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SHABBAT PARSHAT DEVARIM · 9 AV 5776 · AUG. 13, 2016 · VOL. 23 NO. 45

PARSHA INSIGHTS

THIS IS THE PEOPLE OF G-D

“How can I carry alone?” (1:12)

Sometimes I sit down to write things that I know people will enjoy: a heart-warming tale, a wry take on our brief walk in this world. And sometimes I sit down to write something that I know people will find hard to take but nevertheless needs to be said. This is one of the latter.

Soon we commemorate the blackest day of the Jewish calendar, the Ninth of Av. The Ninth of Av has been a day of tragedy for the Jewish People since the Exodus from Egypt. In more recent times it was in the early hours of July 23, 1942, on Tisha B'Av, that the first train transport of deportees left Malkinia in Poland. The train was made up of sixty closed cars, crowded with Jews from the Warsaw ghetto. The car doors were locked from the outside and the air apertures were barred with barbed wire. That was the day the killings started at Treblinka.

In Auschwitz, there was, of all things, a small chapel. The chapel had a priest whose job it was to attend to the needs of the camp staff. Day after day, he watched as train after train after train disgorged its human cargo. Day after day after day his eyes lifted to the smoke wafting from the ovens, all that was left of a million lives, a million mothers' and fathers' goodnight kisses, a million broken birthday toys, a million pairs of bewildered frightened eyes staring lifeless into eternity.

Day after day after day.

One day, the priest walked into his chapel and went up to the cross. He picked up the cross and slowly, with his bare hands, tore it piece by piece into splinters. He smashed it until nothing remained of it, saying over and over again, *“This is the people of G-d! This is the people of G-d!”*

The priest realized that he was witnessing something that defied belief, something that went far beyond the bounds of natural hatred and cruelty. He was witnessing something that could only be called supernatural.

Rabbi Yochanan ben Zakkai lived at the time of the destruction of the Second Temple. There was unimaginable hunger in the Land of Israel. One day, he came upon a young girl picking out undigested barley from amongst the dung of an animal owned by Arabs, the only food she could find. This girl

was the daughter of Nakdimon ben Gurion, one of the richest men in the world. Rabbi Yochanan started to cry, *“How happy are you, Israel! When you fulfill the will of G-d, no nation or tongue can rule over you, and when you forsake G-d's will, you are delivered into the hands of the lowliest nation, and not even into their hands, but into the hands of their animals.”*

Why the Jewish People should be happy that no nation rules over them is self-evident, but why they should be happy sifting dung to survive demands explanation.

The Rashba tells us that there are two kinds of miracles, a miracle for the good and a miracle for the bad (from our perspective). A miracle isn't just where someone is saved at the eleventh hour. It isn't just someone throwing away his crutches after a lifetime of being a cripple. A miracle is clear evidence of G-d overriding the natural order, of His direct intervention in nature. That intervention can be for the good or for the bad.

When natural disaster strikes, when there is an earthquake or a flood, or a building collapses without reason, it means that G-d is punishing us without revealing Himself. He has used the natural world as His agents. In other words, He doesn't want a direct involvement with us, and has distanced Himself from us. However, when something happens that is so clearly unnatural, even though the punishment is terrible, nevertheless we recognize that our punishment is coming directly from our Father in Heaven. We have not been abandoned to the hands of an agent.

When the daughter of the most affluent is reduced to foraging in excrement, when the world's most civilized nation suddenly turns into a wild monster without any rational reason, we have clear evidence of the supernatural at work.

This is the source of our strength and our survival. This is the greatest reason to be happy. Even in the darkest times, when we see miracles, even when they are miracles for the bad, we know that G-d has not deserted us. We know that: *“This is the people of G-d.”*

• Sources:

Midrash Eicha Rabbah I; Tractate Ketubot 64b; Based on Rabbi Yonatan Eibeshitz and Rabbi Elya Lopian in Lev Elishu

PARSHA OVERVIEW

This Parsha begins the last of the Five Books of The Torah, *Sefer Devarim*. This Book is also called *Mishneh Torah*, “Repetition of the Torah” (hence the Greek/English title Deuteronomy). *Sefer Devarim* relates what Moshe told *Bnei Yisrael* during the last five weeks of his life, as they prepared to cross the Jordan into *Eretz Yisrael*. Moshe reviews the *mitzvot*, stressing the change of lifestyle they are about to undergo: From the supernatural existence of the desert under Moshe’s guidance to the apparently natural life they will experience under Yehoshua’s leadership in the Land.

The central theme this week is the sin of the spies, the *meraglim*. The Parsha opens with Moshe alluding to the sins of the previous generation who died in the desert. He describes what would have happened if they hadn’t sinned by sending spies into *Eretz Yisrael*. G-d would have given

them without a fight all the land from the Mediterranean to the Euphrates, including the lands of Ammon, Moav and Edom. He details the subtle sins that culminate in the sin of the spies, and reviews at length this incident and its results: The entire generation would die in the desert; Moshe would not enter *Eretz Yisrael*. He reminds them that their immediate reaction to G-d’s decree was to want to “go up and fight” to redress the sin. He recounts how they wouldn’t listen when he told them not to go, that they no longer merited vanquishing their enemies miraculously. They ignored him and suffered a massive defeat. They were not allowed to fight with the kingdoms of Esav, Moav or Ammon — these lands were not to be part of the map of *Eretz Yisrael* in the meantime. When the conquest of Canaan will begin with Sichon and Og, it will be via natural warfare.

LOVE OF THE LAND

Selections from classical Torah sources which express the special relationship between the People of Israel and *Eretz Yisrael*

HAR HABAYIT — A TISHA B’AV REMINDER

“The mountain of Zion is desolate; foxes prowl over it.” These words from the Eicha lamentations of the Prophet Yirmiyahu are said and sung in a sad tone during the current nine days of mourning the destruction of the Beit Hamikdash.

What is a more powerful reminder of that great tragedy than seeing an Arab mosque on Temple Mount!

Halacha forbids Jews in their present ritually impure state from ascending Temple Mount because they may unknowingly be treading on the site of the Beit Hamikdash,

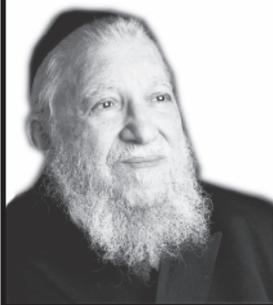


which is out of bounds for anyone who has come into contact with the dead (a status that is defined by Jewish law). The closest we can get to this holy site is the Western Wall, which is why the “Kotel” is such a magnet for worshippers and visitors.

The closing words of Eicha are “Return us to You, O G-d, and we shall return; renew our days as of old.”

When all of our people accept the outstretched hand of G-d and return to Him, we will merit the return of the Beit Hamikdash to the Mountain of Zion in a renewed Israel forever.

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Rav Bulman *zt”l*
on the
Torah Portion of the Week

PARSHA Q&A ?

1. How do we see from the beginning of *Parshat Devarim* that Moshe was concerned for the Jewish People's honor?
2. How much time elapsed between leaving Mt. Sinai and sending the spies?
3. Moshe rebuked the Jewish People shortly before his death. From whom did he learn this?
4. Why did Moshe wait until he had smitten the Amorite kings before rebuking the Jewish People?
5. What were some of the achievements that resulted from the Jewish People "dwelling" at Mt. Sinai?
6. Why does the Torah single out the names of the *avot* in connection with the giving of the Land?
7. What did Moshe convey to the Jewish People by saying: "You today are like the stars of the Heavens"?
8. "*Apikorsim*" (those who denigrate Talmud scholars) observed Moshe's every move in order to accuse him. What did they observe, and what did they accuse him of?
9. Moshe was looking for several qualities in the judges he chose. Which quality couldn't he find?
10. Moshe told the judges, "The case that is too hard for you, bring it to me." How was he punished for this statement?
11. Why did Moshe describe the desert as great and frightful?
12. Which tribe was not represented among the spies?
13. Which city did Calev inherit?
14. How many kingdoms was Avraham promised? How many were conquered by Yehoshua?
15. Why were the Jewish People forbidden to provoke Ammon?
16. Why were the Jewish People not permitted to conquer the Philistines?
17. How did G-d instill the dread of the Jewish People into the nations of the world?
18. Why did Moshe fear Og?
19. Who was instrumental in destroying the Refa'im?
20. What was the advantage of Reuven and Gad leading the way into battle?

PARSHA Q&A!

Answers to this Week's Questions!

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

1. 1:1 – Moshe mentions only the names of the places where the Jewish People sinned, but does not mention the sins themselves.
2. 1:2 - 40 days.
3. 1:3 - From Yaakov, who rebuked his sons shortly before his death.
4. 1:4 – So that no one could say, "What right has he to rebuke us; has he brought us into any part of the Land as he promised?"
5. 1:6 - They received the Torah, built the *mishkan* and all its vessels, appointed a Sanhedrin, and appointed officers.
6. 1:8 - Each of the *avot* possessed sufficient merit for the Jewish People to inherit the Land.
7. 1:10 - They are an eternal people, just as the sun, moon and stars are eternal.
8. 1:13 – They observed the time he left home in the morning. If Moshe left early, they accused him of having family problems (which drove him from his home). If he left late, they accused him of staying home in order to plot evil against them.
9. 1:15 - Men of understanding.
10. 1:17 - When the daughters of Tzelofchad asked him a *halachic* question, the law was concealed from him.
11. 1:19 - Because the Jewish People saw huge, frightening snakes and scorpions in the desert.
12. 1:23 - Levi.
13. 1:36 - Hebron.
14. 2:5 - Avraham was promised the land of ten kingdoms. Yehoshua conquered seven. The lands of Moav, Ammon and Esav will be received in the time of the *mashiach*.
15. 2:9 - This was a reward for Lot's younger daughter, the mother of Ammon, for concealing her father's improper conduct.
16. 2:23 - Because Avraham had made a peace treaty with Avimelech, King of the Philistines.
17. 2:25 - During the battle against Og, the sun stood still for the sake of the Jewish People, and the whole world saw this.
18. 3:2 - Og possessed merit for having once helped Avraham.
19. 3:11 - Amrafel.
20. 3:18 - They were mighty men, and the enemy would succumb to them.

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BAYA KAMA 72 - 78

Rav Nachman said to the Sage Rava: "Because I did not eat the meat of an ox."

The Torah states that if a person steals an ox or a sheep, and then slaughters it or sells it, he must pay the original owner five oxen (for the one ox), and four sheep in the case of a sheep. Rava posed the following question to Rav Nachman: If a person steals an ox that belongs to two partners, and slaughters it, and then admits what he had done to one of the two partners, is he indeed required to pay "five half oxen to the other partner? (He is exempt from paying the penalty of "five for one" to the partner to whom he admitted his misdeed, in accordance with the rule that "One who admits to a matter which involves a penalty (*kenas*) is exempt from the additional penalty payment" — Rashi). Rava's question requires a clear and precise understanding of the phrase "five oxen" in the verse. Does it mean "five oxen but not five half oxen", or does it mean even "five half oxen"? Rav Nachman initially answered: "The Torah says 'five oxen' but not 'five half oxen'." Rava challenged this ruling from a *mishna* (70a), and there is a back-and-forth discussion about this ruling, resulting in neither refutation nor proof.

The next morning Rav Nachman told Rava the *opposite* legal ruling: "The Torah says 'five oxen' and it means 'even five half oxen', and I didn't say this answer yesterday evening because *I had not yet eaten the meat of an ox.*"

Rashi explains that Rav Nachman's words are not literal. Rather he is explaining that his previous answer was incorrect because he had not been precise enough in understanding the reason (*ta'am*) of the matter. His excuse of not having eaten the "meat of an ox" seems to be a somewhat humorous way of expressing why he ruled as he did yesterday. I have heard it explained that Rashi uses the word *ta'am* — i.e., taste or reason — with great precision. Rav Nachman was saying that he ruled incorrectly at first because he had not delved into the matter deeply enough to fully understand and taste the underlying reason for this penalty. After additional and sufficient toil in his Torah study, he "dug his teeth into the meat of the matter" and arrived at a better understanding, which led to his reversing his ruling.

Tosefot makes an interesting comment regarding Rav Nachman's explanation for the incorrect ruling he issued on the previous day. When Rav Nachman claimed that he had not eaten the meat of an ox, he meant it literally, since he was *fasting* the previous day and refrained from eating all food. This statement of Tosefot seems, at first glance, to be something akin to prophecy — how could Tosefot know this, and why does Tosefot say this? Perhaps Rav Nachman was not fasting, and he attributed his earlier ruling to not having eaten a steak?

Although the *ba'alei* Tosefot certainly had "*ruach hakodesh*" (a "spiritual" path to knowledge similar to prophecy), I believe that the Tosefists made a very "down to earth" observation, so to speak. Rav Nachman attributed his lack of greater understanding on the previous day to his not having eaten the meat of an ox, and the next day changed his ruling due to greater understanding. What changed in the meantime? Last night he had eaten the meat of an ox. So, if he realized that eating this meat would help him learn Torah better and understand it more profoundly, why *didn't* he eat meat on the previous day? Didn't he certainly have an *obligation* to eat whatever was necessary in order to think properly and toil in the depths of his Torah study in order to arrive at the correct conclusion? The only explanation for his not having eaten meat yesterday must be that he was fasting, as Tosefot deduces.

• *Bava Kama 72a*

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RESPONSE TO RUIN

From: Carrie

Dear Rabbi,

To be sure, we are witnessing, thank G-d, in our days, a great rebuilding of our People and Homeland. Yet, it seems that most of our Holy places are still in ruin or occupied by others. How are we to relate to this "ruin" and why is it continuing?

Dear Carrie,

Regarding one who travels from the coast of Israel toward the site of the Holy Temple, our Sages instructed (Mo'ed Katan 26a), and such was fixed in Jewish Law (Shulchan Aruch Orach Chaim 461):

One who sees the *cities of Judea* in ruins says, "Your Holy cities have become a wilderness." He then rends his garment on the left side near his heart and recites the blessing, "Blessed is the truthful Judge", without mentioning the name of G-d or His sovereignty.

One who sees the ruins of *Jerusalem* says, "Zion has become a desolate wilderness". He then rends his garment again near the first tear.

One who sees the ruins of the *Sanctuary* says, "Our Sanctuary and place of glory, in which our Fathers praised You, has become a conflagration of fire, and all its treasures have become ruins". He then rends his garment again near the previous two tears.

This means that our sorrow and mourning over the destruction of Israel so long ago should be as real and palpable as the mourning of the loss of a loved one, G-d forbid, where the heart-rending tragedy is transferred to the garment over our heart, rent asunder. And this is not to be

merely a general mourning for the situation, but a detailed tearing of one's heart over each and every aspect of the destruction and exile.

The great Rabbi Yaakov Emden expressed in very moving terms how we are to relate to the destruction, and why the ruin remains (Siddur Beit Yakov, Shalechet, HaDelek, 6:16):

"It is forbidden for a person to rejoice in this world without bounds. This is for two reasons. Laughter and levity bring a person to immorality, and because of the destruction of our Sanctuary. In this matter it is necessary to protest strongly against light-heartedness. If we were guilty only of this sin, that we do not mourn over the destruction of Jerusalem [and Temple] properly, it would be sufficient to lengthen our exile. And, in my eyes, this is the most likely reason, the most obvious one, the most powerful one, for all the enormous, dreadful, mind-shattering destructions which have befallen us in exile, in all the places of our dispersion. We have been relentlessly pursued. We have not been given any rest among the nations because that mourning has departed from our hearts. As we dwell in tranquility in lands that are not ours, we forget, and we are no longer deeply concerned over her."

Accordingly, the ruin, desecration, and occupation of our Holy sites continue because we do not fully take to heart and feel truly broken-hearted over it. And precisely in our times, when such physical restoration has occurred, and satisfaction and complacency might deflect our attention from the spiritual component of renaissance so sorely lacking, precisely in our times, must we heighten our mourning, and simultaneously strengthen our yearning for the final and complete redemption of the People, the Land and the Temple.

PLEASE JOIN US...

...in saying Tehillim/Psalms and a special prayer to G-d for the safety and security of all of Klal Yisrael in these times of conflict and conclude with the following special prayer:

אחינו כל בית ישראל

"Our brothers, the entire family of Israel, who are delivered into distress and captivity, whether they are on sea or dry land – may G-d have mercy on them and remove them from stress to relief, from darkness to light, from subjugation to redemption now, speedily and soon."

Devarim

REVIEWING WITHOUT REPEATING

Two of the main difficulties encountered in the Torah portion of Devarim are the changes that Moshe makes in his recounting of the incident of the spies that had occurred 40 years previously as reported in the Torah portion of Shlach Lecha, and his attributing his inability to enter the Land of Israel to his behavior in the incident of the spies rather than his error of hitting the rock to get water rather than speaking to it, which was the reason given earlier in the Torah portion of Chukat.

In his recounting of the incident of the spies Moshe makes three specific changes: 1) In Parshat Shlach it is clearly stated that G-d instructed Moshe to send spies into the Land of Israel, while here Moshe states that the people came to him requesting the mission. 2) In Parshat Shlach Moshe gave the spies numerous instructions about the nature of the Land, its produce and its inhabitants. Here he only asks them to find the best way to enter the Land. 3) In Parshat Shlach the spies return with a comprehensive report, starting with the positive and ending up with the negative assessment that they would not be able to conquer the Land. Here, however, Moshe only mentions that they said, "Good is the Land that the L-rd our G-d gives us", which is hardly a negative report!

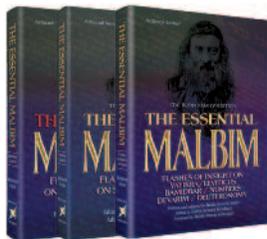
Moshe made these drastic changes in order to avoid the possibility of a repeat of what had happened 40 years before. If he would mention that G-d and Moshe were the original impetus for the mission of the spies, one which ended in disaster, then the people would blame Moshe and G-d for

the incident, and would therefore lose faith in their ability to conquer the Land. He also ignores specific details about the Land and the spies' doubts and concerns so as not to plant negative ideas in the peoples' minds. Instead, he pins the blame squarely on the people of that generation, not this new generation poised to enter the Land. This re-telling of the story is an example of what our Sages teach us in the Talmud (Bava Metzia 87) that it is permitted to change the facts in the interest of peace. In regard to Moshe's punishment of not being permitted to enter the Land of Israel, it is clear that this punishment is the result of Moshe's miscalculations with the spies. The additional instructions that he gave them backfired and gave them more ammunition for a negative report. However, since Moshe's transgression was unintentional, unlike the brazenly false report of the spies, G-d did not want Moshe's punishment to be mentioned in the same context as that of the spies. Additionally, G-d wanted to protect Moshe's honor and status by not mentioning his punishment in the context of the serious transgression of the spies and the people. In essence He put the decree "on hold" until the incident of the water from the rock, through which the decree was sealed. This is the reason that the incident of the rock is not mentioned in Parshat Devarim at all. That incident alone would never have resulted in such a drastic punishment. The real reason for the decree was Moshe's role in the incident of the spies.

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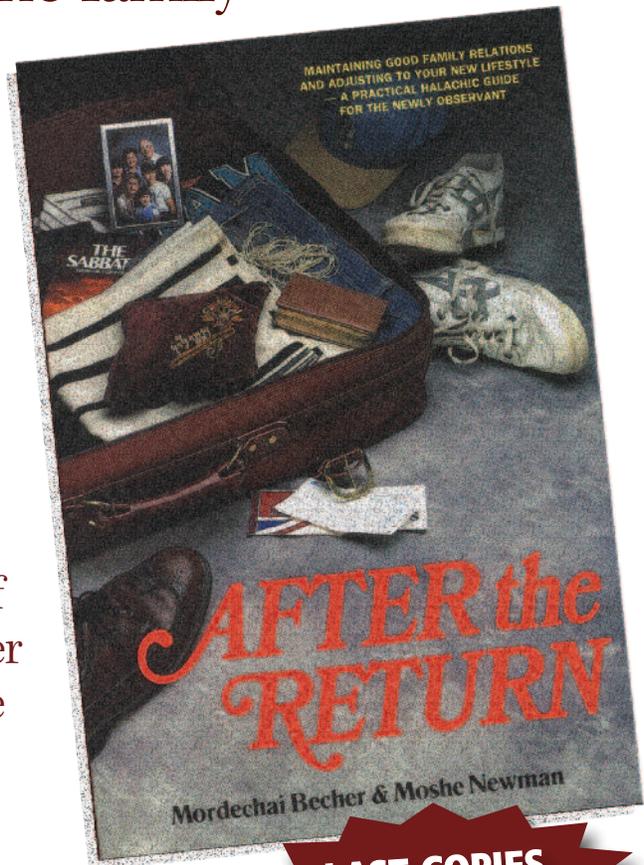
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MAINTAINING DISTANCE DURING PRAYER

It is forbidden to sit within four amot (about six feet) of someone praying; whether in front or at either side (or behind), one must distance himself four amot. (Shulchan Aruch Orach Chaim 102:1)

According to the Tur the reason for the above ruling is that when one sits idly near someone praying it appears as though he does not want to accept the yoke of Heaven like the one praying. The Taz rejects this reason explaining instead that since the place where one prays is holy, a person who is within four amot must therefore stand unless he is involved in a “davar shebekedusha” (a matter of holiness), such as prayer or Torah study. Support for this explanation is found in the Zohar, Chayei Sarah (Nahar Shalom).

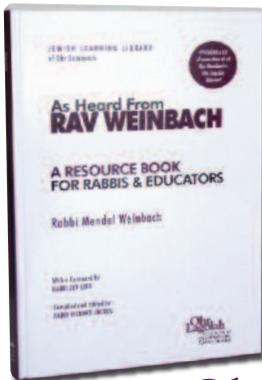
If one is also involved in his prayers, even if he is saying Mishna Zevachim chapter Eizehu Mekoman, instituted to be said as part of Shacharit, he does not have to distance himself four amot in order to sit down. Some even permit one who is learning Torah as well to sit within four amot, even though it is not part of the prayers (Shulchan Aruch Orach Chaim 102:1)

The later Rabbis explain that ideally it is better not to sit and learn Torah within four amot of someone who is praying

unless there is a pressing need, such as someone who is too weak to stand (Mishnah Berurah). The Kaf HaChaim explains that this is also the opinion of the Shulchan Aruch. The principle of legal clarification he applies is as follows: Whenever the Shulchan Aruch first brings an anonymous opinion to be strict, followed by a sole opinion to be lenient — the rule is to be lenient only in a pressing situation.

There is a stricter opinion explaining that the requirement to maintain a distance of four amot applies only to sitting on either side (or behind) someone praying. One is, however, not allowed to sit in front of someone praying as far as the eye can see. This ruling applies even if saying the Shema. (Shulchan Aruch Orach Chaim 102:1)

The Kaf Hachaim explains that in this case, where the Shulchan Aruch first mentioned an anonymous opinion (stated above) to be lenient, followed by a sole opinion to be strict, and the letter of the law is in accordance with the lenient opinion, ideally one should still try to fulfill the strict opinion. So too, the Mishnah Berurah writes in the name of the latter Rabbis that it is good to follow the stricter opinion.



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REBUILDING THROUGH TESHUVA

The Gemara says: *In every generation that the Beit Hamikdash is not rebuilt, it is as if in that generation it was destroyed* (Yerushalmi, Yoma 1:1). The reason for this is that if we would do sincere *teshuvah* (repentance) for the sins that caused the Beit Hamikdash to be destroyed, then we would merit seeing it rebuilt. The fact that it is not rebuilt yet is a sign that we are continuing in the wrong ways that led to its destruction. In fact, the Rambam says that the entire purpose of a fast day is to contemplate and repent for our sins, and our ancestors' sins, that were, and continue to be, the cause of tragedies (Mishneh Torah, Hilchot Ta'anit 5:1). Based on this, it is incumbent on us to understand, and thus fix, the actions that caused the Beit Hamikdash to be destroyed, and which are currently preventing it from being rebuilt.

The Gemara says that the First Beit Hamikdash was destroyed because of the three cardinal sins: idolatry, illicit relations, and murder. The Second Beit Hamikdash, though, was destroyed on account of baseless hatred (Yoma 9b). Since the First Beit Hamikdash was destroyed because of idolatry, illicit relations, and murder, and the Second was destroyed because of baseless hatred, the Gemara concludes that baseless hatred is akin to the three cardinal sins. The Gemara, in a different location, also equates the sin of *lashon hara* with these three cardinal sins. Based on this and other proofs the Chafetz Chaim says that, indeed, during the Second Beit Hamikdash baseless hatred manifested itself in *lashon hara*, and it was because of *lashon hara* that the Beit Hamikdash was destroyed (Arachin 15b).

This concept though is hard to grasp because we know that when it comes to practical halacha we do not treat the sin of *lashon hara* as harshly as the three cardinal sins. For example, a person is commanded to give up his life rather than commit idolatry, illicit relations, or murder (Sanhedrin 74a). This command, though, does not apply to *lashon hara*. How can the Gemara equate the severity of *lashon hara* with these grave sins?

Rabbeinu Yonah in his classic work Shaarei Teshuva suggests several answers. In contrast to the three cardinal sins, the sin of speaking *lashon hara* is always available. There are more opportunities to speak *lashon hara* than, for example, to commit murder. Therefore, even though the sin of *lashon hara* itself is not as severe as the three cardinal sins, it adds up to reach their severity, as it is done many more times.

Furthermore, unlike the three cardinal sins, which are

viewed by even those who commit them as crude acts, *lashon hara* is not looked at as being truly bad, since, after all, it's only speech. In fact, many people feel no remorse at all after speaking *lashon hara*. Because of this, unlike the three cardinal sins, people don't feel the need to do *teshuvah* for the sin of *lashon hara*.

To go even further, even for those who *do* try to do proper *teshuvah* it is very hard. First of all, since it is available so many times a day it is a very difficult habit to break. Furthermore, since one part of the *teshuvah* process is to ask forgiveness from everyone whom one spoke *lashon hara* about, attaining full repentance becomes very difficult to accomplish (for the practical application of this halacha, see Halichot Shlomo, Aseret Yemei Teshuva, p. 45, comment 24). Finally, since one component of *teshuvah* is *charata*, regret, even those who do repent do not have complete *teshuvah* because they don't fully appreciate the severity of the sin they committed to have the proper amount of *charata*. Rabbeinu Yonah explains that the combination of all these factors make *lashon hara* as severe as the three cardinal sins (Sha'arei Teshuva 3:201-210).

If *lashon hara* had the power to destroy the Beit Hamikdash, then it certainly has the power to keep it from being rebuilt (Shemirat Halashon, *chelek II perek 7*). So what is the solution? Abstaining from speech altogether is impractical and at times impossible. Even if it were possible it wouldn't help regarding the sin of *accepting lashon hara*, and also wouldn't help in situations when halachically one is obliged to share information. The only real way to deal with this critical issue is to learn the *halachot* constantly, so one may know exactly what is and what isn't allowed. This is the only way we can sensitize ourselves to an area in halacha that is often overlooked and ignored.

The Chafetz Chaim says that if permission were granted from G-d to rebuild the Beit Hamikdash, and all that was needed was time and money, everyone would be willing to donate. The truth of the matter is that G-d is offering us the opportunity to rebuild the Beit Hamikdash through fixing the sins that caused its destruction. All we need to do is donate a few minutes a day to learning the *halachot* of *lashon hara* with a commitment to fulfill them. G-d wants to bring the *geulah* — we just have to do our part. May we merit doing complete *teshuvah*, and thereby contribute to the rebuilding of the Beit Hamikdash speedily in our days.

LAWS OF TISHA B'AV

On the day before Tisha B'Av when, like this year, the date of Tisha B'Av is on Shabbat, and Tisha B'Av is therefore observed on the next day:

One may eat normal Shabbat meals but must end the third meal before sunset. Eating with company other than one's family should be avoided, but a *mezuman* is permitted.

Av HaRachamim is said in the morning prayers; *tzidkatcha tzedek* is not said at Mincha.

When a brit occurs on this Shabbat, the meal should take place before Mincha.

Some restrict Torah learning as above, but many are even more lenient because of Shabbat.

Normally one waits at home until nightfall, says *baruch hamavdil*, changes from Shabbat clothing, and then goes to synagogue. Since customs and situations vary it is advisable to consult a local rabbi.

Atah Chonantanu is recited as usual in the evening prayer. However, the customary Havdalah is not said. Rather, the blessing over seeing candlelight is recited after the evening prayer and before reading Lamentations. After Tisha B'Av, Havdalah is recited over a cup of wine (or grape juice) or beer, but no spices are used.

Marital relations are prohibited except for the evening of a wife's immersion.

On the day when Tisha B'Av is commemorated:

Eating and Drinking

All eating and drinking is forbidden. This includes rinsing the mouth and brushing teeth, except in a case of great distress. Rinsing with mouthwash or brushing teeth without water is questionable.

Swallowing capsules or bitter tablets or liquid medicine without water is permitted.

The ill or elderly as well as pregnant and nursing women are required to fast even if it is difficult, unless a doctor says that fasting may injure health, in which case a competent rabbi should be consulted.

A woman within seven days of childbirth is forbidden to fast, and within thirty days is advised not to fast.

Boys up to twelve years old and girls up to eleven are not required to fast the entire day. There are various opinions as to whether they should fast part of the day.

Those not required to fast should eat only what is needed to preserve their health.

When Tisha B'Av is observed on Sunday, one who must eat recites Havdalah over beer, coffee or tea.

Bathing and Washing

All bathing for *pleasure* is prohibited even in cold water including the hands, face and feet.

Ritual washing upon waking, after using the bathroom, touching covered parts of the body or before praying is

permitted, but only up to the knuckles.

One may wash dirty or sullied portions of the body (including cleaning the eyes of glutinous material), and if necessary may use soap or warm water to remove the dirt or odor.

Washing for cooking or for medical reasons is permitted.

A woman may not immerse on Tisha B'Av since relations are prohibited. Washing to commence the clean days is permitted.

Anointing

Anointing for *pleasure* is prohibited including oil, soap, alcohol, cream, ointment, perfume, etc.

Anointing for medical reasons is permitted, as well as using deodorant to remove bad odor.

Marital Relations

Since cohabitation is prohibited, a husband and wife should not come in contact during the night of Tisha B'Av.

Wearing Leather Shoes

Even shoes made partially of leather are prohibited. Shoes made of cloth, rubber or plastic are permitted.

One need not incur ridicule of non-Jews because of this prohibition. Therefore if a permitted substitute were not found, one may wear leather shoes. He should deprive himself of comfort by placing sand in the shoes and must remove them when they are no longer needed.

Wearing leather shoes is permitted for medical reasons.

Learning Torah

Since the heart rejoices in the study of Torah, it is prohibited to learn topics other than those relevant to Tisha B'Av or mourning.

One may learn: Lamentations with its *midrash* and commentaries, portions of the Prophets that deal with tragedy or destruction, the third chapter of Mo'ed Katan (which deals with mourning), the story of the destruction (in Gittin 56b-58a, Sanhedrin 104, and in Josephus), and the *halachot* of Tisha B'Av and mourning.

Additional Restrictions

One should deprive himself of some comfort in sleep. Some reduce the number of pillows, some sleep on the floor. Pregnant women, the elderly and the ill are exempt.

Sitting on a normal chair is forbidden until midday. One may sit on a low bench or chair, or on a cushion on the floor.

Greeting someone with "good morning" and the like is prohibited. One who is greeted should answer softly and, if possible, inform the person of the prohibition.

One should not give a gift except to the needy.

Things that divert one from mourning such as idle talk,

continued on page eleven

DIVINE DICTATOR OR POPULIST KING?

After Joseph told his brothers about his dreams, which seemed to foretell Joseph's eventual rise to greatness and leadership over his brothers, the brothers responded, "Will you reign over us? Will you rule us?" (Gen. 37:8). Joseph's brother were not simply waxing poetic by repeating their question. Rather, they were alluding to two different concepts. The first question asks if Joseph thought he will become a *melech* (king) over his brothers, while the second question asks him if he will be a *moshel* (ruler). What is the difference between a *melech*, a king, and a *moshel*, a ruler?"

Some explain that a *melech* is the king on top, while a *moshel* is a governor or the like to whom the king has delegated certain powers or sovereignty. However, the consensus view understands that a *melech* and a *moshel* are both the same in terms of their position of power; they differ only in how they got there.

The commentators explain that a *melech* is someone whose ascent to the throne is commissioned directly by the people. In other words, if the people willingly elect to anoint someone as their leader, he is called a *melech*. If the people do not necessarily accept their leader's sovereignty willingly, but rather he takes it from them by force, then he is called a *moshel*. Rabbi Moshe Soloveitchik of Switzerland explains that for this reason the Midrash (Pirkei d'Rabbi Eliezer ch. 16) says that a groom is comparable to a *melech*. Just as even the most Machiavellian *melech* must constantly make concessions to his people in order that they lovingly accept upon themselves his sovereignty, so too must a groom always act with patience and reliability so that his wife will continuously want to remain his partner.

The Vilna Gaon expands on this approach in differentiating between *melech* and *moshel*. He writes that the *melech* arises from within the camp of the masses. The *melech* possesses no inherent advantage over anyone else, except for the fact that the people had decided to recognize him as king; otherwise, he is their equal. The *moshel*, on the other hand, serves as a leader because of his abilities, not just because of the people's whims. The *moshel* proves his worth in battle and the like, showing that he is more talented than everyone else. Using his abilities, he

grabs hold of his constituency, and forces them under his rule. This approach explains why the Jews offered Gideon the position of *moshel* (Judges 8:22). That is, even though the masses willingly offered him this leadership position, he would have still been called a *moshel*, not a *melech*, because they offered him the position only due to his acknowledged military prowess.

The term *melech* is also applied to G-d, the ultimate King of the Universe. Interestingly, the Talmud (Rosh Hashanah 16a) justifies the practice of reciting, during the Musaf prayer of Rosh Hashana, different Biblical verses that speak of G-d's Kingship, by explaining that G-d said, "You shall say before Me [verses about] kingship in order to make Me king (*melech*) over you". By saying these verses, the Jewish People affirm their acceptance of G-d's role as King of the Universe. But the Talmud assumed that saying those verses is not just an affirmation of accepting G-d's kingship, but rather makes Him into a king. Why is G-d's kingship contingent on the Jewish People's acceptance of His sovereignty? Based on the above, the answer is clear: By showing their willing acceptance of G-d's kingship, the Jewish People are consolidating G-d's role as a *melech* of the world, as opposed to simply a dictatorial *moshel*.

The Vilna Gaon takes note of an apparent contradiction between two verses cited at the end of the *Aleinu* prayer. In one verse we say, "For to G-d is the kingship (*melucha*), and He rules (*moshel*) over the nations" (Ps. 22:29). This verse implies that G-d holds two roles: for the Jews He is considered a *melech* because they willingly accept His rule, and for the other nations of the world He is a *moshel* because He rules them despite their objections. Afterwards, however, we say, "G-d will be the king (*melech*) over the entire world — on that day G-d will be [recognized as] one and His name as one." (Zech. 14:9). This implies that He will be a *melech* over the entire world. The answer must be that while in contemporary times not everyone accepts G-d's role in the world, in the future Messianic Era, when all truth will be finally revealed, everyone will recognize His role and accept it upon themselves — so G-d will universally be a *melech*, not a *moshel*.

Law of Tisha B'Av...continued from page ten

reading the newspaper, taking a walk for pleasure, etc. are prohibited.

Smoking is prohibited until afternoon, and then only for one who is compelled to and in private.

The custom is to refrain until midday from any time-consuming work that diverts one from mourning. In a case of financial loss, consult a competent rabbi.

Prayer

Ashkenazim do not wear *tefillin* at Shacharit, nor is a blessing made on *tzitzit*. At Mincha, *tefillin* is worn and those who wear

a *tallit gadol* make the blessing then.

Some Sefaradim (according to the kabbalah and the 'custom of Jerusalem') wear the *tallit* and *tefillin* at Shacharit as usual. Others wear *tefillin* publicly only during Mincha. When in doubt, one should consult a Sefardi rabbi.

At Mincha the prayers *Nacheim* and *Aneinu* are added to the Shmoneh Esrei during the blessings "*Veliyushalayim*" and "*Shma Koleinu*" respectively. "*Sim Shalom*" is said in place of "*Shalom Rav*." If one forgot them and completed that *beracha*, he need not repeat the prayer.

OHR SOMAYACH TANENBAUM COLLEGE CREDITS AND DEGREES

One of the most commonly asked questions by parents of prospective students is: “What is the value of a Bachelor’s degree from Ohr Somayach?” The answer is not a simple one. As to college credits, we have arrangements with some colleges and universities that will accept a certain amount of credits from us towards a degree from their institution. We are not accredited as a degree-granting institution by any accreditation agency in the US or Israel. Nevertheless, our credits and degrees have been accepted by numerous colleges and universities in the US, for both undergraduate and graduate purposes. Generally, undergraduate schools rely on their own evaluation of foreign institutions for accepting credits towards a bachelor’s degree. Graduate schools in the US regularly employ independent evaluation agencies when determining whether the undergraduate degree granted in a foreign country meets the standards of a school of higher education in the US. In this respect we are similar to universities in Europe, which are also not accredited in the US. The Ministry of Education of Israel, for reasons that one can only wonder about, has not yet adopted a policy of recognizing yeshivot as institutions of higher education. This policy makes it impossible for our graduates, and those of other yeshivot, to go to graduate school in Israel or to get college credit in Israel for any time spent here. Ironically enough, while Tel Aviv University and the Technion might have trouble accepting our students for their graduate schools, the University of Oxford has no such qualms. In fact, it recently awarded a full academic scholarship to one of our students.

This student, who has been in Ohr Somayach for the past seven years, has completed the Beit Midrash and Ohr LaGolah Programs, and has received his *semicha* (Rabbinical ordination) from Rabbi Zalman Nechemia Goldberg, was awarded a BA and MA in Talmudic Law from Ohr Somayach. Although learning Torah is an integral part of his life, he

had been involved in many business ventures before coming to the yeshiva, and plans to return to the world of business in the future. He thought that an MBA degree might add to his skill set and be useful in his future. He spoke to a number of universities and colleges in Israel, and all told him the same thing: Without a Bachelor’s degree from a recognized institution of higher learning he was wasting his time. And Ohr Somayach was not recognized by the Ministry of Education of Israel as an institution of higher learning. He heard about a highly-rated one year MBA Program focused on entrepreneurship at the University of Oxford in England, and decided to apply. After he submitted his application he received a very enthusiastic response from them. Because of his entrepreneurial background they were very interested in him, but had never heard of Ohr Somayach, and didn’t know if they could accept his degree. The UK has an accreditation agency called NARIC, which determines such things as the validity of undergraduate degrees from foreign countries. In the case of Ohr Somayach, after doing their research, NARIC decided to leave it up to the discretion of the graduate school — Said Business School at the University of Oxford — where his degrees were unanimously accepted by the admissions committee. This same student was also awarded a full two-year academic scholarship, sponsored jointly by the University of Oxford and the Pershing Square Foundation.

Based mainly on his GRE exams scores, he was also invited to apply to the MBA programs at MIT, Yale and the PhD program at INSEAD (rated the top Business School in continental Europe), among many others. As to the question posed at the beginning of this article, “What is the value of a Bachelor’s degree from Ohr Somayach?” the answer is: It depends on how your son does on his GRE exams (or MCATS or LSATs), and where he wants to study. The top universities in the world will accept the degree for purposes of graduate education.



Why we WEEP

TISHA B'AV 5776 AT OHR SOMAYACH

22 Shimon Hatzadik St. Jerusalem

MOTZEI SHABBAT

8:50 pm Maariv & Eicha
followed by talks by
Rabbi Yitzchak Dalah &
Rabbi Mordechai Perlman

TISHA B'AV DAY

7:50 am Shacharit
9:00 am - 11:30 am Special Kinot Reading &
Explanation with HaRav Yitzchak Breitowitz,
Rav of Kehillat Ohr Somayach

All-Day Seminar Featuring Talks By:

11:45 am Rav Nota Schiller, *Rosh Hayeshiva*
1:00 pm Rav Yitzchak Breitowitz
2:00 pm Rav Nachshon Schiller,
Rosh Yeshiva, Ohr Shmuel
2:45 pm Rabbi Dovid Kaplan
3:30 pm Rabbi Dovid Gottlieb
4:15 pm Rabbi Avraham Rockmill
5:00 pm Rabbi Reuven Laufer
5:45 pm Rabbi Yaacov Asher Sinclair
6:30 pm Rabbi Yehuda Samet

6:45 pm Mincha

Ezrat Nashim will be open throughout the day.

For Details of Schedule see www.ohr.edu
Bus 25, 45, 34 & Light Rail to Shimon Hatzadik



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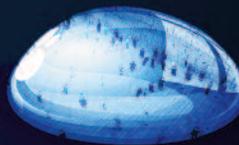
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