

# Toronto Torah

## Beit Midrash Zichron Dov

Parshat Mishpatim/Shekalim

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לעילוי נשמת הרב יצחק חיים בן משה יוסף הלוי ירם זצ"ל

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בן-ציון בן יהודה פמה הכהן ז"ל, 1, z"l of his beloved brother Jerry z"l, 3 Adar I) to commemorate the first yahrzeit

## Raising Cain

Ezer Diana

In describing the Torah's laws for setting aside cities of refuge, Hashem tells Moshe, "If he did not do it by design, but it came about [*inah*] by an act of G-d, I will assign you [*lecha*] a place to which he can flee [*shamah*]." (Shemot 21:13, JPS 1985 translation) The Ari z"l offers two remarkable mystical explanations for this verse. (*Shaar HaPesukim* to Shemot 21)

### Approach 1: Killing Kayin

Commentaries note the switch of subjects in our verse. The verse opens with a focus on the killer ("if **he** did not"), but switches to speak to Moshe by stating, "I will assign **you** a place." Wouldn't it be more consistent to continue, "and I will assign **him** [*lo*] a place"?

The Talmud (Makkot 12b) offers one explanation, but the Ari z"l takes the verse in a mystical direction. Based on the Zohar (*Ra'aya Mehemna*, Parshat Mishpatim), the Ari z"l explains that when our parshah says, "One who strikes a man [*ish*], and he dies, will be put to death (Shemot 21:12)," it refers to Moshe's killing of the Egyptian man [*ish mitzri*]. Had Moshe done it with intent for murder, he would have been put to death. However, Moshe was a reincarnation of Hevel, and the Egyptian man [*ish mitzri*] whom he prevented from beating the Jewish man (Shemot 2:11) was a reincarnation of Kayin. Since Hevel/Moshe did this with the correct

intentions - to correct Kayin's sin, albeit at the wrong time according to *Ra'aya Mehemna* - it was only considered an accidental murder. Therefore, when G-d presents the laws of accidental murder in the ensuing verse ("I will assign **you** a place"), He refers to Hevel/Moshe directly, who was fleeing from Samael, the blood avenger of the Egyptian/Kayin.

Rabbi Shemuel Vital (glosses to *Sha'ar HaPesukim*) adds that the letters *shin-mem-hei* (*shamah*), which conclude that verse, are the same letters as Moshe's name, meaning that Moshe should flee to the city of refuge.

### Approach 2: Converting Kayin

The Ari z"l also offers another Kabbalistic interpretation of the same verse. In Shemot 21:13 the word "came about" [*inah*] is spelled *aleph-nun-hei*, an acronym for "the soul of the convert" [*et nefesh haGer*]. The verse is telling the story of a convert to Judaism who was another reincarnation of Kayin: Yitro, Moshe's father-in-law. [Zohar Bereishit 286, based on Shoftim 4:11, makes the Kayin/Yitro connection.]

After Moshe fled from the blood avenger of the Egyptian (Pharaoh), who had chased him away, he arrived in a place of refuge: Midian. This verse, rather than referring to Hevel/Moshe killing Kayin, instead discusses how Hevel/Moshe converted him. In this approach, too, Hevel/Moshe is involved in a

rectification of Kayin's soul.

These two approaches stand to guide us in our interactions with others who have wronged us. No one would practically advise murdering our enemies, but there are some times when we seek to eradicate them, or at the very least, cut them off from our lives. There are times when that may be appropriate - see, for example, some of the traditional approaches to the destruction of Amalek. However, other times seem to call for another, softer approach. In many circumstances, the better way to repair our relationships with others is not by backing down, but by seeking to bring them closer, as Hevel/Moshe did to Kayin/Yitro. By fixing our relationships with others in this manner, we will hopefully repair our once-broken brotherly bond, leading to the ultimate redemption, speedily in our days.

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## OUR BEIT MIDRASH

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**Summary**

Chapter 16 begins as G-d orders the prophet Shemuel to move on from King Shaul, whom G-d has rejected, and to anoint a new king from the sons of Yishai of Beit Lechem. Shemuel voices fear of being punished by Shaul; some commentators suggest that this is an excuse to cover for Shemuel's desire to keep Shaul as king. (Abarbanel to 16:2) However, G-d tells him to go in any case, under the protective pretense of bringing sacrifices. (16:1-3)

After arriving in Beit Lechem and beginning his sacrifice, Shemuel reviews the sons of Yishai. He is impressed with the stature and beauty of the eldest, Eliav; this may have reminded him of Shaul's own impressive height and appearance. (Radak to 16:6) But G-d rebukes Shemuel for this superficiality, noting that G-d perceives a person's heart. The rest of the sons are also rejected, until the one remaining son, the youngest, is brought from among the sheep. G-d immediately tells Shemuel to anoint this one; this is David. Like Shaul in his own initiation (Shemuel I 10), David begins to experience Divine inspiration. But unlike with Shaul, Shemuel does

not instruct David in the ways of monarchy; instead, Shemuel retreats to his home in Ramah. (16:4-13)

At this point, we learn that G-d has begun to send a "harmful spirit" to frighten and upset Shaul; Don Isaac Abarbanel associated this with depression. (Commentary to 16:14) Shaul's servants advise him to seek the playing of a musician; young David is brought. David is described as a skilled musician, as well as a warrior, and a person of comprehension and beauty. Further, "G-d is with him." Shaul loves David, and makes him his armour bearer, and David's music is effective in soothing Shaul's spirit. (16:14-23)

**Insight**

The phrase "And G-d is with him" is used to describe King David here, as well as further along, in 18:14. It connotes a level of Divine intimacy, and our sages understood it to imply special Divine protection – not only from harm, but even from sin. (Shabbat 56a) This is consistent with the broad talmudic idea that G-d protects the righteous, and even their animals, from sin. (Yevamot 99b)

However, this implication of Divine protection creates a problem. We are well aware that King David appears to sin in the incident with Uriah and Batsheva. (Shemuel II 11-12) Indeed, the prophet Natan says he has sinned, and David himself declares that he has sinned. (ibid.) How could G-d have been "with David", while failing to prevent an egregious transgression?

The Talmud offers two solutions to maintain the principle of G-d being "with David":

- 1) King David wanted to sin, but G-d prevented him from breaking the law on a technical level. For example, Uriah had already divorced Batsheva, so that there was no adultery. (Shabbat 56a)
- 2) King David did indeed sin; G-d allowed it to happen in order to teach future Jews about repentance. When David would repent and be accepted back by G-d, this would demonstrate the immense power of repentance. (Avodah Zarah 4b)

Of course, there is more to be said about that story, when we reach it in our *Journey Through Tanach*.

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**Holy Land Halachah: Use of Public Electricity on Shabbat****Rabbi Alex Hecht****Rabbi Moshe Sternbuch, Teshuvot v'Hanagot 5: OC 93**

Using electrical devices like lights and refrigerators on Shabbat in Israel presents a concern for benefitting from the Shabbat violations of Jews who work at public energy companies. While significant authorities have permitted this, Rabbi Avraham Yeshayah Karelitz prohibited it. (Chazon Ish, Orach Chaim 38:4) Rabbi Moshe Sternbuch addresses the question of people who follow the stringent opinion to only use electricity from a private generator, yet run refrigerators using the public energy source.

First, Rabbi Sternbuch notes that many authorities permit using public electricity on Shabbat, based on the assumption that closure of power plants on Shabbat would involve *pikuach nefesh* concerns in hospitals, as well as in many private homes, where continuous access to electricity is essential. As a result, they feel it is necessary to operate the power plants normally. Additionally, proponents of the lenient position argue that we may benefit from Shabbat violations by power plant workers, since these workers do not believe that they are doing anything wrong, and according to some opinions, others may benefit immediately from mistaken violations of Shabbat in pressing situations. [See Mishnah Berurah 318:7.]

Beyond this, Rabbi Sternbuch suggests multiple reasons why running a refrigerator on Shabbat in Israel, even according to Rabbi Karelitz's stringent opinion, may be treated more leniently.

- 1) In a creative argument, Rabbi Sternbuch notes that a refrigerator simply maintains its internal temperature. For lights, electricity creates illumination, which would not exist otherwise. Permission to use electricity to maintain a

status quo may be compared to the permission to eat food that was insulated in a way that is prohibited on Shabbat. If the insulation merely maintains the food's heat, as opposed to adding to it, one may eat this food. (Shulchan Aruch, Orach Chaim 257:1) Similarly, one may benefit from the refrigerator's maintenance of its internal temperature. Rabbi Sternbuch acknowledges that this argument requires substantiation.

- 2) Rabbi Karelitz prohibited using public electricity due to concern for *chillul Hashem* (desecration of G-d's Name), as doing so may convey the message that Torah-observant Jews are indifferent to violation of Shabbat by other Jews. However, as opposed to electric lights, which can be seen from the outside, use of a running refrigerator is not apparent to the public. Rabbi Sternbuch suggests that there may be a limit to the extent to which the average Torah-observant Jew must avoid any exposure to Shabbat violation, just to avoid appearing to approve it. Otherwise, it might be necessary to avoid walking in the street. [Rabbi Sternbuch does say that such a level of stringency is praiseworthy, and that this was the practice of Rabbi Yitzchak Zeev Soloveitchik.]
- 3) Finally, Rabbi Sternbuch suggests that nowadays, when use of private generators on Shabbat is widespread in certain communities, onlookers may assume that the refrigerator, or even electric lights, are powered by a private generator, thus minimizing concern for public *chillul Hashem*.

Nevertheless, Rabbi Sternbuch writes that it is proper for an individual to be personally distressed over Shabbat violation, and should therefore, ideally, avoid benefitting from *chillul Shabbat* in any way.

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**Biography**  
**Rabbi Yaakov Ariel**  
Rabbi Jonathan Ziring

Rabbi Yaakov Ariel was born in Jerusalem in 1937. He studied in the Yeshiva of Kfar HaRoeh, Midreshet Noam in Pardes Chanah, and Mercaz HaRav. He became one of the close students of Rabbi Tzvi Yehudah Kook, the Nazir (Rabbi Dovid Cohen), and Rabbi Shaul Yisraeli; he derived his methodology of halachic decision making from Rabbi Yisraeli.

Rabbi Ariel is a leading halachic authority in the Religious Zionist community, and his many students hold important posts in yeshivot and communities throughout Israel. As a respected authority, he has issued many public halachic positions on a series of important, and often controversial matters. He is the current Chief Rabbi of Ramat Gan, the president of Yeshivat Ramat Gan, and the head of a rabbinical court. He was one of the founders of the rabbinic organization Tzohar, and served as president until 2013. Tzohar is dedicated to making the Rabbanut friendly for the average Israeli, and especially for secular Jews.

Rabbi Ariel previously served as the Rosh Yeshiva in Yamit (an abandoned settlement in the Sinai Peninsula) and the rabbi of Kfar Maimon, and he was the founder of the Machon HaMikdash. He has attempted to become the Chief Rabbi of Israel, but has failed twice, once due to opposition by Charedim and the second time due to his advanced age.

He has written many books, including commentaries on the Talmud, halachic responsa, books on the holidays, and a record of the building and destruction of the Yamit settlement. He has also published weekly thoughts in newspapers and taught in Bar Ilan University, thus extending his influence beyond the confines of his yeshiva or city.

For his impressive writing, it has been announced that he is being awarded the Israel Prize for Torah Literature.

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**Torah and Translation**  
**The Value of Questions**  
**Rabbi Yaakov Ariel, B'Ohalah shel Torah, Introduction**  
Translated by Rabbi Jonathan Ziring

**מה טובו אהליך יעקב, משכנותיך ישראל.** האוהלים מיוחסים ליעקב, המשכנות לישראל. יעקב הוא הדרגה הנמוכה יחסית; ישראל הוא הדרגה הגבוהה. "לא יעקב יקרא עוד שמך כי אם ישראל." האוהל הארעי, הרופף, מתאר את יעקב. המשכן הקבוע, היציב, מתאר את ישראל. המצב האידיאלי הוא משכן קבוע ולא אוהל ארעי. אך יש גם יתרון ידוע לאוהל: הוא קל לניידות. ניתן לטלטלו ממקום למקום. הוא צמוד לאדם בכל מקום, בכל זמן ובכל תנאי. גם בתקופות קשות של עמנו - של טלטלה, של עקירה ושל הגירה, של נדודים ושל בריחה - נתקיים בנו הכתוב "לא ימוש מתוך האוהל". כל מקום שגלו ישראל, גלתה תורה עמם. והיא סוד קיומו הנצחי והמופלא של עם ישראל. עוד מעלה יש לאוהל. הוא אמנם עראי, מתנדנד, מתלבט ומסתפק. הוא מתאר את השואל בטרם הגיעו לתשובה ברורה. לעומתו, המשכן מתאר את המסקנה הסופית, הקבועה והבלתי מעורערת. המשכן הוא המטרה; האוהל - האמצעי. ואעפ"כ יש יתרון מסוים לאוהל על המשכן: אי אפשר להגיע למשכן בלי להימצא באוהל תחילה. אין תשובה ללא שאלה, ואין משיבים ללא שואלים. מרובים השואלים מן המשיבים, ומרובות השאלות מן התשובות. התשובה הסופית, הברורה והחד-משמעית, היא תוצאה של התלבטות ודיון, שקלא וטריא וחילוקי דעות. התשובה היא בהכרח נדירה יותר; השאלה - תדירה יותר. השאלה היא מיידית; התשובה, בדרך הטבע, מתמהמהת. היא דורשת מתינות, עיכול ואורך רוח. גדלותה של ההלכה היא בשאלות שהיא מעוררת - לא פחות, ואולי יותר - מאשר בתשובות. השאלות מבטאות את הרצינות, את האיכפתיות ואת ההתעניינות, את הצורך הבלתי פוסק בהדרכה תורנית. הקשר שבינינו לבין התורה מתבטא דווקא באוהל, שאליו אנו צמודים בכל עת ובכל שעה, גם בטרם הגיענו אל המנוחה ואל הנחלה של המשכן, שבו נמצאת התשובה הסופית, המביאה למנוחת הנפש. סערת הנפש המונחת בשאלה, חשובה לא פחות, אם לא יותר, מאשר מנוחת הנפש שבתשובה. כי בשאלה באות לידי ביטוי: הצפייה, הכמיהה, השאיפה, ועמהן גם החשיבה, ההעמקה והחתיירה, שבלעדיהן אין חיפוש אמת, וממילא אין גם השגת אמת.

"How great are your tents, Yaakov, your dwellings, Israel?!"

The tents are attributed to Yaakov; the dwellings, to Yisrael. Yaakov is the relatively low level; Yisrael is the highest level. "Your name will no longer be called Yaakov, but rather, Yisrael." The transient, loose tent describes Yaakov. The dwelling, which is stable and permanent, describes Yisrael.

The ideal situation is a permanent dwelling and not a transient tent. But there is also a known benefit to the tent: it is easy to move. It can be moved from place to place. It is close to a person everywhere, at all times, and under any conditions. Even in the difficult times of our people - of movement, uprooting, emigration, of wandering and of fleeing, the verse was fulfilled with us, "he did not depart from the tent." Wherever the Jews were exiled, the Torah was exiled with them. And this is the secret of the eternal and wondrous existence of the Jewish people.

A tent has another benefit. It is, admittedly, transient, moving, unsure, and doubting. It describes the questioner before he reaches a clear answer. The dwelling, on the other hand, describes the final, permanent and undisputed conclusion. The dwelling is the goal; the tent - the means. Nevertheless, there is a certain advantage to the tent over the dwelling: it is impossible to reach the dwelling without being in the tent first. There is no answer without a question and no responder without a questioner. There are more questioners than responders, and more questions than answers. The final answer, which is clear and unambiguous, is the result of debate and discussion, a give and take, and disputing opinions. The answer is necessarily rarer; the question - more frequent. The question is immediate; the answer, by nature, is delayed.

It requires moderation, digestion, and patience. The greatness of halachah is in the questions it raises - no less, and perhaps more - than in the answers.

The questions express the seriousness, the caring and the interest, the constant need for Torah guidance. The connection between us and the Torah is specifically expressed in the tent, to which we are connected at all times and at every moment, even before we have reached the rest and the inheritance of the dwelling, which contains the final answer, which brings about the peace of the mind.

The agitation of the soul in the question is no less important, if not more, than the peace of mind in the answer, because through the question, [the following] is expressed: the expectation, yearning, striving, and with them, also the thinking, deepening and probing, without which there is no search for truth, and therefore, no attaining truth.

## Weekly Highlights: Feb. 22 – Feb. 28 / 27 Shevat – 3 Adar

Time	Speaker	Topic	Location	Special Notes
Daily				
Mon-Thu 8:00 AM	Netanel Klein	Gemara Moed Katan	Clanton Park	<b>Men</b>
שבת Feb. 21-22				
<b><u>MINI-SHABBATON AT SHAAREI TEFILLAH: PURIM: THE HOLIDAY THAT BREAKS ALL THE RULES!</u></b> After Kabbalat Shabbat, R' Alex Hecht, <i>Purim: A Day Off From Mitzvot?</i> Shabbat Morning Derashah: R' Sammy Bergman, <i>Who Gets the Last Laugh?</i> Seudah Shlishit: R' Alex Hecht, <i>The Insulting Purim Shpiel</i>				
10:30 AM	R' Alex Hecht	Parshah Analysis	Clanton Park	<b>After Hashkamah</b>
Pre-minchah	Ezer Diena	Daf Yomi	BAYT	<b>Rabbi's Classroom</b>
After minchah	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
Motz. 7:30 PM	R' Sammy Bergman	Parent-Child Learning	Shaarei Shomayim	
Motz. 8:00 PM	<b>R' Alex Hecht</b>	<b>Melaveh Malkah: Halachah in Modern Israel: Prisoner Exchanges</b>	<b>21 Marwill</b>	<b>RSVP to ahecht@torontotorah.com</b>
Sun. Feb. 23				
8:15 AM	Ezer Diena	Reading Megillah Early	Yeshivat Or Chaim	
9:15 AM	R' Sammy Bergman	Chagigah/Chasidut/Chevra	Shaarei Shomayim	<b>Teens</b>
Tue. Feb. 25	<b>Rosh Chodesh Adar</b>			
1:30 PM	R' Mordechai Torczyner	Yeshayah Chap. 34-35	Shaarei Shomayim	
7:30 PM	R' Mordechai Torczyner	Shoftim Chap. 11	129 Theodore Pl.	<b>Men</b>
Wed. Feb. 26	<b>Rosh Chodesh Adar</b>			
6:00 AM	Ezer Diena	Daf Yomi	BAYT	<b>Rabbi's Classroom</b>
10:00 AM	<b>R' Mordechai Torczyner</b>	<b>Kosher Kops 4 of 4: Jewish Criminals</b>	<b>Beth Emeth</b>	<b>RSVP at torontotorah.com/police</b>
7:00 PM	R' Alex Hecht	Stories from the Talmud	Shaarei Tefillah	
7:30 PM	R' Sammy Bergman	Ancient Texts, Modern Dilemmas	Shaarei Shomayim	
7:30 PM	Ezer Diena	Learn to Read Esther #11	BAYT Boardroom	<b>12-part series</b>
Thu. Feb. 27				
1:30 PM	R' Mordechai Torczyner	Shemuel, Chap. 15	49 Michael Ct.	<b>Women</b>
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	<b>Men, Advanced</b>
8:30 PM	R' Jeff Turtel	Tzurba meiRabbanan	Shomrai Shabbos	<b>Men</b>
Fri. Feb. 28				
10:30 AM	R' Mordechai Torczyner	Bava Metziah: Perek 6	Yeshivat Or Chaim	<b>Advanced</b>

**For University Men, at Yeshivat Or Chaim**

**10:00 AM Sunday, R' Aaron Greenberg, Gemara Shabbat**  
**11:00 AM Sunday, Beit Midrash Rotation: Ezer Diena, Reading Megillah Early**  
**8:30 AM Wednesday, Ezer Diena, Mishlei - Not this week**  
**8:30 AM Friday, R' Mordechai Torczyner, Parshah**

**For University Women**

**7:00-9:00 PM Tuesdays at BAYT, Open Beit Midrash**  
**8:30 PM Thursdays at Shaarei Shomayim, R' Sammy Bergman, In-Depth Gemara: Laws of Shabbat**

**Seder Boker for Men with Rabbi Moshe Yeres, at Yeshivat Or Chaim**

**10:00 AM to Noon, Wed Masechet Taanit, Orot haTeshuvah of Rabbi Kook, Pninei Halachah**  
**10:00 AM to Noon, Tue/Thu Parshanut on the Parshah, Sefer Shemuel, Pninei Halachah**