

Toronto Torah

Beit Midrash Zichron Dov

Parshat Ki Tetze

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Welcome to Year 12 of Toronto Torah!

We have introduced a new column on Page 2: *The Israeli Farmer*To dedicate an issue of Toronto Torah for \$180, please email info@torontotorah.com

When Sin and Merit Mix

Ezer Diana

Devarim 22:11 writes of the prohibition against wearing *shaatnez*, wool and linen mixed together. Based on what the Torah tells us about other prohibited mixtures of animals and plants, known generally as *kilayim*, it does not seem strange that two permissible objects mixed together would become prohibited. (The same phenomenon also takes place with food; both meat and milk are independently permitted, but when mixed, become prohibited.) However, why are these two materials specifically prohibited when they are mixed? What is it about wool and linen that makes their mixture prohibited?

While one can find many answers to this question, two particularly novel answers are found in the Daat Zekeinim commentary to Devarim 22:11:

1: Shaatnez is G-d's property

Shemot 26:31 records that the *parochet*, the curtain that covered the entrance of the Holy of Holies, was made of various dyed wools and linen woven together. It is possible that just as G-d prohibited making copies of His incense, the *ketoret*, for personal use (Shemot 30:38) and prohibited making buildings that look like the Beit Hamikdash, where He dwells (see Rosh Hashanah 24b), so too G-d prohibited wearing the mixed materials that cover the Holy of Holies.

2: Kayin and Hevel don't mix

The Torah tells us that Adam's son, Kayin, brought an offering from "the fruit of the ground". According to a

midrash (Midrash Tanchuma Bereishit 9), this was flax seed, which is processed into linen. In the following verse, we are told that Adam's other son, Hevel, brought sheep as an offering. We all know the ending; Hashem rejected Kayin's offering, which led to a dispute, and Kayin's eventual murder of Hevel. That same midrash writes that at that point, Hashem said "it is not appropriate that the offering of the sinner be mixed with the offering of the innocent", and outlawed Shaatnez.

In light of this second reason of not wanting to mix Kayin with Hevel, it seems very strange that the *parochet*, which guarded the entrance of the Holy of Holies, would be made out of this material. Why does Hashem have a curtain of this inappropriate mixture?

Perhaps we can answer this question based on the earlier comparison to *ketoret*, which was actually brought as part of the High Priest's yearly entry to the Holy of Holies. The Talmud (Keritot 6b) points out that the *ketoret* contained a mixture of good-smelling and foul ingredients, and similarly, when engaging in prayer, it is appropriate to have some sinners among the righteous. However, we also know that when it comes to our own behaviour, we don't try to sin in order to have a mixture of good and bad deeds – we strive for perfection, and no sins at all (see Shabbat 55b)!

In Hashem's House, even a mixture of good and bad will be judged positively as entirely innocent, but each and every mortal human must avoid mixing in

bad to whatever extent they are able. The same is true of *shaatnez* – it belongs in Hashem's Holy of Holies, because Hashem appreciates the sinners alongside the righteous, but it would be inappropriate for us to emulate Hashem in this manner, since that would mean looking past our own shortcomings.

This distinction between Hashem and us is amplified during this time of year, when we repent for our sins, begging Hashem for forgiveness, and trying to wipe the slate clean. On Yom Kippur, we proclaim that we wish we would never sin, and we ask that all of our prior sins be reversed. However, the Talmud Yerushalmi (Rosh HaShanah 1:3) explains that we wear white and cut our hair in advance of Rosh Hashanah, since we are confident that Hashem will perform a miracle and we will emerge virtuous. In our own eyes, it would be wrong to view ourselves as *tzaddikim* when we know we are not, but we can also trust Hashem that the mixture of the Jewish People will always be judged positively, even if we are not technically worthy.

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Summary

Our chapter begins in the aftermath of Shaul's death. As David returned to Tziklag from a successful military campaign against the Amalekites, he was approached by an Amalekite renegade, who informed him that Shaul and Yehonatan had been killed. David solicited more information about the circumstances surrounding their deaths. The young man told David that he encountered a wounded Shaul on the battlefield, who asked the young man to kill him, to avoid being taken into Philistine custody. The young man presented Shaul's crown and bracelet to David as evidence that he had carried out Shaul's request. (1:1-10)

Upon hearing this news, David tore his garments as an outward display of mourning over Shaul and Yehonatan. He excoriated the young man, asking how he could possibly kill a king, who is "the anointed one of G-d." David ordered the young man to be executed, pointing out that his own mouth testified against him. (1:11-16)

The rest of the chapter records David's

eulogy for Shaul and Yehonatan. In this dirge, David noted the void left in the Jewish nation with their passing, and the need to cultivate new leaders in their place: "[We must] teach the Children of Yehudah the archer's bow... O splendor of Israel - upon your heights lie the slain! How the mighty have fallen!" (Shemuel II 1:18-19, Artscroll tr.) Since the mighty ones of Israel (Shaul and Yehonatan) had fallen, David's tribe of Yehudah would now be tasked with instructing the nation in warfare (Rashi to 1:18). David lamented that Shaul and Yehonatan, who had supported the nation, had fallen at the peak of their strength (Rashi to 1:19). Towards the end of the eulogy, David expressed his great anguish over the death of Yehonatan, for whom he felt profound love. (1:17-27)

Insight

Why did David punish the young man who killed Shaul? Wasn't he merely carrying out Shaul's request? Ralbag (commentary to 1:14) explained it based on the talmudic rule (Bava Kama 92a) that one who fulfills a

request for injury is still required to compensate the injured party. The young man was certainly liable for punishment for carrying out a request to be killed. Furthermore, when G-d prohibits something, one may not carry out a personal request to the contrary. [See also Kiddushin 42b.]

According to Ralbag, David was motivated by his great respect for the office of the king. He exercised his extrajudicial power as monarch to execute the young man based on his confession, without warning before the crime or trial afterward, in order to impress upon the people that there is no justification for killing a king of Israel.

By punishing the man who killed Shaul, and by his powerful and public eulogy, David demonstrated that reverence for leaders, even if they are imperfect, is essential to the success and unity of the nation, and that political disputes need not preclude respect.

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The Israeli Farmer: The Status of Transjordan**Rabbi Mordechai Torczyner**

When the Jewish nation entered Israel for the first time, the tribes of Reuven and Gad, and part of Menasheh, received land east of the Jordan (Yarden) River. But did this "Transjordan" area fully join Israel? Do laws of shemita and tithing apply there?

Early sources

The Shulchan Aruch does not provide a great deal of guidance regarding Israel's land-related mitzvot; we generally look to Rambam for codification of these laws. Here, though, Rambam's language is ambiguous.

Some early sources indicate that Transjordan is not part of Israel. For example, a halachic midrash identifies the land east of the Jordan River as "land you took on your own," marking it as distinct from the land G-d promised our ancestors. (Sifri, Devarim 299) Another halachic midrash notes that the Torah says we began counting the shemita cycle when we entered "the land" - meaning crossing the Jordan, not entering Transjordan. (Sifra, Behar 1)

Rambam

A rabbinic law prohibits eating produce which grows wildly during shemita, lest people plant illegally and then claim it grew wildly. Regarding this law, Rambam wrote: "The laws of shemita apply to Transjordan rabbinically, but one may eat wild growth in Syria and Transjordan. These lands shall not be of stricter status than lands in Israel taken by those who entered from Egypt." (Mishneh Torah, Hilchot Shemita v'Yovel 4:28)

Why did Rambam explicitly contrast Transjordan with "lands in Israel taken by those who entered from Egypt"? Apparently, either Rambam believed that Transjordan **is** part of Israel but does not qualify as settled by the Jews who

came out of Egypt (see a similar idea in Tosafot Chagigah 3b), or he believed that Transjordan is not part of Israel at all. Rabbi David ibn Abi Zimra (Mishneh Torah ad loc.) contended that Rambam believed the former, but Rabbi Yosef Korkos (Mishneh Torah ad loc.) argued that Rambam actually meant the latter.

Ramban

On the other hand, Ramban clearly defined Transjordan as part of Israel. When Moshe requested that the Emorite king Sichon allow us passage through his land, Ramban commented, "Moshe did this himself, as pacification, for the land of Sichon and Og was to become Israel's inheritance, since it belonged to the Emori." (Ramban to Bamidbar 21:21) For support, Ramban also noted a midrash listing a hierarchy of ten sanctities within Israel, the first of which is associated with Transjordan. (Bamidbar Rabbah 7:8)

Modern Authorities

In the twentieth century, many halachic authorities ruled that Transjordan is part of Israel. This included Rabbi Avraham Yeshayah Karelitz (Chazon Ish). He noted that the laws of the Yovel (Jubilee) year are in force only when "all of the residents of the land reside there," and that the Talmud (Arachin 32b) says this ceased when the tribes of Reuven and Gad were exiled from Transjordan. If so, then Transjordan is clearly part of Israel. (Chazon Ish Sheviit 3:25) Rabbi Eliezer Waldenberg ruled likewise, citing the medieval writings of Rabbi Shimon ben Tzemach Duran. (Tzitz Eliezer 10:1:22) However, Rabbi Ovadia Yosef seemed to rule otherwise. (Yechaveh Daat 2:11)

Today, the general consensus of halachic authorities is that Transjordan has the status of the Land of Israel.

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Biography

Rabbi Chaim David haLevi

Rabbi Adam Friedmann

Adapted from biographies from
R' Josh Gutenberg and Yaron Perez

Rabbi Chaim David HaLevi was born in Jerusalem in 1924. As a child, he studied alongside a young (Rabbi) Ovadia Yosef under Rabbi Ezra Atiyeh and Rabbi Ben Zion Uziel in Yeshivat Porat Yosef. He also attended the broader "Mizrachi" Seminar, and learned English. In 1948, Rabbi HaLevi fought in the War of Independence in the Tuvia Brigade comprised of yeshiva students, following which he served as Sephardic Chief Rabbi Uziel's personal secretary.

Rabbi HaLevi served in several rabbinical roles in his career. He was Chief Rabbi of Rishon L'Zion (1951-1972), concurrently serving on the Rabbinical Council of the Israeli Chief Rabbinate. When Rabbi Ovadia Yosef was appointed Chief Rabbi of Israel in 1973, Rabbi HaLevi took over his position as Sephardic Chief Rabbi of Tel Aviv-Yafo and served in that capacity until 1997. In 1992, he was an unsuccessful candidate for Sephardic Chief Rabbi of Israel.

Rabbi HaLevi was a prolific author. His major works include *Mekor Chaim HaShalem*, a five-volume synopsis of Jewish law; *Kitzur Shulchan Aruch Mevor Chaim*, a concise version listing practical laws, which is studied in Israeli schools; and *Aseh Lecha Rav*, responsa dealing with a wide range of contemporary issues. In addition, he wrote a three-volume work on the Torah, and a topical index to the Zohar.

Rabbi HaLevi received numerous awards, including the Rav Kook Prize in 1984 and the Israel Prize in 1997. As part of his outlook on the return to Israel as part of the ultimate Redemption, Rabbi HaLevi sought to renew the practice of blowing shofar in Jerusalem on Fridays, and he permitted entry to sections of the Temple Mount after proper preparation. He was one of the first to establish the sanctity of Yom ha'Atzmaut and Yom Yerushalayim in a halachic work. He saw in them part of the process of Redemption, as the days of mourning which occur between Pesach and Shavuot begin to be converted to days of celebration. At the same time, Rabbi HaLevi ruled regarding the peace agreement with Egypt that political leaders could cede land based on their assessment of the good of the nation, without rabbinic involvement.

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Torah and Translation

On the Flexibility of Halachah

R' Chaim David haLevi, Shu"t Aseh Lecha Rav 7:54

Translated by Rabbi Adam Friedmann

הנני מאשר קבלת מכתב כת"ר... שבא כתגובה למאמרי ב"ה הצופה"... ובו תמה כת"ר על כמה ביטויים במאמרי, כגון "יש בעיות קשות שנוצרות בחיינו שאין להן פתרון ברור וחותר בהלכה", או שרבותינו "לא הסתפקו באותן הלכות שהיו מסורות בידם וטרחו לחדש הלכות חדשות", וכן "אפילו גדולי האחרונים חידשו חידושי הלכה". ולבסוף על מסקנתי "יש צורך ברור לחפש פתרונות ברוח המקורות ובנאמנות מוחלטת להם ולחדש חידושים הלכתיים". ועל כל זה כת"ר תמה: וכי רשאים אנו לזוז כמלא נימא מההלכה הכתובה והמסורה שבידינו, ומה פירוש "לחדש" הלכות, שאם זה תואם את השולחן ערוך ממש, אין זה חידוש כלל, ואם אינו תואם מי מתיר לנו? וכ'.

ועל זה אשיבנו תשובה מאהבה, כי זו היא לענ"ד כל האמת לאמתה, וכמו שכת"ר כתב, שאין אנו רשאים לזוז כמלוא נימא מההלכה, אבל איני מסכים שחידושי הלכות ברוח ההלכה הכתובה והמסורה, ובנאמנות מוחלטת לה היא סטיה, אף אם חידושים אלה משנים באותו מקרה את ההלכה כפי שהיא כתובה בידינו...

וטועה מאד כל החושב שההלכה היא קפואה ואין לסטות ממנה ימין ושמאל, אלא אדרבא אין גמישות כגמישותה של ההלכה... ורק בזכות גמישותה של ההלכה, יכול היה עם-ישראל בכח חידושים רבים ומועילים שחידשו חכמי ישראל לדורותיהם, "ללכת" בדרך התורה והמצוה אלפי שנים. ואם יעמוד להם לחכמי דורנו אומץ לבם "לחדש" חידושי הלכה לאמתה של תורה, בנאמנות מוחלטת לגופי ההלכה הכתובה והמסורה (וכמו שהוכחנו במאמרנו הנ"ל), תוסיף ההלכה להיות דרכו של עם-ישראל עד סוף כל הדורות.

I hereby confirm receipt of your letter which came as a response to my article in "Hatzofeh", in which you express shock regarding certain expressions in my article, such as "there are difficult problems which have been created in our lifetimes which have no clear-cut legal solution," or that our rabbis "did not make do with those laws which they had received, and worked to produce new laws," and also, "even the great rabbis of latter generations produced legal novellae." And in the end [you expressed shock] about my conclusion: "There is a clear need to seek solutions in the spirit of the sources and with total faithfulness to them, and to produce legal novellae". And regarding all this you expressed shock: Are we allowed to budge even a hair's breadth from the law which is written and given to us? And what is the meaning of producing "new" laws? Because if these [laws] match the Shulchan Aruch exactly, they are not new at all, and if they don't match, who allows us [to follow them]?

Regarding this I will answer you with a loving response, because all of this is, in my humble opinion, the absolute truth. As you wrote, that we are not permitted to budge even a hair's breadth from the law. But I do not agree that legal novellae in the spirit of the written and transmitted law, and with total faithfulness to it, are considered straying, even if these novellae change the written law in our possession, in identical circumstances.

Whoever thinks that Jewish Law is frozen and that we cannot stray from it right or left is very mistaken. Rather, quite the opposite, there is no flexibility like the flexibility of Jewish Law... Only in the merit of the flexibility of the Law was the nation of Israel, by the strength of many effective novellae which the sages of Israel produced in their generations, able to "walk" (*lalechet-halachah*) in the way of the Torah and its commandments for thousands of years. And if the sages of our generation will have the courage to produce legal novellae in accordance with the truth of the Torah, and with total faithfulness to the sources of written and transmitted Law (as I proved in my article), then the Law will continue to be the path of the nation of Israel until the end of all generations.

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Socially Distanced High Holidays, Part 1 of 2: Rosh HaShanah

Rabbi Mordechai Torczyner

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7:30 PM Wednesday September 2

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Mondays and Wednesdays: Gemara Taanit, Orot haTeshuvah

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WEEKLY

Shabbat August 29

IN PERSON! 8:00 PM "Should Religion be a Stuggle?"

at Shaarei Shomayim with Rabbi Bergman, between Minchah and Maariv

Sunday August 30

9:15 AM, The Simanim and Tashlich, with Netanel Klein

10:00 AM, Gemara Shabbat, with Rabbi Aaron Greenberg (University, pwd 613613)

7:30 PM Gemara Ketuvot with Rabbi Mordechai Torczyner (men)

Monday August 31

8:30 PM Gemara Shabbat, Chap. 15, with Rabbi Moshe Yeres

Tuesday September 1

7:30 PM Shoftim, with Rabbi Mordechai Torczyner (men)

Thursday September 3

1:30 PM, Shemuel, with Rabbi Mordechai Torczyner (women)

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

Friday September 4

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