

Toronto Torah

YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Bamidbar (*Diaspora*)

5 Sivan, 5779/June 8, 2019

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By Any Other Name

Ezer Diana

The Torah gives us a number of names for the holiday that we refer to as Shavuot. *Yom HaBikkurim*, *Chag HaKatzir* and *Chag Shavuot* are all stated explicitly in the Written Torah as names for this holiday. However, rather than use these names to refer to the holiday, the Rabbis chose to refer to it differently. In our prayers, we call it *Zman Matan Torateinu*, which refers to the fact that this holiday corresponds to the calendar date on which the Torah was given. Additionally, in the Talmud we also ignore the Torah-given names, in favour of another rabbinic identifier, *Atzeret*. While this name does appear in the Torah, there it refers to either the 7th day of Pesach or the holiday following the 7th day of Sukkot, but not Shavuot. How could the Rabbis ignore the Torah's choice of names and create their own instead, and how can we continue to leave the Biblical names behind and use these?

Strangely, this is not the only time that we differ from the Written Torah in naming holidays. We no longer call Pesach *Chag HaMatzot* in conversation. Also, rather than refer to the first day of Tishrei as *Yom Teruah*, as it is called by the Torah, we call it Rosh HaShanah, again following the rabbis. Wouldn't it be more appropriate to simply use the Torah's names consistently?

The Torah tells us (Vayikra 23:4, Alhatorah.org translation, emphasis added) "These are the set feasts of

Hashem, even holy convocations, which **you** shall proclaim in their appointed season." Rabbi Avraham Ibn Ezra, in his commentary to this verse, explains that the governance of holidays was given to the Jewish people. While the Jewish calendar follows the natural lunar cycle, the decision of when to set the first day of the month is dependent on when Jewish witnesses arrive in Beit Din (rabbinical court) and testify that they saw the new moon. Even if the moon is clearly visible at night, the Beit Din will not declare Rosh Chodesh until the witnesses testify. Additionally, the central Beit Din has the right to decide which years should be "leap years"; in fact, Rabbi Akiva once declared three consecutive years to be leap years! (Sanhedrin 12a).

Despite this realization, we are still bound by certain rules. All of the holidays must actually take place on the days that G-d ordained; we merely have control over whether that day will come earlier or later.

This indicates that the Jewish people were given an element of control over the holidays, and that we are expected to relate to them as our own. G-d certainly gave us the original inspiration for each holiday, including the laws that we must follow. However, certain elements are in our control, such as the power to set the date and time, and perhaps even their naming rights. This balance is also evidenced by Rabbi Yehoshua's talmudic statement that we must spend a portion of each holiday

enjoying ourselves, as well as serving Hashem. (Pesachim 68b)

However, there is something unique about Shavuot. Because this holiday's time is dependent on counting the *omer* until the 50th day following Pesach, the human declaration of Rosh Chodesh for Iyar and Sivan actually changes the calendar date of the holiday! Unlike the other holidays, Hashem gives us control of the date of Shavuot!

This unprecedented power given to the Jewish people is also echoed in that very same talmudic passage which records Rabbi Yehoshua's statement. The Talmud explains that all of the sages agree that *Atzeret/Shavuot* must have a component of personal enjoyment, and cannot be fully dedicated to worshipping Hashem, since it is the day on which we received the Torah. On this wonderful holiday, G-d gave **us** dominion over His Torah, to interpret it and use it to connect with Him. If renaming holidays is an easy way to accomplish this, that follows His wishes. G-d hands us the Torah, as well as the right to set holidays as we see fit.

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Shoftim Chapter 10 ends, as noted last week, with G-d accusing the Jews of unfaithfulness and ingratitude. He points to the “Shoftim cycle” throughout history – the Jews betray G-d through idolatry, are punished through the oppression of enemies, cry out to G-d, are saved through Divinely sent leaders, find temporary respite, and then repeat the process. But here, G-d declares that He will no longer save them. The Jews seemingly accept this sentence, but ask for one more reprieve, which is granted to them.

One might think that their prayers were accepted and the harshness of G-d’s decree was nullified or softened. Such an understanding would generate the common perspective of Sefer Shoftim – that the Shoftim cycle guides the entire book. However, a careful read of the narrative here indicates that this is not true. The “Shoftim cycle” breaks down in Chapter 10. While the remainder of the book still discusses instances of sin, punishment, and salvation through heroic leaders, a critical element is missing – salvation being sent by G-d.

In Chapter 11, this is evident. It is the leaders of Gilad who choose Yiftach to save them from Ammon. However, G-d

does not indicate assent. While Yiftach invokes and prays to G-d to help him win his wars, the text stops short of saying that G-d sent him. The story reads in a much more secular way – Yiftach was rejected from Gilad because he was the illegitimate son of his father, through a woman of ill repute. He became a gang leader of sorts, gathering a collection of “empty people” to his cause. When Ammon began oppressing Gilad, the leaders decided that this gang could help their cause, and turned to Yiftach for help. He agreed to aid them on condition that they accept him as their leader (and made sure to remind them of their previous treatment of him). The discussion about who becomes the savior of Israel involves only Yiftach and the elders, both entities with problematic history. G-d is left out.

The implications of this are evident in the ensuing story. Yiftach is harsher than any enemy towards the Jews who do not accept his authority, cruelly punishing every city guilty of this “crime”. He eventually wages a civil war against Ephraim, murdering even those who are on the retreat. Most famously, he makes an ill-planned vow to offer “the first thing that leaves his

home” to G-d, upon returning from war. When his daughter emerges, he mourns, but indeed relegates her to some fate that fulfills his vow.

The difference between the righteousness of the early Shoftim chosen by G-d, like Otniel, Barak and Devorah, and Gidon, and those in the latter half of the book, such as Yiftach and Shimshon, is clear. It seems that this is because G-d’s threat was not empty. While G-d had mercy on the Jews, He stepped back from direct involvement in the process.

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Law of the Land: Israeli Banks and the *Heter Iska*

Rabbi Elihu Abbe

Imagine a profession in which the primary source of income comes through violating a serious biblical prohibition. No, I’m not discussing the Mafia. I’m referring to banking. The Torah forbids charging interest, and Yechezkel 18:13 elaborates on the severity of the prohibition. After listing many serious offenses, the verse says “[One who] gives loans with usury and takes interest-should he live? He shall not live!” (Artscroll translation) How do banks in the State of Israel function?

The Talmud (Bava Metzia 104b) discusses a business venture (*iska*) in which an individual invests money with a manager, under an agreement that the principal will be returned and the profits will be split between the investor and the manager. Half of the principal is viewed as a loan, and the other half is viewed as a deposit. The half from which the profits go to the manager is a loan, and the half from which the profits go to the investor is a deposit.

This situation seemingly poses a problem of charging interest: The manager repays the loan in full, while also working to provide profit for the investor! To rectify this problem, the investor is required to pay the manager for his efforts. It is not necessary for this payment to be the fair value of the manager’s time; a token payment is sufficient.

The same procedure, formalized in what is known colloquially as a *heter iska*, is used to allow for halachically acceptable loans with interest:

- The borrower/manager agrees that, in addition to returning the principal, he will give a percentage of the profits to the lender/investor. He promises to take an

oath in court should he claim that there were no profits.

- Since we refrain from taking oaths due to their severity, the borrower/manager also has the option of paying the presumed profit from his own pocket rather than take the oath.
- The borrower/manager pledges to prove any loss by producing two witnesses. Since it is highly unlikely that he will be able to do so, the investor is protected from loss.
- The lender/investor pays the borrower/manager a small sum for his efforts in managing the investment portion.

Banks in Israel, that would require a *heter iska* on a constant basis, use a “general *heter iska*” which states that all of the bank’s loans are subject to the *heter iska*. In this way it does not have to be redone for each loan. While normally the borrower must be aware of the *heter iska*, most borrowers from a bank understand that the bank is regulated by complicated laws and they accept that their business with the bank is subject to all of these detailed laws, including the *heter iska*.

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Biography

Rabbi Yaakov Chaim Sofer

Rabbi Baruch Weintraub

Rabbi Yaakov Chaim was born in 1870 in Baghdad. His father was a sofer (scribe), and he taught him this skill in his youth, thus earning him the nickname 'Sofer'. Rabbi Yaakov Chaim continued his learning in the distinguished Baghdadi yeshiva, Midrash Beit Zilcha, under Rabbi Abdallah Somech and Rabbi Elisha Dangor. He also studied Halachah and Kabbalah with the famous Ben Ish Chai (Rabbi Yosef Chaim), who eventually ordained him as a rabbi.

At the age of 34, Rabbi Sofer came to Eretz Yisrael, journeying together with a couple of his rabbinic colleagues to meet with the Rishon LeZion (Chief Rabbi) and to pray at the graves of great rabbis. After visiting Jerusalem, he decided to settle there permanently, first studying in the kabbalists' yeshiva, Beit El. Five years later, he established the Sephardic synagogue in the Beit Yisrael neighbourhood, and served as Rabbi and *darshan* (orator). The shul's small attic became his place of learning, and from that tiny room, he authored his books – some of which became major works of Sephardic halachah.

Rabbi Sofer is best known for his book, *Kaf HaChaim*, which includes running commentary and additions to the Orach Chaim section of the Shulchan Aruch. The book is similar in style to Rabbi Yisrael Meir Kagan's *Mishnah Berurah*, and both were written around the same time (c. 1900). Rabbi Sofer explains and expands on the rulings of the Shulchan Aruch, and quotes, compares, and argues with other commentators. Following in the footsteps of his great teacher, the Ben Ish Chai, his rulings tend to take into account kabbalistic considerations, and frequently attempt to satisfy a wide range of halachic opinions. As a consequence of these tendencies, his rulings are generally more stringent than those of other Sephardic poskim. Nonetheless, his book is considered by many as having ultimate halachic authority.

Rabbi Yaakov Chaim passed away on 9 Sivan, 5699. His *yahrtzeit* is this coming week.

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Torah and Translation

Staying Up All Night On Shavuot

Rabbi Yaakov Sofer, *Kaf haChaim 494, Shavuot*

Translated by Rabbi Baruch Weintraub

ביום חמישים לספירת העומר הוא חג שבועות. ואיתא בזוהר (אמור צ"ח ע"א) חסידי קדמאי לא הוו ניימי בהאי ליליא והוו לעאן באורייתא ואמרי ניתי לאחסנא ירותא קדישא לן ולבנן בתרין עלמין וכו' יעו"ש. ובהקדמות הזוהר (ח' ע"א) כתב דכלהו דמתקנין תקונהא בהאי ליליא וחדאן בה כלהו יהון רשימין וכתיבין בספרא דדכרניא וקב"ה מברך לון בשבעין ברכאן ועטרין דעלמא עלאה יעו"ש.

וכ"כ בשער הכוונות (פ"ט ע"א) שצריך האדם שלא ישן בלילה הזאת כלל ולהיות כל הלילה נעורים ועוסקים בתורה כנו' באורך בהקדמות ספר הזוהר פ' בראשית ופ' אמור. ודע כי כל מי שלא ישן בלילה הזאת כלל אפי' רגע אחד ויהיה עוסק בתורה כל הלילה מובטח לו שישלים שנתו ולא יארע לו שום נזק בשנה ההיא וכו' ולא עוד אלא שהוראת חיי האדם בשנה ההיא תלויה בענין זה כי אם לא ישן כלל ודאי שלא ימות בשנה ההיא ודי בזה. ולכן פשט המנהג הזה בישראל לעסוק בתורה כל ליל חג השבועות יעו"ש....

והטעם כתב מ"א שם ע"פ הפשט לפי שישראל היו ישנים כל הלילה והוצרך הקב"ה להעיר אותם כדאיתא במדרש (פרקי ר"א פ' מ"א) לכן אנו צריכין לתקן זה עכ"ל. ועיין מ"ש על מדרש זה בסה"ק עדות ביעקב דרוש א' לשבת כלה יעו"ש.

יזהרו שלא לדבר שיחת חולין כל הלילה וכ"ש דברים בטילים ובפרט במקום שיש אסיפת אנשים שדרכו של יצה"ר להכשילם לדבר דברי חול ומדבר לדבר יבואו ח"ו לדברים אסורים או לדברי שחוק וקלות ראש כי גדולה קדושת זה הלילה והלימוד עושה פרי למעלה וע"כ צריך להיות זך ונקי בלי תערובת דברים אחרים וגם יהיה בחשק גדול ובשמחה רבה והתלהבות הלב כדי שיעשה יותר פרי למעלה ויגדל שכרו וכאשר האריכו האחרונים בזה ויעו"ש בדבריהם.

On the fiftieth day of the counting of the Omer is Shavuot. And it says in the Zohar (Emor 98a): "Early Chassidim did not sleep that night; they would engage in Torah, saying, 'Let's come to the holy inheritance for us and our children in both worlds, etc.'" And in the introduction to the Zohar (8a), it is written that "All those who fix [the Torah's] ornaments and celebrate with her will be written in G-d's book of remembrance, and He will bless them with seventy blessings, and with crowns from the highest world."

Similarly, it is written in Shaar HaKavanot (79a): "A person should not sleep at all this night; he should be awake the whole night, engaged in Torah, as mentioned at length in the introduction to the Zohar, Parshat Bereishit and Parshat Emor. Know, that anyone who does not sleep at all this night, even one minute, and who engages in Torah throughout this night, is guaranteed to complete his year, and no harm will befall him in this year, etc. Even more, the direction of one's life depends on this issue. For if he does not sleep at all, he will surely not die in that year, and these words are enough. Therefore, the custom has become widespread in Am Yisrael to engage in Torah throughout Shavuot night."

The reason – wrote the Magen Avraham (494:1) – according to the simple understanding, is that Am Yisrael slept the whole night, and G-d needed to wake them up, as written in a midrash. (Pirkei D'Rabbi Eliezer) Thus, we should correct that. See also my writings regarding this midrash in *Edut B'Yaakov*, the first sermon for Shabbat Kallah.

Be careful not to have mundane conversation during the whole night, and even more so, do not speak vainly. Especially where people gather, for the evil inclination's way is to lure them into speaking mundanely, and from one thing to the next, they will, G-d forbid, come to prohibited talk or to jesting and lightheadiness. For the holiness of this night is great, and the learning produces fruits on high. Therefore, it must be clean and pure, without any mixture of other things. It should also be with great yearning and lots of joy, and with great enthusiasm – so it will give more fruits on high, and its reward will grow, as the later authorities have written at length. See their words there.

Weekly Highlights: June 8 – June 14 / 5 Sivan – 11 Sivan

Time	Speaker	Topic	Location	Special Notes
שבת Jun 7-8				
8:40 AM	Ezer Diena	Pre-Shacharit Parshah	BAYT	TFBM
After hashkamah	R' Alex Hecht	Parshah Analysis	Clanton Park	
After minchah	R' Alex Hecht	What Did We Receive?	Or Chaim Minyan	
After minchah	Ezer Diena	6 Names for the 6 th of Sivan	BAYT	
<p style="text-align: center;">SHAVUOT 5779</p> <p style="text-align: center;">Sunday, June 9</p> <p>12:00 AM, Rabbi Mordechai Torczyner The Goal of Jewish Marriage, Aish TCS</p> <p>1:00 AM, Rabbi Mordechai Torczyner Prenup Agreements in Halachah, BAYT</p> <p>1:10 AM, Rabbi Alex Hecht Am Segulot? Jews and Superstition, Clanton Park</p> <p>2:00 AM, Ezer Diena Sivan 2: Yom haMeyuchas, Ayin l'Tzion</p> <p>2:10 AM, Rabbi Mordechai Torczyner The Tripartite Prenuptial, Zichron Yisroel</p> <p>2:10 AM, Rabbi Elihu Abbe It's the Thought that Counts?, Shaarei Shomayim, Teens</p> <p>3:00 AM, Ezer Diena Sivan 20: A Forgotten Fast, JLIC</p> <p>3:00 AM, Rabbi Mordechai Torczyner Ask the Rabbi, Bnei Akiva @Zichron Yisroel</p>				
<p>3:15 AM, Rabbi Elihu Abbe Parchment, Quill, Printer, Shaarei Shomayim</p> <p>4:00 AM, Rabbi Alex Hecht Do We Own the Torah?, Shaarei Tefillah</p> <p>4:00 AM, Rabbi Mordechai Torczyner Concubines in Halachah, Ayin l'Tzion</p> <p>4:00 AM, Ezer Diena Yom T'voach: A Day of Slaughter, BAYT</p> <p style="text-align: center;">TIKUN YOM AT BAYT: OLAM HABA</p> <p>6:00 PM Ezer Diena, Illness & Resurrection?</p> <p>7:20 PM R' M. Torczyner, Non-Jews in Olam HaBa?</p> <p style="text-align: center;">Monday, June 10</p> <p>7:45 PM, Rabbi Mordechai Torczyner Civil Marriage: An Exercise in Halachic Mindreading, Bnai Torah</p> <p>45 minutes before minchah, Ezer Diena Daf Yomi, BAYT</p>				
Tue. June 11				
1:30 PM	R' Mordechai Torczyner	Yeshayah: Chapters 19-20	Shaarei Shomayim	Not this week
7:30 PM	R' Mordechai Torczyner	Shoftim: Chapters 1-2	129 Theodore Pl.	Men
Wed. June 12				
10:00 AM	R' Mordechai Torczyner	Leading Philo-Semites 2: King Casimir III	Beth Tikvah	
7:30 PM	Ezer Diena	Leisure in Halachah 5: Movies in Jewish Law	BAYT	Rabbi's Classroom
7:30 PM	R' Alex Hecht	Non-Jews in Jewish Law	Shaarei Tefillah	
Thu. June 13				
1:30 PM	R' Mordechai Torczyner	Shemuel: Chapters 10-11	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. June 14				
10:30 AM	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, R' Aaron Greenberg, Gemara Shabbat: Not This Week
 11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah: Not This Week
 8:30 AM Wednesday, 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, Wednesday - R' Moshe Yeres: Masechet Megilah and Olat Ra'ayah
 10:00 AM to Noon, Tuesday/Thursday - R' Moshe Yeres: Parshanut on Parshah and Prinei Halachah