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SHABBAT HAZON AND TISHA BE-AV

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HOMES WITHOUT HATE AND PRAYING WITH SINNERS

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The Jewish calendar's curriculum has reached the point at which we are supposed to learn, again, or try to learn, about *sinat hinam* (baseless hatred). We are reminded, at this time of year, of the Talmud's teaching (*Yoma* 9b) that the Second Temple was destroyed because the Jews were more interested in defeating or destroying each other than they were in protecting their Temple and their ability to come close to God there — even though these Jews were immersed in Torah study, the performance of *mitzvot*, and acts of loving-kindness. We are reminded that this shared commitment among Jews to the destruction of other Jews led to a holocaust and to a loss of Jewish sovereignty and self-determination from which we are still trying to recover two thousand years later.

But the calendar will march on, and in several more weeks we will be reminded of something else, which I suggest is related: the need to pray with people who are morally flawed. Anyone in shul on *Erev Yom Kippur* will hear the *Sheliah Tzibur* (prayer-leader) beg for permission *להתפלל עם העבריינים* — to pray with sinners.

I suggest that it is useful to put these two things together in an effort to confront the current bitter divide in American politics. There is something useful in these teachings, not only for the Jews but also for the non-Jews — and not only about how to daven together but about how to live together.

Chaim Saiman argued in these pages two years ago ([see here](#)) that the Jewish canon's insistence on argument, and on the toleration of multiple points of view, could be used to help Americans learn to talk to one another when they disagree. Saiman, *mentsch* that he is, understood the current political divide as an intellectual one: people hold different opinions and need to learn how to respect people with different opinions from their own. Certainly every page of the Talmud is a lesson in how (or, occasionally, how not) to achieve that goal.

But it seems to be widely acknowledged that there is something else going on now, at least in America, that is worse than an intellectual disagreement: something more bitter, and so far more difficult to resolve. It is, truly, hatred of those on the other side of the political divide — focused not on the substance of the positions held but on the moral quality of the person holding the opinion.

One sees signs outside of houses proclaiming that "Hate has no home here." For some, no doubt, those signs are there simply to announce disagreement with the KKK, or the National Socialist Party, or the Communist Party of the United States, or Boko Haram, and were put up in response to recent atrocities members of these groups have committed. For many others, however, what these signs really mean, or show, is that political disagreement is no longer only or even primarily about ideas.

This is evident from the widespread willingness to call so many people who voted for the other candidate — people who neither committed nor support the violence of neo-Nazis or Jihadists or the like — not only haters, but racists, fascists, murderers, traitors, and worse. At least for the people who are willing to label their opponents with these epithets — and it is those people, and such labelling, that are my focus here, because they are so common — those signs are really saying the exact opposite of their apparent message. What they are really saying is, "The people who disagree with me are haters, and they can't come in my house."

Thus these signs are understood to be needed by the people who put them up because so many people view a very substantial fraction of the voting population — essentially, the half that voted the wrong way for President — as evil. So the issue is not whether we would allow Nazis or Jihadists to daven with us or whether we should hate such people; most of us know no actual Nazis and no actual Jihadists. The question is whether we can avoid hating 50% of U.S. voters.

Here is where the teachings about *sinat hinam*, and about praying with sinners, have something to offer. As it is the day of all days when we are seeking to cleanse our own sins, one would think that on Yom

Kippur the moral quality of the community's messenger would be most important. When the *mahzor* insists that that be a day for praying with sinners, it is telling us that the only thing we need to know about the moral content of the people davening around us is that there are sinners among us. Beyond that general statement, we are not to evaluate the moral status of any individual person with whom we are *davening*. Instead, all we need to know is that we are obliged to share our space with people whose moral status is flawed.

Not only does the *mahzor* on the *Yamim Nora'im* insist that we pray with sinners, it puts into the mouth of the *sheliah tzibur* the public admission that he is one himself. One of the most moving parts of the *davening* during these days is *Hineni* — the *sheliah tzibur's* introduction to *Musaf* on Rosh Hashanah. Here, the community's leader *pro tem*, its representative before God, publicly proclaims himself a sinner: חוּטֵא וּפּוֹשֵׁעַ אֲנִי. "Please," he asks God, "please don't count my transgressions against the people who sent me up here to the *amud* to speak to You on their behalf."

Why should this be? After all, it is a Jewish idea that the moral state of a *rav* is indeed particularly important — that he must not only appear to live his life according to the Torah but he must, within himself, embody the Torah's ideas: כל תלמיד חכם שאין תוכו כברו אינו — any Torah scholar whose insides are not consistent with his outside is not truly a Torah scholar (*Yoma* 72b). We do not hold by the apocryphal account of Bertrand Russell's insistence that he could be a brilliant writer about ethics but lead an unethical life. "If I were a mathematician," he is reputed to have said when confronted by the chasm between his ethical teachings and the way he lived, "Would I have to be a protractor?" My ideas, and so my value as a thinker and a teacher, are to be evaluated solely by reference to the strength of the arguments that support or oppose what I have said. Whether I actually live by those principles is completely irrelevant.

Orthodox Jews don't choose *rebbeim* that way. On the contrary, we insist that they internalize the Torah they are charged with teaching; that they live by it and embody it. Their greatness is measured, along with intellectual power, by the extent to which their insides and their outsides, their ideas and their personal conduct, are consistent.

But the *davening* on the *Yamim Nora'im* puts into our mouths, in public, a different idea about how to relate to God and to one another. We are not choosing *rebbeim* on those days, but a community of people among whom to live and with whom to pray. And when we make that choice, excluding sinners from the room, and from the *amud* as leaders of public prayer, is, according to our *mahzor*, not an option.

Why does our liturgy do this? I suggest several reasons.

The most obvious reason is that, as *Kohelet* taught (7:20), there are no people who are actually *tzadikim* (*purely righteous*): כִּי אָדָם אֵין צַדִּיק בָּאָרֶץ אֲשֶׁר יַעֲשֶׂה טוֹב וְלֹא יִחְטָא.

If we were only going to send people up to the *amud* who were actually free from sin, there'd be virtually nobody to send. As the Ba'al Ha-Tanya reminds us (*Tanya*, ch. 14), the overwhelming majority of us are, at best, *beinonim* — neither purely good nor purely bad, but with lives composed of actions that are a mixture of sin and virtue. We are all flawed, all sinners.

There is a second reason, which animates our halakhic system for determining guilt and innocence: the immense difficulty, bordering

on impossibility, in truly knowing what actually happened. The Gemara (*Sanhedrin* 37b) famously teaches that if one saw a man run into a ruin chased by another with a knife, and then, upon entering one saw the first man dead and the man with the knife holding it as it dripped blood, one could not, on the basis of that evidence convict the second man of anything¹. You simply don't know to a certainty what actually happened. You weren't there at the crucial moment. You don't know whether the man with the knife acted in self-defense, whether there was a third guy who committed the murder and went out some other way, leaving man number two to extract the knife, or whether a thousand other things occurred that you lack the imagination to conjure up or understand.

Coupled with this and related to it is the halakhic preference for not serving as a judge — even when a *beit din* is needed. The theme appears multiple times in *Pirkei Avot* (2:4, 4:7), among other places. (And the Talmud has a whole tractate, *Horayot*, devoted to the problem of judges who rule incorrectly.) This demand for humility makes it much more reasonable, in fact necessary, to daven in a room of morally flawed people — or, more accurately, in a room of people *you think* are morally flawed. Not only because you don't actually know — you weren't there — but also because you should be trying as hard as you can not to decide what actually happened.

A final point is the zone of privacy effectively created by the rules of procedure governing the imposition of punishment for violation of Halakhah. Two witnesses are required; they must warn the criminal, immediately before he acts, of the legal status of the act he is about to commit and the punishment for it. Absent these predicates, no *beit din* can convict anyone of violating the rules mandating capital punishment — that is, the rules governing the crimes most in need of punishment, no matter how likely, or even obvious, it may seem to us that a violation has occurred.

Private transgression, under these rules, is not within the purview of the halakhic system. We punish desecration of Shabbat, for example, when it is *be-farhesia* — in public. We do not punish the person who, in the privacy of his home, turns the lights on and off or answers the phone. The point is not that such acts are permitted; clearly they are not. The point is that the community's law enforcement system does not reach such acts.

This insistence on not deciding and not ruling when you don't have to, on not thinking you know when maybe you don't, on not imposing a punishment for private conduct — animate the conduct of *gabbaim* and *rebbeim* in many American Orthodox synagogues in the 21st century. This is true not only with respect to members who may or

¹ It is true that, parallel to the set of rules described here, Halakhah allows for the creation of a regime that can effectively reach people who would otherwise get off on what are commonly called "technicalities" — by which is meant the failure of the state to conform to all of the rules applicable to criminal prosecution even when the evidence of actual guilt is overwhelming. But as RaN explains in the [eleventh of his Derashot](#), this parallel system exists for completely different reasons than the Torah's rules discussed above. The Torah's rules, he there explains, exist to bring Godliness into the world; the other system exists to address the mundane (i.e., "worldly," not "unimportant") need for physical security and order. Because we are speaking here only about the Torah's ideas, and not about the imposition of order and the protection of physical security, the rules that prevent people from getting off on "technicalities" are irrelevant here.

not be *Shomrei Shabbat* but also with respect to people who are suspected of tax evasion and people whose sexual lives are not lived the way Halakhah demands (including both people who engage in homosexual behavior and people who live together before they get married). It includes weddings where mixed dancing starts a few songs in — at which point many Orthodox rabbis I know will choose not to judge, and instead simply decide that it's late and time to go home.

All of these principles weigh in favor of understanding disagreements about politics, like disagreements about how to live as Jews, without judging the moral quality of the actors. Saiman's way of understanding the current political divide should be an aspiration: we should try to live as if these are only disagreements about opinion, not disagreements about the moral value of the soul of the person with whom we disagree. To help us get there, the *mahzor* demands that we daven together especially at that time of year when each of us focuses on our own moral failings — and not, the message seems to be, on anyone else's.

BEYOND HOLOCAUST TIME: A NEW BOOK SHOWS HOW JEWS USED CALENDARS TO RESIST THE NAZIS, CHARTING SPIRITUAL FREEDOM IN THE FACE OF TRAGEDY

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On a Monday evening in the spring of 1943 Sophie Loewenstein was en route to Auschwitz. On the Gregorian calendar it was the 19th of April, and the following day would mark the birthday of Adolf Hitler. According to the Jewish calendar, however, the year was 5703 (*taf-shin-gimel*), and that evening marked the onset of Passover, a holiday designated in the prayer liturgy as “the time of our freedom.”

Remarkably, Loewenstein and her friends had been able to bake matzah before they were transported, and they refused to let their present incarceration prevent them from celebrating the eternal freedom that was their birthright. In his newly published study, [The Holocaust's Jewish Calendars](#),² Alan Rosen frames the episode as illustrating a phenomenon that might be labeled “calenderical resistance”:

The Germans timed the actual deportation to Auschwitz to coincide with their leader's birthday on April 20. But Sophie and the other deportees ... lived according to a different calendar, conducting a Passover seder in the railway car—“an animal wagon,” as she called it, “without windows.”³

Rosen's invocation of the calendar in this passage is not merely a poetic device. His central concern in this book is with concrete artifacts, with actual calendars, painstakingly produced by Jews who

² Alan Rosen, [The Holocaust's Jewish Calendars: Keeping Time Sacred, Making Time Holy](#) (Bloomington, IN: Indiana University Press, 2019).

³ Rosen, 133.

audaciously and concretely insisted that the Nazis could not expunge Judaism's future.

Sophie Loewenstein, born in 1923 and raised in Munich, was one of those Jews. Having received an excellent Jewish education, she possessed both the knowledge and the tenacious bravery to chart a comprehensive Jewish calendar (a *lu'ah* in Hebrew) while a prisoner in the most notorious of Nazi concentration camps.

For Loewenstein, the celebration of Passover in the cattle car was not simply a last attempt to cling to the vestiges of a Jewish life that she was leaving behind. Rather it heralded her commitment to the continued forecasting of Jewish life in the future, even under the most adverse of conditions.

As Rosh Hashanah approached, Loewenstein drew on school tutorials she had received nearly a decade prior to make a calendar for the new Jewish year, 5704. This calendar was lost, but the calendar that she made for the following year, 5705, survives. Though she had no access to the usual resources relied upon for so challenging a task, Rosen finds that her calendar was accurate in almost all of its details.

Composed in a camp where even the possession of a watch was prohibited, and carried by Loewenstein on a death march from Auschwitz into Germany, this *lu'ah* preemptively noted the day of its author's eventual deliverance; alongside the inscription marking the 18th of Iyar, designated as the festive day of Lag ba-Omer, she later added these understated words: “day of liberation.”⁴

Rupture, Continuity, and Jewish Logos

Many writers and scholars have taken note of the ways that Holocaust victims experienced an assault on their fundamental sense of time. Among the examples noted by Rosen is a trio of temporal distortions delineated by the Polish sociologist and Holocaust scholar Barbara Engelking: 1) an exaggerated experience of the present, 2) an exclusion of the future, and 3) a foreshortening of the past.

For Rosen, however, a mere description of the debilitating impositions of Holocaust time is insufficient. His purpose is not to describe the victimization of the Jews, but rather to describe the ways in which Jews used time as a tool of resistance, as a tool by which to transcend the diabolical tyrannies of the present.

In the epilogue to his book, Rosen finds the source of his insight in the archetypal story of Jewish redemption:

The commandment to make a calendar came at a pivotal moment in history. The Jews had been enslaved in Egypt for several hundred years. The oppressor's grip had been steadily loosened and the people were told how to prepare for their departure. The first step was to fashion a calendar.⁵

Moving beyond the reduction of time and its significance that is emphasized by so many, Rosen recalls Viktor E. Frankl's insistence that the ability to imagine a future is an existential human imperative, and that without it none of the Nazi's victims could be inoculated from deathly despair. In Frankl's words:

⁴ Rosen, 139.

⁵ Rosen, 227.

Any attempt at fighting the camp's psychopathological influence on the prisoner by psychotherapeutic or psychohygienic methods had to aim at giving him inner strength by pointing out to him a future goal to which he could look forward ... It is a peculiarity of man that he can only live by looking to the future ... And this is his salvation in the most difficult moments of his existence, although he sometimes has to force himself to the task.⁶

Rosen persuasively argues that the craft of calendar making served to inscribe this existential aspiration, this optimistic orientation towards the future, in a form that is not only tangible, but which was also of immediate practical use. Access to a Jewish calendar, he writes, "maintained a continuity with the near and distant past and, more audaciously, projected a seamless future wherein Sabbaths and festivals would predictably arrive at their appointed times."⁷

This is the fundamental insight that undergirds Rosen's meticulous examination of some forty Holocaust era calendars: By keeping track of as many particulars of the *lu'ah* as circumstances allowed, Jews were able to endow these dark days with sacred prescience.

It is not simply that these calendars attest to the resilience of the human spirit in a general way. Rosen repeatedly emphasizes that these are *Jewish* calendars, and that it was by marking time *Jewishly* that the authors of these artifacts empowered themselves not merely to resist the foreclosure of time, but also to realize their enduring spiritual freedom.

To chart a Jewish calendar was to resist the shattering rupture that the Holocaust inflicted, anticipating a future that lay beyond it and independent of it. With a *lu'ah* at hand, rather than a Gregorian calendar, even the worst of times could be rendered as sacred time. Against the erasure of time, Jews marked the Sabbaths and festivals in ways that were small but far from insignificant. Faith in a future, accordingly, was firmly anchored in these faithful inscriptions of the covenantal calendrical bonds between the Jewish people and G-d.

Through Rosen's eyes, this point of departure can be discerned in what Viktor Frankl himself described as "perhaps the deepest experience I had in the concentration camp." On arrival in Auschwitz he was forced to surrender his clothing, swapping them for "the worn-out rags of an inmate who had already been sent to the gas chamber." At that moment, Frankl later recalled:

It did not even seem possible, let alone probable, that the manuscript of my first book, which I had hidden in my coat when I arrived at Auschwitz, would ever be rescued ... I found myself confronted with the question whether under such circumstances my life was ultimately void of any meaning. Not yet did I notice that an answer to this question with which I was wrestling so passionately was already in store for me, and that soon thereafter this answer would be given to me ...

Instead of the many pages of my manuscript, I found in a pocket of the newly acquired coat one single page torn out of a Hebrew prayer book, containing the most important Jewish prayer, Shema Yisrael. How should I have interpreted such a "coincidence" other than as a challenge to live my thoughts instead of merely putting them on paper?⁸

Frankl himself interprets this rediscovery of meaning and purpose in universalistic terms. But the explicit inspiration for this rediscovery, he admits, is the particular affirmation of the Shema: "Hear, O Israel, the Lord our G-d, the Lord is one." This affirmation anchors the universal divinity that unites the entire world in the particular bond that allows the people of Israel to lay claim to the divine, to say "*our* G-d."

While Frankl elsewhere places Christian and Jewish forms of prayer on an equal footing,⁹ Rosen underscores the exceptionalism of this anecdote. Here, he writes, Frankl recognized that "the Christian idiom did not and could not serve as the idiom of the Jews (himself included) and for Jewish prayer." Nevertheless, "when it came to time and tracking its import in the concentration camp, he thought along the lines of a universal idiom," only referencing the Gregorian calendar. As Rosen himself would be the first to point out, while we often think of the Gregorian calendar as universal it is actually distinctly Christian, and its general adoption in Jewish contexts is a subtle form of assimilation and erasure.

Frankl was not alone in omitting Jewish time from his account of the Holocaust. As Rosen tells us, even scholars who have tried to think about Holocaust time from a Jewish perspective have always fallen back on the Gregorian calendar. Only passing attention has been paid to the Jewish dating system whose distinct contours continued to imprint each day, week, and month with special spiritual significance, even as the Nazis executed their soul-crushing program of extermination.

It is the particularism of Jewish time, and its meaning for the Nazi's Jewish victims, that Rosen's scholarship seeks to salvage. Through his keen documentary and interpretive analysis, the inscription of these Holocaust era calendars emerges as a form of logotherapy (defined by Frankl as "a meaning centered psychotherapy") distinguished both by its embodied concreteness and its deep Jewishness.

Tragic Times in Historiography and Hermeneutics

The Holocaust's Jewish Calendars is comprehensive in its scope, and scrupulous in its attention to detail. Not content to describe these calendars only in terms of their general features, Rosen painstakingly notes each nuance, each idiosyncrasy, anomaly and defect.

But perhaps the boldest facet of this work is that Rosen does not register these calendars only as significant Jewish artifacts, rich in detail. He also reads them as significant Jewish texts. As texts, Rosen engages them in a continuing dialogue with the traditional corpus of Torah scholarship, commentary, and meaning-making that accrues with each additional generation in which Judaism lives.

⁶ Frankl, *Man's Search for Meaning* (New York, NY: Washington Square Press, 1985), 93-94. See Rosen, 92-96.

⁷ Rosen, 226.

⁸ Frankl, 137-8.

⁹ E.g., *ibid.*, 147.

In particular, Rosen closes his acknowledgments with a tribute to the extensive theorization of time found in the teachings of Rabbi Menachem Mendel Schneerson, the seventh rebbe of Chabad Lubavitch. These teachings, Rosen writes, “give attention to all facets of the calendar’s bearing on life and death, learning and commemoration, creation and redemption—and, above all, the special meaning of each day, week, month and year ... Whatever might be worthy of consideration here grows out of my effort to adapt his extraordinary calendar sensitivity to my own purposes.”¹⁰

This is a strong programmatic statement. Rosen’s project, and his method of analysis, is not limited to scientific historiography, but also brings a very particular Hasidic hermeneutic of time to bear. Here, however, there is a significant lacuna: While this methodological intervention is put to work on every page, its principles and tools are not delineated or elaborated fully and systematically. How can such an integration of scientific historiography and Hasidic hermeneutics be justified? How can it work?

Rosen has chosen to “show” us, rather than “tell” us, what such integration looks like, and he leaves us readers to deductively grasp the theory that underlies his method. To make that deduction we need to pay closer attention to what distinguishes the Lubavitcher Rebbe’s hermeneutics of time not only from scientific historiography, but also from the wider corpus of traditional Torah approaches to time and its interpretation.

One hermeneutical tool that is not named explicitly by Rosen, but which is applied throughout *The Holocaust’s Jewish Calendars*, is known in Hebrew as *diyuk*. Literally translated as “precision,” this refers to a disciplined attentiveness to the intimations of every detail of a text (or artifact), mining every nuance, anomaly, or omission so that they cumulatively yield the kind of fresh insight that casts the whole in new light.

To be sure, scientific historiography also pays intense attention to detail, but it is distinguished by the fundamentally agnostic orientation that is the appropriate hallmark of academic scholarship. While nuances and anomalies must always be noted, the scholar must not be committed to ascribing them with meaning. After all, mishaps, mistakes, ambiguities, imperfections, and indeed contradictions, are all ordinary features of human life. The traditional Torah scholar, by contrast, approaches each nuance and anomaly with a deep-set faith that, ultimately, nothing is amiss. There is always meaning, edification, clarity, and indeed harmony, waiting to be unearthed. Moreso, every detail is endowed with *divine significance*.

This principle is perhaps most powerfully expressed in a letter addressed by Rabbi Levi Yitzchak Schneerson of Dnipropetrovsk, in 5692 / 1932, to his son, the future Lubavitcher Rebbe:

All that is said in the written Torah or the oral Torah, whether in a legal or narrative passage, and in all the books authored by righteous scholars . . . and even the law about which afterwards it is said “it is a falsehood” . . . literally all of them were said by G-d; exactly in that formulation that

they were said . . . G-d Himself said the law, and He Himself said, “It is a falsehood.”¹¹

The degree to which this assumption permeates the corpus of the addressee’s writings and talks cannot be overstated. It is especially accentuated in his application of *diyuk* to the meaning of time and the dialectic of exile and redemption, tragedy and celebration, that marks the Jewish calendar. It echoes in Rosen’s remark that his attention to calendrical inaccuracies “intends to read the errors as another revelatory dimension of the calendar-making enterprise during the Holocaust.”¹²

Much has already been written about the concept of time in Chabad thought, and in the teachings of the Lubavitcher Rebbe especially.¹³ But there are two general distinctions, one qualitative and the other quantitative, that set his approach apart even from other branches of traditional Torah hermeneutics of time, and which illuminate Rosen’s methodological choice:

1) Qualitatively, the Rebbe’s understanding of time is rooted in the concept of the continuous re-creation of the world, and of time itself, as theorized in the second part of Rabbi Schneur Zalman of Liadi’s *Tanya*. As Wojciech Tworek puts it: “While G-d’s energy constantly annihilates and re-creates the world, the re-creation is never an identical copy of what existed beforehand. Rather, the repetition of creation is always a new creation, even though it always refers to G-d’s original creative act, as described in Genesis.”¹⁴

2) Quantitatively, the frequency and degree to which the Rebbe invokes this concept of time, and applies it in the hermeneutical interpretation of the Jewish calendar, with all its quirks and confluences, rises to a level of seriousness and attention to detail

¹¹ Rabbi Levi Yitzchak Schneerson, *Likutei Levi Yitzchak - Igrat Kodesh* (Brooklyn, NY: Kehot Publication Society, 1972), 266. For more on this correspondence and its context see Eli Rubin, “Letters from Yekaterinoslav: Uniting the Facets of Torah - 1933,” *Chabad.org*, chabad.org/2619804.

¹² Rosen, 14.

¹³ For a more general introduction to the discourse on temporality in Chabad thought and practice see Wojciech Tworek, *Eternity Now: Rabbi Shneur Zalman of Liady and Temporality* (Albany, NY: SUNY Press, 2019). Also see Elliot R. Wolfson, “Achronic Time, Messianic Expectation, and the Secret of the Leap in Habad,” in *Habad Hasidism: History, Thought, Image*, edited by Jonatan Meir and Gadi Sagiv (Jerusalem: Merkaz Zalman Shazar, 2016), 45*-86*. On the Lubavitcher Rebbe especially see *idem.*, *Open Secret: Postmessianic Messiahism and the Mystical Revision of Menahem Mendel Schneerson* (New York, NY: Columbia University Press, 2009), esp. xi-xii, 22-23, 89, 279-281, 285-288; Eli Rubin, “The Giving of the Torah and the Beginning of Eternity: Reflections of Revelation, Innovation, and the Meaning of History,” June 5, 2019, *The Lehrhaus*, <https://www.thelehrhaus.com/scholarship/the-giving-of-the-torah-and-the-beginning-of-eternity-reflections-on-revelation-innovation-and-the-meaning-of-history/>.

¹⁴ Tworek, *Eternity Now*, 31.

¹⁰ Rosen, xiv-xv.

akin to that which traditional Torah hermeneutics applies to the text of the Torah itself.¹⁵

A single example from the Rebbe's corpus must suffice in order to illustrate how his method is applied by Rosen in his approach to time and tragedy. It relates to the particular calendrical configuration that we find ourselves in now (in the year 5779 / 2019), according to which Tisha B'av is "pushed off" (*nidhah*) from its native date, which falls on Shabbat, and is instead observed on Sunday.

Tisha B'av marks a series of calamitous tragedies that befell the Jewish nation. As the Mishnah records:

On Tisha B'av it was decreed that our ancestors should not enter the Land [of Israel]; the Temple was destroyed the first and the second time; Betar was captured; and the city [of Jerusalem] was plowed up.¹⁶

But the Rebbe turns our attention to two additional statements of the Talmudic sages:

1) A lion arose, that is Nebuchadnezzar, ... in the constellation of the lion ... the fifth month (Av), and ruined "Ariel, the city where David camped" (Isaiah 29:1), in order that ... a lion shall come, that is the Holy One, blessed be He, ... in the constellation of the lion, [as it is written] "and I will turn their mourning into joy" (Jeremiah 31:12), and build Ariel, [as it is written] "the Lord is the builder of Jerusalem; He will gather the outcasts of Israel." (Psalms 147:2)¹⁷

2) It occurred that a Jew was plowing his field: An Arab passed by and heard the ox bellow, he said ... "the Temple has been destroyed." It bellowed a second time and he said ... "the messianic king has been born."¹⁸

Read sequentially, these two texts tell us that Av is the month of destruction and rebuilding, and that Tisha B'av is the day of exile and redemption. From this perspective, the Jewish calendar does not merely provide a system through which to mark the temporal interval or duration that separates destruction and exile, on the one hand, from rebuilding and redemption on the other hand. Rather it provides a paradigm through which that interval can be overcome and collapsed; the time of mourning is itself the time of joy.¹⁹ As Elliot Wolfson has noted in a different context, the Rebbe's hermeneutical

¹⁵ To the best of my knowledge, this is a feature of the Rebbe's teachings that has yet to be properly noted in the scholarly literature. Rosen accordingly has broken ground in two ways, firstly by drawing attention to it, and secondly by applying it in his own historiographical work, as will be described below.

¹⁶ *Taanit*, 5:6.

¹⁷ *Yalkut Shimoni, Nakh*, Remez 259.

¹⁸ Talmud Yerushalmi, *Berakhot*, 2:4 (17a-b).

¹⁹ Rabbi Menachem Mendel Schneerson, *Sefer ha-Sihot 5751*, Vol. 2 (Brooklyn, NY: Kehot Publication Society, 2003), 721-722.

prism elicits "the contradictory duty of living in two time zones, the time of the exilic present and the time of the redemptive future."²⁰

Here, however, we are especially interested in how this dual meaning of Tisha B'av is accentuated when its date falls on Shabbat, and its observation "pushed off" to Sunday. The following is from a talk delivered and published by the Rebbe in 1991:

We can say that ... only the undesirable things are pushed off — the fast, the laws of affliction and mourning etc. But the positive and desirable things — the fact that on this day "the messianic king has been born" — are not pushed off, and not even weakened due to Shabbat. On the contrary: These good aspects stand with greater revelation and strength ... There cannot be anything in the world, including a calendrical configuration (*kevi'ut b'zman*) ... that can disturb or weaken a disclosure and revelation of holiness for the Jewish people, including and all the more so vis-à-vis so fundamental a phenomena as the birth of the messiah ... To the contrary: The good elements stand with greater revelation and strength on the Shabbat day.²¹

For the Rebbe, this calendrical quirk is not simply a technicality, but draws forth the messianic significance of Tisha B'av so that it stands in much sharper relief.

This is only the beginning of a very involved discussion, which pays special attention to the messianic significance of Shabbat as reflected in Jewish literature, liturgy, and law, and the way that its calendrical confluence with Tisha B'av also changes the meaning of how the fast is observed on the following day. The constraints of space do not allow us to unpack all the details of this talk; the quantitative breadth and attentiveness of the analysis is as noteworthy as the qualitative transformation of the meaning of time that is elicited.

Our next task is to see how this heremauntic of time is transposed by Rosen into the realm of Holocaust historiography.

Tisha B'av in Holocaust Calendars

During periods such as the Holocaust, in which new tragedies were being inflicted on the Jewish people, one would rightly expect the dark oppressiveness of Tisha B'av to become even more acutely underscored. Yet in Rosen's telling, our first two encounters with this date mark its absence. The second example is especially anomalous:

A "Small Calendar" (*lu'ah katan*), anonymously printed and distributed in the Theresienstadt (Terezin) concentration camp, is otherwise unusually attentive to the explicit designation of fast days, including minor ones. But the 17th of Tammuz is completely omitted, and Tisha B'av is registered only by the single digit marking the 9th day of the month.

This is actually the only entry in this calendar in which a date is noted without any indication of its significance. All other days are inscribed in latin script with some appellation (Schabbat, Rosch Chodesch, Pessach, etc.), regular weekdays are not noted at all.

²⁰ Wolfson, *Open Secret*, 285.

²¹ Rabbi Menachem Mendel Schneerson, *ibid.*, 722.

As if to highlight the simultaneous absence and presence of this darkest of all days, it is quickly followed by an equally paradoxical anomaly. Despite the Mishnaic affirmation that “the Jews had no holidays comparable to the 15th of Av,”²² its somewhat enigmatic significance is rarely highlighted in “the fine print” of calendars. In other wartime calendars, Rosen writes, it either appears “prosaically or not at all.”²³ Yet in the Terezin *lu’ah katan* this date is boldly singled out with the designation “Freudentag,” a day of joy.

What are we to make of the way these two anomalies play off one another?

For Rosen this historical mystery can be approached through the hermeneutical lens that is inherent to the reading of Jewish texts. He reminds us of the fundamental impermanence with which the mourning of Tisha B’av is endowed:

The prophet Zechariah first spells out, the Talmud then amplifies, and the Rambam later codifies: “All these [commemorative] fasts will be nullified in the Messianic era and, indeed, ultimately, they will be transformed into holidays and days of rejoicing and celebration.” (Rambam, *Hilchot taanit*, 5:19; Cf. Zechariah, 8:19.)²⁴

In this light, Rosen allows himself to speculate that the vacant space, where we would expect “Fasttag” or “Tisha B’av” to have appeared, might have been intended “to evoke the ambivalent character of the day ... Rather than being prematurely designated as a fast day” the possibly was left open that “changed circumstances ... would warrant filling the space with a different, hopefully joyous designation.”²⁵

On this reading, the bold emphasis of the joyous significance of the 15th of Av serves to retroactively underscore what Rosen calls “the momentum of prophetic tradition.” “Together,” he writes, these two calendar entries “staged a startling reversal, whereby the commemoration of tragedy would lead to an upsurge of joy where and when one would least expect it.”²⁶

Other instances in which Rosen takes particular note of the marking of Tisha B’av in Holocaust calendars and diaries are perhaps less mystifying, but no less weighty in their intimations:

In the summer of 5702 / 1942 the Nazis deported some 275,000 Jews, including 50,000 children, from Warsaw to the Treblinka death camp. The deportations began on the eighth day of Av, preceding the onset of Tisha B’av that evening by mere hours. They continued until another notable fast day, Yom Kippur, several months later. During this period thousands were also murdered in the Warsaw Ghetto itself.²⁷

²² *Taanit*, 4:8.

²³ Rosen, 64.

²⁴ Rosen, 88, n. 56.

²⁵ Rosen, 64.

²⁶ Rosen, 65.

²⁷ Rosen, 178-179.

Two diarists of the Warsaw Ghetto, Abraham Lewis and Yitzhak Katzenelson, generally dated their entries according to the Gregorian calendar. In this case, however, both pivot to the Jewish date, calendrically marking the tragic symmetry linking the Holocaust travesties to the Jewish catastrophes of the past. Katzenelson’s chronicle, written one year after the events occurred, makes the correlation explicit:

Today is the eighth [of] Av, no less a day of mourning for all of the Jews, wherever they be, than the ninth of Av ... Never will the sun shine upon us again and never will there be any consolation for us on this earth ... Tomorrow is the 9th of Av, and it will be a whole year since the killing began in Warsaw itself.²⁸

Echoing the lament of the Book of Eikha that is read anew each year, Katzenelson links the temporal event to a larger narrative, indeed an eternal one, according to which tragedy and loss is indelibly inked into the entire span of earthly existence. In a dark paraphrase of Tworek’s formulation regarding the Chabad concept of time, we might say that the repetition of Jewish tragedy is always a new tragedy, yet it always refers back to the original Jewish tragedy, as lamented in *Eikha*.²⁹

In this case there is no ambiguity, no hope held out that an empty space can yet be filled with joy. Nevertheless, Rosen intimates, these calendrical musings embody a tenacious spiritual resistance, a refusal to give up the unique temporal formula by which the Jewish people chart death as well as life.³⁰

The final chapter of *The Holocaust’s Jewish Calendars* returns our focus to Tisha B’av, this time through a highly innovative reading of what Rosen describes as “the Lubavitcher Rebbe’s wartime calendar book,” published in New York, in 5703 / 1943, with the title *Hayom Yom*. Here Rosen applies the author’s own method of textual and calendrical *diyuk* to accentuate what he calls an “extraordinary calendrical response to Jewish suffering.”³¹

Resacralizing Holocaust Scholarship

As noted above, Rosen has methodologically merged two scholarly traditions that are usually understood to be incompatible. On the one hand, he locates his work within the larger corpus of academic Holocaust research. On the other hand, he also casts it as an applied adaptation of the Lubavitcher Rebbe’s Torah hermeneutic of temporality.

Appropriately, the academic or scientific method is to scrutinize data and interpret it critically and independently. A vulnerability of this approach, one might suggest, is that it can sometimes create too great a distance between the scholar and the object of their research. The quest for a rigorous scholarly agnosticism can sometimes lead a scholar to overcompensate. Instead of merely escaping a particular set of naive or uncritical commitments, a distinctly secular set of

²⁸ See Rosen, 180.

²⁹ See Tworek, as cited above, note 11.

³⁰ Rosen, 176-180.

³¹ Rosen, 204-224.

commitments may emerge, leading to the erasure of religious or spiritual dimensions even if they are inherent to the topic at hand.

According to Rosen, the study of the Holocaust, and in particular its chronology, suffers from precisely this sort of overcompensation, unwitting or well intentioned as it may be:

Most academic study of the Holocaust simply filters out the Jewish calendar ... which is deemed meaningful only for those conversant in it ... too arcane for the non-Jewish scholar or reader, or for the Jewish scholar or reader not schooled in the finer points of Jewish tradition.³²

Yet consider what is lost. For the Nazi's Jewish victims, Rosen explains, "the Jewish calendar was eminently consequential, since the very flow of family and social life depended on the exact marking of the weekly Sabbath, the monthly new moon, and the seasonal holidays."³³ As Rabbi Abraham Joshua Heschel once wrote, "the Jews in Eastern Europe lived more in time than in space."³⁴ To filter out the Jewish calendar, accordingly, is to filter out one of the most fundamental elements of Jewish cultural consciousness, thereby erasing the very particular ways in which Jewish victims contended with Holocaust time.

Beyond the particular examples already cited above, it is worth paying attention to a more general point that illustrates the profound shift in orientation elicited by attentiveness to the Jewish calendar:

Following the Gregorian calendar, we tend to think of the Holocaust as something that belongs definitively to the 20th century. We often hear expressions of shock that some outrage has been perpetrated *even* in the 21st century, as if such evil belongs wholly to an era that is entirely distinct from our own.

Following the Jewish calendar, however, the Holocaust began in the last month of the year 5699, just as a new century was about to begin. It wasn't till the middle of 5705 that the diabolical program of extermination was brought to an end. Rosen makes the point with particular poignancy: "As I write these lines in the year 5777 (2017), we are, according to the Jewish calendar, still in the century of the Holocaust."³⁵

In short, distance is certainly a necessary criterion of clear eyed scholarship. But too much distance can prevent scholars from coming to know their subject intimately. This can lead to the erasure of indignant perspectives and their replacement with new narratives that do not derive independently from the data, and are instead colored, narrowed, or distorted by external impositions.

Rosen's methodological insight is that the Lubavitcher Rebbe's hermeneutical approach to time is a heightened expression of the indigenous culture of European Jewry. His particular attention, not

³² Rosen, 4.

³³ Rosen, 3.

³⁴ Heschel, *The Earth is the Lord's: The Inner World of the Jew in Eastern Europe* (Woodstock, VT: Jewish Light's Classic Reprint, 2011), 15.

³⁵ Rosen, 4.

only to the sacrecy of time, but also to calendrical detail (*diyuk*), provides an especially sensitive model for the ways in which the experiences of the Nazi's Jewish victims, and the modes of their resistance, can be more intimately assessed.

The Holocaust's Jewish Calendars accordingly instantiates a corrective to the tendency of academic Jewish scholarship to engage in explicit and implicit processes of secularization, and of materialistic, or non-Jewish, reductionism. As stated in the book's subtitle, the project here is one of "*keeping time sacred, making time holy*." In addition to the richness of the calendrical artifacts surveyed, Rosen provides an evidence based argument against the erasure of Jewish time. Applying a fresh integration of historiography and hermeneutics, he forges a path that leads beyond Holocaust time by delving into its devastating details.

HOW HALAKHAH CHANGES: FROM NAHEM TO THE "TISHA BE-AV KUMZITZ"

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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 *Nahem*, 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.³⁶ 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.

³⁶ See Rabbi David Shloush, *Resp. Hemdah Genuzah* § 22:8, who advocates for changing the received text due to concerns of making false statements in prayer and demonstrating ingratitude to God.

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 more of a thought experiment than a direct call to action.³⁷ 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

³⁷ Rabbi Shloush's responsa cited above contains a detailed halakhic analysis of this issue as well.

mourning of the day.³⁸ The Talmudic rabbis permitted studying some of the lachrymose sections of the Bible and Talmud, but even here, halakhic authorities warned that one should not dwell on matters at length, lest one reach some novel insight and find joy in the process.³⁹

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,⁴⁰ and the final meal before the fast is eaten in solitude,⁴¹ 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.⁴² 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.⁴³ Even prayers are limited, because “all the doors and gates of prayer are closed, barricaded.”⁴⁴ 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.⁴⁵

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.

³⁸ SA, OH § 554:1. The competing reasons are cited in *Taz* to OH § 554:2 and *Maharsha* to Taanit 30b.

³⁹ *Mishnah Berurah* to OH§ 554: 4-5. *Arukh ha-Shulhan* to OH § 554:3.

⁴⁰ SA OH§ 554:20.

⁴¹ SA OH § 552:8.

⁴² *Mishnah Berurah* to OH § 551:16.

⁴³ 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.

⁴⁴ *Ibid*, 15.

⁴⁵ See *ibid.*, 1-31.

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 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.⁴⁶ 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.⁴⁷ 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

⁴⁶ SA, OH § 559: 3 & 5.

⁴⁷ See *Eliyah Rabbah* to OH § 559:17; see also *Mishnah Berurah* to OH § 559:22.

that one is not familiar with and that the study should not delve too deeply into the substantive ideas.⁴⁸ These programs, by contrast, are led by scholars who 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?”⁴⁹

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.⁵⁰ 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 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,⁵¹ lest it turn into a social gathering and distract from the mourning mindset of the sad day,⁵² 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.

⁴⁸ See notes 3 & 4 above.

⁴⁹ 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?

⁵⁰ 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.”

⁵¹ Rema, OH § 559:10 (approvingly citing custom of visiting a cemetery on Tisha be-Av).

⁵² 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.⁵³ 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 celebratory as the

⁵³ 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.

[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, dissent, 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.

GRIEF, GRATITUDE AND ... GRAPES? TEARS ON TISHAH BE-AV AS TOOLS OF TIKUN AND THANKSGIVING

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Witnessing the *Kotel Plaza* on *Tishah Be-Av* afternoon jam-packed with worshippers lamenting “the city that 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 Tzefofhad, 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*⁵⁴ (chap. 10) is troubled by this question and leaves it unanswered.⁵⁵ 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:

⁵⁴ A fourteenth-century work written in Israel by R. Farhi, focused mainly on laws pertaining to Israel.

⁵⁵ *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?

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 Hakadosh*). 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.⁵⁶

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?

⁵⁶ *Wellsprings of Torah*, an anthology of *divrei Torah* on the weekly *parshah*, for *parshat Shelah*.

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?"⁵⁷:

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 it 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.⁵⁸

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.⁵⁹

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:

⁵⁷ From [On Repentance: The Thought and Oral Discourses of Rabbi Joseph Dov Soloveitchik](#), by Pinchas H. Peli.

⁵⁸ *Moreh Nevukhim* III:52; Ibn Ezra on Shemot 14:13.

⁵⁹ See Rav Elhanan Samet, *Studies in Parshat Ha-shavua* Vol. 2II, *Parshat Shelah*.

- 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.⁶⁰ 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*.

⁶⁰ Tehilim 127:1

BERNARD MALAMUD'S "THE GERMAN REFUGEE": A PARABLE FOR TISHAH BE-AV

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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 pitifully 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."⁶¹ It is this innate morality in the face of struggle that leads Malamud to see Jews as metaphors for everyone. 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."⁶² 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."⁶³ 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 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

⁶¹ Bernard Malamud, "Imaginative Writing and the Jewish Experience" in *Talking Horse: Bernard Malamud on Life and Work*, eds. Alan Chuse and Nicholas Delbanco, (New York: Columbia UP, 1996), 188.

⁶² Philip Davis, *Bernard Malamud: A Writer's Life* (Oxford: Oxford UP, 2010), 49.

⁶³ Bernard Malamud, *The Stories of Bernard Malamud* (New York: Penguin, 1983), 93.

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.⁶⁴

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 paralyzing of my will. The whole lecture 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 next" (*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 possess 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 else I have lost 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.⁶⁵ 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. 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).

⁶⁴ 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.

⁶⁵ Robert Solotaroff, *Bernard Malamud: A Study of the Short Fiction*, (Boston: Twayne Publishers, 1989), 82.

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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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.