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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Chukat

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Appreciating our Shield

Yaron Perez

In our parshah, the Jews complain of a lack of water and bread; as a result, many people die of snakebite. The Torah does not explain why the Jews were punished, and why their punishment came via snakes, specifically. The confusion becomes even stronger when we recall the previous incident recorded in the Torah. Then, the Jews had complained that Moshe was trying to kill them with thirst – and the nation was not punished at all. Indeed, they received the water they had sought!

Ralbag (Bamidbar 21) explains that in the earlier story, the Jews complained due to a legitimate lack of a basic need: water. Consequently, their complaints against Moshe, however harsh, were forgiven due to the strain and fear under which they operated. In the second story, though, the Jews were actively seeking cause to complain; Ralbag deduces this from the fact that neither bread nor water were sent in the end, and yet they continued on their journey without protest once the snakes were quelled. Ralbag's explanation fits, but we must then ask: why were the Jews looking to complain?

Rabbi Samson Raphael Hirsch comments on the record of the Jews' complaint in Bamidbar 21:5, "For there is no bread, and no water' cannot wish to say they lacked these necessities of life, for they immediately admit they did have bread but they missed food and drink in the ordinary human way. The effortless, though miraculous, provision of both had become humdrum to them, the

monotonous special provision by G-d's Grace repeated daily for forty years had become something quite ordinary."

Within this view that the Jews had come to take Divine miracles for granted, what was the goal of sending serpents? As is his wont, Rabbi Hirsch sees here an educational lesson. Describing how G-d sent the snakes, Bamidbar 21:6 uses the term "vayishalach". Per Rabbi Hirsch, the more common term *vayishlach* would have meant "And He sent serpents", but *vayishalach* means that G-d did not halt the serpents, but He only allowed them to travel their normal path. There was no act of aggressive punishment, only an absence of protection from existing dangers.

The Jewish people denied Divine kindness because of all the miracles that G-d had performed for them; He had deflected all threats to the point that the nation was no longer aware of the threats themselves. Now, G-d removed the miraculous protection, with the goal of teaching them a lesson as they would see and feel the result of losing Divine protection. Thus, Bamidbar 21:6 says that "the snakes" arrived – the snakes which had been present, waiting, all along.

Having quickly learned the meaning of Divine protection and its withdrawal, the Jews acknowledged their sin and beseeched G-d to remove the snakes. (Bamidbar 21:7) G-d commanded Moshe to place a copper snake atop a tall pole; all who had been bitten were to look at this model snake, and live. Again, Rabbi Samson Raphael Hirsch

sees an educational message: "One who had been bitten had only to fix the image of a serpent firmly in his mind, so that he realises that even when G-d's gracious power will again keep the serpents at a distance, he will remember that the danger is still in existence, dangers that daily and hourly the special care of G-d lets us escape quite unconsciously. So that every breath we take in our life is made into a fresh gift from G-d's might and goodness."

Rabbi Hirsch concludes his comments with a practical lesson for each of us: "Nothing is so thoroughly calculated to conciliate us in the everyday disappointments in life which so easily sting us to impatience – every big prize in the lottery which G-d has failed to let us win – [than] to mix them with the exalted feeling of G-d having saved us, and the joy of being granted a new life, than the conviction of the abyss on the narrow edge of which the whole path of our life treads, which the loving Hand of G-d veils from what would be our giddy sight, and with the eagles' wings of His strength and His goodness He carries us across. We would bless G-d, who gave us all good, etc."

[Note: All English citations of Rabbi Hirsch are taken from the Levy edition of Rabbi Hirsch's Commentary to Chumash. However, the last citation, as it appears in the Levy edition, appears to contain errors. It has been edited based on the Hebrew edition of Rabbi Hirsch's Commentary.]

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***Nehemiah: Statesman and Sage*
Dov S. Zakheim
Maggid Press, Koren Pub. (2016)**

About the Author

By training, Dr. Dov Zakheim is a political scientist, with a degree from Columbia University and a D.Phil. from Oxford. Professionally, he is an accomplished American government official, having held senior positions in the Department of Defense in the Reagan and Bush (Jr.) administrations. And he is also a serious student of Torah, professing rabbinical ordination by Rabbi Shmuel Walkin. Dr. Zakheim seeks to blend all three aspects in his essays on the life of Nehemiah.

About Nehemiah

Nehemiah, a high-ranking member of the Persian court, came on the scene after the Persians had licensed the Jews to re-build the Beit haMikdash. When Nehemiah heard that the Jerusalem colony was failing, he pleaded with the Persian king to empower him to journey there and set affairs in order. The king acceded, and the book of Nehemiah tells of his attempts to defeat threats to both Jerusalem and Judaism.

About this Book

As Dr. Zakheim writes in his preface, he has long seen Nehemiah as a model for his own government role. More, as he

progressed in his career Dr. Zakheim felt that his experiences gave him special insight into Nehemiah's actions. "While lecturing on Nehemiah as a senior Jewish official in the government of the world's only superpower, I found that my experience enabled me to offer my audience a special perspective on the challenges that Nehemiah confronted, the way he dealt with them, and the politics of governance." (pg. x) In *Nehemiah: Statesman and Sage*, Dr. Zakheim brings that special perspective to bear.

Tracking the order of the biblical book, each chapter of *Nehemiah: Statesman and Sage* offers historical background, and commentary from traditional religious sources as well as secular writers. For example: In discussing Nehemiah's approach to the Persian king, the author notes contemporaneous Middle Eastern revolts, quotes Rashi's comments on Nehemiah's thought process, and puts forth the view of secular authors that Nehemiah made use of "the sympathy and respect for ancestral tombs that was universal in the Middle East at the time." However, Dr. Zakheim's clear central interest is in offering parallels to modern affairs; in this chapter, he identifies a link to the plight of British

Jews in the 1930's and 1940's, and he discusses the nature of goodwill offers of aid from powerful countries.

Two Notes of Caution

1. The book is well-researched, but small errors have crept into the work. Examples include misidentification of the author of *Metzudat David* (pg. 18) and an erroneous description of Ezra's hair-tearing (Ezra 9:3) as a response to Jewish failure to honour promises regarding intermarriage (pg. 71).

2. Fortunately for the curious reader, Dr. Zakheim presents as an autodidact, following diverse views rather than a single, narrow discipline. For example, he sides with the traditional view of the events of Ezra 4, claiming that the Samaritans halted Judean progress in Ezra's day, not during Nehemiah's time. (pg. 18) Later, he sides with the secular view that the governor of Judea when Nehemiah arrived was not Jewish. (pp. 42-43) Still later, he rejects traditional and secular views on lack of cooperation with Nehemiah by Tekoan nobles, offering his own political insight. (pg. 83) These conclusions fit the overall narrative of Dr. Zakheim's book, but this reviewer would prefer to see either consistency, or explicit justification for the author's choices.

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Rabbi Yitzchak Yosef

b. 1952

Sephardic Chief Rabbi of Israel, 2013-

Rabbi Yitzchak Yosef is the sixth son of Rabbi Ovadiah Yosef, the former Chief Rabbi of Israel. He studied in Sephardi yeshivot, such as Porat Yosef, and has followed his father's methodology in adjudicating Halachah. However, he also studied in the Ashkenazi Yeshivat Chevron, and he incorporates some of the Ashkenazic methodologies into his learning as well.

He has served in many positions over his career. In 1973, he founded Kollel Chazon Ovadiah with his father, received his ordination as a rabbi and judge with its first graduating class, and was subsequently named the Rosh Yeshiva. He later expanded the yeshiva to include a high school. He has served as Rabbi of the towns of Nes Harim and Mata, and is currently the Sephardi Chief Rabbi of Israel, having begun his ten-year term in 2013.

Halachic Legacy

Much of Rabbi Yosef's scholarly effort has been devoted to publicizing his father's halachic positions and cementing his legacy. His most prominent contribution is his encyclopedic *Yalkut Yosef*, a many-volume set which summarizes the halachic positions of his father on large parts of *Shulchan Aruch*. He has similarly published a *siddur*, *Chazon Ovadiah*, also based on his father's rulings, ensuring those rulings would be disseminated widely. He has also published about

twenty other works on various topics, ranging from the laws of conversion to those of shemita. Of note is his *Ein Yitzchak*, a three-volume set that explores the principles of halachic adjudication. Most recently, he published two volumes of responsa issued during his tenure as Chief Rabbi (*Shut Rishon L'Tzion*), and a compilation of lectures he has given over the last few years (*Ha-Shiur Ha-Shevu*).¹

He is generally understood to follow his father's approach to halachah, both in terms of the prominence he gives to Sephardi precedent, especially the positions of Rabbi Yosef Karo (and Rabbi Ovadiah Yosef), as well as his commitment to espousing lenient positions that make halachic observance less challenging.

He has weighed in on a wide range of halachic issues. After many parents refrained from vaccinating their children with the polio vaccine, he issued a ruling, along with Ashkenazi Chief Rabbi Dovid Lau that it is obligatory to vaccinate children. Regarding conversions performed in the army, he refrained from either offering a rejection or wholesale acceptance, rather offering a compromise position. He supports the celebration of Yom Yerushalayim and showing appreciation to the soldiers who gave their lives in the army, arguing that this should not be a factional issue and should be accepted across the board. He opposes women entering the army or national service, a position that has generated much political controversy.

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Biography
Rabbi Ephraim Navon
Rabbi Baruch Weintraub

Rabbi Ephraim Navon was born in 1676, in Istanbul. Not much is known about his youth, but we do know that in 1700, when he made his way to Jerusalem, his great Torah knowledge caused the sages of Jerusalem to honour him and celebrate his coming despite his tender age.

Rabbi Ephraim stayed in Jerusalem, absorbed in Torah study for ten years, focusing mainly on the Talmud, Rambam and Beit Yosef. While he lived there, the situation became desperate as the Ottomans demanded more and more taxes and fines. From time to time, Jews were also physically attacked. Eventually, Rabbi Navon had no other choice but to leave the holy city and the land of Israel. At first, he left as a *Shadar* (an emissary to collect money) for Jerusalem's remaining Jews, but after two years of wandering in the Balkans he found himself back in his place of birth, Istanbul. There, he was convinced to stay by the city's chief rabbinical judge Rabbi Yehuda Rosanes (author of *Mishneh LaMelech*), who gave him a teaching position. Later, when Rabbi Rosanes himself passed away, Rabbi Ephraim took his place as the city's Chief Rabbi.

Rabbi Ephraim dedicated his time to teaching his students, and to writing a work of halachic analysis which would become his magnum opus, the *Machaneh Ephraim*. He himself did not merit to see the publication of the book, as he passed away in 1735 before he could complete it. However, on his deathbed he asked his son, Rabbi Yehudah Navon, to complete the work on the book and print it. The son followed his father's request, and the book became one of the essentials for any serious, deep yeshiva learning – and so it is to this day. The book revolves mostly around interpretation and intensive study of Rambam's *Mishneh Torah* code of law. The book's clear and logical approach served as a precursor to the system of analytic learning which would be developed in Eastern Europe a century later.

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Torah and Translation
Holiness Achieved Via the Body

Rabbi E. Navon, Machaneh Ephraim, Laws of Tzedakah 10
Translated by Rabbi Baruch Weintraub

שאלה: ראובן שהתנדב סך מה כדי שילמדו עשרה ת"ח בישיב' למנוחת נפשו ונתנם ביד שמעון אפטרופוס שלו והנה ראובן הלך לבית עולמו. ועתה שמעון האפטרופוס שלו לשאול הגיע דבמקום אשר צוה ראובן לקבוע הישיבה ליכא אינשי דידעי בלימוד הגמרא וזה האפטרופוס רוצה לקבוע במקום דידעי בלימוד הגמרא. יורנו המורה אם יש לחוש משום שינוי דעת המתנדב או לא ושכמ"ה:

תשובה: הגם כי לעת כזאת גולה אני ממקומי וספרי אינם אתי, אמרתי אכתוב רובי תורת תורה שבע"פ ממה שרשום בזכרוני. ואען ואומר דהנה בענין שינוי ההקדשות יש לאסור מחדא מתלת:

ה' משום דאסור לשנות מדעת הבעלים המתנדבים אותו זולת היכא דבא לשנותו לעלוייא.

הב' דאפילו היכא דשרי לשנותו היינו היכא דליכא אכחושי מצוה, אבל אי איכא אכחושי מצוה לא.

ויבא הג' דלפעמים אינם יכולים לשנותו כלל ואפי' למצוה דעדיפא מינה, והוא היכא דהוקדש זה הממון לעניים ידועים ומטא ליד גבאי, דכיון דמטא ליד גבאי כבר זכו בו אותם העניים ונעשה ממון שלהם...

ולפי מ"ש יראה דבנ"ד נמי ליכא למיחש משום שינוי דעת המתנדב כיון דבמקום שצוה הוא לקבוע הישיבה ליכא אינשי דבקיאי בלימוד הגמרא וזה האפטרופוס רוצה לקבוע במקום דבקיאי בלימוד הגמרא, דטבא ליה קא עביד לי', וכדאמרין: גמרא אין לך מדה גדולה הימנה. ואנן סהדי דאלו הוה ידע המצוה כל כי האי גוונא לא הוה אמר הכי... ומה גם אם קובע אותה בארץ ישראל דאיכא אומדנא רבה דמינח ניחא ליה דהכי רגילי רובא דאינשי לקבוע גזבר בארץ ישראל למנוחת נפשם...

A question: Reuven donated a sum for ten Torah scholars to study in a yeshiva for the peace of his soul. He gave the money to Shimon, who was his executor. Then, Reuven passed away. Now, Shimon, his guardian, has come to inquire, for in the place where Reuven instructed to establish the yeshiva there are no people who know how to learn gemara. So, the guardian wants to establish the yeshiva in a place where people are skilled in studying gemara. Our teacher shall instruct us whether we should fear veering from the donor's intent or not. May his honour be rewarded from Heaven.

Answer: Although I am currently abroad and my books are not with me, I will still write much of my Torah without a text, from what is written in my memory. So, I will declare and say that regarding changing what had been dedicated, it may be prohibited because of any one of these three [reasons]:

First, because one may not veer from the donor's intent, unless it is for the better...

Second, because even when a change is allowed, that is only if no mitzvah would be diminished, but if a mitzvah would be diminished then one may not do it.

And the third [reason] comes forth, that sometimes one may not change it even for a better mitzvah, and that is when the money was dedicated for specific poor people, and was already given to the collector. Once it came to the collector, it immediately belonged to these poor people and became their money...

Based on what I have written, it seems that in our case there is also no reason to fear veering from donor intent, for in the place he instructed to establish the yeshiva there are no people who are skilled in studying gemara, and so the executor wishes to set it in a place where they are skilled in studying gemara. This is doing what is better for [the donor], as it said (cf. Bava Metzia 33a), "Gemara – there is nothing better than it." We can testify that if he who instructed this would have known that, he would not have said as he did... Even more so if the yeshiva will be set in the Land of Israel, for there is great reason to believe that he (=Reuven) would be comfortable with that, as most people are wont to establish funds in the Land of Israel for the peace of their souls...

In the stories of Tamar (Bereishit 38) and Ruth (Ruth 3-4), the Torah describes widows marrying male relatives of their childless husbands as part of a rite which Ibn Ezra (Devarim 25:5) and Ramban (Bereishit 38:8) name *geulah*. This is a forerunner of the Torah's law of *yibbum*, described in Devarim 25:5-10.

As Sefer haChinuch explains, there are three mitzvot involved:

- For a woman whose husband dies without children to marry a brother of his in the rite of *yibbum* (Mitzvah 588);
- For the widow to perform the rite of *chalitzah* severing her bond with her brother-in-law if they will not marry (Mitzvah 589); and
- For the widow not to marry anyone else before performing *yibbum* or *chalitzah* (Mitzvah 587).

There are many layers to the mitzvah of *yibbum*. While it may be seen as guaranteeing the socioeconomic security of the widow, *yibbum* also involves perpetuating the name of the deceased husband (Seforno and Rabbi S. R. Hirsch Devarim 25:6), or even reincarnating the soul of the deceased brother (Zohar Bereishit pg. 92a). It is worth

noting that the Torah's statement that the brother-in-law's son shall be "called with the name of the deceased" is not taken literally; it refers to taking over the estate of his uncle. (Yevamot 24a)

The ideal would be for the widow and brother-in-law to perform *yibbum*. However, neither one is compelled to go through with this (Yevamot 4a), and our practice is to follow the talmudic view that in our own day, *chalitzah* is the ideal. (ibid. 39b)

Because Mitzvah 587 prohibits the widow from marrying anyone other than her brother-in-law prior to *yibbum* or *chalitzah*, a recalcitrant brother-in-law could render her an *agunah* by refusing to perform either one. In 1980, Rabbi Yitzchak Yedidiah Frenkel and Rabbi Moshe Feinstein freed such an *agunah* by arguing that she would not have married her husband had she known that she would be required to wait for *yibbum* or *chalitzah* from his anti-religious brother. (Igrot Moshe Even haEzer 4:121)

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Weekly Highlights: July 1 – July 7 / 7 Tammuz – 13 Tammuz

Many of our classes are now on hiatus for the summer, but opportunities remain!

Time	Speaker	Topic	Location	Special Notes
שבת Jun. 30-Jul. 1				
After hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah: Why does G-d let idols exist?	BAYT	Simcha Suite
Sun. July 2				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Not this week
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	
9:15 AM Breakfast 9:30 AM Learning 10:30 AM Shiur	Adam Friedmann	Canada Day Yarchei Kallah: How Should Canadian Jews Express Our Patriotism?	Yeshivat Or Chaim	Please RSVP at www.torontorah.com/yk or info@torontorah.com
Mon. July 3				
7:00 PM	Adam Friedmann	Jewish Philosophy: The Lonely Man of Faith	Terraces of Baycrest	Open to the public
8:30 PM	R' Mordechai Torczyner	Frontiers in Biotech 2: The Artificial Heart	Shomrai Shabbos	For men
Tue. July 4				
8:30 AM	R' Jonathan Ziring	Nefesh haChaim	Yeshivat Or Chaim	University men
8:00 PM	Adam Friedmann	Gemara Arvei Pesachim	Clanton Park	For men
Wed. July 5				
10:00 AM	R' Jonathan Ziring	Jews and Politics 3 of 4: The Jewish Lobby	Yeshivat Or Chaim	
8:00 PM	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
Thu. July 6				
1:30 PM	R' Mordechai Torczyner	Shoftim: Shimshon	49 Michael Ct.	For women
Fri. July 7				
8:30 AM	R' Mordechai Torczyner	Yeshayah	Yeshivat Or Chaim	University men
10:30 AM	R' Mordechai Torczyner	Ribbit	Yeshivat Or Chaim	