

# Toronto Torah

## Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayelech / Shuvah

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יהודה פסח בן נפתלי הכהן ז"ל and רחל בת מרדכי ז"ל in loving memory of his parents

There will be no Toronto Torah for Succot; look for YU To-Go in your shul

### The King is in the Building

Rabbi Mordechai Torczyner

The mother of all Jewish conventions, the septennial *hakhel* gathering – which we hope to celebrate with Mashiach shortly – features an assembly of Jews of all ages. Devarim 31:12 records Moshe's instruction, "Gather the nation: men, women, children, and the stranger at your gates." After the *shemita* year, on the second night of Succot, all who call themselves by the name Israel must assemble and hear sections of the book of Devarim read aloud. Historically, this reading was done by the king, in an area of the Beit haMikdash.

The Torah's demand that children participate in the celebration is unique among our mitzvot; in no other communal mitzvah does the Torah explicitly require their participation. The Talmud (Chagigah 3a) is sensitive to this quirk, and it suggests that the reason to bring the children is "to provide reward for those who bring them." This seems circular, though; does the Talmud mean to say that G-d created a mitzvah solely for the sake of rewarding those who fulfill it?

One might explain the Talmud to mean that those who bring their children will be rewarded by the natural results of their actions. For example: Sefer haChinuch (612) contends that *hakhel* increases our love of Torah, through the glory of this gathering. Perhaps, then, having our children at *hakhel* rewards the bringers, by inculcating love of Torah into those children.

Alternatively, Ibn Ezra (Devarim 31:12) sees the benefit of *hakhel* as educational; those who attend will be

inspired to ask questions, and then to learn more throughout the year. Having our curious children at *hakhel* will inspire them to inquire and learn.

However, a third benefit of bringing children may be linked to the practice of having the king conduct the public reading. Rambam does not list *hakhel* as a king's mitzvah, and indeed the Torah does not identify the reader explicitly. However, our sages (Sotah 41a) took for granted that this should be the king. [See also Yereim 233 and 266, Tosafot Yom Tov to Sotah 7:8, and Minchat Chinuch 612:2.] Certainly, there is added splendour and gravitas when the king leads a ritual, but why this ritual, in particular?

Every seven years, during the period of *shemita*, the normal rules of society cease to function: the fences surrounding fields are broken, the tithes that support kohanim and leviyim are neglected, the hierarchical relationship between employer and employee is severed, hardworking farmers become men of leisure, and loans are forgiven and forgotten. This can constitute a healthy break for society, and a community's rules can be strengthened by this sort of periodic vacation. [See Jeffrey Rubenstein, *Purim, Liminality and Communitas*.] However, with such a hiatus we risk the possibility that the community might fall in love with its lawless vacation, and forget to return.

This may be part of the role of *hakhel*: To remind the Jewish nation that its existence is still governed by the rules and institutions of the Torah. Thus the

nation reads key biblical passages: the fundamentals of our faith; the tithes given to the kohanim, the leviyim and the needy; the monarchy; and the national covenant into which we enter at the end of the book of Devarim. (Mishnah Sotah 7:8; Tosefta Sotah 7:17) We re-commit ourselves to these obligations, and to our national structure.

Within this context, having the king perform the reading is entirely logical; the king is the heart of the command structure we reiterate with *hakhel*. And bringing our children is its own reward, for even children who are too young to comprehend the reading will realize that the entire community has assembled as one to hear the instructions of its king, and this will create a lasting appreciation for the honour of our government and society's institutions.

Last week we performed a version of *hakhel* as we gathered to mark Rosh haShanah. Among the central themes of that day was the coronation of G-d as King, and this, too, was a necessary reminder of our command structure. From Yom Kippur to the following Rosh haShanah, very little in our lives declares to us, "*Hashem hu ha'Elokim!*" We can go through much of our year, even while observing mitzvot, without devoting significant thought to the meaning and implications of the Divine Throne. So it is that once each year we set aside time to gather with the explicit aim of coronating our King. May we, with our children, carry the impact of that grand celebration forward into the year.

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### OUR BEIT MIDRASH

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## **A Guide to the Complex: Contemporary Halakhic Debates** Rabbi Shlomo Brody Maggid 2014

### **Who is the author?**

Rabbi Shlomo Brody is a Rebbe at Yeshivat HaKotel, the director of Tikvah Israel Seminars for Post High School Students, a junior research fellow at the Israel Democracy Institute and a presidential graduate fellow at Bar-Ilan University Law School. He is also the author of the Jerusalem Post's Ask the Rabbi column, from which the articles for this book were drawn.

### **What makes the book unique?**

*A Guide to the Complex* stands out in its ability to convey difficult halachic concepts involving pressing issues to a wide audience. Rare for halachic books, it was awarded the 2014 National Book Award, a testament to its ability to meaningfully reach many elements of the Jewish community and explain what lies behind the most intricate, and often contentious issues, of the Orthodox world. While, as the author notes, there are several stellar works that aim to inform the educated layman or English-reading scholar of contemporary halachic issues, such as Rabbi J. David Bleich's *Contemporary Halakhic Problems* and Rabbi Howard

Jachter's *Gray Matter*, the length and detail of the articles in those works often make them inaccessible to the wider public.

As all of the pieces in Rabbi Brody's book originated as articles in the Jerusalem Post, they are extremely brief, in accordance with the style required for that medium. Yet, in a space of about 1000 words each, he manages to effectively outline the central arguments preferred for each side of the issue he addresses, drawing the full gamut of decisors from across the spectrum. Thus, even the uninitiated can take a sophisticated peek into the inner workings of the halachic world. As Rabbi Dr. Jacob J. Schachter notes in his appraisal of the book, Rabbi Brody's work is particularly impressive, as he shows a mastery of both academic and traditional sources, something uncommon in halachic works of this kind, and manages to maintain a calm and respectful tone even when dealing with the most heated of issues. Indeed, Rabbi Brody writes that his goal was to respond to community discourse which he saw had "much heat, but little light."

### **What topics are addressed?**

The book is helpfully divided into nine

sections, each of which contains some pieces which are fascinating but benign, and some which are extremely touchy, all of which Rabbi Brody treats with the same expertise and respect. Within the medical ethics section, he manages to give the reader a taste of the halachic issues involved with abortion of Tay-Sachs fetuses and birth control. Within the section on technology, he covers everything from the permissibility of shaving with electric razors to the advisability of *metzizah bipeh*. The Israel section ranges from the value of living in the land of Israel to the permissibility of prisoner swaps or giving away land for peace. Similar breadth can be seen in the remaining sections, which deal with social and business issues, ritual, women's issues, kashrut, identity and marriage issues, and Shabbat and holidays.

In conclusion, the range of topics discussed, breadth of sources drawn upon, and clarity and respectful nature of the discourse make *A Guide to the Complex* an excellent resource for anyone who wants to gain insight into contemporary halachic debates.

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## **613 Mitzvot: #454-455: Adding and Subtracting**

Rabbi Mordechai Torczyner

Moshe warned the Jewish people regarding the Torah, "Do not add to it, and do not subtract from it." (Devarim 13:1) Per Rambam, a *beit din* (rabbinical court) that declared that cooking poultry with milk is biblically prohibited would be guilty of adding to the Torah, for expanding the traditional explanation of "You shall not cook a kid in its mother's milk" (Shemot 23:19). Similarly, a *beit din* would be guilty of subtracting for declaring that a combination of milk and beef was permitted. (Mishneh Torah, Hilchot Mamrim 2:9)

According to Rambam (Mishneh Torah, Hilchot Yesodei haTorah 8:1), the prohibition against adding to the Torah or subtracting from it also underlies the talmudic principle, "A prophet is not permitted to create new components of Torah." (Shabbat 104a)

Despite the above, Jewish law includes many rabbinic additions designed to protect biblical law. This is understood as fulfillment of the Torah's mandate of "They shall guard My preserve (Vayikra 22:9)" or "And you shall distinguish between the pure animal and the impure (Vayikra 20:25)". [See Rambam's introduction to Mishnah, and Ha'ameik She'eilah to Sheiltot Matot 137:2.] Further, the Talmud (Yevamot 89b) declares that the sages are empowered to tell people not to perform a mitzvah, as in the case of shofar when Rosh HaShanah is Shabbat. Given the prohibition against adding to the Torah or subtracting therefrom, how may the sages add and subtract?

- Rambam writes that the sages are required to identify their protections as rabbinic, and by doing so they evade the

problem of "adding to the Torah". (Mishneh Torah, Hilchot Mamrim 2:9)

- Ra'avad and Rashba contend that laws created to protect biblical law are not subject to the prohibition against adding to the Torah. (Ra'avad to Hilchot Mamrim 2:9; Rashba to Rosh HaShanah 16a)
- Ra'avad also suggests that only adding a **commandment** is prohibited; a new **prohibition** would not be considered an addition to the Torah. (Ra'avad ibid.; Chinuch 454)

The prohibition against adding to the Torah applies specifically to additions intended as mitzvot, or which might appear to be mitzvot. (Rosh HaShanah 28b) Therefore, one who sits in a succah on the day after Succot is guilty of adding to the Torah; even if he knows it is not a mitzvah, ignorant passersby will think that the mitzvah includes that extra day. On the other hand, one who sits in a succah in July, without intent for a mitzvah, does not violate the prohibition. [Regarding use of a succah on Shemini Atzeret, see Shulchan Aruch Orach Chaim 668.]

The sages debate whether one may add to a rabbinic prohibition, such as by lighting a *chanukiah* on the day after Chanukah. The Pri Megadim (Petichah Kollelet I 40) contended that there is no prohibition; this would justify the popular practice of having everyone in the house light independent *chanukiot*. However, Rabbi Avraham Yitzchak Kook (Daat Kohen 218) ruled that the prohibition does apply to rabbinic law as well.

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## Biography

### Rabbi Ovadia Seforno

Rabbi Mordechai Torczyner

Rabbi Ovadia Seforno was born circa 1476 in Cesena, Italy. He excelled in Torah from an early age, and moved to Rome to continue his studies in Torah as well as in languages, medicine, philosophy and mathematics. He was supported by his brother, Chanina, during his studies, and he also supported himself with some earnings as a tutor for both Jews and non-Jews.

Rabbi Seforno taught Hebrew to Jews as well as non-Jews, the latter group including a man named Johannes Reuchlin. Reuchlin's history is interesting in its own right; he sought to develop his Hebrew in order to deepen his comprehension of Torah and its commentaries, and he became the leading authority on the Hebrew language in the Germanic lands of his day. He would go on to defend the Jews against attempts by the Church to confiscate their books.

Certainly, Rabbi Seforno is best known for his commentary to the Chumash, in which he used brief comments to hint at deeper philosophical ideas and ethical instruction; this commentary is included in the standard Mikraot Gedolot edition of Chumash. However, Rabbi Seforno also published a commentary to Pirkei Avot, a set of halachic teshuvot, and works in grammar (dedicated to an Italian ruler) and philosophy (dedicated to King Henry II of France). Rabbi Seforno also became an accomplished physician in the city of Bologna, and he supported the efforts of David haReuveni to found a Jewish state in Israel.

Rabbi Seforno passed away in the year 1550, approximately.

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## Torah and Translation

### King David's Request

#### Rabbi Ovadia Seforno's Introduction to Tehillim 119

Translated by Yisroel Meir Rosenzweig

בזה המזמור הנעשה באל"ף בי"ת אמר המלך דוד שהתורה האלקית היא דרך החיים, מכוון לאשר את ישראל לחיי עולם, וביקש רחמים על עצמו ועל ישראל מאת הקל יתברך שהוא ידריכם ויעזרם להבין החלק העיוני בתורתו.

שהוא ידיעת גודל הבורא יתברך המוליד יראתו, וידיעת דרכי טובו המולידים אהבתו, ולהבין כמו כן את החלק המעשי ממנה, הנחלק אל:

- "עדות" שהם מצוות מכוונות להרים מכשול מדרך עמנו.
- ואל "פקודים" שהם מצוות מכוונות שייטיב האדם לזולתו דרך מצוה על זה, כמצות "ושפטתם צדק בין איש ובין אחיו" (דברים א:טז) "תוכיח" (ויקרא יט:יז) וזולתם.
- ואל "חוקים", והם מצוות שאין טעמן במדיניות מבואר.
- ואל "משפטים" "אשר יעשה אותם האדם וחי בהם" (ויקרא יח:ה).

וביקש המלך הנזכר מאת הקל יתברך שיהיה עוזר לו ולעמו בזה שיוכלו להתעסק בידיעת תורתו ומצותיו ולשמרם, וזה בהאיר עיני שכלם להבין ולהסיר מהם המונעים מזה. וכאשר ברוח הקודש ניבא וראה את צרת שעבוד מלכיות ואת קיבוץ גלויות ומלחמת גוג וחבלי המשיח וישועתו, עמד והתפלל בזה על כולם ואמר...

In this Psalm, built upon on alphabetic acrostic, King David states that the Divine Torah is the path of life intended to enable Israel to attain eternal life. He requests compassion for himself and for Israel from G-d, He should be blessed, [asking] that He should guide and help them to understand the intellectual portion of His Torah.

[This portion of the Torah] is comprised of the knowledge of the greatness of the Creator, He should be blessed, that produces reverence of Him, and the knowledge of the goodness of His ways, which produces love of Him. [He also requests] to attain understanding of the action-based portion of the Torah, which is separated into:

- Edot – mitzvot intended to remove stumbling blocks from the way of our nation
- Pekudim – mitzvot designed to [ensure] that a person bestows good upon his fellow by way of a mitzvah [placed] upon him, such as the mitzvot of "Judge justly between a man and his brother" (Devarim 1:16), "You shall surely rebuke your fellow" (Vayikra 19:17), and others.
- Chukim – mitzvot for which the national purpose is not clearly present.
- Mishpatim – mitzvot that "a man shall do and live by them." (Vayikra 18:5)

The king also requests from G-d, He should be blessed, that He should assist him and his nation in this task, in order that they should be able to involve themselves in the knowledge of His Torah and mitzvot and to observe them, illuminating the eyes of their logic in order to understand [the Torah], as well as to remove the impediments [holding them back] from this. And when, with his Ruach HaKodesh, he prophesied and saw the pain of subjugation under [foreign] kingships, the ingathering of exiles, the war of Gog, the birthpangs of Mashiach and his salvation, [King David] stood and prayed with [these words] for all [of the above], saying...

## This Week in Israeli History: 6 Tishrei 1947 Nuremberg Adjourns

Rabbi David Ely Grundland

6 Tishrei is Shabbat

On the fifth day of Elul, September 1<sup>st</sup>, 1946, the international military tribunal in the Palace of Justice in Nuremberg adjourned after almost a full year of hearings.

Three years earlier, after recognizing the extent of crimes committed by Germany, the United Kingdom, United States and Soviet Union published the “Declaration on German Atrocities in Occupied Europe” which warned that, upon the defeat of the Nazis, in pursuit of justice, the Allies would “pursue them to the uttermost ends of the earth.”

In a 1997 paper titled *International Law: The Nuremberg Trial: Fifty Years After* (The American Scholar 66:4), Michael Marrus reports that as early as July 1942, President Roosevelt had written to Rabbi Stephen Wise, President of the American Jewish Congress, that the American people sympathize with the victims of the Nazis and will hold the perpetrators accountable.

In December 1944, the British Cabinet discussed a policy of execution for the leading Nazis if and when they would be captured. On August 8<sup>th</sup>, 1945, the London Charter agreed that this punishment would be applied for the “major war criminals” of the wartime period. 200 German defendants were tried at Nuremberg; many more were tried in other courts.

The International Military Tribunal at Nuremberg began on November 19<sup>th</sup>, 1945, and it lasted until September 1<sup>st</sup>, 1946. The trial was responsible for bringing to the fore of world attention the extent of the atrocities committed by the Nazis. On October 1<sup>st</sup>, 1946 (6 Tishrei, 5707) twelve of the primary defendants were sentenced to death, with others receiving between ten years and life imprisonment.

As we stand before the True Judge, let us pray that justice be brought upon those who commit evil, and that we should be counted among the righteous for lives of goodness and peace.

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### Weekly Highlights: Sept. 19 – Sept. 25 / 6 Tishrei – 12 Tishrei

Time	Speaker	Topic	Location	Special Notes
<b>שבת Sept. 19</b>				
<b>After hashkamah</b>	Yisroel Meir Rosenzweig	Meshech Chochmah	Clanton Park	
<b>Before minchah</b>	R' Jonathan Ziring	Daf Yomi	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah: Music in the Mikdash	BAYT	
<b>Sun. Sept. 20</b>				
<b>8:45 AM</b>	R' Jonathan Ziring	The Fundamentals of Faith of Rabbi Chasdai Crescas	BAYT Boardroom	<b>Hebrew</b>
<b>8:45 AM</b>	R' Josh Gutenberg	Contemporary Halachah: What is <i>ochel nefesh</i> ?	BAYT	<b>Third floor</b>
<b>9:15 AM</b>	R' Shalom Krell	Kuzari	Zichron Yisroel	<b>Hebrew</b>
<b>10:00 AM</b>	R' Aaron Greenberg	Gemara Chullin	Yeshivat Or Chaim	<b>For Chaverim</b>
<b>11:00 AM</b>	R' David Ely Grundland	Relating to Hashem; Relating to Others	Bistro Grande	<b>For 40+ singles RSVP to dgrundland@ torontotorah.com</b>
<b>Mon. Sept. 21</b>				
<b>8:00 PM</b>	R' David Ely Grundland	Delving Deeper into the Machzor II	Shaarei Tefillah	
<b>Tue. Sept. 22</b>				
<b>10:30 AM</b>	R' Mordechai Torczyner	Eruvin: Reshut haYachid	Yeshivat Or Chaim	<b>Advanced</b>
<b>Wed. Sept. 23 Yom Kippur</b>				
<b>After musaf</b>	R' Mordechai Torczyner	Tomer Devorah: A Mystic's Down-to-Earth Guide to Forgiveness	BAYT	<b>Milevsky Beit Midrash</b>

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