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לעילוי נשמת הרב יצחק היים בן משה יוסף הלוי ירם זצ"ל

Words of Truth and Peace

Rabbi Baruch Weintraub

The first nine verses of chapter 23 in Shemot, except for verses 4-5, instruct judges regarding how to conduct a fair trial. They must not listen to false reports, nor should they follow the majority opinion without first examining its veracity. Judges are required to treat each person equally, regardless of his or her socioeconomic status. Amid these instructions, the Torah commands: "Distance yourself from falsehood." (23:7)

How are we to understand this mitzvah? Among the commentators, we find two major trends:

1. Both Ibn Ezra and Rashbam understand this commandment in light of its immediate context, as guidance for judges. They should be wary of any attempts by others to lie to them, and they should especially avoid issuing sentences based on false information. Rambam seems to agree, as he does not count "Distance yourself from falsehood" as a unique mitzvah in his list of commandments, apart from the general mitzvah of judging properly. In his halachic code, the Mishneh Torah, Rambam mentions this commandment no fewer than nine times – seven times concerning judges and two regarding witnesses – but always in courtroom contexts.
2. A very different approach seems to be taken by some Ashkenazi authorities such as the Yereim (335) and the Sefer Mitzvot Gadol (S'mag) (107). They consider this to be a general commandment

directed at every Jew, to distance themselves from falsehood.

Some have suggested that this dispute can be traced back to a talmudic dispute between Beit Shammai and Beit Hillel, as described in Ketuvot 16b:

"[What] does [one say] when one dances before the bride? Beit Shammai says: [one describes] the bride as she actually is. Beit Hillel says: '[She is] a beautiful and graceful bride.' Beit Shammai said to Beit Hillel: If she is lame or blind, do we say [about] her, 'A beautiful and graceful bride'?! But the Torah said, 'Distance yourself from falsehood!' Beit Hillel said to Beit Shammai: According to your view, if one made a poor purchase in the market – should one praise it in his eyes, or denigrate it in his eyes? Surely we would say he should praise it in his eyes."

It could be argued that while Beit Shammai expanded the prohibition against dishonesty from judges to all people, Beit Hillel saw it as limited to the courtroom, but not to the wedding hall.

Obviously, the S'mag and the Yereim would disagree with such an interpretation, as that would align their position with Beit Shammai, whose view is normally rejected in law. Therefore, they would need to explain that while Beit Hillel admits that the obligation to distance oneself from falsehood maintains outside of the court no less than inside it, nonetheless one may praise the bride excessively, because this prohibition is overridden for the

sake of "Darchei Shalom (peaceful ways)". However, this explanation, while supported by some statements of our Sages, would not resolve the fundamental question: If the biblical prohibition against dishonesty applies outside the courtroom, how could it be waived just for the sake of being nice? Would we allow someone to violate Shabbat to assist his fellow, when there is no risk to life – just for the sake of being kind?

The answer may relate to the original context of the prohibition. While it is true that according to the S'mag and the Yereim the prohibition does apply to anyone and not only to professional judges, it is still an expansion of the courtroom context. Put differently, the commandment is to distance oneself from falsehood in "court-like situations", where we are in "judgmental modes". When one observes, assesses, and acts accordingly, one must be faithful to the truth. But in life we need not, and should not, always be judgmental and analytical. Life is also constructed of relationships and covenants, commitments made by us that are rooted in peace and love. In these relationships – and a wedding is a prime example – the prohibition does not apply. While trust is a fundamental element in any relationship, the leading value is not that of truth, but that of peace.

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הורשתם את הארץ וישבתם בה (במדבר לג)
Marking the State of Israel's 70th Year!

Israeli Landmarks: Land of 1,000 Caves **Yaron Perez**

“The Land of 1000 Caves” is found in the Judean lowlands between the Judean mountains and the plains approaching the sea, not far from Beit Shemesh. The heart of this area holds the Beit Guvrin-Maresha National Park, which preserves the remnants of the ancient cities of Maresha and Beit Guvrin.

Maresha

Maresha is first mentioned as a city of the tribe of Yehudah in Yehoshua 15:44. It is located at the central junction of roads joining Lod, Ashkelon, Jerusalem and Chevron, which may be why King Rechavam decided to fortify it, along with other cities, toward the start of his reign. (Divrei haYamim II 11:8) Rechavam's grandson, Asa, defeated Zerach HaKushi in Maresha. (Divrei haYamim II 14)

The residents of Maresha were exiled, with the rest of Judea, by Babylonian King Nevuchadnezzar; Edomites settled in the city. There is reason to believe that the forces of Judah the Maccabee lived in Maresha; numerous battles

occurred there during this period, until the city was finally destroyed in a battle between Herod and the Hasmoneans.

Beit Guvrin

Located near Maresha, Beit Guvrin became an important city with the decline of Maresha. A large Jewish community lived there during the period of the Mishnah, until Roman Emperor Vespasian responded to a Jewish revolt by executing many residents. Roman soldiers then settled there, and over time it became a central Roman town. Its name was changed to Eleutheropolis.

In the Byzantine period the city's name was changed to Beit Guvrin. The Crusaders conquered the city, and held it until the Ottoman Period. During the War of Independence the area returned to Jewish hands, and Kibbutz Beit Guvrin was built there.

The Land of 1000 Caves

Already early in the 19th century, British archaeologist Stuart Macalister dug in the area and became one of the

first to testify to the fact that the Judean lowlands host thousands of subterranean streams, and that residents had been drawing on them since the 9th century BCE.

Later researchers identified caves which had been used for hiding during the Bar Kochba Revolt. The caves were formed by two influences: 1) the presence of soft chalk stone which is amenable for mining, and 2) the area's history of wars and of a need for refuge as well as a place to store food and necessities.

The National Park

In 1989, five thousand square kilometers in this area were dedicated as a National Park. The park includes 500 caves, which represent the varieties found locally: quarries, caves for worship, refuges, caves for raising doves, and more. Some of the caves have been excavated further and opened for tourism. In 2014, UNESCO identified the park as a World Heritage Site.

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The Zionist Idea: The Importance of Unity **Rabbi Jonathan Ziring**

When the modern State of Israel was established, it was clear that Jews of varying levels of religious commitment would be part of society, from those committed to Torah to those who were anti-religious. The question arose, how should they work together? Should they segregate, ensuring that each subset would have optimal conditions, or should they integrate, knowing that would take work and compromise, both practically and halachically?

One example of this was in the army. Many, both secular and religious, thought it best to allow religious and secular soldiers to serve in separate units. The religious soldiers would be able to pray, keep Shabbat and Kashrut, all without impinging on the secular soldiers. However, others, such as Rabbi Shlomo Goren, thought that part of the value of the state was that it could be a Jewish State for all, with a Torah-based identity that would be felt even by those who were less committed.

Rabbi Shlomo Goren records how he expressed his feelings at the meeting when the question of separate units was discussed (see *With Might and Strength* pg. 213, Rabbi Goren's autobiography, translated by Avi Rath):

I asked the meeting's participants what would be the ramifications of the religious soldiers being segregated in religious units. The result would be that the entire army wouldn't observe religious precepts, wouldn't eat kosher food, wouldn't observe Shabbat and Holidays, wouldn't have any synagogues. Only the few, special units that would be defined as religious would have kosher food, and observe Shabbat... Now that we had won the right to

establish our own state and had created the IDF, we had the right to demand that the entire army behave like a Jewish army.

This also played out in *psak* (halachic decision-making). Rabbi Shaul Yisraeli (Amud HaYemini 17) insisted that a solution be found to allow the police to function on Shabbat, without relying on non-Shomer Shabbat Jews to work. He argued that:

- Halachic authorities are responsible to rule for all Jews.
- Many people left Halachic Judaism specifically because they believed that Halachah could not provide a framework for a modern state. Relying on non-Shomer Shabbat Jews to carry out vital tasks would only reinforce this belief.
- Police motivated by religious convictions could be more effective in saving lives than others, and should be encouraged to join the police, rather than discouraged.
- Having police is a Torah commandment, and therefore halachah must be able to provide for its existence.

This ideology also led some, such as Rabbi Yitzchak Herzog (Heichal Yitzchak 42), to oppose having religious soldiers switch Shabbat shifts with non-religious soldiers, as this would imply that there are two different kinds of Jews.

For all of these authorities, Religious Zionism required finding ways of giving the State a Halachic character, and finding ways for all Jews to work together to create a joint future.

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Biography

Rabbi Yitzchak ben Sheshet Rabbi Mordechai Torczyner

Rabbi Yitzchak ben Sheshet ("Rivash") was born in 1326 in Barcelona, Spain. Studying with Rabbeinu Nissim (Ran) and Rabbi Peretz (author of Tosafot Rabbeinu Peretz), he developed an early reputation for halachic expertise. Nevertheless, he did not accept a position in the rabbinate, functioning instead for a time as a physician in Falset and Cervera, in Spain.

Circa 1370, Rivash was jailed on false accusations along with six other prominent Jews, including his younger brother, Ran and Rabbi Hasdai Crescas. The accusations, which came from Jewish informers, led to a five-month imprisonment before they were acquitted of all charges. Some historians claim that the accusations were regarding theft of religious items from a church; others contend that this is an erroneous blending of two separate events. For more, see <http://bit.ly/rivash>.

Only at the age of 50 did Rivash become a community rabbi, serving in Saragossa, Spain, where he also headed a yeshiva. However, his time there was somewhat rocky, as he was conservative in many of his rulings and philosophies. Ultimately, he left to lead the Jewish community of Valencia, Spain.

Rivash fled anti-Jewish riots and a campaign of forced conversion to Christianity in 1391, and moved to Algiers. He was appointed Chief Rabbi of Algeria by the government, and he was greatly respected by the Algerian community, although he did face strife from those who were jealous of his position. He passed away in 1408, and there are still annual pilgrimages to his grave on his *yahrtzeit*.

Rivash authored hundreds of responsa, which greatly influenced the decisions rendered by Rabbi Yosef Karo in his Beit Yosef. Rabbi Karo reported that his own mentor, Rabbi Yaakov Bei Rav, valued Rivash's positions over those of any other rabbi. His responsa are also valuable as a resource regarding Jewish and non-Jewish history of his day. He also wrote several poems. Though he wrote novellae on the Talmud, the manuscript is no longer extant.

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Torah and Translation

Fighting a Monopoly on Synagogue Seats

Rabbi Yitzchak Perfet, Rivash #253

Translated by Rabbi Mordechai Torczyner

שאלת: קהל יש להם בה"כ בעירם, ועשיר אחד מן העיר קנה שם מקומוי ישיבה הרבה בזול ואח"כ נתייקרו המקומות בסבתו, וכיון שעלה השער העלה שכירותן עד שנסוג אחר לב השוכרים לבא לבית הכנסת ליוקר שכירות המקומות. והקהל רצו להוסיף מקומות בביהכ"נ במקום פנוי שיש שם ולמכרם לזה ולזה, ויגיע מזה תועלת לקהל בממון וגם שיצדקו הרבים לבא לביהכ"נ באותן המקומות הנוספות. וקם העשיר ההוא וערער בדבר באמרו כי בזה יהיו מצרין לו הדרך לעבור למקומותיו...

תשובה: הדין עם העשיר ההוא, שכיון שיש לו מקומות ישיבה שם ויש לו דרך רחב למקומותיו במקום הפנוי ההוא אין הקהל יכולין לקצרו מפני שמרבין עליו הדרך שהוא יצטרך לעבור למקומותיו במקום צר. והרי זה כההיא דתניא בתוספתא... "מי שיש לו פתח במבוי אין בני המבוי כופין אותו לעשות דלת במבוי, שיכול לומר רצוני שאכנס בחבילתי על כתפי עד פתחי..."

גם מה שאמרת אם יוכלו קצת אנשים שאין להם מקומות לתת כסאות הנטלין באמצע בית הכנסת ולישב שם, או שרצו לישב בארץ שורות שורות על מחצלאות נקיות אם רשאיין לעשות כן, שהרי אין לכל יחיד ויחיד אלא גוף המקו' אשר לו וכניסה ויציאה אבל בשאר יד הכל שוה, גם זה אינן רשאיין, שאף אותן שיש להם מקומות שם ויש להם כניסה ויציאה אינן יכולין להשתמש במה שהוא דרך לאחרים... כמו שאין בני מבוי או חצר יכולין להשתמש במבוי או בחצר אלא בדברים שדרך בני המדינה להשתמש בהן במבואות או בחצרות...

אבל מה שרשאיין בני העיר לעשות ונאה להם הוא לתת קצב לשכירות המקומות, ושיתחייב מי שיש לו מקום שאין צריך להשכירו לאחר לישב בו. כדתיניא בפ"ק דב"ב (ח':) "רשאיין בני העיר להתנות על המדות ועל השערים ועל שכירות פועלים ולהסיע על קיצותן", כלומר להעניש מי שעובר על דבריהם...

You asked: A community has a local synagogue, and a wealthy resident of the city has acquired many seats there inexpensively. The seats have appreciated because of him, and since the rate has appreciated, he has raised the rent for the seats to the point that the renters now desist from coming to the synagogue, because the cost of seats is expensive. The community wants to add seats in an open space in the synagogue and to sell them to these people, benefiting the community financially and improving the righteousness of the community as they come to synagogue and use those extra seats. This wealthy person has stood to challenge this, saying this would narrow his path to reach his seats...

Answer: The law is with that wealthy person. Since he owns seats there, and he has a broad path to his seats through that empty space, the community may not reduce it, as that would increase the path he would need to travel to his seats, through that narrow space. It is like the Tosefta [Bava Batra] "One who owns an entrance [from his property] into the street cannot be compelled by the other residents of the street to put a door on [the entrance into] the street. He may say, 'I want to enter [directly] with my burden on my shoulder, to reach my entrance.'"...

Also, regarding your suggestion that some of the people without seats could put portable seats in the middle of the synagogue and sit there, or sit on rows of clean mats on the ground if they wish, for no individual owns anything other than his space and its entrance and exit access, but everyone owns the rest equally: They also may not do this. For even those who own seats, with access for entrance and exit, may not use that which is a path belonging to others... just as residents of a street or [shared] yard may not use the street or yard other than in ways that residents normally use streets or yards...

But that which residents of the city may do, and it would be good for them, would be to cap the rental price of seats, and to obligate owners of seats they do not need to rent them to others for sitting. As taught in Bava Batra 8b, "A city's residents may stipulate conditions for measures, prices, and wages of workers, and may punish those who violate their norms..."

The first Divine commandment to humanity recorded in the Torah is “Bear fruit and multiply” (Bereishit 1:28); this is the first biblical affirmation that G-d’s creations are worthwhile, and that Life is objectively good. Per Sefer haChinuch, it is the Torah’s first mitzvah.

Along the same lines, the Torah explicitly prohibits permanently neutering any bird, animal or human being, saying, “You shall not perform this in your land.” (Vayikra 22:24) Sefer haChinuch records this as the Torah’s 291st mitzvah. Popular thought approves of neutering animals rather than allowing them to breed beyond their means, but this is also included in the Torah’s prohibition. For more on this, see an article by Rabbi Howard Jachter at [http://](http://www.daat.ac.il/daat/english/halacha/jachter_1.htm)

www.daat.ac.il/daat/english/halacha/jachter_1.htm.

It is generally understood that the mitzvah of procreation is fulfilled when parents biologically produce one boy and one girl (Yevamot 61b-62a; Mishneh Torah Hilchot Ishut 15:4; Shulchan Aruch Even haEzer 1:5), but some authorities suggest that adoption may also fulfill this obligation. Writing in the 19th century, Rabbi Shlomo Kluger (Chachmat Shlomo to Even haEzer 1:1) pointed out that we are taught, “One who raises an orphan is considered as though he had birthed the orphan.” He concluded that adoption is considered a partial, and perhaps even complete, fulfillment of this mitzvah of procreation.

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Weekly Highlights: Feb. 10 – Feb. 16 / 25 Shevat – 2 Adar

Time	Speaker	Topic	Location	Special Notes
שבוע Feb. 9-10				
After Hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
Before minchah	R’ Mordechai Torczyner	Daf Yomi	BAYT	Rabbi’s Classroom
After minchah	R’ Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
Sun. Feb. 11				
8:45 AM	R’ Josh Gutenberg	Contemporary Halachah	BAYT	Third floor
8:45 AM	R’ Jonathan Ziring	Responsa	BAYT	Not this week
10:00 AM to 11:20 AM	Rebbetzin M. Milevsky Adam Friedmann	Purim Unmasked! Adar Joy: Pesach is Coming!	Shaarei Tefillah	<i>Midreshet Yom Rishon For women</i>
Mon. Feb. 12				
8:00 PM	R’ Mordechai Torczyner	Medical Ethics: Vaccination in Judaism	Shaarei Shomayim	CME Accredited; laypeople welcome
8:30 PM	R’ Jonathan Ziring	The Shabbat Gourmet 2: Sous-Vide	Shomrai Shabbos	For men; Third Floor
Tue. Feb. 13				
1:30 PM	R’ Mordechai Torczyner	Nechemiah: Census Again?	Shaarei Shomayim	
7:30 PM	R’ Mordechai Torczyner	Yehoshua	128 Theodore Pl.	
Wed. Feb. 14				
2:30 PM	R’ Jonathan Ziring	Exploring Bamidbar	32 Timberlane Ave.	For women
8:00 PM	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
8:00 PM	Yaron Perez	הפרשה ראוי	Shaarei Shomayim	Hebrew
Thu. Feb 15 Rosh Chodesh Adar				
1:30 PM	R’ Mordechai Torczyner	Shoftim: War on Binyamin	49 Michael Ct.	For women
Fri. Feb. 16 Rosh Chodesh Adar				
10:30 AM	R’ Mordechai Torczyner	Melachot of Shabbat	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim

**10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Beitza
11:00 AM Sunday, R’ Mordechai Torczyner, Contemporary Halachah: Abortion
8:30 AM Monday, Rabbi Jonathan Ziring, Nefesh haChaim—Not this week
8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah**

For University Women, at Ulpanat Orot

**9:30-11:30 AM Monday, Mrs. Ellieza Perez, From Rachel Imeinu to Racheli Frenkel
9:30-11:30 AM Tuesday, Mrs. Ora Ziring, Shabbat
9:30-11:30 AM Wednesday, Mrs. Ora Ziring, Contemporary Halachah
9:30-11:30 AM Thursday, Mrs. Ellieza Perez, Parshah in the Eyes of Chassidut**