

Toronto Torah

Beit Midrash Zichron Dov

Parshat Shoftim

7 Elul, 5779/September 7, 2019

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This issue of Toronto Torah is dedicated by Archie and Tobey Crandell in memory of Tobey's father, Alter Perl, HaRav Alter Avrohom Aharon ben HaRav Moshe Yehoshua HaKohen z"l, for his yahrtzeit

This issue of Toronto Torah is dedicated by Steve and Leah Roth in memory of Sonia Roth, Sosha bat Yehoshua z"l, for her yahrtzeit

Taking Refuge in Elul

Ezer Diena

Ir Miklat 1: Safe Haven

The *ir miklat* (city of refuge), presented in our parshah (Devarim 19:1-10) and already discussed at length elsewhere (Shemot 21:13, Bamidbar 35:10-34), seems to function mainly as a safe haven for accidental killers. One indication of this is that we are instructed to 'prepare the road' (Devarim 19:3) for accidental murderers, "lest the avenger of blood pursue the manslayer... and strike him mortally; whereas he was not worthy of death." (Devarim 19:6, Alhatorah.org translation)

One understanding of the "safe haven" role is that an accidental murderer is not deserving of any punishment whatsoever (Abarbanel to Devarim 19; see his citation of Aristotle), but since the relatives of the murdered may try to exact punishment from them, we offer the killer a place to run where they can be safe from any threats. This would seem to be the ethical thing to do in this case, since we don't want angry relatives **wrongfully** killing accidental murderers.

Ir Miklat 2: Prison

However, most commentaries **do** feel that an accidental murderer is deserving of some punishment (maybe even death!), to atone for the act that came at their hands. Thus, Seforno to Shemot 21:13 states that the purpose of going to the *ir miklat* is similar to a jail sentence – accidental murderers must be exiled for a number of years

until they are forgiven by G-d for their sin. This also seems to be the view expressed in the Talmud, which repeatedly refers to the accidental killer's stay in the *ir miklat* as "*galut*", "exile" rather than focusing on the refuge from the family of the victim. It would be in this setting that the killer would do *teshuvah* for his actions.

[According to this understanding, a better translation for *ir miklat* might be "city of confinement". For more on this term and the role of the *ir miklat*, see <https://bit.ly/2lyk7cY>.]

The Death of the Kohen Gadol

The role of the death of the Kohen Gadol in allowing the accidental murderer to leave the *ir miklat* is interpreted differently to fit these two understandings:

- Rambam (Moreh Nevuchim 3:40) understands that witnessing this loss will cause the family members to calm down regarding their own loss, and cease to threaten the individual who tore apart their family. This works well if we understand the *ir miklat* to be solely protecting the killer.
- Alternatively, Seforno to Bamidbar 35:25 suggests that this is G-d's way of sentencing people for different lengths of time. Those who deserve a longer punishment will end up in exile long before the Kohen Gadol dies. In this view, the *ir miklat* is a prison.

[For more, see *Journey Through Tanach*, Toronto Torah 10:22 (Mishpatim 5779).]

Ir Miklat 3: Second Opportunity

According to the Seforno, the *ir miklat* may serve as a safe haven of another variety. This is not merited by the killer; rather, it provides an undeserved second opportunity. Technically, the relatives of the murdered could kill the murderer, and we have no reason to spare him from this punishment! However, Hashem mercifully offers this individual another chance, in which he can atone for his sin without being killed, by instead serving his sentence in the *ir miklat*, and repenting there.

Kitzur Shulchan Aruch 128:1 cites Rabbi Yitzchak Luria (end of *Shaar HaPesukim*), who notes that the beginning Hebrew letters of "*inah leyado vesanti lecha*", "[G-d] caused it to come to his hand, and I will give you a place [to run there]" (Shemot 21:13, referring to G-d creating the *ir miklat* for accidental murderers) spell out the Hebrew word *Elul*. Rabbi Luria explains that this month of Elul serves as a city of refuge for us.

Perhaps Rabbi Luria's view of the *ir miklat* follows Seforno. Technically, we've sinned. We **deserve** punishment. G-d does not owe us safe passage. In His mercy, He provides this time of year as a second opportunity - but that does not mean we get off scot-free. We must make the most of our Elul, making sure that just like the accidental killer, we repent fully during this time, so we can atone for our actions.

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Summary

In Chapter 17, a Jew named Michah established a house of worship incorporating elements of both Judaism and idolatry, and hired an itinerant Levi to direct it as a “priest”, for minimal wages. In Chapter 18, Michah learns that “Easy come, easy go.”

The tribe of Dan has had trouble with its land in southwestern Israel, because it is too small for them (Rashi, Radak) or because they cannot conquer it (Malbim). They send scouts north to find other land; they pass through Michah’s area. They ask the Levi to find out whether G-d (or his idol) will support their mission; he answers in the affirmative. Indeed, they find that a piece of land up north, identified as Layish here and Leshem in Yehoshua 19, is vulnerable, with a peaceful population, weak leadership and no immediate neighbours.

The Danites send a small force of just 600 men to raid Layish. Unlike in the rest of Shoftim, the Jews are described as armed with weapons. (18:11,16,17) And along the way, they persuade the Levi to upgrade his role and come serve as priest for their entire tribe; when Michah protests, they intimidate him into silence. The soldiers of Dan then

conquer Layish, burning the city, and establish the worship of Michah’s statue, led by the Levi, for generations to come.

Layish

Dan’s decision to move north to Layish was predicted in Moshe’s berachah, as he associated them with the land of Bashan, in the north. (Devarim 33:22) According to Ralbag, and one view brought in Radak, this was always part of their allotted portion.

Radak also notes another view, echoed in Metzudat David, that Layish was not part of the distributed land of Israel at all. Within this view, and consistent with the Layish/Bashan association, Layish was actually east of the Yarden. This would mean that the firstborn of each of Yaakov’s wives held land east of the Yarden: Leah/Reuven, Zilpah/Gad, Rachel/Menasheh, and Bilhah/Dan.

Moshe’s grandson

As noted last week, the Talmud identifies the greedy, and possibly idolatrous Levi of our story, “Yehonatan ben Gershom ben Menasheh”, as the grandson of Moshe. (Bava Batra 109b-110a) Evidence for this includes:

1. Tanach lists three generations for this minor, ignominious figure, which is unusual.
2. The ך in מְנַשֶּׁה is elevated above the line in our scrolls of Shoftim, hinting that the correct name is actually מְנַשֶּׁה. Such superscript letters appear in four biblical verses, and each time our sages identify special messages. (See Kiddushin 30a, Sanhedrin 103b) The Talmud suggests the ך here is an attempt to somewhat conceal the disgrace of his relationship with Moshe, while retaining a hint of it. Similarly, the Levi’s name is omitted throughout the story, and only inserted at the very end, as though it was meant to be mostly concealed.
3. We don’t know of any biblical “Gershom ben Menasheh”, but we do know a “Gershom ben Moshe” – and according to most commentators, our story takes place just a few decades after the Jews enter Israel.
4. The Danites’ questions of the Levi in 18:3 resemble G-d’s address to Moshe in Shemot 3.

As far as how Moshe’s grandson could end up serving idolatry, see Bava Batra 110a, Nedarim 81a, and Mechilta d’Rabbi Yishmael Yitro (Amalek) 1.

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Holy Land Halachah: Touring Outside Eretz Yisrael

Rabbi Alex Hecht

**Source: Rabbi Shemuel Wosner, Shevet haLevi 5:173
Late 20th Century
Available at: <http://www.hebrewbooks.org/1415>**

Question: Are Eilat and Ofira part of Eretz Yisrael? If not, may an Israeli vacation in those places?

Rabbi Wosner asserts that there is no doubt that Ofira is outside of halachic Eretz Yisrael, and that it appears to him that Eilat, too, is outside of the biblical borders of Eretz Yisrael. Therefore, they are certainly included in the law prohibiting Israelis from leaving Eretz Yisrael, in the absence of specific considerations. (See Rambam, Hilchot Melachim 5:9.)

Nevertheless, trips outside of Eretz Yisrael might not be completely out of the question for Israelis.

Rabbi Wosner writes that it seems clear to him that the prohibition against leaving Eretz Yisrael specifically proscribes living outside Eretz Yisrael on a perpetual basis, and not short-term travel. This is supported by the Talmud’s use of the word “*hadar*” when discussing this issue, which generally connotes permanent residence. (Ketuvot 110b) According to Rambam (Hilchot Melachim 5:9), one may only leave **permanently** if living conditions there are extremely intolerable, such as if there is a famine so severe that the price of food doubles. However, one is permitted to travel abroad **temporarily** for business purposes, even if such a trip is not essential for one’s basic livelihood. This is because the root of the prohibition against leaving Eretz Yisrael (as

well as returning to Egypt) only concerns establishing fixed residence. (ibid 5:8)

This is visible in the source the Talmud cites for its statement, “One who resides outside Eretz Yisrael is like one who worships foreign gods.” (Ketuvot 110b) The root is King David’s lament to Shaul for forcing him to flee Eretz Yisrael: “...if [this] is [caused by] men, may they be cursed before Hashem, for they have driven me away this day from attaching myself to the heritage of Hashem, [as if] to say, ‘Go worship the gods of others.’” (Shemuel I 26:19, Artscroll tr.) Rabbi Wosner notes that King David thought that he would have to reside outside Eretz Yisrael for an extended period of time, as opposed to retreating there temporarily. This is evident from the fact that he brought his wives and servants with him into exile. (Shemuel I 27)

Based on this analysis, Rabbi Wosner concludes that one may leave Eretz Yisrael with intention to return, even for purposes that are not absolutely essential. One may not, however, leave Eretz Yisrael - even temporarily - if the trip serves absolutely no purpose whatsoever.

Into what category does a short vacation fall? It could be argued that a pleasure trip cannot be considered even a minor need. However, if one wishes to travel for a short period of time because they want to see and appreciate the wonders of Hashem’s natural world, Rabbi Wosner is inclined towards leniency. In fact, says Rabbi Wosner, this may even be considered a mitzvah.

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Biography

Rabbi Shemuel Ashkenazi

Rabbi Jonathan Ziring

Rabbi Shemuel Yafeh Ashkenazi (1525-1595) was born in Bursa in the Ottoman Empire. His father, Rabbi Yitzchak Yafeh Ashkenazi, may have been related to Rabbi Mordechai Yafeh (author of *Levush*), and Rabbi Shemuel Yafeh, father of Rabbi Yoel Sirkes (author of *Bayit Chadash* {*Bach*}), a well-known commentary on the Tur). He moved to Constantinople to study Torah and marry, but lived in Edirine for a period of time as well. He was a student of Rabbi Yitzchak ben Lev and Rabbi Shlomo Alkabetz (author of *Lecha Dod*), and served as Rabbi of the Ashkenazi community in Constantinople starting in 1564.

He wrote many works on Tanach and Midrash. He wrote a commentary on Chumash called *Yefeh Toar*, on the *megillot* called *Yefeh Kol* and *Yefeh Anaf*, and on the Aggadah (non-law-oriented passages) in the Talmud Yerushalmi entitled *Yefeh Mareh*, the only of his works to be published in his lifetime. In general, much more has been written on the Talmud Bavli than the Talmud Yerushalmi. Additionally, halachic material is covered more extensively than Aggadah overall. Rabbi Yaakov ibn Chaviv authored a thorough commentary on Aggadah in both Talmud Bavli and Talmud Yerushalmi (*Ein Yaakov*), but he passed away before he finished his commentary on the Talmud Yerushalmi. Hence, *Yefeh Mareh* focuses specifically on the non-legalistic pieces in the Talmud Yerushalmi, and covers passages that are dealt with by very few other commentaries. Rabbi Ashkenazi writes that his commentary was compiled from public lectures on Shabbat, when he analyzed these texts, since many people preferred this over halachah-centred lectures.

Rabbi Ashkenazi also wrote an extensive commentary on Midrash Rabbah, *Yefeh Toar*. This was his primary work, and through the study of Midrash, he came to study the Aggadah of the Talmud Yerushalmi, as many midrashic passages appear there as well. The version of *Yefeh Toar* that appears in the standard Midrash Rabbah is an abridged version compiled by scholars in Vilna in the 19th century.

He also wrote a collection of responsa, *Beit Din Yafeh*, which remains unpublished.

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Torah and Translation

Apologizing, the Halachic Way

R' Ashkenazi, Yefeh Mareh to Talmud Yerushalmi Yoma 8:9

Translated by Rabbi Jonathan Ziring

”[שמואל אמר ההן דחטא על חבריה] צריך מימר ליה סרחית עלך.”

כתב בעל עין יעקב: מכאן נראה שהוא מנהג של טעות מה שנהגין בזמננו אם יחטא איש לאיש והקניטו בדברים, נכנס ביניהם אמצעי עושה שלום ומדבר עם העלוב שירצה לקבל פיוס העולב, ואחר זאת ההקדמה יבא העולב לבקש מחילה ממנו. ואין זו כוונת שמואל, אלא שהעולב ילך מעצמו לפני העלוב ויאמר לו סרחית עלך, ואם לא קבלו, אז יביא אנשים עמו וחוזר לחלות פניו בפניהם שימחול לו, וכן יורה דקדוק לשון שמואל, ועוד יגיד עליו רעו, שאמר ואי מיית צריך למיזל על קבריהו וכו’.

וראוי שנאמר שההליכה לפני החי והמת אין בהן הקדמת הידיעה, רק שהעולב ילך מעצמו לפייס העלוב, וזאת הבושה והבזיון הם לכפר עליו מאשר חטא לחבירו, אפילו לא הקניטו אלא בדברים. וכשהולך לפייסו על קברו, יוליד עמו עשרה אנשים, ויאמר בפניהם חטאתי לך ולפלוני זה שפשעתי לו. והם ישיבו לו מותר לך מחול לך. עד כאן.

ולא מצאתי הכרח למה שאמר שצריך שהעולב ילך מעצמו. דכיון דסוף סוף הולך לפייסו, מה לי כך או כך מאחר שהעולב מחפייס בכך. ואפילו אם העולב מתפייס מבלי שילך העולב אצלו כלל שפיר דמי, ומה צורך לבושה ובזיון לכפר עליו, מאחר שהעולב מוחל לו בלאו הכי, דבדידה תליא מילתא.

“[Shemuel said: One who has sinned against another] must say to him, ‘I have wronged you.’”

The author of *Ein Yaakov* [Rabbi Yaakov ibn Chaviv] wrote: “From here it seems that it is a mistaken custom that [many] in our days are accustomed to, that if someone sins against another and provokes him with words, a middleman peacemaker enters between them and speaks with the offended one to appease him to accept the appeasement of the offender. After this introduction, the offender comes to ask for forgiveness from him. This is not the intent of Shemuel. Rather, the offender should go himself before the offended and say, ‘I have wronged you.’ If he does not accept, then he can bring people with him to entreat his favor in front of them to forgive him. A precise read of Shemuel’s language indicates this, and its associated text [in the Talmud Yerushalmi there] will indicate about it, as it says, ‘And if he died, he must go to his grave.’

“And we should say that when going to living or the dead [they should] have no advance knowledge; rather the offender must go himself to appease the offended, and this embarrassment and degradation will atone for him for sinning against his friend, even if he only hurt him verbally. And when he goes to appease him at his grave, he must take ten people with him and say before them, ‘I have sinned against G-d and this person whom I have sinned against.’ They will then respond to him, ‘You are released; you are forgiven.’” This is the end [of his words.]

I have found nothing necessitating his statement that the offender must go himself, because in the end he goes to appease him, and who cares which way [he did it], since the offended is appeased by this! And even if the offended would be appeased without the offender ever going to him at all, that would be fine. What need is there for embarrassment and degradation to atone for him, once the offended has forgiven him anyways? For it depends [only] on [the offended].

The Torah presents two prohibitions against jealousy: “You shall not desire [that which is associated with other people]” (Shemot 20:14) and “You shall not lust for [that which is associated with other people].” (Devarim 5:18)

Rambam (Sefer haMitzvot, Lo Taaseh 265-266) and Sefer haChinuch (Mitzvot 38, 416) count these as separate prohibitions. Minchat Chinuch (Mitzvah 38) explains:

- Devarim 5:18 prohibits desiring the property of another, even where we take no steps to acquire it. [However, Rambam (Hilchot Gezeilah 1:10) and Shulchan Aruch (Choshen Mishpat 359:10) stress that pure desire does not violate the prohibition; one violates the prohibition

only by planning steps toward acquiring it.]

- Shemot 20:14 prohibits jealousy which triggers practical steps to acquire the property of another person via compulsion, even where those steps are within the law.

We are instructed to banish thoughts of jealousy from our minds; I dare not say, “I want to take the property of another person for myself.” As both Rambam (Hilchot Gezeilah 1:11) and Shulchan Aruch (Choshen Mishpat 359:11) note, desire leads to theft, and potentially even to bloodshed. Therefore, we must stay far from the calculations that would enable the first step along that path.

(To be continued)

Weekly Highlights: Sept. 7 – Sept. 13 / 7 Elul – 13 Elul

Time	Speaker	Topic	Location	Special Notes
שבת Sept. 6-7				
8:40 AM	Ezer Diena	Parshah: <i>Bal Tashchit</i>	BAYT	TFBM
10:30 AM	R' Alex Hecht	Parshah Analysis	Clanton Park	After Hashkamah
6:15 PM	R' Sammy Bergman	The Weather Channel : Is it Kosher?	Shaarei Shomayim	
Before Avot	Ezer Diena	Daf Yomi	BAYT	Rabbi's Classroom
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
Sun. Sept. 8				

9 AM to 5:30 PM Tishrei in a Day: A Holiday Panorama! 1 Day, 3 Celebrations, 16 Inspiring Classes!
 For the roster of classes, see www.torontotorah.com/tishrei
 At Yeshivat Or Chaim, 159 Almore Ave., Open to All
 Free Lunch Served, but please RSVP for lunch to info@torontotorah.com

Tue. Sept. 10				
1:30 PM	R' Mordechai Torczyner	The Fast I Choose: Isaiah on Ritual & Righteousness	Shaarei Shomayim	With Mekorot
8:00 PM	R' Mordechai Torczyner	Chaggai: The Cheerleader	Beth David	Hug haTanach
Wed. Sept. 11				
10:00 AM	R' Mordechai Torczyner	Jonah: More than a Fish, 1	Beth Emeth	torontotorah.com/jonah
7:45 PM	Shlomo Anhang Mindy Klein R' Mordechai Torczyner	Kidney Donation Awareness Event	BAYT	Renewal Toronto
8:00 PM	R' Alex Hecht	Health and Halachah #2: Hastening Death?	Shaarei Tefillah	New 5-Part Series!
Thu. Sept. 12				
1:30 PM	R' Mordechai Torczyner	The Book of Shemuel	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. Sept. 13				
10:30 AM	R' Mordechai Torczyner	Bava Metzia	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim
10:00 AM Sunday, R' Aaron Greenberg, Gemara Shabbat—On Summer Hiatus until 9/15
11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah: Not this week
8:30 AM Wednesday, Ezer Diena, Mishlei
8:30 AM Friday, R' Mordechai Torczyner, Parshah

WOMEN'S BEIT MIDRASH for University and Adult Women, at Ulpanat Orot, Coming Soon

Seder Boker for Men with Rabbi Moshe Yeres, at Yeshivat Or Chaim
10:00 AM to Noon, Mon./Wed. Masechet Megilah, Orot of Rav Kook, Chovot haLevavot
10:00 AM to Noon, Tue./Thu. Parshanut on the Parshah, Sefer Yehoshua, Pninei Halachah