

Toronto Torah

Beit Midrash Zichron Dov

Parshiyot Behar-Bechukotai

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THEME ISSUE: YERUSHALAYIM, IN HONOUR OF YOM YERUSHALAYIM

Jerusalem: City of Man, Field of G-d

Rabbi Baruch Weintraub

Our portion presents the laws of redeeming property one has sold. In brief: One who sells property in an unwalled area retains an option to repurchase it after two years elapse. Should the Yovel (Jubilee year) arrive without redemption, the property would automatically return to its original owner. On the other hand, one who sells a house in a walled city may redeem it only for a single year, after which the house becomes the enduring property of the buyer, immune from Yovel.

The Talmud (Arachin 32) debates whether Jerusalem is considered "walled" regarding these laws; one source explicitly includes the city, but another says regarding Jerusalem, "No house therein can become permanent property of the purchaser." Rav Ashi resolves the conflict with surprising words: "There are two Jerusalems!"

Rav Yehudah Chill (*Yerushalayim baMikra*, Shema'atin 100, Shevat 5750) offers a brilliant explanation: There are two Jerusalems, residing side by side. One is West Jerusalem, including the mountain identified today as "Mount Zion" and the hills on which the Jewish and Armenian Quarters rest. This is in the portion of Yehudah, regarding which Shoftim 1:8 says, "And Yehudah battled in Jerusalem and conquered her." The other is East Jerusalem, comprising Metzudat Zion and the Temple Mount. This city is in the portion of Binyamin,

and is also named Yevus. Shoftim 1:21 says, "And Binyamin did not take the Yevusi, dwellers of Jerusalem, and the Yevusi lived with Binyamin in Jerusalem until now." Only when David conquered the eastern city were the two parts united into a single Jerusalem.

In this light, let us return to Rav Ashi's words. There are two Jerusalems; in one of them the houses are subject to the laws of walled cities, and in the other not. West Jerusalem was conquered by Yehudah like any other Israeli city, and was included in their tribal portion, and so the laws of walled cities apply. East Jerusalem, though, was conquered by David as King of all Israel, to serve as the capital and not to be divided among the tribes, and so it is not subject to the laws of walled cities. As the Talmud (Bava Kama 82b) explains, the laws of walled cities apply only to houses which are the full property of the purchaser.

But let us look deeper, with Ramban's insight to Vayikra 25:29. Per Ramban, walled cities and open areas represent two breeds of human civilization.

Houses in a city, a walled-in urban horizon, represent human endeavour. Man shapes his city at will, controlling his environment. This is the place of true conquest of the land, of "And You made him but a little less than the angels." (Tehillim 8:6) It is shameful to lose one's share in this urban domain, and so one is given one year to buy it

back. On the other hand, the buyer's power is also strong, and so he becomes the permanent owner after the first year. And as a price for his power, Man here risks distance from direct connection with G-d, and addiction to his own authority.

Fields and outer expanses demonstrate an entirely different mode of living. Here Man is not the conqueror of territory, but the opposite; as Kohelet wrote (5:8), even the king is enslaved to the field. This reduces Man's power to sell the land or purchase it entirely. Field labourers are truly connected with the Divine; they know well the weakness of Man's position, and his dependency upon G-d. As Devarim (11:11) says, "By the rain of the heavens you shall drink water." But here, too, there is a price; this enslavement to the land can lead to hopeless abandonment of meaningful spiritual achievement. The Talmudic phrase, "the nation of the fields," describes people who cannot organize prayers, and need others to do so on their behalf. (See Rosh haShanah 35a and R' S. R. Hirsch to our parshah.)

Greater Jerusalem, the united city which brings all Israel into community, brings these two types of civilization into balance. West Jerusalem is a city like any other, crowned with skyscrapers and factories. Joined to her is another city, East Jerusalem. Granted that East Jerusalem is walled, it lacks the status of a 'walled city'; it is the property of no individual. Its height is the Beit haMikdash, the mountain toward which all mouths turn, the site where Man acknowledges his subservience to the Creator.

The banner of Unified Jerusalem must represent the ideal: A pinnacle of human achievement on one hand, and the glory of the Beit haMikdash on the other. This place must fulfill both prophetic predictions: "You crown Man with honour and beauty" (Tehillim 8:6), and "They will see the Honour of G-d, the Beauty of our Master." (Yeshayah 35:2)

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Parshah Questions are found on the back page this week

**Walk with our team
at the UJA Walk with Israel
on Monday May 21st**



**Join our Team On-Line
or Sponsor Us
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**Join us at our
"Haramat Kosit" Open House
in honour of
Yom Yerushalayim**



**Sunday May 20
6 to 8 PM
12 Midvale, Clanton Park**

Nachem and Yerushalayim Today

Rabbi Ezra Goldschmiedt

From a halachic perspective, we have a significant aversion to making changes in the text of our codified prayers. The Gemara (Berachot 40b) warns us against altering “the formula laid down by the Sages”; while one who does so has nevertheless fulfilled his obligation (provided that certain key elements are still present), it is not something that should be done a priori. Rambam (Hilchot K’riat Shema 1:7), discussing the blessings surrounding Shema, notes that this inflexibility is a function of the blessings’ origins – written by Ezra and the Great Assembly, the text of our prayers were authored with a degree of prophecy that we have little authority to tamper with. This guideline may have begun with the opening and closing portions of blessings, but it is usually expanded to the entire corpus of prayer, making the service fairly rigid.

This approach creates a significant tension for us when comparing our perception of Yerushalayim today with the text of Nachem, the paragraph inserted into the minchah amidah of Tisha B’Av. In a request for consolation from G-d, the standard text of Nachem describes Jerusalem as “a city that is in sorrow, laid waste, scorned and desolate,” imagery which we would not typically associate with the city today. That being the case, how is one supposed to approach the text of Nachem in modern times? While we still mourn on Tisha B’Av for the absence of the Beit HaMikdash, our achievements since the Six Day War have made Jerusalem a place far different from that described in the Nachem prayer.

A number of approaches to this problem have been advanced by modern poskim. Rabbi Ovadiah Yosef, as well as a

number of other authorities, rule that the text should not be changed. Viewing Nachem as a text written by Ezra and the Great Assembly (ominously designed for a time of future churban), Rabbi Yosef maintains that tampering with it would constitute a violation, changing the formula laid down by the Sages. Additionally, many point out that from a spiritual perspective, Yerushalayim can still be considered in ruin; many synagogues are still in a state of disrepair, houses of foreign worship are present, and, as a people, we are not on the spiritual level to which we aspire. Lastly, while the text mentions Jerusalem, this could be a reference to the Beit HaMikdash, for which the description remains unfortunately true.

While essentially in agreement with the above arguments, Rabbi Tzvi Yehudah Kook, among others, allowed individuals to make personal changes to the text in a way that would reflect today’s Jerusalem. Combining variant texts from the Talmud Yerushalmi, Siddur Rav Amram Gaon, and Rambam’s Mishnah Torah, Rabbi Shlomo Goren composed an alternative text for Nachem, leaving out the elements which seem to no longer describe Jerusalem. Despite his position as Chief Rabbi, though, the Israeli Rabbinate never officially accepted Rabbi Goren’s text, and the prevailing custom is still to recite the standard text of Nachem.

May we soon see the day in which the Beit HaMikdash and Jerusalem are restored to their full glory; a day on which Tisha B’Av will become a festive holiday (see Rosh HaShanah 18b) and this question will no longer require a definitive solution.

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613 Mitzvot: #91

The Rabbi Mordechai Torczyner

The Torah’s ninety-first mitzvah is the bringing of the Bikkurim (First Fruits) to the Beit haMikdash. When we have a Beit haMikdash, Israeli farmers bring their first wheat, barley, grapes, figs, pomegranates, olives and dates to the Beit haMikdash, as a gift for the kohanim. Those who live closer bring fresh fruit; those who live farther away may dry them first.

Ideally, the season’s Bikkurim are first brought on Shavuot. [One may dedicate them even earlier; Minchat Chinuch 11:3 discusses what we do with Bikurim that are chametz on

Pesach!] The residents of Jerusalem greet parades of marchers who bring their produce into the city in beautifully decorated baskets.

When the farmers bring their produce to the Beit haMikdash, they recite specific pesukim – Devarim 26:5-10 – summarizing Jewish history. The same passage appears, with amplification, in the Haggadah; according to some, the farmers include the Haggadah’s additional material in their recitation, too. (Tzitz Eliezer 17:24)

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Hitoriri: Jewish Spirituality Reflections on Yom Yerushalayim Yair Manas

How often do we pause to reflect on what we have, and on what we are missing?

Anybody born after 1967 is accustomed to visiting the Kotel at his leisure. Those born before 1967, however, recall a time when the Old City was off-limits to Jewish visitors. Rabbi Mordechai Willig recalls how just two months before the Old City came under Jewish control, a tour guide described the gates of Jerusalem to the students of Kerem B’Yavneh. Rabbi Willig “never dreamt that we would be entering them so soon” (“1967: Expression of Divine Will”, YU Commentator, 1992, available on YUTorah.org). It is vital to pause and thank G-d for His gift of the Old City, after thousands of years of not having control over it.

On the other hand, we also feel pained when we realize that we are missing the Beit HaMikdash. When we visit the Kotel, how can we *not* feel distraught over the fact that all we have is the outer wall from the “strength and splendor in His Temple” (Tehilim 96:6)? As Shavuot approaches, we are especially hurt that we cannot fulfill the mitzvah of journeying to Jerusalem and bringing the korbanot that are required of the holidays.

The prophet Yeshayah (62:6) tells us that G-d has appointed guardians to watch over the gates of Jerusalem. Radak suggests that these guardians are the people who mourn the loss of Jerusalem – G-d encourages those people to not give up praying until Jerusalem is rebuilt. Three times a day, in our amidah, we ask G-d to return us to Jerusalem, and to rebuild it as a permanent structure. Often, it is very difficult to focus while reciting the amidah. Each of us can act as these “guardians” – by focusing on the literal meaning of the paragraph about Jerusalem, perhaps we can beseech G-d to rebuild the Temple.

As we celebrate Yom Yerushalayim in 5772, we must realize that we have much to thank G-d for, and that there is still much to daven for. May the Temple be speedily rebuilt, and, as we say in the Musaf amidah of holidays, “the Kohanim will return to their service, the Levites to their song, and Israel to their dwellings.”

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**Torah in Translation
The Mitzvah of
Living in Jerusalem
Rabbi Eliezer Waldenberg
Responsa Tzitz Eliezer 14:52
Translated by R' Mordechai Torczyner**

[Regarding the mitzvah of living in Jerusalem and the prohibition against leaving it for another city, and the boundaries of this law:]

You asked that this ruling is given to subjective application [due to debates regarding the boundaries of sanctified Jerusalem]: I see no concern for subjective application, for this prohibition is tied to the boundaries of sanctified Jerusalem. The prohibition against leaving is definite in any place which is certainly within the boundaries. Where there is doubt which cannot be clarified on a practical level today, whether due to lack of knowledge or debate among authorities, one should follow the principle of ruling strictly in doubt in biblical matters and leniently in doubt in rabbinic matters. In truth, this is a matter in which many are lenient, and only special individuals in each generation are strict with themselves in this matter.

On the other hand, beyond the prohibition against leaving and in connection to your further question, it is quite certain that there is a major issue and great preference for living in the new Jerusalem, as opposed to other Israeli cities. It is the city united together, close to and visible from the royal palace. Even regarding burial, our sages of every generation preferred to be buried in Jerusalem rather than in other parts of Israel – even though the place of burial is outside the city...

Regarding your question as to whether the rule that roofs and upper floors were not sanctified in Jerusalem affects the law of living in sanctified Jerusalem, such that one who did not live on the ground floor itself would not achieve the level of living in Jerusalem, I will offer many answers.

First: The mitzvah of living there does not depend upon whether the place was sanctified by Man or not. It depends upon the space itself, for the space was sanctified with heavenly holiness and the mitzvah of living there is due to that heavenly holiness. This is seen in Chatam Sofer's statement (Yoreh Deah 234) regarding the right to force a spouse to live in Israel and Jerusalem, that it is not due to the mitzvot which depend on Israel and Jerusalem; it is due to the sanctity itself. The heavenly sanctity of Jerusalem, over that of Israel, is because Jerusalem has been the gate of

Rabbi Eliezer Yehuda Waldenberg was born on 3 Tevet, 5676 (1915), during World War I, in Jerusalem of the Ottoman Empire. A stand-out for his talent at an early age in the Etz Chaim and Hevron Yeshivot, he published his own novellae on Talmud, *Dvar Eliezer*, at the age of 19.

After the founding of the State of Israel, Rabbi Waldenberg authored *Hilkhot Medinah*, dealing with the halakhic issues involved in administering a Jewish state.

Rabbi Waldenberg founded Yeshivat Sha'ar Tzion, and later served as the *Av Beit Din* of the Supreme Rabbinical Council of Israel between the years 1981 and 1985.

Rabbi Waldenberg's 22-volume set of responsa, entitled *Tzitz Eliezer*, contains questions on all aspects of halachah. As the rabbi of Sha'arei Tzedek Hospital, he authored many famous responsa dealing with issues of medical ethics and modern technology, and those responsa may be found in his *Tzitz Eliezer* compilation.

R' Waldenberg passed away at the age of 90, 30 Cheshvan 5767 (2006).

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heaven forever. This was so even when the Yevusi lived in Jerusalem... It emerges that the mitzvah of living there is from the depths of the earth to the heavens, without any connection to whether the roofs and upper floors were sanctified, or not.

Second: Many great authorities believe that the statement [of Rav] that roofs and upper floors were not sanctified applies only to the Beit haMikdash, not to Jerusalem. They explain Pesachim 85b, which seems to say that Rav made the statement regarding the roofs and upper floors of the city of Jerusalem, by saying either that Rav believes this but the law does not follow him because there are various Tannaitic sources which indicate that the roofs of Jerusalem were sanctified, or that Rav only said this regarding eating the korban pesach... to equate the roofs of Jerusalem with the roof of the Beit haMikdash...

From all that we have said, it is clear and simple regarding the mitzvah of dwelling in Jerusalem that one who does not live on the ground floor still achieves the level of living in Jerusalem, and the laws of Jerusalem apply to them because of her great sanctity.

Jews have lived in Jerusalem for thousands of years; during certain periods the community grew and spread noticeably, such as during the arrival of Jews expelled from the Iberian Peninsula at the end of the 15th century and the ascent of Rabbi Yehudah haChasid in the 18th century. When the Jordanians captured the Jewish Quarter during the War of Independence, they chased out all of the residents, burned the synagogues and destroyed property.

From the 19th of Iyyar (May 28), 5708 until the city was re-taken in the Six Day War, for a period of 19 years, Israelis could not enter the Old City. During this period, the closest place to the Old City in Jewish hands was Mount Zion. Entry to Mount Zion was difficult and dangerous, for this entailed ascending rough terrain below the Valley of Ben Hinom, through an area exposed to Jordanian fire. In 1964, a road crossing No Man's Land to reach Mount Zion was paved with Jordanian agreement for the Pope's visit to Jerusalem.

During those years, many tourists arrived in Mount Zion, from which they looked out upon the Old City, the Kotel, and the Quarter which was now bereft of Jews after thousands of consecutive years of Jewish residency. Only briefly, in the 15th century, had there been no Jews present. Above the roof of "David's Tomb" on Mount Zion, in a narrow tower, a room looking out upon the Old City was built. This room was given to President Haim Weizmann as a present, in honour of his 75th birthday, by the Ministry of Religion. The room held a Torah given to the President, and a *parochet* (curtain before the Ark) from his birthplace in Russia.

President Weizmann never used that room, but Israel's second president, Yitzchak Ben Zvi, came there twice each week. Ben Zvi believed that the President should strengthen the Jewish connection to the Old City, and so he ascended there regularly, despite heavy danger from Jordanian forces.

Today, the room is available for visits on Mondays.

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Why does the Torah specify that the laws of shemita were taught at Har Sinai? (Vayikra 25:1)

Rashi cites a midrash to explain that this teaches the following lesson: Just as the general principles and specific details of shemita were taught at Har Sinai, so the general principles and specific details of all mitzvot were taught at Har Sinai. Rashi adds that agricultural shemita, unlike most mitzvot, was not repeated in the book of Devarim. This omission makes the mitzvah's explication at Sinai more obvious; we are meant to extrapolate that just as this mitzvah was clearly presented at Sinai, so all mitzvot were presented at Sinai. **Ramban** disputes this additional comment, though.

Ibn Ezra suggests that the mitzvah of shemita was actually presented to the Jews with its initial mention in Parshat Mishpatim, along with the laws recorded in our parshah. The laws are transplanted to our parshah in order to fit with this section's general discussion of laws related to the land of Israel – but the Torah notes that the laws were actually presented "at Har Sinai," back in Parshat Mishpatim.

Ramban contends that the Torah emphasizes that shemita had been part of the original covenant at Har Sinai when Moshe first brought the Jews the Torah, before the Golden Calf, but that it was repeated now, with his ascension to receive the second set of

luchot [tablets], to be included in a renewed covenant.

Chizkuni understands "at Har Sinai" to mean that this mitzvah was told to Moshe before he descended the mountain, and before the Golden Calf. The section was moved here because some of its mitzvot relate to kohanim, whose general laws appear here.

The **Baal haTurim** suggests that the mention of Har Sinai was not in reference to shemita at all. Rather, it was because of the previous section, regarding the blasphemer. The Torah emphasized that the blasphemer ignored the mitzvah of "You shall not take My Name in vain" stated at Sinai.

What does the unusual word *dror* mean, in the sentence, "You shall call *dror* throughout the land"? (Vayikra 25:10)

Onkelos renders *dror* as *cheiruta*, or freedom, as does **Ibn Ezra**. **Rashi** explains that the root of *dror* is in the word *dirah*, "dwelling", for a free person may live wherever he chooses.

Baal haTurim adds that the gematria of *dror* (דרור) is 410, which is the number of years that the first Beit haMikdash stood.

What is the difference between the terms *neshech* and *tarbit*, which both seem to refer to prohibited interest? (Vayikra 25:37)

Rava (Bava Metzia 60b) explains that *neshech* and *tarbit* actually refer to the same prohibited practice of charging interest, but the Torah mentioned the prohibition twice in order to double the prohibition.

Tosafot there adds that the Torah used two unique words, rather than state one of them twice, because the use of two synonymous terms would be more euphonious than a repetition.

Malbim says that each word emphasizes a different aspect of interest. *Neshech*, literally a "bite", refers to charging the borrower more than was lent to him, and *tarbit*, literally an "increase", refers to giving the lender more than he lent out.

For children: What do we do to "sanctify the fiftieth year"? (Vayikra 25:10)

Rashi says we sanctify the year with an official declaration by a court.

Ibn Ezra says we make the year holy by keeping ourselves from working the land.

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Schedule for May 19 - May 25 / 27 Iyyar - 4 Sivan

Shabbat May 19

90 minutes before minchah R' Baruch Weintraub, Were principles and details given at Sinai?, Hebrew Shiur, BAYT

1 hour before minchah Yair Manas: Gemara Sukkah, Mizrahi Bayit *not this week*

45 minutes before minchah R' Mordechai Torczyner, Daf Yomi: Midot 34, BAYT

25 minutes before minchah Hillel Horovitz, Pirkei Avot, Bnai Torah

After minchah R' Mordechai Torczyner, Alone with Akum: Gemara Avodah Zarah, BAYT

Sunday, May 20 YOM YERUSHALAYIM

9:15 AM Hillel Horovitz, Parshah, Zichron Yisroel, Hebrew

11:00 AM R' Baruch Weintraub, Hilchot Melachim, Or Chaim, *collegiates*

6 to 8 PM "Haramat Kosit" Open House for Yom Yerushalayim at the Weintraub home, 12 Midvale

Monday, May 21

9:00 AM UJA WALK WITH ISRAEL

8:30 PM Hillel Horovitz, Deep Siddur, Clanton Park, *men*

Tuesday, May 22 Rosh Chodesh Sivan

1:30 PM R' Mordechai Torczyner, Zechariah: The Final Chapter, Part II *Mekorot*, Shaarei Shomayim

7:15 PM R' Ezra Goldschmiedt, Ramban, BAYT

8:00 PM Hillel Horovitz, The Early Prophets, Bnai Torah

Wednesday, May 23

10:00 AM R' Mordechai Torczyner, Dramas of Jewish History: The Holocaust, Part 2, BEBY, with Melton

12:30 PM R' Mordechai Torczyner, Business Ethics Lunch 1 of 4: The Unethical Client, at Zeifmans 201 Bridgeland

7:30 PM Yair Manas, Responsa, Clanton Park, *not this week*

8:00 PM R' Dovid Zirkind, Gemara Beitzah, 2nd Perek, Shaarei Shomayim

8:30 PM R' Mordechai Torczyner, Living Midrash: Before the Beginning, BAYT, *women*

8:30 PM R' Baruch Weintraub, Hilchot Melachim, Shomrai Shabbos, *men*

Thursday, May 24

8:00 PM R' Mordechai Torczyner, X-Files of the Talmud 4, MNJCC

Friday, May 25

8:00 AM R' Dovid Zirkind, Friday Parshah Preview, Village Shul **Shavuot before Shavuot**, The Associated Schools, Middle School