

Toronto Torah

Beit Midrash Zichron Dov

Parshat Chayei Sarah

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This issue of Toronto Torah is dedicated by Esther and Craig Guttman and Family
for the yahrtzeit of Shimon Berglas שמעון אריה בן חיים ז"ל

This issue of Toronto Torah is dedicated by Lori and Larry Wolynetz and Family
for the fifth yahrtzeit of Lori's father Dov Ber ben Yisrael Tzvi, דב בער בן ישראל צבי ז"ל

The articles in this week's edition present the Torah of
Rabbi Lord Jonathan Sacks zt"l and Rabbi Dovid Feinstein zt"l, who passed away this week

Mourning: Sadness, and Appreciation

Rabbi Alex Hecht

The passing of a beloved person often inspires multiple - and sometimes conflicting - emotions. On one hand, we feel tremendous sadness from the fact that the deceased is missing from the world, and from our lives. On the other hand, there is an element of comfort - and perhaps, eventually joy - from reflecting upon their life, and speaking about ways in which they impacted us personally, and about their broader accomplishments. In the laws of mourning, we are instructed to "raise our voice with words that break the heart, in order to increase crying, and to mention [the deceased's] praises." (Shulchan Aruch, Yoreh Deah 344:1) Frequently, the balance between these responses depends on the length and quality of the deceased's life.

This duality is evident in the Torah's description of Avraham's mourning of Sarah: "Avraham came to eulogize Sarah and to cry over her." (Bereishit 23:2) Rabbi Yaakov Baal HaTurim (ad loc.) noted that in a Torah scroll, the *kaf* in the word "*livkotah*" ("to cry over her") is smaller than the other letters, indicating that Avraham did not weep excessively, because Sarah died at the advanced age of 127, after having lived a full life. Consequently, Avraham's mourning focused more on celebrating Sarah's life than on lamenting her passing.

The contention that Avraham did not grieve excessively over Sarah, because

she lived a full life, is supported by Rashi's commentary to the opening verse of our parshah: "Sarah's lifetime was one hundred years, twenty years, and seven years; the years of Sarah's life." (23:1, Artscroll tr.) According to Rashi, "the years of Sarah's life" indicates that all her years were equally good. Rabbi Jonathan Sacks zt"l asked how we can possibly say that all of Sarah's years were equally good, when the Torah suggests otherwise: "Abraham and Sarah were commanded by G-d to leave everything that was familiar...and travel to an unknown land. No sooner had they arrived than they were forced to leave because of famine. Twice, Abraham's life was at risk when, driven into exile, he worried that he would be killed so that the local ruler could take Sarah into his harem. Sarah herself had to say that she was Abraham's sister, and had to suffer the indignity of being taken into a stranger's household. Then there was the long wait for a child...Then came the drama of the birth of Ishmael to Sarah's servant Hagar...Then there was the agony of the binding of Isaac..." (Covenant and Conversation, Chayei Sarah 5772)

Rabbi Sacks answered that we should not evaluate the quality of a person's life by their experiences; rather, we should consider their outlook and legacy: "To place your life in G-d's hands, to have faith that whatever happens to you happens for a reason, to know that you are part of a larger narrative, and to

believe that others will continue what you began, is to achieve a satisfaction in life that cannot be destroyed by circumstance. Abraham and Sarah had that faith, and they were able to die with a sense of fulfillment. To be happy does not mean that you have everything you want or everything you were promised. It means, simply, to have done what you were called on to do...and then to have passed on the baton to the next generation." (ibid.)

However, appreciation for a full life still leaves room for crying. As Rabbi Dovid Feinstein zt"l pointed out regarding Avraham's grief: "Whenever a righteous person is taken from us, however old he is, we still cry. There are two reasons for this: For one thing, we cry because the departed has lost the ability to perform mitzvos and add further to the abundant register of merits he accumulated in his lifetime. We also cry for **our** loss, because the righteous person is no longer available to suffuse the world with his holy influence. Thus Avraham cried because Sarah could no longer grow to higher levels of holiness." (Kol Dodi on the Torah, p. 45)

Like Sarah's passing, the passing of Rabbi Feinstein and Rabbi Sacks leaves a void worthy of lamenting. Nonetheless, in time we will also celebrate their lives and legacies.

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Summary

Chapters 5-9 of Shemuel II described King David's actions, domestically and internationally, once he became the undisputed king. In Chapter 10, King David learns of the passing of Nachash, king of Amon, and sends a delegation to console Nachash's son, Chanun. (10:1-2)

King David says this visit is a response to Nachash's kindness; a midrash explains that Nachash protected the sole survivor among David's brothers, after the rest were killed by the king of Moav. (Rashi to 10:2) However, Nachash's advisors don't trust David, claiming the visitors are military spies. Nachash humiliates the visitors, cutting off half their beards and half of their tunics, from top to bottom. King David sends the men into isolation, to wait for their beards to regrow. (10:3-5)

The people of Amon realize that they have triggered a war, and they hire the Arameans and other Transjordan tribes to help them. Amon would fight from the southeast, and Aram and their allies would fight from the northeast, so that the Jews would face two fronts. In response, King David's general Yoav split his forces in two; he led the northern group, and his brother Avishai led the southern group. (10:6-12) Yoav succeeded in driving Aram back in

the north, and that led Amon to abandon their position. However, Aram then rallied their forces to attack. King David led his armies against Aram victoriously; Aram and their vassal states surrendered. (10:13-19) [See Sifri Ekev 51 and Rambam, Hilchot Terumot 1:3-4 regarding whether Aram became part of halachic Israel.]

Insight

King David sending condolences to Nachash's son is jarring; Nachash threatened to mutilate the Jews of Yavesh Gilad at the start of King Shaul's reign! (Shemuel I 11) Perhaps this memory influences a midrash which argues that King David was wrong; he should have remembered the biblical warning regarding Amon and Moav, "Do not seek their peace and benefit. (Devarim 23:7)" As a result, his men were humiliated. (Bamidbar Rabbah 21:5) This midrash is problematic, though; are we not taught to be merciful upon everyone, as G-d is merciful to all of His creations? (Rambam, Hilchot Avadim 9:8)

A resolution may be seen in the words of Rabbi Lord Jonathan Sacks zt"l: "Universalism must be balanced with a new respect for the local, the particular, the unique. There are indeed religious universals. The

Hebrew Bible calls them 'the covenant with Noah'. Jewish tradition interpreted this to refer to seven basic commands: the prohibitions of idolatry and blasphemy, murder, theft, sexual transgression and wanton cruelty to animals, and the positive command to institute a system of justice. These constitute a shared code of humanity prior to and transcending religious difference. According to Maimonides, a non-Jew who keeps these laws because of a belief in the revealed truth of the Mosaic revelation is one of the 'pious of the nations of the world' and has a share in the world to come. One who does so on the basis of reason is one of the 'sages' of the nations. According to Jewish teaching, therefore, a person does not have to become a Jew to serve G-d." (*The Dignity of Difference*, pg. 20)

Amon and Moav, like all who don't recognize the seven universal mitzvot, do not deserve King David's compassionate visit. But for all others, our mission is indeed to have mercy upon G-d's creations and to respect their particular identities.

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The Israeli Farmer: Cases of Possible Orlah

The Torah prohibits fruits that grow on a tree within the first three years after it is planted. (Vayikra 16:23) This prohibition is known as *orlah*. The verse which describes this prohibition indicates that it applies in Israel alone. However, a mishnah (Orlah 3:9) states that *orlah* applies outside of Israel as well, having the status of "halachah." The Sages (Kiddushin 38b) debate the meaning of this latter phrase. The accepted position of Rabbi Yochanan is that "halachah" refers to "*halachah leMoshe miSinai*" (an oral tradition dating back to Sinai). Therefore, even outside of Israel, *orlah* is a biblical-level prohibition.

However, the Talmud (Kiddushin 39a) notes a discrepancy between the prohibitions inside and outside of Israel. Namely, with regard to cases where there is a doubt about whether certain produce is considered *orlah* or not. In such a case, produce from within Israel is prohibited, and produce from outside of Israel is allowed. However, the leniency for non-Israeli produce may not apply in all cases, as follows.

Generally, Halachah distinguishes between items that are in a mixture of two different type of entities (such as *orlah* and non-*orlah* produce), and items that have been removed from such a mixture and now stand on their own. In the former case, called *kavua*, we treat each member of the mixture as having a 50% chance of being from either type. In the latter case, called *poreish*, we assess the identity of each item that has left the mixture based on the percentage of each type found in the mixture.

As a result, Israeli produce purchased at an orchard which has a mixture of 25% *orlah* and 75% non-*orlah* trees is automatically even-odds to be *orlah*; one may not purchase such fruit. But fruit acquired away from that orchard, when its origins and *orlah* status cannot be determined, may be different. Even though in Israel we must be stringent about fruit that might be *orlah*, if we can apply the fact that a majority of fruits are not *orlah*, we can still permit the doubtful produce. [See Responsa Minchat Shlomo 1:71:12.]

What about outside Israel? Some authorities hold that the Talmud's leniency regarding possible *orlah* produce outside of Israel means that we can apply extra leniency; any time there is any kind of doubt regarding the *orlah* status, the fruit is permitted. [See Aruch HaShulchan 294:12, Igrot Moshe Yoreh Deah 1:186.] However, Rabbi David Feinstein (cited in Responsa Vedibarta Bam 2:301), parting from the seemingly more lenient view of his father, ruled that the rules of *kavua* and *poreish* apply to possible *orlah* outside of Israel as well. Therefore, if it can be ascertained that a particular fruit is from a field that contained both *orlah* and non-*orlah*, the principle of *kavua* should be applied, and the fruit is prohibited.

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Biography
Rabbi Dovid Feinstein
Rabbi Baruch Weintraub

Rabbi Dovid Feinstein was born to Rabbi Moshe and Rebbetzin Sima Feinstein in 1929, in Lyuban, USSR (present-day Belarus), where his father served as the community's Rabbi. Due to the decrees by the ruling Communist party, Jewish education was extremely limited; by the age of eight, young Dovid's knowledge was significantly behind what was deemed appropriate by his father. Worried about his future and that of his siblings, the Feinsteins decided to move out of the USSR.

After some wandering, the family settled down in the Lower East Side of Manhattan, and Rabbi Moshe Feinstein quickly became a world-renowned *posek* (halachic authority). Rabbi Dovid Feinstein learned in Mesivta Tifereth Jerusalem, headed by his father, and quickly made up for what he lacked in Europe. As he grew older, he began giving lectures in the yeshiva; when his father passed away in 1986, Rabbi Dovid Feinstein became its Rosh Yeshiva.

Assuming the mantle of his great father, Rabbi Feinstein became a leading halachic authority, advising many Jews in the United States and beyond in complex matters, ranging from education and outreach work, to organ donation and defining the moment of death. Many of his rulings were based on his father's positions, which he continued to elaborate and apply to new realities. He maintained prominent communal positions, including serving as a member of the Moetzes Gedolei HaTorah of Agudath Yisrael for many decades.

Rav Dovid was well-known for his humility and unassuming approach. He related to any person, regardless of age or level of knowledge. He was also known for his quiet manner, as his speech was measured and calculated, and he would often abbreviate his conversations and opt for silence. However, the Satmar Rebbe, who came to console him after the death of his sister, said, "From Rav David's silence, I can learn more than any *mussar* (ethical) speech I heard in my life."

Rabbi Dovid Feinstein wrote several English books of commentary on the Torah and the Haggadah. His halachic positions were collected and published by his student Rabbi Baruch Moskowitz, in a Hebrew book called *Vedibarta Bam*.

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Torah and Translation
Transgressors Who Lack Jewish Education
Rabbi Dovid Feinstein, *Vedibarta Bam* pp. 266-7
Translated by Rabbi Baruch Weintraub

... באגר"מ באבן העזר ח"ב ב סימן כ, שהאריך בעניין מחלל שבת בפרהסיא... וגם מביא שם דברי הבנין ציון במה שכתב דנעשה להם כהיתר.

ועל זה כתב בזה הלשון: "לא נכון לעניות דעתי להחשיבם כאומר מותר באיסור מפורסם כזה שאף הנכרים יודעים איך לי טעם גדול שלא כולם הם כנכרים מצד אחר. דהנה תמוה טובא החילוק בין מחלל שבת בצנעא לפרהסיא... דהוא משום דודאי אין הכרח שמי שמחלל שבת לתיאבון הוא כופר במעשה בראשית דאפשר שאף שמאמין אינו יכול לכבש יצרו להרוחת ממון ולשאר תאוותיו... ולכן הוא כן באמת במחלל שבת בצנעא תלינן שאף שהוא מאמין במעשה בראשית לא היה יכול לכוש את יצרו ואין דינו כנכרי. אבל כשמחלל בפרהסיא הרי בהרבה רואין יהיו מי שיאמרו שהוא מצד שכופר במעשה בראשית... ולכן אלו מחללי שבתות שידוע ששומרים מצות התורה ועושים רק להרוחת ממון, אף שיודעים חומר האיסור יש טעם גדול שאינם כנכרים..."

ושמעתי ממוה"ג ראש הישיבה ר' דוד פיינשטיין, דברור דאביו זצ"ל בהרבה תשובות לא איירי במי שנתחנך בלי תורה ומצוות כלל, דבנוגע לאלו מסתמא דינם כתינוק שנשבה כמו שכתב החזון איש (הלכות שחיטה, ב) וגם שמע מאביו זצ"ל דהרבה נכללו בזה מחמת זה, ואין הכי נמי למי שנכלל בזה דינו כשוגג ואסור להלוות לו בריבית... אבל הרבה מהם יודעים תורה ומצוות אלא שהלכו בדרכם ההפקר לתיאבון, ובפרט לפני חמישים שנה במדינותינו שהרבה היו מאמינים ומכל מקום עברו בחילול שבת בפרהסיא, ועליהם כתב אביו זצ"ל..."

[Rabbi Moshe Feinstein's] Igrot Moshe, Even HaEzer 2:20, discussed at length the status of one who desecrates Shabbat in public... He cited the words of [Rabbi Yaakov Ettlinger in] Binyan Tzion, "that Shabbat became for them as if it was permitted [and therefore they are not viewed as violating Shabbat intentionally]."

[Rabbi Feinstein] commented that, "it is wrong, in my opinion, to consider them as [ignorantly] permitting such a well-known prohibition, as even non-Jews know that Jews are forbidden from work on this day... However, I have a strong reason not to equate [Shabbat violation] with non-Jewish status, from a different perspective: The halachic distinction between he who desecrates Shabbat privately or publicly is very surprising... [The distinction] is because it is not necessarily true that he who desecrates Shabbat for personal gratification is denying Creation. For it is possible that even though he believes [in G-d], he cannot suppress his desire for money and other pleasures... Consequently, if he desecrates Shabbat privately, we assume that he does believe in Creation, but cannot suppress his desires, and therefore, his status should not be equated with a non-Jew. However, when one desecrates Shabbat in public, many see him, and at least some understand his act as an expression of denial of Creation... Hence, for Shabbat violators who are known to adhere to Torah commandments, and violate [Shabbat] only for monetary gain – there is good reason not to equate their status with that of non-Jews, even if they are aware of the graveness of the sin..."

I heard from our master, the Rosh Yeshiva, Rabbi Dovid Feinstein, that it is clear that his father, of righteous memory, in many of his responsa, was not referring to those who were raised without Torah and mitzvot. Regarding these [people], it is reasonable to judge them as "an infant who was captured [and raised among non-Jews]", as is written by the Chazon Ish (Laws of Shechitah 2)... On the other hand, many [Shabbat violators] have knowledge of Torah and Mitzvot, but go in their own path of lawlessness for the sake of gratification. Particularly, fifty years ago in our country, many were believers, yet desecrated Shabbat in public, and it was regarding them that his father, of righteous memory, wrote.

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SPECIAL PROGRAMMING

JEWISH IDENTITY: A SHAVUA-TON!

Sunday Nov. 15 to Thursday Nov. 19, with BAYT and SHAAREI SHOMAYIM

8:00 PM Sun. Nov. 15: Panel: Can Orthodoxy Respect Non-Orthodoxy?

Rabbi Daniel Korobkin and Rabbi Chaim Strauchler; Rabbi Mordechai Torczyner moderator

8:00 PM Mon. Nov. 16: Brother Daniel to Evangelical Zionists: Jews & Christians Today, R' S. Bergman

8:00 PM Tue. Nov. 17: Satmar to Settler to Secular: What Unifies Us?, R' Alex Hecht

8:00 PM Wed. Nov. 18: Left-Wing Politics in a Right-Wing Religion?, R' Mordechai Torczyner

8:00 PM Thu. Nov. 19: Jews of Colour Speak About Their Experiences, Interviews with R' S. Bergman

All Zooms: tiny.cc/jewishidentity. For advance materials: www.torontotorah.com/identity

12:30 PM Wed. Nov. 18: The Ethical Challenge

A 3-part Business Ethics Mini-Series, eligible for CPD credit for Accountants

Week 2: Rabbi Chaim Metzger, Billing for Unproductive Time

DAILY

7:10 AM Sun, 7:30 AM Mon-Fri, Rabbi Chaim Metzger, Daf Yomi with BAYT (men), via ZOOM

Mon-Thu 10 AM to Noon, with Rabbi Moshe Yeres, via ZOOM (men)

Mondays and Wednesdays: Gemara Taanit, Orot haTeshuvah

Tuesdays and Thursdays: Parshah, Tanach: Shemuel

WEEKLY

Shabbat Nov. 14

After minchah at Shaarei Shomayim, Rabbi Sammy Bergman, Parshah

Sunday Nov. 15

9:20 AM Contemporary Halachah with Netanel Klein: Health & Fitness (not this week)

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

6:30 PM Magic and Sorcery, with Netanel Klein (University women)

7:00 PM Gemara Ketuvot with Rabbi Mordechai Torczyner (men) (note special time)

8:15 PM Uncovering Midrash with Rabbi Chaim Metzger (not this week)

Tuesday Nov. 17

1:30 PM Megilat Esther, with Rabbi Mordechai Torczyner

7:00 PM Shoftim, with Rabbi Mordechai Torczyner (men) (note special time)

Wednesday, Nov 18

7:00 PM Genesis Journeys: Created for Mankind?, with Rabbi Sammy Bergman (note special time)

Thursday Nov. 19

8:30 AM Daniel, Rabbi Chaim Metzger (University)

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

8:15 PM Gemara Bava Metzia, with Rabbi Sammy Bergman (University women) (not this week)

8:30 PM Gemara Beitzah, with Ezer Diena (men, advanced) (not this week)

Friday Nov. 20

8:30 AM Parshah, Rabbi Sammy Bergman (University)

11:30 AM Shemitah! with Rabbi Sammy Bergman and Rabbi Mordechai Torczyner (advanced)