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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Emor

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The Non-Jew's Korban

Rabbi Baruch Weintraub

After Parshat Kedoshim taught us how to sanctify ourselves in the different areas of life, the first half of Parshat Emor deals with the holiness of the Mikdash, those who serve in it, and the sacrifices brought therein. In this context, the Torah teaches us the prohibition against bringing a blemished animal as a korban. This law is presented in a very peculiar way: instead of simply stating that no blemished animal may be brought for a sacrifice, the Torah separates the prohibitions against bringing blemished animals for wholly-burnt offerings (*korban olah*) and for peace-offerings (*korban shelamim*) into two different passages (22:18-20, 21-22). What is the message conveyed to us through this seemingly redundant repetition?

One answer is suggested by the Seforno. (ad loc.) If the prohibition would have been written only once, we may have thought that the burnt offering was excepted, for it is given voluntarily, and therefore its laws are less strict. Alternatively, maybe peace-offerings would be the exception, due to their lower state of holiness. Therefore, the Torah specifies that both must be unblemished.

Our Sages' understanding of this parshah may hint at a different lesson. They made an interesting observation: in the verse speaking about burnt offerings, the Torah uses a double term – "A man, a man, from the house of Israel or from the strangers among Israel who offers up his sacrifice..."

Why write "a man" twice? The answer is to be found in the words of Rabbi Akiva (Menachot 73b): "A man, a man' – to include non-Jews who may vow and volunteer burnt sacrifices as Israelites can, but not peace offerings". If so, we can now understand why the Torah separated the two types of korbanot regarding blemishes: to teach us that non-Jews can only bring burnt offerings.

However, this answer is far from satisfying. After all, why would the Torah connect what would seem to be completely different issues: the ban on bringing blemished animals, and the conditions under which a non-Jew can sacrifice? The question only deepens if we note that an explicit prohibition against taking blemished sacrifices from non-Jews appears a few verses later. (22:25)

To answer these questions, we shall consider a different one: why, according to Rabbi Akiva, can non-Jews bring burnt offerings but not peace offerings? We encounter a similarly puzzling distinction when we contrast Shlomo's prayer at the inauguration of the first Beit HaMikdash, asking G-d to heed the request of the non-Jew coming from a far land (Melachim I 8:41-43), and the Jews' openly hostile rejection of the Samaritans' offer to assist them in building the second Beit HaMikdash, "It is not for you and for us to build a House for our G-d, but we ourselves shall build." (Ezra 4:2)

Our tradition, it seems, is instructing us

to walk a very fine line. On one hand, the non-Jew's spiritual effort is acknowledged and sanctified; the Torah emphasizes that his sacrifice is as holy as any other, and therefore we must ensure that it is not blemished, as our offerings are supposed to be unblemished. All nations are welcome in the house of G-d. On the other hand, we must not turn the Beit HaMikdash into a shared and combined effort. The peace offering, which represents a joint contribution of the owner, the kohen and the altar, is reserved for Jews only. As the Jews told the Samaritans, "It is not for you and for us" – we must keep our special spiritual character.

As with many other teachings of the Torah, it is easy to fall into one sweeping position: either to completely reject the ability of non-Jews to serve our G-d, ignoring both their being created in G-d's image and the reality of G-d as the creator of all, or to completely equate their relationship to G-d with ours, failing to recognize the special status of the Jewish People as "G-d's firstborn son". Our parshah challenges us to hold to a much more complex view – sanctifying the korban of others, and yet holding fast to the role of a "priestly kingdom and a holy nation".

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With Perfect Faith: Foundations of Jewish Belief

Rabbi J. David Bleich, Editor
Ktav Publishers (1983)

About the Editor

Rabbi Dr. J. David Bleich serves as a Rosh Yeshiva at Yeshiva University's Isaac Elchanan Theological Seminary. He is also the head of the latter's Yadin Yadin Kollel for training rabbinical judges. In addition, he has taught philosophy, particularly ethics, at both the undergraduate and graduate levels in Yeshiva University's various schools, and is a regular lecturer at its Cardozo School of Law. Rabbi Bleich has published prolifically on both halachah and philosophy.

Concept of the Book

Rambam's Thirteen Principles of Faith have become a foundation for Jewish philosophical discussion. However, Rambam was not the only thinker to develop a systematic approach to the bases of our beliefs and he was not the first to discuss the range of philosophical topics which relate to those thirteen principles. Furthermore, Rambam's words do not appear in vacuum; they reflect his understanding

of the physical world, the Torah, and philosophy as a whole. Therefore, any critical review of the thirteen principles needs to consider not only the basic text, deriving from Rambam's Commentary to the Mishnah, but also Rambam's other writings and the writings of other medieval Jewish philosophical thinkers. The goal of this volume is to provide the source material for just that kind of analysis.

Content, Structure, and Style

The volume opens with a general introduction from Rabbi Bleich about the value of dogma in Judaism. The first section of the book takes up this theme, including the full text of the Thirteen Principles, as well as selections from other thinkers who range from agreeing in part with Rambam's list, to rejecting the existence of "Jewish dogma" altogether. Following this are thirteen chapters, one for each principle, which include selections from other great medieval Jewish thinkers such as Rabbis Yosef Albo, Sa'adia Gaon, Yehudah HaLevi, Abarbanel, and others. Each chapter is introduced by Rabbi Bleich, who provides framing for the passages that are quoted,

explaining how they differ from, or agree with Rambam's perspective.

The book is entirely in English, making the sources accessible to those who cannot understand them in their original languages, either Hebrew or Judeo-Arabic. The only, slight, inconvenience in this regard is that the translations used for the citations are not the most up to date, meaning the English itself is somewhat stilted.

Final Thoughts

This volume is a valuable resource for anyone who seeks to move beyond the basic understanding of the Thirteen Principles towards a deeper grasp of the intellectual context in which Rambam made his dogmatic claims. Rabbi Bleich's introductions serve to tie the various sources together, offering a potential explanation of Rambam's ideas. These can serve as the basis for one's own thinking on the subject, which can be developed through a thoughtful reading of the book overall.

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Israel's Chief Rabbis: *Rabbi Benny Elon*

Yaron Perez

Rabbi Binyamin (Benny) Elon

5715 (1954) - 5777 (2017)

Chief Rabbi, Kibbutz Shluchot (1978-1982)

Rabbi Binyamin Elon's father was Rabbi Dr. Menachem Elon, a legal scholar and judge who served as Vice President of Israel's Supreme Court. Rabbi Binyamin Elon was born in Jerusalem and learned in Yeshivat Mercaz haRav; he was ordained in 1978, and he was appointed Chief Rabbi of Kibbutz Shluchot in Northern Israel. Rabbi Elon taught in Machon Meir, Ateret Kohanim and Birkat Moshe (Maaleh Adumim), among other yeshivot. In 1990, Rabbi Elon worked with Rabbi Hanan Porat to establish Yeshivat Beit Orot on Mount Scopus; he served as the first Rosh Yeshiva, for six years.

Beginning in the late 1980's, Rabbi Elon became active in opposing what would become the Oslo Accords. In 1996, he was elected to Israel's 14th Knesset, representing the *Moledet* party; he would go on to serve four terms. After Minister Rechavam Ze'evi was murdered by terrorists in 2001, Rabbi Elon was appointed to lead the party; he also became the government's Minister of Tourism. He staunchly opposed Disengagement; in 2004, Prime Minister Ariel Sharon removed his ministerial portfolio, as part of a move to acquire a majority of Cabinet votes in favour of the initiative.

In 2008, after leaving the Knesset, Rabbi Elon became the first leader of the International Israel Allies Caucus Foundation, which organizes pro-Israel lobbies in government bodies around the world, and supports pro-Israel Christian groups as well.

Rabbi Elon and his wife, author Emunah Elon, established Beit El Press, through which he personally published a commentary to Rabbi Avraham Yitzchak Kook's *Ma'amar haDor*. He also established Tov Ro'i Press, which published Rabbi Kook's commentary to the Talmud. Rabbi and Rabbanit Elon have six children; his son Uri created a popular television series, *Shtissel*.

In 2014, Rabbi Elon suffered a relapse of cancer, but he continued his public activities until his passing last Friday. In 2016, he received the Moskowitz Prize for Zionism, and an interviewer asked him, "What is the most important message you would like to convey today?" Rabbi Elon replied, "Nothing is more important than family continuity, the chain of generations that joins segment to segment in a deep Jewish, historical dimension. Each person does what he can, but an individual's time is limited unless he lives with the knowledge that he is part of the eternal Israel. Not as a cliché, but as a living experience in which I remember, at all times, that I am the child of my parents and grandparents, the father of my children and the grandfather of my grandchildren." (<http://www.inn.co.il/News/News.aspx/322746>)

May his memory be for a blessing.

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Biography

Rabbi Dr. Menachem Elon

Rabbi Mordechai Torczyner

Born in Dusseldorf, Germany, Rabbi Dr. Justice Menachem Elon was twelve years old in 1935, when his family fled Europe for then-Palestine. He studied in Yeshivat Chevron, and was ordained by Rabbi Ben-Zion Uziel and Rabbi Yitzchak HaLevi Herzog. He pursued a decades-long legal career in private practice and then at the Justice Ministry, as well as a parallel career teaching law at Hebrew University and numerous universities outside of Israel.

Rabbi Elon was appointed to Israel's Supreme Court in 1977, and in 1988 he became Vice President of the Supreme Court; he served in that role until his retirement in 1993. He was outspoken in criticizing the use of the court to promote particular agendas; he argued for "the rule of law" rather than "the rule of the judge". Justice Elon received numerous awards, including the Israel Prize (1979), the Ben-Meir Prize (1979), the National Jewish Book Award (1994) and various honorary degrees. He passed away in 2013.

Rabbi Elon and his wife Ruth produced five children; their sons Rabbi Binyamin (Benny) Elon, Judge Joseph (Sefi) Elon, and lecturer Ari Elon have made serious intellectual and social impacts in Israel. [For more on Rabbi Benny Elon, who passed away last week, see this issue's *Chief Rabbi* column.]

Rabbi Elon's best-known publication is *HaMishpat ha'Ivri*, a Hebrew work translated into English as *Jewish Law: History, Sources, Principles*. The four parts of the work, spanning nearly 1,700 pages (aside from indices and bibliographies), seek to present the path of development of Jewish law over the course of more than 3,000 years. Sections deal with the philosophy of Jewish law, the various breeds of midrash which function as source texts, the roles of *minhag* and precedent, the unique developments of each post-talmudic era, and much more. [For more on this book, see the *Book Review* column in Toronto Torah 8:11. (Vayera 5777)]

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Torah and Translation

Resorting to Non-Jewish Courts

R' Dr. Menachem Elon, *HaMishpat Ha'Ivri* pp. 13-15

Translated by Rabbi Mordechai Torczyner

ביטוי מובהק לאופיו הדתי והלאומי של המשפט העברי נמצא באיסור ההליכה לערכאות של נכרים – איסור שחכמי ההלכה ומנהיגי העם התייחסו אליו בחומרה יתרה. סמוך לחורבן הבית, כאשר צומצמה לתקופה קצרה האוטונומיה השיפוטית העברית על ידי השלטון הרומי. אנו שומעים: "תניא: היה רבי טרפון אומר: כל מקום שאתה מוצא אגוריות (=מקום אסיפות עם שבו התנהלו משפטים) של גוים, אע"פ שדיניהם כדיני ישראל, אי אתה רשאי להיזקק להם, שנאמר 'ואלה המשפטים אשר תשים לפניהם' לפניהם ולא לפני גוים. (גיטין פח:)"

קביעה זו של חכמי ההלכה, שביסודה לא רק השוני שבין החוק הנכרי להלכה העברית, אלא עצם ההיזקקות לבית-משפט נכרי, גם כאשר "דיניהם כדיני ישראל", הורתה ולידתה בשעה שעמד המשפט העברי לצאת לדרכו הארוכה והקשה של אוטונומיה שיפוטית ללא מדינה רבונית, וקביעה זו היתה לאחת מחומות המגן הבצורות ביותר לשמירת המשך קיומו ורציפותו של בית-הדין היהודי בכל תקופות הגלות. ההליכה לבית-המשפט הזר הושוותה לכפירה הקב"ה ובתורתו ולעבירה של חילול ד', "וכל הדין בדייני עכו"ם ובערכאות שלהם אף על פי שהיו דיניהם כדיני ישראל הרי זה רשע וכאילו חרף וגדף הרים יד בתורת משה רבינו..."

כאמור, חרג איסור ההליכה לערכאות מעבר להוראה הלכתית רגילה בתחום דיני ממונות, שהרי הפנייה לבית-המשפט הזר היה בה משום חתירה תחת עצם האוטונומיה היהודית. משום כך נקבע על-ידי רוב חכמי ההלכה, שבניגוד לעיקרון הכללי שכל דין שבדיני ממונות הוא בבחינת *Jus dispositivum*, ואדם מתנה על מה שכתוב בתורה, אין הצדדים רשאים להתנות ביניהם שהם מקבלים על עצמם את סמכות השיפוט של בית-המשפט הנכרי, ואם התנו כך - אין תוקף להתנאותם. ומאותם נימוקים עצמם אין להתיר ההליכה לערכאות מכח העיקרון של "דינא דמלכותא דינא".

A clear expression of the religious and national nature of Jewish Law is found in the prohibition against going to the courts of non-Jews – a prohibition to which halachic authorities and national leaders assigned special severity. Around the time of the destruction of the Temple, when the autonomy of Jewish jurisdiction was narrowed for a brief time by Roman authorities, we hear, "It is taught: Rabbi Tarfon said: Wherever you find *agoryaot* (places of communal gathering for litigation) of the nations, even if their laws are like the laws of Israel, you may not make use of them. 'And these are the judgments you shall place before them (Exodus 21:1)' – before them [the Jews], not before non-Jews." (Gittin 88b)

This rule of the sages, established not only regarding the differences between non-Jewish law and Jewish law, but vis-à-vis the act of resorting to non-Jewish courts even when "their laws are like the laws of Israel", was conceived and birthed when Jewish law stood ready to embark on its long and difficult path of judicial autonomy without political authority. This rule became one of the most powerful walls of defense for protecting the on-going, uninterrupted existence of the Jewish court system in all of the eras of exile. Going to a foreign court was equated with denying G-d and His Torah, and a transgression involving desecration of G-d's Name, "One who litigates before idolatrous judges and in their courts is wicked, even should their decisions match those of Israel. It is as though he had blasphemed and raised a hand against the Torah of Moshe our master..."

As has been stated, the prohibition against going to [non-Jewish] courts transcended normal halachic rulings in financial matters, for turning to foreign courts would undermine Jewish autonomy itself. Therefore, it was established by most halachic authorities – against the general principle that any judgment in financial matters is adopted by consent, and that one may make a condition altering that which is recorded in the Torah – that the sides may not declare a condition between themselves, accepting for themselves the judicial authority of the non-Jewish court. Should they make such a condition, their condition would not be binding. And for those same reasons, one could not permit resorting to [non-Jewish] courts as a function of the principle of "The law of the kingdom is the law".

Weekly Highlights: May 13 – May 19 / 17 Iyar – 23 Iyar

Time	Speaker	Topic	Location	Special Notes
May 12-13				
“Walking in Jerusalem” Shabbaton at Bnai Torah!				
8:15 AM	R' Mordechai Torczyner	City of Miracles	Bnai Torah	
After musaf	R' Mordechai Torczyner	Surrounded by Walls	Bnai Torah	
6:40 PM	R' Jonathan Ziring	City of Seeing and Peace	Bnai Torah	<i>For Women</i>
7:25 PM	R' Jonathan Ziring	Forcing a Spouse to Move to Jerusalem?	Bnai Torah	
Seudah shlishit	R' Jonathan Ziring	A City Never Divided	Bnai Torah	
8:50 AM	R' Jonathan Ziring	Parshah	BAYT	<i>Turk Beis Medrash</i>
After hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
After minchah	R' Mordechai Torczyner	Gemara: Bowing to a Beast	BAYT	<i>Simcha Suite</i>
Sun. May 14				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	
9:15 AM	R' Shalom Krell	Book of Shemuel II	Associated North	<i>Rm. 206; Hebrew</i>
10:00 AM to 11:20 AM	Mrs. Yael Gelernter R' Jonathan Ziring	Including Hashem in Respecting Parents and Self Reverence, Awe and Love of Parents	Midreshet Yom Rishon Bnai Torah	<i>For women Light Refreshments</i>
Mon. May 15				
7:00 PM	R' Mordechai Torczyner	Legal Ethics with CPD: Disqualification for Personal Misconduct	Shaarei Shomayim	<i>Laypeople welcome</i>
7:00 PM	Adam Friedmann	Jewish Philosophy	Terraces of Baycrest	
8:30 PM	Adam Friedmann	Gemara Arvei Pesachim	Clanton Park	<i>Men</i>
Tue. May 16				
1:30 PM	R' Mordechai Torczyner	Ezra: Ezra Arrives	Shaarei Shomayim	
Wed. May 17				
10:00 AM	R' Mordechai Torczyner	Jewish Love, Week 3: Divorce	Beth Emeth	<i>There is a fee; info@torontotorah.com</i>
12:30 PM	R' Mordechai Torczyner	Modern Markets 2: Overpriced Contractors	Zeifmans LLP 201 Bridgeland Ave	<i>Lunch served; RSVP to rk@zeifmans.ca</i>
2:30 PM	R' Jonathan Ziring	Narratives of Vayikra	carolleser@rogers.com	
8:00 PM	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
8:45 PM	Yaron Perez	Parshah: הפרשה ואני	Shaarei Shomayim	
Thu. May 18				
1:30 PM	R' Mordechai Torczyner	Shoftim: The Plishtim	49 Michael Ct.	<i>For Women</i>
Fri. May 19				
10:30 AM	R' Jonathan Ziring	Ribbit	Yeshivat Or Chaim	<i>Advanced</i>
<p><i>This week, our Men's Beit Midrash for University Students at Yeshivat Or Chaim offers:</i> Sunday 10:00 AM Gemara Chullin, Rabbi Aaron Greenberg Sunday 11:00 AM Kuzari, Rabbi Elan Mazer Tuesday 8:30 AM, Nefesh haChaim, Rabbi Jonathan Ziring Friday 8:30 AM, Yeshayah, Rabbi Mordechai Torczyner</p>				
<p><i>Our Women's Beit Midrash for University Students at Upanat Orot offers:</i> Monday 9:30 AM to Noon, Middot haNefesh through Chassidut, Mrs. Elliezra Perez Tuesday 9:30 AM to Noon, Gemara Chullin / Hilchot Kashrut, Mrs. Ora Ziring Wednesday 9:30 AM to Noon, Hilchot Bein Adam laChaveiro, Mrs. Ora Ziring Thursday 9:30 AM to Noon, Netivot Shalom on the Parshah, Mrs. Elliezra Perez</p>				