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Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Devarim, 9 Av 5776

### Three Related Eichas

Harav Shaul Yisraeli – based on Siach Shaul, p. 473-4

Shabbat Chazon brings a palpable sadness which finds expression in the *haftara*: “Your Land is desolate, your cities burnt by fire, from your land strangers eat opposite you, and there is desolation, like that which was overturned by strangers” (Yeshaya 1:7). While there is no explicit parallel in the *parasha*, Chazal saw an implied one. Moshe criticized the people of his time with the famous word *eicha* (how?), which we also find in the *haftara* and, of course, on Tisha B'av: Moshe complained: “How can I bear alone your burden, your load, and your quarrels” (Devarim 1:12). Eicha Rabba (1:1) says that this is a sign of three stages of *eicha* pronouncements, like a noblewoman who had three attendants who saw her at different stages: one when she was in a calm state (corresponding to Moshe), one while in a dangerous state (Yeshaya), and one in utter disgrace (Yirmiya).

What the Rabbis are teaching us is that there is a causal connection between these three statements and periods. Yirmiya asked in deep pain how the tragedy of destruction could have occurred. The answer was from the prophet Yeshaya, who preceded him: how could the people of the formerly trustworthy city be so treacherous and unfaithful (Yeshaya 1:21). The question of how that could be the moral state finds answer from the time of Moshe, who had such trouble dealing with the bickering and arguments from his constituents.

Indeed we have a principle regarding Jewish history that the development of historical processes is not by chance but based on internal connections. From where did the roots of destruction emanate? Hashem invited the nation to receive the Land that he chose for them (Devarim 1:8). It could have been much easier. Instead, their actions caused them to wander in the desert for 40 years and then not complete the task of expelling the nations and taking full control of the Land throughout the time of the Judges and even the early Kings. The Torah explains: “You did not desire to go up [to the Land], and you disobeyed the word of Hashem” (ibid. 26). Rashi explains that there was nothing stopping them, and they could have taken the Land without battle or weapons if not for the sin of the spies.

But even the spies are just a link in the chain. It began with what Moshe complained of – the people’s lack of trust in their Torah leadership. Even when the problems emanated from the people, they blamed their leadership. They saw the Torah and its espousers as their problem. This caused the moral deterioration that Yeshaya spoke of, which led to the destruction that Yirmiya witnessed. First, the people were internally destroyed; then, the kingdom fell.

The way to improve things follows the same line. First there must be trust in the Torah and its spokesmen. This is as our *haftara* prescribes: “I will return your judges as they were originally and your advisors as from the outset; then you will be called the city of justice, the trustworthy town” (Yeshaya 1:26).

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# Ask the Rabbi

by Rav Daniel Mann

## Tisha B'Av Pushed Off Until Sunday

**Question:** What is done differently this year, when Tisha B'Av falls on Shabbat and is pushed off to Sunday?

**Answer: Seuda Shlishit:** The *baraita* (cited in Ta'anit 29a) says that one may eat an extravagant meal on Shabbat even when Tisha B'Av falls on *Motzaei Shabbat*. The Tur (Orach Chayim 552) cites *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 Tisha B'Av, which usually has strong 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, OC 552:10). However, the mood should somewhat reflect the coming of Tisha 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 *tefilla* or separately with the declaration of "*Baruch Hamavdil...*," which enables him to do actions that are forbidden on Shabbat. *Havdala* over a cup of wine is done after Tisha 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 will not make *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 Tisha B'Av an adult can freely drink that wine (Mishna Berura 556:3). The *beracha* on *besamim* is not said this week. On Tisha B'Av it is not appropriate, because it is a reviving pleasure, and one can make this *beracha* only on *Motzaei Shabbat*. The *beracha* on fire is specific to *Motzaei Shabbat*, is not a pleasure, and does not require a cup. Therefore, we recite the *beracha* on fire in shul after *Ma'ariv*, before reading Eicha (Mishna Berura 556:1). There are those who say that a woman should, in general, avoid making *Havdala*. A major reason is the doubt whether a woman is obligated in the *beracha* on fire, which is not directly related to Shabbat and thus is a regular time-related *mitzva*, from which women are exempt (Be'ur Halacha 296:8). Therefore, it is better for one whose wife will not be in shul at the time of the *beracha* to have in mind not to fulfill the *mitzva* at that time, but to make the *beracha* on the fire together with his wife (Shemirat Shabbat K'hilchata 62:(98).

**Taking off shoes:** As mentioned, one may not do a noticeable act of mourning before Shabbat is over. While finishing eating 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 changes clothes and goes to *shul*. One can do so a little earlier than the regular time listed for Shabbat ending, which is usually delayed a little bit beyond nightfall to allow for a significant extension of Shabbat. The exact time is not clear and depends on the latitude of one's location. It is advisable to start *Ma'ariv* a little late in order to allow people to do so and make it to *shul* (ibid.:40; Torat Hamoadim 9:1), unless the rabbi has ruled that everyone should take the following approach. 2) One takes off his shoes after *Barchu* of *Ma'ariv*. One who takes the second approach should bring non-leather footwear and Eicha/Kinot to shul before Shabbat to avoid *hachana* (preparations for after Shabbat). However, if one uses these *sefarim* a little in shul before Shabbat is out, he may bring them on Shabbat (Shemirat Shabbat K'hilchata ibid.:41).

**Restrictions after Tisha B'Av:** Since much of the *Beit Hamikdash* burned on 10 Av, the *minhag* developed to not eat meat or drink wine on this day. Some are stringent on laundering, bathing, and haircutting until midday of the 10th. On a year like this, only meat and wine are restricted and only at night (Rama, OC ibid.; Mishna Berura ad loc. 4).



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## Losing the Reason for the *Mikdash* and *Eretz Yisrael*

(condensed from Ein Ayah, Shabbat 2:230)

**Gemara:** Due to the sin of murder, the *Beit Hamikdash* is destroyed and the Divine Presence leaves Israel, as the Torah says: “Do not corrupt the Land that you are in, for blood will corrupt the Land, and atonement will not come for the Land for the blood that was spilled blood in it except with the blood of he who spilled it. And you shall not defile the Land that you live in, which I dwell in, for I am Hashem Who dwells in the midst of Bnei Yisrael” (Bamidbar 35:33-34). We can deduce that if you defile the Land [with spilled blood], you will not live there and I will not have My presence dwell there.”

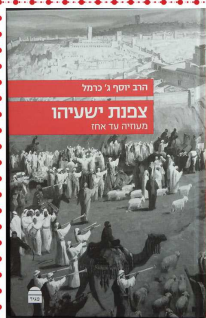
**Ein Ayah:** Murder creates double damage. First, it is responsible for the most horrible destruction to the community of people in regard to their ability to survive physically. However, worse than that is the moral destruction it causes. It engenders such destruction of the human spirit, which was created in Hashem’s image, Who is good and does good, Who gives life to the living in His goodness. When one takes another’s life, he is going in the opposite direction, by taking away life from one who could have performed the service of life in the world.

The *Beit Hamikdash* is designed not just to impact on the Jewish people alone. Shlomo said explicitly: “Also for the foreigner who is not from Your nation, Israel ...” The idea is that the light of Hashem and His goodness should spread throughout the world. When can Hashem’s light and goodness spread among many nations, in a manner that improves the situation of human society? It is only when Israel’s moral level is at its highest.

When Israel allows itself to reach the lowest level, at which murders take place, how far can the *Beit Hamikdash* bring the world? What will the nations learn when they see that the light still did not penetrate into its natural place (within Israel) to illuminate the dark recesses of society and remove the greatest affliction, of people harming each other to the point of taking life? Under these circumstances, the *Beit Hamikdash* is destroyed.

Bnei Yisrael’s internal status is such that it contains power greater than the actual consequences it brings about by its actions. It is not enough for life to exist if it does not maximize its impact. What is the purpose of life if it is lowly and lacks lofty goals? It is not enough for society to just not self-destruct. Israel has a hidden sanctity dedicated to raising the value of life, which is facilitated by the dwelling of the Divine Presence among them. The national soul of the Community of Israel strives for the best and loftiest and to function in the world according to divine values. When they are successful and people see their splendor, pleasantness and dignity, no one will be able to ask what the point of life is. The House of Israel will be complete internally and will send forth rays of light to the world and its nations (see Yeshaya 42:6).

This lofty internal state is possible only when society as a whole is humane and stable. However, when the *Beit Hamikdash* is destroyed because the external, societal situation makes its intended function impossible, how can the soul of the nation as a whole reach its special spiritual height? Therefore, the Divine Presence leaves Israel. Bnei Yisrael’s living in *Eretz Yisrael* depends greatly on their national actions. It is true that much can be learned from individuals (see *ibid.* 61:9). However, the lessons are much more profound when they come from the community, when it acts in a complete manner with a secure kingdom in its Land. Therefore, when the *Beit Hamikdash* is missing, because the ability to impact others fails, it also causes the nation to be sent away from its Land. This is what happens when the Land is defiled and the people and the Divine Presence leave.



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

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## A Loan or a Gift? – part IV

(ruling 74052 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** A few years ago, Shimon wanted to buy a home and asked his brother, Levi, for help. Levi gave 60,000 shekels and then later another 100,000. Levi has put Shimon on notice that he wants Shimon to repay him the 100,000 shekels, which was a loan, when he has the ability. Shimon asked *beit din* to make a declaratory ruling that the money had been a gift. This, he says, is evidenced by the fact that there was no loan contract and is in line with the many gifts Levi had given Shimon over the years. Something had just caused Levi to “change his tune.” Levi says that originally Shimon had asked him for a loan for the entire cost of the home, but that he had agreed only to a more modest gift plus a loan. Levi described a discussion before the loan in which he had said that he was unable to give the 100,000 as a gift. Shimon says that occurred well after the money was given, and that, in any case, Levi had previously pledged the money as a present, without which Shimon would not have bought the home.

**Ruling:** [We have seen that *beit din* considers it most likely that the money was a loan and that if it would rule on the matter now, it would award Levi part of the money.]

Levi says that he gave the money so that it should be paid back when Shimon is able to do so, but he gave no specific parameters for when that would be. The *Pitchei Teshuva* (Choshen Mishpat 42:8) discusses various statements of having to return money by a certain time, where the time is not specified clearly. The sources say that one has to pay by the earlier logical time when the alternative of a later time could make the prospect of payment untenable. In this case, it is hard to give exact guidelines as to when Shimon will be deemed able to pay. If Levi will think at a certain time that the conditions have been met, he can approach a *beit din* to make that determination.

*Beit din* hereby refuses to make a declaration that Shimon does not owe Levi, but since the time has not come for payment, it will not make a ruling as to how much Shimon should pay. This will be determined by a *beit din* at the time it is a practical question.

After we explained the legal situation, *beit din* cannot help but praise Levi for his generosity with his brother, in giving Shimon significant gifts on several occasions, and, even according to his claim, in giving a large interest-free loan with no specific return date. Perhaps more importantly, *beit din* has difficulty accepting Shimon's mindset. Even if he actually owed Levi nothing, would it not be appropriate for him to have *hakarat hatov* (gratitude) to his brother, and return certain moneys he received, even if just because Levi now regrets it? After all, he still received so much from Levi, and Levi is asking for the money to be returned only if and when Shimon has the wherewithal to make the payment.

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