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**Weekly Internet Parsha Sheet**  
**Mishpatim 5769**

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**MONEY :: Rabbi Berel Wein**

This Shabat is parshat shekalim. Shekalim deals with money, with coins and with the obligation to donate a half-shekel annually for the upkeep and maintenance of the Temple in Jerusalem. The Talmud teaches us that Moshe our teacher was shown on Sinai a coin made of fire. I always felt that the symbolism in these words of the rabbis lies in the fact that fire destroys and heals, burns and warms.

Fire when it is controlled is the basic ingredient for the furtherance of comfort in human life and civilization. However when it is left unchecked and uncontrolled, as recent events in Australia and California currently proved, it is a destroyer of human life and property in a most vicious fashion.

So, too, does money have this quality. Used wisely it is the basis for good in this world. However, when it is viewed as an end in itself and not as the means to better ends, it is a very destructive force. It becomes an all encompassing and consuming passion that eventually justifies all sorts of immoral behavior, stealing, cheating and even killing.

Money, like fire, is an essential ingredient for human life and prosperity. But again, like fire, it requires control, focus and a deep appreciation of the destructive forces that lurk within if it is not properly harnessed and checked. The coin of fire that Moshe observed on Sinai represented this clear warning and lesson and that is why even today when the commandment of donating the half-shekel to the Temple is still not pertinent, the moral lesson behind this commandment certainly speaks to us and our current financial woes.

The ways of the Lord are inscrutable but somehow they are altogether just. I have no answer as to why so many wonderful Jews who were the mainstays of Jewish charity throughout the world should suddenly face varying degrees of financial reversal and ruin.

There is no logical answer that I am aware of why the equity markets of the world should lose half of their value in such a short period of time. There is also no logical answer as to how Madoff could have swindled fifty billion dollars out of smart, astute, successful people and under the alleged scrutiny of regulatory agencies that supposedly checked him out and found nothing amiss.

Again we are witness as to how Heaven disposes no matter whatever man proposes. Money has now taken on a more subdued role in our lives. It is no longer an end in itself the accumulation of wealth for the sake of wealth itself; it is reduced now to be a necessary commodity to enable us to have food, shelter, medical care and other true necessities of life.

The coin of fire has returned to haunt us and even to taunt us. What we felt was secure in our future is now exposed as being unstable and impossible to rely upon. Apparently the coin of fire should be held gingerly, with protective gloves and with holy purpose.

And even then there are no guarantees.

The rabbis of the Talmud also taught us that when there is general misfortune, the "angel of destruction" no longer differentiates between the righteous and the evil. This truism is certainly present in the present debacle.

Righteous people who devoted their financial resources to help people in need, Torah institutions and the Jewish people generally have nevertheless suffered horrendous losses. Their ability to support others has been crippled. This is part of the great unknown that is being played out before our very eyes.

The fire of the coin rages in all of its intensity and fire consumes everything in its path, good, bad or indifferent. Nevertheless, parshat shekalim is always bound together to the month of Adar.

The Mishna teaches us that on the first of Adar the proclamation to pay the half-shekel was publicized. The month of Adar as we know from the story of Purim which highlights this month, is a month of unforeseen and unexpected reversals of fortune and circumstance. Even though it is highly

unlikely that a dramatic turn for the better is in the near future we should recall that in life everything is possible, even if it is unlikely.

But perhaps it will take us some time to internalize the message of the coin of fire so there will not be any sudden dramatic improvements forthcoming. In any event we should realize that the eternal message of parshat shekalim of the coin of fire remains valid and relevant to us in good and better times as well.

Shabat shalom.

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**Weekly Parsha :: MISHPATIM :: Rabbi Berel Wein**

The parsha opens with the issue of slavery. The Torah discusses the laws of servitude, those of a Jewish servant who voluntarily enters slavery or is sold into slavery for his crimes and those of a non-Jewish slave who is involved in a situation of possible life-long slavery.

The Jewish slave is a servant for a limited time it is as though he hires himself out for a period of time. The non-Jewish servant does not have that definition, he is a servant for life, and can be freed only by his owner's wish. What I find interesting is that the Torah does not address the moral question of slavery itself.

Abraham Lincoln, whose bicentennial is now being commemorated in the United States famously said "If slavery is not wrong, then nothing is wrong." So the presence of the dry laws regarding slaves in this week's parsha strikes the modern sensitivities of Jews as somewhat strange and anachronistic.

Many apologists have attempted to deal with this difficult nettle in the rose garden of the Torah. The Torah constantly reminds the Jewish people of their own miraculous deliverance from Egyptian slavery.

The rule of the Torah is that what is hateful unto you should not be done by you to others. If so, where is there room for slavery in the matrix of Jewish life and values? This problem is as I mentioned above, a very troublesome one. It is an example of our being unable to understand rationally, with human minds and sensitivities, of the eternal Godly laws of the Torah.

The Torah itself seems to limit if not even prevent the practice of slavery among the Jews. The laws that proscribe the keeping of slaves lead to the conclusion that one who owns a slave really owns a master over one's self. These laws also prevent any violence to be done to the slave so that any form of slavery among Jews certainly was benighted and uplifted in comparison with the usual forms of slavery that existed in the ancient world and that remain in our world even today.

Even so, the matter does not rest easily for us for the concept of slavery itself remains somewhat repugnant to our sensibilities and society. I have no magic solution to this difficulty. My faith is not shaken by it and I can remain puzzled and yet a believer.

Maybe that is one of the lessons that the Torah wishes to impose upon us. There are situations and laws that will appear strange to the human mind and difficult to justify and deal with. We will have to admit that our thoughts are not those of God and that the finite can never understand and appreciate the ways of the infinite.

The Torah does not justify slavery and it does not ban it either. It tells us that there are laws that govern such a situation. But essentially it leaves the matter up to human society to deal with. And so it remains throughout all of human history.

Shabat shalom

The Jewish People receive a series of laws concerning social justice. Topics include: Proper treatment of Jewish servants; a husband's obligations to his wife; penalties for hitting people and for cursing parents, judges and leaders; financial responsibilities for damaging people or their property, either by oneself or by one's animate or inanimate property, or by pitfalls that one created; payments for theft; not returning an object that one accepted responsibility to guard; the right to self-defense of a person being robbed.

Other topics include: Prohibitions against seduction; witchcraft, bestiality and sacrifices to idols. The Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Usury is forbidden and the rights over collateral are limited. Payment of obligations to the Temple should not be delayed, and the Jewish People must be holy, even concerning food. The Torah teaches the proper conduct for judges in court proceedings. The commandments of Shabbat and the Sabbatical year are outlined. Three times a year — Pesach, Shavuot and Succot — we are to come to the Temple. The Torah concludes this listing of laws with a law of kashrut — not to mix milk and meat.

G-d promises that He will lead the Jewish People to the Land of Israel, helping them conquer its inhabitants, and tells them that by fulfilling His commandments they will bring blessings to their nation. The people promise to do and listen to everything that G-d says. Moshe writes the Book of the Covenant, and reads it to the people. Moshe ascends the mountain to remain there for 40 days in order to receive the two Tablets of the Covenant.

#### Insights

##### Freedom From Slavery

"If you buy a Jewish slave..." (21:2-6)

A great Rabbi once described to me a late night learning session he had as a young man. It was about one in the morning and everyone had left the Beit Midrash. Alone, he battled with a tough Tosefot (Medieval commentary on the Talmud).

Suddenly he heard the door of the Beit Midrash behind him swing open for a moment and then close again. He said he had to fight hard not to turn round and see whom it was that was watching him being such a tzaddik learning away at that hour.

One of life's great temptations is to do things to impress people.

With the arrival of the Shmitta year, a Jewish bondsman goes free. He can, however, if he so chooses to remain in slavery until the year of Yovel (every forty nine years). Prior to this extended stay he must be brought to Beit Din, where he stands next to the door and the doorpost, and his ear is pierced with an awl. Rashi explains that the significance of the door and the doorpost is that they are two "witnesses" that can testify that G-d passed over the houses of the B'nei Yisrael when He told the Jewish People that they were his servants exclusively. Someone, therefore, who voluntarily chooses another master, should have his ear pierced in their presence.

The age of slavery may seem to have passed from the world, but in many ways it is alive and well and living inside us.

When we make the blessing in the morning thanking G-d that "You did not make me a slave," we should ask ourselves "Am I really not a slave? Am I really unconcerned about what others think of me? How much of what I do is tailored to impress the outside world? Isn't that being a slave?"

After the destruction of the Second Beit Hamikdash, Rabbi Chanina ben Tradyon defied the Roman ban on teaching Torah, and gathered large groups and taught them publicly. His teacher, Rabbi Yosi ben Kisma criticized him for putting his life in danger thus. Rabbi Chanina then asked his teacher, "Am I destined for the World to Come?" Rabbi Yosi answered, "Did you ever do something to be worthy of such a fate?" "Yes," he replied, "Once, by accident I mixed up funds set aside for tzedaka with my own money, and I gave the whole thing to the needy." "In that case," said Rabbi Yosi, "May my lot equal yours!"

Why was Rabbi Chanina unsure of what lay ahead of him in the World of Truth? What greater reward can there be than that of someone risks (and eventually loses) his life to guard the transmission of the Torah to perpetuity? Even more puzzling is Rabbi Yosi's reply, "Did you ever do

something to be worthy of such a fate?" What more could be expected of Rabbi Chanina than he already done?"

Any public act can be dangerous; any public act can be tinged with thoughts of, "Now people are going to realize who I really am; now the world is going to know I'm a tzaddik!"

A beautiful Etrog, a long Shmoneh Esrai prayer, and burning the midnight oil in the Beit Midrash can lead to suffer from the enslavement to the desire to impress others.

When you give your own money that got mixed up with the tzedaka, no one sees it, no one is impressed at all — no one, that is, except G-d.

Sources: Rabbi Shlomo Wolbe

#### Peninim on the Torah by Rabbi A. Leib Scheinbaum

##### PARSHAS MISHPATIM

**And these are the ordinances that you shall place before them. (21:1)**  
The vav, which serves as a conjunction, transforms the word eilah, these, changing it to "and these." This indicates that there is a connection between this parshah and the previous one, which detailed the Aseres HaDibros, Ten Commandments, and the Altar. Rashi cites the Mechilta which says that, just as those commandments were given to us at Har Sinai, these laws that are mentioned in Parashas Mishpatim were also given to us at Har Sinai. In addition, we derive that the Sanhedrin, High Court, which is the seat of all law, must be situated next to the Bais Hamikdash. What Rashi is emphasizing to us is that, even those mitzvos that are primarily bein adam l'chaveiro, between man and his fellow man, were given to us at Sinai. They are Divinely decreed, and they have efficacy as mitzvos only because Moshe Rabbeinu received them from Sinai. The question is obvious: Was it necessary to command us in "rational" human-based commandments that, for the most part, apply to all nations? Could they not have been decided by earthly Jewish courts?

Horav Eliyahu Schlessinger, Shlita, explains that the question itself indicates a lack of understanding about the essence of mitzvos, their source and significance. He relates a comment he heard from the Admor of Pittsburgh, zl. The Rebbe would often come to the United States to raise money for his institutions in Eretz Yisrael. When he did this, he would hire a taxi to drive him from place to place. Every day, he would reserve a car and driver from the same company. One day, he noticed something strange about the car in which he was traveling. There were two steering wheels! On the left side was the driver's steering column with all of the gadgets necessary to drive the cab. On the right, passenger side, was a steering wheel which was similar to the one used by the driver. It seemed very strange. The Rebbe asked the driver to explain this anomaly.

"Rabbi, I have a young son who drives me batty when I drive. He always wants to control everything that I do. I decided that in order to circumvent any problems, I made him a steering wheel which he could use while he sits with me in the front seat. Needless to say, the steering wheel is not connected to anything. It cannot in any way affect the direction in which the car is traveling."

The Rebbe thought about this, feeling that Hashem would not have had him encounter such an automobile unless a significant lesson could be derived from it. Apparently, the message is that there are many who feel that they are steering the world. Some do so politically, while others do so financially. We are constantly opening up the newspaper to read about the great movers and shakers of the secular world and the impact that they have on the way we live. It almost allows one to believe that they have some form of power. They are steering the car and they are turning the wheel right and left. This is their mistake, and-- in many cases-it is also ours. Yes, they are steering the wheel, but what we do not realize is that their steering wheel is not connected. What they do has no effect on the guidance of the world. It is the "other" steering wheel on the driver's side that controls the car. Those controls are in the hands of Hashem. The other controls are present for the "young children" to "play with" as they please. Otherwise, they have no significance.

Hashem Yisborach has determined the "rules of the road" of life, what creates a positive influence and what does not. The rules are those mitzvos that are Divinely ordained. Therefore, when the Tanna in Pirkei Avos

(1:18) states: "The world endures on three things: justice, truth and peace," it means just that. Nothing else keeps the world going - not oil, not money, not political power - just justice, truth and peace. Hashem has the real steering wheel, and He decides the direction that we will travel.

Thus, we also received those mitzvos in Parashas Mishpatim which deal with human relationships on Sinai. This means that only these mitzvos, with their intricacies as expounded and elucidated by Chazal, are part of the Heavenly steering column. These laws are the way Hashem has decided a Jew should live, and-- without strict adherence to them-- their "car"/world cannot go forward. It will simply stall - or crash.

### **When you lend money to My People, to the poor person who is with you. (22:24)**

Lending money to a friend in need is clearly a great mitzvah. Having the patience and tolerance to wait for payment takes this mitzvah to even greater heights. Every borrower has good intentions, but unforeseen circumstances can cause a borrower to be tardy in repayment of the loan. Horav Avraham Pam, zl, demonstrates through a story that, not only are the spiritual rewards great for he who lends money, but there are even material rewards, as well. He relates the story of Reb Zalmen, one of Vilna's premier Torah scholars, who was also blessed with enormous wealth and used it to gain a reputation as a baal chesed, one who pursues acts of loving kindness. A stranger once approached him for a loan of three hundred rubles, an enormous amount of money by any standards. When Reb Zalmen asked him for references, the man replied sadly that he was new to town and knew no one.

"How can I lend you such a large sum, if you have no one who can vouch for you?" Reb Zalmen candidly asked the man.

"Oy, Reb Zalmen, nobody knows me in town. I only have the Ribboon Shel Olam to serve as my Guarantor," the man replied.

"If that is the case," Reb Zalmen said, "then I will surely give you the loan. Who can be trusted more than Hashem?"

The loan was granted for three months, at which time the man returned with the entire sum of money. Reb Zalmen looked at him somewhat incredulously and said, "What are you doing? Your loan has been paid up by your Guarantor. I never take payment twice for a loan."

They began to argue, with Reb Zalmen claiming that Hashem had already paid the loan through a series of unusually large, unexpected profits that were clearly the "workings" of Hashem. The borrower, on the other hand, claimed that he owed the money, and he would pay it back. In the end, they settled on a compromise - with Reb Zalmen accepting the money to be used exclusively for his free loan fund, with the rewards incurred by the mitzvah of lending money divided equally between them.

Reb Zalmen understood that Hashem rewards the lender in many ways - one of which is an increase in his monetary holdings. Lending money generates a dual reward. Perhaps if more people would believe this, they would act more freely with their money.

### **People of holiness shall you be to Me; you shall not eat flesh of an animal that was torn in the field. (22:30)**

All forbidden foods are included together under the common case of an animal that was killed in the field. Just as it did not receive proper ritual slaughter, likewise any foods that are not prepared in accordance with the Torah's dietary laws are deemed forbidden food. The Torah adds that the consumption of forbidden foods impedes the Jew from attaining his noble stature of holiness which is inherent in a member of the mamleches Kohanim v'goi kadosh, kingdom of Priests and a holy nation.

Horav Yehudah Tzedakah, zl, views the phrase u'baser basadeh treifah, "flesh of an animal torn in the field," from a practical perspective. There are individuals who view the dietary laws as being applicable only at home - either because that is where they have the greatest shame, or because the food is readily available there. It does not take much effort to keep kosher at home. Kosher food is to be found everywhere, and the price difference, for the most part, is not sufficient reason even for the most liberal Jew to sense a threat to his economic freedom. In other words, at home, no excuse justifies not eating kosher.

When a person is in the "field," outside of the Jewish community, on the road, attending a business lunch or party, where he has no one in front of whom to be ashamed, there is always the fear that, without inhibitions, he

might defer to his yetzer hara, evil inclination, and eat non-kosher. The Torah, thus, admonishes us that even when one is away from home, when he is in the "field," he should adhere to the laws of kashrus. This idea applies equally to those who would "never" outright eat non-kosher, but have no problem eating in a non-kosher establishment those foods which are "ordinarily" kosher, even though there is no rabbinic supervision. Kashrus today has become a high tech field in which supervisors must be well-versed in halachah as well as science and technology. To assume something is kosher just because "why not?" is fool-hardy and negligent.

Rav Tzadakah relates the story of a cemetery in Poland which stood in the way of a new highway that was being constructed by the government. The Jews of the community were instructed to disinter the bodies and move them elsewhere for burial. Two graves had remains that had been completely untouched by time or decay. The bodies were as complete as on the day that the neshamos, souls, had left them. One body was that of the city's rav, a man known for his piety, virtue and holiness. The other body was that of a Jewish soldier who had fought in the Polish army. The Chevra Kaddisha, sacred society, was shocked. What did this young soldier do that warranted such outstanding merit?

After some research, it was discovered that this young soldier had served for some time in the Polish army, and he had never once consumed non-kosher food. Once, when they told the captain of his regiment that the "Jew" refused to eat the same food as everyone else because it was not "good enough" for him, the captain became upset. He asked the soldier why he had refused to eat, and the soldier told him that the Jewish religion did not permit it. The captain was incensed, and he immediately asked for a piece of pork to be sent over. "Eat it now! That is an order!" the captain demanded. "I will not," the soldier replied. "It is against my religion."

"Nonsense," the captain ridiculed, calling over a group of soldiers to hold the Jewish soldier down to force-feed the pork to him. He refused to open his mouth, and he fought them off. Finally, they forced his mouth open and shoved in the piece of pork. The young martyr refused to swallow and choked to death.

It took one hundred years, an entire century, before his corpse was unearthed, and they discovered that his holy body had not deteriorated during this entire time. The Chevra Kaddisha recorded this story in its book of remembrances, noting the tremendous Kiddush Hashem, sanctification of Hashem's Name, that resulted from this young man's refusal to partake of non-kosher food.

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

Emes, truthfulness, is more than a virtue. It is one of the pillars upon which the world stands. It is the seal of the Almighty. Conversely, there is nothing so abhorrent as a lie. The Trisker Maggid, zl, observes that the word rasha, wicked person, which is comprised of three letters - raish, shin, ayin - contains two letters of the word sheker, falsehood: the shin and the raish. He notes that the word tzadik, righteous person, has a kuf in it, which is one of the letters of sheker. In other words, sheker can subtly sneak in anywhere. He adds that through the relationship of a tzadik with a rasha, all three letters of sheker are completed. The interaction of the tzadik with a rasha not only completes the sheker inherent in the rasha, it strengthens it. Furthermore, it is a well-known axiom that sheker ein lo raglayim, falsehood cannot be supported. Therefore, it will sooner or later crumble to the ground. This is to be observed from its spelling - shin, kof, raish - with the kuf in the middle protruding downward, thereby throwing the other two letters off-balance. Sheker does not have a leg to stand on - meaning, it is missing the other kuf - leg. If the word tzadik, which ends in a kuf, is placed next to sheker, the sheker suddenly has another kuf upon which it finds support. What makes this worse is the fact that normally sheker "falls down" due to lack of support. Now, with the unwitting support of the tzadik, sheker stands proud, resolute and tall!

In his Yam Shel Shlomo, Horav Shlomo Luria, zl, presents a compelling exposition in his commentary to Meseches Bava Kamma 38b, giving us insight into how Chazal view the significance of truth. Chazal relate that the Roman government sent two soldiers to study Torah from the sages of the Mishnah. In this way, they would have a more penetrating idea of its profundities and they would also be able to determine if there was anything in the Talmud that was not consistent with the government's line of

thinking. After completing the entire Torah, they remarked, "We have learned the entire Torah and it is all correct, except the law concerning the cow belonging to a Jew that gores the cow of a gentile. For this he does not pay, while he pays in full for the cow of a Jew. This halachah did not sit well with the Romans. In his commentary, the Maharshal wonders why they felt it prudent to teach this halacha to the gentiles. Clearly, it does not reflect positively on our opinion of gentile ownership and its ramifications. Why teach something that is self-incriminating? He explains that the Torah is what it is. It cannot be altered or diluted to suit each individual's personal fit and comfort zone. Even if the threat of death hangs over us, we may not amend anything in the Torah. There is a principle of truth that must be our guiding light in every endeavor. Truth stands above political correctness. It is a mandate that might not receive wide concurrence in the secular world, but it is something by which the Jew must live. The Torah is G-d's word and, as such, it is the essence of truth in its most profound form.

Chacham Ezra Attiah, zl, Rosh Yeshivah of Porat Yosef, was known not only for his brilliance and piety, but also for his ethical nature. Years ago, one did not just go in to a store and purchase a suit or a dress. It had to be ordered and custom-made by a tailor or seamstress. Rebbetzin Bolisa Attiah was certainly not into clothes, but, as the Rabbanit of the community, she had to have one garment that was worthy of her position. She relented and ordered a lovely ivory silk dress that was both elegant and regal - truly fitting for the wife of the Chacham. After returning a few times to the home of the seamstress for measurements, the rabbanit came to pick up her dress. This was an auspicious moment, because theirs was a home where every penny mattered, and purchases were prioritized according to need and importance.

As the rabbanit was sipping tea, which was graciously offered by the seamstress, she noticed that the woman's eyes were red and her face presented a sullen look. "What is wrong?" the rabbanit asked. "Nothing, Rabbanit," was the immediate reply.

"I sense that not everything is as you project. What is troubling you?" the rebbetzin asked.

"Rabbanit, forgive me for complaining, but here I sit everyday, sewing beautiful garments for others, while my daughter, who is getting married next month, has no dress for her own wedding!" the seamstress said, as she broke down in tears.

When the rabbanit heard this, she decided that she must rectify the situation. She had had no idea about the financial plight of the seamstress's family. "Take my dress and give it to your daughter. It will be my gift to her for the wedding. It is far more important for her to have this dress than I." As the rabbanit said this, the seamstress broke down in tears of joy, "Thank you, thank you, rabbanit. Now my daughter will have the opportunity to enjoy her simcha." When Rabbanit Attiah came home with empty hands, but with a heart filled with joy, she immediately went to tell the Chacham of her day's accomplishment. The Chacham listened and commented about his wife's wonderful act of kindness. He then looked at her and asked, "Did you pay the seamstress for the dress?"

"No, why should I pay? I gave her an expensive piece of cloth, and, when she completed the dress, I gave it to her too. Should I also have paid her?" she asked incredulously.

The Chacham shook his head and said, "We must go and pay immediately. She was contracted for a job, which she performed to your satisfaction. She must be paid. It was a mitzvah to give her the dress, but not at the expense of the woman's labors."

This gives us an idea concerning the meaning of emes.

#### **And Moshe was on the mountain forty days and forty nights. (24:18)**

The Yalkut Shimoni relates an episode which serves as a powerful lesson concerning material assets and their relationship to our spiritual goals. Rabbi Yochanan took a trip with his student, Rabbi Chiya bar Abba. When they passed a certain field, R' Yochanan remarked that he had sold it in order to learn Torah. He reiterated the same thought when they later passed an orchard. Last, they passed a vineyard, and, once again, R' Yochanan commented that he had sold it to learn Torah. At this point, R' Chiya broke out in tears, "Rebbe, you have nothing left for your old age!" he cried. "Do not worry, Chiya, my son," R' Yochanan comforted him, "I sold something

that was given in six days (a reference to material possessions), and I purchased something that was given in forty days (Torah knowledge)." Horav A. Henoch Leibowitz, zl, explains the logic behind their dialogue. R' Chiya clearly understood the significance of Torah in our lives, and that its study overrides every material pursuit. Nonetheless, upon viewing his rebbe's sorry material circumstances, he could not help but notice that his great teacher was in dire financial straits. What would he do when he aged? He would have nothing! The prospect of his rebbe's bleak material future brought tears to his eyes and sorrow to his heart. It was unavoidable. This is despite the knowledge that it was all worth it for Torah achievement.

R' Yochanan's outlook on Torah study versus material pursuits differed from that of his student, R' Chiya. He looked at the larger picture; the spiritual and material, pursuits traded off with one another. An astute businessman will trade in low-yielding investments when the opportunity for a high-profit investment presents itself. Indeed, later on, when he is able to reap in his huge profits, he will look back on his decision to sell off his devaluated stocks for the opportunity to purchase a high-yielding portfolio with pride and joy. It catalyzed a wonderful opportunity for him, one that could never have materialized had he not resorted to the clever trade-off.

This perspective is true of life itself. The Rosh Yeshivah explains that all too often we ignore the fact that the material comforts associated with life in this temporary world are a poor return for the investment we make in them and certainly for what we give up for them. A sagacious mind understands that life's low-yielding return is fleeting and in no way compares to the opportunity for gaining eternal bliss when one devotes himself to a life of achievement in the spiritual dimension.

R' Yochanan felt this way and, therefore, had no regrets concerning the sale of his property to enable him to study Torah. His student had every reason to worry because his rebbe's welfare was his primary focus. He was his source of Torah, the fountain of spirituality from which he imbibed. His continued health and satisfaction were connected to his material assets. The Rosh Yeshiva concludes with a practical perspective on life. As Torah Jews, we all make sacrifices in order to achieve the spiritually-oriented lifestyle that should be the focus of every Jew. R' Yochanan is teaching us that we should not view these decisions as "sacrifices." We should approach these "adjustments" in life with pride and joy. Just as someone relinquishes certain luxuries in order to have the wherewithal to purchase his dream house, so, too, should we not regret the material luxuries that we renounce. They have enabled us to achieve greater and more elevated levels of spiritual bliss which would otherwise have been unattainable. We should be infused with such simchah, joy, that the word "sacrifice" with regard to serving Hashem should be erased from our lexicon. To serve Hashem is a privilege. It is our mission and, thus, our greatest source of joy.

#### **Va'ani Tefillah**

#### **He will do the will of those who fear Him; He will hear their cries and save them.**

One of the Chafetz Chaim's grandsons asked the Brisker Rav, zl, why his grandfather is remembered by all as a saintly and virtuous tzadik. Why is he not also acknowledged for his brilliant erudition, for his encyclopedic knowledge of halacha? The Brisker Rav replied that, retzon yireiv yaaseh, Hashem will do the will of those who fear Him. The answer did not sit well with the questioner, because, if Hashem does the will of those who fear Him, why do people remember the Chafetz Chaim's saintliness? Certainly, it was not his desire that it be revealed and publicized. A short while later that same grandson happened to meet Horav Yehudah Horowitz, zl, Admor of Dzikov, who, after reading the Biur Halacha, could not stop praising the Chafetz Chaim's brilliance. He said the citations were incredible. Then he pondered, "I wonder why the world does not better acknowledge the Chafetz Chaim's genius in Torah knowledge." The grandson immediately told him what the Brisker Rav had said. Hearing this, the Dzikover commented, "Brilliant response. Only the Brisker Rav with his penetrating insight could have given such a reply." Still bothered, the grandson reiterated his earlier query: "My grandfather did not want his piety and virtue acknowledged either. Why is he remembered as a tzadik?"

The Rebbe looked at him and said, "Do you think for one moment that your grandfather viewed himself as a saint? No! He thought he was a poshuter Yid, ordinary Jew, doing what he was supposed to do, serving Hashem in the manner in which every Jew should serve Him. He felt he was only doing the minimum! He is remembered as a tzadik, because he did not think of himself as a tzadik!"

I'zechar nishmas HILLEL BEN CHAIM AHARON JACOBSON by his family:  
David, Susan, Daniel, Breindy, Ephraim, Adeena, Aryeh and Michelle Jacobson and great grandchildren

## Rabbi Yissocher Frand on Parshas Mishpatim

### Every Generation Has Its Own Test

The Torah teaches: "Do not say cruel things to a stranger (v'ger lo soneh) nor oppress him for you were strangers in the land of Egypt". [Shmos 22:20]. Rashi comments on the words v'ger lo soneh: because the stranger can tease you back and say that you too were once strangers. "Don't taunt your friend with a blemish that you yourself possess." The modern equivalent of this maxim is that "people who live in glass houses should not throw stones."

Rashi adds that the word 'ger' in this pasuk is not only referring to a convert to Judaism (as the word often implies), but it refers to any stranger who is new to a community and has no friends.

But let us consider something. The Torah tells us why we should not taunt a stranger: "Because we were strangers in the land of Egypt." Now what would the law be if we had never been strangers in Egypt? Would it then have been permissible for us to taunt a stranger? It is difficult to say that were I not vulnerable to a retort back from the stranger then it would have been permissible to be cruel to the 'ger'. The reason we must be nice to him is because the Torah teaches us compassion. We should be nice to him because that is the proper way to behave!

The following interpretation was suggested for the words "for you were strangers in the land of Egypt": Psychologically, people who have been through difficult circumstances sometimes want others to experience what they had to experience. When they see someone else who is in the same situation that they were in, there is a tendency to say "Listen, I had to go through a lot to get where I am today and now you have to suffer a little also. It is good for you. Adversity builds character."

Someone who studied Holocaust survivors records the story of a fellow who was a young teenager during the Holocaust. Somehow he managed to escape the round-ups and never went to the concentration camps. Instead, he became a partisan. He lived with the non-Jewish partisans for four years. He maintained his Judaism and remained observant. He survived the war, got out of Europe, and came to America. He made an honest and successful living, married, and had a son.

Years later, this man purposely sent his son to a college in which there were virtually no other Jews on campus. Today, it is possible to find colleges where there are minyanim for Shachris, Mincha, and Ma'ariv, plus a daf yomi. Other colleges may not have a single Jew enrolled. This holocaust survivor sent his son to the latter type of school. Why? "Because I retained my Judaism and my moral values despite the fact that I had to live with non-Jews for four years. I want you to do the same thing. It will be a good experience for you." The father insisted on this, with very disastrous results for the son.

"For you were strangers in the land of Egypt."

"I did it. You can do it also. I had it tough. You can have it tough also."

This is what the Torah is saying: "Don't oppress the stranger." Don't try to impose your trials and tribulations upon the stranger. Every person and every generation have their own tests (nisyonos).

We heard from our parents: "You have it hard? We had it hard! I came to this country, there was a depression, we did not have two nickels to rub together. You have it easy."

Now, 50-60 years later, we say the same thing to our kids: "Today you have it easy. You have everything. You have Chalav Yisrael, you have Kosher Chinese Restaurants, you have Jewish music, Jewish books, etc. For you it is easy! Tough it out a little."

Today's generation has their own tests. We had our nisyonos they have theirs. We should not become the arbiter of which test belongs to a person.

### Rav Chaim Soloveitchik Plays Role of Horse, But Not Role of Creditor

In this week's parsha, The Torah teaches the great mitzvah of free loans: "When you will lend money to my people, to the poor person who is with you, do not act toward him as a creditor (lo tiheyeh lo k'noshe); do not place interest upon him." [Shmos 22:24]

I recently read the following incident involving Rav Chaim Soloveitchik: Rav Chaim lent money to a Jew. It was a loan for a certain period of time. The time came and the borrower did not repay Rav Chaim. Rav Chaim did not say anything. A week passed, two weeks passed, a month passed. Rav Chaim still did not say anything. Finally, the borrower met Rav Chaim Soloveitchik and said: "You are a batlan [careless person]. You lent me the money and you forgot all about it and that's why you haven't asked me for it. You don't have your act together."

Rav Chaim explained to the borrower that he most definitely did have his act together. The Rav of Brisk told him that he always used to take the shortcut between his own home and the shul that passed right in front of the borrower's house. Ever since he lent the money to the fellow, he did not take this shortcut. He did not want to perhaps transgress the prohibition of "becoming like a creditor" (lo tiheyeh lo k'noshe). "Not only did I not walk by your house before the loan was due, even now, after the loan is due why do you think I still go out of my way to avoid your house? It is for the same reason. So, please don't tell me that I am a batlan and I forgot about the loan!"

When reading the story, I had to ask myself, "What kind of fellow goes to Rav Chaim Soloveitchik and tells him he is a batlan?" It is reminiscent of the definition of Chutzpah being someone who kills his parents and then claims mercy from the court because he is an orphan. Here is a fellow who has the nerve to ask the Rav of Brisk for a personal loan; does not promptly repay the loan; and then insults the Rav for not having demanded prompt payment!"

I believe we can infer from this story the reason why this fellow had to borrow money from Rav Chaim Soloveitchik. There was no one else in town willing to lend money to such a person! Rav Chaim was such a kind person that he would even lend money to such a person.

Rabbi Aaron Rakeffet-Rothkoff in his work "The Rav: The World of Rabbi Joseph B. Soloveitchik" records many stories Rabbi Soloveitchik used to tell about Brisk and about the Rabbinic personalities in his family. He contrasts the Beis HaLevi (Rabbi J.B. Soloveitchik's namesake and great-grandfather) with Rav Chaim Soloveitchik (son of the Beis HaLevi). The Beis HaLevi was an aristocrat. People who saw him walking down the street saw monarchy. He was a regal figure. Rav Chaim was the nicest man one could ever want to meet. The first accolade on his tombstone is "Rav haChessed" [the kind Rabbi]. The characteristic of their great father that the family was most proud of was that he was a man of extreme chessed [benevolence]. That is why he lent money to such a crude individual who had the chutzpah to chastise him for not pestering him to pay back the loan.

In the above referenced volume, the following -- hard for me to believe -- incident is recorded ["The Rav" Volume 2, Page 41]:

Rav Chaim once came out of his house and saw little kids having an argument. He inquired as to what the problem was and was told that they were "playing horse" but none of them wanted to be the horse. One kid wanted to be the driver, one kid wanted to be the passenger, but no one wanted to be the horse. Rav Chaim said "I'll be the horse."

The kids put the rope around Rav Chaim and he was the horse. The story does not end there. The kids tied "their horse" to the tree. Then they became hungry, so they went home to have a snack, leaving Rav Chaim tied to the tree. The Gabbai came out and saw Rav Chaim tied to the tree. The Gabbai took out a pocket knife and was about to cut the rope. Rav Chaim told him not to do that because it would sadden the kids. Instead, Rav Chaim advised the Gabbai to go get the children and ask them to untie their horse.

This is an example of a "Rav Chessed" par excellence.

## h a r e t z

### Life along an axis

By Benjamin Lau

This week's Torah portion primarily concerns the establishment of rules and regulations for our behavior in the public domain. After the dramatic event of God's granting us the Torah at Mount Sinai, we are referred to the fine print in our contract with God. In the real world, there are confrontations with other human beings, property is accidentally or maliciously damaged, and environmental hazards disrupt daily routines. Whereas last week's portion focused on the religious experience of encountering God, this week's centers on our dealings with other human beings and with the environment.

According to the Talmud, there are three levels of human behavior: neutral, where people fulfill their obligations and conduct a normative way of life; criminal, where people's behavior is located somewhere between sin and pure evil; and righteous, where people constantly try to improve their behavior.

The Babylonian Talmud (Tractate Bava Kama, p. 30) raises the question of what we should focus on in order to be righteous. Three answers are proposed. Rabbi Judah says we must follow the code of conduct prescribed in the Talmud's Tractate Nezikin; Rabbah says we must follow the code prescribed in Tractate Avot; and an unnamed sage says we must follow the code prescribed in Tractate Berakhot. Nowadays, Tractate Nezikin is considered to be one of the Talmud's six major sections (Sedarim) and consists of three tractates, called "gates" (bavot in Aramaic): Bava Kama (the first gate), Bava Metzia (the middle gate) and Bava Batra (the last gate). Seder Nezikin deals with the topics in this week's portion, which prescribes modes of behavior in the public domain that fall into the category of criminal or civil law.

Tractate Avot presents the moral values we should cherish and express in our daily contact with other human beings, which are intended to lead us to a higher level of spirituality. In this tractate, there are no disputes. Instead there are moral pronouncements describing exemplary patterns of behavior to which we should aspire. Tractate Berakhot contains the commandments we should observe in our relationship with God, by reciting "Shema Yisrael" and other daily prayers, as well as the blessings required for various occasions.

The three answers proposed by Rabbi Judah, Rabbah and the anonymous sage reflect three arenas in which we can achieve excellence: social, personal and religious. In the Talmud, Rabbi Judah, who argues that righteousness is expressed in our interpersonal relationships, is depicted as an individual of exemplary conduct, practicing what he preached.

The Talmud connects drought and interpersonal relationships. If we want the gates of heaven to open and send down rain, we must open our hearts. In ancient times, days of fast were declared during drought years, when Jews prayed for rain. The leading spiritual figure in the fasting community led worshipers in prayers beseeching God for rain. The most famous of such figures is Honi Hame'agel (Honi the Circle-Maker). However, the Talmud mentions other rabbis who led such prayers.

In the Babylonian Talmud (Tractate Taanit), we read of Rabbah's vain attempts to open heaven's gates. Some of his students expressed their surprise to him: "Whenever Rabbi Judah declared a fast for rain, there was an immediate downpour." In response, Rabbah said, "What can I do? If the determining factor is learning, I am the superior scholar, because in Rabbi Judah's day, scholars studied only Seder Nezikin, whereas we study the entire Torah ... The moment Rabbi Judah removed his sandals to begin his fast, rain started falling, whereas we can scream all day and not one raindrop will fall ..." An extraordinary statement from one of the Babylonian Talmud's architects.

Rabbah, who established Talmudic studies' standards, knew that Rabbi Judah - also called Rabbi Judah Hehasid (Rabbi Judah, the Righteous) - was truly righteous and that his righteousness placed him on a higher

spiritual level than the greatest scholars. A midrash on this week's Torah reading (Pesikta for Parashat Mishpatim) describes observance of the precepts in Seder Nezikin: In ancient times, the righteous buried thorns and pieces of glass in the ground at a depth of three tefakhot (one tefakh is the width of a person's palm, or about 9 cm.) so the plow would not uncover them. This midrash depicts an individual who was clearing rocks from his field and throwing them into reshut harabim (the public domain). An elderly man asked him, "Why are you clearing rocks from a place that does not belong to you and throwing them into a place that does belong to you?" The owner of the field reacted with scorn; years later, financial problems forced him to sell his field. Walking about in the public domain, he encountered those same rocks. Immediately recalling the elderly man's words, he said, "That righteous individual was indeed right."

When we ascend Mount Sinai, seeking God, we do not encounter other human beings. Monasteries are full of people longing to reach inner equilibrium, achieve personal harmony and attain lofty spirituality. These are wonderful goals until your feet touch the ground. When you live in society, you must focus not on the perpendicular axis connecting you with God, but rather on the horizontal one connecting you with other human beings and with the environment. Seder Nezikin teaches us that life's transience must inspire us to develop a caring personality that is cognizant of just how short life is.

The first letter of this week's portion is vav, meaning "and," thus linking this week's portion to last week's, where we read of God's granting us the Torah at Mount Sinai, demonstrates that our ascent to the mountain does not exempt us from our responsibility to the environment. That same message is conveyed in Psalms: "Who shall ascend into the hill of the Lord? or who shall stand in his holy place? He that hath clean hands, and a pure heart; who hath not lifted up his soul unto vanity, nor sworn deceitfully. He shall receive the blessing from the Lord, and righteousness from the God of his salvation. This is the generation of them that seek him, that seek thy face, O Jacob. Selah" (Psalms 24, 3-6).

### Rav Kook List

#### Rav Kook on the Torah Portion

#### Mishpatim - Trust in God vs. Self-Reliance

#### Mishpatim: Trust in God vs. Self-Reliance

The Talmud [Berachot 10b] tells a puzzling story about the righteous king Hezekiah. It is related that the king secreted away the medical books of his day. Why? King Hezekiah felt that the people relied too heavily on the prescriptions described in those texts, and did not pray to God to heal them.

Surprisingly, the Sages approved of King Hezekiah's action. Such an approach would appear to contradict another Talmudic ruling. The Torah says one who injures his neighbor must "provide for his complete healing" [Ex. 21:19]. The Talmud [Baba Kama 85a] deduces from here that the Torah granted doctors permission to heal. Even with natural diseases, we do not say, 'Since God made him ill, it is up to God to heal him,' but do our best to heal him.

Which is the correct attitude? Should we rely on doctors and medical books, or place our trust only in God and prayer?

There is in fact a larger question at stake. When are we expected to do our utmost to remedy the situation ourselves, and when should we rely on God's help?

### Two Forms of Bitachon

Rav Kook explained that there are two forms of bitachon, reliance on God. There is the normative level of trust, that God will assist us in our efforts to help ourselves. And there is the simple trust in God that He will perform a miracle, when appropriate.

Regarding the community as a whole, we find apparent contradictions in the Torah's expectations. Sometimes we are expected to make every possible effort to succeed, as in the battle of HaAi [Joshua 8]. On other occasions, human effort was considered a demonstration of lack of faith, as

when God instructed Gideon not to send too many soldiers to fight, "Lest Israel should proudly say 'My own hand saved me'" [Judges 7:2]. Why did God limit Gideon's military efforts, but not Joshua's in the capture of HaAi?

The answer is that the spiritual level of the people determines what level of bitachon is appropriate. When we are able to recognize God's hand in the natural course of events, when we are aware that God is the source of our strength and skill - "Remember the Lord your God, for it is He Who gives you strength to succeed" [Deut. 8:18] - then God is more clearly revealed when He supplies our needs within the framework of the natural world. In this situation, we are expected to utilize all of our energy and knowledge and talents, and recognize divine assistance in our efforts. This reflects the spiritual level of the people in the time of Joshua.

On the other hand, there are times when the people are incapable of seeing God's help in natural events, and they attribute any success solely to their own efforts and skills. They are likely to claim, 'My own hand saved me.' In this case, only miraculous intervention will enable the people to recognize God's hand - especially when the Jewish nation was young, miracles were needed to bring them to this awareness.

### Educating the People

Consider the methods by which parents provide for their children. When a child is young, the parent feeds the child directly. If the child is very small, the parent will even put the food right in his mouth. As the child grows older, he learns to become more independent and take care of his own needs. Parental care at this stage is more indirect, by supplying him with the wherewithal - the knowledge, skills, and training - to provide for himself. The grown child does not wish to be forever dependent on his parent. He wants to succeed by merit of his own talents and efforts, based on the training and tools that his parents provided him.

So too, when the Jewish people was in its infancy, miracles served to instill a fundamental recognition and trust in God. In the time of Gideon, the people's faith had lapsed, and needed strengthening. Similarly, in the time of King Hezekiah, the king realized that the corrupt reign of Ahaz had caused the people to forget God and His Torah. He calculated that the spiritual gain through prayer outweighed the scientific loss due to hiding the medical texts.

But when faith and trust in God are strong, it is preferable that we utilize our own energies and talents, and recognize God's hand within the natural universe. The enlightened viewpoint calls out, "Lift up your eyes on high and see: Who created these?" [Isaiah 40:26]. So it was when Joshua conquered the city of HaAi. After forty years of constant miracles in the desert, the people were already thoroughly imbued with trust in God. It was appropriate that they use their own resources of cunning and courage to ambush the fighters and destroy the city.

What about the future redemption of the Jewish people? It may occur with great miracles, like the redemption from Egypt; or it may begin with natural events, as implied by several statements of the Sages that the redemption will progress gradually. It all depends on the level of our faith in God. It is certainly integral to our national pride that we take an active role in rebuilding the House of Israel.

[Gold from the Land of Israel pp. 136-138. Adapted from Ein Eyah vol. I, p. 57]

Comments and inquiries may be sent to: RavKookList@gmail.com

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### B'Mesillat HaHalacha,

by Rabbi Josh Flug

### Lifnei Iver: The Prohibition against Entrapment

The Torah (Vayikra 19:14) prohibits placing a stumbling block in front of a blind person. This prohibition is commonly known as lifnei iver (before a blind person). Talmudic and post-Talmudic literature presents numerous applications to this prohibition. In this issue, we will discuss some of those applications and how they relate to practical life.

#### The Nature of the Prohibition

The Midrash, Sifra, Kedoshim no. 2, applies the prohibition of lifnei iver to giving improper advice to someone who is "blind" on that matter. One example that the Midrash provides is advising someone that a certain woman is permitted to marry a kohen when in reality she is not. Another example that the Midrash provides is telling someone to travel early in the morning knowing that he will be attacked by bandits.

The Gemara, Avodah Zarah 6b, applies the prohibition of lifnei iver to a case of enabling someone else to violate a transgression. The Gemara's example is providing a cup a wine to a nazir (someone who has taken an oath prohibiting him from drinking wine). The Gemara states that the biblical prohibition of lifnei iver is only violated if one provides the wine in a situation where the nazir has no other reasonable means of attaining wine. If he has other means of attaining the wine, there is no biblical violation of lifnei iver. Tosfaot, ad loc., s.v Minayin, add that one only violates lifnei iver in a case similar to providing a cup of wine, where the assumption is that he is going to drink it, or in a case where the individual states explicitly what he is going to do with the item. However, if a Jew asks someone for something that can be used for a transgression or for something permissible, there is no prohibition to give it to him and suspect that he will violate the transgression.

The Midrash and the Gemara provide two different methods of violating lifnei iver by causing someone to commit a transgression. In the Midrash's case, the "blind person" ends up violating a transgression because he was misinformed about the transgression. In the Gemara's case, the "blind person" violates a transgression knowingly, but only with the help of another.

There are a number of practical differences between these two methods. First, R. David ben Zimra (1480-1573, commonly known as Radvaz) in his responsa, (2:796, printed at the end of Vol. II) notes that the Gemara's limitation of the prohibition to cases where the "blind person" would not otherwise be able to violate the transgression only applies to the enabling method. If someone instructs a "blind person" that he is permitted to marry a certain individual who is really prohibited to him, he violates lifnei iver, even though this person has the option of marrying other women.

Second, Tosafot, Avodah Zarah 22a, s.v. Teipuk, cite the opinion of Rabbeinu Tam that one can violate lifnei iver on a biblical level by enabling someone to violate a rabbinic prohibition. Ramban, Avodah Zarah 22a, s.v. Ha D'Akshinan, disagrees and maintains that one cannot violate the biblical violation of lifnei iver by causing someone to violate a rabbinic prohibition. R. Shneur Z. Pradkin (1830-1902), Torat Chessed, Orach Chaim no. 5, suggests that one can only violate the biblical prohibition of lifnei iver through causation of a rabbinic violation if the violation is caused by misinforming the "blind person." If the violation is caused by enabling the blind person, it is not considered a biblical violation of lifnei iver.

R. Moshe Feinstein (1895-1986), Igrot Moshe, Yoreh De'ah 1:3, presents a similar approach to that of R. Pradkin and explains that the two different methods of lifnei iver belong in different categories of mitzvot. Misinforming an individual is a violation of an interpersonal mitzvah (bein adam l'chaveiro). Enabling someone to violate a transgression is a violation of a mitzvah between man and G-d. As such, if someone misinforms someone else, he violates the biblical prohibition of lifnei iver, regardless of whether there is an actual violation of a biblical law. However, if someone enables another person to violate a transgression, the severity of the violation of lifnei iver can only be as severe as the actual transgression that he enabled the "blind person" to perform.

Third, Chaim C. Medini (1832-1904), S'dei Chemed Vol. II, pp. 294-296, discusses the question of whether one violates lifnei iver merely for placing the "stumbling block" if the "blind person" never stumbles over it. Ostensibly, it should depend on which method of lifnei iver we are dealing with. If a person misinforms someone else, it should be considered a violation regardless of whether the victim acts based on that information. If a person hands a cup of wine to a nazir and the nazir decides not to drink it, it is arguable that since there is no actual transgression, the one who gave the cup does not violate lifnei iver.

#### Assisting without Enabling

Tosafot, Shabbat 3a, s.v. Baba, write that even in situations where there is no biblical violation of lifnei iver (such as a case where the violator has another means of violating the prohibition), there is nevertheless a prohibition against assisting someone in performance of a transgression. Tosafot note that this prohibition is rabbinic in nature.

R. Akiva Eger, Glosses to Shulchan Aruch, Yoreh De'ah 181:6, notes that the prohibition against assisting someone in performance of a transgression is result oriented. If one assists someone else in performance of a transgression in a way that helps minimize the severity of the prohibition, the prohibition against assistance does not apply. The specific example R. Eger discusses is one where a woman assists a man to cut his pei'ot (the hair on the corners of his face). If someone cuts his own pei'ot, he violates two transgressions: one as the cutter and one as the recipient. If someone else cuts his pei'ot, both of them violate a single transgression. However, a woman is not subject to this prohibition and therefore, if she cuts the pei'ot of a man, the man violates one transgression and she does not violate any transgression. R. Eger notes that if she were asked to cut his pei'ot and agreed, she would not violate the prohibition against assisting someone in performance of a transgression. The reason is that if she were to refrain from cutting his pei'ot, he may cut them himself. Therefore, she is actually helping him minimize the severity of the transgression because if he were to cut them himself, he would violate two transgressions. By the woman cutting his pei'ot, he only violates one transgression.

R. Moshe Shternbuch, Teshuvot V'Hanhagot, Orach Chaim 1:358, applies similar logic to a question that commonly occurs in the area of outreach. Suppose someone wants to invite someone who is not (yet) observant for a Shabbat meal in order to teach him about Shabbat. However, this person will likely drive to the Shabbat meal on Shabbat. Is it permissible to invite this person, knowing that he will violate Shabbat by driving in order to attend the meal?

R. Shternbuch notes that there is no violation of the biblical prohibition of lifnei iver because one does not enable this person to drive on Shabbat by inviting him to the meal. He has the option of driving regardless of the invitation. Regarding the rabbinic prohibition against assistance in performance of a mitzvah, one must examine the end result. Since the purpose of inviting this person is to bring him closer to Judaism, inviting him is considered bringing him closer to Torah rather than assisting him in the performance of transgressions.

### The Actual Placing of a Stumbling Block

The most obvious application of this prohibition is actually not that obvious. There is a dispute regarding whether one violates lifnei iver for placing an actual stumbling block in front of a blind person. R. Eliyahu Mizrahi (ca. 1450-1526), Vayikra 19:14, writes that the verse cannot be understood literally. R. Yehuda Rosanes (1657-1727), Mishneh LaMelech, Hilchot Malveh V'Loveh 4:6, suggests that the prohibition against placing an actual stumbling block is not derived from the aforementioned verse, but rather from the verse that curses someone who trips a blind person who is walking on the road (Devarim 27:18).

R. Yosef Babad (ca. 1800-1874), Minchat Chinuch no. 232, disagrees with R. Rosanes and maintains that the verse must also be understood literally and that one does violate lifnei iver for placing an actual stumbling block. R. Moshe Feinstein, op. cit., also assumes that placing an actual stumbling block constitutes a violation of lifnei iver. He states that this case serves as the model for the bein adam l'chaveiro aspect of lifnei iver.

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### YatedUSA Parshas Mishpatim 26 Shevat 5769

#### Halacha Discussion

by Rabbi Doniel Neustadt

Winding Toys or Baby Swings on Shabbos

Question: Is it permissible to wind up a mechanical1 baby swing on Shabbos? Is it permitted to let older children play with wind-up toys on Shabbos?

Discussion: Winding up a baby swing or a toy could possibly be a violation of a Shabbos Labor, either 1) tikun mana, fixing or creating an object, which is a prohibition derived from makeh b'patish, or 2) boneh, building. Let us explain:

There is general agreement among the poskim that one is not allowed to wind up a stopped watch on Shabbos. The Chayei Adam<sup>2</sup> rules that winding a stopped watch is Biblically prohibited because of tikun mana. The winding is considered an act of repair, as a clock or a watch are meant to run continuously and are therefore in a "broken" state when they have stopped. Although in the past some poskim<sup>3</sup> have disputed this ruling,<sup>4</sup> the majority of the poskim,<sup>5</sup> including the Mishnah Berurah,<sup>6</sup> rule stringently and do not permit winding a stopped watch. Such is the prevalent custom and it may not be changed.<sup>7</sup>

The Chazon Ish,<sup>8</sup> too, considers winding a watch a Biblical prohibition. Unlike the Chayei Adam quoted above, though, he prohibits it for a different reason. He maintains that by winding a watch one is "bringing to life" a piece of machinery which has been "dead." When this is done by tightening parts (as in winding a watch where the loose parts of the spring are tightened up), it is considered boneh, building.<sup>9</sup>

Whether winding up a watch is forbidden on Shabbos because of tikun mana or because of boneh is not merely a theoretical argument. There are practical ramifications to this dispute, as in regard to winding up a toy on Shabbos: If we were to follow the Chayei Adam's reasoning as to why it is prohibited to wind up watches, then a strong case could be made to permit winding toys. Rav S. Z. Auerbach<sup>10</sup> introduces two basic arguments to prove that there is a fundamental difference between the winding of a watch and the winding of a toy. In brief:

- ♦ Winding a watch sets it for a long period of time (thus "transforming" it). A toy, however, "runs" for a few minutes and then stops.
- ♦ Since the purpose of a watch is to show the time at all times, when it is stopped, it is considered "broken," and winding it might be considered "fixing" it. A toy is not malfunctioning when it does not run. It is made to run at specific times only. Thus, when it is stopped, it is not considered "broken." Winding it does not render it "fixed." In other words, winding does not "fix" it; rather, it makes it usable, which is permitted.

The above arguments hold true only if we follow the Chayei Adam's logic for prohibiting winding watches. Were we to follow the Chazon Ish's reasoning, however, then there would be no difference between a watch and a toy. In both cases the "dead" item is being "brought to life" through the winding process. There is a strong possibility, therefore, that it would be prohibited to wind up toys or a baby swing, either Biblically or by Rabbinic decree.

Question: Practically speaking, may we be lenient and activate a baby swing or a toy on Shabbos? What do contemporary poskim say?

Discussion: Unfortunately, little has been written on this subject by most of our generation's poskim. Indeed, there are conflicting reports as to what Rav M. Feinstein's opinion was on this issue: Some quote him as forbidding winding up toys min ha-torah;<sup>11</sup> some say he forbade them miderabanan;<sup>12</sup> while others quote him as permitting winding a baby swing on Shabbos.<sup>13</sup> Rav S.Z. Auerbach, although suggesting that according to the Chazon Ish it is possible that winding toys is Rabbinically forbidden, is quoted as permitting winding a baby swing.<sup>14</sup> Rav Y.S. Elyashiv is quoted as prohibiting wind-up toys "just like it is prohibited to wind up a watch."<sup>15</sup>

As we see, contemporary poskim are divided on this issue. Thus, preferably, one should refrain from winding up a baby swing or permitting his older children to wind toys on Shabbos, in deference to the opinion of those who are stringent. But when necessary, such as when a crying baby cannot be quieted unless the swing is activated, it is permitted to do so, preferably with a shinui, in an unusual manner. If at all possible, a non-Jew<sup>16</sup> or a minor should be asked to do it.<sup>17</sup>

It goes without saying that it is forbidden to wind up a swing set that plays music when it is wound.

#### Footnotes

1 A battery-powered baby swing set is forbidden to be turned on on Shabbos or Yom Tov.

2 44:19.

3 Panim Me'iros 2:123; Ya'avetz 1:41; Kesav Sofer 55; Sho'el u'Meishiv 6:53 and others.

4 In their opinion, a watch is made initially as an object that must be constantly wound. When it is stopped, it is not considered "broken," and winding it does not "fix" it.

5 See Da'as Torah 338:3 and Minchas Shabbos 80:241.

6 338:5. See also 252:50.

7 Kesav Sofer 55; Minchas Shlomo 1:9.

8 O.C. 50:9.

9 This is similar to the view of the Chazon Ish concerning the usage of electricity on Shabbos.

10 See Minchas Shlomo 1:9 and Shemiras Shabbos K'hilchah 16, note 39. See also Be'er Moshe 6:32 for a concurring opinion.

11 See Sefer Tiltulei Shabbos, pg. 28, note 36.

12 Rav A. Felder.

13 See Hilchos Tipul Yeladim by Rav S. Felder.

14 Binyan Shabbos, Makeh b'Patish, pg. 173; Shulchan Shlomo 338:4. See also Be'er Moshe 6:32 who is lenient in regard to wind-up toys.

15 Shalmei Yehudah 5:12; Orchos Shabbos, pg. 299. See also Chut Shani, Shabbos, vol. 2, pg. 275, who is stringent.

16 Since a non-Jew may do any forbidden labor for a small child's needs; O.C. 276:1; 328:17. See also Sha'ar ha-Tziyun 338:19.

17 Based on Rama, O.C. 259:7; Magen Avraham 269:1; Mishnah Berurah 277:15. See also Rama, O.C. 362:7 and Mishnah Berurah.

a topic of Agadata (Biblical Exegesis, ethical guidelines or educational stories). His efforts to initiate a discourse in either one of these areas was frustrated by the obstinate insistence of the other to concentrate on the area of his choice. He explained his dilemma to his disciples with the following parable.

A middle aged man had two wives, one young and one old. The young one kept plucking out the gray hairs from his head in order to maintain a youthful appearance. The older one plucked the black hairs to keep him looking older. As a result he lost all of his hair.

But this Sage came up with a bold solution by focusing on a Biblical passage whose interpretation would satisfy the interests of both disciples. The passage he chose (Shmos 22:5) deals with responsibility for damage caused by human negligence in failing to control a fire.

"If a fire breaks out and catches on to thorns causing standing sheaves of grain or the field to be consumed, he that set the fire shall surely be required to make compensation."

#### The Halacha

The passage begins with a description of the fire as something not of his creation ("the fire breaks out") but rather his property which he has failed to control. It concludes, however, by referring to the guilty party as "he that set the fire." The purpose of this description is to raise the level of responsibility of one who starts a fire on his property and fails to prevent it from spreading to another's property. The flames are not merely like an animal he has failed to control but are considered as arrows which he has launched against his neighbor. The wider range of payments - pain, unemployment and medical expenses - which the Torah places upon a man who physically causes damage to another person's body, but not when such damage is caused by negligence in controlling his animal, will therefore be incumbent upon one whose fire burns the hand of another.

#### The Agadata

"I am obligated to pay for the damage caused by the fire I set," says Hashem. "I set a fire in Zion ('He has set a fire in Zion which consumed its foundations' -Eicha 4:11- a reference to the burning of the two Holy Temples) and I shall rebuild it with fire ('I shall be a wall of fire surrounding her, says Hashem, and my glory shall dwell within her' - Zecharia 2:9)."

#### Bava Kama 60b

NOTE: Our Weekly Daf is patterned after the formula described above. Our effort to present each week one item of Halacha and one of Agadata in order to satisfy the varying interests of our subscribers must overcome the challenges faced both by Rabbi Yitzchak Nafcha and the embattled husband in his parable. We rely on the sophistication of our readers to help us achieve the bold success of the Sage and avoid the bald failure of the other.

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#### Ohr Somayach :: TalmuDigest :: Bava Kama 58 - 64

For the week ending 21 February 2009 / 27 Shevat 5769

by Rabbi Mendel Weinbach

#### The Color of the Shoes - Bava Kama 59b

What color were the shoes traditionally worn by Jews in Talmudic times? From the story told in our gemara about Eliezer Zeira wearing black shoes as a sign of mourning for the destruction of Jerusalem, it appears that black shoes were not the norm. Another gemara (Mesechta Ta'anit 22a), which tells of a Jewish prison warden in the employ of the Romans who concealed his Jewish identity by wearing black shoes, serves as another indication that Jews did not wear black shoes.

In contrast to these two sources is a gemara (Mesechta Beitzah 15a) that indicates the opposite. There the issue is a ban on sending a white shoe to someone during the Chol Hamoed Intermediate Days of Yom Tov because there is the danger that an effort will be made to blacken them in a manner that is forbidden. The inescapable conclusion from this is that black shoes were indeed the norm.

The resolution provided by the Tosefist Rabbeinu Tam is that Jews wore black shoes but the shoelaces were white. Eliezer Zeira added black laces to his black shoes as an expression of mourning and the prison warden did the same to hide his Jewishness.

The gemara (Mesechta Sanhedrin 74b) rules that when there is an attempt by their oppressor to force Jews to wear shoelaces like those of non-Jews in order to make them assimilate, it is obligatory for a Jew to die rather than comply. This is further proof that Jews wore shoelaces of a color different than that of their non-Jewish neighbors.

#### What the Sages Say

"Catastrophes strike the world when there are wicked people, and the first victims are the righteous."

Rabbi Shimon bar Nachmeni quoting Rabbi Yonatan - Bava Kama 60a

#### Ohr Somayach :: The Weekly Daf :: Bava Kama 58 – 64

For the week ending 21 February 2009 / 27 Shevat 5769

by Rabbi Mendel Weinbach

#### Something for Everyone - Two Lessons on Fire (Bava Kama 60b)

A dilemma of conflicting interests faced the Sage Rabbi Yitzchak Nafcha. Two disciples, Rabbi Ami and Rabbi Asi, implored him to teach them. But one insisted on a topic of Halacha (Jewish Law) while the other insisted on