

Toronto Torah

Beit Midrash Zichron Dov

Parshiyot Matot-Masei

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It's All in the Details

Rabbi Jonathan Ziring

Often, the Torah seems to focus on what we, as modern readers, would consider ancillary to the story and run through what we find to be central. The war with Midian, including the draft, Moshe's directions for the battle, the taking of spoils, Moshe's critique of how the war was handled and his new instructions are detailed in a total of eighteen verses. (Bamidbar 31:1-18) On the other hand, the counting and division of the spoils takes thirty verses. (Bamidbar 31:25-54) (The intervening verses discuss how to deal with the impurity issues for the soldiers and the spoils, as well as the kashrut issues that related to the spoils.) While one could understand that 31:25-54 is part of the victory celebration, detailing the success as represented by the material gains, there must be more to justify the extent of the discussion.

Moshe instructs the Jews to divide the spoils, half to be divided among the warriors and half among the rest of the nation. Rabbi Ovadia Seforno (31:27) suggests that this division among the entire nation was because the war was waged in response to a crime committed against the entirety of the Jewish people. Thus, they all had to benefit from the blessing of eating from the spoils of the enemy (Devarim 20:14). Additionally, it seems that this division would remind the Jews of **why** they went to war. By insisting that the spoils be divided by all, it prevented the warriors from getting carried away in the thrill of the battle, violence for violence's sake. It ensured that all would remember that war is only justified for a purpose - in this case,

rectifying the religious and national crime committed by Midian.

A percentage of the spoils was further to be dedicated to G-d. However, as Don Isaac Abarbanel notes at length, the details demand explanation. The non-combatants gave one fiftieth of their portion, while the combatants gave only one five-hundredth of their portion. Considering that each warrior received a significantly larger share to begin with, as the warriors comprised around one five-hundredth of the nation and they received half of the total spoils, this meant that the warriors were given much more and obligated to donate much less. Furthermore, the nation seems to have given their donation to the Leviyim, while the soldiers gave theirs to Elazar the Kohen; why did they have different beneficiaries?

Abarbanel suggests that the nature of the donations was different. The nation had to give the Leviyim a portion out of respect for their protection of the Mishkan. The soldiers, on the other hand, were thanking G-d for His aid in the war. He suggests that the gift was meant for Pinchas, who as the Kohen who took them to war, should have been the avenue through whom to direct their appreciative gifts for G-d. However, he gave his portion to his father Elazar. Using this, Abarbanel suggests that since Leviyim generally give one-tenth of their *maaser* portion to the Kohanim, the soldiers had to give one-tenth of what the nation gave, since they were directing their gift to the Kohanim directly.

Ramban (31:28) does not explain the

details, but writes more generally that donating the spoils reminded the Jews that they were fighting on behalf of G-d, not themselves. Chizkuni (31:28), while not noting that some spoils went to the Leviyim and some to the Kohanim, explains that the soldiers were required to give less in recognition of their effort.

Together, the division of the spoils presents a very nuanced approach to war. As Seforno notes, it is critical to remember that war is a national effort, and cannot be justified for personal reasons. As Ramban notes, one must always remember that the values we fight for are from G-d, and we must always thank G-d for His help in war, as in everything we do. However, as Chizkuni notes, recognizing that G-d helps us does not absolve us of recognizing the effort and sacrifice that real people contribute. Thus, while the nation's part in the war must be recognized, and even the soldiers must give a gift to G-d to acknowledge all He did, the moral thing to do is to allow the soldiers to take more and donate less. Rather than explicitly articulate these lessons, the Torah ensured that they were made real through action, and through the nitty gritty details of the spoils.

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Summary

After a detour discussing David's interactions with King Achish and his war with Amalek at Tziklag, our text returns to the story of King Shaul. When we last left King Shaul in Chapter 28, he was in Gilboa, facing a difficult battle against the Philistines that Shemuel HaNavi told him he would lose. (28:19) Chapter 31 begins with that battle, and indeed the Philistines overcome King Shaul's army and kill many of his troops, including his three sons Yehonatan, Avinadav, and Malkishua. (31:1-2)

As he is pursued by the enemy's archers, Shaul becomes weary and fears that he will not be able to escape. Shaul asks his aide to stab him, so the Philistines wouldn't have a chance to capture him alive and torture him. (Metzudat David to 31:4) However, Shaul's aide is too afraid to kill him. Instead, Shaul falls on his own sword, which inspires his aide to do the same. When the men of Israel from the nearby valley of Jezreel (Metzudat David 31:17) see that the Jewish army has been defeated, they flee, allowing the Philistines conquer their cities. (31:3-7)

The next day, when the Philistines

check the Jewish corpses for spoils, they find the bodies of Shaul and his sons strewn on the ground. They savagely sever Shaul's head, strip his body of his weapons and parade Shaul's remains throughout their places of idol worship. (31:8-10)

Upon hearing about the Philistine desecration of Shaul and his children, the citizens of Yavesh Gilad travel throughout the night to gather their corpses and weapons from the Philistines. However, since the flesh of Shaul and his sons are already infested with worms, the citizens of Yavesh Gilad burn their bodies and can only bury their bones. (Metzudat David 31:12) Shemuel I ends as the citizens mourn their fallen king by fasting for seven days. (31:11-13)

Insight

It's noteworthy that the citizens of Yavesh Gilad take it upon themselves to bury Shaul and his children. Radak (Commentary to 31:13) suggests that the people of Yavesh Gilad fasted for seven days in appreciation of how Shaul rescued Yavesh Gilad from Nachash, King of Amon, who had given them seven days to surrender (Shemuel I Chapter 11).

While recalling Shaul's deed highlights one of the triumphs of his kingship, the contrast between the two stories of Yavesh Gilad depicts how catastrophic Shaul's fall from power was. Furthermore, it's noteworthy that Sefer Shoftim also ends with a tragedy at Yavesh Gilad, in which twelve thousand Jewish troops massacred the inhabitants of the city (Shoftim Chapter 21). In referencing Yavesh Gilad in the ending of the era of the Shoftim and again at the end of Shaul's reign, the text may be demonstrating the truth of Shemuel's reluctance to appoint a king when asked (Chapters 8-9). While the book of Shoftim blames the anarchy in society on the fact "there was no king in Israel" (Shoftim 21:25), Shaul's demise shows that a king who veers from the way of G-d meets the same bitter end.

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A mishnah (Ketuvot 13:11) discusses situations in which one spouse has the legal right to force the other to relocate. One example is moving to Israel. If one spouse decides they want to move, the other is forced to oblige, and refusal is considered grounds for divorce. The Talmud (Ketuvot 110b) adds that this is true even when moving from a large home to a small one, and from a predominantly Jewish town to predominantly non-Jewish one.

One might assume that the legal right to force the move stems from a halachic obligation incumbent upon the whole family (or at least on the requesting party) to live in Israel. [See Beit Shemuel to Shulchan Aruch Even HaEzer 75:20.] The party that doesn't want to move cannot prevent the fulfillment of the mitzvah. This halachah seems to confirm, by implication, that in the time of the mishnah there was an active obligation to live in Israel. Is this true today as well?

Writing in the Middle Ages, Tosafot (s.v. *hu omer laalot*) cited Rabbeinu Chaim, who argued that the mitzvah to live in Israel no longer applied. This is because of the many mitzvot which are tied to living in the land (e.g. shemitah, terumah, maaser, etc.). We don't properly understand many of these mitzvot, and we cannot keep them effectively.

At face value, Rabbeinu Chaim's argument is puzzling. If there is in fact an obligation to move to Israel, how does the difficulty in keeping the mitzvot there remove this obligation? Surely, we would not say the same for Shabbat or Kashrut. Rabbi Natan Adler (Sefer Hafla'ah to Tosafot on Ketuvot 110b) suggests Rabbeinu Chaim is arguing for a kind of damage control. It is certainly a sin not to move to Israel, but this is preferable over moving and then being unable to keep

the mitzvot of the land properly.

Rabbi Moshe Feinstein (Igrot Moshe, Even HaEzer I:102) enters the discussion at this point. Asked whether the halachah follows Rabbeinu Chaim, or other authorities (e.g. Ramban) who rule that there is a real obligation, even today. Rabbi Feinstein responds that the majority of authorities rule that there is a mitzvah. However, taking a position like that of Rabbi Natan Adler is untenable. Therefore, Rabbi Feinstein concludes that even though one who moves to Israel is fulfilling a mitzvah, and one may even compel a spouse to move to Israel, there is no obligation to move to Israel. Working with this assumption, Rabbeinu Chaim's comment becomes much easier to understand. Since there is no obligation, one must be wary of the spiritual pitfalls that come together with moving. If these are daunting or inevitable enough, then it is better to refrain.

Rabbi Feinstein's position highlights two important elements about the decision to make aliyah. The first being that it is a decision, a choice to be made out of recognition of value and meaning. The second is about the parameters for deciding. It is not about a big house versus a small house, but rather about where a fulfilling religious life can be maximally achieved.

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Biography
Rabbi Yehuda Amital
Rabbi Baruch Weintraub

This coming Sunday we will commemorate the tenth *yahrtzeit* of my Rabbi, the Rosh Yeshiva of Yeshivat Har Etzion, Rav Yehuda Amital ztz"l. Following Rav Amital's belief that stories are an excellent educational tool, it seems appropriate to share four stories I heard from him about his own life. [A full bio can be found in [Toronto Torah Ki Tetze 5770](#).]

Looking outside for *Mashiach* – Rav Amital was born in Oradea, Romania in 1924, and as a young boy, he studied at a local *cheder*. One day he saw strange colours in the sky and decided that *Mashiach* had arrived! He gathered his friends and they all went out to sing and dance. The teacher forced them back in, but years later, when Yeshivat Har Etzion's *beit midrash* was built, Rav Amital asked the architect to design large windows, so that when *Mashiach* would come, we would be able to see him through those windows.

Seeing G-d's Hand during the Holocaust – The only Holocaust survivor in his family, Rav Amital served in a forced labour camp. Regarding these times, he told us repeatedly: "I know we saw the hand of G-d there. He was not absent – we heard His voice but could not understand what He was saying." The experience of feeling G-d's presence even without understanding was fundamental to Rav Amital's religious thought.

Who should take the lead? – After World War II, Rav Amital came to Eretz Yisrael, and later enlisted in the army prior to the War of Independence. When offered a position as a commander, he refused, as the sum of his military experience was that he had once seen a gun. Rav Amital told us he later regretted his refusal, for the "commander" chosen in the end did not even have that. His conclusion: never underestimate your ability to contribute.

Education to independence – On the Yeshiva's first day, Rav Amital did not show up. This was not by accident, but rather, an expression of his deeply held belief that an educator should not strive to have their students be just like them. Instead, the educator should try to give students the room they need to develop and grow as independent people.

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Torah and Translation
If I forget You, Jerusalem

R' Amital, <https://bit.ly/ravamitaljerusalem>

Translated by Rabbi Mordechai Torczyner

עוד בשנת '61 סיפר לי טדי קולק, שנשיא מצרים דאז - נאצר - אמר פעם, שלעולם לא ייכון שלום בין ישראל לבין העולם הערבי בשל הבעיה הלא פתירה של ירושלים. אפילו נאצר לא העלה בדעתו שיהיו יהודים שיסכימו למסור את הבעלות על הר הבית לאיסלאם...

לדעתי, ויתור כזה אינו עולה בקנה אחד עם תפיסת היהדות. כשם שחיינו של אדם פרטי אינם הערך העליון, וישנם איסורים שעליהם אנו מצווים גם להיגר ולא לעבור - כך גם בחיי הכלל, ישנם ערכים שהחברה והמדינה מחוייבות להסתכן למענם, ובפרט - בחיינו כאומה ישנם תחומים שהם "קווים אדומים", בבחינת "הרג ואל יעבור". חברה המעמידה במרכז תרבותה את "קדושת החיים", וערכיה אינם כוללים ערך עליון של "חיים של קדושה" - עתידה להידרדר לשחיתות ולהשחתה מוסרית. גם השלום - על אף חשיבותו - אינו הערך העליון הבלעדי, וישנם דברים שעליהם איננו מוכנים לוותר אפילו למענו...

יש להדגיש שהערכת חשיבות ריבונותינו על הר הבית אינה שאלה הלכתית או דתית. הרמב"ם פוסק שקדושה ראשונה קדשה לשעתה ולעתיד לבוא, כיוון "שקדושת המקדש וירושלים מפני השכינה, ושכינה אינה בטלה". ירושלים ומקום המקדש ייוותרו בקדושתם בכל הזמנים ובכל התנאים, בין אם יהיו תחת ריבונות ישראלית או תחת ריבונות אחרת.

אנו חייבים לשמור על ריבונותינו בהר הבית מנימוקים לאומיים, ולא מנימוקים הלכתיים או דתיים: ראשית, המוסלמים טענו לאורך כל הדרך שבית המקדש לא שכן מעולם בראש ההר, ואם ניתן להם אותו - הם עלולים לראות זאת כהודאה לטענותיהם. מעבר לחשש זה, מסירת הר הבית לערבים משמעותה למעשה התנתקות מהזהות היהודית ההיסטורית. מאז שחר קיומה, העלתה היהדות על נס את ירושלים ואת ההר שבמרכזה: משם נברא העולם, שם עקד אברהם את בנו, שם בנה שלמה את הבית ששכן בו ה' ולשם פנו יהודים, בכל הדורות ובכל התפוצות, בתפילה "ולירושלים עירך ברחמים תשוב"...

Already in the year '61, Teddy Kollek told me that then-Egyptian President [Gamal Abdel] Nasser once said that peace would never be established between Israel and the Arab world, because of the unsolved problem of Jerusalem. Even Nasser didn't entertain the idea that Jews would agree to transfer ownership of the Temple Mount to Islam...

In my view, such a concession would be inconsistent with Judaism's outlook. Just as a single person's life is not the highest value, and there are prohibitions for which we are commanded even to be killed rather than transgress – so too regarding the communal existence, there are values for which the community and the state must endanger itself. And especially in national life are there "red line" areas, in the "be killed rather than transgress" category. A community which establishes "the sanctity of life" at the centre of its culture, without the supreme value of "life of sanctity" among its values, is destined to decay into ruin and ethical corruption. Even peace – despite its importance – is not the exclusive supreme value, and there are things which we cannot concede, even for [peace]...

One should emphasize that the valuation of the significance of our control of the Temple Mount is not a legal or religious issue. The Rambam ruled that the initial sanctity consecrated it then and for the future, because "the sanctity of the Temple and Jerusalem stems from the Divine Presence, and the Divine Presence never ended." Jerusalem and the site of the Temple will remain sacred at all times, under all conditions, whether under Israeli control or under other control.

We are obligated to guard our control of the Temple Mount for national reasons, not for legal or religious reasons: First, the Muslim claim all along has been that the Temple never rested atop that mountain. If we were to give it to them – they would likely see this as an admission of their claims. Beyond this concern, giving the Temple Mount to the Arabs means, practically, separation from the historical Jewish identity. Since the dawn of her existence, Judaism has placed on a banner Jerusalem and the mountain at its centre: From there the world was created, there Abraham bound his son, there Solomon built the House where G-d resided, to that site Jews turned, in every generation

and in every Diaspora, with the prayer, "And to Your city, Jerusalem, return in mercy."...

Our Kayitz Zman (semester) ends this Wednesday, Rosh Chodesh Av

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**We expect to resume (re-Zoom?) on Monday August 24th
Toronto Torah is scheduled to return for Parshat Ki Tetze**



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July 19-24 - Rabbi Sammy Bergman, "Responses to Destruction"

July 26-31 - Rabbi Mordechai Torczyner, "Jeremiah's Lament"

August 2-7 - Netanel Klein, "Ethics and Inspiration"

August 9-14 - Ezer Diena, "Laws of Tzedakah"

August 16-21 - Rabbi Alex Hecht, "Six Constant Mitzvot"

Wednesday July 22

10 AM EDT Clashes in Jewish Publishing

With Rabbi Mordechai Torczyner, Week 3: An Enlightened Forgery

DAILY

Adult Seder Boker, with Rabbi Moshe Yeres

Mondays-Thursdays at 10:00 AM EDT (men) - THIS WEEK: NOT ON THURSDAY

Mondays and Wednesdays: Gemara, Orot haTeshuvah

Tuesdays and Thursdays: Parshah, Tanach

WEEKLY

Shabbat July 18

IN PERSON! 8:50 PM Pirkei Avot at Shaarei Shomayim with Rabbi Bergman, between Minchah and Maariv

Sunday July 19

10 AM EDT Gemara Shabbat for university students, with Rabbi Aaron Greenberg (pwd: 613613)

11 AM EDT Contemporary Halachah Rotation (university), R' Sammy Bergman, The Halachah of Flagrant Fouls

8:00 PM EDT Gemara Avodah Zarah, with Rabbi Mordechai Torczyner (men)

Monday July 20

1:15 PM EDT She'arim baTefillah Chabura for university students, with Rabbi Alex Hecht

8:30 PM EDT Gemara Shabbat, Chap. 13, with Rabbi Moshe Yeres

Tuesday July 21

8:00 PM EDT Shoftim, with Rabbi Mordechai Torczyner (men)

Wednesday July 22, Rosh Chodesh Av

10:30 AM Bava Metzia Perek 6, with Rabbi Sammy Bergman and Rabbi Mordechai Torczyner

Thursday July 23

2:15 PM EDT Haftarot of the Three Weeks for university students, with Ezer Diena

8:30 PM EDT Gemara Beitzah, with Ezer Diena (men)

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