

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Pinchas

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This issue is dedicated by Robbie and Brian Schwartz and Family

on the yahrtzeit of Hy Hertz ז"ל, חיים זלמן בן משה ז"ל

The Cyclical Moon

Yaron Perez

On every holiday and Rosh Chodesh, in addition to a burnt offering, we also add a *korban chatat* [sin offering]. (Bamidbar 28:15) According to a tosefta (Shevuot 1), these *korbanot chatat* atone for human contamination of the purity of the Beit haMikdash and consecrated items. The severity of this contamination causes us to bring 36 communal *korbanot chatat* across the year.

However, the *chatat* for Rosh Chodesh is unique; only on Rosh Chodesh is the offering described as "a *chatat* for G-d." The Talmud (Shevuot 9a) explains, "G-d said: This goat shall atone for My reduction of the Moon," apparently meaning that our offering atones for Divine deeds; this is certainly shocking!

Rabbi Samson Raphael Hirsch explains that the atonement is actually for the fact that G-d created us in an imperfect state:

HaKadosh Baruch Hu is the G-d of love Who educates man and mankind, and through the changing phases of the moon He has shown us a model of ourselves (see Commentary, Shemot 12:1-2). With each regularly recurring new moon, He has instituted for us a day of Rosh Chodesh, to teach us that, like the moon, we are capable of renewing ourselves and of attaining light after any darkness. Thus He has taught us the great truth that the *chotei* [sinner], too, is still "for G-d", and that, moreover, even the *chatat* is "for G-d"; for *chatat* is the *ability* to sin, the *need* for expiation, and the *possibility* of

expiating oneself and of elevating oneself out of the depths of sin.

This *chatat* is "for G-d": it is a supreme gift of grace which G-d has granted to His noblest creation, man. For man's superiority and major distinction is freedom: By the exertion of his *free* will, he is capable of remaining on the heights of what is morally good; he can avoid evil and practice goodness in *freedom*....

However, *were it not for man's ability to sin*, and were it not for sin's enticement to man, *he would not be a man* but an animal or an angel, "who do not deviate from their appointed path" [cf. Ezekiel 1]; he would not be a human being *who serves G-d in freedom*....

Mindless people ask: Why did G-d give man the ability to sin? The answer to their question is given by the sinner who turns in freedom to moral purity; for he never would have reached this lofty level had he not been given the ability to sin. Thus, the sinner's repentance justifies, as it were, the Creator. Every victory over sin is an atonement for the ability to sin, with which the Creator has made man into man; and every Rosh Chodesh requires of us to make such an "atonement for the work of the Creator." (Commentary to Bamidbar 28:15, Haberman tr., emphasis in the original)

Each month we recite *kiddush levanah* [a blessing recited upon seeing the growing Moon in the first part of the month], saying, "And [G-d] told the Moon to be renewed with the light of splendour and a crown of splendour for

those carried in the womb, who will be renewed like her, etc." (Sofrim) For Israel, after every cycle, every lesson and every renewal, our light not only returns, but it grows stronger.

Our Beit Midrash also enters a period of reduced light, *bein hazemanim* [vacation], after Tishah b'Av. At this time Elliezra, our children and I will complete our two-year *shlichut* and return to Israel. For two years we have merited to learn and teach in various communities, and especially Shaarei Shomayim. We have merited along with Toronto, to be renewed and to be filled, like the light of the Moon; we hope that we created light for you as well.

After that reduced light of *bein hazemanim*, Toronto will receive new light – new members of the Beit Midrash – whose task will be to renew the Moon, filling Toronto with Torah again.

But we should not be satisfied with the light which comes and goes; we should long to achieve the permanent light of the Moon – to rise, ascend and see the return of G-d to Zion. Then we will merit to see the comfort envisioned by the prophet Yeshayah, "Your sun will no longer set, and your Moon will no longer be gathered in, for G-d will be an eternal light for you." (Yeshayah 60:20)

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OUR BEIT MIDRASH

ROSH BEIT MIDRASH

RABBI MORDECHAI TORCZYNER

SGAN ROSH BEIT MIDRASH

RABBI JONATHAN ZIRING

AVREICHIM

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

Israeli Landmark: Beitar **Rabbi Jonathan Ziring**

The Beitar fortress was an ancient, terraced farming village in the Judean mountains. It was the last Jewish fortress left standing in the Bar Kochba revolt of the 2nd century CE, destroyed by the Roman army of Emperor Hadrian in the year 135.

A mishnah (Taanit 4:6) records that five tragedies took place on Tisha B'Av, one of which was that Beitar was captured. According to a midrash (Eichah Rabbah 2:5) and the Talmud Yerushalmi (Taanit 4:5), the Emperor Hadrian laid siege to the city for three and a half years. These sources record that Hadrian was kept at bay by the spiritual efforts of Bar Kochba's uncle, Rabbi Elazar HaModai. Each day, Rabbi Elazar would wear sackcloth, fast, and pray. After years of failing to conquer the city, Hadrian was ready to give up and return to Rome. However, an informer told Hadrian that it was only due to the merit of Rabbi Elazar that he was unable to conquer Beitar. To ensure that the Romans would be victorious, that informer tricked Bar Kochba into thinking that Rabbi Elazar was trying to

make peace with the Romans, leading Bar Kochba to kill his uncle. A voice came from Heaven declaring that due to this, Bar Kochba would be killed. This allowed Hadrian to conquer Beitar and kill Bar Kochba, whose head was brought to Hadrian.

Different sources from our Sages (the above two and Gittin 57a-b) discuss how extreme the loss of life was when Beitar fell. For example, a midrash records that a horse would sink up to its nose in the blood of those killed, that the blood travelled four *mil* to the sea, and that the bodies were used to surround the perimeter of Hadrian's 18x18 *mil* vineyard.

For years, Hadrian forbade the Jews from burying their dead. The Talmud (Berachot 48b) records that until they were buried, the bodies miraculously did not decompose. When permission was finally granted to bury the dead, the Rabbis at Yavne instituted the fourth blessing in Birkat HaMazon (the blessings after meals), the blessing of *HaTov v'Hameitiv* ("who is Good and

does good"), to commemorate the double miracle: **Who is good**, thanking G-d that the corpses **did not decompose** while awaiting burial, **and does good**, thanking G-d **that they were ultimately brought to burial.** (Koren translation and elucidation)

There are two modern cities that are located near the site of the historic Beitar, that both commemorate its name. One is the Palestinian village of Battir, southwest of Jerusalem, also known as Khirbet al-Yahud, in Arabic ("ruin of the Jews"). The second is the mostly Charedi city of Beitar Illit.

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The Zionist Idea: Should We Continue to Cry? **Rabbi Baruch Weintraub**

Herbert Samuel, the first British High Commissioner of what was then Palestine, who was also a Jew, was appointed to his role on the fifteenth of Tammuz, 5680 (June 11, 1920). Four days later, Rabbi Avraham Yitzchak Kook, who served as the Chief Rabbi of Jerusalem, wrote a letter to a Rabbi Yaacov Tzvi Zisselman. In the letter, Rabbi Kook answered Rabbi Zisselman's question – should we continue to fast over the destruction now that we have a Jewish High Commissioner? Rabbi Kook responded briefly, without citing any sources for his answer. He emphasized that while he identifies with the questioner's strong feelings towards "our brother, the great minister", the fasts are not to be abolished as long as the Temple remains unbuilt.

The establishment of the modern Jewish state gave rise to this question again. It was raised yet again, with renewed urgency, after the Six Day War, when G-d's mercy guided us to a great victory and the liberation of Jerusalem. After Rabbi Kook, other rabbis took on this question. The answer remained the same, but some of the responses quoted sources to support Rabbi Kook's words. When we returned from the Babylonian Exile, in the fourth year of king Darius, the prophet Zechariah was asked, "Shall I weep and abstain in the fifth month, as I have been doing these recent years?" (Zechariah 7:3) After rebuking the people for their broken relationships, which had caused the destruction of the Temple, Zechariah responded that the fast days would become days of happiness and joy. The Talmud (Rosh Hashanah 18) analyzes this answer and explains that there are three possible situations – times of persecution, in which we must fast; times of shalom, in which we must rejoice; and

times of neither persecutions nor shalom, in which it is up to the nation to decide whether to fast or not.

What are "times of shalom"? Rashi holds it to be a time in which "the hand of the non-Jews is not dominant over the Jews." Most early authorities, however, agree with Rabbeinu Chananel's commentary, that "shalom" in this context means the existence of the Temple. Thus, according to most of the authorities, our time is not yet ripe to make the fast days into days of happiness and joy. (See *Kol Tzofayich* of Rabbi Yehudah Gershuni, p. 251; *Aseh Lecha Rav* of Rabbi Chaim David Halevi, 1:3.) Rabbi Joseph Soloveitchik also discussed this question in 1968, concluding that we should continue to fast for two reasons: Because of the fear that destruction may happen again, and because the question of "Eichah" – how all the terrible events of Jewish history could have occurred – is not yet answered.

The ability to recite Hallel on Yom Ha'Atzmaut and Yom Yerushalayim, thankful for the present, and yet to fast on the fast days, mourning the past and asking for a better future, is, in my humble opinion, one of the hallmarks of religious Zionism.

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Biography

Rabbi Shalom M. Shwadron

Rabbi Mordechai Torczyner

Born in 1835 to a rabbinic family in Złoczów, in Eastern Galicia, and taught by Rabbi Yoel Ashkenazi, the Rabbi of Złoczów, Rabbi Shalom Mordechai Shwadron (Maharsham) was recognized early on for his diligent study. This trait would remain with him in adulthood; the Memorial Book of Buczacz, where he served as Rabbi, records his daily study roster of 25 chapters of *Nach* (the Prophets and Writings), a tractate of Mishnah, and 18 pages of Talmud. His daughter reported that at every *melaveh malkah* meal he would celebrate completion of the tractates of Shabbat and Eruvin that Shabbat.

The Maharsham did not wish to take a professional rabbinic position. He first tried his hand in business, and only after the effort failed did he enter the rabbinate in 1867. The Maharsham served in several small communities, before succeeding Rabbi Yitzchak Shmelkes as Rabbi of Berezhany. The Maharsham remained there for more than 30 years, until his passing in 1911.

Rabbi Yosef Shaul Nathanson, himself a leading Rabbi in 19th century Poland, said of the Maharsham, "I don't see a greater Torah scholar in this generation." Evidently, many other rabbis agreed; the six-volume *Responsa of the Maharsham* include nearly 4,000 responsa, sent to communities far and wide. A new project charting the reach of various rabbis based on the geography of their responsa has created a map of the Maharsham's correspondence; this is available at <http://bit.ly/2NkhqFh>.

The Maharsham's writings include many additional works of Halachah, including *Darchoi Shalom* and *Mishpat Shalom*, as well as *Daat Torah* and *Gilui Daat* on

aspects of shechitah. These last works brought Maharsham into conflict with Rabbi Zvi Hirsch Spira (*Darchoi Teshuvah*), who disagreed with some of Maharsham's leniencies. Maharsham also wrote on Jewish thought, and authored the *Techelet Mordechai* biblical commentary.

Beyond academic scholarship, the Maharsham was known for his sensitivity. In one example, it is reported that after deciding cases in his *beit din*, the Maharsham would insist on carefully explaining to the losing party the logic behind his decision. He would also scatter seeds for birds and other creatures outside his home each morning.

The Maharsham also led community initiatives, including an attempt to establish a chain of yeshivot, and administration of funds for a Galician kollel established in Israel. At one point the Maharsham was invited to become the Chief Rabbi of New York, but he turned down the position; a lecture on the topic is available at <https://bit.ly/2tZCN60>. The Maharsham's grandson, Rabbi Sholom Shwadron ("The Maggid of Jerusalem"), published many of the Maharsham's books.

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Torah and Translation

Poisoning an Invasive Animal

R' Shalom M. Shwadron, Responsa of Maharsham 4:140

Translated by Rabbi Mordechai Torczyner

בדבר שאלתו אם מותר עפ"י דתוה"ק (לולא דד"מ) לפזר בתוך שדהו סם המות לבהמות בכדי שיוזקו וימותו בהמות אחרים שרגילים לילך ולהזיק בתוך שדהו אחרי שהתרה בבעליהם ורו"מ פלפל בזה.

והנה לכאורה י"ל דהרי איכא משום בל תשחית וגם צער בעלי חיים וכמ"ש בפ"ק דחולין גבי הני כודנייתא הגם דלצורך אדם ליכא משום צעב"ח וכמ"ש התוס' בע"ז ובאה"ע סי' ה' מ"מ הרי אפשר לשמור את שדהו באופן אחר וע' נוב"ק סי' פ"ג שכתב דבמיתה ליכא משום צעב"ח... אולם בר"ן חולין י"ט ע"ב במתני' דהשוחט מהצדדין מבואר דאפי' במיתה איכא צעב"ח... והרי קצת פוסקים כתבו בטעם איסור שחיטה בסכין פגום משום צעב"ח...

אבל בגוף הדבר אי מותר להזיק בהמות חבירו במקום פסידא הדבר מפורש לאיסור בש"ס ב"ק ו"ש"ע חו"מ סימן שצ"ו וכמ"ש בתשו' חו"י סי' קס"ה והובא ג"כ בפת"ש שם וביאר שם בטעמא דל"א עביד אינש דינא לנפשי' במקום פסידא אלא כשבא חבירו להזיקו בכונה ורצון משא"כ בשורו שהיא שלא בכונה בעה"ב ורצונו אלא שחזר והקשה מהא דסי' שפ"ג שהביא רמ"מ בשור שעלה ע"ג שור להורגו דמותר בעל השור התחתון לשמוט את שורו גם בכח אף דע"ז יהרג העליון והניח בצ"ע ואעפ"כ סיים ומ"מ הדין דין אמת...

מ"מ בצירוף טעמים הנ"ל אין בידי להקל כיון דאפשר בע"א.

Regarding your question of whether the Torah (aside from the law of the land) would permit scattering poison in one's field to harm and kill the animals of others, which regularly stray and cause harm in his field, since he has already warned their owners:

His honour has already analyzed this. It appears that one could say there is an issue of not wasting, and of paining animals, as per Chullin 7b and [not harming dangerous] mules. Although there is no concern for paining animals to help people, per Tosafot Avodah Zarah and Even haEzer 5, still, one could guard his field another way. And see Noda b'Yehudah 83, saying that there is no concern for paining animals if they will only be killed, based on Chullin 7b... but Ran Chullin 19b, on the mishnah of shechitah from the side, shows that there is concern for paining animals even when killing... Indeed, some authorities have explained the prohibition against slaughter with a chipped knife that it is because of paining animals...

But to the heart of the matter, and whether one may harm another person's animals to prevent [personal] loss: This is clearly prohibited in Bava Kama and Choshen Mishpat 397, and as per Chavot Yair 165 and Pitchei Teshuvah there. He explained that we only invoke the principle of "One may execute justice for himself to prevent loss" when another person intentionally and willfully attacks. This is not so for his ox, which comes without the owner's intent and will. Granted that [Chavot Yair] then asked from Choshen Mishpat 383, which you cited as well, where one ox attacks another to kill it, and we say that the owner of the [targeted] ox may remove his ox, even with force, even though this will kill the [attacking] ox. He left this as requiring examination, but he still concluded, "This ruling is the correct ruling..."

With the combination of all of the above factors, I cannot see grounds to permit this, as there are other options.

Introducing: Ezer and Chaya Diena!

**We are glad to welcome Ezer and Chaya Diena!
Ezer will join our Beit Midrash next year**

Born and raised in Toronto, Ezer Diena attended Ner Israel Yeshiva for high school. During this time, he volunteered at Clanton Park Synagogue, where he edited the Synagogue Bulletin and coordinated youth programming. He then spent two years learning at Yeshivas Toras Moshe in Jerusalem, where he developed a close relationship with Rabbi Michel Zalman Shurkin, a premier student of Rabbi Yosef Dov Soloveitchik.

After Israel, Ezer returned to Toronto, enrolling in York University's Concurrent Education program, where he studied simultaneously towards an Honours B.Sc. in Chemistry and a Bachelor's Degree in Education. As part of this program, Ezer also taught Mathematics and Science at Earl Haig Secondary School and Sir John A. MacDonald Collegiate Institute. While at York, Ezer continued his formal Torah study, learning part-time at Kollel Zichron Meir for two years, and at Yeshivas Ohr HaChaim in Queens, New York.

In the final year of his program, Ezer also served as a Talmud teacher, and a Judaics, Mathematics, and Science supply teacher at Yeshivat Or Chaim. He also delivered a weekly parshah shiur at the Or Chaim Minyan.

While taking a first year Calculus course, Ezer met Chaya Benmergui, and they married in 2016. Chaya, a Thornhill native, works as an ABA therapist.

In addition to enjoying teaching Math and Chemistry, Ezer loves to learn (and teach) Talmud and Halachah, as well as text-based Tanach study, with a focus on recent commentaries. As well as formal teaching, Ezer is always up for a schmooze on any Torah-related topics and looks forward to making many new friends at the BAYT, where he will serve as Rabbinic Assistant. You can email Ezer at ediena@torontotorah.com.



Weekly Highlights: July 7 – July 13 / 24 Tammuz – 1 Av *Most of our classes are now on summer hiatus, but opportunities remain!*

Time	Speaker	Topic	Location	Special Notes
שבת July 7				
After Hashkamah	Adam Friedmann	Parshah Analysis	Clanton Park	
After Kiddush	Adam Friedmann	Christian Zionism	Yeshivat Or Chaim	
7:00 PM	R' Mordechai Torczyner	Pirkei Avot	94 Tangreen Circle	Post-Seminary Girls
Before Avot	R' Jonathan Ziring	Daf Yomi	BAYT	
After minchah	R' Mordechai Torczyner	Avodah Zarah	BAYT	Simcha Suite
Sun. July 8				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Hebrew
Mon. July 9				
8:15 PM	R' Mordechai Torczyner	Agnon: "Yekele"	Email info@torontotorah.com	
Wed. July 11				
10:00 AM	R' Jonathan Ziring	Israel's Chief Rabbis: Clergy or Politicians?	Yeshivat Or Chaim	Week 4 of 4
8:00 PM	Adam Friedmann	Contemporary Issues	Shaarei Tefillah	
8:00 PM	Yaron Perez	הפרשה ואני	Shaarei Shomayim	
Thu. July 12				
1:30 PM	R' Mordechai Torczyner	Book of Shemuel	49 Michael Ct.	Women
Fri. July 13				
10:30 AM	R' Mordechai Torczyner	Muktzeh	Yeshivat Or Chaim	Advanced

***Our Ted and George Manson University Student Programs
are now on Summer Hiatus***