

Toronto Torah

Beit Midrash Zichron Dov

Parshiyot Mishpatim-Shekalim

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A Stranger's Prayer

Adam Frieberg

We live in a society that condemns discrimination. Debate continues over the legitimacy of practices such as racial profiling on one hand, and affirmative action on the other. The Torah's position on discrimination is complex; the modern mind may view some mitzvot as discriminatory, while other mitzvot fiercely advocate against such a perspective. Amongst the myriad of mitzvot that are taught in Parshat Mishpatim, I would like to focus on one that falls into the latter camp: "You shall neither taunt nor oppress a stranger, for you were strangers in the land of Egypt." (Shemot 22:20).

This verse, often quoted in support of social justice initiatives, advocates sensitivity toward the less fortunate. However, the medieval commentators debate the need for the second half of the verse: why did the Torah feel the need to give us a reason to be sensitive and understanding toward strangers?

Rashi, quoting the Talmud (Bava Metzia 59b), explains that the Torah is giving us practical advice: beware of ridiculing a minority group whose inherent flaw is the same flaw as yours. If you were to belittle a stranger for coming from a foreign land, that stranger might just as quickly turn around and belittle you for being a descendant of foreigners – which would be historically accurate, and which is easy for many of us,

descendants of immigrants, to understand.

The Siftei Chachamim commentary notes that Rashi might be interpreting the word *ger* as referring to converts. While most of us do not relate to that experience personally, we all come from Avraham and Sarah, and the point – or identity as strangers – is abundantly clear. All in all, we see that Rashi takes a technical approach to this question.

Offering a different approach, Ramban suggests that the Torah is reminding us of the way G-d deals with those in need. Ramban highlights the message demonstrated by the second half of the sentence: the incredible power of prayer. While Bnei Yisrael were enslaved in Egypt we had no one to turn to for help; we were completely alone. We turned to G-d and begged for salvation, and we were redeemed. (Shemot 2:23-24) The Torah is explaining that the stranger will be treated in exactly the same way that the Jews had been treated. With no one to turn to, we had prayed and G-d had taken care of us, and so the stranger, with no one to turn to, no one to rely on in a time of need, will turn towards Heaven and will take be taken care of. G-d harshly warns us, "If you dare cause him pain, and he cries out to Me, I will hear his cry. I will then display My anger and kill you by the sword, so that your wives will be widows, and your children, orphans." (Shemot 22:22-23)

Ramban's idea is echoed in a halachic source beyond the realm of prayer. When a Jewish army surrounds a city, they are only allowed to surround it on three sides, leaving one side open. (Rambam, Hilchot Melachim 6:7) The Meshech Chochmah (Matot 31:7) assumes that the reason for this law is that it is a good battle tactic. When you surround a city from all four sides, the inhabitants feel that their only chance of survival is to fight with every possible ounce of energy, as they are on the verge of death. This adrenaline rush will create an extremely fierce battle and will inevitably lead to many casualties. However, when one side of the city is left open, the enemy feels that retreat is a viable possibility and does not fight as hard. The Jewish army's chances of success thereby increases.

The idea expressed by both Ramban and Meshech Chochmah is that when a nation or an individual feels trapped, they put all of their available energy into a possible solution. Ramban is teaching that the stranger, if abused or neglected, will feel trapped and isolated from society, resulting in extremely powerful prayers for salvation. These, G-d promises, will be answered.

The unrest in the Middle East continues to remind us that Israel's security is constantly threatened, warranting our prayer. Our personal struggles can also serve as an impetus to pray. When encountering G-d during prayer, it is worthwhile to remember that when we recognize that G-d is the only true source of salvation, our prayer will be strengthened and, hopefully, answered positively.

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Monday 8 PM at Shaarei Shomayim
Medical Halachah (with CME) with Rabbi Torczyner
ISSUES IN ELDER CARE



Tuesday 8 PM at the Thornhill Community Shul
A Pre-Purim Shiur with Rabbi Ezra Goldschmiedt
THE DIFFICULT CHOICES OF MEGILAT ESTHER

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One of the many laws given to us in our parshah (Shemot 21:33) is the requirement to pay for damage if one digs a pit into which an ox or donkey falls. Our sages explained that the Torah cites specific examples (ox, donkey), rather than state an across-the-board rule, because there are cases in which the digger will be exempt from paying the damage. These exceptions are two: damage to tools that fall in, and the death of a man who falls in.

Why should a ditch digger be exempt from penalty in these two cases? Of course, one could argue that these laws are Divine edicts and beyond rational analysis. However, we will follow the words of our master the Ramban, "The monetary laws should not be understood as a scriptural decree but as laws toward which the mind leans." (Sefer HaZ'chut, Gittin 38a)

Rabbi Chizkiyah ben Manoach, in his Chizkuni commentary to our parshah, stated, "Man has a mind and he should look where he is going, and so he is the one who caused the damage to himself. Regarding tools, usually tools will not travel independently without a man supervising; their owner did not guard them, and so he caused their loss." Chizkuni explains both of these exemptions to stem from the same reason – the ditch digger does not bear sole responsibility for the damage.

A strong question may be put against Chizkuni, though: if the digger is exempt because the victim is to be blamed, then why is the digger liable if the victim is only injured? One might answer that in a fatal case the failure of the victim to understand the gravity of

the danger is so extreme that it completely overrides the responsibility of the ditch digger. However, perhaps we might offer a different approach, in light of an additional exemption cited by Rambam.

In his Mishneh Torah (Hilchot Nizkei Mamon 12:16), Rambam rules that where an animal falls into a pit and dies, the ditch digger is exempt from liability. If so, then we have a clear line drawn between injury and death, whether the victim is person, animal or tool. (Indeed, the Torah Temimah (Shemot 21, footnote 263) argues directly that the breaking of a tool is the equivalent of the death of a person or animal.)

We may suggest that there is a difference between one's obligation to **repair** damage and one's obligation to **compensate** for a total loss. This is not only a difference of quantity, but a difference of quality; the obligation to repair appears when one is found liable for damage, but the obligation to replace appears only when the damaging party is seen as having 'taken' the object. Since the pit is inanimate, it cannot be viewed as having 'taken' anything; therefore, the ditch digger cannot be assigned with the duty to replace the object. (For further explanation of the difference between 'repair' and 'compensation' see Rav Chaim al haRambam, Hilchot Toen v'Nitan 5:2.)

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613 Mitzvot: #243 Kill with Kindness Rabbi Mordechai Torczyner

Mitzvah 243, one of the best-known mitzvot in the Torah, instructs us to "love our neighbor as ourselves." This mitzvah obligates us to avoid harming others, and to treat others and their property with the same care we apply for our ourselves and our property.

Taking this mitzvah a step further, we are obligated to proactively aid others; this obligation carries serious weight in any halachic calculation. Therefore, the Talmud (Nedarim 65b) states that if a Jew were to vow not to benefit someone, a court could seek to remove the vow by asking him,

"Had you known that this vow would prevent you from fulfilling, 'Love your neighbour', would you have taken the vow?" Should the individual reply in the negative, the court would repeal his vow.

Some of the practices associated with this law may be surprising, for the ambit of our obligation to love others is quite broad. For example, the Talmud (Sanhedrin 52b) rules that when executing a hardened criminal, the court must find the most benign method, allowing the criminal to retain his dignity.

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Hitoriri: Jewish Spirituality The Altar's Corners Hillel Horovitz

התורה בפרשת משפטים מלמדת אותנו כי רוצח במזיד אשר בורח מעונשו ונאחז בקרנות המזבח, מצויים אנו למצות עימו את הדין ולהורגו: "וכי יזד איש על רעהו להרגו בערמה - מעם מזבחי תקחנו למות".

בסוף ימיו דוד מצווה את שלמה בנו להרוג את יואב, שר צבא דוד: "וגם אתה ידעת את אשר עשה לי יואב בן צרויה, אשר עשה לשני שרי צבאות ישראל לאבנר בן נר ולעמשא בן יתר ויהרגם...". יואב אשר מקווה לברוח מעונשו הולך ונאחז בקרנות המזבח בכדי שלא יהרגוהו. יואב טוען כי הרג את אבנר ועמשא משום שמרדו במלכות (סנהדרין מ"ט). ועל כן המזבח צריך להגן עליו, שכן הוא פעל בציווי של דוד.

הגמרא (מכות י"ב). אומרת כי יואב שהיה תלמיד חכם הכיר את הדין של רוצח הבורח למזבח וידע כי המזבח יכול להגן על האדם במקרים שונים, אולם, רב יהודה ואבבי אומרים כי היו מספר טענות הלכתיות בהם טעה יואב, אחת מהן היא: "טעה - שאינו קולט אלא כהן ועבודה בידו, והוא זר היה". המזבח מגן על הכהן העוסק בעבודתו ולא על כל אדם הבורח מפני החוק.

מה ניסה יואב לטעון? יואב ניסה לומר לשלמה כי בהורגו את אבנר ועמשא היה כ"כהן" בעבודתו, הוא ביצע את שליחותו של דוד והקב"ה בכך שהגן על עם ישראל, כיצד ניתן להענישו על דבר שעשה לרווחת עם ישראל?! על כך עונה אבבי ואומר שהמזבח מגן רק על כהן ולא על "זר". יואב הרג את שני שרי הצבא בין השאר כהגנה על מעמד שלו וכנקמה על מות אחיו (שמואל ב', ב'). בכך הכניס יואב מחשבה "זרה" לתוך עבודת הכהן. יואב היה כ"זר" בעבודתו, ולכן המזבח אינו מגן עליו.

סכנה זו תלויה ועומדת בפנינו גם בימינו אנו. פעמים רבות אנו מתרצים את מעשינו בעשייה לשם הציבור או לשם שמיים. מלמדת אותנו הגמרא כי יואב, שעליו נאמר כי "כל ישראל צריכים לו" (מכות י"א). "נפל" בכך שתרץ את מעשיו בעשייה לשם שמיים, ונענש על כך. התורה אומרת לנו כי על האדם לשאול את עצמו תמיד, האם אני עושה לשם שמיים או לשם עצמי? יהי רצון שנעשה הכל תמיד לשם שמיים ויקויים בנו מהרה: "קל ד' ויאר לנו אסרו חג בעבתים עד קרנות המזבח".

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Torah in Translation Hiring the Needy to Bake Matzah

Rabbi Yosef Shaul Nathanson

Bitul Modaah pg. 2

Translated by R' Mordechai Torczyner

[Preface: Beginning in ancient times, Jews distributed gifts to the needy at the time of the public reading of Megilat Esther, in order to fulfill the imperative recorded in the megilah and in order to aid the needy in their collection. Also, Jewish communities historically hired needy people to bake matzah, providing them with respectable support. Here, Rabbi Nathanson responds to a rabbi who argues that using machines to bake matzah would damage the livelihood of the needy, and would violate the historic practice of aiding the needy with these jobs.]

He noted that we do not read the megilah on Shabbat even when there is an obligation [to read on that date], because the eyes of the needy anticipate the reading of the megilah [and we could not distribute gifts to the needy at a megilah reading on Shabbat]. Similarly, we should halt use of this machine because of the eyes of the needy, for this work provides them with money to purchase wheat [for matzah]. This is one of the precious arguments found in his writings, as well as the writings of others. However, it is empty, easily blown away; it causes us to laugh!

On Purim we read the megilah, and the megilah's central purpose is to remind us to give gifts to the needy, and it would be inappropriate to read the megilah without fulfilling that which is recorded therein. And so they said (Megilah 4) that a community which reads megilah on an earlier day also moves up the gifts to the needy; see Ramban and Rav Zerachyah haLevi there.

Here, though, the essence is to bake matzah in order to fulfill the obligation of matzah. What does this have to do with the needy? If one had many family members [to bake matzah themselves], would he be prohibited from baking personally, without hiring paupers to help?

Further, in our great sins, bitterly poor people come to bake matzah, and those who stand there during the baking can testify to the stumbling blocks that occur in the preparation of matzah. The matzah is prepared by paupers and [non-Jewish] servants, who are frivolous, and every member of my city will testify to this. It has been two years since I was appointed Rabbi and head of the court here, and I enacted that trustworthy people be assigned to each

Born in 1810 in Berzan, Galicia, Rabbi Yosef Shaul Nathanson committed himself to Torah study at an early age. His father was a wealthy businessman as well as a scholar, and the same was true of the father of his wife, Sarah Idel. After Sarah's parents passed away, Sarah herself took over the family business. The result was that Rabbi Nathanson was able to devote his energies to Torah scholarship.

In his twenties, Rabbi Nathanson moved to Lemberg, in the Austrian Empire, and he established a yeshiva there. He studied and published with his brother-in-law, Rabbi Mordechai Zeev Ettinger, but they eventually split when Rabbi Nathanson endorsed the use of machines to bake matzah. The brothers-in-law were both candidates for the rabbinate of the city of Lemberg in 1857; Rabbi Nathanson was given the position, in which he served without taking a salary.

Rabbi Nathanson was known for his philanthropy. He founded a soup kitchen, and he was known to eat there from time to time, with the needy.

Rabbi Nathanson published many books and pamphlets, on a broad range of Torah subjects, with the approbations of leading scholars. His opinion was sought on the most challenging halachic questions of his day, including the nature of Corfu etrogim, kashrut of bee honey, intellectual property rights, cigarette smoking, modern wills and the *heter iska*. His responsa drew on knowledge of the sciences, too. Rabbi Nathanson was known for avoiding strife; despite his strong opposition to the chasidic movement, he maintained good relations with its leaders.

Soon after Rabbi Nathanson took office in Lemberg, Sarah passed away; Rabbi Nathanson married again, but he never had children from either marriage. Rabbi Nathanson passed away in Adar I, 1875.

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matzah bakery. Despite this practice, we have found many stumbling blocks, including theft of many batches of dough, lying, and baking of their own chametz between sets of matzah. Further, when they work all day and all night their strength is weakened, and there is greater concern for problems. With this machine, though, strong Jews work, and they do their jobs well, and they bake far more in one day than other bakeries do, and their great speed is beyond estimation.

This Week in Israeli History Shevat 29 2003 Columbia Explodes Rabbi Ezra Goldschmiedt

29 Shevat is this Shabbat

STS-107, the Space Shuttle Columbia's 28th mission, was a special occasion for Israel. NASA's earth science research mission was the first to bring an Israeli, Ilan Ramon, into space.

A child of holocaust survivors, Ilan was born in Ramat Gan in 1949. After joining the IDF, he moved up in the ranks of the air force, ultimately serving as a colonel until 1998. At the age of 27, Ilan was the youngest pilot to fly in Israel's successful strike on Iraq's Osirak nuclear reactor in 1981 (Operation Opera).

In 1997, Ilan was selected by NASA to serve as payload specialist, the designated expert for the shuttle's cargo delivery to the space station, for STS-107. After six years of training, Ilan and the rest of the Columbia crew began their mission. Their sixteen-day trip of research was mostly spent conducting experiments, with crew members working in shifts around the clock.

During re-entry, the Columbia unexpectedly disintegrated, instantly killing the seven crew members and leaving remnants of the shuttle strewn across Texas, where they had been expected to land. Analysis after the crash showed damage to the Columbia's left wing and heat protection systems, likely caused by debris which had broken off during the initial launch.

During his preparations and mission, Ilan Ramon set an example that brought great pride to Israel and the Jewish people. Although secular, Ilan was determined to exemplify halachic observance while in space, to serve as a worthy representative of Judaism. He consulted with rabbis about how to observe Shabbat in space, he ate only kosher food, and he brought with him, among other Jewish artifacts, a Torah scroll that had survived the Bergen-Belsen concentration camp. His passing was a bitter day for Israel.

Many institutions and landmarks have been named in his memory, including Ilan Ramon Boulevard in Vaughan, Ontario.

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Who is the prophet of our haftorah?

Achaziah, king of the southern Jewish kingdom of Yehudah (circa 9th-8th century BCE), was killed by Yehu, king of the northern Jewish kingdom of Yisrael. In the aftermath, his mother, Athaliah, massacred the rest of the family. Only Achaziah's son, Yehoash, survived, hidden by his sister and the high priest, Yehoyada, in the Holy of Holies.

When Yehoash was seven years old, Yehoyada took him out of his hiding place, declared him King, and killed Athaliah. Yehoyada then launched a campaign to purify the Temple, eliminate false prophets and end idolatry.

No prophet is named in our haftorah, but we can see Yehoyada as the central spiritual figure of our story.

Rambam, in his introduction to Mishneh Torah, presents Yehoyada as the link between Elisha and Yehoyada's son, Zechariah, in the chain of prophetic tradition.

What is the message of our haftorah?

Our haftorah describes a reform in the Temple fundraising system, introduced by King Yehoash. In the beginning of his reign, the money brought by the people was given to the priests. The priests were allowed to take the money for themselves, because they were

responsible for annual accountings and for carrying out renovations in the temple. Twenty three years later, Yehoash observed that the system had broken down; the accountings had been abandoned, and no new renovations were taking place.

Radak explains that King Yehoash suspected that the priests were keeping the money to themselves. The king's cure to the problem was simple: the money would be placed in a special closet, and when the closet was full, the money would be counted and placed into the Temple's treasury, for use later in the renovations.

This new technique was successful, and the renovations were renewed.

What is the connection to Parshat Shekalim?

The connection to Parshat Shekalim is evident: the story in our haftorah is about donations to the Beit HaMikdash, and that is exactly what the mitzvah of Machatzit HaShekel (contributing a half-shekel) is about.

A deeper examination of the story in our haftorah will reveal not only a connection to Parshat Shekalim, but also a lesson to be learned. As we said earlier, Yehoash was crowned at a very young age. The de facto ruler in Yehudah, it seems, was Yehoyada. This

is stated almost explicitly in the verse, "And Yehoash did what was proper... as Yehoyada the priest instructed him." (12:3) In Divrei HaYamim II (Chapter 24) we learn that after the death of Yehoyada, Yehoash went astray. In the end, when he was rebuked by Yehoyada's son, Zechariah, Yehoash decided to kill Zechariah, ignoring the fact that he owed his life to Zechariah's father, Yehoyada.

In this light, our haftorah might be read as the beginning of the fall – the story of a king who tries to invade the Temple's treasury. He accused the priests of taking the money for themselves, but his real intention was to seize control over the Temple's money flow. One cannot resist this reading when one sees further in Melachim II that when an enemy attacked, King Yehoash did use the Temple's money in order to pay him off.

The lesson is clear: The Beit HaMikdash, and the work done in it and for it, are holy, but the people who are responsible for it are not necessarily so. This calls for a system of checks and balances, in order to make sure that, as our haftorah says, 'they are acting in faith.' (12:16)

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Highlights for February 9 – February 15 / 29 Shevat - 5 Adar

Shabbat, February 9

7:45 AM R' Baruch Weintraub, Reasons for mitzvot and the parshah, Or Chaim **not this week**

10:20 AM R' Baruch Weintraub, Parshah, Clanton Park **not this week**

After Musaf Hillel Horovitz, The Power of Half, Bnai Torah

4:30 PM R' Torczyner, Daf Yomi, BAYT **not this week**

4:40 PM Adam Frieberg, 10 and 613, Shaarei Tefilah

After minchah R' Mordechai Torczyner, Gemara Avodah Zarah: Heated Wine, BAYT **not this week**

Sunday, February 10 Rosh Chodesh Adar Day 1

9:15 AM Hillel Horovitz, Parshah Preview, Zichron Yisroel, Hebrew (Shacharit 8:30 AM)

After maariv R' Baruch Weintraub, Contemporary Halachah in Israel, **Hebrew**, Clanton Park, **men, not this week**

8:30 PM R' Baruch Weintraub, Contemporary Halachah in Israel, **Hebrew**, 4 Tillingham Keep, **mixed, not this week**

Monday, February 11 Rosh Chodesh Adar Day 2

8 PM R' Mordechai Torczyner, Medical Halachah (with CME credit): Elder Care Issues, Shaarei Shomayim

8 PM Hillel Horovitz, Sefer Melachim, Chapters 12-14, Bnai Torah

8 PM R' Ezra Goldschmiedt, Mesilat Yesharim, Bnai Torah, *high school students*

9 PM Hillel Horovitz, Rav Kook's Ein Ayah, Bnai Torah

Tuesday, February 12

1:30 PM R' Mordechai Torczyner, Daniel: The First Dream, Part 3, Shaarei Shomayim, *Mekorot*

7:30 PM Hillel Horovitz, David and Batsheva II of III, KST

8 PM R' Ezra Goldschmiedt, "What would you do? The Difficult Choices of Megilat Esther" Thornhill Community Shul

8 PM Yair Manas, Chaburah: Sanhedrin, 33 Meadowbrook

8 PM Adam Frieberg, Too evil to convert? The murder of the Amalekite Convert, Shaarei Tefillah

8:30 PM R' Baruch Weintraub, Rambam's Laws of Kings: Daat Torah and Foreign Policy, Shomrai Shabbos, *men*

Thursday, February 14

10 AM R' Mordechai Torczyner, Jonah: Week 4, BEBY

8:00 PM Adam Frieberg, Blessings on Torah Study, Village Shul

8:30 PM R' Baruch Weintraub, Sotah, Clanton Park

Coming Up

Feb. 15-16: Shabbaton

Just Jewish: Judaism Without Brands at the Forest Hill Jewish Centre

Feb. 27: Prepare for Pesach!

Three Nights of Interactive Learning at BAYT