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Parshat Pinchas

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No One is Above the Law

Rabbi Jonathan Ziring

Parshat Balak ends with the crime of Zimri, and Pinchas' lauded act of zealotry, killing both Zimri and Kozbi. There, however, neither Zimri nor Kozbi are named. They are referred to only as "an Israelite man" and a "Midianite woman." Parshat Pinchas opens with a retroactive clarification of what would have happened had Pinchas not acted – the Jewish people would have been destroyed – and an identification of the people he killed. [See Nechama Leibowitz who discusses the importance of only revealing this post facto.] As part of this clarification, Pinchas is granted his reward:

"Phinehas, son of Eleazar son of Aaron the priest, has turned back My wrath from the Israelites by displaying among them his passion for Me, so that I did not wipe out the Israelite people in My passion. Say, therefore, 'I grant him My pact of friendship. It shall be for him and his descendants after him a pact of priesthood for all time, because he took impassioned action for his G-d, thus making expiation for the Israelites.'" The name of the Israelite man who was killed, the one who was killed with the Midianite woman, was Zimri son of Salu, chieftain of a Simeonite ancestral house. The name of the Midianite woman who was killed was Cozbi daughter of Zur; he was the tribal head of an ancestral house in Midian. (Bamidbar 25:11-15, JPS 2006 translation)

What exactly was Zimri's sin? Clearly part of it was sexual, the forbidden

relationship between him and Kozbi. As the union of the Jews with the Midianite women is connected to Baal Peor, the idolatry linked to this promiscuity is further part of his crime. [See Abarbanel who develops this aspect.] However, the Talmud adds another element, a rebellion against Moshe:

He arose and gathered twenty-four thousand people from the children of Israel, and went to Cozbi, daughter of Zur, princess of Midian, and said to her: Submit to me and engage in intercourse with me. She said to him: I am the daughter of a king, and this is what my father commanded me: Submit only to the greatest of them. Zimri said to her: He, too, referring to himself, is the head of a tribe; moreover, he is greater than Moses, as he is the second of the womb, as he descends from Simeon, the second son of Jacob, and Moses is the third of the womb, as he descends from Levi, the third son of Jacob. He seized her by her forelock and brought her before Moses. Zimri said to Moses: Son of Amram, is this woman forbidden or permitted? And if you say that she is forbidden, as for the daughter of Yitro to whom you are married, who permitted her to you? (Sanhedrin 82a, Koren translation)

One could understand this passage as implying either arrogance on the part of Zimri, or bravado to help him convince Kozbi, but not something central to his crime. However, Rabbi Eliezer Ashkena-

zi (*Maaseh Hashem*, *Maaseh Torah* 35) suggests that part of Zimri's crime was the belief that as a leader, he was above the law. "His intent was to be brazen and freely rebel, as if to say, 'I am a leader and who can do anything to me.'" Abarbanel notes that it was this act that gave everyone else license to sin. When leaders feel above the law, they devalue it for everyone.

From this perspective, one can understand why Pinchas was rewarded with eternal priestly leadership. One of the most pernicious beliefs in society is that people with power, be it monetary or political, are above the law, above morality. It weakens people's commitment to live good lives as well as their faith in the values that leaders represent. The best leaders are those who believe that everyone, no matter his position, is subject to the same rules and values. In stopping Zimri, Pinchas demonstrated that he could be a leader who represented G-d. For that he deserved an eternal covenant.

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Summary

This chapter describes a servant of G-d who was despised and tortured by unnamed others.

The chapter begins from the perspective of the others. They describe the way they despised the servant, how ugly he seemed to them and how repulsed they were by him. This is contrasted with a sense of shock as the others realize that the figure they despised had been suffering on their account. In fact, far from being a despised figure, the servant is the one through whom G-d's providence is revealed in the world. Even though they turned away from the servant, he nevertheless bore the punishment for their sins. (53:1-6)

The others go on to describe the servant's great humility. Even though his punishment was undeserved, he didn't protest. He accepted false judgment, and the embarrassment of being buried with the truly wicked. The others conclude that the servant's suffering must have come from G-d, and that G-d will surely reward him for this. (7-10)

The last two sentences are spoken from G-d's perspective. G-d confirms the

conclusion of the others. Because the servant remained steadfast in his commitment to G-d despite his suffering, he will reap great rewards. (11-12)

Insight

Who is the suffering servant described in this chapter? This question engendered historic debate and polemics between Christians and Jews. The Christian claim is that the servant refers to a Mashiach who is prophesied to suffer for the sins of others. The Christian reading identifies the servant as their deity and the unnamed others as the Jewish people who rejected him. In the end, the Jews realize their mistake and understand that the suffering they caused was actually atonement for their own sins.

The Jewish response to this claim generally proceeds by rejecting the reading that the servant refers to a single individual. Rather, the servant is the entire people of Israel and the others are the people of the world. The chapter thus refers to suffering that the Jewish people have endured at the hands of the nations of the world. There is ample evidence for this approach from other pesukim in Isaiah where the

term "servant" is identified with the entire Jewish people (see 43:1, 45:4, 48:20). Rashi takes this approach throughout our chapter, and there is evidence that it has early roots in the polemic against Christianity (see *Origen Contra Celsum*, trans. Henry Chadwick, Book 1.55). Theologically, this approach can be coupled with rejection of the idea that Mashiach is ever supposed to suffer for the sins of others. (See Radak to our chapter.)

However, there are sources in Chazal that explicitly identify the servant with the Mashiach. (e.g., Sanhedrin 98b) There are also rabbinic sources that accept the reading that Mashiach is described here as suffering for the sins of others. (e.g, see Ruth Rabbah 5:6) If one accepts these readings, then the Jewish response to the Christian claim is simply that their deity is not, in fact, the Mashiach. (For more, see Abarbanel to our chapter, and Kuzari 2:35-44.)

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Siddur Insights: V'Ahavta: Preparing to Love

Idan Rakovsky

A famous joke speaks of a man who is lying on his deathbed, enjoying his last moments of life. The man turns to his wife and says, "Dear, as I am about to pass, I have one last request."

"Sure honey," she responds, "I love you so much and I will do anything for you so that you may die a happy man." "Ok," He says, "The cake that you are baking smells so good, and it would really put a smile on my face if I could have just one last piece of your delicious cake before I die." "No!" she shouts, "You cannot have the cake. I am saving it for the shivah!"

Sometimes we prepare too much in advance, but sometimes we don't prepare at all. One of the things that requires serious preparation is our daily prayer, the daily meeting we all have with our Creator. A mishnah records:

"One may only stand and begin to pray from an approach of gravity and submission. There is a tradition that the early generations of pious men would wait one hour, in order to reach the solemn frame of mind appropriate for prayer, and then pray, so that they would focus their hearts toward their Father in Heaven." (Berachot 5:1, Steinsaltz translation)

In order to truly pray, to connect with the words, the poetry, the requests, significant self-preparation is necessary. I would like to suggest a simple and concise preparatory action, an innovation of the Arizal, the holy Rabbi Isaac Luria (1534-1572) zt"l, who added the following short prayer at the beginning of his personal siddur:

"I hereby accept upon myself the mitzvah of *veahavta l're'acha kamocho*: You shall love your neighbour as yourself."

Why did the Arizal introduce his daily prayer by accepting upon himself the commandment of loving your fellow as yourself? And what is the connection between accepting this commandment and preparing to pray?

The answer may lie in another prayer in which we invoke a commandment to love. In the first paragraph of Shema we state, "*Ve'ahavta et Hashem Elokecha*" – "And you shall love the Lord your G-d." It is very difficult for a person to fulfill a commandment to love something, especially something as amorphous as G-d. I want to argue that the Arizal teaches us something important and meaningful – in order to merit the "*Ve'ahavta*" of the Shema prayer, one must first merit the "*Ve'ahavta*" of loving your fellow as yourself. Only a person who prepares and works on himself or herself, day-by-day, to love another person, will merit to truly and wholeheartedly love the Almighty with all of his or her heart.

So, how will you prepare for your next prayer?

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Biography

Rabbi Yichya Tzalach

Rabbi Adam Freiberg

Rabbi Yichya son of Yoseph Tzalach, also known as Maharitz, was born in 1713. He worked as a blacksmith, and after his thirtieth birthday he began to study to become a *sofer stam* (scribe). He went on to become the Rabbi and head of the rabbinic court of Sana'a, the capital of Yemen, and perhaps the greatest exponent of Jewish law in Yemen during the eighteenth century.

Rabbi Tzalach was recognized as a halachic authority throughout Yemen. He is remembered mostly for his efforts to preserve Yemenite Jewish customs and traditions, which he presented in his many writings. His familiarity with halachic literature, both Ashkenazi and Sephardi, was remarkable. Queries were referred to him from Jewish communities as far away as India.

Rabbi Tzalach's published works include his *Peulat Tzaddik* collection of responsa; *Zevach Todah* on the laws of ritual slaughter; *Chelek HaDikduk* on grammar and Masorah in the Bible; *Etz Chaim*, a commentary on the Yemenite "Tiklal" prayer book; and *Shoshanat HaMelech*, a commentary on the Orach Chaim section of the Shulchan Aruch, in which his halachic rulings are summarized. This commentary is printed in the standard Yemenite halachic work *Shetilei Zeitim*.

As a contemporary of the great Rabbi Chaim Yosef David Azulai (Chida), Rabbi Tzalach communicated with him about halachic issues while the Chida lived in Egypt. Rabbi Tzalach's siddur, *Eitz Chaim*, is printed with a question that he sent to the Chida about a potential problem of using G-d's Name in vain by adding an extra blessing in the daily *amidah*, an issue he was confronted with. Rabbi Azulai's response is printed alongside the question.

Little is known about Rabbi Tzalach's family. His father, Yoseph, studied with his father-in-law, Rabbi David Qafih. Rabbi Tzalach's family was supposedly able to trace their lineage to Oved, from the family of Peretz, the son of Judah.

Rabbi Yichya Tzalach died in 1805 in Sana'a, Yemen, and was succeeded by his son, Rabbi Avraham Tzalach, as head of the rabbinical court of Sana'a.

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Weekly Halachah: The Philosophy of an Exemption

Rabbi Steven Gotlib

The Talmud (Succah 25a) records a general rule of *ha'oseik b'mitzvah patur min hamitzvah* - one who is currently engaged in fulfilling a mitzvah is exempt from another mitzvah opportunity that comes up during that time. [This applies to commandments, not prohibitions.] Tosafot limits this rule only to cases where the two mitzvot cannot be performed at the same time. The Ran, on the other hand, extends the exemption even to cases where the other mitzvah *could* be performed at the same time as the first.

In his essay, *Determining Objectives in Religious Growth: Spiritual Specialization or Spiritual Breadth*, Rav Aharon Lichtenstein explains that Tosafot's opinion is primarily a pragmatic one: practically speaking, one cannot fulfill both mitzvot at the same time. Therefore, Halachah prioritizes fulfilling the first mitzvah before beginning the second. If one *can* fulfill both mitzvot, however, then one should. Rav Lichtenstein explains that the Ran, however, assumes that one who engages in one mitzvah becomes personally exempt from other commandments.

Rav Lichtenstein warns that if one is not careful, the Ran's approach could lead to a situation in which "people who devote themselves to a particular mitzvah - which then becomes the focus of their spiritual and religious existence, the vehicle through which they relate to G-d as normative beings and the field through which they can experience their sense of calling - consequently become exempt from all other mitzvot in the Torah, from the realization of other values and the performance of other norms." Rav Lichtenstein addresses this challenge by arguing that "we need to deal with two separate dimensions of the issue: one, in terms of a person's individual duty and religious growth; another, in terms of trying to satisfy certain public, social, national or universal needs. As long as we are dealing with the specifically normative element, the obligation in mitzvot, we are, by and large, dealing with the first element, one's individual duty. But to the extent that we move from defined duty to the realization of values, then the question of attaining certain general goals becomes more pressing... in terms of values and not just formal duties, the question of specialization becomes much more demanding and complex."

The Shulchan Aruch (Yoreh Deah 341:2) seems to align with the Ran in stating that one who is engaged in burial need not make up missed prayers once they are obligated again. On the other hand, one who simply forgot to daven would be obligated to make it up. This halachic conversation ultimately demonstrates the need to allow people to do what they must in particular moments, while not losing sight of the greater whole of which we are part.

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Sefer haChinuch #33

Honour Your Parents (and elder siblings)

By Rabbi Mordechai Torczyner

The Torah's 33rd mitzvah, honouring one's parents, is frequently described (such as Yerushalmi Peah 1:1) as the most difficult mitzvah in the Torah, because there is no limit on the efforts required to repay our debt to those who partnered with Hashem to give us life, and who devoted years of their lives to raising us.

This mitzvah is divided into two categories: *Mora* (Awe) and *Kavod* (Honour). *Mora* refers to displays of respect, such as not using our parents' seats and not contradicting them. *Kavod* refers to actions which actively provide honour, such as providing meals or dressing them. For more regarding *Mora*, see Mitzvah 212.

According to Rambam (Hilchot Mamrim 6:3) and Shulchan Aruch (Yoreh Deah 240:5), support of one's parent comes from the parent's funds, not from the child's funds. [This is supported by the Talmud Bavli (Kiddushin 31b), but the Talmud Yerushalmi (Kiddushin 1:7) is less clear.] However, parents who are indigent have priority as tzedakah recipients, even before one's own independent children. (Shulchan Aruch Yoreh Deah 240:5, 251:3; Shoel v'Nishal 2:110)

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Sefer haChinuch Mitzvah 33: The Mitzvah of Honouring Parents and Elder Siblings

Stories of the sages' treatment of their parents add colour to the rabbinic descriptions of this mitzvah. In one 1st century CE account, "When Rabbi Tarfon's mother wished to ascend into bed, he would bend down and elevate her. When she wished to come down, she would come down on top of him. Rabbi Tarfon praised himself for this in the study hall, but the sages replied: 'You have not yet reached half the honour due your mother! Has she ever thrown a wallet into the sea before you, and have you then abstained from embarrassing her?'"

Per another account from the 3rd century CE, "Rav Yosef, upon hearing the sound of his mother's footsteps, would say, 'I will arise from before the arrival of the Divine presence!'" (Talmud, Kiddushin 31b)

The Talmud teaches that one is also obligated to honour an older brother (Ketuvot 103a). According to Ramban, this is specifically while the parents are alive, because they wish for him to be honoured. However, the Minchat Chinuch understood Ramban to require such honour even after the parents have passed away. One is also obligated to honour an older sister; see sources cited in Torah Temimah to Shemot 20, note 86.

Judaism's parent-child relationship is not a one-way street; parents are obligated to look after the welfare of their children in a variety of ways, including, "to circumcise him, redeem him, teach him Torah, marry him off and teach him a trade. Some add: to teach him to swim." (Kiddushin 29a) [Some of these duties apply only for fathers and sons; a full discussion is beyond the scope of this column.] All of these duties may involve hiring professionals to accomplish these tasks. Separately, a father is obligated to provide financial support for his children up to the normal age of independence. (Ketuvot 65b)

However, these obligations are framed not as parental fulfillment of the child's rights, but as personal religious obligations of the parents. The driver is not the parent-child relationship, but rather the relationship between the parent and G-d. In one example of this, Jewish law obligates a father to train his son in the mitzvah of tefillin, which includes purchasing tefillin for the son who matures to the point of learning how to don them. (Shulchan Aruch Orach Chaim 37:3) However, a son cannot sue his father in beit din for tefillin; if the son reaches adulthood, such that he is now obligated to don tefillin, and the father has not purchased a set, then the son is obligated to purchase his own. (Biur Halachah ibid.) The father's duty was to G-d, not to the child.