

Parshas Va'eschanan

by **Rabbi Baruch Bodenheim**
Rosh Yeshiva

Shabbas Nachamu/Tu B'Av - Starting Anew

My paternal grandparents were both born and raised in Germany prior to World War II. My grandmother miraculously survived Auschwitz. After the war, she made her way to relatives in Antwerp, Belgium. Fortunately, my grandfather had immigrated to America in 1938, but he was drafted into the US army in 1943. He served overseas and remained stationed in Europe after the war, first as a translator in the DP camps and later as a translator for war crimes trials.

My grandparents met in Antwerp and got married in 1946. Their wedding was in the Eisenman Shul, a small synagogue in Antwerp that was inside a courtyard and not visible from the street. It was one of the only shuls not destroyed by the Nazis. In fact, they were the first couple to get married in the shul after the war. It was a source of great joy for them and for the community, as the new couple symbolized the rebuilding of the Jewish people.

This Shabbos is referred to as Shabbas Nachamu, after its Haftarah which opens with the words, "*Nachamu nachamu ami*," with Hashem telling the prophets, "Go comfort My nation."¹ All the commentaries ask what comfort was there when we were still bereft of the Beis HaMikdash and still living in a state of destruction and exile?

I believe the explanation lies in the mystery of Tu B'Av, which will take place on Wednesday this week. The Mishnah² says that the greatest of the Yomim Tovim (holidays) in the Jewish calendar are Tu B'Av and Yom Kippur. The Gemara³ asks that while it is understandable why Yom Kippur is an incredible Yom Tov, as it is a day of forgiveness, what is the reason for the Yom Tov of Tu B'Av? The Gemara goes on to give six different seemingly minor reasons.

The Chiddushei HaRim⁴ elaborates on the celebration of Tu B'Av. A person who sits shiva for a loved one gets up from shiva on the seventh day. Tu B'Av is the seventh day from Tishah B'Av. In effect, Tu B'Av is the day we get up from sitting shiva for the Beis HaMikdash. It is the day that we restart and move forward.

Yom Kippur also represents the concept of starting anew and moving forward. It is the day we are forgiven for our sins. This gives us the ability to move on, no longer being weighed down with our past misdeeds.

The same Mishnah says that Tu B'Av and Yom Kippur were designated for making *shidduchim*, matching men and women for marriage! Shidduchim signifies moving forward and rebuilding. We see this in the Gemara⁵ which says that whoever makes a *chasan* and *kallah* merry, it is as if they rebuilt one of the ruins of Yerushalayim.

Thus, both of these days are great holidays, as they are days that signify a fresh start and future. The Mishnah concludes with a pasuk in Shir HaShirim, "Go out and rejoice the daughters of Tziyon...on the day of His wedding and the day of the joy of His heart."⁶ The Mishnah states that the wedding is a reference to the Giving of the Torah, which was considered like a marriage of the Jewish nation to Hashem. The day of the wedding alludes to Yom Kippur, as it was the day Moshe came down with the second Luchos (tablets). The second Luchos represent starting anew; Hashem was giving us a second chance.

The Mishnah goes on to say that the "day of joy" refers to the rebuilding of the Beis HaMikdash. The Maharsha says that this alludes to Tu B'Av. The greatness of Tu B'Av is the power to rebuild, which eventually will culminate with the rebuilding of the third Beis HaMikdash.

The comfort of Shabbas Nachamu and Tu B'Av is the belief that Hashem is giving us, the Jewish nation, the opportunity to rebuild and start anew. We do this by taking the lessons we learned from Tishah B'Av and building on their foundation. This is especially demonstrated by the fact that when Hashem destroyed the Batei Mikdash, He did not destroy the Jewish people, rather He gave them the opportunity to do Teshuvah and make progress in their relationship with Him. May we indeed merit to see the rebuilding of the Beis HaMikdash speedily in our days!

1 Yeschayahu 40:1
2 Taanis 26b
3 Ibid. 30b
4 Tu B'Av
5 Berachos 6b
6 Shir HaShirim 3:11

Halacha in the Parsha – Parshas Va'eschanan Saying Krias Shema on Condition

by Rabbi Berel Steinerman

In this week's Parsha, we find the Torah's commandment to recite Shema twice a day. The Torah limits the time for the mitzvah to be "בשכב ובקומך" (Devarim 6:7), when you lie down and get up. The Gemara (Brachos 9b) writes that this time in the morning is until 3 hours into the day. After that, it is just like reading Torah. This presents a common problem. Many times on Shabbos morning, we fear that, due to the extended nigunim, we might miss the zman of Shema. The Magen Avraham holds that this zman falls earlier in the morning, while the Gra has it later. One who says Shema early is covering himself for the stricter, earlier view. Should one say Shema earlier, and for sure make the zman, but miss saying it with its brachos, or wait until later to say it but risk missing the zman?

The Rema (Orach Chaim 46:9) records that one who is concerned he'll miss the zman should say the first pasuk with Baruch Shem before davening, so that he'll fulfill his obligation if the tefillah goes too long. The Mishnah Berurah (46:31) adds that one should do this only if one is concerned that he'll miss the time. Otherwise, it would be better to wait to say Shema with its brachos, as the Shema he uses to fulfill his mitzvah. He adds that if one is relying on the earlier Shema, he should say all three paragraphs of Shema then.

Rabbi Akiva Eiger (Hagahah on Magen Avraham 46:16) brings different advice. He records that one should say the earlier Shema on condition: if he makes the later zman, then the first reading should just be like reading Torah. If he misses the zman in the second reading, then he should fulfill his mitzvah with the first reading. He quotes the Avudraham cited by the Bais Yosef in Hilchos Sefiras Haomer (Orach Chaim 489) that allows one to make a similar condition when counting Sefirah early.

Some Acharonim raise issues with fulfilling a mitzvah on condition. Teshuvos Oneg Yom Tov (Teshuvah 3), brings the Gemara (Kesuvos 74a) that gives a rule: "Any act that cannot be delegated to a messenger cannot be done on condition." For example, one cannot make a condition on a chalitzah (the ceremony in which a widow whose husband died childless is released from the bond of yibum), since one cannot delegate a messenger to perform chalitzah on his behalf. This is learned from the condition Bnei Gad and Reuven made with Moshe when they were to join Bnei Yisrael's conquest of Eretz Canaan in order to get the portion across the Yarden, a condition that was in fact carried out through a messenger, as Yehoshua completed Moshe's part after he passed away (see Tosfos Nazir 11a, D"H D'havi Masna). Similarly, conditions can only be made on acts that could be delegated. Shema is a mitzvah shebigufo, a mitzvah done by one's own body, and cannot be delegated to a messenger. Accordingly, one should not be able to make a condition on it.

The Oneg Yom Tov explains the connection between delegating a mitzvah and making a condition on it. If an act can be delegated, that proves the action itself is not what produces the result, rather it's his ratzon, his will. For example, by Kiddushin a man can appoint a messenger to be mekadesh on his behalf, which shows the Kiddushin stems from his will, not the act alone. Because it rests on his will, he can attach a condition to it. On the other hand, Chalitzah takes effect through the action itself, so it can neither be delegated nor made conditional.

The Oneg Yom Tov adds that mitzvos should be similar to chalitzah. Since one cannot delegate a maysa mitzvah (the physical act that constitutes a mitzvah), this proves the action makes the mitzvah happen. Although we say that "mitzvos tzrichos kavanah," one needs to have intent while doing a mitzvah, still, one cannot make a condition in this kavanah, as the mitzvah takes place automatically when there is kavanah, and cannot be limited by a condition. Therefore, the Oneg Yom Tov argues on the Avudraham, and says that one cannot count Sefirah on condition. Once he counts with kavanah, the mitzvah takes effect automatically.

Rabbi Moshe Shternbuch (Teshuvos V'Hanhagos 1:54) brings a creative way that we can still have the tanai for Shema work, even according to the Oneg Yom Tov. Firstly, the Gemara (Pesachim 38b) writes that one can bake matzos to sell, and stipulate that they could either be used for lachmei todah (the loaves that accompany a thanksgiving offering) or matzos for Pesach. Even though we need kavanah for lishmah (that the matzah be made with intent for its specific purpose), one can stipulate that he'll decide later what lishmah he wants. The Aruch Hashulchan (Orach Chaim 60:4), based on Rashi (Brachos 13a), writes that it is enough for one to have kavanah for a generic mitzvah, and not a specific mitzvah. Rav Shternbuch connects this to the Gemara in Pesachim. Just as the baker's intent covers lachmei todah or matzos, one's kavanah can cover whichever mitzvah applies. One can stipulate his specific lishmah/kavanah later.

If so, says R' Shternbuch, we now have a way one can make the condition on Shema. As we mention, if one reads Shema and does not have intent to fulfill the mitzvah of Shema, he still fulfills the mitzvah of Talmud Torah. Even according to the Oneg Yom Tov, one can say "I intend to fulfill a mitzvah with this reading," but he can make a separate condition on which mitzvah. He should continue: "If I make the zman with the second reading, this reading should just be like Talmud Torah. But if I miss the zman later, this should be my Krias Shema I'm yotzei with." This is the heart of the matter: the condition does not determine whether he fulfills a mitzvah, but only which mitzvah he fulfills. This avoids the issue of one doing a mitzvah on condition, which the Oneg Yom Tov says that one cannot do. As the mitzvah here is unconditional, one fulfills it either way. The condition is only on what mitzvah he does, which one can change.

Returning to our original question, Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 6:1) recommends that one should be concerned for the earlier Zman of Shema of the Magen Avraham and daven then. However, he notes that many Minyanim daven later, and that one should say Shema on condition before davening, in case he misses the earlier Zman. According to Rabbi Moshe Shternbuch, the proper text of the condition is that if he fulfills his later Shema properly, this first one should be considered as Talmud Torah. This way, if he makes the Zman later, he will have fulfilled Shema with its Brachos properly, and turned the first reading into regular Talmud Torah. May we all be zoche to fulfill this Mitzvah and all Mitzvos in the most optimal way possible.

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