

# SO MUCH TO SAY

*by Shlomo Katz*

## **Hamaayan / The Torah Spring Edited by Shlomo Katz**

### **Devarim**

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Today's Learning:

Gittin 9:2-3

Orach Chaim 487:1-3

Daf Yomi (Bavli): Kiddushin 82

Daf Yomi (Yerushalmi): Berachot 36

The Book of Devarim contains Moshe's parting words to Bnei Yisrael which he said in the last 36 days of his life. The Book opens: "These are the devarim / words that Moshe spoke to all Israel . . ."

The Midrash Tanchuma records that Bnei Yisrael asked Moshe: "Previously you said (Shmot 4:10), 'I am not a man of devarim / words,' and now you have so much to say?!" Bnei Yisrael were expressing their amazement: Forty-one years before, when Hashem had dispatched Moshe to Pharaoh, Moshe had objected, saying that he had a speech impediment and was not a suitable messenger. Now, before his death, Moshe's speech difficulties disappeared. We learn from this, the midrash continues, that one who has difficulty speaking should speak words of Torah, as Moshe did throughout the preceding 41 years, and he will eventually be cured. Thus we read in Yishayah (35:6), "Then the lame man will skip like a gazelle and the tongue of the mute will sing glad song; for water [a metaphor for Torah] will have broken out in the wilderness . . ."

The Midrash Rabbah records another answer to Bnei Yisrael's question: "Previously you said, 'I am not a man of words,' and now you have so much to say?!" Moshe may be likened to a man who was selling silk and was calling out in the streets, "Silk for sale, silk for sale." The king heard him and poked his head out the window. "What did you say?" the king inquired.

"Nothing," answered the peddler.

"I'm sure I heard you say, 'Silk for sale.' Why do you say, 'Nothing'?"

"The silk that I have is not of high enough quality for you," answered the peddler. "Therefore I said, 'Nothing'."

Likewise, says the midrash, when Hashem told Moshe to be his messenger to Pharaoh, Moshe said, "Who am I to be the messenger of G-d. I cannot speak! I cannot do this job as well as You could do it Yourself." However, in a different context, i.e., when it was time to teach those who knew less than he, Moshe had many words to say. One simply must know before whom he should have many words and before whom he should have few.

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*"Hashem, your G-d, has multiplied you and behold! You are like the stars of the heaven in abundance . . . Eichah / How can I alone carry your contentiousness, your burdens, and your quarrels?" (1:10-12)*

The midrash notes that three prophets used the word "Eichah": The first was Moshe, in our verse. The second was Yishayahu, who said (in today's haftarah, verse 21): "How has she become a harlot! - faithful city that was full of justice . . ." The third was Yirmiyah, who said (in the first verse of the Book of Eichah, which we read on Tishah B'Av), "Alas, how she sits in solitude! The city that was great . . ."

The midrash likens these three prophets to three servants who saw their mistress at different times. One saw her in tranquil times, one saw her when she behaved irresponsibly, and the third saw her downfall. So, too, Moshe saw Bnei Yisrael in their glory ("Hashem, your G-d, has multiplied you and behold! You are like the stars of the heaven in abundance."), Yishayahu saw them in their sinfulness, and Yirmiyah saw them at their downfall, at the time of the destruction of the Bet Hamikdash and the exile to Bavel.

R' Shlomo Harkavi z"l (mashgiach of the Grodno Yeshiva; killed in the Holocaust) writes: The midrash is showing us that whatever state Bnei Yisrael find themselves in, they always take it to extremes. The word "eichah" means more than "how." "Eichah" expresses wonder and amazement. Moshe saw Bnei Yisrael at the height of Hashem's kindness to them, when they rebelled against Him but He continued to shower them with daily bread and with other miracles. Moshe therefore exclaimed, "Eichah / How can I alone carry your contentiousness, your burdens, and your quarrels?" I cannot, but Hashem can and does.

Yishayahu saw Bnei Yisrael in their sinful state. Maharal (16th century) writes that it is the nature of

Jews that when they fall, they fall very low. Yishayahu exclaimed in amazement, "Eichah / How are such sins possible from the people who live in Yerushalayim, the city of justice and charity?"

Finally, Yirmiyah saw Bnei Yisrael's punishment, and he cried, "Eichah / How is such suffering possible?"

In this light, says R' Harkavi, we can understand on a deeper level why the first chapter of Yishayahu was chosen as the haftarah for the Shabbat preceding Tishah B'Av. It is not because this passage coincidentally contains the word "Eichah." Rather, before we mourn on Tishah B'Av -- whether we mourn only for the losses of long ago or also for more recent tragedies - we remind ourselves how we reached this stage. Once we were unparalleled in our greatness, but then we sinned with unparalleled depravity. As a result, we have been punished with suffering unparalleled in history. (Me'imrei Shlomo No. 55)

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*"But Hashem did not listen to your voice and He did not harken to you." (1:45)*

A literal translation of this verse would be: "But He did not hear - Hashem - your voice, and He did not listen to you." R' Shimon Sofer z"l (1821-1883; rabbi of Krakow) observes that this alludes to the Sages' teaching: "Why are people's prayers not heard? Because they do not know the Name of Hashem." Because He did not hear His Name said with proper concentration when you raised your voice in prayer, He did not listen to you. (Michtav Sofer)

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## **Tishah B'Av**

R' Zalman Rotberg shlita (rosh yeshiva of Yeshiva Bet Meir in Bnei Brak) writes: The Book of Eichah, in which the prophet Yirmiyah poured out his heart over the destruction of the Bet Hamikdash and the exile, teaches us not only about the past, but about the future. Our Sages teach that prophecy can be attained only when one is in a state of joy. This means that Yirmiyah wrote Eichah, which is prophetic, in a state of joy! How is this possible? Because the mere fact that, in the midst of the destruction, Hashem spoke to Yirmiyah was a hopeful sign, a sign that He had not abandoned His people, that there is a future to Hashem's relationship with us.

There is also another reason that Hashem wanted Yirmiyah to view the destruction through the prism of prophecy. The truth is that man cannot fully grasp the significance of either the Bet Hamikdash or its destruction. [More on this below.] The Bet Hamikdash was the "residence" of the Shechinah, but just as we cannot fathom the essence of the Shechinah, so we cannot fully comprehend what it means for the Shechinah to have a "residence." It follows from this, too, that we cannot grasp the great loss when the Shechinah's "home" was destroyed. Through prophecy, however, Yirmiyah could put some of the loss in perspective for us.

We can learn from this, too, adds R' Rotberg, that it takes a great person to appreciate the depth of the losses that the Jewish people have suffered. Indeed, the authors of the kinot / lamentations which we recite were all great scholars and righteous men.

R' Rotberg relates: All of us sigh or groan when we hear of a person who is ill or who died tragically. However, we do not feel another's pain the way great people do. The Chazon Ish's sister (R' Rotberg's aunt) used to beg visitors not to enter the Chazon Ish's study before he had eaten breakfast, because, as soon a visitor asked the Chazon Ish to pray for a seriously-ill relative, the Chazon Ish immediately lost his appetite and became very pained. This is an emulation of Hashem's own behavior; Chazal say that He appeared to Moshe from a thorn-bush as if to say, "I am suffering with Bnei Yisrael." (Tuv Da'at Vol. III, p. 329)

The gemara (Bava Kamma 59a) records: Eliezer the Humble was wearing black shoes in the streets of Nehardea. Members of the Reish Galuta / Exilarch's entourage met him and asked, "What is the nature of those unusual shoes?" [Apparently, it was not customary in those days to wear black shoes.]

He answered them, "I am mourning for Yerushalayim."

They replied, "Are you worthy of mourning for Yerushalayim?" They thought he was showing-off, and they imprisoned him.

He then told them, "I am a great man." [Until here, from the gemara.]

R' Chaim Friedlander z"l (mashgiach of the Ponovezh Yeshiva in Bnei Brak) explains this startling gemara: Why do we mourn for Yerushalayim and the Bet Hamikdash? It is not because of the glory that we have lost. Rather, we mourn because we have lost the opportunity to be close to Hashem. Also, we mourn for the chillul Hashem / desecration of G-d's Name that results from our exile and from the current state of Yerushalayim.

Although all Jews share in the obligation to mourn, not all can appreciate the loss and mourn properly. This is why Eliezer the Humble, who was not known as a tzaddik, was thought to be a show-off. Nevertheless, one who can sense the chillul Hashem must mourn because of it, and therefore Eliezer responded, "No! I am on a higher level than you realize." He did not say this to brag - after all, he was Eliezer "the Humble." Rather, he was teaching that wearing black shoes as a sign of mourning was a natural outgrowth of his appreciation of our loss, and was in fact an obligation. (Sifte Chaim Vol. III, p. 294)

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## **Shemittah Observance Today**

[This week we continue our discussion of the "Hetter Mechirah" / the sale of land to a non-Jew for the duration of the Shemittah.]

There are several halachic objections to the Hetter Mechirah. These include:

The hetter relies on several leniencies which are valid only if shemittah is considered to be a rabbinically-ordained mitzvah. (While shemittah is of course found in the Torah, many authorities hold that the Torah-mitzvah is in effect only when the majority of Jews live in Eretz Yisrael, which has not been the case since before the destruction of the First Temple.) However, many poskim hold that shemittah is in effect according to Torah law even today. It is particularly noteworthy that Rambam's Mishneh Torah does not expressly take a stand on this issue, thus leading later poskim to differ regarding Rambam's view. (This is important because of Rambam's eminence as a halachic authority.)

There exists a Torah-prohibition on transferring ownership of land in Eretz Yisrael to a non-Jew (Devarim 7:2; Avodah Zarah 20a). There is disagreement among poskim regarding the parameters of this prohibition. (This discussion has other halachic applications, including any treaty that involves so-called "Land for Peace.")

The Hetter Mechirah presumes that land owned by a gentile is exempt from the laws of shemittah. However, the Talmudic sages themselves disagreed about a seemingly related question: Is gentile-owned land in Eretz Yisrael exempt from ma'aser / tithes? (See Gittin 47a.) Rambam (Hil. Terumot 1:10) rules that land owned by a gentile in Eretz Yisrael is not exempt from mitzvot. (Note that Rambam says "mitzvot," not only "ma'aser.")

These objections will be discussed in future issues.

An additional problem is that although great poskim permitted the Hetter Mechirah in the late 19th century, they never considered it to be the ideal solution. Only the most essential agricultural tasks are permitted as a result of the Hetter Mechirah; R' Kook wrote in 1909, for example:

The hetter applies to whatever is necessary to preserve the agricultural settlements. [Agricultural activities] intended to expand the settlements are not permitted. I am forced to give this answer to anyone who asks because to appraise each and every detail from a distance is impossible. If they present all the details to me, including the consequences of not working, then I can answer specifically what is permitted by virtue of the hetter. (Mishpat Kohen No. 59)

Also, the question arises: Granted that the Hetter Mechirah was permitted a century ago, but is there sufficient economic hardship today to justify its continued use? To be continued

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