

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

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**This issue of Toronto Torah is dedicated by Mr. and Mrs. George and Vivian Kuhl
in memory of Dr. and Mrs. Julius and Yvonne Kuhl a"h and Sidney Kuhl a"h,
who dedicated their lives to serving Hashem and making an impact on every Jewish community**

On Law, Justice, and Maybe Some Hope

Rabbi Baruch Weintraub

Our parshah ends on a somewhat sour note: we are told about a certain man, the son of a Jewish mother and an Egyptian father, who blasphemes against G-d. He was held in custody while Moshe Rabbeinu waited for Divine instructions as to what he should do with a sinner of this kind. The answer Moshe receives is clear: the sinner should be executed. However, G-d's full response seems strange. Instead of simply stating the punishment, G-d includes in His response several laws of damages, "An eye for an eye, a tooth for a tooth." What does the appearance of these laws in this context teach?

A midrash, cited by Rashi, provides an interesting answer. The midrash describes the circumstances which caused this son of the Egyptian man to swear against heaven. According to the midrash, he was trying to find a place to pitch his tent, but was rebuffed wherever he went, for as his father was not Jewish, he had no tribal affiliation. When he came to complain in Moshe's court, Moshe justified his opponents. In response, as he left the tribunal, he blasphemed.

This midrash, by depicting so vividly the background to this awful sin, may cause us some discomfort. Obviously, Moshe ruled in accordance with the halachah – the man had no right to pitch his tent in a place he did not belong. However, is that all the Torah has to say about this story? Are there not commandments that would imply a different response? What about the mitzvah not to betray an escaping

slave seeking refugee from his master, but rather to let him reside among us, "Wherever he chooses within any of your cities, where it is good for him - You shall not oppress him" (Devarim 32:17)? As another midrash says poignantly regarding a *mamzer*, the product of an illicit relationship who is forbidden to marry most Jews:

"Regarding the text, 'I returned and saw all of the oppression' (Kohelet 4:1)... This one's father committed incest, what is the child's sin, and how does it concern him? 'And they have no comforter', rather 'their oppressors are empowered', this refers to Israel's Great Sanhedrin, who come at them with the power of Torah and push them away" (Vayikra Rabah 32)

Perhaps the Torah's reference to the law of "eye for an eye" in this context implies a corrective. As the Rambam explains (Laws of Injuries and Damages, Chapter 1), the gap between the plain meaning of this instruction and its implementation according to the Oral Torah reflects the difference between strict justice and its "softer" realization, in accordance with the complexity of human existence. While in an ideal world of pure justice, "an eye for an eye" is called for, the attempt to impose it in our world will not heal the damage, but rather inflict excessive and unjust misery. [See Bava Kama 83b.] This will not bring the peace of justice restored, but a downward spiral of revenge many times over. Thus, the appearance of these laws here may hint that while the Jews were correct according to the letter

of the law, they were not in line with the ethos of other mitzvot. The verse, "One law shall be exacted for you, convert and resident alike" was kept, but its twin, "You shall not oppress a stranger, for you know the feelings of the stranger" (Shemot 23:9, see Rashi there) was abandoned.

It must be stressed that this explanation does not, in any way, justify or rectify the Egyptian's son's reaction; there is no excuse for such a deed, as is made clear by the direct Divine instruction to punish the sinner with the full severity of the law. However, it does give us a glimpse into the dynamics that led to this terrible outcome.

One cannot but wonder – what would have happened if instead of coming to Moshe, who said "Judgment shall pierce [even] the mountain", the parties would have approached Aharon, "the lover of peace and pursuer of peace, the lover of people who brought them closer to Torah"? Would the dynamics have led to a different result? It is up to us to answer this question.

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הורשתם את הארץ וישבתם בה (במדבר לו)

Marking the State of Israel's 70th Year!

Israeli Landmark: Meron

Rabbi Jonathan Ziring

Meron is a moshav in northern Israel, located on the slopes of Mount Meron in the Upper Galilee. It is generally accepted to be on the same location as the Canaanite city of Merom/Maroma, one of the sites of a Jewish victory over the Canaanites in the time of Yehoshua. (Yehoshua 11) Archaeology has uncovered artifacts at the site from the Hellenistic period and a synagogue from the 3rd century CE, and some artifacts may even date to the Bronze Era.

Meron's most famous landmark is the tomb of Rabbi Shimon bar Yochai, and it is the site of annual mass public celebrations on Lag Ba'Omer. Rabbi Chaim Vital (Shaar HaKavanot, Derushei Pesach, Derush 12) writes that in his time there was a Jewish custom to go to the tomb of Rabbi Shimon bar Yochai and his son, Rabbi Eliezer, and celebrate on Lag Ba'Omer. He further records that his teacher, Rabbi Yitzchak Luria, the Arizal, would do this, even spending several days there in anticipation of Lag Ba'Omer. This seems to be the earliest source for

this now popular custom of having the "Hillula of Rabbi Shimon Bar Yochai."

There is also a Kabbalistic tradition that this custom emerged because Lag Ba'Omer is the day of Rabbi Shimon bar Yochai's death. The veracity of this tradition, however, has been called into question, as there is some textual confusion regarding the passage in R. Chaim Vital's work *Pri Etz Chaim* where this tradition first appears. The seventh Lubavitcher Rebbe, for example, wrote a letter to Rabbi Shlomo Zevin claiming that this tradition was based on a printing mistake. For an attempt to trace the sources of this tradition see <http://seforim.blogspot.ca/2011/05/printing-mistake-and-mysterious-origins.html>.

There is also a tradition that the great tannaitic scholars, Hillel and Shammai are buried in Meron. There are records as early as the 12th century of people visiting Meron in order to see the tombs of these great scholars. Specifically, Rabbi Benjamin de

Tudela, a Navarrese rabbi, visited Meron around 1170 and described a cave of tombs located there believed to hold the remains of Hillel, Shammai, and "twenty of their disciples and other rabbis". Rabbi Samson of Sens, one of the most prominent Tosafists, writes about visiting the tombs of Rabbi Shimon bar Yochai and his son in 1210. These sources have been collected by Avraham Yaari in *Maaseh Eretz Yisrael* and *Iggeret Eretz Yisrael*.

In that same passage in the Shaar HaKavanot, Rabbi Vital records the custom of having the first cutting of a boy's hair, the *upsherin/chalakah*, at the tomb, noting that the Arizal upheld this practice as well. A full discussion of the sources for this custom can be found here: <http://seforim.blogspot.ca/2008/05/lag-ba-omer-and-upsherin-in-recent.html>.

In general, recent years have seen an increased interest in the mystical practices associated with Meron.

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The Zionist Idea: Trusting the Government

Rabbi Mordechai Torczyner

Political authority, separate from rabbinic authority, is well-established in Jewish tradition; it may be traced to the secular responsibilities of Jewish monarchy, and the city councils which governed Jewish communities in Talmudic times. Religious Zionism, with its embrace of a Jewish State, endorses the creation of a government to handle civil affairs. As Rabbi Nachum Rabinovich wrote in 1986, "The Knesset should deal with issues of public welfare, civil administration, security and foreign affairs. The Knesset has extensive executive and legislative powers... It is essential that the government be granted coercive powers but these must be strictly limited and exercised as rarely as possible." (*Religious Zionism* pg. 301, Stollman translation)

In the latter half of the twentieth century, many leading rabbis expressed respect for the judgment of political leaders in major national affairs. Regarding the question of exchanging land for peace, Rabbi Yosef Dov Soloveitchik said in 1967, "[I]f the government were to rule that the safety of the population requires that specific territories must be returned, whether I issue a halakhic ruling or not, their decision is the deciding factor." (<http://www.mesora.org/Rav-Disengagement.htm>) Rabbi Ovadia Yosef wrote, "The matter should be weighed with proper gravity, after the expression of reliable opinions by military commanders and politicians who are expert in security matters." (Techumin 10, *Transfer of Territories From Israel in a Case of Saving Lives*)

However, some have argued that final judgment rests with moral leaders, not politicians. Lord Immanuel Jakobovits, Chief Rabbi of the United Kingdom, wrote in 1968 regarding the issue of nuclear weapons, "[A] great many political,

military, psychological and other factors have to be most carefully ascertained and analyzed... But whatever the part played by expert evidence in providing the facts on which the decision must be based, the decision itself is the prerogative of the most competent moral authorities." (*Rejoinders*, Tradition 4:2) Similarly, Rabbi Eliezer Melamed wrote in 2003, "[I]t is advisable that religious leaders be involved in political and economic decision making, such that they be able to provide advice, and, when need be, express criticism. Rabbis might also awaken the leadership to address areas that have been ignored." (<https://www.yeshiva.co/midrash/shiur.asp?id=1707>)

According to the prophet Zecharyah, the successful government of a Jewish state – and therefore the vision of Religious Zionism – requires shared respect between the two sides. When the first Beit haMikdash stood, many kings refused to listen to the advice of prophets. After their successful revolt against the Greeks in the second century BCE, the priestly Hasmoneans co-opted the monarchy for themselves. Zecharyah painted a different picture, depicting two olive trees from which oil flowed to a menorah. (Zecharyah 4:3) He described these trees as representing "two anointed people, who stand by the Master of the entire world." (Zecharyah 4:14) As explained by our Sages (Avot d'Rabbi Natan I 34), these two trees are two anointed leaders, the royal Mashiach and the priestly Kohen Gadol, and when both of them serve in tandem and with a shared purpose, then our nation will thrive.

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Biography

Radbaz

Rabbi Josh Gutenberg

Rabbi David ben Solomon ibn Abi Zimra (Radbaz) was born in Spain in 1479. After the Spanish Inquisition in 1492, his family moved to Tz'fat, where he remained for nearly twenty years. He then moved to Fez, Morocco where he served on the beit din. In 1517, the Ottoman Empire abolished the beit din in Fez, and Radbaz was hired as Chief Rabbi of Egypt. He served in that capacity for forty years.

Due to his vast Torah knowledge and independent wealth, Radbaz had great influence on the Jewish community in Egypt. He opened a yeshiva which attracted outstanding students such as Rabbi Betzalel Ashkenazi (author of Shitah Mekubetzet) and Rabbi Yitzchak Luria (the Ari HaKadosh). His philanthropy supported many poor people in the community.

Radbaz also enacted two prominent changes for the Jewish community. The common practice was to recite the amidah along with the chazzan, and he reinstituted the practice of reciting the amidah silently before the chazzan's repetition. He also required the community to date their documents from the time of Creation, as opposed to the start of the Seleucid Empire.

After retiring from his position as Chief Rabbi in Egypt, Radbaz moved back to Israel. He first lived in Jerusalem, but due to high taxes he moved north to Tz'fat. He served on the beit din in Tz'fat until his passing; he was held in very high regard by Rabbi Yosef Karo (author of Shulchan Aruch), who was the head of the beit din in Tz'fat.

Radbaz authored many scholarly works, and he wrote more than 3000 responsa dealing with all areas of Jewish life. He wrote two works related to Rambam's Mishneh Torah: *Divrei David* is his own commentary to Mishneh Torah, and *Y'kar Tiferet* is his response to Ra'abad's criticisms of Mishneh Torah. He also authored *K'lalei haGemara*, a methodology of Talmud study, as well as several kabbalistic books. Radbaz was blessed with longevity. Most scholars believe he passed away in 1589 at the age of 110, although others contend that he passed away in 1573 at the age of 94.

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Torah and Translation

Shabbat and the International Date Line

Radbaz, Radbaz 1:76

Translated by Adam Friedmann

שאלת ממני אודיעך דעתי בענין השבת כי יש חילוק גדול בין השוכנים במזרח לשוכנים במערב ונמצא שמה שהוא לאלו שבת הוי לאלו חול :

תשובה : דע כי שאלה זו נבוכו בה רבים ונכבדים אבל אודיעך דעתי בה. דע כי השבת נמסרה לכל אחד מישראל שנאמר "כי אות היא ביני וביניכם" וכמו שאות הברית הוא לכל א' וא' כן השבת נמסר לכל א' וא'. וכיון שהשבת נמסר לכל א' בכל מקום שהוא מונה ששה ימים ובסוף הששה עושה שבת שהוא זכר למעשה בראשית שנאמר "כי ששת ימים עשה ד'" וגו' שאם אין אתה אומר כן אפילו בארץ ישראל יש חילוק קצת.

ואפי' תרצה לומר שע"י התוספת שאנו מוסיפין בכניסתו וביציאתו מתוקן מ"מ התוספת הזה דאורייתא היא ונמצא שאין כל בני א' שוין בתוספת זה שהרי יש מהלך קרוב לד' ימים בא' מן המזרח למערב ואפי' בעירות הסמוכות יש חילוק בזה בין טבריה לציפורי...

וגדולה מזו אמרו המהלך במדבר ולא ידע מתי הוא שבת מונה ו' ימים מיום שטעה ומקדש שביעי ומברך בו ברכת היום ומבדיל במוצאי שבת ע"כ...

ודע כי נפל מחלוקת בין הראשונים מאי זה מקום מתחיל היום וגם מאי זה מקום מתחיל יום השבת, עיין במ"ש בספר הכוזרי ובעל יסוד עולם, ולדעת כולם השוכנים בקצה המזרח השבת להם קודם השוכנים במערב, ונמצאו אלו מותרים במלאכה בזמן שאלו אסורים, אלא צריכים אנו לומר כי השבת נתן לכל א' מישראל כפי מקומו שימנה ו' ימים שלמים וישבות בשביעי, ובוזה יש זכר למעשה בראשית :

You asked me to tell you my opinion regarding Shabbat because there is a big difference between those who live in the East and those who live in the West, and we find that the day which is Shabbat for these is not Shabbat for those.

Answer: Know that many great and honoured people have been perplexed by this question, but I will tell you my opinion about it. Know that Shabbat is given to each individual from Israel as it says, "Because it is a sign between Me and you," and just like the sign of circumcision is for each individual, so too Shabbat is given over to each individual. Since Shabbat is given to each individual everywhere, any time he counts six days on the end of the sixth day he makes Shabbat, which is a commemoration of the creation of the world as it says, "Because in six days did G-d create etc." Because if you don't say this even in Israel itself there is some discrepancy.

And even if you wish to argue that by means of the addition we make [for Shabbat] when it comes in and goes out (the discrepancy) is fixed [as the variation in the times for Shabbat is simply included in the addition], nevertheless, this addition is biblically mandated [with a specific length of time], and it would then emerge that not all those who live in Israel are observing this addition equally. Because, behold, there is a distance of almost four days' journey in Israel from the East to the West, and even in cities which are close there is a discrepancy in this regard such as between Tiberias and Zippori...

Moreover, the Sages said, "One who travels in the desert and doesn't know when Shabbat is should count six days from the day of his mistake and sanctify the seventh and recite the blessing of the day and make havdalah after Shabbat..."

And know that an argument occurred between the early commentators about which place the day begins from, and also at which place does Shabbat begin; see the Kuzari and Y'sod Olam. According to them, all those who live at the edge of the East start Shabbat before those who live West, such that these are permitted in work when these are forbidden.

Rather, we must say that Shabbat is given to each individual according to his location. He should count six days and rest on the seventh and through this there is a commemoration of the creation of the world.

Weekly Highlights: May 5 — May 11 / 20 Iyar — 26 Iyar

Time	Speaker	Topic	Location	Special Notes
שבת May 5				
After Hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	<i>Not this week</i>
Derashah	Adam Friedmann	What is Kiddush Hashem?	Clanton Park	<i>Main shul</i>
Before Avot	R' Jonathan Ziring	Daf Yomi	BAYT	<i>Rabbi's Classroom</i>
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<i>Simcha Suite</i>
Sun. May 6				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	<i>Hebrew</i>
8:45 AM	R' Mordechai Torczyner	Legal Ethics with CPD: Professional Confidentiality	BAYT	<i>Simcha Suite Laypeople welcome</i>
11:30 AM	Rabbi Dovid Lau Ashkenazi Chief Rabbi of the State of Israel	Special Shiur b'Iyun Shabbat	Kollel Ohr Yosef	<i>Advanced shiur</i>
6:00 PM	R' Jonathan Ziring	Halakhah & Homiletics Rabbi Avraham Price Memorial Lecture	Shaarei Shomayim	<i>Minchah at 6 PM Dinner served</i>
Mon. May 7				
8:30 PM	R' Mordechai Torczyner	Psak of Israel's Chief Rabbis 2 R' Isser Yehuda Unterman	Shomrai Shabbos	<i>Third Floor; For men</i>
Tues. May 8				
11:30 AM	R' Daniel Z. Feldman of Yeshiva University	Guest Shiur: Muktzeh	Yeshivat Or Chaim	<i>Advanced</i>
1:30 PM	R' Mordechai Torczyner	Nechemiah: A New Era	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Yehoshua	129 Theodore Pl.	<i>On Hiatus</i>
Wed. May 9				
10:00 AM	R' Mordechai Torczyner	Celebrating 70, Week 3: Zionism & Racism	Beth Emeth	<i>torontotorah.com/ celebrating</i>
12:30 PM	R' Mordechai Torczyner	The Ethical Challenge 1: Other People's Money	Zeifmans LLP 201 Bridgeland Ave	<i>Lunch provided RSVP rk@zeifmans.ca</i>
2:30 PM	R' Jonathan Ziring	Exploring Bamidbar	32 Timberlane Ave.	<i>For Women</i>
8:00 PM	Adam Friedmann	How do we view that? Contemporary Issues	Shaarei Tefillah	<i>New!</i>
8:00 PM	Yaron Perez	הפרשה ואני	Shaarei Shomayim	
Thu. May 10				
1:30 PM	R' Mordechai Torczyner	Shoftim: The Bitter End	49 Michael Ct.	<i>For women</i>
Fri. May 11				
10:30 AM	R' Moshe Yeres	Muktzeh	Yeshivat Or Chaim	<i>Advanced</i>

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Beitzah—at BAYT this week

11:00 AM Sunday, Contemporary Halachah: Not this week

8:30 AM Monday, Rabbi Jonathan Ziring, Topic TBD

8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah

For University Women, at Ulpanat Orot

9:30-11:30 AM Monday, Mrs. Elliezra 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. Elliezra Perez, Parshah in the Eyes of Chassidut