

# Toronto Torah

## Beit Midrash Zichron Dov

Parshiyot Behar-Bechukotai

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This edition of Toronto Torah is dedicated by Archie and Tobey Crandell  
for the yahrtzeit of Tobey's brother, Fivie, Shraga Feivel ben HaRav Alter Avrohom Aharon HaKohen z"l

The articles in this week's edition present the Torah of Rabbi Nachum Rabinovitch z"l,  
former Rav of Clanton Park and head of Yeshivat Birkat Moshe (Maaleh Adumim), who passed away last week

### The Independence of Rabbi Rabinovitch

Rabbi Mordechai Torczyner

One of the hallmarks of Rabbi Nachum Rabinovitch was intellectual independence – not for reputation or rebellion, but for the sake of determining G-d's will.

One of Rabbi Rabinovitch's most successful students, Rabbi Lord Jonathan Sacks, said of him, "By the time I came to study with the Rav, I had already studied at Cambridge and Oxford, I had studied with some of the greatest minds of the age... but Rabbi Rabinovitch was more demanding than any of them. Only when I became his student did I discover the true meaning of intellectual rigour... To survive his scrutiny, you had to do three things: 1) To read everything ever written on the subject, 2) You had to analyze it with complete clarity and lucidity, 3) You had to think independently and critically... For him, intellectual honesty and independence of mind were inseparable from the quest for truth which is what talmud torah is and should be, and what it was for him... When I was really quite young, he said to me, 'Don't be surprised if only six people in the world understand what you are trying to do.'" (<https://bit.ly/2zrRVzz>)

This message emerges clearly in an essay summarizing a Hebrew *sichah* [talk] Rabbi Rabinovitch delivered in advance of Shavuot, "Shavuot: *Shikul Da'at Atzma'i* (Independent Judgment)". (<https://bit.ly/2WsKaTb>) Rabbi Rabinovitch based his presentation on a classic talmudic

passage which describes the independence of Moshe Rabbeinu: "Moshe did three things on his own, and G-d agreed with him: He added one day on his own [delaying the presentation of the Torah at Sinai], he separated from his wife, and he broke the tablets." (Shabbat 87a)

There are two plausible ways to read this passage:

- 1) Moshe was inimitably superhuman; he acted against what we would expect G-d to want, but G-d agreed.
- 2) Moshe set an example for humanity, using his knowledge of Torah to intuit what G-d wanted.

Rabbi Rabinovitch took the second approach, arguing that Moshe presented us with a model for our own independent thought.

Rabbi Rabinovitch wrote, "We are meant to pay attention to the very fact that Moshe acted on his own judgment. Here the Sages teach us something important... Without a doubt, one must recognize what the Torah seeks of us, via books. But along with this, it is clear that G-d created Man with intellect. He anticipates that a person will apply his intellect to understand how to act. One who does not activate his intellect is likely to confuse that which is recorded in a book." (translations mine)

This is not untempered independence. Aside from stipulating that our intellect must be trained by rigorous study of Torah, Rabbi Rabinovitch noted that Moshe came to G-d with questions on

numerous occasions. Nonetheless, he pointed out, "Despite Moshe's unusual access, our Sages teach us that he did not always choose that option. He did not always turn to G-d... There are things for which one must seek in books in order to understand them, but along with this, there are things for which one must weigh the essence of the matter."

Rabbi Rabinovitch's commitment to independent thought was not only academic; he applied it to personal and communal life. He wrote, "The message that one must think and understand our responsibilities is applicable to many debates in Israeli society. Every year, on Yom Yerushalayim, there are celebrants who enter by dancing through Shaar Shechem [at the "Muslim Quarter"]. This year, some youths did inappropriate things... They act like the Jews who danced around the Calf." Rabbi Rabinovitch was a strong Zionist, whose influence was felt by many Toronto families whom he inspired to make aliyah to Israel. But he wrote, "There are those who make a Calf for themselves, and name their Calf 'Eretz Yisrael'. They perform foolish deeds, without understanding that there is a price to be paid for such actions... There is no moment when one is exempt from judging based on his straight intellect. Fortunate is one who has learned Torah, who understands it, and who knows how to decide based on it."

May his memory inspire us for a long time to come.

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**Summary**

When the Philistines raid the city of Ke'ilah, David consults G-d as to whether he should defend them. After receiving an affirmative response, David tells his men. They, however, are afraid. David then asks G-d a second time, and he is told in more detail that G-d will deliver the Philistines in their hands. At this point, David and his men defeat the Philistines and save Ke'ilah. (23:1-5)

King Shaul is told of David's whereabouts and plans to besiege him in the walled city of Ke'ilah. David turns to Evyatar the kohen, who had brought the *ephod* of the kohen gadol, and asks G-d 1) if Shaul is coming and 2) if the people of Ke'ilah will surrender David to him. G-d responds affirmatively to both, prompting David and his men to flee to Zif. Yonatan comes to assure David that Shaul will never succeed in harming him; David will be king and Yonatan his second in command. (23:6-18)

The people of Zif tell Shaul of David's whereabouts, causing him to flee yet again as Shaul continues to chase him. A Philistine attack halts Shaul's pursuit temporarily. (23:19-29)

**Insight**

Why did King David make two inquiries of G-d before defending Ke'ilah (23:2-4)? Several commentaries (see Radak, Ralbag) note that David seems ready to fight the Philistines after G-d's original assurance. His men, however, were afraid of Shaul, and did not want to risk being in danger from two sets of enemies. Alternatively, Malbim suggests that they wanted not only assurance they would win (the first response) but that it would be a miraculous victory (the second response). This highlights the added risk David was undertaking in defending Ke'ilah, and it is especially striking as we later see that the people of Ke'ilah have no particular commitment to David and are willing to give him up to Shaul. Why is David willing to do this?

Perhaps we can suggest an answer based on the comments of Rabbi Nachum Rabinovitch on the Rambam's codification of the obligation to save those who are in danger from drowning, wild animals or bandits. (Hilchot Rotzeiach 1:14-15). The Kesef Mishneh claims, based on the Talmud Yerushalmi, that this duty applies

even when it entails personal danger.

Rabbi Rabinovitch contends that the particular Yerushalmi cited is unclear, but that it is an unnecessary proof. He argues that 1) The duty to take on risk is obvious, as anyone who jumps into water to save someone knows that he is taking on some risk. 2) A mishnah discusses how people are permitted, even on Shabbat, to defend a city being attacked by non-Jews. Rabbi Rabinovitch notes that this always entails danger. The very existence of a halachic category of defensive war implies that one should risk his life to save others. He concludes that this is because this command to save lives is not just interpersonal, which might not demand this risk, but a duty to G-d. Elsewhere, he suggests it is a function of Kiddush Hashem. (<http://ybm.org.il/lesson?lesson=9074&format=H>) Perhaps David was willing to risk his life even for those who wouldn't do the same for him, because he was responding to G-d, not only to people.

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**Holy Land Halachah: Donations from Christians****Rabbi Sammy Bergman**

In a letter from Sivan 5774, Rabbi Nachum Rabinovitch and Rabbi David Stav addressed whether it was appropriate for the Israeli government to accept a donation from the International Conference of Christians and Jews.

Rabbi Rabinovitch and Rabbi Stav argued that the main problem with accepting donations from non-Jews is the damage it does to the reputation of the Jewish community. When a Jewish person who is poor publicly accepts a donation from a non-Jew who is an idolater, it may create the impression that the Jewish community is not attentive enough to the needs of its indigent members. Furthermore, we are concerned that the idolatrous giver may utilize the indebtedness of the Jewish community to glorify idolatry or harm other Jews.

However, there are situations in which we may accept donations from non-Jews. First, the Rambam (Hilchot Melachim 10:10) ruled that we accept charity from a Noachide who doesn't worship idolatry. Additionally, Rabbi Amram Bloom (Beit She'arim, Orach Chaim 61) ruled that it's permitted to accept donations in a way that isn't disgraceful. Furthermore, some authorities distinguish between donations given as charity, which are prohibited, and given as presents, which are permissible. (Tzitz Eliezer 15:31)

Rabbi Rabinovitch and Rabbi Stav then addressed the general issue of how Israeli society should relate to Christian supporters. While we need to prevent undue influence from foreign cultures, our connection to the secular world is what enables the nation of Israel's goal of being a "nation of priests and sanctified nation." (Shemot 19:6) Throughout history, non-Jews have evolved culturally and religiously, and have

been influenced by biblical ideals. Also, as Rabbi Rabinovitch and Rabbi Stav read it, Tosafot (Sanhedrin 63b) ruled that at least some versions of Christianity in their days weren't considered idolatry for non-Jews.

In recent history, strands of Christianity have started an initiative to establish positive connections with the Jewish community. The return of Israel to its land has given us the opportunity to fulfill our historical mission of influencing the world. Rabbi Rabinovitch and Rabbi Stav argued that each generation needs to assess how to fulfill this mission most effectively. Since the Evangelical Christians who donated those funds supported the Jewish nation and believe that settling the land of Israel is part of the Jewish destiny, accepting their donation was appropriate.

Furthermore, in the case at hand, Rabbi Rabinovitch and Rabbi Stav argued that the concerns generally associated with accepting donations from non-Jews weren't relevant. The recipients of the donations would not have any contact with the Christian donors, and thus, would not be personally influenced. Furthermore, the Ministry of Education clarified that the ICCJ would not be involved in any programming funded by the donations.

Therefore, accepting the view that these Christians were not followers of idolatry, the concerns of disgracing the community and of foreign influence weren't relevant, and accepting the donation would strengthen the peace between Israel and the other nations. Therefore, it was permissible to accept donations, and appropriate to express gratitude for their generosity.

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**Biography**  
**Rabbi Nachum**  
**Rabinovitch**  
Rabbi Adam Friedmann

Nachum Eliezer Rabinovitch (1928-2020) was born in Montreal. As a young man he studied under several outstanding Torah personalities who had arrived in the city after fleeing Europe in the wake of World War II. These included Rabbi Eliyahu Chazan, a premier student of Rabbi Boruch Ber Leibowitz, and the renowned Rabbi Pinchas Hirschprung. Both of these teachers would later grant Rabbi Rabinovitch rabbinic ordination. Rabbi Rabinovitch rounded out his rabbinic education at Ner Yisroel Yeshiva in Baltimore under the guidance of Rabbi Yitzchak Ruderman. He also completed a doctorate in The History and Philosophy of Science, during the Toronto years of his extensive rabbinic career.

He began his rabbinate in Charleston, South Carolina, where in addition to being a pulpit rabbi, Rabbi Rabinovitch taught in the local day school. After this he moved to Toronto, where he was the Rabbi of Clanton Park Synagogue from 1963 to 1971. During this time, while working on his doctorate, he also taught at the University of Toronto. Rabbi Rabinovitch then moved on to London, acting as Dean of Jews' College. Here he became an important mentor to many future English rabbinical leaders, including Rabbi Lord Jonathan Sacks, former Chief Rabbi of the United Kingdom. In 1983, Rabbi Rabinovitch moved to Israel, becoming Rosh Yeshiva of the recently formed Yeshivat Birkat Moshe in Maaleh Adumim. In this position he educated generations of students, greatly influencing the rabbinical world in Israel.

Rabbi Rabinovitch's Torah writings are characterized by staggering intellectual rigour, coupled with the conviction to stand behind one's conclusions. His magnum opus is *Yad Peshutah*, a 21-volume commentary on Rambam's Mishneh Torah. This work focuses on careful reconstruction of Rambam's sources and does not hesitate to cut against the grain of the traditional Mishneh Torah commentators. A collection of Rabbi Rabinovitch's halachic responsa are collected in a volume entitled *Siach Nachum*. These too reflect their writer's Torah mastery, sensitivity, and confidence.

Rabbi Rabinovitch's recent passing was a great loss for all who knew him, and for the Jewish people as a whole.

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**Torah and Translation**  
**Conflicting Customs in Mixed Communities**  
Rabbi Nachum Rabinovitch, *Siach Nachum* 68  
Translated by Rabbi Adam Friedmann

שאלה: ...  
כתב בשו"ת הר"ן (סי' מח) בעניין חרם דרבינו גרשום שהוא מונח אקרקפתא דגברי, ואינו פוקע כמנהגי קהילה שפקעו בהולך ממקום למקום, וכן פסקו השו"ע והרמ"א (יו"ד סי' רכח, כט). מתי נאמר כך, ומתי תקנה או מנהג אינם בכלל זה?  
בדרכי פסיקה שמקורם אינו במנהג חומרא וסייג, האם מורה הוראה כאן בארץ ישראל נדרש לפסוק לספרדי כשלחן ערוך ולאשכנזי כרמ"א, ובפרט במקומות של קהילות מעורבות?

תשובה: ומה ששאל בעניין חרם אקרקפתא דגברי, כמעט שלא מצינו דבר כזה מאז חתימת הש"ס כי אם בחרמות דרבינו גרשום... לפענ"ד אין ספק שבקהילה חדשה, כמו שהוא ברוב היישובים הקטנים, אין להנציח חילוקי פסיקה, בין לציבור ובין לפרט. בענייני פסיקה צריך הרב לדעת להכריע ולשכנע, והעיקר למנוע מחלוקת ע"י הסברה מה בין דין למנהג, ובין חיוב לחומרא. ואפילו במנהגים אין להנציח חילוקים חדים במנהגים. אלא שצריך המרא דאתרא להתנהל בחכמת החיים ובמתינות ויישוב הדעת, להבחין מה לרחק ומה לקרב. יש לזכור שההרגל הוא כוח מייצב בנפשו של האדם, אשר על כן קשה מאוד לשנות מן המנהג שהורגל בו... לפיכך, מן הראוי לנסות לתת ביטוי למנהגים השונים עד כמה שאפשר, כל שאין בהם חשש איסור, ובכך במשך הזמן ייווצר מנהג מקומי חדש שיש בו מן הניחוחות של רוב המנהגים שירשו התושבים מאבותיהם בכל קצוי תבל.

בעניין שאלתו האם יש להורות לספרדים לנהוג כמחבר ולאשכנזים כהרמ"א - אין בכלל מקום להנהגה כזאת. הדעה הרווחת בציבור שכאילו יוצאי עדות המזרח לעולם הולכים אחרי הבית יוסף והאשכנזים אחרי הרמ"א, אינה אלא אגדה. השלחן ערוך נתקבל ונתפשט בישראל לא כפוסק בלעדי, אלא כפוסק יחד עם נושאי כליו. והרי ידוע שבהרבה עניינים נושאי כליו מכריעים במחלוקות בין המחבר לרמ"א, ויש אשר מכריעים נגד שניהם - תפקידו של מורה הוראה הוא לברר וללבן את הדין ולפסוק על פי סברה ישרה שנראית לו אמת. מובן מאליה שאם אדם אינו מסוגל להכריע, כי אז אל יהי מורה הוראה, אלא ישאל גדולים ממנו.

Question: ...The Ran wrote (Responsum 48) regarding Rabbeinu Gershom's decree, that it remains in place on the heads of the masses, and it does not expire... When is this said, and when are enactments or customs not in that category? And in matters of issuing halachic rulings whose source is not in tradition or stringency and safeguard, is a halachic decisor here in the Land of Israel required to rule for Sephardim according to Shulchan Aruch and for Ashkenazim according to Rama (Rabbi Moses Isserles), especially in places with mixed communities?

Answer: ...  
Regarding his question about the decree on the heads of the masses, we have almost never seen this since the closing of the Talmud, other than in Rabbeinu Gershom's decrees... In my humble opinion there is no question that in a new community, such as many of the small settlements, one should not perpetuate distinctions in halachic rulings, whether for the community or for individuals. In matters of halachic rulings, the rabbi must know how to decide and to do so convincingly, and the main thing is to prevent arguments by explaining the differences between law and custom, and between obligation and stringency. Even in matters of customs, one should not perpetuate sharp distinctions between customary practices. Rather, the local authority must conduct himself with wisdom, moderation, and a clear head, to discern what to distance and what to bring closer. One should remember that habit is a stabilizing force in a person, and it is therefore very difficult to change a tradition to which one has become accustomed... Therefore it is fitting to give expression to different traditions as much as possible as long as there is no concern of prohibitions. In this way, over the course of time a local tradition will emerge that contains the scents of most of the traditions that the inhabitants inherited from their forefathers from all corners of the world.

Regarding his question about whether to rule for Sephardic Jews to follow "the author" [Rabbi Yosef Karo], and for Ashkenazim to follow Rama - there is absolutely no room for such a practice. The popular notion that those who come from the East always follow the Beit Yosef and the Ashkenazim follow Rama, is nothing but a myth. The Shulchan Aruch was accepted and spread amongst Israel not as an exclusive authority, but rather as an authority together with its commentators. And it is known that on many topics the commentators decide in arguments between "the author" and Rama, and there are times when they decide against both of them. The job of a halachic decisor is to clarify the law and rule based on the straight understanding which appears to him to be true. It is obvious that if a person is not capable of deciding, then he should not be a halachic decisor, rather he should ask those greater than him.

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### **SPECIAL EVENTS**

**12:30 PM Wednesday May 20, with Zeifmans LLP, BAYT and Shaarei Shomayim:  
The Ethical Challenge (eligible for CPD credit), Week 3  
The Selfish Citizen? The Ethics of Aggressive Tax Avoidance, R' Alex Hecht**

### **DAILY**

**Adult Seder Boker, with Rabbi Moshe Yeres  
Mondays-Thursdays at 10:00 AM EDT (men)  
Mondays and Wednesdays: Gemara, Orot haTeshuvah  
Tuesdays and Thursdays: Parshah, Tanach**

### **WEEKLY**

**Sunday May 17**

**9:15 AM EDT Contemporary Halachah: The Truth About Ruth, with Netanel Klein**

**11 AM EDT Contemporary Halachah Rotation: Re-Opening Sporting Events, with Ezer Diena**

**7:30 PM EDT Gemara Avodah Zarah, with Rabbi Mordechai Torczyner (men) (pwd: 18)**

**Monday May 18**

**8:30 AM EDT She'arim baTefillah Chabura for university students, with Rabbi Alex Hecht**

**7:30 PM EDT Exploring the Book of Ruth, with Ezer Diena - Week 4 of 4**

**8:30 PM EDT Gemara Shabbat, Chap. 13, with Rabbi Moshe Yeres**

**Tuesday May 19**

**1:30 PM EDT Yeshayah, with Rabbi Mordechai Torczyner (pwd: 18)**

**7:30 PM EDT Shoftim, with Rabbi Mordechai Torczyner (men) (pwd: 18)**

**Wednesday May 20**

**8:30 AM EDT Mishlei for university students, with Ezer Diena**

**7:00 PM EDT Stories from the Talmud, with Rabbi Alex Hecht**

**7:40 PM EDT Ancient Texts, Modern Meanings, with Rabbi Sammy Bergman**

**Thursday May 21**

**1:30 PM EDT Shemuel, with Rabbi Mordechai Torczyner (women) (pwd: 18)**

**7:30 PM EDT Gemara b'Iyun: Laws of Yom Tov for university students, with Rabbi Sammy Bergman (women)**

**8:30 PM EDT Gemara Beitzah, with Ezer Diena (men)**

**Friday May 22**

**8:30 AM EDT Parshah for university students, with Rabbi Mordechai Torczyner**

**10:30 AM Bava Metzia Perek 6,  
with Rabbi Sammy Bergman and Rabbi Mordechai Torczyner**

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