

Toronto Torah

Beit Midrash Zichron Dov

Parshat Emor

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This issue of Toronto Torah is dedicated by Paul and Chavi Jacobs to commemorate the yahrzeit of their father, Harold M. Jacobs, Tzvi Meyer ben Yecheiel z"l

This issue of Toronto Torah is dedicated by Moishe and Nicole Posner to commemorate the first yahrzeit of Nicole's mother, Lisa Ouanounou, Iza bat David & Miriam z"l (21 Iyar)

From the Omer to Kohelet?

Rabbi Jonathan Ziring

"Speak to the Israelite people and say to them... you shall bring the first sheaf of your harvest to the priest." (Vayikra 23:10, JPS translation) A midrash pairs this seemingly straightforward commandment of bringing the first sheaves as a sacrifice, the Korban haOmer, with a depressing theological rumination from Kohelet: "What real value is there for a man in all the gains he makes beneath the sun?" (Kohelet 1:3 JPS, Vayikra Rabbah 28, Kohelet Rabbah 1) What is the message of this midrash?

The key may be in several other teachings included later in the midrash, highlighted by several commentators.

Realize that G-d does the work

Rabbi Shemuel Ashkenazi (*Yifei Toar* ibid.) contends that the impetus for the midrash is the Torah's seemingly superfluous emphasis on **harvesting** the grains. Presumably, to sacrifice the grains, one needs to harvest them, so why mention it? The novelty, he claims, is that it is almost as if **all human beings need to do is harvest. G-d does most of the hard work.** Thus, returning to Kohelet, it is as if there is no value to the human input. The *omer* comes to acknowledge this. He takes his cue from comments of Rabbi Yannai later in the midrash: "The way of the world is that a person takes one *litra* of meat from the market, and how much effort he puts in, how much pain he endures until it is cooked. [However, regarding grain],

people sleep in their beds and G-d makes the wind blow, raises the clouds, makes the plants grow, fertilizes the fruit, and [people] only give Him a payment of an *omer*."

Accept G-d voluntarily

Drawing on that later part of the midrash, Rabbi Yehuda ben Bezael Loew (Maharal) adds another dimension. (*Gur Aryeh* to Shemot 20:22) Powerful kings can force their subjects to accept their authority. However, though G-d is all-powerful, He takes a different approach. He takes care of us, hoping that we will internalize what we owe Him, and choose to accept Him. While we are also obligated to do so, taking a broader perspective on Divine aid makes it as if we choose freely, as we would be willing to choose this even if there were no command. It is this attitude the Torah encourages when it warns us to not be bitter when we perform mitzvot, even ones that require monetary investment, such as *tzedakah*. (Devarim 15:10) Understanding that so much of what we produce is due to G-d should engender generous dispositions.

Learn generosity

Returning to the verse in Kohelet, one could suggest that it is our conviction that we are fully responsible for what we produce that makes it so hard for us to part with it. Understanding that our effort is just a small part of what makes us successful, and we could have just as easily been unlucky and the ones in need, makes it easier for us to share, as

depressing and Kohelet-worthy as that sentiment may be. [See Michael Sandel's recently published *Tyranny of Merit*, where he outlines how in different ways, thinkers as diverse as Frederick Hayek and John Rawls incorporated the belief that success requires a measure of luck in their theories of justice and equity, and suggests a version of his own.]

Maharal (*Or Chadash* 6:11) notes that the description of the midrash is particularly fitting in the natural context – G-d makes it rain, makes the wind blow, etc. Thus, the *omer* is brought from barley, a low-level grain, highlighting that in material issues, most of our success comes from G-d. While he does not connect it directly, this may relate to other midrashim. A midrash says that while "beneath the sun", human activity is worthless, Torah and mitzvot that are heavenly, "above the sun", do have value. Following this logic, it is in the moral and religious choices where we can take credit, as that is where we **are responsible**, and luck or Divine providence are not. Those are the realms where what we do is truly ours, and thus most meaningful. Therefore, the small offering of grain acts to remind us of who is responsible for the success of our different endeavors.

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Summary

After constructing the Temple, G-d's house, Shlomo HaMelech builds his own elaborate palace. (7:1-12)

Then, the text returns to describe the metal workings for the Beit haMikdash, created by the Jewish artisan Chiram of Tzor (not to be confused with Chiram, king of Tzur). He constructs:

- Two massive, ornate bronze columns called Yachin and Boaz, placed by the entrance of the Beit haMikdash;
- Yam Shel Shlomo ("Solomon's Sea"), an immense metal tank, placed atop twelve statues of oxen, from which the Kohanim would wash their hands and feet;
- Ten bases, upon which were placed ten large basins, decorated with lions, oxen and cherubs;
- All of the pans, shovels, and other basins to be used in the Beit haMikdash. (7:13-47)

Shlomo also commissions the construction of golden vessels and other items for the Beit haMikdash, notably adding ten golden menorot to complement the one created by Moshe. (7:48-50)

Finally, upon completion of the Beit haMikdash, Shlomo brings all of the silver, gold and utensils that had been dedicated by David HaMelech, and places them in the storehouses of the Beit haMikdash. (7:51)

Insight

Why is the construction of the Beit haMikdash and its dedication (chapter 8) interrupted by the construction of Shlomo's palace? Also, the last verse of the previous chapter and the first verse of our chapter indicate that Shlomo HaMelech spent seven years constructing the Beit haMikdash and thirteen years building his own palace. How could he spend more time on his own palace than on the Beit haMikdash?

Rabbi David Kimchi (commentary to 7:1) points out that although some commentaries read the text to mean that the palace was finished in the thirteenth year of Shlomo's reign, meaning it only took two years to construct, this is untenable because Divrei HaYamim II 8:1 says that Shlomo spent twenty years combined on the Beit haMikdash and his palace, and the Beit haMikdash was built in seven years.

A midrash (Pesikta Rabbati 6) answers that Shlomo indeed spent more time on the construction of his palace, but that was because he pulled out all the stops and put all of his energy into constructing the Beit haMikdash to finish it as fast as possible. His palace required thirteen years of construction due to a much more relaxed pace of building. [Rabbi Alex Israel](#) buttresses this with the fact that there are 133 verses about the Beit haMikdash and only fourteen about the palace.

However, this does not resolve the entire problem. Rabbi Israel points that the style of the palace parallels that of the Beit haMikdash. Specifically, its immense scale, use of precious gems and hewn stones (5:31 and 7:9), wood paneling (6:15-16 and 7:7), and "courtyard with three tiers of hewn stone and a row of cedar beams" (6:37 and 7:12), all link it with the Beit haMikdash. Where do all of these parallels and similarities lead us?

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The Israeli Farmer: Chadash on Land Owned by Non-Jews?**Ezer Diena**

Note: This article does not discuss the issue of whether the law of chadash applies outside of Israel.

Vayikra 23:14 prohibits us to eat any grain that took root in the ground since last Pesach, until the *omer* offering is brought on the 16th day of Nisan. Now that we are unable to bring the *omer* offering, this grain is prohibited until the end of the 16th of Nisan in Israel, and the 17th of Nisan in the Diaspora. (Shulchan Aruch Yoreh Deah 293:1, 3) This grain is called *chadash*.

What would the law be if a non-Jew owned land and grew grain on it? May the grain be eaten by Jews before the 16th/17th of Nisan, or must one wait to eat it, the same as if the grain had been grown by a Jew in their own field?

This matter is not addressed explicitly in the Written Torah or Talmud anywhere, and neither Rif nor Rambam rule on the matter. Nevertheless, there is one critical passage in the Talmud that is brought to address this. Mishnah Kiddushin 1:9 writes that any mitzvot which are dependent on the land apply only in Eretz Yisrael, with the exception of *orlah* and *kilayim*, and according to Rabbi Eliezer, *chadash* as well. Tosafot (Kiddushin 36b-37a., s.v. *kol mitzvah*) cites the Talmud Yerushalmi (Kiddushin 1:8), which asks why this mishnah omitted the mitzvah of *challah*, which applies everywhere. The Yerushalmi answers that our mishnah only listed mitzvot which apply equally regarding non-Jews. Since non-Jews are not obligated in *challah*, our mishnah did not list it. As Tosafot notes, the clear implication is that those mitzvot listed in our mishnah, such as *chadash*, apply to grain grown by non-Jews as well. This position is taken by

various other early authorities, including Mordechai, Semag, Rashba, Ran, Rosh and Tur.

Rabbi Yoel Sirkis (Bach, Yoreh Deah 293, s.v. *umah shekativ bein beshel yisrael*) strongly opposes this position for a number of reasons. He argues that:

- Since Rambam wrote explicitly that *orlah* applies to fruit trees owned by non-Jews (Hilchot Ma'aser Sheni 10:9), his silence on *chadash* implies that he felt that *chadash* does not apply to non-Jewish fields.
- Rosh, who initially followed Tosafot, later retracted his opinion.
- It was common custom to be lenient in this matter, even among great Torah scholars.
- When the Yerushalmi stated that the mishnah discussed only mitzvot that applied to non-Jews, it was not referring to the comment of Rabbi Eliezer, who mentioned *chadash*.
- A passage in the Talmud (Rosh Hashanah 13a) appears to support the view that *chadash* does not apply to grain owned by non-Jews.

Despite Bach's argument, almost all of his contemporaries and later authorities rejected his view. The leniency he observed in popular practice may have been due to other reasons, and there are other compelling readings for each of the sources he brings. As Rabbi Yechiel Michel Epstein (Aruch haShulchan, Yoreh Deah 293:12) concludes, none of his arguments are strong enough to reject the widespread and (only) clearly stated view of many early authorities that *chadash* indeed applies to grain grown by non-Jews.

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Biography
R' 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 Novozytkov 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, in his writings. 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 sheAmar* (on the siddur), *Torah Temimah*, and *Safah laNe'emanim* (reviewed in Toronto Torah 7:19).

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Torah and Translation
Chadash in the Diaspora

R' Yechiel Michel Epstein, Aruch haShulchan, YD 293

Translated by Rabbi Alex Hecht

כתיב בפ' אמור (ויקרא כג) "כי תבואו אל הארץ וגו' וקצרתם את קצירה והבאתם את עמר ראשית קצירכם וגו' ולחם וקלי וכרמל לא תאכלו עד עצם היום הזה עד הביאכם את קרבן אלקיכם חקת עולם לדתיתכם בכל משבתיכם..." ומעיקר הדין בזמה"ז כשהאיר המזרח בט"ו בניסן הותר החדש...

נחלקו בזה ר"א וחכמים במשנה ספ"ק דקדושין דר"א ס"ל דחדש בח"ל אסור מן התורה כדמשמע פשטא דקרא שמיים "חקת עולם לדתיתכם בכל משבתיכם, ופירושו בכל מקום שאתם יושבים. וחכמים סברי "דבכל משבתיכם" לאו לח"ל אתי אלא להורות שלא נתחייבו במצוה זו בכניסתם לארץ אלא לאחר ירושה ושיבה לאחר שכבשו א"י וחלקוה לשבטים. והרי"ף והרמב"ם והרא"ש פסקו כר"א משום דסתם משנה דשלהי ערלה אתי כר"א דתנן שם החדש אסור מן התורה בכל מקום...

ויש מרבתינו הראשונים שפסקו להלכה דחדש בח"ל דרבנן... וגם במהרי"ל בלקוטי דינים כתוב בזה"ל, "... בשנת וכו' ובשנים ההם נזהרים אנשי מעשה החסידים הפרושים והחרידים וכו' אין אוכלין את הקמח וכו' מפני איסור חדש שבו וכו' דבאותן השנים מאחרין לזרוע עד אחר הפסח ואע"ג דיש פוסקים שא"צ לזוהר בזה הואיל דבלא"ה איסור חדש בח"ל דרבנן מ"מ אנשי מעשה מחמירין וכו'..."

האמנם עתה שזכינו לאור זרוע לצדיק, עתה לישרי לב שמחה ואין בזה שום ספק דהעולם סוברים... כרבנינו יצחק בעל האור זרוע... דחדש בח"ל דרבנן... דאוקי סתמא להדי סתמי ור"א ורבנן הלכה כרבנן ולדבריהם איסור חדש תלוי בעומר דממקום שאין מביאין עומר שם אין החדש נוהג... וכיון דהוי דרבנן הדבר פשוט כמ"ש הגדולים שלא גזרו על מדינות הרחוקות מארץ ישראל דכל מצות התלויות בארץ כשגזרו רבנן על ח"ל לא גזרו רק על המדינות הקרובות לא"י... ועיקר ההיתר שאנו סוברים כשיטת רבתינו שפסקו כחכמים דר"א, וכטעמי האור זרוע שהם טעמים נכונים לפי סוגיות הש"ס, וכל בית ישראל נקיים.

It is written in Parshat Emor "When you come to the Land... and you reap its harvest, you shall bring to the kohen an *omer* of the beginning of your reaping... you shall not eat bread or roasted kernels or plump kernels until this very day, until you bring the offering of your G-d; it is an eternal decree in all your dwelling places." (Vayikra 23:10, 14, ArtScroll tr.)... According to the basic law, now, when the sun rises in the east on the sixteenth of Nisan, *chadash* ["new grain," i.e. grain that took root within the previous year] becomes permissible...

Rabbi Eliezer and the Sages argued in a mishnah (Kiddushin 1:9): Rabbi Eliezer maintained that *chadash* [from grain grown] outside of Israel is biblically forbidden, which is implied by the verse, "an eternal decree in all your dwelling places."... The Sages contended "in all of your dwelling places" does not refer to land outside of Israel; rather, [this prohibition went into effect] [only] after the inheritance and settlement of Israel... Rif (Kiddushin 15a), Rambam (Laws of Forbidden Foods 10:2), and Rosh (Kiddushin 1:62, Responsa 2:1) rule like Rabbi Eliezer, because an anonymous mishnah (Orlah 3:9) rules in accordance with the opinion of Rabbi Eliezer, that *chadash* is **biblically** prohibited in all places...

Many early authorities ruled that *chadash* outside of Israel is **rabbinically** [prohibited]... Maharil states, in his Collection of Laws... "...In those years, pious individuals... did not eat flour due to the prohibition of *chadash*, as in those years, they would wait until after Pesach to sow... Although some authorities maintain that one need not be careful since in any case the prohibition of *chadash* outside of Israel is rabbinic, these pious individuals were stringent, etc."

However, now that we have merited the light planted for the righteous, there is joy for those of straight heart [this is a play on the book title *Or Zarua*], and there is no doubt that the world follows...

Rabbeinu Yitzchak, author of *Or Zarua* (1:328)... that *chadash* non-Israeli grain is rabbinically prohibited, as the law is according to the Sages in their dispute with Rabbi Eliezer (Mishnah Kiddushin 1:9). According to them, the prohibition of *chadash* is dependent on the *omer* offering; [consequently,] in a place where the *omer* is not brought, the prohibition of *chadash* is not operative... And since this prohibition is rabbinic, it is obvious, as the great sages have written, that it was not decreed upon countries that are distant from Israel... The essential leniency is that we follow our masters who ruled like the Sages against Rabbi Eliezer, and like the reasoning of the *Or Zarua* (ibid.) which is correct according to Talmudic passages, and the entire Jewish people are innocent.

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Rabbi Alex Hecht, Kohanim in Combat Units**

**9:00 PM Tuesday May 4, Nishmat Health and Halacha Virtual Conference
"Family Planning After 35", with Yoetzet Halachah Rifka Sonenberg & Rabbi Mordechai Torczyner
Free; register in advance at <https://healthandhalacha.com>**

**10:00 AM Wed. May 5: Biblical Battlefields of Israel, a 5-part series
Rabbi Mordechai Torczyner, Week 3: Ayalon and Kishon
Register at <https://torontotorah.com/battle>**

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Week 1: Rabbi Mordechai Torczyner, The Ethics of Robo-Advising**

**8:00 PM Wed. May 5: Jewish Art: Symbolism or Idolatry?, a 5-part mini-series
Rabbi Chaim Metzger, Week 2: The Lion of Judah**

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**Mon-Thu 10 AM to Noon, Seder Boker with Rabbi Moshe Yeres, via ZOOM (men)
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WEEKLY

Shabbat May 1

After minchah at Shaarei Shomayim, Groundbreaking Responsa, R' Sammy Bergman

Sunday May 2

9:20 AM Contemp. Halachah: Preparing to Receive the Torah, Netanel Klein

10:00 AM Gemara Shabbat, Rabbi Aaron Greenberg (University)

7:30 PM Ketuvot, Rabbi Mordechai Torczyner (men)

Tuesday May 4

1:30 PM Megilat Ruth, Rabbi Mordechai Torczyner

7:30 PM Shemuel Ch. 1, Rabbi Mordechai Torczyner (men)

Wednesday May 5

6:15 AM Talmud Eruvin, Rabbi Sammy Bergman

7:00 PM Religious Zionism: A Messianic Movement?, Rabbi Sammy Bergman

7:00 PM Pirkei Avot, Rabbi Alex Hecht

Thursday May 6

8:30 AM Daniel, Rabbi Chaim Metzger (University)

1:30 PM Shemuel Ch. 19, Rabbi Mordechai Torczyner (women)

8:00 PM Gemara Beitzah, Rabbi Eitan Aviner (men, advanced)

9:00 PM Gemara Bava Metzia, Rabbi Sammy Bergman (University women)

Friday May 7

8:30 AM Parshah, Rabbi Sammy Bergman (University)

10:30 AM Shemitah! with Rabbi Sammy Bergman and Rabbi Mordechai Torczyner