

# Toronto Torah

## YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Behar (*Diaspora*)

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This edition of Toronto Torah is dedicated by Archie and Tobey Crandell for the yahrtzeit of Tobey's brother, Fivie, Shraga Feivel ben HaRav Alter Avrohom Aharon HaKohen z"l

This edition of Toronto Torah is dedicated by the Frohwein and Safran Families for the shloshim of their dear brother Shaya, Yeshayahu ben Yacov Dov Safran z"l

### The Song of Freedom

Rabbi Adam Friedmann

In an autobiographical vignette in his book, *The Will to Live: This is Our Heritage*, author Herman Wouk z"l describes a *derashah* he once delivered in his local shul that prompted the visiting Munkaczer Rebbe, Rabbi Yehoshua Rabinowicz, to storm out. Wouk had been discussing the laws of the *eved ivri*, the Jewish slave. The offending comment came when he recalled an encounter with David Ben-Gurion in Israel in 1955. The mention of Ben-Gurion's name was enough for the Munkaczer Rebbe to exit the premises. [He later made amends with Wouk.]

On that occasion in Israel, the Wouks were hosted by the Ben-Gurions at the Ben-Gurions' home in Sde Boker. Due to security concerns, the visiting Americans had been escorted by several military vehicles equipped with mounted machine guns. After an enjoyable afternoon, they needed to return to Tel Aviv before it got dark, and the roads were altogether unsafe.

When the Wouks were about to leave, Ben-Gurion, who had been restraining himself, appealed directly to his visitors to stay in Israel permanently. "You must return here to live," he said. "This is the only place for Jews like you. Here, you will be free."

Herman was taken aback. "Free? Free? With enemy armies ringing you, with their leaders publicly threatening to wipe out 'the Zionist entity,' with your

roads impassable after sundown - free?"

"You shall sanctify the fiftieth year, and proclaim freedom in the land to all its inhabitants. It shall be a Jubilee for you, and each person shall return to his inheritance, and a person shall return to his family." (Vayikra 25:10)

The parshah describes the mitzvot of the fiftieth *yovel* (Jubilee) year. All land titles revert to the original allocations prescribed by G-d, and all slaves are freed. What is the nature of this freedom, and what is its purpose?

Rabbi Naftali Tzvi Yehudah Berlin (Netziv) describes the *yovel* as a homecoming. Families who had splintered, selling their land and moving to other neighbourhoods, cities, or beyond; families who had seen their members fall into poverty and then slavery, are reunited. Netziv notes the Torah's double emphasis: "Each person shall return to his inheritance," teaches that it is not enough to come back for a visit and then return to some far-flung place. "A person shall return to his family" teaches that the Torah mandates a return to each other, and a reckoning to discover what caused the family breakdown in the first place.

According to Netziv, the freedom that the Torah prescribes is the freedom to be truly at home. Jews return to their land and to their families, unrestrained by financial or social burdens. Netziv even argues that the proclamation of

freedom extends to soldiers tasked with guarding Israel's borders. They too are relieved from duty, and return home. The Torah's emphasis is not on safety, but on freedom. In return for keeping these laws, G-d promises His own protection. (Vayikra 25:18)

What is the purpose of this proclamation of freedom? The Torah prescribes another law for the *yovel* year as well. Like the *shemita* year which precedes it, the land must rest and may not be farmed. The Jews withdraw their military defences, and observe a second year, in which they deliberately do nothing to assure their continued sustenance! This is not madness; it is a national act of faith, which affirms G-d's own statement, "because the land is Mine, because you are sojourners and settlers before Me." (Vayikra 25:23) In return for this radical act of faith, G-d promises to provide an overabundance of food to sustain the Jews throughout the *shemita* and *yovel* years.

Rabbi Avraham Ibn Ezra explains that the Torah's word for freedom here, *dror*, is derived from the name of a bird (see Mishlei 26:2). When it is free, it sings a beautiful song. When it is captured, it refuses to eat and starves to death. This is the imperative of the parshah. We are tasked to sing the song of faith. But we cannot sing it under duress; we can sing it only by returning home to our land, to our families, and to each other.

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**Summary**

The ninth chapter of Shoftim is the longest in the book, and one of the bloodiest. It begins in the aftermath of Gideon's death; Gideon's son from a concubine, Avimelech, invites his mother's family to a campaign speech in Shechem. He asks the leaders of Shechem to appoint him as their king, rather than be ruled by his 70-half brothers, Gideon's other sons. He also asks for, and receives, financial contributions toward mercenaries to kill his half-brothers. [Elements of this story are not clear. For example, commentators debate whether the "leaders of Shechem" were Jewish or not, and whether Gideon's sons were actually in power.] The massacre takes place at a family gathering, which may have been called to grieve for Gideon. (Abarbanel to 9:4)

One half-brother, Yotam, escapes the bloodshed. During Avimelech's coronation, Yotam ascends Mount Gerizim and proclaims a parable of rebuke. He describes the trees gathering to appoint a king, and offering the position to the olive, the fig and the grape, all of which refuse "to shake over the trees", in order to devote their energies to their beneficial

products. Finally, the trees appoint the thorn as king. The thorn warns them that they must be loyal, or a fire will consume them. Yotam warns the people of Shechem that they have betrayed the legacy of his heroic father Gideon by slaughtering his children and selecting Avimelech, and that fire will consume them as a result of elevating the thorn.

Avimelech rules Shechem for three years; G-d then incites opposition against him, to punish all of those involved in Avimelech's bloody rise to power. Bandits attack travellers, and in particular Avimelech's forces, as they travel through the mountains. Then, a non-Jewish interloper named Gaal rallies people to an open revolt against Avimelech, issuing a challenge to do battle. Avimelech attacks Gaal, though, and with the aid of his aide Zevul he defeats Gaal.

Avimelech then punishes Shechem for their role in the revolt; he destroys the city and salts the earth. He then destroys a fortress outside Shechem, setting it on fire and killing all those inside.

Finally, Avimelech attacks the city of

Tevetz, which may have had a role in the anti-Avimelech revolt. (Ralbag to 9:50) Here, though, Avimelech meets his end; he attempts to set fire to a fortress in Tevetz, and a woman in the tower drops a millstone on him, crushing his skull. Avimelech summons his aide to kill him, lest he be killed by a woman. As Abarbanel (9:54) writes, this display of concern demonstrates Avimelech's foolishness. It also demonstrates a similarity with the leaders of Midian, who were concerned about the stature of their executioner in 8:21. (Daat Mikra)

**Insight**

Many lessons may be drawn from Yotam's parable of the trees, but here are two:

- Shechem sabotaged themselves, killing good potential leaders in favour of the thorn. This is like passing up the olive, the fig and the grape for the sake of the thorn. (Radak, Malbim)
- Those who are most eligible to lead tend to refuse the position; those who seek it are often unworthy. (Rashi, from Midrash Tanchuma)

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**Law of the Land: Non-Jews in Beit Din****Ezer Diena**

One of the challenges facing Jewish courts all over the world, and certainly in Israel, is the ineligibility of non-Jews to testify in Beit Din.

A Mishnah (Bava Kama 1:3) tells us that even in monetary cases, witnesses must be "*bnei brit*" or "members of the covenant". As explained by the Talmud, this comes to exclude non-Jews. (Bava Kama 15a)

In terms of practical halachah, Rabbi Yosef Karo (Beit Yosef Choshen Mishpat 34) cites Rambam (Hilchot Edut 9:4) who understands all non-Jews to be biblically ineligible to testify in Jewish courts. Rambam reasons that when the Torah presents laws of testimony, it uses the word "brother" (Devarim 19:19), which excludes non-Jews. Rabbi Karo also cites Rif (Gittin 3a) and Rosh (Gittin 1:9) as supporting this view. In addition, Rabbi Karo quotes Hagahot Oshri (to Rosh Gittin 1:10), who brings the opinion of Rabbeinu Yakar, that any non-Jews whom we presume to be honest may testify in Jewish courts. However, Rabbi Karo rejects his opinion and codifies the opposing view in Shulchan Aruch. (Choshen Mishpat 34:19)

One might suggest that excluding a non-Jew from testifying is logical; they are not loyal to the Torah's rules, and this could lead them to disregard the halachic impact of their testimony, whether intentionally or accidentally. However, Rabbi Yechiel Michel Epstein states that all of the biblical exclusions from testimony are due to Scriptural decree, and not logic. (Aruch HaShulchan Choshen Mishpat 34:19)

Despite the exclusion, we do trust non-Jewish sources in a

variety of situations which fit a broad definition of "testimony". Perhaps the most clear example of this is regarding documents that were written and signed by non-Jews in non-Jewish courts; the Shulchan Aruch and Rama permit relying on such documents under a wide range of circumstances. We also rely on non-Jewish testimony to ascertain the validity of such documents. (Shulchan Aruch Choshen Mishpat 68 based on Mishnah Gittin 1:5)

Other Talmudic situations in which we rely on non-Jews include:

- Asking a non-Jewish chef to taste food which may have a significant non-Kosher flavour, to know if Jews may consume it (Chullin 97a, but see Rama Yoreh Deah 98:1)
- Purchasing *tzitzit* from a non-Jewish merchant, without concern that they may have been manufactured without the requirements of Jewish law (Menachot 43)
- Using non-Jewish doctors in a variety of halachic situations (see Niddah 22b)

While it is certainly true that we still have to take precautions to avoid false information, these cases serve as the starting point for a longer conversation as to when testimony by non-Jews is halachically reliable in our day and age, and will certainly be highly relevant to any increased role of Jewish courts in Israel or elsewhere.

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## Biography

### Rabbi David Abudraham

Rabbi Jonathan Ziring

Rabbi David Abudraham (Avudraham) was a medieval scholar from Seville, born c. 1340. According to Rabbi Chaim Yosef Azulai (*Shem Gedolim, Ma'arechet HaGedolim* 4), the Abudraham was a student of Rabbi Yaakov ben Asher, the author of the classic halachic work *Arba Turim*. The Abudraham is known for his commentary on prayer, one of the few comprehensive medieval commentaries on the subject. He includes commentary on the daily prayers, the holiday prayers, and the blessings before and after food, and has a discussion of the Haftarah. His commentary follows the Sefardi version of the prayers.

He uses many different methodologies to understand the prayers. He analyzes the grammar and *gematriot* (numerical values of the letters), providing some mystical insights. However, his primary methodology, as presented in the quoted selection, is to find the biblical and/or rabbinic source for every phrase in the Amidah prayer. He contended that when the prayers were instituted by the Anshei Knesset HaGedolah (Men of the Great Assembly), they patterned each phrase after verses in Tanach, and sometimes based on the rabbinic interpretations of verses. Thus, to fully understand the prayers, one must find the source texts used to construct the liturgy. This methodology was also used by Rabbi Yaakov ben Yakar in his commentary to the prayers.

Many modern scholars of liturgy have followed this methodology, such as Professor Reuven Kimelman of Brandeis University. The assumptions of this methodology are supported by several Talmudic passages, such as Megilah 25a, that argues that one can only use descriptors for G-d that are found in Tanach (and that without this sourcing, it would be improper to attempt to praise G-d at all), and Pesachim 104a, that notes distinctions for the text of Havdalah based on passages in Tanach.

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## Torah and Translation

### The Source of Our Prayers

R' D. Abudraham, Tikun haTefilot v'Inyaneihem, Shaar 2

Translated by Rabbi Jonathan Ziring

מצות עשה מן התורה לעבוד את ה' בתפלה.... וגם אין לתפלות מנין מן התורה אלא כל אחד ואחד בכונה גמורה מתפלל בכל עת שירצה אם מעט ואם הרבה יעלה לרצון וירצה. וכן היה הדבר מימות משה רבינו ועד זמן שחרב בית קדשנו ותפארתנו וגלו ישראל בין אומות העולם בעבור חטאם ומעללם ונתערבו בתוך העמים... ונולדו להם בנים בארצותיהם ואותם הבנים אשר קמו אחריהם היתה שפתם משובשת ומעורבת מלשונות נכריות מואביות עמוניות אדומיות צדוניות חתיות כמו שנה' (נחמ' יג, כד) ובניהם חצי מדבר אשדודית ואינם מכירים לדבר יהודית וכלשון עם ועם. ולא היה יכול אחד מהם להתפלל ולדבר כל צורכו בלשון עברי כי אם בשבש ובתערובת לשון נכרי' ותהי לשון האמת לכלה וחרץ ותכחד מן הארץ.

כאשר ראו אנשי כנסת הגדולה זאת הרעה החולה אמרו לכו ונלכה באור אלקינו ונשלמה פרים שפתינו, אנחנו וכל קהל עדתינו, ולתקן התפלה הנקראת עבודה, אשר על הלשון כבדה, בשפה ברורה ובלשון קצרה, זכה וברה וישרה, מחלאת לשון נכריה מטהרה, כדי שתהיה על הלשון קלה ובפה שגורה, עד שנהיה כולנו יחד מתפללין בשפה אחת ובלשון א'. ונתקבצו כולם ותקנו להתפלל (ברכות לג, א) לפני חי העולמים שמונה עשר ברכות, בכל יום... ג

ויש לך לדעת כי לשון התפלה הוא מיוסד על לשון המקרא ולכן תמצא כתוב בפי' הזה על כל מלה ומלה פסוק כמוה או מעניינה, ומלות מעטים יש שלא נמצא להם יסוד במקרא ולכן אביא להם יסוד מהגמרא.

There is a positive biblical commandment to serve G-d through prayer.... And the Torah has no [required] number of prayers. Rather, everyone can pray with full intent whenever he wants. Whether a little or a lot, it will go up with grace and be accepted. This was how things were from the time of Moshe Rabbeinu until the time of the destruction of our holy and glorious Temple, and the Jews were exiled among the nations because of their sins and actions, and were mixed among the nations...And children were born in these lands, and those children who arose after them had confused and mixed up language, [comprised of] foreign languages, Moabite, Amonite, Zidonite, and Hittite, as it says (Nechemiah 13:24): "and a good number of their children spoke the language of Ashdod and the language of those various peoples, and did not know how to speak Judean." And they could not pray or speak as was necessary in Hebrew, but only with confusion and a mix of foreign languages, and the true language was destroyed, cut down, and extinct from the land.

When the Men of the Great Assembly saw this evil sickness, they said, "let us go in the light of our G-d, and let our lips replace cows [of sacrifices], us and all of our congregation, and institute prayer which is called "service," which is heavy on the tongue, in a clear language and with brevity - pure, clear and straight, purified from the illness of the foreign language, so that it will be easy and fluent in people's mouths, under which we all pray, with one language and with one tongue." And they all gathered, and instituted to pray the Amidah before the Eternal One, every day, three times... (Berachot 33a)

And you should know that the language of the Amidah is based on the language of Scripture. Therefore, you will find written in this commentary, on every word, a verse like it or relating to its essence. There are a few words for which a biblical basis could not be found, and therefore, I will bring for them a basis from the Talmud....



## Weekly Highlights: May 25 – May 31 / 20 Iyar – 26 Iyar

Time	Speaker	Topic	Location	Special Notes
שבת May 24-25				
<p><b>SHABBATON AT BAYT - 10 COMMANDMENTS: THE 5779 EDITION</b>                      Friday before Maariv, Hillel Horovitz, <i>Not Once, But Twice</i></p> <p>Hashkamah Dvar Torah, R' Elihu Abbe: זכור: <i>Oneg: The Purpose Of It All</i></p> <p>8:40 AM, Ezer Diena, Pre-Shacharit Parshah: ללא תנאף: <i>Complications of Second Marriages</i></p> <p>9:30 AM, R' Elihu Abbe, ללא תרצח: <i>Minchat Chinuch: The Death Penalty</i></p> <p>No-Frills Dvar Torah, Ezer Diena: ללא הגנוב: <i>Everyday Theft</i></p> <p>JLIC Minyan Dvar Torah, Hillel Horovitz: ללא תשא: <i>Stolen Valour</i></p> <p>Derashah (Main Shul), R' Mordechai Torczyner: אנכי: <i>What if I Can't Believe?</i></p> <p>5:15 PM, PANEL DISCUSSION                      "YOU SHALL NOT HOLD THE GODS OF OTHERS"                      JUDAISM AND OTHER RELIGIONS                      May a Jew study other religions for university, or personal interest?                      May a Jew look at non-Jewish authors to explain Torah?                      Can members of other religions enter Olam HaBa after death?                      Should we encourage non-Jews to be more religious, within their religions?                      ...and more!</p> <p>6:45 PM, R' Mordechai Torczyner, Hebrew Shiur: ללא תענה: <i>מקום ד' בבית המשפט</i></p> <p>7:45 PM Pirkei Avot, R' Elihu Abbe: ללא תחמוד: <i>Jealousy vs. Desire</i></p> <p>Seudah Shlishit, Ezer Diena: כבוד: <i>For Their Own Good?</i></p>				
Before Avot	R' Elihu Abbe	Daf Yomi	BAYT	<i>Rabbi's Classroom</i>
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<i>Simcha Suite</i>
<b>Tue. May 28</b>				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapter 19	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Shoftim: Chapters 1-2	129 Theodore Pl.	<i>Men</i>
<b>Wed. May 29</b>				
10:00 AM	R' Mordechai Torczyner	Leading Anti-Semites 4: Fyodor Dostoevsky	Beth Emeth	<i>Fee; register at torontotorah.com/anti</i>
12:30 PM	Ezer Diena	The Ethical Challenge 3: Business Lunches & CRA	Zeifmans LLP 201 Bridgeland Ave.	<i>Lunch served; RSVP rk@zeifmans.ca</i>
7:30 PM	Ezer Diena	Leisure in Halachah 3: Laws of Arts and Crafts	BAYT	<i>Rabbi's Classroom</i>
7:30 PM	R' Alex Hecht	Non-Jews in Jewish Law	Shaarei Tefillah	
<b>Thu. May 30</b>				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapters 10-11	49 Michael Ct.	<i>Women</i>
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	<i>Men, Advanced</i>
<b>Fri. May 31</b>				
10:30 AM	Ezer Diena	Panim Chadashot	Yeshivat Or Chaim	<i>Advanced</i>
<p><b><u>For University Men, at Yeshivat Or Chaim</u></b>                      10:00 AM Sunday, R' Aaron Greenberg, Gemara Shabbat                      11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah: R' Mordechai Torczyner: Surge Pricing                      8:30 AM Wednesday, Ezer Diena, Stories and She'eilot                      8:30 AM Friday, R' Mordechai Torczyner, Parshah</p>				
<p><b><u>WOMEN'S BEIT MIDRASH for University and Adult Women, at Ulpanat Orot, with Mrs. Eliana Abbe</u></b>                      9:30 AM Tuesdays: Sefer Devarim                      9:30 AM Thursdays: Tefillah</p>				
<p><b><u>Seder Boker for Adult Men</u></b>                      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</p>				