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**Property of G-d** **Rabbi Josh Gutenberg**

Parshat Behar deals primarily with laws relating to land and slaves. The parshah begins with the agricultural laws applicable during *shemittah* (the sabbatical year) and *yovel* (the Jubilee year). The parshah then proceeds to discuss the following laws relating to selling land and slaves:

- Return of sold land to its original owner (Vayikra 25:25-28)
- Return of sold houses to their original owners (Vayikra 25:29-34)
- Treatment of impoverished Jews (Vayikra 25:35-38)
- Slaves who work for Jews (Vayikra 25:39-46)
- Slaves who work for non-Jews (Vayikra 25:47-55)

The Torah juxtaposes the laws of selling slaves and land because their mechanics are quite similar. They are acquired in almost identical fashion - either via money, a document, or use. If a destitute person sells his field or himself, his relatives must redeem the field or the person. If the relatives cannot perform the redemption, then they both are freed in the *yovel* year.

However, the final two verses of the parshah (Vayikra 26:1-2) don't appear to fit into the overall discussion of land and slaves. In these verses, we are commanded not to worship idols, to observe Shabbat and to revere the Temple. Their placement here is even more puzzling, because these prohibitions and commandments appear elsewhere in the Torah (see Shemot 20:3, 4, 20 and Vayikra 19:30) and so stating them here seems superfluous.

Traditional commentators offer different explanations as to why the

Torah repeats these laws at the end of our portion. For example, Ibn Ezra explains that since the previous section discusses the laws of a Jew owned by a non-Jew, the Torah wanted to stress that it such a Jew may not worship idols or work on Shabbat while in the non-Jew's possession. Alternatively, he suggests that the final verse is reiterating the command found in the beginning of the parshah to observe *shemittah* and *yovel*; he claims that Shabbat refers to *shemittah* while Mikdash refers to *yovel*.

Perhaps there is also a thematic connection linking these three commandments to the laws which precede them. The parshah's overarching theme may be summed up by two different phrases which appear within:

- "For the land is mine" (Vayikra 25:23)
- "For the children of Israel are my slaves" (Vayikra 25:55)

The Torah is teaching us that "To G-d is the land and its fill, the world and all of its inhabitants." (Psalms 24:1) Man does not have complete ownership over land. Even if one acquires land or a slave, it is merely a temporary acquisition, because during the *yovel* year, the land or slave is freed. Further, the Torah obligates a slave's relative to redeem him from his master. Being enslaved to another man limits one's ability to serve G-d, and our mission is to be G-d's servants, not man's servants. Regarding land, too, every seven years we refrain from working the land in order to demonstrate that it truly belongs to G-d, not to us.

The closing three commandments, regarding idolatry, Shabbat and the Temple, are therefore a fitting end to the parshah, emphasizing and highlighting its message. The prohibition to worship idols is a clear message that we are only G-d's servants. Further, we rest on Shabbat to remember that G-d created the world and it belongs to Him. Revering the Temple also demonstrates that G-d owns the world. Only the owner of an object can determine its status. In this world, G-d determines which objects are holy and which objects are mundane. When we revere the objects that G-d deems holy, we submit ourselves to his dominion and rule over this world.

The laws in this parshah range from the serious prohibition of idolatry to the seemingly mundane laws of selling land and slaves, but they all stress the same point. This broad range, in itself, highlights G-d's all encompassing presence in every aspect of our lives. If we can recognize that not only do all material possessions belong to G-d, but that we too belong to Him, then we can hope that not only will we be blessed with material success, but that we will be blessed with spiritual success as well.

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**OUR BEIT MIDRASH**

<b>ROSH BEIT MIDRASH</b>	RABBI MORDECHAI TORCZYNER
<b>SGAN ROSH BEIT MIDRASH</b>	RABBI BARUCH WEINTRAUB
<b>AVREICHIM</b>	RABBI ADAM FRIEBERG, RABBI JOSH GUTENBERG, RABBI ADAM LAW
<b>CHAVEIRIM</b>	EITAN AZIZA, JOSH AZIZA, BRANDON BARRETT, HILLEL BIERBRIER, DANIEL GEMARA, ALEX HUBERMAN, SHIMMY JESIN, MIKEY LASZLO, YOSEPH LEVI, AKIVA MARESKY, JACOB NEMIROV, MITCHELL PERLMUTTER, DANIEL SAFRAN, JESSE SHKEDY, KOBY SPIEGEL, GRAHAM TUGETMAN, MENDY WEISBROD, SHALOM WISE



**YESHIVA UNIVERSITY  
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BEIT MIDRASH**

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**Who is the prophet of our haftarah?**

Yirmiyahu was the last major prophet of the first Beit haMikdash, and his experience may well have been the most bitter of any prophet in Tanach. His task was to warn the Jews of his day that time was short and destruction was coming. The nation did not heed Yirmiyahu's words; instead, they beat him and imprisoned him (Yirmiyahu 20 and 37), threw him into a cistern (ibid. 38) and threatened to kill him. (ibid.)

At times, Yirmiyahu was instructed to act out scenes in order to convey a message to the nation. These included wearing a yoke upon his neck to demonstrate the enslavement of the Jews by the Babylonians (ibid. 27), and smashing a jug to demonstrate the smashing of Judea (ibid. 19).

According to the Talmud (Bava Batra 15a), Yirmiyahu authored his own book, the book of Melachim, and the book of Eichah.

**What is the message of our haftarah?**

The background of our haftarah is a dark one: Yirmiyahu was jailed for delivering his prophecies of destruction to Tzidkiyahu's kingdom. Closing your eyes does not make the horrors go away, though, and the king and his ministers, along with the rest of the city's surviving population, endured a long and harsh siege by the Babylonian

Nevuchadnezzar and his army. (Yirmiyahu 32:1-5)

In the middle of these rather dramatic events, G-d gave Yirmiyahu rather prosaic command, to buy his uncle's field in Anatot, his native city. (ibid. 32:6-8) Yirmiyahu does as he has been told, but apart from buying the field, he is also instructed *how* to buy it – he should make an effort to ensure that the transaction is well-documented, and that the legal papers will be kept for many years. (ibid. 32:9-14) The lesson is that ownership formalities remain important, because the houses and fields of Israel will again be bought and sold in the future. (ibid. 32:15)

Yirmiyahu prays to G-d, praising His limitless abilities and justifying the nearing destruction as the appropriate result of the nation's sins. He ends his prayer by asking: with the Babylon army and their war machine closing in on us, and with the horrors of illness and famine around us, can we speak about the buying of houses and the maintenance of formalities? (32:16-25)

Hashem gives Yirmiyahu a rather long and detailed answer, but in our haftarah only the first verse is quoted: "Is there anything which is beyond Me?" (32:26)

**The connection to our parshah**

The connection between our parshah and haftarah is based, of course, on the common theme of *geulah* (redemption). This theme is highlighted in the parshah by the mitzvah of Yovel (Jubilee), and by the ability of a seller to redeem lands he has sold out of need. Indeed, Ramban (Vayikra 25:33) learned from our haftarah that *geulah* means not only the redemption of a field after it has been sold, but also one's commitment to buy his relative's field if he is in a need.

Perhaps this second type of *geulah* is the main lesson of our haftarah. The parshah speaks about *geulah* in decisive terms: complete redemption of slaves and lands. Our haftarah completes the picture by offering a more limited type of *geulah*: the field does not return to its original owner (yet), but at least it is sold within the family. G-d here does not promise complete and ultimate redemption, but only that fields and houses will be traded, normality will return.

Yirmiyahu, in his prayer, seems to belittle the value of such a redemption in the face of the total destruction awaiting around the corner. However, G-d's answer can also be read as, "Do you think that this 'partial redemption' is not valuable to Me?"

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## 613 Mitzvot: #379

### Carrying the Torah

Rabbi Mordechai Torczyner

Tanach records two different instructions regarding transporting the Aron containing the *luchot* [Tablets] that Moshe brought down from Sinai. In Bamidbar 4, we are taught that the Levite clan of Kehat was instructed to carry the Aron, along with other sacred items, as the Jews transported the Mishkan from place to place. On the other hand, Devarim 31:9 records that Moshe gave the Torah he had written "to the Kohanim, sons of Levi, who carried the Aron." Is it a mitzvah for the entire tribe of Levi, for the clan of Kehat, or for the kohanim?

The mixed message persists after the Jews enter Israel. When the Jews cross the Yarden River (Yehoshua 3-4), the kohanim are told to carry the Aron. As the Talmud (Sotah 33b) notes, the kohanim also carry the Aron when the Jews surround the city of Yericho (Yehoshua 6), as well as when the Jews bring the Aron into the new Beit haMikdash. (Melachim I 8) On the other hand, Divrei haYamim 15 records that the tribe of Levi carried the Aron during the days of King David.

Rambam (Sefer haMitzvot, Aseh 34) resolves this problem by suggesting that the protocol for carrying the Aron changed. Levites carried the Aron in the wilderness, at a time when there were few kohanim, but later the mitzvah was transferred to the kohanim. Ramban (Hasagot to Shores 3) disagrees, contending that the mitzvah was always for the

broader tribe of Levi; the three recorded times when the kohanim carried the Aron were exceptions, commanded by prophets. Sefer haChinuch (Mitzvah 379) sides with Ramban, and declares that one of the 613 mitzvot is that the Aron should be carried in this way.

Sefer haChinuch suggests that a benefit of having Levites carry the Aron is that "the honour of Israel is the Torah, via which the Jews are distinguished from the nations and converted into the portion of G-d. Therefore, it is appropriate to carry it on the shoulders of the honoured and sanctified among us."

Sefer haChinuch then adds a fascinating postscript, regarding a latter-day practice. "The practice in our exiles today, to take out Torah scrolls to greet the kings of the nations, is not subject to this mitzvah [of having the tribe of Levi carry the Torah] at all, for any Jew may carry it. However, if as a way to honour the Torah they choose that descendants of Levi should carry it, blessing should come to them."

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## Biography

### Rabbi Yichya Tzalach

Rabbi Adam Frieberg

Rabbi Yichya son of Yoseph Tzalach, also known as Maharitz, was born in 1713. He worked as a blacksmith, and after his thirtieth birthday, he began to study to become a *sofer stam* (scribe). He went on to become the Rabbi and head of the rabbinic court of Sana'a, the capital of Yemen, and perhaps the greatest exponent of Jewish law in Yemen during the eighteenth century.

Rabbi Tzalach was recognized as a halachic authority throughout Yemen and he is remembered mostly for his efforts to preserve Yemenite Jewish customs and traditions, which he presented in his many writings. His familiarity with halachic literature, both Ashkenazi and Sephardi, was remarkable. Queries were referred to him from Jewish communities as far away as India.

Rabbi Tzalach's published works include his Peulat Tzaddik collection of responsa, Zevach Todah, on the laws of ritual slaughtering; Chelek HaDikduk, on grammar and Masorah in the Bible; Etz Chaim, a commentary on the Yemenite "Tiklal" prayer book; and Shoshanat HaMelech, a commentary on the Orach Chaim section of the Shulchan Aruch, in which his halachic rulings are summarized. This commentary is printed in the standard Yemenite halachic work Shetilei Zeitim.

As a contemporary of the great Rabbi Cham Yosef David Azulai (Chida), Rabbi Tzalach communicated with him about halachic issues while the Chida lived in Egypt. Rabbi Tzalach's siddur, Eitz Chaim, is printed with a question that he sent to the Chida about a potential problem of using G-d name in vain by adding an extra blessing in the daily shemoneh esreih, an issue he was confronted with. Rabbi Azulai's response is printed alongside the question.

Little is known about Rabbi Tzalach's family. His father, Yoseph, studied with his father-in-law, Rabbi David Qafih. Rabbi Tzalach's family was supposedly able to trace their lineage to Oved, from the family of Peretz, the son of Judah.

Rabbi Yichya Tzalach died in 1805 in Sana, Yemen, and was succeeded by his son, Rabbi Avraham Tzalach, as head of the rabbinical court of Sana'a.

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## Torah and Translation

### Shaving on Friday during the Omer

Rabbi Yichya Tzalach, Peulat Tzadik 2:76

Translated by Rabbi Adam Frieberg

והנה הרב הגדול הרדב"ז והר"מ לונואז  
כתבו דכמה קהלות מסתפרים בכל ע"ש  
לכבוד שבת דעשה דברי נביא עדיף דכתיב  
"וקראת לשבת עונג".

וכבר כ' הרב אור זרוע בפי' ואלו מגלחין  
מביאו רמ"א / או"ח / סי' ר"ס דמצוה לגלח  
השערות כשהן גדולות לכבוד שבת שזהו  
מכלל העונג. עוד כתבו ז"ל דבלי"ג ימים  
השערות גדולות ואדם מצטער בשבילן וכבר  
אמרו מצטער פטור מן הסוכה וק"ו אם  
סוכה דאורייתא פטור למצטער בה כ"ש לזה  
המנהג שאינו מן הדין ולא סייג וגדר לשום  
דבר שעיקרו מן התורה או מדרבנן דבטענה  
כל שהו יוכל לדחותו.

עוד תראה דכשחל ל"ג בעומר ביום א'  
שכתב רמ"א ע"ה שמסתפרין ביום ו' לכבוד  
שבת. והוא תמוה דבמה זכתה שבת זו  
להסתפר בה יותר משאר השבתות ומאי  
אית לך למימר להעמיד מנהגם ע"ה מחפשי  
ומסמיכין אותו בטעם כל שהו.

איך שיהיה הלכה רווחת בישראל שהלכה  
דברי המיקל באבל שעיקרו דרבנן ויש לו  
סמך במקרא, וכ"ש במנהג זה שאינו משום  
אבילות ממש. ואת"ל אבילות הא מיהת  
אבלות ישנה היא והלכה דברי המיקל.

*Note: The following is not offered here as a halachic ruling; please see your Rabbi for practical guidance.*

Behold, the grand rabbi Radbaz and Rabbi Moshe Lunzano wrote that in many communities they cut their hair on every Friday in honour of Shabbat, because a positive commandment instructed by a prophet is of greater importance [than the custom of not shaving during the *omer* period], and it is written (Isaiah 57:13), "You shall proclaim the Shabbat a delight".

And the Or Zarua has already written, and has been quoted by Rama (Orach Chaim 260) that it there is a mitzvah of shaving hairs that have become long in honour of Shabbat, for that is part of taking pleasure [in Shabbat]. They have also written that during the thirty-three days our hair grows long and a person is pained by it, and we have already said that someone who is pained is exempt from the succah. [That being the case], if [the mitzvah to sit in a] Succah is of a biblical nature and [the Rabbis] exempted one who is pained by it, all the more so for a custom that is not a law, and is not a rabbinic fence for anything rooted in a biblical or rabbinic law, [and therefore] any claim at all may push it [the custom of not shaving during the omer] off.

Additionally, take notice [of the fact] that regarding a year when Lag ba'Omer occurs on Sunday, the Rama of blessed memory wrote that people cut their hair on Friday in honour of Shabbat. This is a wonderment, for what made this Shabbat merit [the honour of having us] cut our hair for it, more than any other Shabbat?! What could you say, to justify their practice? We seek and link it to any reason available.

In any case, the law that we follow the lenient opinion regarding the laws of mourning is widely followed amongst the Jewish people, for its [the laws of mourning] essence is rabbinic and it is based in the Torah, so too in this custom, that isn't actual mourning. And if you want to claim that this [not shaving during the *omer*] is mourning, it would still be mourning for an ancient event, and the law would follow the lenient opinion.

*16 Iyar is Friday*

Eli Cohen, considered by many to be the most successful Israeli spy, was born in 1924 in Egypt, to a Syrian father. He began working for Israel's Secret Service in 1954.

In 1957 Eli made aliyah, and he worked as a translator of Arabic media for Army Intelligence. In 1961, two years after his marriage to Nadia, Eli was sent by the IDF to Argentina, with a new identity as a Syrian trader - Kamel Amin Thaabet - and made friends in the local Arab community. In 1962 he moved to Damascus, Syria, and rented an apartment near Syrian army headquarters. He made friends with high-ranking officers, using their weakness for parties, alcohol and other indulgences. Via parties in his apartment, the combination of officials and free alcohol gave Eli access to the most sensitive information. Eli also helped some of the Syrian ministers financially, and according to some sources was considered at one point a candidate for the position of Syrian Deputy Minister of Defense.

Cohen sent very valuable information back to Israel. Among his famous achievements was advice to the Syrian army to plant eucalyptus trees above their army positions. The trees were used as targeting markers by the Israeli military during the Six Day War, allowing quick and direct hits.

After Cohen exposed a Syrian plan to sabotage the Israeli national water carrier, it became clear to the Syrian counterintelligence that there was a very high-positioned mole. In 1965, with the help of modern Soviet equipment, the Syrians detected Eli Cohen's transmissions from his apartment. He was caught on January 7<sup>th</sup>, sentenced to death and hanged on May 18<sup>th</sup>.

Israeli Prime Minister Levi Eshkol said about him, "Eli Cohen's actions saved the state many divisions. The information he brought... gave us the great victory of the Six Day War."

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**Highlights for May 10 – May 16 / 10 Iyar – 16 Iyar**

Time	Speaker	Topic	Location	Special Notes
<b>SHABBAT MAY 10</b>				
<b>Shabbaton at BAYT</b>				
<b>8:15 AM</b>	R' Mordechai Torczyner	Benefits of Shemitah Today	BAYT	
<b>Derashah</b>	R' Mordechai Torczyner		BAYT	
<b>5:30 PM</b>	R' Josh Gutenberg	Shemitah: Whose Land Is It, Anyway?	BAYT	<b>Women's Shiur</b>
<b>6:40 PM</b>	R' Mordechai Torczyner	HaRav Kook on Shemitah and Yovel	BAYT	<b>Hebrew Shiur</b>
<b>7:40 PM</b>	R' Adam Frieberg	Pirkei Avot	BAYT	
<b>After minchah</b>	R' Adam Frieberg	Seudah Shlishit	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>This week: Chaverim</b>
<b>SUNDAY MAY 11</b>				
<b>9:15 AM</b>	R' Shalom Krell	Kuzari	Zichron Yisroel	<b>With light breakfast</b>
<b>8:30 PM</b>	R' Baruch Weintraub	What is a Jewish State? Take 2 On-line shiur in Hebrew: <a href="http://www.torontotorah.com/online">http://www.torontotorah.com/online</a>		
<b>MONDAY MAY 12</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	Chabura: Times of Davening	Yeshivat Or Chaim	<b>University students</b>
<b>7:20 PM</b>	R' Shlomo Gemara	The Prophets of Israel: Yoel	Bnai Torah	
<b>7:30 PM</b>	R' Josh Gutenberg R' Mordechai Torczyner	Parshah Business Halachah: Lending	Shaarei Shomayim	<b>Community Beit Midrash Night</b>
<b>TUESDAY MAY 13</b>				
<b>12:30 PM</b>	R' Mordechai Torczyner	Living Midrash	Shaarei Shomayim	
<b>8:30 PM</b>	R' Adam Frieberg	Laws of Shabbat	Shaarei Tefillah	
<b>WED. MAY 14</b>				
<b>Pesach Sheni</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	The Jew and Her Food, Wk 2	BEBY	
<b>1:30 PM</b>	R' Mordechai Torczyner	Book of Yehoshua	101 Tangreen Circle	<b>For women only</b>
<b>7:30 PM</b> <b>9:00 PM</b>	R' Mordechai Torczyner R' Yehoshua Weber	Ethics of Lending Responsa: Cosmetic Surgery	Yeshivat Or Chaim	<b>Community Beit Midrash Night</b>
<b>FRI. MAY 16</b>				
<b>10:30 AM</b>	R' Mordechai Torczyner	Contemporary Halachah	Yeshivat Or Chaim	<b>Advanced</b>