

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Ki Tavo

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in memory of "ל"הענא בת אברהם ודאברה ז"ל and "ל"הענא בת אברהם ודאברה ז"ל

And by Janice and Albert Kirshen

on the first yahrtzeit of Janice's father Joseph Joseph, Shalom Yosef ben Chaim v'Leah z"l

Heads and Tails

Ezer Diana

During the night meals of Rosh Hashanah, some communities have the custom to eat a small portion of an animal's head, and to recite a short prayer asking that in the New Year, "May we be the head, and not the tail." While the custom to eat this food on Rosh Hashanah seems to have originated sometime during the period of the Geonim (approximately 600-1000 CE), the prayer we recite along with it has its roots in our parshah. Following the presentation of blessings and curses on Mount Gerizim and Mount Eval, Hashem promises the Jewish nation that if they properly guard the Torah's commandments they will be "placed as the head and not as the tail." (Devarim 28:13)

If we follow the Torah's analogy, we realize that the 'head' is the part of the animal that leads it forward, whereas the 'tail' is the part of the animal that follows it. Therefore, most commentaries here suggest that the meaning of this blessing is that the Jewish nation will rule over all others. Rabbi Samson Raphael Hirsch suggests something slightly different, namely that the nations of the world will look towards the Jewish people for guidance, and that we will lead others by example, but not necessarily "rule over them" per se. When we act in an exemplary manner and merit this blessing, others will follow our lead.

While this approach works well in this particular instance, 'head' and 'tail' do

not always seem to be used biblically in the same, consistent fashion. In Yeshayah 9:14, we are given an example of heads and tails - "The elder and the man of rank, he is the head; And the prophet that teacheth lies, he is the tail." This presents an issue with the simple understanding; both prophets and elders are respected by others around them, and both lead the people. As noted by Shemuel David Luzzatto (in his commentary to Yeshayah), one would have thought that both the prophets and elders would be considered 'heads', and that the common-folk who follow in their footsteps would serve as the 'tails' in this analogy. Why does Yeshayah explain the terms in this counterintuitive way?

In some cases, animals travel in reverse, whereby the tail becomes the short-term leader, and the head follows along on the back end. This is usually done when the animal calculates the benefit of reversing in that particular situation, and it is quite limited. However, if the animal would wander backwards in a haphazard fashion, and let the tail continually lead it, serious dangers could arise. There might be obstacles in its way, and the animal would be vulnerable to others that may be hunting it.

Yeshayah teaches us that this is true of leaders as well. Some leaders, such as elders of high rank, serve as the heads to lead us forward. The problem arises

when the 'tails' of the nation begin to lead in a disorganized and even dangerous manner. Being a leader is not a virtue when followers are steered into perilous territory and perish. The difference between a head and a tail is not the difference between a leader and a follower; it is the difference between a good leader, and a bad one. Thus, Yeshayah identifies the exemplary leader as the head, but the weaker leader as the tail.

If we apply this back to our parshah's description of the Jews' role among the nations, the Torah here wishes to tell us not simply of a special blessing, but of a natural result of mitzvah observance and closeness to G-d. The actions of the Jewish nation will always be looked upon by other nations and cultures. At a time when Hashem is ignored and put aside by the nation, we will lead others astray; our actions will impact negatively on how they act, and how they feel about us and our G-d. However, when we follow our G-d-given Torah and others follow suit, we will bring them forward, progressing in the right direction. So too, we pray that in the New Year, we serve as exemplary leaders, and that we don't set a bad example for others who inevitably observe.

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Summary

Yehoshua sends two spies to scout out Yericho in anticipation of the first battle the Jews will fight in the Land of Canaan. Unlike the spies of Moshe, these are righteous men. (Radak to Yehoshua 2:2) They go to the home of Rachav, who is either a harlot or an innkeeper (see Radak 2:1), as she is a valuable source of information. When the king of Yericho discovers the spies, he attempts to capture them. Rachav hides them, and purposely misdirects the king's messengers, pointing them towards the Jordan, saving the spies' lives. Rachav explains that she, and the people of Canaan, know that G-d is with the Jews, having heard of the splitting of the Yam Suf and the miraculous victories against Sichon and Og. They know that the Jews will be victorious in their future battles as well.

Rachav requests that they spare her life, and the lives of her family, in return for her kindness to them. They swear to her, and she lets them down by a rope (as her home was built into the city walls). She tells them to hide in the mountains for three days until the soldiers of Yericho give up on finding them. Once down, they warn her that their commitment will be voided if she

tells anyone outside of her family of their promise. They instruct Rachav to hang the string she used to save them in the window as a sign for the Jewish soldiers to know who to spare.

Timing

The commentaries struggle with the timing of this chapter. In the first chapter, Yehoshua tells the people that they will cross the Jordan in three days time. However, if the spies spent one day in Yericho and then hid for three days before returning, they would have returned to the Jewish camp **after** they had travelled, making their mission meaningless. Some commentaries reconcile this by interpreting Yehoshua's instructions as meaning they will travel in three more days, i.e. on the fourth day, giving the spies time to return. (Ralbag 1:10-11) Others assume the spies only hid until the third day. (R. Yehuda Keil in Daat Mikra pp. 9-11) Most commentators, however, assume that the chapters are written out of chronological order.

Rabbi Hayyim Angel (<https://bit.ly/2wouuC1>) offers several explanations of the role of this switch. For example, he notes that placing the

story of the spies before G-d commands Yehoshua about the upcoming battles would have implied that Yehoshua was confident and proactive. However, the ethos of the first chapter is that Yehoshua is scared and needs to be told, "Be strong and brave!" The switch also highlights that Yehoshua does not rely on G-d's promises alone, but puts in effort, using natural military strategies to prepare for war. Lastly, connecting the first chapter of Yehoshua with the last chapter of the Torah highlights the transition of leadership, without breaking it up with the story of the spies.

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Law of the Land: Cancelling Debts After Shemithah

Rabbi Elihu Abbe

Rabbi Moshe Feinstein was posed the following question. A poor man lent money to his friend. When the *shemithah* year arrived, the poor man forgot to write a *prozbul*. (Every seventh year, in conjunction with the biblical requirement to refrain from farming the land of Israel, debts which are in default are nullified. However, one may collect debts which have been assigned to a court for collection. A *prozbul* document turns over the debt to the court.) The borrower insisted that he was now exempt from repaying the debt. In desperation, the poor man approached Rabbi Feinstein to ask if there was any permissible way for him to collect the debt.

Rabbi Feinstein began his response (Igrot Moshe, Choshen Mishpat II 15) by noting that even though *shemithah* nullifies loans, the Talmud considers it to be sinful for the borrower to default on the loan. Even if the borrower is legally exempt, it is his religious obligation to offer to pay, nonetheless. He then quotes Rabbi Moshe Isserles, who related that the local practice was not to nullify loans. While it is customary to write a *prozbul*, that is merely an additional stringency. However, a look at the context for Rabbi Isserles' comment reveals that it may soon cease to apply, due to changes in the Land of Israel:

The Talmud (Gittin 36a) relates a dispute between Rebbe and the Sages. The Sages believed that the nullification of loans in the *shemithah* year is always a biblical requirement. Rebbe argued that nullification is only a biblical requirement so long as *yovel* is in effect. *Yovel* refers to a set of rules which apply in Israel every fifty years, if the majority of world Jewry live in Israel. According to Rebbe, in times when the majority

of Jews live in the Diaspora, the nullification of loans is only a rabbinic requirement. The Shulchan Aruch (Choshen Mishpat 67:1) follows the opinion of Rebbe, and in this context Rabbi Isserles noted that therefore it became customary in his time (the middle of the 16th century) to continue loans through *shemithah*. Further, Rabbi Yehoshua Falk, in his late 16th century *Sema* commentary to the Shulchan Aruch, explained that since it had become customary to collect loans after *shemithah*, the borrower knew full well that this was the assumption when he took out the loan. It is as if there was a stipulation that the loan's nullification would not be enforced.

There will soon be a time where the majority of Jews live in the State of Israel. Therefore, perhaps soon the nullification of loans will be biblical law according to all opinions. However, the Rambam (Hilchot Shemithah V'Yovel 10:8) notes that *yovel* may not apply unless each tribe inhabits its assigned portion of the land individually. For this reason, and for the reason presented in the *Sema* above, loans may continue to survive *shemithah* even when the majority of world Jewry lives in Israel.

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Biography

Rabbi Natan Zvi Finkel

Rabbi Baruch Weintraub

Rabbi Natan ("Nosson") Zvi Finkel was born in Raseiniai (Yiddish: Raseine), now Lithuania, in 1849. Orphaned at a young age, he grew up in his uncle's home in Vilna. From there he was sent to learn at the Kelm Yeshiva, where at the age of fifteen he was married to Gittel, granddaughter of the city's Rabbi.

Rabbi Natan became very close to Rabbi Simcha Zissel Ziv, who was known as the Alter of Kelm and had been one of the prominent leaders of the Musar movement. Rabbi Simcha Zissel was known for advocating calm and order, precision and clarity, and was very sensitive to any student's act which was not in line with these values.

Growing up in this atmosphere, Rabbi Natan himself became an enthusiastic adherent of the Musar movement. He began to present Musar talks in the Kelm Yeshiva and in the city, and he drew many into the movement. After the Kelm Yeshiva was closed by the government, he moved together with Rabbi Simcha Zissel to Grobin, now Latvia, where they opened a "Musar house" for study and reflection. However, as Rabbi Natan began to form his own ideas and methods, these two giants felt they could not continue to share the same institution.

In 1876, Rabbi Natan moved to Slabodka, near Kovna, and established the Yeshiva "Knesset Yisrael", where he served in different roles for 45 years. Rabbi Natan did not limit himself to Slabodka, but shouldered upon himself the establishment and assistance to many other yeshivot – to which he sent resources, students and good advice. Many see him as one of the founders of the whole world of European Yeshivot.

Rabbi Natan – today famed as "The Alter of Slabodka" – adopted many of his mentor's concepts, but added an extremely important idea: human greatness. He was a firm believer in the human spirit's ability to overcome obstacles. Thus, he was known to give great independence to his students, demonstrating his faith in their self control.

In 1924 the Alter moved his whole Yeshiva to Eretz Yisrael, where he passed away in 1927.

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Torah and Translation

Life

Rabbi Natan Zvi Finkel, Or haTzafun

Translated by Rabbi Baruch Weintraub

בראש השנה כל באי עולם עוברין לפניו כבני מרון (משנה ראש השנה, א,ב).
"בו ביום שנברא האדם, עמד בדין לפני הקב"ה על שאכל מעץ הדעת. אמר לו: כשם שעמדת לפני בדין ויצאת ממני בדמוס, כך עתידין בניך לעמוד לפני בדין ולצאת בדמוס" (ויקרא רבה, אמור כט,א)...

באיזה דמוס יצא אדם הראשון? הלא כמה ירידות ירד, מאיגרא רמה נפל, בקללות נתקלל הוא וכל הבריאה כולה... וכי זה הוא הסמל לחנינה, לדמוס?...?

אלא, שאף אחרי כל הירידות והנפילות, כח נפלא אצור בקרבו, שבעזרתו יכול הוא לתקן את עוות חטאו ולפשט את כל העקמומיות, ללבוש את צורתו האמיתית בלי צמצום ומיעוט קומה, יכול הוא לשוב לאיתנו להתעלות עם כל הבריאה. ואם יש בו כח נפלא זה, כיון שנשאר חי כבר זכה בדין – בדמוס יצא... החיים הוא הדמוס. היוצא לנו מזה: כל מי שיחובר אל החיים – יש בטחון. אושר האדם הוא החיים. אם בחיים חיותו, אין קץ וגבול לאפשרויותיו. לצאת בדמוס – הוא להשאר בחיים. וכל הבקשות בתוך התפילה על חיים הן...

אבל אנו מחוייבים לדעת, שאף אם אלה שנים יחיה האדם, ומטרתו וחובתו ישכח – לא זכה ולא הרויח. החיים כשהם לעצמם, אם לא יפק מהם את התועלת הנדרש – תיקון החטאים, מלוי החסרונות והפגומות, ולעלות עליה תמידית – אין בהם ממש ואינם חיים. רשעים בחייהם קרויים מתים...

ואנחנו צריכים לחשב חשבוננו של השנה שעברה, אם תקננו ושפרנו מדותינו ודעותינו, אם השתמשנו באוצר החיים לעלות מעלה באורח חיים, ואולי חס וחלילה הוספנו בחטא, נשתרשנו בחטא.

חשבונות אלו צריכים אנו לחשב ולתקן ולהחיות את השנה שעברה... ובתקון ובשיפור מעשה כל דהו, הרשע המת מתהפך לצדיק חי, ויכול הוא לזכות את עצמו ואת כל העולם כולו בדין להזכר לחיים טובים.

"On Rosh Hashanah all who come into this world pass before Him like sheep." (Mishnah Rosh Hashanah 1:2)
"On the same day when Man was created, he was judged by G-d for eating from the Tree of Knowledge. G-d said to him: Just as you stood before Me to be judged and were pardoned, so your children will stand before Me to be judged and will be pardoned." (Vayikra Rabbah, Emor 29:1)...

In what sense was Adam "pardoned"? Did he not suffer many descents? From a high roof he fell, he and all of Creation were cursed... How could that demonstrate grace, a pardon?...

But after all of the descending and falling, a wonderful power remains stored within him, with which he can mend the distortion of his sin and straighten all that is crooked, to wear his true form without reduction and diminution of his height. He can return to his strength and be elevated with all of creation. And if he has this wonderful power, then when he is granted life he has already won in judgment – he has been pardoned... For life is the pardon itself. Our conclusion is this: All who are connected to life – have hope. Life is a person's happiness. If he is still alive, there is no end and limit to his possibilities. To be pardoned is to remain alive. And all pleas within prayer are about life ...

However, we must know that if a man would live for thousand years but would forget his goal and duty – he would not have won [in judgment] and he would not have gained. Life for its own sake, if not used for the sought after outcome – correcting sins, mending faults and defects, ascending perpetually – has no substance and is not life. The wicked, [even] during their lifetime, are called dead ...

We need to make an accounting of the past year. Did we correct and enhance our characteristics and ideas, did we use our store of life in order to ascend in our life path, or, G-d forbid, did we add sin and become rooted in it?

These calculations we must calculate and correct, bringing to life the previous year... And in any correction and improvement of even a tiny deed, the dead wicked is turned into a living righteous person, and he can gain victory for himself and the whole world in judgment, to be remembered for good life.

The Torah obligates Jews to reach out to those who are not mitzvah-observant, such as under the principle of *arevut* which establishes mutual responsibility among all Jews (Sanhedrin 43b), and with the commandment to restore their lost property, which includes spiritual loss. However, regarding the Korban Pesach the Torah states, “All foreigners shall not eat therefrom” (Shemot 12:43), and the Talmud (cf. Pesachim 96a) explains that this refers to people whose deeds are estranged from G-d. Per Rambam (Mishneh Torah, Hilchot Korban Pesach 9:7), the exclusion is of Jews who worship idols. [For more, see Minchat Chinuch 13:2.]

Similarly, the Torah excludes non-Jews who live among us,

even if they are not idolatrous, and even non-Jews who have undergone circumcision. (Shemot 12:45)

Sefer haChinuch lists these exclusions as our 13th and 14th mitzvot, explaining that the Korban Pesach recalls our entry into the Divine covenant, and so we cannot share it with one who stands in opposition to all that the covenant represents. Rabbi Samson Raphael Hirsch (Shemot 12:43) expanded upon this, explaining that the Korban Pesach restored the humanity of the Jewish people in Egypt, averting individual death and national disintegration. Only one who embraces the covenant merits this personal and national redemption.

Weekly Highlights: September 1 – 7 / 21 Elul – 27 Elul

Time	Speaker	Topic	Location	Special Notes
שבת Sept. 1				
After Hashkamah	R' Alex Hecht	Parshah	Clanton Park	
Before Avot	Ezer Diena	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Mordechai Torczyner	Avodah Zarah	BAYT	Simcha Suite
Motzaei Sept. 1 Pre-Selichot				
11:15 PM	R' Mordechai Torczyner	Selichot: Do Your Worst!	Shaarei Tefillah	
12:30 AM	Ezer Diena	When G-d Repented	Aish Thornhill	
12:30 AM	R' Alex Hecht	Mercy: A Two-Way Street	Clanton Park	
Sun. Sept. 2				
10:00 AM to 11:20 AM	R' Mordechai Torczyner Ezer Diena	Rav Kook's Teshuvah A Venture of G-d & Israel	Midreshet Yom Rishon Shaarei Shomayim	For women Light Refreshments
Mon. Sept. 3 Labour Day				
9:00 AM	R' Alex Hecht	Rosh HaShanah: Distance or Intimacy?	Clanton Park	Breakfast served Members Only
Tues. Sept. 4				
1:30 PM	R' Mordechai Torczyner	Chanah: A Model for Aggressive Prayer?	Shaarei Shomayim	info@mekorot.ca
7:00 PM (starts with minchah)	#MeToo and the Jewish Community: A Panel Discussion Senator Linda Frum; Yoni Goldstein, CJN; Greta Reiss, JFCS Janice Rubin, Rubin Thomlinson LLP; R' Mordechai Torczyner At Yeshivat Or Chaim, 159 Almore Ave. Free of Charge; Seating is First Come, First-Served			
Wed. Sept. 5				
8:00 PM	Ezer Diena	Unpacking Rosh HaShanah	BAYT	Simcha Suite
Thu. Sept. 6				
8:30 PM	R' Elihu Abbe	Gemara Beitzah 26a	eabbe@torontotorah.com for location	For Men
Fri. Sept. 7				
10:30 AM	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	Advanced
<u>For University Men, at Yeshivat Or Chaim</u> 8:30 AM Monday, Rabbi Elihu Abbe, Midrash on the Parshah—9:00 AM this week 8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah <u>For University Women, at Ulpanat Orot—On Summer Hiatus</u>				
<u>Seder Boker for Adult Men with Rabbi Moshe Yeres!</u> 10:00 AM to Noon, Mondays/Wednesdays - Masechet Rosh HaShanah and Sefer Yonah 10:00 AM to Noon, Tuesdays/Thursdays - Akeidat Yitzchak and Agnon's Yamim Noraim				