

THE IDEAL WAY OF LIFE

by Shlomo Katz

Parshas Noach

The Ideal Way of Life

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Today's Learning:
Sanhedrin 4:4-5
O.C. 27:10-28:1
Daf Yomi (Bavli): Ketubot 42
Daf Yomi (Yerushalmi): Ta'anit 3

R' Samson Raphael Hirsch z"l (rabbi of Frankfurt a.M.; died 1888) writes about the month that begins today: The solemn yet joyous month of the festivals is past, and we now enter the placid and quiet month of Cheshvan [the only month of the Jewish calendar that has no observances of any kind]. What a significant month Cheshvan can be if we have been fully imbued with the spirit of Tishrei, R' Hirsch declares. School, home, business and community all now commence a tranquil half-year [until Pesach] of striving and enjoyment. Boys and girls have returned to school, young men and young women have resumed their preparations for life, workers have returned to the full-time pursuit of their occupations, and mothers at home to their quiet, unheralded caring for their families. When they all assemble at home each evening, every cottage becomes a sanctuary, every table an altar, and every breath, a hymn to G-d.

Our task now is to truly be Jews, R' Hirsch continues. We must have the courage to build our homes as Jews, to conduct our married life as Jews, to educate our children as Jews, to enlighten our minds

and warm our hearts as Jews, to enliven our conversations and plan our actions as Jews, and to consecrate our enjoyments as Jews. If we could only carry all this out in the Jewish spirit, in the complete Jewish spirit, then we might confidently await all the blessings that would result from such a way of life. (Adapted from Collected Writings Vol. II p.147)

"There were ten generations from Adam to Noach. This teaches how patient G-d is, for all the generations angered Him until He eventually brought a flood upon them." (Pirkei Avot, chapter 5)

R' Naftali Hertz Wiesel z"l (Germany; 1725-1805) comments: The author of this Mishnah wondered why the Torah provides the complete pedigree from Adam to Noach. Why didn't the Torah just say: "Many years passed, people sinned, and Noach was born"?

Apparently, the Torah wants to teach us a lesson. We read in the Thirteen Attributes of Mercy in Parashat Ki Tissa that G-d is patient, but we are not told how patient He is. Therefore, says the author of our Mishnah, the Torah lists all of the generations from Adam to Noach to teach that G-d's patience lasts for ten [long] generations.

There are other lessons here as well. First, we learn that G-d is patient even with those who are thoroughly evil. Our Mishnah says that G-d was patient with each of the ten generations from Adam to Noach. This implies that each was deserving in its own right to be wiped out in a flood. Yet G-d was patient with them.

Finally, we learn that G-d is patient even though this creates an appearance that evil people get away with their deeds. Although the nine generations before Noach also deserved to be flooded, as just mentioned, the members of those generations apparently died peaceful deaths in their beds. Though it may appear to us that they were not called to account for their sins, we can rest assured that that is not the case. (Yain Ha'levanon)

G-d's waiting to bring the Flood illustrates several aspects of His patience, writes R' Moshe Almosnino z"l. First, He waited for ten generations to give the people a chance to repent, i.e., he waited for the sinners' benefit. Also, He allowed them to continue sinning for ten generations while He "waited" for a suitable person (Noach) to be born who would be the seed that would re-inhabit the world after the Flood, i.e., He waited because it was in the best interests of Creation as a whole. (Pirkei Moshe)

R' Yehonasan Eyebchutz z"l - note that he died in 1764 - explains the purpose of the Tower of Bavel, which appears in our parashah, as follows: The people of that generation feared another flood, and they thought that the only safe place for them was on the moon. They knew, however, that launching a spaceship out of the earth's atmosphere was beyond their capabilities. Therefore, they decided to build a tower with its top in the heavens, i.e., near the top of the atmosphere, and

they planned to launch their ships to the moon from there. (Tiferet Yehonatan)

Shemittah

This week we begin to examine the second common halachic strategy on which many farmers in Eretz Yisrael rely to tend their orchards and fruit trees during the shemittah year. This is the "Hetter Mechirah" / the sale of the land to a gentile for the duration of the shemittah year. (Literally, "hetter" means "permission" or "release," and "mechirah" means "sale.")

The posek / halachic authority who is generally credited with formulating the Hetter Mechirah is R' Yitzchak Elchanan Spektor z"l (1816-1896; rabbi of Kovno, Russia), the leading Lithuanian posek of his time. However, the name that later became most associated with the hetter is that of R' Avraham Yitzchak Hakohen Kook z"l (1865-1935). As rabbi of Jaffa and the neighboring settlements (1904-1919), rabbi of Yerushalayim, and Chief Rabbi of Palestine (from 1921), R' Kook had numerous opportunities to address the issue, and his works Mishpat Kohen and Shabbat Ha'aretz both discuss the Hetter Mechirah at length. Among the other major poskim who supported the Hetter Mechirah were R' Kook's successors as Chief Rabbi, R' Yitzchak Isaac Halevi Herzog z"l (died 1959), and as Rabbi of Yerushalayim, R' Zvi Pesach Frank z"l (died 1960). Our discussion of the Hetter Mechirah will be based largely on the works of these three scholars.

The theory behind the Hetter Mechirah is that non-Jews are not commanded to observe mitzvot, including shemittah. Therefore, land owned by a non-Jew may be worked during the seventh year, even by a Jew. And, the sale permits the land to be worked during shemittah even if the sale is temporary, so long as it is enforceable and not a sham. Of course, farmers want to ensure that they will get their land back at the end of the shemittah. To address these competing needs, poskim developed a sales contract based on the contracts used for selling chametz. Under this contract, the non-Jew receives complete title to the land and its produce for one year and pays a deposit, with the final purchase price to be determined by experts at the end of the shemittah. The contract also provides that the buyer will allow the seller or those named by the seller to work the land, with all profits belonging to the buyer, and that the buyer will pay the workers a wage determined by the same experts. (In Mishpat Kohen, following siman 88, R' Kook reprints the contract that he sent to Baron Edmond de Rothschild in 1909.)

There are several significant issues that must be overcome by the proponents of the Hetter Mechirah, and, for this reason, many leading poskim / halachic authorities rejected the hetter. Even R' Kook wrote that the hetter was not ideal because it did not lead to shemittah observance but rather to shemittah avoidance (Mishpat Kohen, siman 63). The concerns of the opponents of the hetter and the responses of its supporters will be discussed in upcoming issues.

R' Zvi Hirsch Kalischer z"l

Born in Nissan 5555 (1795) in the town of Lissa in western Poland, R' Kalischer was a leading student of that town's rabbi, R' Yaakov Lorberbaum "Ba'al Hanetivot," and of R' Akiva Eiger. He also excelled at languages, philosophy, and various secular studies.

After refusing for a long time to accept any rabbinical position, R' Kalischer agreed to be the rabbi of his wife's hometown, Theren, but without a salary. As rabbi, he was a fierce opponent of the so-called "Enlightenment" and was able to beat back the heretics on their own ground thanks to his secular knowledge.

R' Kalischer is best known today for his leading role in encouraging the resettlement of Eretz Yisrael and for his halachic views regarding the possibility of bring sacrifices in the absence of a Bet Hamikdash. On the latter subject, he corresponded with his teacher Rabbi Akiva Eiger and with the latter's son-in-law, the Chatam Sofer, who accepted some of his views.

Regarding the settlement of Eretz Yisrael, R' Kalischer taught that the Final Redemption will come about through "natural" means. Therefore he encouraged the establishment of organizations and groups to further the goal of resettling the Land. Also, he actively lobbied leading rabbis and leading philanthropists (e.g., Montefiore and the Rothschilds) in support of settlement. Unfortunately, as Rav Meir Simcha Hakohen of Dvinsk z"l (the "Ohr Sameach") would later note in a letter, many rabbis opposed Rav Kalischer's nascent movement. (B'sdeh Hareiyah p.89)

For example, R' Samson R. Hirsch wrote to R' Kalischer in 1864, "I do not delve into G-d's mysteries [of when the Redemption will come]. All I know is that the beaten path of our ancestors is to strengthen Torah and await the Redemption." In that same letter, R' Hirsch referred to the hopeless poverty in Eretz Yisrael and to the fear that the average settler would be unable to keep the agricultural laws of the Land. (Shemesh Marpeh, No. 12)

R' Kalischer also published a number of works on various subjects including halachah, philosophy and chumash. He passed away on 5 Marcheshvan 5635 (1874).

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