



This issue of Toronto Torah is sponsored by Esther and Craig Guttman in memory of their beloved uncle Sam Goodman, שמואל בן שמעון ז"ל

**Screens, Curtains and Beyond**

**Rabbi Baruch Weintraub**

Among the many laws related to the Mishkan, our parshah enumerates three dividers that separated its various sections: the curtain hanging in the doorway of the Mishkan's Courtyard (Shemot 27:16); another at the entrance of the Sanctuary (the Kodesh) (ibid. 26:36-37); and a third separating the Sanctuary from the Kodesh HaKodashim, the Holy of Holies (ibid. 26:31-35).

Don Isaac Abarbanel spells out the differences between the innermost curtain and the other two screens. For the most part, the differences are part of a general shift toward using finer materials for the inner parts of the Mishkan. However, one difference stands out: The inner curtain was made by "thoughtful craft" (*maaseh choshev*), while the outer ones were "embroidered craft" (*maaseh rokeim*). What is the difference between these two?

The Talmud (Yoma 72b) explains, in the name of Rabbi Nechemiah, that "embroidered craft" is produced by needlework, while "thoughtful craft" is made by weaving. Rashi (Shemot 26:1) understands this to mean that in "embroidered craft" the same picture could be seen on both sides of the curtain, but in "thoughtful craft" the artists were able to create different images on each side of the curtain. Why was it important for the Torah to differentiate in this way between the curtains?

One could argue that "thoughtful craft" represents a higher form of art, and thus is better suited for the inner, holier parts of the Mishkan. However,

perhaps there is deeper reason for this difference.

Rabbi Meir Simchah haKohen of Dvinsk (Meshech Chochmah to Shemot 26:21) argues that this distinction does point to something deeper. He points out that the function of the inner curtain is actually different from the function of the two outer ones. The outer two curtains are not what causes the sections on either side of them to be distinct from each other. The Courtyard is defined by its boundaries, marked by pillars and linen hanging from them. Similarly, the distinction between the Courtyard and the Sanctuary does not depend on the separating screen; it is created by the Sanctuary's walls. The function of these screens, then, is merely to conceal what is inside from those standing outside.

The inner curtain, on the other hand, has a much greater role: there is nothing separating the Holy of Holies from the Sanctuary except for the curtain. In other words, the curtain is not there just to cover what is inside, but to **create** the inside. Thus, says the Meshech Chochmah, it was important to change the pictures on the inner and outer sides of the curtain, to emphasize this role of the curtain – that which creates the different parts of the Mishkan.

While this clever explanation answers one question, it immediately demands another. Namely: why is it that the Torah chose to create the Mishkan this way? Why are some parts of the Mishkan divided by walls, and some by mere curtains?

It seems that the Torah is teaching us different ways of achieving holiness:

- One way is to change our actions. This change can be comprehensive and sweeping – "Among the paths of repentance is for the penitent to... separate himself far from the object of his sin, to change his name, as if to say 'I am a different person and not the same one who sinned.'" (Rambam, Hilchot Teshuvah 2:4) Such a stark difference is reflected in the division between the outside of the Mishkan and the Mishkan's Courtyard.
- The change can also be subtle, like the difference between the Courtyard and the Sanctuary. However, in this scenario, like the transition from the Courtyard to the Mishkan, while one has changed his actions moving forward, he cannot deny what has happened in the past.
- The entrance to the Holy of Holies, on the other hand, represents an additional stage in the transition to holiness. Here, the advance is made not by changes of action, but by a complete change of heart. Hence, the room is the same room and the walls are the same walls, and the difference is made by the change in perspective – the way things appear on one side of the curtain is different from the way they are seen from the other side. The different pictures on the inner curtain, thus, teach us that sometimes we are called not only to improve our deeds, but also to purify our perspectives.

*bweintraub@torontotorah.com*

**OUR BEIT MIDRASH**

**ROSH BEIT MIDRASH** RABBI MORDECHAI TORCZYNER  
**SGAN ROSH BEIT MIDRASH** RABBI JONATHAN ZIRING  
**AVREICHIM** RABBI DAVID ELY GRUNDLAND, YISROEL MEIR ROSENZWEIG  
**CHAVERIM** DAR BARUCHIM, YEHUDA EKLOVE, URI FRISCHMAN, DANIEL GEMARA, MICHAEL IHILCHIK, RYAN JENAH, SHIMMY JESIN, CHEZKY MECKLER, ZACK MINCER, JOSH PHILLIP, JACOB POSLUNS, SHAI REEF, ARYEH ROSEN, SHLOMO SABOVICH, EZRA SCHWARTZ, ARIEL SHIELDS, DAVID SUTTNER, DAVID TOBIS, EYTAN WEISZ

**YESHIVA UNIVERSITY  
TORAH MITZION  
BEIT MIDRASH**

**We are grateful to  
Continental Press 905-660-0311**

***Maaser Kesafim: Giving a Tenth to Charity***

**Professor Cyril Domb, editor  
English, Feldheim, 1980 (first ed.)**

Creation of this book

Decades ago, the British Association of Orthodox Jewish Scientists set up working groups to address modern questions in particular areas of halachah. One project was *maaser kesafim*: the practice of giving one-tenth of one's earnings to worthy *tzedakah* recipients. The working group, chaired by chartered accountant Alfred Homburger, included physicist Cyril Domb, Rabbi Asher (Oscar) Feuchtwanger, and a mathematician and a lawyer.

The group investigated their questions in existing halachic literature, and then put certain outstanding questions to Rabbi Shlomo Zalman Auerbach, Rabbi Moshe Feinstein and Dayan Yitzchak Weiss. The final text was edited by Dr. Domb, and published as *Maaser Kesafim: Giving a Tenth to Charity*.

Organization of this book

*Maaser Kesafim* displays the well-planned, step-by-step structure one would expect from a team of authors representing the sciences and the law.

It begins with a section of source material regarding the practice of giving *maaser kesafim*, starting from Tanach and proceeding to legal codes, along with explanations of the significance of each source. The text then continues with sections on each of the group's major divisions of inquiry:

- Capital and Income Liable to *Maaser*
- Deduction of Expenses and Losses
- The Distribution of *Maaser*
- Miscellaneous Topics

Each of these latter four sections includes both previously published texts and the new input of the three aforementioned authorities the researchers consulted.

The last two sections of the book offer detailed biographical paragraphs about every author cited in the text, and the original text of their dialogue with Rabbi Auerbach, Rabbi Feinstein and Dayan Weiss. The book is also indexed by subject and name.

The target reader

*Maaser Kesafim* is an ideal text for the yeshiva-educated reader who wishes to gain a thorough understanding of today's contemporary practice of giving one-tenth of our income to *tzedakah*.

The text-trained student will benefit from the book's inclusion of all primary source material, but this may prove a great challenge for those who are new to text study.

This book is also well-suited for the reader researching a particular question about *maaser kesafim*. The questions are those which challenge the contemporary giver of *tzedakah*, including:

- How is income defined?
- Are capital receipts liable for tithing?
- Is there a specific "tax year" for calculating the tithe?
- How is asset depreciation taken into account?
- How are charities defined and prioritized?

The answers to these questions are well thought-out, and clearly presented. Both for the Jew who faces questions, and the Jew who wishes to know what to ask, this book would be invaluable.

[torczyner@torontotorah.com](mailto:torczyner@torontotorah.com)

**613 Mitzvot: 491: Access to Justice**

**Rabbi Mordechai Torczyner**

**Access to Justice**

Nathan Nemetz, Chief Justice of the Supreme Court of British Columbia, declared, "We have no doubt that the right to access to the courts is under the rule of law one of the fundamental pillars protecting the rights and freedoms of our citizens." ((1985), 64 B.C.L.R. 113 (B.C.C.A.)) The principle of "access to justice" drives initiatives to make available judicial and extra-judicial paths to justice, and to ensure that they are inexpensive.

The Torah, too, instructs us to ensure that all citizens are able to receive justice. The Talmud (Mishnah Sanhedrin 1) states that even small cities are entitled to a court of 23 judges, suitable to try capital cases; the quota is either 230 citizens or 120 citizens. Courts were in session on Mondays and Thursdays, to match the dates when villagers converge in large cities. (Bava Kama 82a) And judges were instructed to take the same care with small claims and large claims, and to hear cases on a "first come, first served" basis rather than prioritize cases involving larger claims. (Sanhedrin 8a) The imperative for access to justice is clearly seen in the statement of Devarim 16:18, "You shall place judges and officers at all of your gates." Sefer haChinuch counts this as the Torah's 491<sup>st</sup> mitzvah.

**Judicial Selection**

For information on how judges are selected, see Mitzvot 414 and 415, discussed in Toronto Torah 6:12 and 6:13.

**Police Enforcement**

A midrash notes that the obligation to establish judges must

include establishment of an enforcement arm. "Rabbi Elazar said: If there is no officer, there is no judge. How so? A person is found in court to owe someone else. If there is no officer to produce payment from him, then once he leaves the court, the judge will have no means to affect him – unless he turns this person over to an officer, and the officer will produce it from him." (Midrash Tanchuma Shoftim 3) Based on this, Rambam writes, "*Shoftim* are the judges who are fixed in court, with litigants coming before them. *Shotrim* are the wielders of the staff and lash. They stand before the judges, [and] they circulate in the markets and streets and stores to fix the prices and measures, and to strike all who are corrupt. All of their deeds are at the word of the judges, and when they see impropriety in a person then they bring him to court, and judge him according to his wickedness." (Mishneh Torah, Hilchot Sanhedrin 1:1)

**Rabbinic Authority**

The Talmud (Avodah Zarah 7a) teaches that once a rabbi has issued a ruling regarding whether an item is pure or impure, or permitted or prohibited, then one may not approach a second rabbi for a new ruling. [This rule does not apply in every case; see <http://bit.ly/2ORAqLX> for more information.] According to Rabbi Shaul Yisraeli, the basis for this rule is the biblical commandment to establish judges; establishing a judge includes a commitment to accept the judge's rulings. (Amud haYemini 6:4)

[torczyner@torontotorah.com](mailto:torczyner@torontotorah.com)

## Biography

### Rabbi Chizkiyah di Silva

Rabbi Jonathan Ziring

Rabbi Chizkiyah Di Silva (1656-1695), was born in Livorno. He moved to Jerusalem when he was twenty. He is best known as the author of Pri Chadash, which is appended to many modern printings of Shulchan Aruch, although in many places it is really a commentary on Rambam. The volume on Yoreh Deah was published in his lifetime, while the volumes on Orach Chaim and Even HaEzer were published posthumously. In addition to Pri Chadash, Rabbi Di Silva also wrote a commentary on Rambam (Mayim Chayim) and Talmud.

Rabbi Di Silva's halachic approach is creative and independent; many compare it to the style of the Vilna Gaon. In his time, the scholars in Egypt put his work in *herem*, banning all from reading it because it did not defer to the rulings of earlier authorities. They demurred from excommunicating Rabbi Di Silva due to his Torah scholarship. The ban was eventually removed. Despite the opposition to Rabbi Di Silva's work during his time, his student Rabbi Shlomo Algazahali was appointed chief rabbi of Egypt for 45 years, and he ruled in accordance with his teacher.

In modern times, Rabbi Di Silva's Pri Chadash is considered one of the most important commentaries on Shulchan Aruch, carrying much halachic weight. Rabbi Chaim ibn Attar, the author of Or HaChaim, published the work Pri Toar in an attempt to respond to all of the critiques levied against earlier authorities by Pri Chadash.

[jziring@torontotorah.com](mailto:jziring@torontotorah.com)

## Torah and Translation

### Changing Communal Customs

Rabbi di Silva, Pri Chadash to Orach Chaim 496

Translated by Rabbi Jonathan Ziring

כתב מהרשד"ם בתשובה חלק יו"ד סימן מ' דע"כ לא פליגי אלא בדברים המותרים לגמרי ונהגו בהם איסור, דהוי כאיסור חדש, וע"כ הוי כמו נדר ויש לו התרה כשאר נדרים שהם לאסור את המותר. אבל בדבר שיש בו מחלוקת בין החכמים, ובמקום אחד נהגו דברי האוסרים, לא קבלו עליהם איסור חדש לשיהא נראה כמו נדר, שהרי איסור זה אסור ועומד היה לדעת אותו חכם. ע"כ.

והנה אמת נכון הדבר כשלא יש להם רב עליהם, אבל אם יש להם חכם מובהק יכול להורות קולא בדבר, שהרי הם לא נהגו כן אלא על פי אותו פוסק לאסור כסבורין שהדין כך, וכיון שהרב יש לו ראיות לסתור דברי אותו פוסק אינן חייבין לילך אלא אחר השופט אשר יהיה בימים ההם, ועל פיו יחנו ועל פיו יסעו. ונמצא שהמנהג הא' על פי אותו פוסק היה מנהג בטעות, וכבר כתבתי שבמנהג בטעות יש להתיר בפשיטות אף בלא התרה...

בני עיר אחת שנתגרשו וקבעו דירתן במקום אחר שיש בהם קולות וחומרות משונות ממנהג שלהם, איך יתנהגו המגורשין, אם כמנהג מקומם או כמנהג בני המקום שקבעו דירתם... [וכתבו הרשב"א והר"ן] כל עיר חדשה אם נודע רוב אנשיה מהיכן באו הכל כמנהג אותו מקום שבאו משם. עכ"ל. וטעמ' דהויא עיר חדשה, אבל אם הלכו לעיר א' שיש בה מנין, אף על פי שהבאים הם מרובים יש להם דין יחיד וחייבין לנהוג חומרי מקום שהלכו לשם ופקעי מינייהו החומרות שהיו נוהגין במקומם...

[כנסת הגדולה בשם המהרי"ט] דלא פקעי מיניה חומרי מקום שיצא משם עד שיוקבע בעיר שנוהגין בה היתר, אבל לא בעיר שאין בה מנהג קבוע:

Maharashdam (Y.D. 40) wrote in a responsum that the sages only disagree regarding [changing customs regarding] actions that are totally permitted and the community became accustomed to forbid them, as this is like a new prohibition, and it must be viewed as a vow. It can be nullified, like other vows which forbid the permitted. However, regarding an activity which has a dispute concerning it among the scholars, and in one place they are accustomed [to follow] the words of those who forbid, the community does not accept the new prohibition to be like a vow, for according to that scholar it is actually forbidden [regardless of their consent].

[Maharashdam's position] is true and correct only if they don't have a rabbi now. If they have an established scholar, he can rule leniently [even in the latter case], for they only became accustomed to forbid this activity based on that authority who forbade, because they thought the law was like him. Since the current rabbi has proof to contradict that authority, they are only obligated to follow the judge in their days, and they shall travel and camp based on his voice. It emerges that the first custom, based on that original authority, is a mistaken custom, and I have already written that mistaken customs can be permitted, even without cancellation of a vow...

Members of a city who are exiled and establish their residence in another place which has different leniencies and stringencies from those they were accustomed to – how should the exiled ones act? Like the custom of their place, or the members of the place they have now established themselves in?... [Rashba and Ran wrote that] in any new city – if it is known where most people came from, the custom will follow the place they came from. Their reason is that it is a new community. However, if they came to a city that already had a quorum, even if those who come now are more numerous, they are like individuals and must follow the stringencies of the place they came to. The stringencies of the place they came from have been removed...

[Kenesset HaGedolah citing Maharit writes that] the stringencies of the place they left are not removed unless they establish themselves in a city that has a lenient custom, but not in a city that has no established custom.

**This Week in Israeli History: 7 Adar I 5755 (Feb. 7 1995)****Yisroel Meir Rosenzweig****Passing of Rabbi Chaim Yaakov Goldvicht***7 Adar I is Tuesday*

The 7<sup>th</sup> of Adar I, 1995 witnessed the passing of Rabbi Chaim Yaakov Goldvicht, Rosh Yeshiva of Yeshivat Kerem B'Yavneh. Rabbi Goldvicht was born in Jerusalem on 4 Elul, 1925. He studied under a number of the leading Torah scholars of his time, including Rabbi Isser Zalman Meltzer and the Chazon Ish. Throughout his childhood he was noted as an unusual genius, even skipping two grades at one point.

In 1953 he was invited to help found, and serve as the Rosh Yeshiva of, the first Hesder yeshiva, Kerem B'Yavneh. The Hesder model was, in part, developed by Rabbi Yehudah Amital who would later go on to found Yeshivat Har Etzion

in 1968. Hesder provides young Israelis with the opportunity to continue a serious commitment to Torah learning while participating in the defense of the Jewish people through the *Tzahal*. As of 2011, there were over 8,500 students in the Hesder yeshiva system. In 1991, Rabbi Goldvicht accepted the Israel Prize on behalf of the Hesder yeshiva movement for its exceptional contribution to Israeli society.

*yrosenzweig@torontotorah.com***Weekly Highlights: Feb. 13 – Feb. 19 / 4 Adar I – 10 Adar I**

Time	Speaker	Topic	Location	Special Notes
<b>שבת Feb. 12-13</b>				
<b>Fri. 5:15 PM</b>	R' Jonathan Ziring	Parshah and Kugel	BAYT	
<b>After Hashkamah</b>	Yisroel Meir Rosenzweig	Midrash Rabbah	Clanton Park	
<b>After Hashkamah</b>	R' David Ely Grundland	Heart and Soul	Shaarei Shomayim	
<b>Before minchah</b>	R' Jonathan Ziring	Daf Yomi	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	
<b>6:30 PM</b>	R' David Ely Grundland	Parent-Child Learning	Shaarei Shomayim	
<b>Sun. Feb. 14</b>				
<b>8:45 AM</b>	R' Jonathan Ziring	Responsa: Tinok sheNishbah	BAYT	<b>Hebrew</b>
<b>8:45 AM</b>	R' Josh Gutenberg	Contemporary Halachah	BAYT	
<b>9:15 AM</b>	R' Shalom Krell	The Book of Shemuel	Associated (North)	<b>Hebrew</b>
<b>9:30 AM</b>	<b>R' Jonathan Ziring</b>	<b>Switching Shifts with Non-Observant Soldiers</b>	<b>BAYT Third Floor</b>	<b>University Chaverim with Breakfast</b>
<b>Mon. Feb. 15</b>				
<b>8:30 AM Minyan</b> <b>9:30 AM Program</b>	<b>R' Mordechai Torczyner</b>	<b>Overcharging for Medicine: The Case of Martin Shkreli</b>	<b>Yeshivat Or Chaim</b>	<b>Yarchei Kallah with Breakfast</b>
<b>7:30 PM</b>	R' David Ely Grundland R' Mordechai Torczyner	Daf Highlights Medical Halachah	Shaarei Shomayim	<b>Beit Midrash Night</b>
<b>Tue. Feb. 16</b>				
<b>10:00 AM</b>	Mrs. Ora Ziring	Women's Beit Midrash	Ulpanat Orot	<b>University Students</b>
<b>1:30 PM</b>	R' Mordechai Torczyner	Elihu Speaks	Shaarei Shomayim	
<b>Wed. Feb. 17</b>				
<b>10:00 AM</b>	<b>R' Mordechai Torczyner</b>	<b>Midrash and Matriarchs 1: Sarah and Pharaoh</b>	<b>Beth Emeth</b>	<i>Register with nancywallack@gmail.com</i>
<b>12:00 PM</b>	<b>R' Mordechai Torczyner</b>	<b>Ethics of Epidemics</b>	<b>Med Sciences Bldg. Univ of Toronto</b>	<b>Jewish Medical Students Association</b>
<b>2:30 PM</b>	R' Jonathan Ziring	Narratives of Bereishit	Location: Contact carolleser@rogers.com	<b>For women</b>
<b>8:00 PM</b>	Yisroel Meir Rosenzweig	Prophets vs. Poskim	Shaarei Tefillah	
<b>Thu. Feb. 18</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Shoftim: Meet the Judges	49 Michael Ct.	<b>Not this week</b>