

Toronto Torah

Beit Midrash Zichron Dov

Parshat Noach

4 Cheshvan, 5780/November 2, 2019

Vol. 11 Num. 7 (#428)

This issue of Toronto Torah is dedicated by Shoshanna Schapira
in memory of her beloved father Israel Schapira z"l on his first yahrtzeit bo bayom
לעילוי נשמת ישראל בן יעקב צבי ז"ל

This issue of Toronto Torah is dedicated by Jeanette and Raphael Adams
for the yahrzeits of Jeanette's parents Yaakov ben Shlomo z"l and Chana bas Yitzchak z"l

Did the Tower Builders Sin?

Rabbi Adam Friedmann

The story of the tower of Babel, appearing suddenly at the end of the parshah, is as cryptic as it is jarring. In contrast to the flood, the nature of the sin which prompted the dispersal of humanity is unexplained. It's not even clear that there was a sin at all. What, after all, is wrong with seeking to build a fortified city, to unify humanity and keep it safe? Our commentators provide strikingly divergent interpretations.

Chazal take the approach that a serious sin is committed in the story, even if it is lurking beneath the surface. A mishnah (Sanhedrin 10:6) declares that the participants in the tower of Babel have no place in the World to Come. In explaining this statement, the Talmud attributes several motives to the tower builders; the most egregious of these is idol worship. By this view the tower was intended as, literally, a giant affront to G-d.

Rabbi Avraham Ibn Ezra (Bereishit 11:3) takes the text at face value and argues that there was no sin committed at all. He explains that the goal of the builders was simply to build a safe centralized place to live. The tall tower was not for idol worship, but as a polestar for shepherds and workers who ventured out of the city so that they could find their way home.

A middle approach is taken by Rashbam. (Bereishit 11:4) He argues that by choosing to remain in one

locale the builders violated G-d's commandment to Adam to "be fruitful and multiply, and fill the earth". (Bereishit 1:28)

This interpretation is given a fascinating color by an observation of Rabbi Joseph B. Soloveitchik in this book *The Emergence of Ethical Man*. He notes that in the Creation story three distinct verbs are used as G-d creates living creatures. One term is *vayomer* ("He said"). This, explains Rabbi Soloveitchik, denotes the creation of basic biological features. For example, G-d says that the waters should teem with aquatic life. Another verb is *vayitzav* ("He commanded"). This verb is reserved for Man, who is commanded not to eat from the Tree of Knowledge. In this way, G-d is activating the moral sense of humanity, which it must use to carry out G-d's instructions willingly. The final verb is *vayivarech* ("He blessed"). This verb is used to describe G-d implanting natural inclinations into living things. It is this verb which is used to introduce the directive to multiply and fill the earth for both animals and humans. Given this insight, we can read Rashbam's interpretation in a new light. The builders of the tower of Babel were not sinning in the moral sense. Rather, they were using reason and free will to suppress their natural drive to conquer the world.

These explanations force a further question. Why is this story in the Torah? What lesson is it teaching us?

We can answer this straightforwardly for the first and last interpretations:

- Chazal read this story as a classic case of sin and punishment. The Torah is teaching us about the dangers of idol worship.
- For Rashbam, this story is stressing the importance of man's inclination to conquer the world, subdue it, and live a dignified life (for more on this, see Rabbi Soloveitchik's *Lonely Man of Faith*). G-d ends the tower project to ensure this will happen.

Less clear is the purpose of the story according to Ibn Ezra. Why did G-d need to disrupt the plan for safe, centralized living? Ibn Ezra has his own answer, but a thought-provoking idea is suggested by Rabbi Ovadia Seforno. A society which is uniform in language and location is also uniform in thought. By that time in human history, the antecedents of idolatrous beliefs had already taken root. If the tower had been built, the resulting society would not have had the natural divergence of views needed to generate arguments, reject falsely held beliefs, and return to G-d. G-d intervened to prevent this.

According to Seforno, the Torah here is teaching us a profound lesson. The variety of human experience and divergence of views, even the extreme ones, are ultimately the vehicle for cleansing the world of falsehood and bringing humanity back to the knowledge of G-d.

afriedmann@torontotorah.com

OUR BEIT MIDRASH

ROSH BEIT MIDRASH	RABBI MORDECHAI TORCZYNER
SGAN ROSH BEIT MIDRASH	RABBI SAMMY BERGMAN
AVREICHIM	EZER DIENA, RABBI ALEX HECHT, NETANEL KLEIN
SEDER BOKER DIRECTOR	RABBI MOSHE YERES
ISRAELI CORRESPONDENTS	RABBI ADAM FRIEDMANN, RABBI BARUCH WEINTRAUB, RABBI JONATHAN ZIRING
UNIVERSITY CHAVERIM	NAFTI DIENA, ARI KARON, JAY KARON, YEHUDA LEVI, COBY LYONS, SHIMMY NAUENBERG, MORDECHAI ROTH, ILAN SHIELDS, NATAN SNOWBELL, EYTAN WEISZ, URIEL WEISZ, ELI WELTMAN, BARUCH WISE



Find our upcoming classes on-line at
www.torontotorah.com

We are grateful to
Continental Press 905-660-0311

Summary

Our chapter – which also serves as the haftorah of Rosh Hashanah – presents us with Shemuel, the great prophet who is also the author of our book (Bava Batra 14b). First, we are introduced to the yet-to-be-born seer's parents – Elkanah and Chanah. Elkanah is married to a second wife, named Peninah, who was blessed with [apparently] many children, while Chanah is barren. Every year, we are told, the whole family would pilgrimage to the Mishkan in Shiloh, where Eli served as Kohen Gadol. During this journey, Peninah would taunt Chanah for her childlessness, upsetting Chanah. [See Rashi for Peninah's motivation.] Elkanah, while trying to soothe his pained wife, seems unable to deeply appreciate her agony, arguing that he – as a husband – is better for her than ten children. Bitter, Chanah goes to pray in the Mishkan courtyard, asking Hashem to give her a son, and promising that she will dedicate him to G-d. Some aspects of Chanah's prayer would later come to serve as the model for our own prayers to this day.

Praying in a very low voice, Chanah appeared to be only moving her lips – causing Eli to believe that she was drunk. He rebuked her, but upon hearing her story he blessed her that her wish should be fulfilled. Indeed, after a period of time Chanah produced a son, whom she named Shemuel. The name serves double purposes, both as a reminder that Chanah requested (sha'alah) the boy from Hashem, and that the boy would be loaned (sha'ul) to Hashem. After the young boy was weaned, Chanah brought him to the Mishkan, fulfilling her vow.

Making of a Gadol

While our chapter showcases Shemuel, the hero of our book, what is in fact described are the ingredients needed to enable the growth of such a rare personality. Thus, the real hero of our story is not the young baby, but rather his devoted mother. Chanah had every reason to become a disillusioned, disenchanted and desperate woman: every year she fulfilled her religious duty by coming to the Mishkan; she suffered the scorn and disdain of

Peninah; her loving husband could not understand the emotions of a woman who could not realize herself as a mother; and even the high priest was unable to see the depths of sorrow and sadness from which her prayer was emerging, mistaking them for lightheadedness and irreverence.

Nonetheless, Chanah, though bitter, remained undeterred. She did not take her frustrations out on Peninah, nor on her husband, nor on Eli. Instead, she immersed herself in prayer and hope; moreover, uplifted from her private individual misery, she observed that the entire nation was in need of a man of spirit. Hence, transcending her personal and completely understandable desire to see her only child grow up in her own home, she sent her young child to be educated in the Mishkan. Without this great woman, no Shemuel could have existed.

bweintraub@torontotorah.com

Holy Land Halachah: Splitting the Bill**Ezer Diena**

In March 2015, a class action lawsuit was raised against Israeli supermarket giant Shufersal (a.k.a. "Supersol") for overcharging customers for products that were advertised as "on sale". About one year ago (November 2018), a settlement led to an eight million-shekel payout from the company to consumers, but since it would be impossible to gather all those who lost money, it was decided that every bill at any of their supermarkets that exceeded 25 shekels would be discounted by 4 shekels. The checkout system was reprogrammed to automatically offer this discount on any eligible purchase, until the 8 million shekels were returned to consumers.

At many of the Shufersal-owned supermarkets, customers began using the automatic checkout system to split their purchases of many hundreds of shekels into smaller 25-30 shekel purchases, and thus received very significant discounts on their grocery bills, in addition to holding up other shoppers waiting to check out.

Asked if this was appropriate, Rabbi Yitzchak Zilberstein (Kuntres Vavei Ha'amudim, text cited at <http://forum.otzar.org/viewtopic.php?f=17&p=519549>) noted that it may be prohibited to receive the discounts altogether. Shulchan Aruch (Choshen Mishpat 26:1) cites the prohibition against going to secular courts to decide money matters. Rama (ad loc.) seems to decide in favour of the opinion that accepts the decision of a secular court as binding, inasmuch as if the litigants would decide to go to a Jewish court, the Jewish court would not be allowed to decide their case. However, Rabbi Akiva Eiger notes that if according to Jewish law, the judgment would have been different, and the defendant disagreed with the court's ruling, the money is considered stolen until a ruling is given by a Jewish court. (gloss 1, based on Responsa Tashbetz 2:290,

and see also Netivot HaMishpat Biurim 2 ad loc.)

Rabbi Zilberstein acknowledged that based on the above, it could be argued that in this case, since the grocery chain representatives presumably do not want to be paying money to their customers, accepting the discount might be like stealing. However, he countered that since there was a settlement in this case, the supermarket chain is in agreement that they owe the money to their customers, and one would thus be permitted to receive the discount.

Therefore, the status of "splitting the bill" to receive the discount multiple times would then depend on the intention of the managers (i.e. those who agreed to the settlement). If the managers also wanted to spread the money as equally as possible among a large group of people, it would be prohibited to take more than the fair share of the settlement discount. If, however, they were simply looking to pay off the settlement as quickly as possible, but did not actually care about the customer representation, it would be permitted. Since, theoretically, one could bring many others with them to the grocery store and legally split the bill in that fashion, he ruled that until the managers stated their intentions clearly, it was permitted to receive the discount multiple times.

Rabbi Zilberstein also ruled that if receiving the extra discounts is permitted, one need not be concerned for holding up others, and that "those waiting should be happy that due to their patience, another Jew is saving money!"

ediena@torontotorah.com

Biography

Rabbi Menachem Krochmal

Rabbi Mordechai Torczyner

Adapted from a biography by Russell Levy

Born in Krakow circa 1600, Rabbi Menachem Mendel ben Avraham Krochmal studied under Rabbi Yoel Sirkes (a.k.a. the *Bach*), and with the *Bach*'s son-in-law, Rabbi David HaLevi Segal (a.k.a. the *Taz*). At a young age, Rabbi Krochmal became a judge on the rabbinical court of Krakow, where the *Bach* was the Chief Rabbi, and head of a Yeshiva there. Rabbi Krochmal went on to serve in Kremsir and Prossnitz, before becoming Chief Rabbi of Nikolsburg. Rabbi Krochmal served in Nikolsburg until his passing in 1661.

From his rabbinical position in Nikolsburg, Rabbi Krochmal served as a leader for the Jews of Moravia in general. He was a leader in attempts to free *agunot* whose husbands disappeared during the Chmielnicki massacres of 1648-1649. He enacted rules for taxation and community administration, consistently siding with the neediest members of the community. In one well-known and precedent-setting example, Rabbi Krochmal responded to a spike in fish prices before Shabbat by banning the consumption of fish on Shabbat. (Tzemach Tzedek 28, translated in Toronto Torah Vayechi 5770 <http://bit.ly/2onm8dO>) In another ruling, Rabbi Krochmal ruled that communal funds should be used to bring to justice a non-Jew who had murdered a Jew, "for if they would not take revenge against the murderer, the blood of the members of the covenant would, G-d forbid, become like abandoned property." (ibid. 111) Despite his great stature, Rabbi Krochmal was known for humbly deferring to other halachic authorities in particular cases. (*Chachmei Yisrael*, Rabbi David Weisbrod Halachmi vol. II)

Many of Rabbi Krochmal's writings were lost when the Jews of his son's city, Vienna, were expelled in 1670, and more during the great fire in Nikolsburg in 1719. Rabbi Krochmal's son published his responsa, entitled *Tzemach Tzedek*, after his death. This title was chosen because the letters that make up the book's name have the same *gematria* value as the words of Rabbi Krochmal's name (*Tzemach* and *Menachem* are both 138, and *Mendel* and *Tzedek* are both 194). This is often called *Tzemach Tzedek Kadmon*, "the first *Tzemach Tzedek*", because the third Lubavitcher Rebbe would later publish his own *Tzemach Tzedek* collection of responsa.

torczyner@torontotorah.com

Torah and Translation

Responsibility for Employee Injury

R' Menachem Krochmal, Tzemach Tzedek Kadmon 6

Translated by Rabbi Mordechai Torczyner

עובדא הוה בא' ששלח לחבירו ממקום לעולם בשליחות וקבע לו שכירות ונתן לו מיד מקצת הדמים והלך השליח לדרכו ועבר על הקורות שהיו מונחים מעל המים ששם רגילים לילך הולכי רגל, והוחלק שם על הקורות ונפל למים ונטבע ומת, ונשאו ונתנו לפני התלמידים אם צריך המשלח כפרה כיון שבשליחותו נטבע:

וזה אשר הגדתי להם: דבר זה כבר היה לעולמים ונשאל על זה מהרי"ו בתשובת סימן קכ"ה ופסק שצריך כפרה, וכתב וז"ל "...גרסינן בפרק חלק דף צ"ה "א"ל הקב"ה לדוד עד מתי יהיה עון זה טמון בידך? על ידך נהרג נוב עיר הכהנים, על ידך נהרגו דואג ואחיתופל, על ידך נהרגו שאול ושלשת בניו, רצונך כלה זרעך או תמסור ביד אויביך: וכו' " אלמא אף על גב דדוד המלך ע"ה לא פשע במידו, רק שעל ידו באו לידי תקלה, אפילו הכי נענש, כל שכן הכא שבשליחותך בא אליו הרעה הזאת דאיכא למיחש לעונש יסורין, וטוב שתקבל עליך יסורין כגון תענית מ' יום. ואם יש לו בנים קטנים תן להם כפי נדבת ידך ותנצל מצוקה וצרה. ואמרין במסכת שבת פרק השואל "כל שחבירו נענש על ידו אין מכניסין אותו במחיצתו של הקב"ה." עכ"ל...

אמנם יש לי גמגום על פסק זה ולולי כי אין משיבין את האריות אחר מותם היה נראה לי לומר דכשהוא שליח בשכר אין המשלח צריך כפרה כלל, דכיון דהכתוב אומר "לא תעשוק שכיר וגו' ביומו תתן שכרו ולא תבא עליו השמש כי עני הוא ואליו הוא נושא את נפשו" ופירש רש"י "אל השכר הזה הוא נושא את נפשו למות, עלה בכבש ונתלה באילן" והוא על פי הברייתא דפרק המקבל דף קי"ב... משמע דדבר מצוי הוא ושכיח הוא שפועל מת מחמ' מלאכתו, ומתחלה כשנשכר למלאכה אסיק אדעתיה לשמא יפול וימות... וא"כ למה יתחייב הבה"ב השוכר את הפועל?!

ובפ' א' דאבות תנן ויהיו עניים בני ביתך ופירש הר"מ והר"ב שצריך שיהיו שמשים בביתו עניים ולא עבדים, והיאך ילמדו חכמינו ז"ל מוסר לאדם במה שיהיה לו תקלה ח"ו.

It happened that someone sent another person as his agent from Point A to Point B, hiring him. He gave him some of the money, and the agent went on his way, crossing the beams placed across the water where pedestrians normally walk. He slipped on the beams, fell in the water, drowned and died. They debated before the students regarding whether the sender must atone, since the fellow drowned while acting as his agent.

I told them: This happened historically, and Mahari Weil was asked about this, and he ruled (Responsum 125) that atonement is needed. He wrote, "... We learn in Sanhedrin 95, 'G-d said to David: How long will you harbour this sin? Due to you, Nov, a city of kohanim, was massacred. Due to you, Doeg and Achitofel were killed. Due to you, Shaul and his three sons were killed. Should your children be wiped out, or should you be handed over to the enemy? Etc.'... We see that even though King David was not at all guilty, and it is just that the problem happened via him, still, he was punished. Certainly here, where due to your agency this catastrophe happened, there is concern for punishment of suffering, and it would be good for you to accept suffering, such as by fasting forty days. And if [the victim] has small children, give them as you can afford and you will be saved from pain and trouble. And Shabbat (149b) says, 'Anyone whose peer is punished via him, may not be introduced into Hashem's circle.'..."

In truth, I have doubts regarding this ruling. If not for the fact that one may not dispute the lions after their death, I would say that when he is a paid agent, the sender need not atone at all. The Torah (Devarim 24:14-15) says, "Do not cheat a hired worker... Pay him that day, don't let the sun set upon him for he is a pauper and he puts his life on the line for it," and Rashi explained, "He put his life on the line to die for this payment, he ascended the ramp and hung from the tree, from [Bava Kama] 112... This indicates it is common for a worker to die due to his work, and from the start, when he was hired for work, he knew he may fall and die... So why should the employer who hires a worker be liable?..."

Also, the first chapter of Avot teaches, "Paupers should be members of your household," and Rambam and Rabbi Ovadia of Bartenura explain that one's domestic workers should be paupers, and not slaves. How could our sages instruct people to do something which would become a cause for catastrophe, G-d forbid?!

The 613 Mitzvot: #41 - Ascending the Mizbeiach, Part 1

Rabbi Mordechai Torczyner

In Shemot 20:23, Hashem instructed the Jews to build a ramp, not steps, leading up the mizbeiach. As the Torah explains, the purpose is, “so as not to reveal your *ervah* upon it.” Sections of the human body are classified as *ervah* and are to be covered; taking broad steps, wearing a tunic, would cause those parts to be more exposed than usual.

Sefer haChinuch lists this as the Torah’s 41st mitzvah. According to Sefer haChinuch, there is an added dimension involved. Taking broad steps displays arrogance and/or frivolity, and we try to conduct ourselves with gravity in the Beit haMikdash. Using a ramp forces a person to take smaller steps, and therefore to walk with a more disciplined gait.

Weekly Highlights: Nov. 2 — Nov. 8 / 4 Cheshvan — 10 Cheshvan

Time	Speaker	Topic	Location	Special Notes
שבת Nov. 1-2				
8:40 AM	Ezer Diena	Berachah on a Rainbow	BAYT	TFBM
10:30 AM	R’ Alex Hecht	Parshah Analysis	Clanton Park	After Hashkamah
Before minchah	Ezer Diena	Daf Yomi	BAYT	Rabbi’s Classroom
After minchah	R’ Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
Sun. Nov. 3				
8:15 AM	R’ Alex Hecht	Contemporary Halachah: Gender Reassignment	Yeshivat Or Chaim	
9:15 AM	Netanel Klein	“Imitating My Neighbours” 1	Adas Israel Hamilton	New 3-Part Series!
7:30 PM	Rabbi Dr. Edward Reichman	Medical Ethics/Halachah: The Newest Technology and Jewish Practice	Yeshivat Or Chaim	Nusbaum Family Lecture Free of Charge
Mon. Nov. 4				
8:30 PM	R’ Mordechai Torczyner	Artificial Intelligence 1: Your Robot Shall Rest?	Shomrai Shabbos	3rd Floor; Men
Tue. Nov. 5				
10:00 AM	R’ Mordechai Torczyner	Two Jews in a Bad Neighbourhood	Adath Israel	Women; there is a fee info@adathisrael.com
1:30 PM	R’ Mordechai Torczyner	Yeshayah, Ch. 22	Shaarei Shomayim	
7:30 PM	R’ Mordechai Torczyner	Book of Shoftim, Ch. 4	129 Theodore Pl.	Men
Wed. Nov. 6				
6:00 AM	Ezer Diena	Gemara Succah	BAYT	WW Classroom 2
10:00 AM	R’ Mordechai Torczyner	Life After Death 1: What is a Soul?	Beth Emeth	<i>There is a fee torontotorah.com/life</i>
8:00 PM	R’ Alex Hecht	Bringing G-d Into Our Lives #1: Relying on G-d	Shaarei Tefillah	New 5-Part Series!
8:00 PM	R’ Sammy Bergman R’ Jesse Shore	Night Seder: All Things Shabbat	Shaarei Shomayim	Open to All!
Thu. Nov. 7				
1:30 PM	R’ Mordechai Torczyner	Shemuel I, Ch. 12	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. Nov. 8				
10:30 AM	R’ Mordechai Torczyner	Bava Metzia	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’ Alex Hecht: Gender Reassignment

8:30 AM Wednesday, Ezer Diena, Mishlei

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

Seder Boker for Men with Rabbi Moshe Yeres, at Yeshivat Or Chaim

10:00 AM to Noon, Mon./Wed. Masechet Megilah, Orot of Rav Kook, Chovot haLevavot

10:00 AM to Noon, Tue./Thu. Parshanut on the Parshah, Sefer Yehoshua, Pninei Halachah