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on the first yahrtzeit of Esty's mother, Rebbetzin Faigie Frankel zt"l

לעילוי נשמת לאה פיגה בת אהרן צבי זצ"ל

The Torah's Deafening Silence About *Tzaraat*

Rabbi Jonathan Ziring

A central project of Chazal and Rishonim was to understand the rationale for mitzvot. Sometimes, however, the gap between the Torah's silence as to the rationale, and the rabbinic expansion upon that rationale, is jarring. To illustrate a similar sentiment by narratives: the Torah tells of the anonymous wood cutter who violated Shabbat in the desert. (Bamidbar 15) Rabbi Akiva (Shabbat 96b) identifies him as Tzelofchad. In that same Talmudic passage, Rabbi Akiva is taken to task for this identification; Rabbi Yehudah ben Beteirah says, "If you are correct, the Torah concealed his identity, and you reveal it. If you are incorrect, you are unjustly slandering that righteous man. (Shabbat 96b)

Rabbi Yehudah ben Beteirah contends that if the Torah left him anonymous, there must have been a reason. Thus, even if Rabbi Akiva was correct, he should have allowed the Torah to hide the identity of the wood cutter.

When contrasting the biblical and rabbinic presentation of *tzaraat*, one feels the same dynamic at play. The Torah devotes two parshiyot to discussing one who suffers from the malady of *tzaraat*, whether that which affects his or her body, garments, or home. It describes in detail how the disease is diagnosed by a kohen, treated, and purity restored. Yet, in all that space, there is not a single word as to why one contracts the disease.

The silence is so absolute, that some

commentaries suggest that it is merely a natural disease! Rav Yochanan in the Talmud (Ketubot 77b), for example, writes, "For what reason are there no lepers in Babylonia? Because they eat beets, drink beer, and bathe in the waters of the Euphrates." (Koren translation) As noted on AlHatorah.org, this seems to indicate that it is a sickness that can be avoided by a healthy lifestyle. Even if one rejects this implication, several commentaries indeed took this position, such as Ralbag. (Vayikra 11:47, 13)

The majority view of Chazal and the commentaries is that it is caused by sin – whether it be *lashon hara* (gossip and/or breaching confidentiality) and arrogance, which are most often cited, or a host of other sins such as theft, murder, and pointless vows (Arachin 15b-16a and elsewhere). However, in the spirit of Rabbi Yehudah ben Beteirah's challenge to Rabbi Akiva – if *tzaraat* was a punishment, why was this never said explicitly in the Torah?

Perhaps the message is that *tzaraat*, like many other tragedies, is meant to cause general introspection. Shlomo HaMelech, for example, writes that it is good to attend a house of mourning because "the living will take it to heart." (Kohelet 7:2) As Rabbi Yosef Dov Soloveitchik developed in several places, halachah cares less about why suffering happens than it does that human beings react productively in response.

This approach is in consonance with that of Shadal and Rabbi Dovid Tzvi

Hoffman. Shadal (Vayikra 12:2) contends that in the ancient world, people reacted to *tzaraat* as if it indicated that the person had been rejected by G-d, and thus they eschewed contact with him. The Torah took advantage of this natural reaction, as it encouraged people to think about providence and reward and punishment, and incorporated it into halachah. Rabbi Hoffman, on the other hand, argues that impurity is symbolic, though not the consequence of sin. "*Tzaraat* does not generate *tum'a* because it results from the sin [for this is not always the case; other illnesses also result from various sins but do not generate *tum'a*]. Rather, *tzaraat* generates *tum'a* because the outward appearance of the disease is the symbolic image of the sinner." (translation from <https://bit.ly/2FRUWd5>).

By representing sin, and forcing one to enter a purification process, halachah ensures that *tzaraat* educates people about the results of sin in general.

Even if this view is incorrect, and the dominant view, that *tzaraat* is indeed a punishment, is correct, the point still stands. The Torah's silence should remind us that even more important than identifying the specific sin that results in a punishment, is the message that all tragedy and difficulties in life should be taken as reminders that we must constantly examine our lives and seek ways to improve how we act religiously and ethically.

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After Yael kills Sisera and Devorah and Barak defeat Sisera's army, Devorah and Barak break out in song. They open their song by acknowledging that their enemies only succeeded when the Jewish People abandoned Hashem. As soon as the people repented and returned to Hashem they were saved. It is now incumbent on them to bless Hashem for that salvation.

The song consists of three primary components. The first notes the contrast between the power that the Jewish People experienced at the time of the giving of the Torah, the fear that they experienced during the years of their oppression, and the relief that they currently feel after Hashem's salvation. The second component focuses on who participated in the battle against Sisera. The third component focuses on the story of Yael and Sisera.

When Hashem gave us the Torah, the earth shook and mountains melted from before the presence of G-d Himself. The Jewish People were able to bask in this tangible power. After the Jewish People strayed from Hashem, this power was lost. Out of fear, the people moved to the fortified cities for

protection. They avoided leaving the city whenever possible, and when necessary they would take circuitous routes. They were forced to learn the skills of war. It was only when Devorah arose, and when the people repented, that tranquility was restored.

The tribes of Zevulun and Yissachar are credited for assisting in the battle. Even the stars in heaven and the Kishon river participated in the fight. The tribes of Reuven and Dan are chastised for sitting on the sidelines. Meroz is cursed for not coming forward to help, and Yael is blessed for eliminating Sisera.

Sisera's mother awaits her son's return. Her advisors suggest that he is delayed because he is gathering spoils. The chapter closes with the exclamation that just as Sisera was destroyed, so too may all of G-d's enemies be destroyed. There was then peace in the land for 40 years.

A Call to Introspection

The question, "Why do the righteous suffer?" has been posed by some of the greatest personalities of Jewish history. The Talmud (Berachot 7a) understands that when Moshe

Rabbeinu requested of G-d, "Show me Your ways," he was asking this question. The prophet Yirmiyahu ends Megillat Eichah with the exclamation, "You have been excessively angry with us (translation based on Rashi's commentary)." The implication of this exclamation is that he is troubled by the same question.

While it is legitimate and appropriate to ask this question, it is essential to also see G-d's call to repentance that can be found when we encounter suffering. The Talmud teaches, "If one experiences suffering one should analyze one's ways." (Berachot 5a) As difficult as it is, suffering should be a call to introspection. The opening theme of Devorah's song and perhaps the most essential lesson of the chapter is this idea. When we sinned, our enemies oppressed us; when we repented, Hashem saved us.

eabbe@torontotorah.com

Law of the Land: The Police: Arm of the Judiciary?

In many modern Western societies, the police force is a part of the executive branch, reporting directly to the government. We are so used to this structure, that it is hard for us to see that the Torah plainly put forth a very different model. As the verse which opens Parshat Shoftim teaches us: "You shall set up judges and policemen for yourself in all your cities - that Hashem, your G-d, gives you - for your tribes; and they shall judge the people righteously." (Devarim 16:18)

The police are clearly set up as a part of the judicial branch, answering directly to the judges, and not to the king, whose roles will only be defined in the following chapter. This first impression is validated by Chazal's commentary, quoted by Rashi (ad loc.): "*Shoftim* are judges who decide the verdict, and policemen are those who chastise the people in compliance with their order...until acceptance of the judge's verdict." This position is strongly reflected in the Rambam's words: "Their deeds are controlled entirely by the judges." (Hilchot Sanhedrin 1:1)

The uniqueness of the police subordination to the judges, as opposed to the state, stands in contrast not only to our time, but also to other ancient systems. For example, the Israelites' policemen mentioned in Shemot 5:14 as appointed by Pharaoh's slavedrivers were not part of any judicial structure, but rather, were a tool of the king to rule and terrorize his subjects. Against this background, the novelty in the Torah's reorganization of the police is striking.

The rationale for this bold change seems to be twofold: on one hand, it may be part of a constant effort by the Torah to rein in the king's authority. Placing the police outside of the

king's direct command may be similar to the prohibition against the king holding too many horses. (Devarim 17:16) Rabbi Samson Raphael Hirsch explained: "Holding a large number of horses and increasing them without limit means the establishment of a strong military power." (Commentary to Devarim 17:16)

On the other hand, appointing the judges as the supreme commanders of the police strengthens their role as the ultimate spiritual leaders of the nation, handing them responsibility not only over the judgment of those individuals who have transgressed, but also over the implementation of justice and honesty in the public realm.

According to the online Encyclopedia Britannica, the definition of police is: "[A] body of officers representing the civil authority of government." However, according to our sacred tradition, police officers do not represent the civil authority of the government, but rather the Divine authority of the Torah. They are not only "responsible for maintaining public order and safety, enforcing the law, and preventing, detecting, and investigating criminal activities," but they are also charged with "implementing the Torah's commands; forcing those who have turned away from the path of truth to return to it; commanding the performance of good and the avoidance of bad." (Rambam's *Sefer haMitzvot*, aseh 176)

bweintraub@torontotorah.com

Biography

Rabbi Moshe Feinstein

Rabbi Mordechai Torczyner

Rabbi Moshe Feinstein was born in the city of Uzda, near Minsk, Belarus, on the 7th of Adar in the year 5655/1895. He was born into a rabbinic family, descendants of Rabbi Yom Tov Lipman Heller. Rabbi Feinstein studied in several yeshivot before becoming rabbi of Luban, where he served for sixteen years. During his time in Luban, Rabbi Feinstein wrote prolifically, sending responsa to communities far and wide and to the Torah giants of the day. He also led his community despite the crushing persecution of the Communist regime.

Rabbi Feinstein fled the Soviet regime in 1936, barely escaping a pogrom in which his home was destroyed. Along with his wife Sima and three children (another died of whooping cough), Rabbi Feinstein came to New York and became rosh yeshiva of Mesivta Tiferet Yerushalayim in Manhattan's Lower East Side. Rabbi Feinstein was already known for his erudition and analytic skill; on American shores, his reputation only grew.

Recognized across the broad spectrum of Orthodoxy as the generation's leading *posek* (halachic authority), Rabbi Feinstein was consulted on every major issue of his day. Among his most widely circulated responsa and public letters on popular issues were his positions on the role of Jews in a non-Jewish society (such as vis-à-vis holiday celebrations and political involvement), on the status of Reform and Conservative approaches to Judaism, and on the evolving roles of women in the Jewish community.

Communal organizations sought out Rabbi Feinstein for leadership roles. He served as president of the Union of Orthodox Rabbis of the United States and Canada, and he chaired the Moetzes Gedolei haTorah of Agudath Israel of America for the last quarter-century of his life.

Rabbi Feinstein passed away on Taanit Esther 5746/1986, but his halachic legacy lives on. First, his sons Rav Dovid Feinstein and Rav Reuven Feinstein, as well as his son-in-law Rav Dr. Moshe Tendler, are recognized as halachic authorities of the first order. Second, his volumes of published responsa (*Igrot Moshe*), as well as his commentaries to Talmud (*Dibrot Moshe*) and Chumash (*Darash Moshe*) are studied around the world. To this day, resolution of major issues like determining the moment of death and engaging in artificial insemination hinges upon how his writings are parsed.

Torah and Translation

Yom Tov Sheni for Non-Israelis in Israel

Rabbi Moshe Feinstein, *Igrot Moshe Orach Chaim 3:74*

Translated by Rabbi Alex Hecht

ובדבר שבאת לא"י ללמוד שם, והיה דעתך אחר שנה ושנתיים לחזור לאמעריקא, אבל גם אשתך נסעה עמך, ודירה יש לך בא"י ולא באמעריקא. איך אתה ואשתך צריכים להתנהג בענין יום טוב שני?

הנה להרדב"ז שהביא המג"א /בסי' תצ"ו/ בסק"ז דעוקר דירתו עם אשתו מא"י לחו"ל אף על פי שדעתו לחזור דינו כמו שאין דעתו לחזור, ומסתמא גם להיפוך...

אבל לע"ד פשוט שאין לדמות בזמננו עתה לזמן הרדב"ז...היה ענין נסיעה ממקום למקום דבר קשה בין מצד הטירחא דהנסיעה בין מצד העניות, שלכן כיון שעקר עם אשתו היתה אומדנא גדולה דאם ימצא פרנסה באותו מקום שהלך לשם לא יחזור...

אבל בזמננו שהוא טירחא קטנה אף מאמעריקא לא"י שבאין בפחות מ"ב שעות לא"י וחשבון הוצאה לא נחשב כלום לרובא דאינשי ממדינתנו דהא באים מכאן לשם ומשם לכאן גם על עניני שמחה קטנים ולנסיעת תענוג וטיול בעלמא ליכא האומדנא...

ולכן למעשה תלוי זה בדעתך ובדעת אשתך שאם עדיין לא החלטתם להשאר בא"י יש לכם דין בני חו"ל ואם החלטתם להשאר בא"י יש לכם דין בני א"י.

And regarding the [following] matter: You came to the Land of Israel to study there. It was your intention to return to America after a year or two. But your wife also traveled with you, and you have an apartment in the Land of Israel, and not in America. How should you and your wife conduct yourselves regarding the second day of Yom Tov?

The Radbaz was cited by the Magen Avraham (496:7), maintaining that one who uproots his dwelling with his wife from the Land of Israel to the Diaspora - even though his intention is to return [to Israel] - is considered as if he has no intention to return [and should, therefore, observe two days of Yom Tov]. Presumably, this [rationale] would also apply in the opposite direction....

However, in my humble opinion, it is obvious that [the realities] in our days are not comparable to the time of the Radbaz [16th century]... [In previous times], travel from place to place was very difficult - either because of the great effort or because of poverty. Therefore, if one relocated with his wife, there was strong reason to assume that if he found a source of livelihood in the place where he moved, he would not return...

However, in our time, when minimal effort is required [to travel], even from America to the Land of Israel, which one can do in less than 12 hours, and the expenditure is not significant for most people from our land, for they go from one place to another even for small celebrations and vacation travel, there is no presumption [that they will stay]...

Therefore, practically, [this question] depends on your intention and on the intention of your wife: If you have still not decided to remain in the Land of Israel, you are subject to the rules of a resident of the Diaspora. If you have decided to remain in the Land of Israel, you are subject to the rules of a resident of the Land of Israel.

Shemot 20:10 prohibits *melachah* on Shabbat, but the talmudic sage Rabbah contended *muktzeh* is also biblical, based on this verse and Shemot 16:5. (Pesachim 47b)
 In practice, almost all authorities concur that *muktzeh* is rabbinic, as per Shabbat 123b. However, Rashi (Beitzah 2b *l'taameih*) argued for a biblical root, in discussing eggs laid on Yom Tov. Commentators resolve Rashi's idiosyncratic

position in three ways:

- The concept behind *muktzeh* is reflected in the biblical text, but the law is rabbinic (Pnei Yehoshua Shabbat 44a);
- Handling the most serious forms of *muktzeh*, like eggs laid on Shabbat, is biblical (Pnei Yehoshua Beitzah 2a);
- Eating *muktzeh* is biblically prohibited, but handling it is rabbinic. (Chatam Sofer, Introduction to Beitzah)

Weekly Highlights: Apr. 6 – Apr. 12 / 1 Nisan – 7 Nisan

Time	Speaker	Topic	Location	Special Notes
שבת Apr. 5-6	Rosh Chodesh; Shabbaton at Shaarei Shomayim: Orthodoxy and Liberalism!			
After Hashkamah	R' Alex Hecht	Freedom of Speech	Shaarei Shomayim	
Derashah	R' Chaim Strauchler	Freedom From, Freedom To	Shaarei Shomayim	<i>Main Shul</i>
Derashah	R' Elihu Abbe	Loving Humanity	Shaarei Shomayim	<i>Downstairs Minyan</i>
6:40 PM	Ezer Diena	G-d and Human Behaviour	Shaarei Shomayim	<i>Main Shul</i>
Seudah shlishit	Ezer Diena	Idol-Smashing & Pluralism	Shaarei Shomayim	
After hashkamah	R' Adam Friedmann	Parshah Analysis	Clanton Park	<i>Guest Scholar!</i>
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<i>Simcha Suite</i>
Sun. Apr. 7				
10:00 AM to 11:20 AM	Mrs. Chayala Bistricher Rabbi Elihu Abbe	Pesach: A New Perspective Recounting Miracles	Midreshet Yom Rishon Shomrai Shabbos	Women Light Refreshments
Mon. Apr. 8				
10:00 AM	R' Mordechai Torczyner	The Other Villains of Passover, Part 2 of 2	Beth Tikvah	
8:15 PM	R' Elihu Abbe Ezer Diena R' Alex Hecht R' Mordechai Torczyner	Haggadah Night! Ten-minute Seder-ready Torah Thoughts	Shaarei Shomayim	
Tue. Apr. 9				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 15-16	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	The Book of Yehoshua	129 Theodore Pl.	Men
Wed. Apr. 10				
7:30 PM	R' Alex Hecht	Is Eliyahu at Our Seder?	Shaarei Tefillah	Special Topic!
7:30 PM	Ezer Diena	Ripped from the Headlines	BAYT	
Thu. Apr. 11				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapter 9	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. Apr. 12				
10:30 AM	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, R' Aaron Greenberg, Gemara Shabbat

11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah, R' Mordechai Torczyner, Quinoa on Pesach

8:30 AM Wednesday, Ezer Diena, Stories and She'eilot

8:30 AM Friday, R' Mordechai Torczyner, Parshah

WOMEN'S BEIT MIDRASH for University and Adult Women, at Ulpanat Orot, with Mrs. Eliana Abbe

9:30 AM Tuesdays: Sefer Devarim; 9:30 AM Thursdays: Tefillah

Seder Boker for Adult Men

10:00 AM to Noon, Monday/Wednesday - R' Moshe Yeres: Masechet Megilah and Eim haBanim Semeichah

10:00 AM to Noon, Tuesday/Thursday - R' Moshe Yeres: Parshanut on Parshah and Pninei Halachah