

# תורה מציון Torah MiTzion

RELIGIOUS ZIONIST KOLLELS כוללים ציוניים בתפוצות

## Shabbat Shalom from Torah MiTzion

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### "Of David: God is My Light and My Salvation"

Rav Yossi Slotnik, former Rosh Kollel, Cape Town

In Vayikra Rabba (beginning of parsha 21), our Sages discuss various possible interpretations of this chapter of Tehillim (chapter 27). The structure of the first part of the chapter is fairly straightforward: "God is my light and my salvation": there is some sort of impending danger - "when evildoers approach me, to consume my flesh; my foes and enemies against me" - from which the Holy One saves a person and becomes "my light and my salvation". The conclusion that the person draws from this is that he should put his faith in God when faced with future troubles, too: even "if an army would besiege me, my heart would not be afraid"; even "if war would be waged against me - in this (zot) I trust". The Midrash, of course, seeks to clarify what "this" refers to. On what basis is the person so certain that the future holds the same miracles that God performed for him in the past? From this point onwards the Midrash speaks for itself; we shall examine it here and add a few comments at the end:

"Concerning what is written (Tehillim 27), 'Of David: God is my light and my salvation; whom shall I fear'"

Rabbi Eliezer maintains that this recalls the miracle of the splitting of the sea:  
 "My light" - at the sea, as it is written (Shemot 14:20), "it illuminated the night"  
 "and my salvation" - "Stand and still and see God's salvation" (Shemot 14:13);  
 "whom shall I fear?" - "and Moshe said: fear not" (ibid.)  
 "God is my life's strength" - "the Lord is my strength and song" (15:2)  
 "Whom shall I dread?" - "fear and dread shall fall upon them" (15:16)  
 "When evildoers approach me" - "And Paro approached" (14:10)

"To consume my flesh" - "The enemy said: I shall pursue; I shall overtake. my hand shall dispossess (to) them" (15:9): the text does not say "shall dispossess them" (torisham) but rather "shall dispossess to them" (torishemo) - i.e., I shall bequeath my riches and honor to them

"My foes and enemies against me" - "He overthrew Paro and his army".

Henceforth Israel declares (Tehillim 27) "If an army (of Egyptians) would besiege me, my heart would not be afraid; if (the Egyptians) would wage war against me - in this I would trust: in His promise to me, as it is written, "God will fight for you".

Rabbi Shmuel bar Nahman maintains that the reference is to the Philistines:

"When evildoers approach me" - this refers to Goliath, as it is written (Shmuel I 17), "The Philistine approached, every morning and every night"

"to consume my flesh" - "The Philistine said to David: Come to me and I shall give your flesh to the birds of the heavens." (ibid.)

Henceforth David declared before God: "If an army (of Philistines) would besiege me, my heart would not be afraid; if (the Philistines) would wage war against me - in this I would trust: Rabbi Levi said, this refers to Moshe's farewell address in the Torah, where he says to the elders (Devarim 33), "And this to Yehuda."."

Rabbi Yehoshua ben Levi reads this as referring to the Amalekim:

"When evildoers approach me" - this refers to the Amalekim, as it is written (Shmuel I 30:1), "The Amalekim raided the Negev and Tziklag"

"To consume my flesh" - "and David's two wives were taken captive" (30:5)

"My foes and enemies against me" (ibid.) - "And David smote them from twilight to the evening of the next day" (30:17)

Henceforth David said: "If an army (of Amalekim) would besiege me, my heart would not be afraid; if (the Amalekim) would wage war against me - in this I would trust" Rabbi Levi said, "this refers to the Moshe's farewell address to the elders: "And this to Yehuda."."

The Sages maintain that this refers to Rosh ha-Shana and Yom Kippur:

"My light" - on Rosh ha-Shana, "and my salvation" - on Yom Kippur

"Whom shall I fear?" - God is my strength and song

"When evildoers approach me" - this refers to the guardian angels of the nations

"to consume my flesh" - because the guardian angels of the nations come and accuse Israel before God; they say: Master of the universe; these worship idols and so do they; these engage in immoral sexual relations and so do they; these shed blood and so do they. For what reason do these go down to Gehennom while those do not?

"My foes and enemies against me" - the solar year consists of 365 days. The Gematria (numerical value) of the name "Satan" is 364. Throughout all the days of the year, the Satan accuses (Israel), but on Yom Kippur he does not. Hence Israel declare before God: "If an army (of Satan) would besiege me, "my heart would not be afraid - as you have promised me: "This is how Aharon shall come to the Holy of Holies."."

The Midrash proposes four possible "identities" that match the description here:

- the Egyptians attacking us at the Red Sea
- Goliath attacking David
- Amalek attacking Israel in David's time
- The nations of the world attacking/accusing Israel on the Day of Judgment

There are various ways of analyzing these possibilities; we shall discuss just one.

### Material vs. spiritual

The first three explanations describe God's salvation at a time of war. All three are actual episodes from Israel's history, and all three occur at key points in the nation's development: at the sea, God chooses Israel over Egypt. The battles against Goliath and against the Amalekites aid the process ultimately leading to David's appointment as king of Israel, with enough support to prevent him from falling into the same trap that caused Shaul to lose the kingdom. When God intervenes in war on our behalf, we are grateful - but not completely astounded, since the Torah and the books of the prophets are full of instances of such Divine intervention. To some extent we regard this as part of the covenant that was forged between Israel and God - to the extent that Sefer Shoftim treats such Divine intervention as a sort of regular process of reward and punishment.

The fourth possibility offered by the Midrash is of a completely different nature. Here we are not speaking of a one-time historical battle, but rather of a battle that takes place year after year. The resounding question, "These worship idols and so do those; these engage in immoral sexual relations and so do those; these shed blood and so do those. For what reason do these go down to Gehennom while those do not?" exposes us in all our shortcoming. If we were counting on the covenant between us and God, we discover that we have no leg to stand on and we are not worthy of God's intervention on our behalf, for by law - according to strict justice- we should, heaven forefend, be consigned to Gehennom. Indeed, God's intervention comes as a complete surprise. Even in our pitiful and corrupt state, He intervenes on our behalf. But His intervention here is on the spiritual rather than the physical level: He provides special days when we are able to approach Him without the "barriers" of our evil deeds. On Yom Kippur and on Sukkot we have the opportunity to build our relationship with God in circumvention, as it were, of reality: we are His people even if there are murderers and idolaters among us.

God offers us this closeness without any "recompense" expected of us; it is independent of reward and punishment. It is offered only because He is our "light and salvation". So it was in the past, and so we believe it will be in the future. But we base our faith on the desire to continue with the "this": our desire to continue to be dependent on Yom Kippur and its service. So long as we preserve this, God will likewise continue to extend His unconditional bond and love towards us.

***Kofin Al Midat Sedom in Modern Israeli Court Judgments [part 4]***  
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### **Reuven illegally extends his apartment on common property. Can he rely on the principle of *Kofin Al Midat Sedom* to prevent his neighbors from demolishing it?**

The above question was discussed by the Israeli Supreme Court in 1997. "Reuven" had built an extension to his apartment on an area which consisted of "common property" owned jointly by the other occupants of the apartment block. The neighbors obtained an order requiring Reuven to demolish his unlawfully built extension and to restore the common property to its previous state. Reuven petitioned the Supreme Court to reverse the order. The Court sat in a panel of 7 judges and debated the issue of "the abuse of property rights." How did the Court rule?

Justice Yitzchak Englard held that in case at hand, despite the fact that the extension to the apartment was constructed on area belonging to the "common property," the Court had

discretion to grant the requested relief and could *prevent* the demolition of the extension, provided Reuven gave compensation to the other residents whose rights were violated.

Justice England rooted his decision in the principle that we have been discussing at length in the last few columns: *Kofin Al Midat Sedom* (the ability of the courts to coerce a person who behaves in an unjustifiably spiteful manner to do the right thing). In his opinion, where one party gains (Reuven) but the other does not lose anything (the neighbors), the application of this principle is likely to be more expansive than the conventional doctrine of an abuse of a right (which would prevent Reuven from profiting from his misconduct). He added the following sentiments:

"It is fitting that Jewish Law should serve as a source of inspiration for interpreting the provisions of section 14 of the Land Law, 5729 - 1969."

[Section 14 states: "Ownership and other rights in real estate shall not by themselves justify the doing of anything that causes damage or inconvenience to another"].

"This is not only due to the fact that its language is enigmatic and confusing. It seems to me that the clear ethical trend that is common to the Jewish legal tradition concerning the concept of ownership, whose aim is to limit a person's control over his possessions, should find expression in the law of the State of Israel as a Jewish and democratic state. It should be pointed out that, beyond the ethical-individualistic aspect of the principle *Kofin Al Midat Sedom*, it also contains an important social message; for it was the absence of this social aspect that sealed the verdict of the people of Sedom, in respect of whose evil traits this principle is named after."

In light of this position, Justice England reached the conclusion that in the circumstances of our case it is preferable to prefer the granting of compensation to the injured neighbors rather than require Reuven to demolish the unlawfully constructed extension:

"It seems that an award of compensation, in place of demolition, is compatible with the approach of Jewish Law in the framework of the principle *Kofin Al Midat Sedom*. It is true that there is a certain defect in the owner-neighbors' use of the common property. However, in light of the "beneficiary's" willingness to pay for his use of the common property, it appears that to destroy the building in these circumstances would be regarded as *Midat Sedom*, which may also contain an element of *Bal Tashchit* [the prohibition against the wanton destruction of anything useful to mankind]!"

**"Woe is to him who builds his house without righteousness and his upper stories without justice" (Jeremiah 22:13).**

By contrast, Justice Yaakov Turkel was of the opinion that the circumstances of this case could not afford any justification for violating the property rights of the other occupants of the common property, and that the original order to demolish the extension and restore the status quo should remain in force. Justice Turkel opens his ruling with the above apt citation from the words of the Prophet Jeremiah.

In the continuation of the judgment, Justice Turkel determines that the discretion of the court not to extend relief to a person whose proprietary rights are violated - is highly restricted. In the circumstances of the case, he argues, the laws of equity would also tilt the scales against Reuven who had built an unlawful addition to his house. Justice Turkel ends by stating that he disagrees with the conclusion reached by Justice England who applied to this case the principle of *Kofin Al Midat Sedom*:

"The rule of *Kofin Al Midat Sedom* is an important principle which Chazal employed in applying the laws of equity in Jewish Law; however, this rule is not able to uproot a negative commandment in the Torah.

It is an explicit pasuk that states: "You shall not move a boundary of your fellow, which the early ones marked out" (Devarim 19:14). From this it follows that the principle of *Kofin Al Midat Sedom* cannot be employed to sanction an act of trespass and misappropriation of another's land.

I would go even further. It would appear that an examination of the sources indicates that use has not been made of this rule in a manner that violates another's ownership rights in land."

The majority of the Justices followed the opinion of Justice Turkel - testimony to the caution that is required in applying the principle of *Kofin Al Midat Sedom*. Based on this restriction, the Court ruled that Reuven could not take advantage of his illegal act to secure an advantage to himself at the expense of his neighbors - even if he was prepared to pay for that advantage.

### **"Good Faith" v. "Midat Sedom" Concluded**

We began this series by contrasting the principle of *tom lev* with the malice of *midat Sedom*.

In one celebrated case, Supreme Court Justice Elon refers to the words of Justice H. Cohn who stated: "Whenever in the interest of doing justice we deem it proper to ignore English and American case law, I have become accustomed to ascertain first whether there is some tree in the field of Jewish Law upon which the matter may be hung. This is because the justice that we try and do will be more sure and more established if it finds support in our legal tradition and in the wisdom of our forbears." Justice Elon concludes by stating:

"These words apply with greater force to the matter at hand. The principle of good faith in section 39 of the General Contracts Law and the very expression "good faith" (*tom lev*) is an original Hebrew expression. For this reason, with regard to the interpretation of this concept, we are directed to turn first and foremost to Jewish Law."

## **Sukkot Bluma Zalcman**

In Parshat Emor it is written (23:34;39):

*"On the fifteenth day of the seventh month is the festival of Succos , a seven day period for Hashem. The first day is a holy day, you can not do any laborious work..."*

*"But on the fifteenth day of the seventh month, when you gather in the crop of the land, you shall celebrate Hashem's festival for a seven day period; the first day is a rest day."*

If we look at the two passukim that command us about the mitzvah of Sukkot, we find differences. Firstly, when the torah repeats a mitzvah, the second source is usually found in a different sefer, not in the same parshah! Secondly, why does the first command have the word "zeh", "this" and the second one does not? Thirdly, why does the first one state "all work will not be done." and the second time it only says "The first is a rest day"? And finally, why are the arba minim only mentioned the second time, not the first?

### **Rav Mordechai Gimpel Yaffa from Roginoy gives the following explanation:**

In order to understand his explanation, we need to establish the following facts regarding the "Luach Ivri", the Hebrew calendar:

Rosh Hashanah always falls out on the same day of the week as the third day of Pesach. That means that Succot will also fall out on that day of the week.

Also Chazal teach us that the day Am Yisrael left mitzrayim was Yom Chamishi (Thursday). That implies that that year Succot was supposed to fall out on Shabbat. Thus, we can understand that the first tzivuy, the first command was for that particular year, "Haze". That is the reason for the omission of the mitzvah of the arba minim which are muktzah on shabbos, and the fact that the phrase "All laborious work is forbidden" was added because usually we are allowed to cook "Ochel Nefesh" unless a chag comes out on shabbos.

The next time the chag is mentioned, we find the mitzvah of arba minim and the phrase about laborious work is forbidden is not written, instead it is written that the first and eighth days are days of rest, thus teaching us that that particular passuk refers to the mitzvah for generations to come.

May we merit to celebrate Sukkot in the Beit HaMikdash, Bimheira b'Yamaynu.

#### **Family Learning: Parshat Ha'azinu**

**Bluma Zalcmn**

- 1) According to Rashi, why did Moshe use the heaven and the earth as witnesses? (32:1)
- 2) Passuk Mem Daled (44): Why is Yehoshua referred to as "Hoshea"?
- 3) Which Har, mountain, was Moshe instructed to ascend at the end of Shirat He'Azinu?
- 4) What did Moshe compare HaShem to in Shirat He'Azinu and why? (32:4/ Rashi)
- 5) Why does Moshe tell Bnei Yisrael to inquire about what happened to previous generations? (32:7-9)

*Answers follow below*

#### **Love of The Land: Caesarea**

Caesarea is a Roman port town, built at the beginning of the Common Era. Today, the actual site of the city is a nature preserve, but there is a small Jewish town with the same name near the original city.

The area around Caesarea was captured by Alexander Yannai (a king from the Chashmonean dynasty), and added to the Chashmonean kingdom in the year 90 B.C.E. Shortly thereafter, it was overtaken by the Romans when they came to Israel.

In the year 31 B.C.E. Augustus Caesar gave the entire shoreline to Herod. Herod then turned the town into a big city and named it Caesarea, as a tribute to the donor. The city was built as a non-Jewish town, complete with sanctuaries for idol-worship, bath houses and more. Herod also built an enormous port.

After Herod's death, Caesarea became a home to Jews as well as Roman. The Jews often suffered at the hands of the Romans, and in 66 C.E. a chain of events outside a synagogue in the city, caused a bloodbath between the Jews and the Romans. That was the start of the great Rebellion. The synagogue was then after referred to as "Knisata DiMarduta".

During the days of the rebellion, led by Bar Kochba, Caesarea played a key part in supplying food, and weapons, as well as other supplies needed by the Romans. It is also the place where several of the "Asara Harugai Malchut" were executed, among them, Rabbi Akiva.

During the Byzantine Era, Caesarea became an important Christian city. At the beginning of the fifth century, the Romans divided Israel into districts, with Caesarea being the capital of the Prima Palestine district.

Along with the rest of Israel, Caesarea was captured when the Muslims took over Israel in the 7<sup>th</sup> century.

In the 19<sup>th</sup> century, a group of Templar knights tried to resettle Caesarea, under the guise of archaeological digs in the area. In 1882, a group of Muslims took over, and then Caesarea was again captured by the Jews in the War of Independence

### **Historical Sites:**

*Amphitheater:* The amphitheater was first constructed when Herod built the city of Caesarea. The way the amphitheater was built, indicates that it was used for race horsing. Afterwards, it was changed so it could be used as a standard amphitheater.

*The Aqueduct:* The aqueduct was built when Herod built Caesarea. It was able to supply a large amount of water. Later on, when the city grew, it was repaired and enlarged, to accommodate the needs of the people. In some portions, it is supported by arches. The water would travel from the foot of Har Carmel, near several springs of water, and would end up in several collecting pools throughout the city.

**Torah MiTzion** establishes Religious Zionist Kollels (centers of Jewish learning and outreach) in Diaspora Jewish communities to strengthen the study of Torah, Jewish identity, the unity of the Jewish people, and the connection between Torah study and Israel.

The Kollels, led by a Rosh Kollel, are comprised of Israeli shlichim (emissaries) - married men and their wives, and single young men, graduates of Yeshivot Hesder in Israel - who serve in the communities for a period of one-three years.

Torah MiTzion is also proud to be a partner of the "**Jewish Learning Initiative**" program on college campuses.

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### **Answers:Family Learning**

1. Because they are eternal.
2. To show that even though he was the leader to be, he was still very humble.
3. Har Nevo
4. A Rock, which hints at Moshe's sin. Moshe wanted to show Bnei Yisrael that he still had total emunah that HaShem was just, even though he himself was punished.
5. So that they can learn from history.