

The Book of *Devarim*, which we begin this week, is known in the *Talmud* as "*Mishneh Torah*," the review of the Torah. Though there appear to be new *Mitzvot* in *Sefer Devarim* that are not mentioned in any of the earlier books of the Torah, R' Yitzchak Abarbanel z"l (1437-1508; Portugal, Spain and Italy) explains that this is not so. "Believe me," he writes, "there is no *Mitzvah* in this book that you will not find in the earlier books if you search for it as one searches for treasure. Every *Mitzvah* is in the earlier books, whether in detail, briefly, or only alluded to."

Regarding the rebuke that Moshe offers *Bnei Yisrael* in *Sefer Devarim*, continues R' Abarbanel, Moshe's intention was not to rebuke the younger generation for the sins of the earlier generation--for example, the sin of the Golden Calf or the sin of the Spies. What purpose would such rebuke serve? Rather, he writes, Moshe's intention was to teach the younger generation practical lessons they could learn from those events and from *Hashem's* response to them.

A unique feature of *Sefer Devarim* is that Moshe speaks in first person--for example (1:9), "I said to you at that time, saying, 'I cannot carry you alone'"--something Moshe does not do in the other books. R' Abarbanel explains: Before Moshe died, he said those things that he felt needed to be said, and he explained those *Mitzvot* that he felt needed to be explained. When he had finished speaking, *Hashem* told him which of his speeches to write in the Torah; perhaps *Hashem* even "edited" them. Thus, the *Gemara* (*Megillah* 31b) teaches, "The curses in *Mishneh Torah*, Moshe said on his own." It does not say, notes R' Abarbanel, that Moshe wrote them on his own, because he wrote in the Torah only what *Hashem* told him to write. (*Commentary on the Torah*)

## Shabbat Chazon

R' Ephraim Zalman Margaliot z"l (1760-1828; Brody, Galicia) writes: The *Haftarah* on the *Shabbat* before *Tishah B'Av*, commonly known by its first word, "*Chazon*," customarily is read in a tune of wailing and mourning. (*Sha'arei Ephraim* 9:27)

R' Moshe Sternbuch *shlita* (*Av Bet Din* of the *Eidah Ha'chareidit* in Yerushalayim) writes: There is a very longstanding custom among *Ashkenazic* communities that on *Shabbat Chazon* the rabbi reads the *Haftarah* to the tune of *Eichah*. Abundant tears would flow from the rabbi's eyes as he read, and the entire congregation would cry along with him.

Today, however, it is not customary for the congregation to cry during the *Haftarah*. Perhaps, writes R' Sternbuch, the reason for this change is that we have a hard enough time focusing on mourning on *Tisha B'Av* itself, and certainly we cannot mourn properly in the days leading up to *Tisha B'Av*. Therefore, the custom of crying during the *Haftarah* was abolished so that at least we can give *Shabbat*, when public displays of mourning are usually prohibited, the respect it deserves. This may be the reason, as well, for our custom to wear regular *Shabbat* clothes on *Shabbat Chazon*, unlike the custom cited in earlier sources to wear weekday clothes on this *Shabbat* as a sign of mourning.

R' Sternbuch adds: R' Avraham Yeshayahu Karelitz z"l (1878- 1953; Bnei Brak, Israel; the "*Chazon Ish*") objected to the custom of reading the *Haftarah* of *Chazon* to the tune of *Eichah*, as he considered it an inappropriate display of public mourning on *Shabbat*.

(*Mo'adim U'zemanim* V 343)

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**"They took in their hands from the fruit of the Land and brought it down to us, and they brought back word to us and said, 'The Land that Hashem, our Elokim, gives us is good!' But you did not wish to ascend, and you rebelled against the word of Hashem, your Elokim." (1:25-26)**

R' Yaakov Moshe Charlap z"l (1882-1951; rabbi of Yerushalayim's Sha'arei Chesed neighborhood and *Rosh Yeshiva* of Yeshivat Mercaz Harav) writes: Human nature is that no amount of persuasion can tear a person away from that which is very close to his heart. To the contrary, he will hear in the arguments attempting to dissuade him words that strengthen his existing convictions.

It follows, writes R' Charlap, that even though the Spies spoke ill of the Land, *Bnei Yisrael* would have focused on the Spies' positive words ("The Land that Hashem gives us is good") if only *Bnei Yisrael* had wanted to enter *Eretz Yisrael*. Since you, *Bnei Yisrael*, did not do so, says Moshe Rabbeinu, it is clear that "you did not wish to ascend."  
(*Mei Marom*)

The *Gemara* (*Ketubot* 66b) relates: Rabbi Yochanan ben Zakkai, the leading sage at the time of the destruction of the Second Temple, was riding his donkey out of Yerushalayim, and he saw a young lady gathering barley kernels from the dung left by the animals of Arabs. When she saw him, she stood before him and said, "My teacher! Give me sustenance!" He asked who she was, and she replied, "I am the daughter of Nakdimon ben Gurion," one of the richest Jews of that time. Hearing this, R' Yochanan ben Zakkai proclaimed, "*Ashreichem!* How fortunate you are, *Yisrael!* When you do Hashem's will, no nation can rule over you. But, when you do not do Hashem's will, you are handed over to a lowly nation--and not only to a lowly nation itself, but to its animals!" [Until here from the *Gemara*]

R' Yehuda Loewe z"l (*Maharal* of Prague; died 1609) asks: How could R' Yochanan ben Zakkai proclaim, "*Ashreichem!* How fortunate you are!" upon seeing such a devastating sight? The answer, he writes, is that R' Yochanan ben Zakkai saw in this sight proof of the special character of the Jewish People. *Maharal* explains: When it makes no difference what *Tzurah* (loosely translated, "form") something has, one can damage it or bend it out of shape, and it will not lose its essence. Not so the Jewish People! We are meant to be so lofty, to have such a perfect *Tzurah*, such that any deviation from what we are meant to be deprives us of our *Tzurah* entirely. This itself testifies to the uniqueness of the Jewish People and, therefore, is a reason to proclaim, "*Ashreichem!*"  
(*Netzach Yisrael* ch.14)

R' Chaim Friedlander z"l (1923-1986; *Mashgiach Ruchani* of the Ponovezh Yeshiva) writes that the above idea is one of the messages of the *Tisha B'Av Kinah* / lamentation (#31) in which we contrast our Exodus from Egypt and our exile from Yerushalayim. Just as the Exodus was an event that changed the very nature of the Jewish People, so was the exile from Yerushalayim.

(*Siftei Chaim: Mo'adim* III p.249)

**"I instructed your judges at that time, saying, 'Listen among your brethren . . .'" (1:16)**

The *Gemara* (*Sanhedrin* 7b) derives from this verse that a judge is prohibited from hearing a party's claims before the other party arrives. Rather, "Listen among your brethren," *i.e.*, when both are present.

R' Avraham Zvi Kluger *shlita* (*Chassidic Mashpia* in Bet Shemesh, Israel) writes: Some say that the reason for this prohibition is that a litigant will be less afraid to lie if his opponent is not present. Many say, however, that the reason for the prohibition is that human nature is to believe whatever one hears if it is uncontradicted. Thus, if a judge hears one side of a case when the opponent is not present to tell his side immediately, the judge will end up biased in favor of the first litigant. For this reason, as well, we are prohibited from listening to *Lashon Ha'ra* even if we are determined not to believe it.

However, continues R' Kluger, this is difficult to understand. The above prohibition applies even to the sages of the *Sanhedrin*, who we are commanded to believe and to rely upon as if G-d Himself is speaking through them! Also, the *Gemara* (*Shabbat* 10a) teaches that one who judges truthfully is considered a partner with G-d in Creation. Is the Torah really concerned that people who are potentially worthy of such accolades will be influenced by what they hear and will not issue proper rulings?

Yes! answers R' Kluger, and he explains: Another facet of human nature is that a person can be G-d's partner in Creation one moment, a person through whom G-d speaks, but he can fall to the lowest level a moment later if he deviates even slightly from what is right. This is true not only of judges, but of every member of the Jewish People. [See box on facing page.] In this light, writes R' Kluger, we can understand why the *Aseret Ha'dibrot* / Ten Commandments include a prohibition against something as obviously wrong as murder, though those commandments were given when *Bnei Yisrael* were at the pinnacle of their spiritual ascent. The distance between the two extremes--being ready to receive the Torah and committing the lowliest of sins--is less than one would think.

There is another lesson here, as well, adds R' Kluger. Just as the Torah is concerned that a judge will be influenced by the first thing he hears if it goes unchallenged, so we should all recognize how we are influenced by the things we hear as well as by preconceived notions. How can a person ever trust that he is being objective when his mind is full of as much foolishness as we all take in? Therefore, one should regularly pray that Hashem will assist him in recognizing objectively what the Torah expects of him in each situation he encounters.  
(*Nifla'ot Aidvotcha*)