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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayikra

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A Time to be Silent, and a Time to Speak Up

Rabbi Mordechai Torczyner

Our parshah takes a strong stand in favour of confidentiality. The opening verses relate, "And G-d called to Moshe, and G-d spoke to him from the Tent of Meeting, to go tell. Speak to the Children of Israel, and tell them..." Troubled by the doubled "go tell," our sages explained that the duplication teaches us, "that one may not repeat something told to him, unless he is told, 'Go tell.'" (Talmud, Yoma 4b)

Certainly, the need for confidentiality is clear; as Sefer haChinuch (mitzvah 236) notes, gossip causes quarreling and strife. However, we might be forgiven for wondering why G-d personally violated this principle. When three visitors informed Avraham that his wife Sarah would birth a baby, Sarah overheard, and laughed. She said, "After I have been worn out, will I be rejuvenated? And my master is old!" G-d then asked Avraham, "Why did Sarah laugh, saying, 'Can it be that I will give birth? And I am old!' Is anything beyond G-d?... " (Bereishit 18:12-14) Why did G-d fail to honour His principle of confidentiality?

We might gain some understanding by studying a conflict between a halachic obligation and the Rules of Professional Conduct (2000) of the Law Society of Upper Canada, regarding permission to break confidentiality.

According to the Law Society's Rule 2.03(3), "Where a lawyer believes upon reasonable grounds that there is an imminent risk to an identifiable person or group of death or serious bodily harm, including serious psychological harm that substantially interferes with health or well-being, the lawyer may disclose, pursuant to judicial order where practicable, confidential

information where it is necessary to do so in order to prevent the death or harm, but shall not disclose more information than is required." Two points are worth noting here: (1) The lawyer may break confidentiality to prevent serious harm to health, but not to prevent financial loss; (2) Even regarding saving a life, the lawyer may inform, but is not required to do so.

Contrast this with the Rambam's position (Sefer haMitzvot, Lo Taaseh 297); he warns against "weakness" in rescuing from "danger of death or financial loss." Based on the Talmud (Sanhedrin 73a), Rambam includes financial loss as grounds for action, and views intervention as a requirement. Therefore, modern halachic authorities rule that one must break confidentiality in order to save a person from physical or financial harm. [See Chafetz Chaim, Rechilut 9. Note: A discussion of endangering a career to avert another person's financial or physical harm is beyond the scope of this article.]

The Law Society honours confidentiality over rescue because Ontario law does not require any individual to save any other individual from harm, unless a special relationship of caring for the victim already exists. In contrast, as explained by Rambam, halachah does require that we rescue others. Therefore, our responsibility to look after each other overrides our great respect for privacy and confidentiality.

This duty to rescue may explain why G-d spoke with Avraham about Sarah's laughter: G-d broke confidentiality to rescue Sarah from denial of Divine omnipotence. As we see in numerous mitzvot, such as *tochachah* and *lifnei iver*, the Torah requires intervention to

save a person from spiritual harm. Therefore, G-d spoke with Avraham. Avraham was already well-established as the Divine messenger; from the moment when Avraham and Sarah journeyed to Canaan (Bereishit 12:1), to their move to Chevron (ibid. 13:14), to the re-naming of Sarah (ibid. 17:15), G-d issued each instruction to Avraham, and Avraham relayed it to Sarah. Admittedly, the choice of Avraham as prophet is confusing, given that G-d told Avraham that Sarah possessed greater insight and he was to follow her word. (ibid. 21:12) Nonetheless, Avraham is the prophet, and G-d breaks confidentiality in order to have His prophet educate His people.

The combination of our parshah's imperative for confidentiality, and our duty to rescue, precipitates a difficult decision: Do we err on the side of confidentiality, or on the side of rescue? Even if we conceal the worst, as G-d did in relaying Sarah's speech, how do we decide whether it is a time to be silent, or a time to speak? (Kohelet 3:7)

We might apply five rules offered by the Chafetz Chaim (Rechilut 9:2):

- Make certain that the danger you wish to avert is real and substantive;
- Do not exaggerate;
- Act to help the victim, not to harm the other;
- Seek other methods of rescue first;
- Avoid language which could cause collateral damage to the subject.

May we always honour our duty to rescue, but with a firm commitment to our parshah's value of confidentiality.

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OUR BEIT MIDRASH

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Who is the prophet of our haftorah?

Yeshayah (Isaiah) was a prophet in the period leading up to the exile of the ten northern tribes of Yisrael by the Assyrians. He lived in the southern kingdom of Yehudah, and he prophesied during the reigns of Kings Uziahu, Yotam, Achaz and Chizkiyahu. The Talmud (Sotah 10a) states that he descended from Yehudah and Tamar.

The prophecies of Yeshayah may be classified in two categories, Rebuke and Redemption; the former dominates the early chapters of the book, while the latter occupies the latter portion. The split is not clean, though; portions of the former include redemption, and portions of the latter include rebuke.

What is the message of our haftorah?

Although our haftorah comes from the portion of the book of Yeshayah which is normally identified with redemption, it begins with a message of unambiguous rebuke. G-d tells the Jews (Yeshayah 43:21), "I formed you to be Mine," and then He criticizes the nation for not bringing korbanot. In a poetic rebuke, G-d says, "I have not enslaved you with flour offerings and I have not exhausted you with frankincense...but you have enslaved Me to your sins and exhausted Me with your iniquities." (43:23-24) [Radak explains that G-d is burdened by His patience with the nation's sins. Rashi, echoing a midrashic theme, interprets the rebuke to mean that the sins of the

Jews compel G-d to elevate Nevuchadnezzar and the Babylonians, so that the Jews will be punished by this mighty nation.]

The haftorah continues (44:1-5) with a promise by G-d that He will show us favour, and we will return to Him. G-d declares (44:6-8) that He is the only G-d, and that redemption of the nation can come only through Him; in a vivid passage, the prophet declares that idols formed by man are powerless. (44:9-20)

The haftorah concludes with a call to the heavens and earth, hills and forests to celebrate, for G-d will redeem the nation He formed. (44:21-23)

What is the link between the haftorah and our parshah?

Yeshayah charges the Jews with failure to bring korbanot, and declares that G-d has neither enslaved nor exhausted the nation with sacrificial demands for flour offerings and frankincense. (43:23) On the other hand, our parshah presents a list of G-d's sacrificial demands; one might view this as a contradiction of Isaiah's message. However, Rashi cites Eichah Rabbah (Petichta 10), noting that we are only expected to burn fist-sized quantities of grain and frankincense on the altar; these should not exhaust us. Further, Rashi notes that these are voluntary offerings, rather than an enslaving obligation.

Our haftorah and our liturgy

Several passages from our haftorah have entered into the liturgy of Yamim Noraim (the High Holy Days), because of their statements of Divine might or their promises of forgiveness. "I am the first and I am the last, and aside from Me there is no G-d" (44:6) is part of musaf for the second day of Rosh haShanah. "I, I am the one who wipes away your transgressions for My sake, and your sins I will not recall" (43:25) is part of musaf of Yom Kippur. "I have wiped away your transgressions like a mist, and like a cloud your sins; return to Me, for I have redeemed you" (44:22) is part of the Selichot service.

In addition, the reassurances of our haftorah have been incorporated into the rituals of the close of Shabbat, as we transition from the security of our communal Shabbat into the uncertainty of our week in the broader world. G-d's call, "Do not fear, My servant Yaakov" (44:2) is the refrain for a poem which people sing at havdalah; the closing two verses of our haftorah, which call upon the universe to rejoice at G-d's redemption of our nation, are included in the "v'yiten lecha" verses of redemption which many Jews recite after maariv at the close of Shabbat.

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613 Mitzvot: #362-363**Entering the Beit haMikdash and Temple Mount**

Rabbi Mordechai Torczyner

The Beit haMikdash, site of our korbanot and our closest visible connection to G-d, is a place of *taharah* [ritual purity]. One who is *tamei* [ritually impure] is not permitted to enter the (mitzvah #362), and one who becomes *tamei* while inside the Beit haMikdash is required to leave (mitzvah #363). Different types of *tumah* are subject to different rules:

- One who is *tamei* from exposure to death is only required to remain outside the Beit haMikdash proper;
- One who is *tamei* due to genital discharge [*keri*, *zivah*, *dam niddah*] is required to remain outside of Har haBayit [the Temple Mount];
- One who is *tamei* due to *tzaraat* is excluded from the entire city of Jerusalem.

According to *Sefer haChinuch*, one who is *tamei* is not able to relate to the holiness of the site. He writes, "*Tumah* weakens the intellect, confusing it and separating it from the celestial, complete Intellect until a person is purified... Therefore, one who is contaminated by *tumah* should not be in the holy and pure place where the spirit of G-d is manifest."

Rambam (Mishneh Torah, Hilchot Beit haBechirah 6:14) ruled that the sanctity of these sites remains even without a Beit haMikdash, and this has been the opinion of the great

majority of halachic authorities over the centuries. Therefore, one who contracts a particular type of *tumah* is ineligible to enter the relevant location outlined above.

Today, some authorities contend that one who immerses in a mikvah may enter Har haBayit, only avoiding the spot where the Beit haMikdash is supposed to stand. We cannot contract *tzaraat* today, and immersion removes the *tumah* associated with genital discharge. [One would not need to wait for the total purification that comes with sunset; before sunset one is a *tvul yom*, who may enter Har haBayit.]

Most halachic authorities are uncomfortable with the idea of entering Har haBayit, immersion notwithstanding. These authorities generally cite two reasons for their objections. One reason is concern for inadequate immersion; the immersion required must satisfy the rules observed by women when they immerse to end *niddah* status, with all of the various preparations. The second reason is concern for potentially entering the space where the Beit haMikdash ought to stand, since there is some debate about the proper site. For more on this halachic debate, see an article by Rabbi Dr. Ari Zivotofsky at http://www.ou.org/torah/machshava/tzarich-iyun/tzarich-iyun_har_habayit/.

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Biography
Rabbi Judah Minz
Josh Gutenberg

Rabbi Judah ben Eliezer haLevi Minz was born in Mainz, Germany, circa 1408. He lived in Mainz until the Jews were expelled, when Archbishop Adolf II took control of the city in 1462; he subsequently moved to Italy, where he lived for the remainder of his life. He was blessed with longevity, as he lived close to, if not more than, one hundred years of age.

Rabbi Minz served as Rabbi in Padua, a city in the region of Venice, in Northern Italy, for 47 years. He established a yeshiva and had many distinguished disciples. Among these disciples were his son, Rabbi Avraham Minz, and Rabbi Meir Katzenellenbogen. Rabbi Katzenellenbogen published a collection of responsa (Shu"t Maharam Padua), and became a member of the Minz family after marrying Rabbi Minz's granddaughter.

Some believe that in addition to his rabbinic duties, Rabbi Minz lectured at the university in Padua and even had his portrait hung up in the university. However, other scholars contend that this is incorrect; the lecturer was another Jew, either Elijah Delmedigo or Abraham de Balmes.

Although Rabbi Minz wrote numerous responsa, the majority of his written works were destroyed shortly after his death, when Padua was ransacked by a combination of invading armies. One of his grandsons discovered sixteen responsa that were not destroyed, and they were later published in the back of the Shu"t Maharam Padua.

Rabbi Minz died in Padua on 24 Tishrei, 5269 (1508).

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Torah and Translation
Cross-Dressing for Purim

Rabbi Judah Minz, Shu"t Mahari Minz 15
Translated by Josh Gutenberg

שאלה:

על דבר לבישת הפרצופים שנוהגין ללבוש בחורים וגם בתולות זקנים עם נערים בפורים.

תשובה:

...אבל באתי לטול שכר שיבא מכשורא דמצוה ליתן טעם ולהביא ראיה מה ראו על ככה גדולים וחסידים עולם ז"ל שנתגדלתי אצלם אשר ראו בניהם ובנותיהם חתניהם וכלותיהם לובשין אותן פרצופים ושינוי בגדיהם מבגדי איש לבגדי אשה וכן להיפך. ואם היה ח"ו נדנדוד עבירה חלילה וחס להם לשתוק ולא ימחו וכ"ש וק"ו באיסור לאו אלא ודאי היה להם ראיה וסמך שהיתר גמור הוא ואין בלבוש זו הרהור עבירה...

עוד נמצא בתשובה שכתב רבינו טוביה בשם ריב"א שכל מאכל שחוטפין הבחורים משום שמחת פורים אפילו שלא ברשות משעת מקרא מגילה עד סוף סעודת פורים שהם ב' לילות ויום אחד אין בהם משום גזל ואין להזמין לב' ד"ע על ככה ובלבד שלא יעשו שלא כהוגן ע"פ טובי העיר עכ"ל.

הרי שכתב שבזמן הנזכר אין בו משום גזל אבל קודם לכן וכן אחר כך יש בו משום גזל ועובר על לא תגזול מ"מ בזמנו משום שמחת פורים לא אקרי גזל כיון שאינו עושה על מנת לגזול ולהרויח אלא משום שמחת פורים הכי נדון דידן לא שניא כיון שאינו מכוון לניאוף אלא לשמחת פורים וכמו שלא עשו גדר התם לענין גזילה כיון שאינו נוהג כי אם ב' לילות ויום אחד הוא הדין נמי הכא דגזל ועריות יצר אחד לחן

Question:

Regarding wearing costumes that "young men and ladies, old men and children" (Psalms 148:12) are accustomed to wear on Purim.

Response:

...But I have come to claim [small] reward, like a splinter from a board, of the commandment to provide a reason and bring proof "for what they saw fit to do concerning the matter" (Esther 9:26), the great and pious ones, among whom I grew up, who saw their sons and daughters, sons-in-law and daughters-in-law, wearing costumes and changing their dress from male clothing to female clothing and vice versa. If, G-d forbid, [their actions constituted even] a hint of a sin, it would have been a disgrace for them to remain silent and not protest [their behaviour], and how much more so [if they were violating] a prohibition! Rather, certainly they had proof and a basis that it is completely permissible and [wearing] this clothing incorporates not even a thought of sin ...

It is further found in a response written by Rabbeinu Tuvia, quoting Riva, that any food that the young men grab in celebration of Purim, even without permission, from the time of megillah reading until the end of the Purim Seudah, a period of two nights and one day, is not considered theft and they cannot be summoned to court for this matter, provided they do not act inappropriately, as determined by the communal leaders.

Behold, [Rabbeinu Tuvia] wrote that in the aforementioned time it is not considered theft, but before [Megillah reading] and after [the Purim seudah] it is considered theft and one violates the prohibition of "Do not steal" (Leviticus 19:13). Nevertheless, in the allotted time, due to the celebration of Purim, it is not considered theft since he is not doing it for the purpose of stealing or profiting, but to celebrate Purim. So, too, in our scenario [cross-dressing on Purim] it is no different since he does not intend to commit adultery, but rather, [he intends] to celebrate Purim. The same way they did not define a limit regarding theft since it is only practiced for two nights and one day, so too here, since theft and adultery stem from the same inclination.

6 Adar II is Shabbat

The roots of Israel's Navy can be found in the *Palyam*, the naval branch of the pre-State Palmach, which focused mainly on transporting European refugees into Palestine illegally under the British Mandate. The *Palyam* was a beneficiary of the forethought of Vladimir Jabotinsky and his followers, who established Betar Naval Academy, a Jewish naval training school in Civitavecchia, Italy, in 1934, with the consent of Benito Mussolini. Cadets from Europe, Israel, and South Africa trained there, and some ultimately became the first commanders of the Israeli Navy.

On 6 Adar II (March 17), 1948, the "Naval Service" was established at the order of the Chief of Staff of the Haganah. Impressively, despite the superiority of the enemy fleet, the nascent Israeli Navy gained control of the Sea during the War of Independence. Most notably, the Israelis succeeded in sinking the Egyptian flagship, the *Emir Farouk*.

Over the course of the seven years following the War of Independence, the Navy worked to build itself up in terms of its equipment and its level of sea-training.

The Navy has played a role in many of Israel's wars, and it has protected the coastline during times of relative calm. Following the Six Day War, Israel gained 800 km of coastline, and so the Navy suddenly saw a five-fold increase in the area that required its protection.

The most noteworthy engagement in the history of the Israeli Navy took place during the Yom Kippur War in the Battle of Latakia. Israel set out to disable Syria's naval fleet, and succeeded without suffering any loss. After the Israelis sunk five Syrian ships with missiles, Syria's fleet remained holed up in its port for the remainder of the Yom Kippur War.

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Highlights for March 8 – March 14 / 6 Adar 2 - 12 Adar 2

Time	Speaker	Topic	Location	Special Notes
SHABBAT MAR 8				
8:15 AM	Josh Gutenberg	Parshah	BAYT	In the main shul
Before minchah	R' Mordechai Torczyner	Daf Yomi	BAYT	
Before minchah	Adam Frieberg	Purim	Shaarei Tefillah	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah 38a Bishul Akum	BAYT	
SUNDAY MAR. 9				
9:15 AM	R' Shalom Krell	Kuzari	Zichron Yisroel	With light breakfast
8:00 PM	R' Baruch Weintraub	Questions in Contemporary Israel: Women in the IDF On-line shiur in Hebrew: http://www.torontotorah.com/online		
MONDAY MAR. 10				
8:00 PM	Adam Frieberg Josh Gutenberg R' Mordechai Torczyner	Kuzari Parshah Medical Halachah: Shabbat	Shaarei Shomayim	Community Beit Midrash Night
8:00 PM	Rav Shlomo Gemara	Prophets of Israel: Yoel	Bnai Torah	
TUESDAY MAR. 11				
12:30 PM	R' Mordechai Torczyner	Living Midrash	Shaarei Shomayim	
8:30 PM	Adam Frieberg	Exploring Laws of Shabbat	Shaarei Tefillah	
WED. MAR. 12				
12:30 PM	R' Mordechai Torczyner	Jews in Foreign Palaces: Yosef, Daniel, Esther	York U JLIC/Hillel	With Lunch
2:00 PM	R' Mordechai Torczyner	The Book of Yehoshua	49 Michael Ct.	For women only 2:00 PM this week
8:00 PM 9:00 PM	R' Mordechai Torczyner R' Yehoshua Weber	Business Ethics: Lending Responsa: Metzitzah	Yeshivat Or Chaim	Community Beit Midrash Night
THU. MAR. 13				
Taanit Esther (mukdam)				
8:50 AM	R' Aaron Greenberg	Laws of Shabbat	Yeshivat Or Chaim	University students
FRI. MAR. 14				
10:30 AM	R' Mordechai Torczyner	Laws of Sheva Berachot 4	Yeshivat Or Chaim	Advanced shiur

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