

Our reliance on political and military issues alone - despite God's promise - was the Spies' and the Jews' downfall. Is Israel committing this crime again?



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Tishah b'Av: A Paradox

RABBI BERNARD FOX

"Whoever mourns for Jerusalem will be will [merit to] see its rejoicing, and all who do not mourn for Jerusalem will not [merit to] see its rejoicing." [1]

The simplest understanding of this statement of the Sages is that Hashem operates middah k'neged middah (measure for measure). If a person acts according to God's wishes and is appropriately distressed over the destruction of

the Beit HaMikdash, he will be rewarded with the opportunity to rejoice when it is rebuilt. If not, he won't deserve such a reward. In short: "If you show me you really want it, I'll give it to you, but if not, then I won't." This simple understanding might be true, but it is probably not what our Sages were getting at. There is a deeper meaning here.

In order to attain a deeper understanding of this

statement of our Sages we must first examine the obligation of aveilut (mourning) on Tishah b'Av. Many people ask the question, "Why do we mourn for Jerusalem on Tishah b'Av?" This may be an important question, but it certainly is not a strong question. One could simply answer: "Because we are sad about the destruction of the Jerusalem and the Beit haMikdash," and that would be the end of it. There is a stronger, more

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specific question we can ask: "Is our mourning on Tishah b'Av consistent with the structure of normative, halachic aveilut?" To understand this question and find an answer we must take a brief look at the halachic structure of aveilut.

Normative halachic aveilut takes place in three stages: the seven days of lamenting, the thirty days of weeping, and final twelve months, after which no more memorials may be held for the dead.[2] In each progressive stage, the severity of the strictures imposed upon the mourner is reduced. In each stage, the mourner is expected to grieve less intensely. After the end of the period of mourning, the mourner is expected to move on with his life. The main point: normative aveilut is time-bound.

Ostensibly, it seems as though the aveilut of Tishah b'Av is not normative. Normative aveilut shouldn't last past twelve months, and here we are, still crying over the destruction of Jerusalem after nearly two thousand years – a blatant breach of the clearly defined time boundaries of halachic aveilut! Not only that, but normative mourning lessens in intensity as time goes by, but with each Tishah b'Av that passes, our mourning increases! Furthermore, the Rambam says, "One should not indulge in excessive grief over one's dead, as it is said: 'Do not weep for the dead, nor bemoan him.'"[3] meaning, (do not weep for him) too much, for [death] is the 'way of the world,' and he who frets over the 'way of the world' is a fool." [4] It comes according to the Rambam that our aveilut on Tishah b'Av not only oversteps the bounds of normative aveilut but is also considered to be foolish! What is going on here? [5]

It turns out that we are not the only ones who mourn (or have mourned) excessively. We know that Ya'akov Avinu mourned for twenty-two years for (what he believed was) the loss of his son, Yosef [6]: "Then Ya'akov rent his garments and placed sackcloth on his loins; he mourned for his son many days. All his sons and all his daughters arose to comfort him, but he refused to be comforted." [7] This is an outright contradiction to the halachic principles mentioned by the Rambam! How can it be that Ya'akov, one of the most righteous men to walk the earth, refused to be consoled, in stark opposition to the demands of halacha?

The answer lies in a distinction between normative aveilut and the aveilut of Ya'akov Avinu. This distinction is alluded to in the Midrash: "A person does not accept consolation over a living person whom he believes to be dead (savur sh'meit), for a [Divine] decree has

been issued over one who has died that he be forgotten from the hearts [of the living], but this decree is not [issued] over one who is still alive." [8] The simple meaning [9] of this statement is as follows: one cannot be consoled over the death of a loved one until he has undergone yei'ush – until he has given up hope. The mourner must know and feel with absolute certainty that the person is dead and won't be coming back. When a person loses a loved one, he intellectually knows that that person is dead, but emotionally, his love still reaches out for that person. When he (emotionally) realizes that the person is no longer there, he becomes incredibly frustrated and distressed. The gap left behind by the deceased creates a gap between the mourner's mind and his heart, generating intense feelings of anxiety, confusion, and depression. Mourners tend to go through this intellectual/emotional battle for a period of time after the death, but eventually, their emotions catch up with their intellectual realization that the person is dead. Only then do they truly give up hope in both their minds and their hearts. Only then can they fully be consoled, and continue on with their lives.

Now we can see the distinction. Ya'akov's case was different. He could not be consoled. Why not? Because he had not given up hope. He was only believed that Yosef was dead, but he didn't know with complete certainty. He lacked that absolutely conviction necessary for the intellectual confirmation. If a mourner knows in his mind that his loved one is dead he may struggle emotionally, but his heart will eventually catch up with his mind. Emotional acceptance will eventually follow intellectual acceptance. But if a person lacks that intellectual conviction, consolation is impossible. As long as there remains room for doubt – even a remote possibility that the person is still alive – the mourner will invest his entire mind and heart into that possibility and refuse to let it go. The emotional acceptance will never come because the intellectual acceptance never took place. That is why Ya'akov's aveilut exceeded the normative boundaries of halacha. He was unable to be consoled because his mind had never fully accepted Yosef's death. To summarize, there are two objectives accomplished by mourning: 1) honor for the deceased, 2) closure for the living. The process of aveilut helps the living recognize and acknowledge the tragedy that has occurred, and helps them get over it. So long as that second step remains unfulfilled, the process of aveilut

can never end.

Back to Tishah b'Av. The Shulchan Aruch writes, "We do not say tachanun (Rema: or selichot) on Tishah b'Av and we do not fall on our face in supplication because Tishah b'Av is described as a moed (festival)." [10] This is a very strange phenomenon indeed. On Tishah b'Av we cry, mourn, afflict ourselves with fasting and the other four forms of affliction, refrain from studying Torah, refrain from donning festive clothing, and deprive ourselves of nearly every single pleasure – yet, we modify our observance of Tishah b'Av because we recognize it as a partial moed. Why should this be? It would be understandable if we made it a point to omit all moed-aspects until the arrival of Moshiach, when all fast-days will be nullified and celebrated as festivals [11]; that way, we would be drawing a full contrast between now (exile) and the future (redemption) . . . but that is not our practice. Instead, we take two completely antithetical themes – joyous moed and mournful fast – and bend over backwards to make sure both aspects are demonstrated and acknowledged. Why do we do this? Why try to uphold this paradox of including aspects of moed on a day of nation-wide mourning?

The Aruch haShulchan provides an insight into this conundrum. He explains that we refrain from reciting tachanun as a demonstration of our faith in the redemption. [12] Based on our understanding of Ya'akov's aveilut, we can understand the paradox. Our aveilut, like that of Ya'akov Avinu, oversteps the time-boundaries of normative halachic aveilut. Ya'akov continued to mourn because he could not be consoled. Why not? Because he had not yet given up hope over his situation. The same is true for us. The reason why we continue to mourn is because we have not given up hope over our situation. We fully trust in Hashem's promise that He will redeem us from our exile. We know that the exile is only temporary, and that the redemption can come at any moment. In fact, we are better off than Ya'akov. He was only *savur sh'meit* – he just thought that there might be hope. We know that there is hope, because Hashem has given us His promise!

Now our previous problem can be resolved. The clash of moed and aveilut on Tishah b'Av is no paradox. In fact, quite the opposite is true. By observing the moed characteristics of Tishah b'Av, we are demonstrating the reason why we continue to mourn and why we can't accept consolation: we can't be consoled precisely because we haven't

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given up hope! We have refused to be consoled for nearly two thousand years because we have not given up hope. We know that Hashem will redeem us.

Now we can fully appreciate the statement: "Whoever mourns for Jerusalem will merit to see its rejoicing, and all who do not mourn for Jerusalem will not see its rejoicing." Why does a person who mourns deserve to be redeemed? Because the fact that he continues to mourn is a demonstration of his conviction in the redemption! Conversely, one who does not mourn demonstrates the fact that he has "gotten over it;" by not mourning he is demonstrating that he has given up hope of redemption. Since he has demonstrated a lack of faith in the redemption and the rebuilding of Jerusalem, he does not merit to see its rejoicing □

[1] Masechet Ta'anit 30b

[2] Rabbeinu Moshe ben Maimon (Rambam / Maimonides), Mishah Torah: Hilchot Aveilut 13:10

[3] Sefer Yirmiyahu 22:10

[4] Rabbeinu Moshe ben Maimon (Rambam / Maimonides), Mishah Torah: Hilchot Aveilut 13:11

[5] At this point, Rabbi Fox made it clear that he was not in any way denegrating the aveilut on Tishah b'Av. He said that all of the mourning practices on Tishah b'Av make perfect sense, and that he is merely questioning the fact that the aveilut of Tishah b'Av deviates from normative halachic guidelines.

[6] Rabbeinu Shlomo ben Yitzchak, Commentary on Sefer Bereisheet 37:34

[7] Sefer Bereisheet 37:34-35

[8] Cited by Rabbeinu Shlomo ben Yitzchak, Commentary on Sefer Bereisheet 37:34 from Bereisheet Rabbah 84:21; see also Masechet Pesachim 54b

[9] Rabbi Fox explained that although the term "decree" sometimes refers to miracles, that simply cannot be the case here. If this were a miraculous phenomenon, then Ya'akov should have known that Yosef wasn't dead from the fact that he was still sad after a year had passed. Furthermore, if this phenomenon were miraculous, we wouldn't have to worry about agunot (an agunah is a woman whose husband is believed to have died, but his death is not confirmed. She cannot remarry until it is established for a fact that her husband is dead). All you would have to do is ask the agunah, "Are you still sad?" and if she answered negatively, you could just say, "Yup! He's dead!" Obviously, if this phenomenon were miraculous, we wouldn't need the entire halachic process of establishing the death of the husband and we would never have to worry about agunah problems. Thus, the Midrash must be referring to a psychological phenomenon.

[10] Rav Yosef Kairo, Shulchan Aruch: Orach Chaim 559:14

[11] Rabbeinu Moshe ben Maimon (Rambam / Maimonides), Mishah Torah: Hilchot Ta'anit 5:19

[12] Rav Yechiel Michel Epstein, Aruch haShulchan: Orach Chaim 559



Tishah B'Av

RABBI MOSHE BEN-CHAIM

Talmud Sanhedrin 104b states God's sentiment, "You cried an unwarranted cry, (therefore) I will establish for you a cry throughout the generations." The Rabbis suggested this was God's sentiment addressed to the Jews on the ninth of the month of Av - Tisha B'Av - when they cried at the news of the spies. The spies spoke against God's promise that He would conquer the land of Canaan - Israel. The spies incited a riot, declaring they could not compete with the inhabitants, despite God's age-old promise to Abraham. The Talmud says that as a response, God established Tisha B'Av as a day of crying for many years to come.

Many questions emerge. Why would future generations pay the price a former generation's sins - didn't God punish that former generation with 40 years in the desert? If so, why is additional crying necessary? How is a crying for many generations justified - why not just one generation? What was the sin of the spies, and of the Jews? What is meant by you cried an "unwarranted cry"? And finally, we are taught that the latter generation's sins of immorality and baseless hatred are what

brought upon us the destruction of both Temples respectively - not the sin of the spies. So which is the cause for the mourning of Tisha B'Av?

Our first step is to note that the Talmudic statement does in fact tie the sin of the spies and the Jews' cry, to both Temples' destructions, "You cried an unwarranted cry, (therefore) I will establish for you a cry throughout the generations." The Rabbis teach there is a direct relationship. We must analyze the sin of the Jews' cry.

Why did they cry? They did so out of a fear of destruction. This fear was caused by their estimation of their enemy's unmatched strength. But the Jews failed to include one more essential element into their military equation; God's promise. The Jews' cry was baseless, as they were already guaranteed victory, despite the strength of their opponent. God's word should have been all that they heeded. As we read on Mincha of fast days, "As the heavens are higher from the land, so also is My way higher than yours, and My thoughts from your thoughts." (Isaiah, 55:9)

Digging deeper, we discover that "tragedy" is

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directly proportional to one's sense of the good. If 'A' is greater in importance than 'B', the loss of 'A' is a greater tragedy, than the loss of 'B'. In other words, God was saying that with your cry, you display you value system - and your system does not include Me. This must be corrected. A life where God is not part of our daily considerations, is not the life God planned for man. He didn't give us intelligence to gather riches, create fame, or overly indulge in pleasures. The gift of intelligence has but one aim; knowledge of the Creator. What is God's remedial action? The destruction of both Temples, on the same date. How does this address the problem?

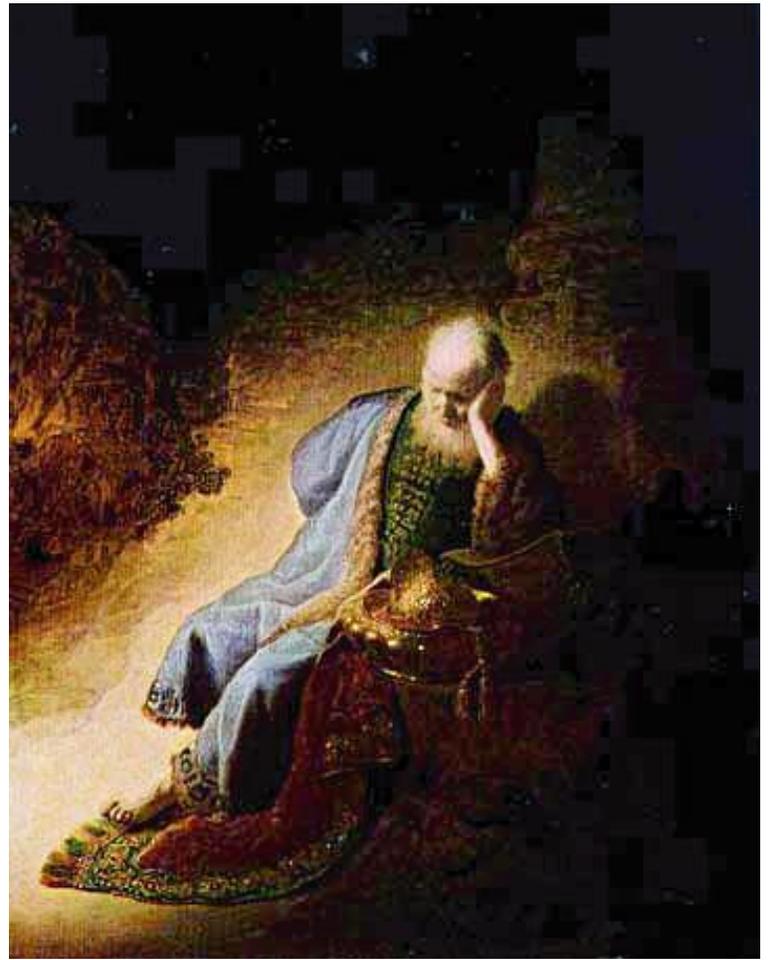
What is "Temple"? Without understanding its purpose, we cannot mourn its loss. According to Sforno, the Temple was given as a response to the Golden Calf. Since the Jews displayed a distorted approach to God (they did not say the Calf was God, but only a means to reaching Him), their corruption required a fix. Temple came to redirect man's approach to God. The Temple's presence indicates God's continual acceptance of our worship, and thus, His providence over the nation. Its destruction indicates God's absence.

The Jews cried over their imagined defeat, had they attempted combat against Canaan's inhabitants. They discounted God's guarantee of success. In response, God destroyed the Temples to correct a few errors: It's destruction indicated that His absence is what the Jews should view as a true loss. God is the most essential factor for one's happiness. During the epoch of the spies, the Jews did not view God's promise as a

reality, as much as their own prowess. Therefore, God used Temple - His 'presence' - as an indicator that herein lies the greatest factor in our lives. But how would the Jews accept that this destruction is God's will? Primarily by the element of duplicate dates. Both Temples fell on the ninth of Av. This cannot be coincidence. God must have executed this judgment. Not only that, but this devastation recalled the spies' crime committed on this date - the Jews reliance on "self", and omission of God from their view of reality.

It is true, that latter crimes of immorality and baseless hatred demanded punishment in themselves, without the sin of the spies. But perhaps the exact punishment of the Temples' destruction, and on duplicate dates, would not have been the selected measure, had the spies never sinned. The Talmud's exact words "I will 'establish' crying throughout the generations", might be understood as God fixing a date alone, not the nature of the punishment. The date was determined by the spies, while the punishment, by latter generations. The Marshah however disagrees with this theory, stating that based on the spies and the Jew's cry alone, was the date fixed, and the Temples were marked for destruction.

Even subsequent to the 40 year term in the desert, this corruption in the Jews was not yet removed. Certainly the original offenders have passed on. The Temples' destructions can only address latter generations. We are forced to conclude that remnants of the original sin are still cleaved to by their descendants - by us today. Even during the times of the



Talmud, the Talmud says that latter generations lacked faith in God's ability to provide, so they worked most of the day, and learned little, instead of the Torah's prescription for the exact opposite. Man still limits his equations to natural law, disbelieving that which does not compute based on cause and effect. But Chanina ben Dosa displayed the correct philosophy. His daily activities included the possibility of God's assistance. He did not rely on miracles, which we must not do. But he also did not rely on his own knowledge as the sole determinant of how a successful life is achieved. He knew of God's unlimited abilities, and His wish for man to learn, above all else. Chanina ben Dosa's learning taught Him of belief in God, and this was not an abstract belief, but one by which he lived each day.

God wills the best life for man. If man has shortcomings, it is addressed by God's mercy. Our

shortcomings today begin with a lack of Torah study, which will teach us the proper way the world operates, what to value, and how to achieve happiness. It is outright foolishness for man to continue in the sin of the spies, to abandon the one invaluable tool - Torah knowledge - that can open doors which as of yet, remain closed to many, and prevent man from working within God's reality instead of fighting it, all for temporal wealth, fame, or lust.

To mourn for the Temples' losses properly, we must first realize the loss we all suffer from an incomplete Torah system, one if sustained today, would offer us the most rewarding and enlightening existence with God's providence, unparalleled by anything else you can imagine. "All desirous things do not compare to her (Torah)". (Proverbs, 8:11)

"Return to Me, and I will return to you." We must take the first step. ▣