

# CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## SYMPATHY FOR THE REBEL

By Rabbi Aryeh Klapper

My high school graduation was the week of Parshat Korach. As the result of some complex politics, I had been named valedictorian by the rabbi who was retiring after many years as General Studies Principal. This meant that I would give the student Dvar Torah at the event. This rather terrified the rabbi who served as the Jewish Studies Principal, who suspected that I would launch into a full-throated defense of Korach's challenge to Mosheh and Aharon:

כי כל העדה כלם קדושים ובתוכם ה'  
ומדוע תתנשאו על קהל ה'

For the entire community is holy, and Hashem is amidst them:  
So why should you be elevated above the congregation of Hashem?!

It's conceivable that I did not deny the possibility when asked.

In the end, as best I recall, I gave a very conventionally from *vort* about the importance of recognizing hierarchy and authority. Very likely I thought that it would be wrong to say anything that risked damaging the standing of the rabbi who selected me.

So Parshat Korach stood for a long time as a personal symbol of surrender to convention, however justified. And therefore I am perhaps hypervigilant looking for traditional interpreters who can't resist showing sympathy for Korach.

Hypervigilance generates pet theories, and pet theories are really hard to give up. Sometimes they are disproven, and you have to surrender them— and sometimes they're left hanging on the precipice, with no proof and yet no positive disproof and enough of a hint to wonder. In that case, perhaps it's fair to put the evidence in front of your readers and let them decide for themselves.

I try to do that below. So as not to bias you, I won't tell you the theory before I go through the evidence. I apologize if it seems somewhat dry – you can skip to the paragraph beginning “#62” if you want, and then go back to read the evidence. But I caution that by then we may be sharing a pet.

Rabbi Binyomin Aharon Selnick lived from 1530-1620. He was a recognized posek who rose to become head of the famed

*Vaad Arba ha'Aratzot*. Rabbi Selnick's primary halakhic work is *Responsa Mas'ei Binyamin*, which was first published in 1633, i.e. more than a decade after his death.

*Responsa Mas'ei Binyamin* is divided into 112 *simanim*. 99 of these contain the signature of the book's author, בנימין אהרן ב"ר, אברהם שלניק. (In the version on Bar Ilan, the signature in *Siman* #2 is spelled שלניק, but this appears to be an OCR error based on a printing in which part of the ס did not come out. In #77, the signature appears twice, because his responsum is followed by a statement he signed with others.) The remainder are continuations of the previous *siman*, introductions to the following *siman*, or letters to Rabbi Selnick from rabbinic colleagues.

94 of the 99 signatures are undated. Five of them are followed by the date. Two of those, in #s 23 and 24, are alternate versions of a single responsum – it's not clear why it exists in two versions, but #24 is explicitly introduced as נוסחה אחריתא = an alternate version of the previously mentioned ruling. (It's not clear to me whether this introduction is from Rabbi Selnick or from the posthumous editors. Indeed, it is not clear to me whether Rabbi Selnick had selected these responsa from his presumably voluminous correspondence, or whether this selection was made by the editors, or whether these were the only ones that survived for some reason unrelated to printing. The first edition opens with an ode to Rabbi Selnick written by the two editors, at least one of whom was a grandson, but I was unable to glean any relevant information from it. My suspicion is that Rabbi Selnick made the selections, though, because the editors provide a table of contents organized by subject matter which has no bearing on the order of the book.)

Each of the five dates includes the day of the week, the parshah of the week, and the year. # 62 alone includes the month and day of the month.

The dates in #s 23, 24, and 109 are each introduced by כותב וחותם, “signed and sealed”. They are each permissions for a woman to remarry, so the date was of legal significance. The

parshiyot mentioned are Matos-Masei in #23-24 and את הברכה אשר תשמעון. The latter is not a conventional parshah name; a Bar Ilan search turns up no other instances of “פרשת את הברכה.” Presumably the reference is to Devarim 11:27, the second verse of what is conventionally called Parshat Re’eh (although the text there is אשר תשמעו, without the final nun). I have no explanation for the unusual name, especially in light of the conventional “Matos-Masei” in #s 23-24.

That leaves #s 62 and 71. 71 is a continuation of 70, which addresses a related question, was written to his son, and ended without a signature. Here is the question:

And regarding that which you asked: One who buries their dead during the days of the festival, does Shemini Atzeret count for them as seven days (and therefore they have no need to sit shiva afterward), or does it count only as one day?

Rabbi Selnick’s answer is that his teacher Maharshal had ruled that it counted for seven days and this seems clearly correct to him. He signs and dates the answer

כה דברי אביך הק' בנימין אהרן ב"ר אברהם סלניק ז"ל:  
יום ג' לפ' כי שרית. בשל"ם לפ"ק:

Thus are the words of your father the small, Binyamin Aharon son of R. Avaraham Selnick z”l:  
Tuesday of Parshat *ki sarita*.

*Ki sarita* is presumably a reference to Genesis 32:29, where Yaakov’s angelic wrestling partner tells him that he will now be called *Yisrael* because he has triumphed over both metaphysical and physical creatures. This too is a nonstandard parshah name, and here again I cannot find anyone else who uses it, and I also cannot find any connection between the nickname and the topic of the responsum.

That leaves #62.

#62 is justly famous for its unusual personal pathos. The topic is whether blind men can be given aliyot. Rabbi Selnick begins by acknowledging that Rav Yosef Caro assembled all the positions, weighed them, and concluded that giving blind men aliyot is forbidden. He then acknowledges that he has become blind in old age, and accuses Rabbi Caro of seeking to banish him from the estate of G-d! His response is

לכן אמרתי וגמרתי בלבי  
הלילה לי מלעזוב את דרך עץ החיים ומלאהו בענפיה  
Therefore I said and concluded in my heart:  
G-d forbid that I abandon the path of the Tree of Life,  
and (cease) grasping its branches

The tree of life (*etz chayyim*) is of course Torah, and “grasping its branches” is a reference to grasping the *atzei chayyim* of the Torah scroll when receiving an *aliyah*.

Rabbi Selnick therefore declares war on Rav Caro’s position. He arrays his ranks of precedents against Rav Caro’s and attacks until victory is his. In short, he does not go gentle into the good night; he rages, to his mind successfully, against the halakhic implications of the dying of the light. Maseit Binyamin #62 is halakhah as Dylan Thomas might have written it.

Here is the date at the end of the *teshuvah*. (This is the only time Rabbi Selnick includes the month and day of the month.)

יום ה'  
ג' תמוז  
ש"ע לפ"ק  
לפרשה כי כל העדה כלם קדושים:  
Thursday,  
3 Tammuz  
5370

Parshat *ki khol haedah kulam kedoshim*

When I first read this *teshuvah*, it was obvious to me that he saw Rabbi Caro’s position as unjust in that it elevated the seeing above the blind, when *the entire community is holy, and G-d is amidst them*. In other words, he saw himself as a justified Korach. Having seen the evidence above, do you agree?

(Note: Neither Korach nor Rabbi Selnick seems to have considered the implications of excluding women from the same religious experience they were willing to fight for. Mrs. On ben Pelet, however, sees her exclusion from Korach’s crowd of men as a boon, and saves her husband by keeping him at home with her.)

*Shabbat shalom!*