

# Toronto Torah

## YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Vayeshev

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### A Role Model for the Tempted

**Rabbi Alex Hecht**

Yosef is commonly referred to with the rare appellation *“hatzaddik”* [the righteous one]. This appellation is found in the Talmud (Yoma 35b) in a discussion about people who toiled and achieved greatness despite facing significant challenges. As a result, says the Talmud, their examples obligated others facing similar challenges to overcome them:

- Hillel the Elder was impoverished and yet he studied Torah, and therefore he obligated other poor people;
- Rabbi Elazar ben Charsom was involved in business and he studied Torah, and therefore he obligated other wealthy people;
- Yosef haTzaddik, who resisted the advances of Potiphar’s wife, obligated *“reshaim* (wicked people)” who say that their personal beauty leads them to sin.

In the cases of Hillel and Rabbi Elazar, the Talmud says that they obligated people in similar circumstances to theirs to toil in Torah. However, when mentioning Yosef, we are told that Yosef haTzaddik obligated those who are *“wicked”*. Why does the Talmud imply that a person is considered wicked just because he is faced with a temptation to sin?

Indeed, in Pirkei Avot (4:1), Ben Zoma taught, *“Who is strong? He who conquers his inclination.”* This mishnah does not suggest that a strong person who conquers his inclination is a sinner when faced with a challenge. To the contrary, it sounds like the struggle itself is precisely what

makes a person strong!

An answer may lie in a view brought in the Talmud (Sotah 36b), claiming that Yosef did fall prey to Potiphar’s wife’s advances to some extent. The Torah states (Bereishit 39:11), *“And it came to pass on a certain day, when he went into the house to do his work.”* The talmudic sage Rav said the verse is meant to be read literally, that Yosef entered his master Potiphar’s house to do his assigned work. Shemuel, however, said that the verse means that Yosef went into the house to liaison with Potiphar’s wife. However, when Yosef saw the image of his father, Yaakov, as well as his own future exclusion from the twelve tribes of Israel, Yosef *“left his garment in her hand and fled outside.”* (ibid 39:12) Thus, according to Shemuel, Yosef had actively pursued sin, yet then found the inner strength and conviction to abandon his plan. Perhaps, then, Yosef is a good role model not only for those who are tempted to sin, but even for those who have begun to sin.

Along similar lines: King Solomon taught (Mishlei 24:16), *“Seven times the righteous man falls and gets up.”* This verse can be understood to mean that even though a person may have setbacks, he can nevertheless persevere. Rabbi Yitzchak Hutner (1906 -1980), founding Rosh Yeshiva of Yeshivat Chaim Berlin, objected to this interpretation. After receiving a letter from a student expressing frustration about his religious growth, Rabbi Hutner replied: *“It is a terrible problem that when we discuss the greatness of*

our great sages, we actually deal only with the end of their stories. We tell about their perfection, but we omit any mention of the inner battles which raged in their souls....The wisest of all men said, *‘The tzaddik will fall seven times and will rise.’* The unlearned think that this means that even though a *tzaddik* falls seven times, he will rise. The wise know well that the meaning is: *Because a tzaddik falls seven times, he will rise.”* (Pachad Yitzchak: Igrot U’Ketavim 128)

This may be what qualifies Yosef for the title of *tzaddik*. We see that Yosef, who was away from his father and moral role model, nevertheless made a principled decision to commit to the values of his forebears despite tremendous temptation to abandon them. Yosef’s imprisonment resulting from Potiphar’s wife’s false accusation positioned him for his eventual rise to power in Egypt, and even then he remained steadfast and did not assimilate into the idolatrous Egyptian society. [See Rashi to Bereishit 47:31.]

The Talmud’s statement that Yosef’s emergence from the midst of transgression obligated all *reshaim* demonstrates that even if a person is tempted to sin - or is even in the process of sinning - and he might have descended into wickedness, he can similarly reverse his actions and become a *tzaddik* and an example for others.

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**Summary**

This chapter presents an overview of the various kings that Bnei Yisrael defeated in the course of conquering the land of Israel. It opens by discussing the area east of the Jordan and outlines the territories of Sichon the king of the Emorites and Og the king of Bashan. After reading that these strong kings were defeated by the Jews, we are told (as we know from Bamidbar 21) that these wars were fought while Moshe was still the leader of the people. Chapter 12 concludes with a list of the thirty-one kings whom the Jews defeated on the west side of the Jordan, under the leadership of Yehoshua.

**Analysis**

Rabbi Levi ben Gershon, also known as Gersonides, (comment to 12:1) notes that the mention of Moshe as the leader of the wars against Sichon and Og is strangely placed. Why does the chapter only mention Moshe after describing these wars, and not before, as is the case with the wars fought by Yehoshua? Gersonides argues that the text is emphasizing that Moshe did not achieve victory on the basis of his personal spiritual stature, but rather because

these wars were part of G-d's fulfillment of His covenant with the *avot* (patriarchs).

This emphasis on the covenant contributes to our chapter's overall tone of finality. The campaign of conquest, which constituted a fulfillment of G-d's promise to the *avot* of giving the Land of Israel to their descendants, is now complete. This sense is reinforced by the end of the previous chapter which described the sweeping success of Yehoshua's efforts and the conclusive statement that "the land rested from war." (11:23) However, the beginning of Chapter 13 indicates that this sense of finality may be premature. There, G-d chastises Yehoshua in his old age for leaving vast swathes of land unconquered. Yehoshua is instructed to divide the land up among the tribes so that Jewish rule of the country can begin. If the conquest was never really completed, what is the meaning of the conclusive tone of our chapter?

Rabbi Avraham Yitzchak Kook (*Tov Ro'i*, Sotah) argues that even though Yehoshua had not conquered the

entire country, the end of the initial round of fighting described here marks an important halachic shift. G-d commanded the Jews to eradicate the seven nations who inhabited the Land of Canaan. Rabbi Kook argues that perhaps the commandment to eradicate these nations was only binding during the initial volley of conquest. Once the Jews conquered a significant amount of land, stopped fighting, and began to govern, the mitzvah fell away. Because they had stopped their conquest, the Jews would now have to take on the very difficult and potentially damaging task of ruling over the remnants of the seven nations. The Torah (Bamidbar 33:55) had already forewarned the serious challenge these citizens would pose to the Jewish monarchy both physically and spiritually.

Our chapter thus hints at the tension between a very Jewish aversion to prolonged war, and the need to actively embrace G-d's commands and take full advantage of spiritual opportunities. The exact balance is difficult to define, but certainly demands serious thought.

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**Law of the Land: International Law in Israel?**

**Rabbi Mordechai Torczyner**

At various times in the State of Israel's 71-year history, a range of states, non-governmental organizations and individuals have sought to hold Israel to the expectations of international law. Examples of this include the extradition of Algerian Jew William Nakash to France in the 1980's on a murder charge, and attempts to apply the Fourth Geneva Convention to land which came under Israeli control after the 1967 Six Day War. This leads to the question: Is international law binding upon a Jewish state?

Certainly, a Jewish state which attaches its name to an agreement or treaty is required to follow through on its commitment, just as all Jews are required to maintain honesty in all interactions. However, halachic authorities note that where other parties fail to honour their own commitments to a particular agreement, Jewish parties would not be required to maintain their own end. (*Tzitz Eliezer* 7:48:12; *Mishneh Halachot* 12:336)

Beyond treaties we have signed, at least three arguments support broad application of international law in Israel:

- Israel's Justice Menachem Elon (*Techumin* 8, and in English [here](#)) argued that the halachic principle of *dina d'malchuta dina*, which acknowledges the authority of government legislation in particular arenas, applies to international law as recognized by the global community. Halachic authorities including Rashba (cited by Beit Yosef Choshen Mishpat 288) and Maharam Schick (Choshen Mishpat 50) have justified handing Jewish criminals to non-Jewish authorities under certain circumstances, and the same authority may extend to international bodies.
- We might argue that J. Elon's position depends on the justification for *dina d'malchuta dina* altogether. Some contend that the basis for a secular government's authority

is its ownership of the land under its control; such a principle would not apply to international bodies in relation to Israel. On the other hand, if *dina d'malchuta dina* is a function of social contract, it may well apply in the international community as well.

- Shortly after the Jews arrived in Israel and miraculously crushed the city of Yericho, a local Canaanite tribe tricked Yehoshua into making a treaty with them. The terms of the treaty were counter to halachah, but once Yehoshua had agreed to the deal, he felt obligated to uphold it, lest G-d's people gain a reputation for breaking their word. (Yehoshua 9; and see Ketuvot 74b-75a and Gittin 46a) Some have argued that this is precedent for adhering to international norms, lest we desecrate G-d's Name. (Rabbi Yehuda Henkin, *Shu"t Bnei Banim* III 4:7)
- There is a long-standing halachic policy of overriding rabbinical law, and even biblical law, to avoid enmity with non-Jews who might otherwise harm us. Ashkenazi Chief Rabbi Yitzchak Halevi Herzog (*Techumin* 2) applied this to halachic issues which might have created Jewish-Christian hostility, and Rabbi Yitzchak Zilberstein cites Rabbi Yosef Shalom Elyashiv as saying the same regarding rebuilding the Beit haMikdash on the Temple Mount before the era of Mashiach (*Shiurei Torah l'Rofim* IV #289).

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## Biography

### Rabbi Yechiel Michel Epstein

Rabbi Mordechai Torczyner

Rabbi Yechiel Michel HaLevi Epstein was born in 1829 to a family of wealthy army contractors who serviced the Czar's army, in Belarus. He married the sister of Rabbi Naftali Tzvi Yehuda Berlin, the Netziv.

Rabbi Epstein was the Rabbi of Novozypkov and then Novardok, from 1854 until his passing. He was well-respected by both *chasidim* and *mitnagdim*, and figures as diverse as Rabbi Yitzchak Elchanan Spektor, Rabbi Yehoshua Leib Diskin and the Tzchernobyler Rebbe wrote *haskamot* (letters of approbation) for his works.

Rabbi Epstein wrote prolifically; his writings include speeches, a commentary to Talmud Yerushalmi, a commentary to the Haggadah, responsa, and his most famous work, *Aruch haShulchan*.

In *Aruch haShulchan*, Rabbi Epstein reverse-engineered the Shulchan Aruch, tracing each halachah back to its earliest sources as well as adding his own questions and thoughts. Three small manuscript sections are missing, but it covers the entire breadth of the Shulchan Aruch. In addition, Rabbi Epstein's *Aruch haShulchan he'Atid* deals with laws for the time of the Beit haMikdash.

In addition to practical law, Rabbi Epstein addressed meta-halachic topics, such as the role of Kabbalah in the development of Jewish law. He also addressed the issues of a new age: matters of evolving community structures, new technologies, the strife between Mussar and anti-Mussar advocates, and the tension between Zionists and anti-Zionists.

Rabbi Epstein passed away in 1908, but his legacy looms large; his *Aruch haShulchan* is a fundamental text for studying halachah. Also, his son, Rabbi Baruch haLevi Epstein, authored several popular works, including *Baruch she'Amar* (on the siddur), *Torah Temimah*, and *Safah laNe'emanim* (reviewed in Toronto Torah 7:19).

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## Torah and Translation

### Eat, Drink and Sing Zemiro!

R' Y. M. Epstein, *Aruch haShulchan Orach Chaim 670:9*

Translated by Ezer Diena

ריבוי הסעודות שמרבין בהם הסעודות הרשות, שלא קבעום למשתה ושמחה כפורים, משום דגזירת המן היתה על הגופים להשמיד להרוג ולאבד לך צריכין לשמח הגוף, אבל גזירות אנטיוכוס היתה ביטול תורה ומצות, ואף שזה גרוע מגזירת הגוף מ"מ סוף סוף הם גזירות הנפש, לך צריכין לשמח הנפש בהלל ותודה וזמירות ושירות ותשבחות ואין להגוף עניין בזה. [ומתורץ קושית הט"ז סק"ג.]

ומ"מ י"א שיש קצת מצוה להרבות בסעודות, חדא דשמחת הנפש תלוי קצת ג"כ בשמחת הגוף כמושג בחוש, ועוד לזכר חנוכת המשכן שקבעום למשתה ושמחה. וגם י"ל שירות ותשבחות בהסעודות ואז וודאי הוי סעודת מצוה.

אבל השוחקים בקלפים עונשן רב. ובעונותינו הרבים נתפשטה נגע צרעת הזה בבית ישראל או לנו שעלתה בימינו כד, וכמה מיני עבירות תלויות בזה, והוא רחום יכפר עון, ומי שביכולתו לבטלה שכרו מרובה מאד.

The increasing of the number of meals that we partake in [on Chanukah] are 'voluntary meals' [as opposed to meals which are a mitzvah], because [the Sages] did not set [the days of Chanukah] for drinking and rejoicing, as they did on Purim. [This is because] the decree of Haman was on the body, to destroy, kill, and wipe out [all of the Jews] (Esther 3:13), therefore, we need to celebrate with our bodies. But the decree of Antiochus was abolition of Torah learning and mitzvot, and even though this is worse than a decree of physical [annihilation], nevertheless, they were decrees against our souls. Therefore, we need to gladden our souls with Hallel, thanks, melodies, songs and praises, and the body has no connection to these [methods of rejoicing]. (And this also answers the question of the Taz 670:3 [who asked that if it is worse to cause one to sin rather than kill him per Rashi Devarim 23:9, why do we not celebrate this holiday more than, or at least equally to, Purim?]).

However, there are those who say [Rama Orach Chaim 670:2, in the name of Rabbi Avraham Kara of Prague] that there is a slight mitzvah to increase the number of meals, first, because celebration of the soul is somewhat dependent on the happiness of the body, as we can sense. Additionally, [we rejoice physically] to remember the dedication of the Mishkan, which was set as [a holiday of] drinking and rejoicing. One should also sing songs and praises at these meals, and then it will certainly be considered a 'mitzvah meal'.

But those who play with cards - their punishment is great, and due to our many sins, this plague of *tzara'at* has spread through the house of Israel. Woe to us that this has happened in our days, and many types of sins are caused by this activity! And may He, the merciful, forgive sin, and one who has the ability to abolish this [practice], his merit will be very great.

## Weekly Highlights: Dec. 1— Dec. 7 / 23 Kislev — 29 Kislev

Time	Speaker	Topic	Location	Special Notes
<b>שבת Dec. 1</b>				
8:50 AM	Ezer Diena	Pre-Shacharit Parshah: She Covered Her Face	BAYT	<b>TFBM</b>
10:30 AM	R' Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
<b>Before minchah</b>	Ezer Diena	Daf Yomi	BAYT	
<b>After minchah</b>	Ezer Diena	Headlines Highlights	BAYT	<b>Simcha Suite</b>
6:30 PM	R' Elihu Abbe	Parent-Child Learning	Shaarei Shomayim	
<b>Sun. Dec. 2</b>				
<p><b><u>PRE-CHANUKAH LEARNATHON!</u></b>  <b>10:00 AM to Noon, at Shaarei Tefillah, 3600 Bathurst St.</b>  <b>WE WON... AND WHAT HAPPENED NEXT WILL SHOCK YOU</b>  <b>Rabbi Alex Hecht, 10:00 AM</b>  <b>JUDITH'S MENORAH</b>  <b>Rabbi Mordechai Torczyner, 10:30 AM</b>  <b>THE MEGILAH OF CHANUKAH</b>  <b>Ezer Diena, 11:00 AM</b>  <b>AN ALLIANCE WITH THE ROMANS?</b>  <b>Rabbi Elihu Abbe, 11:30 AM</b>  <b>Light Refreshments Served! All Are Welcome!</b></p>				
<b>Mon. Dec. 3 Chanukah, Day 1</b>				
8:30 PM	R' Elihu Abbe	Chesed K'Hilchatah 3: Hachnasat Orchim	Shomrai Shabbos	<b>Men</b>
<b>Tue. Dec. 4</b>				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 6-7	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Yehoshua: Chapter 16	129 Theodore Pl.	<b>Men</b>
<b>Wed. Dec. 5</b>				
10:00 AM	R' Mordechai Torczyner	Jewish Bioethics 4: Assisted Death	Beth Emeth	
7:30 PM	R' Alex Hecht	Controversies of the 20 <sup>th</sup> Century	Shaarei Tefillah	
7:30 PM	Ezer Diena	Ripped from the Headlines	BAYT	
8:00 PM	R' Elihu Abbe	The 7 Habits	Shaarei Shomayim	<b>Not this week</b>
<b>Thu. Dec. 6</b>				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapter 4	49 Michael Ct.	
8:30 PM	R' Elihu Abbe	Gemara Beitzah	eabbe@torontotorah.com	<b>Not this week</b>
<b>Fri. Dec. 7</b>				
10:30 AM	R' Mordechai Torczyner	Kiddushin	Yeshivat Or Chaim	<b>Advanced</b>
<p><b><u>For University Men, at Yeshivat Or Chaim</u></b>  <b>10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat</b>  <b>11:00 AM Sunday, Contemporary Halachah: R' Alex Hecht: Kiruv &amp; Shabbat Invitations</b>  <b>8:30 AM Tuesday, Ezer Diena, Stories and She'eilot</b>  <b>8:30 AM Friday, R' Mordechai Torczyner, The Book of Yeshayah</b></p>				
<p><b><u>For University and Adult Women, at Ulpanat Orot</u></b>  <b>9:30 AM Tuesdays, Mrs. Eliana Abbe: Sefer Devarim</b>  <b>9:30 AM Thursdays, Mrs. Eliana Abbe: Tefillah</b></p>				
<p><b><u>Seder Boker for Adult Men with Rabbi Moshe Yeres</u></b>  <b>10:00 AM to Noon, Mondays/Wednesdays - Masechet Megilah and Eim haBanim Semeichah</b>  <b>10:00 AM to Noon, Tuesdays/Thursdays - Parshanut on Parshah and Pninei Halachah</b></p>				