



**This issue of Toronto Torah is sponsored by Rabbi Mordechai and Caren Torczyner
in honour of Ruthie and Michael Mammon
upon Michael's successful chairing of our Beit Midrash Dinner**

Yitro's Eyes**Rabbi Mordechai Torczyner**Yitro the Scout

In a brief exchange just before the Jews pull up their tentstakes and leave Mount Sinai, Moshe asks his father-in-law, Yitro, to remain with the Jews as they travel to Israel. Yitro declines, but Moshe pleads a second time, saying, "Please do not leave us! You have known our camp in the wilderness, and you could be our eyes! (Bamidbar 10:31)"

Moshe's respect for his father-in-law is heartwarming, but his request is perplexing. Who needs a local guide, when G-d leads us with clouds and fire?

Multiple answers are suggested for this problem, including these:

- The verse is describing a past event; Yitro once helped with advice, in counseling Moshe to establish a system of courts (Ibn Ezra);
- Yitro's presence could attract others to support us, as they would assume that he had joined us upon witnessing great miracles (Daat Zekeinim);
- Yitro's presence could encourage those who would have greater confidence in a human guide (Rabbeinu Bechayye);
- Yitro could guide us in choosing our approach to conquering Canaan (Ramban).

Yitro the Sage

A classic midrash (Sifri Bamidbar 80) suggests a more direct explanation, with profound implications for Jewish identity. Moshe said, "When anything is invisible to our eyes, you will illuminate our eyes on the matter."

At first glance, this answer faces the same problem as the approach which identifies Yitro as a travel guide. Moshe does not need a spiritual advisor when he has Aharon, Pinchas and a complement of elders! Perhaps, though, this is precisely the point: Jews are not necessarily the world's wisest citizens, and even (or especially!) regarding matters within the Jewish world.

Certainly, long before Yitro the Torah presents righteous role models who are not kin of Avraham and Sarah:

- Noach demonstrates stubborn righteousness in the face of a wicked majority;
- Malki Tzedek provides a model of gratitude to Hashem, thanking G-d after Avraham defeats an alliance of kings;
- Eliezer, servant of Avraham, models faith in G-d by acknowledging that the success of his mission is in G-d's hands;
- Bityah, daughter of Pharaoh, exemplifies selfless generosity as she saves a Jewish baby and raises him as her own.

Along the same lines, then, Moshe informs Yitro that he could be our "eyes", via conduct or wisdom which would illuminate our national path.

This may wound our national pride, but perhaps acceptance of wisdom from "the outside" would be appropriate for us, too. Role models may be found in the worlds of philanthropy, government, culture and sport, among others. Further wisdom may be found in critiques of the Jewish community by outsiders, who may or may not be friendly. These may serve as "eyes" for us, too; the speakers may not be on the

level of Yitro, but we are hardly on the level of Moshe. As Rambam wrote, regarding the statements of non-Jewish philosophers, "Hear the truth from the one who says it. (Introduction to *Shemonah Perakim*)"

Yitro the Talmid Chacham?

Moshe's message that Jews own no monopoly on wisdom is not the sum of the story, though; a midrash emphasizes that we do have a monopoly on Torah. Based on Eichah 2:9, the sages declared (Eichah Rabbah 2:13), "Should someone tell you that there is Torah among the nations, do not believe them."

This midrash recognizes that Torah is a product of Divine Revelation, and not human intellectual creativity. Of course, a non-Jewish scholar may still provide insight into Torah, whether by drawing on knowledge of external sources or by applying native intelligence in reading Jewish sources. These insights should be respected as wisdom. Still, this is not the same as introducing a Torah concept; only a sage seated within the chain of tradition can claim to carry it forward.

When we seek to identify that which makes the Jew unique, it is neither our national commitment to literacy nor the number of Nobel Prizes we have garnered. As Moshe realized, Yitro may exceed our abilities in these areas. Rather, the unique mark of the Jew is our relationship with G-d, as expressed in the Torah transmitted to us by our ancestors, and by us to our children.

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Book Review: *Conversion, Intermarriage, and Jewish Identity* Rabbi Jonathan Ziring

Conversion, Intermarriage, and Jewish Identity: The Orthodox Forum Series

Ed. Robert Hirt (series editor), Adam Mintz, and Marc D. Stern
Yeshiva University Press, 2015

The Series

"The Orthodox Forum was established in 1989 by Rabbi Dr. Norman Lamm, then president of Yeshiva University to consider major issues of concern to the Jewish community. Academicians, rabbis, *rashei yeshivah*, Jewish educators, and communal professionals... come together for an in depth analysis of one such topic." (page xv) Each forum produces a book that incorporates the papers presented at the forum as well as the discussions, suggestions, and criticisms raised during the conference. The range of experts provides a holistic perspective of the topic under discussion.

The Goal of the Book

As the editors note in their introduction, the goal of this volume is to explore, "Who is a Jew?", a question that is one of the most heated in the Jewish world, from a variety of perspectives. To that end, the subtopics in the book are: 1) Intermarriage, 2) Conversion in the State of Israel, 3)

History of *Geirut* (conversion), 4) Current Contemporary Halakhic Approaches to *Geirut*, 5) The Theological Foundations of Jewish Identity, and 6) Orthodox Responses to New Paradigms of Jewishness. Together, the writers attempt to tackle the many sub-questions that are required to define Jewishness.

The Uniqueness of the Book

The different writers cover the issues both from the "ought" perspective as well as the "is" perspective. In other words, halachic writers, such as Rabbi Yosef Tzvi Rimon, focus on what legally qualifies as *geirut* and whether and when conversion can be nullified. Rabbi Yehuda Sarna notes that regardless of what the halachah might be, young Jews on campus define their Judaism based on a host of factors which often have nothing to do with halachah or familial connection to Judaism at all. Professors Aryeh Edrei and Chaim Waxman explore sociologically how in Israel, people may define themselves as Jewish because of paternal family ties, commitment to the State of Israel, or a host of other reasons, irrespective of halachah. As Edrei explores, much of the discussion in Israel in the past several decades among halachic authorities and the

community at large is whether the "is" should effect the "ought". Should Halachah incorporate the reality that people identify as Jewish nationally and culturally into its standards for *giyur*, especially given the legal implications of Jewishness in the State of Israel? The book's inclusion of this range of articles helps bring the complexities into sharp relief.

Additionally, by including historical and contemporary discussions of intermarriage, the book moves beyond discussion of **formal status**, and broadens the question to what it means to **identify** with the community, and what it could mean to cut off ties. Lastly, by including theological ruminations on Jewish identity by Rabbi Shalom Carmy, the book focuses the reader on the "why" as well as the "what" – why should we accept given definitions of Jewishness and inclusion in the community.

Taken together, the book allows the reader to seriously engage the range of issues that must be dealt with to fully understand what it means to be part of the modern Jewish community, both in Israel and the Diaspora.

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613 Mitzvot: 522: Shifting Boundaries

Rabbi Mordechai Torczyner

Does the Torah prohibit opening a business which competes directly with an existing business, such as a pizza restaurant near another pizza restaurant? It is popularly assumed that this is part of the biblical prohibition of *hasagat gevul*, "shifting boundaries", but the halachic truth is complicated.

Stealing Land in Israel

Devarim 19:14 commands, "You shall not shift back the boundary of your friend, set by the early ones, in the portion you shall inherit, in the land which Hashem, your G-d, is giving you to take." The simple message of this sentence is that it does not protect fair competition; rather, the verse prohibits manipulation of boundary markers in order to steal land in Israel. Sefer haChinuch lists this as the Torah's 522nd mitzvah.

One might wonder why the Torah would issue a special prohibition against theft of land in Israel; why is this not included in the general prohibition against theft? Two answers are offered:

- A halachic midrash (Sifri Devarim 188) on this passage explains that it declares a special prohibition against theft of land in Israel. "In Israel one violates two prohibitions, and outside of Israel one only violates a single prohibition [of theft]." In other words, manipulation of boundaries in Israel is both a violation of a neighbour's rights and a violation of the national division of the Land of Israel. This is the approach of Rambam (Hilchot Geneivah 7:11) and Shulchan Aruch (Choshen Mishpat 376:1).
- The normal prohibition against theft may be limited to mobile property; since land cannot be transported, one who takes control of another person's land is not guilty of

theft. Therefore, the Torah states a separate prohibition regarding land. (Minchat Chinuch 522:1)

Unfair Competition

The Talmud (Bava Batra 21b-22a) does record a prohibition against "descending into a friend's trade," with possible applications including setting up a mill beside an existing mill and peddling wares in another city's market. However, there is some dispute regarding the origin and authority of this prohibition:

- Chatam Sofer (Choshen Mishpat 79) argues that it is fully regarded as theft, and actionable in court, and he mentions the issue of *hasagat gevul* as part of the issue;
- Others contend it is a tort of keeping the other party from earning a living (see Bava Kama 85b and Yerushalmi Bava Metzia 5:3);
- According to Rabbi Yosef Karo (Beit Yosef Choshen Mishpat 156) it is a rabbinic law for the sake of society;
- And some view it as a measure of pious practice, but not law (Shulchan Aruch haRav Choshen Mishpat Hilchot Hefker v'Hasagat Gevul 13, and see Hilchot Deiot 5:13)

Even within the strictest view of this prohibition, it does not prohibit all competition, lest monopolies harm the community. For example, it only prohibits competition which would actually eliminate someone's livelihood (see Chatam Sofer Choshen Mishpat 118 and Igrot Moshe Choshen Mishpat 1:38). Also, Rambam (Hilchot Shecheinim 6:10) rules that where a market is normally open to outside vendors and consumers, direct competition is allowed.

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Biography

Rabbi Aryeh Heller

Rabbi Yisroel M. Rosenzweig

Rabbi Aryeh Leib HaKohen Heller was born in 1745 in Kalush, Galicia (present day Ukraine), and he passed away in 1812 in Styj where he had held the position of rabbi since 1788. Rabbi Heller is most widely known for his commentary on Choshen Mishpat, titled *Ketzot HaChoshen* (Corners of the Breastplate). Since its writing, this work has become an integral part of learning the complex laws found in the Choshen Mishpat part of Shulchan Aruch; this includes the laws of business, court proceedings, and damages. In addition to *Ketzot HaChoshen*, Rabbi Heller also wrote a text of similar nature on the laws of marriage and related issues, called *Avnei Miluim*. His brother, Rabbi Yehudah HaKohen Kahana, is referenced in the introductions to his works as a resource and editor. Rabbi Kahana himself produced several works that were published as addendum to Rabbi Heller's books.

Rabbi Heller's first written work is named *Shev Sh'matita*; this is a brief work in which he analyzes how uncertainties (*s'feikot*) are managed in halachah. There is some debate as to when this was written, with some suggesting that Rabbi Heller may even have been younger than Bar Mitzvah. Regardless, Rabbi Heller himself notes that he wrote *Shev Sh'matita* when he was young and, as a result of his youth and lack of renown, didn't publish it until later in his life. *Shev Sh'matita* is organized into seven sections, each addressing a different topic. Some of the concepts addressed include uncertainties in rabbinical law, the power of a majority, and the weight given to testimony by a single witness.

In an article published in *Akdamos* 19 (Hebrew, <http://goo.gl/0oOx4m>), Rabbi Yehuda Brandes suggests that *Shev Sh'matita* is a not just a formal analysis of legal principles, but actually an overarching depiction of Rabbi Heller's view of the Oral Torah and, in turn, life itself. While this is not readily apparent on the surface of Rabbi Heller's words, Rabbi Brandes suggests that we recontextualize the arguments into their original format as found in the Talmud, where they took the form of reality-based cases.

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Torah and Translation

The Planting of Truth

Rabbi Aryeh Heller, Introduction to *Ketzot haChoshen*

Translated by Rabbi Yisroel Meir Rosenzweig

ובמדרש בראשית רבה "אמר ר' סימן :
בשעה שרצה הקב"ה לברוא את האדם נעשו
מלאכי השרת כתות כתות, מהם אומרים
יברא ומהם אומרים כו' שנאמר 'חסד
ואמת נפגשו'. חסד אומר יברא שכולו מלא
חסדים, ואמת אומר לא יברא שכולו מלא
שקרים כו' מה עשה הקב"ה? נטל אמת
והשליכה ארצה שנאמר 'ותשלך אמת
ארצה'. אמרו לפניו, רבש"ע! אתה מבזה
תכשיט שלך! אמר הקב"ה, רצוני שתעלה
אמת מן הארץ."

והיינו משום דידוע דשכל האדם ילאה
להשיג האמת בהיות בארץ שורשו. ולזה
אמרו "אתה מבזה תכשיט שלך" כיון
שעיקר הבריאה עבור התורה, והאדם
בשכלו האנושי מהנמנע להשיג האמת
האמיתי, וכאשר יתנהגו העולמות כולם
מעלמא ועד עלמא ע"פ תורת האדם ולא
יהיה ע"פ האמת הרי אתה מבזה תכשיט
שלך שחותמך אמת, ועל זה השיב הקב"ה
זוהו רצוני שתעלה אמת מן הארץ, והאמת
יהיה כפי הסכמת החכמים בשכל האנושי
ולשכון כבוד בארצינו, וע"ד שאפרש
בסמוך האמנתי כי אדבר.

וזהו היא ברכת התורה "אשר נתן לנו תורת
אמת" שיהיה האמת אתנו "וחיי עולם נטע
בתוכינו"... ומתוכינו יערה וירבה חיי עולם

A midrash in Bereishit Rabbah (8:5) states, "Rabbi Simon stated: At the moment that G-d wanted to create man, the ministering angels split into factions. Some said to create him, others said not to create him... As it states, 'Generosity and Truth met...' (Tehillim 85:11). Generosity said that he should be created as he is filled with acts of generosity, Truth said he should not be created for he is filled with lies... What did G-d do? He took Truth and flung it earthward, as it states, 'And You threw truth to the earth.' (Daniel 8:12). They said to G-d, 'Master of the Universe! You are degrading Your jewel!' G-d responded to them, 'It is my desire that truth should rise up from the earth [as Tehillim 85:12 states, 'Truth will sprout from the earth.']"

This is because, as is known, the human intellect struggles to grasp the [absolute] truth because [human] roots are in this world [and are unsuited for something as lofty as the Torah]. This is why the angels say, "You are degrading Your jewel!" The point of creation was for the sake of the Torah, and Man, with human intellect, is inherently unable to grasp absolute truth. When all of the realms will be eternally guided by the human [perspective of] Torah, and not according to [absolute] truth, this will degrade Your jewel, for truth is Your seal! [See Shabbat 55a.] To this G-d responded: This is My desire, that truth should ascend from the earth. The truth should be set according to the conclusions of the Sages, with human intellect, and honour should dwell in our land. This is along the lines of how I will explain the verse, "I believed, when I spoke." (Tehillim 116:10)

This is the blessing on the Torah, "He gave us the Torah of truth," that the truth should be with us, "and He planted within us eternal life." ... From within us pours forth and expands eternal life [even though one would have thought that a decision made according to human logic may be untrue according to the absolute truth, making it a sin and therefore spiritually damaging].

This Week in Israeli History: 21 Sivan 1970 The First Residents Move into Alon Sh'vut

Rabbi David Ely Grundland

21 Sivan is Monday

Following a valiant defence in Israel's 1948 War of Independence, Gush Etzion, a hilly region just south of Jerusalem in the heart of Judea, fell to the Jordanian Legion. However, soon after Israel's 1967 victory and reclaiming of the Etzion Bloc, children of the original settlers of the region returned, with others, to establish a vibrant Jewish life in Gush Etzion. Moshe Moskovic set up a plan for the construction of Gush Etzion, and MK Yigal Allon became the political sponsor for the program.

On September 27th, 1967, Rabbi Yehuda Amital founded Yeshivat Har Etzion, overlooking "the lone oak" or *Alon HaBoded*, which served as a symbol of the Jewish settlement during the years preceding 1967. *Alon Sh'vut* translates to "oak of return". Alon Sh'vut was initially conceived to serve as a residence complex for students and Rabbis of the Yeshiva, but it soon evolved into a communal

centre in the predominantly agricultural region of Gush Etzion.

The first residents moved into Alon Sh'vut on June 25th, 1970 (21 Sivan 5730). Alon Sh'vut has continued to grow, largely tied to the presence of the Yeshiva; many graduating students choose to live in the town. It is also home to Herzog College for Teachers, which hosts an annual Tanach seminar attracting thousands of participants, and the Zomet Institute, which researches ways to reconcile Jewish Law with modern technology. The current population of Alon Sh'vut is approximately 3,300 individuals.

Since the founding of Alon Sh'vut, other yishuvim in Gush Etzion have emerged, including Efrat, Elazar, Neve Daniel, Kfar Etzion, Bat Ayin, and Tzur Hadassah.

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Weekly Highlights: June 25 — July 1 / 19 Sivan - 25 Sivan

Time	Speaker	Topic	Location	Special Notes
June 25				
After hashkamah	R' Yisroel M. Rosenzweig	Avot d'Rabbi Natan	Clanton Park	
After hashkamah	R' David Ely Grundland	Rising to the Challenge	Shaarei Shomayim	
7:25 PM	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
8:10 PM	R' Jonathan Ziring	Learning and Doing in Avot	BAYT	Main Shul
After minchah	R' Jonathan Ziring	Preparing the Menorah	BAYT	Seudah shlishit
After minchah	R' Mordechai Torczyner	Tree Care in Shemitah	BAYT	Simcha Suite
Sun. June 26				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Hebrew
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	
Mon. June 27				
7:30 PM	R' David Ely Grundland	New! Thought of Rav Kook	Shaarei Shomayim	Weinbaum Beit Midrash
8:30 PM	R' Mordechai Torczyner	Authority in Israel 2 of 4: The Mara d'Atra	Shomrai Shabbos	Men
Tue. June 28				
11:00 AM	R' Mordechai Torcyner	Eruvin	Yeshivat Or Chaim	Advanced
1:30 PM	R' Mordechai Torczyner	Iyov: Lessons in Empathy	Shaarei Shomayim	
Wed. June 29				
10:00 AM	R' Mordechai Torczyner	Intro to Kabbalah 2: Why are we here?	Yeshivat Or Chaim	For beginners
11:00 AM	R' Jonathan Ziring	A History of Conversion 2: The Case of Brother Daniel	Yeshivat Or Chaim	For beginners
12:30 PM	R' Mordechai Torczyner	Tax Evasion, Part 2	SLF 2300 Yonge #1500	Lunch served; RSVP jonathan.hames@slf.ca
8:00 PM	R' Yisroel M. Rosenzweig	Halachah vs. Science	Shaarei Tefillah	
Thu. June 30				
1:30 PM	R' Mordechai Torczyner	Shoftim: Yael's War	49 Michael Ct.	Women
Fri. July 1				
10:30 AM	R' Mordechai Torczyner	Eruvin	Yeshivat Or Chaim	Advanced