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Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Chayei Sarah

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Speaking Out of Turn

Ezer Diana

After Avraham's servant meets Rivkah, a potential match for his master's son Yitzchak, he goes to meet and negotiate with her family: her father Betuel, her mother, and her brother Lavan. The Torah relates that when the servant asks Rivkah's family if they will allow her to return to Canaan, it is not just the head of the household, Betuel, who answers, but Lavan also replies. Not only that, but the verse (Bereishit 24:50) opens with the phrase "Vaya'an Lavan", "And Lavan answered", and only then adds that Betuel also spoke, emphasizing Lavan's seizing of the primary role in answering the question posed by their distinguished guest.

Based on this, Rashi (ad loc.) comments that Lavan was wicked, and thus he rushed in to speak before his father. Indeed, this is not unique behaviour for Lavan; he similarly speaks before his mother in verse 55. (In contrast, see Iyov 32:4-6, where Elihu makes sure not to speak out of turn in front of his elders.)

Rashi's comments are reminiscent of the talmudic declaration (Eruvin 63a) that one may not offer a halachic ruling in front of their teacher, and that harsh punishment accompanies such a sin. How dare a mere student decide a matter in front of his holy teacher, to whom the question is being (or should be) posed?! Similarly, how dare Lavan make such a decision about his sister's future in front of his father and mother?

However, Rabbi Yeshayah of Trani (Ri"d, commentary to 24:50) notes that a similar pattern arises when we look at another story of marriage. In Bereishit 34:11-12, Shechem, son of Chamor, proposes to Yaakov and his sons that he (Shechem) take Dinah, their daughter and sister, as a wife. In that story (verse 13), it is not Yaakov, Dinah's father, who responds to this offer, rather, Yaakov's sons jump in front and answer instead of him!

While Ri"d offers one resolution, Ramban (34:13) suggests a difference between the two cases. Ramban notes that in the case of Dinah, Yaakov's sons spoke to protect the dignity of their father. The response they gave, while initially appropriate, turned out to be quite dishonourable. By telling Shechem that they would be happy to enter into a partnership, Yaakov's sons played a trick on the city's inhabitants, fooling them into weakening themselves by circumcision before they would be attacked by the family. If so, suggests Ramban, Yaakov's sons were right to speak before their father! They were not taking honour from him by pre-empting his comments, but rather absorbing the blame and disrespect that would be due to him later on, had he given the reply.

Conversely, when Lavan speaks up regarding Rivkah, it is for the exact opposite reason – it is not to protect his father and mother, but to undermine them. He wants the prestige of "making the shidduch" with the rich family, and for the others present to see that he

makes the decisions in his family. He wants to take credit and honour where it isn't deserved.

So too, in all other areas of life, credit should be taken where credit is due. Ruling in front of one's teacher is a good illustration of taking undue credit from the one to whom it is due; any knowledge possessed by the student is due to the teacher, who is the supreme authority, and should be answering the question posed. On the other hand, individuals who take blame for something that is not (exclusively) their fault are praiseworthy. The Talmud (Sanhedrin 11a) tells of Rabbi Yehudah HaNasi, who smelled garlic on one of his students' breath. When he asked the guilty student to identify himself and leave, his star student Rabbi Chiya walked out of the room, despite the fact that he was innocent.

We can learn from these examples that when we rush to speak we may be disrespecting others, but at other times, great honour can be afforded. Of two figures who spoke first, let us emulate Rabbi Chiya who spoke in turn, and not Lavan, who spoke out of turn.

ediana@torontotorah.com

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The Second Battle at Ai

After the defeat at the first battle of Ai, and the subsequent punishment of Achan, whose sin had caused the defeat, Chapter 8 records the second assault on Ai. This time, the Jews feign a repeat of their first failure, having the soldiers flee the city as the battle begins. However, this time, a second force is positioned behind the city. As the soldiers of Ai empty out to chase the “fleeing” Jews, the second force captures the city. The first force then reinforces those in the city. Together they destroy Ai and kill its inhabitants. It is worth noting that G-d instructs Yehoshua not to rely on the Divine promise that the Jews will be victorious in this battle. Rather, Yehoshua must employ the ambush strategy, so that the Jews will win “naturally.” This emphasizes our constant obligation to avoid reliance on miracles. [See Rabbi Dovid Menachem at <https://www.929.org.il/page/195/post/5738>.]

After the battle, the Jews then kill the king of Ai and hang his body until nightfall, at which point they take his body down, and bury it under a pile of rocks at the city gate. Unlike in the

battle of Yericho, the Jews are permitted to keep the spoils of this battle.

The Covenant Ceremony

The end of the chapter records the Jews building an altar on Har Eival, and carrying out the ceremonial blessings and curses that G-d commanded they perform when they enter Israel. (Devarim 11) However, there is some dispute regarding the timing of this event. Here is a list of views, presented in chronological order of when the authors thought this ceremony took place:

- Many commentaries (including Talmud, Sotah 35b-36a) explain that this unit is out of chronological order, and in fact happened as soon as the Jews crossed the Jordan River. These commentaries understand the verse’s description of “when your cross over” as meaning immediately.
- Some commentators, such as Abarbanel (Devarim 27:1) understand that this took place here, after the defeat of Ai. The biblical command allowed for the ceremony to be done whenever the

Jews wanted. Abarbanel suggests that Yehoshua chose to perform this ceremony now to strengthen the commitment of the Jews after the sin of Achan.

- Josephus (Antiquities 5:1:19) places it after the battles, but before the division of the land to the tribes.
- Rabbi Yishmael (Midrash Tannaim to Devarim 14) argues that this took place at the end of the period of conquest and settling the land.
- In the Talmud Yerushalmi (Sotah 7:3), Rabbi Yishmael assumes that part of the ceremony took place at the beginning of the conquest, as soon as the Jews crossed the Yarden. The latter half took place at the end of the conquest. Several variations of this position are found in Malbim and Rabbi Dovid Tzvi Hoffman.

A summary of these positions can be found here: http://alhatorah.org/When_Did_the_Ceremony_on_Mt._Eival_Occur/2.

jziring@torontotorah.com

Law of the Land: Burning Terumah in the Menorah

When I studied at Yeshivat Kerem B’Yavneh in Israel, Chanukah was always an exciting time for the kohanim. The yeshiva was adjacent to a kibbutz, and before Chanukah the kibbutz would deliver terumah oil to the yeshiva, to distribute among the Kohanim for their Chanukah menorot.

The Talmud (Pesachim 34a) relates that Abba Shaul, a baker, would heat up water using impure terumah wheat as kindling. The Talmud questions this: Why was he not concerned lest he accidentally violate halachah by eating the impure terumah while waiting to burn it? The sages answer that Abba Shaul would only use inedible kernels. It would then seem that one may not keep edible impure terumah, lest he accidentally eat it; how could the kohanim in yeshiva keep impure terumah oil for their menorahs?

The medieval Sefer HaTerumah (cited in Bach Yoreh Deah 331:8) explained that since all terumah is now impure, and therefore we never eat terumah, there is no concern that we will mistakenly eat it. However, the Vilna Gaon (Yoreh Deah 331:42) questioned this idea. The Talmud says that if, in our times, one designates an animal as an offering, we insist that he cause it to die, lest he offer it as a sacrifice. (Yoma 66a) Apparently, we are concerned for improper use despite the fact that we never offer sacrifices in contemporary times. Why, then, does the yeshiva keep terumah oil for Chanukah?

Perhaps we could resolve this based on a mishnah (Succah 3:14) that notes that a person might accidentally violate a prohibition due to the excitement of performing a mitzvah. For example, one who wishes to fulfill the mitzvah of *arba minim* on Succot might take them through an area which lacks an *eruv*. Similarly, one who is eager to offer a sacrifice might accidentally do so in a way that is forbidden, and so

the Talmud prohibits keeping such an animal. However, this is not a concern when maintaining impure terumah, if we assume that there is no mitzvah of burning the impure terumah as fuel. [See Avi Ezri who disputes this idea.]

One problem remains, though. The Talmud (Succah 42a) tells us that even though one who errs as a result of excitement over fulfilling a mitzvah is exempt from liability, one who errs by bringing a prohibited offering on Shabbat from sheep which have not been pre-checked for blemishes is liable. Rashi explains that this person is liable because there was no pressure to fulfill the mitzvah. If that is true, then our answer above is questionable; surely one does not feel a pressure to bring an offering in our times. However, we may be able to defuse this challenge, too. The unchecked sheep is not at all eligible for the mitzvah, and so the excuse of excitement in pursuit of a mitzvah does not apply. However, the animal designated for an offering is eligible, which leads to real excitement. [This answer is based on comments of Meiri to Succah 42a.]

eabbe@torontotorah.com

Biography

Rabbi Chaim Chizkiyah Medini

Rabbi Baruch Weintraub

Chizkiyah Medini was born in 1834 in Jerusalem, to one of Jerusalem's old families. He learned from the city's best teachers and was ordained at the extremely early age of thirteen. The death of his father left him as the supporter of his mother and siblings, and he had to leave Jerusalem and find a rabbinic position. Thus, in 1866 he accepted an offer to serve as the Rabbi of Krasov, in Crimea. A letter he sent to Rabbi Yitzchak Elchanan of Kovno describes the poor state of the Jews there: "When I came, I saw that they had forgotten the oral Torah, and that the written Torah would also soon disappear." He invested himself in teaching Torah to the youth, and he raised a generation of Torah scholars.

During his years in Crimea, Rabbi Medini suffered from a serious illness, and he was given an additional name: Chaim. He recovered from the illness, but some damage to his eyes remained.

Rabbi Medini, a master correspondent, was in contact with almost every Rabbi on the globe - from Istanbul and Djerba to Warsaw and Kalish. In an "open letter" that he published when he returned, after 33 years, to Eretz Yisrael, he wrote that while he lived in Krasov he answered more than 1,700 letters in a single year! Many of these letters were incorporated into his magnum opus, *Sdei Chemed*.

Sdei Chemed is an encyclopedic collection of halachic and aggadic discussions. Almost any topic in the broad sea of Torah is covered, some of them in great length and detail. The multiple volumes served as a main resource for reference to halachic topics until the emergence of modern resources such as Encyclopedia Talmudit, Otzar HaPoskim and the various digitized databases.

In 1899, Rabbi Medini returned to Eretz Yisrael, making Chevron his permanent home in 1901, and serving as Chief Rabbi there until his death in 1904. He lived in the Beit Romano building which today hosts a recreation of his study.

bweintraub@torontotorah.com

Torah and Translation

Did Avraham's Family Observe the Entire Torah?

Rabbi Chaim Medini, Sdei Chemed, Peat haSadeh, Aleph 1

Translated by Rabbi Baruch Weintraub

אבות העולם קיימו כל התורה עד שלא נתנה...

ועתה ראיתי להגאון העמק שאלה יצ"ו בפרשת מטות שאילתא קלו אות ב שכתב בשם ספר נפש החיים שכל הבאים אחריהם גדולי הדור למדו זה מזה ונזהרו בהם אלא שלא נזהרו כל ישראל בחיוב. וגם אותם הנזהרים בהם הורו לעצמן היתר בעת הצורך. ולפי הנראה סברא דנפשיה הוא דקאמר, ואין הכל מודים לסברתו. שהרי כמה כירכורים כירכרו ליישב מה שנשא יעקב שתי אחיות, ועמרם דודתו וכיוצא...

שוב מצאתי דהרמ"א בתשובה משמע ליה דמה שדרשו חז"ל ביומא דף כח על פסוק עקב אשר שמע אברהם בקולי, דקיים אברהם אבינו עליו השלום אפילו עירובי תבשילין, אין בכלל זה שאר האבות, כי רק אברהם הוא שקיים... נוכל לומר אם הוא שמר אנשי ביתו לא שמרו, רק החק הנימוסי הנמסר להם דהיינו שבע מצות בני נח. דמי לנו גדול מאדונינו אבינו יעקב עליו השלום, אשר נשא שתי אחיות? אלא על כרחך צריכים אנו להודות ולומר כי הכתוב כי ידעתי למען אשר יצוה לא קאי רק אותן שבע מצות בני נח וכו'.

ושיטה חדשה היא לעניות דעתי, לא שעררה כל המפרשים... שנדחקו ליישב מה שנשא יעקב שתי אחיות, ועמרם דודתו.

אחר זמן ראיתי בספר טהרת המים (לרב גדול משאלוניקי) בקונטרס שיורי טהרה במערכה זו אות צ, שכתב בשם התוספות בספר דעת זקנים פרשת וישב שכתבו שמה שהיו רוצים היו מקיימים.

(ונודמן לי פה עיר הקדש חברון ספר וימהר אברהם, וראיתי באות ה"י שהביא בשם הרב יפה מראה פרק א' דתענית סימן י"א שאבות העולם והשבטים קודם מתן תורה, האיסורים המפורשים בתורה לא נתחייבו בהם, אלא הרוצה לא לשמורם לא היה שומרם כגון יעקב שתי אחיות, והשבטים אחיותיהם ולשמש בשנת רעבון.)

"The fathers of the world practiced the whole Torah even before it was given." (Yoma 28b)

Now, I saw that the great *Haameik She'eilah* (the *Netziv*), may G-d save him, wrote in *Matot* 137:2, in the name of *Nefesh HaChaim*, that all those who came after the patriarchs, the leaders of the generations, learned from each other and were careful about the mitzvot, but not all of the nation was careful; and even those who were, were lenient as needed. This seems to be his own idea, and not everyone agrees. For how many efforts were made to explain the marriage of Yaakov to two sisters, and of Amram to his aunt, etc...

Then, I found that the Rama wrote in a responsum that what our Sages said (*Yoma* 28) on the verse, "Because Avraham hearkened to My voice [and kept My charge, My commandments, My statutes, and My instructions]" that Avraham kept even *Eruv Tavshilin*, is restricted to Avraham alone from among our fathers... We could then say that if he kept it, his household did not keep it, but only the rational law given to them, the seven Noachide mitzvot. For who is greater than our forefather Yaakov, may he rest in peace, who married two sisters? We must acknowledge and say that what the text said is limited to the seven Noachide laws.

In my humble opinion this is a new idea, never contemplated by any of the commentators... and so the commentators had to stretch in order to explain Yaakov's marriage to two sisters, and Amram's marriage to his aunt.

After some time, I saw the book *Taharat HaMayim* (written by a great rabbi of Salonika); in *Kuntrus Shiyurei Taharah* the author wrote in the name of the *Tosafot*, from *Daat Zekeinim* to *Vayeishev*, that our forefathers would keep only what they chose to keep.

(Now, here in the holy city of Chevron, I chanced upon the book *Vay'maher Avraham*, and I saw there in chap. 18, that he brought in the name of *Yefeh Mareh Taanit* 1:11, that the patriarchs and tribes, prior to the giving of the Torah, were not obligated in the prohibitions stated in the Torah. Thus, one who

wished not to obey them did not do so, such as Yaakov and the two sisters, and the tribes and their sisters, and having intercourse in a time of famine.)

Weekly Highlights: Nov. 3— Nov. 9 / 25 Cheshvan — 1 Kislev

Time	Speaker	Topic	Location	Special Notes
שבת Nov. 2-3				
<p><u>SHABBATON AT SHAAREI SHOMAYIM: TEN IDEAS FOR TEN YEARS</u> <u>TEN TESTS OF JEWISH EXILE AND RETURN</u></p> <p><u>FRIDAY NIGHT ONEG: THE RETURN TO ZION— 9:00 PM AT 67 GLEN PARK AVE.</u> 1. CAN WE GET ALONG? INTRA-JEWISH COOPERATION Rabbi Elihu Abbe 2. WAITING FOR MASHIACH OR MAKING MASHIACH? Ezer Diena 3. THE MORALITY OF A JEWISH MILITARY Rabbi Mordechai Torczyner 4. IS JEWISH DEMOCRACY POSSIBLE? Rabbi Alex Hecht 5. SHOULD ISRAEL BE A NATION THAT DWELLS ALONE? Rabbi Mordechai Torczyner</p> <p style="text-align: center;"><u>SHABBAT DAY</u></p> 6. THE RISE OF CHRISTIANITY Post-Hashkamah Shiur, Rabbi Alex Hecht 7. SAPERE AUDE! THE ENLIGHTENMENT Derashah, Main Shul, Rabbi Mordechai Torczyner 8. FACING THE HOLOCAUST Derashah, Downstairs Minyan, Rabbi Elihu Abbe 9. MARTYRDOM AND THE INQUISITION 5:00 PM Pre-Minchah Shiur, Ezer Diena 10. EMANCIPATION AND ASSIMILATION Seudah Shlishit, Ezer Diena				
After minchah	R' Aaron Greenberg	Responding to Tragedy	BAYT	
Mon. Nov. 5				
10:00 AM	R' Mordechai Torczyner	Anti-Zionism, A-Zionism, Zionism: Week 2	Beth Tikvah	
8:30 PM	R' Elihu Abbe	Mental Health, Week 4: Protecting Mental Health	Shomrai Shabbos	Men
Tue. Nov. 6				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 2-3	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Yehoshua: Chapters 11-12	129 Theodore Pl.	Men
8:00 PM	Ezer Diena	Tzurat haDaf 101, Week 3	BAYT	Men; JF Library
Wed. Nov. 7				
	Sigd			
7:30 PM	R' Alex Hecht	Controversies of the 20 th Century	Shaarei Tefillah	
7:30 PM	Ezer Diena	Ripped from the Headlines	BAYT	R' Taub Study Hall
8:00 PM	R' Elihu Abbe	The 7 Habits, Week 3: Begin with the End in Mind	Shaarei Shomayim	
Thu. Nov. 8				
	Rosh Chodesh			
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapter 3	49 Michael Ct.	Women
8:30 PM	R' Elihu Abbe	Gemara Beitzah	eabbe@torontotorah.com	Men
Fri. Nov. 9				
	Rosh Chodesh			
10:30 AM	R' Mordechai Torczyner	Kiddushin	Yeshivat Or Chaim	Advanced
<p><u>For University Men, at Yeshivat Or Chaim</u> 10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat 11:00 AM Sunday, Contemporary Halachah: Ezer Diena: Vegetarianism in Halachah and Hashkafah 8:30 AM Monday, R' Elihu Abbe, Midrash on the Parshah 8:30 AM Tuesday, Ezer Diena, Stories and Sh'eilot 8:30 AM Friday, R' Mordechai Torczyner, The Book of Yeshayah</p>				
<p><u>For University and Adult Women, at Ulpanat Orot</u> 9:30 AM Tuesdays, Mrs. Eliana Abbe: Sefer Devarim 9:30 AM Thursdays, Mrs. Eliana Abbe: Tefillah</p>				
<p><u>Seder Boker for Adult Men with Rabbi Moshe Yeres</u> 10:00 AM to Noon, Mondays/Wednesdays - Masechet Megilah and Eim haBanim Semeichah 10:00 AM to Noon, Tuesdays/Thursdays - Parshanut on Parshah and Pninei Halachah</p>				