



# BEIT MIDRASH ZICHRON DOV

# TORONTO TORAH

## PARASHAT MISHPATIM

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This issue of Toronto Torah is dedicated by Nathan Kirsh in commemoration of the 5th yahrzeit (ג' אדר א') of his beloved brother Jerry, בן ציון בן יהודה פסח הכהן ז"ל, who was an inspiration to all who knew him; and by Mark Mietkiewicz in loving memory of his late mother Helen Mietkiewicz, Chaya bas Chayim Shmuel ז"ל, whose 50th yahrzeit is on 2 Adar.



**DVAR TORAH MISHPATIM** RABBI NOAH SONENBERG, DEAN

## The Need for Divine Law

For millennia, philosophers have proposed rational derivations of ethics and morality that don't rely on Divine Revelation. The ability of the human mind to derive a legal framework is also seen within the understanding of our categorization of mitzvot into the two groups of *mishpatim* (intellectually derivable laws) and *chukim* (Divine decrees). Once we realize that humans are able to determine laws that are in accordance with the will of Hashem, we must explain why it was necessary for Hashem to explicitly communicate these rational laws to us. It seems that it should have been enough for Hashem to instruct us to create a court system to rule in matters that arise between individuals in society, much like He did for non-Jews in the seven Noahide laws.

Rav Saadia Gaon offers two explanations for the need to have a Divinely revealed law in his work *HaEmunot veHaDeot*. He says that without a revealed law, it would take time to derive all of the laws and we would find ourselves without a full moral and ethical framework until our intellectual investigation would be completed at a later stage of our lives. Similarly, individuals with weaker intellectual abilities would be left without an ability to derive these ethical laws and as such would live their lives without a

personal system of morals and ethics that binds them. He additionally suggests that the need for revelation was not for the broad strokes of the laws but rather for the details of their implementation. For example, we could derive that theft is wrong but the consequence for theft might not be clear. We might have concluded that incarceration is the correct approach, as is seen in most Western societies, as opposed to the Torah law of requiring that the thief pay the owner back twice what was stolen.

### ***Mishpatim should not be viewed as a suggested moral framework***

Rabbi Eliezer Berkovitz, in his book *God, Man and History* suggests that the premise of the question is flawed. Just because humans are able to rationally determine what is ethical doesn't mean that they will in fact follow the ethical guidelines that they derive. Revelation of these laws by Hashem creates a binding relationship to the law that recognizes the authority of the law as coming from outside of ourselves. It is backed by an all-knowing, omnipotent being who will ultimately enforce it. As a simple example of this, we can see that most people know

that it is important to eat a healthy diet and avoid smoking. Even so, we see that the fast food industry in the world is valued at over \$1 trillion and the global tobacco industry is valued at over \$850 billion. Knowing that we should live a healthy lifestyle doesn't necessarily mean that we will. However, when it is framed as a Divine command, people start to listen. We see religious individuals who are addicted to smoking able to refrain from smoking on Shabbat. Junk food addicts are able to refrain from eating non-kosher food even though it looks tempting.

*Mishpatim* should not be viewed as a suggested moral framework; rather, they are to be viewed as Divine commands that are non-negotiable. The unfortunate reality is that humans are all too good at finding excuses and justifications for behaviours and actions that cross the moral ethical line that we should know to be true. If we were the arbiters of morality, then we would also be the arbiters of when it would be justified to bend the rules to suit our desires. As we read Parashat Mishpatim, let's take the time to recognize the wisdom of Hashem as seen in a rationally derivable legal system that was given with the backing and support of His ultimate authority.



## Yirmiyahu 9

Our chapter constitutes the bulk of the *haftorah* read historically on the morning of Tisha b'Av. It begins dramatically. At the end of Chapter 8 the nation wept, "I wish my head were water, my eyes the very source of tears, and I would cry day and night" for my suffering! Chapter 9 begins with Hashem's response, "I wish I were an inn in the desert, so that I could abandon My nation" and not have to witness their corruption. Their wickedness toward each other is the reason for their suffering (9:1-5, as explained by Mahari Kara).

Because of the nation's corruption, and specifically the way they weaponize their speech to harm others, Hashem feels compelled to punish them (9:6-8).

Yirmiyahu declares that he will wail in response to this destruction, but that does

not deter Hashem. The desolation of Judea is coming, and when people ask why, Hashem will respond that it is due to their failure to follow Hashem's command. Their lives will be embittered, and they will be scattered and pursued by the sword (9:9-16).

At Hashem's word, Yirmiyahu calls for professional mourners to come cry for them;

### Mourning indicates a lack of acceptance

Rabbi Yosef Dov Soloveitchik explained that this is what permits us to cry for the Beit HaMikdash. Logically, we should accept the Divine decree, and mourning indicates a lack of acceptance and a desire to rebel and reject the Divine sentence. But by telling Yirmiyahu to summon

mourners, Hashem taught us that we may cry and protest. Indeed, Rav Soloveitchik explained that this is why this passage has historically been read before kinot on the mourning of Tisha b'Av; it is the religious basis for reciting those kinot (9:17-21).

Yirmiyahu then declares that people should not glorify themselves for their wisdom, might, or wealth. What is praiseworthy is knowledge of Hashem; this is what Hashem desires. This is the last verse of the *haftorah* of Tisha b'Av (9:22-23).

The chapter concludes with a prediction of punishment for those who are physically uncircumcised, as well as those who are spiritually uncircumcised. All of the nations, Jew and non-Jew, will be punished for their guilt (9:24-25).



## Week 3: The Rambam's Ikkarim

The most famous collection of *ikkarim* is that of the Rambam. While many people are familiar with popularizations of his thirteen principles, such as the *Ani Maamim* collection or the liturgical poem of *Yigdal*, Rambam himself records them in the introduction to the commentary on the Mishna in the ultimate/penultimate chapter of *Sanhedrin*. That chapter begins with "those Jews who do and do not have portions in the world to come." In that context, Rambam highlights the necessary beliefs for a Jew. The principles are as follows:

1. The existence of God
2. God's unity/oneness
3. God's incorporeality
4. God is prior to all of creation
5. One should only worship God, directly, and not through intermediaries
6. Prophecy exists
7. Moshe's prophecy was unique
8. The Torah is from Heaven
9. The Torah will never be nullified
10. God's providence - He is aware and does not abandon creation
11. Reward and punishment
12. The Mashiach - that there will be a messiah
13. The resurrection of the dead

Almost all thinkers agree that these principles are critical. There are, however, several key questions about this treatment. The first is why these principles were chosen. If one were to deny the legitimacy or divinity of a single commandment, this would be heretical (and would seem to violate at least one if not more of the above principles). Thus, one must wonder why these are unique. Second, several of these principles seem to overlap (as we will see in Rabbi Yosef Albo). Thus, the belief that the Torah is from heaven, plus the belief in the uniqueness of Moshe's prophecy seem to generate the belief that the Torah can never be replaced. This is because no prophecy will ever challenge that of Moshe who gave the original Torah. One can thus logically subsume the uniqueness of Moshe's prophecy in the principles of the general prophecy and that of the eternity of Torah, or perhaps the belief that the Torah will never be replaced in that of the uniqueness of Moshe's prophecy. We will return to possible answers next week.



## Kiddush and Eating in a Separate Room

**Question:** In our synagogue, it is customary for the Rabbi to recite Kiddush after the Tefillah in a separate room outside the main sanctuary. Recently, I visited a synagogue where the Rabbi made Kiddush inside the main sanctuary, and then the congregation went to another room to eat from the Kiddush there. Is this allowed?

**Answer:** What you are describing is a common practice in many communities outside of Israel, where the Rabbi recites kiddush in the synagogue and people eat in another room. The Talmud in *Pesachim* 100b states, "Ein Kiddush ella bimkom seudah" [There is no Kiddush except in the place of the meal]. Rashbam explains that this is learned from the verse, "Vekarata lashabat oneg" [and you shall call the Shabbat a delight] (Isaiah 58), meaning that where you call "Shabbat" (recite Kiddush), there should be delight (the meal). The *Shulchan Aruch* (Orach Chaim 273:1) brings several opinions regarding the definition of the "place" suitable for making Kiddush and having a meal:

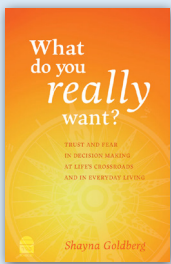
1. The *Shulchan Aruch* states that it is allowed to make Kiddush in one corner of a room and eat in another corner of the same room because the entire room is considered one "place." However, the *Mishnah Berurah* clarifies that although it is allowed, it is preferable to make Kiddush and eat in the exact same place.
2. Another opinion mentioned in the *Shulchan Aruch* allows making Kiddush in one house and eating in another, as long as the second house is visible from the place of the initial Kiddush. The *Mishnah Berurah* adds that relying on this opinion is only permitted in pressing and dire situations, as many authorities do not recommend it, even *bediavad*.
3. A third opinion in the *Shulchan Aruch* allows making Kiddush in one room of a house and eating in another room of the same house, as long as both rooms are in the same building and if the one making Kiddush has in mind to eat in the second

room when performing the Kiddush. The Ramah agrees with this opinion, but the Biur Halacha suggests caution and recommends not relying on this approach except in dire circumstances. However, if the person making Kiddush can see the second room from the first, he can combine both opinions and do Kiddush *lechatchila* (from the outset) in one room and eat in the second room when they are in the same house.

In conclusion, based on the *Shulchan Aruch*, it seems permissible to make Kiddush in one room and eat in another within the same building. The Biur Halacha says this is allowed only in dire circumstances and I would trust the synagogue's Rabbi to determine if there is a genuine need to rely on this permission. If the Rabbi making Kiddush can see the room where the congregation will eat, it is allowed even *lechatchila*. Have a halachic question? Share it with Rabbi Mann at [ymanntorah.com](mailto:ymanntorah.com).



## Week 1: Believe in Yourself



**What Do You Really Want?**  
By Shayna Goldberg  
Maggid Press, 2021

"When I was very little, I learned a song to the well-known words of Rabbi Nachman of Brelov: Kol haolam kulo gesehr tzar meod, "the whole wide world is a very narrow bridge." These words illustrate the harsh reality that sometimes we feel and experience ... and yet, Rabbi Nachman ends the quote by reminding us that *veha'ikkar lo lefached klal*, "The main thing is to have no fear at all." Fear, although natural and normal, will often inhibit us from accomplishing our goals ...

Fear can stop us from doing what we feel we want to do and should do." (What Do You Really Want, page xxi)

There are so many things that we want to accomplish. But, due to our fears—whatever they may be—we hold back. We ultimately

don't do what we want or need to do because of this fear. How do we overcome this? The focus of Goldberg's book is the answer to that question: How can I learn to trust myself to make the correct decision?

This idea reminds me of another statement of Rabbi Nachman, which can be found in *Sichot HaRan* 140. Simply put, he writes, "The main lesson here is that you must have faith in yourself." Before attempting to make any decisions or resolve any doubts, we must have faith in ourselves. In order to accomplish anything we must believe that, with God's help, we can and will make the right decisions.

What Do You Really Want? can be purchased from Koren Publishers at [tinyurl.com/KorenBMZD](http://tinyurl.com/KorenBMZD). Use the code *TorontoTorah* for a 10% discount on this or any other book on their website.



## TABLE TALK RABBI NOAH SONENBERG, DEAN

### Source: Rashi - Shemot 22:27

Do not blaspheme *Elokim*, and do not curse a prince of your people.

### Rashi:

Do not blaspheme *Elokim*—Here you have the prohibition of blasphemy and the prohibition of cursing a judge (who is also termed *Elokim*)

### Questions to Discuss

- What motivates a person to curse another?
- What is the commonality between Hashem, a judge and a prince that would lead a person to be tempted to curse each of them?
- When is it appropriate to criticize our leaders? How should we do that?

After Shabbat, please share your family's answers with us at [nsonenberg@torontotorah.com](mailto:nsonenberg@torontotorah.com) to enter our raffle for a \$15 voucher for Tova's Bakery!

## WEEKLY SCHEDULE

<b>Shabbat</b>	Halacha from the Parasha	Clanton Park	After Hashkama Minyan	Rabbi Mann
	Gemara	BAYT	Between Mincha & Maariv	Rabbi Gutenberg
<b>Sunday</b>	Tzurba M'Rabanan – Halacha	Yeshivat Or Chaim	8:30 AM	Rabbi Shor
	Men's Semichat Chaver: Hilchot Smachot	Clanton Park	9:00 AM	Rabbi Spitz & Rabbi Mann
	Shiur b'Ivrit	BAYT (Milevsky/Mizrachi)	9:00 AM	Rabbi Mann & Rabbi Lax
	Sefer Shemot	Yeshivat Or Chaim	Returns February 25th	David Koschitzky
<b>Monday</b>	The Torah: A Psychic Turn. Psychological Theories in the Eyes of Tanach	Zoom: <a href="https://tiny.cc/idanrak">tiny.cc/idanrak</a>	2:00 PM	R' Rakovsky
	Men's Halacha	Shomrai Shabbos	8:30 PM	Rabbi Mann
	University Women's Beit Midrash	Yeshivat Or Chaim	7:45 PM	Rabbi Anstandig
	Introduction to Gemara: Learn how to learn	Yeshivat Or Chaim	8:00 PM	Rabbi Sonenberg
<b>Tuesday</b>	Then and Now: Returning to the Land of Israel – a Study in Tanach	Zoom	1:30 PM	Rabbi Horovitz
	Women's Gemara Shiur	Yeshivat Or Chaim	8:00 PM	Rabbi Anstandig
	Women's Contemporary Halacha Shiur	Clanton Park	8:15 PM	Rabbi Mann
<b>Wednesday</b>	Exploring the Characters in Megillat Esther	Zoom	Coming February 28th	Rabbi Sonenberg
	Men's Contemporary Halacha	Clanton Park	8:00 PM	Rabbi Mann
	Men's Gemara Bekiut	Yeshivat Or Chaim	8:00 PM	Rabbi Sonenberg
	Eliyahu HaNavi: A Prophet of Fire & Water	Shaarei Tefillah	8:00 PM	R' Rakovsky
<b>Thursday</b>	Tanach: Sefer Shmuel	Zoom: <a href="https://tiny.cc/BMZDtanach">tiny.cc/BMZDtanach</a>	1:30 PM	Rabbi Horovitz
	Men's Tzurba M'Rabanan	Yeshivat Or Chaim	8:00 PM	Rabbi Turtel
	Men's Gemara Iyun	BAYT (Milevsky/Mizrachi)	8:00 PM	R' Diena
<b>Sun-Thu</b>	Men's Community Night Seder	Yeshivat Or Chaim Clanton Park	Sun-Mon, Wed-Thurs: 8:00–9:00 PM Tues: 8:00–9:00 PM	
	Pre-Maariv Shiur	Yeshivat Or Chaim	New Time 8:45–9:00 PM	Rabbi Sonenberg

## UPCOMING PROGRAMS

Medical Ethics	Rabbi Torczyner	Zoom	February 12, 2024	7:30–9:00 PM
What to Say and What Not to Say: Lashon Hora in Shidduchim	Rabbi Mann	Zoom	February 13, 2024	8:00 PM
			Meeting ID: 86499368961	Passcode: 770
Legal Ethics: Binding Arbitration for Religious Jewish Clients	Rabbi Mann	Zoom	February 26, 2024	7:00–8:30 PM

## YOUR BEIT MIDRASH

### Rosh Beit Midrash

Rabbi Yehuda Mann  
[ymanntorontotorah.com](mailto:ymanntorontotorah.com)

### Dean

Rabbi Noah Sonenberg  
[nsonenberg@torontotorah.com](mailto:nsonenberg@torontotorah.com)

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

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