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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayeshev

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in honour of the first yahrtzeit of Miriam's father

מנחם ב"ר שמואל שמעלקא הלוי ז"ל

The Beholder and the Beheld

Rabbi Mordechai Torczyner

One form of beauty is in the eye of the beholder. The Torah observes that Rachel is "of beautiful form and appearance" before stating that Yaakov loves her. (Bereishit 29:17-18) We are told that Yosef is "of beautiful form and appearance" before Potifar's wife approaches him. (ibid. 39:6-7) This beauty is manifest in the responses of others.

A second type of beauty is realized when an entity is true to its ideal nature. The Greeks recognized this, and applied it to shapes, colours and music; they called this state *kallos*. A shape achieves *kallos* if it is the perfect expression of that shape's mathematical formula. A colour achieves *kallos* if it is the perfect expression of that colour's frequency. Music achieves *kallos* if it is a perfect expression of sound, in its rhythm, intervals and frequencies. This is not about how others respond; it is about existing in one's ideal, authentic form.

Beauty in Mitzvot

We emphasize beautifying mitzvot:

- The external form of a mitzvah should be attractive to the onlooker. For example, after overthrowing the Greeks, the Chashmonaim designed a series of new *menorot*. As their wealth increased, they progressed from iron to tin to silver to gold, to create the most appealing image. (Menachot 28a) We do likewise on Chanukah, using clean, attractive menorot (Sofrim 20:3), and we take a similar approach in making other mitzvot beautiful to the beholder. (Nazir 2b)

- The internal intent of a mitzvah's performance should match its Divinely intended identity – what *Sefer haChinuch* termed the "root of the mitzvah". For example, the identity of kiddush is a recognition that Hashem created the world; the identity of Torah study is an intimacy with our Creator's plan for the universe. A mitzvah which is internally beautiful is performed with intent to realize those roots.

The Talmud (Shabbat 21b) emphasizes both forms of beautification in the act of lighting a menorah. One way to beautify the mitzvah is to have each resident of a home light one candle, generating more light and making the mitzvah externally attractive. Another way to beautify it is to light a number of candles that will tell the story of the miracle, consistent with the internal intent of the mitzvah. [See Rama Orach Chaim 32:4, too, regarding beautifying the visible external aspect of tefillin, and beautifying their invisible internal parchment.]

The Dangers of External Beauty

At this point, we might reasonably view the two kinds of beauty as parallel paths of equal value. However, there is a fundamental difference between them: External beauty requires a compliant observer for validation. If no one can see the gold menorah, or if society feels that gold is not attractive, then external beauty has not been achieved. As a result, people who value external beauty may be drawn into an unhealthy search for validation by others; as Mishlei warns, "A graceful woman seeks to

amass honour, and tyrannical men seek to amass wealth." [See Ibn Ezra to Mishlei 11:16.] This occurs even in the realm of mitzvot; the purchaser of a silver etrog box may not feel fulfillment until others have expressed appreciation, and may feel an unhealthy insecurity if that appreciation is muted or absent.

To take this hazard a step further: Because the item of external beauty is defined by the opinions of others, the members of the community come to see it as their own, existing for their satisfaction. This may be the perspective that emboldens Potifar's wife to view Yosef as a plaything for her satisfaction.

Be Beautiful!

Despite these risks, we are encouraged to pursue both forms of beauty in our mitzvot. Valuing the extrinsic beauty expressed regarding Rachel and Yosef, we should adorn our Shabbat table with a lovely tablecloth, give needy people finery rather than cast-offs, and recite each word of a berachah clearly. And we should value the intrinsic vision as well, creating the ideal Shabbat table, the ideal act of chesed, the ideal berachah, by concentrating on the internal message of each mitzvah. Hopefully, the confidence in our internal beauty will shield us from pursuing validation of our external beauty.

May our mitzvot be blessed with extrinsic and intrinsic beauty alike, this Chanukah and throughout the year.

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OUR BEIT MIDRASH

ROSH BEIT MIDRASH

RABBI MORDECHAI TORCZYNER

SGAN ROSH BEIT MIDRASH

RABBI JONATHAN ZIRING

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**הורשתם את הארץ וישבתם בה (במדבר לו)
Marking the State of Israel's 70th Year!**

Israeli Landmarks: Shechem

Adam Friedmann

Shechem is an ancient city located along the routes which, in antiquity, linked Jerusalem with the northern areas of Israel. The city's most distinctive physical marker is its proximity to the twin mountains of Gerizim and Eval, where the Jewish People accepted the blessings and curses associated with adherence to Torah law, or lack thereof, respectively. (Devarim 11:26-30) The earliest archaeological identification of Shechem as a settlement dates back nearly four thousand years. Initially, the city was Canaanite, and was a commercial center due its location along trade routes that spanned the region. Shechem went on to play a prominent role in Tanach.

In the Torah we first read about Shechem as the initial stop that Avraham makes in the land of Canaan. (Bereishit 12:6) Later, the city plays an important role in Yaakov's life, when, returning to Israel from his years abroad, he purchases land near Shechem and seems intent on settling there. (Bereishit 33: 18-19) Ultimately,

this attempt is foiled when Shimon and Levi attack the city in response to the capture and rape of their sister Dinah. Nevertheless, it seems Yaakov retains a special affinity towards the city, as he specifically bequeaths it to Yosef as part of the latter's extra inheritance over his brothers. (Bereshit 48:22)

Shechem continues to have a central position in several narratives later in Tanach. It was the site at which, towards the end of his life, Yehoshua challenged the nation to reaffirm its commitment to serving G-d. (Yehoshua 24:1-27) It was also the final resting place of Yosef's bones which had been brought back from Egypt.

In later years, Shechem was the site of the coronation of Rechavam son of Shlomo. Following Yeravam's rebellion against Rechavam, the city became the first capital of Israelite kingdom. (Melachim I 12) In the later biblical and classical periods, Shechem became an important city for the Samaritan community, whose religious

center is located on Mount Gerizim.

In modern Israeli history, the biblical Shechem is often associated with the city of Nablus. The Romans, under the rule of Vespasian, built a city called Flavia Neapolis roughly two kilometers away from the original Shechem. The name Flavia Neapolis later corrupted to Nablus. The city was captured by Israel from Jordan during the Six-Day War, and was subsequently transferred to Palestinian Authority control under the Oslo Accords in 1995.

Yosef's tomb, which is located on the outskirts of modern-day Shechem has been the centre of much controversy and physical conflict. Officially, control of the tomb was retained by Israel even after 1995. However, frequent vandalism and the murders of two Israelis at the site make it a dangerous and difficult place to visit.

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The Zionist Idea: The Shemitah Controversy

Yaron Perez

1889 was the first *shemitah* year in which the leading halachic authorities contended with practical operation of the new *moshavim* established by pioneers in the Land of Israel. The establishment of many such farming communities in the preceding years, in places like Rishon l'Zion, Rosh Pina, Zichron Yaakov and Gedera, spurred this conversation.

Most of these communities had been established by members of the *Hovevei Zion* movement, with the support of Baron Rothschild. In 1888, representatives of the Baron and *Hovevei Zion* turned to rabbis in fear that halting their farming for the year would destroy the young *moshavim*. They sought license to farm the Land of Israel during the year of *shemitah*.

Hovevei Zion had originated in Russia, and the Russian rabbinate was split regarding this issue. Rabbi Naftali Zvi Yehudah Berlin ("Netziv") and Rabbi Mordecha Gimpel sought to maintain normal *shemitah* observance, noting that the goal of settling the Land of Israel was to fulfill the Torah's relevant mitzvot. On the other hand, Rabbi Shemuel Mohliver and Rabbi Mordechai Eliasberg suggested the *heter mechirah*, selling land for a period of time to a non-Jew in order to permit certain forms of work.

Rabbi Yitzchak Elchan Spektor gave conditional approval for the *heter mechirah*, stipulating that the sale should be conducted by the *beit din* (rabbinical court) of Jerusalem. The Ashkenazi rabbis of Jerusalem – Maharil Diskin and

Rabbi Shemuel Salant – opposed the *heter mechirah* and did not agree to execute the sale. However, Sephardic Rishon l'Zion Rabbi Raphael Meir Panigel, and Rabbi Yaakov Shaul Elissar, supported the *heter mechirah* and executed the sale. Most of the *moshavim* followed this sale; some others decided to observe *shemitah* without the sale, leading to strife with the representatives of Baron Rothschild, and the end of his support for them.

During the ensuing two *shemitah* cycles, they arrived at the now-traditional format of the sale, enabling the performance of certain rabbinically prohibited acts of work during *shemitah* on land sold to a non-Jew.

In 1909, a group of rabbis led by Rabbi Yaakov Dovid Wilovsky (Ridbaz) of Tzefat, declared a ban against the *heter mechirah*. Rabbi Avraham Yitzchak Kook, several years into his position as Chief Rabbi of Yafo, upheld the *heter mechirah* on the basis of the financial crisis faced by agrarian communities. Sephardic authorities, too, continued to support the sale.

In recent years, while Ashkenazi authorities have continued to debate the reliability of the *heter mechirah*, the Rishon l'Zion has continued to execute the sale in accordance with the stance of Rabbi Ovadia Yosef zt"l.

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Biography

Rabbi Mordechai Feinstein

Rabbi Jonathan Ziring

Rabbi Mordechai Feinstein was the brother of Rabbi Moshe Feinstein. Ten of his responsa appear in the ninth volume of *Igrot Moshe*, published after Rabbi Moshe Feinstein's death, in a section titled *Teshuvot meiAchi Maran*. The editor of this posthumous volume provides a brief biography of Rabbi Mordechai. He was known for his brilliance in Torah, and Rabbi Chaim Ozer Grodzinsky remarked about both Rabbis Feinstein that "there are two brothers in Russia who learn Torah as they learned it hundreds of years ago."

As Torah life became difficult in Bolshevik Russia, Rabbi Moshe Feinstein immigrated to America, while Rabbi Mordechai remained to lead and teach Torah in secret in Russia, specifically in Shklov. He was eventually caught by the government, arrested by the Yevseksia at his home on Shavuot. He was sent to Siberia, where he died. Rabbi Mordechai was in touch with many Torah scholars, including his uncle, Rabbi Yaacov Kantrowitz, as well as his brother, Rabbi Moshe Feinstein.

In several of his responsa, Rabbi Moshe references his brother's positions. Each of the responsa included in this section identifies the person with whom he originally corresponded. The responsa published include a variety of topics, such as:

- theoretical discussions about the nature of rabbinic power;
- the laws of exile;
- the laws of nullification of vows;
- the baking of matzah by sinners who eat Chametz on Pesach;
- issues of Gittin;
- laws related to what is considered ownership of Chametz on Pesach;
- the extent to which we are presumed to be experts on the correct division of the verses in the Torah;
- the power of the court appointed guardians for orphans.

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Torah and Translation

Commanded by G-d, but not from the Torah

Rabbi Mordechai Feinstein, *Teshuvot meiAchi Maran 1*

Translated by Rabbi Jonathan Ziring

הקשיתי עוד על הא דאיתא בב"ק פז. בתוס' ד"ה 'וכן היה ר' פוטר' שחידשו דאף דר' פוטר לסומא מכל מצות התורה בכ"ז מדרבנן מחייב כדי שלא יחשב כנכרי עיין שם, והוא תמוה מאד דכיון דפטור מכל דיני התורה וא"כ אין עליו הלאו דלא תסור דמ"ש מכל הלאוין שבתורה ואיך יחייבוהו רבנן, אתמהא...

הנה חקרתי איך יהיה הדין לר"י דסומא פטור מכל מצות התורה כדאיתא בב"ק פז. אם אב סומא יצוה לבנו לעבור על ל"ת שהדין בגמ' ביבמות ובכמה מקומות שאינו חייב ואסור ליה לקיים, דכולכם חייבים בכבודי שאתה ואביך חייבין בכבודי, לכן לא דחי שום לאו כדאיתא ביבמות ו. ובב"מ לב., והנה לפי"ז כיון דסומא פטור מכל מצות האמורות בתורה והוא ציוה לבנו פיקח לעבור על ל"ת לכאורה לא שייך שאתה ואביך חייבים בכבודי כי אביו הלא פטור, וזה דבר חדש מאד.

ואמרתי כי זה טעות כי אין הפירוש שאביו צריך להיות חייב בזה הדבר שצוה לבנו, אלא שאם המקום ב"ה היה מצוה אותו היה חייב הוא בעצמו לעשות, ואיך יבטל דיבורו את צויו ד' ב"ה לבנו, וזה הפירוש "שחייבים בכבודי" כלומר לשמוע בקולו אם היה מצוה אותו. והנה גם סומא בודאי חייב לשמוע בקול ד' ב"ה אלא שלא צוהו [כלומר שפטרו מכל החוקים והמשפטים], אבל אם היה מצוהו היה חייב, כי זה צריך להניח שלשמוע בקול ד' ב"ה זה חייבים כל הברואים בלי שום פסוק שאל"כ איך יצויר הציוי הראשון?

I also had difficulty regarding what Tosafot writes (Bava Kama 87a s.v. *v'chen hayah R' Yehudah potro*), that even according to Rabbi Yehudah who exempts a blind person from all commandments in the Torah, nevertheless [blind people] are obligated rabbinically so that they won't be considered like non-Jews (see the text there). This is quite astonishing! Since he is exempt from all Torah laws, the prohibition of "Do not stray [from the words of the rabbis]" is not incumbent on him, so how could the rabbis have obligated him in this? It is shocking!...

I investigated: what would be Rabbi Yehudah's view, given that he exempts a blind person from all commandments in the Torah (Bava Kama 87a), if a blind father commanded his son to violate a prohibition? The law (Yevamot, and other places) is that [the child] is not obligated, and is actually prohibited to listen, "for all of you are obligated in My honour, for you and your father or obligated in My honour." For this reason, [the father's command] does not push aside any prohibition. (Yevamot 6a, Bava Metzia 32a) According to this, since a blind person is exempt from all commandments in the Torah, and he ordered his sighted son to violate a prohibition, it would seem that "you and your father are obligated in My honour" would not apply, as his father is exempt [from G-d's honour], and that would be very novel!

I then said this position would be a mistake, for the text does not mean that his father must be obligated regarding this thing he commanded his son [in order for the son to be exempt from listening to the father]. Rather, it must mean that if G-d had commanded the father in this issue, then [the father] would have been obligated in it, and so how could he nullify G-d's command to his son? That is the meaning of "he is obligated in My honour" - meaning, to listen to His voice if He had commanded the father. And even a blind person is surely obligated to listen to the voice of G-d - he just hasn't been commanded [meaning he is exempt from statutes and law], but if He had commanded him then he would be obligated. We must assume that to listen to G-d is something all creations are commanded in, without any verse, for if not, how would the first command be possible?

In Devarim 31:10-13, Moshe instructed the Jews regarding the mitzvah of Hakhel: To gather at the site of the Beit haMikdash every seven years for a public Torah reading. Sefer haChinuch catalogs this as the Torah's 612th mitzvah.

The gathering is to take place on the second night of Succot, in the year following a shemita year. (Tosafot Sotah 41a) Trumpets are blown to gather everyone. (Mishneh Torah, Hilchot Chagigah 3:4) Men, women and children come to the event; there is some debate as to where in the Beit haMikdash it was held, with possibilities including the

azarah and the *ezrat nashim*. (Tosefta Sotah 7:13; Sotah 41b; Yerushalmi Sotah 7)

The reading is not actually of the entire Torah. Rather, sections from the Torah are read, including the start of the book of Devarim, the first two paragraphs of Shema, the mitzvot of tithing, the laws of kings, and the blessings and warnings recorded in the book of Devarim. (Tosefta Sotah 7:17)

To be continued...

Weekly Highlights: Dec. 9 – Dec. 15 / 21 Kislev – 27 Kislev
Some of our classes are on Chanukah break, but opportunities abound!

Time	Speaker	Topic	Location	Special Notes
שבתה Dec. 8-9				
After Hashkama	Adam Friedmann	Parshah Analysis	Clanton Park	
8:50 AM	R' Jonathan Ziring	Pre-Shacharit Parshah	BAYT	Turk Bais Medrash
Before minchah	R' Jonathan Ziring	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
Motzaei, 6:30 PM	Yaron Perez	Parent-Child Learning	Shaarei Shomayim	
Sun. Dec. 10				
8:45 AM	R' Mordechai Torczyner	Legal Ethics: Helping a Client to Sin	BAYT	CPD Accredited; Laypeople welcome
8:45 AM	R' Josh Gutenberg	Contemporary Halachah	BAYT	Not this week
8:45 AM	R' Jonathan Ziring	Responsa	BAYT	Hebrew
10:00 AM to 11:20 AM	R' Josh Gutenberg Mrs. Chayala Bistricher	Latkes and Lulavs The Evolution of Miracles	Midreshet Yom Rishon Bnai Torah	For women; 465 Patricia Refreshments served
Tue. Dec. 12 1st night of Chanukah				
1:30 PM	R' Mordechai Torczyner	Nechemiah: Resistance!	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Yehoshua: Defeat	129 Theodore Pl.	For men
Wed. Dec. 13 2nd night of Chanukah				
2:30 PM	R' Jonathan Ziring	Exploring Bamidbar	32 Timberlane Ave.	For women
8:00 PM	Adam Friedmann	Why do we do that?	Shaarei Tefillah	
8:00 PM	Yaron Perez	הפרשה ואני	Shaarei Shomayim	Not this week
Thu. Dec. 14 3rd night of Chanukah				
1:30 PM	R' Mordechai Torczyner	Shoftim: Dan's Invasion	49 Michael Ct.	For women
Fri. Dec. 15 4th night of Chanukah				
10:30 AM	R' Mordechai Torczyner	Melachot of Shabbat	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim
 11 AM Sunday, Adam Friedmann, Contemporary Halachah
 8:30 AM Monday, Rabbi Jonathan Ziring, Nefesh haChaim
 8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah

For University Women, at Ulpanat Orot
 9:30-11:30 AM Monday, Mrs. Elliezra Perez, From Rachel Imeinu to Racheli Frenkel
 9:30-11:30 AM Tuesday, Mrs. Ora Ziring, Shabbat
 9:30-11:30 AM Wednesday, Mrs. Ora Ziring, Contemporary Halachah
 9:30-11:30 AM Thursday, Mrs. Elliezra Perez, Parshah in the Eyes of Chassidut

Tanach in a Day is Coming on Sunday December 24th! www.torontotorah.com/tanach