

Toronto Torah

Yeshiva University Torah miTzion Beit Midrash Zichron Dov

Parshat Emor

17 Iyar 5773/April 27, 2013

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Windows of Illumination

Hillel Horovitz

Our parshah instructs, "Do not slaughter an ox or lamb and its son on the same day." (Vayikra 22:28) Parshat Ki Tetze instructs regarding the mitzvah of sending away the mother bird, "When a bird's nest happens before you... Send away the mother, and take the children for yourself." (Devarim 22:6) What is the nature of these apparently ethical instructions?

We may note that the Torah uses unusual terminology in these verses, perhaps to awaken our ethical impulse. One does not slaughter an ox or calf, but a parent and "its son". A bird is not a bird, but a mother, and the younger birds and eggs are not objects but children. The Torah attempts to generate in a person a sensitivity to his environment.

This approach is supported in a midrash (Devarim Rabbah Ki Tetze 6): "Why is a baby circumcised at eight days? G-d displays mercy upon him and waits until he is strong enough. And just as G-d is merciful upon man, so He is merciful upon the beast. Where do we see this? 'When an ox or lamb or goat is born, it shall be with its mother for seven days, and from the eighth day it shall be acceptable as an offering.' Further, G-d declares, 'Do not slaughter it and its young on the same day.' And just as G-d is merciful upon the beast, so He is filled with mercy upon the birds. Where do we see this? 'When a bird's nest happens before you, etc.'" The midrash cites passages from our parshah and elsewhere to demonstrate that G-d's mercy is open not only to people, but also to other living things.

However, a mishnah (Berachot 5:3) declares the polar opposite of the above: "One who declares [in prayer], 'Your mercy reaches the bird's nest'... we silence him." The Talmud (Berachot 33b) expands, "One sage explained: Because he places jealousy among G-d's creations. Another sage explained: Because he describes G-d's traits as mercy, when these are actually decrees." The Talmud itself tells us that one who identifies the source of the mitzvah of sending away the mother bird as mercy could then ask why G-d chose to have mercy upon the bird, and not upon other beasts. Further, we see the sending of the mother bird as an ethical act, but would it not be more merciful not to take the young at all? And prohibiting slaughtering the mother and her young on the same day encourages ethical behaviour, but what should one do if he needs to feed many people and all he owns is a cow and its calf? Would feeding one's family become an unethical act?

We see that it is not possible to apply a uniform ethic; ethics are not an absolute science. The talmudic phrase, "placing jealousy," means triggering a criticism of the law, raising legitimate questions about Divine choices. Identifying the ethical imperative as a product of mercy leads to the question of what ethics are, and how one can create the impossible, an absolute system of ethics.

Therefore, Rav Kook explained, in his essay, "A Vision of Vegetarianism and Peace", that ethical mitzvot are meant "to prepare a sign of the ethical outcome which will take place in the end of days, to provide windows for the light of the

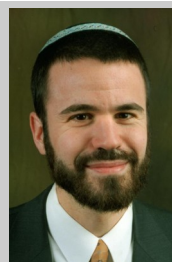
arousal of the complete intellect, which will come after the arousal of Torah." According to Rav Kook, the goal of these mitzvot is not to cause a person to be fully ethical now, but to provide a peek into a spiritual world which will exist in the end of days. These ethical mitzvot do not teach us of Divine mercy, but rather they teach us and remind us of our own capacity for mercy.

In its instruction regarding slaughtering the *korban todah* [thanks offering], the Torah emphasizes the need for a personal, independent desire to sacrifice. "According to your desire you shall slaughter it. (Vayikra 22:29)" The need for one's personal desire also appears in the Torah's command regarding the *korban olah* [burnt offering] (Vayikra 1:3), but this is the first time that it is an instruction: "Desire this." The impetus for gratitude is not an imposed obligation, but the opposite, a recognition from the human being. Therefore the sages said (Vayikra Rabbah Emor 27:12) that all offerings will be cancelled in the future, other than the *korban todah*. This is the deepest of offerings, and it will remain with us.

It may be said that this is the "illumination of the window" described by Rav Kook; the *korban todah* is another peek at this future time. At the start of the biblical passage describing the holidays, the Torah reminds us that we are obligated to open windows into the next world. We will not comprehend the entire Divine Will, for G-d's mitzvot are decrees, but by listening to those decrees we will illuminate our world with the light of Mashiach.

hhorovitz@torontotorah.com

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This past week, after suspected Boston terrorist Dzhokar Tsarnaev was arrested, the American government initially did not read him his "Miranda rights", which include the right to remain silent. Per the fifth amendment to the U.S. Constitution, a person cannot be compelled to testify against himself. Under Jewish law, there is a different approach to self-incrimination.

The Talmud (Sanhedrin 25a) discusses the possibility of disqualifying potential witnesses because they have lent money and charged interest. The Talmud presents a case in which two witnesses saw a man named Bar Binitus lend money on interest. The first witness testified that he saw the loan take place, and the second witness testified that Bar Binitus lent him, personally, the money. Rava disqualified Bar Binitus, but maintained that the borrower [i.e. the second witness] was not disqualified, even though his testimony was accepted as far as disqualifying Bar Binitus. Rava explained that "a person cannot make himself into a wicked person," meaning that a person cannot incriminate himself. Thus Rava accepted the person's testimony regarding Bar Binitus, but not regarding himself.

Rambam (Mishneh Torah, Hilchot Sanhedrin 18:6) writes: There is a decree from G-d that a beit din does not put to death or give lashes to a person according to his own admission, only when there are two witnesses... a Sanhedrin does not punish someone who admits to a crime because maybe he was insane in this matter, and is a bitter person who is waiting to die, a person who thrusts a sword into his stomach and hurls himself from a

rooftop. Perhaps this person falsely confessed so that the beit din would kill him. However, at bottom, this is a decree from G-d.

Rabbi Dr. Norman Lamm, in an article titled, "The Fifth Amendment and Its Equivalent in the Halakhah," explains that Rambam's mind-reading can be understood via a psychological insight of Sigmund Freud. [This article was cited in footnote 27 in the landmark Miranda decision, 384 U.S. 436 (1966), of the U.S. Supreme Court.] Freud theorized that a person may act guilty because of a sense of guilt for a misdeed similar to the one currently alleged. Freud also suggested that a person may act guilty merely for thinking of the crime currently alleged. Therefore, Rambam correctly explains that we must be wary of self-incrimination; we can never be sure that the person who confesses really committed the crime.

Rabbi Lamm demonstrates a profound difference between the secular and halachic versions of this law against self-incrimination. According to Rabbi Lamm, the Fifth Amendment right is a privilege to invoke, or to waive. Under halachah, a party has no option to confess. Further, Rabbi Lamm argues that a party who invokes her right against self-incrimination will lose her reputation, while under the mandatory halachic system her reputation will remain intact. Therefore, under halachah, there is no privilege against self-incrimination, and it is automatic, while under secular law the privilege exists, and is usually up to the accused to invoke or to waive. [For further reading, see Rabbi Lamm's *Faith and Doubt*, Chapter Ten.]

ymanas@torontotorah.com

The Blemished Kohen Rabbi Baruch Weintraub

The first part of Parshat Emor presents the law of a kohen who is a *ba'al mum* [a person with certain physical blemishes detailed in the Torah]. The Torah allows him to eat from korbanot, but not to sacrifice them; a *ba'al mum* is not permitted to serve.

This halachah is puzzling. We say every morning in the Tehillim of *pesukei d'zimrah*, G-d "does not desire the might of the horse, and does not take pleasure in the legs of man." Rather, "He desires those who are in awe of Him, who hope for His kindness." (Tehillim 147:10-11) Why should external perfection be a factor for the kohanim?

Rabbi Benny Lau proposes an interesting argument. He quotes Rashi, who cites Malachi 1:8: "When you offer a lame or a sick [animal as a korban], is there nothing wrong? Were you to offer it to your governor, would he accept you or favor you?"

From here Rabbi Lau concludes that the *ba'al mum*'s disqualification depends upon social convention; you cannot offer to Hashem a gift that you would not use for your governor. In the ancient world, such animals were not seen as appropriate for gifts to the governor. Rabbi Lau offers a daring conclusion: if social reality would shift toward total acceptance of the *ba'al mum* as an equal, the Torah would have no reservations against their service.

My revered teacher, Rabbi Aharon Lichtenstein shlit"a, has written sharply against Rabbi Lau's argument. Certainly, we are obligated to accept the *ba'al mum* as an equal and to create a world in which this is so. However, public opinion does not define what is considered whole or broken. By explicitly excluding the *ba'al mum* from service, the Torah sets an objective definition of "broken".

Rabbi Lichtenstein does not explain why this should be the definition, but perhaps we may suggest that the Beit Hamikdash serves as a window to a world which is entirely good. Regarding this world it is said, "Then the eyes of the blind shall be opened, and the ears of the deaf shall be unstopped. Then the lame shall skip like a hart, and the tongue of the mute shall sing." (Yeshayah 35:5-6) May we see this fulfilled soon.

bweintraub@torontotorah.com

613 Mitzvot: #254

Respect the Sanctuary

Rabbi Mordechai Torczyner

Mitzvah 254 instructs us to regard the Beit HaMikdash with reverence; as the Sefer haChinuch explains, this places us in the proper frame of mind for the spiritual activities we conduct there. This affects our every action on that site; for example, we are not to cross the space as a shortcut, wear shoes there, or carry money while there. One may enter the Temple Mount only for the sake of performing a mitzvah. (Mishneh Torah, Hilchot Beit haBechirah 7:2)

Today, we treat our synagogue as "mikdash me'at," a miniature version of the Beit HaMikdash, and we apply many of the rules of the Beit HaMikdash to the sanctuaries of our synagogues. For example: One should not cross through the sanctuary in order to reach the other side of the building, one should not discuss mundane matters while in the sanctuary, and one may enter a sanctuary only to perform a mitzvah. (Mishneh Torah, Hilchot Tefilah 11:8)

torczyner@torontotorah.com

**Torah in Translation
Personalized Judaism****Rabbi Moshe Sofer****Shu"t Chatam Sofer 1:197****Translated by R' Mordechai Torczyner**

I am accustomed to tell people that all of the halachah stated in Shulchan Aruch is the Torah given equally to all Israel, with no one excluded, but that one who possesses only Torah does not even possess Torah (see Yevamot 109b), for then his performance becomes merely "the trained habit of men (Yeshayah 29:13)" "passed from father to son (ibid. 38:19)".

Therefore, one who would be generous to his Creator will be recognized by his deeds, that which his heart devises in the name of G-d, to vow restraint from that which his heart chooses. In this one path does not serve two people, for the hearts of no two individuals are alike in their love of G-d.

For this reason, we are called "sons of Kushites (Amos 9:7)", meaning that we are all unique in our deeds (Moed Katan 16b). [Of course,] we are only different in our skin, but inside we are united with all of Israel. However, in order to form a complete community, all of the people would generously join in one custom, and that would become the law for Israel and the habit of men, and that is not acceptable.

Therefore, I saw my masters the brilliant Haflaah [Rabbi Pinchas Horowitz] and my master, the most pious of kohanim, Rabbi Nathan Adler, and my brilliant master Rabbi Zalman the Pious, that they did not draw a community [after their customs]. I can testify that I never heard these sacred leaders of Israel quote the Zohar in any public address... Not one of their students resembled the next, this is what I always say.

In 1806, Rabbi Sofer accepted a rabbinic position in Pressburg (a.k.a. Bratislava), a large stage with a Haskalah-friendly population. Rabbi Sofer did not attempt to change the citizens directly; instead, he increased the size of the local yeshiva to 150 students, appointed Rabbis to teach interested community members, and gave frequent public lectures. He avoided public bans - such as during the attempt of reform-minded rabbis to repeal the prohibition against *kitniyot* in 1810 - but he did take stances against modern philosophy, critical study of Judaism, and the use of translations in education.

In 1812, Rabbi Sofer's first wife passed away; a few months later he married another widow named Sarah, daughter of the well-known Rabbi Akiva Eiger.

Today, Rabbi Sofer is remembered as a staunch opponent of innovation within Judaism - although, as one can see from the translation accompanying this article, it is hardly an accurate charge. The claim largely comes from his 1819 responsum regarding the construction of a Reform temple in Hamburg. This responsum catapulted Rabbi Sofer [who always signed his name, "Moshe the small"] to his greatest fame; he was now consulted on every major issue, and his students served as rabbis across Hungary. Hungarian Jewry became divided between Haskalah and the students of Rabbi Moshe Sofer, who passed away in 1839 but whose influence remains strong to this day.

torczyner@torontotorah.com

**This Week in
Israeli History
18 Iyar 1929
Bnai Akiva is Born
Adam Frieberg**

18 Iyar is Sunday

Following World War I, the League of Nations granted authority to the British over the land that was then called Palestine. Being a Jewish pioneer in those times, constructing a homeland and surviving economically, was extremely challenging. The harsh conditions and taxing physical labor made the goal of redefining the spiritual identity of the Jewish nation extremely difficult for the small group of religious Jews who were pioneers.

Between 1919-1923 the Third Aliyah took place. This aliya brought many ideological socialist Jews to the land. They advocated a society which would be made up of "new Jews", who paid little attention to the traditional Jewish practices and laws.

Many religious Jews of the time were part of a workers' movement named HaPoel HaMizrachi, whose motto was, "The Land of Israel, for the People of Israel, according to the Torah of Israel." Following the Third Aliyah, the national Labour organization strongly discriminated against members of HaPoel HaMizrachi. The Jewish National Fund distributed land to many associations, but not to this religious group. Further, beyond the difficulties of life, members of HaPoel HaMizrachi worried about their children and how they would keep them observant.

A pioneer named Yechiel Eliash suggested that a youth movement be formed to organize and strengthen the youth, making them proud of their religion while celebrating their Zionism. He knew that the youth were interested in such groups, as many had already joined socialist youth movements such as HaNoar Ha'Oved. This idea was originally met with opposition from some religious leaders who feared that youth movements were naturally rebellious, and therefore had no place in religious society. They were also worried that the group would detract from their children's studies. Yechiel Eliash ignored his opponents and started the youth group, Bnei Akiva, on May 28th, 1929.

afrieberg@torontotorah.com

Who is the prophet of our Haftorah?

Yechezkel, son of Buzi, was a priest who was exiled from Eretz Yisrael before the destruction of the first Beit HaMikdash. Some suggest that "Buzi" is actually Yirmiyahu. His book begins, "I am in exile, on the K'var River", and in his prophecies he speaks to his fellow exiled Jews. However, the first half of Sefer Yechezkel (until Chapter 24) consists mainly of rebukes issued before the destruction of the Beit HaMikdash, as Yechezkel battles the sins and corruption of the Jewish nation.

After G-d's decision to destroy the Beit HaMikdash, Yechezkel turns to the surrounding nations and prophesies their own destruction as a punishment for the suffering they have inflicted upon the Jewish nation. Then, from Chapter 33 to the end, Yechezkel focuses mainly on consolation for the devastated Jews, predicting their redemption and salvation.

Our haftorah, from Chapter 44, belongs to the consolation part of the book.

What is the message of our haftorah?

Our haftorah describes who qualifies to be a kohen in the future Beit HaMikdash, and what his status, laws and roles will be.

As to who is qualified for the service, Yechezkel spends the verses leading up

to our haftorah (Yechezkel 44:5-14) stressing that the kohen should be an individual who remained loyal when the rest of the nation removed themselves from G-d and began worshipping idols. Yechezkel mentions the house of Tzadok as a family who kept from going astray.

The kohanim that will serve in Beit Hamikdash, Yechezkel explains, will stand apart from the rest of Am Yisrael. For example: according to the laws we read in our parshah, a kohen is allowed to marry a widow whose late husband had not been a kohen, but future kohanim will avoid that. (44:22)

In addition to their role in the Beit HaMikdash, the kohanim will have an educational role – teaching Torah and instructing halachah, as well as judging and enforcing the laws of Shabbat and festivals. (44:23-24)

However, although the kohanim serve both in the Beit HaMikdash and in general society, they must observe boundaries between their roles. The clothes they wear in the Beit HaMikdash must be kept there, and are not permitted outside, lest they inappropriately mingle different types of sanctity. (44:17-19)

What is the link to our parshah?

The obvious connection between the parsha and the haftorah is that both are engaged deeply with the laws of the

kohanim. However, there is a subtle contrast between the descriptions of the kohanim in the parshah and haftorah.

In the parshah, the kohanim are not separated entirely from the people; in an example we cited above, they are allowed to marry the widow of a non-kohen. Furthermore, when Moshe Rabbeinu gives the kohanim their laws, he addresses the nation as a whole. (Vayikra 21:24) Our sages explain that the courts, which are not necessarily populated by kohanim, should enforce observance of the laws of the kohanim. In other words, according to our parshah, the kohanim are serving the Jews, and being supervised by them.

In our haftorah, the message seems to differ. The kohanim are chosen because they were able to separate themselves from the people when the latter sinned, and this separation remains, as represented in the new laws of marriage and the laws of clothing that were mentioned earlier. Here, the kohanim supervise the Jews, and not vice versa.

The message of this seeming contradiction, which corresponds to the famous question (see Nedarim 35b) of whether the kohanim are our delegates to G-d, or His delegates to us, is beyond the scope of this article – but it is worth thinking about, as we read Yechezkel's vision for the future Beit HaMikdash.

bweintraub@torontotorah.com

Highlights for April 27 – May 3 / 17 Iyar - 23 Iyar

Shabbat, April 26-27

7:45 AM R' Baruch Weintraub, Reasons for mitzvot and the parshah, Or Chaim

10:20 AM R' Baruch Weintraub, Parshah, Clanton Park

6:35 PM R' Mordechai Torczyner, Daf Yomi, BAYT

After minchah R' Mordechai Torczyner, Gemara Avodah Zarah: Kosher Wine, BAYT

Sunday, April 28

9:15 AM R' Baruch Weintraub, Parshah, Zichron Yisroel, Hebrew (Shacharit 8:30 AM)

10:00 AM Midreshet Yom Rishon, BAYT, women, refreshments served

- **Rabbi Daniel Korobkin:** Why do we have so much fun on Lag ba'Omer?
- **Mrs. Shira Lipner:** Sharing the burden: Eternal Lessons of Lag ba'Omer

40 min. pre-minchah R' Baruch Weintraub, Contemporary Halachah in Israel, **Hebrew**, Clanton Park, *men*

8:30 PM R' Baruch Weintraub, Contemporary Halachah in Israel, **Hebrew**, 4 Tillingham Keep, *mixed*

Monday, April 29

8 PM R' Mordechai Torczyner, **Medical Halachah with CME**, Treating Anxiety/Depression, Shaarei Shomayim

8 PM Monday Beit Midrash: Bnai Torah, Clanton Park
Hillel Horovitz's shiurim do not meet this week

Tuesday, April 30

1:30 PM R' Mordechai Torczyner, Daniel: Daniel's Message

8:30 PM R' Baruch Weintraub, Rambam's Laws of Kings, Shomrai Shabbos, *men*

Wednesday, May 1

10 AM R' Mordechai Torczyner, Supernatural and Superstition II, Week 4 of 8: The Golem II, BEBY

8 PM Chabura Night at BAYT

- R' Ezra Goldschmiedt: Path of the Just
- Hillel Horovitz: The Rambam's Thought **not this week**
- R' Mordechai Torczyner: Medical Halachah

9 PM Chabura Night at Shaarei Shomayim

Thursday, May 2

8:30 PM R' Baruch Weintraub, Sotah, Clanton Park

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