

# Toronto Torah

## Yeshiva University Torah MiTzion Beit Midrash Zichron Dov

Parshat Pinchas

14 Tammuz, 5774/July 12, 2014

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This week's issue of Toronto Torah is dedicated by Rabbi Dr. Moshe and Esty Yeres for the yahrtzeit of Mrs. Shirley Yeres, Chaya Shaindel bat Alexander haLevi z"l

### Kanaut, Nekamah and the necessary difference between them

Rabbi Baruch Weintraub

Three consecutive parshiyot, in the middle of which we stand this Shabbat, introduce two elements we usually shy away from. One is the violence of *kanaut* [zealotry], as Pinchas spears Zimri and Kozbi at the end of last week's parshah; the second is the lethal *nekamah* [revenge] inflicted by the Jews on Midian in next week's reading. Both subjects are treated positively in our parshah: Pinchas is praised for his *kanaut* (25:10-15) and Moshe is commanded by G-d to execute *nekamah* against the Midianites. (25:16-18)

Our revulsion from these elements is, in part, rooted in the bitter lessons of our own history. As a nation which has suffered, and continues to suffer, from fanatical bigots eager to murder for their religious convictions; as a nation targeted with the bewildering accusation of "Deicide", a fantasy which caused the very real death and torture of innumerable Jews as revenge for murdered "Deity", we have learned that these concepts of *kanaut* and *nekamah* are easily abused, adopted as a mask for the darkest lust of the human soul – bloodlust.

Further, the instinct to distance ourselves from these tendencies is not a product of practical history alone; the Torah itself seems to discourage us from these actions. *Kanaut* seems to oppose the whole gist of the Torah's system of punishment: gone are the meticulous requirements of inquiries and investigations (Devarim 13:15), missing is the need for a moderate judgment (Bamidbar 35:24-25), and wanting is the demand for separation between the witness and the judge. (Devarim 19:17 and Rashbam on Baba Batra 113b) As for *Nekamah*, it is

prohibited by an explicit biblical command. (Vayikra 19:18)

Adding into this mix the description of G-d as "*kano v'nokeim*" (Nachum 1:2), we stand puzzled: is there room for *kanaut* and *nekamah* in the Jewish worldview? And if there is – what is it?

Two related issues may be raised regarding the Divine command to take *nekamah* of the Midianites:

- Why take *nekamah* against Midian, if the Moabite women were the agents of sin (Bamidbar 25:1)?
- If the cause for conflict took place in last week's parshah in Bamidbar 25, and the initial command for *nekamah* was issued there, why did the act wait for the beginning of next week's parshah, in Chapter 31?

Rabbi Chaim ibn Attar (Or HaChaim to Bamidbar 25:17) suggests that these two questions may be answered as one. The waiting period for *nekamah* was needed in order for the Jews to cool down, and to identify the source of the problem not in the Moabites, who were merely pawns, but in the Midianites, masterminds of the plot. The cooling-off period also enabled the Jews to understand that the Moabites should not be punished so severely; from their point of view, they were defending their land. Further, the Jews needed to reflect on practical considerations; future possible gain, such as the emergence of righteous Moabites (mainly, Ruth), might cause us to stop short of destroying Moav. In other words, waiting enables us to judge the most right and just course of action.

The patient approach to *nekamah* stands in stark contrast with our approach to *kanaut*: according to the

Talmud (Sanhedrin 82a), *kanaut* is allowed only while the sinful act is still taking place, without waiting for even a second, and without taking any considerations or asking any questions.

Underlying these different approaches is the essential dissimilarity between these two concepts:

- *Kanaut* is a subjective act, which aims not to repair the world but to express the zealot's personal, complete disapproval. The zealot feels that sitting passively equals an affirmation of the sin. Immediacy and passion are its seal of authenticity.
- *Nekamah*, on the other hand, is an act of repair. Whether carried out by society or individual, its prospect must be restoration of justice and healing of the fabric torn by the sin. Therefore, it must not be subject to personal feelings and emotion, but to an objective accounting of the best path to achieve this goal. Taking more is no better than taking less.

Ignoring the difference between *kanaut* and *nekamah* ruins both elements, and has been the source of endless pain and misery throughout human history. Denying the necessary immediacy of *kanaut*, making cold considerations in the face of an ongoing evil, means the corruption of our moral sensitivity. Overriding the necessary calculations of *nekamah*, infusing hot emotions into the making of justice, transforms the repair of the latter into a vicious cycle of blood and death.

"And death will be concealed forever, and G-d shall wipe the tears from every face, and the shame of His people He shall remove from upon the land." (Yeshayahu 25:8)

[bweintraub@torontotorah.com](mailto:bweintraub@torontotorah.com)

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## Who is the prophet of our haftorah?

The book of Melachim ("Kings") records the history of Jewish life in Israel from the end of King David's reign until the Babylonian destruction of the first Beit haMikdash. The Talmud (Bava Batra 15a) says that it was recorded by Yirmiyah, who lived through the last decades recorded in the book. In our editions of Tanach, Melachim is split into two parts; the first part begins with the end of King David's reign and continues until shortly after the death of King Achav of Yisrael, and the second part continues from there.

## What is the message of our haftorah?

Our haftorah tells of the somewhat surprising aftermath of Eliyahu's famous stand at Mount Carmel (Chap. 18). Eliyahu has proved, before the eyes of the whole nation, that Israel's G-d is the true G-d, while the Baal is nothing but a mere illusion, a useless fake. Buoyed by the successful demonstration, Eliyahu then commands the execution of some four hundred of Baal's "prophets", who have deluded Israel. Rain arrives after three years of drought, and even Achav, the idolatrous king, is impressed. For a moment it seems that all has been healed, and in the verse opening our haftorah we learn that Eliyahu runs before Achav's chariot, showing respect to the seemingly penitent king. (18:46)

Our haftorah begins with Achav telling his non-Jewish wife, Izevel, about Eliyahu's deeds. Instead of awe for Eliyahu's powerful triumph, her reaction is short and laconic; she swears to Eliyahu by her gods, that "tomorrow you will be as dead as the priests of Baal you killed." (19:1-2) Eliyahu flees for his life and hides in the desert, where he asks G-d to take his life. (19:3-4) An angel reveals itself to him, urging him to eat some baked food and drink water; from these foods he receives the strength to spend forty days in the desert, until he reaches Mount Sinai. (19:5-8) While sleeping in a cave, he hears G-d ask him why is he there. To this question he answers, "I have been zealous for G-d, for the children of Israel have forsaken Your covenant. They have torn down Your altars and they have killed Your prophets by the sword, and I have remained alone, and they seek my life to take it." (19:9-10)

G-d replies by demonstrating different powerful forces – wind, earthquake, and fire. But He tells Eliyahu that despite their might, G-d is not in them. Rather, the vision seems to imply, G-d is in the "still small silence". (19:11-12) Then G-d again asks Eliyahu why he is there, and Eliyahu replies with the same answer, seemingly hinting that he does not want, or is not able to accept, the Divine message. (19:13-14,

and see Malbim) In response, G-d sends Eliyahu on his last two missions: anointing Hazael as Aram's king, who will punish the northern Jewish kingdom, and designating Elisha as his own prophetic successor.

## What is the link to our parshah?

The link is clear enough: zealotry, seen from different perspectives. In our parshah Pinchas is commended and rewarded for his zealous act, but Eliyahu is at least rebuked by G-d, and perhaps dismissed from his position as G-d's messenger to the people altogether.

The reason for this contrast may be the different situations in which these two magnificent figures express their zealotry. For Pinchas it is an emotional reaction to a situation at hand, an immediate expression of his devotion to G-d. For Eliyahu, on the other hand, zealotry is not a reaction, but the action itself. It is his primary strategy, and ill-suited for his goals of education and leadership. Knowledge of G-d won't be achieved by a strong wind, mighty sounds, or fire and destruction; it can only be achieved by the silent looking and absorbing, patiently teaching and meticulously learning – for G-d is in the small and still sound of silence.

*bweintraub@torontotorah.com*

# 613 Mitzvot: #389-390

## Boundaries

The Torah presents roles for the Kohanim and Leviyim, members of the tribe of Levi, in the service of the Mishkan and Beit haMikdash. In addition, the Torah warns that those who are not of the tribe of Levi should not attempt to perform the tasks of the Kohanim (mitzvah 390), and that the Kohanim and Leviyim themselves should not attempt to perform each other's tasks (mitzvah 389).

*Sefer haChinuch* offers two explanations for requiring each group to remain in its own task:

- In Mitzvah 394 (regarding the song of the Levi), he writes, "It suits the honour of the King, G-d, to have particular people, from a particular tribe, established in service, and for no foreigner to enter their midst and serve. Similarly, in a human monarchy they appoint particular people of honourable stature for the work of the palace to be performed by their hand. It would not suit a king to have different servants before him each day, with all of them making use of the crown of serving the king."
- In Mitzvah 389, he offers, "The service of these two clans (Kohen and Levi) is precious and sacred. Therefore, their work must be protected from abandonment, laziness and forgetfulness. Without doubt, any task placed upon multiple parties will be more prone to carelessness than a task placed upon one person alone. Often, the two of them will depend on each other [to perform the task], and the work will be lost between them. This is obvious to

everyone; as the sages said in a parable on such matters, "The pot of partners is neither hot nor cold. (Bava Batra 24b)" The same idea is expressed by Rambam. (Moreh haNevuchim 3:45)

One might offer an additional reason to prohibit Kohanim and Leviyim from performing each other's tasks: concern for a repeat of Korach's rebellion. The lines between the tribe of Levi and the rest of Israel are clearly drawn, and there is little concern that a total outsider might trespass into the service of the Beit haMikdash. The lines between the Kohanim and Leviyim are blurry, though, with both carrying out tasks in the same space, and as part of the same service. Further, they are members of the same tribe. In addition, they are dedicated to work in the Beit haMikdash, and have no other arena in which to demonstrate their value. We are concerned that a latter-day Korach of the Leviyim might attempt to usurp the Kohen's role, or that a Kohen might attempt to dismiss the second-rate Levi from his station. Therefore, a special prohibition establishes boundaries between these two groups. [This might explain a point noted in Minchat Chinuch 389:3, that there are harsher penalties for a Levi or Kohen who performs the other's task, than for a non-Levi who performs a Kohen's task.]

*torczyner@torontotorah.com*

## Biography

**Rabbi Yeshuah ben Yosef HaLevi**  
**Rabbi Mordechai Torczyner**

Rabbi Yeshuah ben Yosef haLevi was born in Talmasan, Algeria, circa 1440. He studied with local scholars as well as under Rabbi Yaakov haKohen, one of the leading Ashkenazi sages of the time.

In the year 1465, Muslim riots against Jews broke out across North Africa, in response to appointments of Jews to positions of authority by Abd al-Haqq II, the last sultan of the Marinid dynasty. The Jewish community of Fez was massacred, and Jews fled the region. Rabbi Yeshuah escaped to Toledo, Spain, in 1467; he found aid there from Don Vidal ibn Lavi, a converso and poet from a large and illustrious Spanish family.

Don Vidal pressed Rabbi Yeshuah to author a history of the Talmud and a presentation of some of the rules by which the Talmud operates. Although Rabbi Yeshuah felt himself unworthy of the task, he eventually agreed, and his work was published under the name *Halichot Olam*. It was based in part on the *Mevo haTalmud* attributed to Shemuel haNagid, on Rambam's writings, and on *Sefer HaKeritut* by Rabbi Shimshon of Chinon. Since the work's initial publication in 1490, many great writers have expanded upon it; Rabbi Yosef Karo's *Klalei haTalmud* is a notable example, as is *Yavin Shemuah* by Rabbi Shlomo Algazi. *Halichot Olam* was translated into Latin in the 17<sup>th</sup> century.

Rabbi Yeshuah was also the author of comments to Bava Kama that are cited in *Shitah Mekubetzet*, although at the time that *Shitah Mekubetzet* was published the comments were not known to be his.

The expulsion of Jews from Spain in 1492 caused Rabbi Yeshuah to travel again, but his fate after that is unknown.

[torczyner@torontotorah.com](mailto:torczyner@torontotorah.com)

## Torah and Translation

### Mechanics of the Talmud

**Rabbi Yeshuah ben Yosef haLevi**

**Halichot Olam II 2:10-12**

**Translated by Rabbi Mordechai Torczyner**

י. האמורא אין לו כח לחלוק על התנא בשום פנים בעולם. ואמנם גבי רב ורבי חייא מצינו שאומר לפעמים "רב תנא הוא ופליג" בפ"ק דכתובות, "ר' חייא תנא הוא ופליג" בפ"ק דמציעא, ופשיטא שאינם תנאים שלא הוזכרו לא במשנה ולא בברייתא, אלא רוצה לומר שהם חשובים כמו תנאים ויכולים לחלוק על משנה וברייתא.

וזה התיירוץ אינו מתרץ אלא מתוך דוחק גדול, שאינו מוצא תירוץ אחר, כדמוכח התם בריש מציעא דמקשה ברישא על ר' חייא מכח מתניתין ולא מתרץ "תנא הוא ופליג" עד לבסוף דלא הוה אפשר ליה בלאו הכי...

יא. זימנין דמתרץ גמרא חדא פירוקא והוה מצי למימר פירוקא אחרינא אלא דחדא מינייהו נקט, וילפינן הא מילתא מפרק החולץ גבי פלוגתא דרבי ישמעאל ור' עקיבא במקיימי עבדים שאינם מולים וכו' ואמרין אדמשני ליה רבי עקיבא בלוקח עבד בין השמשות לישני ליה הא ומהדר חדא מתרי טעמי נקט...

יב. מצינו קושיא שמקשה אמורא שמשיב עליה אמורא שקדם לו הרבה, כי הא דיבמות פרק חרש אמר רבא אי קשיא הא קשיא וקא מהדר רבי אלעזר לתרופה ור' אלעזר קודם לרבא הרבה, וכן בשמעתא קמייתא דחולין קא שקלי וטרי אביי ורבא לתרופה קושיא שהקשה רב אשי... ואביי ורבא קדמו לרב אשי בזמן וכהאי גוונא בדוכתי אחריני, והענין בזה לומר שאותה הקושיא הוקשית גם בימי הראשונים ותירצה:

[*Tanna* here refers to a sage whose words are recorded in a mishnah or braitā, foundation of the Talmud. *Amora* refers to a sage whose teachings are recorded in a passage of gemara, later discussions about a mishnah/braitā.]

10: An *amora* lacks the authority to disagree with a *tanna* in any way. In truth, regarding Rav and Rabbi Chiyya we find on occasion, "Rav is a *tanna* and he can disagree [with a *tanna*]" in Ketuvot 8a, and "Rabbi Chiyya is a *tanna* and he can disagree [with a *tanna*]" in Bava Metzia 5a. Obviously, these are not *tannaim*, for they are not mentioned in a mishnah or braitā. It means to say that they have the stature of *tannaim*, and they may disagree with a mishnah or braitā.

The Talmud uses this answer only out of great strain, when it does not find another answer, as is seen in the [aforementioned] passage at the start of Bava Metzia in which they first challenge Rabbi Chiyya from a mishnah and they do not answer, "Rabbi Chiyya is a *tanna* and he can disagree", until the end of the discussion, when they find no other way to resolve the problem...

11: Sometimes a passage of gemara uses one answer, when it could have used another answer. It chooses one of them. We learn this from a debate between Rabbi Yishmael and Rabbi Akiva in Yevamot 48b, regarding keeping uncircumcised servants. There, they answer that Rabbi Akiva's position was stated regarding a servant acquired right before Shabbat, and then they ask, "Why not answer in this other way?" And they respond, "We gave one of two possible answers..."

12: We have found that a question asked by one *amora* may be answered by an *amora* who lived long before him. For example, in one source Rava says, "If there is a question, this is the question," and then Rabbi Elazar answers it – but Rabbi Elazar lived long before Rava. In another source (Chullin 2-3), Abbaye and Rava debate ways to answer a question of Rav Ashi... but Abbaye and Rava lived before Rav Ashi. And similarly, in other cases. This is because that question was asked in the days of the earlier sages as well, and they answered it.

*The 16<sup>th</sup> of Tammuz is Monday*

On the 16<sup>th</sup> of Tammuz (July 12), 2006, Ehud Goldwasser and Eldad Regev were abducted by Hizballah militants and taken into Lebanon. Hizballah launched rockets on several towns in Northern Israel, and with the rocket attack as a distraction, crossed into Israel and ambushed an Israeli military patrol. During the attack, three Israeli soldiers were killed and Goldwasser and Regev, both reservists on their last day of reserve duty, were taken back over the border into Lebanon, where they would be held hostage. The abduction led to the 2006 Lebanon War, which lasted 34 days.

Following the abduction, Hizballah released a statement which said, "Implementing our promise to free Arab prisoners in Israeli jails, our strugglers have captured two Israeli soldiers in southern Lebanon." Some time later, a declaration by Hassan Nasrallah was made saying, "No military operation will return them... the prisoners will not be returned except through one way: indirect negotiations and a trade of prisoners."

At first Goldwasser and Regev were believed to be alive. In the end of July, only a few weeks following the abduction, Shimon Peres assured their families that both of them were "alive and well". Unfortunately that was not the case. While some Lebanese officials later claimed that both Israeli abductees were killed by Israeli assaults during the war, an examination of their bodies was conducted following their return. It was determined that Goldwasser died as a result of a rocket-propelled grenade to the chest during the initial attack when he was abducted, and Regev had been shot in the head, perhaps while attempting an escape.

Ultimately, Nasrallah's declaration was proven to be true. Two years late, on July 16<sup>th</sup>, 2008, Israel and Hizballah exchanged the bodies of Goldwasser and Regev for Samir Kuntar, four Hizballah prisoners who had been captured during the 2006 Lebanon war, and the bodies of 199 Arab fighters, eight of whom had been captured during the 2006 war.

*afrieberg@torontotorah.com*

## Highlights for July 12 – July 18 / 14 Tammuz – 20 Tammuz

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

Time	Speaker	Topic	Location	Special Notes
<b>SHABBAT JULY 12</b>				
<b>6 PM</b>	R' Mordechai Torczyner	"The Three Names of Pinchas"	BAYT	<b>For women</b>
<b>Before minchah</b>	R' Mordechai Torczyner	Daf Yomi	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah: Honeycombs and Kosher Fish	BAYT	
<b>SUNDAY JULY 13</b>				
<b>9:15 AM</b>	R' Shalom Krell	Kuzari	Zichron Yisroel	<b>With light breakfast</b>
<b>7:30 PM</b>	R' Baruch Weintraub	Contemporary Halachah in Israel: Corporations and Community On-line shiur in Hebrew: <a href="http://www.torontotorah.com/online">http://www.torontotorah.com/online</a>		
<b>MONDAY JULY 14</b>				
<b>10:15 AM</b>	R' Mordechai Torczyner	Chabura: Times of Davening	Yeshivat Or Chaim	
<b>TUESDAY JULY 15 The 17th of Tammuz</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Talmud Yerushalmi: Sheviit	Yeshivat Or Chaim	
<b>WED. JULY 16</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	Origins of Prayer, Week 3: The First Siddurim	Yeshivat Or Chaim	
<b>7:30 PM</b>	R' Mordechai Torczyner	Business Ethics: Laws of Lending	Yeshivat Or Chaim	
<b>THU. JULY 17</b>				
<b>10:15 AM</b>	R' Aaron Greenberg	Laws of Shabbat	Yeshivat Or Chaim	<b>University students</b>
<b>FRI. JULY 18</b>				
<b>10:30 AM</b>	R' Mordechai Torczyner	Contemporary Halachah	Yeshivat Or Chaim	<b>Advanced</b>

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