

Toronto Torah

Beit Midrash Zichron Dov

Parshat Ki Tetze

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The Chassid's Fence

R' Dovid Zirkind

In its classical definition, to be a *Chassid* is to achieve an admirable level of devotion to G-d. The gemara (Kiddushin 30a) highlights three specific areas which a person should develop to attain this elevated status: *Nezikin* – monetary laws, *Avot* – ethics and *Berachot* – laws of blessings. According to the Maharsha, the gemara is suggesting that a true *chassid* is someone who reflects a balanced religious personality, perfecting his character (*Avot*), his relationship with others (*Nezikin*) and his relationship with G-d (*Berachot*).

One example of *Nezikin* found in our parshah is the instruction to build a protective fence: "If you build a new house, you shall make a fence for your roof, so that you will not place blood in your house should a fallen one fall from it" (Devarim 22:8). At face value, the Torah teaches us a basic principle about safeguarding our property. If you build something which could be hazardous, you must ensure that it does not cause harm to others. However, the Sifri (229) derives a deeper *Nezikin*-related responsibility from this verse: The victim in the pasuk is described, oddly, as "the fallen one." The Sifri understands that this person was destined to fall as a consequence of his own behavior. Had it not been decreed that he should fall, the home-

owner's negligence would not have affected him. Our sages remind us here that what appears accidental is in fact ordained in Heaven, and they also teach us that recognizing a Divine hand does not permit us to be lax in our caution. The *Chassid*, attentive to the lessons of *Nezikin*, understands that he must never allow himself and his property to create a hazard for others.

A movement which began with Baal Shem Tov in the early decades of the 18th century shared the name of Chassidut, but its meaning was entirely different. This contemporary Chassidut infused its Eastern European followers with an unprecedented spark of mysticism, charting a new path to attain spiritual heights. With this movement came new methods of learning and new perspectives on Torah concepts, and the law of building fences is one example. Many Chassidic thinkers have suggested that the fence in our verse, with the message it projects, is not only about a physical fence, but about protection for the soul as well.

Rav Menachem Mendel Schneerson, the previous Lubavitcher Rebbe, taught (*Likutei Sichot* vol. 19) that the building of "new houses" in our verse is symbolic of beginning new stages in life. Throughout each stage of life we face unique challenges. Each step in our

growth is a new 'home', and each 'home' requires its own fence. While we must engage the world around us and bring to it everything we have to offer, we must make sure to secure ourselves in the process. The Torah teaches us that we must not be confident in our ability to walk carefully, but we must institute safeguards that guarantee we will only benefit from engaging the world.

In his *Netivot Shalom*, the Slonimer Rebbe, Rabbi Sholom Noach Berezovsky, offers another level to the metaphor, with a *gematria* message that is particularly relevant for these weeks leading up to Rosh HaShanah. The Hebrew word for "fence" (מַעֲקוֹ) shares the numerical value of "awe" (יִרְאָה). [The equation is imprecise, but within the acceptable range for *gematria* calculations.] Awe is a critical emotion in faith; in fact, it was the first emotion reported to us when the Jewish people stood at the foot of Mt. Sinai (Shemot 20:15). When we accepted the Torah initially we needed to appreciate the awesomeness of that opportunity, recognizing the great privilege as well as the responsibility that came with it. To 'build a new home' is to make life-altering changes in preparation for the new year. Our religious commitments, much like the original receiving of the Torah, must be founded in true awe.

Parshah Questions

R' Meir Lipschitz

1. Why are the donkey and the ox specified as animals which one may not yoke together? (Rashi, Ibn Ezra, Baal HaTurim, and Chizkuni to Devarim 22:10)
2. Why are we prohibited from leaving an executed person's body exposed? (Rashi, Rashbam, Ramban, Ibn Ezra, Seforno, Malbim, Chizkuni, Maharal, and Ohr HaChaim to Devarim 21:23)
3. Does one recite a berachah upon erecting a *maakeh*, a rooftop fence? (Torah Temimah, Shaarei Aharon, and Ma'ayan Beit HaShoeivah to Devarim 22:8, and Rambam Hilchot Berachot 11:4 and 11:8)
4. For children: What lesson can we learn from the reward for the mitzvah of *shiluach haken*, sending away the mother bird before taking the young? (Rashi to Devarim 22:7)

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In a verse so basic, the great depth of Torah is clearly displayed. While the explicit halachah guides the construction of a home, the formulation of that halachah challenges the way we perceive the happenstance occurrences of life. The story is one of a new home, but the metaphor is about our spirit and how a simple fence will allow it to flourish.

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Why are the donkey and the ox specified as animals which one may not yoke together?

(Ibn Ezra, Baal HaTurim, and Chizkuni to Devarim 22:10)

- **Ibn Ezra** claims that this law is a merciful act of HaShem; since the donkey's strength is not equal to that of the ox, the donkey would be caused undue pain if they plowed together.
- **Baal HaTurim** reads an extra layer of meaning into the words. He says that the donkey's טמא nature and the ox's טהור nature are at the root of the prohibition, which he sees as a lesson to us that the righteous should not partner with the wicked.
- **Chizkuni** provides us with three ways to understand why the Torah specified the donkey and the ox:
 - 1) Since the ox chews its cud, but the donkey does not, one will be eating while the other is not, which is a form of *tzaar baalei chayim*, prohibited paining of animals.
 - 2) It is not fitting that the ox, the king of the domesticated animals, be partnered with the donkey, one of the lowliest in the animal kingdom.
 - 3) [Like Ibn Ezra] Due to their differing levels of strength,

pain would be caused to the donkey and so it is prohibited.

Why are we prohibited from leaving an executed person's body exposed?

(Rashi, Rashbam, Ramban, Ibn Ezra, Seforno, Malbim, Chizkuni, Maharal, and Ohr HaChaim to Devarim 21:23)

- **Rashi** claims that the person should not remain exposed since it would be a disgrace to the King, HaShem, that His child sinned and was punished in such a manner.
- **Rashbam** suggests that upon seeing a victim of capital punishment it would be normal for a person to curse the judge who issued such a sentence. Since there is a prohibition against cursing a judge, HaShem mandated that the individual not remain hanging so as to avoid the potential for a passerby to curse the judge.
- **Ibn Ezra** posits that since this law applies in Israel, the reason is that it is a disgrace to the holy land of Israel.
- **Ramban** suggests that since only the specific sins of blasphemy and idol worship result in exposure, the people who see the individual who is

hanging will discuss what sin caused his punishment. The resulting conversation about the exact nature of his sin is itself a curse, because the people will be recounting the deeds of someone who grievously sinned against HaShem.

- **Chizkuni** is concerned that people will wrongfully assume that the exposed individual was a blasphemer (since the punishment for blasphemy is death and exposure), and this assumption and its discussion would be tantamount to a curse. Alternatively, like Rashbam, he is concerned for the people who will curse the judges who sentenced the person to death and exposure.
- **Seforno** looks at this from a very different perspective, suggesting that the disgrace inherent in the person remaining exposed overnight is that of the person G-dly spirit. All human life has in it a *tzelem Elokim*, the image designated by G-d, which is the spiritual portion of the person, and that is what survives following death, and so any disgrace that comes to a person after their death is a disgrace to this animating G-dly spirit.
- **Ohr HaChaim** sees in this command a practical lesson which we must incorporate into our lives: If one knows of a righteous person who sinned early in the day, it must be assumed that repented later in the day. He bases this idea on the Torah's statement that we do not allow the individual to remain exposed—we should not discuss his sin on the day after he was punished for it—rather we are commanded to bury the dead person, as well as the sin, before the next day.

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613 Mitzvot: Mitzvah 103, 110

The Ketoret

R' Mordechai Torczyner

Mitzvah 103 instructs us to bring a special twice-daily incense, *ketoret*, on the "gold altar" in the *Beit haMikdash*. The *ketoret* produces a pillar of smoke, and burns with a powerful, but pleasant, aroma. The Torah lists specific ingredients for the *ketoret*, and no one is allowed to change the formula.

People often assume that the ingredients are all of plant material, but the Rambam believed

that the ingredient called *mor* is actually blood from a beast that lives in India. (See Rambam and Raavad Hilchot Klei haMikdash 1:3 and Ramban to Shemot 30:23.)

Mitzvah 110 prohibits the creation of *ketoret* for personal use. One of the goals of the *ketoret* is to create a special dignity and status for the *Beit haMikdash*, and private *ketoret* would defeat that goal.

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Torah in Translation**Electric Yahrzeit Candles****Emek Halachah 2:52, R' Yehoshua Baumel**

The concept of a yahrzeit is mentioned in Rama Yoreh Deah 402:12: "It is a mitzvah to fast on the day one's father or mother passed away." R' Akiva Eiger identified a source for this in Shevuot 20a, in which a person vows not to eat meat, etc, "like the day his father died." The Rosh (Nedarim 12a) said, "It is normal to be pained on the day one's father or mentor died."... However, Rabbeinu Chananel (Shevuot 20a) wrote that "the day one's father or mentor died" means the time when the body is actually before him [and not the anniversary of that date]. However, all of these sources relate to the custom of fasting on a yahrzeit; the practice of lighting a *ner neshamah* on the day of the yahrzeit is not mentioned in Shulchan Aruch there.

The Magen Avraham (261:6) cited Maharshal permitting a Jew to tell a non-Jew to light a yahrzeit lamp during the dusk period on Friday night, saying that since people are careful to light this, it is a great need and missing it would constitute a great loss. He did not provide a reason or source for lighting, only saying that people are careful to do it.

The source for this may be Ketuvot 103a, when Rebbe instructed, "A lamp should be lit in my place." Rashi explained that this was about Shabbat candles, but Shitah Mekubetzet there included two components, a lamp in the place where his bed was when he passed on, and a lamp on the table on the eve of Shabbat... Even if Rebbe's instruction was regarding Shabbat lamps as indicated in Rashi, still, now that people regularly light lamps on the day of a parent's passing and they are very careful with it, there is an issue of honouring parents if one does not light, for one who did not light would appear to be unconcerned regarding the honour of his parents. Everyone else lights, and he is not concerned for their honour...

Regarding your question of what one should light, it appears that the core concept of lighting a *ner neshamah* is from Shabbat 30a-b: "A lamp is called *ner* and a person's soul is called *ner*..." Rashi cited the verse, "The soul of man is the *ner* of G-d." The comparison of *ner* and the human soul is explained further in the Zohar to Parshat Balak, "A person's body is a wick, etc."... Midrash

Rabbi Yehoshua ben Rabbi Nachum Baumel was born in 1880 in Galicia, to a great rabbinic family, and he studied in his father's yeshiva. By the age of nine he was already known as "The Ilui of Tarna", a city which itself excelled in Torah. He received rabbinic ordination from Rav Shmuel Engel at the age of 13, and at 24 he was appointed head of the yeshiva in Vizhnitz. During World War I he became a refugee, and in the ensuing years he served several communities as Rabbi, relating well to diverse populations with his broad personality.

In 1923 Rabbi Baumel moved to the United States, where he served as Rabbi in Khal Adat Yeshurun in Williamsburg, NY, and answered halachic questions sent to him from far and wide. Topics of his responsa include agunah matters resulting from ghetto liquidations, use of lie detectors in *beit din*, and the question of embalming or freezing corpses for their preservation. He was the first head of Agudat Yisrael in North America.

Rabbi Baumel passed away in 1948. The *Sefer haYovel* of HaPardes (1951), included an extended biography praising him as one of the leading Torah scholars in the United States.

Rabbah says, "The death of a child is like a lamp that has been extinguished before its time" According to this, it is a lamp of oil, fat or wax that hints at the soul; an electric lamp lacks these characteristics [i.e. fuel, wick and extinction]. Therefore, the ideal would be to use a simple, non-electric lamp for a yahrzeit lamp...

All of this applies only to a yahrzeit lamp lit on the day one's ancestors died. Regarding the [institutional] yahrzeit boards of which you asked, though, those are like a Shabbat candle; those lamps are meant only to illuminate the names of the deceased on the date of the yahrzeit in order to remind members of a group when they learn mishnah and daven. Since it is just for illumination, it doesn't matter what sort of lamp illuminates it...

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**Why Doesn't Elul Shock Me?
Yair Manas**

Rav Yechezkel Levenstein z"l, mashgiach of the Mirrer Yeshiva, notes that there was a time when merely hearing the word "Elul" caused trepidation, waking people from their slumber and inspiring them to begin the teshuvah process. He explains that people experienced awe of the Day of Judgment during the entire month of Elul, and this awe inspired their *teshuvah*. In fact, Rav Yosef Chaim Sonnenfeld began preparing for the Yamim Noraim on the second day of *Sivan*!

Why don't we feel awe of the Yamim Noraim today?

In Shemot, Moshe asks Pharaoh for permission to travel into the desert and bring *korbanot*. Instead, Pharaoh gives the Jews more work to do. In his *Mesilat Yesharim*, Rabbi Moshe Chaim Luzzato explains that Pharaoh meant to gain more than free labour. Pharaoh gave the Jews more work so that they would lack time to think about serving Hashem. The greater the distractions occupying our time, the less likely that we will turn to G-d.

Perhaps this explains why we don't experience awe at the sound of the word "Elul". Our schedules are packed with work and school, parenting and community, and technology makes us more available to others and less introverted and introspective than ever before. Had we the time to think about the Yamim Noraim, to internalize what it means to stand in front of Hashem in judgement, then of course we would feel awe for weeks beforehand – but who has the time? Who *makes* the time?

One option, of course, is to make the time. Still, even those of us who lack control over our schedules can arouse our feelings toward repentance by asking these questions suggested by Rabbi Benjamin Blech:

What am I grateful to Hashem for?
What should I daven for?
What should I do differently this coming year?

May we be inscribed and sealed for a year of greatness.

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לעילוי נשמת רב יהודה ב"ר יצחק הלוי ורב אברהם ב"ר יצחק

Schedule for the Week of September 10, 11 Elul

Shabbat, September 10

7:45AM R' Baruch Weintraub, Orot haTeshuvah, Or Chaim

10:30 AM R' Baruch Weintraub, Parshah, Clanton Park

After Minchah R' Mordechai Torczyner, Masechet Avodah
Zarah: The Trial of R' Eliezer bar Parta, BAYT

Sunday, September 11

8:00PM LAUNCH IN CLANTON PARK, at 100 Palm Dr.

Can History and Torah Get Along?, Yair Manas
Studying Idolatry, R' Baruch Weintraub

8:00 PM LAUNCH AT BNAI TORAH

Tzedakah: The Key to Teshuvah?, Hillel Horovitz
Chaggai: Cheerleader of Teshuvah, R' Mordechai
Torczyner

Monday, September 12

8:00PM R' Mordechai Torczyner, Talmud Yerushalmi: An
Introduction, Clanton Park

Tuesday, September 13

1:30 PM R' Mordechai Torczyner, Chaggai 1, at Shaarei
Shomayim, with Mekorot

8:00PM R' Mordechai Torczyner, Practical Halachah for
the Kitchen II, 15 Tinti Place, Thornhill, *women*

Thursday, September 15

9:45 AM R' Mordechai Torczyner, The Song of the Shofar,
208 Coldstream Ave. with Mekorot

8:00 PM R' Baruch Weintraub, From Terach to Today:
Sugyot in Avodah Zarah, Clanton Park

8:00 PM R' Mordechai Torczyner, The Limits of
Forgiveness II, Village Shul, *men*

Friday, September 16

8:00 AM R' Dovid Zirkind, Interactive Parshah, Village
Shul

9:30 PM R' Baruch Weintraub, Oneg Shabbat, 29
Meadowbrook Ave. #3

Wednesday, Thursday

6:00 AM R' Mordechai Torczyner, Daf Yomi, BAYT

**UPCOMING LAUNCHES: MARLEE 9/18, BAYT 9/21,
KST 9/22, TCS 9/24, SHAAREI SHOMAYIM 9/24**