

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

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

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

Third: what is the book doing here? It represents the speeches Moses delivered in the last month of his life to the generation who would cross the Jordan and enter the Promised Land. Why is it included in the Torah at all? If the Torah is a history book, then we should proceed directly from the end of Bamidbar, the arrival of the Israelites at the banks of the river Jordan, to the book of Joshua, when they crossed the river and began their conquest of the land. If the Torah is a book of law, then Devarim should just be a collection of laws without all the historical reminiscence and prophecy it contains. What kind of book is Devarim and what is its significance to the Torah as a whole?

A number of relatively recent archeological

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May all of us in Klal Yisroel finally get our acts together, and may it be rebuilt speedily in our time!

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



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covenant, on precisely these lines. This is how it works:

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

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

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

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

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

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

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

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

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

We now also understand the place of Devarim in Tanakh as a whole. It is the axis on which all Jewish history turns. Had the generation who left Egypt the

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

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

Shabbat Shalom

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RABBI SHLOMO RISKIN

Shabbat Shalom

"How (eichah) am I able to bear your contentiousness, your burdens and your quarrels?!" [Deut. 1:12] Just prior to the conclusion of the 1978 Camp David Accords, U.S. President Jimmy Carter submitted a letter for Prime Minister Menachem Begin that caused the Israeli leader to turn pale and promptly return it to the leader of the free world unsigned. "But I did not ask you to give up Jerusalem," said the astonished American president. "I only asked that you put it on the negotiating table."

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

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

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

Firstly, there is the linguistic connection

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

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

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

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

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

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

For these reasons and more, Prime Minister Begin was absolutely correct to insist that Jerusalem cannot be placed on the negotiating table! Jerusalem will one day reunite all of humanity within her bosom, for she is the heart of humanity. The love that will

emanate from Jerusalem will be a love without cause ["ahavat chinam"], repairing the hatred without cause that caused Jerusalem's demise in the first place.

We have the obligation and the ability to transform this vision to reality by taking it upon ourselves on a daily basis to do our part to increase love without cause. B'ezrat Hashem, in this merit, we will witness the full rebuilding of Jerusalem speedily and in our days. ©2017 Ohr Torah Institutions & Rabbi S. Riskin

RABBI BEREL WEIN

Wein Online

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

This is also true regarding the words of the prophet Isaiah who, a century before the destruction of the Temple and the exile of Israel to Babylonia and Egypt, predicts and describes the sad event. It is not only the gift of prophecy that Moshe and Isaiah possessed that allowed them to so graphically portray what would happen in the distant future. It is their keen ability to see the problems that actually produced the sad result that we commemorate this coming week.

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

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

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

So, it would take a world of millennia-long persecution, discrimination and anti-Semitism to drive home to the Jewish people that they are somehow

exceptional, different and that their history, and their God Who guides it, places a unique and holy mission upon them and all of their generations.

The anniversary of the destruction of the Temples serves to remind all of us of the cost of not realizing who we are and, just as importantly, why we are. This day of sadness serves also to be a day of contemplation and renewed dedication to the values and mission that the Torah and our tradition imposes upon us. It is not only a day of mourning but it is a day of self-renewal and commitment. That is why the rabbis saw it as a day of potential joy and a holiday. May it turn out to be that way even this very year. ©2017 Rabbi Berel Wein - Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com. For more information on these and other products visit www.rabbiwein.com

RABBI KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah states: "And I commanded your judges at that time saying, 'Listen among your brothers.'" What does this mean and what lesson for life can we learn from it?

Rabbi Zalman Sorotzkin writes that some judges may see themselves as elevated people and the litigants who come to them as wicked. Therefore, the Torah writes, "Listen among your brothers." That is, consider anyone who comes to you as a brother and treat him accordingly.

This concept applies to anyone in a position of authority. It is very easy to treat people as objects. However, our attitude towards others should be, "How would I feel, act and talk if this person were my brother?" This is especially important for anyone who is in a position where people in financial need or emotional pain come to him or her for assistance. The person you are talking with is suffering and often might feel embarrassed that he needs to come to someone for help. Be extremely sensitive to his feelings. If you are able to make him feel that you feel towards him as a close relative, it is a great kindness. *Dvar Torah based on Growth Through Torah by Rabbi Zelig Pliskin* © 2017 Rabbi K. Packouz and aish.com

RABBI SHLOMO RESSLER

Weekly Dvar

In Parshat Devarim Moshe recounts placing "ministers over thousands, over hundreds, ministers over fifties, and ministers over tens.." (1:15). If there were leaders governing thousands and hundreds, isn't it obvious that they would govern fifties and tens? What does the Torah add by including those specifications?

The Sforno says that there is an implied rebuke in the appointment of judges over Israel, because they could not stop bickering and arguing to the point that

every group of ten needed its own personal judge. While the Sforno implies that each person was overly concerned with his own property, in order for an argument to reach the courts, there also needs to be a lack of communication and an inability to reconcile differences.

If needless hatred begins with a lack of communication, then increased communication can remove the hatred and divisions that remain between us. With proper communication, we can not only properly mourn the Temple's destruction, but we can also make our own best efforts to ensure that it is rebuilt. ©2017 Rabbi S. Ressler & LeLamed, Inc.

RABBI AVI WEISS

Shabbat Forshpeis

At first glance, the portion of Devarim is a random recapitulation of events the Jews experienced in the desert. It seems unstructured and repetitive. Yet, a closer look reveals that there is a logical form at work.

The first major section deals with the experiences and episodes of the Jews during the first two years in the desert, up until God's decree that we were to wander there for 40 years.

This section describes God telling us immediately after our departure for Egypt that we will enter the Land of Israel. (Deuteronomy 1:6-8) In preparation for that entry, Moshe (Moses) lays out a system of jurisprudence necessary for the proper functioning of the nation. (Deuteronomy 1:9-18) With Am Yisrael now ready to enter the land, (Deuteronomy 1:19-20) the people ask Moshe to send spies to Canaan to investigate how it can best be conquered. A description of the spy story follows with the recounting of God's decree that the Jews would wander in the desert for 40 years. (Deuteronomy 1:21-48)

The second section in Devarim (Chapters 2, 3) is a brief review of what happened to Am Yisrael in the last two years of its wanderings. Here is described our contacts with the nations of Edom, Moab, Amon, Sichon and Bashan as we took a circuitous route into the land. What follows is Moshe's unsuccessful appeal to God that he be permitted to enter the land found in the beginning of next week's portion, Va-Etchanan.

Rabbi David Tzvi Hoffman points out that these two sections open and close with similar phraseology setting them off as distinct units. The first section begins with the phrase "rav lakhem, it is enough [that you've been at Sinai]" and "pnu lekhem, turn [to the land of Israel]." (Deuteronomy 1:6-7) The second section begins with similar terminology: "rav lakhem, it is enough [that you've wandered here in the desert]," "pnu lekhem, turn [to enter the land of Israel]." (Deuteronomy 2:3)

Each section, writes Rabbi Hoffman, similarly concludes with similar words—vateyshvu and

vaneyshev. (Deuteronomy 1:46, Deuteronomy 43:9)

Both of these sections are preceded by the first five sentences in Deuteronomy which summarize the forty years described in brief in the first two sections we have already discussed. The first two sentences of Deuteronomy are headlines for the earlier events as found in the first section, and the next three sentences for the final happenings as laid out in the second section.

A mere surface reading suggests that Deuteronomy is a book which haphazardly repeats our travels through the desert. Yet, when one looks deeper and more carefully, one realizes that Devarim is a book of exact and precise structure—much like the entire Torah. ©2017 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale

RABBI DANIEL STEIN

Missed Opportunities & Tisha b'Av Afternoon

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

The Rabbag explains that Hashem did not rebuff their teshuvah per se, rather it was simply ineffective in gaining them entry into Eretz Yisrael because it came too late. The window of opportunity to enter Eretz Yisrael at this time had already expired. Often times, and in all aspects of life, if an opportunity is not capitalized upon immediately, it can disappear, and it may be impossible to fully recapture it or reclaim it at some later point. Opportunity knocks once, maybe twice, but then it is gone. The period of the Bein Hametzarim, and specifically the morning of Tisha Bav, also seem to represent a similar type of limited and confined opportunity.

The pasuk in Eichah (1:15) refers to Tisha Bav as a moed or holiday. Indeed, the Apta Rav (Ohav Yisrael) observes that the entire period of the Bein

Hametzarim, consisting of the twenty-two days from the seventeenth of Tammuz until the ninth of Av corresponds to the twenty-two days of festivals that we celebrate in the diaspora throughout the year, including the eight days of Pesach, the two days of Shavuot, the two days of Rosh Hashanah, Yom Kippur, and the nine days of Sukkos and Shemini Atzeres. Moreover, we regularly begin the period of the Bein Hametzarim with the reading of Parshas Pinchas, which enumerates the entire gamut of moadim, perhaps indicating further that the Bein Hametzarim and Tisha Bav are also part of the "holiday" cycle.

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

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

This is surprising because the Gemara (Taanis 29a) tells us that historically the Beis Hamikdash only began to burn in earnest on the afternoon of the ninth

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

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

However, if Klal Yisrael had accepted to do teshuvah in the afternoon of the ninth of Av, when they witnessed the Beis Hamikdash starting to burn, why were their efforts not effective in stemming the tide, and averting the remainder of the calamity? Rav Tzvi Meir continues that their repentance could not halt the developing churban, because it came too late. The churban had been triggered and set in motion, and the window of opportunity to do teshuvah in a fashion that would arouse injunctive relief, had already passed. Therefore, we should and must learn from the mistakes of our past, to capitalize on the precious and timely opportunity of the Nine Days and specifically the morning of Tisha Bav to do teshuvah with alacrity and purpose, and not allow this precious opportunity to slip through our fingers once again. If we do so, may Hashem grant our desperate plea "Restore us to You, Hashem, that we may be restored! Renew our days as of old" (Eichah 5:21). © 2017 by Rabbi D. Stein & TorahWeb.org

ENCYCLOPEDIA TALMUDIT

Bishul Accum

*Translated for the Encyclopedia Talmudit
by Rabbi Mordechai Weiss*

Today there is a Halachic issue when hiring the services of a non-Jewish person in one's house and they cook for them. The issue is "Bishul Accum" (a law forbidding Jewish people from eating food cooked or baked by a Non-Jew). The reason for this law is to prevent social interaction with the non-Jew which could ultimately cause intermarriage. This law is hinted in a sentence in this week's portion when Moses asks Sichon the king of the Amorites to "sell us food, and provide us with water to drink and we will pay you". Just as water is not prepared by anyone so the food that Moshe requested was not cooked or prepared first by a non-Jew (the nation of Sichon) but would be given to the Jewish people in its raw stage.

This reference in our portion however is not conclusive, for surely the Jewish people would have been able to purchase flour from Sichon, which must first be ground? Hence we must resort to the original reason by our Rabbis- to discourage intermarriage. According to most opinions this prohibition is only when the preparation is done in the house of the Non-Jew, but when done in the house of the Jew it would be permissible.

According to the normative Halacha however, we nevertheless follow the stringent opinion, which appears in the Code of Jewish Law ("Shulchan Aruch") that in all cases we are prohibited to partake of food cooked by a non-Jew, unless there is a Jew standing by and involved in some way in the preparation of the food. © 2016 Rabbi M. Weiss and Encyclopedia Talmudit

RABBI LABEL LAM**Dvar Torah**

"All who eat and drink on Tisha B'Av will not witness the joy of Jerusalem, and all who mourn on Tisha B'Av will merit and witness its rejoicing." (Shulchan Aruch 554:25)

"All who eat and drink:... It is worth the while for the sake of the house of our G-d to experience distress about its destruction at least one day in the year!" (Mishne Berurah)

On Tisha B'Av, while we are all sitting on the floor and fasting, what is it that we should be thinking about? Besides looking at the clock and calculating the time remaining until the fast is over, what should we be thinking about? Two things come to my mind. Both happened this week. A young man, a successful businessman, a seeker texted me a question at the onset of the nine days. Here is the texting dialogue:

Joe: "Hi Rabbi Lam Shavua tov! Two quick questions, if you happen to have a minute -- 1) When we don't eat meat during the nine days, what mitzvas

are we abiding by? Keeping a vow is one I would assume? 2) For those of us who are baal teshuvos, how do we know if our ancestors are part of the initial vow? I'm not dodging the custom. I want to make sure I keep it with the proper mindset (is that called kavana?) Thank you very much!

Rabbi Label Lam: Hi Joe. I'm not sure it has anything to do with an oath. It has more to do with identifying with a state of national mourning.

Joe: Thank you. What mitzvah should we concentrate on fulfilling then? Love your neighbor?

Rabbi Label Lam: Loving your neighbor and loving HASHEM. Imagine that somebody and his whole family were thrown out of the house and the father and all the children were scattered into exile. That child would be longing for his brothers and identifying with the pain and embarrassment of his father that some gangster took over his house. He will be longing and waiting for the day when the entire family can get back home together.

Joe: Ok got it. Thanks!!

And so says the Talmud in Tractate Brochos 3A: "My son, what sound did you hear in this ruin? I replied: I heard a Divine voice, cooing like a dove, and saying: Woe to the children, on account of whose sins I destroyed My house and burnt My temple and exiled them among the nations of the world! And he said to me: By your life and by your head! Not in this moment alone does it so exclaim, but three times each day does it exclaim thus!

And more than that, whenever Israel goes into the synagogues and halls of study and respond: 'May His great name be blessed!' the Holy One, blessed be He, shakes His head and says: Happy is the king who is praised so in this house! Woe to the father who had to banish his children, and woe to the children who had to be banished from the table of their father!

One fine evening this week something glimmering on the carpet caught my eye. I reached down, thinking it might be a sliver of glass on the bedroom floor. It was quite small, like the head of pin, lost on my finger tip. Upon further examination I came to realize that it was a diamond, perfectly cut, clear, and glimmering with depth and splendor.

My wife later affirmed my discovery and she examined the side stones on her own ring but none were missing. We have only now to find the rightful setting for this tiny diamond.

I later realized what a G-d like experience I was treated to. Here was this precious and petite item which ought to be lost in the expansiveness of the carpet but had somehow distinguishing itself with a special shine as a sign.

So too, we must imagine that HASHEM peers through the vast cosmos. His attention is caught by the intense light of a soulful Jew or a group of such Children of Israel. They are sitting low and mournfully

longing to be restored to their rightful setting. We scattered diamonds, feel lost for now, can hope to be found. ©2017 Rabbi L. Lam and torah.org

SHLOMO KATZ

Hama'ayan

In this week's Parashah, Moshe Rabbeinu begins his farewell address. R' Shlomo Ephraim z"l of Lenshitz (author of the Torah commentary Kli Yakar and other works; died 1619) writes that our verses demonstrate three characteristics of successful rebuke: First, one must correct his own behavior before he rebukes others; otherwise, he will lack credibility. Second, he must combine his rebuke with praise and compliments; otherwise, the intended recipient will become overly defensive. Third, he should cloak his rebuke in hints so that he won't embarrass those he is rebuking, as we read (Vayikra 19:17), "You shall rebuke your fellow and do not bear a sin because of him." Each of these is found in our Parashah:

Our Parashah opens: "These are the words that Moshe spoke to all of Yisrael." The fact that he spoke in front of "all" of Bnei Yisrael suggests that he cleansed himself of any imperfections before speaking. Otherwise, with all of Bnei Yisrael present, it would be inevitable that someone would say, "How can you rebuke us when you did such-and-such?"

The verse continues: "Across the Jordan, concerning the Wilderness, concerning the Aravah, opposite the Sea of Reeds, between Paran and Tophel, and Lavan, and Chatzerot, and Di Zahav." Rashi z"l comments that some of these are not real places; rather they are hints to sins Bnei Yisrael committed.

Lastly, Moshe spoke good of Bnei Yisrael: "Hashem, your Elokim, has multiplied you and behold! you are like the stars of heaven in abundance. May Hashem, the Elokim of your forefathers, add to you a thousand times yourselves, and bless you as He has spoken of you." (Ir Gibborim)

"Eileh ha'devarim / These are the words that Moshe spoke to all of Yisrael... eleven days from Chorev..." (Devarim 1:1-2)

Literally, "Chorev" is another name for Har Sinai. R' Shlomo Ephraim z"l of Lenshitz (see front page) notes the similarity of the Hebrew words "Chorev" and "Churban" and suggests that the phrase, "eleven days from Chorev," alludes to the eleven days on which we mourn the Churban / destruction of the Temple. They are: the 10th of Tevet, the 17th of Tammuz, and the first nine days of Av. He adds: Because this interpretation is far from the Pshat, I have kept it brief. (Kli Yakar)

R' Chaim Aryeh Lerner z"l (1893-1977, rabbi in Leordina, Romania and Brooklyn, N.Y.) writes: Based

on the Kli Yakar's observation, we can identify a connection between the end of last week's Parashah and the beginning of this week's Parashah, which is always read on the Shabbat preceding Tisha B'Av. The Gemara (Shabbat 119b) teaches that the Churban / destruction of Yerushalayim happened because its inhabitants transgressed the Shabbat. R' Lerner writes: The first two words of our Parashah ("Eileh ha'devarim") allude to Shabbat observance. The Gematria of "Eileh" is 36. "Devarim" / "the words" is plural, which indicates at least two. Finally, the superfluous letter "heh" adds one more thing. Together, 36+2+1 equals 39, the number of Melachot / categories of constructive activity prohibited on Shabbat. This connects our verse with last week's Parashah, which ended with the story of the daughters of Tzelofchad. Tzelofchad, our Sages teach, was the wood-gatherer (see Bemidbar 15:32), the first person ever put to death for transgressing the Shabbat. (Imrei Chaim Tinyana)

"I said Aleichem / to you at that time, saying, 'I cannot carry you alone.'" (1:9)

R' Yaakov ben Asher z"l (1269-1343; Germany and Spain; author of the Arba'ah Turim, one of the most influential Halachic works in Jewish history) writes: The word "Aleichem / to you" is missing a letter "yud". The Gematria of "yud" is ten, and the missing "yud" alludes to the ten times that Moshe Rabbeinu rebuked Bnei Yisrael and the ten times that his death is mentioned in Tanach. [They are: Devarim 4:22, 31:14, 31:27, 31:29, 32:50, 33:1, 34:5, 34:7; Yehoshua 1:1, 1:2.] (Ba'al Ha'turim)

R' Chaim Zaitchik z"l (1906-1989; Rosh Yeshiva of Yeshivat Bet Yosef-Novardok in Buczacz, Ukraine; later in Israel) notes: It would seem that mentioning Moshe Rabbeinu's death ten times is an atonement for the ten times that he rebuked the Jewish People. There can be no question that Moshe Rabbeinu rebuked his flock lovingly and for their own good. Even so, his rebuke caused pain to the Jewish People, and that necessarily requires some degree of atonement. (Ohr Chadash) ©2017 S. Katz & torah.org

