

# Toronto Torah

Beit Midrash Zichron Dov

Parshat Vayishlach

18 Kislev 5770/Dec 5, 2009

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## 20 Kislev, Then and Now

Russell Levy

ויאמר לעזרא אנחנו מעלנו באלקינו ונשב נשים נכריות מעמי הארץ ועתה יש מקוה לישראל על זאת: ועתה נכרת ברית לאלקינו להוציא כל נשים והנולד מהם בעצת אד-- ני והחרדים במצות אלקינו וכתורה יעשה:

*'We have broken faith with our G-d, and have married foreign women of the peoples of the land; yet now there is hope for Israel concerning this thing. Therefore, let us make a covenant with our G-d to put away all the wives, and such as are born of them, according to the advice of the Lord, and of those that tremble at the commandment of our G-d; and let it be done according to the law.'* (Ezra 10:2-3)

One of the main themes of Sefer Bereshit is the process of bechirah and the unique identity of the Jewish People, achieved through the various *britot*, covenants, between Hashem and our forefathers. Though each of these covenants took on a different form, their general message was the same: the descendants of this nation would, in the future, become numerous and inherit the Land of Israel.

The *Brit Avot*, the Ancestral Covenant, transformed us into a nation, and

continues to bind us as a nation. Our national covenant, rather than our individual actions, sanctifies us as a holy nation; as Moshe Rabbeinu stated, "For you are a holy people unto the Lord your G-d" (Devarim 14:2).

At Har Sinai, though, we entered a second covenant: *Brit Sinai*, the Covenant of Sinai. This pact depends upon our actions; holiness is achieved within this covenant only when we act in a holy manner, keeping the *mitzvot* given at Sinai. As Moshe instructed, "Separate yourselves, and you will be holy" (Vayikra 11:44). When we follow these instructions, Hashem will help us achieve great heights of holiness.

Circa 2500 years ago this week, Ezra faced an issue with which our community constantly struggles: Intermarriage. Ezra, who had led a band of Jews out of exile in Babylon and back to the Holy Land, was shocked that the *bnai hagolah*, Jews who had emigrated to Israel approximately 80 years prior, had wedded wives from the nations around them. This was endemic in the community; Kohanim, Leviim, Yisraelim, common-folk, rulers, and

princes were all guilty of this sin.

On the twentieth of Kislev, Ezra gathered all of the Jews who had made *aliyah*, and, on pain of *cherem* (excommunication) for disobedience, compelled them to vow to divorce their non-Jewish wives. The people complied, and by the 1<sup>st</sup> of Nisan, less than four months later, not one intermarried couple was found among the people.

This whole story is baffling; did the *bnai hagolah* not know that intermarriage was forbidden until now? And even if they did not know it was forbidden, how is it that the whole community, save two individuals, was ready and willing to divorce their wives at Ezra's injunction, without the slightest protest?

It would seem that these Jews of yesteryear did not understand the long-term consequences of their actions. As Ezra's book informs us, the underlying issue was that, "the people of Israel, and the priests and the Levites, have not separated themselves from the peoples of the lands" (Ezra 9:1). Ezra emphasized that this separation is not just fulfilled in keeping Shabbat and kosher, but ensuring that we "marry in." By intermarrying and not separating and sanctifying themselves, they had abandoned *Brit Sinai*: they were no longer a holy nation.

Though it may seem hypocritical to demand adherence to only one of the two halves of the *Brit Sinai*, observing inmarriage even without observing *mitzvot*, consider Ezra's reaction. Ezra teaches us that there is value in this partial recognition of *Brit Sinai*. We are responsible, as was Ezra in his time with the *bnai hagolah*, to value the commitment of those who observe this half of the *Brit*, and then to help them come to see the value of the other half as well.

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### Parshah Questions

Meir Lipschitz

(Sources are provided to help the reader research answers)

- What can be learned from "ותמנע היתה פילגש" (Rashi Bereishit 36:12, Sanhedrin 99b)
- Why do we refer to Yaakov as Yaakov, not Yisrael, despite his re-naming? (Ibn Ezra, Ramban, and Ohr HaChaim to Bereishit 35:9-10, Berachos 13a)
- What was the justification for Shimon and Levi wiping out the city of Shechem? (Ramban Bereishit 34:13, Ohr HaChaim Bereishit 34:25, Rambam Hilchot Melachim 9:14)
- For children: Who was the *יש* who fought with Yaakov? (Rashi Bereishit 32:25)

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In his comment at the beginning of *Parshat VaYetzei*, the Ramban declares: "the excellence of Yaakov Avinu is superior to that of the other righteous ones מעלתו גדולה משאר [הצדיקים]. Based on the Ramban's comments elsewhere, we would suggest five possible ways of understanding this statement of the Ramban.

1. Yaakov Avinu is unique as an ethical figure who responds to the challenges of life with wisdom and a higher sense of values. When Yaakov meets Rachel for the first time and becomes aware that she labors as a shepherdess for her father's flock, and out of deep compassion he replaces her and tends the sheep in her stead. Lavan recognizes that Yaakov prefers to work for his keep rather than sponge off the property of others and declares, "You are an ethical man" (Ramban Breishit 29:15). Later when Esav inquires about the women and children, Yaakov modestly responds, "These are the children whom G-d has given thy servant" rather than announce "these are my wives", and Esau understood that these were the mothers of Yaakov's children (Ramban Breishit 33:5). In commenting on the fact that Yaakov was the first to offer a קרבן שלמים, he Ramban establishes that Yaakov achieved the integration of all of the Divine attributes (Ramban Breishit, 46:10).

2. Yaakov is superior in his Torah. He receives the Torah of Shem ben Noach and passes it on to the next

generation (Ramban, "Torat HaShem Tmima, page 144). Yaakov recognizes the intellectual talents of his son Yosef and transmits the wisdom and the secrets of the Torah to Yosef (Ramban Breishit 37:3).

3. Yaakov represents Klal Yisrael and will a) teach his people throughout the generations how to cope with their enemies (Ramban, introduction to *Parshas VaYishlach* and commentary to Breishit 33:15); b) HaShem reveals to Yaakov the four powerful kingdoms that will subjugate the Jewish nation throughout its exile (Ramban Breishit 28:12). Yaakov fights the battles of Israel on behalf of the Nation of G-d long before these wars actually took place (Ramban Breishit 48:22).

4. Yaakov is unique in his personal relationship with the Divine Being. He expounds the belief in G-d to the entire nation of Israel (Ramban Breishit 12:8). Yaakov removes the idols that were taken from the city of Shechem so that the children of Israel be purified to worship G-d and sacrifice before Him (Ramban Breishit 35:4). Unlike G-d's relationship with other tzadikim i.e. through the intermediary of angels, Hashem's relationship with Yaakov is a direct one; HaShem promises that Yaakov will never be subject to the power of angels (Ramban Breishit 28:12). A dedicated servant of G-d, Yaakov utilizes the alter (מצבה) in his sincere worship of the Almighty (Ramban Dvarim 16:22).

5. Yaakov's singular love and dedication to his children, the *shivtai*

*ka-h*, as well as his unique relationship to the Land of Israel, is repeatedly emphasized in the writings of the Ramban. Out of compassion for his son Reuvin, Yaakov will not exclude Reuvin despite the latter's grievous sin (Ramban Breishit 35:22). All of Yaakov's many children followed their father and worshipped G-d; thus emerged עדת ישראל through which the Faith was proclaimed and became known to all people (Ramban Breishit 12:8). Not only is Yaakov identified with the congregation of Israel, but even the essential spirituality of the Land of Israel belongs to him. The Ramban establishes the link between Yaakov and the Divine presence resting in the Land (Ramban Breishit 33:20). Indeed it is in Eretz Yisrael that Yaakov observes the Torah (Ramban Breishit (26:5). Regarding Yaakov's attribute of truth, the Ramban writes, "This Divine Attribute was not brought to bear upon him until he returned to the land of his ancestors."

Perhaps it is the combination of these five dimensions of excellence that led the Ramban to conclude that it is Yaakov Avinu who holds a unique status in the metaphysical world of the higher spheres. In the words of the Ramban, "the Holy One, blessed be He, called Yaakov *eil*, meaning: G-d is the master on high, and Yaakov is the master down below. The Sages thereby alluded to that which they constantly say: the likeness of Yaakov is engraved in the Heavenly Throne." (Ramban Breishit (33:20).

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## The 613 Mitzvot – Mitzvot 9,11 :

### Destroying chametz & Ensuring that no chametz is on our property

The Torah presents two separate mitzvot – one to eliminate chametz we find before Pesach, and the other to make sure we do not own any chametz throughout Pesach. Both of these mitzvot remind us of the miracles HaShem performed for us in removing us from Egypt.

The latter mitzvah includes avoiding having chametz in our charge; we equate guardianship with

ownership. This creates practical difficulties for a Jew who keeps a refrigerator in his work cubicle and allows non-Jews to keep their food in his refrigerator. Aside from avoiding any chance that he might accidentally consume the chametz, the Jew would also need to make clear to the chametz-owners that he takes no responsibility for the fate of their chametz. For more on this see Shulchan Aruch Orach Chaim 340.

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# Ha'Am V'Ha'Aretz

## R' Yosef Karo - Shulchan Aruch

Russell Levy

### Torah in Translation Avkat Rochel 32

**Question:** Can communities that, for generations, have traditionally followed the opinion of the Rambam, both in his leniencies and his strictures, be forced to follow the rulings of later decisors, such as the Ri [R' Yitzchak ben Shmuel, great-grandson of Rashi *RL*], who explain the basis of their rulings? Or, must they be careful with the traditions of their forefathers [*hizaharu minhag avoteichem*]? Furthermore, if the congregation consists of individuals from many different communities, what is the law?

**Answer:** Who is this who decided in his heart to involve himself and force communities who practice like the Rambam to practice like one of the earlier or later decisors [*poskim*]?

It states in Eruvin (6b), "The law is always accordance with Bet Hillel. He who wants to practice like Beit Shammai may do so, and he who wants to practice like Beit Shammai may do so. One who follows the leniencies of both Beit Hillel and Beit Shammai is an evil person, and one who follows the stringencies of both schools is described by the verse in Kohelet (2:14), 'a fool walks in darkness'. Rather, follow Beit Shammai in their leniencies and stringencies, or follow Beit Hillel in their leniencies and stringencies."

Your question may be answered by logical deduction. The halachah is not in accordance with Beit Shammai, but the braita still stated, "Follow Beit Shammai in their leniencies and stringencies." This should, all the more so, apply to the Rambam, the greatest of the authorities, whose rulings all the communities of Israel, Arabia and the West [the Maghreb *RL*] follow, and who is accepted as their teacher. Therefore, why should one who practices like the Rambam, both leniently and stringently, be forced to stop? Additionally, if one's forefathers practiced this way, it is not his choice to stray right or left from the path of the Rambam. Moreover, even if the majority of congregations in the city follow the Rosh or another, they are not able to force the minority, who follow the Rambam, to change their practice.

There is no problem of *Lo Titgodedu* [the prohibition against dividing into groups *RL*], as each congregation acts according

Born in 1488 in Toledo, Spain, R' Yosef Karo and his family fled the Inquisition to Portugal four years later. After Jews were expelled from Portugal in 1497, R' Karo sojourned through the Balkans and Turkey until 1535, when he settled in Tzfat, Israel.

R' Karo authored what is considered the primary book of halachah today, the Shulchan Aruch. In addition to the Shulchan Aruch, R' Karo wrote commentaries upon two of the premier compendia of halachah which preceded his: Beit Yosef on R' Yaakov ben Asher's Tur, and Kesef Mishnah on the Rambam's Mishneh Torah. A book of his responsa, Avkat Rochel, was published posthumously.

R' Karo was one of the great mekubalim. Among his students was R' Moshe Cordevero, whose student R' Chaim Vital later became the primary disseminator of the teachings of R' Yitzchak Luria, the Ari Z"l.

R' Yeshayah Horowitz, the author of Shnei Luchot Habrit (the Shlah), wrote that the minhag of learning Torah all night on Shavuot was first performed by R' Karo and his chaburah in Turkey; they actually stayed up through both days of Shavuot.

R' Karo received semichah from R' Yaakov Beirab, the Av Beit Din of Tzfat who tried to reinstitute the Sanhedrin in the mid-1530s. An ardent supporter of this move to reunite world Jewry after the Spanish exile, R' Karo gave semichah to R' Cordevero, who bestowed it upon R' Vital. It seems the chain ended there, due to the controversy surrounding semichah's restitution.

R' Karo died in Tzfat on 13 Nissan, 1575 at the age of 87.

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with its original tradition. This is like having two courthouses in a city. In this situation, we rule like Rava, who says that if there are two judges in one city, one who forbids and one who permits, there is no problem of *Lo Titgodedu* (c.f. Yevamot 14a). Finally, each congregation is similar to its own

## צפת

איתמר זולברג

העיר צפת, ידועה כמרכז רוחני ומיסטי בזכות האר"י ז"ל וחבורתו שישבו בה והגו בתורת הקבלה. השם צפת אמנם מופיע בתנ"ך בספר שופטים כאחד מן המקומות שכבשו שבט יהודה לאחר חלוקת הנחלות, אך אין מדובר על אותה העיר. הזיהוי ההיסטורי הראשון של העיר צפת שבגליל מופיע בכתבי יוסף בן מתתיהו (יוספוס פלוויוס) כעיר מבצר שממוקמת בצומת מרכזית בגליל ונבנתה על ידו.

בתלמוד ירושלמי מסכת ר"ה פרק שני הל' א מוזכרת צפת בתור הר שעליו היו מדליקים משואות בר"ח, לא על מנת להודיע על קידוש היום אלא מתוך שמחה (שהרי צפת לא נמנית בהרים שבהם השיאו משואות).

לאחר החורבן ישבו בעיר אחד ממשמרות הכהנים שנאלצו לעזוב את ירושלים ולעבור לגליל. במשך דורות רבים, לאחר חורבן הבית ורדיפות הרומאים את היהודים, נשמר היישוב היהודי בצפת.

תקופת הזוהר של צפת החלה לאחר הכיבוש העותמאני במאה ה-16. יהודים רבים ממגורשי ספרד נקלטו באימפריה העותמאנית וכאשר נתנה להם ההודמנות, הם שבו לארץ והתיישבו במקומות מרכזיים כמו ירושלים, חברון, טבריה וצפת. רבנים ומקובלים רבים בהם האר"י ותלמידיו ביניהם ר' חיים ויטאל, ר' יוסף קארו-בעל השו"ע, הרב שלמה אלקבץ-מחבר "לכה דודי" ועוד, ישבו בעיר בתקופה הזו והם שקנו לה את השם של מרכז רוחני. העיר היתה גם למרכז כלכלי גדול ובו ישבו יהודים רבים שעסקו בטוויה, מסחר והקימו את בית הדפוס הראשון במזרח-התיכון. לאחר תקופה זו ירד זוהרה של צפת.

בתחילת המאה ה-18 צרות רבות פקדו את העיר; ארבה, מגפה ורעידת אדמה גרמו למאות מתים ולדלדול אוכלוסיית העיר. 300 חסידים, תלמידי הבעל שם טוב, החזירו לעיר רוח חיים, אך הערבים טבחו בתושבי המקום והנשארים ברחו על נפשם. בשנת 1810 הגיעו תלמידי הגר"א למקום והישוב היהודי חזר לשגשג בעיר. אך לא לאורך זמן, פרעות הערבים, מגפה, רעידת אדמה כל אלה פגעו בעיר והביאו לדלדול משמעותי לקראת סוף המאה ה-19.

במהלך מלחמת השחרור נכבשה העיר מידי צבא ההצלה (של מדינות ערב) ותושבים ערבים מקומיים. במשך הדורות משכה העיר אומנים רבים ואנשי רוח שרצו לחוש את האוירה הקסומה של העיר. העיר מהווה מרכז תירותי בעל אופי מיוחד המשלב היסטוריה, מיסטיקה, אומנות ונוף. [izolberg@torontotorah.com](mailto:izolberg@torontotorah.com)

city, and members of one congregation cannot force something upon members of a different congregation. [rlevy@torontotorah.com](mailto:rlevy@torontotorah.com)

# Come kick off your Chanukah with our Beit Midrash

*Sunday December 13*

Or Chaim, 159 Almore Ave

## *Program:*

8:15am .....Shacharit

9:00am .....Breakfast and Address by R' Shlomo Gemara

9:30am .....Shiurim (2 rounds of simultaneous sessions):

***Chanukah Presents: Permissible or Prohibited?***

**Netanel Javasky**

or

***We won, let's eat!***

**Meir Lipschitz**

or

***After the lights went out: The Fall of the Chashmonaim***

**Russell Levy**

10:45am .....Address by R' Yehoshua Weber

11:00am.....Keynote Address

***Symbols of Mashiach: Jews, Christians and***

***Zechariah's Menorah***

**R' Mordechai Torczyner**

For more info, please call 416-781-1777 or email [info@torontotorah.com](mailto:info@torontotorah.com)

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## Schedule for the Week of December 5, 18 Kislev

### **Friday, December 4**

8:30PM R' Mordechai Torczyner: Oneg, Westmount *Men and Women*

### **Shabbat, December 5**

8:00AM R' Azarya Berzon: Ramban on the Torah, Or Chaim

Following Hashkama R' Azarya Berzon, Clanton Park

### **Sunday, December 6**

8:15AM Community Beit Midrash: Shaarei Tefillah, Menorah - A Light Unto Us or a Light Unto the Nations *Men and Women*

9:00PM R' Azarya Berzon: Masechet Kiddushin in-depth, Shaarei Shomayim *Men and Women*

### **Monday, December 7**

8:00PM Itamar Zolberg: Classic Jewish Thought, Shaarei Tefillah *Men and Women*

8:30PM R' Azarya Berzon: Rambam's Hilchot Talmud Torah, Clanton Park *Men*

### **Tuesday, December 8**

1:30PM R' Mordechai Torczyner: Trei Asar-The Twelve Prophets, Shaarei Shomayim *Women, with Mekorot*

8:30PM R' Mordechai Torczyner: Minchat Chinuch, Clanton Park *Men*

### **Wednesday, December 9**

10:00AM R' Mordechai Torczyner: Parsha, 239 Franklin, **Babysitting provided Women**

8:30PM Meir Lipschitz: Parshah: Peshat, Derash and More, Clanton Park *Men*

8:45PM R' Mordechai Torczyner: TechnoShabbat-Bionic Eyes, Smart Houses and More!, BAYT *Men and Women*

### **Thursday, December 10**

7:00PM R' Azarya Berzon: In-depth Talmud (Or Chaim Parents), Or Chaim

8:00PM Netanel Javasky: Halachah and 21st Century Medicine, B'nai Torah *Men and Women*

8:30PM R' Azarya Berzon: Machshavah and Life Issues, Clanton Park *Men*

### **Friday, December 11, Shabbat December 12**

Shabbaton at Shaarei Shomayim

### **Sunday, December 13**

8:15AM Yom Iyun at Or Chaim; See above

3:30PM Chanukah Mesibah with the Thornhill Community Shul

*We would like to thank [www.koshertube.com](http://www.koshertube.com) for filming and putting videos of our shiurim online.*