LEHRHAUS

Over Shabbos Devarim and Tishah be-Av 5778

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Grief, Gratitude and … Grapes? Tears on *Tishah Be-Av* as Tools of *Tikun* and Thanksgiving

Steven Weiner

Witnessing the *Kotel* Plaza on *Tishah Be-Av* afternoon jam-packed with worshippers lamenting "the citythat is … laid waste, scorned and … desolate without inhabitants" leads many to question the logic of tears on *Tishah Be-Av* in our times. I propose to shed light on the meaning and importance of our tears by examining a thread that connects *birkat ha-mazon*, *bikurim*, the righteous daughters of Tzelofhad, and the sin of the spies.

"Desirable" Land – Mysterious Adjective

Every time we enjoy a meal and recite *birkat ha-mazon*, we thank God for giving us a land that is "desirable, good, and spacious": *eretz hemdah tovah u-rehavah.* The Talmud (*Berakhot* 48b) states that one who does not praise the land of Israel with these words in the second blessing of *birkat ha-mazon* does not fulfill his obligation. Rambam (*Berakhot* 2:3), Tur (*Orah Hayim* 187) and others endorse this rule as authoritative.

Why are these particular kudos – desirable, good, and spacious – deemed so essential? Surprisingly, the Talmud does not seek or offer any source.

The phrase *eretz tovah u-rehavah* distinctly echoes God's promise to Moshe, at the scene of the Burning Bush, to liberate the Children of Israel from slavery and bring them to a "good and spacious land" (Shemot 3:8). *Talmidei R. Yonah* note this connection, and Meiri adds that this marks the first time that God promises *Eretz Yisrael* to Israel as a *nation*, i.e. after the era of the individual patriarchs. Evoking God's original promise of the land with the words *eretz tovah u-rehavah* fits perfectly in a blessing which expresses our thanks for the gift of the Promised Land.

So far so good: we have found a meaningful biblical source for "good and spacious." But the adjective *hemdah,* desirable, is much more puzzling. Nowhere in the Pentateuch is that word used to describe the land of Israel.

Talmidei R. Yonah cite Yirmiyah 3:19, which praises the land of Israel as *eretz hemdah.* However, they do not explain why that verse or word is particularly relevant to the context of *birkat ha-mazon.* Instead, *Talmidei R. Yonah* offer only a general suggestion that our blessing employs adjectives which the Bible uses to praise the land. But if that were the only selection criterion, there are other biblical kudos to choose from. Surely a more familiar praise like "flowing with milk and honey" would come to mind well before the obscure *hemdah*! Indeed, *Kaftor va-ferah*[1] (chap. 10) is troubled by this question and leaves it unanswered.[2] Moreover, the context of Yirmiyah 3:19 seems incongruously sad in a blessing of thanks. God gave us this desirable land, but we repaid Him with faithlessness. Why select an adjective of praise that is not only obscure, but carries with it such a dark association?

Shibolei Ha-leket (157) offers an alternative explanation for *hemdah,* later quoted by R. Yosef Karo (*Beit Yosef*, *Orah Hayim* 187) and others. According to Talmudic tradition, Joshua composed the second blessing in *birkat ha-mazon* upon his entry to Israel (*Berakhot* 48b). *Shibolei Ha-leket* suggests that having witnessed first-hand his great teacher Moshe's deep, unfulfilled longing to enter Israel, Joshua was moved to praise the land as an object of great desire — *eretz hemdah* — in humble gratitude for meriting to enjoy the produce of Israel, a privilege that his master sadly never shared.

I find *Shibolei Ha-leket's* explanation incredibly moving, particularly in our own days, when our nation has tasted our own version of what Joshua experienced. By God's grace, we have merited to once again walk the streets of a free Jewish Jerusalem – "a dream of hundreds and [of] thousands of years, a dream which many *gedolei Yisrael* did not merit to realize," as R. Aharon Lichtenstein poignantly wrote.

Nevertheless, as powerful as this interpretation of *eretz hemdah* feels, we may be bothered by the lack of a biblical source text corresponding to Joshua's supposed use of the phrase *eretz hemdah.* Can we locate a Biblical source for *eretz hemdah* that is also clearly pertinent in the context of *birkat ha-mazon*?

"They Scorned the Desirable Land"

I suggest that the phrase *eretz hemdah* in *birkat ha-mazon* alludes to the following verse:

> *Va-yimasu be-eretz hemdah; lo he-eminu lidvaro* (Tehilim 106:24).

Recounting the Sin of the Spies, the Psalmist laments that the Children of Israel "scorned the desirable land and did not trust His word."

Why is this verse, with its dark connotation, an appropriate reference for expressing gratitude in *birkat hamazon*? After all, the verse speaks explicitly of *rejecting* the land.

The power and poignancy of recalling our forebears' tragic scorn for *eretz hemdah* when we recite *birkat ha-mazon* will become clearer when we reflect on the concept of "elevating sin" through sincere repentance.

Elevating Sin Through Love – and Fruit

According to *Hazal*, the national catastrophes of *hurban* and exile that we mourn on *Tishah Be-Av* were rooted in an earlier failure occurring on the same date: the sin of the *meraglim*, the "spies" dispatched by the Israelites to scout out the land of Israel. The disheartening report of those scouts provoked a tearful rejection *en masse* of the Promised Land. In response, God decreed forty years of wandering in the desert, until a new generation would arise, worthy of entering Israel. According to the Rabbis (*Ta'anit* 29a), God further decreed:

> *You have wept for no good reason; you will henceforth have good reason to weep on this date in future generations.*

At first blush this teaching sounds almost hopelessly fatalistic. Our ancestors erred grievously and irreparably on the Ninth of Av. The date is cursed. Epic national tragedy on that date seems preordained and unavoidable.

However, R. Menachem Ziemba *zt"l*, a Warsaw Ghetto martyr, popularized a beautiful teaching of R. Yitzhak Luria (the *Ari Ha-kadosh*). According to R. Luria, bringing *bikkurim* (first fruits harvested in Israel) to the Temple repairs the Sin of the Spies. R. Ziemba added insightful support for R. Luria's idea by pointing out that the exemplars of *bikkurim* mentioned in the Mishnah [*Bikkurim* 3:1] are the same three fruits that the spies brought back with their damning report: figs, grapes, and pomegranates.[3]

Indeed, not only are the species of fruit themselves reminiscent of the spies' failed mission, as R. Ziemba noted, but the introduction and conclusion of the farmer's declaration also evokes the first words of the spies' report:

> They [the spies] reported and said: "**We came into the land** where you sent us … and **here is its fruit**." (Bamidbar 13:27)
> I declare this day to the Lord your God **that I have come into the land** which the Lord swore unto our fathers to give us … and now, **behold, I have brought the first of the fruit** of the land, which You, O Lord, have given me. (Devarim 26:3, 10)

But how, and in what sense, can one "repair" the harm done through a past misdeed by performing a different *mitzvah* centuries later?

I picture the farmer who brings his first fruits to the Temple doing so with much deeper gratitude when he connects with feelings of remorse for our people's historic rejection of the land of Israel. The desire to make amends invests the farmer's pilgrimage with even greater devotion. In phrasing reminiscent of the spies' report, the farmer affirms that he too has come into the Promised Land and has brought a sample of its fruit. But this time, instead of cynical rejection, the report is one of heartfelt gratitude and appreciation. Recalling our nation's failure in the Sin of the Spies only serves to intensify the farmer's passionately grateful embrace of our formerly-rejected land.

Bringing *bikkurim* can therefore "elevate" the Sin of the Spies into a source of inspiration and merit. I am applying here the beautiful concept of "elevating sin" through loving repentance that is developed at length by Rabbi Joseph Soloveitchik in the essay "Blotting Out Sin, Or Elevating Sin?"[4]:

> The future can be built on the foundations of the past. How so? By elevating and exalting evil. How does one exalt evil to such an extent that is ceases to be evil?… Repentance [motivated by love]… infuses [man] with a burning desire to come as near as he can to the Creator of the universe and attain spiritual heights undreamed of before he sinned…
> The intensity of sin and the sense of guilt and shame that overwhelms man in its wake are such strong drives that they impel the penitent upward and outward in the direction of the Creator of the universe. The years of sin are transformed into powerful impulsive forces which propel the sinner toward God…

The Sin of the Spies is transformed into a spur for even greater closeness to God by bringing the first grapes, figs, and pomegranates of one's harvest to the Temple in a sincere expression of gratitude.

Eretz Hemdah: Transforming Sin to Merit

Similarly, we can repair the Sin of the Spies while reciting *birkat ha-mazon*. The key to this effect lies precisely in the words *eretz hemdah*, alluding to the Sin of the Spies and our scorning of the desirable land.

By thanking God each time we eat a meal for the gift of *Eretz Yisrael* and praising it as *eretz hemdah* – land of desire – we evoke and admit the folly of our ancestors in rejecting a land they should rightly have desired. We affirm that the Land of Israel is indeed desirable in our eyes, that we truly desire and love the land that our nation once mistakenly rejected. Alluding to the Sin of the Spies in this manner deepens our appreciation for the precious opportunity we have been given to enjoy the *eretz hemdah*. Our hearts are opened to acknowledge this gift with even greater sincerity. The same phrase which described the essence of the Sin of the Spies – rejection of *eretz hemdah* – thus rectifies and elevates that sin, becoming an instrument for expressing our deepest gratitude for that same land.

A stirring message emerges from juxtaposing *eretz hemdah* with *tovah u-rehavah*. Alluding to the Burning Bush (*tovah u-rehavah*) recalls the innocence and purity of God's original vision and promise; with *hemdah*, we remorsefully recall how that vision was nearly derailed as a consequence of our rejecting the "desirable land."

Thus, the second blessing of *birkat ha-mazon* embodies a powerful virtuous cycle. Thanking God for the Land of Desire intensifies our remorse for the past error of rejecting it, while that very sense of remorse in turn intensifies our appreciation for a gift made even more remarkable by forgiveness and second chances. This blessing, devoted at its core to gratitude for the gift of the land and its produce, is thus a perfect vehicle through which to recall, recant, and rectify our historic scorn for that land. With every meal, we have the power, through remorse and loving repentance, to transform the Sin of the Spies into fuel for a more passionate appreciation of the Promised Land.

The Daughters of Tzelofhad

Rambam and Ibn Ezra both famously write that the death of *dor ha-midbar* during the 40-year delay in the desert allowed for the growth of a new generation born in freedom, unaccustomed to slavery, and less fearful of combat.[5]

We can go further. The death of *dor ha-midbar* in the desert presumably intensified the next generation's desire for the land of Israel. In Moshe's farewell address to the generation poised to enter Israel, he poignantly describes their parents' belated pangs of regret (Devarim 1:41-45):

> You replied to me saying: "We stand guilty before the Lord! We will go up now and fight, just as the Lord our God commanded us...."
>
> But the Lord said to me, "Warn them: Do not go up and do not fight, since I am not in your midst…"

> You flouted God's command and willfully marched up to the hill country. The Emorites who lived in those hills came out against you and chased you like bees, crushing you at Hormah in Se'ir.
>
> Again you wept before the Lord but the Lord would not heed your cry or give ear to you.

The yearning of parents who never made it to the Promised Land surely left a powerful mark on their children, imbuing in them a burning eagerness to enter Israel and to not repeat the prior generation's mistakes.

The daughters of Tzelofhad exemplify this impact. They successfully plead with Moshe to inherit their father's portion in the land, because he left no sons. Supporting their claim, the daughters unashamedly assert their father died "of his own sin" – explained by R. Yehuda b. Beteira (*Shabbat* 96b-97a) as being one of the *ma'apilim* who died in the failed attempt to ascend and enter Israel despite God's decree. The daughters' keen, resolute desire to possess the land in their father's name was itself likely inherited by witnessing their father's painful regret over his initial rejection of the Promised Land, and his tragic death in the wake of that regret.[6]

We have now seen three illustrations of how the Sin of the Spies and the resulting decree could be transformed into powerful fuel for good:

- cementing the next generation's resolve to courageously enter and settle Israel under Joshua's leadership;
- deepening the meaningfulness of the Israeli farmer's gesture in bringing his first fruits to the Temple; and
- intensifying our thanks in *birkat ha-mazon* for a desirable land, *eretz hemdah.*

Sowing with Tears and Joy

"Those who sow with tears *and* joy combined shall reap." So runs the re-punctuated, Hasidic rendering of Tehilim 126:5.

God has generously graced us with the remarkable gift of renewed Jewish sovereignty in Israel and Jerusalem. Yet we continue to mourn our historic national calamities on *Tishah Be-Av*, the anniversary of the Sin of the Spies, with unresolved grief. Why? What precisely should we aim to *feel* nowadays on *Tishah Be-Av*?

Personally, my own *Tishah Be-Av* experience is most meaningful when I regard our tears and grief as means to transform the tragedies and failings of our past into fuel for an even deeper appreciation of the precious and fragile gifts with which God has only recently entrusted us again. The farmer bringing *bikkurim* to the Temple, the individual blessing God for *eretz hemdah* after finishing a meal, and the righteous daughters of Tzelofhad – each stoke their feelings of love and appreciation for the land of Israel by recalling the Sin of the Spies and its heartbreaking consequences. How privileged are we that our *Tishah Be-Av* liturgy today carries similar power and meaning.

Tishah Be-Av in our days reminds us that the Jewish sovereignty we now enjoy is a delicate, priceless prize that our people sadly mishandled and forfeited in the past. Twice burned, thrice shy. If God does not protect Jerusalem, its mortal guardians toil in vain.[7] Our goal on *Tishah Be-Av* is an emotional experience ensuring we never take Jerusalem for granted.

In our traditional prayer of *Nahem* we beseech God to:

> Console the mourners of Jerusalem and the city that is… laid waste, scorned and desolate; in mourning bereft of her children, laid waste of her dwellings, robbed of her glory, and desolate without inhabitants…

May our painful recall that Jerusalem was "laid waste, scorned, and desolate" for nearly two millennia inspire us to sharper awareness of how precious is the gift of sovereignty over a thriving Jerusalem aglow with spiritual and physical beauty -- and that this rare, exquisite gift demands our loving attention, gratitude, and devotion to righteousness and Torah.

May the seeds we sow annually on *Tishah Be-Av* – with tears, even in our joyous era – help us to speedily reap and enjoy a harvest of *geulah shleimah.*

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[1] A fourteenth-century work written in Israel by R. Farhi, focused mainly on laws pertaining to Israel.

[2] *Orhot Haim* (*Birkat Ha-mazon* 55) suggests that *eretz hemdah* implicitly includes the praise that Israel flows with milk and honey. This seems rather forced. "Flowing with milk and honey" more clearly implies "desirable" than vice-versa. Why choose the less familiar, non-Mosaic phrase?

[3] *Wellsprings of Torah*, an anthology of *divrei Torah* on the weekly *parshah*, for *parshat Shelah.*

[4] From *On Repentance: The Thought and Oral Discourses of Rabbi Joseph Dov Soloveitchik*, by Pinchas H. Peli.

[5] *Moreh Nevukhim* III:52; Ibn Ezra on Shemot 14:13.

[6] See Rav Elhanan Samet, *Studies in Parshat Ha-shavua* Vol. 2II, *Parshat Shelah.*

[7] Tehilim 127:1

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This 9th of Av: Do We Sing with Yehudah Ha-Levi, or on Account of Yehudah Ha-Levi

Yaakov Jaffe

*This essay is the second in a series of essays on the Liturgical Poetry of Rabbi Yehudah Ha-Levi, the 12th-century poet of Muslim Spain. The first essay in the series is "*No Rest for the Weary? Ambiguity in Yehudah Halevi's "Yom Shabbaton."

I

Each Ninth of Av, as the morning begins to turn to midday and the recitation of the dirges of the *Kinot* nears its end, the service concludes in many congregations with Yehudah Ha-Levi's *Kinah* poem about Jerusalem and Israel destroyed, "*Tzion Ha-lo Tishali*." Written in the highest form of Andalusian poetry, the song contains 34 rhyming lines, each half-line containing 13 syllables, with a very specific poetic meter of alternating long and short vowels.[1] It stands out among the *Kinot* as one of the few that focus on the beauty of the the rebuilt Jerusalem and not the mournful stories of the destroyed city, and as one which weaves together midrashic references with uplifting poetic depictions of natural beauty.

This essay will begin with a survey of the poetic content of the *Kinah*, highlighting its feelings about Zion, Israel, and Jerusalem. Afterward, we contextualize how this *Kinah* stands apart from the majority of liturgical poetry, and the tension a reader would feel when reading this unusual *Kinah* in a synagogue on the Ninth of Av.

Before turning to the ways this *Kinah* is unique, there are many themes and ideas that are familiar and which echo what is found in the other *Kinot*. In particular, many lines in the song focus on Jerusalem's role as the ritual and liturgical center for the Jewish people, which is a theme discussed on multiple occasions in the *Kinot*. This *Kinah* makes reference to:

- the talmudic dictum that the *Aron* is hidden in Jerusalem, until this day (*Yoma* 53b: line 18 - "the place of the Ark that was hidden, and the place of your *Keruvim* that dwell in your innermost rooms")
- the legal principle that all Jews pray towards Jerusalem (*Berakhot* 30a: line 26 - "from the pit of captivity, they turn towards you, and bow – each person from his own place – towards your gates")
- the philosophical ideal that the gates of heaven are found opposite the gates of Jerusalem (*Hulin* 91b, as interpreting Bereishit 28:17; see Rashi: line 6 - "there is the Divine presence, and your Creator opened your gates opposite the gates of Heaven")
- that Jerusalem is the place of God's throne (*Mekhilta* to Shemot 15:17: line 9 - "You are the capital, and you are the throne of the Lord;" Tehilim 65:5: line 32 - "Praiseworthy is the one who chooses to come close and dwell in your courtyards")
- the fact that Israel is the country of prophecy (See Rashi *Bava Batra* 15a, Yonah 1:3, Yehezkel 1:2: line 10 - "If only I could travel in the places where God revealed Himself to your prophets and leaders")

[1] More precisely Long-Long-Short-Long, Long-Short-Long, Long-Long-Short-Long, Long-(short)-Long.

After a quick, first reading of the *Kinah,* the reader focuses on the special role Jerusalem plays for Jewish ritual including sacrifice but also prophecy and prayer.

While this *Kinah* is similar to other *Kinot* in its use of midrashic principles, there are other aspects of it which make it unique. Few of the *Kinot* describe what Jerusalem was like before its destruction, and even fewer do so using exaggerated, dramatic, or poetic language. This song, on the other hand, uses a vast array of literary techniques and elements to capture the real-world greatness of Jerusalem. The short poem is replete with metaphors capturing the awesome nature of Jerusalem in vivid, accessible terminology that appeals to the physical senses. It creates an idyllic, almost "larger than life" depiction of Jerusalem and Israel. For example, the *Kinah* appeals to:

- the senses of smell and taste (line 16: "The air of your land enlivens souls, and better than spices is the dust of your dirt, and better than honey is your rivers")
- vision, light, and sight (line 7: "And the Glory of the Lord alone was your light, and sun, moon,[2] and stars do not provide your light")
- sound (line 4: "I am a jackal to cry for you, and when I dream for the return of your captives, I am a harp for your songs")
- beauty: (line 23: "Zion! With a crown of beauty, you adorned yourself with love and grace from old, and with you the souls of your comrades have become attached"[3])
- light and brightness are even used to capture the great leaders associated with Jerusalem and Israel (line 15: "*Har Ha-Avarim*[4] and *Har Ha-har*, where there your two great lights are [buried], your teachers who give you light"[5])
- wealth and song (lines 29-31: "Babylon and Egypt, can they compare to you in their greatness? And could their futile false gods compare to your *Urim* and *Tumim*? And to what can be compared your Messiahs, your prophets, your Levites, and your singers? The gold crowns of the other kingdoms might be debased, but yours last forever")

Beyond the use of *midrashim* and the appeal to the religious spirit, and beyond the use of metaphors and descriptive language to appeal to the senses, Yehudah Ha-Levi also uses the language of pining and longing to appeal to the emotions. He speaks of Jewry's awestruck and

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[2] Using "*sahar*" the way the moon is referred to in biblical poetry; see Shir Ha-Shirim 7:3. This line also features an unusual enjambment [when a phrase spans the pause between the two halves of the lines], highlighting the gap or absence of the word "*ein*," "not."

It is worth noting that in the original biblical vision (Yeshayahu 60), God's light brightens the Messianic Jerusalem, not present Jerusalem.

[3] This line also puns, using "*kesher*" both to describe human connection and as a verb for the adornment of jewelry.

[4] The site of Moshe's grave, *Har Nevo*, is called *Har Ha-Avarim* here for poetic reasons; see Devarim 32:49. The meaning of this line is somewhat unclear, given that the simple sense of *Tanakh* is that Moshe is buried outside of Israel. Similarly, line 5 speaks of Mahanayim and Peniel, places that are either outside of Israel, or on the outskirts of the country such that they should not figure in conventional discussions of the land.

[5] Also a pun: "*morayikh*" means your teachers, and "*me'irayikh*" means the ones who give you light.

lovestruck connection to Jerusalem and the holy land; the feelings of Diaspora Jewry and their desire to return to Jerusalem.

- Line 1: In the memorable first line, Diaspora Jewry are referred to as "those that seek out your peace" through their daily prayers, and as "your captives" as we are metaphorically captive in exile and separated from our land and holy city.
- Line 8: "I chose that my soul should pour forth in the place where the Spirit of God is poured upon your chosen places."
- Line 11: "Who can make me wings, that I could fly far, that I could move the chambers of my hearts between your parts."[6]
- Lines 17 and 19: "It would be pleasant to my soul, to walk unclothed and barefoot[7] upon the destroyed places that were once your temple…. I must cut my hair, and cast away the length of my *Nazir* growth, and set a new time for the uncleaned land has defiled your *Nazir*s."
- Lines 25, 27, and 28: "They are happy in your tranquility, and pained upon your desolateness, and cry on your ruin… the flock of your multitude that have been exiled and spread from mountain to valley… who grasp at your hems and strengthen themselves to go up and hold the edges of your date trees."

II

These appeals to emotions, exaggerated poetic language, and unique tone suggest that Yehudah Ha-Levi's *Kinah* is less a special or unique example of the *Kinah* genre and more an example of an entirely different genre. Rather than a *Kinah* bemoaning what was lost after the destruction, it is a love song in which the speaker pines to be reconnected with the beloved, and is willing to walk barefoot to reach the object of his affection.

Of course, there are subtle shifts from the typical romantic genre: the beloved is a place and not a person, and midrashic references pervade the poem. But at its core, *Tzion Ha-lo Tishali* is as much an Andalusian Hebrew love poem as it is a rabbinic, liturgical one. In typical rabbinic liturgical Hebrew poetry and most of the *Kinot*, Jerusalem is described in real-world or supernatural religious terms, but not with metaphors for physical, conventional notions of beauty or pleasure. And thus the experience in the synagogue of the 9th of Av begins with rabbinic prayer poems, but ends with a love poem for Jerusalem.

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[6] It is difficult to translate the final word of this line "*betarayikh,*" or your parts. Some translate "*betarayikh*" as ruins, although the best translation is probably "your parts," based on the covenant between the parts in Bereishit chapter 15 which uses the same word, "*betarim,*" for the animals that were cut into parts.

"Chambers," earlier in the line, and "parts" use the same Hebrew word, *betarim*. This indicates the preferred translation would use *betarim* the same way in both parts of the line: as chambers or parts of the heart and as parts of the land.

[7] Normally, this would be a depiction of mourning; see Yeshayahu chapter 20. But in this case, it bespeaks a love bordering on madness, such that reuniting with Jerusalem would be pleasant even if the speaker would need to be unclothed or barefoot to do so.

Yehudah Ha-Levi's poetic corpus is full of examples of both liturgical poems and wine or love poems, and he often followed the conventions of Andalusian Hebrew poetry.[8] It therefore should not surprise us that this *Kinah* uses many of the conventions of this poetic style with which Ha-Levi was familiar: rhyme, meter, lack of acrostic, and the description of Jerusalem in glowing, this-worldly terms.[9]

Understanding the true genre of this poem leads the astute reader to pause over a few lines that stand out given this backdrop. The last two lines of the *Kinah* (33-34) are particularly striking: "Praiseworthy is the one who comes and sees the dawning of your light… to rejoice [10] in your happiness, when you return to your original youth." Whereas in the rabbinic convention, old age and a return to a better future are favored,[11] this *Kinah* focuses on a return back to a better past. The tension between the focus on youth in Andalusian poetry and the virtues of age in rabbinic poetry has already been explored,[12] and Yehudah Ha-Levi's aspirations in this *Kinah* could be called into question for breaking with the talmudic view.

Another example in which the poetic conventions of the genre complicate the message of the song appears at lines 20-24, which carry great irony on the fast of *Tishah Be-Av*, as they juxtapose the spiritual desire for Jerusalem with physical desires: "How should it be pleasant to me to eat and drink while I see… Or how should the light of day be sweet to my eyes."[13] The poetry is beautiful, but liturgical Hebrew poetry is generally ambivalent regarding the pleasantness of food and drink. Rare is the rabbinic poem that talks about the pleasure of eating, rarer still the one which bemoans the inability to enjoy pleasurable food because of mourning. The *Kinah* proceeds to speak of drinking wine, a major motif in Andalusian Arabic poetry but largely absent from rabbinic poetry: "Cup of woe, slow down, for my soul and intestines are already full of your bitterness. When I recall *Ahola* I will drink from your foam, and when I recall *Aholiva*[14] I will suck your dregs."

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[8] See Raymond Scheindlin, *Wine, Women, and Death* (Philadelphia: Jewish Publication Society, 1986). Ha-Levi is a large presence in the book. A number of his secular poems are analyzed on pages 118-127.

[9] Many of the other Zionides share many of these properties, but none do to the extent of Yehudah Ha-Levi's. Additionally, many of the later Zionides are designed to echo Ha-Levi's, and thus are variations on the theme which is typified by Ha-Levi's writing.

[10] *La'aloz* instead of *La'alot*, to go up for a pilgrimage.

[11] See Hagai 2:9 as applied to the *Beit Ha-Mikdash.*

[12] Bernard Septimus, "Nahmanides and the Andalusian Tradition," discussing Nahmanides' relationship with the Andalusian poets in general, and Ezra Fleischer, "The Gerona School of Hebrew Poetry," both in *Rabbi Moses Nahmanides - Ramban: Explorations in His Religious and Literary Virtuosity,* ed. Isadore Twersky (Harvard University Press, 1983) discuss this topic. Fleischer, specifically discusses the tension between the value of youth in Andalusian poetry and the value of old age in rabbinic literature (44).

[13] The poet describes his pain upon witnessing dogs and ravens eating Zion's lions and eagles. The description of the dog and raven as negative animals is one typical in the midrashic tradition (see *Sanhedrin* 108b). The description of eagles and lions as praiseworthy animals is also typical (see first chapter of Yehezkel). The former also are scavengers, while the latter two are regal and royal.

[14] Poetic terms for Jerusalem and the Northern capital Shomron, based on Yehezkel chapter 23. It is surprising that Shomron appears in a poem otherwise devoted to Jerusalem and the Southern kingdom.

Besides youth and wine drinking, a third example of foreign elements is the focus on desire. The *Kinah's* third line reads, "And the peace of the captive of desire,[15] shedding his tears like the dew of Hermon, pining to cry on your mountains." Again, this is beautiful poetry befitting a love song, but an unusual element for the genre of Hebrew liturgical poetry.

The imagery of spices, light, sweet honey, desire, dew, and harps appears often in Arabic poems but not in the wider Jewish tradition.

Participating in Arabic poetic conventions is not problematic in and of itself, unless it causes the reader to cynically question whether the *Kinah* actually depicts the reality of Jerusalem, or if all of the virtues bespoken of the land and the city are supplied by the conventions of the genre and not by the poet's experience of the land itself. Given that Yehudah Ha-Levi had never visited Israel when he composed *Tzion Ha-lo Tishali*, we might wonder whether Jerusalem is sweet because the poet knows it is so, or because the conventions of the genre dictate that the object of the poet's desire must be depicted as sweet, beautiful, and bright. How much of this poem is about Jerusalem and Israel, and how much is about love more generally?

The reader is left asking: Is the air fresher than spices and the water sweeter than honey? Was the gold of Jerusalem truly greater than that of Egypt and Babylon in their greatness? What are the lions of Israel, and does it matter that they have been eaten by dogs? How should we take the lines: "I fall to my face concerning your land, greatly desire your stones, and pray concerning your dust.[16] Even when I stand upon my ancestors' graves, I wonder in Hebron about your best graves. I pass in your forest and Carmel, I stand at your Gilad and I wonder by your riverbed mount."[17] Are the graves of Israel better than those of the rest of the world? Is the sun more bright?

When a poem operates solely on a spiritual dimension, the reader answers in the affirmative that Jerusalem far exceeds any other city and any other kingdom. But each time this poem operates in physical terms instead of spiritual ones, the reader is forced to either read each and every one of these physical terms as mere metaphors for spiritual excellence, or to accept the false proposition that the air, dust, graves, and mountains of this land are radically different from those of any other land.

III

The concept of "cup of woe" appears later in that chapter and in Yeshayahu 51, and the poetic line borrows from Tehilim 75:9; still, the image of the speaker imbibing wine is a prevalent convention in the Arabic poetry but not in Hebrew poetry.

[15] There are multiple versions of this word. Some versions read "hope" based on Zekhariah 9:12. The word "*ta'avah*" appears only twice in *Humash*, and each time it connotes sinful action (Bereishit 3:6 and Bamidbar 11:4).

[16] Perhaps echoing Tehilim 102:5.

[17] This line is missing in some editions, but is found in Daniel Goldschmidt, *The Order of the Kinot for the Ninth of Av* (Jerusalem: Mossad Harav Kook, 1972), 125.

Tishah Be-Av is a day to mark exile and all its effects, including the loss of life, national unity, the Temple, and the sacrificial order. Yet it is also a day to reflect on the loss of a uniquely Jewish culture, as Diaspora Jews became spread across the globe and adopted cultural elements of the dominant culture within which they lived. With that in mind, we can see how this *Kinah* operates on two levels, both as a detached depiction of what exile represents, and also as a piece of primary source evidence as to some of the effects of exile.

Yehudah Ha-Levi is perhaps the greatest poet in the history of our nation, and this *Kinah* has led more tears to be shed than the dew of Mount Hermon. But like all of us, he sees Jerusalem through the lenses of the culture in which he lived, and his thoughts of Jerusalem are colored by his experience as a Diaspora Jew within a foreign culture. The *Kinah* causes us to cry for having lost Zion, Israel, and Jerusalem, but perhaps it causes us to cry also for having lost a culture that was uniquely ours; instead we participate in the cultures of the lands in which we live.

The thought question for us all this *Tishah Be-Av* is, for what shall we cry at the end of this *Kinah?* Do we cry wishing that Jerusalem return to the glory of its former youth? Or do we cry over ourselves, for the very fact that we wish Jerusalem to return to the glory of its former youth, instead of to the wisdom and greatness of her old age? Perhaps it is we, living in the "unclean land," who have been led to see things incorrectly, differently from the way we might have when we lived in the land where "the spirit of God is poured upon your chosen ones."

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Hollow Land

Zohar Atkins

These selections are excerpted from a longer work of nine sections (one for each day leading up to the Ninth of Av). The poem's form emulates a hyper-stimulated, non-linear mind in the age of information overload; or else that virtual mind we call a "news feed," in which disparate texts and traditions—such as *Eikhah Rabbah* and Lady Gaga, John Ashbery and the Mishnah, Leonard Cohen and works of critical theory—can become entangled "threads," sometimes harmonizing with each other, sometimes distracting from one another, but often simply co-existing in the ambiguity of juxtaposition, what our interpretive tradition calls "*semikhut parshiyyot*." The polyvocal form, which ultimately obscures the line between statement and parenthetical, or thesis and tangent, de-centers the lyric "I" of the standard persona poem, simulating instead a consciousness that is at the mercy of its environment, a voice under assault, much as in the shifting perspective reflected in the Book of Lamentations. As in poetry, so in life: we cannot know which thoughts are our own, and which are reverse eavesdropped upon us through a steady stream of cultural gossip, socialization, and "memes." We are imitative beings, beings not just created in the divine image, but beings who fashion our image in response to what we observe. Ours is an age of unprecedented data consumption (and production). It is only fitting, then, that a lament, or a *kinnah*, for all that has been destroyed, and all whose destruction is yet underway, should make use of and reflect this situation of data overload. Perhaps there is even a direct connection—as Plato posited—between our increased ability to store information and our spiritual condition of Exile, our forgetfulness of being and our alienation from what is holy.

Hollow Land

1.

Because reading is a form of mourning
(the sky has put on sackcloth)
Because God must summon the angels

(*Hakol Hegel*)
to teach him in the ways of man
(*Hegel Hagelim*)

Because each technique is borrowed
(crowd control, under armor)
from the unthinkable

(debt control, back the boycott)
body without organs
(we're living in a sign economy)

Because anaphora's a cloak
(the *gematria* of regret)

in which space can feel like time

(daughter of a wave)
and time can feel like
(the *gematria* of shame)

Shekhinah's broken wing
(I'm a peacemaker)
makes no sense

Because it's easy to imagine the end of the world
(it is not our wickedness)
and impossible to care

(who by tanks?)
do it for the kids
(who by television?)

and the oceans
(who by righteousness?)
and survival

(who by sloganeering?)
Because hypocrisy cuts all ways
(who by double standards?)

my wounds are bigger than yours
(who by foreign aid?)
Because there's no end to ending

(when baby seals are dying)
being is suffering
(how can you be so cerebral?)

and just as we rip our shirts
(ritual as a kind of theodicy)
so God, too, rips His shirt

(just look at a map)
Because theology is the most ingenious form of atheism
(shhh, don't tell)

and atheism is the most ingenious form
(baby, I was born this way)
of mysticism

(our pretension is unconscious)
most rich people don't identify as rich

(where's your spine?)

Because each poem must conclude
(the page's inadequacy)
with a call to arms

(you have nothing to lose but your hapless comfort)
wake up and smell the waste management of the Lord
(the hoax of authenticity)

7.

Now that you're broke
(let Oprah be Oprah)
and your screen is frozen

(Duty Calls)
from Pocketing another scandal
(Scaramucci, will you do the Fandango?)

Now that the Masters are never wrong
(Information is the new oil)
and everyone is a master

(of their own demise)
of their own URL
(surface calleth unto surface)

our exit interview is double booked
(with the exit interview of angels)
say no more

(it's not a bubble if everyone believes it)
Now that community is an HR bugaboo
(when will the Messiah check his privilege?)

Who knows One?
(don't look at me)
One is the Iran Deal, one is the Iran Deal

(in heaven and on earth)
what's the bottom line?
(Now that appeals to unity are ploys)

at enforcing uniformity
(Now that the status quo is still)
the status quo

(humans are amazing)
retweet if you dis/agree
(This livestream won't be around forever)

Now that faith is a market
(and redemption is a product)
what will be its services?

There's no R and D here
(in the land of the living)
only sales.

9.

Take us back
(in your womb)
in your tomb

(before an angel touched us)
and we cried, "Me too"
(before we knew of MAGA)

Before we knew to suspect
(and Russian Bots)
any concept of the good old days

Take us back
(for we are your people)
and though you have thrown us

(under the bus of history)
and given us sovereignty
(four *amot* and some nukes)

Take us back
(for we are not satisfied with your wormwood)
to the days before Einstein prophesied

(God does not play dice with the universe)
forcing us to accept your testimony
(nor does God pigeon-race with quarks)

and disqualify ourselves
(out of fear of punishment or hope of gain)
Take us back

(as a squatter makes a *hazakah*)
and give us the AppleCare we need
(for if we are not priests, we are zealots)

Take us back
(for we are your Midrash, and you are ours)
Renew our gaze

(that we may be the Warby Parker of wisdom)
and our hearing
(that we may continue to say, “*al tikre’u Elohim, ella mi eleh*”*)

For in every generation you have stood against us
(and we have stood against you)
But you have saved us

(and we have saved you)
from ourselves
(from yourself)

so a covenant might be forged
(and understanding might begin)
and in so doing be undone

*“‘Don’t read ‘God,’ but rather, ‘Who are these?’”

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Bernard Malamud's "The German Refugee": A Parable for *Tishah Be-Av*

Eileen H. Watts

When Moshe's twelve spies returned from their reconnaissance mission to Canaan, and only two reported positive findings, the people wept, despairing of entering the Promised Land. Infuriated, God asked Moshe, "How long will this people spurn Me, and how long will they have no faith in Me despite all the signs that I have performed in their midst" (Bamidbar 14:11)? Tishah Be-Av's original sin then is not the Israelites' immoral behavior, but lack of faith in God. He cannot fathom why these newly freed slaves and survivors of the wilderness do not trust Him. Vowing to punish that generation by foreclosing Canaan to them, according to rabbinic tradition, God marked that date for tragedy. To wit, the following events are said to have occurred on or around 9 Av:

Destruction of the First Temple

Destruction of the Second Temple

Defeat of the Bar Kokhba Rebellion

Expulsion of Jews from England

Expulsion of Jews from France

Expulsion of Jews from Spain

Beginning of World War I

Official beginning of the Holocaust

Mass deportation of Jews from the Warsaw Ghetto to Treblinka

These calamities, like stones pitched in a pond, create ripples not just in history, but in people's lives. The twentieth century author who comes closest to meditating on the ripple effects of Tishah Be-Av is Bernard Malamud. His sad, lonely, and displaced Jews, the defeated denizens of his short stories, are unwitting mascots of a day commemorating Jewish tragedy and suffering. It is as if each character embodies the cries of Eikhah 3: "I am the man who has known affliction under the rod of His wrath; Me He drove on and on in unrelieved darkness ... All around me He has built Misery and Hardship" (Eikhah 3:1-2, 5). Drenched in Jewish history, Malamud's stories speak poignantly to Tishah Be-Av's reach into twentieth century Jewish suffering.

Along with "God's Wrath," "Take Pity," and "The Mourners," whose very titles echo Eikhah, "The Refugee" (1963, published as "The German Refugee" in *Idiots First*) seems to bear the 'holiday"s full burden: the Nazi Holocaust, the suffering of exile, the loss of faith, and resulting helplessness. These tales are set not on history's global stage, but on the gritty streets and flats of the Lower East Side, which Malamud, born in Brooklyn to Russian Jewish immigrants, knew so well. In a sense a parable for Tishah Be-Av, "The German Refugee" illuminates the 9th of Av from two perspectives: 1) it amplifies the date's themes by

personalizing its miseries and telescoping scattered historical events into a single day; and 2) it extends the theme of loss of faith in God to loss of faith in the individual, questioning whether we, having perhaps lost the former in our post-Holocaust world, have worsened the problem by also losing faith in ourselves.

Bernard Malamud (1914-1986)

One third of the twentieth century triumvirate of Jewish American writers including Saul Bellow (1915-2005) and Philip Roth (1933-2018), Bernard Malamud wrote lovingly and pitiably of American Jews in transition; that is, of the sufferings of immigrants bereft of home, career, income, language, friends, family, and often, faith. Malamud's National Book Award-winning short story collection, *The Magic Barrel* (1959), inspired by Joyce's *Dubliners* and Anderson's *Winesburg, Ohio*, and his Pulitzer Prize and National Book Award Winning novel, *The Fixer* (1966), give voice to the Jewish dispossessed, living as strangers in a strange land. Yet floating above this misery is "an antique spirituality and an antique morality of surpassing beauty and importance, because it is a tie to God himself, [that] lives in the Jews." [18] It is this innate morality in the face of struggle that leads Malamud to see Jews as metaphors for everyman. As Theodore Solotaroff put it in a March 1, 1962 *Commentary* piece: "Malamud's Jewishness is a type of metaphor ... both for the tragic dimension of anyone's life and for a code of personal morality." (Perhaps the author learned this definition of 'Jewishness' from struggling immigrants he knew.)

For not only is "The German Refugee" a personal story with a tragic ending, but it is based on personal experience. Scraping to make a living during the Depression, Malamud taught English to German-Jewish refugees. Exposure to these now-unemployed, struggling intellectuals made the young writer "suddenly [see] what being born Jewish might mean in the dangerous world of the thirties."[19] Sadly, the narrative is based on Malamud's fifty-five-year-old student, Dr. Friedrich Pinner, an economist and past financial editor of the *Berliner Tageblatt*, who, all his European clients gone, despaired of beginning again in a new country and with his wife, committed suicide by turning on the gas. As the story's puzzled English tutor and narrator Martin Goldberg comments: "Not everyone drowns in the ocean," and Malamud's ocean is filled with history.

"The German Refugee"

The narrative opens with a tableau of exile, transience, oppression, pain, and despair: "Oskar Gassner sits in his cotton-mesh undershirt and summer bathrobe at the window of his stuffy, hot dark hotel room on West Tenth Street.... The refugee fumbles for the light ... hiding despair but not pain."[20] The stifling June heat seems a sympathetic response to the fifty-year-old Oskar's situation. Beginning in September, as a newly-hired lecturer for the Institute of Public Studies in New York, Oskar must give a weekly lecture on 'The Literature of the Weimar Republic' in English translation. As a critic and journalist in Berlin, he had never taught and was terrified of having to speak publicly in English. Martin Goldberg's job is to translate those lectures from German to English and enable Oskar to deliver them in

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[18] Bernard Malamud, "Imaginative Writing and the Jewish Experience" in *Talking Horse: Bernard Malamud on Life and Work*, eds. Alan Cheuse and Nicholas Delbanco, (New York: Columbia UP, 1996), 188.

[19] Philip Davis, *Bernard Malamud: A Writer's Life* (Oxford: Oxford UP, 2010), 49.

[20] Bernard Malamud, *The Stories of Bernard Malamud* (New York: Penguin, 1983), 93.

English. After months of grueling work and anguish, the first lecture, on Whitman's influence on Weimar's poets, is a success, but two days later, Oskar learns that to prove her loyalty to him, his wife back in Germany had converted to Judaism and been murdered by the Nazis. Giving up, Oskar writes a note leaving his possessions to Goldberg and turns on the gas.

Personalizing Tishah Be-Av's Miseries

Of course, the suffering of exile is not merely a matter of geographic dislocation, but is acutely psychological. It is the consequence of trying to begin again in a state of "displacement, alienation, financial insecurity, being in a strange land without friends or a speakable tongue" (*Stories,* 102). Thus, as June turns to July, and having written "more than a hundred opening pages [in German, to be translated later, Oskar] flung his pen against the wall, shouting he could not longer write in that filthy tongue. He cursed the German language" (*Stories,* 99). Robbed of his mother tongue because of what his country had done to him, Oskar Gassner is not so much a man without a country, but without a language.[21]

Unsurprisingly then, as the refugee explains why he can't get past page one of his lecture, he is afraid. He tells Martin, "It is a paralyzis of my will. The whole legture is clear in my mind, but the minute I write down a single word — or in English or in German — I have a terrible fear I will not be able to write the negst" (*Stories,* 102). Oskar's fear stems from his loss of faith in himself. He reports to Martin that he had tried to commit suicide his first week in New York, that he had been psychoanalyzed in Vienna years ago, and that those fears were gone. He admits, "I have lost faith. I do not—not-longer possezz my former value of myself" (*Stories,* 103). When Martin encourages him to have confidence, Oskar replies, "Confidence I have not. For this and also whatever elze I have lozt I thank the Nazis" (*Stories,* 103). Ironically at this point, the story turns to Whitman's influence on German poets. Oskar tells Martin that they got from Whitman "most of all his feeling for *Brudermensch*, his humanity. But this does not grow long on German earth … and is soon destroyed" (105). Yet Oskar finishes the lecture on September 1, 1939, as Germany invades Poland, and thanks Martin for having faith in him.

Telescoping History

Malamud's management of time also evokes the 9th of Av in terms of telescoping past into present by means of a narrative style that collapses historical events into the present. In his study of "The German Refugee" Robert Solotaroff notes the narrator's temporal shifts. The tale's first paragraph is written in the present tense (consider Martin Goldberg's description of his student sitting in his undershirt, fumbling for the light, staring at his tutor, hiding despair but not pain); the rest, save for one phrase, in the past tense.[22] However, the contents of Oskar's mother-in-law's letter informing him of his wife's death, which ends the story, is also reported in the present. The narrator records:

> She [his mother-in-law] writes in a tight script it takes me hours to decipher, that her daughter, after Oskar abandons her, … is converted to Judaism by a vengeful rabbi.

[21] For a fuller discussion of the loss of language in "The German Refugee" see my "Not True Although Truth: The Holocaust's Legacy in Three Malamud Stories" in *The Magic Worlds of Bernard Malamud*, ed. Evelyn Avery (New York: State University of New York P., 2001), 139-152.

[22] Robert Solotaroff, *Bernard Malamud: A Study of the Short Fiction*, (Boston: Twayne Publishers, 1989), 82.

> One night the Brown Shirts … drag Frau Gassner, together with the other Jews, out of the apartment house, and transport them in lorries to a small border town in conquered Poland. There, it is rumored, she is shot in the head and topples into an open ditch with the naked Jewish men, their wives and children, some Polish soldiers, and a handful of gypsies (*Stories*, 107-8).

Reading this account of Nazi atrocities written in the present, it is as if we are standing in the field watching it all happen before our eyes. Malamud not only juxtaposes Oskar's suffering with concurrent events in Germany and Poland in the run-up to the Holocaust, but he makes us feel part of it. It seems to me that the effect of drawing us into the narrator's present and past is analogous to Tishah Be-Av's intended effect on us today.

That is, by compressing defining tragedies spanning millennia of Jewish history into one *yahrzeit* – Av 9 – the day reminds us of our relationship to time and to the past. Each horrific event (temple destructions, expulsions) engendered dislocations: of place, prayer, ritual, culture, community, language, and life. Mourning these events on Tishah Be-Av telescopes the centuries, collapsing each event into one day of our lives, fusing past with present, permitting us to feel a ripple of that original dislocation when the Israelites refused to enter the Promised Land because they had lost faith in God.

Extending the Theme of Loss of Faith

Interestingly, God is barely present in "The German Refugee." Instead, there is Hitler and "Kristallnacht, when the Nazis shattered the Jewish store windows and burnt all the synagogues" (*Stories*, 94), and the fall of Danzig. To survive in America, Oskar must have faith in his own ability to learn and speak English and in his tutor's ability to teach him. In fact, the narrator stresses the difficulties that these acts of faith pose. He writes: "To many of these [German refugees], articulate as they were, the great loss was the loss of language – they could not say what was in them to say. You have some subtle thought and it comes out like a piece of broken bottle" (*Stories*, 97). These men felt like children, or worse, often like morons. As another of Martin's students put it, "I am left with myself unexpressed. What I know, indeed, what I am, becomes to me a burden" (*Stories*, 97). The degree to which an immigrant's very identity and self-worth are tied up with the ability to communicate in a foreign language is stunning and heartbreaking.

Still, when Oskar thanks Martin for having faith in him upon completing the first lecture, the latter responds, "Thank God" (*Stories*, 105). This is one of only two times the word God appears in the text – here as mere exclamation, spoken by the politically naïve American teacher, not the persecuted, suffering immigrant student. God's second appearance is in Oskar's delivery of three lines from Whitman's "Song of Myself, V":

> And I know the Spirit of God is the brother of my own,
> And that all the men ever born are also my brothers, and the women my sisters and lovers,
> And that the kelson of creation is love … (*Stories*, 107).

Placing Whitman's belief in humanity's divine spirit in a story crowded with humanity's most savage acts certainly challenges one's faith in God, Tishah Be-Av's original sin. Here, Malamud amplifies our theological and existential condition. In other words, living in a

post-Holocaust Tishah Be-Av state of exile, our belief in God all but gone, what are we to do? For Malamud, Whitman's faith in humanity's divine spirit and love is our only escape from spiritual exile, that is, loss of faith in God.

And yet, as Martin knows, not everyone drowns in the ocean; not everyone loses faith, either in God or in ourselves. So, what is the moral of this parable? Perhaps, that like faith itself, loss of faith is, at times, a choice. Perhaps that is Tishah Be-Av's enduring message. Recall Malamud's wonder at an antique spirituality and morality, important "because it is a tie to God himself [that] lives in the Jews." Continuing that tie is also a choice.

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How Halakhah Changes:
From Nahem to the "Tisha be-Av Kumzitz"

Chaim Saiman

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Overt Change: The Nahem Model

In the weeks leading up to Tisha be-Av, the Religious Zionist and Modern Orthodox communities engage in the annual rite of agonizing over the relevance of Tisha be-Av in light of the State of Israel and unified Jerusalem. The discussion focuses on the text of a short liturgical prayer titled *Naḥem*, recited only once a year during the afternoon Tisha be-Av service (in the Ashkenazic practice). Following Rabbi Sacks' translation, *Nahem* describes Jerusalem as *laid waste of its dwellings, robbed of its glory, desolate without inhabitants. [Sitting] with her head covered like a barren childless woman.* The image is stark—and totally at odds with current reality.

Over the years, numerous articles, blog posts, and online forums have debated the continued viability of the received text. As several of the referenced articles note, positions range from advocating wholesale reconstruction to instituting minor amendments, allowing for deviations so long as they remain "private," and, finally, resisting all efforts at change.

The dilemma is easy to understand. On its face, the liturgy strikes a false note—which a community that takes prayer seriously should try and avoid. Further, retaining the liturgy smacks of ingratitude, crying out as if Jerusalem lay in smoldering ruins, when God has granted a beautiful, populated city which sprawls out amongst the hills.[23] On the other hand, the Temple is still not rebuilt—the site currently occupied by a shrine of another religion—and the Jewish hold on the city is not without its complications. There is also a more sweeping objection: "Who are we moderns to tinker with texts that have served as the bedrock of Jewish identity for millennia?" My sense is that within Religious Zionism, there is a slow drift towards allowing for liturgical accommodation, yet the matter remains hotly debated and far from resolved.

In some quarters, the issue has moved beyond (relatively) minor points of liturgy, to questioning whether the fasts commemorating the destruction of the Temple (other than Tisha be-Av itself) remain obligatory in the era of Jewish sovereignty over Jerusalem. From a halakhic perspective, the issue revolves around talmudic interpretations of the prophet Zekhariah's vision which indicates that when peace returns to Israel, the fast days will become holidays, and/or when Jews coexist peaceably with the Gentiles, the fast days become optional. From a theological standpoint, the matter touches on whether the Temple will be rebuilt through human actions by or via miraculous divine intervention (as the text of *Nahem* suggests). At the moment, the discussion about the fast days remains

[23] See Rabbi David Shloush, *Resp. Hemdah Genuzah* § 22:8, who advocates for changing the received text due to concerns of of making false statements in prayer and demonstrating ingratitude to God.

more of a thought experiment than a direct call to action.[24] But that this has become a thinkable thought within mainstream Orthodox Zionism, is bound up with efforts to assert Jewish rights over the Temple Mount, and reflects a sustained drift towards the idea that Jews may take an active hand in rebuilding the third Temple.

Stepping back, these debates assume a predictable form. Those advocating for change directly challenge an established halakhic norm, (text of a prayer, practice of fasting) and insist that, as a matter of coherence, authenticity, internal logic, and ideology, traditional practice must accommodate to new circumstances. However compelling the claim, this proposition inevitably engages *halakhah*'s reflexive resistance to change and galvanizes a reactionary movement. Conservatives respond that halakhah is immune to such arguments, and that even if the matter can be justified locally, the long-term costs of sustaining halakhic malleability far outweigh what may be gained in this particular instance.

There are times when frontal attacks on established practice gain traction, though it is more common for these movements to peter out, as few are willing to deliberately cross a bright halakhic line. But no matter the outcome, the result is vocal opposition, and, quite often, creation of yet another communal fault line.

While direct attempts to change halakhah engender public debate and attention, in recent years the practices and mood of Tisha be-Av have shifted in far more dramatic ways than modifying the lines of *Nahem.* These changes respond not only to the contemporary political reality (the *Nahem* issue) but to the cultural dissonance of wailing over the ruined Temple and bitter exile, as we live in great comfort and security. And yet, these changes go largely unnoticed and unopposed. For even as they bump up against conventional halakhic norms, rather than issue a direct challenge to established practice, they operate just beneath the surface.

Solitude and Despair: The Traditional Account of Tisha be-Av Mourning

Any schoolchild knows that the laws of Tisha be-Av contain five basic prohibitions: no eating/drinking, washing, applying oils or creams, sexual intimacy, or wearing of leather shoes. These "capital L" Laws of Tisha be-Av determine the structure the fast, and at least within Orthodoxy, there is little movement afoot to change them.

There are, however, another set of laws, drawn from the *halakhot* of mourning, that work to shape the atmospherics of the day. On Tisha be-Av one is prohibited from studying Torah, either because it brings joy by engaging with God's word, or because it will distract from the mourning of the day.[25] The Talmudic rabbis permitted studying some of the lachrymose sections of the Bible and Talmud, but even here, halakhic authorities

[24] Rabbi Shloush's responsa cited above contains a detailed halahkic analysis of this issue as well.

[25] SA, OH § 554:1. The competing reasons are cited in *Taz* to OḤ § 554:2 and *Maharsha* to Taanit 30b.

warned that one should not dwell on matters at length, lest one reach some novel insight and find joy in the process.[26]

Other restrictions are designed to highlight a sense of forlorn solitude and suspend the normal rhythms of social and communal life. On Tisha be-Av, Jews are enjoined from greeting one another,[27] and the final meal before the fast is eaten in solitude,[28] so as to minimize the social camaraderie that naturally attends a shared meal. Finally, a ban on instrumental music applies not only to Tisha be-Av itself but to the period leading up to it.[29] This too, stems from a cessation of communal festivities, since in Talmudic times, music was synonymous with wedding celebrations.

Classically understood, Tisha be-Av, particularly the initial night through the following mid-day, was not a time to feel close to God through Torah study, prayer, or thoughts of repentance as on the other fast days. Rather the focus for Tisha be-Av was on mourning which produces a disengagement from life and society and from any sense of routine, or, as the first of the morning service opens, “Cease! Get away from me!” Anyone aware of the rabbis’ appreciation of Torah study understands that prohibiting it is far more severe than forbidding food. Tisha be-Av reflects “alienation from God, complete separation or isolation from [Him],” as Rabbi Soloveitchik explained.[30] Even prayers are limited, because “all the doors and gates of prayer are closed, barricaded.”[31] The pain of destruction ought to send one into such isolation and despair that he must disconnect from the community, and, in some ways, even from the divine presence itself.[32]

Until recently, at least in Orthodox circles, this image of Tisha be-Av was the universally regarded ideal. This does not mean it was consistently met; like all ideals, it rarely was. But in terms of what Tisha be-Av was *supposed* to feel like, the halakhic goals were clear. Plenty of people surely whiled away the hours in less rabbinically-sanctioned pursuits, but there were no public programs or activities signalling anything to the contrary.

Making Mourning Meaningful: Tisha be-Av as a Time for Religious Growth

Nevertheless, over the past generation, three innovations have significantly altered how Tisha be-Av is commemorated, and, in turn, what the day stands for. First, as VHS technology became widely available in the mid-1980s, synagogues started screening “Tisha be-Av videos” throughout the afternoon. These are professionally produced

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[26] *Mishnah Berurah t*o OḤ§ 554: 4-5. *Arukh ha-Shulhan* to OḤ § 554:3.

[27] SA OH§ 554:20.

[28] SA OH § 552:8.

[29] *Mishnah Berurah* to OḤ § 551:16.

[30] Joseph B. Soloveitchik, *The Lord is Righteous in All His Ways: Reflections on the Tish’ah be-Av Kinnot,* ed. Jacob J. Schacter (Jersey City: Ktav, 2006), 19.

[31] Ibid, 15.

[32] See ibid., 1-31.

programs that focus on the Holocaust, the tragic points on Jewish history, and/or the dangers of speaking *lashon hara* (gossip and slander).

Today the practice continues both in synagogues and online, and some of these videos even contain a slight musical accompaniment in the background. Though hardly billed as "social events," these programs have proven popular because they bring the community together and edu-tain them during the long hours of the fast. Notably, the practice does not break along ideological lines, communities from liberal Orthodox to [American] *haredi* all air programming—although the tone and content may differ substantially. As a friend of mine quipped, *haredim*, notoriously wary of all forms of entertainment technology, likely get more screen time on Tisha be-Av than any other day of the year!

The second change relates to the in-synagogue services on Tisha be-Av morning. Traditionally, people sat on the synagogue floor until midday reciting complex liturgical elegies known as *kinnot* in a low, dirge-like tune with little embellishment or explanation.[33] Few had any idea what these poems meant, such that sitting uncomfortably on the floor in a darkened room did most of the work. Boredom and lack of interest were no doubt common, and as far back as the seventeenth century, rabbis already expressed their displeasure at the practice of impromptu games of "bottle-cap soccer" that took place on the synagogue floor during *kinnot* recitation.[34] Around the mid-2000s, technology enabled day-long lectures/*shiurim*/seminars on *kinnot* and related themes to be webcast into homes and synagogues across the county.

One of the most successful exemplars is sponsored by Yeshiva University and led by Rabbi Dr. Jacob J. Schacter. Following Rabbi Soloveitchik's model, Rabbi Schacter begins the presentation at 9.15 am with a sophisticated, two-hour source-based exploration of central Tisha be-Av themes. The program then continues with *kinnot* until its conclusion at 5 pm. While people sit on the floor and the *kinnot* are recited in the traditional tune, the overall feel is a far cry (or lack thereof) from the classic *kinnot* service. The program has a clear intellectual focus (in 2016, the source pack ran over 70 pages), and Rabbi Schacter emphasizes the historical, conceptual, and theological ideas that emerge from these obscure liturgical texts. (Full disclosure: I tune into this webcast every year.)

In addition to YU's program, the Orthodox Union runs its own events in both the US and Israel. Further, even communities that do not subscribe to any of the simulcasts have local rabbis prepare detailed explanatory programs for *kinnot* recitation which are then advertised to the community in advance. Here, too, we should note the tension between these *kinnot* seminars and the classical image of Tisha be-Av. While Torah study related to Tisha be-Av themes is permitted, previous authorities stressed that learning should be limited to topics that one is not familiar with and that the study should not delve too deeply into the substantive ideas.[35] These programs, by contrast, are led by scholars who

[33] SA, OH § 559: 3 & 5.

[34] See *Eliyah Rabbah* to OH § 559:17; see also *Mishnah Berurah* to OH § 559:22.

[35] See notes 3 & 4 above.

have studied the topics for years and invested considerable energy in preparing the Tisha be-Av lectures. They aim to illuminate Jewish law, theology, and history for their audiences. They are hardly superficial.

"Shall I Weep in the Fifth Month … as I have Done All These Years?"[36]

Notwithstanding the largely diasporic changes described above, the most dramatic shift to the tenor of Tisha be-Av has taken place in Israel, particularly at the Kotel, or what was once called the Wailing Wall. As Hillel Halkin notes, Western writers, Arabs, and Jews of the modern era all referred to the spot as the "Wailing Place" and then the "Wailing Wall," following the Arabic appellation. Travelogues written in the 1870s indicate that wailing was the site's primary activity—and not just on Tisha be-Av.[37] Since 1967 however, Jews refer to it almost exclusively through the older, but less morose Hebrew term, the "Western Wall." In the past generation or two, the Kotel has further transitioned from being the focal the point of Jewish wailing to the locus of Jewish pride, strength, and national resolve. There is no shortage of Facebook wall photos (including my own) that show vacationing Jewish families broadly smiling in front of the Kotel, and for years, the IDF has been holding swearing-in ceremonies for new enlistees at the Kotel plaza. The Wailing Wall is indeed no more.

While rabbis, thought-leaders, and liturgists argue whether these realities should be reflected in the text of *Nahem*, the experience of Tisha be-Av has already changed on the ground. Since the Kotel is a popular Tisha be-Av destination, it becomes something of a communal gathering, where one inevitably runs into long lost friends and acquaintances. This begets an awkward (and generally unsuccessful) attempt of friends trying to acknowledge one another without running afoul of the halakhic restrictions on greeting. In jest, though reflecting a deeper truth, some have taken to wishing each other a *"gutte hurban*" ("happy destruction day"). Whereas classical sources warned against congregating in groups on Tisha be-Av, even for otherwise perfectly appropriate activities,[38] lest it turn into a social gathering and distract from the mourning mindset of the sad day,[39] this concern is far less salient to the crowds congregating at the Kotel. The wall that acquired its name due to the Jews' persistent wailing now elicits more smiles than wails—even on Tisha be-Av itself.

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[36] This is the question the Jews asked to the prophet Zecharia: Must they continue to fast on Tisha be-Av in commemoration of the First Temple, when the Second Temple was standing?

[37] Halkin quotes the British Reverend Samuel Manning, who traveled to Jerusalem in the 1870 and wrote, "[a] little further along the western [retaining] wall we come to the Wailing-place of the Jews … Here the Jews assemble every Friday to mourn over their fallen state ... Some press their lips against crevices in the masonry as though imploring an answer from some unseen presence within, others utter loud cries of anguish."

[38] Rema, OḤ § 559:10 (approvingly citing custom of visiting a cemetery on Tisha be-Av).

[39] See *Mishnah Berurah* OH § 559:41, citing Rabbi Isaiah Horowitz's *Shenei Luhot ha-Berit.*

The gathering at the Kotel has publicized and popularized another new tradition (likely started in Orthodox summer camps), the "*Tisha be-Av kumzitz.*" (Let that phrase sink in for a moment.) This involves people either sitting on the floor or standing and swaying together at the Kotel plaza while singing soulful Jewish songs—a practice common to periods of intense spiritual focus, but not classically associated with Tisha be-Av.[40] Numerous videos attest to song sessions on the night of Tisha be-Av, as well as throughout the afternoon, but the crowds and intensity clearly grow as the day wears on, culminating in the final hours of the fast. By now, these spontaneous sessions of song have become institutionalized, and the setting is used to strengthen the spiritual resolve and bonds of national/Jewish unity amongst the assembled.

Explaining this practice, one often hears that since the Temple was destroyed due to *sinat hinnam*—baseless hatred between Jewish sub-groups—it is only proper that Tisha be-Av serve to remedy this national shortcoming. But while the classical literature surely maintains the Temple was destroyed due to baseless hatred, the halakhot of Tisha be-Av all push against the idea that the day itself should be marked by community building and social healing. (In fact, the laws of Purim are far more suited to these aims.)

In any event, by swaying, hugging, and soulfully chanting with Jews of different stripes, the intensity and slight deliriousness that attends the end of 25-hour fast, becomes a moving, ecstatic, and in many ways optimistically joyful expression of religious fervor and unity.This effect is reinforced when these videos are proudly shared across social media, symbolizing the triumph of the Jewish soul and national and spirit. By contrast, can you imagine Jews in eleventh century Worms or nineteenth century Vilna sharing images of their Tisha be-Av as a triumph of Jewish peoplehood? And, while one suspects that members of Jerusalem's older Lithuanian communities, and perhaps even some Religious Zionists, find these "sing-ins" in bad taste and pushing the appropriate boundaries of the day, the practice is rarely criticized. Every year, the size and ideological diversity of the chanting crowds seems to grow.

Analysis & Conclusion

The afternoon videos and lectures, the extended *kinnot* and Torah-study sessions in the morning, and the *kumzitz* at the Kotel plaza are all in tension with the spirit, if not the letter, of what until quite recently were accepted halakhic norms of Tisha be-Av. The first two aim to create a more relevant and spiritually "productive" Tisha be-Av. These draw on the modern preference for more affirming and engaging religious experiences, though what they yield is somewhat at odds with the halakhic vision of mourning. The third shift ties the quest for ritual relevance to the process of making Tisha be-Av more congruent with the national state of mind. Though it is exceedingly difficult to square communal song and embrace with the halakhic thrust of the day, the scene at the Kotel reflects the fact that, in a unified Jerusalem, Jews no longer wail in solitude lamenting a distant Temple. Instead, they gather at the theological one-yard line to fervently demonstrate just how close they are to it. And though the event is neither as formally sanctioned or as

[40] A parallel development is the shift from the pre-*Selihot* fire and brimstone mussar talk, to the "pre-*Selihot kumzitz*," a phenomenon itself worthy of study. However, there seem to be fewer formal halakhic impediments to communal song before *Selihot* than on Tisha be-Av.

celebratory as the priestly blessing ceremony held on the major holidays, the effect is not altogether different.

Despite their apparent novelty, these practices range throughout Orthodoxy, and none is associated with liberal or reformist groups seeking to reinterpret or change the character of the day. To take it a step further, those participating in these events tend to be of the most serious and committed Jews who aspire to spend Tisha be-Av engaging its central themes. People who observe Tisha be-Av in a more perfunctory manner are not interested in learned lectures or soulful chants, opting instead to pass the time at home, watching TV or fiddling with electronic devices; to say nothing of the great number of Jews who do not observe Tisha be-Av at all.

In sum, when the status of Tisha be-Av is argued frontally and ideologically, the result is friction, dissention, and a status quo stalemate. The most significant changes, however, occur underneath. Without mounting a structural assault on Tisha be-Av's rules or underlying premises, communities have refashioned the halakhah to fit both their religious sensibilities and political commitments. Thus, the day that classical *halakhah* portrays as a forlorn emptiness, devoid of community, Torah, and song, is now commemorated—we might even say celebrated—through Torah study, community building, and song.

> *The fast of the fourth month, the fast of the fifth month, the fast of the seventh month, and the fast of the tenth month shall become occasions for joy and gladness, happy festivals for the House of Judah; but you must love honesty and integrity*.

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