



Marsha Stern Talmudical Academy



שמע קולנו

“יתגבר כארי לעמוד בבוקר לעבודת בוראו”

Parshas Devarim/Tisha B'av

פרשת דברים / תשעה באב

How to be a “Yashar”

Meir Morell (22)

The Gemara (*Avodah Zara 25a*) tries to explain the *possuk* (*Shmuel II, 1:18*) which says that Shmuel “ordered the tribe of Yehudah to be taught the [song of the] bow, it is recorded in the *Sefer Hayashar*”. The exact nature of the *Sefer Hayashar* is left ambiguous? According to Rabi Yochanan, this refers to *Sefer Bereishis*, since it discusses the history of Avraham, Yitzchak, and Yaakov, who were called *yesharim* (upright). Rabi Shmuel Bar Nachmeini contends that it is *Sefer Shoftim*, based on the oft-repeated refrain throughout the *sefer* “*bayamim haheim... ish asher yashar bi'ainav ya'aseh*” - in those days, people would do whatever was upright in their eyes. The final opinion is that of Rabi Elazar, who maintains that *Sefer Hayashar* is a reference to *Sefer Devarim*, since the *possuk* (*Devarim 6:18*) says “*va'asisa hayashar vihatov*” - and you should do what is upright and good.

The Maharasha asks a question on this final opinion. The proofs for *Bereishis* and *Shoftim* make sense, since in both cases the word *yashar* refers to how people were acting. But why would *Devarim* be included, just because it says the word *yashar*? The *possuk* in *Sefer Shemos* says “*vihayashar bi'ainav ya'aseh*” (and you shall do what is upright in your eyes), and none of the *Amoraim* suggested that it was the *Sefer Hayashar*?

The Maharasha answers that “*va'asisa hayashar vihatov*” is said in many places in the *Torah* to refer to someone going above the letter of the law. For example, when estimating values for damages, Rashi says that “*va'asisa hayashar vihatov*” refers to when the litigants come to a compromise which is beyond the letter of the law. Since *Devarim* has many instances of people going above and beyond the letter of the law, it is worthy of being called the

Sefer Hayashar. We should all take this message to heart over the course of *Sefer Devarim*, and learn to act beyond the call of duty!

Refecting on the Past, Anticipating the Future

Rachamim Seltzer (20)

This week's *parsha*, *Parshas Devarim*, begins the fifth *sefer* in the *Torah*, wherein Moshe reviews the deeds of *Am Yisroel* throughout their years in the wilderness. He recalls their times of strength and weakness, rebuking them for their past failures, all at a time where the Jewish people are on the precipice of one of the greatest chapters in their history. Why did Moshe choose to look back on their previous actions rather than look forward to what the future holds?

The answer to this question lies within the following parable. There was once a servant who worked tirelessly to serve his king in the best way, and eventually was given a promotion to a position of high responsibility. As part of his promotion, the servant moved into the king's palace, where he would serve the king directly in his home. As the day when the servant was to move his possessions to the royal quarters approached, the king sent a counselor to the servant to advise him while he began his new position. The advice that the counselor gave the servant came in the form of a review of the past years of his career; what he had done that had brought glory to the king's kingdom, and where he had failed to serve his king to the fullest. In this review, the counselor brought reality into perspective to invoke a certain attitude of sobriety that would accompany the servant's overflowing happiness. This was done so that the servant would not go into his new position with a light-headedness that would cause him to overlook the severity of his new duties. With this attitude, the servant would have the appropriate amount of seriousness to fulfill his duties to the fullest, and would

thereby bring more glory to the king's name in his future endeavors.

This servant represents the Jewish people, who were on the brink of embarking on a special mission to conquer the Holy Land promised to their ancestors. In this time of transition, Moshe made sure to review their past actions to highlight the seriousness of their new obligations. The Jews, like the servant, were on their way to moving into the king's palace, which would bring with it new commandments and obligations. In truth, whenever the Jewish people become closer to *Hashem*, the expectations for their service are raised as well. Moshe's decision to look back rather than forward was a wise decision, in order to properly prepare the Jews for their upcoming endeavors. They, like the servant, would now have the sobriety and seriousness necessary to serve their king in the best way moving forward, rather than visions of a fancy future where all would be well without any serious responsibility.

The Jewish concept of *teshuvah* (repentance) hinges on this same idea. The *chachamim* say that when the *Torah* uses the word "*atah*" (now), it refers to repentance. The underlying idea is that one must reflect on the past in order to improve the present and the future. The focus is improvement.

There is no room for depression or despair, as the future looks bright in the light of the commitment to improve.

Everything L'Shem Shamayim

Yaakov Weinstock (22)

As we excitedly begin *Sefer Devarim*, we encounter a difficulty in the first *possuk*. The *possuk* says "*Eileh hadevarim asher diber Moshe el Bnei Yisroel*" (*Devarim* 1:1) - these are the words that Moshe spoke to *Bnei Yisroel*." Why does the *Torah* give us an introduction to Moshe's speech? The *possuk* could have simply stated that Moshe spoke to *Bnei Yisroel*; what is added by the phrase "these are the words"? What is the *possuk* trying to tell us?

The *Ohr Hachaim* explains that the *Torah* is hinting to us that Moshe never spoke a word that wasn't related to *Torah* or *mitzvos*. This long introduction is a testament to Moshe *Rabbeinu's* righteousness, intended as a praise of him that he only spoke words of *kedusha*. However, the *Tiferes Shlomo* is troubled by the *Ohr Hachaim's* answer, since the *Midrash (Yalkut Shimoni 1:168)* tells us

A Short Vort

Akiva Kra (21)

In this week's *parsha*, the *possuk (Devarim 1:1)* says: " אֵלֶּה הַדְּבָרִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל בְּעֵבֶר הַיַּרְדֵּן —These are the words that Moshe spoke to all of *Yisroel*, across the *Yarden*, in the wilderness, in the Plain, opposite [the Sea of] Reeds, between Paran and Tophel and Lavan, and Chatzeros and Di-zahav;"

Rashi comments that almost every location mentioned in this *possuk* is not in and of itself important, but rather is there to hint at a sin the Jews committed. Why wouldn't the *Torah* write these bad events explicitly instead of listing the places they happened? Why is the *Torah* "dancing around the topic" of their sins and only listing the locations? Once we are mentioning these events anyway, why not just say them explicitly?

Perhaps we can suggest that Moshe knew the Jews would understand his point if he only mentioned the locations of their sins without spelling out what they did there. Moshe didn't want to embarrass *Klal Yisroel*, so he only used references to each location.

This teaches us a powerful lesson: Even if someone messes up time and time again, we still have to be careful what we say to them. *Hashem* had performed many miracles for the Jews, and yet the people still complained and erred time after time. Despite this, Moshe still gave them rebuke in the kindest way possible.

One cannot deny that sometimes, rebuke and criticism is necessary, but it always must be done in a way that doesn't embarrass the person you are trying to help.

May we all be extremely careful to never embarrass someone, even if they messed up many times after receiving many gifts from *Hashem*.

that Moshe was the king of Kush for many years, and that he was eighty years old before *Matan Torah*. How is it possible that Moshe only spoke words of *Torah* and *kedusha* his whole life, if he did not even become a spiritual leader until he was eighty?

The *Tiferes Shlomo* answers that when a person's being and essence is *Torah* and *avodas Hashem*, even those activities which seem to have no spiritual element to them are infused with spirituality. With this idea, we can understand what the *Ohr Hachaim* is saying on a deeper level. The praise which the *Ohr Hachaim* refers to is not that Moshe didn't engage in any non-*Torah* speech. Rather, what the *Ohr Hachaim* is trying to convey is that even when Moshe was involved in conversations and activities which, on the surface, had no spiritual value, because of his God-focused mindset, everything he did was *lishem shamayim* (for the sake of heaven), and was therefore filled with *kedusha*. Every activity which Moshe participated in became "*divrei Torah*".

Moshe's example provides us an excellent model for how we should conduct our lives, wherein everything we do has the possibility and capacity for *kedusha*. This is also demonstrated in *Pirkei Avos* (2:12) where Rabbi Yosi says that all of one's actions should be done for the sake of heaven. Rabbeinu Yonah explains that one's eating could even be done for the sake of heaven, if one has in mind that eating is a way for one to fulfill one's biological needs in order to serve *Hashem* in the best way possible. To take this idea further, the *Gemara* (*Taanis* 22a) relates that while Rabbi Beroka was in the marketplace, Eliyahu *Hanavi* pointed out to him two people that were worthy of *Olam Haba*. When Rabbi Beroka heard this, he went and asked them what they do all day, to gain an assured place in the World To Come. They explained that they were jesters, who spent their time cheering up those who were down and making peace between those who were fighting. The Maharsha comments that they were *zocheh* to *Olam Haba* because they made people happy. It is evident that one's *Olam Haba* can be earned even through actions that don't appear as particularly sacred. When these jesters used their talents *lishem shamayim*, those jokes that they told became *divrei kedusha*.

As one goes through their day, they are involved in many seemingly "mundane" activities. However, what Moshe is clearly teaching us is that every activity one does has potential for *kedusha*. If an individual involves himself in ac-

tivities with the mindset that he's doing that activity *lishem shamayim*, those activities become filled with *kedusha* as well. With such a mindset, one can enhance their spiritual growth, by creating for themselves an environment where they always feel involved in *kedusha*.

Toil and Trouble

Shimi Kaufman (21)

In reviewing the events which took place over the course of *Bnei Yisroel's* journey through the *midbar*, Moshe recounts Yisro's suggestion to lighten Moshe's burden as judge and jury for the whole nation by instituting a judicial hierarchy, in which Moshe would only be presented with those issues which no other judge could solve themselves. As Moshe recalls here, when this proposition was suggested to the public, the response was largely positive (*Devarim* 1:14). Rashi comments that Moshe's reference to the people's acceptance of this system was intended as a masked rebuke, since they should have been indignant at the prospect of learning from anyone besides Moshe. Instead, they were excited at the prospect of having lesser judges who would be easier to swindle and sway. In Rashi's words, a more appropriate response would have been "is it not more appropriate to learn from you [Moshe], who suffered over the *Torah*?" This is a reference to the *Sifrei* (14), which explains that Moshe spent forty days on *Har Sinai* learning *Torah* directly from *Hashem*, without food, drink, or sleep. Rashi's choice of language here is interesting. Rather than *Klal Yisroel* being criticized for not wanting to learn from the original link in the *mesorah*, the person who understood the *Torah* with more depth and clarity than any mortal, they were criticized for not wanting to learn from someone who "suffered over the *Torah*." Exactly how Moshe acquired his *Torah* knowledge is seemingly irrelevant to Rashi's larger point, that *Bnei Yisroel* should have sought out a more advanced teacher rather than choosing to learn from one who was more easily corrupted. Why does Rashi harp on Moshe's struggles in attaining this level of comprehension?

Rav Moshe Feinstein, in his *sefer Darash Moshe*, explains that Moshe's struggle in his receiving the *Torah* is exactly the point which Rashi was trying to demonstrate. Moshe's excellence as a student and teacher of *Torah* came not from his brilliance or even his investment of time. It was primarily a product of his intensive effort to understand the complexities and intricacies of *dvar Hashem*. Rav

Moshe explains that brilliance is only a superficial aid in the study of *Torah*, since the Divine nature of the discipline is such that it completely out-classes even the most intelligent mortals. *Torah* knowledge is acquired in direct proportion to the amount of effort expended to attain it. In the word of Ben Hei Hei in the *mishna* (*Avos* 5:23), "according to the labor is the reward." Moshe's vast understanding was only possible because of his intensive struggle to understand each and every aspect of the corpus of *Torah*.

It is clear that some form of struggle is needed in order to properly acquire *Torah*. The *braisa* (*Avos* 6:4) has a very clear formulation of this struggle, advising the student of *Torah* to "eat bread with salt, drink rationed water, sleep on the floor, and live a life of pain, with *Torah* as his only occupation." To be sure, most of us would likely be unable to maintain such an abstemious lifestyle for long (nor are we expected to). This does not preclude the necessity and inevitably of struggle in our *Torah* learning, however. Every morning, we say *birchos hatorah*, in which we state that *Hashem* commanded us "*la'asok bidivrei Torah*" - to involve ourselves in words of *Torah*. The language of the *bracha* is not "*liraos*" (to see) or even "*lilmod*" (to learn). We acknowledge each day that the essential imperative to learn is to become involved in our learning. cursory perusal of *divrei Torah* is of course beneficial (this publication likely would not exist if it wasn't!), but the main commandment is to involve ourselves with *Torah*, to work tirelessly to understand the depth and profundity of *dvar Hashem*. This is part of the reason why *Gemara* is so heavily emphasised as the bread-and-butter of *talmidei chachomim*. The *Talmud Bavli* is a transcription of debates from the *tannaim* and *amoraim*, which we view in their entirety. The Socratic nature of the text is meant to simulate a dialogue, such that one can truly immerse themselves in the "*yam shel Torah*" (ocean of *Torah*). Most people who have studied *Gemara* in serious depth would agree that a certain level of effort is necessary to truly understand the structure and content of the *sugya* (topic). Ravina and Rav Ashi could just as easily have compiled a legal text in line with the Rambam's later *Mishnah Torah* or Rav Yosef Karo's *Shulchan Aruch*. By choosing to document the entirety of the process, they encapsulated the essential characteristics of true *Torah* learning; intensive study, analysis, and review.

We should all merit to "toil over *Torah*" just as Moshe *Rabbeinu* did, and to thereby see success in our learning, and in all aspects of our lives.

5 Minute Lomdus

Shimi Kaufman (21)

Q. The five *inuyim* (afflictions) which we uphold on *Tisha B'av* were established based on the same five afflictions which the *Torah* commands us to maintain on *Yom Kippur*. The primary *inui* is the prohibition against eating or drinking, which most assume to be the main implication of the *possuk's* commandment to "afflict ourselves." However, the *halacha* is that if medical professionals determine that a person will die if they do not eat, they are permitted to eat. The Rambam (*Hilchos Shevisas Asur* 2:8) writes that if there is a split amongst the doctors regarding whether a given patient needs to eat in order to survive, we follow the majority. This is strange, in light of the *Gemara* (*Yoma* 84b) which tells us that regarding *pikuach nefesh* (risk to life), we do not follow the majority. This is codified by the Rambam himself, who writes that even if there was only one Jew in a group of one hundred, and a wall fell on one member of that group, we are *mechalel Shabbos* to save the person on the 1/100 chance that they are Jewish. If the Rambam believes that we do not follow the majority regarding *pikuach nefesh*, why does he rule that we follow the majority of doctors to determine if a patient must eat; if even one doctor says there is a risk to life, we should have the patient eat!

A. In the case where the wall fell, we are certain that there is some risk to life; the uncertainty is over whether that risk is to a Jewish life, in which case we would ordinarily override *Shabbos*, or to a non-Jewish life, in which case *Shabbos* would normally take precedence. In such a case, since we are certain that some risk exists, we do not follow the majority, and go to save the person regardless. As regards a sick person on *Yom Kippur*, the uncertainty is over whether any risk to life exists at all, or if the person will survive without eating. The rule is that we do not follow the majority in cases of *pikuach nefesh*, but in this case, we are not even sure that there is *pikuach nefesh* to begin with! Therefore, we follow the majority in this case, just as we do in the rest of the *Torah*.

- Source: Mishmeres Chaim Chelek III, "Yom Hakippurim" 2

TISHA B'AV

Rav Tzadok Hakohen on Shabbos Chazon – A Shabbos of Potential

Chaim Davidowitz (21)

The *Shabbos* before *Tisha B'av* is referred to as *Shabbos Chazon*. The name is derived from the opening *possuk* of the *haftorah* that we read, which is found in *Sefer Yeshayahu*. The *haftorah* speaks of the vision (*chazon*) of Yeshayahu, who reprimanded the Jewish people for their sinful behavior, which eventually brought with it the destruction of the *Beis Hamikdash* and caused the Jews to be sent into *galus*. As such, the *haftorah* would seem appropriate to be read on the *Shabbos* before *Tisha B'av*, in order to set a somber mood and mind frame in advance of the coming fast, which commemorates the destruction of our two *Batei Mikdash*. However, Rav Tzadok Hakohen of Lublin does not view the message of *Shabbos Chazon* as a somber one, but rather one of potential and optimism.

The *Gemara* (*Chagigah* 5b) states that *Hashem* has a hidden abode where He cries for the glory of *Klal Yisroel* which was taken away and grabbed by the *goyim* after the destruction of the *Beis Hamikdash*. Rav Tzadok interprets this ostensibly sobering *Gemara* in a surprising way. Prior to the *Beis Hamikdash* being destroyed, *Hashem's* providence was easy to see. The daily miracles that occurred in the *Beis Hamikdash* were visible to all, and in essence *Hashem* and His *Shechinah* were in "revealed mode". After the destruction of the *Beis Hamikdash*, although it appears that *Hashem* abandoned the Jewish people, this is far from the case. *Hashem's Shechinah* remains with the Jewish People; however, this *Shechinah* is no longer discernible – in other words, *Hashem* and the *Shechinah* are now in "concealment mode". The Jewish journey while *Hashem* is in "concealment mode" may be painful. The Jews during this period will be subjected to suffering and hardship. When the *Gemara* says that "*Hashem* is crying in His hidden abode", it means that although He seems hidden, *Hashem* is crying with us through our pain and hardship.

Rav Tzadok continues that the pain and hardship that the Jews are suffering during this period is all for the good, as it is actually planting the seeds for the spiritual and physical *geulah*. Chazal teach that the *Moshiach's* birthday is the ninth of *Av*. Rav Tzadok explains this to mean that every year, a person is born on *Tisha B'av* that has the potential to redeem *Klal Yisroel*. In essence, the day that represents all of

the destruction throughout our history is also the day that will lead to our ultimate redemption. The coming of *Moshiach* and our ultimate redemption will be caused by *Klal Yisroel* reaching a level of *teshuvah* which will be achieved precisely because of the pain that *Tisha B'av* commemorates!

The *Gemara* in *Yoma* (54b) further illustrates this concept. The *Gemara* tells us that when our enemies conquered *Yerushalayim* and entered the *Kodesh Kedashim*, they drew back the curtain in front of the *Keruvim* and saw that the *Keruvim* were facing each other. This is surprising, since we know that the *Keruvim* faced each other only when the Jews lived up to their responsibilities, representing the closeness of *Hakadosh Baruch Hu* and *Klal Yisroel* at any given moment. If *Klal Yisroel* sinned, the *Keruvim* turned away from each other, which represented the estrangement in that relationship. How could the *Keruvim* face each other at the time of the destruction of the *Beis Hamikdash*, which was caused by the iniquity of the Jewish people? Rav Tzadok answers that yes, the *Beis Hamikdash* was destroyed due to our sins. However, when our enemies entered the *Kodesh Kedashim*, the Jewish people were horrified and began an intense *teshuvah*. This sincere *teshuvah* was accepted by *Hashem*, as is evident from the *Keruvim* facing each other. In addition, as a result of this *teshuvah*, a child was born who, had the *teshuvah* been complete, would have been the *Moshiach*.

Rav Tzadok explains that this is true in every generation. Each year on *Tisha B'av*, we sit on the floor, mourning the loss of our brothers and sisters to our enemies through the generations and the loss of the *Beis Hamikdash*. Through our tears, says Rav Tzadok, we have the opportunity to turn the faces of the heavenly *Keruvim* towards each other, and to cause the birth of a holy soul who has the potential to become the *Moshiach*!

It is a well-known principle that *Shabbos* is the source of all spiritual and material blessings for the following week. *Shabbos Chazon*, being the *Shabbos* before *Tisha B'av*, represents the extraordinary potential for the spiritual blessings that are accessible on *Tisha B'av*. This is because the spiritual blessings accessible on *Tisha B'av* are actually rooted in the *Shabbos* that precedes it, *Shabbos Chazon*!

This year, *Klal Yisroel* has seen tremendous pain and suffering caused by the Coronavirus. The pain is still fresh and is felt by all. May the pain we feel from these recent events, as well as the pain felt due to the calamities that befell previous generations, including the loss of our *Batei Mikdash*, cause a genuine and complete *teshuvah* in *Klal Yisroel*. May we therefore merit to witness the *geulah* speedily in our times!

KINNAH 21:

Arzei Halevanon - Our Sacrifices Today

Shneur Agronin (21)

Among the many stirring *kinnos* which we recite over the course of *Tisha B'av*, few of them evoke the same sobering combination of shock and bitter misery as the 21st *kinnah* of *Tisha B'av* morning, *Arzei Halevanon*. The *kinnah* describes the gruesome executions of the holy *asarah harugei malchus* (ten martyrs) at the hands of the oppressive Roman Empire, surrounding the destruction of the second *Beis Hamikdash*. The third martyr whose murder the *kinnah* recounts, Rabbi Akiva, has always struck me as a particularly awe-inspiring individual. Known as one of the greatest and most influential *tannaim* of all time, Rabbi Akiva embodied the attributes of *mesiras nefesh* (self-sacrifice) and perseverance throughout all of his later life. From willingly leaving his wife for twenty-four years in order to study *Torah*, to adopting five new *talmidim* after his previous 24,000 died, to finally giving up his life courageously for the sake of teaching *Torah*, Rabbi Akiva serves as a source of inspiration to all who learn about him.

Arzei Halevanon bases its brief account on the famous passage found in the *Gemara* in *Berachos* (61b). The *Gemara* tells the story of how Rabbi Akiva bravely defied the decree of the Roman Empire that the Jews of then-Roman-controlled Judea cease studying *Torah*. Rather than allow himself and others to be cut off from the wisdom of *Hashem*, the *raison d'être* of *Klal Yisroel*, Rabbi Akiva continued teaching *Torah* in public to the masses. The enraged Romans summarily executed Rabbi Akiva, but failed to crush the holy *tanna's* spirit. As his soul departed, he affirmed the ultimate oneness of *Hashem* through his fiery recitation of the *Shema*, passing onto the next world having sacrificed himself *al kiddush Hashem* (for the sake of sanctifying *Hashem's* name). Since then, many of the millions of Jews who faced death for committing the crime of preserving our laws and traditions similarly proclaimed their eternal loyalty to their Creator, as they cried out the words of the *Shema* in their final moments.

Fortunately, by the grace of *Hashem*, the vast majority of Jews no longer fear for their lives as a result of their observance. In particular, the Constitution of the United States guarantees our right to live as *frum* Jews protected from widescale legal discrimination, let alone the genocidal ambitions harbored by our dissenters which plagued us throughout most of our history. Since we can live and prosper while maintaining our identities, the question thus follows: how can we emulate the heroism and

mesiras nefesh of Rabbi Akiva? An answer lies in a critical reapplication of the concept of "sacrificing one's life" *al Kiddush Hashem*.

Everyone faces struggles from many angles when it comes to *Torah* observance, and many forces exist around us, specifically due to our immersion in general society, which can challenge our God-given standards of morality and justice. These difficulties vary from minor to major - one person might fight with himself to spend a few more minutes in the *Beis Medrash*, while another resists the temptation to violate the laws of *Shabbos* having lost the inspiration to uphold them. In any case, the struggles that we all encounter represent opportunities for each and everyone of us to give of our time, our resources, and ourselves to *Hashem* in our own unique ways - thus, truly *living* lives of *mesiras nefesh* and *kiddush Hashem*. By continuing to live by the ethical and legal guidelines set forth by *Hashem* in His *Torah* despite our doubts and desires, we follow in the footsteps of Rabbi Akiva and the other millions of *kedoshim* who came before us, exemplifying the meaning of sacrificing oneself *al Kiddush Hashem*.

This *Tisha B'av*, may it be our last as a day of mourning, we all possess the ability to make changes, big or small yet all significant, in our lives which reflect our undying dedication to *Hashem* and the *Torah*. May our efforts in this regard merit the coming of *Moshiach* and the end of our exile *bimeheira biyameinu*.

KINNAH 41:

Sha'ali Serufa Ve'eish

Yisroel David Rosenberg (23)

On Thursday, July 9, 2020, in the Jewish Medieval cemetery in Worms, dozens of gravestones were vandalized, smeared with a green paint. Though anti-Semitism has been ruled out as a motive, it is nonetheless a disquieting act. One of the gravestones belonged to the Maharam MeRottenburg, who was one of the last of the *Ba'alei Tosafos*. To counteract even a minute amount of the disrespect of that desecration, it is fitting to take a look at *kinnah* which he authored, *Sha'ali Serufa Ve'eish*.

The Maharam composed this *kinnah* after witnessing the burning of several cartloads of volumes of the *Talmud* in the town square of Paris in 1242. This *kinnah* follows the series of *kinnos* that begin with the word *Tzion*, addressing *Eretz Yisroel* itself. In his elegy, the Maharam models the style of Rabbi Yehudah Halevi's original *Tzion Halo Tishali*, and similarly addresses an inanimate item; this time not *Eretz Yisrael*, but the *Torah* it-

self. Both Rabbi Yehuda Halevi and the Maharam are demonstrating that in the special relationship we have to them, the land of *Eretz Yisroel* and the *Torah* take on human traits.

The Maharam uses three methods in his composition to drive his message home. Firstly, the Maharam draws a stark contrast between light and dark throughout the *kinnah*. The *kinnah* pleads with the *Torah* to seek after the well-being of those who mourn its burning and desecration. It describes them as walking in utter darkness, but hoping still for the light of day to shine once again upon them and upon the *Torah*. This imagery appears in the *kinnah's* first few lines, and again in its very last line, with numerous references in between. In these phrases, one can almost see the tongues of flame licking at a darkened sky.

A second, psychological technique employed by the Maharam is the reinterpretation of good events, in the light of the misfortunes that came in their wake. Often after trauma, people reinterpret all the good that has happened to them as a path that was always intended to end in sorrow. The Maharam certainly writes in this way in his *kinnah*. He mentions the giving of the *Torah* on *Har Sinai* in fire, "*bilapid v'eish*", and laments that this was only to have it taken back in the same manner, "*ki v'achariteich telaheit eish*". *Har Sinai* is usually understood to have been chosen for *Matan Torah* over other, larger mountains for its small size and modesty. The Maharam wonders in his *kinnah* if *Har Sinai's* lowliness was meant as an omen "*ki titmaeis viteireid mikvodah*", that the *Torah* was to be reduced and lowered from its glory. He offers a comparison of *Matan Torah* to that of a king weeping at the celebratory feast after his son's birth, for he knows that his son shall die.

Finally, the Maharam uses various references to *halachic* concepts found throughout the *Torah*, and their being reversed and forced onto the *Torah* itself. A thief, when caught, must return double the value of that which they stole, known as *keifel*. The Maharam makes mention of the shattering of the *Luchot Habris* in *Tammuz* and the burning of the *Torah* which took place in the same month. (The burning of the *Torah* mentioned is most likely a reference to both that which is commemorated on the fast of *Shiva Asar Bitammuz*, as well as the burning of the *Talmud* in Paris as witnessed by the Maharam, which reportedly took place in *Tammuz*.) He writes "*hazeh tashlum kefeilyich*," - is this the repayment of your, the *Torah's*, *keifel* compensation? The *halachic* concept of the *ir hanidachas* is a totally idolatrous city, whose fate is for its residents to be executed and its

property burnt in the city square. The Maharam describes the burning of the *Talmud* in the plaza of Paris to have appeared as some inverted form of the *ir hanidachas*, with these great treasures gathered to be burned in the street as if they were idolatrous material.

In every line and every word, the *Maharam* is deliberate with his choices to emphasize the pain of watching the *Torah* be disrespected throughout *galus*. One can hardly keep from crying while reading his woeful *kinnah*.

KINNAH 45:

Eli Tzion

Meir Morell ('22)

Disclaimer: This is being written only in case Moshiach does not come before Tisha B'av.

At the end of the *kinnos* on *Tisha B'av*, we chant a heart wrenching *kinnah*, known as *Eli Tzion*. The stirring and powerful tune of the *kinnah* alone is powerful enough to bring one to tears. It behooves us enhance the meaning of this *kinnah*, and try to understand some of its verses: "

אֵלֵי צִיּוֹן וְעָרֶיהָ, כְּמוֹ אִשָּׁה בְּצִירֶיהָ, וְכַבְתּוּלָה חֲגוּרַת שֶׁקַּי, עַל בְּעַל
נְעוּרֶיהָ

"Mourn for Tzion and her cities, like a woman giving birth, like a maiden wrapped in sack-cloth for the husband of her youth"

This *kinnah* compares our mourning to two distinct types of suffering, thereby alluding to two matters that we are lamenting. We wail for what once was and is now gone: the *Beis Hamikdash*, The kingdom of Dovid, and all they encompassed. This wail is like that of a maiden remembering her long-gone husband. However, we also wail for the tragedies and persecution that we suffer now in *galus*. This lament is like the cries of a woman suffering from birth pains; it is pain that we suffer right now, but will soon be over.

עַלֵי זְבָחֵי תַמִּידֶיהָ וּפְדִיּוֹנֵי בְּכוֹרֶיהָ

"For the Tamid sacrifices, and for the redemption of the firstborns"

Why are we mentioning the *mitzvah* of *pidyon haben*, redeeming the firstborn son, if this practice still goes on today, despite the destruction of the *Beis Hamikdash*? The *Steipler*, Rabbi Yaakov Yisrael Kanievsky, and the *Brisker Rav*, Rabbi Yitzchak Zev Soloveichik, explain that this *kinnah*

Al Eileh Ani Bocheh - For This, I Cry

Rabbi Saruch Desach Mendelson

does not refer to the *pidyon haben* that we practice today. It is referring to the event that took place in Moshe's time, when all the firstborn males who were intended to serve in the *Mishkan* were exchanged for, and thus redeemed by, a *levi*. As we mourn the loss of many aspects of the *Beis Hamikdash*, we recall this event, which was necessary for the *levi'im* to assume their service in the *Mishkan*.

ועל חלול כלי היקל ומזבח קטורה

"For the desecration of the vessels of the Temple, and for the altar for the incense offering"

What is referring to? The standard *ומזבח קטורה* would be included in "the vessels of the Temple". So, what extra thing are we referring to with this phrase? This question is not necessarily valid. The *Gemara* (*Zevachim* 59b) quotes Rav Giddel as saying that one could offer the ketores anywhere in the area where the inner *mizbeach* was. The *mizbeach* itself was in the vessels of the Temple, but the second phrase includes the area around the *mizbeach*.

עלי הגיון מחוליה, אשר דמם בעריה

"For the chatter of her dancers whose silence fills her cities"

The rest of the *kinnah* mourns the losses connected with the *Beis Hamikdash*, practices we no longer have today, because of the *churban*. Why do we mention the loss of dance; can we no longer dance or be joyous even after the *churban*?

Maran Sar Hatorah Rav Chaim Kanievsky explains that the *churban* did stop our dancing. Although one could still dance and be joyous, the expression of intense inner happiness and fulfillment that we are able to achieve when the *Shechinah* was among us is not within our reach. Moreover, the *churban* did indeed still our dance and expressions of joy, as Chazal teach (*Gittin* 7a): after the *churban*, the Sages decreed that music and expressions of joy at weddings must be toned down as a sign of mourning. It is this loss of joy which the *kinnah* laments.

עלי שמך אשר חלל בפי קמי מצריה

"For Your name which was desecrated, in the mouths of those who stood against your distressed"

Rabbi Yosef Dov Soloveitchik, colloquially known as "The Rav", in his *sefer Hararei Kedem*, explains that these words are the foundation of the mourning of *Tisha B'av*. The *churban* of the *Beis Hamikdash*, along with the elongated and painful exile of Jews, is a tremendous *chillul Hashem*. It is this desecration of *Hashem's* name which has caused us to "sadden our hearts and darken our eyes" (*Eichah* 5:17).

The story is told that the great Napoleon, in the midst of his spree of conquering, once entered into a *shul*, and saw the congregants sitting on the ground and wailing loudly. Upon inquiring about their strange behavior, he was told that it was *Tisha B'av*, the day on which the Jews mourn the destruction of their Holy Temple in Jerusalem so many years ago. Napoleon was extremely moved by this, and declared that any people who continue to mourn their Temple's destruction so many years later could never disappear from the face of the earth.

The question is, why not? What about the mourning of *Tisha B'av* helps the Jewish people to preserve our very existence?

Over the course of the year, there are many well-known *minhagim* which we maintain as a *zecher limikdash*, a remembrance of the fallen *Beis Hamikdash*. We place ashes on the head of a *chosson*, break glass at a *chuppah*, leave a corner of our house unpainted, as well as many others. But the customs which surround the *bein hametzarim* period, the three weeks between *Shiva Asar Bitammuz* and *Tisha B'av*, are far more than this. They are reflective of a full-fledged *aveilus*, similar to how we would act if a relative were to pass away, *rachmana litzlan*. We are meant to truly feel the *churban*, to cry about the *churban* as we would for a personal tragedy. But why should this be? Generally, *aveilus* lasts for a year; why do we continue to practice *aveilus* today - a *zecher* did understand, a *zecher's* done forever as a *zecher*, but why should the *minhagei aveilus* still be practiced??

Some have suggested an answer based on Rashi (*Bereishis* 37:35), where Yaakov *Avinu* could not be consoled over the disappearance of Yosef. Rashi explains that admitting someone is dead effectively sentences that person to effectively be forgotten over time. However, the same is not true of a living person. Thus, Yaakov refused to accept that Yosef was truly gone, in order to keep his memory alive. So too, the *Beis Hamikdash* is still alive. Chazal tell us that each generation where the *Beis Hamikdash* is not rebuilt, it is as if they themselves destroyed it (*Yerushalmi Yoma* 1:1). Each year is a new loss, a new *aveilus* for a new destruction, which warrants a new commemoration. Since the *Beis Hamikdash* is perpetually alive in this manner, the intensity of the mourning never really ceases.

It seems to me, however, that we can suggest another answer, which may fit better into the theme of the *Beis Hamikdash* being "alive".

Why are we crying on *Tisha B'av*? What are we crying

over? Yirmiyahu *Hanavi* says “*al eileh ani bocheh*” (on these I cry); he speaks about the atrocities of parents eating children out of hunger, he speaks about the destruction of homes and predicts the desolation of the streets of *Yerushalayim*, and he speaks about the death of almost **one million people**, plus the many more captured and mistreated.

We cry over the *galus*, the *tzaros* experienced by *Klal Yisroel* over the centuries, the pogroms, the Crusades, the Inquisitions, the Holocausts, the *asara hirugei malchus*, the burning of *Torahs* and *Gemaras*. But is that what the essence of our *aveilus* on *Tisha B'av*? Of course, we all know that the main tragedy we are meant to mourn is the *churban habayis*! So, precisely what about the *churban bayis* are we supposed to be crying for? Is it the lack of *korbanos*? We say during *mussaf* “*unishlama parim sfaseinu*” - our *tefillos* have taken the place of the *korbanos*? Do we cry over the *keilim*, the beautiful vessels and adornments of the *Beis Hamikdash*? Is all of our energy in mourning really devoted to pots and pans, to sticks and stones? What are we really mourning when we wail over the *churban Beis Hamikdash*?

Rav Eliyah Lopian *zt”l* quotes the Rama in *Toras Haola* that Nevuchadnetzar brought Plato with him to survey the destruction of *Yerushalayim*, and met Yirmiyahu *Hanavi* wailing on *Har Habayis*. Puzzled, Plato asked him “why are you crying over a building - it is only a pile of sticks and stones?” Yirmiyahu answered “as a world renowned philosopher, you must have many difficult questions. Please, ask them to me.” After Plato delineated his long list of very difficult, unsolvable questions and paradoxes, Yirmiyahu simply and brilliantly answered each and every one of them in a few sentences.

Plato couldn't believe a mortal man could be so wise. Yirmiyahu then pointed sadly to the ashes of the *Beis Hamikdash* and said, “all of these answers, and all of that wisdom, I got from these sticks and stones. That is why I am crying.”

This is a very puzzling response. What did Yirmiyahu mean? How did he derive all that wisdom from the *Beis Hamikdash*? Yirmiyahu presumably did not attend philosophy classes in the *Beis Hamikdash*, so what did he mean by this statement?

I think the key to the solution to all these problems is based on the *Gemara (Bava Basra 12b)*, which quotes Rabbi Avdimi from Haifa as saying that from the day that the Temple was destroyed, prophecy was taken from the prophets and given to the Sages. The *Gemara* asks, does this imply that there were no prophets who were also Sages? Rather, Rabbi Avdimi meant that even though prophecy was taken from the prophets, it was not taken from the Sages. The Ramban comments that even though the literal *nevuah* through visions and dreams was taken away,

the *nevuah* of the *chachomim*, which comes from wisdom, was never taken away. Do the *chachomim* continue to experience a form of *nevuah* through *ruach hakodesh*? What does this comment mean? Do today's *chachomim* have *ruach hakodesh*?

To answer this question, we need to ask a more basic question: what is *nevuah*? *Nevuah*, fundamentally, is a method through which *Hashem* communicates with us. Before the *churban*, people were able to directly communicate with *Hashem*. They would go to the *navi* with a question and, through *nevuah*, they would receive an answer. This notion of *dvar Hashem* was not lost by the *churban*, however. Nowadays, we also have a form of *dvar Hashem*, within the *Torah*, which was given to us directly from *Hashem*. Through their wisdom, *yiras shamayim*, and “spirit of holiness”, the *chachomim* can derive what *Hashem* wants from us from the words of the *Torah*. The *Beis Hamikdash*, being the dwelling place of the *Shechinah* in this world, acted as the conduit, the switch operated by the *nevi'im* to directly receive the *eitzah* of *Hashem* regarding all facets of life. All of *Hashem's* instructions to the world were crystal clear, and easily accessible to anyone who sought out a *navi*.

Therefore, Yirmiyahu told Plato that he had a lot to cry for, since all the gates of wisdom were open as long as the *Beis Hamikdash* stood; all of *Hashem's* instructions were clear, and all of the world's most perplexing problems were easily solved. Now, we are lost, without a clear method to know the exact *dvar Hashem*. This is certainly a good reason to cry!

This could be why we still have full *aveilus* today, as opposed to simply a *zecher*. The *dvar Hashem* isn't really gone. We can still access the *dvar Hashem* through *Torah* study, albeit not nearly as easily as we could with *nevuah*. We no longer have clarity, which is more than enough reason to cry, but we don't forget the acuity of the pain, because the concept of hearing the *dvar Hashem* was never really dead in the first place. Just as Yaakov's intense mourning continued as long as his son was alive, our mourning does not cease as long as we still have some access to the *dvar Hashem*.

With this, we can explain Napoleon's assured statement that the Jews would never perish from the face of the earth as long as they continue to mourn for their Temple. A nation which practices mourning every year, to emphasize that we still perceive the loss of our full connection to *Hashem*, will constantly be striving to regain that connection. The Jewish people will never “move on”, and so they will never assimilate to the values of the world around them. A *zecher* of “what used to be” is not enough to fulfil this goal. Our active mourning reminds us that the past has not yet been lost to us. As long as we remember that, we will never disappear.

Gedolim Glimpse: Rabbi Moshe M'trani

Meir Morell ('22)

Rabbi Moshe M'trani (1500/1505-1580/1585), more commonly known by his acronym "Mabit" (Moshe Ben Yosef Trani) was born in Thessaloniki, Greece. When he was young, he was sent to Adrianople (now Edirne), Turkey, to learn under the supervision of his uncle Ahron. When he was 18 (other sources say 16), he travelled to Tzefas, and learned under Harav Yaakov Beirav. In 1525, he was appointed to the *beis din* of his *Rebbi*, and received *semicha* from him. That same year, he became the Rabbi of Tzefas, where he remained for 20 years before moving to Yerushalim. Rabbi M'trani was a friend and *bar plugta* (frequent disputant) with Rav Yosef Karo, author of the *Shulchan Aruch*. They argued regarding many points in *halacha*, the most famous being the status of fields of non-Jews in *Eretz Yisroel* during the *shemittah* year. Rav Karo held that *goyim's* produce was exempt from the normal laws of *shemittah*, while the Mabit held that the *halachos* apply to non-Jews as well as Jews. When Rabbi Karo died, the Mabit became the *Av Beis Din*. The Mabit is most famous for his *Kiryas Sefer* on the *Torah*, *Gemara*, and the *Rambam*. He also authored *Beis Elokim*, *Teshuvos Hamabit*, and *Sefer Hatechia Vihapedus*. He died on the 23rd of Nisan, 5341.

Parsha Puzzles

Submit your answers to shemakoleinu@yuhsb.org along with your name and cell phone number to be entered into a raffle at the end of the summer!

1 answer = 1 entry!

(Hint: Use the commentaries in the Mekraos Gedolos Chumashim, along with the Toldos Aharon on the side to find relevant Gemaras and Midrashim)

1. One *possuk* in this week's *parsha* has the same *trop* as *Eichah*, the *megillah* read on *Tisha B'av*. What *possuk* is this, and why is it read this way?
2. When speaking about the sin of the *meraglim*, Moshe mentions that he was "punished and denied entry into the land." What sin did Moshe do by the *meralgim* that caused him to be unable to enter the land?
3. Throughout *Sefer Devarim*, many *mitzvos* are repeated, while some are listed for the first time. The Ramban writes that those *mitzvos* that are listed here for the first time were also given at *Har Sinai*. Why, then, were they only mentioned here?

Parsha Summary

Near the end of his life, Moshe gathers all of *Klal Yisroel* for a final speech, recounting their history in the desert, rebuking them for past misdeeds, and giving them *chizzuk* for the future. Moshe begins after the destruction of the second set of *luchos*, up until the story of the *meraglim*. Moshe then speaks about the battles with Moav and Ammon, as well as the conquering of Sichon and Og's territory. This land, situated across the *Yarden* river and away from *Eretz Yisroel* Proper, is given to the tribes of Reuven, Gad, and half of Menashe. Yehoshua is told to view these victories as a sign that he will be successful in leading the people to conquer the rest of the land.



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