

# Toronto Torah

## Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Kedoshim

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in memory of our dear father and grandfather Alfred (אלעזר) Zauderer z"l

### Turning to the Dead

Rabbi Baruch Weintraub

*"Do not turn to the Ovot or the Yidanim; do not seek them out, to be defiled by them: I am Hashem, your G-d."* (Vayikra 19:31)

The meaning of the terms "Ov" and "Yidoni" is unclear. The commentators explain that they refer to people who claim to communicate with the dead or other spirits, using them to foresee the future for their clients. The commentators debate whether these methods worked, and whether the claims they made were true or false, real or fabricated. (For an overview, see Shu"t HaRashba 1:413.) Whatever these practices were, the Torah vehemently opposes them, banning them three times in our parshah alone (Vayikra 19:31; 20:6, 27).

Several meaningful discrepancies emerge when comparing the three appearances of this prohibition. Our Sages note the most significant: the first time the ban is recorded, no punishment is specified; the second time it appears, the Torah records the punishment as *kareit* (spiritual excision from the Jewish people); the third time, the Torah sentences the sinner to stoning. In explaining these differences, our Sages suggest that the verses serve different purposes. The first serves as a warning; the second provides the heavenly punishment that will be given in cases where human courts cannot act, e.g. there is lack of evidence; the third records the punishment given by human courts.

The different roles these verses serve can also be seen in their content, language and context:

- Content – The Torah describes the

prohibition differently in each case. In the first two, the verse forbids consulting *Ovot* and *Yidanim*; in the third it is actually serving as a practitioner of *Ov* or *Yidoni* which was banned.

- Language - The language used to describe the sin changes as well. The first time, the Torah says that these practices "defile"; the second time, the sinner is described as "going astray"; the final time, the sin has no other verbs attached to it.
- Context - Finally, the context varies for each. The first verse appears in the part of the parshah discussing how Man can sanctify himself; the second verse is found at the end of the record of the war against idol worship; the third appears in a section dedicated to the differences between the Jewish people and the other nations.

Now to connect the pieces of the puzzle. It seems that each verse points to a different problem inherent in turning to the dead for physical and spiritual advice:

- The first verse deals with the impact on the individual: he is defiled. The verse ends with the words, "I am Hashem your G-d." The individual who turns to such measures is connecting himself with negative elements, and defiles himself in the process. No punishment is mentioned: in this context, the failure to achieve sanctification is the punishment itself.
- The second verse highlights not the loss of purity, but the loss of one's way, as turning to *Ov* is described as "straying". Not only is one's sanctity at stake, but one's very connection to

G-d hangs in the balance. Turning to the dead is a betrayal of G-d. Thus, the punishment is meted out by Him, hence *Kareit*.

- The final verse emphasises that the presence of *Ov* and *Yidoni* contradict the essence of Jewish identity. The children of Israel are separate from the other nations, a separation expressed, for example, by Rabbi Yochanan's well-known statement – "Israel is not subject to *maza!*", meaning to the power of the celestial bodies. While other nations are chained by their past and move along a certain predestined voyage, the Jewish people are called to forge their own future, with the faith that a better world can be built. This is a message they were taught by the miracle of the Exodus, which unchained them from their slavery. Being a practitioner of *Ov* and *Yidoni* means a rejection of this most important tenet. The courts of the people must punish this aspect of the sin themselves.

Our Torah is of life and not of death. It directs us to become empowered servants and even partners of G-d, and not frightened slaves to spirits and demons; it aims to forge our identity as masters of our fate and not as subdued subjects to it. Thus, the ban on *Ov* and *Yidoni* is repeated again and again, serving as the negative image from which we may learn of the desired ideal, depicted by the Torah of the living G-d.

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**Moral Issues of the Marketplace in Jewish Law**

**Rabbi Dr. Aaron Levine**  
**Yashar Books (2005, 2008)**

**About the Author**

Rabbi Dr. Aaron Levine chaired the Economics Department at Yeshiva University for thirty years. A unique expert in the nexus of Jewish monetary law and modern economics, he wrote or co-wrote seven scholarly books, and dozens of articles, about this complicated field.

Rabbi Dr. Levine was also Rabbi of Young Israel of Avenue J in Flatbush, Brooklyn, and he served as a judge on the Beth Din of America. In 2008, this reviewer participated with Rabbi Dr. Levine on a committee to develop ethical guidelines for kosher food production. Rabbi Dr. Levine passed away during Pesach 2011.

**About the Book**

*Moral Issues of the Marketplace in Jewish Law* was published as the third volume in the *Yashar Ethics Series*; the preceding volumes were Menahem Glenn's *Rabbi Israel Salanter: Religious-Ethical Thinker* and Rabbi Daniel Feldman's *The Right and the Good*. The goal of this work is to emphasize the role of economics in applying the Torah's rules to telemarketing, collective bargaining, whistleblowing, and other business-related fields.

Generally, ethical issues present a

conflict between multiple interests, such as in the case of assisted suicide (pain mitigation, human autonomy, the value of human life, social pressure, etc.) or the case of socialized medicine (kindness, social justice, the right to personal property, etc.). The challenge is to 1) identify valid interests, 2) establish priorities among the interests, and 3) develop a plan of action which satisfies the highest-ranking interests, if not all of them.

Realistically, the third step is the trickiest; our plan must be both ethically satisfying and practically beneficial. This is where Rabbi Dr. Levine's analysis is most important. Not only does the author cite and explain sources from the breadth of Jewish law and ethics, but he simultaneously invokes, explains and applies principles of economics which directly affect the implementation of those Jewish sources.

In one example, Rabbi Dr. Levine discusses the limits of acceptable bargaining tactics. The author reviews Jewish sources on honesty, deception and insincere oaths as well as material related to bad faith negotiation and bully offers, before applying the conclusions of both fields to issues like bluffing and concealing information.

**The Intended Audience**

Rabbi Dr. Levine is sensitive to the reader who is versed in neither

rabbinics nor economics. The author uses stories – real and fictional – to help the reader visualize and follow the cases under discussion.

One example is the section on "Girard's Law of 250", built around the business practices of 1970's salesman Joe Girard, who was listed in the *Guinness Book of World Records* as the world's greatest salesman. Girard observed "that the average attendance at a funeral is 250; at a wedding, 500. This told Joe that an average person interacts in a socially meaningful way with approximately 250 people. A satisfied customer could therefore potentially spread goodwill to 250 people, and a dissatisfied customer could potentially 'badmouth' him to as many as 250 people. Any customer therefore really represented 250 people wrapped up together in one." From this starting point, Rabbi Dr. Levine continues to analyze Girard's methods of customer satisfaction, and their status within Jewish law.

*Moral Issues of the Marketplace in Jewish Law* is accessible for the reader who is willing to devote time and focus. The reward for this investment is an education in both the religious and economic realms, and a greater sensitivity to righteous behaviour in our daily lives.

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**613 Mitzvot: 508: Give the Gift of Wool**

After denying the tribe of Levi ownership of tribal land and shares of the spoils of war, Devarim 18:3-5 assigns certain gifts to the kohanim. In Toronto Torah 7:31 and 7:32 we discussed the first two gifts listed. The third gift listed is, "The first shearing of your sheep," and Sefer haChinuch lists this as the Torah's 508<sup>th</sup> mitzvah. This gift of wool is called *reishit hageiz*, and it is discussed in Mishneh Torah, Hilchot Bikkurim 10 and in Shulchan Aruch Yoreh Deah 333.

The Mitzvah

Sefer haChinuch explains that the goal of this gift, like the other gifts given to kohanim, is to make up for that which the kohanim are not given: Gifts from slaughtered animals provide meat. (Mitzvah 506) Gifts of produce provide grain, wine and oil. (Mitzvah 507) Gifts of wool provide clothing; indeed, if the wool is too tough to be used for a wearable fabric then one is exempt from giving it. (Chullin 137a)

Rabbi Samson Raphael Hirsch saw an added dimension in these gifts: the recognition that citizenship is not a function of participating in the supply chain meeting the community's material needs. The kohen is not a producer of material goods, but the nation must recognize the value in his spiritual work, and even provide him with these goods for himself.

One might think that this mitzvah would apply anywhere in the world, since it isn't tied to land. However, it actually applies only in Israel. (ibid. 136b) It applies even when there is no Beit haMikdash. (Mishneh Torah, Hilchot Bikkurim 10:1)

The Gift

One is obligated to give this gift only upon shearing a minimum of five sheep, with each sheep providing wool weighing at least 12 *sela*. (Mishnah Chullin 11:2) According to Rambam, this applies if one pulls the wool off, rather than shear it, too. (Mishneh Torah, Hilchot Bikkurim 10:15, and see Kesef Mishneh there)

The Torah does not assign a percentage of wool which one must give; any percentage of the sheared wool satisfies the biblical mitzvah. However, the Sages set the percentage at one-sixtieth of the wool one shears. (Chullin 137b)

Devarim 18:4 states, "You shall give" the first shearing, and the Sages (ibid. 135a) understood this to mean that one must give a quantity sufficient to be called a "gift". Therefore, one must give the kohen recipient a quantity of wool which would yield wool weighing at least five *sela* after the bleaching process.

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## Biography

### Rabbi Yehudah Gershuni

Rabbi Jonathan Ziring

Rabbi Yehudah Gershuni (November 21, 1912- January 17, 2000) was born in Grodno, now in Western Belarus, on the Polish-Lithuanian border. He was known as Rabbi Yudel Grodner. In Europe, he was a student of Rabbi Shimon Shkop, Rabbi Naftali Trop, and Rabbi Baruch Ber Lebowitz. He made aliyah in 1933 and studied, and eventually taught in, Yeshivat Mercaz HaRav, becoming an important student of Rabbi Avraham Yitzchak Kook. He was ordained by Rabbi Kook, as well as Rabbi Chaim Ozer Grodzinski, Rabbi Isser Zalman Meltzer and Rabbi Yitzchak Herzog.

Circa 1950, Rabbi Gershuni moved to the United States and established Yeshivat Eretz Yisrael, where the language of instruction was Hebrew. Later in life he returned to Israel and devoted his time to writing, both his own books and contributing to the Encyclopedia Talmudit. He was awarded the Rabbi Kook Prize twice in the category of Torah Literature (5705-6, 5757).

Rabbi Gershuni published books in a wide range of topics, from the laws of the Korban Pesach (*Chukot HaPesach*), laws of government (*Mishpat HaMeluchah* on Rambam's Hilchot Melachim and *Chok UMishpat* on Hilchot Sanhedrin), as well as many works on halachic and philosophical issues related to the State of Israel and religious Zionism (see his collections of essays *Kol Tzofayich* and *Kol Yehudah*). In addition to his books, many of his articles have been published in HaPardes and Or HaMizrach.

An innovative thinker in both halachah and philosophy, Rabbi Gershuni believed the existence of the State of Israel affected classic halachic rulings. For example, he ruled that while traditionally, halachic authorities had ruled that a visitor to Israel does not fulfill the commandment of living in Israel, a modern tourist does. He explained that now that the State had been established, Jewish tourism strengthened the economy and security of the country. Thus, even by visiting, the tourist has contributed to the State. (This ruling is discussed earlier in the piece translated on this page.)

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## Torah and Translation

### Israel: More than a Mitzvah

Rabbi Yehudah Gershuni, Kol Tzofayich 127-129

Translated by Rabbi Jonathan Ziring

ולי נראה לפרש דברי הרמב"ם ... באופן נפלא ... דהנה ידוע כאשר ירעב ויצמא אדם אין צריך מי שיצווה אותו שיאכל וישתה כי טבעו מעורר אותו לכך, וכן בימות החורף להחם ובימות הקיץ להקר, וכדומה כל צרכי האדם אשר המה בטבעם הטבע מעורר אותו ואין צריכים לצוות אותם על ככה, אבל מי שהוא חולה ואינו מרגיש מחמת חולשתו לא קור ולא חום ולא רעב ולא צמא אז צריכים לעורר אותו על ככה כדי להחיות את נפשו ולשמרו שלא תוסיף עליו רעת החולה ימות...

מצוות צריכים רק במקום שבני אדם באופן טבעי לא מרגישים צורך בהם אבל במקום שבאופן טבעי הדבר נעשה לא צריכים ציווי על זה, כמו שאין מצוה שיאכל וישתה או שיושב בבית בזמן קור או חום, כי במקום שהטבע דורש זה לא צריכים ציווי ויותר מציווי הוא אם האדם מעורר בכח טבעי לעשות זה.

מבואר שהעם ישראל, לגדול ולהתפתח לפי הכשרון האלקי הנמצא בו צריך מקום מסוגל והיינו אויר ארץ ישראל, כי ארץ ישראל לעם ישראל דה דומה מעין עבודת אדמה והכנתה להצלחת מין צמחים, ולפיכך ארץ ישראל מיוחדת להתפתחות העם ולהוציא ולפועל את הסגולות החבויות בתוכה, ולא צריכים איפוא ציווי מן התורה על ישיבת ארץ ישראל, כי טבעו של העם וסגולותיו מחייב זה.

[Editor's note: This is Rabbi Gershuni's explanation for why the Rambam does not list living in Israel as a mitzvah.]

It seems to me that [we can] explain the Rambam's words...in an amazing way... For it is known that when a person is hungry or thirsty, he needs no one to command him to eat or drink, for his nature arouses him to do it, and so too during the winter months to warm up or the summer months to cool down, and so too with all of man's natural needs, where his nature arouses him and no one needs to command him. However, when one who is sick and does not feel, due to his weakness, cold or heat, hunger or thirst, we must arouse him for this so that he can ensure that he will remain alive and guard his life so that the evil of the sickness doesn't get worse, such that he will die....

Commandments are only necessary where people don't naturally feel that they have a need to perform those actions. However, where the thing would be done naturally, we don't need a command. For example, there is no commandment to eat or drink or to dwell in a house during cold or hot times, for wherever nature requires something, we need no commandment. It is more than a commandment when a person is awakened by the natural forces to do this...

For the Jewish nation, in order to grow and develop according to the Divine powers that are found in it, it needs a place that is suited for it, namely the atmosphere of the Land of Israel. For the [necessity of the] Land of Israel for the nation of Israel is almost like [the necessity] of the working and preparing of the land for the success of species of plants. Therefore, the Land of Israel is uniquely designated for the development of the nation, to bring out and actualize the positive qualities in it. And we don't need a commandment from the Torah to dwell in the Land of Israel, for the nature of the nation and its qualities require this.

## This Week in Israeli History: 9 Iyar 5725 (May 11 1965)

Rabbi Yisroel M. Rosenzweig

### The Israel Museum Opens

9 Iyar is Tuesday

On 9 Iyar, 1965, the Israel Museum opened its doors to the public with an official ceremony attended by the President of Israel and several hundred guests from around the world, among them diplomats, donors, and museum curators. The museum is located in Givat Ram, Jerusalem, not far from the Knesset. The Israel Museum is not fully funded by the government. Instead, the majority of the funding is raised by the Museum from donors worldwide.

Initially, the museum occupied a 12,800 sq. meter campus. However, in 2007, renovations began that expanded the campus to close to 20,000 sq. meters by 2010. It currently ranks as one of the largest museums in the Middle East, and it is the largest cultural institution in Israel.

Collections housed in the Israel Museum include:

- **The Shrine of the Book** – Assortment of some of the oldest known and most unique manuscripts of the Torah, including The Dead Sea Scrolls and the Aleppo Codex.
- **Model of Jerusalem** – a topographically accurate model of Second Temple period Jerusalem as it stood prior to its destruction at the hands of the Romans.
- **The Synagogue Route** – A collection of four synagogue interiors from India, Germany, Italy and Suriname.
- **New Types** – Exhibition of the work of Moshe Spitzer, Franzisca Baruch, and Henri Friedlaender, three important Hebrew typeface developers.

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## Weekly Highlights: May 14 – May 20 / 6 Iyar - 12 Iyar

Time	Speaker	Topic	Location	Special Notes
<b>שבת May 13-14</b>				
6:00 PM	R' David Ely Grundland	Parent-Child Learning: Avot	Shaarei Shomayim	
<b>Before Pirkei Avot</b>	R' Jonathan Ziring	Daf Yomi	BAYT	<b>Rabbi's Classroom</b>
<b>Before minchah</b>	R' Yisroel M. Rosenzweig	Pirkei Avot	Clanton Park	
<b>After minchah</b>	R' Jonathan Ziring	Avodah Zarah as Infidelity	BAYT	<b>Simcha Suite</b>
8:15 AM	<b>R' Jonathan Ziring</b>	<b>Prayer on Shabbat: A Paradox</b>	<b>Bnai Torah</b>	<b>Shabbaton on the Torah of Rav Aharon Lichtenstein zt"l for his first yarhzeit</b>
<b>After Kiddush</b>	<b>R' Jonathan Ziring</b>	<b>When to Close the Book</b>	<b>Bnai Torah</b>	
6:30 PM	<b>R' Mordechai Torczyner</b>	<b>When Divine Law and Human Ethics Collide</b>	<b>Bnai Torah (women's shiur)</b>	
7:15 PM	<b>R' Mordechai Torczyner</b>	<b>Marriage: What's the Point?</b>	<b>Bnai Torah</b>	
<b>Seudah Shlishit</b>	<b>R' Mordechai Torczyner</b>	<b>The Zionism of Rav Aharon</b>	<b>Bnai Torah</b>	
<b>Sun. May 15</b>				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	<b>Hebrew</b>
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	
9:15 AM	R' Shalom Krell	The Book of Shemuel	Associated (North)	<b>Hebrew</b>
<b>Mon. May 16</b>				
7:30 PM	R' David Ely Grundland	Daf Yomi Highlights	Shaarei Shomayim	<b>Beit Midrash Night</b>
7:30 PM	<b>R' Mordechai Torczyner</b>	<b>Medical Ethics: Treating Terrorists</b>	<b>Shaarei Shomayim</b>	<b>CME-approved; open to laypeople</b>
<b>Tue. May 17</b>				
9:30 AM	R' David Ely Grundland	Chabura: Dishwashers	Yeshivat Or Chaim	<b>University Chaverim</b>
1:30 PM	R' Mordechai Torczyner	Iyov: G-d Speaks Again	Shaarei Shomayim	
<b>Wed. May 18</b>				
12:30 PM	<b>R' Mordechai Torczyner</b>	<b>Ethics from the Bookshelf: Omelas</b>	<b>Zeifmans LLP 201 Bridgeland Ave</b>	<b>Lunch served; RSVP to rk@zeifmans.ca</b>
2:30 PM	R' Jonathan Ziring	Narratives of the Exodus	Location: Contact carolleser@rogers.com	<b>For women</b>
8:00 PM	R' Yisroel M. Rosenzweig	Denominations in Halachah	Shaarei Tefillah	
<b>Thu. May 19</b>				
1:30 PM	R' Mordechai Torczyner	Shoftim: The Action Hero	49 Michael Ct.	<b>For women</b>