

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Balak

14 Tammuz, 5777/July 8, 2017

Vol. 8 Num. 41

This issue of Toronto Torah is dedicated by Rabbi Dr. Moshe & Esty Yeres

on the *yahrzeit* of their daughter Batsheva a"h (9 Tammuz) לעילוי נשמת בתשבע בלימה בת הרב משה יוסף הלוי ואסתר
and on the *yahrtzeit* of Rabbi Yeres' mother Shaindy Yeres a"h (15 Tammuz) לעילוי נשמת חיה שיינדל בת אלכסנדר הלוי

Ignorantia Juris Non Excusat

Rabbi Mordechai Torczyner

In both Jewish and secular courts, ignorance of the law is no excuse; prisons around the world are filled with inmates whose defense of "I didn't know" was rejected. Did Bilam truly think to excuse his attempt to curse the Jews by saying, "*Chatati ki lo yadati*," "I transgressed because I was ignorant"? (Bamidbar 22:34) Further, G-d told Bilam explicitly not to cooperate with Moav (ibid. 22:12), and G-d reiterated opposition in a second conversation (ibid. 22:20)!

Ignorance Is No Excuse

The *Sh"lah* (Rabbi Yeshayah HaLevi Horovitz) contended that Bilam did not claim innocence; rather, Bilam meant to acknowledge guilt. "*Chatati ki lo yadati*" should be translated, "I transgressed in that I was ignorant." Ignorance was not a mitigating factor; it was the sin itself. (*Sh"lah* Balak 21)

Torah law certainly views ignorance as sin, rather than excuse. One who violates Shabbat and claims to have been unaware of the law must still bring a sin offering. (Shabbat 68b, 72b) One who damages property, even while sleeping, must pay. (Moed Katan 26a) And a non-Jew who claims ignorance of the Noachide laws as well. (Rambam, Hilchot Melachim 10:1) [See Encyclopedia Talmudit *omer mutar* regarding the *tinok shenishbah*.]

A Duty to Investigate

Classically, two secular arguments have been brought to explain why ignorance of the law is no excuse:

- Philosophical - Law emerges from natural logic, and anyone should be

able to assess whether a course of action is illegal. As Cicero wrote, "There is a true law, a right reason... Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience." (*On the Republic*, Barham tr. Pg. 270) [And see Rabbi Saadia Gaon, HaEmunot v'haDeiot 3.]

- Practical - Society could not police criminal behaviour if wrongdoers could escape justice by claiming ignorance. As British solicitor Alfred Polak wrote, "Were the position otherwise, it is obvious that the law could be flouted indiscriminately; an offender taking care to ensure that he did not make himself cognizant with the law." (*Mens Rea in Statutory Offences*)

The philosophical argument is limited, though, to laws traceable to logic. The practical argument is limited, as well, to laws which are reasonably publicized. However, the *Sh"lah* brings a third, religious argument: "If a person should have known and understood, and he did not, then he is liable. **This is why G-d gave him an intellect - to gain insight and comprehension...** One must always analyze, comprehend, and see that he cause no harm." We are duty-bound to become educated, as well as to think independently and actively, to determine right behaviour.

We may see a precedent for the *Sh"lah's* position in the words of the Rambam, explaining why a non-Jew is liable for

murder even if he does not know Noachide law: "This is not considered an 'error', for he should have learned and he did not learn." One may even see this expectation of learning and thought in the original, open-ended Divine expectation that humanity should multiply, fill the land and settle it. The lack of specific guidance implied that we should employ study and intelligence to establish the rules. Human ken will never override Divine Revelation, but the human mind is surely the best tool we have for applying it.

The Challenge

Unfortunately, we often fail to investigate. At times we are greedy, like Bilam. At times we are lazy; thinking requires energy. As Professor Daniel Kahnemann noted, "The nervous system consumes more glucose than most other parts of the body, and effortful mental activity appears to be especially expensive in the currency of glucose." (*Thinking, Fast and Slow* pg. 43) And at times we are blinded by ideals; consider the zealots who burned the storehouses of besieged Jerusalem to incite rebellion against the Romans two thousand years ago. (Gittin 56a)

But ignorance, whatever its motivation, is still no excuse. Rather than end up saying "I transgressed in that I was ignorant," let us follow the counsel of the *Sh"lah*, "to analyze, comprehend, and see that [we] cause no harm." Then we will be able to proudly declare before G-d, *Yadanu*, We do know, and we have chosen the right path.

torczyner@torontotorah.com

OUR BEIT MIDRASH

ROSH BEIT MIDRASH

RABBI MORDECHAI TORCZYNER

SGAN ROSH BEIT MIDRASH

RABBI JONATHAN ZIRING

AVREICHIM

ADAM FRIEDMANN, YARON PEREZ

CHAVERIM MICHAEL IHILCHIK, SHIMMY JESIN, BJ KOROBKIN, ZACK MINCER, KOBI NAUENBERG, MERON NEMIROV, JOSH PHILLIP, MORDECHAI ROTH, DAVID SUTTNER

WOMEN'S BEIT MIDRASH

MRS. ORA ZIRING, MRS. ELLIEZRA PEREZ

CHAVEROT YAKIRA BEGUN, NOA BORDAN, MAYTAL CUPERFAIN, MARA FINKELSTEIN, MIRA GOLDSTEIN, KAYLA HALBERSTADT, LEORA KARON, RIVKA SAVAGE, KAYLA SHIELDS, ARIELA SNOWBELL, SARAH WAPNER, MIRIAM WEISS



**YESHIVA UNIVERSITY
TORAH MITZION
BEIT MIDRASH**

Find our upcoming shiurim on-line at
www.torontotorah.com

We are grateful to
Continental Press 905-660-0311

Books of the People: Revisiting Classic Works of Jewish Thought
Maggid Books, 2017
Ed. Dr. Stuart W. Halpern

About the editor

Dr. Stu Halpern serves as the Assistant Director of the Zahava and Moshael Straus Center for Torah and Western Thought of Yeshiva University, the Assistant Director of Community Outreach and Student Activities of the Bernard Revel Graduate School of Jewish Studies, and the Deputy Managing Editor of YU Press. He has been the Transition Chief of Staff for the new President of Yeshiva University, Rabbi Dr. Ari Berman. He is the editor or co-editor of 12 books.

The Goal of the Book

As Rabbi Jonathan Sacks notes in his Foreword, “Jewish sense and sensibility... is bound to a book.” Jews contextualize their experience through Torah, and many thinkers throughout the ages have devoted themselves to developing systematic philosophies. The goal of this volume is to reexamine classic works of Jewish philosophy with an eye towards highlighting their

contemporary relevance and resonance.

The book brings together twelve eminent scholars, rabbis and professors, to summarize the central contributions, analyze the arguments, and tease out the meaning of classic thinkers for modern Jews. The book casts a wide net, studying philosophical philosophers from the Medieval rationalists such as Saadia Gaon and Rambam, to Chassidim such as Rabbis Nachman of Breslov and Shneur Zalman of Liadi, as well as Rabbis Yehuda HaLevi, Yosef Albo, Avraham Yitzchak Kook, Joseph Soloveitchik, Samson Raphael Hirsch, Yitzchak Hutner, and Maharal. Each essay begins with a biographical sketch of the thinker and a survey of their writings. Some of the essays then try to summarize central themes from throughout the thinker’s works, while others focus on a specific idea that the thinker contributed to Jewish thought.

What Counts as Jewish Philosophy?

In this reviewer’s opinion, one of the most critical decisions by the editor was to include an article by Rabbi Dr.

Gil Perl on the thought of Rabbi Naftali Tzvi Yehuda Berlin, the Netziv. That essay begins with a section entitled “The Case for Inclusion”, where Perl argues cogently that it would be a grave error to limit our idea of what counts as “Jewish Philosophy” to that contained in systematic works of philosophy such as Moreh Nevuchim or Emunot V’Deiot. As “Jewish Philosophy” is really “philosophy of Judaism” (see page 211 from Daniel Frank), it must be recognized that many scholars have said profound things about Torah and Judaism when not writing systematics works. For example, commentators on the Torah, who saw Torah as the source of the Jewish worldview, clearly thought their comments should help shape the way in which Jews would view the world. To a lesser extent, the inclusion of an article about the stories of Rabbi Nachman of Breslov also emphasizes that Jewish philosophy can be found in a wide spectrum of writings. These articles provide examples of how such texts can be mined for “philosophical ideas” and can act as models for other such studies.

jziring@torontotorah.com

Israel’s Chief Rabbis: Rabbi Yaakov Landa

Rabbi Baruch Weintraub

Rabbi Yaakov Landa
1893 Kurenich, Russia – 1986 Bnei Brak
Chief Rabbi of Kurenich, 1913 - 1933
Chief Rabbi of Bnei Brak, 1936-1986

Life

Rabbi Yaakov Landa was born in 1893 in Kurenich, then a city in Russia (now Belarus), scion of a family of Chabad Lubavitch chasidim. His father, Rabbi Moshe Yehudah Leib Landa, was the city’s Rabbi. After his father’s passing in 1913, Rabbi Landa was appointed by the Lubavitcher Rebbe of the time, Rabbi Shalom Dovber Schneersohn, to replace his father. Rabbi Landa was very close to the Rebbe, and years later, when the last Lubavitcher Rebbe wanted to know how Rabbi Shalom Dovber had ruled on a particular issue, he asked Rabbi Landa.

In his capacity as a Chabad Rabbi, Rabbi Yaakov Landa built two important institutions, a move later adopted by many other Chabad Rabbis. First, he opened a mikvah in accordance with the halachic positions of the Lubavitcher Rebbe. Second, he opened a yeshiva for people returning to Torah observance. These two steps represented the dual efforts which characterized the young and energetic rabbi – an aspiration to achieve the greatest adherence to any halachic stringency, and attention to the needs of common people.

Unfortunately, as the Communist Revolution progressed, persecution of teachers of Torah increased and it became more dangerous to remain in Russia. Thus, armed with the Rebbe’s blessing, Rabbi Landa set out in 1934 for the Land of Israel. He was recognized immediately as a giant Torah

scholar, and after a short period as the Rabbi of Ramatayim – a small settlement in the Sharon – he became the Chief Rabbi of Bnei Brak, then just a ten-year old settlement of about 3,000 people.

Legacy

As the Rabbi of Bnei Brak, Rabbi Landa faced a difficult challenge: uniting its citizens, members of different chasidic groups and non-chasidic Lithuanians, under one rabbinic authority. An additional complexity was that the city was home to many other great Torah scholars, such as the Chazon Ish and the Viznitzher Rebbe – whom Rabbi Landa had to make sure would not openly oppose his rulings.

Miraculously, Rabbi Landa was able to hold all of the different sects together. Combining his great command of halachah and unique personal charisma, and proving himself to be completely dedicated to advancing the religious and spiritual level of the city, he succeeded. He devoted himself to a variety of issues, from the Eruv to *shechitah* to tithing *terumot* and *maasrot* and the *kashrut* of Coca-Cola. Rabbi Landa’s kosher certification was the only one used by all Jews in Bnei Brak, and by almost any Jew in Israel.

Unfortunately, this special unity was held by the force of Rabbi Landa’s personality, and immediately following his death at least two new *kashrut* organizations were established. Nonetheless, Rabbi Landa gave us all an example of how Jews from very different backgrounds and associations can join forces for the sake of a better religious and halachic outcome.

bweintraub@torontotorah.com

Biography
Rabbi Avraham Danzig
Adam Friedmann

Avraham Danzig was born in 1748 in Danzig, Germany, to a line of rabbinic figures. At age fourteen, Avraham was sent to study with Rabbi Yechezkel Landau (*Noda B'Yehuda*) and Rabbi Joseph Lieberman at the yeshiva in Prague. Proving himself an able student, he left the yeshiva four years later with a *Haver* certificate testifying to his abilities in talmudic analysis. After leaving yeshiva he settled in Vilna, Lithuania, where he was offered the post of Rabbi. Rabbi Danzig's firmly held belief was that one should not accept payment for a rabbinic position. He therefore became a merchant instead, making the long trek from Lithuania to trade fairs in Germany to earn a living. Only much later in life, when an explosion wiped out most of his possessions (see translated selection), did he accept remuneration for his communal activities.

In 1794, Rabbi Danzig began to serve as *Dayan*, a rabbinical court judge, in Vilna. At this time, he was also producing his earliest published works. He published *Chayei Adam* and *Nishmat Adam* in 1810, followed by *Chochmat Adam* and *Binat Adam* in 1814. These volumes address, respectively, the topics dealt with in the first two volumes of Shulchan Aruch, namely Orach Chaim and Yoreh Deah. *Chayei Adam* and *Chochmat Adam* are concise works, representing the final conclusions of Rabbi Danzig's halachic analysis. The companion works of *Nishmat Adam* and *Binat Adam* include a thorough presentation of various developments in halachic literature between the time of the Shulchan Aruch's publication and Rabbi Danzig's own writing. The greatness of these works lies in the author's ability to systematically sift through the material and present a final analysis in clear language. *Chayei Adam* became popular in its author's lifetime with many reprintings. All of Rabbi Danzig's halachic works became important sources for subsequent halachic decisors.

In addition to his halachic works, Rabbi Danzig produced, among other things, a commentary on the Haggadah called *Toldot Adam* and an ethical work entitled *Beit Avraham*. He passed away in Vilna in 1820.

afriedmann@torontotorah.com

Torah and Translation
A Family Holiday
Rabbi Avraham Danzig, Chayei Adam Vol. II-III 155:41
Translated by Adam Friedmann

מי שאירע לו נס, וכל שכן בני עיר, יכולין לתקן בהסכמה עליהם ועל הבאים אחריהם לעשות אותו יום לפורים. ונראה לי דאזתה סעודה שעושין בשביל הנס, היא סעודת מצוה...

וכן אנו עושים על הנס שנעשה לנו בשנת תקס"ד, אור ליום ט"ז כסליו, שהיתה הריגה בחצר שאני דר בו מחמת הבערה שיצאה ללהב מן פולווער (אבק שריפה) ונפלו כמה בתים בחצר וגם בית אחד שלי. ומחדר שהיו שם כל בני ביתי, נפל ב' חצי חומות וקורה אחת.... אין אחד שלא יצא מהם על כל פנים איזה טיפות דם. וד' יתברך ברחמי וחסדיו חשב לנו הדם כקרבתן לכפר, והצילנו ונשארנו כולנו בחיים. אף שהיה לי היזק גדול כמה מאות אדומים, החליף ד' יתברך בחסדיו דמים לדמים. וזולתנו נהרגו בעונותינו הרבים בחצרי ל"א נפשות....

ולמען ספר נפלאות ד', כדכתיב [תהילים קיא:ד] "זכר עשה לנפלאותיו", קבלתי עלי ועל זרעי בלי נדר יום ט"ז כסליו, אחר שהוא בלאו הכי במדינתנו בהרבה קהלות יום תענית לחברא קדישא גומלי חסדים, לעשותו כמעט חציו לד' על כל פנים, ומי שיוכל יתענה. ובלילה שאחריו, יתאספו יחד תיכף אחר מעריב וידליקו נרות כמו ביום טוב ולומר שיר היחוד כולו בנעימה ובמתון, ושיר הכבוד בזמרה, ואחרי זה מזמורי תהלים במתון... ואחרי זה לעשות סעודה ללומדי תורה למי שאפשר, וליתן צדקה בברכת ד' כפי השגת ידו.

Whoever has had a miracle occur for them, and all the more so the inhabitants of a city, can establish, by popular agreement, for themselves and those who come after them to make that day into a "Purim". And it seems to me that the meal which they make to commemorate the miracle is considered at the level of a *seudat mitzvah* [meal with halachic weight]...

So, too, do we practice regarding the miracle which was performed for us in the year 5564, the night of the 16th of Kislev. There was death in the courtyard in which I live because of a conflagration which started from gun powder. Several houses in the courtyard fell, including one house that was mine. In the room where my whole family was located, two half-walls and one beam fell... Not a single one (i.e. member of the family) did not shed at least some drops of blood. G-d in His mercy and kindness considered for us the blood like a sacrifice to atone, and saved us, and all of us remained alive. Even though I suffered a great loss of several hundred *adumim* (a currency), G-d in His kindness substituted blood for money [lit. *damim* for *damim*]. Aside from us, there were killed, in our many sins, in my courtyard, 31 people...

And in order to tell of the wonders of G-d, as it is written (Tehillim 111:4) "He created a memorial for His wonders", I have accepted upon myself and my descendants, without vowing, on the 16th of Kislev, since in our land it is already a day of fasting in many communities for the *chevra kadisha* who do kindness, to devote at least half of it for G-d, and whoever can should fast. And on the following night, immediately after Maariv they should gather and light candles like on Yom Tov and sing the *Shir HaYichud* slowly and pleasantly, and the *Shir HaKavod* with song, and afterwards [recite] chapters of Psalms slowly... And after this to make a meal for those who learn Torah and to give charity in accordance with the blessing of G-d, as much as one can afford.

Devarim 25:11-12, as explained in Sifri Devarim 293, describes our duty to prevent a life-threatening assault even at the cost of the assailant's life. This teaches two mitzvot: To save the victim, and not to have mercy on the pursuer (*rodef*). Sefer haChinuch lists these as Mitzvot #600 and #601, separate from Mitzvah #237 which prohibits standing by while others are harmed. As explained in the Talmud (Sanhedrin 73a-b), the imperative to halt a *rodef* even at the cost of his life also applies to certain cases of sexual assault.

Taking the life of a *rodef* is a last resort; one who uses unnecessary force is guilty of murder. (See Mishneh Torah, Hilchot Rotzeiach 1:13, Radvaz to Hilchot Melachim 9:4 and Minchat Chinuch 600:7.)

One of the challenging applications of these mitzvot is the case of a subdued terrorist. Some argue that the terrorist remains a *rodef*, as an attacker who only lacks the means to

attack. (See Tosafot Avodah Zarah 26b, Ralbag Melachim I 22:38 (34) and Radak Melachim I 20:35.) Others state that one is licensed to kill a *rodef* only when certain that he would kill; this is the view of Rabbi Asher Weiss (Minchat Asher ibid.), while Rabbi Shlomo Zalman Auerbach (Minchat Shlomo ibid.) and Rabbi Yisrael Meir Lau (Yachel Yisrael 66) disagree. One reason for this dispute is the existence of a separate rule licensing a homeowner to kill a burglar even without certainty that the burglar would kill the homeowner; the dispute is regarding whether to treat the *rodef* and burglar equally.

Another challenging application is the case of a fetal *rodef*, whose very existence threatens other fetuses in the case of a multifetal pregnancy, or the mother who is carrying the fetus. Halachah does recognize that one can be an unconscious *rodef*, and his life may be forfeit.

torczyner@torontotorah.com

Weekly Highlights: July 8 – July 14 / 14 Tammuz – 20 Tammuz

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

Time	Speaker	Topic	Location	Special Notes
שבת July 7-8				
After hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	Not this week
8:50 AM	R' Jonathan Ziring	Pre-Shacharit Parshah	BAYT	Turk Beis Medrash
Before Avot	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
7:00 PM	R' Mordechai Torczyner	Pirkei Avot	61 Lisa Crescent	Post-seminary women
After minchah	R' Mordechai Torczyner	Gem. Avodah Zarah: Magic	BAYT	Simcha Suite
Sun. July 9				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Hebrew
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	Third Floor
Mon. July 10				
7:00 PM	Adam Friedmann	The Lonely Man of Faith	Terraces of Baycrest	Open to the public
8:30 PM	R' Jonathan Ziring	Frontiers in Biotech 3: GMO Foods	Shomrai Shabbos	For men
Tue. July 11				
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 12				
10:00 AM	R' Jonathan Ziring	Jews and Politics 4 of 4: Disaster Relief	Yeshivat Or Chaim	
8:00 PM	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
Thu. July 13				
1:30 PM	R' Mordechai Torczyner	Shoftim: Shimshon	49 Michael Ct.	For women
Fri. July 14				
8:30 AM	R' Mordechai Torczyner	Yeshayah	Yeshivat Or Chaim	University men
10:30 AM	R' Jonathan Ziring	Ribbit	Yeshivat Or Chaim	

The following classes are on summer hiatus

1:30 PM Tuesdays, Rabbi Mordechai Torczyner, Ezra and Nechemiah

2:30 PM Wednesdays, Rabbi Jonathan Ziring, Narratives of Vayikra (women only)

8:15 PM Wednesdays, Yaron Perez, Parshah in Hebrew

Women's Beit Midrash classes by Mrs. Ora Ziring and Mrs. Ellieza Perez for university students

Legal Ethics and Medical Ethics classes by Rabbi Mordechai Torczyner