BS"D
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Potomac Torah Study Center
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NOTE: Devrei Torah presented weekly in Loving Memory of Rabbi Leonard S. Cahan z"l, Rabbi Emeritus of Congregation Har Shalom, who started me on my road to learning more than 50 years ago and was our family Rebbe and close friend until his untimely death.

Devrei Torah are now Available for Download (normally by noon on Fridays) from www.PotomacTorah.org. Thanks to Bill Landau for hosting the Devrei Torah archives.

We welcome Am HaTorah Congregation to its new home, 5909 Bradley Blvd., Bethesda, MD 20814.

Chazal arranged the calendar of Torah readings for us always to read Devarim the Shabbat before Tisha B'Av. Rabbi Haim Ovadia (below) explains why – Moshe's question or statement "Eicha" (1:12) resonates with "Eicha" from both Isaiah and Jeremiah, both closely related to Tisha B'Av. How do these wails connect to the situation for Jews in 2022, so many years later?

The Aseret Dibrot, which our tradition views as summaries or an outline of the 613 mitzvot, contain two categories: mitzvot between humans and Hashem, and mitzvot between individual humans and other people (Jews first, but also non-Jews). Can we say which type is more important, or was one type more significant at the time of the destruction of each of the Temples? As a first approximation, our tradition says that Hashem destroyed the first Temple because of idolatry and the second because of sinat chinam, or senseless hatred. This first approximation would indicate that the major sins at the time of the destruction of the first Temple were between Jews and Hashem and that those at the time of the destruction of the second Temple were primarily those between individuals and other people.

As my friend Rabbi Yitzchok Brandriss observed in his Navi class this week, this approximation is overly simplistic. Immediately after presenting the Aseret Dibrot, we read Mishpatim, which translates the Aseret Dibrot into 53 specific mitzvot (Chabad count). These mitzvot include numerous mitzvot of each type. Moreover, the prophets spoke out on both types of sins many times, and the destruction of the temples did not correspond closely with the timings of specific warnings.

An analogy from microeconomics can help with this discussion. What is more valuable, a diamond or drinking water? While diamonds carry much higher prices than bottles of water, we can live without diamonds but not without water. At the margin, however, a rational consumer purchases each item until the value to him of the last dollar spent on each item is equal. In short, at the margin, a sin between a human and Hashem should be just as much a sin as one between a human and another person. At any given time in our history, however, if Jews as a whole started sinning more with one type, that is where a prophet was likely to speak. At the time of Jeremiah and Isaiah, sins of humans against their fellows, such as sinat chinam, apparently seemed to be more of an issue, and that is where so much of their warnings focused. Indeed, Rabbi Ovadia (see below) makes a strong case that mitzvot between individual Jews and others is more basic and critical than mitzvot between individuals and Hashem. According to the Talmud, what led to the destruction of the Beit Ha Migdash was sinat chinam, especially the hatred and bad treatment of a certain party host for Bar Kamtza, invited to the party in error (instead of his friend Kamtza). (For more, see Rabbi Mordechai Rhine, below.)

I asked earlier what Devarim and Tisha B'Av can teach us today, more than two thousand years after the destruction of the Temples. Both mitzvot between individual Jews and Hashem, and mitzvot concerning our obligations to fellow humans, are important and should, at the margin be equally important. Anyone who follows all the mitzvot concerning

shomer Shabbat, davening, and Kashruit deserves praise but is not fully observant unless he also carefully observes mitzvot concerning obligations toward fellow humans. Where do we measure on that scale compared to previous generations?

We Jews and non-Jews certainly fall short in terms of relations with our fellows. Even among religious groups, we have organizations of frum Jews who do not get along with other Orthodox Jewish groups, let alone with non-Orthodox Jews. In terms of other interests, we have ultra Zionistic Jews who cannot get along with non-Ziionistic Jews, and vice-versa. Some Jews are active in BDS and J Street, two organizations that fight what people like me hold dear. We Jews have a long way to go to reach the ideal of baseless love, the anicdote for sinat chinam.

The issue of relations with non-Jews raises additional questions. Our method of dealing with non-Jews is supposed to be to set an example that they will wish to emulate, so eventually all people will praise Hashem and join with Jews to praise Him together. A large part of this ideal depends on non-Jews, and they can choose how they wish to run their lives. Rabbi Mordechai Kamenetzky once asked his grandfather how to influence his neighbors, non-observant Jews, to become more religious. What Rabbi Kamenetzky told his grandson was to do nothing – just invite them over to see how much a frum lifestyle contributed to their happiness. That is what Rabbi Mordechai Kamenetzky did – and the formerly non-observant neighbors ended up becoming frum and moving to Israel, when they decided that New York was not frum enough to satisfy them. In short, the lesson is that we can do more to influence others by following the mitzvot and treating others properly than by doing anything else.

My beloved Rebbe, Rabbi Leonard Cahan, z"l, and his wonderful wife Elizabeth, followed the teachings of Rabbi Kamenetzky. They invited us to share holidays and much more, to see how inspiring their home and family were. We became close to many of their relatives over the years. Spending time with them, and discussing many aspects of our heritage, we became more religious and learned more of the beauty of our religion. As we begin reading Sefer Devarim, and as we prepare for Tisha B'Av, may we find additional ways to improve ourselves – to pay more respect to Hashem and to care better for others. In this way, may we do our part to make the world a better place. Ultimately, may our children and grandchildren live to see the time when Tisha B'Av becomes a joyous holiday rather than the saddest day of our lives. Shabbat Shalom, and may we all have a meaningful Tisha B'Av.

Much of the inspiration for my weekly Dvar Torah message comes from the insights of Rabbi David Fohrman and his team of scholars at www.alephbeta.org. Please join me in supporting this wonderful organization, which has increased its scholarly work during the pandemic, despite many of its supporters having to cut back on their donations.

Please daven for a Refuah Shlemah for Yehoshua Mayer HaLevi ben Nechama Zelda, Yonatan Ophir ben Ilana, Leib Dovid ben Etel, Asher Shlomo ben Ettie, Mordechai ben Chaya, Hershel Tzvi ben Chana, Uzi Yehuda ben Mirda Behla, David Moshe ben Raizel; Zvi ben Sara Chaya, Eliav Yerachmiel ben Sara Dina, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha; Sharon bat Sarah, Noa Shachar bat Avigael, Kayla bat Ester, and Malka bat Simcha, who need our prayers. Please contact me for any additions or subtractions. Thank you.

Shabbat Shalom,
Hannah & Alan

Dvar Torah: Devarim: What Are We Missing On Tisha B'Av?

by Rabbi Label Lam © 2004

> *Woe to them, the children that have been exiled from the table of their father.* (Talmud Brochos 3A)

Amongst the things we refrain from on the 9th of Av are food, friendship, learning Torah, music and more. What are we meant to get out this exercise of fasting and looking forlorn?

Yitzchok Blazer ztl., was invited by a group of young scholars to their town to deliver a lecture. He ascended the platform wrapped in his talis and began:

> *A Jew once lost his way in a forest. The harder he tried to get out of it the more it closed in on him. After wandering for about two days, he almost gave up hope of finding his way out when he found another Jew coming toward him. Joyfully he ran over to the other Jew and asked him to show him the way out of the forest. The second Jew asked him, "How long have you been lost in the forest?" "Two days!" answered the first. "I have been blundering here for a few weeks already" exclaimed the second Jew, "and I have not yet found the way. You who have been lost for only two days are asking me?*

Yitchok Blazer raised his voice and cried, "Gentlemen! You are young men who have been lost in life for just a short time, but I am already old and have been lost for years. I am still looking for a way out of the forest of tangled character and you ask me to show you the way? With that Reb Itzele broke into loud sobbing and the congregation cried with him.

Was Reb Itzele really more lost than they? Was it then all futility the lifetime he dedicated to self improvement? Was he just being dramatic or overly modest? No!

On Erev Rosh HaShana a number of years ago, I made haste to head to the local Mikvah-ritual bath -- to beat the rush. There was only one other person there and he was just entering the "pool." He shouted repeatedly, "OHHHH! The fires of Gehinom (Hell)," as he inched into the extra hot waters of the Mikvah. A little scared but still determined I prepared for my entry and found out that he had been right. It was hot but there was no turning back. I crept continually forward until I was almost entirely immersed and lo and behold there was the other fellow, his head bobbing like a beach ball. Steam rising all around and he had this serene grimace on his face. I couldn't resist. I said to him, "We get used to Gehinom, don't we!"

On the 9th of Av we are like little children sent away from the table. The child sent to his room can artfully distract himself. His parents wait for the breaking point. He might then even be willing to admit his faults like fighting with his siblings etc. That time never comes. Why? He's found some candies, there's a cell phone, a computer and a treasure of other goodies. He's forgotten that he's being punished.

The father, realizing that the child is too busily engaged in his "things," forbids him for a time to play with these toys and those. Suddenly, he feels alone and isolated from the family. Tears begin to stream. He cries out longingly to his father and is invited to the table again with a pleasant mixture of joy and humility.

On the 9th of Av, we are to realize that we are lost, lost in exile. In so doing and to that extent we become candidates to be found. Therefore for a day we are removed from those things that give us either comfort or consolation in our present station. And so while we find ourselves deprived of Torah, the company of good friends, music, and food, we might begin to wonder profoundly: "What are we missing on Tisha B'Av?"

https://torah.org/torah-portion/dvartorah-5764-3weeks/

Redemption and Exile...and Redemption:
Thoughts for Tisha B'Av and Parashat Devarim

by Rabbi Marc D. Angel *

Elias Canetti, a Sephardic Jew who won the Nobel Prize for Literature in 1981, offers some interesting observations about Jews in his book, *Crowds and Power:* "Fools may tell stories of their sameness everywhere, but anyone who knows them well will be inclined to think that there are more varied types among them than among any other people...Jews are different from other people, but, in reality, they are most different from each other."

Given the tremendous diversity among Jews, what is the unifying factor that makes us consider ourselves to be one people? Canetti writes: "One is driven to ask in what respect these people remain Jews; what makes them into Jews; what is the ultimate nature of the bond they feel when they say "I am a Jew"....This bond...is the Exodus from Egypt." Canetti suggests that the Israelites' formative experience as a vast crowd leaving Egypt is the key to understanding the

nature of Jewish peoplehood. As long as Jews — however different they are from each other — share historical memories of the Exodus from Egypt, they continue to identify as members of one people. We are bound together by the shared experience of redemption.

While Canetti touches on a vital point in Jewish identity, his explanation is incomplete.

In his magnificent Haggadah, the artist David Moss has provided another vital ingredient in the mystery of Jewish peoplehood. The Passover seder is, of course, the classic recounting of the Exodus experience. Yet, early in his Haggadah, Moss incorporates a dirge chanted on Tisha B'Av, the quintessential day of Exile and tragedy for the Jewish people. The dirge contrasts the feelings of elation at the Exodus with the sense of despair at the Exile.

Thus, the Jewish people are unified by two great national experiences: Redemption and Exile.

These experiences are not merely singular historical events, but are prototypes that imbue the entire span of Jewish history — past, present and future. We are supposed to experience the Passover seder as though we ourselves were redeemed from Egypt. We are supposed to experience Tisha B'Av as though we ourselves witnessed the razing of our Temples in Jerusalem and were forced into a long and distressing Exile. Our thousands of years of history are marked by periods of elation and mourning, redemptions and exiles. It is the personal connection with both of these themes that serves to unite us as one people. If one ceases to feel connected to the shared experiences and ramifications of Exodus and Exile, he/she ceases to identify as a Jew.

Just as we recall Tisha B'Av on Passover, so we remember Passover on Tisha B'Av. Even as we mourn the sufferings of Exile, we maintain perfect faith in our ultimate Redemption.

If Exodus and Exile are unifying factors in defining our Jewishness, the Torah itself is the ultimate source of our peoplehood.

In Parashat Devarim, read on the Shabbat before Tisha B'Av, we are told that Moses took it upon himself to expound the Torah to the Israelites (Devarim 1:5). A Midrash suggests that Moses explained the Torah to them in seventy languages. But why would Moses need to explain the Torah in seventy languages, since the Israelites could not possibly have known all these tongues?

The Midrash is obviously alluding to something of deeper significance. Perhaps it is suggesting that the Israelites would ultimately find themselves scattered throughout the world, and would learn many new languages. The scattered communities would become very different from each other, unable even to communicate clearly with each other. Moses explained the Torah in seventy languages so that the Israelites would know that they had a unifying foundation in the Torah. No matter what language they would speak, the Torah would be accessible to them in that language. No matter how separate they seemed to be from other communities of Jews, the Torah bound them together as one people.

As we prepare for the observance of Tisha B'Av, let us take time to ponder the mystery and the wonder of Jewish peoplehood. The Exodus was the formative experience that propelled our people into history, with the principles of freedom and human dignity. The Exile was the experience that underscored our national courage, resilience, compassion and determination. The Torah was — and is — the foundation of our spiritual teachings, our ideas and our ideals.

Those who shed the mournful tears of Exile will ultimately shed the joyful tears of Redemption. And the Torah is, and will be, our light.

* Founder and Director, Institute for Jewish Ideas and Ideals. [emphasis added]

The Institute for Jewish Ideas and Ideals has experienced a significant drop in donations during the pandemic. The Institute needs our help to maintain and strengthen our Institute. Each gift, large or small, is a vote for an intellectually vibrant, compassionate, inclusive Orthodox Judaism. You may contribute on our website jewishideas.org or you may send your check to Institute for Jewish Ideas and Ideals, 2 West 70th Street, New York, NY 10023. Ed.: Please join me in helping the Instutite for Jewish Ideas and Ideals at this time.

https://www.jewishideas.org/redemption-and-exileand-redemption-thoughts-tisha-bav-and-parashat-devarim

Lamentations: Putting the Mouth before the Eye

By Rabbi Hayyim Angel *

INTRODUCTION

For over forty years preceding the destruction of the first Temple)627-586 B.C.E.(, Jeremiah incessantly warned his people that Jerusalem, the Temple, and their lives were in the gravest jeopardy. The people mocked, threatened, and physically mistreated the prophet. Most scorned his message, thereby sealing their own doom.

Finally, Jeremiah's nightmarish visions became a reality. The Babylonians breached the walls of Jerusalem, killing and plundering, and burning the city to the ground. Other nations, including spurious allies, mocked Israel, looted her wealth, and even turned Jewish captives over to the Babylonians. The Temple was destroyed, and most of the humiliated survivors were dragged into captivity, wondering if they would ever see their homeland again.

The Book of Lamentations describes this calamity from the perspective of an eyewitness. It contains five chapters. Chapters 1, 2, 4, and 5 contain twenty-two verses each, and chapter 3 contains sixty-six verses)three verses per letter(. Chapters 1-4 are arranged in aleph-bet acrostics. There is meaning in the content of Lamentations, and in its structure. Both make the book particularly poignant.

Chapter 1 casts the destroyed Jerusalem as a woman whose husband has abandoned her. While this initial imagery evokes pity, the chapter then adds that she took lovers and therefore deserved this abandonment. Israel admits that she has sinned and asks for mercy and for God to punish her enemies.

Chapter 2 asks: how could God be so harsh? The tone shifts from one of shame and despair to one of anger. There also is a shift of emphasis from Jerusalem as a victim to God as the Aggressor. At the end of the chapter, there is another plea for God to help.

Chapter 3 presents the voice of the individual who begins in a state of despair but who then regains hope. He expresses a desire to restore order and return to the pre-destruction state.

Chapter 4 is a painful step-by-step reliving of the destruction. It also contains lamenting over how the destruction could have happened, and it curses Israel's enemies.

Chapter 5 depicts the people left behind as looking at the ruins, absolutely miserable. They call on God for help, but conclude with disappointment and uncertainty as to what the future will bring.

REFLECTIONS ON THE TRAGEDY]1[

Chapter 1 acknowledges that the destruction of Jerusalem is God's work)1:12-15(. While the main theme of chapter 1 is mourning, the author repeatedly vindicates God for the disaster, blaming it squarely on Israel's sins)see 1:5, 8, 14, 18, 20, 22(.

Throughout chapter 1, the author adopts a rational, transcendent perspective. Reflecting an ordered sense of the world, the aleph-bet order is intact, poetically showing a calculated sense of misery.]2[

While chapter 1 acquits God, chapter 2 adopts a different outlook. Suddenly, the author lashes out at God:

> *How has the Lord covered the daughter of Zion with a cloud in his anger, and cast down from heaven to the earth the beauty of Israel, and remembered not His footstool in the day of his anger!...He has bent His bow like an enemy...He has poured out His fury like fire...)Lam. 2:1-4(*

Chapter 1 gave the author a chance to reflect on the magnitude of this tragedy: death, isolation, exile, desolation, humiliation. In this context, the point of chapter 2 is clear: although Israel may be guilty of sin, the punishment seems disproportionate to the crimes. Nobody should have to suffer the way Israel has. The deeper emotions of the author have shattered his initial theological and philosophical serenity.

This emotional shift is reflected in the aleph-bet order of chapter 2. While the chapter maintains the poetic acrostic order, the verse beginning with the letter peh precedes the verse beginning with ayin. Why would Lamentations deviate from the usual alphabetical order? At the level of peshat, one might appeal to the fluidity of the ancient Hebrew aleph-bet, where the order of ayin and peh was not yet fixed in the biblical period. If this is the case, then there is nothing unusual or meaningful about having different orders since each reflects a legitimate order at that time.]3[

On a more homiletical level, the Talmud)Sanhedrin 104b(offers a penetrating insight. The Hebrew word peh means "mouth," and ayin means "eye." The author here put his mouth, that is, words, before what he saw. In chapter 1, the author evaluates the crisis with his eyes, in that he reflects silently, and then calculates his words of response. But in chapter 2, the author responds first with words)peh(that emerge spontaneously and reflect his raw emotions.

In the first section of chapter 3, the author sinks further into his sorrow and despairs of his relationship with God)verses 1-20(. However, in the midst of his deepest sorrow, he suddenly fills with hope in God's ultimate fairness)3:21-41(. The sudden switch in tone is fascinating:

> *And I said, My strength and my hope are perished from the Lord; Remembering my affliction and my misery, the wormwood and the gall. My soul remembers them, and is bowed down inside me. This I recall to my mind, therefore have I hope. The grace of the Lord has not ceased, and His compassion does not fail. They are new every morning; great is Your faithfulness. The Lord is my portion, says my soul; therefore will I hope in Him.*)Lam. 3:18-24(

The final section of chapter 3 then vacillates between despair, hope in God, and a call to repentance:

> *Let him sit alone and be patient, when He has laid it upon him. Let him put his mouth to the dust — there may yet be hope. Let him offer his cheek to the smiter; let him be surfeited with mockery. For the Lord does not reject forever, but first afflicts, then pardons in His abundant kindness. For He does not willfully bring grief or affliction to man…Let us search and examine our ways, and turn back to the Lord; Let us lift up our hearts with our hands to God in heaven: We have transgressed and rebelled, and You have not forgiven. You have clothed Yourself in anger and pursued us, You have slain without pity.*)Lam. 3:28-43(

In chapter 4, there are further details of the destruction. Horrors are described in starker terms, climaxing with a description of compassionate mothers who ate their own children because of the dreadful famine preceding the destruction)4:9-10(. The author blames God for the destruction)4:11(, blames Israel for her sins)4:13(, and expresses anger at Israel's enemies)4:21-22(. In both chapters 3 and 4, the poetic order remains with the peh before the ayin, reflecting the author's unprocessed painful feelings. The author's conflicting emotions create choppiness in the thematic order and logic:

Those who were slain with the sword are better than those who are slain with hunger; for these pine away, stricken by want of the fruits of the field. The hands of compassionate women have boiled their own children; they were their food in the destruction of the daughter of my people. The Lord has accomplished His fury; He has poured out His fierce anger, and has kindled a fire in Zion, which has devoured its foundations...It was for the sins of her prophets, and the iniquities of her priests, who have shed the blood of the just in the midst of her.)Lam. 4:9-13(

Chapter 5 opens with a desperate appeal to God, a profound hope that He will restore His relationship with Israel. After further descriptions of the sufferings, the book ends wondering whether the Israelites would ever renew their relationship with God:

> *You, O Lord, are enthroned forever; Your throne is from generation to generation. Why do You forget us forever, and forsake us for so long? Turn us to You, O Lord, and we shall be turned; renew our days as of old. But You have utterly rejected us; You are very angry against us.*)Lam. 5:19-22(

Such a painful confusion leaves the reader uneasy. The author does not propose any solutions or resolution to the state of destruction. Reflecting this passionate plea, chapter 5 has no aleph-bet acrostic at all. With no clear end of the exile in

sight, the author loses all sense of order. Perhaps the fact that chapter 5 still contains 22 verses suggests a vestige of hope and order amidst the breakdown of the destruction and exile.

To review: the aleph-bet pattern goes from being completely ordered in chapter 1, to a break in that order for three chapters. The last chapter does not follow the controlled aleph-bet order at all, signifying a complete emotional outburst by the community. The book ends on a troubling note, questioning whether or not it is too late for Israel to renew her relationship with God.

CONCLUSION

Although Lamentations attempts to make sense of the catastrophe of the destruction, powerful and often conflicting emotions break the ordered poetic patterns. This sacred work captures the religious struggle to make sense of the world in a time of tragedy and God's ways and the effort to rebuild damaged relationships with God following a crisis.

Our emotional state in the aftermath of tragedy often follows the pattern of Lamentations — we begin with an effort to make sense of the misfortune, but then our mouths come before what we see — that is, our deeper turbulent emotions express themselves. Ideally, we come full circle until we again turn to God. Our expression of persistent hope has kept us alive as a people.

In the wake of catastrophe, people have the choice to abandon faith, or hide behind shallow expressions of faith, but even while emotionally understandable, both are incomplete responses. We must maturely accept that we do not understand everything about how God operates. At the same time, we must not negate our human perspective. We must not ignore our emotions and anxieties. In the end, we are humbled by our smallness and helplessness — and our lack of understanding of the larger picture. Through this process, the painful realities of life should lead to a higher love and awe of God.

FOOTNOTES:

]1[The remainder of this chapter was adapted from Hayyim Angel, "Confronting Tragedy: A Perspective from Jewish Tradition," in Angel, *Through an Opaque Lens*)NY: Sephardic Publication Foundation, 2006(, pp. 279-295. This chapter is predicated on the assumption that the Book of Lamentations is a unified poem that should be treated as a literary unit. For a scholarly defense of this position, see Elie Assis, "The Unity of the Book of Lamentations," CBQ 71)2009(, pp. 306-329.

]2[Walter Bruggemann observes that Psalms 37 and 145 also are arranged according to the aleph-bet sequence and similarly display orderliness)*Praying the Psalms: Engaging Scripture and the Life of the Spirit*]Oregon: Cascade Books, 2007[, p. 3(.

]3[See Aaron Demsky, "A Proto-Canaanite Abecedary Dating from the Period of the Judges and its Implications for the History of the Alphabet," Tel Aviv 4:1-2)1977(, pp. 14-27; Mitchell First, "Using the Pe-Ayin Order of the Abecedaries of Ancient Israel to Date the Book of Psalms," JSOT 38:4)2014(, pp. 471-485. First notes that in the Dead Sea text of Lamentations, the peh verse precedes the ayin verse in chapter 1, as well. For an attempt to explain the intentional deviation of the acrostics based on word patterns, see Ronald Benun, "Evil and the Disruption of Order: A Structural Analysis of the Acrostics in Ekha," at http://www.jhsonline.org/Articles/article_55.pdf.

* National Scholar, Institute for Jewish Ideas and Ideals.

https://www.jewishideas.org/article/lamentations-putting-mouth-eye

NOTE: Rabbi Angel has a fascinating article on how an incident from King David led to issues involved in the later destruction of the Temple. You can find this article at the following link: https://www.jewishideas.org/article/david-and-mephibosheth-being-overly-%E2%80%9Ceven-handed%E2%80%9D

by Rabbi Mordechai Rhine * © 2014

The nine days of mourning, which culminate with Tishah B'Av, are a time of mourning for the loss of the Beis Hamikdash. During these days we mourn not only the physical loss of the Beis Hamikdash, but also the loss of the special love relationship that we once had with Hashem.

The Talmud tells us that the reason the Beis Hamikdash was destroyed was because of the story of Kamtza and Bar Kamtza. The Talmud relates that Kamtza was a good friend of a certain man who was making a special party. Accidently, an invitation was sent to a man with a similar name: Bar Kamtza. And so, Bar Kamtza came to the party thinking that he was invited. At the party, the host forcefully objected to his being there and asked him to leave. Bar Kamtza offered to pay for his meal, even for half or all of the entire festive event, but the host did not agree. Instead the host insisted that Bar Kamtza leave because he was not invited.
The Talmud says that the pain and embarrassment caused to Bar Kamtza at that time eventually resulted in the destruction of the Beis Hamikdash.

There is, I believe, a thought provoking idea which we must consider.

"Was the host right?"

What I mean to ask is, in the laws of financial matters)Choshen Mishpat(, was Bar Kamtza entitled to eat his meal, now that he found out that he really wasn't invited. Can the host be forced to relinquish ownership on the food that he owns to an uninvited guest just because the guest offers to pay?

If we consider the situation from a purely legal standpoint, it is possible that the guest is not entitled to thrust himself on the host, and that the host is not obligated to strike a deal even if the non-guest offers to pay.

However, what I believe the Talmud is teaching us is that situations cannot be approached from a purely legal perspective. What Hashem taught us by destroying the Beis Hamikdash is that while you might be within your legal rights to insist that an uninvited guest should leave… if you do insist, and embarrass him, then you don't deserve a Beis Hamikdash.

This principle of going beyond the strictly legal perspective finds its mark in many areas of life. In legal issues, for example, a court is obligated to encourage a compromise rather than settle arguments according to the strict legality of the issue. Allowing people to settle sets the tone for future positive relationships.

Likewise, in relationships, a)former(friend of yours may feel that he/she is entitled to an apology for something you did or did not do. After consideration you may have concluded that they are not legally entitled to anything at all. You might very well be right. To expect you to apologize may not be fair and it may not even be honest. But sometimes a good natured apology is the price we pay for peace.

One of the first things a student driver is taught is to be a sensible driver. Just because you have the right of way doesn't mean you must exercise that right. As one drivers-ed teacher explains it, "If someone pulls out illegally in front of you, he is wrong. But you still must slow down. If you hit him you will be right: Dead Right!"

A friend of mine told me that he has a "Shalom" bank account. He explained that he mentally puts $1,000 a year in "escrow" for challenging interactions that occur throughout the year. During the course of the year he finds that occasionally he is odds with a client or family member about financial responsibility. When that happens he "chalks it up" to the Shalom account, absorbing the expenditure for the sake of peace.

As we approach Tishah B'Av, let us remember that there are cases that you may be legally right. But there is a better way. Peace has a price. Sometimes it is a financial price; sometimes it is emotional. But one who is willing to see beyond the legalities and pay the price will be blessed and invigorated. Such a person is a builder… a builder of the Beis Hamikdash.

With best wishes for a good Shabbos, and a meaningful Tishah B'Av.

Rabbi Mordechai Rhine is a certified mediator and coach with Rabbinic experience of over 20 years. Based in Maryland, he provides services internationally via Zoom. He is the Director of TEACH613: Building Torah Communities, One family at a Time, and the founder of CARE Mediation, focused on Marriage/ Shalom Bayis and personal coaching. To reach Rabbi Rhine, his websites are www.care-mediation.com and www.teach613.org; his email is RMRhine@gmail.com. **For information or to join any Torah613 classes, contact Rabbi Rhine.**

http://www.teach613.org/parshas-devorim-the-price-of-peace/ Note: Rabbi Rhine is on vacation for a few weeks, and he has authorized me to reprint selected Devrei Torah from his archives during this period.

Parshas Devarim: Shabbos Chazon

by Rabbi Yehoshua Singer* © 2020

Perhaps one of the most difficult elements of the Nine Days is appreciating what we are mourning. In Torah Judaism we do not mourn and focus on the past. Rather, we are mourning the present, that we still do not have the Temple and that we are still in exile. Yet after two thousand years the Temple, the Messiah, and the end of the exile are foreign to our minds. It is hard to imagine how it could come to pass and what such a time would look like. While we make an honest effort, it can be a great struggle to truly believe with conviction that such a time will come. If we struggle to understand how and when it would come to be, it is even harder to understand that we are already missing that part of ourselves and that we currently have what to mourn.

At the end of the Parsha, Moshe relates the recent wars with Sichon and Og and the division of their lands to the tribes of Reuven, Gad and half of Menashe. The Parsha concludes with Moshe recounting his charge to Yehoshua at that time: "Your eyes have seen all that Hashem, your G-d, has done to these two kings, so Hashem will do to all of the kingdoms that you are crossing over there." (Devarim 3:21)

Rabbeinu Bechaya notes that Moshe's remarks are being directed to the nation as a whole. Moshe felt it was important for everyone else to hear the charge he had given Yehoshua. Moshe wanted to strengthen the belief and courage of the nation. He, therefore, referenced the battles with Sichon and Og and how he had encouraged Yehoshua with those battles. This encouragement would enable them to recognize that Hashem would continue to fight for them in the same manner as they battled the thirty one kings of Canaan.

It is hard to understand why Moshe felt this would help. All those who were older than forty had experienced the year of the plagues in Egypt and the Splitting of the Sea. Everyone standing here had been living in the desert literally eating bread from Heaven and drinking the waters flowing out of a rock. They had comfortably traveled through the desert, surrounded by clouds. They had experienced the wars with Sichon and Og themselves, and the Medrash Tehillim (136) tells us were even more powerful than the Egyptians. If after all this, they still did not understand that Hashem was taking care of them and would watch over them in every way, then how would it help for Moshe to remind them of the battles?
Trust and faith, though based on logic, have an emotional component. The more we trust and recognize that someone is there for us, the more tranquility we feel. It is from within this tranquility, this feeling that it will be okay, that we find the strength and courage to face our challenges. Moshe was encouraging them to focus on and consider the import of what they had recently experienced. For in order to reach that deeper level of trust, they needed to bring that awareness from their minds into their hearts.

Jewish history is replete with the miraculous continuity of our nation, a miracle itself on par with the miracle of a nation surviving in the desert. Now, as we find ourselves in the times before Moshiach, we again have seen miraculous Jewish battles. As is well known, the Isreali wars defy all military science. Anyone who has studied the prophecies regarding the time before Moshiach comes, sees these prophecies coming true before our eyes. The barren wasteland of Israel, that stayed desolate throughout our exile, has begun to flourish and thrive upon our return as prophesied by Yechezkel thousands of years ago (Yechezkel 36:8-12).

Perhaps, if we follow Moshe's advice to our ancestors, we can understand why we are mourning. If we consider the import of the miracles and wonders we have witnessed in recent times, if we consider the import of ancient prophecies coming true before our eyes, perhaps we can begin to understand the truth of swords turned into plowshares and lions laying with lambs. We can begin to bring these concepts from our minds into our hearts and find that faith. Then, perhaps, we can 0begin to understand what it is

that we are mourning.

* Rabbi, Am HaTorah Congregation, Bethesda, MD. Am HaTorah has moved. The new address is 5909 Bradley Blvd., Bethesda, MD 20814. Because Rabbi Singer is busy organizing a two week SEED program, his new Dvar Torah may be too late for my deadline. In that case, I am reprinting a Dvar Torah from his files.

Parshat Devarim: Learn Well, Seek Justice!

By Rabbi Haim Ovadia *

At some obscure turning point in the history of Jewish observance, three religious practices were chosen to become the yardstick by which one's religiosity is measured. Beside the external appearance and Shul attendance, you can bet that when someone is defined as "very religious," "somewhat religious," or "not religious at all," the speaker thinks of Shabbat, Kosher, and family purity. Synagogues, schools, and communities divide along these lines, as well as the whole State of Israel. It is very rare to hear nowadays a sane voice such as that of my late grandfather, Hakham Shaul Fetaya, who refused to use the terms religious and secular. We are all observant, he used to say, only that each one chooses different Mitzvot to observe.

Reading this week's Haftarah, it becomes obvious that the prophet Isaiah would not have given anyone a pass of religiosity based on Shabbat observance. God, speaking through him, rebukes those who observe Shabbat and holidays, rejects their sacrifices, and asks them to stop frequenting the Temple:

> *What will I do with your many sacrifices? I have had enough of your burnt rams and the fat of sheep, and I do not want to see the blood of oxen, sheep, and goats. You come to see My face, but who asked you to do that, to trespass my property? Bring no more false offerings and abominable incense! I do not wish to attend your profane gatherings on Shabbat and the New Month. I detest your months and holidays; they have become a burden I cannot tolerate. Even if you [drop the sacrifices and simply] raise your hands in prayer, I will look away. I will not hear your many prayers since your hands are soiled with blood and stolen money!*

Isaiah's audience was probably shocked by his words. Looking at each other, they would probably ask what is he talking about. We are good Jews, they'd say, we come to Temple every Shabbat, we do our prayers, we only eat kosher animals. But the prophet goes on to remind them that they failed the religiosity test on civics and business ethics. They do not take care of the widow and the orphan. They do not pay attention to the needs of the weaker strata of society. They embezzle and deceive each other. This is not what God wants. First, Isaiah says, clean your act, return what you have stolen, establish justice and act with loving kindness, then you will be redeemed.

I used to say in my classes, based on this and other biblical passages, mainly from the prophets, that if grades were given on religiosity, and we had to grade one who only keeps the mitzvoth between us and God, and one who only keeps the mitzvoth between us and other humans, the latter will have a better grade. Some of my listeners, however, argued that we cannot grade observance and that we do not know God's calculation system. I have therefore decided to present the question differently:

Assuming that to be an "Observant Jew," one must observe the whole package, who of the following two has a better chance of doing so? [the characters have been intensified for dramatization, as no such people exist]:

1. The shul goer, who keeps Shabbat, Kosher, and family purity, but is lax when it comes to business ethics, civility, respect for the law, and contribution for his country, or

2. The "non-observant," who serves his country, takes good care of family, is honest and polite in all his dealings, and who has great respect for other humans and for the planet.

Most [honest] people will admit, albeit after some deliberations, that the second person is much closer to achieving the coveted title of "Observant Jew," whether because of the intuitive understanding that the whole purpose of the Torah is to educate us to be better people and to create a better human society, or the acknowledgement that it is much more difficult to change the behavior of the first person than the religious beliefs of the second.

Let us heed the call of Isaiah and put aside religious yardsticks, measuring tapes, and labels. Let us start obsessing over the exact amounts, measures, times, formulas, and actions needed to fulfill the Mitzvoth between us and other human beings, just as we obsess over them when needed to fulfil our obligations towards God.

God will be much happier if we did that, and more importantly, the world will be a much better place for all mankind. Shabbat Shalom

* Torah VeAhava (now SephardicU.com). Rabbi, Beth Sholom Sephardic Minyan (Potomac, MD) and faculty member, AJRCA non-denominational rabbinical school). **New: Many of Rabbi Ovadia's Devrei Torah are now available on Sefaria: https://www.sefaria.org/profile/haim-ovadia?tab=sheets** Hebrew quotes from the Torah, omitted here, are in Rabbi Ovadia's orginial, most available in Sefaria.

Evil – Only You Can Fix It!

By Rabbi Haim Ovadia

The practice of completing the Torah reading every year has evolved in post-Talmudic times, and gained prominence at around the 7th century. Besides the beginning and the ending points of the reading cycle, the sages who refined the system created several anchors which tied the Torah portion of the week to the calendar. One of these encounter points in time will occur this Shabbat, as Parashat Devarim is always read on the Shabbat prior to Tisha Be'Av. This Shabbat is also known as Shabbat Hazon, which means prophetic vision, after the first word of the Haftara of the week.

Why did the authors of the Torah reading cycle want to have this Parasha and this Haftarah just before Tisha Be'Av? The answer is found in Midrash Eicha, the rabbinic homilies on the Book of Lamentations:

> *Three prophets used the word Eicha, a word which connotes a state of being perplexed and pained:*
>
> *Moshe said: Eicha, how will I manage the burden of the whole nation by myself?*
>
> *Isaiah said: Eicha, how did the glorious city become a harlot, turning from a seat of justice to a murderers' den?*
>
> *Jeremiah said: Eicha, how did the magnificent city of Jerusalem become desolate and lonely?*

The Midrash is not only playing on words, but rather points out a process of spiritual decline. At the time of Moshe, people were quarreling and fighting each other, requiring constant attention by the court system. Ideally, they should have treated each other with respect and avoid litigations and disputes. the full system of Torah laws and values is not only about rituals and worship, but also about interactions between people, most succinctly described in the phrase "love your brethren as you love yourself." Had they followed it, they would have been able to live harmoniously and limit the involvement of the judicial system in their lives.

In the days of Isaiah, the reliance on the judicial system created a situation where corrupt judges took over, using extortion and bribery to replace justice with injustice. The judges would not have been able to amass such power and promote their agenda without the corruption spreading among the people as a result of their own cantankerous nature.

All that led, in the days of Jeremiah, to the utter destruction of the Temple.

In the spirit of this Midrash, I would like to suggest that reading the Book of Lamentations, or Eicha, on Tisha Be'Av, is something more than mourning the destruction and praying for redemption.

One can say that of all biblical books, Eicha's structure is the most cohesive and systematic, since all chapters, except for the fifth, are written in an alphabetic order. There are, however, several deviations, which I believe were planted by the author as a device to pique the reader's interest and lead him to a deeper analysis of the text. One of those is the reversed order of the letters ע and פ in chapters 2 and 4, which has been extensively discussed by scholars and

commentators. The other is the unique structure of chapter 3, which is significantly different than that of 1,2, and 4. (I'm not counting here chapter 5 because it is the epilogue if the book):

> *Chapters 1,2, and 4 open with the word Eicha, but not chapter 3.*
>
> *Chapters 1,2, and 4 have one verse per letter; chapter 3 has three verses per letter.*
>
> *The verses in chapters 1,2, and 4 have an average of ten words per verse, while chapter 3 consists of short verses, 5-6 words each.*
>
> *Most importantly, chapters 1,2, and 4 focus on the destruction, while chapter 3 focuses on the personal suffering of the author.*

I believe that the explanation to all these differences is that Jeremiah, the author of Eicha, added chapter 3 towards the end of his life, lodging it in the middle of the book in order to send an encoded message, which he hoped will be understood with time.

Immediately after the destruction, Jeremiah wrote chapters 1,2,4, and 5. In chapter 1, the protagonist is the city of Jerusalem or Zion, her suffering described in great detail. In chapter 2 the focus shifts to God as the executor of the nation's punishment, with 44 verbs describing His actions. Chapter 4 focuses on the suffering of the people of Jerusalem, and chapter 5, as mentioned above, is the conclusion. This structure fits the mindset of the immediate survivors of the tragedy. They oscillate between thoughts of the devastation, their previous state of glory, and disbelief at what God did to them. Only years later, in retrospect, is Jeremiah able to reflect and understand that the root of the problem lies with the people. He then composes chapter 3 and plants it in the middle of the book, seemingly lamenting his own suffering, but in the middle of that chapter he posits his revolutionary message.

In the center of the central chapter of Eicha, in verses 37-39, we read:

]Hebrew omitted because of software issues[

Traditionally, these verses are translated as a series of questions: can one make something happen if God did not order it? Is it not from the mouth of the Most High that evil and good is decreed?

I think that we should read these sentences not as questions, but as statements:

> ***Who declared it to be? God has not commanded it! From the mouth of the Most High it will not come, evil or good! How can a living man complain? To each his own sins!***

The message of Jeremiah to himself and to his listeners is that we must not blame God for the evil which befalls us. God is not a micromanager who is out there to get us for us faults. God created the world and gave us a guide in the form of the Torah to direct our life towards perfection. As the midrash cited above demonstrates, failure to adhere to all the Torah laws, including those governing personal interactions, leads to a deterioration of society and to its eventual demise.

The author of Eicha conveys the message that evil is a natural result of our misdeeds. It is not an arbitrary punishment, such as parking tickets, but rather more like a crash as a result of DIU. Jeremiah tells the people to direct their efforts of reconstruction and rehabilitation after the destruction to themselves.

This message reverberates perfectly with us. Being "observant" in the traditionl sense of the word, which tends to focus on ritual, supervision, and dress code, is not enough. In order to mend our ways and reverse evil, we must strive to do good, because just as evil is a natural result of our actions, so is good.

On this coming Tisha Be'Av, and as a matter of fact on every day of our life, we should think of what we can do in order to help others. The ancient message, encoded and hidden under layers of verbiage, urges us to realize our potential and use our talents to help those who are less fortunate then us.

And one day, when mankind will do whatever is within its power to eliminate evil in the world, it will be able to turn to God and say “this is where You come into the picture, please take care of those things which are beyond our reach.”

Wishing us all Shabbat Shalom and a meaningful fast.

[emphasis added]

The Reciprocity Principle

by Adam Cohen *

Imagine you see a busker playing the violin in a train station. You give them money as you walk past and carry on with your day. But it is a shame in a way. Just 30 more seconds of your time and you could have taken this mitzvah to the next level. 30 more seconds of your time and your gift would have meant more to that busker than any other gift they received that day. So what happens during those extra 30 seconds?

To understand this, let us consider HaShem’s logic when asking us to build the Mishkan, Keilim, and Menorah, and to light the Menorah ourselves. Rashi, writing on this week’s parsha, tells us that this was part of HaShem’s gift to the Jewish people in return for patiently dwelling on Mount Chorev (Rashi on Devarim 1:6)

This leads to an obvious question. Namely, how is this a reward?! Imagine your friend has a birthday coming up and you decide to give them a personalized gift. You work tirelessly on it and wait for your friend’s eyes to light up…only to find that they seem very unimpressed. It turns out they did not appreciate being given a list of ideas for how they could best serve you. On the surface, surely this is what HaShem has ‘gifted’ to the Jewish people?

A midrash on this idea can perhaps shed light on HaShem’s mindset. It states:

> *“I do not need the light of the Menorah. Rather, I want to let you provide me with light as I did for you, to elevate you in the eyes of the nations, who will say that Israel provides light for God who provides light for all. A parable, to a sighted man and a blind man walking together. The sighted man said to the blind man -- ‘Come, and I will support you,’ and thus the blind man walked. When they came to the house, the sighted man said to the blind man, ‘Go out and light the candle for me, so that you do not owe me a favor for accompanying you”* (Bamidbar Rabbah 15)

When you give someone money, they are grateful but they also feel indebted. This is an idea in psychology known as the Reciprocity Principle. Ice cream stores take advantage of this principle by giving us a free taster, knowing we will struggle to walk out the door without buying ice cream in return. There is a lingering feeling of guilt when we receive a gift and do not have the opportunity to reciprocate. HaShem appreciates this sense of debt we feel to our creator and gives us Torah and mitzvot as an opportunity to give back.

So too in the case of the busker. Everything changes if you hang around for 30 seconds. You show the busker playing the violin that you genuinely appreciated his performance. You tell him how much you enjoyed it and only then give him the money. And in the process, you wipe away any sense of debt. You are exchanging gifts. He is giving you the gift of his music and you are giving him a financial gift in return. Another example is when someone thanks you for donating to their charity page. Why not respond by thanking them for the opportunity to give to such a worthwhile cause? You tell them you were looking for meaningful ways to spend your money and they gave you one. The point is that paradoxically, remarkably, the best way to give to others is not by giving. It is by exchanging in a way that allows the other person to feel validated that they have given you something in return.

Shabbat shalom!

* Rabbinic student, Yeshivat Chovevei Torah, Riverdale, NY. Adam Cohen has studied and worked for Jewish organizations in the United Kingdom, Israel, Australia, and the United States.

https://library.yctorah.org/2022/08/devarim/

Should Children Mourn the Loss of the Temple?

By Rabbi Yonah Berman *

Anyone who has spent time at a Jewish summer camp has inevitably confronted questions regarding what children should or shouldn't do in the weeks preceding Tisha B'Av and on Tisha B'Av itself. From the 17th of Tammuz, many Ashkenazim have the custom not to shave or conduct weddings, and beginning with Rosh Chodesh Av, there are additional customs such as refraining from bathing, laundering one's clothes, and listening to live music. In general, there is a halakhic principle of chinuch, in that parents have a responsibility to educate their children in the performance of mitzvot. The formal requirement usually begins at the age of five or six, and to take one example, this would be the age when parents would start to encourage children not to violate the prohibitions of Shabbat. The Mishnah (Yoma 8:4) even explicitly states that a child should begin to fast for Yom Kippur at age 11 or 12, so that when they turn bar mitzvah, they will be able to complete the fast without a problem.

What, then, should kids do or not do in the weeks preceding Tisha B'Av and for Tisha B'Av itself? One approach is to argue that because all the prohibitions are rabbinic at best or may be hard for young children, there is room for leniency. However, a stream in halakhic thought emphasizes leniency for deeper theological reasons. This is addressed by the Israeli posek Rabbi Nahum Eliezer Rabinovitch (Siach Nachum, 32) in a teshuvah when he was asked whether a camp or summer program would be permitted to have activities for children under the age of bar mitzvah that may be prohibited in the three weeks or nine days before Tisha B'Av. Because these customs are modeled on aveilut, he argues that the answer depends on whether there is a halakhic obligation for children under the age of bar mitzvah to be educated in aveilut. Citing the Shulchan Arukh and others, he states this is not the case and then asserts that teaching a child to mourn the Temple's destruction signals to them that one has given up hope on it ever being rebuilt. By refraining from the mourning customs in the weeks preceding Tisha B'Av, children are, in fact, educated to anticipate redemption. He even goes so far as to say that the mourning practices would not apply to a child under the age of bar mitzvah on Tisha B'Av itself.

Even with all this, Rabbi Rabinovitch still argues that children should be educated about Tisha B'Av but that it should also be placed into a Zionist framework of the Jewish people's return to the Land of Israel, for it, too, is part of the narrative of exile and anticipating redemption that we commemorate on Tisha B'Av.

* Coordinator of the International Beit Din Institute

https://library.yctorah.org/lindenbaum/should-children-mourn-the-loss-of-the-temple/

Isaiah, Social Media, and Tisha B'av

by Rabbi Moshe Rube* © 2020

Tisha B'av is the fast when we mourn the loss of the Temple and all the tragedies that have befallen Jews throughout the ages. The Shabbos beforehand we call Shabbat Chazon due to the first word of the haftorah from the first chapter in Isaiah. Though we still will not be reading it live, I encourage you to read it this Shabbat. [no live shul service in 2020 because of covid]

Throughout Isaiah's first chapter, he gives many examples of the decaying relationship of God and Israel and how to reinvigorate it. The imagery used of a God who tells Israel their sacrifices and heartless prayers are burdens is enough to shock anyone out of complacency.

But one little detail really sticks out. In verse 9, Isaiah states: "Had not God kept us we would have been comparable to Sodom and Amorah" (which were completely decimated). In verse 10, Isaiah continues: "Listen to God's word, chiefs of Sodom. Listen to the Torah Nation of Amorah." He goes from comparing them to Sodom and Amorah to outright calling Israel by that name.

The Talmud in Brachot 19a jumps on this and warns us all to "never open our mouths to Satan" i.e. never speak in judgment of others, for our speech has incredible power. If we call another person evil then Satan (or the world's prosecuting attorney) will seize on that and use it to enact strict judgment on the other person. To put it more psychologically, if we call someone by an evil name (like a "Nazi") they are more liable to become something like that. Our words have power. They are not to be used for flippant insults, as is so often the case on social media. Isaiah compared Israel to Sodom, and one verse later they had become Sodom.

Isaiah stumbled with this here, and he stumbled in Chapter 6 Verse 5, where he moans about being amongst a people of impure lips. In Verse 6, the angel punishes him for his indictment of Israel by putting a hot coal on his tongue.

No one had more moral authority than Isaiah to admonish Israel, and we still see that God held him accountable for being just a little over the top with his language.

So of course we must be careful. No matter how much moral authority we may think we have, we must recognize the power of our words. If speech can cause someone to be considered as Sodom, it can surely build someone to be as inspiring as a righteous prophet of Israel. And when we build ourselves up, the likelihood increases that the Temple will be built up again.

Shabbat Shalom.

* Rabbi, Knesseth Israel Congregation, Birmingham, AL.
Rabbi Rube is busy with Knesseth Israel moving to a new location, 3793 Crosby Dr. During this disruptive period, he is unable to write a Dvar Torah each week. We hope that he will be able to resume his writing soon.

Rav Kook Torah
Tisha B'Av: Anticipating Redemption

There are six measures, the Sages taught, by which we are judged:

> *"When brought for heavenly judgment, one is questioned: 'Were your business dealings honest? Did you set fixed hours for Torah study? Did you engage in procreation? Did you anticipate redemption? Did you discuss wisdom? Did you discern new insights?'"* (Shabbat 31a)

Most of these questions indeed are the cornerstones of a life well-lived. But the fourth one —"Did you anticipate redemption?" -- why is that so important? Don't we all hope for the best? What does this trait reveal about how one has lived one's life?

We are Part of the Nation

It is important to understand that this anticipation is not simply hoping that our personal difficulties will quickly be resolved. Rather, it means that we should anticipate the redemption of Israel and all of humanity. As Rashi explains, one should look forward to the fulfillment of the visions of the prophets.

This demand is not a trivial one. As individuals we are easily caught up with our own personal problems and issues. In truth, we should feel that we are like a limb of a great organism. We should recognize that we are part of a nation, which, in turn, is part of all humanity. The betterment of each individual contributes to the life of the larger community, thus advancing the redemption of the nation and the universe.

The question [of anticipting redemption] is an important measure of one's life. It is the yardstick that determines whether our lives have acquired a selfless, universal quality. By anticipating the redemption of the greater community, we demonstrate that we were able to raise ourselves above the narrow concerns of our private lives. We strive not just for personal ambitions, but also for the ultimate elevation of the nation and the entire world. We are part of the nation; its joys are our joys and its redemption is our redemption.

The Sentry

It is instructive to note that the heavenly tribunal does not ask about our hopes (tikvah) for redemption, but rather our anticipation (tzipiyah) of redemption. The word tzipiyah indicates a constant watchfulness, like a soldier posted to the lookout (tatzpit), serving at his observation post for days and even years. The sentry may not abandon his watch, even though he observes no changes.

We, too, are on the lookout. We should examine every incident that occurs in the world. With each new development, we should consider whether this is perhaps something that will advance the redemption of Israel and the entire world.

However, tzipiyah leyeshu'ah is not merely passive observation. Woe to the army whose sentries perceive a threat but fail to take action. The moment there is some development in the field, the soldiers must respond swiftly, to defend or retreat. Our tzipiyah also includes the readiness to act promptly. While these two traits — constant watchfulness and rapid response — may appear contradictory, they are both included in the obligation of tzipiyah leyeshu'ah.

(Silver from the Land of Israel. Adapted from Olat Re'iyah vol. I, pp. 279-280; Ein Eyah vol. III on Shabbat 31a (2:164).)

https://www.ravkooktorah.org/TZIPIYA_68.htm

The Book of the Covenant: Devarim (5771, 5777)

By Lord Rabbi Jonathan Sacks, z"l, Former Chief Rabbi of the U.K.*

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 semichut 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 (Brachot 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 Dev. 1:1-1:5 Announces place, time and person initiating the covenant that follows: Moses on behalf of God.

2. Historical prologue Dev.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 Dev. 30:19 – 32:1 “Heaven and earth” (Dev. 4:26, Dev. 30:19, Dev. 31:28, 32:1), “This song” (Dev. 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.** [emphasis added]

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 Tanach 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 Tanach are a commentary to it – an account of how it worked out in the course of time. [emphasis added]

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.

* Note: because Likutei Torah and the Internet Parsha Sheet, both attached by E-mail, normally include the two most recent Devrei Torah by Rabbi Sacks, I have selected an earlier Dvar. The archives do not include footnotes for this Devar Torah.

https://www.rabbisacks.org/covenant-conversation/devarim/the-book-of-the-covenant/

Criticism: Constructive or Counter Productive?

By Yossy Goldman * © Chabad 2022

What’s the best way to influence people to modify their behavior?

The Book of Deuteronomy begins:

> *These are the words which Moses spoke to all of Israel on that side of the Jordan in the desert, in the plain opposite Paran and Tofel and Lavan and Di Zahav*.1

“These are words of reproof,”2 explains Rashi. The verse lists the places where the Israelites sinned, without specifying the details. Moses only alluded to their misdeeds, without elaborating on all the gory details, so as not to humiliate them.

Rashi adds that Moses waited to rebuke the people until shortly before his passing for two important reasons: Firstly, so he wouldn’t become a nudnik having to rebuke them repeatedly; and secondly, so that they wouldn’t keep seeing him and being embarrassed every time.3

Clearly, even if we must criticize someone, we should take care to do it delicately, in a way that maintains their dignity.

Moses did not say, “You lousy idolaters! How could you do such a thing?! You saw G d at Sinai and now you prance in front of a Golden Calf?!”

No. Not at all. Moses said but two words, and even those two words were ever so subtle.

Di zahav.

It sounds like a place, but Rashi tells us it is actually a subtle reference to the Israelites’ sin of the Golden Calf. Di can be understood as dai (“ it is enough” - as in Dayeinu), and zahav means gold. Even in his rebuke, Moshe was defending his people. Why did they sin? Because of an overabundance of gold.4

Or, as Rabbi Jonathan Sacks put it, “Moses’ criticism of his people was accepted by them because they knew that he was also their greatest defender.” Having argued their case before G d Almighty Himself, Moses had credibility. They knew he loved them, and they trusted him.

He was always extremely careful not to humiliate the people when he rebuked them.

A few weeks ago, I wrote about “fire and brimstone” sermons not being the most effective way to reach people today. Well, it seems that even at the beginning of our history, over 3,000 years back, Moses had already adopted that position.

I am grateful to Rav Asher Weiss for bringing to my attention the Talmudic passage where Rabbi Eliezer ben Azariah asks, “I wonder if there is anyone in this generation who knows how to rebuke?”5

It’s easy to criticize. Some people seem to do it quite naturally. But being critical of others requires deep wisdom, sensitivity, respect, and consideration. We cannot just “fly off the handle” and let rip. G d forbid! Embarrassing and putting people to shame publicly is not only a grave offense in its own right,6 but it will more than likely fail to achieve the desired purpose. On the contrary, after such a royal dressing-down, the offended offender will probably only go back to his old ways with a vengeance.

To be effective, criticism must be constructive. If we allow it to become a personal attack or vendetta it will only fan the fires of dissension. It may not be done in public and must be dispensed very gently. The Torah teaches us that while it is a mitzvah to admonish someone who behaves inappropriately,7 it must be done with tremendous respect and understanding, lest it cause the rebuker to himself commit a sin by embarrassing the person he is rebuking.8

On the other hand, the same section in the Talmud also quotes Rabbi Tarfon who asked, “I wonder if there is anyone in this generation who knows how to accept rebuke.”

We need to be wise and sensitive to give rebuke, and we also need to be intelligent and humble to accept rebuke.

My late mother, of blessed memory, had a genuine, natural talent. She was able to tell it like it was, and she could criticize people without causing them to become defensive or angry. How? Because she did it with such genuine sincerity and love. The recipients knew that she was right, and that she meant it for their own good. She always remained the best of friends with the people she had reprimanded.

How I wish I had her gift!

These are the words which Moses spoke to all of Israel.

The Seer of Lublin said that Moshe speaks to all of Israel, then and now. Each of us can learn from Moshe. In all our criticisms, to be constructive, gentle, subtle, and sensitive.

As to knowing how to receive and accept criticism with wisdom, humility, and even-temperedness, the Previous Rebbe said in the name of his father, the Rebbe Rashab, “Cherish criticism because it will raise you up to new heights.”9

At the end of the day, did anyone sum it up better than King Solomon?

Do not chastise a fool, lest he hate you. Chastise a wise man, and he will love you. 10

FOOTNOTES:

1. Deuteronomy 1:1.

2. Rashi, Devarim 1:1.

3. Rashi, Devarim 1:3.

4. Rashi, Devarim 1:1.

5. Erchin 16b.

6. Ethics of the Fathers 3:15.

7. Leviticus 19:17.

8. Rashi ibid.

9. Hayom Yom 12 Sivan.

10. Proverbs 9:8.

***** Founding director of the first Chabad in South Africa (1976). Since 1986, rabbi of the iconic Sydenham Shul, where he is now Life Rabbi Emeritus. He is also president of the South African Rabbinical Association**.**

https://www.chabad.org/parshah/article_cdo/aid/5587715/jewish/Criticism-Constructive-or-Counter-Productive.htm#footnoteRef1a5587715

Devarim: The Art of Self-Sacrifice

By Rabbi Moshe Wisnefsky *

Moses then reminded the Jewish people how the tribes of Reuben and Gad had requested the territory that had been conquered on the east bank of the Jordan River. Moses agreed to their request on the provision that they first lead the Jewish troops in the conquest of the Land of Israel to the west of the Jordan River.

The Art of Self-Sacrifice

> *[Moses told the tribes of Reuben and Gad,] "You must cross over armed before your brothers."*
> Deuteronomy 3:18

The conquest of the Land of Israel corresponds to our inner conquest of the animalistic side of our personalities in order to ensure that we lead our lives in a G dly way. The power within us that leads us into this battle – i.e., our inner tribes of Reuben and Gad – is our ability to risk our lives for our principles.

Normally, it is enough for us to recall that we would be willing to lay down our lives for our principles, and that, in essence, any threat to our Divine mission is a direct assault on our principles. Resisting our animal drives then becomes a much simpler matter.

However, when we are confronted with a general challenge to our Jewish lifestyle, we need to summon not only the recollection of our willingness to sacrifice everything for our principles, but the willingness itself. This is our ability to assert our Jewishness no matter how strong the powers of persuasion, ridicule, or compulsion that opposing forces throw at us. Our inner tribes of Reuben and Gad need to leap forth as a separate "battalion" and wipe out the enemy's threat in one fell swoop.

By utilizing this inner strength, we can hasten the true and final Redemption, both of the Jewish people and of all humanity.1

1. Likutei Sichot, vol. 9, pp. 10–13.

** From Daily Wisdom*

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https://www.chabad.org/dailystudy/dailywisdom_cdo/aid/2955506/jewish/Shabbat-The-Art-of-Self-Sacrifice.htm

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Likutei Divrei Torah

Gleanings of Divrei Torah on Parashat Hashavuah via the Internet

Shabbat Shalom

Volume 28, Issue 43 **Shabbat Chazon - Parashat Devarim** **5782 B"H**

Covenant and Conversation
Rabbi Jonathan Sacks, z"l

Followership

In the last month of his life, Moses gathered the people. He instructed them about the laws they were to keep and reminded them of their history since the Exodus. That is the substance of the book of Devarim. Early in this process, he recalled the episode of the spies – the reason the people's parents were denied the opportunity to enter the land. He wanted the next generation to learn the lesson of that episode and carry it with them always. They needed faith and courage. Perhaps that has always been part of what it means to be a Jew.

But the story of the spies as he tells it here is very different indeed from the version in Shelach Lecha (Num. 13-14), which describes the events as they happened at the time, almost 39 years earlier. The discrepancies between the two accounts are glaring and numerous. Here I want to focus only on two.

First: who proposed sending the spies? In Shelach, it was God who told Moses to do so. "The Lord said to Moses, 'Send men…" In our parsha, it was the people who requested it: "Then all of you came to me and said, 'Let us send men…" Who was it: God or the people? This makes a massive difference to how we understand the episode.

Second: what was their mission? In our parsha, the people said, "Let us send men to spy out [veyachperu] the land for us" (Deut. 1:22). The twelve men "made for the hill country, came to the wadi Eshcol, and spied it out [vayeraglu]" (Deut. 1:24). In other words, our parsha uses the two Hebrew verbs, lachpor and leragel, that mean to spy.

But as I pointed out in my Covenant & Conversation for Shelach Lecha, the account there conspicuously does not mention spying. Instead, thirteen times, it uses the verb latur, which means to tour, explore, travel, inspect. Even in our parsha, when Moses is talking, not about the spies but about God, he says He "goes before you on your journeys—to seek out (latur) the place where you are to encamp" (Deut. 1:33).

According to Malbim, latur means to seek out what is good about a place. Lachpor and leragel mean to seek out what is weak, vulnerable, exposed, defenceless. Touring and spying are completely different activities, so why does the account in our parsha present what happened as a spying mission, which the account in Shelach emphatically does not?

These two questions combine with a third, prompted by an extraordinary statement of Moses in our parsha. Having said that the spies and the people were punished by not living to enter the promised land, he then says:

> Because of you, the Lord was incensed with me also, and He said: you shall not enter it either. Joshua son of Nun, who attends you, he shall enter it. Strengthen him, because he will lead Israel to inherit it. (Deut. 1:37-38)

This is very strange indeed. It is not like Moses to blame others for what seems to be his own failing. Besides which, it contradicts the testimony of the Torah itself, which tells us that Moses and Aaron were punished by not being permitted to enter the land because of what happened at Kadesh when the people complained about the lack of water. What they did wrong is debated by the commentators. Was it that Moses hit the rock? Or that he lost his temper? Or some other reason? Whichever it was, that was when God said: "Because you did not trust in Me enough to honour Me as holy in the sight of the Israelites, you will not bring this community into the land I give them" (Num. 20:12). This was some 39 years after the episode of the spies.

As to the discrepancy between the two accounts of the spies, R. David Zvi Hoffman argued that the account in Shelach tells us what happened. The account in our parsha, a generation later, was meant not to inform but to warn. Shelach is a historical narrative; our parsha is a sermon. These are different literary genres with different purposes.

As to Moses' remark, "Because of you, the Lord was incensed with me," Ramban suggests that he was simply saying that like the spies and the people, he too was condemned to die in the wilderness. Alternatively, he was hinting that no one should be able to say that Moses avoided the fate of the generation he led.

However, Abarbanel offers a fascinating alternative. Perhaps the reason Moses and Aaron were not permitted to enter the land was not because of the episode of water and the rock at Kadesh. That is intended to distract attention from their real sins. Aaron's real sin was the Golden Calf. Moses' real sin was the episode of the spies. The hint that this was so is in Moses' words here, "Because of you, the Lord was incensed with me also."

How though could the episode of the spies have been Moses fault? It wasn't he who proposed sending them. It was either God or the people. He did not go on the mission. He did not bring back a report. He did not demoralise the people. Where then was Moses at fault? Why was God angry with him?

The answer lies in the first two questions: who proposed sending the spies? And why is there a difference in the verbs between here and Shelach?

Following Rashi, the two accounts, here and in Shelach, are not two different versions of the same event. They are the same version of the same event, but split in two, half told there, half here. It was the people who requested spies (as stated here). Moses took their request to God. God acceded to the request, but as a concession, not a command: "You may send," not "You must send" (as stated in Shelach).

However, in granting permission, God made a specific provision. The people had asked for spies: "Let us send men ahead to spy out [veyachperu] the land for us." God did not give Moses permission to send spies. He specifically used the verb latur, meaning, He gave permission for the men to tour the land, come back and testify that it is a good and fertile land, flowing with milk and honey.

The people did not need spies. As Moses said, throughout the wilderness years God has been going "ahead of you on your journey, in fire by night and in a cloud by day, to search out places for you to camp and to show you the way you should go" (Deut. 1:33). They did however need eyewitness testimony of the beauty and fruitfulness of the land to which they had been travelling and for which they would have to fight.

Moses, however, did not make this distinction clear. He told the twelve men: "See what the land is like and whether the people who live there are strong or weak, few or many. What kind of land do they live in? Is it good or bad? What kind of towns do they live in? Are they unwalled or fortified?" This sounds dangerously like instructions for a spying mission.

When ten of the men came back with a demoralising report and the people panicked, at least part of the blame lay with Moses. The people had asked for spies. He should have made it clear that the men he was sending were not to act as spies.

How did Moses come to make such a mistake? Rashi suggests an answer. Our parsha says: "Then all of you came to me and said, 'Let us send men ahead to spy out the land for us." The English does not convey the sense of menace in the original. They came, says Rashi, "in a crowd," without respect, protocol or order. They were a mob, and they were potentially dangerous. This mirrors the people's behaviour at the beginning of the story of the Golden Calf: "When the people saw that Moses was so long in coming down from the mountain, they gathered against Aaron and said to him…"

Faced with an angry mob, a leader is not always in control of the situation. True leadership is impossible in the face of the madness of crowds. Moses' mistake, if the analysis here is correct, was a very subtle one, the difference between a spying mission and a morale-boosting eyewitness account of the

land. Even so, it must have been almost inevitable given the mood of the people.

That is what Moses meant when he said, "because of you the Lord was incensed with me too." He meant that God was angry with me for not showing stronger leadership, but it was you – or rather, your parents – who made that leadership impossible.

This suggests a fundamental, counterintuitive truth. There is a fine TED talk about leadership.[1] It takes less than 3 minutes to watch, and it asks, "What makes a leader?" It answers: "The first follower."

There is a famous saying of the Sages: "Make for yourself a teacher and acquire for yourself a friend."[2] The order of the verbs seems wrong. You don't make a teacher, you acquire one. You don't acquire a friend, you make one. In fact, though, the statement is precisely right. You make a teacher by being willing to learn. You make a leader by being willing to follow. When people are unwilling to follow, even the greatest leader cannot lead. That is what happened to Aaron at the time of the Calf, and in a far more subtle way to Moses at the time of the spies.

That, I would argue, is one reason why Joshua was chosen to be Moses' successor. There were other distinguished candidates, including Pinchas and Caleb. But Joshua, serving Moses throughout the wilderness years, was a role-model of what it is to be a follower. That, the Israelites needed to learn.

I believe that followership is the great neglected art. Followers and leaders form a partnership of mutual challenge and respect. To be a follower in Judaism is not to be submissive, uncritical, blindly accepting. Questioning and arguing are a part of the relationship. Too often, though, we decry a lack of leadership when we are really suffering from a lack of followership.

[1] Derek Sivers, 'How to Start a Movement.'
[2] Mishnah, Avot 1:6.

Shabbat Shalom: Rabbi Shlomo Riskin

"How (eichah) am I able to bear your contentiousness, your burdens and your quarrels?!" (Deuteronomy 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 (Isaiah 2, Michah 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" (Zephania 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.

The Person in the Parsha
Rabbi Dr. Tzvi Hersh Weinreb

The Path to Eloquence

It is an experience common to all freshmen. One comes to a new campus, knows no one, and tries to orient himself by identifying the senior students who seem to have prestige. Then, he tries to connect with these campus big shots.

This was my experience precisely when, many years ago, I explored a new yeshiva at a transition point in my life. I was barely 19 years old, and I was trying to decide whether I would pursue an exclusively Talmudic education or combine my Talmud studies with college courses. I decided to spend the spring semester in an elite institution devoted only to Talmud, and to determine whether this approach suited me.

I quickly came to learn that the senior students were organized in a kind of hierarchy which reflected their respective degrees of erudition and their relationship to the world-famous dean of the school. I was somewhat impressed by all of them, but one in particular stood out for me. I do not recall his name now, but I can close my eyes and easily conjure up an image of him.

He was about 25 years old, of medium height, thin and wiry. He had a precision to him which resulted from his carefully measured movements. When he walked, he seemed to be taking each step intentionally. When he moved his hands, there was a precision to his movements. The words that came out of his mouth were few and deliberate; and his comments, short and to the point.

I remember being impressed by how he sat down before the texts he studied, first brushing the dust off of his desk and chair, then opening his book cautiously, and then taking from his pocket a plastic six-inch ruler. He placed the ruler under the line of text which was his focus, almost as if he intended to literally measure the words on the page.

I was fascinated by him and began to inquire about his background. I soon learned that he was the wunderkind of the school. His scholarly achievements impressed everyone. In early adolescence, he had found his studies

extremely frustrating. Had this occurred but a decade or two later, he would probably have been diagnosed as learning disabled. He was not as bright as his peers, had great difficulties in following the give and take of Talmudic passages, and couldn't handle the bilingual curriculum.

At the suggestion of his high school's guidance counselor, he made a trip to Israel to study there, something more uncommon in those days. While there, still frustrated, he sought the blessing and counsel of the famous sage, Rabbi Abraham Isaiah Karelitz, more commonly known as the Chazon Ish.

This great man, then in his waning years, encouraged the young lad to persist in his studies, but to limit the scope of his daily efforts to small, "bite-sized chunks" of text. He concluded the interview with a blessing, quoting the passage in Psalms which asserts that Torah study can make even a dullard wise.

I befriended the young man, easily five or six years my senior, and attempted to enlist him as my study partner. But I soon discovered that his keen intelligence and the broad scope of his knowledge were far too advanced for me. The advice and blessing of the Chazon Ish coupled with the young man's years of toil and commitment had the desired effect. He may indeed have once been a dullard, but he was one no longer. He was now an intellectual giant.

Although I did not learn much Talmud from this fellow, I did learn a most important life lesson from him. I learned that one can overcome his limitations if he persists in trying to overcome them. I learned that one could undo his natural challenges with a combination of heeding wise counsel, becoming inspired spiritually, and devoting himself with diligence and dedication to the task.

It was much later in life when I realized that I could have learned the same important life lesson from this week's Torah portion, Parshat Devarim, and from no less a personage than our teacher, Moses, himself. This week, we begin the entire book of Deuteronomy. Almost all of this book consists of the major address which Moses gave to the Jewish people before he took his final leave from them. "These are the words that Moses addressed to all of Israel..." (Deuteronomy 1:1).

Although it is now the long, hot summer, all readers of this verse remember that cold, wintry Sabbath day just six months ago when we first encountered Moses, back in the Torah portion of Shemot. We then read of how Moses addressed the Almighty and expressed his inability to accept the divine mission. He said: "Please, O Lord, I have never been a man of words, either in times past or now that You have spoken to Your servant; I am slow of speech and slow of tongue..." (Exodus 4:10). Moses stammered and stuttered, and suffered from a genuine speech defect.

How surprising it is, then, that in this week's Torah portion, albeit forty years later, he is capable of delivering the lengthy and eloquent address which we are about to read every week for the next several months! How did he overcome his limitations? What are the secrets of his path to eloquence?

These questions are asked in the collection of homilies known as the Midrash Tanchuma. There, the rabbis speak of the astounding power of sincere and sustained Torah study. They speak too of the effects of years of practice. And they emphasize the healing which comes about from a connection with the One Above. The rabbis of the Midrash Tanchuma could have cited the Lord's own response to Moses' initial complaint: "Who gives a man speech? Who makes him dumb or deaf, seeing or blind? Is it not I, the Lord?"

But those rabbis chose another proof text entirely to illustrate that man, with God's help, can overcome his handicaps and challenges. They quote instead that beautiful passage in the book of Isaiah which reads:

Then the eyes of the blind shall be opened, And the ears of the deaf shall be unstopped. Then the lame shall leap like a deer, And the tongue of the dumb shall shout aloud; For waters shall burst forth in the desert, Streams in the wilderness. (Isaiah 35:5-6)

We seldom contemplate the development, nay transformation, of the man who was Moses. But it is important that we do so, because, although we each have our unique challenges and personal handicaps, we are capable of coping with them, and often of overcoming them. We all can develop, and we all can potentially transform ourselves.

This week, and in all of the ensuing weeks which lie ahead, as we read Moses' masterful valedictory and are impressed with the beauty of his language, we must strive to remember that he was not always a skilled orator. Quite the contrary, he was once an aral sefatayim, a man of impeded speech, who grew to achieve the divine blessing of shedding his impediments and addressing his people with the inspiring and eminent long speech that is the book of Deuteronomy. He can be a role model for us all.

Dvar Torah: Chief Rabbi Ephraim Mirvis

Can one ever graduate from Jewish education? In Parshat Devarim, Moshe brings the words of Hashem to the Israelite nation, then at Chorev, which is Mount Sinai. Hashem said to them (Devarim 1:6), “Rav lachem shevet behar hazeh,” – “You have been dwelling alongside this mountain for a long time.
“Penu useu lachem,” – “Now turn and move on to new destinations.”

Here, Rashi gives two different peirushim, two commentaries. The first is, “kipshuto,” meaning, “according to its plain, simple meaning.” That is to say, Hashem was saying to the people, “You’ve been here for a long time. Now go on to some other places.”

Rashi then gives a second commentary. Here the term ‘rav’ is linked to the word ‘harbeh’ which means ‘much’ and what Hashem was saying to the people was: “Rav lachem shevet,” – “While dwelling alongside this mountain you have achieved much.”

Rashi gives examples: It was here that we received the Torah. It was here that we built a mishkan, a tabernacle. It was here that we established a Sanhedrin and much more, as a result of which: “Penu useu lachem,” – “Now turn aside and go on to future destinations inspired and motivated by your experiences here.”

There is a principle in the peirush of Rashi that whenever he gives more than one commentary, his own preference is for the last one that he mentions. So I believe that here, there is an analogy to Jewish education. It would be easy to say, once a child has been in a Jewish primary school or has learnt until the age of barmitzvah or bat mitzvah, “Rav lachem,” it’s enough. They’ve been there, they’ve done it. Now they can go on to pursue different educational interests throughout the rest of their lives.

But there is a different approach and that is to say, once one has had an immersive, wonderful Jewish education, one can derive inspiration from what one has experienced, in order to go from primary school to secondary school and from secondary school on to yeshiva or sem and thereafter, to continue with a commitment to Jewish learning so that for the rest of one’s life one can exclaim: “Ki hem chayeinu v’orech yameinu,” – “The words of Torah are our life and the length of our days,”
“Uv’hem nehgeh yomam valayla,” – “And we will always meditate on them day and night,”

Because when learning is part of our existence we can only go mechayil el chayil, from strength to greater strength.

The experiences of our nation at Mount Sinai are with us to guide and inspire us to this very day. So too, let us guarantee that every moment of Jewish education that we have had will only lead to further educational experiences on our Jewish journey and that as a result, we will be blessed with much meaning and joy always.

Rabbi Dr. Nachum Amsel Encyclopedia of Jewish Values*

The Definition of a Jewish Leader

In Devarim, Moses recalls the incident that occurred in Parsha of Yitro, who was the father-in-law of Moses. Yitro had suggested a new structure of courts, adding judges to Moses, who, until that point, had judged every case by himself. In describing the people worthy to judge cases in court, the Torah demands the need for people who are wise, who can discern the facts between the two sides their telling stories, and who will listen to "minor" cases and "minor" people in the same manner as "large" cases and "important" people (Deuteronomy 1:13-17). If a Jew were to read only these words in our Parsha, he or she might conclude that these are the qualities for all Jewish leadership, and not the very specific requirements for Jewish judges that are described. Judges are indeed some of the leaders of the Jewish people, but there is a lot more to Jewish leadership than these specific qualities. What ARE the specific requirements of being a good Jewish leader in the consensus of the Torah, in the eyes of the commentaries

and Rabbis throughout the ages? While the answer to this question could undoubtedly fill an entire volume, we will try to summarize and represent normative traditional Jewish thought on the essential qualities of Jewish leadership.

Rather than merely list those characteristics that depict Jewish leadership or bring numerous sources showing what Jewish leadership is all about, it will be more beneficial to briefly analyze the character traits of some of the role models in the Torah (but not all), and show which characteristics made each a successful Jewish leader. By showing groups of two Jewish leaders in the Torah who lived at the same time, the contrasts, and similarities between them will help us accomplish our goal in a more profound manner.

Noah and Abraham - Noah was the only righteous person in his generation, according to the Torah verse (Genesis 6:9). The only human beings saved from the Flood that killed all the people in the world who sinned were Noah and his family. It is clear from the verse (Genesis 7:7) that Noah's family was saved only because of Noah, not because they deserved to be spared in their own right. How difficult it must have been for Noah to stand up to the peer pressure of everyone in the world, who made fun of his "strange" behavior. But Noah used his inner strength to continue to do the right thing, despite the taunts he surely received from those around him, especially as he was building the Ark day after day.

But Noah seemed to have a flaw in one aspect of his leadership: he lacked one necessary quality that Abraham possessed and used a great deal, in contrast. The Midrash (Midrash, Beraishit Rabbah 30:7) tells us that Noah was instructed to build the Ark for 120 years. Why did God want Noah to take all that time to plant the trees and cut the wood? Aside from God's will to do miracles in in the Torah as naturally as possible (see chapters about "Miracles" and "God's Involvement in the World," vol. 3), the Midrash says that God indeed desired that people should indeed ask Noah what he was doing. Then Noah would be able to engage them in conversation, and, possibly, succeed in urging them to cease their evil behavior. In this way, he might have prevented the devastating flood. Despite the plan, throughout the entire period of 120 years, Noah was unsuccessful in convincing even one person to stop sinning and become righteous. He was righteous himself but had no impact on anyone else. Abraham, on the other hand, succeeded in this area beyond anyone's expectations, as he was not only the first Jew, but probably the most successful, Kiruv-Outreach Professional in Jewish history. The Torah says that Abram (later renamed Abraham) took with him to the Land of Canaan-Israel the "people he had made in Charan." The Midrash explains that these people were "converted" to Judaism by Abraham to follow his ideas and beliefs, as Abram (later Abraham) converted the men and Sarai (later Sara) converted the women, by bringing everyone into their tent, feeding them and engaging them until they asked about Abrahams's and Sara's beliefs, and eventually wanted to follow Abraham and God's ways (Genesis 12:5, Midrash Beraishit Rabbah 84:4). Abraham was not only a philosopher who arrived at the concept of Monotheism alone, through deep analysis (Midrash Beraishit Rabbah 39:1), but Avraham stood up was was willing to die for his beliefs (Midrash, Esther Rabbah 6:2), and even challenge God when He felt there was injustice (Genesis 13:13, 18:20-26). Abraham was a doer, not a mere believer. When he heard that his nephew Lot had been taken hostage, Abraham led his 318 men to free Lot and defeated the Four Kings singlehandedly (Genesis 14:12-16). Finally, Abraham was also the first person who was able to pass down these special Jewish values to his children (Genesis 18:19). All these values are components of Jewish leadership

Joseph and Judah - Joseph was born with great leadership qualities. Every time he was faced with a seemingly overwhelming challenge, he succeeded, and rose quickly through the ranks, even while he was a slave. He felt that God was with him, and the Torah tells us that Joseph had a quality that every modern leader desperately desires — charisma (Chen) (Genesis 39:2-4, 21-22). In addition, as a Jewish leader, he gave credit and attributed all his successes not to himself, but to God, even when he was a prisoner explaining the dream of the King (Genesis 41:16). Yet, with all these qualities and despite being the favorite son, Joseph was not given the ultimate mantle of leadership of the Jewish people by his father Jacob. Instead, Jacob gave this role to Joseph's brother Judah (Genesis 49:9-10), and it remains the seat of Jewish leadership (kingship) throughout history until the time of Messiah. What quality did Judah possess that Joseph lacked? What made Judah worthy of supreme leadership of the Jewish people?

Judah's first attempts at leadership fail. He tries to save Joseph from death, but Judah suggests they sell Joseph as a slave rather than just allow him to return home unscathed (Genesis 37:26-27). Judah undergoes a metamorphosis of leadership, taught to him by his daughter-in-law Tamar (Genesis 38:8, 16-18, 24-26). Unrecognizable, Tamar disguised herself as a prostitute, and asked Judah to give her the symbols of leadership (his signet, bracelet, and staff) as an Eiravon -- surety for payment. Later, Tamar, another Jewish leader, taught Judah not to be selfish and worry only about himself and his own needs. If he acts properly, he must sacrifice himself (even his reputation and position), in order to assist others. After Judah internalizes this lesson and this Jewish leadership value, he is the only brother who offers to sacrifice himself to save his younger brother Benjamin from being held hostage in Egypt. And he uses the same word in volunteering that Tamar used: Judah will be Benjamin's Eiravon (surety) (Genesis 43:8-9). This is the true mark of Jewish leadership which Judah (and his descendants) possessed more than any other tribe, and which was not Joseph's strength. This, then, is the key quality of Jewish leadership -- being willing to sacrifice oneself, one's needs, and desires for the sake of others.

Moses and Joshua - Moses is acknowledged as the ultimate leader of the Jewish people, never equaled, who came closer to God than anyone else, as he could converse with God face to face (Deuteronomy 34:10). Which qualities made Moses so special, so unique? Common sense tells us that a great leader must have a great command of speech and a charismatic manner when speaking to people. Yet, the greatest leader of all, Moses, is described as someone who had a speech impediment in that either he stuttered, lisped or both, a trait that Moses was embarrassed and self-conscious about (Exodus 3:2, 10-11, 4:10, 6:12). How and why could the greatest of Jewish leaders succeed with a major speech defect? The Torah is teaching us that the success of a great leader like Moses is not specifically how he or she speaks, but rather, success is based only upon the content of that speech. God intentionally chose Moses, in order to show that it was only the substance and values that Moses spoke about that attracted the people and resonated with them (Drashot Rabbeinu Nisim, Drash 5). Thus, Jewish leadership does not require a great and charismatic speaker, but, rather, a person who says the right words and has a personality imbued with the right ideas and values. If so, what is it about the personality of Moses that made him unique?

We do know that he was the most modest person in the Torah (Numbers 12:3). But what exactly is this characteristic and how does it relate to leadership? This trait of exceeding humility cannot signify that Moses thought he was a "nobody" – or an unworthy person. Moses knew that only God selected him to lead the Jewish people, and, therefore, understood that he was special. It is just not anyone who can speak directly with God and live on Mount Sinai for forty days to receive the Torah, without eating or drinking for that duration of time. So, Moses was aware of his greatness. What, then, made him so modest? It is specifically that Moses ascribed all his greatness, achievements, and outstanding personality not to himself, but, rather, to God. He understood that God gave him everything that allowed him to achieve the specialness that made him Moses. That is Jewish modesty, which, sadly, most leaders in history, even Jewish leaders, lack, especially today.

There are three incidents that show us the character of Moses. In each (the Egyptian man about to kill a Jewish slave, a Jew about to strike another Jew, and the non-Jewish shepherds who took advantage of the daughters of Yitro), Moshe risked his life and

his comfort, in order to help strangers, even non-Jews, but downtrodden, and could not help themselves. He could not stay away and ignore any injustice. The successor of Moses as leader of the Jewish people was Joshua, who had one advantage over Moses. Joshua had a mentor to learn from. In the same verse that the Torah informs us that Moses could speak to God "face to face" (making him greater than any other prophet), it also says that Joshua never left the tent of Moses, and it was mainly in this merit that he received the mantle of leadership after Moses (Exodus 33:11 and Rashi commentary on Numbers 27:16). He studied and learned from Moses for forty years, day and night. Thus, when he became leader, Joshua had all the experience he gleaned from Moses, from the inside. This is an important aspect of Jewish leadership: whenever possible, it is important to learn up close from a great leader and become trained, in order to know what to do later on your own. The Talmud (Berachot 62a) explains that Rabbi Akiva actually followed Rabbi Joshua (his teacher, not to be confused with Joshua the successor of Moses) into the bathroom to observe proper Jewish conduct in that place. When questioned how he could do such a disrespectful act, Rabbi Akiva replied that "This also is part of Torah and I must learn it," thereby justifying his actions. Ben Azzai learned the same thing from Rabbi Akiva. He even hid while Rabbi Akiva was engaged in marital relations with his wife, in order to learn the proper behavior in this situation as well. Thus, we see that part of leadership means studying each and every detail from another great leader.

What other qualities did Joshua possess that made him uniquely worthy of leadership? First and foremost, Joshua was a military general, who personally led the Jewish people to battle as they defeated Amalek (Exodus 17:9-10, 13). When he was selected to be one of the twelve spies in the Land of Israel, only Joshua and Kalev resisted the peer pressure of the other ten spies and the entire people and rent their clothes in mourning when the people believed the negative reports of the ten spies (Exodus 17:9-10, 13). This act, once again, demonstrates that Jewish leaders have to stand up for the truth and what is just, no matter how unpopular that may be. Rashi also explains in detail the qualities Moses was looking for in his successor (Rashi commentary to Numbers 27:16-18). Moses says to God that it is known that each Jew is different, with different ideas. It is important to appoint a leader who can speak and relate to each person differently and "tolerate" these differences. Joshua had this special ability to care about each person and address each person's needs and desires in a unique manner. Then, Rashi describes a characteristic within Joshua that has been adopted by today's Israeli army. Unlike most armies in the world, where the general stays behind the front lines, viewing the larger picture of the overall situation, and then giving orders, the Jewish leader must be at the forefront of every battle, setting an example for others by his personal actions. Joshua had this quality, and, to this day, the ratio of casualties of officers to enlistees is significantly higher in the Israeli army than any other army in the world for the same reason -- because their motto was always "Acharai -- After me." ("Acharai" is part of a similar word - "Achrai-ut," Jewish responsibility for others). This is an important difference between management and leadership. Management tells others what to do; it delegates responsibility. Good leadership shows by example. This is a quality of a Jewish leader that Joshua possessed.

Space does not permit analyses of other leaders in the Torah and their unique traits. This includes Eldad and Medad (Numbers 11), the women in the book of Exodus (Miriam,. Yocheved, all Jewish wives by the Golden Calf, and, later, those who donated the "colored Mirrors") and even the Zekainim-Elders who were unworthy for leadership by their actions, that we also can learn from (what not to do).

The truth is that today, each and every Jew could and should be a leader, each in his or her own way. The name "Jew" itself places the mantle of leadership upon anyone with that designation. The first person called a Jew in the Bible was Mordechai, even though he was from the tribe of Benjamin (Esther 2:5). Rashi explains (Rashi commentary on Esther 2:5) that until that time, a Jew meant a person who came from the tribe of Judah, but with the exile that primarily came from the tribe of Judah, all people who descended from Abraham were now called Jews. Now that all those previously referred to as Hebrews are called Jews, each person has a special obligation to uphold that specific name and become like a person from the tribe of Judah. Just as Judah was given the mantle of leadership and demonstrated the idea of sacrificing oneself for the good of another person, all Jews should emulate their namesake, and follow this pattern of behavior. All Jews, then, should try to become like Judah and be leaders. This is the essence of Jewish leadership.

* **This column has been adapted from a series of volumes written by Rabbi Dr. Nachum Amsel "*The Encyclopedia of Jewish Values*" available from Urim and Amazon. For the full article or to review all the footnotes in the original, contact the author at nachum@jewishdestiny.com**

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Ohr Torah Stone Dvar Torah

Using our eyes as well as our mouth

Hannah Abrams

Megillat Eicha takes us deep into the world of despair. We cry out to Hashem, with a hopeless cry: "Why do You forget us forever, why do You so long forsake us?" (Eicha, 5:20)

The prophet Yirmiyahu, author of Eicha, speaks from the heart. His pain and anguish give him license to ask searing questions which seem to throw our orderly world of religious faith and practice upside-down. Yirmiyahu's example is followed by the poets who came after him. Eliezer HaKalir asks in Kinnah 13:

"Where is the promise of "so shall your offspring be"
which you assured to Avraham?…
Why, O God, do you forever reject me?

This despair is the focal theme of Tisha b'Av, which poses two jarring theological questions:

Why was our punishment so much greater than we seemed to deserve?

Did we still have a relationship with Hashem? It seems like Hashem no longer wanted a relationship with us.

To answer these questions, let us take a step back and point out a curious fact about Megillat Eicha.

Almost every perek is alphabetical, with one exception to the pattern – the "פ" comes before the "ע". The Gemara in Sanhedrin 104b quotes Rava asking this very question: why does the "פ" precede the "ע"?

The answer is that just like the meraglim, the author of eicha is speaking with his mouth (פה) before looking with his eye (עין).

What does it mean to use your mouth before you use your eyes? Rabbi Hayyim Angel teaches that the eyes represent your ability to see things in their broader perspective, to reflect on them rationally. Without the perspective that the eyes provide, the mouth is a mere conduit for your heart, for your raw emotions.

Eicha, therefore, is a book written primarily with the mouth, rather than the eyes. It takes us into the deep emotional struggle of tragedy without really trying to temper our feelings with reason.

This is the function of the haftarot surrounding Tisha b'Av. They act as our eyes, contextualizing our despair.

The first three haftarot, the haftarot of rebuke ("תלת דפורענותא"), are there to answer our first theological question – what did we do to deserve this tragedy?

They focus on the sins of Bnei Yisrael leading up to the churban. In the haftorah called "Chazon," Yeshayahu focuses on the clear justice behind sin and punishment:

יט) אִם תֹּאבוּ וּשְׁמַעְתֶּם טוּב הָאָרֶץ תֹּאכֵלוּ׃
כ) וְאִם תְּמָאֲנוּ וּמְרִיתֶם חֶרֶב תְּאֻכְּלוּ כִּי פִּי ה' דִּבֶּר׃
כא) אֵיכָה הָיְתָה לְזוֹנָה קִרְיָה נֶאֱמָנָה מָלְאֲתִי מִשְׁפָּט צֶדֶק יָלִין בָּהּ וְעַתָּה מְרַצְּחִים

19) If you be willing and obey, you shall eat the best of the land
20) But if you refuse and rebel, you shall be devoured by the sword, for the mouth of the Lord spoke.
21) How has she become a harlot? A faithful city, full of justice, in which righteousness would lodge. Now there are murderers.

Here, the word "eichah" is not directed at Hashem, as it is in Megillat Eicha, asking Him how he could punish us so severely.

Here, it is turned against the Jewish people – how could you sin against Hashem? How could you contaminate the beautiful city of Yerushalayim with your crimes?

The haftorah emphasises the divine justice of the relationship between sin and punishment in

a logical, rational way. If you sin, you will be punished.

The seven haftarot after Tisha b'Av, the haftarot of consolation ("שבע דנחמתא"), are there to answer our second theological question – did Hashem really desert us?

These haftarot give us a framework for understanding our relationship with Hashem even after experiencing such a tragedy.

The Abudraham frames these haftarot as a conversation between Bnei Yisrael and Hashem, taking as his starting point the first lines of each of the haftarot.

Hashem begins with the words "נחמו נחמו עמי," "comfort, comfort my people."

Bnei Yisrael respond with "'ותאמר ציון עזבני ה," "and Zion says, Hashem has abandoned me." Bnei Yisrael need more to convince them that Hashem is really still with them.

There follow the next four haftarot in which Hashem persuades Bnei Yisrael that He really is there to be reconciled with them.

Finally, Bnei Yisrael respond, "שוש אשיש בה" "I will greatly rejoice in Hashem." They have reunited with Hashem and have something to celebrate!

This rebuilding of a relationship is not easy; it is a long process. However with patience and understanding, we can return to Hashem and more than that, realise that He was always there for us.

We take the relatively serious step of separating the haftorah from the theme of the parshah for 10 consecutive weeks. Why?

We need space to use our eyes, to experience the tragedy of Tisha b'Av in perspective. Although these haftarot should not take away from our feelings of despair and grief on the day of Tisha b'Av itself, they will help us to recover our relationship with Hashem after Tisha b'Av has passed.

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Rabbi Michael Rosensweig

Tisha B'Av: A Day of Supplication and Commemoration

In a Responsum (Orach Chaim no. 157), Chatam Sofer shares that one year (1811), when he was medically unable to fast on Tisha B'Av, he pondered whether he could receive an aliyah at mincha when Vayechal is read, as it typically is on a fast day. While he initially questions whether a fasting requirement ever precludes an aliyah on a tzom, he particularly weighs whether Tisha B'av is a standard albeit more intense tzom, like be-hab, or whether it is a singular commemoration that transcends the fasting experience. [See a parallel discussion in Responsa of R. Akiva Eiger, Orach Chaim no. 24 and mahadurah tinyana no. 1 regarding the possible disqualification from receiving an aliyah during the keriat ha-torah on Yom Kippur. R. Akiva Eiger distinguishes between the shacharit and mincha keriot in that context! In any case, the parallel investigation is particularly fascinating in light of the special connection between Tisha B'av and Yom Kippur, which requires its own analysis. See Pesachim 54b, Ta'anit 30b. See, also, Chatam Sofer's own perspective on this relationship-Responsa Chatam Sofer Orach Chaim no. 208. I hope to elaborate this point elsewhere.]

Chatam Sofer emphatically concludes that the obligation to read the Torah on Tisha B'Av derives from the very stature and character of the day that transcends the actual implementation of the fast. Remarkably, he compares the situation to one who observes a ta'anit chalom on Shabbat or yom tov. There is no consideration that such an individual would be excluded from the keriat ha-Torah, tefillot, or any other manifestation of shabbat or yom tov, notwithstanding his abstention from oneg Shabbat or simchat yom tov due to his fasting obligation, as his impediment is eclipsed by the larger force and relevance of the day. The equation of Tisha B'Av to shabbat and yom tov in this respect is noteworthy. It is reinforced by Chatam Sofer's depiction of Tisha B'Av in this context as a "yom moed de-puranuta hu", a "moed" that is dedicated to the commemoration of the tragic events that befell Am Yisrael on this anniversary, and that was formulated as a time to focus broadly on the implications of national loss and suffering (see Rashi, Divrei Hayamim 35:25), as well being a propitious day to anticipate and derive comfort (nechamah) from the future geulah-yeshuah of Am Yisrael. [Chatam Sofer distinguishes in his ruling between Tisha B'Av and be-hab fasts. He does not specifically relate to the status of Shiv'a Asar B'Tamuz, Asara B'Tevet etc. At the same time, his elevated depiction of Tisha B'Av as a "moed de-puranuta" implies that it is distinctive.]

Chatam Sofer's ruling and analysis reinforce a theme that we have developed previously (The Unique Character of Tisha B'Av). We have argued that while Tisha B'Av certainly is classified among the other tzomot - Shiv'a Asar B'Tamuz, Asara B'Tevet, Tzom Gedaliah, etc. - and thus, included in pesukim in Zechariyah chapter 8, the Mishneh Ta'anit 26a, and Rambam Hilchos Ta'anit chapter 5, there is much evidence that demonstrates that it is, additionally, a singular manifestation and experience distinct from other ta'aniyot. Indeed, it is a "moed" commemorating and mourning the churban - a devastating, transformative double loss (huchpelah tzarot-Rosh Hashana 18b, Tosafos s.v. ho'il) - that galvanizes a profound sense of historical national identity, and stimulates an intense yearning and anticipation for the yeshuah and geulah of Kelal Yisrael. Tisha B'Av is not merely the most intense of the tzomot, it is also a different kind of commemoration and experience.

The fascinating halachic debate about the proper location of "Nachem", the Tishah b'Av insertion in shemonah esrei, supports and furthers this conclusion. The very phenomenon of "Nachem" is noteworthy. The content differs markedly from the parallel "aneinu", recited on all fast days. "Aneinu" addresses a general state of crisis, focuses on the opportunity for effective tefillah it provides (consistent with the principle of "mi-darkei ha-teshuvah" articulated by Rambam in Hilchot Taianit chapter 1 and 5), and implores Hashem to be receptive to our needs. "Nachem" accentuates the "aveilut" motif of this anniversary, focuses specifically on the devastating impact of the churban and the resulting state of Yerushalayim, and invokes Hashem's commitment to restore what has been devastated and bring about the realization of Am Yisrael's ultimate destiny. According to some authorities (Mordechai, Ta'anit 30a), "aneinu" is completely excluded on Tisha B'Av, while the normative view is that "Nachem" is an additional insertion. The Taz ruled according to those Rishonim who argued that at least the hazan should omit "aneinu" in shacharit, given Tisha B'Av's status as a "moed"! [See Taz, Hagahot R. Akiva Eiger, and Dagul Meirevav on Shulchan Aruch no. 577 regarding the parameters of "moed" in this context.] In any case, the fact that "Nachem" is not also integrated into "shema koleinu" (for the tzibur during mincha) or located after "re-eh be-anyeinu" (for the shatz), reinforces the conclusion that it is an independent theme, not simply a substitute for or a more specific intensification of aneinu. The minhag Yerushalayim (and possibly the view of the Mechaber (Orach Chaim 557:1 - see mefarshim) required "Nachem" in each tefillah of this day, like "mei-ein ha-meora" of yaaleh ve-yavo on a typical moed! Moreover, Ramo adopts the ruling of Maharil that includes "Nachem" in the birkat ha-mazon of one who must eat on Tisha B'Av, a phenomenon that is simply inconceivable with respect to "aneinu". [The parallel discussion regarding Yom Kippur is noteworthy, though it is reasonable to distinguish between them, as some poskim do. See also the Gera and the sources cited in Shaarei ha-Teshuvah Orach Chaim 557 who distance themselves from this pesak and who challenge the equation to Yom Kippur.]. The recitation of "Nachem" emerges from these sources as an important expression of this unusual "moed".

It is noteworthy that the source for this unusual insertion is a passage in the Talmud Yerushalmi (Ta'anit 2:2, and a parallel in Yerushalmi Berachot and Shekalim), in which "Nachem" is characterized as "meiein ha-meora"! The Rosh (Ta'anit 4:34) evidently perceived this characterization as significant, as he records that he had been long perplexed why this depiction did not dictate Nachem's recitation at every tefillah ("kol yamai tamhati lamah ein omrim oto ela be-tefillat ha-mincha keivan de-kaamrinan ...mei-ein ha-meora mistama be-kol tefilotv Tisha b'av kaamar"), again presenting a sharp contrast to the parallel "aneinu".

The Yerushalmi queries about the appropriate location in shemonah esrei for Nachem. Curiously, rather than provide a definitive response, the passage conveys a principle from which we are presumably to deduce the law: "kol le-haba be-avodah; ve-kol le-sheavar be-hodaah." The ambiguity of this conclusion unsurprisingly led to conflicting interpretations. The Semag (aseh no. 19) and Ittur (end of Hilchos Megillah) and others placed Nachem in hoda'ah parallel to al ha-

nisim, while Re'ah, Ritva, (Ta'anit 30a), Rabbeinu Yeruham and others located it in avodah, like ya'aleh ve-yavo. This controversy is extremely consequential, as it may revolve around the very character of Nachem, and by extension, of Tisha B'Av.

While the Shulchan Aruch adopts the Rif's (Ta'anit 30a, 10a in Alfasi text) ruling that "Nachem" is ideally integrated into "boneh yerushalayim" (based on Avodah Zara 8a - "shoel zerachav ...meiein otah berachah"), the previous debate still resonates with respect to the backup location for "Nachem" when one unintentionally omits it from its preferred "boneh yerushalayim" venue. Magen Avraham, citing Abudraham, inserts Nachem into hoda'ah, while the Taz, vigorously arguing that Nachem is future and bakashah oriented, emphatically rejects this view, even assigns it to a scribal error! [The Taz, himself, suggests that "shomea tefillah", a location for general bakashah and also the venue for "aneinu", should be the secondary location for "Nachem". His view is criticized by other poskim.] Many poskim conclude that avodah, the locus for yaaleh ve-yavo and intimately linked to the churban motif of Tisha B'av (see, for example, shaar ha-tziyon ad loc), is the appropriate backup for "Nachem".

As we have noted, Tisha B'Av is a very extraordinary day. It is a "moed" anniversary that is deeply anchored in commemorating and mourning past losses. At the same time, the capacity to viscerally experience national tragedy from a vast historical distance further forges unity and a sense of identity in Am Yisrael. and justifies a focus on a hopeful future in which the mikdash, Yerushalayim, and the full, rich destiny of Kelal Yisrael will be realized. Hence, it is also a day of bakashah and especially of nechamah. Responding to Taz's argument that "Nachem" is exclusively future-oriented, the Eliyahu Rabbah counters by underscoring the aveilut and commemorative themes that are so central to the "moed de-puranuta" of Tisha B'av. In the final analysis, each view regarding the ideal location and motif of "Nachem" captures a dimension of this complex, crucial day. May we realize the fulfillment of the promised nechamah be-meheirah. [The issue of the proper nusach - "Nachem" or "rachem" is consequential to the issues we have been examining, as well. The proposal of some rishonim and poskim that we might distinguish the recitation at mincha and other tefillot with respect to this question, is particularly intriguing.]

OU Dvar Torah

Looking Forward, Looking Back
Erica Brown

The Shabbat immediately before Tisha B'Av is referred to as "Shabbat Hazon." A "hazon" is a vision or prophecy. Usually when we speak of visions we think optimistically about the future. The texts we recall on Shabbat hazon, however, are of doom and devastation. The ancient Israelites are referred to as a brood of evildoers, as depraved children. God bemoans the loss of intimacy between Him and the people.

In this single chapter the destruction of Zion and Jerusalem is predicted. Sodom and Gomorrah are mentioned repeatedly; the sense of sin and the difficulty of extricating oneself from it weigh heavily on the reader. But one underlying theme emerges about the nature of the sin that brings about alienation from God: religious piety in place of human justice and equity. God criticizes the bringing of offerings to the Temple, and Holiday times filled with hypocrisy:

> Bring no more vain offerings; incense of abomination they are to Me; as for new moons and sabbaths and the calling of assemblies, I cannot bear iniquity along with solemn meeting. Your new moons and your appointed feasts My soul hates: they are a trouble to Me; I am weary of enduring them. (Isaiah 1:13–14)

God articulates disgust through the agency of the prophet. Occasions that are traditionally joyous have become burdensome. Why?

The reason for God's anger is mentioned twice in this chapter: the neglect of widows and orphans. God remands the people: "Devote yourself to justice; aid the wronged. Uphold the rights of the orphan; defend the cause of the widow" (ibid. 1:17). This strong recommendation is backed up by the reality that greed has blinded people from helping those most vulnerable: "Your rulers are rogues and cronies of thieves, every one avid for presents and greedy for gifts; they do not judge the case of the orphans, and the widow's cause never reaches them" (ibid. 1:23).

Neglect of widows and orphans is not a new theme in the biblical text. We are admonished in Exodus and Deuteronomy to care for those most vulnerable in our society. What do Isaiah's strong words add? Isaiah's point is a legal one. According to Rashi, the prophet is pointing a finger at a justice system where bribes are accepted out of avarice, and those unable to pay – like the widow and orphan – have their cases postponed to a later date. Because the vulnerable are not given top priority in the justice system, they stop using the courts. Now we understand the causative relationship in the verse: "They do not judge the case of the orphans, and the widow's cause never reaches them." Because the case of orphans is neglected, the widows never bother to come.

An indictment of a legal system is ultimately an indictment of society. We all have moments when we ignore the urgent needs of those around us. We don't do it willfully; we assume that someone else will take care of the problem. Growing up in a democracy, we naturally assume that when agreement cannot be reached between people, a government agency will step in and adjudicate. Our tax payers' dollars will come through; a social service institution or charitable non-profit will pick up the pieces.

In the haftara for Shabbat Hazon, the prophet Isaiah presents a subtle message about the status of orphans and widows. We must ensure that they get the same legal protections and benefits as everyone else so that they, too, will experience the heft of justice and of an equitable system of law that offers them a fair hearing and a platform for grievance: "Uphold the rights of the orphan; defend the cause of the widow." Do not call yourself a pious person unless you are part of building a just society. "Though you pray at length," God says, "I will not listen" (ibid. 1:15). Those who cannot speak kindness and justice cannot be heard in their time of need. There is a language barrier. God will not hear the prayer of those who separate religious obligation from human compassion. The religious world view must encompass both.

Every day presents an opportunity to make our lives more whole, less fragmented, more honest and less compartmentalized. We are all hypocrites in one way or another. We strive to be good but stumble. We aim for consistency but miss the mark. So instead of trying to change the whole world at once, perhaps we can make minute but meaningful steps to promote justice. Small acts of justice are the bricks of any future Mikdash.

Torah.Org Dvar Torah
by Rabbi Label Lam

Where Are You?

Thus says HASHEM: Let not the wise man boast of his wisdom, nor the strong man boast of his strength, nor the rich man boast of his riches. But let him that boasts exult only in this, that he understands and knows me, for I am HASHEM Who practices kindness, justice and righteousness on the earth; for in these things I delight, says HASHEM. (Yirmiahu 9:22-23) (Haftorah on Tisha B'Av)

Life is an open book test. What does HASHEM want from us? What's our goal? Look inside "The Book", and see what Yirmahu the Prophet says, "So says HASHEM…" Those introductory words should be enough to invite any curious mind to read further. What's really important? What's ultimately valuable? What means the most to HASHEM? It's not a trick question at all! The answer is explicit. In order to hear the answer though and be ready to absorb the shocking truth we need to prepare ourselves a bit first.

There was a farmer who came to the big city because he had a big fancy event that he needed to prepare himself for. He went to a fancy and high-priced tailor to get measured for a new suit for the first time in his life. The tailor invited him to come pick up the suit on the day of the actual event and he guaranteed it would be a perfect fit, ready on time. Weeks later the farmer came back to the tailor to get ready for the gala gathering. The tailor was busy at the time so he handed the suit to the farmer and told him to try it on in the fitting room while he took care of other customers. The farmer struggled mightily to just put the pants on and the jacket was nigh impossible without ripping the seams. Shouts were heard from the dressing room, "Tailor how can you do this to me!" and then again, "Tailor, it's way too small!" Then the farmer stepped out to show the tailor how wretchedly poor his

craftsmanship was. Instead of being humiliated the tailor broke into laughter. "Silly farmer, before you put on a new suit, you have to first take off your work boots and overalls!"

Before we hear what HASHEM wants we need to first strip away all of our preconceived notions and impressions of what society and people in general value and consider to be the highest priority. HSHEM says that he is not impressed with smarts, or strength, or wealth.

Only one thing is worthy of high praise and that is "knowing and understanding HASHEM, that it is HE Who does kindliness, and executes justices, and is charitable on the earth! That's it!

I have an App on my phone for photos. I'm sure many of you do too. When you press that icon, suddenly a giant archive opens up with thousands of pictures, and family movies, and loads of interesting things. Now imagine you have an App called, Yud- Hey-Vuv -Hey! What comes up when you press that button, icon? What's in the file? Is it empty? Is it full of pictures, and feelings, and associations with that holiest of names for HASHEM!?

Sounds surreal? Maybe it's an interesting analogy!? Could it be science fiction!? The truth is that we push that button hundreds of times a day in Davening, and possibly all day in our pedestrian lives, Boruch HASHEM! There is a two-dimensional representation of that name scripted all throughout our Siddur. Does it sit flat on the page like all the other words? Is HASHEM a two-dimensional entity in our lives, flat and lifeless, to be mumbled without emotion!? Shouldn't it jump out and off the page like a tower rising up to the heavens. King Solomon wrote in Mishlei, "The NAME of HASHEM is a powerful fortress! The righteous run there and are sheltered!"

On Tisha B'Av we mourn the fact that we, the Jewish Nation, find ourselves in exile. The deeper and more important point is that HASHEM is in exile with us. Every sports team has a stadium and every city and state a capital, but where is the House of HASHEM!?

The first question in human history that was asked by HASHEM to Adam after he sinned, persists in its asking. The same letters of the book we read on Tisha B'Av, Eicha, is made of the same letters of this one-word-question, but transposed, "Ayecha! Where are you!" Where are we? The Baal Shem Tov said, "Wherever a person's thoughts are, that is where he is entirely!" We could be in Times Square and actually be in New Square. We can be at the Western Wall and yet our mind is in Walmart. What comes up on the screen when we press that App Icon Yud- Hey Vuv -Hey? That's the answer to the question, "Where are you?"

Rabbi Dr. Nachum Amsel
Encyclopedia of Jewish Values*

Underlying Values and Concepts of Tisha B'Av

The three weeks between the 17th of Tammuz and the 9th of Av are the low point in the Jewish calendar, marked by commemorations of tragedies that befell the Jewish people throughout their history. The most central of these are the destruction of the First and Second Temples, both occurring on the Ninth of Av. The second destruction not only brought to an end the Temple service but also marked the beginning of the Galut – Exile. Tisha B'Av is the day set aside by tradition for fasting and mourning, and its laws and customs are both instructive and a bit strange, even for the observant Jew. Let us examine the idea and values behind the uniqueness of the Beit Hamikdash. Let us ask why we set aside a full day of mourning for a building, when millions of Jews have died because they were Jews, and there is no specific date on the Jewish calendar set aside for mourning them. And, today, when hundreds of thousands of Jews living and thriving in Jerusalem, how could we still mourn the Temple in the same manner?

The Deeper Significance of the Beit Hamikdash-Temple to The Jewish People - The Temple was not just a large synagogue - it was the center of Jewish life. Therefore, its destruction markedly changed the practice of Judaism. Life without a Temple has left the Jewish people so profoundly bereft that Jews have never ceased to mourn its loss. But what, specifically, was so special about this place? Why is this spot so holy (to other religions too) that it also makes Jerusalem holy? How is the Temple's destruction reflected in Jewish practice today?

According to Jewish tradition, the spot located under the Holy of Holies in the Temple is the Foundation Stone (Even Shtiyah), the very place from which God created the entire world (Midrash Bamidbar Rabbah 12:4, Tanchuma Pikudei 3). The earth from which man was created comes from this area of the Temple (Yerushalmi, Nazir 35b). All of the ancients mentioned in the Torah who brought sacrifices to God, brought them from the Temple area, which was already known to be the holy place where Heaven and earth meet. This included the sacrifices of Adam, Cain and Abel, Noah, and the place of the binding of Isaac by Abraham (Maimonides, Hilchot Beit HaBechira 2:2). The location of the Temple marks both the geographic and spiritual center of the world (Midrash Tanchuma, Kedoshim 10).

Because of the specialness of this place, the Code of Jewish Law instructs every God-fearing Jew, at the very beginning of the Shulchan Aruch, to be aware of the Temple's destruction repeatedly throughout each day of the year (Shulchan Aruch, Orach Chaim 1:3). Every time an observant Jew eats a cookie or piece of cake, the concluding blessing of thanks includes mention of the Temple, with the hope of its rebuilding ("Al Hamichya" blessing following eating of pastries, wine or the seven fruits of Israel). A similar reference is made in the Grace After Meals following any full meal that includes the required amount of bread (Grace After Meals, third blessing). In the Shmoneh Esreh - silent prayer that a Jewish male says three times daily (and which women also recite), a Jew faces Jerusalem and the Temple. In the weekday version of the prayer, a special blessing is recited asking God to return to Jerusalem and erect the third and final Temple (Blessing #14 of the weekday Shmoneh Esreh). One specific blessing of the Torah service should be dedicated to the Temple, according to the Talmud, and following the Haftorah, mention of the Temple is indeed one of the blessings recited (Sotah 41a, Blessing after the Haftorah).

At the height of joy, a Jew remembers that no joy is complete without a rebuilt Temple. Thus, when making the largest purchase or investment in one's life, i.e., when building or buying a home, it is customary to leave one square in the house unpainted, as a reminder of the destruction (Shulchan Aruch, Orach Chaim 560:1). And at the greatest moment of joy in a persons' life, when he or she gets married, one of the seven blessings at the wedding ceremony tries to comfort those who mourn for the Temple's destruction (Blessing #4 of the seven blessings at a Jewish wedding). Similarly, before the wedding ceremony is complete, it is a custom for the groom to sprinkle ashes on his forehead as a reminder of our loss, even at a joyful moment. A more well-known custom at a Jewish wedding ceremony is the breaking of the glass (Shulchan Aruch, Even HaEzer 65:3), following the singing of "If I forget Jerusalem, let me right hand be forgotten … Jerusalem must be above my greatest joy" (Psalms 137:5-6). All these practices show how grave the Temple's destruction was for the Jews and how it must be imprinted on the Jewish psyche forever.

Why Mourn for a Building of Stone and Wood? - Especially after the Holocaust, why is there no similar day or ritual mourning for the six million murdered Jews, as there is for the destruction of the Temple? And now that Jerusalem is a bustling city filled with hundreds of thousands of Jews, why continue to mourn the destruction of the Temple and of Jerusalem? The answer to these questions will help us understand the underlying meaning of the Temple to the Jewish people and the implication of its destruction until this day.

Numerous answers have been given to this difficult question.

1) The Temple was the unifying force of the Jewish people, and it brought them together. The old joke about "two Jews, three synagogues" became the reality and the norm of Jewish existence only after the Temple's destruction. So too, the disunity we experience today continues a pattern that was formed after the Temple's destruction. While the Jewish people were not always completely unified when the Temple stood, the divisions and (baseless) hatred between Jews has continued and deepened since its destruction: Orthodox versus Conservative vs. Reform, Sephardim vs. Ashkenazim, Chassidim vs. Misnagdim; the list goes on and on. Many of the deaths of Jews throughout the ages can be attributed to this hatred among Jews. On the Three Festivals, following an Aliyah to the Torah, we conclude the blessing for the person honored (the Misheberach) with the following words: "May he merit to go up to the future Temple

together with all other Jews, his brothers." Therefore, the concept of going to the Temple is equated with the unification of the entire Jewish people (Misheberach blessing following the Aliyah to the Torah on Pesach, Shavuot, and Sukkot). In fact, the story is told about the Rabbi of Brisk (Brest-Litovsk) who on one occasion received this blessing after an Aliyah to the Torah, but the Gabbai-Sexton inadvertently forgot the words "together with all other Jews, his brothers," and the Rav of Brisk required the Gabbai to repeat the entire blessing. Thus, the mourning is not over a building, but rather over a concept of lack of unity among the Jewish people, still existent today, which has often resulted in tragedy.

2) When a woman in Rabban Gamliel's neighborhood whose son had died began to weep over her tragic loss, Rabban Gamliel heard her cries, thought of the Temple's destruction and then he began to cry with her (Midrash, Eicha Rabbah 1:24). The commentaries ask the question: Why did Rabban Gamliel cry over the Temple instead over the woman's personal tragedy? One answer given is that this Midrash is teaching us that Rabban Gamliel understood that for Jews, any tragedy after the Temple's destruction is somehow derived from that destruction. Therefore, Tisha B'Av, the day the Temple was destroyed, represents all tragedies for the Jewish people in all generations, even those that are seemingly unrelated to the Temple itself. Thus, the Rabbis included in the Kinot--Lamentation prayers not only prayers that recall the Temple's destruction, but also those that highlight all tragedies throughout the ages where Jews died en masse-- even those that did not occur on this day -- including the Crusades, Chmelnitsky's massacres of 1648-1649 and the Holocaust.

3) Rabbi Zev Leff ("Festival of Life," page 271) explains that we do not even realize, and we are incapable of realizing, what the Jewish people truly lost when the Temple was destroyed. He compares us to people who have lived their entire lives in a ward where everyone is physically handicapped, and they move around in wheelchairs. If such people were to suddenly see someone walking on two legs for the first time, they would either consider that person weird or the product of a miracle because for them a handicapped world is the norm. Similarly, in a spiritual sense we have become accustomed to the handicapped, deprived, post-Temple world, so that we cannot fathom or feel the true mournful effect of the lack of a Temple. We also have become desensitized to the spiritual calamity that engulfs us as a result of the Temple's destruction. Thus, we cannot even understand what we are actually mourning.

4) The Midrash, in a play on words, described the Mishkan--Tabernacle as a Mashkon -- financial guarantor (Midrash, Eicha Rabbah 1:24). This implies that God actually wanted to destroy the Jewish people for their sins. But the Mishkan -- Tabernacle acted as their guarantor, and He destroyed the Tabernacle or Temple rather than the Jewish people themselves, who deserved destruction. Thus, the mourning for the Temple is actually for the decline in standards of the Jewish people, who deserved to be destroyed but were saved by the destruction of the stones and wood of the Temple in their stead. This idea is also highlighted by a chapter in Psalms (Psalms 79:1-6) in which Asaf describes, in graphic detail, the terrible destruction of the Temple. Tosafot commentaries (Tosafot on Kiddushin 31b, "Istiya") ask why this psalm is called a song to Asaf, rather than a Lamentation (Kinah). They answer that Asaf realized that the Jewish people should have been killed for their actions, as the inanimate Temple could not have done anything to deserve destruction. But for the Jewish people to survive, something of great value to them – their holy Temple -- had to be destroyed. It is for this we mourn. The psalm is a song and uplifting because in the end the Jews did survive as a people. This idea also helps explains another difficulty of the day of Tisha B'Av. We know that in the era of the Second Temple, the actual torching of the building began at the end of Tisha B'Av, in the afternoon. Yet it is the custom after midday on Tisha B'Av to relax the prohibitions of mourning, and to sit on a chair and wear Tefillin. Why, at the moment of greatest destruction, do we mourn less, rather than increase mourning? It is because we know that as the building burns, we have been saved and survive as a Jewish people. It is an expression of relief that it was "only" the Temple and not us. Thus (among other reasons), the laws of mourning are relaxed in the afternoon of Tisha B'Av.

5) Numerous sources (Me-am Lo-aiz 52:20 quoting Torat Ha-Olah) bring down a conversation that took place between Jeremiah, the Jewish prophet at the time of the First Temple's destruction, and Plato, the famous Greek philosopher, in which Plato asked Jeremiah this very question. Plato accompanied Nebuchadnezzar to Jerusalem and saw Jeremiah crying very deeply over the Temple's destruction. Plato asked Jeremiah why he was crying about the past and about wood and stone. Jeremiah answered Plato that undoubtedly he (Plato) had many philosophical issues and doubts that were as yet unresolved. Plato proceeded to share his doubts about issues that he said were unresolvable by any human being. Jeremiah, in short order, resolved all of Plato's issues and doubts. Astounded, Plato asked Jeremiah how a human being could be so wise. Jeremiah replied that all his wisdom was derived from those "stones and wood" that he mourned over. Thus, we see that the Temple was also the source of Torah knowledge which was greatly diminished after the Temple's destruction. We mourn for that diminished knowledge of Torah. As a further proof of this idea, Jews say at the very end of the Shmoneh Esreh three times daily, "May it be Your will, Lord our God and God of our forefathers that Your holy Temple be speedily rebuilt in our days, and grant us a share in Your Torah, and may we serve You there with reverence…" (Very end of Shmoneh Esreh). What is the connection between rebuilding the Temple and "a share in Your Torah"? Obviously, the link is that rebuilding the Temple will enhance our share in God's Torah, our understanding of it, and restore us to the level of Torah learning that existed prior to the Temple's destruction.

6) Jews have always assumed that since the Temple was destroyed, we are waiting for God to rebuild a new and final Temple. We are mourning that destruction and a severing of God's relationship with the Jewish people. But these facts may not necessary be the case. The very first verse in Eicha-Lamentations describes the city "as a widow," and we can infer that is why we are crying (Lamentations 1:1-2). But it says the city is "as" a widow, not an actual widow, implying that God did not really leave forever, as a widow loses her husband in actuality, and that the Temple is not really destroyed. Based on another verse in Lamentations, we believe that the walls and gates of the Temple, as well as the Holy Ark, were not actually destroyed; rather, they had sunk underground where they lie in wait of the Final Redemption (Lamentations 2:9 with Rashi commentary). Thus, the Temple somehow still exists, and God wants to return to His people. While it is forbidden in Jewish law to mourn longer than a year for a parent, as it is improper to keep mourning after that (Moed Katan 27b, Shulchan Aruch , Yoreh Deah 394:1-2), most Jews assume that this law does not apply to the Temple. That is why the Jews have mourned its loss for over 1900 years. But what if the laws of mourning for the Temple follow the same pattern as those for human beings? We know that when Jacob was told that his son Joseph died, he could not stop mourning or be consoled (Genesis 37: 33-35) for the twenty-two years he did not see Joseph. Why? The sources tell us that a person cannot be consoled for someone who is alive, even if it is reported that the person died. Thus, the fact that Jacob could not be consoled was an indication that Joseph was still alive (Midrash, Beraishit Rabbah 84:21, Tanchuma Vayeshev 8). Perhaps this principle is also true with regard to the Temple. The Jewish people cannot be consoled about the Temple's destruction because somehow it still exists in some form, but they are simply disconnected from it. Something is missing in the lives of Jews, some form of spirituality that the Temple provided. That is why it says (Taanit 30b) that "whoever mourns for Jerusalem merits to see its joy." It does not say "will merit" to see its joy, implying that only when The Temple is rebuilt will the Jews be joyous. It says "merits" in the present tense, indicating that mourning now sensitizes Jews to the spiritual Temple -- to the fact that it is not really lost forever, but waiting in abeyance for recognition of what is lacking. All this enables the Jew to become aware now of the ultimate joy, which is satisfying.

Tisha B'av and Yom Kippur: Two Sides of the Same Coin - The two days of the year seem so different and unconnected. And yet, it seems

that they are connected, on the one hand, and yet at the same time, opposite of one another.

The first to speak at length about this connection between Tisha B'Av and Yom Kippur is Rabbi Moshe Mitrani (1500-1580) when he writes (Hamabit, Beit Elo-him, Shaarei Tefillah 13) that God had mercy on the Jewish people, and after giving them 613 commandments, God did not want to burden them with more than one day a year with a fast that extends from the night throughout the following day -- i.e., Yom Kippur. Alas, after the destruction of the Temple and the eradication of the Temple service, Yom Kippur alone could not achieve the desired repentance and required atonement. Thus, the Rabbis were given permission to create the twenty-five hours fast of Tisha B'Av in order to complete the process of Teshuva--repentance that was unneeded until the Temple was destroyed. The parallel between the days of Yom Kippur and Tisha B'Av is not merely that these are the only two days of the year when the fast extends from night today. Maimonides states (Maimonides, Hilchot Taaniyot 5:7) that the five prohibitions of both days are the same, and that the fast on both days must begin at sundown and not nightfall.

How is Tisha B'Av, like Yom Kippur, a day of Teshuva-repentance? Even though it lacks the standard prayers of repentance normally recited on other fast days (see above), every fast day by definition is a day of repentance. But on Tisha B'Av, it is even more so. Jews declare in the holiday prayers that it is because of <u>our</u> sins that we were driven from the Land of Israel and have no Temple to celebrate in now. Not "because of <u>their</u> sins," but "because of <u>our</u> sins (Musaf prayer on Jewish holidays)." Thus, it is clear that Jews continue to commit the same sins of the past, and until they repent from those sins, the Temple will remain un-rebuilt. The Jerusalem Talmud therefore states (Jerusalem Talmud, Yoma 5) that in every generation that the Temple is not rebuilt, it is as if it were once again destroyed. The reason for this idea is that the Jewish people have not learned from the past. Instead, they continue to sin in the same way their ancestors did prior to the Temple's destruction because they have not properly repented from those sins. Thus, the question is what were these terrible sins that the Jews committed, both in the past and still today, that brought about the Temple's destruction?

The Rabbis say (Yoma 9b) that before the First Temple was destroyed the Jewish people were guilty of the three cardinal sins in Judaism: murder, adultery, and idol worship. Before the Second Temple was destroyed the Jews hated each other needlessly. This does not sound like a sin worthy of the Temple's destruction. And yet, the Talmud continues and says that the fact this sin brought about the Temple's destruction shows that the sin of baseless hatred is equal to all three cardinal sins combined. Later commentaries have reasoned that this sin of Jew hating Jew is far worse that those three major sins, since the Galut -- Diaspora of the First Temple lasted for only 70 years, while our exile due to our sins during the Second Temple has lasted over 1900 years. Generation after generation, then, of Jews continues to be guilty of the sin of hating one's fellow Jews needlessly. This is preventing the Temple from being rebuilt. Until Teshuva-repentance is done for this sin on Tisha B'Av itself, the situation will not change. Thus, just like the Day of Atonement is a day of repentance, so, too, must Tisha B'Av be a day of repentance.

A very strange and enigmatic Talmudic passage will also shed some light on this issue. An Athenian wise man was challenging Rabbi Joshua to intellectual riddles and brain teasers (Bechorot 8b) for the purpose of defeating him and ridiculing Judaism. This man brought two eggs before Rabbi Joshua and said the parent of one egg is a black hen and the other one is a white hen. Which is which? Rabbi Joshua could not answer. But then Rabbi Joshua brought two bowls of goat cheese before the Athenian and said that one cheese came from a black goat while the other cheese came from a white goat. Which was which? The Athenian, as well, could not determine which cheese came from which goat. What is the meaning and symbolism of this incident? Many commentaries attempt to explain this enigmatic story. Only one relates to our issue. Earlier on the page (Bechorot 8a), the Rabbis declared that the gestation period for a hen is twenty-one days. Maharsha then attempts to illuminate what was behind these eggs and cheeses, white and black (Maharsha commentary on Bechorot 8b).

The Athenian said that each egg represents the twenty-one-day period in the Jewish calendar, the length of the egg's gestation. The Jews have a "black" twenty-one-day period between the 17th day of Tammuz and Tisha B'Av, and a "white" twenty-one-day period from Rosh Hashana until Hoshana Rabbah, the last possible day of repentance for the Jewish people. Since you, Rabbi Joshua, cannot tell the difference between these eggs, between these two periods of twenty-one days, they both are nonsense, and neither will achieve repentance for the Jews. Rabbi Joshua countered and brought out the cheese that comes from goats. He was saying that on our day or repentance, Yom Kippur, we have two goats: One is "black" in that it represents the sins of the Jewish people, and it is sent to its tragic death; the other goat is a "white" goat that is offered to God on this day, and that helps atone for the sins of the Jewish people. The reason you, the Athenian, cannot tell the difference between the cheeses -- which one comes from a black goat mother, and which comes from a white goat mother -- is that indeed <u>there is no difference between them, as both goats are needed to attain repentance for the Jewish people</u>. So, too, it is with both eggs. Both twenty-one-day periods, the "black" and the "white" periods, are needed as both equally help attain atonement for the Jewish people. Therefore, for the Jews, both the Tisha B'Av and Yom Kippur are of equal power and help erase sins. The Rabbis recognized this deep connection between the two twenty-one-day periods of Tisha B'Av and Rosh Hashana to Yom Kippur. Every special Shabbat during the year has a special Haftorah (verse recited from the Prophets after the Shabbat Torah reading) designated by the Rabbis. And, thus, logically, there should be three special Haftorot chanted after the Torah reading each Shabbat during the three-week period leading up to Tisha B'av. After the Three Weeks there are no special days or special Shabbatot, yet the Rabbis not only designated special Haftorot during the Three Weeks of Mourning, but they also designated seven specific Haftorot to be chanted each of the seven Sabbaths after Tisha B'Av leading up to Rosh Hashana (Shulchan Aruch, Orach Chaim 428:8). These seven weeks connect each of these two twenty-one-day periods of atonement, just as the seven-week period connects the two holidays of Passover and Shavuot, and this further shows that both repentance periods are needed and are of equal importance.

Finally, the Jewish concept of joy demonstrates how these two special days are opposites, or two sides of the same coin. In the Torah, the greatest Simcha-joy is always associated with being "before God" in the Temple (Deuteronomy 12:18, 16:11, 27:7). As long as the Temple stood, that joy was immense. The greatest day of joy in the Jewish calendar, a day of unique Simcha-joy was Yom Kippur, when the service in the Temple was the most intricate and was the focus of the day (Taanit 26b with Meiri commentary on Taanit 31a). But, alas, the Temple is no more. The expression of the lack of a Temple is the lack of Simcha-joy. That is why during this period leading up to the mourning of Tisha B'Av Simcha-joy is not permitted, as explained above. One modern commentary (Sefer Todaah, chapter 33) explains that this is the reason that doing anything that brings special joy to a person is forbidden during this period marking the destruction of the Temple and its lack in the lives of Jews. Thus, Yom Kippur marked the ultimate joy when the Temple existed, and Tisha B'Av marks the ultimate lack of joy because the Temple is no more. However, God promises to convert the day of sorrow and lack of joy currently felt on Tisha B'Av into a day of true joy and celebration when the final Temple will be rebuilt (Midrash Zuta Eicha 1:28, Pesikta Rabbati 28:4).

*** This column has been adapted from a series of volumes written by Rabbi Dr. Nachum Amsel "*The Encyclopedia of Jewish Values*" available from Urim and Amazon. For the full article or to review all the footnotes in the original, contact the author at nachum@jewishdestiny.com**

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A LEADER'S PATIENCE
The Torah Treasury
by Rabbi Moshe M. Lieber Lieber

איכה אשא לבדי טרחכם ומשאכם וריבכם How can I alone carry your toil, your burdens, and your quarrels? (Devarim 1:12) The life of a person is delineated by his relationships with Hashem, with others, and with himself (see Maharal to Avos 1:2). Moshe, as the spiritual leader of Klal Yisrael, saw all three as his responsibility. The Rambam accordingly explains this verse in the following manner: Your toil refers to Moshe's toil in teaching Klal Yisrael Torah, the study of which is the key to a healthy relationship with oneself. Your burdens refers to Moshe's role as intercessor with Hashem on behalf of Klal Yisrael. Your quarrels refers to his mediation in their interpersonal quarrels. Rashi interprets masa'achem, your burdens, as heresy. He refers thereby to those who made it a practice to constantly mock Moshe and to assign ulterior motives to all he did. [Rashi's description of this as heresy coincides with the Talmudic ruling (Sanhedrin 99b) that names one who mocks a Torah scholar "a heretic."] If Moshe would leave his home a bit early, these people would whisper that his home was plagued with domestic strife. If he would remain at home until later, they would assure one another that he doubtless spent the extra time scheming against them

A contemporary of Rav Chaim Brisker complained to Rav Chaim about the abuse showered upon him by the litigants in a monetary dispute that he was adjudicating. Rav Chaim replied, "Why does the Torah record for posterity an allusion to the defamatory attack on Moshe? It is because the Torah wishes for us to appreciate Moshe's patience with an obstinate, ungrateful people. No matter how they mocked and defamed him, he continued to bear their burdens." Rav Chaim concluded, "The Torah wants every judge and leader to learn from this that he must bear abuse with patience and love."

Rav Nachman of Breslov explains why the phrase your burdens refers to heresy: A heretic lives a terribly burdensome life, for he refuses to acknowledge that his tribulations are shared by G-d, and he must therefore shoulder all life's burdens alone. Not so the believer, who knows that Hashem shares his pain, and who consequently finds life's burdens much easier to bear. Thus, the verse describes heresy as a burden

Tisha B'av THE LAST STOP
The Darkness and the Dawn by Rabbi Daniel Glatstein

Rav Chaim Volozhiner was the primary disciple of the Vilna Gaon, and he is considered the father of the concept of a yeshivah as we know it today. One morning, in Rav Chaim's yeshivah, the bachurim were surprised by the onset of terrible and painful crying in the middle of the Shemoneh Esrei of Shacharis. They looked for the source of the loud wailing and were astonished to see Rav Chaim Volozhiner sobbing uncontrollably. The students began to tremble, tears welling up in their eyes at the sight of their rosh yeshivah crying so bitterly.

When davening was over, Rav Chaim left the beis midrash and entered his private study. The talmidim of the yeshivah could not understand what could possibly have moved their rosh yeshivah to tears in the middle of davening. They asked Rav Dovid Tevil, the author of the sefer Nachalas Dovid, to approach Reb Chaim and ask him why he was moved to bitter tears. Reb Dovid entered Rav Chaim's study with great trepidation, and in a quivering voice he informed Rav Chaim that the entire student body of the yeshivah was gripped with fear as a result of their rebbi's crying.

At first, Rav Chaim was reluctant to explain. Eventually, he acquiesced, taking the fact that he had been moved to tears publicly, in the presence of his students, as a sign from Hashem that he should in fact include them in the reason behind his tears.

Rav Chaim told Reb Dovid, "My dear talmid, you should know that the day will come when the pillars of European Jewry will topple, when the yeshivos will be uprooted and destroyed.

"But there will be one more stop before the arrival of Mashiach. The last stop will be America. The tenth and final exile of the Torah will be America. Babylon, North Africa, Egypt, Italy, Spain, France, Germany, Poland, Lithuania, and America. America is the last stop." Rav Aharon Kotler, in Mishnas Rav Aharon (Cheilek Dalet, page kuf tzadi), records this as an authentic mesorah: "Hachaniyah ha'acharonah tihiyeh America."

Here we are, at the final stop of this long and arduous journey we know as galus. We don't know how much longer we will be here. We hope we will be here b'shalom, in peace, until this stop is over and we can finally return to Eretz Yisrael. But the sad verdict of history is that when a stop along the galus journey comes to an end, we are lucky if we can leave fast enough with the shirts on our backs.

We Are Not Home; We Don't Belong Here If there is one thing that we learn from the omission of the Spanish Inquisition from the Kinnos on Tisha B'Av, it is that we never cry when we leave galus. We don't belong in galus, and we have never belonged in galus. We don't belong in Spain, and we don't belong in North Africa. Neither do we belong in France, Hungary, Poland, or America. We belong in Eretz Yisrael. We belong in Yerushalayim.

If we merely open our eyes, we will appreciate that we live in historic times. We see the words of all the Neviim coming to fruition. All the Neviim promise us that before the coming of Mashiach, the Ribbono Shel Olam will gather Klal Yisrael to Eretz Yisrael from the far-flung corners of the globe. Every decade recently, we have been seeing Hashem doing just this: gathering Jews to Eretz Yisrael. First the Iranians, then the Russian Jews, and then, in the following decade, the Jews of Ethiopia. More recently, many Jews from France have made their way to Eretz Yisrael.

There is no question that we here in America are coming up on Hashem's list of those to return to Eretz Yisrael. Just as we left Spain triumphantly, with song and music, so too will we rejoice when the Ribbono Shel Olam takes us out of America as well.

We hope and fervently pray that this final stop will not last much longer, and that this will be the last mournful Tishah B'Av. May we be zocheh to all go up to Yerushalayim together

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by Rabbi Simcha Bunim Cohen

9 / WHEN TISHAH B'AV COINCIDES WITH THE SHABBOS

When Tishah B'Av falls on Shabbos, the fast and most the restrictions on activities are postponed until Sunday. Those aspects of the day are discussed in Chapter 10 below, Tishah B'Av on Sunday.'' The present chapter will discuss those halachos that are relevant to the Shabbos itself and to the week that precedes it.

I. The Week in Which Tishah B'Av Occurs As mentioned often in this sefer, certain matters are treated leniently until the week in which Tishah B'Av occurs, but stringently after that. However, a question arises when Tishah B'Av falls on Shabbos and the fast must be postponed to Sunday. Is the postponed fast considered a substitute for the fast that could not be held on Shabbos, but some modicum of mourning is still relevant to that Shabbos; or is the postponement considered an uprooting of the fast and mourning from Shabbos, with the proclamation of a new fast day on Sunday? If the Sunday fast is a carryover from Shabbos, then the preceding is week considered as the week in which Tishah B'Av occurs. But if the Sunday fast is considered as an independent enactment, there is halachically no week preceding Tishah B'Av that year.

In actual practice, the Poskim differ regarding this matter. Therefore, one may be lenient with regard to eating meat and drinking wine, cutting the nails, and making clothes, but should be strict with regard to laundering and haircuts.

Accordingly, one must be stringent in the following cases, and follow the restrictions usually in place during the week in which Tishah B'Av occurs:

1. A child should not be given a haircut during The Three Weeks. In certain cases, however, a child's hair may be cut until the week of Tishah B'Av [see Chapter 4, Section I:B:2].

2. In certain instances a man may shave or trim his mustache until the week of Tishah B'Av [see Chapter 4, Section I:C:7].

3. A Jewish launderer may wash the clothing of a gentile until the week of Tishah B'Av [see Chapter 5, Section IV:D:I].

4. In certain situations the clothing of older children and adults may be washed until the week of Tishah B'Av. [see Chapter 5, Section IV:D:G].

Conversely, one may be lenient with regard to eating meat and drinking wine [see Chapter 5, Section I:F:6], cutting nails [see Chapter 4, Section III:A], and making clothes [see Chapter 5, Section III:B:2].[2]

II. Fast Is Postponed to Sunday

When Tishah B'Av occurs on Shabbos, the fast is postponed until Sunday, the tenth of Av. Therefore, certain leniencies are permitted:

1. A woman should not fast for thirty days after childbirth.[3]

2. A pregnant or nursing mother need not fast if she will feel ill effects from fasting.[4] [However, she should consult a halachic authority before eating.]

3. A person who is slightly sick and would feel worse as a result of fasting need not fast.[5]

4. Where a bris milah is performed on this day, most Poskim permit the father, mohel, and sandak to eat after davening Minchah Gedolah.[6] One should consult a halachic authority. In all these cases, one must recite Havdalah before eating [see Chapter 10, Section VI:C, below].

III. Practical Applications

1. Marital Relations One may not engage in marital relations unless Friday night is the night of tevilah.[7]

2. Men Immersing in a Mikveh A man who immerses himself every Shabbos morning or whenever he is tamei may immerse himself this Shabbos in an unheated mikveh.[8]

3. Shalom Zachor A shalom zachor may be celebrated on Friday night.[9]

4. Aufruf An aufruf may be celebrated.[10] 5. Kiddush A kiddush may be served.[11] 6. Taking a Stroll One should not stroll for pleasure this Shabbos.[12] IV. Sunday Night

After the fast has ended, one may not eat until after Havdalah.[13]

A woman should hear Havdalah from a man (e.g., her husband or a neighbor).[14]

If this is not possible, she should recite her own Havdalah.[15]

Havdalah may be recited over grape juice or wine.[16]

The opening verses of Havdalah are omitted, as are the spices and candle. Only the Boreh Pri Hagafen and Hamavdil blessings are recited.[17]

Activities Permitted Sunday Night

One is permitted to take a haircut, shave, launder clothing, bathe or recite the berachah וּנְחֵנוּ שֹׁ immediately after the fast.

However, the prohibitions against consuming meat or wine (other than the wine of Havdalah),[18] and listening to music[19] remain in effect until the next morning. 10 / TISHAH B'AV ON SUNDAY I. The Meal Before the Fast A. Menu and Mood When the Ninth of Av falls on Sunday, Erev Tishah B'Av is on Shabbos. When Erev Tishah B'Av is on a weekday, many laws of mourning apply to the day [see Chap. 6 above]. However, displays of mourning are prohibited on Shabbos. Therefore, we eat regular Shabbos meals,[1] and sing regular Shabbos zemiros. Even one who generally does not sing zemiros at the Shabbos table may do so at this meal.[2]

Additionally, the seudah hamafsekes usually eaten on Erev Tishah B'Av is omitted on this Shabbos. Instead, the regular seudah shlishis meal is eaten.[3]

Moreover, one may eat more than usual at this meal, even if the intention is to make it easier to fast. Nevertheless, one should not verbalize such intentions.[4]

Although one may not display mourning, this meal should be eaten in a somber, not festive, mood.[5]

B. Guests

Although a family may eat together, company should not be invited, unless one usually invites guests to seudah shlishis.[6] Communal seudah shlishis in shul however should not be served.[7]

C. When the Fast Begins

The fast begins at sunset,[8] therefore everyone must stop eating and drinking before sunset. Nevertheless, Bircas Hamazon may be delayed until after sunset, and Bircas Hamazon may be recited with a zimun.[9] Moreover, if Bircas Hamazon is completed before sunset, one may drink the cup of wine used at the zimun.

Authorities differ regarding the singing of zemiros after sunset. Some maintain that zemiros should be concluded by sunset, for the period of bein hashmashos (sunset to nightfall) takes on the stringencies of Tishah B'Av, a time when singing zemiros is inappropriate. Nevertheless, many tzaddikim customarily remain at the seudah shlishis table, singing late into the night of Tishah B'Av. Some authorities justify this custom, for the intent of the singers is to arouse Heavenly compassion through the zemiros and thereby hasten the geulah (redemption).[10]

D. Eating After the Meal

After Bircas Hamazon one may still eat or drink until just before sunset. No prior stipulation is necessary in order to eat after Bircas Hamazon.[11]

II. Medication to Alleviate the Effects of Fasting

Some Poskim rule that one may take medicine on Shabbos to make the fast more tolerable.[12]

According to some authorities it is preferable that a pill taken for this purpose be mixed in food or liquid before Shabbos. However, if it was not mixed before Shabbos, it may be mixed on Shabbos.[13]

III. Torah Study

As mentioned above [see Chapter 6, Section I:B] many Poskim rule that after midday on Erev Tishah B'Av one may study only those Torah subjects that may be studied on Tishah B'Av. Some Poskim apply this rule even when Erev Tishah B'Av falls on Shabbos.[14]

Others contend that just as one may eat meat and drink wine, so may one study any Torah subject. One who follows the lenient view is not acting in error.[15]

IV. Commencement of Prohibition — Sunset or Nightfall

A. Obvious Displays of Mourning

Bein hashmashos (the time between sunset and nightfall) takes on the stringencies of the day before — Shabbos — and the stringencies of the next day — Tishah B'Av. Therefore, activities that are obvious displays of mourning and are prohibited on Shabbos remain prohibited until nightfall. These include: removing one's shoes; changing from Shabbos clothing to

weekday clothing; sitting on the floor; and removing the paroches from the Aron Hakodesh.[16]

One who feels uncomfortable sitting on a regular chair and wearing shoes during bein hashmashos on Erev Tishah B'Av — even though these activities are permitted during bein hashmashos of Motza'ei Shabbos — may remove his shoes and lie in bed from before sunset until after nightfall. Since most people remove their shoes before they lie down, such posture cannot be considered a display of mourning.[17]

B. Other Prohibitions Most of the Tishah B'Av prohibitions take effect when the sun sets on the eighth of Av, even when it falls on Shabbos. These include: fasting; washing; anointing oneself; and marital relations.[18]

C. Removing Shoes; Changing Clothing Although the Rama (553:2) writes that when Tishah B'Av occurs on Motza'ei Shabbos, the shoes are removed after Borchu, the prevalent custom is to delay Maariv long enough to allow everybody to change from Shabbos shoes and clothing after nightfall and to return to shul dressed appropriately for Tishah B'Av.[19]

V. Preparing for After Shabbos One may not prepare a Sefer Kinos on Shabbos for use after Shabbos, as it is obvious that he is preparing on Shabbos for the next day. This includes bringing the Kinos to shul, even within an area enclosed by an eiruv.[20] However, one who wishes to study the Sefer Kinos on Shabbos may bring it to shul in an eiruv-enclosed area. Since he will be using it on Shabbos, his act is not considered as preparing on Shabbos for the next day.

VI. Havdalah

A. Hamavdil Whereas the fast of Tishah B'Av begins with sunset on Shabbos, the berachah of Hamavdil which must be recited over a cup of wine, is postponed until Sunday night. However, Atah Chonantanu is recited in the Shemoneh Esrei. Before engaging in any melachah that is prohibited on Shabbos, one must either recite Atah Chonantanu at Maariv or, at the very least, say, Hamavdil Bein Kodesh Lichol Blessed is He Who distinguishes between the holy and the mundane.[21]

B. Borei Me'orei Ha'eish Although the berachah of ה מ לִי דְּ ב is postponed until Sunday night the berachah over fire is recited on Motza'ei Shabbos.[22]

Preferably, this berachah should be recited preferably before the reading of Eichah, for it is stated in Eichah (3:6), ''He sat me in darkness.'' Therefore, it would be inappropriate to recite the berachah on the ''light'' after being ''sat in darkness.'' Nevertheless, one who forgot to recite this berachah before Eichah should recite it after,[23] but not later than dawn on Sunday morning.[24]

The Poskim are not in agreement regarding a woman's obligation to recite the berachah of שֶׁ אשׁ% ה יֵ רוֹאֵ מ אֵ רוֹבּ, Who creates the lights of the fire, on Motza'ei Shabbos throughout the year. To accommodate all opinions, it is customary for a woman to listen to a man recite the berachah during Havdalah and to have in mind that his berachah should exempt her also. Therefore, when Motza'ei Shabbos is Tishah B'Av and the regular Havdalah has to be postponed until Sunday night, many men customarily recite שֶׁ אשׁ% ה יֵ רוֹאֵ מ אֵ רוֹבּ at home after nightfall, before Maariv, in order to exempt those women of the household who will not be attending shul. Women who do attend shul that night can also be exempted by the chazzan's berachah in shul.

If neither of the above options are practical, the man should not exempt himself with the berachah recited in shul, but should wait until he returns home after Eichah to recite it on his own behalf and on the behalf of the women at home. A woman who cannot hear the berachah from a man may recite it herself.[25]

C. The Sick and Others Who Must Eat on Tishah B'Av One who cannot fast or who cannot complete the fast must recite Havdalah before eating.[26] Under these circumstances Havdalah consists of the berachah over the beverage (see next paragraph), the berachah over the candle, and the berachah of Hamavdil; all other parts of Havdalah are omitted.[27] Some authorities rule that the Havdalah should be recited over chamar medina[28] (e.g., beer, coffee), while others rule that wine or grape juice should be used.[29] [One who uses wine or grape juice should not drink more than the minimum amount (approximately 1.6 fl oz).] One who must drink water, but can otherwise fast, does not recite Havdalah.[30] Likewise, one who must eat or drink, but needs only very small amounts (i.e., one fluid ounce in less than nine minutes [some Poskim say two minutes]), does not recite Havdalah.[31]

According to many authorities a woman who is not fasting due to illness, pregnancy, or nursing must hear or recite Havdalah before eating. However, since there are some authorities who rule that a woman should not recite Havdalah, it is preferable that the woman's husband (or another man) should recite Havdalah and that she drink the beverage. In this situation the man exempts his Havdalah obligation and need not hear or recite Havdalah on Sunday night. If this is not feasible, the woman must recite Havdalah herself.[32]

D. Minors Most Poskim rule that minors do not have to recite Havdalah before eating.[33]

E. Havdalah Sunday Night After the fast is over, one may not eat until reciting or hearing Havdalah. The Havdalah contains only the blessings of Boreh Pri Hagafen and Hamavdil.[34]

Havdalah may be recited on grape juice or wine and an adult may drink it.[35]

Women may not eat before hearing Havdalah, preferably from a man. A woman who cannot wait may drink water before hearing Havdalah.[36] If this does not suffice, she must recite Havdalah herself.[37]

[Rabbi Simcha Bunim Cohen's classic books on the Laws of Shabbos and Yom Tov have made complex halachos understandable and practical to laymen and scholars alike. Rabbi Cohen now turns his attention to the laws that apply to the routines of daily life. The word for Jewish law is halachah, which also means "walking." Halachah guides the Jew wherever he or she goes. And Rabbi Cohen's clear, user-friendly presentation is the perfect guide to halachah. For those desiring to probe the source material for the applications of halachah in this volume, Rabbi Cohen has provided thorough research notes in Hebrew with detailed explanations for each subject. This first volume explores the correct application of Jewish law to common morning routines: rising; washing one's hands; getting dressed; use of the lavatory; Bircas HaTorah (the blessings before Torah study); activities prohibited before Shacharis; proper attire for prayer; environments unsuitable for prayer or Torah study;…]

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subject: Rabbi Zvi Sobolofsky - Above the Letter of The Law

Rabbi Zvi Sobolofsky

Above the Letter of The Law

In the parshiyos **of Devarim and Va'eschanan** there are two different descriptions of monetary law. Parshas Devarim begins with Moshe appointing judges and commanding them to be absolutely honest in all of their dealings. Mishpat - strict justice - is presented as the way Hashem rules His world "כי המשפט לאלוקים הוא". Yet, in next week's parsha we are instructed to act in a way that is described as "ועשית הישר והטוב" - a path of righteousness and goodness. Chazal interpret this to be referring to לפנים משורת הדין - going above and beyond the actual letter of the law. We are supposed to sometimes forego our actual rights in monetary cases. The ideal is portrayed as not insisting on what is due to me, but rather to compromise and act in a way that is ישר וטוב. Strict justice as well as kindness and goodness have their roots in the very beginning of the world. Chazal comment that in Parshas Breishis Hashem is described as creating the world in two different ways. "בראשית ברא אלוקים" - the name אלוקים is synonymous with מדת הדין - the Divine trait of justice. "עשות ה' אלוקים ארץ ושמים" - both the name ה' and אלוקים are used together to describe creation. In contrast to the name אלוקים, ה' represents מדת הרחמים - the Divine trait of mercy. Chazal explain that in theory the world should have been created according to the rules of strict justice, but Hashem tempered that justice with mercy and compassion. We are commanded to emulate Hashem in how we deal with our fellow man. Although "כי המשפט לאלוקים הוא" - Justice is divine, we must

follow Hashem's model. We are expected to combine that truth with loving kindness and often look the other way. Not being so insistent on what we think we are entitled to is the highest level of following in Hashem's ways.
The two worlds of justice and compassion are the very basis for the Beis Hamikdash and the korbanos that are offered in it. Throughout the book of Vayikra the name ה' is used. All of the korbanos are predicated on the Divine trait of compassion. The Ramban (in his introduction to Vayikra) elaborates upon how, according to the strict rules of justice, there would be no place for korbanos. Any sin even done unintentionally would warrant immediate punishment. It is only because Hashem created the world also through the trait of mercy that we are granted the opportunity to do teshuva and offer korbanos as an atonement for our misdeeds.
The great gift of korbanos, which is the ultimate expression of Hashem's compassion for us, is predicated on our acting in a similar fashion to our fellow man. It is therefore not surprising that Chazal teach us that one of the reasons the Beis Hamikdash was destroyed was because people were too insistent on their monetary rights. Rather than going above and beyond the actual law and compromising, they only followed the strict rules of justice. By not tempering justice with compassion to others they lost the opportunity for Hashem to do so as well. Tragically, the destruction of the Beis Hamikdash and the cessation of korbanos was a direct result of not acting in a way reflective of the traits of kindness and compassion to others. Perhaps it is not coincidental that Tisha B'Av always occurs between the parshiyos of Devarim and Va'eschanan. If we only focus on the justice of Devarim and never reach the compassion of Va'eschanan, tragically, the result is Tisha B'Av. Let us learn the lessons of both parshiyos as we interact with our fellow man as Hashem relates to us. May we learn these lessons and thereby merit that Hashem returns to us the Beis Hamikdash and showers upon us His love and kindness once again.

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from: Rabbi YY Jacobson <rabbiyy@theyeshiva.net>reply-to: info@theyeshiva.net date: Aug 4, 2022, 8:10 PM subject: As the Play Comes to an End, Don't Opt Out - New Essay by Rabbi YY

As the Play Comes to an End, Don't Opt Out

A Sea of Tears & Joy

Rabbi YY Jacobson

There is a moving Chassidic story concerning two of the great spiritual masters, Rabbi Yitzchak Kalish, popularly known as the Vorker Rebbe, and his friend, the Kotzker Rebbe, Rabbi Menahem Mendel Morgenstern of Kotzk, Poland. Though their paths were vastly different, they were nonetheless the closest of friends. So much so that even death would not keep them apart.
So, when Reb Yitzchak Vorker passed away, and a full month went by without his appearance in a vision or a dream, the Kotzker Rebbe decided to ascend to heaven in order to search for his friend in all the celestial palaces. At every place he stopped, they told him that his beloved friend, the Vorker, had been there but he had gone away.
In growing despair, the Kotzker Rebbe asked the angels, "Where is my dear friend Reb Yitzchak?" And the angels sent him in the direction of a dark, dark forest. It was the most fearsome and foreboding forest he had ever been to, but he pushed on, anxious to discover the whereabouts of his beloved friend. As he traveled deeper into the forest, he began to hear gentle waves lapping upon the shore. He reached the edge of the forest and before him lay a great and endless sea, stretching in every direction. But then the Kotzker Rebbe noticed a strange sound. Every wave as it swelled high would cry out a soft, but heart-breaking sob. The sound was terrifying, and he turned to run away, but just then he saw, standing at the edge of this wailing sea, staring at its melancholy waters, his holy friend Reb Yitzchak.
"I've been looking for you," said the Kotzker, "why have you not come back to visit me?" Instead of answering his friend, Reb Yitzchak asked him a question, "Do you know what sea this is?"
The Kotzker replied that he did not, and so Reb Yitzchak explained, "It is the sea of tears. It is the sea which collects all the tears of G-d's holy people," he said, "and when I saw it, I swore that I would not leave its side until G-d dried up all these tears."

An Enigmatic Statement

It is a strange statement in the Jerusalem Talmud:
ירושלמי יומא פרק א הלכה א: אמרו כל דור שאינו נבנה בימיו מעלין עליו כאילו הוא החריבו.
The Sages said: Every generation in which the Beit HaMikdash, the Holy Temple, is not rebuilt in its days, is considered as if it was destroyed in its days.
What is the meaning of this? Is this fair to say, that a generation which did not see the rebuilding of the Holy Temple is virtually responsible for its destruction?[1]
There have been many generations with extraordinary Tzaddikim (righteous Jews) who were dedicated to G-d and man in exemplary ways. It seems unjust to declare that each of them merited to have the Beit HaMikdash destroyed during their days, just because it was not built in their days.
What is more, if this statement is taken literally, then the generation in which the Beit HaMikdash will finally be rebuilt will somehow have to manage to be greater than any of its predecessors. For all the previous generations were considered destroyers of the Temple; yet that final generation manages to trump all other generations of Jews preceding it. That seems unfair.
Moreover, it seems discouraging to tell us, that all the previous generations, filled with so much spiritual richness, and so many great souls—they all did not merit redemption, and were considered responsible for its destruction. Is it our generation, far weaker and lower, which will merit the rebuilding? If they could not do it, how can we?

An Accumulative Story

Let me share an insight by the Sefas Emes, Rabbi Yehudah Aryeh Leib Altar of Ger, Poland. A similar insight I heard numerous times from the Lubavitcher Rebbe.[2]
שפת אמת שבת דברים תרל"ד: כל דור שאינו נבנה בימיו כאילו נחרב בימיו. קשה להבין שהיו הרבה דורות צדיקי עליון שנאמר שהי' ראוי להיות נחרב בימיהם? ונראה לפרש כי כל ימי הדורות מצטרפין ומתכנסין כל ההארות של עבודת בנ"י להיות ראוין לגאולה, כי היעלה על הדעת שדור הגאולה יהיו כ"כ ראוין בזכותם בלבד לגאולה?! רק שזכות כל דור ודור עוזר ומביא מעט בנין בהמ"ק. והבנין נמשך כל ימי הגלות כמאמר בונה ירושלים [=לשון הווה בכל דור]. וז"ש שכל דור שאינו מסייע לבנינו. וז"ש שאינו נבנה בימיו שאין ימיו בכלל הבנין כנ"ל. וכל אדם בפרט ג"כ צריך לידע שכל מעשיו הם סיוע לבנין בהמ"ק. וכפי מה שמקבלין ע"ע עול מלכות שמים מסייעין לבנינו כמ"ש הכל מסייעין לבנינו של מלך כו':
The Talmud may be teaching us something very different—and providing us with a deeper perspective on Jewish history.
We often view history as disjointed narratives transpiring through numerous generations. Am I really connected to my great-great-grandmother who lived in Russia two centuries ago? I do not know her name, I don't have a photo of her, nor do I know anything about her. How about my great great grandfathers who lived 800 years ago in Spain, Germany, Italy, France, or Russia?
Judaism sees history as a single book—each page continuing the story of the past, and all the chapters together create a harmonious book. History is not a combination of many "short stories," but rather it is like a single novel that consists of an aggregated narrative. Not only are we connected to our past. We keep them alive; they continue to live and function through us, genetically and spiritually.
Bringing redemption to the world, says the Talmud, will be the result of the accumulation of the achievements of the Jewish people from the time of the destruction to this very day. It is not one generation or another which does the job; each generation contributes to the work of mending our world and bringing Geulah-Redemptive consciousness to our planet.
The question of how we can do it if they did not do it, is missing the point. Imagine someone building for many years a super massive bonfire to cast light and warmth all around; this individual even pours the kerosene all over the logs, so the fire can catch easily. He just did not strike the match to light the fire. Now I come along and say, if he did not manage to light the fire, how can I?

But I was given the match. All I need to do is strike the match and the fire ascends.

Every Tear Remains

The sweat, blood, and tears of the Jewish people over the last two thousand years—as well as the laughter, the joy, the faith, and the love—is all present and accumulative, integrated like a sum in calculus, or like a vessel that is filled one drop after another, until it is full. We are not filling the vessel that previous generations could not fill; we are adding our drop of water to take it over the top.

Every generation of Jews builds the Beit HaMikdash in its day—every generation continues to fill our world with Divine light, love, hope, and healing. Every one of us, every day, builds a world of redemption, constructing part of the Holy Temple in his or her corner of the universe.

Each of us comes from generations of grandmothers who lit Shabbos candles every Friday before sunset, welcoming the holy day into their homes, as warm, loving tears flowed down unto the Shabbos table. Where did all those tears go? Do you think they faded into oblivion?

Their tears made their way into the soil of Jewish history, irrigating our souls, and giving us the strength to grow and blossom. Every tear of every Jewish mother over 2000 years became the water that was absorbed into our roots and seeds, providing us with the strength, resolve, and courage to continue to live and love. Every tear went into that vessel.

When your ancestor left Spain penniless on the 9th of Av 1492, rather than abandon his faith, it went into that vessel.

When your great-grandmother cut a hole in the ice of a frozen Russian river for use as a Mikvah, it went into that vessel.

When your great grandfather came home after a hard day and opened a book of Mishnayos and began learning Torah, it went into that vessel.

When your grandmother, and tens of thousands of other Holocaust survivors, valiantly tried to start all over again and to continue the Jewish story, it went into that vessel.

Every dollar that you put into a charity box goes into that vessel.

Every time you wrap tefillin, study Torah, and make a blessing, it goes into the vessel.

Every time that every one of us takes an extra minute or an extra thought to go out of our way to be considerate to the feelings of another, even if that person may not look like, dress like, or always act like we do it goes into that vessel.

It all gets added together until the vessel, or the ocean, is full—and the Beit HaMikdash is rebuilt. Redemption comes to the world.

Don't Run

So what kind of generation is the Talmud referring to when it says that if the Temple was not built in its day, it is like it was destroyed in its day?

Now that we established that the Temple must be built in every generation; each generation of Jews contributes to the consecutive and ongoing work of healing the world, cleansing it from evil, bringing in Divine light, and rebuilding the space where the Divine presence will dwell on earth; now that we discovered that there is no one generation who build—but that every generation builds. What then does the Talmud mean? Which generation is the one who we say that the Beis Hamikdash was destroyed in its time?

It is the generation that gives up on this historic mission and chooses instead to no longer care to add whatever it can to all the good that has already been accumulated before it. It is the generation that opts out of the continuous journey from exile to redemption, from darkness to light, from violence to peace, from fragmentation to unity, and from brokenness to wholeness. It is the generation that says, "I am not part of this any longer. I am done." It allows all the love, tears, kisses, and truth to stop in its tracks and not allow the train to reach its ultimate destination—the space of Geulah, of complete redemption.

Every generation in which the Bais Hamikdash is not built in its days—is the generation that does not see its days as contributing to the building of the Beis Hamikdash; it is detached from the march of Jewish history, from the dance of Klal Yisroel, from the parade of every single Jew toward Jerusalem—that generation must appreciate how detrimental and tragic its passivity can be.

Back Stage Cheering

Rabbi Sholom Moshe Paltiel, the Chabad Rabbi and Shliach in Port Washington, NY, shared with me the following personal story:

I was visiting Jewish patients in S. Francis Hospital, when I walked into the room of an elderly Jew named Irving, a Holocaust survivor, who was obviously quite sick, surrounded by his entire family. I spent some time with him. We talked about the horrors of his youth, and how he managed to survive and rebuild his life.

He told me it was his mother's words to him on the last night before they were separated. "She sat me down and said to me: Life is like a play (my mother loved the theater). Every one of us plays a part. Not just us, but our parents and grandparents, their parents and grandparents, all the way back to Abraham and Sarah. They're all part of this production. Each of us plays a part, and then, when your part is over, you go backstage. You're not gone, you're still there, looking, cheering, helping out in any way you can from behind the scenes."

And then mama grabbed my hand, looked me in the eye, and said: "Yisroel, I don't know what's going to happen, how long we'll be together, whether I'll survive this. But one thing I ask of you, if you survive: Don't give up, play your part. You might feel sad and lonely, but I beg of you: Don't give up. Play your role as best you can. Live your life to the fullest. I promise you, you won't be alone. Tate un ich, Babe un Zeide, mir velen aleh zein mit dir oif eibig, Daddy and me, Grandma and Grandpa, we will be with you forever, we'll be watching you from backstage."

"It was those words from Mama that got me out of bed on many a difficult morning."

By the time the man finished the story, there wasn't a dry eye in the room.

A few days later, Irving passed away. At the shiva, the family kept repeating the story about the play. It was clear they took comfort from knowing their father was still there, behind the scenes. Still, there was a profound sense of pain and loss.

They asked me to say a few words. I got up, turned to the family, and I said: "There is a postscript to the story. What happens at the end of the play? All the actors come back out. Everyone comes out on the stage to give a bow. It is a basic Jewish belief that every soul will come back and be with us once again, right here in this world. I assure you," I said, "with G-d's help, you will soon be reunited with your father."

This is what the Talmud is teaching us. Every soul which ever lived contributed to the Third Temple. Then they moved backstage, to allow the next generation to continue the work. But they never really left; they are just backstage.

Now it is our job to strike the match, and fill the world with light, to complete the play. When each of them will emerge from backstage and take the bow.

We're ready for the time when, as we say in the Aleinu prayer, "lecho tichra kol berech," all creations will bow to You. We're ready for the final bow.

(My thanks to Dr. Mark Rutenberg for his article on this Sefas Emes, which I used in the above essay. My thanks to Rabbi Sholom Moshe Paltiel for sharing the story).

[1] See the famous explanation of Reb Yosef Rozen, the Rogatchover Gaon, explained in Sichas 12 Tamuz 5744 (1984).

[2] See Likkutei Sichos vol. 5 Bereishis p. 34-35. Cf. Likkutei Sichos vol. 19 Nitzavim pp. 272-273. Sichas Shabbos Parshas Vayishlach 5748.

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Devarim

OU Torah Rabbi Sacks on Parsha
Why Are There So Many Jewish Lawyers?
Rabbi Lord Jonathan Sacks ztz"l

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

I charged your judges at that time: "Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it. Deut. 1:16-17

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

Justice has seemed, throughout the generations, to lie at the beating heart of Jewish faith. Albert Einstein memorably spoke of Judaism's "pursuit of knowledge for its own sake, an almost fanatical love of justice, and the desire for personal independence – these are the features of the Jewish tradition which make me thank my lucky stars that I belong to it." In the course of a television programme I made for the BBC, I asked Hazel Cosgrove, the first woman to be appointed as a judge in Scotland, and an active member of the Edinburgh Jewish community, what had led her to choose law as a career, she replied as if it was self-evident, "Because Judaism teaches: Justice, justice shall you pursue."

One of the most famous Jewish lawyers of our time, Alan Dershowitz, wrote a book about Abraham,[1] whom he sees as the first Jewish lawyer, "the patriarch of the legal profession: a defence lawyer for the damned who is willing to risk everything, even the wrath of God, in defence of his clients,"[2] the founder not just of monotheism but of a long line of Jewish lawyers. Dershowitz gives a vivid description of Abraham's prayer on behalf of the people of Sodom ("Shall the Judge of all the earth not do justice?" [Gen. 18:25]) as a courtroom drama, with Abraham acting as lawyer for the citizens of the town, and God, as it were, as the accused. This was the forerunner of a great many such episodes in Torah and Tanach, in which the prophets argued the cause of justice with God and with the people.

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

One feature of Tanach is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah, and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God Himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[3] At other times, it is God who brings a case against the Children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[4] is riv, which means a lawsuit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God's law on the part of humans, and on God's promise of loyalty and love on the part of Heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfil their undertakings.

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means 'direction, guidance, teaching,' but above all 'law.' The most basic meaning[5] of the most fundamental principle of Judaism, Torah min haShamayim, 'Torah from Heaven,' is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the Torah she-be-al peh, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, kol gadol velo yasaf, is understood by the commentators in two seemingly contradictory ways. On the one hand it means 'the voice that was never heard again'; on the other, it means 'the voice that did not cease,' that is, the voice that was ever heard again.[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is min ha-shamayim, "from Heaven," but about the Oral Torah the Talmud insists Lo ba-shamayim hi, "It is not in Heaven."[7] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that "Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation." (Shabbat 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, "Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults." (Is. 51:7)

This is what Jeremiah meant when he said, "This is the covenant I will make with the house of Israel after those days, says the Lord: I will put My law within them, and I will write it on their hearts; and I will be their God, and they shall be My people." (Jer. 31:33)

This is what Josephus meant when he said, nineteen hundred years ago, "Should any one of our nation be asked about our laws, he will repeat them as readily as his own name." The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, "learned in the law." We are a nation of constitutional lawyers.

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

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

[1] Alan Dershowitz, Abraham: The World's First (But Certainly Not the Last) Jewish Lawyer, New York, Schocken, 2015.

[2] Ibid., 11.

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

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

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

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

[7] Bava Metzia 59b.

Rabbi Lord Jonathan Sacks ztz"l was a global religious leader, philosopher, the author of more than 25 books, and the moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks, please visit www.rabbisacks.org.

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THE CHURBAN AND BAD MIRACLES

חטא חטאה ירושלם על כן לנידה היתה כל מכבדיה הזילוה כי ראו ערותה גם היא נאנחה ותשב אחור איכה א:ח

(Jerusalem grievously sinned; therefore, she has become loathsome; all who once respected her disparage her, for they have seen her nakedness. She herself sighs and turns away.

The Gemara explains the phrase "they have seen her nakedness" as a reference to an incident during the destruction of the Second Beit Hamikdash:

אמר ריש לקיש בשעה שנכנסו גוים להיכל ראו כרובים המעורין זה בזה הוציאון לשוק ואמרו ישראל הללו שברכתן ברכה וקללתן קללה יעסקו בדברים הללו מיד הזילום שנאמר כל מכבדיה הזילוה כי ראו ערותה:)יומא נד)

Reish Lakish said: When gentiles entered the Sanctuary, they saw the keruvim, cherubs [male and female] entwined with each other. They took them out to the market, and said: These Jews, whose blessing is a blessing and whose curse is a curse should they be occupied with such matters? They immediately disparaged them, as it is stated: "all who once respected her disparage her, for they have seen her nakedness."

The immediate problem with this story is that the relationship of the keruvim to each other reflected the relationship between the Jewish people and God. The Gemara tells us that when we were not fulfilling the will of God the keruvim turned away from each other, and when we were fulfilling God's will they turned toward each other (Bava Batra 99a). The Ritva (Yoma ad loc.) raises this question:

בשעה שנכנסו גוים להיכל מצאו כרובין מעורין זה בזה. הקש' הרב בן מאוש ז"ל דהא בב"ב אמרינן שלא היו פניהם איש אל אחיו אלא כשהיו עושין רצונו של מקום ... והנכון כמו שפי' הרא"ם ז"ל דהני נמי בנס היו מעורין עכשיו אלא שנעשה נס לרעה כדי לגלות ערותן.

When the pagans entered the Heichal they found the keruvim entwined in each other. The Ri Migash asked that according to Bava Batra 99a, which states that the keruvim only faced each other when the Jews were fulfilling Hashem's will [how could it be that at the time of the destruction and punishment for Israel's sins they were embracing each other?] ... the correct answer appears to be that the keruvim were entwined miraculously, however in this case it was a miracle for the bad, in order to expose the shame of the Jews… The Ritva uses the unique phrase nes lera'ah "a miracle for bad" to describe this debasement of the Jewish people. Sometimes we see something terrible and tragic and still recognize it as an act of Hashem, a miracle. A miracle is something that clearly indicates Divine involvement in the world, and at times that involvement can be seen in a negative occurrence. Antisemitism is an example of this "miracle for bad." Antisemitism is unfortunately a phenomenon that has plagued us throughout history and continues to this day. There is a hatred for the State of Israel that is inexplicable in its intensity, universality and irrationality. It is a hatred that is found among Muslims, Christians, right-wing fascists and leftwing socialists. This was pointed out by Rav Soloveitchik decades ago: Communist Russia together with the Vatican, Nehru, the student of Gandhi, together with the devoutly Catholic Franco, the British Foreign Office with Chiang Kai-shek, have all joined in the attempt to isolate Israel and are being assisted by [Israel's other] enemies in other lands. This conspiracy began specifically after the establishment of the State, at a time when many of Israel's leaders thought that the Jewish problem had been solved, that Jewish isolation had been eradicated and normality had been introduced into our existence. The assumption that the State of Israel has weakened antisemitism is erroneous. On the contrary, antisemitism has grown stronger and employs false charges against the State [of Israel] in the war against us all.

Kol Dodi Dofek, translated by David Z. Gordon, 2006. Ch. 11

I believe that one explanation for this extraordinary "miracle for bad" is that all these groups may have consciously or unconsciously sensed that the return of Jews to their land, the establishment of an independent Jewish state and the success of the state, are indications of the coming redemption. They are afraid, perhaps not even knowing why, as the Gemara (Megilah 3a) states, "Even though they did not see the vision, their souls saw it, (mazlayhu chazu) and therefore they sensed that there was something fearful..." The Jewish national revival in Israel is as though a fossil, to borrow Arnold Toynbee's phrase, has come back to life. Frightening indeed for those who have based their ideology on the assumption that the Jews were rejected by God because they rejected a "messiah." Threatening for those who predicate their faith on the belief that the Jews and the Torah have been superseded by the later "revelation" of the seal of all prophets. Terrifying for those who believe that there is no God, no Divine Providence and no Chosen People. The same events that cause fear and hatred on the part of others, cause joy and anticipation for us. We, like Rabbi Akivah (Makot 24a-b), although witnesses to destruction and hatred, hear in the hatred a "bad miracle" — bad, yes, but a miracle, nonetheless. Others see Israel and its success and perceive the eternal nature of the Jewish people as a threat to their beliefs and their convictions. We understand these same phenomena as testimony to the imminent redemption. If you see dinosaur footprints in stones in the Jerusalem Forest near Bait Zayit, there is nothing to be afraid of — they have been extinct for eons and only exist as fossils. If, however, you are on the beach in Costa Rica and see fresh velociraptor footprints in the sand — be afraid, very afraid. While others see footprints of an extinct fossil that has come to life, we see the footsteps of the Mashiach, ikveta d'Meshicha. Israel's success in agriculture is obvious as we walk through a Costco in New Jersey and see Israeli fruits and vegetables on display. "There is no greater indication of the redemption than this, 'And you, mountains of Israel, shall bring forth your branches and bear your fruits for My people Israel'" [Ezekiel 36]. Rashi — When the Land of Israel gives its fruits in abundance, then the redemption is approaching (Sanhedrin 98a). This is something that always inspires me, but I can imagine it as something that is threatening and sinister to others. We can identify with the reaction of Rav Naftali Zvi Yehudah Berlin, the Netziv, in 1882, to receiving one of the first bottles of wine produced by the Carmel (East) Wine Company in Rishon LeZion. He put on his Shabbat clothing to greet the wine and cried with joy when he held the bottle. We can also understand, although clearly not identify with, someone of another faith who saw that as a contradiction to his deeply held belief in the extinction or obsolescence of the Jews. Abba Eban spoke at Yeshiva University in 1955 and addressed the idea of the Jews as fossils with his signature eloquence:

Now, the doctrine of the fossil is the very core of the Toynbee heresy. If Israel was a fossil centuries ago, then its survival is certainly an archaism and its restoration is a grotesque paradox. On the other hand, if the concept of Judaism as something petrified and embalmed cannot be sustained, then it is difficult to challenge the right of a sentient living spirit to seek survival and restoration. Prof. Toynbee fails, indeed declines, to substantiate the fossil theory, despite the fact that it is the absolute premise and starting point of all his subsequent judgments. But the fossil, not having read Dr. Toynbee's eight volumes, is unaware of its own petrification. It clings to its sense of mission, and even strives for national restoration. We are indeed still in exile and are therefore called "prisoners." But the prophet Zechariah (9:12) describes us as "prisoners of hope" — "Return to the fortress, you prisoners of hope; today I declare that I will restore to you double." We are "unaware of our own petrification" and therefore filled with hope and with a will to live, to build and to restore our nation to its former glory.

Rabbi Isaac Elchanan Theological Seminary • The Benjamin and Rose Berger CJF Torah To-Go Series • Tisha B'av 5782

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Rabbi Reisman – Parshas Devarim 5782

A Thought for Tisha B'av

As we prepare for Shabbos Chazon, Shabbos Tisha B'av, Shabbos Parshas Devarim. I would like to share with you an appropriate thought for a Shabbos Tisha B'av. We are told that Achar Mai'a V'esrim when we come up to the heavenly tribunal we will be asked very specific questions immediately (as is discussed in the Gemara Shabbos 31a, 4 lines from the bottom). (**צפית לישועה**) Tzipisa L'yeshua is one of them. (**נשאת ונתת באמונה**) Nasata V'nasata B'emunah is one. (**קבעת עתים לתורה**) Kovata Itim L'torah is one. Now Kovata Itim L'torah we know that a person has to designate time for learning. No one is puzzled by the source of such an obligation. Nasata V'nasata B'emunah, if you dealt faithfully, also is something that everybody is aware of. When the Gemara says (**צפית לישועה**) did you hope for the Yeshua to come, for Moshiach to come, the question is what is the source for that to be an obligation for every Jew?

The Smak, the Sefer Mitzvos Kotton, in describing Mitzvah Aleph, (The Chinuch lists the Mitzvos in order of the Parshios, the Smak follows the Rambam's example and lists them in the order of the significance, not so much the significance of Schar and Onesh but the significance of what it means to be a Jew). Mitzvah Aleph in the Smak's Sefer is (אָנֹכִי יְרוֹר אֱלֹרִיךְ, אֲשֶׁר הוֹצֵאתִיךְ מֵאֶרֶץ מִצְרַיִם) Emunah, faith in HKB"H. Explains the Smak, the Emunah in G-d is that HKB"H is a Melech Hagoel, is a G-d (אֲשֶׁר הוֹצֵאתִיךְ מֵאֶרֶץ מִצְרַיִם) who took the Jews out of Egypt and in Emunah that is HKB"H's behavior towards Klal Yisrael, constantly as a Goel. Because that is part of the Emunah, the Tzipisa L'yeshua is appropriately one of the first questions we are asked Achar Mai'a V'esrim, because in fact that is what it is about. That is the way it is. Emunah is Emunah.

The Rambam as you know lists the Yud Gimmel Ikrim and most famously in Perek Cheilek, and there in the Chiyuv of believing in Moshiach, the Rambam adds to Daven that he will come. Now, all the Yud Gimmel Ikrim are Emunah, are issues of faith, and therefore, it seems that the Rambam is the source of the Smak's idea that Tzipisa L'yeshua, the Mispaleil L'boai, to Daven for the Yeshua to come is part of the Mitzvah of Emunah.

As a matter of fact, the Rambam in Hilchos Melachim at the beginning of Perek Yud Aleph says (**או מי שאינו מחכה לביאתו. לא בשאר נביאים בלבד הוא כופר**). Somebody who is not hoping for Moshiach's coming is a Kofer B'torah, is an Apikores. What does one thing have to do with the other? Why does that make him an Apikores? So it seems that the Rambam too holds that Tzipisa L'yeshua is part of the Mitzvah of Emunah. We believe in G-d, we believe in a G-d who is a Melech Goel, a G-d who redeems people. (מֶלֶךְ עוֹזֵר וּמוֹשִׁיעַ וּמָגֵן).

The question is okay so you have explained Tzipisa L'yeshua, the faith in HKB"H as a Goel has a source. However, the Rambam says that L'hispaleil L'boai, we have to Daven for his coming. If it is part of the Mitzvah of Emunah then why is it part of Tefillah? Why is there an obligation to Daven?

The answer to that is that Davening is part of the Mitzvah of Emunah. In Igros Moshe in the second volume of Orach Chaim. Rav Moshe was asked regarding advocating for or against prayer in public schools. Rav Moshe in the Teshuva as is his style, discusses whether non-Jews have a Mitzvah to Daven. What is our understanding? What is the source that a non-Jew has an obligation to Daven? Zagt Rav Moshe, exactly this thing.

He says that part of Emunah if you really believe in HKB"H, then you turn to Him to help you in times of difficulty. That is part of Emunah. If you are not turning to HKB"H in Prayer, it is because you don't have adequate faith in Hashem as a King who is waiting eagerly to be a Goel. And so, we have learned something today, we learned that L'hispaleil L'boai, to Daven for Moshiach's coming is part of our Mitzvah of Emunah in Hashem.

Jews are Maminim B'nei Maminim. When Jews are in trouble they turn to HKB"H, they look heavenward. In the foxhole there are very few Apikursim. In times of trouble, Jews in the concentration camps, or in the exile of Spain, they were Tzipisa L'yeshua, and they spoke about Moshiach coming. What about us in the USA in the year 2022, are we Metzapeh L'yeshua? Are we Mispaleil L'boai? We all hope eagerly for HKB"H to come, however, we have to know that Davening for Moshiach's coming is part of being Metzapeh L'yeshua. Once you hear the link that the Rambam and the Smak are saying, the link between Davening for something and believing in it, you will see that it is in the Siddur everywhere. (אֶת צֶמַח דָּוִד עַבְדְּךָ מְהֵרָה תַצְמִיחַ). We Daven for Malchus Beis Dovid to return and we say (כִּי לִישׁוּעָתְךָ קִוִּינוּ כָּל הַיּוֹם). We are Davening for this because we are Mechakim Kivinu Kol Hayom. We are hoping for the Geulah.

In Kedusha on Shabbos we say (מִמְּקוֹמְךָ מַלְכֵּנוּ תוֹפִיעַ וְתִמְלוֹךְ עָלֵינוּ). We say G-d reveal yourself. Then we say (כִּי מְחַכִּים אֲנַחְנוּ לָךְ). Because we are Metzapeh L'yeshua. That is why we Daven for it. We say as is found in Tehillim 102:14 and 15 (אַתָּה תָקוּם, תְּרַחֵם צִיּוֹן) and the next Posuk says (כִּי-רָצוּ עֲבָדֶיךָ, אֶת-אֲבָנֶיהָ). Because Klal Yisrael has a Ratzon for Eretz Yisrael. Always we Daven for Geulah because we are Metzapim L'yeshua.

As we come to the end of the three weeks, we come to Tisha B'av which this year we will observe the fast of Tisha B'av on the 10th of Av. It is our job really to take a moment and choose a place in Davening to be Metzapeh L'yeshua. Some day we will be asked Tzipisa L'yeshua and you will say of course I did. They will ask for an example. What will be your example of when you were Metzapeh L'yeshua? Not an easy thing. So do what I am trying to do. Take a few words in Davening and try to designate that there is a place that you are Metzapeh L'yeshua.

When we step out of Shemoneh Esrei we say (יְהִי רָצוֹן). We say that (יְהִי רָצוֹן שֶׁיִּבָּנֶה בֵּית הַמִּקְדָּשׁ בִּמְהֵרָה בְיָמֵינוּ). Say those words out loud. After all, when you step out of Shemoneh Esrei you typically wake up from whatever distractions existed during the Shemoneh Esrei. At that moment when people typically feel bad that they didn't have the right Kavana, take a minute and say those 5 words (שֶׁיִּבָּנֶה בֵּית הַמִּקְדָּשׁ בִּמְהֵרָה בְיָמֵינוּ). Say it with a Kavana, say it with a feeling, just for the moment. Then you will be able to answer the question of Tzipisa L'yeshua, yes. So this is a thought, a very practical thought, a Yedi'a. You are getting the test questions ahead of time. Isn't that amazing to get the test questions ahead of time? The Beis Din Shel Maila will ask you if Tzipisa L'yeshua? What are you going to answer? Every day, three times a day I stepped out of Shemoneh Esrei and I said (יְהִי רָצוֹן) may it be G-d's will that (שֶׁיִּבָּנֶה בֵּית הַמִּקְדָּשׁ בִּמְהֵרָה בְיָמֵינוּ). We Daven for it. Okay, you Daven for it then you were Tzipisa L'yeshua. You will be Zoche. And so, this is what is on my mind as we come to these days.

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Devarim

OU Torah Rabbi Sacks on Parsha

Why Are There So Many Jewish Lawyers?

Rabbi Lord Jonathan Sacks ztz"l

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

I charged your judges at that time: "Hear the disputes among your people and judge fairly, between one person and another, whether the case is between two Israelites or between an Israelite and a foreigner residing among you. Do not show partiality in judgment: listen equally to the small and the great. Do not be intimidated by any man, for judgment belongs to God. Any case that is too difficult for you, bring to it me and I will hear it. Deut. 1:16-17

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

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

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

One of the most famous Jewish lawyers of our time, Alan Dershowitz, wrote a book about Abraham,[1] whom he sees as the first Jewish lawyer, "the patriarch of the legal profession: a defence lawyer for the damned who is willing to risk everything, even the wrath of God, in defence of his clients,"[2] the founder not just of monotheism but of a long line of Jewish lawyers. Dershowitz gives a vivid description of Abraham's prayer on behalf of the people of Sodom ("Shall the Judge of all the earth not do justice?" [Gen. 18:25]) as a courtroom drama, with Abraham acting as lawyer for the citizens of the town, and God, as it were, as the accused. This was the forerunner of a great many such episodes in Torah and Tanach, in which the prophets argued the cause of justice with God and with the people.

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

One feature of Tanach is noteworthy in this context. Throughout the Hebrew Bible some of the most intense encounters between the prophets and God are represented as courtroom dramas. Sometimes, as in the case of Moses, Jeremiah, and Habakkuk, the plaintiff is humanity or the Jewish people. In the case of Job it is an individual who has suffered unfairly. The accused is God Himself. The story is told by Elie Wiesel of how a case was brought against God by the Jewish prisoners in a concentration camp during the Holocaust.[3] At other times, it is God who brings a case against the Children of Israel.

The word the Hebrew Bible uses for these unique dialogues between heaven and earth[4] is riv, which means a lawsuit, and it derives from the idea that at the heart of the relationship between God and humanity – both in general, and specifically in relation to the Jewish people – is covenant, that is, a binding agreement, a mutual pledge, based on obedience to God's law on the part of humans, and on God's promise of loyalty and love on the part of Heaven. Thus either side can, as it were, bring the other to court on grounds of failure to fulfil their undertakings.

Three features mark Judaism as a distinctive faith. First is the radical idea that when God reveals Himself to humans He does so in the form of law. In the ancient world, God was power. In Judaism, God is order, and order presupposes law. In the natural world of cause and effect, order takes the form of scientific law. But in the human world, where we have freewill, order takes the form of moral law. Hence the name of the Mosaic books: Torah, which means 'direction, guidance, teaching,' but above all 'law.' The most basic meaning[5] of the most fundamental principle of Judaism, Torah min haShamayim, 'Torah from Heaven,' is that God, not humans, is the source of binding law.

Second, we are charged with being interpreters of the law. That is our responsibility as heirs and guardians of the Torah she-be-al peh, the Oral Tradition. The phrase in which Moses describes the voice the people heard at the revelation at Sinai, kol gadol velo yasaf, is understood by the commentators in two seemingly contradictory ways. On the one hand it means 'the voice that was never heard again'; on the other, it means 'the voice that did not cease,' that is, the voice that was ever heard again.[6] There is, though, no contradiction. The voice that was never heard again is the one that represents the Written Torah. The voice that is ever heard again is that of the Oral Torah.

The Written Torah is min ha-shamayim, "from Heaven," but about the Oral Torah the Talmud insists Lo ba-shamayim hi, "It is not in Heaven."[7] Hence Judaism is a continuing conversation between the Giver of the law in Heaven and the interpreters of the law on Earth. That is part of what the Talmud means when it says that "Every judge who delivers a true judgment becomes a partner with the Holy One, blessed be He, in the work of creation." (Shabbat 10a)

Third, fundamental to Judaism is education, and fundamental to education is instruction in Torah, that is, the law. That is what Isaiah meant when he said, "Listen to Me, you who know justice, the people in whose heart is My law; do not fear the reproach of men, nor be afraid of their insults." (Is. 51:7)

This is what Jeremiah meant when he said, "This is the covenant I will make with the house of Israel after those days, says the Lord: I will put My law within them, and I will write it on their hearts; and I will be their God, and they shall be My people." (Jer. 31:33)

This is what Josephus meant when he said, nineteen hundred years ago, "Should any one of our nation be asked about our laws, he will repeat them as readily as his own name." The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. To be a Jewish child is to be, in the British phrase, "learned in the law." We are a nation of constitutional lawyers.

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

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

[1] Alan Dershowitz, Abraham: The World's First (But Certainly Not the Last) Jewish Lawyer, New York, Schocken, 2015. [2] Ibid., 11. [3] Elie Wiesel, The Trial of God, Schocken, 1995. The story is believed to be fictional, although on one occasion Wiesel said that it happened and that he was there. [4] On the subject in general, see Anson Laytner, Arguing with God: A Jewish Tradition, Jason Aronson, 1977. [5] Not the only meaning, to be sure. See Rambam, Hilchot Teshuvah 3:5. [6] Deut. 5:19, and see Rashi ad loc., who gives both interpretations. [7] Bava Metzia 59b.

Rabbi Lord Jonathan Sacks ztz"l was a global religious leader, philosopher, the author of more than 25 books, and the moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks, please visit www.rabbisacks.org.

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Why Did Rabban Yochanan ben Zakkai Weep?
Based on a sicha by Harav Aharon Lichtenstein
Adapted by Tomer Mevorach with Reuven Ziegler

Translated by Kaeren Fish

The well-known Gemara in Berakhot (28b) relates:

When Rabban Yochanan ben Zakkai fell ill, his disciples came to visit him. When he saw them, he began to weep. His disciples said to him, "Light of Israel, right-hand pillar, mighty hammer – why do you weep?" He said to

them: "Were I being led before a mortal king… I would weep; now that I am being led before the King of kings, the Holy One, blessed be He… and moreover, two paths are before me, one to Gan Eden and the other to Gehinnom, and I do not know upon which I am to be led – shall I not weep?" They said to him, "Our teacher – bless us!" He said, "May it be [God's] will that your fear of Heaven be like your fear of mortals." His disciples said to him, "Is that all!?" He said to them, "If only it were so! Know that when a person transgresses, he says, 'May no man see me.'"

Even after his lengthy response, the question of why Rabban Yochanan ben Zakkai wept remains open. A giant of Jewish history, who influenced the world of Torah for many generations to come – could anyone imagine that he was to be led on the path of Gehinnom? He experiences here a deep-seated fear arising from the very fact that he is a "right-hand pillar and powerful hammer." It is specifically his role as "light of Israel" which confronts him with the terrible question of whether his fear of heaven is at least as great as his fear of mortals.

A number of commentators suggest that a different thought disturbed Rabban Yochanan ben Zakkai. They refer us to the account in Gittin (56a-b) of the siege of Jerusalem, when tangible danger hung over the city and the leaders were divided as to how best to deal with the situation. Some, with firm faith in God and confidence in their own military strength, wanted to wage war against the Roman Empire. Others, who combined a realistic view of the world with their religious outlook, sought a path that would bring the nation at least partial salvation.

Although the former group viewed the latter path as surrender, a disgrace, or an abandonment of the nation, the Torah and the land, this latter group believed that this was the correct path at that time. Rabban Yochanan ben Zakkai found himself in the latter camp. It is difficult to know how he arrived at this view, but it seems that it was no coincidence that he ended up in a position of leadership. The great men of the city at that time assessed his worldview and scholarship and chose him over the leaders of the other sects. They chose someone who perceived the long arc of Jewish history and Torah, someone who recognized different expressions of religious life, and someone who took responsibility for the fate of the nation as a whole.

The Gemara (Gittin 56a-b) recounts:

The biryonim (a group of Zealots) were then in the city. The Rabbis said to them: "Let us go out and make peace with them [the Romans]." They would not let them, but on the contrary said, "Let us go out and fight them." The Rabbis said: "You will not succeed." They [i.e., the biryonim] then rose up and burnt the stores of wheat and barley so that a famine ensued [and the Jews would be forced to fight]...

Abba Sikra, the leader of the biryonim of Jerusalem, was the nephew of Rabban Yochanan ben Zakkai. [Rabban Yochanan] sent to him, saying, "Come privately to me." When he came, [Rabban Yochanan] said to him: "How long will you continue this say and kill everyone with starvation?" He [Abba Sikra] said to him, "What can I do? If I say anything to them [i.e., to the other biryonim], they will kill me!"

He said to him, "Devise some way for me to escape [the besieged city of Jerusalem]; perhaps I shall be able to save a small portion." [Rabban Yochanan then escaped and met with the Roman general Vespasian.] … [Vespasian] said to [Rabban Yochanan ben Zakkai]: "I am going now and someone else will come in my place. But you may make a request of me, and I shall grant it."

He said, "Give me Yavneh and its scholars, and the dynasty of Rabban Gamliel, and doctors to heal Rabbi Tzadok."

Rabban Yochanan ben Zakkai meets with his nephew, the head of the biryonim. It is apparent from their discussion that the latter has already, in principle, accepted Rabban Yochanan's view, but he is not capable of doing anything about it. What he is willing to do is to arrange some clandestine way for Rabban Yochanan ben Zakkai to leave the city so that he can meet with the head of the Roman forces. At the end of a lengthy conversation with him, Vespasian offers Rabban Yochanan ben Zakkai the opportunity to make a request. Rabban Yochanan takes him up on the offer – even though some would say that this in itself represented weakness and submission. He requests three things: healing for Rabbi Tzadok, preserving the dynasty of Rabban Gamliel, and the town of Yavneh and its sages.

The concern for Rabbi Tzadok testifies to the importance of the individual in the eyes of Rabban Yochanan: he does not minimize or dismiss the suffering of the individual within an entire city that is under siege. The second request is somewhere between concern for the individual and concern for the community: Rabban Yochanan asks for protection for the dynasty of the nesi'im, the nation's aristocracy and oligarchy, a symbol of the Israelite monarchy which is no more. The third request represents concern for all of Am Yisrael – and Rabban Yochanan ben Zakkai chooses Yavneh and its sages. His choice astounds us: why settle for Yavneh, relinquishing the real center – Jerusalem?

We may propose two possible answers. One is that while Rabban Yochanan himself was able to predict the criticism that would later be directed at him for this decision, he felt that Jerusalem would not be given to him. The other possibility is that he perceived Yavneh and its sages as being in some way preferable to Jerusalem. Yavneh was a town on the periphery which, at that time, was witnessing a boom in Torah scholarship. Jerusalem was a divided, warring city in which even the Torah was subject to disputes and was tainted with causeless hatred.

The Gemara goes on to give voice to criticism of Rabban Yochanan:

Rabbi Yosef – some say Rabbi Akiva – applied to him [Rabban Yochanan ben Zakkai] the verse: "[God] turns wise men backwards and makes their knowledge foolish" (Yeshayahu 44:25). For he should have said to [Vespasian], "Let [the Jews] off this time." But [Rabban Yochanan] thought that so much would not be granted him, such that [if he were to make such a request] even a little would not be saved.

Rabban Yochanan ben Zakkai elects to make a smaller request in order to be certain that his request will be approved. His calculation is realistic, pragmatic, practical, and based on facts. He makes his calculation out of uncertainty as to what exactly the Romans will be prepared to allow. This leader of Israel adopts a self-consciously cautious approach: the spiritual future of the Jewish nation is not to be gambled with, and we do not ignore realistic, practical considerations. Sometime we are even prepared to suffice with "saving a little," so long as it is the more certain option.

The Gemara presents a dissenting view, but this fact in and of itself testifies to Rabban Yochanan ben Zakkai's approach at this moment of crisis, faced with the danger of annihilation – he is fully aware of opposing views, which interpret his decision as weakness and submission.

Viewing the considerations in their entirety

Prior to the dramatic encounter described above between Rabban Yochanan and Vespasian, the Gemara records the deterioration amongst Am Yisrael which led to the gloomy situation in which Rabban Yochanan found himself. The well-known story of Kamtza and Bar-Kamtza demonstrates the depths of the baseless hatred that was rampant among the Jewish people. Bar-Kamtza, wishing to avenge himself for the despicable behavior to which he was subject, attempted to bring down upon the Jews the wrath of the Caesar:

He [Bar-Kamtza] went and said to the Emperor, "The Jews are rebelling against you." He said, "How can I tell?" He said to him: "Send them an offering and see whether they will offer it [on the altar]." So he sent with him a fine calf.

While on the way, [Bar-Kamtza] made a blemish on its upper lip, or as some say on the white of its eye, in a place where we [Jews] count it a blemish but they [Romans] do not. The Rabbis were inclined to offer it in order not to offend the Government. Rabbi Zecharia ben Avkulas said to them: "People will say that blemished animals are offered on the altar."

They then proposed to kill Bar-Kamza so that he should not go and inform against them, but Rabbi Zecharia ben Avkulas said to them, "Is one who makes a blemish on consecrated animals to be put to death?"

Rabban Yochanan thereupon remarked, "Through the scrupulousness of Rabbi Zecharia ben Avkulas our House has been destroyed, our Temple burnt, and we ourselves exiled from our land." (Gittin 56a)

Rabbi Zecharia ben Avkulas ignored considerations of the actual situation, and refused to contemplate an emergency deviation from standard halakha. Anyone with eyes in his head could easily understand the ramifications of what he was doing, in terms of how the emperor would view the accusation of rebellion. But if someone has no interest in considerations of the actual situation, why would he care about the emperor's psychology? There he remains, holding the Shulchan Arukh, free of any blame.

The Gemara expresses an opinion about this approach, too. Rabban Yochanan's conclusion is the bottom line of the discussion, criticizing Rabbi Zecharia: a constricted view that takes only local and isolated considerations into account, with no distinction between major and minor, is a mistaken halakhic approach. Halakha takes the real world into consideration, and someone whose books serve as blinders is ultimately responsible for the destruction of the Temple and the exile of the nation from its land. All of this arises from a mistaken ruling. Rabbi Zecharia did not turn the question over to Rabban Yochanan, but rather ruled on the basis of his own personal opinion – and thereby brought about terrible destruction.

We began our discussion with the view that connects Rabban Yochanan's fear upon his deathbed to the fateful decision he had taken during the terrible time of the Destruction. As his life is about to end, he delves into his past to re-evaluate his ways and his actions. He is aware of the background to his decision and the considerations that led to it, but fears that perhaps he was mistaken; perhaps he chose the easier option rather than the more correct one. This doubt breaks down his internal barriers and he bursts into tears of pain and sorrow, repentance and regret. God has placed us in a world of doubt, and the measure of certainty which had allowed him to reach his decision was unavailable to him when he looked back on it.

Against this background we must examine two decisions: the decision of Rabban Yochanan ben Zakkai, which was based on mature and responsible deliberation, with an examination of all possible alternatives, and the decision of Rabbi Zecharia, which was taken with a narrow-sighted refusal to consider alternatives. Rabbi Zecharia ben Avkulas does not weep. He is a man of certainty; he leaves doubts and self-examination to others. He takes into consideration only the narrow elements with which he is familiar, not opening his eyes to other horizons.

When faced with any decision, especially those that are weighty, there are two questions we must ask: what factors are to be considered and examined, and what is the relationship between the concerns that are weighed up against each other. Someone involved in the messy work of decision-making on the national level must be expert in the precise weighing-up of every factor in its own right, and must be skilled in understanding the relationship between the various elements and their mutual influences and effects. He must also always keep in mind Newton's law that every action is accompanied by an equal and opposite reaction.

Deliberation in decision-making

Beyond the question of values and the relative weight to be assigned to various considerations, there is the question of the pace of decision-making. On Yom Yerushalayim we heard an account, related in the name of one who was present in the room, of a meeting between Prime Minister Netanyahu (in his first term) and US Secretary of State Madeline Albright. The Secretary of State strongly admonished the Prime Minister for his plans to build in Jerusalem, and threatened that the United States would remove its support for Israel at the United Nations if Israel did not comply with its demand to cease building. The Secretary of State said that she understood this was a hard decision and gave the Prime Minister three days to respond. The Prime Minister replied that he required no time to consult and to formulate an answer; he refused on the spot to comply with the American demands.

I mention this episode not because I wish to advocate a specific political approach, but because it touches on key issues of morality and public life, including decision-making processes and consideration of values and halakha in matters of supreme importance.

On Yom Yerushalayim, the speaker lavishly praised the Prime Minister for his unhesitating response. I take a different view. Let us imagine a rabbi sitting in his office and responding to those who seek his guidance. A woman arrives with a blood stain or a chicken; he examines the evidence before him as accurately as he can, and then he may find that the situation is subject to a halakhic dispute. He may take a while to investigate the question further and study the different opinions in more depth. Thus, it can take some time to decide a question pertaining to a blood stain or the kashrut of a chicken. If one deliberates so seriously over a these halakhic questions, is it possible that fateful decisions regarding the future of the entire nation should be taken instantly?

When a political leader needs to make a decision concerning the entire community, can he risk jumping to a decision just because he may otherwise be considered weak or hesitant? Perhaps he needs to consult, to meditate, to gird himself for three days. How can anyone have the audacity to say that a decision of this sort, affecting the lives of many people, must be taken on the spot? Can all of this be dismissed with a wave of the hand, scorning considerations of the real world and glorifying instant decision-making?

Weighty decisions

Obviously, Jerusalem is a unique place in the world, and the very thought that part of it could be given up causes us to tremble. But a public leader cannot make a decision merely on the basis of trembling. A leader needs to learn from the example of Rabban Yochanan ben Zakkai; he, too, was dealing with the question of Jerusalem. Unlike some people today, he did not believe that decisions regarding Jerusalem are to be divorced from all rational considerations.

In a famous midrash, Chazal teach:

"A song unto Assaf: O God, heathen nations have come into Your inheritance" (Tehillim 79:1) – Is it appropriate that this psalm is introduced as a "song"? Surely it is a dirge! Similarly, it is written, "And David ascended the ascent of the olives, weeping as he ascended" (II Shemuel 15:30) and yet it is written, "A song unto David when he fled" (Tehillim 3:1)…

This may be compared to a king who had a son, who was difficult, and did not obey him. What did the king do? Since he was angry, he entered his son's wedding canopy and cut and tore and cast down the curtains until they were all torn, and he threw them out. The king said, "Have I not acted well in tearing up my son's bridal canopy, where I can make a more beautiful one? Moreover, I did not kill him in my anger, for if I had killed him then my brother's son would have inherited me; it is better that my own son should inherit me."

So said Assaf: Did God not act well in venting His anger on stones and wood, and not on His children? Therefore it is said, "God has finished His anger; He has poured out His wrath and ignited a fire in Zion" (Eikha 4:11). Therefore it is written, "A song unto Assaf: O God, heathen nations have come into Your inheritance." (Midrash Tehillim, mizmor 79)

Better a destruction of wood and stones than a destruction of people! This is a most painful statement, and it is not difficult to imagine the sorrow with which the psalm was written. Perhaps it is possible to determine that the preservation of the Sanctuary is worth a certain price in human life, but why is it necessary to give an immediate answer?

In deliberating political processes – as well as personal processes – a person must choose between different alternatives, different values, and different dangers. There is much to ponder and many factors to weigh.

It was a terrible and bitter time that Assaf viewed in his prophecy – "Heathen nations have come into your inheritance; they have defiled Your holy temple; they have made Jerusalem into heaps." But Chazal understood, as Assaf himself did, that the Jewish nation had already known much sorrow and many crises, and it was important to view these in perspective.

Our nation has had many opportunities for weeping. Heightening our awareness of distress, our sensitivity to human life and suffering, can bring a person to tears. A wonderful midrash speaks of the weeping of Knesset Yisrael:

Israel says, "Master of the universe, the princes sin – and they bring a sacrifice and it atones for them. Mashiach sins – and he brings a sacrifice and

it atones for him. As for us – we have no sacrifice." He said to them, "And if the entire congregation of Israel sins…" (Vayikra 4:13).
They said to Him, "We are poor and are unable to bring sacrifices." He said, "Words are what I seek, as it is written, 'Take words with you and return to God' (Hoshea 14:3) – and I shall forgive all of your transgressions." And "words" always means "words of Torah," as it is written, "These are the words which Moshe spoke…" (Devarim 1:1).
They said to Him, "We do not know [words of Torah]." He said to them, "Weep and pray before Me, and I shall accept it. When your forefathers were enslaved in Egypt, was it not through prayer that I redeemed them? As it is written, 'And Bnei Yisrael groaned from the labor, and they cried out' (Shemot 2:23)"… So, too, even though the people of Jerusalem angered Me, I had mercy upon them because they wept…
Therefore David says, "I wash my hands in innocence…" (Tehillim 26:6-7). It does not continue, "…to offer sacrifices to You," but rather "to sound the voice of thanksgiving" – I am thankful to You for the words of Torah. (Shemot Rabba 38)
Weeping demonstrates sorrow, but also other elements. One who does not weep expresses excessive self-confidence. Weeping breaks down barriers; it allows a person to uplift and rededicate himself, owing to the determination that can emerge from sorrow.
Some people would say that the weeping in the midrash is appropriate for the exile, where the Jews had no political and military strength; all they were able to do was weep. In Eretz Yisrael, they claim, a new type of Jew has emerged – upstanding, mighty, believing in his power. Avraham, who did not inherit the land, was able to weep; Bnei Yisrael, enslaved in Egypt, could weep. But in Eretz Yisrael there is a new ethos, which precludes spontaneous weeping; in fact, it precludes weeping altogether. Even if people in Eretz Yisrael sometimes weep, this is an outdated expression of the broken-hearted helplessness of the Jew in exile.
The midrash comes to tell us that it was weeping which redeemed the Jews of Jerusalem. Sorrow and broken-heartedness are bound up with human suffering, bound up with God Himself Who says, "My soul shall weep in hidden places" (Yirmiyahu 13:17) – and they exist in Eretz Yisrael, too. The person who weeps must also be the person who makes decisions. May we be worthy to learn to weep properly. Fateful decisions must emerge out of weeping and prayer. Heaven forefend that our human sensitivity disappear in a cloud of national pride. At the setting of the sun, on the eve of God's great and awesome day, Jews stand, wrapped in their tallitot, and from every weeping, praying throat there arises a prayer:
May it be Your will, Who hears the sound of weeping, that You collect our tears in Your bottle, and deliver us from all harsh and cruel decrees, for our eyes look only to You.
(This sicha was delivered on the 29th of Iyar 5770 [May 13, 2010].)
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What Can We Do to Hasten the Rebuilding of the Temple?
By Rav Yitzchak Levi
Translated by David Strauss

I. Spiritual Repair

We can hope to repair the churban only if we understand that the Mikdash expresses a spiritual reality. The Gemara (Sanhedrin 96b) states that when Nevuzaradan became haughty after destroying the First Temple, a heavenly voice said to him: "You killed a dead nation, you burned a burnt sanctuary, you milled ground flour." That is to say, from the moment that Israel's spiritual level deteriorated, the Mikdash was already regarded as destroyed, so that the nations that actually destroyed it merely "finished the job."

The Gemara (Yoma 9b) explains the main cause of the destruction of the Second Temple:
But why was the Second Temple destroyed, seeing that in its time they were occupying themselves in the Torah, [observance of] mitzvot, and the practice of loving-kindness? Because therein prevailed hatred without cause. This teaches you that groundless hatred is considered as equal in severity to the three sins of idolatry, incest and bloodshed together.
The Maharal (Netzach Yisrael, chap. 4) explains that the superiority of the Second Temple, in which the Shekhina did not reside, lay in Israel themselves, who were united through the Temple. Once groundless hatred began to grow and Israel's unity around God and the Temple unraveled, there was no longer room for the Mikdash.

What is groundless hatred? The Lubavitcher Rebbe (Hechaltzu, p. 259) explains:
Because of a person's being, he does not make room for the other. For perforce the other diminishes his existence, and therefore he cannot tolerate him.
The Netziv writes (Ha'amek Davar, introduction to the book of Bereishit):
The people who lived during the Second Temple period were righteous and pious and they toiled in the Torah, but they were not upright in their worldly conduct. Therefore, owing to the groundless hate that they harbored in their hearts one for the other, they suspected anyone who did not follow their own approach in the fear of God of being a Sadducee or a heretic. And this brought them to bloodshed…[1]
Rebuilding the Temple – Through Groundless Love

Well-known are the words of Rav Kook:
If we were destroyed and the world was destroyed with us owing to groundless hate, we will be rebuilt and the world will be rebuilt with us through groundless love (Orot Ha-kodesh, III, p. 324).[2]
Just as the destruction was based on a corrupt spiritual reality, so, too, the Temple will be rebuilt through a repair of that spiritual reality through groundless love.

Here the question arises: Surely we are all bound by the positive commandment of "And you shall love your neighbor as yourself; I am the Lord" (Vayikra 19:18). What, then, does "groundless love" add to this mitzva? What precisely is the added dimension of groundless love in relation to the basic level of love obligated by Torah law?

The idea of groundless love may be as follows: Love that does not depend on anything else – love that does not flow from the manner that the other person appears or conducts himself, but from the very recognition of his goodness, as he is. We naturally love another person because of his good qualities, his radiant personality, or his worthy outlook on the world; in this sense, our love depends on something. However, groundless love is love that is not founded on an evaluation of the other person based on his personality or qualities, but rather unconditional love of every creature, of every person, regardless of the traits that he has or lacks.

A second possibility is that one must love his fellow precisely as we love ourselves. It is the way of the world that we tend to forgive ourselves for our weaknesses, providing all kinds of excuses and justifications for our own behavior, whereas with respect to other people we are inclined to be meticulous and set more stringent standards. Groundless love may be love that is similar to self-love. Just as a person does not love himself because of his good looks, his intelligence, or his skills, and just as he continues to love himself even when he acts wrongly, he must love every other Jew in the same way. The ability to see another person's virtues and not his failings, and not only to act with forbearance towards him, is what can lead to groundless love.[3]

Another possibility is that groundless love refers to love of a wider scope – love directed at a community with which one does not have close social connections. In addition, a higher quality love of one's more immediate surroundings is demanded – more refinement, more sensitivity, more attention and consideration with respect to other people.

The Yerushalmi's position is well-known:
Any generation during whose days the Temple is not rebuilt is regarded as if it had destroyed it. (Yoma 1:1)
In every generation, the potential exists to rebuild the Temple, and each generation's responsibility for not realizing that potential equals the responsibility of the generation of the destruction! The primary mission following from the absence of the Mikdash is spiritual repair. This repair can express itself in many different ways: on the individual level and on the

community level, in the realms of unity, peace, social justice, tolerance, help to others, and the like.

I believe that we should establish regional offices of professionals in various areas – doctors, lawyers, accountants, carpenters, plumbers, psychologists, social workers, and the like – who are ready to volunteer their services to help others.[4] These offices will be called "Offices for the Rebuilding of the Temple." In this way, everyone will understand that the rebuilding of the Temple requires a spiritual rebuilding of the nation, and that the way to rebuild the Temple is through a full joining together of all sectors of the population – right and left, secular and religious, rich and poor. "O Jerusalem, built as a city that is joined together" (Tehillim 122:3) – through our connection to one another, the Jewish people will reconnect to God, and as a result we will be privileged to have the Temple rebuilt speedily in our days.

II. Study

The main way to cope with the absence of the emotional experience of the Temple is through study. The book of Vayikra in the Torah, the orders of Kodashim and Taharot in the Mishna, and the chapters dealing with the Mikdash and the sacrificial order scattered throughout the Talmud – all these are distant from our consciousness. They are not sufficiently the subject of study, examination, knowledge and deep understanding.

The Chafetz Chayyim related to the study of the Mikdash and the sacrificial order as an integral part of awaiting the building of the Mikdash.[5] What will we do if the messianic king arrives tomorrow morning? How will we know the location of the altar? How will we apply the law of a red heifer? What about the presumed lineage of the priesthood or the priestly garments? There are two aspects to this study: study for the sake of practice, and study that intensifies our relationship with the Mikdash and magnifies our yearnings. In addition to increasing one's knowledge, study enhances one's emotional connection to the studied material, brings one closer to its concepts, and leads one to recognize the perfection that exists in this ideal world.

III. Prayer and Yearning

Every day we pray: "May it be Your will… that the Temple be speedily rebuilt in our days." What do we hope for? What is missing without the Temple, and what are we asking of God? Do we really mean what we say, or are we merely parroting words?

In his book Ma'ayanei Ha-yeshua (chap. 56), Rav Yaakov Moshe Charlop zt"l explains that when a person sees the full reality of the Mikdash before his eyes and lives and breathes it, it gains meaning and his waiting turns into reality. "Whoever mourns over Jerusalem merits to see it in its joy" (Bava Batra 60b) – it does not say here that he will merit to see it in its joy, but rather he merits to see it in its joy. When yearnings have substance in the consciousness, in the will, and in the soul, those yearnings turn into absolute reality.

A person must honestly and seriously ask himself: Is the Mikdash really missing for me? Does today's spiritual reality, on both the individual and collective levels, satisfy my desire for God's closeness? What am I prepared to invest in order to draw closer to God and to repair the world?[6]

There is a famous story at the end of tractate Makkot (24b) about Rabban Gamliel, Rabbi Elazar ben Azarya, Rabbi Yehoshua and Rabbi Akiva:

Once again they were coming up to Jerusalem together, and just as they came to Mount Scopus they saw a fox emerging from the Holy of Holies. They fell to weeping and Rabbi Akiva seemed merry. They said to him: Why are you merry? Said he: Why do you weep? They said to him: A place of which it was once said: "And the common man that draws near shall be put to death" (Bamidbar 1:51), is now become the haunt of foxes, and we should not weep? He said to them: Therefore am I merry, for it is written: "And I will take to Me faithful witnesses to record, Uriya the priest and Zekharya the son of Yeverakhya" (Yeshayahu 8:2). Now what connection has this Uriya the priest with Zekharya? Uriya lived during the time of the First Temple, while Zekharya lived [and prophesied] during the Second Temple. But Scripture linked the prophecy of Zekharya with the prophecy of Uriya. In the [earlier] prophecy [in the days] of Uriya, it is written: "Therefore shall Zion for your sake be plowed as a field" (Mikha 3:12). In Zekharya it is written: "Thus said the Lord of Hosts, There yet shall old men and old women sit in the broad places of Jerusalem" (Zekharya 8:4). So long as Uriya's prophecy had not had its fulfillment, I had misgivings lest Zekharya's prophecy might not be fulfilled; now that Uriya's prophecy has been fulfilled, it is quite certain that Zekharya's prophecy is being fulfilled. They said to him: Akiva, you have comforted us! Akiva, you have comforted us!

Once again, the Gemara does not say "It is quite certain that Zekharya's prophecy will be fulfilled," but rather "It is quite certain that Zekharya's prophecy is being fulfilled." Rabbi Akiva, who saw before him the enormity of the destruction of Jerusalem brought about by Emperor Hadrian – its being plowed over and turned into a pagan city – is capable of seeing in the destruction the fulfillment of the prophecy of Zekharya in his very day. The vision is alive, it breathes and beats within him, and even allows him to see salvation and repair in the depths of the destruction.

We must therefore try to experience deeply the thirst for God's nearness, out of hope and striving that we be worthy of the rebuilding of the Mikdash.

IV. Seeking Out the Place

Before concluding, let us try to understand the meaning of our connection to the Temple Mount today. The Torah states:

But to the place which the Lord your God shall choose out of all your tribes to put His name there, there shall you seek Him, at His dwelling, and there shall you come. (Devarim 12:5)

On this verse, the Sifrei states (ad loc., piska 12):

Seek out the word of a prophet. You might say you must wait until a prophet tells you. Therefore the verse states: "There shall you seek Him, at His dwelling, and there shall you come" – seek and find, and afterwards the prophet will tell you.[7]

In other words, the site of the Mikdash demands seeking. It is not by chance, therefore, that the Torah does not specify the site of the Temple, but speaks of "the place that the Lord your God shall choose."

Seeking the Place Today

Following the miracle of our returning to Yehuda, Shomron, and the Old City of Jerusalem during the Six Day War, masses of people began to stream to all the holy places which came back under Israeli control: the Makhpela Cave, Joseph's Tomb, Rachel's Tomb – and also the Temple Mount. In the wake of this activity, a proclamation signed by many of the generation's leading Torah authorities was issued in Elul of 5727 (1967), warning about the sanctity of the Temple Mount and the prohibition to set foot upon it.

It would have been appropriate to mark off the holiest areas and define them as "out of bounds" for everybody: Jews and Arabs, Israelis and tourists. But the Minister of Defense handed over the keys to the Temple Mount to the Moslem Wakf. Practically speaking, the Temple Mount fell thereby under Moslem control. At the same time, the Kotel plaza began to assume independent significance, detached from the Temple Mount, and what is more, replacing it.

This is expressed in the very name "Kotel" – the western supporting wall of the Temple Mount. When a person goes to visit a friend and finds that he is out, does he feel that he has visited the wall of his house? This plaza should rightfully be called: "below the site of our Temple." Moreover, most people who come to pray in the Kotel plaza face the western wall of the Temple Mount, whereas Halakha and common sense dictate that one should face the site of the Holy of Holies, which the Radbaz and others identify as below the Dome of the Rock. Attesting to the extent of the alienation and ignorance is the comprehensive plan drawn up by an architect in the wake of the Six Day War for the building of the Temple in the Kotel plaza. These are all expressions of how the "Kotel plaza" was turned into a place of its own, which is not intimately connected to what lies above it.

Over time, the stream of people leading to the Temple Mount came to a total halt, the rabbinic proclamation remained in force, and Moslem control over the mountain grew stronger. This situation was highlighted by the terrible plunder conducted by Moslems in 1996 in the southeastern section of the Temple Mount: the flooring was broken with heavy machinery, in order to connect up at a depth of twelve meters to Solomon's Stables and open a northern entrance to the new mosque that was built in that space. This expresses the weakness of our hold on the place.

Another difficult expression of this weakness is the way in which the Israeli authorities relate to Jews who wish to ascend the Temple Mount in a state of ritual purity. The issue of such a visit is complicated and involves spiritual, halakhic, and conceptual elements, which we will not deal with here. For our purposes, let us say that the situation today is that at the world's holiest site a Jew cannot open his mouth in prayer, not even in the manner of Channa's prayer: "Only her lips moved, but her voice was not heard" (I Shemuel 1:13). Every group is accompanied by uniformed police, undercover detectives, and Wakf representatives, who watch the mouths of religious Jews,[8] and anyone who is caught praying is arrested by the Israeli police for the crime of disrupting the public order.[9]

To sum up, today there is not even a hint of Jewish presence and control of the Temple Mount, neither flag nor any other symbol of sovereignty. This situation has created de-facto Moslem control over the Temple Mount,[10] and public and worldwide recognition that the Temple Mount belongs to the Moslems and the Western Wall to the Jews.

The Bottom Line: What Practical Expression Are We to Give Today to Our Connection to the Temple Mount?

Every person can express his connection to the Temple Mount in various ways:

·Study of the historical sources and the archeological remnants at the entranceways to the Temple Mount.

·Tours along the length of the southern and western walls of the Temple Mount.

· On the eve of every Rosh Chodesh, a "Sivuv She'arim" is conducted. Participants circle the Temple Mount and recite the Songs of Ascent (Shirei Ha-ma'alot) at its various gates. We thereby articulate that the Temple Mount is exceedingly precious and important to us, and that the reason that we do not proceed further is the mountain's sanctity. This persistence with a monthly connection to the holy place emphasizes its importance to us. When we merit that masses of people will visit the place every month, the Jewish people's connections to the place will be clearer.

· Part of seeking out the place is being familiar with it and visiting it. Going up to the Temple Mount in a state of holiness and purity, with fear of the Mikdash, magnifies its holiness in our eyes, in the eyes of the authorities, and in the eyes of the world. It is very important to emphasize that going up to the Temple Mount does not substitute for vitally necessary spiritual work. Even someone who does not go up to the Temple Mount for whatever reason can study its entranceways and approaches and visit them.

The Absence of the Mikdash

When the Mikdash exists, the Jew visits it at set times – the three Festivals, when he brings his first fruit to the Temple between Shavuot and Sukkot (or Chanuka), and in the framework of his service in the priestly or levitical mishmarot or the Israelite ma'amadot, if he belongs to one of them. But he also comes on other occasions, which do not have a fixed time, for example, when he brings a sacrifice (a sin-offering, a thanksgiving offering, a firstborn, animal tithe, or the like), or when he is involved in a court case that went up to the great Sanhedrin, which convenes in Lishkat ha-Gazit. Coming to the Mikdash means unmediated recognition that it is the center of the nation and of all being: the center of Divine presence in the world, the source of material blessing in the entire world, and the place where a person may lift himself up to his Creator.

The entire nation assembled in the Mikdash on various occasions (the three Pilgrim Festivals, on Yom Kippur, at the hakhel assembly, and the like). But besides this, the Mikdash had communal significance by its very existence in that it was clear to all that God has a place that gives expression to His presence in the world and that He has a special love for the Jewish people. The Jewish people, in turn, committed themselves to give constant expression to their connection to the place by serving God there.

When a person would come to the Mikdash, he would feel the unmediated nearness of God to a degree altogether different from what can be felt today. This feeling impacted upon his entire life and directed it to the worship of God.

With the destruction of the Temple, our connection to God diminished and our relationship to Him weakened. Through groundless love, yearning, prayer, study of Temple-related matters, and the renewal of our connection to it – we hope to merit speedily in our days to be worthy to have the Shekhina rest once again among us, and to be able to rebuild God's Temple. "And there we shall serve You in fear as in ancient days and years of old."

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SEFER DEVARIM Introduction

What is Sefer Devarim?

Most everyone would answer - a review or repeat of Chumash, just as its 'nickname' - 'Mishneh Torah' - seems to imply.

Is this really so?

As we now demonstrate, it won't take more than a minute to show how that popular answer is simply incorrect!

Let's quickly review the first four books (of Chumash), noting which of their primary topics are either included or missing from Sefer Devarim:

* Sefer Breishit: Sefer Devarim makes almost no mention of any of its stories - be it the story of Creation, the Flood, the Avot, or the brothers, etc.

* Sefer Shmot: We find only scant details of the Exodus, and not a word about the mishkan; even though we do find the story of Ma'amad Har Sinai & chet ha-egel.

* Sefer Vayikra: Here again, Sefer Devarim makes almost no mention of any of its mitzvot or stories, aside from a few laws that 'ring a bell' from Parshat Kedoshim, and some kashrut laws; but hardly a summary.

* Sefer Bamidbar: Indeed Sefer Devarim does tell over the stories of the 'spies' and the defeat of Sichon & Og (with some major 'minor changes'). However, there is barely a mention of the remaining stories found in Bamidbar (and there are many), nor do we find a review of any of its mitzvot (e.g. nazir, sota, challa, etc.).

Furthermore, Sefer Devarim contains numerous mitzvot that had never been mentioned earlier in Chumash! Certainly, if the book was a summary, then we should not expect for it to contain totally new material.

[To clarify this point, simply imagine that you are a teacher who assigns the class to summarize the first four books of Chumash. How would you grade a student who handed in Sefer Devarim as his assignment?]

Even though it took us only a few minutes to prove that Sefer Devarim is not a review of Chumash - it will take us much longer to explain what Sefer Devarim is, and why Chazal refer to it as "Mishneh Torah".

INTRODUCTION

Like many good books, Sefer Devarim can only be fully understood after you have read it. So for those of you who are not patient enough to read the entire book first (and analyze it), the following shiur will 'spill the beans'.

As usual, our shiur will focus on identifying its structure and theme. It is recommended that you study this shiur carefully, as its conclusions will provide the basis for our entire series on Sefer Devarim (in the weeks to follow).

A BOOK OF SPEECHES

The key to understanding Sefer Devarim lies in the recognition that it contains a very important (albeit long) speech delivered by Moshe Rabeinu, prior to his death; as well as several 'shorter' speeches; one which introduces that 'main speech', and others that form its conclusion.

Therefore, the first step of our shiur will be to identify those speeches. To do so, we must first note how the style of Sefer Devarim is unique, as it is written almost entirely in the first person - in contrast to the first four books of Chumash, which are written in 'third person'.

[Recall (from when you studied grammar) that speeches are recorded (or quoted) in first person, while narrative (stories) are usually written in third person.]

Therefore, to determine where each speech begins (and ends), we simply need to scan the book, noting where the narrative changes from third person (i.e. the regular narrator mode of Chumash) to first person (i.e. the direct quote of Moshe Rabeinu, as he speaks).

If you have ample time (and patience/ and of course a Tanach Koren handy), you should first try to do this on your own. On the other hand, if you are short on time - you can 'cheat' by reading at least 1:1-7, 4:40-5:2, 26:16-27:2, 28:69-29:2, & 30:19-32:1, noting the transition from third person to first person, and hence where and how each speech begins.

INDENTIFYING SPEECH #1

For example, let's take a quick look at the opening psukim of Sefer Devarim (1:1-7). Note how the first five psukim are written in third person:

"These are the devarim (words / speeches) which Moshe spoke to all of Israel... In the fortieth year on the first day of the eleventh month... in Arvot Mo'av, Moshe began to explain this Torah saying..." (see 1:1-5);

This introduces the speech that begins (in the next pasuk) with the first sentence of Moshe Rabbeinu's speech:

"God, our Lord, spoke to us at Chorev saying..." (see 1:6).

[Note how this pasuk, and those that follow are written in first person.]

Then, scan the psukim that follow, noting how this speech continues from 1:6 all the way until 4:40 (i.e. the next four chapters). This entire section is written in first person, and hence constitutes Moshe's opening speech.

INDENTIFYING SPEECH #2 [the 'main speech']

In a similar manner, note how the first pasuk of chapter five introduces Moshe's next speech. Here again, the opening pasuk begins in third person, but immediately changes to first person, as soon as the speech begins:

"And Moshe called together all of Israel and said to them [third person] - Listen to the laws and rules that I tell you today... - [first person]" (see 5:1).

Where does this second speech end? If you have half an hour, you could scan the next twenty some chapters and look for its conclusion by yourself; otherwise, you can 'take our word' that it continues all the way until the end of chapter 26!

This observation (even though it is rarely noticed) will be the key towards understanding Sefer Devarim - for this twenty chapter long 'main speech' will emerge as the primary focus of the book!

After this 'main speech', in chapters 27-30 we find two more short speeches that directly relate to the main speech. Finally, from chapter 31 thru 34, Sefer Devarim 'returns' to the regular narrative style of Chumash, as it

concludes with the story of Moshe Rabbeinu's final day.

The following table summarizes the division of Sefer Devarim into its four speeches:

SPEECH #1
Chaps. 1-4
Introductory speech
SPEECH #2
Chaps. 5-26
Main speech
SPEECH #3
Chaps. 27-28
Tochacha & Covenant
SPEECH #4
Chaps. 29-30
Teshuva

THE MAIN SPEECH

As this table indicates, Speech #2 is by far the longest, so we'll begin our study by trying to figure out its primary topic. [Afterward, we will show how Speech #1 actually introduces this main speech.]

To help us identify the primary topic of the main speech [without the need to read it in its entirety], let's assume that Moshe Rabeinu will employ the 'golden rule' for an organized speech, i.e. he will:

(1) 'Say what you're gonna say' -
(2) 'Say it' - & then
(3) 'Say what you said.'

[We'll soon see how Moshe Rabeinu beautifully follows this golden rule in this speech.]

Let's take a careful look at how Moshe's begins this main speech, noting how he explains to the people what to expect:

"Listen Israel to the chukim & mishpatim which I am teaching you today, learn them and keep them..." (5:1).

This 'opener' immediately tells the listener that this speech will contain chukim & mishpatim [laws and rules] that must be studied and observed; and indeed that is precisely what we will find (when we will study the content of this speech).

However, these laws - that we now expect to hear (based on 5:1) - don't begin in the next pasuk. Instead, Moshe Rabeinu uses the first section of his speech (chapter five) to explain how and when these laws (that will begin in chapter six) were first given.

In other words, instead of beginning his speech immediately with this set of laws, he will preface these laws by first explaining why everyone is obligated to keep them (5:2-5), followed by the story of how he first received them at Har Sinai forty years earlier (5:20-30).

To appreciate this introductory chapter, and to understand why it contains a 'repeat' of the Ten Commandments, let's carefully review its flow of topic.

INTRO TO THE MAIN SPEECH - OBLIGATION & COVENANT

As his first point, Moshe emphasizes how these laws (that he is about to teach) were given as an integral part of the covenant between God and Bnei Yisrael at Har Sinai:

"Hashem made a covenant with us at Chorev. Not [only] with our forefathers did God made this covenant, but [also] with us - we, the living - here today..." (5:2-3).

Even though (and because) most of the members of this new generation were not present at Ma'amad Har Sinai, Moshe must first remind Bnei Yisrael that their obligation to keep these laws stems from that covenant at Har Sinai (forty years earlier)!

Recall as well how God had spoken the Ten Commandments directly to Bnei Yisrael as part of that covenant.

[Hence - the two tablets upon which they were inscribed are known as 'luchot ha-brit' - i.e. tablets of the Covenant.]

It is for this reason that Moshe Rabeinu first reviews the Ten Commandments (in 5:6-19), before he begins his teaching of the detailed 'chukim 'mishpatim' - for they form the key guidelines of this "brit"' between God and His nation. Note however that the Ten Commandments are presented as part of the story of 'how the laws were given' - the detailed laws, referred to in 5:1, don't begin until chapter six (and continue thru chapter 26).

WHY MOSHE IS TEACHING THE LAWS

Now comes the key story in this introductory section, for Moshe (in 5:20-30) tells the story of how Bnei Yisrael immediately became fearful after hearing the 'Dibrot' and asked Moshe that he become their intermediary to receive the remaining laws. As we shall see, this story explains when and how the laws (that Moshe is about to start teaching) were first given.

To clarify this, let's careful study these psukim, for they will help us understand the overall structure of the main speech:

"When you heard the voice out of the darkness, while the mountain was ablaze with fire, you came up to me... and said... Let us not die, for this fearsome fire will consume us... you go closer and hear all that God says, and then you tell us everything that God commands, and we will willingly do it..." (5:20-26).

[Keep in mind that from this pasuk we can infer that had Bnei Yisrael not become fearful, they would have heard additional mitzvot directly from God, immediately after these first Ten Commandments.]

Note how God grants this request (that Moshe should act as their intermediary) by informing Moshe of His 'new plan:

"Go, say to them: 'Return to your tents.' But you remain here with Me, and I will give you the mitzvah, chukim & mishpatim... for them to observe in the land that I am giving them to possess..." (5:27-28).

Read this pasuk once again, for it is key towards understanding how the 'main speech' first came about. The mitzvot that Moshe will now teach (in this speech) are simply the same laws that God had first given to him on Har Sinai, after Bnei Yisrael asked him to become their intermediary.

In fact, Moshe himself states this explicitly in the next set of psukim that clearly introduce this set of laws:

"And this ('ve-zot') is the mitzvah, chukim & mishpatim that God has commanded me to teach you to be observed in the land you are about to enter..." (see 6:1-3).

Recall from 5:28 that God told Moshe that he should remain on Har Sinai to receive the mitzvah, chukim & mishpatim. This pasuk (6:1), explains how Moshe's lecture is simply a delineation of those mitzvot.

THE ELEVENTH COMMANDMENT

Based on this introduction (i.e. 6:1-3), we conclude that these laws (that begin with 6:4) are simply those mitzvot that God had given to Bnei Yisrael - via Moshe Rabbeinu - as a continuation of the Ten Commandments at Ma amad Har Sinai. If so, then the first mitzvah of this special unit of laws is none other than the first parshia of 'kriyat shema':
"Shema Yisrael, Hashem Elokeinu Hashem Echad, ve-ahavta... ve-hayu ha-devarim ha-eileh..." (see 6:4-7).
[This can help us appreciate why this parsha is such an important part of our daily prayers - to be discussed in our shiur on Va'etchanan.]

This first parshia of kriyat shema begins a lengthy list of mitzvot (and several sections of rebuke) that continues all the way until Parshat Ki Tavo (i.e. chapter 26).
[That is why this speech is better known as 'ne'um ha-mitzvot' the speech of commandments. Just try counting how many mitzvot are indeed found in these 21 chapters - you'll find plenty!]

Note as well that after the first two cardinal mitzvot - belief in God and the commandment to love Him with all your heart - we find a statement that serves as yet another introduction to the mtizvot that will now follow:
"ve-hayu ha-devarim ha-eileh..." - And these words [clearly, this refers to the laws that will now follow in the speech] that I am teaching you today must be kept in your heart - (see 6:6-7)

We will soon return to discuss this pasuk in greater detail; however, we must first clarify an important point. Even though the core of this speech consists of the mitzvot that Moshe initially received at Har Sinai, it is only natural that Moshe Rabbeinu will add some comments of his own, relating to events that have transpired in the interim. [See, for example, chapters 8->9.] Nonetheless, the mitzvot themselves were first given forty years earlier.

Furthermore, as the psukim quoted above explain, these mitzvot share a common theme - for they all apply to Bnei Yisrael's forthcoming entry into the Land of Israel (see 5:28 & 6:1). [In next week's shiur we will discuss how these mitzvot divide into two distinct sections, the mitzva section (chapters 6 thru 11) and the chukim u-mishpatim section (chapters 12 - 26).]

WHEN THIS SPEECH WAS FIRST GIVEN

So when did Bnei Yisrael first hear these mitzvot?

If they were given at Har Sinai, then certainly Moshe should have taught them to the people at that time.

The answer to this question is found in Parshat Ki Tisa. There, in the story of how Moshe descended from Har Sinai with the second luchot, the Torah informs us:
"And it came to pass, when Moshe came down from Mount Sinai with the two tables of the testimony in his hand... and afterward all the children of Israel came near, and he [Moshe] commanded them all of the laws that God had spoken with him on Mount Sinai.
(See Shmot 34:29-32)

Clearly, Moshe had already taught these laws to Bnei Yisrael when he came down from Har Sinai. Yet, Sefer Shmot only tells the story of when Moshe first taught them, but doesn't record all of the actual laws that he both received and taught at that time. Instead, the Torah prefers to record some of those laws in Sefer Devarim, others in Sefer Bamidbar, and others in Sefer Vayikra.

In other words, Moshe Rabbeinu reviews an entire set of laws in Sefer Devarim; laws that he had already taught to the first generation when they were encamped at Har Sinai. Hence, the laws in Sefer Devarim are indeed a review of a set of laws that Bnei Yisrael had already received. However, they are not a review of the laws that Chumash had already recorded.
[This point clarifies why so many people misunderstand what is meant when Sefer Devarim is referred to as a 'review of laws'. It is indeed a review of laws that Moshe Rabeinu had already taught Bnei Yisrael, but it is not a review of the first four books of Chumash.]

One could also suggest a very logical reason for why the Torah preferred to record these laws in Sefer Devarim, rather than in Sefer Shmot. As we shall see, these mitzvot will focus on how Bnei Yisrael are to establish their nation in the Land of Israel (see 5:28 and 6:1/ 'la'asot ba-aretz' - to keep in the land). Hence, the Torah prefers to record them as they were taught by Moshe to the second generation - who would indeed enter the land; and not as they were given to the first generation - who sinned, and hence never entered the land.

This background will now help us understand why Chazal refer to this Sefer as "Mishneh Torah", and why this name is so commonly misunderstood. While doing so, we will also explain the 'simple meaning' of the famous psukim of kriyat shema that we recite every day.

MISHNEH TORAH

Let's return to the opening psukim of kriyat shema (6:4-8), which form the opening set of commandments that Moshe first received on Har Sinai (to relay to Bnei Yisrael) - soon after the Ten Commandments were given to the entire nation.

Moshe begins this set of laws with an opening statement that reflects a tenet of faith:
"shema Yisrael Hashem Elokeinu Hashem Echad" (6:4)

This is followed by the most basic mitzva regarding attitude, which in essence is a way of life for every jew:
"ve-ahavta ..." - to love God with all your heart... (see 6:5),

Then, Moshe introduces the laws that he now plans to teach in a very interesting manner:
"ve-hayu ha-devarim ha-eileh...
- And these words [i.e. laws that will now follow]
that I am teaching you today must be kept in your heart - ve-shinantam - and you must repeat them (over and over) to our children and speak about them constantly, when at home, when you travel, when you lie down and when you get up..." (see 6:5-8).

Note the Hebrew word 've-shinantam' - which means more than simply to teach, but rather to 'repeat' [from the 'shoresh' (root) -' leshanen' [sh.n.n.]. Moshe instructs the nation that these forthcoming laws (i.e. the laws of the main speech of Sefer Devarim), need not only to be taught, but they also require constant repetition!

Thus, the word 'mishneh' - in the phrase "mishneh Torah" also stems from this same root - "l'shanen" - to repeat. Hence, the name "Mishneh Torah" implies a set of laws that require constant repetition!

This explains the confusion in regard to the meaning of this alternate name for Sefer Devarim. Mishneh Torah does not

imply that Sefer Devarim is a repeat (or review) of what has been written in Chumash thus far; rather, it refers to a special set of laws that requires constant repetition - i.e. when we sit in our homes etc. / see 6:6-7,

In other words, the mitzvot of the main speech of Sefer Devarim are special, insofar as they must be constantly repeated and taught ('ve-shinantam'), as its name - Mishneh Torah - implies. In fact, we fulfill this mitzva each day by reciting the first two parshiyot of kriyat shma.

Further proof of this interpretation is found in the sole pasuk in Sefer Devarim that contains the phrase mishneh Torah, in regard to the King in Parshat Shoftim:
"And when the King is seated on his royal throne, he must write this mishneh ha-torah in a book... and it must be with him and he must read from it every day of his life, in order that he learns to fear God..." (see 17:18-19).

Clearly, in this context, the term "Mishneh Torah" does not refer to a repeat of earlier laws, but rather to a set of laws that need to be repeated.
[Similarly, the word 'mishna' (as in Torah she-ba'al peh) has the same meaning. The mishnayot require 'shinun'; they must be repeated over and over again - hence they are called Mishna.]

BACK TO PARSHAT DEVARIM

This interpretation can help us understand the opening psukim of Sefer Devarim - which otherwise appear to be rather cryptic. Before we continue, it is suggested that you read Devarim 1:1-2, noting the difficulty of its translation.
"These are the devarim that Moshe spoke to Bnei Yisrael in Transjordan, in the desert, in the Arava, opposite Suf, between Paran and Tofel, and Di Zahav" (1:1).

First of all, what does the word devarim refer to:
the entire book? - the first speech? - all the speeches?

It's not clear. Secondly, what is the meaning of this long list of places?

The location of 'ever ha-yarden' [Transjordan] makes sense, for Bnei Yisrael are now encamped there (see 1:5); but the remaining list of places - ba-midbar, ba-arava, mul suf, bein paran u-tofel etc. - seems to be totally disjoint from the first half of this pasuk.

Are these many places, or just one place? What happened at all of these places? Again, it is not clear.

The next pasuk is even more enigmatic!
"Eleven days from Chorev, via Mount Se'ir, until Kadesh Barnea" (1:2).

This pasuk doesn't even form a complete sentence. What does it describe? What does it have to do with the previous pasuk?

Nonetheless, the next pasuk appears to be quite 'normal', and could easily have been the opening verse of the book:
"And it came to pass in the fortieth year on the first day of the eleventh month, Moshe spoke to Bnei Yisrael in accordance with the instructions that God had given him for them [after he had defeated Sichon]" (1:3-4).

This third pasuk seems to form an introduction to Moshe's speech. But this only strengthens our questions on the first two psukim. Why doesn't the Sefer just begin with the third pasuk?

Indeed, one who never studied Sefer Devarim should find himself terribly confused when reading these psukim.

However, based on our shiur, it is possible to suggest a very simple explanation (that will find support in Ibn Ezra and Ramban as well).

A SUPER INTRO

Recall how the main speech (i.e. ne'um ha-mitzvot / chapters 5-26) forms the focal point of Sefer Devarim, including a lengthy set of mitzvot that Bnei Yisrael must keep as they enter the Land of Israel. As we explained, Moshe had first taught these mitzvot to Bnei Yisrael when he came down from Har Sinai with the second luchot (see Shmot 34:32). However, since these laws require constant repetition [mishneh torah], it would only make sense that Moshe would have taught them numerous times.

Recall as well that the Torah uses this very same word 'ha-devarim' to introduce the mitzvot of the main speech / see 6:6 -'ve-hayu ha-devarim ha-eileh asher anochi metzaveh "

Therefore, one can assume that the phrase 'eileh ha-devarim' (in 1:1) refers to the same mitzvot that 've-hayu ha-devarim' refers to in 6:6) i.e. to the mitzvot of the main speech!

If so, then the first pasuk of the Sefer introduces this main speech! Hence, the first two psukim of Sefer Devarim can be understood as follows:
"These are the devarim [i.e. the mitzvot of the main speech] that Moshe delivered in Arvot Mo'av, [just as he had already delivered a similar speech in] the midbar, and arava, opposite suf, between Paran and Tofel, and at Di-zahav. [Furthermore, these mitzvot were also taught by Moshe to Bnei Yisrael during] their eleven day journey from Har Chorev to Kadesh Barnea." [Then] in the fortieth year... Moshe taught these laws (one last time] after the defeat of Sichon..." (see Devarim 1:1-4)

[See commentary of Ibn Ezra on 1:1-2.]

This explanation fits in beautifully with both Ibn Ezra's & Ramban's interpretation of the word "devarim" in the first pasuk of Sefer Devarim, as both commentators explain that the word "devarim" refers specifically to the mitzvot that Moshe will teach later on in the main speech.
[Ramban explains that these devarim begin with the Ten commandments (i.e. from chapter 5), while Ibn Ezra explains that they begin with the chukim & mishpatim in Parshat Re'eh (see 12:1). The underlying reason for this controversy will be explained in our shiur on Parshat Va-etchanan. The reason why Rashi explains that devarim refers to the 'rebuke' will be discussed in our shiur on Parshat Ekev.]

When we consider this setting, the Torah's emphasis in the second pasuk on the eleven day journey from Har Sinai to Kadesh Barnea becomes quite significant. Recall, that this eleven day journey was supposed to have been Bnei Yisrael's final preparation before conquering the land (had they not sinned)! As such, Moshe found it necessary to teach and review these important laws several times during that journey. [Again, see Ibn Ezra inside.]

Now, in the fortieth year on the first day of the eleventh month, Bnei Yisrael find themselves in a very similar situation - making their final preparations for the conquest of the land. Therefore, Moshe gathers the people in Arvot Mo'av to teach and review these mitzvot one last time.

In this manner, the first four psukim of Sefer Devarim actually form the introduction to the main speech (chapters 5-26).

However, before Moshe begins that main speech, he

first makes an introductory speech that is introduced by 1:5 and continues until 4:40. That speech will be discussed iy"h in our next shiur (on Parshat Devarim).

Untill then,
shabbat shalom
menachem

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FOR FURTHER IYUN

A. FROM HAR SINAI TO SEFER DEVARIM

In our shiur, we showed how the main body of Sefer Devarim contains the mitzvot that Moshe Rabbeinu originally received on Har Sinai. However, Moshe received many other mitzvot on Har Sinai. Therefore, it appears that even though Moshe received all of the mitzvot on Har Sinai, each book of Chumash focuses on a different category. Therefore, the important question becomes - what characterizes the mitzvot found in other books of Chumash? Or, more directly, on what basis were the mitzvot distributed among the five books?

To answer this question, we simply need to review our conclusions from previous shiurim.

First of all, let's review the main themes of each Sefer that we have found thus far:

* BREISHIT - God's creation of the universe and His choice of Avraham Avinu and his offspring to become His special nation.
* SHMOT - The Exodus of Am Yisrael from Egypt; their journey to Har Sinai; Matan Torah; chet ha-egel, and building the mishkan.
* VAYIKRA - Torat kohanim, the laws relating to offering korbanot in the mishkan, and various other laws that help make Am Yisrael a holy nation.
* BAMIDBAR - Bnei Yisrael's journey from Har Sinai (with the mishkan at its center) towards the Promised Land; and why they didn't enter the Land.

With this in mind, let's see how the laws in Sefer Devarim may relate to what we have found thus far.

Recall that God's original intention was to take Bnei Yisrael out of Egypt, bring them to Har Sinai (to receive the Torah), and then immediately bring them to Eretz Canaan, where these mitzvot are to be observed.

At Har Sinai, Bnei Yisrael entered into a covenant and heard the Ten Commandments. As we explained, they should have received many more mitzvot after hearing the first Ten Commandments. However, they were overwhelmed by the awesome experience of Ma amad Har Sinai and thus requested that Moshe act as their intermediary.

It is difficult to ascertain the exact chronological order of the events following their request. However, by combining the parallel accounts of this event in Sefer Shmot (see 20:15-21:1, & 24:1-18) and Sefer Devarim (see chapter 5), we arrive at the following chronology:

* On the day of Ma'amad Har Sinai, God gives Moshe a special set of laws, better known as Parshat Mishpatim (i.e. 20:19-23:33), which Moshe later conveys to Bnei Yisrael (see 24:3-4). Moshe writes these mitzvot on a special scroll ['sefer ha-brit' (see 24:4-7)], and on the next morning he organizes a special gathering where Bnei Yisrael publicly declare their acceptance of these laws (and whatever may follow). This covenant is better known as 'brit na'aseh ve-nishma'. [See 24:5-11. We have followed Ramban's peirush; Rashi takes a totally different approach. See Ramban 24:1 for a more detailed presentation of their machloket.]
* After this ceremony, God summons Moshe to Har Sinai to receive the luchot & additional laws ['ha-Torah v-hamitzva'; see 24:12-13], and so Moshe remains on Har Sinai for 40 days and nights to learn these mitzvot. It is not clear precisely to what 'ha-Torah ve-hamitzva' refers, but we may logically assume that it is during these 40 days when Moshe receives the mitzvot he later records in Sefer Devarim. [Note the use of these key words in the introductory psukim of Sefer Devarim: Torah in Devarim 1:5, 4:44; ha-mitzva in 5:28 & 6:1.] [Moshe most likely received many other mitzvot as well during these forty days, possibly even the laws of the mishkan. (see famous machloket between Rashi & Ramban - and our shiur on Parshat Teruma.)]
* As a result of chet ha-egel, the original plan to immediately conquer the land of Israel requires some modification. Consequently, we never find out precisely which mitzvot were given to Moshe during the first forty days and which were transmitted during the last forty days. Either way, Bnei Yisrael themselves do not hear any of these mitzvot until Moshe descends with the second luchot on Yom Kippur (see Shmot 34:29-33). At this point, Moshe teaches Bnei Yisrael all the mitzvot he had received, though they are not recorded at that point in Sefer Shmot (see again Shmot 34:29-33).
* During the next six months, Bnei Yisrael build the mishkan and review the laws they had just received from Moshe. Once the mishkan is built in Nissan and the korban Pesach is offered (in Nissan & Iyar), Bnei Yisrael are ready to begin their 11 day journey from Har Sinai to Kadesh Barnea', the excursion that was to have begun their conquest of the land. Instead, the people fail with the incident of the meraglim, and the rest is history.

This background can help us appreciate how the mitzvot are divided up among the various sefarim of Chumash, even though most all of them were first given to Moshe at Har Sinai, or at the Mishkan in Midbar Sinai.

Let's discuss them, one book at a time:

SHMOT

Sefer Shmot records the Ten Commandments and Parshat Mishpatim since they comprise an integral part of Ma'amad Har Sinai, i.e. the covenantal ceremony in which Bnei Yisrael accept the Torah. Although Sefer Shmot continues with the story of Moshe's ascent to Har Sinai, it does not record the specific mitzvot that he received during those forty days! Instead, the remainder of Sefer Shmot focuses entirely on those mitzvot relating to the atonement for chet ha-egel (34:10-29) and the construction of the mishkan (chapters 25-31, & 35-40 / plus the laws of Shabbat which relate to building the mishkan).

The exclusive focus on these laws at the end of Sefer Shmot is well understood. The theme of the second half of Sefer Shmot revolves around the issue of whether or not God's Shchina can remain within the camp of Bnei Yisrael. Whereas the mishkan provides a solution to this dilemma, its taking center-stage in the latter part of Sefer Shmot is to be expected. [See Ramban s introduction to Sefer Shmot, ve-akmal.]

What about the rest of the mitzvot transmitted to Moshe on Har Sinai?

As we will see, some surface in Sefer Vayikra, others in Sefer Bamidbar, and the main group appears in Sefer Devarim!

VAYIKRA

Even though Sefer Vayikra opens with the laws given from the ohel mo'ed (see 1:1), many of its mitzvot had already been presented on Har Sinai. This is explicit in Parshat Tzav (see 7:37-38); Parshat Behar (see 25:1); and Parshat Bechukotai (see 26:46 & 27:34). Certain parshiyot of mitzvot

such as Acharei Mot obviously must also have been given from the ohel mo'ed, but there is good reason to suggest that many of its other mitzvot, such as Parshat Kedoshim, were first given on Har Sinai.

So why are certain mitzvot of Har Sinai included in Sefer Vayikra? The answer is quite simple. Sefer Vayikra is a collection of mitzvot dealing with the mishkan, korbanot and the kedusha of Am Yisrael. Sefer Vayikra, better known as torat kohanim, simply contains all those parshiyot that contain mitzvot associated with its theme. Some were given to Moshe on Har Sinai, while others were transmitted from the ohel mo'ed. [See previous shiurim on Sefer Vayikra for more detail on this topic.]

BAMIDBAR

Sefer Bamidbar, we explained, is primarily the narrative describing Bnei Yisrael's journey from Har Sinai towards Eretz Canaan. As we explained in our shiurim on Sefer Bamidbar, that narrative is 'interrupted' by various parshiyot of mitzvot, which seem to have belonged in Sefer Vayikra. [For example: nazir, sota, challa, nsachim, tzitzit, tum'at meit, korbanot tmidim u-musafim, etc.] These mitzvot were probably first given to Moshe on Har Sinai (or some possibly from the ohel mo'ed, as well). Nonetheless, they are included in Sefer Bamidbar because of their thematic connection to its narrative.

DEVARIM

Now we can better understand Sefer Devarim. The books of Shmot, Vayikra, and Bamidbar contained only a limited sampling of the mitzvot that God had given to Moshe on Har Sinai, each Sefer recording only those mitzvot related to its theme. Sefer Devarim, as it turns out, is really our primary source of the mitzvot taught to Moshe on Har Sinai. As we explained above, this is exactly what chapter 5 indicates. [Recall that chapter 5 is the introductory chapter of Moshe's main speech, the presentation of the mitzva, chukim & mishpatim.]

Expectedly, these mitzvot of Har Sinai recorded in Sefer Devarim are presented in an organized fashion and share a common theme. To identify that common theme, let's take a look once again at the introduction to this collection of mitzvot:

"And this ('ve-zot') is the mitzva, chukim & mishpatim that God has commanded me to teach you to be observed in the land which you are about to enter..." (6:1-3 / see also 5:28).

The mitzvot of Moshe's main speech are simply a guide for Bnei Yisrael s conduct as they conquer and settle the land. [As we study the Sefer, this theme will become quite evident.] Therefore, practically speaking, this speech contains the most important mitzvot that Bnei Yisrael must follow as they enter the Land and establish their society. As these laws are so important, they must be studied 'over and over' again [= mishneh Torah].

Hence, it is only logical that Moshe decides to teach these mitzvot at a national gathering (as he is about to die and Bnei Yisrael are about to enter the Land). This also explains why these mitzvot will be taught once again on Har Eival, after Bnei Yisrael cross the Jordan (see Devarim chapter 27), and then again thereafter, once every seven years at the hakhel ceremony (see 31:9-13; notice the word Torah once again!).

B. BETWEEN THE NARRATIVES IN DEVARIM & BAMIDBAR

This understanding of the purpose and theme of each sefer helps explain the many discrepancies between the details of various events as recorded in Shmot and Bamidbar, and their parallel accounts in Sefer Devarim. (A classic example is chet ha-meraglim.) Neither book records all the details of any particular event; instead, each sefer records the events from the unique perspective of its own theme and purpose.

In the shiurim to follow, this understanding of the nature of Sefer Devarim will guide our study of each individual Parsha. Our shiur on Parshat Devarim (to follow) will be a direct continuation of this shiur. Till then,

C. TORAH SHE-BA'AL PEH

In the above shiur, we showed how the various mitzvot that Moshe received on Har Sinai are distributed among the various sefarim of Chumash, based on the theme of each Sefer. What about the mitzvot which Moshe received on Har Sinai that, for one reason or other, 'never made it' into Chumash? One could suggest that this is what we call 'halacha le-Mosheh mi-Sinai' in Torah she-ba'al peh (the Oral Law). This suggestion offers a very simple explanation of how the laws that Moshe received on Har Sinai are divided up between the Oral Law and the Written Law. Based on our shiur, that Moshe must have received many other laws on Har Sinai which were not included in any sefer in Chumash is almost pshat!

Obviously, the division between what became the Oral Law and the Written Law was divinely mandated and not accidental. Our above explanation simply makes it easier to understand how this division first developed. It also helps us understand why Torah she-ba'al peh is no less obligatory than Torah she-bichtav.

[See also Ibn Ezra to Shmot 24:12, re:"ha-Torah ve-hamitzva...," which may refer to the Written and Oral Laws.]

Furthermore, the prominent view in Chazal that all the mitzvot were first given on Har Sinai, repeated from the ohel mo'ed, and then given one last time at Arvot Mo'av. Our discussion shows how this statement actually reflects the 'simple pshat' in Chumash, once one pays attention to the story that Moshe tells as he begins his main speech in Sefer Devarim!

PARSHAT DEVARIM

[shiur revised 5765]

Why are there so many details in Parshat Devarim that appear to contradict what was written earlier in Chumash?

[For example, the story of: the "meraglim" (1:22-40 vs. Bamidbar 13:1-22), whose idea it was to appoint the judges (see 1:12-18 vs. Shmot 18:13-26), and how we confronted Edom in the fortieth year (see 2:4-8 vs. Bamidbar 20:14-).

In contrast to the 'heretical' solutions offered by the 'bible critics' - in the following shiur we suggest a very simple and logical reason for these discrepancies - based on our understanding of the overall theme and structure of Sefer Devarim, as discussed in our introductory shiur.

Therefore, we must begin our shiur with a quick review of the conclusions of that shiur - in order to understand the purpose of Moshe Rabeinu's first speech, which comprises the bulk of Parshat Devarim.

[If you didn't read that shiur, it is available on the web-site at www.tanach.org/dvarim/dvarint.pdf.]

INTRODUCTION

In the first four chapters of Sefer Devarim, Moshe Rabeinu delivers a speech to Bnei Yisrael, which serves as an introduction to his 'speech of Mitzvot' - the main speech (chapters 5 thru 26).

In that 'main speech', Moshe teaches a complete set of laws that Bnei Yisrael must keep as they conquer the Land, and establish their nation. Even though Moshe first received (and taught) those laws forty years earlier, he must teach them one last time, before his death - as the new generation now prepares to enter the Land.

Our shiur will demonstrate how the first speech introduces the main speech, which will then enable us to explain why its details may differ from their parallel accounts in Sefer Shmot and Bamidbar.

We begin our study by noting how and where the first speech begins.

THE OPENING LINE

In our introductory shiur, we explained how the first four psukim of Parshat Devarim (1:1-4) serve as an intro to the entire book, and hence introduce the main speech (that doesn't begin until chapter five). It is specifically the fifth pasuk that introduces the first speech:

"In Transjordan in Moav, - "ho'eel Moshe" - Moshe BEGAN explaining this TORAH saying:Y" (See 1:5, and Rashi!)

[The phrase "ha'Torah ha'zot" refers to the main speech (that begins in chapter five), as Sefer Devarim consistently uses the word "torah" in this context - see 4:44, 17:18 and 27:3 & 8.]

Hence, the next pasuk begins the actual speech - with Moshe telling Bnei Yisrael:

"Hashem spoke unto us in Chorev [=Har Sinai] saying: 'You have dwelt long enough in this mountain; "turn you, and take your journey, and go to the hill-country of the Amorites and unto all the places... the land of the Canaanites,as far as the great river, the river Euphrates. "

Behold, I am giving you the land: **go in and possess it**, which Hashem swore unto your forefathers..." (see 1:6-8)

When Moshe begins his speech by retelling how Bnei Yisrael left Har Sinai, it may appear that he is simply beginning a short historical review of everything that happened during their journey in the desert. However, as we read on, we'll see how the details that Moshe Rabeinu recalls, relate directly to the topic of the main speech. Let's explain why he begins with 'leaving Har Sinai'.

DEJA - VU

Recall that the mitzvot of the main speech were first given to Moshe at Har Sinai, and they were taught at that time, because Bnei Yisrael were supposed to travel from Har Sinai directly to the Land of Israel. Now, it is forty years later, and the new generation is in a very similar situation, i.e. ready to enter the land. Just as Moshe had taught their parents' generation these laws at Har Sinai - now he is teaching the new generation.

As the laws of the main speech relate to what Bnei Yisrael must do when they enter the land, Moshe begins his speech by explaining to the nation why forty years have passed since these laws were first given.

[Note that even though this may sound like a similar account Parshat Yitro (see Shmot 18:13-26), based on the context, the primary parallel is to Bamidbar chapter 11. See also Ibn Ezra (and Rashi) in Shmot 18:13, who explain that this story of the appointment of judges actually took place after the Torah was given, and hence, that chapter is out of place. Note as well how Shmot 18:27 may be parallel to Bamidbar 10:29-33!]

But what is the thematic importance of Moshe's discussion about the appointment of these judges? Even if those events took place 'at that same time' [see 1:9], these details don't appear to share any thematic connection to the story of the spies, nor to the laws of main speech! So why does Moshe mention it at all?

This neatly explains why the story of the spies emerges as the primary topic of chapter one (see 1:19-45) - for that sin was the principal reason for this forty year delay. [If Sefer Devarim was a simply a review of Chumash, then there are many other stories that Moshe should have mentioned beforehand!]

However, before Moshe retells the story of the spies, he inserts a short 'digression' regarding the appointment of judges, as detailed in 1:9-18, which at first glance appears to be superfluous.

Let's take a look at what this 'digression' includes; afterward we will suggest a reason for its inclusion.

WHAT DO JUDGES HAVE TO DO WITH ALL THIS?

Review 1:6-22, noting how it would have made much more sense for Moshe to go from 1:8 directly to 1:19 (please verify this on your own). Nonetheless, this more logical flow is 'interrupted' by what appears to be an unrelated statement:

"And I spoke unto you 'at that time', saying: 'I am not able to lead by myself..." (1:9)

Moshe's statement, even though it sounds at first bit negative, does not have to be understood as a complaint. In fact, the next two lines come precisely to counter that impression:

"Hashem has multiplied you, and, behold, you are this day a multitdue as the stars of heaven. Hashem, the God of your fathers, should make you a thousand times so many and bless you, as He promised you! (1:10-11)

[btw, note the parallels to Breishit 15:5-7!]

Moshe's inability to carry the burden of the entire nation stemmed from their population growth, which Moshe now explains was the fulfillment of a divine blessing.

In fact, based on the context of 1:6-8, the phrase "b'et ha'hi" [at that time] in 1:9 must relate to the time when Bnei Yisrael first left Har Sinai - as recorded in chapter 11 in Sefer Bamidbar. And sure enough, we find almost that identical wording in a statement that Moshe had made precisely 'at that time':

"lo uchal anochi l'vadi la'set et kol ha'am..." - I myself am not able to lead this nation... (see Bamidbar 11:14!)

In response to Moshe's 'complaint', God commanded Moshe to share his leadership with the 'seventy elders' (see Bamidbar 11:16-29). That response is reflected in Moshe next statement in his speech in Sefer Devarim, explaining how his burden of leadership was alleviated by the appointment of judges, in a hierarchal system of leadership:

"How can I alone bear your cumbrance, and burden, and disputes? [Therefore,] Get you, from each one of your tribes, wise men, and understanding, and full of knowledge, and I will make them heads over you... So I took the heads of your tribes, wise men, and full of knowledge, and made them heads over you, captains of thousands, and captains of hundreds, and captains of fifties, and captains of tens, and officers, tribe by tribe. And I charged your judges at that time, saying: 'Hear the causes between your brethren, and judge righteously between a man and his brother, and the stranger that is with him... and the case that is too hard, you shall bring unto me, and I will hear it'. (See 1:12-17.)

JUDGES AND/OR TEACHERS

The answer to this question lies in the next (and final) pasuk of this 'digression':

"And I commanded **you** [the people] 'at that time' - et kol ha'DEVARIM - all the things which you should do." (see 1:18)

Pay attention to the phrase "va'atzave **etchem**" - which must refer to the people, and not the judges.

[You can prove this by simply comparing "v'atzave **et shofteichem**" in 1:16, to "v'atzave **etchem**" in 1:18!]

This short pasuk, even though it is often 'overlooked', connects everything together. Moshe explains that at that time, i.e. after appointing the judges, as Bnei Yisrael prepared to leave Har Sinai, he had commanded the people in regard to all the - DEVARIM - which they must do.

But what are those 'DEVARIM'?

Based on our introductory shiur, the answer should be obvious! These are the same '**devarim**' that:

- the opening pasuk of Sefer Devarim refers to (see 1:1)
- "v'hayu ha'devarim ha'eyleh" refers to (see 6:6)
- which are none other than the laws of the main speech of Sefer Devarim! [See Ibn Ezra & Chizkuni on 1:18.]

This makes perfect sense, for that special set of laws (that require constant repetition /"mishne Torah") relate to what Bnei Yisrael will need to keep when they enter the land. Therefore, when Bnei Yisrael first left Har Sinai forty years earlier, Moshe had taught the people these laws - **with the help of these judges;** and now forty years later, he reminds the people of those events, as he is about to teach them those laws one last time.

As it is the responsibility of the appointed judges to assist with the teaching of these laws (and their implementation /see 27:1-8!), Moshe includes those events at the beginning of his introductory speech.

Unfortunately, that generation failed. It is now Moshe's hope [and goal], that this generation will fare much better.

As Moshe's introductory speech focuses on Bnei Yisrael's need to be prepared for their conquest of the land, and their need to study the relevant laws, it actually makes sense that he mentions the appointment of judges first - for they will be the key towards the success of this endeavor. [Note as well 16:18 in the main speech.]

Finally, this interpretation of the word "devarim" in 1:18, explains why Moshe continues his speech by returning to their journey from Chorev to Kadesh Barnea (see1:19). Based on our understanding that 1:2 describes how the laws of the main speech were taught and studied during the eleven day journey from Chorev to Kadesh Barnea (see Ibn Ezra), then the detail in 1:18-19 refer to this very same point!

WHERE'S YITRO?

This interpretation can also explain why Yitro himself is not mentioned in this speech. Even though Devarim 1:15-17 may sound very similar to Shmot 18:14-22, the purpose of Moshe's speech is not to give a complete historical review of every event that transpired in the desert. Instead, it focuses on this special set of laws that Moshe is about to teach.

Therefore, there is no need to mention (at this time) whose original idea it may have been to set up this hierarchal judicial system. Instead, it is important to know that the judicial system that has been set up is there to serve the people, and it will facilitate their ability to establish themselves as God's nation in the land. [See again 27:1-8, noting again the parallel to Bamidbar chapter 11.]

WHO SENT THE SPIES?

Moshe continues his speech with the story of the "meraglim" [the spies]. As we explained, his purpose is to explain to the new generation why the first generation failed, in hope that they will

To summarize, we have shown the underlying logic behind the flow of topic in Moshe's opening speech (through at least the middle of chapter two), by considering the purpose of that speech .

THE PEP-TALK

Let's show now how the next section of this speech forms a reasonable continuation for this 'pep talk'.

In contrast to all the events that people may have viewed as a sign of fare better. Therefore, Moshe retells those events from that perspective, blaming the people (more than their leaders) for the failure of that generation - for he wants to make sure that the people do not become fearful again (as their parents did).

Note how critical this point is; for if one understands Sefer Devarim as a review of Chumash, then he is confronted with unachievable task of resolving the obvious contradictions between these two accounts. However, once it is understood that Moshe is telling over those events as part of a 'pep-talk', it makes perfect sense that he emphasizes only the details that are relevant to the theme of his speech.

For example, as leadership is an underlying theme is Sefer Bamidbar, Parshat Shelach highlights the fault of the nation's leaders in those events. In contrast, as Moshe is worried that the nation may 'chicken out' once again, he will emphasize that generation's fear and lack of faith & motivation.

[To ascertain what really happened would require a lot of 'detective' work, but recording those events in their entirety was neither the goal of Sefer Bamidbar nor Sefer Devarim!

You could compare this to twoTV cameras (one in the end zone and one on the sideline) filming a football game. Even though each camera is filming the same game, each one only shows the game for its own angle.]

THE MAAPILIM

Moshe includes the story of the "maapilim" (see 1:40-45), for it forms the conclusion of the "mergalim" incident. However that specific story, and those that follow, may have been included for an additional reason.

Moshe Rabeinu seems to be quite fearful (and rightly so) that the nation may 'chicken out' once again. In fact, realistically speaking, the people have some very good reasons to worry. Let's review them.

First of all, the last time they tried to conquer the land of Israel (see Bamidbar 14:40-45), they suffered a whopping defeat. Now Moshe may have explained that this was because God was not in their midst. However, surely the skeptics among them may have retorted that the very idea of conquering the land of Canaan was futile from the start (see Bamidbar13:31-33).

Furthermore, only less than a year earlier, the entire Israelite nation was challenged by the army of Edom, demanding that they not dare trespass their land (see Bamidbar 20:14-21). Instead of fighting, Moshe led them though a lengthy 'by-pass road'. Surely, many of the 'right-wingers' among the people viewed this as a sign of weakness. If they couldn't stand up to the threats of Edom, how could they stand up to the threats of all the nations of Canaan!

Finally, it may look a little suspicious that Moshe's encouraging words that the time has now come to conquer the land just so happens to coincide with his announcement of retirement!

Any (or all) of the above reasons may have raised doubts among the people. Therefore, in his opening speech, Moshe must allay these fears by explaining the divine reason for those actions:

1) The 'maapllim' lost because God was not in their midst (see 1:42)
2) We didn't trespass Edom, for 'family' reasons (see 2:4-8)
3) We didn't trespass Moav for similar reasons (see 2:9-12)
4) We waited forty years because of "chet ha'mergalim (see 2:13-17)
5) We didn=t' attack Amon for divine reasons as well (see 2:18-23)

weakness, Moshe now goes into minute detail of how Bnei Yisrael achieved remarkable success in their military campaign against Sichon & Og (see 2:24 thru 3:20).

Note how in Moshe's account of the war against Sichon and Og, we find many more details than were recorded in Sefer Bamidbar. The reason why is simple, for that battle is Moshe's best proof (for this new generation) that God is indeed capable of helping them, and hence - 'no need to fear'.

Even the settlement of the two and half tribes in Transjordan (see 3:12-20) is presented in a positive light, for it provides addition support to Moshe's claim that it is indeed possible to successfully conquer the mighty nations of Canaan. Moshe presents those events to show that battle against Canaan has already begun, and thus far has been quite successful! Crossing the Jordan, and entering the land won't be something 'new', but rather a continuation of the task that has already been partially fulfilled.

Simply note, how Moshe concludes this section of this speech with these words of encouragement:

> "And I commanded Yehoshua at that time, saying: '**Your own eyes have seen** all that Hashem has done unto these two kings; so shall the LORD do unto all the kingdoms where you go. You shall not fear them; for the LORD your God, He it is that fights for you." (see 3:21-22)

In case you didn't notice, we've already reached the conclusion of Parshat Devarim.

In Parshat Ve'etchanan, Moshe will continue this speech, by explaining why he himself will not be coming with them (once again, for divine reasons/ see 3:23-27).

Iy"h we will continue this study of Moshe's opening speech next week.

Till then,

shabbat shalom
menachem

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FOR FURTHER IYUN

1. Based on the shiur, attempt to explain the actual differences between the Torah's account of "chet ha'meraglim" here in Sefer Devarim and in Parshat Shelach.

2. Compare the account of the Bnei Yisrael's battle against Sichon and Og here in contrast to the account in Parshat Chukat. Explain why the account in Devarim lays more emphasis on the nature of these battles as conquest.

3. Recall our study of 1:9, and the phrase "ba'et ha'hee":

> "And I told you AT THAT TIME saying: 'I can no longer carry the burden of leading you by MYSELF." (1:9)

Even though this may sound like Yitro's observation that Moshe is working too hard (see Shmot 18:13-18), it can't be for two simple reasons:

1) Moshe says that it was his own complaint.

2) The pasuk says "b'et ha'hee" - AT THAT TIME, i.e. the time that they left Har Sinai on their journey to Eretz Canaan, and Yitro came almost a year earlier (or at least some six months earlier, see Rashi Shmot 18:13).

However, there is a much better source in Parshat B'haalotcha that matches this pasuk not only chronologically, but also thematically and textually! Recall that immediately after Bnei Yisrael left Har Sinai (note Bamidbar 10:33-36), we encountered the sin of the "mitavim" (see Bamidbar 11:1-10). Let's take a look now at Moshe's reaction to that sin:

> "And Moshe said to God: Why have you been so evil to me by putting the BURDEN of leading this people ("masa ha'am") upon me! Did I give birth to themY I MYSELF CAN NO LONGER CARRY THE BURDEN [to lead] this nation for it is too much for meY" (see 11:11-15)

Note how (1) this story takes place "ba'et ha'hee" - at this exact time - as Bnei Yisrael leave Har Sinai on their journey. (2) Moshe Rabeinu himself complains that he can no longer carry the burden of their leadership; and (3) we find the identical Hebrew words "lo

> your punishment should you not follow these forthcoming mitzvot, and the eternal option to do 'teshuva'.

> uchal anochi L'VADI LA'SET et kol ha'am ha'zeh" (Bamidbar 11:14/ compare Devarim 1:9)!

Furthermore, recall God's reaction to Moshe's complaint - He takes from Moshe's spirit ["ruach"] and divides it among the seventy elders of Israel, i.e. the nation's religious leadership. Thematically, this fits in very nicely with Moshe's opening speech, for now (in Sefer Devarim) we find Moshe's leadership being passed on to a new generation of leaders. Furthermore, it is precisely the job of these national leaders to teach and clarify the laws that Moshe will now teach them in his main speech. As noted in 1:18:

> "And I commanded you at that time - all of the DEVARIM that you must do."

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A SUMMARY OF THE FIRST SPEECH

The following outline reviews the main points of the first speech. It can serve as a review of this week's shiur, and preparation for next week's shiur:

A) INTRO

1:1-5 Opening narrative explaining background of the main speech. (what, when, where, etc.).

[the 'double introdcution']

B) FROM HAR SINAI TO ARVOT MOAV

The reason for the 40-year delay.

1:6-11 The original trip from Har Sinai to Eretz Yisrael, (what should have happened back then, instead of now).

1:12-18 Moshe's leadership shared with the elders etc. (they will help lead, judge, and teach the laws)

1:19-40 "Chet ha'Meraglim" - the REASON why that generation did not enter the Land, and why forty years have passed.

[Accented in this account is not to fear nations of Canaan like the previous generation had feared them.]

2:1-23 The journey from Kadesh, around Har Seir until Nachal Zared. The death of "Dor HaMidbar" (2:14-16)

Explaining why Edom, Moav & Amon were not trespassed.

[Edom, Moav, and Amon were not attacked due to a divine command and NOT because Bnei Yisrael were not able to fight them!]

2:24-30 The challenge of Sichon to battle, God's involvement /2:30)

2:31-3:22 The war against Sichon, and Og King of Bashan, Conquest of most of Transjordan, Inheritance of Reuven and Gad, and Menashe', and their promise to assist in the conquest of Canaan.

[Note God's assurance to assist the people, based on these events in 3:20-22.]

3:23-29 Moshe's final request to see the Land.

C) INTRODUCTION TO THE MITZVOT

4:1-24 General principles regarding mitzvot in forthcoming speech,

i.e. not to add or take away, their purpose- to be a example for other nations, not to worship God through any type of intermediary after Moshe dies.

4:25-40 a 'mini- tochacha',

4:41-49 - A short narrative explaining how Moshe designated the three cities of refuge in Transjordan, followed by several introductory psukim for the forthcoming main

speech.]

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Parshas Devarim: Moshe Becomes ”Moshe Rabbenu”

by Rabbi Yitz Etshalom

I. INTRODUCTION

Sefer D’varim is divided into three sections (just like Bamidbar – see our Siyyum on Sefer Bamidbar):

A) Historical Recounting (Chapters 1-11)

B) Mitzvot (Chapters 12-26)

C) Covenant Ceremonies (27-33)

(Chapter 34, describing Mosheh’s death, is a topic for a separate discussion)
Although we will focus our discussion on a few of the elements mentioned in the historical recitation/recounting (specifically those mentioned in the first three chapters; i.e. Parashat D’varim), we will also suggest, in broad strokes, some overarching themes of the entire Sefer – along with its purpose.

II. WHY ARE JUDGES MENTIONED HERE?

Near the beginning of our Parashah (1:13-17), Mosheh recounts the story of his delegating judges to handle the many complaints and disputes among the people.

[There is an anomaly in our practice worth pointing out here: When we read the Torah on Shabbat afternoon and on Monday and Thursday mornings, the general custom is to read the first "Aliyah” of the upcoming Shabbat morning Parashah. Only when that first Aliyah is too short to make three Aliyot (less than 10 verses), such as Parashat Nitzavim, or when it is too long (e.g. Ki Tissa), do we do otherwise.

During the week leading up to Shabbat Parashat D’varim, we read the first 11 verses, ending just before the verse which starts with the word Eikhah. These 11 verses are divided into 3 "mini”-Aliyot. On Shabbat morning, however, we end the first Aliyah after verse 10. This is done so that we don’t begin the next Aliyah with the word Eikhah; which, even though it doesn’t necessarily have a "tragic” implication here, carries the saddest associations for us – it is the banner word of Yirmiyah’s book of dirges, known as Eikhah or "Lamentations”. Since Parashat D’varim is always read on the Shabbat just prior to Tish’ah b’Av, we don’t want to begin an Aliyah with a word that has such sad and immediate associations – so we begin the Aliyah one verse "early”.]

After reminding the people that he had told them (almost 40 years ago) that they have become numerous and blessed by God – and blessing them that God should increase their numbers a thousand-fold – he notes that this burden was too much for him to bear. In response, he approached them, as follows:

Choose for each of your tribes Anashim (men) who are wise, discerning, and reputable to be your leaders.” You answered me, “Tov haDavar Asher Dibarta la’Asot (The plan you have proposed is a good one).” So I took the leaders of your tribes, wise and reputable Anashim, and installed them as leaders over you, commanders of thousands, commanders of hundreds, commanders of fifties, commanders of tens, and officials, throughout your tribes. I charged your judges at that time: “Give the members of your community a fair hearing, and judge rightly between one person and another, whether citizen or resident alien. You must not be partial in judging: hear out the small and the great alike; you shall not be intimidated by anyone, for the judgment is God’s. Any case that is too hard for you, bring to me, and I will hear it.” (1:14-17)

[Note that this story seems to be a blending of two distinct events: Yitro’s advice to Mosheh to delegate judicial responsibility (Sh’mot 18:19-26) and Mosheh’s complaint to God that the burden of the people is too great to bear (Bamidbar 11:11-15). In addition to the "blurring”, Yitro’s role is omitted here. Addressing this "slant” in historic retelling is beyond the scope of this shiur and will be dealt with in a future shiur.]

This narrative raises (at least) two questions:

A) Why is the mention of the delegation of judicial responsibility worthy of mention right at the beginning of Mosheh’s

historical recounting? Wouldn't it have been more reasonable to mention the Exodus, the Stand at Sinai or the Construction of the Mishkan at this point?

B) Why is Mosheh sharing his charge to the judges with the people? ("I charged your judges…")

The same question may be asked in reference to a later verse in our Parashah:

Even with me Hashem was angry on your account, saying, "You also shall not enter there. Yehoshua bin Nun, your assistant, shall enter there; Oto Hazek (give him strength/encourage him), for he is the one who will secure Israel's possession of it." (1:37-38)

Why is Mosheh sharing God's "personal" charge (to him regarding Yehoshua) with the people?

III. THE FIRST ANSWER: PROPER VS. IMPROPER LEADERSHIP

I would like to suggest an answer which will only satisfy our first problem – the very mention of the judges. It is predicated upon a methodological approach which we regularly utilize. The Torah will often use common language to create an association between two narratives (or areas of Halakhah). The result may be a newly discovered similarity (such as we found in our Siyyum on Sefer Bamidbar) – or a deliberate contrast (such as the Bil'am-Avraham association, mentioned in this year's shiur on Parashat Balak).

We begin with an assumption that is fairly safe – that Mosheh was going to mention the story of the scouts (M'raglim) in this historic recitation. This is a safe assumption because that one event (solely, if not chiefly) is what caused the present situation – only now were we prepared to enter the Land, instead of having been there for nearly 39 years.
That being the case, Mosheh may be telling us about the judges in order to draw an "inverted parallel" with the disaster of the M'raglim. Note how he describes the genesis of the mission of the scouts (again, this telling is different than that in Parashat Sh'lach – see the note above):

I said to you, "You have reached the hill country of the Amorites, which Hashem our God is giving us. See, Hashem your God has given the land to you; go up, take possession, as Hashem, the God of your ancestors, has promised you; do not fear or be dismayed." All of you came to me and said, "Let us send Anashim ahead of us to explore the land for us and bring back a report to us regarding the route by which we should go up and the cities we will come to." vayiTav b'Einei haDavar (The plan seemed good to me), and I took from you twelve Anashim, one from each tribe. (1:20-23)
The association with the "judges" narrative is clear – the common Anashim is one connection, as well as the reaction (Mosheh's in one case, the people's in the other) – which includes the phrase Tov haDavar (albeit with some grammatical variation). Now that we see the association of these two stories, we can immediately spot the difference, as per this chart:

JUDGES – SCOUTS

Whose Idea? – Mosheh – The People

Who Approved? – The People – Mosheh

Who Selected the Anashim? – Mosheh – The People

As we can see, the M'raglim incident, which led to a disaster of great proportions, was handled in the opposite manner of the appointment of judges (which was, from everything we know, a successful process). This teaches us a valuable lesson about leadership – one which was indispensable advice to the people as they were about to enter the Land and come under new leadership (Yehoshua).

Ideally, the leader actually leads – he inspires the people and directs them. Nevertheless, he cannot act without their approval and support – hence, even though Mosheh suggested the idea of the judges, the people's approval was a necessary step in the success of this venture. Afterwards, however, it was Mosheh who selected the right people for the job.

When the opposite direction is taken, disaster is inevitable and imminent. In the story of the scouts, the people made the demand and Mosheh approved (but we get the sense that it was more of a "rubber stamp", realizing that the people would

rebel if he didn't give in) – and then the people selected their representatives for the mission. (Look carefully at the difference between the beginning of v. 15 and the beginning of the second half of v. 23 – it will only be clear if you look in the Hebrew).

In other words, **by telling us the story about the judges (in apposition to the scouts), Mosheh is teaching us about leadership. The leaders must be the ones who direct, with the support and approval (referendum) of the people – and they must execute their decisions. If, on the other hand, the people are leading the leader, who has no choice but to approve and leave the execution up to them – disaster is the assured result**.

Valuable as this lesson is, we are still "stuck" with the second question – why Mosheh shared his charge to the judges (and God's charge to him regarding Yehoshua) in this recounting.

In order to answer this, we need to ask a more general question about the first 11 chapters of D'varim.

IV. WHY THE HISTORICAL RECOUNTING?

As we noted, the first 11 chapters are devoted to a historical recounting of some of the events of the past 40 years – with a focus on the Stand at Sinai. This recounting is interspersed with Mussar – rebuke and warnings about the potential for "backsliding" waiting for the B'nei Yisra'el in the Land.

Why did Mosheh engage in this recounting? Didn't the people already know what they had gone through?

The first answer which comes to mind – and which is valid – is that indeed this group had not experienced these events. Keep in mind that the generation which had left Egypt, stood at Sinai and constructed the Mishkan (and rejected the Land) had died out in the desert and Mosheh was addressing the next generation. This explains the recounting – but not the style of that recounting. If we look through the entire recitation, we note that it is entirely presented in the second person:

"All of you came to me…and I took from you twelve Anashim…" and so on. See, especially, the following citation:
But take care and watch yourselves closely, so as neither to forget the things that your eyes have seen nor to let them slip from your mind all the days of your life; make them known to your children and your children's children, how you once stood before Hashem your God at Horeb, when Hashem said to me, "Assemble the people for me, and I will let them hear my words, so that they may learn to fear me as long as they live on the earth, and may teach their children so"; (D'varim 4:9-10)
The entire stand at Sinai is presented to this generation as if they were there!

This strange (and technically inaccurate) recitation surely demands more explanation.

V. SUMMARY OF QUESTIONS – AND ONE MORE

In summary, we have the following questions with which to contend:

* Why did Mosheh mention the "judges" at the beginning of this historical recitation?

* Why did Mosheh share his charge to the judges with the B'nei Yisra'el?

* (Likewise) why did Mosheh share God's charge to him regarding Yehoshua with the B'nei Yisra'el?

* What is the purpose of this recitation, in which Mosheh recounts all of the events that happened to his audience's parents – but presents it in the second person, without mentioning the previous generation?

* What is the purpose of Sefer D'varim?

Before addressing these, we need a quick brush-up on the notion of "themes" within each Sefer of the Humash.

VI. THEME OF SEFER D'VARIM

As we discussed in our introductory shiur to Sefer Bamidbar, each of the five Humashim of the Torah reflect our

relationship with God through a different vehicle. Here is the relevant "clip" from that shiur (with some editing):

FIVE UNIQUE BOOKS

Unlike the division into chapters, which is a foreign "overlay" onto the Torah (generally credited to Stephen Langton, an English churchman, who created this division in 1205 CE), the division into five books is inherent in the text itself. Not only does every Sefer Torah contain four blank lines between each Sefer, but each begins and ends in a style that is appropriate for a beginning or ending (as the case may be); case in point is the end of Vayyikra, the beginning of D'varim etc.
Each of these books reflects our relationship with haKadosh Barukh Hu through a different perspective:

B'RESHEET: THE PEOPLE AND THE LAND

In his first comment on the Torah, Rashi asks the famous question in the name of R. Yitzchak : Why did the Torah begin with the story of Creation – it should have begun with the first Mitzvah given to the Jewish people? His answer gives us an insight into the nature of the entire book of B'resheet: By committing the Creation to writing, our "deed" to Eretz Yisra'el becomes affirmed. In the future (!), when the nations of the world will come to dispute our claim on Eretz Yisra'el, we will show them that the Land is not theirs – nor is it ours. The Land belongs to God (as demonstrated in the Creation narrative); He gave it to whom He favored and then took it from them to give it to us. B'resheet is the only book of the Torah which takes place in the Land; it is the description of our well-anchored past there and the development of the covenant with the Patriarchs which gives us title to the Land. The final statement of this book is Yoseph's reminder to his brothers that one day, God will remember them and take them out of this land to bring them back to the land that He promised to the Avot. In summary, B'resheet is a description of our relationship with the Almighty through Eretz Yisra'el.

SH'MOT: THE PARADIGM OF JEWISH HISTORY

As we see through the rest of T'nakh – and in literature and liturgy until this day – all of Jewish history is viewed through the prism of the Egypt-Sinai- experience, known broadly as Y'tziat Mitzrayim. Whether the focus is on the oppression of slavery, the miracles of salvation, the Song of thanksgiving, the faithfulness of the desert experience, the stand at Sinai or the intimacy with the Divine realized in the Mishkan, the events of Sefer Sh'mot serve as the all-encompassing paradigm for Jewish history. In summary, Sh'mot is a description of our relationship with God through history.

VAYYIKRA: THE MISHKAN-RELATIONSHIP

As is easily evidenced, the entire focus of the book of Vayyikra is our relationship to God as it is realized through the vehicle of the Mishkan. Here, unlike in Sh'mot, the Mishkan is not an end in and of itself, rather it is that place of offering Korbanot, coming close to God – with all of the attendant restrictions and considerations. Vayyikra is, indeed, a description of our relationship with God through the Beit haMikdash/Mishkan.

BAMIDBAR: THE BOOK OF K'LAL YISRA'EL

Bamidbar is the description of our relationship with the Ribbono shel Olam through K'lal Yisra'el – the interactions of the Jewish people. That is why there is so much emphasis on our numbers (two full censuses), the placement of each tribe, the division of the Land – and the numbers lost through the plague at P'or. This also explains the inclusion of the interactions between the tribal leaders and Mosheh Rabbenu (especially at the end of the Sefer), and the dramatic challenges to Mosheh's leadership.
D'VARIM: "ASEH L'KHA RAV"

Unlike the first four books, Sefer D'varim is not said in God's "voice"; the voice of this book is Mosheh's. God is presented in the "third person".. From the introductory line: "These are the words that Mosheh spoke…" to the finale, the eulogy for Mosheh, D'varim is a book in which our Master and Teacher, Mosheh Rabbenu, takes center stage. D'varim is a description of our relationship with God through a Rebbi – through our association with tradition via our teachers.

VII. THE JOB OF A REBBI: THE PERSONIFICATION OF MESORAH

The job of Sefer D'varim can best be understood through this light.

The original Divine plan was to take the B'nei Yisra'el out of Egypt and to bring them directly into Eretz Yisra'el. In other words, the generation of the Exodus (Dor Yotz'ei Mitzrayim) would be the same as the generation of the Conquest (Dor Ba'ei ha'Aretz). As a result of the tragedy of the M'raglim, this plan was subverted and these two events, Exodus and Conquest, were "spread" between two generations. Mosheh, then, had an awesome task – to tie these two generations together, such that the distance between Sinai and Tziyyon would be bridged.

This is where Mosheh "earned" the title by which he is forever known – Mosheh Rabbenu – "Mosheh, our Rebbi". Indeed, the job of a Rebbi is more than instructive, even more than inspirational or exhortative. The Rebbi is the bridge with previous generations, taking us back to Sinai (along with taking us back to the Beit haMikdash, to Yavneh etc.). In simple terms, the Rebbi's job is to turn the past into the present. [I recall experiencing this first-hand when participating in the shiur of Rav Soloveitchik zt"l, seeing the Tannaim, Amoraim and Rishonim all sitting around his table as he orchestrated their debates. It was a marvelous experience, one which he describes beautifully in "uVikkashtem Misham" (pp. 231-232).]

The first person to set out to do this job was Mosheh, as he turned the generation of the Conquest into the generation of the Exodus. Indeed, the Plains of Mo'av was the first "Beit Midrash" and Sefer D'varim the first "Shiur". (See Abravanel's resolution of the challenges to Divine authorship of D'varim [in the moving i[in the moving introduction to his commentary on D'varim]iginally taught D'varim orally and then God commanded him to commit it to writing.)

How did Mosheh do it? One simple device which he utilized is one that became the staple of the Haggadah – talking about the past in the present and talking to the people as if they had experienced these events first-hand. In other words, by saying "You approached me…" etc., they were drawn in to the sense of "being there."

[Note that Moshe barely mentions any of the events which this generation "really" saw – the majority of the events mentioned belong to the previous generation] Mosheh was indeed "Rabbenu" – to the second generation! He was the first to perform this function – a function which guaranteed the potential for the eternity of the Jewish people. If it can be done once, it can be replicated every time! If one generation can be "brought back" to Sinai, so can every subsequent generation.

VIII. THE "THREAT" OF RENEWAL

This successful "education" project brought a terrifying danger in its wake – one to which the master teacher, Mosheh Rabbenu, was acutely aware. He was poised to bring them back to Sinai, to that great moment of Revelation – after which, he would ascend Har ha'Avarim (or Har N'vo) and die. Mosheh had already been told that that was he would die, when God instructed him to ascend that mountain (Bamidbar 27).

Mosheh remembered well what had happened the last time he had "disappeared" atop a mountain. When the B'nei Yisra'el had just experienced (in "real time") the Revelation, Mosheh ascended the mountain to receive the rest of the Law (along with the tablets). When the people were concerned about Mosheh's disappearance (remember – they did not know how long he was supposed to be on top of the mountain), they regressed to the idolatry of the golden calf.

How could Mosheh avoid the same pitfall? How could he insure that the B'nei Yisra'el would not achieve a "complete" return to Sinai, including the tragic aftermath of idolatry after his "one-way" ascension of the mountain?

IX. THE SOLUTION

Here is where the master teacher utilized his wonderful talent for education. In advance of retelling the people about their most glorious moments (Chs. 4-5, including the stand at Sinai and the Exodus), he instilled in them the understanding that he would not completely be leaving them. He told them about the two major functions which he held – leadership and instruction – and how he empowered others to continue his role. He immediately told them about the judges and how he charged them, such that even in his absence, there would be judges who would be an extension of Mosheh-as-instructor. We now understand why Mosheh introduced the judges at the beginning of his historical recitation – to reassure the people (as they felt closer to their past) that his leadership would still be their guide as they conquered and settled the Land.
We also understand why Mosheh shared his charge to the judges: The people needed to hear for themselves about the close relationship he had with those judges, such that they were not just filling a position, but really continuing his role.
We can also understand why Mosheh shared God's command to him vis-a-vis Yehoshua: Just as the people needed to hear about his connection with the judges, they needed to hear about how his "presence" would be felt through Yehoshua. The phrase Oto Hazek (give him strength/encourage him), said about Yehoshua, reminds us of the empowerment which is

the purpose of the S'mikhah (laying on the hands), by which Mosheh Rabbenu transferred the mantle of leadership to Yehoshua. (See this year's shiur on Parashat Vay'chi).

X. AFTERWORD

In section VI, I alluded to the difference between Sefer D'varim and the first four books. I'd like to share the observations of an old friend, Uzi Weingarten (benuzi@isracom.co.il), as published in the insightful weekly "Judaic Seminar" (which can be accessed through Shamash):

That Deuteronomy is called "Moses's book," as opposed to the other four books of the Torah, is substantiated by comparing two passages in Nehemiah that describe public readings of the Torah. On each occasion, a mitzvah that had fallen into disuse was "found." The first was the mitzvah of sitting in the sukkah during Sukkot, which appears only in Leviticus (23:42-43), and the second was the prohibition on an Ammonite or Moabite entering God's community, which appears only in Deuteronomy (23:4-7).

There is a crucial difference in how the two readings are described. Concerning sukkah, the author tells us:
They found written in the Torah, that God commanded through Moses that the Israelites sit in sukkot… (Nehemiah 8:14).
Regarding who can enter God's community, the author tells us:

On that day the Book of Moses was read to the people, and it was found written in it that an Ammonite or a Moabite should not enter God's community forever. (ibid. 13:1).

So a clear distinction is made: Leviticus is part of "the Torah that God commanded through Moses," and Deuteronomy is "the Book of Moses." The people did not consider the latter any less authoritative, and act on both commandments immediately. But there is still a difference in the linking to a source.