

# Toronto Torah

Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Sh'lach

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## A Rejection of G-d, Not Land

Rabbi Jonathan Ziring

Throughout the time in the desert, the Jews complain. They complain about the lack of water, the lack of food, the type of food, and then finally in Sh'lach, they complain about G-d's desire to bring them to Eretz Yisrael. This seals their fate – they will not live to see the land; rather, they wander in the desert until each adult male between the ages of twenty and sixty perishes. What was so egregious about this complaint? Was it just that they rejected G-d's land? Had they just challenged G-d one time too many? Or, perhaps, was there something particularly insidious about this rebellion?

If one traces the trajectory of the Jews' grumblings through the desert, one finds a development. When they first leave Egypt, we find three consecutive complaints – first they beg for water, then food, then water again. While Moshe is upset, Hashem seems less so, instructing Moshe to provide for their needs in each case. Their requests are understandable – they are in the desert and are afraid they are going to die from thirst or starvation. Nevertheless, Moshe realizes that there is more to the story. In the second water story, Moshe names the place *Masah U'Merivah*, because "you tested G-d, saying, 'is G-d in our midst or not.'" (Sh'mot 17:7) While on the surface they want food and water, the source of their angst is a doubt that G-d, though He took them out of Egypt, has continued to care for them. While they should have seen that G-d did care after He miraculously gave them water the first time, and He subsequently gave them heavenly bread, they were a young nation and

could be forgiven for being unsure of their place in G-d's plan.

A year later, when they ask for food again in the story of the *Mitonenim* (Bamidbar 11), things have changed. They have food, but they detest it. Many commentators have suggested that the Jews don't like being dependent on miracles, vulnerable to G-d. They know G-d is among them, but the arrangement makes them uncomfortable. A careful read of that unit reveals that they don't mention G-d – it is as if they want to deny the source of the manna. This rejection of G-d's gift causes Moshe to nearly throw in the towel, until G-d provides him with seventy people who can help him "carry the people."

However, in the story of the *Meraqlim*, the people go too far. "Why is G-d bringing us to this land to kill us by the sword?" (Bamidbar 14:3) They are neither doubtful nor ambiguous about G-d's presence among them. Finally, they frankly admit that G-d is with them, but while in the past they had hoped for that connection, now they acknowledge G-d and reject Him. Yehoshua and Kalev recognize the new level of gall and respond accordingly: "If G-d desires us, then He will bring us into this land, and give it to us - a land which flows with milk and honey. Just don't rebel against G-d. Don't fear the people of the land; for they are our bread... and G-d is with us; don't fear them." (Bamidbar 14:8-9) Yes, G-d is with us – and that's a good thing! It is why we have hope, not a reason to despair. But the Jews reject this and threaten to kill Yehoshua and Kalev. For G-d, this is the last straw. "And G-d

said to Moshe: 'How long will this people provoke Me? and how long will they not believe in Me, for all the signs which I have wrought among them? I will smite them with pestilence, and destroy them, and will make of thee a nation greater and mightier than they.'" (14:11-12)

This is not doubt – this is hatred. No matter how much G-d has done for them, they still cannot accept that He is not only among them, but that He is doing everything for their benefit. This is more than rebellion – it is rejection of their relationship with G-d. For this, they must die.

The greatness of Moshe is not just that he saves the Jewish people (if not enough to allow them to undo all the damage), but that he manages to broker a new relationship where none seemed possible. In that darkest moment, Moshe reminds us that no matter how far we have sunk, we can still return.

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### OUR BEIT MIDRASH

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**The Laws Of An Eruv****Rabbi Shlomo Francis and Rabbi Yonason Glenner**  
**Israel Bookshop Publications, 2013****Goals of the book**

Rabbis Shlomo Francis and Yonason Glenner are both members of the Chicago Community Kollel, led by Rabbi Dovid Zucker.

Rabbis Francis and Glenner outline two fundamental goals in writing *The Laws of an Eruv*. First, they hope to provide a resource for anyone, from a learned scholar to a layman, to attain clarity in the complex realm of *eruv*. The book is not meant to make one capable of building an *eruv*, but it is intended to foster the clarity necessary to ask *shailot* (practical questions) in an educated and effective manner. Second, and perhaps more significantly, Rabbis Francis and Glenner hope that this book provides a glimpse into how complex *eruv* are and how much is required for their upkeep. In turn, it is hoped that the reader will be more aware of the need to support the local *eruv* which, more often than not, we use without giving it a second thought.

**Basic structure of the book**

*The Laws Of An Eruv* is split into three key sections: Book One, Book Two and *Biurim*. Book One provides a thorough overview of the basic laws and concepts. Book Two dives into further depth regarding four core topics: *Tzurat HaPetach*, *Omed Merubah*, *Pilush*, and *Lechi*. Finally, the *Biurim* section is a collection of nine Hebrew essays that analyze a variety of topics, most of which focus on details concerning the construction of a *Tzurat HaPetach*.

**Visual aids**

Beyond the clarity with which *The Laws of an Eruv* presents the complex topic of *eruv*, there are a few features of the book that really stand out. Most important are the realistic diagrams. Learning *eruv* from the gemara and early *poskim* requires a great deal of spatial reasoning. Making one mistake in imagining the physical structure that the gemara is describing can result in complete confusion. As such, realistic and clear diagrams are indispensable tools.

Additionally, there is a “graphical index” at the end of Book One, where a wide array of practical cases are depicted over the course of 18 pages, each indexed with the corresponding page number for its discussion. Again, this is a helpful learning tool; just as it is difficult to translate words into images, so, too, it is difficult to change images into words in the hope of finding something in an index.

**Well referenced**

In addition to the great diagrams, Rabbis Francis and Glenner have included extensive Hebrew footnotes throughout Books One and Two. In these footnotes they provide the sources for ideas and laws mentioned in the English, as well as a treasure trove of rulings (including many that had not been published before) from notable modern experts on *eruv*, such as Rabbi Moshe Feinstein z”l, Rabbi Yosef Shalom Elyashiv z”l, and *ybl”c* Rabbi Shlomo Miller. These rulings provide up-to-date information on how modern architecture is handled within the realm of *eruv*.

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**613 Mitzvot: 523-524: Witness Protection****Rabbi Mordechai Torczyner**

A functional society must maintain a system of justice which is accessible for all members. Whether in civil or criminal matters, each individual must be able to rely on an honest and impartial judicial system.

**Judges and Witnesses**

One component of this system is the judge, as we have discussed in previous mitzvot. As part of ensuring a proper judicial process, the Torah presents many laws governing the work of judges. This includes a prohibition against judging based on intuition (Sefer haChinuch 82, Toronto Torah 2:25), and disqualification of eyewitnesses from serving as judges (Sefer haChinuch 411, TT 6:9).

Another component is the witness, whose evidence determines the trajectory of the case. Because of the importance of the witness, the Torah institutes a civic responsibility to testify (Sefer haChinuch 122, TT 3:15), expresses a strong prohibition against false testimony (Sefer haChinuch 37, TT 1:32), and disqualifies witnesses who reject the Torah’s laws (Sefer haChinuch 75, TT 2:19). The Torah’s judicial system also includes a robust system of cross-examination, to protect defendants from falsehood (Sefer haChinuch 463, TT 7:6).

In Devarim 19:15-21, the Torah presents two more layers of protection regarding witnesses: 1) The disqualification of lone witnesses, and 2) Special punishment for witnesses who plot against an innocent defendant.

**Two witnesses**

Devarim 19:15 declares, “A single witness shall not stand against an individual, for any guilt or any transgression.” Rashi explains that “any guilt or any transgression” includes both physical and financial penalties; in either case, we require at least two witnesses.

Sefer haChinuch (Mitzvah 523) explains that we simply do not trust any individual, however righteous. “Sometimes a person’s heart resents another person. Even if someone is the height of goodness, he will not escape sinning at times. Even if someone is righteous for an extended period of time, it is not impossible that his thoughts could change and he could perform evil... Therefore, it is appropriate and proper that we not depend on one person’s heart, to cause another to be punished at his word - even where the punished party is wholly wicked, the lowest of the low, and the witness is the greatest sage in Israel.”

In truth, there are non-punitive cases in which a lone witness can testify, even though this testimony could lead to punishment. Examples include testimony which compels a defendant to swear to the veracity of his claim (Shevuot 40a) and testimony that food is kosher or non-kosher (Gittin 2b).

**Plotters**

Devarim 19:16-21 describes a situation in which people pose as witnesses to cause a defendant to be punished for a crime he did not commit. These witnesses are called *edim zomimin*. Where possible, they are given the punishment which they had intended to inflict; Sefer haChinuch lists this as the Torah’s 524<sup>th</sup> mitzvah.

Jewish courts cross-examine all witnesses on two basic points: the location of the event they witnessed, and the date and time when they witnessed it. If they are proven to have been elsewhere at the time they mentioned, beyond a reasonable margin of error, then the court is confident that these are *edim zomimin*.

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## Biography

### Rabbeinu Bechaye

Rabbi David Ely Grundland

Adapted from a biography  
by Rabbi David Teller

Rabbi Bahya ben Asher, known colloquially as Rabbeinu Bechaye, was one of the eminent biblical scholars in Spain of the 13<sup>th</sup> and 14<sup>th</sup> centuries. Rabbeinu Bechaye was a student of Rabbi Shlomo ben Aderet (Rashba). He served as a preacher in his native Saragossa, earning a meagre salary. Regardless of his personal suffering, which he references in the introduction to his commentary on the Torah, he remained steadfast in his commitment to Torah.

Unlike his teacher, who focussed his published efforts on talmudic and halachic commentary, Rabbeinu Bechaye's principal work was his own commentary on the Torah. He modeled his style after Ramban (who had been the Rashba's teacher), including Ramban's use of Kabbalistic writings in his interpretation. Rabbeinu Bechaye strove to incorporate all levels of Torah exegesis into his commentary, weaving the simple meaning, homiletic interpretations, hints and kabbalistic interpretations together. He also incorporated contemporary logic and philosophy into his commentary, showing that Torah incorporates philosophical truths.

Unique to Rabbeinu Bechaye's commentary is his introduction to each parshah, in which he often underscores the fundamental ideas and questions that will be discussed. Each introduction begins with a verse from Mishlei, and serves as a guide throughout the commentary, illuminating his thought processes and enabling the reader to follow along.

Other works of Rabbeinu Bechaye include his *Kad HaKemach*, a book of sixty chapters covering a wide range of philosophical, ethical, moral and religious teachings, written as a means of promoting the value of living a religious life and connecting to the Divine. He also wrote *Shulchan Shel Arba*, which details proper conduct during different meals, and includes a section on the "banquet" of the next world.

Rabbeinu Bechaye died in 1340. Some say that he died in Saragossa, but others report that he came to Israel after persecution in Spain, and he is buried in Chakuk, in Northern Israel.

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## Torah and Translation

### Moshe's Prayer

Rabbeinu Bechaye, Commentary to Bamidbar 14:17

Translated by Rabbi David Ely Grundland

ודע כי מה שהזכיר: "ד' ארך אפים", ולא הזכיר: "ד' קל רחום וחנון", ולא הזכיר: "ואמת ונוצר חסד לאלפים", גם לא הזכיר: "וחטאה", לא עשה במקרה כי אם בהשגחה גמורה. ולמדנו משה בכאן סדרי תפלה ובקשה איך יתפלל המתפלל ויתחנן המתחנן כדי שיתרצה אל אדניו. ועל כן מהשלש עשרה מדות שנמסרו לו בסיני לא הזכיר מהן כאן כי אם ששה, וחסר השבעה.

לא הזכיר "ד' קל רחום וחנון" כי הם מדות למי שרובו זכויות, וישראל היו עתה רובן עונות, ולא הזכיר "ואמת" כי במדת אמת יהיו חייבין לפי שהיא מדת הדין, וכמו שדרשו רז"ל: (ע"ז ד':) "אמת" לא עביד לפני משורת הדין, והיו מאמינים לדברי המרגלים אשר אבדה האמונה ונכרתה מפייהם. ולא הזכיר "נוצר חסד לאלפים" לפי שלא היה משה מתפלל עכשיו בזכות האבות, לפי שהם עתה מואסין בארץ שבתרו בה האבות. ומזה לא אמר "זכור לאברהם ליצחק" כמו שאמר במעשה העגל שהתפלל עליהם בצרתם. ולא הזכיר "וחטאה" כי היו מזידין.

והוצרך להזכיר בתפלתו "ד'" שהוא השם הראשון שהזכיר לו ד' בשלש עשרה מדות. ובמסכת ראש השנה: (ראש השנה יז':) "ד'" כן קודם שיחטא אדם ויעשה תשובה, כן לאחר שיחטא ויעשה תשובה. והוא מרחם אפילו על מי שרובו עונות, אולי ישוב, וכענין שכתוב: (תהלים קמה ט'): "טוב ד' לכל ורחמיו על כל מעשיו". אבל כאן לא הזכירו אלא פעם אחת שהוא כנגד ד' לאחר שיחטא, לפי שישראל היו בכאן חוטאים ולא עשו תשובה. ובאור זה "ד' לאחר שיחטא" כי אין בו שינוי והתפעלות אחר החטא כקודם החטא.

Understand that here, [Bamidbar 14:18] Moshe mentioned, "Hashem, slow to anger", but [unlike after the Golden Calf] he did not mention, "Hashem, G-d, merciful and compassionate," and he did not mention, "and truth, granting kindness to thousands [of generations]," and he further did not mention "[forgiving of accidental] sin". This is not happenstance but by complete design. Through these [differences] Moshe taught us the ways of prayer and supplication – how a person who is praying should pray and how one who is beseeching should beseech, in order to be favoured by one's Master. This is the reason why the thirteen attributes [of mercy] which were taught to him at Sinai were not [fully] mentioned here, but only six, with seven missing.

- He did not mention, "Hashem, G-d, merciful and compassionate," because those apply only for one who is primarily meritorious, and at this point, the majority of Israel were sinners.
- He did not mention "and truth", because truth would have found [the nation] liable, for [truth] is the attribute of strict judgement, as taught by our sages: "Regarding truth, G-d does not go beyond the law [to forgive]." (Avodah Zarah 4b). They believed the words of the spies, which eliminated faith, and it was cut off from their mouths.
- He did not mention "granting kindness to thousands [of generations]" because this time Moshe was not praying in the merit of the ancestors, as they had just rejected the land that the ancestors had chosen. For the same reason, he did not say, "Remember Avraham and Yitzchak," as he had done following the making of the golden calf, when he prayed for them in this trouble.
- And he did not mention "[forgiving of accidental] sin," because they had acted with intent.

It was necessary [for Moshe] to include "Hashem" in his prayer, as this was the first Name G-d mentioned to him in the thirteen attributes. And in the Talmud (Rosh HaShanah 17b): "Hashem, Hashem": one is before a person sins and returns, and one is after a person sins and returns." He has mercy even upon one who is mostly sinful, as perhaps he will return. This is similar to Tehillim 145:9, "Hashem is good to all, and His mercy is upon all His creations." But here "Hashem" is only mentioned once, and this is the reference to "Hashem" [forgiving] after a sin, for here they were sinners who had not returned. The meaning of "Hashem [forgiving] after a sin" is that there is not a change or activation after a sin, as there is before a sin.

**This Week in Israeli History: 30 Sivan 1946**  
**The Black Shabbat (Operation Agatha)**

**Rabbi Baruch Weintraub**

*30 Sivan is Wednesday*

The month of June, 1946, saw an accumulation of Jewish actions against the British forces operating in the Mandate, including the night of the bridges, the attack on the Haifa railway workshops, and the kidnapping of six British officers. These acts were all coordinated by the central command of the "Hebrew War of Liberation", secretly managed by the Jewish Agency. British High Commissioner Alan Cunningham approved a swift and comprehensive military operation, meant to break the armed fighters of the Jewish settlement and to prove the close connection between the formal Jewish Agency and the informal underground movements. The day chosen was Friday night, June 29<sup>th</sup>, Parshat Korach.

Some information about the operation was obtained by the Haganah's intelligence service, allowing its highest commanders to escape, but it mostly came as a surprise.

2,700 Jewish men were arrested, and vast amounts of arms were confiscated. In one Kibbutz – Yagur – the British found no fewer than 300 rifles, some 100 2-inch mortars, more than 400,000 bullets, some 5,000 grenades and 78 revolvers, leading to the arrest of all of the kibbutzniks. The British also arrested many Jewish leaders, even dragging sixty-year old Rabbi Y. L. Maimon to the police car on Shabbat.

The results of the operation were successful for the British, as the Jewish Agency's leaders were persuaded to leave the united revolt. This caused Moshe Sneh, head of the Haganah, to resign in protest. The other underground movements, Etzel and Lechi, continued their operations. Etzel retaliated by bombing the south wing of the King David Hotel, the headquarters of the British government.

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**Weekly Highlights: July 2 – July 8 / 26 Sivan – 2 Tammuz**

***Many of our classes are on summer hiatus, but opportunities remain!***

Time	Speaker	Topic	Location	Special Notes
<b>שבת July 2</b>				
<b>After hashkamah</b>	R' Yisroel M. Rosenzweig	Avot d'Rabbi Natan	Clanton Park	<b>Not this week</b>
<b>6:00 PM</b>	<b>R' Mordechai Torczyner</b>	<b>Does Judaism Seek to Control Our Thoughts?</b>	<b>BAYT</b>	<b>Women's Shiur</b>
<b>7:25 PM</b>	R' Jonathan Ziring	Daf Yomi	BAYT	<b>Rabbi's Classroom</b>
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah: Shattering Stones?	BAYT	<b>Simcha Suite</b>
<b>Sun. July 3</b>				
<b>8:45 AM</b>	R' Jonathan Ziring	Responsa	BAYT	<b>Hebrew</b>
<b>8:45 AM</b>	R' Josh Gutenberg	Contemporary Halachah	BAYT	
<b>9:15 AM</b>	R' Shalom Krell	Book of Shemuel	Associated North	<b>Hebrew</b>
<b>Mon. July 4</b>				
<b>7:30 PM</b>	<b>R' David Ely Grundland</b>	<b>Thought of Rav Kook</b>	<b>Shaarei Shomayim</b>	<b>Weinbaum Beit Midrash</b>
<b>8:30 PM</b>	<b>R' Jonathan Ziring</b>	<b>Authority in Israel 3 of 4: Police and Shabbat</b>	<b>Shomrai Shabbos</b>	<b>Men</b>
<b>Tue. July 5</b>				
<b>11:00 AM</b>	R' Jonathan Ziring	Eruvin	Yeshivat Or Chaim	<b>Advanced</b>
<b>1:30 PM</b>	R' Mordechai Torczyner	Iyov: When Evil Wins	Shaarei Shomayim	
<b>Wed. July 6</b>				
<b>Rosh Chodesh Day 1</b>				
<b>10:00 AM</b>	<b>R' Mordechai Torczyner</b>	<b>Intro to Kabbalah 3: Reincarnation</b>	<b>Yeshivat Or Chaim</b>	<b>For beginners</b>
<b>11:00 AM</b>	<b>R' Jonathan Ziring</b>	<b>A History of Conversion 3: Do We Want Converts?</b>	<b>Yeshivat Or Chaim</b>	<b>For beginners</b>
<b>8:00 PM</b>	R' Yisroel M. Rosenzweig	Halachah and Public Policy	Shaarei Tefillah	
<b>Thu. July 7</b>				
<b>Rosh Chodesh Day 2</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Shoftim: Yael's War	49 Michael Ct.	<b>Women</b>
<b>Fri. July 8</b>				
<b>10:30 AM</b>	R' Jonathan Ziring	Eruvin	Yeshivat Or Chaim	<b>Advanced</b>