

Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Ki Tisa

18 Adar I, 5776/February 27, 2016

Vol. 7 Num. 25

לע"נ נחום אליעזר בן יוסף הכהן ז"ל
 This issue is sponsored by Miriam and Moishe Kesten
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"Violate one Shabbat"

Rabbi Jonathan Ziring

"V'shamru B'nei Yisrael et haShabbat, la'asot et haShabbat l'dorotam brit olam – And the Children of Israel shall guard the Sabbath, to make the Sabbath for all their generations an eternal covenant." (Sh'mot 31:16)

The Talmud (Yoma 85b) offers this verse as one of the sources for the rule that if necessary, one may violate Shabbat to save a life. "Violate one Shabbat so that he will keep many Shabbatot." Whether this is derived from the word *"haShabbat"* (that it is more important to maintain Shabbat, as an entity, than to ensure a single Shabbat is kept at the cost of human life), or the desire for Shabbat to last "for all their generations" (Or HaChaim), the import is the same. At least when it comes to Shabbat, we are instructed to not only look at our actions narrowly, but to take the bigger picture into account. It is better from the perspective of Shabbat for a single Shabbat to be desecrated than to lose the valuable life of a Jew who will guard the message of Shabbat for a lifetime.

While the Talmud concludes by deriving the rule of *pikuach nefesh* from the verse *"vachai bahem – you shall live by them"* (Vayikra 18:5), many commentators believe that the "Violate one Shabbat" derivation is maintained as law as well (see for example, Ramban, Torat Ha'Adam, Shaar HaMeichush). More striking, however, is the position of Rambam. In "Violate one Shabbat" he sees not only a dispensation/obligation to save a life on Shabbat, but a guiding principle for how to approach Torah more generally. When attempting to explain one of the

most dangerous principles in all of the Torah, the rule that rabbis are empowered to preserve the integrity of the Halachic system by temporarily suspending a biblical law, the Rambam (Hilchot Mamrim 2:4) invokes the principle of "Violate one Shabbat." Just as it is legitimate to protect Shabbat in the long run by allowing someone to desecrate Shabbat to save his life, it is legitimate to temporarily suspend almost any of the Torah's laws (besides for idol worship) if that will allow Torah to continue. To clarify, Rambam compares this terrifying situation to an amputation: just as we sometimes must cut off someone's arm to save his life, so too we must sometimes suspend a mitzvah to save the Torah. As an example, the Rambam notes that if a particular mitzvah is being neglected, the rabbis can use extrajudicial punishment against one who violates it in order to make a public statement, perhaps lashing him when it is not technically mandated. This is despite the fact that hitting someone is biblically prohibited.

The Radbaz (ibid) notes, however, that expanding this principle from Shabbat as Rambam does requires two assumptions that are not immediately clear from the original principle propounded by the Talmud. In the case of Shabbat, we authorize violating Shabbat so that the same person whose life would be saved could keep Shabbat in the future. Thus, the calculus is simple – do we want one Shabbat kept by Reuven, or many Shabbatot? However, the question of extrajudicial punishment is different. We are violating the prohibition to strike a Jew to make a point about some **other**

mitzvah, and we are hurting **Reuven** to protect other Jews from sinning. To use Rambam's parable, why may we amputate Reuven's arm to save Shimon's leg?

The Radbaz explains that the Rambam must be assuming that 1) the Jewish nation is like one body, and 2) all of Torah is connected. Thus, when we decide how to protect Torah, we can make global decisions: weighing the benefit to all Jews and all mitzvot against each other. Returning to our verse: the focus is not just the one Jew whose life is in danger on Shabbat. It is that *B'nei Yisrael*, all members of the Torah, should be able to keep not just Shabbat, but everything that is included in the covenant that Shabbat represents (*brit olam*).

While opportunities to invoke this principle are rare, the foundations it is built on are eternally relevant. When we keep Torah, we must recognize that we are responsible not only for ourselves, but for all Jews. The notion of mutual responsibility, *arevut*, indicates that at some level we are all one organic unit. Furthermore, we must not lose the forest for the trees, allowing a single mitzvah to overshadow all others. We must live religious lives that ensure the beauty of the entire system is expressed. Our covenant with G-d demands no less.

jziring@torontotorah.com

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 Continental Press 905-660-0311

False Facts and True Rumors: Lashon HaRa in Contemporary Culture
Rabbi Daniel Z. Feldman
Maggid Books, 2015

About the author

Rabbi Daniel Z. Feldman received his rabbinical ordination [Yoreh Yoreh, Yadin Yadin] from Rabbi Isaac Elchanan Theological Seminary, and is currently a Rosh Yeshiva at RIETS. He is the author of several books in Hebrew and English.

The goal and structure of the book

There can be no disputing the deep influence that Rabbi Yisroel Meir Kagan has had upon the Jewish world, particularly through his *Sefer Chofetz Chaim*. Before its publication, a concise but thorough presentation of the laws of *lashon hara* didn't exist. Quite simply, *Sefer Chofetz Chaim* is the halachic guidebook to *lashon hara*.

It may surprise some that the Chofetz Chaim's approach to *lashon hara* has garnered criticism. Professor Benjamin Brown contends that *Sefer Chofetz Chaim* represents "[T]he peak of a process in which libel was transformed from a principle-based domain into a rule-based discipline...The Hafetz Hayim's literary enterprise in this branch should therefore be considered as the **halakhization of mussar...**"

Rabbi Feldman makes note of this critique in the opening chapter of *False Facts and True Rumors*, and makes clear that his goal is to balance the *mussar*-based outlook on *lashon hara* and the *halachah*-based outlook: "[T]he *Hafetz Hayim's* works represent a crucial step in the communal discussion, establishing that this area, so often perceived as outside the arena of conventional halakha, is in fact a deeply mandatory and regulated realm treated as such by the Torah, the Talmud, and great medieval halakhic codifiers..." Rabbi Feldman argues that this belief, "[N]eed not ignore the complexities raised by the objectors. It may, though, necessitate a different approach of halakhic discussion..."

To accomplish this balance, Rabbi Feldman delineates two basic approaches to *lashon hara*:

- **The Theory** – After providing the core sources from which the concept and prohibitions of *lashon hara* are derived, Rabbi Feldman delves into various perspectives on how *lashon hara* has a deep impact upon individuals and society. Throughout, *halachic* sources are woven together with recent writings on issues such as reputation, fallibility of memory, confirmation bias, and many other pertinent concepts.

- **The Application** – In discussing practical situations, Rabbi Feldman strives to maintain a balanced approach between the divergent views on how the prohibition against *lashon hara* is categorized – *mussar* or *halachah* – and how these differences would impact real-life contexts. For example, he begins by analyzing the justification of speaking *lashon hara l'toelet*, for a particular benefit. According to the *mussar*-based understanding, *lashon hara l'toelet* may not be forbidden, but mandated instead! In contrast, the *halachah*-based view maintains that *lashon hara l'toelet* is an allowance for something that is still fundamentally prohibited.

A must read

While the Jewish community of 2016 has access to a plethora of derivations of and commentaries on *Sefer Chofetz Chaim*, Rabbi Feldman's *False Facts and True Rumors* stands unique. His acceptance and balancing of both the Chofetz Chaim's work and that of its critics, allows for a nuanced approach to the topic of *lashon hara*. Quite simply, it is a must read.

yrosenzweig@torontotorah.com

Yaakov established stone monuments, or *matzeivot*, at the sites where he worshipped G-d; examples are found in Bereishit 28:18 at the site of his dream of a ladder, and Bereishit 35:14 at the site where Hashem changed his name to Yisrael. However, as the Jews prepared to cross the Yarden River and enter Canaan, Moshe told them, "You shall not erect for yourselves a *matzeivah*, which G-d despises." (Devarim 16:22) *Sefer haChinuch* counts this prohibition as the Torah's 493rd mitzvah; we may not create a *matzeivah* as a site for worshipping G-d.

According to Rambam, a *matzeivah* is "a structure to which people gather," and it is prohibited "even if it is for the sake of serving G-d." Use of a *matzeivah* is prohibited because this is the manner of idol worshippers. (Mishneh Torah, Hilchot Avodah Zarah 6:6) Rambam does not specify which materials are prohibited; *Sefer haChinuch* explains that the prohibition against creating a "structure" includes monuments of earth, or of many stones.

The Talmud Yerushalmi (Avodah Zarah 4:4) takes a different approach, citing the view of Rabbi Yochanan that "*matzeivah* is an individual stone, as opposed to an altar, which is made of many stones." This is the view of Rashi and Ramban, too. (Commentaries to Devarim 16:22)

Adopting the explanation of the Talmud Yerushalmi, Rabbi Shimshon Raphael Hirsch (Commentary to Devarim 16:22) explains, "A *matzeivah* is a single stone taken from that G-d created, a memorial to Divine deeds in nature and in history.

An altar is made of many stones; it is a human structure, representing the yoking of human action to service of G-d... Before the Torah was given, there was a need to impress upon the human mind the knowledge that only G-d reigns over nature and in history... But when the Torah was given, not only was the *matzeivah* rejected in favour of the altar, but the *matzeivah* became sinful. Serving G-d due to His might alone is no longer a desirable action in G-d's eyes. Not only that but – as recorded in our text – G-d 'despises' praise of His might which is not expressed in the ethical yoking of the human being to the Torah of G-d." In other words: the *matzeivah* is simply recognition of Divine creation, while the many-stoned monument represents our contribution to the service of G-d.

Rabbi Avigdor Neventzahl (<http://www.yna.edu/emails/newsletter/5770/achreimot/sicha.pdf>) offers a different explanation, emphasizing the importance of national unity. The first Jews to serve G-d could approach G-d alone, as a single stone, representing the breadth of Divine service in themselves. Ensuing generations of Jews, though, have been composed of individuals with a range of characteristics and spiritual identities, each embodying a different important element. In this era, we need our full diversity in order to approach G-d as a complete nation; the homogeneity expressed by a single-stone monument would be our downfall. Therefore, Hashem calls upon us to create altars of many stones.

torczyner@torontotorah.com

Biography

Rav Tzaddok HaKohen Rabbi David Ely Grundland

Rabbi Tzaddok haKohen Rabinowitz (Rubinstein), colloquially known as "Rav Tzaddok", was born in 1823 in Lithuania. His father, Rabbi Yaakov, was the Rabbi of Krizburg. It was very clear from a young age that Rav Tzaddok was a child prodigy, with a brilliant grasp of Talmud and rabbinic thought. In 1843 he arrived in Poland, where he met many great Chassidic leaders. After meeting Rabbi Mordechai Yoseph Leiner of Izbeza, who is known mostly for his work *Mei HaShiloach*, Rav Tzaddok accepted his approach to Torah and became a student of chassidut. He learned together with Rabbi Leiner and Rabbi Yehuda Leib Eiger, grandson of Rabbi Akiva Eiger.

Following the death of Rabbi Leiner, Rav Tzaddok rejected the mantle of Chassidic leadership, instead encouraging Rabbi Yehuda Leib to take the position.

Rav Tzaddok relocated to Lublin, where he began to write books of Chassidic thought in accordance with the method of his mentor. He is most famous for his book *Tzidkat haTzaddik*, which was published in 1848. For most of his life, Rav Tzaddok avoided rabbinical posts, instead focusing on his writing. Upon Rabbi Eiger's death in 1888, Rav Tzaddok agreed to take his place as Rebbe in Lublin.

Rav Tzaddok authored numerous works in works in all areas of Judaism, including halachah, chassidut, kabbalah, and ethics. His books on Jewish Law include his *Tiferet Tzvi* collection of responsa, and *Otzar haMelech* on Maimonides' code of law. The *Pri Tzaddik* series collects his sermons as edited by his students; publication of the series began in 1901.

Rav Tzaddok was already famous as a child. In *Otzar HaMelech* (Laws of Torah Study 2), he quotes his thirteen-year old self: "A homiletic idea which I said on Shabbat Parshat Shekalim 5566, the chapter of my Bar Mitzvah when I turned thirteen and one day: I said some opening words for my homiletic to explain the above talmudic passage."

dgrundland@torontotorah.com

Torah and Translation

Repairing the Past and the Future

Rav Tzaddok haKohen, *Tzidkat haTzaddik* 11-12

Translated by Rabbi David Ely Grundland

לפינו מבריינו של עולם דבר הלילה קודם ליום, כדאיתא ריש ברכות (ב' א). כי בכל דבר ההעדר קודם להויה, וכי אשב בחושך אדע כי אחר כך ד' אור לי (מיכה ז' ח'). כי כל חיי האדם כך מורכבים מהזמן, חושך ואור יום ולילה, כך חוזר חלילה, רק שהחושך קודם דקליפה קודמת לפרי. חוץ בקדשים קיימא לן הלילה אחר היום כי מי שכבר בא אל הקודש היום קודם, כמו מי שעומד תוך הפרי אצלו הפרי קודם לקליפה...

בתשובה יש שני ענינים: להבא, ותיקון העבר. וזהו טעמא שצריך שני דברים:

• טהרה על להבא [במי הדעת הוא תורה תבלין ומצלי מעבירות להבא, שהמאור מחזיר למוטב כמו שאמרו במדרש (ריש איכה פתיחתא ב'). וכמו שאמרו (תנא דבי אליהו ובמדרש ויקרא רבה כ"ה, א') שהתשובה, למד דף אחד ילמוד שני דפים].
• וכפרה, הוא לתקן העבר ולכפר החטא, והוא על ידי קרבן, ודוגמתו תפילה או תענית וצדקה.

וקיימא לן (יבמות ע"ד ב) כפרה לא מעכבת, דתשובה אפילו הרהר בלבו הרי זה צדיק גמור, וזהו רק לתרומה המורם מן החול הגמור להיות על כל פנים בגדר צדיק. אבל לקדשים, הרוצה להתקדש ולהיות קדוש צריך גם כן לרפא את הקודם:

ותלי זמן קבלת עול מלכות שמים בתרומה, דכפרה לא מעכב לקבלת עול מלכות שמים וקריאת שמע דהיינו תורה כדפירש רש"י, ולרשע אמר אלקים מה לך לספר חוקי (תהלים נ' ט"ז), אבל מיד שנטהר על להבא הרי זה צדיק גמור ויכול לקבל עול מלכות שמים.

We know that (Yevamot 74b) [lack of] atonement does not prevent return, for one who repents, even just via thought in his heart, is fully righteous. This stage is like *terumah* [referring here to both the pure tithe given to kohanim, and to an intermediate state of holiness in life], elevated from the completely mundane to become righteous on some level. But to be *kodashim*, one who wishes to be sanctified and become holy must also heal that which came before.

The time of day to accept the yoke of Heaven is linked with *terumah* [in the Talmud's statement that we recite Shema in the evening at the time when the kohanim begin to eat their *terumah*], because lack of atonement for the past does not prevent acceptance of the yoke of Heaven. Reciting Shema is Torah, as Rashi explains, and "to the wicked one, G-d says, why do you speak My laws?" (Psalms 50:16) [Therefore, one must achieve the level of *terumah* in order to recite Shema.] But immediately after one is purified for future action, he is fully righteous, and he can accept the yoke of Heaven.

We learn from the creation of the world, that in all matters, the night comes before the day, as the Talmud teaches. (Berachot 2a) For in all matters, absence precedes existence. "When I dwell in darkness", I know that afterward "Hashem will be my light." (Michah 7:8) Indeed, a person's entire life is comprised of times in darkness and light, day and night, and that cycle repeats itself as a circuit, with the darkness always coming first, as the peel precedes the fruit. This is always true except in the case of *kodashim* [referring here to both the laws of the Beit haMikdash and to the highest state of holiness in life] wherein the night follows the day. Once one has already arrived at holiness, the day is first, like one who is already inside the fruit; from his perspective, the fruit comes before the peel.

Regarding repentance, there are two approaches: [preparing for] the future, and fixing the past. This is why we require two approaches:

1. Living a life of purity in the future (regarding one's knowledge, where Torah is the cure, and it saves from transgression for the future. This is similar to light which can return a person to the good, as stated in a midrash. (Eichah, Introduction 2) This is as our sages taught regarding repentance, "One who learned a single page, now must learn two pages." (Vayikra Rabbah 25:1))

2. Atonement fixing the past and correcting the sin. This is accomplished through an offering, and modeled on it via prayer or fasting and charity.

This Week in Israeli History: 24 Adar I 5706 (Feb. 25 1946)

Rabbi Baruch Weintraub

The Night of the Burning Planes

24 Adar I is Friday

While World War II raged, the two main Jewish underground movements – Haganah and Etzel – ceased all hostilities toward British forces. It was understood that the goal must be defeat of the evil Nazi regime, and the struggle for an independent Jewish state must wait. However, as the war came to its end, it became clear that the English would not leave Eretz Yisrael of their own free will.

Three movements – Haganah, Etzel and Lechi – united for this shared goal, and worked together during the year of 1946. One of the greatest moments of the united movement was on February 25 of the same year. The targets were three British military airports: Kfar Sirkin, Lod and Kastina. These airports were chosen because they were instrumental

in identifying illegal ships making their way from Europe to Eretz Yisrael, carrying Holocaust survivors.

The complex operation included attack and neutralization of the guards, attachment of explosives to the planes, and a fast retreat to shelters beyond the reach of the British. As the night ended, it was clear that an important victory had been won: about forty planes were destroyed, and almost all of the Jewish fighters came back intact. Unfortunately, Nazim Ezra Agami was killed by a shot from a local orchard guard.

The decisive act convinced the British Royal Air Force Command to pull the planes out of Eretz Yisrael. No less important, it proved how much more effective the Jewish community would be when united.

bweintraub@torontotorah.com

Weekly Highlights: Feb. 27 – Mar. 4 / 18 Adar I – 24 Adar I

Time	Speaker	Topic	Location	Special Notes
שבת Feb. 26-27				
After Hashkamah	R' Yisroel M. Rosenzweig	Midrash Rabbah	Clanton Park	Not this week
After Hashkamah	R' David Ely Grundland	Recognizing Truth	Shaarei Shomayim	
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	
Sun. Feb. 28				
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Not this week
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	Not this week
9:15 AM	R' Shalom Krell	The Book of Shemuel	Associated (North)	Hebrew
10:00 AM	R' Aaron Greenberg	Chullin	Yeshivat Or Chaim	University Chaverim
Mon. Feb. 29				
9:30 AM	Mrs. Ora Ziring	Women's Beit Midrash	Ulpanat Orot	University Students
7:30 PM	R' David Ely Grundland	Daf Highlights	Shaarei Shomayim	Beit Midrash Night
7:30 PM	R' Jonathan Ziring	What is a Religious Zionist Posek?	Yeshivat Or Chaim	Beit Midrash Night
Tue. Mar. 1				
9:30 AM	R' David Ely Grundland	Chabura: Taam ki'Tkar	Yeshivat Or Chaim	University Chaverim
10:00 AM	Mrs. Ora Ziring	Women's Beit Midrash	Ulpanat Orot	University Students
10:00 AM	R' Mordechai Torczyner	Life After Death	Adath Israel	Women; there is a fee info@adathisrael.com
1:30 PM	R' Mordechai Torczyner	Iyov: Elihu Speaks	Shaarei Shomayim	
Wed. Mar. 2				
10:00 AM	R' Mordechai Torczyner	Midrash and Matriarchs 3: Rachel the Dreamer	Beth Emeth	Register with nancywallack@gmail.com
2:30 PM	R' Jonathan Ziring	Narratives of Bereishit	Location: Contact carolleser@rogers.com	For women
8:00 PM	R' Yisroel M. Rosenzweig	The Silk-Screened Megilah	Shaarei Tefillah	
Thu. Mar. 3				
1:30 PM	R' Mordechai Torczyner	Shoftim: In the Beginning	49 Michael Ct.	
Fri. Mar. 4				
10:30 AM	R' Jonathan Ziring	Eruvin	Yeshivat Or Chaim	Advanced