

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Netzavim

28 Elul, 5778/September 8, 2018

Vol. 10 Num. 3 (#381)

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A Trial Before the Crime?

Rabbi Jonathan Ziring

Rosh HaShanah is a strange kind of “judgment day”. Court cases are usually retrospective, ending the process of crime, collection of evidence, and trial. The judge, lawyers, and jury try to ascertain what happened in the past and issue a verdict.

Yet, as Rabbi Moshe Cordevero (cited by Rabbi Chaim Yosef David Azulai, or “Chida”) wonders - our *Yom HaDin* begins the year! Shouldn’t Rosh HaShanah close the past year rather than open the new one? Rosh HaShanah is not only the beginning of the year, but the month, the only holiday where the “moon is covered” – where we aren’t celebrating to the light of the full moon. (Rosh HaShanah 8b)

Chida (*Devarim Achadim* 20), drawing on a midrash, accepts the premise of the question and argues that our calendar is a fluke. While Moshe was fighting for the Jewish people after the heinous crime of the Golden Calf, G-d put the holidays on hold. According to the Mishnah (Ta’anit Chapter 4), the Golden Calf took place in Tammuz, with Moshe breaking the tablets on the 17th. Moshe only gained full forgiveness for the Jewish people on Yom Kippur. G-d wanted to have holidays in Tammuz, Av, and Elul, but postponed them until the saga of the Calf had been resolved. Tishrei made up for these quiet months by having three holidays. Hence, our Judgment Day should not really have been New Year’s Day.

In another answer, *Sefer Meir LaAretz* (Acharei Mot) notes that Rosh HaShanah really commemorates the end, not beginning of creation. The

world was created on the 25th of Elul; Rosh HaShanah was the sixth day of creation, the day man was created and sinned. Thus, Rosh HaShanah commemorates the first judgment - when G-d meted out his sentence to Adam, Chavah, and the snake.

Perhaps, however, the court case of Rosh HaShanah is meant to be **prospective**. To explain, a unique perspective emerges from Virginia’s “[Juvenile Driver’s Licensing Ceremony](#).” In most US states, a young adult can get a driver’s permit by taking a written test and a Driver’s Education course, and passing a road test. Then, the lucky teenager will be mailed a license. In Virginia, however, the teens must show up in court on a designated day, accompanied by a guardian. They must appear on time, dressed properly, or be sent home without their coveted license. The mood is tense before they even get into the room.

Then it gets worse. These teenagers are forced to watch a video about the dangers of drunk driving. A mother who lost a child to a DUI tells them her story, sometimes enumerating the days since her tragedy. An officer quizzes the teens about the driving laws and scares them with tales of teen fatalities. The teens often leave crying, even if they are glad to get behind the wheel.

As this ceremony reminds us, while courtrooms are often about the past, their solemnity can also inspire people to make the future better. Rambam (Mishneh Torah, Hilchot Teshuvah 3:4) seems to think this is why *Yom HaDin* starts the year. After writing about the power of the shofar to awaken people to

repent, he continues that each person should imagine that the world is exactly balanced between merit and guilt – thus making them feel the weight of the world on their shoulders. The shofar makes people feel **AS IF** their every action can affect all of humanity, **AS IF** one wrong step would sentence the world to damnation, but one good deed could save it. Statistically, the chances are slim that the world stands in perfect equilibrium between righteousness and evil. But that is not what is important. Our judgment day is **prospective, not retrospective**, waking us up to the potential impact of our actions for the future. We don’t just repent, but we add goodness to this world with extra prayers and charity.

Even if Rosh HaShanah makes us take stock of what we did in the previous year, its proper place is on the first day of the new one. Like those teenagers in Virginia – the solemnity of G-d’s courtroom instills in us the responsibility the rest on our shoulders as we march on through life.

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Summary of the Chapter

The Jewish people camp by the Jordan River in preparation to cross over into the Land of Israel. After three days, officers circulate amongst the people. They instruct them that when traveling, they are to follow the Holy Ark from a distance. Yehoshua also informs the people that they are about to witness a miracle.

G-d tells Yehoshua that the miracle will demonstrate to the people that He is with Yehoshua, just as He was with Moshe. Yehoshua, in turn, tells the people that they will imminently become deeply aware that G-d is with them, and that G-d will help them conquer the Land of Israel.

Yehoshua relates to the Kohanim the instructions that he received from G-d. The Kohanim are to carry the Holy Ark and enter into the Jordan River. As soon as they do so, the waters will split; the descending water will be blocking, rising as a pillar. This indeed is what happens, and the Jewish People cross over into Israel on dry land.

For Thought

Yehoshua's humility is astounding! G-d credits His close relationship with

Yehoshua as the catalyst for the miracle that He is about to perform for the Jewish people, but Yehoshua deflects this credit to the people and informs them that it is because G-d is with *them* that they will merit the miracle. Here was a leader who was attempting to fill very big shoes, the role of Moshe Rabbeinu. Surely, most people in this situation would take advantage of the opportunity to demonstrate to their followers that they are indeed worthy of their position. Only a truly humble leader, who focuses exclusively on the people, would have the character to forego establishing their own credentials to pass along the credit to their followers.

The Talmud (Berachot 10b) notes a discrepancy between the prayers of Moshe Rabbeinu and King Chizkiyahu. Moshe Rabbeinu prayed by invoking the merit of Avraham, Yitzchak, and Yaakov. Chizkiyahu asked that G-d answer him due to his own, personal merit. G-d responds by answering Moshe Rabbeinu's humbly worded prayers in his own merit, and answering Chizkiyahu's prayers only in the merit of his ancestor, King David.

Humility and crediting others is essential not only in leadership (interpersonal) and prayer (between man and G-d), but also in our own internal, personal growth (*bein adam l'atzmo*). Those who seek the praise of others will have difficulty being true to themselves, and they will frequently run into frustrations and setbacks. One who seeks to build up others will avoid these frustrations and enjoy a happier life.

Rabbi Shlomo Wolbe writes (*Alei Shur*) that the ultimate pinnacle of happiness can be reached only by one who views himself as a servant of G-d, and who seeks to promote G-d's Kingship in this world (the ultimate promotion of an "Other", in this case, G-d Himself). Such a selfless goal, and of course, an understanding that one is only called upon to do what is within their ability, are keys to true happiness.

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Law of the Land: "When All of Israel Arrives"

In order for the mitzvah of Yovel to apply in its full sense, the land of Eretz Yisrael must be consecrated. Can we still rely on the old sanctification by Yehoshua or Ezra when each of them entered the land? If yes, then the mitzvah of Yovel – together with certain other mitzvot – will fully apply in our day. On the other hand, if the answer is negative and we cannot rely on the old consecration, then Yovel and related mitzvot are only memorials for the mitzvot in their full colours.

Rambam (Mishneh Torah, Hilchot Terumot 1:5 and other places) ruled that the sanctification of the land by Ezra was not annulled during the second destruction of the Beit haMikdash, and therefore still exists today. Hence, we would expect to find Rambam contending that we are biblically obligated to observe the mitzvah of Yovel today. Nonetheless, that is not how Rambam ruled. Based on the Talmud (Arachin 32b), Rambam stated that the sanctity of the land is not enough to make these mitzvot obligatory. These mitzvot are incumbent upon us only with *biat kulchem* - when all of Israel arrives in the land. (Mishneh Torah, Hilchot Shemitah v'Yovel 10:8)

Interestingly, this requirement of "when all of Israel arrives" has been understood differently by different authorities: While Rambam defined it as having each tribe reside in its own portion, the Tosafists (e.g. Gittin 36a) saw it as a requirement that the majority of the Jewish people live in Eretz Yisrael.

Rabbi Chaim Soloveitchik, in his commentary on the Rambam (Mishneh Torah, Hilchot Shemitah v'Yovel 12:16)

analyzed the difference between the understandings of Rambam and Tosafot as follows:

- According to Rambam's view, part of what makes the land holy is having each tribe living in its own portion. If the land is not divided among the tribes, its holiness is reduced.
- According to the Tosafot, on the other hand, the presence of the majority of Jews is needed not in order to enhance the holiness of the land, but in order to create the right setting and life conditions for the fulfilment of Yovel and related mitzvot.
- A practical halachic outcome is suggested by Rabbi Chaim Soloveitchik: do we require that this threshold of "all of Israel arrives" be fulfilled only at the time of the land's consecration, as necessitated by the Rambam, or at the time that the mitzvah is practiced, as held by the Tosafot.

These two approaches to "when all of Israel arrives" can be used as two fundamental models for the meaning of a "Jewish state". In one sense, we are called to encourage the mere control of the land by Jews. As seen from the Rambam, the holy land becomes holier when held by the holy nation. In a second, complementary way, we should not limit our aspirations only to a Jewish occupation of the land; no less important is the concept taught by the Tosafot – that the land should be filled with actual Jewish life.

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Biography

Rabbi Yaakov Yitzchak Ruderman Rabbi Alex Hecht

Rabbi Yaakov Yitzchak Ruderman was born on Shushan Purim in 5660 (1900) in Dolhinov, a small *shtetl* near Vilna. In the middle of World War I, Yaakov Yitzchak joined the Slabodka Yeshiva and became a close student of the Alter of Slabodka, Rabbi Natan Tzvi Finkel. As a young student, although he learned diligently, Yaakov Yitzchak found it difficult to learn according to the *yeshiva's* daily schedule. Recognizing his prodigious talents, Rabbi Finkel permitted Yaakov Yitzchak to learn on his own schedule, which enabled him to finish the entire Talmud in a year.

In 1931, Rabbi Ruderman, his wife Feiga Golda, and baby daughter immigrated to the United States - first to Cleveland and then to Baltimore, where he became the Rabbi of the Tiferet Yisrael synagogue. Two years later, with four students, Rabbi Ruderman established Baltimore's Yeshivat Ner Israel, which grew into one of the most prominent *yeshivot* in North America.

Rabbi Ruderman was largely responsible for the strengthening of Orthodox Judaism in America. He encouraged his students to work in the Jewish community as rabbis, teachers, and lay leaders. Rabbi Ruderman was a member of the rabbinic board of Torah Umesorah - National Society for Hebrew Day Schools, and of the *Moetzet Gedolei haTorah* of Agudath Israel of America.

Rabbi Ruderman passed away on 14 Tammuz 5747 (1987). Many of his lectures were published posthumously in *Sichot Avodat Levi*.

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Torah and Translation

Earning a Good Verdict Via Chesed Rabbi Y. Y. Ruderman, Sichot Avodat Levi 75 Translated by Rabbi Alex Hecht

בימים הנוראים כל באי עולם עוברים לפני הקב"ה ועומדים בדין, לכן אנו צריכים לחפש עצה לזכות בדין.

והנה חז"ל גילו לנו שע"י גמילות חסדים אפשר לזכות בדין, שהרי איתא בראש השנה (י"ח א'), "מנין לגור דין שיש עמו שבועה שאינו נקרע? שנאמר (שמואל א' ג', י"ד) 'ולכן נשבעתי לבית עלי אם יתכפר עון בית עלי בזבח ובמנחה'; אמר רבא בזבח ובמנחה אינו מתכפר אבל מתכפר בתורה. אביי אמר בזבח ומנחה אינו מתכפר אבל מתכפר בתורה ובגמילות חסדים."

ומבואר מדברי הגמ' שבזכות גמילות חסדים אפשר לזכות בדין אף באופן שכבר נגזרה עליו גזירה רעה.

כתב רבינו יונה בשערי תשובה (שער ג' אות נ"ד), "וחייב אדם לחשוב מחשבות להעלות עצות הגונות ומתוקנות לחברו, וזה אחד מעיקרי דרכי גמילות חסדים, שנאמר (משלי כ"ז ט') 'שמן וקטרת ישמח לב ומתק רעהו מעצת נפש.'"

ולמדנו מדבריו שחיוב גמילות חסדים כולל מה שהוא חושב בדעתו איך הוא יכול לעזור לחבירו. והנה בחורי הישיבה יכולים לגמול חסד ע"י שלומדים עם בחורים אחרים שאין להם חברותא, או על ידי שעוזרים לבחורים צעירים, וכן יש הרבה הזדמנויות בישיבה לגמול חסד עם אחרים ולהתחזק בבין אדם לחבירו, ועל ידי זה בעזרה"ת נזכה בדין.

During the Days of Awe, all the world's inhabitants pass before the Holy One, Blessed be He and stand in judgment. Therefore, we need to search for a strategy for receiving a favourable judgment.

Our Sages, of blessed memory, revealed to us that through acts of kindness, it is possible to receive a favourable judgment. The Talmud (Rosh HaShanah 18a) says, "From where do we know that a decree accompanied by an oath cannot be torn up? For it says (Samuel I 3:14): 'Therefore I have sworn concerning the House of Eli, that the sin of the House of Eli will never be atoned for by a sacrifice or a *minchah* offering.' Rava said: It cannot be atoned for with a sacrifice or *minchah* offering, but it can be atoned for with Torah study. Abbaye said: It cannot be atoned for with a sacrifice or a *minchah* offering, but it can be atoned for with Torah [study] and acts of kindness."

It is clear from the words of the Talmud that in the merit of acts of kindness, it is possible to receive a favourable judgment even in a case in which a negative decree has already been issued.

Rabbeinu Yonah writes in *Sha'arei Teshuvah* (3:54), "And a person is obligated to engage in reflection in order to offer appropriate, sound counsel to his friend, this being one of the essentials of the ways of lovingkindness, as it says (Proverbs 27:9), 'Ointment and perfume rejoice the heart, [so does] the sweetness of man's friend by sound counsel.'"

We learn from his words that the obligation of lovingkindness includes any way that a person can think of to help his friend. Therefore, yeshiva students are able to perform acts of kindness by learning with other students who do not have a *chavruta* (study partner), or by helping younger students. And so, there are many opportunities in yeshiva to perform acts of kindness with others and strengthen our interpersonal [mitzvot], and through this, with G-d's help, merit a favourable judgment.

The korban pesach symbolized the Jewish people’s newly-acquired freedom from slavery in Egypt, and so it was to be eaten in a royal manner. Therefore, G-d gave the Jews two rules:

1. Not to take portions of the korban out of the place where the group eats it;
2. Not to break the bones of the korban, as one would to reach the marrow.

When impoverished people enjoy a feast, they save portions and take them home, and they break the bones to reach the last bit of edible meat. Ordinarily, we are trained not to waste food, and so one might think we should take home the leftovers and pursue the marrow – but we are taught to create a feeling of royalty and freedom with the korban pesach, to commemorate the joy of our departure from Egypt. Sefer haChinuch lists these practices as the Torah’s fifteenth and sixteenth mitzvot.

Regarding these practices, Sefer haChinuch (#16) asks: Is this not overkill? How many practices do we need in order to remember the miraculous departure from Egypt? He

responds with a general thesis regarding our need for actions which influence our thoughts and emotions:

Know that a person is energized by his actions. His heart and all of his thoughts are always drawn after the deeds he performs with them, whether good or bad. Even someone who is fully wicked in his heart, and whose natural thoughts in his heart are only bad all day – if he would arouse his spirit and place his effort and involvement perpetually in Torah and mitzvot, even non-altruistically, he would immediately incline to the good, and via the force of his deeds he would extinguish the yetzer hara, for after the deeds are the hearts drawn. And even someone who was fully righteous, his heart straight and unflawed, desirous of Torah and mitzvot – if he would perpetually involve himself in impropriety, for example, if the king would compel him to engage in a bad trade, then in truth, if his entire involvement, all day, would be in that trade, then over time he would abandon the righteousness of his heart and become entirely wicked. It is known and true that each person is energized by his deeds, as we have said. This is why the Sages said (Makkot 23b), “G-d desired to provide merit for Israel; therefore He increased Torah and mitzvot for them.”

Weekly Highlights: September 8 – 14 / 28 Elul – 5 Tishrei

Time	Speaker	Topic	Location	Special Notes
שבת Sept. 8				
8:50 AM	Ezer Diena	Ambiguous Verses in the Parshah	BAYT (TFBM)	Pre-Shacharit Parshah
After Hashkamah	R’ Elihu Abbe	Better not to Apologize?	Shaarei Shomayim	
10:30 AM	R’ Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
Before Avot	Ezer Diena	Daf Yomi	BAYT	Rabbi’s Classroom
6:40 PM	R’ Alex Hecht	Sleeping on Rosh HaShanah	Shaarei Tefillah	
After minchah	R’ Mordechai Torczyner	Avodah Zarah	BAYT	Simcha Suite
Mon. Sept. 10 Rosh HaShanah Day 1				
6:35 PM	Ezer Diena	Daf Yomi	BAYT	Rabbi’s Classroom
Tues. Sept. 11 Rosh HaShanah Day 2				
6:35 PM	Ezer Diena	Daf Yomi	BAYT	Rabbi’s Classroom
Wed. Sept. 12 Tzom Gedalyah				
7:10 PM minchah Shiur, Maariv Dairy dinner	Ezer Diena	Making the Most of a Single Week	BAYT	University Students, with JLIC
Thu. Sept. 13				
1:30 PM	R’ Mordechai Torczyner	In the Image of G-d: Love and Mercy?	49 Michael Ct., Thornhill	For women
8:30 PM	R’ Elihu Abbe	Gemara Beitzah 26a	eabbe@torontotorah.com for location	For Men
Fri. Sept. 14				
10:30 AM	R’ Mordechai Torczyner	Kiddushin: Who’s Out?	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim
8:30 AM Monday, Rabbi Elihu Abbe, Midrash on the Parshah—not this week
8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah
For University Women, at Ulpanat Orot—In Formation

Seder Boker for Adult Men with Rabbi Moshe Yeres!
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