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INTERNET PARSHA SHEET
ON **MISHPATIM – Shkalim - Rosh Chodesh** - 5781

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from: TorahWeb.org <torahweb@torahweb.org> via groups.io
Piskei halacha from Rav Schachter on Coronavirus Shaylas
https://www.torahweb.org/torah/docs/rsch/RavSchachter-Corona-56-January-31-2021.pdf
Issues Pertaining to the Observance of Purim During COVID-19 (2021)
1. The practice is to read Parshas Zachor with a minyan from a kosher Sefer Torah on the Shabbos before Purim. If one is unable to do so, they may read from a kosher Sefer Torah without a minyan (without reciting the brachos). If that is not an option, one should have in mind to fulfill this obligation with the Kriyas HaTorah on Purim morning. If that too is impossible, one should have it in mind when reading Parshas Ki Seitzei (in the summer months). If a person feels that they will not remember to have this in mind during the summer months, then an additional reading of Parshas Zachor can be added this year. This should be done on a weeknight (without brachos), so anyone who is unable to leave their homes may participate via Zoom.
2. When giving Machatzis Hashekel there is no need to raise the actual coins. One may fulfill the minhag of Machatzis HaShekel by placing paper money in the collection bin. We should keep in mind that this minhag is merely a "zecher l'Machatzis Hashekel" and not the actual mitzvah of Machatzis HaShekel that was performed in the days of the Beis Hamikdash.
3. There is some debate among the poskim whether one must eat bread in order to fulfill the obligation of seudas Purim. While the Shulchan Aruch never explicitly requires that meat be eaten for seudas For further halachic inquiries please email ravschachter@gmail.com Purim (indeed, Rav Soloveitchik once remarked that according to the Shulchan Aruch a tuna sandwich would suffice), the Rambam writes that the seuda must consist of meat and wine. When Purim falls on Friday, one can fulfill the mitzvah of seudas Purim starting in the morning.
4. When Purim falls on Friday, the practice in Yerushalayim is to stop the meal in the middle, cover the bread, and to recite kiddush so that the meal may continue as a seudas Shabbos. However, this practice is not recommended.
5. One must complete any meal on erev Shabbos or erev Yom Tov by the beginning of the tenth halachic hour of the day. Therefore, the Purim seudah should be completed on erev Shabbos by that time as well. 6. Due to Coronavirus concerns there are those who may be uneasy with receiving food prepared in other people's homes. Consequently, this year in particular, it is worthwhile to heed the Rambam's exhortation to spend more on Matanos L'evyonim than on Mishloach Manos.
7. One can fulfill the mitzvah of Mishloach Manos by sending the food through a third party. Alternatively, money may be given to a trustworthy person in advance of Purim to be distributed to individuals on Purim.
8. There are places with severe restrictions on gatherings of more than ten people, requiring multiple shifts for Megillah reading. It is best to avoid reading the Megillah at night before tzeis hakochavim, unless there are extenuating circumstances. In a case of great need, one may read the Megillah during Bein Hashmashos. If there is an even greater need, one would be allowed to read the Megillah on Erev Purim after plag hamincha. If one has no option to hear the Megillah with a minyan due to these circumstances, if they have a kosher Megillah in their possession and know how to read it correctly, they may do so on their own. If they do not know the reading but would be able to read it correctly while listening to a recording or livestream of a slow reading from one who does know, that would also be effective. If this is not possible, one may rely on the opinions that the mitzvah can be fulfilled over the telephone or via Zoom.
9. Eating light snacks after nightfall would be permissible for those who will ze attending a later shift for Megillah reading. A full meal should not be eaten until after one hears the reading of the Megillah.
10. In those places where gatherings are restricted, they will likely arrange a number of consecutive readings throughout the day. Normally we should wait until sunrise to read the Megillah, but in this situation one may even read the Megillah as early as alos ha'shachar.
11. The Megillah should be read in its entirety by one individual. However, in places with many readings, where it will be difficult to find enough people who can learn to read the entire Megillah, it is permissible to divide the Megillah reading among several readers.

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from: **Rabbi Yissocher Frand** <ryfrand@torah.org>
to: ravfrand@torah.org
date: Feb 11, 2021, 12:36 PM
subject: Rav Frand - We Would Have Legislated Just the Opposite!
Parshas Mishpatim
We Would Have Legislated Just the Opposite!
These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: #1150 Taking State Farm To Beis Din. Good Shabbos!
We Would Have Legislated Just the Opposite!
The first topic in the parsha is the halacha of the eved ivri (Jewish slave). An eved ivri is a person who stole and cannot afford to pay back his debt. He is sold for six years as a slave to a fellow Jew, and in the seventh year he goes free. There is a mind-boggling halacha associated with an eved ivri, which is that the master is allowed to give him a shifcha Cananis (a gentile maidservant) as a wife. As part of his servitude, he would father children with this shifcha Cananis, who would themselves become slaves to the master.
The pasuk teaches, "If he comes in single, he goes out single" (Im B'Gapo yavo b'Gapo Yeitzei) [Shemos 21:3]. Rashi teaches, based on the Mechilta, that the eved ivri can only be given a shifcha Cananis as a wife if he is already married when he begins his period of slavery. If he enters slavery as a bachelor, the halacha does not allow the master to give him a shifcha Cananis by which to father children.

If we had to write this halacha about the master giving his eved ivri a shifcha Cananis, and we were told that it only applies in one situation—either for a single person or a married person—what would we say makes more sense? Most people would assume, "Okay, if the fellow is single then we can understand that the master gives him a shifcha Cananis. However, if he has a family already – then would we think that his master can give him a shifcha Cananis? This must not do a lot for the Shalom Bayis (domestic tranquility) of this eved ivri!

The Torah legislates just the opposite of what we would have thought to be logical!

I saw in the name of Rav Moshe Shternbach, shlit"a, that the rationale behind this is the following: If a person is married then he knows what marriage is about. He knows that what he is doing with this Shifcha is just a matter of cohabitation for the purpose of fathering children. He fully understands "this is not a wife!" He knows what a wife is. He knows what marriage is. He knows what real family life is about. After six years, when he is given the option – are you going to stay with her (and remain in slavery until the Jubilee year) or are you going to go back to your family, chances are the person would say, "I am going back home. I know what a wife is. I know what a Jewish family is. I know what children are all about."

On the other hand, if an eved ivri who was not married was given a shifcha Cananis to live with he would assume: "Oh, this is what the male female relationship is all about! This is what it is!" We do not want the person to say "I love my master, my wife, and my children. I will not go out free." [Shemos 21:5]. We do not want that to happen! The chances of it NOT happening are increased when the person knows what a wife is supposed to be and what the relationship between a husband and wife is supposed to be. Then, the person will hopefully say, "after six years of this, I am out of here!"

The Ear That Heard at Sinai

The halacha is that if the eved ivri in fact says "I love my master, my wife, and my children—I do not want to go out free" then the master brings him to the doorpost and pierces his ear with an awl and he becomes a slave "in perpetuity." Rashi famously comments in the name of Rav Yochanan ben Zakkai, "the ear that heard at Sinai 'Thou shalt not steal' and went ahead and stole gets pierced with an awl!" This explains why it is the ear rather than the arm, the toe, or any other body part that pays the price, so to speak, in this process of the master making the eved ivri, whose term of service was six years, remain a slave until the Jubilee year.

The Sefas Emes asks – Is it the ear's fault? The ear is merely a receptacle that hears. The problem is not with the ear. The problem is with the heart or with the brain that processes the message heard by the ear! Why pick on the ear?

Of course, we can say simply that it is not possible to pierce the heart or the brain and have the slave remain alive. That is true. Perhaps we could get around that problem, but certainly piercing the ear seems to be a very superficial choice of an organ to pay the price for this Jew's act of theft!

The Sefas Emes answers that the message here is that the word of G-d, "Do not steal" entered the ear, but it stayed in the ear. That is as far as it went. Or, to use a colloquial expression "It went in one ear and went out the other." People can hear something that remains nothing more than sound waves that penetrate the ear but do not travel to the heart, to the brain, to the soul. That is not what a human being is supposed to do with the message of G-d.

In Yiddish, if you want to ask "Do you understand?" you say "ihr hert?" (do you hear?). Among Yeshiva students, many times someone asks someone else "Do you hear what I am saying?" Try that in the secular world! In the world at large, if you tell someone "I hear" he will assume you are telling him that you are not deaf. In Yiddish "herrin" means "ich farshtei" (I understand). Shmia does not mean the physical act of hearing. It means understanding!

In the famous pasuk "Shma Yisrael Hashem Elokeinu Hashem Echad." the translation, "Hear oh Israel…" is a misinterpretation. It really means "listen oh Israel." There is a difference in English between "you hear" and "you listen." The problem of "ozen she'shama b'Sinai" is that it just heard "Thou shalt not steal" but it did not listen!

The Sefas Emes points to the pasuk at the beginning of last week's parsha – "Vayishma Yisro…." What does "Vayishma Yisro" mean? It means more than just that he heard. He understood what was happening over here. That is the difference between Yisro and Iyov. The Gemara says that three parties heard Pharaoh's infamous scheme (oso eitzah): Yisro, Bilaam and Iyov. Bilaam suggested the plan and his end was that he was killed by the sword. Iyov, who kept quiet, wound up being plagued with punishments. Yisro fled. Why did he flee? It is because he was a Shomea. That does not mean he was a "hearer". It means he was a listener. He understood what was happening here, and it made an impression upon him. It made an impression upon him that propelled him on his path that eventually brought him to Judaism. When someone hears but it does not penetrate, it is an example of "Ozen she'shama b'Sinai" – it only remained within the ear!

How Was This Rosh Yeshiva Different From All Other Roshei Yeshiva?

There is a pasuk in this week's parsha that talks about how careful we need to be with widows and orphans. "You shall not persecute any widow or orphan. If you will persecute them, for if they will cry out to Me, I shall surely hear their cry." [Shemos 22:21-22] In the past, We have said a famous vort from the Kotzker Rebbe that the threefold redundant appearance of verb forms in this pasuk (Aneh/Sa'aneh; Tza'ok/Yitzak; Shamoa/Eshma) indicates that any feeling of hurt that a widow or orphan senses is always compounded. They always feel "If my father/husband would still be alive, this would not be happening to me." Therefore, the pain anyone inflicts on them is doubled. As a result, Hashem will "hear their cries" and impose a double punishment on the perpetrators.

I would just like to share an incident I heard involving Rav Nosson Tzvi Finkel, zt"l. It has been a long time since the passing of a Rabbinic personage had made such a great impression on Klal Yisrael as that of the passing of the late spiritual head of the Mir Yeshiva in Jerusalem (November 2011). The number of Hespedim that were offered in Yeshivas and Jewish communities all over the world for Rav Nosson Tzvi was unprecedented. That is because he was a person who had an incredible impact on Klal Yisrael. The reaction of the loss that people felt, and still feel, to his death was mind-boggling.

One on his Talmidim gave a eulogy for him in a certain yeshiva. In relating the incredible acts of kindness that Rav Nosson Tzvi engaged in, he told over the following story:

There was a student of the Mir—a man who was already married and had a family—who passed away at a relatively young age, leaving over a widow and orphans. Rav Nosson Tzvi was very close to this man and decided that he would try, in effect, to adopt this man's sons. He invited them to treat him (Rav Nosson Tzvi) like they would treat a father. This was a family that lived in America, but Rav Nosson Tzvi told the boys that they should write to him—not only their Torah thoughts, but they should correspond with him and keep him abreast of all their personal affairs and activities. When the boys got older, they came to Eretz Yisrael and Rav Nosson Tzvi found each one an appropriate Yeshiva. Over many years, he developed a strong relationship with these orphans and tried to act as a long-distance father to them.

This is what this former student of the Mir told over in his eulogy for the Mir Rosh Yeshiva. After he spoke, a young man from the audience came over to him and told him "The story you related is correct. I can verify the facts. However, that is not the entire story. The rest of the story is that the man who passed away had four sons and he also had a daughter—a little girl at the time of her father's death. She was the youngest member of the family. She felt left out. She was not going to write a "shtickle Torah" to Rav Nosson Tzvi. What can a young little girl discuss with a great Rosh Yeshiva? She felt neglected.

Rav Nosson Tzvi heard about this and he sent her a letter. But he did not merely send her a generic letter. He had someone draw a heart and, in the heart, he wrote her a note. The person told the Rav who was eulogizing the

Mir Rosh Yeshiva: “How do I know this story? It is because that little girl is now my wife.” This heart shaped message from Rav Nosson Tzvi Finkel gave that young girl such inspiration and such a positive feeling that it rejuvenated her spirit.
Do you know another Rosh Yeshiva on the face of this earth who would send a message inscribed in a heart to a little girl? It is incredible! One of the biggest Rosh Yeshivas in the world sends a heart to a little girl! I have heard dozens of stories about Rav Nosson Tzvi over the past several months, but to me, that story tops them all. To cheer up a little orphan daughter of a close student of his—there was no question of his own honor, proper protocol, or what might people say. He had the ability to rejuvenate the dispirited, which is the power to be mechayei meisim! It is a beautiful story.
Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com
Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org
This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. A listing of the halachic portions for Parshas Mishpatim is provided below: # 043 Malpractice # 086 Withholding Medical Treatment # 134 Hashovas Aveida: Returning Lost Objects # 181 Medicine, Shabbos, and the Non-Jew # 227 Taking Medication on Shabbos # 271 Experimental Medical Treatment # 317 Wrecking a Borrowed Car # 361 Bankruptcy # 405 Litigating in Secular Courts # 449 Is Gambling Permitted # 493 Bitul B’rov # 537 Losing Your Coat at a Coat Check # 581 Lending Without Witnesses # 625 The Kesuba # 669 Rabbinical Contracts # 713 Adam Hamazik & Liability Insurance # 757 Midvar Sheker Tirchak: True or False? # 801 Oy! My Wallet Went Over Niagara Falls # 845 Is Hunting a Jewish Sport? # 889 The Neighbor Who Forgot To Turn Off The Fire # 933 The Mitzvah of Lending Money # 976 Will Any Doctor Do? # 1020 The Potato Baked in a Fleishig Pan – With Butter or Margarine? # 1064 The Doctor That Erred # 1107 5772 or 2012 What Should It be? # 1150 Taking State Farm To Beis Din # 1193 “Dayan, If You Know What’s Good For You, Rule In My Favor” # 1237 The ase of the Sefer That Was Borrowed and Never Returned # 1282 Treating Ebola Patients; The Har Nof Massacre and Kidney Donations # 1325 Finding a $20 Bill in Shul / Finding A Comb in a Mikvah: Can You Keep It? # 1369 Lending Money Without Receiving an IOU Slip – Is It Mutar? # 1413 Reinstituting the Sanhedrin in Our Day and Age? # 1457 My Neighbor’s Son Threw a Ball Through My Front Window – Who Pays?
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from: The Office of **Lord Rabbi Jonathan Sacks z"l** <info@rabbisacks.org>
date: Feb 10, 2021, 2:15 PM
subject: Vision and Details (Mishpatim 5781)

Covenant and Conversation

Vision and Details

Mishpatim 5781

Our parsha takes us through a bewildering transition. Up until now, the book of Shemot has carried us along with the sweep and drama of the narrative: the Israelites’ enslavement, their hope for freedom, the plagues, Pharaoh’s obstinacy, their escape into the desert, the crossing of the Red Sea, the journey to Mount Sinai and the great covenant with God.
Suddenly, we now find ourselves faced with a different kind of literature altogether: a law code covering a bewildering variety of topics, from responsibility for damages to protection of property, to laws of justice, to Shabbat and the festivals. Why here? Why not continue the story, leading up to the next great drama, the sin of the Golden Calf? Why interrupt the flow? And what does this have to do with leadership?
The answer is this: great leaders, be they CEOs or simply parents, have the ability to connect a large vision with highly specific details. Without the vision, the details are merely tiresome. There is a well-known story of three workers who are employed cutting blocks of stone. When asked what they are doing, one says, “Cutting stone,” the second says, “Earning a living,” the third says, “Building a palace.” Those who have the larger picture take more pride in their labour, and work harder and better. Great leaders communicate a vision.
But they are also meticulous, even perfectionists, when it comes to the details. Thomas Edison famously said, “Genius is one percent inspiration, ninety-nine percent perspiration.” It is attention to detail that separates the great artists, poets, composers, filmmakers, politicians and heads of corporations from the merely average. Anyone who has read Walter Isaacson’s biography of the late Steve Jobs knows that he had an attention to detail bordering on the obsessive. He insisted, for example, that all Apple stores should have glass staircases. When he was told that there was no glass strong enough, he insisted that it be invented, which is what happened (he held the patent).
The genius of the Torah was to apply this principle to society as a whole. The Israelites had come through a transformative series of events. Moses knew there had been nothing like it before. He also knew, from God, that none of it was accidental or incidental. The Israelites had experienced slavery to make them cherish freedom. They had suffered, so that they would know what it feels like to be on the wrong side of tyrannical power. At Mount Sinai, God, through Moses, had given them a mission statement: to become “a Kingdom of Priests and a holy nation,” under the sovereignty of God alone. They were to create a society built on principles of justice, human dignity and respect for life.
But neither historical events nor abstract ideals – not even the broad principles of the Ten Commandments – are sufficient to sustain a society in the long run. Hence the remarkable project of the Torah: to translate historical experience into detailed legislation, so that the Israelites would live what they had learned on a daily basis, weaving it into the very texture of their social life. In the parsha of Mishpatim, vision becomes detail, and narrative becomes law.
So, for example: “If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything” (Ex. 21:2-3). At a stroke, in this law, slavery is transformed from a condition of birth to a temporary circumstance – from who you are to what, for the time being, you do. Slavery, the bitter experience of the Israelites in Egypt, could not be abolished overnight. It was not abolished even in the United States until the 1860s, and even then, not without a devastating civil war. But this opening law of our parsha is the start of that long journey.
Likewise the law that “Anyone who beats their male or female slave with a rod must be punished if the slave dies as a direct result.” (Ex. 21:20) A slave is not mere property. They each have a right to life.
Similarly the law of Shabbat that states: “Six days do your work, but on the seventh day do not work, so that your ox and your donkey may rest, and so that the slave born in your household and the foreigner living among you may be refreshed.” (Ex. 23:12) One day in seven slaves were to breathe the air of freedom. All three laws prepared the way for the abolition of slavery, even though it would take more than three thousand years.
There are two laws that have to do with the Israelites’ experience of being an oppressed minority: “Do not mistreat or oppress a stranger, for you were strangers in Egypt.” (Ex. 22:21) and “Do not oppress a stranger; you

yourselves know how it feels to be foreigners, because you were foreigners in Egypt. (Ex. 23:9)

And there are laws that evoke other aspects of the people's experience in Egypt, such as, "Do not take advantage of the widow or the fatherless. If you do and they cry out to me, I will certainly hear their cry" (Ex. 22:21-22). This recalls the episode at the beginning of the Exodus, "The Israelites groaned in their slavery and cried out, and their cry for help because of their slavery went up to God. God heard their groaning, and He remembered His covenant with Abraham, with Isaac and with Jacob. So God looked on the Israelites and was concerned about them." (Ex. 2:23-25)

In a famous article written in the 1980s, Yale law professor Robert Cover wrote about "Nomos and Narrative."[1] By this he meant that beneath the laws of any given society is a nomos, that is, a vision of an ideal social order that the law is intended to create. And behind every nomos is a narrative, that is, a story about why the shapers and visionaries of that society or group came to have that specific vision of the ideal order they sought to build. Cover's examples are largely taken from the Torah, and the truth is that his analysis sounds less like a description of law as such than a description of that unique phenomenon we know as Torah. The word "Torah" is untranslatable because it means several different things that only appear together in the book that bears that name.

Torah means "law." But it also means "teaching, instruction, guidance," or more generally, "direction". It is also the generic name for the five books, from Genesis to Deuteronomy, that comprise both narrative and law.

In general, law and narrative are two distinct literary genres that have very little overlap. Most books of law do not contain narratives, and most narratives do not contain law. Besides which, as Cover himself notes, even if people in Britain or America today know the history behind a given law, there is no canonical text that brings the two together. In any case in most societies there are many different ways of telling the story. Besides which, most laws are enacted without a statement of why they came to be, what they were intended to achieve, and what historical experience led to their enactment.

So the Torah is a unique combination of nomos and narrative, history and law, the formative experiences of a nation and the way that nation sought to live its collective life so as never to forget the lessons it learned along the way. It brings together vision and detail in a way that has never been surpassed.

That is how we must lead if we want people to come with us, giving of their best. There must be a vision to inspire us, telling us why we should do what we are asked to do. There must be a narrative: this is what happened, this is who we are and this is why the vision is so important to us. Then there must be the law, the code, the fastidious attention to detail, that allow us to translate vision into reality and turn the pain of the past into the blessings of the future. That extraordinary combination, to be found in almost no other law code, is what gives Torah its enduring power. It is a model for all who seek to lead people to greatness.

[1] Robert Cover, "Nomos and Narrative," Foreword to the Supreme Court 1982 Term, Yale Faculty Scholarship Series, Paper 2705, 1983. The paper can be found at http://digitalcommons.law.yale.edu/fss_papers/2705.

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fw from hamelaket@gmail.com
from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>
subject: Weekly Parsha from Rabbi Berel Wein

Weekly Parsha MISHPATIM Rabbi Wein's Weekly Blog

After the granting of the Torah to the Jewish people at Mount Sinai, this is followed with a long and detailed list of instructions, commandments, and laws. The mere existence of such a list presupposes the willingness of the population to follow these laws and instructions.

As we are all aware, because of the ongoing incidents that mark our attempt to deal with the current corona virus crisis, that there has to be an internal discipline amongst the people to have them obey any set of laws, no matter how wise and beneficial they may be, in order for the rule of law to be effective.

It has been estimated that over two-thirds of the laws passed by the Israeli Knesset over the past 72 years have never been enforced and are known, if at all, to exist only in the breach. There are not enough police in the world to enforce all the laws that every society has promulgated and advanced. Even in the most rigorous of dictatorships and the most controlled of societies, black markets flourish, crime is rampant and, in fact, the tighter the controls, the more ingenious people become in their methodology of defying and circumventing those laws they feel unfair or unnecessary.

The most disciplined of societies such as Japan, Switzerland, or perhaps even Germany are of that nature simply because of their social compact one with another. The brute force of police may achieve the appearance of obedience to the law and the government but eventually all of history teaches us that subsystems collapse simply because of the weight of the necessary enforcement involved.

The Torah also presupposes that there be a legal system and that judges and police are necessary adjuncts to any civilized society. However, the Torah also realizes that it is only by voluntary acceptance of discipline and obedience to laws, the concern for the public and its welfare, the understanding that one is responsible for the Jewish people as a whole and to the God of Israel for one's actions, to make the system of laws that we read about in this week's portion of the Torah workable, acceptable and, in fact, eternal.

If the people are unwilling to follow the rules, there are not enough policeman in the world that will make them, no matter how severe the penalty may be for disobedience and violations of the law.

The Torah records for us once again the response of the Jewish people when offered the Torah: "We will do and obey and then we will listen and understand." Without that stated pledge to voluntarily observe the laws and precepts given them at Mount Sinai, there is no method available to human societies to enforce such a rigorous social and spiritual discipline to such a large population of individuals.

It is hoped that through study and education this voluntary acceptance, of the laws of the Torah, that has been hallowed by millennia of tradition and observance, will continue to govern Jewish society and its value system and behavior.

Shabbat shalom
Rabbi Berel Wein

In My Opinion THE FEW AND THE MANY
Rabbi Wein's Weekly Blog

Many of you are aware, as I have previously written in another blog, I have just completed writing a book of stories that will be published in the next few months. The Torah teaches us that our great teacher Moshe, even after writing the Torah, had 'ink left in his quill.' I do not, God forbid, pretend to resemble Moshe in any meaningful way, but I also have some stories left over that will not appear in the book. Nevertheless, I feel that this following story may prove to be of value and insight even though it is written with 'ink left over in the quill.'

Stories usually carry with them great moral messages and life lessons if they are correctly understood and interpreted. I have always been an avid listener to stories, and I have benefited greatly from their teachings and moral direction. Stories teach in a gentle and even indirect fashion, and to be a very high form of educational technique and methodology. And many stories have the advantage of being memorable and thus remain in our memory bank and are much more accessible oftentimes than hard lessons taught directly.

The moral lessons of stories seep into our personalities and viewpoints and are an enormous aid in the development of our intellect and spiritual growth. In utter simplicity, one can say that the entire narrative, of the holy books of the Bible, is told to us in the fashion and style of stories so that we will be able to correctly absorb and assess the eternal lessons meant to be conveyed from God, so to speak, to human beings.

An example of the value of a story is: Goethe and Beethoven were taking a walk together when they were confronted by Archdukes dressed in all their regalia and finery. Goethe motioned to Beethoven that they should move off the path and stand at the side of the road and bow in respect to these two noblemen, allowing them to pass before them on the garden path. Beethoven apparently did not hear what was said to him or purposely ignored the message and kept on walking straight down the path. When he came face-to-face with the two noblemen, they recognized him and realized that here was one of the immortal and great musical geniuses of Germany, in fact of all-time, standing before them. The nobleman separated and stood at the side of the path while Beethoven marched on his way seemingly oblivious to them.
A few minutes later Goethe caught up to Beethoven and inquired of him as to what the source of his courage was that enabled him to continue walking between the noblemen without any signs of fear, respect or trepidation, causing them to make way for him on the garden path. Beethoven replied simply: "There are thousands of them but there are only two of us."
How much wisdom and intellectual astuteness lies in that comment! The measure of human beings is never by quantity or numbers. There is no doubt that in the eyes of the posterity of human civilization, Goethe and Beethoven more than balance the importance of thousands of flamboyant Archdukes.
The Torah emphasizes this point many times, especially regarding the Jewish people and the relatively small population that Jews would constitute over all the ages of humanity. The Torah specifically tells us that Jewish people are special not because of the numbers, for in fact they are rather small and few considering the billions of human beings that inhabit our planet.
Nevertheless, it is the uniqueness of human beings and not their numbers that determine their true worth and value and therefore grant selective immortality to the few – 'there are only two of us' – rather than the many – 'there are thousands of them.' Every person needs to see one's self as an important individual, someone unique and special and incomparable as well.
Science eventually may be able to clone physical characteristics and even body parts and skeletons, but the secret of personalities and creativity remains locked within each individual and cannot be copied or duplicated.
All honors, titles and awards granted by humans to humans are but temporary blips on the radar screen of human civilization. What a person accomplishes by himself or herself, by the uniqueness of one's own personality and talents, industry and efforts, is what is really lasting and remains the legacy that human beings truly achieve. It is comforting and heartening to know that there are only two of us though there may be thousands of them.
Shabbat shalom Berel Wein

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fw from hamelaket@gmail.com
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subject: Rabbi Riskin on the Weekly Torah Portion
Shabbat Shalom: Mishpatim (Exodus 21:1- 24:18)
Rabbi Shlomo Riskin

Efrat, Israel — "When [Hebrew: 'im'] you lend money to My people, to the poor person with you, you shall not behave toward him as a lender; you shall not impose interest upon him." (Ex. 22:24)
How can we ensure that Jewish ideals—such as protecting the downtrodden and most vulnerable people in our society—emerge from the abstract and find expression in our daily lives? Our weekly portion, Mishpatim, in addressing the issue of lending, provides an insight to this question, and sheds light on the core Biblical values of compassion and empathy.
The verse cited above raises several questions. First, in stating the prohibition on charging interest, why does the Torah employ a word—im—that usually means if? Our Sages note that the use of "im" in this verse is one of just three instances in the entire Torah in which the word means when instead of if [Midrash Tanhuma]. What is the significance of this exceptional usage of the word?
Moreover, why does the verse seem to repeat itself ("to My people, to the poor person with you")? Seemingly, just one of these phrases would have been sufficient to teach the lesson.
Additionally, "you shall not behave toward him as a lender," says the Torah. Why is this so? Our Sages teach that not only is it forbidden for the creditor to remind the debtor of the loan, but that the creditor must go out of his way not to cause the debtor embarrassment [ibid.]. If, for example, the creditor sees the debtor walking towards him, it is incumbent upon the creditor to change direction. Why not remind the debtor that the loan must be repaid? After all, the debtor took money from the creditor, did he not?
Finally, why is there a specific prohibition against charging interest at all? With respect to the reason for the prohibition against interest, Maimonides goes so far as to codify: "Anyone who writes a contract with an interest charge is writing and causing witnesses to testify that he denies the Lord God of Israel…and is denying the exodus from Egypt." [Laws of Lenders and Borrowers, 4:7] Why the hyperbole? After all, there is no prohibition against charging rent for the use of my house! Why should there be a prohibition against charging rent for the use of my excess funds?
A key lesson from our Sages provides the philosophical underpinnings of the answers to these questions. They teach that a person must view himself as if he were the poor person in need of support. We easily deceive ourselves that we are immune from the fate of poverty, a regrettable attitude that can harden us to the real needs of those seeking assistance.

I must look at the indigent as if he were I, with the thought that I, but for the grace of God, could be he.

Rabbi Hayyim ibn Attar, in a brilliant illumination, beautifully explains this passage in his commentary, Ohr HaHayyim, which enables us to understand this difficult character change. In an ideal world, he teaches, there ought to be no rich and no poor, no lenders and no borrowers; everyone should receive from the Almighty exactly what they require to live.
But, in His infinite wisdom, this is not the manner in which the Lord created the world. He provides certain individuals with excess funds, expecting them to help those who have insufficient funds, appointing them His "cashiers" or "ATMs", or agents in the world. Hence, we must read the verse as, "If you have extra funds to lend to my nation—which should have gone to the poor person, but are now with you through G-d's largesse—therefore, you were merely given the poor person's money in trust, and those extra funds that are you 'lending him' actually belong to him."
If you understand this fundamental axiom—that the rich person is actually holding the poor person's money in trust as an agent of the Divine—sthen everything becomes clear. Certainly, the lender may not act as a creditor, because she is only giving the poor man what is in actuality his! And, of course, one dare not charge interest, because the money you lent out was never yours in the first place.
This is the message of the exodus from Egypt, the seminal historic event that formed and hopefully still informs us as a people: no individual ought ever be owned by or even indebted to another individual. We are all owned by and must be indebted only to God.
This essential truth is the foundation of our traditional legal system, which is uniquely just and equitable: it is especially considerate of the needs of the downtrodden and enslaved, the poor and the infirm, the orphan and the widow, the stranger and the convert, the "chained wife" and the indigent forced to sell their land. From this perspective, not only must we submit to Jewish law, but it is crucial that our judges be certain that Jewish law remains true to its ethical foundations.
Shabbat Shalom!

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Insights Parshas Mishpatim Adar 5781

Yeshiva Beis Moshe Chaim/Talmudic University
Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig
This week's Insights is dedicated in loving memory of Serach Yudka bas Shmuel. "May her Neshama have an Aliya!"

Money Can't Buy Self Esteem

…an eye for an eye, a tooth for a tooth, hand for a hand, a foot for a foot (21:24).

This week's parsha devotes quite a bit of space to jurisprudence and judicial matters, with a special focus on torts and assigning compensatory damages for a variety of damages to person and property. An oft quoted possuk relating to how Judaism applies justice is likewise found in this parsha: "…an eye for an eye, a tooth for a tooth, hand for a hand, a foot for a foot" (21:24).

Simply understood, the Torah seems to be proscribing a "law of retaliation" for injuries caused to the physical body. In other words, the Torah seems to advocate that one who causes physical injury to another be penalized to a similar degree. The Talmud quickly dispels that notion and explains that "an eye for an eye" refers to monetary compensation for the loss of an eye. The Gemara goes on to explain that Judaism requires that all justice be fair and evenly applied, "But what of a case where an already blind person causes another to lose his eyesight? How can we fairly exact justice?" The Gemara ends with an exegetical analysis of the language used by the Torah to determine that the law requires equitable monetary compensation, not a physical maiming as retribution (See Bava Kama 83b-84a).

This verse has been misunderstood even as a far back as the Sadducees* and has been termed by uninformed "Bible Scholars" to be one of the most controversial verses in the Bible as it seems to reveal the "vengeful nature" of the Torah. Though we don't take the verse literally, Shi'ite countries that use Islamic Sharia law, such as Iran, actually apply the "eye for an eye" rule as stated.

Of course, the Gemara's understanding of the possuk requires further explanation. If the Torah merely meant a monetary payment and not a literal retribution of "an eye for an eye," then why should the Torah write it in such an oblique manner? Why doesn't the Torah plainly state, "If one causes another to lose his eye, he must pay an equitable amount of money?"

Rambam in the Yad (Hilchos Chovel Umazik 5:9) makes a curious statement: We cannot equate one who damages another monetarily to one who damages another physically. For one who damages another monetarily is considered forgiven when he repays the money that is owed. But one who damages another physically and pays him in full for the damage caused isn't absolved of his responsibility until he begs for forgiveness from the injured party. While this may be true in the laws of repentance, what does this have to do with paying what is owed? Why does Maimonides list this requirement among the laws of compensation?

This is why the Torah writes "an eye for an eye." While on the surface this statement seems to be advocating vengeance, the Torah is revealing the very nature of the compensation required in the case of a physical injury. In Hebrew, the word for vengeance is nekama, which has its roots in the word kam – to stand or reinstate. Meaning, one of the reasons vengeance is so pleasurable is because it restores the dignity and self-respect of the injured party.

The Torah is teaching us that when a person suffers a physical injury there is an emotional injury that must be addressed as well. Even if the injured party is financially compensated, the loss of self-esteem hasn't yet been addressed. In order to properly fulfill "an eye for an eye" the one who caused the injury has to beg forgiveness in order to restore the self-esteem of the person he injured. By begging for forgiveness he is acknowledging the human value of the injured party, and begins the process of restoring their self-esteem.

*Those who insist on the literal interpretation of the Torah when the literal reading seems to contradict the rabbis' interpretation.

And Dignity Above All

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

Rashi (ad loc) quotes the Tanna R' Yochanan Ben Zakkai's opinion recorded in the Gemara (Bava Kama 79b) as to the reasoning behind the discrepancy in the multiple of the ox compared with that of the sheep: "Rabban Yochanan ben Zakkai said – The Omnipresent had compassion on the dignity of people; an ox that walks on its own feet and through which the thief was not humiliated by having to carry him on his shoulder, the thief must pay five times its value. But for a sheep, which he must carry on his shoulder, he only pays four ties its value since he was humiliated through it."

To clarify, the payment made by the thief isn't merely compensatory, the Torah is levying a punitive fine as well. This being the case, asks the Gemara, why should there be a difference in the fine for stealing an ox versus stealing a sheep? R' Yochanan Ben Zakkai gives us a reason for the discrepancy.

However, the additional humiliation that the thief is suffering when stealing a sheep needs to be explained. To start, this humiliation is self inflicted; the thief decided on his own to commit this crime, why should he get a break in the fine for subjecting himself to this indignity?

Moreover, the Talmud (ad loc) goes to great pains to distinguish a thief from a robber. The difference between a thief and a robber is that a thief steals surreptitiously at night while a robber steals even during the day (e.g. a mugging – where there is an overt act against the victim). The Gemara explains that this is a case of a thief who is trying to avoid detection. In other words, this thief is concerned that others may see him but he is not concerned with the all-seeing presence of the Almighty, and this is why there is a special fine levied against him. But if this thief took great care to avoid detection, what indignity did he suffer by carrying the sheep on his shoulders if no one saw him?

The answer is that he denigrated himself. Animals are supposed to serve humans, not the other way around. Obviously, one has to meticulously care for the animals that one is responsible for. Nevertheless, animals are beasts of burden for people, people aren't supposed to become beasts of burden for the animals.

By carrying the sheep on his shoulders he was lowering his own status vis-à-vis that of the animal. In order to improve his situation he sacrificed a level of his own dignity – he took the human form and made it lower than that of the animal. The Torah is acknowledging his lowered status and recognizing this indignity by crediting him for some of his fine.

This is a very important lesson and quite relevant to our everyday lives. We must carefully elevate the potential within ourselves to improve upon who we are. This is the reason that the Gemara states that a funeral has an advantage over a birth in the sense that when a person is born they only have potential, but once that person dies it is possible to see that potential actualized. Similarly, it is reputed that Maharal created a golem from the clay of the earth; that is, he raised the physical to make it somewhat more spiritual. A golem is not quite on the level of humans created by Hashem, but they are an elevated life form.

In contrast, much of today's society, including our educational systems, takes elevated human beings with real potential and turns them into golems – barely reasoning beings who are content with merely satisfying their physical desires and a stupefying superficial existence. We must always remember what we are capable of achieving and we must chart a path to fulfilling our God-given potential to grow and become God-like.

Did You Know...

This week, in addition to Parshas Mishpatim, we also read Parshas Shekalim. Parshas Shekalim is the first of the "four parshios" that are added to the Torah readings in the next six weeks. Parshas Shekalim deals with the obligatory half shekel that was used to count males from the age of 20, and then contributed to the funds for parts of the Mishkan and its offerings. The minhag (custom) nowadays is to give a zecher (commemorative) half shekel

as tzedakah as a remembrance of the half shekel which was collected in the time of the Beis Hamikdosh before Nissan.
The first and most obvious question is; exactly how much was the half shekel? Since we know it was made out of pure silver, we simply need to establish its weight.
We can then calculate the worth based on today's market value for silver, which is 88 cents per gram. Like many things in the Jewish world, there are multiple opinions. Josephus (Antiquities 3:8:2) says that it was equal to the weight of two Athenian Drachma, or estimated at about $7.60 in today's silver. Another opinion (Rabbi Aryeh Kaplan) notes that it weighed 0.4 oz. (11.34 grams), or about $10.
Interestingly, Rambam (Hilchos Shekalim 1:5) says a half shekel weighed 160 barley grain's weight in silver. So of course, the crack Did You Know investigative team counted out and weighed exactly 160 grains of barley, and it weighed 6.8 grams (equal to almost exactly $6). Remarkably, archaeological excavations conducted in Israel in 1999 to 2001 "dug up" a half shekel coin minted in the 2nd century CE, with "Half-Shekel" in ancient Hebrew written on it. This coin possessed a silver content of 6.87 grams, or almost the exact weight assigned to it by Rambam (Oxford Centre for Hebrew and Jewish Studies, London 2009, pp. 96; 118).
Nowadays, the accepted Ashkenazi minhag is three half dollars, or whatever coins are common in that place. The accepted Sefardi minhag (Rav Ovadyah in Yalkut Yosef and Chazon Ovadyah) is to give an amount equal to 9 grams of silver, as the Kaf Hachaim (694:20) concludes that that is equal to the original half shekel.
The second question is; when do we give it? Rama 694:1 (and Mishna Brurah 694:4) writes that the minhag is to give it before mincha of Taanis Esther.
Though other opinions, like Kitzur Shulchan Aruch (141:5), write that the minhag is to give it before the reading of the Megillah. This is based on Gemara Megillah that says our shekalim counteract the shekalim of Haman read about in the Megillah.
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Ohr Somayach :: Torah Weekly :: Parsha Insights
For the week ending 13 February 2021 / 1 Adar 5781
Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
Parshat Mishpatim
Handle With Care

"If a person steals an ox…" (21:37)
People are sensitive. I know… I'm one of them. Having been educated in the Empire-Building English Public (i.e. Private) School system, where "big boys don't cry," I can tell you that however stiff your upper lip may be, inside we are all softies.
In this week's weekly Torah portion, the Torah tells us that a thief who slaughters or sells a stolen ox has to pay five times the value to its owner. However, if he does the same with a sheep, he only has to pay four times, because he has already paid part of his penalty with the embarrassment and humiliation he felt during the theft by carrying the sheep across his shoulders. One would not place sheep-stealers among mankind's most sensitive beings, yet the Torah evaluates a sheep-stealer's embarrassment as calculable in hard cash.
The Talmud (Yevamot 44b) permits or even mandates birth control in the case of a widow who is breast-feeding her deceased husband's child and then re-marries. We are concerned that should she become pregnant and her milk sour, the current husband might be unwilling to pay for milk and eggs to feed the baby. Then she will have to go to Beit Din to claim child support from the beneficiaries of the dead husband. She may be too embarrassed to do this, and there is danger that the baby may not receive adequate nutrition and die.
Is there any greater love than a mother for her baby? And yet we are still concerned that embarrassment and humiliation may vie with motherly love.
It is certainly much easier to be sensitive to ourselves than to others. But at some level, even those who seem the least sensitive feel embarrassment and hurt. Everyone deserves to be "handled with care."
Source: Rashi, Chidushei HaLev

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Mishpatim: Deeds Done in Doubt
Rabbi Dr. Tzvi Hersh Weinreb

My wife and I moved to the Jewish community of Baltimore almost fifty years ago. The fond memories we have of the time we spent there begin with our first Shabbat in town. It was then that I met two special gentlemen.
Like any newcomer to a new neighborhood, I sampled several of the nearby synagogues that Shabbat. I entered one of them late in the afternoon, just before the modest "third meal," seudah shlishit. Two older men, at least twice my own age, motioned to me that there was a vacant seat across the table from them. I sat down and they welcomed me very warmly.
We exchanged introductions, and I learned that they were both Litvaks, Jews from Lithuania, who had had the good fortune to flee Eastern Europe in time. As devout Jews, they saw their good fortune as divine providence.
They invited me to return the following week. They had discovered that I listened to the conversation, not out of mere courtesy, but as someone sincerely interested in their story.
After that first Shabbat, I spent quite a few "third meals" in their company. I now wish that I had somehow kept a written record of all of those precious conversations. After they both passed on, I forced myself to record from memory at least some of the tales they had told. I occasionally peruse those notes with nostalgia, and with a tear or two.
I remember the anecdotes they told me about their encounters with the great early twentieth century sage, Rabbi Yisrael Mayer Kagan, of blessed memory. Many today are not familiar with that name. That is because they know him as the author of his famous book, Chafetz Chaim. He is so identified with that masterpiece that he is referred to as "the Chafetz Chaim," as if he was his book!
My two senior citizen friends adamantly insisted that that particular book was not his most important work. That book focuses on what its author saw as the dominant sin of his generation, namely malicious gossip, lashon hara. Personally, I have always felt that he was absolutely right. In fact, I think that with the advent of electronic communication, the problem of malicious gossip has been magnified and exacerbated far beyond what Rabbi Yisrael Mayer Kagan could have imagined almost a century ago.
But my newfound friends disagreed with me. They made me aware of another work by the author of Chafetz Chaim. Their candidate for their mentor's masterpiece is entitled Ahavat Chesed, "Loving Kindness." Had they had their way, Rabbi Kagan would not be known as "the Chafetz Chaim," but rather as "the Ahavat Chesed," the "Lover of Kindness."
What, you ask, is the subject of this second book, the one preferred by my two elderly tablemates?
The book is about the acts that one is commanded to perform in order to assist others who are in need. Charity, for example, is one such deed, and the laws of charity comprise a major section of Ahavat Chesed. Hospitality is another such deed, as is giving others helpful advice. But a major portion of the work is dedicated to a mitzvah which is less well known, but which is

promulgated in this week's Torah portion, Parshat Mishpatim (Exodus 21:1-24:18). The following are the verses to which I refer:
“If you lend money to My people, to the poor among you, do not act toward them as a creditor; exact no interest from them. If you take your neighbor’s garment in pledge, you must return it to him before the sun sets; it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate.” (Exodus 22:24-26).
This beautiful passage portrays an act of compassion. The image of a totally destitute person who has but one change of clothing is heartrending. The sensitivity to his sleeplessness is exquisite. We can ourselves hear his cries in the night to the Lord.
But there is one word that the earliest commentators find absolutely puzzling. It is the first word in the passage, “If.” If? If you lend money to my people? Shouldn't it read, "I command you to lend money to My people,” or, “You must lend money to My people.”?
It is this question that leads Rashi to cite Rabbi Ishmael's teaching in the Talmudic tractate Bava Metzia: “Every ‘if’ in the Torah expresses an act which is optional, except for three instances in which ‘if’ expresses an act which is mandatory—compulsory—and this is one of the three.” This “if” is to be translated as "you must."
But the question remains. Why use the word "if" at all? Why does Torah not simply tell us that we must lend money to those who need it? Why the "if"?
For one answer to this question, I draw upon the teaching of Rabbi Yechezkel of Kuzmir, a nineteenth century Hasidic master. He, in turn, asks a question upon the following Talmudic text:
"Rabbi Pinchas ben Yair was on a mission to try to redeem several Jews who were held captive. His route was blocked by the river Ginai. He said to the river, 'Split your waters so that I might pass through!' The river refused, saying, 'You are on your way to do the will of your Maker, and I am on my way to do the will of my Maker. You might succeed, but you might not succeed! But I will certainly succeed! I simply need to continue to flow.'"
The river seems perfectly justified. All he has to do is follow nature's course and flow downstream as his Maker created him to do. But Rabbi Pinchas, for all of his good intentions, could not be certain of success. Indeed, the odds are that he would fail. Why should the river yield?
But Rabbi Pinchas simply ignored the river's reasonable argument. Instead, he harshly threatened the river, saying, "If you don't split for me, I will decree that not a drop of water shall ever again flow down your riverbed for all eternity!" The question remains: what right did the rabbi have to ignore the river's convincing argument?
Rabbi Yechezkel of Kuzmir answers: "The river's assumption is that a deed that is certain to be successful is more desirable to the Almighty than is a deed whose ultimate success is in doubt. But the spiritual insight of Rabbi Pinchas taught him otherwise. The Almighty cherishes the person who undertakes a mission which is risky and whose outcome is uncertain much more than the person who undertakes a mission which he knows will be blessed with success.
This, I would suggest, is why lending money to someone in need is, at least in one way, more desirable to the Almighty than simply giving a handout to the poor. When one gives food, for example, to a hungry person, he knows immediately that he has done a good deed. There is no element of doubt. However, when one lends money to another, one never knows. Will the borrower postpone repayment? Will he default? Will the lender ever see his money back? Doing this kind of mitzvah comes with second thoughts and regrets. It is a mitzvah done in the throes of doubt and uncertainty.
The lesson taught by Rabbi Pinchas teaches the lender that the mitzvah he did with so much doubt and uncertainty is all the more cherished by the Almighty.
There are many mitzvah missions that we all undertake at great risks and with no guarantee that we will be successful in our efforts. Rabbi Pinchas ben Yair teaches us to deliberately pursue such mitzvot.
Hence, the passage in this week's Torah portion begins with the big "if." Moral actions are often "iffy." But that's all the more reason to engage in them. The risks are real, but the rewards are eternal.

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Rabbi Buchwald's Weekly Torah Message - Mishpatim 5781
“‘An Eye for an Eye’ in Jewish Law”
(updated and revised from Mishpatim 5762-2002)
Rabbi Ephraim Z. Buchwald
In this week’s parasha, parashat Mishpatim, the Torah introduces the fundamental legal system of Israel. Both, criminal and civil laws are recorded, and in great number. In fact, this week’s parasha is the fifth most numerous parasha of laws in our Torah, containing 53 of the 613 mitzvot enumerated in the Torah.
Because of the antiquity of the Torah, we would expect to find many ancient laws that appear to be out of step with contemporary values. In the past, we have tried to explain many of these seemingly antiquated laws and show that they are indeed relevant to, and often ahead of, contemporary values. But, few passages in the Torah raise more eyebrows and engender greater consternation than the law of “retaliation,” expressed in Exodus 21:24-25: עַיִן תַּחַת עַיִן, שֵׁן תַּחַת שֵׁן, יָד תַּחַת יָד, רֶגֶל תַּחַת רָגֶל. כְּוִיָּה תַּחַת כְּוִיָּה, פֶּצַע תַּחַת פָּצַע, חַבּוּרָה תַּחַת חַבּוּרָה , An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, burning for burning, wound for wound, a strike for a strike. These ancient laws are known to Biblical scholars as “Lex Talionus,” which means the “Laws of Retaliation.”
Aside from the seeming cruelty and inhumanity of these laws, the striking parallel between the language of the Torah and the language found in other ancient Near-Eastern documents, such as the Code of Hammurabi, often result in all these laws being lumped together as one ancient chulent, resulting in them being regarded as a stew of primitiveness and barbarism.
An additional reason for the negativity, is that in the Middle Ages, Christian courts and Christian kings actually invoked the statements of the “Old Testament” in order to justify their cruel retributive practices, which were introduced at that time in many European kingdoms.
Despite these strongly-worded Torah passages, no case of physical retaliation is ever recorded in the Bible or other Jewish texts, the only exception being of course, for murder, where the perpetrator is condemned to lose his life for taking another’s life. The Talmud in Bava Kama 83b & 84a and the Mechilta prove, through cogent analysis, that these biblical expressions can only mean monetary compensation–for an eye, for a hand, for a tooth, etc. Furthermore, there is no record of any Jewish court ever blinding or inflicting physical injury in return for an injury inflicted on a victim.
On the other hand, the laws of the ancient Near East clearly indicate that physical retaliation was common practice in those societies. Some examples from the Hammurabi Code of ancient Babylonia : If a son has struck his father, they shall cut off his hand. If a citizen has destroyed the eye of another citizen, they shall destroy his eye. If he has broken the bone of a citizen, his bone shall they break.
In the code of Hammurabi, we also find the law of a son for son, and daughter for a daughter. Consequently, if a builder causes the death of the son or daughter of the owner, then the builder’s son or daughter is put to death, not the builder. What we see in effect, is that according to ancient Near-Eastern laws, human beings are regarded as property, as chattel. Hence, if a citizen killed his neighbor’s son, the neighbor has the right to come and kill the citizen’s son. If a citizen raped his neighbor’s daughter, the neighbor has the right to rape the citizen’s daughter or take his daughter as a concubine. If a citizen killed his neighbor’s slave, he could give his neighbor 18 camels and they would be even. In other words, the perpetrator must suffer the same loss as the victim.

Almost 400 years after Hammurabi, the Torah came along and revolutionized the entire legal concept of punishment that had been practiced until then. The Torah declares: (Deuteronomy 24:16) לֹא יוּמְתוּ אָבוֹת עַל בָּנִים וּבָנִים לֹא יוּמְתוּ עַל אָבוֹת אִישׁ בְּחֶטְאוֹ יוּמָתוּ , fathers may not be put to death for the sin of their children, neither shall children be put to death for the sin of their fathers, every person shall be put to death for his/her own sin.

In effect, the Torah transformed the underpinnings of the ancient penal system, by declaring that people are responsible for their own acts, and that, under no circumstances, may a third innocent party be punished for someone else's crime. Furthermore, firmly dismissing the notion that human beings are chattel, the Torah declares that human beings, who are created in G-d's image, are G-d's property. Therefore, when a human life is taken illegally, according to the Torah, a crime has not been committed against the owner, the father or the mother, but rather, a crime has been committed against G-d. The entire Western world has adopted this Jewish point of view, with one significant modification. Instead of assuming Judaism's theocratic tone, the law has been "secularized," and G-d has been eliminated. Therefore, homicide cases are always proclaimed as crimes against the State vs. the accused, e.g. the State of New York vs. John Doe, or the Queen of England vs. John Smith. These statements, in effect, declare that a crime has been committed against society–the contemporary substitute for G-d.

If "An eye for an eye" does not literally mean an eye, but rather monetary compensation for an eye, why then does the Torah use this provocative formulation of עַיִן תַּחַת עַיִן , "An eye for an eye"? Maimonides and other commentators explain that this phraseology is purposely used to underscore that in G-d's eyes, the perpetrator truly deserves to lose his own eye. A perpetrator cannot achieve full forgiveness by merely paying for the damages. In fact, the perpetrator is expected to beg his victim to forgive him. Other commentators explain further that the particular expression, "An eye for an eye" comes to underscore a revolutionary concept affirmed by the Torah. While the perpetrator may deserve to lose an eye, and perhaps, considering the cruelty involved, deserve to lose even more than an eye, the maximum penalty that can be exacted in punishment is the value of an eye. So, in effect, the Torah advises us to have no illusions, that no matter how vicious the circumstances of the injury, the maximum punishment may only be up to the value of an eye, and not one iota beyond that point.

Enigmatic phrases often have much to teach us–especially enigmatic phrases from the Torah.

Please Note: This Shabbat is Shabbat Parashat Shekalim. On this Shabbat, an additional Torah portion, known as Parashat Shekalim, is read. It is the first portion of four additional thematic Torah portions that are read on the Shabbatot that surround the holiday of Purim.

This week's supplementary Torah reading is found in Exodus 30:11-16 and speaks of the requirement for all the men of Israel, aged 20 and above, to bring a half-shekel in order to be counted as a member of the People of Israel. In later years, these shekels were donated to the Temple in anticipation of the festival of Passover, when funding for the daily sacrifice had to be renewed.

May you be blessed.

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Chief Rabbi Ephraim Mirvis

Dvar Torah Mishpatim: Coming back to Shul – for what reason?

Should we come to see or to be seen?

In Parshat Mishpatim the Torah presents us with the mitzvah of the three pilgrim festivals, Pesach, Shavuot and Sukkot – times when the people of Israel would gather in Jerusalem, in the temple before Hashem. The way the Torah puts it is:

'Shalosh peamim beshana yeira'eh.' – 'Three times a year he shall be seen.' Our sages notice that the word 'yeira'eh' – 'he shall be seen' – has the same lettering as 'yireh' meaning 'he shall see'. Therefore the Mishna, at the commencement of Masechet Chagigah, tells us that if a person is sadly blind and therefore cannot see what's happening in Jerusalem, he is exempt from this mitzvah.

The Rambam enquires as to what happens if one has only partial sight, that is, if one can only see with one eye. His conclusion is that we are required to have 're'iah sheleimah,' total vision, and therefore sadly, if a person is blind in one eye, he too is exempt. The Rambam explains that this is because it is so important that one should see for oneself the beauty, splendour, and majesty of Jerusalem in order to appreciate the privilege that one has.

Now I believe that all of this is exceptionally relevant for us right now. So many of us have not been in a shul for a good while on account of coronavirus and we are looking forward to the time when we shall return. When that day arrives and we are able to fill our shuls again, why will we be there?

For some it might be a case of wanting to be seen. We would like to be noticed. We would want people to recognise that we are being loyal to the community. That is a very good reason.

But there is a better reason. The better reason is because we want to see for ourselves, because we appreciate the beauty, grandeur and privilege we have of 'tefillah b'tzibbur,' to daven with a community. We appreciate the ruchnius and the presence of Hashem, and we want to connect to Him in the strongest possible way through being part of that minyan. So therefore when the time comes, and please God it should be soon, for our shuls to be vibrant and full once again, let it not just be a case of 'yeira'eh' – in order that we should be seen. Let it be 'yireh' – because we don't want to miss out; we want to see it for ourselves.

Shabbat shalom.

Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.

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Rabbi Shmuel Rabinowitz

Parashat Mishpatim - 5781

A Thief's Dignity

The case dealt with by this law is when a person steals a bull or a lamb – domesticated animals people had during the times of the Bible – and he either kills or sells the stolen animal. When the thief is caught, he is required to pay the value of what he stole, and is also fined:

If a man steals a bull or a lamb and slaughters it or sells it, he shall pay five cattle for the bull or four sheep for the lamb. (Exodus 21, 37)

Usually, biblical law determines that a caught thief gets a "double fine" – a requirement to pay twice the value of what was stolen. But in this case, when the thief continued to sin by killing or selling the animal, he gets an even higher fine: If he stole an ox, he is required to pay five times the value of the theft; and if he stole sheep, he has to pay four times the value of the theft.

This, of course, begets the question regarding the different fines. Why is it that someone who steals an ox gets fined five times the value of the theft whereas someone who steals a lamb gets fined only four times the value of the theft?

We are not the first to find this law difficult to comprehend. This question was asked in a beit midrash in Jerusalem 2,000 years ago! We hear the answer from the greatest of Jewish sages in the 1st century CE, Rabban Yohanan ben Zakkai:

Rabban Yohanan ben Zakkai said: Come and see how great human dignity is. The theft of an ox, which walked on its own legs as the thief stole it, leads to a fivefold payment, whereas the theft of a sheep, which the thief carried on his shoulder as he walked, thereby causing himself embarrassment, leads to only a fourfold payment. (Babylonian Talmud, Baba Kama, 79)

Rabban Yohanan ben Zakkai teaches us that the law determining the thief's fine takes into account the honor of the thief himself. In the case of the theft causing the thief some sort of embarrassment – his fine is lower!
It is difficult to grasp such an absurdity. Are we being asked to be considerate of the thief who embarrassed himself while committing a crime?
Rabbi Menachem Hameiri (Provence 1249-1315) inferred an educational message in this explanation that the Torah wishes to teach us through this law about theft: "A person has to be very careful with the dignity of others. Chazal said: Come and see how great human dignity, an ox, which walked on its own legs, fivefold, a sheep which the thief carried on his shoulders – fourfold" (Hameiri, Beit Habechira, Baba Kama ibid).
The Torah wants to educate the thief, and all of us. Even a person who lost his conscience and his self-esteem, even he is worthy of respect. The thief has to hear this when he is fined. The thief will internalize that, even if he himself behaves in an undignified manner, the justice system still sees him as someone worthy of respect. The fine he is punished with distinguishes between a minor self-debasement and a significant one.
Removing someone from the cycle of crime does not necessarily entail severe punishment. Education and granting respect are preferable. If you, dear thief, have lost your self-respect, we will teach you that you are worthy of respect. You, too, have positive traits and you are worthy. Thus, the punishment will not lead the thief to commit another crime, but will hopefully help lead him out of the quagmire and into rehabilitation.
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Rav Kook Torah
Psalm 104: Let Sin be Uprooted
Chanan Morrison

Rabbi Meir, the second-century scholar, had a serious problem.
Neighborhood thugs were making his life miserable. Desperate for a way to stop their harassment, Rabbi Meir decided that drastic measures were called for. He decided to pray that the ruffians would die.
But Bruriah, Rabbi Meir's wife, was not pleased with this solution. Bruriah quoted to her husband the verse in Tehillim:
"יִתַּמּוּ חַטָּאִים מִן-הָאָרֶץ, וּרְשָׁעִים עוֹד אֵינָם"
"Let sins be uprooted from the earth, and the wicked will be no more." (Psalms 104:35)
It doesn't say "Let חוטאים (sinners) be uprooted," Bruria pointed out. It says "Let חטאים - their sins - be uprooted."
You shouldn't pray that these thugs will die; you should pray that they should repent! And then, automatically, "the wicked will be no more."
Rabbi Meir followed his wife's advice. Sure enough, the neighborhood hooligans changed their ways due to the scholar's prayers.
Why didn't Rabbi Meir think of his wife's sensible solution himself?
The Innate Goodness of the Human Soul
Rabbi Meir was keenly aware that people have free will to choose between good and evil. Otherwise, how can we be held accountable for our actions? Our freedom of choice is a fundamental aspect of the universe.
If so, thought Rabbi Meir, what use will it be to pray that these hooligans will repent? After all, it is a basic principle that God does not deny or limit free choice. These fellows have already chosen their path - one of cruelty and violence. What good could my prayers accomplish?
Bruriah, however, had a deeper insight into the souls of their unruly neighbors. There is no evil person who would not prefer to follow the path of righteousness. The wicked are misled and compelled by their evil inclinations. No one is absolutely corrupt to the extent that they cannot be influenced to better their ways.
Bruriah understood the greatness of the human spirit, which God created upright and good. We cannot alter the basic nature of the soul. Given the kernel of goodness planted in the soul - even in unrepentant criminals - it is logical to pray for Divine assistance that these people should succeed in breaking the shackles of their evil tendencies.
Such a prayer is like praying for the sick who are unable to heal themselves, despite their innate desire to be healthy.
Perhaps this is why the verse Bruriah quoted ends with the exclamation, "Let my soul bless God." The soul is grateful for its portion, for being created with Divine wisdom and integrity, so that it cannot be totally corrupted and lost. Sins may be uprooted, and the wicked are gone. But the soul, created by Divine light, will live forever.
(Adapted from Ein Eyah vol. I, p. 48 on Berachot 10)

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subject: Peninim on the Torah by Rabbi A. Leib Scheinbaum

Shema Yisrael Torah Network
Peninim on the Torah - Parshas Mishpatim
פרשת משפטים תשפ"א
ואלה המשפטים אשר תשים לפניהם
And these are the ordinances that you shall place before them. (21:1)

Hashem commanded Moshe *Rabbeinu* to present a clear picture of Jewish civil law, teaching the people not only the letter of the law, but also its spirit – underlying principles and reasoning. This way they would develop a deeper understanding of the law, thus allowing for greater application. It is a desecration of Hashem's Name for a Jew to bring litigation before a secular court, because, by inference, it indicates that their system of justice is superior to ours. (In certain instances, the power of a secular court is necessary to deal with a recalcitrant litigant. With Rabbinical approval, one may employ the services of a secular court.)

Furthermore, a fundamental difference exists between secular law and Torah law. Secular law is based upon human logic and rationale, considering that which society needs in order to function properly. Since society is ever-changing, its laws are not concrete and given to change with the flow of societal needs. The United States Supreme Court, which is the final arbiter of the American judicial system, changes its interpretation of the law with the understanding of the majority of its justices. For decades, it may swing to the liberal needs of its populace, and then, when the majority changes, it will become conservative. A law that is subject to human interpretation is not much of a law. [With regard to the debates found in *Mishnah, Talmud, Gaonim*, etc., *Rav Shrira Gaon* explains; when the *Bais Hamikdash* was destroyed, the Rabbinic leadership moved to Beitar. Once Beitar was destroyed the sages were scattered in every direction. As a result of the confusion, persecutions and uncertainties of that era, the disciples did not learn sufficiently and the number of disputes increased. *Iggeres Rav Sherira Gaon*.]

Torah law and its fulfillment are based upon the concept of compliance with the *ratzon*, will, of Hashem. *Mitzvah* observance hones the Jewish ethical character, and it refines the soul through the individual's complete subservience to Hashem. Our laws are the *dvar*, word, of Hashem, not a justice who is a servant of the people. Hashem's laws contain no iniquity. Can we say the same for secular law? As *Horav Mordechai Gifter, zl*, observes, David *HaMelech* expresses this concept (*Tehillim* 147:19), *Maggid devaro l'Yaakov*… "He relates His word to Yaakov, His statutes and judgments to Yisrael. He did not do so for any other nation; such judgments, they know them not. In order to accept Torah law, one must accept Torah and live a life of commitment to its precepts.

Rav Gifter presents a glimpse of how Torah law differs from human-generated law. We have a *mitzvah* to return, at the end of each day, a garment that serves as a *mashkon*, security, for a loan. The rationale for this *mitzvah* is compassion: Without his garment (blanket, etc.), the borrower will have difficulty sleeping at night. This is the manner in which one who has no other knowledge of Torah, Written or Oral Law, would view this law. However, *Rashi*, quoting *Midrash Tanchuma*, reveals to us a different

compelling insight: "The Torah makes you repeat the act of taking and returning security, even if you must do so many times, as a lesson that may be learned from the manner in which Hashem treats us. It is as if Hashem says, 'Consider how indebted you are to Me! Every night your *neshamah*, soul, ascends to Heaven, gives Me an account of itself, and is understandably found to be indebted to me. Nonetheless, I return it to you each morning.' Therefore, you too take collateral and return it, take it and return it – again and again – even if you must do so many times." Now, can we even begin to compare Divine rationale to human thought? They are worlds apart. To fully appreciate this, one must be committed to Torah and its Divine Author.

The *Rosh Yeshivah* explains that since Torah is Divine, it is well above human cognition. Every aspect of Torah, even its morals and ethics, are above our comprehension. In a reference to *Pirkei Avos*, a section of the Oral Law exclusively dedicated to ethics and morals, *Rav* Gifter prefaces that we must be conscious of the fact that we are different. When the Jew says, *Hamavdil bein ohr l'choshech, bein Yisrael l'amim*; "He Who makes a distinction between light and darkness, between *Klal Yisrael* and the nations," he thereby declares a similarity between these two distinctions. Clearly, light and darkness are not differences in degree, but in kind. Likewise, *Klal Yisrael* and the nations are different in kind, not in degree. We are literally not the same, not on the same page, with no point of contact between the two. This is neither an expression of elitism, nor an implication that we are better, but rather, that we are different. Our approach to all problems is that of Torah – and Torah alone (How does the Torah view this problem?), while the approach of the nations rests on a completely different foundation.

The basic distinction is to be observed in the blessings pertaining to *chochmah*, wisdom. Upon seeing a non-Jewish *chacham*, scholar, wise man, *halachah* dictates that we recite: "Who has given of His wisdom to flesh and blood," while upon seeing a Torah scholar, one blesses, "Who has apportioned of His wisdom to those who fear Him." The *Taz* (*Orach Chaim* 224:6) observes two distinctions to be gleaned herein. The wisdom of the Torah is never totally disassociated from Hashem. He apportions it to Torah scholars. Furthermore, *chochmah* and *chachamim*, wisdom and scholars, are defined by *yireiav*, those who fear Him, as opposed to ordinary flesh and blood. One who is G-d fearing and studies Torah receives an element of Hashem's wisdom. He is guided by the Almighty. This is his uniqueness.

The *Bartenura* explains that the ethics and morals taught in *Pirkei Avos* are not the product of human intellectual endeavor which the sages of the Talmud originated; rather, they are all principles of ethics transmitted to us from *Har Sinai*. With this in mind, we understand that the ethics and morals presented in *Pirkei Avos* are not examples of proper etiquette, but rather, the word of Hashem. We are not learning what is socially acceptable, proper and moral. We are learning what Hashem deems correct and what is the Torah's perspective on ethics and morals. The barometer is not societal norms, but Hashem's transmission to us concerning what is ultimately appropriate and what is not. Hashem is the barometer, not man.

כל אלמנה ויתום לא תענון

You shall not cause pain to any widow or orphan. (22:21)

It is understandable that one should not afflict the widow and orphan. Why would anyone who has a modicum of human decency have to be commanded not to take advantage of the weak and defenseless? Apparently, when a profit can be made, or one can assuage his ego by dominating over others, human decency has little meaning – and even less influence.

Horav Yechiel Meir, zl, m'Gustinin was asked why the Torah emphasizes that one many not afflict a widow and an orphan, as if one is permitted to do so to an ordinary Jew who is not a victim of tragedy. The Torah writes, "When he cries out, I will surely listen to his cry." Does this mean that Hashem does not answer the cry of an ordinary Jew? Certainly, Hashem listens to everyone. What distinguishes the widow and orphan from other Jews who are victims of travail? The *Rebbe* replied: "When an ordinary Jew cries out to Hashem, if he is justified in his grievance, Hashem listens. If his complaint requires serious validation, Hashem does not listen. If a widow or orphan cries out to Hashem, He listens, regardless of justification or not. He listens to them all the time." Thus, the Torah warns us to beware of their cries.

Horav Shlomo Zalman Auerbach, zl, was a *talmid chacham*, Torah scholar, who became the *posek ha'dor*, generation's *halachic* arbitrator. He was a unique blend of brilliance coupled with extreme humility. His love for all Jews was legend. His sensitivity towards the weak and defenseless was extraordinary, as evinced by the following story.

Early one morning, an *avreich*, young man living in the Har Nof section of Yerushalayim, called an ambulance for his wife. She was about to give birth, and it was best that they reach the hospital as soon as possible. Suddenly, as they were preparing to leave for the hospital, the young man's heart gave out. The medics worked on him, to no avail. Tragically, he died before his wife gave birth to their son. The tragedy was great, the grief overwhelming, but, as believing Jews, we know that we have a Heavenly Father Who decides everything that occurs in this world, Thus, with profound faith and trust, we carry on. This young mother was heartbroken, her life was presently shattered, but she was well aware that several *halachic* questions had to be clarified, one of which was: Could she give her newborn son his father's name? Her late husband had died at a young age, which was reason to refrain from naming her son after him. She asked someone to approach *Rav* Shlomo Zalman with the *sheilah*, *halachic* query.

After hearing the question, *Rav* Shlomo Zalman's immediate response was, "I would like to visit the mother." He wanted to hear from her in person, so that he could hear her story first-hand and rule accordingly.

Rav Shlomo Zalman did not visit women in the hospital. This time, he digressed from his usual practice and went to the hospital. He sat with the young widow and comforted her in her bereavement. He instructed her to name her son after the infant's father: "This boy will not have a father. I want you to know that I accept upon myself to be his father! Furthermore, I will be a father to your other children, and I will take care of them and of you, too, just like a real father!"

Rav Shlomo Zalman kept his word. Despite having no prior acquaintance whatsoever with the family, he filled the role of a concerned parent to each and every child, involving himself in both their spiritual and material wellbeing. He assisted the widowed mother in marrying off all of her children, and he later helped her to find a spouse as well.

We can glean one powerful lesson from this story. *Chesed* means more than writing a check or even making a phone call. It means making an attempt to fill the needs of the beneficiary. A widowed mother needs reassurance that someone has her back and will be present for her. An orphan requires a parent to fill his void. Obviously, the benefactor cannot be the parent, but he can fill the void. For some, giving a check is a way of saying, "Here, take this, help the family, but please do not bother me." For others, it is a way of assuaging their guilt. While no one is ignoring the check, true *chesed* means filling the beneficiaries' needs.

A well-known incident occurred concerning the *Chafetz Chaim* which, due to its compelling lesson, deserves repeating. A wealthy philanthropist came to Radin to obtain a *brachah*, blessing, from the saintly *Chafetz Chaim*. The man entered the room and was shocked at the *Chafetz Chaim's* cold response to him. Instead of garnering the respect he was used to receiving wherever he went, he was the recipient of an icy stare from the *Chafetz Chaim*. This could have traumatized anyone. Being a decent person and not overly arrogant, he begged to speak with the *Chafetz Chaim*. He was beside himself over the *Chafetz Chaim's* puzzling welcome. He finally confronted the holy *Chafetz Chaim* and asked, "*Rebbe*, what did I do to deserve his honor's cold stare?" The *Chafetz Chaim* looked him directly in the eyes and said, "It is all your fault!" Now the man was even more perplexed. "*Rebbe*, what is my fault?" he asked. "More than three million of our brothers and sisters are suffering pain and oppression – both physical and religious – under the harsh yoke of Communism. Everything that they are experiencing is your fault!"

"Many years ago," the *Chafetz Chaim* continued, "you administrated a school which had a student by the name of Leibel Bronstein who challenged his *rebbe* and the entire system. He was an orphan who had lost his father. He lived with his widowed mother who struggled to put bread on the table. Disciplining her Leibele would have to wait. The pressure on Leibel was too much for a young boy to bear, so he acted out and caused trouble. He wanted to 'share' his deprived childhood with everyone.

"In the end, you lost patience and had Leibel removed from the school. [He felt that he had a responsibility to the other children, which he did, but…] As a result, Leibel attended a secular school where he flourished. He reneged his religious heritage and became a secular leader, indeed, one of the founders of Communism. He became the supreme commander of the Red Army. Yes, Leibel became Leon and Bronstein became Trotsky. Leon Trotsky, who is responsible for so much Jewish suffering, was the boy whom you ejected years ago! Now, I ask you, who is responsible for all this pain, if not you?"

I will not bother to state the ramifications of this incident and how they affect us in a practical manner in our own educational institutions, particularly the frequent double-standard we manifest toward children who do not live up to our expectations. At the end of the day, it is all the home – the parents. They are the first line of defense, the first responders and, also, the first despoilers, either actively or passively, perhaps by default, by not noticing a problem and acting to ameliorate it.

Zero Mostel was a famous American actor and comedian. His real name was Shmuel Yoel Mostel. He was born in Brooklyn and grew up, together with his seven siblings, in a very observant home on the Lower East side. Ultimately, he repudiated his heritage and left Jewish observance. He called himself "Zero" Mostel, a truly strange name for such a successful entertainer. He explained that his father had constantly told him, "You are a zero! You will always be a zero!" Sadly, he proved his father right. He became a "zero" – leaving nothing for Jewish observance. How careful we must be to accentuate the positive and never focus on the negative.

וגר לא תונה ולא תלחצנו כי גרים הייתם בארץ מצרים

You shall not taunt or oppress a stranger, for you were strangers in the land of Egypt. (22:20)

The Torah shows its concern for the proper treatment of the weak, helpless, abandoned and the stranger/convert, who feel alone, estranged, although they should be welcomed and embraced. It is sad that there exist among us the few who lord over others due to their own insecurities. These people consider themselves better, privileged, powerful when, in fact, they are the ones who are weak and pathetic. The prohibition against any mistreatment of a *ger*, convert, is prefaced with a serious reminder to look back to our own history, when we were strangers in the land of Egypt. A newcomer to a religion is a standout, feeling ill at ease and inadequate. He/she feels different. We must embrace the *ger*, including him/her into our own lives, our religious and social milieu.

Horav Yeruchem Levovitz, zl, suggests a deeper message implied herein. As the Torah admonishes us concerning *mitzvos bein adam l'chaveiro*, commandments that address our relationships between man and his fellowman, it is vital that we learn about and appreciate who our fellowman is. Without an appropriate, intelligent assessment of our fellow's essential character, nature, principles and values – plus his challenges, background and achievements – we will fail to treat him with the necessary respect the Torah demands of us. In other words, we should not bunch everyone together into a "one size fits all" category. Some people require greater attention, more empathy and compassion than do others. In order to treat our fellow Jew properly, it is critical that we intuit our fellow, realize who he is, digest his personality and needs and be cognitive of what he has experienced and endured to reach his present station in life.

The *Mashgiach* compares this to a medical student who must first study pathology, initially becoming proficient in recognizing and understanding the workings of every organ of the human body, before going on to study illnesses and their therapeutic cares and cures. One can hardly become a physician without first having studied the human body. Likewise, one must study his fellow before he can assess how to treat him.

Rav Yeruchem extends this analysis to *mitzvos bein adam laMakom*, commandments that deal specifically with our relationship with Hashem. It is incumbent upon us to ponder, identify, and delve into the *darkei Hashem*, ways of the Almighty, in order to serve Him properly and carry out His *mitzvos* to their fullest and most optimum level. We support this notion from a brief reading of *Bircas HaTorah* where we ask Hashem, "May we and our offspring and the offspring of Your people, *Bais Yisrael*, all of us, know Your Name and study Your Torah for its own sake." *Yodei Shemacha*; "know Your Name," precedes *v'lomdei Torasecha lishmah*; "and study Your Torah for its sake." Should it not be the other way around – with *limud*, study of Torah, taking precedence to knowing Hashem? Apparently, in order to perform the mitzvah of *limud haTorah* properly, one must "know" Hashem, recognize and appreciate His greatness and glorify His Name. Only then, when we recognize the distinction of its Divine Author, can we begin to appreciate the depth of His Torah.

Perhaps we may derive from this thesis that one who does know Hashem, or, alternatively, once was observant and knew the Almighty, a *shanah u'pireish* – was learned as well as observant, but now is no longer interested in maintaining his relationship with Hashem, knows deep within his psyche that he is wrong. He knows Hashem, but no longer wants to study or observe. Such a person commits transgressions, overtly desecrating the Torah; yet, he is aware that he is wrong. He continues to sin, but the *geshmak*, pleasant satisfaction that would normally accompany his outrageous behavior, is missing. He knows Hashem, thus "depriving" him of the enjoyment associated with transgression, which one who never knew or learned would have. The *shanah u'pireish* is like a rebellious child who, if he possesses any emotion, feels bad that he is turning against his parents who have raised him.

This attitude was quite evident during the sin of the Golden Calf when, according to *Targum Yonasan ben Uziel*, the sinners "cried with joy" before the calf. Joy and crying are not consistent with one another. They are not synonymous with one another. Tears are usually the emotional expression of one who is sad. (Tears of joy are different.) These people knew they were acting inappropriately, but they could not control their passions. On the one hand, they were prepared to renege their relationship with Hashem, but the happiness they expressed was superficial. Inside, they were crying because they knew Hashem, and they knew that they were wrong.

ויקם משה ויהושע משרתו ויעל משה אל הר אלקים

Moshe stood up with Yehoshua, his student, and Moshe ascended to the Mountain of G-d. (24:13)

Yehoshua was neither commanded to accompany Moshe *Rabbeinu*, nor did he have any function at the mountain. Nonetheless, as the loyal student and servant, he accompanied his *Rebbe* and waited for him at the foot of the mountain for forty days until he returned. The question is obvious: What did Yehoshua achieve by waiting at the bottom of the mountain? If he thought he would miss something, he could have set his "alarm clock" for forty days later (in the morning) and run up to the mountain and wait for Moshe. Why did he camp out at the mountain for forty days, despite knowing full well that Moshe would not descend until the appointed time? What was to be gained from waiting?

Perhaps Yehoshua wanted nothing to come between his holy *Rebbe's* leaving and returning. The relationship that he had with Moshe was one of *lo yamush mitoch ha'ohel*; "he never left the tent." Yehoshua's essence never left Moshe's tent. He was bound, body and soul, to his *Rebbe*. What took place when his *Rebbe* left him, when his *Rebbe* left the tent? How was Yehoshua to maintain his unimpaired relationship to Moshe? He did this by remaining with Moshe until the very last possible moment and then remaining at that same place, unmoving, not returning to the communal camp, so that his mind remained attached to his *Rebbe* without pause or interruption until Moshe returned. This is what is meant by not leaving the tent. His body, as well as his mind, was totally connected to the tent.

Va'ani Tefillah

שים שלום– *Sim Shalom*. Establish Peace.

It is noteworthy that the *gematria*, numerical equivalent, of both Eisav and *shalom*, peace, is 376. Simply, we might suggest that Eisav came to wage war against Yaakov *Avinu*. Yaakov circumvented this war by making peace with his evil brother. Yaakov employed *shalom* to neutralize Eisav's desire to go to war. Perhaps we may propose an alternative approach. Eisav does not necessarily strive to destroy us by employing weapons and armor to attack and destroy. There is another, quite possibly more effective method, which sadly guarantees greater long-term destruction: the approach of peace. *Hatzileini na mi'yad achi, m'yad Eisav*: "Save me from my brother, from Eisav" (*Bereishis* 32:12). At times, Eisav comes against us as Eisav, the evil brother bent on destruction. At other times, however, Eisav embraces us as the brother who loves us. When Eisav's approach is one of *shalom*, peaceful affiliation, brotherhood, love and all the wonderful promises that spur assimilation, he destroys us spiritually, seeing to it that future generations will no longer know that they are Jews. *Shalom* – 376, with Eisav – 376 is dangerous. Diplomatic, human decency, normal etiquette are important; brotherly love and acting as "family" is frightening. *Shalom* is special, but we must take great care with whom we choose to make *shalom*.

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