



This issue of Torat Chayim is dedicated to the soldiers of the IDF, the hostages, and the wounded.

Ramban on Our Parshah: Better to Ask Permission than Forgiveness

It's been said, "It's easier to seek forgiveness than permission." Why enable people to block our plans? Better to just do it, and apologize for the hurt feelings afterward. From a utilitarian perspective this is logical; everything will work out. But there is a cost to inflicting pain, as Ramban conveys in explaining a mitzvah in our parshah.

The context is the law of *ona'ah*, which prohibits abuse of financial power:

- In discussing selling land, Vayikra 25:14-17 teaches that a seller may not demand more than the going rate, and a buyer may not insist on paying less than the going rate. Such financial impropriety is called *ona'ah*. [There is much discussion regarding how the "going rate" is set.]
- The Talmud adds that if *ona'ah* is particularly extreme, with a great difference between the sale price and the going rate, then the beneficiary of the *ona'ah* is obligated to reverse the sale. (Bava Metzia 49b-50a)

The gemara (ibid. 56a-57b) limits this law: the rules of *ona'ah* **do not** apply to sales of land. Buyers routinely forgive an unusually high price for land, because the enduring character of real estate makes it easier to swallow an exorbitant price. [See Sefer haChinuch #337.] But excluding real estate from *ona'ah* is strange; the Torah present-

ed the law of *ona'ah* in the context of land sales! How could *ona'ah* not apply to land?

Ramban (Vayikra 25:14-15) points out the problem, and tries to solve it. He suggests that there are two layers to the law:

- The Torah's text prohibits engaging in *ona'ah*, without imposing a penalty. This indeed applies to **all** sales, including real estate.
- The rabbis then enacted a rule reversing particularly egregious *ona'ah*. That rabbinic legislation doesn't apply to land, because people who buy land accept that they may need to pay a higher price.

Ramban's explanation acknowledges that in the end, people **are** likely to accept the painful need to overpay in a real estate deal. This is why the sages did not reverse an executed sale of real estate. But to the person who is contemplating overcharging for land since the buyer will get over it, the Torah warns: don't inflict pain in the first place. Causing others pain is not acceptable, even if we know they will forgive us in the end. And if this is true in business, how much more so in our families and communities! Better to ask permission than to seek forgiveness afterward.

Parshah Riddles for Kids (answers on the back)

Age 4-8: Every fifty years, people who sold their family land in Israel receive it back. What is the name of the 50th year?

Age 8-12: When the Jews ask what they will eat during Shemitah, what does Hashem promise?

Age 12+: According to Rashi, how does the national Beit Din make the fiftieth year holy?

Journey Through Tanach: Shoftim 4:1-9

In Chapter 3 we began the "Shoftim cycle" of sin/salvation/repentance. In Chapters 4 and 5 we see a new iteration, in the time of a woman named Devorah. The Jews in Northern Israel are suffering under Canaanite attack; the mountains are under our control, but the Canaanites are powerful in the valley below, Emek Yizre'el. The Canaanites use chariots to dominate the low ground.

Devorah is introduced as a prophetess, as well as a judge. Radbaz (on Mishneh Torah, Hilchot Melachim 1:5) is troubled; by law, judges are men. He suggests that she was actually a teacher, not a judge, or that her position as judge was by special Divine decree. Ramban (Shevuot 30a) takes a different approach, explaining that we may accept a woman as judge if we want.

The chapter begins with the death of the *shofet* Ehud; Hashem then hands the Jews to the Canaanites. [The text omits the death of the *shofet* Shamgar, who was named in Chapter 3; some suggest that it's because he was still alive at this time.] Malbim notes that falling to the Canaanites represents a decline; previously we suffered from out-

side raiders, but now we were under the control of local non-Jews. This lasted for twenty years. (4:1-3)

The text (4:4-5) identifies Devorah as *eishet lapidot*; explanations for this title abound:

- Radak suggests that *eishet lapidot* means "wife of Lapidot." According to him, Devorah was married to a man named Barak, who we will meet shortly, and "Lapidot" is another name for Barak. *Barak* means lightning, and *lapidot* means torches.
- A gemara (Megillah 14a) says it means "woman of fire", because Devorah made wicks for use in the Mishkan.
- Abarbanel contends that *lapidot* refers to her fiery energy, or the fiery character of her prophecy.

Then we meet Barak; Devorah orders him to assemble ten thousand men from Naftali and Zevulun on Mount Tavor. Hashem will arrange for the Canaanite general Sisera to fall into their hands. Barak insists that he will do it only if Devorah comes with him; she replies that then he will acquire no glory, and Sisera will be defeated by a woman. (4:6-9)

The 613 Mitzvot: #31 - Kiddush, Part 2

(continued from last week)

Last week we saw that in the first presentation of the *aseret hadibrot*, Shemot 20:8 commands, “**Call to mind** the day of Shabbat, to sanctify it,” requiring verbal invocation of the day’s sanctity: *kiddush*. In the second presentation of the *aseret hadibrot*, Devarim 5:12 commands, “**Guard** the day of Shabbat,” prohibiting *melachah*. The Talmud links the two passages, teaching that just as women are obligated in the “Guard” prohibition against *melachah*, so they are obligated in the “Call to mind” mitzvah of *kiddush*, even though they are often exempt from time-bound commandments. (Berachot 20b)

This obligation of women in *kiddush* may actually extend to all of the biblical mitzvot of Shabbat. Rabbi Moshe Goldberg zt”l quoted Rabbeinu Nisim (Shabbat 44a *b’dapei haRif*): “For all of the deeds of Shabbat, men and women are identical, as we learn from the linkage of ‘Call to mind’ and ‘Guard’ that whoever is obligated to guard Shabbat is obligated to call it to mind. This includes all of the duties of Shabbat.” (Ha’Emek 13, pp. 29-30)

There is some debate as to whether the havdalah component of this ritual sanctification is a biblical or rabbinic obligation. If havdalah is a rabbinic obligation, women might be exempt; for more on this, see Aruch haShulchan Orach Chaim 296:4-5.

Israel’s Chief Rabbis: Aliyah LaRegel Today, Rav Tzvi Pesach Frank

Rav Chaim Dovid HaLevi was Chief Rabbi of Rishon LeTzion from 1951-1972; he concurrently served on the Rabbinical Council of the Israeli Chief Rabbinate. When Rav Ovadia Yosef was appointed Sephardic Chief Rabbi of Israel in 1973, Rav HaLevi took over as Sephardic Chief Rabbi of Tel Aviv and kept that role until 1997.

Someone asked Rav HaLevi: May one leave Israel to spend Yom Tov with his Rebbe outside of Israel? Rav Chaim Dovid HaLevi’s response, recorded in *Aseh Lecha Rav* 2:53, divided the question into two parts: 1) Leaving Israel to be with one’s Rebbe, and 2) Leaving Israel for Yom Tov.

Regarding the first issue, Rav HaLevi wrote that leaving Israel is a very serious matter, permitted only for Torah study, marriage or to rescue people from harm. [It is also permitted for one’s livelihood; perhaps Rav HaLevi included that in “rescuing from harm”.] Even then, one may do it only with a plan to return, as per Rambam, Hilchot Melachim 5:9. However, Rav HaLevi said that leaving to be with one’s Rebbe, “absorbing an atmosphere of sanctity and purity,” would be justified under the permission to leave for Torah study.

On the other hand, Rav HaLevi felt that leaving Israel for Yom Tov is problematic. When the Beit HaMikdash stands we are commanded to ascend to Yerushalayim for Yom Tov; this is the mitzvah of *aliyah laregel*. The mitzvah does not apply in the absence of a Beit HaMikdash, but Rav HaLevi noted that Jews nonetheless continued to practice it after the Beit HaMikdash was destroyed, out of love of Yerushalayim and to remember the mitzvah. In one example, as Rav Zvi Hirsch Chajes noted (commentary to Nedarim 23a), a *braita* tells the story of a man who swore that his wife should not perform *aliyah laregel*. She did it anyway, and the case came before Rabbi Yosi. Rabbi Yosi lived after the destruction of the Beit HaMikdash, in the 2nd century CE! So Rav HaLevi wrote, “How could you desire to be absent from Israel this coming Succot, to nullify the mitzvah of remembering the ascent to Yerushalayim, and pouring out your prayer before Hashem in the courtyards of His sanctum?”

In conclusion, Rav HaLevi permitted him to go be with his Rebbe for Rosh Hashanah and Yom Kippur, but required him to return to Israel immediately after Yom Kippur in order to celebrate Succot in Israel and to ascend to Yerushalayim.

Upcoming Learning!

All classes are open to men and women and free of charge, unless otherwise noted

8:10 PM Shabbat May 25

The Kashrut of Clean Meat: The Exciting Conclusion, with Rabbi Mordechai Torczyner, at Eitz Chayim

8:30 AM to 9:15 AM Sunday May 26—**Now with bagels and spreads!**

Fourteen Centuries: Rav Shemuel bar Chofni Gaon, with Rabbi Mordechai Torczyner, in the lobby at Eitz Chayim

8:30-9:30 PM Monday May 27 at Eitz Chayim and on ZOOM at <http://tiny.cc/medhal>

Halachah in Healthcare Settings: Kiddush in the Hospital with Rabbi Mordechai Torczyner

8:15-9:00 PM Tuesday May 28

Gemara Makkot with Rabbi Mordechai Torczyner, for men, at 693 Knollwood

Age 4-8 Yovel
Age 8-12 Hashem will give them enough produce in Year 6 to last through Year 8
Age 12+ At the start of the year, the Beit Din announces that the year is holy; see Rashi to Vayikra 25:10

Answers to Parshah Riddles

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