



TORAH ACADEMY
of Bergen County

קול תורה

Parashat Lech Lecha

11 Cheshvan 5779

October 20th, 2018

Vol. 28 No. 5

AN ANCIENT WORD SCRAMBLE

by Rabbi David Nachbar

As the Torah transitions from its opening narratives concerning creation, re-creation, and various generational sins to the individual lives of the Avot, the relationship between the different components of Sefer BeReishit is brought into focus. On one level, the Sefer's debated title spotlights the tension regarding the relative primacy of the Sefer's various units. Colloquially, the opening book of Chumash is referred to as Sefer BeReishit or by the name Genesis, as it is titled in the Septuagint and the Vulgate. This title certainly speaks to the Sefer's opening which centers around the universe's creation. Chazal (Avodah Zarah 25a), however, also attribute a second name to the Sefer, Sefer HaYashar, on account of the Avot's appellation as Yesharim in the Pasuk – Tamot Nafshi Mot Yesharim (BeMidbar 23:10). The Sefer's debated title raises question as to the relative primacy of the creation narrative as compared to the personal lives of the Avot.

The Midrash (BeReishit Rabbah 12:9) weighs in on this broad question in addressing an awkwardly formulated passive description of the world's creation – Eileh Toledot HaShamayim VeHa'aretz BeHibare'am (BeReishit 2:4). The Midrash notes that the letters in the word BeHibare'am are identical to the letters that comprise Avraham's name, and, therefore reads the pasuk BeAvraham, meaning for Avraham Avinu's sake. According to this presentation, the opening creation narrative serves as background and prelude to the primary storyline that begins in Parashat Lech Lecha with Avraham assuming his position on center stage. The Anaf Yosef illustrates the progression in Sefer BeReishit with the image of a fruit tree whose growth of its trunk, branches, leaves, and budding flowers serve as mere forerunning stages to the tree's primary development, its production of fruit. Avraham Avinu's recognition of God and the broadcast of his discovery represent the fruit and culmination of the creative process.

The Netziv (introduction to Sefer BeReishit) wonders why the Avot are referred to as Yesharim rather than by the terms Tzaddikim or Chassidim. His answer sheds light on both the meaning of the quality of Yashrut as well as the interrelationship between Sefer BeReishit's various subunits. In his opinion, the Avot's distinguishing characteristic of Yashrut was manifest in their care, treatment of, and interest in all of humanity – Hayu Imam BeAhavah ViChashu LeTovatum, even individuals toward whom they were ideologically opposed. This attitude earned Avraham the title of Av Hamon Goyim and was displayed in Avraham Avinu's impassioned plea with Hashem to save the people of Sodom. Furthermore, the Avot's distinctive quality of Yashrut upheld the entire purpose of creation – Ka'asher Hi Kiyum HaBeri'ah. According to the Netziv's perspective, the creation narrative is not merely necessary background for the Avot stories; rather, the lives of the Avot fulfill the very purpose of creation.

This theme is echoed by Rabbeinu Yonah (Avot 5:2) in explaining why the actions of Tzaddikim maintain an entire world that was created through ten utterances. Rabbeinu Yonah explains – She'lo Nivra Ha'olam Ela La'asot HaYashar Be'Einei Hashem, the world was created only so as to do that which is Yashar in the eyes of Hashem. Consequently, the lives of the Yesharim, the Avot, fulfill the very telos of creation.

Against this backdrop, new light may be shed on Rashi's celebrated opening comments on Chumash. Rashi (BeReishit 1:1, s.v. BeReishit) cites R. Yitzchak's question in the Midrash (Yalkut Shimoni Bo, no. 187) as to why the Torah begins with the creation narrative rather than the first collective mitzvah that was issued to the Jewish people, HaChodesh HaZeh Lachem. R. Yitzchak answers based on the Pasuk – Ko'ach Ma'asav Higid Le'Amo Lateit Lahem Nachalat Goyim (Tehillim 111:6), that it is to teach that the land belongs to God, and He may choose to give it to whomever is Yashar in His eyes. On the surface, R. Yitzchak's claim provides a legal right for the Jewish people's claim to the land of Israel. Hashem has control to grant the land to whomever He chooses; however, Rashi's usage of the term Yashar may connote a moral expectation that is a prerequisite for our deservedness of the land. Only those who emulate the lives and attributes of the Yesharim are deserving recipients of the land created and promised to them. In fact, the ensuing Pesukim in Tehillim describe the Ma'asei Hashem that reflect the purpose of creation and serve as preconditional qualities

Kol Torah is a community-wide publication that relies on the generous donations of our friends and family in the community for its continuous existence. To sponsor an issue in memory of a loved one, in honor of a joyous occasion, or for a Refuah Sheleimah, please contact:
business@koltorah.org

for receiving the land – Ma’asei Hashem Emet U’Mishpat, Ne’emanim...Asuyim Be’Emet VeYashar (Tehillim 111:7-8).

ULTIMATE EMUNAH

by Ezra Seplowitz ('20)

At the very end of the fifth Aliyah of Parashat Lech Lecha, Hashem promises Avram that He will provide him with as many children as the stars in the sky. BeReishit 15:6 states, “*VeHe’emin BaHashem, VaYachsheveha Lo Tzedakah,*” “And he believed in G-d, and He reckoned it to him as righteousness.” Rashi (ibid. s.v. *VeHe’emin BaHashem*) raises the point that Avram only asked Hashem for a confirming sign two Pesukim later, when Hashem promised him the Land of Israel.

Nachalat Ya’akov elaborates that Noach, just like Avram, communicated with Hashem through prophetic visions. Despite this, when Hashem promised Noach that He will never again bring such a disastrous flood, Noach requested a sign of assurance. Avram, however, did not. Nachalat Ya’akov therefore concludes that Avram possessed an ultimate faith in Hashem.

However, there is a problem with Nachalat Ya’akov’s answer: He does not address Rashi’s initial concern, that Avram does in fact request a sign in 15:8, which presumably detracts from his ultimate Emunah. Furthermore, Ramban (s.v. *VeHe’emin BaHashem etc.*) asks, “*Lamah Lo Ya’amin Be’Elohei Amein, VeHu HaNavi Bi’Atzmo,*” “Why should he not believe in the God of trust, as he himself is the prophet [who spoke directly to God]?” Ramban explains that it is less significant for a Navi who has experienced G-d’s miracles to believe in G-d’s word. Ramban questions Rashi’s explanation of the end of the Pasuk, “*VaYachsheveha Lo Tzedakah,*” “And He reckoned it to Him as righteousness,” which Rashi took to mean that Hashem reckoned Avram as righteous.

Ramban explains that these words mean that Avram believed that the righteousness of Hashem, and not his personal merits, would grant him children. Unlike Rashi, Ramban maintains that the second part of the Pasuk, “And He reckoned it to Him as righteousness,” is referring to Avram, like the first part of the verse. Ramban draws support for his explanation from BeReishit 15:8, when Avram asks Hashem for a sign that his offspring will inherit the Land of Israel. Ramban explains that Avram had complete faith in the righteousness of Hashem, just as he did in BeReishit 15:6. Rather, Avram was unsure whether or not he or his children would sin, thereby becoming unworthy for such a blessing. As such, for the eternity of that promise, Avram requested a confirming sign.

Faith in Hashem is one of the fundamental principles of Jewish faith. In fact, the Rambam begins his magnum

opus, the Mishneh Torah, by saying, “*Yesod HaYesodot, Ve’Amud HaChochmot, Leida SheYeish Sham Matzuy Rishon,*” “The foundation of foundations and the pillar of wisdom is to know that there is a Primary Being.” Throughout his lifetime, Avraham Avinu displayed an utmost belief in Hashem. Ramban famously states, “*Kol Mah She’Ira La’Avot Siman LaBanim,*” “Everything that happened to the forefathers is a sign for the children [that it will occur again to them].” From leaving his hometown to his willingness to sacrifice his beloved son, Avraham Avinu never lost faith in Hashem. Today, with faith in G-d, one can clearly determine that Hashem has fulfilled his promises to Avraham, granting him a multitude of descendants and the Land of Israel. May we merit to follow in the ways of Avraham Avinu with complete faith and trust in Hashem.

SEPARATING CONJOINED TWINS: PART III - TEREIFAH & RAV MOSHE FEINSTEIN’S RULING

by Rabbi Chaim Jachter

Editors’ note: To read the first two parts of this series, visit the *Halachah Files* section on the *Kol Torah* website, www.koltorah.org/rav-jachters-halachah-files.

Introduction

In last week’s issue of *Kol Torah*, we delved into Rav Moshe Feinstein’s understanding of Rodeif and his theory on the effect relative degrees of pursuit have on the determination of the proper Halachic course of action for specific cases of Rodeif. In this week’s issue, we present Rav Bleich’s synthesis of Rav Moshe’s conceptualization of Rodeif with his conjoined twins ruling.

Rav Bleich’s Explanation of Rav Moshe’s Ruling

Rav Bleich argues that the same reasoning of relative degrees of pursuit applies to the case of the conjoined baby sisters. The sisters were unequal pursuers since the right-side twin had no chance of survival for more than a year even if the left-side twin were to be sacrificed. The left-side twin, however, had a very reasonable chance of survival if the other twin were to be sacrificed. The right-side twin’s life expectancy is regarded as only Chayei Sha’ah and is viewed as a Tereifah while the right-side twin enjoyed the possibility of achieving a normal lifespan.

Thus, the baby twin girls could be construed as “unequal pursuers”, since the left-side baby pursues only Chayei Sha’ah whereas the right-side baby is pursuing one with a possibility to live a normal lifespan. It follows that the right-side twin is a qualitatively greater Rodeif than the left-side twin and thus the right-side twin may be sacrificed in order to save the left-side baby. Thus, Rav Bleich offers a cogent explanation for Rav Moshe’s ruling. Just as Rav Moshe in 1935 (Teshuvot

Igerot Moshe Y.D. 2:60) permitted the sacrifice of one shul in order to save the rest of the city's shuls from the hands of the Soviet communist government, so too he permitted (or even required) the sacrifice of the right side twin to save the other twin.

One the other hand, Rav Yaakov Kaminetsky might have rejected the analogy between the situation of the twins and that of the pregnant woman because the inequality between fetus and mother is far greater than the gap between the twins. The difference between the mother who is classified as alive and the fetus who constitutes only potential life is a qualitative and fundamental difference, as opposed to the twins, who both constituted a full life (although one is a Tereifah and the other is not). I thank Rav Chaim Schertz zt"l of Harrisburg, Pennsylvania for providing this insight.

Rav Kaminetzky could have also disagreed with Rav Moshe's explanation of Reish Lakish's opinion. Thus, Rav Moshe's approach works only according to Rabi Yochanan. Rav Kaminetzky then might have agreed with Rav Bleich's opinion that we have no basis upon which to follow Rabi Yochanan over Reish Lakish.

Rabi Akiva Eiger and Teshuvot Panim Me'irot

Rabi Akiva Eiger (to Ohalot 7:6) cites Teshuvot Panim Me'irot who suggests that Ein Dochin Nefesh Mipnei Nefesh, the principle that "we do not push one life aside for another", applies only when the one of the two endangered people would survive in any event. However, if both would die absent intervention, then it might be permissible to kill one to save the other.

According to this suggestion it is permissible to kill the right side twin to save the left side twin since both would have perished if left alone. However, as Rav Bleich notes, this is insufficient basis to act, since both the Panim Me'irot and Rabi Akiva Eiger conclude "Tzarich L'Hityashev BaDavar", the matter requires further deliberation.

Are the Twins Deemed to be a Tereifah?

The assumption that an infant lacking a heart or possessing a congenitally malformed heart is a Tereifah requires clarification. An obvious source for that position is the eighteenth-century ruling of Rav Yonatan Eibeschutz in a celebrated controversy between himself and Rav Zevi Ashkenazi (the Chacham Zvi).

A young woman soaked and salted a chicken, but failed to find a heart. She consulted the Chacham Zvi who ruled (Teshuvot Chacham Zvi, nos. 74, 76 and 77) that the animal was kosher. Chacham Zvi reasoned that, since it is impossible for any creature to survive without a heart for even a brief period of time, it must be assumed that the chicken, which had thrived and developed in a normal manner, must indeed have been endowed with a heart. The absence of a heart, declared Chacham Zei, must be attributed to the predatory nature of a cat which must have been in close proximity. Not content with

simply ruling with regard to the case presented to him, Chacham Zvi further announced that "even if witnesses will come and testify that they saw with open eyes that nothing was removed from the body of the chicken, it is certain that their testimony is false for it is contrary to reality."

In sharp disagreement, Rav Yonatan Eibeschutz, Kereti u-Peteti 40:4, declared that the testimony of credible witnesses cannot be dismissed peremptorily but rather "it must be assumed that there was some piece (of tissue) which does not appear as a heart but which is designed to fulfill the functions of the heart, but yet the chicken is Tereifah since it is not a normal heart." Thus, Kereti u-Peleti clearly regards an animal born with an anomalous heart to be a Tereifah because it lacks a normal heart. However, Chazon Ish (Yoreh De'ah 4:14) takes issue with Kereti u-Peleti in arguing that the chicken thus described is indeed kosher. Chazon Ish argues that, although removal of the heart does indeed render the animal a Tereifah, there is no source for a ruling that an anomaly of the heart similarly renders the animal a Tereifah.

Moreover, there is no indication that Kereti u-Peleti would regard a six-chamber heart in the same light as a mere piece of tissue that fulfills the functions of a heart. The dispute between Chazon Ish and Kereti u-Peleti occurs in the context of the status of an animal. Rambam (Hilchot Rotzei'ah 2:8) asserts that the Talmudic enumeration of the various Tereifot is exhaustive. However, insofar as human Tereifot are concerned, Rambam asserts that, in every era, the particular anomalies that render a human being a Tereifah are to be determined in accordance with the medical knowledge of the day. Thus Rambam rules that a human being is not to be considered a Tereifah (and his murderer must be executed) unless "it is known with certainty that this (person) is a Tereifah and the physicians declare that this wound has no cure in a human being or he will die as a result of it unless something else kills him (sooner)." Rambam's categorical statement regarding medical assessment of human Tereifot indicates both that a wound or anomaly that would render an animal a Tereifah does not necessarily render a human being a Tereifah, and also that a wound that will cause death in man renders a human being a Tereifah even though, with regard to animals, it is not one of the enumerated Tereifot.

There are indeed many Rishonim who disagree with Rambam's position and maintain that the determination of status as a Tereifah in humans is no different from determination of that status in animals. For a list of those authorities see Encyclopedia Talmudit, XXI, 4-7 and Nishmat Avraham, Yoreh Dei'ah 29:1, note 1. Nevertheless, Rambam's position together with the view expressed by Kereti u-Peleti with regard to anomalies of the heart might

provide a Poseik with ample grounds for a determination that a child born with such a cardiac anomaly is a Tereifah.

The Approach of Ponovich Rosh Yeshiva Rav Dov Povarsky

Briefly, Rav Povarsky wishes to claim that the right side twin is not only a Tereifah but a "Neifel". The Gemara (Shabbat 135a) regards a "Ben Chet" (a baby born after only eight months of gestation; it is an example of a Neifel) as "a stone" and thus not alive. Accordingly, Rav Povarsky argues that one may sacrifice the right side twin since it is not considered to be alive according to the Halacha.

Here is Rav Bleich's rejection of Rav Povarsky's approach in brief: The right side twin is not a Neifel since it has lived more than thirty days. See Rav Bleich's article for an in-depth presentation.

LeChatchilah Ein Morin Kein

The Rambam (Hilchot Yesodei HaTorah 5:5) notes that even if the designated person satisfies the requirement of deserving to die, similar to Sheva Ben Bichri, nonetheless "LeChatchilah Ein Morin Kein", initially this instruction is not conveyed to them. The basis for the Rambam is the following story related by the Talmud Yerushalmi:

A man named Ula Bar Kushav was sought by the Roman authorities for some unnamed crime. He fled to Lod, then (the early third century CE) an important city in Judea with a large Jewish population. The Romans surrounded the city and demanded that the Jewish community turn over Bar Kushav. If he were not turned over, the Romans would raze the entire city.

The leading rabbinic authority in the city at the time was Rabi Yehoshua ben Levi, known both as a Halachic expert and as a mystic. In accordance with the opinion of Rabi Yochanan, he sought out Bar Kushav, "placated him, and turned him in," thereby saving his city and its thousands of Jewish inhabitants.

Rabi Yehoshua ben Levi had been accustomed to receive regular visits from the Eliyahu HaNavi, but in the wake of this incident the visits ceased. Rabi Yehoshua imposed upon himself several fasts in order to induce Eliyahu to reappear to him. Eliyahu HaNavi reappeared, but just to say: "You expect me to reveal myself to a Moseir (informer)?" Rabi Yehoshua ben Levi replied that he had acted in accordance with a rabbinic law. Eliyahu replies "But is that the law of a Chasid?"

The aforementioned Bi'ur HaGra notes that this Yerushalmi is the basis for the Rambam ruling in favor of Reish Lakish over Rabi Yochanan. The Gra challenges this since Eliyahu HaNavi merely states that this is not Mishnat Chasidim, the actions proper for a spiritually high level individual. However, the essential Halacha follows Rabi Yochanan. Moreover, Ein Lemeidin Min HaAgadot, as we mentioned earlier, Agadic episodes do not constitute an authoritative source.

Rav Yaakov Kaminetzky could respond to Rav Moshe that he never should have instructed the family to consent to this surgery, following the Rambam. Rav Moshe could respond that the Rama, Gra and Taz do not cite this episode in the Yerushalmi and do not say LeChatchilah Ein Morin Kein. Rav Yaakov, though, could note that both the Shach (Yoreh Dei'ah 157:15) and the aforementioned Chochmat Adam do rule in accordance with the Rambam that Lechatchilah Ein Morin Kein.

Conclusion

Rav Moshe's ruling was implemented in practice by Dr. Koop and the right-side twin was sacrificed in order to save the life of the left-side twin. Sadly, the left-side twin died a few weeks later not due to complications from the surgery but due to contracting hepatitis B from a blood transfusion. Although the loss of both of these precious children constitutes an enormous tragedy, a bit of a silver lining in this very dark cloud is the great Kiddush Hashem and honor of Torah generated by the enormous respect Dr. Koop accorded to Rav Moshe Feinstein and his ruling. May the study of Rav Moshe's ruling serve to honor and elevate the Neshamot of these two dear young infants.

Editors-in-Chief: Ned Krasnopolsky, Akiva Sturm
Publishing Managers: Moshe Dergel, Harry Meister, Yonason Rutta
Publication Editors: Avrumi Davis, Ephraim Helfgot, Yehoshua Kanarek, Eitan Mermelstein, Ezra Seplowitz
Business Managers: Avraham Gellman, Eli Schloss
Rabbinic Advisor: Rabbi Chaim Jachter
Questions, comments? Contact us at:
Kol Torah
c/o Torah Academy of Bergen County
1600 Queen Anne Road
Teaneck, NJ 07666
Phone: (201) 837-7696
koltorah@koltorah.org

To subscribe to Kol Torah via email, message webmaster@koltorah.org

This publication contains Torah matter and should be treated accordingly.

Visit our new website,
koltorah.org, for a full collection of all
past Halachah and Parashah articles.

קול תורה