

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayigash

9 Tevet, 5777/January 7, 2017

Vol. 8 Num. 18

**This issue of Toronto Torah is sponsored by Allan and Malka Rutman and Family
in memory of Allan's father, Gedalia ben Yitzchak z"l**

(Dis)belief in the Dignity of Man

Adam Friedmann

Our parshah begins with several of the characters struck with disbelief. As Yosef reveals himself to his brothers we are told that they are dumbstruck, and they recoil from him in fright and confusion (Bereishit 43:3). A second disbelief sets in when the brothers return to Yaakov with the news about Yosef. The Torah describes Yaakov's initial reticence to accept the tidings, "vayafag libo" (Ibid. 45:26). Rashi (ibid.) interprets this to mean that Yaakov's heart turned away in disbelief. He remained unconvinced until he saw the wagons (*agalot*) that Yosef had sent to bring him and the family to Egypt. Rashi (ibid. 45:27) explains that the wagons were for more than just transportation; they were a coded message from Yosef to Yaakov, reminding him that before parting they had studied about the *eglah arufah* (the calf ritual conducted after a dead body is found between two cities).

Two questions emerge from these scenes. The first is about the sign of wagons. What about this message was more powerful than the brothers' own testimony, in signifying to Yaakov that Yosef must be alive? The second is about the theme of disbelief. Why didn't Yaakov believe the brothers in the first place? Furthermore, is there a connection between Yaakov's disbelief and the brothers' shock in their own discovery of Yosef?

Convincing Yaakov

Daat Zekeinim (Ibid. 45:27) elaborates on Rashi's comment. He explains that when Yaakov initially sent Yosef to seek out his brothers, who ultimately

sold him to slavery, he insisted on accompanying Yosef part of the way. When Yosef told his father that this was unnecessary, Yaakov explained that the act of accompanying the traveler is a critical Torah concept. The connection to *eglah arufah* is that the act of escorting features prominently in that ritual. Part of the pronouncement that the city elders make in the *eglah arufah* story is "our hands have not spilled it (the blood of the dead traveler)." (Devarim 21:7) The Talmud (Sotah 45b) explains that there was never a suspicion that the city elders had actually killed the person; rather they are exclaiming that they had never known he was there, and so he had subsequently left without food or an escort from the city. Thus, the final lesson that Yaakov taught Yosef was about the importance of escorting the traveler, and it is this lesson that Yosef alluded to with the wagons.

Perhaps a deeper message emerges here as well. The proclamation of the city elders is not only to indicate that they practiced due diligence and were careful to provide food and an escort for all who passed through their jurisdiction. It is also a philosophical statement about the value of the "other". It is easy for those in positions of power to negate those they view as foreign, and even more so the stranger who is passing through town and goes easily unnoticed. The city elders proclaim over the *eglah arufah* that they abhor such practice, and that they are careful to uphold the dignity and value of all people, and especially those who are at their mercy. Perhaps it is this value for the dignity and importance of people

which Yosef was communicating to Yaakov, despite his powerful position in Egypt. This echoed Yaakov's earlier lesson, and so it convinced Yaakov that not only was Yosef alive physically, but spiritually as well.

The Theme of Disbelief

The brothers had failed to accord Yosef this dignity. Rather, they had used their power to cast him out. The result of this act was the need for justification, both internal and external, and this links the two instances of disbelief.

Internally, the brothers rationalized the importance of getting rid of Yosef and his dangerous dreams. They were therefore dumbstruck when they discovered that though they had rejected Yosef, G-d had other plans, and had brought Yosef's "outlandish" dreams to fruition. Externally, the brothers explained the loss of Yosef to their father through deception. Our Sages tell us that Yaakov's inability to believe the brothers has its roots in this initial deception. The punishment of the liar is that ultimately he is not believed even when telling the truth. (Avot D'Rabbi Natan, 30).

Cast in this light, the parshah delivers a powerful message about human dignity, the relationship in society between the powerful and vulnerable, and the consequences of a breakdown in this relationship. Defending the rights of vulnerable is the calling card of the House of Yaakov, and, as we see from Yosef's life story, of G-d Himself.

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A World Built, Destroyed and Rebuilt
Moshe Maya (trans. Karen Fish)
Ktav Publishing House, 2004

Who is the author of the book?

Our book has two parents: Moshe Maya, the actual writer, and Rabbi Yehudah Amital zt”l, whose ideas are written down in the book; Rabbi Amital, who founded and headed Yeshivat Har Etzion for over forty years, and Moshe Maya, historian and educator; Rabbi Amital, who was born in Romania, suffered in a forced labor camp and lost his entire family in Auschwitz, and Maya, who learned in Yeshivat HaNegev, Yeshivat Shaalvim and Bar Ilan University.

It should be noted, though, that Maya was not merely a word processor. Rabbi Amital was not a systematic philosopher, and he tended to lecture using short, often contradictory statements. For the book, Maya searched through Rabbi Amital’s essays, articles and written *sichot* (discourses), analyzed their meanings, manner of presentation, use of sources, and even the way they changed over time.

The book also includes three *sichot* of Rabbi Amital, including one from the

10th of Tevet, a day which Israel’s Chief Rabbinate designated as a Memorial Day for victims of the Holocaust.

What are the messages of the book?

The book contains – apart from the above-mentioned *sichot* – three parts: a discussion about the effects of survival on Rabbi Amital, a discourse about understanding G-d’s role in history, and a section about Jewish identity in the wake of the Holocaust.

The first part is mostly personal, exploring how the Holocaust shaped the personality and journey of Rabbi Amital – from the name he chose, through the mission he took on. It describes how he became a Torah scholar who saw his Zionism as the natural expression, rather than a contradiction, of his faith.

The second part is more philosophical, focusing on Rabbi Amital’s responses to attempts to place the Holocaust in some theological and historical context, and how he contrasted himself with people like Rabbi Tzvi Yehudah Kook, Rabbi Eliezer Menachem Man Shach and Professor Emil Fackenheim. Maya successfully demonstrates how Rabbi Amital’s view changed over the years, guardedly

giving up the search to reconcile the Holocaust with our normal theological-historical worldview – and eventually vehemently rejecting any explanation or contextualization as virtually tantamount to Holocaust denial. The mature Rabbi Amital stressed that his generation’s horrific experiences were deeply religious, but not understandable - “We saw the hand of G-d, we saw G-d’s word – but what was He saying?”

The third part deals with “the basics of Judaism” as they appear after the events of World War II. Here the writer discusses Rabbi Amital’s views regarding Jewish-non-Jewish relations, national morality, the halachic status of non-observant Jews, and Israel’s obligation to sanctify G-d’s name.

While Rabbi Amital opposed seeing Jewish sovereignty as compensation, let alone justification, for the horrors of the Holocaust, he thought the events of the Holocaust demanded that we live and govern more morally, and cry out against the desecration of the Divine Name brought about by ignoring this call.

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Israel’s Chief Rabbis: Rabbi Shlomo Goren

Yaron Perez

Rabbi Shlomo Goren
21 Shevat 5678 (1918) – 24 Cheshvan 5755 (1994)
Chief Rabbi of the IDF, 1948-1971
Chief Rabbi of Tel Aviv-Yafo, 1971-1972
Chief Rabbi of Israel, Ashkenazi, 1972-1983

Rabbi Shlomo Goren was born in Poland; his family moved to Israel in 1925. A child prodigy with an unusually powerful memory, he began to study at Yeshivat Chevron at the unprecedented age of 12. Rabbi Goren was ordained at the age of 17; at 18 he published his first book, *Nezer haKodesh*, on Rambam’s Mishneh Torah. *Nezer haKodesh* was received with accolades by leading rabbis of the time. Rabbi Goren also studied Greek and mathematics at Hebrew University, and he joined the Haganah.

At the age of 28, Rabbi Goren married Tzofia, daughter of Rabbi Dovid Cohen, a.k.a. the Nazir. He fought in the 1948 War of Independence in Jerusalem; after the war, Israel’s Chief Rabbis and Prime Minister Ben Gurion recruited him to establish the military rabbinate and to serve as the first Chief Rabbi of the IDF.

At the end of the War of Independence, Rabbi Goren faced the issue of *agunot* whose soldier husbands were missing in action. Rabbi Goren, who was extremely grounded in halachah, would cross the armistice lines to seek testimony from local Arabs regarding the fate of soldiers, and to retrieve bodies for burial.

Rabbi Goren opposed establishment of designated religious units in the IDF; with the support of Prime Minister Ben

Gurion, he envisioned a true “national army”, in which all of the military divisions would observe Kashruth, Shabbat, etc. He wrote protocols for observance of halachah in the military, and he conducted field visits to ensure proper implementation of his instructions. During the Six Day War, he was embedded with the fighting units, and he was among the first to reach the Kotel and to blow the shofar there.

After his military discharge, Rabbi Goren was appointed Chief Rabbi of Tel Aviv-Yafo, and one year later he was appointed to serve as Ashkenazi Chief Rabbi of the State of Israel, beside Sephardic Chief Rabbi Ovadia Yosef. Upon completion of his term, Rabbi Goren established Yeshivat Ha’Idra beside the Kotel. (*Idra* is Aramaic for “granary”, or “Goren” in Hebrew; it also refers to a particular portion of the Zohar.) Rabbi Goren also established a hall for the Sanhedrin there, preparing for the day when the court would be restored.

Rabbi Goren wrote tens of books, including halachic rulings on diverse topics. He contended that policies which suit a minority population in exile may not suit a majority population with its own army, and that groundbreaking approaches to military issues were necessary. For example, he ruled that a non-Jew who was killed because he was thought to be a Jew could be buried in a Jewish cemetery. (Techumin 26, pg. 217) For Yom ha’Atzmaut, he ruled that Hallel should be recited with a blessing, both at night and during the day, and that “Shehechyanu” should be recited as well. (<http://ph.yhb.org.il/05-04-08/>)

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Biography

Rabbi Betzalel Ashkenazi

Rabbi Jonathan Ziring

Rabbi Betzalel ben Avraham Ashkenazi (ca. 1520 – ca. 1592) was a talmudic scholar in Ottoman Palestine during the 16th century. He spent most his life in Egypt, where he studied with Rabbi David ben Shlomo ibn Zimra (Radbaz), and Rabbi Yisrael de Curial. His most famous student was the famed Kabbalist, Rabbi Isaac Luria, the Arizal.

Rabbi Ashkenazi is best known as the author of *Shitah Mekubetzet*, a commentary on the Talmud which primarily compiles the comments of various early authorities. For a long time, until the republishing of many older manuscripts, his work was the only way to access these commentaries, such as those of Meiri and various Tosafists. In his dissertation, Dr. Shlomo Toledano argued that *Shitah Mekubetzet* is not just a compendium of talmudic **commentary**, but also of talmudic **methodology**, and it reflects not just Rabbi Ashkenazi's primary methodology (that of the Sephardic schools), but also the methodologies of those he rejected. Rabbi Ashkenazi also wrote a collection of responsa, as well as *Klalei haTalmud* on methodology for Talmud study.

Rabbi Ashkenazi was so accepted an authority that he challenged the standing of the *nagid*, the political leader of the Jews, whose position had devolved into an arbitrary aristocratic privilege. In 1587, a dispute occurred in Jerusalem over the question of whether scholars not engaged in business should contribute to the taxes paid by the Jewish community to the pasha. Rabbi Ashkenazi, together with several other rabbis, ruled that rabbis, scarcely able to support themselves, should be exempt from all taxes. That same year he moved to Israel, settling in Jerusalem. His prestige allowed him to create some level of peace between the Ashkenazi and Sephardi communities there, who had been arguing about the proper division of tax responsibilities, ensuring that the Ashkenazim would help support the impoverished Sephardim.

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Torah and Translation

On Kidnapping

Rabbi Betzalel Ashkenazi, Responsum #39

Translated by Rabbi Jonathan Ziring

בענין מצות לא תעשה אחת כתובה בעשרת הדברות, והיא "לא תגנוב", כי בגונב נפשות הכתוב מדבר: וכל גנבה היא שלא מדעת הבעלים וכאן מדעת הבעלים, ויותר צודק היה לשון "לא תגזול" כי הגזילה היא מדעת הבעלים ע"כ.

תשובה... וקושטא דמילתא היא דליכא חיוב מיתה אלא בגונב נפש ולא בגזול, דכתב הר"מ במז"ל בפ"ט מה' גניבה וז"ל "אין הגנב חייב מיתת חנק עד שיגנוב בן אדם ויכניסנו לרשותו וישתמש בו וימכרנו לאחרים, שנאמר 'והתעמר בו ומכרו' ע"כ משמע להדיא דדוקא כשגנבו, אבל אם תקף באחד מישראל לפני אחיו ונשתמש בו ומכרו אינו חייב. והיינו טעמא, דעשוין בעלי זרוע ליפול, וכיון שידעו בו ישראל דנמכר עכ"פ יפדוהו והרי אינו אבוד, משא"כ בגונב דלא ידע בו אדם בגניבתו והרי הוא אבוד לעולם.

ואפי' בגנבו, קי"ל דאם גנבו ונשתמש בו ומכרו ועדיין האיש ברשות עצמו ולא הכניסו הגנב לרשותו, פטור. וגדולה מזו אמרו דאם מכרו לאחד מקרוביו של גנב, כגון שמכרו לאביו או לאחיו, הרי זה פטור שנאמר "גונב נפש מאחיו" עד שיבדלנו מאחיו ומקרוביו במכירה, כמו שכתב הרב במז"ל...

והילכך שפיר קרי ליה "גניבה". ואינו ענין כאן הא דמדעת הבעלים, דהגונב אינו בעל, ובעליו הם אביו ואחיו ושאר קרוביו שנגנב, והובדל זה מהם, וכלפי מי שנגנב ממנו קרי כאן "שלא מדעת הבעלים."

[Ed. note: Halachah explains the Hebrew term *geneivah* as surreptitious theft, and *gezeilah* as open theft.]

Regarding one prohibition from the Ten Commandments, namely "*Lo tignov* – Do not steal", where the verse refers to kidnapping: "*Geneivah*" is always without the owner's awareness. Here, it is with the owner's awareness [understanding the kidnapped person to be the "owner"]. Thus, the language *tigzol* would have been more proper, as "*gezeilah*" is with the owner's awareness!

Answer... The truth is that there is no capital punishment unless one is *goneiv*, not *gozeil*, a person, as the Rambam wrote (Laws of Theft Chapter 9), "The thief is not liable for the death penalty of strangulation until he steals [*goneiv*] a person, takes him into his domain, uses him, and sells him to others, as it says 'and he enslaved him and sold him.'" It sounds explicitly as though only when he was *goneiv* him, but if he grabbed another a Jew in front of his brothers, used him, and sold him, he would not be liable. And this is the reason – for strongmen are wont to fall, and since Jews know that he was sold, they will redeem him, and he is not lost. This is not the case in *geneivah*, where no one knows that he was stolen, he is lost forever.

And even when he is stolen [with *geneivah*], we assume that if he stole him, used him, and sold him, but the [stolen] person is still in his own property, and the thief has not taken him into [the thief's] property, then he would be exempt. Even more so, [the sages] said that if he was sold to one of the relatives of the stolen person, such as if he sold him to his father or brother, [the thief] is exempt, for the text says "one who steals a person from his brothers" – until he separates him from his brothers and relatives through this sale, as Rambam wrote...

Therefore, it is well to call this *geneivah*. It is not a case of theft with the owner's awareness, for the stolen one is not the owner. The owners are his father, brother, and other relatives from who he was stolen and separated, and regarding those from he was stolen, it is "not with the owner's awareness."

[Ed. note: Think about the relevance to the story of selling Yosef.]

The Torah repeatedly commands us to love and protect people who convert to Judaism. However, certain nations are noted for their history of harming the Jewish people, and we are instructed to accept them less warmly:

- Per Devarim 23:8-9, descendants of Esav and Egypt may convert, but they may not marry into the nation until their third generation of Jewishness. Sefer haChinuch counts these as the Torah's 563rd and 564th mitzvot.
- The nations of Amon and Moav receive even harsher treatment, because of their actions against the Jews who attempted to cross their land from the wilderness, as detailed in Parshat Balak. Devarim 23:4-7 states that they may convert, but they may never marry into the nation; Sefer haChinuch counts this as the Torah's 561st mitzvah. Further, the normal rule of suing for peace before waging

war does not apply when facing Amon and Moav; this is the Torah's 562nd mitzvah. Both laws apply only to the males of Amon and Moav. (Yevamot 76b)

Sefer haChinuch contends that Amon and Moav receive the harsher treatment because of the great selfishness they exhibited. Rambam, though, notes added reasons to embrace Esav and Egypt: Esav is our family, and Egypt provided a home for us in a time of famine. (Moreh Nevuchim 3:42)

Rambam rules that Assyrian conquests mixed up Middle Eastern populations to the point that biblical tribal identities have been lost, and so none of these laws have practical relevance today. (Mishneh Torah, Hilchot Issurei Biah 12:25; Maggid Mishneh ibid; and see Tosafot Megilah 12b zil)

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Weekly Highlights: Jan 7 — Jan 13 / 9 Tevet — 15 Tevet

Time	Speaker	Topic	Location	Special Notes
שבת Jan. 7				
After hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
After hashkamah	R' Jonathan Ziring	Minchat Chinuch: 10 th of Tevet	BAYT	Rabbi's Classroom
Before minchah	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Mordechai Torczyner	A Revoked Sacrifice	BAYT	Simcha Suite
6:00 PM	Yaron Perez	Parent-Child Learning	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	When to Stop Praying	JEP	Post-seminary women
Sun. Jan. 8 Fast: The 10th of Tevet				
After 8 AM minyan	R' Jonathan Ziring	Responsa	BAYT	Hebrew
After 8 AM minyan	R' Josh Gutenberg	Contemporary Halachah	BAYT	Third floor
9:15 AM	R' Shalom Krell	Book of Shemuel II	Associated North	Room 206, Hebrew
Mon. Jan. 9				
8:30 PM	R' Mordechai Torczyner	Halachah & Modernity: Week 1: Techelet	Shomrai Shabbos	Men
8:30 PM	Adam Friedmann	Gemara Arvei Pesachim	Clanton Park	Men
Tue. Jan. 10				
9:30 AM to Noon	Mrs. Ora Ziring	Kashrut / Chullin	Ulpanat Orot	University women
10:00 AM	R' Mordechai Torczyner	Vegetarianism	Adath Israel	Women; there is a fee info@adathisrael.com
1:30 PM	R' Mordechai Torczyner	Ezra: The First Succot	Shaarei Shomayim	
Wed. Jan. 11				
9:30 AM to Noon	Mrs. Ora Ziring	Tanach	Ulpanat Orot	University women
10:00 AM	R' Mordechai Torczyner	Science and Torah 1: The Cow that Woudn't Die	Beth Emeth	Register at torontotorah.com/science
2:30 PM	R' Jonathan Ziring	Narratives of Vayikra	carolleser@rogers.com	
8:00 PM	Adam Friedmann	Why do we do...?	Shaarei Tefillah	
8:30 PM	Yaron Perez	Parshah: הפרשה ואני	Shaarei Shomayim	Hebrew
Thu. Jan. 12				
1:30 PM	R' Mordechai Torczyner	Shoftim: Post-Midian	49 Michael Ct.	Women
Fri. Jan. 13				
10:30 AM	R' Jonathan Ziring	Laws of Onaah	Yeshivat Or Chaim	Advanced