

## Sometimes, *Tora* Study is not an Option

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*Parashat Devarim, 5768, Erev Tisha B'Av*

The build-up to *Tisha B'Av* gradually intensifies.<sup>1</sup> First, we enter the Three Weeks beginning with the communal Fast on *Shiva Asar B'Tamuz*. This period of moderate mourning is followed by the more intense, sadder period marked by the advent of the Nine Days, beginning with *Rosh Chodesh Av*. Then there is the escalation of *Shavua SheChal Bo* (the week during which *Tisha B'Av* takes place). Even the *Shabbat* prior to *Tisha B'Av*, when ordinarily we take such great pains at not giving public evidence of personal mourning or explicitly worrying about weekday concerns, becomes permeated with the *Tisha B'Av* mood: *Lecha Dodi* is sung to the tune of *Keili Tziyon* (the concluding dirge recited on *Tisha B'Av* morning); during the *Tora* reading for *Parashat Devarim* which always occurs on *Shabbat Chazon*, the *Shabbat* immediately prior to *Tisha B'Av*, *Devarim 1:12*, whose first word is "*Eicha*",<sup>2</sup> is read with the *Trop*<sup>3</sup> associated with the book of *Eicha*; and the *Haftora* for *Parashat Devarim*, which is taken from the first chapter of *Yeshayahu*, lending its first word to the manner in which this *Shabbat* is referred in *Halachic* literature,<sup>4</sup> i.e., "*Shabbat Chazon*", also is intoned with this haunting melody whenever the prophet mentions sin and destruction.<sup>5</sup> Rather than "sneaking up upon us" *Tisha B'Av* seems to inexorably approach until it finally encompasses us all about.

One of the few verses in *Parashat Devarim's Haftora* that is **not** read with the *Eicha Trop*, since, rather than conveying foreboding and danger, it offers instruction regarding how to either **avoid** all of the dire predictions that have been made for the Jewish future, or to **restore** what has been lost via our intransigence and sinning, is verse 17:

*Yeshayahu 1:17*

1) Learn to do good, 2) pursue justice, 3) make happy the oppressed,  
4) render judgment on behalf of the orphan, 5) take up the disputes of the widow.

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<sup>1</sup> See *Shulchan Aruch, Orech Chayim 551-2*.

<sup>2</sup> the same word that gives *Yirmiyahu's* Lamentations read on *Tisha B'Av* evening its Hebrew name,

<sup>3</sup> The cantillation of the various books of *TaNach*.

<sup>4</sup> "**Chazon** *Yeshayahu ben Amotz Asher Chaza Al Yehuda VeYerushalayim Bimai Uziah, Yotam, Achaz, Yechekiyahu, Malchei Yehuda.*"

<sup>5</sup> Verses that describe reconciliation or means by which *Teshuva* can be effected, are read with the regular *Haftora* cantillation. This follows the pattern employed for the *Tora* reading in *Parashat BeChukotai*, one of the *Parashiot* containing the *Tochecha* (God's stern Rebuke of the Jewish people.) However, in the case of the *Tora* reading itself, instead of changing the *Trop*, the custom is to read those verses describing the horrible punishments that are in store for those not fulfilling the *Tora's Mitzvot*, in a low voice, reading the words quickly. The normal style of reading is resumed for any verses that describe positive rather than negative aspects of our relationship with *HaShem*.

The latter portions of the verse (phrases 2-5) reflect the prophetic assumption found in many prophecies throughout *TaNach*, that certain elements of even Jewish society,<sup>6</sup> specifically the poor and the weak, are often treated poorly; consequently, if the moral and ethical standards of a community are to be improved in order to win favor in God's Eyes, it is appropriate that the lot of these exploited cohorts be improved, before attention is paid to the needs of the rich and powerful. In light of such an understanding of the verse, the first phrase (1), "Learn to do good", could be viewed as the overarching value under which the succeeding elements of the verse are subsumed, i.e., doing good entails: 2) pursuing justice, 3) lifting the spirits of the depressed, and 4)+5) guaranteeing fair treatment for the downtrodden.

However, even if we accept the idea that it is important "to learn to do good", we are not told **how** one comes to be sensitized and educated in these matters. Particularly if the community in question has become as corrupt as the prophet suggests, there probably are not a great number of role models whose examples can be emulated<sup>7</sup> or governmental policies that can be either expanded or reproduced.<sup>8</sup> It is possible that when "goodness", is not readily observable in one's environment, what is referred to at the beginning of 1:17 is "book learning" in general, and *Tora* learning in particular. *Chofetz Chayim*, in his book on the spiritual significance of carefully avoiding engaging in *Lashon HaRa*,<sup>9</sup> cites the following passage from the *Talmud*:

Archin 15b

R. Chama *bar* Chanina said: What is the remedy for the **slanderer**? If he be a **scholar**,<sup>10</sup> let him engage in the *Tora*, as it is said, (*Mishlei* 15:4) "The healing of the tongue is the tree of life," and "tongue" here means the evil tongue, as it is said, (*Yirmiyahu* 9:7) "Their tongue is a

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<sup>6</sup> One would like to think that Israel's role as "*Ohr LaGoyim*" (a light unto the nations) would inspire the Jewish people to maintain high standards of social justice. However, from the rebukes of the prophets, we see that this was often not the case. The destructions of the two Temples and the exiles that resulted further demonstrate that even Jewish society often fell far short of Divine Expectations.

<sup>7</sup> One Rabbinic commentator asserts that *Avraham's* proposal that were there 10 righteous people to be found in Sodom and Amora, the cities ought to be saved, was with the understanding that this critical mass of righteous individuals would live within the heart of the society and attempt to change it. Otherwise, why should the corruption be preserved just because of the mere existence of a group of *Tzaddikim* who separate themselves from everyone else?

<sup>8</sup> In an earlier verse of the *Haftora*, *Yeshayahu* 1:10 refers to the leaders of the Jewish society which he is addressing as "*Ketzinai Sodom*", (the officers of Sodom), i.e., these individuals are equivalent to the leadership of the most corrupt municipalities in Biblical literature. The public policies of Sodom and Amora as described in *Sanhedrin* 109 are mean-spirited and a mockery of what one would imagine a just society to be.

<sup>9</sup> *Chafetz Chayim* subsequently devotes an entire section (*Shmirat HaLashon, Sha'ar Gimel*) to the importance of *Tora* learning in order to accomplish improve moral conduct.

<sup>10</sup> The *Talmud*, by inserting the conditional clause, "If he is a scholar..." acknowledges that not all individuals will be open to changing their behavior based upon what they study in a text. By implication, the true scholar not only is knowledgeable, but will act upon what he knows as soon as he has studied something with which he was not previously familiar. In the event that there are areas of behavior that for some reason such an individual has overlooked in his studies, study of these topics holds out the promise for change not only vis-à-vis the person himself, but also for those with whom he comes in contact.

sharpened arrow...”; and “tree of life” means the *Tora*, as it is said, (*Mishlei* 3:18) “She is a tree of life to them that hold onto her.”<sup>11</sup>

In this sense, *Tora* study is viewed as having the potential to not only wean a person away from *LaShon HaRa* in particular, but, by extension, all sorts of other negative character traits and behaviors as well. This is how I have always understood one of the central foundation principles of *Halacha* as articulated by *RaMBaM*:

*RaMBaM, Mishneh Tora, Hilchot Temura 4:13*

...And most of the laws of the *Tora* are nothing other than powerful advice to repair/improve character traits and to straighten all actions...<sup>12</sup>

It stands to reason that if carefully adhering to the laws of the *Tora* is intended to have such a beneficial effect upon a person, the study of these laws will only add to the individual’s depth of understanding and appreciation of the tenets and Commandments of his religion. And when such study is sufficiently wide-spread throughout the Jewish community, there is hope that Jewish society’s spiritual and ethical levels will be continually refined. Thinking about *Tora* study in this manner sheds important light upon the directive that *HaShem* Gives to *Yehoshua* prior to the latter’s leading the Jews in capturing Yericho:

*Yehoshua 1:8*

This book of the *Tora* should not depart from your mouth, and you should occupy yourself with it day and night, in order that you observe to act in accordance with all that is written in it, because then you will succeed in your ways and then you will come to understanding.

*Tora* study therefore is seen as an important component for the heightening of moral and ethical sensitivity to the point where the world will very much increasingly approach *HaShem*’s original goals when He Undertook the Creation and Said that everything was “very good”.<sup>13</sup>

In light of the important role that *Tora* study can be understood to play in developing the moral and spiritual character of the adherents of Judaism, it is striking to note that on two days each year, such study is either completely precluded or severely restricted for at least parts of the Jewish people. What rationales are given to explain these restrictions placed upon an obvious and vital cornerstone of Jewish living? One such day when *Tora* study is prohibited among

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<sup>11</sup> The antecedents of the pronoun in this verse being *Mishlei* 3:13, “*Chachma*” (wisdom) and “*Tevuna*” (understanding), terms equated with *Tora*, the source of all wisdom and understanding.

<sup>12</sup> I would contend that not all *Tora* study will have such results. Consequently, careful choice of what to study should be undertaken. See my “Vision of Modern Orthodox Education” at <http://my.mli.org.il/visions/articles/Newsletter/open/Bieler.pdf> fn. 31.

<sup>13</sup> *Beraishit* 1:31.

some Jewish communities is Christmas eve, known in *Halachic* literature as “*Nitel*”<sup>14</sup> or “*Nitelnacht*”. A commentator on Jewish customs accounts for this specifically Ashkenazic<sup>15</sup> practice as follows:

R. Y. Sperling, *Ta’amei HaMinhagim U’Mekorai HaDinim*, p. 500.

The reason why some do not engage in *Tora* study on the night of “*Nitel*” is because in an earlier period, the persecutors of the Jews would lie in wait for them and attack them on that night wherever they would find them outside or in the street and inflict upon them merciless beatings, sometimes resulting in death. The masses thought that such a practice was a religiously virtuous act. Therefore the Rabbinic leadership decreed upon the teachers and students as well as the *Yeshiva* students that they sit alone in their homes on this night and that they not go outside.

Others have explained the custom as reflecting an attempt by Jews to despiritualize the day as a response to the manner in which it is commemorated by the Christian majority. Consequently, with regard to this first example, either because of practical considerations of *Pikuach Nefesh* (saving lives) or the inherent symbolism (as opposed to any specific cognitive content) of *Tora* study and its role of conferring to an occasion Jewish religious significance—e.g., the addition of a *Dvar Tora* or *Tora* invocation to events which otherwise might be devoid of religious meaning—was viewed as having greater importance than aspiring to the ideal articulated in the book of *Yehoshua* of constant and regular study.

The second instance of restricted *Tora* study occurs on *Tisha B’Av*. In contrast to an Ashkenazic custom dating from the medieval period, this restriction stems from a pronouncement in the *Talmud* that is subsequently incorporated in *Halachic* codes and applies to all Jewish communities.

*Ta’anit 30a*

The Rabbis taught: All *Mitzvot* that apply to the **mourner**, apply (to everyone) on *Tisha B’Av*.

While one can understand why an individual who has suffered the loss of a close relative has to focus on what has happened, and not be distracted by study of even the *Tora*, it is more difficult to comprehend this restriction on *Tisha B’Av*. Particularly in light of the *Talmud*’s contention in *Yoma 9b* that the Second Temple was destroyed because of *Sinat Chinam* (needless hatred), anything that can help

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<sup>14</sup> One theory is that the name is derived from the Latin “*Natalis*”.

<sup>15</sup> *Otzar Minhagei Chasidim—Darchei Yoel* (quoted in Daniel Sperber’s *Minhagei Yisrael*, Vol. 3, p. 95, fn. 68\*) notes that Sepharadim do not engage in this custom at all. (In Moslem countries, Christmas eve was not widely celebrated.)

alleviate social and spiritual problems within the society should be encouraged rather than precluded!<sup>16</sup>

The *Talmud* goes on to state that the reason why most forms of *Tora* study is incongruous with mourning is reflected in a verse from Psalms:

*Tehillim* 19:9

The Commandments of HaShem are just, **they cause the heart to rejoice**; the Commandments of HaShem are clear, they brighten the eyes.<sup>17</sup>

Just as in the case of the custom associated with “*Nitel*”, it is not the *Tora* per se that is off-limits, but rather ancillary aspects of *Tora* study, i.e., the danger to which such study might expose its practitioners, or the spiritual significance it might convey regarding the celebrations taking place among those practicing other religions, so too with regard to *Tisha B’Av*, it appears to be the general emotional state that is elicited while one is studying *Tora*, rather than the content of what is studied, that is viewed as inappropriate during this day of national mourning for the destructions of the First and Second Temples. And the *Halacha* is consistent with such a rationale when the *Talmud* notes that certain parts of *Tora* **can** be studied on *Tisha B’Av*, since the terrible nature of the subject matter will more than mitigate any joy that otherwise might be experienced via the act of study:

*Ta’anit* 30a

...And it is prohibited to “read” *Tora*, Prophets and Writings (the elements in the Written Tradition) and to “study” *Mishna*, *Talmud*, *Midrash*, Laws and *Aggadot* (manifestations of the Oral Tradition). But one may “read” *Kinot* (the Rabbinic reference to the book of *Eicha*), *Iyov*, and the terrible things in *Yirmiyahu*.<sup>18 19</sup>

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<sup>16</sup> It is notable that the same *Talmudic* source says that *Sinat Chinam* was present, despite the fact that “*SheHayu Oskim BaTora U’Mitzvot U’Gemilut Chasadim*” (that they were engaged in *Tora* study, performance of Commandments and acts of kindness), suggesting that *Tora* study might not be the antidote to various types of social malaise. I would contend that *Tora* study could focus on esoteric subjects that the student does not see as being immediately relevant to his personal life, as opposed to topics that very much concentrate upon *Midot* (personal characteristics) and *Mussar* (ethical behavior). Consequently, generic *Tora* study will not necessarily result in significant changes in deportment and religious sensitivity; the *Tora* study which has the potential to cause repentance and changes in attitude regarding how to relate to others might be very specific and focused.

<sup>17</sup> The *Talmud* attributes to King David a parallel sentiment in another verse from Psalms:

*Sota* 35a

Rava interpreted: Why was David punished? (This is a reference to the tragic incident where Uza dies during the transporting of the Ark—see *II Shmuel* 6.) Because he referred to the words of *Tora* as *Zemiroth* (songs), as it is said, (*Tehillim* 119:54) “Songs were your Commandments to me in the house of my sojourning.” (Whereas the emphasis in this *Talmudic* passage is upon how focusing upon the esthetic elements of the words of *Tora* can cause a person to “miss the point” and not take them as seriously as they should be regarded, nevertheless David is again asserting that he achieved a state of personal joy when engaged in *Tora* study.)

While *Mussar* and *Tochecha* could be indirectly implied by these texts that describe what has befallen the Jewish people as a result of their non-compliance with God's Directives, i.e., if this has happened because of our transgressions, then we must repent and improve to assure that these horrors are not repeated, I would suspect that in most cases, the student studying the permitted texts on *Tisha B'Av* will simply dwell upon the depressing tableaux rather than deriving personal lessons from what has taken place.

In addition to the *Talmud's* undisputed exception with respect to the subject matter that is studied on *Tisha B'Av*, a second possible exemption is debated by the *Tannaim*:

Ibid.

(*Tanna Kamma*, R. Meir) But he can "read" subject matter that he is not accustomed to read, and "learn" subject matter that he is not accustomed to "learn".

R. Yehuda says: He can't even "read" subject matter that he is not accustomed to read, and he can't "learn" subject matter that he is not accustomed to "learn."

In other words, R. Meir believes that even material that is in and of itself not sad, mournful and depressing, as long as one is unfamiliar with it and the texts require struggle to understand and decode it, since a significant amount of frustration and uncertainty is inevitably going to result from such an experience, such activity is very much in the mournful spirit of *Tisha B'Av*. Failing to understand a *Sugya* in the *Talmud* or a passage in *TaNaCh* generates the same existential feelings of helplessness and inadequacy that the physical destruction of one's surroundings and subsequent exile engenders and in this manner the student vicariously experiences the travails of the Jews during the *Churban* (destruction). R. Yehuda's contrary view suggests that *Tora* study is process- rather than product- oriented. Consequently, even if at the end of the day one does not understand what he has studied, the joy and excitement generated by the attempt to decipher and comprehend the material is exhilarating and therefore not in the spirit of the day.

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<sup>18</sup> Just as in the case of *Parashat Bechukotai*, *VaYikra* 26, where only those verses that deal with punishment and destruction are read quickly and in a low voice, as well as the *Haftora* of *Shabbat Chazon*, *Yeshayahu* 1, where only selected verses are read with the *Trop* of *Eicha*, so too only certain parts of the book of *Yirmiyahu* are permitted since they are in keeping with the mood of mourning that should pervade *Tisha B'Av*.

<sup>19</sup> *Aruch HaShulchan*, *Orech Chayim* 553:5 views the three books that the *Talmud* explicitly mentions, i.e., *Eicha*, *Iyov* and portions of *Yirmiyahu*, as examples of permitted material rather than an exclusive list. Consequently he adds that it would also be acceptable to study discussions in the other Prophets of calamities that will befall the Jewish people, *Midrash Eicha*, the laws of mourning in the chapter "*Eilu Megalchim*" (*Moed Katan*, Chapt.3) and commentaries on *Eicha* and *Iyov*. R. Soloveitchik (*He is Righteous in All of His Ways*, ed. R. J. Schachter, *Torat HaRav* Foundation) has explained that it is specifically by learning in depth that the full horror of the events can be appreciated. Consequently, his custom was to extensively study and discuss the *Kinot* throughout *Tisha B'Av*.

While R. Meir's argument is not ultimately accepted, at least his approach allows for the study of moral and ethical texts that according to our original premise would carry with it the potential for substantive change in our religious and ethical deportment. Perhaps the *Halacha* ultimately assumes that if an individual truly comprehends the nature of the disaster that has befallen the Jewish people and continues to bedevil them to this day, unless the subject matter adds to the sense of loss and dismay, *Tora* study is counter-productive and serves only to divert our attention from our miserable situation, identical to the stance of the mourner for a personal loss.

An article appeared in *Yediot Achronot* on August 8<sup>th</sup>, entitled "*Tisha B'Av: Hidabrut BaMakom Limud Tora*" (Exchange of views in place of *Tora* study). It describes the eighth year of a program entitled "*HaLayla Lo Lomdim Tora*" (tonight *Tora* is not studied). In six locations throughout Israel, public meetings are held with panels made up of Rabbis, politicians, academicians, writers, journalists and other communal leaders. The goal is for representatives of different groups and factions who might harbor "*Sinat Chinam*" for one another due to a lack of communication and over-all good will, be afforded the opportunity to interact and strive to reach positive understandings of one another's positions. Apparently, even if one is not studying *Tora*, there are other ways by which we can try to improve our communities and attitudes towards one another. Hopefully we too can creatively devise contexts by which through *Tora* study and other initiatives we can finally deserve the construction of *Bayit Shlishi* (the Third Temple.)