Midrash (Tanchuma, Tzav 14): G-d said to Ezekiel: "The study of the Temple structure is considered as being of equal merit to its building. So tell the people to study the Temple structure, and as a reward I will consider their study as though they were actually building the Temple."

Today, we can learn about the Temple in the following ways: 1. Learn about the offerings which were brought to the Temple. The "Sefer HaChinuch" - which gives an overview of the procedure and the reasons behind it - is a good place to start. 2. Learn about the various vessels of the Temple - e.g. Menorah, Holy Ark, clothes of the Kohen, etc. There are excellent picture books available, as well as deeper Kabbalistic works which explain the metaphoric imagery. 3. Learn about special mitzvahs that applied during Temple times, such as going up to Jerusalem three times annually, or other mitzvahs such as "Bikkurim," "Maaser" and "Hakkel." 4. Learn about aspects of the Temple service which still apply today, such as Birkat Kohanim (the Priestly Blessing) and washing one's hands before eating bread.

The Talmud (Menachot 110a) describes the great significance of studying about the Temple: What is the significance of the verses, "This is the law of the sin-offering; this is the law of the guilt offering?" They teach that whoever occupies himself with the study of the laws of the sin offering is as though he were offering a sin offering, and whoever occupies himself with the study of the laws of the guilt offering is as though he were offering a guilt offering.

Aish HaTorah's Calendar Series: TISHA B'AV & THE 3 WEEKS - 5759

<http://www.aish.edu/calendar/3weeks>

"Tisha B'Av Message"

by Rabbi Noah Weinberg Dean of Aish HaTorah

The prophet Ezekiel foretells that there will be a time when the Jews will say they no longer want to be G-d's chosen people. Tragically, this prophecy is coming true today. In Israel, most of the country is trading Westernism for Judaism. And in the Diaspora, the rate of intermarriage is 70%. Those of us who appreciate what it means to be Jewish are responsible for the situation of our people. Why? The Jewish people are one unit. The spiritual health of our nation is affected for good or bad by every member. Therefore the destiny of each Jew is inextricably tied with the action of his neighbor.

The Talmud (Shabbos 55a) recounts a fascinating exchange between G-d and the angels, which teaches us a profound lesson about the depth of our mutual responsibility.

In Ezekiel 9:4, it is written: "G-d said to the angel: Go through Jerusalem and make a mark with ink on the foreheads of the righteous so that the angels of destruction should not attack them. Also make a mark with blood on the foreheads of the wicked, so that they should be attacked by the angels of destruction. The Attribute of Justice said before G-d, "Master of the Universe: How is one group different than the other?" G-d replied, "One group is righteous, while the other group is wicked." The Attribute of Justice said, "Master of the Universe, but the righteous were able to protest the actions of the wicked and did not do so." G-d said, "It is revealed and known to Me that even if they would have protested, it would have had no effect." The Attribute replied, "But the righteous didn't know that!" It is thus written, "The Angels of destruction began with the elders who were in front of the Temple."

This is the punishment given to those who (according to G-d Himself) could not have succeeded no matter what the effort. Therefore, how great is our accountability in this generation - when success is clearly within our grasp!

Why did we cry in the generation of Moses? Because even after G-d took us out of Egypt, gave us the Manna, the Well and the Clouds of Glory, we still said He couldn't bring us into the land of Israel. We didn't trust in Him - because we lacked appreciation for all He'd done for us. On Tisha B'Av, we have to take an accounting of ourselves. Are we grateful for all the Almighty has done for us - and do we trust Him? Are we in pain because of our brothers' suffering? Do we believe the Almighty will assist us if we reach out to help fellow Jews? Of course! The Almighty wants His children to return to Him! We are one people with one destiny. Each of us is responsible for the actions of the other. A handful of people dedicated to the cause of Jewish continuity has already made a lasting impact on our future. If we join together, we will surely merit to bring back the entire Jewish nation.

Aish HaTorah's Calendar Series: TISHA B'AV & THE 3 WEEKS - 5759 <http://www.aish.edu/calendar/3weeks>
The 3 Weeks of Jewish national mourning begins on July 1, and continues until Tisha B'Av on July 21-22, 1999.

"WHAT IS THE THREE WEEKS?" The "Three Weeks" between the 17th of Tammuz and the Ninth of Av have historically been days of misfortune and calamity for the Jewish People. During this time, both the First and Second Temples were destroyed, amongst other terrible tragedies. These days are referred to as the period "within the straits" (bein hametzarim), in accordance with the verse: "all her oppressors have overtaken her within the straits" (Lamentations 1:3). On Shabbos during the Three Weeks, the Haftorahs are taken from chapters in Isaiah and Jeremiah dealing with the Temple's destruction and the exile of the Jewish people. During this time, various aspects of mourning are observed by the entire nation. We minimize joy and celebration. And, since the attribute of Divine judgement ("din") is acutely felt, we avoid potentially dangerous or risky endeavors.

ASPECTS OF MOURNING OBSERVED DURING THE THREE WEEKS 1. No weddings are held. (However, engagement ceremonies are

permissible.) 2. We do not listen to music. 3. We avoid all public celebrations - especially those which involve singing, dancing and musical accompaniment. 4. We avoid pleasure trips or other unusually entertaining activities. 5. No haircuts or shaving. (Fingernails may be clipped up until the week in which Tisha B'Av falls.) 6. We do not say the blessing "She-hechianu" on new food or clothes except on Shabbos.

"THE NINE DAYS" The period commencing with Rosh Chodesh Av is called the "Nine Days." During this time, a stricter level of mourning is observed, in accordance with the Talmudic dictum (Ta'anit 26): "When the month of Av begins, we reduce our joy." 1. We avoid purchasing any items that bring great joy. 2. We suspend home improvements, or the planting of trees and flowers. 3. We avoid litigation with a non-Jew, since fortune is inauspicious at this time. 4. We abstain from the consumption of meat (including poultry) and wine. These foods are symbolic of the Temple service, and are generally expressions of celebration and joy. - On Shabbos, meat and wine are permitted. This applies also to any other "Seduat Mitzvah" - for example, at a Brit Milah or at the completion of a tractate of Talmud. - Wine from Havdallah should be given to a child to drink. 5. We refrain from wearing newly laundered garments, or laundering any clothes. - If the "freshness" has been taken out of a garment prior to the Nine Days, it may be worn. - Fresh clothes may be worn for Shabbos. - The clothing of small children, which gets soiled frequently, may be laundered during the Nine Days. - Clothes may not be laundered even if done in preparation for after Tisha B'Av, or even if done by a non-Jew. 6. We do not bathe for pleasure. - It is permitted to bathe in order to remove dirt or perspiration, or for medical reasons. This may be done only in cool water. Furthermore, the body should be washed in parts, rather than all at one time. - Bathing in warm water is permitted on Friday in honor of Shabbos.

This Devar Torah is dedicated to the memory of Rabbi Shmuel Yaakov Weinberg zt"l, Dean of the Ner Israel Rabbinical College in Baltimore, MD, who passed away last week. "Rav Yaakov" - the older brother and mentor of Aish HaTorah's founder Rabbi Noah Weinberg - was a spiritual beacon to thousands. The loss leaves us orphaned.

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From: Shlomo Katz [SMTP:skatz@torah.org]

Hamaayan/The Torah Spring edited by Shlomo Katz

Devarim (this column previously ran on 5 Av 5756, July 20, 1996)

Siddur Avodat Yisrael writes that there is a chapter of Tehilim which corresponds to each parashah -- this week, psalm 137. Parashat Devarim is always read on, or just before, Tishah B'Av, and, most likely, this chapter was chosen because it echoes the themes of Tishah B'Av: "By the rivers of Babylon -- there we sat and also wept, when we remembered Zion . . . How can we sing the song of Hashem on alien soil. If I forget thee, O Yerushalayim, let my right hand forget its skill . . ." In this psalm, David prophesied regarding the destructions of both Temples. Verse 1, "By the rivers of Babylon -- there we sat and also wept," refers to the first Bet Hamikdash, which was destroyed by Bavel/Babylon. Verse 7, "Remember, Hashem, for the offspring of Edom, the day of Yerushalayim," alludes to the second Bet Hamikdash, which was destroyed by Rome, which is traditionally associated with Edom/Esav. (Midrash Shocheh Tov)

The verses and commentaries on this page relate to the chapter of Tehilim associated with our parashah (see page 1). "By the rivers of Babylon -- there we sat and also wept, when we remembered Zion. On the willows/aravim we hung our musical instruments. For there our captors requested words of song from us, and our joyous hanging [instruments], 'Sing for us from the songs of Zion.'" (Tehilim 137:1-3) Rav Moshe Alshich z"l asks: Why is it significant that our ancestors sat by the river, of all places, or that they hung their instruments on willows, of all trees? Also, given the Jews' sadness, why did they hang their instruments on the trees, rather than getting rid of them entirely? The Zohar relates that the Jews who were exiled were depressed beyond description. It was at that time that

Yechezkel, who was standing by the River Kevar, saw the vision of the merkavah/chariot described in the opening chapters of his book. That vision symbolized that G-d and his entourage also were going into exile as a guarantee (in Hebrew, "arevut") of the future redemption. As a sign of their consolation, the "Alshich Hakadosh" explains, the Jews kept their musical instruments, objects of joy, and they hung them on the aravim --related to arevut -- by the river. In light of this, he continues, we can understand the next verse. At first, the Babylonian captors assumed that the Jews would be too depressed to sing; therefore they requested only to know the words of the Jews' songs. However, when they saw the hanging instruments, they realized that their captives had been consoled, and they ordered, "Sing for us from the songs of Zion." (Romemut Kel)

"By the rivers of Babylon -- there we sat and also wept." The entire way from Yerushalayim to Bavel, the Jews were not allowed to rest. The Babylonians reasoned, "This nation has a merciful G-d. If we let them rest, they will cry out to Him and He will save them." "There we sat and also wept" also alludes to Yirmiyahu's rebuke to the exiled Jews: "Had you only cried to G-d one time while you were still in Yerushalayim, you would not be here today." (Midrash Shocheh Tov)

"Enough of your circling this mountain/'har'; turn yourselves northward/'tzafonah'." (2:3) Rav Ben-Zion Halberstam (the "Bobover Rebbe") z"l comments: Before one can please G-d with his good deeds, he must abandon his bad deeds. This is alluded to in our verse. The letters which surround those of the word "har"/"mountain" spell "kadosh"/"holy." (The letters "kuf" and "shin" are before and after the letter "resh," and the letters "dalet" and "vav" precede and follow the letter "heh.") One cannot so easily "circle the mountain," i.e., become holy. First one must "turn "tzafonah"/"northward." The "tzefoni"/ "hidden one" is a nickname for the yetzer hara; before one can be holy, he must turn his attention to the yetzer hara and defeat it. (Kedushat Tzion)

"For Hashem your G-d has blessed you . . ." (2:7) Rashi comments: "Therefore, do not be ungrateful by appearing to be poor. Rather, you should appear to be rich." Rav David Sperber z"l asks: Doesn't this contradict the advice which Yaakov gave his children (Bereishit 42:1), "Do not make yourself conspicuous"? Rav Sperber explains: Chazal said, "Poverty is good for the Jews like a saddle for a horse." When does a horse where a saddle? Not when it is home, in the stable -- the horse wears the saddle outdoors. Similarly, Jews should not appear conspicuous when they are outside, among the gentiles. Privately, however, Jews should be satisfied with what they have, and should "feel" rich. (Michtam L'David) [Ed. note: In fact, Rashi's wording may be precisely chosen to preempt Rav Sperber's question. Rashi does not advocate showing off. Rather, he is saying, "You must not act so poor that you appear to be ungrateful for Hashem's kindness."]

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From Heritage House[SMTP:heritage@david.virtual.co.il]
Subject:InnerNet - Bonds

INNERNET MAGAZINE <http://www.innernet.org.il> JULY 1999
"HERZL AND THE BONDS" by Dr. James David Weiss

The story is told of Napoleon walking through the streets of Paris. As he passed by a synagogue, he heard the sound of people weeping inside. He turned to his assistant and asked, "What's going on inside there?" "Today is Tisha B'Av," came the reply, "and the Jews are mourning the loss of their Temple." Napoleon looked toward the synagogue and said, "If the Jews are still crying after so many hundreds of years, then I am certain the Temple

will one day be rebuilt!" The Jewish people have a remarkable record of survival. The following story illustrates this theme in a modern context.

Theodore Herzl died of heart disease in 1904, at the age of 44. During his career as president of the World Zionist Organization, he never took a salary and paid for all his expenses out of his own pocket. He died penniless. His wife and four children appealed to the Zionists for money on which to live. It was agreed that Herzl's family could not remain destitute and the leaders asked their membership for funds to assist them. In a very short time, three million dollars were raised and the leadership searched for a secure investment that would guarantee an income for Herzl's family. Many ideas were considered and the Zionist leadership selected the 4 percent 30-year bonds of the Austro-Hungarian Empire. This bond represented the safest and most secure paper in central Europe. Backing the bond was the good faith and will of the strongest, most powerful empire on the continent. In 1906, this assured the family members a substantial income for the rest of their lives. Eight years and one world war later, the Austro-Hungarian Empire had ceased to exist. The bonds which were supposed to support Herzl's children became worthless. The committee is not to be faulted for making what turned out to be a terrible investment. That would be asking them to see into the future. What is curious is the fact that in the minutes of the committee which reviewed investments, not one member chose to consider the long-term bonds of the Zionist organization itself, the Keren Hayesod and Jewish National Fund. Both of these bonds are still good - and for the 90 years of their existence have not missed a payment.

The survival of the Jewish people has been remarkable. We have come so far, yet we have so much more to achieve. The day of Tisha B'Av, which commemorates the destruction of the Holy Temple and the exile of our people, is the day we re-commit to accomplishing our national goals. This year, Tisha B'Av begins Wednesday evening, July 21, and continues until Thursday evening, July 22, 1999. The day is marked by fasting, and chanting of the Biblical book of Lamentations.

From the book, "VINTAGE WEIN" - the collected wit and wisdom of Rabbi Berel Wein. By Dr. James David Weiss. Reprinted with permission. Published by Shaar Press,
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From: Ohr Somayach[SMTP:ohr@virtual.co.il]

* PARSHA Q&A * In-Depth Questions on the Parsha and Rashi's commentary. Parshas Devarim

Recommended Reading List Ramban 1:1 Overview of Devarim 1:12 Judging the Jewish People 1:25 The Meraglim 1:37 Moshe's Punishment 2:4 Brother Esav 2:7 Blessings 2:25 Fear of the Jewish People Sefer Hachinuch 414 Appointing Judges 415 Responsibility of Judges Ba'al Haturim 3:25 The 51st Amah 3:25 The Missing Letter "Vav" 3:25 Order of Prayer Sforno Introduction To Devarim 1:5 The Reason for Moshe's Rebuke 1:22 The Choice of the Meraglim 1:23 Moshe's Reason for Sending Meraglim 1:27 The Sin of the Meraglim 1:37 The Limits of Repentance 3:11 The Refa'im

This Week's Questions & Answers

All references are to the verses and Rashi's commentary, unless otherwise stated

1. Why does the Torah say Moshe spoke bamidbar -- "in the desert?" 1:1 - Here the word bamidbar does not mean "in the desert" -- rather, it means "on account of the desert." The Book of Devarim contains a rebuke of the Jewish People for the sins committed while in the desert. 2. Why did Moshe mention only the names of the places that the Jewish People sinned, while not mentioning the sins themselves? 1:1 - In order to guard the honor of the Jewish People by not mentioning their sins explicitly. 3. How much time elapsed between departing from Mt. Sinai and sending the spies? 1:2 - 40 days. 4. Moshe rebuked the Jewish People shortly before his death. From whom did he learn this? 1:4 - From Yaakov, who rebuked his sons shortly before his death. 5. Why did Moshe wait until he had smitten the Amorite kings before rebuking the Jewish People? 1:4 - Now it was easier to

admonish the Jewish People, since no one could now say, "What right has he to rebuke us; has he brought us into any part of the land as he promised?"

6. What were some of the achievements that resulted from the Jewish People "dwelling" at Mt. Sinai? 1:6 - They received the Torah, built the Mishkan and all of its vessels, appointed a Sanhedrin, and appointed officers. 7. Why does the Torah single out the names of the Avos in connection with the giving of the Land? 1:8 - Each one of the Avos possessed sufficient merit for the Jewish People to inherit the Land. 8. What did Moshe convey to the Jewish People by saying: "You today are like the stars of the Heavens"? 1:10 - They are an eternal people, just as the sun, moon and the stars are eternal. 9. Moshe was looking for several qualities in the judges he chose. Which quality couldn't he find? 1:15 - Men of understanding. 10. Moshe told the judges, "the case that is too hard for you, bring it to me." How was he punished for this statement? 1:17 - When the daughters of Tzafchad approached him with a halachic question, the law was concealed from him. 11. Why did Moshe describe the desert as great and frightful? 1:19 - Because the Jewish People saw huge, frightening snakes and scorpions in the desert. 12. Which tribe was not represented among the spies? 1:23 - Levi. 13. Which city did Calev inherit? 1:36 - Hebron. 14. How many kingdoms was Avraham promised? How many were conquered by Yehoshua? 2:5 - Avraham was promised the land of ten kingdoms. Yehoshua conquered seven. The lands of Moav, Ammon and Esav, will be received in the time of the Mashiach. 15. Why were the Jewish People forbidden to provoke Ammon? 2:9 - This was a reward for Lot's younger daughter, the mother of Ammon, for concealing her father's improper conduct. 16. Why were the Jewish People not permitted to conquer the Philistines? 2:23 - Because Avraham had made a peace treaty with Avimelech, King of the Philistines. 17. How did Hashem instill the dread of the Jewish People into the nations of the world? 2:25 - During the battle against Og, the sun stood still for the sake of the Jewish People, and the whole world saw this. 18. Why did Moshe fear Og? 3:2 - Og possessed merit for having once helped Avraham. 19. Who was instrumental in destroying the refa'im? 3:11 - Amrafel. 20. What was the advantage of Reuven and Gad leading the way into battle? 3:18 - They were mighty men, and the enemy would succumb to them.

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From: Ohr Somayach[SMTP:ohr@virtual.co.il]

Simcha's Torah Stories The Three Weeks 5759

I see the Beis HaMikdash off in the distance! Look at that, the wind is blowing very strongly. Even so, the column of smoke rising from the altar is not being blown by the wind at all! What a miracle! When we get closer, you will see a fire that even the heaviest rains cannot extinguish. Look, there are Heshy, there's Yankel, and there's Uncle Abe! What a beautiful sight to see everyone coming to Jerusalem! Here we are now in the courtyard of the Beis HaMikdash. Everyone is standing crowded together. The next part of the service requires us to lie down. What will we do? Where will we have room? Look at that, a miracle! There is plenty of room for everyone to lie down. May we all merit to properly mourn the Beis HaMikdash and therefore be present to rejoice in its rebuilding.

Simcha's Quiz Question of the Week A traveler comes to a fork in the road and does not know how to get to his destination. Two men are at the fork in the road. One of them always tells the truth, and the other one always lies. He may ask the men one question to find his way. What question does the man ask these men? Write Simcha at simchag@netvision.net.il with the correct answer.

Written and Compiled by Simcha Groffman General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Ohr Somayach International E-Mail: info@ohr.org.il Home Page: <http://www.ohrnet.org>

From: Rabbi Lipman Podolsky[SMTP:podolsky@hakotel.org.il]

Health Maintenance

"Reuven" recently returned from a physical examination, and described to his best friend "Shimon", in graphic detail, the involved prescription (a vast array of pills, a radical change in diet, a rigorous exercise program, etc.) given to him by his doctor. "Are you sure the doctor really wanted you to do all that?" Shimon inquired. Gravely, Reuven nodded. "The problem is," confessed Reuven, "it's just too hard. I wish I had never gone to the doctor in the first place." "I don't understand the problem. Just look for a different doctor, one who will go easy with you. I'm sure you can find a doctor who is willing to tell you what you want to hear."

The \$128,000,000 Question: What's wrong with Shimon's reasoning? "Provide for yourselves distinguished men, who are wise, understanding, and well known to your tribes, and I shall appoint them (Va'asimem) as your heads (Devarim 1:13)." The Medrash on this verse teaches a poignant lesson: "It is as if it is written 'Va'ashimem' (from the root Ashem -- guilty). Said Rabi Yehoshua ben Levi, Moshe said to them, 'If you do not listen to them (to your leaders), you will be held responsible for any undesirable consequences.' To what can this be compared? To a snake. The tail said to the head, 'For how long will you go first? I wish to go first!' Said the head, 'Go ahead.' He went, came to a waterhole, and threw himself in. He came to a fire, and threw himself in. He came to thorns, and threw himself in. Why did this happen? Because the tail went before the head. So too, when the Ketanim (those limited in Torah wisdom) heed the words of the Gedolim (sages), they (the Gedolim) issue decrees to Hashem, and He fulfills them. But when the Gedolim follow the Ketanim, they fall on their faces (Devarim Rabba 1:10)." This is the all-important Midda of Emunas Chachamim (relying on the sages). In order for Klal Yisrael to function properly, in order for our nation to fulfill its mission in this world, the protocol of Torah authority must be observed. Spiritual anarchy results in destruction. Heeding the sages, even when their superior logic transcends ours, will insure that our actions always conform to the will of Hashem and thus result in maximum, productive growth. Ignoring their sage counsel, though, following the whims of the whippersnappers, will always conflict with Hashem's desire, and is therefore doomed to failure. "Rabi Shimon ben Elazar says: If the youth tell you to build, and the elders (those who have acquired Torah wisdom) to destroy, listen to the elders, but not to the youth. For the building of the youth is destruction, while the destruction of the elders is building. The illustration for this is Rechavam the son of Shlomo (Nedarim 40a)."

What happened regarding Rechavam? Let us hear it from the prophet himself. "Rechavam went to Shechem, for all of Yisrael had come to Shechem to make him king... 'Yeravam came, along with all of the Congregation of Yisrael, and they spoke to Rechavam, saying: 'Your father made our yoke [of taxation] difficult; now, you alleviate your father's difficult workload and his heavy yoke that he placed upon us, and we will serve you'..." "King Rechavam took counsel with the elders, who had stood before his father Shlomo while he was alive, saying: 'How do you advise; what word to respond to this people?' They spoke to him saying: 'If today you become a servant to this people and serve them, and respond [favorably] to them and speak kind words to them, they will be your servants all the days.' But he ignored the advice of the elders who had counseled him, and he took counsel with the youths with whom he had grown up, who ministered before him. He said to them, 'What do you advise?... They spoke to him, saying, 'This is what you should say to this people... My father saddled you with a heavy yoke; I shall add to your yoke! My father chastised you with sticks; I shall chastise you with scorpions'... All of Yisrael saw that the king did not listen to them, and the people gave their response to the king, saying, 'What share have we in [the House of] David? [We have] no heritage in the son of Yishai! Back to your homes, O Yisrael! Now see to your own house, O [kingdom of] David!' (Melachim I 12)" The prescription was clear, albeit unpleasant. Rechavam opted to seek out a doctor who would tell him what he wanted to hear, rather than take the proper steps to insure his, and his nation's health. Instead of building, Rechavam wrought destruction. To this day, we are still paying the price.

Torah is life. The Gedolim are doctors of spirituality. Just as by medicine, the prescription must be followed. Seeking leniencies from doctors who are willing to tell you what you want to hear may be easier and more convenient. But it will not produce life. And life is everything.

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From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il]

Subject: Insights to the Daf: Rosh Hashanah 3-9

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>

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Rosh Hashanah 3b

DARIUS, SON OF ESTHER QUESTION: The Gemara says that Koresh was an upright king, and therefore the years of his reign were counted like the years of a Jewish king, from the month of Nisan. From the verses that the Gemara cites it is clear that the Gemara is discussing Darius II, the king who ruled over the Persian empire after Achashverosh. The Gemara implies that had he not been an upright king, his years would have been counted from Tishrei since he is not Jewish.

In addition, the Gemara later (4a) implies that he was not Jewish. The Gemara concludes that he became corrupt, and therefore the years of his reign after that point were counted from Tishrei. The Gemara proves that he became corrupt from the verses which describe how he made considerable donations to the Beis haMikdash, but he told the Kohanim to pray for him in return for the donations. The Gemara says that giving Tzedakah with such a condition is a mark of wickedness when a Nochri does it. Only for a Jew is it an admirable trait.

TOSFOS (3b, DH Shnas) calls this king "Darius the son of Esther," based on the Midrash (Vayikra Raba 13:5) that says that he was born from the union of Esther and Achashverosh. If his mother, Esther, was a Jew, then he should also be considered a Jew! Why, then, does the Gemara say that he was not Jewish?

ANSWERS: (a) Even if Koresh had a legal status as a Jew, the years of his reign can only be

counted from Nisan if his kingdom is a Jewish kingdom (or an upright kingdom that was kind to the Jews). Since his kingdom was not Jewish, even though he was himself Jewish the years of his reign were counted from Tishrei.

As far as giving Tzedakah for personal benefit, TOSFOS (4a, DH Bishvil) explains that the reason why giving Tzedakah with intention to personally benefit is considered a wrongdoing when Nochri does so is because the Nochri gives *only* in order to receive something in return. In contrast, a Jew gives Tzedakah in order to give, and he only appends a prayer for himself as an aside. If not given his wish, he will not regret the Tzedakah that he gave. Since Darius was raised in an environment that did not espouse Jewish values, he had the traits of a ny other Nochri in this regard.

(b) RASHI (4a, DH Kalbesa) explicitly calls Darius a "ben Noach." It is possible that Rashi learns that our Sugya follows another opinion which argues with the Midrash in Vayikra Raba and holds that Darius was *not* the son of Esther (see Esther Raba 8:3).

(c) There is a Machlokes in the Gemara in a number of places whether a child born from a union between a Nochri and a Jewish woman is considered a Mamzer or is Kasher (of pure lineage). Some Rishonim explain that the opinion which says that the child is Kasher hold that the child is a proper *Nochri* and not a Jew at all, and that *when he converts* he will not be considered a Mamzer (RASHI, Kidushin 68b, DH Leima; TOSFOS, Yevamos 23a, DH Kasavar -- this is not the Halachic opinion). According to those Rishonim, our Gemara might be following those Tana'im who say that the child is Kasher, which means that he is a Kasher *Nochri*. (See also BEIS YITZCHAK, Even ha'Ezer 1:29:8.)

Rosh Hashanah 4

1) GIVING TZEDAKAH IN ORDER TO RECEIVE REWARD QUESTION: The Gemara says that if a person says, "I hereby give this money to Tzedakah in order that my child be healed" or "in order that I merit a share in Olam ha'Ba," he is considered a complete Tzadik and has fulfilled the Mitzvah of giving Tzedakah perfectly. How can he be considered to be performing the Mitzvah perfectly if he is doing it in order to receive reward? That is not a perfect fulfillment of a Mitzvah! The Mishnah (Avos 1:2) says, "Do not be like a servant who serves his master on condition to receive payment!" How can the Gemara call such a person a "complete Tzadik?"

ANSWERS: (a) TOSFOS in many places (see TOSFOS DH Bishvil) explains, based on the Gemara here, that it is only when the person concedes to give the Tzedakah in any event, whether or not the child recuperates, that he is considered to be a complete Tzadik. He is going to give the Tzedakah anyway, and he just appends to it a prayer that in the merit of giving Tzedakah his son should be healthy. That is not considered serving one's master in order to receive payment. The Mishnah in Avos refers to one who does the Mitzvah *only* for the purpose of receiving reward.

(b) TOSFOS RABEINU PERETZ suggests that the Mishnah in Avos, which says that a person should not serve his master with intent to receive payment, does not mean that it is a *bad trait* to do so. There is nothing wrong with serving Hashem in order to receive reward. It just shows that the person has not yet reached the level of being a Chasid, someone who does the Mitzvos only in order to do the will of Hashem with no ulterior motives. When the Gemara says he is a complete Tzadik, it means he is only a Tzadik -- he is not yet a Chasid.

(c) The TUR (YD 247) says that although normally it is prohibited to test Hashem by saying that one will do a Mitzvah to see if Hashem will reward him for it, it is permitted to test Hashem when it comes to Tzedakah by saying that one is giving Tzedakah in order to see if Hashem will reward him for it. If so, the Mitzvah of Tzedakah might be an exception to the rule expressed in Avos that a person should not serve Hashem in order to receive reward. Here, it is permitted to test Hashem since the reward is certain (Hashem promises to give reward to those who give Tzedakah; see Malachi 3:10, Devarim 15:10). Therefore, perhaps he can be called a complete Tzadik even if he gives Tzedakah in order to receive reward. (RAV ELIEZER LANDAU, in a note printed in the Vilna Shas on Tosfos here, DH Bishvil. The TUR, when he says this difference between Tzedakah and other Mitzvos, does not say it in the context of explaining our Gemara.)

However, the BEIS YOSEF and the REMA there point out that in Maseches Ta'anis (9a), which seems to be the source for the Tur's words, the Gemara implies that not all types of Tzedakah will result in a reward. Only with regard to the Tzedakah of Ma'aser given to the Levi does Hashem promise to give a reward. The other Acharonim agree to them on this point, as cited by the Pischei Teshuvah. If so, this will not suffice to explain our Gemara, which is not discussing Ma'aser.

Rosh Hashanah 7 HALACHAH: NISAN -- THE FIRST MONTH OPINIONS: The Beraisa says that Nisan is the Rosh Hashanah for months. What practical Halachic difference does it make if Nisan is the first of months? The RASHBA answers that the only practical consequence of Nisan being the first month is to know what the Torah means when it says "the first month." Aside from teaching when events mentioned in the Torah occurred, this will have a number of practical ramifications. 1. When the Torah says that a festival must be observed in the "first month," we must know when we are obligated to observe it. (RASHBA) 2. The MITZPEH EISAN adds another practical consequence. The laws of Nedarim state that when we a person uses an ambiguous phrase, if it has no clearly accepted meaning based on normal usage of language, then we follow the Torah's usage of that phrase (as Tosfos says in Pesachim 2a, DH ha'Noder, and other places). Therefore, if a person pledges to do something in the "third month," if, in his place, no one refers to months by their numbers, then the "third month" refers to Sivan, the third month counting from Nisan, which is the way the Torah refers to the months. 3. The RAMBAN maintains that there is another Mitzvah in the Torah that is connected to the count of the number of months besides the Mitzvah to observe the festivals. According to the Ramban, the Mitzvas Aseh of "ha'Chodesh ha'Zeh Lachem Rosh Chodashim" (Shemos 12:2) commands us to remember Yetzi'as Mitzrayim, by counting our months from Nisan, the month in which we left Mitzrayim. This is similar to the Mitzvas Aseh to remember Shabbos by counting the days of the week from Shabbos. (See next Insight, regarding counting the number of the secular month.) The RITVA cites proofs for the Ramban. The Mechilta (end of Bo, Parshah 1) and the Targum Yonasan (Melachim I 8:2) write that in the time of Adam ha'Rishon, Tishrei was called the first month. Only later, at the time of Yetzi'as Mitzrayim, did the Jews start calling Nisan the first month. The Ramban adds that the names we commonly use for the months (Nisan, Iyar, ...) are names that the Jews began to use after returning from Bavel. Before that time, they referred to the months only by their numbers. The Ramban suggests that the Babylonian names of months were adopted intentionally, in order to remember that Hashem saved us from the exile of Bavel, just like we begin numbering months from the month in

which Hashem redeemed us from Egypt to remember that redemption. By mentioning the month's Persian name, we recall Hashem's kindness in saving us from Bavel. (This is in accordance with the Gemara in Berachos 13a, which says that we must thank Hashem for every redemption that He brings for us in this world, and not just for the first or the most recent one).

HALACHAH: SECULAR MONTHS QUESTION: The Gemara establishes that Nisan is the first of months. Is it permitted to refer to a month by its pagan name or number? There are two reasons to prohibit using the secular names of months and days: (a) The MAHARAM SHIK (#117) writes that one should not use the secular names of months, and certainly not the common count of the months (putting January as the first month). The reason is because their system does not make Nisan the first month, and we have a Mitzvas Aseh to refer to the months from Nisan, counting Nisan as the first month, in order to always remember the redemption from Egypt (RAMBAN, Shemos 12:1, see previous Insight). (b) The names of the months and the days of the week are based on names of gods that were used in idol-worship. Are we permitted to use such names? ANSWER: (a) In response to these problems, the RAMBAN in Parshas Bo writes that with regard to the months, when the Jewish people returned from Bavel to the land of Israel, they named the months by Babylonian names (which are the names that we now use) in order to remember the redemption from Bavel (see TOSFOS here), the same way that until then, they referred to the months in relation to Nisan in order to remember the redemption from Egypt. The SEFER HA'IKRIM (3:16) understands this to mean that when the Jews were exiled to Bavel, effectively bringing an end to the liberty they had enjoyed as a result of the redemption from Egypt which occurred 890 years earlier, there was no longer a necessity to count from Nisan to recall the redemption from Egypt (see also CHASAM SOFER, Choshen Mishpat 1, DH Nachzir). However, the PERUSH HA'KOVEV in the Ein Yakov at the beginning of Megilah (3a) strongly opposes this view and explains that when the Jews left Bavel they only *added names* to the months, but they did not change the numbering system; they continued to count the months from Nisan. It is permitted to refer to each month by its name, but when one gives each month a number, one must count the month based on the original system, with Nisan as the first. This opinion is supported by the GET PASHUT 127:35, MINCHAS CHINUCH 311:3, and RAV OVADIAH YOSEF in YABIA OMER 6:9:4. (It is interesting to note, though, that even according to ha'Kovev, in practice the Sefer ha'IKrim's conclusion appears to be correct, since once the months were named, it is almost unheard of for anyone to refer to a month by its number, see Teshuvos v'Hanhagos 1:830.) Therefore, Rav Ovadiah concludes, one should refrain from referring to the months by the gentile numbering system (e.g. referring to January as "1"). (It should be noted that the months of September, October, November, and December are named according to their numbers ("septem" = seven, "octo" = eight, "novem" = nine, and "decem" = ten). Interestingly, these numbers are not in reference to January, since two months were added at a later point in time. It so happens that they conform to the count from the time of the year which usually corresponds to Nisan!). Rav Moshe Sternbuch (Teshuvos v'Hanhagos 1:830) takes issue with Rav Ovadiah's ruling, arguing that the Mitzvah of counting the months from Nisan has no bearing on the months of the *solar* year; it is only applicable to the months of the *lunar* year. Therefore, it is permitted to even use the secular numbering system. (Rav Sternbuch brings support for his words from practices of the Brisker Rav and Rav Chaim Soloveitchik.) (b) With regard to mentioning the names of idols, since these idols are no longer known or worshipped in the civilized world, it should not be prohibited to mention their names, since one has no intention to refer to those idols when he says the name of the day or month.

Rosh Hashanah 9

THE OBLIGATION TO EAT ON EREV YOM KIPUR OPINIONS: The Gemara derives from the verses that one who eats and drinks on the ninth of Tishrei, the day before Yom Kipur, is considered as though he fasted both the ninth and the tenth. Why should eating on Erev Yom Kipur be considered like fasting? (a) RASHI (Yoma 81b, DH Kol ha'Ochel, and Berachos 8b, DH Ma'aleh Alav) explains that by eating and drinking the day before Yom Kipur, one prepares himself for the fast. Since his eating and drinking on the ninth is in *preparation* for the fast of the tenth, his eating is considered to be a part of his later fasting. This is also the opinion of the ROSH (Yoma 8:22), and support can be found for it in the Yerushalmi. (Rashi here and in Pesachim (68b), however, makes no mention of the aspect of preparation for the fast of the tenth. Rather, he explains merely that just as the Torah commands one to fast on the tenth, the Torah also commands one to eat on the ninth, and eating on the ninth is not related (to such an extent) to fasting on the tenth. This variation in the explanations of Rashi in the different places where this statement of the Gemara appears may be based on the context of the different Sugyos in those Gemaras, as is explained by RAV YAKOV D. HOMNICK in SEFER MARBEH SHALOM (#30).) (b) The SHIBOLEI HA'LEKET, quoting RABEINU YESHAYAH, says that after eating and drinking a lot on the day before the fast, fasting is much more difficult. Therefore one is rewarded for eating on the ninth as if he has lengthened his fast of the tenth. (Support for this understanding can be adduced from the Gemara in Ta'anis (26a) which says that fast-days are not established on Sundays, for it is too difficult to fast after a day of festivity - PARDES YOSEF, Vayikra) (c) The TUR (Orach Chayim 604) quotes the Midrash that tells the story of a simple Jew who outbid the king's officer to buy a fish on the day before Yom Kipur. The Jew later explained to the king that he wanted the fish "to celebrate that Hashem was going to pardon the sins of the Jewish people" the next day. From this it can be learned that eating on the day before Yom Kipur shows one's faith that the fast of the following day will earn us a complete pardon. RABEINU YONAH (Sha'arei Teshuvah 4:8) also suggests such an explanation. (d) Since Yom Kipur is a Yom Tov, it requires a Se'udas Yom Tov, a festive meal. However, we cannot have a Se'udah on Yom Kipur because we are commanded to fast. The Se'udah, therefore, was moved to the ninth. Since the Se'udah of the ninth is part of the celebration of the tenth, by eating on the ninth it is considered as if one fasted on both the ninth and the tenth. (RABEINU YONAH, Sha'arei Teshuvah 4:9) (e) The ARUCH LANER here suggests a novel approach. During the year, a person sins with his body and with his soul. By fasting on Yom Kipur, one afflicts his body in order to attain atonement for the sins that he did with his body against his soul. By eating on the day before Yom Kipur, one afflicts his soul in order to attain atonement for the sins that he did with his soul against his body (such as excessive fasting). All of these reasons assume that eating on the ninth of Tishrei is related to the fast of atonement of the tenth of Tishrei, Yom Kipur. Consequently, it may be concluded that women are also obligated to eat on the ninth of Tishrei, even though it is a time-dependent obligation from which women are normally exempt. Since women must fast on Yom Kipur, they are also required to do everything

connected with that fast, including eating on the ninth. This is how the MAHARIL rules as cited by the DARCHEI MOSHE, Orach Chayim 604:1 (see also REBBI AKIVA EIGER, Teshuvos I:16, and KESAV SOFER, Teshuvos OC 112).

To: Kollel Iyun Hadaf's Dafyomi discussion group THE DAFYOMI DISCUSSION LIST
Jeff Ram <jram@netvision.net.il> asked: Beitzah 032: Opening bottle caps Dear Rabbi Kornfeld, thank you for writing such an informative "Insights" on the halachos of opening cans, bottles and food containers on Shabbos and Yom Tov. (Insights to Beitzah 32) (a) I would appreciate your help in clarifying one point which wasn't clear to me in the article. In Paragraph II (Bottle Caps and screw-off covers) you discuss metal bottle caps which leave a ring behind [sub-paragraph (c)]. Are you talking about the kind of metal caps that we often see on grape juice and "kiddush" wine bottles? If so, I'm not sure I understand the difference between those and the plastic bottle caps we find on the plastic liter bottle of coke. (b) Also, what do you mean exactly when you say "the cap becomes physically widened or warped...when removed". I couldn't think of any containers (other than corks in bottles of champagne) where that might be true. Do you have some examples? Thank you so much (in advance) for your help on these points, and special thanks (again) for that article. It clarified many subtle points regarding halachos that seem to be widely misunderstood. Best regards, Jeff Ram

Jeff - thanks for your kind words! I'm glad that the essay proved helpful. (a) Yes, that is the kind of cap that we referred to. The difference between those and the plastic ones is that the metal never came as two separate parts (a top and a ring). When it was placed on the bottle, it was one large piece, that was fitted to the bottle using a shrinking process. Breaking the two apart involve the creation of a new item: a re-usable bottlecap, that did not exist before. In the case of the plastic bottle caps, the ring is only connected to the top at a few points. It looks like they first put a ring on the bottle, then a cap (which already was usable as a bottlecap as is), and then they melted the two together at certain points by pressing them with a hot piece of metal. Even after being pressed together, they look like two separate parts. In such a case, one is not creating a new bottle cap, but separating a piece of plastic from an already usable bottle cap. Others have researched the subject, and found that the plastic bottlecaps are also originally *one* single unit of cap + ring, before they are attached to the bottles. However, they are not attached to the bottles by a shrinking process, but simply by the application of pressure. If so, once again it was a usable bottlecap before being placed on the bottle (since pressure alone, and not physically changing the cap, could attach it to a bottle), and even while on the bottle it is still considered a usable cap (since the bottle could theoretically be "removed from the cap" by crunching it together so that the cap could be removed). Once again, by removing its ring, one has not created a new entity of "bottle cap" that was not in existence previously. (b) The example that came to mind was the very cap we referred to in your first question -- the grape juice bottle cap. If one does not want to twist it off, one might try to pry it away from the bottle by widening the ring with a knife until it can be removed. Rav Shlomo Zalman does not permit that, since it involves physically changing the bottlecap, which is considered "making" a re-usable cap that was not in existence earlier. Be well, -Mordecai

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the shofar which will mark both the end of Israel's subjugation to other nations and human subjugation to the temptations of evil. Rosh Hashana 11a-b

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Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman
Production Design: Eli Ballon Ohr Somayach International 22 Shimon Hatzadik Street, POB
18103 Jerusalem 91180, Israel Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail:
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From: Ohr Somayach[SMTP:ohr@virtual.co.il] Rosh Hashana 9 - 15 Parshat Devarim
Let Freedom Ring "Proclaim liberty throughout the land and to all the inhabitants thereof." To any patriotic student of American history this is familiar as the inscription on the Liberty Bell enshrined in Philadelphia's Independence Hall. But to anyone familiar with Chumash it is a pas sage (Vayikra 25:10) in which Jews are commanded to announce (with a shofar, not a bell) "dror" -- freedom -- for their Hebrew slaves when the "Yovel" (Jubilee) year arrives. The etymological discussion of how dror connotes freedom offers a fascinating insight into the Torah's definition of the essence of freedom. The verb dor literally means to dwell. Freedom is therefore defined as a person's unrestrained ability to dwell wherever he wishes and to sell his wares in any land he chooses. A slave is bound to the area where his master requires his services, and the profits of his labor accrue to his master. In Yovel, these geographic and economic restrictions are lifted and he achieves true freedom.

Throughout the centuries we have seen totalitarian states enslaving their citizens not with the physical chains of bondage but with restrictions on their right to travel. The Jewish "refuseniks" in Communist Russia and the Jews today in Moslem states like Iran, Iraq and Syria are modern examples of people denied the right to emigrate to the land of their choice and are therefore virtual prisoners. It may certainly be said to the credit of the democratic tradition of the United States that it has lived up to the message of freedom inscribed on its Liberty Bell by never restricting the freedom of travel of any of its law-abiding citizens. Israel, the only true democracy in the Middle East and the country where that message originated thousands of years ago, can proudly claim that same record of freedom. * Rosh Hashana 9b

The Four Freedoms Four historical freedoms are mentioned by Rabbi Eliezer in connection with Rosh Hashana: * On Rosh Hashana it was Divinely decreed that the long barren Sarah, Rachel and Chana would bear children. * On Rosh Hashana Yosef was released from prison. * On Rosh Hashana our ancestors in Egypt were released from their work as slaves. * In the month of Rosh Hashana -- Tishrei -- the final redemption of our people will take place. The source for all these freedoms is the shofar. Just as the sound of the shofar on Yom Kippur of the yovel year signals the freedom of Hebrew slaves, so does the shofar blast on Rosh Hashana every year signal freedom from the evil inclination which causes man to sin. Freedom from the power of evil is the wellspring for all of the aforementioned four freedoms. Human bondage is not limited to chains. Physical handicaps, political oppression and economic dependence are all forms of bondage. It was only natural then that on Rosh Hashana, the day of freedom from sinful desire, three great women should be released from the physical handicap of childlessness. This pattern is repeated with the release from political oppression, expressed in Yosef's release from prison in which he was so unjustly incarcerated. It reaches national proportions when our ancestors are released on Rosh Hashana from the bonds of economic dependence on their Egyptian slavemasters. But the ultimate national freedom is yet to come, and it too will be ushered in with the sound of the shofar. "And it shall come to pass on that day the great shofar will be blown" (Yishayahu 27:13). This is the sound of