

Toronto Torah

YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayishlach

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This issue of Toronto Torah is dedicated by Miriam and Moische Kesten
in honour of the yahrtzeit of Miriam's father, מנחם ב"ר שמואל שמעלקא הלוי גלט ז"ל

And by Malka and Allan Rutman in memory of Allan's mother Leah bat R' Chaim David Schacter,
and Malka's father Yosef Matityahu ben Avraham Yitzchak Teigman

The Right Way to "Go Out"

Rabbi Baruch Weintraub

In the middle of our parshah lies one of the saddest events in the chain of tragedies that befell Yaakov and his family. Dinah, his daughter, went out to the city of Shechem to "see the daughters of the land." (Bereishit 34:1) The city's prince, Shechem, kidnapped and cruelly abused her. Dinah's brothers, Shimon and Levi, using deception and trickery, slaughtered the population and rescued their sister – but she was never again mentioned explicitly in the Torah. Ramban (Bereishit 34:12) explains that according to the simple text, Dinah "stayed with her brothers as a widow, for she was defiled in their eyes." How did such a disaster happen? And what lesson are we to take from it?

When we look at the midrashim and commentaries, we are surprised to see what at first glance seems to be an accusing finger pointed at Dinah herself. One midrash states, "She went out to display herself and her beauty, and the sin caused Shechem ben Chamor to cling to her." (Midrash Aggadah, Buber ed.) Rashi traces this feature back to Dinah's mother, our matriarch Leah: "Because she 'went out' she is called Leah's daughter, since she, too, was fond 'of going out', as it is said, 'And Leah went out to meet him.' (Bereishit 30:16)" (Rashi to Bereishit 34:1)

Taken by themselves, these sources seem to declare that "going out" is a dangerous and improper endeavor, and even for boys – shouldn't a 'good

Jewish boy' be a dweller of tents, like our patriarch Yaakov, and not a man of the field like his brother Esav? Our Sages have taught us that the words of the Torah may be limited in one place but expansive in another. Here, too, we should take a broader perspective in order to better understand the teaching of our sages.

Our sages asked how Yaakov could have allowed Dinah to go to Shechem, and their answer is striking: "Her brothers and her father sat learning in the beit midrash, so she went out to see the daughters of the land." (Avot d'Rabbi Natan II 3) This text does not explain why Dinah was not learning with her brothers and father, but an answer can be found in the midrashim cited above: Dinah was not 'the type' to sit and study. She was an extroverted person, thirsty for personal interaction, just as her mother was, and thus she found her way outside, looking to communicate and socialize with the daughters of the land.

Another midrash offers parallel illumination of the roots of this tragedy: Yaakov was so afraid of Esav seeing Dinah and desiring her, that he locked her in a trunk when the family encountered him. This midrash concludes by saying that Dinah could have been a positive influence on Esav, that Yaakov was wrong for this—and that this decision was punished with the kidnapping of Dinah. (Bereishit Rabbah 76)

Putting the pieces together, we may suggest the following: Dinah was, indeed, different from her father Yaakov and her brothers, as an outgoing person. Yaakov found this trait to be alarming and dangerous, as it could lead her to Esav – either in the real sense or the symbolic. Therefore, he 'locked her in a trunk', shielding her from any contact with the heathen world. Perhaps he invited her to come and 'inquire of G-d', as his own mother had (Bereishit 25:22), but she found the introverted setting of the beit midrash ill-suited for her personal spiritual growth. Yaakov, then, could offer her only higher and higher walls, but at a certain age, the walls crumbled, and Dinah went out – completely unprepared.

The lesson for us, then, is not necessarily that what is outside is scary; rather, it is that we need to better educate and prepare ourselves. Then our meeting with the outside world will not present, G-d forbid, a threat of being influenced and conquered, but rather a chance to advance and correct – as Yosef will prove possible next week. [Indeed, see Pirkei d'Rabbi Eliezer 38, who sees Dinah's daughter marry Yosef, giving this bitter story a sweet ending.]

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Summary

Having heard about the Israelites' victories in the southern portion of the Land of Canaan, Yavin, king of Chatzor, formed an alliance with powers in the north to prepare for battle with Bnei Yisrael. Hashem told Yehoshua not to be intimidated, and assured him that Bnei Yisrael would be victorious. Hashem instructed Yehoshua to organize a preemptive strike. Bnei Yisrael ambushed the alliance and left no survivors. Yehoshua also successfully burned the city of Chatzor and personally slayed King Yavin. The Israelites burned all of the cities as Hashem commanded; they also hobbled the horses and burned the chariots, demonstrating that they would not make use of Canaanite wealth and weapons.

None of the cities made peace with Bnei Yisrael, except for the Hivvite inhabitants of Givon, because Hashem hardened their hearts "toward battle against Israel, in order to destroy them – that they not merit mercy – so that they would be exterminated, as Hashem commanded Moshe" (11:20). The Israelites wiped out their enemies and

took spoils from the conquered cities. Additionally, they destroyed all of the Anakim (a family of giants) and their land with the exception of those in Aza, Gat and Ashdod. According to our chapter (11:23), Yehoshua conquered all of Eretz Yisrael during his seven years of war, and weakened the significant powers in the region. However, later passages like Yehoshua 13:1 call into question just how much Yehoshua conquered. Either way, Yehoshua then allocated portions to each of the tribes and the Israelites rested from war.

Insights

As noted above, our chapter informs us that Hashem hardened the hearts of Israel's enemies so that they would refuse to make a treaty and ultimately be defeated in battle. Evidently, Hashem did not want the Canaanites to avoid their destruction. Why were the Canaanites held accountable for going to battle against Israel, if G-d apparently influenced their course of action?

Rambam addressed this dilemma: He explained that every person is given

free will to act righteously or wickedly, and that G-d does not decree the choice a person will make. (Hilchot Teshuvah 5:2) Therefore, the Canaanites certainly had ample opportunity to surrender to Yehoshua and abandon their abominable practices. However, Rambam explained that it is possible for an individual or group to be so wicked that Hashem will punish them by diminishing their ability to repent. The Canaanites were one of the few historical examples of people who were so morally corrupt that the ability to mend their ways was taken from them. (ibid. 6:3) Like Pharaoh before them, the Canaanites witnessed repeated evidence of Hashem's support of the Jewish people but refused to surrender. They demonstrated that they were not interested in doing the will of G-d, and consequently, lost the ability to do so.

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Law of the Land: The Right of Kings

A basic principle of human society is that without systems of justice to keep us in check, we risk descending into chaos and anarchy. In the words of Chazal, "Without the fear of the government, one man would swallow his fellow alive." (Avot 3:2) Given this basic reality, we would imagine that the legal system encoded in the Torah would provide the deterrence necessary to keep society in check. However, based on the Talmud's elucidations, we find that actually prosecuting someone for breaking Torah law is very difficult, and the circumstances required for conviction are very narrow. For example, the following is required in order to be convicted and punished for murder:

- Two witnesses must warn the murderer before the act as to the precise nature of the crime and the punishment involved;
- The murderer must acknowledge the warning and declare that he nevertheless wishes to carry out the act;
- The act must then be performed without even the slightest delay.

The odds of meeting all of these conditions are very slim. Given this, one may legitimately ask how a Torah-based society is meant to effectively deter crime.

In the eleventh of his collected Derashot, Rabbi Nissim of Gerona (14th century Spain) resolves this question by positing that Judaism actually calls for a two-tiered judicial system. The first tier is that of the *Shoftim* (judges). The judges of the Sanhedrin execute the halachic system as defined in the Torah. The purpose of this system is purely spiritual, maintaining the metaphysical connection which the Jewish people enjoy with G-d. This, argues Rabbi Nissim, explains why the requirements for conviction in halachah are so narrow; the goal of the system is not deterrence, but spiritual perfection. The Sanhedrin's powers are generally limited to

faithfully carrying out the halachah - although Rabbi Nissim allows for the possibility that the *shoftim* might be able to enact their own extra-halachic rulings in order uphold the spiritual character of society.

The second tier of government is that of the King. Per Rabbi Nissim, the king is granted broad powers to enact and carry out any edicts which will maintain deterrence from crime in society. He can judge and execute verdicts even if they are not called for by halachah. The only requirements for the king are that he maintain fear of G-d, ensuring that the king's goals are ultimately spiritual, and that he restrain himself from excess so that he does not feel himself to be superior to other Jews.

The striking upshot of Rabbi Nissim's argument is that the Torah allows for an extremely utilitarian legal system, which is not necessarily anchored in halachic sources, to exist in tandem with halachah. Upon the advent of the State of Israel, some rabbinic figures, like Rabbi Shlomo Goren, used the position of Rabbi Nissim to justify, de jure, a secular legal system in Israel which is not based in halachah. Other thinkers, such as Ashkenazi Chief Rabbi Yitzchak Herzog, rejected these claims, arguing that the laws which govern a Jewish state must be rooted in halachah.

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Biography

Rabbi Shimon Greenfeld

Rabbi Mordechai Torczyner

In October 1860, Rabbi Yehudah and Eszter Greenfeld were blessed with a son, Shimon, who would grow up to inherit his father's position as the Rabbi of Semihaly. [Semihaly is likely Szent Mihaly, or "Saint Michael".] At the age of eleven, Shimon began to study under renowned halachic authority Rabbi Moshe Schick, and at age 14 he wrote his first halachic responsum. In his early 20's, after marrying his wife Hinda Golda of Munkacz, he moved to Munkacz and became a judge on the city's rabbinical court. He also founded a yeshiva, which he headed.

After Rabbi Yehudah Greenfeld passed away in 1907, Rabbi Shimon Greenfeld returned to Semihaly as its Rabbi, and became head of the local yeshiva. His approach to Torah study, as outlined by his son Mordechai, was to insist on learning Torah in its most straightforward form. He taught Chumash with Rashi's commentary for hours each day, and personally emphasized study of Ramban on the Torah. He applied the same simplicity to study of Talmud and Halachah; when his 14-year old son showed him an essay in the *pilpul* style, Rabbi Greenfeld responded disapprovingly that his son had "fallen into the trap of those who study *pshetlach*". He wrote, "You have built a wonderful palace without strong, halachah-based foundations, and the wind of Halachah will blow upon it and shake it; the eye of logic will glance at it, and it will cease to exist." Rabbi Greenfeld argued that learning Torah without a focus on its simple meaning is like attempting to fulfill a mitzvah with contemplation and speech, but without the actual deed. [Rabbi Greenfeld's scholastic style is described at length in the introduction to *Shu"t Maharshag*.]

Rabbi Greenfeld, also known by the acronym *Maharshag*, was a leading halachic authority throughout Hungary and beyond, and his responsa address compelling contemporary issues. He strongly disapproved of halachic texts which promoted stringency, although he often adopted stringencies in his personal practices. Rabbi Greenfeld served Semihaly until his passing in 1930; even when his doctors warned that teaching could be fatal, he insisted upon continuing. His son Mordechai and his daughter Chayah were murdered in the Holocaust, along with Chayah's husband and eight children, HY"D.

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Torah and Translation

Government-Ordered Rent Control

Rabbi Shimon Greenfeld, *Shu"t Maharshag 2:125*

Translated by Rabbi Mordechai Torczyner

בדבר שאלתו אי אמרינן דינא דמלכותא דינא במה שהמלכות גזר לצורך תיקון השוכרים במדינה: הן אמת דלהשוכרים הוא טובה ותיקון אבל לבעל הבית המשכיר הוא קלקול וחסרון, שאדם אחר משתמש בשלו בעל כרחך [לכאורה צ"ל "כרחו"], ומאי חזית דאזלת בתר השוכרים לקרותו תיקון, זיל בתר המשכירים דהבית והחנות הוא שלהם והוי קלקול! ואם כן אפילו להרמ"א בחו"מ שסט: ח... מודים דלא אמרינן ככהאי גוונא דינא דמלכותא דינא כיון דלא נוכל לומר על זה שהוא לטובת בני המדינה.

ואין להקשות לפי זה דאם כן איך נפרש דברי הרמ"א בסימן שסט הנ"ל דמשמע מדבריו דלצורך תיקון המדינה אף שאינו נוגע להמלך עצמו אמרינן דינא דמלכותא דינא, ואיך משכחת לה? הלא בדיני ממונות לעולם מה שהוא תיקון לזה הוי קלקול לזה! ומצאתי בשו"ת השיב משה בסימן צ' שמדבר בזה... ולבסוף התשובה העלה גם הוא דלא אמרינן ככהאי גוונא דינא דמלכותא דינא.

ונראה לי דלצורך תיקון המדינה לא הוי אלא כמו הך דינא דסימן רנ"ט בחו"מ להחזיר אבידה לאחר יאוש או אבידה דשטפה נהר, וכן בהך דינא דסימן שנ"ו בגניבה וגזילה לאחר יאוש ושינוי רשות, דבכל הני אין להמוצא וכן להקונה שום הפסד מכיסו ואנן אמרינן דמתחילה לא נעשה הפקר על ידי דינא דמלכותא, ואפילו אם נעשה הפקר מ"מ אסור לו להמוצא אותה לזכות בה בשביל עצמה [לכאורה צ"ל "עצמו"], אלא על ידי דינא דמלכותא מחויב לזכות בה בשביל הבעלים. וזה הוי שפיר תיקון המדינה, וגם לו ליכא הפסד וחסרון, כיון דגם מתחילה לא היה שלו.

Regarding his question of whether we say "The law of the empire is the law" when the monarchy makes a law for the benefit of the nation's renters: True, this is good and beneficial for the renters, but for the landlord who rents it out this is harm and loss, for someone else uses his property against his will. And what do you see that makes you follow the renters to call it 'benefit'? Follow the landlords, for the house or store is theirs, and this is harm! And if so, then even per Rama (Choshen Mishpat 369:8) [who recognizes broad authority for government financial legislation]... [he will] agree that in such a case we do not say "The law of the empire is the law," since we cannot say that this benefits the population.

And one should not ask that according to this, how could we explain the aforementioned position of the Rama (Choshen Mishpat 369) - which indicated that we say "The law of the empire is the law" regarding legislation which benefits the nation, even if it does not affect the monarch personally. How could we find such a case? In financial matters, whatever helps one party always harms the other party! And I have seen Responsa *Heishiv Moshe* (90) who addresses this... and in the end of his responsum he also concluded that we do not say "The law of the empire is the law" in such a case!

It appears to me that "the benefit of the nation" applies only [to legislation addressing] a case like Choshen Mishpat 259, returning lost property after the owner has abandoned hope, or lost property that was carried off by a river; or the law in Choshen Mishpat 356 regarding [returning] stolen items after the owner has abandoned hope and the item has changed owners. In all such cases, the one who finds it or acquires it does not suffer any financial loss [by returning it], and we say that the item never became ownerless, due to the law of the empire. And even if it did become ownerless, still, one who finds it may not acquire it for himself, but via the law of the empire he is obligated to acquire it for the owners. This is truly "benefit of the nation", and [the finder] also does not suffer loss or lack, since it was never his.

Weekly Highlights: Nov. 24— Nov. 30 / 16 Kislev — 22 Kislev

Time	Speaker	Topic	Location	Special Notes
שהב Nov. 23-24 Visit by Rabbi Jonathan Ziring!				
Fri. 8:00 PM	R' Jonathan Ziring	Privacy and Social Media	235 York Hill Blvd.	Oneg
3:30 PM	R' Jonathan Ziring	הלכה: עשו שונא ליעקב?	BAYT	Hebrew Shiur
Seudah shlishit	R' Jonathan Ziring	Was Esav Chasing Yaakov?	BAYT	Seudah Shlishit
Fri. 4:10 PM	Ezer Diena	The Third Day	BAYT	Parshah & Kugel
10:30 AM	R' Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
After musaf	Ezer Diena	Bragging About Humility	Ayin l'Tzion	Derashah
3:30 PM	Ezer Diena	Daf Yomi	BAYT	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
6:30 PM	R' Elihu Abbe	Parent-Child Learning	Shaarei Shomayim	
Sun. Nov. 25				
8:45 AM	R' Jonathan Ziring	Lying for Education	BAYT	Hebrew Shiur
9:00 AM	Ezer Diena	929: Intro to Vayikra	BAYT	
10:00 AM to 11:20 AM	Mrs. Sara Gutenberg R' Jonathan Ziring	Importance of Going Public Yair Lapid's Claim	Midreshet Yom Rishon BAYT	For women Light Refreshments
Mon. Nov. 26				
8:30 PM	R' Mordechai Torczyner	Bikur & Nichum on Shabbat	Shomrai Shabbos	Men
Tue. Nov. 27				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 5-6	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Yehoshua: Chapter 15	129 Theodore Pl.	Men
Wed. Nov. 28				
10:00 AM	R' Mordechai Torczyner	Bioethics 3: Healthcare Costs	Beth Emeth	
12:30 PM	R' Elihu Abbe	The Ethical Challenge 4: Accounting for Shareholders	Zeifmans LLP 201 Bridgeland Ave.	Lunch served; RSVP rk@zeifmans.ca
7:30 PM	R' Alex Hecht	Controversies of the 20 th Century	Shaarei Tefillah	
7:30 PM	Ezer Diena	Ripped from the Headlines	BAYT	Not this week
8:00 PM	R' Elihu Abbe	The 7 Habits, Week 6: First Seek to Understand	Shaarei Shomayim	
Thu. Nov. 29				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapter 4	49 Michael Ct.	Not this week
8:30 PM	R' Elihu Abbe	Gemara Beitzah	eabbe@torontotorah.com	Men
Fri. Nov. 30				
10:30 AM	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat
11:00 AM Sunday, Contemporary Halachah: R' Elihu Abbe, The Berachah on Pizza
9:30 AM Tuesday, Ezer Diena, Stories and She'eilot—Note Special Time
8:30 AM Friday, R' Mordechai Torczyner, The Book of Yeshayah—Not this week

For University and Adult Women, at Ulpanat Orot

9:30 AM Tuesdays, Mrs. Eliana Abbe: Sefer Devarim
9:30 AM Thursdays, Mrs. Eliana Abbe: Tefillah

Seder Boker for Adult Men with Rabbi Moshe Yeres

10:00 AM to Noon, Mondays/Wednesdays - Masechet Megilah and Eim haBanim Semeichah
10:00 AM to Noon, Tuesdays/Thursdays - Parshanut on Parshah and Pninei Halachah