

Toronto Torah

YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Pekudei

2 Adar II, 5779/March 9, 2019

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This edition of Toronto Torah is dedicated by Arthur and Bev Herzig to commemorate the yahrtzeit of Arthur's father, David Herzig, Moshe David ben Shabtai Yehoshua z"l, and by Arthur's children, Shira, Atara, Shmuel, Leora and Yosef, to commemorate the yahrtzeit of their mother, Tali Herzig, Talia Rivkah bat Shmuel David z"l, both of whom departed this world on 7 Adar

The Testimony of the Mishkan

Rabbi Alex Hecht

When providing the final accounting of the construction of the Mishkan, the Torah says, "These are the accountings of the Mishkan, the Mishkan of Testimony." (Shemot 38:21) About what did the Mishkan testify?

A midrash cites the opinion of Rabbi Shimon, son of Rabbi Yishmael, that the Mishkan served as testimony that G-d had forgiven the Jewish people for the golden calf. Rabbi Yitzchak adds that this may be compared to a king who angrily left his wife, and then returned. Despite the king's return to the palace, his neighbours did not believe they had truly reconciled until they smelled fragrant spices from the palace. Similarly, even after G-d accepted Moshe's pleas on behalf of the Jewish people, Moshe remained concerned that the surrounding nations would doubt the extent of their reconciliation. In response, G-d said, "I am going to cause My Presence to rest in their midst..." It is therefore called 'The Mishkan of Testimony'. (Shemot Rabbah 51:4)

According to a second opinion in this midrash, the Mishkan served as testimony to the entire world that Moshe was the appointed leader of the Jewish people. No one was able to figure out how to assemble the Mishkan, except for Moshe, who understood it through Divine Inspiration he received. Rabbi Chaim ibn Attar comments that this was

proof of Moshe's integrity as a leader, because "G-d does not perform miracles for dishonest people." (Or haChaim to Shemot 38:21)

Malbim similarly understands the Mishkan as testifying to the integrity of its builders. The Torah details the exact amount of gold, silver, and other precious materials that were donated towards the Mishkan's construction, and how they were put to use. The Mishkan itself testified that every step of the project was carried out with honesty, for it is inconceivable that the Divine Presence would rest within a structure if it came about through any unethical means. (Malbim to Shemot 38:22)

Why was there a need to prove any of these things? Why was Moshe worried that the nations would question the extent of G-d's forgiveness? Why was more evidence necessary to confirm Moshe's legitimacy, or to affirm that the Mishkan was constructed honestly?

The Torah mandates that we remain above suspicion from others. When the tribes of Gad and Reuven requested land on the opposite side of the Jordan River, Moshe insisted that they demonstrate their readiness to assist the other tribes in the conquest of the land of Israel before settling in their requested territories. Even though they told Moshe that they had no intention of abandoning the national effort, Moshe

taught them that they must be "innocent before G-d, **and before Israel.**" (Bamidbar 32:22)

We see the principle of avoiding suspicion in several areas of halachah. For example: One may leave *peah* (unharvested areas of a field, designated for the poor) only from the edges of his field; one reason is that this will show everyone that *peah* had been set aside. (Tosefta Peah 1:7) One who has two entrances to his home must light Chanukah candles at both entrances, so that it will be apparent that the household did not neglect the mitzvah. (Shabbat 23a) One may not hang clothing to dry on Shabbat, because people might suspect that the forbidden labour of laundering was performed. (Mishnah Shabbat 22:4)

Rabbi Yosef Dov Soloveitchik explains that we must be concerned about our reputations because they are not ours to compromise. Because we are mandated to make G-d's Name great in the world and because our actions can be instructive to others, we must make sure that we appear upright, not only in the eyes of G-d, but also in the eyes of other people. (*Chumash Mesoras HaRav*: Bamidbar, page 257) Therefore, it was necessary that the Mishkan "testify" against any doubt about G-d's relationship with the Jewish people, Moshe's leadership, or the integrity of the project itself.

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Summary

Sefer Shoftim opens where Sefer Yehoshua left off. Yehoshua has died, and Bnei Yisrael are left to continue the conquest of the Land of Israel without him. In the absence of a prophet-leader to guide them in this pursuit, Bnei Yisrael consult G-d, via the kohen gadol's *urim v'tummim*, to find out who should begin the fight against the Canaanites. The tribe of Yehudah is selected by G-d for this task. Joined by the tribe of Shimon, Yehudah begins a campaign.

The first battle is fought in Bezek. The Jewish soldiers capture Adoni Bezek, the king, and in order to arouse fear in the other Canaanite communities (Rabag), they punish him by removing his thumbs and big toes. Adoni Bezek comments that his punishment must have been ordained by G-d, in return for his identical treatment of seventy other kings.

The armies of Yehudah then move on to capture Jerusalem, the Negev, the Shefeilah, and Chevron. After this they move to Kiryat Sefer. Here Kalev, a familiar hero, offers his daughter's hand in marriage to whoever can capture the city. Otniel, son of Kenaz, succeeds and marries Kalev's daughter. The chapter goes on to describe Yehudah's further

conquests.

In contrast to Yehudah's success, the other tribes do not drive out the Canaanites as thoroughly. Menasheh leaves over several big Canaanite cities and their surrounding settlements, and ultimately extracts taxes from them. Ephraim and Zevulun allow significant Canaanite settlement to continue within their territories. Asher and Naftali allowed for so much Canaanite presence that they are described as dwelling "amongst the Canaanites" (and not vice versa).

The chapter ends with the Emorites pushing the tribe of Dan up into mountains and away from their territory, forcing the neighbouring tribe of Yosef to come to their aid.

Analysis

The chronology of the narrative described in this chapter is confusing in two ways:

- First, our chapter starts by describing the events that happened after the death of Yehoshua, but in the next chapter, Yehoshua's activities are described again, prompting the question of which chapter's events happened first.
- Second, several of the events in the chapter, namely the conquest of

Chevron and the story of Otniel ben Kenaz, already appeared in Sefer Yehoshua (14-15), ostensibly during Yehoshua's lifetime. Why, then, are they reiterated here?

An answer may lie in the goals of Sefer Shoftim overall. The book describes the spiritual and political turmoil that resulted from the power vacuum created by Yehoshua's death. The first two chapters serve as a double presentation of this aftermath, and are geared more towards this purpose than accurate chronology. Events from within Yehoshua's lifetime are presented for contrast.

The first chapter considers the political fallout. Bnei Yisrael were meant to get rid of the Canaanite presence in the land. Yehudah started out strong and fulfilled this mandate. However, without steady centralized leadership, motivation dwindled, and several of the tribes never finished the job. The pervasive Canaanite presence then set the scene for the spiritual downfall described in Chapter Two, where Bnei Yisrael turn to the idolatrous worship of their new neighbours.

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Law of the Land: Police Use of Force

The Royal Canadian Mounted Police Act (p. 18) lists four duties of peace officers, which we may summarize as: (a) preventing violation of the law and apprehending offenders; (b) executing warrants; (c) escorting people in custody to or from court, places of punishment or confinement; (d) performing other duties as prescribed by governing authorities.

Halachah also defines four roles for its "police officers", the *shotrim*:

1. Punishing at a judge's instruction (Rambam, Hilchot Sanhedrin 1:1);
2. Arresting a flight risk (Sanhedrin 78a-b);
3. Enforcing Jewish law (Rosh HaShanah 6a; Ketuvot 86a);
4. Enforcing municipal regulations (Bava Batra 89a; Yoma 9a; Rambam, Hilchot Geneivah 8:20).

Rabbi Chaim David haLevi, a leading 20th century Israeli rabbi involved in establishing a halachic approach to running a state, wrote that because there is a possibility that a *shoteir* might accidentally harm an innocent person, *shotrim* require formal training and certification. (*Tafkideha uMa'amadah shel haMishtarah baHalachah*, Halichot (1981))

At times, a *shoteir* is expected to use force:

1. Executing a judge's verdict for punishment;
2. Saving a victim from harm;
3. According to some, there is a third case: the *shoteir* may also use force where the authority of the court is challenged. (Shulchan Aruch Choshen Mishpat 8:5)

As a general rule, halachah exempts *shotrim* from liability for accidental harm caused in performing their duties. There are two rationales presented for this:

1. To enable the *shoteir* to fulfill the role (Tosefta Gittin 3:8);
2. To ensure that people will not be reluctant to become *shotrim* (Tashbetz 3:82).

This exemption includes where the *shoteir* is punishing at the judge's instruction (Rambam, Hilchot Sanhedrin 16:12) or saving a victim from an attacker (Rambam, Hilchot Rotzeiach 1:6-7; Aseh Lecha Rav 4:2). Those who contend that a *shoteir* may use force to protect the authority of the court also believe that there is no liability for harm caused in this role. (Rambam, Hilchot Rotzeiach 5:6)

Despite the above, there are limits to a *shoteir's* immunity from prosecution. Where a *shoteir* should have known that unwarranted harm would result, the *shoteir* is liable, like any professional who is normally licensed to cause physical harm in pursuit of a greater good. (Aruch haShulchan Yoreh Deah 336:2) Where the *shoteir's* motivation is cruelty, the *shoteir* is liable. (Shu"t Raanach 111). And where a court believes that *shotrim* are trampling the rights of citizens and there is a need to rein them in, the court may hold them liable as well. (Shevut Yaakov 3:140) [For more, see Chashukei Chemed to Makkot 8a.]

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Biography

Rabbi Avraham ibn Ezra

Ezer Diena

Rabbi Avraham ibn Ezra was born in Spain, between 1089 and 1092. In the early 12th century, the Almohads, a fanatically anti-Semitic Muslim clan, began to rule in Spain, and he had to escape for his safety. He travelled through many countries, with notable stops across North Africa, Egypt, Italy, France, England, and according to some, Eretz Yisrael. It is believed that at some point, he met and travelled with Rabbi Yehudah HaLevi, poet and author of the Kuzari, and some say that Rabbi Avraham ibn Ezra married his daughter. He had at least one son, Yitzchak, although there are indications that he had more children. He died in an unknown location in the mid-late 1160s.

In addition to numerous poems, Rabbi Avraham ibn Ezra published at least 62 books on Tanach, Hebrew language, theology and astronomy. Despite his great output, he only published his first book in 1140, when he was around 50 years old!

He is best known for his *p'shat* (simple meaning)-based commentary to almost all of Tanach, which is printed in the traditional *Mikraot Gedolot* edition of Tanach. Although he was relatively inactive in the worlds of Talmud study and Halachah, his commentary on Torah was so popular and deep that it attracted dozens of commentaries on it, many of which were by great Torah scholars in their own right. Many of his other works focused on Hebrew grammar, in which he stated his (very strong) opinions about earlier authors, attacking some, and defending others. His astronomical contributions did not go unnoticed, either; in fact, there is a crater on the moon named after him.

A polarizing philosopher and rationalist who was not afraid to speak his mind, Rabbi Avraham ibn Ezra had many supporters and many detractors, leading to many questionable stories casting him in either a very positive or negative light. Notably, Rabbeinu Tam, Rashi's son in law, held him in very high regard for his poetry, and Ramban, despite his regular disagreement with Rabbi Avraham ibn Ezra, wrote that he had a "hidden love" for him. (Introduction to Torah) Today, his commentary is studied even within very traditional circles.

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Torah and Translation

The Name of G-d in Megilat Esther

Rabbi Avraham ibn Ezra, Introduction to Esther

Translated by Ezer Diena

לשם ד' יאתה כל הגדולה, מאד הוא נעלה
על כל תהילה.
לאברהם בנו מאיר יצו עז, אשר הואיל
לפרש המגילה.

נאם אברהם הספרדי הנקרא בן עזרא: אין
עזרה כי אם מד', החוקק חוקת עולם על לב
המשכיל בהקיצו, גם בחלום ידבר בו, ובו
יתמדך בהחילי [ס"א בהתחילו, אולי צ"ל
בהחילו] לעשות כל מעשה, גם יזכרנו תמיד
טרם מוצאי פיו.

והנה אין במגילה הזאת זכר השם והיא
מספרי הקודש. ורבים השבו, כי הוא:
"ממקום אחר" (אסתר ד: יד). וזה איננו
נכון, כי לא נקרא השם "מקום" בכל ספרי
הקודש, רק נקרא "מעון", שהוא לעולם
גבוה. וקדמונינו ז"ל קראוהו "מקום",
בעבור שכל מקום מלא כבודו. ועוד, מה
טעם למלת "אחר".

והנכון בעיני, שזאת המגלה חברה מרדכי,
וזה טעם "וישלח ספרים" (אסתר ט: ל),
וכולם משנה ספר אחד שהוא המגלה,
כטעם "פתשגן", והעתיקה הפרסיים,
ונכתבה בדברי הימים של מלכיהם. והם
היו עובדי עבודה זרה, והיו כותבין תחת
השם הנכבד והנורא שם תועבותם כאשר
עשו הכותים, שכתבו תחת "בראשית ברא
אלקים" – "ברא אשימא". והנה כבוד השם
שלא יזכרנו מרדכי במגילה.

To the Name of Hashem all greatness is proper, He is tremendously exalted above all praise.

To Avraham the son of Meir may He send courage, [as he] desires to explain the Megilah.

The speech of Avraham the Sefardi who is known as the son of Ezra: [Note: His father's name was Meir, his family name was "ibn Ezra".] There is no help [*ezra*], except for from Hashem, who engraves the laws of the world on the heart of the enlightened one while he is awake, so too in a dream He speaks to him, and on Him he will support [himself] when he begins to do any action, and he will remember Him always before words are uttered by his mouth.

Behold, there is no mention of the Name [of G-d] in this scroll, and it is one of the holy books! Many have responded that it is [mentioned]: "[relief and salvation will arise for the Jews] from another place" [*mimakom acher*]. (Esther 4:14) This is incorrect, because Hashem is not known as *Makom* in any of the holy books, only as *Maon* [Residence], which is always lofty. Our Sages of blessed memory called Him *Makom* ["place"], since all places are filled with his honour. Further, what would be the meaning of the word "another" [in *mimakom acher*]?

It seems correct in my eyes that this book was composed by Mordechai, and that is the meaning of "And he sent text to all of the Jews," (Esther 9:30), and all of them were copies of one book, namely, the Megilah, which is the reason for the term "set text" [*patshegen*]. The Persians copied it, and it was written in the chronicles of their kings. They were idol worshippers, and in place of the honourable, awesome Name, they would write the names of their idols, as the Cuthites did, as in place of "In the beginning of Elokim's creation" they wrote "In the beginning of Ashima's creation." Therefore, it was out of honour to Hashem that Mordechai did not mention Him in the Megilah. [Note – this answer is cited in the name of Rabbi Saadyah Gaon when ibn Ezra cites it in his commentary to Esther 4:14.]

Weekly Highlights: Mar. 9 – Mar. 15 / 2 Adar II – 8 Adar II

Time	Speaker	Topic	Location	Special Notes
שבת Mar. 8-9	Shabbaton: Ten Ideas on Ten Chapters of Megilat Esther!			
Fri. Pre-Maariv	Ezer Diena	Ch 1: Fall of Vashti	Or Chaim Minyan	
After Hashkamah	R' Elihu Abbe	Ch 2: Killing a Pursuer	Clanton Park	
Derashah	R' Alex Hecht	Ch 3: A Scattered People	Clanton Park	
Derashah	R' Mordechai Torczyner	Ch 4: Esther's Urgency	Shaarei Tefillah	
Dvar Torah	Ezer Diena	Ch 5: Eilu v'Eilu	Or Chaim Minyan	
After Musaf	Ezer Diena	Ch 6: Yosef/Esther/Daniel	Mishkan Avraham	
5:00 PM	R' Elihu Abbe	Ch 7: Our Enemy's Fall	Clanton Park	
Seudah Shlishit	R' Alex Hecht	Ch 8: Jewish Honour	Shaarei Tefillah	
Seudah Shlishit	R' Elihu Abbe R' Mordechai Torczyner	Ch 9: Eternal Yom Tov? Ch 10: Tax Man Cometh	Clanton Park	
After minchah	Hillel Horovitz	Pekudei: Intro to Bamidbar	BAYT	Simcha Suite
7:45 PM	R' Elihu Abbe	Parent-Child Learning	Shaarei Shomayim	Final Week!
Sun. Mar. 10				
8:45 AM	R' Mordechai Torczyner	Legal Ethics with CPD: Pursuit of Compromise	BAYT Simcha Suite	Laypeople Welcome
Mon. Mar. 11				
8:30 PM	R' Mordechai Torczyner	R' Asher Weiss on Marriage 3 The Sunset Badecken	Shomrai Shabbos	Men
Tue. Mar. 12				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 11-12	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	The Book of Yehoshua	129 Theodore Pl.	Men
8:00 PM	Ezer Diena	Aveirot on Purim	The Marlee Shul	
Wed. Mar. 13				
10:00 AM	R' Mordechai Torczyner	Mysticism and Mitzvot 2: Kabbalah of Torah Study	Beth Emeth	Fee; register at torontotorah.com/kabbalah
7:30 PM	R' Alex Hecht	20 th Century Controversies	Shaarei Tefillah	
7:30 PM	Ezer Diena	Dressing up on Purim	BAYT	Pre-Purim Shiur!
Thu. Mar. 14				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapters 8-9	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. Mar. 15				
10:30 AM	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat

11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah, Ezer Diena: Shaatnez Checking: A Chumra?

8:30 AM Tuesday, Ezer Diena, Stories and She'eilot

8:30 AM Friday, R' Mordechai Torczyner, Parshah

WOMEN'S BEIT MIDRASH

For University and Adult Women, at Ulpanat Orot, with Mrs. Eliana Abbe

9:30 AM Tuesdays: Sefer Devarim, 9:30 AM Thursdays: Tefillah

Seder Boker for Adult Men

10:00 AM to Noon, Monday/Wednesday - R' Moshe Yeres: Masechet Megilah and Eim haBanim Semeichah

10:00 AM to Noon, Tuesday/Thursday - R' Moshe Yeres: Parshanut on Parshah and Pninei Halachah