

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshiyot Matot-Masei

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in honour of the upcoming yahrtzeit of Sheila Guttmann שרה טובה בת יהושע ז"ל

The Strange Case of Gad and Reuven

Rabbi Baruch Weintraub

The request made by the tribes of Gad and Reuven – namely, to stay on the eastern side of the Jordan river – seems to have been a sobering surprise to Moshe Rabbeinu. The preference for some fertile ground over the Holy Land, after forty years of wandering in the desert waiting to enter, was deemed by him as both narrow-minded and extremely selfish.

The timing of the request may puzzle us no less than its content. The land they were asking for, namely the cities of Gilad, Atarot, Divon and Yaezer, (Bamidbar 32:1-3) among others, were conquered from Sichon and Og some time before (ibid. Chapter 21). The people had already moved from there to the plains of Moav (ibid. 22:1); had sinned with the Moabite women (ibid. 25:1-9), and had taken their revenge on the Midianites (ibid. Chapter 31). Why did they not speak up until now?

One possible answer is connected to the *goral* (lottery) which Hashem had prescribed as the method to divide the land (ibid. 26:52-56); suddenly, the question of which share of the land each tribe would be given became real. Furthermore, the two tribes may have been inspired by the successful petition made by Tzelofchad's daughters (ibid. 27:1-11), which had suggested that the laws governing the inheritance of the land could be somewhat flexible.

A midrash takes a different approach, connecting the request for land suitable for livestock with the outcome

of the war against Midian. The division of loot which followed the Israelite victory left each warrior with a disproportionate amount of cattle. (ibid. 31:25-53) This, explains Midrash Tanchuma (Matot 6), was the reason for the sudden enrichment of Bnei Gad and Reuven, Israel's best warriors. This is a solid explanation, but as Ramban (ibid. 32:1-2) notes, while we have independent indications about Gad's fighting skills (Devarim 33:20), we do not hear of this regarding Reuven. Therefore an additional explanation may be needed.

I believe that the root of the answer may be found in a groundbreaking psychological study conducted by Professor Edward L. Deci some thirty years ago. Professor Deci was studying the impact of incentives on work quality and quantity. His initial thesis was that improvements in the quality and quantity of work would correlate to the magnitude and frequency of incentives; as the latter is increased, the former will rise.

Professor Deci was extremely surprised to find that the outcomes were not as he had expected. Indeed, high incentives did encourage the subjects to improve their work, but small incentives were not only worthless in bettering their product, they were actually harmful! These results were reproduced again and again: volunteers, working without reward, would do better than those working for a small wage. Only above a certain level of remuneration do paid workers outpace volunteers.

Thus, Professor Deci made the following discovery: human beings have (at least) two different systems of motivation. One is internal, based upon recognition of values and expression of the self, and the other is external, based upon material benefit. Most of the time, for most people, the two cannot coexist. Therefore, paying someone moves him from the first system of motivation into the second one. But if the payment is not high enough, the additional incentive will, in truth, reduce the motivation – because it will switch the subject from internal to external motivation, without giving a sufficiently strong material reward.

Taking this insight into consideration, we can easily understand what caused the two tribes to approach Moshe at this specific point in time. It was not merely the amount of cattle they had gained from the war; it was the whole prospect of "gaining" that had changed their viewpoint. Suddenly, the journey to the land upon which the eyes of G-d always rest became a search for the best pasture.

As our Sages have noted, this attitude of Gad and Reuven towards the promised land was the reason for them being the first tribes to be exiled. (Midrash Tanchuma Matot 5) The road to redemption, then, is through the realization that our connection to the Land of Israel, while not excluded from material dimensions, must be based upon internal, idealistic and spiritual foundations.

bwineintraub@torontotorah.com

This is the last "Toronto Torah" of Volume 8; see you in Elul!

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The Koren Mesorat HaRav Kinot
OU/Koren Pub. Jerusalem (2010)**The Need for this Book**

Tisha B'Av is a holiday which calls for an intense and particular emotional connection, which is difficult for many to access. This is due in part to the distance, both physical and temporal, which divides us from the Beit HaMikdash, and it is also a function of the difficulty of the liturgy composed for the day.

The *kinot* of Tisha B'Av are some of the most complicated poetic pieces which we recite during the year. They are meant to inspire us to mourning, but, at least for this writer, the obscurity of the language and even the themes which the poets address make emotional engagement very difficult. The present volume addresses both of these issues. It seeks to provide a context within which the contemporary Jew can feel emotionally attached, and also transform the recitation of *kinot* into a meaningful experience. Both goals are achieved through the thoughts of Rabbi Joseph B Soloveitchik.

Content, Layout, Structure

The volume includes the prayers for Tisha B'Av, the text of Eichah, and the day's Torah readings and *haftarot*. It also includes a brief halachic guide outlining the rules of the Three Weeks, Nine Days, and Tisha B'Av itself. The core of the text is devoted to Rabbi Soloveitchik's commentary on the *kinot*, particularly the daytime ones, which takes up some 400 pages. At the end of the volume are write-ups of several classes that Rabbi Soloveitchik delivered on topics surrounding Tisha B'Av. The text is laid out clearly and neatly, with Hebrew and English on the left and right sides of the page respectively. The Hebrew is in Koren's classic font, and the pages are off-white to aid in readability.

Rabbi Soloveitchik on Tisha B'Av

In Rabbi Soloveitchik's view, Tisha B'Av serves as the central locus for all Jewish suffering and mourning. The experiences not just of the Temples' destruction, but also of pogroms, exiles, and the Holocaust need to find their expression on this day. The corollary of this is that Tisha B'Av ought to be deeply meaningful to every

Jew in any generation. This perspective is evident in this volume. The commentaries on the *kinot* seek to incorporate the sweep of Jewish historical experience.

Amongst the introductory remarks, Rabbi Haskel Lookstein recollects a shiur in which Rabbi Soloveitchik asked why we still observe this day, given that the Temple Mount is once again under Jewish sovereignty. One of Rabbi Soloveitchik's answers: Tisha B'Av is the day we ask "*Eichah?*" "How come? How could it be? Why is our people constantly persecuted? Why is our history punctuated by so many periods of despair and tragedy?" These are questions which even the Six Day War did not answer, and therefore we must continue asking them each year. [For another view of the relevance of Tisha b'Av, see the column below.]

This is the type of volume one is reticent to buy and hopes each year not to have to use again. Nevertheless, if we *are* once again called to mourn, this book can enhance the Tisha B'Av experience.

afriedmann@torontotorah.com

Israel's Chief Rabbis: Rabbi Yisrael Ariel

Yaron Perez

Rabbi Yisrael Ariel (Stieglitz)

Born 30 Av 5679 (1939)

Regional Chief Rabbi, Emek Yizre'el and Moshav Sdeh Yaakov, 1969-1972

Chief Rabbi, Yamit (Northern Sinai, Rafieh), 1973-1982

Biography

Rabbi Yisrael Ariel was born in Jerusalem; he studied in Yeshivat Hesder Kerem b'Yavneh and Yeshivat Mercaz haRav. During the Six Day War, Rabbi Ariel was part of the unit of paratroopers who liberated the Temple Mount.

After the war, Rabbi Ariel was appointed Chief Rabbi of the regional council of Emek Yizre'el, and of the Sdeh Yaakov community. When the Yamit community was established in the Sinai in 1973, Rabbi Yisrael Ariel and his brother Rabbi Yaakov Ariel established a yeshiva there. Rabbi Yisrael Ariel became the Chief Rabbi, and Rabbi Yaakov Ariel was the Rosh Yeshiva. The government's evacuation of Yamit in 1982 was traumatic for Rabbi Ariel, who called for resistance against the evacuation order. Against the view that Yamit is not part of the Land of Israel, Rabbi Ariel wrote *The Atlas of the Boundaries of Eretz Yisrael*.

After the evacuation, Rabbi Ariel moved to the Old City and began activities on behalf of the Temple Mount and Beit haMikdash. Operating on an understanding that the Beit haMikdash would be rebuilt by human beings rather than by miracle, Rabbi Ariel established The Temple Institute (Machon haMikdash) in 1987. The Institute's mission is to catalyze construction of the Beit haMikdash, and to prepare the Jewish people to fulfill its mitzvot. As part of these activities, the Institute is preparing utensils for use by the kohanim. In recent years, Rabbi Ariel has led an educational

recreation of the Korban Pesach in the Old City, as an act of preparation for bringing korbanot in general.

In 2005, Rabbi Ariel was among the founders of the "New Sanhedrin". This group addresses contemporary issues and publishes halachic rulings. In practice, though, its rulings are not accepted in much of the observant community.

Rabbi Ariel has written many books and articles, mostly relating to the Beit haMikdash and the Land of Israel.

On Tisha b'Av

In a 2015 interview (<http://www.nrg.co.il/online/11/ART2/711/976.html>), Rabbi Ariel took a controversial stance on the relevance of Tisha b'Av today, saying, "Crying on Tisha b'Av is unnecessary. We need only change one letter – instead of *livkot* (to cry), *livnot* (to build). There is no mitzvah of crying in the Torah. One cries for the dead; the Beit haMikdash is not dead. This is not a *yahrtzeit*. The Chief Rabbinate should abbreviate the *kinot* and dedicate this day to the study of the laws of the Beit haMikdash and the korbanot. One who comes to the *kotel* on the night of Tisha b'Av sees tens of thousands of people, floodlights, joy. The joy of the redemption itself. But there is no redemption without the Beit haMikdash. Instead of gathering in synagogues on Tisha b'Av and fasting, the Rabbinate should tell the community to bring sandwiches, ascend to Jerusalem and begin building the Beit haMikdash. Some will go to the quarry, some will bring beams and wood, we will divide up the work. If this would happen then the fast would certainly be broken, but on condition that we build." [For another view of Tisha b'Av's contemporary relevance, see the Book Review above.]

yperez@torontotorah.com

Biography

Rabbi Dr. Mordechai Halperin

Rabbi Mordechai Torczyner

Born in 1946 in Jerusalem, Rabbi Dr. Mordechai Halperin studied in Yeshivat Netiv Meir, Ponovezh and Mir, receiving ordination before serving in the IDF for three years. He received degrees in Physics and Mathematics from Hebrew University, before Rabbi Aryeh Bina selected him to serve as Rosh Yeshiva of Yeshivat haGolan for three years. He then attended Medical School at Hebrew University, while teaching at Midrashit Noam and Yeshivat Shevut Yisrael; he completed medical studies in 1987, and practiced gynecology until 2000. He also headed the Jerusalem Medical Center for Impotence and Infertility. [Interestingly, Rabbi Dr. Halperin was rejected when he first applied for medical school, because the interviewing psychologist considered him too much of a perfectionist to succeed in medicine.] In 2005, Rabbi Dr. Halperin completed a degree in Law at the Ono Academic College.

One of the leading experts in Jewish Medical Ethics and Medical Halachah, Rabbi Dr. Halperin is the director of the Falk Schlesinger Institute for Medical-Halachic Research in Jerusalem, and he edits the Institute's Hebrew journal *Assia* and English journal *Jewish Medical Ethics*. He has published hundreds of articles and led many hundreds of workshops around the world. He was a founder of Israel's Society for Medical Ethics, and he has served in Israel's Ministry of Health in various capacities, including Chief Officer of Medical Ethics, since 2000. He is also a member of the Bioethics Advisory Committee of the Israel Academy of Sciences and Humanities.

In 2013, Rabbi Dr. Halperin received the Rav Kook Prize for Torah Literature for his book, *Refuah, Metzui vaHalachah*. Rabbi Dr. Halperin regularly responds to questions of medical halachah from around the world, and takes pains to maintain good relations with Jews of all religious affiliations.

Rabbi Dr. Halperin lives in Givat Mordechai with his wife and six children. For an extensive personal interview with Rabbi Dr. Halperin, see <http://www.inn.co.il/Besheva/Article.aspx/3340>.

torczyner@torontotorah.com

Torah and Translation

Are All Heart Transplants Acts of Murder?

Rabbi Dr. Mordechai Halperin, Assia 5

Translated by Rabbi Mordechai Torczyner

אם תוחלת החיים של המקבל עולה בעקבות השתלת לב אדם או בעקבות השתלת לב מלאכותי אין לכאורה איסור רציחה בהחלפת הלב. ואמנם הופיעה הסברה שניתוח החלפת לב עלול להיחשב לרציחה גם אם תוחלת החיים של המנותח עולה. הנימוקים הם לדעת החכם צביאשר, בעל חיים ללא לב נחשב כמת, יוצא אפוא שבעצם הוצאת הלב החולה מתבצעת רציחה ודאית של המנותח, כאשר החזרתו לחיים איננה ודאית (גם אם הסיכויים לכך הם גדולים).

אם נכונה סברה זו אזי שונה ניתוח לב מניתוחים אחרים. בנייתוחים אחרים, נחשב כחי, והינו בחזקת חיים כל הזמן, אלא שהוא נכנס למצב סכנה במהלך הניתוח הרגיל. ואכן מותר לחולה להכניס עצמו בסכנה כאשר סיכויי הריפוי הם טובים. לעומת זאת בנייתוח לב, ברגע הוצאת הלב פוקעת ממנו חזקת החיים, היות ולדעה זו הינו נחשב כמת גמור, ואם כן אין שום היתר לבצע רציחה ודאית כאשר סיכויי החייה אינם 100%.

סברה זו תלויה אמנם במחלוקת הפוסקים החולקים על החכם צבי, אך אם היא מתקבלת כהלכה אז לא רק השתלת לב אדם תאסר על פיה אלא גם השתלת לב בע"ח (בבון), וכן לב מלאכותי. אף על פי כן ברור שסברה זו איננה נכונה להלכה (או משום שאין ההלכה כחכם צבי או מסיבה אחרת). והראיה לכך כל ניתוחי הלב המסווגים כניתוחי לב פתוח, בהם מופסקת פעילות הלב (והריאות) לחלוטין למשך שעות מספר, ומכונת לב-ריאות מלאכותית מחליפה זמנית את האברים החיוניים הללו. לגבי ניתוחים אלו טרם שמענו הסתייגות הלכתית כלשהי, למרות שלפי סברת הגרא"י אונטרמן והגר"מ כשר זצ"ל היתה חייבת להיות הסתייגות כזו עקב פעולת הרציחה הודאית בנייתוח הפיזיולוגי של מערכת הזרמת הדם מהלב והריאות.

If the life expectancy of the recipient would rise due to a human heart transplant or an artificial heart transplant, one would think that there would be no prohibition of murder in switching hearts. However, there is an argument that heart-switching surgery could be considered murder even if the patient's life expectancy would rise. The reason is the view of Chacham Tzvi, that a creature without a heart is considered "dead", so that removing the patient's heart is an act of murder so long as restoration to life is not guaranteed (and even if the odds of it are great).

If this argument is correct, then heart surgery is different from other surgeries. In normal surgery, the patient is considered "alive" and is presumed to remain alive for the duration; it is only that he enters danger in the course of normal surgery, and a patient may endanger himself when the odds of healing are good. On the other hand, in heart surgery, at the instant his heart is removed he loses the status of "alive", since this view considers him fully dead, and there is no license to engage in definite murder when the odds of revival are not 100%.

In truth, this view is subject to debate by those who dispute the Chacham Tzvi, but if it were accepted as law then not only would human heart transplants be prohibited, but also transplants of animal hearts (baboon) and artificial hearts. And it is clear that this is not halachically correct (whether because the law does not follow the Chacham Tzvi or for some other reason). The proof is in all of the forms of heart surgeries, like open heart surgery, in which the function of the heart (and lungs) is entirely halted for a number of hours, and an artificial heart-lung machine temporarily replaces these essential organs. Regarding such surgeries, we have yet to hear any halachic objection at all, even though according to the views of Rabbi Isser Yehudah Unterman and Rabbi Menachem Kasher there should be such an objection because of the act of definite murder in the physical interruption of the flow of blood to the heart and lungs.

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Weekly Highlights: July 22 – July 28 / 28 Tammuz – 6 Av
Our "kayitz zman" semester concludes this week; we return on 1 Elul

Time	Speaker	Topic	Location	Special Notes
שבת July 21-22				
After Hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
6:00 PM	R' Jonathan Ziring	We Don't Want It, You Can't Have It	BAYT	For Women
7:00 PM	R' Mordechai Torczyner	The First Galut	BAYT	Hebrew Simcha Suite
Before Avot	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite

We are producing short videos on the Torah of Tisha b'Av to be sent out daily, beginning on Rosh Chodesh Av (Monday)

Videos feature members of the Beit Midrash and Synagogue Rabbis, including Rabbi Elie Karfunkel, Rabbi Rafi Lipner and Rabbi Yirmiya Milevsky

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 The videos will be posted on www.youtube.com/torontotorah***

**Coming to Toronto Torah Volume 9 (August 26),
 in honour of the 70th year of the State of Israel,
 we'll have two new columns:
*Israeli Landmarks and The Zionist Idea!***

