

Weekly Internet Parsha Sheet
Parshas Mishpatim
שבת פרשת משפטים

פרשת שקלים
מברכים חדש אדר

In My Opinion :: Rabbi Berel Wein
Arrogance

The line between arrogance and necessary self-confidence is indeed a thin one. Yet we find throughout Torah and Talmud that arrogance is a grievous character trait, so much so that one is allowed to go to the opposite extreme of abject humility in order to avoid being ensnared in behaving arrogantly.

A person, even one who strives for humility must nevertheless possess self-confidence and self-worth. Though this is true for all human beings generally it is especially true regarding Jews individually. Assimilation and alienation from Judaism and the Jewish people and its destiny is oftentimes occasioned by this lack of self-confidence and self-worth.

In an overwhelmingly non-Jewish world population and cultural system, only the self-confident person can truly remain loyally Jewish. One of the problems that beset our educational system is, to a certain extent, that it destroys the self-confidence and self-worth of the student due to its competitive nature, graded exams and selective awards.

From the Torah it seems that one-on-one education – father to child – was the optimum system of education. However the practicalities of our existence make this one-on-one scenario to be a rare and unlikely one. Yet somehow, even in large classes with pronounced and visible competitiveness obviously present, steps should be taken not to shatter the feeling of self-worth of every individual student.

I have always felt that accomplishing this was and is the mark of the master teacher much more so than the objective test scores achieved by one's students. Many a so-called scholastic underachiever has risen to greatness because one still had the capacity to believe in one's self and act in life under that belief.

The Talmud teaches us that the Lord, so to speak, cannot abide with the arrogant person. Unless one learns how to control one's own ego and deal with one's self and others fairly and realistically one shuts God out, again so to speak, from one's life no matter how superficially observant and pious one appears to be.

The relationship to God is built on recognition of one's own human qualities, failures, foibles and successes. A realistic self-evaluation will always occasion a feeling of humility and subservience to the Divine.

The person who always knows better and more than anyone else, who demands that others always bow to his will, is considered to be an evil person in the eyes of the Torah. Such a person is so full of himself and hubris that there is no room left within his heart and soul for Godliness to enter and reside. If the road to Hell is paved with good intentions it is also strewn with the debris of human arrogance and unwarranted hubris. Just ask Haman!

An "I know better" attitude towards all problems, personal, societal or national, will undoubtedly lead to error and even disappointment and tragedy. The ability to listen to others, to consider others' opinions and sensitivities and to reconsider one's own previously held ideas and solutions constitutes the foundation step on the heavenly ladder of humility and holiness. Arrogance provides no avenue of escape for the angst of the human soul.

The Torah warns us that arrogance leads to forgetfulness, especially the bitter forgetfulness of the Creator. We recite in the Rosh Hashanah prayers: "Fortunate is the person who has not forgotten You and the human being who has strengthened one's self through You." Arrogance is a disease that distorts and can even destroy memory. It occasions overwhelming pride in one's own accomplishments whether they be

deserved or not and warps one's vision of one's true place and purpose in the Godly scheme of things.

It is interesting to note how uncharitable the rabbis of the Talmud were towards the arrogant. Other character defects are much more easily tolerated but arrogance remains a cardinal fault. The rabbis emphasized this by stating in Avot: "Be very, very humble." Apparently "humble" or even one "very" is insufficient. One must be "very, very humble!"

Maimonides who rails against extremism and advocates the golden mean of moderation in all of life's issues and traits nevertheless encourages such extremism when it comes to the trait of humility. There no possibility of moderation exists, for once arrogance creeps into a person's behavior and psyche the damage done becomes almost irreparable.

From Maimonides it appears that arrogance is also the ally if not the cause of anger, the other unpardonable sinful character trait in his written works. Anger stems from not having one's way all the time. Without arrogance present one would be able to easily deal with not having everything go one's way all of the time. Humility brings one to even-temperedness.

Shabat shalom

Weekly Parsha :: Rabbi Berel Wein
Mishpatim

The full acceptance – the *naaseh v'nishma* – we will do and we will hearken – of the Torah by the Jewish people appears in this week's parsha rather than in last week's parsha where the actual description of the revelation at Mount Sinai is recorded. We are all quite aware that the maxim that the devil lies in the details is incontrovertibly and unerringly correct. General acceptance of the ideas and values of the Torah is relatively easy to obtain from the people. Acceptance of and commitment to the nitty-gritty details of Torah and Halacha is another more complicated matter entirely.

The Torah does not record for us the full and unconditional acceptance by the Jewish people until this week's parsha, until after many of the details of the Torah have been spelled out and published. Only when details of the covenant are known can there be a true acceptance and agreement between the parties here, so to speak.

Moshe, here, serves as the true advocate and attorney for Israel in explaining, teaching and clarifying the laws of the Torah to the people. We are witness on a daily basis of how general agreement on issues in commerce, diplomacy and social relationships break down when put to the detailed test of practical enforcement and behavior.

Everyone is in favor of peace, equal opportunity for all, tranquility at home and in the family, national unity and other such noble ideas and values. It is the details of practicality that are the cause of these goals being unfulfilled for many people and nations. The Torah therefore advances these details first before there can be a full acceptance of *naaseh v'nishma* by the people of Israel.

This idea goes to the heart of the discussion regarding conversions to Judaism. Merely proclaiming that one wishes to be a Jew, without realizing what that really entails, is pretty much of a sham. What are the details of this covenant that one now wishes to enter into? Is it merely a warm hearted, even sincere, embrace of very general principles of monotheism and morality without knowledge of or commitment to the halachic details that govern daily Jewish living?

Halacha does not demand that the prospective convert know everything about Judaism before being accepted into the fold of Israel. But it does demand that the prospective convert know a great deal about Jewish law and life. Just being a "good person" or serving in the Israeli army, noble as these accomplishments truly are, do not yet qualify for one to be easily converted. Without knowing the details inherent in becoming a Jew, how

can one enter into an eternal agreement with binding commitments that remain irrevocable?

The conversion process, which is a tactical and bureaucratic, and which certainly can be improved upon, is a matter of acceptance, sincerity, devotion and honest commitment. It should not be subverted by political pressures, demographic considerations or misplaced compassion. Only in knowledge and adherence to the details of the covenant of Sinai can the survival and growth of the Jewish people and its spiritual advancement be guaranteed.

Shabat shalom

Ohr Somayach :: Torah Weekly :: Parshat Mishpatim

For the week ending 9 February 2013 / 28 Shevat 5773

by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Insights

Hidden Emotions

"If a man shall steal an ox or a sheep or a goat, and slaughter it or sell it, he shall pay five oxen in place of the ox, and four sheep in place of the sheep." (21:37)

We are all sensitive, easily hurt and embarrassed.

Sometimes we subconsciously cause ourselves deep self-inflicted emotional wounds. Ironically, however, exactly what we think is the cure for our unhappiness can actually be the cause of our malaise.

In this week's Torah portion there is a law that on the surface is very puzzling. Someone who steals an ox has to pay back five oxen, but someone who steals a sheep has to pay back four sheep. Our Sages teach us that The Torah has concern even for the self-respect of a thief. Stealing a sheep requires the thief to carry the animal across his shoulders, which is most undignified, and so if he is caught, he only to pay only four sheep, whereas stealing an ox only requires the thief to lead the animal by a rope, which isn't embarrassing, and so the greater penalty for stealing an ox is five oxen.

So, in reality, a sheep-stealer should also pay back five sheep, but seeing as he has already suffered severe humiliation, the Torah considers that he has already paid part of his penalty. It must be then that his humiliation is not something abstract, but it is so great as to be quantifiable in money.

This is rather strange. Because were we to approach the thief at the scene of the crime and suggest to him that he must be experiencing the most terrible humiliation and emotional angst, he would almost certainly reply:

"You must be joking! I'm getting away with a sheep! You know what this is worth?!"

And yet the Torah, which sees to the very deepest levels of a person's psyche, tells us that the thief is in point of fact suffering great humiliation, equivalent to the payment of money — otherwise how could his penalty have been thus reduced?

The fact of the matter is that at the moment of the theft, the thief does feel a tremendous depression and sense of disgrace. He feels cheap. He experiences emotional trauma. And yet he has no idea why he should feel this way. And thus he carries on stealing and stealing and causes himself more and more emotional angst, thinking that another 'job' will get him out of his emotional slump. And so the vicious circle spirals down and down.

Only by observing the Torah can one be truly happy in this world, because only the Designer understands the true nature of His creations, and only He knows what makes one happy and sad. Only G-d knows which actions a person should stay away from and which he should embrace to live a rich, happy and fulfilled life.

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Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas Mishpatim

And these are the judgments that you shall place before them. (21:1)

Rashi teaches that Hashem told Moshe Rabbeinu, "It should not occur to you to say, 'I shall teach them the chapter and the law two or three times, until it is set in order in their mouths according to its format (i.e. until they memorize it), but I shall not trouble myself to make them understand the reasons of the matter and its explanation.' Therefore it says, 'that you shall place it before them - like a table that is set and prepared to be eaten from, placed before a person.' In other words, there is no room for error in teaching. The student must be clear, understanding the subject matter to the best of his ability. A rebbe may not say, 'I have done enough.'"

In his *Igros Moshe*, Horav Moshe Feinstein, zl, writes a compelling charge to Torah educators. In explaining how they should teach and how far they should go in reaching out to each student, he writes: "One should know that Torah study is unlike any other form of study... A Torah teacher must explain the subject matter well until the student achieves proficiency in the lesson, to the point that he accepts the lesson as a way of life." Torah is not a discipline which one teaches and moves on to the next lesson. If the student has not incorporated the lesson into his psyche - if, for example the student studies the laws of tefillah, prayer, but does not pray better, with greater kavanah, intention/concentration, feeling and enthusiasm- the rebbe has failed. Teaching Torah means infusing Torah within the hearts and minds of each and every student. It must become a part of their lives.

Rav Moshe adds that a rebbe should never give up on his student - regardless of his inability to grasp the lesson, or lack of commitment to the program. As long as he is not adversely affecting other students, he should be kept in the school. One never knows what inspiration a student may receive while in the spiritually positive environment of a makom Torah. He might be positively influenced by a rebbe, or even a classmate.

Horav Yehudah Tzedakah, zl, would often say that a true marbitz Torah, disseminator of Torah, is completely devoted to his students. Nothing else takes precedence over his students. They are his life. He felt this is alluded to by Chazal, who say, "If the rav/rebbe is likened to an angel of Hashem, seek Torah from his mouth - if not, do not seek his teachings" (Moed Kattan 17a). The sage explained that an angel does not perform two shlichos, missions, at once. He is devoted to one at a time. Thus, a rebbe should devote himself entirely to his students.

Once, a distinguished Torah activist came to speak with him concerning an important communal issue. The Rav informed the gentleman that at present he was teaching a class and thus unable to take time off and interrupt the shiur, lecture. The man countered that the issue at hand had ramifications that might very well be considered life and death in nature. Rav Tzedakah looked at the man and said, "To me, taking off time from my regular shiur is also life-threatening."

A rebbe's relationship with his student is unique. The rebbe plays a dominant role in shaping that student's future. They sort of partner in the future. With this idea in mind, the rebbe must maintain a keen interest in the student, since his mentoring and care are an investment in the student's future. The following inspirational story intimates this idea. The scene takes place in Yeshivas Ohr Sameach one Yom Kippur night following Kol Nidrei. The bais ha'medrash was packed, standing room only, as one of the Roshei Yeshivah, Horav Nachman Bulman, zl, ascends to the lectern to address the hundreds of students, many of them only recently completing their return to Orthodoxy. Rav Bulman appears majestic, bedecked in his white kittel, yarmulke and tallis. His students were his children. He was their father - perhaps not biologically, but, in a spiritual sense - unquestionably. This was the most solemn night of the Jewish calendar year. Everyone listened with rapt attention as he began to speak.

"In many Jewish homes, prior to leaving for shul on Erev Yom Kippur, fathers and mothers take their children aside and bless them. This is a custom that dates back for centuries." Rav Bulman stopped a moment and gazed deeply at his students. "This blessing is referred to as Bircas HaBanim, the blessing of the children. Many of you hail from homes where parents had no inkling of this blessing. Thus, for many of you, tonight is your first opportunity for Bircas HaBanim. As your rebbe, I will bless each of you - but, first, let me relate some background.

"When the revered Ponevezher Rav, Horav Yosef Kahaneman, zl, established Yeshivas Ponevez in Bnei Brak, he also opened an orphanage.

Sadly, following World War II there were many children who fell into this category. When the Rav named the orphanage, Batei Avos, Homes of the Fathers, it raised eyebrows. The accepted name for an orphanage was Bais Yesomim, Home of the Orphans. He explained, "I want the children -and their teachers - to focus on their bright future ahead, not their dismal, sad past. The little boys will eventually become adults, fathers in Klal Yisrael. They will be part of our nation's future. This is why I called the orphanage Batei Avos, to emphasize the positive future which these children should look forward to enjoying."

"Tonight," Rav Bulman continued, "I will do the same. I will bless you as a father blesses his child, but I will not call it Bircas HaBanim. Instead, I will call it Bircas HaAvos, to emphasize your future. You will, in due time, all become fathers in Klal Yisrael, ushering in a new generation which will be a pride to all of Klal Yisrael."

But if the bondsman shall say, "I love my master... I shall not go free... then his master shall bring him to the court and shall bring him to the door or to the door post, and his master shall bore through his ear with the awl, and he shall serve him forever. (21:5,6)

The Torah takes a dim view of an eved Ivri, Hebrew bondsman's, desire to continue his servitude. His ear is bored with an awl as he stands near the doorpost. Why the ear? The ear (together with the rest of the body) stood at Har Sinai and heard Hashem declare, "Lo signov, Do not steal." Yet, the man went ahead and stole. He had a list of excuses to justify his behavior. But, at the end of the day, he was a ganov, thief, and must pay for his actions. He had no money - otherwise, why would he steal? He was broke; his family starving; what should he do? So, he was sold as an eved to pay back his theft. That was then. This is now. He had already spent six years of payback. He could now go free. Rather than view his circumstances of the last six years as being adverse, he seemed to have developed a liking for his master. It is not a difficult life. He was treated well - almost as a member of the family. Why should he leave?

The Torah is not happy with him. He should not enjoy slavery - especially if it was to reimburse his debts. He is now frowned upon by the Torah. Why? Is it so wrong to like his master? Perhaps, if he would have been a happier person he would not have resorted to stealing. He now has a greater sense of self-esteem, or, he just likes the comfort and stability of three meals a day, decent clothes, a roof over his head. Is this a reason to have his ear bored?

In his inimitable manner, Horav Yaakov Galinsky, Shlita, addresses this question and responds pragmatically. The lesson for each and every one of us is invaluable. In Pirkei Avos 3:1, Akavya ben Mehallem articulates his well-known dictum for protecting oneself from sins. Histakeil b'sheloshah devarim, "Consider three things and you will not come into the (hands) grip of sin: Know from whence you came; where you are going and before Whom you will give justification and reckoning." What is the meaning of not falling into the grip of sin? Is this different than not sinning? Horav Elyah Lopian, zl, explains that Akavya ben Mehallem is not giving us a guarantee against sin. He is not ensuring us that by looking at these three concepts we will never sin. He is not saying this, because it is not foolproof. Considering these three rules will not be a guarantee against the act of sinning. But - one who considers them will not fall into the grip of sin. Sin will not have a stranglehold on him that will compel him to sin again. One who takes these three images to mind will perhaps sin, but he will not be a slave to sin. He will sin, but he will not become a sinner.

Rav Galinsky adds flavor to this exposition with a personal anecdote. As a slave laborer for the Russians during World War II, Rav Galinsky, together with thousands of other prisoners of war, many of them yeshivah students, were transported by train to the North and beyond, to Siberia. The train was outfitted for carrying livestock and mail - not people. Understandably, the usual creature comforts required for a human being to function were not included among the train's amenities. The noise was overwhelming as the train rattled on through the night. Adding to the noise was the constant moaning and groaning of a wounded Polish soldier who would not stop complaining about how thirsty he was. As weary and bone-tired as he was,

Rav Galinsky could not sleep through the constant, "I am so thirsty," that kept reverberating through the night.

Rav Galinsky arose from his place on the floor, went over and took an old cup, poured some water into it and brought it to the Polish soldier. Finally - there would be some quiet on the train. He was wrong, for no sooner had the man quenched his thirst, that he began groaning, "Oh, what a terrible thirst I had." The Rav derived a powerful lesson from this. A person who is not tarud b'itzro, engrossed as a slave to his evil inclination, once he has quenched his thirst - or carried out his sinful act, it is over and done with. Why continue thinking about it? Why hash it over and over? Simply face the reality: "I was thirsty, I drank; now, I am fine. Likewise, I had an evil inclination to sin; I carried out my passion. Case closed, I am moving on with my life." A person, however, who is in the grip of sin cannot break through the tentacles which envelop him. Thus, even after he has satisfied his desires, he is thinking about the "next time."

This is the abysmal situation in which the eved Ivri finds himself. He needed money, so he foolishly stole. He then spent the money and now cannot pay it back. He sinned; he was a fool. Now, he must pay by becoming a slave. Six years go by and now he is free. What does this dolt do? Rather than join the rest of the world as a free man, this hare brain wants to continue his degradation. When he is questioned regarding his ability to use his G-d-given brain, he responds, "So what! I enjoy slavery. You think that I am a little bit soft in the brain. So, I can live with it. I am not concerned with what you think." Is this such a terrible reaction to life? If he does not care, why should we? Why put a hole in his ear?

The difference, explains Rav Galinsky, is between performing a sin, and becoming a full-fledged sinner. The first time the fellow erred, he deferred to his momentary needs, acted foolishly, and stole. The second time he is what we may call a habitual sinner. Once he sins twice, it is no longer a sin. It becomes a way of life! He has adopted a new culture - one in which stealing is permissible.

The fellow that wants to extend his servitude manifests such an attitude. He has accepted his newly-found lifestyle. So, he will be an eved. Is it so bad? Three meals a day; roof over his head. What can be so bad about that? He is in the mud and refuses to extricate himself. This, unfortunately is the story behind every "loser." He begins to accept his self-imposed predicament. Rather than look for ways to break out, he acquiesces and expounds the virtue of this lifestyle. Perhaps, blemishing his ear will serve as a wake-up call.

Then his master shall bring him to the court... and his master shall bore through his ear with the awl, and he shall serve him forever. (21:6)

Rashi interprets Elokim as bais din, the Jewish court of law. Why would the court be compared to the Almighty to the point that they carry his Name? While there is no doubt that the members of the court are distinguished scholars, men of repute and distinction, but referring to them with G-d's Name seems to be carrying their distinction a bit too far. Horav Gamliel Rabinowitz, Shlita, views this from a practical standpoint. An individual stands before the Bais Din and presents his claim in a clear manner. He lays out the proof, clears up any ambiguity that might exist, and is certain that everything fits into place. He is clearly the winner - or, so he thinks. The judges are clearly mistaken; they must be wrong; they are crooks, having certainly been bribed by the other litigant - and it goes on. No one sees the truth any longer and sides are taken, with the judge usually serving as the fall guy, the source of blame.

Therefore, when the Torah refers to Bais Din as Elokim, a person must realize that all that occurs in his life is part of Hashem's Divine plan. The judges are simply His mouthpiece, articulating His plan for the individual who stands before them. Nothing happens within a vacuum. Everything has its reason and purpose. In the World of Truth it all makes sense. This is true even if the litigant has proof that he is innocent and, concomitantly Bais Din rules wrongly.

This attitude of accepting whatever is thrown at us applies equally in the sector of the individual. At times, life throws us a curve and we blame others, we attribute it to the fault of others; we never take responsibility for our actions. The Chafetz Chaim writes that when one loses money in Bais

Din, he should know that the judges are not more than Hashem's agents. One should never fault the judge whose decision does not coincide with what he was hoping to achieve. It all comes from Hashem.

Divine Providence is a part of life, as we see in the parsha of rotzeach b'shogeg, the unintentional killer. Chazal present us with a powerful analogy. Two people - one of whom had killed unintentionally, and one of whom had killed with intention. Neither incident had witnesses who could testify to either case. It seems like they are both going to get off scot-free. The one who killed intentionally will not be executed, and the one who killed unintentionally will not go to the arei miklat, cities of refuge. Hashem solves the problem by having them "meet" in the same inn. The one who killed intentionally "just happened" to be sitting beneath a ladder, while the one who killed unintentionally ascended the ladder. Guess what happened? He fell! The fellow who was sitting beneath the ladder was killed and the one who fell goes into exile for his unintentional act of murder. Everybody has their day in "court" and pays their due. Hashem does not permit anything to go unrequited - good or bad.

We must live with this cheshbon ha'nefesh, personal soul-searching. Who knows if we did not unintentionally harm someone - physically, emotionally or spiritually? Sure, we did not harbor any evil intentions. In fact, we are, for the most part, not even aware of it. But Hashem does not forget, nor does He overlook. There is a record of everything we have done, and if it adversely affected someone else, we will be called to task for our actions.

Distance yourself from a false word. (23:7)

Sforno writes that one must distance himself from anything that might lead to falsehood. Sometimes we do something innocuous, but it creates a situation in which someone else is compelled to lie - albeit inadvertently. Sefer Chassidim mentions an all-too common situation, whereby one notices a group of friends speaking furtively among themselves. Of course, he wants to know what it is they are shrouding in so much secrecy. If he approaches them and asks, "What are you talking about?" he knows that he might cause them to lie. Let's face it, if they wanted him to know the topic of their conversation, they would have included him. Apparently, they want to keep it from him. So, why is he bothering to ask?

Chazal teach (Bava Metzia 59a), "From the day the Bais HaMikdash was destroyed, the Gates of Prayer have been sealed..." Nevertheless, the Gates of Tears remain open. What this means is that prayer no longer has as ready access as it used to during the Temple's tenure. The Shaarei Demaas, Gates of Tears, remain open and ready to accept the Jews' tearful entreaty. Horav Bunim, zl, m'Peshischa, wonders why there is a need for gates, if they always remain open. Just do away with the doors. He explains that there are sincere tears and there are insincere tears. Often, one cries for the wrong reason or misguided motivation. Those tears do not gain access - the gates close on them.

When Horav Eliezer Gordon, zl, Rosh Yeshivah and founder of Telshe, Lithuania was niftar, passed away, suddenly - on a fundraising trip to England, it was a great shock to the Telshe community. The town and its Yeshivah were thrust into mourning and sadness. It is told that his grandson, Horav Eliyahu Meir Bloch, zl, who would one day be co-founder of Telshe, America, who was seventeen years old at the time, broke into uncontrollable weeping. He was very close with his zaide and the loss had a profound effect on him. His father, Horav Yosef Yehudah Leib Bloch, zl, son-in-law and successor to Rav Leizer said to him, "It appears to me that you are crying a bit overzealously. Are you really that broken-up, or are you trying to impress people with how sad you are over the loss of your grandfather?"

Many years later, Rav Eliyahu Meir remarked, "My father was correct. I was zealous in my display of grief." The Rosh Yeshivah was known for his adherence to honesty. Rav Eliyahu would not sway one iota from the truth, regardless of the repercussions. He had strong opinions and was very critical of secular Zionism. A prominent rabbi once told him, that in America one must please his financial supporters. To be so critical of their secular beliefs might undermine his ability to sustain the yeshivah.

The Rosh Yeshivah answered, "My revered father told me that I do not have to be a Rosh Yeshivah, but I do have to be an ehrlicher Yid, honest Jew."

Integrity - whether in business, or in interpersonal relationships - is a Jewish standard of life. Emes, truth, is one of three amudim, pillars, upon which the world stands. This means that a lack of honesty can weaken the world's support system. The Yalkut Me'am Loez, Shemos, states that it is because of the prevalence of falsehood among our people that we are still suffering from the miserable galus, exile. I am not even referring to outright, open lies, whereby one prevaricates for monetary or political gain. These are white lies, and lies that are expressed to fool or simply impress people. At the end of the day, a lie is a lie - regardless of its motivation, one who lies distances himself from Hashem. Indeed, this very idea is homiletically interpreted by Rav Zushe, zl, m'Annapole, into the pasuk, Mi'dvar sheker tirschak. He explains that one mi'dvar sheker - from a word of falsehood; tirschak - one becomes distanced from Hashem.

In his book, Echoes of the Maggid, Rabbi Paysach Krohn presents a few vignettes which demonstrate the level of honesty reached by our Torah leaders. One might ask why I present stories of Torah leaders; why not expound stories of "regular" people whose commitment to honesty is integral? It is to demonstrate that their sense of honesty remained uncompromised regardless of their distinction - unlike secular leadership whose commitment to integrity diminishes with their ascension up the ladder of prominence and power.

Rabbeinu Bachya writes (Kad HaKemach), "All those who maintain lives committed to honesty and integrity will have their prayers answered." This is derived from the pasuk we say thrice daily in Tefillas Ashrei, Karov Hashem l'chol korav, l'chol asher yikrahu b'emes, "Hashem is close to all those who call upon Him, to all who call upon Him - b'emes, with truth." This means Hashem listens to all those who can claim that they live their lives with integrity.

Three short vignettes which are inspiring and are especially significant when we take into account how great were these individuals and how incredibly important it was to them not to bend the truth - one iota. This in itself is a commentary on their illustrious nature.

The Chazon Ish would have a minyan, quorum of ten men, for mincha, afternoon service, every afternoon at his house. The minyan took place at 12:30 p.m. Once, they were short a tenth man. The clock was running. It was 12:45 before a tenth man to complete the minyan showed up. As they were beginning tefillas ashrei, the opening prayer of Minchah, the Chazon Ish's brother-in-law, Horav Shmuel Greineman, zl, turned to him and said, "I have a 1:00 p.m. meeting with someone. If I remain here for Minchah, I will be late for the meeting, thus keeping the person waiting. What should I do?"

The Chazon Ish gave a classic reply. "Coming late for a meeting is deceitful. An honest man must keep his appointments in a timely fashion. It is better that this minyan be adjourned today than you be involved in a sheker, falsehood." When we come late to an appointment, we are not only sending a message to the other person that his feelings mean very little to us, we are also transgressing a Divine principle. In other words, we are acting inappropriately to Hashem, as well as to our fellow man.

A number of years ago, I quoted a frightening statement, from the Bnei Yissachar, Horav Mendel m'Rimonov. Often quoted by the Manchester Rosh Yeshivah, Horav Yehudah Zev Segal, zl, who would observe the strange occurrence of young, sweet, innocent children, who, as they mature, somehow begin to stray from the Torah way. "It is because of timtum ha'lev, stuffed/numb heart, which is the result of maachalos asuros, eating forbidden food." How do observant children obtain forbidden food? He explains, "They eat food purchased with funds secured through dishonest dealings." In other words, a father makes a "deal." Someone loses money - someone benefits from his loss. He feeds his ill-gained profits to his children. They now become the losers. It is as simple as that. Rav Segal was naeh doresh, naeh mekayeim, practiced what he preached. His life, among many other things, was a lesson in honesty. He was once traveling intercity by train. The conductor would come by and collect the fares and issue tickets to the passengers. Rav Segal commenced the trip in

the second-class economy section, but later during the trip, moved to the first-class section which had many seats available. The passengers in his car redefined the nature of second-class. The noise was unbearable for a man attempting to concentrate on his learning.

Hoping the conductor would come through the first-class section and collect the added fare, the Rosh Yeshivah turned to his sefer and learned for the rest of the trip. When he reached his destination and realized that the conductor had not come by, he proceeded to the station master to pay the difference in price. Despite being told repeatedly that it was unnecessary, he insisted on paying the money. As the Rosh Yeshivah left the booth, the stationmaster exclaimed, "That man is one in a million!"

Someone once called Horav Yaakov Kaminetzsky, zl, and asked if he could call in sick for Purim so that he could spend the day with his family. "Surely it is more appropriate to spend simchas Purim with one's close family and friends than to be working in an office," he asked. Rav Yaakov replied that it is patently prohibited to call in sick if one is not sick. It is dishonest.

Va'ani Tefillah

V'lo neivosh l'olam va'ed.

So that we will not be put to shame for all eternity.

This shame is not a reference to humiliation one experiences in this world. Such shame is temporary - for two reasons: First, our world is but a temporary habitat upon which we tread during the physical lifespan which is allotted to us. Nothing here is permanent - neither physical pain nor humiliation. As impermanent as our world is, so, too, is the shame we sustain. Second, we have a habit of becoming complacent. Physical shame - regardless of its nature and intensity, has a way of being accepted. Give it time, and people become used to their predicament. Otherwise, why would so many individuals who have acted nefariously - either in their personal lives or in the context of their community - be able to raise their heads in their respective communities. Embezzlers, thieves, moral profligates - within time - some more, some less, all return to normal lives. The only ones who continue suffering are their victims. Shame in this world is temporary. In Olam Habba, it endures forever.

The Chafetz Chaim, zl, posits that v'lo neivosh is connected to v'yacheid levaveinu, "Unite our hearts to love and fear Your Name," whereby we entreat Hashem that our heart unites to perform the mitzvos b'shleimus, perfection/completion. Otherwise, we will eternally be humiliated in the World of Truth to collect our reward, only to discover that it is incomplete. Hillel Ben Chaim Aharon Jacobson, by his family: David, Susan, Daniel, Breindy, Ephraim, Adeena, Aryeh and Michelle Jacobson and great grandchildren

Orthodox Union / www.ou.org

Rabbi Weinreb's Parsha Column, Parshat Mishpatim

Sponsored in memory of Nathan and Louise Schwartz a"h

"Responsibility"

This was not an obvious choice back in the 1940's, for few parents chose the day school option. Indeed, many of their friends advised them against depriving me of a public school education, and the cost of tuition was a great strain on my father's meager income. But I remember my mother insisting that she wanted to teach me "responsibility", and her belief was that I would learn it best in a Jewish school.

Looking back on my early school years, I certainly cannot recall any lessons specifically devoted to "responsibility". Learning the Hebrew alphabet and then going on to study the fascinating stories of Genesis were certainly interesting and exciting to me. But in those early grades, the concept of responsibility never came up, at least not explicitly.

In the school I attended, Talmud study began in the fifth or sixth grade. It was then that I first heard the word "responsibility" in the classroom and began to learn what it really meant.

We were introduced to Talmud study with selected passages in the tractates Bava Kama and Bava Metzia. The passages we studied were almost exclusively based upon verses found in this week's Torah portion, Mishpatim. And the single dominant theme of this week's portion is unarguably responsibility.

I look back on my first exposure to Talmud, and to this week's Torah portion as studied through its lenses, and remember the teacher admonishing us, "A person is responsible for all of his actions, deliberate or unintentional, purposeful or accidental, awake or asleep." It was a direct quote from the Talmud, but he emphatically conveyed to us that it was also a formula for life.

And, furthermore, it is a lesson derived from Parshat Mishpatim. Read it, even superficially, and you will learn that we all are not only responsible for our own actions, but also for the actions of the animals we own. We are responsible for damage caused by our possessions if we leave them in a place where someone might trip over them and harm himself. We are responsible not only to compensate those whom we have harmed for the damages they suffered, but are also responsible to compensate them for lost employment or for the healthcare costs that were incurred by whatever harm we caused them.

What a revelation to a ten year-old boy! How many ten year-olds in other educational settings were exposed to these high ethical standards? Certainly not the boys in the park with whom I played stickball, whose parents had not opted for a day school education for them.

Even today, many criticize the curriculum of the type of education that I experienced. They point to the many verses in this week's portion that speak of one ox goring another and question the contemporary relevance of such arcane legalities.

But when I studied about my responsibility for my oxen and the consequences which applied if my ox gored you, or your slave, or your ox, I was living in Brooklyn where I had certainly seen neither oxen nor slaves. But I do not at all recall being troubled by that; nor were any of my classmates.

Rather, we easily internalized the underlying principles of those passages. We understood that all the laws of oxen were relevant even for us Brooklyn Dodger fans. We got the message: Each of us is responsible for the well-being of the other, be he a free man or the slave of old. We are not only to take care that we avoid harming another, but we are to take care that our possessions, be they farm animals, pets, or mislaid baseball bats, do not endanger those around us.

There was so much more that we learned about responsibility from those elementary, yet strikingly related, Talmud passages. For example, we learned that a priest guilty of a crime was to be held responsible and brought to justice, even if that meant "taking him down from the sacrificial altar". No sacrificial altars in Brooklyn, then or now. But plenty of people in leadership positions try to use their status to avoid responsibility for their actions.

We learned that it was perfectly permissible to borrow objects from our friends and neighbors, but that we were totally responsible to care for those objects. We learned that if those objects were somehow damaged, even if that damage was not due to our negligence, we had to compensate the object's owner. Yes, we learned to borrow responsibly, but we also learned the importance of lending our possessions to others, especially others less fortunate than ourselves.

We learned that we were responsible to help others, and that that obligation extended even to strangers in our midst; indeed, it extended all the more to those strangers.

And we learned to be responsible for our very words, and to distance ourselves from lies and falsehoods.

All this from a grade school introductory course in Talmud!

How valuable our Torah is as a guide to a truly ethical life, and how fortunate those of us who learned these lessons early in life, or who discover them at a later age, are!

What an opportunity we all have to awaken ourselves to these vital ethical teachings by attentively listening to this week's Torah portion!

And how fortunate I was to have parents who sensed that it was essential for their son to learn responsibility, and that enrollment in a school which taught Torah and Talmud would help him learn it well!

Orthodox Union / www.ou.org
Britain's Chief Rabbi Lord Jonathan Sacks

In the Details

On the opening phrase of Mishpatim - "And these are the laws you are to set before them" - Rashi comments: "And these are the laws" - Wherever uses the word "these" it signals a discontinuity with what has been stated previously. Wherever it uses the term "and these" it signals a continuity. Just as the former commands were given at Sinai, so these were given at Sinai. Why then are the civil laws placed in juxtaposition to the laws concerning the altar? To tell you to place the Sanhedrin near to the Temple. "Which you shall set before them" - G-d said to Moses: You should not think, I will teach them a section or law two or three times until they know the words verbatim but I will not take the trouble to make them understand the reason and its significance. Therefore the Torah states "which you shall set before them" like a fully laid table with everything ready for eating. (Rashi on Shemot 23:1)

Three remarkable propositions are being set out here, which have shaped the contours of Judaism ever since.

The first is that just as the general principles of Judaism (aseret hadibrot means not "ten commandments" but "ten utterances" or overarching principles) are Divine, so are the details. In the 1960s the Danish architect Arne Jacobson designed a new college campus in Oxford. Not content with designing the building, he went on to design the cutlery and crockery to be used in the dining hall, and supervised the planting of every shrub in the college garden. When asked why, he replied in the words of another architect, Mies van der Rohe: "G-d is in the details".

That is a Jewish sentiment. There are those who believe that what is holy in Judaism is its broad vision, never so compellingly expressed as in the Decalogue at Sinai. The truth however is that G-d is in the details: "Just as the former were given at Sinai, so these were given at Sinai." The greatness of Judaism is not simply in its noble vision of a free, just and compassionate society, but in the way it brings this vision down to earth in detailed legislation. Freedom is more than an abstract idea. It means (in an age in which slavery was taken for granted - it was not abolished in Britain or the United States until the nineteenth century) letting a slave go free after seven years, or immediately if his master has injured him. It means granting slaves complete rest and freedom one day in seven. These laws do not abolish slavery, but they do create the conditions under which people will eventually learn to abolish it. Not less importantly, they turn slavery from an existential fate to a temporary condition. Slavery is not what you are or how you were born, but some thing that has happened to you for a while and from which you will one day be liberated. That is what these laws - especially the law of Shabbat - achieve, not in theory only, but in living practice. In this, as in virtually every other aspect of Judaism, G-d is in the details.

The second principle, no less fundamental, is that civil law is not secular law. We do not believe in the idea "render to Caesar what is Caesar's and to G-d what belongs to G-d". We believe in the separation of powers but not in the secularisation of law or the spiritualisation of faith. The Sanhedrin or Supreme Court must be placed near the Temple to teach that law itself must be driven by a religious vision. The greatest of these visions, stated in this week's sedra, is: "Do not oppress a stranger, because you yourself know how it feels like to be a stranger: you were strangers in Egypt." (Shemot 23:9)

The Jewish vision of justice, given its detailed articulation here for the first time, is based not on expediency or pragmatism, nor even on abstract philosophical principles, but on the concrete historical memories of the Jewish people as "one nation under G-d." Centuries earlier, G-d has chosen Abraham so that he would "teach his children and his household after him

to keep the way of the Lord, by doing what is right and just." (Bereishith 18:19) Justice in Judaism flows from the experience of injustice at the hands of the Egyptians, and the G-d-given challenge to create a radically different form of society in Israel.

This is already foreshadowed in the first chapter of the Torah with its statement of the equal and absolute dignity of the human person as the image of G-d. That is why society must be based on the rule of law, impartially administered, treating all alike - "Do not follow the crowd in doing wrong. When you give testimony in a lawsuit, do not pervert justice by siding with the crowd, and do not show favouritism to a poor man in his lawsuit." (Shemot 23:2-3)

To be sure, at the highest levels of mysticism, G-d is to be found in the innermost depths of the human soul, but G-d is equally to be found in the public square and in the structures of society: the marketplace, the corridors of power, and courts of law. There must be no gap, no dissociation of sensibilities, between the court of justice (the meeting-place of man and man) and the Temple (the meeting-place of man and G-d).

The third principle and the most remarkable of all is the idea that law does not belong to lawyers. It is the heritage of every Jew. "Do not think, I will teach them a section or law two or three times until they know the words verbatim but I will not take the trouble to make them understand the reason and significance of the law. The Torah states 'which you shall set before them' like a fully laid table with everything ready for eating." This is the origin of the name of the most famous of all Jewish codes of law, R. Joseph Karo's Shulkhan Arukh.

From earliest times, Judaism expected everyone to know and understand the law. Legal knowledge is not the closely guarded property of an elite. It is - in the famous phrase - "the heritage of the congregation of Jacob." (Devarim 33:4) Already in the first century CE Josephus could write that "should any one of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls. Hence to break them is rare, and no one can evade punishment by the excuse of ignorance" (Contra Apionem, ii, 177-8). That is why there are so many Jewish lawyers. Judaism is a religion of law - not because it does not believe in love ("You shall love the Lord your G-d", "You shall love your neighbour as yourself") but because, without justice, neither love nor liberty nor human life itself can flourish. Love alone does not free a slave from his or her chains.

The sedra of Mishpatim, with its detailed rules and regulations, can sometimes seem a let-down after the breathtaking grandeur of the revelation at Sinai. It should not be. Yitro contains the vision, but G-d is in the details. Without the vision, law is blind. But without the details, the vision floats in heaven. With them the divine presence is brought down to earth, where we need it most.

To read more writings and teachings from the Chief Rabbi Lord Jonathan Sacks, please visit www.chief Rabbi.org.

Rabbi Mordechai Willig
The TorahWeb Foundation
Hashkafa

The word chabura (bruise) is rendered by Targum Onkelos as mashkofei (Shemos 21:25), which is an expression of beating. Likewise, a lintel is called a mashkof, because the door bangs against it.

"Vayashkifu - and they gazed - upon Sedom" (Bereishith 18:16). All hashkafa - gazing - in the Torah is for bad, except for "Hashkafa - gaze - from Your holy abode" (Devarim 26:15). Great is the power of gifts to the poor that transforms the attribute of anger into mercy.

These two statements of Rashi are related as follows: Banging is not only physical, as one man bruises another or a door bangs against the lintel; gazing can have a forceful impact on its subject as well. The expressions "looks can kill," and "with daggers in his eyes" articulate this concept. When the angels gazed upon Sedom they intended to destroy it.

How do gifts to the poor, on the other hand, transform "hashkifa" into a blessing for Am Yisrael? It is not the gift itself but rather the compassionate look that must precede and accompany it. When explaining the possuk "When you will lend money to the poor person who is with you" (Shemos 22:24) Rashi states that the words "who is with you" instruct one to see himself as if he is the poor person. In order to assist a poor person properly, one must feel his pain by looking at him sympathetically. The gemara (Kesubos 111b) also emphasizes the power and value of a kind look, stating, "one who looks at a person with a smile is greater than one who provides him with milk." Chazal similarly state elsewhere (Bava Basra 9b) that one who appeases a poor person with comforting words, which, like a smile, must be accompanied by a kindly gaze, is blessed more than one who gives him money.

In sharp contradistinction to this compassionate outlook was the culture of Sedom, where giving charity was a capital offense (Rashi Bereishis 18:21). Because they gazed with harshness upon the poor, the people of Sedom were punished with blindness (19:11) and destroyed by the harsh gaze of the angels (vayashkifu). Even more civilized people often look upon others, especially the poor, with apathy or even hostility. In this sense, all hashkafa is bad. Only gifts to the poor, inspired by and given with a kindly gaze, transform the word hashkifa into Hashem's corresponding look of blessing.

After blessing the people the Kohanim invoke "hashkifa", beseeching Hashem to bless Am Yisrael, in the merit of "we have done what You have decreed upon us" (Sotah 39a,b). What is the decree whose fulfillment deserves Hashem's blessed gaze? It is not the words the Kohen utters but rather the kindly gaze that must accompany them; the Kohen must stand face to face with the people (38a) and bless them with love - be'ahava. Upon doing so, as decreed, the Kohen beseeches Hashem to bless us by gazing upon us kindly, mida k'negged mida.

Nowadays, the word hashkafa is used to mean religious outlook. Here, too, hashkafa can be bad, if one is inappropriately hostile to another's point of view. Adherents of different outlooks, even if clearly mistaken, should be respected if they are sincere and genuinely act for the sake of Heaven. Moreover, hashkafos other than one's own that are properly grounded in Torah and espoused by qualified talmedei chachomim can be perfectly legitimate alternate outlooks in serving Hashem.

The Jewish world can ill afford unwarranted personal hostility. Unintentional sinners, and even heretics who weren't educated properly in their youth, should be addressed with words of peace which can lead to teshuva (Rambam Hilchos Mamrim 3:3). The Torah world has suffered from personal recriminations and infighting between and within many of its groups. One's conviction that his outlook is correct can and must be articulated without demeaning proponents of a different perspective.

Gazing kindly upon others, whether poor people or legitimate hashkafic opponents, is rewarded by Hashem's responding in kind and blessing Am Yisrael and Eretz Yisrael. May we be worthy of these blessings.

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Rabbi Yissocher Frand - Parshas Mishpatim

Just As Those Are From Sinai, So Too These Are From Sinai

A famous Rashi at the beginning of the Parsha teaches that the prefix "And" (Vov) at the beginning of the words "V'Eleh haMishpatim" teaches that just as what preceded (the Asserres HaDibros [Ten Commandments]) were given at Sinai, so too, that which follows (all the civil law of Parshas Mispatim) were given at Sinai.

Every society has its own code of civil law. Rashi is teaching that the Torah's laws spelled out in Parshas Mishpatim – regarding an ox goring another ox, the paid and unpaid watchman, and so forth – are of a different nature. They are "Divine Mispatim". They are not merely civil law conventions that society has agreed to keep. There is a vast difference between a societal law based on communal consensus and something that is Divine in nature.

Let us consider for example, the law of returning a lost object (hashavas aveidah). I recently heard the following story. There was a reporter for the Israeli newspaper HaAretz named Mr. Dankner. HaAre tz is a left wing newspaper with an extreme liberal bent, as is the case with all of their reporters and editorial writers. They do not have very warm feelings for the Chareidi community in Eretz Yisrael, to put it mildly.

Mr. Dankner was on an assignment to interview the Rosh Yeshiva – at the time – of the Ponnevizer Yeshiva, Rabbi Elazar Shach. Without an appointment, he drove to Bnei Brak, entered the Yeshiva and asked someone, "Where is Rabbi Shach? I want to interview him." Suffice it to say that he did not get within 100 yards of Rav Shach. He did not get his story so he turned around, left the yeshiva and went back to his office at HaAretz.

Except that while at the Ponnevizer Yeshiva, he did not want the day to be a total waste, so he started walking around looking at the young men learning in the Yeshiva. The next day, he needed to write a story. The story could not be the interview with Rav Shach because he never got the interview with Rav Shach. But he wrote a general story about his visit to the Yeshiva.

He wrote, "When I entered the Ponnevizer Yeshiva, it was like I was on a different planet. It may have been a half hour drive from my office in Tel Aviv, but it was a different world." He then describes why he felt it was in a different world.

What would we expect the reason to be why Mr. Dankner thought the Yeshiva was in a different world? Most likely, our first reaction would be to say that he saw the young men getting excited about what they were learning and become oblivious to their surroundings. He may have seen people shouting at one another, which is not uncommon in a Beis Medrash. However, he writes that the most amazing thing for him in the Ponnevizer Yeshiva was the bulletin board. There on the bulletin board were all sorts of "Hashavas Aveida notes". For instance, he wrote, "four lost buttons from a shirt; the finder should see so and so in room so and so"; "one Bic pen"; and so on and so forth. He wrote that when he went to university, no one would bother bending his spine to pick up a Bic pen that was on the floor, let alone pick it up, write a sign, post it on the bulletin board, and put the pen in a safe place while waiting for someone to read the sign and claim his Bic pen.

For him, this was a different planet on which people were so concerned about such trivial matters as Bic pens and other such items. This is the meaning of our Rashi. Just as the Asserres HaDibros are Divine and from Sinai, so too all the other laws mentioned in the coming parsha are Divine and from Sinai.

Sure, the world has a concept of returning lost items. If someone finds a wallet with a person's credit cards and driver's license, he may become a "Good Samaritan" and return the wallet. But buttons, a pen, a glove, an aspirin cap??? If you do not believe this, come out to the Yeshiva and look at our bulletin board – to see all the "trivial things" which people try to return to fulfill this mitzvah.

The Prohibition Of Causing Pain and Suffering To A Widow

I saw the following thought in the Kol Eliyahu. It also comes with a story. The Torah gives us a specific negative prohibition: The widow and orphan you shall not oppress [Shmos 22:21]. These are people who have unfortunately suffered and often their wounds are still open. Their pain is acute and we must be particularly careful when dealing with them. The next pasuk continues: If you will surely oppress him (im aneh t'aneh oso) if he will surely call out to Me (ki im tza'ok yitz'ak elai) I will surely hear his cry (shamo'a eshma tza'a'kaso).

What does the expression "ki im" mean? Normally it is translated, "so that". How does that fit into the pasuk? "So that he will cry out to me" does not seem to make sense in this context. The Kol Eliyahu links this question to a famous teaching of Chazal. Chazal elaborate on the story related in the first Chapter of Samuel I (the Haftarah we read on Rosh Hashanah). Elkanah had two wives – Channa and Penina. Pe nina had 10 children and Channa was childless. Chazal tell us that Penina used to tease Channa. Sticking it to her, as it were, that she was childless, while Penina had many

children. The Rabbis explain that Penina's intentions were noble. She was not being cruel and insensitive, but was rather trying to motivate Channa to pray intently to Hashem so that she would eventually have children (as indeed happened).

Chazal say that while indeed Penina's motivation was "for the sake of Heaven" nevertheless, she caused pain to Channa. Her actions were basically not appropriate and eventually Penina -- as punishment for this insensitivity -- lost all of her own 10 children. The Kol Eliyahu writes in interpretation of the earlier cited pasuk: "If you will surely oppress a widow SO THAT they will cry out (in prayer to Me)" that is no excuse. Hurting a widow, even for the best of reasons, is still hurting a widow. The Almighty has no Mercy for such actions.

I would venture to say that most people have never heard of a person called Rav Ahraon Boxt. There is a good reason for that. Rav Ahraon Boxt was a big Talmid Chochom, he was a Rov, but he was by no means a household name. However, he could have been. Why? There was a Jew in Europe named Rav Shraga Feivel Frank. He was an extremely wealthy man and had a very big business. He had wonderful sons-in-law, some of the greatest Rabbonim in Europe from the previous generation. When he died, he left his wife with 3 unmarried daughters and told her on his deathbed that she should use the sizable inheritance she would receive from him to find the greatest Torah scholars in Israel as husbands for their daughters.

Daughter number one of the 3 remaining daughters married Rav Isser Zalman Meltzer, a Gadol by anyone's standards. Daughter number two married Rav Baruch Horovitz. The third daughter was engaged to Rav Ahron Boxt, until one day Rav Boxt, said to his Kallah, "You know your father had this big business, a tremendous factory, I would like to take a tour of the factory."

When the future mother-in-law heard that they took a tour of the factory, she said "This is the person who I was told was such a big Talmid Chochom that I should take him as my son-in-law? He is interested in business? He is interested in factories? The Shidduch is off! I want Gedolei Yisrael, I do not want businessmen!" Eventually, this daughter married Rav Moshe Mordechai Epstein, who became the Slabodka Rosh HaYeshiva.

Rav Boxt went back to learn in Slabodka, he became truly a great man in Israel. When the position of the Rosh Yeshiva of Slabodka opened up, the Alter of Slabodka offered the position to Rav Boxt. He declined. He was offered the position a second time and he declined. He was offered the position a third time and a third time he declined. Finally, the Alter asked him, "Why do you not want to become Rosh Yeshiva of the Slabodka Yeshiva?" Rav Boxt gave a very poignant answer: "If I become Rosh Yeshiva, that widow will realize 'I made the biggest mistake of my life. I could have had this great future Rosh Yeshiva as my son-in-law but I broke the shidduch because I thought he wanted to become a businessman!' I do not want to hurt her feelings. I do not want to do that to a widow." And that is how Rav Moshe Mordechai became Rosh HaYeshiva.

Now how would any of us react in that situation? It is very likely that we would jump at the position with glee at the opportunity to get back at the insult done to us! "I am going to become Rosh Yeshiva? How sweet it is! Let her eat her heart out for her stupid mistake of breaking the shidduch!"

Rav Boxt passed up the opportunity of becoming the head of one of the most prestigious Yeshivas in all of Europe because he knew the severity of the punishment for causing pain and anguish to a widow!

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
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Rav Kook List

Rav Kook on the Torah Portion
Mishpatim: Slavery in the Torah

"If a man strikes his male or female slave with a rod, and the slave dies under his hand, the death must be avenged [the master is punished by

death]. However, if the slave survives for a day or two, his death shall not be avenged, since he is his master's property." (Ex. 21:20-21)

The Torah portion of Mishpatim deals primarily with laws governing society -- personal damages, lending money and articles, manslaughter, kidnapping, and so on. Overall, they fit in well with a modern sense of justice. The laws dealing with slaves, however, are difficult for us to digest.

Why does the Torah distinguish between a mortally wounded slave who dies immediately, and one who lingers for a day or two?

Is a slave truly "his master's property"?

In general, does the Torah look favorably on the institution of slavery?

His Master's Property

Slavery, Rav Kook explained, is like any other natural phenomenon. It can be used properly and responsibly, or it can be abused. As long as some people are wealthy and powerful, while others are poor and weak, the wealthy will hire out the poor to do their labor and will control them. This is the basis of natural servitude, which exists even if slavery as a formal institution is outlawed.

For example, coal miners are de facto slaves to their employer, and in some ways worse off than legal slaves. The mine owner often cares more about his profits than his workers. He allows his miners to work without proper light and ventilation, in poorly built mines. The owner is not perturbed that his workers' lives are shortened due to their abysmal working conditions. He is not overly troubled that the mine may collapse, burying alive thousands of miners - he can always hire more.

Yet, if these miners were his legal slaves for whom he paid good money, then the owner would look out for their lives and welfare just as he watches over his machines, animals, and the rest of his property. For this reason, the Torah emphasizes that a slave is his master's property. When it is in the master's self-interest to look after his slave's welfare, the servant can expect a better, more secure future.

Why does the Torah distinguish between a slave who dies immediately after being struck by his master, and one who lingers for a day? The verse specifically mentions that the master struck with a rod, an indication that his intention was not to harm the slave, but to discipline him. If the slave dies due to mistreatment at the hands of his master, we take into account the natural concern that all people have for their possessions. The Torah rules that no death penalty is incurred, "since he is his master's property." In these circumstances, intentional murder becomes improbable, and the Torah looks for an additional factor - a non-immediate death - to indicate that the death was accidental. The Torah stresses that the goal is to serve justice, not to avenge. Thus the unusual phrasing, "his death shall not be avenged."

The Institution of Slavery

The legalized slavery of the Torah only comes to correct certain potential pitfalls of the natural phenomenon of slavery. As long as slavery exists, the Torah legislated laws to protect slaves from abuse and mistreatment. If an owner knocked out his slave's tooth, or caused the loss of any other limb, the slave went free. An owner who killed his slave was executed, like any other murderer.

Since the destruction of the Temple, however, the Torah's positive influence upon general society has greatly weakened. The darkness of the Middle Ages severely corrupted natural forms of life, transforming slavery into a monstrous institution. Instead of protecting the weak by giving them the security of property, slavery became such a horror that humanity decided it needed to be permanently outlawed.

The Torah's form of servitude must be set aside, until the era when, once again, "Torah will go forth from Zion." At that time, servitude will provide not only financial security, but also moral and spiritual mentorship.

When the heart has once again become a sensitive vessel of integrity and compassion, it is fitting that the morally deficient should be taken under the wings of those righteous and wise.

(Gold from the Land of Israel, pp. 139-141. Adapted from Igrot HaRe'iyah vol. I, p. 89)

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Shabbos Morning Kiddush

On Shabbos morning before davening it is permitted to drink coffee, tea or soda, etc., without first making Kiddush. This is allowed because Kiddush need not be recited until it is zeman seudah, the time when it is permitted to eat a meal. Since one is not allowed to eat a meal before davening, it is not time for Kiddush and one may take a drink. Even if one wants to be stringent and recite Kiddush before drinking, he may not do so for two reasons: 1) A requirement of Kiddush is that it be followed by a meal; otherwise it is invalid. Since one is not allowed to eat before davening, he cannot make Kiddush. 2) Drinking wine before davening is considered “haughty behavior” and is not permitted.

What about a person who is ill or elderly and is allowed to eat before davening? Mishnah Berurah¹ rules that such a person should recite Kiddush before he eats, for as soon as it is zeman seudah for him, he is obligated to make Kiddush. The fact that he is drinking wine before davening is not a problem since he must drink wine in order to eat. He may not even drink water before Kiddush, since for him it is already zeman seudah.²

This ruling by the Mishnah Berurah requiring an ill or elderly person who needs to eat before davening to make Kiddush was challenged by some later poskim.³ While many poskim agree with the basic ruling,⁴ they suggest that the practical halachah will depend on what exactly the person in question is going to eat. If he is just going to eat fruit or even cereal and milk or other cooked items upon which he would make a mezonos, he should eat without reciting Kiddush first. If, however, his health demands that he wash over bread or eat at least a k'zayis of cake or any other baked mezonos items, he should make Kiddush before he eats.⁵

Question: May women eat before Kiddush on Shabbos morning?

Discussion: Whether or not women need to make Kiddush on Shabbos morning is the subject of much debate. Although it is prohibited to eat before davening on weekdays, many women eat breakfast after reciting a brief supplication, and finish davening later on in the morning. The poskim allow them to do so, since they may rely on the view of the Rambam who maintains that women fulfill their davening obligation with a brief supplication. Thus, they are eating after “davening.” On Shabbos morning, however, they are obligated to make Kiddush in addition to the daily obligation to pray. As soon as they meet their basic davening obligation by reciting a brief supplication, it is for them zeman seudah and they cannot eat until they make Kiddush.⁶

Some married women, however, are accustomed to eat on Shabbos morning without first making Kiddush. They rely upon the view that maintains that it is not zeman seudah for them until their husbands are ready to eat, which is not until davening is over in shul.⁷ Other poskim do not agree with this argument.⁸ In either case, unmarried women, including girls who eat at their father’s table, do not have this leniency to rely upon.

Children who are allowed to eat before davening are not required to make Kiddush before eating.⁹

Kiddush is recited over a cup¹⁰ of wine or grape juice which holds a revi’is (3 fl. oz.). At least a “cheek full” (approximately 1.6 fl. oz.) must be drunk.¹¹

There is no requirement for anybody but the person who makes Kiddush to taste the wine. As long as the listener intended to fulfill the mitzvah of Kiddush and heard every word of the blessing, he fulfills the mitzvah. It is, however, desirable (a mitzvah min ha-muvchar) to partake of the Kiddush cup.¹² For this reason, many people make certain to drink some wine or grape juice after listening to Kiddush. Doing so, however, when attending a kiddush in shul, can lead to a problematic situation regarding the correct blessing for any other beverage which will be drunk at the kiddush. Let us explain:

The blessing of borei peri ha-gafen automatically includes any beverage which is on the table or which will be brought to the table. No shehakol is recited on soda or juice, etc. that will be drunk during the kiddush.¹³ Even one who did not actually recite borei peri ha-gafen but heard Kiddush from another person does not recite a shehakol on other beverages, if he drank a melo lugmav (“cheek full”) of wine or grape juice. If, however, he drank some wine or grape juice—but less than a melo lugmav—and wishes to drink another beverage, it is questionable¹⁴ if he needs to recite a shehakol on the other beverages. It follows, therefore, that those who listen to someone else’s Kiddush and partake of the wine and then want to drink another beverage must do one of the following:¹⁵

- * Drink at least 1.6 fl. oz. of wine or grape juice;
- * Recite a shehakol on a food item;
- * Listen to a shehakol recited by another person.

Question: If one forgot to daven Mussaf (on Shabbos, Rosh Chodesh or Yom Tov) and only remembered to do so in the afternoon, which should he daven first—Mussaf or Minchah?

Discussion: In most cases, Mussaf should be davened first, followed by Minchah. This is because the correct order of the prayers follows the order of the sacrifices that were brought in the Beis ha-Mikdash, and the Mussaf Sacrifice was always brought before the afternoon Korban Tamid, which was the last offering of the day.¹⁶

[The only exception to this halachah is the case of a person who is required to daven Minchah at that particular time, e.g., before partaking in a wedding or a Sheva Berachos meal. In such a case, since one is not allowed to partake of such a meal before davening Minchah, it is considered as if the time of Minchah has arrived and one should not daven Mussaf first.¹⁷]

The halachah remains the same even if a man remembered to daven Mussaf so late in the day that he would not have time to daven Minchah any longer. He should daven Mussaf, and then daven Ma’ariv twice, first as Ma’ariv and the second as a tashlumin (“makeup”) for Minchah.¹⁸ If this happened to a woman, however, she should daven Minchah and omit Mussaf, since she is obligated (according to many poskim) to daven Minchah and it is questionable whether she is obligated in Mussaf altogether.¹⁹

1 Beur Halachah 289:1, s.v. chovas.

2 Da’as Torah 289:1; Rav S.Z. Auerbach (Nishmas Avraham, vol. 1, pg. 54).

3 Some suggest that the obligation of Kiddush begins only after davening—even for a person who is allowed to eat before davening—since only then is it zeman seudah for all; see Keren l’David 84, Igros Moshe, O.C. 2:28 and Chelkas Yaakov 4:32.

4 See Emes l’Yaakov, O.C. 652:2 who quotes a Taz as a source for this ruling.

5 Igros Moshe, O.C. 2:26. Rav S.Z. Auerbach (Shemiras Shabbos K’hilchasah 52, note 37) maintains that it is better to make Kiddush and eat cake than to eat cereal, etc., without Kiddush.

6 Peri Megadim, O.C. 289:4; Minchas Yitzchak 4:28; Shemiras Shabbos K’hilchasah 52:13.

7 Igros Moshe, O.C. 4:101-2. Even according to this view, once a married woman has davened, she may not eat before Kiddush, even if her husband has not yet completed his davening; *ibid*.

8 Rav S.Z. Auerbach (Shemiras Shabbos K’hilchasah 52, note 46; Shulchan Shelomo 289:8-3, 4). See Ashrei ha-Ish, vol. 2, pg. 61.

9 Mishnah Berurah 269:1.

10 Some poskim advise against using a disposable cup for Kiddush (Igros Moshe, O.C. 3:39; Minchas Yitzchak 10:23; Rav C. Kanievsky, Ohel Chanoch, pg. 228), while others are not particular (Rav Y.S. Elyashiv, quoted in Ashrei ha-Ish, vol. 2, pg. 62; Tzitz Eliezer 12:23). See also Shemiras Shabbos K’hilchasah 47, note 51, quoting Rav S.Z. Auerbach.

11 Based on the measurements of Rav M. Feinstein. A “cheek full” is a little more than half a revi’is.

12 O.C. 271:14. A minority view (Brisker Rav, quoted in Teshuvos v’Hanhagos 1:264) maintains that on Shabbos morning one must partake of the Kiddush cup in order to fulfill the mitzvah. The poskim, however do not agree with this stringency; see Ma’aseh Ish 5:91, quoting Chazon

13 Ish; Chelkas Yaakov 3:180; Rav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 50:9); Ashrei ha-Ish, vol. 2, pg. 83; Yechaveh Da'as 5:20.
 14 O.C. 174:2. Note, however, that Rav Y.S. Elyashiv (Vezos ha-Berachah, pg. 267) and Rav S. Wosner (Deror Yikra, pg. 280) are quoted as ruling that only a borei peri ha-gafen over wine exempts all other beverages; when it is recited over grape juice it does not exempt other beverages.
 15 Derech ha-Chayim rules that it is sufficient, but Beur Halachah 174:2, s.v. yayin, questions that. See Minchas Yitzchak 8:19 and Yechaveh Da'as 5:20.
 16 Beur Halachah 174:2, s.v. yayin. [It is not sufficient to have specific intention that the blessing over the wine should only cover the wine itself and not other beverages; Rav Y.S. Elyashiv, quoted in Vezos ha-Berachah, pg. 100.]
 17 Based on Mishnah Berurah 286:12; Aruch ha-Shulchan 286:17 and Kaf ha-Chayim 286:35-36.
 18 O.C. 286:4.
 19 See Mishnah Berurah 286:13; Aruch ha-Shulchan 286:17; Da'as Torah 286:4 and Kaf ha-Chayim 286:36.
 20 See Mishnah Berurah 106:4.
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Get Rid of the Stuff!

or

The Vanishing Importer and Other Tales

By Rabbi Yirmiyohu Kaganoff

Dovid calls me with following shaylah:

"Several years ago, Yonasan asked permission to store some items in my basement for a few months. The items are still in my basement, and I have no idea where Yonasan now lives. I have tried to contact him without any success. How do I get rid of his stuff? I need the space for other things."

People have often asked me this or similar questions, where someone ends up with someone else's unwanted property on their premises. The issue is that two people's rights are in conflict with one another. On the one hand, Dovid has a right to regain the use of his basement; yet, on the other hand, we cannot ignore Yonasan's ownership rights.

We will see that although the halachos in these cases are complicated, we will be able to understand some of the rules involved.

In order to answer Dovid's shaylah, we need to determine several halachic factors:

1. Was Dovid originally responsible for taking care of Yonasan's items?
2. Assuming he was once responsible, is he still responsible?
3. If we assume that he is no longer responsible, or was never responsible, may he remove the items from his premises? What may he do with them if he removes them?

The Tanna'im (Bava Kamma 47) dispute whether or not granting someone permission to place belongings on my premises makes me automatically a shomer chinam, an unpaid watchman. The Sages contend that when I tell someone that he can place his items in my yard, the unstated assumption is that I am accepting responsibility for the items. If the item is subsequently lost or stolen through the homeowner's negligence, he must pay for it, even though he was not paid to guard the item. Rebbe disagrees, contending that permitting someone to place items on my property is not equivalent to accepting responsibility for them.

Most halachic authorities conclude that if one offered to store items in his house, he has assumed some level of responsibility, but if he offered to store them in his yard, he has not assumed responsibility (Shach, Choshen Mishpat 291:8; cf., however Machanei Efrayim, Shomrim #4, who rules that he is not responsible in the house either). Thus, when Yonasan placed his items in Dovid's basement, Dovid became a shomer chinam on those items, and is obligated to pay if he is negligent in taking care of them. As a result, if Dovid left the house unlocked one day and someone entered and stole Yonasan's property, Dovid would be obligated to compensate

Yonasan. By the way, Dovid could avoid this responsibility by simply telling Yonasan that although he may place items in Dovid's house, Dovid is assuming no responsibility and is not a shomer.

HOW LONG DOES DOVID REMAIN RESPONSIBLE?

In our case, Yonasan asked permission to store his items in Dovid's house "for a few months." Assuming that Dovid really believed that Yonasan would remove his items at that time, he is no longer a shomer when the time is over and is no longer responsible for negligent damages (Machanei Efrayim, Shomrim #19). However, this does not mean that Dovid can now remove Yonasan's items and place them on the street, because that would be considered as damaging Yonasan's property, which is prohibited. Let us compare this case to a fascinating anecdote of the Gemara:

THE CASE OF THE HAPLESS LADY

The Gemara (Bava Metzia 101b) relates the following episode. A businessman, whom we will call Mr. Wine, purchased a shipload of kosher wine and could not find a place to store it. When he asked a local woman, Ms. Storage, if he could rent warehouse space, she was initially unwilling to rent him the space, and only agreed after he consented to marry her. After this "marriage of convenience," Mr. Wine promptly divorced Ms. Storage. She retaliated by selling some of the wine and using the proceeds to hire porters to move the wine into the street. When Mr. Wine summoned Ms. Storage to a din Torah for selling his wine to pay for the portage, Rav Huna, the son of Rav Yehoshua, ruled that since he tricked her into storing his goods, he had no monetary claim against her, and that she indeed had the legal right to remove the wine from her premises at his expense. As we will see, it is unclear whether she could remove the wine from her premises if this would cause the wine to be stolen or damaged.

In the above situation, because Mr. Wine discovered immediately what she had done, he suffered no further loss. Would Ms. Storage have been liable to pay if the wine was stolen before Mr. Wine discovered that it was in the street?

The Rosh rules that although Ms. Storage may remove the wine from her premises, she is liable for any loss that occurs until she notifies Mr. Wine that she has removed the wine. Therefore, the Rama rules that she must notify Mr. Wine before removing his wine from her premises.

Obviously, this ruling places Ms. Storage in an unenviable position if Mr. Wine leaves town and cannot be contacted. Although he tricked her into storing her goods, she cannot remove his items and place them where they may be damaged.

Not all authorities agree with the Rosh's opinion. The Taz (Choshen Mishpat 319) contends that if someone stored property on your premises without your permission and it is in a place that you need, you may remove his property without being concerned about the loss he suffers as a result. (This is based on his understanding of the Rambam; note that some other poskim interpret the Rambam differently.) According to the Taz's approach, Ms. Storage could have placed the wine in the street without notifying Mr. Wine, without any financial responsibility or risk. The line of reasoning behind the Taz's approach is interesting.

The Gemara (Bava Kamma 27b) rules that "avid inish dina linafshei," a person has the right to protect his own property. Thus if a person or his animal is damaging my property, I may use necessary force to remove him or his animal from my property.

Similarly, the Taz contends that one may remove items placed in my property if I do not want them there. However, Rav Moshe Feinstein (Shu't Igros Moshe, Choshen Mishpat 2:56) appears to disagree with the Taz, contending that one does not have the right to remove someone else's property and place it in the street. Rav Moshe's responsum is in the context of a different, interesting case.

THE CASE OF THE VANISHING IMPORTER

A distributor asked Rav Moshe the following shaylah: "An importer/supplier asked me to store some merchandise for a couple of months and I agreed; but I neglected to get his address and phone number. A year later, the importer returned, very apologetically explaining that he

was delayed and thought he would return sooner. In the middle of the conversation, the importer said, 'I must take care of something. I'll be back in a few minutes.' He disappeared once again and has not returned since. It is now months later and I need to make room for my own merchandise. What can I do with his property?"

Rav Moshe compares the distributor's predicament to the Case of the Hapless Lady. He contends that even in that case, one may not remove the wine to a place where it could be stolen unless one first notifies the owner. He further concludes that if Ms. Storage cannot locate Mr. Wine, she may not move his wine to the street. However, Rav Moshe rules that she could move his wine to an alternative warehouse and sell some of the wine to pay the portage and rent. Similarly, Rav Moshe rules that in the Case of the Vanishing Importer, the distributor may sell some of the importer's goods to pay the moving costs and rent a different warehouse.

The Pischei Choshen (Hilchos Pikadon:7:ftn6) disagrees with Rav Moshe, contending that instead of selling some of the merchandise to rent storage space, one should sell all of the merchandise and hold the money for the importer's return. (Certain other details must be followed in carrying out this sale.) Both approaches assume that one may not sell the importer's merchandise if the distributor has available storage space, but dispute which approach is better if the distributor has no available space. Even though the importer took unfair advantage, the distributor may not treat the importer's possessions with disregard.

Rav Moshe's dispute with the Pischei Choshen what to do with the importer's goods hinges on which of the following two rulings applies in our case. In the Case of the Hapless Lady that we mentioned above, the Rambam rules that although Ms. Storage need not notify Mr. Wine, it is commendable (midas chasidus) for her to inform Beis Din that she will be removing his wine from her premises. The Beis Din then proceeds to sell some of the wine and thereby pay for the portage and storage. Rav Moshe explains that Ms. Storage may do this herself if she wants, but that if she does not want to bother, all she is required to do is to notify Beis Din that she will be removing the wine from her premises. If Mr. Wine cannot be located, either Beis Din or Ms. Storage may remove his wine to a secure warehouse, paying for the portage and storage from the merchandise.

The Pischei Choshen contends that one sells the merchandise to pay rent only when its owner knew he would be paying rent until he returns -- therefore he has no major unexpected loss from using an alternative warehouse. However, this is qualitatively different from the Vanishing Importer who may not have realized that he would be paying rent. The Pischei Choshen therefore compares the Case of the Vanishing Importer to a different Talmudic discussion where a shomer is responsible for produce whose owner is unaware that it has begun to spoil. In this case, since the owner will suffer from an unexpected major loss, the shomer sells the items under the supervision of a Beis Din to try salvaging whatever he can, and then the shomer holds the money for the owner until his return (Bava Metzia 38a). (The halacha is that the shomer may borrow the money, obviously interest free, until the owner returns [Shulchan Aruch, Choshen Mishpat 292:19].)

The Pischei Choshen contends that since the distributor is not obligated to store the importer's items at a loss, and there is no place to store them for free, we are left with two possible courses of action, one of which we will eliminate:

1. Rent a storage facility paid for by gradually selling the merchandise. This will eventually erode the remaining value.
2. Sell the merchandise, thus recouping some value for the importer.

Since we cannot contact the importer, or know when he will return, the Pischei Choshen elects the second option as the correct halachic approach. In Dovid's original case, Yonasan had asked him to store his items for a few months, a timetable that passed several years ago. Thus, one can compare his predicament to the case of the Vanishing Importer, which would allow Dovid to follow one of the suggested procedures to save Yonasan from a loss: either to sell some of the property and thereby rent storage space (Rav Moshe's approach), or to sell it all and hold the money (Pischei Choshen's approach).

However, this is true only if the loss Yonasan would suffer is because Dovid must have the space available for some other purpose. If Dovid is simply annoyed by the cluttered basement, he has no halachic basis with which to remove Yonasan's property.

Another complication usually occurs in these situations: If Dovid did not specify the length of time he is lending use of his premises, he is presumably still the shomer of Yonasan's property and is still liable for any negligence, and certainly would be liable if he damaged the property. This is qualitatively different from the Case of Hapless Lady and the Case of the Vanishing Importer, where the homeowner is not a shomer.

The Pischei Choshen (Hilchos Pikadon:7:ftn5) asks whether in a case like this Dovid is required to be a shomer forever.

I attempted to find a source that would relieve Dovid of his responsibilities in this very common case. I have thus far been unsuccessful. The closest parallel I have found is the following case:

Yehudah agreed to be a shomer on someone's property; now he wants to leave town and cannot take the item with him. What does he do? The Rambam (Hilchos She'eilah 7:12) rules that agreeing to watch an item does not make you a prisoner in your home; you have a right to leave. What does Yehudah do? He brings the item to Beis Din which then assigns it to the care of a reputable person.

However, this ruling is applicable only if the shomer wants to leave town and can no longer supervise the item. I have found no other halachic source that discusses how one can terminate one's shmirah of an item when the shomer remains in town, and the owner is unaware that one wants to terminate responsibility.

THE CASE OF THE CARRY-ON LUGGAGE

This leads us to the following shaylah. What is the halacha in the following situation? At the airport gate, you agree to watch someone's carry-on bag so he can use the comfort facilities. Forty-five minutes later, your plane is boarding, and the bag owner has not reappeared. Must I miss my flight because I agreed to watch his bag? What do I do with the bag?

In this carry-on case, I think one can assume that when someone asks me to watch an item at an airport gate, he knows that I can watch the item for only a brief period of time. If one needs to leave and the bag owner has not returned, I would recommend alerting airport personnel and letting them decide what to do, and at the same time leaving a note where you were sitting. Abandoning the bag will probably cause it to be stolen or impounded and destroyed by airport security, and I suspect that airport Lost and Found is also not a good alternative.

By now, I think we have become convinced of the necessity for clarifying our responsibilities in advance when someone asks us to watch their item or leave something at our house. Of course, realizing the complications that may result should not cause us to reconsider doing chesed for people; simply, we should be certain to do it in such a way that we do not create unnecessary entanglements.