

This Shabbat is the 332nd day (of 383); the 48th Shabbat (of 55) of 5765 • No Pirkei Avot this Shabbat

צִיּוֹן בְּמִשְׁפַּט תִּפְדֶּה וְשָׁבִיהָ בְּצָדָקָה: ישעיהו א:כו (חזון)

# Symbolism & Reality

Symbolically, Tish'a b'Av is fading away this year. Symbolically, not halachically. Tish'a b'Av this year is about as late as it gets in the secular calendar. August 14th. Symbolically, we pushed 9Av as late as we can. Or it waited around until the last minute, so to speak. The fast ends at 7:53pm (in Jerusalem), just about the earliest it ever ends. (Compare 1994's Tish'a b'Av on July 17th, which ended at 8:15pm.) Not that much later, but remember, we're talking symbolically. This year, there is no "week in which Tish'a b'Av falls", the most intensive mourning period leading up to Tish'a b'Av itself. (Of course all this could have been said about 9Av 1986 or 1967 (keep going back 19 years at a time), but we are looking at this year's Tish'a b'Av. There is no pre-Tish'a b'Av mourner's meal this year. Usually, the sedras of Pinchas, Matot, Mas'ei, and D'varim all are part of the mournful "Three Weeks". This year Pinchas was read on a regular Shabbat. Significantly, it is Parshat Pinchas that contains the portion of the daily sacrifices and the communal Musafim brought in the Beit HaMikdash. Reading about that not in the period of mourning the Churban. Albeit the Three Weeks started the following day, but at least we have a symbolic fading of Tish'a b'Av.

**Reality check #1:** Tish'a b'Av is still with us. Mourning the destruction of the Beit HaMikdash is still with us. Worse still is the fact that the causes of the destruction are still part of our society's behavior, be it turning away from G-d and the Torah or be it Sin'at Chinam, we still suffer the causes of the Destruction, which prevents the rebuilding of the Mikdash. And that means that it is as if the Beit HaMikdash was destroyed in our generation. Mourning the sin of the spies is still with us - and worse, the ongoing sin of the spies in our own time, with fine upstanding Jews speaking (and feeling) negative about living in Israel. With fine upstanding Jews unashamedly spouting the Meraglim line: It's a nice place to visit, but I

## Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

Some people will have said Kiddush L'vana from this past Monday onward. Most people wait until Motza'ei Tish'a b'Av for KL. Some see this not only as waiting for after 9Av so that the mood is more appropriate for KL, but also as a symbol of belief in the coming of the Geula, since KL speaks of the restoration of the Moon to its full glory, as Israel will be restored and the House of David to its throne.



It is preferable to say havdala, break one's fast, and put on regular shoes before KL, but in most cases this is not reasonable to arrange. Therefore, KL may be said immediately after Maariv on Motza'ei Tish'a b'Av.

(Some communities had the custom of saying KL on Motza'ei Shabbat Nachamu, but that would only be so if 9Av is Thursday.)

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regular and (earliest)  
**CANDLE LIGHTING HAVDALA TIMES**  
Israel Summer Time (DST)

Correct for TT 680 • Rabbeinu Tam (I'm) - 8:43pm		
<b>6:50pm</b> (6:03)	Jerusalem	<b>8:04pm</b>
7:08pm (6:05)	Gush Katif	8:06pm
7:07pm (6:05)	Raanana	8:06pm
7:06pm (6:04)	Beit Shemesh	8:05pm
7:08pm (6:05)	Netanya	8:06pm
7:07pm (6:04)	Rehovot	8:06pm
6:47pm (6:04)	Petach Tikva	8:06pm
7:07pm (6:04)	Modi'in	8:05pm
7:06pm (6:04)	Be'er Sheva	8:04pm
7:05pm (6:02)	Gush Etzion	8:04pm
7:06pm (6:04)	Ginot Shomron	8:05pm
6:50pm (6:02)	Maale Adumim	8:03pm
7:05pm (6:03)	K4 & Hevron	8:04pm
7:01pm (6:03)	Tzfat	8:05pm

Ranges are THU-THU 6-13 Men. Av (Aug 11-18)

Earliest Talit & T'filin - 5:07-5:13am
Sunrise - 6:01-6:06am
Sof Z'man K' Sh'ma - 9:22-9:24am (8:33-8:35am)
Sof Z'man T'fila - 10:29-10:30am (9:56-9:58am)
Chatzot (halachic noon) - 12:44½-12:43pm
Mincha Gedola (earliest Mincha) - 1:18-1:17pm
Plag Mincha - 6:03-5:57pm
Sunset - 7:32-7:24½pm (7:27-7:19½pm)

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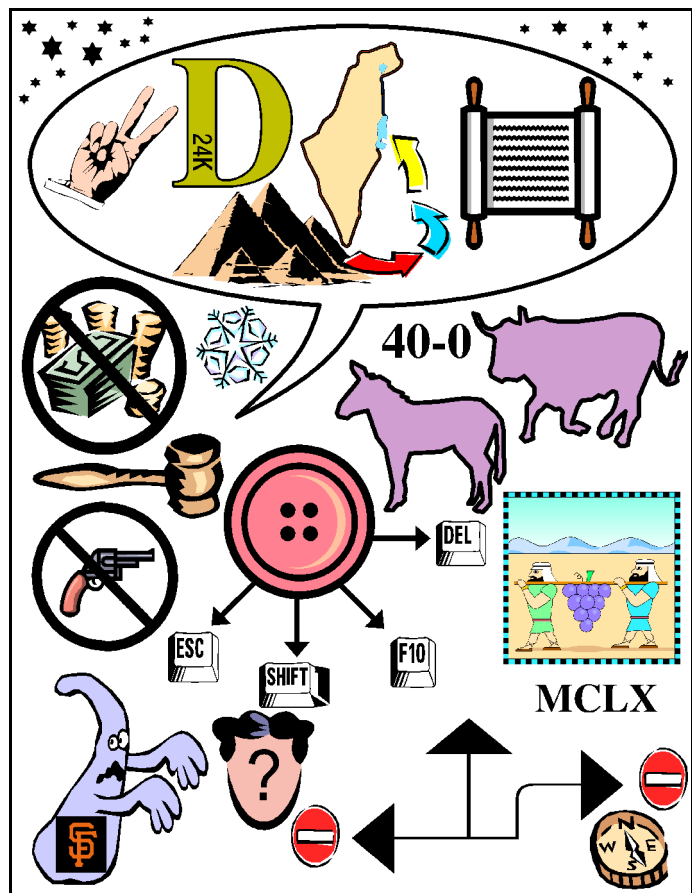
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In the Wolinetz Family Shul  
OHEL SHMUEL (entrance floor)  
**"Early Shabbat" Davening**  
Mincha 5:48pm (15 min. before Plag)  
Shabbat afternoon shiur, **4:30pm**  
**Rabbi Binyamin Wolff**  
Note Times Mincha at **5:30pm**

wouldn't want to live there.

**Reality check #2:** Tish'a b'Av's fading away this year might only be symbolic, but we have it within our abilities to make Tish'a b'Av fade away for real. And this is the only thing that prevents the facts of Reality check #1 from being paralyzingly depressing. If we strengthen our own commitment to Torah and Mitzvot, to the Jewish People, and to Eretz Yisrael and then (or better, at the same time), spread Torah ideals and values to our fellow Jews, encourage our fellow Jews to live a Torah life, in Eretz Yisrael... then G-d, so to speak, will see that all the causes of Destruction have been repaired and there is no longer any reason for the Beit HaMik- dash to remain in ruin. That there is no longer any reason to delay the Mashiach. That there is no longer any reason to hold back the Geula Sh'leima. It's not an easy job ahead of us, but can you imagine any task that is more worthwhile?



## D'VARIM STATS

44th of the 54 sedras - first of 11 in D'varim

Written on 196.5 lines in a Torah (rank: 26)

5 parshiyot; 1 open, 4 closed

105 p'sukim - ranks 32nd, 6th in D'varim (tied with Chayei Sara, but larger)

1548 words - ranks 26th, 6th in D'varim

5972 letters - ranks 24th, 5th in D'varim (tied with Vayeshev, but smaller)

Jump in rankings from p'sukim to words & letters is a result of relatively long p'sukim

## MITZVOT:

2 of the 613 mitzvot in D'varim, both prohibitions

## Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

## Kohen - First Aliya - 11 p'sukim - 1:1-11

[P> 1:1 (47)] The opening p'sukim of D'varim clearly identify time and place. The entire book takes place in Arvot Moav (last place of encampment before entry into Eretz Yisrael) and begins on Rosh Chodesh Shvat in the final year of wandering.

Several places that are mentioned in these p'sukim are considered by the commentaries to be allusions to events that occurred during the previous 40 years rather than being actual locations. The events include the Golden Calf, the rebellion of Korach, and the complaint about the Manna. These, plus the explicit discussion of the "Sin of the Spies", are part of Moshe's reproach and warning to the People.

Moshe also tells the People of the victories over Emori and Cheshbon. This, to give them confidence for the difficult period they will face upon entering the Land.

The first of many references to the purpose of the existence of the Jewish Nation is made - to live according to G-d's laws in the Land that G-d had promised to our ancestors.

D'varim 1:8 says: See that I have presented you the Land; come and take the Land that G-d promised your ancestors He would give to them and their descendants.

Rashi's comment: Had we not sent Meraglim to spy out the Land, we would have been able to march in and take it without a weapon, without a fight, without 7 years of wars.

That living in Eretz Yisrael is an integral part of a Jew's life is first set down at the Burning Bush, G-d's first prophecy to Moshe Rabeinu. G-d says that He will go into Egypt to take the People out and bring them to a good and expansive land, a land flowing with milk and honey... In the same verse that He tells Moshe of His intention to take the people out of Egypt, He also tells Moshe to where He is taking us, where He wants us to be.

In last week's sedra, the connection between the people and the Land comes in the form of a command.

Here in D'varim, Moshe tells the new generation of the "invitation" that was extended to them by G-d, to go into Eretz Yisrael. There will be various other ways the same idea is expressed.

**SDT** Within the opening 5 p'sukim of D'varim, there is a repetition of sorts in telling us that Moshe Rabeinu spoke to the People. The Vilna Gaon and others point out that the Book of D'varim can be divided into 3 parts, based on the wording of the opening p'sukim: "These are the things that Moshe spoke to all Israel..." (pasuk 1). This can refer to the first

three sedras of the book wherein we have a general review of the brief, but action-packed and significant history of the People to date. In addition, these sedras contain a restatement of the principles of Judaism in the form of the Aseret HaDibrot and the first two passages of the Shma. Also expressed in this opening section of D'varim is the integral link between the People and the Land of Israel. These sedras contain relatively few mitzvot, but they do contain the "basics of Judaism" and its foundations, which are reviewed with "all of Israel".

The following three sedras contain 170 mitzvot, the greatest concentration of mitzvot anywhere in the Torah. "...Moshe spoke to Bnei Yisrael of all that G-d commanded upon them" (pasuk 3). After laying the foundation of Judaism, Moshe presents the essence of day-to-day life as a Jew - mitzvot of all kinds, between the Jew and G-d, interpersonal mitzvot, mitzvot linked to the Land, general mitzvot.

The final section of D'varim, the last 5 sedras, again contains relatively few mitzvot. But it does contain the basis of understanding what being a Jew means. In these sedras we have the admonition against forsaking the Torah, the concepts of Free Will, Reward and Punishment, Repentance, the Chain of Tradition. "...Moshe began to explain this Torah saying:" (pasuk 5)

On Shabbat, the first Aliya is ended one pasuk early, that pasuk becoming the first of the next Aliya, to avoid beginning that second portion with the word "Eicha".

## Levi - Second Aliya - 10 p'sukim - 1:12-21

Moshe tells the People that he had reached a point where he was too weary to lead the People alone, and that he (at G-d's command) designated the leaders of the Tribes as judges of the People.

Judges are to be selected for their Torah knowledge and other appropriate qualities. It is forbidden to appoint a judge for "the wrong reasons" (wealth, charisma, connections - without the important qualities in place) [414, L284 1:17]. Judges must be fair and impartial and must not be afraid to render proper judgments [415, L276 1:17]. Moshe retained the role of final authority on difficult matters.

## MITZVA WATCH

Even though these two mitzvot are primarily directed towards the leaders of the people who task it is to choose judges and towards the judges themselves, respectively, there is an element of each mitzva that applies to each and every Jew. Every so often, we can be in the position of choosing someone to fulfill a task. Perhaps a communal function, a teacher, youth leader... whatever. For any of these choices, there are right reasons and motivations and wrong reasons and motivations to guide our choices. This mitzva [414] commands us to always choose based on the proper criteria. And many people find themselves in the position of making a judgment call. We may not be afraid to make a just decision, even in the face of possible unpleasant ramifications.

What was just said about these two mitzvot can apply to the many other mitzvot related to the justice system. There are formal judges, and then there are the rest of us who are put into the judge chair as parents, employers, co-workers, students, etc.

Once again, Eretz Yisrael is shown as the main focus and the People are urged not to fear what lies ahead.

On the phrase from 1:16 - Hear it among your brothers and judge fairly - the Gemara teaches us that judges may not hear one party to a case without the other present.

In the same pasuk, the reference to the convert in the context of judging teaches us that conversion to Judaism must be done by a Beit Din. The Gemara states that if a non-Jew decides on his own that he is Jewish, this does not constitute conversion. A Beit Din is required.

## Shlishi - 3rd Aliya - 17 p'sukim - 1:22-38

Moshe next recounts for the new generation, the episode of the spies.

**SDT** It is hard to suggest that it was purposely arranged that D'varim would be read on the Shabbat before Tish'a b'Av, but it is impossible to ignore its appropriateness in that role.

D'varim always is the Shabbat before Tish'a b'Av. Sometimes the Calendar is manipulated in a strange way (what sedra-pairs are combined and which are separated) in order to keep D'varim right before Tish'a b'Av.

The mishna states that one of the tragedies marked by Tish'a b'Av - the first one, the one that gave Tish'a b'Av its dark character - was the decree against the (adult males of the) "Generation of the Wilderness". The sedra serves as a reproach for our poor attitudes and lack of commitment to the Land. It is as if G-d is saying to us: "Do not continue in the ways of that generation. Reverse the effect of that terrible punishment by heeding the call of Kalev and Yehoshua." When we, the Jewish People of today, succeed in "repairing" the negative attitudes and actions of the generation of the spies, the generation whose sins caused the destruction of the first Temple, the generation whose gratuitous hatred and Lashon HaRa caused the destruction of the second Temple, then we will be privileged to rejoice in the building of the third Temple, the restoration of Jews all over the world to this Land, and the spreading of Torah values and commitment to mitzvot. D'varim and its message of the significance of Eretz Yisrael and the reminder of G-d's terrible anger against those who denigrate the Land of Israel is the "perfect" introduction to 9 b'Av. Amazing, is it not, how relevant this message is today. "Behold, I have set the Land before you; go in and possess the Land..." May we be deserving (and even if not deserving) to live in peace in all the Land of Israel, with all the People of Israel, according to the Torah of Israel.

Notice specifically, that of all the negative things done by the generation of the wilderness, it is only the Sin of the Spies that is spelled out in more detail than we find back in Parshat Sh'lach. Everything else is scant hint and held for later presentation, if at all.

D'varim says over and over again that the Meraglim were wrong. They believed that the miraculous environment of the Wilderness was perfect for a Torah way of life. Not so. Moshe repeatedly tells us that Eretz Yisrael is the "real" place for the People of Israel.

**On another note...** Comparing Moshe's account with the original text in Shlach yields some interesting differences. It is clear that the original purpose of sending the men into the Land was to determine the best way to enter it and which border cities would be

best to attack. It is equally clear that the purpose was NOT to decide whether to go or not. This is the major component of the Sin of the Spies and the people's reaction to their words.

Moshe shares the blame with the spies and announces that he had approved of the suggestion to send them. He explains what had happened as a result of the spies' report. Moshe's arguments (and those of Kalev and Yehoshua) were unsuccessful in calming the people's panic. As a result, G-d decreed that none of the adult males (except for Kalev and Yehoshua) would enter the Land. Moshe tells them that he too was banned from entering the Land. It is to be Yehoshua who will lead the People henceforth.

Moshe seems to say that he too is being punished by not going into the Land because of the Sin of the Spies. But we know that it was the "hitting of the rock instead of talking to it" for which he was punished. One commentary suggests the following: Because of the senseless crying of the Wilderness Generation, the Temple was destined to be destroyed. Had Moshe Rabeinu entered the Land, the Temple would never be destroyed. Hence, he was kept out of the Land so that G-d's full punishment for the Sin of the Spies could be carried out.

We can also see the special qualities of a true leader of the Jewish People. Moshe Rabeinu did not leave the blame for the Sin of the Spies with the people. He shouldered some of it.

## **R'vi'i - Fourth Aliya - 9 p'sukim - 1:39-2:1**

As Moshe Rabeinu is telling the new generation what has happened, he is continually warning them against repeating the blunders of their predecessors. It is specifically this new generation that the previous one worried about. They cried that their children would be orphans. Those same children are now the one's about to enter the Land.

Moshe also tells them of the tragic results in the People's attempt to go into the Land against G-d's wishes. It won't work without G-d's help; it cannot fail with His help. This is the lesson of more than 3300 years ago; this is the lesson for today.

*Rashi records a tradition that the People of Israel spent 19 years - half of the wandering time - in one location, Kadesh. The actual wandering was much less than 40 years. On the other hand, there were places in which the people only spent a day or so.*

As many times as Moshe repeated the story and lessons to be learned from the Sin of the Spies, to the people of that generation, these same stories and lessons have been repeated thousands of times for the benefit of each and every Jew throughout the generations. Why does the Torah tell us to Remember the Shabbat day and make it holy? To remind us that it is important to make Kiddush as Shabbat begins and say Havdala as it ends. Why tell us about Cheit HaMeraglim? Because it is an important reminder for us about the significance of Eretz Yisrael in G-d's Plan for the people of Israel.

## **Chamishi - 5th Aliya - 29 p'sukim - 2:2-30**

[S> 2:2 (6 and 12/17 - there is a parsha-break in the middle

of 2:8)] The People next turned northward and were warned not to fight with the people of Eisav, for their land is theirs as an inheritance. Only purchasing food and water for their journey past Eisav's territory would be permitted. [S> 2:8 (5/17 + 8 p'sukim; this parsha begins in the middle of a pasuk)] They turned (from Edom) and headed towards Mo'av. Moav's territory was also placed off-limits because it was an inheritance for the descendants of Lot.

Various peoples are named for the different lands in the area.

The wandering took 38 years until G-d told the People to cross into the territory of Amon and Moav, but without fighting there. Both Edom and Amon/Moav had fought for their land as Israel will be doing soon.

[S> 2:17 (14)] Next, the people passed Amonite territory. Here too they were not allowed by G-d to fight against the Amonites. Sichon the Amorite was not so fortunate. He was offered peace - same terms as with Eisav's people - but he rejected it, clearing the way for Israel to successfully conquer his land.

## **Shishi - 6th Aliya - 21 p'sukim - 2:31-3:14**

[S> 2:31 (29)] Moshe continues his narrative with the details of the victories over Sichon and his land. Og, king of Bashan, also fell to Israel. Moshe describes the conquered lands that have been promised to the tribes of Reuven, Gad, and half of Menashe.

The victories on the East Bank of the Jordan helped build Israel's confidence for the difficult times to come upon crossing the Jordan into Eretz Yisrael. This new generation, the children of slaves, needed the multi-faceted preparation that the years of wandering provided, in order to be able to succeed in their conquest and settling of the Land.

## **Sh'vi'i - 7th Aliya - 8 p'sukim - 3:15-22**

The description of the "East Bank" land continues. Moshe repeats the instructions to the 2½ tribes for settling their territory. Only after the successful conquest and settlement of the Land of Israel, will these men be permitted to return to their families and cities. Moshe has commanded Yehoshua to note well the victories to date and not to fear what is to come.

Last 3 p'sukim are reread for the Maftir.

The custom is to give Maftir of Shabbat Chazon to the Rav of the congregation or to a prominent member thereof.

## **Haftara - 27 p'sukim - Yeshayahu 1:1-27**

This is the third of the haftarot of Tragedy. The prophet speaks of the accumulation of terrible sins and acts of unfaithfulness to G-d which lead to the destruction of Zion and Jerusalem. This haftara is "perfectly" suited to precede Tish'a b'Av. Most of this haftara is read in the tune of Eicha, rather than the regular haftara tune. The final p'sukim switch to the regular haftara melody

because they contain the promise of an end to exile and the rebuilding of Zion and Jerusalem in a mode of justice and righteousness. This bright note is appropriate for Shabbat, in contrast to the main part of the prophecy which Shabbat has no choice but to tolerate, so to speak, since it is right before Tish'a b'Av.

Yeshayahu contrasts the people of Israel, who had become unfaithful to G-d, with animals, who instinctively acknowledge their owners. "An ox knows its owner and a donkey recognizes its owner's pen." In an allusion to this

pasuk, the Yerushalmi tells the story of Rabbi Yochanan ben Torata who sold his ox to a non-Jew. The ox refused to work on Shabbat, until Rabbi Yochanan whispered in its ear that it was now owned by a non-Jew and must work on Shabbat. Which it then did. There is also the story of the donkey of Rabbi Pinchas b. Yair. These stories give us insight into the harsh criticism of the People of Israel who repeatedly "do not know" their Creator. Loyalty to a master is one of the many lessons we must learn from animals.

## THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean

Lesson # 296 • part four

### Dina D'Malchuta Dina Abiding by the Laws of the Land

In addition to what appears in the previous lesson, according to most authorities, there is also the requirement that the law must (1) fulfill a governmental function and/or (2) be of some benefit to the government.

(1) Some matters that are obviously governmental functions and benefit the country at large and thereby the government, are armed forces, police, fire, post office, traffic enforcement, water and sewer supply, highway construction and maintenance, educational institutions, communication systems, airports, sanitation, public health, welfare, coinage and currency regulation, export and import controls, zoning, and eminent domain.

2. As stated by R. Abraham b. David (Provence, 1120-1198, Ravad response 226) there must be benefit to the ruler, otherwise Dina D'Malchuta Dina does not apply. Some are obviously of benefit to the government, such as taxes and control of land. Others are of less benefit to the government such as regulating how real estate is transferred from individual to individual, and commercial litigation, but even these are of benefit to the government since people will have their differences resolved and be more sympathetic to obeying the laws of the land. It is with this concept that Dina has been expanded by the vast reservoir of Talmudic commentaries, codes and responsa literature.

There are authorities who hold that the government is interested in maintaining tranquility in the country, and thus almost any laws made by a government qualifies under the Dina doctrine.

There is a passage in the Talmud (Baba Kama 113b) that forms the basis of such expanded use of benefit to the government of the Dina doctrine.

"Samuel said that the law of the land must be adhered to. Rabba said that this can be seen from the fact that the governmental authorities fell palm-trees without the consent of the owners and use the lumber for bridges and the Jews of the community use the bridges by crossing over them. When Abaye objected to this proof by saying perhaps the lumber was abandoned by the owners... if the government's laws did not have the force of law, why would the owners of the lumber abandon their rights?"

Rambam (Maimonides, R. Moses b. Maimon, Spain, Egypt 1135-1204; Laws of Robbery and Lost Property 1:12) writes: "The same rule [that if one does not pay his taxes he is a

transgressor] applies to situations where a king levies a tax on all citizens, or on each individual taxpayer, whether a fixed annual tax or imposes affixed amount on each field, or if he decrees if a citizen transgresses a specific law he shall forfeit all his property to the king... None of these situations is deemed robbery nor is a Jew who collects these taxes on behalf of the king presumed to be a robber, rather he is a worthy person on condition that he does not add, amend or keep anything for himself."

Rabbi Yosef Karo (Author of the Shulhan Aruch, Spain, Turkey, Israel, 1488-1575, Shulhan Aruch Hoshen haMishpat 369:7) tracks the language of Maimonides.

As stated by Rabbi Moses Isserles in his Darkai Moshe commentary on Tur 369:3, "The broad concept of benefit to the king allows the king to seize money or property of one resident of the kingdom and deliver it to another resident; it also allows the king to fell trees from all the field owners and if the agent of the king instead if felling from all the owners in proportion, felled only from one owner, his act is valid. If the king becomes angry with one of his servants or subjects and confiscates his property, this is not robbery and one may buy it from the king under the Dina doctrine. There are certain standards that a Jew must follow with regard to found objects; certain objects must be restored to their owners and other objects need not be restored. According to Mordechai b. Hillel (Germany, 1240-1298, Mordechai Baba Metzia 2:257) if the king decreed that all objects must be restored, these decrees are binding on all Jews in the kingdom under the doctrine of Dina. According to the opinion that some of these laws are not really governmental functions, these decrees are binding on the theory that all Jews must act beyond the requirements of the law.

A young Jewish man was about to be drafted into the German army before World War I. He raised the question whether he should evade the draft since if he was in the army he would be violating the laws of Shabbat. R. David Hoffman held that it would cause a desecration of G-d's name if the young man would evade his duties to his country, and furthermore he must serve under the doctrine of Dina.

R. Hoffman instructed the recruit to cooperate with the authorities and then perhaps they would make it easier for him not to desecrate the Sabbath. (R. David Hoffman, Hungary, Germany; 1843-1921, Melamed Leho'il Orach Chaim, volume 1, response 42.)

R. Ovadya Yosef was asked to rule in the following situation: a husband and wife were continually fighting and the husband went to the civil courts to obtain relief against his wife and obtained a judgment. Later their case for divorce was judged by the Beth Din of their city. The husband requested that the judgment of the civil court be followed by the Beth Din as to those matters covered by that judgment. The question raised

was, are the judgments of the civil courts of Israel to be afforded credence under the doctrine of Dina? R. Yosef answered in the negative, holding these courts were no better than other secular courts of the Gentiles and Dina would not apply since the government had no particular benefit from the outcome of the case. (Yabia Omer, volume 2 Hoshen haMishpat response 1.)

A note of indebtedness was executed in favor of a Jewish creditor against a Jewish borrower in the secular courts of the state and it provided for a lien on the real estate of the debtor under circumstances which were not in conformity with halacha. Was there a lien created under the theory of Dina D'Malchuta Dina since the courts are the arms of the government? R Yosef ben David held that the liens of the creditors on real estate of debtors were of no benefit since the king couldn't care who owned the house so that Dina D'Malchuta Dina did not apply. Similarly, in a case decided by R. Benjamin b. Mattahais (Greece, first half 16th century) it was held that when the secular courts decide a case wrongly, then the Jews do not have to apply the doctrine of Dina D'Malchuta Dina.

*The subject matter of this lesson is more fully discussed in volume IX chapter 369 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il*

## Meaning in Mitzvot

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh by

### Rabbi Asher Meir

#### Erev Tish'a b'Av on Shabbat

Normally, the last meal eaten before the Tish' b'Av fast is supposed to be a spare meal eaten in solitude, since the mourning of Tish'a b'Av begins already the day before. (In fact, the mourning customs begin already three weeks earlier, and then intensify beginning with the month of Av and then further with the week in which Tish'a b'Av falls.)

Ed. note: This last mentioned period does not exist this year.

However, when the eve of the fast is on Shabbat, we don't limit our last meal at all. The Shulchan Arukh (OC 552:10), following the gemara (Taanit 29b), uses an interesting expression: "He may set the table even like the repast of Shlomo in the time of his kingship".

The reference to King Shlomo is understandable; the book of Melakhim (I 5:2-3) describes the great opulence of Shlomo's table. But what does the expression "in the time of his kingship" add?

Rashi refers us to a Talmudic passage relating that Shlomo was actually deposed from his rule for a period of time by the chief of the demons, Ashmedai. During this period, states the gemara, Shlomo was reduced to begging from door to door until the Sanhedrin learned of the situation and helped restore Shlomo to his throne. (Gittin 68b.)

However, this answer is still only partial. Certainly we wouldn't think that the expression to eat "like the repast of Shlomo" would refer to the period when he was a poor beggar! What then is hinted by the oblique reference to this period?

One possible understanding is given by the commentary of the

Maharal (Chidushei Aggadot on Gittin). The Maharal explains that the "deposition" of Shlomo actually refers to a drastic breakdown of his character. Shlomo's character was reduced from the height of nobility and holiness to the depths of dissolution, until he was no nobler than a street urchin.

During this period, the material consumption of the royal household was not altered, but the nature of the consumption was. In place of regal luxury, the king's enjoyments were reduced to bestial indulgence (as we see from the passage in Gittin). His appreciation of royal splendor was no greater than that of a depraved beggar.

This gives us two complementary ways of understanding the legitimacy of eating "even like the repast of Shlomo at the time of his kingship".

1. We could possibly think that we are indeed permitted to eat a sumptuous meal on Shabbat afternoon, in order to avoid public conduct of mourning at this time. But according to many opinions we still have to conduct a degree of private mourning, just as an ordinary mourner on Shabbat observes those restrictions that are private. (See Rema end of OC 553.) We could think that we may eat a large meal, but without the ordinary regal bearing worthy of the Shabbat queen and the accompanying extra soul. Inside, we already begin to feel the sting and degradation of the destruction of the Temple. Thus the gemara tells us that we may eat even like the repast of Shlomo at the time of his kingship – at the height of his character and his ability to appreciate kingly opulence.

2. Perhaps on the contrary the gemara is telling us that we may indeed indulge ourselves on the eve of Tish'a b'Av since it falls on Shabbat, but we must be extra careful that our indulgence is of the elevated, regal character which suits the holy Sabbath day. If our meal is a mere sating of base appetites like that of Shlomo when he was "deposed" from kingship – that is, according to the Maharal, when he lost all his regal bearing and elevation – it would be better to eat in moderation in anticipation of the impending period of national mourning.

The enjoyment of Shabbat, when we remind ourselves that ultimately the world will be perfected and our main task will be to assimilate the Divine beneficence, does indeed supersede the mourning of Tish'a b'Av and the eve of Tish'a b'Av. But it is only worthy of doing so when this enjoyment is of the refined and elevated level which truly does bring us near to the apprehension of G<sup>d</sup>'s kindness and of the world's ultimate perfectibility.

## TANACH

### SPIRITUAL AND ETHICAL ISSUES IN THE BEREISHIT STORIES by Dr. Meir Tamari

#### "THE WHOLE WORLD WAS OF ONE LANGUAGE" B'reishit 11:1

This is the story of the Tower of Babel and the resultant dispersal by G-d of humanity to the corners of the earth. Whilst in regard to the generations of the Flood their evil and perversions are reported by the Torah, there is no clear record of the sins of this generation. Furthermore, that their punishment was not total annihilation, would indicate that their sin, relative to those of the Flood, was not brutally evil but rather spiritually refined; this makes the story far more relevant for the average person today.

"All the people lived close together. They feared that they would spread out and be distanced from one another so they wanted to build a tower around which they could huddle. The tower would serve as a signal as to where the centre was and also as a beacon in case they wandered off. However, that was contrary to G-d's purpose in creating the world. The world was created partly as settlements, partly as desert and partly as intermediate areas, so that people could find diverse areas of settlement, move between them and enlarge or contract their settled areas. Hashem wanted the world to be widely populated and mankind in its diversity to develop it and conquer it, to their benefit. By building their tower, they wished by their unity to thwart His plan to benefit the world, so Divine Justice destroyed their unity of language and settlement" (Or HaChayim). The text uses the word disperse, rather than wandered off, to demonstrate clearly that their scattering was neither voluntary nor gradual but rather enforced and immediate, thus denoting Hashem's punishment.

"Come, let us make bricks and burn them... Come, let us build a city" (11:3). "Elsewhere one built with stone and cemented with clay; both are materials provided by nature. Here they used artificial man-made products, bricks and mortar" (Rabbi S. R. Hirsch). We may argue that the plain of Bavel had no natural building materials, but if we remember that the Torah does not spell out the sin of that generation, perhaps we can discover another meaning to their actions. "The sin of that generation was simply a continuation of the sin of the generation of the Flood. While Hashem in His goodness and wisdom provided for their livelihood and wellbeing, so that satisfying themselves with a life of enough, they could busy themselves with affairs of the soul and the spirit that Hashem planted in them. However, they did not content themselves with the natural bounty He had provided. Instead, they devoted themselves to changing the products of nature into the forms they desired" (Abarbanel).

"Let us make a name for ourselves" (B'reishit 11:4). They wanted to build a tower that would reach to heaven for purpose of idolatry; SHEIM, name, being a reference to idols (Sanhedrin 109a). Did they imagine that they could reach Heaven and do battle with Hashem? Not even the most stupid of people could think of that possibility. Rather they sought different ways to worship idols instead of G-d. There was the idea that there are two authorities in the world, Hashem and others; perhaps the others were a satan or the forces of evil or of darkness that warred with G-d. Perhaps, it was fear of another Flood that prompted their revolt against Heaven, seeing the building of the Tower of Bavel as a sort of protection. "However, this was the suggestion of Nimrod, who believed that the fame of the tower and the city would impress all men, so that they would then worship the ruler" (Sforno). How wise were our Sages who in many similar comments described the idolatrous power of the search for fame, of the lure of military power, of the passion for monuments to human knowledge and achievements. Not only can all of these lead to the worship of individuals, ideology and states but there is the human fear of death and the resultant search for ways of immortalizing themselves. Think of those engineering and architectural wonders, the Pyramids, built like the Tower of Bavel not for a productive purpose but solely for fame. Think of the rivalry of business people, not for wealth that they lack but for the fame that the wealth will bring or the jealousy of scientists and scholars that can lead to the misuse of knowledge or even its falsification, in order to achieve acclaim and prestige. Then it becomes easy to understand Chazal's equating of the desire of Nimrod's generation to reach heaven and make a name for themselves.

It is difficult to understand why all our commentators see the sin of the Generation of the Tower, as some form of technology, political or economic development, when these are essential for the welfare and benefit that Hashem desires for His Creatures. There is nothing intrinsically evil about material development, about science and technology, or about urbanization and centralized government. However, when these are carried out free of the fear of G-d then evil must result.

"And they traveled away from 'Kedem'", can be understood as a simple description of their travels from Northern Mesopotamia where the Ark had rested to the Plain of Shinar-Bavel in the South. Comments the Maharam of Rotenburg on this verse: "In Shabbat (117a), Rabbi Chiyah ben Chanina explained the verse 'When they traveled from the camp' (B'midbar 10:34), [that is when the murmurings about the lack of meat began], as, they turned against G-d. So too, here they journeyed away from G-d, the Kedem, the Ancient, of the World".

So Avraham answered Avimelech's question as to how dare he suspect the civilized Philistines of being capable of murdering a man in order to take his wife: "Behold I understood that there is no fear of G-d in this place" (B'reishit 20: 11).

This is the 94th installment in Dr. Tamari's series on "Tanach and its messages for our times"

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## [1] From the virtual desk of the OU **VEBBE REBBE**

*The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...*

**Q:** Could you please explain how to handle the transition from Shabbat into Tish'a B'Av (which falls on Motza'ei Shabbat) regarding Seuda Shlishit, Havdalah and changing clothes?

**A:** Seuda Shlishit: The b'raita cited in Ta'anit 29a says that one may eat as extravagant a meal as he wants on Shabbat. The Tur (Orach Chayim 552) brings minhagim that one is allowed and would do best to curtail the Shabbat meal. This is especially so at Seuda Shlishit, which is, in effect, the Seuda HaMafseket (the last meal before Tish'a B'Av, which usually - when on a weekday - has special elements of mourning). However, these considerations are countered by the

need to avoid displaying mourning on Shabbat. Therefore, there are no real restrictions, even at Seuda Shlishit (Shulchan Aruch 552:10). However, the mood should somewhat reflect the coming of Tish'a B'Av, as long as it does not bring on clearly noticeable changes (Mishna Berura 552:23). One important halachic requirement is that one must finish eating before sunset (Rama, ad loc.).

Havdala: One says Havdala in davening or separately in the declaration of "Baruch HaMavdil bein Kodesh L'Chol..." which enables him to do actions that are forbidden on Shabbat. Havdala over a cup of wine is done after Tish'a B'Av (Shulchan Aruch OC 556:1). If one forgot to mention Havdala in Shemoneh Esrei, he does not repeat Shemoneh Esrei even though he is not making Havdala over wine until the next day. Rather, he makes the declaration of Baruch HaMavdil (Mishna Berura 556:2). Unlike Havdala during the Nine Days, where we try to give the wine to a child (Rama 551:10), after Tish'a B'Av an adult can freely drink the Havdala wine (Mishna Berura 556:3). The beracha on besamim (spices) is not said this week. On Tish'a B'Av it is not appropriate, because it is a reviving pleasure, and the havdala- besamim beracha is only on Motza'ei Shabbat.

The beracha on the fire is specific to Motza'ei Shabbat, is not a pleasure, and does not require a cup. Therefore, the minhag regarding that beracha is to say it in shul after davening, before the reading of Eicha (Mishna Berura 556:1). There are those who say that a woman should, in general, avoid making Havdala. This is because of the doubt whether a woman is obligated in the beracha on the fire, which is not directly related to Shabbat and thus is a regular time-related mitzva, from which women are exempt (Biur Halacha 296:8). Therefore, if one's wife will not be in shul at the time of the beracha, it is better for the husband not to fulfill the mitzva at that time, but to make the beracha on fire either before or after for himself and his wife (Shemirat Shabbat K'hilchata 62:(98)).

Taking off shoes: As we mentioned, one may not do a noticeable act of mourning before Shabbat is over. While finishing to eat before sunset or refraining from washing need not be noticeable, taking off shoes is. There are two minhagim as to when to take them off: 1) One waits until after Shabbat is out, says "Hamavdil" and then change clothes and goes to shul. One can do so a little earlier than the regular time listed for Shabbat being out, which is usually delayed a little bit beyond nightfall to allow for a significant adding on to Shabbat at its end. The exact time is not clear and depends on the latitude of one's location. It is advisable to start Maariv a little late in order to allow people to do so and make it to shul, unless the rabbi has ruled that everyone should take the following approach (ibid.:40; Torat Hamoadim 9:1). 2) One takes off his shoes after "Borchu" of Ma'ariv. One who takes the second approach should bring non-leather footwear and Eicha/Kinot to shul before Shabbat to avoid the problem of hachana (preparations on Shabbat for after Shabbat). However, if one uses these seforim somewhat in shul before Shabbat is out, he can bring them with him on Shabbat (Shemirat Shabbat K'hilchata ibid.:41).

*Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at [www.ou.org](http://www.ou.org) or [www.erezhemdah.org](http://www.erezhemdah.org). And/or you can receive Hemdat Yamim by email weekly, by sending an email to [info@erezhemdah.org](mailto:info@erezhemdah.org) with the message: Subscribe/English (for the English version) or Subscribe/Hebrew (for the Hebrew version). Please leave the subject blank. Ask the Rebbe is partially funded by the Jewish Agency for Israel*

## [2] Candle by Day

How can almost everyone continue in the same profession that he chose when he was so comparatively young and so different a person from the person he is now?

**From A Candle by Day by Rabbi Shraga Silverstein**

## [3] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

### Come and Inherit the Land

The Book of Devarim finds the Jewish people camped on the border of Israel about to enter the land. Encouraging the nation to set forth and conquer the Promised Land, Moshe proclaims: "Go in and possess the land that the Lord swore to your fathers, Avraham, Yitzchak, and Yaakov, to give them and to their seed after them" (D'varim 1:8). Rashi, in his commentary to this verse, writes: "No one is disputing [your claim to the land] and you have no need for war. Had you not sent the spies you would not have needed weapons."

It was only because of the sin of the spies that Eretz Israel could only be conquered through war. Had the Jewish people firmly believed that the Land of Israel was theirs, there would have been no need to engage in battle. The spies sinned in that they weren't sure that Israel was for them. They wanted to check it out first. The Canaanite peoples intuitively sensed this lack of attachment to the Land as an invitation to wage war against us and dispute our Divine inheritance. Had the Jewish people been absolute in their conviction that Israel belongs only to the Jews, than no one on Earth would have dared to dispute our claim to the land.

Our rabbi's teach that this very lack of conviction and certainty that Eretz Israel belongs to the Jewish people was the underlying cause for the destruction and exile, and all of the calamities that came in their wake (Ta'anit 29b).

To our great dismay, this same lack of conviction regarding our rights to Israel exists to this very day, both in the Land of Israel and the Diaspora alike.

At this time of great uncertainty, danger, and upheaval in our Land, let us hope and pray that we will rise up to a true unwavering conviction that Eretz Israel is ours, and thereby deserve the consoling prophecy of Zacharia: "Thus says the L-rd of hosts ... the fast of the fifth [the month of Av] shall become times of joy and gladness" (Zecharia 8:19). Amen.

**Rabbi David Samson, Jerusalem**

*TORAH THOUGHTS as contributed by Aloh Naaleh members for publication in the Orthodox Union's 'Torah Insights', a weekly Torah publication on Parshat Ha'Shavuah*

## [4] A Touch of Wisdom, A Touch of Wit

R' Levi Yitzchak of Berdichev saw a young man eating publicly on Tish'a b'Av. "My son, you have no doubt forgotten that today is Tish' b'Av," said the the Rebbe.

"No, Rebbe," the young man replied, "I know that today is Tish' b'Av."

"Well then, you probably don't know that one is not permitted to eat or drink today."

"No, Rebbe," said the young man. "I know that one may not eat

or drink today."

"Well then, you are obviously sickly and must eat today."

"No, Rebbe," said the young man, "I am perfectly fit."

R' Levi Yitzchak looked up to the heavens and exclaimed, "Lord of the universe! Look down and see how holy a people You have! A Jew would rather admit to having transgressed a commandment than be guilty of telling a lie."

*Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and Wisdom and Wit" — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder*

## [5] **Torah From Nature - Walking stick**

or stick insect, names applied to extremely long bodied, slow-moving, herbivorous insects... green, gray, or brown bodies closely resemble twigs or grass stems. Most are wingless... have long antennae. They range from less than 1 in. to over 1 ft (2–33 cm) in length, thus including the longest insects in the world. (We're talking about an insect that would reach from the upper right to lower left corners of an opened Torah Tidbits!) Their excellent camouflage protects them from predators; in addition, walking sticks can emit a foul-smelling substance as a means of defense. Some bear sharp spines resembling thorns. Walking sticks, unlike most insects, have the ability to regenerate lost limbs. Their eggs, which look like seeds... often pass two winters before hatching... Female walking sticks shed their skins many times and are much larger than males. The young resemble the adults but are smaller... have both claws & suckers on their feet to help them cling to their plants...

## [6] **MicroUlpan**

Words for hot summer days...

Skiing is called GLISHA AL P'NEI HASHELEG,  
Sliding on snow.

Skis are MIGLASHAYIM

Ice skating is called CHALIKA AL P'NEI HAKERACH,  
slipping on ice.

Ice skates are MACHLIKAYIM

## [7] **Parsha Points to Ponder - D'VARIM**

1) Parshat Devarim is always read the Shabbos before Tish'a b'Av. Why?

2) Rashi comments that the words HOE'IL MOSHE BA'ER ET HATORA HAZOT connote that Moshe translated the Torah into all of the world's languages. Why was this necessary?

3) The Parsha mentions the Euphrates River and call is the NAHAR HAGADOL, the big river. (see 1:7) Why is the word GADOL written without the letter VAV?

THESE ARE THE ANSWERS - Ponder the questions first, then read here

1) The Chofetz Chayim explains in the Bi'ur Halacha (528:4) that this is purposefully done in order that Moshe Rabbeinu's coded admonition to the Jews in the beginning of the Parsha

coincide with the Tisha B'Av period. We must realize that we, too, are guilty of the stubbornness exhibited by the Jews in the desert and this is the reason why we remain in exile.

2) The Ktav Sofer answers that this teaches a very important lesson. Although the Torah was given to the Jews when they first became a nation and were on the verge of entering their own homeland, it is relevant through all generations. The translation to all languages demonstrates that the Torah is our guide in all countries at all times.

3) Rav Yehuda Ha'chassid answers that the missing VAV teaches that the Euphrates is not as great as the other rivers listed in Bereishit. Nevertheless it is still referred to as GREAT because it forms the northern border of Eretz Yisrael.

Parsha Points to Ponder is prepared by Rabbi Dov Lipman of Beit Shemesh ppp@israelcenter.co.il

## [8] **Divrei Menachem**

The Book of D'varim opens with Moshe's soliloquy in which he reviews Bnei Yisrael's past failings and future opportunities. These words held great import for a people about to establish their own society in Eretz Yisrael.

Inter alia, Moshe reminds the people of their quest to send spies to search out the Land. Here, Moshe's choice of words is extremely instructive. He recalls that, "You did not wish to ascend [to Eretz Yisrael... for you] said, 'Because of Hashem's hatred for us, he took us out of Egypt... to destroy us'" (D'varim 1:26-27).

For a people who experienced the Exodus and Revelation first-hand and for whom miracles were a daily fare, this proclamation was nothing short of insidious. Rashi notes that this brazenly false charge reflects the subjective - but non-existent - animosity that we often feel emanating from a person to whom we personally bear ill will. Bnei Yisrael so talked themselves into this negative state that they claimed that G-d, who could have expelled the Egyptians and left them the fertile Nile Delta, preferred to drive his hated people through the parched desert.

Why, we ask, is it so easy to fly in the face of fact? Why is it so easy to identify with the aggressor? Why is it so simple to turn truth around? And why to this day do we still witness such distortions?

**Shabbat Shalom, Menachem Persoff**

## **SHEYIBANEH BEIT HAMIKDASH...**

*A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.*

## **The Power of Mesirat Nefesh**

The eminent historian Michael Avi Yona wrote, "The Roman decision to save Greek culture in the East was deeply rooted in the influence Greek culture had gained in Rome from the 3rd cent. onward. Once in power in the East, the Romans restrained all the elements which had fought Greek culture... As the power of Rome was infinitely superior to the declining Hellenistic monarchies, most of the opponents of Greek culture gave up the struggle... Only the Jews continued the apparently hopeless

struggle... Consequently they were exposed to the full pressure of Roman power and of the Roman army... the Jewish resistance against Graeco-Roman culture did not weaken. It became stronger year after year" (The Jews under Roman and Byzantine Rule, p.7). After good Queen Shlomtzion Alexandra's death, her two worthless sons, Hyrcanus II and Aristobulus II fought a bloody civil war and then, unbelievably, invited the Roman general Pompey to "adjudicate" between them. Pompey, accompanied by his iron legions, did not need much urging. When the partisans of Hyrcanus treasonably opened the gates of Jerusalem to the Romans (63BCE, over 130 years before the Churban), Aristobulus' stalwarts fortified themselves on Har HaBayit.

Josephus writes, "Pompey brought mechanical engines and battering rams from Tyre and ...battered the Temple with stones ...the priests were not at all hindered from their sacred ministrations by their fear during the siege, but did still twice a day... offered sacrifices on the altar; nor did they omit these sacrifices, if any melancholy incident happened because the stones that were thrown among them. (Upon entering the Mikdash) ...the enemy then fell upon them (the Kohanim) and cut the throats of those who were in the Temple. Yet those who offered the sacrifices could not be compelled to run away, neither by the fear they were in for their own lives, nor by the number that were already killed, thinking it better to suffer whatever came upon them ...than to omit anything that their laws required of them. ...But now all was full of slaughter ...and no small enormities were committed about the Temple itself... Pompey went into it, and not a few of those who were with him also, and saw all that which it was unlawful for any other men to see but only the High Priests... Thus we lost our liberty and became subject to the Romans... (Antiquities XIV:4). And even after the sack of Jerusalem and the Mikdash, thousands more Jews died in subsequent battles and even more in Roman reprisals. But finally, to actually "crown" their man (Herod) "king", the Romans had to storm Jerusalem yet again. After a five month siege, the walls were breached, "and upon the pouring in of the (Roman) army, there was slaughter of vast multitudes everywhere by reason of the rage the Romans were in because of the length of the siege (the Jews) were cut to pieces in great multitudes, as they were crowded together in narrow streets, and in the houses, or were running away to the Temple; nor was there any mercy showed either to infants, or to the aged, or to the weaker sex... nobody (no Roman) could be persuaded to withhold his right hand from slaughter... they killed people of all ages like madmen" (Wars I: 18). But at least it was a useful introduction to the "benefits" of Roman civilization and to the savagery of the Roman legionnaires.

Many years later, professing belief in his own divinity, the Roman Emperor Gaius Caligula (40CE) ordered that his statue should be placed in the Beit HaMikdash as it had been in sanctuaries throughout the Roman Empire. ("...in the process of time (Gaius) went beyond the bounds of human nature in his conceit of himself, and by the reason of the vastness of his dominions made himself a god..." - Josephus, Wars Bk. 18:8) Petronius, the Roman legatus of Syria was ordered to mobilize his army and "make war upon the Jews" if necessary to enforce the imperial edict. Josephus writes, "He got together as great a number of reinforcements as he possibly could, and took with him two legions of the Roman army" and landed at Ptolemais (Acre). But Jewish opposition was absolute, "If you are entirely resolved to bring this statue and erect it... first kill us and then do what you have resolved; for while we are alive we cannot permit things that are forbidden to us..." Petronius justified

himself, "If indeed I were myself Emperor and were at liberty to follow my own inclination... your words would be justly spoken to me... but now Caesar has sent me, and I am under the necessity of being subservient to his decrees..." Not cowed by the presence of tens of thousands of Roman legionnaires with drawn swords, the Jews replied, "Since, therefore, you are so disposed, O Petronius, that you will not disobey Gaius's letters, neither will we transgress the commandments of our law... if we should submit to you, we should be reproached for our cowardice..." Petronius retired to Tiberius and there encountered "many tens of thousands" of Jews peacefully demonstrating. Taken aback, Petronius demanded of them, "Will you make war with Caesar, without considering his great preparations for war and your own weakness?" But the Jews made it clear that they would not raise their hand against a soldier. "We will not by any means make war on him (and the Roman army) but still we will die before we see our laws transgressed'. Then they threw themselves upon their faces, and stretched out their throats and said that they were ready to be killed; and this they did for forty days... In the meantime they left off the tilling of their ground (even though) the season required it..."

Shaken at this incredible display of moral courage by many tens of thousands of unarmed, non-violent men, women and children, Petronius announced that he would put his life on the line and request the Emperor to withdraw his decree. With supreme nobility of spirit which burst forth despite his natural fear of disobeying his superior, Petronius said, "I do not think it just to have such a regard for my own safety and honor, as to refuse to sacrifice them for your preservation, who are so many in number, and try to preserve the regard which is due to your law; which has come down to you from your forefathers... nor, with the assistance and power of G-d, will I ...suffer your Temple to fall into contempt by means of the imperial authority." The "Sarvan Pekuda" Petronius continued, "I will, therefore send to Gaius, and let him know what your resolutions are, and will assist your suit as far as I am able, that you might not be exposed to suffering on account of your honest designs... and may G-d be your assistant... But if Gaius be irritated, and turn the violence of his rage upon me, I will rather undergo all that danger and affliction that may come upon my body and my soul, than see so many of you perish while you are acting in such an excellent manner..." The Emperor's reply to Petronius was an order to commit suicide. But Gaius' demented behavior in Rome itself had made him many enemies and his pernicious regime was abruptly terminated before the insane order reached Petronius. The honorable Petronius lived and entered history and because of the power of moral force, the Mesirat Nefesh of Am Yisrael and Besi'ata Dishmaya, the Beit Hamikdash was saved from desecration. <END>

*Catriel's book in progress: The Temple of Jerusalem, A Pilgrims Prospective; A Guided Tour through the Temple and the Divine Service*



At the top is a speech-bubble which contains the main elements of what Moshe said to the People. He told them about the travels from Egypt to Eretz Yisrael and what happened during those travels, of the victories of the People in several battles

they fought (that's the V for victory hand signal), and about Torah and Mitzvot that are the essence of Jewish Life. Also contained within that speech bubble is the letter D which is marked 24K which stands for one of the places Moshe mentioned - DI ZAHAV.

The judge's gavel flanked (above & below) by two negation circles, relates to the mitzvot in the sedra, against appointing judges for the wrong reasons - not because of wealth, nor out of fear or threats. A judge may not be afraid of threats (e.g. the gun).

The arrows indicating DO NOT ENTER to the right and the left, but only straight ahead, stands for the two instances, as related by Moshe, that we approached nations for permission to pass through their land.

The graphic of the spies carrying the cluster of grapes stands for one of the major elements in the sedra, namely CHEIT HAMERAGLIM.

The ghost with the San Francisco Giants logo is a play on the pasuk (2:11), The REFA'IM (ghosts in modern Hebrew; warriors or mighty people in the Biblical context) can be considered giants (or vice versa).

The Roman numerals represent the different "units" of Jews, with their "captains" - thousand, hundred, fifty, and ten.

The silhouettes of the bull and donkey are from the pasuk at the beginning of the haftara in which the prophet contasts us unfavorably with the animals. The bull knows his master and the donkey, his feeding trough.

The buttons (computer keys) emanating from a button represents D'varim 2:23.

The stars at the top represent the description by Moshe of the size of the nation: G-d has caused you to multiply and here you are as numerous as the stars of the heavens.

The blank face with a question mark is for LO TAKIRU PANIM BAMISHPAT (D'varim 1:17).

The compass pointing north, as in D'varim 2:3 - ...P'NU LACHEM TZAFONA, turn to the north.

That leaves two unexplained new elements of this ParshaPix Consider them visual TTriddles.

## TTRIDDLES...

are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

### Last issue's (MAS'EI) TTriddles:

[1] father of three in B'midbar and two others in Na"Ch

[2] Tevet, Adar, Nissan, Av

[3] 9 times a father's father; twice a place

[4] (1&2 3 4 &5) x2; 1 2&3&4&5; 1 5&3&4&2

[5] Short: Spy • Long: Nasi • Both: a husband? of Michal

[6] Kildare's Gillespie

[7] Place that reminds you of Purim

[8] Every day, twice a day boundaries

[9] plus three elements from the ParshaPix

### And the envelope, please...

[1] AMIHUD. In Mas'ei, in the list of leaders of the tribes (not Reuven and Gad) who will assist in the Divine lottery by which the Land will be apportioned, we find SH'MUEL b. AMIHUD of Shimon and P'DAH-EIL b. AMIHUD of Naftali. In the beginning of B'midbar, Efrayim's leader is ELISHAMA b. AMIHUD. Popular name for fathers of Tribal leaders. There are two other AMIHUDs in Tanach: TALMI b. AMIHUD, king of Geshur (Shmuel Bet 13:37) and UTAI b. AMIHUD, who was one of the first people to return to Jerusalem from Bavel.

[2] These are the four months, that when their Rosh Chodesh falls on Shabbat, we DO NOT read the special haftara for Shabbat Rosh Chodesh. Rosh Chodesh Tevet is during Chanuka, and we read the haftara for Shabbat Chanuka. Shabbat Rosh Chodesh Adar is Parshat Sh'kalim and Shabbat Rosh Chodesh Nissan is HaChodesh. The haftara of each of those pre-empts the one for Rosh Chodesh. The fourth one occurred last Shabbat. The second haftara of tragedy pre-empted that of Rosh Chodesh. The Av situation though is unique among the four. The other three all happen on three-Torah Shabbatot, when the Rosh Chodesh Torah portion is read in the second Torah. It is not the last read Torah portion and therefore is not "expected" to get its haftara. In each of the three cases, the maftir (Chanuka, Sh'kalim, and HaChodesh) determines the haftara. Av is the only month, that when its Rosh Chodesh falls on Shabbat, we read the Rosh Chodesh portion as maftir and we don't read the Rosh Chodesh haftara. BTW, in Sefardi communities (and Ashkenazi ones that adopted the S'fardi practice), when the Rosh Chodesh haftara is pre-empted (so too for Machar Chodesh haftara), they read the first and last pasuk of the pre-empted haftara after the haftara of the day.

[3] TERACH, father of Avraham Avinu (our father's father) is mentioned 9 times in B'reishit (and twice more in Na"Ch). Twice in Mas'ei (coming and going) we find a place called TERACH.

[4] The daughters of Tzelofchad are (1) Machla, (2) No'a, (3) Chogla, (4) Milka, (5) Tirtza. Four of the five times their names are listed in Tanach, they are in the order 1,2,3,4,5. Once, in Mas'ei, they are listed as 1,5,3,4,2. Aside from the order in which they appear, there are differences as to which are linked with the conjunctive VAV (and). The VAVs are indicated by an ampersand (the "and" symbol).

[5] My name is PALTIEL; you can call me PALTI. Well, it isn't exactly like that. The name PALTIEL appears twice in Tanach. Once in Mas'ei, as the leader of Yissachar, PALTIEL b. AZAN. And once as PALTIEL b. LAYISH, in the time of Shaul HaMelech. We'll leave it at that. PALTI b. RAFU was the spy from Binyamin. And PALTI b. LAYISH is the same PALTIEL mentioned earlier.

[6] Dr. James Kildare (Richard Chamberlin) The was first an intern and then doctor in a series of films and later a TV series. He was mentored by an older doctor, Leonard Gillespie, played, in the TV series, by actor Raymond Massey, as in Parshat Massey. The extra hint for this TTriddle was the spelling of the parsha name in the footer - everywhere else, Mas'ei - on that page where the TTriddle appeared, Massey.

[7] The place that reminds you of Purim is CHATZAR ADAR, mentioned in the details of the borders of Eretz Yisrael. ADAR or course, reminds one of Purim, and especially together with

the word CHATZAR as in the inner courtyard of Achashveirosh's palace, which featured prominently in Megilat Esther.

All 7 of the above were solved by the Stone family; they missed only the next one; they got all the visual TTriddles, as well. Some of the TTriddles were solved by others, as well, but not as thoroughly at the Stones.

[8] TZAV ET B'NEI YISRAEL V'AMARTA ALEIHEM... And G-d spoke to Moshe saying: Command the children of Israel and say to them... This phrase appears only twice in the Torah. Once in Parshat Pinchas, commanding the daily sacrifices, the twice a day T'midim. The other time is in Mas'ei with the command to set the boundaries of Eretz Yisrael.

[9] There were actually four unexplained elements in the ParshaPix for Mas'ei, but only three were new and meant to be visual TTriddles. The YERECH BEN YOMO under the 2K (ALPAYIM) was missed when the explanations were being written. But if you got that one, fine. Good call. On the left side of the PP were 12 springs, as in the 12 springs and 70 date palms in EILIM, as described in B'midbar 33:9. Obviously, the place was an oasis.

[10] The circle (yellow) with three black triangles is the symbol for a fallout shelter, a MIKLAT. With an ear attached to it, we has an IR MIKLAT.

[11] This was a nice graphic that was intended to slip right by attempted solvers, but several people got it on the nose. The graphic is made up of two Ms on each side of a square, representing the cities of the Leviyim which had an area on all sides of the city of 2000 amot, so the Leviyim would have place to have fields and vineyards.

### **This week's TTriddles:**

[1] your children didn't eat from the tree

[2] Vayishlach could have been

[3] Paro, Yosef's brother; Moshe, Meraglim; the nation, David

[4] Dor HaMidbar, Written & Oral Torah

[5] Morning, (before) noon and night - how so?

[6] plus two elements from the ParshaPix

Shabbat Chazon, Shabbat of Emuna (Belief) and Bitachon (Faith) for the Sake of Gush Katif and the Shomron

Fellow Brethren of Am Yisrael, Ma'aminim b'nei Ma'animim

The Evil Decree of Expulsion (G-d willing, it shall not be) on our doorstep, is a tremendous Chilul Hashem (Desecration of G-d's name)! Know that this battle for Gush Katif is an all out war: For Jewish Values, Faith, Ideals and the content with which the People of Israel will continue to educate and go forward!

Additionally, this edict holds terrible security dangers for the Nation of Israel, G-d Forbid! Let us not stand idle! Protest, shout, cry out! Do what you can to prevent this evil decree from occurring.

This Shabbat is to be dedicated in total to the spiritual struggle against the expulsion. We, the Rabbis and residents of Gush Katif, turn to you – Rabbis, congregations and communities worldwide – to speak in your shuls, recite special prayers (see: [www.katif.net/ro\\_new.php?id=8903](http://www.katif.net/ro_new.php?id=8903)) and Tehillim (Psalms) to annul the cruel edict.

In addition, in each community of Gush Katif a large communal Kiddush will be held – uniting together with Jews all over Israel and the world – in order to annul this Evil Decree!

Rabbi Yigal Kaminetsky, Rav of Azza Communities

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# Gush Katif

## Reflections on a Town Meeting in Gush Katif

by Chaim Eisen

Last Monday evening, there was a general meeting of the residents of Neve Dekalim, which lasted until almost midnight. Hundreds of chairs filled the spacious banquet hall, built beneath two of the town's main shuls, and the crowd filled not only the chairs but standing room in the rear as well. Considering that exactly two weeks later, on the day after Tish'a B'Av, the government plans to arrest and expel us all, the very presence of these throngs, their enthusiasm undimmed, is veritably miraculous. No words can adequately describe it. You gaze into their bright, serenely hopeful eyes, and, if your heart is not of stone, you cannot fail to be awed by their unassuming, unpretentious heroism.

Yet, in a sense, at this point, these people's courage, honed by their perseverance as passive victims of an unrelenting, five-year war of terror, is inevitable. The stress to which the government subjects them constantly, as the day of reckoning approaches, would be deemed, by any other standard, inhumanly unbearable. But these people have already buried, in the young and unnaturally expanded cemetery of Gush Katif, their parents and grandparents and siblings and spouses and children - victims of Arab terror and government indifference - and, with them, all their illusions. The government plans to disinter their dead, but their illusions are buried for good. After 6000 mortar shells and Qassam rockets and dozens of roadside bombs and sniper attacks, what could the government possibly do now to frighten them?

Thus, the government's slick, heavily bank-rolled propaganda campaign, directed simultaneously at and against the people here, has failed spectacularly. It intended alternately to cajole and browbeat them, to convince or force them to abandon their homes and hopes and submit to the supposedly irrevocable decree of expulsion from and destruction of Gush Katif. Among its most egregious threats, it warns that anyone remaining after the Tish'a B'Av deadline risks abandoning property and belongings and loses a major component of the promised reparations. Nonetheless, the fateful hour is almost upon us, and - notwithstanding yet another wave of official lies to the contrary - the people are still here. Specifically, of the 21 towns and villages here, three of the mostly non-religious ones have indeed reportedly begun to depart for temporary quarters in Nitzan. There, the government claims to have just completed the first 160 of 350 projected "housing units" (claiming it will complete the rest by the expulsion date in less than two weeks). The one remaining secular village and the one mixed (religious and nonreligious) village have also made tentative plans to leave. Yet, all the rest, 16 religious population centers of farmers and working people, comprising the overwhelming majority of the Gush - including the largest town, the regional center of Neve Dekalim, where we reside - are firmly in place. All have stalwartly refused to countenance the government's "offers" to negotiate the terms for their destruction. Granted, a few families here, after having endured the Arabs' war of terror and the government's campaign of vilification, have tragically succumbed to the overpowering pressure and agreed to negotiate their departure. As was eminently clear at Monday night's meeting, however, the vast majority is here to stay and under no circumstances will even pack, let alone leave voluntarily. If the government persists in its plans, to begin, on the day after Tisha BeAv, exiling the people by force, it will

contend not merely with "stragglers." By now, everyone but the most self-absorbed politicians realizes that it will confront towns and villages whose populations - including nearly all the original residents and thousands of guests like us who have joined them - are literally bursting. For example, in Neve Dekalim, even the classrooms of the schools are all packed with families here to stay; elsewhere, we see enormous tent neighborhoods, which have sprung up from the sand to accommodate the burgeoning overflow.

Ironically, apart from the unshakable faith of the people in the justice of their cause, the government has contributed mightily to this phenomenon. First, its brutally anti-democratic and manifestly illegal tactics in quashing any public debate on the so-called "disengagement" plan have impacted significantly on public opinion. Once, a majority admittedly favored the plan, opposing only the government's refusal to hold a referendum on an issue of such existential import (considering that it had been elected on an irreconcilably antithetical platform). Today, even left-wing strongholds in Tel Aviv are fuming over the government's flagrant violations of the most fundamental civil liberties and its trampling of all the norms of civility. Most of those who belonged to the silent, "neutral" majority - and even many who had embraced the government's extreme left-wing agenda - have, in the political vernacular here, "turned sharply to the right". Many have also turned quite literally southward - to the massive protest in Sederot and Ofakim and the march on besieged Gush Katif. All reliable current polls confirm this dramatic shift. Persistent and proliferating reports that the government's plan is nothing but a scandalous cover-up for corruption at the highest levels, in cahoots with international gambling cartels, obviously exacerbate this dynamism. Any remaining doubters of the extent to which the plan placates the terrorists have also been answered unambiguously by the relentless rocket and artillery barrages; another Qassam rocket was shot at Sederot, in "little Israel," just last Tuesday night. On the contrary, the terrorists who inflicted a five-year war on the civilians here have, predictably, been only emboldened by the prospect of their victims' expulsion. Even so-called "officials" of the "Palestinian Authority" have emphasized that they will not moderate any demands, including those pertaining to Jerusalem, after the "disengagement." Evidently, their declarations are more trustworthy than those of our government, although hardly anyone believes the latter anymore, anyway. As Abraham Lincoln famously quipped, "You can't fool all of the people all of the time."

In addition, as the unfortunate families here who agreed to negotiate their departure have testified, even their willingness to leave the Gush may well be to no avail. Nitzan has already been claimed almost exclusively by nonreligious evacuees. Furthermore, in any case, the most charitable tally of government-provided accommodations - including in Nitzan - for those slated for expulsion yields approx. 500 "housing units" (mostly prefabricated cubicles, most of which have a total area of 60 square meters). The total number of families to be expelled from their homes - many with several young children - is three and a half times that. Indeed, as you may know, two weeks ago, the Knesset debated several bills that would have postponed the "disengagement" on the grounds that no one had provided even minimal living conditions for the intended evacuees. The government successfully orchestrated the motions' defeat on the grounds that those proposing them opposed its plan anyway. (If that "logic" baffles you, you are in good company.) It has begun gesticulating furiously that there is room for everyone. Alas, the laws of democracy and decency

are easier to defy than those of arithmetic. Even the few families here who were prepared to leave voluntarily have been given nowhere to go. When zoos have been relocated, far more effort was expended to ensure alternative quarters for the animals than the government has invested in consideration for the Jews of Gush Katif.

Will the government nonetheless send its army to drag these men, women, and children from the lands they cultivated and the homes they built with their blood, sweat, and tears and all their life savings - to dump them in tents in the desert or crowd them into jails? At present, less than two weeks before the edict of expulsion is to take effect, all indications are that the answer is frighteningly affirmative. A terrifying showdown seems all but inevitable. On the one hand, the present government's obstinacy seems boundless. During the standoff in Kefar Maimon, it siphoned so many forces away from the major cities that it knowingly abandoned them to an unprecedented wave of looting and burglary, in the absence of sufficient police to maintain law and order. Nothing mattered - other than preventing the protesters from reaching Gush Katif. Moreover, by now no one doubts that the government will stop at nothing to achieve its goals. There are no depths to which it will not sink, exploiting any available tactic, legitimate or not. On the other hand, the people here will not - indeed, viscerally cannot - leave. Most awesome is the children's tenacity. They led their parents last Shabbat in a rousing Se'uda Sh'lishit and Melave Malka celebration here, in the park adjacent to two of the town's main shuls, with singing and dancing that penetrated the hearts and cleaved the heavens. Largely thanks to them, our spirits are not flagging.

The Question - the great imponderable - is: If the government persists in its collision course with the people, what will happen next? Will the country abide by the government's flagrant disregard for all ethical standards? More pointedly, will soldiers and police officers blindly follow whatever orders they are given, however criminal - or follow their consciences, and rise en masse in disobedience? Clearly, the majority have as yet not flouted their orders, let alone joined those opposing the government. But they have also as yet not been forced to perpetrate the unspeakable - to drive their own people from their homes. At the moment of truth, if the government attempts to enforce its order of expulsion, no one can anticipate what will happen. As I noted in my last report, indications abound, especially at the roadblocks and in stories from Kefar Maimon, of the soldiers' lack of motivation and commitment to execute the government's decrees. Many who were in Kefar Maimon conceded that they were on the brink of shedding their uniforms and joining the protesters. In approximately a hundred well-publicized cases thus far, soldiers - including high-ranking officers - blatantly refused to obey orders and were court-martialed and imprisoned. However, in addition, there have been many documented instances of individuals and even whole companies being quietly transferred away from the Gush by commanders intent on avoiding a public confrontation. I reiterate, as I stressed in my last report, that we, too, do not crave a confrontation, with a consequent breakdown of some of the most fundamental institutions of law and order. Yet, if we have no other choice, we prefer the institutional breakdown to a breakdown of morality and decency. The alternative - the inability or unwillingness to draw resolutely an unambiguous "red line" that no one may trespass even in the name of the "law" - calls to mind some of the most benighted regimes and darkest periods in human history. Again, as the philosopher Edmund Burke commented, "Bad laws are the worst sort of

tyranny."

All this leaves us, especially here in Gush Katif, without illusions but also without despair. We remain determined and still cautiously hopeful. We believe that everyone - politician and pauper, soldier and civilian - is endowed with free moral choice. To that extent, all that is certain here is that nothing is certain. Yet, simultaneously, to the extent that one's choices impact on society at large, they are also subsumed in the vast, inscrutable divine plan unfolding in the world. As expressed by Rabbi Akiva, while "license is given," "all is foreseen" (Avot 3:15). Ultimately, as Proverbs observes, "From G-d are man's goings; how can a person understand his way?" (20:24). Even more so, "Like water courses is a king's heart in G-d's hand; wherever He wishes, He directs it" (21:1). On the most elemental level, then, everything is subsumed in that inscrutable plan; there are no foregone conclusions. Furthermore, Jewish history testifies to the words of Yonatan, son of King Shaul, "There is no restraint upon G-d to save by many or by few" (1 Samuel 14:6). As I noted in my last report, we repeatedly invoke the Talmudic dictum, "Even if a sharp sword is put to a person's throat, he should not withhold himself from [beseeching G-d for] mercy" (Berachot 10a). In Rabbi Yehuda Avida's famous formulation, "G-d's salvation is in the twinkling of an eye" (Mincha LiYehuda, pp. 27-8). The people here feel that they have been sustained providentially, incessantly, by miracles, during the long terror war that they have endured. As speaker after speaker reiterated at Monday night's general meeting, we have learned by experience to believe earnestly in miracles - even as we acknowledge that we have no guarantee of yet another one now.

The main question, as always, is not "What will be?" but "What will we do?" In practical terms, it is, painfully, a moral imperative today to do anything you can, both in Israel and abroad, to embarrass, discredit, and delegitimize this government. It was elected on false pretenses, it no longer represents the will of its citizens, and it has no right to rule over them by brute force. In addition, it is incumbent upon everyone with a clear sense of right and wrong to reach out to our confused brothers and sisters, especially in the army and police. We must help them realize the enormity of the government's plot and the moral implications of even indirect, tacit complicity with such evil. More generally, whatever you do to support the people of Gush Katif and northern Samaria - and the tens of thousands of protesters in Sederot, Ofakim, and elsewhere - obviously strengthens their hands and weakens those who oppose them. If you can, by all means join them. Hundreds continue to pour into the Gush daily, from throughout Israel and the Diaspora, often with the tacit assistance of supportive soldiers. Above all - although not at the exclusion of tangible efforts - pray for us. Recite one more psalm, study another page of Torah, and do an extra good deed, on behalf of the beleaguered defenders of Gush Katif, the people of Israel, and the forces of justice and decency in the world. Most of all, do something now! The decisive moment of reckoning is at hand. Reiterating Burke, "All that is necessary for the triumph of evil is that good men do nothing." Only by our doing everything incumbent upon each of us, we may hope to merit the divine blessings that will crown all our efforts, individually and collectively, with success.

## TISH'A B'AV REVIEW

Consider the following review as an educational tool; actual halachic questions should be put to your LOR. This is especially true of cases that are in any way out of the ordinary. Some of this review is applicable to Shabbat Chazon and Tish'a b'Av in general, and some is specific to this year's situation of Tish'a b'Av being on Motza'ei Shabbat and Sunday. Major sources: Aveilut HaChurban by HaRav Yoel Schwartz and The Laws of Tish'a b'Av that falls on Sunday and the laws of the Shabbat before it, by HaRav Sroya Divlitzky.

When the Tish'a b'Av fast is Motza'ei Shabbat-Sunday (almost 40% of the time), Erev Tish'a b'Av is on Shabbat, which is halachically different from Erev Tish'a b'Av on a weekday.

The Shabbat before Tish'a b'Av is known as SHABBAT CHAZON. The name derives from the Haftara which is read, the first chapter of Yeshayahu.

When Shabbat Chazon is Erev Tish'a b'Av, there is an interesting dynamic to observe as Shabbat and Tish'a b'Av clash (as we shall see).

Cleaning the house and other preparations for Shabbat are as usual.

Although we do not eat meat during the Nine Days, it is permitted to taste (without swallowing) food being cooked for Shabbat to determine its flavor-needs.

Many authorities permit bathing and dressing for Shabbat as one would usually do for Shabbat. (This is the standard practice in Israel.) Others impose some restrictions, such as washing with cooler (less pleasant) water, and not bathing the entire body at the same time.

Because Tish'a b'Av is Motza'ei Shabbat this year, there is no period of time that is considered to be "SHAVU'A SHECHAL BO", the week in which Tish'a b'Av falls. This means that the strictest of the pre-Tish'a b'Av rules of mourning do not apply this year. Just as an example, fingernail cutting is permitted during the Three Weeks and even during the Nine Days. It is only forbidden during Shavu'a Shechal Bo. Therefore, this year, there is no restriction of cutting one's nails (except on Tish'a b'Av itself).

[Note that when the 9th of Av is Shabbat, some authorities say that the entire previous week is Shavu'a Shechal Bo, and others say that the situation would be the same as it is this year. But we needn't worry about this halachic dispute, because there is no argument when the 9th of Av is Sunday.]

One may wear fresh garments for Shabbat, but not new garments.

Many shuls sing L'cha Dodi to the tune of "Eli Tzion" from Tish'a b'Av morning. Some authorities frown upon this custom as a sign of mourning on Shabbat. Nonetheless, it is a widespread practice.

It is permitted to drink wine and eat meat once a person has taken Shabbat upon himself, even before sunset.

If one usually sings z'mirot at his Shabbat table, he does so this Shabbat as well - but not more than usual. Some suggest reducing the amount of singing - unless doing so would be an obvious sign of mourning, which is inappropriate for Shabbat.

The rule of thumb for this Shabbat is sad feelings are in place; conspicuous mourning is not. Yet there are certain practices that might be considered as public displays of mourning, and we do them anyway.

Many shuls read the pasuk beginning with the word "Eicha" (D'varim 1:12) to the tune of Eicha. Some object to this custom, too, but it is the common practice.

The Haftara for Shabbat Chazon is mostly read with the Eicha melody. And, once again, some object to this minhag as well. Yet, it is a well-established practice. The rabbi of the shul or a prominent member of the community is usually given Maftir.

TZIDKATCHA is not said at Mincha. This is one of the practices related to Tish'a b'Av that treats it as a MOED. More on this later.

Pirkei Avot is not read/learned this Shabbat. Some allow only the "approved" 9Av topics for Shabbat afternoon.

One should not take a pleasurable walk on Shabbat afternoon.

Shabbat meals are as usual, including meat and wine. The custom of not eating meat or drinking wine during the Nine Days does not apply to Shabbat - another example of "no public display of mourning on Shabbat". One may have meat and wine at all meals on Shabbat, even if this is more than he would usually do. In other words, it is permitted to have meat at Seuda Sh'lishit, even if you never do so otherwise.

On the other hand, there are opinions that Seuda Sh'lishit should not be more than one's usual fare.

Do not think of meat & wine on Shabbat as "merely" and issue of no public display of mourning on Shabbat. Think of Shabbat as MEI'EIN OLAM HABA, a foretaste of the World to Come. Our eating of meat and drinking of wine on Shabbat Chazon, the Shabbat during the Nine Days, and especially when Shabbat is Erev Tish'a b'Av, is a foretaste of the time of Mashiaich and the Third Beit HaMikdash, when we will once again have the sacred meat of the korbanot and the wine of libation on the Mizbei'ach.

Although we abstain from meat and wine during the Nine Days, the actual halacha prohibits meat and wine only for the pre-Tish'a b'Av meal. And this year, because Erev Tish'a b'Av is Shabbat, we "defy" that halacha and may partake of meat and wine even at Seuda Shlishit, this year's pre-Tish'a b'Av meal. We thus get a glimpse of the (hopefully near) future when the prophecy of Zacharia will come to be and Tish'a b'Av and its three satellite fasts will become joyous days.

There is an interesting term used by halachic sources to tell us that we may eat anything we want at the Shabbat meals. The term is "like the Seuda of Shlomo in his (finest) hour", referring to the lavish, festive meal celebrating the building of the Beit HaMikdash. If all we had was our present and past, then that phrase would be insensitive, to say the least, in light of our mourning the Churban. But with our future guaranteed through G-d's prophecy, the phrase itself is part of the prophecy and promise.

Although there is no official Seudat HaMafseket with egg and bread etc. because of Shabbat, there are, nonetheless, differences in Seudat Shlishit to be noted:

Although we can eat without restriction at Seuda Shlishit, we should eat the meal with a heavy heart. We should not have company for this meal, unless it would be an obvious sign of mourning. Z'mirot should be held to as minimal as will not be obvious that it is being curtailed because of Tish'a b'Av.

One must stop eating and drinking a bit before sunset. This applies on Shabbat as well as during the week. For Yerushalayim, we should stop a few minutes before 7:25pm. Some say that one should also not be wearing leather shoes after

this time, but should not yet put on "Tish'a b'Av shoes". One should try to avoid sitting on a regular chair after this time. Just don't be obvious about it.

The other opinion is that the prohibition of wearing leather shoes and the practice of not sitting on a regular chair do not begin until Shabbat is out. The prohibitions of eating and drinking, washing, use of lotions, cosmetics, perfumes, etc. begin at sunset.

HAVDALA Wine/beverage and the Havdala bracha are held over until Sunday night. B'samim (spices) are not taken at all this week. Fire is used on Motza'ei Shabbat. After Maariv and before Eicha, a havdala candle, other candle or incandescent light bulb is used to say the bracha BOREI M'OREI HA'EISH - if one forgets, there is no make-up on Sunday.

[If one must eat on Tish'a b'Av, he OR SHE should say havdala before eating. This applies to either Motza'ei Shabbat or the daytime of Sunday. Children may eat without Havdala. People who are fasting can fulfill their obligation of Havdala by listening to the Havdala of one who is not fasting, and they will not need to say Havdala after the fast.]

Maariv is recited in a low, mournful tone.

Then Megilat Eicha is read while people sit on the ground or on low stools. It is customary to reduce the lighting in shul and remove the curtain of the Ark and the covers of the Amud and Shulchan. (When Eicha is read from parchment, as it is in many shuls in Jerusalem, a bracha is recited.) Following Eicha some kinot (poems of lament) are chanted.

The laws of Tish'a b'Av reflect three factors:

[1] The prohibitions of Yom Kippur-like fasts (viz. no eating or drinking, no washing except for fingertips for ritual washing and the washing of actual dirtied areas of the body, no cosmetics or lotions except unscented deodorant and medications, no wearing of leather shoes, including shoes or sneakers with tops or soles of leather, no marital relations);

[2] practices related to mourning (no Torah-learning except sad themes such as Eicha and Job, parts of other books of Tanach, the laws of Tish'a b'Av, the laws of mourning etc., no greeting one another, sitting on the ground); and

[3] a reduction of luxuries and comfort (such as making sleeping conditions less comfortable).

In the morning, one should wash only his fingers (and his eyes, if necessary).

Shacharit: Talit & T'filin are not worn. No Birkat Kohanim. Custom to omit OTEIR YISRAEL B'TIF'ARA (and to say it at Mincha). Some omit the bracha SHE'ASA LI KOL TZORKI in the morning, because we cannot wear leather shoes (and say it at night). The Korbanot portion of the davening is reduced (check a Tish'a b'Av kinot-book with davening for the details). Davening is regular but subdued. Surprisingly, we don't say Avinu Malkeinu, Tachanun, La'm'natzeiach, or Slichot, any or all of which we might expect on a fast day. Tish'a b'Av, however, is referred to as a "Moed" and will IY"H be a festival when the Beit HaMikdash is rebuilt. As a sign of our complete confidence in this promise of the messianic times, we treat Tish'a b'Av as a festival in these token ways.

Special Torah reading and Haftara are followed by many Kinot which should ideally continue until (halachic) noon. Some have the custom of rereading Eicha in the morning.

Thinking about the destruction of the Temples (and other tragedies associated with 9Av) is essential. One should refrain

from such activities that would cause the mind to wander from the day's thoughts.

Although most restrictions continue throughout the entire day, a few items are relaxed at mincha-time. The Parochet is returned to the Ark, lighting in shul is restored to normal, talit and t'filin are worn, Kohanim bless the People, and sitting on regular chairs is permitted. This, in essence, transforms Tish'a b'Av into a "regular" fast day and psychologically allows us to reflect on the consolation of the prophecies of the Geula and the Building of the Third Beit HaMikdash.

Notwithstanding the tone of the previous paragraph, the five prohibitions of the fast continue until stars-out. The restriction on Torah learning likewise continues throughout the day.

For this reason, it seems that it is an erroneous practice to repeat the Sh'ma at mincha. Since one fulfilled the Mitzva of morning-Sh'ma at Shacharit (even without T'filin), repeating it is "just" reading in the Torah, which is like learning Torah which is forbidden.

Torah and Haftara readings for Mincha are like other fast-days. The paragraphs NACHEIM and ANEINU are recited in the mincha Amida. If either (or both) are inadvertently omitted - and one has finished the Amida - one does not repeat. However, if one skipped NACHEIM in its regular position, he can insert it into the RETZEI bracha, but without the bracha-ending of MENACHEIM TZIYON U'VONEI YERUSHALAYIM. Also, NACHEIM and/or ANEINU can be said at the end of ELOKAI, N'TZOR, right before the concluding pasuk of the Amida - Y'H'YU L'RATZON...

The fast ends in Jerusalem at 7:53pm (Lu'ach Eretz Yisrael and the computer program Chazon Shamayim). Maariv at the end of the fast is regular. If practical, one should wash his (full) hands ritually, since it had not been "properly" done in the morning, before Maariv. According to the minhag of the GR"A, one should put on regular shoes and say the omitted bracha from the morning brachot.

Re Kiddush L'vana, see "Word of the Month"

Havdala is said on a cup of wine (or another acceptable beverage). The introductory p'sukim are not said, nor are the brachot for spices or fire. Wine may be used (some say otherwise), notwithstanding what is said in the next paragraph.

Generally the laws and customs of the Nine Days continue until noon of the 10th of Av, because the Beit HaMikdash continued burning through-out the 10th. In fact, more of its destruction took place on the 10th, but the 9th was designated as the day of mourning because the destruction began on the ninth. Halachic noon is approx. 12:44pm Israel Summer time.

It cannot be overstated, that perhaps THE most important "detail" of Tish'a b'Av is our thoughts and feelings about the many tragedies of Jewish History, and our belief in the coming of the Geula, BIM'HEIRA B'YAMEINU, AMEN.

As mentioned previously, the day of the week Tish'a b'Av falls is the same as the previous first day of Pesach. There is a mnemonic device for this connection based on the AT-BASH alef-bet code. ALEF, first letter of the alef-bet is paired with the last letter, TAV. ALEF is for the first day of Pesach = (same day of the week as) TISH'A B'AV. For Pesach, the rule is LO B'DU PESACH. Meaning that Pesach cannot begin on a Monday, Wednesday, or Friday. Same for Tish'a b'Av. Meaning that Tish'a b'Av can fall on Sunday (like this year, 28% of the time), Tuesday (32%), Thursday (28.5%), or Shabbat (in which case it

is postponed to Sunday, 11.5%). This means that Sunday is the most common day for Tish'a b'Av (39.5%), but there are differences between regular Sunday and postponed to Sunday. Most importantly, let us hope and pray that the L'SHANA HABA'A BIRUSHALAYIM HAB'NUYA of Pesach will become manifest in the joyous festival Tish'a b'Av will become, speedily in our time.

Subtlety: R' Devlitzky, in his book on Tish'a b'Av that falls on Sunday (and Erev Tish'a b'Av on Shabbat) was asked the following question: A person regularly takes a specific pill before a fast day, so that he will be able to fast well. May he do so on Shabbat Erev Tish'a b'Av?

His answer was NO. It would be pre-paring on Shabbat for Chol, which is not permitted. Let him take his pill after Shabbat, without water.

On the other hand, we eat and drink on Shabbat in order to be able to better fast on Tish'a b'Av. What's the difference? Subtlety. Don't announce that you are eating for the fast; just eat. That is something permitted on Shabbat. Similarly, you can take a nap on (any) Shabbat even if it is for the purpose of being well-rested for Motza"Sh - just don't put it into words.

In the book of Nechemya we read of the return to Eretz Yisrael from Babylonian exile and of the renewal of Torah in the life of the Jews in Eretz Yisrael. The people cried with shame when they realized how far they had strayed from Torah. Ezra and Nechemya exhorted them not to mourn and weep, but rather to rejoice and to see to it that others are also provided for (in celebration of the return of the people to Torah and Eretz Yisrael. And so they did. Nechemya 8:12 tells us, "And all the people went their way to eat, and to drink, and to send portions, and to make great rejoicing, because they had understood the words which had been declared to them. How different this scene is to the situation reflected in our observance of Tish'a b'Av and the reading of Megilat Eicha. The first pasuk of Eicha (1:1), let us say, represents the opposite side of the coin to that which is described by Nechamya. Both p'sukim (Nechemya 8:12 and Eicha 1:1) share the same g'matriya - 4581. G'matriyas don't prove anything, but they sometimes give us something to ponder.