**SALT | VAETCHANAN – TISHA BE-AV 5783 - 2023**

**By Rav David Silverberg**

Motzaei Shabbat

In the prophecy read as the *haftara* on Tisha B’Av, Yirmiyahu raises the question, “*Al ma aveda ha-aretz*” – why the land was destroyed by the Babylonians (Yirmiyahu 9:11). He immediately answers, “*Al ozvam et Torati*” – “on account of their abandoning My Torah.” The Gemara in Masekhet Nedarim (81a) interprets this verse to mean that “*lo beirkhu ba-Torah techila*” – the people failed to recite the required *berakha* before learning Torah each day. The Ran (citing Rabbeinu Yona) explains that the people failed to recognize the unique importance and value of Torah study, and thus neglected the introductory blessing. It was because of this disrespect for Torah learning that the land was destroyed.

Many have raised the question of how to reconcile this comment with the Gemara’s more famous teaching in Masekhet Yoma (9b) that the first *Beit Ha-mikdash* was destroyed on account of the people’s violation of three grievous prohibitions – idol-worship, murder, and sexual immorality. (The second *Mikdash*, by contrast, was destroyed on account of the baseless hatred that existed among the Jews of the time.) If the people of the First Commonwealth were guilty of these three grave sins, then why would the Gemara in Nedarim attribute the destruction to the relatively minor infraction of an improper attitude toward Torah study?

Rav Moshe Alshich addresses this question in his commentary to Sefer *Megilat Eikha* (1:7), and he answers by way of an analogy to a violinist whom the king would invite to his palace to play music for him to lift his spirits when necessary. The people of the kingdom informed the king that the violinist was guilty of certain capital offenses, but the king refused to order the man’s execution, because he relied on his beautiful music. Then, one day, the violinist hurt himself, permanently damaging his hand, such that he was no longer able to play music. When the king heard about the injury, he ordered that the violinist be executed, because there was no longer any reason to keep him alive… The Alshikh explained that although *Benei Yisrael* were guilty of serious misdeeds, nevertheless, God kept them alive because He needed, as it were, their beautiful “music” – their Torah learning. Once the people failed to learn properly, they were condemned on account of the serious violations that they had committed.

The Maharit, a younger contemporary of the Alshikh (and who would end up being buried near the Alshich in the famous Safed cemetery), wrote a responsum (O.C. 100) sharply denouncing this theory (though without mentioning the Alshikh by name). It is inconceivable, the Maharit writes, that God would disregard grave misconduct simply because of the sinner’s devoted Torah study. To the contrary, the Maharit writes, Torah scholars are held to a stricter standard of conduct, and are subject to more severe punishment, than others, because more is expected of them. The Maharit elaborates at length, citing numerous sources emphasizing that Torah learning loses its value if it does not lead a person to proper behavior. Thus, it cannot be said that God would refrain from punishing an evildoer simply because he learns Torah. The Maharit says that the lecturer who presented this theory should be silenced.

Rav David Yoel Weiss, in his *Megadim Chadashim* (Chagiga 15b), contends that in truth, there is no argument. Certainly, as the Maharit writes, God does not disregard the misconduct of righteous scholars. There are sources that speak of the merit of Torah learning providing atonement, but these likely refer to scholars who genuinely seek to live in accordance with the Torah’s laws and values, but, like all people, occasionally fail. They are worthy of forgiveness for their lapses because of the great value of their Torah study. As for the Alshikh’s analogy, Rav Weiss suggests that the Alshich did not mean that God disregarded the people’s idol-worship, murder and promiscuity as long as they studied Torah, but rather that He delayed their punishment. The value of their Torah learning earned them an extension, as it were, but they were certainly not excused for their wrongdoing.

We might, however, still question the Alshikh’s comments, as he writes that as long as the people of the First Temple period learned Torah, “*arva l-Hashem*” – their study was “pleasant” before God, and so He did not punish them. It certainly seems difficult to imagine that the Torah study of people guilty of murder, idol-worship and immorality would be “pleasant” before God. The Alshikh’s analogy, and its application to the destruction of the first *Beit Ha-mikdash*, thus require further clarification.

Sunday

The *Shulchan Arukh* (O.C. 553:1) rules that after one concludes his *se’uda ha-mafseket* – the final meal before the Tisha B’Av fast – he may still eat or drink until sundown. The fast does not automatically set in upon the conclusion of the *se’uda ha-mafseket* unless one explicitly decided to begin the fast. The Rama adds that a formal acceptance to begin the fast is binding only if it was verbally expressed. Silently accepting the onset of the fast has no halakhic effect, and thus one who decided to begin the fast without verbalizing his decision may continue eating if he so wishes, until sundown.

The Vilna Gaon, in his notes to the *Shulchan Arukh*, questions the Rama’s comments, noting the *Shulchan Arukh*’s explicit ruling earlier (O.C. 562:6) regarding personal fast days. The *Shulchan Arukh* writes that if a person silently committed at the time of the afternoon *mincha* prayer to fast the following day, he is bound by this commitment, even though it was never verbalized. The source of this *halakha* is the view of Rabbeinu Tam (cited by the *Tur*), who compared a pledge to observe a fast to a pledge to bring a voluntary sacrifice. The Gemara in Masekhet Shavuot (26b) establishes that even a silent pledge to offer a sacrifice is binding, as implied by God’s command to collect donations for the *Mishkan* from “*kol nediv libo*” – “everyone with a generous heart” (Shemot 35:5), referring to those who have resolved in their heart, silently, to make a donation. (This is in contrast to vows to abstain from a certain activity, which must be verbalized.) The Vilna Gaon thus questions why the Rama allows one to continue eating before Tisha B’Av even after having silently accepted the onset of the fast, given the *halakha* that a non-verbal commitment to observe a fast is binding.

Apparently, as Rav Soloveitchik explains (*Shiurei Ha-Rav* – *Aveilut Ve-Tisha B’Av*, p. 31), the Rama distinguished between accepting a personal fast, and accepting a *tosefet* (extension) of an established public fast. When it comes to a pledge to observe a personal fast, even a non-verbal commitment suffices to make the pledge binding, but if one wishes to begin a fast early, his decision is binding only if he verbalizes it. Accepting a fast, as mentioned earlier, is akin to the pledge to offer a sacrifice, which, as the Gemara inferred from a verse, is binding even without verbal expression. Beginning a fast early, however, operates through a different halakhic mechanism. Rav Soloveitchik draws an analogy to the *Shulchan Arukh*’s ruling (O.C. 263:10) that a woman becomes bound by the Shabbat prohibitions once she lights the Shabbat candles, despite not consciously committing to begin Shabbat. Beginning an observance early requires an outward display, and one’s thoughts in this regard are immaterial. This commitment is binding not by force of the law of *nedarim* – formal pledges – but rather due to a separate *halakha* empowering one to determine when a halakhic time-frame begins. This determination must be outwardly demonstrated, and thus a silent commitment does not suffice. Therefore, according to the Rama, one may continue eating after the final meal unless he verbally accepted the onset of Tisha B’Av.

The Vilna Gaon, apparently, disagreed with this distinction, and maintained that even the commitment of *tosefet* operates by force of the laws of vows. In his view, accepting an extension of a fast is no different from accepting a personal fast, and such an acceptance constitutes a halakhic pledge similar to a pledge to offer a sacrifice. Therefore, according to the Gaon, even a non-verbal commitment to begin the Tisha B’Av fast is binding.

Monday

The Gemara in Masekhet Ta’anit (30a-b) tells that Rabbi Yehuda ben Ilai, before the onset of Tisha B’Av, would sit on the floor, eat dry bread with salt, and drink water, as though he had just lost an immediate family member. The Talmud Yerushalmi (Ta’anit 4:6) relates that Rav would eat a meal before Tisha B’Av to prepare for the fast, and would then place ashes on his bread and announce before eating it, “This is the primary Tisha B’Av meal.” He did so, the Yerushalmi explains, in commemoration of the verse in *Megilat Eikha* (3:16), “*Hikhpishani ba-eifer*” – “He submerged me in ashes.”

Accordingly, the *Shulchan Arukh* rules (O.C. 552:6) that the final meal before the onset of Tisha B’Av should, preferably, consist of only dry bread with salt, and water. The Rama adds that some follow the custom observed by Rav to conclude the meal by dipping bread in ashes and then eating it.

[Rav Asher Weiss](https://beinenu.com/sites/default/files/alonim/148_78_83.pdf) notes the implication of these sources that eating the final meal before Tisha B’Av serves not only the practical function of preparing for the fast by ingesting food, but also as an observance of mourning. This emerges in particular from Rav’s announcement, “This is the primary Tisha B’Av meal.” This meal is described as part of the Tisha B’Av observance, a means by which we express our grief and mourning over Jerusalem’s destruction. The custom to eat the barest foods, and to eat on the floor, demonstrates that we eat this meal not simply to fill our stomachs so we can properly fast, but as an act of mourning.

On this basis, Rav Weiss ruled that if somebody is unable to fast due to medical reasons, and he knows already before Tisha B’Av that he will be required to eat, he must nevertheless observe this custom of the *se’uda ha-mafseket* (the final meal). Although he has no practical need to eat right before Tisha B’Av, as he will not be fasting, he is required to eat a meal with dry bread and water, on the floor, following the traditional practice. Since this practice is observed not to prepare for the fast, but as part of the mourning process, even those who will not be fasting must eat this meal.

Rav Weiss further notes the well-known ruling of the *Chatam Sofer* (O.C. 157) that one who must eat on Tisha B’Av for medical reasons is not permitted to eat beyond that which is necessary for his physical well-being. (The *Chatam Sofer* thus asserts that such a person may be given an *aliya* to the Torah on Tisha B’Av, even though the Torah is read only due to the fast, because he is included in the observance of the fast by virtue of the fact that he may not eat more than necessary.) For this reason, too, somebody who knows he will not be fasting on Tisha B’Av must nevertheless eat the *se’uda ha-mafseket*, because even he needs to prepare for the fast, when he is permitted to eat only minimally.

Tuesday

The Rama (O.C. 551:10) writes that although it is customary to refrain from meat and wine during the “Nine Days,” from Rosh Chodesh Av until Tisha B’Av, meat and wine may be consumed during a meal that fulfills a *mitzva*, including a *siyum*, celebrating the completion of the study of a *masekhet*. Indeed, it is common for people to make *siyum* celebrations during this period, and to serve meat and wine.

The *Be’er Heitev* cites the *Elya Rabba* as qualifying this *halakha*, ruling that meat and wine are permissible at a *siyum* during the Nine Days only if by chance one happens to complete a *masekhet* (or another significant portion of text, such as a *seder* of *Mishnayot*) in this period. One should not, however, intentionally delay the completion of a *masekhet*, or rush through a *masekhet*, in order to conduct a *siyum* during the Nine Days. One who is on pace to complete a *masekhet* before Rosh Chodesh Av should not make a point of slowing his pace so he can make a *siyum* during the Nine Days, and, conversely, one who is on pace to complete a *masekhet* after Tisha B’Av should not intentionally increase his pace so that he completes it during the Nine Days. This is the view also of the *Chayei Adam* (133:16) and others.

Some have questioned this ruling in light of the Gemara’s comments in Masekhet Moed Katan (9a) regarding the celebration held upon the completion of the first *Beit Ha-mikdash*. We read in Sefer Melakhim I (8:65) that King Shlomo held a weeklong celebration during the seven days before Sukkot, rather than combine this celebration with the Sukkot festivities. The Gemara suggests pointing to this decision as a Biblical source for the halakhic principle of “*ein me’arvin simcha be-simcha*,” which forbids combining two different celebrations, such as making weddings during holidays. The fact that Shlomo chose to conduct a separate celebration for the completion of the *Beit Ha-mikdash*, rather than simply wait a week and celebrate this milestone during Sukkot, might prove that two different festivities should not be combined. But the Gemara refutes this proof, noting that perhaps the building was completed a week before Sukkot, and Shlomo did not want to delay the celebration. In response, the Gemara states that Shlomo could have had the final stages of work delayed so that the completion of the *Beit Ha-mikdash* would coincide with the festival of Sukkot. The fact that he chose not to delay the completion might thus provide a basis for the law of “*ein me’arvin simcha be-simcha*.” The Gemara refutes this argument by stating that the completion of the *Beit Ha-mikdash* should not be delayed (“*shiyurei biyan Beit Ha-mikdash* *lo meshayerinan*”).

It emerges from this discussion that if not for the rule that the building of the *Beit Ha-mikdash* should not be delayed, it would have been acceptable to intentionally delay the completion of the Temple in order to schedule its celebration at a convenient time. Similarly, the *Shakh* (Y.D. 246:27), citing the Maharam Mintz, writes that in general, when one nears the completion of a *masekhet*, he should specifically delay the completion so he can celebrate the *siyum* at a time when people can attend. Accordingly, some *poskim* argued that one may, in fact, specifically arrange for the completion of a *masekhet* during the Nine Days.

Of course, one may easily refute these proofs by distinguishing between general convenience, and the desire to suspend the accepted custom to refrain from meat and wine during the Nine Days. Even though it is acceptable to schedule one’s completion of a *masekhet* for a time when a *siyum* is most convenient, scheduling it for the Nine Days bespeaks an effort to disrupt the mourning for the *Beit Ha-mikdash* is inappropriate. Nevertheless, it is customary among some chassidic communities to specifically arrange for *siyumim* during the Nine Days, as increased focus on Torah learning, and festive gatherings of people, serve to correct the spiritual ills that led to the destruction of the Temple.

(See [*Ma’adanei Asher*, Parashat Devarim, 5783](https://beinenu.com/sites/default/files/alonim/32_78_83.pdf))

Wednesday

As discussed yesterday, the Rama (O.C. 551:10) rules that although we refrain from meat and wine from Rosh Chodesh Av through Tisha B’Av, meat and wine may be consumed during this period at a *siyum* celebration, held upon the completion of the study of a *masekhet*. A number of *poskim* addressed the question of whether this applies also in the case of a minor, below the age of bar-mitzva, who completes a *masekhet*. As the youngster is not yet obligated in the *mitzva* of Torah study, we might assume that his Torah study does not suffice for the celebration to be considered a *se’udat mitzva* (a meal that fulfills a *mitzva*). Alternatively, one might argue that since parents are obligated to provide their children with a Torah education, and a youngster’s Torah study is significant as part of his *chinukh* (education), a *siyum* celebrating a child’s completion of a *masekhet* should qualify as a *se’udat mitzva* that allows the consumption of meat and wine during the Nine Days.

Rav Betzalel Stern, in *Be-tzel Ha-chokhma* (4:100), addresses the similar question of whether a child’s *siyum* suffices to absolve *bekhorim* (firstborns) of the obligation to fast on Erev Pesach. There is a custom for firstborns to observe a fast on Erev Pesach, but it is commonly accepted that they attend a *siyum* celebration in the morning, thus exempting them from the fasting obligation. Rav Stern writes that a child’s *siyum* is effective in absolving *bekhorim* from the fast. He references the Rambam’s ruling in *Hilkhot Korban Pesach* (5:7) that if a twelve-year-old boy was included in a *korban pesach* offering on Pesach, and right after Pesach became bar-mitzva, then he is not required to bring a sacrifice on *Pesach Sheni*, on the 14th of Iyar. *Pesach Sheni* is required by those who were unable to offer the *korban pesach* on Pesach, but a minor who was included in a sacrifice on Pesach – even though he was not obligated to perform the *mitzva* – is not obligated in *Pesach Sheni*. Mahari Kurkus explains that since the Torah requires parents to include their children in their *korban pesach*, the child is considered to have fulfilled the *korban pesach* obligation despite not having yet been commanded, and thus does not need to offer *Pesach Sheni*. By the same token, Rav Stern argues, since the Torah commands parents to teach their children Torah, a child’s Torah story is halakhically significant despite the fact that the child himself is not obligated to learn Torah. As such, a child’s *siyum* is sufficient to absolve firstborns of the Erev Pesach fast.

Rav Yitzchak Zilberstein, in *Chashukei Chemed* (Bekhorot, pp. 272-274), notes in this context the Gemara’s teaching in Masekhet Shabbat (119b) that the world is sustained “only by the breath of the schoolchildren” – meaning, in the merit of the Torah study of youngsters in school. The Gemara here emphasizes the particular importance of the Torah studied by children. Rav Zilberstein cites a number of scholars who inferred from the Gemara’s remark that even children below the age of bar-mitzva fulfill the obligation of *talmud Torah* (Torah learning) through their study. It would stand to reason, then, that even a youngster’s celebration of a *siyum* has the halakhic strength to absolve *bekhorim* of the Erev Pesach fast, and to permit the consumption of wine and meat during the Nine Days.

However, Rav Zilberstein cites his father-in-law, Rav Yosef Shalom Elyashiv, as ruling that a minor’s *siyum* celebration does not qualify as a halakhic *siyum*, and thus it neitherabsolves firstborns of the Erev Pesach fast nor permits meat and wine during the Nine Days.

Thursday

The Gemara in Masekhet Gittin (55b) tells the famous story of Bar-Kamtza, to whom an invitation to a celebration was mistakenly delivered. The event’s host despised Bar-Kamtza, and upon receiving the invitation, Bar-Kamtza assumed that the host was interested in reconciliation. But when he showed up, the host angrily ordered him to leave. Bar-Kamtza pleaded to be allowed to remain, even offering to pay for the entire feast, but the host refused, and had him physically removed from the premises, as the rabbis in attendance watched. In response, Bar-Kamtza brought false accusations about the Jews to the Roman emperor, igniting hostilities which culminated in the destruction of Jerusalem.

This story, of course, demonstrates the Gemara’s well-known teaching elsewhere (Yoma 9b) that the destruction of the Second Temple occurred on account of the rampant *sinat chinam* (baseless hatred) that existed among the Jews at the time. The fierce hatred shown by the host toward Bar-Kamtza, and Bar-Kamtza’s extreme reaction, reveal the extent to which the society was plagued by hatred and strife. Many have also suggested explaining on this basis why the Gemara introduces this story by stating, “Jerusalem was destroyed because of Kamtza and Bar-Kamtza” – Kamtza being the close friend of the host to whom the invitation was addressed. Kamtza was not directly involved in the unfortunate series of events that led to the catastrophe, but it is possible that he is nevertheless blamed because of his role in the tensions that brewed. The people were divided into different quarreling factions, and Kamtza might have belonged to a group that harbored deep feelings of resentment toward Bar-Kamtza and his comrades. This culture of division and hate, to which Kamtza contributed, led to Bar-Kamtza’s banishment from the party and then to his exaggerated reaction.

Additionally, some have viewed this story as a manifestation of a different Talmudic teaching. The Gemara states in Masekhet Bava Metzia (30b) that Jerusalem was destroyed because “*danu bah din Torah*” – they strictly applied the Torah’s civil laws, without flexibility or compromise. If we read this passage in conjunction with the more famous tradition that Jerusalem was destroyed on account of *sinat chinam*, we might say that the people defended their hostility toward others based on Torah law. They found whatever technical legal bases they could to justify their relentless fights. In the case of Bar-Kamtza, the host had every legal right to expel him. The *Shulchan Arukh* (O.C. 153:16) rules that if a person lends his home to the community to be used as a synagogue, he cannot stipulate that an individual whom he dislikes may not enter, and the *Bi’ur Halakha* explains that this provision was enacted because of the story of Bar-Kamtza. Technically speaking, a person has every right to choose whom to allow into, and bar from, his home. Nevertheless, it was decided not to prevent particular individuals from entering one’s private property which he opened for the community, in order to avoid the kind of calamity that resulted from Bar-Kamtza’s expulsion. The host exercised his legal right to banish Bar-Kamtza, and the rabbis in attendance felt powerless to act, because the host was, strictly speaking, correct. This story thus demonstrates how legal rights and privileges can be unethically applied, and abused to inflict great harm. It shows how we can be guilty of the worst forms of *sinat chinam* even within the boundaries of technically legal behavior. Curing the ill of *sinat chinam* requires extending beyond the strict letter of the law, being prepared and willing to forego on what is rightfully ours for the sake of peace and out of consideration for our fellow. Our objective must be not to take full advantage of all legal rights at all costs, but to pursue harmony with our fellow even at the expense of our technical legal rights.

Friday

In Parashat Vaetchanan, Moshe foresees the time when God will drive *Benei Yisrael* from the land due to their idol-worship, whereupon they will cry out to Him for help: “You shall seek the Lord your God from there, and you will find Him, for you will petition Him with all your heart and with all your soul” (4:29).

Rav Kalonymus Kalman Epstein, in *Maor Va-shemesh*, notes the transition in this verse from the plural form to the singular form. Moshe first utilizes the plural form – “*U-vikashtem*” – in describing the people petitioning God, but then shifts to the singular form: “*u-matzata…be-khol levavekha u-v-chol nafshekha*.” The *Maor Va-shemesh* explains that this transition alludes to the dual nature of communal prayer. One should make every effort to pray together with the congregation, the *Maor Va-shemesh* writes, due to the singular value and power of communal prayer. However, although we are to pray collectively, as a congregation – indicated by the plural term, “*U-vikashtem*” – each individual prays with his unique emotions, feelings and intentions. Every person approaches prayer differently, as each person forges a different relationship with God expressed through prayer. Thus, each individual’s prayer has unique importance, even when hundreds or even thousands of people join together to pray. Although we all pray together, as expressed in the term “*U-vikashtem*,” we each pray “*be-khol levavekha u-v-chol nafshekha*,” with our unique “heart and soul,” contributing our personal feelings and individual relationship with the Almighty.

Significantly, the *Maor Va-shemesh* adds, the next verse, which describes *Benei Yisrael*’s repentance in exile, is written in the singular form: “*Ve-****shavta*** *ad Hashem* ***Elokekha***.” The *Maor Va-shemesh* explains that true repentance requires an individual process of introspection and growth. Nobody but a person himself is fully aware of his failings, and what needs to be done to improve. The impression we have of other people tells only a very small part of their story – just as their impression of us is incomplete and inaccurate. Therefore, we cannot change other people, nor can we expect them to change us. Of course, we can try to encourage each other along the process of growth, but ultimately, people need to change themselves. And for this reason, the *Maor Va-shemesh* explains, Moshe speaks of *Benei Yisrael*’s repentance in the singular form – “*ve-shavta*” – because repentance is, by definition, an individual process, whereby a person honestly introspects and makes a concerted effort to improve.