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G-d's Claim Came First

Rabbi Jonathan Ziring

Social mitzvot are generally understood to involve two relationships. At the most basic, they create and reflect our moral responsibilities towards other people. We are enjoined from harming others physically, emotionally, monetarily, or spiritually. From the positive perspective, we are obligated to care for and protect those closest to us, as well as those at the outskirts of our social circles and beyond. These ethical laws are often present in other legal or moral systems. As a midrash (*Torat Kohanim Acharei Mot* 9:13) says, "These are the laws written in the Torah which, had they not been written, would have deserved to be included regardless."

However, every social commandment also has a *bein adam lamakom* aspect, an element that relates to our relationship with G-d. After all, while general morality may dictate some (though not all) of the values of the Torah, still, once they have been commanded, violating or ignoring them is an affront to G-d. Many reasons are given to explain why these laws are indeed formulated as law. For example, by including them as laws they are given force, their parameters are defined, their limits pushed, and those who keep them can be rewarded.

There is, however, another way in which social laws are affected by the "G-d component", one that emerges from the limitations the Torah places on the Jewish slave. The Torah writes, "As a hired servant, and as a settler, he shall be with you; he shall serve you until the year of jubilee. Then shall he go out from you, he and his children with him, and shall return to

his own family, and to the possession of his fathers shall he return. For they are My servants, whom I brought out of the land of Egypt; they shall not be sold as bondsmen. You shall not rule over him with rigour; but you shall fear your G-d." (adapted from JPS Vayikra 25:40-43)

The Torah rules that a Jewish slave may not be enslaved forever. Even when enslaved, he may not be treated as a true slave. The master must recognize the difficulty of his situation and have compassion when asking him to work. He is to be treated more as a long term worker than a slave.

The Talmud derives other laws from this verse. For example, the Babylonian Talmud (Bava Metzia 10a) derives that a worker may always pull out of a job, even in the middle. While in certain circumstances he may be obligated to compensate his employer for the loss suffered from his renegeing on the deal, he cannot be forced to continue his work. As the Talmud writes, *avadai hem, v'lo avadim la'avadim* – they are my slaves, and not slaves to slaves. A human employer cannot be given the power to force another to labour.

Rashi explains that this limitation of human authority is due to "sh'tari kodem", G-d arguing that His claim to the Jewish people preceded that of anyone else. He took them out of Egypt to be His slaves, and no one else can have claim on them. This goes beyond the generic explanation as to why every social mitzvah has an aspect of *bein adam lamakom*. The social laws are derived from the nature of our relationship with G-d. As Rabbi Moshe Alshich highlights, though the Talmud

(Kiddushin 19b) rules that normally one may set any condition on a monetary agreement, even those that go beyond what the Torah outlines, in this case that is not possible. One may not become a worker without the rights to retract. Similarly, a Jewish slave may not sell himself on condition that he actually sells full rights to his self (*gufo kanuu*), allowing the master to treat him as a full slave.

It is not only the potential oppressor who is limited by this law – it is the potential "victim". G-d outlined the master's responsibilities to his slave in a way that reflects the nature of both of these human beings' obligation to G-d. By taking us out of Egypt to be His, He made us His slaves, making our primary allegiance to him. Thus, others must respect the "rights" that this gave us, and we have no right to abdicate those rights, because of the responsibilities that come with them.

At some level, this is true of all social laws. By ensuring a society where all are protected, we enable every member of the community to maximize her or his ability to serve G-d, making every *bein adam lachaveiro* a meaningful expression of *bein adam lamakom* as well.

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The Philosophical Quest: Of Philosophy, Ethics, Law and Halakhah
Rabbi J. David Bleich
 Published by Maggid Books, 2013

About the author

Rabbi J. David Bleich currently serves as a Rosh Yeshiva and the Rosh Kollel L'Hora'ah at RIETS, a Professor of Law and Ethics at Yeshiva University, and a Professor of Law at Cardozo School of Law. In addition to his teaching positions, Rabbi Bleich has been the author of *Tradition's* "Survey of Recent Halakhic Periodical Literature" for over forty years. In an intellectual portrait of Rabbi Bleich, Steven H. Resnicoff writes that he "[is] one of the greatest popularizers, and perhaps the greatest, of an entire genre of Jewish law literature: *serious* Jewish law scholarship written in English." *The Philosophical Quest* is the inaugural volume in the RIETS Hashkafah Series and consists of material that has been published previously in a variety of forums including *Tradition* and *Fordham Urban Law Review Journal*.

What is the goal of this book?

The Philosophical Quest is a collection of essays penned by Rabbi Bleich that is,

in the author's own words, "[Devoted] to Jewish belief, philosophical concepts reflected in the halakhic system, Jewish responsibilities in a non-Jewish society as well as ethical values as they relate to the resolution of societal problems." The topics addressed are those which Rabbi Bleich believes to be critical for Jews living in the Western society of the 21st century.

In an introductory chapter which frames the collection, Rabbi Bleich speaks to the challenges of committing to faith, as well as the centrality of such a commitment in the Jewish tradition. Each of the following chapters serves to expand upon a specific point of confusion or tension.

An overview

The Philosophical Quest constitutes a limited chronicle of the philosophical issues on which Rabbi Bleich has written over the past decades. Given the complexity of the matters at hand and the thoroughness of the analysis, it is impossible and perhaps counterproductive to describe, in this context, some of the conclusions that Rabbi Bleich reaches in his

explorations. Rather, we will mention a few of the critical questions that Rabbi Bleich seeks to answer:

- Does Judaism accept the concept of dogmatic beliefs? What are these beliefs?
- What exactly are the parameters of the concept, "It is not is Heaven?" Does this completely preclude the involvement of prophecy in the halachic process?
- Does halachah acknowledge the existence of natural law? Is it regarded as halachically binding?
- Does an ethic exist above and beyond halachah? If one assumes that there is such an ethic, is it binding upon a Jew? If it is in fact binding by force of halachah, can it actually be considered "beyond halachah?"
- How does halachah balance patient autonomy with the responsibilities carried by, and ethical character expected of, a physician? This issue is further complicated by conflicts between individual autonomy and an overarching moral that dictates the preservation of life, both of which are acknowledged by secular and religious thinkers alike.

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613 Mitzvot: 516: Follow the Prophets

Rabbi Mordechai Torczyner

As the Jews prepared to enter their new land, Moshe warned them not to resort to the Canaanite methods of seeking spiritual guidance. Instead, Moshe promised, Hashem would guide them via prophets. As Devarim 18:15 states, "A prophet from your midst, from your brethren, like me, Hashem your G-d will establish for you. Listen to him."

The instruction, "Listen to him," presents two commands: (1) For the nation to heed the instructions of Hashem's prophets, and (2) For the prophet to proclaim his prophecy, and not conceal it. Sefer haChinuch includes both elements in his 516th mitzvah.

The importance of listening

Prophecy is fundamental to Jewish tradition; although we have not been led by prophets in more than two thousand years, they played a critical role in shaping the mitzvot and values of the Judaism we know today. More, the very existence of a prophet testifies to the closeness of G-d with humanity. Therefore, one should not demand repeated signs and miracles; as stated in Sefer haChinuch #424, we should trust prophets who have demonstrated righteousness and loyalty to Torah.

Failure to heed

Minchat Chinuch (516:2) notes that the Mishnaic version of this prohibition is, "One who is *mevater* on the words of a prophet." (Sanhedrin 11:5) Per Rashi, this is someone who "views them as *hefker*, and is not concerned for that which the prophet tells him." Minchat Chinuch suggests that this means one violates this mitzvah only by rejecting the validity of the instructions; one who failed to follow the instructions because of personal weaknesses would not be liable.

Special dispensation?

The decision to listen to a prophet is not always simple, because prophets are empowered to declare a *hora'at sha'ah* - a special ruling which runs counter to the Torah's rules. Examples of this include Moshe's execution of the *megadef* (Sanhedrin 78b) and Eliyahu's sacrifice of a korban outside the Beit haMikdash (Yevamot 90b). Mitzvah 516 obligates us to listen to the prophet's *hora'at sha'ah*, but we are also commanded not to listen to a prophet who attempts to draw people to idolatry. (Sefer haChinuch 456) How, then, do we know when to listen to a *hora'at sha'ah*, and when to reject this instruction?

Here are two principles which may help a Jew decide whether to listen to a prophet's *hora'at sha'ah*:

- Sefer haChinuch specifies that we are obligated to listen to a "true prophet". We are only obligated to listen to prophets who meet the criteria laid out in Devarim 16:18-22; the prophet must be loyal to G-d, must not contradict the Torah, and must not speak in the name of idolatry. If the prophet presents miraculous signs, they must come true. And each prophet must present messages in a unique way; if the messages duplicate those of another prophet, they are false. (Sanhedrin 89a)
- A *hora'at sha'ah* must be temporary. If a prophet attempts to make a permanent change to Torah, that demonstrates his lack of credibility. (Rambam Aseh 172; Ramban to Devarim 13:4; Ibn Ezra Shemot 12:1)

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Biography

The Sfat Emet

Rabbi David Ely Grundland

Rabbi Yehudah Aryeh Leib Alter was born in Warsaw, Poland in 1847, and is more commonly referred to by the name of his books: *Sfat Emet*. He was a Chassidic Rabbi and scholar in the Polish town of Gora Kalwaria, more commonly known as Ger. His grandfather, Rabbi Yitzchak Meir Alter ("Chiddushei HaRim"), was primarily responsible for raising Yehudah Aryeh Leib, as his parents passed away when he was young.

When the Chiddushei HaRim passed away, Rabbi Yehudah Aryeh Leib was already recognized as a child prodigy, a great scholar and a leader. However, notwithstanding his talents, he rejected the mantle of leadership, which instead passed to Rabbi Chanoch Henoch HaKohen from Alexander, under whom Rabbi Yehuda Aryeh Leib would study. After four years, Rabbi Chanoch Henoch also passed on, and the Sfat Emet complied with the wishes of the Chassidim and took his place at the head of the Beit Din in Ger and as the leader of the Gerrer Chassidim. Under his leadership, Ger became the largest Chassidic group in Poland, until most of them were murdered during the Shoah. His son, Rabbi Avraham Mordechai Alter, succeeded him and managed to escape the Nazis and arrive in Eretz Yisrael. He initiated the rebirth of the Chassidic dynasty, which remains strong.

Rabbi Yehudah Leib's books were all published posthumously. The title *Sfat Emet* comes from Mishlei 12:19, the last verse on which he commented before passing, in his final written Torah commentary, Vayichi 5665. His commentaries stress moral and ethical lessons. His works include a compilation of his Torah teachings as delivered to his congregations on Shabbat and Chagim, as well as novel approaches to understanding many sections of the Talmud, and a commentary on the Yoreh Deah section of Shulchan Aruch.

The *Sfat Emet* passed away on January 11, 1905 (5 Shevat 5665), at the age of 57.

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Torah and Translation

Servants and Children

Rabbi Yehudah Aryeh Leib Alter, Sfat Emet, Behar 5641

Translated by Rabbi David Ely Grundland

בפסוק כי לי בני ישראל עבדים עבדי הם כו'. שטרי קודם. וזה נוהג גם עתה כפי קבלת מלכות שמים שמקבלין כך פורקין שיעבוד מלכות כמאמרם ז"ל המקבל עליו עול תורה מעבירין ממנו עול מלכות. ויש בחי' עבד וכן...

וב' ענינים אלו הם בחינת התורה והמצות, כי העוסק בתורה הוא בן חורין. ומ"מ צריך כל אחד לקבל עול מלכות שמים ועול מצות. וזה פי' הפסוק "עבדי הם" כמ"ש "ישראל אשר בך אתפאר", שזה תפארת למקום ברוך הוא, במה שבני ישראל מקבלין עול עבדות עליהם, אם כי הם באמת בנינים. ואין זה שבח של בני ישראל בלבד אבל הוא עדות אמת על הבורא ית'...

ויש לעולם בחי' עבד וכן, עבד וכן, שכפי מה שמשגיגין יותר ברזין דמלכא יותר משפילין עצמם לקבל עול מלכותו בבחי' עבד. וממילא זוכין יותר לראות ולהשיג בחי' בן וחוזרין להיות עבד כנ"ל. ...

בניסן יוצאין לחירות ומקבלים עול מלכותו ית' כל ימי הספירה בחי' עבדים עושי דברו כמ"ש לעיל, עד שמתקיים "ז' שבתות תמימות" שהיא השבועה שמושבעין ועומדין מהר סיני. אז זוכין בשבועות לקבל התורה בחינת בנינים לחפשא בגיניזין דמלכא. ומ"מ אח"כ חוזרין לבחי' עבד והוא חג הסוכות ששבין בתשובה בר"ה וי"כ ומקבלין עול מלכותו מחדש והוא התפארת הנ"ל שהקב"ה מתפאר בהם. ...

וכן יש מענין זה בכל יום שהוא קבלת עמ"ש בבקר. וזוכין עי"ז לתורה כ"א כפי מדרגתו. ובערב חוזרין לקבל עול מלכותו ית'. ובחי' עבד הב' הוא יותר מעלה כמובן למשכילים:

Regarding the verse (Vayikra 25:55) "The Children of Israel are servants to Me; they are my servants..." My claim came before [any other claim]. This is still true today, for according to the level at which one accepts the yoke of Heaven, enslavement to governments is removed, as our sages have taught (Avot 3:5), "One who accepts the yoke of Torah, has the yoke of government removed." There are also roles of servant and child...

[The roles of servant and child] parallel the aspects of Torah and commandments, for one who engages in Torah [as a child of G-d] is free. (Avot 6:2) However, everyone must accept the yoke of Heaven and of commandments upon themselves [as a servant]. This is the meaning of the verse, "They are My servants", as it is written "Israel, in whom I am glorified." (Isaiah 49:3) It is glorious for G-d when Israel accepts servitude to Him, despite being His children. It is not only praise of Israel, but it is also true testimony to the Creator...

There are always levels of servant and child, servant and child, in that the greater one's grasp of the secrets of the King [as G-d's child], the more one lowers one's self to accept the yoke of Heaven as a servant. Consequently, one merits to see and grasp, as a child, and then one returns to being a servant...

In Nisan, we become free and receive the yoke of Heaven. All the days of the Sefirah, we are like servants, doing His will, until we achieve seven complete weeks, which is the oath we swore and in which we have stood since Mount Sinai. We then merit on Shavuot to receive the Torah, like children who search through the vaults of the king. However, we then return to being servants, which is Sukkot, when we return and repent on Rosh HaShanah and Yom Kippur, and accept the yoke of Heaven anew, which is the glory mentioned above, as the Holy One finds glory in them...

Similarly, daily, one accepts the yoke of Heaven [as a servant] in the morning and thereby merits Torah [as a child] according to his level. And at night, one returns to accept the yoke of Heaven. And the level of the "second servant" is greater, as can be understood.

This Week in Israeli History: 20 Iyar 5708 (May 29 1948)**Rabbi Baruch Weintraub****The Egyptian Army Halts at Ad Halom***20 Iyar is Shabbat*

On the 15th of May, 1948, seven Arab states joined the Arabs living in Eretz Yisrael in their attempt to crush the newborn Jewish state. Egypt, one of the strongest nations in this alliance, sent the largest armed force, which penetrated the vulnerable southern Israeli border. The Egyptian forces, counting more than 50,000 soldiers, were assigned the mission of conquering the southern Jewish settlements along the coast. They were then supposed to meet the other Arab armies around Tel Aviv, conquering it together.

At first, the Egyptians seemed unstoppable. On May 24th they managed to overrun Kibbutz Yad Mordechai, after six days of heroic efforts by its greatly outnumbered defenders. Excited by this success, the Egyptian force continued its advance north, and the situation for the Israelis looked grim.

On May 29th the Egyptians stopped just south of Ashdod, as a demolished bridge blocked their advance. On the same night, they were surprised by an air raid, in which four Israeli planes attacked them. The attack did not cause much damage, but it frightened the Egyptians commanders, who were not prepared for air defense. Ground attacks on the following days further decreased their morale, and they were never able to continue their march.

By G-d's mercy, the young Jewish settlement was saved. The site where the Egyptians were halted was re-named *Ad Halom*, meaning "up to here", emphasizing its historic importance.

*bweintraub@torontotorah.com***Weekly Highlights: May 28 – June 3 / 20 Iyar - 26 Iyar**

Time	Speaker	Topic	Location	Special Notes
שבת May 27-28				
After musaf	R' Jonathan Ziring	Jerusalem: Celebrating the Holy and the Mundane	Zichron Yisroel	"The Modern Zionist" Mini-Shabbaton
8:00 PM	R' Mordechai Torczyner	The Religious Zionism of Menachem Begin	Zichron Yisroel	
After hashkamah	R' Yisroel M. Rosenzweig	Avot d'Rabbi Natan	Clanton Park	
6:00 PM	R' David Ely Grundland	Parent-Child Learning: Avot	Shaarei Shomayim	
Before Pirkei Avot	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Shalom Krell	"Shop Blue and White"	BAYT	Simcha Suite
Sun. May 29 UJA Walk with Israel				
9:15 AM	R' Shalom Krell	The Book of Shemuel	Associated (North)	Hebrew
Mon. May 30				
9:30 AM	Mrs. Ora Ziring	Women's Beit Midrash	Ulpanat Orot	
7:00 PM	R' Mordechai Torczyner	Legal Ethics: Access to Justice	Shaarei Shomayim	CPD-approved Open to non-lawyers
7:30 PM	R' David Ely Grundland	Daf Yomi Highlights	Shaarei Shomayim	Beit Midrash Night
Tue. May 31				
9:30 AM	R' Jonathan Ziring	Chabura: Microwaves	Yeshivat Or Chaim	University Chaverim
10:00 AM	Mrs. Ora Ziring	Women's Beit Midrash	Ulpanat Orot	
1:30 PM	R' Mordechai Torczyner	Iyov: Behemoth / Leviathan	Shaarei Shomayim	
Wed. June 1				
2:30 PM	R' Jonathan Ziring	Narratives of the Exodus	Location: Contact carolleser@rogers.com	For women
8:00 PM	R' Yisroel M. Rosenzweig	Minhag: Unity vs. Diversity	Shaarei Tefillah	
Thu. June 2				
1:30 PM	R' Mordechai Torczyner	Shoftim: Devorah Begins	49 Michael Ct.	For women
Fri. June 3				
10:30 AM	R' Mordechai Torczyner	Eruvin	Yeshivat Or Chaim	Advanced