

# Toronto Torah

## YU Torah MITzion Beit Midrash Zichron Dov

Parshat Toldot

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### Not Cutting Through the Excuses

**Rabbi Jonathan Ziring**

*Avimelech came to him from Gerar, with Achuzat his councilor and Phicol chief of his troops. Isaac said to them, "Why have you come to me, seeing that you have been hostile to me and have driven me away from you?" And they said, "We now see plainly that the Lord has been with you, and we thought: Let there be a sworn treaty between our two parties, between you and us. Let us make a pact with you that you will not do us harm, just as we have not done any evil to you but have always dealt kindly with you and sent you away in peace. From now on, be you blessed of the Lord!"* (Bereishit 26:26-29, modified JPS)

After much turmoil, Yitzchak is finally blessed with great wealth and success. Seeing that, Avimelech, king of Gerar approaches him to propose a treaty. Avimelech justifies his request by claiming he has only treated Yitzchak well, and done him no evil. As Yitzchak's first reaction indicates, this is hard claim to swallow. After all, in this chapter the Torah records that Yitzchak needed to lie and claim Rivkah was his wife to avoid her abduction, Avimelech's servants had harassed him and stolen his wells, and Avimelech had eventually kicked him out of his land. Yitzchak's hostile reception of Avimelech seems quite warranted.

The commentaries (to verse 29) struggle to explain Avimelech's claim. Rashi claims that Avimelech admits he drove him from his land, but they did not hurt him. Rabbi Naftali Tzvi

Yehudah Berlin (Netziv) suggests that while Yitzchak had lived in Gerar, Avimelech had treated him well. While he did kick him out of Gerar, he did not hurt him when he did this. Malbim explains the norm was that a king who expelled a stranger from his land would confiscate his property, and Avimelech did not do this. But while this may be true, this is hardly a sign of largesse – is this really a reason to make a treaty?

Daat Zekeinim notes the irony and provides a parable. A lion offers to reward anyone who can remove a bone from his throat. After a bird succeeds and demands his reward, the lion responds that it was reward enough that he did not devour him while he was in his mouth. But while this may not be surprising, we all sense the temerity of that lion. Did Avimelech mean this seriously?

Ramban and Tur HaAruch suggest that Avimelech was claiming that he had expended effort to ensure that the people in his land did not hurt Yitzchak. They add that this was despite the fact that they were envious of him and wanted to take his property. But while this may be true, holding people back from expressing base instincts hardly deserves praise!

Radak attempts a different direction. Avimelech does not deny that Yitzchak's time was uncomfortable. Rather, he claims that it was the jealousy of the people that caused him to drive out Yitzchak – it was for his own good. When he did kick him out, he did so

respectfully, without humiliating him. For a positive spin, Avimelech adds that it is clear that Yitzchak did not suffer from this – after all, G-d had blessed him after he left. Thus, Avimelech mitigated his own culpability, and noted that it all worked out for the good. But while this softens the blow, it still fails to provide a justification for Avimelech's demand that Yitzchak make a treaty with him.

It seems that Avimelech's defenses of his actions were mere excuses. The Torah records this dialogue because of the next verse – Yitzchak's reaction. They feasted together, made oaths of peace, and departed from each other. Yitzchak saw through the empty explanations – after all, he had started the conversation by accusing Avimelech, rightfully, of treating him horribly. However, sometimes pragmatism requires swallowing one's pride. Yitzchak saw an opportunity for real peace, and he took it.

This is a painful lesson in politics (and one Yaakov learned in his later dealings with Lavan), and often equally hard in our personal lives. We can stand our ground and force the other side to recognize what they have done wrong. Sometimes, that is what is called for. However, sometimes, if we want to resolve problems, we must let our opponents save their pride with whatever excuses they can. If we do, sometimes we can make peace even with those with whom peace seemed impossible.

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**Overview**

When the kings of the nations living in the Land of Israel heard how the Jewish People had conquered the city of Ai, they joined together in an alliance to fight against Yehoshua and the Jewish People.

The inhabitants of Givon, however, tried a different approach. They disguised themselves as messengers traveling from a far-away land. They dressed in worn out and patched shoes and clothing, and packed stale bread for their provisions. Then they approached Yehoshua, telling him that they were from a far-away land and interested in making a peace treaty with the Jews.

The Jews questioned them, asking that perhaps they are from the Land of Israel, such that we would be forbidden to make peace with them. They replied that they had arrived from afar after hearing of G-d's might in Egypt and in defeating Sichon and Og. Bringing proof from their dress and provisions (bread which they claimed had been warm and fresh when they departed from their land), they insisted that they were indeed from afar.

The Jewish leaders fell for their trickery and established a peace treaty with them, taking an oath not to harm them. After just three days, the Jews arrived at Givon and realized that they had been duped. Though they did not attack the people, in deference to the oath, they complained to the Jewish leaders for having been tricked. The leaders emphasized that they could not violate the treaty.

The people of Givon explained that they were aware of G-d's command to annihilate the peoples living in the land. [The Talmud Yerushalmi (Sheviit 6:1) mentions that Yehoshua had sent agents to seek treaties from the residents prior to crossing the Jordan, when treaties were still permitted. However, Givon had passed on the opportunity, perhaps in an attempt to gain better terms.] From intense fear, they had acted as they did. They submitted themselves to Yehoshua to determine their fate. Yehoshua spared their lives, assigning them as wood choppers and water drawers for the community and the altar of G-d.

**Insight**

The Talmud (Gittin 46a) notes that the oath was not legally binding, because it was taken under the false pretext that the people of Givon were from a foreign land. Nonetheless, the oath was respected in order to sanctify G-d's Name, and avoid the desecration that would result if they were to violate their oath.

Let's pause for one second. Why would the non-Jewish onlooker hold the Jews accountable for violating their oath? An oath predicated on deception would not be binding in the law of any nation!

Perhaps the desecration caused by violating the oath is not referring to nations looking down at us. Maybe the concern is that a false statement should never accompany an oath taken in the Name of G-d, the Ultimate Truth, even if the oath is not binding. We are to approach G-d with an awe and sensitivity that goes beyond a mere obedience to the halachah.

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**Law of the Land: Who can be a Jewish Leader?****Rabbi Baruch Weintraub**

In our halachic sources, we find various criteria for a Jewish king: He must be born Jewish; he may not be a convert (Devarim 17:15); he must be male (Sifri ibid.); he must be granted the approval of the Sanhedrin and be chosen by G-d through a prophet (Rambam, Hilchot Melachim 1:3). Some of these laws apply not only to a monarch, but to any person carrying a high office. (Kiddushin 76b; Talmud Yerushalmi, Kiddushin 4:5)

Surprisingly, though, throughout our history, virtually all of these laws have been broken. Thus, for example, we find the Chashmonaim taking the nation's helm without being approved by a prophet; we have Devorah, a female prophet, leading the people; we learn that Shemayah and Avtalyon, who converted to Judaism, served in the highest offices, as President and Chief Justice.

Many scholars have tried to come to grip with each of these cases on its own terms: The Chashmonaim were indeed mistaken in continuing to rule (see Ramban Bereishit 41:10, who disqualifies them for other reasons); Devorah may have received a special prophecy commanding her to judge the people (Tosafot to Niddah 50b); Shemayah and Avtalyon were not themselves converts, but their fathers had converted (Tos'fot Yom Tov to Avot 1:10).

Others have seen all of these cases as pointing to a more general rule: if the nation agrees that a certain ruler is the best person to lead the Jewish nation at a specific time, they are allowed to ignore the regular qualifications. (Tosafot to Gittin 78b; Rashbatz to Avot 1:10; Rabbi Avraham Yitzchak Kook, Mishpat Kohen 143)

The assumption underlying the latter approach is simple:

while the Torah gives us Divine commandments in every area of our life, it still differentiates between the individual and the public arena. The individual can receive rigid rules and adapt his life to them; for the public, that may prove an utter disaster. Accordingly, the laws concerning the polity are somewhat more flexible, leaving more room to maneuver according to the specific situation. [See Haameik Davar to Devarim 17:4; Mishpat Kohen ibid. and 144.; Rabbi Chaim David Halevi, Techumin 8.] In short, "Politics is the art of the possible." [See, for example, Rashi to Devarim 1:15, on the gap between Yitro's list of traits that judges should have, and the actual men Moshe was able to come up with.]

Therefore, the answer to the question posed in the title, "Who can be a Jewish leader" is, "He who has the ability to achieve the goals of a Jewish leader, and who will strive to do so." These goals were formulated long ago by the Rambam (Hilchot Melachim 4:10): "In all matters, his deeds shall be for the sake of heaven. His purpose and intent shall be to elevate the true faith and fill the world with justice, breaking the arm of the wicked and waging the wars of G-d. For the entire purpose of appointing a king is to execute justice and wage wars."

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## Biography

### Rabbi Yekutiel Y. Halberstam

Rabbi Dovid Zirkind

As one of the youngest Chassidic rebbeim of pre-war Europe, Rabbi Yekutiel Yehudah Halberstam led thousands of Chassidim in Romania from the age of 22, beginning in 1927. The early years of his life were filled with extraordinary challenges, starting at the age of thirteen when his father passed away. He married at the age of 21 and immediately began to impact the non-observant community in western Romania, where Klausenberg is located. The extent of his success was such that the Jerusalem Rabbinical Court offered him a seat on their Beit Din in 1937. Uncertain as to whether he should accept the position, the Klausenberger Rebbe sought out the advice of his mother, who felt he was still too young to leave for Eretz Yisrael.

The second great tragedy of his life, shared with millions of Jews during World War II, was the murder of his family - his wife and eleven children - at the hands of the Nazis. They were gassed in the Auschwitz death camp, where he was also held, in June of 1944. Later that year, Rabbi Halberstam was assigned to a labour detail which searched the remains of the Warsaw Ghetto after the uprising there. From there the Rebbe was marched with six thousand others to the Dachau concentration camp. Only one-third survived that terrible march, the Rebbe among them. In the Fall of 1945, the Rebbe was instrumental in incorporating religious life in the DP camps. He created slaughter-houses, mikvaot and yeshivot that provided both physically and spiritually for his fellow survivors.

In 1947, the Rebbe remarried and moved to the United States, where his following grew. All the while, he continued to develop a community of Chassidim in Netanya, and he eventually made aliyah himself in 1960. Operating from there, he continued his involvement with the Williamsburg community until his death.

One of the Rebbe's great accomplishments later in life was the establishment of the *Mifal haShas*, a worldwide project which encourages intensive Talmud study through exams and monetary incentives. The program has been continued by his two sons, his elder son in Israel and his younger son in the United States since his passing in 1994.

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## Torah and Translation

### Men's Mikvah Use on Friday Afternoons

Rabbi Y. Y. Halberstam, Divrei Yatziv, Likutim 27

Translated by Rabbi Alex Hecht

מה שנראה להעיר בתחלת הספר... שדנו על מ"ש בספרו ממנהג א"ז מצאנו זי"ע לטבול בערש"ק סמוך לזמן הדלקת הנרות, ע"פ האריז"ל, ותמהו על כך וכתבו שאין לאנשים פשוטים להתדמות לקדוש כזה כיון שמוזה עלולים לבוא לידי חילול שב"ק ח"ו.

ונראה לומר בפשיטות דאין שום חשש בזה, דמבואר בשו"ת חתם סופר חאו"ח סי' פ' שכל האחרונים הסכימו דשיעור בין השמשות אינו כי אם ג' רבעי מיל קודם צאת הכוכבים, ושכולנו במדינות אלו עושים במלאכה ערב ש"ק עד קרוב לשעה או ג' רבעי שעה קודם צאת הכוכבים נמצא אנו תופסים במוחלט כשיטת ר"ת וכו'... האנשים לא נהגו לקבל עליהם שבת בהדלקה זו והיו עושים מלאכה עד יותר מחצי שעה אחר הדלקת הנרות... וכיכרנא דנהוג הכי אצל צדיקים, וכן היה המנהג בכל ערי פולין וגאליציא שלא נמנעו האנשים מעשיית מלאכה אחר הדלקת הנרות, וכך הועד לי מאנשי ירושלים שמקדימין זמן הדלה"נ ועושין מלאכה אחר כך. ונהגו העולם להתפלל מנחה אחר הדלה"נ ואין פוצה פה ומצפצף... אלא ודאי דלאנשים אין קבלת שבת לאחר הדלקת הנרות.

ובהיות כן בודאי דאין מקום לחשוש שיבואו לידי חילול שב"ק ע"י הטבילה סמוך לשקיעת החמה דהלא זמן טובא איכא מהשקיעה עד זמן איסור עשיית מלאכה. ואדרבה נראה שא"ז בזה להורות דעדיין לאו סמוך לבין השמשות הוא, ולפרסומי מילתא שעדיין יממה הוא וידעו לזוהר באפוקי יומא שלא להקל ח"ו.

הן אמת שכ"ק אאמו"ר זי"ע נהג לטבול בערש"ק בעוד היום גדול, ברם טעמא דמילתא הוה מחמת שהיה בעיר רק מקוה טהרה אחת לאנשים ונשים, וחשש שאם יטבלו אנשים בשעה מאוחרת לא יהא פנאי לנקות המקוה מזוהמא ולהכינו כראוי לטבילת נשים...

Contrary, my father of blessed memory intended to teach through this that when the sun sets, it is still not close to the time of *bein hashemashot* and he wanted to publicize the fact that it is still day so that people would not be lenient [to perform *melachah*] during this time at the close of Shabbat, G-d forbid!

In truth, the reason the Rebbe, my father - may his merit protect us - was accustomed to immerse in a *mikvah* on Friday while there was still much daylight was because there was only one *mikvah* in the city for men and women and there was a concern that if the men immersed at a later hour, there would not be enough time to clean the *mikvah* from the filth of the men and properly prepare it for the women to immerse...

In the beginning of the book [I received] which discussed the practice of my ancestor from Sanz [Rabbi Chaim Halberstam] - may his merit protect us - to immerse in a *mikvah* on Friday afternoon close to the time of candle lighting, according to the custom of the Ari z"l. The author expressed amazement about this and wrote that it is not for simple people to imitate such a righteous person because this could lead to desecration of the holy Sabbath, G-d forbid!

It seems to me that there is simply no concern for this. It is explained in the responsa of Rabbi Moshe Sofer (*Teshuvot Chatam Sofer*, O.C. 80) that all of the later authorities agree that *bein hashemashot* [twilight] does not begin until  $\frac{3}{4}$  of a *mil* [13  $\frac{1}{2}$  minutes] before *tzeit hakochavim* [the appearance of the stars]. Everyone in all these countries performed *melachah* [actions prohibited on Shabbat] on Friday until close to one hour - or 45 minutes - before *tzeit hakochavim*, as we absolutely followed the opinion of Rabbeinu Tam [that *tzeit hakochavim* occurs 72 minutes after sunset; see *Pesachim* 94a]... Men were not accustomed to accept Shabbat with the lighting of the women and performed *melachah* until more than a half hour afterwards... I remember many righteous people acting according to this opinion, and the custom in all of the lands of Poland and Galicia was that men did not refrain from performing *melachah* after the lighting of the candles. And so I was told that the men in Jerusalem, where candles are lit earlier, perform *melachah* afterwards. And all customarily pray *minchah* after the lighting of the candles, and one should not open one's mouth in objection... Rather, it is certain that men need not accept Shabbat after candle lighting.

Therefore, there is no reason to be concerned that they will come to desecrate the holy Sabbath through immersion in a *mikvah* close to sunset, since there is a long time from sunset until the time *melachah* becomes prohibited. To the contrary,

## The 613 Mitzvot: #19, 20—Eating or Possessing Chametz Rabbi Mordechai Torczyner

Mitzvot 9 and 11 (as described in Toronto Torah 9:37-38) obligate us to destroy chametz before Pesach, and to ensure that we own no chametz during Pesach. Shemot 13:3 adds, “And chametz shall not be eaten,” prohibiting eating chametz during Pesach; Sefer haChinuch counts this as the Torah’s 19<sup>th</sup> mitzvah. Shemot 13:7 adds that chametz shall not be seen in our property during Pesach, either; Sefer haChinuch counts this as the Torah’s 20<sup>th</sup> mitzvah.

The Talmud (Pesachim 6b) asks why we search for chametz and eliminate it before Pesach; we already declare the chametz ownerless and of no interest to us, so that we are not viewed as “possessing” chametz. The Talmud responds that we are concerned lest we find attractive chametz and decide that we do want it. Tosafot (2a or) explains that because we have the added mitzvah prohibiting consumption of chametz, the Sages added a layer of obligation, requiring that we search for chametz and eliminate it.

### Weekly Highlights: Nov. 10— Nov. 16 / 2 Kislev — 8 Kislev

Time	Speaker	Topic	Location	Special Notes
<b>שבוע Nov. 9-10</b>				
<b>Fri. 9:45 PM</b>	<b>Ezer Diena</b>	<b>Practical Jokes</b>	<b>Limmud FSU</b>	<b>Blue Mountain</b>
<b>10:30 AM</b>	R' Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
<b>Mon. Nov. 12</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	Anti-Zionism, A-Zionism, Zionism: Week 3	Beth Tikvah	
<b>7:30 PM</b>	<b>R' Mordechai Torczyner</b>	<b>Legal Ethics with CPD The Dishonest Client</b>	<b>Shaarei Shomayim</b>	<b>Non-lawyers welcome</b>
<b>Tue. Nov. 13</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Yeshayah: Chapters 3-4	Shaarei Shomayim	
<b>7:30 PM</b>	R' Mordechai Torczyner	Yehoshua: Chapter 13	129 Theodore Pl.	<b>Men</b>
<b>8:00 PM</b>	Ezer Diena	Tzurat haDaf 101, Week 4	BAYT	<b>Men; JF Library</b>
<b>Wed. Nov. 14</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	Jewish Bioethics 1: Abortion	Beth Emeth	<b>torontotorah.com/ bioethics</b>
<b>12:30 PM</b>	R' Elihu Abbe	The Ethical Challenge 2: Ambiguous Contributions	Zeifmans LLP 201 Bridgeland Ave.	<b>Lunch served; RSVP rk@zeifmans.ca</b>
<b>7:30 PM</b>	R' Alex Hecht	Controversies of the 20 <sup>th</sup> Century	Shaarei Tefillah	
<b>7:30 PM</b>	Ezer Diena	Ripped from the Headlines	BAYT	<b>R' Taub Study Hall</b>
<b>8:00 PM</b>	R' Elihu Abbe	The 7 Habits, Week 4: Put First Things First	Shaarei Shomayim	
<b>Thu. Nov. 15</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Shemuel: Chapter 3	49 Michael Ct.	<b>Women</b>
<b>8:30 PM</b>	R' Elihu Abbe	Gemara Beitzah	eabbe@torontotorah.com	<b>Men</b>
<b>Fri. Nov. 16</b>				
<b>10:30 AM</b>	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	<b>Advanced</b>

**For University Men, at Yeshivat Or Chaim**

**10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat**  
**11:00 AM Sunday, Contemporary Halachah: R' Mordechai Torczyner, Anonymous Whistleblowing**  
**8:30 AM Monday, R' Elihu Abbe, Midrash on the Parshah**  
**8:30 AM Tuesday, Ezer Diena, Stories and She'eilot**  
**8:30 AM Friday, R' Mordechai Torczyner, The Book of Yeshayah**

**For University and Adult Women, at Ulpanat Orot**

**9:30 AM Tuesdays, Mrs. Eliana Abbe: Sefer Devarim**  
**9:30 AM Thursdays, Mrs. Eliana Abbe: Tefillah**

**Seder Boker for Adult Men with Rabbi Moshe Yeres**

**10:00 AM to Noon, Mondays/Wednesdays - Masechet Megilah and Eim haBanim Semeichah**  
**10:00 AM to Noon, Tuesdays/Thursdays - Parshanut on Parshah and Pinei Halachah**